

Trial Hearing
WITNESS: UGA-OTP-P-0070

(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 Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 18 September 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:55] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:21] Good morning, everyone. Good morning
13 again, Mr Witness. This will be your last day in this courtroom, I can assure you
14 that.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:31:34] Good morning, Mr President, Your Honours.
17 The Situation in the Republic of Uganda, in the case of The Prosecutor versus
18 Dominic Ongwen, case reference ICC-02/04-01/15.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:49] Thank you. And I ask for the
21 appearances of the parties.
22 Mr Black, with a more reduced team than usually.
23 MR BLACK: [9:31:58] We were just commenting on the same phenomenon,
24 your Honour. Colin Black with the Prosecution with Benjamin Gumpert,
25 Yulia Nuzban and Ramu Bittaye.

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1 PRESIDING JUDGE SCHMITT: [9:32:07] When you are talking about phenomena,
2 this would suggest from the essence of the word that you don't have any influence on
3 it.

4 MR BLACK: [9:32:16] Personally I can assure you that I have zero influence on it.

5 MR GUMPERT: [9:32:22] That's the sound of the buck being passed very firmly.

6 PRESIDING JUDGE SCHMITT: [9:32:26] Indeed, I understood it exactly this way.
7 And for the legal representatives, Mrs Hirst first.

8 MS HIRST: [9:32:31] Good morning, your Honours. Megan Hirst with James
9 Mawira.

10 PRESIDING JUDGE SCHMITT: [9:32:35] Mr Narantsetseg.

11 MR NARANTSETSEG: [9:32:37] Good morning, Mr President, your Honours.

12 My colleague, Ms Caroline Walter, and myself, Orchlon Narantsetseg. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:32:42] Thank you.

14 And for the Defence, Mr Obhof.

15 MR OBHOF: [9:32:45] Good morning, your Honour. Yes, today there is more of an
16 equality of arms, because we have a larger team inside today.

17 My name is Thomas Obhof, and today with us is counsel Ayena Odongo; co-counsel
18 Chief Charles Achaleke Taku; our assistant to counsel, Ms Abigail Bridgman; one of
19 our interns, Salma Khamala; and of course our client, Mr Dominic Ongwen.

20 PRESIDING JUDGE SCHMITT: [9:33:13] Thank you. Indeed today the balance has
21 tipped a little bit, I would say.

22 And Rule 74 counsel, please.

23 MR VON BONÉ: [9:33:18] Good morning, your Honour, ladies and gentlemen of the
24 court. My name is Julius Von Boné. I am the Rule 74 lawyer for the witness.

25 Thank you very much.

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1 PRESIDING JUDGE SCHMITT: [9:33:31] Thank you, Mr Von Boné.

2 And we start now with the examination by the Defence and I give Mr Obhof the floor.

3 MR OBHOF: [9:33:36] Thank you, your Honour.

4 WITNESS: UGA-OTP-P-0070 (On former oath)

5 (The witness speaks Acholi)

6 QUESTIONED BY MR OBHOF:

7 Q. [9:33:40] Good morning, Mr Witness.

8 A. [9:33:42] Good morning.

9 Q. [9:33:43] I am sorry you had to spend the weekend here with the cold weather
10 and the very different food from back at home.

11 MR OBHOF: [9:33:53] Your Honour, if we may, I would like to spend about the first
12 five to seven minutes in private session, please.

13 PRESIDING JUDGE SCHMITT: [9:34:04] I understand. Private session.

14 (Private session at 9.34 a.m.)

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17 (Redacted)

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7 (Open session at 9.48 a.m.)

8 THE COURT OFFICER: [9:48:28] We are back in open session, Mr President.

9 MR OBHOF: [9:48:31]

10 Q. [9:48:32] Mr Witness, during one of your interviews with the Prosecution
11 investigators, you noted that Dominic Ongwen was injured in his leg and that he
12 stayed in sickbay for some time. Do you remember that, Mr Witness?

13 A. [9:48:53] Yes, I do recall.

14 Q. [9:48:57] And Mr Ongwen's injury was to his leg, correct?

15 A. [9:49:18] That was when they sent a message, we were informed that
16 Dominic Ongwen was injured in the leg and is in sickbay. As I said earlier, we
17 separated in 2003 -- sorry, 2002, and since then I did not personally meet him again.

18 Q. [9:49:39] And this injury was after Operation Iron Fist, correct, Mr Witness?

19 A. [9:49:47] It was a continuation from Iron Fist.

20 Q. [9:50:02] Moving on to a different topic, Mr Witness. Do you remember the
21 name of the actual group that abducted you?

22 A. [9:50:13] Yes, I do recall.

23 Q. [9:50:15] If you are comfortable saying in open session, would you please let
24 the Court know which specific group abducted you?

25 A. [9:50:27] When I was abducted, the LRA was still known as the Holy Spirit.

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1 They were not known as the LRA. The group that abducted me was known as the
2 special mobile forces and they are the ones that abducted me.

3 Afterwards, when the name of the group was changed to the LRA from the Holy
4 Spirit mobile forces, that group became Stockree, and that was the group that
5 abducted me. But at the time that I was abducted, the group was known as the
6 special mobile forces.

7 Q. [9:51:13] Do these special mobile forces also go by the name of Prinini (phon)?

8 A. [9:51:23] Yes, afterwards they were known as Konini (phon).

9 Q. [9:51:35] I'm sorry, just so we can get it right for the record, for the transcripts, is
10 it Konini with a C or with a K, or it is Prinini with a P-R-I?

11 A. [9:51:50] It's with a K, Kwanini (phon). Kwanini.

12 Q. [9:52:01] Okay, I just wanted to make sure. Thank you, Mr Witness.

13 PRESIDING JUDGE SCHMITT: [9:52:06] And a remark, Mr Obhof, I think

14 Mr Witness seems very confident with the name and pronunciation.

15 MR OBHOF: Well, it wasn't spelled at all inside of the transcript, that's why.

16 PRESIDING JUDGE SCHMITT: [9:52:14] Yes, yes, I know. You know, sometimes I
17 make such remarks, so I would think that Mr Witness knows exactly what he is
18 talking about.

19 MR OBHOF: [9:52:27]

20 Q. [9:52:28] Now, Mr Witness, upon your abduction, what were you told about
21 escaping from the Holy Spirit forces?

22 A. [9:52:42] When I was abducted I was told that once you are abducted, if you
23 attempt to escape after your abduction, there is nothing other than death, you will be
24 killed. Or if you are able to escape, they will follow you to the home where you are
25 abducted, they will kill your family, they will kill people, a lot of people from the area

1 where you are abducted and they will burn everything.

2 I do recall that on the day of my abduction my older brother was trying to resist

3 saying I was a young child and they should not take, they should not take him.

4 They immediately beat him. They beat him with clubs and he died. I saw this, I
5 witnessed this with my own eyes.

6 Q. [9:53:36] I'm very sorry about that, Mr Witness.

7 Mr Witness, they not only told you this, but the LRA -- or, sorry, the Holy Spirit forces
8 collected information from you as well. What type of information did they collect?

9 A. [9:54:07] Could you please repeat that question?

10 Q. [9:54:11] When people were abducted, did people in the Holy Spirit forces
11 collect information about the abductee?

12 A. [9:54:29] That's correct. When you are abducted, they would write down your
13 name, they would write down the names of your parents, your mother, your father
14 and the area from which you are abducted. All that information would be recorded
15 in a book. They stated that if you attempt to escape or if you escape, they would use
16 this information to locate you to go back to your area and relocate you there.

17 Q. [9:55:03] Now, Mr Witness, you mentioned that if people escaped and they
18 couldn't find them, they might go back and collectively punish the entire family and
19 people in the village. Did you ever see about any types of this collective punishment?
20 Did you ever see this happen?

21 A. [9:55:39] Yes, I witnessed this on the day of my abduction, because there was
22 one person who was in the group that I was abducted with and the person escaped.
23 The person was from a village that was close to mine. They immediately selected
24 soldiers to go to that village.

25 Luckily most of the people from that village had fled, but they burnt down all the

1 houses and they took away everything, the goats, the chickens. And that's what I
2 saw.

3 Secondly, they told you that even if you have been abducted, once you have been
4 abducted, when you go home the government soldiers will not leave you alone, you
5 will not survive the government soldiers. You might actually be killed or they
6 would put you in prison, so that would be the end of your life in any way.

7 Q. [9:56:33] Now without mentioning the manner in which you escaped,
8 Mr Witness, or who you escaped with, when you escaped the LRA, you still felt like
9 this would happen; isn't that correct, Mr Witness?

10 A. [9:57:00] I was frightened and that was one of the reasons why I immediately
11 handed myself over to the UPDF. It took me a long time before I went back to my
12 village. When I went, I handed myself over to the UPDF and stayed in the barracks.
13 At the time when the LRA had gone back towards the Sudan, when they were
14 heading to Congo, that was when I made the decision to go home. The people from
15 my village would come and visit me in town, but I did not dare go to the village at the
16 time because people were in the camp at the time.

17 MR OBHOF: [9:57:42] Now, your Honour, I am going to ask for two follow-up
18 questions, but because they might reveal --

19 PRESIDING JUDGE SCHMITT: [9:57:48] Yes, I can imagine that.

20 MR OBHOF: [9:57:50] -- in private session.

21 PRESIDING JUDGE SCHMITT: [9:57:52] Private session.

22 (Private session at 9.57 a.m.)

23 (Redacted)

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14 (Open session at 10.05 a.m.)

15 THE COURT OFFICER: [10:05:52] We are back in open session, Mr President.

16 MR OBHOF: [10:06:11]

17 Q. [10:06:11] Now, Mr Witness, this type of operation, sending somebody to a town
18 close to their home village, what was the reason for that?

19 A. [10:06:27] That is done so that when you go and work there, your name will be
20 all over the village, that it is a son from this area who has worked here. So when you
21 return, your people will not welcome you, they will take you in bad spirit. So if you
22 escape, you will know that you have no place to go to. So that is what happens.

23 Q. [10:06:59] Now, Mr Witness, could it also be that Joseph Kony might misreport
24 that you participated in an attack next to your village for the same purpose?

25 A. [10:07:22] For him, he will be in a distant place far away, because whatever

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1 operation that you will conduct, by all means people will know that it was so-and-so
2 who did it, because there are people, for instance, amongst those who escape will
3 always take back this information.

4 Q. [10:08:15] Now, Mr Witness, you mentioned that Joseph Kony was far away
5 during this time after Iron Fist. Without the radio call, how could he be informed of
6 an attack on an area happening?

7 A. [10:08:39] The only means of communication is the radio call.

8 Q. [10:08:50] Now, Mr Witness, could Joseph Kony intentionally misreport an
9 attack or say an attack came from somebody for the same purpose that he would send
10 them on to fight in their own village?

11 MR BLACK: [10:09:12] Your Honour, could I interpose an objection, with apologies.

12 PRESIDING JUDGE SCHMITT: [10:09:17] Yes.

13 MR BLACK: [10:09:18] Maybe this is overly -- maybe I'm reading too much into this,
14 but the question is what could Kony do? And I'm not sure if -- that seems to call for
15 speculation. If we were to ask about did he know that this happened or his -- it
16 seems that this is just: Well, what could he do? Anyone could do anything.

17 PRESIDING JUDGE SCHMITT: [10:09:39] Yes. Frankly speaking, you are correct,
18 it sort of calls for a speculation. But it can be easily rephrased in a way that it is
19 a question that can be answered meaningfully without calling for speculation.
20 Perhaps you give it a try, Mr Obhof.

21 MR OBHOF: [10:09:52] Yes.

22 Q. [10:09:52] Mr Witness, did you ever hear about or witness yourself Joseph Kony
23 making misrepresentations on the radio about attacks?

24 A. [10:10:14] The radio that Kony would use, for example, as a domestic radio is
25 not there. But what LRA uses is the radio call, which he, you know, used that to

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1 communicate to his commanders. So if a commander went for an operation, he
2 would use this radio to report his, you know, to report the outcome of his attack and
3 then Kony would receive.

4 Q. [10:10:40] But did you ever hear or see Joseph Kony himself report about attacks
5 on the radio, on the radio call? Sorry, not on Mega FM or anything, but on the
6 military radios.

7 A. [10:11:07] If he is giving any report, he would be informing other commanders
8 that, for instance, have you heard what this call sign did in this operation, I want
9 everyone else to do exactly the same.
10 So usually he communicates to other commanders informing them of the report he
11 has received, and he would pass it on to them so that they would do exactly the same.

12 Q. [10:11:36] Now, Mr Witness, do you know why Joseph Kony would report an
13 attack on a village close to Mr Ongwen's home when Joseph Kony at the same time
14 was saying that he had not talked to Mr Ongwen in weeks? Do you know why he
15 would report this attack considering Mr Ongwen could not -- had not reported the
16 attack to him?

17 A. [10:12:07] I do not know.

18 Q. [10:12:14] Now, Mr Witness, during your interviews with the Prosecution
19 investigators, they told you that they were just really interested in only those who
20 were most responsible for the conflict. Do you remember them saying that to you
21 several times?

22 A. [10:12:40] I do recall it was talked about.

23 Q. [10:12:46] Now, Mr Witness, you are not one of the most responsible persons for
24 the conflict; is that correct?

25 A. [10:13:04] Correct, because the time when I start meeting with the investigators,

1 that is what was explained to me. In addition, I was also given the amnesty
2 certificate, and because of that I am very firm that I am not part of those who started
3 the conflict.

4 Q. [10:13:29] You told the investigators you were abducted as a child, you were still
5 a kid when you were abducted, correct?

6 A. [10:13:44] That's correct.

7 Q. [10:13:45] And you were forced to fight, you didn't have a choice?

8 A. [10:13:59] My capture against my will is a clear indication that I have to fight
9 against my will, because it was not what I wanted.

10 Q. [10:14:12] Mr Witness, in your opinion who are the most responsible people for
11 starting this war in northern Uganda?

12 A. [10:14:44] Well, if responsibilities are to be portioned out, there is someone who
13 is overall in charge of the LRA, like Joseph Kony, because he was the one that started
14 it, and the movement grew into a big unit, so he is the one responsible.

15 Q. [10:15:04] Do you blame these people who were abducted at the ages of 9, 10, 11
16 and 12 for this war, that they are the ones who started this war, Mr Witness?

17 A. [10:15:21] I have no blame on all those people who were abducted and were
18 given guns and forced to go to fight. It is just like a dog, a dog at home which is sent
19 to go hunting, so the person who sends your dog is the one responsible.

20 Q. [10:16:11] Now, Mr Witness, before moving to Sudan in the early days, did
21 Kony have regular prayer sessions?

22 A. [10:16:28] It was not very regular. It was once in a while, because people were
23 not moving together. But when there was one big RV where everyone else met, then
24 yes, a prayer session would be organised for that big meeting.

25 Q. [10:16:52] What is 7 April in the LRA, Mr Witness?

1 A. [10:17:06] According to how he explained to us as his fighters, he said that was
2 the day the Holy Spirit came upon him and instructed him the fighting power,
3 actually bestowed upon him the fighting power. So he actually commemorates that
4 day.

5 Q. [10:17:40] Now, after the move to Sudan, did these prayer sessions happen on
6 a more regular basis?

7 A. [10:17:56] When people were in the Sudan, we were all in one large camp, yes,
8 there were more frequent prayers, and also that day could be celebrated and there
9 would also be prayers on that day.

10 Q. [10:18:21] Now, from what you saw during your time in the LRA, did
11 Joseph Kony ever become possessed by spirits?

12 A. [10:18:40] It would happen very frequently. It happened several times.

13 Q. [10:18:49] Did Kony go through any physical changes during this time when he
14 was being possessed?

15 A. [10:19:04] At that time when he says that the spirit is speaking in him, at that
16 time he would not be, you know, very aware. You know, the understanding like
17 a normal person would not actually be there.

18 Everyone else would be silent, listening to him. He is like, you know, his behaviour
19 is like someone who was being possessed by other spirits. So that is what would
20 actually happen on him at that time.

21 Q. [10:19:45] Did the colour of his eyes change, Mr Witness?

22 A. [10:19:54] Well, the colours of his eyes wouldn't noticeably change, but of course
23 you would see from his dressing, he would dress in a white tunic, and that is how
24 you would see him when he is talking to you.

25 Q. [10:20:13] Maybe I might help you out a little bit. In your interview with

1 the Prosecution you mentioned that his eyes would turn reddish. So would that be
2 normal during his, during his possessions?

3 A. [10:20:36] Well, he would have the red eyes, but it would not -- but not any
4 other change, like he would, say, maybe change into like an animal face or something,
5 no.

6 Q. [10:20:54] And his demeanour, sometimes he would appear to be much more
7 angry, he would appear to be a very angry person sometimes whilst being possessed?

8 A. [10:21:12] Yes, at that particular time he looks a very fierce person.

9 Q. [10:21:22] Did Joseph Kony make any predictions about what would happen in
10 the future?

11 A. [10:21:37] During the prayer sessions, while we were still in Sudan, he says he is
12 a fighter, but the person who was going to overthrow the government is different
13 from him. But what later on made me to doubt his message was about his
14 commanders, that all of them will not survive, and for him he is only a messenger, but
15 the person who will overthrow the government is different from him.

16 Q. [10:22:18] So at first you believed, and then later you started knowing
17 inconsistencies and problems with what he was saying, is that the gist of what you're
18 saying, Mr Witness?

19 A. [10:22:44] Yes. While I was still young, the way he would speak, and also
20 seeing the strength of the LRA at that time, yes, I believed, I believed in them and I
21 thought that, yes, they had a purpose for the rebellion. But later on I realised that it
22 was different.

23 Q. [10:23:08] And all these actions, these possessions, these religious discussions, it
24 makes a believer out of a lot of the young children and gives them confidence to stay
25 in the bush; is that correct, Mr Witness?

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1 A. [10:23:34] That's correct.

2 Q. [10:23:38] Mr Witness, during these possessions, did anybody around, anybody
3 who was there watching Joseph Kony become possessed, did they report any special
4 sensations or any, say, possessions by themselves as well?

5 A. [10:24:13] No, not -- at a time when he says that he is possessed, he would be
6 having a secretary who is writing down whatever he is saying. And that is actually
7 documented.

8 PRESIDING JUDGE SCHMITT: [10:24:32] May I shortly?

9 One question that I am interested in, Mr Witness. You talked about what you
10 observed when Joseph Kony was possessed. How did it come that you could
11 observe this? Was it like people were sort of convened to watch it or was it
12 accidentally? Do you understand what I mean? Did he come out, for example, of
13 the house and address people sort of? I would be interested how this unfolded.

14 THE WITNESS: [10:25:16] (Interpretation) How it happens is that when the spirits
15 are descending upon him, and the spirit will want to communicate, then message is
16 sent to everyone to gather at a particular location. If it is at 10 a.m., then it will be 10
17 a.m., everyone has to be assembled and seated. So he would come when people are
18 all gathered. So if he said at 10 a.m., then by 9/9.30 everyone is assembled and
19 seated only waiting for him to arrive.

20 PRESIDING JUDGE SCHMITT: [10:25:55] Thank you.

21 MR OBHOF: [10:25:57] Those are actually some of my next new questions about
22 where they go. But you gave a good prelude.

23 Q. Now, Mr Witness, what is the Yard?

24 A. [10:26:14] The Yard is a place where newly abducted are anointed. In the
25 earlier days, before the major changes that I explained earlier, if there is a particular

1 operation that has been planned, the group that is going for the operation go to
2 the Yard and they are anointed, water is sprinkled on them, and then they would go
3 to the battlefield.

4 So the Yard had two purpose, to anoint the new recruits and also to give blessing to
5 those who are going for an operation. But later on towards the time of the Iron Fist,
6 the operations or the workings of the Yard changed.

7 Q. [10:27:11] And it's correct that Joseph -- well, actually I will ask, would Joseph
8 have his possessions and speak to all the people within the Yard or would he do it
9 someplace else?

10 A. [10:27:34] He could locate any other place apart from the Yard.

11 Q. [10:27:41] So the Yard itself was meant for very specific purposes?

12 A. [10:27:54] Yes, correct.

13 Q. [10:27:57] Mr Witness, who was the Yard commander when you escaped?

14 A. [10:28:11] The Yard commander was called Onen Unita.

15 Q. [10:28:17] Mr Witness, what are technicians?

16 A. [10:28:32] Technicians are part of the members in the Yard. There are some
17 children who are taken there and these are part of the people who formed the Yard.

18 Q. [10:28:45] And how about controllers, Mr Witness, what are controllers?

19 A. [10:28:56] Controllers are all in the same department, they are all together with
20 the technician. They use water for blessing and also they follow things that have
21 been -- they have been instructed to do.

22 MR OBHOF: [10:29:19] And, your Honour, one question in private session, please.

23 PRESIDING JUDGE SCHMITT: [10:29:28] We go very shortly into private session --

24 MR OBHOF: Sixty seconds.

25 PRESIDING JUDGE SCHMITT: -- to return immediately afterwards to open session.

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1 Yes.

2 (Private session at 10.29 a.m.)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Open session at 10.30 a.m.)

12 THE COURT OFFICER: [10:30:25] We are back in open session, Mr President.

13 MR OBHOF: [10:30:43]

14 Q. [10:30:43] Now, Mr Witness, from what you saw and from what you heard, this
15 spiritual aspect, was that also another tool used by Joseph Kony in order to keep
16 people to stay, in order to get them -- to brainwash them to change their minds for
17 them to stay in the LRA?

18 A. [10:31:17] When I left the LRA, I formed the opinion that that was the way in
19 which he used to brainwash people. He would make you feel emboldened and
20 make you feel that that is the reality. If there is something going on, for example,
21 there is a battle, he would tell people to put water in a bottle, tie it around their necks,
22 use white clay, and those things would protect you when you are in the battlefield,
23 those things would protect you. So he would tell that to people and that would
24 actually embolden us.

25 Q. [10:32:05] Mr Witness, were there general, general rules within the LRA? An

1 example would be not to sleep with another man's wife.

2 A. [10:32:28] Yes.

3 Q. [10:32:30] Were these issues -- were these rules issued by commanders or were
4 they issued through Joseph Kony during his spiritual possessions?

5 A. [10:32:47] These orders were issued by Joseph Kony, not -- no one other than
6 himself.

7 Q. [10:32:57] Was he possessed when he came up with these rules?

8 A. [10:33:07] When there are people in different groups, then he would send
9 messages through the radio call. He would instruct everybody to take down a pen
10 and paper, the signaller should record or should record what the Holy Spirit has said.
11 If the Holy Spirit orders or instructs that they are supposed to pray for 40 days, then
12 during the 40 days there should be no sexual intercourse between male and female.
13 And those are part of the rules that he would issue.

14 Q. [10:33:53] Now, do you know if Joseph Kony was a Christian, a Muslim or some
15 other religion, Mr Witness?

16 A. [10:34:05] It's very difficult to explain what sort of religion he was. I do not
17 understand, I cannot explain what kind of religion -- religious denomination he
18 follows.

19 Q. [10:34:22] Did you ever hear Joseph Kony talk about Jesus Christ being his
20 saviour?

21 A. [10:34:35] He would, he would pray, and when he is praying he would pray in
22 the name of Jesus Christ. He would also state that Jesus Christ is his saviour. But
23 he would also have rules, other rules: No eating pork, no eating white chicken like
24 the saved people. Sometimes he would also pray like a Muslim, so it's very difficult,
25 and yet he would still believe in Jesus Christ.

1 Q. [10:35:08] Now, with these rules that Joseph would say came from the spirits,
2 did these spirits also order punishments?

3 A. [10:35:27] Yes. Sometimes he would state that the spirit has prevented
4 something. If, for example, there is a battle, and the Holy Spirit has not prepared the
5 battle, if people ran away from the battle, then there is a punishment. And if it is
6 a punishment from the Holy Spirit, people would be beaten or people would be
7 ordered to walk shirtless or people would be ordered to sleep without any covers.

8 Q. [10:35:59] Mr Witness, was there one spirit which tended to order punishments
9 more than all the rest?

10 A. [10:36:19] It's very difficult for me to say, to state that one, because he claimed
11 that he had several spirits and each spirit had its own functions. So it's very difficult
12 if he says it's a certain spirit that has commanded certain instructions, then that's how
13 things happen. But it's very difficult to know everything with regard to the spirits.

14 Q. [10:36:48] Now, Mr Witness, who is Who Are You?

15 A. [10:36:59] He, he said that the spirit known as Who Are You is the operation
16 commander, the operation commander of the spirits.

17 There was another spirit known as Jean Brickey or Juma Oris, there was Selindi,
18 Senior Selindi. And all these spirits had their own roles. Every time he's possessed
19 by a different spirit, the instructions were different.

20 But most times he would be possessed by Who Are You, the operation commander.
21 So when Who Are You instructs a certain operation, then the operation is a very
22 aggressive one.

23 Q. [10:37:45] And so with these spirits - now correct me if I am wrong, because you
24 mentioned the operational commander, a few of them - the spirits also had different
25 commanders, so as Mr Black asked the other days, were there certain offices in the

1 LRA, the spirits themselves had specific offices, too; is that correct, Mr Witness?

2 A. [10:38:23] Yes, that's correct.

3 Q. [10:38:28] And so while there might be an operational commander in the LRA in
4 real life, there is also an operational commander, as you said, within the spirits?

5 A. [10:38:46] There is operation commanders within the LRA ranks, but there is
6 also an operational commander of the spirits, as he stated.

7 Q. [10:38:58] Now I mentioned a rule a little bit earlier. What was the punishment
8 for sleeping with a woman who was married if you were not her husband?

9 A. [10:39:25] I believe that when I was asked, I stated that mostly if somebody
10 commits adultery, the punishment is firing squad. There is no mercy.

11 Q. [10:39:41] You did mention that, Mr Witness, and I'm sorry for asking you.
12 There will be a few questions that have been asked last week, but they lead to further
13 questions that were not. So please accept my apologies.

14 Was death a routine punishment for violating rules within the LRA?

15 A. [10:40:12] Death was one of the forms of punishment. If you commit a breach
16 of the rules that results into death, then people are afraid of breaching those rules.
17 So if you witness somebody being killed for breaching certain rules, then it is likely
18 that a number of people would be afraid to do the same.

19 Q. [10:40:41] Now, the person who issued these orders, the orders for firing squad
20 or executions, that came from Joseph Kony and Joseph Kony alone; is that correct,
21 Mr Witness?

22 A. [10:41:02] Yes, Joseph Kony was the only one who had that authority.

23 Q. [10:41:12] Now, Mr Witness, continuing on the spiritual realm, you had
24 mentioned that women went through cleansing ceremonies after been abducted.
25 Now, what type of ceremonies did these women undergo?

1 A. [10:41:41] The rituals or ceremonies performed related to all newly abductees
2 into the LRA, male or female, it was the same rule. Once people come into the LRA,
3 there is a ritual performed. They sprinkle water on them. They smear them with
4 a soil known as camouflage and they also use shea butter. They are given a period
5 of time, if it's men, perhaps three days, three days before they have a bath; same as
6 the female.

7 So once they smear this soil on you, you are not supposed to have a bath for three
8 days, whether you are male or female.

9 If you have any kind of disease, then it will become apparent from this ritual. If it's
10 a woman, if they decide that the woman is able to get married or is capable to get
11 married, then they would have -- the woman would have to wait for three months
12 and then after three months the woman would be given to a man to become a wife.

13 Q. [10:43:00] Now, during this three-month period for women, were other people
14 allowed to associate with this woman?

15 A. [10:43:18] The -- what do you mean, to walk with them or somebody to walk
16 with them or to stay with other people, chat with their friends in a social setting?
17 What do you mean?

18 PRESIDING JUDGE SCHMITT: [10:43:34] "Associate" is indeed a very broad
19 concept.

20 MR OBHOF: [10:43:45]

21 Q. [10:43:47] Let me just read from what you said, is that with these women during
22 this three-month period, you were not allowed to mix with such a person who has not
23 passed the test and has not been covered with oil.

24 A. [10:44:17] That's correct. The newly -- people who have been newly smeared
25 would be kept separate as people undergoing the ritual, they would not be mixed

1 with everybody else. They would be split up or they would be separated in their
2 own groups. Even if they are given to a commander, they still have a separate group
3 and they would stay within that group, that separate group of newly -- people who
4 have been smeared newly.

5 Q. [10:45:02] Now, Mr Witness, what would happen if somebody were to, as you
6 said, mix with these people before they were cleansed? Was anything said to have
7 happened in battle or might happen to you in battle if you were mixing with these
8 unclesed persons?

9 A. [10:45:25] They would talk especially about women. If you mix with an
10 unclesed woman, for example, if you decide to have sexual intercourse with this
11 woman, then when you go to battle, you will be shot and killed because you have
12 breached one of the Lakwena's rules. At the time the people are still under the
13 control of Lakwena because they are considered unpure.

14 Q. [10:45:57] Now, with this -- with the women, how did you know or how did
15 Kony know if the woman was a witch?

16 A. [10:46:14] He would state that if the white clay is smeared on that person, if the
17 clay rubs off within three hours, that means the person either has a disease or the
18 person has some kind of cen or some kind of witchcraft. That's what he would say.

19 Q. [10:46:40] Now, would Kony attempt to cleanse them of the cen or to cleanse
20 them of the disease or to remove the witch from them?

21 A. [10:46:59] Before things changed, if somebody has cen, the person would take
22 him to the Yard and a ceremony would be performed, an exorcism ceremony would
23 be performed, and then they would claim that the person has been exorcised.

24 Q. [10:47:23] Mr Witness, did you ever witness this happening?

25 A. [10:47:34] Yes, I witnessed several of these. When people are taken to the Yard,

1 a ceremony is performed, they enter into some kind of trance, the people fall on the
2 ground and they are in some kind of a trance rolling around on the ground.

3 Once the person -- once this thing goes away, then they would claim that the person
4 has now been cleansed.

5 Q. [10:48:00] Mr Witness, did people in the LRA believe that the UPDF and the
6 previous military, the NRA, did those people in the LRA believe they were using
7 ajwakas to fight against the LRA?

8 A. [10:48:30] There was this kind of belief that the NRA used witch doctors.

9 Q. [10:48:42] Were you ever sent on a battle where Joseph Kony said that there
10 would be a witch doctor at the battle?

11 A. [10:49:03] Most times he would claim that this would happen, and sometimes he
12 would say it was the Holy Spirit that had informed him that the LRA in a mission that
13 is being -- that the LRA have gone to a mission that is being led by a witch doctor, and
14 since the LRA is on this side and then you have the government soldiers, we believe
15 that this was true.

16 Q. [10:49:33] Mr Witness, did you ever hear about an attack in the very early days
17 at Para?

18 A. [10:49:48] Yes, I heard of that.

19 Q. [10:49:52] Was it said that there was a very powerful witch doctor there during
20 that battle at Para?

21 A. [10:50:03] They said there was a very powerful witch doctor, witch doctor
22 known as Ali, and that the witch doctor was present at this operation. I heard that.

23 Q. [10:50:25] Now, Mr Witness, did the LRA use ajwakas.

24 A. [10:50:41] As I have just stated, the LRA would claim to use the Holy Spirit.
25 The witch doctor is the Holy Spirit, the Holy Spirit that possesses Kony.

1 Q. [10:50:59] Now, Mr Witness, can you ever remember times when there were
2 instances where members of the LRA claimed to have used spiritual means during
3 battles?

4 A. [10:51:23] Several occasions, on several occasions. As I stated, when the Holy
5 Spirit used to come frequently, when the Holy Spirit used to possess Kony frequently,
6 they would send us to fight. They would say we are being pursued by soldiers,
7 there is an operation that is taking place, people would be -- rituals would be
8 performed and we would go and fight. But we would also believe that we are
9 fighting with the Holy Spirit on our side.

10 Q. [10:52:00] Have you ever heard of instances where strange acts or strange forces
11 of nature came about; whereas, let's say, during the dry season a thunderstorm came
12 after praying or during a battle bees or wasps arrived and helped in the fight?

13 A. [10:52:32] I do recall that there was on one occasion, there were bees,
14 bees -- there were bombs that were being shot. There was a beehive somewhere and it
15 hit the beehive. The bees did not choose whether it was attacking the LRA or
16 whether it was attacking the UPDF soldiers. So he claimed that Lakwena is the one
17 that had scattered the bees to attack the government soldiers to attack people.

18 Q. [10:53:08] Mr Witness, what are stone bombs?

19 A. [10:53:19] Stone bombs are stones that he would claim to use. According to
20 him, these stones would explode into a bomb. The Yard people would use these when
21 people are going to battle. They would give it to people to hold.

22 I understand that this was used at Lacekocot and also at Cwero. At the beginning of
23 the battle, at the beginning of the war, they used stone bombs. But when I was
24 already in the LRA, I did not see any stone bombs. He claimed that the stone bombs
25 no longer had any value or no longer had any strength.

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1 MR OBHOF: [10:54:08] Your Honours, I think this would be the right time. I don't
2 think we'll need the afternoon session, but we might have to go a little bit longer
3 during next season.

4 PRESIDING JUDGE SCHMITT: [10:54:21] I think we can still simply wait until the
5 next session, how it unfolded and, yes, you can tell us then we you are finished.
6 We have now the break until 11.30.

7 THE COURT USHER: [10:54:33] All rise.

8 (Recess taken at 10.54 a.m.)

9 (Upon resuming in open session at 11.30 a.m.)

10 THE COURT USHER: [11:30:57] All rise.

11 PRESIDING JUDGE SCHMITT: [11:31:15] Mr Obhof, you have still the floor.

12 MR OBHOF: [11:31:25] I really wish I could just get a Bluetooth for my ear for this
13 thing, it would be so much easier.

14 Q. [11:31:33] Still good morning, Mr Witness. I hope you had a good break.

15 A. [11:31:40] Yes, that's correct.

16 Q. [11:31:44] Now, Mr Witness, when is the grass burned in northern Uganda?

17 A. [11:31:56] The grasses are burnt from January to February. By March most of
18 the places have been burnt, and some of course start earlier, but it wouldn't get burnt
19 very well.

20 Q. [11:32:19] Now, you stated during one of your interviews with the investigators
21 from the Prosecution that when the grass was being burned in 2003, Salim Saleh was
22 attempting to negotiate peace talks with people within the LRA; is that correct,
23 Mr Witness?

24 A. [11:32:46] That's correct. Following what people woke up to the LRA, for
25 instance, people who come, like the rwots, were the ones who would give this

1 information that Salim Saleh was also struggling, working hard for peace.

2 PRESIDING JUDGE SCHMITT: [11:33:37] But you know with this Chamber we try
3 to be as punctual, but Mr Obhof is there, he has already questioned, so nothing to the
4 prejudice of your client has happened.

5 So, Mr Obhof, please continue.

6 MR TAKU: [11:33:53] Sorry, your Honours.

7 MR OBHOF: [11:33:59]

8 Q. [11:33:59] Now, Mr Witness, when you escaped, Mr Ongwen did not hold a
9 position within the high command of the LRA, did he?

10 A. [11:34:18] Right from the time he left the sickbay, I never got any information
11 whether he got any senior appointment following his injury.

12 Q. [11:34:39] Now, Mr Witness, did the rank of lance corporal, corporal or sergeant
13 have any real significance within the LRA?

14 A. [11:34:55] Those ranks are given to our lower officers. Some are given to those
15 who have spent some time in the bush. The reason is that they're given that as a
16 motivation for them to continue staying in the bush and to take them away from a lot
17 of other things that they would be thinking about.

18 Q. [11:35:23] To summarise it, it would be for morale purposes for people who
19 might have been in the bush for a long time?

20 A. [11:35:33] That's correct, because in other instances it could be that somebody
21 has just been abducted and has been trained on how to dismantle a gun, and they
22 would assess that when he goes for battle he's strong willed, strong hearted, yes, so
23 he's given a list of the rank like a corporal, which is like a motivation.

24 Q. [11:36:03] Mr Witness, to the best of your knowledge, was this done to boost the
25 morale of the individual person or was it also done to boost the morale of the people

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1 around them, because now they think they might be able to receive ranks as well?

2 A. [11:36:22] Yes, that's correct, because when you see that someone has been given
3 a rank, even the other ones will be morale boosted so they could also pick on the same
4 way and so that they could get also the promotion.

5 MR OBHOF: [11:36:48] Your Honours, I only would need to have one, maybe two
6 questions in private session, please.

7 PRESIDING JUDGE SCHMITT: [11:36:52] Private session.

8 (Private session at 11.36 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 11.38 a.m.)

22 THE COURT OFFICER: [11:38:22] We are back in open session, Mr President.

23 MR OBHOF: [11:38:35]

24 Q. [11:38:36] Now, Mr Witness, when Joseph Kony was granting these ranks, did
25 he say that the order to increase somebody's rank would come from him or would it

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1 come from an order of the spirits or a mixture of both?

2 A. [11:38:59] The power to promote comes from himself directly. He never
3 mentioned that it is because of the spirit or he gave instructions. He never
4 mentioned that he got instructions from the spirit. But for lower ranks like the
5 corporals, any other CO, any other commander can give the rank. But right from
6 officers upwards, it is himself that gives the promotion.

7 Q. [11:39:42] Mr Witness, if you can remember, before Iron Fist, who were the two
8 brigade commanders of Sinia brigade?

9 A. [11:39:56] Before the Iron Fist, the brigade commanders in Sinia brigade, I do not
10 recall them.

11 Q. [11:40:22] Mr Witness, from what you observed, did Joseph Kony sometimes
12 bypass Otti Vincent, bypass his field commanders, the brigade commanders and give
13 orders directly to battalion commanders?

14 A. [11:40:44] Once you're in an operation area and you have radio call, he can, he
15 can give orders and bypass all the other commanders. He can say that the
16 commander in a particular location should go to a particular location that he is
17 interested in. Yes, that he can bypass because he says he's the last man. He can
18 command anybody right from lower rank up to his second in command.

19 Q. [11:41:26] Now, to the best of your knowledge, Mr Witness, did Joseph Kony
20 ever give orders to people that were lower than the rank of battalion
21 commanders -- sorry, ever give direct orders and bypass everyone else to people
22 lower than battalion commanders?

23 Maybe I'll rephrase that. I don't know if he understood or not.

24 PRESIDING JUDGE SCHMITT: [11:42:26] Yes.

25 MR OBHOF: [11:42:27] Yes.

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1 Q. [11:42:28] Mr Witness, to the best of your knowledge, did Joseph Kony ever give
2 direct orders to persons lower than battalion commanders?

3 A. [11:42:42] The orders from Kony most times ends with the battalion commander,
4 and the battalion commander would then send the message to the soldiers under him.

5 MR OBHOF: [11:43:06] And again one more question in private session, your
6 Honour.

7 PRESIDING JUDGE SCHMITT: [11:43:11] Shortly to private session.

8 (Private session at 11.43 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 11.44 a.m.)

21 THE COURT OFFICER: [11:44:29] We are back in open session, Mr President.

22 MR OBHOF: [11:44:38]

23 Q. [11:44:39] Mr Witness, in your interviews with investigators, you said that Kony
24 ordered to abduct children specifically because it was easy to play with their minds
25 and their thinking, and that you said it was easy to completely change the way they

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1 think.

2 So would you say that there was a lasting change on children's minds, especially ones
3 abducted around the ages of 9 through 12, and that they were conditioned to return?

4 PRESIDING JUDGE SCHMITT: [11:45:29] Mr Black.

5 MR BLACK: Objection, your Honour. Could we talk about a specific child? I
6 think lasting change on the minds of all abducted children, I'm not sure how he can
7 answer that in a way that's useful.

8 PRESIDING JUDGE SCHMITT: [11:45:40] No. This is overruled. I allow the
9 question. I think you could of course pick one specific child out of it, but of course
10 the witness will understand the question as did he observe such things.

11 And it's also clear that the Bench will not understand it, that the witness can speak for
12 every person that has ever been abducted.

13 So I think, Mr Witness, you can answer the question.

14 MR OBHOF: [11:46:08] And just for the record, too, this comes from Tab 8,
15 UGA-OTP-0208-0299, and it's essentially all of page 305.

16 Q. [11:46:26] Mr Witness, let me repeat that again. And I'm sorry, I'll go step by
17 step.

18 Now, from what you observed, Kony ordered to abduct children specifically because
19 it was easy to play with their minds and thinking; is that correct, Mr Witness?

20 A. [11:46:52] I think in my previous statement I remember I answered that question,
21 and I explained that Kony says it's easy to influence the minds of the young children.
22 And once they are taken to a distance place, it will be difficult for them to escape
23 because they will be in a faraway place.

24 Q. [11:47:25] And when you saw from what you saw, these young children were
25 conditioned to believe the lies that you mentioned earlier, that the UPDF would kill

1 them, that they would poison them, or that they would be placed in jail forever; is
2 that what you observed, Mr Witness?

3 A. [11:47:51] That is what happened, because it happened onto me. When I was
4 abducted I was told that same information, until when I matured and I returned, and
5 that's when I was able to actually understand the truth.

6 Q. [11:48:17] But it took you escaping and turning yourself in and seeing that these
7 were lies for you to finally believe it. Is that why it took you so long to return home,
8 as in your home village?

9 A. [11:48:45] I took long not to go home to our own village because I was scared,
10 because since I escaped from the LRA, and when I returned, they would do follow-up,
11 they would follow me up. They would do -- if they re-apprehend me, they would
12 kill me. That is why it took me a long time before going back to our home village.

13 Q. [11:49:21] One quick question, too, Mr Witness, off topic, and then we're going
14 to move on to a new topic. When you escaped --
15 Actually, your Honour, out of safety sake, I say we should do this in private session,
16 just this one question.

17 PRESIDING JUDGE SCHMITT: [11:49:41] Private session.

18 (Private session at 11.49 a.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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7 (Open session at 11.51 a.m.)

8 THE COURT OFFICER: [11:51:06] We're back in open session, Mr President.

9 MR OBHOF: [11:51:10]

10 Q. [11:51:15] Mr Witness, last week you talked about some people with one of their
11 names being Labongo. Now, I am not as skilled in pronouncing that name in the
12 different manners as my counsel, but for clarity, Ocan Nono Labongo and Ocan
13 George Labongo, they are different people; is that correct?

14 A. [11:51:38] George Labongo is a different person. And Ocan Labongo is also a
15 different person.

16 Q. [11:51:56] For ease of reference here so we don't mess up, I will call him, Ocan
17 Labongo, I will call him Ocan Nono if you're okay with that.

18 A. [11:52:11] Yeah, that's possible, because those are two names that he also uses.

19 Q. [11:52:19] Mr Witness, what kind of person was the late Ocan Nono?

20 A. [11:52:27] He was mostly working as a bodyguard in the Control Altar with
21 Kony. Later on he was transferred to Sinia. Then from Sinia he was given a
22 position of leadership.

23 Q. [11:52:52] From what you observed, was Ocan Nono very loyal to Joseph Kony?

24 A. [11:53:05] Most of the time Ocan Nono, since his abduction, he grew up while
25 still in Control Altar, and he actually spent a long time in Control Altar as Kony's

1 bodyguard.

2 Q. [11:53:32] So from what you saw, being that he was one of Kony's bodyguards
3 for a long time, would you say that Kony trusted him?

4 A. [11:53:41] Kony trusted him because he says he was strong hearted. He's not
5 fearful.

6 Q. [11:53:57] And you heard Kony say that about Ocan Nono or did somebody tell
7 you that?

8 A. [11:54:08] Sometimes when Kony has invited his commanders and when they
9 are chatting, yes, in his charge they would say Ocan Nono is a person who is strong
10 hearted and he follows instructions.

11 Q. [11:54:27] Mr Witness, do you know or do you remember a person by the name
12 of Ben Acellam?

13 A. [11:54:38] I do recall Ben Acellam.

14 Q. [11:54:51] Wasn't he from Atiak, the same place as Otti Vincent?

15 A. [11:54:58] He's the brother to Otti.

16 Q. [11:55:09] So would that mean that he also was very loyal to Otti Vincent?

17 A. [11:55:23] Yes, respect of line of duty, and since Otti was his superior, yes, he
18 respects.

19 Q. [11:55:43] Similar question as we ask but Ocan Nono, did you ever hear Otti
20 Vincent talk about respect for Ben Acellam as you heard Joseph Kony talk about Ocan
21 Nono?

22 A. [11:55:59] I did not hear.

23 Q. [11:56:15] Mr Witness, both of these gentlemen, Ocan Nono and Ben Acellam,
24 they were transferred into Sinia brigade during the summer, late summer of 2003; is
25 that correct?

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1 A. [11:56:37] Ben Acellam was transferred to Stockree. He did not go to Sinia.

2 Q. [11:56:48] What about Ocan Nono?

3 A. [11:56:50] Ocan Nono was the one transferred to Sinia.

4 Q. [11:57:02] And he was transferred to Sinia before the attacks on Abia and
5 Barlonyo; is that correct?

6 A. [11:57:26] During the Iron Fist, that is when he was sent to Sinia. These other
7 attacks you mentioned hadn't occurred.

8 MR OBHOF: [11:57:33] Your Honour, one more quick question in private session,
9 please.

10 PRESIDING JUDGE SCHMITT: [11:57:37] Private session.

11 (Private session at 11.57 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 11.58 a.m.)

22 THE COURT OFFICER: [11:58:28] We're back in open session, Mr President.

23 MR OBHOF: [11:58:38]

24 Q. [11:58:41] Now, Mr Witness, the code books that were used by signallers in the

25 LRA, those were kept by the signallers and not with the brigade commanders, or am I

1 getting it wrong?

2 A. [11:59:00] A radio call is with the signaller, which is under the brigade
3 commander. The signaller who'd be -- the signaller would be the commander of the
4 brigade commander or the signaller of the CO who is leading that group.

5 Q. [11:59:22] Mr Witness, the Prosecution investigators asked you if you could
6 recognize voices over the radio call or if you needed the call signs to know who was
7 talking. And you stated it's only based on the call signs that you could tell who was
8 talking.

9 Is this still your statement today, Mr Witness?

10 A. [11:59:52] That's correct.

11 Q. [12:00:00] Now, Mr Witness, if Otti Vincent told Joseph Kony to cross the road
12 where Kapere's Teso wife escaped and turn right where we had posho with Ocan
13 Bunia, would you have any idea what Joseph Kony and Otti were talking about?

14 A. [12:00:31] No. That would be coded. That kind of information is coded. So
15 they would take the coded message and turn it into an actual message. So there
16 would not be -- they would not actually be speaking about what the exact message,
17 but it would be coded. So the signaller would uncode the message.

18 Q. [12:01:10] I'm sorry, I'm going to ask you one more coded message, Mr Witness.
19 If Joseph Kony told Ocan Nono to go into the woods for a meeting, what does that
20 mean?

21 A. [12:01:36] That is something that would have been written down on paper. He
22 would look at the piece of paper to the place where the written forest, and then from
23 that message he would get the information that was required.

24 Q. [12:01:58] Thank you, Mr Witness.

25 Mr Witness, during your time in the LRA, did the LRA use civilian collaborators?

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1 A. [12:02:13] Yes, yes, they did.

2 Q. [12:02:22] Now, Mr Witness, how did they use them?

3 A. [12:02:37] The collaborators were used as -- somebody would be sent to look for
4 that collaborator. The person would be at a certain place. So they would send LRA
5 informers to look for that person. They may have sent that person to purchase
6 certain things for the LRA, for example, Wellington boots or food or other things. So
7 that's how they would use the collaborators.

8 Q. [12:03:09] And collaborators might also have been used to develop photographs
9 taken by people in the LRA; is that right?

10 A. [12:03:24] That's correct.

11 Q. [12:03:28] Mr Witness, you did look at a lot of photographs last week, and I
12 won't ask you to look at any more. But these photographs, were they ever used for
13 operational reasons or for reconnaissance or were they just people taking
14 photographs?

15 A. [12:03:52] Some of the photos were taken as a memory of a particular area where
16 they were. For example, in a certain, if they're in a certain village, people would take
17 photos and the photos would be kept as keepsakes.

18 Q. [12:04:17] But the photos didn't have any operational significance, like take a
19 photograph, see what the lay of the UPDF, what the UPDF garrison or detach looks
20 like? It was meant just, as you said, just for memory, for memories?

21 A. [12:04:33] Yes. Sometimes there would have been a battle. They would have
22 captured new uniforms, so they would take photos too, as a memory of the incident
23 of the attack.

24 Q. [12:04:57] Thank you, Mr Witness.

25 I'm going to move on to our final subject of the day. And, again, a few of these

1 might be repeat questions, but it's for a specific flow so when the judges and the
2 attorneys are reading through it later, it's easy to follow everything. So please accept
3 my apologies for asking a few repeat questions.

4 Now, Mr Witness, what did the LRA use in order to identify whether a woman was
5 mature enough to have a husband?

6 A. [12:05:56] They would look at the woman, if she's got -- if her breasts have
7 started sprouting or if she's already going through her menstrual cycle or periods,
8 when she started that, then they would determine that she's old enough.

9 Q. [12:06:23] Mr Witness, as a general rule - I do understand there are exceptions
10 and we shall go through them later - but as a general rule, neither the male nor the
11 female could reject the wife, could reject the distribution of these wives; is that
12 correct?

13 A. [12:06:49] That's correct.

14 Q. [12:06:55] And I'm quoting from tab 10, UGA-OTP-0208-0371, page 0375, lines
15 120 to 121. Please tell me if this is the reason, Mr Witness.

16 "When you have been issued one of these girls and you don't accept that girl, then it
17 was taken to mean that you are despising him, the chairman."

18 Is that correct, Mr Witness?

19 A. [12:07:33] That's correct.

20 Q. [12:07:36] What would happen if somebody went against the chairman,
21 Mr Witness?

22 A. [12:07:49] If a person refuses a woman, then they might decide not to give that
23 person a wife for a long time, because he's rejected the woman that he's been given.

24 Q. [12:08:07] Is there a chance that he might be punished if he didn't have one of
25 the reasons we'll talk about in a minute or two?

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1 A. [12:08:25] It was mostly what I've stated, what I've just stated. The person
2 would stay without a wife for a long period. They would not give him a wife for a
3 long period.

4 Q. [12:08:40] Mr Witness, one of the reasons that a man could refuse a wife was
5 because he was unable to care for that woman; is that correct, Mr Witness?

6 A. [12:08:57] That's correct. Perhaps the person is a young, is a young chap and
7 he's been given an older woman, so he decides that the woman is too old for him.

8 Q. [12:09:14] Now, Mr Witness, is it possible for a man to refuse a woman because
9 he has erectile dysfunction disorder?

10 A. [12:09:26] It's difficult for me to make that assessment because I do not know,
11 I've never heard of anyone refusing a wife because of erectile dysfunction.

12 Q. [12:09:48] Mr Witness, in your interview with the Prosecution, you also stated
13 that a woman under limited circumstances could reject a man, and I would like you to
14 explain what this means. You stated that a woman could refuse a man -- refuse to go
15 with a man on the grounds that the sizes are not compatible.

16 Now, could you explain to the Court what that means?

17 A. [12:10:17] A woman might refuse to go to a man if she's a very young girl. For
18 example, the girl might be 18 years old, and she's given to somebody who is 30 years
19 old plus. To her, it's taboo. But the person will be forced, she will be forced until
20 she continues in that marriage.

21 Q. [12:10:48] Just so we're clear, Joseph Kony issued the orders to distribute wives,
22 Mr Witness, that's correct?

23 A. [12:11:05] That's correct.

24 Q. [12:11:10] And Joseph Kony was the only one allowed to issue these orders, is
25 that also correct?

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1 A. [12:11:19] That's correct.

2 Q. [12:11:24] Now, Mr Witness, without mentioning any names, your last wife, you
3 courted this woman; is that correct?

4 A. [12:11:41] That's correct.

5 Q. [12:11:44] In fact, Mr Witness, there is a big difference between a woman who
6 has not had a husband before who was abducted and a woman who has had a
7 husband and he has died, and the husband has died in battle; is that correct?

8 A. [12:12:03] That's correct.

9 Q. [12:12:06] Now I'd like you to assist Court and explain to us this second
10 alternative, this difference with women who have been married but whose husbands
11 have died. How did this process go?

12 A. [12:12:31] If the woman is a widow, the woman is under no pressure to be given
13 to any man by force. After her mourning period or after a certain period, certain
14 rituals are performed. And after these rituals are performed, if she decides to enter
15 into courtship with a particular man and the man also is interested in her, then the
16 two of them enter into a courtship. She's not given forcefully to anybody.

17 Q. [12:13:17] And so it's somewhat like a Sadie Hawkins dance where the woman
18 goes out and finds the man; is that correct? So the woman is the one who does the
19 approaching?

20 A. [12:13:33] Well, it depends. That happens even in villages. For example, if
21 two people like each other, there is a courtship, the two of them enter into a
22 relationship and into a partnership.

23 PRESIDING JUDGE SCHMITT: [12:14:05] May I shortly, Mr Obhof?

24 Mr Witness, does it make a difference if this man has already other wives?

25 THE WITNESS: [12:14:16] (Interpretation) It could make, it could make a difference.

1 But even if somebody has wives, but the widow is interested in this particular man,
2 then she will also become one of his wives.

3 PRESIDING JUDGE SCHMITT: [12:14:40] Thank you.

4 MR OBHOF: [12:14:41]

5 Q. [12:14:45] And in Acholi customs, it's normal or allowed for a man to have
6 multiple wives; correct, Mr Witness?

7 A. [12:14:57] I do not know if that is the culture. But that depends on every single
8 individual.

9 Q. [12:15:08] But there is no law against it like there is, say, here in Europe or in 49
10 of the 50 states in America. So it's legal for men to have multiple wives in Uganda,
11 right?

12 A. [12:15:30] I see this irregularly. In the villages, for example, there are people
13 who are in a polygamist marriage, but there is a difference between the way it
14 happens in the villages and in the LRA. In the villages it's through courtship, but in
15 the LRA it's not usually through courtship.

16 Q. [12:15:53] Now, Mr Witness, were there any, according to Joseph Kony and
17 what he had said, were there any negative consequences for men who attempted to
18 force widowed women to live with them?

19 A. [12:16:30] If you force a woman and the woman reports it, reports that she's
20 being forced to stay or to be with a particular man, then the man will be punished.
21 He will be beaten.

22 Q. [12:16:50] Mr Witness, during the Sudan years when the LRA had a more stable
23 environment, were women educated?

24 A. [12:17:14] When we were in Sudan when we were all together, the training that
25 was given to everybody including mothers was training, combat training, and they

1 would also pray. So they would be trained to fight and to pray.

2 Q. [12:17:41] Would they be educated in a way, say, to read and write?

3 A. [12:17:49] No. When we're in the Sudan, that used to happen for little children,
4 the children that were born in the LRA were the only ones who were being taught
5 how to read and write. There was a school that had been established, a nursery
6 school, and that's where they used to teach the children.

7 Q. [12:18:19] Now, would the males, the people like yourself or the people like our
8 client, Mr Ongwen, would they be educated in a form of reading, writing and
9 arithmetic in the LRA?

10 A. [12:18:35] When we were in Sudan, most of the education that we got was from
11 the Arabs, the Arabs who would teach us. All the LRA would come together, go to
12 school and they would teach us. So everybody did receive that education.

13 Q. [12:19:05] I hate to ask you this, but could you define "everybody," who that
14 includes?

15 A. [12:19:14] When we're at Palutaka, it was the men, the men received the
16 education, but not women.

17 MR OBHOF: [12:19:29] Your Honour, two quick questions, maybe three, total of five
18 minutes in private session. And then I know counsel has a few follow-up questions,
19 but I would need them in private.

20 PRESIDING JUDGE SCHMITT: [12:19:56] Private session.

21 (Private session at 12.19 p.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Open session at 12.22 p.m.)
- 18 THE COURT OFFICER: [12:22:15] We are back in open session, Mr President.
- 19 PRESIDING JUDGE SCHMITT: [12:22:20] Mr Ayena.
- 20 MR AYENA ODONGO: [12:22:41] Thank you very much Mr President and your
- 21 Honours.
- 22 QUESTIONED BY MR AYENA ODONGO:
- 23 Q. [12:22:45] Mr Witness, you're most welcome. I shall put a few questions to you.
- 24 And the first one is, they're basic, before you came to testify, had you met anybody on
- 25 the Defence team?

1 A. [12:23:14] No, I had not.

2 Q. [12:23:19] Put another way, did you know anybody on the Defence team
3 including me and him?

4 A. [12:23:38] No. It was this, when I came here, that was the first occasion that I
5 saw you.

6 Q. [12:23:45] Thank you very much, Mr Witness.

7 I am going to ask you basically about the spirituality in the LRA with particular
8 emphasis on Joseph Kony. Mr Witness, when Joseph Kony appeared in a trance and
9 appeared possessed, how did you personally feel? Did you feel scared? Did you
10 feel dazzled? Did you feel amazed?

11 A. [12:24:47] When Joseph Kony speaks claiming that he's been possessed, there is
12 a fear. I'm not the only one who's afraid. Everybody who is present is fearful,
13 because when they say that it's a spirit that is speaking, a spirit is speaking through
14 somebody or speaking as somebody, yes, there is a fear.

15 Q. [12:25:15] Now, Mr Witness, it is alleged that Joseph Kony would predict and
16 would also tell what was in a person's mind, including those who wanted to escape.
17 Now, did this happen only when -- did he have this capacity only when he was
18 possessed or he could tell any time of his life?

19 A. [12:25:54] He could say this, for example, when he's at home, he would predict
20 something, he would call his deputy, Otti, for example, and tell Otti that there is
21 something going to happen. And this happened, this happened with one of his
22 commanders, Ocan, Ocan. He claimed that the person was ill and that the person
23 was being -- it was the Holy Spirit that was making the person sick. He called
24 everybody. He convened people together and told them that the Holy Spirit told
25 him that Otti Lagony and Ocan Lagono (phon) were going to leave the LRA and go to

1 the government and that these people should be placed under arrest, and these
2 people were immediately placed under arrest and they were eventually killed.

3 Q. [12:27:02] Thank you, Mr Witness.

4 Now, I want you to help Court to understand the spiritual power of Joseph Kony
5 vis-à-vis the alleged witchcraft that was employed by the UPDF. In your opinion
6 did you think -- did you get to know whether Kony knew about the presence of these
7 witch doctors in the NRA during those battles you talked about?

8 A. [12:27:52] Well, personally, it's difficult for me to understand the allegations that
9 Kony was making or the information that he was telling us that the UPDF uses witch
10 doctors. We were told that we were going to fight and we were being protected by
11 the Holy Spirit. But we did not win every single battle that we went to under the
12 protection of the Holy Spirit.

13 There were sometimes when we would defeat the government. So it was very
14 difficult to determine which one was stronger, whether it was the witch doctors,
15 because the UPDF were using witch doctors, or whether it was the LRA that was
16 using the spirits, because both parties would be defeated from time to time.

17 Q. [12:28:47] Mr Witness, let's isolate the matter of this witch doctor called Ali you
18 talked about in Para. How was he called?

19 A. [12:29:08] There was a battle. Well, I was not present, but I heard about it. It's
20 a story that people tell. So I cannot confirm whether or not it's the truth. It's
21 alleged that there was a battle at Para. The LRA were shot and they were scattered.
22 But later they say that the LRA who had not gone to Para had breached the rules. I
23 do not know what kind of rules they had breached. But the LRA did not protect
24 them and they fought as people. But during that battle, Lakwena reported that they
25 had killed a witch doctor known as Ali.

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1 PRESIDING JUDGE SCHMITT: [12:29:58] But we understand, Mr Ayena, that the
2 witness has not eye-witnessed that and has no immediate knowledge.

3 MR AYENA ODONGO: Yes.

4 PRESIDING JUDGE SCHMITT: So I think we could shorten this a little bit in that
5 respect, because he's obviously far away from the course of events here.

6 MR AYENA ODONGO: [12:30:18]

7 Q. [12:30:22] Mr Witness, apart from the ajwaka called Ali, did you hear of one
8 who appeared on a horse when you were in Sudan?

9 A. [12:30:46] He came and told us that there was a witch doctor, a witch doctor
10 who travels on a horse, travels with a ram and a goat. And most times when we are
11 on operation we should be aware of this witch doctor. But he did not tell us the
12 name of this witch doctor.

13 Q. [12:31:14] Again, Mr Witness, you didn't see this personally?

14 A. [12:31:22] I did not see that witch doctor. That is what he said, that the UPDF
15 are using a certain witch doctor that moves on a horse.

16 Q. [12:31:42] But, Mr Witness, can you tell this Court whether it was a common
17 theme within the LRA that there was a counterbalance of spiritual warfare from the
18 UPDF?

19 A. [12:32:05] When we're in the middle of the battles there, yeah, sometimes you
20 would believe that the existence of the Holy Spirit, because what he would say, that
21 the fighting was planned and organised by the spirit, yes, we would go and succeed
22 in such fighting, and that makes us sometimes believe that it is true.

23 Q. [12:32:39] Now, Mr Witness, there was this belief in the LRA that if you stuck to
24 the strict rules, disciplinary rules, nothing would happen to you; is that correct?

25 Nothing would happen to you when you went to battle; is that correct?

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1 A. [12:33:07] That's correct. Earlier that is what was said, that if you follow all the
2 instructions correctly, nothing will happen to you; but if you, this person who does
3 not follow instructions, many times you would be getting injuries frequently.

4 Q. [12:33:23] Mr Witness, can you tell - I will ask you a personal quickly - do you
5 remember a person called Okello Oboke?

6 A. [12:33:38] Okello Oboke I recall, I recall him, I recall him very well.

7 Q. [12:33:51] Can you tell Court -- sorry. Can you tell Court what could have
8 happened to him?

9 A. [12:34:08] What happened to Oboke was that he got a very terrible injury. He
10 was shot in the penis. And all of that system was removed. That is what I recall.

11 Q. [12:34:37] According to information that is available to you, why did this
12 happen?

13 A. [12:35:01] The reason as to why that happened, I do not know, because I do not
14 confirm anything. But in hearsay and in stories, and in stories it was said that he
15 could have violated the rules, that he slept with a woman who was not cleansed.
16 But I cannot really concretely confirm that.

17 Q. [12:35:28] But, Mr Witness, is it the case that it was a general topic in the LRA
18 that he must have committed an offence against the rules set for going to war, not
19 sleeping with the women and that kind of thing?

20 A. [12:36:01] That is what would happen, and many times they would give
21 examples of such.

22 Q. [12:36:20] Mr Witness, during your stay in the bush, it would appear -- I mean,
23 did you get to know Dominic Ongwen closely?

24 A. [12:36:37] We spent a long time in the bush with Dominic Ongwen.

25 Q. [12:36:50] You were abducted in 1988; is that correct?

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1 A. [12:37:00] Correct.

2 Q. [12:37:04] That would suggest you basically grew together in the bush with
3 Dominic Ongwen; is that correct?

4 A. [12:37:22] We grew up very closely, but the time or what time he was abducted
5 is what now I do not know.

6 PRESIDING JUDGE SCHMITT: [12:37:43] May I shortly, Mr Ayena.

7 MR AYENA ODONGO: [12:37:46] Yes.

8 PRESIDING JUDGE SCHMITT: [12:37:47] You said you don't know when he was
9 abducted. Do you have an idea if it was long before your abduction, at the same
10 time squarely or long after? Do you see what I mean? Could you limit the time
11 frame or is that not possible for you?

12 THE WITNESS: [12:38:06] (Interpretation) Well, that's difficult.

13 PRESIDING JUDGE SCHMITT: [12:38:17] Thank you.

14 Excuse me, Mr Ayena. Please continue.

15 MR AYENA ODONGO: [12:38:24]

16 Q. [12:38:24] Now, according to you, Mr Witness, who of the two of you was older
17 than the other, according to you, you may not be very sure, but your estimate,
18 according to your estimation?

19 A. [12:38:46] In my assessment, Dominic is younger than me. I am older than
20 him.

21 Q. [12:38:56] And, Mr Witness, since you say you actually stayed for a long time
22 with Dominic Ongwen, did you interact with him closely?

23 A. [12:39:20] When we were in the Sudan, we were staying together and we would
24 meet, chat, we would stay together, although our units were different, but we would
25 meet. In Uganda it was difficult to meet because people were split into small

1 groups.

2 Q. [12:39:46] Now, Mr Witness, according to you, you were older than Dominic
3 Ongwen, what parameters did you use to assess the age between you and him?

4 A. [12:40:26] The reason why I say I am older than Dominic was that Dominic grew
5 up very fast. At the time when I was now more aware of myself, but I would see
6 Dominic was really a young person, and I would see that his level of understanding
7 was much lower than mine.

8 Q. Thank you very much, Mr Witness.

9 MR AYENA ODONGO: [12:40:59] I committed it again, your Honour.

10 PRESIDING JUDGE SCHMITT: [12:41:01] But it was only the second time today, so
11 it's --

12 MR AYENA ODONGO: [12:41:06] I must apologise to the interpreters.

13 Q. [12:41:11] Now, Mr Witness, since he was much younger than you, but you
14 stayed for a long time with him, I'm sure you had a fair opportunity to assess his
15 character. Now, can you tell Court what kind of person Dominic Ongwen was
16 among his peers, in relation to his bosses and that kind of thing?

17 A. [12:41:53] Dominic Ongwen at the time when we were together, I did not see
18 any queer or unusual behaviour or whether it was, you know, fears or that he was
19 unfriendly or that he would do things on his own, I did not observe.
20 I did not see any bad behaviours in him.

21 Q. [12:42:25] I want you to concentrate in particular on his conduct towards
22 abductees and the womenfolk. How did Dominic Ongwen, first of all, handle the
23 young abductees who were brought into the LRA?

24 A. [12:42:58] Any record about Dominic Ongwen that I know of I do not have
25 because since he was in a different unit, while we were still in the Sudan, each unit

1 would stay on their own. Sinia would be in the position, Gilva in their own location.
2 But amidst all that, the kind of report that would come in a way that he would
3 mistreat the people under him I did not hear, because if it was there, then there would
4 be examples of such. That was a time when we were together.

5 Q. [12:43:48] Mr Witness, in respect to his conduct towards the womenfolk, can
6 you tell Court whether you got to know about the conduct of Dominic Ongwen as a
7 rapist or as somebody who was a wife beater, so to speak?

8 A. [12:44:34] I am not aware of such a report, because at the time we were still in
9 Sudan, if there was a commander who was seen to have bad behaviour that, for
10 instance, would like to beat his soldiers or would punish the girls that are in his
11 homestead, that information would always be brought out to the people during
12 prayers and such information I have not heard of.

13 Q. [12:45:16] My last question will be about Joseph Kony's spirituality. From
14 records available, Mr Witness, it would appear you're a Catholic, am I right?

15 A. [12:45:34] Correct.

16 Q. [12:45:38] Now as a Christian, when you're ending your prayers normally you
17 end with "In the name of our lord Jesus Christ, the son."

18 Was this the case for Joseph Kony, whenever he was praying, would he end with the
19 name Jesus Christ?

20 A. [12:46:12] Correct. That is how it was.

21 Q. [12:46:25] And during the time when he was behaving like a Muslim, were these
22 times when he was also praying or maybe he was doing something else, because it
23 was said sometimes he would also, you know, bend over in the fashion Muslims do
24 when they're praying, did you witness this?

25 A. [12:46:55] That would happen at a time when there is summoned people for

1 prayer. Like in the Catholic, they would say people, you know, people would be
2 asked to stand up, sometimes you sit down. So in this case sometimes you would
3 also say people should pray the Islamic way, bowing with the head down. Yeah,
4 that is what would happen.

5 MR AYENA ODONGO: [12:47:25] Mr President, I think that is the end.

6 Thank you very much, Mr Witness.

7 PRESIDING JUDGE SCHMITT: [12:47:30] Mr Black.

8 MR BLACK: [12:47:31] I apologise, your Honour. I have just a couple of questions
9 arising out of the questions put by the Defence. Could I put them?

10 PRESIDING JUDGE SCHMITT: [12:47:36] Of course, yes.

11 MR OBHOF: [12:47:39] Your Honour, the Defence would request an explanation.

12 MR BLACK: [12:47:42] Sure. It's page 9 of today's transcript, lines 7 through 10.

13 And I think we'd have to go into private session, your Honour, if I need to explain a
14 bit more.

15 PRESIDING JUDGE SCHMITT: [12:47:52] Yes, private session.

16 (Private session at 12.48 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0070

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0070

(Private Session)

ICC-02/04-01/15

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25 (Open session at 12.52 p.m.)

Trial Hearing
WITNESS: UGA-OTP-P-0070

(Open Session)

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- 1 THE COURT OFFICER: [12:52:33] We are back in open session, Mr President.
- 2 PRESIDING JUDGE SCHMITT: [12:52:36] Thank you very much.
- 3 Mr Witness, that concludes your testimony. On behalf of the Chamber I would like
- 4 to thank you that you have made yourself available as a witness in these proceedings.
- 5 And on behalf of the Chamber I would like to thank you that you helped the Court in
- 6 establishing the truth.
- 7 We wish you a safe trip back to your home country and to your home.
- 8 (The witness is excused)
- 9 PRESIDING JUDGE SCHMITT: As I said, this concludes the testimony of this
- 10 witness. This also concludes today's hearing. We continue tomorrow at 9.30 with
- 11 Witness 97.
- 12 THE COURT USHER: [12:53:18] All rise.
- 13 (The hearing ends in open session at 12.53 p.m.)