

Trial Hearing
WITNESS: UGA-D26-P-0028

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 1 October 2018
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:44] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:33:06] Good morning, everyone.
13 Good morning, Mr Witness.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:33:13] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:28] Thank you very much.
20 I ask for the appearances of the parties. I think we start with the Prosecution.
21 MR GUMPERT: [9:33:35] Thank you, your Honour. Ben Gumpert for
22 the Prosecution. With me today Adesola Adeboyejo, Colin Black, Colleen Gilg, Beti
23 Hohler, Pubudu Sachithanandan, Kamran Choudhry, Hai Do Duc, Julian Elderfield,
24 Yulia Nuzban, and a new face I think before your Honours, Grace Goh, who is the
25 case manager for this case now.

Trial Hearing
WITNESS: UGA-D26-P-0028

(Open Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [9:34:04] Thank you very much.
- 2 Now for the Legal Representative of the victims.
- 3 MR MANOBA: [9:34:07] Good morning, Mr President, your Honours.
- 4 Joseph Manoba, James Mawira and Anushka Sehmi.
- 5 PRESIDING JUDGE SCHMITT: [9:34:14] And the second team.
- 6 MR NARANTSETSEG: [9:34:17] Good morning, Mr President, your Honours.
- 7 Orchlon Narantsetseg with Ms Caroline Walter. Thank you.
- 8 PRESIDING JUDGE SCHMITT: [9:34:23] Thank you.
- 9 And now I ask the Defence for the appearances.
- 10 MR AYENA ODONGO: [9:34:29] Good morning, Mr President and your Honours.
- 11 I am Krispus Ayena Odongo. Today I am assisted by Tom Obhof, assistant counsel;
- 12 Abigail Bridgman, assistant counsel; Beth Lyons, co-counsel; Roy Ayena, case
- 13 manager; Charles Achaleke Taku, co-counsel; and our client is in court,
- 14 Dominic Ongwen, your Honours.
- 15 PRESIDING JUDGE SCHMITT: [9:35:04] Thank you very much, Mr Ayena.
- 16 Today marks the beginning of the Defence presentation of evidence. The first
- 17 witness to testify is Mr Yusuf Adek.
- 18 Mr Adek, welcome again in the courtroom. You are going to testify before the
- 19 International Criminal Court. On behalf of the Chamber I welcome you. And there
- 20 should be a card in front of you with the solemn undertaking to tell the truth. Could
- 21 you please make this undertaking by reading the card out aloud.
- 22 WITNESS: UGA-D26-P-0028
- 23 (The witness speaks Acholi)
- 24 THE WITNESS: [9:35:46] (Microphone not activated)
- 25 THE INTERPRETER: [9:35:50] The microphone is not on.

1 PRESIDING JUDGE SCHMITT: [9:35:53] Mr Adek, the microphone has to be
2 switched on. You are going to be helped.
3 Could you please be so kind to start anew.

4 THE WITNESS: [9:36:03] (Interpretation) I am Okwonga Adek. I swear to speak
5 the truth, the whole truth and nothing but the truth.

6 PRESIDING JUDGE SCHMITT: [9:36:16] Thank you. Before we start with your
7 testimony there are a few practical matters you should have in mind when giving
8 your testimony. Everything we say here in the courtroom is written down and
9 interpreted. It is therefore important to speak clearly and slowly so that the
10 interpreters can follow what you say and what everyone else says. Please speak into
11 the microphone and only start speaking when the person who is asking you a
12 question has finished.

13 If you have any questions yourself, raise your hand, then we know that you want to
14 say something, and I will give you the floor.

15 We will then start your testimony.

16 The Defence has the floor, I assume that Mr Ayena will question.

17 MR AYENA ODONGO: [9:37:05] You are right, Mr President and your Honours. I
18 will run the witness through his testimony.

19 QUESTIONED BY MR AYENA ODONGO:

20 Q. [9:37:24] Mr Witness, you have already stated that your name is Yusuf Adek.
21 Now can you proceed to tell Court when and where you were born?

22 A. [9:37:42] Thank you. I will inform the Court of my date of birth. I was born
23 on 11 November 1927 -- 1947 in Uganda, Gulu Uganda, in a place known as Lalia.

24 Q. [9:38:14] Can you now proceed to tell Court whether the name you use now is
25 the same you were given at birth?

1 A. [9:38:28] My current name is the name that I'm known by and this is the name
2 that everybody knows me by.

3 Q. [9:38:40] Mr Witness, at the moment you are called Yusuf Adek. Is that what
4 you were called from the beginning or there was a change in between?

5 A. [9:38:57] When I was born I was known as Yusuf Okwonga. Later on, during
6 Amin's time then my name changed to Yusuf Adek. Adek is a nickname.

7 Q. [9:39:15] Mr Witness, that's very interesting that you assumed a nickname that
8 has supplanted your original name. Would you be so kind as to tell Court, or
9 explain to Court, why and how you became to be called by the new names?

10 A. [9:39:46] The new name, I started going referred to as Adek in 1973. After
11 Amin overthrew the government I had problems. I was a business person in Gulu, I
12 had a wholesale business and I had one of my friends who nicknamed me Yusuf
13 Adek because I was being disturbed by Amin's soldiers so they nicknamed me that
14 name and that was the name of an army officer in Mbarara. So they kept on asking
15 "Why are you always surviving? Is it because you have some kind of sorcery or
16 witchcraft, that's why you keep surviving Amin's troubles?" And from henceforth
17 they referred to me as Yusuf Adek.

18 Q. [9:40:43] Now, can you tell Court where you live at the moment?

19 A. [9:40:53] I live in Gulu, in an area known as Bardege, and the village is known as
20 Bardege Mican.

21 Q. [9:41:04] Is this within Gulu municipality?

22 A. [9:41:09] Yes, it is within the municipality.

23 Q. [9:41:15] Can you tell Court, Mr Witness, what you do for a living at the
24 moment?

25 A. [9:41:27] Right now I am unemployed. But I am a cultural leader. I

1 have -- economically I get money from properties that I rent out and that's how I
2 survive with my family.

3 Q. [9:41:46] At the beginning, Mr Witness, you told Court that you were a powerful
4 businessman. Did that business activity of yours cease at a certain point in time.

5 A. My business -- I stopped my businesses during Obote's reign, the second reign.
6 I had a farm as well, but I lost the farm during the war.

7 Q. [9:42:25] In other words, from being a businessman, wholesale businessman,
8 you became a progressive farmer?

9 A. [9:42:41] Yes, I became a farmer, but I also had cattle.

10 Q. [9:42:45] When you say you lost your farm or your farming activities during the
11 war, which war are you referring to?

12 A. [9:43:03] I am referring to the war in 1987. And that was after they took over
13 the government in 1986. But I lost my livestock in 1987.

14 Q. [9:43:19] How did you lose your livestock?

15 A. [9:43:29] Government soldiers took it away.

16 Q. [9:43:41] Can you be specific and tell this Court which government this is.
17 Because from records available there seems to have been so many governments in
18 Uganda. Which government?

19 A. [9:43:57] We are talking about the current government, and it was the
20 government that came into power in 1986. In 1987 at around sometime in November,
21 the government came and took my livestock. I had approximately 286 cattle. At
22 the time they also killed the herder and that's how the government took my livestock.

23 Q. [9:44:29] Mr Witness, can you tell this Court whether the incidence of the loss of
24 your livestock was an isolated case in Acholi in northern Uganda, or it was, you know,
25 you know, a general happening at that time?

1 A. [9:44:59] I wasn't the only person who lost their livestock. It happened
2 throughout Acholi. It initially started around the Koch and Anaka area where the
3 soldiers took people including their livestock, their cattle and their goats and took
4 them across the river. They took them across the River Nile to a place known as
5 Bweyale. They left people in that area, but then they went with their livestock.
6 When they crossed Karuma bridge with the cattle, Bishop Ogwal was on his way
7 from Kampala going to Gulu. He stopped and waited for three and a half hours for
8 the cattle from Koch to Anaka to cross the Karuma bridge. And then after that they
9 continued taking other people's livestock, including my own, and that's how they
10 took people's livestock.
11 The -- all the people in Acholi region lost their cattle. Each and every person knows
12 the number of cattle they lost. This information was sent to the government and the
13 government decided that this matter should not be litigated in court, but that we
14 should settle outside court. All of us have written down the number of cattle that
15 have been taken. Some people have been paid. I have been paid approximately
16 30 million that has been paid. Everything has been documented, but they have not
17 paid me for all the cattle that has been taken, and this is an agreement that has been
18 reached with the government out of court.

19 Q. [9:46:44] Now, Mr Witness, you talk about this happening in Acholiland. Was
20 this targeted at Acholi per se or it was a general thing happening throughout northern
21 Uganda and perhaps eastern Uganda as well?

22 A. [9:47:27] Based on my knowledge I know the events that took place in Acholi
23 because at the time government soldiers were accusing people in the bush of taking
24 cattle and living off the cattle. They also used to accuse people in the bush of ruining
25 people's farms. If you planted your cassava, for example, or your millet, they

1 would go uproot your cassava, ruin your crops in the garden and then blame it on
2 people in the bush. And that's how we lost our crops in the fields as well. But the
3 soldiers would blame it on people in the bush and that's why -- that is how a lot of
4 people, including myself, lost our livestock and also had our property damaged. But
5 one of the most important things in Acholi was the livestock, because livestock is our
6 economy, that's what people sell and that's what people use to pay school fees and
7 other things.

8 Q. [9:48:35] Mr Witness, you said you are a traditional leader of Acholi. Do you
9 sometimes coordinate with other elders from other, you know, subregions like Lango,
10 Teso, West Nile, and other places?

11 A. [9:49:11] That does happen on a number of occasions. We do hold meetings
12 with the Langi, from people of Awitong. We also meet with people from the Madi
13 area. We have a number of meetings and on most occasions these meetings are
14 convened or organised by NGOs who call us together and to enable us to discuss the
15 things that affect us in the region, and this also includes the people from the Teso
16 region.

17 Q. [9:49:44] Mr Witness, during those meetings, did you ever hear those people
18 from the adjoining districts or subregions also complaining about what you suffered
19 in Acholiland? Like, you know, the raiding the livestock, destruction of properties,
20 and so on and so forth.

21 A. [9:50:21] Yes. It has happened. And especially with the people from the Teso
22 and the Lango area. They also went through the same fate that the Acholi people
23 went through. The Acholi people have created a war debt association which the
24 government is aware of, the court is also aware of. I do understand that the Teso
25 people and people from the Lango area have also set up such an organisation and it is

1 now up to the government to fulfil its payments. We do discuss these things and the
2 government is also aware about it.

3 Q. [9:51:03] So, Mr Witness, would it therefore confirm the possibility that they
4 suffered the same fate as the people of Acholi did?

5 A. [9:51:27] I cannot say that it is exactly the same because I do know things that
6 happened in my area more than things that happened in other areas. The Acholi
7 area was the central focus of the war and the war lasted a very long time in Acholi
8 area. The war did go to other areas, but it did not last as long as it did in the Acholi
9 region.

10 Q. [9:52:01] Now, Mr Witness, you have already told Court that you are
11 a traditional leader. How does someone assume the position of traditional leader in
12 Acholi?

13 A. [9:52:23] Traditional leadership in Acholi is different from the one in the Lango
14 area. In the Lango region they select somebody based on their competence, but in
15 the Acholi region cultural leadership is inherited based on -- it's inherited and it is
16 your people who agree that you should become a leader based on your competence,
17 based on your -- how social you were, based on your character as well. If you are
18 a person of good character, then it is the people from your home who agree, or people
19 from that clan who select you as a leader. They select you, then they -- you go
20 through some ritual. They smear sesame seed oil on you, they use shea oil, they use
21 some clay mixed with some kind of worms, they put in the Ogali seed in a small
22 cracked pot. The three pods have to explode and once the three pods have exploded
23 then they do come to the conclusion that they can now perform that ritual. They
24 undress you. These days you are left with your underpants. They smear you.
25 They smear your whole body completely. You are given the cane, the regal cane as

1 well as the -- your throne. And the person, your wife also goes through the same
2 ritual.

3 And once they have done, once they have performed the ritual, they send you to the
4 house, you spend three nights in the house without seeing anybody at all.

5 The people who performed the ritual, the people who smeared you are the only
6 people who will be with you in the house for the three days. The food that is cooked
7 for this particular ritual is cooked by somebody, but that person should not taste the
8 food. If the person tastes the food, then you, the person who has been elected to be
9 the cultural leader, will go mental. The person who is cooking has to be watched.

10 The person has to cook the food. They bring somebody for three days who cooks
11 your food, breakfast, lunch, dinner.

12 After the three days you are taken out of the house and then you have a bath because
13 the three days that you were in the house you do not have a bath. And then once
14 you come out of the house, you have had your bath, then they dress you in your robes.
15 And that's what happens in the Acholi region.

16 Before, before you go through this ritual they have to bring some animal, it's like an
17 antelope. For my case this antelope came from the bush, it came, it hit the house and
18 that's why they use it.

19 And then it is the people from your clan who respect you and they respect you and
20 you are the one who has been elected leader. And that's how they perform the
21 ritual.

22 Even if I haven't explained every single thing that happens, there are a lot of things
23 that happen, but the important things are what I have explained.

24 PRESIDING JUDGE SCHMITT: [9:56:21] Thank you very much. I think that was
25 really thoroughly explained. I have just one question in that regard. Do you recall

1 when this happened to you when you were initiated, so to speak? Do you recall the
2 date or the year, of course, only?

3 THE WITNESS: [9:56:39] (Interpretation) It was in 2013, on 3 July.

4 PRESIDING JUDGE SCHMITT: [9:56:47] So you know the exact date.

5 Please continue, Mr Ayena.

6 MR AYENA ODONGO: [9:56:53]

7 Q. [9:57:04] Mr Witness, would you be so kind as to tell Court which clan of the
8 Acholi people you lead as a chief?

9 A. [9:57:18] I am from the Pageya clan. The exact clan that I came from is known
10 as Pageya Labanya, but there are also other clans known as Pageya, but this is Pageya
11 Labanya Omel.

12 Q. [9:57:46] Do you have any totem that identifies or tells apart your clan from the
13 other clans of Acholi?

14 A. [9:58:15] For the Acholi, the totem for the whole of the Acholi people is the
15 elephant and I also have that, it's decorated on my, the outfit I am wearing. But for
16 Pageya they use an antelope and in my case the antelope came from the bush by itself.
17 If that does not happen, that means that the whole process has not gone through
18 smoothly. They will refer to you as a chief, but that means that the ritual has not
19 been fully performed. And the respect that you get from your clan and from your
20 people is based on the completeness of the ritual.

21 Q. [9:59:10] You have talked about your totem, which is deer, and in this particular
22 instance of yours it came of its own volition and it knocked its head against, you
23 know, the door and it was sacrificed. Would you tell Court what would happen in
24 the event that it did not offer itself, how would you get that animal?

25 A. [9:59:48] If the deer had not come, then people would have doubt as to whether

1 you are really from that clan. So in order for you to become a ruler or in order for
2 you to become their leader, they will look for the skin and they will bring the skin of
3 that animal and then they will use that for the ritual. But if the actual animal itself
4 appears or if they do find the actual animal, then people are extremely happy and
5 there is no doubt whatsoever about electing you as the leader.

6 PRESIDING JUDGE SCHMITT: [10:00:34] Mr Ayena, I think we have now enough
7 background information. Perhaps you can move on to information that is more
8 closely related to the charges.

9 MR AYENA ODONGO: [10:00:51] Mr President and your Honours, I have two
10 questions which are now bringing me, connecting me directly to the charges.

11 PRESIDING JUDGE SCHMITT: [10:00:59] You know that I act always under the
12 assumption when you tell me that it is correct. So please proceed.

13 MR AYENA ODONGO: [10:01:07] Yes.

14 Q. [10:01:08] Mr Witness, are there any special roles that your clan performs within
15 the Acholi community? And, if so, what duties and responsibility come with being
16 an Acholi cultural chief?

17 A. [10:01:37] Well, the most important thing, I have an example of something that
18 happened in 2012. In 2012, there was frequent incidents of lightning, the lightning
19 struck several schools, eight, sometimes eight, sometimes 10 schools in Acholi area.
20 So our clan as Pageya, the town of Gulu is actually under the chiefdom of Pageya, and
21 this name Gulu was derived from a stream that flow across the edge of the town. So
22 when you go to this area you will find the homestead or household of someone called
23 Latigo Gulu and the descendent of Latigo Gulu, named Otto, was the last person who
24 performed the ritual of the area as a way of cleansing the area.
25 So during the time when the lightning was striking the area, people went to this sight

1 and they tried to look around for past items that were used for this performance.
2 And some ritual items were received, including a chicken, and these were taken by
3 two people who went to this stream and made incantations as part of the ritual. And
4 as the process, water is collected from that stream using a gourd and this gourd is
5 tightly covered so that the water does not spill out. When you are returning home,
6 you do not look back. And once you are home, you face the sunset and that water in
7 the gourd is poured down onto the ground. And once this is done, the lightening
8 stops.

9 And this is exactly what happened. And this is also a document that has been
10 recorded on video and up to today this is what happened as far as the chiefdom of
11 Pageya is concerned and we know this has happened. Many others could have
12 happened, but this is the most important that I can talk about, because I am still
13 present and I can talk about it and many people can testify to this performance.
14 The whole process was authorised by the deputy speaker of that time of Gulu,
15 Douglas Peter Okao, who went as government representative to observe these ritual
16 being performed and indeed people respect it a lot. And because of this many
17 people respect me for this what we did.

18 PRESIDING JUDGE SCHMITT: [10:05:17] Thank you. I think that is enough
19 information on that, Mr Ayena. Please move on.

20 MR AYENA ODONGO: [10:05:23] Yes.

21 Q. [10:05:24] Mr Witness, does that therefore mean that Acholi has a strong cultural
22 belief?

23 A. [10:05:43] Well, if there is anyone who doubts any cultural belief of Acholi, then
24 we can say that that person may not be a true Acholi. If you have doubt in it, then
25 we can say you are not an Acholi because there is a process. If you are a boy, you

1 undergo a ritual. You stay in the house for three days. And in that process the
2 person will go through a process and for three days you only -- it is only your mother
3 who will bathe you, and once that is done you now become a man, a true -- that's
4 when you are referred to a true man. But if that is not performed, then you will not
5 be functional. You will have to be taken back to the house again and that is when
6 the same process will be performed on you so that you become a real man.

7 Q. [10:06:43] Witness, we shall turn briefly to the history of Uganda, very briefly.

8 And it is now clear, Mr Witness, that you seem to be wearing many hats: One,
9 you are a businessman; two, you are a traditional leader, cultural leader; and too,
10 from your statement it appears, you have been a paragon of peace.

11 Now, Mr Witness, what roles did the northerners, especially the Lango and the Acholi,
12 play in the protectorate government in relation to --

13 PRESIDING JUDGE SCHMITT: [10:07:42] Just for our information, for the Judges,
14 about what time period are we speaking here?

15 MR AYENA ODONGO: [10:07:54] We are talking about the history of Uganda.

16 PRESIDING JUDGE SCHMITT: [10:07:57] Yes, the time period when you
17 say -- you are addressing a certain point in time, of course, and I would be interested
18 in which point in time.

19 MR AYENA ODONGO: [10:08:06] When we talk about the protectorate government,
20 your Honours, it starts from the beginning of Uganda as a state in 1894 to 1962.

21 PRESIDING JUDGE SCHMITT: [10:08:21] But very, very shortly, please, because we
22 can't, we can't write the whole history of Uganda in this courtroom. I think everyone
23 understands this. So please ask very focused, very specified questions on that and
24 then -- and I know of course from the content of the formal statement of Mr Witness,
25 that he has participated, for example, in the peace talks. That is much more closely

1 related to the charges we are here discussing. So that that would be, I think, of more
2 interest. But general remarks on more than 100 years of history I think will cost us
3 a lot of time and I doubt that they will be of such a significance in the end.

4 MR AYENA ODONGO: [10:09:19] Mr President, I want to take note that already
5 when the Prosecution was leading its evidence, their evidence, a lot of this, the history
6 of Uganda was canvassed by, especially Professor Allen and some information --

7 PRESIDING JUDGE SCHMITT: [10:09:35] Exactly, yes. It has been already also
8 discussed here in courtroom.

9 MR AYENA ODONGO: [10:09:42] We want you, your Honours, to hear from the
10 horse's mouth, and especially as it relates to the unfolding of events that led to the
11 conflict that has brought this case before this Court.

12 PRESIDING JUDGE SCHMITT: [10:10:02] But of course we have, we really have to
13 see the limits of that. So I would not say that I object to any of these questions, but I
14 only wanted to flag from the start that we should be aware that we can't discuss this
15 for hours here in the courtroom. So please continue.

16 MR AYENA ODONGO: [10:10:22] Yes.

17 Q. [10:10:25] Mr Witness, with the restraint given by the President of the Court, can
18 we briefly discuss the roles that were played by the northerners, especially the Lango
19 and the Acholi, during the protectorate government, especially in relation to
20 education, military, business, and so on and so forth. What role did they play?

21 A. [10:11:07] Well, in relation to the most important aspects of culture and tradition,
22 even during the protectorate, what the British would follow was that the British
23 would pick the Acholi and the neighbouring tribes, they were taken to two major
24 world wars and during the Second World War and then during the Mai-Mai rebellion.
25 But, in short, since the Court has reminded us not to go into detail and take long,

1 what would happen was that when you would go to join the army in Acholi, if you
2 go to join the army, you get permission from your parents that I would like to go and
3 join the army. And what you request from them is their blessing.
4 Your parents will then give you blessing and will also give you three things that you
5 need to follow. You will be reminded that, as you go to join the army, you must
6 follow these three things: The first one, when you go to the battle, do not kill
7 a woman; secondly, do not kill a child; and thirdly, do not steal. These were the
8 three key things that you are reminded and if you follow these three things, you will
9 have the blessing of your parent, of your mother, and that is what will protect you
10 and will lead you in your work in the army.
11 We saw this example on one person, Tito Okello, who was the army commander.
12 He was the president for a short time. But he was in the British Army and he never
13 sustained any injury, because those three things, the three things that your parents
14 always also tell you, he followed them. So this was very important in the lives of the
15 people.
16 So in Acholi, in most cases, a child does not separate from the parents. Even when
17 this person is already an adult, he will remain a child of that family. And when it
18 relates to marriage, the first wife that you bring, you are not the one who will
19 marry -- pay for the dowry, but it is your parents who will pay for the dowry. But if
20 you bring a second woman, it is now you the man to take care of paying for the
21 dowry. So you will not have the authority to divorce this wife unless you get
22 permission from your parents.
23 Q. [10:14:25] Excuse me. Sorry for interruption, Mr Witness. The line I want you
24 to address, briefly, is the role the Acholi and the other northern tribes played in the
25 armed forces of Uganda during colonial days, then after independence and -- I mean

1 and whether it changed after independence. Did they play a prominent role in the
2 armed forces during the protectorate government, and also after independence?

3 A. [10:15:23] During the British rule in Uganda, the majority of people in the army
4 were from northern Uganda, mostly Acholi and the Lango people. And since
5 Tito Okello was their leader and Idi Amin, these are examples of the people who were
6 in the leadership of the army at that time. So most of the roles that they were given
7 were majorly to be in the army and to go to the battlefield. Most times they were
8 given mostly to be in the forces and usually for you to be in the forces it means you
9 obey the rules, you follow the rules and you have to be disciplined.

10 So the Acholi people were very strict in following the tradition, cultural tradition,
11 because when they were in the army they would also be reminded that their tradition
12 does not allow them to kill people and their tradition does not allow them to commit
13 crimes, especially if you kill a woman it is very difficult to perform a ritual to cleanse
14 you of that. Even if it is performed, it will not be performed well.

15 And if you kill a child, they will say you killed someone who was still very innocent.
16 So even if a ritual is performed to cleanse you of that crime, it will not really be
17 performed very, very well.

18 In the same way, if you are at home and you fight your wife and you throw food at
19 her, a ritual will be performed and in that incidence an animal will be brought and in
20 that process you will be required to hold that animal and --

21 Q. I think that's enough background.

22 PRESIDING JUDGE SCHMITT: [10:17:47] And I think we should move to another
23 point.

24 MR AYENA ODONGO: [10:17:49] Yes.

25 PRESIDING JUDGE SCHMITT: [10:17:50] Just a remark, also. I think we had

1 a witness Prosecution on historical developments, who spoke about it, and if
2 information has been elicited by such witnesses and the Prosecution would not
3 fiercely object to the information that has been elicited, I think we need not repeat
4 everything here in the courtroom about -- Mr Gumpert, do you have any opinion on
5 that?

6 MR GUMPERT: [10:18:19] Yes. I can't conceive that we will have any questions, let
7 alone making contrary observations on the evidence which has been given thus far.
8 I don't mean to say by that that we wholeheartedly endorse every aspect of it, but
9 there are no questions which arise from me thus far. And indeed, if there are
10 cultural historical matters which the Defence feel strongly ought to enter the record, I
11 invite them to set them out and we can probably agree them.

12 PRESIDING JUDGE SCHMITT: [10:18:56] I think so. I wanted only to streamline it
13 a little bit, and please bear with me that we start now with the Defence evidence and
14 of course as Presiding Judge you have the objective from the start to simply set certain
15 matters. So it is not that I want to block everything, but we see here how it unfolded
16 that we I think should be a little bit limited in the scope. There might be other
17 instances. So in the beginning there is always a little bit a tendency to simply set the
18 tone also a little bit. So please continue. I already flagged one historical incident
19 that might be of interest for the Defence and for the Court and for the Prosecution and
20 the other participants.

21 MR AYENA ODONGO: [10:19:46] I am much obliged, Mr President.

22 Q. [10:19:49] Mr Witness, the reason why I asked you to give this background was
23 now to bring you to what could have precipitated the conflict that brought about this
24 case.

25 The question I now want to ask you is whether the role that was played by the Acholi,

1 the Lango, and the northern tribes brought them at crossroads with the southern
2 tribes, especially the Baganda, in 1966.

3 A. [10:20:49] What brought about the incidents of 1966 came from the issue of land,
4 which was referred to as the lost counties between the Banyoro and the Baganda.

5 The British that was the government at that time did not follow the right thing and
6 Bunyoro land was taken and given to the Buganda kingdom.

7 So during the 1962 independence, the Banyoro raised complaint that since now we
8 have independence, we now demand that our land should be taken back. This

9 matter was settled through a referendum in 1965, but in 1966 when Kabaka Mutesa
10 was the president and Obote was the prime minister, it was resolved that that

11 referendum, the people who should vote in that referendum should be the original
12 people who were resident in the land at the time.

13 So the result of the referendum went in favour of the Banyoro, but Kabaka did not
14 append his signature for the return of land to the Banyoro. So Obote, as the
15 executive prime minister, was the one who signed that document. So that is what
16 brought the crisis of 1966.

17 There was a song that was sung that a banana plantation got burnt and the
18 headquarter of the Buganda, which was in Lubiri, was turned into a military
19 headquarter and the Kabaka's prison, which was in Makindye, now became a military
20 facility. And up to today the barracks, the military barracks is still at Makindye.

21 So because of this war, it is because of this war that that division came in Uganda,
22 because now it brought the issue of the Bantu and the Nilotic, which came as a result
23 of power struggle.

24 So since that time, until today, there has not been peace. Most times there were war;
25 war, war, internal war.

1 Now, what happened from at that time followed with the 1979 war where the UNLA
2 came and overthrew Amin from presidency and took over government. That war
3 never healed. It never stopped. It again brought another war which led to
4 a negotiation in Kenya between the UNLA and Museveni. And that negotiation was
5 in Nairobi. The negotiation between Tito and Museveni was not successful and it
6 generated into the overthrow of Tito from government. So when Tito was
7 overthrown from government, the UNLA, the UNLA army again started another
8 group that was called the UPDA.

9 Q. [10:25:23] Mr Witness, if I can, with your permission, intervene. Can you tell
10 Court whether the rebellion in the Luwero Triangle, can you describe whether
11 ultimately the Acholi and the other northern tribes were blamed for atrocities
12 committed in Luwero Triangle to exacerbate the effect of the 1966 crisis?

13 A. [10:26:09] What I know of what happened in Luwero Triangle, I was one person
14 who participated in that meeting. One major concern that was raised was that the
15 Acholi killed so many people in Luwero. So in the meeting that I attended because
16 there were several skulls that were gathered and lined up along the road, and in that
17 meeting I asked that according to the Acholi tradition, even when you -- only your
18 finger is cut, that finger will be buried in respect of this person. Or if your person
19 has been killed, that person -- the skeletons and the remains would be taken and
20 buried decently. So I ask, do all other tribes also do the same thing as we do? And
21 everyone was in agreement that that is exactly what they did.

22 So I also told them, maybe those remains could also be remains of the Acholi people
23 who were called during road ambush, so agree, allow that we take these skulls and
24 skeletons to be reburied, because it is going to help us heal the wound that was
25 created. Then my argument indeed angered one of the soldiers who was in the

1 meeting and because I told him that if you continue doing things that way, then it will
2 be bring division amongst people.

3 Because during Amin's time I saw and realised that everyone who was
4 a wheelbarrow pusher was unintelligent, would be unintelligent person. So in the
5 circumstances that we are in now, let's come up with a way of uniting people so that
6 everyone, every Ugandan is united as one. So if you continue doing the way you
7 want to do it, then it will bring division and people would be at war.

8 So later on I was accused that I know of a rebellion which is happening in Atiak, but I
9 said, I told them I am not aware, because I do not have any intelligence, so maybe
10 you are telling me now, but the people in my area, the boys in my area, I am not
11 aware of anyone who is missing. So this kind of talk continued and what now led to
12 people taking up arms to go to the bush --

13 Q. [10:29:20] Sorry to interrupt again. Can you tell Court whether it is, I mean,
14 like it was stated, it was true that the killings in Luwero Triangle were committed by
15 the Acholi and the other northern tribes, or have you heard other stories about who
16 exactly actually killed in the name of Acholi and other people?

17 A. [10:29:56] If you follow what I have just explained, that the remains, the skeletal
18 remains of people are not displayed in the open, because if there is respect to cultural
19 processes, then even when you have not killed this person you will always rebury
20 these remains.

21 So what was actually coming out clearly was that some people would come dressed
22 in UPC, in the UPC uniform or party uniform and when this happens then it would
23 be blamed that it was the UPC people who actually killed the people. So this kind of
24 thing continued for some time.

25 But Acholi as a tribe, to see that someone came back home requesting that he should

1 be, he should be received and ritualised did not happen. We never saw someone
2 who came and requesting that he should cleansed because he killed someone. But
3 this never happened.

4 So this kind of thing, conflict in Uganda, started a long time ago. So if we really
5 want to bring issue of unity, we need to look at the division that was created between,
6 in reference to these are the Bantu or the Acholi. So we need to make that unity and
7 we unite people.

8 MR AYENA ODONGO: [10:31:43] I think that -- because we've got to abide by the
9 restraint of the Judge --

10 PRESIDING JUDGE SCHMITT: [10:31:44] No, no, that is interesting, I think. Why
11 not. But you cut the witness when he wanted to explain what led people to take up
12 arms and go to the bush.

13 MR AYENA ODONGO: [10:31:56] Yes.

14 PRESIDING JUDGE SCHMITT: [10:31:57] I think you would pick it up again, but --

15 MR AYENA ODONGO: [10:31:59] You see, I am now a bit freaking just in case I
16 go -- I brush the wrong side of the Bench.

17 PRESIDING JUDGE SCHMITT: [10:32:09] You see, it was only that we really have to
18 aspire to streamline things to the relevant matters.

19 MR AYENA ODONGO: [10:32:17] Yes.

20 PRESIDING JUDGE SCHMITT: [10:32:18] And it is also for you, of course, to decide
21 how you spend the time that has been allotted for certain witnesses. But this seemed
22 to be, I don't know if you want to pick it up, this, what the witness intended
23 obviously to explain, that might be of interest, perhaps.

24 MR AYENA ODONGO: [10:32:34] I am guided, your Honours.

25 Q. [10:32:37] Mr Witness, I think you can delve into that a bit further and then later

1 on, of course, we are going to say that Obote's government was bombed out of power
2 by Idi Amin, you already talked about that, and then there was the NRA rebellion in
3 the Luwero Triangle. We are going to find out when Tito Okello's government was
4 overthrown or bombed out because that phrase has been used here.

5 Can you now describe to Court the conduct of the National Resistance Army soldiers
6 who first arrived in Acholiland and you may want to tell Court whether it had any
7 likely relationship with what you have described about the Bantu and the Nilotic
8 divide.

9 A. [10:33:50] Well, the difference between the Bantu and the Nilotics, we nationals
10 of Uganda, believe or think that this this should no longer exist. Uganda should
11 become unified and someone from Ankole would be referred to as my brother or my
12 sister, somebody from Karamoja would be referred to as my brother and sister. But
13 one of the things that resulted in people going into the bush, I was one of the people,
14 for example, when the LRA came into power. I also took up arms, I collected arms
15 from people so that there was peace.

16 I do recall that there was a brigade commander, I do not remember the person's name
17 now, convened a meeting. At the time the people from Anaka were now
18 complaining that the people who had taken their cattle were now taking their goats.
19 So there were complaints about people being taken, livestock being taken to places
20 where unknown. So boys were become taken and things were being taken as well.

21 Q. [10:35:29] Mr Witness, could this commander have been Pecos Kuteesa?

22 A. [10:35:37] No, it wasn't. The commander that I met -- Pecos Kuteesa was later
23 on, came later on, but at the beginning it was known as a brigade, it had not yet
24 become a division. I do not recall the name of that person, but I believe that he was
25 a Muganda based on the language that he spoke. He was the first brigade

1 commander and then Pecos came after him. I explained to them the importance of
2 unification and I told them that the problems, the division that was going on was
3 going to create problems and result into people rebelling. And he told me that I
4 should -- that what I was speaking was -- made sense and he advised me to go and
5 join an organisation known as the secretary of defence.

6 I actually did not like that advice because at the time that was not an elected role. I
7 refused and he was not happy with me. He was not happy that I had spoken the
8 truth. I told him, I said, "Look here, what I am telling you is the truth. I want you
9 to know my home. I want you to know that I am telling the truth because if
10 somebody is not telling the truth, if somebody is not being honest, the person will be
11 deceptive, the person will be devious. But if you really want to know that I am
12 being honest, come to my home, I am not afraid, come to my home and then we will
13 discuss these matters and you can also find out that I am speaking the truth."

14 After that, there was a lot of looting. Even I, my home was actually looted. One of
15 the houses that was looted has not -- up to date, I have not renovated just as
16 a remembrance. My safe was broken into and everything, they accused us by saying
17 that everything that we owned were things that were taken from Luwero, and this
18 was really a bad behaviour, and I thought that the way that they were training their
19 soldiers was not the proper way because there is no army person who can be kind to
20 people if they are not trained in the right manner. Soldiers are trained to kill people.
21 Soldiers are not trained to kill animals. They are not trained to kill cattle.

22 So when we come in front of the Court and talk about these things, these things
23 should actually help the Court and also help in the future so that if in the future these
24 things are considered so that if there is a -- it can bring peace, it can bring peace so
25 that nothing is left out.

1 People started going into the bush in order to defend their things, in order to defend
2 their cattle, in order to defend their property, in order to defend their children, the
3 children that were being abducted and taken to places unknown.

4 In 1987, that was when I was abducted on the first occasion. I was also taken and
5 taken to Luzira in 1987, in November, and I came out in 1988, in February, after they
6 found out that I was innocent. So some of these things that are being stated now, if
7 you -- if you link them to the things that happened afterwards to try and determine
8 and to understand why people went in the bush, was the issue of livestock and cattle.
9 The issue of people's cattle, children being abducted, things being taken, that was
10 something that riled people, that made people sad, that made people angry, that
11 encouraged people to go into the bush.

12 I know that Mr Ayena who is questioning me now, as the Court wants to know, what
13 started and what we, as people, started doing in order to bring peace in Uganda.
14 Even though you don't ask me about these things, in 19 -- in 1999 -- 1993, that's when
15 we started discussing issues of peace talks, and I believe that's what the Court wants
16 to know.

17 Q. [10:41:10] Mr Witness, I think we are -- let's be systematic and we get to that one
18 later.

19 PRESIDING JUDGE SCHMITT: [10:41:15] But the witness is not incorrect, so to
20 speak.

21 MR AYENA ODONGO: [10:41:18] Well, he is not incorrect. But, you know, I want
22 him to weave his evidence in a manner that is systematic, because --

23 PRESIDING JUDGE SCHMITT: [10:41:29] It's just a remark. No objection, nothing
24 like that. Please continue.

25 MR AYENA ODONGO: [10:41:33] Yes.

1 Q. [10:41:34] Mr Witness, you see, at this point in time we want to relate the
2 conduct of the forces that invaded Acholi in other parts of northern Uganda to the
3 events preceding that time, especially what happened in Luwero. And in particular
4 we want you to tell Court whether the forces that came to Acholiland, like you have
5 said, soldiers normally carry out orders or instructions given to them. Could it be
6 that their conduct was informed by revenge intentions against the people they
7 perceived as having committed atrocities in their land? Just briefly.

8 A. [10:42:35] I do not think that it was a matter of revenge. I think it was due to
9 the division in tribes. Because if we are talking about revenge, or if we are talking
10 about compensation or paying something back, then we have to know that somebody
11 has done something bad. I said earlier that if one of your children is going to join the
12 army you tell them: Don't kill women, don't arrest or abduct people or don't do --

13 Q. [10:43:21] Mr Witness, we are now talking on the backdrop of a war that took
14 place in Luwero. It may well be that it was not clearly stated, but could it have been
15 the case that when they were coming, or during the Luwero Triangle War, people,
16 especially the Baganda, were misled to understand that the Acholi and the other
17 tribes actually committed atrocities in their land and some -- and therefore some of
18 the misinformed soldiers who arrived in Acholiland took the law in their hands?

19 A. [10:44:19] Yes, that's correct. But that was not based on revenge but it was on
20 the difference between the tribes. When something happens, for example, if they
21 accused the Acholi people or the northern people of killing the people of Luwero,
22 then that was because of hatred. But the killings, such killings had not taken place.
23 But what they did was something that we pray should not continue as we, northern
24 Ugandans in general, pray so that there is unification. Some of the things that
25 happened were extremely bad. They committed a lot of atrocities against our people,

1 education was ruined, people's wealth was taken, there are no jobs, people do not
2 have jobs. And those are some of the things that happened in northern Uganda that
3 are extremely serious.

4 As soldiers, your children are the ones who lead people to -- who lead the soldiers to
5 a certain place to commit these atrocities, and this was something that was really bad,
6 something that we, in our lives, even today, we want people to -- not to remember.
7 We want people to become unified. People should be unified so that things like this
8 do not happen again in the future in the country.

9 Q. [10:46:12] Mr Witness, I think that's a very fine ideological preaching, but I think
10 maybe it would be well-suited for another day. What we want you to tell Court is
11 whether this factored -- I mean the emergence of the various fighting groups, and
12 especially the Holy Spirit Movement and what eventually became LRA -- I mean had
13 their origins in some of these confusions -- was the emergence of the Holy Spirit
14 Movement and, ultimately, the LRA, a result or a consequence of what you have been
15 saying?

16 A. [10:47:21] Yes. The pain, based on people's property that was taken, and also
17 trying to secure yourselves to take care of yourselves, one of the things that actually
18 brought about the Holy Spirit. But it was the -- first of all, it was the UNLA, the
19 UNLA initially started. They set up the UPDA in order to protect their people
20 because they were angry at what was being done to their people. And then the Holy
21 Spirit also joined this; that's how the Holy Spirit came about. First of all, it was the
22 UNLA who were defeated, then you had the UPDA, and then the Holy Spirit came in.
23 There are two differences between the Holy Spirit. There is the Holy Spirit of
24 Alice Lakwena, and people claim or allege --

25 Q. [10:48:22] Mr witness, let me just help Court to understand some of these --

1 PRESIDING JUDGE SCHMITT: [10:48:25] No, no. No, no.

2 MR AYENA ODONGO: [10:48:27] UNLA and UPDA, I don't know whether it is
3 clear to you.

4 PRESIDING JUDGE SCHMITT: [10:48:31] We have heard this before. I would
5 simply suggest that we let Mr Adek continue.

6 MR AYENA ODONGO: [10:48:36] Just -- I thought just for your benefit.

7 PRESIDING JUDGE SCHMITT: [10:48:38] No, no.

8 Please continue, Mr Adek.

9 THE WITNESS: [10:48:46] (Interpretation) I said that the UPDA was born out of the
10 UNLA. The UNLA were soldiers that came from Tanzania, they overthrew Amin.
11 And then, when Tito was overthrown, the UNLA went into the bush and then they
12 formed the UPDA. And then the Holy Spirit, Alice Lakwena's Holy Spirit also
13 started. And then Kony initially was part of the UPDA battalion which was in
14 Cwero, it was known as the Black Battalion, and the leader was Lukwir Karac. So
15 that was where Kony initially started from, and then he separated from that group.
16 Apparently, there was a problem that when they were fighting, when there was a war,
17 there were a lot of people who were going to Kony's group, so that also created
18 a problem between the UPDA and Kony's group. And there was -- the two groups
19 fought in 1987, in November of 1987, and that war continued. Kony actually took
20 over the UPDA and he chased the UPDA in Sudan.
21 In 1988, the UPDA came back and surrendered themselves to the government of
22 Uganda, the NRA government, and Kony remained on his own and then he created
23 the Holy Spirit Movement, and then later on it became the LRA, which is the Lord's
24 Resistance Army.
25 And by the time that it changed over to the Lord's Resistance Army --

1 MR AYENA ODONGO:

2 Q. [10:50:50] We are now getting into a very critical area and we need to move
3 slowly and systematically, and you would help a lot to answer specific questions I ask
4 and then I ask another one and we move on.

5 I want you to tell Court how the Acholi people at the beginning of the war perceived
6 the government forces. What were the government forces doing to the Acholi
7 people at the beginning of the war? And, according to Acholi tradition, did they
8 ever believe that, in the end, there might come a time when their ancestors may
9 intervene to save them from the government forces?

10 A. [10:51:56] One of the first reasons why people took up arms was at a place
11 known as Lacekocot; there was no trust in Lacekocot. People who were arrested
12 were being tied, were being tied upside -- people were being tied upside down, being
13 tied by the legs with their heads hanging down and their arms tied behind them, and
14 the people of Lacekocot said they tried to strangle those people with wire. So the
15 people who had not yet been arrested came and started fighting, and that was the first
16 time that people started fighting against the government soldiers. That was the first
17 time that there was a fight between government soldiers and the local Acholi people.

18 Q. [10:53:14] Now, in all this, did the Acholi people believe that one time there may
19 be a solution to some of this, which, among other things of course, the reaction by the
20 groups that you are talking about was one of the manifestations? But now we are
21 talking about the bigger picture, especially when the Holy Spirit of Alice Auma
22 Lakwena came, and later on the Lord's Resistance Army. Did the Acholi people
23 believe that finally the answer to their prayers may have come for a solution to their
24 problems?

25 MR GUMPERT: [10:54:13] Your Honours, I won't call this a formal objection, but

1 this is now the third time that my learned friend is suggesting the answer to the
2 witness. It may well be that all that he has said is true and uncontroversial, but it
3 will certainly be more convincing if it comes from the witness rather than from
4 counsel.

5 PRESIDING JUDGE SCHMITT: [10:54:30] I think I would sustain that.

6 Just word your questions on direct, no different situation than it has been up until
7 now. Word your questions in a way that they are open and that the witness is
8 not -- the answer is not suggested, please, Mr Ayena.

9 MR AYENA ODONGO: [10:54:52] I am much obliged and greatly indebted to my
10 colleague on the other side. Thank you for your reminder.

11 Q. [10:55:03] Mr Witness, let me put it in another way. When the Holy Spirit
12 Movement started, and later on the Lord's Resistance Army, how did the Acholi
13 people react?

14 A. [10:55:39] The people had been -- the people were divided in three. There were
15 some people who thought if they did not take up arms then things would worsen.
16 There are some people who believed that there should be dialogue so that the
17 problem can be resolved.

18 The third group were indifferent. They only cared about themselves, and that's how
19 people were split up into three different categories.

20 PRESIDING JUDGE SCHMITT: [10:56:27] May I shortly? Of course, it is you are
21 one person, you observed it from your personal point of view, but when you say
22 there were three kinds of people, was there in any of these three groups a majority or
23 a minority? I know this is only nearing some figures, possibly, but simply I would
24 like to ask you, if you have, from your point of view at the time if you had an
25 impression that a majority was in favour of one kind of solution and a minority in

1 favour of another one?

2 THE WITNESS: [10:57:06] (Interpretation) Based on my knowledge and my
3 observation, people who thought people who were indifferent were less, that was the
4 minority.

5 People who thought that if they did not take up arms, then the problem would be
6 continuous. You know, during Amin's time when Amin took over power in 1971,
7 around about 1972, when people did not have arms, Amin starting mistreating people.
8 And that is why in 1972 and 1973 people fled and went to Tanzania. So people
9 thought that if they did not react, if they did not take up arms, then there would be no
10 change and that is why people supported the issue of war, of taking up arms. That
11 was the majority group. And these people were annoyed, people were angry
12 because their livelihood was being taken, they were being mistreated and this was the
13 majority group and they are the ones who wanted to fight.

14 People who wanted peace talks, people who wanted dialogue were in the middle.

15 PRESIDING JUDGE SCHMITT: Thank you. I think that is a good time to have
16 a coffee break.

17 MR AYENA ODONGO: [10:58:55] You have spoken my words.

18 PRESIDING JUDGE SCHMITT: [10:58:59] Yes. Until 11.30.

19 THE COURT USHER: [10:59:01] All rise.

20 (Recess taken at 10.59 a.m.)

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

22 THE COURT USHER: [11:31:21] All rise.

23 PRESIDING JUDGE SCHMITT: [11:31:38] There is nothing mysterious of starting
24 without the witness. We go shortly into private session. It concerns the next
25 witness.

Trial Hearing
WITNESS: UGA-D26-P-0028

(Private Session)

ICC-02/04-01/15

- 1 (Private session at 11.31 a.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 11.34 a.m.)

7 THE COURT OFFICER: [11:34:21] We are back in open session, Mr President.

8 PRESIDING JUDGE SCHMITT: [11:34:24] Thank you.

9 (The witness enters the courtroom)

10 PRESIDING JUDGE SCHMITT: [11:35:07] Welcome again, Mr Witness, to the
11 courtroom. We continue with your examination and Mr Ayena has the floor.

12 MR AYENA ODONGO: [11:35:15]

13 Q. [11:35:17] Mzee Yusuf Adek, in the beginning, in the morning, you talked about
14 Alice Lakwena. Can you tell Court which group she led?

15 A. [11:35:40] Alice Lakwena was in another group, but I was not very close to that
16 group, if you compare to Kony's group. Actually, I never saw her.

17 PRESIDING JUDGE SCHMITT: [11:36:00] May I shortly?

18 MR AYENA ODONGO: [11:36:03] Yes.

19 PRESIDING JUDGE SCHMITT: [11:36:04] Mr Adek, was there a, how can I word it,
20 as far as you know, a relationship between this group of Alice Lakwena and Kony's
21 group? Did they have connections, did -- yes, do you know something about that?

22 THE WITNESS: [11:36:20] (Interpretation) No. I am not aware. I do not have any
23 information of any relationship between them. But their names were very similar,
24 the names of the two groups were very similar, but they were different groups.

25 PRESIDING JUDGE SCHMITT: [11:36:38] Thank you.

1 Please, Mr Ayena.

2 MR AYENA ODONGO: [11:36:41]

3 Q. [11:36:43] Can you tell Court, Mzee Yusuf Adek, this group of Alice Lakwena,
4 was it a normal army or it was based on some other, you know, culturally based or
5 spiritually based arrangements?

6 A. [11:37:31] Well, I will still respond the way I did previously in relation to your
7 question, that I do not have a lot of information about Alice Lakwena, but what I can
8 speak more authoritatively and more clearly is related to Kony's war, but I have never
9 seen Alice Lakwena personally.

10 Q. [11:38:01] Mr Witness, I mean, as an arrangement between me and you, I think it
11 would be useful if we kept constant eye contact so that I will -- you know when I am
12 about to ask the next question or when I think you have answered sufficiently
13 a certain particular question.

14 PRESIDING JUDGE SCHMITT: [11:38:27] No, but I think there is nothing improper,
15 on the contrary, if the witness also takes eye contact to the Bench. So there is nothing
16 what I would object to. On the contrary, why not? And there was also a question
17 asked by me and normally you address your answer to the person that has
18 questioned you.

19 MR AYENA ODONGO: [11:38:50] Yes.

20 PRESIDING JUDGE SCHMITT: [11:38:50] That is in short shows respect and
21 politeness and that is a normal thing in a courtroom. So please continue.

22 MR AYENA ODONGO: [11:39:01] I am guided. I am guided.

23 Q. [11:39:06] Now, Mzee, I am sure that much as you may not have met
24 Alice Auma Lakwena, you heard about her movement, and what I now want to ask
25 you is when she moved out of -- I mean, first of all, how did the Acholi people

1 perceive her movement when she started her war?

2 A. [11:39:48] I also heard about it, and I also am aware of the areas where she
3 operated. It all came in relation to spirits. So that is why some people think that
4 what was on Alice Lakwena is what also possessed Kony. But in my own
5 knowledge I can speak very well about Kony, because most times I related with him.
6 I can speak about him because I can -- because I know the history of how Kony came
7 in and how his movement also came in. That one I know very well.

8 PRESIDING JUDGE SCHMITT: [11:40:41] I think, Mr Ayena, we should accept
9 what --

10 MR AYENA ODONGO: Yes.

11 PRESIDING JUDGE SCHMITT: -- the witness has now reiterated that he is
12 knowledgeable about Kony's movement but not so about Lakwena's movement. So
13 you could perhaps centre your questions on the former.

14 MR AYENA ODONGO: [11:41:00]

15 Q. [11:41:00] Just a quick one, Mr Witness. When Alice Lakwena moved out of
16 Acholi and especially into Lango, later on Teso and those areas, did you receive any
17 information about reactions in those areas? Were they supportive of the war she
18 was leading or what was the general reaction from the population in those areas?

19 A. [11:41:49] Well, I cannot speak other people's opinion, but you may say that they
20 were supportive because most of the people who joined her movement were people
21 from the local areas. So if he moved with a large group of people, well, then you can
22 say people were supportive of it. But honestly I do not have much information.

23 Q. [11:42:20] After Alice Lakwena was defeated, what happened to the people in
24 that group? Did they join other groups, fighting groups?

25 A. [11:42:45] At the time when Alice Lakwena was heading eastwards, Kony's

1 group was already existing and also the UPDA were also existing, so all the three
2 groups were already in existence but operating in different areas.

3 So when Alice group headed eastward, I did not know if they came back and rejoined
4 other groups after they were defeated. I did not -- I did not get information about
5 that.

6 Q. [11:43:27] Now, you have talked at length about UPDA. Was this what was
7 otherwise known as Uganda's People Democratic Army?

8 A. [11:43:42] Correct, that's the same one.

9 Q. [11:43:48] Can you tell Court who led that group initially?

10 A. [11:44:05] The overall commander of that group was called Major Apeya (phon),
11 and from Gulu area there was someone called Okello Colonel, and then Odong Latek.
12 Okello Colonel was in another group and was in charge of another group, but these
13 were the three people that I knew.

14 Q. [11:44:37] Mzee Yusuf Adek, as a person who is knowledgeable about Uganda
15 in general, do you know whether, apart from the fighting groups that emerged from
16 Acholi, there were other groups in other parts of the country at about the same time,
17 especially in Lango, Teso and eastern Uganda?

18 A. [11:45:17] There were several groups, there were several groups, all with
19 different names. And this also went up to West Nile and also in Teso. In Teso there
20 was someone called Peter Eregu who was leading the Teso group. I never met them,
21 but I only heard about him. And also in West Nile there were several groups.
22 But in Acholi I knew the three groups: Alice Lakwena's group, Kony and UPDA.
23 These were the three groups in Acholi.
24 In Madi, in West Nile, there were also groups. I think there were three groups.
25 There was Rescue Front, and there was another one, I do not recall the name, which

1 was led by Ali Bamwoze. He was in charge of a certain group. I think there were
2 about three groups also in West Nile.

3 Then the one in Acholi area, there were three groups.

4 I am not very certain the groups in Lango, but in Teso I knew there were three -- now
5 there were two groups in Teso.

6 So there were several groups, but the ones that I know are the ones that I have
7 mentioned.

8 Q. [11:46:41] Did you hear about a group called Force Obote Back Again, FOBA?

9 A. [11:46:53] Yes, I heard about that.

10 Q. [11:46:57] Did will you hear about Uganda People's Army, led by Eregu?

11 A. [11:47:13] Yes, I heard about the one of Peter Eregu. At some point they also
12 joined with Kony.

13 Q. [11:47:24] Did you hear about a group called Cel Ibong in Lango?

14 A. [11:47:38] Well, Cel Ibong, I heard about it, but I didn't know -- I did not think it
15 was a fighting group but, rather, it was just a group that would loot people's things
16 and they would take it. That's why they were named Cel Ibong because they would
17 take people's items and, you know, go with it.

18 Q. [11:48:14] Can you tell Court what finally happened to the fighting groups that
19 you mentioned, if you have any idea about it?

20 A. [11:48:34] What I can very well explain is related to Joseph Kony and UPDA
21 because that was in the area where I was. There was no good relation between Kony
22 and UPDA because the UPDA was made of people who returned from Tanzania, the
23 army that was in Tanzania, and they returned. And that was the bulk that formed
24 UPDA. So because most of them went and joined Kony's group, there was rift
25 between them. There was someone called Charles Alai who was their group, he was

1 their political commissar.

2 So after realising that the UPDA group was splitting, then they thought it would be
3 good to arrest Kony. Then later on they wrote a letter and sent it to the other
4 soldiers so that they would go and arrest Kony. But later on what I learned was that
5 Kony sent someone that: Go to the roadside, if you find an elderly person seated
6 under a tree, arrest that person and search that person and you will find a letter. So
7 that letter was recovered and taken to Kony and Kony arrested most of the
8 commanders in that group, including Okello Colonel. The only person that escaped
9 was Odong Latek.

10 Q. [11:50:38] If you don't mind, let's conclude on the question of these, the
11 multifarious groups that you mentioned about.

12 Can you tell Court the possible reason or reasons, in your view, behind the
13 spontaneity of these rebel groups against the new NRM government about the same
14 time, happening about the same time?

15 A. [11:51:27] You know, the reason why the several groups emerged, usually when
16 a government is overthrown, many people would not support you. So during the
17 1980 election when they were defeated, that is when the LRA -- when the NRA went
18 to the bush, but because later on during the NRA regime when they were now
19 defeated, the people went to the bush as a way of trying to find their way back to
20 power.

21 So since 1986 there has not been any peaceful election. There was -- it was just more
22 to do with the fighting, fighting. Even the elections were all actually violent
23 elections. So I think this is one of the reason which made many people to take up
24 arms and that's why, at the beginning, they were not very supportive.

25 Q. [11:52:48] Now, Mzee Adek, we are now moving closer to the subject of your

1 passion, a subject you have already told Court you know very well about
2 Joseph Kony. You may remember, Mr Witness, that we worked together, me and
3 you, for about two and a half years during the Juba Peace Talks. So is it safe to say
4 that you personally know Joseph Kony and a few of his commanders, both dead and
5 still living?

6 A. [11:53:36] That is correct. That is what I know very well because I would relate
7 with them, I would talk to them and they would listen to me. Most especially Kony,
8 Kony would really listen to me even more than his commanders because of the truth,
9 I always tell him the truth. That is correct.

10 Q. [11:54:01] From what you are saying, Mr Witness, it would appear you had
11 a very special relationship with Joseph Kony. Can you tell Court whether Kony
12 referred to you, or called you by any other name than the usual Yusuf Adek?

13 A. [11:54:36] Most times Kony would just refer to me "Ladit" as a way of respect.
14 He would not call me by name. So in Acholi that is what is done as a respect. Even
15 when somebody does not mention your name, but just refers to you "Ladit" that is
16 a sign of respect. So that is what he would do to me.

17 PRESIDING JUDGE SCHMITT: [11:55:03] Mr Adek, when did you first meet
18 Mr Kony? Where do you know him from?

19 MR AYENA ODONGO: [11:55:10] (Microphone not activated)

20 PRESIDING JUDGE SCHMITT: [11:55:13] My usual impatience, so you have to bear
21 with me. But why not ask it here. If we have elicited the information, then it's fine.

22 MR AYENA ODONGO: [11:55:22] Why not? I am much obliged for your question.

23 Q. [11:55:28] You can answer that. Maybe put in my own way, but of course
24 without disregarding what the Presiding Judge has said.

25 PRESIDING JUDGE SCHMITT: [11:55:40] No, no, no, no. It is an easy question.

1 When did he first meet Mr Kony? Where does he know Mr Kony from?

2 MR AYENA ODONGO: Yes.

3 PRESIDING JUDGE SCHMITT: I think this is sort of a starting point and then from
4 there on you can develop, so to speak, the history between the two, if you will.

5 MR AYENA ODONGO: [11:55:57] You know, my lord, I wanted to finish with the
6 second tier of my question.

7 PRESIDING JUDGE SCHMITT: [11:56:06] Let him simply answer the question.

8 MR AYENA ODONGO: Okay.

9 PRESIDING JUDGE SCHMITT: And then you can pick up anything else. There is
10 nothing like a mathematical equation, an order of questioning. Simply let him
11 answer the question, which is an easy one.

12 MR AYENA ODONGO: Yes.

13 PRESIDING JUDGE SCHMITT: [11:56:17] And then you can pick up any line of
14 questioning you want.

15 Please, Mr Adek.

16 THE WITNESS: [11:56:25] (Interpretation) I knew Kony from Cwero. Cwero is close
17 to my farm. As I said before, after I left business work, I went and started a farm
18 where I had my animals. So I knew Kony from Cwero.

19 PRESIDING JUDGE SCHMITT: [11:56:51] Do I understand it correctly that you then
20 knew him from a long time ago? So you did not get to know him only in the
21 sequence of peace talks or something like that? So you knew him before?

22 THE WITNESS: [11:57:05] (Interpretation) I knew him before the peace talk began.
23 Right from time that he entered, he went to the bush, that's when I began to know
24 him.

25 PRESIDING JUDGE SCHMITT: [11:57:23] Thank you.

1 Please, Mr Ayena.

2 MR AYENA ODONGO: [11:57:26]

3 Q. [11:57:31] Mzee Yusuf Adek, I am sure Court will want to know more about
4 how you first met Kony, how you related with him, how he came to take you into his
5 confidence and all that.

6 Now, what prompted you to go to Kony? Did he invite you, or some other people
7 took you to him?

8 A. [11:58:11] How I came to know Kony, there were this group of children who
9 went to the bush as the UPDA. Most of them were children that I knew. One of the
10 boys who was called Obol lived close to my farm. So when they formed a group
11 called Black Battalion, I spoke to them not to disturb people and commit any atrocity
12 since they are now in the bush. And as an elder, I told them I would also be
13 interested in going to visit my farm. So I told them not to disturb the people, and
14 that is why their leader called Lukwir Karac, at the time when Kony went to join them,
15 they were interested in telling me so that I am aware that someone wants to come and
16 join them so that as an elder I would be in the know. So that is the point from which
17 I began to know Kony.

18 So I told them that if he wants to come he should come, but he should follow your
19 instruction, should follow what you are going to do. So if he is going to come and he
20 is not going to get engaged in to disturbing people and committing atrocities, then
21 you can welcome him.

22 So they gave someone called Openy to coordinate us so that if there is anything bad
23 that they are doing, most times I would tell this child, this boy, and he would take
24 that information to them. But sometimes I also would just go straight to them.
25 That is how I began to know Kony.

1 Q. [12:00:29] Now, when these children, all boys, came to contact you about the
2 emergence of Kony, did they tell you anything about any fracas or soiled relationship
3 between Kony and other groups of UPDA that needed intervention?

4 A. [12:01:05] That was before, before they fell out. When they welcomed Kony
5 into the Black Battalion, Kony also -- that's when Kony started working with his own
6 forces, his own group of soldiers, and that's where the problem stemmed from.

7 Q. [12:01:28] Now, when you went to meet Joseph Kony, had you been told about
8 any peculiarities about him?

9 A. [12:01:49] When Kony went, when Kony went to work together with the UPDF,
10 I was told that he had spirits. When he went -- when he joined the Black Battalion,
11 I was told that he had spirits, he was possessed by spirits. So I sent this child to try
12 and enquire and find out, get more information. They sent the child and asked the
13 child to bring a Catholic Bible, a Catholic rosary and also an Anglican Bible as well as
14 a white robe, and all these things were collected, given to the child, and the child took
15 it to him.

16 Q. [12:02:46] Now, when you first met Joseph Kony, what impression did he leave
17 on you? What was his personality like?

18 A. [12:03:04] At the beginning, on the very first occasion that I met him, I did not
19 meet him with soldiers. He came aside and we met under some tree. I asked him
20 questions, as I had been told that he was possessed by spirits, and I wanted to find
21 out the truth behind the spirits. He told me that when these spirits possessed him or
22 when they possess him, he is unaware, but the spirits came as a gift to him.
23 So when I spoke to him, I asked him and I told him, I said, "If you have this gift, use
24 this gift appropriately. Do not use this gift to wreak havoc on people. Because, if
25 you use this gift appropriately, then there are chances that it might bring peace and

1 we will welcome you." And that's how I came to know of Kony.

2 And when he informed me of this, I saw his eyes turn red and he started talking, he

3 started talking a number of things about war, about fighting, telling me that this

4 problem is going to continue in the future and he -- the UPDF -- the UPDA has not

5 welcomed him with open arms. And that is when I started suspecting that perhaps

6 Kony is possessed by something. I am usually very reluctant to accept things face

7 value, but then I asked him and I, I questioned him and I also asked the people who

8 he had sent and the people that we had met with, and they told me that this is

9 something that happens to him on a daily basis. So I told him that "Trust the Acholi

10 people. Do not bring anything to the Acholi people that will, in the future, have

11 severe repercussions on the people." I believe this is what I told him.

12 I told him that "If you notice anything bad, anything that, that I am telling you, then

13 continue listening to it. But if you are warned, if you are told not to do something, if

14 you are prohibited from doing something, accept it because -- accept it as advice,

15 accept it as council." And I believe it was because of my approach, the way that I

16 had -- the discussions that I had with him, that we created this good rapport. Later

17 he told me that he was -- that there was going to be a ritual performed against him.

18 He said that they needed biotite, that they needed charcoal, and that the ritual was

19 going to take place under some rock.

20 I told him that "Provided that you follow the rules, then I am not going to be present.

21 But if you accept, then perhaps on another occasion later on I will go and see the

22 location where this ritual was performed." And that's what we discussed.

23 Q. [12:06:40] Mr Witness, from the way you have answered my previous question,

24 would it be correct to say that you noticed something significantly different about

25 Joseph Kony from the normal person in Acholiland when you met him?

1 A. [12:07:10] No. I did not just find this, but I knew it. And I realised that
2 whatever it is that Kony says will happen or his predictions always come true. So I
3 followed this for a long time until the time that we had the peace talks. But usually,
4 his predictions were things that would always come to pass, and I can confirm that
5 other than -- but there is also another side of him that is not possessed. That is also
6 something that I can confirm.

7 Q. [12:07:58] Now, from the way you have answered so far, and from what has
8 generally been said before, it would appear you played father figure to Joseph Kony,
9 at least that is how he regarded you.

10 Can you tell Court how, if at all, this helped in the various peace initiatives, your
11 relationship, father/son relationship with him, how it helped?

12 A. [12:08:48] I stated earlier that at the beginning of the war there were three
13 categories of people: Some people supported a war, some people supported
14 dialogue, and some people were completely indifferent to war or dialogue. And
15 based on my opinion I was one of the people who thought we should opt for
16 dialogue.

17 I attempted to meet with him, but as he had already come out, as he had already
18 come out with -- the person who came out with the -- with this was one of his
19 commanders, Oboma, who was unwell. He said that he can no longer fight and he
20 wants to go back home. He asked me to speak to the minister in charge of the north,
21 who was known as Betty Bigombe, so that if he, Oboma, comes home he should not
22 be punished.

23 So I indeed spoke with the minister and the minister agreed to go and meet with
24 Oboma. And that was in August, in 19 -- 1993, in August of 1993. We went and
25 met this commander, we spoke with the commander and we wrote a letter for

1 a meeting with Kony because at the time it had become extremely difficult to find
2 Kony in person.
3 We wrote the letter, we read the letter and he understood the letter. We told him to
4 give the letter to Kony. We advised him to stay in the area and not to come out
5 initially, and when Kony's people came to see him, he should get the letter and hand
6 it over to Kony. When he -- when we handed him the letter we left him in that letter.
7 It wasn't a week later that we received a message from Kony agreeing to meet with
8 me. And that is how the first peace talks started.

9 Q. [12:11:30] Thank you very much for that information, Mzee Adek. But before
10 we go into the details of the processes of the peace talks, I want just to move to the
11 beginning of Kony, the emergence of Kony. How did Acholi at the beginning of the
12 war perceive the emergence of Kony and the group which later became LRA? Did
13 the Acholi elders play any role in the commencement of the LRA and, if they did,
14 what role did they play? Did they bless the war?

15 A. [12:12:28] Kony said this during the peace talks, he himself, and you, Mr Ayena,
16 are aware of this: The elders blessed him, they blessed him in Awach, but I did not
17 attend. The person who led this delegation was Rwot Ocana, the father of Onen
18 David, the current chief. And he is the one who led this delegation, but I was not
19 part of it. There was also Okot Ogonny and other Acholi leaders and elders who went
20 and met with him to try and understand exactly what he was possessed with or they
21 wanted to find out more information from him. So when they went, he was blessed,
22 but they did advise him, they did tell him that this war should not have any bad or
23 serious repercussions on the Acholi. And this happened in Awach.

24 Q. [12:13:35] Thank you very much, Rwot Adek.
25 Now, you have talked about the spirits of Joseph Kony. Do you know anything

1 about ajwaka in the context of Acholi culture, ajwaka?

2 A. [12:14:08] Yes, they are ajwakas.

3 Q. [12:14:15] And does the Acholi culture recognise the role of ajwaka or, is it the
4 (indiscernible) a jogi, in society? If so, how does it relate with the cultural beliefs of
5 the Acholi from your perspective as an elder and clan leader?

6 A. [12:14:54] In the Acholi culture, there are two different categories of
7 witchdoctors. One, when we are talking about cultural matters, they do not use
8 witchdoctors, they use the cultural policies or cultural rules. But witchdoctors or
9 ajwaka is something that happens to a person. In Acholi they say that this person is
10 a liar so they would say, let's go and listen to what this liar has to say. And not all
11 Acholi support this. If somebody wants to go and see a witchdoctor, nobody
12 prevents that person from going to see a witchdoctor, but this is not related to our
13 customs, to our cultures and traditions. Our cultural traditions were something that
14 existed before religion came and was subsumed in it. But our cultural and
15 traditional heritage was something that created by God because God created people
16 and gave each categories of people their own cultures, their own heritage. Provided
17 that you respect your culture, you provide your traditions and your heritage,
18 whatever you want to happen will happen. And that's how I can differentiate
19 between witchdoctors and cultures, traditional cultures.

20 Q. [12:16:55] Now, in relation to Acholi cultures, and with particular reference to
21 what you said, you mentioned as specific attributes connected to certain clans, one of
22 yours was the control of thunder, would you say therefore that there is a distinct
23 difference between ajwaka spirits and the ancestral spirits which forms the basis of
24 Acholi culture?

25 A. [12:17:45] The witchdoctor needs to explain what witchdoctors are all about.

1 I am not a witchdoctor so I cannot actually explain anything about witchdoctors.
2 I am a traditional leader so I can explain things from the culture, cultural side.
3 Today, I was very happy when it rained, especially since the hearing was starting
4 today and there was rain. In our cultural belief we believe that when it rains it is
5 a blessing and I was extremely happy about it. I was extremely happy when it
6 rained because the significance shows that not only am I coming here to give the
7 Court the honest truth and to speak the truth, but it also means that the Court has
8 good standing. It rained at approximately 3 a.m., I opened the windows and I
9 actually realised that it was raining. And when I came here it rained again and I was
10 extremely happy. And these are some of the cultural beliefs that we have that are
11 sent by God.

12 Q. [12:19:05] Thank you very much. Do I understand, Mr Yusuf Adek, that you
13 are saying that the culture of Acholi is based on ancestral spirits rather than the
14 ajwaka ones, which many Acholi people dismiss as liars?

15 A. [12:19:41] Could you please repeat your question?

16 Q. [12:19:43] Do I understand from your answer that Acholi culture is based on
17 ancestral -- belief in ancestral spirits which continues into the future, as opposed to
18 the belief in ajwaka, which many Acholi dismiss as based on lies?

19 A. [12:20:20] Yes, you understood correctly, and I also explained it well, that under
20 the Acholi customs we differentiate between witchdoctors and the culture. The
21 Acholi culture has its own rules and laws that each and every person should follow,
22 and this is differentiated from the witchdoctor customs and traditions. For example,
23 I, I was placed -- I am a chief, so any, any ritual that is performed in Acholi, if it is not
24 performed with the gourd, then that is not complete, that means that the person is not
25 a chief. And that is why I asked earlier that they should allow me to come with my

1 cane and also to come with my regal outfits, but I was told that the security would not
2 support this, so I left my cane outside.

3 But when I came here I did not go to any witchdoctor to ask what would happen, to
4 ask about my journeys. I believed in my culture, I believed in my tradition, I believe
5 that my ancestors would guide me, they would lead me, they would bring me here,
6 and that's why when it rained today I was extremely happy about it.

7 PRESIDING JUDGE SCHMITT: [12:22:09] Thank you. I think you can move on --

8 MR AYENA ODONGO: [12:22:11] Yes.

9 PRESIDING JUDGE SCHMITT: [12:22:11] -- Mr Ayena.

10 MR AYENA ODONGO: [12:22:17]

11 Q. [12:22:19] Mzee Yusuf Adek, by abila, did you mean a shrine where, I mean -- I
12 mean, which is symbolic in every clan which represents the clan as a symbol? Abila,
13 can you explain in more details what you mean by abila?

14 A. [12:22:54] If the rituals are performed in your, in your home, then all these
15 things are put in, in a shrine. If you go and hunt and bring an animal, you put it in
16 the shrine so that you are blessed and you are able to bring more animals.
17 If you are sending somebody somewhere, your person somewhere, you go and pray
18 at the shrine. If there is something, if there is a dispute, you go to the shrine
19 and -- you go to the shrine. So this shrine has powers.

20 If you come to Uganda, if you go to Uganda, come to my home and look, see
21 the -- and I will show you what the abila is, I will show you what it is, because it is
22 good for you to see it. In Acholi, this is extremely, extremely important because it
23 controls the ancestral spirits.

24 The death of my father, for example, or my grandfather. The Acholis will not say
25 that the person is dead and gone. They will say that the person is dead and is in the

1 shrine and the person is going to protect that person or is going to protect that family.
2 So every time I have a problem I will go to the shrine, pray at the shrine and then the
3 ancestors will protect me, they will protect my family.
4 So if they ask you, for example, why is it that you dream about your father who died
5 years ago, that your father comes, you dream about him, he talks about him, but
6 when you get up, he is suddenly disappeared. That is the power of the shrine.
7 And that is what the Acholi respect.
8 But in between, you also have the religious impacts, because the -- from the side of
9 religion, religion says that this is something that is sorcery, but the abila is different
10 from what the witchdoctors do. Sometimes people go to witchdoctors and pay
11 a witchdoctor when they want their businesses to succeed or when they are looking to
12 profit in something. But you do not pay anything at the shrine because this is based
13 on your ancestral heritage. Thank you.

14 Q. [12:25:47] Now, Mr Witness, you have -- we have heard a little about your
15 relationship with Joseph Kony and how he treated you. Did you also, from your
16 relationship with him, notice how he related with other people?

17 A. [12:26:25] Before I met Kony in 1993, during the peace talks, people did not
18 actually think Kony was a person, somebody who actually -- somebody who is social.
19 But when you meet with Kony, when you meet him personally, it is very difficult to
20 believe that this is the actual person, because when you meet him he will welcome
21 you, he is social, he is nice to you, he talks to you, and whatever he explains to you,
22 you understand. And that's the knowledge I have.

23 Q. [12:27:13] Mr Witness, would you describe Kony as the type of person who
24 trusted anybody?

25 A. [12:27:28] If you speak the truth and he understands what you are speaking and

1 he believes that whatever it is that you are saying will not have any negative
2 repercussions, then he will trust you. But before he trusts you he asks you a number
3 of questions. Sometimes you start talking about something else and then he comes
4 back to that same matter and he will ask you the question again, and if he realises that
5 his questions are actually giving him the answers that are truthful, then he will trust
6 you.

7 Q. [12:28:08] Did this characteristic of Joseph Kony help during the peace talks,
8 especially the Juba peace talks? Would you say he appreciated the members of his
9 delegation?

10 A. [12:28:39] Yes, it did. If he was not welcoming of it, the peace talks would have
11 not actually progressed any further. Even though he actually did listen to what I
12 was telling him, I told him, trust Mr Ayena, the lawyer, for the information that he is
13 going to collect and the information that he is going to write because this will bring
14 peace in the future. And he did have a lot of trust in this. If he has doubt, then if he
15 does not call me, then he would call Ayena. Sometimes he would call the two of us
16 together. If it is something that -- something extremely private or secretive, we
17 would only discuss it the two of us. And if I talked to him, if I discussed it with him,
18 he would follow my advice.

19 Q. [12:29:48] Thank you for that answer.

20 Now, Mzee Adek, in what esteem did Joseph Kony hold the Catholic Church and the
21 other major religions in Uganda?

22 A. [12:30:11] Kony wore a rosary. His name is Joseph Kony, he is a Catholic. He
23 is a staunch believer. And based on my observation, sometimes I would -- it would
24 come across that he was more a believer than even priests, priests who work for
25 money. And most times when he is praying he prays with the Bible, and that is

1 something that I observed.

2 Q. [12:30:52] During the '90s when Pope John Paul II travelled to Gulu, how did
3 Joseph Kony react to his visit?

4 A. [12:31:10] He was very supportive of this and he actually ordered for the wars
5 or any attacks to be stopped so that it would not hamper the pope's visit. He
6 actually sent some of his people to go and pray where the pope was praying at a place
7 known as the Caribbean, the Kaunda Grounds. He was extremely supportive of it.

8 Q. [12:31:47] You said he sent a delegation. Do you remember some of the names
9 of the persons he sent in that delegation?

10 A. [12:32:04] Yes. Even though I cannot recall all of them, but I know there was
11 Otti Lagony, Acama, Acama Jackson, Abonga, Alit, and there was another person,
12 someone who hails from Patiko, called Nyeko.

13 Q. Is this Nyeko Tolbert Yadin?

14 A. No, not Tolbert. It is a different Nyeko. These are the people that I can now
15 recall their names.

16 Q. [12:33:08] How about, did he send any of his wives, particularly Fatuma and
17 Min Ali?

18 A. [12:33:20] Fatuma and Ali's mother called Cili, Cili came, but they were staying
19 at my home, they were not sent for the prayers, but they were staying at my
20 homestead. Even those two children were born while they were staying at my home.
21 The government was very aware of this. This woman Cili was brought by the
22 government to me to take care of her because they knew me.

23 Q. [12:33:56] How soon after the LRA delegation attended Pope Paul II's mass did
24 the LRA begin to show indication that it wanted to talk peace with the government?
25 Was there any relationship between the two? Did the coming of the pope, of the

1 pope trigger the peace talks or the peace initiatives?

2 A. [12:34:35] The issue of peace talk was already underway. Also, the pope's visit
3 was already also in plan and information was already coming. And also the peace
4 talks was already going on, but there were people -- but this was going on
5 underground, not many people were aware of this negotiation which was already
6 underway.

7 Q. [12:35:13] Thank you. There were apparently many attempts at peace talks.
8 Can you tell Court, briefly, about these attempts and the personalities behind them.

9 A. [12:35:43] Some of the people that I know in the first attempt that took place in
10 1993, which was -- which aborted in 1994. Then the second one happened in '95, but
11 that also did not proceed because of the war which began.
12 I was invited to the barracks and I would communicate using the government facility.
13 I would talk to Otti. Then I went and met with them in Alero. We agreed with
14 them that they would meet the government delegation in Pabbo at a place called
15 Kalatuc (phon). This meeting was scheduled to take place on Sunday, but we met on
16 Friday before the date. But also this did not take place.
17 Then in 1999 was the third attempt which was organised by Acholi Religious Leaders'
18 Peace Initiative, which I helped and I took Bishop Nelson Onono Onweng, who went
19 and met with Michael Acellam who was Kony's operation commander. That -- at
20 that time the Sudan embassy in Uganda was not yet in existence. We were sent to
21 Nairobi where we obtained our visas, but Bishop Onono was not given a visa. I was
22 the only one who was given a visa. And this again created some problem, brought
23 some doubts on me.
24 The person who helped was Professor George Babatunde, who was in charge of
25 UNDP in Kampala. He was very sceptical about me and asked why I was the only

1 one who was given a visa. I told him I did not give myself a visa, so you ask the
2 Khartoum government who gave this visa. Because I think the reason why I was
3 given a visa maybe follows the attempt of 1993, which I tried to initiate. But now
4 that you have doubts about me, I told them I will give you a video recording, and I
5 gave him a video recording for him to see by himself so that he may be more
6 convinced that if I go alone, I will not deviate from what I was already doing.
7 So I told him that if you have this doubt, now that you have this doubt on me, let me
8 abandon this whole thing.

9 Q. [12:39:36] Mzee Adek, I want us to concentrate on the 1993 peace initiative.
10 Can you tell Court in better details what exactly happened and whether there was
11 any success in the peace talks. If there was none, why did the peace talks actually
12 end without success?

13 A. [12:40:12] (Speaks English) Yeah.

14 Q. [12:40:14] But maybe before that, do you know about this lady called
15 Betty Bigombe?

16 A. [12:40:24] Well, to know her as a person, I know her. But to understand their
17 character as a person is what I may not know.

18 PRESIDING JUDGE SCHMITT: [12:40:34] I think that that's fair.

19 MR AYENA ODONGO: [12:40:39] That's very fair.

20 Q. [12:40:42] Did you deal with him in these peace initiatives?

21 A. [12:40:50] As I explained, that Kony's commander called Obama was the one
22 who helped to coordinate me and also initiate this negotiation, yes, I worked with her.
23 So when Kony agreed that we should go and meet, we reached the location, but,
24 unfortunately, I had a swollen leg and I was admitted at Lacor hospital with arthritis
25 condition.

1 So in that meeting there was some kind of problem because Kony wanted that the
2 delegation should go minus the government soldiers. The government soldiers
3 wanted Bigombe to go with the soldiers. So there was no agreement until when
4 I was picked from Lacor to go and help in trying to harmonise that situation. So
5 I was taken and I went and I spoke to Kony to understand that Betty Bigombe was
6 a minister and so the government cannot let her go without security, because the
7 government feared maybe she could be abducted. So indeed Kony accepted that it
8 should be like that, but unfortunately, it was now late, the meeting was postponed to
9 the next day, and we went back in the morning at 10 o'clock.

10 Again, the next day, 10 o'clock, I was picked from Lacor hospital, I sat in the car,
11 myself and Kony, only the two of us, the third person was the driver who did not
12 speak Acholi. So when we reached, when we reached Abera forest, that's when
13 Betty Bigombe told me that "Mr Adek, if this process can bring peace talk, even
14 though I may lose my life, people should not be worried if I lose my life in this."

15 So when we went and reached of the venue for the peace talk, Kony's army soldiers
16 came together with the government soldiers. But, again, there was a bit of confusion
17 because the groups did not know who had organised this meeting. So Bigombe told
18 me, "Mr Adek, there were people who actually used to give me wrong information
19 and they are also here in this meeting. What can we do?" So I told her that "That is
20 easy to handle. If we begin the meeting, I will speak up." So I spoke up during the
21 meeting and I hold them that the team, you as the team from the bush and then
22 the -- who is your representative? Who is your coordinator? Then I also asked the
23 government side who was their coordinator. So both team, both group agreed that it
24 was me who would coordinate.

25 Then I told them that let the rest of the people now stay on one side and the religious

1 leaders should sit on another group and then the cultural leaders would also sit in
2 another group and then the government delegation, their commanders should be on
3 the left and then the LRA on the right, so -- and everyone in the meeting should
4 follow my directive during the meeting so that the meeting would be smooth. And,
5 indeed, that is exactly what happened and it helped to screen the people who were
6 giving misinformation.

7 So when Kony came, he first began by appreciating the people who came and then
8 made a remark about Bigombe. He said, "I have two things that I have observed on
9 Bigombe. One was your statement which you said even if I am going to die but this
10 process brings peace, let that be the cardinal thing in you. But on this issue that
11 Kony should just be fought, those people who were saying that, tell them not to try."

12 So when we return, I spoke to Bigombe and ask her, "Was there any discussion about
13 Kony while you were still in the barracks?" And indeed Bigombe said, "Yes, that is
14 true." And this was also the information that actually Kony told us when we
15 reached there, as if I was present in that meeting. So I told Bigombe that this is
16 exactly now who Kony is because he will get to know things, even beforehand. And
17 it is good you heard this when we were together and he made this remark when we
18 were together. If I had gone out and spoke to him separately, maybe you might
19 think there was something between me and him, but now he spoke in both our
20 presence, so now you should know Kony very well.

21 So the person who told the meeting that Kony was just a madman who should just be
22 fought was someone who comes from Kitgum. And he was called Professor
23 Bwangamoi. And this is what I still do recall up to date. The peace talk on that day
24 continued until when Kony selected his commanders who should represent him in
25 further negotiations.

1 So when we continued until 1994, in February, that's when we got another message
2 that came from the president, that he had given an ultimatum of one week for Kony
3 to surrender. And he said even if Kony was as far away as California, within the
4 seven days Kony must have arrived in Uganda. If not, then he will see the mighty
5 strength of the LRA.

6 So I asked the government, I asked Bigombe, "Did the president ask you something
7 about the failed peace talk?" Bigombe responds and says, "No, the president did not
8 ask me." Then I said, "Fine, so that means the president doesn't trust you, because at
9 least the president should have asked you. That means he is not trusting us." So
10 that is how the first peace talk actually failed.

11 This is what I can briefly say.

12 PRESIDING JUDGE SCHMITT: [12:49:21] I think we can then go forward to the
13 Juba peace talks, I would say, or are there others that you would want to entertain?

14 MR AYENA ODONGO: [12:49:33] There are others which link to those.

15 PRESIDING JUDGE SCHMITT: [12:49:35] Okay. Then please continue but not in
16 such --

17 MR AYENA ODONGO: [12:49:39] Details.

18 PRESIDING JUDGE SCHMITT: [12:49:39] Yes. When they did not come to fruition,
19 as we know, then perhaps not in so much detail, please.

20 MR AYENA ODONGO: [12:49:47] You know, from what you may have learnt about
21 him, he knows so much about the subject matter that he could give a lecture for seven
22 days nonstop.

23 PRESIDING JUDGE SCHMITT: [12:49:57] Yes, absolutely, and that is really, with all
24 respect, and it's very informative, but as we don't have seven days, this is --

25 MR AYENA ODONGO: [12:50:06] That's why --

1 PRESIDING JUDGE SCHMITT: [12:50:07] -- this is the problem that we have to
2 choose, of course, or to select, or especially you have to choose and select what you
3 find the most important that should be elicited with Mr Adek.

4 MR AYENA ODONGO: [12:50:18] That's why from time to time I am trying to, you
5 know, make a -- put some brakes.

6 Q. [12:50:26] But, Mzee Adek, apart from Betty Bigombe, were there other top
7 government officials, for instance, such people like Salim Saleh, like Eriya Kategaya,
8 Museveni himself, or such high personage? Were they also involved in these peace
9 talks to show the seriousness of government in these processes?

10 A. [12:51:04] I did not see anyone else apart from Bigombe.

11 Q. [12:51:21] Would you remember some of the delegates, the LRA delegates who
12 attended the peace talks, and also from the government side, those who attended the
13 failed peace talks?

14 A. [12:51:43] Are you talking about the one of 1993?

15 Q. [12:51:44] Yes.

16 A. [12:51:45] I do recall Otti Lagony, Otti Vincent, I recall Acama, Acama Jackson.
17 Acama refused to speak about one of the UPDF commander called Fred Tolit, because
18 on the third day of the meeting Fred Tolit quoted something from the Bible which
19 says a government leader -- once a government leader is elected, then that means
20 even God, God is supportive of that. And that annoyed Acama, that annoyed
21 Acama why he should bring a quotation from the Bible like that when he is very
22 much aware that this negotiation should bring peace. He was furious at Tolit and
23 says, "For you, you are eating bread. You do not know what is going on because we
24 are in a fighting situation. So if that is the case, let's first put aside the peace talk and
25 we fight."

1 Then I came in and calmed down Acama Jackson so that the negotiation can proceed.
2 That's what I can recall. Maybe that was the beginning of where -- the beginning of
3 the failing of the peace talk, because he was the director of military intelligence, so
4 maybe he missed -- misinformed or reported back to the government, but that's just
5 my own thinking. I do not know what exactly happened, but that is what happened.
6 And from the elders' side, there were quite a number of them, but one of the most
7 important person was someone called Anania Akera, who those from the rebel side
8 were not happy about Anania Akera, because one day this elder undressed and
9 pulled his penis, the elders use lighter words, but the more direct words is that he
10 picked his penis and pointed at them and say, "You, your children, if I did not sire
11 you with this penis of mine, then you should all die."
12 So when he came, this group of rebels were very annoyed and ask him that, "The
13 other time you already gave us bad luck and wished us bad -- that we should die. So
14 why do you again come for this peace talk?"
15 But I again spoke to them, I calmed them down, I told them "Let's not take it that way
16 because even though Anania Akera acted that way. Let us now proceed with this
17 negotiation. Forget about what happened. Don't think about what he did, but let's
18 continue with the negotiation."
19 So this is what I recall.

20 Q. [12:55:34] Sorry, what were the requests of the LRA, if you remember, and what
21 happened after the ultimatum given by the president?

22 A. [12:56:00] The first request that they made when the peace talk was still going
23 on was that they should be given time to go to Lacekocot and continue with the
24 negotiation. But when the president's ultimatum came, it completely jeopardised
25 everything. It renewed war. So that is when again I was called in 1995 to talk using

1 the government communication system to speak to Otti, just as I had explained
2 earlier.

3 PRESIDING JUDGE SCHMITT: [12:56:50] I think that would be a good time to have
4 the lunch break, and perhaps you could contemplate if after the lunch break we
5 entertain or we relatively rapidly go to the peace talks in Juba. I think that that
6 seems to --

7 MR AYENA ODONGO: [12:57:10] The peace talks in Juba will come, but perhaps
8 later, perhaps later. We are following this --

9 PRESIDING JUDGE SCHMITT: [12:57:20] Then let's see. We have now the lunch
10 break until 2.30.

11 MR AYENA ODONGO: [12:57:25] Yes.

12 THE COURT USHER: [12:57:25] All rise.

13 (Recess taken at 12.57 p.m.)

14 (Upon resuming in open session at 2.31 p.m.)

15 THE COURT USHER: [14:31:34] All rise.

16 PRESIDING JUDGE SCHMITT: [14:31:56] Mr Ayena, you rightly assume that you
17 have still the floor. Please continue.

18 MR AYENA ODONGO:

19 Q. [14:32:10] Good afternoon, Rwot Adek. I hope you had a fulfilling lunch.

20 We want to finish now with those spiritual attributes of Joseph Kony. Because it
21 seems to be a running theme in this trial, and from your statement and being an elder,
22 and clan leader of Acholi, there is no person perhaps who can narrate the story better.
23 Now, according to what you came to learn, how did Kony's spirit possession start to
24 manifest itself in him? Or, rather, before he was possessed, was Kony just an
25 ordinary Acholi boy doing ordinary things every Acholi young man did? If it is so,

1 how did the spirits start to manifest itself in him?

2 A. [14:33:36] Okay. Thank you. I thank the Court once more.

3 Trying to dissociate Kony from when he had the spirits and when he did not have the
4 spirits is difficult, because I did not meet him before he was possessed by the spirits.

5 So it's important to ask somebody who knew him before he was possessed by the
6 spirits to explain. I knew him afterwards. He was possessed by the spirits. It
7 came as a person. He did not hold the gun, he did not put on uniforms. He started
8 wearing the uniform and holding a gun later.

9 I knew him as an Acholi child and I believe that there was no difference between him
10 and other Acholi children before he became possessed.

11 Q. [14:34:50] Thank you very much for the answer.

12 Now, Rwot Adek, we have heard in this Court about other types of spirits. For
13 instance, we heard about cen. This Court also has heard about orongo in relation to
14 the experiences in Acholi. Now in relation to cen, and also related to your answer
15 about ancestral belief, is there any connection between the two? Can you help Court
16 to understand the concept of orongo and the concept of cen, if you know. If you
17 don't, I mean that's ...

18 A. [14:35:52] Cen in Acholi possesses a person based on the crime that they have
19 committed. It is believed that if you kill somebody and you do not pay
20 compensation, you have not come to some sort of agreement with the person's people,
21 then you will be possessed by that person's cen. Orongo, on the other hand, is
22 something different. With respect to orongo, it mostly possesses you while you are
23 in the forest or in the jungle. They say that this -- they usually talk about it when
24 somebody has a mental problem or when somebody goes mad, then they would say
25 that the person was possessed by orongo. And it is usually when somebody

1 possessed by orongo then a person is taken to a witch doctor, and that is how I
2 differentiate between cen and orongo.

3 PRESIDING JUDGE SCHMITT: [14:37:17] That seemed to have been a very clear
4 distinction and a distinction that one can follow. Just a comment by me.

5 MR AYENA ODONGO: [14:37:23] Yes.

6 Q. [14:37:33] According to your information, Rwot Adek, when the manifestation
7 of spirits became evident in Joseph Kony, according to what you may have learnt
8 from his home village, how did people respond to this?

9 A. [14:38:06] Spirits are different from cen. When we talk about spirits, there is
10 belief in spirits, and perhaps it relates to something ancestral.

11 Let me give you an example so that you can understand this clearly. In the past,
12 when you respected somebody, for example, somebody who was clearly respected
13 was Brigadier Okoya; the manner in which he was killed was extremely bad and
14 people were very sad about his death. Even people who were not from his tribe or
15 people who were not related to him were sad about it. But, for example, if his spirit
16 went and possessed somebody, then you would work or you would behave in the
17 manner in which he used to behave, and that is how the Acholis believe that a spirit,
18 somebody gets possessed by the spirit, that means that your ancestor's spirit has
19 possessed you.

20 Another example is that in the past most of our ancestors partook in the Second
21 World War. And if that person was a commander, a fierce commander, but there
22 was a lot of trust and respect for that person, then that person's spirit may actually
23 possess a member of his family. And this gives the possessed person the same
24 strength that the commander had, the dead commander had. And that is how
25 people are possessed in Acholi by spirits.

1 Q. [14:40:16] Now, Mr Witness, I am sure, as an elder, you may have known
2 about -- or you may know about Odek hill. Is it in any way significant in the Kony
3 spiritual possession?

4 A. [14:40:52] I do believe, and I have knowledge, that in Acholi people respect
5 mountains. They respect trees, huge trees. And they respect rivers. Every
6 mountain or rocky place has a space where Acholi people used to cook, where they
7 used to hold rituals. For example, for the Pageya people, we have a rocky place or
8 a mountain known as Baka, and this is close to the rocks or the mountains of the
9 Palaro people. And when there are rituals, or when there are celebrations being held,
10 they perform it on the same day. For the Palaro people, you go through the water
11 and there is a place in the ground where a little house has been created. And it is the
12 same for the other side.

13 Q. [14:42:17] Sorry, the Palaro God was not captured, I think, by the interpreters.
14 Can you repeat that, the name of the God of Palaro where he meets that of Pageya.

15 A. [14:42:34] The Pageya, that encompasses Pageya and Patiro, is known as Baka;
16 the Palaro one is known as Luti (phon).

17 Q. [14:42:48] Thank you. Now, you can now go ahead to explain the rest.

18 A. [14:42:55] I explained it as an example to explain what happened in Odek. In
19 Odek, the last rituals that were performed on Kony were performed at Odek. I was
20 not present. But they performed it on that hill, on Odek hill. As it is supposed to
21 be, they had a black sheep. The sheep was tied. When they are going to use such
22 a sheep or a goat for traditional rituals, they use ashes from a house. The sheep or
23 the goat should not piss or should not pee, but it should poo; it should have crumbly
24 poo. If the goat pees, then they go and bring another sheep. If another one pees,
25 then they go and bring another one. So they do not use these kind of things. But if

1 you bring the first one and it poos, then they use it. And that means that it's been
2 complete.

3 PRESIDING JUDGE SCHMITT: [14:44:18] I know from the statement that you have
4 provided us with that this is part of an initiation process of Mr Kony.

5 I think since the witness has said that he was not present, we leave it at that; that there
6 has been an initiation process, that it has been at Odek hill. So this is what you
7 wanted to elicit. I think the specificities are not of more than marginal relevance, I
8 would say. So we can move forward to another point, I would say.

9 MR AYENA ODONGO: [14:44:52] I am much obliged and guided, your Honour.
10 But if you allow something which might be relevant in terms of (overlapping
11 speakers)

12 PRESIDING JUDGE SCHMITT: [14:45:04] I can only say if I allow until you have
13 told me what you want to ask. But please proceed.

14 MR AYENA ODONGO: [14:45:11] Yes.

15 Q. [14:45:12] I wanted to say: What happened during the burning initiation,
16 according to information you got? And whether this is also in line with Acholi
17 tradition?

18 A. [14:45:28] When the ceremony is being performed, based on Acholi tradition or
19 cultural rituals, something has to take place. And if this thing goes the way it's
20 supposed to go, then they will believe that, yes, this was done in accordance with the
21 cultural traditions and it went well.

22 Q. [14:46:05] Now, Mr Witness, shea oil, the use of shea oil, which you have talked
23 about, and the sprinkling of water for performing rituals, features very prominently
24 in Kony's spiritualism. Now, are these common features in the Acholi traditional
25 rituals understood by every person in Acholi?

1 A. [14:46:50] If it's a pure Acholi person, an Acholi person who grew in the
2 Acholi -- in Acholiland, they know the significance of these items.

3 Q. [14:47:07] Mr Witness, would you briefly explain to Court the significance of
4 shea oil and the sprinkling of water in Acholi cultural beliefs?

5 A. [14:47:27] With respect to shea oil, the reasons why the Acholi have such belief
6 in it is that shea oil is what is used to celebrate any, any rituals, any royal rituals.
7 There is no royal ritual that is performed without shea butter. So if there is a -- the
8 shea butter tree or the shea nut tree, if you chop that down then they have to perform
9 some sort of cleansing ritual and then you have to pay for having chopped down that
10 tree by paying with a cow. And that is why shea oil is extremely respected, it's
11 trusted, it's eaten, and it also helps with other diseases like when you have a chest
12 pain or if you have a new wound, they use shea butter on it. If they use shea butter
13 on a fresh wound the wound will heal properly without any complications.
14 And with respect to water, in Acholi, if somebody stays away from home for a long
15 time and the person comes back home, they are made to step on an egg. If the
16 person is going back to their home they step on an egg and then they pour water on
17 the roof of the house and then the person, as the person is going in the house the
18 water that has been poured on the roof trickles down on the person. When the
19 person is coming out the same thing happens. And also, if they are performing
20 some cleansing rituals and they bring either a goat or a sheep. If a house has burnt
21 down they will bring a sheep. If it is a small infraction, they will bring a goat.
22 When they are cleansing it, the water that you use to wash your hands before you
23 wash is communal. They will put water in a bowl and everybody who is present
24 will use the same bowl to wash their hands in that same water. And after you have
25 eaten you wash your hand and you sprinkle the water on the person and the person

1 believes that they have been blessed. And then the person or the people go into the
2 house and then the water is poured on the roof of the house three times, and when
3 the people come out the water trickles on them, and that's what is done.

4 And in the cultural sense as well, when somebody is killed, if they are paying
5 compensation they will kill the ox of the chief on the person who -- on the murderer,
6 and the chief will call his clan and other people. They kill that cow, everybody will
7 eat that cow. And then they bring water, everybody washes their water in the same
8 basin or in the same bowl and then they sprinkle water. So when people are
9 sprinkling their hands after washing the water, then it's considered a blessing. And
10 in so doing they hope that the person is forgiven and is cleansed and becomes like
11 everybody else.

12 Q. [14:51:16] Now, you talked this morning about some rules regarding warfare,
13 the dos and don'ts when somebody is going to war.

14 Now, is there any particularly significant blessing ceremony performed by the Acholi
15 when they are now being allowed or blessed to go to war or join the war?

16 A. [14:52:12] As I explained earlier, the rules when somebody is going to battle:
17 Do not kill a woman, do not kill a child, do not steal. But, you are told and advised
18 that if you are going to battle do not let a hare or a squirrel or a monkey cross your
19 path. If these three animals cross your path, then you have to turn around and come
20 back, because if you continue you are going to sustain injuries or you are going to
21 have problems. And that is also part of the Acholi cultural belief.

22 Q. [14:53:04] Maybe to help us to move fast, did you -- or, have you ever heard
23 about someone giving an olwedo leaf, oboke olwedo, to Joseph Kony before he left?
24 Or performing certain ceremonies using oboke olwedo, the olwedo leaf?

25 A. [14:53:37] The leaf of the oboke tree is respected by the Acholi people. The

1 reason why people started respecting this leaf, well, I need to explain the reason why
2 it's respected. Long time ago, if somebody leaves her home, returning -- her marital
3 home, going back to her parental home, when she walked and she got halfway, on her
4 way there, she felt like she needed to take -- to go to the bathroom to take a bathroom
5 break. So she had a child on her back, she removed the child, put the child under a
6 shade so that she could take a bathroom break, and she went to take her bathroom
7 break far away from the child. When she was away a lion came and took her child,
8 and then she lamented, saying, "Tree, I left my child here to go and take a bathroom
9 break. My child did not -- has done no wrong. My child did not commit any
10 wrong. If this is for real, then please help me so that I can find my child." She
11 broke a branch of that tree and then she followed the lion. She found that the lion
12 had left that child. And that is why the Acholi people believe in the leaf of the oboke
13 tree. They said, if I have not committed any infraction, if I have done no wrong, then
14 I will use the leaf of the oboke tree to either curse you or cleanse you. That's why
15 they believe in it.

16 So even me, as a rwot, if I go to visit a certain place, if I am welcomed, if I am
17 welcomed warmheartedly, I am welcomed with the leaves of the oboke tree, and
18 when I am coming back I come back with it. You keep it and you do not throw it.
19 Either you put it in front of your shrine or you keep it in the house, but don't throw it.
20 And this is what happened to Kony when I said that he was blessed, when they
21 blessed him. When they are blessing you they do not just spit on you, no, they spit
22 on the oboke leaf and then they hand it to you. And that's what happened at Awach.
23 I was not present but I know that this is what happened.

24 Q. [14:56:18] That sounds very compelling. But, Mr Witness, can you tell this
25 Court whether some modern religions operating in Acholi today have also adopted

1 the practice of sprinkling water during religious functions using oboke olwedo?

2 A. [14:56:47] All funerals, when they are praying at funerals, they used the leaf, the
3 leaves of the oboke tree, they dip it into a calabash with water and then they sprinkle
4 it. In the olden days the bishop would use some sort of orb and then they would use
5 that to sprinkle water. But now, at all funerals, all priests and all religious leaders
6 use the leaf of the oboke tree. If they do not use a cup, then they use a calabash.
7 But it is usually done in a calabash. They use it, they dip it in water and then they
8 sprinkle it on the deceased person. That's what happens all times.

9 Q. [14:57:38] And from your testimony you seem to suggest, and actually in your
10 statement, you said Kony is not alone. What exactly does that mean when you say
11 Kony is not alone? Or put differently, do you think Kony is the ordinary human
12 being like you and me, without any other, you know, attributes?

13 A. [14:58:26] This relates to people who do not know Kony. But I, as I personally
14 know Kony, I state that Kony is possessed. He is not on his own, he is not by himself.
15 He is possessed. He has something that protects him, and whatever it is that
16 protects him is very strong. I have seen it on a number of occasions. I have seen it
17 happen to me. And I have also seen it happen when he is at battle. But if
18 somebody does not know Kony, then the person might doubt it. But if you know
19 Kony, then you know that Kony is possessed, he has got something that protects him.

20 Q. [14:59:30] Now can you briefly again tell Court exactly what would happen to
21 Kony when he is possessed, how would the possession in Kony manifest itself?

22 PRESIDING JUDGE SCHMITT: [14:59:46] Perhaps, Mr Witness, some instances that
23 you personally observed when you encountered Kony.

24 THE WITNESS: [14:59:58] (Interpretation) Something that I personally observed,
25 well, it wasn't on one occasion only, it was on other occasions. As I stated earlier

1 was what happened to Kony, and he told us - when I was with Betty Bigombe - and
2 he told us what happened to him. But I remember when I went for the peace talks,
3 where he was, they were stationed somewhere close to a place known as Bibia.

4 When I was brought before the crowd so that they could pray, an antelope came and
5 lay down. They caught that antelope and prayed over it, and this was kind of like
6 my meal, it was something they used to welcome me.

7 Secondly, the next day, Kony changed. He looked like he was being possessed. His
8 eyes became red. And he said, "Otti Lagony, take these visitors, don't leave them
9 here for even five more minutes because the army is coming, they are coming from
10 that direction. The rest of you, get up and go."

11 They got up, they took me along with them. Shortly thereafter, no more than five
12 minutes after that, I heard gunfire behind, behind us, and that was the last time that I
13 met with him. That was the time that we had arranged to meet with the government.
14 And that is something that I personally observed.

15 MR AYENA ODONGO: [15:01:54]

16 Q. [15:01:56] And when after the spirits left him - you said he would, there would
17 be some form of configuration - but after the spirits had left him, would he remember
18 what exactly he had said? If not, how would he know about what he was talking
19 about when he was in a trance?

20 A. [15:02:40] I did not see very remarkable changes, that he changes from being
21 a human being to something else. Except for when you see the changes in the
22 colours of his eyes. But the rest of the things would remain upon people who were
23 seated there who would observe how he is behaving, and that's what they would tell
24 you. But you would not notice any significant change in him as a person. You
25 don't see any physical change, apart from the colours of the eyes that changed to red.

1 Q. [15:03:25] And during those periods when he was possessed, would it be
2 apparent to everybody around him, and especially those commanders and soldiers
3 around him, would they know, yes, boss has now been taken over by spirits?

4 A. [15:03:50] What I saw in the incident that happened from Bibia, all of them
5 understood.

6 PRESIDING JUDGE SCHMITT: [15:04:01] I think we leave it at that. I think we can
7 move on.

8 MR AYENA ODONGO: [15:04:05] (microphone not activated) something.

9 Q. [15:04:09] And would there be somebody taking notes whenever he was
10 speaking from the spirit world?

11 A. [15:04:28] No, I did not see anyone taking notes, but everyone present there
12 would -- I imagine, would take mental note of it. But I did not see anyone writing.

13 Q. [15:04:41] Did you during your encounters, one of your encounters with
14 Joseph Kony, meet somebody called Acama Jackson?

15 A. [15:04:57] Yes, I met Acama.

16 Q. [15:05:04] Would you remember exactly what his functions were around Kony?

17 A. [15:05:21] What I know was that he was a senior commander and was very close
18 to Kony, but I did not know his specific roles. I think that is -- concerns their
19 military things. I did not know his specific roles.

20 Q. [15:05:42] Did you notice whether he held a pen and maybe some paper or book
21 during those periods when Kony was possessed? (Microphone not activated)

22 A. [15:06:02] For the day that I was with them, I did not see him hold a pen or
23 a paper. But like I said, that is specific to their role as soldiers. But also, I was not
24 with them all the time. I am only talking about for the time and the day that I was
25 with them and what I saw.

1 Q. [15:06:30] Thank you very much, Rwot Adek.

2 Now let's talk about indoctrination, mind transformation, if at all, in the LRA. I am
3 now talking to you from the perspective of your understanding as a cultural leader.
4 Can you explain anything about indoctrination, as performed by Joseph Kony on
5 abducted children or those who had newly joined the LRA, as a prelude to becoming
6 an LRA soldier?

7 A. [15:07:44] On the day that I went to the bush, with the full knowledge of the
8 government, I spent one month and 10 days in the bush. That is when I saw for the
9 first time when some people who were abducted, some -- one of the person that I do
10 recall was his wife called Adok, who is my niece. I spoke so much about her because
11 I wanted her to go back because she was abducted at a time when she was about to sit
12 her primary leaving examination. But they did not accept to give her back to me. I
13 think maybe with their own wisdom as soldiers that if we give you -- her to you, then
14 maybe they will take her away again from me. So they did not give her to me.
15 That is when I saw those people are taken to a place called the Yard. And when they
16 are in the Yard water is sprinkled on them, and at that time when the water is being
17 sprinkled on them they would be singing religious songs. So that is when they are
18 told that they are being initiated into becoming the army ranks.
19 But, before that is done, they do not allow you to have weapons and they also don't
20 allow you to go to the battlefield. So once the initiation is done, that is when now
21 they will take you and give you to stay in somebody's household. That's when they
22 start giving you specifically to someone who should be taking care of you within the
23 household.
24 Q. [15:09:59] Did you also witness the use of shea oil being smeared on the new
25 recruits. Or abductees, for that matter?

1 A. [15:10:17] That was done together with the sprinkling of the water. So once the
2 water is sprinkled, that's when the shea oil is put on them. But when they were
3 being taken at that time for the smearing process, I did not see. But the only time
4 when I now saw was when we were going for the peace talk.

5 Q. [15:10:53] Now, can you explain to Court whether this ritual had any effect on
6 the abductees, and, if it did, can you explain to Court what those effects were? How
7 did it affect the mind of the abductees?

8 A. [15:11:33] The effect is, in my belief, in that I do not see these people having
9 a conscious mind to think and return home. But I think the critical impact is on the
10 person who has been initiated, and these are the people who should tell us more what
11 the impact really is.

12 Q. [15:12:04] And, Mzee Yusuf Adek, is it possible that my client --

13 MR GUMPERT: [15:12:15] Your Honour, this is going to be an enormously leading
14 question.

15 PRESIDING JUDGE SCHMITT: [15:12:21] Yes.

16 MR GUMPERT: [15:12:21] Wholly inappropriate.

17 PRESIDING JUDGE SCHMITT: [15:12:23] No, "is it possible", you can't start
18 a question "is it possible". You have to rephrase it, simply, and try to elicit the same
19 information.

20 MR AYENA ODONGO: [15:12:32] I am much obliged. I am sorry.

21 Q. [15:12:37] Mzee Yusuf Adek, was this the practice for everybody abducted, or
22 who joined newly, without exception?

23 A. [15:13:04] Well, if we ask some of the people who returned, they say that
24 everyone who was abducted and taken there would be initiated. But myself,
25 because I was not there, I couldn't say anything. But from what we hear from those

1 who returned, that is what exactly they tell us.

2 Q. [15:13:29] And I know, Mzee Adek, that you have said the best persons to
3 confirm the impact of this ceremony are the people upon whom the -- I mean, the
4 rituals were performed. But I am sure as an elder, and especially somebody,
5 according to your own statement, somebody people looked to as a serious person in
6 the community, they must have talked to you. Could - I mean, let me put it this
7 way - could some of them have confided in you about the impact of that
8 indoctrination and whether they believed what they were told?

9 PRESIDING JUDGE SCHMITT: [15:14:26] Mr Ayena, simply, it is -- I think it is no
10 problem to word this in a way that is proper. So perhaps what you could ask, or
11 perhaps I may shortly, if you allow me.

12 MR AYENA ODONGO: [15:14:38] Yes.

13 PRESIDING JUDGE SCHMITT: [15:14:39] Mr Witness, did you speak with former
14 LRA members - or, at the time when you have been there, with actual LRA
15 members - about this issue of indoctrination and, if so, what did they tell you?

16 THE WITNESS: [15:14:57] (Interpretation) I do recall one person who clearly
17 explained to me was someone, one commander called Beba Beba. When I went there,
18 Beba Beba was Kony's army commander, so as a mature person he would tell me not
19 to have doubts on the current people, because the strength of the initiation and the
20 smearing with the shea oil has made them now to be our fighters. So even when you
21 go back home, do not be afraid, just know that our soldiers are being initiated and
22 they are ready to fight. So that was explained to me by Beba Beba, who comes from
23 Koch.

24 The second person who explained to me was called Abonga, and he comes from
25 Alero. I spoke to him during the time when they came to -- for prayers at Kaunda

1 Ground. I ask him what hope can we have on the children that are in the bush, if
2 they will ever return. So he told me that, Mr Adek, yourself, you also asked Kony
3 and told him that if the spirit is no longer working, then Kony should be prayed for so
4 that the children can go back home. But he explained to me that he himself, he has
5 gone through that process and, because of that, he was able to fight successful wars
6 without getting injured. And that is the reason why during the time when they were
7 negotiating with the UPDA group, that was the source of the conflict between the two
8 group because the UPDA were seeing that many people who were with Kony, when
9 they go to the battlefield they would not get injured. And, therefore, many were
10 leaving the UPDA and they were going to join Kony's group. So that was what was
11 happening.

12 So myself and another elder called Mr Odia Olojo (phon), were two of the elders who
13 went and tried and reconcile the two groups that had started fighting amongst
14 themselves. We warned them against such conflict and we told them to stop.

15 So these are the two incidences which I can talk about and confirm, based on what I
16 saw personally.

17 MR AYENA ODONGO: [15:18:17] You put the question so well, my lord, I am
18 grateful to you.

19 Q. [15:18:23] Now, Mzee Yusuf, at the beginning of this episode of spirit possession
20 and then encounters now with the UPDF, did Kony move only within Gulu district
21 before he left for Sudan, or he moved in some direction, maybe after battles with
22 government forces?

23 A. [15:19:09] Well, from information that was coming, what you would hear was
24 that there was no place that these people did not go to. In Lango, in Teso, and in
25 Madi, these people went to all these places. Because where there was fighting you

1 would hear, this information would come. I also would hear just like other people
2 would do, but I was not present with them because I am not a soldier.

3 Q. [15:19:48] LRA was against the government forces. Did it become apparent,
4 according to what you learnt, did it become apparent that even the government, or
5 government forces, for that matter, realised that Kony was not alone? And, if so, did
6 they also try to counter this, and what did they do?

7 PRESIDING JUDGE SCHMITT: [15:20:47] Mr Ayena, what do you mean by "not
8 alone"? I think this is a little bit open to interpretation also for the witness I think.

9 MR AYENA ODONGO: [15:20:56] He said it --

10 PRESIDING JUDGE SCHMITT: [15:20:57] Yes, but --

11 MR AYENA ODONGO: [15:20:59] -- Mr President --

12 PRESIDING JUDGE SCHMITT: [15:21:01] -- (Overlapping speakers) a little bit on it.
13 Yes.

14 MR AYENA ODONGO: [15:21:04] Kony, by saying Kony was not -- he has stated it
15 many times and I -- he meant to say that Kony was always joined by the spirits. Yes.

16 PRESIDING JUDGE SCHMITT: [15:21:16] By the spirits, so that this is clear.

17 MR AYENA ODONGO: [15:21:19] Yes.

18 PRESIDING JUDGE SCHMITT: [15:21:20] Okay, good.

19 MR AYENA ODONGO: [15:21:21]

20 Q. [15:21:22] When the government forces realised that Kony was not alone, but
21 was possessed with the spirits, and therefore you were not fighting an ordinary
22 human being, did the government try to counter the spiritual aspect of Kony's war?

23 A. [15:21:54] I knew one thing. I did not know if the government also had spirits,
24 but what they did, there was one thing which they did, and I spoke about it. And up
25 to now I am one elder, cultural leader, who still believe that we should talk about it.

1 It was that at the time when Saif Ali (phon) became as a commander, he came and
2 called people to the Kaunda Grounds and he asked the people that you, the people of
3 Acholi, does your Kony have 12 balls? If he has 12 balls then he will also find mine,
4 10. So if he has -- if it is witch or witchcraft, then witchcraft and witchcraft will face
5 each other. That I did not come to fight with Kony, but I came to win the war.
6 So one of the elders called Okot Ogoni who is now delayed, he is now deceased, put
7 up his hand and asked a question and said -- rather, he put up his hand to make
8 a statement and he just said, "Mr Saif Ali, Kony, Kony", and he stopped there, he did
9 not continue. So Saif Ali said he is the one who finished the war in Teso and other
10 places and now he has come here to finish the war in Acholi. So later on we realised,
11 we came to learn that something was done. It was said that a cattle should be
12 brought, a black cow should be brought and this cow should be slaughtered. All the
13 items that will be used for slaughtering this cow should be new, should be brand new.
14 And this cow should be taken to the end of the point where people were residing, and
15 they took this cow to a place in Palaro where this initiation, this ceremony was
16 supposed to be done.
17 Two elders, one of them Mr Okot Ogoni, and Okuru, who is brother to Otema's father,
18 were the two elders who went. When they reached at that place they said that
19 animal -- that animal ran away and it was shot with a gun. I was not there myself
20 but that's what I heard.
21 Then there was a chief of Palaro who brought this issue up to Rwot Acana so that it
22 could be discussed. And he told that meeting that what was done in Palaro was not
23 good and now there are boys from Oroko who came to this place where the animal
24 was killed and all these boys have ran mad.
25 So the army that -- the government soldiers that were left at that place were attacked

1 by Kony's group and the issue has never been resolved up to today because of that
2 incident.

3 Then in 2014, when I was initiated as the chief, I was invited to go and talk to our
4 children who were in central Africa and Congo. I told him that before we go we
5 should first sit down for a meeting, and a meeting was held at Fairway Hotel. Some
6 leaders were present, including Mao, LC-5 chairman Mapenduzi, and other members
7 of parliament like Reagan Okumu were present in this meeting, and this meeting was
8 under the auspice of USA and they worked through Joli Lakai (phon) who was the
9 director of Invisible Children. There were three of us, including Onen David Acana,
10 Rwot Oywak of Koyo, and then myself, Yusuf Adek, as the chief of Pageya.

11 I brought this issue and warned them that we are going to central Africa, let us agree
12 to do what was right. When we return from that meeting we should task you as the
13 paramount chief to bring forward the issue of the cow that was killed in Palaro so that
14 the matter is resolved once and for all.

15 We went to central Africa, we spoke to the people in the bush, and they connected us
16 through a radio programme that would communicate widely to the people in the
17 bush. We returned six days to Christmas. But we never received any feedback
18 until today.

19 So that is the information that I have that maybe there was also something which was
20 done. And if no agreement is reached, then the people will lose the trust in
21 traditional process which should be done. So this was an example of something that
22 I observed.

23 Q. [15:28:58] You talked about Otema, who is this Otema? Otema?

24 A. [15:29:11] I said the brother to Otema's father he is called Okuru. Now the
25 Otema I am talking about is General Otema, who is currently serving in the UPDF.

1 But I am talking about his father's brother who was once in the police and he is called
2 Mr Okuru. He is still living to date. But the only person who is no longer alive is
3 Okot Ogoni.

4 Q. [15:29:46] Rwot Adek, did you ever come to learn about an encounter between
5 the NRA, now UPDF, and the LRA, in a place called Minakulu and, later on, towards
6 Karuma Falls?

7 A. [15:30:21] I do not recall the exact year in which that happened, but I think there
8 was a time when there was an operation called Box Operation. That's when
9 someone called Orach, Orach is from Koch, they went and fought in Minakulu.
10 There was the group -- there was some group of soldiers we are told came from Korea
11 and they were stationed in that place in Minakulu, so this other rebel group went and
12 attacked this Korean group in what was called Box Operation.

13 Then there was another operation where people were gathered, the soldiers would
14 move door to door and they would collect everyone from their household. But I was
15 not taken because I refused. Because at the time when the people were being gathered
16 and taken to Peche stadium, it was close to Easter time, but I told them that no one is
17 going to leave my home to go there, so I refused.

18 Then one of -- one of the children who was an LC-1, just said, "Mzee, you are just
19 joking." Then I told him, "Okay, if you say I am joking, then you start." Then this
20 soldier cocked his gun on me and pointed it on me and said "lie down", he told me to
21 lie down. I told him, "Look, me, to lie down in front of you, no. I only sleep in my
22 room." So I think he got scared with my response and he went away. So they
23 herded the rest of the people to Peche, but for me I stayed behind. The rest of the
24 people were taken, others from the village were taken to a place called Aworanga,
25 and then the people from Paicho were taken to Awach at a place called Bucoro. This

1 is what I can say.

2 Q. [15:32:54] Do you remember some prominent people who were affected by this
3 Box Operation, in Acholi and Lango, and elsewhere, if you remember?

4 A. [15:33:12] I do recall some people. There was Ademola, there was Tiberi
5 Okenyi, Okot Ayoli, there was Lapwony who was the LC-5 of Gulu. I cannot recall
6 his name at this present moment. And there were other people. I do not recall their
7 names. They were all taken and they were accused of being part of a group that
8 wanted to overthrow the government. I do recall this very well.

9 The person or the lawyer who helped was known as Oduny (phon). He was
10 a government official, and when he left the other court he came and said that he
11 was -- he was pressurised into doing this. And they won the case and the case was
12 thrown out. That I recall.

13 The person I couldn't remember the name is Lapwony Latigo, he was the chairman 5
14 of Gulu.

15 Q. [15:34:34] Let's put one record clear, was Oduny a witness or a government
16 official?

17 A. [15:34:48] Oduny was the chief of Achwa. He was the chief of Achwa county.

18 Q. [15:35:01] And he went to court as a witness or as a government official?

19 A. [15:35:08] Both. He went as a government witness and also the chief of the area.
20 But at the time he said that he was -- he went there under duress. He said that he
21 was injected in the testicles so that he could accept, but he refused. And that is how
22 the case was thrown out and people were released. I am not the only one who
23 knows about this, but I believe almost everybody in Uganda knows about this.

24 Q. [15:35:44] If I mentioned names like Zachary Olum and Daniel Omara Atubo,
25 could they have been affected by the same --

1 A. [15:35:53] Yes, those are some of the people whose names I had forgotten. But I
2 said that there were a number of people. Olum was part of it, Omara Atubo was
3 also part of it. All these people were first taken to Lira, and then from Lira they were
4 taken to Kampala, to the Court in Kampala.

5 Q. [15:36:22] Would you remember the name of the overall commander of this
6 operation? And if you do -- if -- was this the same as Operation North?

7 A. [15:36:42] The commander in charge of the operations, the one who had his
8 headquarters in Lira, that was Kazini, yes.

9 Q. [15:37:05] Do you remember, approximately, when this operation took place?

10 A. [15:37:20] I suppose sometime in 1992, or thereabouts.

11 Q. [15:37:31] Have you ever heard the name of a former UPDF commander called
12 David Tinyefuza, now called Sejusa, David Sejusa?

13 A. [15:37:55] Yes, I have. Yes, I have also seen him on television.

14 Q. [15:38:03] Was he at any point involved in any operation in the north?

15 A. [15:38:18] The person who was the operation -- operation commander, well,
16 sometimes he was, but I do not know who his overall commander was. He is
17 a Karamojong fellow. His name is Lakara. He was well known because he used to
18 go to the field with people. But the person who was overall commander I do not
19 know.

20 Q. [15:39:00] But you have learnt about the person who frog leaped the prominent
21 people in Lira, including Omara Atubo, Tiberi Okenyi, those people you mentioned?

22 A. [15:39:31] I do not recall the person very well. But I heard, I heard that it
23 happened.

24 Q. [15:39:40] Yes. Now, Rwot Adek, when there was a total breakdown in the
25 peace talks which we talked about, this late -- early afternoon, in 1993, where did the

1 LRA move? Where did they go after the breakdown?

2 A. [15:40:24] When the peace talks fell apart, I am not a soldier so I do not know
3 where they went. You know, soldiers do not want you to know exactly where they
4 are, but they started communicating with me again and we met in Alero. They told
5 me to go and meet with Otti Lagony. We used to communicate with the government
6 radio call. When I went I found Otti Lagony was not on his own, he was with Kony,
7 and that was in Alero.

8 Q. [15:41:05] Maybe so that we move faster, do you remember when LRA crossed
9 over to Sudan?

10 A. [15:41:28] When the peace talks fell apart, in 1995 to 1996, that's when we heard
11 that they had crossed over the border and were in Sudan.

12 Q. [15:41:57] And before they left, do you have any recollection as to whether they
13 talked to any person or entities about their move or intention to move to Sudan?

14 A. [15:42:21] No, I do not recall that.

15 Q. [15:42:25] Now, Mr Witness, when they moved to Sudan, what was their
16 relationship with two entities: Entity number 1, the SPLA, and entity number 2, the
17 government of Sudan? Did you learn how they related, starting with the
18 government of Sudan?

19 A. [15:43:11] I heard that there were two, there were two things, one, that the
20 government was working with the SPLA, and Kony was working together with the
21 government of Sudan in Khartoum. I understood this when -- I understood this
22 quite well when I left prison in 2003. In 2004, when we went to try and restart the
23 peace talks with Betty Bigombe, that's when I came to understand that this was what
24 was happening.

25 Q. [15:43:57] And will you be more specific. You talked about LRA working with

1 the government in Khartoum. And then you talked about SPLA only working with
2 the government, which government?

3 A. [15:44:15] The government of Uganda.

4 Q. [15:44:18] Thank you. Now, Rwot, did you find out whether the government
5 of Sudan was giving assistance to the LRA? If they were, what kind of supplies were
6 they giving to LRA when they were in Sudan?

7 A. [15:44:52] When we met with one of the commanders in a place known as Nsitu,
8 I was with Betty Bigombe at the time. At the time she had left World Bank. These
9 commanders told us that when they were fighting the government of Khartoum was
10 not providing them with assistance in a sense that it trusted them. It was because of
11 religion, and because they were Catholic, so the government did not really trust them
12 that much. But they were giving support to another group from -- another group
13 known -- under Ali Bamwoze, which was a Muslim group from West Nile. They
14 were providing them with this support to help them stop the government or to stop
15 the SPLA and the Ugandan government from capturing Juba.

16 When these people are close to Juba, they are called, and they are asked what do you
17 need, and they would give a list, itemise exactly what they needed, including food.
18 Sometimes they would provide them with assistance, but sometimes, if they did not
19 give them food, they would take the food by force. If they heard that they wanted to
20 take the food by force then they would give them some food in order to stop them
21 from wreaking havoc. This is what I heard when I was with Betty Bigombe when
22 we were in Juba. I heard this from a place known as Nsitu.

23 Q. [15:47:06] Do you remember what year this happened, or this was happening?

24 A. [15:47:16] In 2004.

25 Q. [15:47:21] You talked about food supplies. Were there any other supplies,

1 other than food, that they told you they were receiving from the government of
2 Sudan?

3 A. [15:47:39] They said that they would take other things by force. But with
4 respect to weapons, they were not given heavy armour they were only given light
5 weapons, and the other things they would have to take by force.

6 Q. [15:48:14] Now, when LRA moved out of Uganda into Sudan, can you describe
7 to Court the security situation that obtained in Uganda. What was the security like?

8 A. [15:48:36] When the LRA moved to Sudan, there were no changes. Changes
9 came about in 2005, 2006, and that's when we had started with the peace talks. But
10 throughout this period, before that there were no real changes.

11 Q. [15:49:00] Would you say the LRA operations in northern Uganda slowed down
12 or intensified during that period?

13 A. [15:49:28] There was a slight difference. Because before the peace talks most of
14 the areas, most of the areas would complain of insecurity. But when the peace talks
15 started in 2006, then there were some changes.

16 Q. [15:50:03] Rwot, I hope we are focusing on the year 1995; 1995, 1996.

17 PRESIDING JUDGE SCHMITT: [15:50:15] I don't think so. Because at the moment
18 I think we have advanced a little bit more. I understood that the knowledge that the
19 witness is speaking about he has derived from situations where he was together with
20 Betty Bigombe in 2004, if I recall it correctly. So you would have to make clear
21 where we stand.

22 MR AYENA ODONGO: [15:50:37] That's why I am posing that question,
23 your Honour, Mr President. I am saying we must go step by step. We are talking
24 about the immediate aftermath of the move into Sudan by LRA.

25 Q. [15:51:02] Was there a slowdown or intensification of operations?

1 A. [15:51:11] You know, it's not just me. But everyone knows that in 1995, 1996,
2 that was the time when people moved to the camps. People were taken to the camps
3 or people were moved to the camps, not because of security. But leaving the camps,
4 when people eventually left the camps took place when the peace talks actually
5 started. And that's when people starting leaving the camps. So it -- there was less
6 insecurity, less -- there was more -- less insecurity during the peace talks and that is
7 when people started leaving the camps and going home. So people had hope that
8 life was going to be okay. But around 1995, 1996, that was the height of the
9 insecurity and that is when people were actually taken to the camps.

10 Q. [15:52:27] But before we stop, because I intend to stop at this point, can you tell
11 Court whether -- of course there was, in your estimation, there was a certain number
12 of LRA, the group that formed what was LRA. Now, after the breakdown in the
13 peace talks we have said that the LRA moved into Sudan. Can you tell Court what
14 exactly that meant. Did the whole group move? Half move? Or, I mean, in your
15 estimation, did the majority move? Or what happened?

16 A. [15:53:27] Well, I cannot say half or the majority because I was not among them.
17 But the area of activity became wider. They were in Sudan, they were also in
18 Uganda. Because in Sudan the area where these people were, some areas, you had
19 like Acholi Magwi, Nsitu, Torit, all were part of the LRA areas, but they are also in
20 Uganda. But that does not necessarily mean that they had all left Uganda and gone
21 to the Sudan, but it only means that their area became wider, the area of activity
22 became wider. And, I suppose the help that they were getting from the government
23 of Sudan turned Sudan into their base as well. But I personally cannot tell you that
24 the number of people of LRA in Sudan was higher than the number of LRA in
25 Uganda. I do not know.

Trial Hearing
WITNESS: UGA-D26-P-0028

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [15:54:46] Mr President, I think this is a logical point where
2 we should stop for today.

3 PRESIDING JUDGE SCHMITT: [15:54:53] Yes. I pick this up. I would like to flag
4 that tomorrow the direct examination of the witness should finish. I think you are
5 aware of that.

6 MR AYENA ODONGO: [15:55:00] Yes.

7 PRESIDING JUDGE SCHMITT: [15:55:01] This is also according to the estimate that
8 you gave us.

9 We hope, Mr Witness, and we thank you for the moment that you can relax a little bit
10 during the rest of the day.

11 We adjourn the hearing and resume tomorrow at 9.30.

12 THE COURT USHER: [15:55:15] All rise.

13 (The hearing ends in open session at 3.55 p.m.)