

Trial Hearing
WITNESS: UGA-OTP-P-0145

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 19 January 2018
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:06] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:33:33] Good morning, everyone.
13 Especially good morning to Mr Witness.
14 Could the officer please call the case.
15 THE COURT OFFICER: [9:33:45] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:34:01] It will be no surprise that we follow the
20 usual procedure. Ms Nuzban, I ask you for the appearances of the Prosecution.
21 MS NUZBAN: [9:34:08] Good morning, your Honours. Yulia Nuzban for
22 the Prosecution. With me in Court, Ben Gumpert, Colleen Gilg,
23 Pubudu Sachithanandan, Jasmina Suljanovic and Ramu Fatima Bittaye.
24 PRESIDING JUDGE SCHMITT: [9:34:20] Thank you.
25 And for the Legal Representatives of the Victims, Mr Narantsetseg.

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1 MR NARANTSETSEG: [9:34:24] Good morning, Mr President, your Honours. My
2 name is Orchlon Narantsetseg and I am accompanied by Ms Caroline Walter.

3 Thank you.

4 PRESIDING JUDGE SCHMITT: [9:34:31] And Mr Manoba, please.

5 MR MANOBA: [9:34:33] Good morning, Mr President, your Honours.

6 Joseph Manoba and James Mawira.

7 PRESIDING JUDGE SCHMITT: [9:34:38] Thank you.

8 And for the Defence, Mr Obhof.

9 MR OBHOF: [9:34:39] Good morning, your Honour. Today we have
10 Ms Eniko Sandor, Ms Abigail Bridgman, our client, Mr Dominic Ongwen, our
11 co-counsel, Chief Charles Achaleke Taku and myself, Thomas Obhof.

12 PRESIDING JUDGE SCHMITT: [9:34:51] Mr Taku not yet fully present but we
13 assume that he will soon be there. There is no problem and it won't be a problem if
14 he is still on the -- already on the protocol.

15 So, okay, and Mr Von Bóné, please.

16 MR VON BÓNÉ: [9:35:13] Yes, your Honour, good morning. My name is Julius
17 Von Bóné. I am the Legal Representative of the witness. Thank you very much.

18 PRESIDING JUDGE SCHMITT: [9:35:21] Thank you. I assume that Mr Taku will
19 reappear so the protocol will stay correct.

20 Mr Obhof, you still have the floor.

21 MR OBHOF: [9:35:30] Thank you, your Honour.

22 And for a little bit of housekeeping, I can at least inform everybody that we will not
23 need the third session today. And at the end of this session, I will let you know
24 whether if it will be a short time to go over or whether we will need to take a break
25 and come back.

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1 PRESIDING JUDGE SCHMITT: [9:35:48] I think we take a flexible approach. If it
2 would be possible with an extension of 10, 15, 20 minutes to finish everything, it will
3 be okay. I think we would do that. Otherwise we would simply have the normal
4 coffee break and then continue.

5 Please, Mr Obhof.

6 MR OBHOF: [9:36:05] Thank you, your Honour.

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8 (The witness speaks Acholi)

9 QUESTIONED BY MR OBHOF: (Continuing)

10 Q. [9:36:12] Good morning, Mr Witness. I hope you slept well last night.

11 A. [9:36:16] Thank you. Good morning. Thank you to the Presiding Judge.

12 Good morning.

13 Q. [9:36:22] Mr Witness, how did people receive promotions within the LRA?

14 A. [9:36:38] In the LRA ranks are appointed. You are appointed that today you
15 will have this rank, today you will have this rank. This is how I saw and this is what
16 I went through.

17 PRESIDING JUDGE SCHMITT: [9:37:00] May I, Mr Obhof.

18 And how would you receive it? Would somebody -- would a superior tell you?

19 Would perhaps the high command tell you? Would it be via radio or whatsoever?

20 Or would it be a personal encounter with a superior?

21 THE WITNESS: [9:37:25] (Interpretation) From what I saw how we receive these
22 ranks, the -- when the senior officers sit with him, they are the ones who determine
23 who should be given which rank. So there are days when people are gathered.
24 Kony would either come himself or he would not appear. Then the list and the
25 promotions are read, so usually there are senior officers, senior commanders who

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1 come to read this list of promotions.

2 PRESIDING JUDGE SCHMITT: [9:38:03] Thank you.

3 MR OBHOF: [9:38:05]

4 Q. [9:38:09] Do you know why people received promotions, Mr Witness?

5 A. [9:38:24] I think, in my guess, I think they look at the duration you have spent in
6 the bush, how long you have spent in the bush, and then that should form the basis of
7 promotion.

8 Q. [9:38:42] Mr Witness, after Abonga, the Abonga that was the head of the group
9 that abducted you, after he died and Onen Unita took over, which battalion were you
10 in?

11 A. [9:39:19] At that time I was in the Control Altar.

12 Q. [9:39:34] Did you remain in Control Altar throughout the rest of your time in
13 Sudan?

14 A. [9:39:52] No, I did not remain in Sudan for the whole period, because I was in
15 Control Altar, then later on in Gilva. Then I also went to where children and the
16 mothers were camped, that is in Nsitu.

17 MR OBHOF: [9:40:21] Your Honour, I think it might be prudent to go into private
18 session for about two minutes to ask him the next question.

19 PRESIDING JUDGE SCHMITT: [9:40:28] Private session.

20 (Private session at 9.40 a.m.)

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7 (Open session at 9.43 a.m.)

8 THE COURT OFFICER: [9:43:25] We are back in open session, Mr President.

9 MR OBHOF: [9:43:35]

10 Q. [9:43:36] Now, Mr Witness, from our discussion in private session, is it fair to
11 say then that the commanders were shifted a lot in the LRA, meaning very
12 frequently?

13 A. [9:44:11] Yes, that would be correct.

14 Q. [9:44:14] Mr Witness, after you first went into Sudan during the time period
15 between when you first entered and Iron Fist, did you stay in Sudan the entire time or
16 did you go into Uganda at all?

17 A. [9:44:42] While still in the Sudan we would come to the border, collect food and
18 then go back.

19 Q. [9:44:54] At this time was the LRA being provided food and weapons by SPAF
20 or by the Sudanese government in general?

21 A. [9:45:26] Yes, I -- I would see weapons from Sudan. But the food they would
22 give were not adequate because the number of people who were abducted and taken
23 there was huge. So the food was not adequate.

24 Q. [9:45:48] During the '90s whilst in Sudan, did the people living in Sudan grow
25 gardens?

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1 A. [9:46:10] Yes, they would farm, some would farm, some would not. For
2 instance, people who were -- who were close to Juba would not do any farming. The
3 people who would do farming were those that were close to the border towards
4 Kitgum. So -- but most times the rebels would come and harvest food from gardens,
5 from people's gardens, and then they would go back with it into their camps.

6 Q. [9:46:44] Thank you, Mr Witness.

7 Now, going back to what I asked a few minutes ago, just to be clear, did you return to
8 Uganda during the '90s?

9 A. [9:47:09] I did not return to Uganda.

10 Q. [9:47:18] Now, by the time of Iron Fist, Joseph Kony transferred you to Gilva.
11 Were you ever told why you were transferred to Gilva brigade?

12 A. [9:47:46] I do not know when the Iron Fist began, but my transfer to Gilva was
13 part of the normal shift and I just went and started work in to that brigade.

14 Q. [9:48:05] At this time did you receive a promotion?

15 A. [9:48:19] I was given the rank of second lieutenant.

16 Q. [9:48:21] Were you explained why you received this promotion?

17 A. [9:48:36] This rank, as I explained earlier, the promotion is given based on the
18 duration someone has spent in the bush. So I think because I had already spent over
19 10 years in the bush, my thinking was I was given this rank based on that.

20 Q. [9:49:01] Do you remember at that time who was your brigade commander?

21 A. [9:49:23] The brigade commander at that time was Okello Trigger, but it did not
22 take long, Okello Trigger was replaced. Yeah, I think I recall. I do recall it was
23 Okello Trigger.

24 Q. [9:49:41] Just maybe to help refresh your memory, does the name Michael Acaye
25 sound familiar, Mr Witness?

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1 I'm referring to tab 1, 0219-0143 at page 0173. Starting at line 1071.

2 Again, Mr Witness, does Michael Acaye sound familiar? Was he the brigade
3 commander?

4 A. [9:50:23] Michael Acaye was not a brigade commander. He was a battalion
5 commander. But even by the time Okello Trigger was the brigade commander,
6 Acaye had already been taken to another place.

7 Q. [9:50:41] And after Okello Trigger, how long did he stay in that position?

8 A. [9:51:02] Could you say the question again because I am not very clear of the
9 ranks or appointments, what exactly you are talking about. Are you talking about
10 appointments, the ranks or positions? Maybe you should say the question again.

11 Q. [9:51:18] That's okay, Mr Witness. I understand. After you were transferred
12 to Gilva, how long did Okello Trigger remain the brigade commander?

13 A. [9:51:41] I request the Court that that story I am unable to explain because
14 this -- it is something which took place very long time ago. So I cannot clearly recall
15 exactly what -- who was in which position at that time. I am unable to give a clear
16 response on that.

17 PRESIDING JUDGE SCHMITT: [9:52:04] Mr Witness, I reiterate what I have said
18 a couple of minutes ago. If you don't recall, simply do tell us like you did in this
19 moment. So it's -- Mr Obhof, as counsel for the Defence, does not know what you
20 know and he tries to enquire that, and if your recollection does tell you you have no
21 clue what it's about, then you tell us so. And if you know, you tell us also.

22 Please, Mr Obhof.

23 MR OBHOF:

24 Q. [9:52:35] I am just going to read from page 8 in today's real-time transcript,
25 starting at line 24: "The brigade commander at that time was Okello Trigger, but it

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1 did not take long ..." I'm referring to the part where you said "it did not take long",
2 Mr Witness.

3 Now I understand if you don't know the difference between three or four months
4 because it was a long time ago, but did Okello Trigger remain brigade commander for
5 a long period of time after you transferred?

6 A. [9:53:23] Excuse me, I do not know that.

7 Q. [9:53:31] When you were transferred to Gilva was Ocan Bunia your battalion
8 commander?

9 A. [9:53:49] I do recall that Bunia was not yet there at that time.

10 Q. [9:53:58] And eventually after some time Ocan Bunia became the brigade
11 commander of Gilva; is that correct?

12 A. [9:54:23] You know, in the LRA there are several smaller groups and they do not
13 stay in one place, they usually split into smaller groups, so I do recall that the time
14 Bunia became the brigade commander, that was the time when we were now chased
15 away from Sudan and we came back to Uganda. That's when I saw Bunia as the
16 brigade commander of Gilva. But before that I am not aware, but people were in
17 several other smaller groups.

18 Q. [9:55:01] Now, when you were transferred to Gilva were you still in Sudan?

19 A. [9:55:14] Yes, I was still in the Sudan.

20 Q. [9:55:20] Do you remember how long after your transfer to Gilva you entered
21 back into Uganda?

22 A. [9:55:44] I do not recall how long it took.

23 Q. [9:55:55] Now, you mentioned the name of your battalion in Gilva on
24 Wednesday. Was your battalion also called 2nd battalion, Mr Witness?

25 A. [9:56:18] Yes, it was also called 2nd battalion.

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1 Q. [9:56:26] Around the time you re-entered Uganda, did Joseph Kony go into
2 Uganda as well?

3 A. [9:56:45] I did not see Joseph Kony because when we came back into Uganda
4 people were in splinter groups, so I did not see Kony himself.

5 Q. [9:57:06] Around the time that you re-entered Uganda do you know if Trinkle
6 brigade stayed in Sudan or did it re-enter Uganda?

7 A. [9:57:30] I do not know about that, I didn't have any information whether they
8 were -- they remained in Sudan or they entered -- re-entered Uganda.

9 Q. [9:57:52] When the, as you say, splinter groups started re-entering Uganda, how
10 did Joseph Kony manage to maintain a firm control over the LRA when very few
11 people were up there with him?

12 A. [9:58:24] Kony has radio which he used to communicate with -- to his
13 commanders. I do recall when we came to Uganda we were in Otti Vincent's group,
14 we crossed the border and then came into Uganda. But for him, he did not enter into
15 Uganda on that day. But to know whether he entered or not I do not know, but he
16 would communicate with his senior commanders over the radio.

17 Q. [9:59:01] After the splinter groups re-entered Uganda, do you know if any of
18 them returned back to Sudan?

19 A. [9:59:28] At that point, I do not know whether some people went back because
20 some of us were already in Uganda.

21 Q. [9:59:40] Did any of the groups which you were in, did they return back to
22 Sudan once you re-entered Uganda?

23 A. [10:00:01] I request that if you could mention the name of the group that you are
24 referring to. Because in Acholi when you talk about group, group could have so
25 many other components, so if you could mention specifically the name of the group.

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1 Q. [10:00:19] Did 2nd battalion Gilva brigade or sickbay Gilva brigade enter back
2 into Sudan after you re-entered Uganda? And when I say "enter back", I also mean
3 you yourself with them.

4 A. [10:00:54] When we went back to Uganda with Otti's group, after that people
5 were split into smaller splinter groups. We had other groups. For example, my
6 2nd battalion, when we got there it was split further and there was another group for
7 the sick people and the injured people. Those -- that group is not referred to as
8 a brigade. I stayed with that group. Nobody went back. I stayed with that group
9 until I came back. So as far as I'm concerned, nobody out of that group that had the
10 injured people or the sick people went back. Perhaps the healthy people or the other
11 battalions went back, but it's difficult for me to, to conclude whether or not they did
12 go back.

13 PRESIDING JUDGE SCHMITT: [10:01:49] Shortly, we welcome, although a little bit
14 hidden behind Mr Obhof, we welcome Mr Ayena in the courtroom. And I think on
15 19 January we still can wish you on behalf of the Chamber a happy new year,
16 Mr Ayena.

17 MR AYENA ODONGO: [10:02:09] (Microphone not activated) measure, my Lord.

18 PRESIDING JUDGE SCHMITT: [10:02:14] Mr Obhof, please continue.

19 MR OBHOF: [10:02:15] Thank you.

20 Q. [10:02:16] Mr Witness, after you re-entered Uganda do you have any knowledge
21 of the LRA cooperating with the Sudanese governments or any factions thereof?

22 A. [10:02:47] No, I did not have any communication between myself with the
23 hierarchy in the LRA, so it's very difficult for me to respond to that question.

24 Q. [10:03:08] During the time around your re-entry into Uganda did brigades have
25 one or two brigade commanders, Mr Witness?

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1 A. [10:03:31] One -- each brigade had one brigade commander, but it had three
2 battalions, to my understanding.

3 Q. [10:03:42] Mr Witness, whilst you were in Sudan, Sudan, before your re-entry,
4 why didn't you just escape from the camps and come back home to Uganda?

5 A. [10:04:26] Did you want me to try and die?

6 PRESIDING JUDGE SCHMITT: [10:04:29] I think --

7 MR OBHOF: [10:04:31]

8 Q. No. I would like you to explain why you think that you would have died.

9 PRESIDING JUDGE SCHMITT: [10:04:36] Okay, that's okay, but I think it was an
10 answer, but of course you can enquire further.

11 MR OBHOF: [10:04:41]

12 Q. [10:04:41] What dangers were there, Mr Witness, between your camp, say, Pajok
13 or Jebellin, Nsitu, between those camps in the Sudan and Uganda before the LRA
14 re-entered Uganda?

15 A. [10:05:11] Well, I saw the things that the, the LRA used to do, killing people, for
16 example. They would kill each other. If Kony decides, for example, today and
17 suspects that you want to escape, he will kill you. So there was a lot of killings
18 within the LRA, there was a lot of pillage, looting civilian food from the Sudanese
19 civilians, and those are some of the things that I witnessed the LRA doing.

20 Q. [10:05:54] But if you managed to escape would the Dinka help you get back
21 home or would they kill you for being in the LRA?

22 A. [10:06:14] It wasn't easy. From my personal experience, the LRA would go and
23 loot food from the Dinka people, commit atrocities against the Dinka people, so it was
24 really difficult for somebody to decide or make a decision to go and hand themselves
25 over to the Dinka. So it was when I came to the understanding that people were in

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1 the camps, there was security, that was the time that I made the decision to go home.

2 PRESIDING JUDGE SCHMITT: [10:06:48] May I shortly, Mr Obhof.

3 Mr Witness, practically speaking, would you have known at all your way back to
4 Uganda? Was this knowledge of everyone who had gone to Sudan how to come
5 back? I assume, I have never been there, but I assume that these are large distances
6 that you would have to cover and these are not paved roads where you would have
7 to walk, so this is I'm heading at, if you would have known at all the direction, if you
8 had decided to escape.

9 THE WITNESS: [10:07:27] (Interpretation) Your Honour, when you are there there is
10 no road, there is no proper road. Yeah, I do -- I heard that there are some people
11 who escaped and went back to Uganda. There are some people who escaped and
12 went to the Arabs, Sudanese government soldiers, but the Sudanese government
13 soldiers would then bring those people back to the LRA. So from my personal
14 opinion I thought it was very difficult to escape at the time, so I decided to wait until I
15 had the chance when I went back home.

16 PRESIDING JUDGE SCHMITT: [10:08:16] Thank you.

17 MR OBHOF: [10:08:21]

18 Q. [10:08:21] Mr Witness, did a person by the name of Opio Makas ever lead your
19 battalion in Gilva?

20 A. [10:08:43] Yes. Opio Makas was in the bush. I do recall that he was there.

21 MR OBHOF: [10:08:53] I need to go into private session for one quick answer,
22 maybe one to two minutes.

23 PRESIDING JUDGE SCHMITT: [10:08:58] Yes.

24 Private session.

25 (Private session at 10.09 a.m.)

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10 (Open session at 10.10 a.m.)

11 THE COURT OFFICER: [10:10:01] We are back in open session, Mr President.

12 MR OBHOF: [10:10:13]

13 Q. [10:10:13] Mr Witness, your injury happened because of a fight between the
14 UPDF and the LRA, correct?

15 A. [10:10:30] That is correct, but it wasn't during a battle. We met with them, we
16 encountered them and as we turned to flee, they shot us. It wasn't a battle.

17 Q. [10:10:45] So it was more like maybe an ambush.

18 A. [10:10:57] We encountered them. I do not know whether to refer to it as an
19 ambush. We met them. They were also walking and we met. And as soon as we
20 met, that's when there was an exchange of fire.

21 Q. [10:11:14] At that time do you remember if your battalion commander was
22 Captain Watmon or Lieutenant Colonel Okwanga Alero?

23 A. [10:11:41] You know, the arrangements in the bush, the way things are ordered
24 when people are in a convoy is very difficult for me to explain because I was with the
25 sick people, I was with Tulu, so I do not know, I have no idea of what was taking

1 place in the convoy, so I do not know.

2 Q. [10:12:08] Do you remember if Watmon was ever the battalion leader of Gilva
3 2nd battalion?

4 A. [10:12:31] When Watmon was assigned that position, when we were coming
5 from the riverbanks, he was in that position for a very short time and that was the
6 time that they dismantled the sickbay. Shortly after that I escaped, so I do not know
7 how long he stayed in that position.

8 Q. [10:13:00] And do you remember if Watmon took over for Lieutenant Colonel
9 Francis Okwonga Alero after he was seriously wounded in the stomach after being
10 shot by the UPDF?

11 A. [10:13:28] I did not have knowledge of that. I suppose that was -- he was given
12 an appointment as they usually appoint people. I heard about Okwonga when I
13 came home. When I went home, that's when I found him. I did not know that he
14 had been captured. When I met him and I asked him, I said, "Oh, you are back as
15 well?" and he said, "Yeah, I got injured and I was captured."

16 MR OBHOF: [10:14:16] Your Honour, I will have to ask the next two questions in
17 private session, please.

18 PRESIDING JUDGE SCHMITT: [10:14:21] Shortly to private session.

19 (Private session at 10.14 a.m.)

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7 (Open session at 10.15 a.m.)

8 THE COURT OFFICER: [10:15:54] We are back in open session, Mr President.

9 MR OBHOF: [10:16:08]

10 Q. [10:16:08] Now, Mr Witness, does the media back at home in Uganda, do
11 they -- have they ever publicised about how President Yoweri Museveni would call
12 himself the high priest and sacrifice animals before the UPDF went into battle?

13 A. [10:16:44] No. That kind of behaviour belonged to the LRA. When I went
14 back and joined the UPDF, I undertook some courses, but I did not see any of that
15 kind of behaviour exhibited within the UPDF.

16 Q. [10:17:13] And to the best of your knowledge does President Yoweri Museveni
17 consult spirits like Joseph Kony said he did?

18 A. [10:17:38] Well, I said that there is a -- there is nothing in that regard that I have
19 seen with Museveni, nothing about spirits.

20 PRESIDING JUDGE SCHMITT: [10:17:47] I think, Mr Obhof, these are sort of
21 rhetorical questions, I would say, so I think you can move on to another point.

22 MR OBHOF: [10:17:57] It's actually the last one of that section.

23 PRESIDING JUDGE SCHMITT: [10:17:59] Okay, good.

24 MR OBHOF: [10:18:06]

25 Q. [10:18:06] Mr Witness, why were you assigned to sickbay in Gilva brigade?

1 A. [10:18:32] I was assigned to the Gilva sickbay. Initially I carried somebody
2 who had been injured, somebody who was sick, and I took the person there. But
3 unfortunately the person passed away and I continued staying in the sickbay. I got
4 injured as well and went back to the sickbay and that's how I continued staying in the
5 sickbay.

6 Q. [10:19:01] So you were sent there to protect the people in sickbay; is that correct?

7 A. [10:19:13] That's correct.

8 Q. [10:19:19] And around the time of the Lukodi incident you were a full lieutenant,
9 right, Mr Witness?

10 A. [10:19:35] That's correct.

11 Q. [10:19:46] Mr Witness, the sickbay you were in, did it remain stationary, and by
12 that I mean did it remain in the same location for weeks and weeks and months and
13 months?

14 A. [10:20:12] No, the sickbay was not stationary in one place for a long time. It
15 was mobile. It would stay in one place and move, stay in a certain place and move.
16 Because if you stay in a particular place for a very long time and the government
17 becomes aware of your whereabouts, then it would come and attack you.

18 Q. [10:20:42] And your sickbay was meant for people in the LRA from Gilva
19 brigade; is that right?

20 A. [10:21:03] Sickbay is a place where they take people who are sick and injured.
21 So anybody, any person who is injured or any person who is sick, any patient who
22 comes to that sickbay is taken care of. The sickbay takes care of any person, whether
23 the person comes from another brigade or from another battalion, but most of the
24 people within the sickbay will be from that brigade.

25 For example, the sickbay that I was in was from Gilva. But if anybody comes from

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1 Sinia, if anybody comes from Stockree, if you meet anybody who is injured from any
2 of the other brigades, then you take them in and take care of them and make sure you
3 provide food for them as well.

4 Q. [10:21:55] Were the people who were providing protection for this sickbay, were
5 they strictly from Gilva, Mr Witness?

6 A. [10:22:14] Could you please repeat your question?

7 Q. [10:22:22] Within the sickbay which you were stationed, were the people
8 protecting the sick people, were they only from Gilva?

9 A. [10:22:45] Yes, it was mostly people from the Gilva brigade.

10 Q. [10:22:52] But "mostly", that means there were some people who were protecting
11 it that were from other brigades?

12 A. [10:23:10] That's correct.

13 Q. [10:23:13] And at this time, around the time of Lukodi, Ocan Bunia, he was still
14 the brigade commander of Gilva; is that correct, Mr Witness?

15 A. [10:23:38] Yes, at the time Ocan Bunia was the brigade commander of Gilva.

16 But when they went to attack Lukodi, it was the Sinia brigade that came and went to
17 attack Lukodi. They came to Gilva, collected people from Gilva to go and collect
18 food.

19 Q. [10:24:04] Thank you, Mr Witness. We'll get to that a little bit later.

20 Mr Witness, whilst you were in sickbay was there a problem with food, meaning was
21 there a food shortage?

22 A. [10:24:37] Yes, there was always a food shortage.

23 Q. [10:24:46] To whom, Mr Witness, would Olak Otulu, who would he complain to
24 because of the lack of food in sickbay?

25 A. [10:25:11] When there was a food shortage, he would not complain; he would

1 wait for any group that is bypassing and inform that group. If there is no group that
2 is bypassing us or coming close to us, then we would go and forage for food. We
3 would look for yams, we would look for cassava that is in the civilian gardens, if
4 there is still fields, cassava fields in the garden. So we would go and forage for food
5 and look for whatever food we could find. If any convoy passes by, then he would
6 ask for that convoy to help us and provide us with food.

7 Q. [10:26:00] In fact, Mr Witness, the sickbay in which you operated, that sickbay
8 was eventually disbanded in 2005 because of the unavailability of people to collect
9 food; is that right?

10 A. [10:26:31] No, that's not correct. I stated earlier that the sickbay was disbanded
11 because there were not that many people within the sickbay. Most of the people
12 who were in the sickbay were able to move at least, just able to limp about. So there
13 were not -- we did not have anybody who was severely injured. So the other people
14 were scattered, distributed into other groups.

15 Q. [10:26:58] I am going to read from tab 4, UGA-OTP-0219-0246. This is going to
16 be at page 0253 at line 246 to 249, where it says: "The sick ... the sickbay had been
17 disbanded because there were no people to collect food."

18 Does that refresh your memory, Mr Witness, as to what you told the Prosecution
19 in 2006?

20 A. [10:27:48] You know, all these things that I wrote down are things that
21 happened in the past. Right now, as I sit before you, we are discussing things that I
22 wrote 10 years ago or 12 years ago. Some of those things, if to my recollection, were
23 written in 2005 and it is only in 2018 that reference is being made to these documents.
24 It doesn't matter who you were, you may be confused about such duration of events.

25 PRESIDING JUDGE SCHMITT: [10:28:25] Mr Witness, again, there is nothing in it

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1 that we could see as a reproach of your person or what you are saying here. It is
2 absolutely correct that you are today, on 19 January 2018, sitting here and what you
3 today recall, you tell us. And if you don't have any memory, you tell us also.
4 That's nothing unnormal or unusual in it. That is perfectly normal for everybody
5 here in the courtroom, that we don't recall any detail. So nothing reproachful in it.
6 Mr Obhof.

7 MR OBHOF: [10:29:06] And this is why we record this, because 12 years later is
8 a long time and being read what you said in '06 might help you remember today.

9 PRESIDING JUDGE SCHMITT: [10:29:17] So what the question would be -- may I,
10 Mr Obhof.

11 What the question would be, Mr Witness, at the time in 2006, in the protocol with
12 the Prosecution, there is this phrase that Mr Obhof read to you. And if you hear this
13 today, 12 years later, does this refresh your memory? Would you say now, "Okay, I
14 recall it was exactly like that" or do you say today completely forgotten everything in
15 that respect?

16 THE WITNESS: [10:29:54] (Interpretation) Thank you for that. Could you please
17 repeat the question again then?

18 PRESIDING JUDGE SCHMITT: [10:30:08] Mr Obhof, please.

19 MR OBHOF: [10:30:10]

20 Q. [10:30:10] After reading that passage from your interview with the Prosecution
21 11 and a half years ago, does that help your memory a little bit? So was the sickbay
22 eventually disbanded because there was nobody to collect food? Or was it
23 disbanded, as you said today, because there were no real sick people and they were
24 heading back to Sudan?

25 A. [10:30:53] To my recollection, if I did not err in my statement, I did not state that

1 people were disbanded because they were supposed to go back to Sudan. To my
2 recollection, I stated that the sickbay was disbanded because most -- there were very
3 few ill people. Some of the people had left and gone back home. There was
4 nobody very capable in that sickbay. There was nobody, there wasn't any severely
5 injured person that had to be carried around. So I recall that I wrote something to
6 that effect.

7 PRESIDING JUDGE SCHMITT: [10:31:40] I think we would have to move on now.

8 MR OBHOF: [10:31:43]

9 Q. [10:31:45] Mr Witness, who would know the location of sickbay?

10 A. [10:32:04] Could you say the question again?

11 Q. [10:32:08] I will be a little more specific. Except for the people that were in the
12 Gilva sickbay, who would know the location of Gilva sickbay?

13 A. [10:32:38] The people who would know the location of the Gilva sickbay were
14 Dominic's group, because he reached there. Then the group under Ocan Bunia,
15 because even Ocan Bunia was aware that he had left some of his people in a particular
16 area like this at some point. So he was aware.

17 Q. [10:33:11] Now, how did these people find out about the location of a sickbay
18 which was ever changing, Mr Witness?

19 A. [10:33:34] The Sinia brigade, Odomi's brigade, suddenly bumped onto us.
20 That's when they began to know that we were there. But in the case of Ocan Bunia,
21 he knew because such areas are usually predetermined. It doesn't mean that the sick
22 group would walk for, like, over a hundred kilometres. Because usually people
23 would stay and move around and come back like -- especially around points where
24 they would be able to access water. So they would be able to know the location.

25 Q. [10:34:25] So is it fair to say that the predetermined RV point was restricted to

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1 Ocan Bunia, Mr Witness?

2 A. [10:34:49] Say the question again.

3 PRESIDING JUDGE SCHMITT: [10:34:58] I think simply the wording was a little bit
4 complicated with this "predetermined". Perhaps you can simplify it a little bit.

5 MR OBHOF: [10:35:11]

6 Q. [10:35:11] The agreed-upon RV was between the Gilva sickbay and only
7 Ocan Bunia; is that right, Mr Witness?

8 A. [10:35:29] In my understanding, the sickbay, usually the senior officers of the
9 LRA will know where their sick members are. It doesn't mean that it is only
10 Ocan Bunia who would know. But all other senior commanders should be able to
11 know where the sick are so that in case some members of his group were injured or
12 they have some sick persons, they would be able to bring such people into that
13 sickbay.

14 PRESIDING JUDGE SCHMITT: [10:36:11] Mr Obhof, may I shortly.

15 Mr Witness you said - this is today's transcript 26, line 7 and 8: "... Odomi's brigade,
16 suddenly bumped onto us." If you know, if you recall, this sounds a little bit as if
17 they accidentally found you, they did not look for you. Is my impression correct or
18 not?

19 THE WITNESS: [10:36:47] (Interpretation) Your Honour, I think in terms of the
20 lower ranking, the foot soldiers, yes, I can say they just bumped into us. But I think
21 for the senior commanders, I am sure they would be aware of our location. But for
22 the foot soldiers, maybe they could have just bumped into us, because they were not
23 aware.

24 MR OBHOF: [10:37:08] Your Honour, we're looking for something right now. We
25 could have sworn on Wednesday he said that Mr Ongwen came with a small group

1 because they knew where he was located, not that they just bumped into him.

2 PRESIDING JUDGE SCHMITT: [10:37:22] Yes, but I think he has now a little bit - a
3 little bit - taken it back and said this bumping into might refer to the foot soldiers, and
4 the commanders would have known where they were. I don't see a big
5 contradiction in that. But if you find it, of course you can come back to this point.
6 Perhaps for the moment move to another point.

7 MR OBHOF: [10:37:49]

8 Q. [10:37:49] So how would these RV points be relayed?

9 A. [10:38:13] The sick do not form part of the RV. They would not -- usually they
10 call the leader of that group. They would have talked in advance that after a certain
11 period of time, pick two or three people and come to a particular place like this. For
12 example, in our group, if there was a meeting of senior commanders, Tulu would be
13 aware and they would have been informed. So that information, they do not give to
14 the other soldiers. They would just pick one or two young people and then they
15 would go to that meeting point.

16 Q. [10:39:03] But again, how would they relay this information about these meeting
17 points?

18 A. [10:39:23] In the case of the people in the sickbay, as I already explained, that
19 information will have come to you and you would have been informed. They would
20 say, for instance, if you have spent three months -- or after three months, come to this
21 particular place with two other people. They will usually -- will have given the
22 nickname of that place, the meeting point. It could be under a tree or a point which
23 is agreed upon.

24 So after three months which has been agreed has elapsed, they would now go to that
25 point. So for those commanders who are planning this meeting, usually they would

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1 have a radio or a satellite phone for communication.

2 Q. [10:40:18] So considering your sickbay had neither, did you send smoke signals
3 to tell people where to meet? As you said on Wednesday, you did not have a radio
4 call. Are you now saying Otulu had a satellite phone?

5 PRESIDING JUDGE SCHMITT: [10:40:32] I would not object to the content of the
6 question but to the wording "smoke signals". I think it is not necessary to use that.
7 Simply you can refer to that Mr Witness indeed said on Wednesday that they did not
8 have a radio.

9 So how did they communicate it, given that fact that you gave us on Wednesday,
10 Mr Witness?

11 THE WITNESS: [10:41:08] (Interpretation) Well, thank you. I would like him
12 maybe to explain, when you talk about smoke going up, what is that? Maybe you
13 could explain so that I understand.

14 PRESIDING JUDGE SCHMITT: [10:41:15] No, no, we -- Mr Witness, we forget about
15 the smoke and the smoke signal. It's simply -- the question is: Since there were, as
16 you also said, many splinter groups, many smaller groups scattered around all over
17 the region, how would they communicate? And the question concretely was: How
18 would an RV be communicated in light of the fact that you said on Wednesday that
19 the sickbay did not have a radio? How would they do that? Can you tell us?

20 THE WITNESS: [10:42:03] (Interpretation) At the time when the sickbay did not
21 have a radio, they usually give a specific period of time. For example, in the case of
22 Tulu, he is given information that if you have spent, stayed for three months or
23 a particular number of months, then after that number of months which was given,
24 you come to an area like this and this and this. So usually the names of such places
25 are given. So they would say you come to this -- under this tree or you come to this

1 riverbank, at this time we will meet. And if there is something new, we will
2 communicate to you and you go back. But also if there is nothing new, we will let
3 you know.

4 So that is how the sick people would coordinate. But for the senior commanders
5 who were in the mobile battalion, they usually have radio calls. They also have the
6 satellite phones. So that is how they work. But for the sick, usually in their
7 different groups, the able-bodied soldiers do not mix with them because if they do, it
8 is feared that it can usually attract the attention of the government forces.

9 PRESIDING JUDGE SCHMITT: [10:43:26] Still not completely clear, frankly
10 speaking, but he also mentioned satellite phones, whatsoever.
11 But you know, Mr Witness, communication over radio necessitates two people having
12 a radio, I would say. So if the sickbay does not have a radio, still the question would
13 be how Tulu would communicate, even to other commanders, where to meet, where
14 they are, whatsoever, locations.

15 THE WITNESS: [10:44:08] (Interpretation) You see, when we were talking about the
16 radio, Tulu did not have a very completely functional radio. The radio he had, he
17 would only receive but he would not communicate back. Sometimes the radio is
18 even not used at all, because if he keeps on using it, the government soldiers would
19 be monitoring. And if you are protecting the sick, you cannot be communicating on
20 the radio all the time.

21 So it means if you have communicated now, that means you have to leave that
22 location. But because you are with the sick people, it is difficult to leave
23 immediately. So they usually don't use the satellite or radio call all the time because
24 when you communicate, the government soldiers will immediately attack you.

25 PRESIDING JUDGE SCHMITT: [10:45:00] I think, Mr Obhof, we have exhausted this

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1 subject.

2 MR OBHOF: [10:45:04] I just want to ask one for clarification.

3 PRESIDING JUDGE SCHMITT: [10:45:06] Yes. Please, but then we finish that.

4 MR OBHOF: [10:45:09]

5 Q. [10:45:09] So your story is now, Mr Witness, that Tulu did have a radio but it
6 would only receive messages?

7 A. [10:45:25] He had it. It did not take three months. It was hidden, it was taken
8 away. But we did not use the radio for talking; he would just use for monitoring.
9 Even when I was leaving, he did not have the radio.

10 Q. [10:45:45] Who was -- around the time of the Lukodi incident, who was
11 Olak Otulu's 2IC in the sickbay?

12 A. [10:46:16] There were several other senior officers at that time. But maybe I
13 request that you could read for me maybe the previous statement I made, because
14 there were two or three officers around at that -- around that time.

15 Q. [10:46:37] Does a second lieutenant Ojara Patrick sound correct, Mr Witness?

16 A. [10:46:53] I know. Read -- continue reading.

17 Q. [10:47:00] I was asking you, Mr Witness, does that sound like the person who
18 was Olak Otulu's 2IC, lieutenant, second lieutenant Ojara Patrick?

19 A. [10:47:31] Because I know that Oyet Matata was also there. He was a captain at
20 that time. Abucingo was also there. He was in that group. So I -- it has taken
21 some time now, I do not know who exactly was the 2IC, because Abucingo was there
22 and Oyet Matata was also there. They were both senior commanders. Ojara was
23 second lieutenant at that time.

24 PRESIDING JUDGE SCHMITT: [10:48:05] I think he has given the names now, so I
25 think we need not try to fix him on a certain role, to certain names.

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1 MR OBHOF: [10:48:17]

2 Q. [10:48:17] And these people were junior to you; is that correct, Mr Witness?

3 A. [10:48:40] Which people are you referring to?

4 Q. [10:48:42] Let's start off with second lieutenant Ojara Patrick. You were a full
5 lieutenant and at that time you were not injured. So a second lieutenant was senior
6 to you in the sickbay; is that right, Mr Witness?

7 A. [10:49:08] You know, in the army appointments are given. Appointments, it is
8 bigger than rank. That's why I said Major Abucingo was also there. At that time he
9 was already a major and Tulu was also a major. And there was also
10 Captain Oyet Matata, and some of us, myself as the lieutenant was there. Ojara was
11 also there. I do recall that they were senior commanders. So if you were assigned
12 as 2IC, such assignments are given, but you do respect the other ranks.

13 Q. [10:49:57] Who was Captain Ocaka?

14 A. [10:50:04] I do not know.

15 Q. [10:50:10] Sometimes called Captain JJ Ocaka, or sometimes called Ocaya, from
16 Lukodi. He was in Gilva brigade.

17 A. [10:50:33] Maybe by the time I went to Gilva he was no longer there. I do not
18 know him.

19 Q. [10:50:43] Mr Witness, so is that to say whilst you were in the LRA and when
20 you came back after you escaped, no one ever once mentioned that Ocaka was the
21 commander of the attack on the ground at Lukodi?

22 A. [10:51:14] No one told me that.

23 Q. [10:51:22] And even though you went to, as you say, collect food, you did not
24 know that this person, this Captain Ocaka, was the commander on the ground, the
25 person who would have been giving you orders on where to collect food and giving

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1 other people orders, allegedly 7 or 800 metres away, on where to fight at the UPDF
2 barracks? So you are not aware of this, Mr Witness?

3 A. [10:52:08] I do not know.

4 Q. [10:52:12] Do you know a person by the name of Ojok Kampala?

5 A. [10:52:31] I do not recall. Which brigade was he in while in the bush?

6 Q. [10:52:40] He was in a lot of brigades. He was there for over 10 years. Do you
7 remember a person by the name of Ojok Kampala?

8 A. [10:53:10] I do not remember him, I do not recall.

9 Q. [10:53:12] Do you remember a person who would have been in Stockree and
10 Sinia by the name of Oyenga?

11 A. [10:53:35] I do not remember, because the LRA are very many. They are very
12 many. So to know everyone by names is not easy. It is very difficult. I do not
13 know.

14 PRESIDING JUDGE SCHMITT: [10:53:49] Just a moment. Perhaps we can close the
15 curtains a little bit. We are not used to the sun anymore in these times. So at the
16 moment especially, especially the Presiding Judge is a little bit affected. Thank you
17 very much.

18 I mean, of course, the curtains back down to the window. The window curtains, not
19 the ones to the gallery, of course. The gallery should see us. But I think everybody
20 has understood me.

21 Mr Gumpert, I was extremely in the focus of the sun, you see. And because of that, I
22 referred to not being used to the sun anymore.

23 MR OBHOF: [10:54:37]

24 Q. [10:54:37] Mr Witness, were there any females who went to help collect food at
25 Lukodi?

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1 A. [10:54:57] There were females, there were females. But now I do not recall
2 them.

3 Q. [10:55:18] Does the name Margaret sound familiar, Mr Witness, as somebody
4 who might have went to Lukodi to help collect food from Gilva?

5 A. [10:55:38] Margaret was in whose homestead while in the Gilva?

6 Q. [10:55:43] She was specifically in Gilva sickbay proximate to the time of Lukodi.

7 A. [10:56:01] There were, there were females. But I do not know. You know,
8 when you use a Christian name like that, a first name like that, sometimes I do not
9 know. Usually you know them by the person with whom she is staying or wife to
10 someone. So maybe if you can tell me with whom she was staying, then I can know.

11 Q. [10:56:29] Okello Margaret, the wife of Kinyera, specifically Kinyera Mukasa.

12 A. [10:57:02] There were girls with whom we moved, but I do not know which one
13 is the one for Mukasa or Lukwiya. I do not know.

14 PRESIDING JUDGE SCHMITT: [10:57:11] I think it -- Mr Witness, when you are
15 asked names, simply try to picture if they ring a bell, and then if you -- if it does, tell
16 us in what manner, if you recall the person or any person connected to this person,
17 and if not, simply say the name doesn't ring a bell.

18 Mr Obhof.

19 MR OBHOF: [10:57:31] It is Margaret Okello, wife of Kinyera Mukasa.

20 PRESIDING JUDGE SCHMITT: [10:57:37] But he has already answered that he --

21 MR OBHOF: [10:57:40] I didn't say the "Okello", the non-Christian name.

22 PRESIDING JUDGE SCHMITT: [10:57:44] Okay, good.

23 MR OBHOF: [10:57:46] Margaret Okello, wife to Kinyera Mukasa.

24 A. [10:58:01] I do not know. Maybe you give me another question.

25 MR OBHOF: [10:58:07] I think right now will be a good time for a break. We

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1 definitely will finish. Probably it will take 45 minutes during the last -- 45 minutes to
2 an hour (Overlapping speakers)
3 PRESIDING JUDGE SCHMITT: [10:58:15] Break until 11.30.
4 THE COURT USHER: [10:58:19] All rise.
5 (Recess taken at 10.58 a.m.)
6 (Upon resuming in open session at 11.33 a.m.)
7 THE COURT USHER: [11:33:42] All rise.
8 PRESIDING JUDGE SCHMITT: [11:34:03] Mr Obhof.
9 MR OBHOF: [11:34:06] Your Honour, could we start off in private session for about
10 three to four minutes. We are clearing something up from the last session.
11 PRESIDING JUDGE SCHMITT: [11:34:23] Yes, yes. Private session.
12 (Private session at 11.34 a.m.)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Open session at 11.37 a.m.)
- 17 THE COURT OFFICER: [11:37:26] We are back in open session, Mr President.
- 18 MR OBHOF: [11:37:34]
- 19 Q. [11:37:34] Mr Witness, in the LRA who is -- yeah, who is Doctor Saidi?
- 20 A. [11:37:50] I do not know a Doctor Saidi?
- 21 Q. [11:37:59] Who is Ray Apire?
- 22 A. [11:38:12] Ray, I came back and found Ray Apire at home. Ray Apire is
- 23 Ray Apire.
- 24 Q. [11:38:21] What was his position in the LRA, Mr Witness?
- 25 A. [11:38:36] Ray Apire was one of our superior commanders, he was ahead of me

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1 both in age and in rank. It's very difficult for me to explain exactly what he did
2 because there were so many people there. You could not go asking every single
3 individual "What are your roles? What do you do? What do you -- what do you
4 perform here?" because some of us stayed separate from them.

5 Q. [11:39:10] Around the time of Lukodi do you know what Ray Apire was doing?

6 A. [11:39:30] Around the time of Lukodi, to my knowledge I did not know what
7 exactly he was doing, what Ray Apire was doing.

8 Q. [11:39:41] So to your knowledge Ray Apire was not in Gilva sickbay healing sick
9 people, Mr Witness; is that correct?

10 A. [11:40:06] What are you asking? Was he there as a doctor or what was his role
11 there?

12 PRESIDING JUDGE SCHMITT: [11:40:12] No. The question is, Mr Witness, do you
13 have any knowledge if Ray Apire was at the time of Lukodi in sickbay healing sick
14 people? Do you have any knowledge of that?

15 THE WITNESS: [11:40:38] (Interpretation) To my recollection I do recall that
16 Ray Apire separated and -- after they had been attacked by soldiers and he joined our
17 group. He did not stay in our group for even about a month. And then he left.
18 They had gone to, to the gardens to uproot cassava from civilian gardens, and then he
19 left and went to, he reported to the government. The person who was there who
20 was healing people was known as Walter, Walter was the doctor in the sickbay.

21 MR OBHOF: [11:41:30]

22 Q. [11:41:30] Now, Mr Witness, it has been -- let me put it this way better: Were
23 the sickbays under the control of the individual brigades or were sickbays under the
24 control of Control Altar?

25 A. [11:41:58] Sickbays -- the sickbays was under the control of a brigade, but the

1 whole of the LRA was under the control of one person: Kony.

2 Q. [11:42:26] Mr Witness, I'm going to discuss a little bit about the actual RV in
3 a second, but let's assume that Olak Otulu dies. How does the rest of the sickbay
4 know where the upcoming RV points are if the location is a closely guarded secret?

5 A. [11:43:03] Olak Otulu is now deceased. At the time that he died I was at home.
6 I know that when they attack people and people have dispersed, people walk, people
7 just separate anyhow within -- so, you know, people used to walk, people used to go
8 into places where civilians used to go. People knew that these are the areas that the
9 LRA would move to. These are the areas that the LRA would move to. You would
10 not move around the areas where you were likely to encounter government soldiers
11 and that's how people would move.

12 There is no -- they would not tell people that we are going to meet at a particular spot,
13 but people knew the areas that the government soldiers did not go to.

14 Q. [11:43:59] So essentially if the person who knew of the, let me say monthly or
15 trimonthly RV point died, people would walk around aimlessly in areas in which
16 they thought the LRA would be likely to be inside of, correct?

17 A. [11:44:29] Let me explain this again. The LRA is a rebel group. As a rebel
18 group the way they think and the way they behave, for example, the commanders in
19 the rebel, they do not want everybody to know what they are thinking because if
20 everybody knows what they are thinking or what they are planning, then that plan
21 will not be fruitful. So you know. For example, as we are here right now, we know
22 that if we are walking, going in a particular direction, we will get to a particular place.
23 We know the LRA -- so people who have been in the LRA for *three or four years
24 would know that civilians are found in this area, government soldiers are found in
25 this area. If there is an attack, if we are attacked, then I go in the direction where

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1 you are likely, more likely to find the civilian areas, then you are going to encounter
2 other LRA soldiers there and that's, that's my explanation.

3 Q. [11:45:46] Now, Mr Witness, about the RV point now, before Lukodi, you left
4 the day before the attack and it took you about one and a half days to get to area of
5 Lukodi, correct?

6 A. [11:46:06] Yes, that's correct.

7 Q. [11:46:09] And your location, you were somewhere, if I'm not mistaken from
8 reading the transcripts from Wednesday, the RV was somewhere between Binya and
9 the Aswa river; is that right?

10 A. [11:46:40] Binya, Aswa, didn't I say Loyo Ajonga?

11 Q. [11:46:53] The direction was behind the Binya school, this is from page 21 of
12 T-143: This "is the Aswa I am talking about. It's close to Odek hills ... in the
13 direction of Odek centre."

14 You did mention that Loyo Ajonga, Omel Kuru, Omel Oboke, Tian Otima, that they
15 were all in the area.

16 PRESIDING JUDGE SCHMITT: [11:47:21] So this geographic location that you gave
17 on Wednesday, does that sound correct?

18 THE WITNESS: [11:47:37] (Interpretation) Yes, that's correct, the places that I listed,
19 that's correct. But the Aswa river is, is in that area. So all those areas are kind of
20 close to the river.

21 MR OBHOF: [11:47:53]

22 Q. [11:47:54] About how far from the river was the RV point, Mr Witness?

23 A. [11:48:15] The place that we left Tulu, the place that we were supposed to meet
24 him, the RV place that we are supposed to meet him was approximately two to three
25 hours away from where we separated from the group, where the people who went to

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1 collect food left the sick people and where we came and met them. That was about
2 one, one hour or something.

3 Q. [11:48:44] So you are about 4 kilometres, maybe 5 kilometres from the Aswa
4 river before you departed to head to Lukodi?

5 A. [11:49:04] From, you know, most of the times we estimated miles and also we
6 took into consideration the speed at which people moved. You know the rebel
7 soldiers don't walk as slowly as the government soldiers. So it's very -- it's -- to my
8 estimation perhaps 5 to 6 miles to the riverbanks. And the place, the rendezvous
9 place where we were supposed to meet with Tulu was approximately 8 miles or
10 kilometres. It's very difficult for me to differentiate between miles and kilometres.

11 MR OBHOF: [11:49:44] And for the Chamber, 5 miles is 8 kilometres. And it's
12 9.64 --

13 PRESIDING JUDGE SCHMITT: After a --

14 MR OBHOF: -- 6 miles.

15 PRESIDING JUDGE SCHMITT: [11:49:53] -- little bit more of one year in this
16 courtroom and several times miles were mentioned and even foot and feet, so we
17 understand, even the Judges from the Continent understand it.

18 MR OBHOF: [11:50:11]

19 Q. [11:50:11] So to go to Lukodi you were talking approximately 40 kilometres,
20 Mr Witness. Does that sound right from where you are at, around 40 kilometres?

21 A. [11:50:30] To go to Lukodi we walked for one and a half days, but it's very
22 difficult for me to estimate the exact kilometres, the number of kilometres. I estimate
23 based on the distance and the speed at which we walked. We left at around 11 to
24 midday. We left the patients and we got there at around 4. So that was the time
25 that they attacked Lukodi. So perhaps it was one and a half days, it took us one and

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1 a half days to get there.

2 PRESIDING JUDGE SCHMITT: [11:51:05] I think --

3 MR OBHOF: Yeah, we can proceed from that.

4 PRESIDING JUDGE SCHMITT: -- we will not go it more precise, so please continue.

5 MR OBHOF: [11:51:09]

6 Q. [11:51:09] And when you left was Mr Ongwen still at that RV point the day
7 before the Lukodi attack?

8 A. [11:51:27] He was in, he was in his own group. When we were moving he was
9 in his own group. We were behind. They were in front of us. So when we got to
10 the riverbanks where we spent the night, they said that "We found some people who
11 had been selected to take care of the sick people who were armed." They told us that
12 "You people from the sickbay, stay on this side. The rest of the people cross over."
13 So the next day we crossed, we crossed over, but he was in the group that was ahead.

14 Q. [11:52:02] I'm going to take a step back to make sure we're following.
15 The day you left the RV to go to Lukodi, where was Mr Ongwen?

16 A. [11:52:23] We left, we separated, we were all in that group. There is nobody
17 who stayed behind, we were all in that group.

18 Q. [11:52:33] So the day before the attack you physically saw Mr Ongwen down in
19 the area of Binya, Odek hills, Loyola Ajonga, Omel Kuru, you physically saw
20 Mr Ongwen the day before Lukodi in that area, correct?

21 A. [11:53:04] I did not talk anything about the attack on Odek. I did not mention
22 anything about attacking Odek. Could you please refer to the paper or the
23 document that mentions an attack on Odek.

24 PRESIDING JUDGE SCHMITT: [11:53:17] It was a misunderstanding obviously.

25 The question is, Mr Witness, you said everybody left together from this RV point and

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1 then it took roughly one and a half days until you reached Lukodi.

2 The question was: The moment you left, you said I think at 11 o'clock or midday, at
3 that time did you see Mr Ongwen?

4 Is that correct, Mr Obhof? Yes.

5 THE WITNESS: [11:53:58] (Interpretation) When we met with his group he
6 addressed us. He told us that he has planned an operation, an operation and people
7 are going to -- people are heading for that operation and "you people from the sickbay
8 are going to go and get food, collect food". I saw him. He was in his group.

9 PRESIDING JUDGE SCHMITT: [11:54:25] And the question was when you left
10 together after this, you had been addressed, did you see him too? And perhaps I
11 continue, did you see him on the way to Lukodi? To have this also.

12 THE WITNESS: [11:54:48] (Interpretation) When we left, when we started heading
13 out, his group went before us. He went ahead of us. I saw him go to the front.
14 The rest of us stayed behind. We followed from behind, a few metres behind. They
15 were ahead of us. And this was in case we encountered government soldiers, those
16 of us who went to collect food or people from the sickbay would be behind. So
17 when we went, when we all headed towards Lukodi, we stayed behind. They were
18 in a group that was in front. I do not know whether they got to a certain place and
19 he separated or he branched off, but I know that when we started heading out he was
20 present.

21 PRESIDING JUDGE SCHMITT: [11:55:31] Please continue, Mr Obhof.

22 MR OBHOF: [11:55:34]

23 Q. [11:55:40] Mr Witness, what would you say if I said that Mr Ongwen in fact was
24 nowhere near where you state you were located?

25 Mr Witness, what would you say to the supposition that Mr Ongwen was nowhere

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1 near where you say he was located and that he in fact was about 8 kilometres from
2 Gulu town, about 8 kilometres east of Gulu town that day in which you say he was
3 down near the Aswa river around Loyo Ajonga, Binya, Omel Kuru? What do you
4 say to that, Mr Witness?

5 A. [11:56:30] I would tell you that that's incorrect. It's a lie.

6 Q. [11:56:40] I'm going to read a few things from his interview with the Prosecution,
7 starting with tab 3, 0291 -- sorry, 0219-0213 at page 0235, starting at line 792.
8 I will go through now where it says that the Prosecution said they were going to go
9 back to the very beginning.

10 Sorry, I was in the wrong tab. I was in tab 2.

11 PRESIDING JUDGE SCHMITT: [11:57:35] So we are now looking at tab 2?

12 MR OBHOF: [11:57:39] It should be tab 3.

13 PRESIDING JUDGE SCHMITT: Yes. I --

14 MR OBHOF: I was in the wrong one in my book.

15 PRESIDING JUDGE SCHMITT: [11:57:44] I am at the correct one. It is page 0235.

16 MR OBHOF: [11:57:48] Yes, page --

17 PRESIDING JUDGE SCHMITT: [11:57:49] At line 792.

18 MR OBHOF: [11:57:52] Yeah.

19 Q. [11:58:02] "What I said was that, the ones who came back were our own people
20 who came back, those of Odomi had separated and gone. And then the young ones,
21 the young people who went from our group, who should may have been there, they
22 had come back. They left the fighters there."

23 PRESIDING JUDGE SCHMITT: [11:58:27] And the question?

24 MR OBHOF: [11:58:29]

25 Q. [11:58:29] "And what did they come back with?"

1 "They brought ... they carried food."

2 Now, Mr Witness, you keep speaking here in third person. You talk about people
3 who left the fighters there, who went and collected food and then came back to where
4 you were at. Now, Mr Witness, from the language that is used here, it tends to show
5 that you did not go to collect food at Lukodi but you stayed at the RV. Can you
6 explain the difference in what you have stated on Wednesday and this area today?

7 A. [11:59:12] What I stated on Wednesday was that -- I need to clarify that. I said
8 that we went to collect food. As we were collecting food some of our group, people
9 from our group who had separated from us, got lost. They did not know that we
10 were carrying food and heading back. They came and found us in the bay.

11 Perhaps that was not very -- it was not very clear, but I'm talking about people who
12 came from the sickbay. I actually gave you their names. These people were
13 unaware that we were carrying food and heading back and they kept on going ahead.
14 I mentioned their names. The rest of us carried food and headed backwards. And
15 these two people, the people that had separated from us later on came and found us.
16 I believe that's what I said.

17 Q. [12:00:13] That is correct, that is what you stated on Wednesday, Mr Witness.
18 But what I read from was the transcripts of your interview with the Prosecution in
19 2006 and where you kept using the third person plural, "they, they", that "they came
20 back to us", that "they left the fighters there" after they had collected food. It was not
21 2006 "we left the fighters there, we collected food and brought back". In 2006 you
22 insinuate heavily, and I will read from another area too, that did you not go anywhere
23 near Lukodi.
24 Knowing this new information, could you please respond back to the stark
25 differences?

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1 A. [12:01:10] That was probably incorrectly written because, to my knowledge, our
2 group came back as I explained on Wednesday and as it has just been explained today.
3 These are the people who separated. You know, in the language Acholi the word
4 *"gin" is -- has various meanings. Even the interpreters know that it has various
5 meanings. It could mean something else, so. And as far as I am concerned, I was
6 there.

7 MR OBHOF: [12:01:51] Your Honours, because this next area is over three pages, I
8 will just sum it up.

9 PRESIDING JUDGE SCHMITT: [12:01:57] But tell us where you are.

10 MR OBHOF: [12:01:59] Tab 4.

11 PRESIDING JUDGE SCHMITT: Tab 4, yes.

12 MR OBHOF: 0219-0246 and it's pages 0247 to 0249.

13 Q. In which you go as far to say that you didn't go to Lukodi by giving names of
14 people, one being Kobi who was in Sinia with Mr Ongwen that could vouch you
15 didn't go to Lukodi.

16 Can you explain the difference again, Mr Witness?

17 PRESIDING JUDGE SCHMITT: [12:02:35] But I would appreciate it, Mr Obhof, if
18 you would even be more, a little bit more specific and tell us where to look, where we
19 have a testimony of the witness to the Prosecution that he did not go to Lukodi, or
20 where you have is from exactly.

21 MR OBHOF: [12:02:55] It's in the three pages, on the first three pages --

22 PRESIDING JUDGE SCHMITT: [12:02:57] But then --

23 MR OBHOF: [12:02:57] -- of tab 4.

24 PRESIDING JUDGE SCHMITT: [12:02:58] -- help us a little bit more. Be please
25 a little bit more specific. Perhaps not the whole three pages, but we are not in

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1 a hurry, I would like to follow. (Microphone not activated).

2 It's 0247, following. I ask you because just looking quickly over it --

3 MR OBHOF: [12:03:34] When you look at 0248 --

4 PRESIDING JUDGE SCHMITT: [12:03:36] -- it's not self-explanatory because of that.

5 Yes, please.

6 MR OBHOF: [12:03:40] We start line 56, it says:

7 "And do you think that person could tell us" this is the Prosecution "could tell us that
8 you were not in the fight there?" And of course he says he can, he can confirm that.

9 And they were talking about who you were talking about and they said Kolo, and
10 then there was a long part about it going between Sam Kolo and this person by the
11 name of Kobi.

12 PRESIDING JUDGE SCHMITT: [12:04:05] But has the witness said on Wednesday
13 that he fought there? Has the witness said that? And I'm not sure. I don't think
14 so. He has said --

15 MR OBHOF: [12:04:17] But I'm saying that that and combined with the they, they,
16 they.

17 PRESIDING JUDGE SCHMITT: [12:04:21] Okay. So it's a conclusion from that.

18 MR OBHOF: [12:04:24] Yes.

19 Q. [12:04:32] So is the Judge correct in his supposition that you didn't go to fight
20 there but you still went close?

21 A. [12:04:46] That's correct. Because Lukodi is big, that area is very big. If
22 I am -- if I can draw that on a map, then I will do that. Lukodi is extremely -- it's
23 a big area. When we talk about Lukodi we are not only talking in reference to the
24 camp, but we are talking about the whole area.

25 Q. [12:05:10] No, I understand that, but yesterday -- or, Wednesday you said that

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1 you were within 700 metres of the fighting. So in this reference --

2 PRESIDING JUDGE SCHMITT: [12:05:19] That is absolutely correct. So we would
3 have --

4 MR OBHOF: Yes.

5 PRESIDING JUDGE SCHMITT: -- to put that to him, indeed.

6 MR OBHOF: [12:05:23]

7 Q. [12:05:24] And so when we are speaking about Lukodi, we are generally
8 referring to the same one square kilometre area, Mr Witness.

9 And finally I am going to tab 3, your Honour. Back again at page 0227, starting at
10 line 449 -- 499.

11 And the Prosecution investigator asked:

12 "When did you learn that you would go to Lukodi?"

13 And the answer at line 502 was: "When people were back from the work."

14 So, Mr Witness, this also would tend to show that when the people arrived back from
15 Lukodi, that is when you found out where the attack happened. And again,
16 Mr Witness, can you explain the difference between what was said in '06 and what is
17 being said today?

18 A. [12:06:41] From what I hear the difference is like this: When I talk about
19 Lukodi, the way we call it is mostly referring to the camp. But in my understanding
20 when I was writing at that time of the interview, the camp was -- Lukodi was only
21 referring to the camp specifically, but I did not know what they were referring to,
22 whether it was also the village inclusive. But in my understanding I know that there
23 is the camp and then there is the barracks, which was being referred to Lukodi at that
24 time. But when I returned, that's when now I know that the whole of the area,
25 including the villages surrounding the camp and the barracks, is the area that is all

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1 referred to as Lukodi. But at that time I thought they were only talking about the
2 camp only, which is in Lukodi.

3 Q. [12:07:47] Mr Witness, do you know now at least that the barracks in Lukodi,
4 one of them was completely surrounded by the camp, and the second barracks was
5 about 250 to 300 metres from where you state you ransacked the granaries? Do you
6 know that fact at least now, Mr Witness?

7 A. [12:08:19] Could you say the question again.

8 Q. [12:08:22] When you were trying to make the difference between Lukodi the
9 camp and Lukodi the area and Lukodi the barracks, now, the UPDF detach, the main
10 LDU detach was surrounded by the camp and the second very small artillery detach
11 was located on the hill approximately 7 to 800 metres from the school, which is where
12 the detach was at, did you know these locations or do you know about these two
13 detaches and the location of the camp being in the centre today, Mr Witness?

14 A. [12:09:27] When I returned, that's when there were two barracks in Lukodi.
15 But before the attack there was only one barracks, which was very close, adjacent to
16 the camp. So when it reaches the time for deployment, then the soldiers would
17 deploy surrounding, encircling the civilians in the middle. Some of them would
18 actually remain in the barracks. When I returned, that's when two barracks were
19 now created within Lukodi?

20 Q. [12:10:08] You mean after the disbandment of the camp shortly after the attack
21 on Lukodi, they put a second barracks there, Mr Witness?

22 A. [12:10:21] After the -- following the attack in Lukodi that's when two barracks
23 were created. At that time I was already out and even some of the people who were
24 there, I knew them.

25 Q. [12:10:36] Now this -- these alleged granaries that you ransacked, in relationship

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1 to the camp, where were these granaries?

2 A. [12:11:02] I had requested earlier that if you want a more detailed
3 understanding you would allow me to draw the map of the camp to indicate how we
4 entered, how we collected food, that was my request. I had requested that I could
5 draw. Because if I explain now I may not explain it clearly to be understood.
6 Because the person who went in the camp may be somebody different, not me. It
7 could be someone else or Odomi would be better able to know.

8 PRESIDING JUDGE SCHMITT: [12:11:42] But you can perhaps, Mr Witness, at least
9 tell us, to your recollection, how far away these granaries were from, let's say the
10 barracks, for example.

11 MR OBHOF: [12:11:54] Well, he already did. He said it was around 700 metres
12 from where the fighting was taking place. I just want to know the direction,
13 your Honour, east, west, north, south.

14 PRESIDING JUDGE SCHMITT: [12:12:05] Yes.
15 So if you know the direction, please tell us, because we have pictures of it, aerial
16 photographs --

17 MR OBHOF: [12:12:14] And we are currently in the process of procuring ones that
18 are proximate to the time so we will be able to see them on a satellite if these granaries
19 actually exist.

20 THE WITNESS: [12:12:27] (Interpretation) If you are from the eastern side, from the
21 eastern direction where we came from, you come and cross the road going to Kitgum.
22 So when you cross the road going to Kitgum, you come and you take the road going
23 to Awach, and you again cross the road going to Awach and you will find another
24 road that comes from Akonyo Bedo (phon), and you will follow that road up to the
25 point when you find a stream. You will cross that stream and go the other side of

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1 that stream. Right after that stream you now find homesteads where some people
2 would live, but from 4 p.m. they would leave their homestead and go back to the
3 camps, to the camps where they stay. So from that point you would move up to
4 some point, you would get another -- some hilly, rocky areas, and there were some
5 few people would stay around those rocky areas and when we came we approached
6 that area from the east.

7 PRESIDING JUDGE SCHMITT: [12:13:39] Thank you.

8 MR OBHOF: [12:13:43]

9 Q. [12:13:43] So the granaries would have been on that hill that's about 7 or 800
10 metres from where the school is at in Lukodi, in the eastern direction?

11 A. [12:14:01] Yes. From the eastern direction.

12 MR VON BÓNÉ: [12:14:07] Your Honour, I would like to ask something.

13 It is my understanding that the witness requested two times to draw a map for
14 clarification of what his location was.

15 PRESIDING JUDGE SCHMITT: [12:14:18] No. This is not your role, I think, no.

16 MR VON BÓNÉ: It's just --

17 PRESIDING JUDGE SCHMITT: [12:14:22] No, no. Please this is the role of the
18 Presiding Judge to intervene there and there was no request and we have a really
19 very detailed description now by the witness. That should be enough.

20 MR VON BÓNÉ: Okay.

21 PRESIDING JUDGE SCHMITT: Please Mr Obhof.

22 MR OBHOF: [12:14:37] I mean, Presiding Judge, I agree that the witness did give
23 a very good vivid description of the area.

24 Q. [12:14:45] Mr Witness, how did you know the location of these alleged granaries
25 and that they would contain food that was being given by the international

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1 community to these people and they were located outside of the protection of the
2 military?

3 A. [12:15:25] Those were not food reliefs that were distributed. These were farm
4 crop, farm items that were locally grown by the villagers, they were in the granaries.
5 But the food reliefs usually are within the camps.

6 Q. [12:15:51] Mr Witness, were you ever told why Lukodi was chosen to collect
7 food, considering Lapak was much closer and had plentiful gardens with tomatoes,
8 with cassava, with Irish, where there were no UPDF located?

9 A. [12:16:24] As I explained the other day, at the time when our boss came he told
10 us that he has prepared for an operation at a certain place. So they had discussed
11 with Tulu about that place and then later on in the morning we went to that location
12 for the operation. But to know that other places had the sweet potatoes or not, I was
13 not aware.

14 MR OBHOF: [12:17:01] Your Honour, we are going to have to go into private session
15 for this next one question for about one minute.

16 PRESIDING JUDGE SCHMITT: [12:17:07] Private session for a short period.

17 (Private session at 12.17 p.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Open session at 12.17 p.m.)

1 THE COURT OFFICER: [12:17:55] We are back in open session, Mr President.

2 MR OBHOF: [12:18:09]

3 Q. [12:18:09] Mr Witness, when you returned back, did you give a report to
4 Olak Otulu? Did you -- instead of using the word "report", did you give him an oral
5 version of what had happened and what you returned with?

6 A. [12:18:40] Like what would have happened?

7 Q. [12:18:45] Yes. Did you personally give a report to Tulu?

8 A. [12:18:57] The report which I give when I return is just that we have returned
9 and we have got some food items. So if there are things like chicken, we would take
10 those chicken and give to him, since he is our boss. But the other small food items
11 would be distributed. So, yes, we give such reports.

12 Q. [12:19:27] Do you know, as you say, the people who went to the camp, when
13 they returned, did they give a report to Olak Otulu?

14 A. [12:19:45] That -- I'm referring to the people who had separated from the group,
15 who had got lost from the group. So when they returned after one, two days, that is
16 when they went and gave that report.

17 Q. [12:20:04] So who were these two people who got lost, Mr Witness?

18 A. [12:20:16] I request that you see, you see the name from the transcript. I have
19 already provided the name.

20 Q. [12:20:22] I am asking you again, Mr Witness, who are the people who got lost?

21 A. [12:20:39] The Presiding Judge, I would like to request that some things which I
22 have already mentioned, I need to be helped, so that it is read to me. I have already
23 mentioned -- I said -- I think I said Ojoko and Ojara. I do not recall very well. But I
24 have already mentioned and it is already written down there. Maybe it could be
25 checked, because it is something that happened a long time ago.

1 Q. [12:21:12] And is this the same Ojoko that you told to Tulu to give a report to?

2 And I am making reference to tab 3, page 0236, starting at around line 820.

3 So where you say a second lieutenant Kinyera -- sorry, a second lieutenant Ojoko and
4 a second lieutenant Kinyera, people who went to the camp -- this is what you stated
5 in line -- starting at line 814 on page 0236 of tab 3. So those people, did they fight at
6 the camp and at the barracks or did they get lost, Mr Witness?

7 A. [12:22:17] The people who were separated from us told us that they were with
8 the group, they were at the place where the fighting was. And so, you know, when
9 there are many people, some people do not fight; they would just squat down and
10 then later on move and join the fighting group. So they were the ones who brought
11 the report because they were there at the front and they witnessed with their own
12 eyes.

13 Q. [12:22:49] So the Ojoko you talked about on Wednesday and the Ojoko you
14 talked about in 2006, they are different people, Mr Witness?

15 A. [12:23:15] Ojoko is also Ojok but we just commonly refer to him as Ojoro, but he
16 is the same as Ojok.

17 Q. [12:23:31] So again, did Ojok get lost or did Ojok fight at the camp, Mr Witness?

18 A. [12:24:00] I have heard your question. But I do not know whether you are
19 getting what I am trying to explain, because people who were prepared to go to fight
20 in the camp were already prepared and ready. So if you get lost, it doesn't mean that
21 there were only 10 or 20 people who went there. There were many people. So if
22 you realise by some chance and find that you are now in another group, and in that
23 group there is already fighting, people are moving forward towards the camp, would
24 you not be able to see it? You would be able to see it.

25 So in the fighting, he may not have fought, because I know that people who were in

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1 the sickbay are not in position to fight because they only have a little ammunition, to
2 be able to protect themselves only.

3 Q. [12:25:20] So that would mean that Ojok got lost but he still reported on the
4 progress of a fight in which he did not attend?

5 A. [12:25:41] I would like to ask, maybe let me ask a question. If you go to fight
6 and you have gone with 500 people --

7 PRESIDING JUDGE SCHMITT: [12:25:51] Mr Witness, please answer the question
8 to the best of your knowledge and don't ask questions. You are here to answer
9 questions, not to ask questions. So please be so kind to simply answer.

10 MR OBHOF: [12:26:05] I will rephrase it, your Honour.

11 PRESIDING JUDGE SCHMITT: [12:26:06] Yes. I understand why you tried to put
12 a question to counsel. He rephrases his question and then please simply answer.

13 MR OBHOF: [12:26:16]

14 Q. [12:26:17] Did Ojoko actually fight at Lukodi?

15 A. [12:26:34] When they were fighting, he would have been present amongst those
16 who walk from behind. Because the ones that walk from behind, not all of them
17 have guns. Some of them would not have guns. So he would be among those ones.
18 So he could have been able to see what happened.

19 Q. [12:26:58] Mr Witness, from the people from Sinia, did everybody in the group
20 that you say was with Mr Ongwen, did everybody go to fight at Lukodi?

21 A. [12:27:24] When we left with them from the other place everyone left. We
22 remained behind. But the number was big. So as we were coming to enter Lukodi,
23 the people -- the people were still many. Everyone was still there. I am not sure
24 whether people split into other groups, because I know that the Sinia group was big
25 and -- but I am not sure whether he had left other people in another place. But the

1 people with whom he came and picked us with, we all went together towards
2 Lukodi.

3 Q. [12:28:03] Was he travelling with women and children? And if he was, did
4 they attend the fight at Lukodi?

5 A. [12:28:21] The women and children remain -- would remain behind. So as we
6 were moving to that place, the women and children would be in the middle. The
7 sick, us in the sick group would be behind. So the ones with the guns are the ones
8 that are in front. So those ones would not go together with the fighters.

9 Q. [12:28:47] So then to the best of your knowledge, the women and children from
10 Sinia did not go to the attack at Lukodi?

11 A. [12:29:09] There were a few women, there were not very many. But those
12 people were in our movement, they were in the group. As we were carrying food,
13 they were just slightly ahead of us. But I know that in terms of shooting or firing
14 their guns, I know they did not.

15 Q. [12:29:32] On to a different topic, Mr Witness.

16 Did you go to the fight at Odek?

17 A. [12:29:51] I do not know which year there was fighting in Odek. I do not recall.

18 Q. [12:29:59] About three weeks before the attack on Lukodi, did you attack Odek,
19 Mr Witness?

20 A. [12:30:20] I am even still hearing today that Odek was attacked. I did not
21 know.

22 Q. [12:30:27] Do you know if Gilva 2nd battalion aided in the attack at Odek,
23 Mr Witness?

24 A. [12:30:45] I have no knowledge about the events at Odek.

25 Q. [12:31:12] Now, you mentioned Ben Acellam's name the other day, on

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1 Wednesday, or Ben. Did you join with this Ben for any attack within the prior
2 month of the attack at Lukodi?

3 A. [12:31:45] No. I did not join Ben in any attack. I actually did not know Ben
4 personally. I only heard about him, and I only heard about him when I went back
5 home and then his wife approached me about him.

6 Q. [12:32:23] Now, Mr Witness, how long after you escaped did you receive
7 amnesty?

8 A. [12:32:43] To my recollection, when I came back from retrieving the guns that
9 Olak Tulu had hidden, the guns that we retrieved and brought back, I came back, I
10 explained to the Ugandan government the problems that I went to. It wasn't long
11 after that, perhaps a month or so, I was granted amnesty. I am guessing it's about
12 a month or so after that.

13 Q. [12:33:16] Did you go on Dwog Paco before or after you helped the UPDF
14 retrieve these weapons, Mr Witness?

15 A. [12:33:41] It was after we retrieved the weapons that I went to the radio. It was
16 after that. After retrieving the arms I went to the barracks, I went, completed some
17 forms and then it was after that that I went on the radio.

18 Q. [12:34:02] So you went almost immediately to retrieve these weapons after you
19 escaped? If I'm not mistaken, the other day it was something like 10 days that you
20 went on Dwog Paco? So you -- is that correct, Mr Witness, you went almost
21 immediately to retrieve these weapons?

22 A. [12:34:40] When I came back, as I explained the other day, I stated that I spent
23 one night at Gang Dyang, the next day I went to Gulu, from Gulu I took them to the
24 places where the weapons had been concealed and we retrieved the weapons. I
25 came back, I completed the amnesty forms, and then after that I went and spoke on

1 radio and that's how I started speaking on radio. I actually did that before I received
2 the card. The card came about a month after that.

3 Q. [12:35:21] Mr Witness, how did a junior officer know the location of a hidden
4 weapons cache? Can you explain how you knew where these weapons were
5 hidden?

6 A. [12:35:49] This is how I knew about the weapons: At the time that we were
7 moving with our doctor, a doctor known as Walter, this doctor had been previously
8 shot in the -- in the leg. And the wound was reinfected and he had problems with it.
9 So we had to carry the doctor as well as the arms and he knew, Tulu knew that this
10 doctor could not walk for long distances and we could not walk while carrying him as
11 well as carrying the weapons. So Tulu instructed us when we found, when we
12 arrived at a certain place, Tulu instructed us to hide the weapons at that location and
13 that's when I saw the guns being hidden.

14 Q. [12:36:45] Thank you, Mr Witness.

15 I'm sure counsel will have a few questions for ...

16 PRESIDING JUDGE SCHMITT: [12:36:54] So, Mr Ayena, you want to have the floor?
17 No, I don't think so.

18 Otherwise, if -- I would really prefer that counsel comes to the first row, I think that
19 would be better than -- yeah.

20 No, obviously he does not have. He seems not to have further questions so you
21 should not impose it on him.

22 MR OBHOF: [12:37:28] (Microphone not activated)

23 PRESIDING JUDGE SCHMITT: [12:37:30] Please do that. But also for future
24 instances, if it is like that, I think we would appreciate it if we have the person
25 actually questioning in the first row. Thank you.

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1 MR OBHOF: [12:37:43]

2 Q. [12:37:43] Mr Witness, as we talked -- actually, this will have to be asked in
3 private session, your Honour, this last --

4 PRESIDING JUDGE SCHMITT: [12:37:51] Private session.

5 (Private session at 12.37 p.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Open session at 12.40 p.m.)
- 11 THE COURT OFFICER: [12:40:12] We are back in open session, Mr President.
- 12 MR OBHOF: [12:40:23] And the Defence is finished, your Honour.
- 13 PRESIDING JUDGE SCHMITT: [12:40:25] Thank you, Mr Obhof.
- 14 Mr Witness, this concludes your testimony. On behalf of the Chamber I would like
- 15 to thank you that you came to The Hague and that you help us to establish the truth.
- 16 The Chamber wishes you a safe trip back home.
- 17 (The witness is excused)
- 18 PRESIDING JUDGE SCHMITT: [12:40:46] This also concludes the hearing for today.
- 19 We continue on Monday, 9.30 with P-200. Thank you.
- 20 THE COURT USHER: [12:40:54] All rise.
- 21 (The hearing ends in open session at 12.40 p.m.)