

Trial Hearing  
WITNESS: UGA-OTP-P-0293

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
6 Judge Raul Cano Pangalangan  
7 Trial Hearing - Courtroom 3  
8 Wednesday, 29 November 2017  
9 (The hearing starts in open session at 9.33 a.m.)  
10 THE COURT USHER: [9:33:13] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:33:34] Good morning, everyone. A special good  
13 morning to Mr Ayoo at the video-link location.  
14 Do you hear me, Mr Ayoo?  
15 WITNESS: UGA-OTP-P-0293 (On former oath)  
16 (The witness speaks Acholi)  
17 (The witness gives evidence via video link)  
18 THE WITNESS: [9:33:46] (Interpretation) Good morning, yes, I can hear you.  
19 PRESIDING JUDGE SCHMITT: [9:33:48] Could the court officer please call the case.  
20 THE COURT OFFICER: [9:33:52] Good morning, Mr President, your Honours.  
21 The situation in the Republic of Uganda, in the case of The Prosecutor versus  
22 Dominic Ongwen, case reference ICC-02/04-01/15.  
23 And for the record, we are in open session.  
24 PRESIDING JUDGE SCHMITT: [9:34:06] Thank you. For the appearances of the  
25 parties, first Mrs Adeboyejo for the OTP.

1 MS ADEBOYEJO: [9:34:12] Thank you. Good morning, Mr President, your  
2 Honours. The Prosecution is represented by Yulia Nuzban, Kamran Choudhry,  
3 Julian Elderfield, Pubudu Sachithanandan, Benjamin Gumpert QC, Sanyu Ndagire  
4 and myself, Adesola Adeboyejo.

5 PRESIDING JUDGE SCHMITT: [9:34:29] Thank you.

6 And the Legal Representatives of the Victims. Mr Narantsetseg.

7 MR NARANTSETSEG: [9:34:32] Good morning, Mr President, your Honours. With  
8 me, Ms Caroline Walter, and my name is Orchlon Narantsetseg. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:34:37] Thank you.

10 Mr Mawira, or whoever.

11 MS SEHMI: [09:34:41] Good morning, Mr President, your Honours.

12 Anushka Sehmi and Mr James Mawira.

13 PRESIDING JUDGE SCHMITT: [9:34:49] Thank you very much.

14 And for the Defence, I hesitate who I -- Mrs Bridgman.

15 MS BRIDGMAN: [9:34:52] Good morning, Mr President, your Honours. For  
16 the Defence, there is Chief Charles Achaleke Taku, Beth Lyons, Tibor Bajnovic,  
17 Salma Khamala, myself, Abigail Bridgman, and our client Mr Ongwen is in court.

18 PRESIDING JUDGE SCHMITT: [9:35:10] Thank you.

19 And I give you, Mr Taku, the floor again.

20 MR TAKU: [9:35:13] Good morning, your Honours.

21 QUESTIONED BY MR TAKU: (Continuing)

22 Q. [9:35:18] Good morning, sir. Good morning, Witness.

23 A. [9:35:21] Good morning.

24 Q. [9:35:25] Let me try as much as possible not to take much of your time today. If  
25 you give short answers -- I'll ask direct questions and expect short answers.

1 But let me clarify a number of issues that arose yesterday. If I understood well,  
2 Witness, you testified yesterday - and this evidence is also in your witness statement,  
3 tab 1 of the Prosecution's list of evidence - that before the attack you were in  
4 possession of a comprehensive list of the residents of the camp and that list contained  
5 ages, sex and family members. Correct, sir?

6 A. [9:36:32] Yes, there was a list and this list could change every now and then since  
7 some people would leave the camp and some people would come as new residents.

8 Q. [9:36:45] Did you at any time after the attack on the camp hand over that list to  
9 any government official or UPDF or to the Prosecutor in this case in the course of  
10 investigation?

11 A. [9:37:14] I had a duty to give the list to whoever asks for it. I could not give to  
12 someone who did not ask for it.

13 Q. [9:37:25] I understand, but --

14 A. [9:37:26] But I gave it to whoever asked for it. But if someone didn't ask for it, I  
15 had no reason to give.

16 Q. [9:37:33] Did anyone ask for it? If so, whom?

17 A. [9:37:45] There are a few people who asked about the number of people who  
18 were in the camp, among them our member of parliament at the time, and I gave.  
19 And there are others who are going to investigate, they ask about the number of  
20 people who are in the camp, and I gave them the list. I recall that I saw an old piece  
21 of paper in the file here which shows the number of people who were there.

22 Q. [9:38:24] Yes. I am talking about the list with comprehensive information  
23 containing the names of the camp inhabitants and their ages and the sex. That's the  
24 list I'm talking about. Did you give that list to the Prosecutor in the course of the  
25 investigation in this case?

1 A. [9:39:03] I did not give a comprehensive list. What I gave was a summary of the  
2 number of people. We even saw it here yesterday and I believe you saw it yourself.  
3 They didn't ask me about the details comprehensively, and for that matter, I could not  
4 just impose it on them since they did not ask for it. They only asked me about the  
5 number and I gave them the summary.

6 I remember that we saw the list which contained the summary of the population.  
7 I believe it is still here in the file. That is the only thing that they asked for.

8 Q. [9:39:48] Witness, the reason why I ask this question is because if you agree that  
9 if that list were available, it would have been possible to compare that list with the list  
10 of victims that they provided in order to ascertain exact information about who was  
11 in the camp, the age, ages, and the sex of these individuals. What -- you never gave  
12 it, so be it.

13 Let me move to the next question. Yesterday, if I remember well, and I think  
14 real-time transcript, page 138 -- no, real-time transcript 138, page 5, lines 3 to 4, your  
15 Honours, you mentioned to the Court that since you were a camp leader, you took up  
16 the role as a coordinator between the people of Abok camp and the OTP. Real-time  
17 transcript 138, T-1 -- page 1, lines 3 to 10. Furthermore, you mentioned that you  
18 resigned from this position and starting working for a Canadian NGO helping  
19 orphans. Real-time transcript, your Honours, 138 --

20 PRESIDING JUDGE SCHMITT: [9:41:10] We recall it. I recall it, yes.

21 MR TAKU: [9:41:14] And at the beginning of the trial you said you were a farmer,  
22 Witness. Can you tell the Court exactly what are your duties. Are you a farmer, are  
23 you a coordinator or you are working for a Canadian NGO helping orphans?

24 PRESIDING JUDGE SCHMITT: [9:41:32] Or everything at a time.

25 MR TAKU: [9:41:35] Or everything at a time.

1 PRESIDING JUDGE SCHMITT: [9:41:37] At a time. There are people who are able  
2 to do a lot of things at a time.

3 MR TAKU: [9:41:42] Yes, your Honour.

4 THE WITNESS: [9:41:47] (Interpretation) There is a difference between salaried  
5 employment and voluntary service that you give to the community. Which one  
6 exactly do you want to find out?

7 PRESIDING JUDGE SCHMITT: [09:42:13] I --

8 THE WITNESS: [09:42:14] (Interpretation) A voluntary service that you offer to the  
9 community is different from a salaried position where you have terms and conditions  
10 with your employment and you are paid every month.

11 MR TAKU: [9:42:29]

12 Q. [09:42:40] Let me put a direct question, sir. Are you an activist? Are you  
13 a civil society activist?

14 A. [9:42:45] I did that job long time ago. Working with orphans was a long time  
15 job and I left it. Why don't we go straight to the points which brought us to Court?  
16 The things that brought us to Court is not about an organisation that helps orphans.  
17 We are here to find out who attacked the camp.

18 We are here about the attack on the camp and who attacked the camp and what  
19 shows when the person attacked the camp. The issue of working with orphans is  
20 different. I had volunteered to help some people and I don't see how it is related to  
21 the attack on the camp. There is no relationship between the two.

22 Let me try to explain. Perhaps there is a misunderstanding somewhere. For me,  
23 what I see what brought me to Court is I should explain to this Court what I know  
24 about the attack on the camp, what shows that this group attacked the camp. But  
25 some of the questions about the age of everyone who lived in the camp at the time,

1 my voluntary activities, my work with the CPAR, I don't see the relationship with  
2 attacking the camp.

3 PRESIDING JUDGE SCHMITT: [9:44:23] Shortly, Mr Ayoo, it's -- I understand what  
4 you say about that. But you have also to understand that at the moment the Defence  
5 is questioning and they have a different purpose. Everybody has his or her role here  
6 in the courtroom and the role of the Defence is different. They try to question, to test  
7 what is on the table. They try to sort of explore what might have happened in -- and  
8 they do that in a way that may be different from what you think is important. So  
9 simply accept that the questions are perhaps at first sight not directly related to  
10 this attack.

11 But, Mr Taku, also I would ask you to focus yourself more on the, on the charged  
12 attack that we are here talking about and the -- where the witness has also talked  
13 about. I understand that you have to test, of course, credibility and these things, but  
14 it should not lead us too far astray.

15 MR TAKU: [9:45:32] Well, if he was an activist working for victims, orphans and  
16 others who were in the camp, age and all these factors, issues that are clearly in this  
17 case, he is not the one -- maybe he doesn't know, your Honours, and I may not blame  
18 him for that.

19 But I think he established a list. He talked -- the lists of people in the camp contained  
20 ages. He gave it to some of the investigators, including the member of parliament.  
21 That is clearly relevant to our subject of enquiry, plus what he witnessed and what he  
22 did not witness and whether he is trying to embellish whatever he is trying to say.  
23 It's another factor, your Honour, so --

24 PRESIDING JUDGE SCHMITT: [9:46:10] But I would say that at the centre is what  
25 the witness witnessed or not. This is of interest, I would say. And the witness has

1 obviously made this list of the 28 people, and that is 28 out of, I don't know, 10,000  
2 or what --

3 MR TAKU: [9:46:30] 13,000.

4 PRESIDING JUDGE SCHMITT: [9:46:32] Yes, 13,000. Yes. So I also -- and we have  
5 now the answer to your question. There has been a list and the list has not been  
6 provided to the Prosecution and we cannot compare the 28 people to the 13,000 at the  
7 moment that -- or is the list existing, Ms Adeboyejo, shortly perhaps?

8 MS ADEBOYEJO: [9:46:51] That's what I wanted to point out, that we are talking of  
9 two different lists. Maybe they are being conflated. The list of the persons who  
10 were in the various blocks didn't have anything to do with ages. The witness never  
11 said that, that it included age. It was just a compilation of the lists of the population,  
12 and we had that in tab 5, which is what we referred to. And that's different from the  
13 list in tab 4 which has to do with those who died. Even in that list we don't have  
14 ages reflected.

15 PRESIDING JUDGE SCHMITT: [9:47:24] So what, for example, what you could  
16 explore, Mr Taku, if the witness from the list that he has himself fabricated, from the  
17 list of 28, how old the people were. I think we have not -- of course we know of one  
18 person, but we have not yet explored this more in detail, and perhaps the witness  
19 might know something because he was on the spot, as he has said, or at the spot.

20 MR TAKU: [9:47:52] Well, your Honours, paragraphs 24 of the tab 1, let me read that  
21 out and ask him if that can refresh his memory:

22 "Block leaders were responsible for the registration of all the people in their respective  
23 blocks. Everyone, including children, was registered for a better control. The  
24 registration was made with details such as sex, age, and all family members. The  
25 camp leaders collected the registration from the block leaders and from which they

1 made an overall register of all the people in the camp."

2 And he goes on to say that this list was provided to NGOs, to government officials  
3 and a number of people for different purposes which he, which he indicated,  
4 your Honour.

5 And I thought that if this list were available and provided to the Prosecutor, looking  
6 at it, the three lists, we are coming to the three different lists of victims, which we are  
7 going to explore with the witness, the Court will be in a better position, as our  
8 cross-examination develops, to know exactly the composition of the camp at the time,  
9 whether some of those people on that list, the people who were alleged to have been  
10 killed were actually in the camp or not. And we will explore that very, very soon  
11 with the three lists, the information he himself provided to the UPDF and other  
12 sources. We are coming to that.

13 So we pull this question out of what he said. If, as he said today on oath, he wants to  
14 give another answer which is different from that which was given before, he can do  
15 that because when he gave this information he was not on oath.

16 Q. [09:49:28] Now that you are here, Witness, on oath, you listened to paragraph 24  
17 of your statement, what would you say about that? Is that still your statement?

18 PRESIDING JUDGE SCHMITT: [9:49:44] The question would be if it is correct,  
19 Mr Ayoo, that when we break it down a little bit, not the camp as a whole but the  
20 units that were called blocks, and if in these blocks there were blocks leaders, as I  
21 understand this paragraph 24, as you said it before, and that there the block leaders  
22 were responsible for the registration of all people and also sex and age. And, first of  
23 all, is this correct? And the second question would be, if so, what happened to the  
24 lists of these people?

25 THE WITNESS: [9:50:29] (Interpretation) The list was there. I said that the camp



1 was burnt and things were scattered. What I found was a piece of paper which was  
2 before the Court yesterday which explains the number of people in each block and  
3 indicating the block leader. Some of the property was destroyed and whatever I did  
4 not send out to the court was destroyed and I couldn't find them. For us, we know  
5 that there was a lot of damage in the camp.

6 PRESIDING JUDGE SCHMITT: [9:51:15] And how often would these  
7 lists - obviously we are not talking about one list if every block leader was  
8 responsible - how often would these lists be updated?

9 THE WITNESS: [9:51:42] (Interpretation) We could change it twice in the year. In  
10 the camp there were a lot of problems, sometimes we didn't even have stationery. If  
11 when find somebody who gives us stationery, then we would update the list.  
12 I said here yesterday that they should allow me explain the problems that we went  
13 through up to now, the problems that we are having. I was told that I asked for too  
14 much time. I would have explained in detail how things were destroyed and how  
15 we would struggle to get simple things like stationery. Sometimes when you get  
16 a piece of paper to update the list, it would take you six months to get another piece  
17 of paper.

18 PRESIDING JUDGE SCHMITT: [9:52:29] So when you say twice a year, would it be  
19 correct to say that at any given moment in time in between these periods where the  
20 list was updated you could not exactly tell who lived in a certain block or in the camp  
21 because people came to the camp and left the camp; would that be correct when  
22 I word it like that?

23 THE WITNESS: [9:53:05] (Interpretation) It was the block leaders who were in  
24 charge of such movements because I could not administer things in the blocks.  
25 Sometimes someone comes for two days and goes away, so it was the block leaders

1 who were responsible for such lists.

2 PRESIDING JUDGE SCHMITT: [9:53:25] Now a comment by me: It's then very  
3 complicated or nearly might be impossible to really say at a certain date in a certain  
4 year such persons definitely have lived in the camp or not, because it's very -- it also  
5 seems not unlogical, to put it mildly, that it is -- the population of such a camp  
6 is volatile.

7 MR TAKU: [9:53:56]

8 Q. [9:53:56] As of the date of the attack who kept the list that existed at that date?  
9 Who had custody of the list as of the date of the attack?

10 A. [9:54:18] The list was with the vice chairperson, because he was the one who was  
11 in. We would sit at his residence as an office, because even the office where we  
12 would sit got burnt. I had no idea if they got burnt that same day or not because  
13 I never saw that list again. I remember yesterday there was a list that -- the paper  
14 that showed the number, I forget the reference number of that list, but I never got  
15 anything else. I saw many things were destroyed and so much damage was caused  
16 in the camp, like I mentioned yesterday.

17 Q. [9:55:05] After the attack on the camp was a census of the camp inhabitants, was  
18 there a census conducted? If yes, by whom?

19 A. [9:55:30] People first dispersed and went away. Some people left the camp and  
20 sought for safer locations and then others came back after some time. There was no  
21 census that was conducted immediately. On the day that World Food Programme  
22 brought food, they asked me to establish the number of people who were in the camp  
23 so that they can bring food enough for everybody. But people had reduced. It was  
24 no longer 13,000. When they brought food there were probably about 9,000 people  
25 in the camp. And like I said, we had the challenge of stationery and we could not

1 record the number of people every day. I also stated clearly that the population  
2 changes every now and then as people kept moving in and out of the camp. It  
3 therefore becomes very difficult to keep such records if you don't have stationery.  
4 And unfortunately we are not able to get the stationery.

5 PRESIDING JUDGE SCHMITT: [9:56:52] Shortly, may I take you shortly back,  
6 Mr Ayoo, to the list that you provided the OTP of the people who died in the attack,  
7 the 28 people. You already talked a little bit about this yesterday, but perhaps just to  
8 make it absolutely clear for us, you mentioned the names and how did you come to  
9 verify the names that are on this list? Have you been told? Did you know the  
10 people? Of course we know that you knew one person, that's perfectly clear, but  
11 with all the others?

12 THE WITNESS: [9:57:44] (Interpretation) I would ask people who lived in that area  
13 that -- I would ask them to identify the body of the deceased and then they would tell  
14 me and I record it down. Then I would also ask which village did the person come  
15 from, then they would tell me and I would record it down. Not that I knew  
16 everyone or all those who died. It is especially if someone was burnt you couldn't  
17 even recognise. I asked the people who were in the camp and those who lived  
18 together with the people who died.

19 PRESIDING JUDGE SCHMITT: [9:58:27] Thank you very much.  
20 Please, Mr Taku.

21 MR TAKU: [9:58:29]

22 Q. [9:58:30] Did you keep a separate list of your sources, those people whom you  
23 ask in respect of the different victims? Did you keep a separate list of the people  
24 from whom you made the enquiry?

25 A. [9:59:00] Such a list, the way we worked you don't keep it like your personal

1 property. You take it to the office. You don't keep it at your house. I said that  
2 after -- the morning after the attack I found that things had scattered from office. The  
3 office got burnt and the things that were in the office got damaged. The ones that we  
4 found are the ones that are in court today.

5 Q. [9:59:36] Just to clarify one point. This vice president or vice chairman of the  
6 camp whose house you said you used as an office, is he alive?

7 A. [9:59:51] Yes, he is alive.

8 Q. [9:59:53] Can you give --

9 A. [9:59:57] Perhaps if he died when I already left and came here, but when I was  
10 leaving home he was still alive.

11 Q. [10:00:04] Can you favour us with his name, please?

12 A. [10:00:11] He is called Ogola CP.

13 Q. [10:00:20] Now --

14 A. [10:00:25] The name CP in full is Cyprian.

15 PRESIDING JUDGE SCHMITT: [10:00:38] So just to understand, so you would, if  
16 you had the list of 13,000 people you would -- you would expect discrepancies to the  
17 list of the 28?

18 MR TAKU: [10:00:49] Yes, your Honour.

19 PRESIDING JUDGE SCHMITT: [10:00:50] You would expect, or what? Okay.

20 MR TAKU: [10:00:52] Yes, your Honours.

21 PRESIDING JUDGE SCHMITT: [10:00:53] Just so that I understand what --

22 MR TAKU: [10:00:54] Yeah, because we have two other lists here with some  
23 disparity in names and -- so.

24 PRESIDING JUDGE SCHMITT: [10:01:00] But you have heard that it has only been  
25 updated twice a year, so it might not really reflect the actual population on a certain

1 point, at a certain point in time.

2 MR TAKU: [10:01:15] My interest, your Honour, was to attempt to see if there is  
3 explanation to reconcile the list of the victims, the ones kept which we have before  
4 the Court from another witness, his own list and that of the UPDF about the victims  
5 in the same camp. We are coming to that, your Honours, we have before the Court.  
6 And some of the names --

7 PRESIDING JUDGE SCHMITT: [10:01:39] No, no, that's absolutely -- that's okay that  
8 you try to explore that, but I think with the witness here we don't get any further.

9 MR TAKU: [10:01:45] Yes.

10 PRESIDING JUDGE SCHMITT: [10:01:46] This I wanted to say. So you have to go  
11 into the documents and you have to -- would have to compare with other witnesses,  
12 perhaps. But the witness I think has said what he knows and I think we should leave  
13 the testimony as it stands at the moment.

14 MR TAKU: [10:02:04]

15 Q. [10:02:04] Witness, before I move to the other areas, we got information from  
16 you, the evidence from you that because of insecurity the population themselves  
17 moved to that camp. Now, let me ask a series of questions.

18 Was that camp gazetted as of the date of the attack or was gazetted after the attack?

19 A. [10:02:41] The way the camp was established I think I need to give you some  
20 details. It was not established in a day. It started with the -- some few people going  
21 to spend the nights there. And every time you wake up in the morning and the  
22 situation was clear you would have to go back to where you came from. I was one of  
23 the few people who started going there. We started it in that way and slowly the  
24 number kept on increasing until it became a camp.

25 This is a bit confusing people, but it only became a camp towards the end of the

1 year 2002, but at the beginning of the 2003 we were advised that if you are living here  
2 and yet the authorities do not know that this is a camp, we were living here but the  
3 camp was not already gazetted, the government didn't know it as a camp.  
4 So we were instructed to sit down and put down a memorandum so that we could  
5 request the government to provide us security. So therefore, it only became gazetted  
6 as an IDP camp when the soldiers started providing security for us. We started  
7 staying or sleeping around that place before the government gazetted it as a camp.  
8 We just were calling it a camp in our own understanding, but in actual sense it was  
9 not yet gazetted.

10 I think I have responded to your question.

11 Q. [10:04:42] Now, let's move quickly to -- now, the settlement pattern in the camp,  
12 if I understood you well, Mr Witness, the houses were built with thatched grass roofs.  
13 Can you tell the Court, describe a bit the settlement pattern, whether the houses were  
14 proximate to each other, how was the settlement in the camp, how were the houses  
15 built, or each person acquired his own plot, it was a bit far from others, or they were  
16 close, the houses were close to each other?

17 A. [10:05:31] That area did not belong to anyone. It was just some piece of land  
18 that was sacrificed by the owners to accommodate people. So as an individual there  
19 was no way you could allocate yourself a huge chunk of land. Therefore, the houses  
20 were next to each other, they were just close by each other. One person would only  
21 use a very small piece that could accommodate a house and a very small compound  
22 just in front of your house so sometimes you can come out and sit in front of your  
23 building, especially if it's cold. That therefore meant that the buildings were close to  
24 each other. And there was no way you could tell your neighbour that they are  
25 putting their building so near yours, because the owners of the land had sacrificed the

1 land to a big number of people.

2 Q. [10:06:41] So, Mr Witness, if somebody was in block A, he had a house in block  
3 A, would he be in a position, maybe during the day to see the activities taking place  
4 in block B, C and D, or he would be obstructed, the view would be obstructed by  
5 houses within the camp?

6 A. [10:07:13] Whenever they had some space, yes, you can see a few things,  
7 depending on how the houses were arranged. Sometimes you could see and other  
8 moments you may not be able to see. But wherever you are situated, you will belong  
9 to that block. You could not be a member of this block -- you could not be residing in  
10 this block and then you belong to another block. Wherever you are residing is where  
11 you belong.

12 Q. [10:07:49] Now, on the day of the attack in question, Witness, you said that when  
13 the exchange of fire commenced in the camp or became intense, the camp residents  
14 fled into the bushes, including your family, but you stood, you first stood in front of  
15 your house to observe what was going on.

16 My question, Witness: Considering the aversion -- the fears you entertained over the  
17 years every time you saw the rebels, you didn't want to go near, you fled, why did  
18 you on this occasion stand there at the risk of your life in front of your house while  
19 others were fleeing in order to observe rebel activity?

20 A. [10:08:59] I also fled, only that I didn't flee at the same time others were fleeing.  
21 I first held back to try and see so I could know what exactly was happening. I was  
22 preparing to be answering questions that would come later on. I knew they would  
23 be asking me what happened and I stayed back to try and see what was happening.  
24 And exactly that was what happened the next day. I didn't flee so far. I stayed  
25 nearby. I hid in the banana plantation so I could still be able to see what was

1 happening. I actually did see what was happening therein.

2 Q. [10:09:40] Which takes me to the next question, Witness, that the location you  
3 choose to hide, Witness, the intention was not so much your security but to see what  
4 was happening because you knew that after the operations you would be asked  
5 questions so that from that location you would be able to tell whosoever came to you  
6 to ask questions what you saw, correct?

7 A. [10:10:16] If you fled and went to a banana plantation, would that still not show  
8 that you were trying to take refuge somewhere? I explained to you that I ran to the  
9 banana plantation because previously we were told that the bullets could not  
10 penetrate the banana stem. I went to hide there so I could get protection from there.  
11 I ran there to take refuge.

12 Q. [10:10:46] Thank God nothing happened to you there. But, Witness, did it occur  
13 to you that either the rebels or --

14 A. [10:10:54] I am even happy that you are able to hear my voice today.

15 Q. [10:11:01] Exactly, Witness, yeah. Did it occur to you, looking at, from the map,  
16 the proximity of that location, the banana plantation to the camp, in the direction of  
17 the military camp, and from where those four rebels were parading, patrolling, did it  
18 occur to you, Witness, in choosing that location that either the government soldiers  
19 could come to that location or the rebels indeed could come to that location in order  
20 to use it as a defensive position to launch the attacks? Were you not concerned  
21 about that?

22 A. [10:11:49] Of course all this came into my mind, but what I mentioned earlier is  
23 what I have just said again, that it was God's help that you are still able to hear my  
24 voice now.

25 Let me put this clear again: Some of them went to take refuge in toilets, but they



1 were not able to survive. Some of them were seen as they were trying to get into the  
2 ditches and they were seen and picked away from there and killed. For me, I was  
3 lucky, I survived.

4 Q. [10:12:38] So from that location where you were hiding, now let me put it this  
5 way, were you told or did you hear this from someone that some people were picked  
6 from the toilet or you saw from that location in which you were hiding?

7 A. [10:12:57] I was just told. I didn't see it myself. I was only told that some of  
8 the people were killed -- two of the people who were killed were, were removed from  
9 the pits and shot. You saw the name of Okello David and Anyima Raymond, those  
10 were the two who were hiding in the pits. They were pulled out and shot. You can  
11 see the names on the lists that you have there with you. But as I said, I was only told  
12 this, I did not witness it myself.

13 Q. [10:13:39] From that location that you hid in, Witness, because of the bananas  
14 and the trees that you described, that there were also trees, and the huts, was it  
15 possible for you to still see the operations that were occurring in other blocks outside  
16 block A where you were located?

17 A. [10:14:13] I didn't say I was residing in block A. What I saw was what I could  
18 be able to view. It's not that I was able to view everywhere. Some of the places  
19 were not within my range. I was only talking about things that I was able to view  
20 basing on my location at that time. If you are hiding you will not be able to see  
21 everything. I was only telling you what I was only able to view at that time. But  
22 I also told you some of the things that I was told, not that I viewed myself.  
23 I am trying my level best not to tell any lie in this situation. I will not be forced to  
24 speak a lie here, however difficult the question is.

25 Q. [10:15:15] Among the rebels you saw in the camp did you see any of the rebels

1 by name or called, or hear even the name Lapwony Odomi?

2 A. [10:15:37] I did not see them. I also did not hear that name. I saw them  
3 passing and I also heard what they were speaking, because they were speaking in  
4 Acholi language. You know there is a difference between the Acholi and Lango  
5 languages. If you heard somebody speaking, you can clearly know that this one is  
6 speaking Acholi, the other one is speaking Lango. I heard them speaking.

7 And, you know, some of the questions I think I should pre-empt them so I give  
8 a longer answer so we can move faster. If I say "Odomi", you will ask me: What  
9 does Odomi mean? Because that is the kind of question you are trying to ask. So  
10 let's proceed.

11 Q. [10:16:33] Well, thank you for pre-empting that question. But obviously you  
12 said you heard the four rebels talking about Afande Dominic and Afande Kalalang,  
13 Witness. Did you hear them calling another name or what you heard was  
14 Afande Dominic? If that's what you heard, what is "afande", the meaning of  
15 "afande"? Is it in Lango, Lango or Acholi, afande?

16 A. [10:17:30] I want us to speak the truth. I mentioned the names of two people I  
17 heard them mention. They mentioned Afande Dominic Ongwen and Afande  
18 Okello Kalalang, those two individuals.

19 They did not mention their own names. Are we together?

20 Q. [10:17:54] Yes. We are, please. But since you know the Acholi language, what  
21 is the meaning of "afande" in Acholi? Is it an Acholi word or Swahili name or title?

22 A. [10:18:11] I was still proceeding. Well, I didn't know that at that time. I also  
23 asked them later on, "These people were talking about afande. What does that  
24 mean?" Then I was told it is a Kiswahili word to be a title, a title for someone who is  
25 superior to you. It's a Kiswahili word. I only asked somebody to tell me what that

1 meant because I am not a military person.

2 Q. [10:19:06] Now, let us explore the direction in which the people in the camp  
3 were running to when that soldier came shouting that the UPDF had been defeated,  
4 the people should escape. You said people were running in the direction of  
5 first -- I'm sorry, let me situate you. You said that -- in this case you drew, you  
6 indicated that the direction that the rebels attacking was from the O barracks, which  
7 was in the general direction of Iceme.

8 In paragraph 35 of your statement you stated that, quote:

9 "Everyone in the camp started to run ... in the direction of Iceme which was the  
10 opposite direction from where the gunfight was taking place."

11 Are you therefore indicating, Witness, please clarify this, the gunfire was from the  
12 direction of Iceme? Everybody in the camp was running in the direction of Iceme, in  
13 the opposite direction from which the gunfire was taking place? Can you clarify this  
14 for the Court? Was the gunfire coming from the direction of Iceme or was it  
15 opposite, opposite direction?

16 A. [10:20:57] Please let's refer to the map. Let me have the map before me so that  
17 I can explain it further.

18 PRESIDING JUDGE SCHMITT: [10:21:04] I think that's a good idea, and you explain  
19 it by having the map in front of you.

20 THE COURT OFFICER: (Via video link) [10:21:28] The witness is presented with  
21 tab 3 (Overlapping speakers)

22 THE COURT OFFICER: [10:21:31] The item is on the evidence 1 channel.

23 PRESIDING JUDGE SCHMITT: [10:21:34] Thank you. So you can start now,  
24 Mr Ayoo. Please explain.

25 THE WITNESS: [10:21:48] (Interpretation) We are looking at the arrow that is

1 showing the old barracks. Yes? The area of the old barracks was the area where the  
2 battle was. Because these people came and crossed the road and they moved  
3 forward but returned and then came and hid in Abonyo swamp. That swamp is full  
4 of reeds and they didn't move further. They stationed there.

5 Then you were asking me about people running towards Iceme. There is midway  
6 between Otwal and Iceme -- are you looking at that road? Are you seeing the road?  
7 The road going to Iceme and the other one going to Otwal, are you seeing that?

8 MR TAKU: [10:22:49] Yes.

9 PRESIDING JUDGE SCHMITT: [10:22:50] Yes.

10 THE WITNESS: [10:22:51] (Interpretation) Well, in that -- that is the area where  
11 people ran to. They ran to that direction. And if you are running in that direction,  
12 you are mainly going towards Iceme, though some would go to Otwal. If you -- if  
13 you pass Abok, you would go more towards Iceme than Otwal. They were not  
14 running going towards the battlefield. The battle was taking place in the direction  
15 where the arrow was pointing, going towards the camp, between the road from Iceme  
16 and Otwal, in that middle. I think you have understood this.

17 MR TAKU: [10:23:42]

18 Q. [10:23:44] Yes, Witness. Nevertheless, from your evidence, some of the people  
19 remained in the camp. Not everybody fled. Was it possible, Witness, that those  
20 who remained in the camp could be caught in the crossfire, considering the intensity  
21 of the combat between the protecting -- the forces, the UPDF and the rebels in  
22 the camp?

23 A. [10:24:21] Well, I don't want to say anything about that because if you are  
24 defeated and you are fleeing, I don't know how you can turn back and shoot again.  
25 I will not respond to that, but what I know is when you are defeated and you are

1 being pursued, I don't know how you can turn back and come and keep on shooting  
2 at people. I will not really commit myself to responding to that because I don't know  
3 how that can happen.

4 What I know was that the people who were fleeing, the soldiers who were fleeing  
5 were the ones who instructed the rest of the people to also flee. I don't know  
6 whether they returned to camp and fight again. Like I said, there is nothing much  
7 I can say about that because I am speaking the truth basing on the fact that I am not  
8 a young person. I will again be summoned to go to another court at another time  
9 and I want to stick to the truth. I will only speak about what I know.

10 The soldiers were defeated and they fled. I don't know whether they eventually  
11 returned to come and fight. I want to keep my soul clear by speaking the truth and  
12 sticking to the truth.

13 Q. [10:25:52] Well, let me fast track the cross-examination to this. These other  
14 soldiers who came around 11 p.m., Witness, you said they came, they fired in the  
15 direction of the rebels, and apart from the firing, there was bombardment. You  
16 remember that?

17 A. [10:26:20] Yes.

18 Q. [10:26:21] And indeed it was these soldiers that flushed the rebels out of the  
19 camp and they fled towards Lalogi; is that correct?

20 A. [10:26:39] No, I don't want to say they are the ones who flushed out the rebels.  
21 The rebels instead withdrew and went in the other direction. They were not flushed  
22 out. That's why they were only firing bullets to the direction where they were but  
23 not directly at them. They did not flush them out. Rather, the rebels withdrew.  
24 At the time they were firing at them, they did not ask me because I was also hiding  
25 somewhere. I only heard the gunshots in that direction. Like I said, I do not want

Trial Hearing  
WITNESS: UGA-OTP-P-0293

(Open Session)

ICC-02/04-01/15

1 to lie. Even if the questions are tricky, I will be very smart and tell only the truth.

2 Q. [10:27:21] Now let's talk about Colonel Engola. Witness, from the intensity of  
3 the crossfire that led to many inhabitants of the camp fleeing, and you fled and  
4 took -- and took refuge in the banana plantation, why didn't you call Colonel Engola  
5 at that point in time?

6 A. [10:27:56] Did I have a phone at that time? I did not have a phone. I only -- the  
7 next day when I called Sam Engola, I used some other person's phone. I did not  
8 have a phone at that time. I am speaking the truth. I am sticking to the truth and  
9 that will make me safe and clear. The next day I requested somebody for a phone,  
10 which phone I used to call.

11 Q. [10:28:29] What would you say, Witness, if I were to put it to you that  
12 Colonel Engola, someone else called him and he came that night and pursued the  
13 rebels, he came with a Mamba that night and pursued the rebels? Does that  
14 persuade you to change your statement that --

15 A. [10:28:55] That is the beginning of a lie. You are now starting to bring forth  
16 a lie, because he did not come in the night. Instead he arrived in the morning. He  
17 came with six soldiers in his Land Rover vehicle. That is what I know.

18 I -- the soldiers with whom he came were taken from Lalogi camp. They came. He  
19 came with his six soldiers and there was no Mamba that came at that time. It was  
20 only a truck that came in the night. I don't want to lie you. If somebody told you  
21 there was a Mamba that came, I think they didn't get that right, because it was a truck  
22 that came and that truck, that was a military truck that came and stayed in the night  
23 till the next day in the morning.

24 PRESIDING JUDGE SCHMITT: [10:29:52] I think (Overlapping speakers)

25 THE WITNESS: [10:29:53] (Interpretation) That is -- I think some of the witnesses are

1 telling the truth and others are not. I am the one telling the truth here. There was  
2 no Mamba that arrived at that time.

3 PRESIDING JUDGE SCHMITT: [10:30:07] And I think we can downplay this a little  
4 bit because I -- at least in my understanding, 1 in the morning, which is the statement  
5 of the witness, would still qualify as during the night, I think.

6 MR TAKU: [10:30:22] Yes, your Honours.

7 PRESIDING JUDGE SCHMITT: [10:30:24] At least in my modest opinion.

8 Please, Mr Taku, continue.

9 MR TAKU: [10:30:29] Yes, your Honour.

10 Q. [10:30:30] Now, but that truck that came at night, from your location, Witness,  
11 you heard a truck coming. You didn't see the truck, did you?

12 A. [10:30:56] Let me take you back. It was morning. And it was already daylight.  
13 Not at night. The vehicle which came, the vehicle of Okello Engola came in the  
14 morning. Let us first correct that before I talk about the truck. The truck came  
15 about 11 and stayed there until morning with the occupants of the truck.

16 Let us try our level best to stick to the truth and not mix it up with what was not true.  
17 I don't want to make a mistake and mention something which is not true. I want to  
18 stick to the truth.

19 Q. [10:31:54] Now, Witness, in paragraph 37 of your statement you said that you  
20 saw the camp burning, but you did not see the initial fire, you didn't see how the  
21 initial fire was started, Witness. And the reason you didn't see where the initial fire  
22 was started was because you did not see the location from which the initial fires  
23 commenced, correct? From your location you could not see, correct?

24 PRESIDING JUDGE SCHMITT: [10:32:25] I am not sure, are you talking about  
25 paragraph 37?

Trial Hearing  
WITNESS: UGA-OTP-P-0293

(Open Session)

ICC-02/04-01/15

1 MR TAKU: [10:32:30] Yes, your Honour.

2 PRESIDING JUDGE SCHMITT: [10:32:31] Then please quote it exactly like it stands  
3 here, because I don't, don't see that this matches exactly what your question entailed.

4 MR TAKU: [10:32:47] Your Honours, the last sentence: "I did not see the initial way  
5 the rebels started the fire." That's what I'm referring to.

6 PRESIDING JUDGE SCHMITT: [10:32:56] Yes, but also the first sentence: "With the  
7 light caused by the flames, I could clearly see the rebels who were burning  
8 the houses".

9 MR TAKU: [10:33:02] Yes, your Honours.

10 PRESIDING JUDGE SCHMITT: [10:33:03] And he said that yesterday too.

11 MR TAKU: [10:33:04] He said that yesterday. But I also want him to complete, he  
12 started to say he didn't --

13 PRESIDING JUDGE SCHMITT: [10:33:07] Yes, okay.

14 MR TAKU: [10:33:08] -- didn't see the initial way the rebels started the fire.

15 PRESIDING JUDGE SCHMITT: [10:33:14] Okay.

16 MR TAKU: [10:33:23]

17 Q. [10:33:23] Now, Witness --

18 A. [10:33:27] Yes. I want to respond to what you asked earlier.

19 PRESIDING JUDGE SCHMITT: [10:33:34] Let him answer.

20 So how can we, Mr Ayoo, this is -- you heard the last sentence of this paragraph:

21 "I did not see the initial way the rebels started the fire." Perhaps you can explain  
22 what you meant by that and perhaps -- because we, we as we are in the courtroom  
23 have not been there, so that we have also a picture in our head what happened.

24 THE WITNESS: [10:34:05] (Interpretation) Let's go back to the map. Are you seeing  
25 where it is indicated "old barracks"?



1 PRESIDING JUDGE SCHMITT: [10:34:17] Yes.

2 THE WITNESS: [10:34:19] (Interpretation) There is an arrow which came towards  
3 the circle and oval drawing. What happened, if someone wants to tell a lie, it is not  
4 possible to know if the rebels used a match, matchstick or a lighter to torch with the  
5 huts that were burnt. I did not see what was used to torch the houses that were in  
6 the camp. I don't know if they used a matchstick or a lighter or if they got a glowing  
7 charcoal then used to light. But it started from that place where there is an arrow  
8 towards the oval drawing and came towards the camp. I did not see what was used  
9 to torch the houses. That is what I can explain about that paragraph. I saw if the  
10 flames were already up and they were now getting -- torching other house, but  
11 I didn't see the source.

12 MR TAKU: [10:35:45]

13 Q. [10:35:45] Witness, well, let me put your question, you not being a soldier, but  
14 ask whether the laser bullets that were used went through an exchange, that intensive  
15 exchange, if they touched or they fell on the grass roofs, whether they were capable of  
16 starting a fire in different locations?

17 A. [10:36:21] The fire and the flames that I saw at night were various. There were  
18 others that were crimson and then the one that the army fired from the truck was  
19 bluish. I cannot explain the different colours and shapes. I can't say if it can burn  
20 houses or not because I have never been a soldier. I have never also seen any bullet  
21 land on a house and burn the house.

22 PRESIDING JUDGE SCHMITT: [10:37:02] I think we can -- we have to accept that,  
23 Mr Taku.

24 MR TAKU: [10:37:06] We accept it, your Honour. Now, your Honour, he was  
25 referring to tab 3, UGA-OTP-0248-0058, that's the map, tab 3.

1 Q. [10:37:28] Now, before we move away from the location where you were hiding,  
2 did you personally, Witness, see or hear Dominic give orders to the soldiers, in  
3 particular those, those four soldiers that were parading in your vicinity where you  
4 were hiding, did you?

5 A. [10:38:05] I cannot be tricked with that question. I only heard. I didn't see him  
6 making an order or giving the order. I also wrote it in my statement that I heard  
7 them talking. I did not see that they were giving -- they were being given directives  
8 or orders and I was not even there where they came from.

9 Q. [10:38:33] But --

10 PRESIDING JUDGE SCHMITT: [10:38:34] No, but, Mr Taku, I think this has been  
11 answered already yesterday. I think he has said he has never seen Mr Ongwen,  
12 except perhaps on a screen at some time. But he does not know the person, he  
13 has -- and of course this would imply that he has not seen or heard him giving orders.

14 MR TAKU: [10:38:54] Yes.

15 Q. [10:38:55] But you heard this soldier saying that Kalalang had countermanded  
16 the instruction given by Dominic and given his own instructions, which they obeyed.  
17 They disregarded, ignored those which were given by Dominic and they were now  
18 obeying the orders of Kalalang countermanding those of Dominic. You heard them  
19 saying that. Did you see Kalalang at that location?

20 A. [10:39:28] No, I did not see. Even if I saw him at night, I wouldn't know that  
21 this is who or this is who. I didn't know him before, I didn't know Kalalang before,  
22 so I wouldn't tell even if I had seen him.

23 Q. [10:39:47] After these events you were -- during in the morning you said  
24 a number of people came, you saw the soldiers, including Engola. Did you also see  
25 the commander of the 4th division of the UPDF from Gulu in that location at Abok?

1 A. [10:40:15] They came.

2 Q. [10:40:34] And did you talk to them or did they talk to you?

3 A. [10:40:41] Yes, I talked to them. I also mentioned yesterday that you know that  
4 person who talked to me in your comment. The person who talked to me told me he  
5 was Paddy Ankunda, that he was a spokesperson for the army and he also asked me  
6 questions similar to the ones you are asking me now. He asked me to tell him how  
7 the attack started and what was happening in the -- during the attack. I explained all  
8 that to him.

9 Q. [10:41:17] Did you hand over a copy of your list to Colonel Paddy Ankunda or  
10 to any senior UPDF officer?

11 A. [10:41:36] They asked me about the names of those who died and I told them  
12 I have the list and then they copied the names themselves. I just showed it to them  
13 and then they made their own copy. Well, that means I gave. So they -- I showed  
14 them and they copied it.

15 Q. [10:42:01] (Microphone not activated)

16 PRESIDING JUDGE SCHMITT: [10:42:03] Microphone, please.

17 MR TAKU: [10:42:04] Yes, your Honour.

18 Q. [10:42:06] You said yesterday the attack lasted about two hours. Witness, what  
19 would you say if I were to put to you that the attack on Abok camp  
20 lasted -- (Overlapping speakers)

21 A. [10:42:18] I was only estimating. I didn't have a watch at the time.

22 Q. [10:42:22] Now, if I was to suggest that it lasted between 15 minutes  
23 and 45 minutes, does that help you revise the time frame you gave to the Court?

24 A. [10:42:48] I cannot revise anything. My statement is clear that there were two,  
25 three times that the guns were shot. I can't change my statement. If you are asking

1 me to change my statement, I am not going to change it because you will make me tell  
2 a lie and I don't want to mention lies here.

3 What I estimated is what I said. I didn't have a watch, but I can say again that it took  
4 between two and three hours from the time that they came up to the time they  
5 finished their work in the camp. It was not a very small area.

6 Q. [10:43:41] Now --

7 A. [10:43:44] That was my estimation.

8 Q. [10:43:50] Witness, what would you say, Witness, if I were to suggest to you that  
9 we received evidence here that number 14 - your Honours, tab 4,  
10 UGA-OTP-0244-1201 - that number 14 on that list, you say your father, did not die in  
11 the camp, but he died on his way to his village to get maize.

12 Your Honours, it's already in the evidence, that is paragraph -- 306, P-306,  
13 paragraph 20, UGA-OTP-0261-0277.

14 What would you say? Did he die on the way going to collect maize or he died in  
15 the camp?

16 A. [10:44:47] I have no idea where you took the statement from. I am talking about  
17 the statement I made. And the list I made at that time. You can use yours. I also  
18 stick to mine.

19 Q. [10:45:10] Among the commanders, the LRA commanders, the rebel  
20 commanders, let me use rebel here, that came to the camp, attacked the camp, did you  
21 see or learn that the commander who led Kalalang -- led the attack was also -- was  
22 called Lieutenant Colonel Okot?

23 A. [10:45:46] No, I don't want to be forced to say something which was not in my  
24 statement. I didn't understand it, I didn't get to know about it and I didn't even  
25 hear it.

1 MR TAKU: [10:46:00] Your Honours, we pull the question from tab 11,  
2 UGA-0032-0038 at 0057, paragraph 5. That is a UPDF confidential document,  
3 although it's no longer confidential for the purpose of this case, but that is the report  
4 about the attack about --

5 PRESIDING JUDGE SCHMITT: [10:46:33] But, Mr Ayoo, it's always like that when  
6 a proposition is put to you or a suggestion is made, it's absolutely okay that you  
7 would say "Yes, that's correct, when I hear that now I change it", or you say, "No,  
8 I don't know anything about it, that's not correct". That's a normal procedure.  
9 That's nothing to trick up. You have always the option to say, "No, this suggestion  
10 that is made to me, I can't agree to it" or "I can agree to it". It is a normal option here.  
11 So just to explain it to you how this technique of questioning -- of questions works  
12 and the possible answers you have.

13 Mr Taku, please.

14 MR TAKU: [10:47:17] Thank you, your Honour.

15 Q. [10:47:18] Indeed, Witness, you said when Lieutenant Colonel Engola came, he  
16 pursued the rebels as they were moving in the direction of Lalogi. And in the  
17 document tab 11 I just read, the LRA, clearly says that Lieutenant Colonel Okot and  
18 Major Okello Kalalang came from their hideout in Paicho sub-county in Gulu and via  
19 Lalogi to attack Abok.

20 So did you -- were you informed by the UPDF when you talked to them that they  
21 came from this location, these two commanders, to attack Abok?

22 A. [10:48:16] It is not in my statement. I did not mention any Okot in my  
23 statement. I am just hearing the name Okot from you right now.

24 Q. [10:48:27] Also, Witness, if you have tab 11, you have the file - put tab 11 to the  
25 witness - and at page 0057, where you have the list of the people who died that was

1 kept by the UPDF. You said that they saw your list and they copied it. But the list  
2 they retain here, Witness, which they publish, indicate that 24 people died. Your list  
3 contains 28 people, Witness.

4 My question is: Could it be that you included in your list the names of people who  
5 died outside the camp? Whereas the UPDF were more interested in the people who  
6 died within the camp?

7 A. [10:49:23] I have no knowledge of that. I am talking about what happened in  
8 the camp. If they wrote their own list, they have their reasons for doing it and I am  
9 not part of it.

10 Q. [10:49:38] And indeed, Witness, the names -- I do not want to waste the Court's  
11 precious time, we have other business of the Court after this, and also to -- it will take  
12 a lot of time. The Court will look at the different list, that the names, the variations in  
13 the list, the different list about the people who died -- that's tab 11, the list in tab 11,  
14 the list in tab -- the list we have in tab 11 and the list we have at -- see tab 11,  
15 UGA-OTP-0247-1270 that was tendered by P-306.

16 PRESIDING JUDGE SCHMITT: [10:50:38] Who made this --

17 MR TAKU: [10:50:39] Tab 12. Tab 12, your Honour.

18 PRESIDING JUDGE SCHMITT: [10:50:41] Who made this list, this one, the second  
19 one? The first one is authenticated by the witness. And this one, what kind of list  
20 is it?

21 MR TAKU: [10:50:48] It is P-306. So the three lists, that of the UPDF, the one in  
22 tab 12, UGA-OTP-0247-1270, and that of the witness, all about the victim or -- we do  
23 not want to waste precious time.

24 PRESIDING JUDGE SCHMITT: [10:51:20] No, no. But that is absolutely okay to put  
25 this on the table. So for my -- for the understanding of the Bench, we have three lists.

Trial Hearing  
WITNESS: UGA-OTP-P-0293

(Open Session)

ICC-02/04-01/15

1 MR TAKU: [10:51:19] Yes, your Honour.

2 PRESIDING JUDGE SCHMITT: [10:51:21] We have the list that the witness provided  
3 us with. We have the UPDF list. That is the one with the four pages.

4 MR TAKU: [10:51:28] Yes, your Honour.

5 PRESIDING JUDGE SCHMITT: [10:51:31] And the last one, tab 12, is --

6 MR TAKU: [10:51:37] P-306.

7 PRESIDING JUDGE SCHMITT: [10:51:38] And who has -- has Mr Obwor done this  
8 one?

9 MR TAKU: [10:51:42] Yes, Mr Obwor. Yes, your Honour.

10 PRESIDING JUDGE SCHMITT: [10:51:43] Okay, yes. Thank you.

11 MR GUMPERT: [10:51:44] Sorry, I apologise for interrupting, but this is not a list of  
12 people who died. It could have been a list of people playing in the football  
13 World Cup. It's not -- the three are not the same thing.

14 PRESIDING JUDGE SCHMITT: [10:51:58] Yes, the first side, but on the back, I  
15 would say, or -- on the back of this tab 12. So you are right, Mr Gumpert, 5 per cent,  
16 I would say in that respect. It's -- on the back is a list of 28 people, as I understand it.

17 MR TAKU: [10:52:20] Yes, your Honours.

18 PRESIDING JUDGE SCHMITT: [10:52:21] With ages and with sex, and it states those  
19 who were killed.

20 MR TAKU: [10:52:27] Yes, your Honour.

21 PRESIDING JUDGE SCHMITT: [10:52:28] So we have indeed, like you say, Mr Taku,  
22 we have three lists.

23 MR TAKU: [10:52:32] Three lists, your Honours. But the names, there are  
24 variations in the lists, the three lists, and we do not want to go into the substance  
25 because that is for the Court. We will address the Court on that. But he didn't make

1 the two lists. The first, the first list, that of the UPDF, he surely contributed to that  
2 because he said he gave them information.

3 PRESIDING JUDGE SCHMITT: [10:52:54] That's absolutely correct, Mr Taku.

4 MR TAKU: [10:52:58]

5 Q. [10:52:58] Now, Witness, you said you talked to the returnees, the people who  
6 came back after the -- Colonel Engola energetically pursued the rebels and some  
7 people took the opportunity to flee. When did you talk to these individuals? You  
8 said you talked to them collectively. Let me be very clear: I didn't say you talked to  
9 them individually, I said you talked to them collectively. When did you summon  
10 them to talk to them? Was it the same day, the next day after the attack or some time  
11 after that?

12 A. [10:53:50] I asked them that same day if there was something I forgot and didn't  
13 ask, you can let me know so that I can clarify whether I asked the question or not.

14 Q. [10:54:07] Well, you talked to them collectively, but did you take notes about the  
15 meeting and what they said in the course of the interview you had with them?

16 A. [10:54:27] No. At that time I mentioned that the -- the only thing I wrote down  
17 was the list. Whoever claims to have taken minutes of such meetings is not telling  
18 the truth because that morning it was not possible to take minutes. There was a lot  
19 of tension and if you were not brave, you wouldn't even stay there, you would want  
20 to leave immediately. Let no one deceive you that he took minutes on that day. For  
21 me, I just asked verbally. I remember only what I asked verbally. I didn't write  
22 anything down.

23 Q. [10:55:16] And by the nature of the pursuit, the hot pursuit by Colonel Engola,  
24 the trauma of the events, the intensity of the operations, Witness, I suggest that the  
25 returnees would not have had time to have -- to discuss with their alleged captors, not



1 necessarily about their operations, about the structures of the LRA, Witness. What  
2 do you say to that?

3 A. [10:55:51] The person who is in problem, you just talk to him to console him.  
4 You don't pose an interview to such a person. You just talk to them to console them  
5 and not the kind of question and answer session. It is a consolation that someone  
6 has survived and has come back.

7 If you also come back and no one talks to you, you also start wondering whether  
8 people loved you or cared about you. If you went and came back to the camp and no  
9 one was there to talk to you and make you feel at home, you would not feel good.

10 Q. [10:56:42] Okay. Did you know, do you remember the name, the names of  
11 these people you talked to? Or it is a long time, you have forgotten?

12 A. [10:56:57] It's been a while and I didn't even record anything down, so I can't  
13 remember. It's too long ago.

14 Q. [10:57:09] You testified that you -- about the task you undertook upon yourself,  
15 burying the dead after the -- the next day. And you said there were government  
16 officials, UPDF. Did you also see hospital personnel and possibly Red Cross? And  
17 the CID officials, were they also at the scene?

18 A. [10:57:50] If they were around, they could have gone to other parts, because the  
19 only person who talked to me that morning was Paddy Ankunda, which I mentioned.  
20 I didn't see any other person. I don't want to tell a lie here.

21 Q. [10:58:09] Do you know whether the UPDF sustained injuries, or LRA on their  
22 part, if they too sustained injuries?

23 A. [10:58:29] I was not informed.

24 Q. [10:58:33] Did you -- in that location, Witness, do you know or do you not know  
25 whether either the LRA -- UPDF medics or the government soldiers of CID, whether

1 the government or any other agency conducted a forensic examination of those  
2 individuals who died in order to establish a cause of death? Or ballistics or any  
3 other course to establish whether the bullets that were used, whether they were  
4 bullets used by the UPDF or the LRA in the crossfire? Did you in any way know  
5 whether that was conducted?

6 A. [10:59:21] I did not see, I was not told.

7 PRESIDING JUDGE SCHMITT: [10:59:26] Mr Taku, the time.

8 MR TAKU: [10:59:27] Yes, your Honour, I just want to ask one more question  
9 so that --

10 PRESIDING JUDGE SCHMITT: [10:59:32] Okay.

11 MR TAKU: [10:59:33] To save more time, your Honours, if you can permit.  
12 Thank you, your Honours.

13 Q. [10:59:36] Yesterday you talked about a court martial of one -- the court martial  
14 you participated. First, Mugabe, Robert Mugabe, was he a colonel? Do you know  
15 what rank he had?

16 A. [11:00:04] No, I only see him wearing some things on his shoulders. I don't  
17 know how to call that rank. I only call him OC. I just refer to him as OC.

18 Q. [11:00:21] When you spotted the rebels that evening, that fateful day, and went  
19 to report, went to the military camp, did you find him in his command post or he had  
20 fled on hearing about rebel activities in the camp?

21 A. [11:00:48] The commander was there. I tried to tell him that the soldiers should  
22 be together to wait for an attack. But they told me that this was a military  
23 deployment. I cannot instruct them. He is the one who told me that that was their  
24 duty. And they thanked me for giving them information, I should go and tell people  
25 to be quiet and calm.

Trial Hearing  
WITNESS: UGA-OTP-P-0293

(Open Session)

ICC-02/04-01/15

1 Q. [11:01:21] Did you know where he was during the attack in the camp on  
2 that day?

3 A. [11:01:32] No. I left the barracks. I was already within the camp. How could  
4 I know where he was at that time? They told me I'm a civilian and I should -- I had  
5 nothing to do there, I should leave. Engola thanked me for informing them.

6 Q. [11:01:55] Did you subsequently know where he was during the attack on the  
7 camp that day?

8 A. [11:02:10] No. I only heard -- I just want to emphasise that I heard that he was  
9 found in a place called Bobi. I heard about it, but I didn't know where he was at the  
10 time the camp was attacked. At that time everyone was for himself and God for all.

11 Q. [11:02:39] I agree, Witness. In fact, you summarise before end of one of the list,  
12 drawn the conclusion, we do thank you. But didn't you hear during the court  
13 martial, you were invited to the court martial, were you not informed during the  
14 court martial that Mugabe -- you said you participated in the court martial -- were  
15 you not informed that Mugabe had abandoned his command position and fled during  
16 the attack?

17 A. [11:03:07] No one told me. I was only told to explain what I know and they  
18 would make their decision. I only explained whatever I could explain.

19 PRESIDING JUDGE SCHMITT: [11:03:24] Do you, by any chance, know what the  
20 decision was?

21 THE WITNESS: [11:03:37] (Interpretation) No. I was not informed on any decision  
22 that they took. When I finished I was told to leave, and that was all they needed  
23 from me.

24 PRESIDING JUDGE SCHMITT: [11:03:49] Thank you.

25 MR TAKU: [11:03:50] In conclusion, your Honours, we respectfully urge our

Trial Hearing  
WITNESS: UGA-OTP-P-0293

(Open Session)

ICC-02/04-01/15

1 colleagues on the other side that if they have, just to make an effort to get the copy of  
2 the statement he made to the court martial and disclose to us on this matter. With  
3 that, your Honours, that concludes our cross-examination of this witness.

4 PRESIDING JUDGE SCHMITT: [11:04:10] Thank you very much, Mr Taku.

5 And this, Mr Ayoo, concludes your testimony. On behalf of the Chamber we would  
6 like to thank you for coming to the video-link location, for answering for two days the  
7 questions of all the parties and -- not participants, parties and of the Presiding Judge.  
8 And we wish you a safe trip back to your home.

9 (The witness is excused)

10 PRESIDING JUDGE SCHMITT: [11:04:45] We adjourn the hearing.

11 The next witness is P-6. And I think we will be able to start with this witness at 9.30  
12 tomorrow. Because we have also -- we are happy, the Bench, because there are  
13 visitors here that we can meet and that it is a good idea. And I think -- I assume that  
14 we, as I already foreshadowed yesterday, that we can finish the witness in any event  
15 tomorrow, this witness.

16 MR GUMPERT: [11:05:10] Certainly for our part we will be brief. So I can't see any  
17 impediment there.

18 PRESIDING JUDGE SCHMITT: [11:05:15] But to be sure -- but Mr Taku is friendly,  
19 smiling, so I would assume that there would be no problem. Mrs Bridgman is  
20 even -- yes, consent obviously.

21 So we adjourn the hearing. Tomorrow at 9.30 with P-6.

22 THE COURT USHER: [11:05:35] All rise.

23 (The hearing ends in open session at 11.05 a.m.)