

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Pangalangan
7 Trial Hearing - Courtroom 1
8 Thursday, 26 January 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:03] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:16] Good morning, everyone.
13 Would the court officer please call the case.
14 THE COURT OFFICER: [9:31:27] Thank you, Mr President. The situation in
15 Uganda in the case of the Prosecutor versus Dominic Ongwen, case reference
16 ICC-02/04-01/15.
17 We're in open session.
18 PRESIDING JUDGE SCHMITT: [9:31:41] Thank you very much.
19 And now for the appearances.
20 Please, Mr Sachithanandan.
21 MR SACHITHANANDAN: [9:31:47] Your Honour, Pubudu Sachithanandan with
22 Julian Elderfield, Ben Gumpert, Colleen Gilg, Yulia Nuzban, Hai Do Duc, Ramu
23 Fatima Bittaye and Xinwei Liu.
24 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you.
25 Mrs Massidda.

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1 MS MASSIDDA: [9:32:08] Good morning, your Honours. I am Paolina Massidda.
2 Appearing today with me, Mr Orchlon Narantsetseg, Ms Carolyn Walter and Ms
3 Jacqueline Atim.

4 PRESIDING JUDGE SCHMITT: Thank you.
5 Mr Manoba.

6 MR MANOBA: [9:32:21] Good morning, your Honours. Joseph Manoba,
7 Ms Megan Hirst and Mr James Mawira.

8 PRESIDING JUDGE SCHMITT: [9:32:26] Thank you.
9 The Defence, Mr Odongo.

10 MR ODONGO: [9:32:30] Good morning, your Honours. Your Honours, today I am
11 accompanied by Charles Taku Achaleke, Mr Thomas Obhof, and Roy Titus Ayena,
12 Tharcisse Gatarama and the accused, our witness, Mr Dominic Ongwen who is in
13 court. Thank you.

14 PRESIDING JUDGE SCHMITT: [9:32:56] Thank you. And also I welcome
15 Mrs Kerwegi.

16 MS KERWEGI: [9:33:02] Good morning, your Honours.

17 PRESIDING JUDGE SCHMITT: [9:33:05] Thank you.

18 And of course witness that he again is here in the courtroom.

19 And the floor has Mr Odongo.

20 MR ODONGO: [9:33:19] May it please you, your Honours, yesterday I skipped
21 some matters which I wanted to bring to the attention of the witness because I
22 couldn't make very clear reference, and I had sought your indulgence to allow me to
23 refer to them later. I begin from there, your Honour.

24 WITNESS: UGA-OTP-P-0016 (On former oath)

25 (The witness speaks Acholi)

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- 1 QUESTIONED BY MR ODONGO: (Continuing)
- 2 Q. [9:33:48] Mr Witness, good morning.
- 3 A. [9:33:53] Good morning.
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 "Who was the first brigade commander you worked for?"
- 12 Your Honour, can we go to private session, please.
- 13 PRESIDING JUDGE SCHMITT: [9:35:47] Yes.
- 14 (Private session at 9.35 a.m.)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
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- 17 (Redacted)
- 18 (Open session at 9.48 a.m.)
- 19 THE COURT OFFICER: [9:48:57] We're in open session, Mr President.
- 20 MR ODONGO: [9:49:10] I shall dutifully repeat the question.
- 21 Q. [9:49:21] When you undertook the training for four months, can you kindly tell
- 22 Court the content of that training, what you learnt, the kind of machines you were
- 23 trained to handle, and in particular, in respect to voice analysis.
- 24 A. [9:49:57] I will explain this so that you can understand. It appears that the
- 25 previous occasions I've explained, you did not understand it, because I did earlier on

1 inform you how I received the training until I became a signaller who trained us.
2 When I was taken to Sudan in 2004, in 2005 and at the end of 2004, we were sent to
3 battle. I was injured on the front line. I was shot. We were sent back to Palutaka.
4 While I was at Palutaka, I still had injuries and they started selecting people who
5 were going to be trained to become signallers. I was one of the people that was
6 picked from the brigade that I was in.
7 I wasn't the only one. There were a number of people. We were all taken and two
8 people from each battalion were taken and were trained.
9 The instructor was different. There was also, it was Patrick Lumumba and there was
10 also Omona Field. Those are the people who trained us to become signallers.
11 During the training, on the first occasion, we were instructed on how to handle the
12 radio. The second, next, we were told how to connect the radio, how to -- about the
13 batteries. We were instructed how to open the radio, how to put up the antennas.
14 We were told, we were taught about the codes, A, B, C, D. After that we were
15 instructed on how to create TONFAS, how to receive messages and also how to try
16 the radio. We were told to try radios with our colleagues, show them how to do this,
17 how to open it. And after that we were assigned jobs.
18 You're assigned to work with somebody as a -- you're assigned to work with
19 somebody who already has experience so that you can learn, but you know that when
20 you're speaking over the radio people's voices change, but you're also taught on how
21 to clarify the voices so that when somebody is talking on the voice, if the voice is not
22 clear, then the person's voice can be clarified.
23 There are some that were not clarified. Cassette was not clarified. But Casena that
24 was given to us by the Sudanese government was clarified. But there are certain
25 radios that the LRA had that did not change the voices of people. So you had to get

1 used to the voices of people. If you're not used to the radio, sometimes you're afraid
2 of receiving messages. So we were taught on how to receive messages.

3 Q. [9:53:10] Mr Witness, you have touched on a very important aspect. You have
4 said that some radios had effects that could change the voices, the voice of a person; is
5 that correct?

6 A. [9:53:31] Yes. That was the radio given to us by the Sudanese government.
7 But it was not a very good radio, and the radios were hidden in Palutaka and Pajok,
8 because the radios were not very good. So when we were in Pajok and Palutaka the
9 radios were left there because they were not very effective.

10 Q. [9:53:56] The other question or, rather, the next question I want to put to you is
11 that in the course of your training, were you also trained in voice identification and
12 voice analysis?

13 A. [9:54:19] No. There was no analysis or no investigation because if, for example,
14 if somebody here is misspeaking in court right now, and the person is at home, and
15 they are listening to these proceedings, they will know that it's me. But if the person
16 doesn't know me and they've never heard me speak, then they won't know. But, if
17 you hear somebody's voice once, twice or a number of times, then you'll begin to
18 realise and -- the person's voice.

19 Q. [9:54:57] Witness, my question was very simple. Were you or were you not
20 trained in voice identification and analysis?

21 PRESIDING JUDGE SCHMITT: [9:55:12] Mr Odongo, he has answered that; he was
22 not trained in voice analysis in a forensic manner. As I have understood the witness,
23 he was insofar trained as -- or, via practice, if I understood it correctly. Perhaps you
24 can ask him directly this. Do you want to express that you were able to recognize
25 voices because you heard them many times? Is that what you wanted to tell us?

1 THE WITNESS: [9:55:42] (Interpretation) People in the bush knew people's voices
2 because we always stayed with the same person; for example, you're with a person,
3 for example, it's like the lady that I'm sitting next to. If you sit next to this -- if I sit
4 next to this lady for about a month, I will recognize her voice. So when you're on
5 radio call, it's not necessary to bring a person's face for you to be able to recognize
6 their voice. What you do is that you hear the person speaking and you do recognize
7 their voice. Sometimes even without the call sign, I would actually recognize the
8 voice. But even now with Kony, if Kony speaks without even using the voice, you'd
9 actually know that that is Kony speaking because of the voice recognition.

10 MR ODONGO: [9:56:41]

11 Q. [9:56:42] Witness, in your experience, are you aware that voices can change with
12 age or, rather, the voice of a person can change with age?

13 A. [9:57:12] Yes, I know.

14 Q. [9:57:13] In the course of your interaction with Dominic, did you notice any
15 change or changes in his voice?

16 A. [9:57:29] When I met Dominic, we had already attained the ages where voices
17 could change. Dominic's voice had already changed. My voice had already
18 changed. I do not know if voices change once or twice from one age to another, but
19 our voices had already changed. We had already grown up. I was no longer
20 12 years old, I was 18 years old. So I'm not very -- I'm not an expert in that.

21 Q. [9:58:10] I want to ask you, Mr Witness, did you experience intrusion by enemy
22 forces in your communications?

23 A. [9:58:52] Well, as far as I was concerned, I was not aware that this was
24 happening. But when we were being trained, we were told that when you're over
25 the radio, whatever you say should be confident because if not, then your enemy is

1 going to be listening to what you are saying, because don't think that the person on
2 the radio is the only body talking, because the other people who'd also come into the
3 same house that we were in and they'll talk. But sometimes they would tell the
4 person "move." But if somebody comes and just sits in the house and doesn't say
5 anything, yeah, they'll listen to what you are saying. You cannot stop them from
6 listening. They will listen.

7 Q. [9:59:55] Did you in the course of your training get taught or learn how to detect
8 any intruders on your network and fight, and how to fight against those intruders?

9 A. [10:00:13] As I explained, we were told that all important information should be
10 sent over TONFAS so that nobody could intrude into that message. So when we
11 were initially taught as signallers, we were told that anything that should be sent, any
12 important messages that are going to be sent should be sent over TONFAS so that the
13 message could not be received by anybody else.

14 Q. [10:00:56] Were you also taught that the messages that you transmit could be
15 interfered with by way of maybe picking it, putting it somewhere else and inserting
16 something else into those messages for whatever reason the intruder may want?

17 A. [10:01:37] No, we were not told that.

18 Q. [10:01:46] Mr Witness, could you tell this Court what category of transmitters
19 you had within the LRA and of course the receptors?

20 A. [10:02:28] I do not understand the question well. What did you say about
21 transmitter?

22 Q. [10:02:36] I am saying within the LRA communication system, what were your
23 transmitters and what were your receptors? Did you learn some of these
24 terminologies?

25 A. [10:02:52] What we used is the same radio. We had two types of radios.

1 There are many types of radios, but the radio which we had showed two frequencies
2 on the screen, and then the Racal radio did not show any frequency. You only spoke
3 on one frequency which was not displayed.

4 The training was done in haste. We were told that you can hear someone on a
5 different frequency and you can send your message on a different frequency so that if
6 someone was listening to you on one frequency, he doesn't know what you're saying
7 in reply of that message. The receiver is different and then the transmitter is
8 different. So when you press to speak, that person listens. And when you leave,
9 that person speaks on a different channel, but you're listening. But the details of
10 settings, we were not informed because I'm not highly educated. It needs a very
11 technical person to understand those ones.

12 Q. [10:04:22] Did you get to know whether you were using high frequency or very
13 high frequency transmitters?

14 A. [10:04:45] Is it about the volume, the sound or how high it goes? Is it about
15 how high the sound goes or what?

16 Q. [10:05:14] Maybe I will excuse you here. It appears that's a technical area.
17 You seem not to have learnt. You don't know the difference between VH and
18 VH -- very high frequencies? VH and VHF, you did not learn that? So that you're
19 not -- I mean, you don't have to have learnt everything.

20 A. [10:05:43] No, I was not taught those things.

21 Q. [10:05:45] Did you have any manuals which you followed?

22 A. [10:05:57] There was no manual to follow.

23 Q. [10:06:12] Now, Witness, you stated in your statement of 5 April 2005 that is
24 UGA-OTP-0221-1143, tab 3. 1142, rather, tab 3 at page 1146, lines 105 to 127. You
25 stated that the LRA had 10 to 20 radios in total depending on the period; is that

1 correct?

2 A. [10:07:32] Yes, it was about that, there were that many radios.

3 Q. [10:07:39] Mr Witness, could you please tell Court how many radios were there
4 between 2002 and 2004? And can you let Court know whether Dominic Ongwen
5 had a radio.

6 A. [10:08:06] In 2002 when people left Sudan and entered Uganda, there were
7 many radios. There were more than 10 radios. Most battalions had radios.
8 Brigades had, all brigades had radios. Let me say that all battalions and all brigades
9 had radios. Also in Control Altar where Kony was stationed together with his other
10 commanders also had radios. That is what I can say.

11 Q. [10:08:49] My question was whether of all the commanders, battalion
12 commanders, brigade commanders and those you made reference to, Dominic
13 Ongwen was a beneficiary of one of the radios?

14 A. [10:09:19] Yes, there was a radio.

15 Q. [10:09:28] Did Dominic Ongwen have a radio?

16 A. [10:09:35] Dominic Ongwen had a radio.

17 Q. [10:09:45] What type of radio?

18 A. [10:09:56] I did not see the radio. I told you at that time I was not with
19 Dominic Ongwen, but I could hear the voice being spoken. If you have to ask
20 people who had what type of radio, I wouldn't know. For me, I knew mine. The
21 voice that comes from a radio does not tell you the type of radio he's holding. You
22 only hear the voice and the call sign. You don't know the type of the radio which he
23 has because it doesn't show on the screen.

24 Q. [10:10:27] Did you ever communicate with Dominic on radio?

25 A. [10:10:45] Yes, greetings saying hello, courtesies on radio. And Kony would

1 also say that if whatever you are speaking is not important, open your radio and keep
2 quiet. Don't speak. Sometimes he even discourages courtesies. So if you open
3 your radio and hear you speaking irrelevancies on radio, you run into problems. If
4 there is some message to be sent, you send. But if there is nothing to send, you open
5 the radio and keep quiet. You have to protect yourself also.

6 (Redacted)

7 (Redacted)

8 (Redacted)

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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:13:13] Mr Witness, you're talking about just one incident when you went to
23 visit him, but how about these many occasions when you allege to have gone on
24 missions with him, did you see him holding a radio?

25 MR SACHITHANANDAN: [10:13:38] Your Honour, I'm sorry to interrupt, but if we

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1 are going to talk about proximate interactions, private session.

2 PRESIDING JUDGE SCHMITT: [10:13:47] Yes. We had also this -- noticed

3 discussion and exchange, but there is nobody in the gallery. We could also redact,

4 but I think it's better to go to closed session then. Yes, private session.

5 (Private session at 10.14 a.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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8 (Open session at 10.19 a.m.)

9 THE COURT OFFICER: [10:19:39] We are back in open session, Mr President.

10 MR ODONGO: [10:19:49]

11 Q. [10:19:50] Witness, can you tell Court whether all the radios, if all these different
12 radios could be put on the same frequencies?

13 A. [10:20:24] All these radios, you can tune them to one frequency, and you speak
14 to each other. But you can also change to any frequency that you wanted to be on.
15 But the directive to change the frequency comes from the boss. If you change the
16 frequency of the radio, they will ask you whom did you want to speak to? It will be
17 difficult.

18 The issue of frequencies should be on the frequency that everybody listens to.
19 Maybe unless it's a small radio. Everybody has to go to one frequency because there
20 was a radio which was small which had only one frequency, so if they wanted to
21 speak to that group, everybody would go to that channel. You had to go to that
22 person so that you hear and speak to him. If you don't go to him, you don't hear
23 what he says.

24 Q. [10:21:31] Mr Witness, isn't it the case that for two transmitters to be able to
25 communicate with one another, they must use the same frequency? That is high

1 frequency, that is shortwave works in the range of only 3 to 30 megahertz and
2 therefore cannot communicate with very high frequencies which is AM and the
3 system uses FM and therefore the range is between 30 to 300 megahertz and therefore
4 they cannot communicate between themselves?

5 A. [10:22:31] You are asking me questions in regard to your level of education
6 which I do not have. My duty was open your radio, put on channel 5 or channel 9.
7 That is it. We do not know, I do not know about the frequency, how high, how low.
8 What we were told, put in 5, 7, 9, and we do. That is what we do. We sometimes
9 shift locations if we do not hear. We then go up, go down, upper sideband, lower
10 sideband. Everything else I do not know.

11 PRESIDING JUDGE SCHMITT: [10:23:10] I think you could move on to another
12 point now.

13 MR ODONGO: [10:23:13] Yes.

14 Q. [10:23:15] Mr Witness, in your statement dated 9 February 2006, that is in tab 5,
15 (Redacted) you stated that during your last year in the
16 bush, the use of the radio changed. Kony and Otti would discuss important matters
17 on a different and secret frequency the others didn't have access to in a different
18 coded language.

19 After Barlonyo attack and until March 2005, there was change in the type and
20 frequency of the reporting on radio. That is to be seen on tab 5, (Redacted).

21 Now, Mr Witness, the question is could you tell the honourable Court what happened
22 within LRA communication system which pushed the chairman to take such a
23 decision?

24 A. [10:25:12] It's difficult for me to say that because that is their plan as the bosses.
25 I even mentioned last time when I was before this Court that Kony had certain

1 TONFAS with Otti so that even if they're speaking the same frequency, the messages
2 is for their consumption. You were not privy to the TONFAS. You cannot
3 understand whatever they say. Even the president cannot ask me to listen to his
4 message, (Redacted) The president cannot call
5 me to speak to me. They speak at their own rank. Everything else they speak in
6 confidence. But if they wanted a message for everybody, they would speak on the
7 language that we understood. Since they were far away from each other, they
8 would speak on their TONFAS. After they have agreed on their messages, then they
9 send the right one to us. But the ones that they keep to themselves, they do not send
10 it to us.

11 Q. [10:26:26] Witness, my interest in this area is that post Barlonyo, the incidents
12 that happened and there are records which suggest that there were communications
13 between Otti, Kony and other commanders, and yet according to this statement, there
14 was a drastic change in the radio communication. Can you explain --

15 PRESIDING JUDGE SCHMITT: [10:27:12] Is this a contradiction?

16 MR ODONGO: [10:27:14] Yes.

17 PRESIDING JUDGE SCHMITT: [10:27:15] Yes? Okay.

18 MR ODONGO: [10:27:18]

19 Q. [10:27:18] Can you explain to Court how on the one hand there was a drastic
20 change in the radio communication system post Barlonyo and then on the other there
21 was still continuous communication between Kony, Otti and other commanders
22 reporting incidents of attacks?

23 A. [10:28:17] I have not understood the question. I can answer -- I cannot answer
24 them properly because I did not understand what you were asking.

25 PRESIDING JUDGE SCHMITT: [10:28:24] Mr Odongo, of course when there is a

1 change in the communication system, it depends, of course, on what this applies and
2 on whom. The broader you apply this change, for example, to a certain amount of
3 people, so because of that I asked you if there is really a contradiction. Perhaps you
4 would rephrase your question so that the witness better understands.

5 You see, at the moment I do not see where there might be a contradiction. It might
6 be that the change is applied throughout a certain group of people, and then of course
7 these people would be able to communicate with each other on the renewed terms, so
8 to speak. So this was why I asked you if there is really or is there necessarily a
9 contradiction.

10 MR ODONGO: [10:29:21] Mr President, your Honours, the statement I read were to
11 the effect that Kony -- during --

12 PRESIDING JUDGE SCHMITT: [10:29:42] Could you please again so that we can
13 follow again say the line so that --

14 MR ODONGO: [10:29:46] Yes. The line is tab 5. UGA-OTP-0228-3511 at page
15 3518 to 3520.

16 PRESIDING JUDGE SCHMITT: [10:30:16] Now the line exact.

17 MR ODONGO: [10:30:18] Now the line is: And during your last year in the bush,
18 the use of the radio changed. Kony and Otti would discuss important matters on a
19 different and secret frequency the others didn't have.

20 PRESIDING JUDGE SCHMITT: [10:30:33] Okay.

21 MR ODONGO: [10:30:34] Yes.

22 PRESIDING JUDGE SCHMITT: [10:30:36] So it's partly true what I say and
23 mostly -- partly true what I say and mostly true what you said. So please continue.

24 MR ODONGO: [10:30:44] Yes.

25 Q. [10:30:48] Mr Witness, were reports on attack important matters in the LRA?

1 A. [10:31:08] Yes, as far as they're concerned. But I do not understand why,
2 because if a report was important, it should have been sent by message, the report
3 was sent directly. But sometimes it changes.
4 But you know Kony, you are with Kony, Kony constantly changes his mind. You
5 saw how his mind constantly changes. On one occasion he can say: "Send all
6 messages directly." On other occasions he said, on some occasions he asked the
7 message, the messages to be sent coded. Sometimes he asked the messages to be
8 sent directly.
9 Kony constantly changes his mind. You may be planning one thing, but he changes
10 his mind. You may be planning that we are going to the east, but he changes his
11 plan and goes to the west. So everything is constantly changing. He keeps on
12 changing his mind. If he decides, if he had thought that it was important, he would
13 have asked them to send it to be coded. But perhaps he thought it wasn't important.
14 That's why he thought it was sent directly. If he had thought it was important, he
15 would have asked: "Why did you send it directly? Why didn't you code the
16 message?" But that was his decision.

17 Q. [10:32:50] Would it therefore be fair, Mr Witness, to say that this statement is not
18 necessarily true?

19 PRESIDING JUDGE SCHMITT: [10:33:06] I think the question is not fair. This is
20 prone to interpretation. I would not admonish the witness in that way. So we can
21 draw our conclusions ourselves from it, I would suggest.

22 MR ODONGO: [10:33:24] Much obliged, much obliged.

23 Q. [10:33:42] Mr Witness, can you confirm to this Court that these changes in
24 communication systems happened when you were still in the bush?

25 A. [10:33:58] Yes, the changes took place while I was still in the bush.

1 Q. [10:34:13] Mr Witness, would it surprise you if you were to be told that by some
2 of your colleagues, former colleagues in the LRA that Kony decided to change the
3 system because the TONFAS code were taken away by UPDF soldiers during the
4 attack of Lukodi. That was around 17 June 2005.

5 A. [10:35:06] If the TONFAS was changed, then it would be replaced. You cannot
6 use the old TONFAS when it has been replaced with a new one, and that's what I told
7 you the other day. If they've removed the old, if they've removed the old TONFAS
8 which the enemy already has, then that means that the enemy is intercepting your
9 information, therefore, they have to replace the old TONFAS.

10 But the proverbs remained the same. TONFAS changed. If the proverbs, for
11 example, somebody with me, if you -- the proverbs would always remain in my head.
12 For example, I would always retain them. There are certain proverbs that they used,
13 for example, things that the LRA did or where they were. When I wasn't there, for
14 example, the LRA is now in Central Africa, if the LRA says "Do you know where we
15 ate yesterday," that means I do not know, because I'm not there, so I do not know
16 where they ate and I do not know the meaning of that.

17 Q. [10:36:14] Maybe at this point in time, Witness, you will help Court to
18 understand whether what you have been consistently referring to as proverbs were
19 actually proverbs or some of them were just slangs, because a proverb in common
20 speak is the sayings of the wise which is predicated on a culture. But a slang is a
21 manner of speech by a certain group of people, things which are understood. Maybe
22 in my Defence team, there are certain things we use. Those are slangs.
23 So were these really proverbs? Because I saw in one section, you're saying
24 "lalur mwodo cogo kun geno adyenye" that is clearly a proverb.
25 Would the other things that were said be qualified as proverbs as well?

1 A. [10:37:37] In the language that was used there are certain things that if, for
2 example, certain words that were used as proverbs. But there are also certain things,
3 certain words that were made up, for example, Panadol. Anybody who knows that
4 it's Panadol knows that it's a word, for example, they'll write "Panadol" and you'd
5 know that it's an escape. So if they write "Panadol," you would read escape, and you
6 would read on the other side which would mean escape, and everybody got used to
7 that.

8 If they used the word "Panadol," everybody knew that they were talking about an
9 escape, and that's why almost everybody in the LRA knows that. So if they're
10 talking about Panadol, it means escape.

11 If they write "girls" they write "ting ting". So you look at the other side, and if you
12 see the word "ting ting", then you go back on the reverse and you find "girls".

13 So I do not know whether those are proverbs or whether slangs, but all those things
14 are mixed.

15 PRESIDING JUDGE SCHMITT: [10:39:04] So the witness might have a slightly
16 different understanding of proverb like you have perhaps and like we have, would
17 have. But I think he has explained how he understood it.

18 MR ODONGO: [10:39:17] Mr President, your Honours, I have no problem with
19 them. But I thought it is important for Court to know.

20 PRESIDING JUDGE SCHMITT: [10:39:25] No, no. It was a comment.

21 MR ODONGO: [10:39:26] Yes.

22 PRESIDING JUDGE SCHMITT: [10:39:26] It is important, absolutely.

23 MR ODONGO: Yes.

24 PRESIDING JUDGE SCHMITT: Please continue.

25 MR ODONGO: [10:39:33]

1 Q. [10:39:49] Mr Witness, can you tell this honourable Court whether it is possible
2 to make mistakes about voice identification? It is not always that you'll get it right?
3 Is it possible sometimes to get voice identification wrong?

4 PRESIDING JUDGE SCHMITT: [10:40:23] This is a quite suggestive question. But
5 only that we understood that it is this kind of question. But we let the witness
6 answer it, but you're aware of it, because the possibility -- but let's hear the answer.

7 THE WITNESS: [10:40:52] (Interpretation) If you hear a voice, you stop and think
8 about it. Sometimes if you instantly hear the voice, you may not actually recognize
9 the voice, so you keep on listening. And then you say, oh, Okello. But if you keep
10 on listening, then you actually recognize the person's voice.

11 MR ODONGO: [10:41:22]

12 Q. [10:41:23] In the particular intercepts relating to conversations where it was
13 alleged it was Dominic Ongwen on the line, did you find some difficulty at some
14 stages, especially when there were interferences by so many other voices?

15 A. [10:42:04] There are certain times, certain instances, for example, when he was
16 speaking in undertones and there was background noise, then that's difficult to
17 recognize him. But if there is no noise and he's speaking in his normal tone, then it's
18 easy to recognize.

19 Q. [10:42:32] Witness, you were given the intercepts. On one side the intercepts
20 were in Acholi, and on the other side there were translations into English. Did you
21 at all times address your mind on the context in which those intercepts were made?

22 A. [10:43:26] If you give me LRA voices right now, all types of LRA voices, and you
23 give it to me, I will tell you, yes, I do understand the voice. But if you ask me the
24 voices that I do not understand or do not recognize, I will tell you that I do not
25 recognize that voice.

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1 Q. [10:43:58] Sorry, Mr Witness, I'm sorry to interrupt you. I am talking about
2 context. I'm no longer talking about identification of voices. I'm talking about the
3 context in which those speeches were made.

4 A. [10:44:34] Well, I always wait for, I waited for the information that I was given
5 and told, okay, listen to this and then I'll listen to it.

6 But I was not told: Okay, this was intercepted on this day or this was written on this
7 day. That, I don't understand or I didn't see that.

8 Q. [10:44:57] Thank you very much. Mr Witness, you yesterday told Court that at
9 that time, at the time of the Lukodi attack, you were working for --

10 PRESIDING JUDGE SCHMITT: [10:45:25] We are in open session at the moment, so
11 if there is a doubt, you tell us, we would go into --

12 MR ODONGO: [10:45:32] It would appear we may have to go into private.

13 PRESIDING JUDGE SCHMITT: [10:45:36] If it is suggested --

14 MR ODONGO: [10:45:37] Yes.

15 PRESIDING JUDGE SCHMITT: [10:45:38] -- then we go into private session.

16 MR ODONGO: [10:45:40] Private.

17 (Private session at 10.45 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
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- 9 (Redacted)
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- 11 (Redacted)
- 12 (Redacted)
- 13 (Recess taken at 10.50 a.m.)
- 14 (Upon resuming in open session at 11.30 a.m.)
- 15 THE COURT USHER: [11:30:54] All rise.
- 16 PRESIDING JUDGE SCHMITT: [11:31:13] Mr Odongo, you still have the floor.
- 17 MR ODONGO: [11:31:34] Thank you, your Honour.
- 18 Q. [11:31:38] Mr Witness, welcome back from the short break.
- 19 Now, Mr Witness, although yesterday we talked briefly about the attack on Lukodi, I
- 20 shall go back to it for a different purpose now, that is for the purpose of voice
- 21 identification especially.
- 22 Yesterday you told Court that at that time you were working for --
- 23 Your Honours, we are supposed to be in private. I assumed that we are going to
- 24 proceed?
- 25 PRESIDING JUDGE SCHMITT: [11:32:40] We are in open session, but I also have a

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1 feeling that perhaps Mr Obhof is sharing with me that we should go into private
2 session then.

3 MR ODONGO: [11:32:54] Yes.

4 PRESIDING JUDGE SCHMITT: [11:32:55] Yes, then we do that.

5 (Private session at 11.32 a.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Open session at 11.35 a.m.)
- 8 THE COURT OFFICER: [11:35:45] We are back in open session, Mr President.
- 9 MR ODONGO: [11:36:02]
- 10 Q. [11:36:05] I'll read this part:
- 11 Otti asks, "Who fought there in Lukodi?"
- 12 And Ongwen -- but I think maybe you should listen to the intercept.
- 13 PRESIDING JUDGE SCHMITT: [11:36:26] I would say, Mr Odongo, since you told
- 14 us it's about voice recognition --
- 15 MR ODONGO: [11:36:31] Yes.
- 16 PRESIDING JUDGE SCHMITT: [11:36:31] -- and then it of course would make sense
- 17 to let him listen to this portion.
- 18 MR ODONGO: [11:36:36] Yes.
- 19 MR OBHOF: [11:36:42] This is from 23.15 to 24.15.
- 20 (Playing of the audio excerpt)
- 21 MR ODONGO: [11:37:59]
- 22 Q. [11:38:00] Yes, Witness, did you listen to the intercept carefully?
- 23 A. [11:38:09] Yes, I did.
- 24 Q. [11:38:15] Did you in particular listen to this part which -- where Otti asks,
- 25 "Who fought there in Lukodi?"

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1 And Ongwen responded, "He did. But he urged that the ones who went there
2 weren't back yet to give the details about the attack."

3 Did you?

4 A. [11:38:52] Yes, the way you read is the same thing the way I heard.

5 Q. [11:39:08] Now, can you tell Court whether what Dominic Ongwen told
6 Vincent Otti was to the effect that he was personally there?

7 A. [11:39:34] I think we all heard Otti ask that, called "Wat Pa Dano,
8 Wat Pa Dano."

9 And then Otti said "Tem Wek Ibong, go ahead."

10 Then Otti asked, "Who attacked Lukodi?"

11 And Dominic responded, "That was me."

12 Then Otti said, "I heard that they burnt more than 100 houses."

13 And then Dominic responded that, "Yes, it was my people, but I have not met them
14 yet."

15 There are two issues there. First he said he was the one who attacked Lukodi. And
16 secondly he said those were his people and he had not yet met up with them. I think
17 that's what we all heard.

18 Q. [11:40:28] Would you agree with me that the answer was cascaded into two
19 sections, the first section being, yes, I attacked, and then the other section being my
20 people who did it have not yet come back? Do you agree with me?

21 A. [11:41:04] Yes, that is correct. I agree with you because that is what we all
22 heard.

23 PRESIDING JUDGE SCHMITT: [11:41:10] And then, of course, it comes down to
24 the question of interpretation which has to be made in the end by this Chamber. We
25 should not -- I think the witness has answered the question and he has made clear

1 that it's what he heard, but not more. And what he heard is what he heard, but what
2 this really means in the end is something that has to be really -- you can elaborate on
3 that, of course.

4 MR ODONGO: [11:41:40] Yes.

5 PRESIDING JUDGE SCHMITT: [11:41:41] And we have in the end to think about
6 what we make out of it.

7 MR ODONGO: [11:41:46] Much obliged, your Honours.

8 Q. [11:41:49] Witness, would it be fair to say that this intercept message is to the
9 effect that Ongwen was not there, because although he hastened to answer that he
10 fought there, he equivocated, or, rather, he prevaricated by saying that the ones who
11 went there aren't back yet to give the details about the attack?

12 PRESIDING JUDGE SCHMITT: [11:42:24] Mr Odongo, I think we can agree that
13 this is more statement than a question, because you exactly do that you interpret it in
14 a certain way, and we should not I think put this in this way to the witness, I would
15 say.

16 MR ODONGO: [11:42:42] Your Honour, that's why I phrased my question in the
17 form of "would it be fair," and it is up to him to say it is fair or not, your Honour, I
18 thought.

19 PRESIDING JUDGE SCHMITT: [11:42:54] Okay. You know when in a court of
20 justice fairness is invoked, it's hard to resist. So please put the question to the
21 witness "Would it be fair to say" and he might answer, yes.

22 MR ODONGO: [11:43:10] Yes.

23 Q. [11:43:12] Now let me rephrase the question, if I put the question directly to
24 you. When after saying "Yes, I did" he suddenly equivocated and said "The ones
25 who went there aren't back yet to give the details about the attack," what do you

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1 make of this, Mr Witness?

2 PRESIDING JUDGE SCHMITT: [11:43:49] That is exactly the phrasing that I
3 intended you to put to the witness. Thank you.

4 MR ODONGO: [11:43:55] Yes. Much obliged.

5 THE WITNESS: [11:44:06] (Interpretation) What I know is that he responded that
6 he was there and attacked Lukodi, but his people were not yet back.

7 It is understood that the people, his people who were not yet back were the guys who
8 reported, who attacked Lukodi, and he was waiting for a report from them. So it
9 was his people who attacked Lukodi. He had remained behind. And he was
10 waiting for the report from those who attacked Lukodi.

11 Otti, according to what I understood, heard from the radio what had happened in
12 Lukodi and then asked that I heard that they had burnt more than 100 houses. I'm
13 not sure where he heard from. That is what I can make of it.

14 MR ODONGO: [11:45:02]

15 Q. [11:45:02] So can we -- can you confirm to Court whether or not
16 Dominic Ongwen was actually present during the attack on Lukodi?

17 PRESIDING JUDGE SCHMITT: [11:45:21] Mr Odongo, I think he has really
18 answered the question and it was --

19 MR ODONGO: [11:45:26] Yes.

20 PRESIDING JUDGE SCHMITT: [11:45:27] And I also, I think everybody in the
21 courtroom understood it in a certain way. And he, of course, was not present, so he
22 cannot confirm if he was present. He can only conclude, and he has done this, and
23 it's, frankly speaking, it's relatively clear now what he said.

24 MR ODONGO: [11:45:47] I'm much obliged.

25 PRESIDING JUDGE SCHMITT: [11:45:49] Thank you very much. And please

1 continue.

2 MR ODONGO: [11:45:57]

3 Q. [11:45:58] Now, Witness, do you remember a certain person called Ocaka?

4 Who was he and from which brigade was he? Was he not from Gilva brigade
5 headed by Ocan Bunia?

6 A. [11:46:35] There are many things in the LRA and you can explain in different
7 ways. Ocaka the way I know was in Gilva support. When -- during the Operation
8 Iron Fist when people came to Uganda, there were a lot of changes. If I remember,
9 Ocaka was in a sickbay with Tulu. If he was not with Tulu then, he was probably
10 with Dominic. It is -- at this time I do not exactly know where Ocaka was, because
11 people had been dispersed. It was not easy to know where he was at the time, but I
12 think he was either with Tulu or with Dominic. But what I remember was that he
13 was always with Tulu in the areas of Palaro. I don't remember very well now.

14 Q. [11:47:38] Mr Witness, maybe it would be fair for you to clarify this position as
15 to -- I mean, before the dispersion, after Iron Fist, where did he belong, to which
16 brigade? And if he belonged to a certain brigade, can you tell Court as to whether
17 you got to know that there were changes, transfers to other brigades?

18 A. [11:48:20] Just like I said, many things happened in the LRA. Whatever
19 happens in the LRA may not follow what happens in other armies. Ocaka was first
20 in Gilva, then he went to Sinia and then there were changes that continued thereafter.
21 I do not know what later became of him or where he ended up. But what I knew
22 was he was either with Tulu or with -- or he was with Dominic in Sinia.
23 But knowing exactly where he was at the time, I do not know. But at the time Ocaka
24 was in charge of bombs. And then it came a time there were gunships that would be
25 used for shooting aeroplanes, they realised that it was heavy and it was hidden.

1 Since that gun was hidden, I do not know where he was transferred.

2 The name "Support" which was assigned to him, was used thereafter, even if the gun
3 was hidden, because he was known as support operation.

4 Q. [11:49:47] Mr Witness, you have not helped me and Court to know where he
5 was before what you call dispersion after the Iron Fist. Where was he assigned to?

6 A. [11:50:09] Iron Fist people were still together, just like we were home. Ocaka
7 was in Gilva brigade. But when Iron Fist started Ocaka was transferred to Sinia
8 brigade.

9 Q. [11:50:56] Witness, would you be surprised if you found that someone who
10 took part in the attack told Prosecution investigators that the attack on Lukodi was
11 actually led by this man called Ocaka?

12 A. [11:51:25] It doesn't take me by surprise because I also heard the same thing.

13 Q. [11:51:40] And, Mr Witness, could it be true that, just like you stated, this man,
14 Ocaka, was actually moving back and forth between Gilva and Sinia brigades?

15 A. [11:52:14] He doesn't just move, but he was transferred from Gilva to Sinia
16 brigade. Someone who was ping-ponging means he was moving from here to there,
17 but he was removed from Gilva and taken to Sinia. From Sinia I'm not sure where
18 he was transferred.

19 Q. [11:52:41] Witness, do you remember the following individuals, if you do who
20 were they, can you give Court their ranks and the units they belong to. Of course
21 you've already talked about Tulu. The other one was Okwer, alias Bio.

22 And then the next one was Loum Icaya.

23 PRESIDING JUDGE SCHMITT: [11:53:19] Perhaps one after the other.

24 MR ODONGO: [11:53:21] Yes.

25 PRESIDING JUDGE SCHMITT: [11:53:22] (Overlapping speakers)

- 1 MR ODONGO: Much obliged. Much obliged.
- 2 Q. [11:53:27] Who was Okwer, alias Bio and what was his rank and his unit
- 3 A. [11:53:42] Okwer -- if it is Okwer I will understand, if Alayo (phon) Bio, I do
- 4 not understand.
- 5 Q. [11:53:54] I said alias, alias, alias. It means who is also called, otherwise
- 6 called Bio, B-I-O.
- 7 A. [11:54:19] Okwer, the one I know, he was an intelligence officer, but the
- 8 Bio part of it I do not know. But the intelligence officer known as Okwer was in
- 9 Control Altar, then he was transferred to Sinia and was transferred later to other
- 10 brigades. Later on he died. I do not know of him being known as Bio.
- 11 Q. [11:54:51] What was his rank?
- 12 A. [11:54:58] He was promoted to captain. I don't know if he was later
- 13 promoted to major, but he was captain.
- 14 Q. [11:55:05] And you didn't -- I think you forgot to talk about the rank of Ocaka.
- 15 What rank was he?
- 16 A. [11:55:22] Ocaka was a lieutenant and then later promoted to captain.
- 17 Q. [11:55:29] Okay. How about Loum Icaya, what was his rank and the unit he
- 18 belonged to?
- 19 A. [11:55:44] Loum was a major. I do not recall which unit he was in, whether
- 20 he was in Sinia. I do not recall.
- 21 Q. [11:56:03] Could he have at any one point been a member of the Gilva brigade?
- 22 A. [11:56:27] I do not recall that now.
- 23 Q. [11:56:32] How about this Okwer, could he have at one point been a member
- 24 of Gilva?
- 25 A. [11:56:45] Okwer was in Control Altar, he was with Otti. When he was

1 transferred from Otti he was taken to Sinia. I do not recall if he was in Gilva.

2 Q. [11:57:05] How about Ben Acellam, from which unit did he come and what
3 was his rank?

4 A. [11:57:23] Ben was in Control Altar, too. He was an intelligence officer. His
5 rank, he was a captain at the time.

6 Q. [11:57:46] How about Abongo, Abongo Wondano?

7 A. [11:57:59] I have never heard about the name Abongo Wondano. Is it
8 Abongo or Abongo? I have never heard about a name called Abongo.

9 Q. [11:58:11] For the sake of this Court, since the spelling is the same, let's call
10 him Abongo, Abongo. I'm sure between you and me we know that there is a
11 difference, but I can assure you Their Lordships do not know the difference. It is like
12 saying Atim and Atim, whereas Atim is a lady, Atim is a man, but these people
13 would never detect. We know it.

14 PRESIDING JUDGE SCHMITT: [11:58:48] I think your assumption is correct.

15 MR ODONGO: [11:58:53] Yes.

16 THE WITNESS: [11:59:02] (Interpretation) Can you repeat the name of the
17 person. I am not understanding the name of the person.

18 MR ODONGO: [11:59:07]

19 Q. [11:59:07] Abongo Wondano?

20 A. [11:59:12] I have never heard about that name in the LRA.

21 Q. [11:59:19] Are you sure? Are you sure you do not remember or recall this
22 name in the LRA?

23 A. [11:59:48] Forgive me. If I say I do not know, it means I do not know. If
24 there's another name or a different way of pronouncing it, then I will probably know.
25 It is not possible for me to know everybody in the LRA. There were well over 10,000

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1 people. I can't recall all their names. If you mention Abongo Wondano probably
2 he was in a different battalion I do not know about.

3 PRESIDING JUDGE SCHMITT: [12:00:17] I think you should move on to the next
4 name --

5 MR ODONGO: Yes, yes, yes.

6 PRESIDING JUDGE SCHMITT: -- if you have further names.

7 MR ODONGO: [12:00:23] Those are the only names, your Honours.

8 Q. But, Witness, do you remember whether or not these or some of these
9 individuals took part in the Lukodi attack?

10 A. [12:00:52] The person whom I said I heard, I just heard, I didn't see, because
11 the people who went to Lukodi I never really get to meet them until I return home. I
12 heard it was Ocaka was among those who went to attack Lukodi. He's even dead by
13 now.

14 MR ODONGO: [12:01:15] Your Honours, I've been reminded about the name, the
15 other name I was struggling with, he was called Abunga Won Dan.

16 A. [12:01:32] Do you want me to acknowledge something that I do not know? If
17 you ask me, I do know Abunga Won Dan.

18 PRESIDING JUDGE SCHMITT: [12:01:41] Mr Witness, I heard it, although of
19 course I do not understand your language and your language. It sounded a little bit
20 different, so the question of counsel is simply if with this different sound, with this
21 different name, if you recognize this name, and just answer this question. This is not
22 that we or the Defence wants to urge you to confirm something that you cannot
23 confirm, it's just now a different name and please answer if you know this name. If
24 you don't know it, please tell us.

25 THE WITNESS: [12:02:15] (Interpretation) Yes, I know that name.

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1 MR ODONGO: [12:02:22]

2 Q. [12:02:23] Witness, you don't have to be very difficult about this. You know I
3 make mistakes just like you do. So when I make a mistake, I stagger somewhere and
4 I'm able to stand up. Support me to move on. So in this case who was Abunga
5 Won Dan?

6 A. [12:02:41] I know that if I'm asked a question I should respond to what I know.
7 I should not respond to what I do not know. If you ask -- if you want to ask me a
8 question, ask it clearly like you just did right now because if tomorrow I'm asked who
9 is Abongo so and so, then I really do not know, because if you -- if I insist and say yes,
10 then I'm not telling the truth. But if you ask me directly and you spell it properly,
11 for example, you did now, Abunga Won Dan, then I will acknowledge that I know
12 the person.

13 PRESIDING JUDGE SCHMITT: [12:03:20] But, Mr Witness, Defence counsel has
14 made clear that the first time when he asked you, he did not have the right name. I
15 think we leave it like that and please answer now the further questions by counsel.

16 MR ODONGO: [12:03:35] Yes, yes.

17 Q. [12:03:44] Witness, in your statement, tab 16, UGA-OTP-0228-3464, lines 516 to
18 665, you stated that:

19 Odomi was not part of Gilva brigade. You heard on LRA radio that the people
20 working for Gilva sickbay were involved in this attack. They were with Tulu, who
21 was in charge of Gilva sickbay at the foot of Atoo hills near Odomi position.

22 Do you remember this statement of yours?

23 A. [12:04:59] Yes, I do recall.

24 Q. [12:05:12] And, again, Witness, in your interview, again tab 16, pages 3484 to
25 3485, lines 672 to 706, and page 3488, lines 827 to 829, you say that you only heard

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1 about the Lukodi attack on radio Mega, and you specified that Ocaka was the overall
2 commander while Matata was the second in command. Please can you tell this
3 honourable Court if this is a clear vision, I mean, this was your statement?

4 A. [12:06:25] Yes, that's what I said.

5 Q. [12:06:29] But, Mr Witness, you remember yesterday you said that you did not
6 know about this attack because when Kony I think contacted the head of your brigade,
7 you decided to interfere with the radio system?

8 MR SACHITHANANDAN: [12:07:06] Your Honour, I hesitate to rise. I don't
9 recall the witness saying he did not know about the attack and I would appreciate a
10 quotation.

11 PRESIDING JUDGE SCHMITT: [12:07:14] Indeed, this is what we had yesterday,
12 Mr Odongo. When you refer to what the witness has said here in the courtroom, we
13 should appreciate it if we have a complete citation and a correct citation of it so that
14 we can all see in the courtroom if this is really put correctly to the witness.

15 MR ODONGO: [12:07:52] Since we committed ourselves to moving fast, I think I'll
16 abandon that.

17 PRESIDING JUDGE SCHMITT: [12:07:58] We accept that, of course. Please move
18 on then.

19 MR ODONGO:

20 Q. [12:08:27] Mr Witness --

21 Your Honours, I'm moving into an area where I think we need to go into private
22 session.

23 PRESIDING JUDGE SCHMITT: [12:08:34] Then we go into private session.

24 (Private session at 12.08 p.m.)

25 (Redacted)

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22 (Open session at 12.17 p.m.)

23 THE COURT OFFICER: [12:17:18] We are back in open session, Mr President.

24 MR ODONGO: [12:18:15]

25 Q. [12:18:15] Witness, I just want to ask you a few concluding questions about

1 your personal situation. When you defected and came out and reported to the
2 government of Uganda, did you benefit from the Amnesty Act?

3 A. [12:18:55] Yes. When I came back I reported to the Amnesty Commission. I
4 was granted amnesty. We were then cold and I was given a blanket, a hoe, one
5 machete and 2,000 shillings. 2,065 shillings. Those are the things that the Amnesty
6 Commission gave me. They also gave me a saucepan, two saucepans.

7 Q. [12:19:32] Can we be clear about the amount of money. Was it 2,000? Can
8 you repeat that?

9 A. [12:19:43] The Amnesty Commission gave us, they gave a number of people
10 265,000, 265,000 shillings. That's my recollection of the amount of money that we
11 were given.

12 Q. [12:20:03] So it was 265,000 shillings, not 2,650?

13 A. [12:20:21] Not 2,000. Two-six-five, 265,000.

14 Q. [12:20:33] Now, Witness, when you were -- just before you were issued with
15 the witness certificate, did they give you any condition to fill in your form, in the form?
16 Or, rather, let me put it this way: Did you fill any form at the Amnesty?

17 A. [12:21:08] Are you asking me about a form being filled with Amnesty
18 Commission? Before I was given the amnesty certificate they came where we were.
19 I was with a number of people. I was given a form and told that this is the amnesty
20 form. We put down information of where we had -- where we had been, your
21 names and some personal information.

22 Q. [12:21:42] Did they ask you -- in that form was there a provision for giving a
23 confession as to what you may have done while you were in the bush?

24 A. [12:22:09] No, I do not recall. I do not recall if there was any provision like
25 that on the form. If I can recall, I do not think that I gave that information.

1 Q. [12:22:29] Did they ask you to make any undertaking denouncing rebellion?

2 A. [12:22:53] Well, I know what they told me. What I was informed is that

3 "you've been given amnesty and the reason for which you've been given amnesty is

4 because you have defected and you're no longer a fighter" and that's what I know.

5 Q. [12:23:12] I want you to -- I want to refer you to your statement to the

6 Prosecutor at tab 19, UGA-OTP-0228-3230, page 3235 and lines 142 to 165. In that

7 statement the investigator clearly stated that the OTP has no intention to prosecute

8 you because you are not high up enough in the LRA hierarchy. Do you agree with

9 me, Mr Witness?

10 A. [12:24:29] Yes, I'm looking at it.

11 Q. [12:24:42] So would it be fair to say that you only agreed to come to testify

12 because you were given reassurances that you would not be prosecuted?

13 A. [12:25:09] It's difficult to respond to that question, but my response is: Well,

14 right now, even at this state I do not know whether or not I'm going to be prosecuted.

15 The amnesty certificate was given by the Amnesty Commission. We are told that

16 this grants amnesty, but I do not know whether the amnesty certificate prohibits any

17 future Prosecutions. They might prosecute me in the future. I don't know. If they

18 do decide to prosecute me, do I have the right to refuse to come to court?

19 Q. [12:25:54] Now, apart from your interaction with the Amnesty Commission,

20 did you debrief with the UPDF?

21 A. [12:26:21] Are you talking about coming to testify, or are you talking about

22 when I was in the bush and what took place in the bush?

23 Q. [12:26:31] We are not talking about matters related to your interactions after

24 you came out of the bush. You were with the Amnesty Commission, and then now

25 you say you're with the UPDF. My question relates to the time when you first made

1 contact with the UPDF.

2 A. [12:27:06] You know, when I went to the UPDF, I went to the UPDF, then I
3 went -- I did not immediately go home. They came. I sent information to the UPDF.
4 The UPDF came, picked me up and took me to the barracks. The person who picked
5 me up was Nasa Mugisa (phon) and Otema Awin (phon) was also there. I was then
6 taken -- I was then taken to the place where I was supposed to help them and that
7 was where I was waiting for the amnesty people as well. I stayed for about two
8 weeks before the amnesty people came to the place where I had been sent. There
9 were a number of issues concerning the operation. They asked how things went and
10 I informed them, I gave them this information.

11 Q. [12:28:16] Which information?

12 A. [12:28:27] They were talking about operations and thus those are the kind of
13 question they were asking, information that they wanted. Those were the kinds of
14 questions they were asking and those were the kinds of responses I was giving them.

15 Q. [12:28:56] And can you tell this Court, in particular, what you told the UPDF
16 about -- I mean, in regard to what you call operations?

17 A. [12:29:32] Don't you think this might actually cause me problems if I tell you
18 the -- if I disclose the stuff that I disclosed to the UPDF? I know that this relates to
19 the army. In this courtroom we are civilians, but if I give you information relating to
20 army matters, wouldn't that cause me problems in the future?

21 PRESIDING JUDGE SCHMITT: [12:29:55] I think we discuss this in private session.
22 So we go to private session.

23 (Private session at 12.30 p.m.)

24 (Redacted)

25 (Redacted)

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- 13 (Open session at 12.41 p.m.)
- 14 THE COURT OFFICER: [12:41:40] We are in open session.
- 15 MR ODONGO: [12:42:03]
- 16 Q. [12:42:03] Witness, did you come to know whether your former colleagues
- 17 who had also defected were also asked the same line of questions about what was
- 18 happening in the bush?
- 19 A. [12:42:36] Which people asked? Because there seem to be so many questions
- 20 now. You asked about the ICC, about the soldiers. Which people exactly were you
- 21 referring to?
- 22 Q. [12:42:46] I'm now talking about former LRAs members who had defected like
- 23 you. In their debriefing to the UPDF, were they asked more or less the same
- 24 questions?
- 25 A. [12:43:15] People did different things in the LRA. For me who was a signaller

1 they probably asked me about radios and the commanders. If someone was an
2 intelligent officer, he probably knew things about intelligence. You see, the army,
3 the Ugandan army has its ways of working with the people. They gauge the role
4 that person was playing and they ask you in that regard.
5 I remember a child had returned from the bush and then they asked that child,
6 "Where is Kony?" And he responded and said, "You should have asked me where is
7 God?" And then the person asked, "Where is God?"
8 So the way you are asked questions depended mainly on your role or what you were
9 doing. It was depending mainly on what you did. If you were in operation room,
10 they would ask you about operations. If you were in the medical team, they would
11 ask you about where you got drugs from and how you treated people. They didn't
12 ask the same questions. A few questions were general questions, but there are
13 specific questions too.

14 Q. (Redacted)

15 (Redacted) and I'm sure you can now identify some of the people who interviewed you.
16 Can you tell this Court from which department they came? Were they intelligence
17 officers? They were -- were they regular army officers? Were they, you know, all
18 sorts of, I mean, MPs, what they call military police officers?

19 MR SACHITHANANDAN: [12:45:18] Your Honour, I'm sorry, but we are in open
20 session and this sounds like -- I'm not even sure what the relevance of this question is,
21 but it definitely doesn't seem like a public question.

22 PRESIDING JUDGE SCHMITT: [12:45:29] Indeed. Then we go into private
23 session.

24 (Private session at 12.45 p.m.)

25 (Redacted)

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23 (Open session at 12.56 p.m.)

24 THE COURT OFFICER: [12:56:59] We are in open session, Mr President.

25 PRESIDING JUDGE SCHMITT: [12:57:10] We are in open session, but for the

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- 1 audience we are very shortly in open session because this concludes the testimony of
- 2 the witness.
- 3 We resume tomorrow at 9.30 with Witness P-59 I would say, yes.
- 4 THE COURT USHER: [12:57:29] All rise.
- 5 (The hearing ends open session at 12.57 p.m.)