

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 International Criminal Court

2 Trial Chamber IX

3 Situation: Republic of Uganda

4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15

5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and

6 Judge Raul C. Pangalangan

7 Trial Hearing - Courtroom 1

8 Monday, 30 January 2017

9 (The hearing starts in open session at 9.34 a.m.)

10 THE COURT USHER: [9:34:25] All rise.

11 The International Criminal Court is now in session.

12 PRESIDING JUDGE SCHMITT: [9:34:42] Good morning, everyone.

13 Good morning, Mr Witness. Welcome again in the courtroom.

14 Court officer, please call the case.

15 THE COURT OFFICER: [9:34:55] Thank you, Mr President. The situation in Uganda,

16 in the case of The Prosecutor versus Dominic Ongwen, case reference ICC-02/04-01/15.

17 We are in open session.

18 PRESIDING JUDGE SCHMITT: [9:35:09] Thank you.

19 And now for the appearances, the Prosecution first.

20 MR ELDERFIELD: [9:35:14] Good morning, your Honours. Julian Elderfield,

21 Pubudu Sachithanandan, Benjamin Gumpert, Colleen Gilg, Yulia Nuzban, Colin Black,

22 Sanyu Ndagire, Adesola Adeboyejo, Ramu Fatima Bittaye.

23 PRESIDING JUDGE SCHMITT: [9:35:34] Thank you.

24 Mrs Massidda, please.

25 MS MASSIDDA: [9:35:38] Good morning, your Honours. Paolina Massidda, with me

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 in courtroom today, Ms Caroline Walter and Mr Orchlon Narantsetseg.

2 PRESIDING JUDGE SCHMITT: [9:35:49] Thank you.

3 Mr Manoba.

4 MR MANOBA: [9:35:53] Good morning, your Honours. Joseph Manoba and

5 Mr James Mawira.

6 PRESIDING JUDGE SCHMITT: [9:35:57] Thank you.

7 And for the Defence, Mr Odongo, please.

8 MR ODONGO: [9:36:01] Good morning, your Honours. I am Krispus Ayena Odongo.

9 I am assisted by Charles Taku Achaleke, Mr Thomas Obhof, Tharcisse Gatarama and

10 Roy Titus Ayena. Dominic Ongwen, the accused, is in Court.

11 PRESIDING JUDGE SCHMITT: [9:36:20] We understand that there is a medical issue

12 possibly with Mr Ongwen. This will be dealt with during the first break, I would assume.

13 Thank you.

14 The Prosecution has still the floor. Mr Elderfield.

15 MR ELDERFIELD: [9:36:36] Thank you. Your Honour, we have 13 sound recordings.

16 I hopefully or I estimate we can get through them hopefully today and perhaps the

17 morning session tomorrow. So we'll do that as fast as we can.

18 WITNESS: UGA-OTP-P-0059 (On former oath)

19 (The witness speaks Acholi)

20 QUESTIONED BY MR ELDERFIELD: (Continuing)

21 Q. [9:36:58] Good morning, Mr Witness.

22 A. [9:37:00] Good morning.

23 Q. [9:37:03] I'm going to play a sound recording for you, just like we did last thing on

24 Friday. The ERN is UGA-OTP-0235-0038. It's a short excerpt of track 2 from 5.42 to 7.54.

25 And the rolling transcript will appear on evidence 2.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 Mr Witness, you have a pen and paper in front of you in case you'd like to take some
2 notes.

3 (Playing of the audio excerpt)

4 MR ELDERFIELD: [9:40:14]

5 Q. [9:40:14] Mr Witness, did you recognize any voices on that sound recording?

6 A. [9:40:27] Yes, I did recognize some voices.

7 Q. [9:40:31] And which were they?

8 A. [9:40:43] I heard the voice of signaller Ocen. I also heard Joseph Kony's voice. I
9 also heard Dominic Ongwen's voice. Then there was another signaller whose voice I do
10 not recall, but he came in much later. These are the voices that I heard.

11 Q. [9:41:15] And what was the conversation about?

12 A. [9:41:31] They were talking about when Ocen came on air, immediately Dominic
13 also came on air. They called and Dominic had an operation report to give. So he said
14 he had just returned from an attack. Then came Kony, Joseph Kony also came in and
15 also asked, "Where did you do the attack?"

16 He said he attacked Odek.

17 And Kony asked, "Odek, which place in Odek?"

18 And he replied that, "The centre and the barracks."

19 And Kony asked, "Did you burn down everything completely, including the bottoms of
20 my mothers?"

21 He said, "Yes, completely and also."

22 Joseph Kony also asked, "Do you also have some dog yen?" which is to mean probably
23 guns.

24 He said yes, he has them.

25 And also ask about PK, "Do you have PK?"

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

- 1 Dominic said, "Yes, I have PK, but I think they are still with my kafayi." Kafayi are the
2 soldiers, the soldiers, the foot soldiers.
- 3 So and he said the situation was not very calm yet, it is up and down and he would like to
4 go ahead and move on.
- 5 They ask him about Atabu, "Did some helicopter gunship came?"
- 6 He said, "No, he is still up and down. He was not sure. His security was not very
7 good." And he said, "He was moving on."
- 8 An unidentified signaller came in and said: No, even if that is not the gunship, that is
9 how we should defeat our enemies. So if there's any attack, just try and avoid, just try
10 and take cover.
- 11 That's what I heard. Thank you.
- 12 Q. [9:43:50] Thank you, Mr Witness. Can you please, with your assistant's assistance
13 please turn to tab 45.
- 14 The ERN of this document is 0248-0462. It's a confidential document.
- 15 Mr Witness, can you see your signature on the first page?
- 16 A. [9:44:50] Yes, I can see.
- 17 Q. [9:44:52] Can you please turn to page 0499. Line 7 -- sorry, can you let me know
18 when you're there?
- 19 A. [9:45:36] Not yet. Please say again what page number.
- 20 Q. [9:45:41] Page 0499.
- 21 A. [9:46:00] Yes, I have found it.
- 22 Q. [9:46:02] Line 714, on the left-hand side, near the top says "Madilu, Tem." Can
23 you explain to the Court what that means?
- 24 A. [9:46:21] Here Dominic Ongwen was calling Madilu. Madilu was the call sign of
25 Ocen signaller. His commander was Abudema, but they were together with Ocen

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 signaller. Dominic was speaking to Ocen at that time, but I did not hear Abudema's
2 voice.

3 Q. [9:46:50] Can you move down the page to line 733. Can you tell the Court what
4 annotation you made to that row and what the sentence means?

5 A. [9:47:25] The sentence he's saying is just from an attack. Over.

6 Q. [9:47:30] At line 736, so three rows down, can you explain the annotation you
7 made and what the sentence means?

8 A. [9:47:47] Here Joseph Kony asked: Where did you do the attack?

9 Q. [9:47:53] Can you please move over to the next page to line 748, and this is
10 something you mentioned in your summary. Can you explain what this sentence
11 means?

12 A. [9:48:19] Here he was speaking in proverbs, which meant you shot these people
13 and completely dispersed them, the people in the place that you attacked. So you
14 cleaned the back side of a mother is just saying: Did you completely wipe them off from
15 the attack?

16 Q. [9:48:44] Line 750, two lines further down, can you explain the annotation you
17 made and what the sentence means?

18 A. [9:49:00] So when Dominic said "Completely," Kony responded "Yes, it's exactly
19 the way I wanted it to be."

20 Q. [9:49:13] At line 754 you've written a word where the people who wrote this
21 transcript did not -- were not able to detect it. Can you explain what that word is and
22 what the sentence means?

23 A. [9:49:37] People fled. That word there means running, people fled following that
24 attack. That was a statement made by Joseph Kony.

25 Q. [9:49:54] And what does line 756 mean?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. [9:50:06] Here Kony was asking "Even the houses, you've burnt them completely?"

2 Q. [9:50:17] Can you please turn over the page to line 765, at the top on the left, and
3 explain what that sentence means?

4 A. [9:50:36] Here Kony was asked, "Do you have the guns? Are guns available that
5 you picked from the attack?"

6 Q. [9:50:48] Can you explain what line 771 means?

7 A. [9:51:03] Here he was referring to PK. This was a short way. He should have
8 actually said, "Do you have the PKM shotgun?" which is a shotgun. So Joseph Kony was
9 asking if Dominic managed to pick some shotguns from the attack.

10 Q. [9:51:25] And at the bottom of the page, line 785, can you explain what this
11 sentence means?

12 A. [9:51:49] Kony said, "This is very good. You should have killed these people and
13 finish them off completely."

14 Q. [9:52:04] That's all for that clip. I'm going to play you another portion of the same
15 audio. So can I just ask you to close your binder, please.

16 The ERN is still 0235-0038. And this short portion is from 20.52 to 21.33. And this
17 rolling transcript and for the rest of the day, the rolling transcripts are public and can be
18 played to the public. It is the transcripts that we're going through with the witness that
19 are all confidential.

20 (Playing of the audio excerpt)

21 MR ELDERFIELD: [9:53:52]

22 Q. [9:53:52] Mr Witness, did you recognize any voices on that sound recording?

23 A. [9:54:05] Yes, I did recognize.

24 Q. [9:54:08] Whose voices?

25 A. [9:54:18] I heard the voice of Otti Vincent. Dominic Ongwen came in later. And

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 I also heard Labalpiny's voice.

2 Q. [9:54:35] And what were they discussing?

3 A. [9:54:44] Otti was asking whether they had received report from Dominic. And
4 he said yes, he did. And he was calling Dominic, and Dominic responded, yes, he is on
5 line. That is briefly what I heard.

6 Q. [9:55:12] Can you please turn again to tab 45, and to page 0513. At the bottom of
7 the page, on the left, you've written the letters "OT". What does that mean?

8 A. [9:56:17] It means Otti Vincent.

9 Q. [9:56:20] And just under "OT" you've written the letters "LAB". What do they
10 stand for?

11 A. [9:56:30] Stands for Labalpiny.

12 Q. [9:56:36] Can you just very quickly scan your eyes over the bottom of that page
13 and the top of the next page, 0514, and then let me know when you've done that.
14 How accurately does the transcript reflect the sound recording you just heard?

15 A. [9:57:39] It's exactly the same recording.

16 Q. [9:57:49] We'll turn now to the third clip of the same sound recording, so if you can
17 just move our binder to the side, please.

18 The ERN is still 0235-0038, and we're still on track 2. And this excerpt is from 23.21 to
19 31.03.

20 (Playing of the audio excerpt)

21 MR ELDERFIELD: [10:06:08]

22 Q. [10:06:15] Mr Witness, who was speaking on that portion of the sound recording?

23 A. [10:06:33] The people talking were Otti Vincent, Ongwen, Dominic and a signaller,
24 I cannot remember the voice. There's also Labalpiny and the last voice was
25 Joseph Kony's voice.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 Q. [10:07:05] And what were they talking about?

2 A. [10:07:19] Dominic came on air because he was sending an operation report after

3 an attack he staged. He said he attacked Odek, he was confronted by many soldiers.

4 Here things were not so clear because there was a lot of interference. What I heard, at the

5 beginning, before the relay, is that there was one RPG pipe, there were two LMGs, there

6 were five SMGs and the chain for the PKM, this is the gun which uses a chain which

7 contains the bullets, and the capacity for each chain is 250 bullets. There were four of

8 them.

9 Otti asked, "Is the chain full?" He answered, "Yes, it is full." He said there also -- there

10 were some uniforms, as I said there was interference and it wasn't clear, but he talked of

11 10 uniforms, also 10 pairs of gumboots, 30 full magazines, 15 packs, there were 9 enemy

12 soldiers dead and he talked of full morale. He also said that he shot all the civilians.

13 This is what Dominic said.

14 Then Labalpiny asked -- he said he didn't hear very well and if possible he would

15 like -- he would like the report of the attack on Dominic to be sent to him. And now Otti

16 was the one sending this report to Labalpiny. Otti said that Dominic said he attacked

17 Odek. And the things he captured were the following: One PKM gun, one chain with

18 the capacity of 250 bullets, there were four of them, RPG pipes, there was one, two bomb

19 shells, 2 LMG, 5 SMGs, 30 full magazines, five 60-millimetre bombs, 10 pairs of uniform,

20 10 pairs of gumboots, 15 packs and enemy soldiers dead were 9 UPDF dead. For

21 civilians there were so many dead, he doesn't know even the number. He says he's fine,

22 there's nothing bad.

23 Dominic also continued to say that he had captured some people. He talked of having

24 captured eight people. Otti asked, "Are they men?" He answered, "Men mixed with

25 women." Joseph Kony asked a question, he said, "Keep well this SMG gun and you can

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 use the PKM." That's where they stopped talking.

2 Q. [10:11:45] Thank you, Mr Witness. Let's go to the transcript now, again tab 45.

3 Please turn to page 0516.

4 Can you tell us what line 1181 means?

5 A. [10:13:03] Can you repeat, please, which page?

6 Q. [10:13:07] Page 0516.

7 A. [10:13:19] Which line? Because I see it is on page 516.

8 Q. [10:13:29] Can you please explain line 1181?

9 A. Dominic has said, "I've just been shooting soldiers, UPDF soldiers." When he talks
10 of "our colleagues" that means -- that also includes civilians.

11 Q. [10:14:06] Over the page, please, to line 1197. Can you please explain what that
12 line means?

13 A. [10:14:28] 1197 Otti said, "I cannot hear very well. Can someone relay to me what
14 Dominic was saying because the signals were not clear?"

15 Q. [10:14:42] Over the page, please, to line 1219. Can you please explain what that
16 line means?

17 A. [10:15:11] There was an unidentified signaller who was doing the delay, saying
18 that the 200 PK -- he didn't finish.

19 Q. [10:15:26] Over the page, please, to line 1241. Can you please explain that line?

20 A. [10:15:47] Page 519, line 1241, Otti answered, "Yes."

21 Q. [10:16:03] And the next line, line 1241.

22 A. [10:16:16] Ongwen said "Fifteen. Over."

23 Q. [10:16:25] Line 1248, can you please explain?

24 A. [10:16:38] Ongwen said, "And also the bodies of the enemies." That means the
25 people he was fighting. So that includes UPDF soldiers and also civilians.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 MR TAKU: [10:16:55] Your Honours.

2 PRESIDING JUDGE SCHMITT: [10:16:56] Yes, Mr Taku.

3 MR TAKU: [10:16:58] The question was for him to explain what he wrote there. For
4 him now to say that includes, your Honours, I think he's not answering the question.
5 He's giving -- interpreting the evidence, whereas they are asking him to say exactly what
6 he wrote there, your Honours. They should make that distinction.

7 PRESIDING JUDGE SCHMITT: [10:17:16] Mr Elderfield.

8 MR ELDERFIELD: [10:17:19] Your Honour, over the -- well, on Friday it was quite
9 clear that the witness has listened to sound recordings and LRA communications for 11
10 years and has a certain knowledge based on what he's heard over that time, so what I'm
11 asking the witness to do is not only read out what he's heard literally, but also give his
12 understanding to give us some meaning because it's very difficult to know otherwise
13 anything apart from the literal Acholi translation if the witness doesn't give this
14 interpretation.

15 PRESIDING JUDGE SCHMITT: [10:17:51] I think it is clear that what the witness
16 is -- what the witness gives us in that respect is an interpretation, is his interpretation, not
17 more, not less, and this is part of the evidence. This might be questioned by you, but I
18 don't see why we should stop this kind of questioning before the background or the
19 understanding that it is a mere interpretation by this witness.
20 Please continue.

21 MR TAKU: [10:18:20] Thank you, your Honours. Thank you for that clarity.

22 MR ELDERFIELD: [10:18:23]

23 Q. [10:18:23] Mr Witness, line 1253 -- excuse me, line 1252, can you please explain?

24 A. [10:18:44] Ongwen said there's nothing bad on his side.

25 Q. [10:18:53] Line 1256, you've made no annotations. Can you just explain what you

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 remember hearing in that portion?

2 A. [10:19:25] He said people should wait. It was not so audible in this part. I can
3 see it has been translated that "We have shot all of them. Over." That is according to
4 the translation here.

5 PRESIDING JUDGE SCHMITT: [10:19:55] I would really like to clarify if the witness
6 really hears that or has heard that because now it seems that he refers to what is -- what he
7 is reading here, so this should be clarified, please, Mr Elderfield, with the witness.

8 MR ELDERFIELD: [10:20:10] Your Honour, I believe the witness mentioned this part in
9 his summary. I would like to replay just this line to the witness to see if he can hear it.

10 PRESIDING JUDGE SCHMITT: [10:20:19] I think he has heard it already. So to play it
11 a second time ...

12 MR ELDERFIELD: [10:20:27] The witness did mention it, this line in his summary. I'd
13 like just like to link the summary to this line in particular so your Honours are able to
14 understand more fully.

15 PRESIDING JUDGE SCHMITT: [10:20:41] Then, Mr Witness, the Prosecutor is going to
16 play to you a very short portion of the audio you have already heard. Please only
17 answer if you really understand something from the audio and don't just read out what is
18 here in the transcript. Yes. Have you understood, Mr Witness?

19 THE WITNESS: [10:21:16] (Interpretation) Can I ask a question?

20 PRESIDING JUDGE SCHMITT: [10:21:21] Yes.

21 THE WITNESS: [10:21:29] (Interpretation) You are playing this only portion?

22 PRESIDING JUDGE SCHMITT: [10:21:34] Yes.

23 (Playing of the audio excerpt)

24 MR ELDERFIELD: [10:22:34]

25 Q. [10:22:34] Mr Witness, what did you hear in that short portion?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. [10:22:45] Dominic said, "People should wait for the news. He has shot all the
2 soldiers. He has even attacked the barracks. Over."

3 Q. [10:23:07] Thank you, Mr Witness.

4 Let's move back to the transcript to line 1261. Can you please explain that line.

5 A. [10:23:38] Labalpiny said he wasn't available at that time. At the time the
6 message was sent he wasn't available, so he asked for the message to be resent to him.

7 Q. [10:23:58] Over the page please to line 1271. Can you please explain what line
8 1271 means?

9 A. [10:24:43] The PK and the four chains, the PK and the four chains, the 250 capacity
10 chain.

11 Q. [10:24:59] Over the page please to line 1300. Can you please explain that line?

12 A. [10:25:26] There were nine enemies dead.

13 Q. [10:25:33] Further down to 1310. Can you please explain?

14 A. [10:25:59] Otti relayed the message and said Dominic said he was fine, and there
15 was nothing serious.

16 Q. [10:26:11] 1313.

17 A. [10:26:29] Ongwen said he has captured some people.

18 Q. [10:26:34] 1315.

19 A. [10:26:48] An unidentified signaller said, relayed a message saying that Dominic
20 said he has captured some people.

21 Q. [10:26:59] Can you please turn over the page. There's a series of annotations
22 you've made from lines 1319 to 1325. Can you please explain what those lines mean?

23 A. [10:27:46] From 1319 up to where?

24 Q. [10:27:50] Down to 1325.

25 A. [10:28:21] He said he captured eight people. Then Otti asks, "Men?" Dominic

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 answered, "Men, but also with some women."

2 Q. [10:28:40] Thank you, Mr Witness.

3 Having reviewed the annotations in the transcript, how accurately does it reflect the
4 sound recording, the portions of the sound recording you've heard of this transcript?

5 A. [10:29:06] It represents the recording.

6 Q. [10:29:14] Thank you. Can you please move away your binder, we'll move on to
7 the next sound recording.

8 The ERN of the next sound recording is 0235-0043. I will play a short excerpt of track 2
9 from 3.22 to 6.00.

10 (Playing of the audio excerpt)

11 MR ELDERFIELD: [10:32:13]

12 Q. [10:32:13] Mr Witness, whose voices did you hear?

13 A. [10:32:23] The voices that I heard clearly were Otti Vincent and Joseph Kony.

14 There was an unidentified person and so I did not clearly understand that voice.

15 Q. [10:32:50] And what were they talking about?

16 A. [10:33:00] Kony was giving instructions to Otti how he should be able to command
17 his group, because he has now seen that the soldiers were not doing -- or they were not
18 working according to how the LRA should operate.

19 He gave an example of Angola and other people whose work was just to go and collect
20 food from the camp. But for him, he does not want people to go and collect food from
21 the camp. So Otti, using his authority as commander, overall commander should arrest
22 all these people. He should not even make any mistake of giving ammunitions to these
23 people, because they're not using it well, they're only using it for looting or pillaging of
24 food. And he gave examples on Dominic and said, "Look at how Dominic is doing his
25 work very well. The other day he did his work very, very well." And that is where he

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 ended his communication.

2 Q. [10:34:26] I'd like to turn now to the transcript of this sound recording. Can you
3 please turn to tab 47. Is that your signature at the bottom of the first page?

4 A. [10:35:00] Yes, it is my signature.

5 Q. [10:35:03] Can you please turn to page 0440. At line 50, on the left, you've written
6 the letters "AB." Who's that?

7 A. [10:35:39] That one is Abudema. AB, AB should be for Abudema. Actually, it is
8 Abudema.

9 Q. [10:35:54] Can you please turn over the page to line 66. You mentioned Angola in
10 your summary. Who is Odongo and who is Angola?

11 A. [10:36:25] Odongo, Odongo was one of the LRA commanders who was in the bush
12 together with Angola. Angola up to today is still with them. Odongo is the one who
13 has returned now back, he's in Uganda.

14 Q. [10:36:49] The initials on the left of that line I can see "JK," can you just tell us who
15 that is?

16 A. [10:37:06] JK is Joseph Kony.

17 Q. [10:37:07] My last question for this tape. Please move to line 82, over the page,
18 there's an unintelligible section of about 10 seconds in that line. I believe you mentioned
19 it in your summary. Can you just tell us what was said during that unintelligible
20 portion?

21 A. [10:38:16] This was a communication which is coming from the previous
22 Joseph Kony's communication when he was praising Dominic Ongwen for the work, the
23 good work he has been doing, and he's mentioning that even the other day he did so well.
24 So it's just a continuation. And he said that if there are people who are not doing the
25 correct thing, then it is not right.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 Your Honour, I'd like to play this short 10-second portion to the witness, with your leave.

2 PRESIDING JUDGE SCHMITT: [10:38:55] Yes.

3 MR ELDERFIELD: [10:39:00]

4 Q. [10:39:00] Mr Witness I'm just going to play you 10 seconds of that line, line 82, to
5 see if you can tell us what's in that unintelligible portion.

6 (Playing of the audio excerpt)

7 MR ELDERFIELD: [10:39:45]

8 Q. [10:39:45] Mr Witness, did you pick up anything that's not already written down in
9 that line 82?

10 A. [10:39:56] There is a portion where it was not audible, it was not very clear, but it's
11 not different from what I am saying. He's explaining and thanking Dominic for doing
12 good job, and he's saying if all of the commanders were working like Dominic would be
13 very good. He gave an example that the other day Dominic was working and he worked
14 very well, and from that point the volume went low so it wasn't very clear.

15 Q. [10:40:32] Thank you, Mr Witness.

16 From your review of this portion of the transcript, how accurately does it reflect the sound
17 recording that you heard, not just that portion, but the whole portion that was played to
18 you?

19 A. [10:40:54] Yes, the voice, this matches the recording and also the clip that I listened
20 to.

21 Q. [10:41:01] Thank you. That's enough for that sound recording, we'll move on to
22 the next one.

23 Sorry, I'll just read out the tab number -- sorry, the ERN for tab 47. I was told I haven't
24 done that. The ERN is 0248-0436. My apologies.

25 The next sound recording is ERN 0235-0049. And I will play a short excerpt of track 1

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 from 16.13 to 19.03.

2 (Playing of the audio excerpt)

3 MR ELDERFIELD: [10:45:14]

4 Q. [10:45:17] Mr Witness, whose voices did you recognize on that sound recording?

5 A. [10:45:32] There were three voices that came over: There was Dominic, there was
6 Dominic's voice; Lukwiya Raska's voice; and Otti Vincent.

7 Q. [10:45:48] And what were they discussing?

8 A. [10:46:03] Dominic was reporting an attack that he had just conducted and that
9 he'd just returned from an attack. And the enemy soldiers were -- ran away. And one
10 of the commanders of the UPDF ran with a white chicken beside him or on his side. And
11 he said he did attack, and during this attack, the attack on both the soldiers and the
12 civilians, he also advanced and towards the army base.

13 And there were three mambas that were hidden somewhere in the valley, and when he
14 saw the three mambas he started moving towards them. And they started shelling at
15 them, and the mamba was shelling them. And the bomb shells were actually landing
16 amongst them, but he continued and advanced forward.

17 Then from there he started burning the barracks and the camp. The three mambas, there
18 were actually three mambas that went and hid somewhere in the valley. And he had a
19 big gun that would actually shoot the mambas, but he did not use it.

20 They were two two. So when I say "two two," it means there were two UPDF gunship
21 that would move together. So the LRA would actually refer to it as moving in pairs, so
22 two two. So the gunship was also bombing them, but it did not, it did not affect them.
23 That's what I can get from this recording.

24 Q. [10:48:48] Mr Witness, what is a mamba?

25 A. [10:48:57] A mamba is a UPDF weapon, it's actually a vehicle that has weapons in

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 it, but it can fire bombs, it can also fire machine guns. So in Uganda it was mostly used
2 by the UPDF. The LRA did not have it.

3 Q. [10:49:27] Let's turn to the transcript now of this sound recording. It's tab 49 of
4 your binder.

5 And the ERN is 0248-0524.

6 Mr Witness, do you see your signature at the bottom of the first page?

7 A. [10:50:07] Yes, I can see.

8 Q. [10:50:08] Can you please turn to page 0542. At line 398 you've written "Charlie
9 Queen." What does that mean?

10 A. [10:50:48] Charlie Queen means all station, but in the real signal language it's
11 supposed to be Quebec, which means all station.

12 Q. [10:51:07] The next line, 399, on the left you've written the letters "LOK," what do
13 they mean?

14 A. [10:51:26] That one is Lukwiya Raska.

15 Q. [10:51:29] At line 401 there are the words "Keto Keto." What's that?

16 A. [10:51:48] Keto Keto is also one of the names that is used by Lukwiya, Lukwiya
17 Raska, it is also a name who is used to refer to Lukwiya Raska.

18 Q. [10:52:04] At line 408, can you tell us what that line means?

19 A. [10:52:21] Dominic said he had just returned from warming the body of boys; in
20 other words, he had just returned from attacking the UPDF. So that warming means he's
21 just been from shooting them.

22 Q. [10:52:39] Line 411, on the left, you've written the letters "OCE." What do they
23 mean?

24 A. [10:52:58] OCE is Ocen.

25 Q. [10:53:01] And who is Ocen?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. [10:53:09] Ocen was a signaller who was with Abudema. He was Abudema's
2 signaller.

3 Q. [10:53:18] Can you please turn over the page and please look at several lines, 434,
4 436 and 438. You've made a few annotations. Can you tell us what those lines mean?

5 A. [10:53:47] Dominic said yesterday he went for an attack, for an attack. Should I
6 continue ahead?

7 Q. [10:54:18] Please, to the next two to four lines.

8 A. [10:54:32] And below he continued and said, "When I was moving -- when I was
9 walking, the civilian were able to recognize him." And "waya" means civilian. They
10 were able to recognize him earlier before he could attack.

11 So at the time when I was still moving to go to that place, the civilian were able to
12 recognize him.

13 I don't know whether I should continue because I'm already in line 438.

14 Q. [10:55:21] No, that's fine. Thank you.

15 We'll move over the page. Can I please ask you to look from lines 446 down to 460.

16 There's a series of annotations you've made in those lines. Can I ask you to please walk
17 us through those?

18 A. [10:56:04] Here Dominic said he captured some civilians. In line 448, "I started
19 shooting, shelling the place, all over the place. We just -- was just firing bombs all over
20 the place anyhow."

21 Then it was the mambas that responded to the bombs that he was actually firing. And
22 here the next line is also repeating that mambas, it was the mambas that responded from a
23 distance, from wherever they were. And he started advancing towards the mambas,
24 which ended in line 456, that is "I started advancing towards the mambas together with
25 the -- together with the soldiers."

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 Q. [10:57:29] And at line 458, what does that line mean?

2 A. [10:57:40] Here he said he started shelling them and they all ran away.

3 Q. [10:57:48] And line 460?

4 A. [10:58:20] He said the mambas began to -- started hiding and because he was now
5 advancing towards them, so the mambas started hiding and covering up themselves.

6 MR ELDERFIELD: [10:58:37] Perhaps we can move on after the break, your Honour?

7 PRESIDING JUDGE SCHMITT: [10:58:41] How long would it take you to go through
8 this one?

9 MR ELDERFIELD: [10:58:46] I've got about six more questions for this portion of the
10 sound recording and then another clip, a second clip to play of the same sound recording.

11 PRESIDING JUDGE SCHMITT: [10:58:59] I think you should finish at least this clip so
12 that we have a clear cut, so to speak.

13 MR ELDERFIELD: [10:59:08] I estimate five minutes.

14 Q. [10:59:11] Mr Witness, can you please turn over the page to line 467 and explain to
15 us what that line means?

16 A. [10:59:36] The bomb shells were landing amidst us, but we were not injured. So
17 Dominic was giving this report.

18 Q. [10:59:47] And at line 471?

19 A. [10:59:57] He was only repeating and saying there was no problem on his side.

20 Q. [11:00:05] What are the words that you included in line 473 or the change that you
21 made?

22 A. [11:00:21] There was -- the translation was not very correct, so it was supposed to
23 mean he started advancing, started advancing towards the soldiers, the UPDF soldiers for
24 that matter.

25 Q. [11:00:36] Further down the page now to line 481, can you explain 481, and then

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 483 and 485?

2 A. [11:01:10] Here he said he had gone with the missiles to shoot the mambas, but he
3 did not find it. He then returned back. And the two two, this refers to helicopter
4 gunship, even the UPDF helicopter gunship arrived and were bombing the place, but
5 all -- they were not injured, all of them were not injured despite the shelling.

6 Q. [11:02:06] And line 485?

7 A. [11:02:17] All the bombs, all the bombs that were fired never injured them, it just
8 fell. They never got injuries.

9 Q. [11:02:31] At the top of the next page, 487?

10 A. [11:02:43] He's saying he is okay, there is no problem with him.

11 Q. [11:02:49] Mr Witness, having reviewed this portion of the transcript, how
12 accurately does it reflect the sound recording that you just heard?

13 A. [11:03:08] It matches, it matches the recording. But I think there is one of the
14 signallers, I did not get his name clearly, but the rest of the communication is the same, it
15 matches, it is talking about the attack that was done.

16 Q. [11:03:30] Thank you.

17 PRESIDING JUDGE SCHMITT: [11:03:32] We'll have the break until 11.35 so that we
18 have a full half hour.

19 THE COURT USHER: [11:03:39] All rise.

20 (Recess taken at 11.03 a.m.)

21 (Upon resuming in open session at 11.35 a.m.)

22 THE COURT USHER: [11:35:20] All rise.

23 PRESIDING JUDGE SCHMITT: [11:35:42] Mr Elderfield, you can continue with the
24 second portion of the last audio.

25 MR ELDERFIELD: [11:35:48] Thank you. The ERN of this audio is still 0235-0049 and

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 this is a short excerpt of the same track, track 1, from 20.22 to 22.22.

2 (Playing of the audio excerpt)

3 MR ELDERFIELD: [11:38:31]

4 Q. [11:38:32] Mr Witness, whose voices did you hear on that sound recording?

5 A. [11:38:41] I heard three voices, Ongwen's voice, Labalpiny's voice and Joseph
6 Kony's voice.

7 Q. [11:39:04] And what was discussed in this conversation?

8 A. [11:39:16] At the beginning Ongwen is telling Labalpiny that he has someone
9 called Kalalang with him who has fallen sick. So he wanted, he wanted a prescription
10 for treatment for the sick person. He wanted to know which medicine can be used for
11 treating Kalalang, the sick person.

12 Then afterwards Joseph Kony came in and said, he was telling Dominic that Dominic
13 should not just operate any how, but if possible, he should first send some soldiers to
14 capture some civilians, just any civilians. So once the civilians are captured, at least the
15 civilians can tell them secrets concerning the camp which is near him.
16 Dominic said that the civilians, when they see them, they start making alarms. And
17 Kony said: No, I think if possible, you should first at least send 10 soldiers to go near the
18 defence of the enemies so that they may understand what is taking place in that camp, the
19 situation in the camp. If they went there, they could capture some civilians, who then
20 will tell them what is going on in the camp, because if you don't do it like that, you may
21 just go and not achieve anything in your attack.

22 Q. [11:41:59] Thank you, Mr Witness. Can I please ask you to go to your binder and
23 turn back to tab 49. And I'll call out the ERN again, 0248-0524. And, Mr Witness, please
24 turn to page 0547. At the bottom of that page on the left at row 538 you've written the
25 letters "LAB." What do they mean?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. [11:43:12] Can you please repeat the line, the row?

2 Q. [11:43:17] It's at line 538 on the left, the letters "LAB."

3 A. [11:43:29] That means Labalpiny.

4 Q. [11:43:33] Over the page, line 546, you've written "Kalalang. Over." If you
5 remember, can you tell the Court who Kalalang is?

6 A. [11:43:56] Kalalang is an LRA commander who was in the bush. At the time
7 Ongwen was talking he was with Dominic Ongwen.

8 Q. [11:44:21] What does line 548 mean?

9 A. [11:44:36] Ongwen is saying that Kalalang has been affected by an ulcer.

10 Q. [11:44:49] Can you please explain your corrections at line -- excuse me, your
11 corrections at line 552.

12 A. [11:45:17] I'm not understanding very well. Perhaps if you could play it again.
13 Because you can see I separated, that means there are two people who had -- who talked.
14 The first person had put altogether. Ongwen said something which is not very audible,
15 then Labalpiny also answered.

16 MR ELDERFIELD: [11:46:12] Your Honour, I'd like to move on.

17 PRESIDING JUDGE SCHMITT: [11:46:15] I think this is -- would not be necessary.
18 Perhaps you move on.

19 MR ELDERFIELD: [11:46:19]

20 Q. [11:46:19] Mr Witness, we'll move on from then. Can you please explain to the
21 Court what line 560 means?

22 A. [11:46:55] Joseph Kony is saying, "If possible, Dominic should send some soldiers
23 to go to the place -- to go near the place for which they were making a plan for an attack."
24 And he says, if possible, he should capture some civilians so that they may tell them what
25 plan is in the barracks. That is what he was saying.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 Q. [11:47:32] Please turn over the page. At line 564, can you explain that line, please.

2 A. [11:48:02] He said, this is Joseph Kony still speaking, he says, if possible, Dominic
3 should send 10 or 20 soldiers to go there, to go to that place which they are targeting. He
4 says that if he doesn't proceed in that manner, it may not be possible to get access to this
5 secret.

6 Q. [11:48:39] What does the word "fayi" mean?

7 A. [11:48:52] Fayi means soldiers. If written in full it would be kafayi. So in short is
8 fayi, standing for kafayi. So he is saying that he should send soldiers.

9 Q. [11:49:17] And finally line 569.

10 A. [11:49:35] He is saying that if Dominic doesn't follow his advice, then he may
11 misfire. That's what he's trying to say by saying he will have a missed call, he would
12 misfire because he would not have followed his advice.

13 Q. [11:49:56] What does "misfire" mean in this context?

14 A. [11:50:06] That means that the plan will not be achieved, it would not be possible
15 to achieve what had been planned.

16 Q. [11:50:24] Thank you, Mr Witness. How accurately does this transcript reflect the
17 sound recording that you just heard?

18 A. [11:50:43] It accurately, accurately reflects the sound recording.

19 Q. [11:50:47] Thank you. We'll move on to the next sound recording. Can I ask you
20 to please move the binder away.

21 The ERN of the next sound recording is 0239-0112. And the short excerpt is of track 2
22 from 12.49 to 15.46.

23 (Playing of the audio excerpt)

24 MR ELDERFIELD: [11:54:34]

25 Q. [11:54:35] Mr Witness, whose voices did you recognize on that portion of the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 sound recording?

2 A. [11:54:42] In this part there are three persons whose voice I have heard, Abudema's
3 voice, Joseph Kony's voice and Otti Vincent's voice.

4 Q. [11:55:10] And what's being discussed?

5 A. [11:55:26] They were talking, Kony started announcing the promotions he has
6 made for some officers. He said he's going to make these promotions, but later on Otti
7 should make arrangements to celebrate the promotions he is -- he has made. And he
8 added that the names he is going to read will mean that their ranks have been added by
9 one step.

10 I wonder whether you would allow me to give more explanations here?

11 For example, in the army when a commander was at the rank of second lieutenant, one
12 more rank would mean going from second lieutenant to lieutenant. If he was a major, he
13 would become a lieutenant colonel. That's just an example. So he's saying that the
14 names he's mentioning, that means each of them has been promoted with one more rank.
15 So Kony started by mentioning, himself, that he had given himself one step -- a rank one
16 step higher. He also mentioned Lakati's name also with one rank higher. Otulu, one
17 rank higher, Ocen's signaller, one rank higher, Odomi, Dominic Ongwen, in short called
18 Odomi, also had a rank added to him. Michael Odek also had a rank higher.

19 Okot Odek also promoted by one rank. Kwoyelo, Thomas. Here he just mentions
20 Kwoyelo, he talks of one rank. Anywar Signaller also had a rank added. And lastly, he
21 also added a rank to Otti Vincent. He added -- Kony asked, "Who is that?" And Otti
22 answered, "Otti Vincent." Then he laughed and also Kony laughed. And it ended there.

23 Q. [11:58:36] Thank you, Mr Witness. Can you please turn to your binder to tab 51.

24 The ERN is 0248-0381.

25 Mr Witness, do you see your signature at the bottom of that page?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. [11:59:14] Yes, I do.

2 Q. [11:59:17] Can you please turn to page 0417. On the right-hand side of the page
3 there's a timestamp 28.16. Can you see the line next to that?

4 A. [12:00:16] Yes, I'm seeing that.

5 Q. [12:00:18] Can you tell us what that line means and who said it?

6 A. [12:00:41] This is Kony. He's the one who said that.

7 Q. [12:00:47] And what is he saying? What's the meaning of what he's saying?

8 A. [12:01:03] It's not clearly written, but he was saying "starting from the higher
9 ranks."

10 Q. [12:01:19] What about the next line? What does that mean?

11 A. [12:01:30] You know, officers in Uganda, they bear their pips on their shoulders, so
12 with the higher ranks beginning with officers and below.

13 Q. [12:01:50] And the next line that start with the words "Ci dong."

14 A. [12:02:12] He said he would make -- he would arrange for another day later for
15 celebrating the new ranks.

16 Q. [12:02:28] And who said that?

17 A. [12:02:35] That was Joseph Kony.

18 Q. [12:02:41] Further down the page you've made a correction in red pen. Can you
19 tell us what your correction is and what the line means?

20 A. [12:02:59] He was just explaining here in that line he said each person -- he was
21 saying that for each person he's going to mention they will have an added rank.

22 Q. [12:03:23] And the line after that, what does that mean?

23 A. [12:03:34] He gave an example. He's talking about stars, and the stars are used for
24 indicating the ranks.

25 Q. [12:03:48] And the final line on that page, what does that mean?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. [12:04:00] The second last, that means one more rank has been added to the present
2 rank.

3 Q. [12:04:19] Over the page about halfway down next to the letters "JK" or Joseph
4 Kony, you've changed Odulu to Otulu. Can you tell us who that is?

5 A. [12:04:46] Otulu was one of the commanders of the LRA, but later on during one of
6 the attacks he died.

7 Q. [12:05:09] (Redacted)

8 (Redacted)

9 A. [12:05:32] (Redacted)

10 (Redacted).

11 Q. [12:06:08] Having reviewed this transcript, how accurately does it reflect the sound
12 recording that you've heard?

13 A. [12:06:21] It accurately represents the recording.

14 Q. [12:06:26] Thank you. We'll move on to the next sound recording now. You can
15 move away your binder.

16 The ERN of this one is 0239-0085. And the excerpt is of track 1 from 28.18 to 30.59.

17 (Playing of the audio excerpt)

18 MR ELDERFIELD: [12:10:05]

19 Q. [12:10:06] Mr Witness, whose voices did you hear?

20 A. [12:10:19] The only clear voices that I heard includes Labalpiny's voice, Otti and
21 Dominic Ongwen.

22 Q. [12:10:34] And what were they discussing?

23 A. [12:10:44] Labalpiny was calling Lima Charlie, which was the call sign that was
24 being used by Dominic at that time, that he should now leave his unit and go to another
25 unit, which was called Zulu Oscar, that he should now do Zero Bravo, so he should

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 now -- that means the unit he should go to is the Zero Bravo unit. He also repeated that
2 from right now, from now on you are not in your old unit, you are now in the Zero Bravo
3 unit. And he asked to confirm if he had understood this, and he said "Yes;" and that if
4 you go to Zero Bravo, you are now the title. And "the title" here means you are now the
5 head of that unit.

6 And Ongwen was complaining that his radio has a problem, and he was asked whether it
7 was a battery or it was a microphone, and he said "All of them, the problem is much
8 bigger."

9 Otti asked him if, asked Dominic if he had understood or got information about the
10 transfers that had just happened. Then he said, no, he had not understood.

11 And Otti told him that: From now on you know that you have been transferred and you
12 are going to be now the overall commander of the Sinia brigade.

13 He asked Dominic to confirm if he had understood.

14 And Otti further said that all the other soldiers should now be under his control, should
15 be under -- within his fingertips and to take care of them.

16 And the other people, the rest of the other people he should, he should send them to Zulu
17 Oscar, which was another call that was used. That is where the conversation ended.

18 Q. [12:13:15] Do you know what the call sign Zulu Oscar stood for or represented?

19 A. [12:13:32] Is it Zulu Oscar? At this point I do not understand clearly, but as
20 written up above, it was clearly explained.

21 Q. [12:13:52] Let's turn to the transcript. Can you please turn to tab 53. The ERN is
22 0258-0782.

23 Mr Witness, do you see your signature at the bottom of the first page?

24 A. [12:14:33] Yes, I can see.

25 Q. [12:14:38] Can you please turn one page to 0784 on the right-hand side. At line

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 542 is the words "Lima Charlie." Can you confirm as you said in your summary that
2 that's Dominic Ongwen's call sign?

3 A. [12:15:06] It's correct.

4 Q. [12:15:09] Can you please turn over the page to line 553. Can you tell us what
5 that line means, and if you know, what Zero Bravo represents?

6 A. [12:15:45] That you are now Zero Bravo. Zero Bravo is the call sign that was used
7 in the Sinia brigade.

8 Q. [12:16:00] Can you please turn -- well, go to the next page to line 566 and explain to
9 us what that line means?

10 A. [12:16:19] "That means you are now the overall commander of Zero Bravo. Have
11 you understood?"

12 "The title" there is that you are now the overall commander.

13 Q. [12:16:33] On the left you've written the letters "US." What does that -- what do
14 they mean?

15 A. [12:16:46] Yeah, that was a signaller whose voice I could not clearly get, was the
16 one relaying this message to Dominic.

17 Q. [12:16:57] About halfway down the page, line 573, on the left are three letters,
18 "LBP." What do they mean?

19 A. [12:17:13] It means Labalpiny.

20 Q. [12:17:18] At the bottom of the page, line 582, can you explain your annotation and
21 what that line means?

22 A. [12:17:32] Otti was talking about the programme and transfers that was done,
23 whether he had understood, was asking whether Dominic understood about these
24 transfers.

25 Q. [12:17:48] Over the page, line 586, can you explain what that line means?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

- 1 A. [12:18:27] Here Dominic was saying that his radio, his radio was disturbing him.
2 So he got some information, but he could not be able -- he couldn't get all the details, so he
3 needed more information about what was being said.
- 4 Q. [12:18:49] Can you explain, please, line 597.
- 5 A. [12:19:08] That you should bring all the soldiers to come under you, to be under
6 your control, should ensure that all the other soldiers are under your control, and was
7 asking if he had understood this. That was being said by Otti.
- 8 Q. [12:19:39] At the bottom of that page, line 601, which also moves across to the next
9 page, can you explain what that line means and what Zulu Oscar means, if you know?
- 10 A. [12:20:06] Otti was saying that apart from these foot soldiers, Dominic should send
11 them to the call sign Zulu Oscar.
- 12 Q. [12:20:20] And do you know what that call sign represents?
- 13 A. [12:20:27] It could be a brigade or a unit.
- 14 Q. [12:20:35] Mr Witness, having reviewed this transcript, how accurately does it
15 reflect the sound recording that you just heard?
- 16 A. [12:20:49] It's an accurate recording.
- 17 Q. [12:20:55] Thank you. I'd like to move on now to the next sound recording.
18 The ERN is 0239-0062. The excerpt is of track 2 from 24.50 to 27.06.
19 (Playing of the audio excerpt)
- 20 MR ELDERFIELD: [12:23:58]
- 21 Q. [12:24:02] Mr Witness, whose voices did you recognize?
- 22 A. [12:24:11] I heard Abudema's voice. He was speaking to Kony.
- 23 Q. [12:24:23] And what were they talking about?
- 24 A. [12:24:32] Abudema was narrating to Kony that he heard reports from radio
25 domestic what was being talked about the LRA. Then Kony said, according to BBC, that

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 the civilian population was supporting Museveni and that for them they are
2 fighting -- they are not fighting the civilians, but they are fighting Museveni.
3 Then Abudema said, Museveni has given guns to all the civilians and now the civilians
4 have also turned against them and have become the enemy. So he said if the civilians do
5 not change from supporting Museveni against them, then they will kill all the civilians
6 and finish them.

7 Then Kony said, "No, you cannot finish all the civilians." And he gave an example
8 that -- he used an example or title, if you beat one Lango who is -- if you beat one Lango,
9 then they will all run away to Karuma.
10 So he said the LRA should just concentrate on their work, by all means they will defeat
11 Museveni.

12 This is what the communication or conversation was about.

13 Q. [12:26:44] Thank you. Can you please turn to tab 55. The ERN is 0248-0342.

14 Mr Witness, can you see your signature at the bottom of the first page?

15 A. [12:27:10] Yes, I can see.

16 Q. [12:27:16] Please turn to page 0369. You've summarised to us that the
17 conversation was between Abudema and Joseph Kony. Can I confirm that the letters
18 "JK" and "AB" on the left of page 0369 are those two people?

19 A. [12:28:13] Yes, that's correct.

20 Q. [12:28:17] Can you please turn over the page to 0371. Can you explain the
21 addition you've made in line 446.

22 A. [12:28:51] Kony is saying that when it's clear when the situation is now okay.

23 Q. [12:29:03] Over the page to line 452, can you explain your annotations and what
24 the line means?

25 A. [12:29:20] He is telling Abudema that "You cannot completely finish the civilians."

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 He gave an example that if you beat one Lango who is uprooting a cassava, will run and
2 cross to the other side of the river Nile to Karuma. And that is what he is saying here.
3 He's saying, according to this, that the Lango are close to Acholi, so when you get a Lango
4 who is in -- uprooting or harvesting cassava in the garden, and you try to attack or
5 capture, they will all run across the other side of the river.

6 Should I go ahead?

7 Q. [12:30:35] Can you please explain line 454?

8 A. [12:30:50] Kony continued saying that you can never finish the civilians.

9 Q. [12:31:12] Mr Witness, how accurately does this transcript reflect the sound
10 recording that you've just heard?

11 A. [12:31:27] It reflects the sound recording.

12 Q. [12:31:30] I'd like to move on to the next sound recording now. The ERN is
13 0258-0143. And the excerpt is of -- is from 8.00 to 11.30.

14 (Playing of the audio excerpt)

15 MR ELDERFIELD: [12:35:40]

16 Q. [12:35:40] Mr Witness, whose voices did you recognize?

17 A. [12:35:55] I heard the voices of Ongwen, who is talking with Ocen. Ocen was
18 Abudema's signaller at that time. Later on, there's Labongo who used the call sign
19 Labongolworo.

20 Q. [12:36:27] And what were they discussing?

21 A. [12:36:38] Ocen was saying that he heard on -- over domestic radio that Dominic
22 Ongwen, the radio -- according to the radio, Dominic had assembled people under his
23 control and he was talking to them. And the person who was talking said that it was
24 being said that the people in the bush should come back home and leave the bush. And
25 also Abudema should also allow the children who are in the bush to come back home.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 Labongo said if Labongo -- if it is difficult to shoot the UPDF soldiers, then he should send
2 them to a camp called Pageya. And he said they can go to that place any time.

3 So it was said that Icaya Loum, who was an LRA commander, amidst them, said that
4 afterwards he came back home and he said on radio -- and he said on radio that he
5 should -- LRA should be merciful so that the children who were with them should
6 be -- come back home.

7 And afterwards they were using some other language, actually it was Ocen who was
8 saying that Icaya was just talking anyhow and yet he is barren, he cannot have children.
9 And he said if Icaya Loum dares, then he should wait for them. One day they will get
10 Icaya Loum.
11 That's what he was saying.

12 Q. [12:39:32] Do you know where the Pageya camp is?

13 A. [12:39:49] Pageya camp is on the eastern side of Gulu town or Gulu municipality.
14 It's about 3, 4 kilometres following the northern route.

15 Q. [12:40:11] Let's turn to the transcript. It's at tab 57.

16 The ERN is 0266-0146.

17 Mr Witness, do you see your signature at the bottom of the page?

18 A. [12:40:49] Yes, I do.

19 Q. [12:40:52] Can you please turn to page 0154. At the bottom right, line 176 there's a
20 word "Madilu." Can you tell us again who that is?

21 A. [12:41:32] Madilu is the call sign which used to be used by Abudema. And at the
22 time of this communication it was Ocen who was talking because he was Abudema's
23 signaller.

24 Q. [12:41:53] Over the page to line 182, can you explain what that line means?

25 A. [12:42:16] Ongwen said that the radio said he shall return the children home; in

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 other words, the LRA unit should be returned home.

2 Q. [12:42:31] And what does line 184 mean?

3 A. [12:42:55] He's saying, as he has already assembled his people, he should now
4 actually disperse them and let each one find his or her way home. That one he's saying,
5 according to what was said on radio. Each person should find his or her way back home.

6 Q. [12:43:17] And line 191?

7 A. [12:43:26] He said he too will assemble his people. Whether it means giving
8 death, he will do so because he is not ready to return these people home. That means
9 death or not.

10 PRESIDING JUDGE SCHMITT: [12:44:00] May I ask a question.

11 Mr Witness, what does "distribute" mean according to your understanding?

12 THE WITNESS: [12:44:17] (Interpretation) He's saying that according to the radio,
13 he's reporting that LRA seems to have failed in its war actions. If possible, people should
14 be just distributed and sent back home. They should not continue staying in the bush
15 with the LRA.

16 PRESIDING JUDGE SCHMITT: [12:44:51] Mr Witness, I have a following question.

17 Of course, we, as Judges, and the other people mainly here in this courtroom only
18 understand what is written in English there, and it looks like at least the person speaking
19 is not referring to something that he has heard, but is speaking of himself in the first
20 person, so to speak, "I." So I would like to understand this a little bit better.

21 It looks like as if not this person has heard something of distributing somebody else, but
22 as if this person himself says "I am going to do this." But it may well be that we do not
23 have this correct understanding.

24 THE WITNESS: [12:45:53] (Interpretation) Your Honour, with great respect, thank
25 you. Here he is saying that he has heard something over the radio and that radio Mega

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

- 1 FM is stationed in Gulu. Radio Mega is saying that the LRA has been weakened so, if
2 possible, the LRA should release the children so that they go back home. So Ongwen is
3 hereby reporting what he has heard on radio from the people who were on the net.
- 4 PRESIDING JUDGE SCHMITT: [12:46:47] Mr Witness, the background of the question
5 was that at least in the English translation Ongwen reportedly has said "I want to
6 assemble my people." This is a background of the question because when the person
7 speaking says "I want to do something," this might be something different as if the person
8 speaking refers to something he has heard. But I think further clarification would
9 perhaps not be possible. We have to take it as it is.
- 10 MR ODONGO: [12:47:28] Your Honour, I want to add my voice to what my colleague
11 earlier said. I thought the role of the witness is to really repeat what is here, but not to
12 give his mind interpretation or what it ought to be. He should just state what it is, but
13 not what it ought to be.
- 14 But you can see that he's consistently trying to interpret what is there. So I think it is a
15 welcome call for him to stick actually to repeating what is there, but not necessarily what
16 it ought to be.
- 17 PRESIDING JUDGE SCHMITT: [12:48:16] So of course in principle it's correct what
18 you're saying and we referred to that earlier on today, but on the other hand we have also
19 said there are certain jargons, meanings, sayings that we would not understand and the
20 witness has a certain understanding. So I would not say we should prohibit this, but we
21 have to really put it into perspective. That's absolutely correct. And as perhaps the
22 question that I have put to him shows, we have to be aware of the fact that we cannot take
23 everything what witnesses in general say without assessing it by ourselves.
- 24 Please continue.
- 25 MR ELDERFIELD: [12:49:06] I'd just like to ask one more follow-up from your

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 question.

2 Q. [12:49:10] Mr Witness, can you focus specifically and exclusively on line 191. And
3 tell us your understanding just of that line.

4 A. [12:49:37] In that line in my understanding Ongwen is saying that he is going to
5 assemble his people, and after assembling his people, he is going to distribute them to do
6 operation as these people wanted. Therefore, distributing them for operational activities,
7 that means going to battle.

8 PRESIDING JUDGE SCHMITT: [12:50:10] Please move on.

9 MR ELDERFIELD: [12:50:12]

10 Q. [12:50:13] Mr Witness, can you please turn the page, page 0158. There's three
11 lines, line 250 --

12 PRESIDING JUDGE SCHMITT: [12:50:28] May I perhaps just shortly, I know this is
13 interrupting you.

14 But, Mr Witness, may I refer you back to line 184, please. This perhaps shows a little bit
15 the -- I would not say the problem, but the question mark that you could put.

16 When we look at this, Mr Witness, 184, the reading again could be that the person
17 allegedly speaking, Mr Ongwen, is saying: I assembled my people and dispersed them
18 telling each and every one of them to find their own ways.

19 This again sounds at least in the English translation as if the person allegedly speaking,
20 Mr Ongwen, is saying "I did that" and is not referring to something he heard on the radio.
21 This makes it perhaps a little bit clearer even, a little bit of a problem that one could have
22 as the line 191. So could you perhaps again say what your understanding of this is.

23 THE WITNESS: [12:52:12] (Interpretation) While Ongwen was talking about this
24 issue, that was according to what he had heard. So all this report is from the radio, and
25 Ongwen said he assembled his people.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 MR TAKU: [12:52:51] May it please your Honours. I'm a bit confused here now
2 because this tendency of giving opinion really puts me to confusion with regard to
3 whatever notes and report he made, whether he was giving his opinion, his interpretation
4 or he was reporting faithfully contemporaneously exactly what he heard. I mean, it is so
5 confusing here. The Court is very, very clear from what you've said. It's enough for
6 him to say "Yes, this is what is here" and thereafter he gives the opinion that even to
7 refuse that that is what you've read.

8 PRESIDING JUDGE SCHMITT: [12:53:27] But, Mr Taku, now it was me who has asked
9 him to give this interpretation. So we have to be and you have to be indulgent with the
10 witness because it was me who caused that.

11 But I think we should move on now. We have a certain text and it will have to be
12 interpreted. And as I said, it could also be read as if the person speaking is referring to
13 something he himself has done and not has heard.

14 MR ELDERFIELD: [12:54:02]

15 Q. [12:54:04] Mr Witness, please turn the page to 0158 and there's three lines, line 250,
16 251 and 252 on the right-hand side in the middle of the page. Can you just explain to the
17 Court what those three lines mean?

18 A. [12:54:31] Here Icaya Loum is bragging about the food which is being given to him
19 by government because he left the LRA and went to the UPDF. So he's bragging over
20 that and saying he is healthy and has put on weight. And then he says that let him
21 continue bragging, they will go and look for him wherever he is. And then he adds he's
22 behaving like that, but he's barren, he cannot have children.

23 Q. [12:55:50] Mr Witness, having looked through this transcript, how accurately does
24 it reflect the sound recording that you just heard?

25 A. [12:56:12] In my understanding and according to what I have heard, I can say that

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 it reflects the audio, the recording, only that sometimes there are problems of translation,
2 but it reflects the content of the recording.

3 Q. [12:56:41] I'd like to move on now to the next sound recording.

4 PRESIDING JUDGE SCHMITT: [12:56:45] I think we have now two minutes before
5 1 o'clock, it might be better now to have the lunch break until 2.30.

6 THE COURT USHER: [12:56:55] All rise.

7 (Recess taken at 12.56 p.m.)

8 (Upon resuming in open session at 2.31 p.m.)

9 THE COURT USHER: [14:31:13] All rise.

10 PRESIDING JUDGE SCHMITT: [14:31:34] It is not surprising that Mr Elderfield has
11 still the floor.

12 MR ELDERFIELD: [14:31:40] Thank you.

13 Q. [14:31:43] Mr Witness, we'll turn straight away to a sound recording, the ninth
14 sound recording. The ERN is 0239-0079, and the excerpt is of track 1 from 26.27 to
15 31.39.

16 (Playing of the audio excerpt)

17 MR ELDERFIELD: [14:37:35]

18 Q. [14:37:48] Mr Witness, whose voices did you recognize?

19 A. [14:37:52] I heard -- the voices that I heard were Labalpiny's voice, Ongwen's
20 voice and Otti. These are the people whose voices I heard.

21 Q. [14:38:21] And what were these people discussing?

22 A. [14:38:25] Dominic came on air and he reported that he has morale and that he
23 wanted to communicate about the morale that he has. And Otti asked the signaller,
24 it was Dominic's signaller that first came and Otti was asking: "Is Dominic present?"
25 And he said, "If he's there let him come himself on radio."

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 So when Dominic came on radio he greeted him "Good morning." And he said "Yes,
2 good morning." But he has morale, which he wants -- he planned to do and to
3 communicate on radio.

4 Then Otti asked: "Is Lucy there?"

5 He responded and said: "Yes."

6 He asked: "What about the other one?"

7 He said: "The other one is not there."

8 And Otti asked: "What happened?"

9 And he said: "Kawaida."

10 Then he asked: "Kawaida, was it Panadol?"

11 And Dominic said: "No, it's not Panadol, it's not Panadol." It was number one,
12 number two, number three, but, yeah, he picked number one.

13 Then Otti said: "Oh, but you also delayed. If you are not delayed, it will not have
14 happened that way."

15 Then Dominic said he was delayed a bit, something delayed him. So he did not do
16 the way Otti wanted him to do.

17 Then Otti said: "Okay, go ahead and send your morale."

18 And they said that on the 2nd -- and he continued and he called Five Tango Lima
19 Charlie. The communication was not very clear.

20 And after some minutes he said on 2 February he attacked Ongako.

21 And then Otti asked: "You did attack in Ongako, correct?"

22 And Ongako is a place in Gulu.

23 And he replied: There were some soldiers that had come and he showed them the
24 strength of God. He fought them and even he shot them and even burnt the defence.

25 And he reported all the items that he recovered: Three SMG guns; 18 full magazines;

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 18 pairs of uniforms; PKM ammunitions were 200; 16 pairs of gumboots; freedom bag
2 were 14, and these were the -- this was the report he gave and that he did not
3 encounter a lot of problem, that the soldiers all ran away.

4 But there was a slight mistake. But if it was not for that mistake, he would have
5 even shot the mambas and actually destroyed the mambas. That's where the
6 communication ended.

7 Q. [14:42:24] Thank you. I just want to ask you about some of the words you used
8 during that summary. The first is who is Lucy in this context, if you know?

9 A. [14:42:34] In my understanding, Lucy was one of the wife to Otti Vincent. And
10 it was the bush together with Otti.

11 Her real name is Lucy Aciro. And at some point, which I think it was around this
12 time when it was -- still with the LRA, she escaped and came to the UPDF. And up
13 to now, she is a UPDF officer. She's in the UPDF army. She was taken under
14 rehabilitation. So she's now with the UPDF.

15 Q. [14:43:28] The second word I'd like to ask you is "kawaida". What does that
16 mean?

17 A. [14:43:33] Kawaida is a Kiswahili name, a word which is just -- which is like
18 describing. So it was just like that, it is like saying 'it was just like that.'

19 Q. [14:43:51] What about "Panadol"?

20 A. [14:44:00] Panadol, if you hear the LRA use the word "Panadol", they could say
21 "Did he swallow the Panadol?" It means did the person escape.

22 So in this case, they were asking, the one that was with Lucy, did she just escape?

23 Q. [14:44:21] You also said "number one, number two". What do they mean?

24 A. [14:44:25] When you hear the LRA say "number one, number two", the first one,
25 or number one means death. Number two means could have got injuries. So if

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 somebody gets -- or, when somebody is hurt, that means the person is number two.

2 But if number one, that means the person is dead.

3 Q. [14:44:56] The final word I'd like to ask you about is -- you said "bag freedom".

4 What's that?

5 A. [14:45:08] Bag freedom is an ordinary bag, an ordinary bag that is Chinese made,

6 and it's usually sold in the shops. And so when the LRA go for an attack, they

7 usually -- they usually loot to help them carry the items. It's usually written, exactly

8 written on it "bag freedom" or "freedom bag", that's what is written on the bag.

9 Q. [14:45:46] Mr Witness, let's turn to the transcript. It's at tab 59.

10 JUDGE PANGALANGAN: [14:46:00] Counsel, have you asked your witness about

11 this word, I might just have missed it, the word "morale"? It was used several times

12 in this section. If you have it, please.

13 MR ELDERFIELD: [14:46:20] Your Honour, when we have the transcript up I'll

14 make sure to ask him about morale.

15 JUDGE PANGALANGAN: [14:46:29] Please. Thank you.

16 MR ELDERFIELD: [14:46:31] The ERN of tab 59 is 0258-0772.

17 Q. [14:46:59] Mr Witness, do you see your signature at the bottom of the first page?

18 A. [14:47:03] Yes, I have seen.

19 Q. [14:47:12] Please turn the page to 0773, line 615, there is the words "One Mike".

20 What does "One Mike" mean?

21 A. [14:47:34] One Mike is a call sign.

22 Q. [14:47:40] And whose call sign is it?

23 A. [14:47:45] It is Dominic Ongwen's call sign.

24 Q. [14:47:51] And what's "LBP", the letters on the left of "One Mike"?

25 A. [14:48:00] That is, stands for Labalpiny.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 Q. [14:48:10] Am I right that "ONGS" means Ongwen's signaller?

2 A. [14:48:19] That's right.

3 Q. [14:48:25] At line 621, I can see "YY". What does YY mean?

4 A. [14:48:40] In this context, this YY was used not as a call sign. But if I'm to
5 explain, at the beginning it was -- there was somebody, a politician who was called
6 YY Ongwen, especially in northern Uganda. In this context here, Labalpiny was
7 referring to Dominic, because sometimes you would hear they say "Let YY come," so
8 they would be saying let Ongwen come.

9 So here he's using YY just as a way of covering up. But this was meaning Dominic.

10 Q. [14:49:35] At lines 626, 628 and 629, we can see the words "morale". What does
11 that, what does the word "morale" mean, or how is it used in this context?

12 A. [14:49:57] When the LRA talk about morale, it means they could have gone for
13 an operation, or for some assignment, or they had an encounter with the enemies and
14 they were successful. So they send an operation report, because from their side it
15 was good and they were successful, so they said yes, I have some morale because it
16 was good on their side.

17 Q. [14:50:41] Please turn to the other side of the page, line 638. Can you explain
18 who Big Bravo is and who Lima Charlie is?

19 A. [14:50:58] Lima Charlie is Ongwen's call sign. But the Big Bravo, I think the
20 translation was not very correct. But Lima Charlie is Dominic's call sign.

21 Q. [14:51:41] Do you know what the transcript should read instead of Big Bravo?

22 A. [14:51:51] I have not got that point clearly, because I've not heard about Big
23 Bravo.

24 Q. [14:52:17] We'll move on to line 640. There is the words "Five Tango." Who is
25 Five Tango?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. [14:52:29] Five Tango is Otti Vincent's call sign, but Labalpiny was the one using
2 the call sign because they were together with Otti Vincent at that time.

3 Q. [14:52:50] Can you please turn over two pages to 0777. On the left at the top,
4 line 695, can you explain your annotation and what the sentence means?

5 A. [14:53:17] I do not add, I only crossed the word "Obedo." But the way it was
6 said, the way it was said it meant 2nd, the date, it was meaning the date of 2nd, and
7 they were talking about the date when the operation was conducted.

8 Q. [14:53:52] Can you please turn the page again to 0780, line 748. Can you please
9 explain?

10 A. [14:54:13] Dominic said yes, they all ran away. He said they beat the UPDF
11 and they burnt everything. But there was a mistake, there was a small mistake.
12 Otherwise they would have done mother. But when they talk about mother, they
13 are talking about mama. In this case they are talking about -- in their language, they
14 could be talking about mamba, which is that vehicle which I described.

15 Q. [14:55:11] Having looked through this transcript, how accurately does it reflect
16 the sound recording that you heard?

17 A. [14:55:22] It's correct.

18 Q. [14:55:30] Thank you. We'll move on to the next sound recording now.

19 The ERN is 0239-0101. And the excerpt is track 1 from 0.36 to 4.40.

20 (Playing of the audio excerpt)

21 MR ELDERFIELD: [15:00:33]

22 Q. [15:00:46] Mr Witness, whose voices did you recognize? Sorry, whose voices
23 did you recognize?

24 A. [15:00:56] I heard Otti's voice and Joseph Kony's voice.

25 Q. [15:01:13] And what were they talking about?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. [15:01:15] Otti said that Dominic went at daytime in a barracks called
2 Labwor Omor in Palaro around 6.30 in the evening and everybody ran away. Kony
3 laughed a bit and said, "Many soldiers came. As they were coming, they didn't
4 know whether those soldiers were government soldiers or rebel soldiers because
5 some soldiers saluted Odomi, that is Dominic."
6 Kony said, "Oh, Dominic should have shot them. Over."
7 There were three UPDF officers there who were at the door, but they didn't have guns
8 in their hands. So Otti -- Kony asked, Kony asked Vincent Otti to charge the battery
9 using the solar system. Then he said another one.
10 The three soldiers who were there according to Otti, they were putting on uniform.
11 But later he said, "Wrong." He said those soldiers were in civilian clothes. Then
12 Odomi shot all the four using his gun. And Kony said, "That is the right action."
13 Then day after fighting started fiercely. Kony laughed and said, "That's how Mega
14 used to say that these are serious fighters."
15 So Dominic shot at them and pushed them towards the barracks. They didn't get
16 much there, they just collected some food. There is nothing bad which happened on
17 the side of Dominic, but there were many enemy soldiers who died and yet Mega
18 said -- Mega radio reported only one UPDF soldier died and some civilians. That's
19 what in summary I heard.

20 Q. [15:04:47] Let's go to the transcript. Tab 61.

21 PRESIDING JUDGE SCHMITT: [15:04:56] I would like to ask you if we need to go to
22 every annotation that the witness has made because it is about an incident that might
23 not be judged here, plus we have heard it already.

24 MR ELDERFIELD: [15:05:13] I'm in your hands. I certainly don't intend to address
25 every annotation. If you feel like I'm going --

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 PRESIDING JUDGE SCHMITT: [15:05:23] Trust your inside and please proceed.

2 MR ELDERFIELD: [15:05:28] The ERN of tab 61 is 0258-0791.

3 Q. [15:05:42] Mr Witness, you see your signature at the bottom of the first page?

4 A. [15:05:46] Yes, I do.

5 Q. [15:05:59] Can you please turn the page to line 22. What does that line mean or
6 what have you written in that line?

7 A. [15:06:21] Otti said, "People ran in haste." And he laughed.

8 Q. [15:06:30] And can you tell us what you've written at line 29 and line 30?

9 A. [15:06:35] "Others saluted Odomi, that's what Otti said that some saluted Odomi.
10 Then Kony said "Odomi should have shot them."

11 Q. [15:07:08] Can you please turn the page and tell us what you've written at
12 line 36 and at line 38?

13 A. [15:07:24] Number 36 says, "Some officers, some UPD officers were standing in
14 front of the door." Line 38 says, "Three officers are in uniform, but they don't have
15 guns."

16 Q. [15:07:46] Further down the page, can you tell us what you've written at line 48
17 and line 50?

18 A. [15:07:58] That the officers were sitting in front of the bar and they were
19 drinking. There were three officers.

20 Q. [15:08:26] Over the page, please, to line 62 and 64.

21 A. [15:08:42] 62, Otti said, "They saw them and started retreating. The soldiers
22 saw Dominic and they started withdrawing, retreating." 86 -- 64, "They were all, all
23 the four were shot." He's referring to the fact that Dominic shot all the four.

24 Q. [15:09:10] Over the page, please, in the top left, line 68 and line 70?

25 A. [15:09:31] That they were shot at and pushed to the barracks, that is line 68.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 Line 70 and he report -- he repeated, "They were shot and pushed towards the
2 barracks. Over."

3 Q. [15:09:48] At the bottom of that page, line 84?

4 A. [15:10:01] They just gathered, collected some food.

5 Q. [15:10:08] Over the page, there's some annotations in line 93. Can you please
6 tell us what they are? Sorry, line 92.

7 A. [15:10:30] They came back safely. They're saying that Dominic and his group
8 came back safely. There was no serious problems.

9 Q. [15:10:44] And finally can you please talk us through line 97 and line 99.

10 A. [15:10:55] That was reported over Mega Radio, that one soldier, one UPDF
11 soldier died. That was according to a report from radio Mega. In line 99, still the
12 same radio Mega saying that one lieutenant and other civilians also died.

13 Q. [15:11:36] Mr Witness, does this portion of the transcript -- how accurately does
14 this portion of the transcript reflect the audio that you just heard?

15 A. [15:11:43] It accurately reflects the portion in the recording.

16 Q. [15:12:00] Can you please move your binder aside. I'm going to play a second
17 portion of the same audio. Again, that ERN is 0239-0101. This is an excerpt of
18 track 1 from 4.40 to 6.47.

19 (Playing of the audio excerpt)

20 MR ELDERFIELD: [15:14:44]

21 Q. [15:15:09] Mr Witness, whose voices did you recognize?

22 A. [15:15:15] I heard Kony's voice who is talking with Lukwiya Raska.

23 Q. [15:15:29] What are they talking about?

24 A. [15:15:35] Kony is explaining to Lukwiya Raska what we have just heard. He's
25 saying that Dominic went to Labwor Omor. They went there with a view of taking

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 the army's food. So they went as Tabuley normally did. Tabuley used to be a
2 commander of the LRA who was very courageous and normally used to do
3 operations at daytime.

4 Perhaps I shall give more explanation here. Tabuley was an LRA commander, and
5 he used to do his attacks courageously at daytime. So he is comparing the way
6 Dominic entered into the Labwor Omor barracks. He did it the way Tabuley used to
7 do.

8 So they say Dominic went there allegedly to the barracks and then he said, "You
9 know Dominic, the way he appears physically, it's difficult for him to be
10 distinguished as a rebel or as a government UPDF soldier. So that's why some
11 officers saluted him, the UPDF officers."

12 Dominic found some officers in front of the bar. They were, they were all shot dead
13 and they captured 12. 12 is a machine gun, but they didn't take that 12, the machine
14 gun.

15 So he said fighting went on fiercely and the Acholis and the Nyarwandas who were
16 there in the UPDF were thoroughly beaten. Sometimes UPDF soldiers are called or
17 referred to as Nyarwandas. They did not charge. He said they didn't charge any
18 target.

19 The word "charge" is a military jargon. After overpowering, then you go and you do
20 some mopping activities. You, for example, capture those people, your enemies you
21 find there. So what they did was to take some magazines and came back with those
22 magazines.

23 Q. [15:19:02] Let's move to the transcript.

24 Again, tab 61 and again the ERN is 0258-0791.

25 Can you please turn to page 0799 and explain what you've written at line 122.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. [15:20:02] Kony is saying they were under heavy fire and even 12, the gun 12
2 was captured. As I said, 12 is a machine gun.

3 Q. [15:20:17] Please turn the page and can you explain lines 135 and 137?

4 A. [15:20:31] There was serious fighting in the camp. He was saying that the
5 fighting spread all over the camp and how they beat badly the Acholi and the
6 Nyarwandas.

7 I tried to make some corrections, somewhere it is written Boni, but it shouldn't be
8 Boni. In the English version it's Boni, but it should actually be holy.

9 Q. [15:21:51] And what does "holy" mean?

10 A. [15:22:06] The LRA claim they are the Holy Spirit Movement. They claim to
11 have power from God. So they call themselves holy, the Lord's Resistance Army,
12 which derives its power from God. So "holy" refers to Holy Spirit.

13 Q. [15:22:30] With that change and having reviewed this portion of the transcript,
14 how accurately does it reflect the sound recording you heard?

15 A. [15:22:40] It accurately reflects the sound recording.

16 Q. [15:22:55] We'll turn to the next sound recording now, the eleventh. The ERN
17 is 0235-0015, and the excerpt is of track 1, from 0.28 to 4.54.

18 (Playing of the audio excerpt)

19 MR ELDERFIELD: [15:28:11]

20 Q. [15:28:23] Mr Witness, whose voices do you recognize?

21 A. [15:28:34] There was the voice of the signaller who used Vincent Otti's sign, call
22 sign Tango, then there is also the voice of Joseph Kony. There is also the voice of
23 Ongwen. Those are the voices I heard.

24 Q. [15:29:10] And what was being discussed?

25 A. [15:29:15] Dominic came and told Otti's signaller had said yesterday he forgot

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 something. Among the items he captured after the battle we -- which took place, he
2 forgot to mention the fuse of a bazooka gun. It's a kind of simple missile. And they
3 had that. So he said they got that fuse from the UPDF.
4 Then another signaller came and badly pronounced it as "fridge". But actually he
5 was referring to fuse, not fridge. So he also mentioned two bazookas. Then he
6 asked, "Does it reassemble the one which is with Ogwal?"
7 He said: Yes, but it is slightly longer than that which was with Ogwal.
8 Ogwal was an escort to Kony previously. Dominic continued and said he also got
9 diamond on which it is written grade one. After that he said wrong. He said it was
10 not written grade one but grade A. And he said it resembles the one which the
11 commander of Stockree had found.
12 And Kony asked: "Is it real diamond?"
13 He said: "Yes, real diamond."
14 And then he said -- and Kony asked: "The 10 million dollars written on it, is it still
15 there?"
16 He said: "Yes."
17 Kony said: "Okay, keep it very safely. Don't give it to any soldier. And let that
18 diamond -- put that diamond in an officer's bag." Then he laughed a little bit. And
19 he said that the value of that diamond could actually be 30 million dollars. Then he
20 laughed a little bit and said: "We the holy, we are actually so tough."
21 And then he said: "That diamond is the type of diamond from the Congo."
22 Ongwen said: The person who got the diamond was a 2IC battalion, that means he
23 was second to the CO of the battalion. So he was referred to as the battalion 2IC.
24 His rank was second lieutenant.
25 Then Kony said: "he should be promoted so that he becomes a full lieutenant." He

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 first of all asked for his name.

2 And Dominic said: His name is Okot Matthew.

3 And an unidentified signaller didn't hear very well. Instead of relaying by saying

4 Okot Matthew, he instead said Okot Martin.

5 Then Kony said: "I understand."

6 And the communication ended there.

7 Q. [15:33:23] Thank you, Mr Witness. Let's turn to the transcript which is at tab --

8 PRESIDING JUDGE SCHMITT: [15:33:31] Would you allow me the same remark

9 that I made before we went through the last transcript.

10 MR ELDERFIELD: [15:33:38] I'll be as selective as I can.

11 Q. [15:33:44] The ERN of tab 63 is 0258-0809. Mr Witness, do you see your
12 signature at the bottom of the page?

13 A. [15:34:06] Yes, I have seen.

14 Q. [15:34:17] Can you please turn the page and tell us about line 5.

15 A. [15:34:26] He said he had forgotten to say something. He had forgotten
16 something that he had wanted to communicate.

17 Q. [15:34:53] Can I confirm here that "OTS" is Otti's signaller, is the person Ongwen
18 is talking to?

19 A. [15:35:07] That's right.

20 Q. [15:35:07] On the right-hand side of the page, 0811, at line 28, you've made a
21 correction. Can you just tell us what that is?

22 A. [15:35:20] The translator had said Simon, but it's not Simon, it was -- the space
23 was limited, so the correct one, the correct writing, that should have been "Diamond.
24 Over." So where I crossed should have been "Diamond," not Simon.

25 Q. [15:35:55] Line 32.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 A. The diamond that was worth US million dollars. Over". This was said by
2 Dominic.

3 Q. [15:36:20] Line 43, please.

4 A. [15:36:41] They were saying this item resembles the one that was previously
5 found by the RP of Stockree brigade.

6 Q. [15:36:54] Line 47, please.

7 A. [15:37:03] And he said, this is a little different, this one is longer. The one that
8 he has, it's a little longer compared to the other one.

9 Q. [15:37:21] Over the page, please, to line 51 at the top.

10 A. [15:37:40] So he was asking, "Did you check, did you confirm, hold it -- did you
11 hold the diamond in your hand and confirm that it is real diamond? Over."

12 Q. [15:38:01] Just one more question, Mr Witness. Over on the right hand side of
13 that page at line 89.

14 A. [15:38:45] He is saying, "Are you talking about the guy who charged, the one
15 who charged?"

16 Q. [15:38:53] And am I correct that "US" there is unidentified signaller? On the left,
17 in row 89, you've written the letters "US." What are they?

18 A. [15:39:16] Yes, that's unidentified signaller.

19 Q. [15:39:23] Mr Witness, how accurately does this transcript reflect the sound
20 recording that you've heard?

21 A. [15:39:28] It's a recording that matches the sound recording.

22 MR ELDERFIELD: [15:39:43] We'll move to the next sound recording now. The
23 ERN is 0247-1070. And this clip is rather long, so I'm going to play it in two parts.
24 The first excerpt is from 29.11 to 34.18.

25 (Playing of the audio excerpt)

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 MR ELDERFIELD: [15:45:38]

2 Q. [15:45:47] Mr Witness, whose voices did you recognize?

3 A. [15:45:54] The voices I heard were of Omona Michael, Ongwen Dominic,
4 Labalpiny and towards the end of the conversation Joseph Kony also came in.

5 Q. [15:46:19] Who is Omona Michael?

6 A. [15:46:26] Omona Michael was a signaller.

7 Q. [15:46:33] What were these people talking about?

8 A. [15:46:35] Dominic was sending operation report, and he said there was a UPDF
9 unit that went -- I mean an LRA unit that went for an operation. And when they met
10 the UPDF soldiers they shot at them and scattered them. And what they collected
11 from that attack were three SMG guns; PKM chain, two of them; three pairs of
12 gumboots; an RPG bomb and one fuse; four pairs of uniforms; 14 magazines, full ones;
13 one empty magazine; one pouch; ponzo, one; and money, but it was struggling to get
14 the right figure, he started saying 100,000, 100,050. But later on finally he said
15 100,150 shillings, four enemy deaths, one T-shirt. And then he also -- so this was the
16 operation report.

17 So Toolbox is the name used to refer to Tulu, who was the commander. And here
18 they were referring to him as Toolbox. So he said there were about 200 UPDF
19 soldiers who were sent to repulse Toolbox. So now he said this is -- you received
20 this report. This was now his report. And he was saying they met with -- they
21 fought with UPDF soldiers at Agwen during an ambush which had put along that
22 road. And these were the items that he received: Two pairs of gumboots, two pairs
23 of uniforms and two UPDF soldiers were killed, and that he also got a Motorola
24 phone it, was one, and also got 230,000 Ugandan shillings and that there were no
25 major problems on their side. Briefly, this is what I picked from the audio.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 Q. [15:50:31] So, in fact, Dominic was reporting two different attacks or two
2 different operations?

3 A. [15:50:39] That's right. But all these people were with him that really met him.

4 Q. [15:50:50] You said Toolbox or Tulu. Who is that?

5 A. [15:50:53] Tulu was one of the LRA commanders. He was a very -- was a great
6 fighter. But after, later on he was shot and killed. But by the time or at the time of
7 sending this message, he was still alive.

8 Q. [15:51:26] Let's go to the transcript, tab 65.

9 And the ERN is 02666-0187.

10 Mr Witness, do you see your signature at the bottom of the first page?

11 A. [15:52:01] Yes, I've seen.

12 Q. [15:52:04] Please turn to page 0201. At line 326 on the left you've written the
13 letters "OM." Who is that?

14 A. [15:52:40] That one is Omona Michael.

15 Q. [15:52:52] Over the page at line 356, you've written the word "ponzo." What is
16 a ponzo?

17 A. [15:53:12] Ponzo is a military wear which they use for protection against the
18 rain.

19 Q. [15:53:30] On the right-hand side of this page at line 374, what have you written
20 there?

21 A. [15:53:46] Here this was referring to Toolbox, so what he was sending were all
22 on behalf of Toolbox. And the person who was reporting was Michael Omona, so
23 that's why I indicated there "MO."

24 Q. [15:54:15] Over the page to line 386, what have you written there?

25 A. [15:54:26] "Receive another one here. Receive another one again." So this was

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0059

1 now Ongwen sending operation report.

2 Q. [15:54:46] Mr Witness, my last question for this audio, at line 422, can you
3 explain what that line means?

4 A. [15:55:12] It's saying that most of the things that were collected by the children
5 he had not written. That means these small small items are still with the soldiers,
6 that he hasn't received them.

7 Q. [15:55:31] Having reviewed this transcript, how accurately does it reflect the
8 sound recording, the portion of the sound recording that you've listened to?

9 A. [15:55:40] It's okay, it matches.

10 PRESIDING JUDGE SCHMITT: [15:55:50] Can you estimate how long your further
11 examination is going to last?

12 MR ELDERFIELD: [15:55:55] I've got three more portions of audio, so
13 approximately 15 minutes of audio, and I'd say about 15 minutes of questioning. So
14 I hope to be done in the first half an hour of tomorrow morning's session.

15 PRESIDING JUDGE SCHMITT: [15:56:14] Then we conclude the hearing for today
16 and continue tomorrow at 9.30.

17 THE COURT USHER: [15:56:20] All rise.

18 (The hearing ends in open session at 3.56 p.m.)

19 RECLASSIFICATION REPORT

20 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
21 2016, the public redacted version of this transcript is filed in the case.