

Trial Hearing
WITNESS: UGA-OTP-P-0144

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Wednesday, 12 July 2017
9 (The hearing starts in open session at 9.59 a.m.)
10 THE COURT USHER: [9:59:23] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:59:48] Good morning, everyone.
13 Good morning, Mr Taku.
14 MR TAKU: [9:59:51] I am so sorry, your Honours. I made a very serious mistake
15 that would have been very fatal to me. I have some drugs that I take in the mornings,
16 so I travelled to the US and I was -- I started taking in the morning, came back here
17 and started immediately taking in the morning, not knowing that I was taking almost
18 a double dose because of the time differences. And I found myself in a very, very
19 situation, so when I discovered what had happened I started running in the rain and
20 it was just one of those very, very confusing and --
21 PRESIDING JUDGE SCHMITT: [10:00:30] Absolutely. Accepted, Mr Taku. It's
22 okay, these things can happen on an exceptional basis, so to speak. And we, as you
23 see, we waited because I think it would not have been fair to the Defence, and
24 especially personally to Mrs Bridgman cannot be prepared as you are prepared. So
25 we accept that and we continue now.

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1 Thank you very much.

2 MR TAKU: [10:00:53] Thank you, your Honour.

3 PRESIDING JUDGE SCHMITT: [10:00:54] First of all, please, court officer, please
4 call the case.

5 THE COURT OFFICER: [10:00:58] Good morning, Mr President, your Honours.

6 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
7 reference ICC-02/04-01/15.

8 And for the record, we are in open session.

9 PRESIDING JUDGE SCHMITT: [10:01:14] And for the record we need, like always,
10 the appearances of the parties.

11 Mr Choudhry.

12 MR CHOUDHRY: [10:01:20] Your Honour, Kamran Choudhry here today with
13 Mr Shkelzen Zeneli, Mr Ben Gumpert, Mr Hai Do Duc, Mr Pubudu Sachithanandan
14 and Ms Ramu Bittaye.

15 PRESIDING JUDGE SCHMITT: [10:01:30] Thank you.

16 And for the Legal Representatives of the Victims, Mr Manoba.

17 MR MANOBA: [10:01:34] Good morning, your Honours.

18 Joseph Manoba and Mr James Mawira.

19 PRESIDING JUDGE SCHMITT: [10:01:38] Mr Narantsetseg.

20 MR NARANTSETSEG: [10:01:41] Good morning, Mr President, your Honours.

21 Orchlon Narantsetseg along with Caroline Walter. Thank you.

22 PRESIDING JUDGE SCHMITT: [10:01:49] Thank you.

23 And for the Defence.

24 MS BRIDGMAN: [10:01:50] Good morning, Mr President, your Honours.

25 My name is Abigail Bridgman, together with Chief Charles Achaleke Taku,

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1 Nuria Feliu, and Augusta Barnabie. And our client Mr Ongwen is in court.

2 PRESIDING JUDGE SCHMITT: [10:02:03] Thank you, Mrs Bridgman. And Mr de
3 Bree is also there, I think I can say it for the record, as Rule 74 counsel for the witness.
4 Now, Mr Taku, you have the floor and you can continue your examination.

5 QUESTIONED BY MR TAKU: (Continuing)

6 Q. [10:02:21] Good morning, Mr Witness.

7 WITNESS: UGA-OTP-P-0144 (On former oath)

8 (The witness speaks Acholi)

9 A. [10:02:22] (Interpretation) Good morning.

10 Q. [10:02:27] Witness, yesterday we listened to your testimony very carefully and
11 we had the opportunity also to observe you and the manner in which you answered
12 questions, so what we will do principally is just in most cases to ask for clarification
13 and more detail in some of the issues you testify about. Do you understand?

14 A. [10:02:57] Yes.

15 Q. [10:02:58] I am not going to be aggressive, there is no need for that, we just want
16 you to help the Court to clarify, because we believe that you are a witness who was in
17 a situation where you worked over the years, you were in a position to clarify many
18 issues and probably to give, have a better understanding of how things work within
19 the LRA.

20 So let me start. And if I ask any question that could reveal your identity, please let
21 me know. I understand your unique position, so we do not want your identity to be
22 out there. So if you have any question or you don't understand any question, do as
23 you did yesterday and we will ask the question again. And if you know the answer
24 you say "Yes, I know", if you don't know the answer say "I do not know", if you
25 cannot remember say "I cannot remember". And I wouldn't -- I will either refresh

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1 your memory or I would not press on, because I understand human beings might
2 forget certain important information.

3 So, when you were interviewed in 2006, July 2006, where were you stationed? From
4 where did you come to be interviewed in July 2006 by the investigators?

5 A. [10:04:56] You -- the first interview was conducted in Gulu. I was invited when
6 I was for an operation in the Sudan.

7 Q. [10:05:11] Now, you were invited when you were in the operation in the Sudan.
8 Do you know someone called (Redacted)? If you know him, please tell the Court.

9 A. [10:05:43] (Redacted), what I know is that he is a UPDF commander.

10 Q. [10:05:55] Were you invited through him, is he the one who facilitated you
11 meeting these investigators?

12 A. [10:06:10] I know that there was somebody who was appointed to coordinate
13 the invitation to -- of the people to meet the group that were conducting the
14 interviews?

15 Q. [10:06:38] Now, when you say "the group" -- no, I'm sorry, was this person
16 (Redacted)

17 A. [10:06:58] Could you say the question again.

18 Q. [10:07:00] Was this person who was appointed to arrange or to facilitate you
19 coming to meet the investigators, was (Redacted)

20 A. [10:07:14] He was the one who called by telephone. He is the one that most
21 times when there is any interviews that needs to be conducted, message is sent
22 through him and then he would relay this message to the individuals. As I told you,
23 he is a UPDF officer and also an intelligence officer. So what I know is that he was
24 appointed to coordinate these meetings, meetings with the investigators.

25 Q. [10:07:57] How did you know that he was appointed to play that role? In other

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1 words, to facilitate the contact of individuals, not just you, individuals who were
2 required to meet the investigators, how did you know?

3 A. [10:08:23] I came to know after following -- following the, the call, when you are
4 invited you come to him and he conducts the briefing of what is to be done, so that is
5 how I came to know that he was being used as the coordinator. You cannot come
6 from wherever country you are coming from to come and talk to someone like me,
7 because I was from an operation and, to meet a person like me for the first time, it
8 would be difficult to find me. So I know he was appointed to coordinate such
9 meetings with the -- any person, between any person and the UPDF officers. So with
10 the powers that he probably has he could send message through radio call and that
11 message would reach to the person that is intended to be invited.

12 Q. [10:09:34] Yes. Was he present when you were being interviewed by the
13 investigators?

14 A. [10:09:57] He was not present. Once he has coordinated and you have arrived,
15 he will hand you over to the people that would like to meet you and he will leave to
16 go continue with his other assignments.

17 Q. [10:10:12] Can you, can you tell the honourable Trial Chamber what type of
18 briefing he gave you when you came prior to handing you over to the investigators?

19 A. [10:10:45] In the first call, when I -- I remember that he gave me a briefing, but
20 the investigators from here were investigating the atrocities committed by the LRA.
21 So when they meet you, you tell them whatever they are asking you.

22 Q. [10:11:27] Do you recall the investigators telling you in that first interview that
23 the Office of the Prosecutor was cooperating with the UPDF?

24 Your Honours, I'm referring to tab 3, UGA-OTP-0228-1255, page 1263, line 279.

25 Do you remember these investigators telling you that the Prosecution was

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1 cooperating with the UPDF?

2 A. [10:12:26] Yes, I, I remember, because they liaise with the UPDF to invite us
3 were officers, because if you do not cooperate with the army there is no way you can
4 get in touch with us. We are deployed outside the headquarter where we are
5 required to work from.

6 Q. [10:13:02] Did the Prosecutor tell you that the Court was collaborating with the
7 government of Uganda?

8 No, let me rephrase, let me rephrase: Did they subsequently tell you that the Court
9 was collaborating with the government of Uganda and not the UPDF?

10 A. [10:13:43] What I recall is that we were told that, from Africa, Uganda is one -- is
11 one of the signatory and that the others who committed crimes, and these people, that
12 Uganda is one of the counties in Africa that is signatory to the ICC.

13 Q. [10:14:29] Now, let me -- you said that you were led in operation for the UPDF.
14 Let me ask if you know something about this: How would you describe UPDF?
15 Could UPDF, could it just be a partial -- let me put it this way, they were formally the
16 National Resistance Army that transformed into the UPDF, correct?

17 A. [10:15:14] That is not my concern.

18 Q. [10:15:16] Did you know that or did not know?

19 PRESIDING JUDGE SCHMITT: [10:15:20] That doesn't matter, Mr Taku. He is not
20 an expert on military history. I would simply --

21 MR TAKU: [10:15:29] Okay, your Honour.

22 PRESIDING JUDGE SCHMITT: [10:15:32] -- go forward with your line of
23 questioning and not ask him about these matters.

24 MR TAKU: [10:15:38] The reason I wanted to ask this question, your Honours --

25 PRESIDING JUDGE SCHMITT: [10:15:41] No, it is not -- we have addressed this

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1 already, where the root, so to speak, of the UPDF. And I think it really doesn't make
2 sense to ask the witness if he knew about that.

3 MR TAKU: [10:15:55] Okay.

4 PRESIDING JUDGE SCHMITT: [10:15:56] So please continue.

5 MR TAKU: [10:15:57] I just want to make the witness at ease. He is not -- he is in
6 a unique situation where he finds himself, because these people were former rebels
7 like, like himself and others, who found themselves now, they now constituted a rebel
8 army. So everybody there were former rebels before, or from different rebellions
9 that constituted a single army. So he and others were all from different origins and
10 he is not in a unique situation here, so he should not think that at some point in time
11 while -- when they say because he came from LRA and joined UPDF, no. They
12 themselves and others came from different rebel groups and constituted UPDF, that is
13 just all. It is just to make him at ease.

14 PRESIDING JUDGE SCHMITT: [10:16:51] No, but you have done it, with which was
15 of course a statement, so to speak, a small, a small midterm statement, so to speak.

16 THE WITNESS: [10:17:03] (Speaks English) I can answer him if you want.

17 MR TAKU: [10:17:06] Yes, yes, yes, yes. Yes, go ahead, if you know, if you can
18 help us.

19 THE WITNESS: [10:17:14] (Interpretation) I know that you, you want to understand
20 what you already know. You are probably trying to confuse. I know you are
21 a mature person, from what I see. I know that in Uganda the regimes, even the
22 current president started as a rebel leader and took over government. So I do not
23 know what you want to know. I know you probably have this information already,
24 probably just trying to tease your colleagues here.

25 PRESIDING JUDGE SCHMITT: [10:17:59] No, no, we don't -- no, we are not going

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1 to entertain now a discussion between counsel and witness and so on. Please put
2 questions to the witness. And let me phrase it cautiously; the witness seems to be
3 a person who understands all undertones, so to speak.

4 MR TAKU: [10:18:23] Yes, your Honours.

5 PRESIDING JUDGE SCHMITT: [10:18:24] And by the way, for the record, we
6 welcome Mr Titus Ayena in the courtroom.

7 MR TAKU: [10:18:32] Thank you, your Honour.

8 Q. [10:18:35] Well, my question is just an introduction to issues in this case, the way
9 this -- this war was prosecuted, the methods, the unconventional methods in which
10 the war was prosecuted in different places by this army, that that's why I was curious
11 to find out this background. But when I ask questions about the manner the war
12 was prosecuted by them, it will become obvious why I ask this question. By the way,
13 in that first meeting, and subsequently, did you personally request for a lawyer,
14 initially?

15 A. [10:19:27] From what I can recall, I came from an operation and I was asked
16 whether I would require a lawyer. I said yes, I would need a lawyer. But later on
17 when the investigators were straightforward with me that if you require a lawyer
18 now then we can suspend the interview so that we can appoint another date. And, to
19 my side, I saw this was going to take -- to waste time and we can get the lawyers in
20 the future. So we can -- I agree that we can start with the questioning whatever that
21 could be started with. So when we had the first interviews there was no lawyer.

22 Q. [10:20:33] But during that first interview, Witness, even though although you
23 took the option that you were prepared to proceed without a lawyer, do you recall the
24 investigator informing you that they had information that led them to believe that
25 you had committed some crimes that fell within the jurisdiction of the Court.

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1 Your Honours, tab 1, UGA-OTP-0228-1187, pages 1213-1214, lines 860-870. See also
2 tab 3, UGA-OTP-0228-1255, page 1266, line 355-382.

3 You remember them telling you that even though the warrants, they had warrants
4 against identifiable individuals and you were invited to assist, to help to explain,
5 submitted in subsequent interviews, nevertheless they informed you that they had
6 information that you had committed crimes, some crimes that fell within the
7 jurisdiction of the Court, Witness. Do you remember this?

8 A. [10:22:50] Where is your point?

9 PRESIDING JUDGE SCHMITT: [10:22:53] Simply -- we have read it now, but I think
10 it would be a very tedious procedure to read it out. Simply, Mr Witness, counsel
11 wants to know from you if you recall that the investigators put to you initially that
12 they have this information that counsel said. And counsel has correctly put on the
13 record where this can be found in your former statement and he simply wants to
14 know if you recall that.

15 THE WITNESS: [10:23:32] (Interpretation) Yes, I recall. That's why I told them that
16 in the future I will require a lawyer, because they had, they had tried to be straight
17 that what they are doing is to investigate what happened, so they are here so that we
18 can help them to establish the information about the war in northern Uganda.

19 PRESIDING JUDGE SCHMITT: [10:24:08] Thank you. And I just want to indicate
20 that I think at line 891 on this page 1214 the witness has been told that he has the right
21 to legal assistance like he has referred to before. So please continue, Mr Taku.

22 MR TAKU: [10:24:24] Yes, your Honours, yes.

23 PRESIDING JUDGE SCHMITT: [10:24:34] And, by the way, witness is sitting here
24 and has legal assistance here in the courtroom with Mr de Bree.

25 MR TAKU: [10:24:47] Yes, your Honours, I just want to establish the pressure that

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1 the witness was put to at the time when he made these statements, because
2 the Prosecutor asked yesterday why did you initially say that you were not present,
3 what happened, why did you do this, and the witness tried to explain.

4 PRESIDING JUDGE SCHMITT: [10:25:03] No, no, it's absolutely clear what's the
5 purpose. And I think witness has, I think, described the situation. And if we look
6 at the transcripts of the former interviews we can put the things together. So
7 perhaps you can put to another point.

8 MR TAKU: [10:25:21] Okay, then let me move forward, your Honours.

9 PRESIDING JUDGE SCHMITT: [09:07:09] Yes, please.

10 MR TAKU: [10:25:24] As you say, yes.

11 Q. [10:25:35] Now, Witness, I will move from that point to some other point.
12 Witness, let's move quickly to your abduction. Before your abduction had you heard
13 about the LRA, the Holy or Olum-Olum?

14 A. [10:26:10] I had not previously heard about it. In the areas where we used to
15 live you would not hear about rebel activities, but I came to hear about it when I went
16 to another school which was about 17 kilometres away from town. That's when I
17 heard about, heard about the rebels, and even that was a time when I was actually
18 abducted.

19 Q. [10:26:47] Please do not mention the name of that school where you were
20 abducted, because we do not want your identity to be out, you understand? Do not
21 mention the name of the school in public. Now, what information did you hear
22 about them before you were abducted in that new school that you attended?

23 A. [10:27:42] The headmaster came and gathered the students and informed them
24 that we have heard that rebels were, were heading southwards to -- but they had
25 never previously been this area, so students whose homes were close by to the school

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1 are free to go back home. So they were released to go home. Those of us who came
2 from town, it was quite a distance and it was in the evening, he told us that the army
3 was coming to provide security. And afterwards, if I can recall, there were six trucks
4 of army that were delivered that were actually brought to the school. That is what I
5 heard about it. I heard -- that's what I heard and this was from the headmaster of the
6 school.

7 Q. [10:29:05] Quite a model headmaster indeed, to have a school. Now, now you
8 said that, that you were abducted -- yesterday, that you were abducted by a combined
9 group led by Can Odonga, and you said that this group was a standby force to
10 conduct operations in Lango.

11 Did you subsequently, over the years, did you ever find out which group constituted
12 this combined group for this operation in which you were abducted?

13 A. [10:30:19] At the time we were abducted I did not know anything. As I was
14 very clear yesterday I told you I was in Uganda for a very short time, probably about
15 one or two months, I don't recall very well. Then I moved Sudan at the LRA base. I
16 stayed there for a longer time. And yesterday I also tried to be clear and said that
17 LRA does not have a fixed position where you are like appointed that you are in
18 Stockree or Control Altar or Trinkle, you are not permanent in those brigades.
19 And what I also recall, Mandela, who was the 2IC to Can Odonga, by the time I went
20 to Sudan I found he was a member of the Control Altar and Can Odonga was actually
21 moving in between the brigades. But I think he took longer at the Sinia brigade, but
22 most times he was in the Sinia brigade.

23 Q. [10:32:01] Yes. Let me deal with the issue quickly for us. You are better placed
24 to explain to us. In other words, so Joseph Kony could move people from one
25 brigade to another and assign them to specific missions at his will at any time he

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1 wanted, is that how he worked?

2 THE WITNESS: [10:32:28] (Speaks English) Who do you think I am by
3 the -- (Interpretation) Who do you think I was at the time that I was in the bush?
4 I was abducted in 1996, I was a young child who did not know anything. There
5 were a lot of veterans who had been in the bush, who had been there for years; they
6 are the ones who know the system. I was just taken and dumped there so I did not
7 have any idea or any clue, so you are asking somebody who had no idea about the
8 system of the LRA.

9 PRESIDING JUDGE SCHMITT: [10:33:04] May I shortly, Mr Taku. Perhaps it's
10 better when you refer the witness to a time where he had another position in the LRA
11 and was not recently abducted. It might be that he has better information or it's sort
12 of not improbable, to word it mildly, that on a later stage which also comes closer to
13 the charge period he might have better information, so he might be bettered place to
14 say something about the structure and about how movements were organised in the
15 system of the LRA.

16 MR TAKU: [10:33:42] Yes, your Honours. Thank you so much.

17 Q. [10:33:50] Now answer this question -- this question will come much later, but I
18 just ask at this point of time, I am not asking from when you were just abducted.
19 From your experience, when you are in the LRA for a longer time for these years, you
20 saw people not being stable movements; people could be moved from one unit to
21 another unit, moved from one unit to conduct operations in other units or in other
22 locations. That's why I was curious to know whether that was what Joseph Kony
23 did, that he could indeed take someone from one unit and send him on operation
24 somewhere, at will, do whatever he wanted in the manner in which he commanded
25 the LRA; is that what you observed, later on?

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1 A. [10:34:50] Yes.

2 Q. [10:34:57] Now, before I ask this next question you say when you were abducted
3 you were taken to a location called Odek, do you remember that? From Lango you
4 were taken to Acholiland to a place called Odek.

5 A. [10:35:21] (Speaks English) General area.

6 Q. [10:35:25] Yes.

7 A. (Interpretation) I was taken to a place, but I did not know the area very well
8 because that was the first time that I had gone to that particular area so I wasn't
9 familiar with it.

10 Q. [10:35:37] Yes. Do not read too much into the question I am asking. There are
11 some questions I am asking because you know better, you help us. We do not come
12 from that area. I thought I heard the name Odek, that you later on knew that that
13 location is called Odek; is that correct?

14 A. [10:36:03] Yes. The people who were familiar with that area told us that we
15 were approaching Acholiland and that we were in a place known as Odek, the
16 soldiers that abducted us.

17 Q. [10:36:18] After several years in the LRA, potentially five years in Sudan, and
18 a number of other years when you came to, back to Uganda, did you come to learn
19 that Odek was a home, that's the home of Joseph Kony, that he came, he hailed from
20 Odek?

21 A. [10:36:49] Yes, I did.

22 Q. [10:36:55] Now, Witness, you stated that you were distributed to various
23 soldiers.

24 Your Honours, it's at tab 2, UGA --

25 PRESIDING JUDGE SCHMITT: [10:37:14] I think you can continue. I think we

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1 have this in mind. This is not so specific the information that we need exactly the
2 reference. You can continue with your questioning.

3 MR TAKU: [10:37:22]

4 Q. [10:37:22] Was it before you went to Sudan or when you got to Sudan?

5 A. [10:37:33] No, we hadn't yet gone to the Sudan.

6 Q. [10:37:41] So if I understand, Witness, and correct me if I am wrong, over the
7 years from what you experienced in the LRA, so this practice of distributing
8 abductees was an established policy of the LRA?

9 A. [10:38:14] If anybody is abducted the abductees are split up, they are distributed.
10 This is way of holding people back so that they do not escape, and especially if there
11 are a number of people are abducted, if there are so many people that are abducted
12 they are distributed to prevent escapes and to make sure that they are under security.
13 So the abductees are sent to the different brigades so that it's easier to take care of
14 them. And that's how they used to, that was the method of their -- method of work.

15 Q. [10:39:00] Now, for over the years that you were in the LRA did you come to
16 know who established this policy of distributing the abductees within different
17 soldiers' unit? Do you know who established that policy, who gave the orders for
18 this to happen?

19 A. [10:39:23] No, I do not know.

20 Q. [10:39:27] Do you know whether Joseph Kony was aware that this, this policy,
21 these distributions occur? Do you know whether Joseph Kony was aware of that?

22 A. [10:39:48] Yes, that was my perception. I -- I was of the view that if civilians
23 are abducted, a number of civilians are abducted, then they, the LRA become
24 vulnerable to the soldiers to be pursued, especially since they did not have a base in
25 Uganda. But while they were -- while they had bases in Sudan, regardless of the

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1 numbers, the people would stay together. But while they were in Uganda, if they
2 abduct a large number of people and the government soldiers are constantly pursuing
3 them with helicopter gunships, and the untrained civilians who have just been
4 abducted, students who have just been abducted would be easy to identify and the
5 gunships would easily target them.

6 Q. [10:41:03] Indeed. Now, Witness, you just answered the question whether
7 Joseph Kony was aware. Indeed, some of the civilians were distributed to him and
8 by this I mean -- I have in mind the case of the girls, the girls in which -- let's not call
9 her name, your cousin. When they abducted those girls some were distributed to
10 Otti, some were distributed to Kony himself, so.

11 A. [10:41:50] (Speaks English) Repeat the question.

12 PRESIDING JUDGE SCHMITT: [10:41:51] No, no, there was no question.

13 MR TAKU: [10:41:54] Yes, yes.

14 PRESIDING JUDGE SCHMITT: [10:41:54] But you would have to put the question
15 to the witness, please.

16 MR TAKU: [10:41:56] Yes, yes.

17 Q. [10:41:58] So, Witness, does the fact that when the girls were abducted, and by
18 "the girls" I mean in which you identified one of your cousins, she was one of them,
19 the distribution, in the course of distribution, some of them were distributed to
20 Joseph Kony himself, some to Otti. Is that a clear indication Kony knew about and
21 approved of the policy of distribution of the abductees because he himself distributed
22 the girls, and in fact some of you ended up in Sudan with him? Is that an indication,
23 did you understand that to be an indication that he approved of that policy of
24 abductions and distribution of abductees?

25 A. [10:42:56] I know that you are already asking a question that you are familiar

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1 with. Joseph Kony was the overall commander of the LRA and I do know that
2 whatever happens within the LRA comes from him. He is their leader and I believe
3 that he is the one who issues those orders. He is not the one who goes personally
4 and abducts the women himself, but he does issue the orders that if people are
5 abducted they should also make sure that he receives some of the abductees.

6 PRESIDING JUDGE SCHMITT: [10:43:41] I think this is enough now from the point
7 of view of the witness and you can continue.

8 MR TAKU: [10:43:44] Yes, yes.

9 Q. [10:43:49] Well, Witness, if you know this answer you know, if you do not know.
10 Over the years did you come to know the areas in Uganda you stayed for two months
11 before getting to Sudan. If you do not know say so, but if you came to know those
12 locations to which you were taken, apart from Odek, the two months, did you come
13 to know those areas?

14 A. [10:44:25] I was -- at the time I was a civilian I did not have any knowledge of
15 places in Acholi region. But to my recollection we headed mostly northwards and
16 eastwards. And because Lira district is in the south, is south of Kitgum, south of
17 Kitgum and Gulu, so we were mostly walking northwards and the rebels would tell
18 us that at that point the rebels told us that we are already in the Sudan. So we kept
19 on walking northwards until we got to the Sudan after two months.

20 Q. [10:45:23] Now (Microphone not activated)

21 PRESIDING JUDGE SCHMITT: [10:45:24] Microphone, please.

22 MR TAKU:

23 Q. [10:45:26] Maybe out of curiosity, when I went to Odek myself I saw a rock
24 called Awere rock. When you passed through Odek did you see that rock, Awere
25 rock, or did you come to know about it?

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1 A. [10:45:52] No, I do not know about that rock. Because I was new to that area,
2 I was only probably one day, I was just newly abducted, only been with the rebels for
3 a day, so no, I didn't know anything about it.

4 Q. [10:46:10] Okay, let me ...

5 Now, when you -- before you moved to Sudan did you know then or you came -- or
6 did you come to know who was the commander of your group?

7 Your Honours, I am looking at tab 2, UGA-OTP-0228-1229 at page 1248.

8 Or let me just put it directly in the way you understand, Witness, Otti Lagony, does
9 that ring a bell?

10 A. [10:46:58] I have heard about him. I was young at the time but I heard about
11 him. I heard that there was a group. The group that went was Otti Lagony's group
12 but I did not see him so I cannot identify him.

13 Q. [10:47:17] But did you come to know who was Otti Lagony, over the years?

14 A. [10:47:30] Otti Lagony, I heard that he took us to the Sudan and he came back to
15 Uganda. He went back to Uganda. I do not recall the exact year that he went back
16 to Uganda, but he did not stay in -- most times he wasn't in Sudan. He spent most of
17 his time in Uganda.

18 PRESIDING JUDGE SCHMITT: [10:47:59] I think this is fairly what he said there, so
19 we can take this remarkably -- remarkable good recollection.

20 MR TAKU: [10:48:08] Yes, it is, yes.

21 Q. [10:48:10] Now, did you come to know what happened to him? Did you come
22 to know what happened to Otti Lagony?

23 A. [10:48:33] He was killed in Sudan.

24 PRESIDING JUDGE SCHMITT: [10:48:45] Do you know how he was killed? Do
25 you know, Mr Witness, how he was killed?

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1 THE WITNESS: [10:48:55] (Interpretation) To my recollection, that was one of the
2 first questions I was asked. He was arrested and detained within the LRA. He was
3 in prison within the LRA. Approximately one weeks or two weeks after his
4 detention, I do not recall the exact time, this is the first time somebody is asking me
5 about this question. Then after the detention, one or two weeks of detention, LRA
6 soldiers were selected, there was a standby that was selected to go and kill him.
7 They said that he was taking these people to Uganda. But the standby went and
8 came back in the night. That's my recollection of the events. But since that time
9 they did not come back, but afterwards there were rumours that he had been killed.

10 PRESIDING JUDGE SCHMITT: [10:50:06] That was very detailed, so to speak --

11 MR TAKU: [10:50:09] Yes, yes.

12 PRESIDING JUDGE SCHMITT: [10:50:10] -- regarding that. You have said,
13 Mr Witness, that it is the first time that you have been specifically asked to that, that
14 was a lot of details in it. Thank you.

15 Mr Taku.

16 MR TAKU: [10:50:22]

17 Q. [10:50:23] Did you know what was his position in the LRA at the time he was
18 killed? Do you know what position he occupied in the LRA at the time he was
19 killed?

20 A. [10:50:38] To my recollection he was Kony's deputy. He was arrested and
21 detained. But the week that he was in detention, together with Can Odonga, the two
22 of them were killed together. And after that another deputy was appointed.
23 Matata was appointed as Kony's deputy. He was appointed as second in command
24 at the time that the two were in detention. After the death of Otti Lagony he
25 continued as -- Matata continued as Kony's deputy.

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1 Q. [10:51:34] Now, this Can Odonga, was he also known as Okello Director?

2 A. [10:51:44] Yes, he was.

3 Q. [10:51:51] Now, who ordered for the execution of Otti Lagony and Can Odonga,
4 also known as Okello Director? Who ordered for them to be executed?

5 A. [10:52:10] I do not know. But I can -- I guess that it was perhaps Kony was the
6 leader of the LRA. I did not hear him issue an order that these people should be
7 killed, but I do know what whatever happens within the LRA he has knowledge of it.

8 Q. [10:52:31] Now, do you know about -- let's say a word I see here, Witness, the
9 courtyard, have you ever heard while in the LRA about yard?

10 A. [10:53:09] There is a department in Control Altar known as yard. With respect
11 to your question I believe that maybe you are asking about the yard, but the yard was
12 a place where they conduct ceremonies, prayers, that was where prayers were
13 conducted. That's my understanding of the yard, it's a place to hold ceremonies,
14 prayers, and the department that is responsible for that is known as the yard
15 department. It ensures that the prayer is conducted smoothly and everything in that
16 regard is conducted smoothly.

17 Q. [10:54:13] Thank you very much, Witness. That's why you have -- well, I am
18 learning from you because I am hearing about the prayer department before, yard
19 department before now. So, you see, you are a very helpful witness indeed.

20 PRESIDING JUDGE SCHMITT: [10:54:29] I think we are always happy if the
21 witness provides us with information that we have not yet heard and that we do not
22 know already. We are always happy to hear that.

23 MR TAKU: [10:54:38] Yes, yes, yes.

24 Q. [10:54:42] So why did they have a whole department for prayers within the
25 Control Altar?

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1 A. [10:54:56] I do not know. I saw them, I observed people praying every week.

2 Fridays and Sundays. And any other day that Kony calls people for prayers. If we
3 are supposed to go to Uganda, for example, arrangements are made for prayers,
4 people pray before people leave Sudan to go to Uganda. So people would pray
5 regularly in the bush.

6 Q. [10:55:41] And would you also pray before going for operations?

7 A. [10:55:48] Yes, they would also -- also sacrifices were held.

8 PRESIDING JUDGE SCHMITT: [10:55:56] What kind of sacrifices, if you mention it?
9 Can you explain to the Court what sacrifices mean?

10 THE WITNESS: [10:56:09] (Speaks English) It is like when they are going for a war
11 they bring always sheep, so they sacrifice, they pray, and people leave for war.

12 THE INTERPRETER: [10:56:23] Sorry, the witness is speaking in English, so it's
13 extremely difficult to know whether the Bench is -- the floor is getting the witness or
14 whether we should repeat what the witness is saying.

15 PRESIDING JUDGE SCHMITT: [10:56:34] I think it is, since the witness still is
16 mixing the languages a little bit, as I hear it, perhaps you simply try to translate
17 everything even if the witness speaks English, which is good, understandable, but so
18 is -- so that everybody is on the same page. So perhaps we can it a try with the last,
19 last two or three sentences.

20 THE INTERPRETER: [10:56:53] Okay.

21 PRESIDING JUDGE SCHMITT: Thank you very much.

22 THE INTERPRETER: [10:57:01] Okay, okay.

23 They would have sacrifices, they would kill sheep before people would go for war, so
24 that was part of the sacrificial process.

25 PRESIDING JUDGE SCHMITT: [10:57:13] I understood it, but I think it is better to

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1 do it this way, because sometimes also of the, how we hear it, it might be difficult, we

2 don't get exactly the words and it is better if you translate it. Thank you.

3 THE INTERPRETER: [10:57:26] Noted.

4 PRESIDING JUDGE SCHMITT: [10:57:29] Mr Taku.

5 MR TAKU: [10:57:29] Yes.

6 Q. [10:57:31] Do you know who was the head of this department in Control Altar?

7 A. [10:57:45] At the time -- at the time that I was within -- in the LRA for a while,

8 when I was already in Sudan for a while, there was somebody known as -- there was

9 an Acholi man known as Onen Unita, he was responsible for that. Onen Unita

10 Angola, he had several names. But I know Unita Onen Angola, that's how he was

11 referred to. After that, there was somebody else who took over and the person was

12 known as Olula (phon), he took over from Unita.

13 Q. [10:58:39] Just, Witness, so we understand, these prayers, to whom were they

14 praying, to whom did they pray? The prayer and the sacrifices, to whom?

15 A. [10:59:01] I know when you, when you talk about prayers, people pray to God.

16 Q. [10:59:10] Okay.

17 PRESIDING JUDGE SCHMITT: [10:59:11] I think that's an answer and that is even

18 an answer which would be, I think from the wording, appropriate to have now the

19 break. We don't need to extend the hours. I would assume, Mr Taku, that we

20 finish the witness with your questioning today, I assume that.

21 MR TAKU: [10:59:30] Well, I will move as fast as possible, your Honours.

22 PRESIDING JUDGE SCHMITT: [10:59:33] I think we can be optimistic because we

23 have also sort of a frame what could be done.

24 So then we have the break until 11.30.

25 THE COURT USHER: [10:59:46] All rise.

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1 (Recess taken at 10.59 a.m.)

2 (Upon resuming in open session at 11.31 a.m.)

3 THE COURT USHER: [11:31:04] All rise.

4 PRESIDING JUDGE SCHMITT: [11:31:23] Mr Taku.

5 MR TAKU: [11:31:25] Thank you, your Honours.

6 Q. [11:31:34] Yes, Witness, did you ever have the opportunity to work, to work
7 with Joseph Kony while in Sudan, or some other point when in Uganda?

8 A. [11:32:01] I recall, I recall there was a time when Operation Iron Fist overran the
9 Sudan base. That's when we came with them to Uganda.

10 Q. [11:32:48] Did you know Joseph Kony personally? Did you come face to face
11 with him at any time, or you came to a location where he was there and saw him
12 physically?

13 A. [11:33:00] Yes, I saw him physically.

14 Q. [11:33:08] Can you tell the Court what sort of commander, what sort of leader
15 was Joseph Kony?

16 A. [11:33:33] Joseph Kony, well, it's, it's difficult a bit to explain or describe. But
17 from what I see he is a soldier, he has military knowledge, from my understanding.
18 He has plan, but he, I think he does not have adequate support. He doesn't have
19 other support.

20 Q. [11:34:22] Yes, he was a soldier. Did he, did you see him as that commander,
21 that army commander who dominated his environment and dominated the life of the
22 LRA?

23 A. [11:34:47] Could you say the question again?

24 Q. [11:34:49] Do you see him as that army commander who dominated his
25 environment and also dominated the life of the LRA and the combatants?

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1 A. [11:35:09] From what -- my understanding, Kony is a person who has some
2 spirit that he used to control and convince his soldiers so that if you have any wrong
3 intention he can, he can use that to, he can use that to influence you, control you so
4 that you are -- you do not escape if you had intentions to escape. So he uses that as
5 a plan to keep people together to solve his interest or to meet his interest.

6 Q. [11:36:11] Which brings me to one point I bring up front since I have committed
7 to finish today, I have been directed to, I have been advised.

8 PRESIDING JUDGE SCHMITT: [11:36:24] But you would agree with me that nicely,
9 nicely, kindly advised.

10 MR TAKU: [11:36:26] Kindly, yes.

11 PRESIDING JUDGE SCHMITT: Kindly advised.

12 MR TAKU: [11:36:30] Now, we take the recommendation very, very strongly, given
13 that the witness is answering the questions. Yes, your Honours.

14 Q. [11:36:37] Which brings me to one point generally: Punishment, especially the
15 punishment of the commanders, who determined that commanders in the LRA be
16 punished?

17 A. [11:37:01] Kony is the overall head of the LRA, so I know that any form of order
18 or instructions usually comes from him.

19 Q. [11:37:19] So, indeed, if somebody like Mr Ongwen was punished or detained,
20 the order would come from Kony?

21 A. [11:37:27] Yes.

22 Q. [11:37:31] Now, let me come quickly, do you know, and with this very
23 respectable commander of the UPDF, and I say so guided by my client who holds him
24 in high esteem, general -- at the time lieutenant general but later on General
25 Salim Saleh, do you know him?

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1 A. [11:38:07] I, I saw him. I joined UPDF and by that time he had already retired
2 from active service.

3 PRESIDING JUDGE SCHMITT: [11:38:18] May I just shortly explain something so
4 that also witness does not misunderstand.

5 When Witness speaks English we understand perfectly, his English is very good, but
6 the acoustics is not so good. This was the only reason why I said please continue
7 with the translation, because when we have our earphones on we don't hear you so
8 good, so this is the reason why I said it should be interpreted nevertheless, so to
9 speak.

10 That is just to explain a little bit what's going on.

11 And please continue, Mr Taku.

12 MR TAKU: [11:38:57]

13 Q. [11:38:57] Yes, Witness, let me put this question, if you know, from the nature of
14 the duties you carried out or not, there is no problem. I am informed by my client
15 Mr Ongwen that General Salim Saleh was in contact with him, provided him army
16 uniforms and money, in order to help him -- and a mobile phone -- in order to
17 facilitate him escaping. And somehow, somehow Joseph Kony knew about this and
18 that is why Kony ordered, first that he should be executed, the standby should
19 execute him, but thereafter asked Otti Vincent to arrest and detain him at
20 Control Altar. Did you come to hear this story?

21 A. [11:40:04] If I may ask, what time period was that?

22 Q. [11:40:08] Now, this was in 2003. He was -- he was in the sickbay, he had
23 sustained injuries in November 2002 and was in the sickbay when General
24 Salim Saleh contacted him, provided uniforms and a sum of money, 10 million, and
25 a phone to facilitate his escape. And somehow, somehow Joseph Kony immediately

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1 knew about that and ordered a standby to execute him, but thereafter changed his
2 mind and said Otti should detain him at Control Altar.

3 PRESIDING JUDGE SCHMITT: No --

4 MR TAKU:

5 Q. [11:40:57] Did you, did you --

6 PRESIDING JUDGE SCHMITT: Exactly.

7 MR TAKU:

8 Q. [11:40:58] Yes, did you from the position that you held, or where your position
9 in Control Altar, did you come to hear about this story explaining his detention?

10 PRESIDING JUDGE SCHMITT: [11:41:08] Because this was, Mr Witness, this was
11 a proposition by the Defence counsel put to you and the question is if you have own
12 knowledge about that. That would be the question.

13 THE WITNESS: [11:41:18] (Interpretation) No, this is my first time of hearing this.

14 THE INTERPRETER: [11:41:27] Your Honour, could the witness wait for the
15 interpreters to provide all the interpretation of the questions before he can start to
16 respond.

17 PRESIDING JUDGE SCHMITT: [11:41:35] Mr Witness, only respond when the
18 interpretation has finished, so just wait two or three seconds. Thank you.

19 Mr Taku, please continue.

20 MR TAKU: [11:41:48]

21 Q. [11:41:49] But what you know was that he was detained at Control Altar, you
22 say him detained, under detention at Control Altar, that's what you know, correct?

23 A. [11:42:04] I found when he was brought to the Control Altar where we were, but
24 I did not know the reason why he was brought there. But at some point the fight or
25 the struggle to bring people back home, there were many fronts to bring people back

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1 home. You would find that the government officials had various channels, some
2 were using local leaders, some people were using the religious leaders, and some
3 people were using the top government army officers. And I suspect that if he did
4 approach Dominic, then it means it was one way that they were using to try bring
5 back people home.

6 Q. [11:43:31] Now, apart from these mystical means of Kony being able to know
7 that somebody intended escaping also, were there other institutions in place for Kony
8 to know exactly what was happening within the brigades and the battalions within
9 LRA, he had other structures that informed him about the activities, what was going
10 on within the different units of the LRA, that you know of? If you do, please tell the
11 Court.

12 A. [11:44:14] Well, it's a bit difficult, but from what I understand, to enable Kony
13 know what was happening at the units, it could be leakage that come from the
14 respective offices or officers. Intelligence officers could be reporting to their
15 commanders and they actually forward this information to their leader.

16 Q. [11:45:07] Witness, do you know why, if Joseph Kony instructed that
17 a commander should be detained or executed, do you know why the order -- the
18 people to whom he gave the orders did not ignore him, ignore executing the order
19 and spare the life of the officer, or stop, ignore the detention?

20 A. [11:45:37] I know that was not true. Because after detention, from what I know,
21 there has to be follow up. And when they find that the detained person was
22 innocent, then he will, he would be released and he would resume his position and
23 his work.

24 Q. [11:46:17] Yes. My question was: Why -- if you know -- why did you -- can
25 you tell the Court why the orders of Kony were immediately executed? Why his

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1 orders were obeyed? For example, to detain Dominic, asking Otti to detain Dominic
2 or to execute Otti Lagony and others, why were the orders -- why did they not
3 disobey the orders to say, no, these orders are illegal, you want to kill the commander,
4 and why did this Otti and others not tell him "No, we are not carrying out these
5 orders"?

6 A. [11:47:01] That question was not mine. But if you would like to understand
7 something about that, I know that the army is an institution and if army commander
8 issues an order it is followed.

9 PRESIDING JUDGE SCHMITT: [11:47:33] I think, Mr Taku, we can take this as an
10 answer.

11 MR TAKU: [11:47:36] Yes, your Honours.

12 Q. [11:48:04] At some point in time, Witness, you were promoted from the former
13 duties as a recorder, to use the right military term, and subsequent secretary,
14 a recorder in the logistics office to an intelligence officer. Who promoted you?

15 A. [11:48:41] Promotion in the LRA comes from Kony.

16 Q. [11:48:58] Who was the director of the intelligence, of the LRA intelligence, or
17 who was the director? If you know his name, please provide to the Court.

18 A. [11:49:14] At which time period?

19 Q. [11:49:19] Now, let me say at the time that you moved to intelligence.

20 A. [11:49:34] At the time that I went and did the intelligence training, there was
21 a person, I do not recall his name now, but he was appointed as the brigade IO, he
22 was from Stockree. I do not recall the name now, but, yes, I remember him. I know
23 him.

24 Q. [11:50:14] Very good. Where did you do your intelligence training?

25 A. [11:50:23] We did the intelligence training from Jebellin. It's an LRA barracks.

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1 After, after we were -- after we were overrun from Aru.

2 Q. [11:50:58] Can you briefly tell the Court what the duties of the intelligence
3 officer, first, at the Control Altar, were. At that level of the headquarters, what were
4 the duties of the intelligence officers?

5 A. [11:51:23] I had not quite clearly got the duties of intelligence officer while I was
6 still in the barracks. After the training, when we returned to Uganda, that's when I
7 started understanding the clear roles. So as an intelligence person, when you are in
8 a convoy and you are moving, once you have put defence for that day you have to
9 deploy security. And once you have received orders to leave that place you go and
10 call the people that you have deployed for security. But if you are still at that place
11 you continue checking on them, the deployment.

12 Q. [11:52:32] When you cross over, when you cross over to Uganda, you told the
13 investigators that you move around until you met a group led by Brigadier Lakati.
14 Who was this Lakati, Brigadier Lakati?

15 A. [11:53:05] Brigadier Lakati was an LRA commander.

16 Q. [11:53:13] Which group did he command?

17 A. [11:53:26] At the time when I was abducted I recall he was the commanding
18 officer of Stockree. And while I was still in the bush he was promoted and he was
19 brought to Control Altar. And he was actually in Control Altar.

20 Q. [11:54:02] Now let me take this upfront to help me move faster, when -- that is
21 from 2002 when you came to Uganda, till when you left, was Dominic Ongwen
22 a commander in Control Altar or you merely saw him there during detention?

23 A. [11:54:36] I saw him during the time he was at the detention only.

24 PRESIDING JUDGE SCHMITT: [11:54:46] May I shortly.

25 Mr Witness, you said you saw him in detention. What did detention mean? Could

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1 you -- in the LRA -- could you describe that to the Court.

2 THE WITNESS: [11:55:02] (Interpretation) In the LRA, detention is a person who has
3 been taken, removed from his office and, and brought to the headquarter for purpose
4 of monitoring him.

5 PRESIDING JUDGE SCHMITT: [11:55:25] For example, would a detained person,
6 would it be in a sort of a prison, you know, I understand that you would not have
7 a prison in the understanding of a state prison, but you understand what I mean.
8 Was there something where they were held, so to speak, the detainees?

9 THE WITNESS: [11:55:55] (Interpretation) In the LRA, if you've committed a certain
10 crime or violated a certain order, instead of taking you or imprisoning you, you are
11 actually killed. But if they find that you committed -- the offence you have
12 committed is light, then you are only relieved from your office and you are brought to
13 the headquarter for monitoring.

14 PRESIDING JUDGE SCHMITT: [11:56:29] Thank you for that clarification. I was
15 interesting what it meant when we speak about detention.

16 Mr Taku, please continue.

17 MR TAKU: [11:56:36] Yes.

18 Q. [11:56:37] Who was doing the monitoring in the headquarters?

19 A. [11:56:44] Headquarter has the head of department. At that time you would be
20 taken to Raska Lukwiya or to Lakati, or to Otti. Then these people would report
21 back that this person has now reformed in light of what he had done.

22 Q. [11:57:21] Would your commander, who has been brought for the disciplinary
23 purpose, would he come along with his troops, with his soldiers under him, with
24 radio communication, with his wives, with his escorts, or he would be brought there
25 alone?

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1 A. [11:57:43] If they have relieved you of your duties do you come with your army?

2 PRESIDING JUDGE SCHMITT: [11:57:50] This is -- this is the answer.

3 MR TAKU: [11:57:53] His answer.

4 PRESIDING JUDGE SCHMITT: [11:57:54] Just please continue.

5 MR TAKU: [11:57:56]

6 Q. [11:57:56] Witness, I'm sorry, we do not know this.

7 I mean, for you it looks so normal because you understand, but we were not there, we
8 are learning from you because you are in a better position. And so I am not asking
9 this to entrap you, we just want to learn what went on. So, do you see, I am not
10 aggressive with you because this really help us. It might look very simple because
11 you knew what happened, but please.

12 Now, you said that your group crossed over and moved around -- no, you said that
13 you -- you mentioned that you went to Teso in order to -- I have the reference here,
14 but since -- you moved to Teso and that this order came from Joseph Kony.
15 Joseph Kony gave an order you were supposed to move to Teso.

16 A. [11:58:55] Yes.

17 Q. [11:58:58] What specific assignment, operation he sent you to Teso to carry out?

18 A. [11:59:08] Orders were given that all groups should go to Teso to conduct
19 abductions from there.

20 Q. [11:59:23] Did he also say, did Kony also instruct that they should go to Teso
21 and also loot for food?

22 A. [11:59:38] From my understanding LRA did not have farms, so where they eat
23 from is when they come to conduct abductions and that's also where they also carry
24 out, loot food.

25 Q. [12:00:03] So this order to loot food, conduct abductions were given by

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1 Joseph Kony. So Joseph Kony gave these orders to conduct abductions and to loot
2 for food for survival of his -- of the LRA; is that correct?

3 A. [12:00:32] It's difficult to answer, to respond to that.

4 Q. [12:00:35] Now let me make it easier. In respect to the references, this one I will
5 give, the operation in Teso that Joseph Kony ordered deployed, that all the units
6 should be deployed, all the units which came from Sudan should be deployed to Teso
7 and he said it was to abduct. And I asked also whether it was also to loot for food,
8 you said yes. You have even given the answer we have.

9 A. [12:01:04] I know that abductions and lootings are conducted simultaneously.

10 Q. [12:01:15] And another question is why would Joseph Kony give that order to
11 abduct and also loot, look for food, if you know?

12 PRESIDING JUDGE SCHMITT: [12:01:24] No, no, the look for food he has already
13 answered, the witness. But perhaps -- and I think he might have also answered
14 while the Prosecution was questioning yesterday.

15 But perhaps why would, Mr Witness, abductions be ordered by, for example,
16 Joseph Kony, if you know? Looting food you already said, because they had no
17 farms, the LRA, in Uganda.

18 THE WITNESS: [12:01:50] (Interpretation) At the time that I was in the LRA there
19 were numerous deaths when -- during battle, people were also escaping in numbers,
20 so the numbers were diminishing and Joseph Kony would then issue orders for
21 people to go and recruit so as to boost his ranks.

22 MR TAKU: [12:02:35]

23 Q. [12:02:35] Now, did you know -- of course, this question is unnecessary because
24 you say all the units went to Teso. Now, with regard to Pajule, for example, did you
25 know whether Joseph Kony knew that Otti was deploying this unit to attack Pajule?

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1 A. [12:03:12] I, I believe that they would have spoken, communicated by radio call.

2 Q. [12:03:23] Yes. I wouldn't take you so long into this radio call. So you know
3 as a fact that Joseph Kony and Otti communicated within the call, did they
4 communicate often by radio call?

5 A. [12:03:44] Yes, they did.

6 Q. [12:03:46] How often?

7 A. [12:03:53] If there is an order that has been issued or an order that is to be issued,
8 in the army there is something known as a SITREP, this is you report in the morning
9 and in the evening, you report on the events of the day.

10 Q. [12:04:27] (Overlapping speakers) know what sort of information would Otti be
11 communicating to Joseph Kony or Joseph Kony be communicating to Otti, if you
12 know?

13 A. [12:04:48] The brigades would give a SITREP to Otti and then Otti would
14 forward this to his commander. Perhaps there was a mission that has been
15 happening somewhere or he might want to find out your whereabouts.

16 Q. [12:05:16] So would I then be right to say, Witness, that Joseph Kony was
17 verbally informed about the operations that occurred in the LRA in Sudan?

18 A. [12:05:34] Yes.

19 Q. [12:05:42] What was the answer? I didn't hear the answer. I'm sorry?

20 PRESIDING JUDGE SCHMITT: [12:05:51] It was "Yes."

21 MR TAKU: [12:05:52] "Yes." Thank you, your Honour.

22 Q. [12:06:02] Now, from 19 -- in 2002, I know it is a long time, you might have
23 forgotten, but if you remember you know, did you know who was the commander of
24 Sinia brigade in 2002?

25 A. [12:06:27] I do not recall. But the commanders were Odhiambo, he was the

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1 commander for Trinkle. Tabuley was the commander of Stockree. Abudema Buk,
2 I don't know whether he was -- I do not recall very well whether he was the
3 commander for Gilva. I do not recall all of them very well.

4 Q. [12:07:12] In respect of Pajule, did you see any commander or officer or soldiers
5 of Sinia in Pajule operation, or anybody acting or presenting himself as a commander
6 of Sinia in the attack on Pajule?

7 A. [12:07:33] No, I do not recall that.

8 Q. [12:07:40] Now, when you were in Teso, did you see Dominic Ongwen in Teso?

9 A. [12:07:56] No. I did not see him in Teso. We didn't go all the way into Teso
10 region, we were on the boundaries between Teso and Lango. But most -- it's mostly
11 the brigades that went, ventured further into Teso.

12 Q. [12:08:27] Now, sorry, I want you to help us somehow, because you say the
13 headquarters, Control Altar participated or they were in Pajule at that time, take your
14 mind to the operation in Pajule, and I want to ask you about the different
15 departments in Control Altar. You talk about one Raska Lukwiya. What position
16 did he hold?

17 A. [12:09:18] Raska Lukwiya, at the time that he was brought to the Control Altar
18 he was a brigade commander. At the time that Raska Lukwiya was brought to the
19 brigade -- to the Control Altar, he was promoted. So he was no longer a brigade
20 commander. I do not -- I do not recall his exact functions and his rank, but all the
21 brigade commanders reported to him. And then he would report to Otti and Otti
22 would report to Kony.

23 Q. [12:10:10] Was he the operations commander at Control Altar?

24 A. [12:10:18] No, because there was somebody else who was an operation
25 commander, there was a separate person who was the director of operations.

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1 Q. [12:10:28] Who was that?

2 A. [12:10:34] At the time it was some tall chap known as Trigger. But Trigger
3 passed away while we were in -- while in Karamoja. After that, they replaced him
4 with Acel Chalo Opa (phon). He also died, but I do not know the circumstances.

5 Q. [12:11:20] Who was Owor? Or what was the function of Owor Lakati at
6 Control Altar?

7 A. [12:11:30] Owor Lakati, he was, he was in the position before Raska replaced
8 him. When Raska came then he replaced him. He remained in Control Altar. But
9 there were several departments in Control Altar and I cannot remember which one he
10 was based in.

11 Q. [12:12:02] What about Opoka?

12 A. [12:12:14] Opoka was in the administration block, he was the director of rations.

13 Q. [12:12:24] Onen Unita?

14 A. [12:12:31] Onen Unita, as I discussed earlier, he was a member of the yard.

15 Q. [12:12:44] Now, what was Opoka's other name?

16 A. [12:12:53] Opoka's other name was Jacob.

17 Q. [12:13:03] Now, Kamdule, Kamdulu -- Kamdule, yes, Kamdule, I am sorry, what
18 was his position at the Control Altar?

19 A. [12:13:20] As I stated earlier, the LRA do not have permanent positions. He
20 was initially director of operations, same as Trigger, same as Acel and Chal Opa
21 (phon).

22 Q. [12:13:49] And Caesar Acellam?

23 A. [12:13:58] Caesar Acellam was in the admissions block, he was the director of
24 coordination.

25 Q. [12:14:12] And Tabuley?

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1 A. [12:14:14] Tabuley was a brigade commander.

2 Q. [12:14:40] Well, I do not want to belabour you with the actions of Tabuley
3 regarding to the girls, about the abduction of the girls. You were very clear about
4 that, about what Tabuley did, so I wouldn't belabour that point. But let's go to the
5 meeting at Tim-Pa-Lukok with Joseph Kony. Do you remember that meeting when
6 you cross over in which he wanted to go with Mzee Kenneth Banya? Wanted to go
7 back. Who was Mzee Kenneth Banya and why would you call him "Mzee", because
8 Mzee is a respectable title?

9 A. [12:15:31] Mzee Kenneth was an elder within the LRA. He was a consultant to
10 Kony. And that's what I know about him.

11 Q. [12:15:59] Now, one -- this is something that was related to you personally, there
12 is no need to go to private session, because I wouldn't mention names. This, your
13 cousin, if I understood you where you said that, from when she was abducted she
14 started asking these soldiers, she started telling them she had a brother who was
15 abducted. Do you remember saying that? She started enquiring, finding out about,
16 about you, and there was this happy meeting that you eventually found out yourself.
17 Do you remember that? When you eventually met, did she tell you that -- if she was
18 punished for being inquisitive and asking these soldiers who abducted about you?
19 Was she punished for that?

20 A. [12:16:57] She didn't tell me about any punishments; she told me that she
21 walked great distances, she didn't have any sufficient clothing and their feet were
22 swollen due to the walk from Teso to Acholi.

23 Q. [12:17:28] Eventually, when you met Vincent Otti got to know about the relation
24 between you and your cousin and the happy meeting, you who met, and Vincent Otti
25 somehow facilitated a meeting. Did Vincent Otti rebuke you or punish you for

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1 talking and discussing about your home, about your experience with this your
2 cousin?

3 A. [12:17:58] No, he didn't.

4 Q. [12:18:07] Now, but when she got back, the next thing you heard was FM, they
5 are calling your name; family messages about you, whether you are still alive, you
6 come out. Would I understand to say that while there in the LRA you could listen to
7 FM radios and what was -- radios, FM and other radio stations without any
8 consequences?

9 A. [12:18:39] In the past, listening to radios was not a restriction, but afterwards
10 when they discovered that people were fleeing in numbers due to these radio
11 announcements, they restricted listening to radio announcements. It was only the
12 commanders who would listen to such radios. But the junior soldiers would
13 obviously listen to it as well illegally.

14 Q. [12:19:23] And over the FM they would also be reporting news about the
15 operations, UPDF operation against the LRA and LRA operations in certain location.
16 The FM would be giving the news, I mean reading the news over the FM, and
17 some -- those of you who listened to the FM would hear this information, correct?

18 A. [12:19:53] No, they would not discuss operations on FM radio. The FM radio
19 was set up to -- as an outreach so that the rebels who had escaped -- so that the rebels
20 would have the opportunity to escape. Kony would tell people that if anybody
21 attempted to escape these people would be killed, so the radio announcements were
22 to counter such information. Kony would also say that if somebody escaped the
23 person would be killed and whatever voices you are hearing were fake voices.
24 So when you are on FM radio station you would tell people the time that you are on
25 the radio, the exact location you were, who you met; I met such-and-such a person

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1 and they are healthy and well. If you want to confirm that it is actually you, you
2 would then re-announce, you would call the -- you would set up another
3 announcement on the radio and send out another message to this person. So the
4 information that Kony was telling people, that people were being killed when they
5 escaped was, was useless.

6 Q. [12:21:36] So the FM radios provided a platform and a voice to those members
7 of the LRA who escaped for them to communicate with their colleagues who were
8 still alive in the LRA, correct?

9 A. [12:21:57] Yes, that's correct.

10 MR TAKU: [12:21:59] Now, your Honours, just one area in private session.

11 PRESIDING JUDGE SCHMITT: [12:22:03] Then we go shortly to private session.

12 (Private session at 12.22 p.m.) *(Reclassified partially in public)

13 THE COURT OFFICER: [12:22:23] We're in private session, Mr President.

14 MR TAKU: [12:22:29]

15 Q. [12:22:30] Witness, yesterday you talk about your wife on that -- whom you later
16 on released to go back home. Can you tell the Court her name?

17 A. [12:22:51] The wife that I was given in the LRA was known as (Redacted)

18 Q. [12:23:04] So Witness, you said that she was proposed for another commander,
19 but she had the preference for you and indeed you married her, but what happened?

20 A. [12:23:17] No, you misunderstood. She had been given to my superior. There
21 was no understanding between the two of them, so when the information was sent on
22 my superior was advised that if you have a younger person or a younger man within
23 your ranks, then give -- (Redacted) to this young chap, because if you go ahead and
24 marry her it will be an embarrassment to you since she's a young girl.

25 MR CHOUDHRY: [12:24:13] Your Honour, I just rise briefly. I would ask my

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1 learned friend that when he does quote what the witness states on any particular day
2 he makes reference to it, because that would allow me to follow and it would also
3 avoid confusion.

4 Thank you.

5 PRESIDING JUDGE SCHMITT: [12:24:26] That's correct. But I think there was no
6 harm down, the witness, as always, was very vigilant and said "You misunderstood
7 me," so he corrected it, so there was no problem with that.

8 But it's of course advisable, Mr Taku, that when you quote, but also if it is an
9 information that is very specific, that is a small portion of information, it might also
10 go more straightforward if we simply put it because we have it in our minds. But if
11 we want to put to the witness longer lines of former answers, of course we exercise it
12 this way.

13 Please continue, Mr Taku.

14 MR TAKU: [12:25:08] Yes, your Honours. This is a very intelligent witness, he has
15 better education, even in his military career he is better trained than most people.
16 And, I mean, I hardly find a man with this extraordinary quality.

17 Q. [12:25:31] Now, to whom was this consent expressed about your supervisor
18 marrying, to whom did they express that, to your supervisor, that you are a much
19 older person and she has a preference for a younger person, look for a younger person?

20 A. [12:25:53] I do not recall right now. But it's -- these events have taken a while.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 12.27 p.m.)

9 THE COURT OFFICER: [12:27:45] We are back in open session, Mr President.

10 MR TAKU: [12:27:59]

11 Q. [12:27:59] Now, Witness, generally when -- if you know, the LRA soldier officers
12 who left the bush with their wives and children and came, in particular those of them
13 who went to the UPDF, did the UPDF respect the status of the marriage between
14 these wives that were married while in the LRA and also the status of the children?

15 A. [12:28:38] I haven't -- well, my -- what is mine is mine. It's got nothing to do
16 with the army.

17 Q. [12:28:57] So some of your colleagues who left the bush with your wives, if you
18 know, used you see them with your wives and children leaving together, even now as
19 they left the bush?

20 A. [12:29:12] Yes, most of them, but not all of them.

21 Q. [12:29:16] Now, you released your wife to go home. And why did you release
22 her to go home?

23 A. [12:29:31] I released my wife because I already had plans to escape.

24 Q. [12:29:43] And when you released her were your superiors and colleagues
25 aware that you released your wife?

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1 A. [12:29:52] Yes, they were aware of it. They were aware of it because -- I do not
2 recall well, but at a certain point most mothers, when we came back from Sudan and
3 went and entered back into Uganda, orders were issued to release mothers and
4 children, or women who had many children, and a lot of women and children were
5 released. At the time it wasn't a problem.

6 Q. [12:30:41] Who gave the orders for these women and children to be released?

7 A. [12:30:47] Can you repeat your question, please.

8 Q. [12:30:50] Who gave these orders that the mothers and children should be
9 released?

10 A. [12:30:58] I believe that it was Kony, because some of his wives and children
11 were also released.

12 PRESIDING JUDGE SCHMITT: [12:31:09] May I shortly.

13 Mr Witness, you said "At the time it wasn't a problem." Were there other times
14 where it was a problem to release the mothers and the children?

15 THE WITNESS: [12:31:20] (Interpretation) Yes, when we were still in Sudan. But
16 when we moved to Uganda women were extremely vulnerable because we were
17 constantly being pursued by soldiers and gunships and that's why the order was
18 issued for the women to be released.

19 PRESIDING JUDGE SCHMITT: [12:31:44] Yes. Thank you.

20 Mr Taku.

21 MR TAKU: [12:31:47]

22 Q. [12:31:47] Now let's move quickly to the Pajule. And before I ask the question,
23 in your arsenal, in the arms that you had, now, can you tell the Court whether, apart
24 from the individual weapons, the LRA had also collective weapons and support
25 weapons?

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1 A. [12:32:28] Could you say the question again?

2 Q. [12:32:31] Did the LRA have support weapons?

3 A. [12:32:37] Yes, they had.

4 Q. [12:32:41] Did they also have collective weapons?

5 A. [12:32:47] I understand that yesterday that question was also asked. And I
6 tried to give the list of the various -- the various guns in the LRA, or weapons in the
7 LRA.

8 PRESIDING JUDGE SCHMITT: [12:33:04] And is everybody clear about the
9 expression "collective weapon"? Because I am not. So I -- it would be perhaps we
10 can do it this way.

11 First of all, Mr Taku, perhaps you could explain to us and to the witness what you
12 mean by "collective weapon", and then we can ask the witness again if he -- if this also
13 is his understanding and if there were such weapons.

14 MR TAKU: [12:33:34] Yes, your Honours. A collective weapon is a weapon that
15 would need more than one soldier to operate.

16 PRESIDING JUDGE SCHMITT: [12:33:44] That's easy now. I understand now. I
17 understand okay.

18 MR TAKU: [12:33:48]

19 Q. [12:33:48] So, you say you had collective weapons, can you tell us the type of
20 collective weapons you had?

21 A. [12:34:01] There was recoilless, recoilless is a weapon that you cannot operate
22 alone. There has to be one or two people to load for you the bomb.
23 Even the SPG-9 that I talked about yesterday, and even a machine gun you can have
24 somebody else to load for you if, if there's an operation like the 12.7.

25 Q. [12:34:43] Now, in terms of support weapons, what support weapons did you

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1 have?

2 A. [12:34:52] Yesterday I listed all these weapons.

3 PRESIDING JUDGE SCHMITT: [12:34:56] I think he has really, so this has been
4 answered already.

5 MR TAKU: [12:35:00] Okay, your Honour.

6 PRESIDING JUDGE SCHMITT: [12:35:02] But perhaps why not ask specifically.

7 We have talked about the weapons you received in Sudan, Mr Witness, do you recall
8 where the weapons used during Pajule were from, where the LRA did these weapons
9 get from? Do you have knowledge about that?

10 THE WITNESS: [12:35:29] (Interpretation) The weapons in the LRA were, most of
11 them were got from Sudan.

12 PRESIDING JUDGE SCHMITT: [12:35:36] Okay, thank you.

13 Mr Taku.

14 MR TAKU: [12:35:38]

15 Q. [12:35:39] Now, during the operations in Pajule did you also recover weapons
16 from that part of the barracks that you attacked?

17 A. [12:35:57] From where the, the government soldiers retreated from we got
18 smaller guns like SMG.

19 Q. [12:36:08] Did you recover a B-10?

20 A. [12:36:15] I do not recall that now.

21 Q. [12:36:32] Now, let us, while in Pajule, you said that the overall commander was
22 also in the centre and the other commanders had Motorola to communicate. Can
23 you tell the Court why in the operation it was deemed necessary for that commander
24 to coordinate with the Motorola?

25 A. [12:37:21] When the operation commander, the fact that he went to several

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1 positions, there was positions, there were positions that he wanted the people to reach
2 there first, and then the second position and then the third position. So the
3 walkie-talkie Motorola to ensure that coordination was easy, so that when the people
4 who went for the ambush have taken their position, and the ones going for assault
5 have reached their position. So that is how he was using the walkie-talkie to
6 coordinate.

7 Q. [12:38:26] If I have understood you well, the intention was to ensure that the
8 operation in Pajule was successfully executed according to plans, correct?

9 A. [12:38:40] Yes.

10 Q. [12:38:40] Now, yesterday we talked about individual Ocan Nono. Was
11 Ocan Nono in Pajule?

12 A. [12:38:50] I do not recall. But several officers and men went to Pajule. Close
13 to -- between 400 to 500 soldiers.

14 Q. [12:39:25] Now, yesterday, Witness, with regard to the alleged participation
15 of -- no, let me ask you a question: You know Vincent Oyenga, someone by the
16 name of Vincent Oyenga?

17 A. [12:39:59] Yes, I do recall that name.

18 Q. [12:40:07] Do you recall whether at that point in time prior to the Pajule attack,
19 like he was also on punishment, he was also detained?

20 A. [12:40:20] I do not recall that now.

21 Q. [12:40:28] What about Charles Lukwiya? Did you know whether
22 Charles Lukwiya was deployed as a prisoner, he was detained, punished and
23 deployed to participate in the Pajule attack?

24 A. [12:40:44] Yes, I remember, but I did not understand it to be a punishment.

25 Q. [12:40:52] So what do you remember about his situation? You said you didn't

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1 understand to be a punishment, what do you remember about that?

2 A. [12:41:02] I, I did not hear that he was imprisoned or detained, but he went with
3 his gun, with his gun to go and support the assault group.

4 Q. [12:41:19] So you, Witness, you never heard that he was deployed from
5 detention to carry that gun, his punishment was to carry that gun, and he carried the
6 gun. It is a very heavy weapon, isn't it?

7 A. [12:41:49] Well, at the level of the lower-ranking officers and the lower ranks,
8 punishment is every time, every -- very frequently, so the ones that you can easily
9 remember are those of the senior commanders. So I did not put that in my mind that
10 he was detained, but it does occur regularly.

11 Q. [12:42:33] Yes. Witness, my proposition is that Charles Lukwiya was on
12 punishment and was forced to carry an SPG-9 for 10 months because he refused to
13 fight and was considered a coward for 10 months. What do you say to that?

14 A. [12:43:01] I do not have anything to say about that.

15 Q. [12:43:08] Of course, obviously, you would not know that his punishment was
16 rescinded after his participation in the Pajule attack, you wouldn't know
17 from -- inferring from your answer, correct?

18 A. [12:43:24] If I had been a senior person in the group there to give orders I would
19 have known, but we went there to fight in the barracks and, after that, after the
20 assignment we came back.

21 PRESIDING JUDGE SCHMITT: [12:43:39] Is this the person, Lukwiya we are talking
22 about, the person who was shot during the attack? Okay, just for my understanding.

23 MR TAKU: [12:43:52]

24 Q. [12:43:53] Witness, were you aware that Dominic was reinstated, was appointed,
25 reinstated in March 2004, long after the Pajule attack, that was when he was promoted

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1 and appointed as a brigade commander of Sinia brigade, were you aware of this?

2 A. [12:44:25] I heard about it, I heard about it afterward, but I never met him.

3 Q. [12:44:37] Now, try to think very carefully about the distribution of the people
4 who were abducted in Pajule, and you were asked during the investigations and
5 the Prosecutor asked again yesterday whether some of the abductees were distributed
6 to Dominic Ongwen. Now, Witness, at what point in time did you know or did you
7 get this information, or you merely speculated that some of them had been
8 distributed to him while in Control Altar under the conditions you described, or at
9 some point in time in future that happened?

10 A. [12:45:33] I remember that after the attack in Pajule the groups split, and I do not
11 recall staying with Dominic Ongwen in the same group.

12 MR TAKU: [12:46:24] Now, this next question, your Honours, which I will ask
13 comes from tab 6, UGA-OTP-0228-1376, page 1406.

14 Q. [12:46:46] Witness, during the deployment where you said the overall
15 commander in the Pajule attack himself was present at the centre with Dominic, and
16 that Dominic was not giving orders, the orders were coming from Raska Lukwiya, do
17 you remember that?

18 A. [12:47:23] I recall there were three groups: the group that went to the barracks
19 and to the centre and the group that went for the ambush. So of these three groups
20 there were three different commanders. The one that went to the barracks was Bogi,
21 the one that went for the ambush was Lieutenant Lalero, and the one that went to the
22 centre was Dominic. But the one who went to the centre had the overall commander
23 together with him. That's what I recall.

24 Q. [12:48:16] What then was the role of the overall commander in the centre with
25 Dominic?

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1 A. [12:48:25] It was a big group, a large group. The role was to go and conduct
2 abductions, supported by the commanders that he selected at the centre, and to
3 coordinate the other groups that are not together with him at that time.

4 Q. [12:48:51] So would I be right to say that he personally was present and oversaw
5 the operations in the centre?

6 A. [12:49:00] Yes.

7 Q. [12:49:09] Now let's look at this, in terms of rank and authority, Bogi and
8 Ongwen, who was senior?

9 A. [12:49:19] Bogi was senior.

10 Q. [12:49:30] Now, Witness, you told the Prosecution that it was Otti who reported
11 to Kony over the Manpack about the conclusion of operations.

12 Your Honours, this is tab 13, UGA-OTP-0258-0313, page 0324, lines 371, 388.

13 That it was Otti who through Manpack reported to Kony. Do you remember saying
14 that?

15 A. [12:50:13] Yes.

16 Q. [12:50:30] Now let's move to, to something very quickly. There is a word I
17 hesitate to use here directly, because we have been told by the interpreters that the
18 name in Acholi, translating to Acholi and Lango is difficult, "collaborators". But
19 maybe because you understand the English language you understand when we talk
20 about collaborators.

21 I don't know how they call it within the LRA, but the LRA have informants within the
22 civilian population in the locations that are attacked, who if -- normally they get
23 information from the from what you explained, from the IOs, intelligence officer.
24 But also there were some civilians within the civilian population that would supply
25 them information about the strength of the army, I mean, what we call intelligence

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1 information. Were you aware that the existence of such individuals, such persons
2 within, and that such individuals indeed assisted in providing information about
3 Pajule?

4 A. [12:51:52] Yes.

5 THE INTERPRETER: [12:51:55] Your Honour, could the witness be reminded again
6 to wait for the interpretation of the questions.

7 PRESIDING JUDGE SCHMITT: [12:52:02] But this one we have understood even
8 without interpretation. Thank you.

9 MR TAKU: [12:52:10]

10 Q. [12:52:10] Do you know an individual by the name RDC Lapolo Santos Okot?

11 A. [12:52:26] It is important for the people who came earlier to Uganda, but by the
12 time when we came in 2003, no, that I do not understand about -- anything about it.
13 But about the informers that you are talking of were very useful to the LRA in several
14 ways. I would see from the group sometimes they are given money to go and buy
15 women clothes, they would also go and buy gumboots for the soldiers. Although
16 some of them would come to -- come to find, and as a way of getting money and then
17 just disappears without coming back.

18 Q. [12:53:38] Yesterday there is someone you called Tolbert Nyeko --

19 A. [12:53:50] Yadin.

20 Q. [12:53:53] -- Yadin, who was he?

21 A. [12:54:01] He was, he was the chief personnel, chief of personnel administration
22 of the LRA?

23 Q. [12:54:11] And you remember that you, in one occasion in 2002, the chief
24 Rwot Oywak, you saw them, he met him somewhere. Can you tell us the location
25 that they met?

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1 A. [12:54:36] It was in Koyo-Lalogi.

2 Q. [12:54:43] Now, I want to ask some questions about this man Rwot Oywak.

3 You took part, at least from what you said, in two operations in Pajule. The first one
4 was not an operation, you went to look for food. Can you tell the Court when that
5 occurred?

6 A. [12:55:22] It was not an operation. We were crossing the road from the eastern
7 side to the western side, but we, we passed from the upper side of Pajule, not from
8 the trading centre. So that group was under Tolbert Nyeko Yadin. At the time
9 when people were crossing the road were the ones that passed and were, you know,
10 who grabbed food or looted food along the roadside.

11 Q. [12:56:17] And did you see Rwot at that point in time?

12 A. [12:56:33] After -- could be about two or three weeks afterwards, that's when he
13 had contacts with Nyeko Tolbert Yadin since he was one of the peace initiative leader.
14 The name "Rwot" is a title that is used by Acholi. So he was one of the peace team
15 leaders, so he had come to provide report to Nyeko Tolbert Yadin. But whatever
16 they discussed I do not know because it was a strategic meeting.

17 Q. [12:57:35] Did you come to hear at some point in time, Witness, or know that
18 Mr Rwot was a collaborator of the LRA and indeed provided intelligence for the
19 attack on Pajule on Uhuru day, that attack that you say you participated? Did you
20 come to hear about this?

21 A. [12:58:00] I did not hear. But if he was a collaborator, then why was he
22 abducted and come along with?

23 Q. [12:58:18] Well, thank you for that question. The answer will be provided at
24 some other point, you wouldn't provide.

25 PRESIDING JUDGE SCHMITT: [12:58:27] Exactly. That's exactly what I wanted to

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1 say.

2 MR TAKU: [12:58:31] I can proceed.

3 Q. [12:58:32] But are you aware that, in this context of the LRA, he assisted them in
4 obtaining supplies and logistics, and gumboots, which he supplied sometimes
5 through Tolbert Yadin and other officers, and that at some moment he collected 10
6 million shillings from Dominic Ongwen, the 10 million that the general had given, he
7 gave it to him to buy supplies if he need. He collected and never returned the
8 money, never paid?

9 PRESIDING JUDGE SCHMITT: So do you have knowledge of that?

10 MR TAKU: [12:59:06]

11 Q. [12:59:07] Do you have knowledge of this?

12 PRESIDING JUDGE SCHMITT: [12:59:10] That is the question.

13 THE WITNESS: [12:59:20] (Interpretation) What the LRA commanders, the leaders
14 of the groups discussed, usually are confidential, they do not share this out.

15 MR TAKU: [12:59:33] One minute, your Honours.

16 Okay, your Honours, we are moving as fast as we could, we can go on break so I can
17 receive instructions from Mr Ongwen.

18 PRESIDING JUDGE SCHMITT: [12:59:59] Okay. Then I pick this up, so to speak,
19 and we have now the lunch break until 2.30.

20 MR TAKU: [13:00:07] Thank you, your Honour.

21 THE COURT USHER: [13:00:10] All rise.

22 (Recess taken at 1.00 p.m.)

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

24 THE COURT USHER: [14:30:14] All rise.

25 PRESIDING JUDGE SCHMITT: [14:30:34] Mr Taku, please, you have the floor.

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1 MR TAKU: [14:30:40] Thank you, your Honours.

2 Q. [14:30:44] Witness, before we went on break I asked you about this meeting that
3 you saw Rwot Oywak and the commander Tolbert Nyeko Yadin in 2002. Did you
4 see Mr Ongwen at that meeting? Was he present?

5 A. [14:31:19] No. He wasn't present at the meeting.

6 Q. [14:31:26] Now, yesterday you said -- your Honours, it is real time transcript 91
7 at page 40, you said that you did not know if the barracks in Pajule was a UPDF or
8 LDU barracks, all you know was that it was a barracks for government soldiers. Do
9 you remember saying that?

10 A. [14:32:05] Yes, I do.

11 MR TAKU: [14:32:10] Your Honour, it is page 39. I'm sorry, page 39.

12 PRESIDING JUDGE SCHMITT: [14:32:15] Yes.

13 MR TAKU: [14:32:18]

14 Q. [14:32:18] Now, your answer was very, very clear, there is no doubt about this,
15 but I want to find out something about LDU. Why did you talk about the question
16 of a barracks for LDU or UPDF? Did LDUs have barracks, were they part of the
17 government soldiers that people were confronted often?

18 A. [14:32:50] In, in response to your question, the LDU in Uganda, in the Acholi
19 districts, are known as the local defence unit. They are under the axillary forces of
20 the government. The UPDF are the regular forces. But they all perform the same
21 duties. In the Lango subregion, they are known as the Amuka, in Teso subregion,
22 they are known as the Arrow Boys. But they all perform the same duty.

23 MR TAKU: [14:33:51] That, your Honours, will conclude the cross-examination of
24 this witness. We are sorry we weren't in the position to inform you earlier on, but I
25 had to receive instructions from Mr Ongwen, and he has instructed me to ask just

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1 these who questions.

2 And thank you, Witness, and thank you for your very candid replies.

3 PRESIDING JUDGE SCHMITT: [14:34:14] Thank you very much, Mr Taku. There
4 is nothing to be sorry about, this is absolutely clear that you have to take your time to
5 consult with your client.

6 You have heard it, Mr Witness, this concludes your testimony. On behalf of the
7 Chamber I would like to thank you for coming to the Court and testifying and
8 helping the Court to establish the truth. Thank you very much, we wish you a safe
9 trip back, Mr Witness.

10 (The witness is excused)

11 PRESIDING JUDGE SCHMITT: [14:34:42] This also concludes the hearing for today.
12 I would like to address the interpreters today. We are always aware how
13 challenging and stressful simultaneous interpretation is. Today I want to give on
14 behalf of the Chamber a special thank you to you because you, on top of that,
15 managed also the multilingual tasks, so to word it, of the past days perfectly. Thank
16 you very much.

17 THE INTERPRETER: [14:35:13] Thank you, your Honour.

18 PRESIDING JUDGE SCHMITT: [14:35:14] And now we abate the proceedings until
19 Friday, I think, 9.30, and we continue there with P-54. Yes. Thank you very much.

20 THE COURT USHER: [14:35:28] All rise.

21 (The hearing ends in open session at 2.35 p.m.)

22 RECLASSIFICATION REPORT

23 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
24 2016, the public reclassified and lesser redacted version of this transcript is filed in the
25 case.