

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 Raul Pangalangan
6 Trial Hearing - Courtroom 1
7 Tuesday, 24 January 2017
8 (The hearing starts in open session at 9.29 a.m.)
9 THE COURT USHER: [9:29:55] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:30:15] Good morning everyone in the courtroom.
12 Would the court officer please call the case.
13 THE COURT OFFICER: [9:30:21] The situation in the Republic of Uganda, in the
14 case of the Prosecutor versus Dominic Ongwen, case reference ICC-02/04-01/15.
15 PRESIDING JUDGE SCHMITT: [9:30:31] Thank you very much.
16 And I call for the appearances. We start with Mr Sachithanandan; is this correct?
17 MR SACHITHANANDAN: [9:30:38] Thank you, your Honour. Very well done. I
18 am accompanied by Mr Julien Elderfield, Mr Gumpert, who is back on the front lines.
19 PRESIDING JUDGE SCHMITT: [9:30:49] Let me interrupt you shortly. I hope you
20 are better today.
21 MR GUMPERT: [9:30:55] Much better. Thank you, your Honour, yes.
22 PRESIDING JUDGE SCHMITT: [9:30:57] You don't sound really, but at least you are
23 here in the courtroom.
24 Please proceed.
25 MR GUMPERT: [9:31:01] Thank you.

1 MR SACHITHANANDAN: [9:31:03] Ms Beti Hohler, Colleen Gilg, Ramu Bittaye,
2 Mari Pilvio and Yulia Nuzban.

3 PRESIDING JUDGE SCHMITT: [9:31:16] Thank you.
4 Mrs Massidda.

5 MS MASSIDDA: [9:31:19] Good morning, your Honours. I am Paolina Massidda,
6 with me Mr Orchlon Narantsetseg and Ms Caroline Walter.

7 PRESIDING JUDGE SCHMITT: Mr Manoba.

8 MR MANOBA: [9:31:30] Good morning, your Honours. Joseph Manoba, Megan
9 Hirst and Mr James Mawira.

10 PRESIDING JUDGE SCHMITT: [9:31:35] Thank you.
11 And for the Defence, please.

12 MR ODONGO: [9:31:38] Thank you, your Honour. I am Krispus Ayena Odongo.
13 I'm accompanied by Charles Taku, Tharcisse Gatarama, Titus Roy Ayena, Mrs
14 Bridgman and our client, Mr Dominic Ongwen is in court. Thank you.

15 PRESIDING JUDGE SCHMITT: [9:32:02] Thank you. It's still time and the floor has
16 Mr Sachithanandan, please continue.

17 MR SACHITHANANDAN: [9:32:08] Thank you, your Honour. We will start with
18 tab 5 of binder 1.

19 WITNESS: UGA-OTP-P-0016 (On former oath)
20 (The witness speaks Acholi)

21 QUESTIONED BY MR SACHITHANANDAN: (Continuing)

22 Q. [9:32:17] Mr Witness, we are going to keep doing what we were doing, what we
23 were doing yesterday, and that is we play a recording without you looking at
24 anything, ask for a summary, and then show you a transcript and ask you questions
25 based on the transcript. Do you understand?

1 A. [9:32:37] I understood very well.

2 MR SACHITHANANDAN: [9:32:50] The tape to be played is ERN 0239-0112, track

3 2. And the transcript is 0259-0116, and will be played as customary on the evidence

4 2 channel. Timestamps will be 12.25 to 15.47.

5 (Playing of the audio excerpt)

6 MR SACHITHANANDAN: [9:37:10]

7 Q. [9:37:11] Mr Witness, could you please summarise to the Court what you have

8 just heard.

9 A. [9:37:16] I'm not listening to what you are saying.

10 MR SACHITHANANDAN: [9:37:39] There might be a problem with the channel. I

11 was wondering whether the court officer could please assist the witness.

12 Q. Mr Witness, did you have an opportunity to listen to the audio that we played?

13 A. [9:38:14] Yes, I did.

14 Q. [9:38:24] Okay. Our apologies, there was a problem with the audio -- with the

15 mic. Please tell us what or please summarise for us what you just heard.

16 A. [9:38:41] Actually, what was happening was a promotion of the officers. That's

17 what I heard. There was nothing else.

18 Q. [9:39:01] Who was instructing or who was giving out the promotions, and who

19 was being promoted?

20 A. [9:39:07] It is Joseph Kony who was awarding the grades, the promotion, but

21 there are many people who were promoted.

22 Q. [9:39:22] Right. And could you tell us which persons you heard being

23 promoted?

24 A. [9:39:35] Yes. First of all, Kony talked of Layom Cwiny. And each person

25 whose name is mentioned, that means that the person has been promoted. If the

1 person was a major and he has been promoted, then he becomes later on colonel. So
2 he talked of Otti Vincent, Okot Odek. He mentioned Michael Odek. He also
3 mentioned Ocen, signaller. He mentioned Dominic. He mentioned Tulu. Those
4 are the names I heard. The others I wasn't able to get them, the names.

5 Q. [9:40:38] This might sound a little obvious, but could you -- when you said
6 "Dominic," could you mention the full name of who you mean?

7 A. [9:40:52] What I heard was Odomi.

8 Q. [9:40:58] And in the LRA who is called Odomi?

9 A. [9:41:12] It is Dominic Ongwen who is referred to as Odomi.

10 Q. [9:41:20] And who -- do you know the full name of the person you referred to as
11 Tulu?

12 A. [9:41:27] His name or the one I know is Olak.

13 Q. [9:41:46] Do you remember which brigade and which position?

14 A. [9:41:49] He was in the Gilva brigade. He was a captain. I don't know any
15 other thing.

16 Q. [9:42:05] Thank you, Mr Witness. Could you please open your binder now to
17 tab 5. And I want you to turn to page. Now, again, this is transcript 0259-0116, and
18 I want you to go to page 0118 and look at line 245. Could you tell us what you have
19 written there?

20 A. [9:43:07] I wrote "Go ahead. Over."

21 Q. [9:43:15] At line 251, you've written "AB." Who is AB?

22 A. [9:43:29] AB stands for Abudema.

23 Q. [9:43:45] And just to be clear, earlier, in other transcripts you mentioned that JK
24 stood for Joseph Kony and OCE stood for Ocen. Does that continue to be the case
25 for this and other transcripts?

1 A. [9:43:58] Yes, that is right.

2 Q. [9:44:10] I want you to look at line 257 and 259. What does Joseph Kony mean
3 when he says "Like it is, on the shoulder" at 257?

4 A. [9:44:36] He is talking here about promotion of officers.

5 Q. [9:44:55] And why do you say that? I apologise, perhaps this is a silly question,
6 but we are not -- we don't -- we are not military men, so could you tell us why the
7 reference to the shoulder means promotion?

8 A. [9:45:12] It is written here "on the shoulder." When they say "ma I pol" in
9 Acholi, that means those in the skies have given ranks to the people. That means
10 Kony is saying that his spirit has given ranks and these ranks are normally placed on
11 the shoulders.

12 Q. [9:45:53] Thank you. Next page, that is 0119, line 267. What have you written
13 there?

14 A. [9:46:13] Kony said, "All the names I'm going to read are the ones who would be
15 affected."

16 Q. [9:46:28] Line 271, can you explain what you've added and then explain what
17 the meaning of the complete sentence is?

18 A. [9:46:48] Kony, Kony said if there is -- if someone had a star, that means it will
19 be captain. That means one star will have been added and becomes a crested crane.
20 That means that if that person was a captain, he would be promoted and given one
21 star and the person becomes a major. That is the meaning of crested crane here.

22 Q. [9:48:10] Witness, if you can turn to page -- or line 341, go to 341, that is page
23 0122, and please tell us what you have written there and what the meaning of the
24 entire sentence is?

25 A. [9:48:44] Kony said "Ahahah." That one plus what the people high in the sky

1 have done, that is it. So Kony is saying here that since his spirits in the sky have
2 asked him to do that, that's what he has sent as their ranks.

3 Q. [9:49:27] Just a question about two people who are mentioned here. First, at
4 line 329, there is a reference to Anywar signaller. Who is Anywar signaller?

5 A. [9:50:04] I think you have yourself read this. Anywar signaller is Anywar
6 signaller. There's nothing else I can add to that.

7 Q. [9:50:12] No, that's not what I mean. I mean in the LRA what is Anywar
8 signaller's position and unit affiliation?

9 A. [9:50:19] Anywar the signaller, he became the director of signals after the death
10 of the head of the director of signals.

11 MR SACHITHANANDAN: [9:50:56] Your Honour, we'll move on to the next tab.

12 Q. [9:51:00] Actually, one more question. Mr Witness, now that you've read this
13 transcript, is it an accurate depiction of the audio you heard or is it not?

14 A. [9:51:11] The tape you made me hear is the same thing which has been written
15 in the transcript. Everything is the same.

16 Q. [9:51:29] Thank you. We will now -- could you please close your binder and
17 we'll go to the next tape. The next tape is at tab 6. The ERN is 0235-0043, track 2.
18 And the relevant transcript, annotated transcript is 0259-0044. We will play from
19 04 -- sorry, 00.04.03 to 6.31.

20 (Playing of the audio excerpt)

21 MR SACHITHANANDAN: [9:54:20]

22 Q. [9:55:25] Could you please summarise to the Court what you just heard?

23 A. [9:55:29] I've heard Kony complaining about officers who were not doing their
24 work well. For example, he mentions Angola and Odongo who should not be given
25 soldiers. For example, Odongo went to the camp just for collecting food, not to fight.

1 That's what I heard.

2 Q. [9:56:09] Does Kony only talk about Odongo and Angola, or does he also refer
3 to any other person during his speech in this tape?

4 A. [9:56:31] He said see, for example, how Odomi works very well.

5 Q. [9:56:40] Thank you, Witness. Could you please open your binder now to tab 6.
6 And the page will be -- sorry, this is again transcript 0259-0044, and the page is 0050.

7 I want you to look at line 80. Could you please explain your addition and the
8 meaning of that entire sentence.

9 A. [9:57:46] Kony said this is just absurdity. Look at Odomi, for example, see how
10 he works very well, how Odomi works very well. Over.

11 Q. [9:58:06] Line 87, could you please tell us what you've added and then tell us the
12 meaning, the meaning -- I'm sorry, the entire sentence.

13 A. [9:58:20] What I wrote was "So what they give ..." And then the bit that follows
14 is not audible. And then they also know very well that Odongo is obstinate and that
15 Odongo is not going to do anything. Over.

16 So why, what did they give? And it stops there.

17 Q. [9:59:07] Witness, on page 0049 you've cut out some text. Could you explain to
18 the Court what you've done there.

19 A. [9:59:25] As it has been written there, I'd crossed it, but I have realized that what
20 has been written is correct.

21 Q. [10:00:04] I'm sorry, I don't fully understand. So the text that is cut out, is
22 that -- should that not be cut out? If you could please explain.

23 A. [10:00:17] I wonder whether I'd written somewhere else because there are so
24 many things and I cannot remember everything. If you can tell us whether if I'd
25 written it somewhere else, then you can let me know, but from what I've seen here, I

1 see that it is just the same thing as it has been written.

2 Q. [10:00:46] Mr Witness, I'm going to play you about 30 seconds of tape, just that
3 section, and just tell us maybe whether that helps you. So we will start playing from
4 04.03 until about 4.40.

5 (Playing of the audio excerpt)

6 MR SACHITHANANDAN: [10:02:03]

7 Q. [10:02:03] Did that help you? Perhaps you can tell us now what the edit should
8 be.

9 A. [10:02:11] It's correct. It's okay, the writing is okay.

10 Q. [10:02:29] So the strike-throughs should not be there or should they be there?
11 Just to be clear.

12 A. [10:02:46] I think this is okay. It can remain as it is.

13 Q. [10:03:07] Mr Witness, now speaking more generally about this transcript now
14 that you've read it, would it be or is it an accurate depiction of the audio you heard, or
15 is there any change you would make?

16 A. [10:03:25] This is exactly the voice that you recorded. There are no changes
17 that can be made. It's correct.

18 MR SACHITHANANDAN: [10:03:47] Your Honour, I'll move on to the next tape,
19 which is tab 7.

20 I have a significant delay on my mic. I would be grateful if the audiovisual booth
21 would fix that.

22 The next tape is 0239-0106, track 1. And the transcript is 0265-0402.

23 Q. [10:04:18] Mr Witness, please close your binder and we'll go back to just playing
24 an audio. We will play this tape in two segments. The first segment will be played
25 from 6.25 to 10.00.

1 (Playing of the audio excerpt)

2 MR SACHITHANANDAN: [10:05:27]

3 Q. [10:07:03] Could you please summarise what you've just heard?

4 A. [10:08:54] What I heard is that Ocan signaller is communicating sending
5 message to Kony on the attack that they have conducted in Lira Palwo, and he was
6 communicating the things they looted from the attack.

7 Kony asked him if he burnt all the barracks.

8 And he said: Yes, we burnt the barracks completely.

9 Kony asked: What about the camp?

10 He said: Yes, some of the camp had been burnt.

11 That's what I heard.

12 Q. [10:09:46] Were these the only two people speaking or were there anyone else
13 speaking anywhere in this recording?

14 A. [10:09:57] I think the person I heard speaking was Ocan signaller and Kony
15 himself. And I also heard another voice. It appears it is, it was Raska Lukwiya, but
16 I'm not very certain. And the last voice I heard I think was for Dominic Ongwen.

17 Q. [10:10:26] And what did Dominic Ongwen say?

18 A. [10:10:35] He did not say much, was only asking, "You did not send mine."

19 And he stopped there.

20 Q. [10:10:50] Thank you, Mr Witness.

21 Could you please open your binder now to tab 7 again, ERN 265-0402. And can you
22 turn to page 0412, that is line 264. Could you please tell us what you've added and
23 what the sentence now means with your addition?

24 A. [10:11:45] Kony said "That is very good, very, very good." That's what Kony
25 said. He said, "It's very, very good. It's really very, very good." And that's how it

1 ended.

2 Q. [10:12:19] Next page, line 266, could you please explain your addition and tell us
3 what the new, well, newly constituted sentence means?

4 A. [10:12:36] Kony said: Okay. Keep them. Keep it. Do not give to the new
5 recruits because it will drain your energy for nothing.

6 Q. [10:13:08] In the context of the LRA, what is the meaning of "new recruits"?

7 A. [10:13:20] Just as you said, that's the meaning, "new recruits" is the new people
8 who have just been brought into the LRA.

9 Q. [10:13:37] Line 274, if you could please explain your addition and what it
10 means?

11 A. [10:13:47] Kony said, "Unless the person is very intelligent, only give it to the
12 most intelligent person to go with it. Over."

13 Q. [10:14:26] Witness, at line 288, there is no addition there, but I can see from the
14 English transcript that it says "Did you shoot some cows?" Could you explain what
15 that means within the context of the LRA?

16 A. [10:14:54] Just as it is written, that is the meaning, cows are cows.

17 Q. [10:15:10] Thank you. Clearly I'm expecting too many codes in this transcript.
18 Next page.

19 PRESIDING JUDGE SCHMITT: [10:15:27] Just wait a moment.

20 Mr Odongo.

21 MR ODONGO: [10:15:32] Your Honours, there is a lot of talk about Ocan, the
22 signaller, Ocan signaller. Can we get a clarification as to whose signaller Ocan was,
23 this Ocan, this particular Ocan?

24 PRESIDING JUDGE SCHMITT: [10:15:51] Mr Odongo, like yesterday --

25 MR ODONGO: [10:15:53] Yes.

1 PRESIDING JUDGE SCHMITT: [10:15:54] -- of course, normally in the system where
2 we have the two parties and we have one party calling a witness and first questioning
3 and the other one afterwards the opposite party questioning, you would not interrupt.
4 I will allow it every once in a while if it really fits in. But really do it only on a very
5 limited basis. But I understand that it now really belongs to our tab 7.

6 MR ODONGO: [10:16:22] Yes.

7 PRESIDING JUDGE SCHMITT: [10:16:22] So I will allow the question, so to speak.
8 But just keep it in mind that otherwise the alternative -- now turning to you, Mr
9 Sachithanandan, that it's going to be picked up with the Defence questioning in
10 whatever day's time. So I allow it, but we are all aware of the fact that this is of
11 course a little bit, a small, a very small interruption of the questioning of one party.
12 So please perhaps just we forward this to the witness and he may answer it.

13 MR SACHITHANANDAN: [10:16:56]

14 Q. [10:16:56] Mr Witness, who is Ocan signaller, and who does he work for, if you
15 remember?

16 A. [10:17:08] Ocan, as you said, was a signaller. He would wait for a message that
17 was sent and he would communicate or he would receive and communicate. If I
18 don't -- if I can remember well, Ocan signaller was with Tabuley, or I think he's with
19 Tabuley, or he was with Tabu at some point, or Raska, but I think he was with
20 Tabuley. He was Tabuley's signaller.

21 PRESIDING JUDGE SCHMITT: [10:18:10] Now, this made sense to have this
22 clarified at this point in time. That's okay. Thank you.
23 Please move on, Mr Sachithanandan.

24 MR SACHITHANANDAN: [10:18:28] My apologies, your Honour, I'm just flipping
25 my pages back.

1 Q. [10:18:33] Page, if we can go back to page 0415. At line 311, there is no addition
2 there, but I just want to understand what this means in the language of the LRA.

3 The statement is "You did not send all. You did not send mine."

4 Could you please explain what that could mean in the context of the LRA?

5 A. [10:19:11] There is nothing I can add here. This is exactly what was sent.

6 "You did not send all." This was a message that was being communicated. That
7 means the message that was being sent was not complete and you did not send mine.
8 That is exactly what it is saying.

9 Q. [10:19:39] All right. And now we'll play the next clip. Could you please close
10 your binder again. And this is another clip within this same conversation, but we've
11 split it into two just so that it's manageable. And the next clip will be from 9.49 to
12 15.29. It's a longer clip, but I ask for everyone's patience.

13 I've been told that the timestamps for the first clip were not reflected in the record, so
14 I'll just repeat it. The first clip was from 06.25 to 10 minutes. And now we're
15 having small overlapping clips, the second playback will be from 9.49 until 15.29.

16 (Playing of the audio excerpt)

17 MR SACHITHANANDAN: [10:21:09]

18 Q. [10:26:41] Could you please summarise for us what you heard?

19 A. [10:26:53] What I heard, Kony is talking to Raska Lukwiya. It began about the
20 operation report that was communicated and he said it was for his kafayi, his soldiers,
21 and communicated the items they got from the attack.

22 He said he did not have adequate soldiers with him, and they communicated about
23 what they received, weapons and ammunitions. And Kony started quarreling about
24 some of the commanders who went to loot food items in the camp. Why do they
25 loot food items of the civilians in the camp?

1 If a commander sends his soldiers to go and loot food from the camp, that group
2 should be dispersed. Why should that commander go to loot food from there?
3 Why can't they go to the barracks to get this food from the barracks? That's what he
4 was talking about.

5 Q. [10:28:26] Is it only Kony and Raska speaking, or are there any other people
6 speaking at any point in this clip?

7 A. [10:28:40] It was a very long conversation, and it was not possible to get
8 everything.

9 Q. [10:29:03] Of course. I'm going to play you a short excerpt of what we just
10 played, just the beginning, about 30 seconds or 40 seconds and let's see how we go.
11 We will play from 9.49 to 10.39.

12 (Playing of the audio excerpt)

13 MR SACHITHANANDAN: [10:30:49]

14 Q. [10:30:49] Who did you recognize speaking at that excerpt, in that excerpt?

15 A. [10:30:58] As I told you, the voice, the first voice is that of Ocan. Then Dominic
16 intervened and asked "You didn't send me everything and through my foot soldiers."
17 Then Raska also intervened a little bit.

18 Q. [10:31:27] Thank you, Mr Witness. We can now, we can now go to the binder.
19 If you can please open your tab, your tab 7. Again the transcript ERN is 265-0402
20 and we will start looking at it from page 0415.

21 Can you please look at line 316 and tell us what you've added there?

22 A. [10:32:25] The ones which concerns my kafayi, the foot soldiers, that means
23 concerning my soldiers.

24 Q. [10:32:49] Line 318, if you can explain what you've written there?

25 A. [10:33:09] It's written that which concerns my kafayi, my foot soldiers, it's just

1 the same as the first one.

2 Q. [10:33:30] The next page, could you explain line 338?

3 A. [10:33:56] Kony said "Hello. Hello."

4 Q. [10:34:20] And line 340?

5 A. [10:34:37] Ocan signaller said "We sent the chain."

6 THE INTERPRETER: [10:34:51] The interpreter corrects: Ocan said "We did not
7 send the chain."

8 MR SACHITHANANDAN: [10:35:00]

9 Q. [10:35:00] Line 346?

10 A. [10:35:05] Ocan said "We were holding our hands with him. Over."

11 Q. [10:35:32] And in the context of the LRA, what does that mean, "We were
12 holding our hands with him"?

13 A. [10:35:44] That means that they were together.

14 Q. [10:35:53] And in the context of this conversation, who are together?

15 A. [10:36:03] According to what has been written here and according to what I
16 have understood, that could be Dominic. But Dominic did not go there, because he
17 talked about his kafayi, in other words, his foot soldiers. So that means it is his other
18 soldiers who went and did the attack with the people belonging to Ocan. That's how
19 I understood.

20 Q. [10:36:43] Thank you, Mr Witness. I want to clarify something that I missed in
21 the previous page. That is line 307, you've made a small addition there. Could you
22 explain what that is?

23 A. [10:37:03] This is a call sign, Two Victor. This is the call sign which was being
24 used by Ocan.

25 Q. [10:37:22] Okay. And do you remember who in the LRA used the called sign

1 Two Victor?

2 A. [10:37:30] Yes, I do remember that. I had already given you the answer.

3 Perhaps you cannot remember. I said that Two Victor may be either Tabuley or
4 Raska. That's my guess, but I think it could belong to Tabuley.

5 Q. [10:37:56] Was the call sign Two Victor related to any particular brigade in the
6 LRA or was it not?

7 A. [10:38:03] As I said, the call sign Two Victor, well, there are so many call signs
8 used by the different commanders. There are some used by the brigade and others
9 are used by a particular commander. But for this one, I don't remember well who
10 was using Two Victor. If I start recalling things accordingly, perhaps I may be able
11 to identify the person speaking and therefore using that call sign.

12 Q. [10:38:47] Of course. And if it ever occurs to you, please feel free to interrupt
13 me and tell us.

14 We're going to go to the next page now, that is 0417. Again, this is line 359. There
15 is no addition there, but could you explain to us what that sentence means in the
16 context of the LRA, 359?

17 A. [10:39:24] Yes, I do recall having told you that it comes to the same thing I had
18 already said. Ongwen said that his soldiers were not with him. These are just the
19 few soldiers who were with him. That means, just as I said before, Ongwen had a
20 few soldiers. That means those who went to the attack were not all his group of
21 soldiers, but just a few soldiers who went and participated in the other attack.
22 "Kafayi" means soldier.

23 Q. [10:40:29] Line 368, again, there is no addition there, but I just want to know
24 whether that line has any meaning within the language of the LRA?

25 A. [10:40:38] I wonder whether you didn't get a good interpretation, but that means

1 that war time is war time. There is nothing to be added there.

2 Q. [10:41:01] Thank you. Next page, line 377, could you explain your addition
3 and then what that sentence means.

4 A. [10:41:23] Raska Lukwiya says, according to my guess, it could be Oyenga who
5 was doing that or that thing was happening this side or perhaps he has already left,
6 because Raska was being reproached for having sent some soldiers, so Raska is saying
7 that it is Oyenga was on that side where bad things were done, and he says it wasn't
8 him who was responsible.

9 Q. [10:42:40] Have you heard of anyone called Oyenga in the LRA, and if so, which
10 position and unit did he have?

11 A. [10:42:49] Oyenga was in the Sinia brigade. I think he was a lieutenant.

12 Q. [10:43:05] I know this was a long time ago, but would you remember which
13 battalion?

14 A. [10:43:09] (Redacted)

15 Q. [10:43:22] Sorry, I should have been clearer. I mean Oyenga. You said
16 Oyenga was in Sinia. Do you remember which battalion?

17 A. [10:43:29] I don't remember anymore.

18 Q. [10:43:40] Thank you, Mr Witness. You can close your binder now.

19 Your Honour, we'll go to tab 8. Tab 8, the relevant ERN of the audio is 0239-0079,
20 track 1. And the relevant transcript is 0259-0106. We will play from 27.22 to 31.46.
21 (Playing of the audio excerpt)

22 MR SACHITHANANDAN: [10:45:03]

23 Q. [10:49:26] Could you please summarise what you heard, Mr Witness?

24 A. [10:49:33] What I heard is what you all have heard too, there is no difference.

25 Lima Charlie was calling Six Bravo. And then Five Tango, Otti's call sign, came in

1 and said "Go ahead."
2 Then Lima Charlie says he has his morale.
3 Five Tango asked "Is Lucy around? Is Lucy around?"
4 Then he answered "Lucy is not there."
5 Then he answered, "What happened? Did he do Panadol?" That means did he
6 escape.
7 Then he said: No, he didn't escape. He took number one.
8 "Namba acel" in the LRA language means death.
9 Then Otti said "Send" -- he says: Lima Charlie, send your morale.
10 Then he says, Lima Charlie answers on the 2nd of February he did an attack at
11 Ongako.
12 Then Labalpiny, Joseph Kony's signaller, was the one receiving the messages. Then
13 he sent his messages concerning the attack. They got 2, 3 guns and 18 magazines
14 and also 18 uniforms.
15 So the things he sent, I think you all have heard same thing.
16 Q. [10:51:33] Yesterday you mentioned that Lima Charlie is a call sign of Dominic
17 Ongwen. Just for us to be clear, is this Dominic Ongwen speaking or is it his
18 signaller speaking?
19 A. [10:51:44] This voice when you listen to it, you'll find it is the same voice. It is
20 Dominic Ongwen's voice.
21 Q. [10:52:08] Who is Six Bravo?
22 A. [10:52:11] If I do recall well, Six Bravo is Joseph Kony's call sign.
23 Q. [10:52:26] Thank you, Mr Witness.
24 You can open your binder now, that is tab 8, please. I'll repeat the transcript ERN,
25 that is 259-0106. Can you please go to line 705, that is page 0110. There is no

1 annotation there, but I just want to make sure that the date there is right because I
2 thought you said 4th February. Could you please tell us what is written at 705 and
3 whether it is correct?

4 A. [10:53:56] Perhaps you didn't listen well or I didn't say it well. But it is written
5 here the 2nd February.

6 Q. [10:54:23] It's more likely that I didn't listen well.

7 But I'd like to play you perhaps 5 seconds of sound, just those few lines, for you to
8 catch exactly what the date is.

9 So we will play this clip from 29.39 -- sorry, 29.48 for about 30 seconds.

10 (Playing of the audio excerpt)

11 MR SACHITHANANDAN: [10:55:58]

12 Q. [10:55:58] Yes. Is the text correct or is it not?

13 A. [10:56:06] The text is correct. There is no difference.

14 Q. [10:56:14] Next page, line 744, could you just tell us what you've written?

15 A. [10:56:39] Dominic Ongwen said "Bag freedom, Bag freedom." It is a bag. I
16 wonder how you -- the way I understand this. But according to me it is a bag which
17 is carried on the back, on the back.

18 Q. [10:57:03] Thank you. I understand.

19 Now that you've read this transcript, is it an accurate depiction of the audio you
20 heard, or would you have to -- would you want to make any changes?

21 A. [10:57:13] According to me, there is nothing different. It's all the same.

22 Q. [10:57:32] Thank you.

23 Your Honour, I think we're at the end of this tape.

24 PRESIDING JUDGE SCHMITT: [10:57:39] Indeed, it's time I think for the coffee
25 break. We meet again at half past 11.

1 THE COURT USHER: [10:57:46] All rise.

2 (Recess taken at 10.57 a.m.)

3 (Upon resuming in open session at 11.31. a.m.)

4 THE COURT USHER: [11:31:07] All rise.

5 PRESIDING JUDGE SCHMITT: [11:31:29] For the record, we also welcome

6 Mrs Kerwegi as a lawyer of the witness. And we continue with Mr Sachithanandan.

7 MR SACHITHANANDAN: [11:31:43] Thank you, your Honour. We are on tab 9

8 of binder 1. And the ERN of the tape is 0025-00 -- I'm sorry, 0625, track 1. And the

9 timestamps to be played are 4.32 to 5.24. And can I just make sure that the binder is
10 closed. Yes.

11 Q. [11:32:25] Mr Witness, so if you can please listen to the audio and we'll do the
12 usual summary.

13 (Playing of the audio excerpt)

14 MR SACHITHANANDAN: [11:33:32]

15 Q. [11:33:34] Could you please summarise what you heard?

16 A. [11:33:41] I heard the same thing that you all heard. Kony was speaking to
17 Raska. He was telling Raska that Odomi did a good job. Odomi went and attacked
18 Koc-Ongako. You've heard that Odomi is in Alero, right. And Raska was
19 responding, "Roger. Over. Roger. Over. I heard. I heard. I heard." He told
20 Raska to collect all the Gilva members because they were not doing anything, they
21 were redundant, so that they could be under his leadership. He also said Lapaicho
22 did a good job. And Raska said he heard. This is what was said on the tape.

23 Q. [11:34:47] I'm sorry, I lost track of one thing. Whose troops were supposed to
24 be taken and moved? Could you repeat that little bit?

25 A. [11:35:09] What I heard was that all Gilva members under Kamdule's soldiers

1 should be removed because Kamdule was redundant.

2 Q. [11:35:24] Thank you.

3 Your Honour, we'd like to move to the transcript, and the transcript is at tab 9. This
4 is a transcript from the old investigation and therefore it doesn't have a line-by-line
5 identification of voice. Would it be all right if we got the witness to annotate about
6 four lines of text on this transcript to identify the speakers?

7 PRESIDING JUDGE SCHMITT: [11:35:51] I think it would be okay, but
8 nevertheless even if he only makes his testimony here in the courtroom, it is on the
9 record what he identifies, so I -- yes, you can move on but there are two ways to do it,
10 frankly speaking, because if, for example, if he says on line X a certain person is
11 speaking, then it is on the record and it is reflected in the transcript so I personally do
12 not see why we should go through such a formal procedure.

13 MR SACHITHANANDAN: [11:36:22] All right. Of course, your Honour. Let's
14 try then to take him line by line and then see how it goes.

15 PRESIDING JUDGE SCHMITT: [11:36:28] Yes, we give it try and when we get into
16 difficulties we reconsider.

17 MR SACHITHANANDAN: [11:36:35]

18 Q. [11:36:35] Mr Witness, could you please open your binder to tab 9. And if
19 you can page to -- sorry, turn to page 0124, 0124. And for the record, the transcript is
20 0167-0118.

21 THE INTERPRETER: [11:37:12] The witness indicates that he's not getting
22 interpretation.

23 MR SACHITHANANDAN: [11:37:16]

24 Q. [11:37:17] I'm sorry there must have been something wrong with the audio.
25 Right. Could you please turn to page 0124.

1 A. [11:37:31] I cannot understand what the interpreter is saying. I do not
2 get -- I'm not getting interpretation.

3 PRESIDING JUDGE SCHMITT: [11:37:52] Currently, also, at least I do not have
4 any translation. So I think we have to fix this first.

5 MR SACHITHANANDAN: [11:38:11]

6 Q. [11:38:11] Can you hear me now in English -- in Acholi?

7 A. [11:38:18] Yes, I can.

8 PRESIDING JUDGE SCHMITT: [11:38:39] So it has to be restarted I'm informed so
9 that everybody knows that we are not in a mystery deliberation, so to speak. And it
10 will last a few minutes, not further specified, so which, I've been told, literally a few
11 minutes. I think we should not leave the courtroom and just stay here and wait until
12 we can start again.

13 (Pause in proceedings)

14 PRESIDING JUDGE SCHMITT: [11:39:49] Perhaps to fill a little bit the gap and the
15 silence, it's of course not nice when there are such technical interruptions, but that's
16 only a personal impression that I have since everything is so technical and audios are
17 played and documents are displayed. It's sort of to be expected that not everything
18 can go right and correct all the time. So we have to have all a little bit of patience.

19 (Pause in proceedings)

20 PRESIDING JUDGE SCHMITT: [11:40:55] Further information for everybody in
21 the (Microphone not activated).

22 It looks very good now, so we can -- I think we can give it a try. It was even less
23 than 2 minutes so thank you very much for everybody's patience.

24 MR SACHITHANANDAN: [11:41:47]

25 Q. [11:41:48] Mr Witness, can you understand what I'm saying right now?

1 A. [11:41:56] Yes, I do.

2 Q. [11:41:59] Can we please turn to page 0124, same transcript, tab 9.

3 Now, you will see that we don't have line numbers on this page, but if you can go to
4 the timestamp 4.34. And you see the text there, does that text reflect what you heard
5 on the audio or?

6 A. [11:42:36] Yes, it does.

7 Q. [11:42:50] Right. And who is -- because we don't have annotations on the
8 page, I just want you to give us or tell us who is speaking for each line from 4.34
9 down, let's say, four lines. Could you tell us in turn who is saying what there so that
10 we know for the record?

11 A. [11:43:45] I cannot identify the voices because there is no -- there is nothing
12 there that can show me who the voices are. If you replay it, then perhaps I can
13 annotate the page, the relevant sections to let you know.

14 PRESIDING JUDGE SCHMITT: [11:44:03] I think it makes -- the suggestion by the
15 witness makes sense and I would like you to pick it up and just play these couple of
16 lines and then the witness may be better in place to answer your question, who is
17 speaking especially.

18 MR SACHITHANANDAN: [11:44:18] Your Honour, just so that I understand,
19 would you prefer that he annotates the transcript or?

20 PRESIDING JUDGE SCHMITT: [11:44:28] No, I think we -- we don't need a formal
21 act of annotation because we have here a live witness in the courtroom. And when
22 we play to this witness a certain amount of lines where different people might speak,
23 he might be able to identify the speakers or not. And we go through this process.

24 MR SACHITHANANDAN: [11:44:51]

25 Q. [11:44:55] Mr Witness, I'm going to play you the clip from 4.32 -- I'm sorry,

1 4.34 to 4.47. And after you have listened to it perhaps you could tell us who is
2 saying these lines so that we have it on the record.

3 All right, going to play it now.

4 (Playing of the audio excerpt)

5 MR SACHITHANANDAN: [11:45:39]

6 Q. [11:45:40] Could you please tell us who is speaking for the lines you heard?

7 A. [11:45:51] Kony is speaking to Raska Lukwiya.

8 Q. [11:46:00] Right. And just so that we understand, could you read from 4.34,
9 minute 4.34 downwards, and when you read one sentence say who is speaking, and
10 then when you read the next sentence say who is speaking. So you say, such and
11 such is being said by Kony, and such and such is being said by Raska. I know it's
12 obvious for you, but it is important that we get it on the record. Could you please do
13 that?

14 A. [11:46:34] Kony said, "Ee eh. Last time Odomi attacked Koc-Ongako. Have
15 you heard?" And Raska says, "Yeah, I heard. Over." Raska responded, "I did not
16 hear that properly." And Kony answered, "Eh". Alero as well, "I did not hear that
17 properly." And he said "Eh, Alero, as well, did you hear that?" He said -- and Kony
18 repeated, "Yeah, this is what happened. That's fighting for you." I did not hear that
19 bit. The next one was Lapaicho worked really hard. He worked twice. Isn't that
20 it?" He asked the question. Raska answered, "Yeah, he worked twice. Over."

21 Q. [11:48:15] Yes. Let me stop you there. Right. So just so that we're clear, so
22 the Odomi working in Koc-Ongako, that is said by Kony; is that correct?

23 A. [11:48:31] Yes, that was Kony.

24 Q. [11:48:35] And then the -- and then Raska responds to him in the next sentence;
25 is that correct?

1 A. [11:48:44] Yes, it is.

2 Q. [11:48:48] And then Kony mentions Alero; is that correct?

3 A. [11:48:56] Exactly that way.

4 Q. [11:49:00] Next page. I'm going to play you about 20 seconds of tape, starting
5 from timestamp 4.54, and I just want you to listen to that and identify who mentions
6 Kamdule in that section.

7 (Playing of the audio excerpt)

8 MR SACHITHANANDAN: [11:50:01]

9 Q. [11:50:02] So could you please tell us who is giving the instructions regarding
10 Kamdule and his soldiers starting from 4.54?

11 A. [11:50:17] That was Kony.

12 Q. [11:50:22] Who is he speaking to?

13 A. [11:50:28] He was just continuing the conversation he was having with Raska
14 Lukwiya.

15 Q. [11:50:36] Thank you, Mr Witness. This transcript, does it accurately reflect
16 what you heard on the audio, or would you like to make any more changes?

17 A. [11:50:54] No, there's nothing different that I can change
18 in this transcript. It reflects what I've heard and what you've written.

19 Q. [11:51:05] Thank you.

20 Your Honour, tab 11. The ERN of the audio is 0258-0143. And the ERN of the
21 transcript is 0265-0481. And we will play this from 8 minutes to 11.30.

22 And, Mr Witness, please close your binder.

23 (Playing of the audio excerpt)

24 MR SACHITHANANDAN: [11:55:40]

25 Q. [11:55:48] Could you please summarise what you just heard on the audio?

1 A. [11:55:53] I heard Dominic speaking to Ocen. They were discussing
2 somebody who had escaped. They asked: What are they talking about?
3 Somebody else came in and asked: What are they talking about?
4 And they said: Oh, we are talking about somebody we heard about on Mega radio.
5 And someone said Dominic should take the soldiers and go with them to Pageya and
6 kill all of them, kill all the people, the people that are being paid.
7 That's what I heard.

8 PRESIDING JUDGE SCHMITT: [11:57:10] Okay. The problem that we have is
9 that at least I personally have no contact. I don't hear the translation and I don't
10 have tone. So we have to fix this, too, of course. So again an interruption. And
11 yes, we will try to do it with the same procedure we did last time.

12 And unfortunately, Mr Witness, you would perhaps have to repeat it, what you have
13 already said.

14 (Pause in proceedings)

15 THE INTERPRETER: Can you hear me now?

16 PRESIDING JUDGE SCHMITT: [11:58:54] So we can continue now. Again, I
17 apologise for this inconvenience, so to speak, and I would like to ask the witness to
18 repeat the summary as I have understood it of what he has heard so that also the
19 Presiding Judge has heard it and understands it.

20 THE WITNESS: [11:59:25] (Interpretation) I heard Dominic, Ocen and there were
21 other people who joined the conversation. Icaya Loum was also part of them.
22 They heard what somebody said. It appears that the person who escaped said
23 Dominic is also planning to return home. The person said he also heard, but that's
24 not true. But he heard that Madilo, that's not possible, so do exactly the same thing
25 that Dominic is going to do.

1 Someone else came on and said Dominic should kill all those people.

2 And Dominic said that's exactly what he's going to do.

3 MR SACHITHANANDAN: [12:00:29]

4 Q. [12:00:30] Mr Witness, that's a lot of information. So let me ask a few
5 questions about it. When you said someone had said that Dominic was going to
6 return home, was there a response from Dominic or have I misunderstood that?

7 A. [12:01:03] There was a response, as you also heard. He said that someone
8 told him and he responded that he will give those people death.

9 Q. [12:01:19] You mentioned Loum Icaya. Did you hear his voice or did you
10 hear a reference to him?

11 A. [12:01:37] I said that they said Loum Icaya returned home. Then there was
12 Ocan Labongo who was reporting that Loum Icaya was calling upon other people to
13 escape and return home. He was appealing to those who were still remaining in the
14 bush to return home. That is what they talked about Loum Icaya.

15 Q. [12:02:09] Thank you, Mr Witness. Could you please open your binder to tab
16 11.

17 For the record I repeat transcript is 0265-0481 and the page is 089 -- correction, 0489.

18 Let's actually turn the page to 490.

19 Mr Witness, can you look at line 184 and tell us what that means in the context of this
20 conversation?

21 A. [12:03:34] There Dominic was saying, because he did the way I also did, since I
22 have brought my people together, I have dispersed them, I repeat that everybody
23 should find his own way. Over.

24 Q. [12:04:07] And is there a particular meaning to "find his own way" in the
25 context of communications in the LRA or is it just literally find his own way?

1 A. [12:04:27] The way it is written, yeah, that's what it means. There is no
2 hidden meaning. It means that he has dispersed people. Everybody should try to
3 find his own way either to escape or to do whatever he wants to do. But it is said
4 that he collected -- he grouped people together and told them to find their own way,
5 either to go back home or to do what you want. That is what it means.

6 Q. [12:05:00] Can you look at line 201 on the next page, that is page 0491. Can
7 you explain to us what that sentence means?

8 A. [12:05:36] The way it is written here it is written a child, "... some child
9 deceived Tem ..." that Tem brought people together, collected people together. Over.
10 It's difficult to understand. It's a follow-up of the same conversation that Tem
11 grouped his people together, or someone deceived him that he should group his
12 people together.

13 Q. [12:06:13] And when they say "child" here, do we literally mean child, or does
14 that have any particular meaning to you in the context of talking in the LRA?

15 A. [12:06:30] There is no hidden meaning in the LRA. That means a child or
16 someone who is below your rank or younger than you.

17 Q. [12:06:42] Line 219, could you please read line 219 and explain what that
18 means as you understand it.

19 A. [12:07:13] The way it is written it says: That if you find that it is difficult to
20 enter the mobile group, you enter Pageya.

21 Q. [12:07:51] And I can see a reference to "civilian." What does that mean?
22 Could you tell us what the entire sentence means?

23 A. [12:08:06] Where I stopped, there is no civilian. It says that if you find it is
24 difficult to join the mobile or to enter the mobile and then you can enter -- then it
25 stopped. Maybe it went to the next page. I'm not sure.

1 Q. [12:08:31] Exactly. The same line goes on to the next page. Could you read
2 the entire line, including the next page, and then tell us what it means.

3 A. [12:08:43] In that case let it be turned so that I can read the other side.
4 You can enter Pageya. The civilians will wait for someone who is tall. That is how
5 it has been written, which means that if he cannot enter the mobile group, the soldiers
6 can go and join the civilians in Pageya.

7 Q. [12:09:24] Just so that we understand, what does the "tall person" mean in this
8 context? I'm sorry, it may be obvious to you, but of course because we don't speak
9 Acholi, it would be good for us to understand.

10 A. [12:09:59] I do not understand the meaning of "a tall person."

11 Q. [12:10:05] Do you recall who said this from the audio recording? I know it's
12 difficult, but if you remember. If not, we'll play it again.

13 A. [12:10:33] It seems it is Ocan Labongo. I'm not sure if he's the one.

14 Q. [12:10:44] I'm just going to play you a brief excerpt. We'll play from around
15 line 216 and we'll play it till line 225, line 216 to line 225.

16 (Playing of the audio excerpt)

17 MR SACHITHANANDAN: [12:11:50]

18 Q. [12:11:52] Okay. Who said "Tem Wek Ibong" on line 217?

19 A. [12:12:07] I cannot remember the voice properly. I don't know.

20 Q. [12:12:13] And who respond "Go ahead" at line 218?

21 A. [12:12:24] I think that is Dominic's voice.

22 Q. [12:12:32] Can we go to line 242, that is at page 0493. Can you read that line
23 and tell us what it means.

24 A. [12:13:27] It is written "That is it." I repeat: Yes, that is it. If it's done, it
25 becomes bitter. It means we are trying to try to attack them. It will not return. I'm

1 not sure what is being talked about.

2 Q. [12:14:25] You see line 240. Do you remember who said that or shall I play a
3 little clip for you to see who said that?

4 A. [12:14:48] I do not remember who said that.

5 Q. [12:14:51] All right. We will play a brief clip from line 234 to line 243, 234 to
6 243.

7 (Playing of the audio excerpt)

8 MR SACHITHANANDAN: [12:15:51]

9 Q. [12:15:54] Can you tell us who is talking there in that section?

10 A. [12:16:05] I heard the voice of Ocen signaller. The other one I'm not sure, it
11 could be Ocan Labongo. I'm not certain.

12 Q. [12:16:26] Line 250, can you please read that line and explain to us what it
13 means.

14 A. [12:16:45] The person said that "I heard Icaya bragging about those people's
15 food," that it's very oily.

16 Q. [12:17:01] And what does that mean, bragging about people's food that is oily?
17 Is it just literal? Is there a particular meaning?

18 A. [12:17:14] There is no hidden meaning that I know of.

19 Q. [12:17:24] Line 255, could you please read that and tell us what it means, if
20 there is any particular meaning?

21 A. [12:17:47] It is said and it's written here that, "Yes, they will be brought here ...
22 we shall shoot" ... them all, we shall finish them.

23 Q. [12:18:05] Do you remember who said that or shall I play a brief clip for you?

24 A. [12:18:14] I do not remember who said that.

25 Q. [12:18:20] We will play from line 251 to 256.

1 (Playing of the audio excerpt)

2 MR SACHITHANANDAN: [12:19:00]

3 Q. [12:19:03] So could you tell us who is speaking in that conversation?

4 A. [12:19:10] I think it is Ocan Labongo speaking with Ocen signaller.

5 MR SACHITHANANDAN: [12:19:35] One minute, your Honour. I just want to
6 check the transcript.

7 Q. [12:20:01] Mr Witness, when you were giving us a summary of the audio, you
8 said that somebody instructed Dominic to kill people and then Dominic said that he
9 would. Is that what -- is that the part of the conversation that we are looking at in
10 these lines or is that somewhere else in this transcript?

11 MR TAKU: [12:20:28] May it please, may it please the Court. Sorry to get up at this
12 point in time. Your Honours know that we don't want to interrupt.

13 I think this question is not appropriate. This witness has given answers to the
14 questions that are there. So why must he cross examine the witness again? He has
15 given the answer, which is clear to everyone, and he tries again to cross-examine him
16 to decide the contradiction between what he has said now and what
17 he said previously, your Honours. I think this is unfair.

18 PRESIDING JUDGE SCHMITT: [12:21:01] Yes, Mr Sachithanandan.

19 MR SACHITHANANDAN: [12:21:05] Perhaps I can propose a more neutral
20 approach, which would be to play the audio again and then ask the witness where he
21 heard what he referred to in his summary. I don't want to lead the witness. I just
22 want to identify the place in the transcript where the witness heard Dominic Ongwen
23 saying he will kill people, as the witness himself mentioned some time back.

24 PRESIDING JUDGE SCHMITT: [12:21:35] I'm not very happy with this approach,
25 because the witness has indeed already answered the question.

1 What we can do because you already addressed this specific portion, and this is the
2 first part of your question, you can ask him if this is the portion he has -- what is the
3 basis for his summary in that respect. But to let him now read and go through the
4 transcript again or listen to it again, I would not want to allow that. So it's mainly
5 granted, the objection by the Defence.

6 MR SACHITHANANDAN: [12:22:12] Thank you, your Honour.

7 Q. [12:22:17] Mr Witness, when you mentioned in your summary that you heard
8 someone instruct Dominic Ongwen to kill people and Dominic Ongwen agreed to do
9 so, is the section we are discussing now that section? Or do you want to change
10 what you said in any way regarding your summary previously? Of course, feel free
11 to do so.

12 A. [12:23:05] I do not know where you picked it from. I didn't hear that.

13 MR ODONGO: [12:23:13] I think there is a persistent pursuit of cross-examination
14 around this area.

15 PRESIDING JUDGE SCHMITT: [12:23:24] I think we can easily solve this problem,
16 so to speak, because the witness has now answered and we move on to the next point.

17 MR SACHITHANANDAN: [12:23:34] Thank you, your Honour.

18 Q. [12:23:38] Mr Witness, you mentioned Loum Icaya. Do you remember his
19 position and unit affiliation?

20 A. [12:24:05] Loum Icaya was a CO in Sinia brigade. He was a major.

21 Q. [12:24:15] Do you remember which battalion he was CO of?

22 A. [12:24:25] At that time every battalion had two COs. I don't remember which
23 battalion he was in. Sinia had three battalions, that means there were three -- six
24 COs, so I'm not sure which battalion he was in. At that time I think I was in Gilva
25 brigade. I had been transferred.

1 Q. [12:24:55] Thank you. Mr Witness, from what you have seen of the transcript,
2 is the transcript an accurate reflection of the audio or would you like to make any
3 changes?

4 A. [12:25:14] There's nothing I can change because whatever I heard is what I
5 have seen written here.

6 PRESIDING JUDGE SCHMITT: [12:25:23] Nevertheless, Mr Prosecutor, it would
7 of course be more fortunate to word it positively. If we only had transcript that the
8 witness has gone through beforehand with his annotations that we had with other
9 transcripts and other audios, it would of course be easier for him than to say that it
10 correctly reflects what he has heard and what he has later on annotated.

11 I don't know what we are going to expect from the next audios, if we have the
12 transcripts annotated by the witness or not, but it would of course be very much in
13 favour of the examination of this witness and of the taking of the evidence if this had
14 taken place.

15 MR SACHITHANANDAN: [12:26:13] Your Honour, I just want to clarify.
16 Would you prefer more detailed questioning regarding this transcript and the
17 veracity of this transcript? I can do that.

18 PRESIDING JUDGE SCHMITT: [12:26:24] No. It was just, it was just a remark
19 that I, the Bench or especially the Presiding Judge would find it much better for the
20 witness and for everybody in the courtroom to understand, and also for the
21 authentication of the veracity of the translation, if the transcripts were all had been
22 annotated and gone through. And I don't know what we are going to expect now in
23 the next hours, but I hope very much that we will not have many of those transcripts
24 which are bare of these annotations.

25 MR SACHITHANANDAN: [12:27:05] Indeed, your Honour. The majority of the

1 transcripts are annotated, but as you understand, we have interviewed this witness in
2 the context of both the old and the new investigation. But I believe that the majority
3 of the upcoming transcripts will be annotated, and if they are not annotated, I will try
4 to see whether there is a way that we can deal with it.

5 PRESIDING JUDGE SCHMITT: [12:27:28] But what we are not going to do is now
6 to do this process that could have been done beforehand here in the courtroom and
7 spend the courtroom time on that. This, I wanted to express.

8 MR SACHITHANANDAN: [12:27:39] Understood, your Honour.

9 Q. [12:27:43] Next tape is tab 12. The ERN of the tape is 0247-1174 and the
10 transcript is 0265-0336. And we will play the tape from 3.33 to 6.24.

11 And, Mr Witness, please close your binder.

12 (Playing of the audio excerpt)

13 MR SACHITHANANDAN: [12:29:11] Sorry, we're going to stop the tape because
14 I'm told that the sound quality is not very good, and we will restart it with
15 maximum volume.

16 Mr Witness, could you increase your volume to the maximum possible.

17 Perhaps the court officer could assist him.

18 (Playing of the audio excerpt)

19 MR SACHITHANANDAN: [12:32:37]

20 Q. [12:32:40] Mr Witness, could you please summarise what you heard?

21 A. [12:32:49] I did not hear the person's voice really well, but I heard Labalpiny,
22 Dominic's voice. Dominic was telling them about somebody who was sick in his
23 group. There was a girl, a woman that was with him who was feeling pain, who was
24 in pain. The woman probably had chest or waist pains. I don't know. So Kony
25 was asking whether there was the medication benzathine.

1 Dominic said no.

2 And Kony said: If there is benzathine, then the person should be injected with it.

3 Kony said: If they do not have it, then he should find -- he should give the person
4 ampicillin capsules or alternatively amoxicillin and treat the person. If they do not
5 treat the person, then the person is going to have -- continue having problem and then
6 will need an operation.

7 And that's what I heard.

8 Q. [12:34:24] Thank you, Mr Witness.

9 Can we go to tab 12 of your binder. And again the transcript is 0265-0336 and we
10 will be looking at page 0340. Could you please look at line 90 and explain your
11 addition and what the entire sentence now means.

12 A. [12:35:17] Dominic said "my black waya," the one I tried to talk to you about,
13 and then there's a question mark there. And that's what's written on this page.

14 Q. [12:35:38] Could you explain whether "black waya" has a meaning?

15 A. [12:35:53] Black waya, "my black waya" means wife, and he's talking about his
16 wife, he's telling him that the wife I talked to you about last time.

17 Q. [12:36:16] Line 91, could you please explain addition and complete sentence.

18 A. [12:36:29] It's all a repetition. He's saying the black wife that I spoke to you,
19 the wife that I spoke to you about last time.

20 And there is a question: Are you talking about the wife you talked to me about last
21 time?

22 Q. [12:36:54] There's an addition between line 92 and 93. I don't know whether
23 you covered that already. Could you please tell us what that addition is, between
24 line 92 and 93.

25 A. [12:37:12] Labalpiny said, "Oh, yeah, I do recall" that means that Labalpiny

1 recalled what Dominic had earlier told him. And now he actually remembers that,
2 the conversation.

3 Q. [12:37:34] Line 97, what is the addition and what is the meaning of the full
4 sentence?

5 A. [12:37:43] Dominic said, "Roger." That started at the beginning.

6 Q. [12:38:24] Line 98 you've written "Tem." Could you explain to the Court
7 what "Tem" is.

8 A. [12:38:41] That's an abbreviated call sign. So they used "Tem." They did not
9 use "Tem Wek Ibong," which is the full call sign, but they abbreviated it using "Tem,"
10 but they were actually referring to Tem Wek Ibong.
11 And he responded "Go ahead."

12 MR SACHITHANANDAN: Your Honour, the other annotations are not case
13 relevant in our -- we do not need to examine on the other annotations, unless you
14 wish to ask any questions?

15 PRESIDING JUDGE SCHMITT: [12:39:40] I would like to know something.
16 I would like to put one or two questions to the witness.

17 Mr Witness, if you could go please to 116, line 116. There is a passage crossed out.
18 Have you crossed out this passage?

19 THE WITNESS: [12:40:18] (Interpretation) Yes, I'm the one who crossed out that
20 passage.

21 PRESIDING JUDGE SCHMITT: [12:40:23] And why did you cross it out?

22 THE WITNESS: [12:40:27] (Interpretation) I read it, but I did not understand it
23 initially, but when I read it subsequently it did make sense.

24 PRESIDING JUDGE SCHMITT: [12:40:37] So what does that mean? Does that
25 mean that you now think that the passage should not have been crossed out by you?

1 THE WITNESS: [12:40:56] (Interpretation) No. The reason why I crossed it out
2 wasn't that reason. In the English version they wrote mix ten mills, and out of the
3 ten mills inject 10 cc's. But the English version you've got inject the person with 500
4 mills, and that's why I actually crossed it out, because it was 5 mills and not 500 mills.
5 So I crossed it out, because they had 500 mills in that passage.

6 PRESIDING JUDGE SCHMITT: [12:41:42] I think I understand now. Then we go,
7 please, to 118. Same procedure as before. And perhaps it would be easier if you
8 told us what the text in Acholi means to you.

9 THE WITNESS: [12:42:17] (Interpretation) They have written the person should
10 be injected after every two days. The person should be reinjected after two days.
11 And then after two days the person should be injected with 500 mills, which still does
12 not correspond to the Acholi one, because it should read after two days the person
13 should be injected with 5 mills.

14 PRESIDING JUDGE SCHMITT: [12:42:48] Thank you.
15 Please move on.

16 MR SACHITHANANDAN: [12:42:52] Thank you, your Honour.
17 Your Honour, we'll move to tab 13. There are two segments in this tape and perhaps
18 we can aim to finish one segment before the lunch.

19 PRESIDING JUDGE SCHMITT: [12:43:23] Yes.

20 MR SACHITHANANDAN: [12:43:24] The ERN for this tape 239-0101, track 1 and
21 the transcript is 0265-0439. And we will play from 0 minutes to 4.40.

22 (Playing of the audio excerpt)

23 MR SACHITHANANDAN: [12:48:50]

24 Q. [12:48:53] Could you please summarise what you heard, Mr Witness?

25 A. [12:48:59] Well, the voices, Otti was speaking to Kony. Otti informed Kony

1 that yesterday -- and then I did not hear the person's name, it was inaudible. They
2 said the person went during the day to Labwor Omor. They found the mobile.
3 Some of them were drinking in the bar. They went to the bar and found -- they left
4 two people -- three people next to the drinkers. They asked them: Oh, how come
5 you are very few?
6 They responded: Oh, yeah, we are many. But some people, we've left them behind.
7 They left ladies -- women and children and started fighting against the soldiers.
8 They fought against the soldiers, and the soldiers retreated towards the barracks.
9 There was no charge. The number of enemy soldiers dead was four, and from the
10 side of the LRA there was one.
11 And that's what I heard.

12 Q. [12:50:29] Could you please explain the meaning of "there was no charge"?

13 A. [12:50:51] That's what I heard in the audio. They said
14 there was no charge. The voice is not very clear, so it makes it a little bit difficult to
15 understand.

16 Q. [12:51:06] Yes, I mean more the meaning. In the LRA, when you say "there
17 was no charge," what do you mean?

18 A. [12:51:19] "Charge" means nothing was taken.

19 Q. [12:51:30] Thank you, Mr Witness.

20 We can now open your binder, that is tab 13. Again the ERN is 0265-0439. And
21 let's look at page 0441.

22 You've made an addition at line 22. Could you please explain to the Court what that
23 addition is?

24 A. [12:52:22] Otti said "People fled."

25 Q. [12:52:31] Line 30, if you could tell us what you've written there?

1 A. [12:52:38] Kony said that they should have shot them instead.

2 Q. [12:52:59] Just above, that is line 29, there is no correction there, but could you
3 read it and tell us what that means or what you understand that to mean in the
4 context of this conversation? Line 29.

5 A. [12:53:18] "Others cleaned dirt from their bottoms."

6 Q. [12:53:47] And what does that mean? I'm sorry, perhaps it's a silly question,
7 but is there a particular significance to saying that in this context?

8 A. [12:54:08] It would make it easier if -- it would make it easier to put in context
9 if we start from the beginning of the conversation, but in isolation like that, it's
10 difficult to explain.

11 MR SACHITHANANDAN: [12:54:26] Your Honour, if you don't mind, I'd like to
12 ask the witness to read this page for a minute or page 0441.

13 PRESIDING JUDGE SCHMITT: [12:54:35] Just this page, yes, we allow it, and this
14 could be done quickly I think. There's not so much text in it, not so much
15 conversation.

16 MR SACHITHANANDAN: [12:54:46]

17 Q. [12:54:47] Mr Witness, you could please quickly glance through the page
18 you're looking at, 441, and see if that provides you any more context with regard to
19 the question I already asked you.

20 A. [12:55:04] Yes, I understand.

21 Q. [12:55:51] Please explain to the Court. Thank you.

22 A. [12:55:59] They are talking about how they entered Labwor Omor and how
23 people fled. They are talking about the soldiers, the soldiers that were shot, the
24 soldiers got up and ran without looking behind.

25 Q. [12:56:21] Thank you.

1 Next page, line 38, could you please explain your addition and what the whole
2 sentence means.

3 A. [12:56:50] Otti said some of them, that they are drinking. He said "They were
4 drinking." They were drinking with their uniforms, but they do not have the guns.
5 This means that the people who were drinking had their uniforms, had adorned their
6 uniforms, but they did not have guns.

7 Q. [12:57:17] 39, please.

8 A. [12:57:31] The person was instructed to continue with seller or solar. It
9 appears that Otti's battery was low and Kony was instructing Otti to connect his
10 battery to the solar to increase the battery, because he could not understand exactly
11 what Otti was saying.

12 Q. [12:58:00] Next page, line 60, could you please explain your edit there and
13 what the entire sentence means?

14 A. [12:58:24] Otti told Kony that the children, that the sisters and the children, the
15 ladies and the young children, ladies and young children were left behind. He was
16 telling, he was telling -- they were talking about the ladies and children saying that
17 the people who went to fight, the combatants, left the women and the children behind.
18 The people who went to the fight were men. So ladies and children were left behind.

19 Q. [12:59:13] Line 62.

20 A. [12:59:37] They cessed out what was happening, they started reversing.

21 Q. [12:59:48] Next page, and it's line 97, so it's on page 0445.

22 A. [13:00:09] Otti said "One soldier had died."

23 Q. [13:00:18] Line 99.

24 A. [13:00:23] He said "I lost one of mine." Otti is repeating what he had said
25 previously.

1 Q. [13:00:49] Witness, from what you have seen of this transcript, does it
2 accurately depict the audio, or would you like to make any corrections?

3 A. [13:01:02] No. There is nothing that I would like to change. It's exactly what
4 you heard.

5 MR SACHITHANANDAN: [13:01:13] That's it, your Honour.

6 PRESIDING JUDGE SCHMITT: [13:01:15] Then lunch break until 2.30.

7 THE COURT USHER: [13:01:18] All rise.

8 (Recess taken at 13.01 p.m.)

9 (Upon resuming in open session at 14.30 p.m.)

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

11 PRESIDING JUDGE SCHMITT: [14:30:37] You have still the floor.

12 MR SACHITHANANDAN: [14:30:40] Thank you, your Honour. We are now on
13 the second segment of tab 13.

14 Q. [14:30:52] Mr Witness, we are going to play you the second half of the tape we
15 were playing before lunch. Please close your binder and we will play you 4.45 to 8.

16 (Playing of the audio excerpt)

17 MR SACHITHANANDAN: [14:34:51]

18 Q. [14:34:53] Mr Witness, could you summarise what you heard?

19 A. [14:35:12] I heard Kony was reporting on the fight that was in Labwor Omor
20 and was reporting to Raska. He was explaining about the fighting at Labwor Omor,
21 how they entered. Odomi went to Labwor Omor and he found there were opponent
22 soldiers. They were not clear who -- which kind of soldiers were exactly there.

23 And they were mixed up and he opened fire on them.

24 Raska asked him: Did you receive the one from Double Yankee?

25 Kony asked: Who is Double Yankee?

1 Ocen said it was Anaka. And this happened on their way to Amuria. They shot or
2 ambushed a minibus. They got some guns and some Ugandan shillings, and five
3 enemy soldiers were killed.

4 That's what I heard.

5 Q. [14:36:45] Thank you. Can we please go to tab 13 of your binder. For the
6 record this is 0265-0439. And let's go to page 0447. We're going to look at line 122.
7 Could you please explain your edit to line 122.

8 A. [14:38:09] The writing is not very clear, but Joseph Kony said: Some people
9 were shot and their shoes were all taken. This is what I see here.

10 Q. [14:38:32] You've written what looks like a number 12. I'm not sure -- that's
11 how I see it. Is that a number 12 or is that something else, on line 122?

12 A. [14:38:46] The writing is not very clear. It appears it was not properly written.
13 It's not very clear. I don't see it clearly.

14 PRESIDING JUDGE SCHMITT: [14:39:13] I think we leave it as it is. We should
15 not ask the witness to guess.

16 MR SACHITHANANDAN: [14:39:16]

17 Q. [14:39:16] Line 124, Mr Witness.

18 A. [14:39:33] Joseph Kony said: They also left 12 there. They also left 12 behind
19 there.

20 Q. [14:39:43] And what do you understand by "12" in this context?

21 A. [14:39:57] They are talking about the fighting. They were able to seize
22 12 -- there's a gun, there's a gun which is called 12, but they also did not take it.
23 They left it behind.

24 Q. [14:40:17] Next page, line 135, there is no edit by you here, but there is a
25 reference to Boni. Could you explain what that is or whether that is a correct

1 reference or whether you have any thoughts on that?

2 A. [14:40:59] I do not understand this, the "Boni." I don't understand. I don't
3 understand very well.

4 Q. [14:41:32] I'm going to play you a 5-second clip of that section. Could you
5 please listen and see whether you can catch what is being said. That is it will be
6 from around 6.10 to about 6.30. So, sorry, a 20-second clip.

7 (Playing of the audio excerpt)

8 MR SACHITHANANDAN: [14:42:46]

9 Q. [14:42:49] Did that help you understand that line or do you have anything to
10 add?

11 A. [14:42:58] I do not understand about this Boni, but what was said is as it is
12 written down here, but I don't know this Boni.

13 Q. [14:43:15] Next line, that is 137, you have made an edit there. Could you
14 please tell us what the edit is and what the meaning of the complete sentence is.

15 A. [14:43:34] Kony said the place was scattered, everything was scattered and
16 they went and re-organised from another place. The whole place was mixed up.
17 And it was dark. Mothers and girls and the other people were all gathered, were all
18 gathered haphazardly, they were all gathered together. Odomi really, real men and
19 they were really -- they were really beaten up, but nothing was actually shot. They
20 only collected magazines. That's what I heard.

21 Q. [14:45:03] Sorry. Thank you. I followed you most of the way. Could you
22 please repeat the sentence featuring Odomi.

23 A. [14:45:24] You know, this writing, this writing and also the -- the message was
24 not clear. Even -- even me, when I'm reading, I get, you know, confused, I don't
25 understand it, so it has been mixed up. I do not understand exactly clearly what is

1 written.

2 Q. [14:46:10] Mr Witness, I'm going to play you just that line and then you can tell
3 us whether you understand what is being said there. So only line 137.

4 (Playing of the audio excerpt)

5 MR SACHITHANANDAN: [14:47:11]

6 Q. [14:47:14] Could you please help us with line 137 now that you've listened to
7 that clip?

8 A. [14:47:31] They are talking about an attack. And it was dark. And the
9 people who went for that attack never, never managed to pick anything. People just
10 scattered. They also left the battlefield and just went, they never collected anything,
11 except some few magazines that they managed to pick.

12 MR SACHITHANANDAN: [14:48:06] Your Honour, I'm just going to ask one brief
13 question on this and then I will move on. I can -- I know you will be becoming
14 impatient.

15 PRESIDING JUDGE SCHMITT: [14:48:14] You obviously yourself recognized that
16 we are very indulgent at the moment, but really this one more question and then we
17 move on.

18 MR SACHITHANANDAN: [14:48:23]

19 Q. [14:48:23] Mr Witness, the change you've made where there's a reference to
20 Odomi that is the word I didn't hear in the summary you just gave us. Did you hear
21 "Odomi" in this, in line 137?

22 A. [14:48:39] Yes. Odomi was mentioned at that point. Even when you play it,
23 you will hear it is exactly at that point.

24 Q. [14:48:50] Next line, 142, could you please explain your addition and the
25 meaning of the sentence.

1 A. [14:49:21] Lukwiya asked, "Did you also receive the one of Yankee? Did you
2 receive the message from Yankee?"

3 Q. [14:49:36] And I think you've also added a response there. Could you explain
4 the response?

5 A. [14:49:52] Raska was asking, "Did you receive the one from Yankee? Over."
6 And the response was, "Did you receive the one of Yankee? Over. Ambush." This
7 was just a question that he was repeating over, he was repeating the question that he
8 was asked and that's where he has ended.

9 Q. [14:50:18] Do you know who Yankee is?

10 A. [14:50:25] That one, even when I don't explain, you know who Yankee is
11 because Kony was asking, "Who is Yankee?" And the response was Anaka and the
12 Yankee. The Yankee is Opiro Anaka and that is his call sign.

13 Q. [14:50:48] All right. Line 152, could you explain the edit you've made and the
14 full meaning of the sentence.

15 A. [14:51:20] Ocen said he attacked -- just a minute. He said he laid an ambush
16 on the way to Acamuk towards Amuria. It means Ocen was telling, Ocen was
17 asking about the ambush that was done in Acamuk, Acamuk which is on the way to
18 Amuria.

19 Q. [14:52:01] Mr Witness, I believe you explained in your summary the meaning
20 of line 149. I just want to know, you've written "YY" here, or at least that's what
21 I can -- that's what I think I see. Is that YY or is that something else, just so that we
22 understand? Line 149.

23 A. [14:52:30] That one is YY, YY.

24 Q. [14:52:39] And in the LRA is there a particular meaning for the word YY?

25 A. [14:52:59] If you -- when you use the TONFAS code or the call sign, YY there

1 you would call Double Yankee and it would refer to Opiro Anaka. But previously,
2 previously it was called YY, and Dominic Ongwen was called Wai Wai, but in this
3 case they are talking about Double Yankee, which is Opiro Anaka. This is what I can
4 understand from here.

5 Q. [14:53:43] Next page. You can see an edit at line 170. Could you please
6 explain that.

7 A. [14:54:20] It's said and -- the teacher's beers were five, which means bottles of
8 beer. But I also don't understand this teacher's beers, I don't understand it.

9 Q. [14:54:45] Mr Witness, from what you have seen of this transcript, is it an
10 accurate depiction of the audio you heard, or would you like to change anything?

11 A. [14:55:06] There is nothing that I can change. What I have heard is as it is
12 written.

13 MR SACHITHANANDAN: [14:55:13] Next transcript, your Honour, tab 14. The
14 ERN of the audio is 0247-0886. And the transcript is 0265-0366. We will play a brief
15 clip from track 1 of the tape from minute 26 to 27.35.

16 Q. And of course please close your binder.

17 (Playing of the audio excerpt)

18 MR SACHITHANANDAN: [14:57:45]

19 Q. [14:57:47] Can you please summarise what you just heard?

20 A. [14:57:55] I heard voices of Otti, who is talking about Dominic. Dominic is
21 sending things, items which have been found, and also some enemy soldiers have
22 died. I didn't get very well the number of the dead soldiers. And he also talked
23 about a Motorola phone and also some money, Ugandan shillings.

24 Then Kony called Otti using the call sign Wat Pa Dano, Wat Pa Dano.

25 Ocan Labongo also started talking and then one signaller called Omona also came

1 and started also communicating. And it stopped there.

2 Q. [14:59:06] Now, you said that Dominic spoke and Omona spoke and Kony and
3 Otti. Did they mention any other persons? I'm not asking as to whether anyone
4 else spoke, but I'm asking whether they mentioned anyone else.

5 A. [14:59:37] I didn't hear any other name. I just heard Tem Wek Ibong, which I
6 heard. I also heard Wat Pa Dano, which was also mentioned or called.

7 Q. [14:59:54] Did you hear any other call signs or did you not?

8 A. [15:00:03] What I heard is what I said. They called Tem Wek Ibong and Wat
9 Pa Dano. That is what I heard. Unless I didn't hear very well. But that is what I
10 heard.

11 Q. [15:00:23] Thank you, Mr Witness.

12 Could you please open your binder to tab 14. Again the transcript is 0265-0366.

13 And we're going to page, we're going to the page 0393, row 666. Could you please
14 explain your edit and what the sentence means?

15 A. [15:01:39] They said "Two enemy soldiers died. Over."

16 Q. [15:01:53] Row 670, please explain your edit.

17 A. [15:02:07] "Motorola phone. Over."

18 Q. [15:02:12] Line 674.

19 A. [15:02:22] "And Uganda shillings. Over."

20 Q. [15:02:29] Line 682.

21 A. [15:02:39] "Nothing serious happened on our side. Over."

22 Q. [15:02:49] Line 688, next page.

23 A. [15:02:54] "Daskot and also hearts were collected by many children."

24 Q. [15:03:11] You've made an edit at line 698. Could you please explain.

25 A. [15:03:29] I heard, I heard what Dominic was sending. I didn't understand

1 others, but I did understand some few, that is over, that was the most asked by Joseph
2 Kony.

3 Q. [15:03:47] Line 700?

4 A. [15:03:59] First call Wat Pa Dano.

5 Q. [15:04:09] We're going to play you the next section of the same conversation
6 and we will be playing the same ERN. Of course please close your binder for the
7 moment. From 28.50 -- sorry, my apologies. 27.36.

8 My apologies, your Honour, I have just confused the clip there. We'll go from 28.50
9 to 31.39.

10 (Playing of the audio excerpt)

11 MR SACHITHANANDAN: [15:08:22]

12 Q. [15:08:24] Could you please summarise what you just heard?

13 A. [15:08:29] Yes, I can. I heard Otti's signaller Omona Michael who was
14 sending messages and also talking about what had happened. He said he sent
15 about -- he sent a message to Kony telling him what Odomi had found. Odomi had
16 found two uniforms, two gumboots, pairs of gumboots, a gun, and also two enemy
17 soldiers died. He also found one portable, one mobile phone. And Kony told him
18 to keep that mobile phone very well and not to lose it.

19 Then Otti came in and said he wasn't around and he started talking with Kony.

20 Kony said Odomi shall continue moving ahead, advancing. And it is stopped there.
21 I didn't get other items.

22 Q. [15:10:06] Mr Witness, sorry, perhaps you mentioned this. Did he mention
23 any particular locations during this sound -- during this clip?

24 A. [15:10:31] They talked about an ambush on the road to Opit.

25 Q. [15:10:41] Thank you, Mr Witness.

1 Let's go back to the binder, again tab 14. So same transcript, that is 0265-0366, but
2 now we are looking at page 0396, line 756. Please explain your edit and the meaning
3 of the complete sentence.

4 A. [15:11:21] Omona said, he's actually conveying someone's message. He said
5 that he staged an ambush on the road to Opit. Over.

6 Q. [15:11:42] Line 264, so there's a small edit there. My apologies, 764, 764.

7 A. [15:11:58] Omona conveyed the message saying that two enemy soldiers died,
8 were killed.

9 Q. [15:12:11] Next page, line 766, please explain your edit.

10 PRESIDING JUDGE SCHMITT: [15:12:16] Perhaps it would be easier for him,
11 since I see that there is nearly on every line there is something that has been
12 annotated, if we let him speak about the annotations from 767 until 773 consecutively.
13 We do it this way, Mr Witness, so that you just tell us from 767 until 773 in a row, so
14 to speak, what you changed and what this means to you.

15 THE WITNESS: [15:12:57] (Interpretation) I think what I'm going to say is what
16 everyone in this courtroom has heard. There's nothing different.

17 So I can say that Omona said and he received one mobile phone. Then Kony said,
18 "Let him keep this mobile phone very well. Over." Then after that Kony said, "Tem
19 Wek Ibong, have you understood?"

20 After that Omona said, "He said that you should keep this mobile phone very well.
21 It shouldn't get lost. Over."

22 Then Dominic answered, "Roger. This phone has a screen with a crack on it because
23 it had fallen down and as a result it developed cracks on this screen. Over."

24 After that Omona said, "Please repeat."

25 After that Omona said, "Tem Wek Ibong, he called him."

1 And following that Omona said, "He said it can be -- can it be repaired by a phone
2 repairer?" That was his question. "Over." So those are the things I noted and on
3 the basis of what I heard.

4 MR SACHITHANANDAN:

5 Q. [15:14:55] Next page, line 797, please.

6 A. [15:15:18] Omona said, "You said one is more than 10 ting tings."

7 Omona then said, "And that of Dominic, he said Uganda shillings. He got Ugandan
8 shillings. 230,000 shilling. Over."

9 Then Joseph Kony said, "If people are still making a lot of noise or talking a lot, let
10 them hear what Dominic is saying."

11 PRESIDING JUDGE SCHMITT: [15:16:18] So I think the witness picked up the
12 procedure that was suggested by me last time. So please continue.

13 MR SACHITHANANDAN: [15:16:25] I believe your procedure has been approved,
14 your Honour.

15 Q. [15:16:29] Mr Witness, I just want to follow up on something you said
16 regarding line 797. You mentioned something being worth 10 ting tings or that is
17 how I heard it. Could you please explain what that means?

18 A. [15:16:53] It may be difficult to explain this part, because the issue of ting ting
19 depends on the context. Here that about 10 ting tings, perhaps what he wants to say
20 is that I think he's trying to say that with the mobile phone which has been found, the
21 value may be about 10 ting tings. And in the LRA language, "ting ting" may mean
22 young girl. But in this context, it doesn't stand for a young girl. I think he's trying
23 to say what that mobile phone is worth.

24 That mobile phone may be exchanged for something, for example, in the Sudan, it
25 could be exchanged for bullets or for walkie-talkie radios. So even I myself didn't

1 understand very well that part.

2 Q. [15:18:05] Thank you. About line 806, you clarify that it meant people should
3 listen to Odomi or something along those lines. Do you understand from this
4 context what that means?

5 A. [15:18:30] If you follow all that has been said, it's easy to understand this part.
6 If people are doing nothing, let them listen to what Odomi has said. Let them listen
7 to Odomi.

8 Q. [15:18:53] Next page. And perhaps we can follow the system laid down by
9 the Presiding Judge for this page, starting from line 824, can you explain your
10 clarifications down to line 835.

11 A. [15:19:34] It is said, it should have been I heard, I wonder whether this person
12 picked PK.

13 Then Otti said, "Odomi got this PK from Odek, not so?" That was a question.
14 Then after that Joseph Kony said, "No problem. Over." Following that, Joseph
15 Kony again said, "That for the Gilva brigade has been well charged." Here I don't
16 understand very well. "It remains only one. Over." It stops there.

17 Q. [15:21:07] You're talking about line 834, aren't you? Is that correct?

18 A. [15:21:15] Yes, that's correct.

19 Q. [15:21:17] That's fine. Let's go to the next page at line 849.

20 A. [15:21:44] Otti said on that day "This one will remain in Pabbo. Over."
21 Kony said, he asked, "Is that what you had done that way?"

22 Q. [15:22:23] Thank you, Mr Witness. I just want to clarify something. And
23 perhaps we misheard it. Going back to line 828, I thought you said Otti made
24 reference to the PK taken from Odek, but I see that line 828 has JK written. Maybe
25 I'm mistaken. Could you please tell me who says that line, the reference to PK from

1 Odek?

2 A. [15:23:01] This was said by JK, but it's Kony who said that, JK who said that
3 Odomi's PK was brought from Odek, not so? That was a question. Then Otti
4 answered, "Yes indeed."

5 Q. [15:23:25] Thank you, Mr Witness.

6 Based on what you have seen of this transcript, is it an accurate reflection of the audio
7 or would you like to make any changes?

8 A. [15:23:48] I don't have any other thing to add to this. What you made me
9 heard is exactly what is in the transcript and it is the same content as that in the tape.

10 Q. [15:24:10] Thank you.

11 We'll move to the next tape, your Honour, that is tab 15.

12 Mr Witness, you can close your binder.

13 The ERN of the audio is 0239-0062, track 2. The transcript ERN is 0259-0128. We
14 will play a brief clip from 24.50 to 26.52.

15 (Playing of the audio excerpt)

16 MR SACHITHANANDAN: [15:27:06]

17 Q. [15:27:09] Could you please provide a summary of what you've just heard?

18 A. [15:27:28] I've heard two people talking, Joseph Kony and Abudema, Oringa
19 Sisto. They are talking about what they heard on BBC Radio concerning civilians,
20 what people are saying about civilians and their conditions. Kony said
21 people -- Abudema says that "Civilians should all be killed." But Kony says, "No, we
22 cannot kill all civilians. We should spare civilians." Abudema also had his own
23 views. They talked a lot.

24 Q. [15:28:32] Thank you, Mr Witness. Let's go to -- let's open your binder now to
25 tab 15. And again the transcript is 0259-0128. Can we please look at line 445, that is

1 page 0131. You've made an edit to the speakers of those two lines. Could you
2 please explain to the Court.

3 A. [15:29:38] This one was -- there was only one person talking here, but divided
4 into two sections. And the person talking was Abudema.

5 Q. [15:29:56] Next page, line 452, could you please explain your edits and tell us
6 the full sentence.

7 A. [15:30:40] Joseph Kony said, "You cannot finish all the civilians. You see, if
8 you beat a Lango person, if you beat one Lango person while the person is harvesting
9 cassava and -- he runs up to the other side of river Nile at Karuma."

10 Q. [15:31:25] Mr Witness, would you know what that means, if you beat one
11 civilian, he will run across the -- he will cross the Nile? Could you give us -- do you
12 understand what that means? Perhaps you could explain it to us.

13 A. [15:31:45] The way you have understood is the same way I have understood.
14 Because he's talking to Abudema. Because Abudema says he's going to kill all the
15 civilians, then he says "No, that's not possible because if you beat one Lango person,
16 the Lango person will run and go across on the other side of the Nile to Karuma. So
17 if that person runs away, how will you get that person? You will not get that person
18 and, therefore, you will not be able to finish all the civilians."

19 Q. [15:32:19] Thank you, Mr Witness. Mr Witness, based on what you have seen,
20 is this transcript -- does this transcript accurately reflect the audio or would you make
21 any changes?

22 A. [15:32:38] I think all of us inside here are satisfied with what we have heard.
23 And if you have this binder you know that all this is the same.

24 Q. [15:32:50] Thank you, Mr Witness.

25 MR SACHITHANANDAN: [15:32:52] Your Honour, we have one last tape and

1 that tape is going to be a little more complicated in that we -- the witness was never
2 annotated a transcript. There is a transcript which is available to the Court and to
3 the Defence and the parties, that can role on the screen, but I do not have a transcript
4 that I can show to the witness. The only thing we intend to do is to make the witness
5 listen and provide us with a relatively detailed summary of a very brief conversation.

6 PRESIDING JUDGE SCHMITT: [15:33:25] We can do that but, of course, you are
7 aware of the fact that I bring a little bit to the point that this is not a translation booth
8 here. So really restrict it, as you have said. And how long will it take us?

9 MR SACHITHANANDAN: [15:33:45] We can definitely finish by 4 o'clock all of
10 that.

11 PRESIDING JUDGE SCHMITT: [15:33:50] Then we give it a start and see how far
12 we come.

13 MR SACHITHANANDAN: [15:34:09] Your Honour, the relevant ERN of the
14 audio is 0247-1110. When it was played to the witness in the old investigation, it
15 was cited, the original was cited as 0054-0017. I state that merely for the purposes of
16 record. And we will play from 12.08 to 15.39 of -- yes.

17 (Playing of the audio excerpt)

18 MR SACHITHANANDAN: [15:38:29]

19 Q. [15:38:34] Mr Witness, could you please summarise for us what you heard?

20 A. [15:38:40] Yeah, it was difficult to hear what the voices were saying, but at
21 least I heard them talk about the attack in Pajule. I heard that "You and Tabu, you
22 are going to Pajule."

23 And Otti came in and said, "These people are mud. These people are mud." And
24 he talked a lot and said a helicopter gunship was sent and they fired at the gun
25 with -- at the helicopter with a G3 and the helicopter went higher up. They only shot

1 at it but did not bring it down.

2 And Kony said, "Otti, Otti should have shouted with his name, that 'Kony.'" That is
3 what I heard.

4 Q. [15:40:10] You mentioned that -- or you quoted someone saying you and Tabu
5 went to Pajule. Who is being described as having gone to Pajule? Did you
6 understand when you heard?

7 A. [15:40:28] I did not understand the other voice as if they are talking about Otti,
8 because I heard Zero Mike, which is Joseph Kony's call sign, and they were talking
9 and saying "We're going to Pajule."

10 Q. [15:40:53] And did you hear anything else about what happened at Pajule or
11 did you not?

12 A. [15:41:06] What I heard is what I have explained to you that they went to
13 Pajule. It's difficult to explain that point. Maybe I was not able to get everything,
14 but that's what I could explain.

15 Q. [15:41:30] Mr Witness, I'm going to play you a 20-second clip, that is from
16 14.23 to 14.41. I repeat 14.23 to 14.41.

17 (Playing of the audio excerpt)

18 MR SACHITHANANDAN: [15:42:29]

19 Q. [15:42:31] Could you tell us what you heard in that brief clip?

20 A. [15:42:45] Otti said, "We gathered close to 200 people, between 200 to 300
21 people."

22 And Kony said, "Yes, yes. That is it."

23 Q. [15:43:13] And, Witness, the final clip I will play for you that is from 13.04 to
24 13.16 -- sorry, 13.24. 13.04 to 13.24.

25 (Playing of the audio excerpt)

1 MR SACHITHANANDAN: [15:44:22]

2 Q. [15:44:23] Could you please tell us what you heard in that clip?

3 A. [15:44:31] Otti called Joseph Kony's call sign, "Zero Mike, Zero Mike,
4 everything that we have collected, I have shown to them." This is what I heard.

5 Q. [15:44:54] Is it clear from the context who it was showed to or is it not clear?

6 A. [15:45:17] Otti is saying that he showed everything to these people. So I'm
7 not sure whether these were the civilians that they got at the centre and they were
8 able to see what they collected. So I'm not sure who exactly that these items were
9 shown to.

10 Q. [15:45:40] Thank you.

11 MR SACHITHANANDAN: [15:45:50] Your Honour, finally we are done with the
12 tapes after a fair bit of pain, I think. I have about 20 minutes of questioning in
13 private session and then I would say 20 minutes to half an hour and we have about,
14 well, we have about 10 minutes left.

15 PRESIDING JUDGE SCHMITT: [15:46:18] Can you estimate how long your
16 questioning will last anyway from now on?

17 MR SACHITHANANDAN: [15:46:25] I would say on the outside an hour and that
18 will be it, your Honour, I think.

19 PRESIDING JUDGE SCHMITT: [15:46:39] Then I suggest that we abate the
20 proceedings for today and continue tomorrow morning at 9.30 with private session,
21 not first, of course, not with private session, but when we continue with the witness
22 private session, and then we will, taking your promise into account, we will finish the
23 Prosecution questioning after the first session tomorrow.

24 THE COURT USHER: [15:47:05] All rise.

25 (The hearing ends in open session at 15.47 p.m.)