

Trial Hearing
WITNESS: UGA-OTP-P-0245

(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 Tuesday, 22 August 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:10] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:30:34] Good morning, everyone. Good morning,
13 Mr Witness.
14 WITNESS: UGA-OTP-P-0245 (On former oath)
15 (The witness speaks Acholi)
16 (The witness gives evidence via video link)
17 THE WITNESS: [9:30:45] (Interpretation) Good morning, your Honour.
18 PRESIDING JUDGE SCHMITT: [9:30:47] Could the court officer please call the case.
19 THE COURT OFFICER: [9:30:51] Good morning, Mr President, your Honours.
20 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
21 Ongwen, case reference ICC-02/04-01/15.
22 And for the record we are in open session.
23 PRESIDING JUDGE SCHMITT: [9:31:04] Thank you. And I ask for the appearance
24 of the parties. Mr Sachithanandan can use the old yellow piece of paper that he has
25 had.

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 MR SACHITHANANDAN: [9:31:14] Indeed, your Honour. I am pleased to report
2 that Mr Do Duc who was present with us in spirit yesterday is present physically
3 today. And there is also present Beti Hohler, Ben Gumpert, Yulia Nuzban, Colin
4 Black, Milena Bruns, Ramu Fatima Bittaye, Yya Aragon and Shahriar Yeasin Khan.

5 PRESIDING JUDGE SCHMITT: [9:31:37] Thank you. Mr Cox, please, for the legal
6 representatives of the victims.

7 MR COX: [9:31:41] Good morning, your Honour. Mr James Mawira, and myself,
8 Francisco Cox.

9 PRESIDING JUDGE SCHMITT: [9:31:45] Thank you. And Mr Narantsetseg for the
10 second team, so to speak.

11 MR NARANTSETSEG: [9:31:50] Good morning, Mr President, Your Honours.

12 With me is my colleague, Hyuree Kim, and myself, Mr Orchlon Narantsetseg.

13 PRESIDING JUDGE SCHMITT: [9:31:58] Thank you. And Mr Obhof for
14 the Defence.

15 MR OBHOF: [9:32:00] Good morning, your Honour. My name is Thomas Obhof.
16 With us today for the Defence is Chief Charles Achaleke Taku, Ms Abigail Bridgman,
17 Mr Michael Rowse and our client, Mr Ongwen.

18 PRESIDING JUDGE SCHMITT: [9:32:12] Thank you. And in the video location I
19 see Mrs Kerwegi. We welcome you again in the courtroom. It is not a virtual
20 courtroom, it is the extension of the courtroom. Our Rule 74 counsel, and we also
21 welcome for the Registry Mr Alejandro Kiss again. And then we can continue with
22 the examination of the witness, and Mr Obhof has still the floor.

23 MR OBHOF: [9:32:40] Thank you, your Honour. And just as a normal standard
24 issue of housekeeping, I have approximately 17 to 18 pages, so I guess that I'll do
25 anywhere between 10 to 12 per session, so we should be done maybe around 12

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

1 or 12.30. And also, your Honour, again we will have to go into private session for
2 the same reasons as yesterday.

3 PRESIDING JUDGE SCHMITT: [9:33:01] Yes, private session.

4 (Private session at 9.33 a.m.) *(Reclassified partially in public)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [9:33:17] Please, Mr Obhof.

7 MR OBHOF: [9:33:19] Thank you, your Honour. And the first two questions I
8 might have been able to go into public session so we might be able to redact them
9 later but then after that everything is really going to be private, so I want you to know
10 so you don't ask later.

11 QUESTIONED BY MR OBHOF: (Continuing)

12 Q. [9:33:38] Morning, Mr Witness.

13 A. [9:33:39] Good morning.

14 Q. [9:33:40] Mr Witness, (Redacted), did you initially
15 believe that the government of Uganda was not taking care of the LRA escapees?

16 A. [9:34:02] No, I did not have such thoughts.

17 Q. [9:34:05] What were your thoughts then, Mr Witness?

18 A. [9:34:17] In regards -- it was said in regards to my return home?

19 Q. [9:34:23] I asked you, Mr Witness, (Redacted)
20 Specifically, did you think the government of Uganda was taking care of the LRA
21 escapees?

22 A. [9:34:44] The way I was able to escape and coordinate with other people who
23 had escaped earlier, I was impressed that government was taking care of ex-LRA.
24 That's why I came back.

25 Q. [9:34:59] And it was because of these conversations that you had with the

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

1 (Redacted) that made you believe that, correct?

2 A. [9:35:17] Yes, that is true, (Redacted)

3 (Redacted)

4 Q. [9:35:29] Now before you met these people, did you think, or what did you
5 think -- did you think that the government of Uganda was taking care of the LRA
6 escapees?

7 A. [9:35:47] I had nothing, I had no knowledge at all. I would only hear on radio
8 announcements and I had not met anyone else.

9 Q. [9:36:01] Did Joseph Kony perpetuate a lie stating that the government of
10 Uganda was not taking care of LRA escapees and in fact were torturing and killing
11 them?

12 A. [9:36:27] Yes, there was such information. He would say that when you go
13 back to Museveni's government, they would kill you. The government wouldn't
14 take care of you because you have been fighting the government.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

- 1
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

- 1
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

- 1
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

- 1
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

- 1
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

- 1
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

- 1
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [10:26:55] I think the witness has answered it.

20 I don't know, but it might be that for anybody who is questioning a witness in

21 advance, perhaps a catchall clause or catchall question should be asked because it

22 might be a difference between the truth and the whole truth as understood by the

23 examiner. So we had this several times during these hearings that witnesses

24 interpreted or said, "I was not asked". But when you ask a witness, for example,

25 anything that might be for us of interest, but it is also difficult that they say, "I thought

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

1 it was not of interest for you". It's not an easy situation, I understand. So please
2 continue.

3 MR OBHOF: [10:27:48]

4 Q. [10:27:48] Mr Witness, did Dominic work in Teso during the last Teso campaign
5 where Charles Tabuley died?

6 A. [10:28:11] He followed people there. I did not go there myself.

7 MR OBHOF: [10:28:16] Mr President, this can be in public.

8 PRESIDING JUDGE SCHMITT: [10:28:22] Then we go back to open session.

9 (Open session at 10.28 a.m.)

10 THE COURT OFFICER: [10:28:28] We are back in open session, Mr President.

11 MR OBHOF: [10:28:39]

12 Q. [10:28:39] Now, Mr Witness, just for this last question so it can be in public
13 session, and I apologise for repeating it: Did Mr Ongwen work in Teso during the
14 Teso campaign where Charles Tabuley died?

15 A. [10:29:14] I do not clearly recall that. But, no, I don't clearly recall. But he
16 moved towards Teso, he followed the people there, but I am not sure whether he
17 went and carried out part of these operations there.

18 Q. [10:29:35] Thank you, Mr Witness, for repeating your answer. I appreciate that.
19 Now, Mr Witness, do you remember when Mr Ongwen went to Teso?

20 A. [10:29:55] No, I don't recall.

21 Q. [10:30:01] Do you recall how long Mr Ongwen was in Teso?

22 A. [10:30:16] That too I don't remember.

23 Q. [10:30:21] Finally, Mr Witness, did you tell the Prosecution during your first
24 interview that Mr Ongwen came back from Teso as a brigadier?

25 A. [10:30:56] I do not recall.

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 Q. [10:30:57] Just for the Court's purview, it is in binder 1, tab 10,

2 UGA-OTP-0244-0363, page 0365, lines 48 to 61.

3 Now, Mr Witness, just to make sure this quote is clear: Is Soroti in Teso?

4 I'm sorry, Mr Witness, I'll repeat that: Is Soroti in Teso?

5 A. [10:32:01] Yes.

6 Q. [10:32:04] Now, Mr Witness, do you know approximately when this last Teso
7 campaign happened? Specifically the one where Charles Tabuley died.

8 A. [10:32:23] I do not know. I also mentioned to the Prosecutor that I did not
9 know anything about Teso campaign.

10 Q. [10:32:42] Now, Mr Witness, moving on to Palaro. How big, from your
11 recollection, was the attack on Palaro?

12 A. [10:33:11] According to how I see it, it was a tough attack on the soldiers
13 because the soldiers were defeated and the barracks was overrun, so that means it
14 was a tough fight on the barracks.

15 Q. [10:33:30] Mr Witness, did you see any dead soldiers? Sorry, let me clarify that.
16 Did you see any dead UPDF or LDU soldiers, Mr Witness?

17 A. [10:34:00] Yes, I saw.

18 Q. [10:34:01] I know it's been nearly 14 years but can you estimate if there were
19 maybe five or 10 or 20 dead UPDF soldiers?

20 A. [10:34:19] I cannot recall the number. There was no one who was there to
21 count the number of the dead.

22 Q. [10:34:32] But there were multiple ones, correct, multiple government soldiers
23 who had died?

24 A. [10:34:45] Yes, there were dead bodies. If I recall, there were dead bodies.

25 Q. [10:34:54] So would you agree or would you not agree that the government of

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 Uganda reported only one dead soldier in the attack on Palaro at the end of
2 November 2003?

3 A. [10:35:19] The way the spokesperson of the government reports, I have no
4 control over it. If he says one, that is what they know. If I recall, recently I heard
5 that -- I watched on the news that 11 people -- 12 people had died in Somalia, but they
6 were -- others were saying 30 people died. But it is difficult to know. If the
7 spokesperson says 11, it is 11; if the spokesperson says one it is one, according to
8 them.

9 PRESIDING JUDGE SCHMITT: [10:35:55] I also think we have the evidence by the
10 witness who said there were multiple deaths and, yes, we have to put it together then,
11 yes.

12 MR OBHOF: [10:36:08]

13 Q. [10:36:08] Now, Mr Witness, was there somebody from Control Altar present
14 during this attack?

15 A. [10:36:25] I do not recall.

16 Q. [10:36:30] This is from binder 1, tab 14, UGA-OTP-0244-0445, page 0446, lines 18
17 to 22.

18 Now, Mr Witness, you told the Prosecution in June 2015 that Major Ocan Labongo,
19 otherwise known as Ocan Nono, was at this attack. Does that refresh your memory?

20 A. [10:37:14] Yes, I remember now.

21 Q. [10:37:18] And he was in Control Altar, as you stated in there; is that correct?

22 A. [10:37:30] Yes, Ocan was someone from Control Altar.

23 Q. [10:37:40] Now, Mr Witness, this attack on Palaro, the objective was to attack the
24 UPDF; is that correct?

25 A. [10:37:56] Yes, that's what I mentioned to the Prosecutors.

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 Q. [10:38:03] Now, Mr Witness, on to the Pajule 2002 issue that you discussed.

2 Now, Mr Witness, the objective of this earlier Pajule mission was to collect food for
3 the starving LRA; is that correct?

4 A. [10:38:32] That is also what I explained to the Prosecutors, that they wanted to
5 collect food. They went to collect food and medicine.

6 Q. [10:38:58] On to Odek, Mr Witness.

7 Now, Mr Witness, who was in charge of Odek, was it Okwonga Alero or was it
8 Dominic Ongwen?

9 A. [10:39:22] Both of them were there.

10 Q. [10:39:29] Now please correct me if I am wrong, Mr Witness, but did you not
11 state that Okwonga Alero initially -- or, received the communication from
12 Joseph Kony?

13 MR SACHITHANANDAN: [10:39:44] Your Honour, I'd appreciate a citation for that
14 statement.

15 PRESIDING JUDGE SCHMITT: [10:39:52] Yes, that's correct, indeed.

16 MR OBHOF: [10:40:07] Let me -- give me two seconds to turn to my record.

17 Your Honour, I will withdraw that question for now and then get back to it right after
18 the break.

19 PRESIDING JUDGE SCHMITT: Okay.

20 MR OBHOF: I will find the exact citation.

21 PRESIDING JUDGE SCHMITT: [10:40:49] Yes, no problem. We can handle it like
22 that.

23 But perhaps in the meantime, a member of the -- of your team --

24 MR OBHOF: [10:41:04] That is what Abby's doing right now.

25 PRESIDING JUDGE SCHMITT: [10:41:09] Is finding it. And I don't know how

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 much, how long you would have to continue, can you foresee this?

2 MR OBHOF: [10:41:17] About an hour, maybe 70 minutes.

3 PRESIDING JUDGE SCHMITT: [10:41:20] No, then we would have to make a break.

4 MR OBHOF: Yeah.

5 PRESIDING JUDGE SCHMITT: It was just to enquire if we need a break at all, or
6 could extend a little bit. So please continue.

7 MR OBHOF: [10:41:29] Thank you, your Honour.

8 Q. [10:41:31] Okay, for the Odek attack, Mr Witness, Okwonga Alero was
9 a battalion -- 2nd battalion CO of Trinkle brigade, correct?

10 A. [10:41:47] Yes, that is correct.

11 Q. [10:41:52] And at this time of Odek, Mr Ongwen, what unit was he
12 commanding?

13 A. [10:42:05] It was Sinia, in Oka battalion.

14 Q. [10:42:15] And Buk Abudema was Sinia brigade commander at that time, correct,
15 Mr Witness?

16 A. [10:42:29] Yes, Abudema was the brigade commander. But the group that
17 Odomi was moving with, Oka battalion, was on its own.

18 Q. [10:42:45] And Kidega Pakpala, he was one of the coy commanders in Oka
19 battalion at that time, correct?

20 A. [10:43:02] Yes, that's true.

21 Q. [10:43:07] Now, Mr Witness, when leaving Bolo, going to Odek, which route did
22 you take?

23 A. [10:43:29] The rebels do not use the routes, but they pass through the bush.
24 They do not want to use the existing routes.

25 Q. [10:43:42] So is it correct to state that you did not use the bridge at Awere to

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

1 cross the Achwa river?

2 A. [10:44:04] That's true, because we did not use the bridge, if I recall well.

3 Q. [10:44:14] So you would have had to cross the river, walking across the river and
4 getting wet, Mr Witness; is that correct?

5 A. [10:44:30] Yes, that is what I saw.

6 Q. [10:44:35] And you would have also had to have crossed the Odek river,
7 Mr Witness; is that correct?

8 A. [10:44:52] That is on Achwa.

9 Q. [10:45:05] Now, Mr Witness -- oh your Honour, we will have to go into private
10 session for this one answer or question, please.

11 PRESIDING JUDGE SCHMITT: [10:45:12] Private session.

12 (Private session at 10.45 a.m.)

13 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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4 (Open session at 10.46 a.m.)

5 THE COURT OFFICER: [10:46:59] We are back in open session, Mr President.

6 PRESIDING JUDGE SCHMITT: [10:47:07] In the meantime, I have been helped with
7 the question who was ordered by Kony and it is inconclusive a little bit, to put it this
8 way. It is in transcript 99, page 49, line 17 following. And, yes, so it's -- this is
9 already the edited version, so perhaps you can look at it. So you would have to
10 rephrase the question if you want to entertain the issue. And as you did it, it was
11 not completely correct because the witness has, if there would not be another, another
12 piece of the transcript it would say something else, but it has not specifically made
13 reference to whom Kony gave the order.

14 MR OBHOF: [10:47:58] Yes.

15 PRESIDING JUDGE SCHMITT: [10:47:59] So this has not been clarified. Perhaps
16 you can ask it if you want in general terms.

17 MR OBHOF: [10:48:03] I will wait because they are still looking at the -- to see if he
18 changed the answers from the transcript.

19 PRESIDING JUDGE SCHMITT: [10:48:07] Or if they find something else, then we
20 (Overlapping speakers).

21 MR OBHOF: [10:48:11] Yes.

22 PRESIDING JUDGE SCHMITT: Yes.

23 MR OBHOF: Sorry, your Honour (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [10:48:12] They won't find -- they won't find
25 a different wording I think, but yeah, please.

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

1 MR OBHOF: [10:48:19]

2 Q. [10:48:20] Mr Witness, do you remember where you crossed the Achwa river?

3 A. [10:48:38] I do not recall the exact point, but I remember when we crossed we
4 came to Bolo. Bolo is a large area, it covers a large area from the bank of the river. I
5 do not know the exact point from where we crossed. We only crossed from a place
6 which could not -- which was not too dangerous.

7 Q. [10:49:02] Mr Witness, just to be clear, Bolo is on the opposite side of the Achwa
8 river from Odek, correct?

9 A. [10:49:18] Yes. If I recall well.

10 Q. [10:49:35] Mr Witness, you told the Prosecution back in June 2015, this is from
11 binder 1, tab 5, UGA-OTP-0244-0269, page 0278, lines 304 to 305, that:

12 "... we need to clear the UPDF who is there, you know," in "Odek."

13 Was that the first part of the orders?

14 A. [10:50:25] The order was to go and shoot the barracks and scatter the rebels,
15 scatter the UPDF soldiers so that the civilian can go back to their villages. Those
16 who live in the camps are supporting the government, while those who live in the
17 villages are the ones supporting Kony.

18 Q. [10:50:54] Now, Mr Witness, at binder 2, tab 37, that's UGA-OTP-0271-1897,
19 page 1906, line 292, this will have to be done in private session. I am sorry.

20 PRESIDING JUDGE SCHMITT: [10:51:19] Private session.

21 (Private session at 10.51 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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13 (Open session at 10.52 a.m.)

14 THE COURT OFFICER: [10:52:56] We are back in open session, Mr President.

15 MR OBHOF: [10:53:07]

16 Q. [10:53:10] Same question, Mr Witness: At what time did the Odek attack start?

17 A. [10:53:23] If I recollect well, it was in the morning. I do not recall the exact time,
18 but it was early in the morning at about dawn, if I have not forgotten.

19 Q. [10:53:44] Mr Witness, you told the Prosecution twice to help you out to refresh
20 your memory. You stated that it was sometime between 0500 hours and 0600 hours
21 and that you knew that because, one, you had a watch and, two, the attack started
22 sometime around the cock's first crows. Does that refresh your memory,
23 Mr Witness?

24 A. [10:54:18] Yes, that is about dawn. That is why I mentioned it was early in the
25 morning. That's if I have not forgotten.

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 Q. [10:54:34] Mr Witness, to the best of your knowledge, from what you saw in
2 Odek, there were no women fighting at Odek? And by fighting I mean in the first
3 line, fighting; is that correct, Mr Witness?

4 A. [10:55:02] That is true.

5 Q. [10:55:06] Mr Witness, did the UPDF send reinforcements during the Odek
6 attack?

7 A. [10:55:24] I was not aware of that.

8 Q. [10:55:31] Mr Witness, after the Odek attack, you state that the group, meaning
9 Oka, retreated to Omel Boka for a night and then proceeded to Pader district. Is that
10 correct, Mr Witness?

11 A. [10:56:03] That is correct.

12 MR OBHOF: [10:56:08] And, your Honours, I think this would be a perfect time for
13 our break. As I said, I have maybe 30 to 45 minutes left.

14 PRESIDING JUDGE SCHMITT: [10:56:16] That's okay. So we have the break until
15 11.30.

16 THE COURT USHER: [10:56:21] All rise.

17 (Recess taken at 10.56 a.m.)

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

19 THE COURT USHER: [11:31:49] All rise.

20 PRESIDING JUDGE SCHMITT: [11:32:04] Mr Obhof, please.

21 MR OBHOF: [11:32:08] Thank you, your Honour.

22 Q. [11:32:18] Mr Witness, you stated that you overheard the orders to attack
23 Lukodi over the military radios, and that the orders came directly from Joseph Kony;
24 is that correct?

25 A. [11:32:43] That's correct.

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 Q. [11:32:53] And that the original RV point was at a place called Abalo Kodi;
2 correct, Mr Witness?

3 A. [11:33:14] It's called Abalo Kodi not Abolo Kodi.

4 Q. [11:33:23] Sorry, that's my pronunciation. I have it spelled properly but my
5 accent is funny. Sorry about that, Mr Witness.

6 Where is Abalo Kodi in relationship to Lukodi?

7 A. [11:33:40] Abalo Kodi is on the eastern side of Lukodi, not direct eastwards, but
8 it's northeast towards Sudan, not direct east.

9 Q. [11:34:16] How far would you estimate, Mr Witness, and I understand you are
10 not a cartographer, is Abalo Kodi from Lukodi?

11 A. [11:34:33] It's difficult for me to estimate that because I didn't move in between
12 those two places regularly, so it's difficult for me to estimate the distance.

13 Q. [11:34:58] Now, in relationship to the RV at Abalo Kodi, did Opio Makas from
14 Gilva second battalion meet Mr Ongwen in Oka battalion before or after this RV?

15 A. [11:35:23] They met at that RV. That is what I can recall. They met there and
16 they received their order after they had already met. The order came when they had
17 already met at that point.

18 Q. [11:35:53] And just for the record, who was Opio Makas's direct superior,
19 Mr Witness?

20 A. [11:36:07] Opio Makas was reporting directly to Ocan Bunia, because Bunia was
21 his commander. In that group when they met, Dominic was senior to Opio Makas
22 because Dominic was in the first brigade. That is what I know.

23 Q. [11:36:41] And Ocan Bunia was the commanding officer of Gilva brigade; is that
24 correct, Mr Witness?

25 A. [11:36:55] He was the brigade commander of Gilva brigade.

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 Q. [11:37:00] Now, Mr Witness -- and I'm referring to tab 1. No, sorry, binder 1,
2 tab 13, UGA-OTP-0244-0418, at page 0422. Eleven years after the attack on Lukodi
3 you give a very, very detailed list of all the material which was taken from Lukodi.

4 Mr Witness, the specific details, how were you able to remember that 11 years later?

5 A. [11:38:04] I don't know the things you're referring to that I gave a lot of details.

6 I don't know which particular things you're talking about. You need to indicate that
7 clearly to me so I can know what you are referring to. Because what I know was that

8 there was an attack on Lukodi. The rebels went. They sent Ojok, Ojok Kampala,
9 and Ocaka. Dominic did not go there himself. He remained behind. They went

10 and attacked, looted food items and returned with the abductees, some few abductees
11 with them.

12 The kind of things you are saying I mentioned, I am not very clear about it. You
13 need to indicate them clearly so I can respond.

14 PRESIDING JUDGE SCHMITT: [11:39:09] If you want, you can simply draw them
15 out of the former draft.

16 MR OBHOF: [11:39:14] Yes, yes, your Honour.

17 PRESIDING JUDGE SCHMITT: [11:39:18] Four, five pieces of information and that's
18 it.

19 MR OBHOF: [11:39:20] Yes.

20 Q. [11:39:21] Mr Witness, you stated that we had 6 guns, 12 magazines, 3 RPGs, 60
21 millimetre bombshells, 12 of them, and a pair of uniforms that you only saw a pair.

22 Mr Witness, those are highly specific numbers. So you're saying after 11 years you
23 remembered all this? Or was this an example to the Prosecution?

24 A. [11:40:04] That was contained in the report that was delivered by Ojok Kampala
25 on the details of the military weapons that they recovered. If you can recall, you

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

1 asked me about the names of spirits. And if you can see from 1993 until now, I still
2 know the names of the spirits. If I had not known of the spirits or I hadn't seen these
3 military items, there was no way I could have remembered them. I saw them
4 physically. That's why I could still remember until now.

5 MR OBHOF: [11:40:57] About 5, maybe 10 minutes inside for a private session, your
6 Honour.

7 PRESIDING JUDGE SCHMITT: [11:41:02] Private session.

8 (Private session at 11.41 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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15 (Open session at 11.51 a.m.)

16 THE COURT OFFICER: [11:51:46] We are back in open session, Mr President.

17 MR OBHOF: [11:51:58]

18 Q. [11:51:58] Mr Witness, you stated that Lapaico was in charge of Terwanga
19 battalion just days before the Lukodi attack; is that correct?

20 A. [11:52:09] That's correct.

21 Q. [11:52:21] And that Major Ojoko Lango was in charge of Siba battalion in Sinia
22 brigade proximate to the attack on Lukodi; is that correct?

23 A. [11:52:34] That's correct. Ojoko Lango.

24 Q. [11:52:52] And that during your time in the bush that Ben Acellam was in
25 Stockree specifically around the time of Odek; is that correct?

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

1 A. [11:53:06] Correct.

2 Q. [11:53:17] And of course we've also talked about Mr Opio Makas being in
3 Gilva 2nd battalion and Mr Okwonga Alero being in Trinkle 2nd battalion around the
4 times of Odek and Lukodi, correct?

5 A. [11:53:39] Correct.

6 Q. [11:53:42] Mr Witness, these attacks that we've talked about, Palaro, Lukodi and
7 Odek, which one came first?

8 A. [11:53:54] If I can remember well, I cannot clearly recollect which one came first,
9 but I think it was the Palaro attack that was the first, if I can clearly recall.

10 Q. [11:54:22] And, Mr Witness, which attack came second, Odek or Lukodi?

11 A. [11:54:35] Odek came first, then Lukodi, if I can recall well.

12 Q. [11:54:58] And during these times, Mr Witness, Dominic was the CO of Oka
13 battalion Sinia brigade, correct?

14 A. [11:55:08] Correct.

15 MR OBHOF: [11:55:23] Your Honour, my final question will have to be in private
16 session.

17 PRESIDING JUDGE SCHMITT: [11:55:27] Private session.

18 (Private session at 11.55 a.m.) *(Reclassified partially in public)

19 THE COURT OFFICER: [11:55:39] We're in private session, Mr President.

20 PRESIDING JUDGE SCHMITT: [11:55:43] Thank you.

21 MR OBHOF: [11:55:44]

22 Q. [11:55:44] Now, Mr Witness, over these past few days we have discussed the
23 names of people and their positions in the LRA. Does it surprise you, Mr Witness, or
24 do you agree with what I'm stating that every position we have talked about,
25 especially the ones today, comport with what the UPDF alleges the LRA makeup was

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 What would you say to that proposition, Mr Witness?

3 PRESIDING JUDGE SCHMITT: [11:56:41] I think that's not an easy question to
4 understand. I nearly assume that you have to rephrase it or simply to, as we always
5 like to say, break it down a little bit. It's not easy to understand, I think. Please give
6 it another try.

7 MR OBHOF: [11:57:01]

8 Q. [11:57:01] Mr Witness, do you know that if I allege that Opio Makas at the time
9 of Lukodi was Trinkle brigade, commanding officer of 2nd battalion, what would you
10 say to that?

11 A. [11:57:32] I will say that that is a lie, because Opio had not been transferred to
12 Trinkle. He was still the CO of Gilva.

13 Q. [11:57:48] And the same question about Francis Okwonga Alero, that at the time
14 of Odek it is alleged that he was not in Trinkle but in fact a leader of, the leader of
15 Gilva brigade 2nd battalion; what do you say to that, Mr Witness?

16 A. [11:58:09] That too is a lie, because Okwonga was in Trinkle brigade, the 2nd
17 battalion, during that attack.

18 PRESIDING JUDGE SCHMITT: [11:58:28] The problem with the question was
19 simply that you yourself make a conclusion out of what you have heard, and I think
20 witness would not understand this.

21 MR OBHOF: [11:58:41] I'm going to skip that and we'll draw our own conclusions
22 from the testimony.

23 PRESIDING JUDGE SCHMITT: [11:58:45] I can get that.

24 MR OBHOF: [11:58:46] We can stop right there and have one more question which
25 can be done in public.

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [11:58:54] Okay. Open session, please.

2 (Open session at 11.59 a.m.)

3 THE COURT OFFICER: [11:59:05] We are back in open session, Mr President.

4 MR OBHOF: [11:59:08]

5 Q. [11:59:08] Mr Witness, this Trinkle brigade, what was Trinkle brigade?

6 A. [11:59:15] Trinkle brigade was the brigade that provided security to Kony.

7 Q. [11:59:28] And according to you in the command structure, Sinia brigade would
8 be higher than Joseph Kony's personal guard?

9 A. [11:59:42] Sinia brigade was the first brigade, but that didn't mean that was the
10 brigade that provided guard to Joseph Kony. Trinkle was established from among
11 us the escorts of Joseph Kony. That brigade was just expanded. It was just
12 composed of escorts of Joseph Kony. And in the military hierarchy, the Trinkle, the
13 Sinia brigade, was respected as the 1st brigade.

14 MR OBHOF: [12:00:30] Thank you, your Honour. The Defence has no more
15 questions for this witness.

16 PRESIDING JUDGE SCHMITT: [12:00:34] Thank you. I've been informed that the
17 Prosecution wants to re-examine the witness, and I quote, "shortly", on one Defence
18 document. Perhaps you can tell us what it is about and since it is a Defence
19 document, I assume that we would have no problems with allowing re-examination.

20 MR SACHITHANANDAN: [12:00:54] Thank you, your Honour. Do you mind if
21 we discuss this in private session?

22 PRESIDING JUDGE SCHMITT: [12:00:58] No, I don't, I don't mind. Of course then
23 private session.

24 (Private session at 12.01 p.m.)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

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12 PRESIDING JUDGE SCHMITT: [12:12:30] And of course we see this as your
13 opportunity to also have the last word, so to speak, in that matter.

14 MR TAKU: [12:12:38] No, my colleague, Mr Obhof, he is on his feet. I wanted to
15 make a different application. Because of the extensive responses and information
16 about the involvement of the UPDF, which was one of the belligerents in this conflict;
17 also the connection, the relevance relating to our client, we humbly would be
18 applying to the Prosecutor that if ever they find the intercepts, if they exist, of this
19 (Redacted) they should turn them
20 over to us.

21 And also we reiterate that they also if they manage to get the amnesty application of
22 the witness, they should also turn it over to us.

23 My colleague will continue, he's on his feet, and he will make a determination about
24 what to say next. He will also make and inform the Court about information
25 involving -- okay. We'll do a communication about that day after.

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Private Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [12:13:49] Thank you, Mr Taku. This is noted.
- 2 And I would assume that if such information really comes to the knowledge of the
- 3 Prosecution, that they would of course follow their obligations to disclose it.
- 4 MR SACHITHANANDAN: [12:14:03] Of course, of course.
- 5 PRESIDING JUDGE SCHMITT: [12:14:04] I take that as granted. Okay, Mr Obhof.
- 6 MR OBHOF: [12:14:07] Your Honour, we have nothing for redirect. We'd just
- 7 merely like to have a small one minute discussion, not about the witness, not
- 8 about -- nothing to do with today's testimony, just a small announcement, and it
- 9 would have to be in private session, your Honour.
- 10 PRESIDING JUDGE SCHMITT: [12:14:25] So would you prefer that we now release,
- 11 so to speak, the witness first?
- 12 MR OBHOF: [12:14:31] Yes, yes.
- 13 PRESIDING JUDGE SCHMITT: [12:14:32] Okay, good. Then we are in private
- 14 session. Then we go to open session shortly and then back.
- 15 (Open session at 12.14 p.m.)
- 16 THE COURT OFFICER: [12:14:45] We are back in open session, Mr President.
- 17 PRESIDING JUDGE SCHMITT: [12:14:54] Thank you.
- 18 Mr Witness, this concludes your testimony. The Chamber thanks you for assisting
- 19 the Court as a witness. And now the video link can be disconnected and we
- 20 continue a procedural discussion as I understand it or a housekeeping matter
- 21 discussion without witness and in private session.
- 22 We can go back to private session then.
- 23 (The witness is excused)
- 24 (Private session at 12.15 p.m.) *(Reclassified partially in public)
- 25 (Redacted)

1 PRESIDING JUDGE SCHMITT: [12:15:30] Thank you.

2 Mr Obhof again.

3 MR OBHOF: [12:15:34] Just very short, as you mentioned, a procedural issue. We
4 are continuing to try to search our obligations or disclose duress witnesses and
5 Article 31(a) witnesses.

6 When I fly back down to Uganda at the end of the week, we'll be meeting with a few
7 and explain to them that we will be disclosing their names and a summary of their
8 stories to all parties and participants and of course to your Chamber. So we would
9 expect a filing somewhere around September 7th so that we can add names to the list
10 so the Prosecution can be aware and have their fair shake, I guess you could say.

11 PRESIDING JUDGE SCHMITT: [12:16:10] Thank you very much for this
12 information.

13 And this concludes today's hearing and also -- yes, back to open session, of course.
14 It's now back and forth. It's better to do this in open session, of course, although if
15 we are not there anymore, also the public will be aware of this, I think, that nothing is
16 going on

17 (Open session at 12.16 p.m.)

18 THE COURT OFFICER: [12:16:35] We are back in open session, Mr President.

19 PRESIDING JUDGE SCHMITT: [12:16:37] Yes. And we are back in open session to
20 announce that this concludes today's hearing and also this evidence block, which was
21 short, but nevertheless we managed to finish the witnesses, so to speak.

22 We abate the proceedings and reconvene on 11 September, this is a Monday, at 9.30.
23 And I understand it should be P-38 if I'm correct; is this correct? I see nodding. I
24 don't see any contest.

25 MR GUMPERT: [12:17:09] I'm embarrassed that today you've caught me out. I'm

1 not sure. But if your Honour thinks it's P-38, I'll bet it is.

2 PRESIDING JUDGE SCHMITT: [12:17:16] Okay, okay. So then, and if not, I think it
3 would be also something that could be managed.

4 So I wish everybody a nice day. And in the meantime, of course, I know everybody
5 will have to have work till Monday, 11 September.

6 THE COURT USHER: [12:17:31] All rise.

7 (The hearing ends in open session at 12.17 p.m.)

8 RECLASSIFICATION REPORT

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