

Trial Hearing

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Pangalangan
7 Trial Hearing - Courtroom 1
8 Tuesday, 28 February 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:54] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:27] Good morning, everyone.
13 A short reminder for everyone that because, I wouldn't say problems, but differences
14 in interpreting Acholi and English, when a speaker has stopped before the next starts,
15 it should be that he waits a couple of seconds.
16 And I have again French instead of English, but I think this will -- but I have
17 now -- I'm trained now. I have to go to French to have English perhaps. Let me -- I
18 think so, I think it's correct that we -- these are minor issues that we should not
19 complain about.
20 Please, Court officer, please call the case.
21 THE COURT OFFICER: Thank you, Mr President.
22 The situation in the Republic of Uganda, in the case The Prosecutor versus Dominic
23 Ongwen, case reference ICC-02/04-01/15.
24 We are in open session.
25 PRESIDING JUDGE SCHMITT: Thank you very much.

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1 And as always, the appearances, please.

2 MR ELDERFIELD: Your Honour, Julian Elderfield, here with Pubudu

3 Sachithanandan, Ben Gumpert, Sanyu Ndagire, Yulia Nuzban, Adesola Adeboyejo,

4 Ramu Fatima Bittaye, Xinwei Liu and Mari Pilvio.

5 PRESIDING JUDGE SCHMITT: Thank you.

6 And the Legal Representatives, please.

7 MS ADONG: Thank you, your Honours. Jane Adong together with Orchlon

8 Narantsetseg and Josephine Atim.

9 PRESIDING JUDGE SCHMITT: Thank you.

10 MS HIRST: Good morning, your Honours. Megan Hirst, together with James

11 Mawira.

12 PRESIDING JUDGE SCHMITT: [9:33:04] Thank you very much.

13 And as always also the Defence, please.

14 MR AYENA ODONGO: [9:33:09] Good morning, your Honours.

15 Krispus Ayena Odongo. I'm being assisted by Chief Achaleke Charles Taku, Tom

16 Obhof and Abigail Bridgman.

17 And may I take this opportunity, your Honours, to apologise on behalf of my client.

18 My client couldn't put on his suit today. Indeed, he couldn't even put on his shoes

19 because he has a technical problem. There are problems at the detention centre as

20 you may have realised. For some reason he's not allowed to use the elevator. And

21 you know he's a bit lame because he got injured during the bush days. And these

22 are issues that we think we may want to separately address you on. We do not see

23 any reason why they think using elevator is a privilege. We thought these are

24 facilities that should be used by, you know, prisoners. But they're making a selective,

25 you know, arrangement for those who may use it. And some people may not use it.

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1 And we think, I regret to say this, they're being a bit racist about this. This is a bit
2 unfortunate.

3 PRESIDING JUDGE SCHMITT: [9:34:29] As you correctly pointed it out, thank you
4 very much for mentioning it and explaining it, of course. You would address this
5 outside of the hearing, I would say, and come back to the Court and this must be
6 solved with the Registry of course and in general with the detention centre especially.
7 Thank you very much for the moment. Then we continue with the examination of
8 the witness and Mr Elderfield has still the floor.

9 MR ELDERFIELD: [9:34:56] Thank you, your Honour.

10 WITNESS: UGA-OTP-P-0003 (On former oath)

11 (The witness speaks Acholi)

12 QUESTIONED BY MR ELDERFIELD: (Continuing)

13 Q. [9:35:01] Good morning, Mr Witness.

14 Firstly a question I should have asked yesterday: What's your rank?

15 A. [9:35:07] Good morning. I'm a warrant officer, at the moment I'm a warrant
16 officer, class 1 in the court. That's in the Ugandan army.

17 Q. [9:35:33] Thank you. We're going to launch straight now into the second sound
18 recording.

19 Your Honour, the ERN, 0247-1102, and this excerpt is from minute 28.45 to 31.32.

20 Mr Witness, just like we did yesterday, you have a pen and paper in front of you.

21 Please ask if you need some help with adjusting the sound in your headphones.

22 Listen carefully to the sound recording and after it's finished I'll ask you some
23 questions.

24 Your Honour, I'm sorry, there seems to be a small technical difficulty. The audio is
25 not coming through on evidence channel 2. Perhaps the sound booth can help.

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1 Okay. We can try again.

2 (Playing of the audio excerpt)

3 MR ELDERFIELD: [9:39:51]

4 Q. [9:39:55] Mr Witness, did you recognise any voices on that audio?

5 A. [9:40:11] Yes, I did. I heard the voices and I recognised them.

6 Q. [9:40:23] Whose voices were they?

7 A. [9:40:26] Otti Vincent's voice and Kony. Otti Vincent was telling Kony what he
8 had heard. The attack that Dominic had -- the attack that Dominic was responsible
9 for, Kony asked, "How did it happen?"

10 And Otti answered: "An attack, it was an attack itself."

11 Kony asked Otti: "Did civilians die during this attack?"

12 Otti said: "Yes, civilians died."

13 And Kony said: "Civilians should have died in huge numbers. They should have
14 died in huge numbers because it's civilians that are creating the problems. Civilians
15 are the ones who -- it's because of the civilians that the soldiers are fighting against
16 us."

17 Otti told Kony: "I told them that they should have burned down all the civilian
18 houses to a larger extent than what they did in Atiak. They should have burnt all the
19 houses, all the civilian houses in the camp to a greater extent than what they did in
20 Atiak."

21 Kony said: "They will do it. It will be bigger than that. Civilians are really bad.
22 They should actually teach them a lesson." That's what Kony said.

23 And Otti told Kony: "If you hear about an attack that the UPDF actually called a
24 gunship, that means that the attack was really bad."

25 Kony asked Otti: "You mean they actually called a gunship?"

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1 Otti said: "Yes, they did. There was -- a gunship came till 6 to help the people in the
2 camp, but the gunship did not do anything."

3 That's what they said.

4 Q. [9:42:59] Thank you. You said at the start that it was about an attack that
5 Dominic was responsible for. Did you hear reference, specific reference to Dominic
6 or his call sign?

7 A. [9:43:19] Well, in this excerpt Otti was telling Kony, he was communicating with
8 Kony, but there's something missing. But Otti said, told Kony that the attack that
9 took place, Dominic attacked civilians and they heard that he killed a number of
10 people. That's what Otti said at the beginning of it.

11 Kony was asking, "How did it take place?" So they were discussing it. But I did not
12 hear Dominic's voice. Dominic did not say anything during this communication.
13 Thank you.

14 Q. [9:44:10] Mr Witness, can you please open your binder to tab 17. The ERN is
15 0132-0105. And this is a confidential document.

16 And just again for the court officers, the rolling transcripts are public and can be
17 played to the public. These transcripts are confidential and should not be.

18 Mr Witness, can you see your initials on the bottom right of the first page?

19 A. [9:44:57] Yes, I can see it.

20 Q. [9:45:05] The pages in this binder are an excerpt of the full transcript. And the
21 excerpt is pages 0133 to 0136.

22 Mr Witness, can I ask you to turn two pages to 0134.

23 On the left-hand side in blue pen there are names written after the sentences. Can
24 you confirm that those names are the people who spoke those sentences as you did
25 yesterday?

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1 A. [9:45:55] Yes, it's exactly like that.

2 Q. [9:46:07] About halfway down the page on the left, you've circled the word "Five
3 Tango" in blue. What does "Five Tango" mean?

4 A. [9:46:26] Five Tango, it's Otti's call sign was Five Tango, but occasionally he
5 would just -- they would just refer to it as Tango without the five, but when you see
6 the "Tango", that means that it's Otti that's communicating.

7 As I stated, these people communicate in different ways. Sometimes they say "Five
8 Tango" and then the communication begins. So you have to be extremely careful to
9 listen because sometimes you -- someone can easily write Five Tango instead of
10 Layom Cwiny. So if you are doing the interpretation you have to be extremely
11 careful to listen to the voice before you actually write down whatever it is being said.
12 So the way we do intercepts, you write down the person's -- you write down what is
13 being said and then you write down whoever is sending, whoever the message is
14 being sent to. Thank you.

15 Q. [9:47:35] I want you to focus a couple of lines down next to the timestamp 29.37.
16 There is a paragraph that starts, "There are people who went to homes, there are also
17 people who went to the homes of civilians ..."
18 Can you please read that short paragraph and tell us what it means, what you think it
19 means.

20 A. [9:48:08] Can you please repeat the question? I did not understand it very well.

21 Q. [9:48:15] About two paragraphs below "Five Tango" circled in blue pen there is a
22 timestamp on the right-hand side of the page.

23 MR TAKU: May --

24 PRESIDING JUDGE SCHMITT: [9:48:24] Yes, Mr Taku.

25 MR TAKU: [9:48:26] May it please, your Honours. It has not been established that

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1 what we find in these transcripts were written by this witness or they were in his
2 logbooks for him to be asked to interpret what some other person has written and
3 which is clearly stated here.

4 My colleague may ask whether he annotated something they might like to explain,
5 but to ask him to explain this, it is for the Court, when the Court is looking at all the
6 evidence, to try to -- to state what the Court thought the evidence meant. But for this
7 individual to come to try to explain what he didn't do, he was merely called to listen
8 to intercepts and do annotations and to explain, that is what he says he did.
9 So how come if -- that he is now trying to explain the evidence, to interpret the
10 evidence to the Court?

11 PRESIDING JUDGE SCHMITT: [9:49:22] Mr Elderfield.

12 MR ELDERFIELD: [9:49:23] Your Honour, you've previously outlined that
13 ambiguous phrases are within the mandate of our questioning. The witness can help
14 the Court explain phrases that aren't immediately obvious by the typewritten words.
15 And the witness explained yesterday how he reviewed the transcript, checked it for
16 accuracy and so he should be able to comment on anything in the transcript, even if
17 it's not specifically handwritten himself.

18 PRESIDING JUDGE SCHMITT: [9:49:52] When it is ambiguous, meaning that it is
19 not immediately understandable for everybody, he can comment on it and we have to
20 interpret it in the end. So this is how we do it.

21 MR ELDERFIELD: [9:50:04] In this case it's --

22 PRESIDING JUDGE SCHMITT: [9:50:07] Before you then go to the next audio, I
23 have a question to the witness again. So please continue for the moment.

24 MR ELDERFIELD: [9:50:15]

25 Q. [9:50:15] Mr Witness, we're talking about the paragraph immediately to the left

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1 of the timestamp 29.37, and that small timestamp is on the right of the page.

2 Perhaps you can be assisted. About halfway down. The words begin "There are
3 people who went to homes." Can you see it?

4 A. [9:50:51] Yes, I can see it.

5 Q. [9:50:52] Can you tell the Court what you think that paragraph means?

6 A. [9:50:57] The paragraph if you -- well, I want people to understand this. In this
7 paragraph, Otti -- I don't know if I should read this in Acholi. Should I read it in
8 Acholi or should I read the English translation?

9 Q. [9:51:29] Mr Witness, you don't have to read it out. We would just like you to
10 help us give your understanding of what the words mean.

11 A. [9:51:46] Okay. I understand. Otti was sending a report. As I stated earlier,
12 there was communication between Otti and Kony. Otti was telling Kony -- Otti was
13 telling Kony that there's some people who went to homes, they went to civilian homes,
14 there were a number of people who went to civilian homes. Over.

15 This means he was -- that there were LRA soldiers who went to civilian homes,
16 attacked and looted civilian homes. That's what Otti was explaining to Kony
17 according to this passage. Thank you.

18 Q. [9:52:40] Thank you. At the bottom of the page on the left, the second line from
19 the bottom, you've made an annotation in blue pen, "gicelo" as I can read it. Can you
20 explain what that annotation is and what the sentence now means?

21 A. [9:53:10] If you look at this passage, I was correcting the information that was
22 there. As I stated earlier, (Redacted)
23 (Redacted) because I know that there are some
24 interpreters who are -- there are a number of interpreters at the ICC who are
25 interpreting this information.

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1 Q. [9:53:36] Mr Witness, let me just stop you there. What we're looking for now is
2 simply an explanation of the term on the page and what the sentence means. We
3 don't need any more information than that.

4 A. [9:53:59] Okay. It's a simple sentence. Kony asked, "Did they shoot people as
5 well?"

6 The correction, the person who had translated it didn't translate it well, so I corrected
7 it. The correction was "Did they shoot people as well?" and it was a question mark.
8 What had been written at the beginning had not been -- had been in -- was -- did not
9 have -- did not make sense. So my correction was they shot people. Did they shoot
10 people? That was Kony asking Otti.

11 Q. [9:54:43] And what was Otti's response?

12 A. [9:54:45] Otti responded, "Yeah, they shot all the people. They shot everybody.
13 They shot all the people." That's what Otti said.

14 Q. [9:55:02] Thank you. Can you please turn the page, so page mark 0135, the
15 second line from the top starts with the words "[Laughs]" and it says "Has Lapeko
16 gone back?" Can you explain to the Court who Lapeko or Lapeco is?

17 A. [9:55:32] Lapeko, as I stated earlier, Lapeko in the LRA was a number of people.
18 I actually need to check in my records who was Lapeko because there were a number
19 of commanders who used different nicknames. And I did not actually -- I cannot
20 remember all the nicknames. And that's why I left the place and corrected. Thank
21 you.

22 Q. [9:56:00] That's fine. We'll move on. About six lines down next to the
23 timestamp 30.23 there is a sentence that begins "The plane immediately travelled to
24 it ..."

25 Can you tell the Court what "the plane" is in that context?

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1 A. [9:56:35] Otti was telling Kony about planes, how the army plane came. It
2 circled, it was circling while the attack was taking place. It shot -- it fired a machine
3 gun, but to no avail. Nothing happened. It shot but nothing happened. That's
4 what Otti was telling Kony.

5 After the attack, an army gunship came. It shot at the LRA. It shot, it fired a
6 machine gun, but nothing happened.

7 Q. [9:57:19] Thank you. Mr Witness, having reviewed the transcript, including
8 your corrections, how accurately does it reflect the sound recording that you just
9 heard?

10 A. [9:57:28] Yeah, it reflects this because if you hear what they said at the beginning,
11 they spoke about gunships firing at people, yeah. All this information is there. It's
12 clear, except that you cannot, you cannot actually read one paragraph or one word in
13 isolation as it's done here. But as I stated yesterday, we summarised the information,
14 so if you compare what is on this paper and what we have in our notebooks, because
15 in this instance they write every single word, but in our notebooks we actually
16 summarise, but if you look at this information you will realise that it's what I said in
17 summary. Thank you.

18 Q. [9:58:35] Thank you, Mr Witness. We'll move on.

19 PRESIDING JUDGE SCHMITT: [9:58:37] No.

20 MR ELDERFIELD: [9:58:39] Of course, sorry.

21 PRESIDING JUDGE SCHMITT: [9:58:41] I have a follow-up question.

22 You just said, Mr Witness, that this transcript is correct insofar as what you heard. I
23 refer to our transcript from today that is page 5, line 3 following, where you said:
24 "But Otti said, told Kony that the attack that took place, Dominic attacked civilians
25 and they heard that he killed a number of people."

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1 I would like to ask you to show to the Court where this information is entailed in the
2 three pages we have in front of us, starting with 133 until 135, information specifically
3 related to Dominic Ongwen. Could you please show the Court where you have this
4 information in this transcript?

5 THE WITNESS: [9:59:48] (Interpretation) If the person who is helping me is not
6 directing me properly, then it's not going to help. I need somebody, the person
7 sitting next to me should be able to direct me properly because if I have somebody
8 who is not doing that sitting next to me, then I cannot actually help you. Thank you.

9 PRESIDING JUDGE SCHMITT: [10:00:23] We are talking about this step, we are
10 talking about since we started the hearing today. And the first page is 133 and, as I
11 have understood it, the audio that we have heard, insofar as it corresponds to the
12 transcript, starts at the end of 133. Mr Elderfield is nodding, so I'm correct.
13 And from that on, the end of 133, please read the following, this page and then 134,
14 this is the page you commented on, until the episode with the gunship on 135.
15 And since you have done this several times, I think it would not take too long for you
16 to go through it.

17 THE WITNESS: [10:01:54] (Interpretation) The section that I am supposed to read,
18 I -- I'm not getting it clearly. Do you want me to read what is written in Acholi or
19 what is written in English?

20 PRESIDING JUDGE SCHMITT: [10:02:03] I think since you told us you are more
21 comfortable in Acholi, read it for you in Acholi and then you answer in Acholi. And
22 the question is: Where -- it's a simple question, where do you get the information
23 from that directly Dominic Ongwen was mentioned in that regard?

24 THE WITNESS: [10:02:26] (Interpretation) The script that I am reading was the one,
25 was a script that was marked. But the one that I am reading now has no writing on

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1 it. So I don't know which one I should talk about, but the one that I was talking
2 about had some annotations. But the one I have in front of me now, it's talking
3 about something else.

4 In the other script there was no information about Abudema, but what I have in front
5 of me now I can see something about Abudema, because on the one that I talked
6 about earlier there was no information about Abudema. Thank you.

7 PRESIDING JUDGE SCHMITT: [10:03:30] So this does of course not contribute to a
8 better understanding, but I think we leave it this way. This is also a, sort of, an
9 answer and we have to make up our minds.

10 But this is a transcript in evidence so far, isn't it?

11 MR ELDERFIELD: [10:03:44] It will be requested to be submitted, yes, your Honour.

12 PRESIDING JUDGE SCHMITT: [10:03:51] Yes, I don't see how we can solve this at
13 the moment. I personally see a little bit of a problem, frankly speaking, with that.

14 MR ELDERFIELD: [10:03:59] Your Honour, it's perhaps he's at the wrong tab. I'm
15 not sure how that's happened, but his mention of Abudema comes later in the binder.
16 I just wonder if he's at tab 17?

17 PRESIDING JUDGE SCHMITT: [10:04:15] Abudema is mentioned on the same page
18 133 but at the top, so it must have been -- must have been said before. So it is on this
19 page. But yes, and also I note that in your summary you did not directly refer to
20 Dominic Ongwen with regard to this audio when I'm correct, so but we leave it this,
21 like it is and perhaps continue.

22 MR ELDERFIELD: [10:04:49] We'll turn now to the next tape, the third sound
23 recording. The ERN is 0247-1110, and the excerpt is from 12.09 to 16.00.

24 Q. [10:05:17] Mr Witness, can I check that your binder is closed. Thank you.

25 We're going to play the sound recording now. Please listen carefully.

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1 (Playing of the audio excerpt)

2 MR ELDERFIELD: [10:09:28]

3 Q. [10:09:31] Mr Witness, whose voices did you recognise and what were they
4 talking about?

5 A. [10:09:44] I recognised Otti's voice and Joseph Kony. These people, they are
6 talking about the same thing that I've been previously talking about, the issue of the
7 helicopter gunship.

8 But the only difference here, I find that Otti is talking about some civilians that were
9 with him in the bush, with Otti; the time that the helicopter gunship came to attack
10 them, the civilians were with them together and the civilians were asking Otti that
11 these helicopter gunships, when they come to attack the LRA and for us civilians, we
12 would know that they would finish off people.

13 But the gunship is -- the way it attacks is so weak like this. So Otti was saying that
14 these helicopter gunships usually come and they just do what you have seen, they
15 usually don't do a lot of damage.

16 But the rest of the information, there was a lot of interference and, as I said before, at
17 the beginning sometimes it is more clear, but as they continue their communication at
18 some point it becomes -- the interference becomes so much, so you can't hear exactly
19 what they are saying.

20 But overall, Otti was saying that whatever the government of Uganda does or say,
21 they will continue fighting. So Otti was basically talking about the same attack that I
22 previously talked about. There were many things that they talked about, but there
23 was a lot of interference, so I couldn't pick some of the communication clearly.

24 Kony was also saying that he was hearing reports on radio that he has given orders to
25 Otti and to all other LRA commanders to conduct or commit serious atrocities on the

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1 civilians. So Otti was also confirming, yes, that is what I also heard.

2 So it appears this is information that Kony had over the domestic radio and they were
3 basically sharing this information with Otti.

4 There was a lot of interference during this communication, so it was not clear to pick
5 out what they said. So if other information maybe can be enlisted from other
6 witnesses who might be available. Thank you.

7 Q. [10:12:53] Mr Witness, you said that Otti was talking about being in the bush
8 with civilians. Did you hear how many civilians he was with in the bush?

9 A. [10:13:09] I am talking about in -- about in line with what I heard him say. I am
10 not mentioning anything of -- I heard myself.

11 Q. [10:13:33] Did you hear a number mentioned on the audio?

12 A. [10:13:37] There was a lot of interference. There were many things that was
13 said, and those who were able to listen could even confirm that there were
14 interference.

15 I could pick what I could clearly get, but the rest I'm sure the issue of figures, maybe it
16 was mentioned, but because of the interference I said earlier that this was the second
17 information that was playing, but it wasn't clear. I didn't hear anything about that.

18 Q. [10:14:26] Mr Witness, it's not a problem. You can say yes or no.

19 Let's turn to the transcript now, at tab 18. The ERN is 0132-0243. And this is an
20 excerpt which begins at page 0253 and also contains the pages 0265 to 0269.

21 Mr Witness, do you see your initials on the bottom right of the first page of tab 18?

22 A. [10:15:13] Yes, I can see.

23 Q. [10:15:21] Can you please turn the page to 0265. At the top, the very top,
24 you've written "Onen Kamdule = OK." What does that mean?

25 A. [10:15:47] During the interview when I was being asked, I told them this was

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1 just a verification following the question that I was asked: What does "OK" mean?

2 Because I think they could have got it from a TONFAS somewhere. So I said, I told

3 them that if they are talking about "OK", then it means Onen Kamdule. So this was

4 only a verification that I made some changes during the interview.

5 Q. [10:16:26] Mr Witness, move down to timestamp 12.21. And on the left of that

6 timestamp after the sentence you've written the words "Onen Kamdule." Why did

7 you write those words there?

8 A. [10:16:53] Could you repeat the question again? Which number are you talking

9 about?

10 Q. [10:17:02] At timestamp 12.21, perhaps you can be helped with that, on the left

11 in green pen, after the sentence you've written "Onen Kamdule." Why did you write

12 that?

13 A. [10:17:25] In reference to the statement, the beginning statement, how Onen

14 Kamdule came into this conversation follows the question that was asked up above,

15 which was saying "The things that you took, all the things that you took should be

16 taken. Over."

17 So this was Onen Kamdule's voice that appeared during the communication at that

18 time, because as I said yesterday, there are some people when they come on radio,

19 their call signs are not mentioned because sometimes you would only hear people are

20 talking direct or communications direct with Otti or Kony. So they wouldn't

21 mention the call sign. But at this time Onen Kamdule's voice came on radio during

22 that communication.

23 Like I said, in the LRA communication, people just come on air haphazardly. So

24 whoever comes on air at that time I just write down the name because I would have

25 recognised the voice.

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1 Then sometimes they also like to relay messages.

2 Q. [10:19:12] Mr Witness, that's fine. Thank you. That's all the information we
3 need.

4 Can you please keep going down the page to 12.29, and there is the words "Tango
5 Mike." Who is Tango Mike?

6 A. [10:19:32] Tango Mike was call sign used by Otti at some times. But they
7 would also switch to other call signs. For example, if this month I used call sign
8 Tango Mike, next month it will be given to another person like Lukwiya Raska. So
9 the call signs are not permanent. They change monthly or depending on the
10 situation.

11 Sometimes even Kony would use the call sign Tango Mike, so it depends on what
12 TONFAS is being used at that time.

13 Q. [10:20:25] Thank you. Can I please ask you to turn the page to 0266 and
14 timestamp 13.05. Can I ask you to read that small Acholi portion and tell us what it
15 means?

16 A. [10:21:57] There is a small problem here and I want the Court to understand this
17 clearly. I am finding that as I stated in my statement, I listened to this audio and I
18 draft in English, but I find that the Court is bringing what is written in Acholi so that I
19 can read and understand, but this is confusing me because I write, I draft the script in
20 English, the notes in English, but here I'm being presented with what is written in
21 Acholi. And the people who translated this are different.

22 So I want the Court to look into this clearly, if this will not confuse me, because it
23 appears it's brought to confuse me, because what I have in my record is in English,
24 but here I have what is written in Acholi.

25 PRESIDING JUDGE SCHMITT: [10:23:00] Mr Witness, please may I stop you now

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1 for a moment. Is this on the page we have here in front of us, (Redacted), have
2 you signed this?

3 THE WITNESS: [10:23:14] (Interpretation) Yes, I signed it.

4 PRESIDING JUDGE SCHMITT: [10:23:17] So because you said this is brought to
5 your attention to confuse you, and I think this would not be correct.

6 Please, Mr Elderfield, continue.

7 MR ELDERFIELD: [10:23:32]

8 Q. [10:23:32] Mr Witness, we're going to move on. At timestamp 13.24 towards
9 the end of the page, you've made corrections to the third paragraph down under that
10 timestamp. Do you understand me? You've written "Otwomo PK" and "Interland."
11 Can you explain what those words are and what the sentence means after you've
12 made those corrections?

13 A. [10:24:20] In this passage, the writing where there is that writing "PK", it was
14 being said that it was the PK gun was used and they were still talking about the same
15 information that was talked about about the machine gun that was fired from the
16 aircraft.

17 So here I only corrected because it wasn't very clear. It meant that -- "Otwomo PK"
18 meant it was fired, fired using the PK. It means the helicopter gunship came and
19 was firing using the PK. So that is the small annotation that I did.
20 That Interland is another type of gun which is called launcher, a launcher gun that
21 they also used frequently. That's one of the things that I changed in that section.

22 Q. [10:25:38] Having reviewed this transcript and after having reviewed your
23 corrections, does it accurately reflect the sound recording that you just heard?

24 A. [10:25:50] Yes, it reflects the audio recording.

25 Q. [10:26:06] Thank you.

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1 We'll move on now to the next sound recording. The ERN is 0235-0038. The
2 excerpt is of track 2 from 5.42 to 7.54.

3 Mr Witness, can you please close your binder and listen carefully it this next sound
4 recording.

5 (Playing of the audio excerpt)

6 MR ELDERFIELD: [10:29:04]

7 Q. [10:29:06] Mr Witness, whose voices did you recognise and what were they
8 talking about?

9 A. [10:29:20] Thank you. I heard at the beginning there was Ocen, Ocen -- sorry, it
10 was Dominic who started, who came on first. He asked for Ocen. Ocen was also
11 referred to as Madilu. And they said Madilu Tem.

12 He said: "Hold on. Let me, let me sort out this thing."

13 So once it was ready, he started reporting, he started reporting to Kony.

14 He told Kony: "I attacked Odek centre. I attacked Odek centre."

15 He said: "I attacked a place."

16 Kony asked: "Where was this?"

17 And Dominic responded: "Odek."

18 Kony asked: "Odek. Which part of Odek, the barracks, the centre?"

19 And Dominic responded: "Roger. It was Odek centre. And the barracks, all of it,
20 I burned all of it down."

21 Kony asked: "You burnt everything?"

22 And Dominic responded: "Yes, I burned everything."

23 Then Dominic went on to say: "Well, I'm still on the move."

24 When he says, when he -- well, he was saying "wiye, wiye". That means that he was
25 still on the run. He did not have time to speak. So when he found time, when he

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1 was settled, "then I will come back. But at this point I'm still on the run."

2 Kony asked, asked Dominic: "Did you seize a PK gun or did they flee with the gun?"

3 Dominic responded: "I seized it, but at this point in time, most of the things that we

4 seized are in the hands of the soldiers. I have not, I've not checked everything. But

5 once I've done that, once I list down everything, then I will send you the full details of

6 everything that I seized. But at the moment I'm in a hurry."

7 Kony said: "Okay. If you're in a hurry, you continue."

8 And Dominic switched off his radio.

9 Then later there was Kony and Labongo. Ocen Labongo started talking to Kony and

10 he said: "Yeah, this was really great."

11 Kony responded saying: "You know, these people should have killed so many

12 people. They should have killed a lot of people. They should have burned down

13 so many houses."

14 And Labongo responded: "Yeah, this will still happen."

15 And in summary, that was what was said. But there was a lot of things that were

16 said, but I cannot actually repeat word by word of what was said, because if I am to

17 repeat word by word of what was said, it would take a very long time for me to

18 explain everything that was heard in this excerpt.

19 Q. [10:32:47] That's fine, Witness. Thank you.

20 Can you please turn to tab 19.

21 The ERN is 0248-0263. And the excerpt in this binder is of the first page, 0263, and

22 then from pages 0300 to 0324.

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

24 A. [10:33:29] Yes, I see it.

25 Q. [10:33:35] Can you please turn the page to the one marked 0300 and focus your

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1 attention online 714. On the far left of that row you've written "ONG". Can you tell
2 us what ONG means?

3 A. [10:34:07] ONG, when we were verifying this information, I was told to show
4 how to differentiate between the different people, between the different speakers. So
5 ONG is an abbreviation for Ongwen. So when you see ONG, that means that
6 whoever was speaking at that time was Ongwen Dominic. Yeah, I should only -- I'll
7 stop there, because I should only answer what I've been asked. Thank you.

8 Q. [10:34:44] Thank you. You mentioned that Ocen also spoke. Is OCE in line
9 715 an abbreviation for Ocen?

10 A. [10:35:01] Yes, it is.

11 Q. [10:35:02] At line 719, on the left, there is an abbreviation JK. Does that mean
12 Joseph Kony?

13 A. [10:35:22] Yes, it is precisely.

14 Q. [10:35:27] Can you please focus your attention on line 733. Can you tell us
15 what that sentence means, please?

16 A. [10:36:03] 16, 16 says: "I've just come back from beating." It's not -- it wasn't
17 written properly. It says "I've been beating."

18 Well, the translation of that should be "I've been attacking, I've been attacking."

19 Q. [10:36:32] Thank you. Can you please turn the page to row 748. Can you
20 explain what that sentence should mean?

21 A. [10:36:56] This was JK. JK refers to Joseph Kony. Joseph Kony, this was
22 Joseph Kony asking, asking Dominic Ongwen: "Did you sweep the bottoms of my
23 mothers?" "Ma" means Kony's mother.

24 When there are a number of mothers, "Did you sweep the bottoms of my mothers,"
25 this means a number of women, many women. "Did you sweep the bottoms of all

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1 the women?" This means, "Did you kill all the people?"

2 "Maggi wayi" refers to female. Did you sweep all the bottoms of the mothers? That
3 was a question that Kony was asking Dominic.

4 Q. [10:38:00] Thank you. At line 754 you have written some words. Can you
5 explain what the sentence means with your addition?

6 A. [10:38:20] That was also another verification that I corrected. Whoever
7 translated it did not translate it well or did not understand. But whatever I wrote
8 down does not mean matuku -- whatever I've written down is matuku-tuku ku. I do
9 know how to translate that in English. And he was saying that people were running.
10 And whatever had been written there was not clear. So it was matuku-tuku ku.
11 That's what Kony said. Thank you.

12 MR ELDERFIELD: [10:39:03] Perhaps the interpreters can help us translate
13 matuku-tuku, which they're repeating in Acholi as far as I'm aware?

14 THE INTERPRETER: [10:39:18] Matuku-tuku ku could also mean seriously or
15 extensively depending on the context.

16 MR ELDERFIELD: [10:39:28] Thank you.

17 Q. [10:39:28] Mr Witness, please turn the page. You've made a series of
18 corrections from the top of the page, row 764 down to row 772. I'd like you to very
19 briefly tell us what those additions or corrections are and how that affects the
20 meaning of those sentences?

21 A. [10:40:06] This was also verification, if you look at the information that has
22 been -- that I've crossed out, that means I was verifying the information. It wasn't
23 done properly. And the corrections are the handwritten corrections. Here it was
24 written "not yet," but "it's still in the hands of the kafaya." My correction is "mere
25 aneno pwod" which Dominic was saying. He was replying to what Kony was

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1 asking saying, "Not yet. Yes, I've seen, I've just seen. I've just seen, I've just seen
2 the gun. The gun is in the hands of soldiers."
3 Soldiers are referred to as kafaya. He was saying, "I've seen the guns in the hands of
4 the soldiers." This means he has not yet met up with the soldiers. He has not
5 itemised everything. And then once he meets with his soldiers, he itemises
6 everything, then he will list them. But what was written is "I've seen it. I've seen
7 the gun. It's still in the hands of the kafaya." That's what Dominic was saying.

8 Q. [10:41:47] At line 765 you've written the word "Dog", dog. Can you tell us
9 what that word means and what the sentence means after your addition?

10 A. [10:42:00] I started verifying and correcting the information because where they
11 wrote "pwod" which means "not yet" I corrected it to "dog" because it wasn't very
12 clear. I corrected it to "dog", which means "firewood", "dog yen" which means
13 firewood. When they're talking about dog yen and they ask, "Is there firewood?"
14 this means firearms. This is what Kony asked.
15 I corrected "not yet" to become "Is there firewood?" Kony was asking Dominic
16 whether there were firearms?" question mark.

17 Q. [10:42:48] Thank you. Now row 772, you've written some words there above,
18 just above that row. Can you tell us what words you've written and what the
19 sentence means after your addition?

20 A. [10:43:06] Well, the same -- this was also verification. Whatever is handwritten
21 above that information is my correction. It reads, it's the PK, they ran with the PK.
22 Did they take off with the PK? Did they take off with the PK? "Did they take off
23 with the PK?" Question mark. That's what Kony was asking.
24 So JK refers to Kony. So this now means, "Did they take off with the PK?" And
25 there is a question mark at the end of it. That's what Kony was asking. Kony was

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1 asking Dominic. Thank you.

2 MR ELDERFIELD: [10:44:07] Just for the record, that question by Kony is at line 771,
3 not 772 as I misstated.

4 Q. At row 782, further down the page, on the left there is three letters, LAB. Do
5 they stand for Labongo as you said in your summary, who came on to communicate
6 at some point?

7 A. [10:44:39] I, on that day, I remembered that I verified a number of things. I
8 verified Labongo's name and Labalpiny's name. I'm not sure between the two
9 whether we are referring to Labalpiny or Labongo, but I think in this instance we are
10 referring to Labongo. I think the LAB here refers to Labongo, because I think the
11 other one was merely LB. So this must be Labongo. Thank you.

12 Q. [10:45:20] Thank you. We're going to move to the next portion of the same
13 sound recording. It's very short, so I think we'll have time.

14 The ERN is still 0235-0038, and this portion is of track 2 from 20.52 to 21.33.

15 And just a reminder for the court officers that these rolling transcripts can all be
16 played to the public.

17 (Playing of the audio excerpt)

18 MR ELDERFIELD: [10:47:04]

19 Q. [10:47:05] Whose voices did you hear and what were they talking about?

20 A. [10:47:11] The first voice was Otti. Otti was speaking to somebody, but I did
21 not hear the voice properly. I don't know whether it was Dominic or Labalpiny, but
22 I think it's Labalpiny.

23 Otti was asking Labalpiny that "How about the one Dominic" -- Dominic's operation
24 report that was reported earlier. Labalpiny said -- I'm not sure whether it's
25 Labalpiny's or Ocen's voice, but I think it's Labalpiny.

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1 Labalpiny responded, "Dominic said that he was going to send the report at this
2 time."

3 Dominic initially said that he was in a hurry, but he was going to send the
4 information at this time.

5 Immediately Otti started calling Dominic Tem Wek Ibong, because Dominic used the
6 call sign Tem Wek Ibong, so Otti called "Tem Wek Ibong, Tem Wek Ibong," and
7 Dominic responded, "Go ahead." Whatever was discussed after that I did not hear.
8 Thank you.

9 Q. [10:48:30] Can you please open your binder to tab 19. It has the same ERN
10 excerpt that I mentioned before. And please turn to page 0315.

11 At line 1109, on the left, you've written LABY. Can you tell us what that stands for?

12 A. [10:49:25] As I stated earlier, I differentiated the abbreviations of Labalpiny and
13 Labongo. And this must be Labalpiny because it ends with a Y. Labongo is just
14 LAB. So LABY refers to Labalpiny. This is Kony's signaller and he was the one
15 who was on air. Thank you.

16 Q. [10:50:03] Thank you.

17 Your Honour, I have a third portion of sound recording for this tape, but it's 7
18 minutes long and I don't think we'll get it in before the break.

19 PRESIDING JUDGE SCHMITT: [10:50:14] So I suggest that we have now the coffee
20 break, and why not have a coffee break until 11.30 so that we can really have time to
21 have coffee till then.

22 THE COURT USHER: [10:50:25] All rise.

23 (Recess taken at 10.50 a.m.)

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

25 PRESIDING JUDGE SCHMITT: [11:32:30] Mr Elderfield, please.

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1 MR ELDERFIELD: [11:32:32] Your Honour, this third portion is of the same sound
2 recording, the ERN is still 0235-0038. And this excerpt is of track 2 from 23.21 to
3 31.03.

4 Q. [11:32:59] Mr Witness, please carefully listen to this audio.

5 (Playing of the audio excerpt)

6 MR ELDERFIELD: [11:40:50]

7 Q. [11:40:54] Mr Witness, whose voices did you recognise and what did they say?

8 A. [11:41:05] There were several voices. At the beginning Dominic came on air
9 and was calling Otti. And Otti asked him to go ahead.

10 Dominic told Otti that he has just returned from killing people and Otti responded,
11 "Yes, I have heard."

12 Then Dominic said, "You wait for the morale so that I give you what I have found."

13 Otti asked him, "Attack, where did you do the attack?"

14 And he responded and said, "Attack on Odek."

15 At the beginning Otti was not getting Dominic clearly because of interference. There
16 was another person who was relaying them. I have -- I was not able to identify the
17 voice of that signaller, but that signaller would relay the report to Otti. But then later
18 on he started picking him clearly.

19 What came out clearly was that Labalpiny, who was Kony's signaller, found when
20 Dominic had already completed sending his operation report and he was about to
21 complete, and Labalpiny told Kony's signaller to also send him the report because he
22 did not get the details.

23 Then Otti started communicating to Kony's signaller, who is called Labalpiny. And
24 he said that Dominic attacked Odek.

25 Then Labalpiny said, "Send me the morale so that I can get it clearly."

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1 So they started communicating and mentioning the things that they seized from the
2 attack.

3 So he said, "I killed soldiers and also got PKM, the PK guns; the chain with the full
4 ammunitions and RPG gun, one pipe, plus two bomb." Then there was another gun,
5 LMG gun, were 20. And 5 SMG guns plus the magazines, 30 of them, and these
6 were full magazines with full ammunitions in it. That they also got 60 millimetre
7 mortar, plus uniforms, five pairs -- sorry, 10 pairs and 10 pairs of gumboots. And
8 they also collected packs that the army use, 15 of them. And then enemy deaths are,
9 the enemies, they were referring to UPDF. And then he said that civilian deaths
10 were too many, they were uncountable. And on his side there was nothing bad.
11 And Otti was really happy.

12 And Labalpiny said, "If that is what it is, then that's okay."

13 Then after that Kony himself took over the radio from his signaller and started
14 communicating by himself. As I said, with the LRA, sometimes the commander can
15 take over and start communicating.

16 So at that time Kony himself took over the radio from Labalpiny and started calling
17 Dominic. And he told Dominic that everything, everything that you have collected,
18 keep them very well, keep them very well, but others, as they were continuing with
19 their communication, the recording ended, and what was being communicated
20 between Kony and Dominic had just begun, but then that's where the playing
21 stopped. Thank you.

22 Q. [11:46:09] Thank you, Mr Witness. I want to replay you a very short portion of
23 this.

24 Your Honour, it is about 10 seconds, it wasn't covered in the summary. The portion
25 is from 27.15 to 27.25.

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1 And, Mr Witness, I want you to focus, not on the voice, but on the Acholi words that
2 are spoken and see if you can tell us what Acholi words that you can hear.

3 (Playing of the audio excerpt)

4 MR ELDERFIELD: [11:47:00]

5 Q. [11:47:02] Which Acholi words did you hear?

6 A. [11:47:07] Dominic was sending a message to Otti and they were saying, "I shot
7 them, over. I shot them." Dominic was communicating to Otti.

8 And then Otti was responding "Yes, yeah, yeah."

9 Q. [11:47:30] Thank you. Let's move to the transcript. It is at tab 19 again. The
10 ERN is still 0248-0263. And please turn to page 0318.

11 Mr Witness, at page 0318, at line 1170, you have written the words "Charlie Queen."

12 Can you tell us what "Charlie Queen" means?

13 A. [11:48:52] As I said earlier, that was a correction that I did because it was not
14 clear. That should have been Charlie Quebec. That is a military communication.
15 It is not Charlie Queen but should be Charlie Quebec.

16 So when we are talking about Charlie Queen, it means somebody had just entered
17 into the communication line. So saying Charlie Queen means, means all units. So if
18 somebody says "Charlie Queen, Charlie Queen," it means all units. (Redacted)
19 (Redacted) and it means all units, and that is the alert that
20 is used in military communication.

21 Q. Please go down to line 1181 and can you please explain what you understand
22 by that sentence?

23 A. [11:50:20] This what is written here is the beginning of the operation report
24 which I heard that Dominic was sending to Otti, that he has just -- they had just
25 returned from shooting our colleagues, over.

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1 So this is the first communication, according to what I heard in the audio when
2 Dominic just began sending his operation report to Otti Vincent. Thank you.

3 Q. [11:50:56] You have used the word "our colleagues." What does that mean in
4 LRA jargon?

5 A. [11:51:11] In the LRA, in their terms they, they normally do not use this term,
6 but it was used here so that people can understand. So if you take it back into Acholi,
7 it would remain ourselves. But in the LRA it would mean themselves, it would mean
8 the LRA. Sometimes they would say omara, which is like a relations word, so LRA
9 sometimes referred to omara, or referred to UPDF as omara; but also it would mean
10 somebody that you have shared with, a woman. But this is referring to our
11 colleagues or within the army.

12 Q. [11:52:15] So who do you understand Ongwen to be referring to by "our
13 colleagues" in this context?

14 A. [11:52:27] I said there are two terms that these people use. If he doesn't use
15 "our colleagues," which is referring to UPDF, then he would call -- he would refer to
16 us omara, which is referring to UPDF.

17 Q. [11:52:50] Thank you. Please turn the page. At line 1186, what have you
18 written?

19 A. [11:53:10] I am basically repeating that any writing that you see that is written
20 below, written in hand, by hand, it is a correction, because the first writing, the person
21 who wrote probably not hear clearly.

22 Q. Mr Witness --

23 A. So this means what was the item that were received or that were collected, over.

24 Q. [11:53:40] Let me just clarify what we are doing here. We have understood
25 now that your handwriting, that this is your handwriting and that these are your

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1 corrections. What I want you to do is read them out and explain to the judges your
2 understanding of what is on the page now. So we understood the process and now
3 we just need the content.

4 So can you please repeat your answer about what those words mean at line 1186.

5 A. [11:54:15] Thank you. Thank you very much. What I have written here, I
6 have written the items that were collected, over. This means the things that we
7 collected after the attack, the items that were looted after the attack. So this is what I
8 have written, the things that were looted following the attack. Thank you.

9 Q. [11:54:46] Please turn over the page and focus on line 1219. What have you
10 written at that line?

11 A. [11:55:03] I wrote "PK chain, PK chain of 200, over." It was not clearly written,
12 but it should have been. The PK chain of 240 should have actually been, that figure
13 should have been 240, but the translators did not write clearly. So the PK chain, "PK
14 chain of 240, over," it was actually a question.

15 Q. [11:55:46] Please turn the page and tell us what you have written at line 1244?

16 A. [11:56:09] What I have written "OT," that is remaining Otti, and then that one is
17 a question which is saying: "Who 15", the "Ango apar abic" he was hearing
18 something about 15, but it was not clear, but it was meaning pack. So he was asking:
19 What 15 or 15 of what item? So it was not very clear, but it was meaning what were
20 those 15 items.

21 Q. [11:56:51] Further down at line 1252, what have you written there?

22 A. [11:57:08] What I wrote there means, "On my side there were no problems.
23 There were no problems on my side." Means that on, on this part there were no
24 major problems like death or injuries. That was Dominic's voice.

25 Q. [11:57:39] Can you please turn two pages to page 0323 and focus on line 1310.

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1 What have you written there?

2 A. [11:58:09] This is a repetition of the same message that was being communicated.

3 Those were not clearly received. The message were actually still asking for

4 clarification. So here Otti was telling Labalpiny that on his part he was okay, there

5 was no problem. This was actually a report that was -- that Otti received direct from

6 Dominic, so Labalpiny came later and found when, when Otti had received this

7 message and was now relaying to Labalpiny that on his part he is okay, there was no

8 problem. Thank you.

9 Q. [11:59:00] Please turn the page and focus on line 1319, what have you written

10 there?

11 A. [11:59:21] That that section was meaning 80. I corrected, it was meaning 80.

12 Now here they were referring to the number of people that they had abducted. And

13 after that somebody was asking men, the people who were abducted were men.

14 Thank you.

15 Q. [12:00:06] And just a bit further down at line 1323 what have you written there?

16 A. [12:00:21] Here it's saying that they were mixed, the people were mixed up. It

17 means that of the people who were captured it was mixed male and females.

18 Q. [12:00:40] And finally at line 1329 you have made some corrections there, what

19 does the sentence mean now?

20 A. [12:01:00] Here this was actually Kony's voice when he had come on air. And

21 he was telling Dominic, he was giving instructions to Dominic that all the items that

22 were looted should be -- he should use them well, but the PK, he should take care of

23 them, should be used carefully. Thank you.

24 Q. [12:01:27] Mr Witness, from the three portions of sound recordings that you

25 have heard and the corrections that you have made and reviewed today, how

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1 accurately does this transcript reflect what you have heard?

2 A. [12:01:44] Yeah, it reflects the sound recording. It's the same.

3 MR ELDERFIELD: [12:01:50] We'll move to the next sound recording, the fifth of
4 nine. The ERN is 0235-0043 and this excerpt is of track 2 from 03.22 to 6 minutes.

5 And again, the rolling transcript on evidence 2 can be shown to the public.

6 (Playing of the audio excerpt)

7 MR ELDERFIELD: [12:04:28]

8 Q. [12:04:33] Mr Witness, whose voices did you recognise and what were they
9 saying?

10 A. [12:04:39] I recognised -- sorry, I understood that this conversation was between
11 Otti and Kony. There was one voice that I did not hear or did not recognise. I'm
12 not sure if they can replay this part at the beginning, the person who spoke right at
13 the beginning. I do not know if the Court could kindly repeat, play this again so that
14 I can hear that beginning, just at the beginning, one or two words, I did not hear it
15 well. So I do not know if the Court can replay this to enable me to get it correctly.
16 Thank you.

17 Q. [12:05:32] Can you please summarise what you heard between Joseph Kony and
18 Otti and we can come to that voice when we look at the transcript. Just continue
19 with your summary of what you heard.

20 A. [12:05:50] I heard -- what the -- the conversation between Kony and Otti were
21 Kony was giving instructions to Otti and he was instructing Otti to take serious
22 actions against lazy commanders, commanders who did not perform their tasks to his,
23 to his satisfaction. One of the commanders was Unita Angola, he did not want to
24 fight or did he not fight properly, he was lazy. He said Otti should arrest all these
25 people. He gave an example to Otti saying, "Look, see how Dominic words. If

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1 everybody worked in the same manner that Dominic did, that would be great.
2 Dominic is the one who does a great job." Otti said, yeah, he will do -- he will
3 perform Kony's instructions. And they were praising Dominic saying Dominic is
4 a commander who does a job well.

5 MR ELDERFIELD: [12:06:58] Your Honour, I propose we move straight to the
6 transcript. Perhaps the witness can refresh his memory given the annotations on
7 that mystery voice.

8 PRESIDING JUDGE SCHMITT: [12:07:07] Perhaps it might not be of such
9 importance in the end. We will see. Please continue.

10 MR ELDERFIELD: [12:07:13]

11 Q. [12:07:13] Mr Witness, please turn to tab 20 of the binder. The ERN is
12 0248-0198. There is an excerpt of the binder of the first page, 0198, and then of pages
13 0202 to 0204.

14 Mr Witness, do you recognise your signature on the bottom of the first page?

15 A. [12:07:53] Yes, that's my signature.

16 Q. [12:07:58] Please turn over the page and focus on line 50. On the very far left of
17 that line you have written "AB". Can you tell us who AB is and if that helps you
18 remember which voice you heard at the start.

19 A. [12:08:31] AB, I think -- that's an abbreviation that I wrote. I think it means
20 Abudema, an LRA commander called Abudema. Thank you.

21 Q. [12:08:44] And can I confirm that at line 51, just below it, OT means Vincent
22 Otti?

23 A. [12:09:01] Yes, that is Otti, Otti's abbreviation. Sometimes I use OT, yeah, but
24 that is Otti's abbreviation.

25 Q. [12:09:14] Please turn over the page to row 66 and there if you can quickly read

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1 the Acholi. You mentioned a commander Unita Angola. Can you confirm that
2 that's the person mentioned in the transcript here? And also, if you can, tell us who
3 Odongo is.

4 A. [12:09:49] Angola is Unita Angola, but this was written -- they missed out the
5 Unita, but every LRA commander knows that this was Angola. So even if you don't
6 add the Unita, we know that he is Angola Unita. So they were talking about the
7 same person. With respect to Odongo, Odongo was a commander who was also
8 a brigadier, an LRA brigadier. And he, he was weak, he was a weakling. He was
9 captured by the UPDF, Odongo, Odongo Michael was captured by the UPDF.
10 I think those are the two verifications that I can give you in this regard. Thank you.

11 Q. [12:10:49] Thank you. Having looked at the transcript, how accurately does it
12 reflect the sound recording that you just heard?

13 A. [12:11:06] Yeah, it corresponds to what I heard.

14 Q. [12:11:11] Thank you. We'll move on to the sixth sound recording.

15 The ERN is 0235-0043 -- excuse me, 0235-0049 and the excerpt is of track 1 from 16.13
16 to 19.03.

17 (Playing of the audio excerpt)

18 MR ELDERFIELD: [12:14:46]

19 Q. [12:14:57] Mr Witness, who did you hear on that sound recording and what
20 were they saying?

21 A. [12:15:15] It was Dominic, Dominic was communicating to Otti. At the
22 beginning, Lukwiya Raska was communicating with Dominic, was talking to
23 Dominic.
24 Dominic started by conveying the message to Lukwiya Raska saying "I've just been
25 shooting the boys." That was the conversation between Dominic and Lukwiya

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1 Raska. Lukwiya Raska said, "Oh, I heard, I heard, I heard, that was a job well down.

2 I heard that the commanders ran with the black chicken."

3 Immediately Otti came on and starting calling Dominic. When he called Dominic,

4 Dominic said, yesterday I went, I attacked a place, but the civilians became aware of

5 my presence. When the civilians became aware of my presence, it was at around

6 9 p.m. When I started the attack, I found that the UPDF had brought a mamba."

7 A mamba is an armoured vehicle used by the Ugandan army. So the UPDF brought

8 a mamba to stop him from the attack. The mambas starting firing at him and he

9 immediately sent out a deployment.

10 So when he sent out the deployment he started killing whatever it is that was moving,

11 anything that was moving he would shoot it, anything that was moving that came

12 before him, he shot. He burned so many houses.

13 The mamba, or the armoured vehicle, retreated and hid in the bushes and starting

14 firing at them from the bushes. Immediately after that, the UPDF sent a gunship to

15 shoot at them as well.

16 And the response was, "Yeah, that's not a problem. Thank you, thank you very

17 much for what you did." Yeah, and that's, briefly that's what they were saying.

18 Q. [12:17:40] Thank you. Can you turn to tab 21.

19 The ERN is 0248-0106. Do you recognise your signature on the bottom of that first

20 page?

21 A. [12:18:10] Yes, I see it.

22 Q. [12:18:12] For the record, the first page is marked 0106 and the excerpt in the

23 binder is pages 0124 to 0131.

24 Mr Witness, please turn over the page to the page 0124 and focus your attention on

25 line 399. On the far left you have written "LOK". Can you tell us which speaker

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1 you meant that to refer to?

2 A. [12:19:08] LOK, there were two people whose abbreviations were LOK. There
3 was Lukwiya Raska, the other one was Lok Wek I Tam, and that was another LRA
4 commander known as Lapanyikwara, but I believe that in this -- in this instance we
5 are talking about Lukwiya Raska and that depends on his -- on the voice because
6 I could -- I can differentiate between the voices because this voice was Lukwiya Raska.
7 If you play Lok Wek I Tam, I also know -- I also know his voice.

8 Q. [12:20:04] At line 401, Lukwiya Raska says, "This is Keto Keto." Can you tell us
9 what "Keto Keto" means?

10 A. [12:20:23] Well, that -- that also, it clarifies something because I initially said if
11 you play the -- if you replay the tape, then I will understand the voices, I will
12 recognise the voices. So "LOK" here is Lukwiya Raska, because his nickname was
13 Keto Keto, but it is pronounced Keto Keto, but when you pronounce it it's Kero Kero
14 (phon). Thank you.

15 Q. [12:20:57] At line 408, you have made a correction to that sentence. Can you
16 tell us what the sentence means, including your correction?

17 A. [12:21:13] That was "awobe", meaning boys. "I have just been heating up the
18 boys." Thank you.

19 Q. [12:21:25] And what do you understand by that sentence? What do you
20 understand that sentence to mean in plain language?

21 A. [12:21:42] This means that he has just been fighting, he has just been attacking
22 a place. That means "I have just been attacking a place or fighting." Thank you.

23 Q. [12:21:53] Can you please turn over two pages to 0126 and focus on line 448.
24 Can you please tell us what you have written there.

25 A. [12:22:22] I corrected, then I started shooting with 10. Ten is an LRA -- is a gun

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1 used by the LRA. Sometimes it is referred to -- it is the RPG that they use, they call
2 10. That's a weapon that uses bombs. One, one doubles 10 ammunition, so if you
3 shoot it, if you fire it, it sprays a number of bullets, it sprays about 10 bullets, so
4 whatever gun they use, whatever big gun they use is referred to as 10, that means
5 when they starting firing, started the fight they started using the 10.

6 Q. [12:23:15] Can you tell us about line 456 and what your correction is and what
7 the sentence means?

8 A. [12:23:34] My correction in red pen, "on the mamba." If you read the whole
9 thing, "Then I started advancing, I started advancing, I started advancing towards the
10 soldiers. I started advancing towards the mamba and the soldiers."
11 This means I started advancing, I started walking towards the mamba, so as soon as
12 they, as soon as I fired the bomb I started advancing. I advanced towards the
13 mamba and towards the soldiers. I advanced towards the mamba and the soldiers.
14 I attacked both the mambas and the soldiers. That's what it means. Thank you.

15 Q. [12:24:37] And line 458, what does that sentence mean?

16 A. [12:24:52] I corrected this sentence where I'd written "mere cel magwa". If you
17 read the whole statement, the amended statement, I started firing vigorously, I started
18 firing and all the soldiers ran over, which means that when he started shooting, when
19 he started firing at the soldiers, the soldiers ran off. All the soldiers ran off. The
20 soldiers were afraid of him so they all ran off. And that's what it means. Thank
21 you.

22 Q. [12:25:43] Can you please turn the page and tell us what line 467 is.

23 A. [12:26:06] My correction reads "Nothing bad happened on my side." This, this
24 statement implies that nothing bad happened on Dominic's side, nothing bad
25 happened on the LRA side, which means none of his soldiers died, no one was

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1 injured, they did not encounter any problems. That's what the statement means.

2 Thank you.

3 Q. And at line 473 you have made a very small correction, just one word. Can
4 you tell us what the correction is and how it changes the meaning of that sentence?

5 A. [12:27:11] It had written -- they had written, "We started limping," but that is
6 not -- that's not what it means because when you said "kemo" it means limping like
7 a disabled person. But what I heard was "we started shooting" celo, which means
8 shooting. "We started shooting. We started shooting at anything that was there.
9 Whatever was there, fire, fire, fire. We burnt all the houses, even the camp, even the
10 barracks. Everything." This means that Dominic -- which means that he is saying,
11 he is repeating, he is repeating, they are repeating the same thing. "We started
12 shooting." This means that he started firing. When he started attacking he started
13 shooting, he started firing his arms. He started shooting at anything that was alive,
14 anything that was there, anything that he could see, whatever was alive. Anything
15 that was there, anything alive was being shot at. "Mac" means killed, killed, death.
16 "We burned houses. We burned all the houses. We killed. We burned all the
17 houses in the camp and the barracks." That is what they are talking about.

18 Q. [12:28:46] Thank you. We'll close the binder please and turn to the second
19 portion of that same sound recording.

20 The ERN is still 0235-0049 and this excerpt is of track 1 from 20.20 to 22.22.

21 (Playing of the audio excerpt)

22 MR ELDERFIELD: [12:31:30]

23 Q. [12:31:33] Mr Witness, whose voices did you hear in that portion and what were
24 they saying?

25 A. [12:31:46] It was Dominic Ongwen. Dominic Ongwen was talking to Labalpiny.

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1 I think, I believe I also heard Kony's voice because as I stated earlier, they sometimes
2 switch when they are having conversations, because Dominic, Dominic's voice and
3 Kony's -- Kony's voice sounds like Labalpiny's voice so sometimes it's very difficult to
4 differentiate between the two voices if they do not speak for a long period of time.
5 Dominic had a problem and he was relaying the message to Kony. He was telling
6 Kony that within his battalion he heard there was someone who was in poor health.
7 He did not say who it was, he did not say whether the person had been shot or
8 whether the person was just ill. But he just, he told Kony that "they have somebody
9 who is in poor health, they cannot walk properly." And he was seeking Kony's
10 advice on what to do.
11 Kony told him: "Find some time and rest. Find some time and camp in a place.
12 Send soldiers. About 10 or 20 soldiers so that they should go and abduct some
13 civilians in the neighbourhood and find out how this person can be treated."
14 I do not know what kind of treatment they were talking about, but he was talking
15 about treating this ill person. Dominic said that that was his -- that's what he wanted
16 to do, but the civilians in the -- in his locality, whenever any civilians see an LRA
17 soldier, they immediately sound an alarm and this identifies where the LRA are and
18 creates problems for them.
19 This is what they were talking about. Thank you.

20 Q. [12:34:12] Can you please open your binder back up to tab 21. The ERN is still
21 0248-0106.

22 And, Mr Witness, please turn to page 0130 and focus on line 546. You have written
23 "Oo Kalalang over". Can you tell us what that means?

24 A. [12:35:10] This means, depending on whatever it is that the -- depending on the
25 recording, the person said, "Ah, the Kalalang over. Ah, the Kalalang over." This

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1 means that whatever was being said, the conversation was about Kalalang because
2 Kalalang is a commander or an LRA officer who was called Kalalang. Thank you.

3 Q. [12:35:42] Can you please move down to line 560 and just take a moment to read
4 that paragraph in Acholi and tell us what you understand it to mean.

5 A. [12:36:11] These were instructions, instructions from Kony or Labalpiny. I said
6 their voices are a little bit identical, if they do not speak for long periods. But these
7 were instructions from Kony to Dominic instructing Dominic to set camp. Setting
8 camp or resting is referred to as "too". This is -- when they say "ka I too" it looks like
9 a bike, a bike wheel, so that means "let the air out," it's like letting the air out of
10 a bike's wheel, so you let the air out so that the bike doesn't move. So when they
11 refer to "too", it means stop, rest like a bicycle. That means take some time out, camp.
12 And when you camp then, send kafaya. I told you that the LRA refer to soldiers as
13 kafaya. That means send some kafayas to conduct a research and find out how this
14 person can be treated, how the ill person can be treated. That's what was interpreted
15 earlier and that's -- this is just a repetition of what I said earlier. Thank you.

16 Q. [12:37:40] Please turn over the page and look at line 563. Can you again briefly
17 look through the Acholi paragraph or sentence and tell us what you understand it to
18 mean.

19 A. [12:38:32] This, something that Dominic had told Kony. There nobody wants
20 to tell the truth, there is nobody who wants to tell the truth. This means that they
21 cannot find any civilians who can be trusted, civilians who can actually listen to them.
22 And he was referring to the conversation, part of the conversation I mentioned earlier,
23 that whenever civilians see him, they flee. So this is what they were talking about.
24 If I am to read the words as stated here one by one, this is what they meant.

25 Q. [12:39:17] And finally for this transcript, can you look at line 569. You have

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1 made some corrections. Can you tell us what the sentence means after your
2 corrections?

3 A. [12:39:44] I amended I golo ki kulu. These are some of the LRA jargon. Golo
4 means to collect, golo meaning to convene people together. Or it could also
5 mean -- it could also imply a greeting, that means agoli. So it depends on the context
6 in which they were talking. So golo is a greeting, can be as a greeting. It can also be
7 used to convene a meeting, so golo depends on the context.

8 So here he was saying "I golo ki kulu". In this context, the information that I verified
9 here, they are talking about collecting something that he said was not good. That's
10 what I corrected. I did not correct the whole statement. Thank you.

11 Q. [12:41:04] Mr Witness, having listened to the two portions of sound recording
12 and looked through this transcript, how accurately does it reflect the sound
13 recordings that you heard?

14 A. [12:41:26] Well, in my opinion it is the same, but you cannot actually go over it
15 word by word. But what I said relates to what was recorded, but I cannot actually
16 say word by word for what was recorded, but there is not much of a difference.
17 Thank you.

18 Q. [12:41:53] We'll move on to the next sound recording. The ERN is 0239-0112
19 and this is of track 2, this excerpt, from 12.49 to 15.46.

20 (Playing of the audio excerpt)

21 MR ELDERFIELD: [12:45:41]

22 Q. [12:45:41] Mr Witness, whose voices did you hear and what did they say?

23 A. [12:45:52] Thank you. It was Kony himself and Otti. Kony was telling Otti
24 that it was time to reward people, to promote the hard workers. So he was
25 informing him of how he was going to promote people. When he finds time he was

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1 actually going to publish the promotions when they are together. But at this
2 moment in time he was going to send the promotions over radio.
3 And he told them that each person would get one step, one step above what he had.
4 So, for example, if somebody had one stone, for example, the person was a second
5 lieutenant, if the person hears his voice, then the person should know that he is
6 a lieutenant. The other difference was that if somebody was a captain, if the person
7 hears his name, then the person should know that he has been promoted to major.
8 And in this instance he was beginning with himself, everybody knew his rank, so he
9 is going to be -- he was going to begin the promotions. Kony started sending the
10 names, listing all the officers that were supposed to be promoted. Kony started with
11 himself. He himself had been promoted, he promoted himself to general. Secondly,
12 he mentioned Owor Lakati who was also promoted. The third person being
13 promoted was Tulu, and that was according to the message. But we know the
14 person as Toolbox. The fourth one was Ocen's signaller. The fifth one was Ocan
15 Labongo. The sixth person promoted was Dominic, Dominic, but he only referred to
16 him as Odomi, but that is Dominic.
17 And then there was Michael. Michael, I'm not sure what his rank was. He also
18 promoted Okot Odek. The eighth person was Okot Odek. The ninth person
19 promoted was Kwoyelo. At the time he was lieutenant colonel and he became
20 a colonel. He promoted Anywar's signaller, Anywar's signaller was a chief signal
21 officer for the LRA, he was a lieutenant colonel, and he was promoted to -- he was
22 a major, but then he was promoted to a lieutenant colonel.
23 The last person to be promoted was Otti Vincent. Otti was extremely happy and
24 there is laughter. He was very happy with his promotion. And that's what I heard
25 on this audio that was just played. Thank you.

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1 Q. [12:49:44] Can you confirm that the person reading out the names in each
2 instance was Joseph Kony?

3 A. [12:50:01] Well, I said earlier that Kony and his signaller sound alike. But it
4 might be one of the two, because if they do not speak for long periods of time it is
5 very difficult to differentiate whether it is Kony or his signaller. But the instructions
6 were coming from Kony. Thank you.

7 Q. [12:50:25] Can you please turn to tab 22. The ERN is 0248-0143 and the excerpt
8 in the binder is the first page, 0143, and then pages 0179 to 0182.

9 Mr Witness, can you confirm your signature is on the first page?

10 A. [12:51:19] Yes, that's my signature.

11 Q. [12:51:20] Can you please turn over the page.

12 Your Honours, just a quick note for the record. You may have noticed that the
13 timestamp I read out does not match the timestamps that are written here both in
14 handwriting and on the transcript itself. That's because the audio that we played
15 was an enhanced version of an original audio, and during the process of enhancement
16 an approximately 16-minute portion of blank tape was cut from the start of the
17 enhanced version. So that's why those times don't much up.

18 For the record, the old, the original sound recording timestamps are 28.09 to 31.08 and
19 that is explained in P-0242's statement, and the ERN of that is 0261-0333 at paragraph
20 60.

21 Mr Witness, just turn your attention to the bottom of that page, 0179. There is a
22 paragraph next to the timestamp 28.49 which is a handwritten timestamp that you
23 have made. There is a paragraph that starts, "Ah, you first put it that when there are
24 already stars," can you explain to us what that sentence or paragraph means and also
25 the one immediately below it.

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1 A. [12:53:21] This was when Kony was about to start speaking he said, for example,
2 if there is already a star, a star means second lieutenant, second lieutenant. So if
3 somebody already had a star, a second lieutenant, so if somebody was already a star,
4 already had a star, that means the person would be promoted. There is no other
5 rank in the army. I know if anybody in here has been in the army they would know.
6 So they would know that if you had one rank or one star in the army, then you would
7 get the second one. So that's how he was describing the promotions. Thank you.

8 Q. [12:54:16] Can you please turn the page. About halfway down the page you
9 have written a timestamp 29.30 and to the left of that it says, "Number 3 Odulu.
10 Over." Can you confirm that that should spelt Otulu, as you said in your summary?

11 A. [12:54:45] Yes, it's Tulu or toolbox. But it is Tulu or Toolbox. It is not this -- it
12 is not correct in the transcript. It is not Odulu, it is Tulu. Thank you.

13 Q. [12:55:06] Having reviewed this transcript, how accurately does it reflect the
14 sound recording that you just heard?

15 A. [12:55:18] Yeah, it is exactly the same, it is exactly the same.

16 MR ELDERFIELD: [12:55:26] Your Honour, we have got two sound recordings left.
17 I am not sure we are going to make even one in the five minutes remaining, but I --

18 PRESIDING JUDGE SCHMITT: [12:55:35] What do you estimate, how long will it
19 take to go through these two?

20 MR ELDERFIELD: [12:55:40] I think we can do them in about 15 minutes, perhaps
21 20 on the outside.

22 PRESIDING JUDGE SCHMITT: [12:56:05] The question is if the Defence, we would
23 be I think a little bit coming towards you, would you be able to start today or would
24 you say you want to start tomorrow with your questioning? Let me put it this way,
25 friendly.

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1 MR AYENA ODONGO: [12:56:30] Your Honours, I think we should be able to start
2 tomorrow morning.

3 PRESIDING JUDGE SCHMITT: [12:56:34] So we will do it this way, we will have
4 our break then and we trust that we do not need more than half an hour after the
5 break. So until 2.30, please, the break.

6 THE COURT USHER: [12:56:49] All rise.

7 (Recess taken at 12.56 p.m.)

8 (Upon resuming in open session at 2.32 p.m.)

9 THE COURT USHER: [14:32:12] All rise.

10 PRESIDING JUDGE SCHMITT: [14:32:32] Mr Elderfield, the last two audios, as I
11 have understood it before the break.

12 MR ELDERFIELD: [14:32:38] That's correct, your Honour.

13 The ERN of the first is 0047-0026 and the excerpt is of track 1 from 17.27 to 19.39.

14 Q. [14:32:59] Mr Witness, we're going to play a sound recording now.

15 (Playing of the audio excerpt)

16 MR ELDERFIELD: [14:35:38]

17 Q. [14:35:40] Mr Witness, whose voices do you recognise and what were they
18 talking about?

19 A. [14:35:53] Thank you. At the beginning there were a number of people, there
20 was Five Echo. There was -- there were a number of people. And this goes back to
21 what I said earlier that all units, this was an order that was issued by Kony. Kony
22 was alerting everybody to listen and receive his communication because the
23 communication was being sent to all units.

24 Kony issued the order through Otti with all the commanders on air listening to the
25 message. Kony had stated that anything, any mission or anything that the LRA

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1 plans to do, he does not want anybody to send a message clearly saying, ah, I went
2 and attacked Odek or Awere, or any other place.

3 The LRA should not clearly send messages in this regard, because if the LRA attacks a
4 place or injures people at a certain location and they speak openly about it, then the
5 Ugandan government, he referred to Museveni who is the president of Uganda, the
6 president will wise up and know that it's the LRA that is committing these atrocities.
7 So any operation that is being undertaken should not be pronounced clearly.

8 If you go out on mission or if you conduct an operation, you should not send
9 information plainly, you should not send -- the information should be sent through
10 commanders. For example, it should be sent to Otti, who is the deputy, or the army
11 commanders, or senior officers. They are the ones who are to receive these
12 messages.

13 These messages was an authority from Kony. He did not refer to any particular
14 commander by name, but he was speaking to all of them generally. Because
15 according to Kony, he said that he had realised that some LRA commanders had
16 created their own schedules for speaking on radio call and he heard people saying
17 that "we will meet at 10" or at a certain time which does not correspond to LRA time.
18 Because LRA speak at 9, at 11, at 4 and at 6. So he said that those people who speak
19 not within the scheduled time make it easier for their communications to be
20 intercepted, because when they are speaking at that time during the unscheduled
21 communications, they speak in plain language that is easy to intercept and this is
22 creating problems.

23 So he was warning the officers that nobody should speak out of the scheduled times.
24 He also said that if there is a problem on a particular frequency or channel and if
25 anybody finds that there is an interference which is not clear to everybody, then they

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1 should send a message to the superiors so that all the LRA can go on the same
2 channel and everybody can listen to the same communication. This is the message
3 that came from Joseph Kony so everybody was acknowledging that they received the
4 message and they understood it. That's what I heard in the recording. Thank you.

5 Q. [14:40:24] Thank you. Can you please open your binder to tab 23.

6 The ERN is 0132-0174 and in the binder is an excerpt of page 0174, 0179, 0180 and
7 0181.

8 Mr Witness, can you see your initials at the bottom left of the first page?

9 A. [14:41:14] Yes, I see it.

10 Q. [14:41:20] Can you please turn the page and focus your attention on the
11 middle of the page next to the timestamp 17.28. On the left of the page is some
12 handwriting. First can you tell us what "5 Echo Tye" means?

13 A. [14:42:04] 5 Echo Tye, to my recollection 5 Echo was a commander. Two
14 people used this call sign. Nyeko used this call sign and Bogi also used the call sign,
15 but in this recording, perhaps it can be repeated but I think it's either Bogi or Nyeko,
16 because their voices sound a little bit similar. Some of the places that I corrected, for
17 example where they said "3 Victor" it should be "2 Victor". It should be Victor, not
18 Vita, as written. It should be 2 Victor present. That's Odhiambo. That was the
19 time when all the commanders were indicating that they were present; 5 Echo present,
20 2 Victor present. That was at the time that everybody was indicating their presence
21 at the time when Kony was sending the messages. So these were just names that
22 were being repeated. Thank you.

23 Q. [14:43:26] What about the rest of the handwritten notes on this page, firstly
24 Zero Bravo Tye and Zero 2. Can you tell the Court who they are, who those call
25 signs are.

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1 A. [14:43:50] Zero Bravo was Ocan Nono Labongo. It was Ocan Nono Labongo.
2 There were several, but -- it's been a while, but if I see this on TONFAS then it
3 becomes clearer. I know the voices. I recognise the voices. If I hear a voice, I'll
4 know that this is so and so, this is so and so, this is so and so as listed in my records.
5 Thank you.

6 Q. [14:44:31] And what about Zero 2 that you've written down there as well in
7 the same location?

8 A. [14:44:42] Zero 2 was Abudema. Abudema used the call sign Zero 2. Ocen
9 also used the same call sign, Zero 2. Ocen's signaller used the same call sign. As I
10 said earlier, anybody within the LRA can use the call sign. So if, for example, Ocen's
11 signaller is Abudema's signaller, he can also make the call -- he will also be referred to
12 as Zero 2. So Abudema can also be referred to as Zero 2, so the signaller and the
13 commander can both be referred to as Zero 2.

14 Q. [14:45:30] Can you please turn over the page and the very first sentence on
15 that page says -- starts with "Any location that anyone has been working at, you must
16 never mention the correct or exact names of these places."
17 Can you tell us what working at a location means in the LRA jargon?

18 A. [14:46:09] Kony was giving instructions, as I stated earlier, telling the LRA that
19 anybody who works at a certain location, the work implies abducting people, killing
20 people, burning cars, so all the atrocities are referred to as work. Killing people,
21 burning cars along the road, abducting people, that's all work. That's what the LRA
22 referred to as "tic".
23 Tic is work, so any work that somebody does anywhere, if you're sending a report,
24 send the report in such a manner. They are not referring to good work. They are
25 only referring to bad things. Thank you.

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1 Q. [14:46:59] Can you please turn the page one more time and the fifth paragraph
2 down starts with the words:

3 "So therefore any plans or meetings must only take place at the house or location we
4 prepared. No one must have any special location or house."

5 Can you tell the Court what a location or a house means in that context?

6 A. [14:47:38] Thank you. It goes back to the stuff that I was speaking about
7 earlier. When Kony is talking about ot, which is house, he is not actually referring to
8 the building. This is a channel that they speak on over the radio call. The channels
9 have five digits. The first, the first channel, I will give you an example, is 78200.
10 That's the first channel, referred to as building. The second channel 89240, these are
11 examples that I'm giving. So Kony was talking about channels. So he's saying that
12 if people speak during unscheduled times they speak on their own channels. So for
13 example if the LRA is speaking on channel 8.9, the people that Kony was referring to
14 who make calls during unscheduled times will speak on channel 7-point something
15 and, according to Kony, if there is a problem these people should speak up, tell them
16 what the problem is so that all the channels will be changed and if they change the
17 channel to 8.9, then everybody, all units will be on channel 8.9. But what he is
18 talking about the channels, the channels on radio call. Thank you.

19 Q. [14:49:31] Having reviewed this transcript, how accurately does it reflect the
20 sound recording that you just heard?

21 A. [14:49:41] Yes, it matches it precisely. Thank you.

22 Q. [14:49:49] We'll move to the final sound recording.

23 The ERN is 0239-0062 and the excerpt is of track 2 from 24.50 to 26.59.

24 (Playing of the audio excerpt)

25 MR ELDERFIELD: [14:52:52]

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1 Q. [14:52:53] Mr Witness, whose voices did you recognise and what were they
2 talking about?

3 A. [14:53:02] Thank you. The communication was between Abudema and Kony
4 himself. Abudema started by telling Kony that we will defeat Yoweri, we will fight
5 until we defeat Yoweri.

6 Kony said: "We are not -- people are saying that we are killing civilians but we are
7 not killing civilians. Museveni is the one who is killing civilians. Museveni killed
8 so many people in Luwero at some point, but that wasn't the LRA."

9 Abudema said: "Irrespective of what they say that we are killing civilians, we
10 should kill civilians because civilians are supporting Museveni. These days
11 Museveni has given civilians guns to fight against the LRA, which means that we, the
12 LRA, will not have time to leave civilians because anybody who has a gun, anybody
13 that Museveni has given a gun, anybody that is ready to fight, how can you refer to
14 that person as a civilian? Is that still a civilian?"

15 Kony said: "We have to fight and overthrow Museveni."

16 Abudema said: "If civilians do not start supporting the LRA or if civilians continue
17 supporting Museveni, then we will eradicate the civilians, we'll eradicate the
18 civilians."

19 Kony said: "Well, the civilians, there are so many civilians. No matter how many
20 you kill, you won't finish civilians. Remember what happened in Lango. Do you
21 remember how many civilians were killed? Did you finish them? No. Civilians,
22 you can't finish all the civilians."

23 This was the communication between Kony and Abudema. So that's what I heard.
24 Thank you.

25 Q. [14:55:51] Mr Witness, I just want to replay you a very short portion of that

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1 sound recording.

2 Your Honour, it's only about five seconds, just one paragraph.

3 And Mr Witness, I just want to ask you to focus on the speaker of this next portion

4 and try and tell us which speaker you recognise.

5 (Playing of the audio excerpt)

6 MR ELDERFIELD: [14:56:47]

7 Q. [14:56:50] Could you tell who spoke first on that portion of the sound

8 recording there?

9 A. [14:57:02] That was Abudema. He was referred to as Abudema, but his real
10 name was Oringa Sisto. But the name used in the command structure was Abudema.
11 He was the one who started. He was speaking to Kony.

12 Q. [14:57:25] Mr Witness, please open your binder to tab 24.

13 And just for the record, that portion of the sound recording that was just replayed
14 was approximately 25.30 to 25.35.

15 The ERN of tab 24 is 0248-0224 and the excerpt of that transcript in the binder is the
16 first page, 0224, and then 0251 to 0254.

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

18 A. [14:58:29] Yes, I do.

19 Q. [14:58:31] Can you please turn over the page. And I'd like you to confirm
20 that at line 427 the initials JK on the left refer to Joseph Kony and at line 428 the letters
21 AB refer to Abudema.

22 A. [14:59:07] Yes, JK refers to Joseph Kony, AB refers to Abudema.

23 Q. [14:59:14] I'd like you to turn over the page and focus on line 435. I'd like you
24 to take a moment to read that sentence in Acholi and let me know when you've done
25 that.

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1 A. [14:59:51] Yes, I'm done.

2 Q. [14:59:52] Do you remember hearing this portion in the small sound recording
3 that was played to you second?

4 A. [15:00:07] Yes, it's the same voice that I heard. That's what I explained earlier.
5 Thank you.

6 Q. [15:00:13] When you explained it, you said the voice was Abudema, but in line
7 435 you've written JK. Would you like to change that to Abudema or do you think
8 Joseph Kony, as is written here originally, is the person who said that?

9 A. [15:00:37] Well, it's as of -- as I heard it is as I've written it.

10 Q. [15:00:49] So you heard Joseph Kony say that sentence in the sound recording
11 that you've just heard?

12 A. [15:01:00] They all spoke about Museveni. It wasn't only Abudema who
13 spoke about fighting against Museveni. Abudema also spoke about fighting against
14 Museveni. Kony repeated it. Abudema also repeated it. It wasn't only one person
15 who spoke about it, they kind of sound similar, so it's a little bit difficult to
16 differentiate. But both of them Abudema and Kony spoke about Museveni. Thank
17 you.

18 Q. [15:01:35] Having reviewed this transcript, are you satisfied that it reflects
19 accurately the sound recording that you heard?

20 A. [15:01:46] Yes, I do confirm that the voice recording is what I've heard.
21 Thank you.

22 Q. [15:01:53] Thank you.

23 MR ELDERFIELD: [15:01:54] Your Honours, I have no further questions.

24 PRESIDING JUDGE SCHMITT: [15:01:57] Thank you very much, Mr Elderfield.

25 I understand that the Legal Representatives of Victims do not have questions for this

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1 witness?

2 MS ADONG: [15:02:06] That is correct, Mr President. We do not intend to
3 question this witness.

4 MS HIRST: We also have no questions for this witness, your Honours.

5 PRESIDING JUDGE SCHMITT: [15:02:15] Thank you very much.

6 And then it would be now the turn of the Defence, but as we have already agreed
7 upon, you can start your examination tomorrow morning at 9.30. And you know
8 that already a sort of obligatory question and you know that the answer is not
9 binding and we will not hold you on to that: Have you an estimate how long the
10 examination will last?

11 MR AYENA ODONGO: [15:02:52] Your Honours, the witness seems to be very
12 circumloquacious, and for that matter I think we shall cross the bridge when we reach
13 there, but anything like two days.

14 PRESIDING JUDGE SCHMITT: [15:03:23] Thank you very much.

15 So this concludes the hearing for today and we meet again tomorrow at 9.30.

16 THE COURT USHER: [15:03:30] All rise.

17 (The hearing ends in open session at 3.03 p.m.)

18 RECLASSIFICATION REPORT

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