

Trial Hearing
WITNESS: UGA-D26-P-0113

(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 Friday, 7 June 2019
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:32] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:57] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:33:01] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:13] Thank you.
20 I ask for the appearances of the parties.
21 MR BLACK: [9:33:18] Good morning, your Honour. Colin Black for the
22 Prosecution, together with Benjamin Gumpert, Hai Do Duc, Yulia Nuzban,
23 Pubudu Sachithanandan, Jasmina Suljanovic and Grace Goh.
24 PRESIDING JUDGE SCHMITT: [9:33:35] Thank you.
25 And for the LRVs.

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1 MR NARANTSETSEG: [9:33:37] Good morning, Mr President, your Honours.

2 Today I'm appearing with Ms Caroline Walter and my name is Orchlon Narantsetseg.

3 Thank you.

4 PRESIDING JUDGE SCHMITT: [9:33:43] Mr Cox.

5 MR COX: [9:33:44] Good morning, your Honours. With me, Anushka Sehmi,

6 James Mawira and myself, Francisco Cox.

7 PRESIDING JUDGE SCHMITT: [9:33:51] Thank you. And finally the Defence and

8 actually, I see a face from the, I would not say the distant past, but you will introduce

9 her I think.

10 MR AYENA ODONGO: [9:34:03] Thank you very much, Mr President and your

11 Honours. Today I'm appearing with Gordon Kifudde, assistant to counsel;

12 Mr Obhof, Thomas, assistant to counsel; Chief Achaleke Taku, co-counsel; and our

13 very own Abigail Bridgman who has given us the pleasure of her company today;

14 Mr Roy Titus Ayena, case manager; and our client Dominic Ongwen is in court.

15 PRESIDING JUDGE SCHMITT: [9:34:38] Thank you very much.

16 And a special welcome of course to the witness of today. On behalf of the Chamber,

17 Mr Okol, I would like to welcome you in the courtroom. We are glad to see you

18 here.

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20 (The witness speaks Lango)

21 THE WITNESS: [9:34:54] (Interpretation) Thank you.

22 PRESIDING JUDGE SCHMITT: [9:34:56] Mr Witness, there should be a card in front

23 of you with a solemn undertaking. Could you please read this card out aloud.

24 THE WITNESS: [9:35:09] (Interpretation) I solemnly declare to speak the truth, the

25 whole truth, nothing but the truth.

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1 PRESIDING JUDGE SCHMITT: [9:35:30] Thank you very much, Mr Okol. Do you
2 agree with this undertaking?

3 THE WITNESS: [9:35:35] (Interpretation) Yes, that is what brought me here.

4 PRESIDING JUDGE SCHMITT: [9:35:38] Indeed, that is a correct assessment.

5 Before we start with your testimony, in this courtroom everything is written down

6 and interpreted and to allow for the interpretation, everyone has to speak at a

7 relatively slow pace. If you need a break, for example, raise your hand and I will

8 give you then the word and you can tell us what concerns you.

9 I give now the floor to the Defence.

10 Mr Ayena, please.

11 MR AYENA ODONGO: [9:36:08] Mr President, before I start my examination, there

12 is a small matter that I wanted to address to Court in private session.

13 PRESIDING JUDGE SCHMITT: [9:36:20] Then let's go to private session.

14 (Private session at 9.36 a.m.)

15 THE COURT OFFICER: [9:36:40] We are in private session, Mr President.

16 (Redacted)

17 (Redacted)

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- 25 (Open session at 9.43 a.m.)

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1 THE COURT OFFICER: [9:43:49] We are back in open session, Mr President.

2 QUESTIONED BY MR AYENA ODONGO:

3 Q. [9:44:01] Good morning, Mr Witness.

4 A. [9:44:05] Good morning.

5 Q. [9:44:07] I first of all want to take this opportunity to thank you for coming to
6 help this Honourable Court to arrive at the correct decision in the course of
7 administration of justice.

8 But before I go to the next, perhaps I will seek -- I should have sought to proceed in
9 private, but --

10 PRESIDING JUDGE SCHMITT: [9:44:37] It's not, it's not -- I understand that. It's
11 not a problem. We have said that and we have an audience here. There are often
12 issues to discuss in a courtroom, especially at an international court, which should not
13 become public. Because of that, there is every once in a while we have a little bit
14 back and forth between private and open session.

15 So we go again to private session shortly, but we will come back to open session
16 relatively soon.

17 (Private session at 9.45 a.m.)

18 THE COURT OFFICER: [9:45:12] We're in private session, Mr President.

19 (Redacted)

20 (Redacted)

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2 (Open session at 9.50 a.m.)

3 THE COURT OFFICER: [9:50:41] We are in open session, Mr President.

4 MR AYENA ODONGO: [9:50:46]

5 Q. [9:50:47] Mr Witness, you have already told Court that you're a traditional
6 leader in Lango. Can you tell Court, briefly, how one assumes stewardship of that
7 leadership?

8 A. [9:51:18] To be a leader, first of all, of that particular clan you have to be born in
9 that clan so that you can be able to lead them within the clan.

10 Secondly, your age should be from 45 years upwards and you must have a clean
11 record whereby you have not been convicted in any courts of law and your track
12 records for everything that you have been doing is clean, without any doubts in them.
13 You should also be a clear-headed person without records that are tainted with your
14 past history. Should be someone who loves the people, who likes people, is
15 welcoming. So these are some of the qualities of a traditional leader.

16 Q. [9:53:00] And as you assume your office, are there some rituals that are
17 performed to initiate you into leadership?

18 A. [9:53:26] Yes, but the courts of law have, in a certain way, upheld the roles of the
19 traditional leaders, but I have been directed to step aside by certain procedures within
20 the law. There is a particular royal stick that I should have been holding during my
21 office, but because of the instructions that were issued by the courts, I have been
22 asked to put this stick aside. Because once you don't have that royal stick, it means
23 you are not a leader of the clan. So at this moment I am not a leader, I am not a clan
24 leader because of the directive of the court. And once I have -- I am through with the
25 court proceedings, then I will go back to the throne and continue with the role. But I

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1 also thank God for what has happened.

2 PRESIDING JUDGE SCHMITT: [9:54:44] You know, we have, in court we have also
3 our rules, so this is, let me word it this way, sort of a neutral area, but of course your
4 position you don't lose when you enter this Court. What you say is a, I understand,
5 is a formal observation, but it is simply so that we are, before the law we are all equal
6 for this moment and for the moment of your testimony. And this is the reason why
7 we don't allow people to bring any additional items with them that might elevate
8 them over the others. But, nevertheless, your personality and what you are, that of
9 course you bring with you when you come to this courtroom. Just a remark by me.
10 Please, Mr Ayena.

11 MR AYENA ODONGO: [9:55:39]

12 Q. [9:55:42] Mr Okol, as a by the way, I want you to know that in my team I have a
13 traditional leader from Cameroon, Chief Achaleke Taku. He is very much in the
14 same position as you are, and when he works here he's hardly recognised as a chief --

15 PRESIDING JUDGE SCHMITT: [9:56:06] But at least you all wear robes. So this is
16 something distinctive that we do.

17 So please, Mr Ayena, please continue.

18 MR AYENA ODONGO: [9:56:16]

19 Q. [9:56:18] Mr Witness, maybe, can you give an estimate of the number of subjects
20 you preside over and when you assumed your role.

21 A. [9:56:54] In the last year the people that were under my, were under my
22 leadership were in the range of 900,000 plus. But as of this year the census is still
23 going on and I hope that the number will go upwards. I have been in this traditional
24 leadership for 15 years now. Thank you.

25 PRESIDING JUDGE SCHMITT: [9:57:38] And I think, Mr Ayena, for the content of

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1 the witness testimony of most interest would be the role of the LDU and the role the
2 witness might have had in it, and establishment of IDP camps and these things.

3 MR AYENA ODONGO: Yes.

4 PRESIDING JUDGE SCHMITT: I would think these are the most important matters
5 and issues here to discuss with this witness.

6 MR AYENA ODONGO: [9:58:06] Yes. Maybe I will stick to that very religiously.

7 But allow me to ask one or two just (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [9:58:15] No, no, of course. But I simply wanted,
9 as I sometimes do, to flag it. So it's not to impede anything, it's simply to guide in a
10 really objective way.

11 MR AYENA ODONGO: [9:58:27] I'm much obliged.

12 Q. [9:58:31] Mr Witness, are there any special roles that come alongside being the
13 clan head? And if so, what special duties and responsibilities do you perform as a
14 clan leader?

15 A. [9:59:07] In performing the duties of a clan leader, one, to bring people together
16 and to arbitrate amongst the people. Back home there were issues during the war
17 where people left their homes, came to the camps and after they were taken back
18 home, they were asked to go back home.

19 There were a lot of conflicts related to land and one of the main things I am currently
20 doing is to solve land conflicts, try to reconcile the conflicting parties. We bring
21 them together and we listen to both sides, and if we see that one party is claiming
22 land which is really not indeed his, we try and talk to this person so that everything is
23 resolved locally. But if there are those that are above us and we fail to manage
24 locally, then we refer them to the courts of law.

25 We also preside over issues related to, for instance, related to reconciliation in case of

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1 a death that is caused by unwillful killing by someone, we bring the two parties
2 together. If we find that it was unintentional death, we bring these two parties and
3 we take them through the process of reconciliation.
4 And if we as the leaders find that this incident or the death was unwillful death, we
5 ask you, the person who caused the death, to plead for mercy from the families of the
6 deceased, and then later on other procedures that are related to the courts of law will
7 take over if that person was not remorseful. But if the person who was remorseful
8 and did not do intentionally, we will resolve this amicably and through the
9 traditional process, we will resolve it at that clan level.

10 Then the other smaller, smaller cases that are handled from the lower levels of the
11 clan, those ones do not come to me. But the ones that come to me are the major cases
12 related to killings and also the issues related to land.

13 So now that the war has subsided, the conflict has gone down, we are in peacetime
14 and these are some of the issues that we are now handling at the moment.

15 PRESIDING JUDGE SCHMITT: [10:02:49] So your work helps to avoid going to
16 court, let me put it this way.

17 Mr Ayena.

18 MR AYENA ODONGO: [10:02:59]

19 Q. [10:03:00] Now, as a traditional leader of one of the clans in Lango, do you
20 sometimes coordinate with elders from other regions like Acholi?

21 A. [10:03:21] Yes. Not only elders from Acholi, we actually link up with the elders
22 in Karamoja, in Teso, in Acholi. So once we have these kind of things that I have just
23 mentioned, if we have these situations, we sit together with the other cultural leaders
24 in the other regions and we solve some of these issues together.

25 So usually the kind of work that we perform is based on a win-win situation. We

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1 want to see that both parties are happy, both parties go back to live amicably. So all
2 this is same procedures that also happen in the rest of the other clans in the other
3 regions.

4 Q. [10:04:21] Thank you very much.

5 Now, Mr Witness, we are now going to a new area. I don't have to ask you whether
6 you know LRA, but from your perspective can you kindly describe to Court what you
7 know about LRA, how it came to be in Lango, and its activities in the region
8 generally.

9 PRESIDING JUDGE SCHMITT: [10:04:53] This is of course very broadly worded,
10 but I think we have a very distinguished person here, he might put it into perspective.
11 So counsel wants to know from you, I think I would word it this way, especially when
12 it comes to the Lango region, how you view the LRA and what has been going on
13 there with the LRA, in the Lango region.

14 THE WITNESS: [10:05:33] (Interpretation) Well, I think earlier I did not explain to
15 you at the -- but this is my record in my statement: I have been a district councillor
16 for 18 years, so during the height of the LRA activities I was already a district
17 councillor. And how they formed, how they started the operation, I was already a
18 political leader at the district level.

19 So during that time the situation was already bad. The government in which I am
20 currently had just come into power. It hadn't spent a long time in power and it was
21 difficult for it to adequately provide protection in northern Uganda, because
22 previously the previous government which were overthrown, there were so many
23 guns that were in the hands of the people. So when the LRA came, there were
24 already guns in the hands of the people. There were many different groups of forces
25 within the region, so to know which one is which during the time when the LRA

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1 came was difficult because first there was Lakwena and then there was a group that
2 was called Cel Ibong. There was another group called Olok. So these were -- others
3 groups called Ngol ipyere. So these were just groups that would emerge
4 spontaneously. Some would just organise and emerge and also, suddenly, they
5 would also die off along the way. So all these other smaller, smaller groups
6 suddenly along the way fell off and they ceased operation. And what remained was
7 only the LRA under Joseph Kony, which was much more stronger and operated for a
8 longer time. It was this that now led people to run away from their homes and went
9 to live in the camps.

10 So once people were in the camps, of course the government soldiers had a lot of
11 areas that they needed to give protection to, so it meant that because of the many
12 camps that were established, some of the camps were not adequately protected. So
13 the districts that were affected by the insurgency, like in Teso, in Lango and Acholi,
14 saw that it was now important, it was necessary to have some local way of
15 arrangement for providing security. So we sat down and requested the government
16 to allow us to find a local measure of recruiting people so that it can strengthen the
17 army.

18 Then the government accepted. We came down to Lango and we started recruiting
19 a group called Amuka. Amuka is a totem of Lango, which is a Lango totem, and the
20 Arrow group also was recruited in Teso and then in Acholi also they recruited. So it
21 was a result of the leaders in the northern region sitting down to agree with one voice
22 that, let us help our people that made us to go to the government with that request.
23 And indeed the government listened to our request and accepted that we should go
24 ahead with this recruitment, and indeed it worked and it helped quite a lot during
25 that time.

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1 PRESIDING JUDGE SCHMITT: [10:10:15] Thank you for this concise and at the
2 same time thorough description.

3 When were these camps established in Lango?

4 THE WITNESS: [10:10:38] (Interpretation) In Lango, well, the camps were set up at
5 different times, depending on the insecurity in that area. Let's say starting from
6 Lakwena, when Lakwena came, there are some people who could not live in their
7 areas so they had to move to the camps. If people would stay in the camps and it
8 would be easier to protect people.

9 So from the '90s, let's say from 1999 till the 2000s there were several camps sprouting
10 up in different places. Initially there were camps for cattle rustlers. During that
11 period people also went to camps, and that was during Obote's government, not the
12 current government.

13 So camps were something that people in northern Uganda were used to. So each
14 government would come with its own issues, send people to the camps.

15 For example, as a leader in a particular area where there are problems, then I would
16 also make sure that people are secure. So people were sent to camps whenever there
17 was any kind of insecurity. But for the -- for these current camps there were two.

18 In 2002 to 2006 that is when the camps were established and that is when they
19 allowed us to recruit our children, the Amuka. We had an agreement with the
20 government that the government -- the Amukas would be responsible for protecting
21 people in the camps, but they would not be responsible for fighting the LRA, and the
22 government accepted this. Because when the LRA are in the area, it's the
23 government soldiers that follow them, but the Amuka would protect people that are
24 in the camp.

25 So if the LRA, for example, goes to a particular area and diverts and comes back to the

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1 camp, then they will encounter the Amukas in the camp. So this would mean that
2 the LRA -- it would inhibit them from abducting children.

3 There were older people that were placed as Amuka, they were given weapons, they,
4 they were able to protect the people. And Kony also found it easier to abduct
5 children because children did not have guns, children did not have weapons and
6 usually children would run and hide in the bush. Kony used to hide in the bush.
7 He used to move around in the bush, so it was easier for him to find children in the
8 bush and abduct those children and take them. But the older boys were told that
9 "You are the ones who are going to protect us." We trained them and told them that
10 "You will be our protectors, you will be our shield." That's why the older people did
11 not encounter problems, but the younger children encountered problems.

12 PRESIDING JUDGE SCHMITT: [10:14:21] Thank you. You spoke of older boys.
13 What age would the Amuka have generally or what age range would they have?

14 THE WITNESS: [10:14:42] (Interpretation) The people who were recruited as the
15 Amuka, you know, your Honour, in northern Uganda there were a lot of problems
16 from previous governments as well. People were afraid of governments and people
17 were actually afraid of the current government as well.

18 So we had to discuss with the government. We had to ask the government to forgive
19 these people and then the government agreed to forgive them because whenever
20 there was -- whenever there was any dispute, people would leave and then there
21 would be problems.

22 So when we are talking about older people, we are looking at boys from 20 years
23 older, not younger children, and those are the people who were recruited. We
24 wanted mature people. We wanted adults. We did not want children. So it was
25 from 25 -- from 20 years up. And that included people who had previously been in

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1 the army, and those were also particularly helpful.

2 The, the turning point was when the Barlonyo incident happened and that is when
3 everybody got up and said, "If you, as a child, is not ready to protect our homes, then
4 we, as your cultural leaders, will disown you because you were born into our clan,
5 you were born into our culture, so you have to be ready to stand, you have to be
6 ready to protect your people."

7 So anybody from 20 years onwards were sent to, to be trained.

8 At the time it was just a question of wanting to preserve our lives. We wanted
9 security. That's what happened.

10 PRESIDING JUDGE SCHMITT: [10:16:48] And who trained them? Who trained
11 them? Was this former soldiers, was this UPDF?

12 THE WITNESS: [10:17:07] (Interpretation) It's the UPDF that trained them. There
13 were some people who were in the army, in the former armies, and they also helped,
14 they also helped training the other people.

15 PRESIDING JUDGE SCHMITT: [10:17:24] Thank you.

16 Mr Ayena.

17 MR AYENA ODONGO: [10:17:27]

18 Q. [10:17:28] Yes, I think you've covered that very well, but maybe I will ask you,
19 how was life before the incidents of, particularly let's concentrate about Kony's rebel
20 group, what was life like before the LRA invaded Lango?

21 A. [10:18:02] As I stated earlier, life was hard. Life was hard in the sense that
22 there were other groups, there were other rebel groups that were already present who
23 were disturbing people, who were causing insecurities. There was Lakwena.
24 Lakwena is the one who create -- started creating the insecurities.

25 You also have the Karamojong who also created problems. But there were other

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1 groups that had been formed after the Obote government had been overthrown.

2 There were groups, already other groups within the region and they also thought or
3 they believed that they were capable of overthrowing the government. They also
4 became rebels. They formed their rebel groups in northern Uganda. People who
5 fled from the war, people who fled from Museveni, from Museveni's government,
6 they all fled and they set up their groups.

7 And there were so many guns, there were so many guns about because when a
8 government is overthrown, people run with their guns, and everybody who had guns
9 set up their own groups. You had groups, rebel groups in Lango; you had rebel
10 groups in Acholi; you also had rebel groups in Teso.

11 So before Kony came, life was already hard. There was already insecurity, there
12 were already weapons, there were already rebels about.

13 Q. [10:19:47] Thank you very much. Now, you talked about how the camps were
14 set at the beginning, you know, people -- if I, I hope I got you right. Maybe let me
15 ask you, am I right to -- did I get you right that you said at a certain point people
16 spontaneously went to the camp according to the situation as --

17 PRESIDING JUDGE SCHMITT: [10:20:28] I think it's easier simply to ask an open,
18 an open question.

19 How did the people end up in the IDP camp? How were they formed?

20 THE WITNESS: [10:20:53] (Interpretation) As I stated early, that the camps were set
21 up depending on insecurity in a particular area. There were some voluntary camps
22 that were set up let's say from '89 to 2000. So if there's insecurity in your area, you
23 leave and move to the camp if life is better in the camp because there was strength in
24 numbers.

25 Because as I explained earlier, there were other groups that had weapons. There

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1 were other groups that were already in the area. Some of those groups were
2 taking care of protecting people. We had a group known as Dyang kala abutu.
3 Dyang kala abutu was responsible for protecting people that were in the camps and
4 they were there taking care of people because of the insecurity that was caused by the
5 Karamojong cattle rustlers.
6 So if it's necessary for you to go to a camp, you go to a camp for a certain period as
7 required, but the organised camps were set after we had registered, we had recruited
8 the Amuka because the government had already accepted that we have -- they had
9 accepted that we should recruit our people to -- our children to protect people, and
10 the government had agreed that they were not going to remove these children and
11 take them to war, but these children would be specifically responsible for taking care
12 of the people in the camps and that was the time that the camps were set up.
13 Your Honour, I'm not feeling very well. I would like to take a short break please and
14 then I will come back.

15 PRESIDING JUDGE SCHMITT: [10:22:56] That's no problem.

16 I wanted to ask you, Mr Ayena, do you have an estimate how long? I think it would
17 not be too, too much, I think.

18 MR AYENA ODONGO: [10:23:06] Not too much.

19 PRESIDING JUDGE SCHMITT: [10:23:09] Not too much. Then let's say we have
20 now the break, the coffee break until 11 o'clock.

21 I don't know if you will have a coffee, Mr Witness, or prefer a tea, but nevertheless,
22 we hope that you can recover during this time.

23 So we will meet again at 11 o'clock.

24 THE COURT USHER: [10:23:31] All rise.

25 (Recess taken at 10.23 a.m.)

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1 (Upon resuming in open session at 11.06 a.m.)

2 THE COURT USHER: [11:06:23] All rise.

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [11:06:50] Mr Witness, we hope that you could relax
5 a little bit during the break, and we continue now with the examination by
6 the Defence.

7 Mr Ayena, you have the floor.

8 MR AYENA ODONGO: [11:07:01] Yes.

9 Q. [11:07:03] Mr Witness, I was going to ask you quite a bit about the IDP camps or
10 what we sometimes refer to as internment camps, but luckily enough the judge was
11 very elaborate and the only thing I am going to ask you is to clarify on one aspect.
12 When you recruited the Amukas, and according to your testimony they were meant
13 to protect the camps, to protect the community and that seemed to be the
14 understanding you struck with the government. Now, can you tell Court whether
15 this understanding remained in force.

16 A. [11:08:17] Yes, it happened, they respected the agreement because, in the
17 beginning, for every sub-county, if we realised there was a problem, we would
18 request the government that every sub-county would only have those groups that
19 were recruited. But then there were situations that later on arose where some of
20 them would be taken to other areas.

21 So for the affected regions of Teso, Lango and Acholi, we sat down and made it an
22 agreement and a resolution which the government needed to follow, and indeed the
23 government followed and it helped to bring some change.

24 PRESIDING JUDGE SCHMITT: [11:09:22] I would like to ask one or two questions
25 and I would like to do that in private session.

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1 So we go to private session.

2 (Private session at 11.09 a.m.)

3 THE COURT OFFICER: [11:09:38] We are in private session, Mr President.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

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10 (Open session at 11.15 a.m.)

11 THE COURT OFFICER: [11:15:52] We are back in open session, Mr President.

12 MR AYENA ODONGO: [11:15:56] Regrettably, Mr President, I was about to ask that
13 you give me one or two minutes in private session.

14 PRESIDING JUDGE SCHMITT: [11:16:04] In private session. Okay, this can
15 happen. As I said, no problem. I don't complain. We go back to private session
16 for a short while.

17 (Private session at 11.16 a.m.)

18 THE COURT OFFICER: [11:16:19] We are back to private session, Mr President.

19 (Redacted)

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16 (Open session at 11.21 a.m.)

17 THE COURT OFFICER: [11:21:16] We are in open session, Mr President.

18 MR AYENA ODONGO:

19 Q. [11:21:24] Mr Witness, we are now going to your area of occupation at the
20 moment as a leader. Not only clan leader, but an elder. We are talking about
21 Tekwaro Lango or the Lango tradition. Is there any significant ceremony performed
22 by the Lango before being adjoined -- I mean, being allowed to go to war, or when
23 you are going for hunting, or on, you know, a serious journey?

24 A. [11:22:13] Yes, there are ceremonies that are performed. For instance, there are
25 certain kinds of traditional herbs which are used in the preparation. There is

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1 a calabash which is brought and then different kinds of flour are put in this calabash
2 and then they bring a certain particular type of grass and leaves. There is a special
3 leaf called the olwedo leaf, and it is put in this calabash. Then an elder, one of the
4 elders will make an incantation to provoke blessing upon you, if you will want to
5 travel, for instance. It is not far from what you would see, for instance, if the pope is
6 going somewhere, you see the sprinkling of water. This is also what, for us in the
7 traditional leadership, this is what happens. If you are going on a journey, this
8 ceremony is performed and then you start your journey. You do not turn back to
9 look back.

10 Then when you are going back home after you have completed your journey, like
11 now when I am going back, they will bring an egg and put in front of my vehicle and
12 then the vehicle will run over it at the front, one of the front wheel of the vehicle will
13 step on this egg and then I will be welcomed back home.

14 Especially now that -- I can give another example of what happened. Now with
15 what happened when I came, when I go back they need to go and cleanse me.

16 Because now, where I am seated, as I am seated here now, I am sitting not as their
17 leader. When I go back, they have to again take me through a ritual, because I will
18 have violated the cultural rule and it is me who is going to bear that cultural cost. I
19 have to go and plead to them and explain to them what happened so that they can
20 forgive me.

21 PRESIDING JUDGE SCHMITT: [11:25:08] I think that was quite interesting, but I
22 think we can move to another point.

23 MR AYENA ODONGO: [11:25:24] I want to relate it to this case, Mr President,
24 and --

25 PRESIDING JUDGE SCHMITT: [11:25:28] Yes, yes.

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1 MR AYENA ODONGO: [11:25:28] Yes.

2 PRESIDING JUDGE SCHMITT: [11:25:29] Please proceed.

3 MR AYENA ODONGO: [11:25:30] (Overlapping speakers) -- leave it hanging like
4 that, I would --

5 PRESIDING JUDGE SCHMITT: [11:25:31] Please proceed.

6 MR AYENA ODONGO: [11:25:32]

7 Q. [11:25:33] Mr Witness, do you know whether you share some of these cultures
8 and customs with the Acholi people?

9 A. [11:25:52] Yes, Lango and Acholi are one. Even some of my subjects are in
10 Acholiland. Some of them are in Teso. So we live in harmony. And what
11 happens is when there is a problem we do a reconciliation. For us in Lango it is
12 called *kayo cuk*, but in Acholi is called *mato oput*. So indeed, in some aspects our
13 cultural practices are similar.

14 Q. [11:26:41] And, Mr Witness, when you talk about performing some of these
15 rituals for people going to war, people going on a journey or on a hunting expedition,
16 what is the significance, what is the significance of the, of the ceremony?

17 A. [11:27:08] Well, mostly in hunting and when going to war, it is done majorly to
18 pray to God to give you the blessing to be safe from attacks and to be safe from some
19 dangerous animals and encounters. So if you do not follow this ritual, the
20 consequences may be big on you. So it is a belief in each culture, each tradition that
21 you need to follow because if you don't follow, you will face the consequences.
22 Because the people who perform these rituals are not young people. It is people of
23 our age, the elders, who do this ritual. So if you as an adult, male or female, if
24 you are going to a certain place and you do not follow this cultural rule, you will bear
25 the consequences.

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1 Q. [11:28:16] Now, in an ideal situation are there any particular cultural norms
2 supposed to be taught to children during their upbringing?

3 A. [11:28:40] Yes, there are many things that we need to teach the children.

4 Mostly, and especially when they are still young so that as they grow they grow with
5 this in their life, it is already in them, it is part of their life and they grow with it.

6 And they are taught according to their sex.

7 For instance, for the girls, it is the mothers, their mothers who sit down with them
8 and teach them. For instance, as they go to the well to collect water or as they go to
9 the garden to farm, that's what they do. And as for the boys, the boys, young or the
10 ones who are now in adolescence, mostly those ones, especially in the evening at the
11 fireplace from around 6 p.m., that's when they sit around the fireplace, they make
12 a big bonfire in the compound and people sit around this fire. So you are not
13 supposed to be absent during that time as a young person, as a child because that is
14 also the time that roll calls are done to ensure that everybody in that home is present
15 so that they talk about cultural issues, cultural things that are supposed to be
16 imparted to you. So everyone who is present at that time will listen. And, as for
17 a child, this is also the time that they learn a lot about these cultural norms.

18 But in relation to what you have asked -- been asking me about the conflicts we have
19 been having right from the time of Idi Amin to the time of President Obote, the
20 situation in northern Uganda was completely bad, the set-up was spoiled, the kind
21 of -- this cultural education that we would give to the children was destroyed.

22 But now, since we are having some peace, people are getting some relief. We have
23 gone back to try and rejuvenate it. We are rejuvenating this cultural education. But
24 we are starting from an angle of settling land conflicts, because right now there is still
25 quite a lot of anger in people, people are still angered by what happened during the

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1 war. So we are trying to try -- we are trying our best to work about this so that we
2 calm people who have been affected so that they know where they came from and
3 where we are now so that people are not reminded of what happened in the past.
4 So this is what we are currently doing. We are trying to pick up the pieces of our
5 cultural customs that we have been missing and I believe that with peace we will
6 restore the cultural glory that we had. And this is my role as a cultural leader. But,
7 indeed, because of the war, the cultural norms and traditions were destroyed during
8 the war and we were, we were not happy as cultural leaders.

9 PRESIDING JUDGE SCHMITT: [11:32:19] I appreciate it that you gave the witness
10 the opportunity to talk about that and the repercussions until today.

11 MR AYENA ODONGO: [11:32:28] Yes.

12 PRESIDING JUDGE SCHMITT: [11:32:29] Are there further questions, Mr Ayena?

13 MR AYENA ODONGO: [11:32:32] Yes.

14 PRESIDING JUDGE SCHMITT: [11:32:33] Yes. Please continue.

15 MR AYENA ODONGO: [11:32:34]

16 Q. [11:32:35] As a clan and cultural leader and elder, would you say there would be
17 a marked difference between a child who was tutored, as you have narrated, and
18 a child who did not have the opportunity to go through this cultural mentorship?

19 A. [11:33:07] Yes, there are certainly many differences. And that is one of the
20 things that has created some of the problems, the lack of cultural education among
21 young children.

22 Take me, for example, we taught you, we taught you during peaceful times and
23 you are okay. But there are some of the people who grew after you who did not get
24 the same, and I blame us, I blame us, the elders who are 60, 70, I blame us, because we
25 were -- there was conflict, we were fighting for things and that created the problems

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1 with the younger children, the younger generation, the generation that follows you,
2 and that created some of the problems that exist at the moment.

3 But if we had had the time to educate the children, the generation after you, then
4 there would have been no need for me to come here to The Hague. This Court
5 would probably not exist as well.

6 But I believe that we, as the elders, should take the blame for that, that we did not
7 perform our duties as we were supposed to perform them. We did different things,
8 we did other things, and that created some of the problems that exist at the moment,
9 and we seriously regret it.

10 Q. [11:34:52] Yes, Mr Witness, I am sure Court will appreciate your apology for
11 your failures, but before this Court we are dealing with a situation, a situation of
12 disruption rather than negligence of parents. So I want to ask you whether you have
13 had an opportunity to receive and live among children who returned from the LRA
14 war?

15 A. [11:35:40] Yes, yes, I have. Most of the children who came back from the
16 bush -- most of these children went as grownups, and some of them were former
17 soldiers who had been trained in former governments, those are the ones who went
18 and joined the LRA. But the other kids that were taken later on in life who did not
19 know anything, those are the ones who have created the problems, because those,
20 those children did not, did not get the necessary education and those children did get
21 the amnesty, the amnesty that was given. And that is why Kony thought that it was
22 very good to take the smaller children, the younger children. So he would take the
23 younger children, train them as he would like, indoctrinate them, and that's the
24 problem.

25 But the older people, the older people who went, the older people who had sense then,

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1 who knew better, came back and they benefited from the amnesty. But the younger
2 children that were taken, the younger children who did not know better were left
3 behind in the bush.

4 So the -- this is of great concern to us because we believe that it's those people who
5 willingly joined the army, those people who were old enough to know better, those
6 people were the ones who came and got amnesty. And those are the people who
7 should be held accountable for whatever has happened, because they went
8 knowingly, they knew what was going on.

9 Thank you.

10 Q. [11:37:46] Now, Mr Witness, from your observation, these children who were
11 abducted at a tender age and stayed perhaps in the bush for a considerable amount of
12 time, when they come back to the community, do they fit within the normal
13 behavioural patterns of their peers who were lucky not to be abducted?

14 A. [11:38:22] No, no, it's not the same. I don't think it's the same. Because it's like
15 a foundation. If you build a house with a strong foundation, the house lasts. If you
16 build a house with a weak foundation, the house will not last. It won't be same. So,
17 no, it's not the same.

18 The -- it's very difficult as well to take care of them within society, and that's why the
19 government is trying to help us to rehabilitate these children before sending them
20 back into the communities. But they always remember, they always remember what
21 happened in the bush and their minds are always in the bush, because that's what
22 they remember, that's what they knew. Because when they were taken they were,
23 they were young and those are the things that they were taught and those are the
24 things that they grew up with. So when they come back in the communities, well,
25 it's not the same. It does not seem to agree with them. They live in the

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1 communities with mental problems, so it's, it's difficult.

2 That's why we are trying, we are trying as cultural leaders to help these children.

3 We have to sit, we have to try and, and counsel the people, we have to try and take
4 care of the people. But those children will never be the same because of the way
5 their foundation started.

6 Q. [11:40:05] Yes, I was about to ask whether this apparent disorder in them
7 completely tend to disappear after a certain period of time, but from what you have
8 stated --

9 PRESIDING JUDGE SCHMITT: [11:40:23] I think the witness has answered it.

10 MR AYENA ODONGO: [11:40:25] Yes.

11 Q. [11:40:33] Now, Mr Witness, we are now talking to -- we are turning to a slightly
12 different but related subject, this is the subject of belief in the spirits.

13 You are an elder, cultural leader and somebody who has been in public affairs for
14 a long time. Does traditional Lango, we are talking about the traditional Lango, not
15 the modern one, do they -- does traditional Lango believe in the existence of spirits?

16 A. [11:41:26] There is belief in spirits. The only thing is that religion is trying to
17 bring about changes to convert people from their spiritual beliefs to try and tell them
18 that this does not exist. But we, the cultural leaders, we do believe in spirits. We
19 have a very strong belief in spirits, because some of the things that the spirits do
20 depend on your belief. If you believe, then it happens.

21 The same thing with religion. If you have belief in a particular kind of religion, yeah,
22 then it works, it works for you as well. So it all depends on your belief.

23 Q. [11:42:23] Now, Mr Witness, I don't know whether you can kindly describe to
24 the Court the traditional spiritual practices in Lango and how it shaped --

25 PRESIDING JUDGE SCHMITT: [11:42:35] That is too broad. Really, we

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1 don't -- you know, the witness is of course very able to talk about that, but this, this
2 question is too broad. It would have to be related somewhat to, to the issues here at
3 stake. You know, I'm really sure that, like Acholi, Lango has a rich tradition and has
4 a lot of cultural beliefs. So we cannot talk about all of that. That is simply too, too
5 broad.

6 MR AYENA ODONGO: [11:43:07] I am --

7 PRESIDING JUDGE SCHMITT: [11:43:07] Please respect that.

8 MR AYENA ODONGO: [11:43:09] I am guided, my Lord.

9 Q. [11:43:16] Now, how are people who are believed to be possessed by spirits
10 regarded by the community in Lango?

11 A. [11:43:36] I know both the cultures, I know the Acholi culture and I also know
12 the Lango culture. The possession, possession by spirits is mostly in Acholi. In
13 Lango it's, it's far and between. In Lango it's mostly illness. Spirits bring illness,
14 they make you sick. And they pray. When they pray they cast out this sickness.
15 But in Acholi, it's very strong, the issue of possession is much stronger. Let's start
16 with Lakwena. That really, really exhausted us. They smeared our children with
17 shea butter, they said if you are smeared with shea butter you will not be shot, bullets
18 will not go through you. But our children were killed. Our children were killed by
19 bullets. And as I said earlier, this all depends on -- this all depends on belief,
20 because if you are smeared with shea butter and have the belief that the bullet will
21 not go through you, then it will not go through you. But if you do not have the
22 belief, then the bullet will go through you.

23 After Lakwena we had Kony. But Kony's possession or Kony's spirits were much
24 stronger than Lakwena's spirits, yes. In the Acholi culture, yes, there is possession.
25 I do have some of my subjects who live in Acholi, I visit them and I know about these

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1 spirits.

2 PRESIDING JUDGE SCHMITT: [11:45:20] I think we leave -- I think we leave it at
3 that, I would suggest.

4 MR AYENA ODONGO: [11:45:24] Okay.

5 PRESIDING JUDGE SCHMITT: [11:45:25] And also considering that it is not in
6 the witness summary.

7 MR AYENA ODONGO: [11:45:38] Mr President, I think that will end my
8 examination.

9 PRESIDING JUDGE SCHMITT: [11:45:41] Thank you very much, Mr Ayena.

10 And a special thank you to Mr Okol, on behalf of the Chamber, that you came to this
11 Court and -- this was a little bit too quick, of course.

12 MR GUMPERT: [11:45:56] You anticipated correctly. There are no questions.

13 PRESIDING JUDGE SCHMITT: [11:46:00] No questions, okay.

14 No, the reason being that we have another witness in waiting, so I simply thought
15 perhaps I could expedite, but that was of course overstepping things largely.

16 Mr Narantsetseg?

17 MR NARANTSETSEG: [11:46:17] No questions, your Honour.

18 MR COX: [11:46:23] No questions, your Honour.

19 PRESIDING JUDGE SCHMITT: [11:46:24] Overstepping, but finally correct.

20 So, Mr Witness, on behalf of the Chamber I would like to thank you that you came to
21 this Court, that you took it upon you to come to this country, to this faraway Court
22 and that you helped us to establish the truth. We wish you a safe trip back home.

23 THE WITNESS: [11:46:48](Interpretation) Thank you. Thank you.

24 (The witness is excused)

25 PRESIDING JUDGE SCHMITT: [11:46:54] As I have said, we have another witness

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1 in waiting. When would this witness be able to come to this courtroom?

2 Okay, I hear in 15 minutes. So let's meet at 12 o'clock. So thank you for the
3 moment.

4 And again, Mr Witness, have a safe trip back home. Thank you.

5 THE COURT USHER: [11:47:15] All rise.

6 (Recess taken at 11.47 a.m.)

7 (Upon resuming in open session at 12.02 p.m.)

8 THE COURT USHER: [12:02:15] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [12:02:36] I think it's good afternoon for everyone
11 here, and especially for Mr Witness.

12 Good afternoon, Mr Witness.

13 WITNESS: UGA-D26-P-0081 (On former oath)

14 (The witness speaks Acholi)

15 (The witness gives evidence via video link)

16 THE WITNESS: [12:02:45](Interpretation) Good afternoon.

17 PRESIDING JUDGE SCHMITT: [12:02:47] Looking at you I have the impression that
18 you are feeling quite well today, or am I wrong?

19 THE WITNESS: [12:02:57](Interpretation) You are not wrong.

20 PRESIDING JUDGE SCHMITT: [12:02:59] Okay, so that is of course very good
21 information for us, and we continue now with the examination by the Defence. And
22 I think we have not finished the examination by the Defence, if I am correct, yes.
23 But Mr Ayena, you said you don't have so many things to cover anymore, but please
24 continue with that one, first.

25 MR AYENA ODONGO: [12:03:24] I don't have a lot to ask him, but maybe my

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1 question may provoke some questions from you. And that would now be out of my
2 hand.

3 PRESIDING JUDGE SCHMITT: [12:03:38] Let's see, of course.

4 QUESTIONED BY MR AYENA ODONGO: (Continuing)

5 Q. [12:03:40] Mr Witness, first of all, I am very sorry about your state of health
6 yesterday, and as remarked by the judge, and I think you have agreed, you are feeling
7 much better.

8 We shall continue from where we left yesterday, and remember you are still on oath
9 and your duty is just to tell the truth, as simple as that.

10 Now, Mr Witness, while you were in the sickbay with Tulu, would people in the
11 sickbay go on missions?

12 A. [12:04:34] People in the sickbay do not go for any other operation except to go
13 and look for food.

14 Q. [12:04:46] Thank you. And when in the sickbay how did Tulu contact
15 Bunia Ocan?

16 A. [12:05:17] Thank you. While I was in the sickbay, what used to happen was
17 that after one month it was agreed that people meet at an RV. So this happened once
18 when I was present.

19 Q. [12:05:46] Now we are going to turn to a few questions that will help to put you
20 perhaps in the context of this case. Could you please turn to tab 2,
21 UGA-D26-0022-0107.

22 (Microphone not activated) that document? Are you being helped to see the
23 document?

24 A. [12:06:43] Yes, I have seen the document.

25 Q. [12:06:48] What is it?

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1 A. [12:06:57] This document was given to me by the Amnesty Commission.

2 Q. [12:07:17] Thank you. And can you now turn to tab 3, which is

3 UGA-D26-0022-011.

4 MR OBHOF: [12:07:32] 0111.

5 MR AYENA ODONGO: [12:07:33] 0111, sorry, 111.

6 Q. [12:07:49] Do you recognise that document?

7 A. [12:07:55] Yes, I know.

8 Q. [12:08:00] Who issued that document to you?

9 A. [12:08:10] This document was given to us by Caritas.

10 Q. [12:08:21] Let us go to tab 4, which is the same UGA number, but at page 0115.

11 It is a Prosecution document. This one is a Prosecution document, at page 0115.

12 Mr Witness, do you remember reading a translation of this document?

13 A. [12:09:14] Maybe if I can -- if I can be given a translated copy in Acholi maybe so

14 that I can under (Overlapping speakers).

15 PRESIDING JUDGE SCHMITT: [12:09:23] I think it is best, Mr Ayena, if you tell

16 the witness what this document is about. It is obviously not made by, by the witness.

17 And then explain to him that there -- that it has a certain content that you want to put

18 to him, I would assume.

19 MR AYENA ODONGO: [12:09:45]

20 Q. [12:09:46] Mr Witness, this was a UPDF debriefing note. When the UPDF

21 received you, they talked to you, they counselled you and explained -- I mean, asked

22 you some questions.

23 And may I refer you now again to tab 4, no --

24 PRESIDING JUDGE SCHMITT: [12:10:14] Let me, let me perhaps prepare it a little

25 bit because the witness might not really put it into perspective.

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1 MR AYENA ODONGO: [12:10:22] Okay.

2 PRESIDING JUDGE SCHMITT: [12:10:23] So, when you came back from the bush,
3 had you been -- do you recall having been interviewed by the UPDF?

4 THE WITNESS: [12:10:34](Interpretation) Yes, I recall.

5 PRESIDING JUDGE SCHMITT: [12:10:37] This seems to be the document that
6 resulted out of -- the document that Mr Ayena is referring to, Defence counsel, is the
7 document that resulted out of this interview. And I am sure if we look at
8 paragraph 55 -- Mr Gumpert and Mr Black, if we look at para -- Mr Gumpert and
9 Mr Black, if we look at paragraph 55 of the witness statement, you would not
10 complain if Mr Ayena directly asks the witness why something is perhaps not been
11 mentioned in this?

12 MR BLACK: [12:11:19] That's fine, your Honour, no problem.

13 PRESIDING JUDGE SCHMITT: [12:11:21] Yes. So this, Mr Ayena, this simply
14 would shortcut it because it is difficult to ask a witness about things that have not
15 happened and in an open manner. So you can directly ask him. Mr Obhof knows
16 where I am.

17 MR AYENA ODONGO: [12:11:36]

18 Q. [12:11:37] Now, Mr Witness, in your statement under paragraph 55, and I beg to
19 read, you said:

20 "I was asked by the Defence why I did not mention" any time -- "my time with
21 Lapaicho or Odomi when I was interviewed by the UPDF at Achol-Pii. I did not
22 mention them to the UPDF because they did not ask. When I told them that I
23 escaped from Gilva Sickbay under Major Tulu, the -- the" -- they "only asked" -- "the
24 only" question asked "related to Gilva Sickbay. If they ... asked" -- "If they had asked
25 about me being with any other group, I would have told them."

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1 PRESIDING JUDGE SCHMITT: [12:12:31] So the question is, Mr Witness, if this is
2 still correct today in your, in your recollection?

3 THE WITNESS: [12:12:44](Interpretation) That's correct.

4 PRESIDING JUDGE SCHMITT: [12:12:45] I think that that will --

5 MR AYENA ODONGO: [12:12:46] Yes.

6 PRESIDING JUDGE SCHMITT: [12:12:46] -- shorten the whole thing.

7 MR AYENA ODONGO: [12:12:49] Yes.

8 Q. [12:12:51] And then again under paragraph 56, you said:

9 "I have read through UGA" -- that is the document -- "and confirm that everything
10 within that document is correct except for one thing. At Section 04(11), at page 0014,
11 I remember that ordinance being with Ocan Bunia and not Major Tulu."
12 Does this help to -- does it help you to remember?

13 A. [12:13:43] That is not correct according to what I said.

14 THE COURT OFFICER: [12:13:51] ERN reference, please. You referred to page 14
15 of a document. Could you please give the registry the ERN number, if it's --

16 MR OBHOF: [12:14:06] UGA-D26-0026-0012.

17 PRESIDING JUDGE SCHMITT: [12:14:12] And I think we are really talking here
18 about a minor issue.

19 Mr Witness, you have heard what counsel has read out, this is word by word what he
20 read out to you, paragraph 56 of your written statement. Hearing this now again,
21 would you confirm that this is correct or is there something that you would like to
22 change here?

23 THE WITNESS: [12:14:42](Interpretation) I request that that paragraph be read out
24 to me so that I understand well. Because I am not getting it clearly.

25 PRESIDING JUDGE SCHMITT: [12:14:52] That is indeed also difficult. Perhaps I

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1 may do it and without these page numbers, because the witness obviously does not
2 know something.

3 Obviously you had been -- have given the chance to read through a document.

4 By the way, Mr Ayena, which document is it?

5 MR AYENA ODONGO: [12:15:16] Tab 4.5.

6 MR OBHOF: [12:15:20] Four for English speaker, 4.5 for Acholi speakers.

7 MR AYENA ODONGO: [12:15:22] Yes.

8 PRESIDING JUDGE SCHMITT: [12:15:24] Yes. So, I "... confirm that everything
9 within that document is correct except for one thing."

10 And now comes the important point:

11 "I remember that ordinance being Ocan Bunia and not" with "Major Tulu."

12 MR BLACK: [12:15:41] Your Honour, if I could just add it, it's the specific, it's -- as I
13 understand it, it's paragraph 4, subpart 2 is what he's referring to there. I think that
14 may be significant.

15 PRESIDING JUDGE SCHMITT: [12:15:57] So ordinance with Ocan Bunia or
16 Major Tulu, do you recall which is correct?

17 THE WITNESS: [12:16:13](Interpretation) What I said was that the meeting at the
18 RV was with Ocan Bunia once, and I was present in that meeting.

19 PRESIDING JUDGE SCHMITT: [12:16:26] Okay, that clarifies it. Then I think that
20 that's enough for that point.

21 MR AYENA ODONGO: [12:16:51] Yes.

22 Q. [12:16:52] Now, Mr Witness, when you talk to people about your escape, what
23 date do you normally give as your date of escape?

24 A. [12:17:22] Well, it has been quite a while, so I could have mixed it up. I
25 escaped on 18 February, but in a certain document there I had forgotten and I gave

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1 the date as 5 March. But I escaped on 18 February.

2 PRESIDING JUDGE SCHMITT: [12:17:50] I think that's very clear, yes, and it exactly
3 concurs with paragraph 57 of the statement.

4 MR AYENA ODONGO: [12:17:58] Yes.

5 Mr President and your Honours, I think that's about all I have to ask. Over to them.

6 PRESIDING JUDGE SCHMITT: [12:18:17] Thank you very much, thank you for
7 reminding me over to them. So this, under the circumstances today, something that
8 perhaps the Presiding Judge has to be reminded of.

9 Mr Black, you have the floor for the Prosecution.

10 MR BLACK: [12:18:31] Thank you, your Honour.

11 QUESTIONED BY MR BLACK:

12 Q. [12:18:34] Mr Witness, hello, can you hear me all right?

13 A. [12:18:41] Yes, I can hear you.

14 Q. [12:18:42] We spoke for a few minutes the other day in the courtroom
15 familiarisation, you might remember that. I just -- I only have about 15 or
16 20 minutes of questions for you, so it won't take so long.

17 First, sir, before your abduction in October 2003, am I correct that you had never met
18 the accused person in this case, Dominic Ongwen, who you knew as Odomi?

19 A. [12:19:32] Never.

20 Q. [12:19:33] So you had never seen him before, never heard his name before?

21 A. [12:19:42] I not seen him.

22 Q. [12:19:46] Approximately two months after you were abducted, you said that
23 you spent about one week or five days in Odomi's group which was called Sinia.

24 And during that week that you spent under his command, you observed that he was
25 a calm person, correct?

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1 A. [12:20:16] Correct.

2 Q. [12:20:17] Could you just tell us what it was that you observed about him that
3 led you to think that he was a calm person.

4 A. [12:20:36] Why I said so, because of the kind of help that he rendered to me for,
5 for the warning that he gave to the -- his -- his junior soldier who had inflicted injury
6 on me. So he had warned that junior soldier not to repeat.
7 Secondly, he gave me medication, which I didn't expect anyone amongst them to give.
8 So, for those reasons, I considered him as a good person.

9 Q. [12:21:26] Thank you. Let me ask you a couple of questions about that. The
10 young soldier who mistreated you, the junior soldier who mistreated you, could you
11 estimate how old he was.

12 A. [12:21:49] I can estimate to be in the age range of 15 to 16 years old.

13 Q. [12:21:58] Were there other children in Odomi's group at the same age or
14 younger than that soldier?

15 A. [12:22:22] There were many people, and there were also many children.
16 Sometimes you find someone holding a gun, sometimes he's walking without a gun
17 in his hand. So it was difficult for me to clearly distinguish.

18 Q. [12:22:42] Yes, I understand that it was -- that it may have been difficult to know
19 people's ages exactly. But how old would you say some of these children were that
20 you saw in Odomi's group?

21 A. [12:23:07] From my estimation, I think the youngest could be 14 years.

22 Q. [12:23:17] Now you also mentioned again the time that Mr -- well, I'll call him
23 Odomi gave you medicine. That was to treat injuries to your shoulders, correct?

24 A. [12:23:39] Correct.

25 Q. [12:23:40] Could you describe for us the injuries that you had on your shoulders

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1 at that time?

2 A. [12:23:53] The injury that I had was because, when a person is injured there is
3 a makeshift stretcher which is made from rough poles and on these rough poles are
4 tied a sheet, a polythene sheet that would be used to carry this person. So these
5 poles were very rough and I was carrying the poles on my shoulders and would
6 cause injuries onto my skin. And, in addition, there are other luggages that you are
7 given to carry and as men we usually carry this luggage over our shoulders. So
8 these were the things that made me to get injured.

9 Q. [12:24:52] What other kinds of heavy luggage did you carry that caused the or
10 worsened the injury to your shoulders?

11 A. [12:25:14] After some time in the bush, that's when I was given a particular gun.
12 I do not know the name, but I was given this gun, heavy gun to carry with another
13 Lango boy called Kibonge. So I carried that gun, but I do not recall the name of the
14 gun.

15 Q. [12:25:43] Thank you very much for that.

16 Let me change now and I'm going to ask you some questions about the attack on
17 Pajule camp in October 2003. First of all, you have already explained that you were
18 living in the camp and you had been living there since, you said July 2002.

19 MR BLACK: Actually, your Honour, could I go into private session just for one
20 question.

21 PRESIDING JUDGE SCHMITT: [12:26:07] Absolutely.

22 Private session.

23 (Private session at 12.26 p.m.) *(Reclassified partially in public)

24 THE COURT OFFICER: [12:26:21] We are in private session, Mr President.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [12:27:00] So I'm understanding you to be a person who is pretty familiar with

9 this area so I will ask you some questions now and later to see if you can help us

10 understand how things relate to each other geographically from one place to the next.

11 And first I would ask you, Wanduku is about 10 kilometres north-east of Pajule; is

12 that right?

13 A. [12:27:40] Correct.

14 Q. [12:27:41] And Latanya is another approximately 10 kilometres beyond that past

15 Wanduku from Pajule, correct?

16 A. [12:27:56] Correct.

17 MR BLACK: [12:27:58] Your Honour, we can go back into open session. I forgot.

18 Thank you.

19 PRESIDING JUDGE SCHMITT: [12:28:05] Open session.

20 (Open session at 12.28 p.m.)

21 THE COURT OFFICER: [12:28:11] We are in open session, Mr President.

22 MR BLACK: [12:28:14]

23 Q. [12:28:15] Mr Witness, you may not know this, but if you do, when people refer

24 to Latanya hill or Latanya hills is that the same place as the town of Latanya or are

25 they referring to something different?

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1 A. [12:28:41] The centre of Latanya is at the foothill of the Latanya hills.

2 Q. [12:28:49] Okay. Thank you for that. I may come back to some more
3 questions about location later. But I want you now to turn your mind back to the
4 day of the attack. You have explained that when it started you were inside your
5 home in block 9 near the trading centre. And just to be clear, that was on the Pajule
6 side of the camp, correct?

7 A. [12:29:20] Correct, on Pajule side.

8 Q. [12:29:23] And you explained yesterday that you stayed in your house for
9 a while until you were forcibly taken from your home. And my question for you is:
10 How long were you inside your house after you realised the attack was going on until
11 you were taken?

12 A. [12:29:56] When the gunshots were firing outside, my wife was extremely scared
13 and she wanted to jump out, she wanted to run out of the house. I held her back. I
14 held her, stopping her from going out because I was afraid that she might get shot.
15 So I believe it was about an hour. I was trying to restrain my wife. I didn't want
16 her to go out. And I was trying to restrain her, trying to hold her, perhaps the
17 person who was outside heard us struggling from inside the house, then he kicked
18 the door, pulled me and took me outside. That's how it happened.

19 Q. [12:30:45] Now, while you were still inside the house you said yesterday that
20 you could hear that people were breaking into shops in the trading centre. While
21 you were inside the house could you see what was happening outside, or only hear
22 it?

23 A. [12:31:07] No, I could not see it. I was scared. We were hiding, we are hiding
24 in the house.

25 Q. [12:31:18] I apologise if you were asked this yesterday, but I don't remember

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1 that happening. How far was your house away from the, the army barracks on the
2 Lapul side of the camp?

3 A. [12:31:44] You mean from block number 9? The distance between my house
4 and the camp was -- well, there was kind of a distance. If I make a comparison, as
5 was advised yesterday to compare it with a football field, then in my estimation it's
6 approximately one and a half football pitches.

7 Q. [12:32:21] And is that one and a half football pitches, that's from your house to
8 the trading centre; have I understood you right?

9 A. [12:32:40] I was asked about the distance from my home to the barracks.

10 Q. [12:32:48] Okay, that's right. I thought -- I misunderstood you apparently. So
11 from your home to the military barracks you think there was only about one and
12 a half football fields; is that right?

13 A. [12:33:02] Yes. Yes. One and a half, yes.

14 Q. [12:33:11] When you were taken out of your home by the rebels, were you able
15 to see what was happening at the barracks?

16 A. [12:33:28] No, it was not visible.

17 Q. [12:33:33] And I take it then you also were not able to see what was happening
18 around the mission at that time?

19 A. [12:33:48] No, it was not visible either.

20 Q. [12:33:57] You mentioned yesterday that the LRA came from the east, or
21 possibly the north-east. That's more or less from the direction of Wanduku, correct?

22 A. [12:34:18] Yes, that's -- I guess that they came from that direction.

23 Q. [12:34:26] Okay, so you didn't see the LRA arrive for the attack or where they
24 came from?

25 A. [12:34:39] No, I did not see them.

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- 1 Q. [12:34:45] Now, during the attack itself, you have already explained that the
2 LRA abducted people to carry items that were being taken and you yourself were
3 abducted. But I don't believe you mentioned what you were made to carry initially.
4 Could you tell us that.
- 5 A. [12:35:19] At the beginning I was given a box of soap.
- 6 Q. [12:35:29] And what other things, if anything, on that day were you made to
7 carry?
- 8 A. [12:35:44] After the box of soap, I was asked to carry the injured person.
- 9 Q. [12:35:52] Was that Odong Murefu?
- 10 A. [12:36:00] Yes, precisely.
- 11 Q. [12:36:06] And later on, maybe even some weeks later you were made to carry
12 another person named Nyeko Loryok, correct?
- 13 A. [12:36:21] That's correct.
- 14 Q. [12:36:27] Now the LRA abducted hundreds of people from the IDP camp; is
15 that right?
- 16 A. [12:36:38] That's correct.
- 17 Q. [12:36:39] And you explained yesterday that some of those people were released
18 and returned to the camp. Can you recall the names of anyone who was abducted
19 from the camp and then released and returned safely home that day?
- 20 A. [12:37:09] Yes, I can recall some names.
- 21 Q. [12:37:12] It would be helpful if you would share those with us.
- 22 A. [12:37:30] I can give you about three names.
- 23 Q. [12:37:35] Please.
- 24 A. [12:37:38] There was a lady known as Paska; a teacher known as Oluge, he is
25 deceased, he died in 2017; and Opira Bosco. Those are the three people who I found

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1 when I came back from the bush.

2 Q. [12:38:21] And do you know of anyone who was abducted that day that came
3 back later, that maybe spent some time with the LRA like you did and then came back
4 home later?

5 A. [12:38:44] Yes.

6 Q. [12:38:46] Please tell us the names of the people you remember that fit that
7 description.

8 A. [12:38:59] Otti David, Oryema, and Ayela.

9 Q. [12:39:15] Do you remember the first names or the other names of Oryema or
10 Ayela?

11 A. [12:39:34] No, I do not know their other names.

12 Q. [12:39:39] Now you said yesterday that some people also lost their lives on the
13 day of the attack. Can you recall the names of any of the people who were killed
14 that day?

15 A. [12:39:58] I do recall the names of two people.

16 Q. [12:40:06] Please go ahead and say their names.

17 A. [12:40:13] There is Owot, I do not know his other name. And Onek Apang.

18 Q. [12:40:28] Do you know how they died?

19 A. [12:40:41] No, I do not know how they died.

20 Q. [12:40:45] Do you know the name Kinyera Lacung?

21 A. [12:40:59] Pardon?

22 Q. [12:41:00] Sorry, I just wanted to ask you about the name and whether you
23 know who this person was, and if you have any information about them for us,
24 a person named Kinyera Lacung. And I may be pronouncing that badly.

25 A. [12:41:24] No, I do not know.

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1 Q. [12:41:27] What about Pangrasio Onek, do you remember a person by that
2 name?

3 A. [12:41:39] Yeah, that's the one I mentioned, the one who is now deceased.

4 Q. [12:41:52] Okay, thank you, sir.

5 Let me ask you a few more questions about places now. When the attack was over,
6 you described how the LRA moved eastwards. Is that -- they moved in the direction
7 of Wanduku; is that correct?

8 A. [12:42:21] Yes, that's correct.

9 Q. [12:42:22] And they went to a place called Lela Ogul. Can you tell us
10 understanding where Lela Ogul is in relation to Pajule, to Wanduku or other places in
11 the area.

12 A. [12:42:51] If you are in Pajule, Lela Ogul is towards the east. If you are in
13 Wanduku, if you are going upwards, Lela Ogul is on the * right. If you come back
14 down to Wanduku, then Lela Ogul is on the * left.

15 Q. [12:43:25] And when you talk about coming up or down, do you mean in
16 elevation, up the hill or down the hill, or do you mean in some other way?

17 A. [12:43:43] Up is the east, down is the west.

18 Q. [12:43:55] And how far would you say Lela Ogul is from Wanduku?

19 A. [12:44:07] If you are in Wanduku, Lela Ogul is approximately 2 kilometres, yeah,
20 just maybe 2 and a half or thereabouts.

21 Q. [12:44:25] Are you familiar with a place in the same area called Got Lela Mu?

22 A. [12:44:46] I did not quite get that one.

23 Q. [12:44:49] It may just be that I'm not good at pronouncing the Acholi words, but
24 I believe the name is Got or Got Lela Mu?

25 A. [12:45:10] No, I do not know.

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1 Q. [12:45:12] That's okay, no problem, thank you. What about a place called
2 Laodi (phon), do you know a place in the same area called Laodi.

3 A. It's Laodo, not Laodi. I do know Laodo.

4 Q. [12:45:41] And where is Laodo in relation to Lela Ogul?

5 A. [12:45:57] Well, it's difficult for me to try and explain it. How do I say this in
6 Acholi? Well, I would say Laodo is on the right.

7 Q. [12:46:15] And how far away is it from Lela Ogul?

8 A. [12:46:28] From Ogul to Laodo is approximately 10 kilometres or more.

9 MR BLACK: [12:46:44] I appreciate your patience, your Honour, a few more
10 questions, this is helpful to me to orient.

11 PRESIDING JUDGE SCHMITT: [12:46:48] I have no problem with it, but I
12 sometimes have to picture myself that you are not Mr Obhof, because Mr Obhof was
13 the expert on geographics, so to speak.

14 MR BLACK: [12:46:59] I promise not to ask any questions about mango season,
15 your Honour.

16 PRESIDING JUDGE SCHMITT: [12:47:04] No, no, no, no. I mean, Mr Obhof was
17 the one who also, rightfully so, brought up locations and distances and so on and so
18 forth. Please proceed.

19 MR BLACK: [12:47:14] Thank you.

20 Q. Sorry, Mr Witness, a little bit of lightheartedness amongst us.

21 A couple more questions about places. Are you familiar with a place called
22 Ogom Telela, Ogom Telela?

23 A. [12:47:36] Ogom Telela is close to Laodo.

24 Q. [12:47:43] And so would it also been about 10 kilometres, I think you said, away
25 from Lela Ogul?

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1 A. [12:47:58] Yes, it's close, the two places are close together.

2 Q. [12:48:03] And I think a last question about locations for a moment. As you
3 walked from Pajule to Lela Ogul, did you cross the Latanya-Pader road or was that
4 still further on?

5 A. [12:48:30] No, no, you do not cross that road. You first go to Lela Ogul before
6 getting to the road that goes to Pader and Latanya.

7 Q. [12:48:41] Thank you very much for your patience with my questions. That
8 really helps me orient myself.

9 How long did you stay in Lela Ogul on that day?

10 A. [12:49:02] Well, we -- if I guess, perhaps we stayed at Lela Ogul maybe for
11 approximately two hours only.

12 Q. [12:49:16] And actually I guess I have one more question about -- or two
13 questions about how you got there. When you walked from Pajule to Lela Ogul, did
14 you walk on roads or did you walk across the countryside?

15 A. [12:49:39] We were walking through the bushes and sometimes we would cross,
16 we would cross roads. We did not follow any particular road, we would walk
17 through the bushes but sometimes cross roads.

18 Q. [12:49:58] And how many people were with you, with your group? How big
19 was it?

20 A. [12:50:15] I did not quite get your question. Could you please repeat it.

21 Q. [12:50:20] Yes, of course. As you were walking from Pajule to Lela Ogul that
22 day, how many people were with you?

23 A. [12:50:39] There were so many people, there were very, very many people.
24 I cannot actually guess how many people were there.

25 Q. [12:50:50] Do you know, and you may not, but do you know if all of the

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1 abductees from Pajule camp were taken away in one group or in two or more groups?

2 A. [12:51:21] People arrived separately. When we arrived we found that they had
3 some people who were already there and after we arrived there were other people
4 who were still coming. I think it was maybe two hours later that people stopped
5 coming. But there were more people coming after we arrived.

6 Q. [12:51:47] And so I assume that also means that the LRA fighters who
7 participated in the attack, they also left Pajule and came to Lela Ogul in various
8 different groups; is that right?

9 A. [12:52:20] Well, I'm guessing, just as you are, because I don't know.

10 Q. [12:52:24] Fair enough. Something you should know, I take it then that you
11 could not see all of the LRA commanders as they came from Pajule to Lela Ogul as
12 they walked; is that correct?

13 A. [12:52:55] No, I do not know.

14 Q. [12:52:58] And you explained yesterday, very understandably, that you couldn't
15 identify the LRA commanders that were walk -- on this walk to Lela Ogul, in part
16 because you were very afraid, correct?

17 A. [12:53:20] Yes, that's correct.

18 Q. [12:53:22] And the only LRA commander who you're sure was walking with
19 you was Raska Lukwiya, and that's because others pointed him out and said who he
20 was, correct?

21 A. [12:53:47] Yes, that's correct.

22 Q. [12:53:48] Do you remember when you first saw Raska Lukwiya, was it inside
23 the camp, at the edge of the camp, or later on during the walk?

24 A. [12:54:17] That was the first time that I saw him, the time that we were walking
25 going to Lela Ogul. I came to know that he was Raska Lukwiya from the person

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1 who was walking behind me. And that person was an LRA soldier and it's this
2 person who mentioned his name, and his friend also mentioned his name. And
3 that's how I came to know that this was Raska Lukwiya.

4 Q. [12:54:54] Thank you, that's very clear.

5 Moving now to the RV at Lela Ogul, you explained yesterday that you heard a speech
6 by an LRA commander named Vincent Otti, and you said that there were many other
7 LRA commanders there as well, but you don't know their names. Have I gotten that
8 right?

9 A. [12:55:19] Yes, that's correct.

10 Q. [12:55:22] But you are sure that Otti Vincent and Raska Lukwiya were both at
11 the RV at Lela Ogul, right?

12 A. [12:55:39] Yes, that's correct.

13 Q. [12:55:42] Now, one thing you said yesterday is that after this speech by
14 Otti Vincent, the abductees were divided into different groups. I suppose you don't
15 know whether any other LRA commanders spoke to those different groups after you
16 were -- they were divided and separated from you; is that right? Mr Witness, I see
17 you nodding, but you may have to actually say "yes" so the interpreters can hear it.

18 A. [12:56:32] No, yeah, then I don't know. I do not know if they were taken out
19 into different groups and someone addressed them, because I was already taken
20 aside.

21 Q. [12:56:51] I would just like to ask you three names, and have you tell me if you
22 know who this person is and especially whether they were there at that RV in
23 Lela Ogul. The first name is an LRA commander named Caesar Acellam, do you
24 know who that is?

25 A. [12:57:15] No, I do not know him.

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1 Q. [12:57:18] And I take it you don't know whether he was at the RV in Pajule; is
2 that right?

3 A. [12:57:31] That's correct.

4 Q. [12:57:34] What about Michael Odongo Acellam, do you know that person?

5 A. [12:57:45] No, I do not know him.

6 Q. [12:57:50] What about Sam Opio, do you know him?

7 A. [12:58:02] No, I do not know Sam Opio either.

8 Q. [12:58:07] Okay. Thank you.

9 Now, yesterday you testified that you don't remember seeing Odomi at the RV at
10 Lela Ogul, and I want to make sure I understand very clearly your evidence. You
11 aren't saying that Odomi definitely was not there, you're simply saying that you don't
12 remember seeing him there; is that right?

13 A. [12:58:40] I did not see him. I do not recall.

14 PRESIDING JUDGE SCHMITT: [12:58:45] I think that is also what he said yesterday;
15 he did not see him.

16 MR BLACK: [12:58:49] Very well, your Honour, thank you.

17 Q. [12:58:51] Now, Mr Witness, more than 15 years have passed since the day of
18 the attack, and am I right to say that you remember at least some of the details, or you
19 would have remembered at least some of the details better than close to after the
20 attack than you do now, is that a fair thing to say?

21 A. [12:59:21] Yes, that's correct.

22 Q. [12:59:24] Now, after you escaped from the LRA, you returned to the Pajule IDP
23 camp; is that right?

24 A. [12:59:36] Yes, that's correct.

25 Q. [12:59:39] And do you remember being interviewed by the Pajule police in

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1 October of 2004, so about a year after your abduction?

2 A. [13:00:09] The date, what date are you talking about?

3 Q. [13:00:17] The day would be 28 October 2004 at the Pajule police station.

4 A. [13:00:35] I recall that police officers visited us while we were at Caritas.

5 Q. [13:00:46] But that was earlier in 2004, that was closer to the time of your escape,
6 correct?

7 A. [13:01:03] I recall that we were visited while still at Caritas.

8 Q. [13:01:11] By the Pajule police; is that right?

9 A. [13:01:24] Well, I do not know where those police officers came from, because
10 we were many at the reception centre and so they were asking many of us.

11 Q. [13:01:41] Okay. Let me show you a document and (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [13:01:44] I would have suggested that indeed, yes.

13 MR BLACK: [13:01:48] Thank you, your Honour. If -- if we could help the witness
14 look at Prosecution tab 1, please, and that is UGA-OTP-0137-0275.

15 Q. [13:02:06] Do you have that in front of you now, sir?

16 A. [13:02:14] Yes, I can see it.

17 Q. [13:02:19] This is in English, but at the top it says, "Statement of an Abductee"
18 and then it has "Oweka Santo" below that. Do you see that?

19 A. [13:02:36] Yes, I am seeing.

20 Q. [13:02:40] And also on that -- that same first page, if you look at the left side, all
21 the way in the margin, it says "signed", there's an "X" and the name "Oweka Santo".
22 Do you see that?

23 A. [13:03:01] I've seen.

24 Q. [13:03:04] And if you look at the last page of this document, actually, page 0278,
25 the second to last line, again it says "signed" and there's an "X" and "Oweka Santo".

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1 Do you see that?

2 A. [13:03:27] I see it.

3 Q. [13:03:31] Do you remember having seen this document before at any time?

4 A. [13:03:42] No, I did not see.

5 Q. [13:03:45] And where it says "Oweka Santo" on the last page, for example, is that,
6 is that your signature, or not?

7 A. [13:04:04] That is my name.

8 Q. [13:04:07] But you don't remember signing that name; is that right?

9 A. [13:04:22] This document, that name was written by me.

10 Q. [13:04:33] (Overlapping speakers)

11 A. [13:04:34] Can I continue?

12 PRESIDING JUDGE SCHMITT: [13:04:36] Of course.

13 MR BLACK: [13:04:38]

14 Q. [13:04:39] Please, go ahead. Yes.

15 A. [13:04:43] This document, when the police officers came to visit us, the staff of
16 Caritas told us that the police officers came to visit us and to take our statements of
17 what "you saw, you went through while in the bush and -- and what happened." So
18 in this document, I was not alone in this statement, but the reason why it's me whose
19 name appears here, I was the eldest person at the reception centre at Caritas at the
20 time and I was the one overall of the people with whom I was.

21 So the statements in this document, the statements were from various people. Each
22 person would tell his or her story and the name of the commanders with whom they
23 were and it would be put together. So it was not my statement alone, but my name
24 appears there because I was the one overall of the people with whom I returned and
25 we were at the reception centre.

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1 Actually, I had objected to putting my name, but they reassured me that there is no
2 problem and that is why I accepted for my -- for my name to appear there.

3 PRESIDING JUDGE SCHMITT: [13:06:25] Please continue, Mr Black, first.

4 MR BLACK: [13:06:27] Thank you, your Honour.

5 Q. [13:06:28] Now, Mr Witness, because this was the police who'd come to
6 interview you, you understood that it was important to tell them the truth, correct?

7 A. [13:06:53] The police questioned us individually, and I also gave them my
8 individual statement. But in this document, because I hadn't read it, so it is difficult
9 for me now to specifically say this was my statement.

10 PRESIDING JUDGE SCHMITT: [13:07:16] I think this -- if you look at it, at
11 least the -- it is a translation, he is speaking Acholi, it's his mother tongue and in the
12 English translation, at least we see of course that it refers to "I" and then "We". This
13 could perhaps mean that it is a narrative from a person who has personally
14 experienced something, but I would simply suggest that you -- he knows now what
15 the document is, that you simply put to him what you want to put to him and ask
16 him if this is something he agrees upon or in his recollection today, 2019 or not. If
17 you found some contradictions or whatsoever. I would simply suggest to go further
18 this way.

19 MR BLACK: [13:08:04] Thank you, your Honour. I mean, I do think the details of
20 this document may be significant and there are a lot of things in here that I don't say
21 that he said something different. To the contrary. If you go through this document,
22 you will find that many things match exactly with the story that he is giving.

23 PRESIDING JUDGE SCHMITT: [13:08:20] The better, the better, even the better.

24 MR BLACK: [13:08:22] Okay. So I'm prepared to go through those. If you would
25 rather that I skip that, I can do that but I --

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1 PRESIDING JUDGE SCHMITT: [13:08:25] No, no, no, no. I would not say you skip
2 that, but I simply wanted to remark on it because the witness has said -- it's obviously
3 some -- in the witness's recollection obviously he has difficulties to recollect exactly
4 how this came into place. And as I said we have here not a document -- we have
5 a document in English. We don't know how the Acholi document looked like and
6 the witness would obviously have made this statement in Acholi.

7 Mr Obhof, but shortly, please.

8 MR OBHOF: [13:09:00] It's not really an objection, it's a point of reference what
9 the witness stated. You notice that nowhere in the document it states that this
10 document has been read back to me and I agree with its contents and signed. It's just
11 "recorded by", not -- and the witness did explain part of what he was talking about.

12 PRESIDING JUDGE SCHMITT: [13:09:16] I think we should not make too big
13 a problem out of it.

14 Mr Black, please proceed.

15 MR BLACK: [13:09:21] Thank you, your Honour. I mean only for clarity. The last
16 sentence says: "This is all I can state now, statement read back to me and confirmed
17 to be true and correct." So if does, does include that language. I mean I'm not
18 going to dwell on it, but I just wanted that to be clear.

19 Q. [13:09:41] Mr Witness, thank you for your patience. A couple of questions
20 have arisen in my mind now. First of all, when you were questioned by the police in
21 Pajule, did they question you in Acholi or English?

22 A. [13:10:05] We were questioned in Acholi.

23 Q. [13:10:10] And were the police making notes while you were being interviewed?

24 A. [13:10:25] I do not quite recall, but I guess they were writing, or there could have
25 been note-taking, because we were many.

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1 Q. [13:10:36] And I want to focus on that idea of many for just a moment. Now I
2 think you have explained that you were questioned in a group, and then you were
3 also questioned individually; is that right?

4 A. [13:10:56] We were questioned in a group.

5 Q. [13:11:00] And sorry to insist on this, were you also questioned individually?

6 A. [13:11:11] I do not recall.

7 PRESIDING JUDGE SCHMITT: [13:11:15] Mr Black, just shortly, for further
8 planning, do you envision how long your question will take? Otherwise we would
9 be -- let me put it this way: If we could finish until half past 1, I think we would
10 simply continue, otherwise we would have to have the lunch break.

11 MR BLACK: [13:11:34] I will make sure I'm done by half past 1, your Honour.
12 Thank you.

13 PRESIDING JUDGE SCHMITT: [13:11:38] Okay. Please proceed.

14 MR BLACK: [13:11:40]

15 Q. [13:11:40] And, Mr Witness, I think this may be important so I'm going to dwell
16 on it for a moment. A few minutes ago -- and this is at page 68 of the real-time
17 transcript, your Honour, at line 6 -- you said, Mr Witness, "The police questioned us
18 individually, and I also gave them my individual statement."

19 And I think you were contrasting that to the fact that you had also been questioned in
20 a group, but is it correct that you were questioned individually also?

21 A. [13:12:21] I said we were asked in a group, but then also people were picked
22 randomly, either in twos or singly and is questioned separately. This is what I said.

23 Q. [13:12:41] Okay, thank you. And I appreciate your patience. Sometimes in
24 the translation it's not always easy for us to get on to these fine details, but it's
25 important.

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1 So just to be clear, were you one of these people who was chosen to be interviewed
2 individually?

3 A. [13:13:06] Yes, I was.

4 Q. [13:13:09] Now I am just going to -- I think it might be helpful if I ask you about
5 a couple of specific things on this document and you can tell me if they are accurate.

6 First of all, Mr Witness, your name is Oweka Santo, correct?

7 A. [13:13:39] That is my name.

8 Q. [13:13:43] And at this time around 2004 you were 28 years old, correct?

9 A. [13:13:57] Yes, that could be correct.

10 Q. [13:14:04] And I will make it a bit faster, I will put some together.

11 And, Mr Witness, you were an Acholi by tribe, a businessman and a resident of the
12 Pajule IDP camp at that time, correct?

13 A. [13:14:20] Correct.

14 Q. [13:14:23] And I will just read out to you the first, the first sentence of this
15 statement and tell me if this is an accurate description of your experience on that day.

16 It says: "I recall very well it was the morning of 10 October 2003 at around 0600
17 when the rebels of LRA attacked Pajule/Lapul camp and [I] was still inside my
18 house."

19 That's correct, isn't it, and it refers to you?

20 A. [13:15:06] Correct.

21 Q. [13:15:08] The next sentence says:

22 "There was a lot of shooting and later my door was kicked open and my properties
23 were taken and I was made to carry the luggage and move with the rebels."

24 That's also correct, isn't it, and it refers to you?

25 A. [13:15:38] Correct.

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1 Q. [13:15:40] The next sentence says:

2 "After reaching a place called Ogulu in Pajule sub-county, I and some more six
3 abductees were made to carry one of the rebels who had been injured by bullet in his
4 leg."

5 And that's accurate, isn't it?

6 A. [13:16:20] Correct.

7 Q. [13:16:26] And what is written there as Ogulu is a reference to Lela Ogul, right?

8 A. [13:16:42] Yes, Lela Ogul. Not, not Ogulu, but Lela Ogul is the one I know.

9 Q. [13:16:56] And the injured rebel that was referred to was Odong Murefu, the one
10 you had to carry, right?

11 A. [13:17:17] Yes, correct.

12 Q. [13:17:20] Now the next sentence says:

13 "When we reached their meeting place we found there a lot of commanders which
14 included people like Otti Vincent, Odyebo, Lukwiya Raska, Odomi and many others
15 I cannot recall their names."

16 That's also accurate, isn't it?

17 A. [13:17:55] That is not correct.

18 Q. [13:17:56] Well, the meeting place that's referred to is Lela Ogul, right?

19 A. [13:18:05] Lela Ogul.

20 Q. [13:18:10] And Odomi refers to Dominic Ongwen, doesn't it? That was the
21 name he used in the bush.

22 A. [13:18:24] While in the bush that was the name he was referred to.

23 Q. [13:18:28] So, Mr Witness, it appears that in October of 2004, a year after your
24 abduction, you told the police that Odomi was at the RV in Lela Ogul; is that right?

25 A. [13:18:46] That is not correct.

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1 Q. [13:19:04] Sir, can you offer any explanation of how the name Odomi would
2 have gotten into this statement, then?

3 A. [13:19:22] Well, I don't know.

4 Q. [13:19:26] Now you did mention that other people were being interviewed
5 around the same time by the police. Do you recall whether any of the other people
6 mentioned Odomi being at this RV in Lela Ogul?

7 A. [13:19:51] Well, I do not know, because while at the reception we were many,
8 some people came from other groups and we met there. So I do not know if those
9 were the statements they could have given.

10 Q. [13:20:11] Fair enough, Mr Witness.

11 PRESIDING JUDGE SCHMITT: [13:20:12] Indeed.

12 MR BLACK: [13:20:13] Yes.

13 Q. [13:20:13] Just one further I think small question, your Honours and Mr Witness.
14 If we could look at Defence tab 4 again for a moment. That's UGA-OTP-0255-0115,
15 and I would specifically like you to look at page 0116, and it's paragraph 4, which you
16 had a correction to, Mr Witness, if you remember that.

17 You could look at tab 4.5, which is the Acholi version if that makes this more clear.

18 And, Mr Witness, so that I'm clear, the correction you made to this was that where it
19 says that there was a bomb with no pipe as part of the support weapons, you now
20 remember that being with Ocan Bunia rather than with Major Tulu; is that right?

21 A. [13:21:36] Could you say the question again?

22 Q. [13:21:38] Yes, it's a bit complicated. I'm sorry.

23 This paragraph lists some support weapons as being under Major Tulu. The second
24 one says, I think, "01 MM bomb with no pipe", and you clarified earlier to

25 Defence counsel that you recall that weapon being with Ocan Bunia rather than with

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1 Major Tulu. Have I got that right?

2 A. [13:22:21] That point was not correctly recorded. The bomb that was with
3 Major Tulu that I knew the name was an RPG, but the others I did not know.

4 Q. [13:22:36] Okay, thank you. And now two items down from that, it says that
5 Major Tulu had "01 Manpack radio". Now, is that part correct, you recall Major Tulu
6 having a Manpack radio?

7 A. [13:23:04] There was a radio that is used for communication, we refer to it as
8 radio call. I saw, yes, he had it.

9 Q. [13:23:15] Thank you, sir.

10 No further questions, your Honour.

11 PRESIDING JUDGE SCHMITT: [13:23:20] Thank you, Mr Black. Mr Narantsetseg.

12 MR NARANTSETSEG: [13:23:23] No questions, your Honour. Thank you.

13 PRESIDING JUDGE SCHMITT: [13:23:25] Mr Cox.

14 MR COX: [13:23:26] No questions, your Honour.

15 PRESIDING JUDGE SCHMITT: [13:23:33] Additional questions by the Defence?

16 Mr Ayena, please.

17 QUESTIONED BY MR AYENA ODONGO:

18 Q. Mr Witness, I want to ask you about the document you were interviewed on
19 where you allegedly had mentioned the name of Dominic Ongwen, Odomi. Do you
20 remember clearly the persons who were there when you made the statement?

21 A. [13:24:19] Well, as I already explained, this statement, this recording was not
22 only a result of my own statement, it was a collection of statements by so many other
23 people who were questioned, because there were many people from different groups
24 who came to the Caritas reception centre and they were also questioned. So if they
25 are the ones who made that particular statement, then it could be them and I do not

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1 know, so I need to only speak about what I know.

2 Q. [13:24:57] Now, on that day when you were being interviewed by the police, did
3 you see any other people from other organisations there?

4 A. [13:25:23] There were other people from other organisations, and they were
5 many.

6 Q. [13:25:32] Who carried the police who interviewed you to the interview place?

7 A. [13:25:52] Like I said, these people came in several groups to the Caritas
8 reception centre. There were some officials from the sub-county and others from the
9 district.

10 Q. [13:26:14] Were some of them introduced as persons coming from the ICC?

11 A. [13:26:33] Yes, there were people who had documents from ICC. They were
12 also introduced. But those ones who had not yet received the ICC document were
13 also introduced.

14 Sorry, not ICC, Amnesty. Amnesty, but not ICC.

15 Q. [13:27:06] Was any of the groups introduced as members of NGO
16 organisation -- I mean, NGO --

17 MR GUMPERT: [13:27:18] Your Honours, we have already seen the dangers of
18 leading questions: A suggestion made, apparently adopted, and then fortunately
19 corrected. This is not, I submit, the appropriate procedure for re-examination, which
20 should be restricted to open questions to clarify matters formerly brought up.

21 PRESIDING JUDGE SCHMITT: [13:27:43] I think we can -- I agree with you. We
22 can rephrase it a little bit.

23 Mr Witness, do you have any recollection on that day how the situation was? Any
24 clear recollection today after 15 years?

25 THE WITNESS: [13:28:19](Interpretation) What was happening was that the

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1 Caritas organisation which was taking care of us informed us there are visitors
2 from the government who are coming to speak to us, so that talking to us was now
3 which turned out to be the questioning. So I do not recall exactly what else was
4 said.

5 After that questioning they went back. So we didn't know that they were going
6 to -- they had come to question us. So that is why I even stated that even this
7 document, I have just seen it now. So when they had -- when they ask us to append
8 our signatures at that time we, we did not understand.

9 PRESIDING JUDGE SCHMITT: [13:29:12] During this questioning, were there other
10 people present than the police that questioned you?

11 THE WITNESS: [13:29:31](Interpretation) It was only the staff of Caritas who were
12 there and they were present during the questioning.

13 PRESIDING JUDGE SCHMITT: [13:29:40] I think this way, Mr Ayena, we have this
14 information --

15 MR AYENA ODONGO: [13:29:45] Yes. And that brings me to the end of my
16 re-examination.

17 PRESIDING JUDGE SCHMITT: [13:29:49] Thank you very much, Mr Ayena.

18 Mr Witness, this concludes your testimony. On behalf of the Chamber I would like
19 to thank you that you came to the video-link location twice, on two days, and helped
20 us establish the truth. We wish you a safe trip back home.

21 THE WITNESS: [13:30:14](Interpretation) Thank you.

22 (The witness is excused)

23 PRESIDING JUDGE SCHMITT: [13:30:17] This also concludes the hearing of today.

24 The next witness will be on 13 June, that's next Thursday, 9.30, and it will be D-68, I
25 think. Until then.

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- 1 THE COURT USHER: [13:30:31] All rise.
- 2 (The hearing ends in open session at 1.30 p.m.)
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 5 2016, the public reclassified and lesser redacted version of this transcript is filed in the
- 6 case.