

Trial Hearing
WITNESS: UGA-OTP-P-0138

(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, 1 November 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:52] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:32:16] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:32:20] Good morning, Mr President, your Honours.
15 Situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:32:36] And for the appearances of the parties for
19 the Prosecution, Mrs Gilg, please.
20 MS GILG: [9:32:41] Good morning, your Honours. My name is Colleen Gilg, here
21 for the Prosecution, along with my colleagues Julian Elderfield, Benjamin Gumpert,
22 Beti Hohler, Yulia Nuzban, Pubudu Sachithanandan, Ramu Fatima Bittaye,
23 Colin Black, Milena Bruns and Sanyu Ndagire, Paul Bradfield, yes, that is for
24 the Prosecution.
25 PRESIDING JUDGE SCHMITT: [9:33:02] So quite a number today.

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

- 1 So for the Legal Representatives, first, Mr Cox.
- 2 MR COX: [9:33:07] Good morning, your Honour. Just James Mawira and
- 3 Francisco Cox.
- 4 PRESIDING JUDGE SCHMITT: [9:33:11] Thank you.
- 5 Mr Narantsetseg.
- 6 MR NARANTSETSEG: [9:33:14] Good morning, Mr President, Your Honours.
- 7 For the Common Legal Representative today Orchlon Narantsetseg with Ms Caroline
- 8 Walter. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:33:23] Thank you.
- 10 And, Mr Ayena, for the Defence.
- 11 MR AYENA ODONGO: [9:33:25] Good morning, Mr President and your Honours.
- 12 For the Defence today I am being assisted by Charles Taku, Mr Obhof,
- 13 Mr Tibor Bajnovic, and our client, Mr Dominic Ongwen, is in Court.
- 14 PRESIDING JUDGE SCHMITT: [9:33:41] Thank you very much.
- 15 And now for the counsel for the, Rule 74 counsel.
- 16 MS ELLIS: [9:33:50] (Microphone not activated)
- 17 PRESIDING JUDGE SCHMITT: [9:33:52] Yes.
- 18 MS ELLIS: [9:33:54] Rule 74, legal adviser for the witness.
- 19 PRESIDING JUDGE SCHMITT: [9:33:58] Thank you.
- 20 Before we continue, Mr Ayena, I just want to say a few clarifying and acknowledging
- 21 words to acknowledge the extra work of the Registry first and also to emphasise the
- 22 exceptional nature of this translation issue, to explain it perhaps a little bit more
- 23 clearer than I have done it on the spot maybe yesterday.
- 24 The Chamber understands that the Registry has worked with P-138 after the hearing
- 25 yesterday to get his annotations on the relevant part of UGA-D26-0026-0001 and

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 translate them into English. These efforts are greatly appreciated.

2 As the participants are aware the Chamber does not generally require such

3 intervention from the Registry to ensure the accuracy of translation prepared by the

4 parties. However, the Chamber adjourned the hearing to have this done

5 exceptionally due to, first, the late disclosure of document by the Defence which

6 foreclosed any possible, and that is important, inter partes discussion on the

7 translation's accuracy. That is the main point.

8 Secondly, also the specific challenges raised by the Prosecution yesterday in relation

9 to certain aspects of the transcript.

10 And third, and that is I think also important, the concern of having the witness

11 perform a potential lengthy annotation exercise under the pressure of a formal court

12 hearing.

13 I think these are really three weighty arguments. The Chamber merely wishes to

14 emphasise again the exceptional nature of the present circumstances and expects that

15 in the future any concerns about the content of party translations can be resolved on

16 an inter partes basis outside the courtroom.

17 With that we give now the Defence again the floor and we also thank, perhaps,

18 with - just a moment - we thank also Mr Witness I think for his additional efforts and

19 the Registry also.

20 Please, Mrs Gilg.

21 MS GILG: [9:36:04] Your Honours, a very brief comment.

22 We now have four versions of what can be heard in this passage. The Prosecution

23 has prepared a composite document of the four versions which sets out what

24 the Defence, Prosecution witness himself and the Registry have heard in this passage.

25 We have given a copy to the Defence as well as the victim's representative. It is

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 available to your Honours. We don't press it on you, but --

2 PRESIDING JUDGE SCHMITT: [9:36:27] And you don't give a copy to the Bench?

3 MS GILG: [9:36:30] This is what we wanted to offer. If you --

4 PRESIDING JUDGE SCHMITT: [9:36:34] Yeah, of course, I underlined several times

5 that also given the age of the Judges here on the Bench, we are, we have been grown

6 up in analogue times, so it would be quite appreciated if we had a paperwork here.

7 But of course also it becomes an ERN number I assume and will also be part of the

8 record then.

9 What comes to mind, I haven't seen the one of the -- I haven't seen your effort, so to

10 speak, with translation. What is interesting is that there seems to be the biggest

11 similarity between what the witness annotates and with the translation by

12 the Defence, frankly speaking. This is nearly the same. That is quite interesting,

13 quite telling. So thank you very much.

14 But now, Mr Ayena, you have the floor.

15 MR AYENA ODONGO: [9:37:46] Mr President and your Honours, I would have

16 ordinarily told you, we told you, but --

17 PRESIDING JUDGE SCHMITT: [9:38:00] May I shortly interrupt. This of course, it

18 is absolutely clear that you had to say that. Given your personality, you had to do

19 that, but I appreciate that too and I understand that of course.

20 MR AYENA ODONGO: [9:38:13] Mr President and your Honours, I appreciate the

21 effort put in by everybody and the cooperation given by the Prosecution. I think this

22 is the right spirit to help this Court move forward.

23 And I would like to applaud the special effort of the witness in clarifying this and

24 standing the pressure of having to do this which is outside his usual, you know,

25 duties.

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 WITNESS: UGA-OTP-P-0138 (On former oath)

2 (The witness speaks Acholi)

3 QUESTIONED BY MR AYENA ODONGO: (Continuing)

4 Q. [9:39:11] Now, Mr Witness, as you can see, the notes you took and the
5 translations are almost identical to the one Defence provided yesterday. When you
6 listened to the audio, Mr Witness, was it clear enough? Could you understand what
7 was going on in that audio track clearly?

8 A. [9:39:46] The voices were clear. And as I annotated, that's the language that
9 was used. The voices were -- they were, they were speaking via radio call,
10 communication was via radio call. It was Otti Vincent who was communicating
11 with Kony. The translation corresponds to what was being said, but (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted) it's very difficult to
15 describe or to clearly state what is being said. But I clearly recognise the voices and
16 it was Otti Vincent and Joseph Kony who were speaking.

17 Q. [9:41:11] Mr Witness, we thank you very much, because yesterday you were, so
18 to speak, ambushed, and you needed time to, you know, internalise what was going
19 on. And we thank you for your exceptional ability to recognise that.
20 Now, Mr Witness, if you look at the other translation from the Registry in paragraph
21 84, it says, "Okay, but it means that those people's brother-in-law will not have a gun.
22 Over."

23 Would you agree that Kony is talking here about his brother-in-law? Or put
24 differently, Mr Witness, were you aware that among the commanders in the bush
25 there was a person who was brother-in-law to Kony?

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 A. [9:42:36] Kony's brother-in-law -- Kony had several brothers-in-law. Whenever
2 he makes reference he refers to the area where he's got a wife. For example, if he's
3 got a wife from Pabbo, he will refer to all the people in Pabbo as his brothers-in-law.
4 If he has a wife in Atiak, he will refer to all the men in Atiak as his brothers-in-law.
5 But in relation to this context, the muko that he is not talking about is not
6 brother-in-law. He is not talking about a brother-in-law, he is not talking about
7 where his wives come from because he has more than 30 wives.

8 Q. [9:43:34] Mr Witness, do you know somebody called Lily Atong?

9 A. [9:43:44] No, I do not know her.

10 Q. [9:43:50] Would it surprise you if I told you that one of Kony's wife is called
11 Lily Atong and is sister to Dominic Ongwen? That is the mother of Idi Amin,
12 Min Idi Amin.

13 A. [9:44:22] No, I do not have any knowledge about that.

14 Q. [9:44:27] Okay. It's possible.

15 Mr Witness, does taking someone's gun have any specific meaning in the LRA, in
16 your knowledge, when somebody is disarmed?

17 A. [9:45:10] When somebody is disarmed, that depends on whatever infraction that
18 you have committed. This is an equivalent of demoting somebody. For example, if
19 they remove your gun, then you could be demoted to the rank of a recruit, which
20 means -- and it depends on whatever it is that you have done. So they take away
21 your gun, which means you no longer have a rank.

22 Q. [9:45:48] Could it also mean that you are perceived to be unsafe because of your
23 connections? For instance, if you were discovered to have had communication with
24 enemy soldiers?

25 A. [9:46:30] They -- in the LRA, when they disarm somebody, as far as I know,

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 there are several meanings for that. From my observation, sometimes somebody is
2 disarmed because they are probably thinking of escaping, so that would result in the
3 gun being taken away from that person. On another occasion, if somebody -- if they
4 realise that somebody wants to escape, they actually kill the person.

5 But I do not know whether there is any other reason why they take away people's
6 guns or why they disarm people, but those are some of the reasons why they would
7 do that.

8 Q. [9:47:15] Thank you.

9 MR AYENA ODONGO: [09:47:21] Now, Mr Witness and your Honours, we would
10 like to refer to tab 29 of the Defence binder, UGA-OTP-0063-0002, and we would like
11 to direct you to pages 135 to 137.

12 Your Honours, this is from FIS logbook, an extract from FIS logbook that is related to
13 the same sound recording and I just wanted to bring it --

14 MR GUMPERT: [9:48:27] Your Honours, I am sorry to interrupt. This can't be right.
15 It is not for counsel to tell your Honours what a document is related to. There might
16 be evidence about it. Certainly not in the presence of the witness. I don't object to
17 his reference to the book, but he can't explain to your Honours what it is by giving
18 evidence about it.

19 PRESIDING JUDGE SCHMITT: [9:48:46] No. I don't, I don't agree with you this
20 time, because I simply also want to know what's going on here and what is put to the
21 witness. So as simple information for the Bench, I think it is useful that we know
22 what we are talking about. So otherwise I simply would have asked Mr Ayena what
23 is this document and if you think it's not what -- and that counsel is misrepresenting
24 what it is.

25 So -- but what I want to know, of course, we have now three pages, as I understand it,

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 I want to know exactly what you want. But I think you will continue in that respect.

2 You want to know exactly what you want to put to the witness.

3 And of course it has not been produced by the witness, but since he has

4 exercised -- and we trust the -- for the moment, we trust the Defence that it is related

5 to the exercise that the witness has done yesterday, then I think we simply continue

6 and put to him what you want to ask.

7 But more specifically, three pages is -- because we can't read it so quickly, so

8 otherwise we can't follow. That is the problem that I a little bit have at the moment.

9 MR AYENA ODONGO: [9:50:06] I am indebted to you, your Honour, for the
10 protection. There are actually just four paragraphs, not pages and --

11 PRESIDING JUDGE SCHMITT: [9:50:20] If it is not too long, please read them
12 slowly out and then put your questions.

13 MR AYENA ODONGO: [9:50:25] Yes.

14 PRESIDING JUDGE SCHMITT: [9:50:26] Or if you want to split them, also do it like
15 that, like you want to do it. But perhaps it is a good idea because it is not so easy
16 readable, and you have seen it before, read it before, so that everybody in the
17 courtroom can follow.

18 MR AYENA ODONGO: [9:50:44] The first one on page 135:

19 "Otti told Kony that he asked Dominic about what happened when he reported to
20 have got some items for" -- and there is something unreadable -- "and Salim's (Gen).
21 That Dominic told him that he had sent ambushes in two different positions. One
22 was between Acet and Odek where that squad charged two SMG rifles and ... which
23 was ... reported in their net" --

24 PRESIDING JUDGE SCHMITT: [9:51:39] Perhaps we stop here so that it does not
25 become too big, so that they really can follow, and perhaps you can ask the witness

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 if he can make something out of it or whatever you want to ask.

2 MR AYENA ODONGO: [9:51:53]

3 Q. [9:51:55] Mr Witness, this is what the government interceptors recorded to have
4 happened on that day between Dominic Ongwen and Vincent Otti. Does it make
5 any sense to you that Dominic Ongwen was in the centre of this discussion between
6 Kony and Vincent Otti?

7 A. [9:52:47] I do not have any knowledge of that.

8 Q. [9:52:57] Mr Witness, what I am saying is, in view of what you have heard, does
9 this make sense to you? Not that you had any knowledge about it, but now that you
10 have heard the audio recording, and this has come from somebody else who heard it
11 some time back, does it make any sense? Does it correlate? Do the two correlate?

12 A. [9:53:47] As I stated earlier, I have no knowledge of that. I left the LRA in 2003,
13 in September. If anything happened in 2014, then I do not have any knowledge of
14 that -- in 2004, then I have no knowledge of that.

15 Q. [9:54:14] Mr Witness, I want to remind you that this is what happened on
16 20 April 2003, about seven months before you left LRA. So it is not something that
17 happened after you left LRA.

18 A. [9:54:48] In all honesty, when I left the LRA, or on the day that I separated from
19 Otti, (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted), to November, when I left, I do not have any knowledge of
23 any communication. So it's extremely difficult for me to respond to this question.

24 Q. [9:55:31] Maybe, Mr Witness, I will read further:

25 "That as that squad was moving" -- that was on the 28th. This is a report

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 for 20 April 2003, when you were still there. Government sources detected this and
2 wrote in their book and said:

3 "That as that squad was moving" -- this is what they wrote -- "back they passed via ...
4 their coordinator" -- whose name was not given -- "who told the commander of that
5 squad that a certain white man working with the Red Cross wanted very much to talk
6 to any LRA who" -- they may have -- "found. That the coordinator left those LRA at
7 his home and went up to Gulu town and came with the letter demanding any LRA to
8 move and meet that white man. That when they discussed" --

9 He said he has given -- sorry:

10 "... when they discussed ... the letter, the coordinator again went back to town and this
11 time came back with the white man and one woman who is a sister-in-law to
12 Angola -- Angola (Unita). That after that -- after meeting them, the white man again
13 requested the ... commander to give him one soldier to come with him to Gulu town.
14 That the commander --"

15 PRESIDING JUDGE SCHMITT: [9:57:57] Perhaps we make a pause here because it
16 is getting too much information.

17 MR AYENA ODONGO: [9:58:02] Yes.

18 PRESIDING JUDGE SCHMITT: [9:58:03] And what I would be interested, the
19 witness has not listened to all the intercepts of this day - or has he - yesterday? So
20 this is, of course, not easy for him to answer. But please continue.

21 MR AYENA ODONGO: [9:58:19] Yes.

22 Q. [9:58:25] Mr Witness, does this ring a bell in your head about such situations
23 happening around you with Vincent Otti? Because this is a report being made
24 by Otti.

25 A. [9:58:56] I stated earlier that (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 Secondly, when commanders are discussing issues, for example, when the
4 commander such as Dominic Ongwen or when there is any communication about
5 speaking to anGy white person about coming back home, they do not talk about it
6 openly because they do not want all the junior soldiers to find out. They discuss this
7 among the senior commanders because this is done secretly. It's only done within
8 a certain inner circle because they do not want all the soldiers, all the other members
9 to find out that this is what they are talking about. So I have no knowledge
10 about that.

11 PRESIDING JUDGE SCHMITT: [10:00:09] Mrs Ellis.

12 MS ELLIS: [10:00:11] (Microphone not activated)

13 PRESIDING JUDGE SCHMITT: [10:00:13] And please put on the microphone.

14 (Private session at 10.00 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 (Open session at 10.01 a.m.)

2 THE COURT OFFICER: [10:01:24] We are back in open session, Mr President.

3 MR AYENA ODONGO: [10:01:34] Mr President and your Honours, I will go to the
4 same document but at page 136. "That the white man told the soldiers LRA should
5 not accept to come out of the bush. That Museveni has a plan to kill Kony, Otti,
6 Dominic ... and if only they could get the chance of gathering them in one place
7 during peace talks, then they will use the time to execute the plan. Otti said the
8 white man brought General Saleh to talk to the soldiers. That Saleh" agreed that the
9 soldiers -- "greeted the soldier by shaking hands."

10 Now, Mr Witness, did you ever get to know about the soldier who came face to face
11 with General Salim Saleh? That was finally reported to General Otti.

12 A. [10:03:21] Well, I never became aware of any soldier who came to meet General
13 Salim Saleh. What I know is about a certain white man who met with Charles Pukot
14 at Koyo-Lalogi, which is in Pader district.

15 And the other thing I also know concerns a meeting between Colonel Onen Kamdule
16 and retired Colonel Walter Ochora, who was then the LC5 of Gulu. They met in
17 Gulu.

18 The other meeting that concerned a peace talk took place in various other areas, some
19 of which I attended. There was one in Lamogi sub-county where the commanders
20 who were there included Tolbert Yadin, Vincent Otti, Lakati. There was also
21 Sam Kolo. And that is what I know about the LRA peace meetings with religious
22 leaders like Archbishop John Baptist Odama in Lamogi sub-county.

23 There was also another meeting at Alelele primary school in Alero sub-county.

24 Nowadays it's called Nwoya district, that was carved out of Gulu district.

25 If there was any other meeting, well, then I am not aware of. These were the

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 meetings that I became aware of.

2 Q. [10:05:18] Thank you, Mr Witness. The other portion I want to read to you is,
3 "Otti said when Dominic finished narrating him the story, he found that the soldier
4 was not on the wrong but it was the commander of that ambush squad who did
5 mistake. That he caned the soldier and left him with Dominic. Kony asked the
6 name of that ambush squad which he sent as Kidega. Kony ordered that Kidega
7 should be immediately arrested together with the soldiers and also Dominic."

8 Mr Witness, around this time of 21 -- 20 April 2003, did you witness any arrests by
9 Vincent Otti which may have included Dominic Ongwen and Kidega?

10 A. [10:06:53] No, I did not witness that.

11 Q. [10:07:01] May I ask you, Mr Witness, whether at any point Dominic Ongwen
12 moved to the Control Altar under Otti? Did he join General Vincent Otti for any
13 period of time around this time?

14 A. [10:07:34] No.

15 Q. [10:07:47] Can you tell Court, Mr Witness, whether when you were in the bush
16 you were aware of everybody who was under Vincent Otti at every time, every given
17 time; or it could be that there were certain commanders who were under Vincent Otti,
18 but you may not be aware of?

19 A. [10:08:23] All the LRA commanders were under Vincent Otti, except Kony who
20 was not under Vincent Otti. At any time whenever Otti gave out any instruction the
21 commanders would have to follow. All the commanders were under his command.

22 Q. [10:08:52] In this context, Mr Witness, I am aware that there were different
23 brigades, all of them were under the Control Altar, the chief commander of which
24 was Joseph Kony and the second-in-command was Vincent Otti. But at the same
25 time I am also aware that one of the -- I mean, the Control Altar itself was a brigade in

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 its own right, like the headquarters brigade. So in this context I am asking, was there
2 any time Dominic Ongwen was brought under the Control Altar brigade?

3 A. [10:10:05] Well, I am not aware of that.

4 Q. [10:10:11] I will read just one more paragraph.

5 "He said", that is Kony, "he has given only three days to Otti for these people to be
6 arrested. Tabuley said Dominic is with him close. Kony ordered Tabuley should
7 send Lapanyikwara to move and arrest all these people and by tomorrow at eight
8 hours when he will open his radio he wants all these people arrested. That the
9 soldiers be ... that he will give Otti all directives on what to do with these people.
10 Otti sounded not happy with Kony's decision."

11 Mr Witness, do you remember this time around whether Tabuley was within the
12 vicinity of Vincent Otti, of the area where Vincent Otti was?

13 A. [10:11:39] No, I do not remember. Only that I think I need to first try and
14 understand, because initially I said issues about radio communication is never direct,
15 it's never communicated directly like what has been written down and you have been
16 reading. They don't say go and arrest Dominic Ongwen, this and that. I am not
17 very sure whether the person who recorded this received the message directly from
18 the LRA. Because when they are talking about arresting somebody or killing
19 somebody it is not communicated clearly like you are reading to me. And the
20 person who could have interpreted this message, I am not very sure how he did that
21 to come out with this very clear message that you are now reading to us. This is not
22 how it's done in radio communication.

23 Q. [10:12:50] But, Mr Witness, this particular -- the passages that I have read to you,
24 will you agree with me that they could be related to what you heard in the radio
25 communication, however badly, in your view, they may have been interpreted?

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 A. [10:13:29] I mentioned this earlier very clearly that the voices belonged to Kony
2 and Otti. But the clear message they were communicating between themselves (Redacted)
3 (Redacted) I failed to understand it.

4 Q. [10:13:50] Thank you for your effort there, Mr Witness.
5 Let's now go to the Pajule attack. Mr Witness, you testified that you were present
6 during the selection of the Pajule attack but you never went personally. Is my
7 recollection correct, Mr Witness?

8 PRESIDING JUDGE SCHMITT: [10:14:17] I think we can make that -- it is exactly
9 what the witness has said. So simply, you don't have to confirm it again and I think
10 we take it as it is.

11 MR AYENA ODONGO: [10:14:27] Okay.

12 PRESIDING JUDGE SCHMITT: [10:14:27] I think he really testified in that respect.

13 MR AYENA ODONGO: [10:14:34]

14 Q. [10:15:16] And you also testified that the Pajule attack happened on the 10th
15 of -- I mean, one day after Uhuru Day, and that some people were selected to go to
16 attack Pajule and some people were ordered to stay at the standby, standby selection.
17 Now, what would happen if an LRA soldier is selected and he refused to go? What
18 would happen to him?

19 A. [10:15:23] When a standby is selected, depending on the nature of your problem,
20 for instance if you have a weakness or you have some problem and you try to explain
21 it, you try to explain why you are not able to go for that operation, they can leave you
22 and pick another commander to go for it without having to punish you.

23 Q. [10:15:59] But if it became apparent that you were just being stubborn and you
24 just didn't want to go, what would happen to that commander, to that soldier, or
25 commander for that matter?

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 A. [10:16:25] Well, nothing much would happen, but what I saw was that they
2 would wait for another time to send you for another operation, because back in the
3 bush, every day there would be engagements, day and night.

4 Q. [10:16:48] Is it therefore your statement now, Mr Witness, that an order could be
5 refused? Somebody could, you know, refuse to obey an order?

6 A. [10:17:11] In the LRA, whenever there is an order that is -- that you feel
7 you cannot obey, sometimes you can defy. It depends on the nature of the order.
8 So you choose.

9 Q. [10:17:34] Was an order to go to battle one of those orders you could defy?

10 A. [10:17:59] An order to go for battle, well, you will not be pressed to go, but when
11 you are identified to go for a battle, you'll have to accept and go. But that also
12 depends on how much allegiance you pay to such a commander. But a situation
13 where somebody is selected to go for a battle and they refuse to do so, I never came
14 across that, I never witnessed it.

15 Q. [10:18:38] In your testimony you said Dominic Ongwen was just a major. So is
16 it the case that when he went for the Pajule attack, he went just because he was
17 selected?

18 A. [10:19:12] The selection for people to go to Pajule was done. But the
19 commander that went to attack the barracks was Colonel Bogi, and if you were
20 selected to be the commander for an operation, even if you have a higher-ranking
21 commander available, the moment you are selected to go, you will be the lead person
22 or the commander for that battle, and when you come back, you will have to report
23 back about the operation.

24 The people who went to Pajule, as I mentioned before, there were other people who
25 were higher ranking than Colonel Bogi. There was Tabuley. There was

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 Raska Lukwiya. Ocitti Jimmy was also there. These were higher-ranking officers
2 who should have commanded the operation, but the command was given to a rather
3 lower-ranking commander. There were other junior officers who were there. They
4 were taken to the battle just to provide more morale to the other fighters. They went
5 there to advise and also oversee the operation.

6 Q. [10:20:38] Now, let's retrace and go back to the question of orders. I want you
7 to address the issue of an order given by Kony himself. Could an order given by
8 Kony be disobeyed?

9 A. [10:21:09] If Kony gives an order, nobody could disobey such an order. You
10 will definitely have to follow.

11 Q. [10:21:27] Thank you, Mr Witness. Now, can you tell Court whether you can
12 name exactly where the standby selection -- the name of the place where the standby
13 selection was made?

14 A. [10:21:54] Well, the location was within Pajule sub-county, but I cannot establish
15 which particular village. It was about a mile away from Pajule centre, somewhere in
16 the bush, and there was no way you could know the place. There were no civilians
17 around who you could ask to find out the name of the place. But what I know, it
18 was in Pajule in Pader district.

19 Q. [10:22:24] Well, Mr Witness, you have done well to estimate that it was about
20 one mile away from, from Pajule trading centre.

21 Now, Mr Witness, you mentioned so many -- the names of very big people who were
22 present and who were higher in rank. First of all, is a standby the same as RV?

23 A. [10:23:15] Well, a standby is different from an RV. An RV, according to the
24 LRA, was a meeting point. An agreed-upon meeting place is what would be
25 referred to as an RV. That's a location where various brigades would come and

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 converge, and the agreement is normally made on radio call.

2 A standby is actually a force that is ready, is really on standby waiting for any
3 offensive, any operation or any attack between the LRA and the UPDFs.

4 Q. [10:24:09] You know, Mr Witness, you will be surprised that we shall be asking
5 you -- or we have already asked you some questions which sound as -- I mean, rather
6 stupid, just because their Lordships and I are not really trained in this area and we are
7 relying on you. You will be surprised that you are giving us very useful information
8 about what we did not know before. So you will excuse us.

9 PRESIDING JUDGE SCHMITT: [10:24:43] But I think we could say that we are
10 learning constantly here on the Bench.

11 MR AYENA ODONGO: [10:24:49] Yes, yes.

12 PRESIDING JUDGE SCHMITT: [10:24:51] Thank you.

13 MR AYENA ODONGO: [10:24:52]

14 Q. [10:25:13] So you are doing a great job, Mr Witness.

15 Now, Mr Witness, who was Raska Lukwiya and what was his rank and role in the
16 LRA? And which group did he belong to?

17 A. [10:25:18] Raska Lukwiya was the operation commander, the senior operation
18 commander. He was a brigadier by rank and he was among the senior commanders
19 who had been moved to the Control Altar.

20 Q. [10:25:45] How about Tolbert Yadin Nyeko?

21 A. [10:25:52] Tolbert Yadin was majorly tasked with -- he was actually the third in
22 the hierarchy after Kony. His work was majorly to relay reports within the LRA.
23 He was at the headquarters at the Control Altar.

24 Q. [10:26:34] And Ocan Bunia?

25 A. [10:26:44] Ocan Bunia was a brigade commander. He was in charge of

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 Gilva brigade.

2 Q. [10:26:56] Bogi Bosco?

3 A. [10:27:05] Bogi was in Stockree, if I can recall well. Because in the bush you
4 would be transferred anytime, anywhere. You could stay in one group for a month,
5 two or three, and at the next minute you are transferred to the next group. You
6 would be moving about in various groups. You would stay for two weeks in this
7 group and the next minute you are transferred to another.

8 Q. [10:27:42] (Microphone not activated) there was this gentleman called
9 Kenneth Banya.

10 A. [10:27:53] Within the LRA, Kenneth Banya was referred to as a chief adviser.
11 He was one of the senior commanders within the Control Altar.

12 Q. [10:28:07] This gentleman who had earlier on been a pilot in the Uganda army?

13 A. [10:28:22] Yes, he is the one.

14 Q. [10:28:25] How about Charles Kapere?

15 A. [10:28:33] Kapere was also in Stockree.

16 Q. [10:28:44] Do you remember the rank?

17 A. [10:28:53] From what I know, he was a lieutenant colonel.

18 Q. [10:28:59] And then there was a gentleman called Acel Calo Apar?

19 A. [10:29:16] Acel Calo Apar was a colonel. If I can remember, he was also
20 a senior officer within the LRA.

21 Q. [10:29:28] Mr Witness, the name Acel Calo Apar could be of interest to the
22 Bench if you could give -- tell them the meaning. What does that mean, really?
23 Does that name have a special meaning?

24 A. [10:30:06] Acel Calo Apar, according to my knowledge was one person who was
25 very gifted in using, operating the RPG, that was his best gun. His name meant he

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 as an individual was an equivalent of 10 other people. He could be able to face off
2 with 10 other people as a single person.

3 Q. [10:30:40] Thank you very much. And how about Okwonga Alero, what was
4 his rank and the group he was -- I mean he belonged to?

5 A. [10:30:59] Okwonga Alero was a major. That is what I know. He was in -- he
6 was also in Trinkle brigade.

7 Q. [10:31:20] How about Acellam, Acellam Caesar?

8 A. [10:31:32] Caesar Acellam was a colonel. He was also part of the Control Altar,
9 one of the commanders in Control Altar.

10 Q. [10:31:43] And then Sam Otto Kolo?

11 A. [10:31:56] Otto Kolo was also a colonel. He was, he was good at the spokesman.
12 If -- he was a spokesman so when people heard the BBC, people who listened to the
13 BBC would hear him speak because any attacks that took place would you announced
14 over the radio. So he was also part of the Control Altar.

15 Q. [10:32:31] Then there was somebody called Jimmy Ocitti. what rank, role and
16 group did he belong to?

17 A. [10:32:50] Jimmy Ocitti was also a colonel. He was a CPA. I do not know
18 what CPA means, but he was known as a CPA and he was also part of the
19 Control Altar.

20 PRESIDING JUDGE SCHMITT: [10:33:09] Mr Ayena, a kind reminder that we at
21 least expected a little bit to start with the next witness after the coffee break, so I just
22 wanted to remind you of that. And I don't know if the Prosecution wants the floor
23 again. I would not assume it, frankly speaking, but of course it is your decision.
24 So this should not mean that you use completely the time until 11 o'clock, but it was
25 simply, as I said, as always, a kind reminder.

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [10:33:46] Well, your Honour, you will be surprised that in
2 five minutes I might be done. Yes.

3 PRESIDING JUDGE SCHMITT: [10:33:54] So this reminder would not have been
4 necessary at all, so I see that. So please continue, Mr Ayena.

5 MR AYENA ODONGO: [10:34:04]

6 Q. [10:34:04] Now, Mr Witness, according to your testimony, Buk Abudema, who
7 was Dominic Ongwen's brigade commander -- was Dominic Ongwen's brigade
8 commander; is that correct? At that time Buk Abudema --

9 A. [10:34:28] Yes, he was.

10 Q. [10:34:30] And according to your testimony the names of -- those people whose
11 names, those people whose names I have mentioned and you have talked about them
12 were the ones who constituted the meeting for planning for the attack on Odek -- I
13 mean Pajule.

14 PRESIDING JUDGE SCHMITT: [10:34:55] Pajule.

15 MR AYENA ODONGO: [10:34:56]

16 Q. [10:34:59] Pajule. It would sound to me like this was therefore a meeting of top
17 dogs in the LRA; is that correct?

18 A. [10:35:14] Yes, they were -- they were high-ranking people within the LRA.

19 Q. [10:35:25] And the rest who ultimately participated, who may have participated
20 were selected and just given orders to go and perform a function, not because they
21 planned to go and do it; is that correct?

22 A. [10:36:01] Yes, that's what would happen within the LRA?

23 MR AYENA ODONGO: [10:36:21] Your Honours, that is the end of the Defence case.

24 It is less than five minutes from when I told you it might take less than five minutes.

25 PRESIDING JUDGE SCHMITT: [10:36:30] I would not have failed to mention that

Trial Hearing
WITNESS: UGA-OTP-P-0138

(Open Session)

ICC-02/04-01/15

1 fact too, that it was less than five minutes. Thank you very much, Mr Ayena.

2 And, Mr Witness, I would like to address you on behalf of the Chamber. We
3 appreciate very much, as I said already, that you took upon yourself this additional
4 task yesterday afternoon, and we also thank you for coming to this Court and help us
5 to establish the truth. We wish you a safe trip back, Mr Witness.

6 (The witness is excused)

7 PRESIDING JUDGE SCHMITT: And now we have a break until 11.30 and then we
8 continue with Witness 231.

9 THE COURT USHER: [10:37:11] All rise.

10 (Recess taken at 10.37 a.m.)

11 (Upon resuming in open session at 11.33 a.m.)

12 THE COURT USHER: [11:33:33] All rise.

13 PRESIDING JUDGE SCHMITT: [11:33:55] So we have already in the morning called
14 for the appearances of the parties, but the parties do not remain unchanged. I would
15 say at least, I see some new persons here, so perhaps at least the Prosecution can
16 provide us with the new members of your team that are present.

17 MR BLACK: [11:34:16] Thank you, your Honour. I believe from a glance that
18 Shkelzen Zeneli and Sanyu Ndagire have joined us.

19 PRESIDING JUDGE SCHMITT: [11:34:24] And everything else is unchanged I
20 would say.

21 But we have a new face in the courtroom. Please could you introduce yourself.

22 MS PUES: [11:34:30] Good morning. Anni Pues. I will be acting as legal adviser
23 to the witness coming now, P-231.

24 PRESIDING JUDGE SCHMITT: [11:34:37] Thank you very much. And this is
25 exactly where we are heading at now. Prosecution is calling this witness that you

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

1 mentioned P-231 as its next witness. And we will first discuss the matters of
2 assurances for the witness, which concerns you, Mrs Pues, pursuant to Rule 74 of the
3 Rules of Procedure and Evidence.

4 And to discuss this we shortly, for the audience here, shortly move into
5 private session

6 (Private session at 11.35 a.m.) *(Reclassified in public)

7 THE COURT OFFICER: [11:35:06] We're in private session, Mr President.

8 PRESIDING JUDGE SCHMITT: [11:35:17] Thank you.

9 Mrs Pues has requested Rule 74 assurances, and for the record that is filing 1032.

10 And as always, I would ask the Prosecution to provide their views, if any, on an
11 inter partes basis.

12 MR BLACK: [11:35:30] Thank you, your Honour. No views from the Prosecution.

13 PRESIDING JUDGE SCHMITT: [11:35:33] From the Defence, any comments on that?

14 MR OBHOF: [11:35:36] No comments either, your Honour.

15 PRESIDING JUDGE SCHMITT: [11:35:42] Then we go back to open session.

16 (Open session at 11.35 a.m.)

17 THE COURT OFFICER: [11:35:49] We are back in open session, Mr President.

18 PRESIDING JUDGE SCHMITT: Thank you very much.

19 The Chamber now renders its decision on the requested assurances. Mindful of the
20 factors specified in Rule 74(5) of the Rules, the Chamber has decided to provide
21 assurances pursuant to Rule 74 of the Rules in order to enable the witness to testify
22 without the fear of the consequence of self-incrimination.

23 And this already concludes the ruling of the Chamber. And we can bring now the
24 witness into the courtroom.

25 (The witness enters the courtroom)

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [11:37:22] Good morning, Mr Witness. Can you
2 hear me?

3 WITNESS: UGA-OTP-P-0231

4 (The witness speaks Acholi)

5 THE WITNESS: [11:37:26] (Interpretation) Good morning.

6 PRESIDING JUDGE SCHMITT: [11:37:30] This obviously means yes.

7 Mr Witness, you are going to testify before the International Criminal Court. On
8 behalf of the Chamber I would like to welcome you to the courtroom. You have
9 a card in front of you with the oath. Could you please read out this card with the
10 oath.

11 THE WITNESS: [11:37:57] (Interpretation) I cannot see the card.

12 PRESIDING JUDGE SCHMITT: [11:38:01] Then perhaps the court usher can help
13 Mr Witness with the card.

14 THE WITNESS: [11:38:30] (Interpretation) I solemnly declare that I will speak the
15 truth, the whole truth and nothing but the truth.

16 PRESIDING JUDGE SCHMITT: [11:38:41] Thank you, Mr Witness. You have been
17 now sworn in. I explain shortly to you the protective measures that have been put in
18 place for you.

19 First of all, this is voice distortion. That means that your voice is not recognisable for
20 here, outside the courtroom. Secondly, we use a pseudonym. That means that we
21 do not refer to you with your real name, but we refer to you as "Mr Witness" as I am
22 doing here at the moment. And thirdly, we have given you what we call Rule 74
23 assurances. That means whenever anything is said or you are asked that could
24 incriminate you personally, we will do that in private session.

25 And if for any reason something has been said that could have incriminated you or

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 could also have revealed your identity in open session, we will try to redact that.

2 That means that it will be expunged of the public transcript and it will also not be
3 transmitted via the video that we have here in the courtroom because we have
4 the -- we have here 30 minutes delay when everything is transmitted to the
5 outside world.

6 Let me now explain also some practical matters to you that you should have in mind
7 when you give your testimony. Everything we say here in the courtroom is written
8 down and interpreted, and to allow for the interpretation we all have to speak clearly
9 and at a slow pace. Speak also into the microphone that everybody understands you
10 and only start speaking when the person that had asked you a question has finished.
11 If you have any questions yourself, so we know that you wish to say something, then
12 you can raise your hand.

13 So have you understood all that?

14 THE WITNESS: [11:40:48] (Interpretation) Yes, I have.

15 PRESIDING JUDGE SCHMITT: [11:40:50] Thank you. I have been informed, I
16 have to correct myself, that we don't have voice distortion, we have just face
17 distortion so that you are not recognisable for the outside world, but your voice is not
18 distorted.

19 We will then start with your testimony.

20 Mr Black, please.

21 MR BLACK: [11:41:10] Thank you, your Honour.

22 With apologies to those in the public gallery could we please go into private session
23 for about 20 minutes.

24 PRESIDING JUDGE SCHMITT: [11:41:20] Yes, of course.

25 (Private session at 11.41 a.m.) *(Reclassified partially in public)

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

- 1 THE COURT OFFICER: [11:41:24] We are in private session, Mr President.
- 2 MR BLACK: [11:41:31] Thank you. And, your Honours, just a word of explanation.
- 3 I know that's a little longer than usual. My hope is to establish kind of a baseline
- 4 timeline to avoid having to go back into private session repeatedly later.
- 5 PRESIDING JUDGE SCHMITT: [11:41:44] We had that before and we have
- 6 exercised that before and I know that it's not easy, but I appreciate any effort by
- 7 anybody here in the courtroom, be it Prosecution, be it the Defence or the Legal
- 8 Representatives of the victims to group the questions together in a way that we don't
- 9 have to constantly go back and forth between private and observe open session.
- 10 Thank you, Mr Black.
- 11 MR BLACK: [11:42:08] Thank you, your Honour.
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
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Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

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12 Page redacted – Private session

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Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

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12 Page redacted – Private session

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Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 Q. [11:59:27] Thank you. Those are all my questions for right now about your
3 units and positions.

4 While we are in private session, your Honour, I will take advantage to ask just
5 a couple of other questions. One minute more.

6 Mr Witness, do you know Dominic Ongwen?

7 A. [11:59:55] Yes, I do.

8 Q. [11:59:56] How do you know him?

9 A. [12:00:03] We stayed together for quite a while like brothers while we were in
10 the bush.

11 Q. [12:00:12] When did you first meet him, do you remember?

12 A. [12:00:24] The first time I met you, well, I do not recall the date.

13 Q. [12:00:34] The translation that had I received was the first time you met "you",
14 which could mean me or it could mean Mr Black or it could mean someone else. My
15 question was when did you first meet Dominic Ongwen, do you remember?

16 A. [12:01:00] The first time that I met Dominic Ongwen was when I left
17 Control Altar. At the time we were still in the Sudan and I had been moved to Sinia
18 brigade and that's where I met him.

19 Q. [12:01:13] Thank you.

20 MR BLACK: Your Honour. We could go to public session if it's not too late to lose
21 our public gallery.

22 PRESIDING JUDGE SCHMITT: [12:01:19] No, but that doesn't matter. As I said,
23 we appreciate it that you group it together, that's much better so we have a constant
24 flow, so to speak, of our proceedings.

25 Back to open session.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 (Open session at 12.01 p.m.)

2 THE COURT OFFICER: [12:01:34] We are back in open session, Mr President.

3 MR BLACK: [12:01:43] Thank you.

4 Q. [12:01:44] Mr Witness, a moment ago I asked you about your units and positions
5 in the LRA.

6 Now I would like to do something similar but asking you about Dominic Ongwen's
7 units and positions in the LRA to the extent you know them.

8 What was Dominic Ongwen's position when you returned to Uganda from Sudan
9 after Iron Fist?

10 A. [12:02:17] When we left Sudan and came back to Uganda, Dominic was a CO.

11 Q. [12:02:26] Of which unit was he a CO?

12 A. [12:02:36] At the time he was the CO of Oka battalion, Oka battalion and Sinia
13 brigade.

14 Q. [12:02:46] What was the next position that Dominic Ongwen had, as far as you
15 know?

16 A. [12:03:01] When -- after the CO he became a brigade commander for Sinia.

17 Q. [12:03:13] Do you remember when he took that position of brigade commander?

18 A. [12:03:28] I do not remember the exact year.

19 Q. [12:03:36] Was it before or after the death of the LRA commander called
20 Tabuley?

21 A. [12:03:53] When -- it was after Tabuley's death.

22 Q. [12:04:00] Do you recall hearing about an LRA attack in a place called Abia after
23 Tabuley's death?

24 A. [12:04:17] Yes, I do recall hearing about that place.

25 Q. [12:04:24] When that attack occurred what was Dominic Ongwen's position?

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 Had he become brigade commander yet?

2 A. [12:04:42] When Abia was attacked he did not have a superior rank, but he was
3 in Control Altar. He was not yet a brigade commander.

4 MR BLACK: [12:05:00] Your Honour, could I ask the witness about a portion of the
5 transcript. It's tab 9 --

6 PRESIDING JUDGE SCHMITT: [12:05:05] Yes.

7 MR BLACK: [12:05:06] -- *UGA-OTP-0275-1337 at 1360. And it's lines 755 and *758.

8 And the prior page, your Honour, sort of sets the context.

9 And my intention, your Honour, is just to try to set this timeline as well as this
10 witness is capable of

11 PRESIDING JUDGE SCHMITT: But if we look at these two pages, although I am
12 seeing them for the first time and of course I could not read them in this short time,
13 I don't know, it might be irrelevant, but it might be a difference in time when a person
14 gets to know of an event, on the one hand, and when an event actually happened, on
15 the other side. This might explain a certain discrepancy that you detect. But I
16 would like you to explore this, please.

17 MR BLACK: [12:06:45] Thank you, your Honour. I'll try (Overlapping speakers).

18 PRESIDING JUDGE SCHMITT: [12:06:46] Because what I'm referring to is, the
19 question was on page 1359 at line 730, "Is this where you heard about ... Abia?" So
20 this does not necessarily mean that this is the same point in time than when Abia
21 actually happened. That is what I want to say.

22 MR BLACK: [12:07:05] That makes sense to me, your Honour. I'll put it to him and
23 see what he says, and if not we can probably establish the same thing --

24 PRESIDING JUDGE SCHMITT: [12:07:11] Absolutely.

25 MR BLACK: [12:07:18] -- in a different way later.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 Q. [12:07:18] Mr Witness, do you recall being interviewed by ICC investigators in
2 June of 2015?

3 A. [12:07:31] Yes, I do recall that.

4 Q. [12:07:32] I have in front of me a copy of the transcript of that interview which
5 you had a chance to review in the recent days. And when you were asked about
6 when you heard about the Abia attack, in that context you were asked: "What was
7 Ongwen's role at this time?"

8 And you responded: "At that time, Ongwen was the brigade commander of Sinia."
9 Now, having heard that, does that refresh your memory and change in any way
10 whether you think -- or what position you think Mr Ongwen was in at the time of the
11 Abia attack?

12 A. [12:08:27] As you have just explained was not very clear. I would kindly
13 request that you repeat it, please.

14 Q. [12:08:38] Of course, I would be happy to.

15 In the interview you were talking about meeting Buk in an area called Kiteny, and
16 you were asked:

17 "Is this where you heard about Abia?"

18 And then a few questions later you said: "What was Ongwen's role at this time?"

19 And you responded: "At that time, Ongwen was the brigade commander of Sinia."
20 Now if that helps you remember, please say so. But if it doesn't, you can also say so
21 and we'll move on to something else.

22 A. [12:09:37] No, I did not say that.

23 PRESIDING JUDGE SCHMITT: [12:09:42] I think we take it, we take the evidence as
24 the witness has given it here in the courtroom I would say.

25 MR BLACK: [12:09:48] Thank you, your Honour. Yeah, the transcript on that was

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 not particularly clear.

2 Q. [12:09:53] Mr Witness, thank you. How long -- after Mr Ongwen became Sinia
3 brigade commander, how long did he remain in that position, as far as you know?

4 A. [12:10:15] When Dominic became a brigade commander I guess it was
5 approximately for about one or two, two years. Maybe one year, eight, nine months
6 or two years.

7 Q. [12:10:34] Do you know what position he had after that, after he was brigade
8 commander of Sinia?

9 A. [12:10:49] Yes, I do. When we went to the Congo, he from a brigade
10 commander became a director of operations.

11 Q. [12:11:14] Do you remember what year you went to Congo?

12 A. [12:11:18] Yes, I do recall.

13 Q. [12:11:21] What year was that?

14 A. [12:11:28] We went to Congo, the first time we went there was in 2006, I believe.
15 I am not very certain about the month, but we were the -- part of the first group that
16 crossed the river to go to Congo. Perhaps in August.

17 Q. [12:11:57] Thank you, sir. A moment ago, and this is page 39 of the realtime
18 transcript, you also mentioned Dominic Ongwen being in Control Altar. When was
19 Dominic Ongwen in Control Altar?

20 A. [12:12:23] Dominic Ongwen was part of Control Altar on two occasions. I am
21 not sure the exact occasion you are referring to at this instant.

22 Q. [12:12:37] Well, why don't you tell us about both occasions. Take the first
23 occasion and tell us when Ongwen was in Control Altar.

24 A. [12:12:56] The first time that he was in Control Altar was when we left sickbay
25 together with him, they collected us and we went to Soroti. He was taken from Sinia

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 and taken to Control Altar. That was the first time.

2 Then we separated. We went different ways. He went to the Control Altar and I
3 went to the division. That was the first occasion.

4 Q. [12:13:29] Before we get to the second occasion let me ask you a couple of
5 questions about that. Do you know why Dominic Ongwen was sent to Control Altar
6 when you reached Soroti?

7 A. [12:13:48] Yes, I do.

8 Q. [12:13:51] Please say.

9 A. [12:13:58] When Dominic and I were in Sinia brigade, the commander was Buk.
10 The brigade commander was Buk and Dominic was the CO. There was
11 a disagreement between Dominic and Buk. I do not know the reason, but it was
12 a very bad disagreement. On one occasion the -- there was a disagreement between
13 Dominic and Buk. I was present on that occasion and I went and I told them that,
14 "You two are commanders. If the two of you are having such a disagreement, what
15 do you expect the rest of us to do?"

16 So at that time when they had this disagreement between them, you know,
17 commanders have people who move with them and they probably know the reason.
18 When we went to Soroti, Dominic was told that he has to report to Control Altar. He
19 went to Control Altar and I went to the division. But the reason why they moved
20 him from Sinia to Control Altar was because of the disagreement with him and Buk.

21 Q. [12:15:24] Do you know who arranged for that, for him to go from Sinia to
22 Control Altar, based on the disagreement which you have described?

23 A. [12:15:46] I do not know who made these arrangements, because at the time they
24 were using -- communicating via radio. The information came through the radio
25 and then he left and went to Control Altar.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 Q. [12:16:04] Did you ever discuss this transfer to Control Altar with
2 Dominic Ongwen?

3 A. [12:16:20] No, we did not discuss this.

4 Q. [12:16:32] Thank you. You mentioned there were two occasions when
5 Dominic Ongwen was in Control Altar. Please tell us now about the second
6 occasion.

7 A. [12:16:51] The second occasion, when we went to the Congo, I went to the
8 Congo first and then they came afterwards. When they arrived, they found us. He
9 was already in Control Altar. At the time he was the director of operations of the
10 LRA, and that was the time. He came when he was already part of the Control Altar.
11 Until the time that I left the bush, he was still part of Control Altar.

12 Q. [12:17:41] Thank you, sir.

13 Now I am going to ask you about several places in Uganda and events that happened
14 while you were in the LRA. First of all, when you returned from Sudan to Uganda,
15 what kinds of operations were conducted by Oka battalion in those first few months
16 after you came back?

17 A. [12:18:21] After Operation Iron Fist in the Sudan, we came back to Uganda.
18 When we arrived in Uganda, we split up into several groups. There were
19 approximately four brigades. There was Sinia brigade, Stockree, Gilva and part of
20 Control Altar. As Sinia brigade split up with Otti in Atiak area, we went -- we
21 followed the Aswa river on the Gulu side of the river banks. As we were
22 approaching Paicho area, we crossed and then we split up into two groups. I went
23 with Dominic. We crossed the road and went towards Atoo hills. Tabuley and the
24 other group crossed the Aswa river and went towards Pader.
25 The separation that I went with Dominic, we were sent to collect food. We went and

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 collected food in an area known as Laminadera, which is close to Gulu town. We
2 left that area. We crossed the river and then we crossed another road between
3 Paicho and Cwero and then we crossed Aswa river and we went to a ranch.
4 We left that place and we crossed another road, the road that -- the road from Gulu to
5 Lacekocot. We crossed in an area known as Ongom. We went and met Tabuley on
6 the other side of the river -- the other side of the road near Terawere (phon) hills.
7 And that is how we walked with Dominic.

8 Q. [12:20:26] Thank you, sir. That was a lot of information. And in the future I
9 would ask you, please, try to speak a little more slowly or maybe have a few pauses,
10 otherwise it is difficult for the interpreters to keep up with us.

11 Was Oka battalion doing anything to increase its ranks during this time after you
12 came back to Uganda?

13 A. [12:21:06] When we came back to Uganda, there were abductions.

14 Q. [12:21:18] Can you give us any examples of places where abductions occurred
15 when you came back to Uganda?

16 A. [12:21:32] You know, when we, when we met at the place that I mentioned, we
17 split up into several groups. The brigade split up. We stayed behind with the
18 brigade and the headquarters as Oka battalion. We went -- you know, when you are
19 walking, if you meet somebody, somebody who you think is appropriate to be part of
20 the army ranks -- because at the time there was no distinction. There was no
21 distinction between whom you could abduct, whether it was a young person or an
22 old person. But if you meet somebody who you believe is appropriate, you abduct
23 that person.

24 When we split up, we went towards Pajule area. We left Pajule, going upwards.
25 Pajule was on the right. We crossed between Pot Ogali and headed upwards. We

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 went to an area. I do not recall the name of that area but it's close to the Agago river.

2 And Tabuley organised an attack. We went and fought at Patongo.

3 During the attack on Patongo, we went -- we defeated the government army. They

4 ran away. We abducted people. We abducted over 20 people. There were girls

5 among the abducted people. There were children among the abducted people.

6 There were adults among the abducted people as well.

7 PRESIDING JUDGE SCHMITT: [12:23:34] Now, Ms Pues.

8 MS PUES: [12:23:36] I am sorry for interrupting, but I do think this might be

9 something that is better discussed in private session.

10 PRESIDING JUDGE SCHMITT: [12:23:44] I think it's not so specified, and I think we

11 have handled it this way, I would say. What do you think, Mr Black?

12 MR BLACK: [12:23:54] Yes, I wasn't intending to get into any more details about

13 what his role might have been.

14 PRESIDING JUDGE SCHMITT: [12:23:59] Yes. Yes, okay. So his role will not be

15 further explored, so to speak. And I think we were at the question of abductions.

16 And perhaps when you have finished this line of questioning, I would perhaps

17 include also the age of the people abducted. I would have a couple of questions too.

18 Thank you.

19 MR BLACK: [12:24:19] Thank you, your Honour.

20 MS PUES: [12:24:20] I'm sorry, it might then perhaps be good for the witness to -- or

21 to clarify to the witness that he should only sort of remain in describing the general

22 occurrences rather than his particular contributions in this setting.

23 PRESIDING JUDGE SCHMITT: [12:24:38] I think he did that. As I said, it

24 was -- what has been said until now was, was not specific enough, I would say. But

25 nevertheless we are cautious in that respect and we have been in the past and you

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 will be in the near future too, I would assume. Please continue.

2 MR BLACK: [12:24:55] Thank you, your Honour. And thank you for the
3 comments.

4 Q. [12:24:57] Mr Witness, during that discussion it was -- because we are protecting
5 your identity, these questions are not -- I don't want you to respond what you
6 personally did, but it's more about the group that you were with, Oka battalion or
7 some other group. Do you understand that?

8 A. [12:25:15] Yes, I do. Yes, clearly.

9 Q. [12:25:20] Thank you. This attack at Patongo organised by Tabuley, which
10 other LRA officers were present?

11 A. [12:25:42] The attack on Patongo, you know, when they are organising an attack
12 while we are in the bush, if you want to go to any place and attack, you have to
13 inform the commanders or your superior officers. Or, alternatively, they -- the
14 information to go and attack on a place comes from the superior commanders
15 sending you to attack a certain place.

16 But on that occasion when we went to Patongo, I do not know where the direct orders
17 came from to go and attack Patongo, but the overall commander at the time was
18 Tabuley. He was the brigade commander at the time. There were other
19 commanders, junior commanders like Dominic Ongwen, who was the CO of Oka
20 battalion, and he was also a high-ranking person.

21 There were also other junior officers, but this was an attack that was organised by
22 Sinia brigade. I do not know whether the order to attack came from higher up.
23 I don't know. But we went and attacked the place.

24 Q. [12:27:00] You have mentioned that children were abducted. What ages, if you
25 can estimate, were the people who were abducted at Patongo?

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 A. [12:27:24] At Patongo the youngest person I saw was approximately 16
2 or 17 years old. That's the youngest person I saw.

3 MR BLACK: [12:27:45] Your Honour, could I ask him about something potentially
4 different from that in the transcript. It's at tab 10, page 1402, especially line 915.

5 PRESIDING JUDGE SCHMITT: [12:28:03] Yes, please do that.

6 MR BLACK: [12:28:07] Thank you. And I am reminded I need to give the starting
7 ERN of that tab, which is UGA-OTP-0275-1375. I apologise for not doing that on
8 prior occasions.

9 Q. [12:28:24] Mr Witness, I am looking again at the transcript of your prior
10 interview. When you were asked about this attack at Patongo with -- organised by
11 Tabuley, you were asked -- you said people -- 20 or more people were abducted.
12 And you were asked the age and your response was:

13 "... people were abducted. There was no differentiating. It was between 30
14 and ... 10."

15 Having heard that, does that -- can you help us understand the age of the people
16 abducted at Patongo on this occasion?

17 A. [12:29:13] Yes, I do recall. I do recall what I stated at the time, that -- about the
18 people who were abducted at the time, people abducted on that day was as I stated.
19 But there were other occasions, not at Patongo, when I saw a young person the age
20 that you have just mentioned, somebody that young, 10 years old was abducted. But
21 on the occasion that we went to Patongo I did not see anybody who was aged 10 who
22 was abducted. The youngest person I estimate was 16 or 17. And the oldest was
23 around about 30.

24 PRESIDING JUDGE SCHMITT: [12:29:57] That is very detailed, I think. Do you
25 continue in that vein now, or otherwise I would step in and would have --

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 MR BLACK: [12:30:06] Please, your Honour.

2 PRESIDING JUDGE SCHMITT: [12:30:07] Please, thank you.

3 I have a couple of questions on behalf of the Chamber, Mr Witness. You said when

4 Mr Prosecutor started that line of questioning that abductions were to increase the

5 ranks, as I have understood it. Could you help us roughly how many people, for

6 example, how many fighters would be in the ranks of a battalion, for example?

7 Roughly. Of course you would not have -- this differs and you would not have

8 counted each person. But if we take Oka battalion for example?

9 THE WITNESS: [12:30:51] (Interpretation) When we were in the bush, at the time

10 the -- to my estimation there were approximately 200 and over people, fighters within

11 Oka battalion.

12 PRESIDING JUDGE SCHMITT: [12:31:04] And going one, one unit higher, so to

13 speak, and in a brigade, let's say Sinia brigade, also an estimate only, if you can give

14 one.

15 THE WITNESS: [12:31:19] (Interpretation) If you estimate the number in all the

16 brigades, at the time in Sinia, at that time I believe there were about 700 to 800 people

17 in Sinia brigade.

18 PRESIDING JUDGE SCHMITT: [12:31:36] And also roughly, what was the age

19 range of these people?

20 THE WITNESS: [12:31:45] (Interpretation) From the brigade I think the youngest

21 person abducted would be about 11, sometimes around 10, and going up to about 30.

22 PRESIDING JUDGE SCHMITT: [12:32:03] And this would also apply to the

23 battalion; is that correct?

24 THE WITNESS: [12:32:08] (Interpretation) Yes. Even within the battalion there

25 were young people, people who were young, and also people who were mature.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [12:32:23] And do we speak now of fighters or
2 simply people who have been abducted and have been assigned other, let me say,
3 civilian tasks?

4 THE WITNESS: [12:32:40] (Interpretation) I am talking about fighters, together with
5 the civilians, the abductees who were not armed.

6 PRESIDING JUDGE SCHMITT: [12:32:55] And at what age would a civilian that had
7 been abducted become a fighter?

8 THE WITNESS: [12:33:18] (Interpretation) You know, on arrival in the bush you will
9 immediately undergo training. They will not segregate your age, they will not think
10 about how old you are, they don't have to wait for you to mature before they can train
11 you. The moment you are abducted they can begin training you immediately after a
12 week. And if there is a gun, you will be assigned one.

13 PRESIDING JUDGE SCHMITT: [12:33:41] And how many young people, let's say
14 from the age you said the youngest were 10 until 14, would have been in a battalion,
15 also roughly an assessment?

16 THE WITNESS: [12:34:03] (Interpretation) It's difficult for me to estimate, but in the
17 battalion where I was, that was Oka battalion, the youngest child who was with us in
18 the battalion, I know his name. He was called Ojok. He was living with an officer
19 called Ojok Ot Ngec. But estimating the number, for instance, from 10 to about 19,
20 well, I cannot estimate that. But they were there.

21 PRESIDING JUDGE SCHMITT: [12:34:43] Thank you very much.

22 Excuse me for interrupting you, but please continue. But I thought it fitted here best.

23 MR BLACK: [12:34:53] Thank you, your Honour, and I welcome those sorts of
24 interruptions. We try our best to ask the questions that will give you the information
25 you need to make a decision, but there's sometimes no substitute from --

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [12:35:05] But when the Bench asks questions, that
2 does not mean that anything is lacking. It's simply you -- of course this applies to
3 everybody, you cannot look into our minds, of course, you don't know what we
4 might be interested in.

5 Please continue.

6 MR BLACK: [12:35:23] Thank you, your Honour.

7 Q. [12:35:23] Mr Witness, can you remember any other examples of this same time
8 period, the first several months after returning to Uganda during which Oka battalion
9 abducted people?

10 A. [12:35:48] Yes, I can recall. (Redacted)

11 (Redacted) They sent Agweng to go and

12 carry out an operation in Pajule centre. He went and then came back with some

13 abductees. The abductees included both young and mature people. At that time

14 the person I think who was youngest was the very person I talked about earlier, that

15 he was abducted during that operation. They came back with about 12 people.

16 Q. [12:36:55] And what was the name again, the person that you referred to earlier
17 that you are talking about here?

18 A. [12:37:14] Are you talking about the youngest person?

19 Q. [12:37:19] Yeah. You said in your previous answer that you referred to the
20 youngest person, "the very person I talked about earlier", and I just wanted it to be
21 clear who that was. Because I thought you used a name before, but if I'm mistaken,
22 please correct me.

23 PRESIDING JUDGE SCHMITT: [12:37:36] No, no, he has mentioned the name,

24 I think. Yes. And even the person for whom this young person worked, so to

25 speak.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 MR BLACK: [12:37:49] Maybe then there is no need to clarify.

2 PRESIDING JUDGE SCHMITT: [12:37:51] I think there is no need to clarify I
3 would say.

4 MR BLACK: [12:37:54] Okay.

5 Q. [12:37:55] Mr Witness, I take back that last question. Let me move to another
6 question. And you've partly answered it already, but the people who were abducted
7 during this operation, what happened to them afterwards?

8 A. [12:38:27] When they were brought, you know, whenever you go for an
9 operation there is nothing like when you go for an operation to get food items and
10 then you abduct people, you come back with, they will not say you do this or that to
11 the people. When you've gone for an operation, during that operation there are
12 various categories of people. In a battalion there are different departments, you will
13 have the signal department, you will have those belonging to the support or artillery.
14 And during such an operation, for instance, if I was part of the signal department and
15 I have gone for an operation, then I have abducted somebody, the person I have
16 abducted will come and belong to the signal department. The person will not be
17 given to any other department. That is what would happen when people returned
18 from an operation. If I abducted like five people, they will be with me. And for
19 you, you have only abducted a person, you will go with that single person you have
20 abducted and I go with the five I have abducted. That was how we were increasing
21 our number in the bush.

22 Q. [12:39:52] So do I understand that to mean at least that these abductees
23 remained in Oka battalion, or did they -- or was it some other arrangement?

24 A. [12:40:08] Those freshly abducted people, the people who were freshly abducted
25 stayed in Oka battalion. But after you have undergone the training, you have been

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 armed and you have all the military fatigue, you can then be transferred. They will
2 say we want such-and-such a person to go to this battalion. The other person should
3 go to headquarter. For instance, myself, when I was abducted and the person who
4 abducted me was under Control Altar, I stayed in Control Altar. I finished my
5 training. I stayed for about two or three years before I was moved from there to
6 Sinia brigade. This is just an example.

7 Q. [12:41:04] Thank you. And I think just one more question on this event. You
8 have mentioned an LRA officer with the name Ot Ngec, which I don't pronounce very
9 well. But what was his position at the time?

10 A. [12:41:29] Ot Ngec was a 2IC CO, Dominic's CO.

11 Q. [12:41:48] Thank you. I am going to ask about another place. Did you ever
12 hear about an LRA operation in a place called Alero during this same time period
13 after you returned to Uganda?

14 A. [12:42:09] Yes, I did.

15 Q. [12:42:13] What did you hear about Alero?

16 A. [12:42:25] When we came back from Sudan into Uganda and we split up from
17 Control Altar, the commander of Control Altar was Vincent. They moved towards
18 the west. We walked and met with Tabuley at the place I mentioned earlier and the
19 next day in the morning we heard that Vincent had attacked Alero. They attacked
20 the barracks and overran it. They burned the camp and killed some people. That
21 was what I heard. I just heard of that. I was not there in person.

22 Q. [12:43:15] Who did you hear this from?

23 A. [12:43:25] Well, I heard on radio there was a message on radio. I didn't read
24 the message myself. But at that time my CO was Dominic. He was one of the
25 people who read the message and told us. I also heard of that on domestic radio like

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 Radio Mega.

2 Q. [12:43:52] Do you remember anything specific that Dominic Ongwen said about
3 this attack on Alero?

4 A. [12:44:11] Yes, I do.

5 Q. [12:44:14] Go ahead.

6 A. [12:44:20] What I remember he talked about was that Vincent attacked Alero, he
7 attacked the soldiers and they fled. He burned down the camp, abducted people
8 and went with.

9 Q. [12:44:43] Did Mr Ongwen mention anything about how, how the news of this
10 attack might have affected him personally?

11 A. [12:45:07] No, he didn't mention anything that affected him personally. He
12 didn't tell me anything of that kind. You know, he is one person who comes from
13 Alero. He could have had fears that his family members could have been affected by
14 that. But, you know, when you are in the bush and you have heard that a senior
15 person has carried out an operation, there is no way you can think about revenge or
16 think about doing anything else. The best thing you can do is keep your silence.

17 Q. [12:45:47] Did Mr Ongwen say anything to you privately about, in that regard?
18 You mentioned that he was from the area. Do you remember any discussions you
19 had about it?

20 A. [12:46:10] There was nothing he spoke to me in private.

21 MR BLACK: [12:46:16] Your Honour, could I just ask him about a transcript
22 reference?

23 PRESIDING JUDGE SCHMITT: [12:46:20] Yes.

24 MR BLACK: [12:46:20] Again, it may not be crystal clear.

25 It's tab 10, so the first ERN is UGA-OTP-0275-1375. The discussion actually starts

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 several pages earlier, but it's page 1379, from line 112 to 121. I would just like to ask
2 him if that refreshes his memory.

3 PRESIDING JUDGE SCHMITT: [12:46:48] Yes.

4 MR BLACK: [12:46:49] Thank you.

5 Q. [12:46:50] Mr Witness, again with reference to the transcript of your interview,
6 when you were discussing this incident at Alero you were asked: "In relation to this
7 attack, what did Dominic say to you?"

8 You responded: "He did not tell me much, because his home area is Alero so he was
9 lamenting that maybe they went and killed people at his home."

10 Having heard that, do you remember now whether Mr Ongwen said anything to you
11 about this?

12 MR OBHOF: [12:47:29] Your Honour, before we go further I would like to object to
13 this. The word lamenting could also mean showing sorrow and not speaking about
14 anything. It doesn't necessarily say words.

15 PRESIDING JUDGE SCHMITT: [12:47:40] No, I think this is, I think this is half
16 correct, meaning that it could mean that. Otherwise it's no real objection, we simply,
17 we have the witness here in the courtroom and I, I sense that we don't have any
18 contradiction here to what he has said. But he can answer, simply, I would say.
19 Yeah.

20 MR BLACK: [12:48:00] Thank you, your Honour.

21 Q. [12:48:00] Mr Witness, again, having heard what you said in your transcript in
22 the way it was worded, now in court do you remember if Dominic Ongwen made any
23 comments to you like the one you just heard?

24 A. [12:48:22] Well, there is nothing much I can say about that but, as you have
25 heard, I have explained. It's basically what I have just told you. That is purely

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 what we talked about. He didn't tell me anything in private. As you remember, I
2 said he said exactly what I have told you and what you have read to me. He had
3 fears that maybe his people could have been affected, his people could have died and
4 there was nothing he could do. That was all we talked about.

5 PRESIDING JUDGE SCHMITT: [12:49:02] I think you can continue to another issue.

6 MR BLACK: [12:49:04] Thank you.

7 Your Honour, I just mentioned that I am about to move into a new topic. I am
8 happy to start it, but I see there is only 10 minutes left to the lunchbreak. I could also
9 start after the lunchbreak.

10 PRESIDING JUDGE SCHMITT: [12:49:21] Yes. Why not?

11 But since we are discussing this, do you have, I know it is relatively early in your
12 examination, but do you have already an estimate how long it will last?

13 MR BLACK: [12:49:31] Yes, your Honour. I am making good progress. Certainly
14 I think I would take all of the next session and probably some of the first session
15 tomorrow. But probably not beyond the first session tomorrow I think.

16 PRESIDING JUDGE SCHMITT: [12:49:42] Then further questionings, when we
17 discuss this, do the Legal Representatives of the Victims want to question the witness?

18 MR COX: [12:49:51] Your Honour, I think we should see how, what questions are
19 posed, but as always we will have, if any, few questions, not a long interrogation.

20 PRESIDING JUDGE SCHMITT: [12:50:04] And of course very, very -- not, I would
21 not say unspecific, but I would not push you in any way. But do you have
22 sometimes, perhaps you are even prepared yet, so do you have an idea how long it
23 will last for you?

24 MR OBHOF: [12:50:20] Your Honour, we, after reviewing some of it last night,
25 figure at the most, four sessions at the most. Probably get done about three and

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 a half with some homework for the witness tonight.

2 PRESIDING JUDGE SCHMITT: [12:50:34] Okay. I think that would mean that
3 we definitely finish the witness testimony on Friday. I think since we are making
4 good progress, I am not sure if we should start with the next witness in any way on
5 Friday. I am not sure about that, but we can simply discuss this tomorrow again.

6 But we can start also with the next witness which is a, as I understand, a Rule 68(3)
7 witness and will not last long. But nevertheless we know that this mainly shortens the
8 examination by the Prosecution but not by the Defence.

9 So it's -- do you have any comments on that, Mr Bradfield?

10 MR BLACK: [12:51:15] I do, your Honour.

11 PRESIDING JUDGE SCHMITT: [12:51:17] Mr Black, of course.

12 MR BLACK: [12:51:19] Yes. No problem. As I understand it, the video link, based
13 on the schedule we have, will not even probably be ready until Monday, so we
14 (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [12:51:29] So then I think would say we do not put
16 ourselves into pressure further. Then we finish with the witness on Friday and
17 continue with the next witness on Monday.

18 And Mr Bradfield is sitting in the back, as I see. And actually you are not looking
19 really alike, so I have to apologise, I have to apologise.

20 MR BLACK: [12:51:46] Apologise to Mr Bradfield. I always take it as a compliment,
21 your Honour.

22 PRESIDING JUDGE SCHMITT: [12:51:53] That was a good one, so to speak. So we
23 have now the lunchbreak until 2.30.

24 THE COURT USHER: [12:52:03] All rise.

25 (Recess taken at 12.52 p.m.)

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

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

2 THE COURT USHER: [14:30:57] All rise.

3 PRESIDING JUDGE SCHMITT: [14:31:20] I see that the Defence has additional
4 forces in their ranks. So perhaps you can introduce Mrs Bridgman for the record, so
5 to speak.

6 MR OBHOF: [14:31:35] Yes, your Honour. Ms Bridgman, our assistant counsel, is
7 in court today.

8 And I'd also like to wish everyone in court a very happy first day of Movember,
9 which I will be growing a moustache out this month. Again, of course, to help raise
10 awareness for prostate cancer, and all donations I receive will go to a charity in Kenya
11 which helps takes kids outside of places and from orphanages back to their home.

12 PRESIDING JUDGE SCHMITT: [14:32:01] Thank you very much, Mr Obhof.
13 That's very nice. And we have recognised that and we appreciate it.

14 And, Mr Black, you have now the floor.

15 MR BLACK: [14:32:08] Thank you, your Honour. The first thing I'd like to do is,
16 we noticed one line of the transcript at page 56, line 5 that might be a little confusing
17 and so I was going to ask the question of the witness again to see if his answer is more
18 clear.

19 PRESIDING JUDGE SCHMITT: [14:32:24] Could you repeat the line, please?

20 MR BLACK: [14:32:27] Yes, it's line 5 on page 56 of the realtime transcript of today.

21 PRESIDING JUDGE SCHMITT: [14:32:34] Yeah, yeah. Please proceed.

22 MR BLACK: [14:32:36] Thank you.

23 Q. [14:32:37] Mr Witness, welcome back from the break.

24 First just a matter of, I hope, clarifying something in what was written down on the
25 transcript. Earlier you talked about an LRA commander known as Ot Ngec and I

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 asked what was his position. And what we got wasn't a hundred percent clear.

2 Could you repeat what the position of Ot Ngec was, please?

3 A. [14:33:11] Yes, I can. Ot Ngec was a 2IC of CO of Oka battalion.

4 PRESIDING JUDGE SCHMITT: [14:33:25] And that I think matches what we have
5 already on the record. Yeah, okay, roughly, let's put it this way.

6 MR BLACK: [14:33:34] I think it's very clear now.

7 PRESIDING JUDGE SCHMITT: [14:33:37] Yeah, yeah.

8 MR BLACK: [14:33:38]

9 Q. [14:33:39] So thank you, Mr Witness. That's helpful.

10 Now I'm going to continue a bit with my questions. Earlier you mentioned a sickbay
11 where Dominic Ongwen was present. Why was Mr Ongwen in that sickbay?

12 A. [14:33:57] He was in the sickbay because he had sustained injuries.

13 Q. [14:34:11] What can you tell us about Mr Ongwen's injuries?

14 A. [14:34:20] Well, with regard to those injuries, at the time that we met Vincent, I
15 suppose that was sometime in 2002, around about August or September when we met
16 with them, we moved with them, we went upwards. We were going, heading to the
17 direction of Adilang. I think it was 2002 or 2003. It's those years. When we
18 walked we got to an area close to Adilang, but Patongo was slightly ahead of us.
19 They selected soldiers and the soldiers were given to Dominic to go on mission.
20 They were supposed to go towards the border between Acholi and Karamoja. I don't
21 remember the exact name of the centre that they were supposed to go to, but if I do
22 recall I will inform you.

23 But while they were going, and it was during this time that they encountered soldiers,
24 there was an exchange of fire. That was between Adilang and Patongo, towards the
25 Lango side.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 They went, they fought, they did not actually go to the place where they were
2 supposed to go on mission. They did not reach there and they were called to come
3 back. While on the way back, trying to cross the same road from Adilang to Patongo,
4 that was when we met soldiers and then they shot his leg and he sustained injuries.

5 Q. [14:36:29] Thank you. You mentioned a couple of possible years, 2002, 2003.
6 To help us establish when this happened, did this happen before or after the
7 abductions that you mentioned earlier at Patongo and near Pajule centre?

8 A. [14:37:01] This was afterwards, after Patongo.

9 Q. [14:37:05] Was it before or after you went to Teso?

10 A. [14:37:14] That was before we went to Teso. That's when the -- he sustained
11 the injury.

12 Q. [14:37:28] And what was Dominic Ongwen's position at the time when he was
13 injured?

14 A. [14:37:41] At the time he was a major, but his responsibility, in terms of his
15 responsibility he was a CO but ranking major.

16 Q. [14:38:00] And then after Mr Ongwen was shot in the leg and sustained this
17 injury, what happened next?

18 A. [14:38:26] When he was shot, he was brought. He met us because some of us
19 had been -- had stayed behind. (Redacted)
20 (Redacted) in an area close to
21 Agago. The place is known as Agweng area.

22 Q. [14:38:55] Thank you. Who was in charge of this sickbay where Dominic
23 Ongwen was taken?

24 A. [14:39:13] The person who was in charge of that sickbay was Odong Cowboy.

25 Q. [14:39:24] How long did Odong Cowboy remain in charge of the sickbay?

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

1 A. [14:39:40] Odong was in charge of the sickbay for a short while, perhaps five to
2 six months. After that he handed himself over, he surrendered to the government,
3 and when he surrendered (Redacted).

4 MR BLACK: [14:40:06] Your Honour, could we go into private session for I think
5 two or three minutes only?

6 PRESIDING JUDGE SCHMITT: [14:40:12] Yes. Private session.

7 (Private session at 2.40 p.m.) *(Reclassified partially in public)

8 THE COURT OFFICER: [14:40:16] We're in private session, Mr President.

9 MR BLACK: [14:40:24] Thank you very much.

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 Q. [14:42:07] Thank you.

25 I think we could go back into public session.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [14:42:11] Back to public session.

2 (Open session at 2.42 p.m.)

3 THE COURT OFFICER: [14:42:17] We're back in open session, Mr President.

4 MR BLACK: [14:42:25]

5 Q. [14:42:26] Mr Witness, other than perhaps the people we've already mentioned,
6 who else was in this sickbay?

7 A. [14:42:42] At the time the officers who were in the sickbay included some of
8 the people that I mentioned. There was Cowboy, there was Otto, there was also
9 somebody who was a signaller. I do not actually recall his real name. After that
10 they brought another officer known as Kalalang. He came and he also joined us in
11 that sickbay.

12 Q. [14:43:16] Were there any other members of Oka battalion at this sickbay?

13 A. [14:43:29] At the time the people in the sickbay were people who were in Oka
14 battalion. Odong Cowboy was also somebody from Oka battalion. I was part of
15 Oka battalion and some of the foot soldiers were also part of Oka battalion.

16 Q. [14:43:49] Were any members of Dominic Ongwen's household at the sickbay?

17 A. [14:44:05] Yes, there were people from his household. He had his wife and he
18 also had his escorts. They were also at that sickbay.

19 PRESIDING JUDGE SCHMITT: [14:44:17] May I shortly, Mr Black, because I think
20 it fits here.

21 Mr Witness, when we are talking about this sickbay, again roughly an estimate, how
22 many people were there? So that we have a picture in our head.

23 THE WITNESS: [14:44:40] (Interpretation) When we were at the sickbay when it
24 was only us, there were about 25 of us.

25 PRESIDING JUDGE SCHMITT: [14:44:46] And of these 25 how many were able,

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 let me put it this way, to fight?

2 THE WITNESS: [14:44:57] (Interpretation) Out of the 25 most of us were able to
3 fight, but there were women, there were approximately four or five women among us,
4 but most of them were soldiers, armed soldiers. Some of them had sustained injuries
5 like Dominic, he was unable to fight, but the rest of us were able to fight.

6 PRESIDING JUDGE SCHMITT: [14:45:24] Thank you very much.

7 Mr Black.

8 MR BLACK: [14:45:28] Thank you, your Honour.

9 Q. [14:45:30] Mr Witness, you mentioned that Dominic Ongwen's wife was
10 present and some of his escorts. Can you remember the names of any of those
11 people that were present from his household?

12 A. [14:45:45] Yes, I do recall.

13 Q. [14:45:52] Please go ahead and mention the names.

14 A. [14:46:01] His, one of his escorts was known as Opio Korea.

15 Q. [14:46:14] Any other escort names you remember?

16 A. [14:46:21] I do recall, but -- I do recall others, but I cannot remember their
17 names at this instant.

18 Q. [14:46:32] That's understandable. If you remember later, perhaps you could
19 tell us.

20 What about the wife, Ongwen's wife, do you remember her name?

21 A. [14:46:53] Yes, I do recall her name.

22 Q. [14:46:55] Go ahead.

23 A. [14:46:57] The wife I recall was Aber. There was also another one. I do not
24 recall her name, but she was known as Min Bak because that's the -- her child's name
25 was Bak so she was Bak's mother. So those are the two wives that were with him in

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 the sickbay.

2 Q. [14:47:28] Mr Witness, did you know someone in the LRA called Oleda?

3 A. [14:48:01] Could you please spell it out for me or pronounce it better, please?

4 Q. [14:48:07] I'll do my best. I believe it's Oleda. So O-L-E-D-A, Oleda.

5 A. [14:48:17] No, that does not ring a bell.

6 Q. [14:48:26] You explained earlier that some members of Oka battalion were at
7 the sickbay. Where was the rest of Oka battalion while Ongwen was in sickbay?

8 A. [14:48:48] Some of them had stayed behind. When we split up, when they
9 took us to the sickbay, they stayed behind in an area around Pajule or behind Pajule.

10 The person who stayed behind with them was -- Ot Ngec had already left so there
11 were some officers who stayed behind. There was Agweng. Those are some of the
12 people who stayed behind with the rest of the fighters at the time that we were in the
13 sickbay.

14 Q. [14:49:24] Who was Agweng? What was his position in Oka battalion?

15 A. [14:49:37] Agweng was the IO of Oka battalion.

16 Q. [14:49:46] During the time that Dominic Ongwen was in sickbay, do you know
17 if he was in -- if he was able to communicate with the rest of Oka battalion?

18 A. [14:50:01] No, he did not have any communication equipment, but they would
19 look for us. If they looked for us, they would find us, but they did not have any
20 communication equipment.

21 Q. [14:50:20] And when you say, "They would look for us" and "They would find
22 us", do I understand you that although they didn't talk on the radio, there were some
23 face-to-face encounters with the rest of Oka battalion; is that right?

24 A. [14:50:38] Yes. You know, the location where we were stationed was known
25 to them, so when they are coming to us, an RV is arranged. Every month we would

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 meet. On that day, the schedule date, they would come and we would go and meet
2 at that RV.

3 Q. [14:51:06] Earlier you mentioned the need for the people in the sickbay to
4 obtain food. Where did they obtain food?

5 A. [14:51:25] The -- if we do not have food in the sickbay, we would go through
6 the homesteads or we would go to gardens. Because the sickbay were prohibited
7 from fighting, from engaging in combat, but we were allowed to obtain food from
8 gardens. If there are beans, we would pick the beans and bring them home. If
9 there was cassava, we would uproot the cassava and bring it to the sickbay.

10 Q. [14:52:02] Now, you say those in sickbay were prohibited from fighting.
11 What happens if the owners of this food did not want to give you their food?

12 A. [14:52:14] When we are going to collect food, if the government soldiers
13 become aware that there are LRA around, the sickbay was very careful, we would not
14 go to places where people are. Sometimes they would have ambushes in the
15 gardens. If you are unlucky and you go to the gardens when an ambush has been
16 set up, then you would be attacked and that's when you would have to fight.

17 Q. [14:52:54] Can you remember any examples of such fighting during the time in
18 this sickbay?

19 A. [14:53:10] Yes, I do recall one.

20 Q. [14:53:12] Please tell us what you remember.

21 A. [14:53:22] I recall that on one occasion I went to collect food. We were -- from
22 our location, if you're going towards Lango, you cross Acet road going towards
23 Lalogi. I went to collect food in the Lango area. I went, I collected food. On the
24 way back, I entered into an ambushade. We were attacked. One of our soldiers was
25 killed.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [14:53:59] May I shortly, Mr Black? Just one
2 question. Mr Witness, who was in charge of Oka battalion during this time in the
3 sickbay?

4 THE WITNESS: [14:54:17] (Interpretation) The senior or highest-ranking person in
5 the sickbay was Dominic.

6 PRESIDING JUDGE SCHMITT: [14:54:23] I mean, I have not worded it exactly,
7 what I wanted to know. Who was in charge of the Oka battalion during the time
8 you were in the sickbay, the ones that were not in the sickbay?

9 THE WITNESS: [14:54:43] (Interpretation) At the time, as I stated earlier, there was
10 Otto Agweng who was responsible for them. And there were also some other
11 officers. I do not recall all their names, but I do recall Otto Agweng, who was our IO.
12 He stayed behind with the rest of the group.

13 PRESIDING JUDGE SCHMITT: [14:55:03] So do we understand it correctly that
14 once an officer would have to go to the sickbay, for example because he was injured,
15 then his position would be held by another person?

16 THE WITNESS: [14:55:22] (Interpretation) That's, that's correct. If somebody
17 sustains injuries and the person leaves, goes to a sickbay, somebody replaces him.

18 PRESIDING JUDGE SCHMITT: [14:55:37] Mr Black.

19 MR BLACK: [14:55:39] Thank you, your Honour.

20 Q. [14:55:40] Mr Witness, earlier you described how once a month the other
21 members of Oka who were not in the sickbay would come to an RV with your group.
22 At that RV, what was the role, if any, of Dominic Ongwen?

23 A. [14:56:13] You know, when we used to meet with the other members, Dominic
24 would not attend these meetings, but the rest of us would go. But when we are
25 meeting at the RVs with only Oka or if we are meeting Sinia, because the brigade

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 commander knew the meeting place, if there is anything specific that he wants to
2 discuss, he will send people or he would meet -- come himself. He would come
3 personally so that he could discuss whatever it is that he wanted to talk about.

4 Q. [14:56:53] During this time when Ongwen was with the rest of Oka, could
5 Dominic Ongwen give an order to Agweng?

6 A. [14:57:09] No, he would not issue orders because he was -- he was ill so he
7 would not give any orders.

8 Q. [14:57:24] And did that last the entire time he was in sickbay or at some point
9 did he become well enough to give orders again before leaving sickbay?

10 A. [14:57:40] When -- throughout the duration in the bay he would not issue any
11 instructions to the other members of the group.

12 Q. [14:57:58] What about the Oka members in sickbay, could he still give orders
13 to them?

14 A. [14:58:14] For those of us who were in sickbay would follow his instructions.
15 If he tells us to do something, we follow those instructions, because he was the
16 highest-ranking person in the sickbay so we had to follow his instructions.

17 Q. [14:58:30] Before we leave the subject of sickbays, just one question: Did you
18 know a person in the LRA named Oyenga?

19 A. [14:58:46] Yes, I know him very well.

20 Q. [14:58:49] Who is he?

21 A. [14:58:57] At the time I was also with Oyenga in Oka. He was the OC of
22 B coy. I was his 2IC in B coy.

23 Q. [14:59:17] And do you know where he was during this time that you were in
24 the sickbay with Dominic Ongwen?

25 A. [14:59:48] I do not know the -- his exact location, but I heard that he had gone

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

1 towards Sudan.

2 MR BLACK: [15:00:01] Your Honour, again with apologies to those in the public
3 gallery, I do have one particular episode that I would like to cover in private session.
4 I think it will take about 10 minutes.

5 PRESIDING JUDGE SCHMITT: [15:00:15] We go into private session for this one.

6 MR BLACK: [15:00:18] Thank you.

7 (Private session at 3.00 p.m.)* (Reclassified partially in public)

8 THE COURT OFFICER: [15:00:22] We're in private session, Mr President.

9 MR BLACK: [15:00:25] Thank you.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

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19 Q. [15:10:14] And one last question on this topic to try to think about when it
20 happened. Did this happen -- actually, could I have just a moment, I'd like to
21 consult the transcript?

22 MR BLACK: [15:10:41] Actually, your Honour, it was already -- my question had
23 already been answered, so I think we can (Overlapping speakers).

24 PRESIDING JUDGE SCHMITT: [15:10:46] I think so, too. Yes, we go to public
25 session.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 (Open session at 3.10 p.m.)

2 THE COURT OFFICER: [15:11:00] We are back in open session, Mr President.

3 MR BLACK: [15:11:05] Thank you.

4 Q. [15:11:06] Mr Witness, before I ask you some questions about Teso, I want to
5 ask you about one other place. Do you recall fighting with the Ugandan army at a
6 place around Pajule or Porogali around this same time period that we've been
7 discussing?

8 A. [15:11:31] Yes, I do recall.

9 Q. [15:11:33] What happened on that occasion?

10 A. [15:11:47] Well, there were two separate battles that took place around
11 Porogali. I don't know which particular one you are interested in.

12 The first one was the one where I got injured and (Redacted). Then
13 the second one was when we were coming from the east and we crossed the road,
14 then we stationed somewhere about three kilometres away from the main road.
15 Early in the morning, I think the government soldiers were coming to attack us, but
16 they failed to trace where we were. Early in the morning, the security that was
17 behind us started engaging with the UPDF soldiers, and then the security ran and
18 came to us, to the defence. We went back to the soldiers to attack them. And we
19 were able to defeat them, they ran away. That was the second battle that took place
20 in Porogali.

21 Q. [15:13:05] Did this happen before or after you went to Teso?

22 A. [15:13:24] That was before we went to Teso.

23 Q. [15:13:29] And was it before or after or during the time (Redacted)
24 that you've been describing?

25 A. [15:13:38] (Redacted). That was before the sickbay

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 when Dominic was there.

2 Q. [15:13:58] And what unit was involved in this fighting around Porogali?

3 A. [15:14:21] That was Oka battalion that -- it was under Sinia brigade.

4 Q. [15:14:29] Okay. A couple of times we've made reference to Teso area or

5 Soroti. You've said that you went to Soroti with Ongwen and Buk. How did you
6 go?

7 A. [15:15:01] To move from Acholiland, passing through Lango into Soroti, we
8 moved with Buk. He was the commander of Sinia brigade. When we arrived in
9 Soroti, at the bank of Awelo river, we met with Tabuley. He was the division
10 commander.

11 At that time they had not yet fully established the division, but when we arrived there,
12 that was a time I left Sinia to move to the division. When I entered into the division,
13 that was the time I separated with Mr Ongwen. He also left Sinia to move to Control
14 Altar.

15 At the time I went to the division, the division commander was Tabuley. We started
16 living together. We kept on moving about in Soroti. And one day, Tabuley
17 summoned all the officers who were under him, because we were part of the battalion
18 that was providing protection to the division, it was called Danger battalion. Our
19 CO was called Lapaicho. There was a person called -- well, I do not clearly recall the
20 name but he was part of the A coy. B coy was composed of Odoki. I was part of C
21 coy. And one day Tabuley summoned all of us, the officers, and then he told us that
22 there was a message that came instructing everyone to move forward. There will be
23 an RV later on. We are going to be using the map and pick the coordinates from the
24 map so we can reach to the RV. The RV was at Mbale border.

25 We started walking. All the brigades were under the division and Tabuley was the

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 commander. He gave instruction to all the brigades, brigades like Stockree, Gilva
2 and Sinia to move to the RV. This was a communication between the senior officers.
3 As a division we moved together and we crossed the road coming from Lira to Soroti
4 at about 8 p.m. Then we went and spent a night and resumed walking in the
5 morning. At about, at about 9, it was normally at about 9 when we use radio to
6 communicate. When we set up the radio he was communicating, I was somewhere
7 in front and then I heard gunshots behind. When that started I retreated and came
8 back. We came and found there was an attack and the battle started exactly where
9 he was communicating on radio. The battle ran from about 9 o'clock until 5 p.m.
10 The end of that battle actually marked his death, because I was in front, I had a small
11 radio and his son started talking on radio. I thought it was him, but it was his son
12 instead. The son was telling me to come back because there was a problem. When
13 I returned I came and found he had already died. At that time the government
14 soldiers had also retreated. We then came and we went and buried him.
15 When Tabuley died we remained under the control of Lapaicho. He was then the
16 CO of Danger. He was the second in command and actually his rank was also
17 second to that of Tabuley.
18 Q. [15:20:02] Thank you. After Tabuley was killed how much longer did you
19 remain in the Teso area?
20 A. [15:20:25] When Tabuley died we didn't take long in Teso. When the
21 message reached the senior commanders Lapaicho sent a message that there was a
22 problem, his commander had died. They sent a message to Otti Vincent at Control
23 Altar. We went and met him at the border between Lango and Teso. We met with
24 him and they brought another commander to head the division. And that was Raska
25 Lukwiya.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 When they brought Raska Lukwiya we stayed in Teso, I think for about a month at
2 most. A message again came that we were required to return to Acholi. We then
3 left to return to Acholi.

4 After Tabuley's death I think we stayed in Teso for about a month and a half.

5 Q. [15:21:29] Do you know where Dominic Ongwen went after this time in Teso?

6 A. [15:21:39] When we left Teso we returned. I never met him but I heard that
7 he was in Control Altar. After there he was removed from Control Altar and taken
8 to Sinia brigade as the brigade commander.

9 Q. [15:22:11] And do you know what area or areas he worked in after he was
10 brought back from Teso and made Sinia brigade commander?

11 A. [15:22:33] Well, I'm not very sure about which area particularly he was
12 operating in.

13 Q. [15:22:58] Sir, do you know whether the LRA was active at a place called Odek
14 in 2004 after Tabuley's death?

15 A. [15:23:13] Yes. I heard of it.

16 Q. [15:23:27] What did you hear?

17 A. [15:23:30] At the time when there was an attack on Odek I heard about -- I
18 heard of the fact that Sinia brigade attacked Odek. That was said by Kony. He
19 actually gathered us together and he communicated that Sinia brigade attacked Odek.
20 They shot at the soldiers, killed very many of them and actually overran the barracks.

21 Q. [15:24:21] What was Dominic Ongwen's position at that time?

22 A. [15:24:35] At that time Dominic was the brigade commander.

23 Q. [15:24:43] Of which brigade?

24 A. [15:24:49] Sinia brigade.

25 Q. [15:24:53] You mentioned that Kony brought people together and talked about

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 this. Did you ever hear about this attack on the radio?

2 A. [15:25:12] Well, at the time when the attack took place in Odek, I was in Sudan.

3 I didn't hear that on radio. But I heard it from Kony when he gathered people and

4 then told them. That was the only time I heard of it.

5 Q. [15:25:33] Thank you. Let me ask you about another place. Do you know

6 whether the LRA was active at a place called Lukodi shortly after the attack on Odek?

7 A. [15:25:59] Yes. I heard about the Lukodi attack.

8 Q. [15:26:07] What did you hear?

9 A. [15:26:11] The Lukodi attack took place when I was in Uganda. I first heard

10 of it on radio. I had not yet met any of our soldiers. I heard that on Radio Mega.

11 They said the LRA attacked Lukodi, defeated the soldiers and killed very many

12 people. I heard that on radio before meeting anyone else.

13 Afterwards, while we were coming from Lacekocot, we crossed the road going

14 towards Pader river. We met a group coming from Sinia brigade. One of the

15 officers, I think he was the IO, I forget the name, he was the one who told me that the

16 members of Sinia brigade came together with people from Gilva brigade. They went

17 to collect food items from Lukodi.

18 When they went there, there was a serious battle. They fought and defeated the

19 soldiers. That was what I was told when I met one of them. He told me that

20 verbally and physically, not on radio. I heard it from him.

21 MR BLACK: [15:27:56] Your Honour, it may be out of an abundance of caution,

22 but could we go into private session for one or two questions only and come right

23 back out.

24 PRESIDING JUDGE SCHMITT: [15:28:10] So of course I trust you. But when

25 you -- always a little bit suspicious when I hear the formulation "abundance of

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

1 caution". But yes, we go to private session. Let's see how cautious we are here.

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

3 THE COURT OFFICER: [15:28:27] We're in private session, Mr President.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MR BLACK: [15:29:13] Thank you.

15 Your Honour, we can go back into public session.

16 PRESIDING JUDGE SCHMITT: [15:29:20] Yes. Back to public session.

17 (Open session at 3.29 p.m.)

18 THE COURT OFFICER: [15:29:28] We're back in open session, Mr President.

19 MR BLACK: [15:29:33]

20 Q. [15:29:34] Mr Witness, we're getting close actually to the end of my questions.

21 Hopefully I can finish today. Now I'm going to ask you about something a bit

22 different. Let's see. Earlier you mentioned that Dominic Ongwen had escorts, but

23 you were having trouble remembering the names. Do you remember now the

24 names of any of Ongwen's escorts, other than Opio Korea who you mentioned

25 before?

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 A. [15:30:32] Well, I still cannot recall any of them.

2 Q. [15:30:39] That's understandable. Do you remember under whom they
3 worked or who supervised Ongwen's escorts?

4 A. [15:30:59] The senior person who was with Dominic was called Owora, but
5 he's now deceased. He was Dominic's chief escort.

6 MR BLACK: [15:31:14] Your Honour, could I try to assist by putting a name from
7 tab 11 to the witness.

8 PRESIDING JUDGE SCHMITT: [15:31:19] I think names you can always put to the
9 witness. And you don't need to give the reference, simply if this rings a bell.
10 I think this shortens the procedure.

11 MR BLACK: [15:31:28] Thank you, your Honour.

12 Q. [15:31:31] Mr Witness, does the name Opio Awach ring a bell in this context?

13 A. [15:31:39] Yes, it does ring a bell.

14 Q. [15:31:47] Who was Opio Awach?

15 A. [15:31:52] Opio was one of the people who were in his household. He did not
16 have any rank or any other responsibility, but he was part of his security detail.

17 Q. [15:32:14] When you say "he was part of his security detail", what kind of
18 functions would Opio Awach perform?

19 A. [15:32:25] You know, when you are part of a security detail of a commander,
20 as an example, (Redacted) I had junior ranking officers under
21 my command, if it is your turn to be close to the commander, to hold his gun, to
22 hold his chair, then that is your job, that's what you have to do. Those are what the
23 lower ranking officers would do. I would appoint them, I would tell them, today,
24 this your responsibility to take care of this or that.

25 Q. [15:33:17] And what about an escort, did an escort have a different job than

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 that or was it the same?

2 A. [15:33:26] Yes. It was part of the -- part of their responsibilities. They would
3 sit close to their commander to keep him secure so that nothing happens to him.

4 Q. [15:33:45] Earlier you, in response to the Presiding Judge's questions, talked a
5 little bit about young people in Oka battalion. Do you remember -- were there
6 young people, let's say between the ages of 10 and 15 in Dominic Ongwen's
7 household?

8 A. [15:34:17] When I was with Dominic, I did not see any child who was 10 and
9 above.

10 Q. [15:34:44] So earlier --

11 PRESIDING JUDGE SCHMITT: [15:34:45] Perhaps it suggests itself to ask the
12 witness how old were these escorts that were around and around Mr Ongwen and
13 that worked for Mr Ongwen, how old were they, if you know the age, if you can
14 estimate?

15 THE WITNESS: [15:35:07] (Interpretation) As an example, Opio Korea was already
16 an adult. Owora was already an adult. I believe we were more or less the same age.
17 But there was also somebody else, now I recall the name. Odong. Odong was also
18 an adult. I estimate that he was approximately 20, Opio was also maybe 21 or
19 22 years old.

20 PRESIDING JUDGE SCHMITT: [15:35:38] Mr Black.

21 MR BLACK: [15:35:39] Thank you, your Honour. That was very useful.

22 Q. [15:35:42] Then, Mr Witness, apart from the escorts, were there -- were there
23 anyone around Dominic Ongwen who was younger than this, the 15 you think or
24 younger?

25 A. [15:36:07] Within Dominic's household, I did not see anybody very young, but

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 afterwards, when we left the sickbay, that was when he had a young girl. I estimate
2 that she was maybe 17 or 18 years old. When we met Vincent, Vincent took the girl
3 from him and the girl joined Vincent's household.

4 Q. [15:36:39] Perhaps it's my word "household" that's confusing. Earlier I
5 thought you -- I understood you to testify that in Oka battalion there were young
6 people. Maybe -- in fact, sorry, I withdraw that question. Let me ask you about
7 something different.

8 Earlier you discussed abductions, including of young people but also of adults.
9 When the LRA abducted people, who was it who gave the order for abduction, how
10 did that order come about?

11 A. [15:37:18] You know, at the time when we were in the bush during the period
12 of abduction, as I stated earlier, even when you're on the move, for example if we are
13 leaving one location going across some road, at the time when people were still at
14 home, before the camps were established, whoever you come across, whoever you
15 think is able to fight you abduct that person. You abduct that person. And the
16 abduction means an initiation into the army, starting from 10 or -- if you estimate that
17 the person is older, so anybody from between the ages of 10 to 30.

18 But there are certain times when some operations are organised and you're sent to
19 collect food, you're sent to fight, when you fight if you overran the soldiers, if you
20 find anybody who is capable of joining the ranks of the LRA, that person is abducted
21 and put in the LRA. I'll give you an example of myself.

22 When they abducted me I was with my grandfather. They took me and went with
23 me. Nothing was said about it. They do not make any arrangements that you
24 should go and abduct somebody or abduct people on this occasion. They tell you if
25 you meet somebody, if the person is capable of working, abduct that person.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 If you go to a location where you are in camp, if you find people in that location, if the
2 people who go to look for food go and find somebody who is able to join the LRA,
3 they would go, they would abduct the person and they would bring that person.

4 In response to your question, because you asked me when we were in Oka whether
5 we had young people, I do recall that Ojok Ot Ngec had a child, somebody, the
6 youngest person. I believe that that person was probably 11 or 12 years old. He
7 was with Ojok Ot Ngec. And the person is called Okot, the person was called Okot.
8 Because I lived together with Ot Ngec. And that is the youngest person that I recall
9 in that group.

10 Q. [15:40:01] Thank you. One of the things you said, you said "they" tell you if
11 you meet somebody if the person's capable of working abduct them. Who do you
12 mean by "they"? Who is it that authorises an LRA soldier to abduct people?

13 A. [15:40:29] The orders to abduct people and bring them within the ranks of the
14 LRA come from one person. The order comes from that person and then it trickles
15 down. You know, there are certain occasions when they stop abductions, and it is
16 this one person who issues those orders. That person is Kony.

17 I recall some time in 1998, maybe 1997, we went to -- we left Sudan, we came to
18 Padibe centre. And there was an operation in Padibe centre.

19 At the time I was still very young, but the order came from Kony. And as part of the
20 group, I heard his address, himself. He told us "You are going to Uganda, you are
21 going to the Padibe area. Go to that area, abduct people, even a young person, even
22 an old person, abduct those people, bring them, bring them to join the ranks of the
23 LRA to boost the ranks of the LRA."

24 We went to Padibe, we fought, we fought against the soldiers in Padibe, we overran
25 the soldiers in Padibe and we abducted people, we abducted several people and we

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 went back with them.

2 And during the time that I was with Dominic they would -- issues would be -- orders
3 would be issued from the commanders. At the time they would communicate via
4 radio call. When instructions are sent, they would call us, the junior ranking officers,
5 and they would tell us that orders have been issued to go and abduct people. They
6 will tell us we are supposed to abduct only young people from this age to that age.
7 If you abduct somebody who is older, somebody who -- whose age is older than what
8 you have been ordered to do, then you suffer some consequences; you're either beaten
9 or -- that was one of the consequences for doing that if you abduct somebody who is
10 older.

11 Q. [15:42:51] Thank you. Do you remember any examples of times where an
12 order to abduct like this would, as you said, trickle down and trickle down through
13 Dominic to you?

14 A. [15:43:05] At the time that I was with him, I recall that on one occasion we
15 were in an area known as -- the area is close to Pajule. The area is known as
16 Wanduku. We received instructions that to abduct people. These abducted people
17 were to be sent to Kony. When they selected people Agweng was sent with these
18 people. Agweng went to the Pajule area close to the centre. He abducted people
19 and came back with them. He did not abduct that many people. There were only a
20 handful. But there were young people -- no, most of the people that he abducted
21 were adults. There were no children among the abductees.

22 Q. [15:44:28] Was this the same event that you described earlier that Agweng
23 went and abducted people near Pajule centre or was this a different time?

24 A. [15:44:42] Yes, that was the occasion.

25 Q. [15:44:53] Now, if I could focus for a moment on the young people who were

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 abducted. And you've explained that some people between I think 12, or anyhow,
2 some people under 15 years old were abducted in Oka battalion, what did those
3 young people do in the battalion?

4 A. [15:45:21] You know, when you're in the bush, the only thing that takes place
5 is you're trained how to use a gun. Once you're trained, you fight. Whether you're
6 young or whether you're old, the only thing that you're supposed to do is fight.

7 Q. [15:45:42] Thank you. Sorry for the pause there. Just one further probably
8 brief topic.

9 We've talked about children. While Ongwen was the CO of Oka battalion were
10 there women in Oka? And I don't mean just fighters, but were there women with
11 the group?

12 A. [15:46:29] Yes, there were women in the group.

13 Q. [15:46:33] What were the roles of the women in Oka battalion?

14 A. [15:46:45] The women in Oka were mostly -- well, they did various duties,
15 they also fought, but the other role was cooking. When we get to a certain position,
16 we encamp, they cook, we eat, we continue with our movement. But that does not
17 necessarily mean that the women in the bush do not fight, because all the women
18 were trained to fight and all the women can use guns.

19 Q. [15:47:17] Were there any young women under the age of 15 in Oka battalion?

20 A. [15:47:34] The youngest person, there was one girl, I tried to explain earlier.
21 At the time we left during the Iron Fist, we came back to Uganda and there was a
22 young girl who was in Dominic's household. When we met -- then we met Vincent.
23 The girl, I estimate, was about 17 or 18. Vincent took the girl from Dominic and took
24 her with him. So that's the young girl. But most of the others were older. Some of
25 them were married already.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [15:48:12] May I ask a question, Mr Black?

2 Mr Witness, have you ever heard of an expression that is called "ting ting"?

3 THE WITNESS: [15:48:28] (Interpretation) Yes, I have.

4 PRESIDING JUDGE SCHMITT: [15:48:30] Can you explain to us what this means?

5 THE WITNESS: [15:48:36] (Interpretation) "Ting ting" means young girls from the
6 ages of 18 downwards, 18 to 14. Those are the girls referred to as "ting ting".

7 PRESIDING JUDGE SCHMITT: [15:48:52] And did these girls have any duties,
8 special duties that were assigned to them?

9 THE WITNESS: [15:49:05] (Interpretation) When -- while we were in the bush,
10 there was no distribution of responsibility, saying young girls are supposed to do
11 only this thing. But when people started giving birth while we were in the bush, the
12 young girls were mostly responsible for babysitting, for babysitting the babies.
13 That's what they used to do.

14 PRESIDING JUDGE SCHMITT: [15:49:32] And in Oka battalion, have you seen
15 young girls whom you would say they are -- they were ting tings?

16 THE WITNESS: [15:49:48] (Interpretation) Yes. As I stated, there was that one
17 girl who I mentioned earlier. She was with Dominic. She was also referred to as
18 "ting ting". When we met Vincent Otti, Vincent Otti took the girl from Dominic
19 because he said that Dominic does not have any child so he does not need any
20 babysitter.

21 PRESIDING JUDGE SCHMITT: [15:50:09] Okay. I think we won't get any further
22 here. Please continue, Mr Black.

23 MR BLACK: [15:50:16] Thank you, your Honour. In fact, could I go into private
24 session for one question to clarify something before?

25 PRESIDING JUDGE SCHMITT: [15:50:22] Private session, yes.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Private Session)

ICC-02/04-01/15

1 (Private session at 3.50 p.m.)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Open session at 3.51 p.m.)

14 THE COURT OFFICER: [15:51:28] We are back in open session, Mr President.

15 MR BLACK: [15:51:41] Thank you, your Honour. Thank you, Mr Witness. I

16 have no further questions at this time.

17 PRESIDING JUDGE SCHMITT: [15:51:47] Thank you very much, Mr Black.

18 Mr Cox, Mr Narantsetseg, have you made up your mind if you want to question the

19 witness?

20 MR NARANTSETSEG: [15:51:55] Your Honours, we have. If your Honours

21 allow, we would like to start tomorrow morning with a few questions that both teams

22 agree among themselves.

23 PRESIDING JUDGE SCHMITT: [15:52:06] I think that's fine with the Bench and

24 with me. So we abate the proceedings for today and continue tomorrow

25 morning at 9.30.

Trial Hearing
WITNESS: UGA-OTP-P-0231

(Open Session)

ICC-02/04-01/15

- 1 THE COURT USHER: [15:52:13] All rise.
- 2 (The hearing ends in open session at 3.52 p.m.)
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 5 2016, the public reclassified and lesser redacted version of this transcript is filed in the
- 6 case.