

Trial Hearing
WITNESS: UGA-OTP-P-0045

(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 Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 14 September 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:20] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:43] Good morning, everyone.
13 Good morning, Madam Witness.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:31:52] 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: [9:32:08] Thank you.
20 I call for the appearances of the parties.
21 Mr Choudhry first for the Prosecution.
22 MR CHOUDHRY: [9:32:15] Good morning, Mr President.
23 It's Kamran Choudhry, accompanied by Mr Colin Black, Mr Pubudu Sachithanandan,
24 Mr Paul Bradfield, Ms Yulia Nuzban, Ms Ramu Bittaye, Mr Yeasin Khan and Ms Yya
25 Aragon.

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- 1 PRESIDING JUDGE SCHMITT: [9:32:27] Thank you.
- 2 And for the Legal Representatives of the Victims, Mrs Hirst.
- 3 MS HIRST: [9:32:31] Good morning, your Honours.
- 4 Megan Hirst with James Mawira.
- 5 PRESIDING JUDGE SCHMITT: [9:32:35] Mr Narantsetseg.
- 6 MR NARANTSETSEG: [9:32:38] Good morning, Mr President, your Honours.
- 7 Ms Caroline Walter, Ms Hyuree Kim and myself, Orchlon Narantsetseg. Thank you.
- 8 PRESIDING JUDGE SCHMITT: [9:32:44] Thank you.
- 9 And for the Defence, Mrs Bridgman.
- 10 MS BRIDGMAN: [9:32:47] Good morning, Mr President, your Honours.
- 11 I'm Abigail Bridgman, together with lead counsel, Krispus Odongo Ayena, and
- 12 Thomas Obhof. And our client, Mr Ongwen, is in court.
- 13 PRESIDING JUDGE SCHMITT: [9:32:58] We welcome Mr Obhof back in the
- 14 courtroom.
- 15 And Rule 74 counsel, please.
- 16 MR WAGEMAKERS: [9:33:02] Good morning, your Honours, dear colleagues,
- 17 Marcus Wagemakers, counsel for Witness 45.
- 18 PRESIDING JUDGE SCHMITT: [9:33:11] So your name is pronounced Wagemakers.
- 19 MR WAGEMAKERS: [11:36:30] Well, I can give you the Dutch pronunciation as --
- 20 PRESIDING JUDGE SCHMITT: [9:33:19] No, no.
- 21 MR WAGEMAKERS: [9:33:21] -- Wagemakers. Wagemakers it's easier.
- 22 PRESIDING JUDGE SCHMITT: [9:33:22] Wagemakers?
- 23 MR WAGEMAKERS: Wagemakers.
- 24 PRESIDING JUDGE SCHMITT: Wagemakers.
- 25 MR WAGEMAKERS: Yes, yes.

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1 PRESIDING JUDGE SCHMITT: So if you don't mind, I would call you

2 Mr Wagemakers.

3 MR WAGEMAKERS: If you can, I would be pleased, yes.

4 PRESIDING JUDGE SCHMITT: Okay. If you heard my pronunciation and do not
5 strongly advise against it, then I would prefer to call you Mr Wagemakers.

6 MR WAGEMAKERS: [9:33:38] Excellent, your Honour. Yes.

7 PRESIDING JUDGE SCHMITT: [9:33:42] Thank you very much.

8 So then we continue with the examination by the Defence and Mrs Bridgman has still
9 the floor.

10 MS BRIDGMAN: [9:33:47] Thank you, Mr President.

11 WITNESS: UGA-OTP-P-0045 (On former oath)

12 (The witness speaks Acholi)

13 QUESTIONED BY MS BRIDGMAN: (Continuing)

14 Q. [11:33:32] Good morning, Madam Witness.

15 A. [9:33:55] Good morning.

16 Q. [9:33:59] Yesterday you mentioned several times that the LRA used to say that
17 there was no prison in the LRA. What did they mean by that?

18 A. [9:34:24] The prison which they said does not exist means that when you
19 commit a crime or go against the rules you should be killed.

20 MS BRIDGMAN: [9:34:39] Your Honours, I would like to go into private session
21 for --

22 PRESIDING JUDGE SCHMITT: [9:34:43] We go to private session.

23 (Private session at 9.34 a.m.)

24 (Redacted)

25 (Redacted)

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21 (Open session at 10.04 a.m.)

22 THE COURT OFFICER: [10:04:12] We are back in open session, Mr President.

23 MS BRIDGMAN: [10:04:47] Your Honours, I'm going to ask my question in relation
24 to tab 4 of the Prosecution binder, UGA-OTP-0218-0199, starting from page 22 -- 0221,
25 from about line 785 to 814.

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1 PRESIDING JUDGE SCHMITT: [10:05:23] Yes.

2 MS BRIDGMAN: [10:05:24]

3 Q. [10:05:24] Madam Witness, while you were discussing relationships in the bush
4 with the Prosecution, you told them that, in your view, what happened in the bush
5 was not rape and it was between the parties to make things work. Can you explain
6 what your understanding of rape is?

7 A. [10:06:12] Rape, rape, when a person a raped, it means sometimes this person
8 was given to that commander, but she does not want that commander, but that
9 commander is forcing her. So, yes, we take that as rape and usually there is nothing
10 else you can do. You just have to now live with it, with that person.

11 PRESIDING JUDGE SCHMITT: [10:06:46] Because really if you look at this, just
12 a comment by me, if you look at this portion, the former statements, really back and
13 forth and hard to understand what is really the former statement. And it's much
14 clearer that you address it here now and try to elaborate on it here if I look at it. It's
15 not -- there are things mixed with -- during attacks or women given to men in the
16 bush and so, back and the forth. So it's not easy to understand what is really the
17 essence of what has been said at that time, frankly speaking, if you look at it. It
18 doesn't matter, you asked.

19 MS BRIDGMAN: [10:07:26] I am going to try and break it down as much as possible.

20 PRESIDING JUDGE SCHMITT: [10:07:29] And I understand that you continue in
21 that way. Okay.

22 MS BRIDGMAN: [10:07:33]

23 Q. [10:07:34] Madam Witness, I am going to read to you portions of that interview
24 and what you said, starting from line 778 on page 220, you were asked:

25 "... were there ever times when ... in operations when women or girls were raped?"

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1 Your answer: "There is no raping in the sense that you get a girl, you force her to
2 sleep with but ... it's more when ... when you, as a girl, has been given to a man then
3 that may happen."

4 Then you were asked: "Do you mean by that then the girl has relations with a man
5 but is not -- it's not of her ... free will?"

6 You answered: "Which one?"

7 The question was: "Your last answer was that there was not rape in the sense of
8 during attacks the girls were forced; but in the sense of girls who have been given to
9 their men, then they had the relations with men, or something like that."

10 And then: "Why is it that you associate rape with even the girls who were given to
11 the men?"

12 Then you answer: "We don't call that ... we don't label that the same as rape."

13 PRESIDING JUDGE SCHMITT: [10:09:29] This is really a unique interrogation
14 technique, I would say, of relatively interest -- no, let me -- not unique, of course not,
15 it's interesting, so to speak, but you can continue.

16 MS BRIDGMAN: [10:09:43]

17 Q. [10:09:46] And then, Madam Witness, you continued on the next page and you
18 said -- so let me finish the, what looks like a complete statement:

19 "We don't label that the same as rape because you have already been given to this
20 man and then it's between you and that man that you have to make things work."

21 My question then is: Can you help us understand what your idea of rape is, or was
22 while you were in the bush?

23 A. [10:10:45] Rape, when you rape a girl and that information leaks to the senior
24 commanders, then you would be killed, because all, all commanders would try and
25 avoid rape actions. So if you find a commander who has done that, then that means

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1 the person was not maybe in the LRA before. But usually such commanders are
2 punished and the punishment is really heavy and sometimes you may even fail to
3 walk when you are punished.

4 PRESIDING JUDGE SCHMITT: [10:11:29] And now exactly we have the -- I
5 wouldn't say the problem, it is not completely clear. Are we talking now about rape
6 in the course of or after an attack, or are we talking about wives or girls having been
7 given to a man and what happens then? So, yeah, it seems not to be completely clear.
8 But the witness has I think consistent with what been said initially here, said that it
9 may happen, that there is a force when a woman is given to a commander, for
10 example, and then you can follow up from there what the situation, if she could
11 refuse or whatsoever, if you want. Otherwise I would ask it.

12 And just a comment by me, because it concerns this other statement from the past:
13 You should not interrupt too much a witness when a witness is talking. So you see it
14 here and there are too many questions one after the other and the questions in itself
15 contain interpretations of what the witness has said, are not simply follow-ups. So
16 we don't -- we try to avoid this here and most of the times we are able to do that here,
17 everybody questioning here in the courtroom. So this was not ideal, the situation,
18 here I would say.

19 MS BRIDGMAN: [10:13:24]

20 Q. [10:13:28] Madam Witness, was it allowed in the LRA to have sexual
21 relationships -- to have sex during an attack? If you went to an attack somewhere,
22 could you sleep with a civilian you found there?

23 A. [10:14:01] That was not allowed. During fightings it is very clear such actions
24 are not tolerated. Even you who is married and living with a man in the house, it is
25 not allowed to have sex while you are in the battlefield. If you do it, you will face

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1 the consequences.

2 Q. [10:14:34] What kind of consequences would you face, even as a married
3 couple?

4 A. [10:15:22] It is said when you are married and living as a man and a woman, if
5 you do have sex, then you would be injured, bullet by -- you will have bullet injuries,
6 whether whatever distance the bullet travels, whether it comes in a weak form or, you
7 know, you will still get bullet shot and that is -- because that is the time for fighting,
8 not time for having sex.

9 Q. [10:15:24] Do you recall examples when something like this happened, when
10 someone was shot for having sex during the battlefield?

11 A. [10:15:43] I do recall that it occurred at a time even before we went to Uganda.
12 There was a lady called Lily had sex with a certain boy and when this boy went to the
13 front, battlefield, this boy was killed and also Lily later on was also killed. This Lily
14 comes from Anaka.

15 Q. [10:16:18] Now, if we leave the part of those who were married within the LRA,
16 the part where you had sex with a civilian during an attack, would that be considered
17 as rape?

18 A. [10:16:45] Having sex with civilians?

19 Q. [10:16:49] Yes.

20 A. [10:16:57] In the group that I travelled in I never heard of any person who raped
21 a civilian, apart from someone who has already been abducted and he is within your
22 group, but still you cannot rape that person, you cannot forcefully have sex with her,
23 unless you try and court the girl until she can be able to accept your idea of
24 a relationship.

25 Q. [10:17:28] Once you were given as a wife, if you refuse to have sex with your

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1 husband, would that be considered as rape?

2 A. [10:17:56] It is not considered, but you have to -- you have to find a way of
3 handling it between the two of you until you agree between the two of you within
4 your household.

5 PRESIDING JUDGE SCHMITT: [10:18:11] Madam Witness, what would have
6 happened, if you know, if a woman given as a wife to a leader or commander in the
7 LRA, if she would have refused to have sex with the man?

8 THE WITNESS: [10:18:47] (Interpretation) They will handle the issue within the
9 household until she accepts, because many times you also look at your condition
10 because you are not far away, you are in the Sudan, but now today you have been
11 handed over to somebody, it is an instruction that this person is now your husband,
12 so there is nothing else that can be done, you have to accept and live with it.

13 PRESIDING JUDGE SCHMITT: [10:19:12] Yes, but what would be the consequence
14 if you still refused? You said you as the woman, from the perspective of the woman
15 you would have to accept it. Would the man accept it if the woman refused? And
16 if not, what would he do?

17 THE WITNESS: [10:19:48] (Interpretation) Well, now that depends on how the two
18 people handles the issue because it is between two people which they will
19 do -- handle within their house, within their household. You don't know what two
20 people discuss at night, so it is upon them to agree on it.

21 PRESIDING JUDGE SCHMITT: [10:20:04] Yes, I think you can continue now. And
22 this is I think what the witness meant at lines 816 and 817, the answer from the former
23 statement.

24 MS BRIDGMAN: [10:20:24]

25 Q. [10:20:24] One last question along those lines: During the 12 years you spent in

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1 the LRA, do you recall a time when a man killed a woman that he had been
2 distributed -- he had been given because she refused to have sex with him?

3 A. [10:20:53] I do not recall.

4 Q. [10:21:08] In your opinion, do you believe that the men thought they were
5 raping the women or it was just the way of life in the bush?

6 A. [10:21:32] Well, in my observation, I think it is because it is dependent upon an
7 individual who sees their condition, that they are now far away from their home and
8 there is nothing else they can do. So they just have to accept and submit to the
9 condition.

10 Q. [10:22:11] Madam Witness, you talked about how hard it was to escape from
11 Sudan, but do you know anybody who managed to escape and come back to
12 Uganda?

13 A. [10:22:35] Some of the people who escaped from Sudan includes Onekamon and
14 Ajiba, together with other people. They escaped in a group because if you are
15 known, you would not manage to go through the bush and thickets until you arrive
16 Uganda, because even when you hear communications on radio, but if you are alone,
17 you cannot manage.

18 Q. [10:23:10] And these people arrived in Uganda safely, correct, the big group that
19 escaped together?

20 A. [10:23:23] Yes, they arrived.

21 Q. [10:23:30] While in Sudan, do you recall ever hearing news from back home or
22 you were completely shut off?

23 A. [10:23:55] Well, while you are still there, there is nothing much that you hear is
24 happening from home, but what the LRA say is that when you escape, whether
25 you are a man or a woman, if you escape they will still kill you. So when the LRA

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1 re-apprehends you, they will kill you. But what helped people -- what helps people
2 was sometimes when we hear voices of former colleagues on radio and they would
3 encourage you, but still they will tell you that those are recorded voice, but those
4 people have been killed.

5 But continuously people continued listening to radio, they would still hear the voices
6 of people who were in the bush, and they will say "I am so-and-so, I am now home."
7 And those who were in the bush kept on listening to this and some of them returned
8 home.

9 Q. [10:25:00] Did you start listening to these recorded voices while you were still in
10 Sudan or after you had crossed back to Uganda?

11 A. [10:25:18] From Sudan would you not be able to listen. But the commanders
12 would do, the commanders would listen. But you are actually not allowed to listen
13 to the radio because they know that you will escape. So many times you just have to
14 live and stay as if you, you know, just stay like that.
15 Even when you listen to radio, you should not tell other people that you have listened
16 to the radio and you should not even share with your colleague whatever your
17 thoughts are.

18 Q. [10:26:07] During the 12 years of abduction, did you ever hear any news from
19 home, your own home?

20 A. [10:26:35] For the 12 years I was in the bush I never heard of anything. I never
21 got any information. It was upon my return, that's when I came to know that my
22 parents were no longer alive. And -- and also, the only person that I knew of that
23 was dead was my -- was brother to my father who was even killed before I was
24 abducted. But the rest, apart from that, I only came to know when I returned.

25 Q. [10:27:27] Before you started listening to the recorded voices on the radio, would

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1 I be correct to say that you believed it when the LRA told you that if you came back
2 home you would be killed and poisoned by the government soldiers?

3 A. [10:27:49] Yes, you would be correct.

4 MS BRIDGMAN: [10:28:25] Your Honours, I request that we go back into private
5 session.

6 PRESIDING JUDGE SCHMITT: [10:28:30] Private session.

7 (Private session at 10.28 a.m.)

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8 (Open session at 10.41 a.m.)

9 THE COURT OFFICER: [10:41:15] We're in open session, Mr President.

10 MS BRIDGMAN: [10:41:35]

11 Q. [10:41:39] Madam Witness, so while you were at CPU and when you were given
12 the number, is it correct for me to say that the number you're talking about is the
13 UPDF number?

14 A. [10:42:03] Yes. That is correct.

15 Q. [10:42:09] Did you undergo any training with the UPDF before you were given
16 the number?

17 A. [10:42:21] We went and did a training in Lugore.

18 Q. [10:42:38] Do you recall how long that training took?

19 A. [10:42:40] It took about three months, three to four months and then we were
20 passed out to come and now work as active soldiers in the government army.

21 Q. [10:42:57] Were you then deployed in northern Uganda?

22 A. [10:43:07] We first stayed in Cetkana. And after Cetkana, I would be -- I was
23 mentally disturbed because of the loss of my family. I was taken and taken back
24 home with 900,000 shillings. I could not manage to keep my mother's children and
25 the relatives with the 900,000 shillings which I was given. I ran short of money.

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1 Later on, I called Afande (Redacted) Commander (Redacted) and he -- he told me that
2 all those who were sent home were having difficulties; you would be forced to steal if
3 you have to continue living in the community. And then Commander (Redacted)
4 started to help us or take us (Redacted). And then later on we were taken (Redacted)
5 (Redacted) with only 900,000 shillings.

6 Q. [10:44:39] Madam Witness, you mentioned earlier that you had been promised
7 promotions and payments at the level of a cadet. My question is: Was this
8 only -- was this promise broken as regards all LRA returnees or did it seem to apply
9 to only female bush veterans?

10 A. [10:45:29] I do not know. Because the money we were earning was the
11 private's salary. I never received a cadet officer's salary, but I saw that when I was
12 coming to Kampala they said that I was a cadet officer when I was coming here, they
13 sent a message that I was a cadet officer. That is what they wrote in my release
14 letter.

15 Q. [10:46:10] Madam Witness, while you were interviewing with the Prosecution in
16 2004, you were asked who in your opinion were the most responsible people in the
17 LRA and you mentioned Joseph Kony, Otti, Buk, Odhiambo and Raska.

18 A. [10:46:30] Yes.

19 Q. [10:46:36] Are there other people whose names you did not mention at the time
20 or is this list according to you still the most responsible people?

21 A. [10:46:56] At that point, those guys had all the powers and the ones in charge of
22 everything. Whatever they said, they advised Kony and Kony would take their
23 advice. They are the ones who would go to Kony at all times to give advice and
24 make comments on the performance of everybody. So you just realise that a junior
25 commander can be collected, you just realise that you have been summoned and you

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1 will be killed.

2 Q. [10:47:28] Why did you not add Dominic Ongwen on that list?

3 A. [10:47:43] At that time Dominic's rank was not as high as they say now, that the
4 rank he came back with in the bush I don't recall.

5 At that time he was within a small group. When you are a captain you are always
6 within a small group, and whenever you are summoned you are treated more like
7 a junior soldier.

8 MS BRIDGMAN: [10:48:31] Your Honours, lead counsel would like to ask a few
9 other questions.

10 PRESIDING JUDGE SCHMITT: [10:48:37] Of course.

11 Mr Ayena, you have the floor.

12 MR AYENA ODONGO: [10:48:55] Thank you very much, Mr President and your
13 Honours. I just have a few questions.

14 QUESTIONED BY MR AYENA ODONGO:

15 Q. [10:49:03] Madam, first of all, I want to thank you for coming to assist Court.

16 There are two or three areas I want to get clarification on. Number one, the meeting
17 just before the Pajule attack.

18 I will begin from what you have just said that, at the time when you left,
19 Dominic Ongwen was still a fairly insignificant commander; is that correct?

20 A. [10:50:06] Yes.

21 Q. [10:50:09] During that meeting, which according to your statement, was
22 attended by very senior people in the LRA, could Dominic's voice have been very
23 significant in that plan to attack Pajule?

24 A. [10:51:01] At that time he could have a little voice, but when he is sent with
25 soldiers then he has to obey the order. If he refuses he would be punished also.

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1 Q. [10:51:21] And, Madam Witness, especially in view of the fact that you said he
2 was at the Control Altar because he was under arrest, could he have been part of the
3 planning for that attack?

4 A. [10:51:52] When you are under arrest, you cannot be a part of a plan, you will
5 only be instructed to go to a particular place.

6 Q. [10:52:13] Thank you very much.

7 (Counsel confers)

8 PRESIDING JUDGE SCHMITT: [10:52:45] Take your time, if it is not too long the
9 time that you are taking.

10 (Counsel confers)

11 MR AYENA ODONGO: [10:53:10]

12 Q. [10:53:11] Madam Witness, there is some confusion. I don't know whether it
13 was the transcribers. When you are under arrest, can you confirm whether you can
14 or you cannot be part of a plan?

15 A. [10:53:40] When you are under arrest in the LRA, is it when you are under arrest
16 in the LRA?

17 Q. [10:53:46] Yes, when you are under arrest, like the situation Dominic was during
18 the plan to attack Pajule.

19 A. [10:53:58] You cannot be part of a planning, you will only be summoned and
20 told to go with soldiers to a particular location.

21 PRESIDING JUDGE SCHMITT: [10:54:08] Yeah, I also saw the discrepancy, but I
22 understood it initially exactly like the witness answered now for the second time --

23 MR AYENA ODONGO: Yes.

24 PRESIDING JUDGE SCHMITT: -- but it was not reflected in the transcript.

25 MR AYENA ODONGO: Exactly. I mean --

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1 PRESIDING JUDGE SCHMITT: Sometimes I'm also not very happy how my
2 remarks are reflected in the real time transcript, but this happens sometimes. It
3 might be my dialect or whatsoever. But indeed there was this discrepancy, yeah, but
4 the -- it -- I understood it from the first time exactly like the second time, so you can
5 continue.

6 MR AYENA ODONGO: [10:54:43] You know, I'm lucky I have a very diligent
7 assistant for whom I'm very indebted.

8 Q. [10:54:55] Now, Madam Witness, (Redacted)
9 (Redacted), were you sometimes close to Vincent Otti or his escorts?

10 A. [10:55:26] No, I do not say stay close to him, I only stay in support.

11 Q. [10:55:47] Madam Witness, (Redacted), did you get to
12 know whether there were collaborators within the civilian population, those who
13 collaborated with the LRA, informers, so to speak?

14 A. [10:56:15] The civilians, you are talking about civilians who would collaborate?

15 Q. [10:56:20] Yes, please.

16 A. [10:56:21] I do not know about it.

17 Q. [10:56:40] How, Madam, if you know, how did the LRA know the situations in
18 the communities?

19 A. [10:56:53] At times it would be through people who escape, would come and
20 explain and people would know. And sometimes they would have some
21 intelligence which would -- they would use, they would use as a disguise and who
22 would be a double-standard person, but it would be there but I wouldn't know about
23 it, I did not know about it at the time.

24 Q. [10:57:33] Madam, you talked about rules which were -- which were normally
25 set by Joseph Kony. Do you know whether these rules also included the age range

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1 of children to be abducted?

2 A. [10:58:01] He would say people -- children who should be abducted -- when you
3 go for operation is that you should abduct people who can walk, children who are
4 able to walk and who can help you to carry luggage, or if you train the person can be
5 a good fighter. You are not supposed to abduct a child who cannot walk. Because
6 when you abduct someone who cannot walk, it means you have to be carrying that
7 person, or you give someone to be carrying that person all the time. So you should
8 abduct someone who can be of help to you.

9 Q. [10:58:49] So, Madam Witness, it would appear whoever went out on a mission
10 to abduct had already guidelines given in the rules on the age range to be abducted; is
11 that correct?

12 A. [10:59:21] You should abduct someone aged 10 and above. If you abduct
13 someone aged eight, will that one walk for you? That one will not walk.

14 MR AYENA ODONGO: [10:59:35] I have a few more questions, but it is about time
15 now, maybe --

16 PRESIDING JUDGE SCHMITT: [10:59:40] No. The question would be if you have
17 in your mind how long these questions would last, otherwise I would simply say we
18 extend now the session and then make a long -- a little bit longer break.

19 MR AYENA ODONGO: [10:59:51] Okay. Just less than 15 minutes.

20 PRESIDING JUDGE SCHMITT: [10:59:54] Yes, then I really suggest that you
21 continue and finish your examination.

22 MR AYENA ODONGO: [10:59:59] Yes.

23 Q. [11:00:05] Madam Witness, before I take leave of Pajule, I don't know whether
24 you knew about people who were coordinators in the communities, coordinators?

25 A. [11:00:40] We hear about coordinators, but never seen one, you only here that

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1 so-and-so is a coordinator. You don't even -- you would only hear that we've met
2 a coordinator in this place, but you wouldn't even know the name. The coordinators
3 would meet the commanders. And as the junior people, we wouldn't know what
4 they talk about.

5 Q. [11:01:07] Madam Witness, can you tell Court whether prior to the Pajule attack
6 any coordinator had talked to the commanders to inform them about the situation in
7 Pajule trading centre?

8 A. [11:01:37] Well, sometimes places where attacks do occur, informations
9 sometimes come from the coordinators, but in many cases also they just move
10 without asking coordinators. I wasn't aware of that. Because I also got this other
11 sudden information in the evening (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted) because all the plans were already made.

15 Q. [11:02:24] Thank you, Madam Witness.

16 Mr President and your Honours, there is this grey area about, you know, rape,
17 courtship and so on and so forth. Maybe I'll ask a few questions, I want to ask a few
18 questions about that.

19 PRESIDING JUDGE SCHMITT: [11:02:44] Yeah, do -- do you think or do you want
20 to suggest that we should address this in private session --

21 MR AYENA ODONGO: Yes.

22 PRESIDING JUDGE SCHMITT: -- because there is the -- we can also, this is not only
23 about Rule 74 of course here not, but it would also be Article 68(2), sentence 2, we can
24 do that. So if you suggest it we go to private session to address that.

25 MR AYENA ODONGO: [11:03:11] We could -- the --

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1 PRESIDING JUDGE SCHMITT: Or we -- or we can do like we did yesterday, we can
2 ask Madam Witness, but I think -- I think it's better to -- to go to private session.

3 MR AYENA ODONGO: [11:03:17] I'm much obliged.

4 PRESIDING JUDGE SCHMITT: [11:03:20] Yeah, we go to private session now.

5 (Private session at 11.03 a.m.) * (Reclassified as open session)

6 THE COURT OFFICER: [11:03:29] We're in private session, Mr President.

7 MR AYENA ODONGO: [11:03:34]

8 Q. [11:03:35] Madam Witness, from what you have told Court it would appear
9 there were two ways of getting a wife?

10 PRESIDING JUDGE SCHMITT: [11:03:43] No, then -- then I would interrupt. If it
11 is not directly related to what the witness experienced, I think we can really talk about
12 it in open session.

13 MR AYENA ODONGO: [11:03:54] Yes, that was my gut feeling.

14 PRESIDING JUDGE SCHMITT: [11:03:56] That you -- that you address her directly
15 what happened to her?

16 MR AYENA ODONGO: [11:04:00] No.

17 PRESIDING JUDGE SCHMITT: [11:04:00] No. No, then we stay -- I think we can
18 stay in open session, yeah, for that. Yeah, it ...

19 (Open session at 11.04 a.m.)

20 THE COURT OFFICER: [11:04:11] We are back in open session, Mr President.

21 PRESIDING JUDGE SCHMITT: [11:04:20] Please continue.

22 MR AYENA ODONGO:

23 Q. [11:04:21] Yes, Madam Witness, I was saying, from what has transpired, it
24 would appear that there were two ways of getting a wife: number one, the wife was
25 assigned to a commander from the abductees, and then number two, a wife was got

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1 through courtship; is that correct?

2 A. [11:04:58] Correct.

3 Q. [11:05:03] Now, the question I want you to assist Court to appreciate the
4 relationship between the couples, by whatever way they found themselves together,
5 number one, in the case of being assigned a woman, did either the man or the woman
6 have a say in whether or not they became man and wife?

7 A. [11:05:51] Well, in that case the man can also reject the woman being given to
8 him and the lady would be taken to another person, if the person had not -- if the lady
9 had not yet reached him and when they have not yet had sex.

10 Q. [11:06:23] Madam Witness, we are in a multicultural arrangement. What
11 happens in Africa sometimes is different from what happens in the western world. I
12 want you -- I will put a few questions to you to assist Court to understand what goes
13 on in the African context.

14 When a man -- when a girl finally comes into the life of a man, is it always by consent
15 that the first sexual relation is conducted between them?

16 MR CHOUDHRY: [11:07:19] Your Honour --

17 PRESIDING JUDGE SCHMITT: Yeah.

18 MR CHOUDHRY: -- I rise because it's unclear as to whether this is actually relevant
19 to the specific context of the charges, or is this more generally unrelated to what this
20 witness can give evidence about.

21 PRESIDING JUDGE SCHMITT: [11:07:34] I also think so. She -- she's not an expert
22 for -- for what are general social and cultural customs. I think if you would relate it
23 to -- to the situation in the bush we would all feel more comfortable.

24 MR AYENA ODONGO: [11:07:55] Much obliged, your Honour. But I thought the
25 contextual background, of even the situation in the bush, is predicated on the

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1 experiences, generally. But I'll take your guidance.

2 Q. [11:08:15] Madam Witness, in a situation where, according to your experience,
3 of course, in the bush, (Redacted), in a situation where a girl found herself with a man
4 in the house, and the aspect you have just described of rejection by the man has not
5 occurred, the man has actually accepted the girl to be with him as a wife, is it always
6 the experience that the girl would voluntarily give herself to sex to the man?

7 A. [11:09:28] Well, that can happen that the girl can voluntarily accept to have sex
8 because she has already been given to the man and they are -- living with the man,
9 but she will also take it with her own -- her way, in her own skill how to handle that
10 situation. The man will also try and use his skills to let the girl accept. For instance,
11 he can say "Please go and lay for me a bed" or something like that, then they would
12 finally go and have sex, but they will have already talked about it.

13 Q. [11:10:17] Thank you. In the -- I mean, in the other case of courtship, apart
14 from that between a widow and another man, what would happen between
15 a ting ting who was not assigned to become wife to the commander and a person who
16 wanted her to become his wife?

17 A. [11:11:11] It depends on upon -- upon the ting ting and the leader who is taking
18 care of the ting ting, because sometimes the leader could be having young boys who
19 are now older who are also living in his household. So he would also pick one of the
20 ting ting and assign to one of the boys in his household.

21 So for them to start living as man and wife in the house, you will put them down,
22 counsel them and also tell them how they can be able to live as man and wife in the
23 house.

24 But in other instances, the ting ting will grow until such a time when she is ready.
25 Then when the caretakers sees that the ting ting is ready will be -- will call the

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1 ting ting and explain to her that "I now want you to become my wife", and the
2 ting ting will now see, because you have lived with this person for some time.
3 But according to Acholi culture, you would -- the ting ting would see this person as
4 her father and, indeed, such a relationship wouldn't be acceptable, but because
5 you are in a different circumstance that is -- you know, you find yourself accepting to
6 become a wife to this person who is heading the household.

7 Q. [11:12:46] Last question. Madam Witness, you told Court that it was
8 sometimes the case that a man would reject a girl given to him, in which case the girl
9 would be reassigned to some other people. What would happen in a situation where
10 the girl rejected the man?

11 A. [11:13:20] There is no way you can reject that man because you are still new, you
12 don't know how to start and where to go. So when you find that that man already
13 has a woman, it is that woman who should start teaching you on how to live. And if
14 she is a good -- if that lady is a good person with a good heart, will be able to treat
15 you and teach you as a co-wife and will consider you as a good co-wife and will talk
16 to you. But if she is a bad-hearted person, she will do all possible always to make
17 sure that your life and your stay there is bad and will constantly be reporting
18 negatively about you and many times you will be having problems, you will be
19 beaten, there will be a lot of problems.

20 Q. [11:14:22] Did (Redacted) ever receive any complaint from any girl that she
21 was raped?

22 A. [11:14:42] Most of those complaints come from the senior or more mature
23 women who are living in the -- who are living in the household of a senior
24 commander. For instance, if I -- I lived in Lukwiya's household, then I lived in
25 Lukwiya's household and sometimes the older women are, you know, bring all sorts

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1 of allegations against, against me. So, but if you get a good first lady, she will be
2 able to talk to you and advise you on how to stay. And also the person, that person
3 who is the head of the household will also talk to you on how you should be able to
4 treat your co-wife so that you all live harmoniously and life would be okay.

5 Q. [11:15:46] Did you ever receive any complaint about rape against
6 Dominic Ongwen?

7 A. [11:16:00] I never received such complaints. If it happened, it could have
8 happened when I wasn't present at that time. Since I returned, up to the time I
9 returned, I never got such complaints, apart from the one of such Raska Lukwiya.

10 Q. [11:16:17] Thank you, Madam Witness.

11 That's the end, your Honour.

12 PRESIDING JUDGE SCHMITT: [11:16:20] Thank you, Mr Ayena.

13 Madam Witness, I would like to address you on behalf of the Chamber.

14 This concludes your testimony. On behalf of the Chamber, I would like to thank you
15 for having made yourself available as a witness in these proceedings. We would like
16 to thank you that you came to this Court that is so far away from your home. And
17 we would also like to thank you that you help the Court to establish the truth. We
18 wish you a safe trip back.

19 (The witness is excused)

20 PRESIDING JUDGE SCHMITT: And as I said, this concludes the testimony of
21 Madam Witness and we have now a break until 12 o'clock, I would say, have
22 a shorter session, one hour until 1 o'clock, and then normally in the afternoon 2.30
23 until 4 o'clock with the next witness, P-70. That's it from me.

24 THE COURT USHER: [11:17:27] All rise.

25 (Recess taken at 11.17 a.m.)

1 (Upon resuming in open session at 12.03 p.m.)

2 THE COURT USHER: [12:03:05] All rise.

3 PRESIDING JUDGE SCHMITT: [12:03:24] A lot of paper on the table here.

4 So we are turning now to the next witness, which is P-70. Any change in the
5 composition of the team? I think a little bit. Yes, Mr Black.

6 MR BLACK: [12:03:48] Your Honour, thank you.

7 Ms Colleen Glig has joined us and Mr Kamran Choudhry I believe has left.

8 PRESIDING JUDGE SCHMITT: [12:03:56] Thank you.

9 And we will now discuss the matter of Assurances for the witness pursuant to
10 Rule 74 of the Rules of Procedure and Evidence, and we go to private session for that.

11 (Private session at 12.04 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Open session at 12.06 p.m.)

14 THE COURT OFFICER: [12:06:20] We are back in open session, Mr President.

15 PRESIDING JUDGE SCHMITT: [12:06:24] Thank you.

16 The Chamber now renders its decision on the requested assurances.

17 Mindful of the factors specified in Rule 74(5) of the Rules, the Chamber has decided to

18 provide assurances pursuant to Rule 74 of the Rules in order to enable the witness to

19 testify without fear of the consequence of self-incrimination.

20 And this concludes the ruling of the Chamber and this means that we can now bring

21 in the witness.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE SCHMITT: [12:07:45] Mr Witness, do you hear me?

24 WITNESS: UGA-OTP-P-0070

25 (The witness speaks Acholi)

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1 THE WITNESS: [12:07:50] (Interpretation) Yes, I am hearing you.

2 PRESIDING JUDGE SCHMITT: [12:07:52] Good day, Mr Witness, you are going to
3 testify --

4 THE WITNESS: [12:07:55] (Interpretation) Thank you very much.

5 PRESIDING JUDGE SCHMITT: [12:07:57] You are going to testify before the
6 International Criminal Court. And on behalf of the Chamber I would like to
7 welcome you in the courtroom.

8 THE WITNESS: [12:08:08] (No interpretation)

9 PRESIDING JUDGE SCHMITT: [12:08:10] I will now read to you, Mr Witness, the
10 oath to tell the truth to you that every witness who testifies before this Court must
11 agree to. So please listen to what I say.

12 I solemnly declare that I will speak the truth, the whole truth and nothing but the
13 truth.

14 Mr Witness, do you understand what I have read to you.

15 THE WITNESS: [12:08:37] (Interpretation) Yes, I have understood very well.

16 PRESIDING JUDGE SCHMITT: [12:08:41] Do you agree?

17 THE WITNESS: [12:08:42] (Interpretation) Yes, I agree.

18 PRESIDING JUDGE SCHMITT: [12:08:45] Good, then we will continue.

19 Mr Witness, let me now explain to you how the protective measures that the Chamber
20 has put in place for your testimony work. We have put the following protective
21 measures in place for you:

22 First, face distortion; that means that nobody outside the courtroom can see your face
23 during your testimony on the screen.

24 There will also be the use of a pseudonym. In accordance with that we will refer to
25 you all as "Mr Witness" as I am doing since you have arrived in this courtroom. This

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1 is to make sure that the public does not come to know your name.

2 Whenever you answer questions that will not give away who you are, we do that in

3 open session. Open session means that the public can hear what is being said in this

4 courtroom.

5 On the other side, when you are asked to describe anything that relates specifically to

6 you or you are asked to talk about information that might reveal your identity, we do

7 that in private session and in private session there is no broadcast, nobody outside the

8 courtroom can hear you, and that would be sufficient to protect you.

9 You have also been assigned a lawyer to provide you with legal advice about possible

10 self-incrimination. Mr Von Bóné will arrive in the course of this -- your testimony,

11 we are sure of that. If anything comes out of your testimony which needs that you

12 have a conversation with your lawyer we would interrupt until he has arrived, to

13 make sure of that. And he can then be able to advise you. So there will be no

14 prejudice for you at all. We are vigilant, especially here the Chamber, and the

15 Presiding Judge is vigilant in that respect.

16 The Chamber gives you the assurance pursuant to Rule 74(3) of the Rules that your

17 testimony will not be used either directly or indirectly against you in any subsequent

18 proceedings by this court. This would be with the exception that you would not tell

19 us the truth, but you have already declared that you will tell us the truth. If any

20 question is asked that could lead to your self-incrimination, we will hear your answer

21 in private session and we keep this answer confidential.

22 These are the important assurances that we give you and the questioning party is

23 responsible for requesting private session if need be, and we have also judges here

24 who are again in that respect vigilant.

25 Do you understand all that, Mr Witness?

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1 THE WITNESS: [12:11:43] (Interpretation) Yes, I have understood very well.

2 PRESIDING JUDGE SCHMITT: [12:11:47] Thank you, Mr Witness.

3 And before we finally can start with your testimony, a few practical matters, but I
4 have the intuition that we won't get problem with you in that respect.

5 Everything that we say here in the courtroom is, as you are well aware of, written
6 down and interpreted, and to allow for the interpretation, to allow for the interpreters
7 to follow you and everybody who speaks in the courtroom and also to follow to allow
8 that the Bench can follow you, what you are saying and the interpreters interpreting,
9 it is important that you speak clearly and speak in the microphone. But you are
10 doing that, I see that that will be no problem.

11 And please only start speaking when the person addressing you has finished the
12 sentence. That is also self-evident.

13 A last thing which is important, especially since your counsel is at the moment not in
14 the courtroom, if you have any questions yourself then please raise your hand that we
15 know that you wish to say something and then we will give you the word.

16 Have you understood this too?

17 THE WITNESS: [12:12:58] (Interpretation) Yes, I have understood it.

18 PRESIDING JUDGE SCHMITT: [12:13:01] So then we can start with your testimony
19 and Mr Black from the Prosecution has the floor.

20 MR BLACK: [12:13:05] Thank you, your Honour.

21 Could we begin with about 20 minutes of private session, please?

22 PRESIDING JUDGE SCHMITT: [12:13:10] Of course.

23 (Private session at 12.13 p.m.) * (Reclassified partially in public)

24 (Redacted)

25 (Redacted)

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- 1 Q. [12:16:08] What units did you serve in while you were with the LRA?
- 2 A. [12:16:18] From the time I was abducted I was in different units. (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 A. [12:17:16] We were in Uganda.
- 13 Q. [12:17:22] Are you familiar with the name Operation Iron Fist?
- 14 A. [12:17:37] Yes, I am very familiar with the name.
- 15 Q. [12:17:39] What does that refer to?
- 16 A. [12:17:44] Operation Iron Fist took place at the time the UPDF went and
- 17 attacked the LRA camp in Sudan.
- 18 Q. [12:17:58] Do you know what year Operation Iron Fist occurred in?
- 19 A. [12:18:07] Operation Iron Fist took place in 2002.
- 20 Q. [12:18:12] And you mentioned a moment ago that you had been in Sinia brigade,
- 21 was that before or during or after Operation Iron Fist?
- 22 A. [12:18:30] In Sinia I was there even before going to Sudan.
- 23 Q. [12:18:38] So sometime well before Iron Fist; is that right?
- 24 A. [12:18:49] Yes, that is correct.
- 25 Q. [12:18:50] What was your position in the LRA during the time of

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1 Operation Iron Fist?

2 A. [12:19:03] I was in Stockree brigade. (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [12:19:25] Who was the brigade commander of Stockree brigade at that time?

6 A. [12:19:39] At that time it was Buk.

7 Q. [12:19:41] Do you recall any other names for Buk?

8 A. [12:19:46] His other name was Oringa Cisto.

9 Q. [12:19:54] Where did you go during or immediately after Operation Iron Fist
10 yourself?

11 A. [12:20:05] At that time when Operation Iron Fist booted the LRA from the camp
12 known as Lubanga Tek we went to Imatong hills.

13 Q. [12:20:20] Which LRA units were present at Imatong hills?

14 A. [12:20:31] The whole LRA movement was there.

15 Q. [12:20:35] Was there fighting with the UPDF during the time you were at
16 Imatong?

17 A. [12:20:45] Yes. We fought along the way as we were about to enter there.

18 Q. [12:20:51] And did anything happen to you personally during fighting around
19 this time?

20 A. [12:21:00] In the first battle nothing happened to me. But in the second battle I
21 got injuries.

22 Q. [12:21:12] And where did you go after you received these injuries?

23 A. [12:21:18] When I was injured I went to the sickbay.

24 Q. [12:21:25] How long did you remain in this sickbay?

25 A. [12:21:31] I was in the sickbay for two months.

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1 Q. [12:21:40] Where did you go when you left the sickbay?

2 A. [12:21:45] I came back and joined the convoy.

3 Q. [12:21:51] And where was the convoy at that time?

4 A. [12:21:58] The whole unit was still within Sudan.

5 Q. [12:22:06] Do you recall any significant fighting or other events that would help
6 us establish the month that you left the sickbay, was there any other fighting around
7 that time?

8 A. [12:22:26] When we started moving to go to Imatong hills, the UPDF soldiers
9 were pursuing us, the mobile unit of the UPDF was pursuing us. We exchanged
10 gunfire in a place called Katere, it was a fierce battle, and later on we moved and
11 entered Imatong hills. While we were at Imatong hills the mobile unit of the
12 government forces attacked us while we were there. People fled in disarray and
13 split into different groups and we started heading towards Agoro hills, still in Sudan
14 also.

15 In Agoro we also exchanged gunfire. (Redacted)

16 (Redacted)

17 Q. [12:23:27] Are you familiar with fighting in Achol-Pii in 2002?

18 A. [12:23:40] I do not recall anything in Achol-Pii.

19 Q. [12:23:45] Okay, that's fine. And whenever you don't remember something
20 please tell me.

21 So then you say after sickbay you went to Imatong. Eventually did you leave
22 Sudan?

23 A. [12:24:02] After that, when I returned to the convoy from the sickbay, we started
24 moving and entered Uganda.

25 Q. [12:24:11] When was that? Do you remember the month, or at least the year?

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1 A. [12:24:20] I do not recall the month, but it was in -- it was towards the end of
2 2002.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [12:25:21] I was in Stockree brigade.

13 Q. [12:25:25] And who is the brigade commander of Stockree at this time when you
14 came back into Uganda?

15 A. [12:25:35] When I returned from sickbay and entered the sickbay and we
16 rejoined others to go to Uganda, the brigade commander was Tabuley.

17 Q. [12:25:51] Now I believe you mentioned that you, that you left the LRA in 2004.
18 Did you continue in the Stockree headquarters all the way from this time that you
19 came back into Uganda up until the time you left in 2004?

20 A. [12:26:12] Yes, that is correct.

21 Q. [12:26:18] You mentioned being in sickbay in Sudan. Were you ever in sickbay
22 in Uganda after you came back in 2002?

23 A. [12:26:34] While in Uganda in 2003, I went back to the sickbay because I had had
24 a weakness. The injury which I had in Sudan, if you had with the walking, I was not
25 feeling well.

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1 Q. [12:26:53] Can you tell us more precisely when in 2003 you went back into
2 sickbay?

3 A. [12:27:07] I do not recall the exact date.

4 Q. [12:27:11] Where were you at the time?

5 A. [12:27:21] At that time I was in Uganda in Stockree brigade.

6 Q. [12:27:28] And do you remember which region of Uganda you'd been or the
7 LRA was operating in at the time?

8 A. [12:27:41] At that time we were around Pader.

9 Q. [12:27:47] I will ask you some more questions about this time period later, so if
10 during your testimony you remember when it was that you went into sickbay this
11 time in 2003 you can tell us then.

12 How long did you remain in sickbay from this time that you went in and that time?

13 A. [12:28:15] At the sickbay I remained there until I escaped and came back home

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 12.53 p.m.)

4 THE COURT OFFICER: [12:53:28] We are back in open session, Mr President.

5 MR BLACK: [12:53:41] Thank you very much.

6 Q. [12:53:44] Mr Witness, I am now going to ask you some questions about the
7 structure of the LRA, the way it was organised. And I would like you to focus on
8 this time in 2003 when the LRA has come back to Uganda. First of all, who was the
9 highest ranking person in the LRA?

10 A. [12:54:20] At the time when LRA returned to Uganda the overall commander of
11 the LRA was Joseph Kony.

12 Q. [12:54:33] And what were his responsibilities, briefly? What was his role in the
13 LRA as the overall commander?

14 A. [12:54:49] His overall work, he was the president of the LRA movement, because
15 he is the founder of the movement and he has all the powers and authorities.

16 Q. [12:55:08] Did Kony's position
17 in the LRA ever change during the time that you were in the LRA?

18 A. [12:55:26] At the time when I was still in the LRA Kony's ranks and position
19 never changed.

20 Q. [12:55:36] Who was the second highest-ranking person in the LRA in 2003?

21 A. [12:55:50] In 2003 the person second highest to Kony was Vincent Otti.

22 Q. [12:56:01] And what was Otti's role in the LRA?

23 A. [12:56:14] His roles are to receive instructions from Kony and deliver them to
24 other commanders, and also to receive information from other commanders and
25 communicate them to Kony.

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1 Q. [12:56:29] Did Otti's position change during the time that you were in the LRA?

2 A. [12:56:40] It did not change.

3 Q. [12:56:48] I have asked you about people. Now, what was the highest-ranking
4 unit in the LRA in 2003?

5 A. [12:57:07] The first brigade in the LRA is Sinia brigade. Second is Stockree
6 brigade. Gilva is the third brigade.

7 Q. [12:57:21] Was there any structure even above the brigades that you have just
8 mentioned?

9 A. [12:57:38] Later on it was realised that LRA has many soldiers. It has brigades
10 but did not have divisions, because in the army when there is a brigade then there
11 also has to be a division. So later on a division was created which was called Jogo.

12 Q. [12:58:04] I will get to the division in a few moments, or maybe tomorrow, but
13 what unit or what group was Otti Vincent in?

14 A. [12:58:19] Otti Vincent is in Control Altar.

15 Q. [12:58:25] And what was the role of Control Altar?

16 A. [12:58:35] Control Altar is the high command which has several other
17 departments.

18 Q. [12:58:44] Approximately how many LRA officers were in Control Altar in 2003,
19 do you remember?

20 A. [12:58:58] There are several departments. Some of them I can recall.

21 Q. [12:59:06] Go ahead and give us the names of the departments that you
22 remember.

23 A. [12:59:12] The departments in Control Altar includes support, it also has
24 the -- those in the Yard.

25 It also has other groups whose role, they perform the roles of elders whose main roles

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1 are to look at issues of culture. Then there are also a group for -- of catechist or the
2 religious people whose main role is to organise prayers.
3 And then there is the medical group. Then we also have the signallers. The group
4 of the signallers.

5 PRESIDING JUDGE SCHMITT: [13:00:13] Mr Black, it is time for the lunch break.

6 MR BLACK: [13:00:16] Yes, thank you, your Honour.

7 PRESIDING JUDGE SCHMITT: [13:00:17] So we have the lunch break now until
8 2.30 and then we continue.

9 THE COURT USHER: [13:00:23] All rise.

10 (Recess taken at 1.00 p.m.)

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

12 THE COURT USHER: [14:30:05] All rise.

13 PRESIDING JUDGE SCHMITT: [14:30:30] Welcome.

14 This afternoon Mr Ayena is not there, but the Defence is represented by two
15 well-known counsel, so this is -- I would not say more than enough, but it is well
16 representation, to put it this way.

17 Mr Black, you have still the floor.

18 MR BLACK: [14:30:50] Thank you, your Honour.

19 Q. [14:30:52] Mr Witness, just before the lunch break you had identified a number
20 of departments in Control Altar. Do you remember the names of any of the
21 individual commanders in Control Altar in 2003?

22 A. [14:31:12] Yes, I do recall.

23 Q. [14:31:15] Please give us some of those names.

24 A. [14:31:23] In Control Altar, in support, there was someone called Opuk. He
25 was also called Oryang. In the Yard department there was Onen Unita.

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1 In regards to religious affairs, there was Lapwony Abonga Papa. In regards to signal,
2 there was someone called Lumumba. And in regards to elders, there was
3 Mzee Banya.

4 Q. [14:32:41] What more can you tell us about Mzee Banya? Do you know his full
5 name?

6 A. [14:32:54] His full names was Kenneth Banya.

7 Q. [14:32:58] And do you know if he had any specific responsibility beyond being
8 part of the group of elders?

9 A. [14:33:14] Given his age and experience, he was like an adviser. In case they
10 want to seek advice, they would go to him.

11 Q. [14:33:27] Let me ask you about a couple of other names and see if you recall
12 what role they may have had in the LRA. The first name is Nyeko Tolbert Yadin.
13 Do you know that name?

14 A. [14:33:45] I know Tolbert Yadin.

15 Q. [14:33:53] What was his position in the LRA in 2003?

16 A. [14:33:58] He was an army commander.

17 Q. [14:34:05] Had he ever been part of Control Altar?

18 A. [14:34:14] The army commander is in the Control Altar.

19 Q. [14:34:20] What about Raska Lukwiya? Who was he?

20 A. [14:34:29] Raska Lukwiya at that time was a brigade general who would
21 also -- who was also in Control Altar.

22 Q. [14:34:39] What was the role of the brigade general? Was that different than
23 a brigade commander?

24 A. [14:34:49] It was different, because the brigade general, all the -- all the brigade
25 commanders reported to brigade general. He was the one who was their supervisor.

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1 Q. [14:35:07] What about Sam Kolo? Do you know that name?

2 A. [14:35:13] Yes, I do know Sam Kolo.

3 Q. [14:35:17] What was his role in 2003?

4 A. [14:35:24] Sam Kolo at the time and much earlier, he was like a spokesperson of
5 the LRA, like external relations.

6 Q. [14:35:40] Still focusing on the same time period, 2003, let me ask you now some
7 questions about the brigades. You have already mentioned Sinia, Stockree and Gilva
8 brigades; is that right? Were those the names of the brigades?

9 A. [14:36:02] Yes. In Control Altar there was also Trinkle.

10 Q. [14:36:08] What was Trinkle? Was that a brigade or some other kind of unit?

11 A. [14:36:19] It was a brigade in charge of Control Altar. It was part of
12 Control Altar and they were the security of Control Altar.

13 Q. [14:36:31] What were the smaller units within the brigades called?

14 A. [14:36:41] The smaller units within the brigade, there were battalions.

15 Q. [14:36:49] Approximately how many LRA fighters would there be in a battalion
16 at this time in 2003?

17 A. [14:37:04] Each battalion at that time had -- I couldn't know the number of
18 soldiers who were there, because there would be the more experienced older soldiers
19 and then new people who were abducted and new recruits. Other people would
20 also escape and others are added on to the group. So I wouldn't know the exact
21 number.

22 Q. [14:37:32] Okay, thank you, that's fine. How many battalions were in each
23 brigade in 2003?

24 A. [14:37:45] The brigade in 2003, at some point there were many soldiers and in
25 each brigade they would -- they had three battalions, but more battalions were added

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1 on to what was there before.

2 Q. [14:38:13] And when you say more battalions were added, how many battalions
3 in each brigade after this, this time that you mentioned, when there were many
4 recruits?

5 A. [14:38:27] Each brigade had an additional battalion, one.

6 Q. [14:38:34] Did the number of battalions ever change again after that?

7 A. [14:38:47] Later on they -- each brigade had four battalions. And that was it.

8 Q. [14:38:59] Did the number of battalions ever go back to three or did it stay at
9 four during your time in the LRA?

10 A. [14:39:14] Later on it was reduced to three.

11 Q. [14:39:24] Other than the battalions that you mentioned, were there any other
12 units within a brigade?

13 A. [14:39:40] Within the brigade and the battalion there are coys, and companies
14 are also there.

15 Q. [14:39:52] What about the brigade commander and his staff? Were they part of
16 a battalion or were they part of a different group?

17 A. [14:40:08] The brigade commander had his own department. Like BM, IO,
18 those are the departments which he had.

19 Q. [14:40:28] What is a BM?

20 A. [14:40:34] That is someone who is in operation room.

21 Q. [14:40:41] Do you happen to know what BM stands for?

22 A. [14:40:54] I don't know. But if I -- if I compare with what is in the government
23 army, it is referred to as boto (phon) in the government army. From there, we used
24 to call them BM.

25 Q. [14:41:12] Thank you. And what about -- I think you mentioned an IO or a BIO.

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1 What role does such a person play in the brigade?

2 A. [14:41:30] Such a person is in charge of intelligence within the brigade.

3 Q. [14:41:42] Now, this might sound like an odd question, but how many brigade
4 commanders were there in each brigade in 2003?

5 A. [14:41:59] Initially, when there were four battalions, each brigade had two
6 commanders. But later on, when there was plans to open a division, that is when
7 they reduced the number of brigade commanders to one in every brigade.

8 Q. [14:42:30] During the time that there were two brigade commanders, was one
9 superior to the other?

10 A. [14:42:46] They would all be at the same rank.

11 Q. [14:42:52] So then was there any way to distinguish who would have seniority
12 or who would have more authority within the brigade?

13 A. [14:43:08] At that time they had equal powers. If there is a plan, they would sit
14 together. There was no difference between the two.

15 Q. [14:43:34] Thank you, and I apologise for the short interruption. Earlier you
16 mentioned a division called Jogo. Can you tell us when that division was created?

17 A. [14:43:57] Jogo division was started in 2003.

18 Q. [14:44:01] And what was the role of the division?

19 A. [14:44:08] The division is -- it's -- the division commander was in charge of all
20 the brigades. That is second-in-command after Control Altar.

21 Q. [14:44:25] And who was the division commander when it was created?

22 A. [14:44:33] When the division was created, Tabuley Charles was their
23 commander.

24 Q. [14:44:42] Were there other division commanders after Tabuley during the time
25 that you were in the LRA?

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1 A. [14:44:54] After the death of Tabuley, Buk was appointed as division
2 commander and replaced him.

3 Q. [14:45:06] And other than Buk, was there ever another division commander that
4 you recall?

5 A. [14:45:19] When Buk was the commander, I escaped, and when I was escaping,
6 he was still the commander.

7 MR BLACK: [14:45:32] If I could just have one moment, your Honour.

8 Your Honour, could I try to refresh his memory about another division commander?

9 It is in tab 3 of the Prosecution binder and the page ERN is 0208-0154, and it's the last
10 two lines on the page.

11 PRESIDING JUDGE SCHMITT: [14:46:02] Yes, you can do that, of course.

12 MR BLACK: [14:46:05] Thank you.

13 Q. [14:46:06] Mr Witness, when you were asked -- when you were interviewed
14 back in 2004, you told the investigators that Raska was appointed to head the division
15 after the death of Tabuley. Does that refresh your memory about who else might
16 have commanded the division?

17 A. [14:46:34] Yes, it does remind me. After the death of Tabuley, Raska Lukwiya
18 was first appointed as division commander. Later on, when Tolbert Yadin died,
19 Raska Lukwiya was made army commander and then Buk was appointed
20 army -- division commander.

21 Q. [14:46:59] Thank you, sir. Let me ask you some questions now about the
22 various brigades themselves.

23 First, Stockree brigade. What were the names of the battalions in Stockree in 2003?

24 A. [14:47:21] In Stockree brigade the battalions included Kipola battalion, Sapu
25 battalion, Mendu battalion. And then when they opened the fourth one, it was

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1 called Wake Up.

2 Q. [14:47:46] Do you recall who the battalion COs were at that time of those
3 different battalions?

4 A. [14:47:54] Yes, I recall.

5 Q. [14:47:58] Please tell us the names.

6 A. [14:48:04] In Kipola battalion, when I was injured, there was Okello Okuri.

7 Then the CO battalion was Kapere, and then another battalion had Okello Lagulu. I
8 forget the other one.

9 Q. [14:48:35] I didn't hear it clearly. Which battalion was Kapere the CO of?

10 A. [14:48:45] Kapere was CO of Sapu.

11 Q. [14:48:52] Do you know the name Isaiah Loum? What was his position at this
12 time?

13 A. [14:49:05] Yes, I know Isaiah Loum was also a CO.

14 Q. [14:49:18] Who was brigade commander of Stockree brigade in 2003, before the
15 creation of division?

16 A. [14:49:31] In 2003, before the division was created, the brigade commander was
17 Tabuley.

18 Q. [14:49:42] Now, earlier you said there was a time at least when there were two
19 brigade commanders. Was there a second brigade commander under Tabuley, or
20 with Tabuley, excuse me, at this time?

21 A. [14:50:01] At the time there were two brigade commanders. It happened when
22 we were still in Sudan. In Stockree there was Buk and Odhiambo. When Iron Fist
23 started and movements started, there were a lot of changes during the movement.
24 I -- there were no -- Odhiambo was removed and there were no two commanders
25 anymore. Buk was taken to Sinia and Tabuley remained in Stockree.

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1 Q. [14:50:52] You mentioned earlier that Tabuley went to become the division
2 commander. When he left Stockree, who became the new brigade commander?

3 A. [14:51:05] When Tabuley was sent to the division, the brigade commander who
4 was appointed, Odhiambo was removed from Trinkle brigade in Control Altar and
5 replaced Tabuley. Kapere was taken to Trinkle as brigade.

6 Q. [14:51:37] Who was the brigade intelligence officer in Stockree in 2003?

7 A. [14:51:48] The intelligence officer in 2003 was George Labongo.

8 Q. [14:51:58] Are you familiar with the name Ocan Labongo?

9 A. [14:52:11] Yes, I know Ocan Labongo.

10 Q. [14:52:13] And what position or positions did Ocan Labongo have in the LRA?

11 A. [14:52:25] Ocan Labongo was in Sinia and I do not know what appointment he
12 had because I was in Stockree.

13 Q. [14:52:35] But were Ocan Labongo and George Labongo the same person or
14 different people?

15 A. [14:52:46] They are different people.

16 Q. [14:52:53] You have mentioned Sinia brigade. Who was the brigade
17 commander in Sinia in 2003?

18 A. [14:53:09] It was Buk.

19 Q. [14:53:12] Do you recall who the battalion COs were while Buk was the brigade
20 commander of Sinia?

21 A. [14:53:28] I do not remember the COs of Sinia.

22 PRESIDING JUDGE SCHMITT: [14:53:50] Mr Obhof is rising.

23 MR OBHOF: [14:53:52] Yes, I am.

24 PRESIDING JUDGE SCHMITT: [14:53:53] And filling a gap by rising.

25 Please, Mr Obhof.

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1 MR OBHOF: [14:53:57] Yes. We would only ask that when -- as it appears that
2 Mr Black is going to refresh the witness's memory, that he be very specific in the time
3 frame which he is asking, instead of just asking when Buk was brigade commander of
4 Sinia. Like a very specific time frame, not just a year or so, but, you know, narrowed
5 down to at least a month or so.

6 PRESIDING JUDGE SCHMITT: [14:54:20] I think it would also be in the interest of
7 Mr Black to narrow the time period down as much as possible, of course. We don't
8 know what the witness will answer then. And, Mr Black, are there many more
9 names or positions to ask for?

10 MR BLACK: [14:54:44] Your Honour, certainly I intended to explore a little bit the
11 command structure of Sinia to the extent he knows it, because of its (Overlapping
12 speakers)

13 PRESIDING JUDGE SCHMITT: [14:54:53] I understand it, of course. I have - now I
14 say a word deliberately - I have to admit that we have here a witness who obviously
15 has very good recollection and has very good knowledge of these matters.
16 But nevertheless, you are aware of your time that was allocated for you for this
17 witness.

18 MR BLACK: [14:55:11] Yes, of course, your Honour.

19 PRESIDING JUDGE SCHMITT: [14:55:13] Yes, please continue.

20 MR BLACK: [14:55:14] Thank you.

21 Your Honour, I am just trying to think about the temporal restrictions that
22 Defence counsel rightly raised. My inclination would be to put the names to him
23 and then ask him if he knows at which times they were, rather than me put the times,
24 because I don't know.

25 PRESIDING JUDGE SCHMITT: [14:55:49] No, I would -- I would agree to this

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1 approach because it is less suggestive, and I think also the Defence would agree to
2 that.

3 So please proceed in this way.

4 MR BLACK: [14:56:01] Your Honours, it's tab 39 of the Prosecution binder. The
5 ERN is 0228-3067 and then it starts at 3086 and covers a couple of pages. Which I
6 won't read out, I will just put the names.

7 PRESIDING JUDGE SCHMITT: [14:56:29] Exactly, just put the names to him.

8 MR BLACK: [14:56:32]

9 Q. [14:56:32] Mr Witness, when you were interviewed by the investigators you
10 were asked about the COs in Sinia while Abudema was still the brigade commander.
11 You mentioned Dominic. Do you recall whether a Dominic was a battalion CO in
12 Sinia at some point?

13 A. [14:57:05] Yes, I recall he was there. I had forgotten because it has been long.
14 I had forgotten their names.

15 Q. [14:57:12] Sir, we understand. We certainly understand that it's been a long
16 time, so don't feel ashamed about that.

17 PRESIDING JUDGE SCHMITT: [14:57:20] And of course now as a follow up if he
18 can recall the exact time when this was. Of course only if it is possible to recall that.
19 If it is possible to recall that.

20 MR BLACK: [14:57:32]

21 Q. [14:57:32] Sir, actually first one question just before that, what was the full name
22 or what other names do you know for Dominic that you were referring to?

23 A. [14:57:45] He was Dominic Ongwen.

24 Q. [14:57:50] And can you help us establish at which time Dominic Ongwen was
25 a battalion CO in Sinia?

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1 A. [14:58:08] Dominic Ongwen was in Sinia. That was his unit. He had always
2 been in the same unit. From the time we left Sudan during the Iron Fist he was there
3 as a CO, from 2001, 2002, up to 2003.

4 Q. [14:58:32] I will ask you a few more questions about him in a moment. But
5 another name that you mentioned in your interview was Lapaicho. Do you recall
6 whether Lapaicho was a battalion commander in Sinia, and if so, when?

7 A. [14:58:54] Yes, Lapaicho was also in Sinia at the time that they were in Sudan.
8 When we were booted out by Iron Fist, he was in Sinia.

9 Q. [14:59:14] And do you know how long he remained as a battalion CO in Sinia?

10 A. [14:59:24] When I was leaving in 2004 he was still in Sinia.

11 Q. [14:59:33] What about Cele or Celestino, does that name ring a bell?

12 A. [14:59:44] Yes, I remember Celestino, he was also a CO in Sinia, but he died, he
13 later on died.

14 Q. [14:59:57] Do you know when he was a CO in Sinia.

15 A. [15:00:01] At the time when we were still in Sudan.

16 Q. [15:00:07] And when did he die, do you know?

17 A. [15:00:17] He died when we had already entered Uganda at the start of the year
18 2003.

19 Q. [15:00:29] How long did Buk remain in command of Sinia brigade as the brigade
20 commander?

21 A. [15:00:42] Buk came to Sinia brigade at the beginning of Iron Fist Operation until
22 2003 when he left the position of brigade commander, following the changes that took
23 place following the death of some of the senior commanders.

24 Q. [15:01:08] Which senior commanders are you referring to that died?

25 A. [15:01:20] Commanders, senior commanders like Tabuley and Tolbert Yadin.

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1 Q. [15:01:26] And when Buk left who replaced him as brigade commander for
2 Sinia?

3 A. [15:01:38] At the time that Buk left Sinia brigade there was an operation, very
4 intensive, taking place. So the changes that took place I received them through radio
5 call because I had a radio call. Buk was taken from Sinia and taken to the division as
6 the division commander. Raska was moved from division and taken to
7 Control Altar as the army commander. And it was communicated that
8 Dominic Ongwen be appointed as the commander of Sinia.

9 Q. [15:02:29] Do you know what month? Or any other way for us to more
10 precisely determine when that happened?

11 A. [15:02:51] That happened in the year 2003 at the height of the operation. So I
12 couldn't recall. At that time people were already split in several smaller groups, but
13 it happened in 2003.

14 Q. [15:03:16] Do you know if there was a second brigade commander with Ongwen
15 at this time?

16 A. [15:03:29] At that time there were only single brigade commanders.

17 Q. [15:03:37] Do you recall the names of the battalion COs in Sinia while
18 Dominic Ongwen was brigade commander?

19 A. [15:03:52] I do not recall.

20 MR BLACK: [15:03:56] Your Honour, if I could refer to the same passage.

21 PRESIDING JUDGE SCHMITT: [15:04:04] Yes.

22 MR BLACK: [15:04:05] Actually, I guess, just a page or two later.

23 Q. [15:04:09] Mr Witness, in your interview you said:

24 "When I came out" -- this was, sorry, talking again about the battalion COs in Sinia,
25 you said: "When I came out the CO was Isaiah." Does that refresh your memory?

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1 A. [15:04:44] That I cannot now recall.

2 Q. [15:04:48] That's a fair answer, sir, so, thank you for being clear when you can
3 remember something and when you can't remember something.

4 You also mentioned, you said Ocan Nono was the other one. Does that refresh your
5 memory?

6 A. [15:05:07] Yes, I do recall the -- Ocan Nono.

7 PRESIDING JUDGE SCHMITT: [15:05:22] Just a remark by me: This shows that
8 refreshing really means refreshing and not means only confirming. Especially in this
9 occasion you could observe it directly.

10 MR BLACK: [15:05:35] Thank you, your Honour.

11 Q. [15:05:49] Sir, let me now ask you some more questions about Dominic Ongwen.
12 You have explained that he was a battalion CO in Sinia and later the Sinia brigade
13 commander. Do you know of any other positions that Dominic Ongwen held in the
14 LRA, especially from 2002 to 2004?

15 A. [15:06:24] Right from the time when Operation Iron Fist took place and people
16 came to Uganda, I last met with Dominic in 2002 when we were still in Sudan. But
17 when message was being sent on radio that appointments were given, that he was
18 given the rank of a lieutenant colonel, this was through a radio communication.

19 Q. [15:07:00] What do you know about Dominic Ongwen's health in 2003?

20 A. [15:07:14] There is nothing that I know much about Dominic Ongwen.

21 PRESIDING JUDGE SCHMITT: [15:07:21] I think you can just put something to him
22 and he might recall or not, yes.

23 MR BLACK: [15:07:26] Thank you, your Honour. I was trying not to lead, but
24 maybe I was vague instead.

25 PRESIDING JUDGE SCHMITT: [15:07:34] No. You know, it is not such a mystery

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1 what you are heading at.

2 MR BLACK: [15:07:38] Thank you, your Honour.

3 Q. [15:07:39] Sir, do you know if Dominic Ongwen was injured at any time in 2003?

4 A. [15:07:53] In 2003, since we were at different locations, that's when I heard that
5 Dominic Ongwen was injured. But I do not know in which sickbay he was in,
6 because at that time the operation was really intensive and everyone was taking their
7 own care.

8 PRESIDING JUDGE SCHMITT: [15:08:18] Fair enough, the answer.

9 MR BLACK: [15:08:22]

10 Q. [15:08:23] Do you happen to know how long he stayed in sickbay?

11 A. [15:08:35] I do not know how long he spent at the sickbay, because I was also in
12 the sickbay and he was in a different location. So I do not know how long he stayed
13 at the sickbay where he was, because we never met.

14 Q. [15:08:56] And only if you know, do you know what Ongwen's role was when
15 he came out of sickbay?

16 A. [15:09:13] When he left the sickbay I do not know what role he was playing
17 or -- because in that -- the year 2003 I was actually sick. I was also minding my own
18 health and protection, so if there was nothing sent through the radio, I wouldn't
19 know.

20 MR BLACK: [15:09:41] Your Honour, could I put another sentence to him? It's in
21 tab 39 again at page 0228-3095, it's line 943 to 944.

22 PRESIDING JUDGE SCHMITT: [15:10:01] Can you repeat the lines because I was
23 not so quick now?

24 MR BLACK: [15:10:04] Yes, of course, 943 and 944.

25 PRESIDING JUDGE SCHMITT: [15:10:12] You can give it a try, but you have heard

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1 that the witness was not present, had not talked to him personally, but he might have
2 heard something, which means that it would be hearsay and of course the probative
3 value would be assess like always later on. Please continue.

4 MR BLACK: [15:10:30] Understood. Thank you, your Honour.

5 Q. [15:10:32] Mr Witness, in your interview, when you were asked about
6 Dominic Ongwen, you mentioned an injury and you said: "... when he came out of
7 sickbay he was sent straight to Control Altar. That's where he stayed."

8 Does that refresh your memory at all about what Dominic Ongwen did or where he
9 went after sickbay?

10 A. [15:11:02] Yes. After he left the sickbay, because I was asked after he, he healed,
11 got healed what role was he given. So when he came out of the sickbay I do not
12 know what, rather, position he was given because I also, when I returned from
13 sickbay I found my position was replaced by another person and I was just there.
14 For his case also I don't know whether he was given another appointment.

15 Q. [15:11:40] Fair enough, sir, and thank you for being clear about what you know
16 and don't know.

17 Just two or three more questions about the brigades and then I'll show you some
18 photographs. But first, who was the Gilva brigade commander in 2003 and 2004?

19 A. [15:12:11] It was a commander by the names Ocan Bunia.

20 Q. [15:12:19] Thank you. Do you also know a person named Opiyo Makas?

21 A. [15:12:29] Yes, I know Opiyo Makas.

22 Q. [15:12:32] What was his position in the LRA at this time?

23 MR OBHOF: [15:12:38] Again, objection, your Honour. The Defence wants
24 a specific time frame by month if they are referring to 2003 and 2004.

25 PRESIDING JUDGE SCHMITT: [15:12:47] Yes, I think at the time is a little bit

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1 unspecific. Perhaps what was the position that you know of and when, do you have
2 knowledge of the time when this happened.

3 It is correct, Mr Obhof.

4 MR BLACK: [15:12:58] Yes, thank you, I appreciate that.

5 Q. [15:13:00] Sir, then the questions are do you know what Opiyo Makas's position
6 was in the LRA.

7 A. [15:13:15] Opiyo Makas was a CO.

8 Q. [15:13:18] And when was he a CO?

9 A. [15:13:26] He was in Gilva for a long time.

10 PRESIDING JUDGE SCHMITT: [15:13:32] And perhaps how long? And what does
11 a long time mean. And does he know when this ended or if this ended at one point
12 in time.

13 MR BLACK: [15:13:44] Thank you, your Honour.

14 Q. [15:13:45] Mr Witness, you see, we are trying to establish as best we can time
15 periods. Can you tell us when Opiyo Makas first became a battalion CO?

16 A. [15:14:03] Opiyo Makas began as a CO when we were still in Sudan in -- from
17 1989 until -- he continued staying in Gilva, he never changed. Until when I left in
18 2004 he was still in Gilva.

19 Q. [15:14:36] Thank you, that's very helpful. Who was the Trinkle brigade
20 commander? Do you know anyone who was Trinkle brigade commander?

21 A. [15:14:56] When Trinkle brigade was just created Odhiambo was the first
22 brigade commander. After him, then there was Charles Kapere. That is also the
23 time that I left, he was still the brigade commander in Trinkle.

24 Q. [15:15:20] Thank you.

25 Now with the assistance of the usher and with the Court's permission I would like to

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1 show some photographs.

2 And I will start --

3 PRESIDING JUDGE SCHMITT: [15:15:31] So same procedure as last time.

4 MR BLACK: [15:15:35] Correct.

5 And I will start with tab 44, which is ERN UGA-OTP-0028-0020. And the page that I
6 would like us to look at is page 0032.

7 Q. [15:16:28] Sir, on the page in front of you I would like you to focus on the
8 photograph at the top. And please tell me if you can recognise anyone in that
9 photograph.

10 A. [15:16:47] Your Honour, I would request that the photo be enlarged because it is
11 not very clear, visible.

12 PRESIDING JUDGE SCHMITT: [15:16:57] Frankly speaking, I would also request
13 the photograph to be enlarged because, yeah, I think that would be really helpful if
14 we can do that.

15 MR BLACK: [15:17:09]

16 Q. [15:17:09] Mr Witness, there are two places you can look at this: On your
17 computer screen they are trying to enlarge it as much as they can, but you also have
18 a printout version which you can pull up to your face, if it helps you, or whatever you
19 need to do to try to look closely at that photograph.

20 PRESIDING JUDGE SCHMITT: [15:17:28] And in the meantime it has also been
21 enlarged on the screen and it's better, visible. Still it's not a good quality, but
22 nevertheless it is better than before.

23 MR BLACK: [15:17:46]

24 Q. [15:17:46] Mr Witness, are you able to recognise anyone in that photo as you sit
25 here today in court?

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1 A. [15:17:55] The photograph is very -- is appearing very bright. If it could be
2 enlarged slightly more than that.

3 Q. [15:18:11] sir, I'm afraid this is as good as we can get it. I know that the quality,
4 the image quality isn't perfect. And so just with what we have, tell us if you can
5 recognise anyone.

6 A. [15:18:40] Here I can see Tolbert Yadin to my, to my left.

7 Q. [15:18:53] Can you recognise the person saluting?

8 A. [15:19:07] The person saluting is Raska Lukwiya. He is next to Yadin. And
9 the one behind the person who is saluting is called John Odur. The one who has the
10 chain around him is called Okodi.

11 Q. [15:19:38] Let's turn to another tab. It's now tab 45 and it's the first photograph
12 in that group, 0028-0041.

13 Sir, do you recognise the person in this photograph?

14 A. [15:20:19] This one, this person is called Oringa Cisto, also known as Buk.

15 Q. [15:20:30] Could you turn to the next photograph in the bunch, it's 0043. Do
16 you recognise anyone in this photograph?

17 A. [15:20:55] I can see here there is Otti Vincent and Tabuley Charles.

18 Q. [15:21:03] Do you know when this photograph was taken or where?

19 A. [15:21:16] This photograph was taken when they were already in Uganda.
20 They were in the areas of Pader.

21 Q. [15:21:35] Thank you. Please turn to the page with 0049 at the bottom. Do
22 you recognise anyone in this photograph?

23 A. [15:22:10] I can recognise two people, I can recognise Tokuro Bosco, who is
24 holding that big gun, and Tabuley Charles.

25 PRESIDING JUDGE SCHMITT: [15:22:23] What kind of gun is he holding?

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- 1 THE WITNESS: [15:22:36] (Interpretation) That one is a B-10.
- 2 PRESIDING JUDGE SCHMITT: [15:22:39] Thank you.
- 3 MR BLACK: [15:22:46]
- 4 Q. [15:22:46] Sir, you see that Tabuley is holding a stick. Did that stick signify
- 5 anything?
- 6 A. [15:23:02] That stick doesn't have any significant meaning, he just holds it to
- 7 accompany him.
- 8 Q. [15:23:11] Did anyone else in the LRA carry a stick like that one?
- 9 A. [15:23:20] Yes.
- 10 Q. [15:23:24] Who, who else would carry a stick like that?
- 11 A. [15:23:34] Most commanders would have it. Even myself, I had one.
- 12 Q. [15:23:41] Did ordinary LRA fighters carry a stick like that or only commanders?
- 13 A. [15:23:58] This holding of the stick was not an express order. There was no
- 14 express order that should prevent somebody from carrying it. If you want to carry,
- 15 you can carry, if you don't want to carry you can leave. There was no express
- 16 instruction that would stop someone from having it. Even the junior soldiers would
- 17 carry when they want.
- 18 Q. [15:24:22] Okay. Thank you. That's all for the photos for now. Thank you,
- 19 Madam Usher, and thank you, Mr Witness.
- 20 Mr Witness, you have mentioned a couple of times sickbay. Could you please
- 21 explain what was sickbay?
- 22 PRESIDING JUDGE SCHMITT: [15:24:42] But I think we can keep -- we have heard
- 23 this so oftentimes I think we don't need to dwell into that, and I think there -- it will
- 24 not be contested, the issue.
- 25 Or, Mr Obhof, I think we know now what sickbay means, or?

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1 MR OBHOF: [15:24:58] Yes, as long as, you know, that maybe he is trying to draw
2 out the fact that there were different sickbays for different battalions, brigades and
3 whatnot.

4 PRESIDING JUDGE SCHMITT: [15:25:09] Okay, I would agree to, if you want to be
5 specific and you have something specific in your mind then yes, but not in general.
6 We have had so many witnesses who told us about what sickbay might mean or not
7 mean that we would not need to ask the witness, this witness the same questions.

8 MR BLACK: [15:25:25] Thank you, your Honour. That makes perfect sense. I
9 have a couple of then specific questions. Could we go into private session for two or
10 three minutes?

11 PRESIDING JUDGE SCHMITT: [15:25:33] Yes, private session.

12 (Private session at 3.25 p.m.)* (Reclassified partially in public)

13 THE COURT OFFICER: [15:25:45] We're in private session, Mr President.

14 MR BLACK: [15:25:48] Thank you. And perhaps it's an abundance of caution
15 being in private session, but trying to anticipate what the answers might be I thought
16 it made sense to do this.

17 Q. [15:25:56] Mr Witness, how many sickbays did the LRA have at any one time?

18 A. [15:26:15] In the LRA there are several kinds of sickbays, because there could be
19 a sickbay of three people, or for five people, depending on how the operation has
20 been planned. Because when people are injured they may not move together in the
21 convoy, so they would take, like, three people to go and take care of the injured
22 person. So there were several forms of sickbays, depending on how the operation
23 was going and how many injuries are there and also wherever people were moving.

24 Q. [15:26:52] And who commanded a sickbay?

25 A. [15:27:07] Sickbay, anyone can be appointed to go and take care of a sickbay.

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1 (Redacted)

2 (Redacted). So there are different, different groups.

3 They would take anybody or they will take any other soldier who is seen to be
4 experienced and he is given instruction to go and take care of the injured person in
5 that particular sickbay.

6 PRESIDING JUDGE SCHMITT: [15:27:42] May I shortly? Now I have a question.

7 Mr Witness, could an injured person who was perhaps not severely injured, could
8 such a person be in charge of a sickbay, with a lighter injury, so to speak, which
9 would not prevent the person from exercising such functions?

10 THE WITNESS: [15:28:06] (Interpretation) Yes, can take care of some of his other
11 colleagues who were, who were more, you know, seriously injured.

12 MR BLACK: [15:28:15] Thank you.

13 Q. (Redacted)

14 Before you left the LRA how many sickbays were there in Stockree brigade, for
15 example?

16 A. [15:28:39] Before I got injured, because when, when there are people who are
17 injured but they don't have serious injuries, then there would be no sickbay. But
18 when there are serious injuries and there are people who are badly injured and
19 cannot walk, for instance before we entered Uganda there were people who had
20 amputated legs and these could not walk, so these were under coy yellow and they
21 were stationed in the areas of Kilak hill. But when we entered Uganda all the sick
22 people or the injured were sent to Sudan. So there was no sickbay in Uganda. But
23 when Operation Iron Fist began, sickbay was created. It could be created anywhere.
24 For instance, if you are a commander of a group and you have injured persons
25 amongst you, then you can make a decision to create a sickbay and appoint some few

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1 soldiers to take care of the injured.

2 PRESIDING JUDGE SCHMITT: [15:29:54] If we do not talk about, in the near future,
3 about the specific stay, for example, of the witness in a sickbay or so, we can go back
4 to open session I would suggest.

5 MR BLACK: [15:30:09] Yes, please, your Honour.

6 PRESIDING JUDGE SCHMITT: [15:30:10] Yes. Open session.

7 (Open session at 3.30 p.m.)

8 THE COURT OFFICER: [15:30:14] We are back in open session, Mr President.

9 MR BLACK: [15:30:38] Thank you.

10 Q. [15:30:39] Mr Witness, in Uganda in 2003 or 2004, how did the people in sickbay
11 obtain food?

12 A. [15:30:57] They would organise people to go and get from the camp. A few
13 people who would be able to move would be selected and those who were
14 not -- whose injuries are curing would be sent to go and bring from the camp or they
15 would -- and when people fled their homes, things remained in the fields, such as
16 cassava, so they would send people to the fields to go and bring food.

17 Q. [15:31:26] And when you refer to the camp, which camp do you mean? Or
18 who lived in the camp?

19 A. [15:31:40] There were civilians who were put together in the camp.

20 Q. [15:31:48] Thank you. Now I am going to change topics a little bit and ask you
21 about the LRA chain of command and how orders and other information would move
22 within the LRA.

23 First, where did the orders generally come from in the LRA?

24 A. [15:32:15] In the LRA Kony is the final person to give the orders. Orders come
25 from Kony.

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1 Q. [15:32:29] And how were Kony's orders communicated to the troops?

2 A. [15:32:40] The orders that come from Kony are -- when he wants to give an open
3 communication on radio, where he expects everyone to listen, then all the units will
4 be asked to open their radios so that he communicates. Then he will give his
5 communication. But if he wants the message to come through his second in
6 command, he would give to Otti, and Otti would pass on the messages through the
7 brigade commanders.

8 Q. [15:33:19] What were the brigade commanders expected to do when they
9 received an order like this from Kony either through Otti or directly through radio
10 communication?

11 A. [15:33:36] The orders sometimes come a different way. Sometimes you would
12 send down new rules that should be followed which should be given to all the
13 soldiers. When he gives such a -- such an order to Otti, Otti would give the brigade
14 commanders and the brigade commanders would now pass it down to the rest of the
15 soldiers. Other orders would be in regard to an operation. When he gives the
16 order to Otti, Otti would give the brigade commander and then the brigade
17 commander would be -- would be tasked to execute the order as has been directed.

18 Q. [15:34:17] And what would the brigade commander do to execute that order?

19 A. [15:34:26] The brigade commander would call, would summon the CO and
20 would instruct his CO.

21 Q. [15:34:40] You mentioned that sometimes Kony would issue orders directly over
22 the radio call. Do you recall any orders given by Kony in that way around the time
23 that the LRA came back to Uganda from Sudan in 2002? And I would say any order
24 specifically relating to the treatment of civilians.

25 A. [15:35:14] In the year 2002 towards 2003, when people are already in Uganda, he

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1 gave orders to all units to increase the number of troops. The increase in the number
2 of troops should not only target one tribe, because the majority of the LRA at the time
3 was Acholi, they also wanted now to increase and include the Langi and Teso,
4 including other districts like Mbale. If it was possible, they should recruit more
5 soldiers. Those who will be abducted should include both female and male and
6 should not be too, too old. They should target mainly younger people. That is the
7 directive he gave and the operation to abduct people started.

8 Q. [15:36:17] Do you recall any orders that dealt with whether civilians should live
9 at their homes or in the camps, and I mean orders from Kony?

10 A. [15:36:33] At that time he said that all the civilians, whenever the civilians are
11 got, should be abducted from the communities. The ones that remain in the
12 communities are rebels. At that time people were in the camp. It was not easy to
13 find food; you have to fight to get food. So he said that a place should be -- we
14 should head to other places. Like in Lango and Teso, people were still at home. So
15 they were all sent to the camp so that there is enough space for the LRA since
16 Operation Iron Fist had booted out people from Sudan.

17 Q. [15:37:26] How did you learn about these orders?

18 A. [15:37:34] These orders, I learnt about them because I was together with
19 Tabuley.

20 Q. [15:37:43] Did you ever hear Kony speaking these orders or did you only hear
21 about it from other people such as Tabuley?

22 A. [15:37:54] I heard through the radio call. When the radio is on, I was -- I was
23 with Tabuley and I would hear.

24 Q. [15:38:10] Where was Kony, or in which country was Kony when he was issuing
25 these orders?

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1 A. [15:38:20] Kony was in Sudan. He had remained back in Sudan.

2 Q. [15:38:30] I am going to ask you a bit more about radio communications in

3 a minute, but let me come back to the question of chain of command for a moment.

4 You explained how orders went down from Kony sometimes through Otti to the

5 brigade commanders. How was information reported up the chain of the command

6 after operations?

7 A. [15:39:02] The way the reports are given are as follows: When radio

8 communication is going on and Kony is also there, whoever has conducted an

9 operation would give the report there and then. Others would just record their

10 message, but Kony would also be getting the same message which is being relayed.

11 When Kony is not on air, it would be sent to Otti and Otti would send it to Kony.

12 Q. [15:39:36] Who would make these reports on the radio to Kony?

13 A. [15:39:52] When a report is prepared, it is always prepared by the battalion CO

14 or the CO of whichever unit. If it is received by Otti, he would now compile the

15 report and submit it to Kony. But if Kony was present on air at that time when he

16 also received the same message, he will not -- Otti would not prepare any other

17 message again because he was already there when the message was being passed.

18 Q. [15:40:25] You mentioned the battalion CO. Did the brigade commander have

19 any role in this reporting chain?

20 A. [15:40:45] The -- when the CO of the brigade works and when the commanders

21 above are not there, like those of Otti, he would receive the message and then wait for

22 those of Otti when they are on air and he would send it to them. Because

23 when -- sometimes when communication are taking place, some people may not be

24 able to access radio communication. So the brigade commander receives the

25 information and then later on relays the information to the higher authorities.

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1 MR BLACK: [15:41:31] Could we perhaps show one photograph to the witness?

2 I am sorry to ask the usher out of her chair for one photograph. But it is in tab 45,
3 your Honours, which is 0028-0041, and this page is 55. Thank you.

4 Q. [15:42:33] Mr Witness, do you recognise anyone in this photograph?

5 A. [15:42:49] I can see the one sitting in the middle with the straight legs, he is
6 Kony.

7 Q. [15:42:55] And what is Kony doing?

8 A. [15:43:03] He was communicating on a walkie-talkie.

9 Q. [15:43:10] It looks like there's a black box or something next to him. Do you
10 know what that is on the ground next to Kony?

11 A. [15:43:23] That is the radio communication unit, radio call.

12 Q. [15:43:30] Did you see similar radio calls during your time in the LRA?

13 A. [15:43:42] Yes, I saw. I also had one like this when I was in the sickbay.

14 Q. [15:43:53] When during the day would the LRA communicate using radio calls
15 like this?

16 A. [15:44:08] In a single day they would communicate about four times.

17 Q. [15:44:15] Were there specific times during the day or could they communicate
18 at any time?

19 A. [15:44:25] There were specific times for communication.

20 Q. [15:44:29] What were those times?

21 A. [15:44:34] The first communication in the morning is at 9 a.m. and later the next
22 one would be at 11 a.m. The third one would be at 1 p.m. and the fourth one would
23 be about 2 p.m. That would be the last one.

24 Q. [15:45:04] Mr Witness, what I heard for the last radio call was about 2 p.m. Is
25 that what you said?

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1 A. [15:45:17] Yes, 2 p.m.

2 Q. [15:45:20] What was the role of a signaller in the LRA?

3 A. [15:45:30] In the LRA a signaller is in charge of collecting information sent
4 through the radio so that it reaches Kony. Or to send a report about an operation so
5 that it reaches Kony.

6 Q. [15:45:51] Did Kony have a signaller that was assigned to him or that worked
7 with him?

8 A. [15:46:01] Yes, Kony had a signaller. The person who was in charge of radios,
9 in charge of the signal unit, was the one who was with Kony.

10 Q. [15:46:16] Do you recall his name?

11 A. [15:46:23] At first there was someone called Lumumba.

12 Q. [15:46:33] Do you remember any other signallers for Kony?

13 A. [15:46:40] When Lumumba died, Anywar Signaller - we would call him
14 Anywar Signaller - became a signaller, but his full name is Anywar Michael.

15 Q. [15:47:05] Do you remember the names of any of Tabuley's signallers in Stockree
16 in Uganda?

17 A. [15:47:20] Tabuley had many signallers who were junior. One was called -- he
18 had a signaller called Ocen, but Ocen had other junior soldiers under him. He was
19 also known as Ocen Signaller.

20 Q. [15:47:44] Thank you. And that's all for the photograph. Thank you,
21 Madam Usher.

22 PRESIDING JUDGE SCHMITT: [15:47:49] And also thank you from the Bench for
23 Madam Usher, who has to be very active today, to put it this way.

24 MR BLACK: [15:48:08]

25 Q. [15:48:09] Mr Witness, I am going to change topics again now and I am going to

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1 start asking you about the activities of the LRA in a few particular areas in Uganda.

2 And I'm still referring to 2003 and the first part of 2004. After you returned to

3 Uganda late in 2002, where did you operate? In what regions?

4 A. [15:48:43] When we returned to Uganda, the brigade where I was at that time,
5 we were working around Pader and Lango.

6 Q. [15:49:01] At some point in the middle of 2003, did your group and others in the
7 LRA move to a different area?

8 A. [15:49:18] From that time our work started from part of Kitgum, all of Pader,
9 Lango and Teso.

10 Q. [15:49:37] When did the LRA, as far as you know, first go into Teso in 2003?

11 A. [15:49:56] As far as I can recall, it was June 2003.

12 Q. [15:50:03] And how many different trips did you or the group you were with
13 take into Teso around that time or in the months after that?

14 A. [15:50:24] When they started going to Teso for the first time, I recall it was
15 June 2003. In that first incidence, I was there. Later on we came back again and
16 went back to Teso. I don't recall the exact period. The third return to Teso is when
17 Tabuley died. That was the last one.

18 Q. [15:50:53] Thank you. And I'll ask you about each of those trips. But first,
19 who decided the LRA should go to Teso?

20 A. [15:51:11] At that time the order came from Kony that the LRA war should
21 spread and continue, so all the LRA units should go to Teso. From Teso, we should
22 proceed and go to Mbale until we reach Kampala; the war should not only be in the
23 north but the whole country.

24 Q. [15:51:47] And how did you learn about this order that the war should spread to
25 Teso and beyond?

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1 A. [15:52:04] I heard through radio call, when it was being passed to all the
2 commanders using the radio call.

3 Q. [15:52:13] What can you recall about what was said over the radio when you
4 heard that?

5 A. [15:52:28] What was said on radio was that people should go to Teso, and each
6 brigade was tasked with -- was tasked to increase the number of soldiers. Small
7 children should be abducted and young girls, young beautiful girls, should also be
8 abducted to join the LRA. All commanders should go anywhere, including schools,
9 including camps, anywhere that you think you can attack, go and increase the
10 number of your soldiers.

11 Q. [15:53:07] Who was it who was saying this over the radio?

12 A. [15:53:17] It was Kony himself.

13 Q. [15:53:31] Did you hear about this order in any other way besides hearing it on a
14 radio call?

15 A. [15:53:41] I -- there was no way I could hear this, apart from radio call.

16 Q. [15:53:48] Were these orders transmitted in the group that you were with?
17 Aside from hearing it directly on the radio, was it also transmitted through the
18 group?

19 A. [15:54:08] When the order was sent, it was sent to all the units. And all the
20 units that received the message through radio call was aware of the mission. As
21 a brigade commander of that unit or a leader in that unit, you should execute the
22 order. When Tabuley got the message, all the officers were summoned and said that
23 an order has been sent, the operation will now head towards Lango and Teso. The
24 reason was to increase the number of soldiers. More soldiers should be abducted
25 and it was be indiscriminate for both male and female, but not adult people.

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1 Q. [15:54:56] What was to be done with adult people who were not to be abducted?

2 A. [15:55:07] He said that the adults who are not able to move should be killed,
3 because the rebels will not release people. The person you release will be the one to
4 send the secret of the group.

5 Q. [15:55:33] Did either Kony or Tabuley specify what ages of children or people
6 should be abducted?

7 A. [15:55:51] He said children aged from 14 to 18, or maximum 19, should be
8 abducted. He said those young ones can still be trained.

9 Q. [15:56:13] What do you mean by "those young ones can still be trained"? Can
10 you explain that more?

11 A. [15:56:27] The young ones whom I said can be trained, I meant that when they
12 are trained in battlefield, it's easy to indoctrinate them so that they cannot escape.
13 When they are taken far away from the place where they were abducted from, they
14 can be trained to become very good fighters of the LRA as soldiers.

15 Q. [15:56:59] And who was it that said this? Is this something -- sorry, is this
16 something that Kony or Tabuley said or is this your explanation for why they
17 targeted young people? It is not clear to me.

18 A. [15:57:26] I am explaining it because they -- when they were giving the order for
19 abducting more soldiers, Kony said that they should not abduct adults. Tabuley also
20 reiterated that people who will be abducted should be young, easy to keep and train.
21 As a commander, when he gets an order from above, he has to brief those under him
22 so that they are aware of the mission that was going to be carried out.

23 Q. [15:58:02] And did you ever hear Kony himself give any explanation for why the
24 LRA should target young people?

25 A. [15:58:20] I heard when he was passing the message on radio. He said that

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1 since Iron Fist had booted people out of Sudan, the LRA movement needs to show
2 that it is still strong and that the war is real. Since there would be more movement
3 and going forward with the war, they should increase the number of soldiers. There
4 should be enough soldiers to use the weapons that are at hand.

5 Q. [15:59:04] Thank you, sir. You have mentioned these orders had to do with
6 children aged 14 to 18 or 19. Did the age for abduction, or the target age for
7 abduction, did that change at all over the years?

8 A. [15:59:33] There was no change. No order came for any change.

9 MR BLACK: [15:59:44] Your Honour, I think that's a logical stopping place for
10 today.

11 PRESIDING JUDGE SCHMITT: [15:59:48] I would like to enquire, Mr Black, if you
12 have already an idea how long your further examination will last.

13 MR BLACK: [15:59:54] Your Honour, I made good progress today. I think
14 certainly the first two sessions tomorrow, but I think perhaps in the third session I
15 would finish.

16 PRESIDING JUDGE SCHMITT: [16:00:04] Yes, I think we expect that we can finish
17 in the third session, and I heard that the Legal Representatives of the Victims also
18 want to question. Do you have also already an idea how long this might take?

19 MS HIRST: [16:00:16] Mr President, it is likely to depend somewhat on how much
20 material is covered by the Prosecution, but I certainly wouldn't expect it to require
21 more than 20 minutes or so.

22 PRESIDING JUDGE SCHMITT: [16:00:27] Mr Narantsetseg.

23 MR NARANTSETSEG: [16:00:29] Same as Ms Megan Hirst just said.

24 PRESIDING JUDGE SCHMITT: [16:00:35] So I think then we can be as ambitious as
25 to try to finish Prosecution examination and examination by Legal Representatives of

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- 1 Victims by tomorrow, and then Defence has time to prepare - you won't like to hear
- 2 that - over the weekend.
- 3 So we abate the proceedings for today and resume tomorrow 9.30.
- 4 THE COURT USHER: [16:00:59] All rise.
- 5 (The hearing ends in open session at 4.01 p.m.)
- 6 RECLASSIFICATION REPORT
- 7 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 8 2016, the public reclassified and redacted version of this transcript is filed in the case.