

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, 17 November 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:40] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:33:16] Good morning, everyone.
13 And especially good morning to Mr Oper. We welcome you again in the courtroom.
14 And could the court officer please call the case.
15 THE COURT OFFICER: [9:33:30] 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 for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:42] Thank you very much.
20 For the appearances of the parties, Ms Ndagire for the Prosecution.
21 MS NDAGIRE: [9:33:50] Good morning, your Honours. For the Prosecution this
22 morning is Ben Gumpert, Pubudu Sachithanandan, Julian Elderfield, Yulia Nuzban
23 and Ramu Fatima Bittaye, and myself, Sanyu Ndagire.
24 PRESIDING JUDGE SCHMITT: [9:34:10] Mr Cox.
25 MR COX: [9:34:11] Good morning, your Honours. With me, Anushka Sehmi,

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

- 1 James Mawira and myself, Francisco Cox.
- 2 PRESIDING JUDGE SCHMITT: [9:34:18] And Mr Narantsetseg.
- 3 MR NARANTSETSEG: [9:34:20] Good morning, Mr President, your Honours.
- 4 Ms Caroline Walter and Orchlou Narantsetseg. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:34:24] Thank you.
- 6 And for the Defence, Mrs Bridgman.
- 7 MS BRIDGMAN: [9:34:30] Good morning, Mr President and your Honours.
- 8 Abigail Bridgman for the Defence, together with Chief Charles Achaleke Taku,
- 9 Tibor Bajnovic, Roy Kitur, and our client Mr Ongwen is in court.
- 10 PRESIDING JUDGE SCHMITT: [09:34:36] Thank you. And you can remain
- 11 standing, so to speak, and continue your examination, Mrs Bridgman.
- 12 WITNESS: UGA-OTP-P-0286
- 13 (The witness speaks Lango)
- 14 QUESTIONED BY MS BRIDGMAN: (Continuing)
- 15 Q. [9:35:15] Good morning, Mr Oper.
- 16 A. [9:35:19] Good morning.
- 17 Q. [9:35:20] Do you recall during the time in the camp in 2004 if there was a lot of
- 18 banana plantations in and around the camp?
- 19 A. [9:35:40] I do recall there were banana plants.
- 20 Q. [9:35:46] Later we are going to talk about the swamps or the streams that you
- 21 mentioned during your testimony yesterday, but I would like to ask you about the
- 22 previous attacks that you testified about yesterday. Do you remember if all these
- 23 attacks were by the LRA or were there other groups operating in the area?
- 24 A. [9:36:29] I confirm that the attacks were made by the LRA rebels.
- 25 Q. [9:36:37] Before your abduction, had you heard of groups, for instance Bookec or

1 Bojokech?

2 A. [9:36:53] I did not hear about Bookec. I only know of the government soldiers
3 who were protecting us, and I would also hear about the rebels. If they passed by,
4 the government soldiers would follow them up and pursue them up.

5 Q. [9:37:38] From your house, apart from yourself, was anybody else abducted?

6 A. [9:37:58] Yes, one of my sister was abducted. My other brothers who were also
7 within our homestead was abducted. Up to today, he is still in the bush. I am not
8 sure whether they are still alive or they are dead. I can even mention their names. I
9 know them. One of them is called Ocen Tom. Another is called Ogwal, the son of
10 Omara Tom. The other older one who was also abducted and has never returned is
11 called Otim Jakeo (phon). These people, up to today, they have never returned.

12 Q. [9:38:54] Were these people abducted with you during the June attack or was it
13 before or after?

14 A. [9:39:12] Some were abducted before the attack. But the ones who were
15 abducted during the attack in the camp, two of them up to now haven't returned.
16 Yesterday I even mentioned the names of those who have never returned. When I
17 came back home, I never found them home. These were actually females. One of a
18 girl, one was a girl and then one was already a housewife and was living at her
19 maiden home.

20 Q. [9:40:04] Yesterday you told the Court about your sister who was abducted
21 sometime, together with Lala Alfred. Was she abducted with you again during the
22 June 2004 attack?

23 A. [9:40:29] My sister was not abducted in June. They ran away. I had a problem
24 with my leg. That's why I could not run. I was abducted with -- along other people.
25 I can also mention their names, the ones that I know. Myself, Oper Robson,

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 Omara Denis, Amodo Charles, and another person who was also abducted, an elderly
2 woman called Gwerina, and another woman called Akello Eveline. Then another
3 girl whose name I cannot recall but the father is Okitte Thomas. The last two that I
4 have mentioned have never returned up to today.

5 Q. [9:42:03] You have mentioned several names and I am going to focus on a few of
6 the people you have mentioned. Amodo Charles, do you remember if he had been
7 previously abducted before this abduction?

8 A. [9:42:31] I do recall Amodo was captured on two different occasions, and the
9 third time was when he was abducted along with us in the camp. That is how I
10 know.

11 Q. [9:43:05] Do you remember approximately the years or the months for those
12 other two times when Amodo was abducted?

13 A. [9:43:23] In the last one I do not recall. But I -- from what I hear was that LRA
14 rebels abducted Amodo. He was made to carry luggage and he returned. But I do
15 not know the date because he never told me. I only recall the one that I was
16 abducted along together with him during the attack on Abok.

17 Q. [9:43:54] That previous time that he was abducted, do you remember or did you
18 ever know how long he stayed with the rebels before he returned home?

19 A. [9:44:17] Previously when the rebels abduct an adult, he would be made to carry
20 luggage for two or three days and then on the third day he would return and he
21 would tell people that he was released along the way. He never reached the point
22 where -- the base where the group went. That's what I would hear.

23 MS BRIDGMAN: [9:44:50] Your Honours, I request just a moment.

24 PRESIDING JUDGE SCHMITT: [9:44:53] Of course.

25 MS BRIDGMAN: [9:45:12]

1 Q. One last question on Amodo. Do you remember if he was abducted alone the
2 previous time, or if he had been abducted with others?

3 A. [9:45:32] In the past the rebels would abduct people, but I would not know
4 everything. I would only know one person that probably I was abducted with.
5 Because at the time when he was abducted, I would not be there so I wouldn't know
6 all of them.

7 Q. [9:46:09] I am going to read a little portion of your statement regarding the
8 previous attacks before the June 2004 attack. At paragraph 32 you said that:
9 "Before the attack on the camp ... there were times that the rebels came in the vicinity.
10 One time, they passed across the swamp and found people ... there and abducted
11 them. That was in February 2004."

12 Can you please tell me which swamp you were referring to in this February 2004
13 incident?

14 A. [9:47:06] The rebels abducted people in 2004 before the attack on the camp.
15 These were people who were sleeping outside in the -- not within the camp. I know
16 people abducted -- the rebels abducted people like Tony Oyugi, and they were taken.
17 The government soldiers pursued them and rescued these people. This is what I
18 knew before the attack on the camp, the people who were abducted before the attack
19 on the camp.

20 When the rebels come they abduct many people. I cannot count everyone who was
21 abducted at that time.

22 Q. [9:48:23] But can you remember the name of the swamp?

23 A. [9:48:38] There are several swamps or streams in our place. The one that I
24 talked about was a smaller stream, not a very large one. So if you are in Abok it
25 would be on the other side called Odiek Cami. So the rebels abducted many people

1 and there are many streams and swamps that people would cross among our place.

2 There is no way you can move in our area without crossing these water bodies,

3 because we are all surrounded by these water bodies.

4 PRESIDING JUDGE SCHMITT: [9:49:24] Thank you. I think we leave the swamps
5 now I would suggest.

6 MS BRIDGMAN: [9:49:29] Unfortunately I might have to come back to the swamps
7 at some point.

8 PRESIDING JUDGE SCHMITT: [9:49:32] Okay. When you come back perhaps I've
9 forgotten about the swamps till then, but for now I think we would appreciate it if we
10 went forward. When it relates to this incident, of course, and I fully understand it.

11 MS BRIDGMAN: [9:50:12]

12 Q. Now you have just said something that I would like clarification from you.

13 Yesterday while you were discussing with the Prosecution about other people
14 abducted from Abok with you, a few names were mentioned to you. And I am
15 referring to page 39 of the real-time transcript. Well, starting from page 38 you
16 discussed with the Prosecution names like Emmanuel Otim, Opio Sam,
17 Odongo Maurice and then you mentioned at lines 15 going down that people like
18 Odongo Maurice, Oyugi, Ocen Tony were among the people who were abducted but
19 then were rescued by the government soldiers. Now, just a few minutes ago you
20 said that these people were abducted before the June 2004 attack. Is that correct or
21 I am misunderstanding your testimony?

22 A. [9:51:47] These people were abducted before the attack on the camp. Two of
23 those people that I have mentioned means that I know that they were abducted, but
24 they were abducted before the attack on the camp. The ones that I read their names
25 are the ones that I can recall. But the ones that I did not mention I -- means I have

1 not probably was able to recall their names.

2 Q. [9:52:26] Thank you, Mr Witness. Now just before the attack you mentioned the
3 message from the camp mobiliser who warned all the camp residents to be vigilant
4 because of the reported rebel presence. When you went to sleep that night did you
5 have other people from other families spending the night with you in your house?

6 A. [9:53:08] When the rebels come people are informed before, but the situation is
7 not good so people should be alert. People are informed that we hear rumours that
8 the rebels are in the neighbour. It is not clear whether if they pass by if they will
9 come and attack or if they will come to loot things or look for things in the camp.
10 This is what would happen when rebels pass nearby, information is sent to the people
11 by the elected camp leaders. So this would alert people and people would be on the
12 lookout for whatever is going to happen.

13 So in our house we shared rooms together with other adults in our home. Other
14 people also came and slept in our house. When the attack began people ran away,
15 but for me I remained behind because my leg -- I had a problem with my leg, that's
16 why the rebels captured me.

17 Q. [9:54:21] Mr Oper, what would you say to the proposition that Awor Dilis was
18 abducted together with you on the evening of the attack on Abok?

19 A. [9:54:48] I mentioned that Awor Dilis was abducted by the rebels earlier and she
20 returned. But I was not the one who was abducted, the only one from our home
21 during the attack in the camp. But Dilis was abducted earlier and she had returned
22 home.

23 Q. [9:55:16] Yesterday you were discussing the positioning of the new and the old
24 barracks. You mentioned something and I just would like to get clarification from
25 you. At page 10 of the real-time transcript, you mentioned that "The first barracks I

1 mentioned earlier was already decongested and the soldiers had been relocated to the
2 second barracks." And I just want to clarify with you, were there any soldiers
3 remaining at the old barracks or they had moved completely to the new barracks?

4 A. [9:56:11] At the time when the camp was established the number of the people
5 was still small and the army was stationed very close to the people. But later on
6 because of the atrocities of the LRA, the number of people increased and where the
7 army was, all that became civilian areas where people built their huts. So the
8 soldiers were relocated from the old barracks to the new barracks towards Lalogi.
9 The old barracks was in between Ngai and Iceme road, behind the other side of the
10 road going to Iceme and Ngai.

11 So no soldiers remained in that place. There is army huts that were -- hutments that
12 were there were all destroyed and they relocated to the other side. So when the
13 soldiers come to protect the camp, they surround the camp, people sleep in the
14 middle. So it had taken some time. The old barracks was demolished and now the
15 new barracks was the one that was being occupied.

16 Q. [9:57:25] You also mentioned Opio Wanjiri and his relationship to his sister who
17 was living in the camp. Would you say that Opio Wanjiri would have been familiar
18 with the camp?

19 A. [9:57:49] The reason why I mentioned Opio's name was because he is the one
20 who started telling me that his sister is in Abok. I even didn't know, but when he
21 mentioned the name of his sister, that's when I recalled. Because his sister comes
22 from Acholi. That's how I knew that she is a relative of this person. Because the
23 rebels abducted many people in the bush so they could be able to know where their
24 relatives are. But he didn't know exactly where the house or his sister's house was so
25 he asked me and I told him.

1 Q. [9:58:53] When you returned from the bush did you ever hear stories that the
2 LRA had captured somebody called Ego before the attack began so he could show
3 them where the barracks was located?

4 A. [9:59:15] Before I was captured I heard Ego was captured and the rebels went
5 with him. He was in the bush and then he returned. But he never told me which
6 month he came back and from where he escaped because I never asked him, but I
7 heard about it.

8 Q. [9:59:44] So with Ego having been with the LRA there would be no reason for
9 them to ask you to point out where the barracks was, correct, because they would
10 already have known?

11 A. [10:00:12] Could you please repeat your question.

12 Q. [10:00:14] I'm sorry, I'll rephrase the question.

13 PRESIDING JUDGE SCHMITT: [10:00:22] May I perhaps.

14 Mr Oper, I have understood you that the other person who was shortly abducted had
15 told the rebels where the new barracks were. Do you have an explanation for
16 yourself why the rebels asked you where these new barracks were? If they had
17 already known before.

18 THE WITNESS: [10:00:53] (Interpretation) No. I do not know if anybody had
19 shown the rebels the barracks before. I was the one who showed them the barracks.
20 I was the one who took them there. And when they went to the barracks they fought
21 with the soldiers.

22 PRESIDING JUDGE SCHMITT: [10:01:08] Thank you.

23 I think we can move on.

24 MS BRIDGMAN: [10:01:14] May I request the court officer to display the map again,
25 the sketch, at tab 3 of the Prosecution binder.

1 PRESIDING JUDGE SCHMITT: [10:01:59] Mr Oper, I think your drawing is again on
2 the screen.

3 MS BRIDGMAN: [10:02:04]

4 Q. [10:02:05] Now, Mr Oper, looking at this map again, it appears, and from your
5 testimony, that the rebels came from the direction of Ngai, correct?

6 A. [10:02:30] The road that I pointed to, the way the road is drawn, the rebels came
7 from the direction of Ngai and crossed the road going to Iceme. There was a road,
8 and that's the direction that I pointed. The road from Ngai goes to Bar-Rio.
9 The soldiers -- the rebels crossed that road and went towards Iceme.

10 Q. [10:03:06] Now, would you agree with me that looking at this map and the
11 location of your home the rebels would have already seen the new barracks before
12 they reached your home and there would be no need for them to ask you to take them
13 to the barracks?

14 A. [10:03:35] That's how the rebels came. They came from that direction. There
15 was no barracks in that side. They came, they bypassed. They went around the
16 camp and where you see the X is where the rebels entered into the camp. They
17 started fighting in the camp and then the way that the rebels left the camp,
18 that's -- those are the diagrams. I have shown the way they moved around the camp
19 and that's how I drew it because I was abducted at the time, so I showed their
20 movement.

21 Q. [10:04:14] Thank you. You also testified about the blowing of the whistles and
22 how the homes were set on fire, before they came to your home. But you did not see
23 any of this. You did not personally observe these things; is that correct?

24 A. [10:04:42] The whistles were blown, there was fire, I saw the whistles. When
25 I was abducted they continued blowing the whistles. I saw them, I saw their arms as

1 well, I saw the houses that were being burnt. Nobody told me these things, I
2 witnessed it personally.

3 Q. [10:05:09] My question is: Before you were abducted you did not personally
4 observe the rebels setting the huts on fire; is that correct?

5 A. [10:05:24] Yes, that's correct. I did not see them before my abduction because
6 they had not yet abducted me, but once I was abducted I saw it and I saw that
7 personally.

8 Q. [10:05:38] Once they got you out of your house and the huts were already on
9 fire, was there enough light for you to see what was going on around you?

10 A. [10:06:04] It was light, it was clear, but I was not looking at their faces, I was not
11 observing the rebels' faces because I was afraid that if I did pay attention and start
12 observing their faces they would fight me, they would beat me. So I was scared. I
13 would occasionally steal a glance, but I would not look at them directly.

14 Q. [10:06:52] Do you remember if there was any UPDF reinforcement after your
15 abduction?

16 A. [10:07:08] I heard -- we heard the UPDF reinforcements when we got to the place
17 where we had encamped. There were cars, we would hear the sounds of vehicles,
18 we could hear the sounds of bombardments because when -- there was no armoured
19 car in Abok, but we heard the cars coming. So I think, based on what I heard, I heard
20 the cars coming, but I did not personally see it. So I believe that based on the cars
21 there was reinforcement.

22 Q. [10:07:49] But you have no recollection whatsoever of any exchange between the
23 rebels and the government soldiers after you had left the camp; is that correct?

24 A. [10:08:20] At that time we continued to the bush. There were many rebels. We
25 crossed the road and we kept on walking. There was gunfire in the background.

1 We were in the front. I do not know whether we were being pursued or whether
2 they were fighting with somebody, with other people, because there were many
3 rebels. If they were split into two groups while we were walking, I do not know that
4 either.

5 Q. [10:08:56] So going back to what you heard after you left the camp, were there
6 bombardments in the camp when you left?

7 A. [10:09:16] Yes, there were. It was about four miles away. We could hear the
8 bombardments. They sounded close. So it seemed as if they were bombing from
9 around about four miles away. Shortly thereafter they said, "Do you hear that
10 vehicle? Come on, grab your luggage, let's go, they might be reinforcements. They
11 might come and overrun us. Come on, take your luggage, let's go." So people
12 picked up their luggage and people put their luggage on their head and I carried
13 a person and the person that I was told to carry, myself and Omara.

14 Q. [10:10:25] For the duration of the period when you left the camp until you
15 arrived at Atoo hills, do you remember any exchange of fire between the rebels and
16 the LRA -- sorry, and the government soldiers?

17 A. [10:10:53] The rebels were not in only one group. There were several groups.
18 There was gunfire all the time. You would hear the gunfire from a distance. It was
19 not just one group.

20 Q. [10:11:11] I would like you to focus on your group. Did they ever exchange
21 gunfire or were they ever under attack from government soldiers until that point you
22 reached in Atoo hills?

23 A. [10:11:42] I stated that when the rebels were split into two groups, maybe if they
24 shot the other group, then that's what happened, I do not know. There was gunfire
25 all the time. I wasn't shot while I was -- while we were on the move.

1 Q. [10:12:04] But just to confirm, during this period at least you were still carrying
2 the injured soldier with Omara, correct?

3 A. [10:12:18] Yes. I stated yesterday that we carried this soldier, we carried the
4 soldier throughout the night. We walked with that person in that group. On the
5 second day, the, the soldier became worse. He was taken and -- taken somewhere
6 else. He did not join the rest of the group. He was taken somewhere else. I do not
7 know what happened to that person, but we heard reports that he became seriously
8 ill and he passed away. But I was with the -- I was with other people and when
9 something happens, sometimes they would tell you that such-and-such a thing has
10 happened, although they would not tell you every single thing.

11 Q. [10:13:14] Do you recall how long you were -- how many days you were
12 carrying this soldier? Was it one day, two days, three days?

13 A. [10:13:40] Only two days. And then the person was removed and taken away.
14 I counted the days that we carried him. We walked on the first night, we spent
15 a night and then on the second day we carried him. But before dawn the next day he
16 was taken and taken somewhere else. There was a lot of luggage and people were
17 moving slowly, people would move for a short distance and rest.

18 Q. [10:14:18] And again I'm going to just ask for clarification. I apologise for
19 asking you what seems like the same question over and over again.

20 Your Honours, this is in reference to tab 4, the victim application. It starts from
21 page 0349 to 0350.

22 Mr Oper, I am going to read for you a portion of that document that I showed you
23 yesterday. You said: "I was forced to carry a fat injured rebel who was shot on the
24 knee by UPDF and could not walk with another man who was also abducted for three
25 days before he died on the fourth day."

1 So from what you have just told us should we take it that you carried this man for
2 two days and not four days?

3 PRESIDING JUDGE SCHMITT: [10:15:21] Or three days?

4 THE WITNESS: [10:15:32] (Interpretation) We carried that rebel for two days. The
5 fourth day that you were talking about is the day that I was told that "You recall the
6 soldier that you carried last time, he is now dead" and that's when I learnt about his
7 death. He did not die when I was -- he did not die in my presence, but I was told
8 about it. If they had not told me about his death, I wouldn't have known what
9 happened to him.

10 PRESIDING JUDGE SCHMITT: [10:15:59] And again a witness application form is
11 not filled out and is not a statement like a statement from the Prosecution and is not
12 filled out by the witness, so it's always a little bit obscure, frankly speaking, how
13 these, the information in these application forms come into place, sometimes,
14 especially with witnesses who would not write the information down themselves to
15 speak to -- word it this way.

16 Please continue.

17 MR GUMPERT: [10:16:28] Your Honour, I'm sure we all understand the meaning of
18 what you said, but I think you -- almost your first word was "witness" when you
19 meant "victim" just for the clarity of the record.

20 PRESIDING JUDGE SCHMITT: Of course.

21 MR GUMPERT: The victim application form.

22 PRESIDING JUDGE SCHMITT: [10:16:40] Of course I meant, in this instance it is
23 from the witness, but I meant of course the victim application. Yes, that's correct.
24 And materially from the content you don't have anything to complain what I have
25 said?

1 MR GUMPERT: [10:16:55] Only the clarity of the record.

2 PRESIDING JUDGE SCHMITT: [10:16:58] Thank you.

3 MS BRIDGMAN: [10:17:05]

4 Q. [10:17:06] Now, Mr Oper, I know you have told us how you were too scared to
5 look at the rebels' faces, but for someone you carried for two days, do you think you
6 could recognise him if you saw him in a photograph, that injured rebel?

7 A. [10:17:42] I carried the rebel. I was injured, I was beaten, I was scared and
8 I was -- my duty was to carry this person. My duty was not to observe the person or
9 look at their faces because if you keep on looking at that person, you are slapped,
10 you are slapped really hard. The person was angry because he was in great pain as
11 well.

12 If you give me the photo, then perhaps if I am able to recognise the person, I will tell
13 you that that is him. And if it is not the person, I might also tell you that it's not him.
14 It's been a while that I separated from this person. I have not been thinking about
15 him. He's not been on my mind. I carried him. I helped to carry him. I was in
16 pain when I was abducted.

17 Q. [10:18:38] And that I understand, Mr Oper. Now, you discussed the weapons
18 that you saw the LRA carrying. And in your statement at paragraph 74 you said that
19 you could recognise those weapons because of your previous interactions with the
20 government soldiers. Do you remember saying that?

21 A. [10:19:15] Yes, I do, I stated that. When I was in the camp, the -- my father had
22 children -- or my father's cattle had children and I would get milk from the cows and
23 take it to the barracks. And when I would take the milk to the barracks, I would see
24 the guns, I would converse with them and I would ask them, "What's the name of this
25 gun?" And they would tell me what the name of that gun was. We were on

1 friendly terms and I would ask them out of curiosity. So they told me about these
2 guns and that's how I came to find out the names of these weapons.

3 PRESIDING JUDGE SCHMITT: [10:20:06] Shortly, and I am picking a little bit up the
4 carrying of the soldier, Mr Oper, do you know what happened to Amodo Charles?

5 THE WITNESS: [10:20:26] (Interpretation) At the time when we were abducted, I
6 saw Amodo in the bush. He was taken and brought to us to carry luggage. When
7 he said the luggage was heavy and he could not carry it on his own, I did not know.
8 But I knew that he was there at some point when they brought him in the night, when
9 they brought him in the night with Omara. But I knew him and I knew him before
10 so I was able to identify him, that this is Amodo. I was not sure that he had been
11 abducted. I did not know until I saw him on that night when they brought him.

12 PRESIDING JUDGE SCHMITT: [10:21:13] Thank you. I think we would have to
13 make the blinds a little bit down, although in principle the Judges are happy with
14 having a little bit natural light coming in, but of course everything has its limits. It's
15 a little bit like we were questioned intensively.

16 We can simply continue. I think it is not such an issue that would unable us to
17 follow what you are questioning and what the witness is answering.

18 MS BRIDGMAN: [10:22:00] I personally would take a little sunshine, but being
19 where I am located right now.

20 PRESIDING JUDGE SCHMITT: [10:22:08] But you are at the moment not on the
21 spot, I would say.

22 MS BRIDGMAN: [10:22:11]

23 Q. [10:22:12] Now, Mr Oper, I would like to ask you about that lady you mentioned
24 earlier, Gwerina. Do you know her other name or any other names she is known by?

25 A. [10:22:31] This lady was an elderly lady. The distance between her home and

1 our home is a little bit far. I call her, I refer to her as Gwerina because I hear people
2 call her Gwerina. As an elderly person and as a matter of respect, I cannot go to the
3 person and ask her, "What's your surname?" because in my culture elderly people are
4 respected. You cannot go to the person and start asking them, "What's your
5 surname?"

6 Q. [10:23:27] Do you know if she is also called Gwentorina?

7 A. [10:23:45] Yes, the name sounds similar. Gwerina, Gwentorina, they are all
8 names, but I do not know her surname. Maybe she does have a surname but I do not
9 know the surname. I did not ask her so I do not know that. But Gwentorina and
10 Gwerina are both the same person.

11 Q. [10:24:18] Now, you just said that her home is a little far away from yours, but
12 she is also from the Abok area, correct?

13 A. [10:24:36] Yes, she is from Abok. We are from separate villages. She's from -- I
14 am from Kok kec Ikweri. She is from Wii-Gweng. That's the difference, one place is
15 called Wii-Gweng. So we are from different villages, but we know each other.

16 Q. [10:25:06] Do you know where she used to live in the camp and with whom she
17 lived with?

18 A. [10:25:19] This elderly lady was in the camp. She had a child. There was
19 a child, her dependant. She also -- she had a husband as well. But her husband was
20 now deceased. The daughter that was married was taken by the rebels, was
21 abducted by the rebels, but she did not come back. Perhaps they killed her. Her
22 whereabouts are unknown.

23 Q. [10:26:06] Do you remember if she lived with Amodo Charles?

24 A. [10:26:20] Amodo Charles and Gwerina lived close to each other, very close to
25 each other, and that's how they knew each other.

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 Q. [10:26:32] Now, being an elderly person, would you agree with me that she
2 would be more knowledgeable about the geography of Abok and its surroundings,
3 better than you?

4 PRESIDING JUDGE SCHMITT: [10:27:02] I would not say "better", simply that she is
5 also placed to know something about the geography. But that depends how you
6 move. So to put to the witness if she is better equipped to say something about it, as
7 a person, as an elderly person, would she not be able to also assess the geography of
8 the surrounding? Something like that?

9 I reform -- as you understand, I reformulated a little bit the question. So since
10 Gwerina, like you said, was an elderly person, do you think that she might have
11 known about the geography of Abok and surroundings very well too?

12 THE WITNESS: [10:27:55] (Interpretation) This lady was an elderly lady, but it's
13 difficult to assess people, because sometimes when people become older, they also
14 age in their thoughts, they age in their knowledge. So it's very difficult for me to
15 assess whether or not she was knowledgeable. I wasn't a young person. I wasn't
16 very young. I was an adult. I was 19. I knew how to distinguish between bad
17 things and good things.

18 PRESIDING JUDGE SCHMITT: [10:28:25] Thank you. That's of course absolutely
19 correct. And I think I should have let you put the question, the reformulated
20 question, to the witness, in hindsight.

21 MS BRIDGMAN: [10:28:40]

22 Q. [10:28:42] Now, yesterday, Mr Oper, you said that she was assaulted by the
23 rebels in Akwanyo-gen swamp. How far is Akwanyo-gen from the camp,
24 approximately, if you know?

25 A. [10:29:17] From the camp to the swamp is approximately 2 and a half kilometres,

1 before you actually go into the areas with water, the swampy area, the wet areas.

2 Q. [10:29:35] And how far away is the Akello Alyek swamp from the camp?

3 A. [10:29:56] Akello Alyek swamp is a bit further. It's approximately 5 kilometres
4 away from the camp. Akwanyo-gen is closer. Akello Alyek is much further. It is
5 in the direction of Acholi. It's on the border between Acholi and Lango.

6 Q. [10:30:21] And I apologise taking us back to the swamps, but there is also
7 a swamp at Dwaliro, correct?

8 A. [10:30:42] I said that there are many swamps around that place, but there is no
9 swamp in Dwaliro. When you leave Dwaliro, then you go to Akwanyo-gen. There
10 is no swamp known as Dwaliro.

11 Q. [10:31:29] What would you say, Mr Oper, if I mentioned that Gwerina was
12 assaulted after the Akello Alyek swamp and not at Akwanyo-gen?

13 A. [10:31:55] I confirm that she was assaulted at Akwanyo-gen swamp. But
14 Akello Alyek I said is about 5 kilometres from Abok. So Akwanyo-gen is nearer,
15 very near. I know and I confirm. That is why I mentioned the name of
16 Akwanyo-gen.

17 Q. [10:32:30] In your movements towards Atoo hills, did you pass by Min Jal?

18 A. [10:32:46] Yes, we crossed the road from Min Jal. That is when we crossed the
19 road from Lalogi going to Opit. There are some pine trees and eucalyptus trees
20 which were planted by government departments.

21 Q. [10:33:16] Do you recall if there was a barracks or military detach near that area?

22 A. [10:33:24] I know that there was a camp in Lalogi. And the soldiers provided
23 protection in Lalogi. So people were in the camp. So if the barracks were in the
24 bush, then I don't know because I would not move in the bushes alone.

25 Q. [10:34:04] During your movement you also stopped at a place to cook and eat; is

1 that correct?

2 A. [10:34:20] Yes, people stopped, rested and also cooked. This happened during
3 the day. I did not have a watch.

4 Q. [10:34:44] What did you cook?

5 A. [10:34:53] People cooked the goats that were got from Abok, chicken that were
6 also got from Abok. We were given the goat's meat to eat. Some people ate
7 chicken. That's the food that I saw and the ones that I ate, we were given some small
8 portions.

9 Q. [10:35:22] Do you remember if you crossed the Larodo (phon) river?

10 A. [10:35:34] I do not know the geography of Acholi very much, I only know the
11 road from Lalogi to Opit. But deep inside I do not know. I was just moving. So if
12 we cross a particular stream I do not even ask, because if you ask they would be very
13 arrogant because they would say I am trying to master the roads because I want to
14 escape. So I, I actually just kept quiet, I did not ask where we were, I just swallowed
15 everything.

16 Q. [10:36:21] So had you previously known about the place called Omuku-Itunge at
17 paragraph 86 of your statement?

18 A. [10:36:44] I did not know Omuku-Itunge. Opio was the one who told me
19 because he was close to me and he was asking me a lot of question. So if I ask him,
20 he tells me the name of some of the places, but if I don't ask him then we would just
21 pass that place without me knowing.

22 Q. [10:37:27] Now in your statement you said that -- let me reformulate my
23 question.

24 You said that when you arrived at the Atoo hills at the main base, and this is at
25 paragraph 94 of the statement, you said: "The looted items were taken to where the

1 commanders were. I know this because during the travel no one was allowed to eat
2 anything from what we were carrying. The looted items had to be put together for
3 distribution to all. While we were moving Opio Wanjiri kept telling us that we
4 should not use the things that we were carrying."

5 My question to you, Mr Oper, is then: How would you explain having
6 eaten -- cooked and eaten the goats and chickens that were picked from Abok?

7 A. [10:38:58] How we collect the food, they themselves were actually very hungry, so
8 they picked something little and gave to people to eat so that they would gain some
9 energy. The rest of the food, people were to move with it forward and go along with
10 it. I do not know who gave the orders that some food should be taken and cooked so
11 that people would eat. I only saw when it was cooked and I was given to eat.

12 Q. [10:39:32] For the duration that you spent at Atoo hills, do you remember ever
13 being attacked by the government soldiers?

14 A. [10:39:51] I said that when we were at Teegot-Atoo we never stationed at one
15 particular place. It's a very wide area. You would spend a night at that place for
16 one, two nights, then you move to another forest. That place was a hiding place,
17 people would hide there. It's not an open place where people constructed the home
18 like in the normal home. So we were there just in the bushes, in the jungles, we were
19 not attacked.

20 Q. [10:40:43] Yesterday you testified about the training that you received in the
21 bush. Do you recall as part of your training any other initiation rituals that you
22 underwent?

23 A. [10:41:11] I did not go through any ritual. I was told that when they are giving
24 you a gun, that's when they would do those rituals. I was only trained on how to
25 dismantle and reassemble a gun. So they only show you what to do, but they don't

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 want you to even fire because they don't want any gun to be fired. I did not go
2 through any particular ritual.

3 PRESIDING JUDGE SCHMITT: [10:41:46] May I shortly, because I think here is
4 something that should be clarified.

5 Mr Oper, I have here your former statement in front of me, that's paragraph 115 and,
6 indeed, like you already said yesterday, "I was thought how to dismantle and
7 reassemble a gun." And then it continues like that, so please listen, "I was also told
8 how to load, cock and fire a gun." If you hear this, what you have said at the time,
9 what do you say today to it? Do you recall that you were also told how to load a gun
10 and to fire a gun, or do you now say I don't remember anymore or this is not true?

11 THE WITNESS: [10:42:34] (Interpretation) I was trained, you were trained for each
12 level, one at a time. What was important was dismantling and reassembling a gun.
13 Knowing how to fire a gun would come when you now know how to assemble,
14 dismantle and reassemble. They would show you how to load the gun, but they
15 don't want you to fire because if you fire, then you would be able to let the
16 government soldiers know where you are. But all those things you would see how it
17 is being done, how the demonstration is done.

18 PRESIDING JUDGE SCHMITT: [10:43:15] Thank you.
19 Mrs Bridgman.

20 MS BRIDGMAN: [10:43:22]

21 Q. [10:43:23] Do you recall ever being beaten to take the civilian out of you as part
22 of your training?

23 A. [10:43:42] When you are in the bush they look at your intention. If they see that
24 your mind is far away, they beat you, they ask you, "What are you thinking about?"
25 So I was beaten. The beating that I was given --

1 THE INTERPRETER: [10:44:03] Actually, the interpreter corrects: What happened
2 was that I was not beaten a lot because I was following every instruction that they
3 were given. But, of course, one time when you forget something they would beat
4 you a little, but most times I was following their instruction so I was beaten less.

5 MS BRIDGMAN: [10:44:23]

6 Q. [10:44:24] Do you remember if they smeared you with shea butter oil?

7 A. [10:44:33] I was not smeared with the shea butter oil. What was done to me was
8 some particular traditional medicinal plant which was pounded and put in my
9 wound. That is the only thing that was done to me.

10 Q. [10:45:00] Again, Mr Witness, I am going to read for you a portion from your
11 victim application.

12 Your Honours, this is at page 0350, I would say the second last paragraph.

13 It says here, Mr Oper:

14 "I was also beaten severely several times to remove the civilian mind and to scare
15 from escaping from captivity."

16 From what you have just told us now, would I be correct to say that this not
17 what -- this does not capture what happened to you in the bush?

18 A. [10:46:00] I mentioned earlier that just at the same time of my abduction I was
19 really beaten, I was badly beaten. But Opio kept on encouraging me that, "There's
20 nothing that will be done to you now."

21 So when we went to the bush I started getting much, you know, much freer. But
22 taking the civilian out of me was when I can say I was going through those processes,
23 through the kind of suffering that I was going through. I think I can confirm and say
24 that that is now taking the civilian out of me.

25 Q. [10:46:49] Now, regarding the operation you went to at Opit, would I be correct

1 to say that this was your first operation after your arrival at Atoo hills.

2 A. [10:47:08] Yes, I went to the Opit attack after my leg had healed.

3 Q. [10:47:21] Was it Kalalang who personally picked you to be in the group that
4 went for that operation?

5 A. [10:47:35] When such orders are being given you are all summoned together.

6 You wouldn't know who exactly gave the orders. I know Kalalang was the leader of
7 the group, but how he would call the people, those of us who were abducted were
8 put on the side, but you only now come to know when you are called -- they are
9 calling you to come another on the side so that ready to go because those of us who
10 were new they didn't want us to know their secrets.

11 Q. [10:48:15] Was this before or after your training?

12 A. [10:48:28] The training had not yet taken place. They started training us a little
13 later. The training is not every day. They would do a training today then you
14 spend like two, three days without training. But to be trained it requires that at least
15 you will have spent a month in the bush, then they can start, you know, taking you
16 through some of the things that could happen there.

17 Q. [10:49:01] Had you been told about LRA rules before this operation at Opit?

18 A. [10:49:19] What I was told while in the bush was that the issues of relationships
19 are not permitted. Look at a friend, if you have a female friend, look at her as your
20 sister and you should not do anything or her. And also you as a girl do not have the
21 interest to get into a relationship with any, any man. If they find you in such
22 relationships they will kill you. This was basically done to create and bring respect
23 while you were in the bush.

24 Q. [10:50:13] I am going to read to you two portions of your statement, because I'm
25 trying to clarify with you the timelines. At paragraph 96 you were talking about

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 when you arrived at the base and you said that:

2 "... I was left to sit and rest so that my foot could heal because it had swollen so much

3 ... About a week and a half later, my foot was better and I could walk."

4 And then at paragraph 101 you said:

5 "About 2 weeks after my leg had healed I was taken to an attack on Opit."

6 From these two portions would I be correct to assume that you had spent

7 approximately one month with the rebels before going to Opit?

8 A. [10:51:22] That was not correct. By the time I was abducted I already had

9 a problem with my leg. They only put medicine in it while in the bush and one to

10 two weeks I had healed. So when I was abducted and while I was still in the bush I

11 wouldn't know dates and days. I would only see when day breaks and the sun is

12 setting. I would not know which day we were in and which date. My only role was

13 to only follow what I was told.

14 PRESIDING JUDGE SCHMITT: [10:52:03] And it can -- 101 can be read either ways.

15 Because that, it might sense to try to clarify it.

16 MS BRIDGMAN: [10:52:26]

17 Q. [10:52:27] Mr Oper, can you estimate how far Atoo hills was from Opit?

18 A. [10:52:43] I cannot tell the distance because we do not follow a straight road.

19 We go through the jungles as we try to evade the soldiers. So I cannot tell the miles,

20 because I had never been there before. But I know it's far.

21 Q. [10:53:11] Do you remember how long it took you to walk to Opit?

22 A. [10:53:24] People move. When we would move we go to Opit one day, but

23 when you leave you don't go straight. But how they detect where soldiers are I do

24 not know. You would move and then you reverse and then you move and then you

25 try to take other routes. So it took us one day to go to Opit, because we do not move

1 in the open and in a straight line.

2 Q. [10:53:59] I am going to read to you a little portion again from paragraph 101
3 and I would like clarification from you. You said: "I was in the group that was
4 chosen to go to look for food. I was not told directly what my role would be but the
5 practice was that when we went to do 'work' or raid, the new abductees were to carry
6 the loot."

7 When you say "the practice was that when we went to do work" what practice are you
8 referring to since this was your first operation?

9 A. [10:54:48] The longest distance I mentioned is one going to Opit. But the other
10 shorter, shorter ones is when we go to look for food. The ones that I have mentioned
11 is that is the longest distance that we would have moved because there you don't just
12 sit, you have to move to look forward to eat. So there were many, many, many
13 shorter places, distance where we moved to collect food, but what I mentioned is only
14 the long distance.

15 Q. [10:55:28] So you had gone to collect food several times before the Opit
16 operation, is that what you're saying?

17 A. [10:55:44] I said going to Opit was the second time, was the second operation I
18 went to. But the other places where we would go in short, short distances were
19 many. I have not mentioned them. But I only mention Opit, Acet and Lalogi, those
20 are the longest distance that we moved. But the other places which are very short
21 distance I do not call them, I do not refer those as like a movement -- longer
22 movements. It was just like we were stretching our muscles. So there were other,
23 other smaller, smaller, shorter distance that we went for.

24 MS BRIDGMAN: [10:56:26] Thank, you Mr Oper.

25 Your Honours, I think this would be a good place to stop for the break.

- 1 PRESIDING JUDGE SCHMITT: [10:56:31] If you reassure us that you will finish in
2 the next essential, then it is indeed correct. You have nodding, so we have the break
3 until 11.30.
- 4 THE COURT USHER: [10:56:43] All rise.
5 (Recess taken at 10.56 a.m.)
6 (Upon resuming in open session at 11.31 a.m.)
- 7 THE COURT USHER: [11:31:43] All rise.
- 8 PRESIDING JUDGE SCHMITT: [11:32:02] Mrs Bridgman, please continue.
- 9 MS BRIDGMAN: [11:32:14]
- 10 Q. [11:32:14] Mr Oper, when you went to Opit were you ever briefed and informed
11 what you were supposed to go and do?
- 12 A. [11:32:35] No, they did not tell us. We went, we were looking for food because
13 we did not have any food.
- 14 Q. [11:32:49] Indeed, when you went you did not abduct any civilians but only
15 raided gardens for cassava and beans, correct?
- 16 A. [11:33:08] Yes. We did not abduct anybody in Opit. We went and collected
17 good that people had left in their gardens. When we find food we would take it back
18 to where we were to help sustain us.
- 19 Q. [11:33:25] And even that other previous time, the one you said was a shorter
20 distance, you went only to collect food, correct?
- 21 A. [11:33:41] Yes. We were foraging for food. Anything you find you take back
22 to the camp.
- 23 Q. [11:33:55] In your estimate, since you said you don't know kilometres and miles,
24 but if you compare the distance to Opit and when you went to Acet, which one is
25 further away from the base that you were at?

1 A. [11:34:26] Acet was further, was further from our base. Opit was much closer.
2 But when you are going to go to those locations you have to walk slowly because we
3 have to hide so that the soldiers do not locate us.

4 Q. [11:35:01] And again this mission to Acet was to collect food, correct?

5 A. [11:35:13] The reason why we went there was to look for food. If they are going
6 to fight, if they had plans to fight, that is something that I wasn't aware of, but as far
7 as I was aware of, I knew people were going to get food. If there is a fight sometimes
8 a battle ensues without being prepared for it. If there is a battle, then people fight.

9 Q. [11:35:47] Do you remember how many days or weeks had passed between the
10 attack on Opit and the one at Acet?

11 A. [11:36:12] We attacked Opit and we also went to look for food at Acet. I believe
12 maybe it was approximately one and a half weeks. I did not count the days so it
13 depends on how much food people find. If you go to one location and find a lot of
14 food, then that sustains you for a while. But if you go to a place and you do not find
15 enough food, then you have to go and look for more food sooner.

16 Q. [11:36:56] You testified yesterday about the ambush that you fell into leading to
17 Kalalang's death. Do you remember the name of the person who replaced Kalalang
18 after he died?

19 A. [11:37:21] When we walked we received a report where some of my -- the fellow
20 colleagues informed me that Kalalang had died, together with another Acholi person.
21 I knew him as Ocan, he is from Kitgum. They told me that he had also died. The
22 person who took over was an Acholi person known as Ocira because there was
23 nobody else at the time to take over. I do not know who promoted him, who put
24 him in that position.

25 Q. [11:38:09] Before he was promoted and put in that position was he with your

1 group? Had he been travelling with your group under Kalalang?

2 A. [11:38:26] Yes, yes, he was. He was part of the group. There were many
3 people, but I do not know the ranks or the positions of everybody in the bush because
4 nobody told me personally the ranks of everybody in that bush.

5 Q. [11:38:47] Did you ever get to know the name of your group?

6 A. [11:39:02] The group that I was in, when I wrote down the statement I forgot
7 about the name of the group, because I had so many other thoughts on my mind and
8 there were so many other questions that I was being asked. The group was -- I have
9 forgotten, I have forgotten right now. But I do know it, but I can't remember this
10 instant.

11 Q. [11:39:42] That's okay, Mr Oper. If you remember, you can also let me know.

12 A. [11:39:52] Okay.

13 Q. [11:39:56] In your statement you talk about someone called Oceng Lango, do you
14 remember this person?

15 A. [11:40:13] The Oceng Lango, when we went to Opit and came back, there was
16 a commander who was coming there known as Oceng, he came to that group. I do
17 not know how he came to that group, but we found him coming. I do not know
18 what kind of link or how he came and joined the group. He came, he took me and I
19 went with him.

20 Q. [11:40:48] And even if you do not remember the name of the group, but was his
21 group different from the one that he picked you from?

22 A. [11:41:09] They had one overall commander for the groups, but the groups were
23 split into different groups. But it was all part of one group. There was an overall
24 commander of that group and -- but the group was split into two groups. But they
25 were all referred to as Dominic's group.

1 Q. [11:41:40] Do you remember Oceng's rank?

2 A. [11:41:49] He did not tell me his rank, but Oceng and Okello were of the same
3 rank according to my understanding.

4 Q. [11:42:07] And you testified yesterday that you did not see -- at that big meeting
5 when Dominic Ongwen came, you said you were not close enough to see him.
6 Would I be correct then to say you did not even hear him, what he said at that
7 meeting?

8 A. [11:42:35] On the first -- there was the first meeting when we just arrived, I was
9 part of that meeting. There was a commander who came, but I do not know who he
10 came with. Perhaps Oceng was also part of that group and he left. I do not -- that's
11 why I did not know all the people that were in the meeting on that first occasion.

12 Q. [11:43:04] I would like to focus on the other meeting, the big meeting where you
13 said that Dominic Ongwen came and addressed the soldiers. Do you remember
14 that?

15 A. [11:43:21] Yes, I do. I do remember that. Because Opio told me that there is
16 a -- the commander is coming. The people who used to give me information while
17 we were there was Opio, there was also Otim, Okoo as well. They would tell
18 me -- most of the information I would get from Opio because he was inquisitive. He
19 would tell me things, but he would keep the most important things from me, but he
20 would tell me some things.

21 Q. [11:43:59] So would I be correct to say that you never heard or saw
22 Dominic Ongwen give instructions to either Kalalang or Oceng?

23 A. [11:44:17] No, not directly. I heard, I did not see him, I heard that he came.
24 But perhaps when we were moving around they didn't tell me that this is the person.
25 You know, if they don't point out somebody to you, if they don't tell you that this is

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 such-and-such a person, then you wouldn't know who he is. Maybe I saw him but
2 I didn't know who he was.

3 PRESIDING JUDGE SCHMITT: [11:44:40] I think that's now clear enough, I would
4 say. And also it was indeed a little bit -- you could interpret it, paragraph 120 of the
5 statement, but I don't have to enquire myself further because I think now it's clear
6 enough. Because there at the end it is said "... were all gathered at the Atoo Hills to
7 listen to Dominic" so he obviously did not listen to Dominic.

8 MS BRIDGMAN: [11:45:40]

9 Q. [11:45:42] Yesterday you talked about the ages of the people you saw in the
10 bush. You did not know these people before you met them in the bush, correct?

11 A. [11:46:05] That's correct. I did not know them before. The first time I saw
12 them was in the bush. They are the ones who introduced themselves to me.

13 I -- when they told me who they were, then I knew them, but I did not know them
14 before that. I do not know where they were abducted from either.

15 Q. [11:46:29] And during these introductions they really did not tell you how old
16 they were, it was just your observation, correct?

17 A. [11:46:49] That's correct. I would look at them and guess their ages. I did not
18 ask a lot of things because at times they would also -- if you start asking somebody so
19 many questions, the person might become angry. So you don't ask many questions.

20 Q. [11:47:12] I am going to read to you a portion from paragraph 82 of your
21 statement, and this is in reference to Amodo Charles. You said: "Amodo was an
22 older person but shorter than us and because of that the rebels thought that he was
23 a young person."

24 Now, would I be correct, Mr Witness, to say that Amodo's physical appearance made
25 him look younger than he actually was?

1 A. [11:48:03] Yes. Amodo was shorter, he was stocky. But when you look at him
2 he looks like a child who has been taken care of well, but he was older.

3 Q. [11:48:25] So it is possible that some of the people you saw in the bush were
4 actually older than you assumed them to be, correct?

5 A. [11:48:49] No, that's not correct. The reason why they thought Amodo was
6 young, because he was short, he was fatter, and if you look at him he looks like
7 a child. I was taller and I was slimmer. And that's why they thought I was older
8 because I was skinnier than Amodo.

9 Q. [11:49:30] In your statement at paragraph 142 you talked about Kalalang and
10 said you saw him with a telephone and a small radio. Do you remember this?

11 A. [11:49:48] Yes, I do recall that, because I was in the bush and I saw him. I saw
12 him using it occasionally. I wasn't with him, close to him at all times.

13 Q. [11:50:16] You also said that you saw Oceng and Ocaya with telephones. Were
14 they similar to Kalalang's?

15 A. [11:50:34] Kalalang's phone was black. I do not know the model. It had an
16 antenna. Oceng also had a phone. They all had black phones. I do not know the
17 model or the names of the phone because I did not have a phone, so it was difficult
18 for me to tell what models or what make they were.

19 Q. [11:51:04] Now you just acknowledged that sometimes -- you were not with
20 Kalalang at all times. But were you ever around him when he was using this
21 telephone?

22 A. [11:51:22] We were with him in the bush. I would sometimes hang around,
23 hang around him, but it was not my job to stay close to him all the time. He had
24 a handful of people who were close to him. The newly abductees were not allowed
25 to speak to commanders anyhow. The rules prohibited that. There were a lot of

1 secrets that we did not know. The people who had been there longer, the veterans,
2 were the ones who knew the secrets, they would not pass on this information to us.

3 Q. [11:52:04] When you -- when you were in the bush, did these veterans or older
4 people in the bush ever tell you that there was a rule in the LRA forbidding
5 telephones?

6 A. [11:52:26] No, I did not ask. It's very difficult to come by a phone. That's why
7 I did not ask them. If you ask, if you are very curious, they would be suspicious, so
8 most times you just look at things and don't ask.

9 Q. [11:52:59] Now let's talk about Kalalang for a second. You said that he had the
10 same ranks as Oceng, in your observations, can you describe their ranks or how you
11 could tell that they had ranks and what kind of ranks they had?

12 A. [11:53:29] The reason why I thought they had ranks was because they had
13 something on their shoulders. There was a red -- there was a red -- something red,
14 one red pip and that's why I assumed that was a pip because when people have that,
15 when people have that on their shoulders that means they have a rank.

16 Q. [11:54:10] Apart from his uniform, can you briefly describe to us what Kalalang
17 looked like, his physical attributes?

18 A. [11:54:31] Kalalang was tall, he looked tall. Maybe 5 to 6 feet. His hair, he had
19 dreadlocks but not similar to other people. His hair was much shorter. He was
20 very clean. He took care of himself. He was not very fat. He was healthy.

21 Q. [11:55:06] Did he have any disability?

22 A. [11:55:12] I did not see any disability. If he had any illness or if he was sick he
23 did not tell me, that's why I did not know whether he was ill or whether he was sick.

24 Q. [11:55:29] Did he appear to you that he had been previously injured?

25 A. [11:55:53] I saw him when he was fully dressed so I did not see any injuries on

1 his person. He had shoes on his feet, he had a shirt, he had trousers. If he had
2 sustained injuries on his person, I did not examine his body because he was fully
3 clothed.

4 PRESIDING JUDGE SCHMITT: [11:56:20] If you want you can put it directly to him
5 if there was any problem with walking or something like that.

6 MS BRIDGMAN: [11:56:31]

7 Q. [11:56:32] Did Kalalang walk with a limp?

8 A. [11:56:41] No. I did not see him walking with a limp. I did not see him
9 holding -- walking with a stick, that's why I said I did not see any injuries on his
10 person. If he did have any injuries on his person, then they were probably covered
11 by his clothes.

12 Q. [11:57:03] Do you think if you saw a photo of Kalalang you would recognise
13 him? I understand it has been a long time.

14 A. [11:57:19] If there is a photo that you have I will examine it and look. I did not
15 take any photo, I did not come back with any photo of him. I only saw him in the
16 bush when he was dressed. I wasn't close to him at all times, that's why I do not
17 have a photo of him.

18 Q. [11:57:43] Yesterday when you were talking about his wife you said that you did
19 not ask her her name. If I said a name to you, for instance, Adong, would that be
20 a name that you would recognise?

21 A. [11:58:13] They did not tell me the name of Kalalang's wife. When they were
22 talking or when they were referring to her they would refer to her as "The
23 commander's wife". They did not tell me her name. You may mention her name to
24 me, but I do not know. They kept on referring to her as "The commander's wife".
25 So even if you mention any name to me it would not ring a bell because I only knew

1 her as "The commander's wife".

2 Q. [11:58:45] Did they ever tell you how she became his wife?

3 A. [11:58:58] I did not ask. I know that women in the bush are selected. If you see
4 a woman that is attractive to you or catches your eye, then you select her. But I do
5 not know how she got to the bush. I did not ask that question.

6 The name of -- the name of the group. Well, I have forgotten about the name of the
7 group. When they asked me about the name of the group, I had forgotten about it
8 because they were asking me so many questions and that's why I had forgotten about
9 it. But now it's come to mind. The name of the group was known as Sinia.

10 Q. [11:59:38] Thank you, Mr Witness.

11 Now, this selection of women, did you ever personally witness something like that
12 where a commander would select a woman?

13 A. [12:00:13] I stated that I do not know whether Kalalang came with his wife from
14 home or whether he found the wife in the bush. He did not tell me that this is my
15 wife. Maybe if he wanted somebody he wanted her in secret because in the bush
16 you are not allowed, courtship is prohibited.

17 Q. [12:00:46] Mr Oper, I would like to read to you just a small portion. You said:
18 "I know that women in the bush are selected. If you see a woman that is attractive to
19 you or catches your eye, then you select her."

20 My question is did you ever personally observe this happening or was this another of
21 the many things that you were told?

22 A. [12:01:19] I did not see it with my own eyes. But I confirm that if you have
23 spent some time in the bush and you ask your boss he will accept, because I think by
24 that time he will have observed you and seen that you can -- you are ready to stay in
25 the bush. That's what actually I heard but I did not -- that's what I observed, but

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 I was not told.

2 PRESIDING JUDGE SCHMITT: [12:01:55] Perhaps I have also -- I am going to back
3 to the description of Kalalang, just one question that comes to my mind looking at the
4 former statement 112.

5 Mr Oper, was Kalalang, as you had come to know him, clean shaven?

6 THE WITNESS: [12:02:19] (Interpretation) He had not shaved off hair from his head.
7 He had some -- he had some hair on his head.

8 PRESIDING JUDGE SCHMITT: [12:02:30] What I mean, I read it to you, a short
9 portion, again paragraph 112, this is from the statement that we have already heard
10 a lot of times, 0082, you said that today, too, he had well-kept hair, and then it is said
11 here he had a beard. When I read that out to you, does the image of the person come
12 back to you?

13 THE WITNESS: [12:03:06] (Interpretation) Yes, you can read.

14 PRESIDING JUDGE SCHMITT: [12:03:07] So this beard that is mentioned here,
15 could you describe it a little bit, how it was, did it cover the whole face or only parts
16 of it?

17 THE WITNESS: [12:03:26] (Interpretation) He had some hair, he had some beard, but
18 he had cut it. He would only leave a bit of some kind of hair coming to the cheek,
19 but, but a bit trimmed. And also on the head he had hair, but he would trim it to the
20 right size. But that's what I saw. I did not see him when he was trimming his hair
21 and where he does it from I don't know.

22 PRESIDING JUDGE SCHMITT: [12:03:55] Thank you very much. But this was
23 simply because when we are using the word "beard" it could mean several things. It
24 could change a person's face, for example. And it could not change a person's face.
25 And this depends on how we define "beard" in a certain instance.

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 Please, Mrs Bridgman.

2 MS BRIDGMAN: [12:04:21]

3 Q. [12:04:26] Mr Witness, is Alogi and Lalogi the same place?

4 A. [12:04:38] Yes, it's the same place. Lango and Acholi, the languages are very
5 similar but a just little, some little difference in some words. So Lalogi and Alogi is
6 the same. You can say jal or ole, same person, same thing.

7 Q. [12:05:20] Can you estimate the distance between Loyo-Ajonga and Lalogi?

8 A. [12:05:36] The distance from Loyo-Ajonga to Lalogi I cannot say, I cannot tell
9 because it's in the bush, deep in the bush. If I estimate, because I did not measure,
10 just my guess could be about 10 -- between 10 to 12 kilometres because I did not
11 measure and I had not been there before.

12 Q. [12:06:22] Yesterday when you were discussing your escape you said you
13 escaped from the area of Lalogi, correct?

14 A. [12:06:39] Yes. In the bush close to Lalogi the reason why I say Lalogi because
15 the name that I am very familiar with is Lalogi. Some places deep in the villages I
16 could know, they have their names, I could -- maybe I could call it Lalogi, but maybe
17 it has another name because I don't know, I don't have much information about those
18 places.

19 Q. [12:07:08] Did you ever participate in operations around or near Loyo-Ajonga?

20 A. [12:07:27] We passed via Loyo-Ajonga, going to Acet we passed through a road
21 going very close to that place. When I returned I was taken to the barracks and I was
22 told the name of that place that is called Loyo-Ajonga. I didn't know before I was
23 told about the name of that place.

24 Q. [12:08:00] Isn't it true, Mr Witness, that there was also a barracks at Lalogi?

25 A. [12:08:12] There is a barracks in Lalogi. Every camp had a barracks which had

1 soldiers whose role were to protect the civilians. That's what I know.

2 Q. [12:08:27] Do you know why you were taken to Loyo-Ajonga barracks and not to
3 Lalogi after you escaped?

4 A. [12:08:41] The soldiers who picked me and took me there, I did not ask them
5 whether they were from Loyo-Ajonga or from Lalogi, because I was scared. I could
6 not ask them a lot of questions because I feared they could kill me because I was
7 a rebel. That's why I feared for my life. I would not just talk anyhow.

8 Q. [12:09:14] And at the time of your escape you were in Oceng's group, you had
9 moved away from Ocira's group to Oceng's group, correct?

10 A. [12:09:45] Correct.

11 Q. [12:09:56] And you said that after you were taken to the barracks you were
12 asked questions. Did they take a statement? Did they write anything down, if you
13 know?

14 A. [12:10:15] I was very confused. They asked me, I was so confused, I don't know
15 what happened, I do not know whether they wrote or they did not write. I didn't
16 pay attention to it. I was fearful because I thought any time they could even
17 disappear with me. I don't know what happened at that time.

18 Q. [12:10:41] Do you remember if you were also interviewed when you arrived at
19 Opit barracks?

20 A. [12:10:53] They interviewed me.

21 Q. [12:11:03] Do you remember if they took a statement down or you were still
22 afraid and fearful?

23 A. [12:11:18] From Opit I was interviewed, I responded. Still I do not know if it
24 was written down. I would speak. There were many people and it is hard to know
25 whether they were writing. I was writing. My head was looking -- I was looking

1 down. Maybe they wrote, but I didn't pay attention to it. I did not write anything.

2 I only explained, told them what happened to me.

3 Q. [12:11:51] Do you remember if they asked you the immediate commander to
4 whom you were working with in the bush?

5 A. [12:12:14] They asked me many questions. I do not recall them. I was so
6 disturbed by the experiences I went through in the bush. Some things I would say
7 and I would forget. I would not even know that I mentioned it. So I was so
8 confused I did not know what to do at that time. So I did not -- I do not recall a lot of
9 things that happened.

10 Q. [12:12:43] To the best of your recollection, even in your state of confusion, do
11 you believe that you told them the truth to the questions they asked you?

12 A. [12:13:03] What I told them may not have all the truth in it because you speak
13 because you want to be -- get a way out of the problem. So I don't say everything, I
14 don't tell every truth. I only say what comes into my lips to say. So I cannot know
15 what I said. I don't recall everything that I told them.

16 Q. [12:13:37] Now you testified yesterday that after you were interviewed by the
17 UPDF at some point you were taken to a rehabilitation centre and stayed for
18 approximately one month. Do you recall if people from Amnesty came to speak to
19 you at any time since your return?

20 A. [12:14:16] Several groups came to us and spoke to us. They asked us how we
21 were abducted. We, we spoke to them.

22 Q. [12:14:30] Do you remember if you ever applied for amnesty?

23 A. [12:14:43] I did not ask for any document, because I was in the bush for a short
24 time. I knew I was abducted so there was no way I would ask for an amnesty
25 certificate. So because I did not write anything down, I only mentioned, I only talk

1 verbally, so if I talk I know maybe someone is writing down. But they don't read
2 back to me what was written.

3 Q. [12:15:22] You said that at the rehabilitation centre you found there was also
4 Omara Denis, among other people that you recognised. Do you remember if Omara
5 Denis found you there or you found him there?

6 A. [12:15:53] When I returned I found several people at that place. I returned
7 home and I was taken to Ngai. If you check down there, I wrote when I was
8 interviewed with that -- that person interviewed me, the person told me that I should
9 not stay home because I am not yet very settled in mind. So they took me to
10 Tee Boke and I found there several people.

11 Q. [12:16:32] So by the time you arrived do you remember if you found Omara
12 there or he found you?

13 A. [12:16:45] When I returned I found Omara there. People return differently. To
14 take you there to the centre is also differently. Then you return on different
15 occasions. Some people I hear they spent over a month home before being taken to
16 the centre. Then later on they come and collect you and take you to the centre. So
17 when they hear that a former abductee is at such a place, then they would come to
18 collect you to take to the centre. So when I returned I stayed home for a few months
19 before I was taken to the centre.

20 Q. [12:17:42] Do you know if colleagues like Omara received amnesty certificate?

21 A. [12:17:56] They spoke to us and told us many things. They pick you, they take
22 you and talk to you. If he was given, then he was given, but I was not given. So I
23 do not know if the certificate remained there or they got lost.

24 Q. [12:18:21] Now, since you were abducted together with Omara, do you know
25 how long he spent in the bush before he returned home?

1 A. [12:18:37] I went to the bush. We were separated. Those of us who were
2 abducted together, we were separated. I mentioned I stayed for a while with
3 Kalalang and Kalalang died. I was taken to another place. I never saw how he was
4 living. I lived my own life, god helped me, and I returned. How he returned, he
5 knows. I cannot talk about how he returned because he never told me everything.

6 Q. [12:19:12] Now you said you spent about one month at home before you were
7 taken to Tee Boke. Do you remember if at any point during that one month at home
8 or while you were at Tee Boke or after you returned from them, if you ever were
9 interviewed again with the UPDF?

10 A. [12:19:46] I was not called. I was picked and taken to the sub-county. They
11 spoke to me and that is where I was picked from there and taken to Tee Boke. There
12 is no any other occasion when the soldiers spoke to me until when now I returned
13 and I was handed over to my elders. I was not called to any other place for any other
14 interview.

15 Q. [12:20:36] Mr Oper, what would you say if I told you that there is a government
16 report from August of 2004 which appears to indicate that you were already at home
17 and not in the bush?

18 A. [12:21:09] I was in the bush and I returned. If there is any report, that person
19 knows how he wrote a report about me. I spoke to many people. If somebody
20 wrote something about me, I do not know what they wrote. I even don't know the
21 date that that report was made. I spoke to so many people who wanted to know the
22 kind of life I went through in the bush. So if there was one which was written, yes,
23 maybe that is what was written. But with me I did not indicate, I do not write that I
24 spoke to so-and-so, so I do not have any information about that.

25 Q. [12:22:11] What would you say if I told you -- and your Honours, this is

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 extracted from tab 8 of the binder. It's a screening note, UGA-OTP-0244-1147.

2 I believe it's a confidential document that need not be displayed to the public. And
3 it's at page 1148.

4 What would you say if I told you, Mr Oper, that you were identified by
5 the Prosecution from that government report of August 2004 as being a survivor of
6 the Abok attack?

7 A. [12:23:18] The rebels captured me. I went. I said I spoke to many people
8 when -- after I returned. The person who spoke to me never introduced himself to
9 me that I am speaking as so-and-so so I was not informed about. Also, when people
10 write whatever they have written they don't give me to read. They write and go. So
11 I wouldn't know what they have written about me. They could write something
12 good about me or they write something bad about me.

13 PRESIDING JUDGE SCHMITT: [12:23:55] Could you please help us with the
14 government report from August 2004.

15 MS BRIDGMAN: [12:23:59] Yes, your Honours. There are two tab numbers. One
16 is tab 6, UGA-OTP-0032-0038. And the relevant information is at 0059 at the very
17 top, number C. And the other reference is UGA -- sorry, tab 7,
18 UGA-OTP-0037-0153. And the relevant portion is at 0178, where it indicates
19 "Witnesses (all are within Abok IDP camp)".

20 MR GUMPERT: [12:24:55] And the August date.

21 PRESIDING JUDGE SCHMITT: [12:24:57] Yes, the August date. But I have seen it,
22 at one page I have seen it. That would be UGA --

23 MS BRIDGMAN: [12:25:06] 14 August.

24 PRESIDING JUDGE SCHMITT: [12:25:09] Yeah, 038. But it's a little bit -- because
25 also how the pages are composed is so differently. But okay, we take it at least there

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

- 1 appears 14 August at page 0038 at the bottom right.
- 2 MR GUMPERT: [12:25:28] Sorry, 0038 is the first page?
- 3 MS BRIDGMAN: [12:25:33] It's the cover page of that whole document.
- 4 MR GUMPERT: [12:25:36] Thank you.
- 5 PRESIDING JUDGE SCHMITT: [12:25:42] No, it is noted and --
- 6 MS BRIDGMAN: [12:25:44] And I believe when I check the metadata in Ringtail it
- 7 shows from August 2004.
- 8 PRESIDING JUDGE SCHMITT: [12:26:00] But of course these are matters that I think
- 9 we would need perhaps submissions in that respect later on, to understand it.
- 10 MS BRIDGMAN: [12:26:13]
- 11 Q. [12:26:14] Mr Witness, what if I told you that some people have indicated that
- 12 you returned the same night of your abduction and you did not go further into the
- 13 bush, or at least not for the duration of the time you have testified to? What would
- 14 you say to that?
- 15 A. [12:26:44] I went to the bush. I explained what happened in the bush. People
- 16 who abducted. The ones that I saw, I mentioned them. I do not know everyone
- 17 who was abducted. I do not know how each one of those who returned came back
- 18 home. Each person talks about what he or she thinks and knows.
- 19 Q. [12:27:18] What would you say to a proposition that contrary to what you have
- 20 just testified to regarding Kalalang's death, that in fact he did not die under the
- 21 circumstances that you testified to and was alive until perhaps --
- 22 MR GUMPERT: [12:27:41] Objection. He hasn't testified to Kalalang's death. He's
- 23 testified about being told that Kalalang had died.
- 24 PRESIDING JUDGE SCHMITT: [12:27:48] That is true, so just rephrase it a little bit.
- 25 What if you say if you came to know that Kalalang died much later or something

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 like that.

2 MS BRIDGMAN: [12:27:59] May I respond to Mr Gumpert briefly?

3 PRESIDING JUDGE SCHMITT: [12:28:02] Of course.

4 MS BRIDGMAN: [12:28:03] Because I do not have the reference of course now
5 it's -- but I believe yesterday when he was discussing the return from Opit he testified
6 about Kalalang being shot. He agreed that he did not see his, his dead body, for
7 instance, but he testified to him being shot and then being told about dying.

8 PRESIDING JUDGE SCHMITT: [12:28:23] Yes, yes, but it's of course -- I recall it and
9 I think also my colleagues recall it very well that, maybe even I have enquired on it,
10 that if he has seen him being shot and seen him dead and there might be a little bit of
11 a difference if you are told. But nevertheless, the question of course suggests itself
12 that you ask him about the death of Kalalang. But just rephrase it a little bit.

13 MS BRIDGMAN: Thank you, Mr President.

14 Q. [12:28:57] So Mr --

15 PRESIDING JUDGE SCHMITT: [12:28:59] I have here, to be correct, we have a very
16 quick team here, and they send it to me. "I just heard that they were dead. I never
17 saw them. I never saw their dead body as well." And I think that was -- yes, that
18 was a question by me. "Did you see how Ocan and Kalalang were killed?" And that
19 is at the real-time transcript 12:33:29. So it's exactly so what Mr Gumpert -- the
20 intervention by Mr Gumpert was justified. But of course the question, as I said,
21 suggests itself, when it is being rephrased.

22 MS BRIDGMAN: [12:29:38] Much obliged, your Honour. And I am sorry for
23 disagreeing when apparently I don't have the facts as they are.

24 Q. [12:29:49] So, Mr Oper, what do you say to my proposition that Mr Kalalang was
25 alive and well until perhaps 2009 or 2010?

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

1 A. [12:30:09] This is my response to that: I was told that he was shot, that Kalalang
2 and Ocan were shot. Perhaps he died. Perhaps he did not die. But I was told that
3 he was shot. I heard them telling me that he was limping or no, or maybe he got
4 that -- he got injured from there but he did not die. I don't know. But the person
5 who told me, told me that he died. And after that incident I did not see him again.

6 Q. [12:30:47] What would you say if I told you that Kalalang was walking with
7 a limp after having been injured in 2003?

8 A. [12:31:07] I did not go to the bush in 2003. I do not know. I was abducted from
9 the camp and taken to the bush. I do not know any information about things that
10 happened in 2003. I do not know anything about events that took place prior to my
11 abduction.

12 Q. [12:31:37] May I suggest to you, Mr Oper, that all the things that you have
13 testified to are just rumours from what other people told you, but you were never in
14 the bush for the duration of the time that you testified about, and even for the events
15 that occurred during the attack on Abok, you did not witness them but heard about
16 them when you returned home?

17 A. [12:32:14] I stated what I saw. I also stated what I heard. When I saw
18 something I said I saw it. I mentioned the names of the people I knew. If the
19 people -- if the people are not in the bush, they can tell you. If anybody knows about
20 these people, they can ask these people and these people will tell you. But if
21 somebody introduces themselves to me with a particular name, that's the name I will
22 use. If you tell me a different name, then I do not know whether you have told me
23 your true name or you have made up a name. What you tell me is what I use.

24 MS BRIDGMAN: [12:33:05] May I request a moment, your Honours.

25 (Counsel confers)

Trial Hearing
WITNESS: UGA-OTP-P-0286

(Open Session)

ICC-02/04-01/15

- 1 MS BRIDGMAN: Your Honours, I have no further questions for the witness.
- 2 Mr Oper, I thank you very much for your patience.
- 3 PRESIDING JUDGE SCHMITT: [12:33:22] Thank you, Mrs Bridgman.
- 4 Mr Oper, I would like to address you. This concludes your testimony. On behalf of
- 5 the Chamber I would like to thank you for coming to this Court so far away from
- 6 your home, for testifying openly and for helping this Court to establish the truth.
- 7 We wish you a safe trip back.
- 8 (The witness is excused)
- 9 PRESIDING JUDGE SCHMITT: And this concludes this week. This was a long
- 10 week, I think, with many witnesses I would say. We continue on Monday 9.30
- 11 with 304, I would assume. Okay.
- 12 The hearing is adjourned.
- 13 THE COURT USHER: [12:34:05] All rise.
- 14 (The hearing ends in open session at 12.34 p.m.)