

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 3 April 2017
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:08] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:35:31] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:35:37] Good morning, Mr President, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we're in open session.
18 PRESIDING JUDGE SCHMITT: [9:35:51] I ask for the appearances of the parties.
19 MR BLACK: [9:35:55] Good morning, your Honour. Colin Black for
20 the Prosecution, with me is Beti Hohler, Benjamin Gumpert, Julian Elderfield,
21 Kamran Choudhry, Pubudu Sachithanandan, Ramu Fatima Bittaye and Mari Pilvio.
22 PRESIDING JUDGE SCHMITT: [9:36:11] Thank you.
23 And for the Legal Representatives of the Victims.
24 MR COX: [9:36:17] Good morning, your Honour. Francisco Cox and
25 Mr James Mawira.

1 PRESIDING JUDGE SCHMITT: [9:36:23] Thank you.

2 MS MASSIDDA: [09:36:24] Good morning, Mr President, your Honours.

3 Paolina Massidda and Orchlon Narantsetseg.

4 PRESIDING JUDGE SCHMITT: [9:36:29] Thank you.

5 And for the Defence, please.

6 MR AYENA ODONGO: [9:36:32] Good morning, Mr President and your Honours.

7 With me today is Chief Achaleke Taku, co-counsel, Mr Michael Rowse, Roy Titus

8 Ayena. And Dominic Ongwen, our client is in court.

9 PRESIDING JUDGE SCHMITT: [9:36:51] Thank you. And we have a new face in
10 the courtroom. Could you please introduce yourself?

11 MR RAIMONDO: [9:36:58] Good morning, Mr President, your Honours. This is
12 Fabián Raimondo and I am the legal adviser to Witness P-264.

13 PRESIDING JUDGE SCHMITT: [9:37:06] Thank you very much, Mr Raimondo.

14 And we are now coming to Witness P-264 as the next witness. As a preliminary
15 point about protective measures, the Chamber notes that the VWU has indicated by
16 way of an email on 31 March 2017 that voice distortion should be granted beyond the
17 measures already granted in decision 612.

18 Do the parties want to comment on this?

19 MR BLACK: [9:37:39] Your Honour, your Honour, under the circumstances
20 described in that email we don't object to voice distortion.

21 PRESIDING JUDGE SCHMITT: [9:37:44] The Defence?

22 MR AYENA ODONGO: [9:37:52] Your Honours, although we have not been given
23 very good reasons, we have no reason why we should object.

24 PRESIDING JUDGE SCHMITT: [9:37:58] Thank you very much.

25 In light of the new information provided by the VWU, the Chamber considers it

1 necessary that voice distortion will also be granted as a protective measure for this
2 witness.

3 Accordingly, the granted protective measures for P-264 include now face and
4 distortion, usage of pseudonym and limited recourse of private session for
5 information identifying the witness. Related to the last point, the Chamber will now
6 discuss the matter of assurances for the witness pursuant to Rule 74 of the Rules and
7 procedure and evidence. Mr Raimondo has submitted file 872 requesting Rule 74
8 assurances for his client.

9 And to discuss this we go into private session.

10 (Private session at 9.39 a.m.)

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- 25 (Open session at 9.42 a.m.)

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1 THE COURT OFFICER: [9:42:40] We are back in open session, Mr President.

2 (The witness enters the courtroom)

3 PRESIDING JUDGE SCHMITT: [9:43:38] Mr Witness, do you hear me?

4 WITNESS: UGA-OTP-P-0264

5 (The witness speaks Acholi)

6 THE WITNESS: [9:43:42] Yes, I am hearing you.

7 PRESIDING JUDGE SCHMITT: [9:43:44] Good morning. You are going to testify
8 before the International Criminal Court. On behalf of the Chamber I would like to
9 welcome you to the courtroom.

10 THE WITNESS: [9:44:00] (Interpretation) Thank you very much.

11 PRESIDING JUDGE SCHMITT: [9:44:02] I will now read the oath to tell the truth to
12 you that every witness who testifies before this court must agree to. I read now:
13 I solemnly declare that I will speak the truth, the whole truth and nothing but the
14 truth.

15 Mr Witness, do you understand what I have read to you?

16 THE WITNESS: [9:44:35] (Interpretation) Yes, I have understood.

17 PRESIDING JUDGE SCHMITT: [9:44:37] Do you agree to what I have read to you?

18 THE WITNESS: [9:44:42] (Interpretation) Yes, I agree.

19 PRESIDING JUDGE SCHMITT: [9:44:46] Good. We will continue then.

20 Mr Witness, let me, let me now explain to you how the protective measures that the
21 Chamber has put in place for your testimony work. We have put the following
22 protective measures in place for you:

23 Face and voice distortion, which means that no one outside the courtroom can see
24 your face during the testimony on the screen, and no one can hear your real voice.

25 There will also be the use of a pseudonym. We will all refer to you only as

1 Mr Witness as I am doing so at the moment. This is to make sure that the public
2 does not know your name. When you answer questions that will not give away who
3 you are, we will do so in open session. Open session means that the public can hear
4 what is being said in the courtroom.

5 On the contrary, when you are asked to describe anything that relates specifically to
6 you or when you are asked to mention facts that might reveal your identity, we will
7 do so in private session. Private session means there is no broadcast, and no one
8 outside the courtroom can hear your answer. If ever anything gets said during open
9 session which should have been said in private session, we will do our best to protect
10 this information. What does that mean? Your testimony will be broadcast on
11 a delay and we can remove any such remarks from the broadcast in the time we have,
12 any such remarks which will be heard by the public and we can also remove such
13 information from the public transcript of the proceedings.

14 Mr Witness, you have also been assigned a lawyer to provide you with legal advice
15 about possible self-incrimination, the legal adviser Mr Raimondo is present with you,
16 sitting on the right to you. And if any concern arises during the course of your
17 testimony, he will be able to advise you and to raise those concerns with
18 the Chamber.

19 The Chamber gives you the assurance pursuant to Rule 74(3) of the Rules that your
20 testimony will not be used either directly or indirectly against you, in any subsequent
21 proceedings by this court, except under Article 70 and 71 of the Rome Statute. What
22 does that mean, Article 70 and 71 of the Rome Statute, that simply means that you
23 have to tell the truth and only if you don't tell the truth this would be an offence
24 against the Court.

25 The Chamber notes that you have received assurances by the Ugandan authorities.

1 However, since you may testify in relation to acts committed in other countries
2 outside of Uganda or, which I think should not be very probable but not excluded,
3 about acts committed at an age when you were 18 or older, the Chamber has
4 determined that if any question is asked about those acts in other countries or at this
5 age of 18 and older we will hear your answer in private session and keep this answer
6 confidential when it could lead to self-incrimination. A little bit complicated but
7 your lawyer Mr Raimondo has understood it and he will advise you if any issue
8 arises, I am sure.

9 The questioning party, which we all know we start with the Prosecution, is
10 responsible for requesting private session prior to asking such questions. That is just
11 to alert you again, and Mr Raimondo is also alert and also mindful of this problem.

12 It was a long speech, Mr Witness, I hope you have understood everything what I said.

13 THE WITNESS: [9:49:41] (Interpretation) Yes, I have understood.

14 PRESIDING JUDGE SCHMITT: [9:49:44] But we are still not finished with the initial
15 speech, so to speak, we have a couple of practical matters that you should have in
16 mind when giving your testimony.

17 Everything we say here in the courtroom is written down and is interpreted, of course,
18 because we do not understand Acholi, for example, so it has to be interpreted. It is
19 therefore important to speak clearly and at a slow pace. I know this might be
20 difficult, Presiding Judge, my person, has also often problems with that, but try to
21 speak clear and slowly. Speak also in the microphone please and only start speaking
22 when the person that asks you a question has finished.

23 If you have any questions yourself, raise your hand so that we know that you wish to
24 say something. Have you understood all that, too?

25 THE WITNESS: [9:50:46] (Interpretation) I have understood.

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1 PRESIDING JUDGE SCHMITT: [9:50:48] Thank you very much. We will then start
2 your testimony.

3 And I give the Prosecution the floor.

4 MR BLACK: [9:50:54] Thank you, your Honour.

5 QUESTIONED BY MR BLACK:

6 Q. [9:50:59] Good morning, sir.

7 A. [9:51:02] Good morning.

8 Q. [9:51:03] Just one additional thing I would add to what the Presiding Judge said.

9 If any of my questions don't make sense, or you don't understand them, please just
10 ask me and I'd be happy to ask it in a different way; do you understand that?

11 A. [9:51:20] Yes, I've understood.

12 Q. [9:51:23] Your Honour, could we go into private session for about 15 minutes to
13 start?

14 PRESIDING JUDGE SCHMITT: [9:51:27] Yes, private session.

15 (Private session at 9.51 a.m.)

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8 (Open session at 10.17 a.m.)

9 THE COURT OFFICER: [10:17:25] We are back in open session, Mr President.

10 MR BLACK: [10:17:30] Thank you, your Honour.

11 Q. [10:17:31] Mr Witness, we are now in public session so please try not to mention

12 your name or the names of family members or people who were abducted with you.

13 I just going to ask you a few more questions about the time after your abduction.

14 What did you do in the first hours after you were abducted? I think you started to

15 describe this earlier before I changed the subject, but what did you do?

16 A. [10:18:07] Following my abduction we walked for one day. On the morrow of

17 that day we went to Tim Palukok. Before any training, before they told me anything

18 about training, we went, we found some civilians. We found some civilians in

19 a homestead, some of them ran away, some stayed put. They asked them "Why are

20 they running? Why are the people who have run away running?" The old man

21 said, "They are running away from you." And they asked, "Why are they running

22 away from us? What are we? Aren't we humans?" They collected us, they told us

23 to put down or luggage, we putting down our luggage. They took the ropes from

24 our waists. We were told that if anybody tried to run they would shoot us. They

25 called the old man, the old man was bound, they told us to beat him. There were so

1 many of us, we beat the old man to death. They told us to carry our luggage. We
2 were told to, to get the old man's blood and put it on our foreheads. We were still
3 new, we were civilians, we were scared, there was blood, there was brains. We
4 started taking the old man's blood and put it on our foreheads.
5 We continued walking, we walked to a place near some homestead and we sat, we
6 rested there. They collected us together, they took off our shirts. We were told that
7 the abductees were being abducted to, to go and work, nobody was going home.
8 And that's what they told us.
9 After that, we stayed bare-chested. The chickens that had been caught in the
10 homesteads and the goats that had been taken were brought to us. Some of the
11 people were plucking the chickens, some of the people were slaughtering goats, some
12 people were lighting fires, some people were shelling peanuts. We sat there till
13 morning.
14 The next morning we got up and started moving. We went to Tim Palukok. Once
15 we got to Tim Palukok we stayed there, we stayed there. One of my friends escaped.
16 When he escaped they chased after him. They -- the person who had escaped went
17 back to the homestead where we had been abducted from. They came back and told
18 us that they found this guy and they killed him. They told us that they found him
19 and they killed him. They told us that if we are in doubt about that they will send us,
20 they will send us to his funeral. They were deceiving us so that we would be scared.
21 We left that place.

22 Q. [10:21:44] Sir, could I interrupt you, sorry.

23 A. [10:21:51] Sure.

24 Q. [10:21:52] I'm sorry to interrupt. I just want to take this in small enough pieces
25 that we can in the courtroom can also understand it.

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1 First of all you said "they chased after him, they came back and told us they found
2 him and they killed him." Who is "they"?

3 A. [10:22:12] They are the LRA soldiers, the veteran LRA soldiers. They are the
4 ones who chased the chap that took off. When they came back they told us that they
5 found him and they killed him. If we are in doubt they will take us to his funeral so
6 that we can witness it with our own eyes. After that they told us, "Well, they are not
7 going to take us there" and we left.

8 Q. [10:22:46] A moment ago you said "they were deceiving us". What do you
9 mean by that?

10 A. [10:22:57] Because when I came back home I found the chap that had taken off
11 was still alive.

12 Q. [10:23:05] And these events that you've described, how long after your
13 abduction did that happen?

14 A. [10:23:24] That's something that happened probably two weeks after our
15 abduction and that's when he escaped.

16 Q. [10:23:37] As you were describing it, you said that someone told you you were
17 not going home. Who told you that?

18 A. [10:23:53] It was one of the soldiers, one of the LRA soldiers that were in charge
19 of us.

20 Q. [10:24:03] Do you remember that person's name?

21 A. [10:24:11] No, I do not recall. He is deceased now.

22 Q. [10:24:16] When you were told that, who else among the LRA do you recall
23 being present, if anyone?

24 A. [10:24:34] When we were told there were a number of people were in, in the
25 position, there were numerous people, people were cooking. And that's what he

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1 said, he said, "Even if you do go home, your parents have both been killed so there is
2 actually no reason for you to go home."

3 Q. [10:25:02] When you were told that your parents had been killed and there was
4 no reason for you to go home, was that true?

5 A. [10:25:15] No, that was all said in deceit.

6 Q. [10:25:22] Who was the most senior LRA person present when you were told
7 that, do you remember?

8 A. [10:25:37] I did not under -- I did not understand. Are you talking -- are you
9 asking about the seniority in terms of the battalion or the whole brigade?

10 Q. [10:25:49] Actually I just meant the people in that group that you have talked
11 about, right after you were abducted, in the weeks I guess after you were abducted,
12 when you were told this that you shouldn't go home because your parents had been
13 killed, was there a commander present?

14 A. [10:26:12] The commander in charge of that battalion was Lapaico.

15 Q. [10:26:29] You told how a friend of yours escaped. During the early weeks or
16 months that you spent with the LRA did you ever try to escape?

17 A. [10:26:48] Yes, I did.

18 Q. [10:26:54] What happened?

19 A. [10:26:59] When I escaped I was re-apprehended. They took me, we went to
20 a homestead and they told us to sit down. We sat down. I was told, they told
21 somebody to take me to the operation room. When I was taken to the operation
22 room, so the veteran soldiers that were there were sent to go and get some sticks.
23 They went and brought some sticks. They were told to get three types of sticks.
24 One was a club, one type was a club. They got some cassava stems and they brought
25 some pangas or machetes. They went and brought those three things. My hands

1 were bound and I was blindfolded. Before they brought all those things -- they
2 brought all those things, showed them to me and they asked me, "Out of the three,
3 choose one." I did not say anything, I just kept quiet and they told me, "Oh, we
4 believe you want death." I was blindfolded and my hands were bound to my back.
5 They told me that they should begin by rubbing my neck with the cassava stems.
6 Once they started doing that someone was holding my feet. My chest -- somebody
7 also stepped on my chest.
8 They asked me, "Why are you trying to escape to go back home?" I told them that I
9 had a dream, I want to go back to school. They told me that "In the bush we also
10 have schools. If you want to go to school we will send you to schools." They are
11 going to -- they told me that they were now going to show me the way to go to school.
12 They rubbed my neck with the cassava stems and they started beating me, they
13 started beating me with the machete. After beating me with the machete they beat
14 me on my back, they beat me on my buttocks and after that I was extremely tired.
15 My buttocks were bleeding, my chest was -- my back was bleeding as well. I could
16 not breathe.
17 One of the commanders came and told them, "Okay, leave him alone" and they took
18 off the blindfolds. They told me, "Look at the sun for the last time." When they
19 took off the blindfold I did not have any strength, I was depleted of strength. I saw
20 people running, they were screaming that there's a, there's a helicopter.
21 When the helicopter came it started dropping bombs, it started shooting at them as
22 well. People started fleeing. The person that was beating me ran and entered into
23 a house. The helicopter came, dropped a bomb on that house and he died in that
24 house.
25 I did not have any strength, my hands were bound, I started rolling and went to

1 the -- went to a cassava plantation next to that homestead. I went to that cassava
2 plantation and I stayed there. The helicopter kept on dropping bombs until it left.
3 When the helicopters left, they came, they found me and they said, "Oh, the guy
4 didn't die?" And they said, "No, he didn't." And they said, "Okay, I believe he is
5 going to stay alive."

6 They started talking the ropes off my hands and off my legs. Then I was given a bag
7 to carry. I told them, "I am unable to carry this bag." They asked me, "Do you want
8 to die?" I was in extreme pain and I was afraid so I ended up carrying the bag. My
9 back was all -- my back was all split, my buttocks were painful and my throat was
10 extremely painful. I carried the bag, I walked for a little bit and fell down. They
11 told somebody to take the bag away from me and they took the bag. We walked for
12 a short while and then we stopped. Then there's some girl who came, she started
13 helping me, cleaning my wounds with water, with warm water. They told -- they
14 told nobody to help me, they said I was an LRA but I wanted to leave the LRA. And
15 that's what happened to me.

16 Q. [10:32:42] Sir, let me ask you a couple of questions based on what you just told
17 us. First of all, you talked a lot about "they" again. Who is "they"? Who beat you
18 and then eventually carried you away?

19 A. [10:33:10] The people who beat me, one officer was called Abola, and Okot Aliga,
20 and then there was Komakech Robert Mugabe and other soldiers. I do not recall
21 their name. It's been long and some of them are long dead.

22 Q. [10:33:36] What unit of the LRA were these soldiers in?

23 A. [10:33:47] They were in Terwanga battalion.

24 Q. [10:33:56] And as you were describing what happened you said a commander
25 came, do you remember which commander?

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1 A. [10:34:06] Yes, the commander came when I'd already been blindfolded. I did
2 not see the commander.

3 Q. [10:34:24] What was Okot Aliga's role in these events?

4 Sir, I'm afraid I didn't get any interpretation. Could you tell me again what was
5 Okot Aliga's role in these events which you've described?

6 A. [10:35:00] He was in the operation room.

7 Q. [10:35:04] Who was it who decided that you should be beaten like this?

8 A. [10:35:12] Okot Aliga.

9 Q. [10:35:19] And when you say he was in the operations room, what was his
10 position, if you know?

11 A. [10:35:29] He was an officer, but I do not know his rank?

12 Q. [10:35:37] And how do you know that it was he who decided you should be
13 beaten?

14 A. [10:35:48] I saw that whenever there is any -- any programme or any decision an
15 officer first calls a group of people and he talks to them and then he goes to the
16 commander.

17 Q. [10:36:10] Is this something that you saw yourself or that you heard about on
18 other occasions, or how do you know that this happens?

19 A. [10:36:21] I saw myself. And when we are in position, he is the one who
20 decides who sits where. And that's the role of operations room.

21 Q. [10:36:41] Let me ask you about something a little different, but also still about
22 the first days or weeks after you were abducted. Was there any process of initiation
23 for new recruits into the LRA?

24 A. [10:37:05] Yes, the initiation is always there. The initiation is actually caning.

25 Q. [10:37:17] Can you describe the whole initiation process?

1 A. [10:37:26] Like I said, when they said you are being initiated you are caned,
2 from about 100/200 strokes of the cane.

3 Q. [10:37:43] Did this happen to you?

4 A. [10:37:49] No, it didn't happen to me. When I was being caned, what I
5 described earlier, they said that this guy was not even initiated. When I escaped and
6 when they wanted to cane me, that's what they said.

7 Q. Did you ever see others initiated in this way?

8 A. [10:38:17] Yes, I saw. My colleagues with whom we were abducted together
9 they were much older, they were the ones who were initiated.

10 Q. [10:38:38] Was there ever any ceremony or procedure that had to do with shea
11 butter or shea oil that you witnessed or experienced in the LRA?

12 A. [10:38:50] Yes, it also happened to me.

13 Q. [10:38:57] Please go ahead and describe what happened.

14 A. [10:39:11] What happened was that we were put -- we were gathered together
15 and we were told that we would be anointed. In the evening -- that anointing is not
16 done at daytime, it's done in the evening when it was dusk.

17 The person who was in charge was called Richard. And when he finished, he
18 prepared the place and made the decorations. In the evening we were all
19 summoned to go there. We were undressed, bare chest, and they told us that we
20 were going to be anointed.

21 Later on we started clapping, we were told to start clapping, and we started clapping,
22 and we started singing a praise song. Afterwards we were stopped and shea oil was
23 taken out. Each of us had -- they put oil on our forehead, and on your chest, and
24 then the back of your feet, and the back of your hand and inside your hands also.

25 They also put a sign of the cross on your back. On all those spots they put a sign of

1 the cross.

2 When they finished, we were told that if you want to escape that thing will make you
3 confused and you -- you keep rotating until you go back to where you left from, and
4 if you go to the battlefield it will shield bullets and you will not be touched by any
5 bullet.

6 That is what we were told by the commander who was in charge of the initiation.

7 And we were told that each of us should go back to their respective positions. So we
8 took our shirts and our shoes, held in our hands, and went back to our positions
9 where we were staying. That is what happened.

10 Q. [10:41:35] Did you believe those things, that the ceremony would keep you
11 going in circles until you come back to where you left if you tried to escape, that it
12 could protect you against bullets?

13 A. [10:42:01] Yeah, my belief at the time, I did not have any belief. I was just part
14 of the group.

15 Q. [10:42:15] Who else was in the group, and I'm referring not to Richard and the
16 people who performed the ceremony, but who else was this being done to, besides
17 yourself?

18 A. [10:42:34] My colleague who escaped.

19 Q. [10:42:36] Was it just the two of you?

20 A. [10:42:39] No, we were not only two. We were many, like I said. But for me,
21 my colleague was kept and went back home was one person I can't remember.

22 When I came back home and found my, my colleague back home, I realised that they
23 are telling us lies. There were many things which happened which I can tell you
24 later.

25 Q. [10:43:09] Can you estimate how many others went through this ceremony with

1 you?

2 A. [10:43:21] We were many, probably about 20 or 30.

3 Q. [10:43:29] How old were the others?

4 A. [10:43:37] Others had -- were already grown up, others were still children,
5 others were my size. It is difficult to guess the age at the time.

6 Q. [10:43:56] Of the 20 or 30 can you estimate about how many were your age or
7 younger?

8 A. [10:44:11] I cannot estimate. The people I was sitting with, most of them were
9 children my age, most of the people who were there were children my age. They
10 would say that those older would escape and the children would not escape. Those
11 who were older were released and they went back home.

12 Q. [10:44:45] Let me ask you about something different now. You have
13 mentioned the position of escort in the LRA. What were the duties of an escort?

14 A. [10:45:05] The duties of an escort in the LRA were, among others, you stay in the
15 home of the commander. Staying in the home of a commander means that you are
16 in charge of the security of the commander, together with his wives, the wives of the
17 commander. That is the first thing.

18 Secondly, you have the role of being a personal assistant to the commander and also
19 giving a helping hand to the wives. Being an escort of a commander in the LRA, if
20 somebody had, if somebody had a plan on the commander, if you learn of it you alert
21 the commander and any -- of any ill plan. Any of the wives of the commander who
22 probably has an ill plan or wants to escape, you should alert the commander if you
23 know about it. Those are -- that's about the security of the home of the commander
24 and his wives.

25 When you were on the move you should be close to your commander, you should

1 walk beside. Other, other people are behind the commander, others are in front,
2 others beside the commander. So you should be very close to the commander.
3 When a commander wants to sit, the one who is tasked with carrying the stool should
4 put the chair down so that the commander sits and later take the stool or the chair.
5 When you are at a position where you are going to stay for some time you are
6 in -- tasked with clearing the area and sweeping the area where the commander
7 should stay, you prepare his bed, ensure -- also you prepare that the beddings of the
8 wives are prepared. That is the role of the escort in the LRA.

9 Q. [10:47:38] Thank you. You described the role of the escort when moving with
10 the commander, also in the commander's household. Did the escort have any duties
11 with regard to what was happening around, not just in the commander's household
12 but maybe in the LRA group or even in the civilian areas?

13 A. [10:48:14] In regards to that, when other soldiers who lived at the edge of the, of
14 the circle, they are, they are in charge of the security, the general security of the group
15 to see if there is any soldier of the enemy was coming, or if there is a civilian coming,
16 they are in -- they abduct and question the civilian. Then later on they are brought to
17 the operation room and after operation room comes to the second in charge of the
18 commander, then the second in charge of the commander would take the civilian to
19 the commander and report whatever the civilian says. That is the role of the other
20 soldiers who live at the outer part of the ring.

21 Q. [10:49:16] And does, does the escort have any role in that process or not?

22 A. [10:49:28] The commander would instruct the escort to go and find out what's
23 happening. The escort would ask questions, would find out from the rest of the
24 soldiers what is happening and they would report back to the commander.

25 Q. [10:49:53] Were you given any training or instructions about how to perform the

1 various duties that you've described?

2 A. [10:50:11] There was no particular training in regard to that role. And when
3 a commander gives you instructions in his home you -- you perform -- you perform
4 according to his instruction. For example, if in regard to -- in regard to his wives,
5 you know, there are -- the commanders in the LRA, some of them instruct the escort,
6 especially if the wife has committed a crime, the commander would instruct the escort
7 to punish the wife. Sometimes he can ask the escort to cane the wife, sometimes
8 other punishment, oral caution is given.

9 Q. [10:51:14] We'll talk about punishments later. Let me focus on training. Did
10 you receive training in any other skills or activities that you performed with the LRA?

11 A. [10:51:32] In regards to training, for me I, when I was the escort of Acellam Ben,
12 he was coaching me personally. Not only to me, but to all the escorts. We were
13 many who were his escorts. In the evening he would gather us together and would
14 couch us on how to live in the community of the LRA. You should know how to
15 conduct yourself when you are with many people. Even if someone has any plan
16 about you, when you reach in their midst, don't look for trouble and don't talk too
17 much, because you might talk without knowing what plans they have for and about
18 you. As soon as you reach a group you first listen to what they are talking about and
19 that's the kind of coaching and training that we were given.

20 Q. [10:52:57] Did you ever receive specific training about how to use a weapon?

21 A. [10:53:10] Yes, I got the training.

22 Q. [10:53:13] Who trained you to use a weapon?

23 A. [10:53:23] That training was given at the time when we -- we were in Teso; how
24 to operate a gun, open the safe, close it, to cock a gun and to dismantle a gun
25 generally. And that's the kind of training which we got from Teso?

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1 Q. [10:53:53] What kind of gun were you taught to use and dismantle and care for?

2 A. [10:54:02] It was SMG.

3 Q. [10:54:08] Could you describe the SMG, please, for those of us who are not
4 familiar with that weapon?

5 A. [10:54:21] An SMG is a short machine gun.

6 Q. [10:54:37] Did it have a bayonet attachment?

7 A. [10:54:45] Yes, there is a bayonet. Others, there are different types of bayonets,
8 depends on the type that you have.

9 Q. [10:55:07] How old were you when you were given this instruction in how to
10 use an SMG?

11 A. [10:55:23] When we were given the training when we were already in Teso,
12 I was 12 years old at the time.

13 Q. [10:55:37] Did you ever receive training in any country other than Uganda?

14 A. [10:55:48] We were in Sudan and I got more training from there.

15 Q. [10:55:59] Do you remember when that was?

16 A. [10:56:06] It's difficult to estimate. I do not recall.

17 Q. [10:56:11] Let me ask you some other questions about it and maybe as you
18 discuss it you'll remember. And if you do, please say so. What kind of training did
19 you receive in Sudan?

20 A. [10:56:28] While in Sudan, when we arrived there, we had training on target
21 shooting.

22 Q. [10:56:44] Anything else besides target shooting?

23 A. [10:56:51] Yes, it was there.

24 Q. [10:56:57] Sorry, maybe my question wasn't clear. Did you receive training in
25 other kinds of activities besides target shooting?

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1 A. [10:57:10] Yes, there were other trainings that we received. Others was how to
2 defend, how to attack a position, how to ambush, do rehearsals in ambush.

3 Q. [10:57:29] Where in Sudan did you receive this training?

4 A. [10:57:35] It was in Bilinyang.

5 Q. [10:57:44] Do you recall how far that is from the border of Uganda?

6 A. [10:57:53] It is far. It's far and -- it's not too far, but it's not close either.

7 Q. [10:58:03] Are you familiar with a place or an area called Liria or Leriya in
8 Sudan?

9 A. [10:58:17] Yes, I know Liria.

10 Q. [10:58:20] Was the place that you mentioned close or far from Liria?

11 A. [10:58:26] It was close to Liria.

12 MR BLACK: [10:58:32] I am conscious of the time, your Honour. I think I have just
13 a few more questions on this before the break.

14 Q. [10:58:37] Mr Witness, which, if any, LRA senior commanders were present at
15 this area where you received training in Sudan?

16 A. [10:58:53] When we were leaving Uganda to go to Sudan we, we moved with
17 the -- the higher ranking commanders. First we were with those of Otti Vincent, we
18 moved until we split from somewhere. When we split we met again, we converged
19 again and there was Otti Vincent, Buk, we also met Kony in Bilinyang. When
20 we -- we converged and met together we organised and went for an operation. We
21 went to carry jerrycans so that we can cross the Nile.

22 When we -- we went to Kerinete (phon) and when we reached Kerinete we carried
23 many jerrycans and returned. And when we returned the other people were split
24 and others returned to Uganda, some of us remained in Sudan. When we remained
25 in Sudan, we -- a programme was drawn on how to cross the Nile. There was

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1 Acellam Ben, Otti Vincent and other commanders crossed the Nile. Like me, I, as
2 Acellam's escort, I remained in Sudan together with his wives, together with the
3 wives of Acellam, and that's how it was.

4 Q. [11:01:08] Did you ever go back to Uganda after this training and these events in
5 Sudan during your time in the LRA?

6 A. [11:01:16] Yes, I -- I came back to Uganda.

7 Q. [11:01:22] And after discussing it a bit more, do you remember when this was,
8 how many years you had been with the LRA when this happened, or how many
9 months?

10 A. [11:01:39] I don't recall that now, because the dates and the year I -- I cannot
11 estimate. But it should have been around the time that -- the time that a president of
12 Uganda died. Should be either Obote. We were told that a president of Uganda
13 died. That I remember.

14 Q. [11:02:22] Thank you. Perhaps you can think about it during the break.
15 Your Honour, we could take a break now.

16 PRESIDING JUDGE SCHMITT: [11:02:29] We have the break until half past 11.

17 THE COURT USHER: [11:02:34] All rise.

18 (Recess taken at 11.02 a.m.)

19 (Upon resuming in open session at 11.32 a.m.)

20 THE COURT USHER: [11:32:19] All rise.

21 PRESIDING JUDGE SCHMITT: [11:32:35] Mr Black, of course you have still the
22 floor.

23 MR BLACK: [11:32:38] Thank you, your Honour.

24 Q. [11:32:43] Mr Witness, just a couple more questions about that training in
25 Sudan before I move on to another topic. First of all you mentioned Joseph Kony,

1 Otti Vincent and Buk as commanders that you saw there in Sudan. Do you
2 remember seeing any other LRA senior commanders there in Sudan at the time of this
3 training?

4 A. [11:33:16] Yes, there were several other commanders. Odhiambo was also
5 among the commanders. Odhiambo was also among the commanders.
6 Michael *Technician. Some of them were left behind in Uganda.

7 Q. [11:33:38] What was Michael *Technician 's function or position?

8 A. [11:33:51] He was in charge of -- he was in charge of communication, radio
9 calls and all the other communications. He was in charge of that.

10 Q. [11:34:06] For which group was he in charge of the signals and
11 communications?

12 A. [11:34:16] The whole of the LRA.

13 Q. [11:34:21] And do you recall the names of any other senior LRA commanders
14 that were present?

15 A. [11:34:38] Those are the ones that I saw in Sudan. There are some that stayed
16 back in Uganda. For example, Dominic Ongwen, he stayed behind in Uganda.

17 Q. [11:34:50] So was Dominic Ongwen not present while you received this
18 training in Sudan?

19 A. [11:35:00] No. He was in Uganda.

20 Q. [11:35:11] Sir, I'm going to switch to a different topic now.

21 Several times you've mentioned Teso. Which LRA units were active in Teso?

22 A. [11:35:32] The LRA groups active in Teso were Sinia, Gilva and Stockree.

23 Q. [11:35:44] Do you know what level of units those are? Were they companies,
24 battalions, brigades or some other level?

25 A. [11:35:58] They're brigades.

1 Q. [11:36:03] Which brigade were you in while you were in Teso?

2 A. [11:36:09] I was in Sinia brigade.

3 Q. [11:36:15] And what did Sinia brigade do in Teso?

4 A. [11:36:28] Sinia brigade was actively participating in combat in Teso.

5 Q. [11:36:40] What was your role when there was combat in Teso?

6 A. [11:36:51] I also participated in the combat.

7 Q. [11:36:58] Can you describe some of the fighting that you -- some of the
8 combat you personally participated in there in Teso?

9 A. [11:37:12] There were several attacks in Teso. I do not recall all the names of
10 the places. I do recall some of them though.

11 Q. [11:37:26] Go ahead and give us the names of a few of the places you recall.

12 A. [11:37:33] Abalanga, Muringato, Dital, Kaberamaido.

13 Q. [11:37:50] Can you describe the combat itself, how intense was it?

14 A. [11:38:03] It's difficult to explain it in -- in chronological order, but there are
15 some -- some of the battles that I can explain. Some I've forgotten about.

16 Q. [11:38:18] That's perfectly understandable. And I'll ask you about some
17 specific battles or specific events, but in general was the fighting in Teso, would you
18 say it was of a low intensity, a high intensity, or can you describe it in any other way
19 that might help us understand?

20 A. [11:38:47] The first one in Teso, the one that I do recall, while we were moving
21 Buk was in charge, at the time Buk was in charge of Sinia brigade. As we were on
22 the move, the people who were in the front heard gunshots. We had entered into an
23 ambush, into an army ambush. Once we got there the women were told to go
24 behind and the men were told to go to the front.

25 Some of us had guns, but even the people who had newly been given arms, people

1 who had just been trained were told to go to the frontline. People were told to take
2 off their shirts, you take off your skirt and you tie your shirt on your waist and you
3 walk around bare-chested. We took off our shirts, we tied them around our waists.
4 We started running towards the enemy. We were shooting. We were making
5 alarms. When we fought against the soldiers, we defeated them. The soldier took
6 off. Some of them threw their guns, they threw their gumboots and we carried those
7 bags. That's what happened.

8 Q. [11:40:30] What did you carry during this fighting?

9 A. [11:40:44] Are you talking about the fighting in the barracks or as we were on
10 the move? I do not -- I did not quite understand that question.

11 Q. [11:40:52] Thanks for telling me when you don't understand, that's helpful. I
12 meant, when you were fighting with the soldiers, were you carrying anything? Did
13 you have a weapon?

14 A. [11:41:06] Yes, I did.

15 Q. [11:41:10] Approximately how old were you at this time?

16 A. [11:41:20] As I explained earlier, I was 12 at the time.

17 Q. [11:41:26] Were there other LRA fighters who were your age or younger
18 fighting in Teso?

19 A. [11:41:38] Yeah, there were numerous, there were several people my age, there
20 were some who were younger than me. Those did -- the younger ones were not
21 armed because you're armed depending on your -- on your strength, if you're strong
22 enough you're given a gun. But if you look weak then they do not arm you, they do
23 not give you a gun because you cannot then be made to carry a bag on top of the gun
24 that you're supposed to hold.

25 Q. [11:42:15] The ones who are too weak to carry a gun, did they have any role in

1 the fighting?

2 A. [11:42:29] No, they do not go to the frontline, especially where there is battle.

3 But if we are at the position, once we've been split in our different positions, they're
4 told to climb back on the trees as watch out, as outposts. They're security. If they
5 see any security or if they see any civilian coming, then they will shout out and let us
6 know that there is a civilian moving in the vicinity going in such-and-such a direction.

7 Q. [11:42:58] You also said there were several people your age. How do you
8 know or why do you think that they were your age or approximately your age?

9 A. [11:43:15] It was based on their size. There were a number of us who were,
10 on the same size, were referred to as "kadogis".

11 Q. [11:43:27] Did you discuss your age with other LRA soldiers?

12 A. [11:43:39] No, that didn't happen.

13 Q. [11:43:43] And did you ever see with your own eyes other soldiers
14 approximately your age participating in battles?

15 A. [11:43:59] Yes, they were present.

16 Q. [11:44:00] And was that also in Teso or somewhere else, or both places?

17 A. [11:44:14] That happened in Teso after we'd been armed. And it continued
18 throughout the time that I was in the LRA till I became a veteran with a gun.

19 Q. [11:44:34] I'm going to ask you now about a number of specific places and I'll
20 ask you whether you know if the LRA was active there. The first place is called
21 Odek. Was the LRA active in Odek?

22 A. [11:44:58] Yes, the LRA was active in Odek.

23 PRESIDING JUDGE SCHMITT: [11:45:01] May I just -- because when we
24 come -- come now to these different places I would ask the witness two questions
25 from the Presiding Judge: When you first went to battle in your life, how did you

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1 feel?

2 THE WITNESS: [11:45:24] (Interpretation) The very first time I went to battle I
3 was extremely frightened. After the battle some of my colleagues and other LRA
4 fighters who'd been -- who'd sustained injuries in that battle were also there. And
5 the truth is I was scared, I was afraid of sustaining injuries as well.

6 After that, we were all convened in the evening, we were given instructions to boost
7 our morale, we were told not to be afraid of those kind of things. The people who
8 had sustained injuries were thinking about escaping and that's why they got shot. So
9 each and every individual should stop thinking about going home. If you're still
10 thinking about escaping, thinking about going home, then, yes, you will be shot and,
11 yes, you will be shot and killed. So every individual should stop thinking about
12 going home. And, well, I was -- personally I was extremely afraid of that happening.
13 After that, I kept on thinking and -- thinking about the instructions that we'd been
14 given and I decided not to think about home and I decided to follow what my
15 commanders were being -- what my commanders were being -- were instructing me.
16 And that's how I remained in the LRA.

17 PRESIDING JUDGE SCHMITT: [11:47:20] Thank you, Mr Witness.
18 Mr Black, please.

19 MR BLACK: [11:47:25] Thank you, your Honour.

20 Q. And I realise there's one question I forgot to ask before we move on to Odek.

21 Mr Witness, a moment ago you described Buk being in charge of Sinia while you
22 were in Teso. Does Buk have any other names as far as you know?

23 A. [11:47:47] There's Buk Abugal (phon). That's the name that he's referred to.

24 Q. [11:47:59] And do you know of any other positions that he held in the LRA?

25 A. [11:48:11] He was a senior officer.

1 Q. [11:48:16] When Buk was in charge of Sinia brigade, do you know what unit
2 Dominic Ongwen was in charge of?

3 A. [11:48:35] When Buk was in charge of Sinia Dominic Ongwen was in Sudan.
4 When Kony started reshuffling his commanders, Dominic Ongwen was taken and
5 transferred to Sinia. When Dominic Ongwen was in Sinia, Buk was transferred
6 elsewhere. And that's how I became part of Sinia with Dominic Ongwen. Then we
7 went towards Pader. And that's what happened -- that's how it happened.
8 Dominic Ongwen was transferred from Teso and was taken to Sinia. Buk was taken
9 from Sinia to another brigade.

10 Q. [11:49:41] Okay. The last couple of sentences, as I heard them, I just want to
11 make sure I'm clear. It said: "Dominic Ongwen was transferred from Teso and was
12 taken to Sinia." Is that correct? Because Teso is a place and Sinia is a brigade. Can
13 you help me understand your evidence.

14 A. [11:50:10] I said Dominic Ongwen was taken from Sudan because at the time
15 when we were in Uganda in Teso there were some LRA soldiers were in the Sudan.
16 Dominic Ongwen was taken. Kony took Dominic Ongwen from the Sudan and sent
17 him to Uganda. Dominic Ongwen went to Teso. While in Teso, Dominic Ongwen
18 was placed in Sinia brigade. Buk was taken from Sinia brigade and transferred to
19 another brigade. I hope you've understood that.

20 Q. [11:50:56] Thank you, sir.

21 Let me return now to Odek, which we had just began to discuss. Do you know
22 when the fighting at Odek occurred?

23 A. [11:51:21] No, I do not know the date that the fighting at Odek occurred, but it
24 did happen. There was fighting in Odek and I know that they fought in Odek.

25 Q. [11:51:36] I'm going to ask you a number of questions about Odek and I'm

1 going to cover the planning, the attack itself and then what happened afterwards. So
2 first of all, where were you in the day or two before the fighting at Odek?

3 A. [11:52:02] Prior to the attack on Odek we had -- the groups had split up, they
4 were in different battalions. An RV was convened under the leadership of
5 Dominic Ongwen. Once the RV was convened, people met up. Once we'd come
6 together, we were told to go and collect food. Once they issued instructions to go
7 and get food they asked "Where can we get this food?" And they told us Odek. But
8 Odek, there are soldiers present in Odek. The plan was made and we started going
9 to attack Odek. Almost everybody went to Odek.

10 When we got to Odek we attacked Odek.

11 Q. [11:53:13] Sir, let me interrupt you, I apologise. I apologise, sir, for
12 interrupting. We want to hear what happened at Odek, but before we do I want to
13 ask you a few more questions about what happened before you went there.

14 A. [11:53:36] Before we went to Odek an RV was convened.

15 Q. [11:53:43] And which LRA units were present at this RV?

16 A. [11:53:56] It was Sinia brigade.

17 Q. [11:53:59] Which units make up Sinia brigade?

18 A. [11:54:13] It included Oka battalion, Terwanga battalion, and Siba battalion
19 and there was also S-quarter.

20 Q. [11:54:26] Were all of those units present at the RV before Odek?

21 A. [11:54:35] Yes, they were.

22 Q. [11:54:38] Which senior LRA officers were present at the RV?

23 A. [11:54:56] I said almost everybody went to Odek. Most of the commanders
24 went -- almost all the commanders went to Odek.

25 Q. [11:55:06] Please tell us the names of some of the commanders you remember

1 being there?

2 A. [11:55:15] The commanders that I saw were Acellam Ben, I was his escort at
3 the time. Opoka Lunguru was there, he was the IO. Thirdly, there was Okello
4 Naputali, Okot Aliga, Kalalang, Ocan, and there were also other commanders present.
5 I do not recall all their names.

6 Q. [11:55:58] You mentioned Ocan, was this -- does Ocan have other names or
7 nicknames?

8 A. [11:56:09] No, they used to refer to him as Ocan.

9 Q. [11:56:17] Is this the same person that you -- the same Ocan that you referred
10 to earlier today?

11 A. [11:56:25] No, it's a different Ocan.

12 Q. [11:56:30] What was his position in the LRA?

13 A. [11:56:39] This Ocan was in charge of Kalalang's security in his household.

14 Q. [11:56:52] What about Kalalang, do you know any other names or nicknames
15 for Kalalang?

16 A. [11:57:02] No, I do not know any other name other than Kalalang.

17 Q. [11:57:07] What was Kalalang's position at this time?

18 A. [11:57:18] Kalalang was in charge of Terwanga battalion.

19 Q. [11:57:37] Who was in charge of Siba battalion at this time?

20 A. [11:57:47] It was Ocan Labongo.

21 Q. [11:57:49] Do you recall whether he was present at the RV?

22 A. [11:57:54] Yes, he was.

23 Q. [11:57:57] Who is the highest ranking LRA commander present at the RV?

24 A. [11:58:09] It was Dominic Ongwen.

25 Q. [11:58:13] Did you see him there with your own eyes?

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1 A. [11:58:20] Yes, I did.

2 Q. [11:58:22] What was Dominic Ongwen's position in the LRA at that time as far
3 as you can recall?

4 A. [11:58:36] He was in charge of Sinia.

5 Q. [11:58:40] And what was it that led you to conclude that he was in charge of
6 Sinia?

7 A. [11:58:59] He was in charge of Sinia because if there are any -- any instructions
8 or arrangements he issues these instructions and makes these arrangements.

9 Q. [11:59:16] And how do you know of such instructions and arrangements?
10 Were those things that you saw or heard yourself?

11 A. [11:59:38] They used radio call to communicate.

12 Q. [11:59:41] And when you say "they used a radio call to communicate", who is
13 "they"?

14 A. [11:59:59] There's communication from above to Dominic Ongwen and then
15 Dominic Ongwen informs his COs in the various battalions. He tells them that we
16 have received such orders from above and the orders are A, B, C.

17 Q. [12:00:24] And how do you know that, sir?

18 A. [12:00:30] I was aware of this because when I was with Acellam Ben he used a
19 radio call, he also had one, and on each -- every day they would communicate with
20 this radio call to ascertain what programmes they had available on that day.

21 Q. [12:01:02] When you say they would communicate to ascertain what
22 programmes they had available, what do you mean by that?

23 A. [12:01:16] What I mean is that, for instance, if Kony -- Commander Kony sends
24 communication or sends a message that effective next week, for instance, they should
25 start abduction, he sends this communication and, for example, his instruction can be

1 that effective next week, the message will be passed to the rest that the commander
2 has sent a message that we should increase the number by abducting. Not only that,
3 they can also send a message and say that next week, effective next week or the
4 coming weeks no one should abduct anyone and no one should go for any operation.
5 That also happens.

6 Q. [12:02:15] Thank you. Let me keep your attention focused on the RV before
7 Odek. What specifically was Dominic Ongwen's role at that LRA RV that you've
8 described?

9 A. [12:02:35] I said he was the in charge. As a commander when the RV was
10 convened people gathered together and when everybody had been summoned the
11 commanders sat down and for us as the -- for instance, myself, I was with Acellam
12 Ben as his escort at the time. We were told that we were going for an operation and
13 we were told that the mission involves looting food items and we were warned that
14 there are soldiers there, government soldiers there, and if you find a weapon you
15 should be able to recover one. And sure as they had said, the following day we left
16 to go to Odek.

17 Q. [12:03:37] Before -- again, I'm going to move slowly through this. Before we
18 get to the actual getting to Odek, who was it who told you that you were going on a
19 mission that involved looting food and warned you about the soldiers there?

20 A. [12:04:05] That is what my immediate commander told me when he returned
21 from a meet -- from a planning meeting with Dominic Ongwen. He informed us as
22 his escorts and his security.

23 Q. [12:04:26] Who again was your immediate commander, just so it's clear?

24 A. [12:04:35] Can you repeat the question?

25 Q. [12:04:38] Yes. You mentioned that you were told that by your immediate

1 commander. What was his name?

2 A. [12:04:50] Acellam Ben.

3 Q. [12:04:54] What was Acellam Ben's role at the RV that you've described?

4 A. [12:05:08] They are the commanders of battalions.

5 Q. [12:05:13] Did Acellam Ben have any special role with regard to the attack on
6 Odek?

7 A. [12:05:27] In regard to that, he was the overall in charge of the attack according
8 to the plan that they came up with.

9 Q. [12:05:43] Who gave Acellam Ben the role of the overall commander of the
10 attack?

11 A. [12:05:53] It was Dominic Ongwen.

12 Q. [12:05:56] And how do you know that?

13 A. [12:06:05] It's Acellam Ben who mentioned that he was the overall, that he was
14 the one in charge of the Odek operation.

15 Q. [12:06:20] Other than Acellam Ben, did you hear any other LRA commanders
16 speaking at this RV?

17 A. [12:06:38] When they went for their planning meeting, as his escort, I did not
18 go close to them because as I'm escort you do not go close to the commanders when
19 they're having a meeting, you sit at the side.

20 Q. [12:07:12] So you don't recall any other commanders speaking at the RV?

21 A. [12:07:23] Like I said, the commanders who were there were the battalion
22 commanders. Like for Oka was Acellam Ben, with his operation room and his IO
23 and his personal assistant or secretary. For Siba, his commander was there, his
24 operation room and the second in command, and the admin, his IO, all of them were
25 also present.

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1 MR BLACK: [12:07:58] Your Honour, could I attempt to refresh the witness's
2 memory with paragraph 87 of his statement? Thank you.

3 Q. [12:08:06] Sir, I'm going to read you just a sentence or two from the witness
4 statement that you gave to investigators in 2016.

5 This is tab 1 in the binders for everyone. Sir, you said:

6 "At the briefing Ongwen spoke and followed by Achellam."

7 Does that refresh your memory at all about who may have spoken at the RV?

8 A. [12:08:44] Yes, it does refresh.

9 Q. Now that your memory's been refreshed, who do you recall speaking at the RV?

10 A. [12:09:08] At the RV there was Acellam Ben, Dominic Ongwen, Ocan Kalalang,
11 Ocan Labongo and Ocan Kalalang.

12 Q. [12:09:31] And did any of those men speak, and I mean speak to you, not just
13 amongst themselves, but did you hear any of those men speak?

14 A. [12:09:52] They spoke during their planning meeting and they said that, well,
15 there is no problem going to Odek.

16 PRESIDING JUDGE SCHMITT: [12:10:10] Did they address the soldiers of the
17 LRA?

18 THE WITNESS: [12:10:18] (Interpretation) Yes, they did. They addressed the
19 LRA soldiers who were in Sinia brigade.

20 MR BLACK: [12:10:30] Thank you, your Honour.

21 Q. [12:10:32] Mr Witness, what did you hear them say to the soldiers of Sinia
22 brigade?

23 A. [12:10:44] When people had already been summoned to the operation room,
24 they told us there was a standby to go to Odek for an attack and they told us that we
25 were going to loot food and we were told that there were soldiers there. That is

1 what they told us in the address while going to Odek.

2 Q. [12:11:11] And do you remember which individual person said those things?

3 A. [12:11:23] It was Acellam Ben who was the overall in charge of the attack.

4 Q. [12:11:29] Was anything mentioned by Acellam Ben or the other commanders
5 about what should happen if you find civilians at Odek?

6 A. [12:11:48] Yes, they said.

7 Q. [12:11:51] What did they say?

8 A. [12:12:01] Before we reach the -- the battlefield we were told that we were
9 going to collect food. They said that when you get people who can be recruited into
10 the ranks of the LRA abduct them. We were also told that you should abduct
11 civilians to carry the food which will have been looted. That's what was said in the
12 address.

13 Q. [12:12:31] And, again, if you can, do you recall which person said that?

14 A. [12:12:45] All the commanders said that, even Dominic Ongwen told us like
15 that.

16 Q. [12:12:56] After this address or these addresses by the commanders, what
17 happened next?

18 A. [12:13:09] After the address we -- we left for Odek, and, when we reached
19 Odek, the way it had been said it was contrary to what had been said. They found
20 soldiers was within the camp of the civilians. When they started firing guns, there
21 were gunshots in the barracks and in the camps as well. And it -- realised that the
22 soldiers were also within the camps. And that made it not easy -- as easy as it was
23 supposed to be.

24 Q. [12:13:56] Let me ask you one more question before we get to -- or, a couple of
25 questions before we get to the guns firing. After you left the RV which you've

1 described where the address happened, but before you actually reached Odek itself,
2 what happened to the group, the LRA soldiers that you were with?

3 A. [12:14:30] When I was still in the LRA, whenever there is any plan to go for a
4 battle or for an attack, people are always anointed. That's the first thing that is
5 usually done. And that took place. Secondly, spies were sent ahead in time to
6 Odek. The spies included Opoka Lunguru and Okeny Ginadyak. They are the
7 ones who went for that. They went and located the barracks where the camp was
8 and came back with the information.

9 Q. [12:15:20] And then when you and the other fighters moved towards Odek,
10 did the group stay together or did it break apart into smaller groups?

11 A. [12:15:35] When we left for Odek we were in one group, but when we were
12 close as we were about to attack Odek we were split.

13 Q. [12:15:51] Into how many groups did you split, do you know?

14 A. [12:15:58] We were split into three groups.

15 Q. [12:16:03] And what were the three different groups supposed to do?

16 A. [12:16:14] One group was sent to the camp to go and loot food. Another
17 group was sent to the barracks to engage the soldiers in a battle. While the other
18 group stayed behind and -- so that if the people are abducted, civilians are abducted,
19 they are taken to them.

20 Q. [12:16:44] And how did you know what the different groups were supposed to
21 do?

22 A. [12:16:53] I knew because when they were split in the group we were all
23 together.

24 Q. [12:17:03] Did you hear something about that?

25 A. [12:17:13] Yes, I heard the instructions. It was explained to us that as, as an

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1 overall Acellam Ben would go to the camp. Okello, who was in charge of support,
2 would go to the barracks with his group. While Dominic Ongwen, as the overall
3 commander, would stay behind, together with Opoka Lunguru. Kalalang was also
4 with him as the person who would be in charge of the civilians.

5 Q. [12:18:03] The Okello who went to the barracks, does he have any other names
6 or nicknames?

7 A. [12:18:18] He was called Okello Naputali.

8 Q. [12:18:34] When the three groups split and Dominic Ongwen stayed with
9 Lunguru and Kalalang, where was Dominic Ongwen located?

10 A. [12:18:54] They were close by, they were not far away.

11 Q. [12:19:00] Was any part of Odek visible from where Dominic Ongwen and the
12 others remained?

13 A. [12:19:15] No, not all.

14 Q. [12:19:17] Was there any part of Odek, of the camp or of the barracks, or of
15 other parts of Odek that you could see from where Dominic Ongwen was located?

16 A. [12:19:33] The campsite could be seen, part of it could be seen.

17 Q. [12:19:41] And you said they were close by, they were not far away. Perhaps
18 using the courtroom as an estimate, could you give us an idea of how far away they
19 were from Odek? Was it once, the same as the courtroom, or twice the length of the
20 courtroom or more?

21 A. [12:20:09] It was far. This courtroom is too, too close.

22 PRESIDING JUDGE SCHMITT: [12:20:15] I think it -- the courtroom is too small to
23 make a reference point insofar, so perhaps you would need another reference point.

24 MR BLACK: [12:20:25] Thank you, your Honour.

25 Q. [12:20:25] Is there any other way, Mr Witness, that you can help us understand

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1 how far Dominic Ongwen was from Odek when you left him?

2 A. [12:20:43] I can estimate it could be probably from -- from here to the junction
3 where you turn to come here.

4 PRESIDING JUDGE SCHMITT: [12:20:57] Perhaps I give it a try.

5 A football field, if you imagine a football field, was it as far away as a football field
6 from one end to the other, or several football fields?

7 THE WITNESS: [12:21:21] (Interpretation) Like half the football pitch, like -- oh,
8 one and a half the size of a football pitch.

9 MR BLACK: [12:21:36] Thank you, your Honour.

10 Q. [12:21:43] Mr Witness, did the LRA fighters that went into Odek, did they
11 have any communications equipment with them?

12 A. [12:21:59] Yes, there was radio call and there were walkie-talkies.

13 Q. [12:22:05] Who had walkie-talkies in Odek?

14 A. [12:22:09] Walkie-talkies had -- Acellam Ben had a walkie-talkie, Okello
15 Naputali, Opoka Lunguru, and Okot Aliga.

16 Q. [12:22:27] And when the three groups split, and you described where they
17 went, where did you go?

18 A. [12:22:39] I was with Acellam Ben as his security.

19 MR BLACK: [12:22:47] Your Honour, could I ask that we go into private session at
20 least for five or so minutes, and then I'll seek some clarification after that.

21 PRESIDING JUDGE SCHMITT: [12:22:56] But with -- you know with other
22 witnesses we have elicited information about what happened during attacks in open
23 session.

24 MR BLACK: [12:23:05] Your Honour, the nature of this evidence and where he
25 was makes me think it could identify him. I'll try to cover that part fairly quickly

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1 and then move back.

2 PRESIDING JUDGE SCHMITT: [12:23:17] Okay, if that is the case, then we go to
3 private session.

4 (Private session at 12.23 p.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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1 (Open session at 12.34 p.m.)

2 THE COURT OFFICER: [12:34:44] We are back in open session, Mr President.

3 MR BLACK: [12:34:51] Thank you.

4 Q. [12:34:52] Mr Witness, actually you can close the binder now and you don't
5 need to -- in fact we'll take the image off your screen, you don't need to look at that
6 any more. You can close it or just move it to the side if that's easier.

7 PRESIDING JUDGE SCHMITT: [12:35:09] I think the best, Mr Witness, is to leave
8 it open because it might be that you will have to open it again, so it's perhaps better to
9 leave it as it is.

10 Thank you.

11 MR BLACK: [12:35:29]

12 Q. [12:35:29] So, Mr Witness, you've just shown us the bit formation as you
13 entered Odek. Please tell us what happened as you moved into the camp.

14 A. [12:35:55] When we got there, when we got to the -- to the boundaries of the
15 camp, the groups were set up. Once we got there each group went in the direction
16 that it was supposed to go. Once the -- there was gunfire, we started entering.
17 Some of us were at the side towards the camp. We found soldiers in the middle of
18 the camp. Once there was heavy gunfire, the soldiers entered into civilian houses
19 together with the civilians. So people would go, open the doors, soldiers would
20 shoot people. Soldiers -- the government soldiers shot LRA -- the soldiers shot
21 soldiers who were in civilian houses and Acellam Ben issued an order saying "There
22 are soldiers, there are government soldiers in civilian houses, so if you find any house
23 with a closed door, have security present or shoot." And that's what we started
24 doing. When we started doing that, some people, civilians were shot, other people
25 shot soldiers. So civilians were also caught in the cross-fire. And that happened

1 during battle.

2 Q. [12:37:54] Sir, did you use your gun as you entered the camp?

3 A. [12:38:05] Yes, I was armed.

4 Q. [12:38:06] And did you fire your weapon?

5 A. [12:38:12] Yes, I did.

6 Q. [12:38:13] In fact, can you tell us perhaps the first time you fired your weapon
7 at someone as you entered the camp?

8 A. [12:38:30] No. The first time I shot a gun was in Teso.

9 Q. [12:38:39] Sorry, I meant on -- the first time on this day as you were entering
10 Odek, when do you remember shooting your gun for the first time on this day?

11 A. [12:39:03] That was not my first time to shoot at somebody -- or, rather, are
12 you talking about like firing my weapon? I'm not -- the question is not very clear.

13 PRESIDING JUDGE SCHMITT: [12:39:23] May I.

14 Mr Witness, when you entered Odek, can you describe what happened from your
15 perspective, what you saw and what you did?

16 THE WITNESS: [12:39:42] (Interpretation) Okay, that makes sense. Personally,
17 I -- I can tell you what I saw personally and what I did firsthand.

18 PRESIDING JUDGE SCHMITT: Exactly.

19 THE WITNESS: (Interpretation) First -- first of all, once we entered into the camp
20 when we heard gunfire, as I stated earlier, soldiers entered into civilian houses.

21 When we became aware of soldiers entering civilian houses and the government
22 soldiers were shooting at LRA soldiers, Acellam Ben, as a commander, told us that we
23 should be careful, we should be cautious. Any house that you are approaching
24 should be approached with caution. So they issued an order telling us that be
25 extremely cautious. The caution means that as a soldier you're the one who should

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1 start shooting at the house, so, indeed, people started shooting at houses. So any
2 house that people came across was shot, any house that we came across there was a
3 barrage of bullets into that house and I personally also did that. And in the process
4 of shooting you hear people crying in the house. People -- people continued going
5 forward, we continued fighting, we defeated the government soldiers until people
6 started taking things. And that's what I can explain.

7 PRESIDING JUDGE SCHMITT: [12:41:42] Mr Black, please.

8 MR BLACK: [12:41:43] Thank you, your Honour.

9 Q. [12:41:45] Mr Witness, do you remember shooting at anyone who was sitting
10 down drinking as you entered Odek?

11 A. [12:42:05] Yes, I do recall.

12 Q. [12:42:06] What happened on that -- at that moment?

13 A. [12:42:16] When we found soldiers, when we went and found
14 people -- soldiers -- or people drinking, there were soldiers among those people, so in
15 order to enter and start abducting civilians in the presence of soldiers would be
16 impossible. So we -- we started shooting. I also personally shot my gun at the
17 soldiers that were with the civilians.

18 Q. [12:42:47] Did you shoot your gun at any civilians?

19 A. [12:42:58] Not -- no, not at Odek. At Odek I only shot at soldiers. I also shot
20 in the houses, but that's -- well, that's equal to shooting civilians because you're firing
21 in a civilian camp.

22 MR BLACK: [12:43:18] Your Honour, could I ask the witness specifically about the
23 last two sentences of paragraph 97 in tab 1.

24 PRESIDING JUDGE SCHMITT: [12:43:28] From here of course, yes. Yes, you can.

25 MR BLACK: [12:43:31] Thank you, your Honours.

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1 MR TAKU: [12:43:33] Your Honours, it will be for the second reason you gave, to
2 show a contradiction, not necessarily to refresh his memory.

3 PRESIDING JUDGE SCHMITT: [12:43:43] Yes, but Mr Black has, as I said during
4 the first session, he -- since we have a contradiction, he can read it and then can ask as
5 he did before: Can you make us understand this?

6 And I already said that I find this a very good way to ask or to inquire on possible,
7 probable contradictions without asking in a too suggestive manner. I think that is
8 quite a good idea. Please continue, Mr Black.

9 MR BLACK: [12:44:14] Thank you, your Honour.

10 Q. [12:44:16] Mr Witness, again referring to the statement that you gave to
11 investigators in 2016 in paragraph 97 of that statement talking about Odek you said:
12 "As we were moving, I saw a civilian man, about 30 years of age, sitting down with
13 some soldiers drinking. I shot this man and he died. This was the first time I had
14 killed anyone."

15 Sir, can you help us understand whether you shot at any civilians during the Odek
16 attack after hearing that?

17 A. [12:45:09] Yes, having refreshed my memory, that's what happened.

18 Q. [12:45:17] How did you know that this person was a civilian whereas the
19 others were soldiers?

20 A. [12:45:31] He was in civilian clothing.

21 Q. [12:45:37] You've talked about houses --

22 PRESIDING JUDGE SCHMITT: [12:45:44] Why did you shoot at this man?

23 THE WITNESS: [12:45:56] (Interpretation) He was with soldiers and that
24 depends on the way that we are going to perform in -- in our activities, so -- or, it
25 depends on how we are going to fight against government soldiers who are in the

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1 camp. And that's why it happened in that way. The soldiers were seen, they all
2 had guns and that's why I shot this person, that's why it happened in that way.

3 PRESIDING JUDGE SCHMITT: [12:46:31] I asked myself have you thought about
4 in that situation to shoot at the soldiers instead of the civilian?

5 THE WITNESS: [12:46:51] (Interpretation) Well, there's -- once you direct a barrel
6 of a gun in a certain direction, the barrel of the gun is in that direction. I -- my
7 intention was to shoot at soldiers, but sometimes civilians get caught up in the
8 cross-fire when you're shooting at soldiers.

9 PRESIDING JUDGE SCHMITT: [12:47:11] Yes, thank you.
10 Mr Black.

11 MR BLACK: [12:47:15] Thank you, your Honour.

12 Q. [12:47:16] Mr Witness, you mentioned houses. Who lived in the houses in
13 Odek?

14 A. [12:47:32] The army housing and there are also civilian housing in the camp.

15 Q. [12:47:39] Where was the army housing in the camp, if at all?

16 A. [12:47:50] The army quarters were on the west because the people that were
17 sent to the camp approached the camp from the -- from the camp direction. People
18 who were told to go to the barracks went towards the right.

19 Q. [12:48:15] Are the army quarters something different from the barracks or are
20 those the same thing?

21 A. [12:48:25] It's the same thing.

22 Q. [12:48:29] The houses that you saw in the camp, did you see anyone in those
23 houses?

24 A. [12:48:45] Are you asking about civilians or soldiers? I did not quite get that.

25 Q. [12:48:51] Either one. Did you see civilians in the houses? Did you see

1 soldiers in the houses?

2 A. [12:49:05] Civilians and soldiers were all mixed up in that camp, in the civilian
3 camp.

4 Q. [12:49:14] And did you see with your own eyes soldiers in the houses, or was
5 that just something that you heard from your commander, Acellam Ben?

6 A. [12:49:30] I saw -- I saw soldiers -- I saw soldiers fleeing and entering into
7 civilian houses. I saw it with my own eyes.

8 Q. [12:49:46] You described shooting into the houses. Did you see government
9 soldiers in any of the houses that you shot your gun into?

10 A. [12:50:04] I said, as I stated earlier, there were civilians mixed up with soldiers.
11 At the time the soldiers were drinking in the camp. Once they heard gunfire, there
12 was gunfire towards the barracks, there was also gunfire towards the camp side, but
13 it was not as much as the gunfire in the barracks side. So the soldiers who were in
14 the -- among the civilians ran to the civilian camp. They could not go to the barracks
15 because of the gunfire taking there. And some of them went with their guns.

16 Q. [12:50:52] And my question is just did you see any of them enter the houses or
17 inside the houses?

18 A. [12:51:11] I said as -- personally I saw soldiers entering civilian housing.

19 Q. [12:51:20] And earlier when you were talking about soldiers and yourself
20 firing your gun into houses you said you heard people crying. Can you describe
21 that?

22 A. [12:51:41] There's nothing much that I can add to that. Once we
23 were -- instructions were issued, people had been killed, LRA members had also been
24 killed. There was somebody who was injured and the commander, Acellam Ben,
25 told us that we have to be cautious, be cautious of the houses in the camp, be cautious

1 of the civilian housing. He was telling us as the group that went to the camp. So
2 each and every person had to be cautious because there were government soldiers in
3 civilian housing.

4 Q. [12:52:22] You've made that clear. My question is about what you heard
5 when you fired your gun into houses in the camp. Describe the people crying.

6 A. [12:52:43] Once these instructions had been issued we started shooting. The
7 house that I shot at I went to the back of the house, the door had been closed, I heard
8 people inside the house, moving inside about the house, I started shooting into the
9 house. While shooting into the house I heard crying, people were crying, but I could
10 not actually go into that house because we were all ordered not to enter into any
11 house. We continued walking forward.

12 Q. [12:53:22] Based on what you heard from the house, especially the people
13 crying, could you tell whether it was men or women or children in the house?

14 A. [12:53:39] It was an adult, it wasn't a child.

15 Q. [12:53:44] Were you able to tell whether it was a man or a woman?

16 A. [12:53:53] You know, when you're -- when you're on duty it's very difficult to
17 guess whether it's a male or a female voice because you're concerned about what
18 you're doing.

19 Q. [12:54:12] You mentioned people had been killed. Who did you see that had
20 been killed?

21 A. [12:54:26] Among the LRA soldiers?

22 Q. [12:54:30] Sure, let's start with the LRA soldiers. Who did you see among the
23 LRA soldiers who had been killed?

24 A. [12:54:42] I do not recall his name, but I can visualise the person, but I can't
25 recall his name.

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1 Q. [12:55:03] Do you recall any LRA commanders who were injured at Odek?

2 A. [12:55:15] Yes, I do recall.

3 Q. [12:55:16] Who, in particular?

4 A. [12:55:23] It was Okello, the commander was known as Okello, he was a
5 signaller. He was shot in the head.

6 Q. [12:55:35] Did he survive?

7 A. [12:55:43] He was carried and taken, but afterwards he was a bit mental.

8 Q. [12:55:53] Can you describe what you saw when he was being taken from
9 Odek?

10 A. [12:56:12] People took food from Odek --

11 Q. [12:56:18] (Overlapping speakers) to interrupt you. I want to know what
12 you -- how -- can you describe Okello when you saw him, what was his condition and
13 who was he with?

14 A. [12:56:35] Okello was on the side, he was on the side of the barracks. When
15 he was shot he was carried and brought to the back. He was shot in the head and he
16 was weak. They struggled to treat him until there was some changes, some
17 improvement.

18 Q. [12:57:08] Was he able to walk away from Odek on his own power or did he
19 have to be carried?

20 A. [12:57:20] No, he was carried on a stretcher.

21 Q. [12:57:31] Apart from those LRA people you just referred to, who did you see
22 killed or wounded in Odek?

23 A. [12:57:48] Other than the three people that I've mentioned, one died, the other
24 two sustained injuries.

25 Q. [12:57:59] Sorry, Mr Witness, I mean people who are not with the LRA, did

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1 you see anyone killed or wounded who is not with the LRA?

2 A. [12:58:18] There were deaths, civilian deaths.

3 Q. [12:58:23] About how many civilians did you see who had been killed?

4 A. [12:58:39] The direction where we went I saw about 10 civilians. Those are
5 the ones that I personally saw, a mixture of men and women. Some kids had
6 been -- had also been killed.

7 Q. [12:58:59] What kind of wounds did they have these dead civilians?

8 A. [12:59:16] It was a battle.

9 Q. [12:59:19] Do you remember specifically what kind of wounds they had?

10 A. [12:59:32] It was a battle. Nothing other than bullet -- bullet injuries.

11 Q. [12:59:40] Do you remember where on their bodies they had received bullet
12 injuries?

13 A. [12:59:53] Some of them had been shot in the chest, some had been shot in the
14 head. So it was mostly on the head and the chest.

15 Q. [13:00:04] Do you know why they'd been shot mostly in the head or in the
16 chest?

17 A. [13:00:20] Well, to my understanding or to my knowledge, the way LRA
18 soldiers are trained, we are told that in order to shoot somebody sufficiently you have
19 to shoot the person in those places so that the person does not survive. So I know
20 that anybody who shoots at somebody either shoots on the head or on the chest for
21 maximum effect. And that's why those people were shot in the head and the chest.

22 MR BLACK: [13:00:57] Thank you, your Honour. I think we could break here
23 now.

24 PRESIDING JUDGE SCHMITT: [13:01:01] We have now the lunch break until 2.30.

25 THE COURT USHER: [13:01:04] All rise.

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1 (Recess taken at 1.01 p.m.)

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

3 THE COURT USHER: [14:30:06] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [14:30:29] Mr Black.

6 MR BLACK: [14:30:29] Thank you, your Honour.

7 Q. [14:30:34] Mr Witness, before we broke for lunch, you were talking about
8 events at Odek and I'm going to continue with some more questions about Odek.

9 Earlier you were describing what was happening at Odek and you said that people
10 started taking things, that's on page 67 of the realtime transcript. Can you explain a
11 bit more what you mean by "people started taking things" in Odek?

12 A. [14:31:20] What I meant was the luggage that people started carrying, luggage
13 that was -- included food.

14 Q. [14:31:30] Did the luggage that people carried, did it include any other kinds
15 of items besides food?

16 A. [14:31:45] The items in the luggage other than food was there.

17 Q. [14:31:52] And what kinds of things were taken other than food?

18 A. [14:32:04] Things like soap, salt and clothes.

19 Q. [14:32:13] And who took these things?

20 A. [14:32:25] The items were from our side, who were under Acellam Ben, with a
21 group who was the one that looted them.

22 Q. [14:32:46] Did that include you?

23 A. [14:32:55] Yes, I was part of it.

24 Q. [14:32:59] What was done with the goods that were taken from Odek?

25 A. [14:33:17] It was taken along to the bush.

1 Q. [14:33:20] Do you recall anything of special value that was found and taken
2 from Odek?

3 A. [14:33:32] The things that were taken from Odek that I remember they -- it was
4 mentioned that some diamond was recovered from there. I got that from
5 Okeny Ginadyak.

6 Q. [14:33:53] Did he tell you who found the diamond?

7 A. [14:34:02] He himself found the item.

8 Q. [14:34:11] What caused you to leave the camp?

9 A. [14:34:22] The reason why we left the camp was, after defeating the
10 government soldiers and while people were looting things in the centre, some
11 soldiers came and they came from the direction of the school, they started shooting at
12 us and then people left the camp.

13 Q. [14:34:51] Where did you go when you left the camp?

14 A. [14:35:01] When we left the camp we used the same path and we followed our,
15 our footpath until we reached the bush where we had come from.

16 Q. [14:35:14] And what did you see when you reached the bush where you had
17 come from?

18 A. [14:35:28] When we reached the bush I saw it was dark, and it was not easy to
19 see things considering it was already dark. We could not -- I could not recognize the
20 things which people were carrying because we arrived at night. I would have seen if
21 it was daytime.

22 Q. [14:35:56] And who did you see when you reached this place?

23 A. [14:36:12] When we arrived in this location, most of the people who went for
24 the operation I saw they had returned and they were in the location.

25 Q. [14:36:26] Did you see any LRA commanders at this location?

1 A. [14:36:36] I said that when we came back all the commanders were present.
2 There was no commander who had split and gone a different direction. They all
3 convened in one place and later on split.

4 Q. [14:37:01] Did you see Dominic Ongwen at this location when you returned
5 back to the bush after Odek?

6 A. [14:37:13] Yes, he was there.

7 Q. [14:37:16] What was he doing?

8 A. [14:37:26] He is a commander, he was the overall commander. For any, all he
9 says -- passes on instructions.

10 Q. [14:37:37] Apart from the LRA fighters and commanders who you just
11 mentioned, did you see anyone else right after you left Odek, any other people?

12 A. [14:37:55] There were people who had been abducted.

13 Q. [14:38:00] Please describe the people who had been abducted that you saw.

14 A. [14:38:10] Those abducted were many. Among those abducted there were
15 those -- those who could be recruited as -- to proceed with the work were put aside,
16 and those who were considered old were put in a different side. And then the
17 energetic people who could help in carrying luggage were put in another group.
18 Later on, when the group split, those who were considered able to be -- to work and
19 to be recruited into the ranks of the LRA, others were put in Oka battalion with Ben,
20 others went to the headquarters and one -- others went to other battalions.

21 Q. [14:39:08] How old were these people who were considered of an appropriate
22 age to be recruited into the LRA?

23 A. [14:39:25] It's difficult to estimate their age because their size -- their sizes were
24 considered the appropriate sizes to join the LRA.

25 Q. [14:39:37] Were they about the same size as you or bigger or smaller?

1 A. [14:39:47] Others were my exact size while others were a little older than I was.

2 Q. [14:39:57] Do you remember seeing any abducted people who were smaller
3 than you.

4 A. [14:40:07] Yes, they were there.

5 Q. [14:40:13] What was the gender of the abducted people? Were there men and
6 women? Boys and girls?

7 A. [14:40:25] There were many people. There were both men and women.

8 Q. [14:40:31] Earlier you mentioned that they were carrying things. How were
9 they carrying things?

10 A. [14:40:49] There were food items you carry on your -- on your head. Others
11 were carried on the backs.

12 Q. [14:41:01] Were these abducted people restrained in any way? Were they tied
13 up or held in any spot or in any way?

14 A. [14:41:21] Many times when a civilian is abducted they are tied, they get a rope
15 and they tie around his waist and he is made to carry the luggage on his head. They
16 are put in a line and the rope is tied around their waist so that they don't escape.

17 Q. [14:41:45] And was that done to the people abducted from Odek?

18 A. [14:41:54] Yes, it happened.

19 Q. [14:41:57] Did you see Dominic Ongwen near these people who had been
20 abducted?

21 A. [14:42:08] He was the commander, so he could not get close to the civilians.

22 Q. [14:42:18] You mentioned earlier how they were sorted according to age.
23 Who sorted the abducted people by age?

24 A. [14:42:31] That was done from the operation room.

25 Q. [14:42:39] Do you remember which individuals participated in that?

- 1 A. [14:42:54] The operation room, I am not sure who was in charge.
- 2 Q. [14:43:03] And who was overall in charge of the LRA soldiers that you saw
- 3 when you came out of Odek?
- 4 A. [14:43:22] Dominic Ongwen was the overall commander.
- 5 Q. [14:43:28] After you came out of Odek into this location you've described
- 6 seeing the abducted people, where did you go next?
- 7 A. [14:43:45] Was split in smaller groups and -- because they said they were being
- 8 pursued by soldiers.
- 9 Q. [14:43:55] Which group were you placed with?
- 10 A. [14:44:00] I was with Oka battalion.
- 11 Q. [14:44:04] And where did you and Oka battalion go from there?
- 12 A. [14:44:14] We split and went to the east.
- 13 Q. [14:44:20] You mentioned a few minutes ago that some of the abducted people
- 14 were distributed to Ben Acellam. How many?
- 15 A. [14:44:34] There were three people.
- 16 Q. [14:44:37] Were they boys or girls or men or women?
- 17 A. [14:44:51] They were girls and boys.
- 18 Q. [14:44:56] How old were they?
- 19 A. [14:45:02] They were still young, they were still young people.
- 20 Q. [14:45:07] Were they bigger or smaller or the same size or the same age as you?
- 21 A. [14:45:20] The girls were younger. From the bush they were referred to as
- 22 ting ting. They were still young.
- 23 Q. [14:45:35] Do you know what happened to those abductees?
- 24 A. [14:45:44] I don't know what happened to the rest of the abductees.
- 25 Q. [14:45:52] Sir, you have mentioned a number of commanders and other LRA

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1 soldiers who participated in the events at Odek. Do you remember anyone else, any
2 other names of people who were there?

3 A. [14:46:22] It's still like I said earlier, there were many people and it's been long,
4 I have forgotten the names. But I can still visualise them, I can see them, but I can't
5 remember their names it's been so long.

6 MR BLACK: [14:46:45] Your Honour, with your permission, I'd like to read some of
7 the names at paragraph 86 of his statement and ask him just if he remembers those
8 people and whether they were there.

9 PRESIDING JUDGE SCHMITT: [14:47:00] Yes, of course.

10 MR BLACK:

11 Q. [14:47:01] Mr Witness, I'm just going to read you a list of names and I will ask
12 you if you know that person and if you remember whether they were involved in
13 Odek. The first name is Okot Aliga. Do you remember whether he was present at
14 Odek?

15 A. [14:47:24] Yes, I remember.

16 Q. [14:47:28] Just to be clear, do you remember that yes he was present or no he
17 was not present?

18 A. [14:47:37] He was present in Odek.

19 PRESIDING JUDGE SCHMITT: [14:47:44] Do you know what happened to him?

20 THE WITNESS: [14:47:53] (Interpretation) What happened to him, he was
21 selected to be in charge of operation room during the attack. I don't recall any injury
22 on him.

23 PRESIDING JUDGE SCHMITT: [14:48:11] Is he still alive?

24 THE WITNESS: [14:48:15] (Interpretation) No, he is no longer alive. He died
25 when he was across.

1 MR BLACK: [14:48:28]

2 Q. [14:48:31] Sorry, Mr Witness, we heard "he died when he was across." Across
3 what?

4 A. [14:48:40] He was across the Nile.

5 Q. [14:48:44] You've also mentioned Okello Naputali. Do you know where he is
6 today? Is he alive or dead?

7 A. [14:49:00] He is no longer alive.

8 Q. [14:49:01] And what was his role at Odek? If he was indeed at Odek.

9 A. [14:49:14] Naputali was in support, he used to operate a bomb.

10 Q. [14:49:21] Yes, could you please explain what support does.

11 A. [14:49:36] Support is tasked with, like, during a gun battle they are the ones
12 who -- they determine the strength of the enemy, the government, then they advise on
13 where to target. Secondly, they operate heavy weapons with bombs. They
14 send -- they fire the bomb so that it can scare off the government soldiers.

15 Q. [14:50:13] Can you give us an example of the specific kinds of weapons that
16 support uses?

17 A. [14:50:33] Support, they use PK, RPG, mortar, B10 and SPG9. Those are the
18 weapons that were used by support.

19 Q. [14:50:51] Can you explain what a PK is, please.

20 A. [14:51:03] A PK gun is the one that uses a chain. The bullets are in a chain, a
21 long chain, some of them up to 200, others 250, others 100.

22 Q. [14:51:22] What is a B10?

23 A. [14:51:32] A B10 is a heavy weapon and it can also be put on a stand, but you
24 can also use it without a stand.

25 Q. [14:51:46] And what's an SPG?

1 A. [14:51:54] I am talking about RPG. RPG is -- it also uses a stand, but it's not
2 too big. Depends on the bullets. Others have longer bullets, others have short
3 bullets.

4 Q. [14:52:15] In our transcript another weapon you mentioned was the SPG9, I'm
5 not sure if that's correct, but what were you referring to there?

6 A. [14:52:33] That is also a heavy weapon that is put on a stand. You can put it
7 on a stand or you can just hold it.

8 Q. [14:52:45] Were any of these weapons used at Odek?

9 A. [14:52:59] Yes.

10 Q. [14:53:00] Which ones? Or all of them?

11 A. [14:53:05] There was a PK which was used, there was RPG, there was mortar,
12 there was B10 also.

13 Q. [14:53:18] I'm going to ask you another name. Do you know the name Nyeko
14 Aganya?

15 A. [14:53:29] Yes, I know.

16 Q. [14:53:32] Who is that?

17 A. [14:53:35] Nyeko Aganya was an officer of Oka battalion.

18 Q. [14:53:46] Do you know where he is today?

19 A. [14:53:56] He was killed while he was in Congo.

20 Q. [14:54:05] Do you know a person named Opwonya who worked with Okot
21 Aliga?

22 A. [14:54:13] That was Okot Aliga's escort.

23 Q. [14:54:18] Was he present at Odek?

24 A. [14:54:23] Yes, he was present.

25 Q. [14:54:26] Do you know a person named Oyenga?

- 1 A. [14:54:39] Vincent Oyenga, yes, I do know him.
- 2 Q. [14:54:42] Was he present at Odek?
- 3 A. [14:54:44] Yes, he was present.
- 4 Q. [14:54:47] What was his role at Odek?
- 5 A. [14:54:57] I'm not -- he was an officer, but I'm not sure if he had a particular
- 6 role.
- 7 Q. [14:55:07] Do you know what unit he was in?
- 8 A. [14:55:14] We were together in Oka battalion with him.
- 9 Q. [14:55:23] Do you know the name of Okeny Ginadyak?
- 10 A. [14:55:31] Yes, I know Okeny Ginadyak.
- 11 Q. [14:55:35] Was he present at Odek?
- 12 A. [14:55:39] Yes, he was present, he was RCM.
- 13 Q. [14:55:49] And what does RCM mean?
- 14 A. [14:55:57] RCM means a person who, who is in charge of soldiers.
- 15 Q. [14:56:10] Do you know if he's still alive today?
- 16 A. [14:56:20] No, he died from Central African Republic.
- 17 Q. [14:56:30] Do you know a person named Joe?
- 18 A. [14:56:37] Yes, I do know Joe.
- 19 Q. [14:56:40] Was Joe present at Odek?
- 20 A. [14:56:45] Yes, he was present and he was the escort of Dominic.
- 21 Q. [14:56:55] Do you know approximately how old Joe was?
- 22 A. [14:57:05] I'm not sure about that. It's not easy to estimate.
- 23 Q. [14:57:11] Do you recall that he was bigger or smaller or about the same size as
- 24 you?
- 25 A. [14:57:22] Joe was -- he had flesh but if he was older than me he was older than

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1 me by a few years.

2 Q. [14:57:39] Do you know an escort of Dominic Ongwen named Aliga?

3 A. [14:57:48] Yes, I do know.

4 Q. [14:57:51] Was he present at Odek?

5 MR TAKU: [14:57:53] Your Honours, I rise to place on record an objection. Do
6 you know an escort --

7 PRESIDING JUDGE SCHMITT: Yeah.

8 MR TAKU: -- of Dominic Ongwen called Aliga?

9 PRESIDING JUDGE SCHMITT: There are --

10 MR TAKU: Yes.

11 PRESIDING JUDGE SCHMITT: [14:58:03] Indeed, that was a -- very suggestive.

12 Just mention the name and then we -- and afterwards we try to inquire in -- what
13 relation, if at all, he stands or has -- which relation he had with the accused or not.

14 MR BLACK: [14:58:20] I apologise, your Honour. My understanding is that's quite
15 a common name and so I was trying to narrow it down but I just (Overlapping
16 speakers)

17 PRESIDING JUDGE SCHMITT: [14:58:29] Yeah, no, no, no, but the objection is
18 sustained.

19 MR BLACK: [14:58:32] I understand.

20 Q. [14:58:33] Mr Witness, the next name is Labong Otti. Do you know a person
21 by that name?

22 A. [14:58:42] I know Labongo.

23 Q. [14:58:51] And who is the Labongo that you know? Does he have any other
24 names or nicknames or any other information you can tell us about him?

25 A. [14:59:06] Otti Labongo was known by no other name other than Otti

- 1 Labongo.
- 2 Q. [14:59:17] Was Otti Labongo at Odek?
- 3 A. [14:59:27] I'm not -- I did not see him personally.
- 4 Q. [14:59:36] Do you know a person by the name Yaa-Per?
- 5 A. [14:59:53] I know Yaa-Per.
- 6 Q. [14:59:55] Who was Yaa-Per?
- 7 A. [14:59:58] Yaa-Per was a regular soldier, he was a sergeant.
- 8 Q. [15:00:06] Do you know who he worked with in the LRA?
- 9 A. [15:00:13] He was an escort of Dominic.
- 10 Q. [15:00:20] Do you know someone named Cukere?
- 11 A. [15:00:29] Yes, I do know Cukere.
- 12 Q. [15:00:33] Who was Cukere?
- 13 A. [15:00:37] Cukere was also Dominic's escort.
- 14 Q. [15:00:44] Was Cukere present at Odek?
- 15 A. [15:00:54] Cukere was present.
- 16 Q. [15:00:58] Also I forgot to ask you was Yaa-Per present at Odek?
- 17 A. [15:01:05] Yaa-Per was also present.
- 18 Q. [15:01:08] Do you know a person named or called Kadogo?
- 19 A. [15:01:17] Okot Kadogo, no, I do not recall, I do not remember anything about
- 20 him.
- 21 Q. [15:01:30] How about just Kadogo?
- 22 A. [15:01:35] Yes, I know, Kadogo.
- 23 Q. [15:01:42] Who was Kadogo?
- 24 A. [15:01:46] Kadogo was a signaller in Oka battalion under Ben Acellam.
- 25 Q. [15:01:53] Did he participate in the events at Odek?

- 1 A. [15:02:03] Yes, he did.
- 2 Q. [15:02:05] Do you know someone named Okwer (phon)?
- 3 A. [15:02:19] Okwa (phon) or Okwe (phon)? I'm not sure about which name. I
- 4 do not know about anyone called Okwa.
- 5 Q. [15:02:31] Do you know anyone called Okwe?
- 6 A. [15:02:36] Yes, I do know an Okwe.
- 7 Q. [15:02:41] Who was Okwe and was he present at Odek?
- 8 A. [15:02:47] If I do recall, Okwe was also at Odek.
- 9 Q. [15:02:55] Do you know a Bosco Onencan also known as Kamdulu?
- 10 A. [15:03:06] No. No, I did not see Kamdulu. I did not see him there.
- 11 Q. [15:03:13] Do you know someone called Kamdulu?
- 12 A. [15:03:24] No, I do not know. I do not know anybody named Kamdulu who
- 13 was in Sinia brigade who was a low ranking soldier or a commander. I did not see
- 14 or know anybody by that name.
- 15 Q. [15:03:41] What about Abongomek? Do you know someone by that name?
- 16 A. [15:03:53] Yes, I do know an Abongomek.
- 17 Q. [15:03:56] Who was Abongomek?
- 18 A. [15:04:01] Abongomek was a support, he was with Okello Naputali.
- 19 Q. [15:04:06] And was he present at Odek?
- 20 A. [15:04:15] Yes, he was.
- 21 Q. [15:04:17] Do you know someone called Opio Makas?
- 22 A. [15:04:27] No, I do not know an Opio Makas.
- 23 Q. [15:04:35] How about someone called Odoki?
- 24 A. [15:04:45] There were a -- there were people called Odoki.
- 25 Q. [15:04:49] Do you know of any person who is called that as a name, so not to a

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1 group of people called Odoki, but to a particular person called Odoki?

2 A. [15:05:07] Yeah, there were -- there were two people known as Odoki.

3 Q. [15:05:14] Please tell us who those two people were?

4 A. [15:05:22] The first Odoki -- well, both of them were in Kalalang's battalion.

5 Q. [15:05:33] And were either of them or both of them present at Odek?

6 A. [15:05:47] I only saw one Odoki. While we were in action, I did not see the
7 other Odoki.

8 Q. [15:05:56] Thank you for your patience. That's the end of the names for right
9 now.

10 PRESIDING JUDGE SCHMITT: [15:05:59] And what did this Odoki that you saw
11 do?

12 THE WITNESS: [15:06:09] (Interpretation) The Odoki that I saw did not do
13 anything in particular other than carrying food and abducting people.

14 PRESIDING JUDGE SCHMITT: [15:06:24] And perhaps the parties allow me to
15 put a catch word to the witness.

16 Does anything come to your mind when I say in relation to this person PK?

17 THE WITNESS: [15:06:49] (Interpretation) I do recall a PK. PK is a gun.

18 PRESIDING JUDGE SCHMITT: [15:06:53] No, I -- in relation to the person Odoki.

19 THE WITNESS: [15:07:00] (Interpretation) There was somebody called Odoki,
20 there was nobody called Odoki PK --

21 PRESIDING JUDGE SCHMITT: [15:07:14] (Overlapping speakers) this -- it was --

22 THE WITNESS: [15:07:15] (Interpretation) -- other than --

23 PRESIDING JUDGE SCHMITT: [15:07:20] I think you know what I referred to, it
24 was 86, but we have to continue.

25 MR BLACK: [15:07:27]

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1 Q. [15:07:29] Thank you, Mr Witness. I'm going to ask you to look at another
2 document.

3 And if the court usher could help me, it's tab 4 of the binders. The ERN, for the
4 record, is UGA-OTP-0256-0178. This is a confidential document, but we provided
5 the court officers with a redacted version that can be shown to the public, your
6 Honour.

7 PRESIDING JUDGE SCHMITT: [15:09:18] Mr Witness, do you have it in front of
8 you now?

9 THE WITNESS: [15:09:22] (Interpretation) Yes, I do.

10 PRESIDING JUDGE SCHMITT: [15:09:23] So Mr Black, please continue.

11 MR BLACK: [15:09:26] Thank you, your Honour.

12 Q. [15:09:27] Mr Witness, do you recognise this document?

13 A. [15:09:29] Yes, I do.

14 Q. [15:09:31] Who drew this?

15 A. [15:09:36] I did, I drew it.

16 Q. [15:09:37] Okay. There's some words written in English like "school" and
17 "barracks". Who wrote those words, if you remember?

18 A. [15:09:56] It was the investigators who were questioning me. I drew the
19 diagram.

20 Q. [15:10:06] And then how did they know, for instance, where to right "school"
21 or where to write "barracks"?

22 A. [15:10:19] They asked me questions and I showed them where these places
23 were on that diagram.

24 Q. [15:10:28] Please explain to the Judges what this drawing shows.

25 A. [15:10:45] It's a diagram showing how the LRA approached Odek during the

1 attack.

2 Q. [15:10:55] Several of the lines on this drawing have arrows on them. What do
3 those arrows represent or show?

4 A. [15:11:11] That shows the formation, the formation that was made to go and
5 attack Odek barracks.

6 Q. [15:11:21] On the bottom half of the drawing kind of in the centre there's
7 a -- there's a X or a cross with the letters "DO" next to it. What does that represent?

8 A. [15:11:44] The X? Are you talking about the X towards the camp or the X at
9 the back? I'm not sure which X you're talking about.

10 Q. [15:12:02] There's an X with the letters "DO" if that helps, and it's the middle,
11 it's the centre of the page on the bottom half. It's on one of the kind of partial circles
12 around the bottom and there's an X there. Are you able to find that X? If you can't,
13 that's quite all right. I'll move on to the next question if you can't find it.

14 A. [15:12:38] Yeah, I've seen it.

15 Q. [15:12:40] And what happened at that X?

16 A. [15:12:48] That X represents the location where the group that was left behind
17 stayed.

18 Q. [15:13:07] And to the left and the right of that X there's the -- there are lines
19 with the words "Group 1" and "Group 2". What do those show?

20 A. [15:13:26] That's the way the group were set up in a formation to attack Odek.
21 The people on the left are the people that went towards the barracks. The people
22 that were on the right were the ones that went towards the camp. The people in the
23 middle, the people in the middle went towards the camp.

24 Q. [15:14:07] And, Mr Witness, finally, on the right side of the page towards the
25 bottom there are two bigger circles with a number "1" and a number "2" beside them.

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1 Can you tell us who those show?

2 A. [15:14:30] In the middle, are you talking about the middle or the side? I'm
3 not very -- it's not very clear.

4 Q. [15:14:48] Yes, my apologies. I mean the circles on the side, on the bottom of
5 the page. Small circles just above your signature.

6 A. [15:15:04] That's the position that we took to enter Odek. The first position,
7 we went to the first position and then in the second position was where we left to
8 attack Odek.

9 Q. [15:15:35] Thank you, Mr Witness. You can put that to the side now. We're
10 done with that drawing.

11 In fact that's all my questions about Odek, your Honour.

12 Mr Witness, I'm going to ask you now about some other specific places and whether
13 you know if the LRA was active in those areas. If you can't remember or you don't
14 know, just say so, that's fine.

15 Do you know if the LRA was active at a place called Pajule?

16 A. [15:16:12] Yes, they were active in Pajule.

17 Q. [15:16:16] And what happened at Pajule?

18 A. [15:16:24] The Oka battalion went to Pajule. I was not there, but I heard
19 about it. I hear that the people went to Pajule, went and attacked Pajule. The
20 government soldiers defeated them. They went back on a second occasion, that's the
21 S-quarters of the Sinia brigade, they're the ones who went to Pajule.

22 Q. [15:17:02] Do you know when the first attack against Pajule that you
23 mentioned, when that happened?

24 A. [15:17:13] No, I do not know.

25 PRESIDING JUDGE SCHMITT: [15:17:14] I think when we are talking about

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1 attacks where he not participated in, has no personal knowledge of it, we can make it
2 short.

3 MR BLACK: [15:17:24] Yes, your Honour.

4 PRESIDING JUDGE SCHMITT: [15:17:25] Also in light of other evidence that is
5 going to come and we have heard, I would suggest.

6 MR BLACK: [15:17:30] Thank you, your Honour. Understood.

7 Q. [15:17:33] Mr Witness, do you know when the second attack on Pajule
8 occurred?

9 A. [15:17:43] I do not know the exact date. I heard about that when they were
10 communicating over the radio call.

11 Q. [15:17:55] And what do you remember hearing over the radio call about this
12 second attack at Pajule?

13 A. [15:18:13] I recall them saying that the headquarters had attacked Pajule, they
14 had looted food and abducted people from Pajule. That's what I heard over the
15 radio. That's what I heard during the radio call communication.

16 Q. [15:18:34] Did you hear which LRA commanders were to be involved in this
17 attack on Pajule?

18 A. [15:18:49] No, I did not hear the name of the exact commander, but it was all
19 under the leadership of Dominic Ongwen.

20 Q. [15:18:58] Did you see, personally see any of the participants in this attack on
21 Pajule either in the days before or the days after the attack?

22 A. [15:19:17] No, because at the time when Pajule was attacked the different
23 battalions had been split. And I heard that over the radio call, I did not see it
24 firsthand.

25 Q. [15:19:35] Do you recall hearing or seeing anything about abductees, people

1 taken, people abducted from Pajule?

2 A. [15:20:01] I did not see them, but I understood that most of the people -- most
3 of the abductees were adults and they were all released.

4 Q. [15:20:16] Sir, do you recall attending an RV where any of the people from
5 Pajule may have been present?

6 A. [15:20:44] Yes, there was an RV, but the RV was after Pajule had been attacked
7 and it was after a duration.

8 Q. [15:20:56] About how long after Pajule did you attend this RV, if you
9 remember?

10 A. [15:21:08] Approximately a week.

11 Q. [15:21:14] And who did you see at the RV?

12 A. [15:21:24] People -- there were -- people would all come together during the
13 RV. The whole of the Sinia brigade was present.

14 Q. [15:21:37] So when you say "The whole of Sinia brigade was present" can you
15 name some of the LRA commanders that were there?

16 A. [15:21:55] Yes, all the high-ranking commanders were there. Acellam Ben,
17 Ocan Labongo, Kalalang, as well as Dominic Ongwen. Those were the commanders,
18 the high-ranking commanders that were present.

19 Q. [15:22:20] And how did you know at this RV that Pajule had been attacked?

20 A. [15:22:33] I said I heard it over the radio call. I heard this -- I became aware of
21 the attack on Pajule over the radio communication.

22 Q. [15:22:46] Do you remember seeing or hearing anything to do with Pajule at
23 this RV?

24 A. [15:23:03] No, I did not see anything, but I only heard people talking about
25 what they had done at Pajule. They said they attacked Pajule, they looted a number

1 of items. I just heard them talking about it.

2 Q. [15:23:26] Sir, do you know whether the LRA was active in Lukodi?

3 A. [15:23:37] That was also hearsay.

4 Q. [15:23:41] So very briefly, what did you hear about Lukodi?

5 A. [15:23:48] I heard that they attacked Lukodi, but I do not know what
6 happened exactly.

7 Q. [15:24:04] Do you know whether the LRA was active at Abim?

8 A. [15:24:17] Yes, they were active in Abim.

9 Q. [15:24:19] What happened at Abim?

10 A. [15:24:30] The people who went to Abim went to attack government soldiers.

11 Q. [15:24:39] Which LRA units participated in this attack?

12 A. [15:24:50] There were several brigades that attacked Abim.

13 Q. [15:24:59] Who was in command of those brigades at the time?

14 A. [15:25:15] The commanders were -- the various -- Otti Vincent was the overall
15 commander of the brigades.

16 Q. [15:25:32] Who was the commander of Sinia brigade at that time?

17 A. [15:25:42] At the time it was Dominic Ongwen.

18 Q. [15:25:49] Do you know who the commanders of Stockree or Gilva brigades
19 were at that time?

20 A. [15:26:03] Yes, Gilva and Stockree had commanders as well. It was Buk.

21 And I do not recall the name of the other one.

22 Q. [15:26:15] Do you recall which brigade was commanded by Buk?

23 A. [15:26:26] I do not recall which Buk -- which brigade Buk was in charge of.

24 Q. [15:26:35] Okay. And where were you just prior to the fighting in Abim.

25 A. [15:26:50] I was in Pader.

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1 Q. [15:26:57] Was there an RV prior to this attack similar to the ones you've
2 described earlier for other attacks?

3 A. [15:27:14] It was at that RV that arrangements were made to go and attack
4 Abim.

5 PRESIDING JUDGE SCHMITT: [15:27:29] Did you participate in the attack of
6 Abim?

7 THE WITNESS: [15:27:35] (Interpretation) No, I wasn't present.

8 PRESIDING JUDGE SCHMITT: [15:27:37] Were you present during the briefing
9 before the attack on Abim?

10 THE WITNESS: [15:27:44] (Interpretation) I said several people met at the RV
11 and then arrangements were made to send people to Abim. I was present at that RV
12 at the meeting.

13 MR BLACK: [15:28:02]

14 Q. [15:28:03] And who made the arrangements to go and attack Abim at that
15 meeting?

16 A. [15:28:19] I do not -- it's extremely difficult to guess among the commanders
17 who made the arrangements or who made the plans. I do not know.

18 Q. [15:28:31] Do you know if Dominic Ongwen had a role in that attack?

19 A. [15:28:43] I do not know because they were all commanders. When they're
20 making their plans, we are sidelined.

21 Q. [15:28:55] Mr Witness, I'm going to move on to something a little bit different
22 now. You've testified about a number of LRA units and commanders and I'm just
23 going to ask you a few more questions now about the structure of the LRA and how it
24 was organised.

25 You mentioned Terwanga battalion. If you know, who was the commander of

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1 Terwanga battalion at the time that you were abducted into the LRA?

2 A. [15:29:38] I said it was Lapaico.

3 Q. [15:29:44] And did Lapaico have other positions in the LRA, while you were in
4 the LRA?

5 A. [15:29:56] Lapaico was the commander of the battalion. He was a CO.

6 Q. [15:30:08] Do you know if at some point he was moved from being the CO of
7 Terwanga battalion to some other position?

8 A. [15:30:23] No, I do not know.

9 Q. [15:30:30] You've also discussed Oka battalion. Who did you understand to
10 be in command of Oka battalion at the time of your abduction or when you -- excuse
11 me. Let me stop that question and start a new one.

12 Who did you understand to be the commander of Oka battalion when you first joined
13 Oka battalion?

14 A. [15:31:00] It was Lapaico.

15 Q. [15:31:05] Did Lapaico command both Terwanga and Oka battalions, or was it
16 one after the other?

17 A. [15:31:17] No, he was transferred.

18 Q. [15:31:22] And when did that happen, if you can remember?

19 A. [15:31:28] I do not remember. At that time I was still young.

20 Q. [15:31:36] That's understandable, sir. To make sure I understand your
21 evidence, Lapaico was in command of Terwanga battalion when you were abducted
22 and then at some time after that he was transferred to Oka battalion; do I have that
23 right?

24 A. [15:31:58] Yeah, I can say something there. It could be right. I -- probably
25 I'd forgotten about it.

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1 Q. [15:32:10] Who else at some point in time was commander of Oka battalion, as
2 far as you know?

3 A. [15:32:33] Other commanders of Oka included Onek Bin Na Kany.

4 Q. [15:32:48] Anyone else? Were there any other commanders of Oka battalion
5 during these years that you've described in Uganda after you joined the LRA?

6 A. [15:33:07] I don't recall any other. I think that's all I remember, because there
7 was Onek Bin Na Kany, Lapaico, then Cele and then Ben.

8 Q. [15:33:26] Cele, does he have other names?

9 A. [15:33:32] His other name is Akuri.

10 Q. [15:33:42] Do you know when Cele Akuri was commander of Oka battalion?

11 A. [15:33:54] He did not take long. He was hit by a helicopter gunship.

12 Q. [15:34:00] Did anyone command Oka battalion between Cele Akuri, his death,
13 and when Ben Acellam took over?

14 A. [15:34:27] After the death of Cele, Acellam Ben became the commander of Oka
15 battalion until they went to Congo.

16 Q. [15:34:38] Do you know a person by the name of Loum Icaya or Icaya?

17 A. [15:34:50] Yes, I do, I do know him.

18 Q. [15:34:54] Who was he?

19 A. [15:35:00] Loum Icaya was also a commander.

20 Q. [15:35:06] Which unit or units did he command?

21 A. [15:35:17] Loum Icaya was in Terwanga battalion. He was also in Siba.

22 MR BLACK: [15:35:37] Your Honour, could I put a sentence from paragraph 70 of
23 his statement to him in tab 1? I just want to try to get clarity on this.

24 PRESIDING JUDGE SCHMITT: [15:35:46] Yes.

25 MR BLACK: [15:35:47] Thank you.

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1 Q. [15:35:48] Mr Witness, in the statement that you gave to investigators in 2016,
2 in paragraph 70 you say:
3 "Akuri was replaced by Loum Icaya until Acellam took over command of Oka. This
4 all occurred during the Teso campaign."

5 Does that refresh your memory about whether Loum Icaya may have had something
6 to do with Oka battalion?

7 A. [15:36:21] It is indeed true. Maybe it was not written well, because when Cele
8 died Acellam was appointed immediately. Between the time, I think at the time that
9 they were writing that down, it was not documented well. I request that those who
10 documented, that they did not write the way I explained.

11 Q. [15:36:56] Well, you've corrected it now in court. Thank you, sir.
12 Do you recall the date when Ben Acellam or the time approximately whether Ben
13 Acellam became the commander of Oka?

14 A. [15:37:19] I do not recall the year that he became a commander, because when
15 Acellam was appointed Oka battalion commander people were already returning
16 from Teso. We were already close to the border between Teso and Acholi.

17 Q. [15:37:43] When Cele Akuri was Oka battalion commander, who was the next
18 commander above him in the LRA ranks?

19 A. [15:38:05] When Cele Akuri was the commander, the overall commander of
20 the brigade, of Sinia brigade was Buk.

21 Q. [15:38:20] When did Buk stop being Sinia brigade commander; do you know?

22 A. [15:38:31] I do not recall, but there were transfers that were taking place at that
23 time, that's when he was taken away from Sinia and Dominic was brought to be the
24 commander of Sinia.

25 Q. [15:38:50] Let me ask you a couple questions about Siba battalion. Do you

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1 know who commanded Siba battalion at any of the times, from your abduction, to the
2 fighting in Teso, to Odek?

3 A. [15:39:16] It was Ocan Labongo.

4 Q. [15:39:20] Was this Ocan Labongo also in other units of Sinia at different
5 times?

6 A. [15:39:39] He was in his battalion at that time known as Siba.

7 Q. [15:39:45] Was he ever in Oka or Terwanga battalion?

8 A. [15:40:01] No, he was not in Oka. He was in Siba.

9 PRESIDING JUDGE SCHMITT: [15:40:15] And perhaps a short remark when we
10 have an interruption. I can imagine that a couple of names are of interest and who
11 was who, but I think it will be quite difficult to establish exactly of which person's
12 battalions and brigades and whatever, and coys consisted over a period of years. So
13 we should all keep in mind, this is addressed to both parties, that we should at least
14 try to be as close as possible to the issues at stake at this case here.

15 MR BLACK: [15:41:01] Very well, your Honour. Thank you for the guidance.

16 Q. [15:41:06] Mr Witness, you have mentioned now Dominic Ongwen on several
17 occasions. I'm going to ask you a few questions specifically about him. When was
18 the first time you recall seeing Dominic Ongwen?

19 A. [15:41:28] It was from Teso.

20 Q. [15:41:33] What do you remember about seeing him for the first time?

21 A. [15:41:46] When they came from Sudan, they met with us when we were in
22 Teso. That is when Oyet Adola introduced him to me and told me he was called
23 Dominic Ongwen. He said Dominic Ongwen was a good commander.

24 Q. [15:42:12] You said "they" came from Sudan. Who do you mean by "they"?

25 A. [15:42:24] I mean Dominic Ongwen.

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1 Q. [15:42:27] Other than the fighting which you've described in this time when
2 you saw -- the first time you saw him, were there other times that you saw Ongwen
3 during your time in the LRA?

4 A. [15:42:48] When we were in Uganda we met in RVs, several RVs and I would
5 see him. But when I went to Sudan, I did not see him for a long time. Then I saw
6 him again in Congo.

7 Q. [15:43:14] Do you remember or do you -- do you know or do you remember
8 the names of any of Dominic Ongwen's escorts?

9 A. [15:43:30] I cannot recall.

10 Q. [15:43:35] You have mentioned some already.
11 Actually, your Honour, I'm trying to think of the smoothest way to do this. Perhaps
12 I should go back to a list of names and see if he knows these people and what their
13 roles might be?

14 PRESIDING JUDGE SCHMITT: [15:44:09] Yes, but I think we have been going
15 through such a process already. I don't want to, personally speaking, I don't want to
16 have it twice now in a session.

17 MR BLACK: [15:44:21] I understand that, your Honour.

18 Looking at my list I think I'll -- I think I can accomplish this in a different way.

19 MR TAKU: [15:44:29] Your Honours, the question is too general. He met
20 Dominic Ongwen in Uganda, he didn't see him, so then he also met him in Congo, so
21 do you know any of Dominic Ongwen's escorts?

22 I mean, that question is extremely very, very, very wide and it goes against the
23 directives you've given that we should try to make the questions as close to the events
24 in issue as much as possible.

25 Secondly, he read a list of names and asked the witness, the witness gave evidence

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1 which is on record.

2 But if he wants to repeat and if your Honours feel like it is necessary, it's left for the
3 Court, but for me I just think that it is important that I draw your attention to this.

4 PRESIDING JUDGE SCHMITT: [15:45:11] Now, of course, who was escort or not
5 with Dominic Ongwen is of relevance. That is clear. And Mr Black, you can ask
6 the witness if he knows any of the names. That is also clear. But then going
7 through all the names again, I would not want to support that, frankly speaking.
8 But if the witness recalls on the spot, recalls names, that's okay I would say.

9 MR BLACK: [15:45:36] Thank you, your Honour.

10 Q. [15:45:37] Mr Witness, let me ask you: Instead of escorts, do you recall now
11 the names of any of the signallers who worked with Dominic Ongwen?

12 A. [15:45:58] I can remember but not all.

13 Q. [15:46:01] That's okay. Just tell us the names that you do remember.

14 A. [15:46:07] A signaller I can remember who was in the headquarter, their
15 commander was called Okello. He was shot in the head from Odek. There was
16 Onen Bunga, then there was Lacim, and there were other foot soldiers who worked
17 with them. I can't recall their names.

18 Q. [15:46:42] That's fine. Thank you. Sir, what was Dominic Ongwen's
19 reputation as a commander in the LRA?

20 A. [15:47:00] Dominic Ongwen, among the LRA commanders that I've -- I met, he
21 was a good -- good person, he wasn't a bad person.

22 Q. [15:47:15] What about the other soldiers, do you know what the other soldiers
23 in the LRA thought of Dominic Ongwen?

24 A. [15:47:31] The other commanders of the LRA, other than Dominic Ongwen,
25 they were -- they always start trouble, reporting issues to Kony that so and so likes to

1 do this and that. But for Dominic Ongwen he was not involved in such things.

2 And when he hears some rumour or some information, he makes it public. That's
3 what I can say.

4 Q. [15:48:22] What was his reputation in battle?

5 A. [15:48:39] In regards to the battlefield he was -- if he was chosen to lead an
6 operation, he always encouraged his soldiers. Even a soldier who was frightened
7 who'd -- be able to participate. And whenever he gives instructions, people work
8 accordingly.

9 Q. [15:49:16] What did Dominic Ongwen do to reward his soldiers for good
10 work?

11 A. [15:49:26] That reward that I remember, like in the bush, if you are given
12 something other than a woman -- there is nothing else you can be given other than a
13 woman.

14 Q. [15:49:48] And what do you mean by being given a woman? Is that a reward
15 to a soldier for good work?

16 A. [15:50:01] Yes, they give you as a reward. They give you a woman as a
17 reward or you can be given a promotion depending on how you work.

18 Q. [15:50:16] Did Dominic Ongwen give his soldiers women as a reward?

19 A. [15:50:30] Yes, that is given as a reward. And they also see and gauge if you
20 are ready and if you already requested for it.

21 Q. [15:50:43] And, I mean, not just as a general practice, but specifically do you
22 know of Dominic Ongwen distributing women to his soldiers?

23 A. [15:51:06] Yes, I know.

24 Q. [15:51:08] And how do you know?

25 A. [15:51:15] When we were in Uganda I learnt about it and I learnt about it

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1 through a radio call when it was said that they abducted people and there
2 was -- distributed, or he can say on radio call that give such a woman to such a
3 person.

4 Q. [15:51:41] When a woman is distributed or given to a soldier in the LRA,
5 where do those women come from?

6 A. [15:51:52] They are abducted from the civilian community.

7 MR BLACK: [15:52:04] Your Honour, I see there's eight minutes left before the break.
8 I'm about to start another topic. I can either start that or we can take the break and
9 continue tomorrow, as you please.

10 PRESIDING JUDGE SCHMITT: [15:52:14] It depends a little bit on how long this
11 topic would last if you can assess it.

12 MR BLACK: [15:52:18] It's a topic that will take, well, at least 20 minutes and then it
13 kind of leads into another topic I think, your Honour.

14 PRESIDING JUDGE SCHMITT: [15:52:27] I think then I would prefer to have the
15 break now. This concludes the hearing for today and we reconvene tomorrow, 9.30.

16 THE COURT USHER: [15:52:37] All rise.

17 (The hearing ends in open session at 3.52 p.m.)