

Trial Hearing
WITNESS: UGA-OTP-P-0359

(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 3
8 Thursday, 21 September 2017
9 (The hearing starts in open session at 9.29 a.m.)
10 THE COURT USHER: [9:29:50] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:30:02] Good morning, everyone. Especially
13 good morning to our witness, Mr Balikudembe. Good morning.
14 WITNESS: UGA-OTP-P-0359 (On former oath)
15 (The witness speaks English)
16 THE WITNESS: [9:30:16] Good morning, my lord.
17 PRESIDING JUDGE SCHMITT: [9:30:18] Could the court officer please call the case.
18 THE COURT OFFICER: [9:30:20] Good morning, Mr President, your Honours.
19 The situation in the Republic of Uganda, case reference ICC-02/04-01/15, in the case of
20 The Prosecutor versus Dominic Ongwen.
21 And for the record, we're in open session.
22 PRESIDING JUDGE SCHMITT: [9:30:34] Thank you very much.
23 And for the appearances, please, Mr Do Duc for the Prosecution.
24 MR DO DUC: [9:30:39] Good morning, your Honours. For the Prosecution this
25 morning is Ben Gumpert, Beti Hohler, Ramu Fatima Bittaye, Shahriar Yeasin Khan

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- 1 and Yya Aragon. And my name is Hai Do Duc.
- 2 PRESIDING JUDGE SCHMITT: [9:30:55] Thank you.
- 3 And for the Legal Representatives for the two teams, first, Mr Narantsetseg.
- 4 MR NARANTSETSEG: [9:30:59] Good morning, Mr President, your Honours.
- 5 Orchlon Narantsetseg, Ms Caroline Walter and Ms Hyuree Kim. Thank you.
- 6 PRESIDING JUDGE SCHMITT: [9:31:07] Thank you.
- 7 Mrs Hirst.
- 8 MS HIRST: [9:31:10] Good morning, your Honours. For the Legal Representatives,
- 9 Megan Hirst and James Mawira.
- 10 PRESIDING JUDGE SCHMITT: [9:31:14] And for the Defence, Mrs Bridgman,
- 11 please.
- 12 MS BRIDGMAN: [9:31:16] Good morning, Mr President, your Honours. I'm
- 13 Abigail Bridgman, together with lead counsel Krispus Odongo Ayena, Chief
- 14 Charles Achaleke Taku, Eniko Sandor, and our client Mr Ongwen is in court.
- 15 PRESIDING JUDGE SCHMITT: [9:31:32] Thank you.
- 16 If Mr Ongwen does not feel well at one point in time during the proceedings, he is
- 17 allowed, he is permitted to leave shortly and come back then, to word it this way.
- 18 MR TAKU: [9:31:43] Thank you, your Honour. Thank you so much, your Honour.
- 19 PRESIDING JUDGE SCHMITT: [9:31:46] Without specifically asking, we trust when
- 20 you say that something is wrong. We trust you, of course, when you say that.
- 21 Do the Legal Representatives have any questions for the witness?
- 22 MR NARANTSETSEG: [9:31:56] Mr President, thank you for the opportunity. We
- 23 have assessed the evidence elicited by our learned colleague from the Prosecution, so
- 24 we are quite satisfied with it. So we propose no further questions.
- 25 PRESIDING JUDGE SCHMITT: [9:32:09] Thank you, Mr Narantsetseg.

1 Mrs Hirst, I assume you don't have a different opinion?

2 MS HIRST: [9:32:16] That's correct, Mr President. No questions from us.

3 PRESIDING JUDGE SCHMITT: [9:32:19] You know, I should not tell you what you
4 want and what you say, but it was simply an assumption, so to speak.

5 Then I give the Defence the floor. Mrs Bridgman, please.

6 MS BRIDGMAN: [9:33:14] Thank you, Mr President.

7 QUESTIONED BY MS BRIDGMAN:

8 Q. [9:33:19] Good morning, Mr Witness.

9 A. [9:33:21] Good morning, madam.

10 Q. [9:33:23] I'm going to ask you a few questions during this session, the coming
11 hours. And I apologise in advance, some may sound redundant, some may sound
12 different from what the Prosecution asked you about, but please bear with me as I try
13 to elicit as much information as the Defence deems relevant.

14 A. [9:33:51] I'm ready for your questions.

15 Q. [9:33:53] Thank you. As you may recall from yesterday, there was an exchange
16 about your phrase "self-styled" in reference to both Dominic Ongwen and
17 Okello Kalalang. Can you explain why you referred to them as self-styled?

18 A. [9:34:12] My lord, the reason why I called them self-styled, first of all, LRA is not
19 a government. It's not a government, and they didn't have any constitution. They
20 didn't have any governmental structures that their leader is internationally
21 recognised to promote, to promote any officer under them.

22 So we in Uganda, we did not recognise them as constitutionally promoted officers or
23 commissioned officers.

24 Q. [9:35:04] Thank you. And just so to be clear, for instance, when you say
25 "self-styled brigadier Dominic Ongwen", you did not mean that it is him who

1 imposed on himself that rank, correct?

2 A. [9:35:19] Even himself, he used to call himself a brigadier, so that's why I called
3 him self-styled, because his leader is not a recognised military officer or given by the
4 head of state.

5 Q. [9:35:37] Thank you. Now, Mr Witness, are you familiar with the term
6 "kadogo"?

7 A. [9:35:43] I'm familiar with the term "kadogo".

8 Q. [9:35:48] What does "kadogo" mean?

9 A. [9:35:50] "Kadogo" means young.

10 Q. [9:35:52] In what context is the word "kadogo" often used?

11 A. [9:35:59] "Kadogo" may be used even in public life, especially the countries that
12 do speak Swahili, they can refer to the young ones below the age of 18, for that matter,
13 to be called "kadogo".

14 Q. [9:36:19] Now, yesterday you told this Court that you joined the NRA in 1985.
15 What was your occupation before joining the NRA?

16 A. [9:36:32] I was at school.

17 Q. [9:36:37] Which class were you in at the time?

18 A. [9:36:41] I was in senior form.

19 Q. [9:36:45] Would you have been described as a "kadogo" when you joined the
20 NRA?

21 A. [9:36:49] I was above 18.

22 Q. [9:36:54] When you joined the NRA in 1985, was it a government army?

23 A. [9:37:00] It was not. It was a rebel outfit.

24 Q. [9:37:06] I am not going to delve into your training that you received up to now,
25 but I just want to ask, I would like to confirm with you that indeed you got military

1 training when you joined the NRA.

2 A. [9:37:32] Yes, I did.

3 Q. [9:37:33] What kind of training did you receive?

4 A. [9:37:40] I received the basic training; from recruit, you got basic training.

5 Q. [9:37:54] What kind of units are in basic training?

6 A. [9:37:55] In a training school you have regiments. For the Ugandan standard
7 you have regiments and you have companies, and eventually after training you are
8 deployed in units.

9 Q. [9:38:11] So I would assume during that training you would learn things like
10 how to operate a gun, how to shoot, how to conduct yourself during an operation?

11 A. [9:38:23] True.

12 Q. [9:38:25] Do you also take classes on political ideology, for instance?

13 A. [9:38:33] Yes, we do.

14 Q. [9:38:36] Do you have classes in human rights?

15 A. [9:38:39] We do.

16 Q. [9:38:42] Do you have classes in the law of armed conflict?

17 A. [9:38:46] Yes.

18 Q. [9:38:49] When you do your pass out, do you get what I would, what I would
19 term as continuing education or refresher classes along the years in these units that
20 I've mentioned?

21 A. [9:39:09] Yes, we do.

22 Q. [9:39:10] Thank you.

23 Yesterday the Prosecutor asked you to look at a map.

24 And I would request the court officer to help me get that. It's tab -- just give me a
25 second.

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1 PRESIDING JUDGE SCHMITT: [9:39:49] It's tab 2, I think.

2 Tab 2 of the Prosecution, of the small Prosecution binder.

3 MS BRIDGMAN: [9:40:18] That's correct, indeed.

4 PRESIDING JUDGE SCHMITT: [9:40:30] So you doubted it, obviously,
5 Mrs Bridgman.

6 MS BRIDGMAN: [9:40:36] I will have to admit that I did until I looked at it. And
7 the ERN number of the document is UGA-OTP-0260-0165.

8 Q. [9:40:50] Now, Mr Witness, you said that you served in both the 4th division
9 and the 5th division during your career in northern Uganda, correct?

10 A. [9:41:02] That's correct.

11 Q. [9:41:06] Now, in this map, would you be kind --

12 Court officer, if I may request that it be zoomed in a little more so we can take a look
13 at it.

14 So I see areas of Gulu, Pader, Agago, Nwoya, Kitgum, Amuru. Do you see those?

15 A. [9:41:39] Yes, my lord, I can see Pader, I see Gulu. Yes, I can see.

16 Q. [9:41:54] Now, just looking at it, can you give us a general overview of where
17 the 4th division covered; the areas covered by the 4th division and the areas covered
18 by the 5th division?

19 A. [9:42:03] Yeah, my lord, if you look at, on your left, Gulu in particular,
20 the -- Gulu itself. Then there is this river Aswa, river Aswa, where there is B, inside

21 B. B (Overlapping speakers)

22 Q. [9:42:38] Is that where the big, the first circle is, the red circle?

23 A. [9:42:41] The first red circle B.

24 Q. [9:42:44] Yes?

25 A. [9:42:45] There is this river that runs from, from kind of southeast, that is the

1 river Aswa where there is B and C. That that's the boundary between Gulu and 5th
2 division.

3 Q. [9:43:07] And Gulu was in 4th division; is that correct?

4 A. [9:43:17] 4th division, yeah.

5 Q. [9:43:18] And isn't it true, Mr Witness, that river Aswa is a tributary for the river
6 Nile?

7 A. [9:43:24] I may think so.

8 Q. [9:43:25] So would I also be correct to say that then Pader would be in the 5th
9 division?

10 A. [9:43:37] Yes, Pader in 5th division.

11 Q. [9:43:39] What about Kitgum?

12 A. [9:43:42] Kitgum also in 5th division.

13 Q. [9:43:48] Now, when you were serving in the 301 brigade -- before we go there,
14 how many brigades typically would be in each division?

15 A. [9:44:14] It would depend on the intensity of the conflict. You may find that
16 the incursion of LRA, especially from the then Sudan, when there is a lot of activities
17 from either side, the whole brigade can be moved to support a division, not
18 necessarily that we used to have the mother brigades in one division. You may find
19 a division has lesser brigades and other brigades are concentrating where there are a
20 lot of LRA activities.

21 Q. [9:45:06] So it would be fair for me to say then that the brigades were mobile,
22 they moved between divisions depending on the need?

23 A. [9:45:15] Exactly.

24 Q. [9:45:16] Now, on average, how many soldiers would be in a brigade?

25 A. [9:45:29] It would depend on discretion of the leadership, but basically we are

1 talking here around 2,000, 2,500.

2 Q. [9:45:47] From your work in northern Uganda fighting the LRA, would you say
3 that the LRA brigades, or units as you know them, fit within the description of a
4 military structure?

5 A. [9:46:05] I would not think so.

6 Q. [9:46:07] Why do you say that?

7 A. [9:46:11] Because I never commanded any LRA unit, so I cannot describe their,
8 their kind of, their brigades.

9 Q. [9:46:26] Let me ask this question another way. Just from your work against
10 the LRA, did you get to know the command structure and the way they organised
11 their units?

12 A. [9:46:44] First of all, for us in UPDF, we looked at the leadership of LRA that
13 would drive the insurgency against the government, would not look at their real
14 command structure. So we would think that taking out the command structure like
15 Joseph Kony, Dominic Ongwen, Vincent Otti, Okot Odhiambo, and others who were
16 prominently involved in heinous killings, taking them out would break the morale of
17 the LRA.

18 So I would not go deeper to understand more the structures. We'd understand those
19 that were used to have those activities that were against humanity.

20 Q. [9:47:47] Now, these people that you have mentioned, did you know if they
21 commanded particular units or to, in the mind of the UPDF, the LRA was one big unit
22 with a few top commanders?

23 A. [9:48:10] Yes, my lord, we, as I yesterday stated, would rescue abductees or
24 would capture one of the LRA member and we ask him "Which group is this?" and
25 they would tell us any unit they belong and who commands the unit. And that's

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1 how we came to know some pieces of the units they belonged to or they've
2 commanded.

3 Q. [9:48:52] So when you were in the 301 brigade in Patongo, who was your
4 commander at that time?

5 A. [9:49:16] First of all, I had various commanders as I remained. First I had, now
6 a colonel called Ndahura Atwooki. Later on I got Major Takirwa, now he's a
7 brigadier general. And later on I got, now he's also a major general,
8 brigadier -- major general Peter Elwelu. That's when I left the brigade, 301 brigade
9 from Patongo.

10 Q. [9:49:59] So yesterday when you mentioned Lucky Kidega, was this in the
11 context of your duties in the 4th division?

12 A. [9:50:44] Lucky Kidega, I mentioned him, he was our division operation and
13 training officer at the division level in the 5th division.

14 Q. [9:50:57] Now I'm going to ask you a few random names and if you could be
15 kind enough to confirm if you worked alongside with them during your operations.
16 I will start with someone you mentioned yesterday, Richard Otto?

17 A. [9:51:21] Yes.

18 Q. [9:51:21] You said he was also present at Lacekocot?

19 A. [9:51:26] Lacekocot.

20 Q. [9:51:28] Yes. I'm sorry for butchering the word. But what was his role and
21 rank?

22 A. [9:51:33] By then I think he was a major, yeah, he was a major and he was also
23 an intelligence officer.

24 Q. [9:51:51] Was this at a division level or a brigade level or a battalion level, if you
25 remember?

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- 1 A. [9:51:56] At the division level.
- 2 Q. [9:52:00] Did you also work with Charles Awany Otema?
- 3 A. [9:52:12] Well, Charles Awany Otema was at the division level, but for me I was
- 4 at the battalion level.
- 5 Q. [9:52:19] What about someone called Nathan Mugisha?
- 6 A. [9:52:22] He was our division commander.
- 7 Q. [9:52:27] What about Paddy Ankunda?
- 8 A. [9:52:34] He was our spokesperson.
- 9 Q. [9:52:39] Was this for the whole UPDF or just for the division?
- 10 A. [9:52:49] Paddy Ankunda was spokesperson for the division.
- 11 Q. [9:52:59] Do you know of an organisation called Kalangala Action Plan, led by
- 12 Roland Kakooza Mutale?
- 13 A. [9:53:09] Yes, I know that Kalangala Action Plan.
- 14 Q. [9:53:12] Can you tell us something about that organisation within the context of
- 15 your duties, if any?
- 16 A. [9:53:18] My lord, the Kalangala Action Plan is talking about -- was far different
- 17 from my duties and I didn't know their structures. So I cannot comment on the
- 18 Kalangala Action Plan.
- 19 Q. [9:53:38] So what do you know about Kalangala Action Plan?
- 20 A. [9:53:56] My lord, I can't comment on the Kalangala Action Plan, because I also
- 21 read it in the papers. They were -- they were maybe knowing it, but I did not take
- 22 time to dig deeper about the actions of Kalangala Action Plan, which action I don't
- 23 know.
- 24 Q. [9:54:15] Did you hear about a group called Labeja or Labeca?
- 25 A. [9:54:22] My lord, I'm hearing it for the first time from you.

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1 Q. [9:54:30] Mr Balikudembe, do you know Operation Iron Fist?

2 A. [9:54:45] Yes.

3 Q. [9:54:46] Isn't it true that it took the UPDF to bases in Sudan that were
4 previously -- that were being occupied by the LRA?

5 A. [9:54:53] My lord, I did not participate in Operation Iron Fist, so I cannot
6 comment much about Operation Iron Fist.

7 Q. [9:55:10] What do you understand Operation Iron Fist to be?

8 A. [9:55:18] My lord, Operation Iron Fist was an operation force that the UPDF
9 organised to uproot -- to try to uproot LRA bases in south, Southern Sudan -- or
10 Southern Sudan, and I was not part of that operation force.

11 Q. [9:55:43] Are you aware that before you joined the 301 brigade, they had
12 participated in Operation Iron Fist, going all the way to Palutaka?

13 A. [9:56:25] Yes, I'm aware, my lord, that part of the forces of 301 brigade
14 participated in Operation Iron Fist. That is true.

15 MS BRIDGMAN: [9:56:40] And, your Honours, I'm referring to tab 26 of the Defence
16 binder, UGA-OTP-0011-0520. This information is from page 0522 at the very bottom
17 of the page.

18 MR GUMPERT: [9:57:25] Your Honours, just an observation.

19 PRESIDING JUDGE SCHMITT: [9:57:27] Yes.

20 MR GUMPERT: [9:57:28] This is not a document which, currently at any rate, can be
21 shown on the public screens.

22 PRESIDING JUDGE SCHMITT: [9:57:33] Okay. Then we do not show it on the
23 public screen. Thank you for reminding us.

24 But perhaps you can help me, 522 at the bottom, are you sure?

25 MS BRIDGMAN: Yes, your Honour. The document shows page 2. So maybe not

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1 the ERN number, but page 2 of the document. It shows at the very bottom.

2 PRESIDING JUDGE SCHMITT: [9:58:15] Okay. Good, yes.

3 MS BRIDGMAN: [9:58:28]

4 Q. [9:58:28] Now, Mr Witness, are you aware of any involvement of the Sudanese
5 government with the LRA that led to Operation Iron Fist?

6 A. [9:58:39] My lord, that is an area I'm requesting that I should not venture,
7 because it may attract some questions which I may not even answer.

8 PRESIDING JUDGE SCHMITT: [9:58:56] What we could do, Mr Witness, if you
9 have any knowledge, any direct knowledge, we could go to private session and you
10 could answer then, I would say.

11 THE WITNESS: [9:59:08] I may say, my lord, that I have some knowledge that, true,
12 Sudan helped LRA in terms of armament, in terms of training.

13 PRESIDING JUDGE SCHMITT: [9:59:22] Okay. So I think we take it as that. Yes,
14 we have heard other evidence in this courtroom that seems not to contradict that.

15 MS BRIDGMAN: [9:59:35] I am satisfied with the answer, Mr President.

16 Q. [9:59:53] Mr Balikudembe, are you familiar with the term "civil military
17 operations centres"?

18 A. [10:00:00] Yes, my lord, I'm familiar with civil military centres.

19 Q. [10:00:04] What are they?

20 A. [10:00:07] My lord, civil military centres were organised to receive the rescued
21 abductees from LRA and to make sure that they do some kind of mobilisation before
22 the communities, to make sure that at least they prepare the mindset of those who
23 have been rescued, to welcome them back home.

24 Q. [10:00:41] Can you elaborate when you say to "prepare the mindset of those who
25 had been rescued"? What do you mean?

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1 A. [10:00:50] First of all, my lord, the abductees that we would receive, they were
2 somehow traumatised because of kind of the situation they went through with the
3 LRA. And we tried to receive them into those centres to make sure that at least we
4 have an officer charged with preparing them on how they can be reunited before their
5 communities.

6 Q. [10:01:27] Were these centres also established -- no. Did they have various
7 offices located in different places?

8 A. [10:01:46] That is true.

9 Q. [10:01:48] Where were they located ideally?

10 THE INTERPRETER: [10:01:54] Your Honour, could the five-second golden rule be
11 respected?

12 PRESIDING JUDGE SCHMITT: [10:01:58] Yes. I'm reminded that we should only
13 start speaking, of course, after the person that has spoken before has finished. But
14 wait a couple of seconds. Five seconds is very long. I think nobody obeys to this
15 five-second rule, but at least to stop for a while, for a short moment, so to speak.

16 Perhaps two or three seconds might be enough. When I look at our interpreters,
17 what a wonderful job they do, I think with three seconds, they will be satisfied.
18 Now, all of the talk, I'm not sure if we had the answer already. Or perhaps you can
19 repeat the question. Where these ideally were situated, yes?

20 MS BRIDGMAN: [10:02:43] Yes, that's the question. And I'll remember to take a
21 sip of water in between my questioning.

22 THE WITNESS: [10:02:55] My lord, the centres she's talking about, because we had
23 various units and we had to make sure, because each unit, wherever they were, were
24 receiving the rescued abductees. So as much as possible we'd make sure that we
25 have centres close to our units, to make sure that when the abductees are saved, are

1 put in those centres. For example, the brigade headquarters, the battalion
2 headquarters and the division headquarters.

3 MS BRIDGMAN: [10:03:40]

4 Q. [10:03:42] Were these centres also established to monitor, document and
5 forward human rights violations to relevant authorities for handling?

6 A. [10:03:56] My lord, these centres were basically for receiving the abductees, not
7 dealing with any documents or anything as far as I know.

8 Q. [10:04:12] Do you know the formation of these centres? Sorry, I -- what were
9 they composed -- the staff, what was the composition of the staff of these centres?

10 A. [10:04:35] My lord, for the centres, because the centres received different sexes,
11 we'd have a female person, we'd have a male person, and we'd have an officer
12 responsible for those centres to make sure that each categories were handled -- not to
13 have a single sex to handle such a sensitive people who are rescued.

14 Q. [10:05:14] Were some of these centres located in or close to IDP camps?

15 A. [10:05:33] My lord, of course each unit, wherever they were, would be close to
16 IDP camp for the purpose of the protection of the IDP camp. And the leadership of
17 the IDP camp would also play a role in receiving some abductees who would escape,
18 and they would bring it to the barracks. So to answer your question, yes, they were
19 close to IDP camp.

20 Q. [10:06:15] So would members of the -- would the members of the leadership in
21 the IDP camps, perhaps, and some NGOs also be members of staff or at least
22 participate in activities of these civil military operation centres?

23 A. [10:06:45] There would be some liaison, liaison, liaison, kind of, not he be part
24 of the members that we have, have membership, no.

25 Q. [10:06:54] Now, were these centres different from the child protection unit?

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1 A. [10:07:06] Yes, yes.

2 Q. [10:07:11] How? Can you explain to me the difference?

3 A. [10:07:13] The difference is that the child protection unit, it meant that we have
4 received the abductees and we have forwarded them to a certain organisation where
5 they can be looked after much better than when they are in our centres.

6 Q. [10:07:54] Now, as someone who was working in the brigade operations and
7 training, were you also responsible -- let me rephrase that.

8 Would I be correct to say that you were responsible for training of the fighting forces?

9 A. [10:08:13] No. I was responsible for refreshing, or earmarking those ones who
10 can go for refresher courses, not purposely involved in the training. The office of
11 training, that title within brigade operation and training, it will mean that when there
12 is a need for training, my responsibility is to look for those ones that are trainable and
13 send them for training, not necessarily that I was training within the brigade.

14 Q. [10:08:57] Did your duties also incorporate recruitment, or earmarking perhaps
15 people who were fit for recruitment into the forces?

16 A. [10:09:10] No.

17 Q. [10:09:11] When you talk about training or earmarking those ready for refresher
18 courses, are we talking about only the UPDF or did that also include LDU forces?

19 A. [10:09:29] My lord, UPDF, only UPDF.

20 Q. [10:09:35] So who was in charge of the refresher courses for the LDU forces?

21 A. [10:09:47] I beg your pardon.

22 Q. [10:09:52] I beg your pardon. Let me back up just a little bit. During your
23 operations, did the UPDF fight alongside the LDU? Did you work together with the
24 LDUs?

25 A. [10:10:24] My lord, we worked together with the LDUs, but we did not engage

1 them in actual fighting. Their duties were to back us up in the protection of IDP
2 camps.

3 Q. [10:10:47] So did they have a separate command structure, an organisational
4 structure different from the UPDF?

5 A. [10:11:02] My lord, I would say yes, but they were commanded by UPDF
6 officers.

7 Q. [10:11:16] Who else did they fall under? Because my understanding is that you
8 have tried to separate them. So somehow they fell within the UPDF but there is
9 another part that they didn't. I just want to clarify with you which part was with the
10 UPDF and which part was not.

11 A. [10:11:45] My lord, the LDUs he's talking about, local defence units, were local
12 as you hear the word local defence units. And the UPDF gave only the leadership,
13 leadership guidance to make sure that they locally helped the UPDF fill the gap,
14 especially in the protection of the IDP camps and maybe securing of routes, but they
15 were not shifted to go for front line. That that's the difference that I may give this
16 Court, that when they are local, when they are recruited, they're recruited from that
17 particular village and they are trained and remain from where they were recruited
18 from.

19 Q. [10:12:56] Now I would like to clarify a few things that you have mentioned.
20 One, you said that they were recruited locally, who recruited them?

21 A. [10:13:26] The UPDF.

22 Q. [10:13:30] Who trained them?

23 A. [10:13:32] UPDF.

24 Q. [10:13:34] Who armed them?

25 A. [10:13:35] UPDF.

1 Q. [10:13:38] And of course you have already said that you supervised them or at
2 least they were -- they worked along with you?

3 A. [10:13:47] They worked along with a unit that deployed in that particular
4 location, but they cannot be shifted, for example, they cannot be shifted from one
5 sub-county to another sub-county or from one district to another district. So they
6 have to remain within their area to protect their area.

7 Q. [10:14:20] When you said that they were not sent to the front line, would I be
8 correct to think that you mean that they were not sent out to conduct attacks against
9 the LRA?

10 A. [10:14:36] That is very true.

11 Q. [10:14:39] When you said that they helped to secure the camps, and maybe the
12 routes, if the LRA attacked or conducted an ambush on the route that the LDU had
13 deployed, weren't they supposed to fight back, along with the UPDF?

14 A. [10:15:02] My lord, what I may explain, that these LDUs were recruited from a
15 particular sub-county or village, and they remain there and their purpose were to
16 protect their own people within that village. That's why you would parse any attack
17 that would want to affect their relatives within that particular camp. But then you
18 would not shift them, for example, those ones of Pader to go and do some work in
19 Gulu, or those of Gulu to be shifted to Pader.

20 So their role was to make sure that the entire security of the area, and they knew the
21 area better than even the UPDF, so you could not shift them. And if there is any
22 threat on the IDP camps, and that's why they were armed, that's why they were given
23 military training, to make sure that they have that skill of protection.

24 Q. [10:16:19] Thank you, Mr Witness.

25 Now, you have emphasised that -- you have emphasised that they were locally

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1 recruited to take care of their local populations. But are you aware of that
2 fundamental principle, which it appears that's what you're testifying, was violated on
3 numerous occasions leading to an outcry of members of parliament from the northern
4 region? Do you recall ever hearing of reports of that nature?

5 A. [10:17:38] My lord, reports concerning what?

6 Q. [10:17:44] That LDUs who were supposed to be deployed locally to protect their
7 own were being sent outside of their communities, even all the way to Sudan
8 sometimes?

9 A. [10:17:59] My lord, I don't remember LDUs sent out the front line far away from
10 what I have mentioned, told this Court.

11 MS BRIDGMAN: [10:18:20] Your Honours, I'm asking this question, and it's from
12 the Defence binder, tab 15, UGA-D26-0018-0429 at page 0490. I beg your pardon, I
13 think I can start from 0489 at the very, the very last paragraph.

14 PRESIDING JUDGE SCHMITT: [10:19:00] You can put it to the witness, but the
15 witness has already answered. But if you want to give it another try, you can do it
16 by reading it out and then it is also, as you always say, on the record. And we take
17 note that I think this is a report by Human Rights Watch.

18 MS BRIDGMAN: [10:19:18] Yes.

19 PRESIDING JUDGE SCHMITT: [10:19:19] So it's not a governmental or whatsoever
20 document, it's a document by Human Rights Watch.

21 MS BRIDGMAN: [10:19:27]

22 Q. [10:19:27] Now, Mr Witness, as you can hear from my interaction with the
23 Presiding Judge, this is a report from a non-governmental organisation called Human
24 Rights Watch from July 2003, which says, among other things, that the LDUs did not
25 receive proper military training and, when you go on to the next page, that the use of

1 LDUs outside their home areas led one credible source to note it is the broadest
2 definition of the word local when describing the activities of the LDUs in the Congo
3 or the Sudan.

4 PRESIDING JUDGE SCHMITT: [10:20:22] And out of fairness to the witness, I think
5 we should tell him that this was a quotation by, please do that. I can do it myself,
6 when I have started the process, by representative of the church of Uganda, not
7 specified, on February 8, 2003.

8 So you can only now ask the witness if he knows anything about these activities and
9 if he can confirm it or whatsoever.

10 MS BRIDGMAN: [10:20:53]

11 Q. [10:20:53] So, Mr Witness, apart from members of parliament, apart from you
12 saying that you did not hear anything in this regard from members of parliament
13 from northern Uganda, this is a statement quoted from a representative of the church
14 of Uganda; did you ever hear anything in this regard or do you have any comment on
15 this?

16 A. [10:21:18] My lord, I don't have any comment, and I had not come across this
17 document. I don't have anything to comment on it.

18 Q. [10:21:29] Now, sticking to the question of LDUs, was the UPDF
19 responsible -- let me rephrase that.

20 If an LDU member misbehaved, would they fall under the court martial system?

21 A. [10:22:12] Yes, my lord, they were bound by the military code of conduct.

22 Q. [10:22:24] Are you aware of the place where they had their training? Do you
23 know the name of the place where they were trained?

24 A. [10:22:29] My lord, I know the place like Lugole, and maybe other places, but
25 Lugole can be ...

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1 Q. [10:22:48] Now, were you aware of incidents involving the LDUs where they
2 would open fire on civilians?

3 A. [10:22:58] My lord, I'm not aware about it, but I would say that whoever did that,
4 at least they would be handled by courts, especially military courts.

5 MS BRIDGMAN: [10:23:16] And, your Honours, this is in respect of tab 23 of the
6 Defence binder. It's UGA-OTP-0191-0154, which documents are complaint that a
7 lady had been shot by a soldier from Lugore training wing.

8 PRESIDING JUDGE SCHMITT: [10:23:44] But I think we -- I assume we are, like also
9 with the last document, that we are now going into documents which the witness has
10 not produced himself. And we did not exclude it to put things to the witness, but
11 you can, as you have done already -- so I would really ask you, and I appreciate that,
12 to take questions out of these documents. You cannot put -- you understand that
13 you cannot put a document to the witness which he has not himself produced and
14 comment on it.

15 But we have taken note. And the witness, I think, has said if something like that had
16 happened, there would be the -- martial law would be applied, like with any other
17 UPDF member, as I have understood it.

18 MS BRIDGMAN: [10:24:32] Thank you, Mr President. And in that --

19 PRESIDING JUDGE SCHMITT: [10:24:34] Because I had had a look, as you know.
20 I could not read the whole folder this morning, but I had looked at the other
21 documents, and perhaps you can just continue in the same vein, if you want to.

22 MS BRIDGMAN: [10:24:50] And in that regard, Mr President, I request clarification
23 from you, because I'm happy to do the extraction like I have been doing, but I don't
24 know if you'd appreciate it if then I give you the reference where I am getting some of
25 this information, like I have done.

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1 PRESIDING JUDGE SCHMITT: [10:25:06] No, I appreciate, and I think the Bench
2 appreciates it very much, because then it is, in hindsight, when we are at some point
3 in time in the deliberation room, easier for us to understand what you were talking
4 about, and we have the frame of reference then. I think I appreciate that.

5 MS BRIDGMAN: [10:25:29] Thank you.

6 Q. [10:25:41] Now, Mr Witness, again still on the LDUs, do you know if these
7 people volunteered to join the LDUs or they sometimes were forced to join?

8 A. [10:25:58] My lord, as far as I know, the recruitment and training of LDUs, it
9 was not a forced programme. But it was much a request from the locals themselves,
10 that they wanted to participate in the protection, especially of the IDP camps. And
11 that's why the government decided that at least we recruit, train the local defence
12 units to support or bridge the gap of security within the localities that were affected
13 by LRA insurgency.

14 Q. [10:26:58] So if someone decided that they did not want to remain as an LDU, do
15 you know the steps they had to take?

16 A. [10:27:15] Yes, my lord. Very many opted to leave local defence units and go
17 back home. Others opted to remain, whereas others requested to join the main
18 regular force.

19 Q. [10:27:44] So if someone decided to leave and go back home, did they just hand
20 over their gun and go home? What was the procedure, if you know?

21 A. [10:28:03] My lord, the procedure is that whoever wanted to leave and go home
22 would apply. After applying, then their documents are considered and then there
23 would be a preparation for retiring from that particular service.

24 Q. [10:28:37] So my understanding was that it was not automatic, it would take
25 consideration from the superiors on whether one should retire or not. Would that be

1 a fair conclusion?

2 A. [10:28:52] Remember that these were local defence units and we were not
3 forcing anybody to join. Whoever wanted to retire, that would be the procedure,
4 that you make an application and reasons of retirement, and then you're allowed to
5 retire.

6 MS BRIDGMAN: [10:29:20] Your Honours, my next question is extracted from
7 tab 20. It's UGA-OTP-0140-0006. And it's a lot of material, but just for quick
8 reference I can refer to page 0056.

9 Q. [10:29:54] Now, Mr Witness, did you hear stories of people who had - let me use
10 this word loosely - deserted from the LDU being arrested by the UPDF and tortured,
11 sometimes leading to their death?

12 A. [10:30:18] My lord, I would say that desertion in the forces worldwide do
13 happen. And I would say that it is true that some LDUs deserted. Others were
14 followed up and court-martialled because desertion involves a lot of things. First of
15 all, desertion with military stores and other things related to the military. But the
16 question of torture, I did not come across any, anybody that was arrested and
17 tortured and even died. I'm not aware.

18 Q. [10:31:10] Now, if a civilian had a complaint against either LDU or UPDF, did
19 they have a mechanism to present that complaint for redress?

20 A. [10:31:38] Yes, my lord. If there is any complaint against one of our members,
21 first of all, we had the CIMIC, the civil military relations officer. We had the political
22 commissioner. We had the command structure, the commanders, and we had
23 several interaction with the communities. We had several meetings with the
24 communities. If there is any member that complained about one of our own, then
25 we would take a serious investigation, arrest and even prosecution.

1 Q. [10:32:28] So this civilian, where would they take this complaint? Would it be
2 to the CIMIC officer?

3 A. [10:32:37] They would take it to either the CIMIC officer, who would report to
4 the relevant officer responsible for investigations, because we have a special
5 investigation branch. Wherever information is got, wherever they report, it will be
6 received and then they allocate it to that particular officer responsible. It's not a
7 matter of that if you have any complaint, you have to report it to this office, not the
8 other one. It was an open -- an open -- a kind of open way that if you have any
9 complaint, you can bring it to any office and then the relevant office can handle.

10 Q. [10:33:42] Would you say from the time that you were deployed in northern
11 Uganda that the UPDF had a good working relationship with other state institutions
12 and the civil society?

13 A. [10:33:56] My lord, I'll talk about my brigade. I had very, very good public
14 relations with the communities, and I did not receive any, any pinpointing issues that
15 would be left unhandled.

16 Q. [10:34:26] Do you know if other brigades within your division acted the same
17 way or sometimes things were not so good?

18 A. [10:34:35] I may not talk about other brigades, but particularly my brigade, we
19 had a very, very good PR, public relations, with the communities. Even up to now, I
20 still communicate with the leadership there.

21 Q. [10:34:56] Now, you mentioned Charles Otema as a division intelligence officer.
22 I just want to know if you ever heard of any incidents in which he was said to have
23 gone to a barracks -- no, to Gulu prison, stormed it and had about 22 people released
24 to him who were supposed to be LRA captives, and they were released to him and
25 one of them was executed right there in front of the prison wardens.

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1 A. [10:36:00] I did not hear about that when I was in command. But I read it on
2 the net. I read it on the net and it is still on the net. But when I was there -- you
3 remember he was in Pader, he was in 4th division. And I did not hear that incident
4 when it happened, but I came later to learn about it on the net.

5 MS BRIDGMAN: [10:36:38] Your Honours, this is again extracted from tab 15, and it
6 is from page 0473 of that Human Rights Watch report, where it is --

7 MR GUMPERT: [10:36:56] Your Honours.

8 PRESIDING JUDGE SCHMITT: [10:36:57] Yes, Mr Gumpert.

9 MR GUMPERT: [10:36:59] Objections of the kind that I'm about to make are
10 distasteful when they come from the Prosecution, I accept, because they sometimes
11 have the appearance of one of the parties trying to shut the other down.

12 But I respectfully submit that although there may be little dispute about the truth of
13 some of these matters being put to this witness, and indeed the witness himself is
14 occasionally able to provide some kind of confirmation, it's right now, an hour into
15 this hearing, for the Court to consider the relevance of these matters to the issues
16 which are contested in this trial.

17 I don't seek to censor in any way what's being paraded, if I can use that word. But I
18 do submit that there is a duty on the Court to have a care in the end to the amount of
19 time which is expended on matters which don't in truth have any relevance.

20 MR TAKU: [10:38:12] May I, please?

21 PRESIDING JUDGE SCHMITT: [10:38:13] Mr Taku. But please shortly.

22 MR TAKU: [10:38:18] I hesitated to get up, your Honour, because I do not know
23 whether this is worth replying at all, for the simple reason that this Court is made up
24 of experienced judges who have proved their worth professionally before they came
25 to this Court and so far prove their worth in the way they are leading these

1 proceedings. The question of relevance will be determined by you at some point in
2 time.

3 But I want also to say, your Honours, you have before you a witness who has, from
4 the evidence recited by the Prosecution, displayed or established that he's competent
5 to answer certain questions to help the Court.

6 Now, the question of the LDUs, the question of the execution of, for example, 20 LRA
7 combatants who were captured, storming the prison and executing them is very
8 central this case. You remember these consistent appeals that were made that those
9 who come back home, they will not be harmed. That evidence was led by the
10 Prosecutor.

11 And this witness himself has also even led evidence at some other point about how he
12 appealed to our client to surrender.

13 You remember also, your Honour, about the LDUs and about the reasons why the
14 camps, they got people into the camps. That evidence, your Honours, was led again
15 by the Prosecution who are entitled to respond.

16 But what is more important, your Honours, is this, we do not need to remind the
17 Court about its duties. The Court is entitled to remind us and the parties about how
18 these proceedings will be conducted. So I find this objection, your Honours, I mean
19 to say the least and with due respect, objectionable.

20 PRESIDING JUDGE SCHMITT: [10:40:05] Thank you to both.

21 And as you know, the Chamber does not make decisions on admissibility or
22 inadmissibility with regard to relevance, but of course we would have to step in if we
23 don't see any possible thinkable relevance. Or let me word it this way, perhaps we
24 would not have to step in, but it would make sense since this Court is, as you I think
25 have recognised, has the goal to be expeditious. And that's perfectly clear. And I

1 think everybody in this courtroom can understand that and would agree to that
2 which I have said, that the Chamber is very vigilant in that respect.
3 We have not stepped in and we have not objected from the side of the Bench I think
4 because, until now I personally do not see that it is completely irrelevant. There is
5 also the problem that of course sometimes parties have their strategies that do not
6 immediately explain themselves to the judges.
7 In another system, for example in the system where I am coming from, from Germany
8 civil law system, it's easy because the judges conduct the proceedings and do 80 per
9 cent of the questioning, and when you yourself do the questioning, you know what
10 you have in your mind.
11 I cannot read minds. I can only step in when I think it is really now we are going in
12 a realm, in an area where I really do fail to see what relevance it might have.
13 Having said that, I would of course, now that we are reaching 11 o'clock and the
14 Prosecution has finished in one-and-a-half hour, I would of course have asked
15 Mrs Bridgman the typical question, how long she thinks her examination will last.
16 But I did not see at the moment a reason to stop her.
17 Also having said that, putting out a Human Rights Watch report and then ask the
18 witness, the witness says "I have read it on the net", you might also think about how
19 the probative value of now the witness' testimony. It's not of the Human Rights
20 Watch report, but of the -- because the witness has given information that anybody
21 who has read it on the net could have given.
22 So we have to also think about that. And there I tended a little bit, I did also not
23 because you, as Presiding Judge, you are deciding on the spot, and I did not -- I was
24 tempted to step in here because I thought really when it is about information
25 available for everybody, it does not make much sense to ask the witness about that.

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1 When it relates specifically to his role, I would allow, so to speak, the Defence to
2 continue in that vein, but of course we expect, given the time that the Prosecution has
3 only needed for their examination, we expect at least a little bit that you won't have
4 three times as much for the examination.

5 Do you have, now that we are entertaining these matters, do you have any estimate,
6 Mrs Bridgman?

7 MS BRIDGMAN: [10:43:40] Thank you, Mr President. I had intended to use at
8 least two sessions.

9 PRESIDING JUDGE SCHMITT: [10:43:48] That's okay.

10 And also, Mr Gumpert, indeed, Mr Taku is insofar correct when he's saying the
11 question of the LDUs and how they he were organised, and so it played a role in these
12 proceedings.

13 And we also talked about, from the start when we had, for example, Professor Tim
14 Allen here in the courtroom, we said that we have to understand the whole conflict.
15 That might not perhaps on first sight always be obvious where it might fit in into the
16 confirmed charges or whatsoever, and we have to draw of course at some point a line
17 between what might have been more history and what might have an impact on our
18 proceedings.

19 But to draw this line is not always easy and it's not a line of, let me put it this way, of
20 natural science.

21 So perhaps we can leave it at that. Mrs Bridgman may continue.

22 But we are now alerted. And obviously we are also now aware of the fact that Mr
23 Gumpert is on the jump, if need be.

24 MR AYENA ODONGO: [10:45:01] Mr President and your Honours, I thought I
25 would say something about this.

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1 Mr President and your Honours, I think it's a given that the gentleman giving
2 testimony is a very senior UPDF officer. And, Mr President and your Honours, I
3 think it is a truism that some of these reports which are being raised are common
4 knowledge, especially for senior officers. So to speak, to put it to, to put a question
5 related to these documents and ask him whether he is aware of this is not
6 completely --

7 PRESIDING JUDGE SCHMITT: [10:46:00] But, Mr Ayena, I did not object to these
8 questions.

9 MR AYENA ODONGO: Oh. Then --

10 PRESIDING JUDGE SCHMITT: [10:46:04] No, no. You can
11 simply -- Mrs Bridgman can simply continue.

12 MR AYENA ODONGO: [10:46:08] Oh, that's music to my ears.

13 PRESIDING JUDGE SCHMITT: [10:46:13] Yeah, I thought that. Yeah.

14 MR AYENA ODONGO: [10:46:15] Much obliged.

15 PRESIDING JUDGE SCHMITT: [10:46:19] I wondered why you were so excited now,
16 because I, you know, I could formally have said the objection is overruled. But, you
17 know, since I'm coming from a not so faraway country where the system is a little bit
18 different, you allow me to handle it my way.

19 MR AYENA ODONGO: [10:46:34] We appreciate your politeness and your very,
20 very able guidance.

21 PRESIDING JUDGE SCHMITT: [10:46:43] Mrs Bridgman, please.

22 MR AYENA ODONGO: [10:46:45] Much obliged.

23 MS BRIDGMAN: [10:46:50] Thank you, Mr President.

24 Q. [10:46:57] And Mr Balikudembe, I only have two questions in this regard and
25 then we will move on from this topic.

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1 Again, with regard to afande -- to Charles Otema, let me remove the titles, did you
2 also ever hear about an instance when he went to the resident state attorney's office of
3 Gulu and arrested a state prosecutor for allegedly releasing an LRA captive?

4 And your Honours, here I'm referring to Defence tab 17, UGA-OTP-0140-1665. It's a
5 file from the Uganda Human Rights Commission and, in particular, I am at page 1735,
6 which is again a 2000 -- a July 2003 report from the Uganda Human Rights
7 Commission, documenting the human rights situation in northern Uganda.

8 Mr Witness, in this report it is stated that in July, on 4 July 2003, and just so everyone
9 can follow me, this is at page 1735, the heading is "Attack by the Army on a State
10 Institution".

11 So, Mr Balikudembe, in this it says:

12 "... we received information that the resident state attorney of Gulu, Mr Sydney
13 Asubo, has been arrested by the UPDF soldiers under the command of the
14 intelligence officer in charge of Operation Iron Fist, lieutenant colonel Charles Otema
15 Awayu. This incident and the manner in which the arrest was carried out was
16 frightening."

17 Did you ever hear anything about this incident?

18 A. [10:49:26] My lord, this is my first time to hear it from this courtroom. I have
19 never heard about it. I think if it is on the net I will Google it and find out. But this
20 is my first time I hear it, that he went to state.

21 PRESIDING JUDGE SCHMITT: [10:49:45] May I shortly, Mrs Bridgman?

22 Perhaps, as for your information, this seems to be a report by the Republic of
23 Uganda's Human Rights Commission. Do you know, have you heard of this
24 commission?

25 THE WITNESS: [10:50:00] The Human Rights Commission, yes, yes.

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1 PRESIDING JUDGE SCHMITT: [10:50:02] Is it -- really for the understanding of the
2 Bench, is it a state organisation, the human rights? It seems to be because it's called
3 the Republic of Uganda's Human Rights Commission.

4 THE WITNESS: [10:50:16] It is a state organisation.

5 PRESIDING JUDGE SCHMITT: [10:50:19] This is a little bit different to a simple
6 report by an NGO, I would say.

7 MS BRIDGMAN: [10:50:27] And, your Honour, that was my intent, to start with a
8 public document that is from a civil society organisation to something that is more
9 from the government.

10 PRESIDING JUDGE SCHMITT: [10:50:36] I understand.

11 MS BRIDGMAN: [10:50:40] Yes.

12 PRESIDING JUDGE SCHMITT: [10:50:41] As before, we can only ask the witness if
13 he has knowledge of it and can comment on it, and if not, we have to move to the next
14 point.

15 MS BRIDGMAN: [10:50:55]

16 Q. [10:50:55] Now, Mr Witness, as part of your operations duties, was it within the
17 framework of your strategy to make sure that the LRA was deprived of food supplies
18 for their troops?

19 A. [10:51:17] My lord, we could not deprive LRA from accessing food because, as
20 far as we knew, they were supported by Sudanese and we knew that they were, they
21 were fully supported in terms of feeding. And depriving LRA food, it meant that we
22 are also punishing those that were abducted that we intended to rescue.
23 But the deprivation you are trying to say, maybe if there was any attack on the camp
24 would make sure that they should not attack the camp.

25 Q. [10:52:12] Where were the camp residents getting their food supplies from?

1 A. [10:52:16] The camp residents were getting their food from World Food
2 Programme.

3 Q. [10:52:23] Did they also maintain their own gardens?

4 A. [10:52:27] Nearby the camps, yes, they did maintain some gardens.

5 Q. [10:52:32] What about farther away from the camps, were they allowed to farm
6 farther away from the camps?

7 A. [10:52:40] My lord, going far away from the camp, it meant that the LRA would
8 kill them or abduct them.

9 Q. [10:52:54] There was a curfew imposed on camp residents, isn't that true,
10 Mr Witness, the times they could get in and get out of the camp, for their own
11 protection?

12 A. [10:53:17] I don't remember any camp that was put on a curfew. In my area of
13 responsibility, people were free to move. Business was normal, as usual, and we did
14 not have a curfew. I don't know other areas.

15 Q. [10:53:39] Did you ever hear of any incidences where the UPDF would storm a
16 village and destroy civilians' property and food and huts for allegedly providing for
17 the LRA, that maintaining those gardens and the granaries was a way to support the
18 LRA?

19 A. [10:54:10] My lord, in my area of responsibility, I did not do that.

20 MS BRIDGMAN: [10:54:24] And, your Honours, for your reference, this is extracted
21 from tab 18 of the Defence binder. It's another file from the Human
22 Rights -- Uganda Human Rights Commission and it's UGA-OTP-0140-0151. And for
23 quick reference, I think you can look at page 0217, the very last page.

24 Q. [10:55:04] Now, Mr Balikudembe, I'm going to move on to another topic
25 altogether, but looking at the time, your Honour, I'm happy to have a break now and

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1 then --

2 PRESIDING JUDGE SCHMITT: [10:55:15] That allows a coffee break five minutes
3 longer than usual. Break until 11.30.

4 THE COURT USHER: [10:55:23] All rise.

5 (Recess taken at 10.55 a.m.)

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

7 THE COURT USHER: [11:30:42] All rise.

8 PRESIDING JUDGE SCHMITT: [11:30:47] Mrs Bridgman.

9 MS BRIDGMAN: [11:30:58] I was trying to follow instructions and not sit down like
10 the previous times.

11 PRESIDING JUDGE SCHMITT: [11:31:02] Everything is with the idea of expediting,
12 although this would not make a huge difference, so to speak.

13 MS BRIDGMAN: [11:31:09] Thank you, Mr President.

14 Q. [11:31:10] Now, Mr Witness, yesterday you talked about your duties in the 301
15 brigade and you said you logged information regarding the LRA movements and fed
16 that to the field commanders for operational purposes. And I believe you also
17 mentioned that you got that -- let me ask you: Where did you get this information
18 from, the one you used to log in to the maps?

19 A. [11:31:50] My lord, first of all, we had our intelligence organisation and
20 intelligence would monitor LRA communication. And they would locate where
21 they are and then directly send information to the brigade and the other units, for that
22 matter purposely for the brigade.

23 Then the brigade would get that information, log it on the map. The information
24 would come in terms of coordinates, using the global positioning system. Then we
25 get those coordinates and then we log it on the map and we see the locations

1 of -- LRA has given by intelligence, and then immediately we communicate directly to
2 the field commanders to see how they can intercept and come into contact with the
3 LRA.

4 Q. [11:33:00] Now, when you say you had your own military intelligence
5 organisation, are you referring to the chieftaincy of military intelligence?

6 A. [11:33:14] Chieftaincy of military intelligence, CMI.

7 Q. [11:33:21] This information that you got from CMI, was it only generated from
8 the radio intercepts or do you know if they also used human intelligence before they
9 sent their reports to you?

10 A. [11:33:46] My lord, the human intelligence could be got from my intelligence of
11 the unit. But the technical intelligence would be got by CMI, through radio
12 intercepts and in terms of coordinates.

13 Q. [11:34:06] Now, you, who was more -- whose job was more to the field level,
14 was this information generally accurate? Did you give it a lot of weight in terms of
15 its accuracy?

16 A. [11:34:25] Very, very accurate. Information would be accurate. Even human
17 intelligence itself would really indicate exactly what the technical intelligence has
18 brought.

19 Q. [11:34:39] So the human intelligence most likely would corroborate what you
20 already knew from the technical intelligence?

21 A. [11:34:45] Correct.

22 Q. [11:34:48] Now, apart from this technical intelligence giving you the coordinates,
23 did it also serve the purpose of identifying which units were responsible for which
24 attack?

25 A. [11:35:03] Correct.

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1 Q. [11:35:06] So again, and we'll come to the various attacks that you discussed
2 yesterday, but when you got abductees and perhaps LRA captives and they told you,
3 let's say, "Dominic Ongwen was the leader of our group", would that generally be
4 used to confirm what you already knew from the radio intercepts?

5 A. [11:35:34] Correct.

6 Q. [11:35:38] So these reports, the technical reports that you received from CMI,
7 would I be correct to say that they were the final, the final reports that you relied on
8 for the operations?

9 A. [11:36:21] My lord, I would not say that they were final because we had human
10 intelligence, and the brigade had also intelligence system to collect more intelligence.
11 Even when we did not receive technical intelligence, we'd go ahead and get human
12 intelligence to feed to our field commanders.

13 Q. [11:36:46] Were there times when there was a gap in the technical intelligence?
14 For instance, there is no report coming in from CMI or for the day or maybe there was
15 no radio intercept for the day?

16 A. [11:37:01] That is correct, that is correct. There would -- because our -- our
17 technical intelligence, somehow the LRA came to understand that they are being
18 monitored, because whenever we'd receive such a technical intelligence, our military
19 teams would attack those positions timely, and they realised that their
20 communications were being monitored. And for that matter, they would do -- they
21 would go silent. And we relied much more when they are silent on human
22 intelligence.

23 Q. [11:37:55] Apart from the times when they went silent because they knew they
24 were being monitored, did they also change the way they communicated to confuse
25 you, do you know?

1 A. [11:38:15] Of course, that one was happening, but still, would still get them, the
2 technical intelligence would still get them.

3 Q. [11:38:26] If you received two pieces of intelligence, one technical and the other
4 human, and they are different in the content, which one would you believe?

5 A. [11:39:00] We, as field commanders, we did not take any information for
6 granted. Each information would be handled. And information that we would
7 receive would not mean that it would be handled by a single unit. We had several,
8 may call them squads, that you would allocate positions where you suspect the LRA
9 to be hiding.

10 Q. [11:39:32] Let me ask it this way. If you received two reports, one human
11 intelligence and the other technical intelligence, let's say saying Mr Ongwen is at
12 point X, okay, the human intelligence says he's at point X, the technical intelligence
13 says he's at point Y. Granted that you don't take anything in isolation, would you
14 most likely go to where the human intelligence points you or to where the technical
15 intelligence takes you? The technical intelligence from CMI.

16 A. [11:40:17] My lord, as I said, each information would carry weight for us and we
17 would take all of the information that we have got to make sure that at least we
18 theorise any situation that may come up. And for that matter I would not say that
19 we were weighing which is heavier than the other, bearing in mind that the LRA's
20 actions were brutal. So we were taking this information, each information very
21 serious.

22 PRESIDING JUDGE SCHMITT: [11:41:08] Meaning that you were thinking in
23 alternatives; if there were diverging information, there are three options: Follow A,
24 follow B, or have in mind that A and B could be true and acting according to these
25 alternatives. You understand what I mean by that? When you say you keep

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1 everything in mind.

2 THE WITNESS: [11:41:34] Yes, my lord.

3 MS BRIDGMAN: [11:41:47]

4 Q. [11:41:48] Mr Balikudembe, do you know what was encompassed in the
5 intelligence reports from CMI? Was it a combination of both human intelligence and
6 technical intelligence, before they came to you, the intelligence reports from CMI?

7 A. [11:42:08] A combination of what?

8 Q. [11:42:11] Do you know if it was a combination of human intelligence and
9 technical intelligence?

10 A. [11:42:17] Well, from CMI, we knew that it was technical. And because they
11 were getting technical and in terms of coordinates, they would not give a person to
12 lead us. So the CMI part was technical and we had our brigade intelligence system
13 that was human.

14 Q. [11:42:43] Do you know if the CMI also received human intelligence?

15 A. [11:43:15] True, true. CMI sometimes received human intelligence.

16 Q. [11:43:26] Now, regarding the attack on Pajule that you discussed yesterday,
17 had you received any information of LRA movements in the area before the attack?

18 A. [11:43:39] We had not received any information concerning the LRA attack.

19 Q. [11:43:55] I appreciate that you moved to the 301 battalion in April 2003, but
20 were you aware of an attack on Pajule in January 2003?

21 A. [11:44:08] No.

22 Q. [11:44:12] Were you aware of ambushes on the roadside in small operations on
23 the Pajule trading centre before the October attack?

24 A. [11:44:22] No.

25 Q. [11:44:25] Were you aware that Control Altar, a unit within the LRA, was

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1 operating around the areas of Pajule IDP camp?

2 A. [11:44:36] No.

3 Q. [11:44:39] Were you aware that there were collaborators of the LRA within
4 Pajule camp who gave them intelligence information about what was happening in
5 the camp before the attack?

6 A. [11:44:56] I did not have that intelligence.

7 Q. [11:45:05] Now, yesterday when you were talking about the commanders that
8 you later learned were responsible for the Pajule attack, you mentioned Dominic
9 Ongwen, but at the time did you know his rank or position within the LRA?

10 A. [11:45:31] No, I didn't know his position in LRA ranks, but I had known him as
11 one of LRA commanders.

12 Q. [11:45:44] At that time in October 2003, was he regarded by the UPDF as one of
13 the top commanders within the LRA?

14 A. [11:46:00] Correct.

15 Q. [11:46:03] Now, Mr Witness, I'm going to refer you to tab 14 of the Defence
16 binder. There is a binder in front of you that you can take a look at.

17 And I'm sure the court officers will display this on the screens, although it should not
18 be shown to the public.

19 Your Honours, it's tab 14 of the Defence binder, UGA-OTP-0010-0006, and I did not
20 print out the entire report, but I have a cover page, and in particular I am looking at
21 page 0010.

22 Now, Mr Witness, this is a document that was prepared by the UPDF, and it's from
23 January 2004. It appears to me to indicate that at the time Dominic Ongwen was not
24 leading any group, any big group within the LRA, and as a matter of fact was
25 categorised in the "others."

1 What do you have to say about that?

2 A. [11:47:56] My lord, as he is not categorised in "others", you remember I told you
3 that the information of the group that did abductions, we got it from the rescued
4 abductees, and they did mention his name as one of those commanders that did
5 abduct those people we rescued.

6 Q. [11:48:38] Now, speaking of those captives that you had rescued, how long had
7 they been in captivity before you rescued them?

8 A. [11:48:51] Around 10 days.

9 Q. [11:48:55] And did they tell you that during the entirety of their captivity they
10 were with Dominic Ongwen or they just saw him at the attack? What exactly did
11 they tell you about the participation of Dominic Ongwen in the attack?

12 A. [11:49:10] My lord, being civilians, they mentioned Dominic Ongwen, they
13 mentioned Vincent Otti among the LRA commanders who abducted them. So they
14 did not go into the details of knowing who is who in that hierarchy of those that
15 abducted them. But they knew that Dominic Ongwen, Vincent Otti were the
16 commanders in the group that did abduct those people.

17 Q. [11:49:54] At paragraph 17 of your statement to the Prosecution -- your Honours,
18 I don't think I have referred to it until now.

19 PRESIDING JUDGE SCHMITT: [11:50:10] No. But I think we had this already and
20 it's page 0154.

21 MS BRIDGMAN: [11:50:17] Yes, Mr President.

22 Q. [11:50:24] I'm going to read to you just a brief statement. And this is in regard
23 to the Pajule attack. You said:

24 "These LRA groups that were being engaged were led by Dominic Ongwen, Vincent
25 Otti and Raska Lukwiya. The intelligence picture that we were building following

1 this attack was that it was a joint attack conducted by rebels from all these three
2 commanders' groups (Ongwen, Otti and Lukwiya); this intelligence was built up from
3 multiple sources including radio intercepts and the debriefing of the abductees ..."

4 Now, we have discussed the first part of your source, which is the abductees. I
5 would like to ask about the radio intercept that you mentioned. Did you listen to
6 this intercept or was it through a report from the CMI?

7 A. [11:51:35] My lord, personally I did not listen to radio intercept. But I want to
8 tell this Court that the radio intercepts had also some tagging on certain commanders.
9 And whenever we would receive a CMI report, they would insist that there is a
10 combination of command in that particular area, give it the attention it deserves
11 because of that command element.

12 So the attack was a combination of these. So the radio intercept, the call signs by
13 CMI, intercepted by CMI would be tagged to each individual LRA commander. So
14 that's why it came to us that those who attacked Pajule were these commanders, and
15 it was also confirmed by the rescued abductees.

16 Q. [11:53:05] So you did not listen to this intercept yourself, but you got a report.
17 Did that report -- do you recall if that report said that, let's say Dominic Ongwen's call
18 sign had been reporting that he had attacked Pajule and to whom he was reporting, or
19 that he was receiving an order to go and attack Pajule? What was the content of that
20 intercept report?

21 A. [11:53:38] Your Honour, whenever intelligence report would come, would
22 clearly indicate the LRA command structures on the radio communication. And
23 whenever there was any attack, they had also a system of reporting back to their
24 above command. They had to report their situational reports. So those intercepts
25 would give us a clear picture of who is in that area and the action they have taken.

1 Q. [11:54:28] Do you recall the form in which you received this report from CMI?
2 Was it over your own radio communication? Was it written? What form did it
3 come in?

4 A. [11:54:41] It came through military radio communication.

5 Q. [11:54:49] When you received this information, did you make your own report
6 regarding the Pajule attack?

7 A. [11:55:02] Well, first of all, when we receive a radio communication indicating
8 that particular situation, the action you take you have to report it. And you report it
9 again through that radio message referring to the information that you did receive
10 and the action that you are taking, meaning that if there was an attack and the LRA
11 are moving the certain situation, then the question would be: What are you doing
12 about it? That is the information that you have to take back to indicate your action.

13 Q. [11:55:53] Did you ever make written reports of these action plans?

14 A. [11:55:57] Correct.

15 Q. [11:56:01] Did these reports also include information that you would have
16 received from abductees, the ones you had got back from captivity?

17 A. [11:56:27] My lord, when you receive information, you give back information on
18 what you are doing with the information you had received. Then you operate.
19 When you operate, you again after a success, or not success, you have to give the
20 situation report indicating that the information you gave, these were the results.
21 And then you give even the actual position where that action had taken place.

22 Q. [11:57:09] Now, you met with the investigators from the Prosecution in 2016.
23 Did you bring with you these reports that you had prepared in regards to the attacks
24 you discussed with them, or even the meeting with Mr Ongwen during the peace
25 talks?

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1 A. [11:57:40] Yes, my lord, I did come with some documents, some copies of the
2 documents to support my statement, and it had some details of exactly what's
3 recorded in my statement.

4 Q. [11:58:01] So when you were talking to the Prosecution in 2016, at least you had
5 reviewed the reports that you had prepared way back in 2003, 2004; is that correct?

6 A. [11:58:18] Correct.

7 Q. [11:58:21] Did you give these reports to the Prosecution?

8 A. [11:58:27] The Prosecution were satisfied with the information I gave them.

9 Q. [11:58:33] So you did not leave the reports with them. You just took them back
10 with you?

11 A. [11:58:37] Correct.

12 Q. [11:58:40] Do you still have these reports with you?

13 A. [11:58:51] They handed them over to relevant offices.

14 Q. [11:58:58] Are you ready to share these reports with the Defence?

15 A. [11:59:31] It's not me to share with you. It is if the Defence would contact our
16 headquarters, they may release those reports.

17 PRESIDING JUDGE SCHMITT: [11:59:44] I think that's correct what the witness is
18 saying.

19 MS BRIDGMAN:

20 Q. [11:59:48] Thank you, Mr Witness.

21 Now, when you talk about Dominic Ongwen's participation in the Pajule attack, does
22 it surprise you when I tell you that at the time Dominic Ongwen was serving a
23 sentence within the LRA under Vincent Otti for having attempted to escape earlier
24 on?

25 A. [12:00:18] That is not to my knowledge, but I'm giving the information I got

1 from the abductees that the attack involved Dominic Ongwen.

2 Q. [12:00:31] Did you ever hear about the time Mr Ongwen attempted to contact or
3 was in contact with General Salim Saleh in an attempt to escape from the bush?

4 A. [12:01:01] My lord, I'm not aware about that. If Mr Ongwen really wanted to
5 escape or to leave the rebellion the time I met him, he would have made up his mind
6 because he had reached. So I don't think that one could be true. I'm not aware
7 about that.

8 Q. [12:01:31] Yesterday when you were discussing the attack on Odek, you
9 mentioned -- you were asked the people that were in the IDP camp and you talked
10 about civilians, children and women. Isn't it true though that there was also a
11 military detachment close to the camp in Odek?

12 A. [12:01:56] That is true.

13 Q. [12:01:59] How far was this detachment from the IDP camp?

14 A. [12:02:07] You can call it around 500 metres.

15 Q. [12:02:11] Was there a demarcation from the detachment from the camp?

16 A. [12:02:17] Yes.

17 Q. [12:02:19] Can you describe what it was made of?

18 A. [12:02:25] Demarcation in terms of the deployment, that's what you want to say?

19 Q. [12:02:32] No. I'm sorry, let me clarify. In terms of a barrier, so 500 metres,
20 was there a fence? Was there any way to separate the detachment from the IDP
21 camp?

22 A. [12:02:47] Your Honour, there was no some, there was no anything, no anything
23 that separated the camp. But it was the distance and the deployment to the IDP
24 camp.

25 Q. [12:03:05] Do you recall how many troops were deployed at that detachment?

- 1 A. [12:03:13] Yes, your Honour, I remember who were deployed in that IDP camp.
- 2 Q. [12:03:19] How many were they?
- 3 A. [12:03:21] Forty.
- 4 Q. [12:03:22] Were they LDUs, UPDF or a combination of both?
- 5 A. [12:03:27] A combination of both.
- 6 MS BRIDGMAN: [12:03:36] I have just remembered the 5 or 3-second rule, so
- 7 apologies to the booth again.
- 8 Q. [12:03:47] Can you give us the ratio between the UPDF and the LDUs in the
- 9 composition?
- 10 A. [12:03:56] My lord, as I said, UPDF, there were 40 and around 20 LDUs.
- 11 Q. [12:04:06] Yesterday you also talked about your Commander Idrissa who was
- 12 killed in the Odek attack. Was he an LDU or a UPDF?
- 13 A. [12:04:21] He was a second lieutenant in one of my units, in my unit. He was
- 14 not an LDU.
- 15 Q. [12:04:38] Was he the overall commander of the detachment then?
- 16 A. [12:04:42] Correct.
- 17 Q. [12:04:42] And my apologies for bringing up a loss.
- 18 Had there been other attacks on Odek IDP camp before the one you testified about?
- 19 A. [12:05:03] At least in my command, in that area of responsibility, that was the
- 20 one attack I remember.
- 21 Q. [12:05:12] Where were you based before the attack, you personally, where were
- 22 you physically at the time of the attack?
- 23 A. [12:05:42] My lord, I was in a place called Corner Gura.
- 24 Q. [12:05:48] How far is Corner Gura from Odek?
- 25 A. [12:05:54] My lord, I may estimate around eight, eight, between eight, between

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1 10/8 kilometres. I'm not so sure.

2 Q. [12:06:23] In which district is Corner Gura?

3 A. [12:06:26] Corner Gura is in, that is Gulu district. I don't know whether it
4 changed to Oyam, I don't know, but by then it was Gulu district.

5 Q. [12:06:43] Had you received any information before the attack of LRA presence
6 around or near a camp?

7 A. [12:06:53] My lord, not at least receiving the information that Odek is going to
8 be attacked, but there was a presence of LRA being pursued by one of my forces
9 within the area.

10 Q. [12:07:20] Do you know a place called Corner Gar?

11 A. [12:07:28] Corner Gar?

12 Q. [12:07:30] Gar as in G-A-R?

13 A. [12:07:32] No. It is Corner Gura. We had Corner Minja. Corner Gura. Acet.
14 Then Odek. Corner Gar, I have never heard about it.

15 Q. [12:08:10] This place called Corner Gura that you mentioned, is it near a rail
16 crossing?

17 A. [12:08:16] Correct, correct. In fact, Corner Minja is the nearest, then
18 Corner Gura. So I was in Corner Gura, then from Corner Gura you go backwards to
19 Corner Minja. Then from Corner Minja, you go to Opit. So I was in Corner Gura, a
20 distance from a railway station.

21 Q. [12:08:40] Thank you, Mr Witness.

22 Now, do you know how many civilians were residing in Odek camp at the time of the
23 attack? Do you have any estimate?

24 A. [12:08:53] I really can't estimate the number, but there were many displaced
25 people in that particular camp. I really can't estimate the number.

1 Q. [12:09:09] Now, again I apologise, I have to go back to bad memories, but
2 yesterday you talked about the damage that you observed after the attack when you
3 arrived. And you acknowledged that you did not spend a lot of time, you were busy
4 trying to pursue the attackers. But did you personally see the body of your
5 commander?

6 A. [12:09:36] Yes, my vehicle is the one that picked the body of my commander to
7 Gulu.

8 Q. [12:09:44] When you first saw that body, had it been moved or it was still where
9 he had been killed?

10 A. [12:09:52] It was killed from the camp and then carried to the detachment.

11 Q. [12:09:59] In the camp, did you see any other bodies?

12 A. [12:10:07] True, I saw some bodies in the camp. At least I saw some five dead,
13 five or six dead within the camp.

14 Q. [12:10:21] Do you recall, just from a visible inspection, the cause of death of your
15 commander?

16 A. [12:10:34] Gunshots, he was killed by gunshots.

17 Q. [12:10:39] Would you say the same is true for the other dead bodies that you
18 saw?

19 A. [12:10:43] Correct, they were also killed by gunshots.

20 Q. [12:10:48] You also mentioned that several huts had been set on fire during the
21 attack. Can you briefly describe to the Court how the huts were set next to each
22 other, how close they were to each other?

23 A. [12:11:11] My lord, the huts that were set on fire, they were close to each other.
24 Other huts were less than a metre, others a metre. As you know, the camp, they
25 were close to each other; even you may find that torching one hut would again ignite

1 fire to another hut. So they were close to each other.

2 Q. [12:11:39] Did you get to make a determination of what ignited the fire?

3 Whether it is the original fire that then spread to other areas.

4 A. [12:11:59] My lord, once LRA attacked, according to information from the
5 abductees, they had different teams: The teams for burning homes, the team for
6 looting, the teams for abducting. So the ignition of fire was from the LRA attackers.

7 Q. [12:12:32] Had you previously heard that sometimes during such attacks, not
8 necessarily that one, but sometimes UPDF mortar fire in pursuit of the rebels would
9 hit one hut and then ignite a fire that would spread through the camp?

10 A. [12:12:53] My lord, we in UPDF, we did not direct heavy weapons to the camp,
11 to the attackers. And, my lord, the protection of the IDP camps were not put close,
12 close to the communities. We'd give it a distance of, like, 200 metres away to make
13 sure that if there is any attack, then we would not cause any injury or death.
14 So the mortars you are talking about would be directly to where the attackers are
15 coming from, not inside the camp.

16 Q. [12:13:55] So in that sense then, what would happen if the attackers were
17 running towards the camp?

18 A. [12:14:04] My lord, it means that there will be a confrontation between the UPDF
19 and the attackers. And that's why we got the fatality of our commander being killed.

20 Q. [12:14:25] Since Odek was within your area of responsibility, would it be fair for
21 me to assume that you visited quite often before attack?

22 A. [12:14:40] Yes.

23 Q. [12:14:41] Were you aware of an accidental fire that had burned numerous huts
24 about three weeks before the attack?

25 A. [12:14:49] I'm not aware about that. At least when I visited after Odek attack,

1 the fire was fresh, not for the weeks you are talking about.

2 Q. [12:15:11] Now, for people who would be captured following an attack like
3 Odek or any other, what kind of questions were of interest to you, apart from which
4 unit they belonged to and who their commander was?

5 A. [12:15:32] My lord, when we would capture an LRA member, one thing we
6 would ask the name. We would ask where does he come from. We would ask the
7 age. We would ask how long has he stayed in the LRA; where was he abducted;
8 who is the commander of the group that captured him; what are the plans of that
9 group; and many other questions that he would say, to get to know exactly what the
10 LRA are planning and their next course of action.

11 Q. [12:16:26] And all this information is what you'd capture in the reports that we
12 have already discussed, correct?

13 A. [12:16:36] Correct.

14 Q. [12:16:36] Now, how many debriefings of such a nature would a captured
15 soldier have to go through?

16 A. [12:16:42] My lord, first of all, as a unit commander, we did not have good
17 facilities to keep such captured or rescued abductees. The extraction of information
18 could take, let's say, one hour, two hours for the benefit of the commanders, and then
19 we forwarded them to the division.

20 Q. [12:17:18] And do you know how long typically they would stay at the division?

21 A. [12:17:35] My lord, for us, once we finished our information and forwarded that
22 captive or abductee, it was not our duty to continue at least following up. So we
23 give the division, continue to some way, so ours would be a quicker information
24 saving, and then we forwarded them to the division.

25 Q. [12:18:12] And it would be from the division then that it would be determined

1 whether they go to CPU or to a rehabilitation centre or back home or whatever
2 happened to them after that, correct?

3 A. [12:18:26] Not back home, but it is correct that the division will determine where
4 to take that particular person.

5 Q. [12:18:35] Why not back home?

6 A. [12:18:37] They can't -- but most of them, they would go to CPU or rehabilitation
7 and eventually reunited. They are traumatised and they needed to be prepared
8 to -- to reunite them with their families.

9 Q. [12:19:04] Now, Mr Witness, this is my last question regarding Odek. We
10 talked about CMI reports and technical intelligence reports. And in this I'm
11 referring to tab 13 of the Defence binder, UGA-OTP-0254-2982, and in particular at
12 page 3004. Again, Mr President and your Honours, this is just an extract from what I
13 am going to explain to the witness.

14 Mr Witness, this is an extract from a bigger book, a notebook that was kept by the
15 UPDF documenting situation reports and intercept messages from the LRA. As you
16 will note, it shows the date of 30 April 2004. And in this report I can draw your
17 attention to the middle of the page, where it says:

18 "Labongo came on air briefly and informed Kony that he attacked Odek and he burnt
19 UPDF defence and IDP camp but as he is still on run then full detail will be sent later.
20 And Kony was very happy that he wants those of Odek to be killed seriously because
21 they refused to support him and yet he is aborn of that place."

22 Mr Witness, this is a report generated from what we discussed as technical
23 intelligence that seems to suggest that Labongo was the leader of the attack on Odek
24 and not Dominic Ongwen. What do you say about that?

25 A. [12:21:50] My lord, if Labongo, as you are seeing it here, that he is the -- aborn of

1 the area, he could have provided -- you could have acted as a guide. But yesterday I
2 indicated that the group that attacked Odek -- or Abok was from Dominic Ongwen,
3 and I said Dominic Ongwen himself did not participate. But he sent Okello Kalalang,
4 one of his field commanders, to attack Abok.

5 Q. [12:22:43] Mr Witness, just as a point of clarification, I think we are
6 misunderstanding each other. I'm talking about Odek and not Abok. And this
7 intelligence report is in regards to Odek.

8 A. [12:23:02] You said Abok.

9 Q. [12:23:06] Oh.

10 A. [12:23:07] Abok, or you said Abok?

11 Q. [12:23:09] Odek.

12 A. [12:23:10] Odek?

13 Q. [12:23:11] Yes.

14 A. [12:23:12] Odek, I said we got, yesterday I said we got information from the
15 abductees that we earlier rescued after the Odek attack. And I said we rescued the
16 abductees in a place called Ocim. And I said during debriefing they said they are
17 from a group of Dominic Ongwen. And I can't dispute that because they were the
18 ones that were abducted and in the group. So it is to find out, because
19 Dominic Ongwen was much senior than Labongo, so it is to find out whether
20 Labongo belonged to Dominic Ongwen's group.

21 Q. [12:24:22] Now, Mr Witness, just looking at this intelligence report, and I'm
22 going to read to you another portion, still on the same page, on the other side of the
23 page, where it says:

24 "Labongo reported to Otti that" -- I can hardly read this, something -- "morning, that
25 morning he fought UPDF in Odek and it was attack which he made and he claimed to

1 have attacked UPDF in Odek and the following have been charged from them."

2 These two entries indicate that Labongo first of all reported to Kony and also reported
3 to Otti. Notwithstanding what you got from the abductees, are you suggesting that
4 the technical intelligence in this regard was in error about who attacked Odek?

5 A. [12:25:51] My lord, I did not say that the attack of Odek was from technical
6 intelligence. I said the information after rescuing the abductees came from an
7 abductee highlighting that this was a group of Dominic Ongwen.

8 Q. [12:26:30] Now, after the attack on Odek, you mentioned that the LRA unit that
9 was responsible moved to Atoo Hills; is that correct?

10 A. [12:26:46] Correct.

11 Q. [12:26:49] Did they have a base in Atoo Hills?

12 A. [12:26:56] One, they didn't have a base in Atoo Hills. But Atoo Hill, as you
13 hear, it is a hill, they were using it as a reference point for their coordination and they
14 would rotate within that area.

15 Q. [12:27:16] And after that attack on Odek, you pursued them and tried to chase
16 them out of their operating areas; isn't that correct?

17 A. [12:27:27] Correct.

18 Q. [12:27:30] And would I be correct again to say that before the Abok attack, you
19 did not receive any information of an impending attack?

20 A. [12:27:42] No.

21 MS BRIDGMAN: [12:28:13] Your Honours, I request just a moment.

22 PRESIDING JUDGE SCHMITT: [12:28:15] Of course. I see here again Odek and
23 Abok on the transcript. The question was after that attack on Odek, you pursued
24 and tried to chase them. And then would it be correct to say that before the Abok
25 attack -- so this is a new area?

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1 MS BRIDGMAN: [12:28:33] Yes. Yes, your Honour.

2 PRESIDING JUDGE SCHMITT: [12:28:34] Okay. Thank you.

3 MS BRIDGMAN: [12:28:54]

4 Q. [12:28:58] Mr Witness, at paragraph 36 of your statement, you told the
5 Prosecution investigators that after the attack on Abok, you moved your headquarters
6 to Achokora and only left a detachment at Corner Gura. Why did you make that
7 decision?

8 A. [12:29:46] My lord, making a decision to move from Corner Gura to Achokora, it
9 was intelligence information that there were continuous infiltration of LRA into Apac.
10 So the division commander decided that I move my headquarters from Corner Gura
11 to Achokora so that I can be closer to the area where the LRA have persisted their
12 attacks.

13 Q. [12:30:30] And when you talk about continuous infiltration, are you referring to
14 both the Odek and Abok attacks or there were other small skirmishes in that regard?

15 A. [12:30:54] Correct.

16 Q. [12:30:55] How far is Corner Gura from Achokora?

17 A. [12:30:58] Corner Gura, Achokora is around 10 to 15 kilometres in Apac district.

18 Q. [12:31:13] Did you also change -- no, let me rephrase this.

19 Did you also, apart from the strategic move of the --

20 A. [12:31:27] Battalion headquarters.

21 Q. [12:31:28] Yes. Did you also add more reinforcements?

22 A. [12:31:31] Correct.

23 Q. [12:31:32] During that period, did you receive information that the attacks were
24 primarily in search of food by the LRA?

25 A. [12:31:51] No. We -- for example, my movement to Achokora, the Achokora

1 was much more vulnerable for attack. That was why the attacked core moved and
2 the numbers of displaced in Achokora were bigger than that one of Abok.

3 And we knew that the attack, of course, would be looking for several items from the
4 displaced people's camp, which ranged from food, brothers, abductions of young
5 children and killings of those who would be maybe in support of the government.

6 Q. [12:32:53] Yesterday when you were talking about the LRA groups operating in
7 your area of responsibility, you mentioned Dominic Ongwen and you also mentioned
8 someone called Okello Okuti.

9 A. [12:33:33] Okello Okuti, yes.

10 Q. [12:33:37] Were you aware that Okello Okuti was part -- was the leader of the
11 Stockree brigade and not Sinia?

12 A. [12:33:46] My lord, I remember yesterday saying in my area of responsibility we
13 had Dominic Ongwen, Okello Okuti, and I said I didn't know whether Okello Okuti
14 was part of Dominic Ongwen. So I did not know which brigade, LRA brigade,
15 Okello Okuti belonged to.

16 Q. [12:34:16] Now, moving on to your meeting with Dominic Ongwen in 2006, do
17 you recall when the ceasefire was announced?

18 A. [12:34:28] I do recall.

19 Q. [12:34:29] When was this?

20 A. [12:34:33] I may not remember the dates properly, but I remember the ceasefire
21 was announced. And indeed we had the ceasefire, we had the ceasefire, and that's
22 why we met without any confrontation.

23 Q. [12:34:59] Before I forget, was Raska Lukwiya at any point operating within
24 your area of responsibility before he was killed?

25 A. [12:35:11] Yes. Raska Lukwiya once operated in my area of responsibility, and

1 I can mention the areas. Raska Lukwiya operated in areas of Kalongo, Kalongo,
2 Patongo, Adilang and parts of Lira.

3 Q. [12:35:37] Yesterday you talked about the Red Cross and the discussions they
4 had with Ongwen about food, and you also talked about the plight of children in
5 Ongwen's group, about how hungry and vulnerable they appeared. But during
6 your operations, with that in mind, did you ever offer a truce for the LRA to have
7 access to food without necessarily attacking IDP camps?

8 A. [12:36:38] LRA, it have accessed food, it meant that they have surrendered to us.
9 They have supporters or those who backed them and themselves knew better how to
10 get food without harming the communities. But it was the opposite.
11 But our plight was if the children could be released, if they could be released and
12 returned back to their families, we did not make that announcement that the LRA
13 should come and get food here because of the children and then they continue with
14 fighting. That would mean something else.

15 Q. [12:37:44] Did you offer safe passage to food aid agencies to give food to the
16 LRA, or it would mean the same thing like you've just explained?

17 A. [12:37:57] No, my lord, no entity, organisation approached me that they wanted
18 a safe passage for to give food to LRA, at least in my area of responsibility, nobody
19 approached me, apart from the Red Cross when I was meeting with Mr Ongwen,
20 that's when they came offering that assistance.

21 Q. [12:38:26] Did the government have a policy in that regard to offer safe passage
22 to food agencies to give food to the LRA?

23 A. [12:38:43] I have not heard about that.

24 Q. [12:38:51] Isn't it true, Mr Balikudembe that, indeed, during your operations,
25 you had squeezed the LRA to the extent possible to make their lives hard in the bush

1 to enforce more people to escape?

2 A. [12:39:11] That is true.

3 Q. [12:39:15] A few seconds ago you mentioned the collaborate -- let me find the
4 correct word.

5 You mentioned supporters. Who were the supporters of the LRA?

6 A. [12:39:46] I may not pinpoint anybody, but as I know that within the areas of
7 fighting, the opposing side would have some kind of support for purposes of
8 information and any other coordination and collaboration. So I cannot say this, this,
9 and that were the supporters.

10 Q. [12:40:21] Now, talking about that letter that you received from Mr Ongwen, do
11 you recall if it made it clear that he was following the terms of the ceasefire agreement
12 and he just wanted safe passage?

13 A. [12:40:45] Yes, correct. Your Honour, as already indicated, that we are in peace
14 talks, and the letter was requesting for the passage. And he wanted to cross over
15 unharmed.

16 Q. [12:41:05] Do you know how all the people that ended up at that meeting came
17 to know that Dominic Ongwen was there?

18 A. [12:41:33] Your Honour, I really, even me, I was surprised, because the meeting
19 was between me and Ongwen after Ongwen had requesting. I don't know, for
20 example, for me, I communicated to my leadership at the division that this is what I'm
21 going to do. This is a small letter that was written requesting for a passage.

22 But later on, after meeting, I ended up receiving many people to that particular place.

23 PRESIDING JUDGE SCHMITT: [12:42:11] I think this really stands out a little bit,
24 and I was also tempted to ask this yesterday, but I felt that the Defence would pick it
25 up today, because it really is surprising how many people arrived there, let me put it

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1 this way, out of nothing, so to speak. It was as I have understood it initially a
2 meeting between you and Mr Ongwen.

3 THE WITNESS: [12:42:36] Yes.

4 PRESIDING JUDGE SCHMITT: [12:42:38] So please, Mrs Bridgman.

5 So there were followers, so to speak, wherever they got to know it and whatever
6 purpose is behind it.

7 MS BRIDGMAN: [12:42:51] We may never know.

8 Q. [12:42:58] Now, you mentioned some of the commanders that were travelling
9 with Ongwen and you said, for instance, that Adjumani or Ayumani was working as
10 an interpreter. But before that meeting, had you ever heard of Adjumani?

11 A. [12:43:14] Correct. We were hearing Adjumani and others, because we'd get
12 these names from the abductees. They would give us those names. And when I
13 saw him, and when Mr Ongwen introduced them to me, there were no new names for
14 me. Even Mr Ongwen himself knows that when we met, I had a file, a file. When
15 the names were -- when he was introducing, I tried to pull it out and I had such
16 names on my paper.

17 Q. [12:44:16] Did you know the rank or the role of Ayumani from your information
18 that you had?

19 A. [12:44:24] My lord, I don't remember the rank of Ayumani, but he was one of
20 the commanders. Even after receiving Mr Ongwen at that particular point at
21 Lacekocot, Ayumani seemed to have been responsible for organising the group and
22 pushing it away from the road and taking it away from the road to the bushes and
23 later joined us at that meeting point.

24 Q. [12:45:10] Mr Witness, do you know a former LRA person called Oyat Lapaico?

25 A. [12:45:17] Yes, I know Oyat Lapaico.

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1 Q. [12:45:23] Would it surprise you --

2 And, your Honours, I'm referring to tab 12 of the Defence binder,

3 UGA-OTP-0192 -- sorry, I'll start again, UGA-OTP-0192-0688 at page 0692.

4 Mr Witness, Oyat Lapaico is not in the bush anymore; isn't it correct?

5 A. [12:46:04] It is correct.

6 Q. [12:46:07] Would you be surprised if according to Oyat Major Ayumani was a
7 chief protection unit for Joseph Kony around that period?

8 A. [12:46:19] Ayumani?

9 Q. [12:46:21] Yes.

10 A. [12:46:23] I am not aware. But I know Lapaico was captured by my forces in a
11 place called Laguti and I don't, I don't know much details about Ayumani.

12 Q. [12:46:43] When Lapaico was captured by your forces, did you participate in his
13 debriefing process?

14 A. [12:46:54] Yes. I briefly talked to Mr Lapaico, because Lapaico was captured in
15 the morning after a contact in the evening, and then he somehow got lost within the
16 bushes and fell into our ambush. He was captured with a young female combatant
17 whom he claimed was his wife, and that female was injured in the attack and
18 Lapaico -- I did not give much attention, because that division immediately took him,
19 because he was in Sinia, Sinia command in the LRA. So I did not get much briefing
20 with Lapaico.

21 Q. [12:47:56] So, Mr Witness, would it surprise you that in a report from Lapaico's
22 briefing, the one generated from his debriefing, he said that Major Adjumani was an
23 escort for Kony and he had been sent together with Acaye Doctor with particular
24 instructions from Kony to the troops in Uganda, and that is why they were moving
25 with Ongwen?

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1 A. [12:48:33] That information, I don't know. What I know is that Mr Ongwen
2 had introduced me as these were his commanders. So those are details I didn't know
3 because I did not interrogate Mr Ongwen, how he's related to these commanders.

4 Q. [12:48:59] Do you know someone called Jenaro Bongomin, another former LRA?

5 A. [12:49:05] That one, I don't know.

6 Q. [12:49:14] When you met with Ongwen at that location at Lacekocot, were you
7 aware of the ICC arrest warrants against him?

8 A. [12:49:35] I was much aware about that arrest warrant.

9 Q. [12:49:51] Now, regarding Acaye Doctor, whom you mentioned was also
10 travelling with Ongwen, were you aware that he was a director of operations for the
11 entire LRA and had also been sent by Kony to come and move with Ongwen's group?

12 A. [12:50:08] I'm not aware, but I took them as part of Ongwen's commanders.

13 MS BRIDGMAN: [12:50:17] Your Honours, this is in relation to tab 11,
14 UGA-OTP-0191-0285 at page 0286. And I will not pursue this any further.

15 Q. [12:50:37] During your interactions with Mr Ongwen, did you discuss the ICC
16 arrest warrants?

17 A. [12:50:46] Your Honour, we did not discuss the ICC arrest warrants.

18 Q. [12:50:53] At paragraph 52 of your statement, again, I'm going to read just a
19 short part of what you said, you said, "I reminded him that it was not necessary for
20 him to go. It was a good chance for him to leave the LRA, because I had other LRA
21 commanders who had surrendered to the government and were with us."

22 Mr Witness, can you tell the Court which other commanders had surrendered to the
23 UPDF during the ceasefire?

24 A. [12:51:49] Your Honour, I think I did not mention any commander to him. But
25 I know that he was aware that the other LRA commanders were with the government,

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1 and he would also take the same opportunity to be with the government, because the
2 reason why I think he was aware is that they were listening to radios. These
3 commanders used to be put on the radio to mobilise them to come back home, and
4 that is the chance I was trying to tell Mr Ongwen that he can opt out and leave the
5 LRA.

6 Q. [12:52:50] Just to clarify, these other commanders that had surrendered or had
7 been captured, was it within the context of the ceasefire or before the ceasefire came
8 into effect?

9 A. [12:53:02] Before the ceasefire. Those who we captured, they all reported and
10 those that are with us before the ceasefire.

11 Q. [12:53:14] In your recollection, is there any commander who surrendered or who
12 was captured during the ceasefire, except Lukwiya, who was killed in Kitgum?

13 A. [12:53:28] Who? I beg your pardon?

14 Q. [12:53:31] Apart from Raska Lukwiya, who was killed in Kitgum, are you aware
15 of any other top LRA commanders that either surrendered or were captured within
16 the ceasefire period?

17 A. [12:53:49] Yeah, I'm aware about some commanders who were captured, like
18 Lapaico and others who I may not remember their names, that they were with us.
19 And they used to go over the radio to mobilise their colleagues to come out of the
20 bush.

21 PRESIDING JUDGE SCHMITT: [12:54:15] Mrs Bridgman, as indicated, we won't
22 need the afternoon session?

23 MS BRIDGMAN: [12:54:24] I'm working very keenly on trying to finish, but in 10
24 minutes it might not be possible. I might need another 20 minutes or so.

25 PRESIDING JUDGE SCHMITT: [12:54:37] From here?

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1 MS BRIDGMAN: [12:54:38] Yes. So another half hour to go, but I am confident that
2 lead counsel will want to ask other questions.

3 PRESIDING JUDGE SCHMITT: [12:54:48] We'll have the lunch break and come back
4 after the lunch break.

5 MS BRIDGMAN: [12:54:55] Thank you, Mr President.

6 PRESIDING JUDGE SCHMITT: [12:54:57] Perhaps now, I think, or do you have just
7 a couple of questions that you want to ask at the moment?

8 MS BRIDGMAN: [12:55:08] Just a second.

9 Just a follow-up question on Mr Lapaico.

10 PRESIDING JUDGE SCHMITT: [12:55:24] Yes, please continue.

11 MS BRIDGMAN: [12:55:27] Lest I forget it and move on.

12 Q. [12:55:31] Mr Witness, when Lapaico was captured, do you recall if it was
13 within the designated safe passage or if he was outside the confines of the terms of
14 the ceasefire?

15 A. [12:55:46] Your Honour, Lapaico was captured before the declaration of the
16 ceasefire.

17 MS BRIDGMAN: [12:55:54] Well, then this is a good place to stop, Mr President.

18 PRESIDING JUDGE SCHMITT: [12:55:57] Yes. We have the lunch break now and
19 come back together at 2.30.

20 THE COURT USHER: [12:56:02] All rise.

21 (Recess taken at 12.56 p.m.)

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

23 THE COURT USHER: [14:30:59] All rise.

24 PRESIDING JUDGE SCHMITT: [14:31:20] Mrs Bridgman, you have the floor. And
25 from your remarks before the break, I take it that at 3 o'clock, around about, we are

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1 finished with the questioning of the Defence.

2 MS BRIDGMAN: [14:31:39] As far as my questioning goes, yes.

3 PRESIDING JUDGE SCHMITT: [14:31:43] I think, yes, so we continue quickly and ...

4 MS BRIDGMAN: [14:31:51]

5 Q. [14:31:51] Mr Witness, I have a few follow-up things that had I need to clarify
6 with you.

7 A. [14:31:56] Go ahead.

8 Q. [14:31:59] First of all, Corner Gura, I think we might have a problem with
9 spelling. Would you be kind enough to spell for us Gura?

10 A. [14:32:08] Corner Gura.

11 Q. [14:32:15] If you know.

12 A. [14:32:16] You write the word corner itself, then G-U-R-A.

13 PRESIDING JUDGE SCHMITT: [14:32:23] This seems to my ears to be the English
14 word for corner or is this --

15 THE WITNESS: [14:32:31] That's how, my lord, that's how I have been writing it.

16 PRESIDING JUDGE SCHMITT: [14:32:36] Thank you.

17 MS BRIDGMAN: [14:32:45] Thank you.

18 Q. [14:32:47] Now, we were discussing the commanders that you mentioned to
19 Dominic Ongwen when you met him, the ones who had surrendered to the
20 government. In your recollection, did any of these commanders that you know, did
21 they have arrest warrants from the ICC?

22 A. [14:33:17] No, no.

23 Q. [14:33:20] Mr Witness, would I be correct to say that during this meeting with
24 Mr Ongwen you took notes and prepared a report for your operations?

25 A. [14:33:40] My lord, I don't understand when you say I "took notes and prepared

1 the operation," I don't know exactly what you mean.

2 Q. [14:33:50] During the meeting with Dominic Ongwen at Lacekocot, did you take
3 notes of your discussions or did you prepare a report for your superiors?

4 A. [14:34:08] Yes, I did, because first of all, when I was going for that meeting, I
5 communicated to my superiors that I am going to meet somebody who has requested
6 for the passage, and the person, the emissary, says that somebody I'm likely to meet
7 was Dominic Ongwen. Then they said, "Please go ahead".

8 And in military, in military, any situation is reported as it happens. When I met
9 with Mr Ongwen, because we met when I had already reported the meeting, then in
10 the evening I did in writing -- you may not give that writing, but we have a radio
11 message which may cover at least a full page which have the details of what
12 transpired. And I did report that -- that -- the details of those meetings.

13 Q. [14:35:53] Do you know someone called Major - who was a captain at the
14 time - Abel Ekoloot?

15 A. [14:36:03] Yes, he was my brigade intelligence officer.

16 Q. [14:36:12] Isn't it true that he took some notes of that meeting as well?

17 A. [14:36:16] Yes, indeed he -- he reported to me, and he took some reports and he
18 reported to me and he reported to his superiors, the line -- department that deployed
19 him to my brigade.

20 Q. [14:36:42] Now, you recall a meeting you had with the Prosecutor in July of this
21 year, 4 July?

22 A. [14:36:52] I remember.

23 Q. [14:37:03] Do you recall the purpose of that meeting?

24 A. [14:37:05] Yes, the purpose of the meeting was -- because it had taken long since
25 I had recorded my statement, so it was purpose to -- for them to introduce themselves

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1 to me and make some refresher, make sure that I am prepared to come and testify
2 before this Honourable Court.

3 Q. [14:37:28] During this meeting with the Prosecutor did you discuss the notes
4 taken by Abel?

5 A. [14:37:38] I think we did not discuss the notes.

6 Q. [14:37:43] Thank you, Mr Witness.

7 Now, going back to that meeting with Mr Ongwen, yesterday you talked about
8 a telephone conversation that took place with Vincent Otti on the other side of the line.
9 Do you recall -- well, first of all you said today that you also don't know how so many
10 people ended up at that meeting.

11 A. [14:38:46] Yes.

12 Q. [14:38:50] But you also mentioned yesterday that Lacambel was a journalist who
13 ended up at this meeting with Dominic Ongwen. Had you worked with Lacambel
14 or interacted with him previously in your activities?

15 A. [14:39:12] My lord, that was my first time to see Lacambel and I had not
16 interacted with him, but only was listening to his programmes over the radio. And
17 that was my first time to know that this is Lacambel, and I think since then we have
18 never again met.

19 Q. [14:39:37] This Lacambel, briefly, what was the content of his radio
20 programmes?

21 A. [14:39:47] Your Honour, his radio programmes basically was mobilising
22 the -- trying to mobilise the LRA to surrender and hosting the -- those that have been
23 abducted and safely rescued, those commanders that have been captured and
24 they -- and they are already with the government, and to make sure that this message
25 sinks to those commanders that are still adamant to take advantage of the amnesty

1 given by the government.

2 Q. [14:40:37] So it is fair for me to say that Lacambel's message was in line with
3 what you wanted for the people of northern Uganda, correct?

4 A. [14:40:51] Correct.

5 Q. [14:40:51] Were you surprised that Lacambel was on the phone with
6 Vincent Otti?

7 A. [14:41:00] Your Honour, I was not surprised to find Lacambel making a phone
8 call and he talks to Vincent Otti, because so many times Lacambel over the radio had
9 hosted online communication over the radio with these rebel commanders. And at
10 one time, I remember him accompanying some delegations that were making an
11 effort for the peace talks to happen or surrendering of some of these rebels.

12 Q. [14:41:52] Did you ever come to find out if it was Lacambel who called Otti or if
13 it is Otti who initiated the phone call to Lacambel?

14 A. [14:42:03] I didn't find out because the phone that came from Lacambel, I
15 automatically took it for granted that possibly it was Lacambel who called. I don't
16 know who called, but the phone was for Lacambel.

17 Q. [14:42:26] So I do not want to misunderstand you, but did you believe that
18 Lacambel called Otti to tell him that Dominic Ongwen was there and this meeting
19 was taking place?

20 A. [14:42:47] I believed so, that it could have been Mr Lacambel that called, because
21 time to time he was stated on line, there is rebel commanders and they would talk to
22 him over the radio. So that's my belief, that he could have been the one who called
23 Mr Otti.

24 Q. [14:43:16] When you were talking to Mr Otti, did he introduce himself as such?
25 How did you know it was him on the phone?

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1 A. [14:43:24] He introduced himself to me. He said, "This is Otti. Are you the
2 commander?" He said, "Yes."

3 Q. [14:43:37] Would it also be fair for me to say that because you spoke to Otti, you
4 assumed that he was the only person who had talked to both Lacambel and
5 Dominic Ongwen?

6 A. [14:43:54] Repeat your question.

7 Q. [14:43:58] I will try to break it down, because I am also confusing myself.
8 When you talked to Otti, did he tell you where he was?

9 A. [14:44:09] No. Otti did not tell me exactly where he was, only he said, "My
10 commanders are there. Please don't do anything. Please let them come. Please let
11 them come. Don't do anything."
12 Then he said, "The peaceful is real. Please, please, let them come."

13 Q. [14:44:44] Did he mention to you whether he was alone or with other people?

14 A. [14:44:48] We didn't go into the details whether he was with other people or not.

15 Q. [14:44:53] So then would it be fair for me to say that since you talked to him and
16 you did not talk about these other things, your assumption was that Vincent Otti was
17 alone when he talked to you and the group you were with?

18 A. [14:45:12] I really can't tell whether he was alone or not. But even -- I can't tell,
19 I can't tell whether he was alone or not.

20 Q. [14:45:25] Now, you described to the Court how -- when -- let me go back a little
21 bit.

22 Do you recall, if you are aware, of when the phone calls started? When Otti -- the
23 phone call between -- the conversation between Lacambel and Otti, do you recall if
24 you noticed when it started?

25 A. [14:45:52] Your Honour, I did not notice at what time the phone started, only

1 that I saw Lacambel passing over the phone to Mr Dominic Ongwen.

2 Q. [14:46:06] Apart from you and Mr Ongwen, and perhaps Lacambel, did you see
3 that phone passed on to other people in the group?

4 A. [14:46:19] Yes, I think the late Ocora, the late Ocora also talked to Mr Otti.

5 Q. [14:46:30] Do you recall Acaye Doctor also talking on that phone with Otti?

6 A. [14:46:38] No, I don't recall, because there were many people on there.

7 Some are because the meeting that started with a few people, and there was a kind of
8 an excitement because other people had never seen these people, the way they were
9 in a group. So I don't remember Acaye Doctor talking on the phone. I don't
10 remember.

11 Q. [14:47:09] Do you recall how long Dominic Ongwen was on the phone before he
12 handed over the phone to you?

13 A. [14:47:20] Yes, Mr Ongwen took around three minutes. He did not go beyond
14 five minutes.

15 Q. [14:47:33] Now, you described to the Court yesterday how, when Ongwen got
16 the phone, he stood up and said, "Sir." And correct me if I am wrong, my impression
17 from your testimony was that he remained standing until after the end of the phone
18 conversation?

19 A. [14:47:51] Correct.

20 Q. [14:47:52] Now, as a military officer, what did that -- how did you interpret this
21 behaviour?

22 A. [14:48:02] As a military officer, I interpreted it that he, Mr Dominic, could have
23 been talking to a superior.

24 Q. [14:48:22] So, Mr Witness, is it your testimony that indeed you did not become
25 aware that Joseph Kony was on the line and he talked to Acaye Doctor before he

1 talked to Dominic Ongwen and then handed over the phone to Vincent Otti?

2 A. [14:48:42] I am not aware. I am hearing it for the first time from you.

3 Q. [14:48:51] When you talked with Vincent Otti, when he was giving you his side
4 of events, did he tell you about the assurances that he had given Ongwen regarding
5 the success of the peace talks?

6 A. [14:49:11] Yes, your Honour, when I talked to Otti, he had some worries that he
7 may be -- being the area brigade commander, UPDF senior officer in charge of these
8 operations, that I may turn around, maybe arrest Dominic Ongwen. And I assured
9 him that, "Yes, this is peace talks. We cannot do that. We have instructions.
10 We cannot arrest him." And he said, "Yes. Please, please don't do anything. I
11 request please, don't do anything. Let my people pass." And I don't know whether
12 that request he was making, "Please don't do anything", I don't know whether on the
13 side of Mr Ongwen was -- they communicated that there might be something.
14 I don't know. But on the side of Otti, he was begging that we should not do
15 anything.

16 Q. [14:50:26] Did Vincent Otti also give you assurances that his people would not
17 violate the ceasefire agreements and that as long as you held your end of the bargain,
18 they would also hold their end of the bargain?

19 A. [14:50:45] That's what he was saying, that these peace talks are real, are real,
20 please, please, please, don't do anything, let my commander come.

21 MR GUMPERT: [14:50:56] This is not an objection.

22 PRESIDING JUDGE SCHMITT: [14:50:59] Yes.

23 MR GUMPERT: [14:51:00] I don't know how it is for your Honours, but we on
24 the Prosecution side haven't got any transcript at the moment.

25 PRESIDING JUDGE SCHMITT: [14:51:07] Yes, this is a temporary problem,

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1 obviously. The transcript is recorded, of course, but we can't read it at the moment.
2 I simply suggest since there was no issue about what the witness has said recently, we
3 simply continue. I have been informed that it might be fixed in a couple of minutes,
4 and since we are shortly before the end of the questioning of this witness, I really
5 suggest that we continue in that way and -- yes. But, of course, it came to our
6 attention too. But they are working on it. Thank you.

7 Mrs Bridgman.

8 MS BRIDGMAN: [14:51:46]

9 Q. [14:51:55] Mr Balikudembe, were you aware that Vincent Otti had told Ongwen
10 and assured him that the war would end during the peace talks and that Ongwen's
11 arrival at Owiny Kibul was a key consideration for the successful deliberations with
12 the government and the international community?

13 A. [14:52:23] Your Honour, I don't know whether Mr Vincent informed
14 Mr Ongwen. I don't know. Because they were talking in Acholi and I don't really
15 understand Acholi.

16 Q. [14:52:39] So to be fair, you did not know the particular instructions that
17 Mr Ongwen was following from his superiors, correct?

18 A. [14:52:46] Yes, I was not aware of those instructions that he was being told by
19 his superiors.

20 Q. [14:52:59] And, Mr Witness, sorry, even when he spoke to Vincent Otti, he
21 declined your request to release the children, correct?

22 A. [14:53:12] He declined, true. Because he said, "Let everybody come."

23 Q. [14:53:27] Mr Witness, as you stand here today with your background and
24 training, would it be fair for me to say that it is understandable why
25 Dominic Ongwen could not surrender to you at that point or release any of the people

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1 he was with because he was also following instructions from his superiors?

2 A. [14:53:57] To the back of my mind, I knew that he -- the LRA was not so much
3 committed with peace talks, because of the, the historical background of their actions
4 against humanity, and that's -- that was my reason why I wanted to separate the
5 children and leave the adults. Because the -- they were not sure of themselves and
6 that's why several peace talks could not succeed, and it was a way of him wanting to,
7 to get away with it. Otherwise, to the back of my mind, I knew that their game was
8 about themselves, to take the children as shields. But I was urging to see whether he
9 would -- I would get an opportunity to separate the children from them.

10 Q. [14:55:16] During the time that you were deployed in northern Uganda, did you
11 get to learn from former LRA soldiers and people who had returned about the
12 unpredictable nature and character of Joseph Kony and his ruthlessness?

13 A. [14:55:46] Correct.

14 Q. [14:55:46] And, Mr Witness, are you aware that Vincent Otti was executed for
15 his support for the peace talks?

16 A. [14:55:55] Well, that is the information that came out through the media. I may
17 not confirm the execution, but we take it that he was executed in Garamba.

18 Q. [14:56:11] Thank you, Mr Witness, for your patience. I have no further
19 questions for you and I will hand over to lead counsel.

20 MS BRIDGMAN: [14:56:17] Thank you, Mr President.

21 PRESIDING JUDGE SCHMITT: [14:56:18] Thank you, Mrs Bridgman.

22 And I also see that we are all connected again, and what would we do in these
23 modern times if we were not connected?

24 So please, Mr Ayena.

25 MR AYENA ODONGO: [14:56:38] Mr President and your Honours, I thank you for

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1 this opportunity.

2 QUESTIONED BY MR AYENA ODONGO:

3 Q. [14:56:47] Mr Balikudembe, I am overwhelmed by the opportunity to interact
4 with you in this noble cause, for this Court to establish the truth about the vicissitudes
5 of war in Uganda. I take it that it is a given that there were two sides to the war in
6 northern Uganda; is that correct?

7 A. [14:57:28] Correct.

8 Q. [14:57:31] Mr Witness, that will take me immediately to your comments about
9 human rights abuses. In this war between the LRA and the government of Uganda,
10 are you also aware of possible human rights abuses by the government of Uganda in
11 the prosecution of this war?

12 A. [14:58:08] Those are the reports that we have been reading, and in particular, in
13 my area of responsibility I think I have not been informed that, "Balikudembe, during
14 the execution of your duties, you have violated some human rights." So if you have
15 read it somewhere, so those are issues that should be investigated and maybe brought
16 before this Court.

17 Q. [14:58:50] Mr Balikudembe, did you hear about the Mukura train incident
18 where 40 people were burnt allegedly -- not allegedly, as a matter of fact by the then
19 NRA?

20 A. [14:59:11] I have heard about it.

21 Q. [14:59:16] Can you tell Court whether that would fall under human rights
22 abuses?

23 A. [14:59:22] Correct.

24 Q. [14:59:29] Mr Balikudembe, did you hear about the Corner Kilak incident?

25 A. [14:59:43] The Corner Kilak incident, when was that?

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1 Q. [14:59:50] During a confrontation between The Holy Spirit Movement and the
2 UPDF, then called the NRA?

3 A. [15:00:07] I am not aware of that Corner Kilak incident.

4 PRESIDING JUDGE SCHMITT: [15:00:09] Mr Ayena, we discussed a similar,
5 a similar issue before the break on objection of Mr Gumpert, and there I overruled the
6 objection because we were talking about the LDUs. And these were also brought up
7 by Prosecution, and I said that of course conflicts happen in a certain environment,
8 cultural, social, historical, but now we should really be careful not to go too far away
9 from what -- from the charged incidents and from the matters that are -- even when
10 we are very gracious, so to speak, that we should entertain. So, okay, and these
11 things happened obviously in the 1980s, so I think we should really limit ourselves.

12 MR AYENA ODONGO: [15:01:02] I am guided.

13 PRESIDING JUDGE SCHMITT: [15:01:03] And Mr Witness has obviously
14 knowledge of the first incident but, you see, he cannot confirm what has happened at
15 the time because he would not have been present. You see what I mean? The
16 second, he did not know. So I would simply ask you to shorten that, that kind
17 of -- line of questioning.

18 MR AYENA ODONGO: [15:01:25] I will not only shorten it, I will just abandon it
19 and proceed to something else.

20 Q. [15:01:35] Mr Witness, let us concentrate on the war in northern Uganda around
21 this time. In particular, I wish to squarely dwell on the question of the Iron Fist.
22 I am aware that you said at that time you were not yet there.

23 A. [15:02:05] Yes.

24 Q. [15:02:05] But I take it that you were already a senior officer in the UPDF?

25 A. [15:02:11] Yes.

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1 Q. [15:02:15] Did you, by any chance, get to know when the Iron Fist was launched
2 and when it ended?

3 A. [15:02:33] Well, your Honour, first of all I was not in the north. And
4 preparations of military operations, there is what they call "need to know". So if
5 there are -- as much as you are saying I was already a senior officer, yes, I was still
6 a junior officer by then, I think, in Iron Fist. But there is need to know. If we are
7 here as organising an operation, it means that there were some chosen few to know
8 about the operations. So I could not know when Iron Fist and how it came to
9 become Iron Fist.

10 PRESIDING JUDGE SCHMITT: [15:03:21] But also, Mr Ayena, I think the question
11 when it started and when it ended, perhaps not a matter of day or exact day or hour,
12 so to speak, but there we have other sources that could prove that or we have other
13 evidence. I don't know if even Mr Allen, the first witness, has talked about it. Even
14 so, I think we have evidence there where we can fix it, the duration of the operation.

15 MR AYENA ODONGO: [15:03:53] I am guided.

16 Q. [15:03:59] Mr Balikudembe, can you assist this Court to understand whether in
17 the prosecution of -- and where you participated in particular against the LRA,
18 whether the UPDF clearly identified what you deemed to be the enemy?

19 A. [15:04:33] Your Honour, I think our information against the LRA are very
20 accurate and I want to, to say that this Court would register that, where I participated,
21 we even captured the senior LRA commander Lapaicho. Again, the -- actually
22 another -- a place where I participated within my brigade, my forces put out of
23 action -- I don't want to repeat the one of yesterday, but the one called Kapere,
24 Mr Ongwen knows him, around the river Aswa, border with Gulu and Pader. So
25 that is a place we are talking about.

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1 Q. [15:05:35] I think we -- our minds are not meeting. But the question I put to
2 you is, when you were prosecuting this war or when you had instructions to
3 prosecute this war against the LRA, who did you define, who was defined as the
4 enemy?

5 A. [15:06:01] The LRA combat -- armed combatants.

6 Q. [15:06:09] How about axillary support people in the population?

7 A. [15:06:20] Support to LRA?

8 Q. [15:06:22] Yes.

9 A. [15:06:26] Those we, we designated them as the LRA collaborators, and of
10 course part of they support the LRA.

11 Q. [15:06:46] Now let's go to the -- your countering of the LRA, especially around
12 the IDP camps and where there were populations. Can you tell this Court the kind
13 of weapons that were used to counter LRA insurgency in northern Uganda?

14 A. [15:07:21] Weapons, smaller arms like semiautomatic rifles, SMG, submachine
15 guns, and rocket-propelled grenades, and some bigger machine guns to our
16 detachment.

17 Q. [15:07:50] Did you, by any chance, get to know whether helicopter gunships
18 were used --

19 A. [15:07:59] Yes.

20 Q. [15:08:00] -- to pursue the LRA?

21 A. [15:08:01] Yes.

22 Q. [15:08:13] And, Mr Witness, you may want to tell this Court whether there was
23 a scientific way of separating civilians from the LRA, especially those who were
24 captured when you used the helicopter gunships and Mambas. Sorry, were there
25 such things like Mambas, something called Mamba?

1 A. [15:08:42] Of course in the bush no, only in protection of IDP camp and along
2 the roads, that's when the Mambas you are talking about would be used.

3 Then you talk about the separation using the helicopter. First of all, the helicopter
4 would be used on, on an intelligence interception of LRA communication and
5 knowing that a person who is communicating is either Dominic Ongwen,
6 Vincent Otti or Joseph Kony. That's when the helicopters would be used.

7 Q. [15:09:37] Let's talk about the particular incidence of the Pajule attack. Did you
8 use helicopter gunships?

9 A. [15:09:51] No, we did not use helicopter gunship because the attack happened
10 late in the evening.

11 Q. [15:10:18] How about in the Odek attack?

12 A. [15:10:24] Odek attack also -- it also happened in the evening, we did not use
13 helicopter.

14 Q. [15:10:36] How about the Lukodi attack?

15 A. [15:10:45] Lukodi was not under my -- (Overlapping speakers)

16 Q. [15:10:47] Already was not?

17 A. [15:10:52] Yes.

18 Q. [15:10:52] Okay. Do you remember any incident when you used helicopter
19 gunships?

20 A. [15:10:59] I don't remember. In my area of responsibility, I don't remember.
21 But the other areas, they would call for air support. And I don't know, I can't
22 explain much about it, the reasons. But the reasons are obvious.

23 Q. [15:11:24] Now, Mr Witness, you talked about rescuing those who were
24 captured in Pajule after 10 days; is that correct?

25 A. [15:11:44] Correct.

1 Q. [15:11:46] And the Pajule attack took place on 10 October 2003; is that correct?

2 A. [15:12:01] Yes, those are the days of independence. That's what I said.

3 Q. [15:12:06] Immediately, immediately after Independence Day?

4 A. [15:12:09] Yeah.

5 Q. [15:12:09] Yeah. Would you agree with me therefore, Mr Balikudembe, that
6 that would be about 20 October 2003?

7 A. [15:12:25] The rescuing?

8 Q. [15:12:29] Yes.

9 A. [15:12:31] Yes, if I said 10 days, that is about that. I don't remember. The time I
10 estimated around 10 days.

11 Q. [15:12:41] Where from did you rescue them?

12 A. [15:12:47] We rescued, part of the group was rescued around Geregere,
13 Obolokome, and others around Kalongo. Patongo-Kalongo road, there a place called
14 Lukole. Around there east of Lukole.

15 Q. [15:13:10] Mr Balikudembe, would it surprise you if I told you that by
16 20 October the LRA were way out of Pader, as a matter of fact they were in Soroti?

17 A. [15:13:33] Your Honour, remember that groups of LRA remained in Pader and
18 even other groups remained in Gulu, not only that a group -- the whole LRA went to
19 Soroti. I am talking about my operations which I carried out. I may not account the
20 LRA that they crossed through Soroti, but I account what exactly my forces did.

21 Q. [15:14:19] And these are the abductees that told you that they were abducted by
22 Dominic Ongwen?

23 A. [15:14:26] Correct, the combination.

24 Q. [15:14:31] Mr Balikudembe, you will bear with me that I will canvass this area
25 a bit more in detail, although my colleague raised it. Did you get information about

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1 how the Pajule attack was planned?

2 A. [15:15:03] I did not get information, as much as the LRA could not get
3 information from our side.

4 PRESIDING JUDGE SCHMITT: [15:15:11] The witness has answered that before,
5 I think, that before Pajule he did not get information, indeed.

6 THE WITNESS: [15:15:24] True.

7 MR AYENA ODONGO: [15:15:25] Much obliged.

8 Q. [15:15:27] In that case let me put it another way. After the event did you get to
9 know that Vincent Otti and other senior LRA commanders had been around?

10 A. [15:15:40] Yes, through radio intercepts we got information about the presence
11 of LRA senior commanders. We -- the intercept talked about Raska Lukwiya, was
12 the overall, Vincent Otti, Dominic Ongwen. And also the intercept, they talked
13 about the likelihood of Joseph Kony being around also, around Kalongo, east of, east
14 of Pajule.

15 Q. [15:16:22] Thank you, Mr Witness.

16 Now, in the case of Abok you also got to know about Okello Kalalang from rescued
17 abductees; is that correct?

18 A. [15:16:44] Correct.

19 Q. [15:16:47] Is it your statement, Mr Witness, that this attack also took place late at
20 night?

21 A. [15:16:54] Correct. It took place at around 7, 7 in the evening. I still remember
22 it as if it happened yesterday.

23 Q. [15:17:05] That helps this Court very much. Can you tell Court, Mr Witness,
24 what about time you did rescue the abductees?

25 A. [15:17:21] First of all, the abductees, we rescued them in the wee hours of the

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1 morning, because after the attack of Abok the force that was near the -- nearby the
2 IDP camp of Abok reorganised themselves and very early in the morning they started
3 tracking. Tracking, and they gave the coordinates of where the track is heading.
4 But remember, when Abok was attacked I was in Corner Gura and I was hearing the
5 gunshots. And the road between Opit and Acet, we had to put some ambushes.
6 And that's when we, we managed to, first to have the first rescue and continued
7 pursuing and we got other rescues in the subsequent days.

8 Q. [15:18:38] Thank you. Now, Mr Witness, there is a grey area about this
9 Corner Gura, can you describe to Court the direction of Corner Gura from Achokora
10 and Abok?

11 A. [15:19:00] First of all, Corner Gura, Corner Gura is in the north, somehow
12 northeast of Abok. Achokora is somehow slightly northwest of Achokora, and
13 Achokora is slightly south, south, southeast of Corner Gura. If you took the road
14 from Gulu, you come to Adaka (phon) farm, if you are conversant with that
15 geography. From Adaka farm you come to Opit. After Opit you take your
16 eastwards, you leave the trading centre of Opit, you go to eastwards. The first, you
17 go through the forest, after the forest there is a railway station. After the railway
18 station you move like 3 kilometres, that's when you reached Corner Minja.
19 Corner Minja --

20 PRESIDING JUDGE SCHMITT: [15:20:09] Yes, Mr Witness, you have been asked, so
21 it's not, not at all your fault, so to speak, but we don't need now to continue with this
22 geographic exercise. And we have maps to look on and I assume that the place
23 exists. And I would also mildly remind counsel of the time, please.

24 THE WITNESS: [15:20:33] Thank you, your Honour.

25 MR GUMPERT: [15:20:33] Then you won't welcome my standing up, but we do

1 have a map. If the witness could put his finger on it, the place, it might help and
2 shorten things.

3 PRESIDING JUDGE SCHMITT: [15:20:43] Perhaps. Okay, if we have a map, and
4 the witness I think will very quickly be able to point his finger at the place, then that
5 might be enough and that might be it. But nevertheless, also since we have, as I
6 sometimes phrase it, have eyes to see, and we have a map, then we would perhaps
7 find it ourselves.

8 MR AYENA ODONGO: [15:21:07] I think that sorts it out, your Honour.

9 Q. [15:21:10] Now, can you tell Court how the abductees could have identified
10 Okello Kalalang at night, because you say they were rescued in the wee hours of the
11 morning?

12 A. [15:21:29] Your Honour, first of all, when we -- I mentioned it before this Court,
13 that after the attack there is abduction. After abduction, these groups move together,
14 together with the abductees, and reaching somewhere, they rest. After resting there
15 is interaction, and within that interaction is when they come to know themselves.

16 Q. [15:22:14] And you told Court, Mr Witness, that it was Dominic Ongwen who
17 had sent Okello Kalalang. How did you get to know this?

18 A. [15:22:35] First of all, your Honour, Dominic Ongwen, under him there were
19 commanders. And when they talked about Okello Kalalang, it is not that it is a one,
20 a one abductee or a captured, but information were continuously showing it as some
21 details of which commander and those commanders under him. So it was not
22 a surprise or an infiltration by Okello Kalalang into Dominic's group, but
23 Okello Kalalang was one of the commanders of Dominic Ongwen.

24 Q. [15:23:30] Earlier on you were asked about the military structure of the LRA.
25 As a military person, Mr Witness, would you say LRA was a formal army?

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1 A. [15:23:52] It was not. It was not formal.

2 Q. [15:23:59] Thank you very much. Now, you talked about information that
3 came through that the LRA was being trained, given supplies by the government of
4 Sudan, am I right?

5 A. [15:24:24] Correct.

6 Q. [15:24:27] Can you tell this Court what relationship the government of Uganda
7 had with the SPLA?

8 A. [15:24:46] Your Honour, I may not get into that task because that is a strategic
9 issue which even I don't understand.

10 PRESIDING JUDGE SCHMITT: [15:24:54] Yes. I think the witness is not
11 a politician and he was not at the time, I think, in a position to assess that. So his
12 answer is fair enough, I would say.

13 MR AYENA ODONGO: [15:25:09] Mr President and your Honours, I am talking
14 about war situation where the UPDF and the SPLA were fighting side by side. It is
15 not a political matter. I just wanted to find out whether he, as somebody who was
16 a senior military officer at that time, became privy to this information.

17 PRESIDING JUDGE SCHMITT: [15:25:39] So did you have any information in that
18 respect, Mr Witness?

19 THE WITNESS: [15:25:42] Your Honour, I did not interact with SPLA myself, so
20 I cannot really start giving false information to this Court. My operations did not
21 involve, even I told you, I didn't participate in Iron Fist to know the details of Iron Fist.
22 So if I had participated maybe I would have met with and SPLA, I don't know.

23 MR AYENA ODONGO: [15:26:17] Very good.

24 Q. [15:26:21] And the last question I want to put to you, Mr Witness, on the day
25 when you met Dominic Ongwen and when there was that telephone contact. When

1 Dominic Ongwen first received the telephone, did you notice him give it to somebody
2 else to talk on the line?

3 A. [15:27:03] Your Honour, I did not notice, only Dominic Ongwen passed over the
4 phone to me and I talked to Vincent Otti. And after talking to Mr Otti I gave back
5 the phone to Mr Dominic. So to say I saw him talk -- giving the phone to another,
6 only I saw Mr Ocora, the late Ocora. I don't know whether it was Dominic who
7 passed it over to him, I don't know.

8 Q. [15:28:03] Now, Dominic Ongwen talked on this phone, he gave it to you, did
9 you bother to get the telephone number?

10 A. [15:28:14] No. I did not bother to get that telephone number.

11 Q. [15:28:20] And, Mr Witness, your meeting with Dominic at this time was under
12 the auspices of the cessation of hostilities agreement; is that correct?

13 A. [15:28:42] Correct.

14 Q. [15:28:42] Now, Mr Witness, yesterday you were asked whether in your training
15 you also learnt about the laws of war and you said you trained.

16 A. [15:29:01] Yes.

17 Q. [15:29:02] In your training did they also teach you about the conduct of affairs
18 during cessation of hostilities?

19 A. [15:29:16] Correct.

20 Q. [15:29:25] Now, you told Court yesterday that when you met Dominic you
21 asked him to surrender; is that correct?

22 A. [15:29:37] Correct.

23 Q. [15:29:40] According to the laws of conduct of wars, was that correct or were
24 you under instruction so to do, or you did that of your own volition?

25 A. [15:29:58] Your Honour, first of all, as I had earlier told this Court that several,

1 several cessation of hostilities, whenever would go to peace talks, the LRA, even its
2 leader would not even show up to append his signature. So historically we had
3 known that LRA was not about peace, so I was trying to help him, like any other rebel
4 commanders who either captured or reported that there is no headway for continuing
5 with fighting. As much as he would have complied, the peace talks would have
6 found him already home, if they were serious, and what I predicted that they were
7 not about to -- the peace talks, and indeed they did not hear anything. So if he had
8 taken that advantage, maybe otherwise we would be in a different courtroom,
9 possibly.

10 Q. [15:31:29] In that case, in other words, your gut feeling at that time was that the
11 cessation of hostilities was not going to yield any peace?

12 A. [15:31:46] Yes, because even the president of Uganda himself showed up in the
13 peace talks to make sure that Joseph Kony also appears. And you don't -- you know
14 exactly what happened, he did not appear.

15 Q. [15:32:08] Now, Dominic gave you his telephone number. Why didn't you call
16 Dominic?

17 Why didn't you call Dominic to pursue the matter after that?

18 A. [15:32:40] Your Honour, Dominic Ongwen, he is the one who called me, and
19 when he called me I thought he has also given up, he had seen light. But when I
20 asked him "when are you coming" he said "bado, bado". He didn't know Swahili or
21 English very well. So he himself, he did a follow-up.

22 Even I want to inform this Court that I also participated in pursuing the LRA in
23 Central African Republic. There were some fliers where my pictures appeared and
24 we, we displayed where we suspected Dominic Ongwen to be. But he did not even
25 take advantage of, of him knowing me to say that since I was a commander I would

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1 welcome him.

2 Q. [15:33:53] Well, you see, Mr Witness, my question is -- you have told Court it
3 was Dominic who made a follow-up call?

4 A. [15:34:02] Yes.

5 Q. [15:34:02] But the interest of convincing him to come out was flowing from you.
6 If you were genuinely interested in him coming out, why didn't you take the initiative
7 to call him?

8 A. [15:34:18] First of all, I want to confirm to this Court, I made one attempt, but
9 the phone was off, the satellite phone was off. And I did not call back again until
10 when himself called.

11 Q. [15:34:41] And the last one, in one minute. When you were asked about
12 supplies, you said that LRA had those who supplied them. Can you tell this Court
13 who actually supplied LRA?

14 A. [15:35:02] May you repeat the question?

15 Q. [15:35:04] When you were asked -- sorry, when you were asked about supplies,
16 especially food supplies, to the LRA, whether you gave safe corridor for the
17 international community to supply food to the LRA, or whether the government of
18 Uganda supplied food to LRA, or at least those who were in captivity with the LRA,
19 you said that you -- that was not done because LRA had those who supplied them.

20 A. [15:35:58] Your Honour, I remember saying that LRA was given sanctuary by
21 Sudan. They gave them ground for training, they gave them some weaponry
22 support, and indeed they gave them food for it. So it was not us again, I said it, not
23 to organise the refuelling of conflict against ourselves by supplying LRA.

24 Q. [15:36:40] Yes, Mr Witness, you are talking about the situation in southern
25 Sudan, when they were in southern Sudan. But in situations when they were within

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1 Uganda, why didn't you do it?

2 A. [15:36:56] I think they can explain better, because they did not inform us that
3 they were in need of food. So it was not our responsibility to do any supply to them.

4 Q. [15:37:09] Mr Witness, as a, you know, parting shot, can you tell Court the
5 circumstances under which Dominic Ongwen ended up here? Was he captured or
6 did he surrender?

7 A. [15:37:33] Your Honour, I was not in the operations of Dominic Ongwen ending
8 up here. And I think by the time Dominic Ongwen ended in this Honourable Court,
9 I was in (Redacted). So I cannot really discuss the issue of how he ended up here.

10 Q. [15:37:56] You are right.

11 That marks the end of our cross-examination. Thank you.

12 A. [15:38:04] Thank you.

13 PRESIDING JUDGE SCHMITT: [15:38:05] Thank you, Mr Ayena.

14 And this also concludes your testimony. On behalf of the Chamber,

15 Mr Balikudembe, I would like to thank you for coming to this far-away Court, so to
16 speak, and for helping us to find the truth. We wish you a safe trip back.

17 THE WITNESS: [15:38:26] You are welcome, your Honour.

18 (The witness is excused)

19 PRESIDING JUDGE SCHMITT: [15:38:28] We continue tomorrow with P-233, yes,
20 P-233. But only two sessions, the first two sessions. And I understand that
21 the Prosecution has reduced its hours of examination to three hours. That would
22 make it possible to finish until the midday break.

23 MR GUMPERT: [15:38:53] Yes, Mr Zeneli, who will be presenting the witness, isn't
24 in Court, but I am confident that what your Honour has said is correct and therefore
25 the calculation is also correct, barring some unforeseen events.

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- 1 PRESIDING JUDGE SCHMITT: [15:39:06] Of course, we never see the future,
- 2 nobody of us. We abate the proceedings for today. Tomorrow 9.30.
- 3 THE COURT USHER: [15:39:15] All rise.
- 4 (The hearing ends in open session at 3.39 p.m.)