

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 18 August 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:59] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:33:18] Good morning, everyone. Good morning,
13 Mr Witness.
14 WITNESS: UGA-OTP-P-0245 (On former oath)
15 (The witness speaks Acholi)
16 (The witness gives evidence via video link)
17 THE WITNESS: [9:33:28] (Interpretation) Good morning.
18 PRESIDING JUDGE SCHMITT: [9:33:31] Could the court officer please call the case.
19 THE COURT OFFICER: [9:33:34] Thank you, Mr President. The situation in
20 Uganda, in the case of The Prosecutor versus Dominic Ongwen, case reference
21 ICC-02/04-01/15.
22 We are in open session.
23 PRESIDING JUDGE SCHMITT: [9:33:43] Thank you very much.
24 For the appearances of the parties, the Prosecution first, please.
25 MR SACHITHANANDAN: [9:33:49] Good morning, your Honour. I'm appearing
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1 today with Beti Hohler, Ben Gumpert, Paul Bradfield, Yulia Nuzban, Hai Do Duc,
2 Shahriar Yeasin Khan, Milena Bruns, Ramu Fatima Bittaye, Colin Black and
3 Yya Aragon.

4 PRESIDING JUDGE SCHMITT: [9:34:08] Thank you very much.

5 This presentation of the parties and participants is part of a, I think, very good
6 formality that shows respect, vice versa, although -- because we know each other in
7 the meantime, I would say.

8 Mr Cox, please, the next, please.

9 MR COX: [9:34:30] Good morning, your Honours. Appearing with Mr James
10 Mawira and myself, Francisco Cox.

11 PRESIDING JUDGE SCHMITT: [9:34:36] Mrs Massidda.

12 MS MASSIDDA: [9:34:37] Good morning, your Honour. Paolina Massidda,
13 Orchlon Narantsetseg and Hyuree Kim this morning in court.

14 PRESIDING JUDGE SCHMITT: [9:34:43] Thank you. And for the Defence,
15 Mr Obhof.

16 MR OBHOF: [9:34:45] Good morning, your Honour. My name is Thomas Obhof
17 and I am here with Chief Charles Achaleke Taku, Ms Abigail Bridgman and our client,
18 Mr Dominic Ongwen.

19 PRESIDING JUDGE SCHMITT: [9:34:55] And we also welcome Mrs Kerwegi, I see
20 at least part of you, at the video link, and we have also Mr Alejandro Kiss for the
21 Registry, and I see him.

22 MS KERWEGI: [9:35:09] (Via video link) Good morning, your Honour.

23 PRESIDING JUDGE SCHMITT: [09:35:10] Good morning.

24 THE COURT OFFICER: [09:35:11] (Via video link) Good morning.

25 PRESIDING JUDGE SCHMITT: [9:35:12] So we can then continue with the

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1 examination of the witness, and Mr Sachithanandan has the floor.

2 MR SACHITHANANDAN: [9:35:18] Thank you.

3 PRESIDING JUDGE SCHMITT: [9:35:25] I think we wait a couple of seconds until
4 everything is arranged there at the video link, and I think now silence is looming.

5 QUESTIONED BY MR SACHITHANANDAN: (Continuing)

6 Q. [9:35:37] Good morning, Mr Witness.

7 A. [9:35:43] Good morning.

8 Q. [9:35:45] Mr Witness, yesterday when we stopped your examination, we had
9 just come to the discussion of the sickbay that you were at with Dominic Ongwen. I
10 want to take just one step back and ask you how precisely did Dominic Ongwen get
11 injured?

12 A. [9:36:21] He was injured when he was going to attack Adilang. The UPDF
13 crossed -- the UPDF shot them while they were on their way to attack Adilang to
14 collect some medication and sodas and other small things. They entered into an
15 ambushade, a government ambushade, and he was injured from there. That's what
16 happened.

17 Q. [9:36:57] Who was he with when he got injured?

18 A. [9:37:06] He was with -- he was with a number of people in that group. To my
19 recollection, he was with Odio Nakupa. The group was selected by Buk Abudema
20 and handed over to Dominic.

21 Q. [9:37:33] Yesterday we discussed someone called Oyenga. Do you know where
22 Oyenga was when Ongwen got injured?

23 A. [9:37:45] He went with him. He went with -- Oyenga was also in Sinia brigade
24 so he went with them.

25 Q. [9:38:04] Please describe to us what happened after Dominic Ongwen got

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1 injured.

2 A. [9:38:13] When he got -- when he was injured, they crossed Kalongo road. He
3 was carried and they crossed Kalongo road. At the time that he was shot during the
4 ambush, he was not injured. They threw him down and then they went back,
5 carried him, and then took him to (Redacted)

6 (Redacted) And that's how (Redacted) to the sickbay;
7 they selected people to take care of him in the sickbay.

8 Q. [9:39:00] Can you tell us briefly what a sickbay is in the LRA?

9 A. [9:39:04] A sickbay is a place where they keep people who have sustained
10 injuries and sick people. That's where they keep people who have sustained injuries.

11 Q. [9:39:17] Was it in one place or was it moving?

12 A. [9:39:25] It was mobile. His was mobile but there are other sickbays that are
13 sometimes stationary for two or one week in one place.

14 Q. [9:39:47] Were there only men in the sickbay or were there also women in the
15 sickbay?

16 A. [9:39:51] There were women as well. The wives of the officers that went to take
17 care of Dominic and as well as Dominic's wives were present.

18 Q. [9:40:08] Who were the officers present in the sickbay?

19 A. [9:40:19] In the sickbay the people who had sustained injuries were Nyero.
20 Nyero, the support officer in Oka, was shot in the leg and it was injured. Obol, the
21 one-eyed guy, was also injured, as well as Dominic. Those are the three officers that
22 had sustained injuries. Obol was a captain, Dominic was a lieutenant colonel and
23 Nyero was a lieutenant.

24 Q. [9:40:51] Yesterday we discussed boys of the age of Aditi or younger. Were
25 any of those people of Aditi's age or younger in the sickbay?

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1 A. [9:41:10] Yes, they were also present. We did not leave them anywhere. They
2 were present. All of them were also at the sickbay with Odomi.

3 Q. [9:41:30] Can you describe to us, please, the injury that was suffered by
4 Dominic Ongwen?

5 A. [9:41:40] He was shot with a bullet. He was shot in the leg.

6 Q. [9:41:51] And what sort of treatment did he receive?

7 A. [9:42:01] We were mostly using -- we were mostly using honey, cleaning the
8 wound with water, using penicillin tablets as well. He was taking -- he was
9 swallowing penicillin tablets.

10 Q. [9:42:32] How did you get food for the sickbay?

11 A. [9:42:38] The food was given to us by people who were in the convoy. For
12 example, Buk Abudema's group, they would bring food to the sickbay. They would
13 put the food at a particular location and we would go and pick it up. If we ran out
14 of food, Dominic would also instruct us to select people to go and look for food.

15 Q. [9:43:07] Can you give us more detail, please, about what would happen when
16 Dominic instructed you or you all to go get food?

17 A. [9:43:23] They would select people to go and look for food. Nothing other than
18 that. We would just follow his instructions.

19 Q. [9:43:35] And in what areas would you go get food?

20 A. [9:43:42] We would just go to different areas. There wasn't any specific or one
21 particular area that we would go to. We would go to places like Lacekocot, we
22 would go to places like Pajule. So it depends, but we would go to different locations.

23 Q. [9:44:09] Okay, so let's take that step by step. Can you describe what happened
24 at Lacekocot?

25 (Redacted)

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1 (Redacted).

2 MS KERWEGI: [9:44:36] (Via video link) Your Honour, I am sorry for this
3 interruption. I request for a redaction.

4 PRESIDING JUDGE SCHMITT: [9:44:47] I haven't captured it. Can you -- yes,
5 okay. Which kind of redaction? We go to private session, of course, to discuss this,
6 yes, and then we can discuss it.

7 (Private session at 9.45 a.m.) *(Reclassified partially in public)

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: [9:45:11] Okay, then please continue. What kind of
10 redaction do you request?

11 MS KERWEGI: [9:45:18] There was a response provided, (Redacted)
12 (Redacted).

13 PRESIDING JUDGE SCHMITT: [9:45:25] Indeed, that's correct, I would say. I think
14 we can agree on that. Yes, because it was his -- yes.

15 Then we go back to open session and Mr Sachithanandan continues.

16 Mrs Kerwegi, I did not hear you very well when you are speaking. Perhaps you
17 would have to go, when you have a further intervention, closer to the microphone or
18 even take it -- but I have got it.

19 Open session and we continue then.

20 (Open session at 9.45 a.m.)

21 THE COURT OFFICER: [9:45:57] We are back in open session, Mr President.

22 MR SACHITHANANDAN: [9:46:09]

23 Q. [9:46:09] Mr Witness, without mentioning any role you may have had at
24 Lacekocot, could you tell us from whom the food was obtained?

25 A. [9:46:29] The rebels would take food from civilians, because the rebels did not

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1 have any gardens, (Redacted)

2 Q. [9:46:41] And is this in a village environment, in a town environment, IDP camp?

3 What kind of location are we talking about?

4 A. [9:46:58] It was among the homesteads.

5 Q. [9:47:02] The boys we talked about of Aditi's age or younger, did they deploy
6 for this operation or did they not?

7 A. [9:47:15] Some of them did go to carry the food.

8 Q. [9:47:20] Can you tell us their names, if you remember?

9 A. [9:47:31] No, I do not recall their names at this particular instant. There were
10 quite a number of people.

11 Q. [9:47:42] You also mentioned going to Pajule. Without mentioning your
12 particular role, what happened at Pajule?

13 A. [9:47:57] I stated that people also went to Pajule to pillage food. That was one
14 of the areas where Dominic was in a sickbay in an area that was close by.

15 Q. [9:48:17] And similar to my previous question, from what kind of location was
16 the food obtained?

17 A. [9:48:29] The food was obtained from the camps.

18 Q. [9:48:40] When the attackers went to the camps to get food, did they come back
19 alone or did they come back with civilians?

20 A. [9:48:52] Civilians are not brought to the sickbay because civilians might escape,
21 and if they are aware of where the sickbay is with the commander, then that would
22 bring the UPDF to attack the patients. So civilians are not brought to the sickbay,
23 they are not abducted.

24 Q. [9:49:17] You said that Dominic Ongwen instructed you to carry out these
25 missions. In what condition was he at this time?

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1 A. [9:49:33] His injuries were scabbing over. But if you are injured on the leg, that
2 does not actually prohibit you from talking. It was only his legs that were injured.
3 It was only his legs that had problems, but he was still capable of speaking. The rest
4 of his body was functioning perfectly.

5 Q. [9:49:58] During his time in the sickbay, was he always immobile or at any point
6 was he capable of movement?

7 A. [9:50:19] It took him a while before he started walking. He -- most times he
8 was in bed. So there was nobody other than him that was -- that used the radio call.
9 So if he had to speak to somebody at the high command via radio call, the radio call
10 would be brought to him and he would speak to them.

11 Q. [9:50:45] And who would bring the radio call to Dominic Ongwen?

12 A. [9:50:56] The signaller would do that, Van Dam Okot.

13 Q. [9:51:09] Was the radio call always in the sickbay or was it brought from
14 somewhere else?

15 A. [9:51:21] That was his radio call that he had in the battalion. He already had it.
16 When he came for the operation, he already had it with him.

17 Q. [9:51:38] Did you with your own eyes see him use a radio in the sickbay?

18 A. [9:51:43] Yes, I did. I saw him with my own eyes.

19 Q. [9:51:48] To whom would he talk on the radio?

20 A. [9:52:00] He would speak directly with Kony and Otti Vincent. All the
21 commanders, all brigade commanders, all COs, most of them had radios and there
22 was a scheduled time that the radios were supposed to be set up so that everybody
23 would be on air to listen to the communication, to listen to any orders that were
24 coming up above from Kony.

25 And also to report on situations, report on issues pertaining to your group, all this

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1 information would be reported and it would go to the higher command.

2 Q. [9:52:44] Could you describe to us what sort of things Dominic Ongwen
3 reported on the radio to high command?

4 A. [9:53:01] At the time that he was injured, he would report on his conditions, he
5 would inform them that nobody escaped from the sickbay, the government did not
6 attack the sickbay and he was still perfectly fine.

7 Q. [9:53:26] Other than -- did anyone visit you at the sickbay?

8 A. [9:53:37] When Kony did come and visit us at the sickbay himself, Kony came
9 and visited us, Buk also came. And if I recall, Kony came from the Sudan and he
10 came directly to see us. He met with us at Agago and at Nam (phon), at the river
11 Agago.

12 Q. [9:54:10] How long after Dominic Ongwen got injured did Kony come and visit
13 you?

14 A. [9:54:23] If to my recollection, perhaps four months, after four months, four
15 months after the injury. Perhaps three to four months.

16 Q. [9:54:38] Please describe to us what happened at this meeting.

17 A. [9:54:53] To my recollection Kony came to him and told him, and he told him
18 that he was very sorry about what happened to him, and he told him those
19 are -- unfortunately, that's what happens in battle, people get hurt, people get shot
20 and people get injured. So he should not worry about it, as long as his security is
21 okay, that would be fine.
22 Dominic should be aware that the government is looking out for him, so he should
23 stay safe so that the government does not attack him. He also instructed the people
24 who were taking care of Dominic that Dominic should be protected very well because
25 he was one of his very good commanders.

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1 Q. [9:55:48] What was the relationship like between Kony and Dominic Ongwen?

2 A. [9:56:02] To my knowledge, Kony would refer to him as his in-law, because
3 Odomi's sister, known as Atong, was Kony's wife. So Odomi -- sorry, Kony would
4 refer to Odomi as his wife. And secondly, Odomi was a very hard-working person
5 and he was extremely liked by soldiers. He was a very good fighter, he would fight
6 very well against the government soldiers. He was a revered fighter, and that made
7 Kony very happy, and that was also something that pleased Kony very much.

8 Q. [9:56:43] You mentioned Atong. Could you tell us Atong's full name?

9 A. [9:56:52] I heard them refer to her as Atong Lilly?

10 Q. [9:57:00] How long did Kony stay with Dominic Ongwen?

11 A. [9:57:09] He did not stay that long. He spent two nights and then he left. But
12 he left him, he left bullets and some ammunition and firearms.

13 And he also talked to the other officers, Captain Obol, the one-eyed man and Captain
14 Nyero, and he also told them that they would get better and unfortunately people get
15 injured in battle.

16 Q. [9:58:00] You mentioned that Buk visited the sickbay. Please describe this visit.

17 A. [9:58:09] Buk also came to check on us. He brought us food, because that was
18 his CO. That's why Buk came. He also came to see if there was any improvement.
19 And he did find that his leg was improving.

20 Q. [9:58:30] At this time, what was Buk's position and role?

21 A. [9:58:47] At the time Buk was a colonel and he was the brigade commander of
22 Sinia, to my recollection.

23 Q. [9:59:04] Who did Buk come with to the sickbay?

24 A. [9:59:14] He came with his officers, but a few officers, but I do not recall the
25 names. He left his -- the largest group for security reasons, so he only came with

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1 very few officers. I believe he only came with about 10 people because of security
2 reason, but I do not recall their names.

3 Q. [9:59:44] Have you heard of anybody called Anthony Opoka?

4 A. [9:59:54] Yes, I have.

5 Q. [9:59:57] Who was he?

6 A. [10:00:04] He was a signaller for Sinia.

7 Q. [10:00:10] During your time in the sickbay with Dominic Ongwen, did you ever
8 encounter Anthony Opoka?

9 A. [10:00:24] I met Opoka several times. I was with him first in Oka and then he
10 was transferred to the brigade headquarter. From brigade headquarter in the Sinia,
11 he went to Tabuley's group as his signaller. At the time that they went to Achol-Pii
12 he was still Tabuley's signaller.
13 After the attack at Achol-Pii, they went to the mountain to meet with Kony, and when
14 they returned Tabuley went with another signaller. He remained with Dominic. So
15 when they went to meet with Buk, he remained as the brigade signal officer of the
16 Sinia brigade. That is what I know.

17 Q. [10:01:23] Right. Thank you.

18 I want you to focus a little on your time in the sickbay. When you were in the
19 sickbay with Dominic Ongwen, did you ever encounter Anthony Opoka?

20 A. [10:01:42] He came, he came together with Buk to Dominic. He was amongst
21 those who came.

22 Q. [10:01:52] At the time Anthony Opoka came with Buk, what was the role and
23 position of Anthony Opoka?

24 A. [10:02:06] He was in charge of radio communication.

25 Q. [10:02:19] Other than Buk and Kony, did any other senior commander in the

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1 LRA visit the sickbay?

2 A. [10:02:33] No one else came that I know of.

3 Q. [10:02:52] I want to go back a little to talking about operations by the sickbay.

4 Now we discussed Lacekocot and we discussed Pajule. Can you remember any
5 other location to which troops from the sickbay deployed?

6 A. [10:03:21] I can't recall that at this time.

7 Q. [10:03:26] Have you heard of a place called Lalogi?

8 A. [10:03:37] Yes, I heard, I heard about Koyo-Lalogi.

9 Q. [10:03:45] What happened at Koyo-Lalogi?

10 A. [10:03:55] There is nothing serious that happened at Koyo-Lalogi as I recall,
11 because there were no civilians at that place.

12 Q. [10:04:12] Do you recall any ambushes that occurred during your time in the
13 sickbay?

14 A. [10:04:30] I do not recall. The ambush that I can recall happened when
15 Dominic was not yet, had not yet come to the sickbay. He was still normal, he was
16 not yet injured. The ambush occurred at a place called, called Dure near Acholibur.
17 That's what I know.

18 Q. [10:05:06] Was Dure before Achol-Pii or after Achol-Pii?

19 A. [10:05:20] It is after Achol-Pii.

20 Q. [10:05:22] Please tell us briefly what happened at Dure.

21 A. [10:05:32] At Dure, what I recall was that Dominic Ongwen moved together
22 with Kidega Pakpala, and they put or staged an ambush on the road from Kitgum to
23 Gulu and they ambushed a bus. They captured all the occupants in the bus and came
24 with them to the group that they had left behind. They came together with the
25 civilians that they captured from the bus. They were men and women.

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1 Q. [10:06:12] Sorry, just so I understand, is it Dure or Idure? What is the precise
2 location?

3 A. [10:06:22] Dure. Dure.

4 Q. [10:06:25] What was the role and position of Dominic Ongwen at this time?

5 A. [10:06:36] He was the CO. He was the CO of Oka. And he would move with
6 his own battalion.

7 Q. [10:06:45] You mentioned that the occupants of the bus were brought back to the
8 battalion. What happened to these civilians?

9 A. [10:07:00] What I saw was that the civilians spent the night amongst the LRA
10 rebels and they were released in the morning at around 10 a.m., 10 a.m. during day,
11 and that's when they were released and they went back.

12 Q. [10:07:23] Were all the civilians released or only part of the civilians released?

13 A. [10:07:31] All of them were released, because the people, all of them were
14 actually adults.

15 Q. [10:07:42] Regarding the forces who deployed for this ambush, were there any
16 of the age of Aditie or younger or
17 not?

18 A. [10:08:04] Aditi was his escort. His size, compared to that of Opiyo Korea,
19 there was not a marked difference. Yes, he moved with them, because those were
20 people who had guns. So your escorts, you don't leave them behind. If you are
21 going for an operation, you move with your escorts.

22 Q. [10:08:28] Right. I am not sure whether I fully understood. So for the ambush
23 at Dure, did people of Aditie's age go or did they not go?

24 A. [10:08:47] They went.

25 Q. [10:08:48] All right. Now I want us to come back to the sickbay, right. We've

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1 finished the Idure -- sorry, finished the Dure discussion. We are coming back to the
2 sickbay.

3 Have you heard of anyone called Oleda?

4 A. [10:09:16] Oleda?

5 Q. [10:09:20] I am not a hundred per cent sure how you pronounce it. I think it is
6 Oleda or Oleda, one of the two.

7 A. [10:09:36] I don't recall that name. The people who were in Oka that I recall,
8 one of them was called Otto Oleda, who actually died in Sudan. He actually died at
9 the mountains in Sudan. That's what I called -- that's what I can recall.

10 Q. [10:09:57] Have you heard of anyone called Kilama Cio?

11 A. [10:10:09] Kilama Cio was in Terwanga, yes, I recall that.

12 Q. [10:10:17] How old was he?

13 A. [10:10:29] He is, Cio, Cio is actually referred to by a certain sound, sound of
14 a certain bird call Aditie. Because Aditie is a very tiny bird, so that name was given
15 to him in reference to the sound that is made by that bird. So he was still a young
16 person, probably about 10 years old.

17 Q. [10:10:54] Right. And I just want to make sure we are not talking about the boy
18 Aditi that we were discussing earlier, right? This is someone different; is that
19 correct?

20 A. [10:11:09] I responded to the name that you mentioned as Cio. Cio was
21 a nickname given to him. So Cio is actually the sound made by that Aditibird, and
22 so he was given that name because he was actually a tiny person, and also his voice
23 was very, you know, was very small. When he would speak, his voice was actually
24 very, very tiny compared to the kind of sound that is made by the Aditi bird, so that
25 is how he got that name.

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1 Q. [10:11:53] And in whose household was Kilama Cio?

2 A. [10:12:06] Cio first stayed with Lieutenant Colonel Opoka supply and then later
3 on he went to Oling Nakupa. That's how I can recall.

4 Q. [10:12:26] At the time you were in Oka battalion, which battalion was Kilama
5 Cio in?

6 A. [10:12:40] I said he was in Terwanga.

7 Q. [10:12:48] At the time you were in the sickbay, where was Kilama Cio?

8 A. [10:13:03] We left Kilama Cio in Terwanga with Buk.

9 Q. [10:13:16] You mentioned that Dominic Ongwen's wives were at the sickbay.
10 Can you please tell us the names of the wives who were in the sickbay?

11 A. [10:13:33] In the sickbay he was with Aber and ting ting Abwot, and there was
12 another girl from Pader whose name I cannot recall now. I cannot recall other names.
13 Aber comes from Onyama. Onyama is in Gulu.

14 Q. [10:14:10] Do you remember which ting tings, if any, were with
15 Dominic Ongwen in the sickbay?

16 A. [10:14:26] He had three ting tings in the sickbay, Ayari, Abwot and Fatuma.
17 These were the three ting tings that I saw he was with in the sickbay.

18 Q. [10:15:00] Mr Witness, how long did Dominic Ongwen stay in the sickbay?

19 A. [10:15:12] He took a while, I guess close to sick months, if I can correctly recall,
20 because I do not recall the exact month, but I do not recall the exact month, the exact
21 month.

22 MR SACHITHANANDAN: [10:15:39] Your Honour, can we go into private session
23 for about five, ten minutes?

24 PRESIDING JUDGE SCHMITT: [10:15:46] Yes, private session.

25 (Private session at 10.15 a.m.) *(Reclassified partially in public)

Trial Hearing
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(Private Session)

ICC-02/04-01/15

1 THE COURT OFFICER: [10:15:52] We are in private session, Mr President.

2 MR SACHITHANANDAN: [10:16:07] Your Honour, I would like to show the
3 witness tab 33 of binder 3. That is UGA-OTP-0245-0136. I am told by Ms Hohler
4 that the copies in the binders will probably be clearer than the copy that you see on
5 your screen. Just a suggestion.

6 PRESIDING JUDGE SCHMITT: [10:17:10] Perhaps we can look parallelly so that we
7 can choose visually, so to speak.

8 MR SACHITHANANDAN: [10:17:21]

9 Q. [10:17:22] Mr Witness, do you see an image in front of you?

10 A. [10:17:29] Yes, I can see.

11 Q. [10:17:30] Please tell us what this is.

12 (Redacted)

13 (Redacted)

14 (Redacted)

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16 (Redacted)

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2 Q. [10:22:20] Now I want us to move to the next page in the same document. And
3 for the record the page would be 0137, next page.

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1 (Redacted)

2 MR SACHITHANANDAN: But, your Honour, we will have to stay in private for
3 another few minutes, if you don't mind.

4 PRESIDING JUDGE SCHMITT: [10:28:23] No. I think you know, you know better
5 what you are going to follow now and we stay in private session.

6 (Redacted)

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13 MR SACHITHANANDAN: [10:33:06] Your Honour, I would like to show the

14 witness an exhibit, tab 26 of binder 3. And the ERN is UGA-OTP-0245-0124.

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22 MR SACHITHANANDAN: [10:58:17] Your Honour, I think we are at a logical end
23 point.

24 PRESIDING JUDGE SCHMITT: [10:58:21] We go back to open session.

25 (Open session at 10.58 a.m.)

Trial Hearing
WITNESS: UGA-OTP-P-0245

(Open Session)

ICC-02/04-01/15

- 1 THE COURT OFFICER: [10:58:37] We are back in open session.
- 2 PRESIDING JUDGE SCHMITT: [10:58:41] And I assume you would have to
- 3 continue in private session after the break for a while?
- 4 MR SACHITHANANDAN: [10:58:47] Yes, your Honour. I think we will have to
- 5 continue for about 15, 20 minutes in private.
- 6 PRESIDING JUDGE SCHMITT: [10:58:54] Are you going to entertain in general
- 7 terms these issues in a row, so to speak, as a block?
- 8 MR SACHITHANANDAN: [10:59:03] Yes, we are going to go chronologically.
- 9 PRESIDING JUDGE SCHMITT: [10:59:07] You don't have to specify that. So we
- 10 have then now a break until 11.30.
- 11 THE COURT USHER: [10:59:13] All rise.
- 12 (Recess taken at 10.59 a.m.)
- 13 (Upon resuming in open session at 11.31 a.m.)
- 14 THE COURT USHER: [11:31:51] All rise.
- 15 PRESIDING JUDGE SCHMITT: [11:32:10] We go to private session because we
- 16 have to continue in private session and we have to discuss something in private
- 17 session.
- 18 (Private session at 11.32 a.m.) *(Reclassified partially in public)
- 19 THE COURT OFFICER: [11:32:33] We're in private session.
- 20 PRESIDING JUDGE SCHMITT: [11:32:35] I don't know in how far the parties are
- 21 informed of this small interpretation issue. There might have been raised the issue
- 22 that it's not fully clear if the witness says "they" or "we". This has been brought to
- 23 the attention, I think, also of the interpreters and I would simply suggest that they are
- 24 vigilant of that aspect, and when the witness really wants to express "they" and this is
- 25 expressed in his language - because it's up to the interpreters how to interpret, that's

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- 1 their job - then they are vigilant of that and then they also say "they" and not "we".
- 2 I think we can simply keep it at that and be aware of the problem. And if it arises
- 3 again, we have to -- if need be, we have to redact whatsoever.
- 4 I think we would not have to discuss this at large, so you can continue,
- 5 Mr Sachithanandan.
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1 (Redacted)

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3 PRESIDING JUDGE SCHMITT: [11:53:04] I just want to make everybody, and of
4 course especially you now, aware of the fact that we are in private session constantly.
5 So there might come a point where we can go back to open session, to put it this way.
6 We are talking about identifying things, about Rule 74 matters, but at the moment
7 I think we are -- might enter matters and issues where we could at least contemplate
8 to go back to open session.

9 MR SACHITHANANDAN: [11:53:36] I think maybe one or two questions, your
10 Honour, and then we're back.

11 PRESIDING JUDGE SCHMITT: [11:53:41] Yes, please.

12 MR SACHITHANANDAN: [11:53:48]

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(Open Session)

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1 (Redacted)

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3 (Open session at 11.55 a.m.)

4 THE COURT OFFICER: [11:55:33] We're in open session, Mr President.

5 MR SACHITHANANDAN: [11:55:39]

6 Q. [11:55:40] Mr Witness, have you heard of a place called Palaro?

7 A. [11:55:52] Yes, I heard of Palaro.

8 Q. [11:55:56] Do you know of anything of significance that happened in Palaro?

9 A. [11:56:07] The information that I have about what happened in Palaro was that
10 Dominic Ongwen conducted an attack in Palaro during the day and during that
11 attack during the day they were able to scatter the government soldiers, they looted
12 shops and they walked away. That's what I know.

13 Q. [11:56:38] Now, without telling us any details of what you did or did not do,
14 can you tell us whether you went to Palaro for this mission?

15 A. [11:56:54] Could you say the question again, please.

16 Q. [11:57:11] Without telling us any details about what you did, can you tell us
17 whether you were in the standby that went for the Palaro attack?

18 A. [11:57:30] Yes, I was present.

19 Q. [11:57:36] All right. Now we're going to discuss the Palaro attack in a bit of
20 detail and can you please tell us how the plan to attack Palaro was formulated, again
21 without any description of your role.

22 A. [11:57:59] The plan to go to Palaro was hatched during -- when we
23 were -- when we were having meals. While he was eating he said "I feel like, I feel
24 like fighting. We need to find a place where the government soldiers so that we
25 fight. I feel I need to fight." So after eating food, everyone should go to Palaro. So

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1 those who had guns put on their uniforms, those who had -- those who did not have
2 uniforms remained together with the women and they walked behind. All those
3 with uniforms went ahead. So we started our movement, we crossed the main road
4 and followed the main road. We came and found -- the group came and found there
5 were some soldiers who were playing cards, some would stand up and salute because
6 they thought that group was a government mobile force that was coming, that was
7 returning for an operation.

8 So when the group now went straight to the barracks, a whistle was blown and
9 people started running towards the barracks while firing. The barrack was attacked
10 and completely destroyed and burnt. People were told to go and carry food,
11 anything that you find in the centre should be taken. So the ones that remained, the
12 people that remained behind came back, came forward and started breaking shops
13 and looted food. That operation did not take long. If I can guess, it probably took
14 about 30 minutes. Also at that time there was a standing order by Joseph Kony that
15 people should be chased away from the IDP camps so that they would return home.
16 Because the people who were in the camps are people who support Museveni, but the
17 ones that are in the village are the ones that support Kony, so the ones who are in the
18 village should not be disturbed. Even when they would find you in your garden,
19 they would not disturb you. So following the orders that people should be chased
20 away from the camps, he said -- he told people to burn all the houses in the camps.
21 So this was done so that people were -- would be sent away from the camps to return
22 home. So this was -- this is what happened when people went to Palaro.

23 Q. [12:01:11] Thank you. And now we will discuss these various aspects that
24 you just said. When you said "We were having lunch and he decided to go", can you
25 tell us who he, who is this "he" that you are referring to?

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(Open Session)

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1 A. [12:01:30] I am talking about Dominic Ongwen, who was the overall
2 commander of that group.

3 Q. [12:01:45] And what was that group at that time? Who was in the group?

4 A. [12:01:54] The group that came was Oka battalion with some parts from
5 Terwanga battalion.

6 Q. [12:02:07] Was it only Sinia troops or were there troops from any other LRA
7 unit who participated in Palaro?

8 A. [12:02:19] It was only Sinia which, which -- for which he was in charge. It
9 was the group that Dominic was in charge of that went.

10 Q. [12:02:31] Do you remember what rank Dominic Ongwen had at that time?

11 A. [12:02:42] At the time he had not yet been promoted to brigadier. To my
12 recollection he was still a colonel. Later on he became brigadier, he was promoted to
13 brigadier.

14 Q. [12:03:09] You said everyone who attacked wore uniforms. What uniforms
15 were they wearing?

16 A. [12:03:20] It was mixed. They were wearing UPDF uniforms and also
17 government of Sudan issued uniforms. These were issued by the Sudanese
18 government to the LRA.

19 Q. [12:03:36] And why is it that for this attack everyone was wearing uniform?

20 A. [12:03:47] This was done in order to confuse the civilians and the soldiers.
21 They wanted to surprise the soldiers so the soldiers would not be aware of who was
22 attacking them.

23 Q. [12:04:06] And did it work or did it not work? This plan.

24 A. [12:04:14] It went on as planned and was accomplished as planned.

25 Q. [12:04:22] You remember we discussed people like Aditi who were 14,

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1 approximately. Did anyone of Aditi's age or younger participate in this attack?

2 A. [12:04:39] Yes, they were always -- these children were always present. These
3 children were very good at -- they had very good shots and they were extremely
4 brave and courageous and they would not flee.

5 Q. [12:05:02] And why do you think that children of that age were brave and
6 courageous?

7 A. [12:05:18] They would always follow what the, what the commander was
8 telling them. They were told that if you run during combat you will be beaten. If
9 you keep on running away from battle, when will the government be overthrown?
10 So if you flee while during battle then you're going to be beaten. So the rule was that
11 you would be beaten. And people were afraid of that and they followed these
12 instructions.

13 Q. [12:05:46] These children, what was their role during the Palaro attack?

14 A. [12:06:00] The children that were not armed were used to carry luggage, to
15 carry sugar, sodas, cooking oil, flour. The children who were armed, who had guns
16 were there to fight, to fight against soldiers. When the soldiers retreated they went
17 in to seize or take whatever it is that they were able to carry.

18 Q. [12:06:30] Is this something you saw with your own eyes at Palaro?

19 A. [12:06:38] This is something that I personally saw.

20 Q. [12:06:43] And who was -- who was supervising the children? Who was
21 giving them instructions?

22 A. [12:06:58] Before the battle commenced, Dominic is the one who issued the
23 order. There was no going back until Palaro was overrun, so the orders came from
24 him.

25 Q. [12:07:12] After the attack, when the attackers went back, did they go back

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1 alone or did they go with civilians?

2 A. [12:07:34] There were civilians. The smaller or younger civilians that were
3 unable to flee were taken.

4 Q. [12:07:43] What was the age, in your assessment, of the youngest civilians who
5 were brought back from Palaro?

6 A. [12:07:58] The youngest was the size of a kadogo approximately 14 years old.

7 Q. [12:08:08] Were the abductees men, women, or mixed?

8 A. [12:08:19] It was boys. There weren't that many girls among them.

9 MR SACHITHANANDAN: [12:08:35] Your Honour, I'd like to briefly show an
10 exhibit to the witness.

11 PRESIDING JUDGE SCHMITT: [12:08:39] Yes.

12 MR SACHITHANANDAN: [12:08:40] Binder 3, tab 11.

13 PRESIDING JUDGE SCHMITT: [12:08:54] Do you have a version that can be
14 shown to the public?

15 MR SACHITHANANDAN: [12:08:56] Yes, the redacted version can be shown to
16 the public, the unredacted to the witness. And the ERN of the exhibit is
17 UGA-OTP-0237-0202.

18 Q. [12:09:31] Do you see an image in front of you, Mr Witness?

19 A. [12:09:37] Yes, I'm looking at it.

20 Q. [12:09:42] What is this image?

21 A. [12:09:50] It's a diagram of a map of Palaro centre.

22 Q. [12:10:00] Do you know who produced this diagram?

23 A. [12:10:07] Yes, I do. I know.

24 Q. [12:10:11] Please tell us.

25 A. [12:10:19] I'm the one who drew the diagram. I did it myself. I drew it

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1 based on my perception and based on the way that the rebels went in and attacked
2 Palaro.
3 The place -- the dots indicate the road from Palaro going to town. The drawing -- the
4 drawing -- some of these drawings represent shops. On this side there are shops.
5 Where you see "CIV" represents where civilians, civilians reside. And there is a road,
6 you have shops on either side of the roads. On one side you have shops, on the
7 other side you have shops.
8 The round circle represents the barracks and that's the road that leads to the barracks.
9 And down here is where civilians reside, that place there is a circle. And this other
10 side takes you -- is the road that takes you to Gulu. The rebels walked
11 with -- following -- the drawing on the diagram is represented by the dots, dots, dots,
12 dots, they walked, they went and then they made a formation facing the barracks.
13 They faced the barracks on the side of the quarter guard and then they started firing
14 from that side. They started attacking from that side and the government soldiers
15 fled from the other side. When the rebels finished fighting from this side, they
16 turned and went in this direction and that's -- and that's the arrow, the arrow
17 represents the way back. And that's what I know based on this map.

18 Q. [12:12:38] Thank you, Mr Witness.

19 PRESIDING JUDGE SCHMITT: [12:12:40] Mr Sachithanandan, the witness might
20 have answered nearly or all the questions you would have asked, I can image.

21 MR SACHITHANANDAN: [12:12:46] Indeed, your Honour. Only one remaining
22 question about this sketch.

23 Q. [12:12:50] Now, there are two squares on this sketch where you described as
24 shops. In between the squares there is written the word "Dom". Can you tell us
25 what the word "Dom" between the two squares means?

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1 A. [12:13:13] Dom represents Odomi as the commander. When people walked
2 and went to the centre, when we arrived at the centre, you see where the shops are,
3 that's where he was -- where he was saluted. If you're looking at it, it's on the
4 left-hand side -- sorry, on the right-hand side, and that's when he was saluted. So
5 that's parallel to the road going to the barracks and that's where I have written "Dom",
6 short for Odomi. And that's when people started running going to the barracks and
7 he also started running with people at the same time heading towards the barracks.
8 And that's how the battle started in the centre.

9 Q. [12:14:03] Thank you, Mr Witness. During the course of the attack on Palaro
10 when you first saw the UPDF soldiers, what were they doing?

11 A. [12:14:21] I stated that they were playing -- they were playing cards. Some of
12 them were drinking.

13 Q. [12:14:30] We've come to the end of our discussion of Palaro, but can I ask was
14 this attack reported up the chain of command in the LRA?

15 A. [12:14:45] Yes, it was reported because we -- ammunition was recovered,
16 ammunition was recovered and arms were recovered from Palaro, so information was
17 sent via radio call. When this information was sent, Kony was very happy about the
18 events that occurred in Palaro and he instructed the other commanders that these
19 commanders should follow in Dominic's footsteps.

20 Q. [12:15:19] Who sent the report about Palaro?

21 A. [12:15:26] Dominic did. He's the one who sent the report himself.

22 Q. [12:15:37] At the very beginning of our discussion of Palaro you mentioned
23 that Kony thought people in camps supported Museveni. Could you explain that a
24 little bit. Why was that thought?

25 A. [12:16:01] He said that these people received orders from Museveni to move to

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1 the camps. We heard that people were forced to go to the camps, but he would tell
2 us that civilians were forced to go to the camps. The civilians would tell us that
3 bombs were being thrown in the homestead so that they would leave their homes and
4 move to the camps. If they were found in their homesteads or in their homes they
5 would be accused of supporting the rebels. So most of the people ran. Even
6 without their belongings they ran and went to the camps. And this is what the
7 government did. And this is what the civilians were telling, the civilians that were
8 abducted by the rebels. Kony would also say all the people in the camps are people
9 who supported Museveni because they are people who moved to the camps. So if
10 you found people in the camps, people should be attacked. If you found people in
11 their homes or in the homesteads do not attack these people because these people
12 support the rebels.

13 Q. [12:17:12] Did you hear this statement with your own ears?

14 A. [12:17:21] Yes, I heard this personally. This -- he started saying this all the
15 way when we were in Sudan, so when we were chased away from Sudan and went to
16 Uganda, he kept on saying this, he kept on repeating the same information, saying all
17 the people that were resigning in camps were people who supported the government.
18 But all the people who were in their homesteads and in their homes were LRA
19 supporters. When he said this while I was still in the bush I heard a lot of things that
20 happened. It was Otti who started -- who started attacking the camps. He attacked
21 Pagak camp. He shot soldiers there as well. And that was the first order that I heard
22 being given in this regard.

23 Q. [12:18:25] We're going to move on, Mr Witness. Have you heard of any
24 abductions that took place in a place called Acholibur?

25 A. [12:18:41] Yes, I did. I heard of an event in Acholibur.

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1 Q. [12:18:51] Please tell us what happened.

2 A. [12:18:53] Acholibur was attacked at the time that Dominic would go and set
3 ambush, ambuscades to attack buses. And this was the time that they went and
4 committed abductions in Acholibur. Dominic sent somebody known as Otto, Otto
5 George, to my recollection a young boy, and his friends. I do not recall all their
6 names.

7 Q. [12:19:40] Have you heard of anyone called Loum Icaya.

8 A. [12:19:45] I do know Loum Icaya and I've heard about him as well.

9 Q. [12:19:52] At the time of Acholibur, where was Loum Icaya?

10 A. [12:20:01] At the time he was with Dominic. He had only just met Dominic
11 and he hadn't been with him for a while. He was initially with Stockree brigade.

12 Q. [12:20:17] Was Loum Icaya involved in Acholibur or was he not?

13 A. [12:20:26] He was, he was also. He was also present. He went with
14 Okot Van Dam because Okot Van Dam is from Acholibur.

15 Q. [12:20:49] Was this before Palaro or after Palaro?

16 A. [12:20:53] This was before Palaro.

17 Q. [12:21:04] Was this before your time in the sickbay or after your time in the
18 sickbay?

19 A. [12:21:17] This was before the sickbay.

20 Q. [12:21:23] What was the result of the Acholibur abductions? Who was
21 brought back?

22 A. [12:21:41] I stated that Otto George was among them. There was also -- there
23 was a boy known as Okumu. He was also part of the group. I cannot recall the
24 names of all the people.

25 Q. [12:21:52] What was the age of the youngest person who was brought back

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1 from Acholibur?

2 A. [12:22:05] Well, it's very difficult, it's extremely difficult to guess people's ages.

3 It's very difficult. Most times I do this based on their size, but based on their size

4 they looked very -- they looked young.

5 Q. [12:22:22] Now, we talked a number of times about Aditi. Were they bigger

6 than Aditi, or Aditi's size or smaller than Aditi?

7 A. [12:22:39] There was a -- it was a -- there was a close proximity between their

8 sizes. If you compare it with the photo that we saw yesterday, the photo of the boy

9 holding the gun, they are more or less the same size with that boy.

10 Q. [12:22:58] Was it only boys who were brought back or were there also girls or

11 women brought back?

12 A. [12:23:13] There was a girl, but I do not recall her name.

13 Q. [12:23:17] What happened to the girl?

14 A. [12:23:20] The girl was given to Loum Icaya. Loum Icaya was slightly higher

15 in rank than Loum Icaya, but the girl was given to Loum Icaya.

16 Q. [12:23:41] Sorry, I thought you -- I think there's been an error there. Who was

17 more senior and who was less senior? Because I heard the same name twice.

18 A. I said that Odomi gave the girl to Loum Icaya. Odomi was in first brigade and

19 he was senior in rank than Icaya. He was in the bush longer than Icaya as well.

20 Q. [12:24:22] Thank you. That clears that up. You mentioned -- you made a

21 number of references to the role -- the rank of brigadier for Dominic Ongwen and you

22 said that at Palaro he was not yet a brigadier. At what point did you come to know

23 that he was a brigadier?

24 A. [12:25:08] He became a brigadier in 2005, to my recollection.

25 Q. [12:25:17] How much time had elapsed approximately after Palaro that you

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1 think -- before he became a brigadier?

2 A. [12:25:33] I do not recall the number of months. It's very difficult to
3 remember the exact number of months.

4 Q. [12:25:41] That's all right. That's all right.

5 PRESIDING JUDGE SCHMITT: [12:25:52] Whom did Mr Ongwen replace as
6 brigadier?

7 THE WITNESS: [12:26:04] (Interpretation) He replaced Buk Abudema, because
8 Buk Abudema was a brigadier, he was a brigade commander for Sinia brigade. So
9 when arrangements were made to move to Congo, Dominic remained behind in
10 Uganda. Buk is the one who went to the RV in Sudan. When Buk went to the RV
11 in Sudan, he did not come back to Uganda. So the whole of Sinia brigade was -- the
12 leadership of the whole of Sinia brigade was handed over to Dominic Ongwen.
13 That's the knowledge that I have.

14 MR SACHITHANANDAN: [12:26:50]

15 Q. [12:26:51] Have you heard of a place called Odek?

16 A. [12:27:03] Yes, I have.

17 Q. [12:27:06] Did anything of significance happen at Odek?

18 A. [12:27:14] To my recollection, Okwonga Alero met with Dominic Ongwen and
19 they went and attacked -- they went and attacked Odek. That's what I recall.

20 Q. [12:27:43] Without telling us the precise things you did, can you tell us
21 whether you also went on the standby for Odek or did you not?

22 A. [12:28:02] I was in that group. I was in the convoy.

23 Q. [12:28:14] Please describe how the plan to attack Odek began.

24 A. [12:28:24] The plan to attack Odek was organised by Kony because the orders
25 were received from Kony. I heard this over the radio call. And this was during the

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1 talks at -- between noon and 1 o'clock. He stated that the Odek people are extremely
2 stubborn, the Odek people who are his people are stubborn, they should go and
3 attack Odek barracks and -- so that the people can flee from the camp and go back
4 home. That's what I heard.

5 He also gave authority, he gave authority to Dominic and Okwonga to meet. When
6 Dominic and Okwonga met, they left and headed towards Odek. They went and
7 attacked Odek. And these instructions came from Kony.

8 Q. [12:29:34] Before the attack, was there any place where the convoy was briefed
9 on what to do in Odek?

10 A. [12:29:52] It was an area known as Bolo; the RV was in Bolo. After the RV in
11 Bolo the -- they left and went to -- left and went to Ayari. A standby was selected.
12 The standby was selected. People who were supposed to go and set up the
13 ambushade were selected. There were two ambushades that were supposed to be set
14 up. One was on the side going to Gulu and the other one was supposed to be set on
15 the way going towards Pader. And then there was a separate group that was
16 supposed to go and attack the barracks. There was also a group that was supposed
17 to stay behind and that group was to carry food. And that's how the arrangements
18 were made. That's what I saw happening.

19 Q. [12:30:47] I want to spend a bit of time about the RV at Bolo. At the time of
20 the RV at Bolo, where was Dominic Ongwen?

21 A. [12:31:06] He was on the other side of Pader. He crossed the river and then
22 he came to Bolo.

23 Q. [12:31:18] What was Dominic Ongwen's role at the RV in Bolo?

24 A. [12:31:33] He was in -- he was in charge of his group. He was in Sinia in the
25 first brigade. We were in Trinkle --

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1 THE INTERPRETER: [12:31:46] Okwonga, interpreter corrects.

2 THE WITNESS: [12:31:46] (Interpretation) Okwonga was in Trinkle and Dominic
3 collected both groups, Trinkle, and brought them under his leadership.

4 Q. [12:32:00] What, if anything, did Dominic Ongwen say at the RV?

5 A. [12:32:09] During the RV both Dominic and Okwonga had radios. They both
6 had the instructions that were issued. The two of them came up with the idea.

7 Okwonga said, "Select people from your group", and Dominic also decided to select
8 people from his group. So they made that decision to each select people from their
9 individual groups and make one combined group.

10 Q. [12:32:45] And what happened next?

11 A. [12:32:54] So after the organisation, people were selected. I recall close to 200
12 in number. Because 30 people were sent on the road to Gulu and another 30-plus
13 were sent to the road going to Pader. So people started moving and when the group
14 reached close to Odek, Ojok Kampala was sent. Ojok was the IO. He was sent to
15 go and find civilians and enquire from them how many government soldiers were in
16 the area.

17 So when Ojok went ahead, he returned and came back with civilians. And the
18 civilians explained that, yes, those people were there, some of them have left.

19 Another mobile group is the one that came. But he did not know how many in total
20 of the government soldiers were there because the civilians said he could not clearly
21 tell how many of them were there.

22 So the group then -- the LRA group then moved to Odek. So when the group
23 reached very close to Odek centre, the groups were split. Those going for the
24 ambush went to their location, and all this communication, coordination was done
25 using walkie-talkie, and thereafter the standby group advanced towards the army

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1 barracks. So people lined up from the opposite side of the road and then crossed the
2 road and went towards the barracks. That's what I know.

3 Q. [12:35:17] What orders or instructions, if any, were given to the standby before
4 they headed to Odek?

5 A. [12:35:31] The order was that people were going to fight, and the fighting that
6 we are going for, no one should run away. And the person who gave this order was
7 the overall commander, who was Dominic and Okwonga Alero. This was the
8 address that they gave to the soldiers until when they go and attack Odek.

9 Q. [12:36:11] What, if anything, was said about the civilians at Odek?

10 A. [12:36:28] The order in relation to the civilians as you -- as I explained earlier,
11 that people should be chased away from the camp, and the order was that if there's
12 anyone who does not want to leave, you just kill, because that person would be
13 supporting Museveni. This is what I heard with my own ears.

14 Q. [12:36:49] Can you explain what that means, "if there's anyone who does not
15 want to leave," what does that mean?

16 A. [12:36:58] It was -- it was that you as a civilian person, you have heard now
17 gunshots, and these gunshots were directed towards the army, what are you waiting
18 for as a civilian, because why don't you want to leave? Those people who don't
19 want to leave are people who want to live in the camp and therefore they support
20 Museveni.

21 Q. [12:37:38] And for the record, who issued this order?

22 A. [12:37:48] I said clearly that Dominic was the one that issued this order
23 together with Okwonga Alero.

24 Q. [12:38:07] Okay. And I think we got to the point where troops came to the
25 barracks. What happened once the attackers came to barracks? Please continue.

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1 A. [12:38:25] When the troop reached the barracks, Dominic blew the whistle.

2 Okwonga Alero remained to lead the people that were coming to the centre where the
3 civilians were. So when Dominic blew the whistle, the fighters started shooting. The
4 government soldiers were overpowered and were -- and fled from the camp. Then
5 the rebels charged all the weapons. By the time the charging was taking place, the
6 group that was led by Okwonga had already taken to the centre, and they were
7 looting. They took whatever they could pick from the homesteads at the centre.

8 Q. [12:39:19] Please carry on.

9 A. [12:39:26] That is what I saw personally. So the people who scattered in the
10 homesteads were the ones that now burnt the civilian houses.

11 After that, the group that went to the barracks, because that was a different group
12 from the one that went to the centre, that group that went to the centre was led by
13 Okwonga, and the one that went for the ambush, for the two ambushes were different.
14 And when they all returned, the groups came and met somewhere along the way, and
15 together they all moved back to the RV in Bolo and they, from there, they continued
16 with their movement.

17 PRESIDING JUDGE SCHMITT: [12:40:44] What rank did Dominic Ongwen have
18 at the time of this attack?

19 THE WITNESS: [12:41:08] (Interpretation) During the Odek attack, I do not -- I do
20 not quite recall at what time that he got the rank of brigadier, but it was around that
21 time, around the same time that he was given the rank of brigadier.

22 PRESIDING JUDGE SCHMITT: [12:41:27] Please continue.

23 MR SACHITHANANDAN: [12:41:30]

24 Q. [12:41:32] Now, we've discussed a number of times children around the age of
25 Aditi or younger, that is 14 or younger. Were there any such children who

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1 participated in the standby to attack Odek?

2 A. [12:41:53] Yes, they were there. They were captured.

3 Q. [12:42:04] Right. I'm actually not talking about people captured. I'm talking
4 about before that.

5 Now, you've described to us people in the Sinia brigade who were like Aditi, right, of
6 that age or younger. Were there people like that who went for the attack or
7 participated in the standby or were there not?

8 A. [12:42:34] Yes, they were there.

9 Q. [12:42:40] During the course of the Odek attack, what was their role?

10 A. [12:42:53] There was no difference in their roles. There was no particular role
11 assigned to them that maybe you go to the camp to burn houses or to go and collect
12 food. But what I saw was that those who had guns, some of them were sent to the
13 ambush points, some of them came to the centre, but those who did not have guns
14 came to the centre to loot food and also carry some of the looted items.

15 Q. [12:43:33] Now, you mentioned that people were abducted. Were the people
16 abducted male, female or a mixture?

17 A. [12:43:47] It was a mixture.

18 Q. [12:43:52] About how many people were -- or about how many abductees
19 were there?

20 A. [12:44:02] I think it could be about 8 to 10 in my estimation.

21 Q. [12:44:12] And how many were male and how many were female,
22 approximately?

23 A. [12:44:22] I think there were four females and I think the males were about six.
24 To my recollection it could be about six of them males.

25 Q. [12:44:38] What was the age of the youngest of the male abductees?

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1 A. [12:44:54] 13, because there were also -- the elderly people, the older ones that
2 were abducted were actually released. They were only used to carry food and they
3 were released and returned back.

4 Q. [12:45:18] You mentioned that some people went to the centre. What did the
5 members of the standby or convoy do you at the centre?

6 A. [12:45:29] I saw they broke into shops, they looted items in the shops, these
7 were items that were up for sale. That's what they did that I saw, looting the
8 merchandise. They entered civilian houses and picked items, food items such as
9 flour. Those are the things that they picked from civilian houses.

10 Q. [12:46:04] During the course of the attack were there any casualties -- actually,
11 sorry.

12 MR SACHITHANANDAN: [12:46:13] Your Honour, can we go into private
13 session for one question?

14 PRESIDING JUDGE SCHMITT: [12:46:18] I understand. Yes, private session.

15 (Private session at 12.46 p.m.) *(Reclassified partially in public)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 MR SACHITHANANDAN: [12:48:37] Your Honour, we can go to public.

13 PRESIDING JUDGE SCHMITT: [12:48:40] Open session.

14 (Open session at 12.48 p.m.)

15 THE COURT OFFICER: [12:48:45] We are back in open session.

16 MR SACHITHANANDAN: [12:48:53]

17 Q. [12:48:55] Mr Witness, were any of the LRA attackers injured at Odek during
18 the course of the attack?

19 A. [12:49:13] Yes, there was Olwiko. Olwiko was shot in that attack. Also
20 Onen, Onencan was also shot.

21 Q. [12:49:31] What happened to Olwiko?

22 A. [12:49:38] Olwiko was shot in the chest, if not the chest, then I think at
23 somewhere around the thigh is when -- that's the point that was shot, and that is
24 actually what led to his death. That's what I can recall. He was first carried and
25 moved along with for some time.

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1 Q. [12:50:10] Now, you mentioned an Onencan who was also injured. I recall -- I
2 apologise, your Honour, I should have planned this. We might have to go into
3 private for one question.

4 PRESIDING JUDGE SCHMITT: [12:50:30] Private session for this one question.
5 (Private session at 12.50 p.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Open session at 12.51 p.m.)

15 THE COURT OFFICER: [12:51:36] We are back in open session.

16 MR SACHITHANANDAN: [12:51:52]

17 Q. [12:51:52] Were there any officers who were injured in Odek or were there
18 not?

19 A. [12:52:09] From Trinkle there was somebody, but I do not recall the name, but
20 was a certain lieutenant. Yes, there was someone. I think also Garang got some
21 minor injuries, Ocen Garang, from that attack.

22 Q. [12:52:33] Who is Ocen Garang?

23 A. [12:52:39] Ocen Garang was the support commander of Sinia brigade
24 headquarter. He was in charge of SPG9.

25 Q. [12:52:55] What was Garang's role in the Odek attack?

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1 A. [12:53:02] His role was to fire the heavy weaponry, which was SPG9 and B-10.

2 That was his group that was in charge.

3 Q. [12:53:17] Was he in the group that went towards the barracks or was he in the
4 group that went towards the centre?

5 A. [12:53:30] He was in the group that went to attack the main barracks.

6 Q. [12:53:37] Was there any other Sinia officer who was injured during the Odek
7 attack?

8 A. [12:53:51] I said that one of Trinkle brigade was there, but I do not recall the
9 name now.

10 Q. [12:54:02] Sorry, I don't think I was being clear, especially for the transcript. I
11 don't mean senior officers, I mean Sinia brigade officers. Anyone from Sinia brigade
12 who was injured?

13 A. [12:54:20] I said that Ocen Garang as a support commander got minor injuries.
14 He was an officer from Sinia.

15 MR SACHITHANANDAN: [12:54:31] May I refresh the witness's memory,
16 briefly?

17 PRESIDING JUDGE SCHMITT: [12:54:41] Yes.

18 MR SACHITHANANDAN: [12:54:43] This is binder 2, tab 34. The ERN is
19 UGA-OTP-271 -- sorry, UGA-OTP-0271-1813 at page 1822.

20 THE COURT OFFICER: [12:55:36] It seems that the ERN number you gave is not
21 tab 34.

22 MR SACHITHANANDAN: [12:55:49] I'm going to repeat it just to make sure.
23 0271-1813. That's what I have at my tab 34.

24 THE COURT OFFICER: [12:56:13] We have the ERN number ending with
25 0245-0141.

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1 MR SACHITHANANDAN: [12:56:26] Let's just go off the ERN then because that
2 is -- we'll function on the ERN and perhaps we can --

3 PRESIDING JUDGE SCHMITT: [12:56:33] Exactly.

4 MR SACHITHANANDAN: [12:56:47]

5 Q. [12:56:48] Mr Witness, I'm going to read you a passage from your interview.

6 The interviewer asks: "During this attack do you remember one of the commanders
7 being injured?"

8 And you say: "I know, only ... I have forgotten the name. He had the rank of a
9 captain ... He came from Stockree but he was attached in Sinia."

10 Does that refresh your memory?

11 A. [12:57:31] Yes, that reminds me. Yes, because there are many things I'm
12 responding to. So, yes, I could have forgotten some.

13 Q. [12:57:39] Right. Do you happen to remember his name now?

14 A. [12:57:53] I do not recall his exact name. But I do recall that there was a
15 Stockree -- an officer from Stockree who was injured also.

16 Q. [12:58:05] And what happened to him?

17 A. [12:58:20] Let me try to recall. I do not recall exactly everything that
18 happened to him. The injury of this officer from Stockree, I think that is the officer
19 who died at that time. Because I do not recall because at that time I was also injured
20 and I was in pain.

21 PRESIDING JUDGE SCHMITT: [12:59:00] The witness has already mentioned an
22 officer that died. I think we can continue now.

23 MR SACHITHANANDAN: [12:59:07] In fact, perhaps we can take the break now.

24 PRESIDING JUDGE SCHMITT: [12:59:11] Yes, we can break, of course. It's

25 1 o'clock. And I think I would assume you are on time, so to speak, on track even.

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1 MR SACHITHANANDAN: [12:59:22] Yes, your Honour. I think we'll wrap up
2 today.

3 PRESIDING JUDGE SCHMITT: [12:59:26] Thank you very much. And if there
4 would be a little bit of time left, I would prefer to have also the questioning by the
5 Legal Representatives so that on Monday and Tuesday there is enough time for the
6 Defence to exercise their examination. I just foreshadow it.

7 And if we, for example, need to extend for 15 minutes or even -- I don't want to say
8 that even because sometimes when you say that, people think they have to fulfil this.

9 But if need be, and only in the not very probable case, then we can also extend today a
10 little bit, I would say.

11 Break until 2.30.

12 THE COURT USHER: [13:00:19] All rise.

13 (Recess taken at 1.00 p.m.)

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

15 THE COURT USHER: [14:31:41] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [14:31:57] We have received some general
18 information that perhaps the Defence would not need two full days.

19 Is this correct, Mr Obhof? May I just shortly.

20 MR OBHOF: [14:32:10] Yes, your Honour, we would not need two full days. At
21 the most I can foresee is five sessions, but right now I estimate about four.

22 PRESIDING JUDGE SCHMITT: [14:32:19] Thank you.

23 So this means we are not in a hurry and no rush at all, and this also means that legal
24 representatives could also be heard, so to speak, on Monday morning if need be. But
25 we just wait how it's going now.

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- 1 Mr Sachithanandan.
- 2 MR OBHOF: [14:32:41] Your Honour.
- 3 PRESIDING JUDGE SCHMITT: [14:32:42] Yes, shortly.
- 4 MR OBHOF: [14:32:42] Just for the record, we wanted to introduce somebody else
- 5 that's new --
- 6 PRESIDING JUDGE SCHMITT: [14:40:00] Yes, I just see it, yes.
- 7 MR OBHOF: [14:32:43] Yes, with us also is one of our interns, Ms Salma Khamala.
- 8 PRESIDING JUDGE SCHMITT: [14:32:48] Thank you very much for the information.
- 9 So please continue.
- 10 MR SACHITHANANDAN: [14:32:51] Your Honour, I had a quick chat with both
- 11 the representatives and the Defence about timing. I understand the legal
- 12 representatives do not have many questions and perhaps need about 10, 15 minutes.
- 13 Would it be possible for us to run half an hour over today in case I need more time?
- 14 I've just been checking my materials.
- 15 PRESIDING JUDGE SCHMITT: [14:33:17] No. Any time we spend discussing this
- 16 would complicate. Simply start and we see then, yes?
- 17 MR SACHITHANANDAN: [14:33:24] Very good.
- 18 Q. [14:33:28] Mr Witness, we broke for lunch during your discussion of the Odek
- 19 attack. And I want to continue that discussion for a little while.
- 20 If we can please pull up an exhibit, binder 3, tab 7. That is UGA-OTP-0237-0198.
- 21 The redacted for the public and the non-redacted for the witness.
- 22 Mr Witness, do you have it in front of you, an image or a sketch?
- 23 PRESIDING JUDGE SCHMITT: [14:34:51] I think it should be there. Perhaps just
- 24 give it a try and start with your questioning.
- 25 MR SACHITHANANDAN: [14:34:56]

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1 Q. [14:34:56] Mr Witness, can you hear me? Is there a sketch in front of you?

2 A. [14:35:00] Yes. I can hear you. And there is a sketch in front of me.

3 Q. [14:35:06] Do you recognise this sketch?

4 A. [14:35:11] Yes, I do recognise it.

5 Q. [14:35:15] Who produced this sketch?

6 A. [14:35:20] I'm the one who drew the sketch.

7 Q. [14:35:24] Can you tell us what this sketch relates to?

8 A. [14:35:36] The sketch shows or illustrates the way Odek centre was, the UPDF
9 deployment and where the civilian camp was located in relation to the UPDF
10 barracks and Odek centre.

11 Q. [14:35:58] You can see the letters "CIV" or "C-I-V" on the top left and top right.
12 What are those?

13 A. [14:36:12] It indicates where you have civilian residents. So on both sides you
14 see where you have civilian residents and on the other side civilian residents. The
15 circle in the middle represents where the UPDF barracks is. The road shows -- the
16 line shows the road going towards Pader and to Gulu. The "V" that is at the bottom,
17 "CIV" at the bottom is where civilians are resident as well, and that is the direction
18 from which the rebels approached the camp. Then they made a formation behind
19 the civilian residence and advanced towards the barracks.

20 There are some people, the people who went for the ambushade went in the other
21 direction. One of them went to Pader and one group went to the Gulu side.

22 PRESIDING JUDGE SCHMITT: [14:37:14] The witness is still facilitating your tasks,
23 so to speak.

24 MR SACHITHANANDAN: [14:37:19] Indeed, your Honour. I'm probably
25 overpaid at this moment.

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1 PRESIDING JUDGE SCHMITT: [14:37:23] No, I would not want to indicate that by
2 my remark, of course. A factual assessment.

3 MR SACHITHANANDAN: [14:37:30]

4 Q. [14:37:31] Mr Witness, in the middle of this dotted line we have the word
5 "Odomi". Can you please explain what that is?

6 A. [14:37:46] That is where Dominic Ongwen was standing. He was standing in
7 the middle to advance going towards the army barracks to attack the barracks.

8 Q. [14:38:02] Now to the left and the right we see the words "ambush". Could you
9 explain those words, please.

10 A. [14:38:07] Those, the two groups, they went -- we set up an ambush to stop any
11 reinforcements, any UPDF reinforcements from coming from Pader side and any
12 reinforcements coming from the Gulu side to come and help the soldiers in Odek to
13 enable us to continue and attack Odek.

14 Q. [14:38:36] Thank you, Mr Witness. I'm going to move to a different exhibit
15 now. And that is binder 3, tab 14, UGA-OTP-0251-0656. Do you have it in front of
16 you?

17 A. [14:39:16] Yes, I can see it.

18 Q. [14:39:17] What is depicted in this sketch?

19 A. [14:39:20] The diagram, where there is a "B", the letter B represents the UPDF
20 barracks. The "C" represents civilian residents. The "RV" represents the place
21 where the soldiers, the rebels who had completed the attack went and converged.
22 "E" is a school, represents a school which is on the other side of the river towards the
23 Pader side. "C" represents civilian residents as well, and the circle -- the circles.

24 Q. [14:40:24] Thank you. You can see just above the line that goes through the
25 middle of this drawing the word "Olwiko". Can you tell us what Olwiko means

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1 here?

2 A. [14:40:38] It's a person, it's Sergeant Olwiko. He was injured at that spot and
3 then he was carried and taken back. But that is where the rebels had their formation.
4 They had their formation there and headed towards the barracks and he was shot at
5 around that spot. That's why I wrote his name there. There was also another
6 captain that was injured in the same instant, but I cannot remember his name. I
7 believe I mentioned the name earlier, but I cannot remember the name now. Where
8 there is a circle, the "C", that represents a place where there was a market, the market
9 was under a tree.

10 Q. [14:41:28] Thank you, Mr Witness. We're done with this exhibit.
11 You recall we discussed -- or, rather, you told us that people were abducted from
12 Odek. Can you tell us what happened to these abductees?

13 A. [14:42:01] The people who were unable to fight, people who were unable to stay
14 behind and facilitate the LRA were released and sent back. But before they were
15 released, Ojok Kampala had indicated that they should be killed, but Odomi refused.
16 He said they should not be killed, they should be released. And they went released
17 and sent back. But Odomi warned them that they should return but they should not
18 go back to the camp. They were advised and instructed that the LRA does not want
19 or does not like people who stay in the camp. And that's what I heard.

20 Q. [14:42:44] Is this an event that you saw with your own eyes or is this something
21 you heard from someone?

22 A. [14:42:55] I saw this and I heard what he said as well.

23 Q. [14:43:05] At what point after the attack did this happen?

24 A. [14:43:10] It was maybe after two days. On the third day they were released.

25 Q. [14:43:26] Now, these were the people who were released. The people who

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1 were retained, what happened to them?

2 A. [14:43:41] It was the young boys, the young boys who were capable of being
3 brought into the army ranks. Some of them were given to Alero, Paul Alero, some of
4 them remained in Sinia in Dominic's group.

5 Q. [14:44:01] And what happened to the boys who stayed, the young boys who
6 stayed in Sinia?

7 A. [14:44:12] No. As far as I'm aware, nothing bad happened to them. They
8 were merely trained. They were trained to learn how to use arms and they were
9 mostly being taught by their peers.

10 Q. [14:44:34] Was it only young boys who stayed or were there females as well?

11 A. [14:44:43] It was both, both girls and boys. They kept, they kept behind both
12 young girls and boys who they perceived as being able to stay back in the bush. The
13 older people were released and sent back home.

14 Q. [14:45:05] What is the age in your assessment of the youngest person who was
15 kept without release?

16 A. [14:45:15] 14, I guess 14.

17 Q. [14:45:28] Mr Witness, have you ever heard -- have you heard of a place called
18 Lukodi?

19 A. [14:45:42] Yes, I have.

20 Q. [14:45:52] Did any event of significance happen at Lukodi?

21 A. [14:46:00] To my recollection, Lukodi was attacked. They attacked Lukodi.
22 They attacked the soldiers and also attacked unscattered people, the civilians in
23 Lukodi. That's what I recall.

24 Q. [14:46:27] Can you please describe how the plan to attack Lukodi began or
25 materialised?

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1 A. [14:46:37] To my recollection, Kony issued orders that we should go -- that
2 Lukodi should go and be attacked. Lukodi should go and be attacked and
3 completely dismantled and scattered. When Kony issued these orders, the orders
4 were issued Ocan Bunia. Ocan Bunia was instructed to go there. Ocan Bunia stated
5 that he was far away from Lukodi. When Ocan Bunia stated that he was far from
6 Lukodi, they asked Dominic Ongwen to state his location over the radio. Dominic
7 stated that he was in an area known Abalo Kodi. They asked him who was in that
8 area with him. He stated that Opio Makas was also in the area. They told him to
9 meet up with Opio Makas. They met up with Opio Makas and they issued
10 instructions that they should go and attack Lukodi. So they, they prepared
11 themselves from Abalo Kodi together with Ojok IO. Opio Makas was the leader of
12 Gilva brigade at the time. He was the CO of Gilva brigade.
13 When the two groups came together, they collected some people from Opio Makas,
14 they took some people from Dominic and they sent them to Lukodi.
15 The person that was selected to go to Lukodi was Ojok IO. And this is the same
16 Ojok Kampala as well as Ocaka. The overall commander of this mission was Ocaka.
17 Ocaka is from Gilva and is under the leadership of Opio Makas. They went to
18 Lukodi. Dominic did not actually go to Lukodi. He stayed behind.
19 When the -- when these people went and completed their mission, they returned,
20 came back and met up again with Dominic. This is what I saw.

21 Q. [14:49:07] Thank you, Mr Witness. Again, that's a lot of information, so we'll
22 start from the beginning.

23 How do you know that these orders were issued to attack Lukodi by Joseph Kony?

24 A. [14:49:32] I heard this during the radio communication at the time that they
25 were communicating. There is always a scheduled time for communicating, and at

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1 that particular time the radio is set up and the person who talks or who
2 communicates over the radio is the overall commander, and that was Dominic
3 Ongwen.

4 Q. [14:50:02] You mentioned that when this communication was made, your group
5 was located at Abalo Kodi. Who was at Abalo Kodi, which unit?

6 A. [14:50:24] It was Sinia and part of Gilva battalion.

7 Q. [14:50:32] Have you heard of someone called Tulu?

8 A. [14:50:37] Tulu was far. I know him and I've also heard of, heard of him. He
9 was in Gilva and he was with Ocan Bunia.

10 Q. [14:50:51] You mentioned Ojok Kampala and Ocaka. What was the rank of
11 Ojok Kampala?

12 A. [14:51:13] Ojok Kampala was a captain. He was the IO.

13 Q. [14:51:25] You mentioned Ocaka or Ocaka. I'm sorry about my pronunciation.
14 What rank was he?

15 A. [14:51:32] To my recollection, Ocaka was a major.

16 Q. [14:51:48] At the time of the Lukodi attack, what rank was Dominic Ongwen?

17 A. [14:51:57] Dominic was already a brigadier, if I recall correctly.

18 Q. [14:52:09] At the time that this order was issued to attack Lukodi, do you know
19 why it was issued? What is the significance of Lukodi?

20 A. [14:52:18] I heard Kony state over the radio that Ochora, Ochora, who was
21 pursuing the LRA, should -- his family lives in Lukodi so his family should
22 all -- should be killed. At the time Ochora was making announcements over the
23 radio, over Mega Radio. Ochora was a government high ranking person or a senior
24 person in the government. I believe that at the time he was either the RDC or the
25 LC5. I do not recall which one in particular, but he was both LC5 at some point and

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1 he was also the RDC.

2 Q. [14:53:20] Do you know Ochora's full name?

3 A. [14:53:26] It's Ochora Walter Odoch. He's a UPDF colonel.

4 Q. [14:53:37] Ojok Kampala, where does he come from? What is his home village?

5 A. [14:53:42] They say that Ojok Kampala is also from the Lukodi area.

6 Apparently Ocaka is also from Lukodi area.

7 Q. [14:54:12] Do you have any idea why Ojok Kampala was chosen for this attack?

8 A. [14:54:18] Based on the orders from Kony, they decided to send Ojok IO so that

9 he could go and attack the place because he was familiar with the area and he was

10 able to go to that location, carry out the mission without fail because he was able to be

11 able to get information as an intelligence officer before actually going to that area.

12 Q. [14:55:02] And did that actually happen? Did he get intelligence or did that not
13 happen?

14 A. [14:55:07] He was the one who was responsible for intelligence matters. When

15 they sent them, nobody followed them. He is the one who went as the senior IO in

16 that operation. The overall person, the overall commander, was Ocaka.

17 Q. [14:55:33] Right. I'm not sure whether I have understood. Did Ojok IO go

18 and gather intelligence about Lukodi or did he not, before the attack? I just want to

19 understand.

20 A. [14:55:57] There was a distance between where Odomi was and going to Lukodi.

21 So he left where Odomi was located and went straight to Lukodi. He did not come

22 back. He went, carried out his mission and came back. But they were instructed

23 that before they went and attacked Lukodi, they should first get some information

24 from civilians.

25 Q. [14:56:24] Who gave this instruction?

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1 A. [14:56:34] It was Dominic Ongwen as well as Opio Makas.

2 Q. [14:56:37] At this time, what was your location?

3 A. [14:56:56] I was in the group. I wasn't far away.

4 Q. [14:57:13] Before the attack on Lukodi, was there any kind of briefing?

5 A. [14:57:29] They were briefed that they should not fail to carry out the mission.

6 And they were instructed that before they actually go to Lukodi, they -- he should try,
7 as the intelligence officer, as the IO, to obtain information regarding the number of
8 soldiers and the situation. Those were the instructions that he was given by Dominic
9 and Opio Makas.

10 Q. [14:57:56] At the briefing, what did Dominic Ongwen do?

11 A. [14:58:03] He stood up in front of his soldiers, the soldiers that were going, the
12 soldiers that had been selected. He first spoke to the commanders. Then he spoke
13 to the foot soldiers and instructed them that he does not want to hear that anybody
14 fled or anybody ran away from the battle front.

15 Q. [14:58:25] Now, you said earlier regarding the order for Lukodi that the soldiers
16 were to be attacked and that the people or civilians were also to be attacked. Could
17 you explain that? What was the intended -- what was intended for the civilians?

18 A. [14:58:57] I stated that. I stated earlier that the order was that, based on the
19 rhetoric that Ochora was using against the LRA, Lukodi should be attacked. Lukodi
20 should completely be demolished. People should be killed. Those were Kony's
21 orders.

22 Q. [14:59:31] And those orders, were they or were they not communicated further
23 down the chain of command, just so that we can understand?

24 A. [14:59:43] The orders came from Kony on the radio. Then it trickled down
25 from Ongwen to Ocaka and Ojok, the two that were going on the mission in the field.

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1 Q. [15:00:07] At the time that these orders were, in your words, trickling down,
2 were you present or were you not present?

3 A. [15:00:21] I was present.

4 Q. [15:00:24] Do you remember who else was part of the standby that went to
5 Lukodi?

6 A. [15:00:41] Oling Nakupa, Ocaka, Ojok, Kidega, Kampala, Richard, who was also
7 Odomi's escort, Otema. Those were the people that I do recall, but there were a
8 number of people that went on this mission.

9 Q. [15:01:08] Now, we discussed people of the age of 14 and below, their presence
10 in the Sinia brigade. Did any of these people deploy for the Lukodi attack or did
11 they not?

12 A. [15:01:25] Those people are already part of the rebel group. They're already
13 fighters. They're not on their own. They actually counted amongst the LRA
14 fighters. So when there is any job to be done, they go for it. The ones that remained
15 behind are those that do not have guns and those that could have been left to provide
16 protections to the others that have been left behind.

17 Q. [15:02:07] Right. Now, are you saying that as a general proposition, or at the
18 time of Lukodi, did you see with your own eyes people of 14 or below going to
19 Lukodi? I just want to be clear.

20 A. [15:02:24] I have clearly responded to that. I saw even there were young
21 soldiers who went. They were mixed up with the senior soldiers, the ones that were
22 already there, like the sergeants. Yes, the other children were also amongst them.

23 Q. [15:02:55] Thank you. I'm sorry about the repetition, but I just want to be very
24 clear.

25 Other than Sinia and Gilva troops, were there troops from any other unit in the

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1 standby?

2 A. [15:03:13] No, they were not there.

3 Q. [15:03:28] Did you yourself deploy for Lukodi or did you stay back?

4 A. [15:03:35] I did not go.

5 Q. [15:03:43] Now, after the standby for Lukodi headed out to Lukodi, what was
6 the first thing that you heard about Lukodi?

7 A. [15:03:57] We heard over the radio, the domestic radio, that LRA rebels attacked
8 Lukodi, attacked the barracks. They burnt the camp and also killed civilians. This
9 happened before the people who went for the attack had not yet returned. That's
10 what I heard.

11 Q. [15:04:34] And on, and on whose radio did you hear it? Did you have your
12 own FM radio or did someone else have it?

13 A. [15:04:46] Even Odomi had a radio. I also had a radio.

14 Q. [15:04:54] What was the reaction within the Sinia brigade when you heard this
15 over Mega -- over the domestic radio?

16 A. [15:05:06] Nothing changed. He only said that the people who went for the
17 operation have completed, Ojok and his people have completed the job.

18 Q. [15:05:24] When the standby who went to Lukodi -- no, actually, sorry. Let me
19 ask a question before that.

20 After the standby left, where was Dominic Ongwen?

21 A. [15:05:40] He was at Abalo Kodi.

22 Q. [15:05:51] When the standby came back, did you see the people in the standby
23 or did you not?

24 A. [15:05:56] I saw Ojok IO and the other people who returned.

25 Q. [15:06:09] Did they come back alone or did they come back bringing anyone

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1 else?

2 A. [15:06:16] These people came back with some few other people.

3 Q. [15:06:32] Please describe to us the persons who were brought back.

4 A. [15:06:39] They come back with some children who were able to perform the
5 military job, around the ages 14, 15, 16 to 17. I think there were about six of them, if I
6 have not forgotten.

7 Q. [15:07:04] Were they male, female or mixed?

8 A. [15:07:11] It was mixed, both male and female.

9 Q. [15:07:20] When the standby came back, what did they report, if anything?

10 A. [15:07:32] Ojok said that when they entered Lukodi, they captured a civilian
11 who directed them towards the barracks, and they first began by attacking the
12 barracks. They found there were a few soldiers in the barracks. And actually the
13 soldiers in the barracks fled.

14 Q. [15:08:08] To whom was Ojok IO reporting?

15 A. [15:08:16] It was Dominic Ongwen who was the overall commander there.

16 Q. [15:08:25] Where were you at the time that this report was being made?

17 A. [15:08:31] I also came to Dominic's homestead, where I was seated under a tree.
18 That's where I heard from.

19 Q. [15:08:48] During the time Ojok IO was reporting, where was Ocara, or Ocaka?

20 A. [15:08:55] He was together with Ocaka. He did not give the report alone
21 because Ocaka was the overall person who went for the attack.

22 Q. [15:09:10] Did Ocaka also give a report or did he not?

23 A. [15:09:16] They gave the report together. They gave the report together, the
24 number of how they went and also the number of military equipments that they came
25 back with from there.

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1 Q. [15:09:34] And what reaction, if any, did Dominic Ongwen have to the report?

2 A. [15:09:42] There was nothing much that he said apart from thanking them. He
3 said, "I thank you for the job done. That's what the chairman wanted. When I get
4 time I will send this to the chairman", who is actually Kony.

5 Q. [15:10:09] And was it actually, was the report sent to the chairman, do you
6 know?

7 A. [15:10:16] He sent, he sent over the radio.

8 Q. [15:10:25] How do you know that he sent it? Did you see it yourself or did you
9 hear it from someone else?

10 A. [15:10:33] When he is speaking over the radio, most of the officers would come
11 and sit close by. The officers who were moving in this group, they would come close
12 by. If you are not in position to provide security, you would come close by and you
13 have access to hear what he would be talking about. He would not chase people
14 away.

15 Q. [15:11:09] Do you remember what was reported by Dominic Ongwen to Kony
16 on the radio?

17 A. [15:11:22] He first began by reporting on the number of military equipments that
18 were collected and he said Ocaka completed, finished the assignment and came back
19 with this number of weapons and also the number of civilian houses that were burnt.
20 These were what I heard.

21 Q. [15:12:01] You mentioned that the burning of civilian houses was reported.
22 Was there anything else about civilians that was reported, if you remember?

23 A. [15:12:10] I did not, I did not get that, some of those information now, because it
24 has taken now a long time since that time. I could have forgotten some of them.

25 Q. [15:12:30] That's all right. I understand. The abductees who were brought

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1 back, what was done with them?

2 A. [15:12:42] They were distributed. Some remained with Ojok IO. Some were
3 given to Ocaka. And some were given to Opio Makas's group.

4 Q. [15:13:05] Sorry, I want to go back to one thing that I forgot to ask about. When
5 you heard about Lukodi on the FM radio or the commercial radio, what was said
6 about civilians? Do you remember?

7 A. [15:13:25] Over the civilian radio or the LRA radio? Just to help me
8 understand.

9 Q. [15:13:41] Yes, yes. Sorry. I'm going back now. I'm talking about the civilian
10 radio, commercial civilian radio. What did you hear about civilians on that radio?

11 A. [15:13:53] Over the civilian radio I heard that the LRA rebels came and attacked
12 Lukodi and they killed civilians. They killed civilians and also burnt house, that's
13 what I heard.

14 Q. [15:14:13] Do you know whether -- now, is it only you who heard that report or
15 did Dominic Ongwen also hear that on civilian radio, if you know?

16 A. [15:14:22] He also heard because he said that the people who went for the
17 operation have now completed. That's an indication that he also heard by his own
18 ears.

19 Q. [15:14:41] Mr Witness, I want to show you an exhibit. It is tab 17,
20 UGA-OTP-0251-0659. Do you have it in front of you?

21 A. [15:15:28] Yes.

22 Q. [15:15:30] What is depicted in this sketch?

23 A. [15:15:36] In this sketch that I drew indicates here, here at this point, Sinia
24 brigade. This is where the, this was where the Sinia unit was and Gilva was this side.
25 The rebels came from here and went to Lukodi. What you see here across, this is the

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1 road from town to Palaro. This here is Lukodi. So the rebels came from here and
2 went to this point and then returned back to the area of Abalo Kodi. That is how I
3 drew the sketch.

4 Q. [15:16:41] Thank you, Mr Witness. I want to clarify a few things, because
5 when you say "here" of course we can't record what you are pointing at.

6 PRESIDING JUDGE SCHMITT: [15:16:47] But he has said, he has described it. He
7 has said "Sinia". And we have our own eyes to see it. I think we can simply
8 continue, I would say. I think there would not be so much more in this drawing.

9 MR SACHITHANANDAN: [15:17:01]

10 Q. [15:17:01] Ignore what I said, Mr Witness. I think we can move on. Let's leave
11 this sketch for now.

12 Mr Witness, we have now discussed an attack on Odek and an attack on Lukodi. Do
13 you recall approximately how much time there was between the attack on Odek and
14 the attack on Lukodi?

15 A. [15:17:40] I do not recall now how long it took, but there wasn't much gap in
16 between.

17 Q. [15:18:02] Okay. Can you -- just a rough estimate, is it a week, a month, a year?
18 Do you have a rough idea?

19 A. [15:18:07] Does not come up to a year. At the most could be two to three or
20 four months.

21 Q. [15:18:34] You mentioned earlier an attack on Pagak by Vincent Otti. Where
22 were you at the time that Vincent Otti attacked Pagak, if you remember?

23 A. [15:18:53] I was still in Sinia. I do not recall the exact place because we were in
24 a mobile, so I do not recall.

25 Q. [15:19:27] Mr Witness, I want to show you another exhibit. This is tab 28, ERN

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1 UGA-OTP-0245-0128. Do you see a photograph in front of you?

2 A. [15:20:23] Not yet. I am not yet seeing it on the screen, but I have the paper
3 right in front of me.

4 PRESIDING JUDGE SCHMITT: [15:20:41] If it is the right paper, I think we can, I'm
5 not sure, but then we can simply continue.

6 THE WITNESS: [15:20:50] (Interpretation) Yes, I can now see it, I can now see it on
7 the screen.

8 PRESIDING JUDGE SCHMITT: [15:20:54] So you can continue, Mr Sachithanandan.

9 MR SACHITHANANDAN: [15:20:57]

10 Q. [15:20:58] Can you please tell us what is depicted in this photograph?

11 A. [15:21:01] In this photograph I can see Walter, the late Walter Ochora-Odoch
12 and Otti Vincent. They are meeting during the peace talk. This was a time when
13 the rebels were having talk with the government. That that's what I can see in this
14 photograph.

15 PRESIDING JUDGE SCHMITT: [15:21:34] Who is Walter Ochora there on this
16 photograph? The one with the back to the --

17 THE WITNESS: [15:21:48] (Interpretation) The one with his back, the one with his
18 back with the slightly built body is Ochora Walter Odoch.

19 PRESIDING JUDGE SCHMITT: [15:21:59] That was very descriptive. Thank you.

20 MR SACHITHANANDAN: [15:22:07]

21 Q. [15:22:07] And who is Walter Ochora greeting there?

22 A. [15:22:12] He is greeting Otti Vincent.

23 Q. [15:22:20] Who is the person in uniform -- sorry. Can you tell us what Otti
24 Vincent is wearing?

25 A. [15:22:30] Otti Vincent is putting on a Kaunda suit.

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1 Q. [15:22:38] Who is standing in uniform next to Otti Vincent?

2 A. [15:22:41] This is Okot Odhiambo.

3 Q. [15:22:53] Do you recognise anyone else in this picture?

4 A. [15:22:59] The one who is seated down with the red, with the red pip, that is
5 Brigadier Opuk, and the one who is putting on the cap which is behind is Otto

6 Agweng. And then the one who is standing with his hands to his mouth is Otto

7 Agweng. And there is the one with the kind of white shirt is called Ojara. And
8 there is this one with, with, this one with, this one with the, with the gun and --

9 THE INTERPRETER: [15:23:58] Sorry, your Honour, could the witness repeat the
10 last two descriptions.

11 PRESIDING JUDGE SCHMITT: [15:24:08] Mr Witness, may I shortly interrupt you.

12 I got a notice by the interpreters that I should ask you to repeat perhaps the last two
13 descriptions. They did not get it. It was not your fault or something like that.

14 Please just repeat it. The last two descriptions.

15 THE WITNESS: [15:24:35] (Interpretation) Okay. The one who is putting on a
16 kind of a white uniform with a wristwatch and is holding a gun is called Ocan. The
17 one who is putting on a red cap and with the kind of dreadlock hair is called Lutugu.

18 Those are the two people. The one standing behind the person I described as Otto
19 Sunday is called Kidega Tigi Tigi. And then there is this one here, here that you see
20 is called Otto Kikado. And this one here with the cap, that you can see the cap
21 protruding forward is called Ocan Labongo. These are the people I know here.

22 MR SACHITHANANDAN: [15:25:42]

23 Q. [15:25:42] Let me stop you, Mr Witness, because it's important we understand
24 who you are referring to when you say somebody is Mr X or Mr Y?

25 PRESIDING JUDGE SCHMITT: [15:25:52] But I think we need not really go through

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1 any of the persons.

2 And perhaps the last one I would be interested, this Ocan Labongo, because we have
3 heard of this person quite a lot that we can situate him more precisely in the picture.

4 MR OBHOF: [15:26:11] Your Honour, I'm sorry, I would just ask that he specifies
5 which Ocan Labongo it is because as we have found out, there are definitely two that
6 were at that time.

7 PRESIDING JUDGE SCHMITT: [15:26:21] Absolutely, yes, we can do both. We try
8 to identify more precisely which person is meant and then which person it is.

9 MR OBHOF: [15:26:34] Thank you. I'm sorry for the interruption.

10 PRESIDING JUDGE SCHMITT: [15:26:38] No problem.

11 MR SACHITHANANDAN: [15:26:39]

12 Q. [15:26:40] Mr Witness, you mentioned Ocan Labongo. Which unit was Ocan
13 Labongo in, the person in the photograph?

14 A. [15:26:46] The Ocan Labongo I'm talking about was in Control Altar. He was
15 Kony's escort. But there is this Ocan here, the one I'm describing in this photograph
16 with -- who is with his hand in his mouth was an escort to Okot Odhiambo. This is
17 the difference between the two Ocans.

18 PRESIDING JUDGE SCHMITT: [15:27:16] I think we have seen which person is
19 meant on the photograph. We would not have to go more into detail. And we
20 know now which person is meant.

21 MR SACHITHANANDAN: [15:27:25]

22 Q. [15:27:26] Mr Witness, was this photograph taken before Lukodi or after
23 Lukodi?

24 A. [15:27:33] This are after the Lukodi attack.

25 MR SACHITHANANDAN: [15:27:51] Your Honour, can we go into private for a

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1 few questions?

2 PRESIDING JUDGE SCHMITT: [15:27:54] I have seen that you are going into
3 private now. Private session, yes.

4 MR SACHITHANANDAN: [15:28:07]

5 Q. Mr Witness, at the moment that this picture was taken, where were --

6 THE COURT OFFICER: I'm sorry. I'm sorry.

7 (Private session at 3.28 p.m.) *(Reclassified partially in public)

8 THE COURT OFFICER: [15:28:11] We now are in private session. Thank you.

9 MR SACHITHANANDAN: [15:28:15] Ms Hohler reminds me that I have emulated
10 her once more.

11 PRESIDING JUDGE SCHMITT: [15:28:21] No. But, you know, it's Friday, you
12 know. It's Friday afternoon. So we are very indulgent with each other I think at the
13 moment.

14 MR SACHITHANANDAN: [15:28:34]

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [15:29:50] Then please continue.

24 MR SACHITHANANDAN: [15:29:52] Mr President, before -- I'm thinking of
25 refreshing on a point, but I'm going to try and ask a few clarifying questions before

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1 refreshing, just to --

2 PRESIDING JUDGE SCHMITT: [15:30:02] Indeed. Perhaps we don't need

3 refreshing then any more. Please continue.

4 MR SACHITHANANDAN: [15:30:07]

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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18 (Redacted)

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21 (Redacted)

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24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [15:32:44] Mr Witness, do you remember a person called Sam Kolo?

3 A. [15:32:49] I know Sam Kolo.

4 Q. [15:33:00] Is he still in the -- sorry, who is he?

5 A. [15:33:06] Sam Kolo was the LRA spokesperson, spokesperson for the political
6 wing of the LRA.

7 Q. [15:33:21] Is he still in the LRA or is he out?

8 A. [15:33:26] Sam Kolo is back home.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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16 (Redacted)

17 (Redacted)

18 MR SACHITHANANDAN: [15:43:13] Your Honour, I'm going to run through some

19 photographs. If we can stay in private while we do that.

20 PRESIDING JUDGE SCHMITT: [15:43:18] Yes.

21 MR SACHITHANANDAN: [15:43:21] Can we please pull up tab 24 of the exhibits.

22 That is UGA-OTP-240-009.

23 PRESIDING JUDGE SCHMITT: [15:43:50] I think it's already displayed.

24 MR SACHITHANANDAN: [15:43:57]

25 Q. [15:43:57] Do you --

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1 A. [15:43:57] Yes, I can see it.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [15:45:18] Thank you, Mr Witness. I'm going to move on to another

13 photograph. This is tab 21 of the exhibits binder. That is UGA-OTP-0240-0086.

14 PRESIDING JUDGE SCHMITT: [15:46:12] I think it's there already. It's extremely
15 quick today, everything.

16 MR SACHITHANANDAN: [15:46:17]

17 Q. [15:46:18] Mr Witness, do you recognise this photograph?

18 A. [15:46:25] Yes, I do.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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22 (Redacted)
23 (Redacted)
24 (Redacted)

25 Q. [15:50:20] Thank you. You can put that aside for now. I'll move to a different

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1 photograph. We will move to tab 22 of the exhibits binder. That is
2 UGA-OTP-0240-0088.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [15:52:17] Thank you. We can stop there and we'll move on to a different

19 photograph. Tab 33.

20 PRESIDING JUDGE SCHMITT: [15:52:43] Haven't we had this already?

21 MR SACHITHANANDAN: [15:52:45] Yes, your Honour, I'm going to go to another

22 page inside this, yes. Can we go to page 0138.

23 Q. [15:53:08] Mr Witness, I want you to look at the bottom photograph on this page.

24 Are you at a page with three photographs?

25 PRESIDING JUDGE SCHMITT: [15:53:21] I think the large one on the bottom is

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1 already enlarged.

2 THE WITNESS: [15:53:25] (Interpretation) I have seen it.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [15:57:08] And I think the relevance of when this
6 photo was taken, I will not doubt that there might be relevance to the photo as such,
7 but when it was taken is I think not of high relevance.

8 MR SACHITHANANDAN: [15:57:28]

9 Q. [15:57:28] One more exhibit, tab 3 of the exhibit binder. UGA-OTP-0267-0299.

10 Do you recognize who is in the top left photograph in this document?

11 A. [15:58:03] I know the person.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [15:58:58] Next photograph, tab 5, same binder.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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3 (Redacted)

4 (Redacted)

5 Q. [15:59:49] We are looking at tab 5 now, that is 0127-3073. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 MR SACHITHANANDAN: [16:00:53] Your Honour, it's 4 o'clock now. I'm just

12 wondering since the Defence is going to take, as far as I understand, five sessions

13 maximum, would it be all right if we spend half an hour on Monday morning to wrap

14 this up or --

15 PRESIDING JUDGE SCHMITT: [16:01:05] I would of course have preferred that we

16 wrap it up today, but it was a long day. I think we are not in a rush there, so then

17 we perhaps abate the proceedings for today. But not more than half an hour I think.

18 I can imagine what you would have to cover and perhaps we would not have to go to

19 every picture that you have, but perhaps to one or two other movements to speak

20 very generally of the witness.

21 We reconvene on Monday, 9.30.

22 THE COURT USHER: [16:01:39] All rise.

23 (The hearing ends in private session at 4.01 p.m.)

24 RECLASSIFICATION REPORT

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

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- 1 2016, the public reclassified and redacted version of this transcript is filed in the case.