

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 Tuesday, 19 February 2019
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:12] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:30:26] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:30:31] Good morning Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:30:49] I ask for the appearances of parties. For
20 the Prosecution first, please.
21 MS GILG: [9:30:54] Good morning, your Honours. Colleen Gilg for the
22 Prosecution, here today with Benjamin Gumpert, Shkelzen Zeneli, Sanyu Ndagire,
23 Yulia Nuzban, Colin Black, Grace Goh, Jasmina Suljanovic, Laura de Leeuw,
24 Hai Do Duc, Kamran Choudhry and Natasha Barigye.
25 PRESIDING JUDGE SCHMITT: [9:31:14] And nearly in order, I would say.

1 For the LRVs, please. Ms Massidda.

2 MS MASSIDDA: [9:31:20] Good morning, your Honours. For the Common Legal
3 Representatives team myself, Paolina Massidda, with me this morning,
4 Mr Orchlon Narantsetseg and Ms Caroline Walter.

5 PRESIDING JUDGE SCHMITT: [9:31:31] Thank you.

6 And for the second team.

7 MR MANOBA: [9:31:36] Good morning, Mr President, your Honours.

8 Joseph Manoba, James Mawira, and Anushka Sehmi.

9 PRESIDING JUDGE SCHMITT: [9:31:41] Thank you very much.

10 And now we have the Defence, Mr Obhof.

11 MR OBHOF: [9:31:44] Good morning, your Honours. Today with the Defence is
12 Mr Gordon Kifudde; counsel Krispus Ayena Odongo; co-counsel Beth Lyons; case
13 manager, Tibor Bajnovic; co-counsel Chief Charles Achaleke Taku; case manager,
14 Roy Titus Ayena; our client Mr Ongwen is in Court; and my name is Thomas Obhof.

15 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you very much, Mr Obhof.

16 And at the video-link location we should also have Rule 74 counsel,

17 Mr Gray Curlewis. I'm not sure if he is still in the room. Obviously not. Then we
18 wait for that, that's not a problem, of course.

19 But continuing, the Chamber wishes to address the fact that many hearings this year
20 have needed to be cancelled. The Chamber wishes to give a brief explanation for the
21 benefit of the public as to these cancellations.

22 The Chamber was initially scheduled to continue with the Defence presentation of
23 evidence on 14 January 2019. In the early morning of 7 January 2019 Mr Ongwen
24 was involved in what will be described generally as a medical incident. He was
25 briefly hospitalised but returned to the detention centre later that same day.

1 Ever since, there has been an ongoing discussion between all concerned on
2 Mr Ongwen's current mental health and his necessary medical treatment. In
3 particular, the Registry has been actively involved in making whatever further
4 arrangement it considers appropriate to protect the health and the safety of the
5 accused, as it is its obligation under Regulation 103(1) of the Regulations of the Court.
6 The Chamber cancelled the hearing dates during the weeks of 14 and 21 January to
7 ensure that Mr Ongwen received proper medical treatment. This postponement was
8 done upon the request of the Defence and the reasons for this decision can be found
9 in the public redacted version of decision 1412.

10 Without going further into details, for similar reasons, the hearings of 28 and 29
11 January and 18 February were cancelled.

12 On 18 February the Chamber was given an indication from the medical officer that
13 the hearing could proceed today. The Chamber wishes to stress that it does not
14 cancel these hearings lightly. These cancellations have been compelled by
15 considerations of the health and well-being of the accused, noting that the accused
16 has a right under Article 67(1)(d) of the Statute to be present at his trial. We will
17 always keep this in mind, but the Chamber emphasises its continued determination to
18 proceed to an expeditious resolution of this trial.

19 So these were some preliminary remarks just for the benefit of the public, as I have
20 already said.

21 The Defence is now calling D-32 as its next witness. But before proceeding, the
22 Chamber notes that the parties make two email requests to address the Chamber on
23 procedural matters, these matters have to be addressed in private session. Because
24 of that, we go to private session.

25 (Private session at 9.35 a.m.)

1 THE COURT OFFICER: [9:35:32] We are in private session, Mr President.

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7 (Open session at 9.42 p.m.)

8 THE COURT OFFICER: [9:42:57] We are back in open session, Mr President.

9 PRESIDING JUDGE SCHMITT: [9:43:01] And to the public, this question of Rule 74
10 assurances have to be addressed in private session, that is the reason why, and also
11 there were other issues that had to be discussed in private session, this was the reason
12 why you couldn't listen to us in the past minutes.

13 The Chamber will now render its decision on the requested assurances. Mindful of
14 the factors specified in Rule 74(5) of the Rules, the Chamber has decided to provide
15 assurances pursuant to Rule 74 of the Rules in order to enable the witness to testify
16 without fear of the consequence of self-incrimination.

17 And this concludes already the short ruling of the Chamber and now we can bring the
18 witness into the video-link location please.

19 (The witness enters the video-link room)

20 PRESIDING JUDGE SCHMITT: [09:44:29] Good morning, Mr Witness. Can you
21 hear me?

22 WITNESS: UGA-D26-P-0032

23 (The witness speaks Acholi)

24 (The witness gives evidence via video link)

25 THE WITNESS: [9:44:35](Interpretation) Good morning. Yes, I can hear you.

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1 PRESIDING JUDGE SCHMITT: [9:44:38] Thank you.

2 First of all, I would like to welcome you in this courtroom, this extended courtroom at
3 the video-link location in Kampala, on behalf of the Chamber. There should be
4 a card in front of you with a solemn undertaking every witness has to take when they
5 appear before this Court.

6 THE WITNESS: [9:45:04](Interpretation) Yes, I have understood.

7 PRESIDING JUDGE SCHMITT: [9:45:06] At the moment we hear you but, we have
8 problems with the video-link location, so we have to fix this first and then we can
9 continue.

10 THE WITNESS: [09:45:20] (No interpretation)

11 PRESIDING JUDGE SCHMITT: [09:45:29] So now we see you again, so I start again.
12 I repeat that. I think that's better. Mr Witness, I already told you that you have to
13 take the solemn undertaking. I read it to you and you then tell me if you consent.
14 And every witness that appears before this Court has to give this solemn undertaking,
15 so please listen carefully.

16 I solemnly declare that I will speak the truth, the whole truth and nothing but the
17 truth.

18 Do you understand and agree to this undertaking, Mr Witness?

19 THE WITNESS: [9:46:04](Interpretation) I have understood and I agree.

20 PRESIDING JUDGE SCHMITT: [9:46:08] Thank you. You have now been
21 sworn in.

22 Before we start with your testimony, I would like to inform you about certain
23 measures that the Chamber has taken to protect you and your identity.

24 First of all, we have face distortion for the public, that means that no one outside the
25 courtroom can see your face during the testimony.

1 We will also use a pseudonym. Because of that I address you not with your real
2 name, but as "Mr Witness". And that is to make sure that the public does not come
3 to know your name.

4 And when anything is addressed in your testimony which could reveal your identity,
5 we go to private session. Private session means that no one outside the courtroom,
6 again, can hear what is being said.

7 On the other hand, when things are addressed and said and discussed in your
8 testimony that can be discussed in public, we do so in public. This is the case when
9 they concern things that do not reveal your identity.

10 Another point is you have Mr Curlewis, Gray Curlewis at your side. This is your
11 counsel for the Rule 74 assurances. This means that the Chamber has decided to
12 grant you assurances that protect you against any possible self-incrimination which
13 could arise from your testimony. So you can -- he's at your side, he can intervene.

14 Also, we have also experienced counsel here in the courtroom, and also the bench will
15 be aware of the problem. And the Chamber gives you the assurance that your
16 testimony will not be used either directly or indirectly against you in any subsequent
17 proceedings by this Court except under for the offences against the Court, such as if
18 you don't say the truth. This is legal wording. Easier to say, as long as you tell us
19 the truth everything is okay.

20 If any question is asked that could lead to your self-incrimination we will hear your
21 answer in private session and keep this answer confidential.

22 The questioning party is responsible for requesting private session prior to asking
23 questions that may lead the witness to incriminate himself. So this is not -- this is
24 addressed at the parties, Mr Obhof.

25 And finally I have some practical matters for you, but I, when I see you and how you

1 reacted until now, I think that will be not a problem.

2 You are aware that everything here in the courtroom is written down and interpreted.

3 To allow for the interpretation we have to speak at a relatively slow pace and we have

4 to wait, when we start speaking, until the person that has spoken before has finished.

5 That is normal, that is in normal social life it should also be like that, but especially

6 here in the courtroom, we should wait a little bit. And sometimes I have to tell this

7 myself, because in the heat of the hearing sometimes you forget that, even if you are

8 an experienced counsel or a judge.

9 If you have any questions yourself you can raise the hand and we will give you then

10 the floor.

11 That's now everything for the preliminaries and I give the Defence the floor.

12 And I assume that Mr Obhof will conduct the questioning. Is that correct? Yes.

13 So, please, Mr Obhof.

14 MR OBHOF: [9:49:47] Thank you very much, your Honour.

15 QUESTIONED BY MR OBHOF:

16 Q. [09:49:58] Morning, Mr Witness

17 A. [9:50:02] Good morning.

18 MR OBHOF: [09:50:10] Now, your Honour, I would like to step into a private

19 session for about 7 to 8 minutes. It goes back and forth between one question here,

20 so I'm trying to get a good chunk in the beginning.

21 PRESIDING JUDGE SCHMITT: [9:50:20] Since you are known to arrange your

22 questioning in a manner that allows us to be as often as possible in open session, I

23 think I agree.

24 So for 7 or 8 minutes for the public, but then we go back to open session. Yes? So

25 you have grouped your questions a little bit together, I assume.

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1 MR OBHOF: [9:50:38] I tried for at least the first session to get everything in the
2 first 7 to 8 minutes, yes.

3 PRESIDING JUDGE SCHMITT: [9:50:45] Then private session.
4 (Private session at 9.50 a.m.)

5 THE COURT OFFICER: [9:50:52] We are in private session, Mr President.

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- 21 (Open session at 9.58 a.m.)
- 22 THE COURT OFFICER: [9:58:00] We are back in open session, Mr President.
- 23 MR OBHOF: [9:58:08]
- 24 Q. [9:58:10] Mr Witness, can you - without saying any names or the location - could
- 25 you describe the manner in which you were abducted?

1 A. [9:58:30] It was in the morning when we left the place where we usually sleep,
2 that's when we saw some people from a distance. But they were just at the edge of
3 compound because the compound was very wide. So we started arguing amongst
4 ourselves that those are not bad or wrong people. They could be people who are
5 going to the garden to harvest peas.

6 So after that short argument amongst ourselves we continued moving towards the
7 direction at which they were. When we reached there, we realised that there were
8 many people, some of them had entered into the bushes. So as we entered, they
9 captured us and they moved with us a long distance, quite far away from the area
10 that we all know.

11 Q. [9:59:49] Do you know why they moved you quite a long way from the area in
12 which you knew?

13 A. [10:00:06] Based on my understanding, they took us to a great distance so that
14 we would not be able to escape. Because if we are in an area that is familiar to us,
15 we would escape, so they took us to an area far away to prohibit us from escaping.

16 Q. [10:00:34] During these first few days after your abduction, did the LRA do
17 anything to you or to the people in which you were abducted with?

18 A. [10:01:03] Well, among the people that were abducted or especially on me
19 personally, they did not do anything bad. They did not whip us, for example, or
20 cane us, but they made us carry luggage, they made us carry foodstuff and they also
21 made us carry their beddings. Those are the things that we were carrying. And
22 they also made us walk for great distances. At the time I was not used to walking
23 such great distances and for me that was extremely painful. That was one of the
24 most painful experiences that I went through when we were abducted, because they
25 made us walk a great distance.

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1 Q. [10:02:07] The day after your abduction, what type of food did the -- did your
2 abductors give to you?

3 A. [10:02:30] Well, we were eating cassava, boiled cassava, potatoes, beans, as well
4 as peas.

5 Q. [10:02:49] Were the newly abducted people allowed to eat with their captors?

6 A. [10:03:03] No, the newly abducted were not allowed to eat with our captors, we
7 were made to eat separate. We were told that they had not yet smeared us, we had
8 not yet undergone the ritual and we were not clean enough to be LRA soldiers. So
9 we ate differently, we ate separately. We ate separately for three days and then they
10 performed the smearing ritual.

11 And after the ritual we became -- after the ritual we became LRA soldiers.

12 PRESIDING JUDGE SCHMITT: [10:03:49] And we know how the ritual is going on
13 because we have a lot of evidence of this on the record. I think we don't have to --

14 MR OBHOF: [10:03:57] Your Honour, I do understand that, but these are people
15 who were abducted in the '90s, or the 2000s; this is somebody who was abducted
16 contemporaneous with our client.

17 PRESIDING JUDGE SCHMITT: [10:04:08] Yes. And this is the reason why I did
18 not intervene. I understand your line of questioning. And exactly, normally, you
19 know, we -- the Chamber does not like it so much if we go too far back in time, but I
20 understand that this is the same time that is contemporaneous.

21 But keep it in mind when you continue, if issues arise that we have already on the
22 record, I think we can simply shorten it. Yes.

23 MR OBHOF: [10:04:34] I do understand, your Honour, and I did try to keep it as
24 short as possible for the witness.

25 Q. [10:04:43] Mr Witness, this initiation, this smearing that you were talking about

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1 when you were abducted, what differences, if any, was there between a woman was
2 smeared and the way a man was smeared?

3 A. [10:05:17] When I was abducted and at the time that we were abducted, there
4 was no great different between the way women were smeared and men were smeared,
5 because at the time when you have just been abducted, you all go through the same
6 procedure.

7 Q. [10:05:49] Now, other than this smearing, were there any other rituals or
8 anything else in which the LRA performed on you?

9 A. [10:06:19] Other than the smearing rituals, yes, there were other rituals that they
10 performed, and that was based on the -- after you have been smeared you are
11 told -- you are given the rules and told do not do this, do not do that, do not do this,
12 do not do that. And if you are going for battle they smear you, and this is a different
13 kind of ritual that was performed when somebody is newly abducted, newly
14 abducted to the LRA.

15 PRESIDING JUDGE SCHMITT: [10:07:16] Perhaps, Mr Obhof. Mr Witness, what
16 were the rules -- the first rules that you have been told when -- after you had been
17 abducted? Do you recall that?

18 THE WITNESS: [10:07:29](Interpretation) Yes, I do recall.

19 One of the first rules we were given after the ritual, the smearing ritual, we were told
20 that "You are now soldiers, you are now LRA soldiers." LRA at the time was still
21 known as Lakwena, so they told us "You are now Lakwena soldiers. One of the
22 most important things is for you, the people who have been smeared, you should not
23 escape. If you escape, if you are apprehended, you will be punished. Or they will
24 follow you, they will follow you all the way to your home, the home where you were
25 abducted, and they would punish the people in that home if you are not found, if we

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1 are not found."

2 Secondly, we were told we should not eat shea oil.

3 And thirdly, we were told that we must not have sexual relations with a girl or
4 a woman.

5 We were also told that we should not eat honey. We were prohibited from eating
6 honey. Those are some of the first rules that we were initially given at the outset.

7 PRESIDING JUDGE SCHMITT: [10:09:07] Mr Witness, you spoke of punishment in
8 the event that one of the abductees would try to escape. What kind of punishment
9 was this they were talking about?

10 THE WITNESS: [10:09:25](Interpretation) The type of punishments they were
11 talking about if someone is re-apprehended when the person attempts to escape, is
12 that the person would be brought back and killed, because that means you are not
13 listening to what you are being told. You're -- you're competing, you are not
14 listening to the Holy Spirit, which means that if you are re-apprehended then you
15 should be killed.

16 PRESIDING JUDGE SCHMITT: [10:09:59] And just one question, Mr Obhof.
17 And you also said that there would be punishment to the people where the person
18 was apprehended from, where the person had lived. What kind of punishment are
19 we talking here?

20 THE WITNESS: [10:10:16](Interpretation) If you escape and you are not
21 apprehended, and the LRA is not able to get hold of you, they will follow you all the
22 way home. If they get home and they do not find you at home, then the people at
23 home will face the consequences, they would be punished, the houses would be
24 burned and people would be killed. If, for example, you kill -- you escaped with
25 their things, or, alternatively, they could abduct other people from your home and

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1 take them back to the bush.

2 PRESIDING JUDGE SCHMITT: [10:10:58] And I know, Mr Obhof, that you have
3 indicated that you wanted to talk about this perhaps in private session, but if we do it
4 in the abstract perhaps we can avoid that. So I think I ask one further question and
5 we try it, but if you still think we should go to private session, you can tell me.

6 Mr Witness, have you seen with your own eyes one of these, let me put it this way,
7 collective punishments? Please don't mention when it was and don't mention the
8 location.

9 THE WITNESS: [10:11:32](Interpretation) Yes, I did.

10 PRESIDING JUDGE SCHMITT: [10:11:42] Could you perhaps describe for us what
11 you have seen.

12 THE WITNESS: [10:11:48](Interpretation) An example of such kind collective
13 punishment was -- I witnessed this in two places. The first place --

14 PRESIDING JUDGE SCHMITT: [10:12:09] Please don't mention the places, because
15 this could lead knowledgeable people, so to speak, to identify your identity. So I
16 think you have understood. So please don't mention the places, yes? Thank you.

17 THE WITNESS: [10:12:25](Interpretation) Okay.

18 PRESIDING JUDGE SCHMITT: [10:12:26] Please continue.

19 THE WITNESS: [10:12:28](Interpretation) An example of a collective punishment
20 that I witnessed happened when somebody escaped, people who had been abducted,
21 they escaped. They were abducted, taken to the bush, and then they escaped and
22 went back home. They sent people to those areas and people were punished. The
23 punishment was severe. And this was they were sent to the area of the people who
24 had escaped. They told people to go to their area and punish them. It wasn't only
25 within their home, but they punished people in the whole area around that home.

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1 PRESIDING JUDGE SCHMITT: [10:13:34] Could you be a little bit more specific
2 what you mean by "punishing" by "punishment"?

3 THE WITNESS: [10:13:48](Interpretation) The places that I have referred to, they
4 went, they burned houses, they burned the granaries, the granaries containing
5 people's food were also burned. People who were found there, people who were
6 able were also abducted and they were taken to the bush. Some people, the elderly
7 were punished, they were beaten, they were beaten severely and then left, but their
8 houses were burned and they were moved from that area.

9 PRESIDING JUDGE SCHMITT: [10:14:29] Thank you.

10 So, Mr Obhof, you will bear with me that I took -- perhaps it also makes your life a
11 little bit easier, so to speak, also. If you want it on the record, the name of the places,
12 I think there will be other instances where you want to go to private session and then
13 you can simply ask, refer to that going back, so to speak. Yes.

14 MR OBHOF: [10:14:53] You can read minds. I have it a few pages later where I
15 have this exact issue.

16 Q. [10:15:02] Mr Witness, you have been talking about people attempting to escape.
17 Now did anyone, remember without saying names, did anyone with whom you were
18 abducted attempt or try to escape shortly after being abducted?

19 A. [10:15:38] No, nobody attempted to escape from the group with whom I was
20 abducted.

21 Q. [10:15:55] Now I know this might seem slightly repetitive, but could you tell the
22 Court why you or the other people with whom you were abducted did not try to
23 escape?

24 A. [10:16:12] We did not attempt to escape because we were guarded. We did not
25 have time to do anything, we did not have time to be on our own. We were

1 constantly under guard. Secondly, they took us to a great distance towards the
2 western side of Gulu and it was extremely impossible for us to find the opportunity to
3 escape from the people who had abducted us.

4 Q. [10:16:57] Mr Witness, shortly after your abduction and while you were walking
5 to the new location in which you did not recognise, what did your abductors do when
6 you stopped to rest for the night?

7 A. [10:17:25] When we stopped to rest for the night, we were collected together and
8 we were all put in a house because we had slept somewhere in some homesteads.
9 They put us all in the house and then they locked us in that house. And there were
10 other soldiers. Some of the soldiers that had abducted us were spending the night or
11 were outside guarding the door of the house where we had been put to sleep. The
12 food that had been cooked was brought to us, it was brought to that house and we ate
13 from the house on that night.

14 Q. [10:18:31] Now you mentioned that certain things had changed or at least the
15 process of eating had changed once you had been smeared. What else changed after
16 you were smeared?

17 A. [10:18:48] After we were smeared, other things did change. One of the things
18 that changed was that they started training us. They started teaching us how to live.
19 One of the first things they taught us was religion, we were taught about religion and
20 we were taught how to pray.

21 Q. [10:19:33] Do you remember how long it was after your abduction that you first
22 started receiving training?

23 A. [10:19:49] No, it wasn't a long time after that. After we were smeared, the next
24 day, immediately they started training us. They started training us how to pray.

25 Q. [10:20:14] About how long after you were smeared were you trained in military

1 tactics or weapons?

2 A. [10:20:29] With respect to army training, they started training us after about
3 a week. Exactly after a week, just before the second week, they started training us.
4 They trained us how to use the gun and they also gave us army training.

5 Q. [10:21:12] Now during this army training, because you mentioned about how
6 they were teaching you about religion, what type of messages were they giving you
7 while you were training in respect to military tactics and military weapons?

8 A. [10:21:42] One of the things they taught us, part of the army training was how to,
9 to -- with the guns, they taught us how to dismantle a gun, how to put a gun together,
10 how to clean a gun. And with respect to fighting, they taught us about how the LRA
11 soldiers fight, they told us the LRA soldiers fight while standing, they do not crouch
12 down or do not lie down. If you lie down, then you will be shot.

13 They also told us that if you are fighting, you should keep singing. You should
14 praise God. You should sing songs praising God and they also taught us these
15 songs.

16 They also told us that you are not supposed to hide behind a tree or an anthill if you
17 are fighting because -- yeah, these are some of the important things that we were
18 taught. We were told that we have to fight standing, we should not lie down.

19 Q. [10:23:13] Did those who trained you discuss the matter of abductions?

20 A. [10:23:27] Yes, they did talk about abductions.

21 Q. [10:23:40] Who or what did your trainers tell you gave you the permission to
22 abduct?

23 A. [10:23:59] Our trainers told us that it was the Holy Spirit that had given them
24 the right that people should be abducted, men should be abducted, women should
25 also be abducted, especially the able-bodied men and women. Those who are able

1 to, to work, those who are able to fight, to fight in the name of God. That is what
2 they told us. The person who told us this was Kony himself. He's the one who
3 gathered us together and told us. At the time they had not yet started training us.

4 Q. [10:25:25] Now these songs that you were taught, what type of messages or
5 instructions did these songs entail or did they pass on to those who were abducted,
6 who were being trained?

7 A. [10:25:41] The songs did not actually mean anything to the people who were
8 abducted or did not convey a particular message, but the songs were about praising
9 God, praising God so that he can help you at that particular time. At that time in
10 need, at that time when you are in dire need.

11 MR OBHOF: [10:26:21] Your Honour, if I could go into a private session, just to
12 the housekeeping methods because I'm moving on to a different section. We may be
13 in there for two minutes at the most.

14 PRESIDING JUDGE SCHMITT: [10:26:32] Okay. Then private session for two
15 minutes. And if it is two and a half, we would not complain, Mr Obhof.

16 (Private session at 10.26 a.m.)

17 THE COURT OFFICER: [10:26:41] We are in private session, Mr President.

18 (Redacted)

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22 (Open session at 10.30 a.m.)

23 THE COURT OFFICER: [10:30:19] We are back in open session, Mr President.

24 MR OBHOF:

25 Q. [10:30:39] Mr Witness, in the LRA, could you explain to the Court what the

1 purpose or significance of a fetish is, commonly known as a "lucky charm" in English.

2 A. [10:31:09] In the LRA, a fetish, fetishes, is it the fetishes that Kony uses? He
3 uses different types of charms to -- against his enemies, that's the first use. He also
4 uses it to win battle, a battle that he himself has organised because in the LRA, there is
5 no battle that any other person organises other than Kony. He says it's the Holy
6 Spirit that has organised this battle and every single battle has its own fetish or charm
7 and they use this or they do this in order for them to go and win that battle.

8 Q. [10:32:23] Now could you explain to the Court what would happen if someone
9 was abducted and they, the person who was abducted had a fetish with them?

10 A. [10:32:45] What would happen on such a person, not any significant thing, but
11 when you are first abducted, what they usually ask is to find out if you have such
12 a charm that you use to protect you. If they find that you have it, it will be
13 withdrawn from you and it will be burned.

14 Q. [10:33:23] Do you know the reason for it to be withdrawn and burnt?

15 A. [10:33:30] According to what Joseph Kony told us, he said that the LRA fighters
16 are the Holy Spirit soldiers. They are actually soldiers of the Holy Spirit, so it is not
17 necessary, it is not required that you should be in possession of such fetishes because
18 that will signify that you are not respecting the God -- our only God, that means that
19 you are actually honouring another God. So that is actually according to the
20 teaching that Joseph Kony would tell us all the time.

21 Q. [10:34:35] So do you know why Joseph Kony was allowed to have and use
22 fetishes but the persons who were abducted, every single other person in the LRA,
23 why they were not allowed to have and use fetishes?

24 A. [10:34:55] I really do not know the meaning of that, but what he usually
25 communicates to us was that that was communicated to him by God. It was

1 communicated to him by God to go and defeat his enemies, to go and win wars.

2 That is what he usually tells us.

3 PRESIDING JUDGE SCHMITT: I think you can move on, Mr Obhof.

4 MR OBHOF:

5 Q. [10:35:36] Mr Witness, what -- in the LRA, what is a technician?

6 A. [10:35:49] In the LRA, technicians are a group of people who are selected, this
7 group of people do not go to the battlefield to fight. Even when they actually go,
8 they don't carry guns with them. Actually, they don't go to the battlefield. They
9 remain at the prayer place, the point where prayers are supposed to be held. Their
10 major role is to have water in a calabash with a charcoal stove which is lit. And so
11 they will be praying in such a place and this place is called the Yard. So they pray in
12 that place with their water in the calabash and fire lit on a charcoal stove. So this
13 group of people are also the ones who are tasked to perform the ceremony of
14 smearing the new abductees. If there is a group of fighters who are going to the
15 battle front, it is these technicians who also perform the smearing of the fighters.
16 Also, if they -- they were able to capture ammunitions from their enemies, these
17 ammunitions are also brought to them and it is this group of technicians who bless
18 these captured ammunitions before it is given out to be used. The same thing
19 happens to the rest of the other military attires that are brought to them. They first
20 make this ceremony to bless the items before they are given out to be used.

21 Q. [10:37:59] Mr Witness, what is a controller in the LRA?

22 A. [10:38:22] In the LRA the roles of the controllers are quite similar to those of the
23 technicians, but controllers do go to the battlefield. All the wars, the fightings that
24 the LRA will go into, the controllers have to be there. They go to the battle front
25 with the shea nut oil in a small calabash and they sprinkle this oil mixed with the

1 water at the location where the fighting is taking place.

2 Also, when the LRA fighters are stationed in a certain location for a short while, the
3 controllers will go with this calabash and with the content in it and they go and
4 sprinkle the water on the sides along the road in which they will be using later on.
5 So, basically their roles are to perform these kind of -- these kind of things.

6 Q. [10:39:40] You mentioned that technicians have a role in the smearing of the new
7 abductees, did the controllers have a role in that process as well?

8 A. [10:40:05] Yes, the controllers can also smear the newly abducted, the new
9 abductees because both the controllers and the technicians actually stay in the same
10 location and all their work are related to the Yard. So they all stay in the Yard so, yes,
11 controllers can also perform the smearing ceremony.

12 Q. [10:40:44] On a final follow-up on these two, what was the purpose and use for
13 the technicians to have a charcoal stove?

14 A. [10:41:03] According to what Kony himself said, he said that that charcoal stove
15 which is lit is supposed to be used by the technicians. This will help -- the technician
16 will be using water to try and sprinkle onto this burning charcoal on the stove so that
17 it can reduce the strength of the fire that is coming from the charcoal stove. So it
18 means therefore people who are in the field, the LRA fighters who are in the field,
19 when they are fighting, that process of trying to cool down the fire from the charcoal
20 stove will also cool down the firepower of the enemy guns that the LRA soldiers are
21 engaging with. So in the same way when the charcoal fire is cooling down, the
22 strength is going down, also at the battle front the enemy firepower will be cooling
23 down. So that is what he told us.

24 Q. [10:42:31] Now was there, from what you witnessed, was there a difference in
25 the morale of those persons fighting when the controllers were there at the battlefield

1 vis-à-vis when they were not at the battlefield? Was there a difference between the
2 morale?

3 A. [10:42:58] In the LRA once the controller is at the battle front in that fighting, all
4 the soldiers will be happy and they will be energised and motivated to fight really
5 hard because they know that there is someone who is working, a magician is working
6 and fighting alongside with them at that point in time.

7 Q. [10:43:34] Now, Mr Witness, you talked about -- you just mentioned that they
8 felt a difference. Did you personally feel a difference, have more energy when
9 controllers were at the battlefield than when they were not at the battlefield?

10 A. [10:44:14] In my case, for some of the fightings that I participated in, because
11 personally I was a controller, so most times when I was still active as a controller I
12 would go with the kind of things that I mentioned earlier. So I would observe in
13 such battles we are in, yes, the fighters that we have moved with would, most times,
14 fight with morale and they would really be motivated to fight and they would really
15 work hard. So this is what I observed when I was still a controller.

16 Q. [10:45:19] Mr Witness, what, if any, effect did the controllers have on the
17 persons in the battlefield towards the propensity of people to escape during a battle?

18 A. [10:45:53] Well, I do not quite understand your question. Are you talking
19 about at the time of the fighting when we were in the battle front or during the entire
20 time in the LRA? Because if it is in the entire LRA, if you escaped, the information is
21 sent to the controller or the technician and if they know your name, if they know your
22 name, all the two groups -- the controllers and the technicians -- will now go into
23 prayer. They will start praying. They will pour that water on the ground so that
24 water will confuse you and you will not be able to move far.

25 Q. [10:47:04] And for the other part, specifically in battle, did the controllers have

1 an effect on people during battle trying to escape?

2 A. [10:47:26] No, does not have any power.

3 Q. [10:47:40] You spoke quite a little bit today about indoctrination rituals. Have
4 you ever heard of camoplast and, if you have, could you describe it to Court?

5 A. [10:48:02] Yes, I heard about camoplast. What the LRA call "camoplast" is
6 a white soil, a white sand. That sand is very rare; it is not commonly found in other
7 places. There are specific locations where that sand can be found. In Acholi, that
8 sand is used for beautifying the walls of their huts. They have a bit of different
9 colours and -- so they use it basically to beautify the walls of their -- the external walls
10 of their houses.

11 So in the LRA, that sand is used during the first time when a new abductee is
12 abducted and that sand is mixed and then you are smeared with it. You will spend
13 three -- three days without washing or bathing and then after the three days, that's
14 when now you go and bathe and wash off that sand which was smeared on you.
15 That will signify a completion of the ritual that the LRA requires you to go through.

16 Q. [10:49:41] Mr Witness, after these rituals were performed on you right after you
17 were abducted, did you feel any different from before, from say a week or two before,
18 before you were in the LRA, did you feel any different after these rituals were
19 performed upon you?

20 A. [10:50:15] There was no significant changes that I experienced, but according to
21 the rules which is also read to you, there are certain desires that, maybe sexual desires
22 that will really, really, really disappear. You will not experience such desires in the
23 first instance. That's what I experienced after the smearing ceremony.

24 Q. [10:51:17] A similar related question, did you feel like a different person after
25 these ceremonies?

1 A. [10:51:44] Just like I explained already, not very significant changes really, but
2 you know, just as a human being in their nature, in the nature of a human being,
3 especially to us men, that desire, that sexual desire, that desire to have a wife or to
4 have sexual relation, intercourse with a woman, that desire will actually vanish.
5 That's what -- one of the things that I experienced. (Overlapping speakers)

6 Q. [10:52:33] Please go ahead.

7 A. [10:52:34] Also, in addition, there is that feeling that will come to you, the feeling
8 of following the rules that you have been told by the LRA, that feeling will come and
9 you will follow those rules. Especially the feeling of escaping usually is completely
10 removed from you because all the time you are now bound and tied to following the
11 rules, which you have been told because you now know that your life is entirely in
12 the hands of the LRA and nobody else.
13 Nobody else is there to help you out of it because according to Kony, he would say he
14 was fighting with the Holy Spirit. So you now believe that all your life, everything
15 about you is in God's hands. So everything that you do, you now do in fear and
16 respect of God because if you violate it, then you will know that God will punish you
17 if you do not follow what you have been told to do.
18 So you have that fear and that is a kind of feeling and experience that you go through.
19 So let me say that is actually fear that will now come to you after the
20 ceremony -- you've gone through the ceremony.

21 Q. [10:54:26] To sort of wrap up this section, did others confide in you? Did
22 others tell you about having similar -- similar feelings, similar thoughts the way they
23 felt after they were smeared after the ceremonies?

24 A. [10:54:51] Yes, yes. There were other people who were also telling me their
25 experiences, the same experiences.

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1 MR OBHOF: [10:55:10] Your Honour, I think right now I will be moving on to a new
2 section.

3 PRESIDING JUDGE SCHMITT: [10:55:17] You already indicated that; so then it
4 makes sense to have the break until 11.30 at this point in time.

5 THE COURT USHER: [10:55:25] All rise.

6 (Recess taken at 10.55 a.m.)

7 (Upon resuming in open session at 11.30 a.m.)

8 THE COURT USHER: [11:30:22] All rise.

9 PRESIDING JUDGE SCHMITT: [11:30:43] Mr Obhof, you still have the floor.

10 MR OBHOF: [11:30:50] Thank you very much, your Honour.

11 Q. [11:30:55] Good afternoon, Mr Witness. I hope the people who are taking care
12 of you gave you something to snack on and maybe some tea.

13 A. [11:31:08] Thank you.

14 Q. [11:31:17] Now a little bit of, as we would say, cleanup from the morning
15 session.

16 Mr Witness, did you ever come to learn about the reasoning behind this collective
17 punishment?

18 A. [11:31:43] The reason why they give collective punishments, based on my
19 understanding, well, there was no particular reason that was given by the
20 commanding officers of the LRA. But, based on my observation, I believe this is to
21 deter people, especially the new abductees. And, as well as the LRA soldiers, to
22 deter them.

23 Q. [11:32:21] Who instituted this policy of collective punishment?

24 A. [11:32:32] It's Kony who instituted this rule.

25 Q. [11:32:41] Was this type of punishment well known throughout the LRA?

1 A. [11:32:56] Yes. Everybody within the LRA knew about it.

2 Q. [11:33:17] Did others confide in you? Did others tell you about this type of
3 punishment and the impact it had on their willingness to escape?

4 A. [11:33:45] Yes. Many. Because most people are of the view that if they escape,
5 even if they do manage to get away and they are not re-apprehended by the LRA and
6 they go to the area and kill people and there are repercussions of these actions, then,
7 well, his life is meaningless because he, he would be hated in that area, in the whole
8 area, as well as the clan, the different clans that are close to his home area. So people
9 were afraid, people were afraid because of their lives. Even if they did manage to
10 escape, they knew that they would not have a good life after that. That's why a lot of
11 people thought about it. We, we discussed it, we discussed it with a lot of people.
12 We discussed these kind of things with a lot of people, the fear, the fear that people
13 had.

14 Q. [11:35:11] Mr Witness, do you know, or do you remember two individuals who
15 went by the names of Otti Lagony and Okello Can Odonga?

16 A. [11:35:33] Yes, I do know, I do know them.

17 Q. [11:35:49] Now, Otti Lagony, what was his position in the LRA, his final
18 position?

19 A. [11:36:08] Otti Lagony, his final position within the LRA was the commanding
20 officer in charge of, of operations in the LRA. And the position is more or less
21 deputy to Kony, that was towards the end.

22 Q. [11:36:40] Now, Okello Can Odonga, what was his final position in the LRA?

23 A. [11:36:58] Okello Can Odonga was initially the deputy to the operations
24 commander in the LRA. After that, when he started having problems, he was
25 moved from Stockree brigade, as the commander of Stockree brigade.

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1 Q. [11:37:38] Did Okello Can Odonga have any nicknames?

2 A. [11:37:53] No. He did not have any nicknames. He was always referred to as
3 Can Odonga, Can Odonga, Can Odonga.

4 Q. [11:38:06] Now these two gentlemen, what happened to them?

5 A. [11:38:19] These two commanders were killed. The order for their killing was
6 issued by Kony. He issued it to all the LRA soldiers, officers, junior commanders.
7 All the soldiers within the LRA, Kony sent them. He brought these two people in
8 front of the whole congregation and told the congregation that these two had planned
9 to escape. They wanted to defect from the LRA. And for these reasons, the two,
10 these two gentlemen are competing and they do not have the desire to stay in the
11 LRA. And for these reasons, these two should be killed. He then issued the order
12 and the two, the two gentlemen were killed.

13 MR OBHOF: [11:39:29] Your Honour, if we may, I would like to go into private
14 session for two, maybe three questions. Maybe two or three minutes.

15 PRESIDING JUDGE SCHMITT: [11:39:35] Yes. Private session for this short
16 period.

17 (Private session at 11.39 a.m.)

18 THE COURT OFFICER: [11:39:43] We are in private session, Mr President.

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8 (Open session at 11.46 a.m.)

9 THE COURT OFFICER: [11:46:16] We are back in open session, Mr President.

10 MR OBHOF: [11:46:31]

11 Q. [11:46:31] Witness, do you remember a person by the name of Opoka James?

12 A. [11:46:47] Yes, I do recall Opoka James.

13 Q. [11:46:52] Briefly, for the Court, could you explain who he was or how he came
14 to join the LRA?

15 A. [11:47:17] Opoka James, I first saw him in 2002. This was when Iron Fist
16 operation had commenced. We left Sudan and went to Uganda. And from there
17 we went to a place known as Achwa Ranch and it was at this location that I met him,
18 that I met Opoka James. He was with Otti Vincent. Otti Vincent had collected
19 them and they were with him. I stayed with Opoka James until at such point where
20 we separated again.

21 Q. [11:48:24] How did Opoka James come to be in the LRA, or to be with the LRA?

22 A. [11:48:39] Opoka James was a politician. During the elections, well, he, he did
23 not like the current leadership. And he was among the people who were against the
24 current leadership. So when they -- when they did not -- when they failed as part of
25 the opposition, he decided to join the LRA and fight against the government. He did

1 not go on his own. He went with a number of people. They went with the
2 intention to join the LRA so that they could fight against the government, the
3 Ugandan government.

4 Q. [11:49:45] Do you remember around which year or what time frame Opoka
5 James and his group joined the LRA?

6 A. [11:50:04] I do not recall the exact time, but they joined, they did join the LRA
7 because I know from 1999 we were, we were in Uganda. After I went back to the
8 Sudan, I left one of the officers behind. There was a commanding officer known as
9 Kwoyelo Latoni, he stayed behind in Uganda and Opoka, sometime in 2000, 2001,
10 towards the end of 2001, that's when he came and he joined, he joined Kwoyelo.
11 Because when I was still in Uganda, they had already started sending messages to us.
12 They told us that they were coming to join the LRA.

13 Q. [11:51:27] Now, could you tell Court what eventually happened to Opoka
14 James.

15 A. [11:51:43] After we separated with those of Opoka James, Kony was in Sudan.
16 After that he called Otti Vincent and he asked Otti Vincent to take those of Opoka
17 James to him so that he could meet with them. When Otti took those of Opoka
18 James, they met, and after the meeting, when they were going back to Uganda,
19 heading from Sudan going back to Uganda, as Otti Vincent explained to us or he told
20 us when he came back, when he came back from Sudan, he told us that Kony issued
21 an order to them that Opoka and all his group, the people that he had joined the LRA
22 with, are not capable of staying in the LRA as soldiers.
23 And secondly, those of Opoka James have an arrangement to escape from the LRA
24 with LRA soldiers, the former LRA soldiers so that he -- they would take them back to
25 Uganda. So Kony issued an order saying that those people should be arrested, they

1 should be arrested and killed. And Otti instituted this order, he arrested these
2 people. And that is what Otti told us upon his return.

3 Q. [11:53:50] Could you help us out with a time frame of when Opoka James was
4 killed?

5 A. [11:54:06] Those of Opoka James were killed around about 2002. Well, 2002,
6 around about October.

7 Because in November Otti Vincent left Sudan and came back to Uganda. We met.
8 We met somewhere in Palabek and that is when he told us, he told us what had
9 transpired.

10 Q. [11:54:58] Mr Witness, a few minutes ago when we were talking about
11 Otti Lagony, you mentioned something called "prison". Can you explain what
12 "prison" means in the LRA?

13 A. [11:55:22] In the LRA, prisons do exist. The prison, the prisons are usually
14 small kind of prisons. If you have an argument with somebody else or you commit
15 an infraction, a minor infraction, then you are arrested and you are kept in a place,
16 a place that has been arranged in the defence. You are assigned duties, chores, for
17 example, cleaning, digging pit latrines, they send you farming. Because when we
18 were in the base in South Sudan we farmed, we had gardens and we planted several
19 different types of crops.

20 Q. [11:56:33] How is it determined the length of time one spends in this prison?

21 A. [11:56:52] They don't spend a long time in prison. They are usually sent there
22 to discipline them. They are told -- sent there to discipline them as soldiers. But, if
23 you commit a major infraction, for example, trying to escape, or if you have sexual
24 relations with a woman, if you go and abduct, abduct people or you abduct women
25 and rape them, then those are major infractions. Or if you have sexual relations with

1 your colleague's wife, those are serious infractions that could amount to death.

2 You are killed, you are not actually put in prison because those prisons are usually
3 there to discipline.

4 Q. [11:57:54] Now as a hypothetical, Mr Witness, say if a coy commander was
5 placed in prison, what type of leadership role would he still have to his subordinates
6 while he was in prison?

7 A. [11:58:20] No, when they are put in prison they do not have any, they do not
8 have any commanding powers until they serve their sentence and then they are
9 released and go back and continue their leadership role.

10 Q. [11:58:38] I heard you speak a little today about rules, especially ones which
11 have severe consequences, but you mentioned a few minutes ago minor infractions in
12 the LRA. Could you list a few of these minor infractions that might have gotten one
13 placed in prison?

14 A. [11:59:18] Some of the minor infractions that could amount to imprisonment,
15 let's say two, three days' imprisonment, one of them is if you have an argument, if
16 there is an argument between two people. The second one, if you mistreat or you
17 mistreat your junior officers or your subordinates, or if you are not a commanding
18 officer, then mistreating a newly abducted soldier or a -- all of these things would
19 amount to imprisonment. And if you do not obey orders, you do not obey the rules
20 or orders that you are being given, if you are told to go and surveil, if you refuse to
21 obey such kind of orders, then this would also amount to imprisonment.
22 There are different kind of rules or orders that they would have asked you to perform.
23 If you refuse to obey those orders, then you are sent to prison. Taking care of the
24 army things, such as guns, bullets, if you are misusing these things and you are not
25 taking good care of these things, then that would also amount to imprisonment.

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1 Those are some of the infractions that they would send people to prison for. Or just
2 leaving and taking a walk anyhow, leaving your base and just going and walking
3 about aimlessly, those are kind of things that would amount to imprisonment.
4 Because when we were in the South Sudan, soldiers, for example, the Khartoum, the
5 soldiers of the Khartoum government were close to us and we would stay with them
6 together. But if they found that you had left your base and gone to their base
7 without any permission or authorisation, then those are the kind of things that could
8 lead to imprisonment. Those are things that people were arrested for and taken to
9 prison for.

10 PRESIDING JUDGE SCHMITT: [12:01:46] Mr Obhof, shortly.

11 Was this kind of imprisonment the same if there was not a base nearby? For
12 example, if a group of the LRA was simply on the move for a longer period, was there
13 also something like imprisonment, but was it differently perhaps than the
14 imprisonment you talked about when there was a base?

15 THE WITNESS: [12:02:13] (Interpretation) Well, when the LRA are on the move
16 there is no prison, but all the offences that you have committed are kept, the
17 information is kept, and when people return back and they meet Kony, such
18 information on offences are brought toward to him and you will be punished and the
19 punishment will be very severe, much more severe, actually, one of the heaviest
20 punishment is what you will get.

21 If you are an officer with ranks, you will be demoted because they say that you are
22 the one going to spoil the army.

23 PRESIDING JUDGE SCHMITT: [12:02:59] Thank you. So nothing is forgotten, so
24 to speak.

25 Please, Mr Obhof.

1 MR OBHOF: [12:03:05] That's why I carry a small little book around with me at all
2 times, so I don't forget.

3 Q. [12:03:14] Mr Witness, to further build or to build further on what the Judge has
4 just asked, how did this change once Sudan stopped allowing the LRA to have large
5 bases? We can say how did this change after Operation Iron Fist?

6 A. [12:03:52] After things went, went bad, because right from 19 -- right from 1993,
7 the LRA were in South Sudan and they were building bases in several locations. But
8 after the -- after 2001, following the attacks at their bases, the LRA began to move in
9 different directions.

10 So some of the rules that were applying when people were still in the major base
11 began to be violated. Some of the rules began to be dropped because the LRA were
12 under constant move and there was a lot of fighting at the time.

13 Q. [12:05:32] So one final hypothetical on the prison aspect. What might happen
14 to a commander who is walking around and he meets different people and he talks to
15 different people and doesn't report it back to his superiors? Could that be
16 punishable?

17 A. [12:06:05] Any commander when you have been sent for an operation and you
18 meet other people, you meet other people and you speak to them, it will depend on
19 the kind of information that you have shared with that group. For instance, if you
20 talk about a strengthening relationship between the LRA and the civilian population,
21 in such a situation you will be praised, you will be thanked for building a good
22 relationship by the LRA leadership.

23 But if you just talk something out of your own will, out of your own mind, which is
24 not in favour of the LRA, then in such a situation you would be punished. In most
25 instances if you are a commander you would be demoted and put under another

1 commander. That is what would happen.

2 Q. [12:07:31] Mr Witness, what is an escort in the LRA?

3 A. [12:07:45] An escort is a soldier who protects a particular commander. If
4 you are a commander, depending on your ranks, you are given two or three soldiers
5 to protect you. If you are a high-ranking officer, they give you up to 10 soldiers to
6 always be around you to give you protection.

7 Q. [12:08:20] To whom did an escort report?

8 A. [12:08:38] Those escorts, the order to assign them comes from Kony. He would
9 be the one to say such-and-such soldiers should be selected and given to protect this
10 particular officer. So the number to be assigned is also given by Kony himself and
11 the type of people who should be selected to be put as the bodyguards or as the
12 escorts, still that order comes from Kony.

13 Q. [12:09:28] So to whom did the loyalty belong for an escort, was it to their
14 commander, was it to Kony, Otti?

15 A. [12:09:56] Well, the loyalty begins from, right from the person whom they have
16 been given to protect. They give their loyalty to the immediate commander they
17 have been assigned to. Then it also goes upward in ranks. The reason why they
18 give you the respect and loyalty is because they are protecting you, they are
19 protecting your life. Some of their roles include preparing your bed, cooking food
20 for you, and generally taking care of your welfare so that you, you are okay.

21 Q. [12:10:55] Mr Witness, who, during your time in the LRA, who was the leader?

22 A. [12:11:12] While I was still in the LRA, as I explained to you, I began staying in
23 the LRA following my abduction, but the people that were my -- I was under them
24 kept on changing very frequently until the time when I was able to escape.

25 PRESIDING JUDGE SCHMITT: [12:11:39] I think we should not -- it is perfectly

1 clear who the leader was. He has not, I think he has not understood it correctly.

2 But I think we have this, we have so much evidence on this.

3 MR OBHOF: [12:11:50] So I can say it on the record that Joseph Kony was the leader.

4 PRESIDING JUDGE SCHMITT: [12:11:55] Yes. Okay, please proceed.

5 MR OBHOF: [12:11:57]

6 Q. [12:11:58] What was the punishment for disobeying a direct order from
7 Joseph Kony?

8 A. [12:12:11] If you disobey the orders from Kony, the punishment is death.

9 Q. [12:12:29] Now you have already mentioned that the name of the LRA was not
10 LRA when you were first abducted. When did the name change to the LRA?

11 A. [12:12:54] The name changed to LRA in 1991, in August, and the date was 23rd.
12 Initially the group was called Holy Spirit Mobile Forces until when it was changed in
13 1991, August 23rd, when the new name came to LRA.

14 Q. [12:13:58] Do you know why the name was changed to the LRA?

15 A. [12:14:09] I was present on the day that the name was changed. The several
16 different groups of the LRA were gathered together, because at that time the LRA had
17 joined with another rebel group that was fighting in eastern Uganda, in Soroti. So
18 there was an arrangement and the two groups joined to form one group. So the
19 name Holy Spirit Movement was changed to be known as the LRA, and this new
20 name was also supported by the other rebel group from the east.

21 And as I explained earlier, Kony said that the Holy Spirit that he is possessed with,
22 that possesses him is the one that changed that name. So during the time when he
23 gathered people on that day, that is when he passed on that information.

24 Q. [12:15:37] You mentioned this group from Soroti, from the east. What was the
25 name of that group?

1 A. [12:15:53] That group was called UPA, Uganda People's Army/Movement.

2 Q. [12:16:17] Now during this time in the early 1990s, how was the LRA, how were
3 they getting weapons, how were they getting ammunition?

4 A. [12:16:42] During this time all the weapons that the LRA was using, right from
5 the time I was abducted until around that time, they, they were receiving the
6 weapons from government soldiers. So when they attack and overpower and defeat
7 the government soldiers, they would -- they will seize those ammunitions and they
8 take them with them.

9 Q. [12:17:22] Now did this ever change? Did the LRA start receiving these
10 weapons and ammunition from somewhere else?

11 A. [12:17:40] Yes, it changed.

12 Q. [12:17:49] How did it change? From whom or from what did the LRA receive
13 weapons?

14 A. [12:18:06] That changed in 1993, at the time when the LRA went and negotiated
15 with another group, went and negotiated with the Sudan People's Army, and the
16 Sudan government agreed to give them support in forms of -- in form of weapons and
17 uniforms to the LRA.

18 Q. [12:18:58] Now this other group from the east, where did they receive their
19 weapons?

20 A. [12:19:17] That group, that group was -- received their weapons because many
21 of them had just been -- they were part of the previous government that had just been
22 overthrown by the Museveni regime. So all the weapons that they went with were
23 the ones that they kept and they started using those weapons to fight.

24 Secondly, they were also having some contacts with the Kenyan government, the
25 government of Arap Moi, who was also giving them some support.

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1 Q. [12:20:17] Now you mentioned about these negotiations with Sudan. Who
2 went to negotiate with Sudan, which persons?

3 A. [12:20:43] At the time when the negotiation with Sudan began, Kony said that
4 seven people should be selected and sent to the southern part, southern Sudan so that
5 they can join with the militia that were in Khartoum. And at that time they were in
6 the southern part of Sudan.

7 The instruction was that these people, when they go there, they should tell them that
8 they are from the LRA, but they should not ask for any support from them. They
9 should observe and see the kind of welcome and support that those people will give
10 them, and then they should return. The other information, the rest of the things will
11 be followed up later.

12 So indeed, the seven people were selected and they went. But these people who
13 were selected and went returned, returned with four different rebel groups from that
14 South Sudan militia group. Now, that was to signify that they have accepted the
15 LRA and they have welcomed the LRA to join them.

16 So when they came back, that militia group gave ammunitions, they gave also
17 landmines, the anti-personnel -- anti-tank mines and also anti-personnel mines were
18 some of the ammunitions that that militia group gave to this team that went to them
19 and they came back with these items.

20 Q. [12:22:47] Just for the Court record, could you name these persons who went to
21 the southern part of Sudan?

22 PRESIDING JUDGE SCHMITT: [12:23:32] I don't see a problem to answer this
23 question, Mr Witness. And I think your counsel is nodding, so please answer the
24 question, if you know the names.

25 THE WITNESS: [12:23:47] (Interpretation) Okay, I thought I would mention that in

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1 private session.

2 PRESIDING JUDGE SCHMITT: [12:23:56] No, it does not concern you personally, so
3 I do not see here a reason. If you -- if you don't tell any relationships to these people,
4 or that perhaps then other people could tell from this information who you are, then
5 I don't see a problem.

6 THE WITNESS: [12:24:17] (Interpretation) Okay. That's fine. Thank you.

7 The people who were sent included one commander called Otim Charles, another
8 person called Odur John, another commander called Ojok Omach, and there was also
9 another person called John Madaka, there was also one person called Amula Julius,
10 and another commander called Anywar. Then I forgot the name of another, one
11 other commander who was with them.

12 PRESIDING JUDGE SCHMITT: [12:25:28] But nevertheless this is a remarkable
13 recollection.

14 THE WITNESS: [12:25:36] (Interpretation) Yes. The other, the other commander is
15 called Acellam Caesar. So those were the seven people.

16 PRESIDING JUDGE SCHMITT: [12:25:49] So 100 per cent of the names.
17 Please, Mr Obhof.

18 MR OBHOF: [12:25:57] Your Honour, if we can go into a quick private session,
19 please.

20 PRESIDING JUDGE SCHMITT: [12:26:00] I get the message that you want -- we go
21 shortly to private session.

22 MR OBHOF: [12:26:06] Thank you.

23 (Private session at 12.26 p.m.)

24 THE COURT OFFICER: [12:26:17] We are in private session, Mr President.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 12.27 p.m.)

4 THE COURT OFFICER: [12:27:59] We are back in open session, Mr President.

5 PRESIDING JUDGE SCHMITT: [12:28:08] We are now back in open session and we
6 announce now that we have our lunch break until 2.30.

7 THE COURT USHER: [12:28:17] All rise.

8 (Recess taken at 12.28 p.m.)

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

10 THE COURT USHER: [14:30:19] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [14:30:35] Mr Obhof, you still have the floor.

13 MR OBHOF: [14:30:43] Thank you very much, your Honour.

14 And for our housekeeping today, we have two new people in the court.

15 PRESIDING JUDGE SCHMITT: [14:30:50] I already recognise it, but perhaps you
16 can help us for the record.

17 MR OBHOF: [14:30:54] We have our consultant, Eniko Sandor and one of our
18 interns, Hagop Mouradian.

19 Q. [14:31:16] Good afternoon, Mr Witness. I hope you had a good lunch.

20 A. [14:31:25] Thank you.

21 Q. [14:31:29] Now, Mr Witness, earlier today you mentioned about the militias that
22 the seven people went up and talked to in Sudan. Could you tell the Court why
23 Joseph Kony would have chose to side with the government of Sudan and not one of
24 the four militias?

25 A. [14:32:06] The militia that I referred to were part of the SPLA, part of

1 John Garang's group. They had now become part of the government of Khartoum's
2 group as well. The government of the Khartoum was using them as their
3 representatives, so in order for somebody to have access to the Khartoum government,
4 you have to go through them because they are the ones who are within, within the
5 areas. They themselves were receiving help from the Khartoum government. And
6 that's why Kony decided that it would be better to go through them so that he could
7 have access to the Khartoum government and this would have made it easier for him.

8 Q. [14:33:21] Now, the government of Sudan, which branch or which organisation
9 or which group withinside of the government of Sudan supplied, or helped you and
10 supplied you with the weapons?

11 A. [14:33:46] The person who was in charge or the overall commander of the militia
12 was Riek Machar and it is Riek Machar and his commanders who facilitated the
13 access between LRA and the government of Khartoum. And that is why Omar
14 Bashir's government started giving assistance directly to the LRA.

15 Q. [14:34:26] To sum up, so SPAF gave you assistance directly instead of using
16 intermediaries?

17 A. [14:34:52] He was -- eventually he was dealing with the LRA directly and he
18 was not going through any intermediaries, he was now using -- coming through the
19 LRA directly.

20 Q. [14:35:09] For how long did the government of Sudan support the LRA?

21 A. [14:35:26] The Khartoum government started assisting the LRA from around
22 1994 to 2000 and that was approximately six years, and they were providing them
23 with guns, with weapons, ammunitions, food as well as medication. They were
24 supporting the LRA by providing them with these provisions.

25 Q. [14:36:14] While you were in Sudan, which groups did the LRA fight with?

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1 A. [14:36:35] The LRA fought against the Ugandan government as well as
2 John Garang's rebel group, known as the SPLA, because these groups would fight
3 against the LRA. If the LRA is going to go to Uganda, the LRA have to go through
4 the SPLA areas. And the SPLA were getting assistance from the Ugandan
5 government and they would fight against the LRA. So there was war between the
6 LRA and the SPLA as well.

7 Q. [14:37:23] Did the government of Sudan, did their military fight alongside with
8 the LRA?

9 A. [14:37:41] The Sudanese government, Al Bashir's soldiers, whenever there was a
10 war against the LRA or against the Bashir government, they would come together
11 with the LRA and fight together with the LRA.

12 Q. [14:38:10] And just so we can be clear, did the SPLA fight alongside with any
13 other governments?

14 A. [14:38:36] The -- some of the SPLA operations or some of the battles that they
15 had between -- with the Ugandan government did exist and this existed for a long
16 time. The Ugandan government and the SPLA would come together and they
17 would fight against the Sudanese government and fight against the LRA soldiers as
18 well. This happened.

19 Q. [14:39:07] Now, ultimately do you know why the Sudanese government
20 stopped supporting the LRA?

21 A. [14:39:28] Based on our understanding, the government of Khartoum, there was
22 some debate in the parliament in Khartoum and there was a law that was passed.
23 The international community had actually asked the Khartoum government not to
24 assist the LRA any more. They were told that if they continued assisting the LRA,
25 then there would be repercussions against the Khartoum government and that is why

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1 Omar Bashir's government decided to withdraw its assistance to the LRA. It was
2 because of the pressure from the international community.

3 Q. [14:40:28] Now, was there ever a time after this in which the Khartoum
4 government began to resupply the LRA?

5 A. [14:40:45] Yes. This was between Operation Iron Fist and at the time they
6 agreed to start providing assistance to the LRA again. They called Joseph Kony and
7 some other people. They went and they actually located them a base. The base was
8 allocated to Kony and the soldiers, but he went with -- they converged in that area
9 and then later on the government of Uganda went and they attacked the place and
10 they fought against the LRA. Most of the fighting this time was used -- they used
11 helicopters, they used gunships and Kony left this place and moved back to Uganda.

12 PRESIDING JUDGE SCHMITT: [14:41:53] May I shortly.

13 Mr Witness, was it ever the other way around that the LRA at some point in time
14 perhaps fought against the government of Sudan?

15 THE WITNESS: [14:42:11] (Interpretation) Yes, that did happen.

16 PRESIDING JUDGE SCHMITT: [14:42:14] Could you perhaps elaborate a little bit
17 on that?

18 THE WITNESS: [14:42:20] (Interpretation) During the time when Ugandan soldiers
19 started going for the operations to fight against the LRA in Sudan, Kony sent his
20 officers, high-ranking officers and lower-ranking officers, and told them that the
21 Sudanese government has come together with the Ugandan government with an
22 intention to attack the LRA, with the intention of scattering and ending the LRA.
23 So Kony said the Holy Spirit told him that they need to organise a battle and fight
24 against the Khartoum government in three places, three different places. The three
25 different places, he said in these three places, we would find Ugandan government

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1 soldiers who have been sent to develop relations with the Khartoum government.

2 The Ugandan soldiers are in these three places. He said he was going to show the

3 places where these government, Ugandan government soldiers were and these were

4 the places to be attacked. And that was the first occasion when the LRA fought

5 against the Khartoum government.

6 PRESIDING JUDGE SCHMITT: [14:44:03] For the benefit of the parties and

7 participants, I was referring to paragraph 33 of the witness summary, so there are

8 mentioned some of the places.

9 And this was on Sudanese soil, so to speak. Have I understood this correctly,

10 Mr Witness?

11 THE WITNESS: [14:44:24] (Interpretation) Yes, that's correct.

12 PRESIDING JUDGE SCHMITT: [14:44:26] Thank you.

13 Mr Obhof.

14 MR OBHOF: [14:44:30]

15 Q. [14:44:30] This battle that Joseph waged against Sudan, could you give us a time

16 frame of when this happened?

17 A. [14:44:52] Yes, I can. This was in 2002, in March of 2002.

18 Q. [14:45:14] And you stated earlier that the Khartoum government gave Joseph a

19 base, and you said it was between Operation Iron Fist. Do you remember the name

20 of this base which the Khartoum government gave to Joseph?

21 A. [14:45:48] Yes, I do recall the name of the place. The place that the Khartoum

22 government gave to Joseph Kony is known as Bilingyang. This is close to Nsitu.

23 Q. [14:46:19] And the same question as before, do you have a time frame in which

24 the Sudanese government gave Joseph this base?

25 A. [14:46:42] This was around the time of Operation Iron Fist in October 2003.

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1 Q. [14:47:05] I'm going to try to move ahead just here after Operation Iron Fist,
2 after it started.

3 During that time how did, how did the LRA receive its ammunition for its guns?
4 Was it solely from Khartoum or was there other areas?

5 A. [14:47:35] For a long period of time the LRA was receiving support from the
6 Sudanese government. And during this time that they were receiving this support
7 they buried these things, and it is these things that they had buried in different places
8 that they unearthed and were using. They would unearth them and use them.
9 They were not getting any other assistance from anywhere else.

10 Q. [14:48:19] Where did the LRA get its uniforms after Operation Iron Fist?

11 A. [14:48:30] The uniforms were got, for example, if they fought against the
12 Ugandan government, defeated them, then they would take those clothes, they would
13 take the uniform, and these are the uniforms that the LRA would now use.

14 Q. [14:49:02] Mr Witness, I'm going to move on to a similarly yet different area.
15 What type of ranks did the LRA use proximate to the time of your abduction?

16 A. [14:49:29] Ranks, the ranks that the LRA used, at the time of my abduction there
17 was an office that was in charge of the LRA and it was Kony who was in charge,
18 overall commander of the LRA, and his deputy. But there was another office in the
19 operation room and this was where the battle plans were made. It was known as
20 "operation room" and it was the operation room that was -- that would allocate
21 officers to different groups, to go and fight or to wage war in different places.
22 When the number of soldiers became more, then they started creating different
23 groups with different names. One of the first ones was Condum, Condum was the
24 first group that was installed. Later on Condum was changed to Sinia.
25 And then there was Stockree. The name of Stockree was not changed. It stayed

1 Stockree throughout the period.

2 Later on there was Gilva. They did not change the name of Gilva, it stayed as Gilva
3 throughout.

4 And then there was another group that was in charge of protecting the headquarters
5 and that was known as Prinini. The group became bigger, but they also kept on
6 changing the name of the group.

7 Q. [14:51:37] Just to help everybody out, that it's Prinini, P-R-I, so.

8 Now what about military ranks around that time?

9 A. [14:51:48] It was known as Prinini.

10 The ranks in the army did not exist at the time. They started giving out ranks after
11 the Khartoum government gave, gave them -- gave the LRA a place to settle and also
12 a place where they could train. There was a big training camp that was allocated to
13 the LRA, they were taught different types of military combat. And it was after this
14 that the Khartoum government came and advised the LRA to give people ranks. It
15 was the Khartoum government that actually advised the issue of ranks.

16 Q. [14:52:55] Do you know why the Khartoum government wanted the LRA to
17 have these, say, classical ranks like captain, major, lieutenant?

18 A. [14:53:30] The Khartoum government were also outsourcing the LRA to
19 different places. And the outsourcing of the LRA had to be done, for example, to the
20 countries that the LRA were being outsourced, it had to be shown that the LRA was a
21 professional unit with officers.

22 Q. [14:54:12] During your time in the LRA, how were orders received by people
23 from Joseph Kony?

24 A. [14:54:39] When I was in the LRA orders would be issued by Kony directly.

25 Once the orders have been issued by Kony, the orders would trickle down to his

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1 deputy, and then the deputy would then send the order to the operation room.
2 Once the order reached the operation room, the operation room would then pass
3 down the order to the other operation units that existed in the different units and
4 divisions in the LRA, for example, Stockree, Sinia, Gilva. And once the orders
5 reached these different units and different divisions, then these -- the commanders
6 would have already been given instructions by Kony's deputies to send down this
7 message to the different companies. Then they would tell them the number of
8 soldiers that were required to go and attack a particular place and then it was each
9 unit that would select the numbers that had -- they had been instructed to select and
10 send them to battle.

11 Q. [14:56:19] Now, the way you just explained, did it always happen that way or
12 were there other ways in which Kony sent orders?

13 A. [14:56:38] No. This was not the only way that it happened. There were some
14 times when Kony would actually refer to a particular commander and say "I want this
15 particular commander to select a certain number of soldiers from a particular group,
16 or each group to select a number of soldiers from this group and then give these
17 soldiers to a certain commander from another group so that they can be used in
18 battle." But when he does this, the orders would go directly to that particular
19 commander and it would not go through the commander's superior.

20 Q. [14:57:33] From what you witnessed, how often would Kony bypass the manner
21 in which you first explained and choose this second manner of direct contact?

22 A. [14:58:04] Well, he would frequently use the second method that I've just
23 referred to because he would say that when he uses the second method, then it would
24 have been the Holy Spirit that has instructed him to do it that way. And once he
25 says that, none of his top-ranking commanders would argue against that because

1 that's what he would have told them.

2 Q. [14:58:34] The commanders of these persons, these persons that Joseph Kony
3 spoke to directly, how would their commanders find out about these directions, these
4 orders given directly by Joseph?

5 A. [14:59:14] Once he's issued an order to a particular commander of his choice,
6 then he would inform that commander's superior and tell the superior that the Holy
7 Spirit has instructed me to ask this particular commander to perform a certain task.
8 So the superior is informed after the fact.

9 Q. [14:59:44] Owing to your time in the bush, can you tell the Court when the LRA
10 attempted to march into Kampala and overrun the government of Uganda?

11 A. [15:00:25] There was no such an attempt.

12 Q. [15:00:40] Did the LRA ever attempt to overthrow the local government of
13 Gulu?

14 A. [15:00:59] Yes, they tried.

15 Q. [15:01:08] Did they succeed?

16 A. [15:01:17] They did not succeed. But they fought because they came in several
17 groups. One group went direct to the headquarter and then another group went to
18 the prisons. The people who went to the prisons went and released all the prisoners
19 who were at that time in the prison. They also looted several items belonging to the
20 prison's officers. These items included their clothes and other personal items.

21 Q. [15:02:21] And again to help Court, around when did this happen?

22 A. [15:02:34] This happened in 1998.

23 Q. [15:02:51] Mr Witness, you mentioned earlier that the LRA would pray. What
24 type of religion were the prayers modelled after?

25 A. [15:03:28] Mostly the prayers followed the Christian, the Catholic religion.

1 Q. [15:03:52] Did the LRA have gospels or prayer books when you were abducted?

2 A. [15:04:09] There was a prayer book, there was one particular prayer book that
3 was used and this was the one that was used by the Catholic which was referred to as
4 the Catholic book. But there are some prayers that were directed by the spirits. It is
5 the spirit that would tell people to pray for certain things that need to be done. So
6 usually people would not make reference to this bible, they would instead pray for
7 what Joseph Kony has asked people to pray for.

8 Q. [15:05:05] Now, this prayer book, what is the name in Acholi?

9 If the interpreters don't mind.

10 A. [15:05:21] The name in Acholi is called *buk pa lukristo*". This is usually used by
11 Catholics. It is both a hymn book and also it has several prayers in it.

12 Q. [15:05:55] Mr Witness, when you were physically with Joseph, when your group
13 was with his group or when you were within his group, where would the group pray
14 when Joseph prayed with the group?

15 A. [15:06:27] Most times the prayers, the prayers that do happen when Kony is
16 present, he is the one that usually lead such a prayer. So people would be gathered
17 and he would be the one to lead. But if he is not the one who leads the prayer, then
18 there will be someone who will read from -- who will read the verses and then he will
19 be the one to come and be like the guest speaker to talk about the scripture, the gospel
20 that was read at that time.

21 Q. [15:07:12] Now, would there be anything different about Joseph while he was
22 preaching?

23 A. [15:07:30] When Kony is preaching, there is no very significant thing that you
24 would see, something which is so different, you wouldn't see. But if it is a time
25 when that gathering is called by the spirit or was convened and that the spirits are the

1 one that wants to speak, that is the only time that you see some bit of change in him.

2 Q. [15:08:06] What type of changes would happen when the spirits called upon
3 Joseph Kony?

4 A. [15:08:25] If Kony is possessed by the spirits, then he would, he would first give
5 his message that tomorrow at such a time people should prepare, the spirits will come
6 to speak with the people. So people will come and gather at the Yard and once
7 people are gathered at the Yard, Kony will then come when he's dressed in a white
8 *kanzu* or the white robe, then water is brought and placed in front of him. The water
9 is put in a glass and put in front of him. Then he would put his small finger, little
10 finger in the water and then will make the sign of the cross and he will say, "Praise
11 God". And once he has said that, his forehead, his forehead will change
12 with -- appearing with muscles all over the face, the forehead, and then the eyes will
13 change red. You would physically see the veins on his forehead at that time.
14 While he's speaking, his secretary, the secretary of the spirits would be writing down
15 what Kony is talking about.

16 Once he has completed his speech, he would now go back to where he resides. Then
17 his secretary will read to him again what the spirits was speaking -- was talking about
18 through him and it is at this point that he will also begin to understand what exactly
19 he talked about.

20 MR OBHOF: [15:10:32] Your Honour, I would like to take a private session, but for
21 two questions, maybe three minutes.

22 PRESIDING JUDGE SCHMITT: [15:10:39] Private session.

23 (Private session at 3.10 p.m.)

24 THE COURT OFFICER: [15:10:52] We're in private session, Mr President.

25 (Redacted)

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25 (Open session at 3.13 p.m.)

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1 THE COURT OFFICER: [15:13:15] We're back in open session, Mr President.

2 MR OBHOF: [15:13:19]

3 Q. [15:13:23] Now, Mr Witness, could you explain the significance of Awere hill to
4 the LRA?

5 A. [15:13:46] From what I know, according to what Kony tells us and what the
6 people surrounding Kony's village would say, is that Awere hill is the place where
7 Kony's spirits came from. So at the time when the spirits possessed Kony, they took
8 him on top of the hill and they prayed, prayed there for a long time, and it is on this
9 hill that Kony received all his powers.

10 So that is the reason why on 7 April, most times when Kony is in Uganda, he would
11 sneak and go to Awere hill and pray there. Because this day, according to him, he
12 says he remembers this day very well because that is the time when the spirits
13 possessed him and the spirits began working with him on this hill.

14 Q. [15:15:19] Now, Mr Witness, with these spirits, we're not going to go into the
15 details of a lot of them. The Judge even remarked that he has heard a lot. But could
16 you name for the Court the spirits in which you can remember.

17 A. [15:15:38] The name of the spirits I can recall, the first one is Juma Oriska
18 Debohr, which is the chairman of all the spirits. Then there is Malia Silly Salindi in
19 charge of operations. And the second-in-command is called Insu. Then there is the
20 spirit in charge of information, which is called Jink Brickey, and it is nicknamed as
21 Who Are You. Then there is also Soli Yakobo. Soli Yakobo is in charge of finances.
22 There's another spirit called Dr Salan in charge of medicines. There's another spirit
23 called Bianca and another one is called Snaska.

24 These are some of the spirits that I can recall their name and their functions.

25 PRESIDING JUDGE SCHMITT: [15:17:05] That's okay, Mr Obhof. You can

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1 move on.

2 MR OBHOF: [15:17:08] I just want to ask one more if he remembers. I even have a
3 citation, if you would like it.

4 PRESIDING JUDGE SCHMITT: [15:17:16] Yes. Why do I -- why I am quite sure
5 what you are going to ask now, but please, surprise me, or not.

6 MR OBHOF: [15:17:22]

7 Q. [15:17:23] Do you remember the name of the spirit in charge of the stone bomb?
8 And which spirit was that, Mr Witness?

9 A. [15:17:41] That one is called King Bruce.

10 PRESIDING JUDGE SCHMITT: [15:17:46] And that was exactly the one.

11 MR OBHOF: [15:17:54]

12 Q. [15:17:57] Now, Mr Witness, apart from Joseph Kony, are you aware whether
13 other people also have travelled to Awere hill for spiritual endowment?

14 A. [15:18:24] Could you repeat your question because your voice had gone low. I
15 didn't understand it well.

16 MR OBHOF: [15:18:37] Somebody's voice went low up there.

17 PRESIDING JUDGE SCHMITT: [15:18:42] And I think, Mr Obhof, you have
18 assumed rightly that it was not yours.

19 MR OBHOF: [15:18:47]

20 Q. [15:18:48] Apart from Joseph Kony, are you aware whether other people also
21 have gone to Awere hill for spiritual endowment?

22 A. [15:19:12] No, there is no any other person apart from Joseph Kony that goes to
23 that place.

24 Q. [15:19:21] Mr Witness, the information that these spirits would pass on to Joseph
25 Kony, what would be the purpose of him receiving this information? What did he

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1 do with it?

2 A. [15:20:04] All this information Kony uses them for fighting only, because the
3 spirits say that those who came to fight, they came to fight and nothing else apart
4 from fighting. They came to fight and also to heal people of the various sicknesses
5 that they have. So these are mostly the information that the spirits would bring to
6 Kony.

7 PRESIDING JUDGE SCHMITT: [15:20:45] Mr Witness, did Joseph Kony ever go
8 himself to battle?

9 THE WITNESS: [15:20:57] (Interpretation) Kony does not go to battle himself and he
10 also does not hold any gun.

11 PRESIDING JUDGE SCHMITT: [15:21:04] Mr Obhof.

12 MR OBHOF: [15:21:07]

13 Q. [15:21:12] Mr Witness, you stated that Kony would heal the sick from these,
14 from the information, that he would have battle plans from the information. Is there
15 anything else, any other type of information that Joseph Kony would receive from
16 these spirits?

17 A. [15:21:49] Then also there are issues to do with the security at a certain point in
18 time. He would say, he would tell people that at this time, at this period of time you
19 should be careful, you should not be wandering about. Or sometimes he would say
20 at this point in time or in a certain period people should be praying only. So this is
21 the kind of information that he would receive.

22 Q. [15:22:23] You said he would tell you how to -- give you instructions on how to
23 fight, so I'm assuming military instructions. Now, could you give an example to the
24 Court to where he had done this for you, where he had given you very specific
25 instructions and that you were able to hide or go somewhere else or thwart an enemy

1 because of it?

2 A. [15:22:58] If I can go back a little bit.

3 When we had just completed our military training, he gave information that a group
4 of fighters should be selected to go for an operation and that this group should be
5 trained. And that this group, wherever they were going to the place was not
6 mentioned to them, but he said very clearly that the spirit had said that when you go
7 there, whatever you are going for it will be successful, what you will get there you
8 will get. And he would also say there would be specific number of guns, like 24
9 guns and several rounds of ammunition, and that there would also be medicines that
10 they would find in that place. That medicine was sent to the government soldiers.
11 So when this group goes to that location they would find this medicine there which is
12 just delivered, and that they would also find money that was brought for paying the
13 government soldiers' salaries. So indeed when people prepared and he mentioned
14 the name of the place, this group went, and just like he had mentioned, all these items
15 were got and they received them and picked those items and came back with them as
16 Joseph Kony had explained.

17 So that this is one example of evidence that I saw.

18 Another evidence of fighting that I can say following that, there was a time that he
19 instructed people to go for an operation, but he said that in that location the
20 government soldiers are very many, but there is a witch doctor amongst them and
21 that that witch doctor is also working and using water and sprinkling water just like
22 Joseph Kony does. So in order for that witch doctor to be defeated, the group should
23 go and get water from Amoro hot spring, which is that water is warm water, so it is
24 that water which should be used to be sprinkled.

25 So when the group, the fighters went, he described the location where that witch

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1 doctor was, that that witch doctor is in a house which is painted in colours, and he
2 instructed his fighters that that fighting is not going to be easy. So when the fighting
3 becomes tough he instructed fighters, his team to use that water and sprinkle it
4 towards the direction of the witch doctor's heart and that witch doctor will be
5 defeated. Indeed the instructions were followed, and when the fighters went they
6 reached this location. The fighting was very intense until when people remembered
7 to use that water which Kony had instructed that they should use. So when they
8 sprinkled this water towards where the witch doctor was, indeed the witch doctor's
9 power was neutralised and he was shot and killed.

10 And that is another example of evidence that I can give.

11 So indeed all these things come according to Kony, because every war in the LRA was
12 planned according to what particular charm or what particular instruction needs to be
13 followed as deliberated by the spirits.

14 PRESIDING JUDGE SCHMITT: [15:27:22] Mr Obhof, I think on such events this
15 should be enough.

16 MR OBHOF: [15:27:26] Yes. I was just going to have him clarify the location.

17 PRESIDING JUDGE SCHMITT: [15:27:30] Yes, since this is the same event, I would
18 agree. But I think we don't have to entertain other.

19 MR OBHOF: [15:27:36] Yes, I'm not going to --

20 PRESIDING JUDGE SCHMITT: [15:27:39] Okay. Thank you.

21 MR OBHOF: [15:27:41]

22 Q. [15:27:42] Mr Witness, can you please tell me, the events you have just talked
23 about with the *ajwaka*, where did that battle take place? And what was the name of
24 the *ajwaka*, if you can remember?

25 A. [15:27:59] This battle happened at a place called Paraa and that witch doctor was

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1 called Ali.

2 Q. [15:28:14] Now, Mr Witness, what was the LRA's position on *ajwaka*? How did
3 the LRA feel about *ajwaka*?

4 A. [15:28:35] The LRA did not welcome *ajwaka* or witch doctors for that matter,
5 because they say the spirits which they are using is God's spirits, so -- and God does
6 not want the witch doctors, because they are using the evil spirits. So that is what
7 Kony's spirits would tell them.

8 So for you as a witch doctor, if you are to survive, then you should follow instructions
9 that Kony would issue. If you refuse, then you would be killed.

10 Q. [15:29:35] Mr Witness, how did the LRA communicate to each other over long
11 distances?

12 A. [15:29:44] The LRA had radio calls, they communicated via radio call and they
13 would send their messages through the radio calls.

14 Q. [15:30:01] How do the persons who have a radio call, how do they know when
15 it's time to communicate?

16 A. [15:30:18] There were scheduled times and they knew that at this particular time
17 people had to set up their radio calls and wait for communication. On one day they
18 would communicate three times: At 9, at 1 and in the evening at 6.

19 Q. [15:30:42] What language did the LRA use when it spoke over the radio call?

20 A. [15:30:57] The LRA used Acholi and on occasion they would also use English,
21 but the English that they used was coded and this was coded in order to enable them
22 to communicate via the radio call. Most times they would use coded language and
23 they would also use Acholi.

24 An example is if you are talking to your friends, you would introduce yourself, your
25 radio call name and then you would, you would tell them what your radio call name

1 is, for example, Charlie Queen, and that would be your introduction. And that is the
2 coded signaller language that they would use, mixed up with Acholi.

3 Q. [15:32:05] Mr Witness, why would the LRA use coded language to speak over
4 the radio call?

5 A. [15:32:24] It was important for them to use coded language so that other people
6 would not intercept their messages, especially the Ugandan government's soldiers, so
7 that the messages would not be intercepted. They were constantly being watched
8 and the Ugandan government always wanted to find out what the LRA was saying.
9 So the LRA would use this coded language so that it would be difficult for the
10 Ugandan government to intercept their messages.

11 Q. [15:33:04] Now, how did say a person in Nsitu know what the person maybe in
12 Palabek was saying if they were in coded language? How did they know what the
13 code was?

14 A. [15:33:31] The important thing within the LRA was a particular book, they had a
15 notebook that had all this information and in this note -- the notebook contained
16 everything and was given to everyone. So you would tell your -- the person that
17 you're communicating to, is that, "Open this particular place or this particular page",
18 and you would say, for example, "Go to Okot's house. Once you get to Okot's house,
19 go into -- enter the house and go into the second room." And when they're talking
20 about the second room, the second room is reference to a particular place. So this
21 person that is being sent the message would know that the second room is such and
22 such a message.

23 Sometimes they would also send messages asking the person to come and they would
24 tell the person, "Go to a particular place, enter into this place and take everything."
25 So that person would know that this is a message asking them to go to a particular

1 place or a particular location. And they would just go to that place.

2 Q. [15:35:11] Now, for how long did the LRA use a code book?

3 A. [15:35:29] They started using this code book a long time ago and they used it for
4 a very long time. They would not change the book. The only thing that sometimes
5 they would change is the information within the book. They would, on occasion,
6 bring a new book and add in some other codes so that if there is somebody who knew
7 the codes in the old book, then that person would know what -- would not know
8 what is in the new book.

9 Q. [15:36:03] How did the LRA, how did these signallers select words for codes?
10 Was there a rhyme or reason I guess you could say?

11 A. [15:36:42] This is -- these are the responsibilities of the overall commander of the
12 signallers. If you are in charge of communication, you have to be clever enough to
13 be able to come up with codes and to be able to show your capabilities.

14 Q. [15:37:20] Similarly when the LRA spoke, when you were using the radio call,
15 how many frequencies were used?

16 A. [15:37:49] There were several frequencies that were used. For example, if one
17 frequency is unclear, then they would move it to another frequency. Or sometimes if
18 Kony, he himself, wants to communicate with Otti or with another commander, then
19 he would tell that commander to move to a particular house and tell everybody, and
20 tell everybody to remain where they are. And then he and the commander he wants
21 to communicate with move to that particular frequency and they leave everybody else
22 in the other frequency. So there were several frequencies that were used.

23 Q. [15:38:42] Would other people do the same thing as Kony? You say Kony
24 might call somebody and say go to a different house. Could say Lakati call and talk
25 to Odhiambo and they move to a different house while Kony is still talking to

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1 everyone else?

2 A. [15:39:19] No. This would not happen. If Kony is also part of the
3 communication, because Kony always had his radio on at all times, so this would not
4 happen. Unless you have actually informed him that, "I want to communicate to this
5 person because we have to meet so that he can give me something or I can collect
6 something from him." And it's only in those circumstances that you would be
7 allowed to communicate in secret, the two of you, but that would have to -- you
8 would have to give Kony prior information and get his prior confirmation before you
9 do that.

10 Q. [15:40:09] And again, following on a similar line, when or if Kony would call
11 Otti, would they be using the same code books as say Ocan Bunia or Opio Makas?
12 Would they be using these same code books?

13 A. [15:40:37] Yes, it would be the same code books, yeah.

14 MR OBHOF: [15:41:05] Moving back, your Honour, to a previous question I asked
15 about the selection of codes.

16 Q. [15:41:11] Mr Witness, would the words they use, how would they -- not who,
17 but how would they select the specific words for the codes?

18 A. [15:41:26] As I explained earlier, it is the person in charge of communication, the
19 overall commander commanding officers of the signallers is in charge of this. He
20 has to come up with this. For example, if somebody dies, then this is how I should
21 explain it or this is how I should state it. If somebody or people are injured during
22 battle, this is how we should refer to it. Sometimes they would just come up with
23 letters, they would use random letters.

24 For example, they could use the word Gulu, Kitgum or Patongo and then if there is an
25 injury, you would go to these three different names, Gulu, Patongo and Kitgum, pick

1 out a particular letter from one of them. You are told to pick up a letter from this
2 word or from that word and then they would use that to form the letter. So then
3 once they have picked up all these, they would write the word "death" or they would
4 write the word "injury", and this is how they would communicate that someone has
5 been injured or someone has died.

6 Q. [15:43:08] Now, Mr Witness, did everyone in the LRA have a radio call?

7 A. [15:43:25] No, not everybody had a radio call. Only the bigger divisions or the
8 bigger groups that had radio calls. For example, Sinia, Gilva, Stockree, as well as
9 Control Altar. And there were also some individuals who would be given the radio
10 calls and they would be given these gadgets to communicate with. For example, if
11 somebody is sent out on operations, then they would be given radio calls for
12 communications. Also the sickbays where the sick and the injured are kept had
13 radio calls, some of them had radio calls, but not every single individual had a
14 radio call.

15 Q. [15:44:30] Mr Witness, you mention sickbay, would somebody -- or how would
16 a commander who was in sickbay, how would he command his troops from sickbay?

17 A. [15:44:50] Sickbay is a place where the injured and the sick are kept, so no
18 commander who is able-bodied or has not been injured is allowed to go and stay with
19 the sick in sickbay unless that commander is unwell, then the commander is allowed
20 to go to the sickbay. The commander would also be there as a patient. Or unless
21 the commander has been given the right to go and protect the sick and the injured,
22 and in these circumstances the commander would be somebody who has not
23 sustained injuries or who is not ill, but is healthy and he would be there to take care of
24 the sick because there are some patients who had to be carried, there are some
25 patients who needed more assistance, so it was important to ensure that there were

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1 able-bodied people as well to carry them and to take care of them. It was also
2 important to ensure that there were able-bodied people to go and look for food and to
3 take care of the people who are sick and those who have been injured.

4 Q. [15:46:14] But if a commander was a patient, if he had been injured in battle,
5 who would that person command?

6 A. [15:46:36] If there's a commander who is in injured or has sustained injuries and
7 the person is in sickbay, that commander does not have a right, a right of leadership
8 over anybody because that commander is also being taken care of. Once that
9 commander is healed, then that commander will regain their rights of leadership.

10 Q. [15:47:06] Mr Witness, on to a very general question. Could you tell Court
11 around what time period Charles Tabuley died?

12 A. [15:47:32] Charles, I'm not sure of the date and the year that Charles Tabuley
13 died, because I was also in the sickbay in Palabek. Charles Tabuley died while he
14 was in Soroti.

15 MR OBHOF: [15:48:02] Your Honour, I know we have about 12 minutes left, but
16 I can guarantee you I will be done on Thursday. So we have right now what it looks
17 like from paper about two, maybe two and a half sessions.

18 PRESIDING JUDGE SCHMITT: [15:48:15] So I think that's fine. So we can stop
19 here I understand?

20 MR OBHOF: [15:48:18] Yes.

21 PRESIDING JUDGE SCHMITT: [15:48:19] Okay. So this concludes the hearing
22 for today. I thank especially Mr Witness at the video location and also
23 Mr Gray Curlewis and we will see us again via video link on Thursday, 9.30.

24 THE COURT USHER: [15:48:36] All rise.

25 (The hearing ends in open session at 3.48 p.m.)