

Trial Hearing
WITNESS: UGA-OTP-P-0205

(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 Wednesday, 8 March 2017
- 9 (The hearing starts in open session at 9.31 a.m.)
- 10 THE COURT USHER: [9:31:28] All rise.
- 11 The International Criminal Court is now in session.
- 12 PRESIDING JUDGE SCHMITT: [9:31:49] Could the court officer please call the case.
- 13 THE COURT OFFICER: [9:31:54] The situation in the Republic of Uganda, in the
- 14 case of The Prosecutor versus Dominic Ongwen, case reference ICC-02/04-01/15.
- 15 And for the record we are in open session.
- 16 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you very much.
- 17 I ask for the appearances. Please the Prosecution first.
- 18 MR SACHITHANANDAN: [9:32:11] Good morning, your Honour. Appearing
- 19 today with Betty Hohler, Ben Gumpert, Sanyu Ndagire, Yulia Nuzban, Mari Pilvio
- 20 and Adesola Adeboyejo.
- 21 PRESIDING JUDGE SCHMITT: [9:32:23] Thank you very much.
- 22 And Legal Representatives of Victims have changed a little bit since yesterday.
- 23 MR COX: [9:32:32] Mr President, good morning. Fransisco Cox and with me
- 24 Mr James Mawira.
- 25 PRESIDING JUDGE SCHMITT: [9:32:38] And, Ms Massidda, of course.

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- 1 MS MASSIDDA: [9:32:40] Good morning, Mr President, your Honours.
- 2 Paolina Massidda, with me today Ms Jane Adong, Mr Orchlon Narantsetseg and
- 3 Ms Jacqueline Atim.
- 4 PRESIDING JUDGE SCHMITT: [9:32:51] Thank you.
- 5 And for the Defence, please,.
- 6 MR OBHOF: [9:32:53] Good morning, your Honours. With us today is counsel
- 7 Krispus Ayena Odongo, assisting the counsel Ms Abigail Bridgman, our co-counsel
- 8 Chief Charles Achaleke Taku, and of course our client Mr Dominic Ongwen and I am
- 9 Thomas Obhof.
- 10 PRESIDING JUDGE SCHMITT: [9:33:10] Thank you very much.
- 11 And we also welcome Mrs Kerwegi as counsel for the witness. Thank you very
- 12 much.
- 13 MS KERWEGI: [9:33:20] Good morning, your Honour. Sara Kerwegi.
- 14 PRESIDING JUDGE SCHMITT: [9:33:24] Good morning.
- 15 And it's now the turn of the Defence and I assume, Mr Obhof, that you are in charge
- 16 today, so to speak, so you have the floor.
- 17 MR OBHOF: [9:33:33] Thank you very much, your Honour.
- 18 WITNESS: UGA-OTP-P-0205 (On former oath)
- 19 (The witness speaks Acholi)
- 20 QUESTIONED BY MR OBHOF:
- 21 Q. Good morning, Mr Witness.
- 22 Your Honour, to start off today we shall be going into private session for about two to
- 23 three questions.
- 24 PRESIDING JUDGE SCHMITT: [9:33:45] Then we go to private session.
- 25 (Private session at 9.33 a.m.)

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11 (Open session at 9.34 a.m.)

12 THE COURT OFFICER: [9:34:52] We are in open session, Mr President.

13 MR OBHOF: [9:35:03]

14 Q. [9:35:04] Mr Witness, during your interview with the Prosecution,

15 the Prosecution asked why you did not try to escape. You stated that you did not try

16 to escape because in 1989, when some people from your village who had been

17 abducted by the LRA escaped, those people from followed and the entire village was

18 punished, meaning 22 people were killed in an act of collective punishment by the

19 LRA. Is that still your statement today?

20 A. [9:35:48] I was not among the abducted people, but other abductees, people who

21 had been abducted before I was abducted had escaped from the LRA in 1989. The

22 LRA followed these people, came and abducted people who were at home and killed

23 22 people.

24 Q. [9:36:24] Is it therefore correct to say, Mr Witness, that it was widely known that

25 when you were in the LRA, even in the early days, escaping was not tolerated and

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1 any attempt to escape would be met with maximum punishment for oneself or even
2 including your relatives, your clan and even your community?

3 A. [9:37:02] Yes, the LRA did that, that was practice.

4 Q. [9:37:17] Mr Witness, during your interview you stated at tab 3 -- the UGA is
5 UGA -- I'm sorry, this is from the Prosecution binder. UGA-OTP-0247-0076. At
6 page 80, lines 142 to 144.

7 And I quote: "So thereafter the elders pronounced that when an individual is
8 abducted you should bear it alone instead of bringing problems to others in the
9 village. And that is why I did not escape."

10 Is that still your statement today, Mr Witness?

11 A. [9:38:23] Yes, it is.

12 MR OBHOF: [9:38:29] Your Honour, I would like to go to closed session for one or
13 two. I am really sorry it helps with the flow for your Honours but --

14 PRESIDING JUDGE SCHMITT: But it's perfectly clear that with witnesses like this
15 witness we have to be very careful and that from time to time, that you can group it,
16 but sometimes it is impossible to do it in a way that you have a constantly closed or
17 constantly open session. We understand that. But we also appreciate your efforts
18 and like we did the last days with Mr Sachithanandan, who also did very well in that
19 respect.

20 So we go to closed session.

21 MR OBHOF: [9:39:02] Thank you.

22 PRESIDING JUDGE SCHMITT: [9:39:07] I mean private session, of course. We
23 would shut the curtains only for our people then.

24 (Private session at 9.39 a.m.)

25 (Redacted)

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14 (Open session at 9.41 a.m.)

15 THE COURT OFFICER: [9:41:30] We are in open session, Mr President.

16 MR OBHOF: [9:41:45]

17 Q. [9:41:47] Mr Witness, can you tell this Court why you finally had the courage to
18 escape from the LRA?

19 A. [9:42:05] Firstly, the -- at the time the location that we were at I thought that if I
20 decided to leave and God help me to get home, the LRA would not actually
21 have -- would not be able to come back, would not be able to follow me and repeat
22 what they did in 1989, and that encouraged me to leave.

23 Q. [9:42:44] Did you also worry about your child?

24 A. [9:42:55] Yes, I was also afraid for my child. My child was at home. (Redacted)
25 (Redacted) I heard about the child over

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1 Mega Radio, but I did not know the whereabouts of my child and that was one of the
2 things that actually made me decide to go back home. I wanted to go back for my
3 children and the distance between the LRA's location and Uganda.

4 Q. [9:43:40] So would it be correct to say that now that the LRA was so far away
5 from Uganda and that the size of the force was very small, that you did not fear this
6 collective punishment against your family, your clan and your village?

7 A. [9:44:10] Yes, that's correct.

8 Q. [9:44:13] Mr Witness, you have talked to the Prosecution and to this Court about
9 how attempting to escape would be severely punished with death for self, family,
10 relatives or community. Can you please tell this Court whether there were other
11 forms of punishment for attempting to escape, such as caning, torture, et cetera?

12 A. [9:44:57] With the LRA if you escape and they follow you, if they apprehend
13 you, if you are lucky, you are beaten. If you are unlucky, you are killed.

14 MR OBHOF: [9:45:20] I am going to play a very short clip. It's going to be on
15 evidence 2. The tab is Defence tab 9, UGA-D26-0018-0001. The time we are going
16 to be playing is from approximately 6.53 to 7.27.

17 THE COURT OFFICER: [9:45:51] I'm sorry, is this public?

18 MR OBHOF: [9:45:55] Yes, this is public.

19 THE COURT OFFICER: [9:45:58] Thank you.

20 MR OBHOF: [9:46:05]

21 Q. [9:46:05] Can you see the video on your screen, Mr Witness?

22 THE COURT OFFICER: [9:46:18] For the record, the video will be displayed on
23 evidence 2 channel.

24 (Viewing of the video excerpt)

25 MR OBHOF: [9:47:10]

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1 Q. [9:47:13] Mr Witness, I would like to focus on the second statement from
2 Mr Acama Jackson.

3 Would, if somebody escaped and was caught, would they in fact bring him in front of
4 an entire battalion, an entire coy, a big large group and kill that person in front of
5 everyone to instill fear?

6 A. [9:47:48] Well, that depends on the group. They may find the person,
7 apprehend the person and kill them where they have been apprehended. On
8 occasions they will follow the person, apprehend the person, bring the person back to
9 the group and kill the person within the group.

10 Q. [9:48:20] Were people who were just arrested forced to watch this?

11 A. [9:48:36] Yeah, that was -- that would happen.

12 Q. [9:48:47] As Mr Acama Jackson stated, would it be done with a specific purpose
13 to instill fear in young abductees?

14 A. [9:49:06] Not only new, young abductees, but even older people, 20 years and
15 up. If they want the person to stay in the LRA, then that happens as well. That
16 person is also present watching whatever it is that is happening.

17 MR OBHOF: [9:49:32] Now again, your Honour, I'm sorry we will have to go into
18 private session for about two or three questions.

19 PRESIDING JUDGE SCHMITT: [9:49:38] There is no problem with that.
20 We go to private session.

21 MR OBHOF: [9:49:42] I apologise to the entire gallery.

22 PRESIDING JUDGE SCHMITT: [9:49:45] And we leave the blinds open.

23 (Private session at 9.49 a.m.)

24 (Redacted)

25 (Redacted)

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7 (Open session at 9.50 a.m.)

8 THE COURT OFFICER: [9:50:41] We are back in open session, Mr President.

9 MR OBHOF: [9:50:49]

10 Q. [9:50:54] Mr Witness, whilst you were still in the bush did you learn about the
11 person who was responsible for setting the rules about the order to kill people who
12 escaped?

13 A. [9:51:21] Can you please repeat the question.

14 PRESIDING JUDGE SCHMITT: [9:51:23] I think you can be more direct, I would say.
15 Yes.

16 MR OBHOF: [9:51:29]

17 Q. [9:51:30] Mr Witness, who made the rules to kill escapees?

18 A. [9:51:46] The rules to kill escapees from a particular brigade, the brigade -- the
19 brigade headquarters should be informed and then the brigade headquarters will
20 make a decision.

21 Q. [9:52:13] I would like everyone to turn to tab 8, please, in the Prosecution binder.
22 That's UGA-OTP-0247-0147, page 152, lines 152 to 156.

23 Now for some background to this, Mr Witness, previously above the Prosecution was
24 discussing about 2004 in Sinia, then they asked you what happened to escapees and
25 you said:

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1 "It depends on the time or on the circumstances at the time, because with Kony there
2 was a saying that the Holy Spirit would dictate matters. So if it's at that time where
3 they had declared that there should be no bloodshed that means that person would
4 only be beaten, but if it's at that time where he had declared that such persons should
5 be killed then that person would be killed."

6 With that statement, Mr Witness, would you not agree that you were stating that it is
7 in fact Joseph Kony in conjunction with his spirits that decided what punishment
8 should be?

9 A. [9:54:13] Based on the statement that you have just read, yes, I will confirm that
10 it's Kony.

11 Q. [9:54:24] Was it Kony that implemented all of these rules?

12 A. [9:54:40] If Kony sets out a rule, he is -- the other commanders under him, they
13 would relay the information to their junior commanders and the rules will trickle
14 down to everybody else.

15 Q. [9:55:06] Thank you, Mr Witness.

16 Now that I have read that passage I would like to move on to Joseph and these spirits.
17 Did the people you lived with in the bush talk to you about persons through whom
18 the spirits determined the punishment for? Or, better yet, who did the spirits talk
19 through?

20 A. [9:55:47] The question was not very clear. Could you please repeat it more
21 clearly so that I am able to answer it clearly as well.

22 Q. [9:56:07] No problem, Mr Witness. You said in the passage I read, you talked
23 about the holy spirits. Who did the holy spirits speak through?

24 A. [9:56:32] At the time most of the times the reports about the holy spirit would
25 come from Joseph Kony, but the other people who also -- would also come out with

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1 their reports. But with respect to rules the holy spirit would speak to Kony.

2 Q. [9:57:01] You just mentioned a few other people, could you name two or three
3 other people in which the holy spirit would speak through?

4 A. [9:57:32] There were other people who also reported it. There were people
5 who did that. Hilary was among them. Elia was one of them. There were other
6 people as well. These people also had the spirit names by which they were referred.

7 Q. [9:58:19] Who is this Hilary you just named?

8 A. [9:58:29] Hilary was a LRA soldier.

9 Q. [9:58:34] Do you know his other names?

10 A. [9:58:42] No, I do not recall his other name.

11 Q. [9:58:47] Did he have a nickname?

12 A. [9:59:01] Hilary is the spirit name, so they used to call him Hilary. And that
13 was the spirit name. And that's the name that I know.

14 Q. [9:59:17] And the other name, who is Elia?

15 A. [9:59:24] Elia was Ocaya Lakum and the spirit, the spirit that talked through him
16 was called Elia.

17 Q. [9:59:41] Thank you, Mr Witness. We will get back to more of this in a little bit.
18 And I want to continue on a certain area for right now though. Thank you for your
19 help though.

20 Now, Mr Witness, to the best of your knowledge, did everybody in the bush, in the
21 LRA, know about this collective punishment, about these reprisals for people who
22 escaped on their villages?

23 A. [10:00:25] Could you please repeat your question?

24 Q. [10:00:36] We discussed earlier about how you knew about these punishments,
25 about how your own village was attacked for people escaping. Did other people in

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1 the LRA, to the best of your knowledge, know about this rule too?

2 A. [10:01:00] Whenever you are abducted by the LRA you would be told that.

3 Q. [10:01:20] So would it be correct to say that you were in constant fear that if you
4 escaped, and even though yesterday you told us that you always wanted to, which
5 I believe everybody in this courtroom knows is true, but were you in constant fear
6 that if you escaped and that if they could not find you that your village would be
7 punished?

8 A. [10:01:57] Yeah, I had that fear.

9 MR OBHOF: [10:02:18] Your Honours, about two or three more questions in private
10 session.

11 PRESIDING JUDGE SCHMITT: [10:02:23] Private session.

12 (Private session at 10.02 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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20 (Redacted)

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1 (Redacted)

2 (Open session at 10.04 a.m.)

3 THE COURT OFFICER: [10:04:17] We are back in open session, Mr President.

4 MR OBHOF: [10:04:25]

5 Q. [10:04:26] I will repeat the question for you, Mr Witness. During your time in
6 the LRA did you ever hear about other people attacking villages or clans in an act of
7 reprisal for somebody escaping?

8 A. [10:04:50] Yes, I heard.

9 Q. [10:04:55] Could you please explain one time to the Court.

10 A. [10:05:09] Well, at the time when Okwer, I would say when Okwer was still at
11 Trinkle, when they were moving back to Sudan, one of Kony's wives escaped from
12 near our village. The woman escaped and went to the LC's place, the LC took care of
13 her and handed her over to the government. They followed, pursued her but they
14 failed to apprehend her. They did the same kind of action within that area, they
15 found some elderly persons, killed all of them, burnt huts, and looted items and went
16 with to Sudan.

17 Q. [10:06:08] Now this LC, was this from her home village?

18 A. [10:06:26] The LC of that area.

19 Q. [10:06:28] And this was an act to punish people for one of Kony's own wives
20 escaping; correct?

21 A. [10:06:45] Yes, Kony's wife escaped and she was hidden. They wanted her to
22 be handed over to the LRA but they didn't hand her back to the LRA. That's why
23 they did that.

24 Q. [10:07:04] Mr Witness, you mentioned that Okwer was still in Trinkle and that
25 they're moving back to Sudan. So would it be correct to state that this was before

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1 Operation Iron Fist?

2 A. [10:07:29] That's not true.

3 Q. [10:07:30] When did this happen then?

4 A. [10:07:35] During the Iron Fist operation.

5 Q. [10:07:49] So these are types of reprisal acts, these types of collective punishment

6 they were still going on after Iron Fist and people from the coys, to the battalions, to

7 the brigades, they knew about this; is that correct?

8 A. [10:08:20] Yes, they were aware.

9 MR OBHOF: [10:08:24] I need two questions in private session, your Honour, please.

10 PRESIDING JUDGE SCHMITT: [10:08:28] Private session, please.

11 (Private session at 10.08 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Open session at 10.10 a.m.)

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1 THE COURT OFFICER: [10:10:41] We are in open session, Mr President.

2 MR OBHOF: [10:10:54]

3 Q. [10:10:58] Mr Witness, a few minutes ago you mentioned Elia and Hilary and
4 that these were the spirits that were talking through people. What did these
5 spirits -- well, let's go with Elia first, what did Elia say, what did they -- what did
6 these spirits state through this person?

7 A. [10:11:28] The spirit of Elia would bring reports; for instance, if we were at
8 a specific location he would tell us from which direction the government soldiers
9 would come from and it would remind the people, therefore, the person would go
10 and carry out some ceremony using water and that might either redirect the soldiers
11 to another location or the people would have to relocate from there after receiving the
12 report.

13 Q. [10:12:24] Was Elia accurate?

14 A. [10:12:41] I would say yes, because Kony also confirmed that whenever such
15 a report comes it should be obeyed and followed. He continued doing the same over
16 and over again.

17 Q. [10:12:58] Thank you. Now Hilary, same question: What did Hilary -- when
18 Hilary spoke through persons, what did Hilary talk about?

19 A. [10:13:15] I said whenever the soldiers had -- are advancing, she would say "the
20 soldiers are coming towards us."

21 Q. [10:13:34] Now when these prophecies came through, if they were through other
22 people not necessarily through Kony, would these people discuss these prophecies
23 with Kony?

24 A. [10:14:01] Which people?

25 Q. [10:14:02] As you mentioned earlier when we were discussing that sometimes

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1 other people would have spirits that would talk, that they would be talked through,
2 so these other people, when spirits would go through them and not Kony, would they
3 then discuss these prophecies that they received with the high priest?

4 A. [10:14:39] That depended on whether Kony was nearby such that the report
5 would reach him fast enough. But whenever he was far off, for instance, when Elia
6 would be in Uganda he would only be working to help the people that were with him
7 in Uganda. Kony would be in Sudan instead.

8 Q. [10:15:03] But those persons tried at least to contact Kony, correct?

9 A. [10:15:20] The report, even by Elia, as it had already been confirmed that the
10 spirits would be giving -- telling the truth, even when these reports were given to
11 Kony he would really confirm.

12 Q. [10:15:45] Would these spirits also prescribe death penalties?

13 A. [10:15:56] No, I never heard of that.

14 Q. [10:16:10] Now we are on the topic, we are going to go through a little bit more
15 of these spirits. And remember we are in the Court and your job is to assist Court,
16 and whilst the people on both sides have looked into this a lot, our job is to give
17 the Court the necessary information. So if seems rather elementary, remember these
18 Judges need to know too.

19 What does "Lakwena" mean?

20 A. [10:17:07] Lakwena, the way I will answer is somebody you would connect to
21 and then send. For instance, if I, I am in love with a lady in some place, the person I
22 can get to and then ask to relay the message to the girl is the messenger who is
23 Lakwena. I don't know whether you also refer to such a person with the same title.
24 That is how I know Lakwena is.

25 Q. [10:18:02] Would people call Joseph Kony a Lakwena?

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1 A. [10:18:10] Yes, they used to refer to him as "Lakwena".

2 Q. [10:18:20] Would he also be referred to as, I mentioned earlier, the high priest?

3 A. [10:18:38] Well, the issue of high priest, because whenever he is introducing
4 himself to the people, he would say he is a messenger, he would say he is
5 a messenger.

6 Q. [10:19:11] So in the context of the LRA Joseph Kony would be considered the
7 Lakwena?

8 A. [10:19:27] Yes, the LRA would refer -- look at him like, in that light because he
9 would bring reports to the LRA.

10 Q. [10:19:43] Mr Witness, who is Mama Silly Silindi?

11 A. [10:19:56] That is the spirit of Joseph Kony, that is the name of the spirit
12 Joseph Kony uses.

13 Q. [10:20:07] And remember the Judges -- you and I and the Prosecution might
14 know who Mama Silly Silindi is, but the Judges need to know too.
15 What was -- what type of information did Mama Silly Silindi give through Joseph.

16 A. [10:20:46] If an operation is forthcoming, she would bring a report to
17 Joseph Kony and Kony would say, "She has brought a report about the operation" and
18 Kony would give the report to the people, would summon the people. Sometimes
19 he summons everyone, other times he only calls the commanders. Most times he
20 would call the high ranking commanders, he would address them. And whenever
21 he is summoning everyone else that would just be reconvening the people and
22 relaying the messages, but the first message is given to the high ranking commanders.

23 Q. [10:21:44] But he would receive the information from Mama Silly Silindi,
24 correct?

25 A. [10:21:50] That is what he would say?

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1 Q. [10:22:03] Mr Witness, have you ever heard of a spirit called "Who Are You"?

2 A. [10:22:17] Yes, I have, I have heard that name.

3 Q. [10:22:31] Could you explain to Court what type of prophesies came through
4 Joseph from Who Are You, please?

5 A. [10:22:50] At the time, the periods when Who Are You is talking to Joseph Kony
6 I wouldn't be there because my rank would not allow me to be nearby. When the
7 spirit is talking only the high ranking commanders would be nearby and would only
8 receive the messages as relays.

9 Q. [10:23:11] So what type of messages were relayed to you about Who Are You?

10 A. [10:23:34] That included, well, that was in charge of the upcoming operation,
11 that he is in charge of the operation.

12 Q. [10:23:54] Would Who Are You issue decrees and orders about things to do or
13 not to do before an operation?

14 A. [10:24:24] What I can remember is that when they are doing an initiation or
15 a ceremony for the operation, we carry out the ceremony basing on how the
16 procedures used to be followed. We'd not be told whether these procedures have
17 been -- this ceremony is being carried out because Who Are You said we should to do
18 this, but they said this is being done because we have to go and win the battles.

19 Q. [10:25:08] Did you ever hear orders or decrees from Who Are You, and of course
20 down, trickle down about not having sexual intercourse with your wife before
21 a battle?

22 A. [10:25:37] Well, that kind of -- that was there, but only I cannot confirm whether
23 the decrees were coming from Who Are You, but such decrees were there.

24 Q. [10:25:55] Thank you. Have you ever heard of the spirit -- sorry, Juma Oris
25 Debohr?

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1 A. [10:26:13] Yes, I have heard of that spirit.

2 Q. [10:26:25] Can you tell us what type of information that Juma Oris Debohr
3 would pass through Joseph Kony?

4 A. [10:26:47] Well, what I know, like I said earlier, I do not hear the messages from
5 the spirits so I can confirm that it is the spirit talking. But when the superiors bring
6 the messages, we just follow his instructions. But I have heard about that spirit and
7 they would say that was the chairman of -- the chairperson of the spirits Joseph Kony
8 uses.

9 Q. [10:27:37] It's okay, Mr Witness, we understand if you weren't there and
10 the Court does appreciate you saying that you weren't there physically. But we
11 appreciate all the information you are giving us about what you, what you know.
12 Have you ever heard of the spirit Ing Chu?

13 A. [10:28:11] I have also heard about that spirit.

14 Q. [10:28:18] Where is Ing Chu from, if you know?

15 A. [10:28:29] I said I only heard that name, but I don't know where it's from.

16 Q. [10:28:42] Were you ever told by others what type of information Ing Chu used
17 to pass through Joseph Kony?

18 A. [10:29:05] It's difficult to confirm whether what I heard was really from that
19 spirit, but for me whenever messages came from the spirits we would just follow the
20 instructions.

21 Q. [10:29:34] And the spirit Silver, have you heard of Silver?

22 A. [10:29:45] No, I didn't hear about that.

23 Q. [10:30:04] The spirit Jean Brickey?

24 A. [10:30:10] Yes, I have heard.

25 Q. [10:30:17] And I'm really sorry, I know it sounds repetitive, remember you are

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1 here to assist Court.

2 PRESIDING JUDGE SCHMITT: [10:30:26] I can assure you, Mr Witness, that we
3 hear these names and these spirits for the first time, so this is what Mr Obhof wants to
4 explain to you. So we don't know anything about it, so this is just to find out for
5 the Court what it means or what it could mean.

6 MR OBHOF: [10:30:51]

7 Q. And we do, we know this will be a trial, there will be more people, so do you
8 know or do you remember hearing about what type of information Jean Brickey
9 would relay through Joseph Kony?

10 A. [10:31:34] Well, the information that I heard, we were informed that that spirit is
11 in charge of bombs, that's what I heard. The spirit is in charge of bombs.

12 Q. [10:31:59] Now what type of bombs? Something like a mortar, something that
13 drops from a plane or something different?

14 A. [10:32:11] According to what I was -- what I was told, apparently he was in
15 charge of the bombs that the enemy soldiers used to fight. The spirit would be in the
16 bombs that were the enemy bombs.

17 Q. [10:32:31] Would the spirit make the bombs not hit you?

18 A. [10:32:49] That's what we were informed, but that does not stop the bombs from
19 falling. Bombs killed people all the time.

20 Q. [10:33:06] One final spirit, Mr Witness. Have you ever heard of Bianca?

21 A. [10:33:22] Yes, I heard of that name.

22 Q. [10:33:26] And the last time, do you know what type of or did you ever hear
23 about what type of information Bianca would pass through Joseph Kony?

24 A. [10:33:52] I heard that Bianca was in charge of healing, in charge of medication.

25 Q. [10:34:10] Now, Mr Witness, did the UPDF during your time in the LRA ever

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1 learn about these spirits?

2 A. [10:34:36] Sir, that question -- well, before I was abducted the government
3 soldier was already aware of spirits. They started fighting against the spirit of
4 Alice Lakwena and then Kony's spirit. So yes, they were aware of the issue of
5 spirits.

6 Q. [10:35:07] Did the UPDF, to the best of your knowledge, ever try to counteract
7 these spirits? As an example, would they ever use a witch doctor?

8 A. [10:35:37] Well, if you are talking about witch doctors then I cannot actually
9 respond to that question because I did not see them going to any witch doctor, neither
10 did I see them bringing any witch doctor to any operation to enable me to confirm
11 that, yes, they brought a witch doctor. But I know that most battles or most combats
12 with the UPDF are against the spirit because Kony is the one who has the spirit.

13 Q. [10:36:17] Now you stated that you couldn't confirm because you didn't see it
14 personally. Did you ever hear about witch doctors being used by the government
15 forces?

16 A. [10:36:39] Sir, that's very difficult to confirm.

17 Q. [10:36:56] Now, Mr Witness, generally speaking, not in the context of the LRA,
18 but in life as we know it, do you believe in spirits?

19 A. [10:37:20] Which spirit?

20 Q. [10:37:24] Well I have heard you talk about God, do you believe in God?

21 A. [10:37:36] Yes, I do believe in God.

22 Q. [10:37:46] We have talked a lot about these spirits too, we have discussed this
23 for the better part of 40 minutes. Do you believe that, whether good or bad, that
24 spirits spoke through Joseph Kony?

25 A. [10:38:12] If I did believe, if I did believe strongly in the spirits, I would not have

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1 escaped. No, I did not believe in the spirits because I cannot confirm some of this
2 stuff. Let me give you an example. The spirit that you mentioned last, I -- I heard
3 senior commanders discussing it, saying that the spirit came from Japan. So I did
4 not believe in that spirit, but I stayed within the LRA to preserve my own life.

5 Q. [10:39:17] During the entire time in your bush -- sorry, while you were in the
6 bush, did you ever believe in them, say maybe at the beginning, middle or end?

7 A. [10:39:42] We would follow, we would follow this because those were the rules,
8 not because of belief, but we would follow it because of the rules. But whether or
9 not you believe it you have to follow it. I did not believe it, but I followed it.

10 MR OBHOF: [10:40:08] Private session for about two questions.

11 PRESIDING JUDGE SCHMITT: [10:40:13] We go into private session.

12 (Private session at 10.40 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 10.42 a.m.)

8 THE COURT OFFICER: [10:42:38] We are back in open session, Mr President.

9 MR OBHOF: [10:42:54]

10 Q. [10:42:55] Mr Witness, in the LRA does the day of 7 April have any significance?

11 A. [10:43:12] Yes, it does.

12 Q. [10:43:18] Could you please tell the Court what the significance about 7 April is?

13 A. [10:43:32] The LRA call that the day of Juma Oris, the day of the chairman.

14 Q. [10:43:48] Does anything specific happen on that day?

15 A. [10:44:10] Most times, on most occasions, there would be ceremony prayer,

16 a prayer ceremony within the LRA. And we would also fight on that day.

17 Q. [10:44:42] Now these fights you mentioned, they weren't planned though, were

18 they, they just happened on that day?

19 A. [10:45:05] Those fights are not planned, they just happen.

20 Q. [10:45:29] Now we are going to stay in the realm of the spirits a little bit longer,

21 Mr Witness. The question is that: Did you ever hear Joseph Kony, hear him

22 personally or be told about predictions that would come, predictions about the future

23 that would eventually come to pass?

24 A. [10:46:12] I heard them, I heard Joseph Kony talking about operations,

25 operations that would take place and how the operation would end.

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1 Q. [10:46:35] Would these predictions sometimes come true?

2 A. [10:46:56] On most times, yeah, the operations would actually take place.

3 Q. [10:47:10] Now you have also stated that you did not believe truly that Kony

4 could talk to spirits. And now after what you talked about on April 7, unplanned

5 battles always happening on that day, is it safe to assume that you might at least

6 believe in the bad luck of April 7?

7 A. [10:47:54] The battles, most of those battles had serious repercussions on people.

8 Q. [10:48:17] So was 7 April an unlucky day for the LRA?

9 A. [10:48:39] They would -- they called it the day of the spirit of the chairman, but

10 that would also culminate into fleeing. So, well, for me, personally, I wouldn't, I

11 wouldn't think of that as a good day, because if it is a good day people should not be

12 fleeing. Perhaps if they think of it as a good day because people are running, then,

13 well, I cannot actually confirm that.

14 Q. [10:49:25] Now you stated, Mr Witness, that operations happened, sometimes

15 quite a few times, as prophesized by Joseph Kony. Would you agree that at least on

16 some level he had spirits talking to him or some type of outside information?

17 A. [10:50:01] I do not believe, but I can say that what he said happened.

18 Q. [10:50:11] Now you've mentioned about his predictions and sometimes them

19 coming true. And again, because the Court is hearing a lot of this for the first time,

20 could you explain one prediction that you heard about that eventually came to pass?

21 A. [10:50:39] When we were in the Sudan, just before Operation Iron Fist, he

22 said -- he told us, when he had convened all the people and addressed -- and was

23 addressing us, he told us, he said, "From this area to this area, from this day to this

24 day, if you do not go and shoot people there, if you do not immediately go and shoot

25 people there, then you are not going to survive."

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1 And he showed us the area known as -- he said it would be known as Golgotha. He
2 informed us that there would be a lot of heads that would remain there. He told us
3 that there was an army, a big army that would come from that direction and before
4 the army arrives they should start fighting against them. And yes, indeed, we had
5 a battle.

6 Because, at the time, Kony still had relations with the Arab. And at that time, we
7 also started fighting against the Arabs. And while we were fighting against the
8 Arabs, we also found -- came across the UPDF. And at that time, I confirm, because I
9 did not believe that the UPDF could come from the Arab side and come and attack us
10 from where we are, and that's the side that the UPDF came in from.

11 MR OBHOF: [10:52:37] One quick question for private session, your Honour,
12 because it might ...

13 PRESIDING JUDGE SCHMITT: [10:52:42] Private session.

14 (Private session at 10.52 a.m.) *Reclassified into public

15 THE COURT OFFICER: [10:52:50] We are in private session, Mr President.

16 MR OBHOF: [10:52:55]

17 Q. [10:53:00] Mr Witness, did Joseph Kony predict Operation Lightning Thunder in
18 Garamba park in the DRC?

19 A. [10:53:24] Is that when we were in the Congo?

20 Q. [10:53:30] Yes, Mr Witness.

21 A. [10:53:31] Yes. While we were in the Congo he also informed us of the
22 operation that was going to take place.

23 Q. [10:53:43] Could you tell us about what you heard about, the prediction that you
24 heard about the operation?

25 A. [10:54:08] When he initially started talking about it, he started talking about the

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1 issue of security. When he is talking he points to a certain direction, so he was
2 pointing to that direction, pointing to that defence, telling them that "You are not
3 defending that side properly, you don't have enough security on that side, soldiers
4 are going to come in from that direction, and when those soldiers come in from that
5 direction they're going to attack us from that direction, so people should hide things."
6 And, indeed, things were hidden. It did not take a long time. Gunships arrived,
7 gunships shot people, gunships shot the defence while we were in the Congo.

8 MR OBHOF: [10:55:06] Open session, your Honour.

9 PRESIDING JUDGE SCHMITT: [10:55:08] Back to open session, please.

10 MR OBHOF: [10:55:10] Thank you.

11 (Open session at 10.55 a.m.)

12 THE COURT OFFICER: [10:55:12] We are in open session, Mr President.

13 MR OBHOF: [10:55:28]

14 Q. [10:55:28] Now, Mr Witness, you have just given us two examples of prophecies
15 by Joseph Kony. And you said that he said others and after all of this you still do not
16 believe at any time when you were in the LRA that Kony was actually possessed by
17 spirits; is that correct?

18 A. [10:56:05] I said that I confirm with respects to the things that he prophesized
19 and the things that actually happened, I confirm in that regard.

20 Q. [10:56:19] But you don't believe he was actually talking to spirits, do you?

21 A. [10:56:34] I was always informed, the superior commanders would inform me.
22 They would tell us "the spirits said", so I would also agree that the spirits said.

23 Q. [10:56:56] And this is just to clear up a few things because a lot of times you
24 have said, "I heard, I heard" and "I heard." Just to make sure, because we are in
25 a court with lawyers, did you ever witness Joseph Kony being possessed by any

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1 spirits?

2 A. [10:57:27] No.

3 MR OBHOF: [10:57:31] Your Honour, I am mindful of the time and my next session.

4 PRESIDING JUDGE SCHMITT: [10:57:34] I would assume that you now have
5 reached another point and, because of that, it makes sense to have the coffee break
6 until 11.30.

7 THE COURT USHER: [10:57:43] All rise.

8 (Recess taken at 10.57 a.m.)

9 (Upon resuming in open session at 11.29 a.m.)

10 THE COURT USHER: [11:29:47] All rise.

11 PRESIDING JUDGE SCHMITT: [11:30:07] Mr Obhof, you have still the floor.

12 MR OBHOF: [11:30:12] Thank you, your Honour. As a little housekeeping today,
13 we have a new member with us, (Redacted).

14 And I'm really sorry about this, but we're going to start off with about five or six
15 questions in private session, please.

16 PRESIDING JUDGE SCHMITT: [11:30:41] We go to private session, please.

17 (Private session at 11.30 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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22 (Open session at 11.40 a.m.)

23 THE COURT OFFICER: [11:40:42] We are back in open session, Mr President.

24 MR OBHOF: [11:41:07]

25 Q. [11:41:07] Now, Mr Witness, we have heard rumours about Joseph Kony

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1 knowing of people's future defection plans, sometimes well in advance of their
2 intended defection. Is this something that you have heard?

3 A. [11:41:35] What I can confirm, two that I witnessed, firstly, I saw the killings of
4 two senior commanders, Okello and Otti Lagony.
5 Secondly, from the Congo, I witnessed the killing of a commander, Otti Vincent,
6 Ben Acellam and Otim and other officers, because they were alleged to be interested
7 in escaping. Whoever gave -- the person who gave me the report about that told me
8 that it was actually the spirit that conveyed the message that these people wanted to
9 escape.

10 PRESIDING JUDGE SCHMITT: [11:42:48] I know that the witness has, since he has
11 answered your questions, always impressively differentiated between what he
12 witnessed personally and what he heard.

13 In this answer it was not -- he said he witnessed, so I would have understood it that
14 he was present, but in the end he said, let me have a look here, the report, about
15 a report, perhaps you make a following question, otherwise I would put it to him.

16 MR OBHOF: [11:43:19] You were reading my mind, your Honour.

17 PRESIDING JUDGE SCHMITT: [11:43:23] Good to know, of course.

18 MR OBHOF: [11:43:27]

19 Q. [11:43:28] As the Presiding Judge had just mentioned, did you witness these
20 predictions or did you just hear about the predictions, Mr Witness?

21 A. [11:43:43] Well, further, when the people were being taken to be killed I didn't
22 see them being taken but I was around, I was within the barracks. Because the
23 headquarters would -- is about 200 metres away. So we heard that the people were
24 taken away and shot. The killing of Otti -- for the killing of Otti Vincent we heard
25 the gunshots. For Okello, they were taken very far away and I couldn't hear the

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1 gunshots because, at that time, there was a very heavy downpour and we couldn't
2 hear the gunshots. But I also confirmed their absence from the group now.

3 PRESIDING JUDGE SCHMITT: [11:44:39] May I just make a remark, that was very
4 precise, I would say. So please continue.

5 MR OBHOF: [11:44:48]

6 Q. [11:44:49] Mr Witness, what is the Okello you just spoke about, do you know
7 Okello's other names?

8 A. [11:45:04] No, I don't know his other name.

9 Q. [11:45:08] Now as for the specific prediction from Joseph, did you hear Kony
10 make the predictions about Otti Lagony, Okello, Ben Acellam, Otti Vincent and the
11 others who were killed or did you hear about the predictions from other people?

12 A. [11:45:38] For Okello and Otti Lagony -- well, I only heard after they were
13 already put in prison. And he was reporting to the others that these people were
14 be -- were going to be released. That was Otti Lagony.

15 For Otti Vincent, as we were going to apprehend him, I was at Ri Kwamba, where
16 they get food items, and I was actually apprehended as well. I was beaten. I was
17 beaten because I had remained there to collect food for the bay. I was at the bay.

18 I was beaten because they had alleged that Otti had already talked to me to escape as
19 well. I had not remained to collect food but I was taken back to the bay.

20 After Otti was apprehended and taken away, they were taken across a river and shot
21 from there while I was at the bay. I could only hear the gunshot, the gunshots.

22 And people were convened and some instructions were given that whoever is seen
23 talking or heard talking about what has happened, the person would be punished.

24 Therefore, this is what I heard.

25 Q. [11:47:48] So does this mean not even the senior most commanders, Otti Lagony,

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1 Vincent Otti, Okello, that they were not immune to punishment from Joseph Kony?

2 A. [11:48:18] Using strokes?

3 Q. [11:48:32] Any type of punishments, whether it be strokes, killings?

4 A. [11:48:42] I said this very clearly, they were killed.

5 Q. [11:48:57] Now you stated that when you came to learn, now, to your

6 knowledge, was it widely known throughout the LRA that Kony predicted Okello,

7 Otti Lagony, Otti Vincent's defections or attempting defections? Sorry, Mr Witness.

8 A. [11:49:37] Well, Mr examiner, if I am to answer that you might think that I am

9 trying to confuse, but what I understand is that if Kony knew it earlier, these people's

10 intentions, I think he would not have worked with these people for all these years.

11 Q. [11:50:19] Did these killings of these senior people reinforce to you the fact that

12 it was very hard to escape from the LRA?

13 A. [11:50:48] If they had really reinforced my feelings that it would be very difficult

14 to escape I wouldn't have escaped. What I know is you can make up your mind just

15 once. Out of the many times that you have been thinking about escape, if you make

16 up your mind one time you will leave. So during that period -- well, I cannot easily

17 explain this because the question has kind of confused me.

18 Q. [11:51:28] I will rephrase it. Did this give you fear, unplanned defections?

19 A. [11:51:54] Well, what heightened my fear was really what kind of actions they

20 would do on people who have been apprehended after trying to escape. It is

21 actually the punishments that were meted out.

22 Q. [11:52:27] Now, Mr Witness, knowing what you have said earlier today about

23 not believing in the spirits talking through Kony, do you think it is possible that

24 Joseph Kony would strategically place his most trusted persons throughout the LRA

25 to spy on people and report suspicious activity directly to him?

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1 MR SACHITHANANDAN: [11:52:57] Your Honour.

2 PRESIDING JUDGE SCHMITT: Yes.

3 MR SACHITHANANDAN: Perhaps the question can be posed -- currently the
4 witness is being asked to speculate about whether it is possible, perhaps the question
5 can be posed in a way that it relates to the witness' actual knowledge.

6 PRESIDING JUDGE SCHMITT: [11:53:11] Yes, but there will be no big different but
7 I think you can pick this up Mr Obhof and reword it a little bit. Yes.

8 MR OBHOF: [11:53:23]

9 Q. [11:53:24] Did you know or hear about Joseph Kony placing some of his most
10 trusted persons throughout the LRA in order to spy on people and report directly to
11 him?

12 A. [11:53:49] Well, I am not aware of such people being present. Because even
13 Joseph Kony himself, if he were really doing those things he wouldn't have -- he
14 wouldn't be interested in other people knowing that he is doing that. So the truth is
15 I didn't know that such things were taking place.

16 Q. [11:54:37] Did Joseph Kony ever use human intelligence? I'm sorry, I'll explain
17 it a little bit more for you. Did he ever talk to people to find out what's going on?
18 Did he have intelligence officers to report to him?

19 A. [11:55:14] Sir, I mentioned this clearly yesterday that there are intelligence
20 officers within the LRA. All the intelligence reports go to the intelligence officers.

21 Q. [11:55:35] Now, Mr Witness, who was Ocan George Labongo?

22 A. [11:55:47] Ocan George Labongo -- Labongo, well, was a commander who was
23 in the Sinia brigade.

24 Q. [11:56:11] Was he a former escort to Joseph Kony?

25 A. [11:56:27] Ocan George, yes, was with Joseph Kony.

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1 Q. [11:56:33] As one of his escorts?

2 A. [11:56:41] Yes.

3 MR OBHOF: [11:56:44] Your Honours, I have three questions that need to be asked
4 in private.

5 PRESIDING JUDGE SCHMITT: [11:56:48] Then we go for these three questions to
6 private session.

7 (Private session at 11.56 a.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

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16 (Open session at 12.01 p.m.)

17 THE COURT OFFICER: [12:01:42] We are back in open session, Mr President.

18 MR OBHOF: [12:01:51]

19 Q. [12:01:53] Mr Witness, when did or when was Labongo the escort to
20 Joseph Kony?

21 A. [12:02:08] After Lagony, after Lagony was killed, Ocan George was taken.

22 Ocan George was Lagony's escort. Ocan George was taken to Stockree. From

23 Stockree he was taken to Control Altar and he was with Joseph Kony. From

24 Joseph Kony he was taken to Sinia. And at the time -- that was the time he was

25 demoted. He was then taken from Sinia brigade and taken back to Control Altar.

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1 And then he was taken -- he was sent out as a leader. Well, I do not know in any
2 other sense how close he was to Joseph Kony.

3 Q. [12:03:16] Now you just said he went from Control Altar to Sinia. When he
4 was sent from Control to Sinia, what was he sent as? Was he a brigade commander,
5 2IC, battalion commander?

6 A. [12:03:41] On the last occasion he was sent as a CO. At the beginning when he
7 was sent to Sinia, he was sent as a prisoner. So at the end, at the second occasion, it
8 was CO, as a CO.

9 Q. [12:04:05] So the first time when he went to Sinia he was demoted as a prisoner,
10 and when he was taken back to Control Altar he was still allowed to be Joseph Kony's
11 escort?

12 A. [12:04:24] Yes.

13 Q. [12:04:27] And, Mr Witness, approximately how long during that second time
14 when he was in Control Altar was he -- how long was he in Control Altar for that
15 second time, Mr Witness?

16 A. [12:05:02] Well, I do not recall precisely, but I can hazard a guess, perhaps
17 a year.

18 Q. [12:05:16] And the second time he was sent to Sinia, do you remember around
19 when he was sent?

20 A. [12:05:30] Yes, I recall the time that he was -- that he went to Sinia, he was sent
21 to Sinia.

22 Q. [12:05:41] Could you tell this Court when he was sent to Sinia?

23 A. [12:06:00] That was in, that was in 2003.

24 Q. [12:06:17] Was this before or after the Teso campaign?

25 A. [12:06:37] The first, people had already gone to the first Teso campaign, and it

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1 was during the second Teso campaign that he was brought to Sinia.

2 Q. [12:06:58] Was it before or after Tabuley died?

3 A. [12:07:08] Tabuley was still alive.

4 Q. [12:07:14] So would it be correct to venture that an estimate time frame would
5 be mid-2003, sometime between the months of maybe May, June or July?

6 A. [12:07:38] Yes.

7 Q. [12:07:42] Now, Mr Witness, during the Teso campaign, what was Ocan George
8 Labongo's job?

9 A. [12:08:15] He was the CO of the battalion.

10 Q. [12:08:26] Which battalion?

11 A. [12:08:30] Siba.

12 Q. [12:08:37] Did he have any other positions while there in Teso?

13 A. [12:08:56] I said he was the CO of the battalion. In Teso his other tasks was to
14 ensure that they completed their mission.

15 Q. [12:09:30] Now, Mr Witness, was he in charge of all the Sinia forces in Teso?

16 A. [12:09:46] No, he wasn't. There were a number of units that went to Teso, three
17 units went to Teso. The overall commander of the Teso operation was Tabuley and
18 he was the division commander. He was in charge of the battalion.

19 Q. [12:10:34] Which units were in Teso?

20 A. [12:10:42] I said there was, there was a division, Sinia, and Stockree. There
21 were also some members of Control Altar in Teso.

22 Q. [12:10:59] From Sinia, which battalions were there were Sinia?

23 A. [12:11:14] The battalions, Sinia battalions that were in Teso, there was Oka, there
24 was Terwanga, there was also Siba, but not all, not the whole battalion. They had
25 been divided up, they had been split up. Some groups were in Sudan. Some of the

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1 members were in Control.

2 MR OBHOF: [12:12:02] Your Honours, I am going to read from tab 12,
3 the Prosecution binder. Unfortunately, I am going to read from the finished
4 transcripts, which should be in the very back of your binder. We added that page at
5 the very end, so with tab 12 there is a difference between the draft transcripts and the
6 finished transcripts.

7 PRESIDING JUDGE SCHMITT: [12:12:30] As long as it is clear what you are
8 quoting --

9 MR OBHOF: Yes.

10 PRESIDING JUDGE SCHMITT: -- we have no problems with that.

11 MR OBHOF: [12:12:35] For this it is going to be UGA-OTP-0273-1753. It is at
12 page 1783. And I'm going to start reading from line 956. So the top corner of the
13 page.

14 "George Labongo: So the person who was leading Sinia who went to Soroti was
15 called Ocan George Labongo. Ocan is spelt O-C-A-N."

16 And the interviewer asks: "So the person in charge of brigade"-- and then the
17 interpreter goes back and said, "The brigade who went to Soroti, he was called Ocan
18 George Labongo. So his name is Ocan, O-C-A-N."

19 Q. So is your statement today that Labongo was not in charge of all the Sinia forces
20 that went to Soroti, which is in Teso, during the Teso campaign?

21 A. [12:14:16] I said he did not lead the overall group. He was in charge of
22 a battalion. There were other commanders in the battalion that he was overall
23 commander of. But generally, in Teso, the overall commander for the Teso operation
24 was Tabuley.

25 Q. [12:14:57] Now that we are discussing Ocan George Labongo's time inside of

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1 Sinia, did you ever learn or hear about any time whilst Dominic was in sickbay from
2 his injury in November 2002 in Ngora about him trying to contact Salim Saleh?

3 A. [12:15:40] Was it Ocan George who contacted Salim Saleh or is it Dominic?

4 Q. [12:15:49] It was a long question, I am sorry. Did you ever hear about Dominic,
5 Mr Ongwen attempting to contact Salim Saleh?

6 A. [12:16:08] Yes, I did.

7 Q. [12:16:11] Do you know an approximate time frame from when he tried to
8 contact Salim Saleh?

9 A. [12:16:34] That was sometime in 2002, in 2002, at the end of 2002. And that's
10 why I stated the day before yesterday that he was sent to Control to collect some
11 information from Otti and that was the information that he was supposed to go to
12 Otti to collect.

13 Q. [12:17:19] So, Mr Witness, does that mean that Dominic was working on behalf
14 of Otti Vincent to contact Salim Saleh?

15 A. [12:17:39] I do not know, I do not know how the whole thing started and how it
16 ended. I do not know.

17 Q. [12:17:55] Do you know what kind of information that Mr Ongwen was
18 supposed to collect from Otti Vincent?

19 A. [12:18:08] No, I do not know. But I heard that he was supposed to go to Otti
20 and collect that information from Otti. I heard, I had heard rumours that he was in
21 contact with Salim Saleh. I heard, I also heard that from some of the soldiers,
22 apparently some of the soldiers that he allegedly sent to go there.

23 Q. [12:18:50] Mr Witness, there were no peace talks in 2003, correct?

24 A. [12:19:11] Well, there were some kind of peace talks. There was an attempt at
25 peace talks. There was an attempt at peace talks for a short while.

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1 Q. [12:19:32] Now, you said that Mr Ongwen sent some people to talk to
2 Salim Saleh. Did you ever discuss with them about what they discussed with
3 Salim Saleh?

4 A. [12:19:55] I heard what I was told was that they had gone and collected
5 uniforms. That's what I heard, they collected uniforms, army uniforms. That's
6 what I heard. That's what this person told me.

7 Q. [12:20:27] Now, Mr Witness, this happening starting, sorry, starting at the end of
8 2002, does it appear that anything besides maybe a few uniforms came from this?

9 A. [12:20:53] I heard about two things, uniforms and money. That's what I heard.

10 Q. [12:21:04] And he was doing this on behalf of Otti Vincent and not on
11 Joseph Kony?

12 A. [12:21:17] Well, you should ask, you should put that question to him, because I
13 wasn't involved in, I wasn't involved in it. I do not know if they sent him to go and
14 do it or whether he went to -- or whether he contacted them at his own initiative.
15 That's the question you have to put to him.

16 Q. [12:21:52] So in your opinion, because Salim Saleh is giving uniforms and
17 money, is he acting as a collaborator?

18 A. [12:22:12] Are you asking about Salim Saleh or Dominic?

19 Q. [12:22:19] Sorry. Does that make Salim Saleh an LRA collaborator?

20 A. [12:22:36] Are you -- well, to confirm whether he is a collaborator or not
21 a collaborator, I apologise, sir, I cannot respond to that question. But what I heard is
22 that he gave those things. That's what I can say, that he gave those things.

23 Q. [12:23:03] Did you ever hear that this might have been a plan for defection for
24 Otti and Mr Ongwen and Mr Yadin?

25 A. [12:23:25] I did not understand that.

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1 Q. [12:23:36] These discussions or these meetings, the contacts between Salim Saleh
2 and Mr Ongwen on the behest of Otti Vincent, could these have been plans by
3 Mr Ongwen, by Mr Otti for defection?

4 A. [12:24:11] Sir, if I knew that he was doing this on behalf of Otti Vincent in order
5 for them to defect, I would have been able to comment on it. But as I do not know
6 whether he was actually doing this, and whether this information came from Otti
7 Vincent, whether he was doing it at the behest of Otti Vincent or whether he was
8 doing it on his own initiative, I do not know. It is very difficult for me to actually
9 answer this question. What I heard is that and what I have told you is that
10 Salim Saleh gave them these things and that he received these things.

11 Q. [12:25:01] Do you know if Joseph Kony ever got to know about these contacts
12 between Mr Ongwen and Salim Saleh?

13 A. [12:25:21] No, I do not know.

14 Q. [12:25:36] Now, Mr Witness, could you please turn to Defence tab 5, that's
15 UGA-OTP-0016-0170.

16 MR SACHITHANANDAN: [12:25:56] Your Honour, I apologise. I am not entirely
17 sure what Mr Obhof is planning, but if it is to show intelligence reports to the witness,
18 then we do object. The witness has not produced these and has no experience of
19 these. So we object to the showing of these documents to the witness. Of course,
20 Mr Obhof may put questions to the witness, but not show the document to the
21 witness.

22 PRESIDING JUDGE SCHMITT: [12:26:24] I think, Mr Obhof, you should extract the
23 information that is entailed in this document and put it to the witness. For example,
24 you can, for example, also say, "We have information, we have such a report," you can
25 say that. You can say that.

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1 That is what Mr Taku wants to tell me now, but --

2 MR TAKU: [12:26:45] Your Honours, it is quite known that to ask certain questions
3 it is good to lay a proper foundation. It is good that the witness knows that this
4 information exists, the source from which it is and then he can put the question. He is
5 not going to ask him whether he made the document or not or whether he ever saw it,
6 but it is to put the proper foundation for the question. I think it's more appropriate
7 than for him to ask the question after the witness knows where it comes from, he
8 knows the source of the information, and then he cannot provide that answer.

9 PRESIDING JUDGE SCHMITT: [12:27:17] As I have worded it, I think it is
10 absolutely there is no problem that when you extract the information, Mr Obhof, you
11 make clear that this comes not out of the blue but that this has a whatever you would
12 word it, a foundation that there is a source. And then you can put this question to
13 him and the information that is in it and ask the witness if he can tell us something
14 about it, all this. Yes.

15 MR OBHOF: [12:27:48]

16 Q. [12:27:54] I am going to take a step back really quickly then before I go to this.
17 Mr Witness, do you know how Otti Vincent came to question Mr Ongwen about
18 meeting with Salim Saleh? Do you know if it was of Mr Otti Vincent's own volition
19 or on behalf of Joseph Kony?

20 A. [12:28:37] Sir, according to reports and the fact that Otti was Kony's deputy and
21 he was in Uganda, he took time out to go and seek out Dominic. He should have
22 taken time out to seek Dominic and if he had these kind of questions he should have
23 asked him then.

24 Q. [12:29:20] So do you know or is that just what you think?

25 A. [12:29:37] I do not know whether he did that or whether he was sent to do that.

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1 I wasn't present. I wasn't present when he was being questioned. I wasn't present.

2 I do not know even where the place that he was questioned from.

3 Q. [12:29:56] Did you ever hear Otti Vincent, Joseph Kony or Mr Ongwen discuss
4 this over the military radios?

5 A. [12:30:17] With Joseph Ongwen?

6 Q. [12:30:23] Did you hear -- did you ever hear any of those three persons, Otti
7 Vincent, Joseph Kony or Dominic Ongwen discuss this alleged meeting with
8 Salim Saleh over the military radios?

9 A. [12:30:49] When they are talking on radio call, if they are communicating
10 between each other the receiver keeps quiet. When the other person is conveying his
11 message the person on the other side also keeps quiet. But to hear that Dominic
12 Ongwen, Vincent Otti and Joseph Kony are discussing the same matter, no, I did not
13 hear that. I did not hear them discussing that on radio call.

14 Q. [12:31:24] Did you ever hear about an order for the arrest of Mr Ongwen around
15 May or April of 2003 over the military radios?

16 A. [12:31:47] Yes, that I heard that information when Okwonga Alero, like I heard
17 that Okwonga Alero had sent a report that he found Dominic's soldiers who were at
18 a camp just along the main road. At that time an order was issued that Dominic
19 Ongwen should be attacked. That Okwonga should have gone to shoot Dominic
20 Ongwen. But whatever happened that stopped that from being done I cannot tell,
21 because at that time I was just at the bay near Dominic Ongwen.

22 Q. [12:32:55] So immediately after this arrest order and these complaints by Kony
23 telling him to have Okwonga Alero arrest Dominic and kill him, one of Joseph Kony's
24 escorts, Ocan George Labongo, is moved as the CO of Siba; is that correct?

25 A. [12:33:28] It's difficult for me to respond to that because I am not sure whether it

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1 was because of that that Ocan was brought. Because what I know is the plans of
2 Joseph Kony wouldn't be known to me at the coy level. I wouldn't know how he
3 would want to manage his people. I would only receive a report about what is
4 happening or what should be done and in which manner. I cannot say it was for
5 that reason that Ocan George came, because I actually do not know.

6 Q. [12:34:25] Now regardless of the reason, almost immediately after there was an
7 order for Mr Ongwen's arrest Ocan George Labongo was transferred from
8 Control Altar to Sinia as the CO of Siba battalion; is that correct?

9 A. [12:34:52] Ocan George didn't come alone. I said Ocan George, Okwer and
10 Loum Icaya from Stockree all came to lead because the COO of Sinia brigade,
11 Ojoko James and Lapaicho had already been removed. They were taken to the
12 division with Tabu. So the two battalions were without COs, therefore these people
13 were sent. That's what I know. If there were other reasons, well I cannot tell,
14 I didn't know of that.

15 Q. [12:35:58] Now, Mr Witness, you have discussed this earlier and I just want to
16 confirm that when, as you state, Dominic took control of Sinia brigade as its
17 commanding officer he went to meet Labongo; is that correct?

18 A. [12:36:17] They met.

19 Q. [12:36:29] When they met, were you present?

20 A. [12:36:38] I was present.

21 Q. [12:36:51] Do you remember when they met? When Dominic took control of
22 Sinia brigade?

23 A. [12:37:08] Well, Dominic was already a CO of a brigade. He was already the
24 CO of the battalion. But his becoming a brigade commander, well, after meeting
25 those people, okay, I was present when the -- they met.

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1 Q. [12:37:38] As you state, Dominic was already a battalion commander and
2 Labongo was already a battalion commander. Why would Mr Ongwen be told to
3 meet with Labongo before he took control of Sinia brigade?

4 A. [12:38:14] Well, what I know is the person who received all these people was
5 Buk who was then the brigade commander. And later on when Dominic became the
6 brigade commander he invited these people to come back to him as the overall
7 commander, the one who was having full control. I am not sure whether I have
8 answered correctly.

9 Q. [12:38:56] Mr Witness, the UPDF has disclosed a lot of its information to this
10 Court. Does it surprise you to learn that throughout almost the entire month of
11 March 2004, Joseph Kony, Otti Vincent, and others were instructing Mr Ongwen to
12 meet with Labongo to take control of Sinia brigade?

13 A. [12:39:40] Well, for that if it -- that was a report from the UPDF, well I cannot
14 comment on it, because I am not aware.

15 Q. [12:40:00] Do you remember where you were in March of 2004?

16 A. [12:40:12] I was in Uganda.

17 Q. [12:40:18] Do you remember which parts of Uganda? Were you in Teso, were
18 you in Lango, were you in Kaberamaido, Gulu?

19 A. [12:40:36] We were mobile.

20 Q. [12:40:43] But you at least remember the district. I mean there is a large map
21 behind you and you have very meticulously written down where you travel during
22 certain times. I am just offering an entire month of March of 2004.

23 A. [12:41:09] In March 2004 I was in Gulu.

24 Q. [12:41:30] Gulu district or Gulu town?

25 A. [12:41:36] Gulu district.

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1 Q. [12:41:42] Do you remember a general area, was it a county or a sub county?

2 A. [12:41:58] Yes, I do.

3 MR OBHOF: [12:42:02] Your Honours, can we please go into private session for this.

4 PRESIDING JUDGE SCHMITT: [12:42:06] Yes. Private session.

5 (Private session at 12.42 p.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Open session at 12.45 p.m.)

3 THE COURT OFFICER: [12:45:08] We are back in open session, Mr President.

4 MR OBHOF: [12:45:13]

5 Q. [12:45:20] Now, Mr Witness, according to your experience and your experiences
6 in the bush, was it normal for the new CO of a battalion to take over -- sorry, the new
7 commanding officer of a brigade to take control of his brigade from a battalion officer?
8 Maybe I said that funny. Let me rephrase that.

9 PRESIDING JUDGE SCHMITT: [12:45:54] Yeah, indeed.

10 MR OBHOF: [12:45:56] Yes.

11 Q. [12:45:58] From your experience in the bush, was it normal for the new
12 commander of the brigade to take control of his brigade from another battalion CO,
13 especially considering the new person was a CO in the same battalion? Sorry, a CO
14 in the same brigade.

15 A. [12:46:40] The question is not very clear to me. But I will struggle and answer.
16 If it doesn't come out clearly to you, it's because I also didn't receive it clearly.
17 The three COs of a brigade, in case one has been appointed as the brigade commander
18 would have the full responsibility and authority over the other COs to identify
19 soldiers, to carry out the activities that he wants.

20 PRESIDING JUDGE SCHMITT: [12:47:27] Perhaps, Mr Obhof, you just give it a try
21 with a little bit of repetition. You could, for example, repeat what the witness has
22 already said, what you have established, so to speak, and then ask him: In light of
23 that, was this a normal event or not? Something like that perhaps.

24 MR OBHOF: [12:47:49] Thank you, your Honour.

25 Q. [12:47:52] In the incident, in what we are here to discuss about, when Kony

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- 1 allegedly made Dominic the CO of Sinia brigade, why would he be ordered to go see
2 Ocan George Labongo before he could take control of Sinia brigade?
- 3 A. [12:48:30] Was that the period when Dominic was still the CO?
- 4 Q. [12:48:39] This would be when Dominic was being promoted to brigade
5 commander.
- 6 A. [12:48:55] I have said when he was promoted as the brigade commander, as the
7 overall commander and Ocan Labongo was under his command, he therefore, I
8 invited him to address him as the CO to give him guidance on how to lead the
9 brigade because he was new in the brigade.
- 10 Q. [12:49:29] At this time the brigade commander of Terwanga was Icaya Loum; is
11 that correct?
- 12 A. [12:49:45] That was not brigade commander, he was the CO.
- 13 Q. [12:49:48] Sorry, thank you for your correction. But he was the battalion
14 commander of Terwanga, correct? Commanding officer, sorry.
- 15 A. [12:50:11] Icaya was the commanding officer of Terwanga battalion at that time.
- 16 Q. [12:50:20] And as you said earlier, he had just come from Stockree at the same
17 time when Ocan Labongo came from Control Altar, correct?
- 18 A. [12:50:37] Who was coming from Control Altar?
- 19 Q. [12:50:42] Ocan Labongo?
- 20 A. [12:51:01] When Ocan George was taken to Sinia I said they took Ocan George,
21 Okwer and Loum Icaya, all as leaders of Sinia. At that time Icaya was the CO
22 Terwanga. Dominic was the CO Oka. Ocan George was the CO Siba. At that time
23 Buk was still the brigade commander. Shortly afterwards, after Tabuley's death,
24 Dominic became the brigade commander of Sinia, then he invited these other people.
25 And after he met these people, I said that was to arrange how they should work.

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1 I don't know, is the question coming as to why he invited them? Because I am trying
2 to answer the question, but I am not being -- I am not satisfied.

3 Q. [12:52:17] It's okay, Mr Witness. You are doing, you are doing okay. We are
4 just expecting you to say what you remember.

5 Now my question is: As we said we received a lot of information from the UPDF
6 during that time period and in fact it was Joseph Kony and Otti Vincent who was
7 ordering Dominic to see Labongo, but not any other person, not Icaya Loum, who
8 was the COO of Terwanga, it was just Ocan Labongo. If you don't know, that's okay,
9 but could you think of any reason why Joseph Kony for over two weeks, along with
10 Otti Vincent, order Mr Ongwen to see Ocan Labongo before he took over as a brigade
11 commander of Sinia?

12 A. [12:53:29] Well, that I do not understand.

13 PRESIDING JUDGE SCHMITT: [12:53:33] I think you would have to move to
14 another point. I think you have tried it.

15 MR OBHOF: [12:53:45]

16 Q. [12:53:46] Mr Witness, do you know if Mr Ongwen and Mr Labongo were
17 friends, if they got along together?

18 A. [12:54:10] Well, at the beginning, at the beginning of the lives of Ocan George
19 Labongo and Dominic Ongwen, the way they came to know each other within the
20 LRA, well, I was not yet there so the relationship between the two, well, I cannot talk
21 about -- well, at the time I came I didn't notice any animosity, I didn't hear of any bad
22 working relationship. What I know was that they were working together. And if
23 there was any beef, that was at their high level and the junior officers wouldn't know.
24 If the senior officers were in conflict, the junior officers wouldn't necessarily know
25 and those who could be aware of would just be lucky to have known that.

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1 Q. [12:55:35] Do you know the working relationships of other people with Ocan
2 George Labongo, did he get along with other people in, first, his own battalion and,
3 second, with other people in the brigade?

4 A. [12:56:02] Well, forgive me, but let me also ask you because was that within the
5 LRA entirely or only within the battalion Labongo was leading or within Sinia
6 brigade at the time Labongo was there? You need to point that out clearly to me.

7 Q. [12:56:30] You actually went one step further, so we'll start off with the battalion
8 level. Did you notice if he had working relationship or working problems with other
9 people in the battalion, of Siba, sorry?

10 A. [12:56:56] The problem with Ocan George I can confirm was -- well, the
11 weaknesses Ocan George had was a general one. Everyone has their own
12 weaknesses. For Ocan George he was very argumentative. And when he is
13 arguing about something, whether you are telling him the truth, he wouldn't
14 understand. So it would be difficult to know whether he had a bad working
15 relationship with any other person. I didn't see him having a bad working
16 relationship with any other person in Siba.

17 MR OBHOF: [12:58:01] Your Honour, I know we still have -- oh, we only have about
18 three minutes left and this is actually the very end of this section, so it would be --

19 PRESIDING JUDGE SCHMITT: [12:58:10] So then we will have the lunch break, as I
20 understand it. This will be an abbreviated break, only until 2 o'clock, for internal
21 reasons and then we go from 2 o'clock until 3.30 today.

22 THE COURT USHER: [12:58:29] All rise.

23 (Recess taken at 12.58 p.m.)

24 (Upon resuming in open session at 2.00 p.m.)

25 THE COURT USHER: [14:00:40] All rise.

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1 PRESIDING JUDGE SCHMITT: [14:00:55] Mr Obhof, you still have the floor.

2 MR OBHOF: [14:01:01] Thank you, your Honour.

3 PRESIDING JUDGE SCHMITT: [14:01:04] And we are of course in open session.

4 MR OBHOF: [14:01:07] Yes.

5 Q. [14:01:11] Good afternoon, Mr Witness. I just wanted to reassure you because
6 I noticed at the end of last session, if there is anything that you would like that you
7 might think it might lead to your -- knowing who you are, it's okay to ask the Judges
8 or myself if we can go into private session to discuss something. So I wanted to give
9 you that reassurance that -- for you to understand.

10 Mr Witness, you have previously talked to the Prosecution, of course, and you've
11 stated that rank was not a determining factor of who led operations in the LRA, and
12 that a corporal could be selected as the overall leader of an operation; is that correct?

13 A. [14:02:17] Yes, that's correct.

14 Q. [14:02:22] And, Mr Witness, does this mean a corporal can lead even if a
15 lieutenant colonel is amongst the group?

16 A. [14:02:53] Well, that depends on the level of the standby, where, for example, a
17 lieutenant colonel and a corporal go together to the same standby, so in those
18 circumstances sometimes a corporal will be overall commander and not the lieutenant
19 colonel.

20 Q. [14:03:28] Now, Mr Witness, could you please explain to the Court why in
21 these sometimes incidences that a corporal or a sergeant might lead an operation over
22 a major or a colonel?

23 A. [14:04:00] The person who orders or issues instructions for people to go on
24 mission is the one who issues instructions for a certain person to lead that mission.

25 Q. [14:04:20] Can you give us examples of why a person ordering a mission

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1 though would choose a corporal or a sergeant over a lieutenant colonel?

2 A. [14:04:49] Yes, I can.

3 Q. [14:04:54] Please explain to Court, Mr Witness.

4 A. [14:05:08] This would actually identify me.

5 PRESIDING JUDGE SCHMITT: [14:05:13] Then we go to private session for this
6 answer.

7 Thank you for reminding us, Mr Witness.

8 (Public session at 2.05 p.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

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15 (Redacted)

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3 (Open session at 2.15 p.m.)

4 THE COURT OFFICER: [14:15:28] We are back in open session, Mr President.

5 PRESIDING JUDGE SCHMITT: [14:15:36] Thank you.

6 MR OBHOF: [14:15:48]

7 Q. [14:15:48] Now, Mr Witness, to the best of your knowledge, do you think it's
8 common for militaries to be led by a high priest who consults with spirits about attack
9 plans by a spirit named Who Are You and Mama Silly Silindi?

10 MR SACHITHANANDAN: [14:16:21] Your Honour, there's no appropriate
11 answer to that question, I think, that the witness can give. I mean that's a ...

12 PRESIDING JUDGE SCHMITT: [14:16:28] Yeah, I think it's a -- I would even say
13 it's self-explanatory. But the witness can, if he has an answer to that, it's a little bit
14 suggestive and, frankly speaking, it's perfectly clear the answer to us, I would say.
15 I've -- you know, I fail a little bit to see how the witness can say something beyond
16 what perhaps would be sought or might be seen as evident.

17 MR OBHOF: [14:17:05] Okay.

18 PRESIDING JUDGE SCHMITT: [14:17:07] Yes. Thank you.

19 MR OBHOF: [14:17:16]

20 Q. Now, Mr Witness, is it true that Kony used to talk to battalion commanders and
21 even sometimes 2ICs to give them direct orders?

22 A. [14:17:42] The way Kony operates he can issue instructions through a CO and
23 bypass the brigade commander, but not a 2IC of a battalion.

24 Q. [14:18:00] But he would still by pass his 2IC, his general chief of staff, his
25 division, the brigade commander and the COs of the brigades and go directly to a

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1 battalion though; correct?

2 A. [14:18:31] The way the army operates that's not correct. It might be correct if
3 perhaps there's something extremely important that he received the message, he's the
4 first person to receive the message and the other superior commanders have not
5 received it. And in order to resolve that issue, he can do it in that manner, he can
6 operate in that manner.

7 Q. [14:19:05] Mr Witness, I would just like to remind that we do have thousands
8 and thousands of pages and around 700 to 800 hours of audio recordings of people
9 given over by the UPDF discussing this. I will repeat it again: Does Joseph Kony,
10 had he -- did he call battalion commanders to issue them orders and skip over a long
11 line of more senior commanders?

12 A. [14:20:02] I said the way the army operates that should not happen, or that
13 doesn't happen.

14 Q. [14:20:13] Did it happen in the LRA?

15 A. [14:20:24] Yes, within the LRA that does happen.

16 Q. [14:20:33] So, Mr Witness, if you would bypass people or do that what is the
17 use of having a 2IC, a general chief of staff, a division, your office of intelligence, all
18 the different types if he can just call Icaya Loum and tell him to do something which
19 has been done repeatedly by him?

20 A. [14:21:24] I stated -- I stated that Kony would issue orders directly through
21 brigade commanders, bypassing his deputy as you just listed.

22 Q. [14:21:40] But I'm not asking about a brigade commander, I'm asking about
23 Icaya Loum who was the commander of Terwanga battalion, or Ocan George
24 Labongo who was - pardon me - the commander of Siba battalion. I'm not talking
25 about him calling out Buk Abudemama.

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1 A. [14:22:13] Yes, it happened.

2 MR OBHOF: [14:22:17] One question in private session, please, your Honour.

3 PRESIDING JUDGE SCHMITT: [14:22:21] Private session, please.

4 (Private session at 2.22 p.m.)

5 (Redacted)

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3 (Open session at 2.24 p.m.)

4 THE COURT OFFICER: [14:24:52] We are back in open session, Mr President.

5 MR OBHOF: [14:25:08]

6 Q. [14:25:08] Mr Witness, you testified and spoke about an injury that happened
7 to Mr Ongwen in Ngora in November 2002; is that correct?

8 A. [14:25:25] Yes, that's correct.

9 Q. [14:25:31] In your opinion, was he hurt badly?

10 A. [14:25:53] Can you please repeat the question.

11 Q. [14:26:01] The injury that he received in Ngora, was it a very bad injury?

12 A. [14:26:11] Yes, it was a very bad injury.

13 MR OBHOF: [14:26:19] Your Honour, I'm sorry, we might have to go to private
14 session for part of this too.

15 PRESIDING JUDGE SCHMITT: [14:26:25] Well, then this can happen.

16 Private session.

17 (Private session at 2.26 p.m.)

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4 Q. [14:30:36] Now, Mr Witness, I would like you to open up your binder, the
5 Defence binder please, tab 4. It's, for the record, UGA-D26-0015-0080. That injury
6 there, is that the injury that we are speaking about?

7 A. [14:31:05] Correct.

8 MR OBHOF: I think we can go back into open session now, your Honour.

9 PRESIDING JUDGE SCHMITT: [14:31:13] Open session.

10 (Open session at 2.31 p.m.)

11 THE COURT OFFICER: [14:31:17] We are back in open session, Mr President.

12 MR OBHOF: [14:31:32]

13 Q. [14:31:33] Mr Witness, if you can remember, how long did Dominic stay in
14 sickbay because of that injury?

15 I'm not sure if he heard.

16 Or I don't think if you're thinking. I just don't know, because of the interpretation,
17 if you heard the question?

18 A. [14:32:16] I heard the question.

19 Q. [14:32:18] Okay. Sorry about the interruption, Mr Witness.

20 A. [14:32:28] He stayed at the bay for about eight months.

21 Q. [14:32:47] Now I'd like the witness to turn to tab 12, please, of the Prosecution
22 binder.

23 That's UGA-OTP-0247-0228, pages 0249 to 50, lines 705 to 715.

24 Starting saying: "There's a lot of politeness in the" this is from the interviewer, sorry:

25 "There's a lot of politeness in this interview. Now, when ... during the time of

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1 Tabuley's death ... and afterwards, when you came to Amuria ... where is Dominic
2 Ongwen?"

3 Answer: "Dominic was at the bay."

4 Question: "Why was he at the bay?"

5 Answer: "He was injured from Patong."

6 A. [14:34:30] Where -- where were we going, Amuria?

7 Q. [14:34:38] No, Mr Witness, I asked you how long Mr Ongwen was in the bay

8 and you had stated in this interview, you stated eight months and I was refreshing

9 you that you had previously told the Prosecution during one of your interviews that

10 he was in the bay when Tabuley died, which you have stated is at the end of

11 October 2003, which would make that 11 months. Does that sound more correct, sir?

12 A. [14:35:19] Well, I need to clarify something here. In the interview about when

13 Tabuley died, I said Dominic was with Otti Vincent.

14 Q. [14:35:39] I read directly from the transcripts, Mr Witness, so are you changing

15 what you have previously stated to the Prosecution during your -- during your

16 interview?

17 PRESIDING JUDGE SCHMITT: [14:35:50] Perhaps we have to clarify that.

18 This transcript in front of you there it is said "during the time of Tabuley's death," so

19 this is one reference point, Tabuley's death. And then "you came to Amuria" is

20 another reference point and "injured from Patong" is a third reference point which is

21 back in time. So if you hear that, could you put this -- I know this is difficult after

22 such a long time, but could you put this together on a timeline, so to speak, and then

23 count like a mathematician, for example, how many month this might have been? I

24 think we will not, we will not have every day here, but just I'm giving it a try.

25 THE WITNESS: [14:36:59] (Interpretation) Because this has taken quite a while I

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1 cannot recall all the months, that's why I put it at eight months. Because if you
2 compare with the period we were taken from the bay to go to Teso we were picked in
3 August, together with Dominic. Buk came and picked us together and he went and
4 stayed -- remained with Otti.

5 So it kind of confused me.

6 MR OBHOF: [14:37:42]

7 Q. [14:37:42] Now, additionally, you stated that you met with Dominic every
8 two weeks whilst he was in the bay after he got hurt.

9 Is that still your story today?

10 And for the Court that reference is transcript 47, page 30, lines 21 to 23.

11 A. [14:38:13] At that time we were nearby at the bay, the RV was very near.

12 When he was at the bay I was also at another bay, but nearby.

13 Q. [14:38:29] So if you are -- if you had somebody else that you were reporting to,
14 if you had a commander, why were you going to see the commander of a different
15 battalion every two weeks?

16 A. [14:38:56] He was the only leader of Sinia who was nearby. We had mothers
17 near him. As a leader at Sinia, he could not stay very far away, he was part of Sinia.
18 As a CO of Sinia, these were wives of Sinia, officers at Sinia and he was the overall.
19 We were only divided only for a period of time. He was taking charge of that group
20 at that time. He was also my superior at that time.

21 MR OBHOF: [14:39:44] Private session for two questions, your Honour, please.

22 PRESIDING JUDGE SCHMITT: [14:39:46] Private session, please.

23 (Private session at 2.39 p.m.)

24 (Redacted)

25 (Redacted)

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10 (Open session at 2.50 p.m.)

11 THE COURT OFFICER: [14:50:08] We are back in open session, Mr President.

12 MR OBHOF: [14:50:20]

13 Q. [14:50:20] Now, Mr Witness, after Operation Iron Fist, what was it like being in
14 an LRA sickbay?

15 A. [14:50:47] At the sickbay they were sick, those who are very weak and couldn't
16 move would be kept somewhere, at a place where other more healthy or able-bodied
17 persons who they will stay with, these people would be taking care of the weak ones.

18 Q. [14:51:34] Now, does -- I know this might seem obvious to you, but remember
19 we're explaining this to Court, does the LRA sickbays, do they have things like X-ray
20 machines, morphine drips, Demerol drips, protective latex gloves and the ability to
21 make hard plaster casts?

22 A. [14:52:22] Gloves, well, at times they would be there, but X-ray machines were
23 not there.

24 Q. [14:52:33] For somebody who had a severely broken leg, where you could see
25 their muscles, did they have a chance or did the LRA have the ability to take and

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1 make the nice hard plaster casts that you see people walking around outside?

2 A. [14:53:07] Well, for this question, well, the LRA uses something called
3 "pa" (phon), it's a kind of wood that is used to support the broken part. It would be
4 tied against that part so that it's kept fixed at some point and then you will -- they will
5 keep treating you. If there are drugs, you can be injected or you can be given tablets
6 to take.

7 Q. [14:53:51] What happens if there are no drugs?

8 A. [14:54:03] They would use traditional medicine. For those who got a broken
9 limbs, they would use traditional medicine and these medicines are put on that part
10 and then it would be tied.

11 Q. [14:54:27] Do you know what is inside of the traditional medicines or what it's
12 made of, better put?

13 A. [14:54:50] Well, I never examined it. I cannot confirm the content.

14 Q. [14:55:01] Now, Mr Witness, isn't it true that you -- that in sickbays it was just
15 like the rest of the LRA, they had problems with getting the very small necessities like
16 food, paracetamol, anti-malarial medication and ARVs? I mean, wasn't it very little
17 of these everyday necessities that we take for granted here?

18 A. [14:55:42] Could you please repeat that question?

19 Q. [14:55:48] Now, Mr Witness, isn't it true that sickbay was much like the rest of
20 the LRA, that they constantly had to search and look for food, they had to search and
21 look for just the minor medications, like paracetamol?

22 A. [14:56:20] It's true, there was a problem of drugs.

23 Q. [14:56:29] Now, a little bit more on these traditional meds. Now, you might
24 not know what is in them, but do you know who would generally make these?

25 A. [14:57:04] There were people Kony introduced to these drugs, they knew how

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1 to administer these medicines.

2 Q. [14:57:17] I just want to make sure I'm correct. So Kony would introduce
3 these people on -- would teach these people how to make these traditional
4 medications; is that correct?

5 A. [14:57:35] That's correct.

6 MR OBHOF: [14:57:39] Now, one question in private.

7 PRESIDING JUDGE SCHMITT: [14:57:43] Private session. Go to private session
8 shortly.

9 (Private session at 2.57 p.m.)

10 (Redacted)

11 (Redacted)

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16 (Redacted)

17 (Redacted)

18 (Open session at 2.58 p.m.)

19 THE COURT OFFICER: [14:58:48] We are back in open session, Mr President.

20 MR OBHOF: [14:58:59]

21 Q. [14:59:00] And you gave a great explanation about the way the LRA would
22 remedy not having plaster of Paris. What would they use to help fight infections?
23 Not prevent them, but ones that have already taken hold?

24 A. [14:59:35] Wounds were washed, kept clean. That's one of the things that
25 they used to do that I actually saw happen. Wounds were washed and kept clean.

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1 And then the wounds are bandaged. They would have clean pieces of cloth that
2 they would use to bandage the wounds.

3 Q. [15:00:08] So in the LRA sickbay you worked on prevention instead of
4 correction? And by that I meant preventing diseases instead of curing the ones that
5 they already have.

6 A. [15:00:40] Yeah, that is one of the way that helps, it's one of the helpful ways in
7 which someone's life can be saved.

8 Q. [15:00:59] Now for the sickbay, was it in one place, did it stay in a lot of places,
9 or did it constantly move?

10 A. [15:01:21] Sickbays were mobile.

11 Q. [15:01:26] How long would they usually remain in place? I understand there
12 are circumstances where they must leave one day after the other, but on an average
13 how long do you think a sickbay would remain stationary before having to go mobile
14 again?

15 A. [15:01:53] That depends, that depends on the UPDF operations and their
16 whereabouts. If the UPDF is not in the location of the sickbay, then the sickbay can
17 remain stationary for up to one year. They -- there's no rule that states that you must
18 move -- the sickbay must move after three months or one month. If there's no
19 problem, if there are no UPDF operations the sickbay remains stationary.

20 Q. [15:02:28] But especially after Iron Fist, I mean, I know if -- if they never found
21 it, you would stay there until the cows come home, but on an average though, one
22 week? Two weeks? One month? And we're not -- we understand it is an average.

23 A. [15:03:04] Well, I repeat my same -- I repeat my earlier response: If there are
24 no UPDF operations, a sickbay can stay in one location for one month, two months.
25 But if the UPDF starts operations in the location of the particular sickbay, then, yes,

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1 you have to move it.

2 Q. [15:03:32] We'll use an example. When you were in Icaya Loum (Redacted)
3 (Redacted) how long -- or how many times

4 would you estimate that you had to move sickbay during that period?

5 A. [15:04:04] Well, Loum Icaya was being -- the sickbay that Loum Icaya was in
6 we relocated the sickbay, but it stayed within the same area and he actually escaped
7 from that same area.

8 Q. [15:04:33] I have to ask you, Mr Witness, this injury in Ngora in 2002, that
9 wasn't Dominic's first injury on his leg, was it?

10 A. [15:04:55] I stated the day before yesterday that that wasn't his first injury.
11 No, it wasn't his first injury.

12 Q. [15:05:10] Was that the first injury on his leg?

13 A. [15:05:20] No, it wasn't the first injury.

14 Q. [15:05:27] In fact, Mr Ongwen was injured in that same leg in 1996; is that
15 correct?

16 A. [15:05:44] Yes, that's correct.

17 MR OBHOF: [15:05:45] Two quick questions in private session, your Honour,
18 please.

19 PRESIDING JUDGE SCHMITT: [15:05:48] So we go for two questions in private
20 session.

21 (Private session at 3.05 p.m.)

22 (Redacted)

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4 (Open session at 3.06 p.m.)

5 THE COURT OFFICER: [15:06:52] We are back in open session, Mr President.

6 MR OBHOF: [15:07:11]

7 Q. [15:07:11] Now, Mr Witness, in your opinion, as a person, would it take
8 somebody longer to heal when they've been injured again for a second or even a third
9 time in the same location?

10 PRESIDING JUDGE SCHMITT: [15:07:48] I think this is not a question that is put
11 to a witness. It might be put to an expert or it might be even something that
12 everybody in the courtroom here can answer him or herself.

13 MR OBHOF: [15:08:06] Understood, your Honour. Thank you.

14 Q. [15:08:32] Now, Mr Witness, during the -- during your examination-in-chief
15 with the Prosecution here in court we heard you discuss how you either heard or
16 estimated ages of different persons, and that's from T-48, page 44, lines 4 to 8.

17 Mr Witness, how old are you?

18 A. [15:09:10] I'm 41 years old.

19 Q. [15:09:19] And this is going to sound like a really weird question, but how do
20 you know that?

21 A. [15:09:36] I know the year in which I was born up till today.

22 Q. [15:09:48] Now, Mr Witness, in your interview with the Prosecution, when
23 they asked you how old you were when you were abducted you stated 17, and quite
24 clearly the transcript says "Apar wiye abiro". Now, because of your birth year and
25 your abduction date you were, in fact, 19. Does that sound correct?

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1 A. [15:10:24] Yeah, people forget. It's normal. If you've calculated it and that's
2 the result you have, yeah, then that's correct.

3 Q. [15:10:39] Now you made a mistake on your age. Now, when you were
4 talking about estimating the ages of different persons and when people told you, isn't
5 it possible that some of these people who told you their age made mistakes just like
6 you?

7 A. [15:11:20] Well, I -- I heard you saying that I committed an error by not giving
8 my correct date of birth, but as the person explained to me, as you explained to me, it
9 could be the truth or it could be as you think at the moment, but I was repeating what
10 they were -- what they told me at the time.

11 Q. [15:11:57] What who told you at the time, Mr Witness?

12 A. [15:12:12] To tell me what?

13 Q. [15:12:17] You stated in the realtime transcripts, page 87, lines 14 to 15, "but I
14 was repeating what they were -- what they told me at the time." So you mean you
15 were repeating what the other people had told you; correct?

16 A. [15:12:46] Yes, I'm saying what other people told me.

17 Q. [15:12:53] As I said when you were -- during your examination yesterday with
18 the Prosecution, you said that people told you their age, ages. I'm not asking for any
19 specific person, even person 1 or person -- sorry, person 3 and person 4 on the
20 Prosecution's list, it's just that couldn't people make the same honest mistake that you
21 did?

22 A. [15:13:36] I do not know the response to that. Unless if somebody tells me
23 like you've told me, then that would make it clear.

24 Q. [15:13:52] I'll use an example, your Honour.

25 How old did person 3 from the Prosecution's list tell you he was?

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1 A. [15:14:20] Person number 3 told me that they were 13.

2 Q. [15:14:28] And knowing that you made an honest mistake and said your age
3 was 17 when you were in fact 19, isn't it possible that other people might have made
4 mistakes, that maybe person 3 didn't know his age?

5 A. [15:15:05] That's what I said earlier. If somebody has not told you that what
6 you've done, that whatever you've done is an error, then you would not know that is
7 an error. The example, you've told me that I made a mistake and, yes, I admit that I
8 did make a mistake, but the person -- the other person who told -- the other person
9 who told me their ages may not know that they're making an error unless I tell that
10 person that, yeah, you know, you've made an error. So unless you tell that person,
11 they won't know that they've made an error.

12 PRESIDING JUDGE SCHMITT: [15:15:47] I think this is an answer, Mr Obhof. I
13 think you should move on.

14 MR OBHOF: [15:15:53]

15 Q. [15:15:53] Now, Mr Witness, on Monday you talked about several wives of
16 Mr Ongwen that were present after the Lukodi attack. Do you remember talking
17 about that?

18 A. [15:16:12] Yes, I do recall.

19 Q. [15:16:20] Now, I'm going to run a few names that you've stated. And for the
20 record it's from T-47, page 64, lines 10 through 22.

21 I'm just going to list the names, just where the locations were at.

22 Was Opio there?

23 A. [15:16:59] Opio Gary?

24 Q. [15:17:02] Sorry, it's me being a mono. Opio -- or, sorry, Apiyo, Apiyo.

25 Sorry.

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- 1 A. [15:17:19] Apiyo was with Dominic.
- 2 Q. [15:17:28] Just after Lukodi?
- 3 A. [15:17:37] When -- when they went to attack Lukodi, Apiyo had just been
- 4 brought to Dominic. She hadn't stayed with him for a long time.
- 5 Q. [15:17:51] Mr Witness, does it surprise you to know that she was not abducted
- 6 at that time, at the time of Lukodi?
- 7 MR GUMPERT: [15:17:59] Your Honour, who's giving evidence here?
- 8 PRESIDING JUDGE SCHMITT: [15:18:03] Put it to the witness as a supposition
- 9 and then he might answer.
- 10 MR OBHOF: [15:18:16] I'll just move on to the next person, your Honour.
- 11 Q. [15:18:21] Was Abwot there?
- 12 A. [15:18:30] Yes, Abwot was there.
- 13 Q. [15:18:35] May I suggest to you that she was not. So your answer is she was
- 14 there after Lukodi; correct?
- 15 A. [15:19:10] It was after Lukodi that Abwot was shot in the mouth by gunships,
- 16 and that was after Lukodi was attacked.
- 17 Q. [15:19:26] What about Abang?
- 18 A. [15:19:37] Not Abongo? Abongo or Abang?
- 19 Q. [15:19:42] Abang?
- 20 A. [15:19:52] Abang was there.
- 21 Q. [15:20:01] Do you remember where Abang was abducted from?
- 22 A. [15:20:20] When I went to the RV, by the time I got there I found that Dominic
- 23 had already sent people to abduct Abang and she was already there. Abang was
- 24 abducted from Minakulu.
- 25 Q. [15:20:43] Min Bak, was she there?

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1 A. [15:21:05] Yes, Bak's mother was present at the time.

2 Q. [15:21:17] Jennifer, was she there?

3 A. [15:21:36] Yes, Jennifer was there.

4 MR OBHOF: [15:21:50] Your Honour, I'm going to request for a private session
5 very quickly.

6 PRESIDING JUDGE SCHMITT: [15:21:54] Private session.

7 (Private session at 3.21 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [15:24:32] No, what I'm referring to is after her husband dies and she is free to
22 choose and to court somebody; correct?

23 A. [15:24:50] Yeah, there are rituals that they perform. They first perform a
24 ritual, after the ritual and the days, the days that have been set for the rituals are
25 complete then, yes, they can give that person to somebody else. If somebody is

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1 interested in that person, the person can go and talk to her as well. If there are nine
2 or 10 men that are interested in her, it's her choice, she can choose the one person out
3 of the 10 that she wants as a husband.

4 Q. [15:25:31] Is she free to choose no one at all?

5 A. [15:25:45] Yeah, it's -- it's how -- it's her will if she doesn't want a man. If she
6 wants to stay single for a while, yeah, that's -- that's her right.

7 MR OBHOF: [15:25:59] Your Honour, I think this would be a good stopping point
8 for today as well.

9 PRESIDING JUDGE SCHMITT: [15:26:03] I think so too. I have the obligatory
10 question: Do you have an estimate of how long your questioning will last
11 tomorrow?

12 MR OBHOF: [15:26:12] If it's at the same pace of today I have about 17 more pages
13 left, so three sessions tomorrow.

14 PRESIDING JUDGE SCHMITT: [15:26:21] I would say we aspire to finish the
15 witness tomorrow, I would say. We have this as a goal for the moment, I would say.
16 Back to open session, please.

17 (Open session at 3.26 p.m.)

18 THE COURT OFFICER: [15:26:43] We are back in open session, Mr President.

19 PRESIDING JUDGE SCHMITT: [15:26:45] Thank you.

20 This also means that we are all prepared for Witness 330 on Friday morning.

21 This concludes today's hearing. We reconvene tomorrow 9.30.

22 THE COURT USHER: [15:26:58] All rise.

23 (The hearing ends in open session at 3.27 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 lesser redacted version of this transcript is filed in the case.