

Trial Hearing
WITNESS: UGA-OTP-P-0070

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 15 September 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:16] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:40] Good morning, everyone.
13 Good morning, Mr Witness.
14 WITNESS: UGA-OTP-P-0070 (On former oath)
15 (The witness speaks Acholi)
16 THE WITNESS: [9:31:47] (Interpretation) Good morning.
17 PRESIDING JUDGE SCHMITT: [9:31:48] Could the court officer please call the case.
18 THE COURT OFFICER: [9:31:51] Good morning, Mr President, your Honours.
19 The situation in the Republic of Uganda, in the case of The Prosecutor versus
20 Dominic Ongwen, case reference ICC-02/04-01/15.
21 And for the record, we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you very much.
23 For the appearances of the parties, the Prosecution, Mr Black.
24 MR BLACK: [9:32:11] Good morning, your Honours. Colin Black on behalf of
25 the Prosecution, together with Pubudu Sachithanandan, Benjamin Gumpert,

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- 1 Sanyu Ndagire, Ramu Bittaye and Yya Aragon.
- 2 PRESIDING JUDGE SCHMITT: [9:32:24] Thank you.
- 3 And Mrs Hirst.
- 4 MS HIRST: [9:32:25] Good morning, your Honours. For the Legal Representatives
- 5 of Victims, I am Megan Hirst. Beside me, James Mawira.
- 6 PRESIDING JUDGE SCHMITT: [9:32:32] Mr Narantsetseg.
- 7 MR NARANTSETSEG: [9:32:34] Good morning, Mr President, your Honours.
- 8 Ms Caroline Walter and myself, Orchlon Narantsetseg. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:32:41] Thank you.
- 10 And for the Defence, Mr Obhof, please.
- 11 MR OBHOF: [9:32:44] Good morning, Mr President. My name is Thomas Obhof.
- 12 With us today is also counsel Ayena Odongo, Ms Abigail Bridgman and our client,
- 13 Mr Ongwen.
- 14 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you.
- 15 And for Rule 74 counsel.
- 16 MR VON BÓNÉ: Good morning, your Honour. My name is Julius von Bóné and I
- 17 am here for the witness. Thank you very much.
- 18 PRESIDING JUDGE SCHMITT: [9:33:05] Thank you very much, Mr Von Bóné.
- 19 And we continue with the examination by the Prosecution. Mr Black has the word.
- 20 MR BLACK: [9:33:10] Thank you, your Honour.
- 21 QUESTIONED BY MR BLACK: (Continuing)
- 22 Q. [9:33:16] Good morning, Mr Witness. Did you rest well?
- 23 A. [9:33:19] Good morning.
- 24 Q. [9:33:22] Sir, at the end of the session yesterday, we were discussing why the
- 25 LRA abducted children, and I would like to continue on a related topic this morning.

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1 Who was the youngest member of the LRA that you can recall seeing?

2 A. [9:33:53] The youngest person in the LRA would be somebody about 13 years of
3 age.

4 Q. [9:34:02] Can you remember when you would have seen someone about
5 13 years of age in the LRA?

6 A. [9:34:19] I saw that several times, especially whenever we are carrying out
7 operations to abduct people.

8 Q. [9:34:25] In which countries would you have seen that?

9 A. [9:34:33] These people were abducted from Uganda.

10 Q. [9:34:40] And was this after you returned to Uganda in late 2002?

11 A. [9:34:52] When we were still in Uganda before we went to Sudan, that used to
12 happen.

13 Q. [9:35:02] And what about after you came back to Uganda in 2002, did it also still
14 happen or not anymore?

15 A. [9:35:21] It continued happening.

16 Q. [9:35:22] I will ask you about girls a little later. But let me ask you a few
17 questions specifically about boys. What was the role of boys under 15 years of age in
18 the LRA?

19 A. [9:35:44] Whenever they are abducted and taken, they would immediately be
20 subjected to training on how to operate a gun, how to march and all that.

21 Q. [9:35:57] Did boys under the age of 15 participate in fighting?

22 A. [9:36:08] Yes, they would go.

23 Q. [9:36:14] Let me ask you now some more questions about when the LRA went
24 into Teso, which you began discussing yesterday. When the LRA went into Teso for
25 the first time that you described in June 2003, where did your group go?

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1 A. [9:36:43] At that time, when we went to Teso for the first time, we entered
2 through Obalanga.

3 Q. [9:36:59] What happened in Obalanga?

4 A. [9:37:07] At Obalanga we went with an attack directly towards the UPDF.

5 Q. [9:37:18] Can you describe a little bit what happened during that attack?

6 A. [9:37:31] During that attack, as we were entering that place, we had moved for
7 a very long distance. As we were heading towards there, we had planned to go and
8 attack the soldiers and also go and abduct people who could be used as a part of us as
9 our soldiers. Unfortunately, there was prior information that we were coming and
10 when we arrived there, we found all the civilians had fled. We only found the
11 soldiers, which we attacked and defeated them. They all ran away. After defeating
12 them, we looted food items and also set all the houses there ablaze.

13 Q. [9:38:25] Thank you, sir. Which LRA officers were with the group that attacked
14 Obalanga?

15 A. [9:38:44] We were under Tabuley.

16 Q. [9:38:58] Where did you go after this incident at Obalanga?

17 A. [9:39:10] After the Obalanga battle, the government soldier helicopter started
18 attacking us seriously and we could not continue there. We retreated, came back to
19 Lango and eventually came to Pader.

20 Q. [9:39:32] Do you remember any other locations in Teso that you went through
21 during this first trip in?

22 A. [9:39:50] At that time while we were retreating, we were moving very fast and
23 I cannot recall some of the places we passed through.

24 MR BLACK: [9:40:02] Your Honour, could I put a couple of locations to the witness
25 to see if it refreshes his memory?

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1 PRESIDING JUDGE SCHMITT: [9:40:08] Of course.

2 MR BLACK: [9:40:08] It is tab 2 of the Prosecution binder, ERN 0208-0107, and the
3 page is 0208-0137.

4 PRESIDING JUDGE SCHMITT: [9:40:22] Just put the locations to him, like, for
5 example, you would do with names of people, and then if he recalls, it's okay. If not,
6 we move on.

7 MR BLACK: [9:40:31] Thank you, sir.

8 Q. [9:40:33] Mr Witness, when you were interviewed by the investigators in 2004
9 and asked where you went in this first trip to Teso, you mentioned Katawki, Soroti
10 and Kaberamaido.

11 Do those names refresh your memory about where you went during the first trip?

12 A. [9:41:05] Yes, that clearly reminds me.

13 Q. [9:41:07] And were those places that you went during the first Teso trip?

14 A. [9:41:15] Yes, those were the places.

15 Q. [9:41:31] Do you know a person named Ojok Kampala?

16 A. [9:41:36] Yes, I know Ojok Kampala.

17 Q. [9:41:39] What was his role in the LRA?

18 A. [9:41:51] At that time, well, I was not aware of his position or role because he
19 was not in the same unit I was in.

20 Q. [9:42:01] Do you know where he was at the time of this first trip into Teso?

21 A. [9:42:16] He was in Sinia brigade.

22 Q. [9:42:21] And in terms of geography, what area was he in, if you know?

23 A. [9:42:38] At that time in Uganda people had split into various groups. I don't
24 know which location he was at that time.

25 Q. [9:42:50] Fair enough, and again I appreciate the clarity of when you know

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1 things and when you don't. What about Opiyo Joseph, do you know who that is?

2 A. [9:43:09] I do not remember of the person called Opiyo Joseph.

3 Q. [9:43:18] Do you happen to know where Dominic Ongwen was at this time of
4 the first incursion into Teso in June 2003?

5 A. [9:43:34] I was not aware of where Dominic was at that time.

6 Q. [9:43:41] Do you know of any LRA operation at this time in which girls were
7 abducted from a school?

8 A. [9:44:00] I know of a place called Oditel.

9 Q. [9:44:16] Do you know the name Lwala? Does that ring a bell with you?

10 A. [9:44:22] Yes, that reminds me of the schoolgirls who were abducted.

11 Q. [9:44:32] What happened with these schoolgirls that you associate with the
12 name Lwala? Can you tell us that?

13 A. [9:44:47] When those schoolgirls were abducted, there were two battalions that
14 went there. They were from Tabuley's group. When they went and carried out the
15 operation, they abducted the girls without any resistance. There was no fight. The
16 girls were brought and one of the groups went to Tabuley, the other one did not go
17 back to Tabuley. The girls were eventually taken to Otti. The circumstances
18 around their abduction was the fact that there was instruction that there was need to
19 abduct more people for recruitment, whether the abduction was to take place in
20 school or not. That was the reason the girls were abducted.

21 Q. [9:45:48] You mentioned two battalions from Tabuley's group were involved.
22 Do you remember the battalion COs that were involved in this incident?

23 A. [9:46:04] Yes, I do recall.

24 Q. [9:46:09] What were their names?

25 A. [9:46:19] The CO for Wake Up battalion was called Okello Lagulu. Then the

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1 CO for Sapu was called Kapere.

2 Q. [9:46:38] Did you see yourself any of these girls abducted from Lwala?

3 A. [9:46:50] Those in Kapere's group who came and joined Tabuley, yes, I saw them
4 personally.

5 Q. [9:47:01] About how many girls did you see?

6 A. [9:47:10] There were quite many, but I did not establish the exact number.

7 PRESIDING JUDGE SCHMITT: [9:47:24] Perhaps we can ask an estimate.

8 Mr Witness, of course you would not have counted the abducted girls, but do you
9 have an idea, an assessment that you can make? Had it been 5, 10, 20, 30?

10 THE WITNESS: [9:47:48] They could range between 20 and 30 girls.

11 PRESIDING JUDGE SCHMITT: [9:47:51] Thank you, Mr Witness.

12 MR BLACK: [9:47:55]

13 Q. [9:48:04] Do you recall where you were when you saw them?

14 A. [9:48:10] I saw the girls when I was with Tabuley at the headquarters.

15 Q. [9:48:22] And do you recall the name of the village or the area that you were at
16 the time?

17 A. [9:48:33] We were still in Teso but we were about to arrive in Lango region.

18 Q. [9:48:47] Does the name Acuna ring a bell?

19 A. [9:49:05] Maybe it was not written well. Maybe it was called Acuna, because I
20 only know -- I only know of a place called Acuna and not Acuna.

21 Q. [9:49:21] And the place that you know, the name that you pronounced correctly,
22 does that have any relation to these events that we are discussing now, with Lwala?

23 A. [9:49:43] No.

24 Q. [9:49:44] Okay, that's fine. You mentioned seeing the girls while at
25 headquarters with Tabuley. Who else was present when the girls came to

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1 headquarters?

2 A. [9:50:11] At that time I was together with very many people at Tabuley's
3 headquarters. Tabuley himself was there, Labongo George was there, other officers.
4 Another officer was -- called Okot Galdino was also there. There were several
5 officers whose names I cannot recall now.

6 Q. [9:50:38] Did either of the battalion COs who were involved in the abduction at
7 Lwala make a report or say anything about what had happened?

8 A. [9:51:01] According to the commander who came with the girls to Tabuley, the
9 commander was called Kapere. He said when they arrived there, it was in the night.
10 They thought they would find soldiers there and they would engage in a battle. But
11 they found there were no soldiers. They went, opened the gate and abducted so
12 many girls. But when they started leaving, they established that some of the girls
13 were too fat to move and they had to release them. They moved freely without
14 anybody disturbing them with the girls that they had taken.

15 Q. [9:51:49] Did Tabuley speak at this time?

16 A. [9:51:59] Tabuley did not say anything else, other than just appreciating them.
17 He said they did so well and eventually also communicated back to Control Altar to
18 his seniors. He was instructed to get all the girls and hand them over to Otti. He
19 then summoned one of the commanders who was not there. He used a radio call to
20 summon the commander and instructed him where they should go and meet so that
21 he could receive the girls and take them and hand them over to Otti.

22 Q. [9:52:41] Do you know where Otti was at the time?

23 A. [9:52:54] At that time I am not aware where exactly he was, but he was in the
24 side of Kitgum.

25 PRESIDING JUDGE SCHMITT: [9:53:04] Mr Witness, when we are speaking about

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1 girls, how old were they?

2 THE WITNESS: [9:53:28] (Interpretation) These were big girls. Some of them, they
3 were ranging between 17 years and above.

4 PRESIDING JUDGE SCHMITT: [9:53:35] Thank you very much.

5 MR BLACK: [9:53:37] Your Honour, could I have permission to try to refresh his
6 memory about where Otti was at the time?

7 PRESIDING JUDGE SCHMITT: [9:53:43] Why not?

8 MR BLACK: [9:53:45] It would be, your Honour -- I believe it's tab 32, 0228-2863,
9 and the page number -- oops, I'm sorry, it is going to be tab 33. Sorry, I have it in
10 more than one place. 32 and the specific page is 0228-2888, and it is at line 895.

11 PRESIDING JUDGE SCHMITT: [9:54:19] I think when we had this already
12 yesterday, when we have such a very focused information on a location, for example,
13 or on a person, we don't need to have it on the screen. So it is perfectly correct to say
14 where you have it from and then put the location or name of the person to the
15 witness.

16 MR BLACK: [9:54:38] Thank you, your Honour.

17 Q. [9:54:41] Mr Witness, in the transcript of your interview, in this context you said
18 he was going to meet Otti in Orom. Does that refresh your memory?

19 A. [9:54:58] Yes, that refreshes my memory, because that area is in Kitgum.

20 Q. [9:55:06] Have you heard of a place called Tim Pa Lukok?

21 A. [9:55:16] Yes, I have heard of Tim Pa Lukok and I know it so well.

22 Q. [9:55:25] Where is Tim Pa Lukok in relation to Orom that we just discussed?

23 A. [9:55:38] When you are in Orom, then if you -- it's within Orom. Tim Pa Lukok
24 is within Orom.

25 Q. [9:55:53] Do you know who else was with Otti at this time that the girls were to

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1 be taken to him?

2 A. [9:56:11] Well, I don't recall who else was with Otti at that time.

3 MR BLACK: [9:56:20] Your Honour, I would put just one name to him. It is in the
4 same tab at 0228-2889.

5 PRESIDING JUDGE SCHMITT: [9:56:29] That's fine.

6 MR BLACK: [9:56:30] Thank you.

7 Q. [9:56:31] Sir, what about Mzee Banya? Do you recall whether he was with Otti
8 at the time?

9 A. [9:56:44] Yes, at that time he was with Otti. I can remember now. Because I
10 was trying to recall which commander was there but I could not clearly recollect.

11 Q. [9:56:57] Thank you.

12 Your Honour, could we go into private session maybe for just two minutes?

13 PRESIDING JUDGE SCHMITT: [9:57:04] Private session.

14 (Private session at 9.57 a.m.)* (Reclassified partially in public)

15 THE COURT OFFICER: [9:57:08] We're in private session, Mr President.

16 MR BLACK: [9:57:21] Thank you very much.

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 PRESIDING JUDGE SCHMITT: [10:00:11] Back to open session, or ...?
- 12 MR BLACK: [10:00:15] Yes.
- 13 PRESIDING JUDGE SCHMITT: [10:00:16] Yes.
- 14 MR BLACK: [10:00:17] Yes, your Honour, thank you.
- 15 PRESIDING JUDGE SCHMITT: [10:00:18] I would assume that the role of the
- 16 witness has now been exhausted, sort of, in that respect.
- 17 Yes, back to open session.
- 18 (Open session at 10.00 a.m.)
- 19 THE COURT OFFICER: [10:00:30] We are back in open session, Mr President.
- 20 PRESIDING JUDGE SCHMITT: [10:00:33] Perhaps I have a question, or it might be
- 21 clear from the context, Mr Witness, but can you perhaps clarify for the judges and for
- 22 everybody in the courtroom, could you situate this in time when this happened, what
- 23 we were talking about, if you know? Of course, you would not have the exact date,
- 24 but again, like we had it in other instances, if you give us a range, for example. Was
- 25 it in 2002, 2003, which month? Just if you know, if you recall it.

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1 THE WITNESS: [10:01:09] (Interpretation) It was in 2003, approximately towards the
2 end of June into July, beginning of July.

3 PRESIDING JUDGE SCHMITT: [10:01:27] Okay, thank you very much.

4 MR BLACK: [10:01:28] Thank you, your Honour.

5 Q. [10:01:28] Mr Witness, after the Lwala girls were delivered to Otti, do you know
6 what happened to them after that?

7 A. [10:01:45] When the girls were taken to Otti, he went with the girls and took
8 them to Sudan where Kony was located. He took the girls to Kony.

9 Q. [10:02:01] And do you know what happened to the girls after that, after they
10 were taken to Kony?

11 A. [10:02:12] The -- when the girls were taken to Kony, I found out from Tabuley,
12 because he was telling, he was discussing it with his friends. He said some of the
13 girls were taken to Kony as Kony's wives. Some of the girls were distributed to
14 some of the commanders that were in Control Altar. Some of the girls were given to
15 brigade commanders. That was my understanding of what happened to the girls.

16 Q. [10:02:55] Thank you, sir. Those are all my questions about Lwala, the Lwala
17 school incident.

18 So now you are back in the Kitgum area; is that right?

19 A. [10:03:18] We went back with Tabuley and we were moving around the area of
20 Kitgum and Pader. We would move to Pader, back to Kitgum and back and forth.

21 Q. [10:03:30] At some point did you go again to Teso?

22 A. [10:03:39] The second time we went to Teso was towards the end of 2003.
23 That's when we went back to Teso for the second time.

24 Q. [10:03:54] How long did the first trip into Teso take, approximately?

25 A. [10:04:10] When we went to Teso for the first time and went back, we were -- it

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1 took us a while before we went back because when we went back for the second time,
2 it was towards the dry season, when people were already burning their fields. So
3 that must have been towards the end of 2003.

4 Q. [10:04:41] Do you recall when Tabuley was killed?

5 A. [10:04:50] Tabuley was killed when we -- when they went back to Teso for the
6 third time, and that, to my recollection, was in 2004. That's when he went back for
7 the third time.

8 MR BLACK: [10:05:10] Your Honour, I think this chronology is somewhat important.
9 Could I try to refresh his memory about the chronology?

10 PRESIDING JUDGE SCHMITT: [10:05:18] Yes.

11 MR BLACK: [10:05:18] Thank you.

12 PRESIDING JUDGE SCHMITT: [10:05:19] I think he might have misunderstood that
13 you were still -- or moved back, so to speak, to the first Teso trip. But perhaps you
14 can clarify it indeed.

15 MR BLACK: [10:05:27] Yes, I just did that in an effort to try and establish the
16 chronology.

17 PRESIDING JUDGE SCHMITT: [10:05:37] Yes.

18 MR BLACK: [10:05:51] The first passage, your Honour, is in Prosecution binder
19 tab 2, 0208-0107, and the page is 0143 and it's lines 1001 to 1010.

20 PRESIDING JUDGE SCHMITT: [10:06:10] If we could display this, that would be
21 good.

22 You can move on.

23 MR BLACK: [10:06:34] Okay. Thank you, your Honour. I wasn't sure if I should
24 wait.

25 Q. [10:06:38] Mr Witness, when you were interviewed in 2004, you were asked,

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1 "How long was that first trip to Teso?" And you said, "Just two weeks". Does that
2 refresh your memory about how long the first trip was?

3 A. [10:06:55] Yes, that refreshes my memory. I did not understand the question
4 well. I thought you were asking about the duration between the first time that we
5 went and the second time that we went.

6 PRESIDING JUDGE SCHMITT: [10:07:09] This is exactly -- okay.

7 MR BLACK: [10:07:11] Yes, thank you. I apologise for the confusion.

8 PRESIDING JUDGE SCHMITT: [10:07:13] But I think that then it is clear, and then
9 we have -- the witness has already answered the duration between the first and
10 second trip, and from then on you can continue, I think.

11 MR BLACK: [10:07:27] Thank you, your Honour. And let me try to get clarity on
12 that middle point as well, if I could.

13 PRESIDING JUDGE SCHMITT: [10:07:32] If you want to have it even more clear,
14 yes.

15 MR BLACK: [10:07:35] Thank you. And if I could refer to tab 3, your Honour,
16 0208-0146. And the page is 0150, line 101 to 105, I would say.

17 PRESIDING JUDGE SCHMITT: [10:08:04] (Microphone not activated) please.

18 MR BLACK: [10:08:05] Thank you, your Honour.

19 Q. [10:08:07] Mr Witness, again from the transcript of your interview, in this
20 context you said -- after the first trip you said:

21 "... we returned to Acholi" -- and -- "... stayed there for a week and a half." Then, "We
22 were ... ordered back into Teso. This was now in ... July."

23 Does that refresh your memory at all about how long the break was between the first
24 and second trips to Teso?

25 A. [10:08:42] Yes, it does refresh my memory because there was a -- it's been a long

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1 time since I made the statement and there are a number of things that I have forgotten
2 along the way.

3 PRESIDING JUDGE SCHMITT: [10:08:55] Just a remark by the Presiding Judge.

4 Indeed, Mr Witness, if we look at the statements that sometimes are from 2004, that's
5 really a very long time ago, so it's absolutely understandable that we need to go back
6 to these statements. That is absolute normal in the nature of human recollection. If
7 it would be otherwise, it would be even -- would be even suspicious, perhaps.

8 MR BLACK: [10:09:24] Thank you, your Honour.

9 Q. [10:09:28] Mr Witness, who gave -- or who decided to go back into Teso the
10 second time?

11 A. [10:09:38] The second time we got the decision from Kony. He instructed all
12 units to head to Teso to go and reinforce the numbers of the LRA soldiers. So the
13 instructions came from Kony.

14 Q. [10:10:01] Were the instructions from Kony any different on this second trip
15 than they had been on the first trip?

16 A. [10:10:15] Yes, there was a difference between the first time and the second time.
17 On the second occasion we were -- all units were supposed to go to Teso, because
18 when Tabuley went there the first time, he came back with the girls. And he
19 instructed that on the second occasion, all units should go back and do exactly the
20 same thing.

21 Q. [10:10:43] And were the instructions on the second trip merely to abduct or was
22 there anything else that you were supposed to do?

23 A. [10:10:55] The instructions were to abduct, and if you abduct anybody who is
24 unable or not capable of moving, that person should be killed. We were only
25 supposed to bring back capable people. We were also supposed to make sure that

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1 we would find places where we could collect food, because it was very difficult to
2 find food in the Acholi region at that time.

3 Q. [10:11:29] And did your group and others in fact go into Teso after receiving this
4 order?

5 A. [10:11:40] Yes, we did. All groups went back.

6 Q. [10:11:47] Approximately how long did you stay in Teso this time, during the
7 second trip?

8 A. [10:11:57] On the second occasion that we went to Teso, once we got to Teso, we
9 found that the government soldiers had sent reinforcements. So we did everything
10 hastily, because there was a lot of combat between ourselves and the government.
11 So I believe it was -- we were there for two -- for maybe -- after three or four weeks,
12 we had already left Teso and headed back to Acholi region.

13 Q. [10:12:27] Who made the decision to leave and retreat to the Acholi region?

14 A. [10:12:39] That was because of the difficult circumstances. There were
15 gunships pursuing us. There were also foot soldiers pursuing us. So we left
16 without any instructions. We had to leave and go back. The commanders that
17 were on the ground were the one who issued the instructions that we should go back
18 to the Acholi ground, because we were going to be alienated by the gunships.

19 Q. [10:13:12] When pulling out of Teso this time, did any LRA units remain
20 behind?

21 A. [10:13:27] At the time there were a number of -- we split up into several splinter
22 groups. Sinia was also there and Buk was the commander. There were a lot of
23 groups. There were some people -- we kept on moving in different -- in different
24 groups because there are some people who would go, some people would stay back,
25 and we kept on swapping.

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1 Q. [10:13:58] Okay. Thank you, sir.

2 You have mentioned that there was a third trip to Teso, but before we get there, what
3 happened between the second trip and the third trip to Teso that you remember?

4 A. [10:14:21] On the second occasion there was no operation that took place to my
5 knowledge, other than the fact that we were fighting with the UPDF soldiers. We
6 engaged in serious combat with the government troops.

7 Q. [10:14:39] Were there any important changes to the structure of the LRA around
8 this time?

9 A. [10:14:53] On the second occasion when we came back to the Acholi region,
10 that's when there were changes. That's when they formed divisions.

11 Q. [10:15:06] How did you learn about the formation of the division?

12 A. [10:15:17] We were -- at the time I was together with Tabuley. That's how I
13 found out. Buk was also with Tabuley.

14 Q. [10:15:37] And you have touched on this before, but was there now a change in
15 Tabuley's position within the LRA?

16 A. [10:15:51] No, there wasn't any changes in the ranks yet, but divisions had been
17 formed. So when the divisions were formed, then the ranks changed.

18 Q. [10:16:06] And how long was it until that happened? From the time you heard
19 about the creation of the division until the -- excuse me, let me take that question back.
20 You mentioned ranks. Are you talking about ranks as in colonel/lieutenant colonel
21 or are you talking about the positions as in brigade commander/division commander?
22 What changed around this time and what didn't change?

23 A. [10:16:39] The ranks changed as well as positions. People were appointed to
24 different positions and people were -- the ranks changed as well.

25 Q. [10:16:50] And was Tabuley appointed to a new position around this time or

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1 afterwards?

2 A. [10:17:03] Once the divisions were created, Tabuley was appointed division
3 commander and he became a brigadier. He was promoted to brigadier.

4 Q. [10:17:17] And how long between the time that you heard about the formation
5 of the division and the time that he actually was given that assignment, do you
6 remember?

7 A. [10:17:34] It wasn't a long time. It was shortly after the formation of the
8 division and the promotion.

9 Q. [10:17:44] Sir, one question for clarity. At least in the transcript sometimes you
10 refer to "divisions" in the plural and sometimes to "division". How many divisions
11 were created at this time?

12 A. [10:18:04] At the time the -- there was only one division that had been created.

13 PRESIDING JUDGE SCHMITT: [10:18:12] Thank you for this clarification, Mr Black,
14 because it was indeed -- it was visible on the transcript that it changed and it could
15 cause a little bit of confusion in that respect. Thank you.

16 MR BLACK: [10:18:29] Thank you, your Honour. Mr Gumpert guided my way
17 there.

18 PRESIDING JUDGE SCHMITT: [10:18:32] You are not alone, Mr Black.

19 MR BLACK: [10:18:38]

20 Q. [10:18:38] Mr Witness, earlier there was a mention of a commander named
21 Lapaicho. What was Lapaicho's position after the division was created, do you
22 know?

23 A. [10:19:01] At the time Lapaicho was a CO.

24 Q. [10:19:04] And do you know which unit he was a CO of?

25 A. [10:19:11] He was in Sinia brigade.

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1 Q. [10:19:16] Do you know if he ever had a role or a position in the division?

2 A. [10:19:28] When the division was created, there was another commander that
3 was sent as a battalion CO in the command, but I do not recall exactly who it was.
4 Perhaps it was Lapaicho, but I do not recall accurately who it was.

5 Q. [10:19:51] Thank you. Do you know the name Oyenga David?

6 A. [10:20:00] Yes. I recognise that name and I also know him personally.

7 Q. [10:20:06] Do you know what his position in the LRA was around this time that
8 division was created?

9 A. [10:20:18] Most times he was in Sinia, he was an officer within the Sinia brigade.

10 Q. [10:20:41] Do you know which unit in Sinia Oyenga David was in?

11 A. [10:20:54] I do not know what battalion he was in while he was in Sinia.

12 Q. [10:21:00] Do you know where he was at this time between the second and third
13 Teso trips?

14 A. [10:21:15] At the time there were several officers, so I do not know whether he
15 went with the Sinia group or whether he went with another group, because there
16 were several officers. We were all combined in one large group.

17 Q. [10:21:38] What about Isaiah Loum? Do you know where he was at this time?

18 A. [10:21:48] Loum Isaiah at the time was in Stockree.

19 Q. [10:21:55] And where was he physically? Was he with this large group of
20 officers or was he elsewhere, or do you know?

21 A. [10:22:10] He was in the same group.

22 Q. [10:22:16] You have said that the LRA went back into Teso a third time. When
23 did that happen, as best you can remember?

24 A. [10:22:33] The third time is not very clear, but it was towards the end of 2003,
25 but I'm not very clear about the time. It was between -- towards the end of 2003 or

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1 beginning of 2004, but I do not recall accurately.

2 MR BLACK: [10:23:00] Your Honour, could we go into private session for one
3 question on this, please?

4 PRESIDING JUDGE SCHMITT: [10:23:05] I understand the question has to be
5 addressed in private session. Private session.

6 (Private session at 10.23 a.m.)* (Reclassified partially in public)

7 THE COURT OFFICER: [10:23:12] We are in private session, Mr President.

8 MR BLACK: [10:23:20] Thank you.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 MR BLACK: [10:24:03] Thank you. I think we can go back into public session,
16 your Honour.

17 PRESIDING JUDGE SCHMITT: [10:24:08] Back to public session.

18 (Open session at 10.24 a.m.)

19 THE COURT OFFICER: [10:24:14] We are back in open session, Mr President.

20 MR BLACK: [10:24:19]

21 Q. [10:24:19] Mr Witness, did Tabuley go back to Teso on this third trip?

22 A. [10:24:29] Tabuley went back and he was the overall commander of the group
23 that was going to Teso.

24 Q. [10:24:39] Was Tabuley still in Stockree brigade at this time or was he now in the
25 division?

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1 A. [10:24:50] He was division commander at the time.

2 Q. [10:24:55] And what happened to Tabuley during this third trip to Teso?

3 A. [10:25:05] When they went back to Teso for the third time, that was the time that
4 he died. There was -- they engaged in battle and he was shot and killed.

5 Q. [10:25:20] How did you learn about Tabuley's death?

6 A. [10:25:32] I heard -- initially I heard about the death over domestic radio, when
7 they announced over the radio that they had killed an LRA commander known as
8 Charles Tabuley. That's where I heard it on the first occasion. And then I heard it
9 while they were communicating during the radio call, when they were sending the
10 message to Kony, and that's how I came to find out about the death.

11 Q. [10:26:07] How did Kony react when he heard of Tabuley's death?

12 A. [10:26:17] When Kony heard about Tabuley's death, he was extremely upset.

13 Q. [10:26:28] What did he say or what did he do?

14 A. [10:26:36] At the time he issued instructions and said nothing should be left
15 alive; from the Teso area towards the Lango area, nothing should be left alive.
16 Because at the time the Langi also had the Amuka who were operating in the area,
17 and in the Teso there were the Arrow who were operating in that area, and he
18 claimed that it was those groups that killed Tabuley, so they should show them, they
19 should revenge and show them that this is not the only person that is left and they do
20 have other commanders.

21 He instructed that all commanders should ensure that they work extremely hard. If
22 anybody can fight, if the commanders can fight, they should go ahead. If anybody
23 cannot fight, they should be killed.

24 Q. [10:27:38] You have mentioned two groups, the Amuka and the Arrow or the
25 Arrow Boys. What were those groups?

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1 A. [10:27:58] The groups were recruited from -- were recruited locally. In
2 the -- for example, in our region they were known as the LDUs. They were also
3 armed. And it was the same, there were locally recruited militia in Lango and also
4 in the Teso area. They were known as the Arrow.

5 Q. [10:28:26] Did any LRA attacks result from these -- this new order of Kony to not
6 leave anything alive in Teso and Lango?

7 A. [10:28:44] It was because of Tabuley's death. Kony was extremely upset by
8 Tabuley's death.

9 Q. [10:28:51] Can you remember the name of any places that were attacked in the
10 aftermath of Tabuley's death and this order from Kony?

11 A. [10:29:12] Yes, I do recall.

12 Q. [10:29:13] Just give us a couple of the names that you recall.

13 A. [10:29:17] I recall the first time when they were retreating back from Teso in
14 Abia, where Odhiambo went through, I recall a battle there. There was also another
15 battle at Barlonyo. And after Barlonyo there was Lira Palwo, and those are the three
16 places I recall that were attacked after Tabuley's death.

17 Q. [10:29:59] You mentioned Odhiambo in connection with Abia. Do you know
18 which LRA units or commanders were involved in the Barlonyo attack?

19 A. [10:30:17] The command of the Barlonyo attack was under Odhiambo. It was
20 Odhiambo who attacked Barlonyo.

21 Q. [10:30:28] Do you know which LRA units were involved in that Barlonyo attack?

22 A. [10:30:37] The attack of Barlonyo, I established that -- when I met him
23 afterwards, I found out from him that it was a combined force comprised of Stockree,
24 Sinia and some members of the Control Altar.

25 Q. [10:31:01] What about Lira Palwo? Do you know which LRA commanders or

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1 units were involved in the fighting there?

2 A. [10:31:13] In Lira Palwo it was still Odhiambo who went and attacked there.

3 Q. [10:31:21] Do you know which LRA units were involved?

4 A. [10:31:32] That was Stockree brigade.

5 Q. [10:31:51] Did the LRA eventually leave the Teso area, the Teso region?

6 A. [10:32:01] After the death of Tabuley, all the LRA members left Teso. When
7 I was still with the LRA, nobody stayed in Teso, nobody went back to Teso, unless
8 that happened again after I had already left. I don't know.

9 Q. [10:32:24] Where did the LRA go when it left Teso?

10 A. [10:32:35] At that time people split into small groups. They were moving about
11 somewhere in Gulu. Others were in Kitgum, some were in Pader but all were in
12 small groups.

13 Q. [10:32:54] And do you know what -- do you know of any orders from Kony
14 about what these groups should be doing in Gulu and Kitgum and other areas in
15 Pader?

16 A. [10:33:19] The order that was there was purely an operation to add on to our
17 number. People were supposed to be abducted. Those who could walk were to
18 continue with us, those who could not were supposed to be killed.

19 Q. [10:33:51] And in Pader where was the LRA to find these people to abduct or to
20 kill?

21 A. [10:34:18] In Pader the LRA were not stationed at any one point. At that time
22 you could not stay for an entire day in one place without coming under attack from
23 the UPDF soldiers. People were moving about everywhere. They were not having
24 any particular or permanent place to reside.

25 Q. [10:34:48] Were people living in their villages or were they in the camps in

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1 Pader at this time?

2 A. [10:35:03] At that time everyone was in the camp, people were not in their
3 villages.

4 Q. [10:35:11] And were there any orders related to the camps or what the LRA was
5 to do in relation to the camps?

6 A. [10:35:25] The instruction that was given to the people was -- because at that
7 time there were no food around the villages. If you wanted food, you would have to
8 go and attack camps to be able to loot food. If you go and overrun a barracks and
9 then you have access to the camp, you can get food. Whenever you attack a camp
10 and you are able to abduct people, you have to go ahead and abduct them. Those
11 who can move with you, continue with them. Those who cannot, kill them. That
12 was the order.

13 Q. [10:36:00] Thank you. That's clear. Did Kony ever say why the LRA would be
14 willing to abduct or kill the people who lived in these camps, the civilians that lived
15 in the camps?

16 A. [10:36:25] On abduction, it was purely to add on to our number. On killing, the
17 reason was that the civilians who were already mature, if you leave them, they would
18 be able to report back to the government soldiers where you are. It was therefore
19 prudent that you killed them so that there is no one who can be able to direct the
20 government soldiers on where you are going, for them to be able to attack you.

21 Q. [10:37:04] At this time, at the end of 2003 or 2004 in Pader, did the LRA perceive
22 the civilians as supporting the LRA or against the LRA or was there no perception
23 either way?

24 A. [10:37:28] They looked at the civilians as not supporting them, because
25 whenever the civilians saw the LRA moving, it will not take long before they come

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1 under attack. In a very short while you will see the gunship above trying to attack
2 the LRA. So they knew the civilians were not for the LRA.

3 Q. [10:37:54] Do you recall Kony ever speaking about this topic over the radio?

4 A. [10:38:10] About that, Kony would talk about it every now and then. Every
5 time they would set the radio, Kony would be talking about that, every single time he
6 is talking to his commanders.

7 Q. [10:38:25] And when he spoke about it, did that have any relation to or impact
8 on what he ordered the LRA to do in Pader at that time?

9 A. [10:38:44] At that time whenever he spoke, he kept on reminding the
10 commanders that each and every one of them must make sure that they work very
11 hard. They must abduct people, and if the commanders don't attack camps, they
12 will not be able to get food items. So he needed all the commanders to be very active.
13 Nobody should be lazy. All the commanders have to work very hard. He has
14 already issued the orders and the commanders should therefore plan on which places
15 they should go and attack.

16 Q. [10:39:22] Just one more question on this. I am sorry to insist. Did Kony
17 order the LRA to attack the camps only to get food and recruits or was there some
18 other motivation behind the attacks?

19 A. [10:39:51] At that time there was no other reason other than what you have
20 mentioned.

21 MR BLACK: [10:39:58] Your Honour, could I put something to him from his
22 interview and ask him about it?

23 PRESIDING JUDGE SCHMITT: [10:40:02] Yes.

24 MR BLACK: [10:40:03] It's tab 34, 0228-2919, and the page is 2934, line 527. And I
25 would just like to ask him if he can explain what he meant then.

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1 Q. [10:40:22] Mr Witness, in the transcript of your interview you were talking about
2 this time when Kony said everyone should come into Acholi and attack the camps,
3 and you said:

4 "Because he said the ... people who are in the ... villages were now against him. Even
5 those in the camps."

6 Do you --

7 A. [10:40:53] That was correct.

8 Q. [10:40:55] And can you just explain a little bit what you meant by Kony said that,
9 you know, they should attack the camps because the people were against them,
10 against him?

11 A. [10:41:21] Well, that was how I earlier explained. I said he said the people in
12 the camps were not supporting him because every time they saw his people, they
13 would run and report to the government soldiers that the LRA fighters have passed
14 here or there. That was the reason.

15 Q. [10:41:40] Thank you. Before we leave the subject of Teso, I just wanted to ask
16 you about a couple of names. Do you know the name Hilary Lagen or
17 Lagen -- Lagen?

18 A. [10:41:57] I know Hilary Lagen.

19 Q. [10:42:01] Who was Hilary Lagen?

20 A. [10:42:10] In the LRA Hilary Lagen was in charge of prayers. He conducted
21 prayers. Any religious affairs, he was the one in charge.

22 Q. [10:42:23] Do you know where he was during this time in the second half
23 of 2003 when you have described the LRA being in Teso?

24 A. [10:42:39] Hilary Lagen most times was based at the Control Altar. But at that
25 time, because people had split into smaller groups, I couldn't have known where he

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1 was. But his base was at the Control Altar.

2 Q. [10:42:56] Thank you. Do you know the name Ray Apire?

3 A. [10:43:07] I know Ray Apire very well.

4 Q. [10:43:12] During the time that you were in Uganda, so 2003 and the beginning
5 of 2004, what was Ray Apire's position or positions in the LRA?

6 A. [10:43:30] Apire in the LRA was also within the same group as Hilary, in charge
7 of prayers.

8 Q. [10:43:41] And do you know physically where he was, whether he was in
9 Uganda or Sudan or where within those countries?

10 A. [10:43:55] At that time he was within Gilva. I never established where he was
11 in Uganda around that time.

12 Q. [10:44:09] Thank you. Let me now ask you about a specific place in Acholiland.
13 Do you know if the LRA was active in Pajule in 2003, either before or after the Teso
14 incursions that you've described?

15 A. [10:44:38] When the LRA retreated from Teso, I was already at the sickbay, but I
16 learned that Otti Vincent went and attacked Pajule.

17 Q. [10:44:57] Do you know or do you recall what month that was that Otti Vincent
18 attacked Pajule?

19 A. [10:45:10] I do not recall the month of the Pajule attack.

20 MR BLACK: [10:45:14] Your Honour, could I go into private session for just a couple
21 of questions, please?

22 PRESIDING JUDGE SCHMITT: [10:45:19] Private session.

23 (Private session at 10.45 a.m.)* (Reclassified partially in public)

24 THE COURT OFFICER: [10:45:29] We're in private session, Mr President.

25 MR BLACK: [10:45:34] Thank you.

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21 Q. [10:47:35] Thank you. We can go into public session, your Honour, please.

22 PRESIDING JUDGE SCHMITT: [10:47:40] Open session.

23 (Open session at 10.47 a.m.)

24 THE COURT OFFICER: [10:47:44] We are back in open session, Mr President.

25 PRESIDING JUDGE SCHMITT: [10:48:01] So we have here again the situation of

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1 different sorts of hearsay which might have different sorts of probative value or none
2 or whatsoever. This is what I always say, this is -- why it really makes sense not to
3 exclude hearsay from the outset, but to weigh it carefully according to the concrete
4 probative value that it might have.

5 MR BLACK: [10:48:26] Thank you, your Honour, and that's why I wanted to be
6 specific about where he obtained this information from.

7 Q. [10:48:32] Mr Witness, according to what you were told by others, which LRA
8 units participated in the Pajule attack?

9 A. [10:48:51] During the Pajule attack, what I was told was that it was combined
10 forces of the Control Altar and the Sinia brigade.

11 Q. [10:49:05] Who commanded the attack, according to the information you were
12 given?

13 A. [10:49:19] According to what I was told, they said a commander called
14 Bosco Bogi was the overall commander for the operation. But the instruction was
15 that all the officers within the Control Altar attended. But the overall commander
16 was Bogi.

17 Q. [10:49:40] And do you know which unit Bosco Bogi was in?

18 A. [10:49:51] At that time Bogi was at Control Altar.

19 Q. [10:49:58] And again according to what you were told, what happened during
20 the LRA operation in Pajule?

21 A. [10:50:15] What I was told was that when they went to Pajule, the plan was that
22 they should go and attack the place, overrun the barracks. After that they abduct,
23 they should abduct all the civilians. Those who could be able to be conscripted
24 should be gone with. Those who could not should be killed. They were supposed
25 to burn down the entire place. Unfortunately, when they arrived, they found the

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1 soldiers were so many and they became overwhelmed. They therefore failed to
2 succeed in their plan of the operation.

3 Q. [10:50:56] Do you know if they were successful in abducting anyone, as you
4 mentioned was part of the plan?

5 A. [10:51:09] They abducted the people who failed to flee. When they brought
6 injured to the sickbay, the abducted ones helped to carry the sick ones to the sickbay.
7 Those -- after delivering the sick ones, those who came with them returned the
8 civilians. I don't know what else happened to the civilians afterwards.

9 Q. [10:51:40] Do you remember the name or names of any of the abducted civilians
10 from Pajule?

11 A. [10:51:51] I don't know. I don't remember the names.

12 MR BLACK: [10:51:56] Your Honour, could I put a name to him?

13 Q. [10:52:05] Does the name Rwot Oywak ring a bell in this context, sir?

14 A. [10:52:13] Yes, I recall of Rwot Oywak. Rwot Oywak was one person who kept
15 on moving about whenever he heard about the LRA. He was a chief. He kept on
16 moving about trying to bring peace. He would say he is representing the
17 government and he is bringing a message of peace to -- so as to bring a lasting
18 solution to the conflict. During the Pajule attack, he was with Otti.

19 Q. [10:52:51] And when you say "he was with Otti", could you explain what you
20 mean?

21 A. [10:53:03] As I have said, that whenever he heard that the LRA have passed here
22 or there, he would always try to go to the LRA so that he would convey the
23 government message to the LRA about the conflict. The government wanted
24 a peaceful solution to the problem. As a traditional leader, they were saying they
25 did not want the conflict to carry on, they wanted peace, and if Kony could accept he

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1 needed to talk to his officers so that they would engage in peace talk and that would
2 bring a lasting solution.

3 Q. [10:53:46] Thank you for that explanation. I guess my question was really
4 specific about the attack on Pajule. Was Rwot Oywak involved in that in any way,
5 or when you say he was with Otti, was that in connection with the attack on Pajule?

6 A. [10:54:15] I really don't know whether he was abducted during the attack or he
7 had gone to Otti earlier, before the attack. I did not establish that clearly. I was not
8 there so I really fail to understand the circumstances.

9 PRESIDING JUDGE SCHMITT: [10:54:33] I think we can leave this point now.

10 MR BLACK: [10:54:35] Thank you, your Honour.

11 Q. [10:54:36] And thank you for the clarity, Mr Witness.

12 Do you know the name Charles Lukwiya?

13 A. [10:54:49] I know Charles Lukwiya very well.

14 Q. [10:54:55] What was his position in the LRA?

15 A. [10:55:09] Within the Control Altar he was in charge of the huge guns like
16 SPG-9.

17 Q. [10:55:24] Do you know if he had any role in the Pajule attack?

18 A. [10:55:30] During the Pajule attack he had gone with the SPG-9. Unfortunately,
19 he sustained an injury during the attack and he was brought to the sickbay as an
20 injured person.

21 Q. [10:55:46] Who brought him to the sickbay?

22 A. [10:55:52] The group that was selected and headed by (Redacted), they were the
23 people who brought him to the sickbay.

24 MR VON BÓNÉ: [10:56:04] Your Honour.

25 PRESIDING JUDGE SCHMITT: [10:56:05] Yes.

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1 MR VON BÓNÉ: [10:56:06] May we go for a brief moment into private session?

2 PRESIDING JUDGE SCHMITT: [10:56:09] Okay, private session.

3 (Private session at 10.56 a.m.)* (Reclassified partially in public)

4 THE COURT OFFICER: [10:56:17] We're in private session, Mr President.

5 PRESIDING JUDGE SCHMITT: [10:56:23] Please, Mr Von Bóné.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Mr Black, do you want to make a comment on? Shortly, Mr Black, I think you come
23 soon to -- or can we move now into open session and then have the break or you have
24 one or two questions?

25 MR BLACK: [10:58:09] Yes, just really one or two questions and then the break.

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1 PRESIDING JUDGE SCHMITT: [10:58:13] Thank you, Mr Von Bóné. We go back
2 to open session and you can ask your questions regarding Pajule and then we finish
3 this section.

4 (Open session at 10.58 a.m.)

5 THE COURT OFFICER: [10:58:27] We are back in open session, Mr President.

6 MR BLACK: [10:58:29] Thank you, your Honour.

7 Q. [10:58:31] Mr Witness --

8 PRESIDING JUDGE SCHMITT: [10:58:32] And just shortly, of course you
9 don't -- I think you don't have email access so --

10 MR VON BÓNÉ: [10:58:38] That's right, your Honour.

11 PRESIDING JUDGE SCHMITT: [10:58:43] -- so it was not -- what I suggested did not
12 give you more than stones, like we would say in Germany.

13 MR VON BÓNÉ: [10:58:51] Thank you.

14 MR BLACK: [10:58:51] And, your Honour, we will request the redaction of a name
15 from that portion, which I think hopefully will address that concern.

16 PRESIDING JUDGE SCHMITT: [10:58:58] Okay.

17 MR BLACK: [10:58:59] Thank you.

18 Q. [10:59:00] Mr Witness, do you know the name Joyce Anena?

19 A. [10:59:08] Yes, I know Joyce Anena. She was the wife of Lukwiya.

20 Q. [10:59:16] And do you know if she was involved at all in the Pajule attack?

21 A. [10:59:27] She was there because when her husband was killed, it was stated
22 that she was the one who struggled very hard to carry the husband when he was
23 injured.

24 Q. [10:59:41] Do you know if Dominic Ongwen was involved in the Pajule attack?

25 A. [10:59:52] Well, I did not get to know that. I was not told whether he went or

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1 not. What I was told was that Otti Vincent gave an instruction that all the officers
2 who were there were supposed to go for the fight and they all went, except Otti
3 himself. But I did not establish whether Dominic went or not.

4 Q. [11:00:15] In which group was Dominic Ongwen at that time?

5 A. [11:00:26] Dominic Ongwen all the time was in the Sinia brigade.

6 MR BLACK: [11:00:34] Your Honour, just before the break I would like to put one
7 question, if I could.

8 PRESIDING JUDGE SCHMITT: [11:00:40] Yes.

9 MR BLACK: [11:00:41] It is from tab 38, 0228-3039. The page is 3044 and it is
10 lines 156 to 161.

11 Q. [11:00:56] Mr Witness, when you were interviewed, the transcript says that you
12 were asked about Dominic or Odomi in this context and you said, "Odomi was also in
13 Control Altar." Now, does that refresh your memory of what unit Dominic Ongwen
14 was in around this time of the Pajule attack?

15 A. [11:01:28] At that time Sinia brigade was moving together with Control Altar, so
16 I think all of them were with -- within the Control Altar. But I did not learn of any
17 changes where he was transferred to Control Altar. I said he was in the
18 Control Altar because the Sinia brigade was moving together with Control Altar at
19 that time.

20 MR BLACK: [11:01:55] Thank you, your Honour. We can have the break.

21 PRESIDING JUDGE SCHMITT: [11:01:57] We have the break now until 11.30.

22 THE COURT USHER: [11:02:00] All rise.

23 (Recess taken at 11.02 a.m.)

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

25 THE COURT USHER: [11:32:10] All rise.

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1 PRESIDING JUDGE SCHMITT: [11:32:27] Mr Black, you have still the floor.

2 MR BLACK: [11:32:29] Thank you, your Honour.

3 Q. [11:32:35] Mr Witness, earlier we discussed the abduction of girls from the
4 Lwala school and what happened to those girls. I am going to ask you some more
5 questions now about women and girls in the LRA.

6 First of all, what ages of women or girls were abducted by the LRA?

7 A. [11:33:03] The LRA would abduct girls from the ages of 12 years upwards, but
8 under 40.

9 Q. [11:33:21] Was this the case in Uganda in 2003 and 2004?

10 A. [11:33:35] Yes, that's what happened.

11 Q. [11:33:36] What duties or responsibilities were given to the youngest girls
12 abducted by the LRA?

13 A. [11:33:47] The youngest girls were taken care of and they would help as, as
14 babysitters. They would babysit the children that were born in the bush.

15 Q. [11:34:08] What about older girls or women, what duties were they expected to
16 take on?

17 A. [11:34:17] The older girls, once taken into the LRA, would be given
18 approximately three months. After three months, and after performing certain
19 rituals, the rituals that the LRA used to perform using shea oil and white clay soil,
20 after the three months, they would be distributed to men as wives.

21 Q. [11:35:00] Once they were distributed to men as wives, what tasks or duties
22 would they be expected to perform?

23 A. [11:35:14] Once they were distributed as wives, they would become housewives.
24 They would cook, they would lay their bed, and have relations as husband and wife.
25 They would also carry luggage, bags, food.

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1 Q. [11:35:37] And when you say "relations as husband and wife", do you mean
2 sexual relation?

3 A. [11:35:49] That was part of it.

4 Q. [11:35:55] Did girls or women have any choice about whether or not they were
5 distributed to be wives?

6 A. [11:36:09] No, they did not have a choice. They had no right to choose. They
7 would just send instructions and say, "Pick this one, take her to that commander.
8 Pick this one and take that to the commander". Or if there's a soldier who has been
9 in the LRA for a while, they might decide to give that person a woman as well.

10 Q. [11:36:37] You have mentioned that three months would have to pass before,
11 before the rituals were conducted and a girl would be distributed as a wife. Why
12 those three months?

13 A. [11:37:03] They would say that the girls have just been newly abducted and
14 perhaps they have some charms or some sort of witchcraft or perhaps they have some
15 kind of disease. But within the three months, if any of those things exist, then within
16 the three months that will become knowledgeable.

17 PRESIDING JUDGE SCHMITT: [11:37:28] Mr Witness, what would happen to a girl
18 that had been abducted, let's say, at the age of 11 and 12 and first worked as
19 a babysitter, when such a girl became older, what would happen then? What would
20 happen then?

21 THE WITNESS: [11:37:52] (Interpretation) A girl aged 11 or 12 would be -- once the
22 girl is older, then the girl would also be given to a man, once she's grown older.

23 PRESIDING JUDGE SCHMITT: [11:38:06] And was there a certain point in time that
24 could be fixed in general, generally speaking, when that would be the case?

25 THE WITNESS: [11:38:25] (Interpretation) If they think that the girl is 17, if the girl

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1 is 17 and over, then they will make the decision to give her to a man. That's what
2 happened.

3 MR BLACK: [11:38:43] Thank you, your Honour.

4 Q. [11:38:44] Mr Witness, were there any physical signs that would influence the
5 decision of when a girl was old enough to be distributed as a wife?

6 A. [11:39:00] Once the girl has started sprouting breasts, and occasionally
7 sometimes they would -- once the girl has started her menstrual cycle, then they
8 would make that decision as well.

9 Q. [11:39:16] Who would make the decision of when a woman or girl was ready to
10 become a wife?

11 A. [11:39:26] That was -- that was a rule within the LRA, that once a girl is old
12 enough to become a wife, the girl should be given to a husband. That order came
13 from Kony.

14 Q. [11:39:44] And who would determine to which man she was given?

15 A. [11:40:00] It was -- it was based on each unit or each department. The
16 commander in charge of that unit or department would make the decision to give
17 a particular man a wife in order to boost their morale.

18 Q. [11:40:20] Going back to the three-month waiting period that you mentioned
19 a bit ago, what would happen if someone violated that rule and had sex with a girl or
20 a woman before the three months had passed?

21 A. [11:40:47] If you breach those laws and have sexual intercourse with a girl
22 before the three months, you would be beaten, beaten very badly. And if there
23 is -- for example, with a girl, when the people were in Uganda, the person would
24 be -- the girl would be released and let go. But when they were in the -- when we
25 were in the Sudan, the girl would not be given to anybody at all. They would wait

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1 until we were in Uganda and then the girl would be released.

2 Q. [11:41:21] Do you remember any examples of a time or times when this rule was
3 broken?

4 A. [11:41:32] I do recall an instant.

5 Q. [11:41:36] Please go ahead and tell us what you recall.

6 A. [11:41:45] It happened in the Sinia brigade at the time that Buk was a brigade
7 commander. They were in an operation in Uganda. They abducted girls. They
8 had sexual intercourse with those girls. An order was issued that all those girls
9 should be released and let -- left in Uganda. But Buk and all the rest of the unit were
10 ordered to go to Sudan. But once they got to the Sudan, I do not know what
11 punishment they were -- was meted out to them because I was in Uganda. But there
12 was an order not to abduct any other girls in that brigade.

13 Q. [11:42:31] You already clarified that this was during the time that Buk was the
14 brigade commander of Sinia. Do you remember what year this happened in?

15 A. [11:42:50] I do not recall the year.

16 Q. [11:42:53] Was it before or after or during Operation Iron Fist?

17 A. [11:43:08] It was before Operation Iron Fist.

18 Q. [11:43:17] Do you know if it was in 2002 or was it earlier than that?

19 A. [11:43:30] It was before 2002.

20 Q. [11:43:42] You mentioned that the girls were released. Who ordered the girls to
21 be released?

22 A. [11:43:50] Kony had the authority. That authority came directly from him.

23 Q. [11:44:02] Which LRA commanders had wives in the bush?

24 A. [11:44:18] Most of the LRA commanders in the bush had wives.

25 PRESIDING JUDGE SCHMITT: [11:44:28] How many wives did they have?

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1 THE WITNESS: [11:44:34] (Interpretation) The wives differed in numbers. It
2 depended on each person and I did not know exactly how many wives each person
3 had. Some people had 10 wives, some people had 20. Kony had approximately 90
4 wives.

5 MR BLACK: [11:44:56] Your Honour, I would like to show, I think for the last time
6 with this witness, a couple more photographs. If I could have the assistance of the
7 usher.

8 PRESIDING JUDGE SCHMITT: [11:45:04] No objections against that. If the Court
9 usher does not object, thank you.

10 MR BLACK: [11:45:11] She has been very patient with me. Thank you. It's tab 46,
11 right there. Your Honours, it is tab 46 in the Prosecution binder, 0028-0058, and I
12 would look first at page 0059.

13 Q. [11:45:53] Mr Witness, please look at the bottom of the two photographs on this
14 page. Do you recognise anyone in that photograph? And perhaps more
15 specifically, do you recognise the man in uniform there? And you can put your
16 glasses on if that helps or look a little closer at the hard copy, whatever you think is
17 easiest.

18 A. [11:47:07] This is Raska Lukwiya.

19 Q. [11:47:12] And who are the other people around him in this photo?

20 A. [11:47:22] His family. That's his family.

21 Q. [11:47:28] Do you know when or where this photograph was taken?

22 A. [11:47:41] I do not recall where the photograph was taken from.

23 Q. [11:47:47] Do you have any idea of when it might be taken?

24 A. [11:47:56] Perhaps in 2002, end of 2002 going into 2003.

25 Q. [11:48:07] And what would make you think that?

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1 A. [11:48:17] The reason why I believe it's that time, because he was the one who
2 had young children. During that period he had a number of young children.

3 Q. [11:48:35] Thank you. Please turn to page 0061, and in particular the
4 photograph on the bottom to the right, two people standing. Do you recognise
5 either of those people?

6 A. [11:49:06] I know one of them.

7 Q. [11:49:11] Which one do you know?

8 A. [11:49:18] I know the one who is standing on the right, the one -- the slightly
9 taller one.

10 Q. [11:49:26] And who was she?

11 A. [11:49:32] That was Tabuley's wife.

12 Q. [11:49:40] Would you know when this photograph was taken or where?

13 A. [11:49:52] The photo was taken in -- around 2003.

14 Q. [11:50:04] And what makes you think that?

15 A. [11:50:12] Because in 2003, while we were in Uganda, that was the period where
16 they took a number of photos. So I can look at the vegetation and the location, it
17 looks like we are in Uganda.

18 Q. [11:50:34] Please look at page 0063 and the photograph on the top of the page.
19 Do you recognise anyone in this photograph?

20 A. [11:51:03] No, I do not recognise anybody in that photograph.

21 Q. [11:51:09] Okay. Please turn to page 0065. There are four photographs on this
22 page. Do you recognise anyone in any of those photographs?

23 A. [11:51:28] Yes, I do.

24 Q. [11:51:31] Who do you recognise?

25 A. [11:51:36] I recognise Otti Vincent.

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1 Q. [11:51:41] And who are the other people shown in the photographs, if you
2 know?

3 A. [11:51:52] Those are the girls in Otti's household, because Otti is in all the four
4 photographs with the girls. So that means that these are the girls in his household.

5 Q. [11:52:08] And again do you know when or where this photograph was taken?

6 A. [11:52:20] I do not recall where the photograph was taken from.

7 Q. [11:52:26] Very well. Thank you for your assistance.

8 And, Madam Usher, thank you. That's all for the binder of photographs.

9 Mr Witness, earlier you described a time when members of Sinia brigade had been
10 punished for sleeping with women before the three months had passed after their
11 abduction. And you said they were prohibited from abducting; is that right?

12 A. [11:53:14] That's correct.

13 Q. [11:53:17] What other forms of punishment were there for LRA members who
14 disobeyed orders?

15 A. [11:53:32] The punishments that existed, for example, if you were in breach of
16 those laws, then there were copious amounts of floggings that you would receive.

17 Q. [11:53:50] What if someone in the LRA slept with another man's wife, what
18 would the punishment be?

19 A. [11:54:02] That would amount to a firing squad. The person would be shot.

20 Q. [11:54:09] What if someone ran away from a battle, would they be punished?

21 A. [11:54:19] If somebody flees from the battlefield at the time that people are
22 moving, they would punish -- the punishment the person would receive would be to
23 carry the heavy weapons. And if there is another battle, the person would be sent to
24 the battlefield but without any arms at all.

25 Q. [11:54:44] Did you ever hear of anyone in the LRA being arrested or jailed?

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1 A. [11:54:55] That happened regularly and it happened on several occasions.

2 Q. [11:55:02] And what did that mean, to be arrested or jailed?

3 A. [11:55:13] If you are arrested or jailed, for example, if you are a commander, that
4 means you no longer have the right of leadership. If you're a junior soldier, then
5 you're given luggage to carry, a lot of luggage to carry, and that's what prison or
6 arrest amounted to.

7 Q. [11:55:34] Would you actually be taken somewhere if you're under arrest?

8 A. [11:55:46] You would be in the convoy. You would stay in the convoy. You
9 wouldn't be taken any other place.

10 Q. [11:55:54] What if an officer like a brigade commander were to be arrested,
11 would he be taken somewhere?

12 A. [11:56:09] If it's a brigade commander, the brigade commander would be
13 imprisoned at Control Altar. They would remove him from the unit or wherever he
14 was based and they would take him to Control Altar.

15 Q. [11:56:26] Do you know if Dominic Ongwen was ever arrested in the LRA
16 in 2003 or 2004?

17 A. [11:56:41] No, I do not know.

18 Q. [11:56:45] Do you know of any occasions in which other senior LRA
19 commanders disobeyed Kony's orders?

20 A. [11:57:03] No. Not at the time. Because in 2000 -- between 2002 -- sorry,
21 2003/2004 I did not meet Dominic on any occasion.

22 Q. [11:57:23] Okay. Thank you for that clarity.

23 Earlier you mentioned Ocan Bunia as the brigade commander in Gilva. What was
24 Ocan Bunia's reputation in the LRA in terms of his willingness to fight?

25 A. [11:57:49] In the -- while in the LRA the -- Ocan Bunia was always accused of

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1 being a coward, he was accused of avoiding going to the battlefield. Even if he is
2 issued instructions or orders to go and fight, he would avoid going to the battlefield.

3 Q. [11:58:12] Do you know if Ocan Bunia was ever punished for avoiding orders
4 like this?

5 A. [11:58:26] Not as far as I'm aware. I'm not aware of any punishments that he
6 was given, but they would constantly talk about it over the radio, that he was
7 a coward and he was -- he would always hide.

8 Q. [11:58:50] You have spoken a fair amount about Tabuley. In your experience,
9 how did Tabuley tend to deal with the civilians?

10 A. [11:59:11] Tabuley did not like killing civilians. He would abduct them to
11 bring them into the LRA, but he would not abduct, kill civilians. If he went to battle,
12 his aim was to fight with soldiers, but he wasn't so much concerned about civilians.

13 Q. [11:59:39] And on times when he did not kill civilians, was that consistent with
14 the orders from Kony that you testified about earlier?

15 MR OBHOF: [11:59:52] Objection, your Honour. There needs to be a time frame
16 with this. I mean, there has been a lot of discussions about when, especially in his
17 transcripts, when there are orders, when there are not orders, so -- or if the witness
18 could give a time frame to each individual instance.

19 PRESIDING JUDGE SCHMITT: [12:00:07] Yes, I think we have discussed the time
20 frame before. I'm -- frankly speaking, I don't have the whole transcript now in my
21 head, but you can work it out again, I think, your questioning here so that we have
22 perhaps more clarity. You went through one portion after the other, so to speak, but
23 sometimes it was first Teso, second Teso, third Teso, and so on. But I think why not
24 repeat in part what we did before the break?

25 MR BLACK: [12:00:42] Thank you, your Honour. I will try to find something

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1 concrete.

2 Q. [12:00:46] Mr Witness, can you remember any specific instances where Tabuley
3 on an operation did not kill civilians who were too old to abduct or in which he
4 released civilians who had been abducted?

5 A. [12:01:12] Yes, I do recall.

6 Q. [12:01:14] When did that occur?

7 A. [12:01:18] That was during an attack in a place called Omia Pachwa. That was
8 in 2003. Omia Pachwa is in Kitgum.

9 Q. [12:01:37] Thank you. That's very specific. It's helpful.

10 PRESIDING JUDGE SCHMITT: [12:01:41] And now, of course, the follow-up would
11 be: Was there such an order by Kony in place at the time, for example?

12 MR BLACK: [12:01:47]

13 Q. [12:01:47] And when that happened in Kitgum, was there any order from Kony
14 about killing civilians or not releasing civilians?

15 A. [12:02:04] At that time there was no particular order about killing. There was
16 only an order about abduction of people. The order was that only those who were
17 very old or mature and can no longer be conscripted should be killed. That was the
18 order at that time.

19 PRESIDING JUDGE SCHMITT: [12:02:28] And at that episode, event that you
20 mentioned, were there also such old people, very mature people being abducted at
21 the time and then killed or not killed by Tabuley?

22 THE WITNESS: [12:02:42] (Interpretation) During the time of that attack, when the
23 soldiers were overpowered, civilians were abducted, both young and mature. They
24 carried food items and moved with. But out of all the civilians who were abducted,
25 none was retained. Both the young and the old were all released. He said he had

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1 gone only to fight against the government soldiers, he did not go to kill civilians, so
2 they released all of them.

3 Q. [12:03:21] Thank you. Did Kony find out that Tabuley had released these
4 civilians from Omia Pachwa?

5 A. [12:03:41] He did not submit that as part of the operation report. He only said
6 that he fought with the soldiers, he defeated them, he carried food items and returned.
7 He did not report about the civilians; he only said the civilians all fled from the centre.

8 Q. [12:04:00] Can you ever remember a time when Tabuley was punished for
9 releasing civilians or failing to kill enough civilians?

10 A. [12:04:20] He was not punished, because the first time he did that, the message
11 did not reach Kony. He was therefore not punished for that.

12 Q. [12:04:33] Thank you. We're nearing the end of my questions. Let me ask you
13 about something different now. You mentioned earlier efforts for peace and
14 I believe you mentioned Rwot Oywak in that context. When were these peace efforts
15 or peace discussions occurring?

16 A. [12:05:08] The peace processes ran, started in 2003. That was when the local
17 chiefs kept on moving to meet the LRA. Sometimes they would meet Tabuley, other
18 times they meet Raska, other times they were meeting Otti, but that was in 2003.

19 Q. [12:05:32] And in which country was this happening?

20 A. [12:05:41] That took place in Uganda, mostly in Pader and Kitgum.

21 Q. [12:05:49] Do you know if Dominic Ongwen was involved in these discussions?

22 A. [12:06:01] I am not aware whether he was in some of those meetings or not. I'm
23 only aware that Otti, Raska and Tabuley were the ones who were meeting these
24 chiefs.

25 Q. [12:06:18] Was anyone from the government involved in these discussions

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1 in 2003, the Ugandan government?

2 A. [12:06:32] One of the persons who kept on moving about was called -- was
3 calling himself a captain and was with the UPDF, he was called Okech Kuru. He
4 kept on moving about in these processes.

5 Q. [12:06:49] What happened to Captain Okech Kuru?

6 A. [12:06:57] During that time when he was moving he kept on meeting Tabuley,
7 but at one point he eventually got killed in the process.

8 Q. [12:07:15] Do you know how he was killed?

9 A. [12:07:23] He was shot by a bullet.

10 Q. [12:07:35] Who shot him, do you know?

11 A. [12:07:38] Tabuley identified people from his group who went and shot him.

12 Q. [12:07:52] Do you know the name Salim Saleh?

13 A. [12:08:02] Salim Saleh is a senior commander in the UPDF.

14 Q. [12:08:10] Do you know if he was involved in these peace discussions in 2003?

15 A. [12:08:22] Yes, his name appeared amongst the list of people who would come
16 to meet the LRA fighters. They would tell us that Salim Saleh had a voice with the
17 people who kept on coming to meet the LRA fighters in the bush. But he did not
18 appear himself in the bush.

19 Q. [12:08:50] How did members of the LRA communicate with these local leaders
20 or government representatives during these peace discussions?

21 A. [12:09:12] Many times the local chiefs would come and after meeting the LRA
22 they would say that they will go back and communicate using the satellite phone to
23 connect with the other people who were outside the country.

24 Q. [12:09:32] Do you know if there was ever communication by mobile phone for
25 these peace discussions?

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1 A. [12:09:45] At that time it was only Otti Vincent who had a mobile phone, but it
2 was a bit difficult for him to communicate using that, because every time he would
3 communicate on that phone, there would be an attack from a government helicopter.

4 Q. [12:10:05] I have come to the last topic that I would like to ask you questions
5 about today and that's your escape from the LRA.

6 MR BLACK: [12:10:16] Your Honour, could we go into private session for the first
7 few minutes?

8 PRESIDING JUDGE SCHMITT: [12:10:20] Yes, private session.

9 (Private session at 12.10 p.m.)* (Reclassified partially in public)

10 THE COURT OFFICER: [12:10:24] We're in private session, Mr President.

11 MR BLACK: [12:10:40] Thank you.

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 Q. [12:13:23] Did you tell any of these (Redacted) people that you were thinking about
8 escaping?

9 A. [12:13:40] Correct. I sat them down. I explained to them the conditions that
10 were already in the LRA. I told them that I had stayed in the LRA for quite some time,
11 I was there since (Redacted) I have seen and witnessed a lot of things, there are so
12 many things that are changing, the strengths and weaknesses of the LRA. I had
13 reached a point where I had noticed that our attempts were not going to take us
14 anywhere. I witnessed how commanders were dying. So I told them that, "I will
15 take you back home. I will take you back to a government. And as I am taking you,
16 I want all of you to be fine with this, there wouldn't be any problem with this. If
17 there will be any problems, it should come to me as the commander".

18 When we arrived and surrendered to the government of Uganda -- you know, it's
19 always said that, "When you surrender to the UPDF, they will either kill you or
20 poison you. If that happens to me, please don't feel bad about that. The only thing
21 is I will have saved you, I will have brought you back home from the bad conditions
22 that you were going through. But if I also survive, if nothing happens to me, then
23 they will be okay, (Redacted)

24 (Redacted) They accepted. They agreed with me and we
25 walked and came.

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1 I gave them several examples. I told them of the commanders who kept on dying
2 from the time I was abducted, how they kept on dying one by one, and I had seen that
3 in the LRA things were happening differently from the way they were at the
4 beginning. That was why I came (Redacted). I just decided to do that on
5 my own.

6 MR BLACK: [12:15:44] Your Honour, I think we can go back into public session.

7 PRESIDING JUDGE SCHMITT: [12:15:49] Open session.

8 (Open session at 12.15 p.m.)

9 THE COURT OFFICER: [12:15:51] We are back in open session, Mr President.

10 MR BLACK:

11 Q. [12:16:04] Mr Witness, do you know of any other senior LRA commanders, let's
12 say at the level of a battalion CO or higher, who escaped the LRA between 2002
13 and 2005?

14 A. [12:16:27] Before I escaped there was a commander called Charles Abola. He
15 was a captain, he was the first to escape.

16 Q. [12:16:47] Any others that you remember escaping around that time?

17 MR OBHOF: [12:16:50] Your Honour, this isn't necessarily an objection. I am just
18 thinking maybe this might better be done in private session, only because people
19 might be able to connect A, B, C to D and find out, especially since they are talking
20 about the alleged commanders and might be able to identify the witness based upon
21 who came in before and after him.

22 PRESIDING JUDGE SCHMITT: [12:17:10] I think that's a quite reasonable
23 suggestion that you make. Yes, private session.

24 (Private session at 12.17 p.m.)* (Reclassified partially in public)

25 THE COURT OFFICER: [12:17:27] We are back in private session, Mr President.

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- 1 MR BLACK: [12:17:33] Thank you, and my thanks to Defence counsel for the
2 cautious approach.
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (PRESIDING JUDGE SCHMITT: [12:19:06] I think now we might go back to open
16 session, I would suggest.
17 MR BLACK: [12:19:11] Yes, your Honour, please.
18 PRESIDING JUDGE SCHMITT: [12:19:12] Yes, open session.
19 (Open session at 12.19 p.m.)
20 THE COURT OFFICER: [12:19:16] We are back in open session, Mr President.
21 MR BLACK: [12:19:28] Thank you.
22 Mr Witness, I don't have any further questions of you. Thank you for your time and
23 assistance.
24 PRESIDING JUDGE SCHMITT: [12:19:33] Thank you, Mr Black.
25 And for the Legal Representative of Victims, Mrs Hirst, do you have any questions?

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1 MS HIRST: [12:19:40] Yes, Mr President, with your leave I do have some questions
2 for the witness.

3 PRESIDING JUDGE SCHMITT: [12:19:44] Then please start.

4 MS HIRST: [12:20:01] Apologies, Mr President.

5 PRESIDING JUDGE SCHMITT: [12:20:02] No, that can happen.

6 MS HIRST: [12:20:03] We may just need a very brief minute to resolve this.

7 PRESIDING JUDGE SCHMITT: [12:20:07] Nothing serious has happened, I would
8 assume. You know the old saying is, "It's only water".

9 Perhaps in the meantime we can address something to fill the refurbishing gap, so to
10 speak. Mr Obhof, I'm referring specifically to you, I would say. Now, it suggests
11 itself that we will finish during this session, I would say. I think we had a long and
12 intense week and I think also that we should -- if you don't insist to start this
13 afternoon, I think it would be okay to start with the Defence questioning on Monday.

14 MR OBHOF: [12:21:27] Your Honour, the Defence, we would be fine with that.
15 Right now I only envision about four hours' worth of questioning for this witness.
16 So we should still be able to finish on Monday.

17 PRESIDING JUDGE SCHMITT: [12:21:39] Exactly, and as I said, we had a long and
18 intense week and I think we should not push it or we don't have to - not should - we
19 don't have to push it further. And I sort of promised yesterday that you don't have
20 to start today. That should also be kept in mind.

21 So, Mrs Hirst, how is the situation on the right side of the courtroom?

22 MS HIRST: [12:22:02] I am happy to report, your Honour, that the situation is under
23 control, and I do apologise to the Bench and also to the witness for the interruption.

24 PRESIDING JUDGE SCHMITT: [12:22:11] No, these things can happen and nothing
25 worse or nothing bad has happened.

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1 So please start, Mrs Hirst.

2 MS HIRST: [12:22:18] I am grateful, your Honour.

3 QUESTIONED BY MS HIRST:

4 Q. [12:22:20] Mr Witness, as you know, myself and my colleagues represent

5 Victims who participate in this case, and on behalf of those Victims, I would like to

6 ask you some questions. These are slightly different questions from what you have

7 been asked by the Prosecution. My team is not here to prove the charges against the

8 accused. What we are interested in doing is making sure that the Court and the

9 public understands the experience that Victims had during the time which this case

10 relates to.

11 So many of the questions that I have for you are directed to help us all to understand

12 what it was like for abductees in the LRA and also about the impact of the LRA's

13 activities on the civilian population.

14 THE INTERPRETER: [12:23:08] Through your Honour, could the speaker be

15 requested to slow down?

16 PRESIDING JUDGE SCHMITT: [12:23:14] Of course. First of all, microphone.

17 Second, interpreters ask me again to ask you to slow a little bit down.

18 MS HIRST: [12:23:24] I'll do my best, your Honour. Apologies to the interpreters.

19 Q. [12:23:30] Now, Mr Witness, many of my questions are quite general, about

20 your observations during your time in the LRA.

21 Of course, if you observe that in respect of some of these things, there was change

22 over time and you can't give one simple answer, please just tell us how things

23 changed.

24 So I would like to start with some questions about the processes of abduction. You

25 have already discussed a few times what sorts of people would be abducted, so

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1 I don't want to go back over that. But I want to ask you some questions about what
2 would happen to those people once they were identified.

3 Can you tell us firstly, how would you ensure that the people identified for abduction
4 did not run away? And when I say "you", I mean the LRA in general. How would
5 LRA soldiers ensure that people identified for abduction did not run away?

6 A. [12:24:41] Well, thank you. Those who are supposed to be abducted, for
7 instance during an attack -- you know, in any attack, the groups are always split into
8 two, one group going to attack the barracks, the other to go to the camp. Those who
9 have gone to the camp are the ones who will abduct the people. But there are also
10 instances where we would meet somebody along the way as we are walking and we
11 would run -- chase the person until the person is caught. That is how we used to
12 abduct.

13 Q. [12:25:26] Once you gathered those abductees together, what would you do
14 with them next?

15 A. [12:25:44] Those who were abducted, when they are gathered together -- if, for
16 instance, it was during an attack and in a situation where the UPDF have been chased
17 away, they would collect the food items that have been looted and they are given to
18 them to carry, to move up to the place where the RV would be.

19 In the initial days where -- when there were no orders for killing of the civilians, we
20 would move up to a certain point and then those who were within the range that
21 should be retained to be conscripted would be retained. The rest would be released.
22 Those who have been retained would have to eventually be trained on how to fight.
23 On the issues of girls, they would also still be trained on how to fight, but for those
24 who eventually grow up to an age that can now be given out as wives, would
25 eventually be given as wives.

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1 PRESIDING JUDGE SCHMITT: [12:26:47] Mrs Hirst, just one question that perhaps
2 might clarify a certain point.

3 Mr Witness, how would the LRA make sure that these abductees did not run away on
4 the way?

5 THE WITNESS: [12:27:13] (Interpretation) What the LRA would do was that -- well,
6 during the days when the civilians were now very tricky, they would look for -- they
7 would identify people who -- some of them would be putting on military uniforms
8 and others are not putting on that. When -- they would move ahead, those in the
9 military uniforms would move ahead so that they can dupe the civilians to think they
10 are government soldiers. By the time the civilians will know that these are not
11 government soldiers, they will already have been surrounded and they will then be
12 abducted.

13 PRESIDING JUDGE SCHMITT: [12:27:50] I think my question was not clear enough.
14 What I meant was, from the moment at a certain point at a certain camp, for example,
15 when the abductees were gathered and then they were told to move, for example,
16 with the food that was looted to the RV or wherever, how -- were they bound in any
17 way, bound together, for example, so that they could not run away? Simply, you see,
18 when you walk in a line, simply go into the woods or into the forest or whatsoever?

19 THE WITNESS: [12:28:36] (Interpretation) I have understood that well. When they
20 are abducted, they will all be tied together using ropes. If they are very many, they
21 will be bound together in groups of tens and they will move in that order so they
22 cannot disentangle and run.

23 PRESIDING JUDGE SCHMITT: [12:28:57] It might -- because we can picture that.
24 For example, when you say there was a group of 10 people bound together, how close
25 were they together, these 10 people, for example, just that we have a picture in our

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1 mind? Do you see what I mean? Where they -- was this more loose, loosely bound,
2 or were they closer together?

3 THE WITNESS: [12:29:26] (Interpretation) The distance between any two would be,
4 if I should say, between the person questioning and then the next person sitting next
5 to her. That would be the distance but they would be in one line.

6 PRESIDING JUDGE SCHMITT: [12:29:44] Thank you very much, that now we have
7 really -- indeed, now we have a reference and we have a picture in our mind too.
8 Please continue, Mrs Hirst.

9 MS HIRST: [12:29:55] I am grateful for your Honour's assistance on that point.

10 PRESIDING JUDGE SCHMITT: [12:29:58] Perhaps you would have asked it anyway
11 but just that ...

12 MS HIRST: [12:30:02]

13 Q. [12:30:03] Mr Witness, I do have some more questions about this time period
14 between when you collected the abductees together and when you reached the RV.
15 Were the abductees given anything in particular to carry during that time?

16 A. [12:30:30] The abductees were given luggage to carry. If they find food in that
17 area, they would give them to carry. That was one of the important things for them
18 to do. But if we do not have anything, if they are being taken to be recruited into the
19 ranks of the LRA, then they just walk without anything but they are still bound
20 together.

21 Q. [12:30:58] And is it possible to approximate how far the distance might be that
22 a group of abductees could be expected to walk, say on the day when they were
23 abducted?

24 A. [12:31:19] It would depend on the situation at hand. If we are going to a place
25 that is far off, we would start in the morning till evening. If we are being pursued by

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1 the army, then that also depends on the manner in which we are being pursued. If
2 we are not being pursued by the army, then we would walk for short distances,
3 encamp, cook and then leave. But there was no absolute permanent distance that
4 would say, "Okay, from today we are walking from A to B". So it depended on the
5 situation at hand.

6 Q. [12:31:59] And would the abductees be given rests if they needed to, to enable
7 them to cover a long distance if that was necessary?

8 A. [12:32:13] If we are resting, if we are cooking, if we are positioned in a place, yes,
9 they would rest as well. Once they have rested, once we have cooked and eaten,
10 then we continue. If we are being pursued, then we would continue walking
11 without any rest because you cannot stop while you are being pursued.

12 Q. [12:32:41] Were the abductees themselves able to indicate that they needed
13 a rest?

14 A. [12:32:49] No. They had no authority. They had to follow instructions. They
15 had no right or authority to ask for rest.

16 Q. [12:32:59] Now, if one of the abductees was tired or unwell and couldn't
17 continue, what would happen to that person?

18 A. [12:33:13] If somebody is unable to walk, if -- or if the person is weak, the person
19 would be released from the ropes and killed. The rebels had a rule that you do not
20 release people, because if you release somebody, if you release an abductee, then
21 you are showing where you were, you are showing your direction.

22 Q. [12:33:44] Thank you very much, Mr Witness. I now have some questions
23 which are more directed to what daily life was like for these people once they were
24 brought into the LRA.

25 And I'm now going to be speaking about the very most junior members of the LRA,

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1 the recent abductees, not the people who had risen through the ranks of commander.

2 Can you tell us in general terms first of all, what was life like for these people in the

3 LRA? Would you say it was comfortable?

4 A. [12:34:23] People who have been abducted into the LRA,

5 some -- sometimes -- well, it depends on the situation. Sometimes they have a

6 fine -- things are fine for them, sometimes it's not. If they abduct people in huge

7 numbers, then they do not have anywhere to sleep, they do not have blankets or

8 anything to use to cover themselves. Sometimes we don't have enough food to feed

9 them, so life is not good for them.

10 Q. [12:34:56] What sort of tasks would they be given in the period immediately

11 after their abduction?

12 A. [12:35:07] They were not given any tasks. When they are newly abducted, they

13 would indoctrinate them. They would teach them how to fight and they would

14 teach them how to respect. They would teach them how to march, they would teach

15 them how to stand at attention and stand at ease. And those are some of the things

16 that they were constantly going through.

17 Q. [12:35:37] Were they given uniforms, footwear, anything like that?

18 MR OBHOF: [12:35:42] Your Honour, the Defence is going to object to this

19 continued line of questioning. We fail to see how this touches or concerns any of the

20 Legal Representative of Victims' clients which are in the four charged crime areas, or

21 you know, number 60 through 70 as well, your Honour.

22 That isn't dealing with the, in conscription, enlistment or use of child soldiers. It's

23 dealing with everyday life.

24 PRESIDING JUDGE SCHMITT: [12:36:07] I agree insofar -- Mr Obhof, I agree with

25 you insofar as, Mrs Hirst, when you are touching now military training and these

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1 matters, we would, I think, appreciate it if you concentrate on other matters. For
2 example, the question if they had footwear, that is, of course -- in general, that is
3 something that is of interest because we have, I think, enough imagination that the
4 terra would be in a way that it would be better to have footwear or not. But please
5 do not go into the military training part, so to speak.

6 Thank you, Mr Obhof.

7 MS HIRST: [12:36:46] I am very content with that, your Honour. My intention was
8 merely to avoid overly leading on the subject of the footwear.

9 Q. [12:36:56] Can you tell us then, perhaps, Mr Witness, was it usual that new
10 abductees would be given footwear to assist them in the bush soon after they were
11 abducted?

12 A. [12:37:09] No, they were not given any footwear. Unless somebody is
13 abducted with shoes, then they keep their shoes. But if somebody is barefooted,
14 then they keep on walking in that way.

15 Q. [12:37:24] And so could it be some time perhaps before they were able to obtain
16 some footwear?

17 A. [12:37:36] It would take a really long time. Unless the person is being taken on
18 mission, if the person is going -- is taken to an attack, if the person goes and finds
19 a pair of shoes, then that is his or her -- that becomes his or hers.

20 Q. [12:37:54] Now, if these people were injured, these recent abductees, would they
21 receive any medical treatment?

22 A. [12:38:10] If they are injured, they would all be treated in the same manner as
23 the veterans. The LRA did not have any specific medication that they used, unless
24 when you are injured and then you are taken to the place where the injured people
25 are sent. Then you would be -- your wound would be cleansed with warm water

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1 and they would put shea butter on the injury, on the wound. So they would only
2 use those, those things. They would treat people -- they would treat new abductees
3 and they would treat the older veterans in the same manner.

4 Q. [12:38:53] Thank you. I now have some questions relating to forms of
5 discipline and punishment that these abductees were subjected to. First of all, can
6 you tell me, when the new abductees are brought into the LRA, how did they learn
7 about the rules and the punishments for violating the rules?

8 MR OBHOF: [12:39:15] Your Honour, I am going to renew my objection. This is
9 starting to get into the disciplinary regime of the LRA, being taught rules, being
10 taught what happened to them. Again, it is a job for the Prosecutor, not for the LRV,
11 especially because it is not connected with any of the charged crimes and it is just
12 a general broad spectrum issue.

13 PRESIDING JUDGE SCHMITT: [12:39:36] But when the -- but punishments of
14 civilians, of abducted civilians, insofar as they were affected by it, they were affected
15 by it, I think we have to allow these questions. So it's a little bit mixed, the picture
16 here. So I -- contrary to the last time, I do not fully agree, so to speak, and I think
17 Mrs Hirst will not entertain something different or is not going to entertain something
18 different.

19 MS HIRST: [12:40:05] I will try and keep it quite specific, your Honour, thank you.

20 Q. [12:40:08] So perhaps I will just repeat the question for the benefit of the witness.
21 I am interested in understanding, for the new abductees, how would they come to
22 learn about the rules they had to follow and the punishments if they didn't follow the
23 rules?

24 A. [12:40:29] People who are newly abducted in the LRA would be told first and
25 foremost that they have been brought into the LRA, they have been brought to be

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1 trained to become fighters. If you try to escape, if you are apprehended, you will be
2 killed. If you escape and they know the area from where you have been abducted, if
3 at any point in time the LRA go to that area, all the people in that area or a lot of
4 people will be killed and all the homes will be destroyed. That is what they were
5 told.

6 Q. [12:41:14] And when a punishment was inflicted - and in response to the
7 Prosecution questioning, you have mentioned, for example, floggings and the use of
8 firing squads - would those types of punishments be implemented publicly in front of
9 the other abductees or privately?

10 A. [12:41:42] For the newly abductees, if somebody escapes from that group, if that
11 person is unlucky, apprehended and brought back, the person will be shot in front of
12 his peers. And those peers will also be beaten, they would be beaten extremely, so
13 that none of them would attempt to escape.

14 PRESIDING JUDGE SCHMITT: [12:42:06] May I shortly, Mrs Hirst?
15 When you say flogging and beating, of course there is a wide range of acts that could
16 fall under these expressions. I think you know what I mean. Could you describe
17 a little bit more in detail what flogging and beating meant? For example, what were
18 the means with whom the people were flogged? That also is of interest when it
19 comes, for example, to more senior people, I would say. I would simply be
20 interested how this was executed, so to speak, such flogging and beating.

21 THE WITNESS: [12:42:46] (Interpretation) They would, they would bring sticks.
22 They would break a number of sticks, make them lie down and then start beating
23 them. So if anybody else attempts to escape, they wouldn't do that, they would be
24 beaten severely.

25 PRESIDING JUDGE SCHMITT: [12:43:05] Which parts of the body would be

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1 beaten?

2 THE WITNESS: [12:43:13] (Interpretation) They would be beaten on their buttocks.

3 PRESIDING JUDGE SCHMITT: [12:43:18] Also the back, for example? Or only the
4 buttocks?

5 THE WITNESS: [12:43:25] (Interpretation) They would also be beaten on the back.

6 PRESIDING JUDGE SCHMITT: [12:43:28] Thank you.

7 MS HIRST: [12:43:29]

8 Q. [12:43:31] Thank you, Mr Witness, and perhaps one further question on this
9 topic. Who would actually implement those beatings?

10 A. [12:43:45] An order would be issued to any of -- any one of the veterans or any
11 of the recruits that have been there for a longer period. They would issue orders for
12 them to get the sticks and then go and beat, and they would just beat the newly
13 abductees indiscriminately.

14 Q. [12:44:10] Moving on to a slightly different topic, after a person had been
15 abducted into the LRA, how soon would they be required to participate in fighting?

16 MR OBHOF: [12:44:27] Your Honour.

17 PRESIDING JUDGE SCHMITT: [12:44:28] Two things. I take over now. I think
18 this simply has also been answered already. So I don't have to decide on this, on an
19 objection by Mr Obhof, on principle grounds, but I would really say we have talked
20 about that. So you can continue to another point.

21 MS HIRST: [12:44:49] I'm very happy to move on, your Honour.

22 Q. [12:44:52] Mr Witness, I am interested in understanding whether you ever
23 noticed in these new recruits any signs of fear or psychological trauma?

24 A. [12:45:15] Newly abducted people are fearful, very fearful, because they are not
25 used to gunshots. If you are being pursued by gunships, they are not used to being

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1 pursued by gunships. Armoured vehicles that are being -- pursued us are also
2 things they are not used to. So, yes, they are extremely frightful.

3 Q. [12:45:46] You have said that -- and I apologise, I don't have the transcript
4 reference at hand. But if I recall correctly, you have said that it was not common for
5 abductees to be released from the LRA. Were the new abductees led to believe that
6 they would ever leave the LRA once they had been abducted?

7 A. [12:46:18] No, they were not told anything to that effect.

8 PRESIDING JUDGE SCHMITT: [12:46:22] I am not sure if you have quoted correctly,
9 but of course the question as such could have been posed without a quotation.

10 Because of that, I let it go.

11 MS HIRST: [12:46:31] I am grateful, your Honour.

12 Q. [12:46:40] From what you observed of the abductees, did they want to escape?

13 A. [12:46:51] Yes, they would want to escape, but after being instructed and after
14 being told, given the rules, they stopped thinking about escaping.

15 Q. [12:47:06] Did it sometimes occur that abductees attempted to escape?

16 A. [12:47:16] Several. Many of them would try.

17 Q. [12:47:23] And where somebody successfully escaped, would any steps be
18 taken?

19 A. [12:47:34] If somebody escapes and they are not apprehended, if they know the
20 area that they have been abducted from, then you should know that when the LRA
21 bypass that area at some other point in time, then there will be repercussions, people
22 will be attacked and killed. But if by some stroke of luck they do not know the area
23 where he was abducted from, then nothing will be -- happen to his home or his
24 community. But if they do know, then there would be severe repercussions.

25 Q. [12:48:13] Now, for those who weren't able to escape, I want to turn to the

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1 question of deaths in the LRA. You've -- we've spoken somewhat about injuries,
2 about killings as punishment. Could you say that there was any one form of death
3 that was more common than others in the LRA?

4 A. [12:48:50] Could you please repeat the question? I did not understand the
5 question so it's difficult to answer.

6 Q. [12:48:56] I do apologise. I didn't put it very clearly. I am interested in
7 understanding what the ways were that LRA abductees could die while they were in
8 the LRA and whether there was any particular form of death that was more common
9 or more likely for them?

10 A. [12:49:24] The newly abducted, for example, if one of -- someone attempted to
11 escape, the person would be beaten with the log. If the person escapes and is
12 re-apprehended, they would be beaten with the log to death.

13 Sickness, people also died of sickness, especially during the time when we were in
14 Sudan. There were a lot of people who died from sickness. There was a cholera
15 epidemic which killed a lot of people. It killed several recruits.

16 Q. [12:50:02] Did the abductees also sometimes die in battles with the government
17 forces?

18 A. [12:50:16] Yes. That's obvious. When people are at war, a bullet does not
19 choose that this person is a civilian, this person is a soldier. A bullet does not
20 discriminate. So when you get shot, you get shot and you die.

21 Q. [12:50:34] Thank you, Mr Witness. And I apologise for asking some questions
22 that may appear somewhat obvious.

23 For all these people who died while in the LRA, and I am talking again particularly
24 about the recent abductees, were there any burial rituals performed?

25 A. [12:51:00] When we were in Sudan, if somebody dies, the person would be

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1 buried somewhere in the bush. But in Uganda when you are on convoy, when
2 you are on the move, you are not buried. If you die, they get leaves, they cover you
3 and they just leave your corpse lying there under leaves.

4 Q. [12:51:22] Thank you very much, Mr Witness. I am going to move to another
5 topic and I just have a few more questions.

6 I am interested in hearing some more about some statements you have made already
7 in response to the Prosecution questioning about the way that the LRA would collect
8 food from civilians.

9 When the LRA went to civilian areas to collect food, were there any limits to the type
10 of food you would collect? Was there any particular food that you were looking for?

11 A. [12:52:02] We would collect any kind of food that became available. We were
12 not selective. Whatever was available, we would take. Whatever you find is yours.

13 Q. [12:52:15] Would you ever take livestock?

14 A. [12:52:24] Sometimes, yes. If we find goats, yes. If we find chickens, yes.

15 Q. [12:52:31] Now, after civilians had food looted from them, I am interested in
16 understanding about what was done to their homes, and earlier today you said in the
17 context of Pajule -- and this is at real time transcript page 22, line 23, from today, and
18 you said that in Pajule the order was given to burn the entire place down. Was that
19 particular to Pajule or did that also happen in other places?

20 A. [12:53:07] If we go and collect food and there is no -- there is no fight or there is
21 no battle, we do not burn any houses. But if we go to a place where there are
22 soldiers and there is a battle between us and the soldiers, then we will burn things.
23 When we are leaving, we will burn houses and things.

24 Q. [12:53:32] If you know the answer to this, please help me, but if you don't, that's
25 okay. Was there a reason for that practice?

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1 A. [12:53:52] No. I do not know how to respond to this question.

2 Q. [12:53:59] That's not a problem at all, Mr Witness. I am very grateful for your
3 help and I only have one more question, which is a very general one.

4 Since you returned from the bush, can you tell us what you see as the most significant
5 impacts that the LRA attacks and activities have had on the Acholi communities?

6 A. [12:54:31] When the -- when I came back and the LRA was still fighting, I
7 noticed that the LRA ruined civilian life. Right now people are still beginning to find
8 ways to survive. People lost ways to earn money, there were no houses. So people
9 are just beginning to rebuild their lives again after the LRA. So the LRA war created
10 a lot of problems.

11 Q. [12:55:04] Thank you very much, Mr Witness. I am very grateful for your
12 answers.

13 MS HIRST: [12:55:09] Mr President, I have no further questions.

14 PRESIDING JUDGE SCHMITT: [12:55:10] Thank you, Mrs Hirst.

15 Mr Narantsetseg, do you have any questions?

16 MR OBHOF: [12:55:14] Mr President, I'm sorry. Before Ms Hirst sits down, I was
17 looking at page 22, line 23, of the real time transcript and it doesn't mention anything
18 about burning Pajule down. It is a discussion about going back down to Teso, and
19 I am just wondering maybe if Ms Hirst could maybe email the citation.

20 PRESIDING JUDGE SCHMITT: [12:55:34] No, I also had -- frankly, I did not
21 interrupt now, but I was also not sure, I think. But we have now on the record
22 your -- it's not a real objection, but your reservation, so to speak, in that respect. We
23 have that and it will not be forgotten, of course. Thank you.

24 MS HIRST: [12:55:54] I do apologise. I can assist the Court immediately, and I am
25 grateful for Mr Obhof for identifying that, actually, because it is better to correct it

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1 now. That's a typographical error on my part. It's page 33 and the particular

2 reference is line 23. So it's page 33 rather than 22. I apologise.

3 PRESIDING JUDGE SCHMITT: [12:56:17] Yes, thank you very much.

4 Mr Narantsetseg, any questions?

5 MR NARANTSETSEG: [12:56:19] Your Honour, thank you for the opportunity.

6 My learned colleague Ms Megan Hirst has masterfully elicited evidence on the issues

7 that we are interested in. So we propose no further questions. Thank you.

8 PRESIDING JUDGE SCHMITT: [12:56:32] Thank you very much.

9 That concludes the testimony of Mr Witness for today.

10 I wish everyone a recreative weekend. And with respect to Mr Obhof, that is not

11 meant ironically, of course, that is perfectly clear. We abate the proceedings for

12 today and resume at 9.30 on Monday.

13 THE COURT USHER: [12:57:03] All rise.

14 (The hearing ends in open session at 12.57 p.m.)

15 RECLASSIFICATION REPORT

16 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July

17 2016, the public reclassified and lesser redacted version of this transcript is filed in the

18 case.