

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 Judge Raúl Pangalangan
6 Trial Hearing - Courtroom 1
7 Wednesday, 25 January 2017
8 (The hearing starts in open session at 9.30 a.m.)
9 THE COURT USHER: [9:30:13] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:30:34] Good morning, everyone. Could the
12 court officer please call the case.
13 THE COURT OFFICER: [9:30:44] Thank you, Mr President.
14 The situation in Uganda in the case of The Prosecutor versus Dominic Ongwen, case
15 reference ICC-02/04-01/15.
16 We are in open session.
17 PRESIDING JUDGE SCHMITT: [9:30:57] Thank you. I ask for the appearances of
18 the parties, please.
19 MR SACHITHANANDAN: [9:31:01] Your Honour, Pubudu Sachithanandan
20 appearing with Julian Elderfield, Mr Ben Gumpert, Colleen Gilg, Yulia Nuzban,
21 Colin Black, Ramu Fatima Bittaye, Mari Pilvio and Xinwei Liu.
22 PRESIDING JUDGE SCHMITT: [9:31:23] Thank you.
23 Mrs Massidda.
24 MS MASSIDDA: [9:31:25] Good morning, your Honours. Paolina Massidda,
25 appearing with me today Mr Orchlon Narantsetseg, Ms Caroline Walter and

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 Ms Jacqueline Atim.

2 PRESIDING JUDGE SCHMITT: [9:31:34] Thank you.

3 Mr Manoba.

4 MR MANOBA: [9:31:35] Good morning, your Honours. Joseph Manoba, I am
5 appearing with Mr James Mawira.

6 PRESIDING JUDGE SCHMITT: [9:31:43] Thank you.

7 And Mr Odongo, please, for the Defence.

8 MR ODONGO: [9:31:46] Good morning, your Honours. I am Krispus Ayena
9 Odongo. I'm appearing with Charles Taku, Mr Obhof Thomas, Ayena Titus, and in
10 court is our client, the accused, Mr Dominic Ongwen. Thank you.

11 PRESIDING JUDGE SCHMITT: [9:32:05] Thank you.

12 And for the record we also state that Mrs Kerwegi is present as counsel for the
13 witness.

14 MS KERWEGI: [9:32:14] Good morning, your Honour.

15 PRESIDING JUDGE SCHMITT: [9:32:17] Good morning.

16 We welcome the witness again in the courtroom, and Mr Prosecutor, you have the
17 floor again.

18 MR SACHITHANANDAN: [9:32:25] Thank you, your Honour. For the moment
19 we can stay in open session, I think, and we'll see how it goes. And I will not take
20 much time today.

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

22 (The witness speaks Acholi)

23 QUESTIONED BY MR SACHITHANANDAN: (Continuing)

24 Q. [9:32:40] Mr Witness, good morning.

25 A. [9:32:43] Good morning.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 Q. [9:32:43] You'll be happy to know that you only have to suffer my questioning
2 for about an hour today or perhaps even less. We are not going to talk -- we are not
3 going to play you any more tapes, but I would like to go back to the conversation we
4 were having at the beginning of the first day of your questioning. We discussed the
5 use of codes and proverbs within the LRA, and I want to clarify certain things.
6 You said that sometimes communications was coded in LRA communications and
7 sometimes it was not. Could you tell us what type of information would be
8 communicated in code and what type of information would be communicated
9 without code?

10 PRESIDING JUDGE SCHMITT: [9:33:50] Mr Obhof, we can listen to your
11 conversation. Please be careful.

12 THE WITNESS: [9:34:00] (Interpretation) Coded messages were usually
13 important messages that were meant only for a particular circle. Uncoded messages
14 were usually conversations, greetings, good morning, and those are the kind of
15 messages that were not coded.

16 MR SACHITHANANDAN: [9:34:25]

17 Q. [9:34:26] I'm very sorry, Mr Witness. There was something wrong with my
18 headphones. Could you please repeat that.

19 A. [9:34:36] I said coded messages were not important -- coded messages were
20 important messages. Uncoded messages were unimportant messages. The coded
21 messages related were the important messages that were only met for a small circle.
22 Uncoded messages were messages that were greetings like hello and just normal
23 conversations.

24 Q. [9:35:10] And could you give us an example or could you explain what you
25 would mean by important messages perhaps by giving us some examples.

1 A. [9:35:31] Important messages such as your location, you couldn't say, for
2 example, that I'm in The Netherlands, because that would tell your enemies exactly
3 your location and they would be able to find you. So these kind of messages were
4 coded.

5 If, for example, you're being asked to go for an ambush at a particular location, those
6 kind of messages were also coded, because if that message is not uncoded, then your
7 enemy would be listening and they would know exactly your plan.

8 If you're told cross the road at a particular place, then you would also go and find
9 your enemy. So these are the kind of messages that were sent in code.

10 Q. [9:36:25] And how did everyone know that they should do that as in was there
11 an instruction or was that discussed in some way like about what to say in code?

12 A. [9:36:42] The rules prohibited important messages being sent without being
13 coded. If you sent important messages that were not coded, you would be arrested
14 and imprisoned because they would suspect you of having bad, bad thoughts
15 towards the LRA, and that was the reason why you decided to send uncoded
16 messages.

17 Q. [9:37:22] Who made these rules and how were these rules communicated to
18 the people who were communicating?

19 A. [9:37:39] I responded to this question yesterday and I told you that the person
20 responsible for TONFAS who created the key, and that was Lumumba, he was the
21 one responsible for that. He would get messages from Kony or he would get
22 messages from somebody above him. So and the signallers would be informed that
23 do not send any important messages that are not coded. So the messages would
24 come from above. The messages would come from above the director as well,
25 because everybody would be listening to your message.

1 If you send such -- if you send messages, they're constantly marking the messages
2 that you've sent, and then they'll question you, they'll ask: Why did he send the
3 message in this kind of format? So it was extremely important for you to follow
4 directions and do as you're asked to do.

5 Q. [9:38:39] Mr Witness, you mentioned the post of director of signallers, and
6 now we've discussed that post on two or three days. Around the time that you left
7 the bush, who was the director of signals at that time?

8 A. [9:39:01] When I left the bush, there was -- we did not have a director of
9 signals, because at the time there was a lot of fighting, and sometimes it would take
10 about a week without understanding what was going on. The person who was
11 initially director of signals died. His follower, the person who succeeded him also
12 died, and then the next person escaped. So there was actually nobody holding that
13 post.

14 Q. [9:39:36] And now you've mentioned three people, two people who died and
15 one person who escaped. Could you please give the Court the names of these
16 people?

17 A. [9:39:48] The first was Lumumba Patrick. He died during Iron Fist, and he
18 was the director of signals at the time. He's the one who instructed us. His
19 successor was known as Madaka. Madaka was also our instructor. When
20 Lumumba died, Madaka succeeded. The person who escaped was Anywar. And
21 following Anywar, nobody was -- nobody replaced the position of operations
22 of -- director of signals.

23 Q. [9:40:32] Mr Witness, we discussed some examples of things like call signs and
24 TONFAS on Monday. I want to put to you a few more words and perhaps you can
25 tell me whether you're familiar with those words and what you know about them.

1 Do you know who had the call sign Kongo?

2 A. [9:41:21] No, I do not recall.

3 Q. [9:41:24] Do you know who had the call sign Janjaweed?

4 A. [9:41:46] If I hear the person's voice I would probably be able to recognize it,
5 but I cannot actually think about that person's call sign now. Kongo, for Kongo for
6 certain I do not remember whose call sign it was. But for Janjaweed, I would need to
7 listen to the voice in order to be able to identify the person.

8 Q. [9:42:10] That's fine, Mr Witness. And at any point during your testimony
9 here if you remember, just please tell us.

10 Now you mentioned the existence of various TONFAS and the fact that they changed
11 over time. Do you know the names given to any of these TONFAS, if you can
12 remember?

13 A. [9:42:45] Yeah, there's -- I do know some. I know some of them. But there
14 were actually very many.

15 Q. [9:42:56] Please tell us the names of let's say three, if you can remember.

16 A. [9:43:13] There was Ker Me Polo, Lobowa (phon). There are many, but do
17 not recall, I do not recall all of them.

18 Q. [9:43:42] That's not a problem. Of course this was a long time ago. I'm
19 going to put a few more words to you and you can tell me whether they sound
20 familiar and whether you know whether they have any significance.
21 American Troop.

22 A. [9:44:13] America was a call sign and it was also TONFAS, but I do not recall
23 whose call sign that was.

24 Q. [9:44:31] Harambe?

25 A. [9:44:42] Harambe was a TONFAS, it was a call sign.

- 1 Q. [9:44:48] Nairobi?
- 2 A. [9:44:52] Nairobi was a TONFAS.
- 3 Q. [9:44:59] Pamela?
- 4 A. [9:45:08] Pamela was TONFAS.
- 5 Q. [9:45:14] Conventional War.
- 6 A. [9:45:25] That was a TONFAS.
- 7 Q. [9:45:31] Clinic.
- 8 A. [9:45:37] I do not recall that one very well.
- 9 Q. [9:45:51] Lake Victoria.
- 10 A. [9:45:56] That was a TONFAS.
- 11 Q. [9:46:00] Mr Witness, on Monday you mentioned that often during radio
- 12 communications you would -- the people present would be the commander, the
- 13 signaller, the operations -- person in charge of operations and the admin. Could you
- 14 explain what the admin's job was and what the person in charge of operations did?
- 15 A. [9:46:53] The admin in the LRA was responsible for listing people in different
- 16 groups, recording the numbers, writing down whatever was necessary. That was
- 17 the admin's job.
- 18 The IO was the intelligence and he was responsible for finding out everything that
- 19 was going on in the group and whatever he heard that was going to happen. So
- 20 whatever is happening in a particular group, he would then take the message and
- 21 inform those ones above him. Those are the different roles that they performed.
- 22 Q. [9:48:04] Are you familiar with the concept of a sickbay in the LRA?
- 23 A. [9:48:21] Sickbay is where the sick people within the LRA are kept.
- 24 Q. [9:48:31] Now, you mentioned on Monday that certain people have radios;
- 25 Kony had a radio, brigade commanders, COs. How would people in sickbays

1 communicate with other members of the LRA?

2 A. [9:48:52] People in sickbay were constantly being checked on. If someone
3 would go check on them, find out what was going on. If there is any difference,
4 what requirements they had. Some of them had radios. If they have -- if the
5 sickbays that had radio calls, nobody would actually go and check on them but they
6 would communicate by them via radio. But if the sickbay did not have a radio, then
7 they would physically check on them.

8 Q. [9:49:47] I'm going to mention a few more words and, just like we have done
9 before, could you tell me whether they have any significance for you.

10 Terwanga.

11 A. [9:50:10] Can you please repeat it?

12 Q. [9:50:13] Sorry, probably I have a bad accent. It's Terwanga, Terwanga.

13 A. [9:50:24] Terwanga was a battalion in Sinia brigade.

14 Q. [9:50:30] Siba.

15 A. [9:50:36] It's also a battalion in Sinia brigade.

16 Q. [9:50:40] Oka.

17 A. [9:50:46] It is also a battalion in Sinia brigade.

18 Q. [9:50:54] Mr Witness, yesterday - I think it was yesterday - you were referring
19 to the term "ting ting" and you said that, generally, in the LRA "ting ting" meant girls.
20 Could you explain to the Court in detail what "ting ting" meant?

21 A. [9:51:37] Within the LRA, "ting ting" meant girl or young girls. But
22 sometimes in the LRA they used the word "ting ting" to refer to something else. It
23 does not necessarily -- when you're talking about ting ting, it does not necessarily
24 mean young girl, but it depends on the context in which the message is -- the
25 conversation is being held.

1 Generally, ting ting is a girl, but there was a time when it was changed, the message
2 was changed and it became, like, "dong dud ting ting" and that was -- that became
3 something else.

4 So the word "ting ting" depends on the context in which it's being used.

5 Q. [9:52:29] Right. And I mean it -- or, rather, I'm asking it in the context of its
6 use when it's referring to young girls. So is there a distinction between young and
7 not young? Was there a different word for people, women who are not young?

8 A. [9:53:00] Young girls were referred to as "ting ting". Older ladies were
9 referred to as "negative".

10 Q. [9:53:14] Okay. I want to ask a few follow-ups regarding -- roughly
11 connected to the tapes we played yesterday. Now, actually on Monday you
12 identified a conversation relating to Lukodi and you said it was between Otti and
13 Dominic. Did you --

14 MR TAKU: (Microphone not activated)

15 PRESIDING JUDGE SCHMITT: [9:53:45] Yes, please, Mr Taku.

16 MR TAKU: [9:53:46] Your Honours, we would like our colleagues we will ask our
17 colleague to refer to the transcript, what he said in the transcript.

18 PRESIDING JUDGE SCHMITT: [9:54:00] Thank you for this intervention. I agree
19 with you that, in general, we would really prefer to have a direct reference although
20 this costs a certain amount of time, but nevertheless we are sure that the reference is
21 really correct and it's not such an interpretation by the one questioning. That also
22 applies later on when the Defence is questioning. Yes.

23 MR SACHITHANANDAN: [9:54:22] Of course, your Honour. Could I have a
24 minute just to ...

25 PRESIDING JUDGE SCHMITT: [9:54:49] Perhaps in the meantime I can clarify a

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 little bit. We should not formalise it too much, there is no rule without exception.
2 So when we, for example, have heard an answer 10 minutes ago and it really is
3 pointed at something that everybody has in mind, you don't have of course to repeat
4 everything, but when we are talking about something that has been in said on
5 Monday, I think it's absolutely correct what Mr Taku said.

6 MR SACHITHANANDAN: [9:55:20] Your Honour, while my colleague searches
7 for the reference, I'm going to ask a more general version of this question and
8 perhaps -- I mean, of course, the Defence is free to object, but I'll see if this is more
9 acceptable, a general question.

10 PRESIDING JUDGE SCHMITT: [9:55:39] If you don't refer to anything that has
11 said before and can put it in this way, unspecific so to speak, then please move on.

12 MR SACHITHANANDAN: [9:55:48]

13 Q. [9:55:49] Mr Witness, did you hear the report about the attack on Lukodi on
14 LRA radio when you were in the LRA?

15 A. [9:56:18] I heard it over the radio call and I also heard it over the radio, the
16 domestic radio.

17 Q. [9:56:28] Right. And I'm focussing on the radio call, or the radio that is used
18 in LRA. Could you tell us what you recall of what you heard, where you were,
19 anything you remember.

20 A. [9:56:56] I know this is something that we heard yesterday and it's something
21 that you want me to repeat. What I heard over the radio yesterday, if I do recall,
22 I think we were somewhere in Pader --

23 Q. [9:57:17] Okay, yes. Don't refer to what we heard yesterday, but, like you
24 said, you were in Pader, et cetera. Keep going, yes.

25 A. [9:57:32] But if I do this, then I'm going to identify myself because the people

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1 on the outside will understand that I'm the one who is a witness against Dominic.

2 So I do not know whether I should go ahead and do this or not.

3 Q. [9:57:51] Stop for a minute.

4 MR SACHITHANANDAN: [9:57:53] Your Honour, I think we are on the verge of
5 going into subject matter that relates to private session, so perhaps we can go in now
6 anyway.

7 PRESIDING JUDGE SCHMITT: [9:58:01] Let's go into private session.

8 (Private session at 9.58 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Recess taken at 10.30 a.m.)

9 (Upon resuming in open session at 11.04 a.m.)

10 THE COURT USHER: [11:04:33] All rise.

11 PRESIDING JUDGE SCHMITT: [11:04:52] Mr Odongo, just for the purposes of
12 planning and case management by the Court, can you already give a sort of an
13 estimate how long the questioning might last? I will not keep you to it, but just can
14 you say something meaningful at this point in time?

15 MR ODONGO: [11:05:20] You want me to say something meaningful? Your
16 Honour --

17 PRESIDING JUDGE SCHMITT: [11:05:26] Always, we want to hear something
18 meaningful of course.

19 MR ODONGO: [11:05:31] Yes. Your Honour, I always try my best to say what is
20 meaningful. But we think that we may -- this is a very wide area and although the
21 Prosecution did not go through all the documents, most of them we think are relevant
22 to our defence, and we think that we may need all the time allocated to us. But
23 nevertheless, that's on the outside.

24 But I could see that most of our case has been built already by the Prosecutor, and
25 where he has already brought it out clearly, we need not emphasise or overemphasise,

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1 yes.

2 PRESIDING JUDGE SCHMITT: [11:06:26] Thank you very much for that. And you
3 have the floor now.

4 But before that we go into private session now as you have requested.

5 MR ODONGO: [11:06:34] Yes.

6 (Private session at 11.06 a.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 11.45 a.m.)

5 THE COURT OFFICER: [11:45:35] We're in open session, Mr President.

6 MR ODONGO: [11:45:42]

7 Q. [11:45:43] Yes, Mr Witness, we were talking about your initiation, how you were,
8 you know, integrated into the LRA, how you were made to fit within the LRA. Is
9 there a process that the new abductees undergo? Can you describe to Court?

10 A. [11:46:10] You've asked a question for which you already know an answer,
11 because you talked about anointment. If I should say how one is kidnapped and
12 made a member of the LRA until you become a soldier and fighting, I think this Court,
13 this hearing should last for one month because I'm going to tell you things, but I will
14 not be able to finish. So in summary, I will tell you that I was kidnapped, taken to
15 the bush and taken to Sudan.

16 As you said about the shea butter oil, we were anointed with the shea butter oil.

17 They put the oil on your chest, on your head, or forehead, and also something, some
18 powder mixed with oil is put on your feet, on your chest. They say this is to make
19 you, to prevent you from escaping.

20 Now, with all this anointment you are still being protected, you are not allowed to
21 move freely. And this continues on until you forget about your normal life at home
22 and they can be -- they can relax a bit, the guard. And if I say something to someone,
23 like to this lady, and if this lady is against my idea, she can report what I've said to the
24 superiors and you may have problems for that because of wanting to escape. That's
25 why sometimes it's difficult to escape from the LRA.

1 Secondly, as I said, most people who were in the LRA were injured. Now, if you are
2 injured you will not have the strength to walk and come back home, or to walk fast.
3 That means, therefore, you should be taken care of until you get well. But after
4 getting well, if you get injured, then things become more difficult. If I open up, if I
5 remove my shirt, you will see how injured I have been during the LRA. So I can say
6 that if I'm to say everything about the LRA, I will need about three months to do that
7 because each person will give his or her experience because each person has had
8 different experiences according to where you have been, under which commander
9 and also in which group you were.

10 There are some people who suffered out of thirst. Others suffered due to hunger.
11 Others suffered due to long distance walking. So all these sufferings were
12 encountered by all members of the LRA. Even Kony himself had problems of thirst
13 and even hunger, because sometimes there will be no food. So everybody has had
14 problems, including Joseph Kony himself.

15 If you want some specific details, yes, I can tell you whatever you want to listen to,
16 but I cannot say everything.

17 Q. [11:50:05] I like the way you helped to phrase the -- I mean to redirect my mind
18 about what I should ask you. What the Court would want to know is were you
19 made to do certain things which ordinarily you would not have wanted to do, which
20 made an indelible mark on your mind?

21 PRESIDING JUDGE SCHMITT: [11:50:34] Depending on the answer, of course, this
22 would be something where we would have to go into private session. So I think to
23 be on the safe side, I think now, I know this is a back and forth, but we have to go into
24 private session for that one.

25 MR ODONGO: [11:50:51] Yes. Much obliged.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

- 1 (Private session at 11.50 a.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Open session at 12.03 p.m.)
22 THE COURT OFFICER: [12:03:12] We're in open session.
23 MR ODONGO: [12:03:35]
24 Q. [12:03:47] I want to refer you to Prosecution tab 7, UGA-OTP-0265-0402, from
25 page 409.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 THE COURT OFFICER: [12:04:16] Mr Odongo, could you please confirm the level of
2 confidentiality of the document, please?

3 MR ODONGO: [12:04:39] Your Honours, it's a confidential document.

4 Q. [12:04:55] In this document, and I wish to quote, where Kony was talking to
5 Lukwiya, and he said, "And also the other soldiers should be told, you the leaders
6 who are leading the army, anybody that I hear that have sent soldiers to camps in a
7 stupid way which is unlike that of Odomi, who was sent to Labwor Omor in a good
8 way, that person should be arrested immediately. Also those young soldiers, those
9 intelligent officers, intelligent officers you Rasta, first call all of them to the radio,
10 explain to them that they should not send soldiers to the camp without any reason
11 unlike what they have done now. They should be arrested because that does not
12 make sense. You send soldiers to the barracks to go and get food from the barracks.
13 How can that be? What can you go and collect from the barracks there?"
14 And then he continues to say, "Yes, if soldiers are going to be deployed, they should
15 be sent to carry out what you have done; that is real good work. You see, for you to
16 send soldiers to a brigade commander, you Oyenga that is insane; when your plan
17 does compare with his."

18 Then he continues, "That is what is on the ground ... you first call all the DIOs so that
19 you explain to them at some point or early in the morning that" --

20 THE COURT OFFICER: [12:07:05] Mr Odongo.

21 MR ODONGO: Yes, please.

22 THE COURT OFFICER: [12:07:09] I apologise for interrupting you. It seems that
23 the document number starting with the ERN is not the one corresponding to the tab.

24 MR ODONGO: [12:07:20] It is 419. I apologise. 419. 419. Page 419, 419 and
25 420.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 THE COURT OFFICER: [12:07:40] It's just that you mentioned tab 7 and, according
2 to the list that I have --

3 MR ODONGO: [12:07:46] That is the Prosecution --

4 THE COURT OFFICER: [12:07:47] From the Prosecution binder?

5 MR ODONGO: [12:07:50] Yes.

6 THE COURT OFFICER: [12:07:51] Thank you.

7 MR ODONGO: [12:07:53] Prosecution binder.

8 He said, "When any commander is sending his soldiers to go and get food from the
9 camp, all the soldiers should leave him."

10 And then he continues to say, "The Ten Commandments does not allow you to carry
11 out an act of theft, which is not right. If you are going to steal, do it quickly."

12 And on the next page says, "Yes, just like the way those of Dominic stole."

13 He's talking about stealing the barracks.

14 "My friend I greet you and Dominic. I greet you. God will help you, and your
15 wives will give birth to very beautiful girls. Over."

16 Q. Mr Witness, in your experience, is this a correct description of Dominic
17 Ongwen?

18 A. [12:09:25] There is nothing that I would want to add on my own apart from
19 what you've heard. What you have heard is the correct statement as that has been
20 written.

21 Q. [12:09:48] You know, Mr Witness, we want you to cooperate to confirm some of
22 this. We have heard your experience, and that makes the difference between your
23 special knowledge and the knowledge that I and the Court has about this situation.
24 That is why it is incumbent upon you to assist the Court in its assessment of the
25 person who has been accused, to know exactly what these wordings were like.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [12:10:27] Let me perhaps. Just shortly, it's of
2 course that we went through these audios in the past two days. And the witness has
3 confirmed that the translations we have, plus his annotations we went through, that
4 this has been correct. So what Defence counsel is now doing, Mr Witness, is anchor
5 this, so to speak, if I understand you correctly --

6 MR ODONGO: [12:10:54] Yes.

7 PRESIDING JUDGE SCHMITT: [12:10:55] -- anchor it, some of the passages of these
8 audios, and wants to know from you, from your own experience, if this has some sort
9 of match, so to speak, with your -- the experience.
10 So it's now not again about confirming what has been said, to make it clear, because
11 this would be a repetition which would not be meaningful. Yes, just to explain it to
12 you.

13 MR ODONGO: [12:11:22] Much obliged, your Honour.

14 THE WITNESS: [12:11:38] (Interpretation) What I have heard is exactly what Kony
15 said. Kony was talking about some other people who would go to collect food from
16 the civilian, that they should pick examples from Odomi, and that is exactly what was
17 written.

18 MR ODONGO: [12:12:01]

19 Q. [12:12:01] Mr Witness, yesterday you also read a script about Dominic's
20 encounter with some soldiers, UPDF soldiers at Labwor Omor. Do you remember
21 that, Mr Witness?

22 A. [12:12:26] Yes, I remember.

23 Q. [12:12:28] Would you want to confirm to this Court, therefore, that it would be a
24 fair statement to say that in its activities, Dominic -- in his operations, Dominic
25 Ongwen's targets were generally military targets and not civilian targets?

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 A. [12:13:02] In my own understanding and how I have heard, where he worked,
2 where in his operation he targeted the military, are also clear. And the others
3 were -- he was a targeted civilian. But all this is mixed up. So it's not easy to
4 ascertain whether his interest was on the soldiers or the civilian. But on some of the
5 messages he sent were related to attack on the army. But in other instances there
6 were attacks on the army base and also the civilians were affected.

7 So I don't know how best you can ascertain this. You know best how to sort it.

8 Q. [12:14:03] Mr Witness, can you tell this Court what was the kind of relationship
9 Dominic Ongwen had with the civilian population wherever he was?

10 A. [12:14:21] While I was with Dominic, although briefly at certain points, I did not
11 see anything that he did on the civilian.

12 Most of the information that was sent I was not present. At the time I was with him,
13 I never saw anything that he did on the civilians. But I would hear when a message
14 is sent, I would know that wherever he was or wherever he sent his people, I
15 would -- I know that this is when he worked or he attacked civilians, but I never saw
16 with my own eyes while I was in the bush whether Dominic attacked the civilians.
17 But after I left, even what I was given, when I was given this audio to listen, that's
18 when I also know that there were some attacks. But while I was with him, I know
19 that he had a good relationship with the civilians, even with the army that he had.

20 Q. [12:15:37] Now, Mr Witness, I want you -- I want to take you back to the
21 situation of Dominic Ongwen around the time you went to (Redacted). Can you tell
22 this honourable Court where exactly Dominic was around the time you went to (Redacted)
23 and when you came back from (Redacted) ?

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [12:16:52] Again, with continuations, we are
5 mindful of the question we have already discussed about open and private session --

6 MR ODONGO: [12:17:02] Yes.

7 PRESIDING JUDGE SCHMITT: [12:17:02] -- for further questions.

8 MR ODONGO: [12:17:04] I was about to come to that, your Honour. I think we can
9 now go back to open session.

10 PRESIDING JUDGE SCHMITT: [12:17:10] We are in open session.

11 MR ODONGO: [12:17:12] Yes.

12 Q. [12:17:25] Mr Witness, in one of your statements you are reported to have said
13 that you went to check on Dominic Ongwen at the sickbay after you returned from
14 (Redacted); is that correct?

15 A. [12:17:40] Yes, I do remember. And as I explained to you earlier, Dominic was
16 injured on the leg, and I went to visit him at sickbay.

17 Q. [12:17:55] After or before (Redacted), the so-called Teso campaign?

18 A. [12:18:23] If I remember correctly, it must have been after. You know, many
19 things happened so you cannot get everything. You could forget some. I guess it
20 was after.

21 Q. [12:18:34] I want to remind you that it is your statement that it was after.
22 Now, Mr Witness, can you remind the Court as to when the Teso campaign ended
23 and when you came back? Do you remember the period?

24 A. [12:19:11] The Teso operation took place in 2003, I think. And I returned in
25 2005.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 Q. [12:19:26] I'm more particularly interested about when the Teso operation or the
2 Teso campaign ended. Can you approximate the month when you came back from
3 Teso?

4 A. [12:19:50] You know, in Teso, people -- we never stayed there. Sometimes
5 you'd go and spend only four nights and come back. In Lou (phon), and then you go
6 to Kitgum or Pader, people did not go to just be stationed there, you would go for a
7 week or two and come back. And people will -- returned differently. You would
8 go and stay one week and come back and then never return to Teso. So it's difficult
9 to exactly say when people returned from Teso. People return differently. There
10 was no order given that people should return from Teso. I know people returned.
11 People were moving between Teso and other locations. But at least people, most
12 people returned probably at the beginning of 2004.

13 THE INTERPRETER: [12:21:01] Your Honour, could the Defence allow time for
14 interpretation?

15 PRESIDING JUDGE SCHMITT: [12:21:05] Mr Odongo, you are a little bit too quick.

16 MR ODONGO: Yes, yes.

17 PRESIDING JUDGE SCHMITT: So the next question comes a little bit too quick.

18 MR ODONGO: I realise. I realise.

19 PRESIDING JUDGE SCHMITT: And I use this short interruption for the
20 announcement that we will continue until 1 o'clock, this session, because we had only
21 one hour session in the morning.

22 MR ODONGO: [12:21:22] Yes.

23 PRESIDING JUDGE SCHMITT: [12:21:23] And we want to have the full four and a
24 half hours today.

25 MR ODONGO: [12:21:34]

1 Q. [12:21:34] Mr Witness, do you remember in your case when you came back from
2 Teso?

3 A. [12:21:42] I guess it could be around 2004 or at the end of 2003. It was -- it's not
4 that it was only one time, because you would go today and spend a week and return
5 another time, maybe for a week or two. That's how it was.

6 Q. [12:22:17] Now, Mr Witness, it would be of great interest to Court and to the
7 public to know your experience in Teso. What was the reaction of the population of
8 Teso when you first went there, their first reaction, how the LRA and the population
9 relate with one another?

10 A. [12:22:58] At the time I went, I did not find people. People had already run
11 away. So I did not know what relationship was there between the civilian and the
12 LRA because I did not find people. People were not in the villages at that time.

13 Q. [12:23:17] Were you ever told a story that at the beginning some of the young
14 LRA soldiers were actually playing football with some young people from Teso at
15 that time at the beginning and that things only changed when the Arrow Boys
16 brigade started attacking the LRA?

17 A. [12:23:50] Yes, I heard about that. What I heard was that the group led by
18 Onen Kamdulu were living harmoniously with the civilians, and they would play
19 football together in Teso. I did not see it physically myself. I only heard about it.

20 Q. [12:24:13] Mr Witness, you have been running through the intercepts. When
21 you were first introduced to the intercepts, you said you were just one week old after
22 escape; is that correct?

23 A. [12:24:55] I have not understood your question well.

24 Q. [12:25:06] Let me rephrase it. You told this Court that when you escaped it was
25 hardly one week when investigators from the ICC came to talk to you; is that correct?

1 A. [12:25:28] Yes, it's correct.

2 Q. [12:25:30] Now, when you were told to listen to those intercepts and to annotate
3 some of the notes which were there, were you told the dates to which the intercepts
4 you were told to listen to were taken?

5 A. [12:26:09] I was not given any dates.

6 Q. [12:26:14] So your purpose was just to listen to the intercepts and you could not
7 relate to when those incidents being recorded on the intercepts were taken?

8 A. [12:26:33] My major work was to listen to the recording, identify the voice, and
9 then what was already written, was just to go through what was written and to see if
10 there is anything that I need to change or annotate, and that is what I was asked
11 yesterday about the audio that was played. So if there was something that was
12 lacking, I would add, and then also to confirm the names of the people who were
13 speaking, and that's what I did. This is the person speaking, the name again is what
14 the person was saying.

15 But everything was written. There was no date. I was given the document as it
16 was without dates and time, if I have not forgotten. You only read the number and
17 what is there. That's what I did.

18 Q. [12:27:32] Now, you said you were trained as a signaller. I want you to tell
19 Court, in your training, did you ever get to know that it is possible to transpose
20 certain sections of the intercepts, pick one from one situation and plug them in a
21 different situation, is it possible?

22 A. [12:28:17] I have not tried, and even I don't know how it is done. Maybe they
23 know how to do it. But mine was only to listen and to interpret, that's it. I don't
24 know whether it is possible.

25 Q. [12:28:30] In other words, you're suggesting that that is a technical aspect which

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 you are not involved in?

2 PRESIDING JUDGE SCHMITT: [12:28:38] Mr Odongo, you know --

3 MR ODONGO: [12:28:41] Much obliged, much obliged, much obliged.

4 PRESIDING JUDGE SCHMITT: [12:28:45] -- I think you know yourself that this was
5 a little bit subjective interpretation of what the witness said.

6 MR ODONGO: [12:28:49] Yes.

7 PRESIDING JUDGE SCHMITT: [12:28:50] Please move on.

8 MR ODONGO: Yes.

9 Q. [12:29:04] Mr Witness, I want to refer you to tab 5. That is UGA-OTP-022-3511,
10 page 3527, lines 560 to 566. And I quote, "I was based in Sudan and was not
11 involved in movement. I was just stationed. I was weak. I was stationed. I was
12 working in the radio."

13 Is that your statement?

14 A. [12:30:20] Yes, that's my statement.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 MR SACHITHANANDAN: [12:31:08] Your Honour, I'm terribly sorry. May I
19 interrupt for one second?

20 PRESIDING JUDGE SCHMITT: Yes, please.

21 MR SACHITHANANDAN: This is not an objection, but just a suggestion that
22 whenever we discuss unit affiliations of the witness, that we do so in private session.

23 PRESIDING JUDGE SCHMITT: [12:31:18] Yes. We have done this in the past, and I
24 think we should continue in this path. So we go into private session.

25 (Private session at 12.31 p.m.)

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Open session at 12.49 p.m.)
- 13 THE COURT OFFICER: [12:49:23] We're in open session, Mr President.
- 14 MR ODONGO: [12:49:33]
- 15 Q. [12:49:34] Mr Witness, I shall repeat the question. As somebody (Redacted)
- 16 (Redacted) did you get to know how close Labongo was to Joseph
- 17 Kony? Was he somebody you would call a confidante of Joseph Kony?
- 18 A. [12:50:01] Ocan Labongo was an escort to Joseph Kony. So I don't know
- 19 whether he was a confidante to Joseph Kony, because I wasn't close to them.
- 20 Q. [12:50:22] So you confirm that you're aware that Labongo was part of Kony's
- 21 security; is that correct?
- 22 A. [12:50:39] That is correct. But in the LRA things change at any time. There
- 23 was a time when Ocan Labongo was arrested and put in prison, and all his ranks
- 24 were removed. After that he was put back as the CO of Sinia. Such things would
- 25 happen. Nothing would be permanent. There will be change at any time.

1 Q. [12:51:01] Mr Witness, how would you describe Dominic Ongwen's relationship
2 with Kony? Was there any time when he was put under arrest?

3 A. [12:51:42] What do you mean "arrested"? To be put in prison or abducted?
4 During my presence in the bush, I didn't observe a moment when Dominic Ongwen
5 was arrested. But this relationship between Dominic Ongwen and Joseph Kony,
6 because a sister to Dominic Ongwen called Atong, who was a wife to Joseph Kony,
7 and that establishes a relationship because of a sister of Dominic Ongwen who was a
8 wife to Joseph Kony.

9 Q. [12:52:29] You know, you are now before a court of law and you must be precise
10 about some of these descriptions. Is Lilly Atong a sister or a cousin to Dominic
11 Ongwen?

12 A. [12:52:55] According to what Dominic Ongwen told me, she was his sister. I
13 cannot specify as to whether she was his cousin or his sister. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 So I don't know. Perhaps since Joseph Kony and Dominic Ongwen were calling each
19 other brother-in-laws, I cannot tell whether the wife of Joseph Kony was a sister to
20 Dominic Ongwen or a cousin to Dominic Ongwen. So as far as I know in the bush --

21 PRESIDING JUDGE SCHMITT: I think this has, Mr Witness, this has been
22 answered.

23 Let's move on to another point.

24 MR ODONGO:

25 Q. [12:53:59] Mr Witness, can you tell, did it come to your knowledge that at one

1 stage Dominic got in contact with General Salim Saleh, the younger brother of
2 President Yoweri Museveni?

3 A. [12:54:22] I wasn't aware about that information, because Ongwen was in
4 Uganda with the Odongos, but if I was in Uganda, I may have understood, but since I
5 was in Sudan, I didn't have any knowledge about that.

6 Q. [12:54:43] In 2003, you were in Uganda; is that correct?

7 A. [12:54:47] Yes, that is correct.

8 Q. [12:54:54] And you said around that time you are from time to time visiting
9 Dominic Ongwen; is that correct?

10 A. [12:55:03] Yes, that is correct. That is correct. I didn't say "regularly," I said I
11 went to Dominic Ongwen when he was in the sickbay, and I spent two nights there.
12 The third day I left. That means I was not going there all the -- every day.

13 Q. [12:55:23] So during your three days' stay with Dominic Ongwen, did you
14 discuss with him some of his problems?

15 A. [12:55:35] He talked to me about his fractured leg. He wasn't able to walk.
16 He would use a stick to walk. So that is what he was -- he told me the pain he was
17 feeling, and that's why I was sent to find out how Dominic Ongwen is, so that they
18 may know his condition.

19 MR ODONGO: [12:56:01] Your Honour, I think I can't -- I want to resume in the
20 afternoon. So this would be a logical --

21 PRESIDING JUDGE SCHMITT: [12:56:14] So it makes sense now to have the lunch
22 break until 2.30 and then we resume at 2.30.

23 MR ODONGO: [12:56:20] Yes.

24 THE COURT OFFICER: [12:56:21] All rise.

25 (Recess taken at 12.56 p.m.)

1 (Upon resuming in open session at 2.30 p.m.)

2 THE COURT USHER: [14:30:25] All rise.

3 PRESIDING JUDGE SCHMITT: [14:30:43] We are in open session. And we are
4 mindful of the issues that might affect this, the issues that might lead us to think
5 about private session. I just remind everybody in the courtroom and we are alert on
6 that.

7 So you have the floor, Mr Odongo.

8 MR ODONGO: [14:31:16] Good afternoon, your Honours.

9 Good afternoon, Mr Witness.

10 Your Honours, when we stopped this morning, I was questioning him along the
11 matter of Labongo. And my Lord, because he was rather noncommittal and
12 lackadaisical about the answers he gave about Labongo, and Labongo is so critical, I
13 think I'll run him through again. And unfortunately in the morning I did not have
14 the benefit of having the transcripts from which to quote, and I would like to start by
15 quoting specific, you know, incidents.

16 PRESIDING JUDGE SCHMITT: [14:32:08] You yourself know that this bears the
17 possibility of repetition. But since you explained it --

18 MR ODONGO: [14:32:15] Yes.

19 PRESIDING JUDGE SCHMITT: [14:32:15] -- that you can now quote from the
20 transcript, at least -- so try to at least explore a new venue by that.

21 MR ODONGO: [14:32:24] I'm much obliged.

22 PRESIDING JUDGE SCHMITT: [14:32:25] We would not want to hear the same
23 questions and the same answers again.

24 MR ODONGO: [14:32:29] I shall guard myself against that.

25 PRESIDING JUDGE SCHMITT: [14:32:33] Thank you very much.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 MR ODONGO: [14:32:34] Yes.

2 Q. [14:32:35] Witness, there is this gentleman called Labongo, and I was explaining
3 to their Lordships, their Honours, that there are some grey areas which I need to sort
4 out with you so that you clarify specifically the position of this man, Labongo, in
5 relationship especially to the brigade command, the duality of command position in
6 Sinia brigade.

7 I want to refer you to the transcript of Monday, 23 January 2017, at page 43, line 1 and

8 2. And in order to save time I shall read, and I quote, "And the fifth speaker was
9 Ocan Labongo. They are talking about battles which took place in Odek."

10 Do you remember that, Mr Witness?

11 A. [14:34:22] I do remember what you have just said.

12 Q. [14:34:28] And, Mr Witness, would you like to confirm to this honourable Court
13 that this is the Ocan Labongo you had referred to this morning as hitherto, an escort
14 to Kony and therefore was in the Control Altar?

15 A. [14:35:04] Yeah, there is only one Ocan Labongo. He is the one.

16 Q. [14:35:17] I will again proceed to refer you to the same transcript, page 54, from
17 line 20, where it is, and I quote, "Joseph Kony said, 'Good. Very good. This has
18 really made me happy. He should have really -- he should have really killed a lot
19 more of these people, Labongo.'"

20 Then he calls out the name Labongo.

21 Then again in the next page, page 55, line 3, in your answer you said, "Labongo said
22 'This time shall not miss.' This is what he said." Do you remember that,
23 Mr Witness?

24 A. [14:36:30] I can actually -- can I correct it so that it is -- reflects the right position?

25 Q. [14:36:41] Well, but let's -- can you confirm that that was your statement?

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 A. [14:36:51] Yes, that's what I said. But Kony said -- Kony is saying what
2 someone has done. That's according to my understanding.

3 Q. [14:37:11] Can you come again? Can you repeat that?

4 A. [14:37:16] What Kony is saying is that he should have -- this should have -- he's
5 not saying that Labongo is the one who should kill more, but, rather, the person
6 they're talking about is the one who should have killed more. So Labongo said yes,
7 that is true.

8 Q. [14:37:49] Mr Witness, is that your translation or your extrapolation of what it
9 ought to have been? Is it what it is or it is what it ought to be that you are saying,
10 telling Court?

11 A. [14:38:14] I don't have the transcript before me. I just hear you reading. But I
12 think what I've heard is I think what has been written. That's how it has been
13 written.

14 Q. [14:38:30] I shall now proceed to page 74 of the same transcript from line 22.

15 PRESIDING JUDGE SCHMITT: [14:38:41] Mr Odongo, just to make things easier,
16 since nobody has contested the transcript, you can just put it to the witness, "You
17 have said, according to the transcript."

18 MR ODONGO: [14:38:52] Yes.

19 PRESIDING JUDGE SCHMITT: [14:38:53] And then put your question to him.

20 MR ODONGO: [14:38:57]

21 Q. [14:38:58] Mr Witness, you said that I think -- when you were asked about the
22 call sign Zero Bravo, Zero Bravo, you said "I think it was a call sign of Ocan Labongo
23 if I have not forgotten." And you erred further down, I do not -- "I don't know very
24 well, but I think it is belonging to Ocan Labongo."

25 And then on page 75 from line 1, when it was said, "Does that remind you of who

1 Zero Bravo was before Dominic Ongwen?" you said, "You know, this thing is not
2 present. Ever since I escaped, I'm told to recount everything that happened ever
3 since I escaped, I have now stayed home for 12 years, there are some things that I
4 cannot remember. I cannot accept that I remember when I cannot remember."

5 And then again yesterday on page 26 of the transcript, starting from page 11, you said
6 that "there was Ocan Labongo who was reporting that Loum Icaya was calling upon
7 people to escape and return home. He was appealing to those who were still
8 remaining in the bush to return home. That is what they talked about Loum Icaya."

9 PRESIDING JUDGE SCHMITT: [14:41:14] Mr Odongo, but at some point in time
10 there should come a question because otherwise it will be difficult for the witness if
11 you put to him several quotations, then to discern what you really want to ask from
12 him.

13 MR ODONGO: [14:41:27] Much obliged, your Honour.

14 Q. [14:41:30] Mr Witness, can you explain to Court what role Labongo was
15 performing, in what capacity was he performing this, and with who, with who was he
16 at this point in time? Can you remind Court about this?

17 A. [14:41:50] I know Ocan Labongo was in the Sinia brigade, but I don't know his
18 responsibility. Perhaps he was the commanding officer. And his duties I do not
19 know very well.

20 Q. [14:42:19] But yesterday, of course you looked at the intercepts, which was
21 shown to you yesterday and from which these questions arose; am I right?

22 A. [14:42:47] I heard all those intercepts and they are correct.

23 Q. [14:42:50] That is why I am now asking you these words, when he spoke them,
24 with who was he -- with who was he and in what context and in what capacity was
25 he speaking?

1 A. [14:43:16] I don't have the document in front of me. I cannot remember
2 everything. Everything remains as I narrated yesterday. It was read to me and I
3 confirmed that it was correct. Any person can talk using the radio call. If someone
4 is talking, someone also can come in and talk. That's why Ocan Labongo also came
5 in and he talked about the escape of Loum Icaya here.

6 Q. [14:43:52] Would it be fair, Mr Witness, if I remind you that according to the
7 intercept which was read to you and to which you have made a statement, this was in
8 relation to communication between Labongo and Dominic Ongwen?

9 A. [14:44:24] If you allow, you may play it again; otherwise, I may not be able to
10 answer you well. So I would request that you play the recording.

11 PRESIDING JUDGE SCHMITT: [14:44:39] I think I have the impression, but you can
12 correct me - and Mr Witness, listen, please - that there is of course a distinction
13 between identifying -- the witness identifying certain content as he did the last two
14 days and commenting on the comment. Perhaps we should make it clear to him
15 when questioning that -- I have the impression that you want to explore this, that if he
16 can put this, what has been said, into perspective out of his knowledge. There is a
17 little bit of difference as if only saying "Yes, what I hear here has been said and
18 transcribed and annotated by me the way it has been written down." You see what I
19 mean? So perhaps it has to be clear for him that he is asked to comment on certain
20 relationships. You see what I mean? Not only on the content of what has been said
21 but what he makes out of this what has been said. And of course, it may well be that
22 he knows something about these matters or not.

23 MR ODONGO: [14:45:52] Yes. I'm indebted to you, your Honour.

24 Q. [14:46:01] Mr Witness, maybe I'll rephrase my question to you.

25 In this communication where Labongo is reported to have said what I have just read,

1 did you get to know that there was some other person involved in the meeting where
2 people were gathered and told, "You can now do what you want, each one for
3 himself" so to speak, "each one for himself, God for us all and let the devil take the
4 hindmost"? Survival for the fittest of course.

5 A. [14:47:04] I'm not understanding your question.

6 Q. [14:47:11] Let me help you to follow again. Yesterday or the day before there
7 was an intercept where it was reported that there came a time when two commanders
8 assembled some of the soldiers and said, like I was trying to put it in my -- you know,
9 in a fairly romantic manner, that survival for the fittest, God for us all, but let the
10 devil take the hindmost, was there a situation where you got to know the other
11 person other than Labongo who was encouraging people to escape?

12 A. [14:48:24] To the best of my memory, I really request you, if it is possible, I
13 request you to play that recording, because I have so many things in my head. And
14 it will be better for you to repeat and play the recording. That would help me to
15 remember because there were many people who were talking. But when you play
16 the recording, I will know this is so and so's voice and so on. But if you cannot
17 adhere to my request, then I won't be able to answer.

18 PRESIDING JUDGE SCHMITT: [14:49:08] I think we need not play and we cannot
19 play this at this time. But what we can -- what we could do or what the Defence
20 could do is to refer to the transcripts that have been, that we have on the table,
21 because we have gone through these. And you could show him, if you want, parts
22 of these and there you can put your -- anchor your questions, so to speak. This
23 would be a possibility. And he knows, he knows because of the annotations who
24 has been speaking.

25 MR ODONGO: [14:49:41] Your Honour, I reserve, I beg to reserve this question for

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 the time. When --

2 PRESIDING JUDGE SCHMITT: [14:49:46] I understand this. You will have to
3 prepare this, but this would be a line of questioning --

4 MR ODONGO: [14:49:50] Yes.

5 PRESIDING JUDGE SCHMITT: [14:49:51] -- that would help the witness indeed --

6 MR ODONGO: [14:49:52] Yes.

7 PRESIDING JUDGE SCHMITT: [14:49:53] -- to recall better.

8 MR ODONGO: [14:49:55] I appreciate his predicament, your Honour.

9 PRESIDING JUDGE SCHMITT: [14:50:00] Perhaps you move on then to another line
10 of questioning and you can come back to that tomorrow or whenever you want.

11 MR ODONGO: [14:50:05] Okay. Much obliged.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 MR SACHITHANANDAN: [14:51:57] Your Honour, I'm sorry to rise. Again, I
21 would like to repeat unit affiliations best not in this context.

22 PRESIDING JUDGE SCHMITT: [14:52:06] Yes. So if you expect an answer in that
23 respect, I think we would have to go into private session.

24 MR ODONGO: [14:52:16] Yes.

25 PRESIDING JUDGE SCHMITT: [14:52:17] Then we go into private session.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1 (Private session at 2.52 p.m.)

2

3

4

5

6

7

8

9

10

11

12

13

14 Page redacted- Private session

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 3.14 p.m.)

22 THE COURT OFFICER: [15:14:55] We're in open session, Mr President.

23 MR ODONGO: [15:15:05]

24 Q. [15:15:05] Mr Witness, you are on record as having told Court about the

25 transfers of Abudema, Raska Lukwiya and so and so on from one brigade to another.

1 Can you tell the Court why all that time you never mentioned the other brigade
2 commanders in those brigades?

3 A. [15:15:45] The questions that were asked were the questions that I answered. If
4 they did not ask me a question, I would not be able to respond the question. I
5 answered questions that I was asked and that's exactly what I did.

6 Q. [15:16:13] Mr Witness, do you remember the call sign of Odongo Michael?

7 A. [15:16:27] No, not at this -- I cannot recall at this particular moment.

8 Q. [15:16:43] Do you remember the call sign of Opiro Anaka?

9 A. [15:16:49] I'm guessing for Opiro Anaka, I think it was Double Yankee.

10 Q. [15:17:11] Did all the brigade commanders have call signs?

11 A. [15:17:19] Yes, they all had call signs.

12 Q. [15:17:28] How about Ben, what was his call sign, call sign?

13 A. [15:17:39] I do not recall, but I can hazard a guess, perhaps Lamdogi (phon), but
14 I do not recall with certainty.

15 Q. [15:18:01] So you don't remember clearly the call signs of these two newly
16 introduced brigade commanders?

17 A. [15:18:22] You know, the best, what you should have done is asked me all these
18 things at the beginning when I've just come out of the bush because then everything
19 would have been fresh on my mind. But it's ten years afterwards, and I cannot
20 remember every single thing. I do not think that even you would remember things,
21 certain things that happened over ten years ago.

22 Q. [15:18:45] Mr Witness, the problem is that, you know, there are those you can
23 remember very quickly because you have been talking about them consistently, but
24 there are those you have been reluctant to talk about, and those are the ones whose
25 call signs you seem not to remember. That is our problem. But anyhow --

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [15:19:17] That was a comment, not a question I
2 would say.

3 MR ODONGO: [15:19:20] Yes, it is a comment.

4 Q. [15:19:23] Mr Witness, when you were still in the LRA, can you tell this Court
5 who was responsible for giving orders for attacks?

6 A. [15:20:05] That's a very easy question. You know, for example, in this
7 courtroom we have a Presiding Judge, and all orders come from the Presiding Judge.
8 In the bush, all orders come from Kony. If Kony is not present, then his deputy
9 would give orders. If Otti Vincent is not there, then the next person under them
10 would give an order and that's how it worked.

11 Q. [15:20:42] Do you remember any attack that was ordered by somebody other
12 than Joseph Kony, especially the four crime bases?

13 A. [15:21:10] Can you please list down the crimes.

14 PRESIDING JUDGE SCHMITT: [15:21:24] I think you would have to put to him
15 the special incidents that you mean.

16 MR ODONGO: [15:21:30] Yes.

17 Q. [15:21:32] Who ordered the attack on Lukodi?

18 A. [15:21:42] It's clearly, clearly that was Otti Vincent who gave the order to attack
19 Lukodi.

20 Q. [15:21:53] How about the attack on Abok?

21 A. [15:22:04] I do not know who gave that order. I was not on radio, so I did not
22 hear who gave the order. There were times when my radio was not on. At times
23 my radio was on. So if my radio is off, then I won't have heard the person making
24 the order.

25 Q. [15:22:27] Mr Witness, is it the case that if you failed to receive the message

1 instantly as the attack occurred, it was impossible for you to learn about it
2 subsequently?

3 A. [15:22:51] Yes, that's difficult. All reports are sent through the radio. So if you
4 miss something, you will not know who gave the order, but you'll get the information
5 that somebody -- that a place has been attacked. But if you're not present during the
6 attack, then you would not know who made the order. If you get some information,
7 you might ask questions about it. And if there is somebody who has the information,
8 the person might relay the information to you. But if you're not aware of the
9 information from the outset, then you'll not get this information.

10 Q. [15:23:32] Mr Witness, are you suggesting that you never got to know about the
11 attack on Abok?

12 A. [15:23:44] I heard the message being sent subsequently. The message
13 was -- the message relayed was that Abok had been attacked, but I did not hear any
14 other message.

15 Q. [15:23:58] But, Mr Witness, in your testimony you said it would have been
16 possible if you had got to know about the attack in which case you would discuss
17 with people and there would be a chance that they would tell you about this; is that
18 correct? You've just said this.

19 A. [15:24:23] Yeah, but if you hear about something, if you hear about an attack,
20 you may ask questions: How did this happen? But if you're not interested, then
21 you don't ask any questions, and that's why I did not ask any question about it.

22 Q. [15:24:42] How about Odek, the home state of Joseph Kony -- the backyard of
23 Joseph Kony's home, rather?

24 A. [15:25:00] I heard a message relaying information that they had worked there,
25 but whoever sent the message, I do not know.

1 Q. [15:25:12] Mr Witness, was it upon your election as to which message you
2 would wish to receive?

3 A. [15:25:26] If it's of no interest to you, if you don't hear it, it's not a problem. But
4 if it relates to you and you do not get the message, then it's a problem. But if
5 someone is -- if the message is being sent to somebody else, that's fine. For example,
6 Kony has a TONFAS that he uses to communicate with Vincent Otti, and that is
7 confidential. I cannot ask Kony "Could you please send me the information that the
8 two of you have discussed." That's really impossible because I'm lower in rank so I
9 cannot do that.

10 Q. [15:26:13] Mr Witness, was it the same case also for Pajule or you know the
11 person who ordered the Pajule attack?

12 A. [15:26:28] I do not know who gave the orders to attack Pajule. Perhaps Otti did
13 that on his initiative because I heard him sending a message that he was going to
14 Pajule. And maybe since him and Kony were closer in rank, maybe they had
15 communication through TONFAS and he was of the rights to do that. I don't know.
16 But for the rest of us just got the message saying this had happened.

17 Q. [15:27:06] Now, Mr Witness, this will be a very repetitive question to nearly all
18 the witnesses that will be coming here. You have been asked before. I'm going to
19 ask you again from my own perspective. Can you tell this Honourable Court
20 whether it was possible to defy superior orders in the LRA and particularly when it
21 came directly from Kony?

22 A. [15:27:46] Well, you've spoken the truth, but who are you who does not obey
23 orders from above? When the orders are asking you to do something, what have
24 you got to defend yourself? Personally, I do not know that -- I do not know of any
25 orders that have been sent out and somebody refused, and that is why I personally

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1 with my commander, we decided to disconnect the radio. And all we could do was
2 hear what people were saying. But whatever we were discussing was not going out.
3 And that was to let people know or perhaps think that our radio was not working.
4 But if your radio is on and it's connected and you do not do exactly what you are
5 being asked to do, then you are in problem because who you are to refuse? If orders
6 come from above, then you have to obey those orders.

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: [15:29:10] Private session perhaps? I'm not sure,
10 frankly.

11 MR ODONGO: [15:29:18] Yes, it would appear.

12 PRESIDING JUDGE SCHMITT: [15:29:20] I think we go to private session shortly.
13 And you keep in mind when we can switch again.

14 MR ODONGO: [15:29:26] Yes, yes.

15 PRESIDING JUDGE SCHMITT: [15:29:26] Thank you.

16 (Private session at 3.29 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Open session at 3.32 p.m.)

19 THE COURT OFFICER: [15:32:20] We are back in open session, Mr President.

20 MR ODONGO: [15:32:30]

21 Q. [15:32:31] I was saying that in the case of Lukodi your radio was on. In the
22 case in all the others, your radio happened not to be on; is that correct?

23 A. [15:32:59] That is not true. It's not only Lukodi. There are other places I heard
24 that Kony sent. Like when Kony sent for Odhiambo, I had the radio and I heard, I
25 received a message. The others which I did not hear. For Lukodi, I -- my radio was

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 on and I heard.

2 Q. [15:33:30] You know, Mr Witness, I want you to know that I'm interested in the
3 crime bases, Lukodi, Abok, Pajule and Odek. Forget about the others for the time
4 being.

5 A. [15:33:57] I'm telling you if you want me to accept what you are saying, I will
6 accept but it will not be true. I should accept what even God knows that is true.
7 Even if you ask Dominic that whatever I am saying is true, there's no false statement
8 in it. Please do not force me to accept that I received those messages when I have not
9 received. It will be bad before God.

10 PRESIDING JUDGE SCHMITT: (Overlapping speakers)

11 MR ODONGO: [15:34:27] I'll move on. Much obliged.

12 PRESIDING JUDGE SCHMITT: [15:34:28] The witness has answered this now.

13 MR ODONGO: [15:34:31]

14 Q. [15:34:31] Now, what was the consequence of defying superior orders in the
15 LRA? Mr Witness, I want us to -- you know, it's not about me and you. I don't
16 want you to misunderstand me that maybe I'm putting hard questions or
17 unreasonable questions. There are certain things I want Court to know. And there
18 are so many ways of asking. Because, you know, you stand in a very peculiar
19 position to let Court know what was happening in the bush.
20 So forget about who I am, where I am coming from, my role is to Court, just like your
21 role is to Court; is that correct? We're friends, I'm a friend of Court and, you know,
22 officer of court, and your role is to, you know --
23 PRESIDING JUDGE SCHMITT: [15:35:41] I think it can -- I think it is fair to say,
24 looking back at the last three days, that the witness really tries to remember, tries to --
25 MR ODONGO: [15:35:49] Yes.

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [15:35:50] -- answer the questions. So I would say
2 he also tries to answer your questions. He does not admonish you. And once he
3 was a little bit -- giving you, telling you your question was good or not. We
4 interrupted. So I think we should really just put the questions to him. And I'm
5 sure he will continue like he did in the past, that he tries to answer to his best
6 knowledge.

7 MR ODONGO: [15:36:19] My lord, it's just my duty to make sure that I bring him on
8 the same track so that we -- he appreciates that we are reading from the same page.

9 Q. [15:36:36] So if somebody defied, especially Kony's order, what were the likely
10 consequences, or in your experience what happened to that kind of person?

11 A. [15:36:54] If you fail to follow Kony's instructions, you are jailed. That is what
12 happens. That's what I know.

13 PRESIDING JUDGE SCHMITT: [15:37:15] Let me just ask a following question to
14 that: What does that mean, "jailed"? Can you perhaps describe to the Court and
15 everybody here in the courtroom what this would mean for a person to be jailed in
16 the LRA?

17 THE WITNESS: [15:37:32] (Interpretation) What I know is that when Kony gives
18 you an instruction and you don't implement, you are arrested and detained. You are
19 demoted. And you are punished. You are beaten.
20 If I recall well what Dominic went through, when Dominic had split away from the
21 main group, Kony was not happy. He sent people and he was arrested and caned,
22 200 strokes of a cane.

23 There are times when you are caned, numerous strokes of the cane. You undress,
24 your shoes are removed. Your gun is removed. Every army attire is removed from
25 you. And, you know, the sun in the Central African Republic is very hot, so you

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 have to follow what Kony says because, you know, the consequences; you are beaten,
2 your shoes are removed, everything is removed, you are given a very heavy luggage
3 to carry and you will be commanded by somebody else. That's what happens.

4 MR ODONGO: [15:38:58] Your Honour, you have assisted so much. I'm indebted
5 to you.

6 Q. [15:39:05] You talked about an incident in which Dominic Ongwen was
7 punished thus. Can you tell Court when about this happened?

8 A. [15:39:20] This could have happened between 2013 or 2014, around 27 December,
9 (Redacted). They were talking about
10 Dominic, who was detained. That's what I remember. But why did he split from
11 the group members? One person who remained should have not mentioned, but let
12 me say now called Acellam Smart, he was killed. He was shot, four bullets.
13 That -- he wanted to escape and follow Dominic.

14 Q. [15:40:18] So that was well after he already left?

15 A. [15:40:26] I told you it's either 2013 or 2014. I was no longer in the bush. I
16 came back in 2005 from the bush. (Redacted)
17 (Redacted)
18 (Redacted)

19 Q. [15:40:57] I now want to ask you as somebody who was, at one stage, attached
20 to the Control Altar and also a signaller. Is it the case, or was it the case that Kony --

21 PRESIDING JUDGE SCHMITT: [15:41:25] Private session?

22 Private session.

23 (Private session at 3.41 p.m.)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted- Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 (Redacted)

2 (Open session at 3.46 p.m.)

3 THE COURT OFFICER: [15:46:49] We're in open session, Mr President.

4 MR ODONGO: [15:46:59] Thank you.

5 Q. [15:47:00] Mr Witness, following on your answer, if Kony gave an order to a
6 junior officer under, say, a brigade commander or a battalion commander, whether or
7 not the brigade commander or the battalion commander got to know about it, at the
8 end of the operation, who reported on behalf of the brigade or of the battalion?

9 A. [15:47:54] I thought the question which you asked about Kony giving orders
10 about junior commanders bypassing their senior commanders, if it's at the level of
11 battalions, he gives to the battalions what should be done. If it is within the brigade,
12 he instructs the brigade CO and he's given the message.
13 But the way you say, I thought you were asking if you were in Control Altar or in
14 LRA. In the LRA, Kony follows procedures, sends message to deputies, the deputies
15 sends to chief of staff. I thought that's what you were asking. That's why I told you
16 that doesn't happen in the LRA. Kony can choose to send his message to the CO
17 directly.

18 So if he sends a message to you and tells you "Do this or that, get so and so to go and
19 do this," not that you do it yourself, you have to get suitable people to go and
20 implement the directive, not that he bypasses CO and goes to platoon commander.
21 A platoon commander does not have a radio. Radios are with COs only. The CO
22 then informs the platoon commander and then gives you the message and the
23 instruction that you should do.

24 But these things change, because right now even Dominic when he was arrested, the
25 person who arrested him was a captain. He arrested Dominic and took to Kony. If

1 you see people who are leading the LRA, a second lieutenant is commanding a
2 brigade. A sergeant is commanding a brigade. It's now changing like that. But
3 when I was still in the bush, it used to go through the CO.
4 Kony is unpredictable. Things change every hour. Kony does all meetings. If he
5 thinks about something, he just sends a message. It is not even recorded in a book.
6 That is what I know.

7 Q. [15:50:43] Mr Witness, my interest is let it be the case that the order has
8 nevertheless already been given over and above a brigade commander to maybe a
9 battalion commander or even a platoon commander or a company commander, and
10 that company commander has already executed that order. But then ultimately
11 Kony or Vincent Otti at that time, may his soul rest in peace, gets to know about it
12 and asks the brigade commander, who through his own sources may have known
13 about the operation, was that brigade commander expected to report on the
14 operation?

15 A. [15:52:09] To answer your question, LRA did not have many radios. A
16 message can be sent to someone. Someone can go and implement the instruction.
17 He fails to meet the people who sent him. And he could meet another group.
18 If he meets that group, that same group, he will tell that same group how he moved.
19 He will give the message to the commander of that group and ask him to send a
20 message to report about his operation. So you give your report to the commander of
21 the group you meet and then he will send, because there were not enough radios.

22 Q. [15:52:59] Mr Witness, in that case would it be fair to say that if I was a brigade
23 commander, it was possible for a company commander who had been ordered
24 directly by Kony to accomplish a task to come to me as the most proximate senior
25 commander and ask me to report the result of his operation to Kony or Vincent Otti

1 for that matter?

2 A. [15:53:58] I think you want to understand how the LRA sent messages amongst
3 them. If you send your group to work like a platoon, then they come and meet me
4 even if I'm not the one who has sent them. They will tell me, the platoon
5 commander will tell me to inform you that I went to work, I have worked, and these
6 are the things I came back with.

7 For me I will send a message to you, I will call you and send a message and say: The
8 people you sent met me and told me to report this and this to you.

9 And that is how you meet. They will now convey the message to me to tell the
10 group that gave me the message to come and meet you. That is what used to
11 happen.

12 Q. [15:54:57] Very well.

13 Your Honours, it would appear I may not be in a position to exhaust the next theme.

14 Would it please your Honours to order that we stop here until tomorrow?

15 PRESIDING JUDGE SCHMITT: [15:55:27] I picked that up. I understand that you
16 have a line of questioning and that you would come with something new perhaps
17 tomorrow, and I would agree to that.

18 Before we part from each other today, I would like to say to some here thank you.

19 This Chamber does not have the habit to thank every day because then a thank you is
20 devaluated so to speak in our opinion.

21 But today, first of all, the parties for understanding of the interruptions that were
22 quite often with this question of public and private session.

23 I really would ask everybody in the courtroom to keep in mind what the security and
24 protective measures are and also for all future, that is generally speaking, and then, if
25 possible, conduct the questioning in a manner that can be meaningfully, again,

Trial Hearing
WITNESS: UGA-OTP-P-0016

(Open Session)

ICC-02/04-01/15

1 meaningfully done for greater portions in public session, and then if need be, we go
2 of course to private session, but this should be reduced as much as possible.
3 A second thank you to the courtroom officers today, who had to cope, this is sort of
4 an addition or consequence of what I said already, who had to cope today with
5 extensive challenges, so to speak.
6 And third and last, a special thank you today to the interpreters for their indulgence
7 with too fast speaking, personally including also sometimes the Presiding Judge.
8 The proceedings are abated. We resume tomorrow at 9.30.
9 THE COURT USHER: [15:57:13] All rise.
10 (The hearing ends in open session at 3.57 p.m.)