

Trial Hearing  
UGA-OTP-P-0314

(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 Judge Raul Pangalangan  
6 Trial Hearing - Courtroom 3  
7 Wednesday, 31 May 2017  
8 (The hearing starts in open session at 9.31 a.m.)  
9 THE COURT USHER: [9:31:04] All rise.  
10 The International Criminal Court is now in session.  
11 PRESIDING JUDGE SCHMITT: [9:31:23] Good morning, everyone.  
12 Good morning, Mr Witness, especially a warm welcome again in the courtroom.  
13 WITNESS: UGA-OTP-P-0314 (On former oath)  
14 (The witness speaks Acholi)  
15 THE WITNESS: [9:31:34] (Interpretation) Thank you.  
16 PRESIDING JUDGE SCHMITT: [9:31:34] And could the court officer please call  
17 the case.  
18 THE COURT OFFICER: [9:31:38] Good morning, your Honours.  
19 The situation in the Republic of Uganda, in the case of The Prosecutor versus  
20 Dominic Ongwen, case reference ICC-02/04-01/15.  
21 And for the record, we are in open session.  
22 PRESIDING JUDGE SCHMITT: [9:31:52] I ask, like every day, for the appearances  
23 of the parties.  
24 MS ADEBOYEJO: [9:31:56] Thank you, Mr President, your Honours.  
25 Adesola Adeboyejo for the Office of the Prosecutor, with Benjamin Gumpert,

1 Beti Hohler, Pubudu Sachithanandan, Yulia Nuzban, Hai Do Duc, Yya Aragon,

2 Shahriar Yeasin Khan, Ramu Bittaye and Jasmina Suljanovic.

3 PRESIDING JUDGE SCHMITT: [9:32:17] Thank you very much.

4 And for the Legal Representatives, we have Mr Narantsetseg.

5 MR NARANTSETSEG: [9:32:22] Good morning, Mr President, your Honours.

6 For the Common Legal Representatives team today, Orchlon Narantsetseg. With me,

7 Ms Caroline Walter. Unfortunately, Ms Paolina Massidda is unable to come today.

8 Thank you.

9 PRESIDING JUDGE SCHMITT: [9:32:39] And for the second team, sitting a little  
10 bit in the back today.

11 MS HIRST: [9:32:42] Your Honours, good morning. Megan Hirst and with me,  
12 James Mawira.

13 PRESIDING JUDGE SCHMITT: [9:32:46] Thank you very much.

14 And for the Defence.

15 MR OBHOF: [9:32:47] Good morning, your Honours. Today we have our  
16 co-counsel, Chief Achaleke Taku; our case manager, Michael Rowse; our assistant  
17 counsel, Ms Abigail Bridgman; our client today, Mr Dominic Ongwen; and myself,  
18 Thomas Obhof.

19 PRESIDING JUDGE SCHMITT: [9:33:05] Thank you very much.

20 Mr Taku, you still have the floor.

21 MR TAKU: [9:33:08] Good morning, your Honours. Thanks so much.

22 QUESTIONED BY MR TAKU: (Continuing)

23 Q. [9:33:17] Good morning, Mr Witness.

24 A. [9:33:18] Good morning.

25 Q. [9:33:19] Yes. Witness, yesterday, if you remember, I asked you a question

1 relating to Mr Joseph Kony, about his responsibility, if you held him responsible for  
2 your misadventure, or what happened to you, your abduction into LRA, and you said  
3 yes. Of course, from the answers you gave about taking looted food to him, the  
4 answer -- clearly, I don't want to come back to that, but I want to ask you now about  
5 the --your mission, the arms. My reading of paragraph 41, tab 1 of your statement,  
6 you said that you brought a lot of bullets back to Uganda. Is that what happened?

7 A. [9:34:20] Yes, that's what happened.

8 Q. [9:34:24] And that while there, the commanders whose name you gave, they  
9 had a meeting with him, but surely these commanders that you named, Buk,  
10 Ocan Bunia and Otti Vincent, were any of these three individuals subordinate  
11 commanders to Mr Ongwen?

12 A. [9:35:06] No.

13 Q. [9:35:10] Now, did your own commander, you said you were Pokot, his name  
14 was Pokot, did he participate in that meeting with Joseph Kony? Okot Pokot?

15 A. [9:35:35] He went, but when they went for the meeting, we did not follow  
16 them. But he was among the people who went to Sudan.

17 Q. [9:35:49] And did you know which unit he commanded? Now, could it be  
18 Siba battalion?

19 A. [9:36:06] Yes, he was commander of Siba.

20 Q. [9:36:14] Now, did they tell you why you transported -- you carried these  
21 items to Sudan and brought back these bullets? Did they tell you the purpose for  
22 which you were bringing these bullets back to Uganda?

23 A. [9:36:35] No, they did not tell us the reasons.

24 Q. [9:36:41] Now, they didn't tell you the reasons. What did you yourself think  
25 was the purpose for bringing this bullet to Uganda?

1 A. [9:37:08] Some of -- some -- some of the bullets were divided, were distributed  
2 among the fighters, because when we came back, that's when I was given a gun and  
3 I was also given some bullets.

4 Q. [9:37:27] When you came back, that's when you were given a gun and given  
5 some bullets? By whom?

6 A. [9:37:42] When we came back, I was at -- at the time I was at the dog adaki.  
7 They brought the guns and told me, "Here is your gun." And when they gave me  
8 the gun, they instructed us, they instructed us that these are the guns, the guns that  
9 you have been issued with are your lives. If anybody loses their gun, then that  
10 person will also be killed.

11 Q. [9:38:17] Who gave you the gun and the bullets and gave these instructions,  
12 said this to you? Who in particular did that?

13 A. [9:38:33] Lacim got a new gun and he gave me his old gun and that's what I  
14 started using. And that was when I was instructed.

15 Q. [9:38:52] And would I be correct to say your commander at this point in time  
16 was Okot Pokot?

17 A. [9:39:05] Yes, that would be correct.

18 Q. [9:39:10] Is it also true, Witness, that Otto Signaller at that point in time was  
19 working -- was under Okot Pokot?

20 A. [9:39:40] Yes, that's correct.

21 Q. [9:39:41] And would I be right to say that he is the one who trained you and  
22 you worked under him, under his command?

23 A. [9:39:56] That's correct.

24 Q. [9:39:59] Now, let's talk briefly about the killings. In tab 1 at paragraph 55 of  
25 your statement, you said that the killings occurred, the killings that you attributed,

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1 you said Mr Ongwen ordered:

2 "This happened when we were travelling to Sudan before Ongwen got injured and  
3 before we were transferred under Pokot."

4 Do you remember making that statement?

5 A. [9:40:50] Yes, I do.

6 Q. [9:40:53] And therefore again when -- do you remember, let me say what year,  
7 what year you travelled to Sudan?

8 A. [9:41:10] When we went to Sudan, it was approximately four to five -- four to  
9 five months or about four months. Four to six months after my abduction is when  
10 we went to Sudan.

11 Q. [9:41:29] And would these killings include the witch that you testified about  
12 and the old man that you said here you were instructed to bite to death, would these  
13 killings include these two?

14 A. [9:41:54] The girl that was killed for allegedly being a witch happened when  
15 we had come back from Sudan. At the time Dominic was healed and he was  
16 walking properly. The old man, the killing of the old man happened when we also  
17 came back from Sudan.

18 Q. [9:42:27] In other words, according to you, it happened after Dominic was  
19 injured and was healed; is that your evidence, sir?

20 A. [9:42:46] Yes.

21 Q. [9:42:50] Now, in which location -- let's start with the witch. In which  
22 location did that occur?

23 A. [9:43:10] The -- I do not know the name of the place where the witch was killed  
24 because it was -- we were somewhere in the wilderness in an inhabitable area, so we  
25 did not know. At the time we were also being bothered by gunships, by -- so I do

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1 not know. But we were close to them. We were close to Mr Ongwen, and the girl  
2 was told to kneel down. They said they were going to pray for her, they were going  
3 to pray for her. The girl knelt down and then she was clubbed behind the head. In  
4 the evening when I asked, I asked why was the girl killed, somebody told me that  
5 they killed her because she was a witch, and that's why they killed her.

6 Q. [9:44:14] We'll come to that in detail. Did you know the geographic area -- let  
7 me say, when did you -- you said, "At some point I went to Lango." When did you  
8 go to Lango? Was it before Mr Ongwen was injured or after his injury?

9 A. [9:44:41] We did not go to Lango only on one occasion. We went to Lango on  
10 several occasions. The fact that we said -- it has been stated that we went to Lango  
11 does not necessarily mean it was on one occasion. We would go to Lango, we would  
12 go to Gulu, we would go back. So we moved around the different locations, the  
13 different areas.

14 Q. [9:45:08] Now, the question is: Did you go to Lango with Mr Ongwen?

15 A. [9:45:23] Yes, we went to Lango with him.

16 Q. [9:45:26] How many times?

17 A. [9:45:36] You know, when we're in the bush, there are so many times that you  
18 go to -- a number of occasions, I cannot actually begin to count and say we went ten  
19 times. We do not go to one place, go back the next day. We go to one place, the  
20 next day we go to another place, after one week we come back and pass through that  
21 place. So we kept on moving around, so it's difficult to estimate how many times.

22 Q. [9:46:05] Was it before Mr Ongwen was injured or after his injury?

23 A. [9:46:16] It was after his injury.

24 Q. [9:46:21] Now, Witness, may I suggest to you that Mr Ongwen did not go to  
25 Lango, in fact he never went to Lango. What do you say to that?

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1 A. [9:46:49] I would say it's a lie.

2 Q. [9:46:53] Now, Witness, have you ever heard about Operation Iron Fist 1?

3 Have you ever heard about that?

4 A. [9:47:12] I heard about it. I just heard about it.

5 Q. [9:47:19] And when you heard about it, were you told or did you hear that the

6 LRA, and this includes Mr Ongwen and others, were operating in bases in Sudan and

7 they were forced by Operation Iron Fist to flee into Uganda, and it is then that they

8 came -- that they went to Soroti and constantly pushed back from Soroti to areas like

9 Lango and others into Acholi land, and that occurred, Soroti occurred, before you

10 were abducted in September 2002. What do you say about that?

11 A. [9:48:36] The -- the operation that you're referring to, Operation Iron Fist, I

12 heard, I heard or was told about the operation. I was told that this operation was

13 taking place, but I did not know exactly where it was taking place, and that's how I

14 heard about it.

15 Q. [9:48:59] Now, with regard to specifically to Lango, Witness, this murder of

16 the witch, did it take place -- you say you didn't know where it took place, therefore

17 there's no reason for me to try to pin you down to a particular location. But you said

18 that when you went to Lango, you thought about fleeing, you thought about escaping,

19 but you also heard that the people were extremely hostile to LRA. If they escaped

20 and they were caught, they were immediately killed, especially if they came from

21 Acholi land. Do you remember that?

22 A. [9:49:56] Yes, I do.

23 Q. [9:50:05] But there were no civilian camps in Lango land, were they?

24 A. [9:50:20] We did not go to any camp in Lango. We went through people's

25 homesteads, we pillaged food from the homesteads, not from the camps. The camp

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1 that I mentioned was a camp that was on the way back from Lango and the camp was  
2 in Opit.

3 Q. [9:50:45] And you said when you were in Lango you were under constant, you  
4 were pursued by the UPDF, correct?

5 A. [9:50:59] That's correct.

6 Q. [9:51:03] Now, Witness, let me try to read out a statement to you relating to  
7 Lango in particular. If it is correct you will tell the Court.

8 Your Honours, it's from tab --

9 PRESIDING JUDGE SCHMITT: [9:51:28] Perhaps just because it's the first -- or,  
10 actually it's the second time today that you just cite once the ERN number and then  
11 we can continue simply with the tab and the page number.

12 MR TAKU: [9:51:41] Yes, your Honour. It's UGA-D24- -- no, D26,  
13 UGA-D26-0018-003 at 004, second paragraph.

14 PRESIDING JUDGE SCHMITT: [9:52:06] And the tab, please.

15 MR TAKU: [9:52:07] Tab 4, your Honours.

16 This citation I will read relates, the question relates to the hostility of the people in  
17 Lango towards the LRA, and when I read I will ask you if you know, yes or no,  
18 whether the people who are referenced here, you knew about the existence in Lango  
19 or not.

20 PRESIDING JUDGE SCHMITT: [9:52:40] I think, so that the witness can really put  
21 it into perspective, you would perhaps have to tell him that it is an article and just in  
22 general what the role of the person is who wrote the article so that he knows that it is  
23 not a witness statement or something like that so that he can put it into perspective.

24 MR TAKU: [9:53:00] Yes.

25 Q. [9:53:02] Yes, Witness, this was an article, researched article written by some

1 researcher from the Faculty of Law, University of Bergen in Norway, Maja Janmyr.  
2 The title is "Recruiting Internally Displaced Persons into Civil Militias: The Case of  
3 Northern Uganda." It was published in the Nordic Journal of Human Rights, 2014,  
4 Volume 32, No. 3, 199-219 --

5 PRESIDING JUDGE SCHMITT: [9:53:40] We don't have to be so specific, I think,  
6 but I think it's simply important that the witness knows what you are going to read  
7 out to him and ask him to comment on, so to speak.

8 MR TAKU: [9:53:54]

9 Q. [9:53:54] And it states, Witness:

10 "In the neighbouring Lango and Teso regions, so-called Amuka and Arrow militias  
11 were similarly mobilised. While the very essence of such militias lies in the fact that  
12 they do not belong to any regular law-enforcement agency, Rukooko has specially  
13 defined a civil militia in the Uganda context ..."

14 Let me stop there. My question is: Did you know, Witness, or did you encounter  
15 or know that there existed some militia in Lango and Teso regions called Amuka and  
16 Arrow militias that were hunting down LRA soldiers, they were combating them?

17 PRESIDING JUDGE SCHMITT: [9:54:43] Before you answer, Mr Witness,  
18 Mr Gumpert has risen, so to speak.

19 MR GUMPERT: [9:54:49] I have, your Honour. I've made these submissions in  
20 writing before and your Honours have decided that it's appropriate to take a  
21 case-by-case approach, and we come to a case. I shan't, if the Court will excuse me,  
22 repeat all of those submissions which I made in writing. It would be tedious and I'm  
23 sure that your Honours have them in mind.

24 In summary, in two or three sentences, I ask the Court to rule that there is no purpose  
25 in the witness knowing that these are the words of a Norwegian scholar published in

1 a academic paper, or that he should be told what the precise words are.  
2 Not only is there no purpose, but there is a possible severe disadvantage. Some  
3 witnesses, I'm sure it won't be true of this one, might be overawed by the apparent  
4 academic respectability or power of what is being advanced to them, and as a result,  
5 if they're keen to get out of the witness box quickly, and they might well be tempted  
6 simply to agree. The proper course is for Mr Taku to extract the physical proposition,  
7 namely, "There were militias in Lango called Amuka and Arrow, do you agree,  
8 Mr Witness?" That's the proper course, I submit, and he shouldn't be doing what he  
9 is doing.

10 PRESIDING JUDGE SCHMITT: [9:56:26] Mr Taku, we can make this one also short.  
11 We don't have to entertain a -- no, we don't have entertain a discussion.  
12 In principle it's correct what you're saying, but Mr Taku has exactly done that. You  
13 have read it and then he put out this proposition that you suggested he should have  
14 done without reading the article to the witness. And I think we can simply repeat  
15 this proposition or this question "Do you know about these militia?" and then just  
16 continue. But in principle it's of course correct what you're saying when we -- and it  
17 would be also a little bit shorter, I think, and quicker, just to pull out, to drag out what  
18 you want to know from the witness. But in this concrete instance I think we can  
19 simply continue with putting or asking about these militia again and then we don't  
20 have to really entertain a longer discussion on that in that respect.

21 MR TAKU: [9:57:29] Well, your Honours, this scholar's work was submitted  
22 through Tim Allen, was a specialist here. It's already in, in this evidence. And the  
23 argument of my friend is purely speculative. Let the witness say "I don't understand  
24 this." And if I read the resume of this particular individual, it was just to situate to  
25 know where I'm getting this information. And if the witness knows that this militia

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1 exists or not, it's another thing. He said he knew about Iron Fist, he heard about it,  
2 and probably he's willing to discuss some detail of Iron Fist with me as we proceed.

3 Q. [9:58:06] But back to my question, Witness, did you know about Arrow Boys  
4 and Amuka, these militias?

5 A. [9:58:18] I heard about the Arrow Boys.

6 Q. [9:58:23] Now, when you said that in Lango you could not escape because you  
7 were afraid, you knew that the people were hostile to the LRA and that you would be  
8 killed if they found that a member of the LRA has escaped and they found you, you  
9 would be killed. In your particular case, what made you believe that the people of  
10 Lango were hostile to the LRA? Is it because of the Arrow Boys or they were  
11 generally hostile to the LRA and if they find them they would kill, they would kill  
12 them?

13 Is that what frightened you and why?

14 A. [9:59:13] We were told that the Langi are blaming the Acholi for killing them,  
15 they were -- they told them that the Acholis that are killing them are the LRA rebels.

16 So if you escape while you're in Lango, while you're in the Lango region, you would  
17 be killed. We also had Langi in our midst, but if you are a Lango and you escape  
18 while you are in Lango region then they would welcome you back. But if you are an  
19 Acholi, they would kill you. And that's what we were told.

20 Q. [9:59:59] Now, this old man that you said raised an alarm when -- this old man  
21 that raised an alarm about your presence and you said he was killed, where did you  
22 meet that old man?

23 A. [10:00:41] I said we were on the move. We went into a particular homestead.  
24 I do not know the name of the place because when we are moving around they don't  
25 tell us that this is where we are, right now we are entering into Kitgum, right now we

1 are entering into Lango. But you would hear the way people speak, the language  
2 people spoke, then you know, okay, we are in Lango region or we are in Acholi  
3 region. Or sometimes if you find somebody, somebody who has been abducted, you  
4 ask the person where are we now and the person would tell you. Or sometimes we  
5 would ask where are the soldiers, where are soldiers, they would tell you soldiers are  
6 in Opit, then you know that, where Opit is. But the exact location of the old man I  
7 do not know.

8 PRESIDING JUDGE SCHMITT: [10:01:44] I just ask because we have now often  
9 heard that the man was old. This could of course have been of a very different age  
10 range, so in your recollection, when you say old, what age would he have had?

11 THE WITNESS: [10:02:07]) (Interpretation) He was about 50, he was in his fifties.

12 PRESIDING JUDGE SCHMITT: [10:02:20] I have asked.

13 MR TAKU: [10:02:23]

14 Q. [10:02:23] Generally these civilians who were -- informed you about the  
15 locations of the soldiers, where the soldiers are, where the location might be, these  
16 were civilians that you met on the way, correct?

17 A. [10:02:44] When they were now captured and put together, then we asked  
18 them what is the name of this place, where are government soldiers in this location?  
19 So these are civilians who had been abducted are the ones that are questioned of the  
20 location of where the government soldiers are.

21 Q. [10:03:08] And this happened when you were with Lapaicho, when you were  
22 with Okot Pokot, in fact during the period when LRA, it happened every time you  
23 used these individuals to get the information about the location of soldiers; is that  
24 correct?

25 A. [10:03:38] It's correct, but the -- any, any other lower ranking officer is not

1 allowed to ask any question, so if you do not have any rank, if you are not an officer,  
2 you are not allowed to ask any civilian of the location of the place you are in. So  
3 even when they get you asking such questions they will take you as wanting to  
4 escape and you will be severely caned. But usually they are the ones, the  
5 commanders are the ones that usually ask for names of such locations.

6 Q. [10:04:19] And of course generally when the commanders sought information  
7 from the individuals, you the foot soldiers, you were not present, you were in your  
8 specific subunits. You in particular, you were within the household of Otto Signaller,  
9 correct?

10 A. [10:04:51] I would hear this information because at some point I would be  
11 carrying the solar panel and moving close with -- closely to the commander, but  
12 sometimes I would not be close to hear such information.

13 Q. [10:05:16] Now, at some point in time you said -- tab 1, your Honours, at  
14 paragraph 24 -- you said that Dominic replaced Obuk, that Obuk was promoted to  
15 brigadier. Do you know when Buk was promoted to brigadier and which unit he  
16 headed after his promotion?

17 A. [10:06:09] I was not told when exactly that from today the commander has  
18 been transferred. We only realised that he was not there and we were told that he  
19 has been promoted and he has been transferred to another unit. That is how -- that's  
20 all I know about it.

21 Q. [10:06:34] Witness, did you know a location called Imatong mountains?

22 A. [10:06:50] I only heard about it but did not reach that place.

23 Q. [10:06:55] You didn't reach that place? And therefore, Witness, if I put to you  
24 that for you to go to Sudan and access where Kony was you had to cross the Imatong  
25 mountains, what would you say to that?

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1 A. [10:07:30] I would say the places where we moved through to go to the Sudan,  
2 we were not told the name of such places. But I heard about Imatong, but all I know is  
3 that we went to the Sudan. We could have passed by the Imatong hills, but we were  
4 not told that this is the Imatong area.

5 Q. [10:08:01] You heard about Imatong mountain in what context?

6 A. [10:08:13] I heard about the fighting that took place there when the rebels were  
7 passing via the Imatong mountains on their way to Uganda and they were attacked at  
8 that point.

9 Q. [10:08:31] Were you among those rebels?

10 A. [10:08:37] No.

11 Q. [10:08:39] Do you know who commanded those rebels?

12 A. [10:08:51] No.

13 Q. [10:08:58] Now, who specifically told you about the attack at the Imatong  
14 mountain?

15 A. [10:09:17] I was -- we got this information from Otto's wife. She was the one  
16 who narrated to us the story because we had stayed -- we were taken sometimes there  
17 and she was basically narrating to us the stories that the -- she has gone through in  
18 the bush, so she was basically telling us her own experiences.

19 Q. [10:09:53] Just to be clear, which Otto? Is it Otto Nywinya --

20 A. [10:10:04] It was Otto Signaller's wife, by the names Adochorach. She was the  
21 one that gave us that story.

22 Q. [10:10:17] And at that time Otto Signaller was still under the command of  
23 Lapaicho, correct?

24 A. [10:10:29] We were already with Ongwen. She was telling us something that  
25 happened in the past.

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1 Q. [10:10:46] Was this just a one-time event or she regularly told you, gave you  
2 account of things that happened in the past?

3 A. [10:11:02] It was just once, because she would refer to us as recruits and we  
4 had not yet experienced, you know, very serious fightings and we were not yet  
5 seasoned, we were still recruits. So she would basically refer to us like that.

6 Q. [10:11:27] I ask this question, Witness, because you were with Otto Signaller  
7 when you were under Lapaicho and, therefore, if any specific combat took place in  
8 that location, that mountain, from that moment if it happened before you were  
9 abducted or it happened at the time that you were with Lapaicho, at least you would  
10 have known. And I say this because in your statement, and I can cite it, you stated  
11 that you were transferred to so many commanders, you were not -- the command  
12 changed so many times. And let me locate that quickly.

13 (Counsel confers)

14 MR TAKU: [10:12:48]

15 Q. [10:12:48] Just one minute, Witness. I'm looking for -- let me read out your  
16 statement.

17 PRESIDING JUDGE SCHMITT: [10:12:57] In the meantime perhaps I will just  
18 come shortly -- no, please take your time -- I come shortly back to what Mr Gumpert  
19 said.

20 You correctly pointed out that, and I have reiterated it several times, that it also  
21 depends a little bit how we exercise these things on the witness, on the personality of  
22 the witness, and indeed we have here a witness who seems to be not easily overawed  
23 by academic expertise, so to speak. But in general it's of course clear when you read  
24 these things first of all you would have to at least make with any witness absolutely  
25 clear where the quotation comes from, and this is what we tried to establish before it

1 came. And then here in this instance it was like Mr Taku I think also wanted to put  
2 it on the record that this article exists and the quotation, that was my impression, and  
3 then he drew out the proposition. Because of that I think it was absolutely no  
4 problem.

5 But this is what I mean and because of that I -- and also to bridge the gap, so to speak,  
6 this is what I mean when I say we have to exercise this on a case-by-case basis, case by  
7 case meaning situation by situation plus witness by witness.

8 This is just to explain a little bit.

9 MR GUMPERT: [10:14:24] You don't want a long speech now. I should only say I  
10 don't fully agree with your Honour.

11 PRESIDING JUDGE SCHMITT: [10:14:31] But I think we have now bridged the  
12 gap so we can comfortably continue with Mr Taku.

13 MR TAKU: [10:14:38]

14 Q. [10:14:40] Witness, at paragraph -- tab 1, your Honours, at paragraph 48 at  
15 0849, let me quote what you said:

16 "One day we were under one commander and the following day under another  
17 commander."

18 So the command changed very quickly while you were in LRA obviously, when you  
19 were with Ongwen, because witnesses suggest you were under pressure from the  
20 UPDF and you separated into smaller groups, splinter groups in order not to be  
21 identified, because the LRA attacked by land, by air, and in order to survive the  
22 command shifted.

23 PRESIDING JUDGE SCHMITT: [10:15:41] And the question -- the question,  
24 Mr Taku, please.

25 MR TAKU: [10:15:45]

1 Q. [10:15:46] And the question, Witness, you said here the command, one day  
2 you were under one commander, the following day under another commander.  
3 That's your statement that you gave to the investigator, Witness. Can you explain  
4 why you said that?

5 A. [10:16:04] I said that because as signallers where I was, for example, at the time  
6 when Ongwen got injured, some signallers were transferred to the locations where  
7 the injured persons were in the sickbay and some were transferred to the other  
8 commander who was -- who continued moving with them. So when Opoka was  
9 transferred to Buk, he went with Buk, and then myself and others were given to  
10 Dominic. So wherever he would move, wherever Dominic would go, we would go  
11 with him. That was before -- that was -- so before we were -- that transfer was done,  
12 we would stay like with the one commander for like four months or three months.  
13 I don't know why the transfer is done, but that is what it was.

14 Q. [10:17:36] So it was after Buk left, Opoka was sent to go with Buk that you  
15 were sent to Dominic; is that correct?

16 A. [10:18:02] Correct.

17 Q. [10:18:02] Now, Witness, let me say something, and there would be no reason  
18 for me to ask for a private session.

19 I will avoid the name of the location if possible, your Honours, and these are  
20 paragraphs -- tab 1, your Honours, and the statement is at -- that's 0848, paragraph  
21 45 -- paragraph 43, 44 and 45, that your stay in Sudan lasted three to four days and  
22 you entered a specific location. I don't want you to call the location because it may  
23 likely reveal your identity as a result of the individual you met, of a young lady that  
24 you met, and there you say you pass a message to go and tell your -- to go and tell  
25 your family that you are still alive. Do you remember that?

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1 A. [10:19:17] I remember.

2 Q. [10:19:22] And that young lady was neither abducted nor killed, correct?

3 PRESIDING JUDGE SCHMITT: [10:19:40] I suggest you discuss this in private  
4 session because it might be difficult for the witness and also for you, as the examiner,  
5 always to circumvent places and names. So we go into private session, everybody  
6 feels more comfortable.

7 MR TAKU: [10:19:54] Yes, your Honour.

8 PRESIDING JUDGE SCHMITT: [10:19:56] And to go back to open session when  
9 we have finished this session.

10 MR TAKU: [10:20:01] Thank you, your Honour.

11 PRESIDING JUDGE SCHMITT: Please, private session.

12 (Private session at 10.20 a.m.) \*(Reclassified partially in public)

13 THE COURT OFFICER: [10:20:05] We're in private session, Mr President.

14 PRESIDING JUDGE SCHMITT: [10:20:06] So Mr Witness, perhaps you can answer  
15 again and now freely because we are in private session now.

16 MR TAKU: [10:20:15]

17 Q. [10:20:16] The location is (Redacted). And the name (Redacted), does that ring a bell?  
18 Do you know her, (Redacted)?

19 A. [10:20:31] Yes, I know her.

20 Q. [10:20:34] So at that location at (Redacted) you met (Redacted) and you told (Redacted) to  
21 take a message back to your family that you are still alive. Do you remember that?

22 A. [10:20:53] I remember.

23 Q. [10:20:56] And the LRA did not abduct (Redacted), they didn't kill her, correct?

24 A. [10:21:16] She was not abducted. When we reached their home, we found  
25 they were planting simsim and I said, "I know this girl." And they asked me, "You

1 know this girl?" I told them, "Yes." Then they hid me after I'd already spoken to  
2 her and told her that "When you reach home, let the family know that I am still alive."  
3 Then I told another colleague of mine that "I know this lady." So when they knew  
4 that I know the girl, they hid me, so I do not know now what happened afterwards  
5 because they -- from that point onwards they kept on hiding me away from her. So  
6 I don't know what happened with her afterwards.

7 Q. [10:22:08] But you were not punished for talking to the girl, they merely hid  
8 you, correct?

9 A. [10:22:28] I did not show that I know this girl. After speaking to her like a  
10 person that you would personally know, before anybody else knew, that's when I  
11 came and openly told my colleagues that "I know that girl." For them, they didn't  
12 know that I already know the girl. So after already opened up that I spoke to the girl,  
13 that's when they started hiding me.

14 Q. [10:23:01] Now, Witness, did you know or you did not that in April 2003  
15 Okot Pokot stopped being the commander of Siba and was transferred to Trinkle to  
16 take over from one Ocan Labongo? Are you aware of this?

17 MR TAKU: [10:23:31] Your Honours we are -- we can --

18 PRESIDING JUDGE SCHMITT: [10:23:36] We can discuss this in open session, yes.

19 MR TAKU: Yes.

20 PRESIDING JUDGE SCHMITT: Open session, indeed.

21 (Open session at 10.23 a.m.)

22 THE COURT OFFICER: [10:23:43] We are back in open session, Mr President.

23 PRESIDING JUDGE SCHMITT: [10:23:46] Thank you.

24 So do you have any knowledge about this, what Mr Taku has asked you?

25 THE WITNESS: [10:23:56] (Interpretation) I do not have any -- I wasn't aware of

1 that because when a commander is transferred, you wouldn't easily ask, but it occurs  
2 amongst the commanders that when such transfers are done they would know, but  
3 for us when we meet him the next time we will still know or think that he is still at the  
4 same unit.

5 MR TAKU: [10:24:29] Now, your Honours, paragraph 48, 0849.

6 Q. [10:24:45] Witness, you stated in your statement that you were deployed to  
7 Teso for one month and that you did not see Dominic in Teso, correct?

8 A. [10:25:12] Correct.

9 Q. [10:25:16] But you also said at tab 1, at paragraph 50 that you were in Teso for  
10 two months and that's when you came back, when you came back, that's when you  
11 met Dominic. So did you stay -- so did you stay in Teso for one month or for two  
12 months?

13 A. [10:25:54] My stay in the bush, I was not there to count and know that we have  
14 been in this place for one month or two months, I only estimate how long we have  
15 spent at a place, that it could be one month or two months or it could be -- that is  
16 exactly how it is.

17 Q. [10:26:21] Now, Witness, let me correct myself in one question I asked about  
18 the transfer of Pokot and let me repeat the question here. In error I said he was  
19 transferred to Trinkle, but let me correct myself: Do you know whether Pokot was  
20 moved from Sinia to division, to the division, did you know this?

21 A. [10:26:50] No, I did not know.

22 Q. [10:26:59] Now, Witness, at the time that you say you were in Teso and  
23 Dominic wasn't there, do you know where Dominic was, do you know what group he  
24 belonged?

25 A. [10:27:14] I do not know where he was and which group he was in.

1 Q. [10:27:26] Now, your Honours, paragraph 46, tab 1 at 0848.

2 You stated that you were the third group to go to Teso.

3 That's paragraph 46, your Honour, forty-six. Paragraph 47 -- and no,

4 paragraph -- and that Tabuley was the first group, that's at paragraph 47.

5 Do you know whom -- which was the second group since you were the third and

6 Tabuley was the first?

7 A. [10:28:23] The -- I said the first group were only told that the first group that

8 went was Tabu's group. Then the second group we were not told. It was just at the

9 time of chatting. So you will not be told everything at that time.

10 Q. [10:28:51] Were you told or did you know what group Tabuley commanded?

11 A. [10:29:09] The group that he was leading, no, we were not told about it.

12 Q. [10:29:17] Now, more specifically about the change of commander, you made

13 that statement in the context of Teso, one day we were under one commander, the

14 following day another, that's paragraph 48. So that was in respect of Teso

15 specifically that you made this statement. So, Witness, can you tell the Court how

16 many commanders you came under while in Teso, during the one or two months that

17 you say you were in Teso?

18 A. [10:30:06] I was with -- I was with two commanders.

19 Q. [10:30:21] Can you provide their names and the units they controlled, the

20 battalions, the units that they commanded?

21 A. [10:30:34] I was under Lapaicho and also under Pokot.

22 Q. [10:30:49] Now, paragraph 46, your Honours, tab 1.

23 You said that in Teso there were no IDP camps because the government had not

24 forcefully moved the people into them and, as a result, as a consequence, were the

25 people growing food crops or they were supplied food crops by some organisation?

1 A. [10:31:28] When we went to Teso -- when people see rebels they run, people  
2 do not hang around in their homes. Some of the food that they cultivated, food that  
3 was in the gardens, that was the food that we took; for example, their cassava, their  
4 cows, their cattle. Those are the things that we took.

5 Q. [10:31:57] So would I be correct, Witness, to say generally during your period  
6 in the LRA some of these deployments was to look for food, you went about from  
7 place to -- location to location looking for food, there were no specific instructions to  
8 go out and kill the civilian population, but to loot and take food for yourselves and  
9 for the injured of the LRA? Would that be a correct statement, sir?

10 A. [10:32:37] Killing is usually part of it.

11 Q. [10:32:46] No, the question is -- it's true might have been killed, but were there  
12 specific orders to go to Teso and kill the population of Teso, for example, was that the  
13 order you were given, sir, or you were given to go to Teso and loot, look for food?

14 A. [10:33:16] When they send us, they would tell us -- first of all, they will call a  
15 group, select a group, a standby group, they would brief the standby group, tell the  
16 group, "Go, bring back food, abduct people and kill." Those are some or part of the  
17 instructions.

18 Q. [10:33:41] We're going to come to the killing when we're talking about the  
19 killing and the boiling of people and how Joseph Kony reacted to it. We will talk  
20 about that, Witness, but in Teso were you specifically told to go abduct, look for food  
21 and kill people, if so, how many people did you kill in Teso as a result of that order?

22 A. [10:34:14] Many people were killed in Teso.

23 Q. [10:34:24] How many people did you kill, you sitting here?

24 A. [10:34:33] I said the people that -- the killings that I took part in was when we  
25 were told to beat the guy that had escaped, the guy that was escaping was

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1 re-apprehended, brought back, and they told us to kill him. And the second  
2 occasion was when they told us to bite this other person.

3 Q. [10:35:09] So there were just these two instances that you saw or you  
4 participated in, correct?

5 A. [10:35:21] The other killings, you see somebody being killed. For example,  
6 the example I gave about the girl that was alleged to be a witch, you're standing by  
7 looking, you know, watching whatever is taking place. So I would also assume that  
8 I was part of it.

9 Q. [10:35:40] Did that occur in Teso, because my question is related to Teso.  
10 Was that part of your mission in Teso, Witness?

11 A. [10:35:52] When you're in Teso, you see people being chased. The person is  
12 chased, the person is caught, the person is beaten to death. You see that, you see that  
13 happening.

14 Q. [10:36:07] Witness, why did you not provide this account to the investigators  
15 and why did you not put it in your victims application that you participated in killing  
16 civilians in Teso?

17 MR GUMPERT: [10:36:22] He hasn't said that and it shouldn't be put to him.

18 PRESIDING JUDGE SCHMITT: [10:36:25] That is true, Mr Taku. Sustained the  
19 objection. He did say -- he talked about specifically, when he was asked by you,  
20 about two killings, and now he said, I think, the third one he might have been also  
21 part of it, but not others. So you have to -- would have to word it differently.

22 MR TAKU: [10:36:45] Okay, your Honour.

23 PRESIDING JUDGE SCHMITT: [10:36:57] Perhaps I may in the meantime.

24 Mr Witness, you said -- I think your wording was "killing is usually part of it". Part  
25 of what? Could you perhaps a little bit explain a little bit more what you meant by

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1 that?

2 THE WITNESS: [10:37:19] (Interpretation) Killing, for example, if somebody is  
3 abducted and they refuse to talk, they are killed. Sometimes they take off your shoes;  
4 if they see certain marks on your legs or on your foot, then they would assume you're  
5 a soldier or they would allege you're a soldier or a spy and they would kill that  
6 person as well. And when we get to a certain location, when people run, people run  
7 screaming, those people are also killed.

8 And those are the type of killings that took place.

9 PRESIDING JUDGE SCHMITT: [10:38:13] Mr Taku.

10 MR TAKU: [10:38:14]

11 Q. [10:38:15] Now, Witness, you have contextualised the question of the killings,  
12 which is different from the general order to kill all civilians.

13 Yeah, yeah, yeah.

14 Now --

15 PRESIDING JUDGE SCHMITT: [10:38:27] But you can ask -- I think you have done  
16 it. Perhaps you can try to repeat it, if there were any specific orders by anybody in  
17 that respect, if you want.

18 MR TAKU: [10:38:36] Yes.

19 Q. [10:38:36] Were there specific orders generally to kill all civilians in all  
20 locations or it was a specific context where you see somebody run or -- I mean, the  
21 specific instances you've given in which somebody could be killed or -- and I ask this  
22 question because all the time you said you went from location to location, looting.  
23 You expressed it well in your victim application, the locations that you said you went,  
24 participated in the looting, and that's why -- that's why I ask this question.

25 Now, you contextualise that in this particular case this category of person could be

1 killed. Now, my question again is that, was -- did you hear any general order there,  
2 go out -- in the LRA, go out and exterminate the population, the civilian population,  
3 that is the people who were not within the LRA, people who were not escaping,  
4 people who were -- did not -- they didn't deem it, they didn't control to see they were  
5 soldiers or informants? Was there any specific general order, Witness?

6 A. [10:39:51] When we went -- when we went to Odek, for example, when I went  
7 to the barracks, I do not know what the people who went to the camp did. They  
8 went, they pillaged food, but I do not know what else they did. But when -- when  
9 we went to Lango and I escaped, the people that raised alarms or shouted or people  
10 who were considered informers, if such people are caught, those people are killed or  
11 those people are brought to the commanding officer and they are questioned and a  
12 decision may be made to kill that person.

13 Q. [10:40:46] Witness, were you ever told by anyone when you were abducted  
14 and thereafter about specific rules that were put in place by Joseph Kony relating to  
15 questions of escape, people who mishandled their weapons? Did you hear about the  
16 special rules from Joseph Kony, and about the question of killing informants, soldiers  
17 and people, this category of people that you talk about? Did anybody ever tell you  
18 that Joseph Kony personally gave the instructions, he received reports about this,  
19 administered or approved the punishments? Did you ever hear that?

20 A. [10:41:58] The question -- your question is extremely long. I did not  
21 understand it well.

22 Q. [10:42:11] Well, let me put it differently. Witness, you -- well, we'll come to  
23 the question of the radio communications, and I'll likely briefly come back to the  
24 meeting you said you saw some commanders having with Joseph Kony, which you  
25 personally saw them. And I wanted just to find out that -- were you told about

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1 specific rules established by Joseph Kony himself with regard to escaping, with  
2 regard to informants, with regard to spiritual issues, matter of spirituality, witchcraft?

3 Did you ever hear about this when you were abducted?

4 PRESIDING JUDGE SCHMITT: [10:42:54] (Microphone not activated)

5 THE INTERPRETER: Microphone.

6 PRESIDING JUDGE SCHMITT: [10:42:59] You have mentioned now again several  
7 possible or alleged orders. Perhaps one after the other. Were there orders  
8 regarding escaping of abductees and so on? So perhaps it's easier for the witness if  
9 we do it one after the other.

10 MR TAKU: [10:43:22] Yes.

11 Q. [10:43:23] Witness, did you hear that Joseph Kony laid down the rules about  
12 the type of punishment that should be administered to people who fled, who escaped  
13 from the LRA? Did you hear about that?

14 A. [10:43:43] Yes. I heard that if you escape, that anybody who tries to escape  
15 from the bush who is re-apprehended should be killed.

16 Q. [10:43:58] Did you also hear the rule established by Joseph Kony that any  
17 person, if -- is -- if a civilian, for example, kills an LRA combatant and takes his  
18 weapon, did you hear that Joseph Kony established a rule about that? Indeed, I have  
19 in mind about the killing of some LRA in Soroti by the Arrow boys. Did you ever  
20 hear about that?

21 A. [10:44:55] Let me give you an example. If they know where the person -- for  
22 example, if somebody escapes with a gun and they know where that person is from,  
23 orders would be issued to go and kill the village or to kill people from his home or  
24 from his community. That's what I heard. And --

25 Q. [10:45:22] Did you hear about the mystical powers of Joseph Kony, the ability

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1 of Joseph Kony to know, read into the future, to know about events that occur, to read  
2 the minds of people who want to know about defections and to regulate all spiritual  
3 matters, including witchcraft and others within the LRA? Did you know about this?

4 A. [10:45:56] I was told that Kony can predict the future. I was also told that if  
5 you are planning to escape, he will be the first person to know.

6 Q. [10:46:15] You worked under a signaller by the name Otto Signaller and -- well,  
7 I will come to that question, if I can move faster. I will give you the reference if you  
8 want, but let me -- if you can answer, you can confirm. You saw from Lapaicho,  
9 when it was Lapaicho to when it was Ongwen, you saw constantly these constant  
10 communications by these commanders. Witness, did it occur to you that these  
11 commanders were communicating with Joseph Kony or someone else?

12 A. [10:47:08] On -- most times there is a communication with other commanders.  
13 On other occasions it's communication with Joseph Kony. That's what -- that's what  
14 we are told.

15 Q. [10:47:26] But apart from the communication part, you had intelligence officers  
16 at the level of the brigades, the battalions and even the companies. Witness, did you  
17 know that these intelligence officers reported directly to the chief intelligence officer  
18 of Joseph Kony and to Joseph Kony himself about every -- about the developments,  
19 about what occurred in the different units in the LRA? Were you -- did you -- did  
20 you have this sense? Did you come to know about this?

21 A. [10:48:10] No. I did not know that this happened. I wasn't aware of it.

22 Q. [10:48:19] We'll come to a particular case that you spoke about later on.

23 Witness, in tab 1, paragraph 50, 0849, you stated that after your Teso campaign, you  
24 were brought and you met up with Dominic by the river Aswa. That's near the end  
25 of 2003 or early 2004. You were brought and put under his command. Do you

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1 remember saying that, Witness?

2 A. [10:49:13] Yes, I did. I said it.

3 Q. [10:49:18] Now, let's talk first about Aswa river. This Aswa river is found in  
4 which location?

5 A. [10:49:31] The Aswa river is between Kitgum and Gulu.

6 Q. [10:49:46] Can you estimate for the Court how far it is from Odek?

7 A. [10:50:02] There is quite a distance between Aswa and Odek, but I do not  
8 know the distance. But in terms of walking, it would take us two days to walk from  
9 one location to another without taking a break.

10 Q. [10:50:24] How big is the Aswa river?

11 A. [10:50:38] I do not -- I do not know how big it is because I did not measure it.

12 Q. [10:50:47] Let me -- let me try my local geography, I do not know and maybe  
13 Mr Obhof, who had been in that area for a long time and he knows the area so well  
14 may know, is this Aswa river, let me know, out of curiosity, is it -- is it one of the  
15 tributaries of the Nile?

16 A. [10:51:19] I said I do not know where the river Aswa starts and where it ends,  
17 but on occasions when we are walking we can cross the river three times and while  
18 you cross the river you are told this is the river Aswa.

19 PRESIDING JUDGE SCHMITT: [10:51:36] I think you don't -- it's not -- Mr Witness,  
20 you don't have to be upset. It's clear that you are not asked about your knowledge  
21 in geography. That's perfectly clear. It was just if you happen to know and there is  
22 no problem.

23 THE WITNESS: [10:51:53] (Interpretation) I know the Aswa river.

24 PRESIDING JUDGE SCHMITT: [10:51:56] Yes, but if it is tributary to the Nile, and  
25 so you don't have to know anything about that. It's simply that it was put to you if

1 you accidentally happen to know that.

2 And of course there are open sources for everybody to establish this and these are  
3 facts of common knowledge or not. Perhaps not of individual knowledge, but of  
4 common knowledge.

5 Please continue, Mr Taku.

6 MR TAKU: [10:52:28]

7 Q. [10:52:28] Witness, it's a big -- a big river, huge river, and I suggest about 60 to  
8 70 metres wide at a place called Awere. If you know -- do you know Awere, in the  
9 first place, a location called Awere?

10 A. [10:52:50] Yes, I've heard about that place, but we would mostly cross the  
11 Aswa along Palabek. That's between Pader and Aswa and that was the place that  
12 we crossed the river from.

13 Q. [10:53:10] It is a very big river, Witness. In fact, in the rainy season it is -- it  
14 would be difficult for you to cross the river on foot without support, correct?

15 A. [10:53:33] It's a long river, but there are some places where the -- there are  
16 tributaries. One goes in one direction, one goes in another direction. So the four  
17 might come and converge together. So where the river separates or where it's  
18 divided, it's smaller and those are the locations that we cross from.

19 Q. [10:54:04] Now the location that you cross from, Witness, what is that location  
20 that you cross from? Surely should know it. What is it called?

21 A. [10:54:23] Between Palabek and Gulu.

22 Q. [10:54:30] Now, in the rainy season, Witness, how would the river be, it would  
23 overflow the banks and dangerous for anyone to venture to cross at that point in time,  
24 correct?

25 A. [10:54:46] That's correct.

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1 Q. [10:54:57] Now, at this time that you met Dominic when you came from Teso,  
2 is it your evidence, Witness, that that time you met Dominic, Dominic was already  
3 commander of Sinia brigade when you came back from Teso and met Dominic?

4 A. [10:55:19] Yes.

5 Q. [10:55:25] And indeed, Witness, did you hear or didn't hear about the death of  
6 Tabuley while you were under Dominic's command? Is that when you heard about  
7 the death of Tabuley?

8 A. [10:55:50] We heard about the death of Tabu when I was still under Pokot.

9 Q. [10:56:05] And did you know, Witness, or didn't know that Tabuley died in  
10 late October 2003? Does that ring a bell?

11 A. [10:56:22] I heard that he died, but I do not know what month or the date that  
12 he died. We just heard that he died.

13 Q. [10:56:41] Now, Witness, you just said you heard about the death of Tabuley  
14 when you were under Pokot.

15 Paragraph 50, your Honours, tab 1.

16 You said: "I heard about the death of Tabuley while we were under the command of  
17 Ongwen. We went to a place where they kept the sick LRA fighters and we stayed  
18 there for about two days and then we left with Ongwen and left the sick LRA fighters  
19 there. I believe Ongwen had been with the sick people."

20 Witness, that is a statement you made to the investigators. In the light of the answer  
21 you are giving now that you heard about the death of Tabuley when you were with  
22 Pokot, what do you say to this statement, Witness?

23 A. [10:57:49] Tabu died when we had already come back from Teso on the -- for  
24 the first time, on the first occasion. Then we were transferred to Ongwen. After  
25 that, I heard them say we were going back to Teso, but we walked and stopped in the

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1 Gulu region until the time that I escaped.

2 Q. [10:58:32] So in the light of your statement now this morning -- this morning  
3 that you heard about the death of Tabu when you were under Pokot, what do you say  
4 now to this statement I just read to you that you heard about it when you were under  
5 the command of Dominic? Which is the correct version? What happened? When  
6 did you hear, with Pokot or when you were with Dominic?

7 A. [10:59:04] I was with Dominic.

8 Q. [10:59:09] And you say at this point in time, again I ask, Dominic was already  
9 commander of Sinia brigade, correct?

10 A. [10:59:23] When we left Pokot and we were handed over to Ongwen, yes, at  
11 the time Ongwen was in charge of Sinia brigade.

12 MR TAKU: Yes.

13 PRESIDING JUDGE SCHMITT: [10:59:42] Or do you have a question that you  
14 think should be asked now before the break? Otherwise I would suggest that we  
15 have the break.

16 MR TAKU: [10:59:51] No, your Honour. We can go on --

17 PRESIDING JUDGE SCHMITT: [10:59:55] Then we have the break until 11.30.

18 MR TAKU: [10:59:58] Yes, your Honour.

19 THE COURT USHER: [11:00:00] All rise.

20 (Recess taken at 11.00 a.m.)

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

22 THE COURT USHER: [11:32:36] All rise.

23 PRESIDING JUDGE SCHMITT: [11:32:54] Mr Taku, please.

24 MR TAKU: [11:32:59]

25 Q. [11:33:00] Witness, did you -- you just said that you were with Okot Pokot,

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1 under his command when Tabuley died. Did you know, Witness, that at the time  
2 Tabuley died, Okot Pokot under Lapaicho had been deployed to the division, Jogo  
3 division which Tabuley commanded and that they were there when Tabuley died,  
4 were you aware of this?

5 A. [11:33:46] No, I wasn't aware.

6 PRESIDING JUDGE SCHMITT: [11:33:51] And I think he has said before the break  
7 that he was under the command of Ongwen when he heard from -- the death of  
8 Tabuley, but that might be a difference between when a person dies and when  
9 another person hears about that this person has died. That might be different points  
10 in time.

11 MR TAKU: [11:34:14] I touch specifically -- I do not know and I will be corrected,  
12 he said that he was under Pokot when he heard about the death of Tabuley, and I  
13 read out the statement when he said he was under Ongwen and I asked him to  
14 reconcile. Yeah.

15 PRESIDING JUDGE SCHMITT: And he said, let me, I have it here in front of me, it  
16 is page 37, I think. Yes, 37, line 3 -- I --

17 MS ADEBOYEJO: [11:34:44] Line 10.

18 PRESIDING JUDGE SCHMITT: [11:34:45] -- line 10, "I was with Dominic." So he  
19 corrected, he corrected himself and he tried to clarify because there was, indeed,  
20 a contradiction, that is correct what you're saying. But please continue.

21 MR TAKU: [11:34:57]

22 Q. [11:34:58] But, Witness, did you hear that Tabuley -- no, Okot Pokot and  
23 Lapaicho were in the division, Tabuley was commanding the division, Jogo division,  
24 and were deployed to -- under him, and Lapaicho was the CO, was the commanding  
25 officer of the battalion at the division, did you hear that?

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1 A. [11:35:35] I did not hear that.

2 Q. [11:35:40] Yesterday, I think when the Prosecutor questioned you about, of  
3 course I may be corrected but, if not, let me put the question myself directly, when  
4 Mr Ongwen was injured, did you know who took over command of the village that  
5 Mr Ongwen previously commanded prior to his injury?

6 A. [11:36:10] Ongwen -- at the time that Dominic got injured, when he got injured,  
7 I was under the command of Pokot and I was moving together with him. Then  
8 afterwards we were taken back to him when he was in the sickbay and we started  
9 moving together with him.

10 Q. [11:36:42] Now, just so we are clear, are you saying that you were in the sickbay  
11 with Dominic when he was injured, is that what you are saying?

12 A. [11:36:56] We went to pick him from the sickbay.

13 Q. [11:37:06] Now, Witness, may I put this to you, that at the time Tabuley died  
14 Buk Abudema, that Buk Abudema was still the commander of Sinia brigade?  
15 Witness, does that tickle your memory about this?

16 A. [11:37:39] I do not recall.

17 Q. [11:37:43] And did you know, Witness, that after the death of Tabuley,  
18 Buk Abudema was promoted to the division and at some point in time  
19 Mr Ocan Labongo was sent to the brigade? At that time Dominic was in  
20 Control Altar with Vincent Otti. Were you aware of this?

21 A. [11:38:31] No, I wasn't aware.

22 Q. [11:38:36] Had you heard, Witness, about the following units: Trinkle brigade?  
23 (Counsel confers)

24 THE WITNESS: [11:39:06] (Interpretation) I heard about Trinkle, but it wasn't  
25 explained -- a lot wasn't explained to me. I, I heard that the -- there's a group called

1     Trinkle.

2     PRESIDING JUDGE SCHMITT: [11:39:22] I think perhaps I can make a short remark.

3     The witness himself has described him I think in the last two days as being -- having

4     been a foot soldier, so when it comes to general structures and command structures

5     he might not have firsthand knowledge of it. Of course, he might, he might have

6     known whom he was specifically with, but when it comes to a general sort of diagram

7     that you could picture, he might not have, as I said, firsthand knowledge but he can

8     only say "I have heard something". So perhaps you have this in mind when you --

9     MR TAKU: [11:40:07] Your Honour, I am asking this question for another purpose

10    not about -- not about command structure and things like that.

11    PRESIDING JUDGE SCHMITT: Then please continue.

12    MR TAKU: [11:40:16] So another purpose in order to ...

13    Q. [11:40:21] Now, you heard about Gilva brigade?

14    A. [11:40:31] Yes, I heard about Gilva.

15    Q. [11:40:33] You heard about Stockree brigade?

16    A. [11:40:40] I heard about it.

17    Q. [11:40:46] So you heard about Control Altar?

18    A. [11:40:51] I also heard about it.

19    Q. [11:40:54] Let's talk about first Control Altar. Did you know who was

20    controlling -- the commander of Control Altar? Or let me put it differently, simplify

21    it. Did you know, Witness, or you didn't that Mr Vincent Otti was at the

22    Control Altar?

23    A. [11:41:26] I hear about those things, but all I know is that at this time we are

24    moving with this commander and -- but I would also hear that there's another group

25    called Control Altar, another group called this, so I only hear about it.

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1 Q. [11:41:50] In the course of your deployment, your movements, did you come  
2 into contact with these different groups, other units which were not necessarily under  
3 the control of your commander?

4 A. [11:42:10] We meet with those groups, but doesn't take long, we spend very little  
5 time and we would separate. So it's at that point that I knew that this is the  
6 Control Altar group. So we don't spend a lot of time with those groups.

7 Q. [11:42:35] Now, at the time you said you were with the signallers, and  
8 sometimes very close to the commanders and you could get information, could be  
9 briefed or could hear about some of the conversations from Otto, did at any time,  
10 Witness, know that promotions in LRA, LRA were announced publicly and even the  
11 foot soldiers were informed about the promotions and appointments?

12 A. [11:43:16] We were not given that information.

13 MR TAKU: [11:43:31] Now, paragraph 52, your Honours, at 0849.

14 Q. You, you told investigators that not long after -- that is other word, I think you  
15 remember talking about the death of Tabuley, not long after -- or let me see -- let me  
16 see the context, your Honours. Let me cite it.

17 PRESIDING JUDGE SCHMITT: [11:44:04] 52 is not about Tabuley.

18 MR TAKU: Yes, your Honour, it's not about --

19 PRESIDING JUDGE SCHMITT: It's about Odek. Yes, my colleague just tells me 50  
20 might be the one you want.

21 MR TAKU: [11:44:14] Yes.

22 PRESIDING JUDGE SCHMITT: [11:44:25] I think we have entertained this one  
23 paragraph 50 really extensively.

24 MR TAKU: [11:44:29] Yes, your Honour.

25 PRESIDING JUDGE SCHMITT: [11:44:31] So I would suggest that you move to

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1 another point.

2 MR TAKU: [11:44:39]

3 Q. [11:44:40] Yes, Witness, that -- you stated in paragraph 52 that not long after you  
4 met Ongwen that you attacked Odek. Do you remember that statement?

5 A. [11:44:57] Yes, I remember.

6 Q. [11:45:01] If I understand you well, to be very, very specific, not long after you  
7 were deployed to Ongwen's group that you attack Odek, correct?

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

9 Q. [11:45:21] And it is at this time that when you met him you saw that Ongwen  
10 was moving with a limp. Of course you took him from the sickbay, according to  
11 your evidence, but paragraph 55 also, Witness, you specifically stated that "Ongwen  
12 would normally not go on abduction missions but when abductees who have tried to  
13 escape were brought to him he would instruct the young children to kill them."  
14 My interest is about Ongwen would not normally go on abduction missions. Is that,  
15 is that what you told the investigators?

16 A. [11:46:06] Correct.

17 Q. [11:46:09] If that statement is true, Witness, how do you reconcile this with  
18 Ongwen going to Lango with you? How do we reconcile this? And I say this  
19 because I want you to give specificity about how this mission to Lango was organised  
20 with Ongwen since the alleged killing that Ongwen ordered, according to you this  
21 morning, happened after Ongwen -- you met Ongwen and Ongwen was already  
22 injured. That's what you recall.

23 A. [11:46:56] When we were in Lango we moved as one big group. So sometimes  
24 we move in one big group, sometimes he would select a group of people to go. So  
25 the orders would be given that a small group be selected and so in that particular case

1 an order was given and in that group we went to Lango.

2 Q. [11:47:28] Now, a big group, you specify Ongwen was already commander of  
3 Sinia brigade, so the entire Sinia brigade moved to Lango; is that what you want the  
4 Court -- is that what you are telling the Court?

5 A. [11:47:51] In the Sinia group as a whole, there is -- for example, Terwanga would  
6 be there, part of the group, they would move in a different group. Then him, as the  
7 head of the Sinia, he would be overall commander, but it doesn't mean that he would  
8 move together with that group. So the group would be separate, but still he is the  
9 overall head of the Sinia group and the group would move separately.

10 Q. [11:48:29] How many people were selected to go to -- to Lango?

11 A. [11:48:43] We were not very many, we were a small, a small number.

12 Q. [11:48:48] Who commanded that small number?

13 A. [11:49:00] From our, from our group, the signallers, the person who was, was  
14 heading us was Okello and Opio, they were sergeants. So those of us who went in  
15 that team to Lira, the person who was leading us I think was either a lieutenant or  
16 a second lieutenant by rank.

17 Q. [11:49:36] Now I just hear the name Okello. Is that Okello that you said was  
18 your commander when you went to Odek to attack the Odek military camp? Is that  
19 the very Okello?

20 A. [11:49:53] The Okello I am talking about, we came together with him from  
21 signaller, he was senior -- he was senior than me and -- but also another more senior  
22 overall commander, he is also selected to lead the rest of the group, the rest of the  
23 team.

24 Q. [11:50:20] Very soon we are coming to that, Witness. You said, and let  
25 me -- tab 1, paragraph 35, your Honours, at 0847.

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1 You said, Witness: "Normally the LRA commanders when they are in the bush they  
2 did not put on their ranks. They would only do this when they were going to meet  
3 their senior officers or Kony."

4 Do you remember that statement?

5 A. [11:50:55] Yes, I recall.

6 Q. [11:51:03] As a foot soldier in this particular context, how did you know of the  
7 hierarchy of the commanders, who was above whom, when they didn't put on their  
8 ranks?

9 A. [11:51:24] Well, I am talking with the experience of the setup when we are  
10 seated. In that photograph, that drawing which I made, it shows -- I use that to kind  
11 of demonstrate the ranks of the people that were in that group.

12 Q. [11:51:54] Now, tab 1, your Honours, at paragraphs 90 to 96 at 0855, but let me  
13 put the specific question in regard to paragraph 92.

14 Witness, you said that you were, you were taught how to march, to disassemble a gun,  
15 you underwent that training, correct?

16 A. [11:52:34] Correct.

17 Q. [11:52:44] And this occurred two months before you met Ongwen, correct? In  
18 fact, you were taught by Otto Signaller, correct?

19 A. [11:53:05] I said that the person who was demonstrating to me was not Otto, but  
20 Otto was the overall head of the signallers. The person who taught me how to  
21 dismantle a gun was called Olanya. But the orders came from Otto that we should  
22 be trained.

23 Q. [11:53:30] Now, at paragraph 92, Witness, did you, Witness, when you met  
24 Ongwen, did you have any discussion with him? Did Ongwen ask you about your  
25 age and have any particular discussion with you, when you met him?

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1 A. [11:54:18] When we were taken to him, I had spent some time in the bush and  
2 the kind of communications was just like question, he asked me "How old are you?"  
3 because we had just, we were still new to him in his camp.

4 Q. [11:55:00] So at the time you met Ongwen, you say you met him in the sickbay,  
5 is it when he asked you this question or at some other time?

6 A. [11:55:18] It was not from the sickbay but it was during the time when we were  
7 now moving with him. We left to meet him in the sickbay, I think it was specifically  
8 to go and collect him, to come back with him. So it was now after, when we were  
9 now moving with him, that's when he asked me.

10 Q. [11:55:41] Now let's discuss age now, you brought me early to the question of  
11 age. In paragraph 13, Witness, it had been my intention to talk about this at the end,  
12 but let me go to that quickly and resolve it.

13 Paragraph 13, Witness, you said, and let me read it out to you. Your Honours, it is  
14 private session because I am referring to several documents and --

15 PRESIDING JUDGE SCHMITT: [11:56:29] Yes, okay, private session. And I have to  
16 make a remark then.

17 (Private session at 11.56 a.m.) \*(Reclassified partially in public)

18 THE COURT OFFICER: [11:56:37] We are in private session, Mr President.

19 PRESIDING JUDGE SCHMITT: [11:56:40] May I shortly just address something.

20 At least with this witness we have heard about two possible birth-dates, (Redacted)  
21 (Redacted).

22 The Prosecutor has already questioned in that respect. Does the Prosecution allege  
23 that the witness was born in (Redacted) ?

24 MS ADEBOYEJO: [11:57:16] No, your Honour.

25 PRESIDING JUDGE SCHMITT: [11:57:17] Exactly.

1 MS ADEBOYEJO: [11:57:19] (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [11:57:19] So if you -- if you -- what I wanted to say,  
3 rather, we could shorten the procedure if you want to address this with the witness  
4 with regard to these two birth-dates, I think. If you want to prove, for example, that  
5 he was born before (Redacted), that's a different matter, then you would get your time, but  
6 otherwise I think we would not have to entertain this. You see what I mean? So we  
7 could shorten it. So I also had the impression, also looking at the documents that  
8 have been displayed to the witness and then to discuss with the witness that  
9 the Prosecution does not want to -- does not intend to, to say that the witness was  
10 born (Redacted).

11 MR TAKU: [11:58:03] Our earlier enquiry, your Honours, relate to a completely  
12 different issue about the age attribution that the witness is making about himself and  
13 others. And some clarification about the documents --

14 PRESIDING JUDGE SCHMITT: [11:58:20] If it is about a completely different matter  
15 then please continue. Then it was -- my remarks have been premature.

16 MR TAKU: [11:58:29] Yes, your Honour.

17 Q. [11:58:48] Now, Witness, first, I am a bit curious about one thing that you have  
18 also had to say, you were abducted in primary 6.

19 A. [11:59:08] Correct.

20 Q. [11:59:14] And of course without contravening the directives of the Court, which  
21 I totally respect, I would like to find out a few thoughts, at least how you found out  
22 yourself through the commission of others that you were 12. But the case of your  
23 school where you attended, when you came back from the bush was that school still  
24 operational, was it still there?

25 A. [11:59:54] When I came back the school, Gem P7, was still existing.

1 Q. [12:00:16] In that school, Witness, both at the time, the day you were abducted  
2 and when you came back, Witness, is it not true, Witness, or did you find out, were  
3 you told that a normal child in primary 6 would be age 15 and not 12 or 13 or 14 as  
4 the case may be? What do you say to this?

5 A. [12:00:58] No, they did not tell us that.

6 PRESIDING JUDGE SCHMITT: [12:01:02] And really he does not say anymore that  
7 he was 12 when he was abducted. I have understood that he himself says he is born  
8 (Redacted). If it might be true that he was abducted in, I think in autumn (Redacted)  
9 he would have been 14 at the time and not 12.

10 MR TAKU: [12:01:24] Yes, your Honour. I am -- the estimation 12, for the purposes  
11 of establishing his age now, the Prosecutor concedes, is no longer the position of  
12 the -- is not the position of the Prosecutor --

13 PRESIDING JUDGE SCHMITT: [12:01:39] Yes, but --

14 MR TAKU: -- but about what he thought at the time and what he thought about  
15 others whom he saw, whom he thought at the time.

16 PRESIDING JUDGE SCHMITT: [12:01:46] I understand now. You mean about  
17 credibility issues. Okay, please continue.

18 MR TAKU: [12:01:51] Yes, and I will continue.

19 PRESIDING JUDGE SCHMITT: [12:01:52] Okay. Yeah, yeah. No, that's  
20 a different issue, indeed.

21 MR TAKU: [12:01:55]

22 Q. [12:01:55] In the realtime transcript, Witness, and that is on 29 May 2017, and  
23 that's at page 35, line 16 to let me say 23, Witness, you were asked by the Prosecutor:  
24 "Now, Mr Witness, let me ask you what would be the age range of these abductees?"  
25 And you said, Witness:

1 "Some of them -- I am guessing, I am guessing. You do not go ask somebody 'How  
2 old are you?' But I am just guessing. And the way to my estimation, they were 14,  
3 15, 16. Some of them who already had beards, so they were referred to as mzee,  
4 which is old. And there are some who used to carry -- only carry luggage."  
5 Witness, so again I ask you, Witness, you were asked several times to give an estimate,  
6 talk about the age of people. You didn't ask them for their ages, you were just  
7 guessing, you were just estimating from, from your own observations, correct?

8 A. [12:03:25] Yes, I was guessing, it wasn't -- I did not have the authority to go and  
9 ask people how old they were.

10 Q. [12:03:36] Now, Witness, if I, I refer to your statement in paragraph 13, my  
11 intention is not to unsettle you or to blame you in any way whatsoever. You and me,  
12 we come from the same cultural background, African, where ages were not registered  
13 and we used different factors, so you didn't do anything wrong by trying to establish  
14 your own age and probably to give opinion about others. And I appreciate that in  
15 paragraph 13 you speculated what your age was and you also candidly said that you  
16 were guessing about others. But let us discuss a number of things that happened  
17 when you collected this information. It is true, Witness, isn't it, that many years after  
18 this statement was obtained the Prosecutor still asked you to, to bring documents, he  
19 deemed it necessary that in order to establish your age he asked you to go and bring  
20 documents to ascertain your age? Witness, did that happen?

21 A. [12:05:10] Yes, it did.

22 MR TAKU: [12:05:16] Your Honours, without discussing so much of the details,  
23 tab 13.

24 Q. [12:05:25] I see here, Witness, both in tab 13, 15, 14, I see here that when you  
25 finally got your age -- what you thought was your rightful age, the person who

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1 provided the information was your mother, correct?

2 A. [12:05:46] Correct.

3 PRESIDING JUDGE SCHMITT: [12:05:49] But I think a mother is normally  
4 relatively --

5 MR TAKU: [12:05:55] Yes, I am coming to that.

6 PRESIDING JUDGE SCHMITT: [12:05:57] -- good prepared to say something about  
7 that.

8 MR TAKU: [12:05:59] I am coming to that, your Honour.

9 Q. [12:06:02] And I am extremely happy and proud of your mother that she  
10 received you well and, with the permission of the Court, I say hallelujah, may God  
11 bless all mothers. We would like to have all mothers to act for you the way she did,  
12 you understand? I am so -- was so close to my mother, in fact, that is the greatest,  
13 best thing in my life, and I am proud to see someone whose mother has played the  
14 same role and I say God bless all mothers.

15 What I am surprised about is this, this enquiry that was done later on by the, the  
16 investigators, they went to different people, they didn't go to her to ask for the  
17 information. And the reason I ask, Witness, although I am not supposed to talk  
18 about law to you, just ask you simple questions, simple questions and, except there is  
19 objection, simple questions under the convention of the law of the child, a father or  
20 mother would be able to give, provide that information, so, so that's -- but here they  
21 went to some other person and it turns out that the attestation they gave -- you  
22 identified the signature -- you were not present -- the writing there, the author, the  
23 Judge asked about, wanted to know about the author. Is that of --

24 PRESIDING JUDGE SCHMITT: [12:07:31] But does -- Mr Taku, if -- I have not read  
25 this. Of course I am relatively quick in reading it but I could not read now tab 13

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1 completely, but if it is correct that it was acts and decisions by investigators, the  
2 witness would not be able to comment on that, you see what I mean? You see what I  
3 mean? So you cannot ask him why did they not go to your mother, they did not go.  
4 You would have to ask this investigator.

5 MR TAKU: [12:08:09] I am asking him whether he told them to go to the mother,  
6 because he --

7 PRESIDING JUDGE SCHMITT: [12:08:13] That is different. Okay. So then ask  
8 this, please. And that we can continue then.

9 MR TAKU: [12:08:18]

10 Q. [12:08:18] Did you tell them to go to your mother?

11 A. [12:08:25] My mother passed away, so who was I supposed -- how was I  
12 supposed to tell them to do that?

13 Q. [12:08:33] Then I leave that alone. Mine too passed away and that's why I  
14 could understand your emotion and --

15 PRESIDING JUDGE SCHMITT: [12:08:42] I think then we can really continue to --

16 MR TAKU:

17 Q. [12:08:42] May God bless her soul, but wherever she is she is in a good place,  
18 please.

19 So now let me come back to the stolen document, where did you obtain the birth  
20 certificate and others which you said -- mentioned that they were stolen. Did you  
21 obtain them from the school or you obtained them from the hospital?

22 A. [12:09:08] The birth certificate?

23 Q. [12:09:16] You remember in tab 13 they gave you money to go and get some  
24 documents and you went there, you collected these documents and later on the  
25 evidence shows that they were stolen.

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1 A. [12:09:39] That's correct.

2 Q. [12:09:40] Where did you obtain those documents that were later stolen?

3 A. [12:09:54] The -- I went -- I went to -- and collected my primary 7 slip which is  
4 lost, I do not have that now. I also collected my identification for secondary 4 which  
5 is also lost. Those are the two things that are lost.

6 Q. [12:10:17] Good. Where did you collect them from?

7 A. [12:10:30] They were at home.

8 Q. [12:10:35] When they were stolen did you make an effort to go back to the  
9 school to ask for copies of these documents?

10 A. [12:10:51] At the time I had not yet collected my secondary 4 certificate, I only  
11 had my identity card for the secondary 4, so when I went to the school, that's when I  
12 picked up my certificate, the pass slip for my primary education, I did not go back to  
13 that school.

14 Q. [12:11:21] When you picked them did you hand them over to the Prosecutor?

15 A. [12:11:31] When I collected everything, other than the things that got lost, yes, I  
16 gave them to the Prosecution.

17 PRESIDING JUDGE SCHMITT: [12:11:41] We are not specifically now talking about  
18 dates. I think we could go back to open session, or do you think you would have to  
19 address matters?

20 MR TAKU: Yes.

21 PRESIDING JUDGE SCHMITT: Then continue.

22 MR TAKU: [12:11:53] Yes.

23 PRESIDING JUDGE SCHMITT: [12:11:54] It was just an attempt.

24 MR TAKU: [12:11:55]

25 Q. [12:11:56] Now, my problem is this, you obtained these documents that were

1 stolen from the school, why didn't you just go back to the school and ask for other  
2 copies to give to the Prosecutor?

3 A. [12:12:14] When I went to collect my certificate the P7, the primary 7 certificate  
4 was at home and my senior 4 identification card were both at home. When I went to  
5 Kitgum, to pick up my secondary 4 certificate, that's when the other two documents  
6 got lost.

7 Q. [12:12:55] I want to understand, your explanation is perfectly in order, I just  
8 want to know, when these two others were lost did you go back to the school to ask  
9 the school to make copies from their records, since the school existed, and give to you?  
10 Or you didn't go? If you didn't go, I am not blaming you if you didn't go, did you go  
11 and ask to make copies of these lost documents so that you should give to the  
12 Prosecutor?

13 A. [12:13:24] No. I did not go, but I do have a police report that shows that I lost  
14 those two documents.

15 Q. [12:13:37] Witness, I didn't intend to waste more time about that, I will come to  
16 that police report shortly. But looking at the dates here, the contacts from the  
17 investigators, Witness, it would appear that when you came back and the document  
18 were missing you did not spontaneously call the investigator to report. They call  
19 you -- or, when you brought them, when you brought them before they were stolen,  
20 you didn't call the investigators who had provided the transport for you to go, you  
21 didn't call them to send the documents to them and tell them you had the documents?  
22 They were missing or they were stolen, you didn't tell them until the caller met you  
23 on a specific -- and the dates are here -- that's when you told them they were missing,  
24 why didn't you immediately you came back over this period of time, I can say  
25 a month, why didn't you immediately consider the importance of these documents

1 and the proper enumeration? Why didn't you send a text message to the Prosecutor,  
2 investigator, to inform them that you have these documents and so that they could  
3 give you directives maybe to take to the office in Kampala or on how to preserve the  
4 documents? Why, why didn't you do that?

5 MR GUMPERT: [12:15:11] Your Honour, just before the witness answers that quite  
6 long question, can I invite the Bench and my learned friend to read just the first two  
7 paragraphs of the Defence's tab 13, which --

8 PRESIDING JUDGE SCHMITT: [12:15:30] I have read it.

9 MR GUMPERT: [12:15:32] Well, it's improper, I respectfully submit, for the  
10 proposition to be put, "Oh, you took ages, why did you do it?" When the narrative  
11 we have -- of course we are not in a position to judge its veracity, but the narrative we  
12 have on which the question it is presumably based is flatly contrary.

13 PRESIDING JUDGE SCHMITT: [12:15:52] You would have to -- Mr Taku, you  
14 would have to really extract the information out of this report or question the  
15 information out of this report. For example, you could, you could ask the witness,  
16 according at least to this tab 13, a contact was established on 17 February 2016 by the  
17 investigators with the witness, and when after the documents were stolen, you know,  
18 because this is not, not really clear so -- from the document. I know where you are  
19 heading at, but it's indeed --

20 MR TAKU: [12:16:33] Yes. For me, what is very important is about the -- the  
21 procedure of age attribution that they have adopted in this case, and we have one  
22 instance here that they were trying to do the right thing, they were trying to look for  
23 evidence and they were trying to look for evidence that would establish age, which  
24 exists. Where it didn't exist at all is one thing, and where it exists is another thing.  
25 I am trying to use the witness who himself has clearly made a lot of reservations on

1 this, so I do not know the object of this, this. My problem is this: This document  
2 was important, the school records are the most appropriate records that would gauge.  
3 The school is still, is still, is still there and it was possible to have got -- he didn't do  
4 that and I don't blame him for that, he was not work -- on his own. I am not putting  
5 the blame on him, it should be somebody else's blame to say "Well, go and look for  
6 the material here." It is not him and I don't intend to blame you for that. You did  
7 the best you could.

8 So if your Honours could understand that I am entitled to criticise the manner in  
9 which the investigation was conducted when a competent and compellable witness  
10 before the Court that it relates to him, and this is what I am doing here.

11 PRESIDING JUDGE SCHMITT: [12:17:52] But this has already been clarified, that he  
12 did not -- did not go back to the school to try to obtain copies of it. No, this is, this  
13 answer was absolutely clear and has been extracted, so to speak, out of the witness.  
14 That is clear, we have this on record.

15 MR TAKU: [12:18:12] Okay. Then let me move to something else, your Honour.  
16 (Counsel confers)

17 PRESIDING JUDGE SCHMITT: [12:18:35] So perhaps I can ask a question, just to do  
18 a little bit of follow-up, Mr Taku, to what you asked.

19 Mr Witness, after the investigators had contacted you, how long after your  
20 documents have been stolen? Do you recall that? Only, of course you can only, if  
21 you can at all, you can only give an estimate.

22 THE WITNESS: [12:19:00] (Interpretation) It was approximately one or two weeks.  
23 Because I had gone to my stepmother's home and had spent the night there. I could  
24 have answered the question as to why not, I did not pick up those -- why I did not  
25 send the message that I had lost those papers, I could have responded to their

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1 question. I wasn't the one who was calling the investigators telling them that, okay,  
2 I'm ready, I have this information, come and get this information. It was the  
3 investigators that were contacting me telling me we would like to meet you on  
4 such-and-such a day.

5 PRESIDING JUDGE SCHMITT: [12:19:55] I understand that.

6 Mr Taku, please continue then.

7 MR TAKU:

8 Q. [12:19:59] Exactly, Witness, thank you for making that point and that's exactly  
9 what, what I was driving out. I wasn't criticising you, Mr Witness, I was making  
10 a point that you have just clarified.

11 Now --

12 PRESIDING JUDGE SCHMITT: [12:20:11] But now open session?

13 MR TAKU: [12:20:14] Yes, open session, your Honour.

14 PRESIDING JUDGE SCHMITT: [12:20:16] Just a suggestion by me.

15 Open session, please.

16 (Open session at 12.20 p.m.)

17 THE COURT OFFICER: [12:20:21] We are back in open session, Mr President.

18 MR TAKU: [12:20:35] Your Honours, just one, I'm sorry, just one point in private  
19 session, I'm so sorry.

20 PRESIDING JUDGE SCHMITT: [12:20:42] So then --

21 MR TAKU: [12:20:43] Extremely sorry, your Honour.

22 PRESIDING JUDGE SCHMITT: [12:20:43] That can happen. Back to private  
23 session for one question.

24 (Private session at 12.20 p.m.) \*(Reclassified partially in public)

25 THE COURT OFFICER: [12:20:51] We are back in private session, Mr President.

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1 MR TAKU: [12:21:09]

2 Q. [12:21:09] Now, now, Witness, were you told or did you know if this is true, that  
3 you were born in (Redacted) You know that, that location, that's where you  
4 were born?

5 A. [12:21:30] (Redacted)

6 Q. [12:21:33] Were you born there?

7 A. [12:21:34] Yes, that's where I was born.

8 Q. [12:21:38] Did you go there to attempt to obtain, to obtain your birth certificate  
9 from the hospital?

10 A. [12:21:49] No, I did not go to that hospital.

11 MR TAKU: [12:21:53] Now, your Honours, let me move to some other point in open  
12 session.

13 PRESIDING JUDGE SCHMITT: [12:21:58] Then open session.

14 (Open session at 12.22 p.m.)

15 THE COURT OFFICER: [12:22:09] We are back in open session, Mr President.

16 MR TAKU: [12:22:13]

17 Q. [12:22:17] Now, Witness, let's talk about Odek.

18 At paragraph 57, your Honours, at 0850.

19 Witness, you said you were at -- with Dominic, you were at a location called Omer, I  
20 see here O-M-E-R. No, at a place called Omer. Do you remember saying that?

21 A. [12:22:59] Yes, I do recall.

22 Q. [12:23:05] Was this Omer, this O-M-E-R in Amuru, in a police station called  
23 Amuru?

24 A. [12:23:19] I do not -- I not know whether it's in Amuru or whether it's in Gulu.  
25 I do not know.

1 Q. [12:23:32] Now, Witness, let me suggest to you that a place called Omer,  
2 O-M-E-R, is approximately some 70 kilometres away, and I say this in the perspective  
3 that you say it would take about two days walking nonstop, more. Could that be  
4 a fair assessment of the distance from Omer to Odek?

5 A. [12:24:09] It took us two days to get there. Well, when you are walking there  
6 you do not walk straight, you do not take a straight line, so based your estimation I  
7 do not know whether it's 70 kilometres, because when we going there we go -- we use  
8 the roundabout way.

9 Q. [12:24:31] Tab 1, your Honours, at paragraph 57.  
10 Witness, with permission of the Court let me read that out, then I can ask my  
11 question.

12 "I think the attack was in early 2004. It was maybe seven months before I escaped  
13 from the bush in September 2004. We were beside a riverbank in Gulu. The place  
14 may have been called Omer but I am not sure. That day we met with a very large  
15 group of LRA fighters. I was not sure whom they were under. I was still under  
16 Ongwen's command."

17 My question relates to this very large group of LRA fighters, Witness. When you say  
18 "very large group", can you estimate how many there were when you describe very  
19 large group?

20 A. [12:26:04] The large group, there were at least three or four groups.

21 Q. [12:26:20] And you say you didn't know whose command -- under whose  
22 command this large group you met was; that is your evidence, Witness?

23 A. [12:26:31] Each group had its own commander, so I do not know which  
24 group -- which commander led which group. And that's what I'm saying.

25 Q. [12:26:45] Let's -- sure, but among these -- these groups, this large group that

1 you met, did you identify any specific commander that you had previously known?

2 A. [12:27:07] Commanders walk, move separately. We saw the group, the group  
3 came to us. The commanders went in another direction. I did not go to enquire or  
4 to ask which group came with which commander. I saw the groups coming in, but I  
5 did not make any enquiries as to which group was commanded by who.

6 Q. [12:27:32] At tab 1, paragraph 58, your Honours, 0850.

7 You stated that sergeant -- that Otto Signaller told Sergeant Opio to select people from  
8 his group for the attack. Correct?

9 A. [12:28:01] That's correct.

10 Q. [12:28:01] Now explain so that we know, Witness, you were there, how come it  
11 is, Witness, that a signaller would have a soldier or combatants under his command  
12 and providing support operations and selecting groups to go for combat? Can you  
13 tell us?

14 A. [12:28:35] I said the signaller worked for the commander, for example, Ongwen.  
15 So the person who is the superior of that signaller is somebody close to Ongwen. So  
16 if, for example, the signaller's commander discuss something with Ongwen, then this  
17 signaller's commander would come back to the signaller and say this is what we are  
18 supposed to do, select people in this manner.

19 Q. [12:29:07] Yeah, I'm not talking about Ongwen here. I'm talking about the, the  
20 soldiers, the combatants and others who were under the signaller. Were they all  
21 signallers or they were soldiers, other combatants deployed for these support  
22 operations? Were they all signallers under -- what's his name -- Otto Signaller? Or  
23 he had his own house, as you demonstrated in the drawing, he had his own house, he  
24 has his own group of people he commanded distance from where Ongwen lived.  
25 Can you explain, please.

1 A. [12:30:01] Signallers are signallers. They do have a commander and everybody  
2 under that commander works as a signaller. They do not bring an intelligence  
3 person and put them among the signallers. A signaller is a signaller.

4 PRESIDING JUDGE SCHMITT: [12:30:42] So would it be -- would it be correct to  
5 say, Mr Witness, that when you say Otto signaller told Opio to select people, that  
6 Otto Signaller simply conveyed a message, or have I understood this incorrectly?

7 THE WITNESS: [12:31:06] (Interpretation) Otto, Otto Signaller also had a rank. He  
8 also had other -- there were also other commanders who were of the same rank.  
9 Otto was superior to some of the signallers and the other commanders were also  
10 superiors to the different commanders. So if something -- if instructions come from  
11 Otto to select signallers, that means that the other commanders have also been sent to  
12 their households and told to go and select people from within their households.

13 MR TAKU: [12:31:59]

14 Q. [12:31:59] And of course, Witness, follows from what you are saying,  
15 paragraph 58, that Abongomek and Kalalang selected soldiers from their household,  
16 correct?

17 A. [12:32:19] That's correct, because they have the same, the same rank with Otto.  
18 They were of the same rank.

19 Q. [12:32:37] Now, at paragraph 58 again you said, Witness, that around 300 to 400  
20 under Ongwen. Are you talking about under Ongwen for this particular operation  
21 or are the military strength of Sinia brigade, which you said Ongwen was commander  
22 at the time, was 300 to 400 people, or it was all these individuals who came together?

23 A. [12:33:17] The 400 people that I am talking about were people that were with  
24 Ongwen.

25 Q. [12:33:24] Oh, I can't understand. So surely when the other units came that you

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1 saw them with their commanders, the number was even bigger in that context. So  
2 how many people were present at Omer?

3 A. [12:33:53] They were quite a large number of people. There were many people,  
4 because when we went to Odek we did not return to the same point where we left  
5 from. We met at another location.

6 Q. [12:34:07] So you didn't return to Omer, you returned to a different location.

7 Of course yesterday you already said that Labongo, who was also Abongomek, had  
8 indicated a different location, the location where you people met. So how was this  
9 location called, this new location?

10 A. [12:34:33] They are the ones who know. The commanders know the name of  
11 the place and they are the ones who agree on the -- over the point or place where they  
12 are going to meet. For us, the lower soldiers, we just follow them wherever they  
13 have agreed to meet from.

14 Q. [12:34:53] Well, in paragraph 77, Witness, you said that when you came from  
15 Odek you went back to the location where you left Ongwen. Witness, you  
16 remember that?

17 A. [12:35:18] Yes, I remember. But at the time we left Odek we did not come back  
18 to that same point, because they had already split with the new group. They had  
19 also left that location and gone to another place. So what I have written in the  
20 statement is, is different. But the correct position is what I am now saying.

21 Q. [12:35:51] Now, let me get one point right. When you met at Omer, these  
22 commanders, did you see these commanders having a meeting with Ongwen or you  
23 didn't see this -- holding a meeting with Ongwen?

24 A. [12:36:20] We normally stay further away from the commanders, so whatever is  
25 happening with the commander I don't know, they could -- sometimes they sit

1 together, the time when they are having a meal, so each one from his household  
2 would have meal brought to the same place and they would eat together. And for  
3 us we would stay in a different place.

4 Q. [12:36:46] During the alleged address, you said that Ongwen addressed the  
5 soldiers assembled there, Witness, you were asked how close you were with Ongwen.  
6 Now, I ask the question again, Witness, was it possible for you, a foot soldier, to come  
7 so close to a commander, especially when all the forces are mobilised? Is it not true,  
8 Witness, that you were with your commander, the unit that you were mobilised with,  
9 Okello, in that location, in your small group Okello was -- commanded your  
10 household, your certain household, and that you were not close to Ongwen?

11 A. [12:37:33] When people were selected and were gathered together, that's when  
12 Ongwen came and addressed the people who had been selected and told them that  
13 you are going for an operation. But he did not mention the name, that could be  
14 a secret that they have kept to themselves. He said "You are going for an operation,  
15 you should come back with enough items."

16 Q. [12:37:59] Yes, Witness. My problem is this: Even among the people who  
17 were selected you were standing near your commander, operational commander  
18 Okello, he didn't just move around to get into soldier from another unit, your  
19 operations commander for that particular mission, Okello, correct?

20 A. [12:38:33] I said at that time only -- all the people who had been selected to go  
21 for an operation are gathered together, then the overall commander himself now  
22 comes to address. It doesn't mean that Okello would first go and then come back  
23 and then address us, but he himself, when at the time we were selected he came and  
24 addressed us and the message he gave us was "You are going for an operation, come  
25 back with items."

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- 1 Q. [12:39:10] Witness, did you know a commander by the name Ben Acellam?
- 2 A. [12:39:24] I heard about Acellam but I do not know physically.
- 3 Q. [12:39:33] You have heard about a commander by the name Caesar Acellam?
- 4 A. [12:39:49] No, I did not hear about him.
- 5 Q. [12:39:54] Have you heard about a commander by the name -- or someone by
- 6 the name Okwonga? O-K-W-O-N-G-A. Have you heard someone with that name?
- 7 A. [12:40:13] No, I did not.
- 8 Q. [12:40:19] And of course have you heard about someone called Odong Cow?
- 9 A. [12:40:30] Yes, I heard about Odong Cow.
- 10 Q. [12:40:33] Did you see him there?
- 11 A. [12:40:41] Well, in our movement, after we were selected, those of us from Otto's
- 12 place, we were together. So the people who were already ahead of us, you cannot go
- 13 again to count and know who is who in that group which is already ahead of you.
- 14 So I did not see.
- 15 Q. [12:41:04] Now, you say you know this individual Odong Cow, can you
- 16 describe him to the Court?
- 17 A. [12:41:19] Odong Cow is not very tall. He is not very tall. Not very dark.
- 18 He is a chocolate brown. And he used to stay with Kalalang.
- 19 Q. [12:41:59] Now, Witness, do you confirm, Mr Witness, that Dominic did not go
- 20 to Odek? You left him at that location, that's paragraph 59, he didn't go to Odek
- 21 personally, correct?
- 22 A. [12:42:21] Correct.
- 23 Q. [12:42:39] Now, paragraph 59 again, your Honours, at 0850.
- 24 Witness, you stated that there were 60 LRA fighters who went for the attack on Odek,
- 25 "but I do not recall who commanded us." That was your statement, Witness, you "do

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1 not recall who commanded us," correct?

2 A. [12:43:10] Correct.

3 Q. [12:43:19] With that answer there is no need to speculate on names of other  
4 people. Now, you, you describe that before leaving for the attack on Odek,  
5 paragraph 61, "we prayed using a hymn used by the Morokolo (Born Again Christian)  
6 but we kneeled on the ground like Muslims do. They sprinkled us with some kind  
7 of water." Is that what happened, Witness?

8 A. [12:44:13] Yes, that happened.

9 Q. [12:44:16] Who performed this rite?

10 A. [12:44:30] I do not recall the name of the person, but he was there.

11 Q. [12:44:40] Do you -- did you know why this -- I don't want to just call it ritual,  
12 I don't know, spiritual incantations or something -- a better word, the experts who are  
13 the interpreters who help. Do you know why this was done, you are to pray a Born  
14 Again Christian? So when you pray what did you say? You were praying to  
15 whom?

16 A. [12:45:32] What I heard when they, when they call I only hear people saying  
17 "Holy, Holy, Holy," nothing else. I don't know why the prayer is said.

18 Q. [12:45:45] Did you know, Witness, that Joseph Kony was also called Holy by  
19 members of the LRA and of course also the wider the public?

20 A. [12:46:04] That's how they call it.

21 PRESIDING JUDGE SCHMITT: [12:46:09] Mr Witness, what impression did it make  
22 to you saying this holy or praying using a hymn and the sprinkling of water? Did it  
23 make an impression of you, and if, what kind of impression did it make on you?

24 THE WITNESS: [12:46:37] (Interpretation) Well, I did not feel any strange thing that  
25 changed my life.

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1 MR TAKU: [12:46:50]

2 Q. [12:46:51] Witness, did you know whether someone called Madam Lagulu

3 went to Odek or any female officer was given orders, did you know? Either

4 Madam Lagulu or some other female officer was given orders, commander, officer?

5 First, did you know Madam Lagulu, the commander, female commander?

6 A. [12:47:30] I did not see her but I hear people talk a lot with her name.

7 Q. [12:47:34] So in what context did you hear people talk a lot about her name?

8 A. [12:47:48] That she was the one in charge of prayers in the LRA.

9 PRESIDING JUDGE SCHMITT: [12:48:24] Perhaps in the meantime, Mr Taku, we

10 could address shortly, you have still 12 minutes left but we can address this. We

11 have talked about yesterday about the estimate of your examination and could you be

12 more specific now?

13 MR TAKU: [12:48:41] Your Honours, let me seek the opinion of Mr Michael Rowse

14 and my two colleagues here. I still have some areas I have to go to, important areas,

15 and I don't think I will be able to finish today, your Honours. I apologise for that.

16 PRESIDING JUDGE SCHMITT: [12:49:01] No, no.

17 MR TAKU: [12:49:02] I really made every effort to.

18 PRESIDING JUDGE SCHMITT: [12:49:04] No, I told you yesterday that we don't put

19 you under pressure. But what I can say is that you should have finished then

20 tomorrow after the shortened first session, yeah.

21 MR TAKU: [12:49:16] Thank you, your Honour.

22 PRESIDING JUDGE SCHMITT: [12:49:16] So we take it like that.

23 MR TAKU: [12:49:18] Okay, your Honour.

24 PRESIDING JUDGE SCHMITT: [12:49:19] Please continue.

25 MR TAKU: [12:49:22] Okay, then we can, we can come back tomorrow,

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1 your Honour.

2 PRESIDING JUDGE SCHMITT: [12:49:25] So you would say, you guarantee us, so to  
3 speak, that when we finish now you finish tomorrow at 11?

4 MR TAKU: [12:49:33] Yes.

5 PRESIDING JUDGE SCHMITT: [12:49:34] When we start at 10 o'clock? So this has  
6 to be clear.

7 MR TAKU: [12:49:39] Your Honours, we will crave your indulgence to give us at  
8 least two hours tomorrow, your Honour, I mean just to be on the safe side, we will do  
9 our best.

10 PRESIDING JUDGE SCHMITT: [12:49:56] Then we continue now and I think we  
11 should start with a new witness in the second session tomorrow. This should really  
12 be possible, and I have reason for that because the examination-in-chief of the OTP  
13 was four hours-something and you have already now reached this stage. And I said  
14 I do not want to cut you too early, but it should really then have finished, this should  
15 be possible.

16 So just continue, we can, we can have another 10 minutes, 15 minutes and then we,  
17 we finish tomorrow at 11 and start punctual, like we do in this Chamber, at 10.

18 MR TAKU: [12:50:38] We will surely respect this and all other instructions from the  
19 Court.

20 Q. [12:50:48] Witness, at paragraph, you said at paragraph 64 that -- before,  
21 Witness, you said it is when you went closer, you went closer to Odek that you were  
22 informed that the object of the attack was Odek, that's when some commander  
23 informed you. Correct, Witness?

24 A. [12:51:17] Correct.

25 Q. [12:51:18] And you said that Abongomek commanded the group that went to

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1 attack the barracks, but you did not know the name of the commander, Witness, who  
2 led the group to the camp, correct?

3 A. [12:51:34] Correct.

4 Q. [12:51:35] Again, to save time, let me suggest, Witness -- sorry, one minute,  
5 your Honours.

6 (Counsel confers)

7 MR TAKU:

8 Q. Now, Witness, tab 67 -- tab 1, paragraph 67, you say you approached Odek, you  
9 approached from the direction of the bush, "The sun was setting in front of us."  
10 That's paragraph 67. That's what you told the investigators. Did you approach  
11 Odek from the direction of the bush and the sun was setting in front of you? Is that  
12 what happened, Witness?

13 A. [12:52:41] Yes, that is what happened.

14 Q. [12:52:45] In other words, if you can, and in other words, if you can, you were  
15 suggesting that you approached Odek from the east?

16 A. [12:53:05] Yeah, we approached Odek from the east.

17 Q. [12:53:09] Can you tell the Court whether that attack occurred -- what season  
18 did it occur? In the dry season or in the rainy season?

19 A. [12:53:27] It was at the time when the leaves were just sprouting. It was still  
20 sprouting new, the bushes had just been burnt and the new leaves were still just  
21 coming out.

22 Q. [12:53:43] So we have two, generally two seasons in Africa, and you wouldn't  
23 have difficulties knowing this. Was it in the dry season or in the rainy season?

24 A. [12:54:06] That time I think I can say that the dry season had just ended and we  
25 were approaching the rainy season.

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1 Q. [12:54:19] So I do not know where to fit this -- this season there and -- and just  
2 approaching. You know, Witness, as I know, there is either the dry season or the  
3 rainy season.

4 PRESIDING JUDGE SCHMITT: [12:54:38] You know, I am not at all an expert in  
5 meteorology, and especially not in Africa, but couldn't there be some intermediate  
6 stages?

7 MR OBHOF: [12:54:48] No, there's not.

8 PRESIDING JUDGE SCHMITT: [12:54:49] No? Not, not, okay. So then I  
9 withdraw this remark, but perhaps we simply ask the witness: At the time when  
10 you went to Odek, do you recall heavy rains or was it dry, you know, concretely,  
11 concretely when you went there? Did you have any -- yes, problems with rain or  
12 was it heavily raining or did you not recognise that?

13 THE WITNESS: [12:55:22] (Interpretation) That -- that time there was rain but not,  
14 not very heavy rain.

15 MR TAKU: [12:55:32]

16 Q. [12:55:33] Was there heavy rain during the period you went to Odek? In other  
17 words, the day before, the day you went to Odek and the day after when you  
18 withdrew, was there rain in Odek?

19 A. [12:55:57] I, I do not recall whether it had rained or it had not. I did not -- I did  
20 not get that and so I don't recall it.

21 Q. [12:56:09] Did you have any difficulties, Witness, crossing the Aswa river in  
22 order to proceed to Odek? In other words, was the water, the river actually overflow  
23 at the peak of the river overflowing?

24 A. [12:56:37] At that time the river was not overflowing.

25 Q. [12:56:46] So at what point did you cross the Aswa river to go to Odek?

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1 A. [12:56:54] Going to Odek, we did not cross Aswa on that day.

2 Q. [12:57:01] So you didn't cross the Aswa river, that's -- that's your evidence, to go  
3 to Odek?

4 A. [12:57:16] The, the stream that we crossed, I do not -- I don't know whether it  
5 was Aswa or not, but there was a stream that we crossed.

6 Q. [12:57:32] Was that a stream proximate, close to Odek or further from Odek?

7 A. [12:57:46] It's not very far.

8 Q. [12:57:49] Yes, Witness, when you say you got to Odek from the direction you  
9 came, did you cross another river before you get to Odek? Shortly when -- before  
10 you got to Odek, did you see any river, just quite, quite close to Odek?

11 A. [12:58:21] No, I did not see.

12 Q. [12:58:30] Now, at paragraph 69, your Honours, tab 1, 0852, Witness, you said  
13 that the gunfire lasted five minutes, in which time you fired your eight bullets.  
14 Witness, that's what you told the investigators, do you remember that?

15 A. [12:59:03] Yes, I remember.

16 Q. [12:59:05] Is that still your evidence today?

17 A. [12:59:18] Correct.

18 MR TAKU: [12:59:19] Your Honours, can we -- let me go and see, maybe there are  
19 some questions that might later come to me with the timeline I've been given, but it's  
20 1 o'clock now, your Honour.

21 PRESIDING JUDGE SCHMITT: [12:59:31] Then we have now concluded the hearing  
22 for today and resume tomorrow at 10 o'clock, and as I said -- yes, at 10 o'clock, and as  
23 I said, until 11 we conclude the testimony of this witness.

24 MR TAKU: [12:59:45] 11?

25 PRESIDING JUDGE SCHMITT: [12:59:48] Until 11, yes.

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1 MR TAKU: [12:59:49] 10 o'clock to 11?

2 PRESIDING JUDGE SCHMITT: [12:59:50] 10 o'clock to 11, yes. This is -- but I'm  
3 sure, Mr Taku, with the help of Mr Obhof and Mr Rowse and Mrs Bridgman, this will  
4 be possible and this will be achieved. Okay.

5 MR TAKU: [13:00:06] Thank you, your Honour.

6 THE COURT USHER: [13:00:08] All rise.

7 (The hearing ends in open session at 1.00 p.m.)

8 RECLASSIFICATION REPORT

9 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July  
10 2016, the public reclassified and lesser redacted version of this transcript is filed in the  
11 case.