

1 International Criminal Court
2 Trial Chamber IX - Courtroom 1
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raúl Pangalangan
6 Trial Hearing - Courtroom 1
7 Monday, 23 January 2017
8 (The hearing starts in open session at 9.31 a.m.)
9 THE COURT USHER: [9:31:28] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: Good morning, everyone.
12 Could the court officer please call the case.
13 THE COURT USHER: The situation in the Republic of Uganda, in the case of The
14 Prosecutor versus Dominic Ongwen, case reference ICC-02/04-01/15.
15 PRESIDING JUDGE SCHMITT: Thank you.
16 Now I ask for the appearances of the parties. We start with the Prosecution.
17 MR SACHITHANANDAN: [9:32:19] Your Honour, I am Pubudu Sachithanandan.
18 I am accompanied by Mr Julian Elderfield, Mr Colin Black, Ms Colleen Gilg,
19 Yulia Nuzban, Hai Do Duc, Ramu Fatima Bittaye. Mr Gumpert is I'm afraid ill, not
20 feeling very well today and he extends his apologies.
21 PRESIDING JUDGE SCHMITT: [9:32:27] Send him our best wishes by the
22 Chamber.
23 And now please for the Legal Representatives of Victims.
24 MS MASSIDDA: [9:32:33] Good morning, your Honours. I am Paolina Massidda.
25 With me in courtroom today, Mr Orchlon Narantsetseg, Ms Caroline Walter and Ms

1 Jacqueline Atim. Ms Jane Adong is able to follow the proceedings in the field.

2 Thank you.

3 PRESIDING JUDGE SCHMITT: [9:32:46] Thank you.

4 Mr Manoba.

5 MR MANOBA: [9:32:50] Good morning, your Honours. My name is Joseph

6 Manoba. I'm appearing with Ms Megan Hirst and Mr James Mawira.

7 PRESIDING JUDGE SCHMITT: [9:33:05] And now for the Defence, Mr Odongo or

8 Mr Taku, whoever wants.

9 MR ODONGO: [9:33:06] Good morning, your Honours. I'm Krispus Ayena

10 Odongo. I'm today joined by Chief Charles Taku, Mr Obhof Thomas, Ms Bridgman

11 and Mr Tharcisse. And our client, Mr Dominic Ongwen, is in court. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:33:29] Thank you very much.

13 And we have another new voice, so to speak, in the courtroom. I assume that you

14 are Mrs Kerwegi and I welcome you. And please could you kindly introduce

15 yourself for the record.

16 MS KERWEGI: Good morning, your Honours. I am Sarah Kerwegi, and I am here

17 as a legal adviser. Thank you.

18 PRESIDING JUDGE SCHMITT: [9:33:47] The Chamber now turns to the testimony

19 of Witness 16. We will first discuss the issues of protective measures and Rule 74

20 assurances. For this we go shortly into private session.

21 (Private session at 9.34 a.m.)

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Trial Hearing

(Open Session)

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Trial Hearing

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4 (Open session at 9.40 a.m.)

5 THE COURT OFFICER: [9:41:11] We're in open session, your Honour.

6 PRESIDING JUDGE SCHMITT: [9:41:15] Wait a moment. Wait a moment.

7 Mr Odongo, Mr Ongwen, is there any problem?

8 MR ODONGO: [9:41:30] Your Honours, we've had a procedural problem. My
9 client is suspicious that the manner in which this witness is being presented is slightly
10 different from what -- is drastically different from what he has experienced in this
11 Court. And he believes that, you know, for justice not only to be done but to be seen
12 to be done, the witness must be treated in precisely the same manner as all the
13 previous witnesses. And he feels aggrieved that this witness seems, according to
14 him, to be given preferential treatment.

15 And according to him, this is a witness that lived in the bush, and he does not want a
16 position or even a possibility that his testimony will be prompted at any stage. That
17 is why he is seriously opposed to this, you know, the ruling of the Court.

18 PRESIDING JUDGE SCHMITT: [9:42:47] It's of course clear that the Court is not
19 entertaining a discussion, you will understand that, with the Defence or with the
20 accused on its rulings. Let me just generally tell you as Defence, and of course you
21 will explain it to your client, that all decisions that the Chamber has been taken with
22 respect to this upcoming witness are fully in line with the legal framework of this
23 Court and have been reasoned and we will of course not change that.

24 And we would appreciate it very much if we do not have interruptions like that with
25 discussions where we do not really know what it is about and things getting

1 emotional.

2 I think you would have to explain to your client that this is a Court who has to
3 maintain order and that this order has to be enforced with everybody. And I would
4 also say that you, and you know that perfectly well, have all the possibility to
5 challenge the questioning and the testimony of this witness when it is your turn.

6 This is the system here.

7 And we bring in the witness now.

8 MR TAKU: [9:45:02] May it please, your Honours.

9 PRESIDING JUDGE SCHMITT: [9:45:04] Yes.

10 (The witness enters the courtroom)

11 MR TAKU: [9:45:05] I must first say that this is not an attempt by me to ask you to
12 revisit your decision. You've made your decision. We just wanted that the
13 Prosecution is reminded about the scope.

14 I wonder whether this covers the entire testimony of the witness up to
15 cross-examination or others, or for a specific purpose. If we had received the
16 application in writing, then we would have asked the Prosecutor to identify the scope,
17 where and for what purpose, and it would help us to know. For now, we do not
18 know the scope in which this exercise will continue.

19 MR SACHITHANANDAN: [9:45:43] Your Honour, it's very simple. I have a
20 suspicion that we perhaps overestimated the impact of the page turning. All we are
21 requesting is that -- I'm sorry, is that the issue that is being raised by the Defence?

22 PRESIDING JUDGE SCHMITT: [9:45:56] Yes, it must be.

23 MR SACHITHANANDAN: [9:45:57] Yes. All we're asking is when I say page
24 0066, that the member of the VWS turns the page to 0066. We are not asking for any
25 substantive guidance or anything of the sort, just turning the pages.

1 PRESIDING JUDGE SCHMITT: [9:46:15] I really think that Mr Taku, Mr Odongo
2 and Mr Obhof and Mr Tharcisse, that this matter is overestimated by you. It will
3 turn out, you will see in the course of the questioning will turn out that it is a minor
4 issue that only helps to streamline the questioning. And I will give also advice now
5 to the page turner, so to speak, in short notice.

6 MR TAKU: [9:46:45] Yes, your Honours. My worry is that this is not an expert
7 witness, it's a witness of fact, who should testify to the facts. It's not about reading
8 questions and asking him, "Look at this," for him to confirm what he said previously.
9 I think that is his worry and this is our worry also. So he should be asked to give the
10 facts as much as he can.

11 If there is for any reason any documentary evidence we can refer which could be
12 tendered as evidence in the course of the case, of course the process we've laid down
13 will be followed. But to bring his prior statements and processes that were
14 conducted and start asking him, "Read this, turn to page and read this," your Honours,
15 is completely unorthodox.

16 PRESIDING JUDGE SCHMITT: [9:47:26] Mr Taku, your complaint is a little bit
17 premature. We don't know how the Prosecution is going to conduct its question and
18 we decide on, as you know it from other Chambers, on a case-by-case basis. If there
19 are objections, we will decide on them.

20 So now we turn to the witness.

21 Mr Witness, good morning. You are going to testify before the International
22 Criminal Court. On behalf of the Chamber I will like to welcome you to the
23 courtroom.

24 There should be a card in front of you with the solemn undertaking to tell the truth.

25 Could you please read this card aloud.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 WITNESS: UGA-OTP-P-0016

2 (The witness speaks Acholi)

3 THE WITNESS: [9:48:23] (Interpretation) I can read it. I swear that I shall tell
4 the truth, the whole truth and nothing but the truth.

5 PRESIDING JUDGE SCHMITT: [9:48:38] (Microphone not activated)

6 THE INTERPRETER: The microphone is not on.

7 PRESIDING JUDGE SCHMITT: [9:48:43] Mr Witness, let me now explain to you
8 how the protective measures that the Chamber has put in place for your testimony
9 work.

10 The following measures are put in place to protect you. Face distortion has been put
11 in place, which means that no one outside the courtroom can see your face during the
12 testimony on the screen. There will also be the use of a pseudonym. In accordance
13 with that, we will all refer to you only as "Mr Witness" to make sure that the public
14 does not know your name.

15 When you answer questions that will not give away who you are, we will do so in
16 open session, which means that the public can hear what is being said in the
17 courtroom. When you are asked to describe anything that relates specifically to you
18 or you are asked to mention facts that might reveal your identity, for example, any
19 locations where you live or persons close to you, we will do this in a private session.
20 That means the following private session: There is no broadcast, that no one outside
21 the courtroom can hear your answer.

22 If ever anything gets said during open session which should have been said in private
23 session, we will do our best to protect this information. Your testimony will be
24 broadcast on a delay and we can remove any such remarks from the broadcast which
25 will be heard by the public and from the public transcript of the proceedings.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

- 1 Court officer, we briefly go to private session now.
- 2 (Private session at 9.50 a.m.)
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Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

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Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

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Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

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Trial Hearing
WITNESS: UGA-OTP-P-0016

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Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

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Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

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Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

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Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

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- 20 (Open session at 10.12 a.m.)
- 21 THE COURT OFFICER: [10:12:44] We're in open session.
- 22 MR SACHITHANANDAN: [10:12:48]
- 23 Q. [10:12:55] Mr Witness, could you please tell us in detail how a message is sent
- 24 on the radio?
- 25 A. [10:13:24] I can explain, but if I have to explain, it will be the same as what I

1 said a while ago.

2 Q. [10:13:37] Let's start from how you would prepare for communication.

3 A. [10:14:07] What I have already explained will show that I am the one who is
4 speaking. I will explain to you how a radio is fixed, that means whatever I will say
5 will not be in confidence because the people who were in the bush will know that
6 whoever was speaking with the radio is so and so. My identity will have been
7 revealed because they will know who I am.

8 Q. [10:14:43] We are speaking only in general terms, Mr Witness. How was a
9 radio used in --

10 PRESIDING JUDGE SCHMITT: [10:14:55] Meaning, Mr Witness, Mr Witness, this
11 means when we speak about general terms, this means you don't have to talk
12 specifically about any roles about you, about persons, no names, nothing like that.
13 Just for understanding if you would describe to the Court how in general these
14 communications unfolded.

15 THE WITNESS: [10:15:26] (Interpretation) I can explain since it's my -- the
16 requirement that I must explain to the Court.

17 PRESIDING JUDGE SCHMITT: [10:15:39] Please do that.

18 THE WITNESS: [10:15:46] (Interpretation) Can you repeat the question so that I
19 understand properly.

20 PRESIDING JUDGE SCHMITT: Mr Prosecutor.

21 MR SACHITHANANDAN: [10:15:54]

22 Q. [10:15:54] Mr Witness, perhaps it will be easier if we start from a more general
23 place. How were radios used within the Lord's Resistance Army for general
24 day-to-day work?

25 A. [10:16:18] Radios are used for communication, to connect people. Every

1 group that has a radio should communicate with the other group. Each group sends
2 messages to the other so that everybody knows what is going on in every group.

3 That was the major use of the radio in the LRA.

4 Q. [10:16:59] And who in the LRA would have radios during the period that you
5 were in the LRA?

6 A. [10:17:12] In the LRA the leader of the group is the one who is assigned a radio
7 and then people who know how to operate a radio are selected because sometimes
8 the leader of the group does not know how to operate the radio, so someone who is
9 trained in signalling or using the radio is selected from the group. That is how it is
10 used.

11 Q. [10:17:50] You mentioned that leaders had radios. Could you describe to us
12 in the structure of the LRA what type of leaders had radios? Mentioning, for
13 example, position or rank, et cetera.

14 A. [10:18:14] The LRA leaders who were allowed to have radios, Joseph Kony
15 had different duties. His was about trust, but those who are radios included
16 battalion commanders, brigade commanders up to the people who reported to Kony.
17 At the time that I was about to leave, captains could also have radios, especially if he
18 was assigned for a particular duty, he is given a radio to go with.

19 Q. [10:19:03] And how were these radios used, for what purpose were these
20 radios used during day-to-day operations? Could you describe, for example, how
21 communications would occur?

22 A. [10:19:23] This is what I have already explained. I am just repeating it. First
23 I said radios are used for connecting people, asking how a particular group is faring,
24 you also ask what is happening in the other group. How did you wake? What is
25 happening? Is there anything wrong? Is there something we need to know? You

1 need to send a message so that people know. Every group has a radio. The radio is
2 open at 9 a.m., 11 a.m., 13 hours. At all these times the radios should be opened so
3 that you understand what is going on. That is what used to happen.

4 Q. [10:20:16] You mentioned that brigade and battalion commanders had radios.
5 Now the people below them, how did they get information about operations when
6 they did not have radios?

7 A. [10:20:47] When they are together during the submission, during the message
8 broadcast, they come close the radio and then they listen to what is being said.
9 When people are separated, there is always a time that they come together and they
10 understand what has been broadcast on radio. It is communicated to them by word
11 of mouth, not by radio now.

12 Q. [10:21:21] What was the range of these radios that were used by the LRA?

13 A. [10:21:39] I am not familiar with distances and how -- how far it could go,
14 especially if somebody is in Uganda, another person is in Sudan. I don't know the
15 mileage or the kilometres between Sudan and Uganda and I wouldn't know the exact
16 location of the person who is in Uganda. But the messages would reach, there are
17 times when we passed messages from Sudan to Gulu. That is what I know. I was
18 not able to pass messages further than between Gulu in Uganda and Sudan. And in
19 Uganda we only passed messages to people who were in the north of the country, so
20 I'm not sure how far the signal would go.

21 Q. [10:22:44] And what about the frequencies that you would use on the radio,
22 who would decide that?

23 A. [10:22:59] The head of radios known as director of signal is the one that
24 decides on which frequency to use. He's the one who decides and says everybody
25 should speak on this frequency. Because if you do not use that frequency, you will

1 be lost and you will not hear what people are discussing.

2 Q. [10:23:32] When people spoke, when commanders spoke on the radio, did they
3 use their real names or did they use any other kind of name?

4 A. [10:23:55] When using the radio you are not allowed to mention people's real
5 names. There is a particular way that you are referred to. They do not call real
6 names such as John or Patrick.

7 Q. [10:24:24] So what would people use instead of their real names?

8 A. [10:24:41] The names which were used were there. Every commander has a
9 call sign which is known to the signallers. It includes figures and letters. Figures
10 are sometimes mixed with letters to derive a call sign of a particular commander.

11 Q. [10:25:17] Could you give us some examples of call signs and the commanders
12 to whom they relate?

13 A. [10:25:34] Examples of call signs that I was familiar with for the commander
14 (Redacted) was called Nine Whiskey. For Joseph Kony was referred to as
15 Zero Zero Mike.

16 Q. [10:26:01] So who was Nine Whiskey?

17 A. [10:26:09] Nine Whiskey was Ocan Wilfred. He was a brigade commander.

18 Q. [10:26:24] Please continue and give us any examples that you may know.

19 A. [10:26:41] I know many call signs. I do not know whose particular call signs
20 you want me to mention. If you want me to mention the call signs of the different
21 commanders, tell me which commander and I will tell you the call sign.

22 Q. [10:27:01] All right. We'll do it that way. Vincent Otti?

23 A. [10:27:10] Wat Pa Dano was his call sign or Five Tango.

24 Q. [10:27:29] Buk Abudema?

25 A. [10:27:35] His call sign was Madilu.

1 Q. [10:27:44] Okot Odhiambo?

2 A. [10:27:56] If I was not forgotten, it should be Two Victor. It's been over 10
3 years. I could have forgotten, but it must be Two Victor.

4 Q. [10:28:16] Of course. And this is not meant to be a memory test, so if you
5 have forgotten, you just have to tell us you have forgotten. That's not a problem.
6 You mentioned Zero Zero Mike for Joseph Kony. Is there any other call sign for
7 Joseph Kony that you can remember?

8 A. [10:28:43] There were many call signs. If the voice is played, I will remember
9 that this is Joseph Kony's call sign. Right now I cannot remember all of them.

10 Q. [10:28:56] That's not a problem. Do you remember the call signs for Dominic
11 Ongwen?

12 A. [10:29:10] What I remember is Lima Charlie.

13 Q. [10:29:35] Do you remember any others?

14 A. [10:29:46] Whose call sign exactly?

15 Q. [10:29:49] Sorry, Dominic Ongwen.

16 A. [10:29:55] Others are Tem Wek Ibong.

17 Q. [10:30:15] All right. Now we're going to discuss how people discussed on the
18 radio. Was conversations on the radio always in open speech like you and me or
19 were there any particular methods during conversation?

20 A. [10:30:51] Yeah, there was a particular way of speech. The messages were
21 coded so that people would not understand what you are saying. In that way the
22 messages were coded, but whoever is supposed to understand the message would get
23 the message.

24 Q. [10:31:15] Could you explain to the Court how they were coded, any particular
25 system, anything like that?

1 A. [10:31:38] There were a number of ways that they would do this. They would
2 use proverbs. They would also send some of the messages through TONFAS. So
3 the messages were sent two ways. Two signallers would understand what was
4 being said and would inform their leaders, their respective leaders.

5 Q. [10:32:14] Right. You mentioned TONFAS. Could you explain to the Court
6 what that means.

7 A. [10:32:34] A TONFAS is some kind of the code. It's like a key. If you want
8 to get into a house, you use a key, you use the key to enter into the house. Messages
9 sent through TONFAS, the TONFAS messages were sent through esoteric codes. If
10 you did not understand the esoteric codes or if you are not aware of those codes, then
11 you would not understand the messages. And that's how TONFAS was used.

12 Q. [10:33:14] And how would people know the codes? How were you the codes
13 distributed to people?

14 A. [10:33:41] These codes would be assigned during a meeting. The person
15 responsible for creating the TONFAS signs would distribute the codes during this
16 meeting. All the codes would be changed and whoever was given the code would
17 change whatever codes were given and then the person would go with those signs,
18 which means that everybody would be given the new TONFAS signs or codes so that
19 every time messages were sent everyone would have the same codes.

20 Q. [10:34:24] Who would design the TONFAS codes?

21 A. [10:34:37] It was the director of -- director of signal. He was responsible for
22 designing the TONFAS codes. He could also assign the duty to somebody else who
23 designed the codes. If he, for example, gave me -- assigned me the task of assigning
24 TONFAS codes, then I would, but otherwise the rules prohibited anybody from
25 creating TONFAS signs, codes without permission.

1 Q. [10:35:07] And what would happen if a code was captured?

2 A. [10:35:18] If who captured the code?

3 Q. [10:35:23] Enemy forces.

4 A. [10:35:28] You've asked a question that you probably already know the answer
5 to because if anybody, if your enemy captures your code, then he will be -- he would
6 know what kind of messages you are sending. So if, for example, you send a
7 message saying, "Come, let's go for a drink somewhere," then your enemy would
8 know so your enemy would be able to read all your messages. And that's why we
9 were supposed to keep those TONFAS signs in secret. If your enemy got your codes,
10 then they would know exactly what your plans were and they would probably
11 waylay you or ambush you.

12 Q. [10:36:15] Yes, but I'm trying to -- what I'm trying to explore is how would the
13 LRA react if codes were captured? What was the -- what was the thing that the LRA
14 would do if your codes were captured?

15 And Witness, before you answer, I know many of these questions will sound obvious
16 to you, but it is very important for us that we get the information on record. So I ask
17 for some patience.

18 So how would the LRA react if codes were captured?

19 A. [10:36:54] Once a code is captured, the code is burned and then a new code is
20 designed. The old code is no longer used.

21 Q. [10:37:11] Other than TONFAS you also said that certain proverbs would be
22 used. Could you explain that in detail to this Court.

23 A. [10:37:21] The proverbs they would use, for example, "crossing a river," "I
24 killed your python," this shows that somebody has actually crossed a river. "I'm
25 sewing clothes," this means that somebody is on the road. Those are the type of

1 proverbs, the examples of proverbs that they would use.

2 Q. [10:38:02] That's quite helpful. Do you know any other proverbs that you
3 could tell us?

4 A. [10:38:15] There are several proverbs. I'm not exactly sure what you're
5 looking for, but if you, for example, tell me exactly what it is you're looking for, then I
6 will probably be able to answer your question better.

7 Q. [10:38:31] Yes, I'm not looking for anything in particular, just examples so that
8 the Court will understand of proverbs that were used on the radio to hide the
9 meaning of speech.

10 A. [10:39:13] If you're asking me, for example, if you came directly to me, I would
11 ask answer your question. But if you're asking me about the type of proverbs, it's a
12 little bit difficult for me to start telling you what the proverbs are. But if you ask me,
13 for example, a particular proverb, then I will be able to tell you what it is that
14 you're -- I will be -- I will probably be able to answer your question better because
15 there are very many. There are several. It's not that I do not want to answer your
16 question, but if you ask me directly about a particular proverb, then I will be able to
17 answer your question more properly.

18 Q. [10:39:57] All right. Let's do that. Is there a particular meaning to "number
19 one"?

20 A. [10:40:07] That's exactly what I mean. "Number one" is death.

21 Q. [10:40:17] "Number two"?

22 A. [10:40:19] Number two, injuries.

23 Q. [10:40:25] "Panadol"?

24 A. [10:40:28] Panadol is used when someone escapes. When somebody from the
25 LRA escapes, that's when they use the proverb Panadol.

1 Q. [10:40:42] "Waya"?

2 A. [10:40:45] Waya refers to civilians.

3 Q. [10:40:53] Would you know is that, for example, male civilians, female
4 civilians, all civilians?

5 A. [10:41:14] Waya refers to civilians generally. Even civilians in Sudan were
6 referred to as waya. The only difference was, for example, white people like you
7 who were called, who were called Muko (phon). But all the people in Uganda or
8 any person of African ethnic was referred to as waya. Other people were referred to
9 as Ome -- Omecong (phon).

10 Q. [10:41:52] And what if you had to refer to a female civilian, would you have a
11 particular word for that?

12 A. [10:42:07] Female civilians were, they would use a found -- an aunt, a waya
13 who is negative. That refers to a female. If you say "I found a waya who is
14 positive," then that refers to a male person.

15 Q. [10:42:28] Okay. Any other proverbs that you would use or words you
16 would use for female civilian or male civilian?

17 A. [10:42:53] To enable us to identify male or female civilians we would use
18 positive or negative and that's how civilians would be identified, female or male
19 civilians would be identified.

20 Q. [10:43:10] Now that we've talked a bit about radios in general, let's go back to
21 talking about the reporting process. Now, was any record kept of what was
22 reported on the radio?

23 A. [10:43:48] I did not understand your question very well.

24 Q. [10:43:54] What I mean is when somebody sends a message on the radio, is it
25 just the message or is it written down somewhere?

1 A. [10:44:20] The LRA did not keep a lot of records. They kept a very limited
2 number of records.

3 Q. [10:44:29] Right. So tell us about the records that you did keep. Were there
4 any records that you kept about -- that anyone kept about communications in the
5 LRA.

6 A. [10:44:53] I'm not sure about that.

7 Q. [10:44:58] Now, you mentioned that brigade commanders and battalion
8 commanders had radios, when brigade commanders and battalion commanders were
9 talking on the radio, who else -- or was there anyone else who was supposed to be
10 present during communication?

11 A. [10:45:39] The -- there are a number of issues concerning the radio. With
12 respect to Kony, there are times when he does not want the intelligence to be at the
13 radio, signallers should not be there, admin should not be there and he himself, the
14 leader himself who has the radio must be present. So there must be four people who
15 are present. But with Kony there was -- things were always changing so it was very
16 difficult to understand exactly what he was thinking about. Sometimes two or three
17 months he would say throw the radio and move so that the only person -- make the
18 connection and move so that the only person who is there is the commander. So
19 whatever he and the commander discusses is private, is confidential. Sometimes it's
20 the signaller and the commander, and everybody else must leave. So things with
21 Joseph Kony were always changing. Nothing was permanent.

22 Q. [10:46:53] Now, you mentioned that generally four people have to be present
23 even though Kony changed things frequently. Who were those four people?

24 A. [10:47:19] The first one, the signaller connecting the call. Secondly, the
25 person, the commander. The thirdly, the commander. And then fourthly, the

1 admin officers. Those were the four people that would be present.

2 Q. [10:47:39] Sorry, there might have a problem with interpretation. You said
3 first, signaller; second, commander. And who was the third?

4 A. [10:48:00] The first one is the signaller, he is the one who carries the radio and
5 connects it. The second one is the leader or the commander. The third one is the
6 intelligence officer who is in that group. And the fourth one is the admin, the person
7 who is making any written records in case they want to keep any written records.
8 Those are the four people that are present. Sometimes there are other people present
9 like other officers.

10 Q. [10:48:36] Now, we've discussed this a little bit about recognizing who is
11 speaking on the radio. Now, how do the -- now you've mentioned call signs, so you
12 don't have to discuss that again. Other than call signs, how do people talking on the
13 radio recognize who else is talking on the radio?

14 A. [10:49:24] For example, if we are here, like if I'm here with you for about a year,
15 I would have probably recognized your -- I would probably be able to recognize your
16 voices and that's how it works in the bush. The signaller knows the voice,
17 recognizes the voice of the other signallers and also recognizes the voices of the other
18 commanders and that's how it works.

19 Q. [10:49:53] Just to go back to call signs, were the call signs assigned to the
20 commander or were the call signs assigned to the signaller? Who owned the call
21 sign?

22 A. [10:50:21] Call signs were assigned to the overall commander of that group.
23 As a signaller, your duty is only to speak on the radio, over the radio using that call
24 sign. If somebody refers to a particular call sign, then you know that they're
25 referring to a particular commander.

1 Q. [10:50:41] Right. So, for example, let's say a signaller was working with a
2 particular commander and then the signaller moves to another commander, would
3 the call sign stay with his former commander or would the call sign move with the
4 signaller?

5 A. [10:51:18] The call signs are like names or pseudonyms. If, for example, your
6 name is Amos, you cannot take your name Amos and give it me to Patrick. Your
7 name is Amos, my name is Patrick. Unless the overall commander who is
8 responsible for designing these codes decides that okay, today you're no longer
9 referred to as Amos, you'll be referred to as Michael. So everybody will know that
10 you are no longer Amos but you're Michael.

11 But there will be -- you will be assigned a new name, but the other people who will
12 remember my previous name, which is Amos, and that's why I say that the call signs,
13 somebody could have approximately 10 call signs if the old one -- if the old one is -- if
14 a new one is assigned, then they no longer use the old one. If a new one is assigned,
15 they no longer use the old one. That's how it constantly changes.

16 But the call sign did not belong to the signaller. If a signaller is moved somewhere
17 else to somebody else, then I as the signaller will have to start using your name. For
18 example, if I'm working for somebody called Michael, then I have start using the call
19 sign belonging to Michael and not use the call sign that was previously being used for
20 Peter. So the call signs were constantly being changed.

21 MR SACHITHANANDAN: [10:52:57] Your Honour, we're now going to have to
22 move into a chunk of closed -- I was just thinking we have five minutes left for the
23 break, don't we? Perhaps we can take the break five minutes early and start five
24 minutes early afterwards.

25 PRESIDING JUDGE SCHMITT: [10:53:13] Yes, I think we can do that. And I will

1 concede to everybody five minutes more of a break, so why not.
2 I would also like to thank you for conducting the examination in a way that it really
3 made possible that we could stay for a while in open session and also for the
4 intervention of the Defence.
5 I would like to add something to our discussion at the beginning which perhaps
6 escaped the attention of some in the room.
7 The young lady who is going to assist later on is a part of the Registry who is
8 absolutely neutral. She is not part of the LRVs or of the Prosecution. Just to make
9 this absolutely clear.
10 And with this I think we can have our break until 11.30.
11 THE COURT USHER: [10:54:02] All rise.
12 (Recess taken at 10.54 a.m.)
13 (Upon resuming in open session at 11.30 a.m.)
14 THE COURT USHER: [11:30:51] All rise.
15 PRESIDING JUDGE SCHMITT: [11:31:07] I understand, Mr Prosecutor, that you
16 wanted to go into private session now.
17 MR SACHITHANANDAN: [11:31:15] That's correct.
18 PRESIDING JUDGE SCHMITT: [11:31:17] Then private session.
19 (Private session at 11.31 a.m.)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
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8 (Open session at 11.48 a.m.)

9 THE COURT OFFICER: [11:48:43] We're in open session, your Honour.

10 PRESIDING JUDGE SCHMITT: [11:48:53] Thank you.

11 MR SACHITHANANDAN: [11:49:02]

12 Q. [11:49:03] Mr Witness, we are back in public session, which means even though
13 people can't see your face, the outside world can hear your voice. So please don't
14 mention any unit that you served in during this questioning. We are going to move
15 on to a different topic.

16 Were you ever played audiotapes or audio recordings by the Office of the Prosecutor?

17 A. [11:49:35] There was several times.

18 Q. [11:49:54] Now, just so that everybody understands what took place, could you
19 describe to the Court how these recordings were played to you and what you did in
20 detail?

21 A. [11:50:06] If I can remember, since my escape from the bush, just like a week,
22 before I even completed the week, the staff from ICC came to me while I was still in
23 the barracks, and I was played -- these recordings was played to me and I listened to
24 it, and I listened to the voice that was played. It was a communication on radio call.
25 There were several other voices. It was not only one day. They came back to me

1 several times. And I was asked to identify the voices, and I would explain to them
2 this is so and so's voice, this is so and so's voice and I did that.
3 This is what I remember happened.

4 Q. [11:51:28] And once you listened to these sound recordings, were you shown
5 any documents or did you do anything with documentary material?

6 A. [11:51:43] What kind of documents?

7 Q. [11:51:54] Anything that you had to read, anything that you had to write on or
8 mark, things like that.

9 A. [11:52:05] I am not understanding your question. I do not understand the
10 document. Are you referring to the documents that would confirm to me that I have
11 understood what was played or what was it about, what was the document supposed
12 to be for?

13 Q. [11:52:34] Documents with, for example, transcripts of recordings that you could
14 read and see whether they were correct or not, anything like that.

15 A. [11:52:58] I was given a document to sign to confirm whether those voices were
16 correct and are voices of the people that I understand and I know. And yes, I did
17 sign the document.

18 Q. [11:53:21] Okay. But before we get to the signing, how did you -- what did you
19 do with those documents? How did you assess whether they were correct or not?

20 A. [11:53:35] Maybe my understanding is limited, so I may not understand what
21 exactly you are trying to mean. Maybe you can explain in a different way so that I
22 can understand what exactly you are saying.

23 PRESIDING JUDGE SCHMITT: [11:54:11] May I try perhaps?

24 Mr Witness, I would like to address you on behalf of the Chamber and perhaps we
25 give it a try this way.

1 You have said that you listened with your ears to audio recordings. Were there
2 additionally also papers you went through?

3 It's basic of course, but --

4 THE WITNESS: [11:54:42] (Interpretation) In the recorded voice, which was shown
5 to me, which I heard, I listened to all these voices. After that, I was given a transcript
6 of the translation from English into Acholi. I do not know who translated it, but I
7 was shown to see and also to identify who was speaking at that time, what call sign
8 this person was using on radio at that time.

9 So I was given this paper to identify, to differentiate between the voices. So I did
10 that, and I was told to write, to annotate the voice and the transcript. So that is
11 exactly what I did.

12 MR SACHITHANANDAN: [11:55:32]

13 Q. [11:55:32] And when you found any mistake, for example, in the transcript, or
14 when you could, say, hear something that the person who wrote the transcript
15 couldn't hear, what did you do?

16 A. [11:55:52] When I listened back and when I listened correctly, I wrote to him
17 explaining that this is what was being said. It wasn't much, but the points where he
18 was not able to clearly hear was not much, but most of it were done by the
19 transcribers who listened to the audio. I only did a small part. Most of it were
20 already translated into Acholi, and the few that were in English, this is what I tried to
21 work on.

22 Q. [11:56:37] Now, when you were listening to these audio recordings and marking
23 these transcripts, how many times, and, again, I don't want an exact number, just an
24 estimate so that everybody understands, how many times were these recordings
25 played to you?

1 A. [11:56:55] I do not recall clearly because, as I told you, since I returned from the
2 bush, just barely one week after I was called, I was played this recordings until last
3 year, these voices or these recordings were brought back to me to try and make sense
4 of it. So I do not exactly recall how many times now these recordings were played to
5 me.

6 Q. [11:57:41] That's helpful.

7 Now, what would happen -- and, again, I know that some of these questions are
8 repetitive, but it's just so that everybody gets an understanding of how you did this
9 process. So let's say you are listening to the recording, but you missed a certain part.
10 So what would happen then? If you say, "Oh, I didn't hear that part"?

11 A. [11:58:10] I would leave it. I would leave it and I would not translate anything
12 out of it.

13 MR SACHITHANANDAN: [11:58:37] Your Honour, we will now proceed to
14 playing some audio recordings, but I would like to -- it's going to be a bit of a
15 complicated process, so I'd like to explain how we're going to do that.

16 PRESIDING JUDGE SCHMITT: [11:58:46] Please do that, because I assume it will
17 take a while.

18 MR SACHITHANANDAN: [11:58:49] Yes. Yes, it will not be the most expeditious
19 of proceedings. But in order to ensure that we all understand what is happening,
20 because these are Acholi conversations, what we have tried to do is, while we play the
21 audio to the witness, on the screens of all parties and participants and the Bench we
22 will try to scroll the relevant annotated transcript.

23 Now, while we are doing that the witness will not see the transcript. The witness
24 will only hear the audio recording.

25 And just for the sake of the court officers, the audio can be broadcast to the public.

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1 Whatever is screening, whatever is rolling on our screens can be broadcast to the
2 public, but whatever transcript is being annotated or viewed by the witness should
3 not be shown to the public.

4 MR TAKU: [11:59:48] May I, your Honour?

5 PRESIDING JUDGE SCHMITT: [11:59:50] Yes.

6 MR TAKU: [11:59:51] I just want clarification from my colleague. Is he saying that
7 in addition to playing the audio, so the witness could assist the Court by interpreting
8 what it is, he's also going to show him a transcript of something? I don't know. I
9 didn't understand. Can he clarify?

10 PRESIDING JUDGE SCHMITT: [12:00:12] That indeed was a little bit unclear. Yes,
11 please, could you clarify that?

12 MR SACHITHANANDAN: [12:00:17] My apologies. So we will do it in a two-step
13 process. The first time that the witness hears the audio recording, he will see no
14 transcript. At that point I will ask him to summarise what he's hearing and to
15 summarise the identities of the speakers if he understands them.

16 After this, certain exhibits that were annotated by the witness will be shown by us to
17 the witness and questions will be asked regarding those exhibits. I don't want to get
18 into detail about -- yes.

19 PRESIDING JUDGE SCHMITT: [12:00:58] No. But I think the process makes the
20 process bare, at least the process bare.

21 MR TAKU: [12:01:05] Partly, your Honours, but surely not for -- the witness said yes,
22 he signed some documents. But not for their content. He is giving evidence here
23 viva voce. The audios he listened are going to be played to him. The transcript will
24 come on the screen for all to see.

25 He cannot be said to corroborate evidence which was recorded under different

1 circumstances through his testimony here. Those will be before you and you will see
2 exactly whether what he's going to say is exactly what he said.

3 But to bring those transcripts just to ask him to try to testify again and whether what
4 he's saying here is consistent with what he has said earlier, your Honours, is grossly
5 unfair. Yes, the transcript for the fact that he signed them, that process took place,
6 but not for the content.

7 PRESIDING JUDGE SCHMITT: [12:01:54] But I understood it that the display of the
8 transcript is in the first step only to help everybody here in the courtroom to
9 understand it. Otherwise few of us which would speak and understand Acholi, we
10 would not understand it.

11 And when it comes to annotations that the witness himself has made, he can of course
12 be as a reference point, as a starting point be asked on these annotations. This is a
13 perfectly normal process. You would do that yourself if you were in the same
14 position with a Defence witness, of course, because this is a sort of a production by
15 the witness. So I don't see why we should not at least try it and we can decide it also
16 on a case-by-case basis, but from the outset I don't see a problem with it.

17 We then start with the first audio recording and do it in the way you suggested it and
18 see how far we come.

19 MR SACHITHANANDAN: [12:02:55] I'm grateful. I just want to make sure that
20 the witness has perhaps a piece of paper and a pen so that he can mark anything he
21 wants to.

22 PRESIDING JUDGE SCHMITT: [12:03:27] There seems to be evidence channel 2 that
23 we have to watch now.

24 MR SACHITHANANDAN: [12:03:39] And just to be clear, the witness should not
25 be viewing anything on his screen.

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1 The first tape that we will play is tab 1 in binder 1 in your Honours' binders. And it
2 is the same number in the binder that has been provided to the lady from the Victims
3 and Witnesses section.

4 The ERN of the relevant audio is UGA-OTP-0235-0038. And the relevant transcript
5 which is placed at tab 1 of binder 1 is UGA-OTP-0259-0065.

6 Your Honours, for the assistance of the parties and the Bench, we also provided just
7 below the table of contents for binder 1 a chart called the Sound Recordings Chart,
8 again, not available to the witness. And a brief summary of this tape is provided at
9 page 8 of the Sound Recordings Chart.

10 This tape is extensive and we will be discussing several parts of this tape and,
11 therefore, we will be playing short excerpts. The first excerpt will be from minute
12 0.05.36 of track 2 to minute 0.07.56. And if we all turn to evidence 2, you will see
13 that the transcript is already teed up.

14 Q. [12:06:36] Mr Witness, now, you will be familiar with what we are going to do
15 now because you've done it before. We're going to play you an audio recording.
16 And I just want you to listen carefully, make any notes you want if you have a piece
17 of paper, and then after I play it I will ask you to summarise the recording and try to
18 identify who is speaking in it. Do you understand?

19 A. [12:07:03] I have understood.

20 (Playing of the audio excerpt)

21 MR SACHITHANANDAN: [12:09:41]

22 Q. [12:09:50] Mr Witness, could you please tell the Court, summarise what you
23 heard in this transcript, in this audio.

24 A. [12:10:02] I heard messages being communicated concerning what has
25 happened. The first speaker was Ocen. The second speaker was Dominic. He too

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1 was talking. The third speaker was Joseph Kony. And the fifth speaker was Ocan
2 Labongo. They are talking about battles which took place in Odek. That's what I
3 heard.

4 Q. [12:11:04] Thank you, Mr Witness. Now, when you say that certain people are
5 speaking, how did you recognize those voices?

6 A. [12:11:20] I was a signaller. That's why I can recognize those voices.

7 Q. Thank you.

8 Your Honour, as discussed, what we will do now is show the witness a transcript and
9 ask certain questions about the transcript, if that's permissible.

10 PRESIDING JUDGE SCHMITT: [12:12:14] It's permissible. And are you referring
11 to tab 1?

12 MR SACHITHANANDAN: [12:12:19] That's correct.

13 PRESIDING JUDGE SCHMITT: [12:12:20] I see in tab 1 that there is also some
14 handwriting, and I would assume that you perhaps concentrate also on bringing up
15 what is about this handwriting, what's the background of this handwriting, yes.

16 MR SACHITHANANDAN: [12:12:35] Absolutely, your Honour. We would like to
17 show the witness tab 1 of binder 1. As I mentioned, it is a transcript bearing ERN
18 259-0065, and we will begin with showing the witness the very first page of that
19 transcript.

20 Q. [12:13:17] Mr Witness, in the transcript in front of you, now, at the bottom of
21 that transcript there is a name. Without mentioning the name out aloud, could you
22 please tell us whose name that is?

23 A. [12:13:35] That's my name.

24 Q. [12:13:57] Could you please turn the page so that we're in the next page. That
25 would be page 0066. Now, there is some writing there as well as some markings

1 regarding the speakers. Could you please explain to the Court what these are?

2 A. [12:14:23] The markings indicate the speaker who was talking and also some
3 other places which were not audible, those are the places where I intervened to
4 indicate what the content was, and I also indicated the names of the speakers.

5 Q. [12:15:06] So whose handwriting is this?

6 A. [12:15:08] The typing, the words typed, I don't know who did write those. But
7 the writings by hand in handwriting is what I was requested to write down.

8 Q. [12:15:40] Now, you see certain acronyms marked against the speakers of each
9 sentence. Who is marked as JK?

10 A. [12:15:54] JK stands for Joseph Kony.

11 Q. [12:16:11] Who is marked as OCE?

12 A. [12:16:22] That is Ocen.

13 Q. [12:16:34] Who is marked as ONG?

14 A. [12:16:36] That stands for Ongwen.

15 Q. [12:16:54] Could you explain to us who Ocen is?

16 A. [12:17:03] Ocen was a signaller, and we had same training together with him.

17 Q. [12:17:18] Now, now that you've seen page 0066 and the next page, that is page
18 0067, do you see, is there any relationship between what you are looking at and what
19 you heard a minute or two ago?

20 A. [12:17:45] I'm not seeing the number 0066.

21 Q. [12:18:06] I'm sorry, perhaps the lady from VWS, these are the last four digits of
22 the ERN of the page. You can see them?

23 PRESIDING JUDGE SCHMITT: [12:18:15] Down at the bottom.

24 MR SACHITHANANDAN: [12:18:17] Yes.

25 PRESIDING JUDGE SCHMITT: [12:18:17] Absolutely at the bottom of the page.

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1 MR SACHITHANANDAN: [12:18:20] Yes. So I'm just referring to pages.

2 THE WITNESS: [12:18:35] (Interpretation) I have seen the page.

3 MR SACHITHANANDAN: [12:18:40]

4 Q. [12:18:42] So my question is, the page you are looking at, the two pages you are
5 looking at, is there any connection between those two pages and the audio that you
6 have just heard?

7 A. [12:18:55] These are all the same messages which are connected to one another,
8 one after the other.

9 Q. [12:19:15] Right. Now, could you take a minute and read the Acholi
10 conversation in these two pages. And just tell us when you are done.
11 Right. So what we are trying to find out is is this transcript, is there any connection
12 between this transcript and the audio you have heard? Does it contain different data?
13 Is it the same data?

14 A. [12:21:11] It's all the same content, same information.

15 Q. [12:21:17] Yes. Now we're going to play the audio clip again, and what I
16 would like you to do with the assistance of the lady next to you is to follow and read
17 as you hear the audio to see whether the audio is correctly depicted in the transcript
18 in front of you. Do you understand?

19 A. [12:21:46] I have understood.

20 Q. [12:21:55] All right. We're going to play the audio again from 5.36, 5.36 to 7.56.
21 And, Mr Witness, if you see anything that you think is incorrect, please stop us by
22 raising your hand.

23 (Playing of the audio excerpt)

24 MR SACHITHANANDAN: [12:24:51]

25 Q. [12:24:52] Mr Witness, was the transcript accurate along with your corrections

1 or were there any things that you needed to change?

2 A. [12:25:03] There is nothing to change.

3 MR SACHITHANANDAN: [12:25:14] Your Honour, what I was hoping to do at this
4 point was to get the witness to read out onto the record certain key parts of the
5 transcript. The other option would be to go or to only focus on sections where he
6 has annotated and ask him to explain the annotations.

7 PRESIDING JUDGE SCHMITT: [12:25:38] Mr Taku.

8 MR TAKU: [12:25:40] Your Honour, we object. If they indicate they will submit
9 this into the evidence and if it forms part of the evidence submitted in this case, it will
10 be a pure waste of time and also unfair for this witness to pick and choose from there.
11 There are a number of people talking here, and if we look at the entire transcript as it
12 is and looking at the people talking and what they said, you have to put everything
13 into context. But if you go and pick here and there, your Honours, it is completely
14 out of what he did, the exercise that was conducted. He listened to the entire audio.
15 He gave the answer he was. He made this transcript. He's referred to them. He
16 has shown him, he said that those were his transcripts.
17 There was -- what is the reason for him now to come here and waste precious time
18 reading pieces of it? We will address the Court on that when all this will be
19 submitted, but it doesn't help.
20 He will read it and we'll understand when he will address the Court on that when
21 you make submissions on this. But to ask him to read probably out of context, your
22 Honours, it will completely delay the subject of the testimony of this witness, which
23 must be seen in context or in totality of what he said and what he has done.
24 PRESIDING JUDGE SCHMITT: [12:26:57] I think that makes sense, what Mr Taku is
25 saying.

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1 What might be of interest is to show exemplary how this annotation process
2 functioned with the witness. So this would be also interesting for the Chamber and
3 might be also interesting for parties and participants, so that you pick out perhaps
4 something concrete what he annotated so that we understand how this process did
5 unfold.

6 MR TAKU: [12:27:28] I'm very, very sorry. I don't want to get up again. So far we
7 do not know anything about these audios. Were they in their original form? Were
8 they enhanced? I mean, no evidence has been led about what you are talking about
9 when we're hearing about audios. How did they come about? Which are these
10 audios, which audios are we talking about here? Up to this extent we do not know.

11 PRESIDING JUDGE SCHMITT: [12:27:48] But this, I understand that the
12 Prosecution has witnesses in that respect, and they chose this sequence of events. So
13 you will also have the possibility in the future to question if you want this point, what
14 these audios are, how they came about, how they were produced with other
15 witnesses; but now we have this witness here in the courtroom and we continue like I
16 have suggested.

17 MR SACHITHANANDAN: [12:28:23] Your Honour, absolutely. And of
18 course -- I'm just checking whether my mic is working, is it? Yes. Of course --

19 PRESIDING JUDGE SCHMITT: [12:28:32] I hear you.

20 MR SACHITHANANDAN: [12:28:33] Excellent. Of course, there will be witness
21 evidence led about enhancement. It's just that it's not this witness. Then this
22 witness is not in a position to do any explaining.

23 PRESIDING JUDGE SCHMITT: [12:28:42] No. I have already --

24 MR SACHITHANANDAN: [12:28:44] Yes.

25 PRESIDING JUDGE SCHMITT: [12:28:45] -- answered to Mr Taku and he fully

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1 understands it. It's just the sequence that the Prosecution chose.

2 MR SACHITHANANDAN: [12:28:50] Yes.

3 PRESIDING JUDGE SCHMITT: [12:28:51] Yes, and we have this witness, as I said,
4 who has certain knowledge, but perhaps not knowledge on that point, that will be put
5 on the table later on. So please continue.

6 MR SACHITHANANDAN: [12:29:04] Yes. And your Honour, now the reason we
7 had initially thought of reading out sections of the transcript was because there are
8 certain annotations here for which there is no English translation. And of course,
9 this audio when it is played, it is not interpreted by our court interpreters. It is not
10 of a quality that can be interpreted.

11 So I think that was the only reason for us suggesting that.

12 The halfway house that I can suggest is that where there is Acholi annotation without
13 any English explanation, that I ask the witness to explain that. I don't know which of
14 the two that your Honour prefers.

15 PRESIDING JUDGE SCHMITT: [12:29:47] I think that was a good suggestion to do it
16 this way. Ask the witness what it means, and it will then for everybody be
17 translated into English I would assume here in the courtroom, yes?

18 MR SACHITHANANDAN: [12:29:57] Very well, your Honour.

19 Q. [12:30:03] Mr Witness, I'm going to ask you to turn to page 0066 of tab 1 perhaps.
20 And I want you to look at line 733.

21 A. [12:30:32] Yes, I've seen it.

22 Q. [12:30:34] Can you please explain to us what you have written there?

23 A. [12:30:42] It was written, "Roger. I've been doing some activities."

24 Q. [12:31:01] Sorry, could you read out word for word what you have written
25 literally, please?

1 A. [12:31:18] What was been written here is as follows. Ongwen said, "Roger.
2 I've been -- I carrying out some activities." That is what has been written and that's
3 what I heard.

4 Q. [12:31:38] And what is the meaning of the word "katako"?

5 A. [12:31:43] That means I've carried out some attacks somewhere.

6 Q. [12:31:55] Okay. And just so we understand, is that the literal Acholi meaning
7 or is that some special meaning that you know because of the way LRA's people
8 speak?

9 A. [12:32:12] This is in the language of the LRA. But it's the same like in Acholi,
10 because if I say if I've -- "aa katako ka mo" is the same as I have carried out attacks in
11 some places.

12 Q. [12:32:41] All right. Let's move a few lines down to 736. What have you
13 written there? And if you can say in literal Acholi.

14 A. [12:32:55] JK is Joseph Kony. He asks, "I tako kwene?" That means where have
15 you carried out attacks?

16 Q. [12:33:26] Let's move to the next page, that is page 0077. Now I want you to
17 look at line --

18 PRESIDING JUDGE SCHMITT: [12:33:36] May I perhaps -- there is a passage, a row
19 that perhaps the witness could explain a little bit better, it's row 748. Perhaps he can
20 read out the Acholi and then explain to us what it might mean.

21 THE WITNESS: [12:34:16] (Interpretation) Should I read now?

22 PRESIDING JUDGE SCHMITT: Yes, please do that. Thank you.

23 THE WITNESS: (Interpretation) Joseph Kony asked, "You've cleaned the back side
24 of our mothers, right? You finished my mothers?" That's how we can translate it.

25 PRESIDING JUDGE SCHMITT: [12:34:44] Perhaps you continue.

1 MR SACHITHANANDAN: [12:34:46]

2 Q. [12:34:46] And now that's of course the literal meaning. What does that mean
3 to you? What is the significance of that phrase?

4 A. [12:34:54] Kony wanted to understand whether they had killed the people there
5 including his mothers.

6 Q. [12:35:16] And I'm sorry, this is of course because I don't speak Acholi, what is
7 the significance of "mothers" there?

8 A. [12:35:24] I -- I cannot add what I don't understand. I am only telling you what
9 I understand from here.

10 Q. [12:35:46] And let's go to the response to that question. At line 749, the line
11 says "Kici kici. Over." What is the meaning of that?

12 A. [12:36:01] It is still emphasising continuing with the complete. "Kici kici"
13 means completely.

14 Q. [12:36:20] Line 754, could you please tell us what you have added there?

15 A. [12:36:33] What I added there was Joseph Kony was asking people, people ran,
16 people ran completely or people fled, rather, and that is what the information is
17 saying, Joseph Kony was asking if people fled completely from there.

18 Q. [12:37:03] And could you explain the response in line 755?

19 A. [12:37:13] The response, the response as provided, I put the response as I heard
20 Ongwen's voice, he responded and said, "That is different, that is different."

21 Q. [12:37:40] And could you explain what that means, again, just because -- what is
22 he saying there? So the question is something like have people fled? And what
23 does the answer mean?

24 A. [12:37:56] Kony asked, "People ran?"

25 He responded "That is different. That is different." In other words, the question

1 was: Did people run? Did people run or did people flee? And the response was:

2 Yes, people flee. That is what the response is.

3 PRESIDING JUDGE SCHMITT: [12:38:34] So perhaps just to reinforce it, because I
4 think we will exercise this for a while, we agree with the intervention of Mr Taku as I
5 already stated that we let not the witness read out further the transcript, but it indeed
6 makes sense to let him explain his specific annotations.

7 So what I see here for example is a question mark, and the original translation is more
8 a statement. So these are kinds of things that might be helpful indeed, just for the
9 future also so that we can handle it this way.

10 MR SACHITHANANDAN: [12:39:11] Absolutely, your Honour. And whenever
11 we think that there is perhaps a distinction between the literal Acholi and what the
12 phrase means, we will also try to clarify that.

13 PRESIDING JUDGE SCHMITT: [12:39:21] And perhaps also we might not need to
14 go to every annotation that the witness made.

15 MR SACHITHANANDAN: [12:39:29] Yes.

16 MR TAKU: [12:39:32] Your Honours, I'm just curious about one thing, although we
17 could raise it, but since our colleagues, they devised this method, there is a translation
18 at 674, "kafaya." I don't know, maybe in my interest I should know exactly.

19 PRESIDING JUDGE SCHMITT: [12:39:52] Frankly speaking, I'm not exactly where
20 you are at the moment.

21 MR TAKU: [12:39:58] Row 764, where they say, there is an English translation by the
22 side, but there is still the word "kafaya."

23 PRESIDING JUDGE SCHMITT: [12:40:08] Okay. We keep that in mind, and
24 perhaps you would keep that up, but we are not there already. But this would be, I
25 would assume, the next step and I think you will take it over and ask the question,

1 otherwise I will do it, I will pick it up. Please continue.

2 MR SACHITHANANDAN: [12:40:25] Absolutely.

3 Q. [12:40:28] Mr Witness, line 756, could you please tell us what you've written
4 there?

5 A. [12:40:43] Kony asked, "Even the huts were all burnt?"

6 Q. [12:40:54] And what is the response?

7 A. [12:40:59] I'm not the one who wrote the response. You're the ones who wrote.
8 And it is written "Everything, even the barracks was burnt."

9 Q. [12:41:13] Let's go to line 760. What have you deleted there and does it have an
10 impact? Does it change the meaning?

11 A. [12:41:32] It does not change any meaning. Everything remains, the meaning
12 remains the same as written.

13 Q. [12:41:53] Line 764, could you please explain what that sentence, what that line
14 means?

15 A. [12:42:08] Here Ongwen said "It is still in the hands of kafaya. I still do not
16 know very well yet. Over."

17 According to him is like what is being asked for is not yet with him, it's still with -- it's
18 there with the soldiers. So he doesn't have enough information about it yet.

19 Q. [12:42:51] And what is the meaning of "kafaya"? You've already explained I
20 think, but just for the record.

21 A. [12:42:58] "Kafaya" means the lower -- child soldiers in the lower ranks.

22 Q. [12:43:25] Now the next few lines, I want you to read from line 765 all the way to
23 770. Can you just explain to the Court successively the meaning, what you have
24 written in all those lines?

25 A. [12:43:49] Kony asked "They have firewood available?"

1 And Dominic Ongwen said, "Yes, available."

2 Kony said, "PK are the ones that went with them."

3 There is a point here I do not understand clearly, but that's what Kony was asking,
4 whether PK are the ones that went away with them.

5 Q. [12:44:54] Now, when the literal Acholi word "firewood" is said, does that have
6 a particular meaning to you with regard to speech within the LRA?

7 A. [12:45:07] If you said "firewood" in Acholi, it means they're talking about
8 firewood. But when you say "dog yen," it means in English or in the LRA they're
9 referring to guns.

10 MR SACHITHANANDAN: [12:45:51] Your Honour, may we go into private session
11 for one minute?

12 PRESIDING JUDGE SCHMITT: [12:45:53] I didn't hear you at the moment.

13 MR SACHITHANANDAN: [12:45:55] May we go into private session for one
14 minute?

15 PRESIDING JUDGE SCHMITT: [12:45:59] Of course.

16 (Private session at 12.46 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted).

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1 (Redacted)

2 (Open session at 12.46 p.m.)

3 THE COURT OFFICER: [12:46:44] We're in open session.

4 MR SACHITHANANDAN: [12:46:52]

5 Q. [12:46:52] Mr Witness, can we look at line 774. Could you explain to us the
6 meaning of line 774?

7 A. [12:47:03] Sorry. Ongwen said, "Roger, you will better understand this later
8 when everybody else is present."

9 PRESIDING JUDGE SCHMITT: [12:47:51] Just for guidance, so to speak, I think
10 perhaps this would not have been necessarily brought here in the hearing, I would
11 say, because it's in line with, it's already said there and in line with what we have
12 agreed upon with Mr Taku. So really when it comes to annotations and specific
13 changes that the witness made that they are going to explain to the Court and
14 everybody in the courtroom and nothing else, and also even when it comes to
15 insignificant matters that he might have added, I think we should not spend the time
16 with that.

17 MR SACHITHANANDAN: [12:48:25] I'm grateful, your Honour.

18 Q. [12:48:27] Can we move to line 785. Could you please explain what you have
19 changed there and what that entire sentence now means.

20 A. [12:48:55] Joseph Kony said, "Good. Very good. This has really made me
21 happy. He should have really -- he should have really killed a lot more of these
22 people, Labongo."

23 I think what Kony was saying was he was only praising and thanking for what
24 happened so that at least many more people should have been killed. That's what he
25 was saying.

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1 Q. [12:49:32] And what have you annotated in line 786? Could you give us the
2 meaning of that entire sentence?

3 A. [12:49:45] Labongo said "This time shall not miss." This is what he said.

4 Q. All right, Mr Witness.

5 MR SACHITHANANDAN: [12:50:19] My apologies, there is a significant delay
6 when I get my mic back. I'm not sure why. Your Honour, we're done with this
7 section and we'd like to play the next clip.

8 Q. [12:50:30] Mr Witness, can you please close your binder.

9 PRESIDING JUDGE SCHMITT: [12:50:36] What if we started with this after the
10 lunch break so that we have a consistent approach to it, and then I would say we
11 shorten a little bit the lunch break.

12 MR SACHITHANANDAN: [12:50:46] Yes, your Honour.

13 PRESIDING JUDGE SCHMITT: [12:50:51] So I think we will have lunch break until
14 quarter past 2.

15 THE COURT USHER: [12:50:57] All rise.

16 (Recess taken at 12.51 p.m.)

17 (Upon resuming in open session at 2.15 p.m.)

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

19 PRESIDING JUDGE SCHMITT: [14:15:43] You still have the floor, and we are in
20 open session.

21 MR SACHITHANANDAN: [14:15:49] Yes, your Honour.

22 Q. [14:16:01] Mr Witness, just a reminder that you are able to control the volume of
23 your headphones using the mic, and I think that has been shown to you. So please
24 feel free to increase or decrease the volume as you like.

25 We are going to move to a new clip, and for this point of time, please do not look at

1 any transcript.

2 The ERN of the tape still remains 0235-0038, track 2. And the transcript again
3 remains the same, on tab 1 of binder 1, but we'll be playing a clip further down the
4 tape, and the time stamps are 23.21 minutes to 27.38. And we will now play the
5 tape.

6 The binder is closed; is that right? That's correct, okay, perfect.

7 (Playing of the audio excerpt)

8 MR SACHITHANANDAN: [14:21:51]

9 Q. [14:21:52] Mr Witness, could you summarise for us what you heard on this
10 audio?

11 A. [14:21:59] The audio is clear, everything. There is nothing coded about an
12 attack in Odek. The items that were looted were being reported like guns, uniforms
13 and kibuyu. They were reporting things looted from the army.

14 Q. [14:22:43] Who are the people speaking?

15 A. [14:22:47] The discussion was between a signal, a call sign called Tem Wek
16 Ibong and Wat Pa Dano.

17 Q. [14:23:10] And can you tell me who these two people are?

18 A. [14:23:13] The call signs of Wat Pa Dano is for Otti Vincent. The call sign Tem
19 Wek Ibong is from Dominic Ongwen.

20 Q. [14:23:32] And who precisely was speaking? Was it Otti and Dominic Ongwen
21 themselves or was it their signallers?

22 A. [14:23:47] There is also the voice of the signaller I cannot remember, but the
23 voice that was sending the message, there were three voices. The person I
24 mentioned was there. Then there was Dominic Ongwen and Otti Vincent. Those
25 three people were communicating.

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1 Q. [14:24:12] Thank you, Mr Witness.

2 Now, I would like you to take a look, to open the binder again, and if the VWU officer
3 could please turn to page 0069 of the same transcript, that is still tab 1.

4 Mr Witness, I would like you to read this transcript from 0069, which is the page
5 you're looking at, for the next -- let's look at the next three pages and just tell me when
6 you are done.

7 A. [14:25:19] In the paper there is Otti Vincent. In the paper it starts with Otti
8 Vincent, which he started, "Please, please."

9 Q. [14:26:00] Yes. You can start reading from around 1169, line 1169. I just want
10 you to see whether what you are reading is what you heard or whether it's something
11 different, just to give us an idea.

12 PRESIDING JUDGE SCHMITT: [14:26:17] Reading, Mr Witness, does in that sense
13 not mean reading aloud.

14 THE WITNESS: (Interpretation) [14:27:47] I have seen the document.

15 MR SACHITHANANDAN:

16 Q. [14:27:48] Now the document, the pages you looked at, do they reflect the audio
17 you heard or do they reflect something else?

18 A. [14:27:57] It is the same as what I heard. There is nothing different.

19 Q. [14:28:06] Okay. We are going to play you the same clip again, but this time I
20 would like you to read along the page as you hear the audio in the same way that you
21 did with the previous clip we played.

22 PRESIDING JUDGE SCHMITT: [14:28:20] But do we really need that, to hear it
23 twice? Wouldn't it be an idea just to do it at least partly as we did it before the lunch
24 break and go through the annotations again? The witness has already confirmed in
25 answering your question that he at least in his mind and in his knowledge does not

1 see a difference between what he heard and what is standing there. So I think we
2 could move through the additions, the annotations, so to speak.

3 MR SACHITHANANDAN: [14:28:58] Your Honour, just one minute.

4 (Counsel confer)

5 MR SACHITHANANDAN: [14:29:10] Yes, your Honour, we'll do that then.

6 Q. [14:29:16] Mr Witness, my apologies. We're not actually going to play the tape
7 again. I'm just going to ask you some questions about the transcript that you just
8 read. Can you go to line 1169 and please explain the addition you have made there.

9 A. [14:29:59] What I added was "Charlie Queen Tem Wek Ibong," which is a call
10 sign. It means who is there in the signal language.

11 Q. [14:30:16] And which line should it be at? I'm just looking, should it be 1169 or
12 1170?

13 A. [14:30:28] It should be in 1170.

14 Q. [14:30:38] And what is the meaning in the LRA of "Charlie Queen Tem Wek
15 Ibong"?

16 A. [14:30:56] If I wanted to call somebody, I would start "Who is there? I am
17 Okello." "Charlie Queen" means who is there? If there's someone present at the
18 radio, he will say "Okello, I am here." He will mention this call sign. It is asking for
19 anybody whose radio is open at that time.

20 Q. [14:31:33] Right. If you could turn the page and look at page 0071, line 1219,
21 could you please tell us what you have added there?

22 A. [14:32:33] What they said is PK tin, which there were four PK tins, each taking
23 about 200, meaning that a tin, which can accommodate 200 bullets, there were four
24 tins.

25 Q. [14:33:15] And if you could please turn the page again to page 0072, line 1248.

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1 Can you please explain what you have added there?

2 A. [14:33:46] What is stated there is "Roger. With the corpses of the enemy.

3 Over."

4 MR SACHITHANANDAN: [14:34:23] Your Honour, I wonder whether we could
5 just take one minute, we would like to play the unintelligible segment at line 1256, it's
6 the next page, it's page 0073, just to see whether the witness can hear what is being
7 said there. It will take 30 seconds.

8 PRESIDING JUDGE SCHMITT: [14:34:49] Since we have here in the transcript
9 "unintelligible" we can do this. So perhaps you can verify with the witness if he has
10 heard anything or hears anything.

11 MR SACHITHANANDAN: [14:35:00]

12 Q. [14:35:00] Mr Witness, we're going to play you a very brief clip. Basically I'm
13 going to play you the audio relevant to 1256, and I just want you to try and see
14 whether you can hear any of the unintelligibles. Do you understand?

15 A. [14:35:16] It's understood.

16 (Playing of the audio excerpt)

17 THE WITNESS: [14:35:54]

18 A. [14:35:54] I have not understood.

19 MR SACHITHANANDAN: [14:35:59] Once more, your Honour, and then I'll move
20 on.

21 PRESIDING JUDGE SCHMITT: [14:36:06] You can try it. It was a very short
22 portion. But perhaps we can also ask the witness if he understands anything on this
23 portion.

24 MR SACHITHANANDAN: [14:36:17]

25 Q. [14:36:17] Mr Witness, ignoring the unintelligibles for now, what did you

1 understand from that little portion?

2 A. [14:36:25] There is nothing I can add in that portion because whatever I heard is
3 the same thing that you heard, that we have shot them, over. But how it started, I
4 did not hear. Whatever they have shot all, I did not understand. The only thing I
5 heard is "will shot them."

6 PRESIDING JUDGE SCHMITT: [14:36:57] Then please move on.

7 MR SACHITHANANDAN: [14:36:58] Your Honour, we will move to the third and
8 final clip relating to this intercept.

9 Q. [14:37:19] Mr Witness, could you please close your binder and we'll go back to
10 playing only the audio.

11 This next clip will be from 27.38 to 31.10 of the same ERN relating to the same
12 transcript.

13 (Playing of the audio excerpt)

14 MR SACHITHANANDAN: [14:41:33]

15 Q. [14:41:34] Mr Witness, could you please tell us in summary what you heard?

16 A. [14:41:41] What I heard is whatever is written here. There is no difference.
17 It's the same as what is written here. There was an exchange between Otti and
18 Labalpiny, who was a signaller. They were sending a message over an attack, and
19 they were reporting the looted items which we heard earlier which is still being
20 reported.

21 The issue, the things such as PKM, 1 PKM, RPG 1, 2 bombs, 2 LMGs, 5 SMG guns, 30
22 full magazines, 10 uniforms. There were also gumboots. There were 15 peks.
23 And enemy deaths were 9 and civilian casualties were very many.

24 And then Kony was calling Otti Wat Pa Dano. Then what Otti came in, was telling
25 him to hide the SMG. It was not coded. It was open message. Whatever is

1 written is what I heard.

2 Q. [14:43:23] Thank you. Just a question. Do you have the binder open with you
3 or is it closed? Are you looking at a piece of paper now?

4 A. [14:43:39] I never saw any file.

5 Q. [14:43:44] Okay. Very good, because I just wanted to make sure that we played
6 this time without your looking at any paper.

7 PRESIDING JUDGE SCHMITT: [14:43:51] This was a question that otherwise I
8 would have put to the witness because we had agreed upon differently, yes.

9 MR SACHITHANANDAN: [14:43:58]

10 Q. [14:43:59] Mr Witness, could you list for us all the speakers you heard during
11 this clip?

12 A. [14:44:08] The volume is low, but I heard Otti's voice, Labalpiny's voice, I also
13 heard Kony's voice. Labalpiny is a signaller. Otti was working together with
14 Labalpiny. I assumed he was together with Kony at that time.

15 And then he came and said that the message was not sent and then he started, Otti
16 started repeating the messages to Labalpiny. And then Kony started giving
17 instructions to Tem Wek Ibong, which was the call sign for Dominic, that the looted
18 SMG guns should be hidden.

19 Q. [14:45:06] Just to be clear, when Otti is giving instructions to Tem Wek Ibong, is
20 Tem Wek Ibong also in this conversation or is he not?

21 A. [14:45:21] The voices were low. I didn't understand properly. The voices
22 were really low.

23 MR SACHITHANANDAN: [14:45:29] Your Honour, I'd like to play a shorter clip
24 from what we just played again to ensure that we have all the information before
25 going to the transcript.

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1 PRESIDING JUDGE SCHMITT: [14:45:40] But only a real short one, please. As I
2 said, we do not exercise it twice.

3 MR SACHITHANANDAN: [14:46:00] We will play the same clip from minute 30.10
4 or, rather, 35 until 31.10, so a minute 35 onwards. This corresponds to line 1313 in
5 the transcript.

6 (Playing of the audio excerpt)

7 MR SACHITHANANDAN: [14:47:43]

8 Q. [14:47:43] Who were the people speaking in this particular part of the clip?

9 A. [14:47:48] Otti was speaking to Tem Wek Ibong and Kony subsequently joined
10 the conversation.

11 Q. [14:48:02] Thank you. We can now take a look at the transcript. It's the same
12 tab. And it should be from page 0073. Mr Witness, could you please read the first,
13 this page and perhaps the next page quietly to yourself and let us know when you are
14 done.

15 Does the transcript reflect what you heard or does it not?

16 A. [14:50:47] Yes, that's exactly what I just heard.

17 Q. [14:50:59] Could you please take a look at line 1261. Could you please tell us
18 what you have written there and what the complete sentence should read?

19 A. [14:51:31] Labalpiny was telling Otti that he was not there, he was absent, and
20 he was asking Otti to send him the message that had just been sent.

21 Q. [14:52:08] Line 1271, the same please.

22 A. [14:52:27] They were repeating the same conversation. Otti was repeating to
23 Labalpiny. And these, there were -- there was a chain of 400 which holds 250 bullets,
24 and that's what Otti told Labalpiny.

25 Q. [14:53:22] Let's go to the next page now. Line 1300, could you please tell us in

1 light of your correction what that line should read?

2 A. [14:53:39] Otti was sending information to Labalpiny that there were 9 enemy
3 soldiers. He was informing Labalpiny of the 9 dead enemy soldiers. He repeated it.
4 He just repeated it. He said there were 9 dead enemy soldiers. There were 9 dead
5 enemy soldiers.

6 Q. [14:54:17] Next page, please, that is 0075. Mr Witness, I want you to read,
7 explain to the Court what is being discussed between lines 1315 and 1325. If you like,
8 take a minute, read those lines and then explain to the Court what is being discussed
9 there.

10 MR TAKU: [14:54:53] Excuse me, your Honour. Excuse me. Your Honours, I
11 think you have defined directions about what should be done, additions that he made.
12 He said that what is here is essentially what was there, it's on paper we see.
13 But if he made some corrections, you said that he could ask him questions to tell us
14 exactly what it is. But to ask him to read and explain what it is, he was not in the
15 mind of these people. He can only say exactly what he heard. And determination
16 will be made at the end whether you believe what is said or not. But for him to say
17 "Explain what they are saying," your Honours, I think that's incorrect.

18 PRESIDING JUDGE SCHMITT: [14:55:36] So, Mr Witness, what you please do is
19 explain to us 1315, you have annotated yourself something. Please explain to us
20 what this means and also what it means, the annotation by you 1323.

21 THE WITNESS: [14:56:09] (Interpretation) The first one, 1315, that "I have
22 abducted a number of people. Over."

23 And the next one reads "There is a mixture of men and women who have been
24 abducted."

25 PRESIDING JUDGE SCHMITT: [14:56:38] Mr Prosecutor, please move on.

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1 MR SACHITHANANDAN: [14:56:40] Yes, your Honour.

2 Q. [14:56:41] Mr Witness, the correction you've made at 1329?

3 A. [14:57:16] Joseph Kony was saying, "I've said all those things should be
4 safeguarded." The only place that I amended was the igwoko which means to
5 safeguard.

6 Q. [14:57:41] Thank you.

7 MR SACHITHANANDAN: The court officer requested that we place on record the
8 last timestamps played. The last timestamps played were from minute 30.05 to
9 31.10.

10 We'll now move on to a separate different audio recording. So that is relating to tab
11 2 of your binder number 1. Mr Witness, you can close your binder for the moment.
12 The audio recording bears the ERN, UGA-OTP-235-0049, track 1. And the relevant
13 transcript bears the ERN, 0259-0086. And we will play this tape in one segment from
14 minute 00.16.00 to minute 00.19.20.

15 And Mr Witness, it's the same drill, if you can please listen, make notes and then tell
16 us what you hear.

17 (Playing of the audio excerpt)

18 MR SACHITHANANDAN: [15:02:53]

19 Q. [15:02:54] Mr Witness, could you please summarise to us what you heard?
20 Please go ahead.

21 A. [15:03:11] I heard them conveying a message about an attack. Tem Wek Ibong
22 was discussing this attack with Raska Lukwiya. Otti Vincent subsequently joined
23 them and he told Tem Wek Ibong "Send it." And then somebody else joined the
24 conversation and they asked "Who is that?" And the response was "This is
25 Dominic." It was a different voice. I believe that's a different voice.

1 Later Dominic and Otti had a conversation. He informed Otti that he had gone on
2 an attack the previous day and was relaying the message on how the attack went.

3 Q. [15:04:15] Do you know the call sign of Raska Lukwiya?

4 A. [15:04:21] Yes, I do.

5 Q. [15:04:25] Please tell us.

6 A. [15:04:30] Raska Lukwiya was referred to as Keto Keto.

7 Q. [15:04:34] We can now open the binder to tab 2, the same ERN that I called out
8 earlier.

9 Mr Witness, I would like you to read it to yourself quietly, page 0087 and 0088.

10 Is the transcript an accurate depiction of what you heard or is it not?

11 A. [15:07:16] If there is, if there is anybody in this Court who understands Acholi,
12 then it's exactly the same thing that I've heard. There is no difference.

13 Q. [15:07:35] Can you look at page 0087, that is line 408. Can you please explain
14 the change you have made and then the meaning of that entire sentence?

15 A. [15:08:03] The initial word was "Awong." But my amendment was "Awobe."
16 But what I heard was, "I've just come back from warming myself, boys."

17 Q. [15:08:35] Now, that is the Acholi. Does that phrase have any meaning in the
18 language used within the LRA?

19 A. [15:08:48] It means, my interpretation is "we've just been fighting."

20 Q. [15:09:06] Next page, line 419, could you explain that addition you have made
21 and the meaning of that entire sentence?

22 A. [15:09:25] They asked "Is that Tem? Thank you. Thank you very much.
23 Thank you. Thank you about this." They asked "Is that Tem?" And then he was
24 thanked. They just thanked him.

25 Q. [15:09:59] Just to be clear when you say "they" you've identified two speakers

1 there, could you explain which speaker is saying what?

2 A. [15:10:11] Otti Vincent was the one who thanked him. He said "Is that Tem? I
3 thank you very much." He's the one who thanked Tem.

4 Q. [15:10:28] Line 434, could you please explain what you have added and the
5 meaning of the whole sentence?

6 A. [15:10:40] It's written "Yesterday I went for an attack. Over."

7 Q. [15:11:09] Next page, that is page 0089.

8 MR SACHITHANANDAN: Your Honour, I want to ask a question about line 446.

9 There is no new addition there, but there is a significance to the meaning of the words
10 as used within the LRA.

11 PRESIDING JUDGE SCHMITT: [15:11:31] We already said that these are the two
12 venues, so to speak, to be entertained. So please proceed.

13 MR SACHITHANANDAN: [15:11:40]

14 Q. [15:11:42] Mr Witness, line 446, could you please explain what is meant there in
15 the language of the LRA?

16 A. [15:11:47] If you, if you recall or if you follow what I told you earlier, I told you
17 that it was written that on this page it's written "I captured some waya." Earlier on I
18 informed you that waya means civilian and this means I abducted civilians.

19 Q. [15:12:21] Line 448.

20 A. [15:12:38] It's written, "Then I continued shelling indiscriminately."

21 Q. [15:12:50] 452.

22 A. [15:13:03] "It was the Mamba that welcomed us from afar. Over."

23 Q. [15:13:16] 458.

24 A. [15:13:21] "I continued shooting. I continued shooting and all the soldiers ran
25 away. Over."

- 1 Q. [15:14:05] Mr Witness, a question I should have asked earlier, you mentioned
2 Mamba. What is a Mamba?
- 3 A. [15:14:10] Are you asking the Judge or are you asking the witness?
- 4 Q. [15:14:26] My apologies. I'm asking the witness.
- 5 A. [15:14:36] Mamba is an army vehicle. It's an army vehicle used in war.
- 6 Q. [15:14:43] Thank you. Line 460.
- 7 A. [15:15:08] "When all the soldiers had escaped, had run away, they withdrew and
8 they went and they stopped somewhere."
- 9 Q. [15:15:24] Next page, line 467.
- 10 A. [15:15:33] "There is nothing wrong on my side."
- 11 Q. [15:15:55] Perhaps I'm mentioning the wrong line. Line 467, there is an
12 addition you have made. Could you please tell the Court what that addition is?
- 13 A. [15:16:06] If I haven't forgotten, that's exactly what I said. "And from my side,
14 nothing wrong has happened. From my side, nothing wrong happened."
- 15 Q. [15:16:25] Line 481.
- 16 A. [15:16:50] "I went with a missile to be used. I tried to use the missile, but it did
17 not work. Over."
- 18 Q. [15:17:00] Thank you. We'll move on to the next audio clip. Could you please
19 close your binder, Mr Witness.
- 20 The next audio clip is tab 3 in the binder. And the audio ERN is UGA-OTP-239-0085,
21 track 1. And the transcript is 259-0094. We will play from 28.24 to 31.19. And
22 Mr Witness, it's the same drill.
- 23 (Playing of the audio excerpt)
- 24 MR SACHITHANANDAN: [15:21:12]
- 25 Q. [15:21:15] Could you please summarise what you have heard in this

1 conversation to the Court.

2 A. [15:21:22] What I heard is Okot, Okot who is a signaller saying Lima Charlie and

3 Lima Charlie responded by saying he had not understood, what should he do?

4 And then Labalpiny said to him that he would go to Lima Charlie and then Otti

5 comes in and says "Lima Charlie, have you heard of any transfers?" And Lima

6 Charlie said he had not understood anything to that effect. And Otti said he had

7 been transferred to Sinia brigade. So that is what I heard.

8 Q. [15:22:35] Who is Lima Charlie in this context?

9 A. [15:22:42] When we started this discussion, you asked me about call signs. I

10 told you that Lima Charlie is Dominic's call sign.

11 Q. [15:23:00] And in this conversation, are you hearing -- now, it's true that you

12 said that, and I apologise, it's just that it's very important we get every detail on the

13 record. Are you hearing the voice of Dominic Ongwen or are you hearing the voice

14 of Dominic Ongwen's signaller?

15 A. [15:23:21] I heard Dominic Ongwen's voice at the end, but at the beginning the

16 volume was low, the voice was low. I could not hear properly from here.

17 Q. [15:23:43] You mentioned Okot. Do you remember his full name?

18 A. [15:23:47] Okot, from there we called him Okot Odoge. I do not know of his

19 other name.

20 Q. [15:24:08] What was Okot's job and who did he work for?

21 A. [15:24:12] Okot was a signaller together with Kony Joseph.

22 Q. [15:24:29] Thank you, Mr Witness. Can you open your binder to tab 3 and read

23 pages --

24 PRESIDING JUDGE SCHMITT: [15:24:49] May I just interrupt you. I wonder if we

25 could shorten this proceeding since it will accompany us for a while when I look into

1 the binder. What I wonder is if the link between the transcript and the audio
2 recordings we have heard could be established shorter on a first impression by the
3 witness or reading a few lines, taking especially into account that on each page of
4 these transcripts there is the signature and the date by the witness and he himself has
5 made, as he said before, these annotations, plus you are going through these specific
6 annotations.

7 So if there are no objections, I would suggest that we do not sit here for minutes and
8 minutes and minutes waiting until the witness has read everything in silence, and we
9 are sitting here and doing nothing.

10 So if it is possible for the witness to establish this for him, whatever this means for the
11 evidence, for the assessment of the evidence, we don't decide this of course here, but
12 if the witness for himself is able to establish this quicker, without having to read now
13 6 or 7 pages and we sit here and do nothing, we can perhaps try to do it this way.

14 MR SACHITHANANDAN: [15:26:20] Your Honour, I'm happy to do so, but I
15 would like to check whether the Defence has an objection.

16 PRESIDING JUDGE SCHMITT: [15:26:25] This was simply a suggestion because we
17 are going through this process, and I assume you have a lot of further audios we
18 would have to go through. So I just put this on the table, so to speak, as a possibility.

19 MR ODONGO: [15:26:43] Your Honour, it is our firm view that what is going
20 through, the motion he is running us through is about the gist of what has been stated
21 in many pages.

22 So I would imagine that he could easily shorten this by asking the witness really to
23 just give summaries of what he -- I mean the conversation, for instance, between
24 specific parties. For instance, whether he calls Otti, the conversation between Otti
25 and whoever, Charlie whatever, and then you ask him to comment on what you think

1 was the gist of the conversation. That would make things much easier. Otherwise
2 we are going in circles.

3 PRESIDING JUDGE SCHMITT: [15:27:43] So I think this is not an objection, so to
4 speak. And I would just, I would now suggest that we proceed in shortening this
5 procedure. But in the first place it's not, it has not been a wasted time or it's not a
6 wasted time. It's good to see how this whole process unfolded. But when we think
7 that we will have to do exercise this with further 13 or 14 audios, I think it really
8 makes sense to be more expeditious.

9 MR SACHITHANANDAN: [15:28:16] Absolutely, your Honour. Our only interest
10 is in ensuring the value of the transcripts and ensuring their admission, of course.
11 So perhaps what I can do is ask the witness whether this is a transcript annotated by
12 the witness, by just looking at it briefly, and then moving directly to discussing the
13 substance of the transcript.

14 PRESIDING JUDGE SCHMITT: [15:28:39] You can do it this way. And of course
15 there is, when you go through the annotations and they are related to -- and the
16 witness relates them to what we have heard, this also is, you see, this is intertwined
17 with each other.

18 MR TAKU: [15:28:54] Your Honours, let me just say -- make by one observation
19 about annotation. I do not know whether annotations were made after the witness
20 had signed these transcripts on 12/3/16 or he made them before signing, because if
21 that was the case, why should my colleague not just move directly to annotation so
22 that we move on? Because if he did that, things will go much faster. The witness
23 has said that "I signed this. This is the process I went through, this process." And
24 he has recognized. Whatever the case, the Court will still have admitted the
25 transcripts as long as he said he signed it, that was his signature, and he said it was

1 the process he went through. You will still have admitted it. But if they want any
2 further explanation as to annotation, why not just go there directly?

3 PRESIDING JUDGE SCHMITT: [15:29:52] Plus of course, the witness has in each
4 occasion until now answered to the question by the Prosecutor in general what he has
5 heard, and if this or not, we will have to exercise this later matches what we have here,
6 this also establishes something. So now we continue as follows.

7 Now, you are going through the annotations and if you want through passages that
8 are not understandable for us. And furthermore, also with the future audio
9 recordings, you may or you should, and I think this is helpful, ask the witness before
10 looking into the binder, as you have done before, to summarise what he has heard.
11 So I think we continue like that and then this will hopefully significantly shorten the
12 whole procedure without being too tedious then in the end.

13 MR SACHITHANANDAN: [15:30:48] Indeed, your Honour. We're learning as we
14 go.

15 PRESIDING JUDGE SCHMITT: [15:30:54] We all do that, of course, because this is a
16 relatively new process. We are perfectly clear that we will be here together for a
17 long time and certain practices will have to establish themselves between us. So this
18 is absolutely a normal thing. So please continue.

19 MR SACHITHANANDAN: [15:31:14]

20 Q. [15:31:25] Mr Witness, are you at the transcript, which is tab 3 of the binder?
21 Could you go to line 562, please. And please explain your annotation there?

22 A. [15:32:08] Ongwen asked "What should I do?"

23 Q. [15:32:26] Could you please look at line 582 and explain your annotation and the
24 full meaning of that sentence?

25 A. [15:32:39] Otti said "The programme and the transfer which has been sent," I

1 repeat, "The programme and the transfer which has been sent. Did you
2 understand?" It was a question.

3 Q. [15:33:07] Next page, line 586, could you please explain your edit and then the
4 meaning of the sentence.

5 A. [15:33:23] It is written "Kijira," but that's not what it's supposed to be. It says "It
6 was happening. It was not much, but I understood. The thing is others are not
7 yet -- I have not yet heard the others well."

8 Q. [15:34:00] I'm sorry, Witness, do you mind repeating that. I haven't fully
9 understood that sentence.

10 A. [15:34:10] It's not easy to understand, but what I can tell you, "It was happening,
11 it was few, it was not much, but I understood that some of the things I have not heard
12 them properly." It means he has -- it seems he's talking about the message he has not
13 understood everything, not hearing them well.

14 Q. [15:34:39] Line 595, your edit, if you can explain? Sorry 593, 593.

15 A. [15:34:53] It is written "The transfer to Sinia brigade commander" that was Otti
16 speaking.

17 Q. [15:35:07] And 595.

18 A. [15:35:20] Otti was saying "Yes. Find a way, find a way of going like that.
19 Over. Have you understood?"

20 Q. [15:35:41] 597.

21 A. [15:35:46] Otti said, "Leave your children who are being mistreated under your
22 aunts. Have you understood?"

23 Q. [15:36:07] And does that statement have any particular meaning within the LRA
24 or is it just literal?

25 A. [15:36:20] There is nothing really hidden there, that the children who -- your

1 children who were mistreated, let them be in your care. The fingers there means
2 care.

3 Q. [15:36:39] Mr Witness, I want you to turn two pages back to page 0097, to line
4 557. Could you explain what is being said here if there is any particular meaning in
5 the language of the LRA?

6 A. [15:37:14] What has been said, Okot Odoge was speaking with Ongwen saying
7 that "I said do Zero Bravo. You are now Zero Bravo," which means he's saying that
8 Ongwen should now go and start using the call sign called Zero Bravo. Effectively
9 he's now the commander of Zero Bravo.

10 MR ODONGO: [15:37:52] Your Honour, there is a term which is alien, is new under
11 601, 601, there is that term "Zulu," Zulu. "You do it for, you do it for Zulu." What is
12 that? It's not explained.

13 PRESIDING JUDGE SCHMITT: [15:38:32] It's of course not your turn to ask, but
14 since it fits here, I think the best way is that the Prosecutor picks it up and asks. And
15 yes, or I can do it, what does Zulu mean, to make it quicker.

16 Mr Witness, what does Zulu mean?

17 THE WITNESS: [15:38:51] (Interpretation) Zulu is a call sign. In short, it can be
18 One Zulu. It can be Eight Zulu. But it's not anybody's name. It is not anybody's
19 particular call sign. I'm not sure I remember if it is someone's particular call sign.

20 MR SACHITHANANDAN: [15:39:22] Your Honour, I just want to finish clarifying
21 what I was clarifying about Zero Bravo, if that's all right?

22 PRESIDING JUDGE SCHMITT: [15:39:29] Of course, yes. You know, we know that
23 this was an interruption, but we keep it low and please continue with your
24 clarification.

25 MR SACHITHANANDAN: [15:39:37]

1 Q. [15:39:38] Mr Witness, going back to the conversation about Dominic Ongwen
2 taking over Zero Bravo, do you remember who was Zero Bravo before Dominic
3 Ongwen was supposed to take it over?

4 A. [15:39:52] I can't remember right now who Zero Bravo was. I remember I told
5 you there are so many call signs assigned to the commanders. Zero Bravo means he
6 was going to replace the work and call sign of Zero Bravo. Right now I cannot
7 remember who was Zero Bravo at the time.

8 MR SACHITHANANDAN: [15:40:31] Your Honour, this question, this matter was
9 explored many, many years ago with the witness. Would it be possible to refresh his
10 memory on a particular point?

11 PRESIDING JUDGE SCHMITT: [15:40:40] Yes. Please proceed.

12 MR SACHITHANANDAN: [15:40:43]

13 Q. [15:40:44] So it is the third binder in the large collection of binders in your
14 possession and it is tab 33, the ERN is 0228-5359. And the relevant pages, sorry, 5368,
15 that is 5368. I am referring to lines 290 and below, and I will be refreshing briefly
16 from those lines.

17 Mr Witness, of course, as you yourself said, you have talked to the Prosecution many
18 times over the period of many years. And I want to remind you of something you
19 said a long time ago and see if it jogs your memory. You were asked, "Do you know
20 who Zero Bravo is? Is that a call sign?"

21 You respond, "Yes.

22 Do you know which person used that call sign?"

23 And you respond, "I think it was a call sign of Ocan Labongo if I have not forgotten."

24 And you add further down, "I don't know very well, but I think it is belonging to

25 Ocan Labongo."

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1 Does that remind you of who Zero Bravo was before Dominic Ongwen?

2 A. [15:42:30] You know, this thing is not present. Ever since I escaped, if I'm told
3 to recount everything that happened ever since I escaped, I have now stayed home for
4 12 years, there are some things that I cannot remember. I cannot accept that I
5 remember when I cannot remember. I'm not recalling that particular thing.

6 Q. [15:43:09] That's not a problem, Mr Witness. Thank you very much.

7 PRESIDING JUDGE SCHMITT: [15:43:12] I think we have to leave it with this.

8 And we can also, we have all seen that even at the time there was not real certainty, to
9 put it this way. So please proceed.

10 MR SACHITHANANDAN: [15:43:23] Thank you, your Honour.

11 Q. [15:43:25] I think we are done with this clip as well. I will just repeat the
12 timestamps as I have been requested, that is we have played this clip from 28.24 to
13 31.19.

14 The next tape will be tab 4 in the binder, yes. The ERN is, the ERN of the enhanced
15 tape is 0239-0123, track 2.

16 As your Honours will see in the transcript, the ERN is that of the original tape using
17 the terminology that we used 12 years ago, that is 0054-050. Just for the purpose of
18 the record, the current terminology we use for this tape, the original tape is 0054-0046.

19 I apologise for the complexity, but it is important to get all of it on the record.

20 We will play the tape from 23.15 to 24.56. And, Mr Witness, please close your binder
21 at this time.

22 (Playing of the audio excerpt)

23 MR SACHITHANANDAN: [15:47:33]

24 Q. [15:47:34] Mr Witness, could you please summarise for the Court what you have
25 just heard?

1 A. [15:47:42] Somebody made a call. Otti asked "Who is that?" The person
2 responded "It is Tem Wek Ibong." And he asked Tem who attacked Lukodi. Tem
3 responded "Fine. It's my people who attacked it, but I've not yet met up with them."
4 Otti said, "I heard that they burnt over 100 houses."

5 The next, the other stuff I did not hear, and there was laughter.

6 Q. [15:48:24] If you could please open your binder and go to tab 4. I forgot to
7 mention the ERN of the transcript. The ERN of the transcript is 0129-0419. And
8 now we go to page 10 -- I apologise, page 9, which is dash 0428.

9 Mr Witness, on the page to your left, at the timestamp 23.32, can you please explain
10 the annotation there and what the meaning of that sentence is?

11 A. [15:49:32] Dominic asked "Wat Pa Dano, are you there, Tem?" That's what I
12 heard.

13 Q. [15:50:05] Now I want you to go to the next page. You can see a timestamp
14 which is 23.56, and there is an annotation just above that. Could you please explain
15 the annotation and what the entire sentence means.

16 A. [15:50:35] Dominic said, "That's fine. In the new year I will work with them.
17 Over."

18 Q. [15:51:17] And what is the meaning of "new year" in the language of the LRA?

19 A. [15:51:31] Tomorrow.

20 PRESIDING JUDGE SCHMITT: [15:51:44] Mr Sachithanandan, if you look at this
21 document, it has a completely different appearance than the others. So we have a
22 couple of minutes left, perhaps you could perhaps clarify this for us or together with
23 the witness or whatsoever because, as I said, all other documents look completely
24 different.

25 MR SACHITHANANDAN: [15:52:04] I think, your Honour, with your leave, I

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1 would like to ask the witness to read the two pages and tell us whether it is a correct
2 depiction of the audio, because I think that will be the easiest way to authenticate the
3 transcript.

4 PRESIDING JUDGE SCHMITT: [15:52:22] We did not want to entertain this like that,
5 I understood. Here we have of course one of the main differences is that we do not
6 have the signature and the date, signature of the witness and the date. So it might,
7 perhaps if he reads one page should be enough, and then I would suggest the page
8 where he had made his annotations from 23.32 until 23.56, it's less than a page. So
9 perhaps we can do that. So this is in line with what we said. It's very short. And
10 then he can or not confirm if this corresponds to what he has heard. And then we
11 finish it with that.

12 MR SACHITHANANDAN: [15:53:08]

13 Q. [15:53:08] Mr Witness, regarding the two pages you are looking at, could you
14 read to yourself quietly from 23.32 timestamp to 23.56 timestamp and let us know
15 when you are done.

16 Does what you read accurately reflect the audio that you heard or does it not?

17 A. [15:54:10] It reflects what we just heard.

18 MR SACHITHANANDAN: [15:54:21] Your Honour, I suggest then that we end for
19 today.

20 PRESIDING JUDGE SCHMITT: [15:54:25] Agreed, so to speak. So we meet
21 tomorrow at 9.30 again.

22 Thank you, Mr Witness, for the moment. And the proceedings are abated until
23 tomorrow.

24 THE COURT USHER: [15:54:38] All rise.

25 (The hearing ends in open session at 3.54 p.m.)