

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 Thursday, 6 June 2019
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:17] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:35:33] Good morning, everyone. Could the
14 court officer please call the case.
15 THE COURT OFFICER: [9:35:42] Good morning, Mr President, your Honours.
16 The situation in Uganda, case The Prosecutor versus Dominic Ongwen, case reference
17 ICC-02/04-01/15.
18 And we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:35:52] Thank you.
20 Appearances, Mr Black, for the Prosecution.
21 MR BLACK: [9:35:57] Good morning, your Honour.
22 Colin Black for the Prosecutor, together with Kamran Choudhry, Benjamin Gumpert,
23 Beti Hohler, Yulia Nuzban, Pubudu Sachithanandan, Grace Goh, Hai Do Duc and
24 Natasha Barigye. Thank you.
25 PRESIDING JUDGE SCHMITT: [9:36:14] Thank you.
26

- 1 And for the LRVs, Mr Narantsetseg.
- 2 MR NARANTSETSEG: [9:36:18] Good morning, Mr President.
- 3 My name is Orchlon Narantsetseg; I am joined by Ms Caroline Walter. Thank you.
- 4 PRESIDING JUDGE SCHMITT: [9:36:23] Mr Cox.
- 5 MR COX: [9:36:25] Good morning, your Honours. With me Maria Radziejowska,
- 6 James Mawira and myself, Francisco Cox.
- 7 PRESIDING JUDGE SCHMITT: [9:36:31] Thank you.
- 8 And for the Defence, Mr Ayena, please.
- 9 MR AYENA ODONGO: [9:36:34] Good morning, Mr President, and your Honours.
- 10 I'm Krispus Ayena Odongo. I'm joined by Thomas Obhof, assistant to counsel; Chief
- 11 Achaleke Taku, co-counsel; Gordon Kifudde, assistant to counsel. And our client,
- 12 Mr Dominic Ongwen, is in Court.
- 13 PRESIDING JUDGE SCHMITT: [9:37:00] Thank you very much.
- 14 And now I turn to the video-link location.
- 15 A very warm welcome to you, Mr Oweka. Good morning, on behalf of the Chamber,
- 16 I welcome you to this extended courtroom at the video-link location.
- 17 WITNESS: UGA-D26-P-0081
- 18 (The witness speaks Acholi)
- 19 (The witness gives evidence via video link)
- 20 THE WITNESS: [9:37:23](Interpretation) Good morning.
- 21 PRESIDING JUDGE SCHMITT: [9:37:24] Mr Oweka, I would like to read you out
- 22 the solemn undertaking. There should be a card in front of you, and every witness
- 23 who appears before this Court has to take this solemn undertaking; so please read this
- 24 out aloud.
- 25 THE WITNESS: [9:37:47](Interpretation) I solemnly declare that I will speak the

1 truth, the whole truth and nothing but the truth.

2 PRESIDING JUDGE SCHMITT: [9:38:02] Thank you very much, Mr Oweka. Do
3 you agree with this undertaking?

4 THE WITNESS: [9:38:09](Interpretation) Yes, I agree.

5 PRESIDING JUDGE SCHMITT: [9:38:15] Thank you. You have now been sworn in,
6 and before we start with the testimony, a small practical matter. Everything we say
7 here in the courtroom is written down and interpreted and to allow for the
8 interpretation, we have to speak at a relatively slow pace, and we should only speak
9 when the person that asks us a question or that has spoken before has finished.
10 If you need a break, for example, or want to address the Chamber, please raise your
11 hand, then we are aware that you want to speak.

12 We now start with your testimony and I give the Defence the floor.

13 Mr Ayena, please.

14 QUESTIONED BY MR AYENA ODONGO:

15 Q. [9:39:03] Good morning, Mr Witness, my name is Krispus Ayena Odongo. I
16 want to welcome you to Court and thank you in advance for accepting to come and
17 help Court to arrive at a decision in this matter.

18 MR AYENA ODONGO: [9:39:27] Mr President and your Honours, I want to have
19 two or three minutes' private session.

20 PRESIDING JUDGE SCHMITT: [9:39:34] Yes, we do that.

21 And for your information, Mr Witness, when we go to private session, nobody can
22 hear us outside this courtroom, so this is simply to protect your privacy.

23 We go now to private session.

24 (Private session at 9.39 a.m.)

25 THE COURT OFFICER: [9:39:53] We are in private session, Mr President.

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
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- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Open session at 9.42 a.m.)
- 16 THE COURT OFFICER: [9:42:30] We are back to open session, Mr President.
- 17 MR AYENA ODONGO: [9:42:45]
- 18 Q. [9:42:47] Mr Witness, did you ever go to school?
- 19 A. [9:42:56] Yes, I did go to school, but it was interrupted when I was in primary 7.
- 20 Q. [9:43:15] Why was it interrupted, Mr Witness?
- 21 A. [9:43:21] What interrupted my studies is the death of my father. When my
- 22 father passed on, my mother was not able to continue paying my tuition.
- 23 Q. [9:43:49] And at the moment what do you do for a living?
- 24 A. [9:44:01] At the moment I am a peasant farmer. That helps me to take care of
- 25 my family.

1 Q. [9:44:26] Now, Mr Oweka, I want us -- we are going to talk about the reason
2 which is the foundation of your coming here, but let's begin with your life before it.
3 Can you tell Court what your life was like before 2003.

4 A. [9:45:08] Could you please repeat the question.

5 PRESIDING JUDGE SCHMITT: [9:45:18] Perhaps you could near yourself it in
6 another way. I understand, it is absolutely acceptable to ask him that, but it's
7 perhaps easier when you -- and I think nobody, the Prosecution would not complain,
8 if you directly steer to the move to the IDP camp, and then in that context you could
9 ask how was life before that.

10 MR AYENA ODONGO: Okay.

11 PRESIDING JUDGE SCHMITT: [09:45:42] It has not to be chronological here. We
12 can also revert to it -- I think you have three main areas.

13 MR AYENA ODONGO: Yes.

14 PRESIDING JUDGE SCHMITT: [09:45:49] That is, the move to the IDP camp, how
15 life was there, and the October attack, and the fourth, not -- the fourth, how life in the
16 LRA was. And when you speak about, for example, or discuss with him the life in
17 the IDP camp, you can then compare it with the life before, perhaps. So simply we
18 can do it also this way.

19 MR AYENA ODONGO: [9:46:12] You know, sometimes I'm careful because my
20 learned friends opposite are quick to -- but with your guidance I'm sure --

21 PRESIDING JUDGE SCHMITT: [9:46:22] Oh, no, I am sure, I am sure he will not
22 object to this proposal by me. Because everyone here in the courtroom knows, of
23 course, why this witness is called; so we, of course, we should not lead him through
24 his testimony, but we can simply prompt a little bit of expeditiousness.

25 So please, Mr Ayena.

1 MR AYENA ODONGO: [9:46:48] It was just in jest, Mr President, and I'm sure my
2 brother opposite, Mr Gumpert, knows it.

3 Q. [9:47:00] Yes, Mr Witness, did you ever go to the camp in Pajule?

4 A. [9:47:17] Yes, I went to the camp.

5 PRESIDING JUDGE SCHMITT: [9:47:23] Mr Witness, could you describe us how it
6 came that you went to the camp, the circumstances, if you recall, when this was.

7 THE WITNESS: [9:47:40](Interpretation) Thank you very much, your Honours.

8 In the year 2002 there was conflict in Acholiland, and it had heightened at that time,
9 and then the government ordered that all civilians in the communities should leave
10 our homes and we go and stay in the camp. The camp was nearer to where
11 government was operating so that government can protect us from the rebels.

12 PRESIDING JUDGE SCHMITT: [9:48:39] I think I got the information that we have
13 to disconnect and reconnect. There is some small, minor technical issue at the
14 video-link location. This would only last a couple of seconds. So we simply stay
15 here and wait in silence, shortly.

16 (Pause in proceedings)

17 PRESIDING JUDGE SCHMITT: [09:49:46] Although hearing music is never a good
18 sign in such circumstances.

19 I heard something like "that's -- that's great, much better", so the problem seems to be
20 solved. And we should not forget the video link is not around the corner, so we
21 should be grateful, so to speak, that we have so few technical problems.

22 Please, Mr Ayena, continue.

23 MR AYENA ODONGO: [9:50:43]

24 Q. [9:50:44] And Mr Witness, when you were told to move to the camp was there
25 anything in the form of an ultimatum, a time period within which you were ordered

1 to move to the camp?

2 A. [9:51:06] As far as I recall, people were given two weeks, two or three weeks
3 only.

4 Q. [9:51:35] And if you refused or you delayed to move as ordered by the
5 government forces or the authorities, what would happen to you?

6 A. [9:51:53] The leaders were given authority, the local leaders were given
7 authority to inform the population that whoever refuses to go to where people were
8 going and if found, 10 kilometres away from the camp, you would be considered
9 a bad person or a rebel.

10 PRESIDING JUDGE SCHMITT: [9:52:44] What would that mean if you were
11 considered a rebel?

12 THE WITNESS: [9:52:51](Interpretation) Can you repeat the question.

13 PRESIDING JUDGE SCHMITT: [9:53:08] What consequences would it have if the
14 government saw you as a rebel?

15 THE WITNESS: [9:53:20](Interpretation) They said that whoever is found beyond
16 10 kilometres you would be shot and killed like they have killed the rebels, you
17 would be considered someone who is bad.

18 PRESIDING JUDGE SCHMITT: [9:53:52] Mr Ayena, please continue.

19 MR AYENA ODONGO: [9:53:54]

20 Q. [9:53:55] Did you, Mr Witness, experience any occasion when somebody was
21 killed on account of that, on account of failing to go to the camp?

22 A. [9:54:13] We were afraid and we had to stay in the camp so we did not know
23 what was going on outside the camp. They did not even want us to know what was
24 going on in the villages.

25 Q. [9:54:52] And you talked about people being told not to be beyond 10 kilometres

1 radius. Does it mean or did it mean, therefore, that 10 kilometres radius was part of
2 the IDP camp?

3 A. [9:55:21] That is the area which was considered safe, if you are found in that
4 area, they wouldn't disturb you.

5 Q. [9:55:58] Mr Witness, does it mean therefore that those whose homes were
6 within 10 kilometres were not asked to move into the designated camp?

7 A. [9:56:16] Those who were nearer to the camp, like 2 kilometres, were allowed to
8 stay, but those who were further than 2 kilometres were all asked to come to the
9 camp.

10 Q. [9:57:02] I think we shall leave that and move to the next -- I want to ask you,
11 Mr Witness, when you were hurriedly asked to move to the camp, did government or
12 any other agency give you any assistance to move to the camp in form of transport or,
13 you know, supplies and things?

14 A. [9:57:43] No, I did not see.

15 Q. [9:57:52] At the time when you were ordered to move to the camp did you have
16 some properties at your home?

17 A. [9:58:06] It is obvious that I had things that I would use for my livelihood and to
18 feed the children, yes, I had.

19 Q. [9:58:36] Did you have some crops in the gardens?

20 A. [9:58:41] Yes, there was.

21 Q. [9:58:50] Did you have some food in the food granaries and also in your house?

22 A. [9:59:04] Yes, I had.

23 Q. [9:59:10] Now when you were finally ordered to go to the camp, were you
24 allowed to carry these items with you?

25 A. [9:59:23] We were given two to three weeks that you should have harvest all the

- 1 crops and carry whatever you can carry to the camp.
- 2 PRESIDING JUDGE SCHMITT: [9:59:58] Could you carry everything?
- 3 It seems the question has not been translated or did not come through.
- 4 Mr Witness, I asked you if you could carry everything with you when you moved to
- 5 the camp?
- 6 THE WITNESS: [10:00:34](Interpretation) No, it was not possible. I could not carry
- 7 everything.
- 8 PRESIDING JUDGE SCHMITT: [10:00:51] What happened to the property that you
- 9 had to leave behind?
- 10 THE WITNESS: [10:00:59](Interpretation) I carried the things that I was able to carry
- 11 and move with to the camp. The other things remained back home and I returned
- 12 and didn't find them. I don't know who took them away.
- 13 PRESIDING JUDGE SCHMITT: [10:01:23] Thank you.
- 14 Mr Ayena.
- 15 MR AYENA ODONGO: [10:01:27]
- 16 Q. [10:01:28] Did you have livestock among your properties?
- 17 A. [10:01:35] I did not have any cattle, but I had goats and chicken.
- 18 Q. [10:01:57] Did your neighbours -- did your neighbours or any neighbour have
- 19 livestock, including cattle, goats, sheep, pigs or chickens?
- 20 A. [10:02:13] My neighbours had such livestock, but most of the people didn't have
- 21 cattle with them.
- 22 Q. [10:02:38] Now as a follow-up to what the Judge asked you, did everybody
- 23 carry all the livestock that they had with them to the camp?
- 24 A. [10:02:54] People only moved along with items or things they could go along
- 25 with, but the rest of the things stayed back.

1 PRESIDING JUDGE SCHMITT: [10:03:20] I think we can move to another point. I
2 think that's clear now.

3 MR AYENA ODONGO: [10:03:24]

4 Q. [10:03:25] Now, Mr Witness, when you arrived in Pajule camp in 2002, what
5 type of assistance did you receive from the government to help you build your new
6 home at the camp?

7 A. [10:03:43] When we arrived at the camp, they showed us the area where each
8 one could put their structure. Nothing else was given to us apart from allocating
9 a piece of land where you could put your structure on.

10 Q. [10:04:19] Did you establish, Mr Witness, whether the land you were told to
11 build on belonged to government or to some private individual?

12 A. [10:04:31] There was no one I could enquire that from. I just went ahead to put
13 down my structure, just like everyone else was doing in the same piece of land.

14 Q. [10:05:01] Now, at the camp I'm sure you needed medical attention. Can you
15 tell Court whether government provided medical facilities for the camp dwellers?

16 A. [10:05:18] There were no medical facilities or services offered by the government,
17 but there were some nongovernmental organisations that came later on when
18 people -- people's lives had become very precarious. There were diseases, there was
19 famine, and then some NGOs came to provide support to the people.

20 Q. [10:06:07] Was the support sufficient for everybody and for every sickness in the
21 camp?

22 A. [10:06:19] No.

23 Q. [10:06:31] Can you describe to Court the consequence of insufficiency of medical
24 attention.

25 A. [10:06:50] There were rampant diseases, especially for young kids, especially the

1 infants, many of them caught different kind of sicknesses. But later on, some NGOs
2 came around and salvaged the situation, but even in that situation the problem still
3 persisted, but the gravity had come down a bit.

4 Q. [10:07:39] Now can you tell Court the state of housing at the IDP camp, how
5 close were the huts that you built to one another? How close were the huts to one
6 another?

7 A. [10:08:06] In the camp where I was, the camp was partitioned into blocks.
8 There were 12 blocks in the camp. I was in block 9. The distance between huts
9 were really close by, but the distances between two successive blocks were a bit wide.

10 Q. [10:08:51] How close were the huts to one another? Can you just give an
11 estimate. Was it 10 metres, 5 metres apart, 1 metre apart, 2 metres apart?
12 Something like that.

13 A. [10:09:10] They were really close, sometimes two huts are touching each other.
14 The grasses of the thatch would be touching each other. They were really, really
15 close by.

16 Q. [10:09:25] Thank you. You said you were living in block 9. Now, in terms of
17 the trading centre at Pajule, where was block 9 located?

18 A. [10:09:38] Block 9 was on the eastern side of the centre.

19 Q. [10:09:57] Now, who supplied food to the camp dwellers?

20 A. [10:10:12] When we arrived at the camp, we started by using the food items we
21 had come along with from our respective homes, until a time when these supplies
22 were depleted and there was a lot of hunger. Afterwards, some nongovernmental
23 organisations, especially one called World Food Programme, started supplying food
24 items to the people.

25 Q. [10:11:06] Mr Witness, when you said you were about a hundred metres away

1 from Pajule trading centre, was it possible to know from your block everything that
2 was happening at - especially at night - at the trading centre?

3 PRESIDING JUDGE SCHMITT: [10:11:49] Hard to imagine, but we'll let the witness
4 answer. Yes.

5 THE WITNESS: [10:12:00](Interpretation) Well, it's a bit difficult for me to really
6 know something like that, because whenever it gets dark we would be required to
7 stay indoors, we were not allowed to move out.

8 MR AYENA ODONGO: [10:12:18]

9 Q. [10:12:21] Now, you already told Court that there were 12 blocks and that you
10 lived in block 9. Now can you describe to Court the total setup of the camp, was it
11 one huge camp, continuous or were they separated in any way?

12 A. [10:12:56] Pajule camp was one huge camp and the leader of the camp was
13 referred -- was called a camp commandant.

14 PRESIDING JUDGE SCHMITT: [10:13:27] Was there a major road going through the
15 camp?

16 THE WITNESS: [10:13:33](Interpretation) There is a main road that divides Pajule
17 and Lapul, a road from -- going towards Lira.

18 PRESIDING JUDGE SCHMITT: [10:14:00] You have mentioned now for the first
19 time Lapul. Could you explain to the Court what Lapul means, was this part of the
20 camp or was it something else?

21 THE WITNESS: [10:14:12](Interpretation) Lapul is a sub-county that borders Pajule,
22 so Lapul also had an IDP camp.

23 PRESIDING JUDGE SCHMITT: [10:14:39] Please, Mr Ayena.

24 MR AYENA ODONGO: [10:14:42] And first of all, I want to thank you, Mr President,
25 we seem to be going at the same pace. That was my next question, but you put it

- 1 better (Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [10:14:54] Then I have to apologise --
- 3 MR AYENA ODONGO: [10:14:56] No, no, no, you did it better than I could have,
4 perhaps.
- 5 Q. [10:15:01] Now, for the sake of clarity, can you tell Court on which side of the
6 camp you resided, was it in Lapul or in Pajule?
- 7 A. [10:15:11] I was in Pajule, which is on the eastern side. Lapul camp was on the
8 western side of the road; it was near Pajule mission.
- 9 Q. [10:15:42] Now, when you first arrived at the camp, was there any military
10 barracks at the camp or near the camp?
- 11 A. [10:15:57] When I went to the camp, there was a military barracks on the side of
12 the Pajule camp.
- 13 Q. [10:16:20] About how far from the Pajule side, or from the edge of the Pajule
14 camp was the military then?
- 15 A. [10:16:34] Well, you know, I didn't go far with my education, so it's a bit difficult
16 for me to estimate how far away, but I think it could be between 2 and 300 metres.
- 17 Q. [10:17:01] And did it remain there forever?
- 18 A. [10:17:07] The barracks was relocated from the Pajule camp side, it was
19 relocated to the western side next to Lapul camp.
- 20 Q. [10:17:30] Do you remember when it moved?
- 21 A. [10:17:40] If I can remember, the barracks was moved in the year 2003, but I
22 cannot recall the month.
- 23 Q. [10:17:57] Was it before or after the attack on Pajule camp?
- 24 A. [10:18:06] Before, before the Pajule attack.
- 25 Q. [10:18:19] Being a resident of the adjacent camp in Pajule, did you have occasion

1 to move to Lapul camp? Did you ever go to Lapul camp?

2 A. [10:18:45] I'm sorry, I cannot hear you well.

3 Q. [10:18:53] Did you ever visit Lapul camp?

4 A. [10:19:05] Yes, because they were close by each other.

5 Q. [10:19:14] What -- again approximately, we are not in a classroom, Mr Witness,
6 so just an approximation, if you cannot tell, you can, for instance, give an estimation
7 by things which are typically known, for instance, football field distance, and so on
8 and so forth.

9 Now, in the case of the Lapul camp vis-à-vis the barracks, how would you estimate
10 the distance between the barracks and the edge of the Lapul camp?

11 A. [10:20:07] Well, that was really near because I think even a football field is
12 longer than the distance.

13 PRESIDING JUDGE SCHMITT: [10:20:17] Then would you say it was perhaps half
14 a football field or even less?

15 THE WITNESS: [10:20:25](Interpretation) I would say half of a football field.

16 PRESIDING JUDGE SCHMITT: [10:20:38] Thank you, Mr Witness.

17 So you see when you have a reference point, Mr Ayena, you can picture things much
18 easier.

19 MR AYENA ODONGO: [10:20:46] Very well.

20 PRESIDING JUDGE SCHMITT: [10:20:48] And perhaps, lest we not forget, I asked
21 the question that I impeded you asking in the beginning perhaps, so as that we do not
22 forget it.

23 Mr Witness, you have described how the life in the IDP camp was. Compared with
24 that, how was your life before you had to move there?

25 THE WITNESS: [10:21:23](Interpretation) Well, thank very much, your Honour.

1 The life in the IDP camp was really difficult. It was very difficult because even if
2 you were hungry, there was nothing you could do. If you were sick, you didn't
3 have much to do, you just had to wait for whatever will come. If they bring certain
4 things, that will be good enough. There are times you don't have access to some of
5 these services. Therefore, life in the camp was really very difficult.

6 PRESIDING JUDGE SCHMITT: [10:22:06] I think we can -- it's clear that there is
7 a clear distinction between life before and after moving to the camp.

8 MR AYENA ODONGO: (Microphone not activated)

9 PRESIDING JUDGE SCHMITT: [10:22:17] I can't hear you at the moment, so you
10 will have to switch on the microphone.

11 MR AYENA ODONGO: [10:22:23] My Lord, I was just commending you for
12 putting -- I mean, clarifying on the question of the distance. And I'm glad that you
13 have personal knowledge of the place so you could put the question very well.

14 PRESIDING JUDGE SCHMITT: [10:22:42] (Microphone not activated)

15 There was of course a reason why we have been one year ago, I think exactly one year
16 ago at a certain place.

17 MR AYENA ODONGO: [10:23:00]

18 Q. [10:23:03] Now, can you tell Court the type of soldiers who were living in these
19 camps? Or who were in charge of the security of the camps? Were they regular
20 UPDF or what kind of soldiers were there?

21 A. [10:23:46] Well, thank you. The soldiers who were providing protection to the
22 camp included the UPDF and the LDU. Those were the two categories that I was
23 aware were providing protection to the IDP camp.

24 PRESIDING JUDGE SCHMITT: [10:24:10] Mr Witness, do you recall how many
25 people this would have been at the time, how many, if you add UPDF and LDUs?

1 THE WITNESS: [10:24:23](Interpretation) Your Honour, that is a bit difficult for me
2 to estimate because I could always see them pass by or moving around, but to
3 establish from the barracks their number was difficult for me.

4 PRESIDING JUDGE SCHMITT: [10:24:47] That's okay. It was simply -- if you don't
5 have a basis for an assessment, that's fine.

6 Please, Mr Ayena.

7 MR AYENA ODONGO: [10:24:55]

8 Q. [10:24:56] Perhaps, Mr Witness, I can assist you, to find a basis for assessing the
9 number. You know, you said the camp was divided into 12 blocks. Would
10 you -- how many blocks would the camp constitute, for instance?

11 A. [10:25:19] Twelve.

12 Q. [10:25:31] And how many people would be in one block?

13 A. [10:25:45] Well, the number of people varied, some blocks, because they would
14 not really count the number of people but instead the number of households.

15 A block would have between 30 and 40 households.

16 Q. [10:26:13] Now if you looked at the barracks, they also had huts just like huts in
17 the -- in the IDP camp -- I mean, did they have huts like the ones in the IDP camps?

18 A. [10:26:41] As residents of the camp, we were not allowed to move near to the
19 barracks.

20 PRESIDING JUDGE SCHMITT: [10:26:56] I think we leave this point. And we
21 have probably recognised that Mr Black was not rising when you asked your last
22 question. But you can move on, please.

23 MR AYENA ODONGO: [10:27:07] Yes.

24 Q. [10:27:07] Now, Mr Witness, there were UPDF and the LDUs. For an ordinary
25 person living in the camp was it -- was there a difference -- I mean, was there any

1 distinct features by which you could differentiate between a UPDF soldier and an
2 LDU soldier?

3 A. [10:27:43] Well, it was difficult to distinguish because they would move together
4 and it would be -- it was difficult for me to distinguish between the UPDF and then
5 the LDUs.

6 Q. [10:28:12] And you finally saw the LRAs. Was it easy to distinguish between
7 the dress code of the LRA and the soldiers who were protecting you?

8 A. [10:28:34] Well, yes, you could be able to distinguish.

9 Q. [10:28:53] Can you tell Court the behaviour, the conduct of the soldiers in the
10 barracks towards the civilians, the camp dwellers?

11 A. [10:29:17] The soldiers who were in the barracks, they would take their positions
12 around the camp in the night and if for any reasons you were moving in the night,
13 they would capture you and sometimes they would beat you up or they will take you
14 and you will spend the night in the barracks, and the next day, the leaders of the
15 camp or government leaders would be able to go and pick you from the barracks.

16 Q. [10:30:10] And you told Court, Mr Witness, that you were not allowed to go to
17 the barracks. Was this regime of restriction applicable to the soldiers in the camp not
18 allowing them also to come to the residence -- the camp residence?

19 A. [10:30:39] The soldiers in regards to the soldiers coming to the camp, we had
20 some soldiers who had relatives or friends who were in the camp and they would
21 come to the camp, to the residence of the camp. And when they finished their visit,
22 they would go back. There is no restriction for them to enter the camp.

23 Q. [10:31:27] According to your observation, did they freely mix with the civilians?

24 A. [10:31:48] No, they do not mix freely with the civilians. They move in groups,
25 especially in the evenings and mornings, to assess and find out if any soldier escaped

1 from the barracks and slept in the camp. If they find a soldier who has slept in the
2 camp they would arrest the soldier and go with.

3 Q. [10:32:24] And when you talked about the LDUs, did you learn where they were
4 recruited from?

5 A. [10:32:52] It is difficult to know who -- where they were recruited. The only
6 thing that made me know this is an LDU is because they spoke Acholi and some of
7 them are also relatives. But when we came to the camp we found they were already
8 there.

9 PRESIDING JUDGE SCHMITT: [10:33:23] Mr Ayena, we had quite a number of
10 witnesses who had more immediate knowledge about this matter, I think we can skip
11 that and go to another one.

12 MR AYENA ODONGO: [10:33:37] I'm guided, my Lord.

13 Q. [10:33:40] Was there ever any curfew placed on the camp residents? Was it
14 a clear curfew in the camp?

15 A. [10:33:57] Yes.

16 Q. [10:34:07] Can you describe to Court how the declaration of that curfew was
17 operationalized and implemented by the soldiers?

18 A. [10:34:26] The curfew was from 8 p.m., you should be in your house within the
19 camp, you should not go outside the camp, you should stay within your house and
20 within the camp up to 7 or 8 a.m. in the morning, then people would start moving.

21 Q. [10:35:09] Now, when you were within the camp, were you free to move
22 without restraint within the camp? Can you get out of your -- could you get out of
23 your house and visit a friend, maybe, in the next block?

24 A. [10:35:41] No.

25 Q. [10:35:50] How about during the day, how far out of the camp were you allowed

1 to move?

2 A. [10:35:59] The farthest you can go is 2 kilometres outside the camp.

3 Q. [10:36:27] (Microphone not activated) found as further afield as 10 kilometres,
4 what would happen to you?

5 PRESIDING JUDGE SCHMITT: [10:36:33] The witness said 2 kilometres now. It's
6 in -- just to make the record clear, he said 2 kilometres.

7 MR AYENA ODONGO: [10:36:39] Yes, he said 2 kilometres. And I'm asking --

8 PRESIDING JUDGE SCHMITT: [10:36:41] Yes. I know that in the witness
9 statement there might be something else.

10 Ah, Mr Witness, you want to address us? What do you want to say?

11 THE WITNESS: [10:36:54](Interpretation) I am requesting -- I am not seeing the
12 video of people who are talking there. I'm not seeing it.

13 PRESIDING JUDGE SCHMITT: [10:37:06] Thank you, thank you that you tell us.

14 We have to fix this, of course, first before we continue. And perhaps we get to know
15 relatively soon if this takes a longer time or if we can stay here in the courtroom.

16 (Pause in proceedings)

17 PRESIDING JUDGE SCHMITT: [10:38:26] So we don't know how long it lasts, but
18 obviously it would last more than one or two minutes and we would not want to sit
19 here silently without conversation.

20 So what I suggest is we have now a little bit earlier the break, the coffee break, and we
21 meet again here at a quarter past 11, hoping that everything is fixed then.

22 THE COURT USHER: [10:38:56] All rise.

23 (Recess taken at 10.39 a.m.)

24 (Upon resuming in open session at 11.27 a.m.)

25 THE COURT USHER: [11:27:49] All rise.

1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [11:28:12] Mr Witness, do you hear me and do you
3 see me?

4 THE WITNESS: [11:28:18] (Interpretation) Yes, I can hear you.

5 PRESIDING JUDGE SCHMITT: [11:28:21] And do you see me and the other Judges,
6 and all the others in the courtroom? Do you see us? Do you have a free sight on
7 what's going on here.

8 THE WITNESS: [11:28:35] (Interpretation) I can only see one person right now, but
9 the image is even blurred.

10 PRESIDING JUDGE SCHMITT: [11:28:41] Yes. But I think that's okay that
11 you -- when you see one person at a time, and you will soon see Mr Ayena, defence
12 counsel, who is going to continue his examination.

13 You have the floor, Mr Ayena.

14 MR AYENA ODONGO: [11:28:58]

15 Q. [11:29:02] Sorry about the technical age, Mr Witness, but we live in a world, in a
16 world where we are not in control of many things.

17 I want us now to talk about what happened in Pajule, which might be the reason of
18 your coming here. After the barracks moved from Pajule to Lapul side, do you
19 remember any attacks that happened after that?

20 A. [11:29:57] After the relocation of the barracks, there was, there was no attack.
21 But before the relocation, yes, there was.

22 Q. [11:30:08] Do you remember an attack on Pajule camp in 2003?

23 A. [11:30:26] Yes, I do.

24 Q. [11:30:29] Okay. In that case then I will ask you to describe your experience in
25 the -- in a second, but I want to ask you a few small questions first.

1 Can you tell Court what was there on the night before the attack. Can you describe
2 what was -- what happened. What was -- was that a special night in the lives of the
3 people in the camp, and Uganda as a whole?

4 A. [11:31:17] What was happening was that we had Independence Day celebration
5 before the attack. That was on 9 October. That's the day Uganda celebrates
6 Independence Day. It was all well that day. During the day everything was okay,
7 until the night at about 7.30 to 8, and as usual that is the time for the curfew and
8 people would cease moving about, everyone went to their respective huts.

9 Q. [11:32:25] Now --

10 PRESIDING JUDGE SCHMITT: [11:32:28] I think you can -- we have made quite
11 good experiences, for example, with the last witness, if we induce the narrative, and
12 you don't lose any question that you want to ask afterwards, perhaps. So perhaps I
13 give it a try. Let him talk freely and then you can come back to any question that
14 you want to ask, I would suggest.

15 MR AYENA ODONGO: Okay --

16 PRESIDING JUDGE SCHMITT: [11:32:52] Yes.

17 Mr Witness, you said that during the night and in the evening of 9 October 2003
18 everything was okay. But then something obviously has happened, I think it's fair to
19 say that and nobody will complain about that. Could you please tell us, in your
20 recollection, what you today have still in your mind what happened on that day.
21 You can talk freely and what your recollection is until today.

22 THE WITNESS: [11:33:31] (Interpretation) As I remember, later in the day, about
23 dusk, before people went to their respective places, the camp leaders and the
24 sub-county chairpersons were telling the people --

25 PRESIDING JUDGE SCHMITT: [11:34:14] So there is again a problem with the video

1 link. Today seems to be one of these days.

2 Again a few seconds, I'm informed. I think in the word "few" is a margin of
3 appreciation.

4 There comes of course a time when a few seconds falls out of the scope of this margin.

5 (Pause in proceedings)

6 PRESIDING JUDGE SCHMITT: [11:37:14] Obviously, the assessment was wrong, so
7 we break again until 12 o'clock and then go from 12 to 1.

8 And I think we, Mr Ayena, we will finish in the afternoon. We have -- I, of course,
9 know the statement and I know the summary, it should be no problem if we simply
10 continue in the afternoon to finish the witness.

11 Lest Mr Black tells me he needs three hours for the examination.

12 MR BLACK: [11:37:49] I wouldn't say that, your Honour. I do think 30 or
13 40 minutes is likely.

14 PRESIDING JUDGE SCHMITT: [11:37:56] I think that will be okay.

15 Yes. So we break now until 12 o'clock and hope that the technical problems are
16 solved. Until then.

17 THE COURT USHER: [11:38:07] All rise.

18 (Recess taken at 11.38 a.m.)

19 (Upon resuming in open session at 12.00 p.m.)

20 THE COURT USHER: [12:00:55] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [12:01:15] So obviously this is a technical problem
23 that cannot be influenced by the Registry, so it might occur every once in a while.

24 We don't hope that it will. We hope for the best, but nevertheless it could happen.

25 Mr Witness, sorry for the inconvenience. It sometimes happens that the connection

1 breaks down. I hope it will not during your further testimony.

2 You have been interrupted when you were telling us what happened on

3 10 October 2003. I would ask you to simply start there and tell us what you recall

4 from the day what happened, and why not speak it out openly how the attack that

5 might have been at this day has unfolded.

6 THE WITNESS: [12:02:19] (Interpretation) On the 9th it was Independence Day, and

7 for us in Uganda we celebrate Independence Day. That's the day we are told the

8 country received independence. On that day we spent the day very well until sunset.

9 As the sun was setting, the leaders were telling the people in the camp that they need

10 to be vigilant, people should not drink recklessly because the security situation was

11 not very clear. People needed to be clear and cautious, so much so that if anything

12 happens people will know how to take care of themselves.

13 Between 7.30 and 8 p.m. -- personally, I had engaged in a lot of activities because

14 I had a friend who would give me tasks to perform, he was a business person, so

15 I would do small, a few things in there with him to raise some little money to take

16 care of my family. I would sell for him. Sometimes when he butchers animals, then

17 I would be the person selling the meat. Sometimes I also collect hides, and then

18 trading them.

19 So that evening, between 7.30 and 8, I was already exhausted. I went to my bed and

20 slept. And whatever happened thereafter, well, it's difficult for me to say because I

21 slept until dawn. The day was almost breaking and then I started hearing gunshots.

22 That was the next morning of the 10th. That is what I know. That's what I can

23 remember.

24 PRESIDING JUDGE SCHMITT: [12:05:02] And after the gunshots, what happened

25 then?

1 THE WITNESS: [12:05:12] (Interpretation) After, afterwards, because when the
2 gunshots started, it didn't cease immediately, it carried on for quite a while, and then
3 all of a sudden I heard somebody kicking my door. They broke into my -- they
4 would break your door and get into your house and pick you and bring you out. I
5 could also hear from the area where the shops are, people were breaking into shops,
6 and eventually it also came to me. They came and broke my door, they went in and
7 pulled me out of my hut. I came out and found there were so many people already
8 out there, people who were abducted and there was some gun-wielding people who
9 were giving items to these people who were out to carry them.
10 They also gave me some items to carry. But there were lots of exchange of fire and
11 they started running with us to leave the camp to move eastwards. And that was
12 when there was already daylight.

13 When we left the edge of the camp and we were approaching the bush, there was
14 really a lot of gunshots and even when we were just leaving the camp, some people
15 were caught in the cross-fire. I saw even somebody near me who was shot. And
16 later on, there was a helicopter gunship that came, a military helicopter came and
17 started hovering above us, they ran with us, guided us, ran with us into the bush in
18 the eastern direction. That was how I was abducted.

19 PRESIDING JUDGE SCHMITT: [12:07:18] Thank you, Mr Witness.

20 Who were these people --

21 (Interruption)

22 PRESIDING JUDGE SCHMITT: [12:07:31] I'm sure this person does not speak to me.

23 Can we continue? Okay, yes.

24 Who were these people? Who were these people, Mr Witness --

25 THE WITNESS: [12:07:55] (Interpretation) I can hear you.

1 PRESIDING JUDGE SCHMITT: [12:07:57] -- who kicked the door and abducted
2 you?

3 THE WITNESS: [12:08:02] (Interpretation) When they moved with me and we had
4 moved for about 2 miles, that's when I came to realise that these were LRA rebels.

5 PRESIDING JUDGE SCHMITT: [12:08:21] Were any items looted from your house?

6 THE WITNESS: [12:08:33] (Interpretation) They looted a radio set from my house,
7 they picked away my beddings and other clothes.

8 PRESIDING JUDGE SCHMITT: [12:08:44] What happened to your family?

9 THE WITNESS: [12:08:52] (Interpretation) I was in the house of my second wife.
10 She was also abducted. They moved with her as well, but she had a baby strapped
11 on her back and they released her along the way. And she said she went and hid in
12 a sorghum garden and many of the people crossed, went, and then they were not able
13 to see her. She stayed there until they all left her there.

14 PRESIDING JUDGE SCHMITT: [12:09:30] And did anything happen to the other
15 members of your family?

16 THE WITNESS: [12:09:43] (Interpretation) When I returned after five months, I came
17 and found that there was a big problem at home. My child had his right arm
18 amputated and I asked them, I asked the mother what had happened to the child.
19 The mother told me that there was a bomb blast, a bomb landed on the building
20 where they were sleeping and that's when he got hurt. And the arm could not get
21 cured, so he was taken to Gulu Hospital and they amputated the hand. And right
22 now he has only the left hand. The right is amputated.

23 PRESIDING JUDGE SCHMITT: [12:10:51] We are sorry to hear that, Mr Witness.
24 How old was the child in 2003 when this happened?

25 THE WITNESS: [12:11:11] (Interpretation) Eight years then.

- 1 PRESIDING JUDGE SCHMITT: [12:11:13] And can you tell us how the child is
2 doing today or it is an adult now, as an adult?
- 3 THE WITNESS: [12:11:29] (Interpretation) That child --
- 4 PRESIDING JUDGE SCHMITT: [12:11:46] I think he said something.
- 5 THE INTERPRETER: He said "that child".
- 6 PRESIDING JUDGE SCHMITT: [12:11:52] If you don't feel comfortable to talk about
7 it, I think we would not insist, we would not insist.
- 8 So I think, Mr Ayena, perhaps you continue. We have covered what happened
9 during the attack, so to speak, and the witness finished when he was already
10 abducted. Perhaps from thereon that we carry on.
- 11 MR AYENA ODONGO: [12:12:18] Mr President, your Honours, I think I'll make a
12 few follow-up questions.
- 13 PRESIDING JUDGE SCHMITT: [12:12:24] Yes, absolutely, of course.
- 14 MR AYENA ODONGO: [12:12:26]
- 15 Q. [12:12:28] Now, when you were abducted, Mr Witness, did you observe the
16 actual target of why the LRA came to the camp?
- 17 A. [12:13:11] Well, I never got to know why.
- 18 PRESIDING JUDGE SCHMITT: [12:13:19] I think we have to accept that simply.
- 19 MR AYENA ODONGO: [12:13:23] Yes.
- 20 Q. [12:13:24] When they came, Mr Witness, did they randomly shoot at the civilian
21 people?
- 22 A. [12:13:45] You know that started when it was still dark, and as the day cleared
23 we only noticed that we were now being herded away. So it was difficult for me to
24 see whether they were randomly shooting at civilians, but people lost lives.
- 25 Q. [12:14:18] There were gunshots. Do you know who were shooting the guns?

1 Was it -- yes, do you know who were shooting the guns?

2 A. [12:14:35] There were lots of gunshots so much so that it was difficult to
3 establish who exactly was firing the guns. They were moving with us in a haste,
4 they were beating us, telling us to hurry so we could leave the scene of the fighting
5 and move away.

6 PRESIDING JUDGE SCHMITT: [12:15:00] Mr Witness, could you ascertain if the
7 soldiers of the UPDF or the LDUs also were involved in firing of the arms?

8 THE WITNESS: [12:15:25] (Interpretation) I think yes, they were engaged as well
9 because the gunfires were a lot coming from the direction where they used to take
10 position behind the camp. Each time they are taking -- giving protection to the camp,
11 they would take position there and there were shots coming from there as well.

12 PRESIDING JUDGE SCHMITT: [12:15:51] Thank you.

13 Mr Ayena.

14 MR AYENA ODONGO: [12:15:54]

15 Q. [12:15:54] And you talked about the helicopter that came and was hovering over
16 your head, especially when you were moving. Can you tell Court, can you estimate
17 about how long this took place, the gun -- I mean, the gunship?

18 A. [12:16:21] Yes, there was a helicopter hovering above for quite some time.
19 I think the whole day until evening, it would come, hover above and then move back,
20 return. For the whole day we kept on walking and it kept on pursuing us.

21 Q. [12:16:48] Now, you were on the move. Can you tell Court how long it took
22 you to reach Te Ogul?

23 A. [12:17:13] From Pajule camp to Lela Ogul, if I can remember, it was between 9
24 and 10 o'clock in the morning.

25 Q. [12:17:33] And while you walked, apart from the helicopter gunship that was

1 hovering over your head, did you see any UPDF or the allied forces also following
2 you and engaging the LRA?

3 A. [12:18:08] It was difficult to notice that. We were all very scared and they were
4 moving with us hastily. We were not allowed to make any stops, so it was difficult
5 for me to notice that.

6 Q. [12:18:34] Now, can you tell Court what you remember when you arrived at the
7 large RV at Lela Ogul?

8 A. [12:18:59] What I saw or what I heard was when we arrived at Lela Ogul we
9 found LRA commanders, many LRA commanders who were sitting under a big tree.
10 They gathered everyone who was abducted from Pajule together and when they
11 instructed people to sit down, people did so.

12 Then one of the commanders, one of the commanders of the LRA out of the many
13 stood up and greeted the people. Then he asked the people, "Do you know me?"
14 and people responded that they didn't know him.

15 Then he said he was the one referred to as Otti Vincent. And he asked the people,
16 "Did you hear about this name?" The people said, "Yes, we've heard about that."

17 And then he said, "The person addressing now is the Otti Vincent you've heard of."

18 Then he started telling the people that he was happy to meet the people and he was
19 telling the people that people should leave the camps, people should not stay in the
20 camps. The reason why they went to Pajule was not to go and fight or attack the
21 civilians or cause any harm to the civilians, they went there to fight with their
22 enemies, who were the UPDF soldiers.

23 A civilian who could have got injured will not have been their intention to do so, but
24 it was only because in a cross-fire people can get caught. Those shots can touch
25 anyone or anything, even trees and anything in the surrounding. That's what could

1 have happened.

2 And if people were not in the camp, they could not have got hurt. They have been
3 informing people to leave the camps, or they were even telling people not to go to the
4 camps, but people did not pay heed. That is the result of the defiance. That's what
5 I heard him talk about. That was my first time to see him, the first time to see Otti
6 Vincent was then.

7 PRESIDING JUDGE SCHMITT: [12:22:29] Did any other commander introduce
8 himself to the crowd?

9 THE WITNESS: [12:22:48] (Interpretation) At that time no other commander
10 introduced themselves. But while we were going there, one of the commanders who
11 was walking nearby, his colleagues were referring to him as Lukwiya Raska and
12 I was about to see him and know him. But during the address of Otti Vincent, no
13 other commander introduced themselves, because after his address then people were
14 split into different groups.

15 PRESIDING JUDGE SCHMITT: [12:23:23] Mr Ayena.

16 MR AYENA ODONGO: [12:23:24]

17 Q. [12:23:24] I'm interested about the setup of the RV. When you first arrived and
18 you found them seated, can you describe to Court the seating arrangement. Where
19 was Vincent Otti seated? And can you describe how many people were sitting
20 on -- about, an estimate. I know that you cannot maybe remember all, but can you
21 tell approximately the number of people you know were senior seated together with
22 Vincent Otti.

23 THE WITNESS: [12:24:24] (Interpretation) Well, it was not easy to identify the
24 people there because everyone was frightened, we had just been abducted. But I
25 saw them. They were many.

- 1 PRESIDING JUDGE SCHMITT: [12:24:41] Did you come to know the name of any
2 other commander later? I mean the commanders that were present at this RV, to be
3 precise.
- 4 THE WITNESS: [12:25:04] (Interpretation) No, I did not.
- 5 PRESIDING JUDGE SCHMITT: [12:25:06] Okay. I think that's -- you can continue.
- 6 MR AYENA ODONGO: [12:25:10] Yes.
- 7 Q. [12:25:11] Let us take a step backwards. When you were abducted -- first of all,
8 let me begin like this: Do you know somebody called Rwot Oywak Ywaka-Moi?
- 9 A. [12:25:37] Yes, I do.
- 10 Q. [12:25:40] Did you ever come to know whether he had any close link with the
11 leadership of the LRA?
- 12 A. [12:26:04] The link between them, well, I never heard of it, but while we were
13 walking, going to Lela Ogul, he was walking together with one of the commanders I
14 talked about earlier that was called Raska Lukwiya. They were walking in a relaxed
15 way, they were conversing and laughing.
- 16 Q. [12:26:34] So from the way you observed, did Rwot Oywak also appear to be an
17 abductee like any of you? Was he abducted, or -- yeah?
- 18 A. [12:26:59] Well, the way I saw him, he looked different from the rest of the
19 abductees because they did not remove his clothes, he didn't carry any luggage, but
20 the rest of the people, whether you are young or elderly were given items to carry.
21 But for him, he was walking freely with all his attire the way he left his house.
- 22 PRESIDING JUDGE SCHMITT: [12:27:27] I think that's enough of an answer. We
23 had this several times.
- 24 MR AYENA ODONGO: [12:27:41]
- 25 Q. [12:27:47] Now, Mr Witness, during your time in the bush did you ever meet

1 Dominic Ongwen, otherwise popularly known as Odomi, Lapwony Odomi?

2 A. [12:28:13] I remember him.

3 Q. [12:28:17] Now, with the benefit of hindsight, do you remember seeing him at
4 the RV where you were addressed by Vincent Otti?

5 A. [12:28:45] Well, I don't recall.

6 PRESIDING JUDGE SCHMITT: [12:28:56] How did you meet him? And how do
7 you recall his actions, or if, even if you could have, have some interaction with him,
8 how would you recall him when you met him?

9 THE WITNESS: [12:29:24] (Interpretation) Well, they were moving with me in the
10 bush. I was put in a group called Gilva and the commander of that group was called
11 Major Tulu. And while I was with Major Tulu he used to stay in a place I was told to
12 be a place where they would keep the injured, the sick and then the pregnant ones.
13 He was the one taking care of them. So I was put in his group, I was with them
14 because they looked at the able-bodied persons to be used to carry the injured ones or
15 carry heavy luggage, so I was with him.

16 And while I was with him, one time they came to me, one of the commanders was
17 called Tata, he was referred to as Lapwony Captain Tata, he came and picked me and
18 I asked him where they were taking me. Then Lapwony Tata told me that Lapwony
19 Lapaico was the one summoning me. Then I did not object to that.
20 Then we started walking and we went to where Lapaico was, and I was told that
21 Lapaico was in a group called Trinkle. When I arrived I found Lapaico, but from
22 home we used to call him with a different name. I found out that he was my relative
23 and he was my in-law, was the husband to my sister. And he told me that he is the
24 one who has sent for me because he heard that I was abducted and I was with them in
25 the bush.

1 He started asking about home and I started telling him how people were at home,
2 how people were in the camp, how life was difficult. I told him all that. He told me
3 that if his fellow soldiers ask me why I called him -- Lapaico called him, I should tell
4 them that he called me to repair the radio. I accepted what he told me.

5 While with him I found he was with another person called Acaye Ekomok. I stayed
6 with Lapaico and he told me that he had plans to go to Sudan. He told me that if he
7 returns from Sudan, he would take me and make me return home. That day he told
8 Lapwony Tata to pick me and take me to a group which was closer to him. From
9 that group I should be taken back home to -- I should be taken back to Gilva, and the
10 group which I told them to transfer me is called Sinia, and he told me that the person
11 who was leading Sinia was Lapwony Odomi. And that day I was taken to Lapwony
12 Odomi.

13 When I reached there he saw how I was because of the luggage I was carrying and the
14 people I was carrying, I was a bit injured. He gave me a capsule to swallow. He
15 also gave me shea butter. I stayed for about four, five days, maximum a week, and
16 then he gave permission to Tata to take me back to Gilva.

17 That is how I met Lapwony Odomi.

18 PRESIDING JUDGE SCHMITT: [12:35:18] Thank you.

19 That covers a lot of the paragraph 35, following, of the statement. But I think you
20 might have further questions in that regard.

21 MR AYENA ODONGO: [12:35:30] Yes.

22 Q. [12:35:33] After meeting Odomi and observing the way he is, how he looks like,
23 did you find anything distinct about him? What was his state of being?

24 A. [12:36:10] From my observation, the way he was walking showed that there was
25 something wrong with one of the legs or one of the thighs. He was not walking

1 normally. I wasn't allowed to go -- to get close to him. For us who were in *dog adaki*,
2 if he wanted to speak to me, they would take me to him. But I didn't even have the
3 chance to stay with him for long.

4 Q. [12:36:57] Now, from the little you saw him and the distinct figure -- feature
5 about him you've talked about, could you have missed identifying him if he was at
6 the RV where you were addressed by Vincent Otti?

7 A. [12:37:46] If I had seen him there I would have remembered. But I did not see.

8 Q. [12:38:00] And while at the RV, did you see Rwot Oywak being assaulted?

9 A. [12:38:28] I did not see anything that happened personally, but I heard from -- I
10 heard when one of the commanders whom I said was called Otti Vincent say that the
11 injured, the elderly and people with other weaknesses, he would leave them with
12 Rwot Oywak and they would move with the healthy, able-bodied people. That is
13 what I saw and heard.

14 Q. [12:39:19] If you know, did you ever come -- or, did anybody ever told you or
15 did you ever come to know which unit of the LRA actually attacked Pajule?

16 A. [12:39:51] Thank you for the question. After two weeks, two or three weeks,
17 that is when, let me say that is when the people, the person I was carrying, the person
18 who was injured called Nyero Loryok, he was injured when I was carrying him. Then
19 he told me that the group that attacked Pajule was a group called Control Altar.

20 Q. [12:41:05] Did you discuss with him the names of some of the commanders
21 other than him who participated in the attack?

22 A. [12:41:30] It is difficult to respond to that. As a soldier, he would not tell me
23 who was a visitor, a lot of things. I did not even have the courage to ask him many
24 questions. It was difficult.

25 Q. [12:41:52] But for the time you remained in the bush did you hear anybody

1 mention that Dominic Ongwen participated in the attack?

2 A. [12:42:33] I did not get that question clearly. Can you repeat it?

3 Q. [12:42:38] The question is: When you stayed in the bush for the period you
4 were there, did you hear anybody say that Dominic Ongwen was one of the
5 commanders who participated in the attack?

6 A. [12:43:05] I do not remember hearing such a thing. I did not hear.

7 Q. [12:43:14] After your abduction for how long did you initially stay in Gilva
8 sickbay?

9 A. [12:43:47] I stayed mostly in that place. It was only the brief moment that I
10 mentioned earlier that I was taken away, but I was later returned to the same place.

11 PRESIDING JUDGE SCHMITT: [12:44:05] So then to try to put this into the right
12 perspective, how long did you stay in the bush, just an estimate?

13 THE WITNESS: [12:44:30] (Interpretation) I think it's five months.

14 PRESIDING JUDGE SCHMITT: [12:44:34] Thank you.

15 And I think, Mr Ayena, we don't need more specificities about the stay with the
16 sickbay with Major Tulu. More interesting were the week or some days with
17 Mr Ongwen or in the group of Mr Ongwen.

18 MR AYENA ODONGO: [12:45:07] My Lord, you know, I want to find out from him
19 whether he can assist to establish the time when Dominic Ongwen was actually in
20 command.

21 PRESIDING JUDGE SCHMITT: [12:45:27] This is no problem, of course. I -- it
22 might be difficult for you to do this with this witness, but you can give it try. I
23 simply wanted to refer to what might be more relevant, which is of course the time
24 that he might have spent with Mr Ongwen, and what is perhaps less relevant. But if
25 you want to give it a try this is another angle, so to speak, that you want to address,

1 but I won't stop you here.

2 But before you start, a last thing, we don't, having read the statement of the witness,
3 we don't need to delve very much into his escape, I think. Yes.

4 MR AYENA ODONGO: [12:46:16] Okay, that's why I'm not rushing there
5 (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [12:46:19] Yes, yes. No, absolutely. I just wanted
7 to flag it so since I not -- so I don't forget it later.

8 MR AYENA ODONGO: [12:46:26] Much obliged, your Honour.

9 Q. [12:46:31] Mr Witness, allow me to have the aid of my glasses.

10 PRESIDING JUDGE SCHMITT: [12:46:36] Who would understand this better than I?

11 MR AYENA ODONGO: [12:46:39] Mr President and your Honours, I want to
12 refresh the memory of the witness by referring him to page 9, paragraph -- UGA --

13 THE COURT OFFICER: [12:47:11] Tab 1? Just for clarifications.

14 MR AYENA ODONGO: [12:47:14] Yes, tab 1. Yes.

15 THE COURT OFFICER: [12:47:17] Thank you.

16 MR AYENA ODONGO: [12:47:18] Tab 1. UGA-D26-0022-0360 and particularly
17 to --

18 PRESIDING JUDGE SCHMITT: [12:47:30] 368 in the end.

19 MR AYENA ODONGO: [12:47:33] 368 at the end of it and paragraph 5, "Life in the
20 LRA."

21 Q. [12:47:42] You stated:
22 "I spent around two months, maybe a little bit longer, with Gilva Sickbay. After
23 those approximate two months, I was transferred to Trinkle for around one week
24 under the command of Laphony Oyat Lapaico."
25 Does this help to --

- 1 PRESIDING JUDGE SCHMITT: [12:48:10] This is not a contradiction, I think, to
2 what the witness said. I have no problem with putting it to him, but it does fit into
3 what the witness has told us today. But we can ask him of course if he recalls the
4 time with Lapaico was about a week.
- 5 Do you recall that, Mr Witness, now that you hear it being read to you from your
6 former statement?
- 7 THE WITNESS: [12:48:51] (Interpretation) That is what I said.
- 8 PRESIDING JUDGE SCHMITT: [12:48:54] I think we can take it at that.
- 9 MR AYENA ODONGO: [12:48:57] Yes.
- 10 PRESIDING JUDGE SCHMITT: [12:48:57] And then he has already said around
11 about a week in the Sinia and then back to Gilva. I think he has told us everything.
12 So there is nothing, no information, let me word it this way, no information that I can
13 detect that would be open there that has not been really elaborated with him.
- 14 MR AYENA ODONGO: [12:49:35]
- 15 Q. [12:49:36] When you met Dominic, was he fit? Was he sick? Can you tell
16 Court the state he's -- I mean --
- 17 PRESIDING JUDGE SCHMITT: [12:49:48] This is a little bit of repetition.
18 Mr Witness, you have already told us that he had problems to walk, if I have
19 understood you correctly. Was there any other issue with his health that you recall?
- 20 THE WITNESS: [12:50:23] (Interpretation) No, I did not see any because I did not
21 stay long with him. I did not know anything.
- 22 PRESIDING JUDGE SCHMITT: [12:50:34] Could you observe when you saw him
23 walking if he used some help to get along when he walked?
- 24 THE WITNESS: [12:50:59] (Interpretation) He would limp.
- 25 PRESIDING JUDGE SCHMITT: [12:51:02] No, I think I can be more direct, I think

1 nobody would complain.

2 Did he use a stick to make himself more comfortable when he walked?

3 THE WITNESS: [12:51:21] (Interpretation) He would walk with a limp, but he did
4 not use a stick. You would see clearly that he was limping.

5 PRESIDING JUDGE SCHMITT: [12:51:32] Thank you. I think that that has covered
6 it quite extensively. Mr Ayena, please.

7 MR AYENA ODONGO: [12:51:41]

8 Q. [12:51:41] The way you observed within his circles, was he in effective
9 command of any unit at that time?

10 PRESIDING JUDGE SCHMITT: [12:51:59] You know the word "effective command",
11 okay, but yeah, let -- we let the witness answer and look what's coming out of it.

12 THE WITNESS: [12:52:16] (Interpretation) Can you repeat the question please.

13 PRESIDING JUDGE SCHMITT: [12:52:19] Well let me give it a try, because effective
14 command, there is a certain assessment in it which perhaps is something would have
15 to be drawn out of what the witness says and not be put to him in the question
16 already.

17 When you said you were transferred to this group, who was -- this group, Sinia, for
18 five, six, seven days, whatsoever, who was the commander of this group?

19 THE WITNESS: [12:52:58] (Interpretation) Lapwony Lapaico said they should take
20 me to the Sinia group because they were closer to where he was. Since he was
21 leaving that place, there would be no place where I would remain, so they should
22 take me closer to another group so that I am able to return to Gilva. Sinia was closer
23 there. I was told that the group Sinia was being commanded by Lapwony Odomi.

24 PRESIDING JUDGE SCHMITT: [12:53:54] Please continue.

25 MR AYENA ODONGO: [12:53:56]

1 Q. [12:53:57] Now, Lapaico was in charge of a sickbay. When you went to
2 Dominic Ongwen, was he also in charge of a sickbay?

3 MR BLACK: [12:54:09] Excuse me, your Honour. Objection. I don't recall him
4 saying that Lapaico was in charge of a sickbay.

5 PRESIDING JUDGE SCHMITT: [12:54:18] Yes, that is -- I think I have to sustain that,
6 because I also, I needed also a couple of seconds to where we were to that. I had the
7 impression that the witness said, or the recollection I have, that Major Tulu was
8 commanding the sickbay. So Lapaico seems -- so you have, you would have to
9 change a little bit. There is some -- something that is not quite correct in the
10 question.

11 MR AYENA ODONGO: [12:54:41] I am much obliged. Actually, when, when I
12 asked the question (Microphone not activated) Tulu. I don't know (Overlapping
13 speakers)

14 PRESIDING JUDGE SCHMITT: [12:54:50] No, I think that the witness is quite clear
15 in what he is saying.

16 MR AYENA ODONGO: [12:54:57] Yes.

17 PRESIDING JUDGE SCHMITT: [12:54:57] And we appreciate that. And I think he
18 said it was Major Tulu.

19 MR AYENA ODONGO: [12:55:01] I wanted to say Tulu. It was just a slip of the
20 tongue. I apologise.

21 Q. [12:55:07] Major Tulu was in charge of the sickbay. When you went to
22 Dominic Ongwen, was he in charge of a sickbay or it was just an ordinary command
23 responsibility?

24 A. [12:55:32] Can you repeat the question, I have not understood it.

25 PRESIDING JUDGE SCHMITT: [12:55:36] Yes. Also, it's command responsibility

1 is -- no, we all know that this is a legal term.

2 MR BLACK: [12:55:42] And it may just be that he doesn't have any basis to know. I
3 mean, counsel could ask him to describe who was with, what kind of people were in
4 this group, or something like that (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [12:55:51] Yes, but I think we can, we can shorten
6 this a little bit.

7 Mr Witness, the group you were transferred to for this, let's say a week, were there
8 also sick people in this group?

9 THE WITNESS: [12:56:17] (Interpretation) No.

10 PRESIDING JUDGE SCHMITT: [12:56:18] Okay. I think we can now go to another
11 point.

12 MR AYENA ODONGO: [12:56:33]

13 Q. [12:56:33] And when you were with him, how did Lapwony Odomi treat you?

14 PRESIDING JUDGE SCHMITT: [12:56:49] The witness has mentioned already
15 something, that he helped him with a medical issue. We know of course from the
16 statement that -- perhaps you can word it a little bit more focused with regard to how
17 the -- or, if Mr Ongwen did say anything about treating abducted people. Perhaps,
18 in that matter.

19 MR AYENA ODONGO: [12:57:20] Yes.

20 PRESIDING JUDGE SCHMITT: [12:57:23] It's paragraph 44 of the statement.

21 MR AYENA ODONGO: [12:57:26] Yes.

22 Q. [12:57:28] I am sure you've heard what the Judge has said. Can you tell Court
23 how Dominic Ongwen treated those who had newly been abducted?

24 PRESIDING JUDGE SCHMITT: [12:57:53] That's okay.

25 THE WITNESS: [12:58:06] (Interpretation) From my observation, newly abducted

1 people would be mishandled by the lower rank soldiers who were under the
2 command of the commander such as Lapwony Odomi. But the commanders such as
3 Lapwony Odomi would talk to people well, they would teach people, tell them,
4 assure them to stay without fear.

5 One day when we were moving and we were crossing a main road with them, I was
6 carrying a jerrycan and the jerrycan overturned. Someone who was one of the foot
7 soldiers knocked my lips with the butt of the gun and my lips cracked. I did not
8 know that Lapwony Odomi had seen. He had seen what happened. When we
9 settled down where we had reached, the person was summoned and he gave a strong
10 warning to that person that, "What you are doing was bad. Someone who has been
11 abducted escapes because of what you are doing. You are mistreating this person,
12 this person is older than you in age, you should respect him as someone who is your
13 elder. Now you have beaten this person and you have injured the person. That is
14 not good. I am giving you a last warning and, should you do it again, I'll give you a
15 very severe punishment."

16 When he gave, he gave a warning to that person for mistreating me, I saw that he was
17 someone who did not encourage mistreatment. That is what I saw.

18 PRESIDING JUDGE SCHMITT: [13:00:44] That's much more specific than we had it
19 here. So we can continue.

20 MR AYENA ODONGO: [13:00:51] Are we ending at 1 o'clock, My Lord?

21 PRESIDING JUDGE SCHMITT: [13:00:55] It depends a little bit. If you would, for
22 example, tell us that you would only need 10 or 15 minutes, or even less, then I would
23 say we continue and have the break then.

24 If you want to confer, simply, or think about it, I don't want to push you here, then we
25 will have the lunch break now.

- 1 MR AYENA ODONGO: [13:01:31] We might as well have the lunch break because
2 I can see some of your staff looking at me with a begging ...
- 3 PRESIDING JUDGE SCHMITT: [13:01:43] No, first you finish and then I give the
4 witness the floor.
- 5 MR AYENA ODONGO: [13:01:47] I was saying that it seems everybody would be
6 happy to stop now because it's the usual lunchtime, then we come back in the
7 afternoon.
- 8 PRESIDING JUDGE SCHMITT: [13:02:00] Mr Witness, I am informed that you
9 wanted to address us. Please speak.
- 10 THE WITNESS: [13:02:12] (Interpretation) Your Honours, I am feeling a little
11 headache now.
- 12 PRESIDING JUDGE SCHMITT: [13:02:20] We pick that up, that decides the matter,
13 so to speak.
- 14 And, Mr Ayena, I'm not sure if everyone, but the most important person today,
15 meaning the witness, if he needs and wants a break we will have it until 2.30. But
16 we finish in the afternoon, definitely. Yes.
- 17 THE COURT USHER: [13:02:44] All rise.
18 (Recess taken at 1.02 p.m.)
19 (Upon resuming in open session at 2.36 p.m.)
- 20 THE COURT USHER: [14:36:01] All rise.
21 Please be seated.
- 22 PRESIDING JUDGE SCHMITT: [14:36:21] Good afternoon, everyone. Good
23 afternoon, Mr Witness. Could you relax a little bit during the break? Yes, please
24 speak.
- 25 THE WITNESS: [14:36:40](Interpretation) With great honour, I would request

1 the Court if it were possible, let me continue with the hearing tomorrow. I am
2 feeling pain, I have headache and then my eyes are also paining.

3 PRESIDING JUDGE SCHMITT: [14:36:55] I think, since I understand and also from
4 reading what expects us tomorrow, this should be possible. And let's say we have
5 the afternoon session tomorrow, I would say.

6 Or perhaps you can tell me, Mr Obhof, or Mr Ayena, how long will your direct
7 examination take -- of 113 take tomorrow?

8 MR AYENA ODONGO: [14:37:24] Maybe about one and a half hours.

9 PRESIDING JUDGE SCHMITT: [14:37:27] One and a half hours.

10 MR GUMPERT: [14:37:28] Currently, I haven't thought of any questions to ask.
11 I can't promise that it will be none, but it will be close to none.

12 PRESIDING JUDGE SCHMITT: [14:37:37] Okay, then we do it simply the following
13 way. We say tomorrow, let's say at 12 o'clock, whatsoever, that should be -- we
14 continue with this witness and we start with the other witness at 9.30. Yes.
15 So, Mr Witness, you have heard what we have said. We accommodate your wish.
16 And we hope that you are feeling better overnight and we continue with your
17 testimony tomorrow at 12 o'clock. I hope that's fine with you.

18 THE WITNESS: [14:38:15](Interpretation) Thank you.

19 PRESIDING JUDGE SCHMITT: [14:38:16] And I can assure you it will not take very
20 long from then, tomorrow. Perhaps, perhaps half an hour, an hour, I would
21 estimate.

22 This concludes the hearing then for today. We resume tomorrow at 9.30, starting
23 with D113. Hope to finish this witness until 11 o'clock, I am optimistic, let me put it
24 this way, and we continue then probably at 12 o'clock or a little bit later with our
25 witness from today.

Trial Hearing
UGA-D26-P-0081

(Open Session)

ICC-02/04-01/15

- 1 Have a nice day.
- 2 THE COURT USHER: [14:38:49] All rise.
- 3 (The hearing ends in open session at 2.38 p.m.)