

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 Judge Raul Cano
6 Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 21 February 2019
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:11] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:30:29] Good morning everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:30:42] Good morning, Mr President, your Honours.
15 Situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we're in open session.
18 PRESIDING JUDGE SCHMITT: [9:30:56] I ask for the presence of the parties.
19 Please, Ms Gilg, for the Prosecution.
20 MS GILG: [9:31:02] Good morning, your Honours.
21 Colleen Gilg for the Prosecution, here today with Ben Gumpert, Shkelzen Zeneli,
22 Colin Black, Yulia Nuzban, Grace Goh, Jasmina Suljanovic, Laura de Leeuw and
23 Natasha Barigye.
24 PRESIDING JUDGE SCHMITT: [9:31:16] Thank you very much.
25 And for the Legal Representatives of the Victims, Mr Narantsetseg first.

1 MR NARANTSETSEG: [9:31:21] Good morning, Mr President, your Honours.

2 My name is Orchlon Narantsetseg. With me, Ms Caroline Walter. Thank you very
3 much.

4 PRESIDING JUDGE SCHMITT: [9:31:28] Thank you.

5 And Mr Manoba.

6 MR MANOBA: [9:31:30] Good morning, Mr President, your Honours. Joseph
7 Manoba, James Mawira and Anushka Sehmi.

8 PRESIDING JUDGE SCHMITT: [9:31:36] Thank you.

9 And for the Defence, I assume Mr Obhof will introduce his colleagues.

10 MR OBHOF: [9:31:42] Your assumptions are correct, your Honour. My name is
11 Thomas Obhof. With us today for the Defence is Mr Gordon Kifudde; our counsel
12 Krispus Ayena Odongo; co-counsel Beth Lyons; our case manager Roy Ayena;
13 co-counsel Chief Charles Achaleke Taku; and of course myself, Thomas Obhof.

14 PRESIDING JUDGE SCHMITT: [9:32:03] And your client.

15 MR OBHOF: [9:32:05] And Mr Ongwen, yes.

16 PRESIDING JUDGE SCHMITT: [9:32:08] Thank you very much.

17 And we also welcome at the video-link location Mr Gray Curlewis, who is still a little
18 bit alone there because, and this is because I think the Defence wanted to shortly
19 address the Chamber in the absence of the witness.

20 Is this correct, Mr Obhof? So please, you have the floor.

21 MR OBHOF: [9:32:26] Your Honour, most of what I will say will eventually be
22 redacted, but there will be one portion which needs to be said in private session. So
23 I ask we go into private session for maybe two or three minutes.

24 PRESIDING JUDGE SCHMITT: [9:32:40] Then we go to private session for this.

25 (Private session at 9.32 a.m.)

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(Private Session)

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1 THE COURT OFFICER: [9:32:45] We're in private session, Mr President.

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4 (Open session at 9.37 a.m.)

5 THE COURT OFFICER: [9:37:59] We're back in open session Mr President.

6 MR CURLEWIS: [9:38:04] (Via video link) Thank you, Mr President.

7 PRESIDING JUDGE SCHMITT: [9:38:06] Thank you.

8 Now the witness is at the video-link location, a short remark, we should, yes, exactly.

9 We should avoid exactly that at the video-link location, the shuffling of paper and
10 everything is transmitted much more louder than you would perceive it at the
11 video-link location here in the courtroom. So we should refrain from that, if possible,
12 so then --

13 MR CURLEWIS: [9:38:32] (Via video link) Thank you, Mr President, we will abide.

14 PRESIDING JUDGE SCHMITT: [9:38:35] Yes, okay, thank you very much.

15 And I have been informed by Mr Obhof, Defence counsel, that he wants to ask the
16 first set of questions in private session.

17 Mr Obhof, perhaps for the audience, for how long? Can we have an estimate?

18 MR OBHOF: [9:38:52] Less than -- maybe five minutes.

19 PRESIDING JUDGE SCHMITT: [9:38:53] Okay, five minutes so that audience knows
20 they don't have to run away.

21 Then we go to private session for around about five minutes.

22 (Private session at 9.39 a.m.)

23 THE COURT OFFICER: [9:39:08] We're in private session, Mr President.

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7 (Open session at 9.45 a.m.)

8 THE COURT OFFICER: [9:45:33] We're back in open session, Mr President.

9 MR OBHOF: [9:45:39]

10 Q. [9:45:42] Now, remember what we -- remembering what we talked about just a
11 few seconds ago, what was Joseph Kony's personality like?

12 A. [9:46:02] Joseph Kony had a personality that was a bit difficult to understand.
13 He would regularly change his mindset and thinking so much so that it's difficult for
14 anyone to be able to comprehend. He would say this and then he changes the next
15 minute, would issue orders and immediately afterwards he would change. Even if
16 he had an agreement together with his immediate followers, he would renege on his
17 agreements, so he was one person who would not have one mindset at any one
18 particular time.

19 Q. [9:47:07] Mr Witness, considering what we talked about on Tuesday about
20 people like Otti Lagony, Okello Can Odonga and Opoka James, how was Kony able
21 to control so many people and keep them in the LRA?

22 A. [9:47:33] Just like we talked about it previously, for instance, I was an abductee
23 at some point and it was a bit difficult for me to know Kony's powers. Because
24 when you are abducted they will take you and train you and also tell you what will
25 happen to you if you break any of the rules. You will be scared and fearful and you

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1 will not try to understand or question what powers Kony had to be able to bring
2 together this big number of people. In my stay in the bush I saw so many people,
3 some of them who had gone to school, others had degrees, others had diplomas, and
4 they were all in the LRA and many of them died in the LRA. So it was difficult for
5 me as a person who was just abducted to understand where Kony got his powers
6 from.

7 Q. [9:49:07] Now, Mr Witness, what would Kony say would happen to someone if
8 they were captured by the government of Uganda?

9 A. [9:49:24] He would say if the Uganda soldiers capture you, they will kill you,
10 they would not set you free.

11 Q. [9:49:38] During your time in the LRA, did you believe this?

12 A. [9:49:49] When I was in the bush I believed in that, because we couldn't get any
13 reports from the government or from the people who were back home, we could not
14 get any reports from such people. We were restricted to messages coming from one
15 side and only coming from Kony.

16 Q. [9:50:24] And similar to what I asked on Tuesday, did other people in the LRA,
17 did they tell you that they believed this as well?

18 A. [9:50:46] Most of the people who were in the LRA said that and also had a
19 strong belief in that.

20 Q. [9:51:02] Mr Witness, while you were in the bush did you ever hear of the radio
21 broadcast called Dwog Paco?

22 A. [9:51:21] We started listening to the Dwog Paco programme later on after the
23 Operation Iron Fist programme. That was the time when we started listening to
24 Dwog Paco radio programme on Mega FM and that was, that was the time that
25 people started listening to other side of the story.

1 In the LRA it was not allowed for anyone to openly listen to radio. You would have
2 to sneak away and then you would be able to listen to the radio. If you are found
3 listening to the radio, they would punish you - sometimes they could even kill you -
4 because they say if you are listening to the radio you possibly would want to escape.

5 Q. [9:52:21] Now, other than what you just said about possibly wanting to escape,
6 what would Joseph Kony say about Dwog Paco?

7 A. [9:52:42] He used to tell us that that was just a way the government was trying
8 to deceive us, to lure us back home so that they would be able to capture us. He
9 would tell us that that was a bait from the government to be able to capture our
10 people.

11 Q. [9:53:07] Did you ever recognise the voices or the names of the persons whom
12 you heard on Dwog Paco while you were in the LRA?

13 A. [9:53:24] Yes, I heard of their voices, I heard of their names, and I was able to
14 recognise them.

15 Q. [9:53:40] What did you think happened to these people?

16 A. [9:53:55] Well, I didn't think anything happened to them. That was actually the
17 time that I got the courage and then started believing that what the people were
18 talking about on the radio programme was the truth. I was able to listen to some
19 voices, some of the voices were of officers with whom we were staying together.
20 When I heard their voices I became a bit more confident. I knew that if I defected
21 I would still be safe.

22 Q. [9:54:43] Mr Witness, not the radio call, but the regular AM/FM radio, this is the
23 radio I'm speaking of now, did a lot of people have access to that in the LRA after
24 Operation Iron Fist?

25 A. [9:55:10] Just like I mentioned earlier, people were not allowed to listen to radio.

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1 Nobody was allowed to own or even listen to the radio. If you were found doing so
2 it would be dangerous.

3 Q. [9:55:43] Now I'm going to start a new section, Mr Witness.

4 And to the Chamber and everyone in Court I do apologise, a few questions will
5 overlap from Tuesday, but it will quickly lead into a new line of questioning.

6 Now, Mr Witness, what happened to a man if he had sexual intercourse with a
7 woman who was not his wife and who was not married?

8 A. [9:56:25] If they got you, or if they found out that you had sexual intercourse
9 with a woman who was not your wife, they would get you and then ask you to find
10 out what the problem was. If the woman was married, they would first ask the
11 woman to find out what problem was there. If they found out that the husband of
12 that woman was infertile, they would forgive the person who slept with her because
13 they would reason that it was sexual desire that made you -- people commit that.
14 But if they established that the husband of the woman is healthy, but you went and
15 lured her into having sexual intercourse with her, they would kill you.
16 On top of that, if you went and harassed freshly abducted girls or had sexual
17 intercourse with such girls, they would kill you.

18 Q. [9:57:49] I have one clarifying question of a word. Mr Witness, you said the
19 word "infertile". Could you explain to the Court what you mean by --

20 PRESIDING JUDGE SCHMITT: [9:58:00] I think we understood it. Please proceed.

21 MR OBHOF: [9:58:05] Because there's a difference between infertile and impotent,
22 so.

23 PRESIDING JUDGE SCHMITT: [9:58:11] Okay. If you want to go in so much detail,
24 why not? But I think we have understood. Also "healthy" and everything I think
25 we --

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1 MR OBHOF: [9:58:21] Okay. I'll move on.

2 PRESIDING JUDGE SCHMITT: [9:58:24] Yes. Yes, I think you can move on.

3 MR OBHOF: [9:58:24]

4 Q. [9:58:25] And, Mr Witness, on Tuesday you also stated that the punishment for
5 rape was death. Now, these policies and punishments, who instituted these policies
6 and punishments?

7 A. [9:58:51] In the LRA there is no one else other than Joseph Kony who would
8 issue out orders. All the orders for the killings came from Kony.

9 Q. [9:59:08] You talked about the marriages, about wives and husbands. Who
10 sanctioned marriages in the LRA?

11 A. [9:59:25] That was Kony himself. If you are allowed to go through courtship he
12 will have given an instruction that these people are free to court themselves. For
13 instance, if I went and then courted a lady, then I would go and inform my immediate
14 commander and my commander would then go and report to Kony and if Kony
15 accepted that the girl I have courted, I'm allowed to stay with her, then we can begin
16 living as husband and wife. But if he objected to that then we will not have to
17 continue. If I defied that, both of us would be punished.

18 Q. [10:00:21] And what would that punishment be or what were the possible
19 punishments for that?

20 A. [10:00:36] For such a crime they would not kill you, but you would be whipped
21 several canes of the stroke and you would be separated.

22 PRESIDING JUDGE SCHMITT: [10:00:51] May I shortly, Mr Obhof.

23 Mr Witness, we have heard quite a lot of witnesses until now and there often was an
24 expression like distribution of women and female abductees. Do you have any idea
25 what this could mean?

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1 THE WITNESS: [10:01:25] (Interpretation) Yes, I have an idea.

2 PRESIDING JUDGE SCHMITT: [10:01:27] Could you please explain your
3 understanding of this expression.

4 THE WITNESS: [10:01:45] (Interpretation) When women or girls are freshly
5 abducted, they would stay for about three months and then they are initiated.
6 After the three months men would be permitted to select the women, even the
7 women would be given permission to court the man that she wants.
8 When a courtship takes place between a man and a woman and when there is
9 agreement between the two, a message is sent to Kony himself and Kony would give
10 a go-ahead for so and so to go to this and that man. There was no forceful
11 distribution of women. The people who were forcefully distributed are young girls
12 who are not yet mature enough to live with a man as a husband. Such girls are
13 given in the homes of senior commanders to keep until they come of age. If by any
14 chance a soldier or the commander who has been given such a girl is found to have
15 committed sexual offence with such a girl you would be punished, and sometimes it
16 leads to death.

17 PRESIDING JUDGE SCHMITT: [10:03:21] Please continue, Mr Obhof.

18 MR OBHOF: [10:03:23]

19 Q. [10:03:27] Now, Mr Witness, I'm sorry, this is a follow-up from the past four
20 sessions.

21 You've always talked about orders or rules. Now, what would happen to someone
22 who failed or refused to implement an order from Joseph Kony?

23 A. [10:04:00] Any person who does not execute Kony's orders would be killed.

24 They would -- Kony would say that you are competing with him or disobeying his
25 orders and you would be killed.

1 Q. [10:04:20] Just a minute or so ago, in response to the Judge's question, you
2 mentioned a three-month period for females after they were abducted. What was
3 the reasoning for this three-month period?

4 A. [10:04:44] First of all, the women have to get used to the environment, to get
5 used to life in the LRA and to also get used to the rest of the women who are there.
6 Secondly, it is meant to observe the health status of the women who have been freshly
7 abducted. Some of them could probably be pregnant when they were abducted, so
8 such a woman who is found pregnant will have shown so that the person can be
9 released. If the person or the woman who is abducted has any infection, it can show
10 in the three months so that she can be helped.

11 Q. [10:05:45] Now, you just mentioned about a woman who was pregnant being
12 released. What would happen if a woman or a female was abducted who already
13 had a child?

14 A. [10:06:03] Women who have children -- or, rather, people who were carrying
15 children or breastfeeding children would not be abducted by the LRA?

16 Q. [10:06:30] Now, Mr Witness, could you explain what might happen to a female
17 whose husband died in battle? What would happen to her?

18 A. [10:06:46] In the unfortunate event that someone's husband dies in battle, that
19 woman is given six months to mourn her husband and in that period she cannot court
20 anyone in the LRA. After the six months she would be cleansed, and the cleansing is
21 different from the first initiation. After the cleansing she would be given a time to
22 court any man within the LRA she would -- she likes so that they can become
23 husband and wife again.

24 PRESIDING JUDGE SCHMITT: [10:07:34] Mr Obhof, shortly.

25 Mr Witness, why would young women or girls be abducted at all?

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1 THE WITNESS: [10:07:45] (Interpretation) The reason why girls are abducted, I'm
2 not really certain, but I think it is the same reason why young boys are abducted and
3 they grow in the bush. I do not know the idea behind abduction of young girls.

4 PRESIDING JUDGE SCHMITT: [10:08:16] But you indicate you understand, or you
5 understood, or you have at least an idea why young boys were abducted. Perhaps
6 you can tell us this, and from that you can draw further conclusions.

7 THE WITNESS: [10:08:34] (Interpretation) According to what Kony said, the
8 children who are abducted -- first of all, it is the spirits that tell him to abduct the
9 children. And the children do not care so much about what has remained at home
10 because they do not have much attachment at home since they don't have children,
11 they don't have wives.
12 Secondly, it is easy to train and indoctrinate them. They easily forget what has
13 remained at home. For that matter, most of the times those who were abducted are
14 younger children. That is what Kony said clearly. And he also said that when
15 these children grow into the ranks of the LRA, they grow into brave people who were
16 able to work and walk for long distances. But the older people are not able to move
17 fast and they get tired easily. That is what Kony said.

18 PRESIDING JUDGE SCHMITT: [10:10:22] Mr Obhof.

19 MR OBHOF: [10:10:23]

20 Q. [10:10:26] Mr Witness, without saying any names, when you were in the bush
21 did you have a wife or wives?

22 A. [10:10:57] I had a wife.

23 Q. [10:11:01] Could you explain the process of how she became your wife.

24 A. [10:11:11] The woman who became my wife, when they were freshly abducted
25 they were taken for -- and they stayed for three months. After three months they

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1 were taken to help and work in the sickbay. At that time I was also at the sickbay.

2 When they arrived at the sickbay, I started courting her and she accepted to be my

3 wife. Because we were all at the sickbay, we agreed and we started living together.

4 That was the first time for me to have a wife in the bush.

5 The second woman that became my wife lost her husband during a battle, but the

6 man at the time of his death had left the woman pregnant. I later on took over the

7 woman and she stayed in my house, because the husband who died was from the

8 same village where I come from. When I asked my commander, I told him that this

9 woman is my brother's wife. Since my brother is no more, and since she's pregnant,

10 I request that I look after her. I cannot just let her be without someone in her life.

11 My commander accepted and she became my wife.

12 PRESIDING JUDGE SCHMITT: [10:13:46] Do you know roughly how many wives

13 Joseph Kony had?

14 THE WITNESS: [10:14:03] (Interpretation) It is not easy for me to know the exact

15 number of Kony's wives. They were many.

16 PRESIDING JUDGE SCHMITT: [10:14:12] Because of that my wording was

17 "roughly". Do you have an estimate, so to speak?

18 THE WITNESS: [10:14:22] (Interpretation) In my estimation, at the time that I was

19 living in the bush, Kony had about 30 wives.

20 PRESIDING JUDGE SCHMITT: [10:14:41] Mr Obhof.

21 MR OBHOF: [10:14:43]

22 Q. [10:14:46] Now on to something new, Mr Witness. Mr Witness, did you attend

23 or were you present at the RV for the Pajule attack in October of 2003?

24 A. [10:15:15] No, I was not there.

25 MR OBHOF: [10:15:21] And, your Honours, I will have to ask one question in

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1 private session, please.

2 PRESIDING JUDGE SCHMITT: [10:15:26] Then we go very shortly into private
3 session.

4 (Private session at 10.15 a.m.)

5 THE COURT OFFICER: [10:15:38] We're in private session, Mr President.

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9 (Open session at 10.21 a.m.)

10 THE COURT OFFICER: [10:21:24] We are back in open session, Mr President.

11 PRESIDING JUDGE SCHMITT: [10:21:26] And I think we should come back to that,
12 what we discussed, and what, Mr Witness, when I interrupted you, perhaps you can
13 tell us again and start what you heard Vincent Otti say on the radio.

14 MR OBHOF: [10:21:41] Without mentioning the person's name with whom he was
15 with.

16 PRESIDING JUDGE SCHMITT: [10:21:46] Without mentioning the name of the
17 person with whom you were at the time, simply what you heard at the time, saying
18 Vincent Otti.

19 THE WITNESS: [10:21:58] (Interpretation) That is okay.

20 Like I was saying, around the 7th Vincent Otti gave orders to other people to go and
21 join him in a place known as Wangduku.

22 When these people went to meet him on the 9th, we heard bombs. When we heard
23 bombs, the next day we could hear Otti speaking with Kony, explaining to Kony how
24 he attacked Pajule. When he explained, they actually had lots to talk about because
25 Kony was asking him about the people he summoned, asking whether all the people

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1 he had summoned had reached him. And Otti answered that, "The people whom I
2 summoned, most of them had come. Most of them were already with me." That is
3 what Otti told Kony.

4 PRESIDING JUDGE SCHMITT: [10:23:38] Do you recall the names of the people
5 who were summoned, or at least some of them?

6 THE WITNESS: [10:23:54] (Interpretation) The people who were summoned, yes, I
7 do recall those who were far away and were summoned.

8 PRESIDING JUDGE SCHMITT: [10:24:08] Then please tell us.

9 THE WITNESS: [10:24:16] (Interpretation) Can I mention their names?

10 PRESIDING JUDGE SCHMITT: [10:24:20] Yes, you can mention their names.

11 These are the names that you heard of speaking on the radio, as I have understood it,
12 so you can simply mention them. Only don't mention the name of the people you
13 were with, you personally were with when you heard that, but that's not very
14 important. More important is what you heard about the people who were supposed
15 to participate.

16 THE WITNESS: [10:24:47] (Interpretation) Those who were summoned to go and
17 meet him included Raska Lukwiya, Charles Tabuley, Tolbert Nyeko Yadin and Opiro
18 Livingstone, who was together with Opiro Anaka. Those are the people who were
19 being summoned. Other commanders like Opio Makas were also summoned.

20 PRESIDING JUDGE SCHMITT: [10:25:42] Was the name of Mr Ongwen ever
21 mentioned in that regard?

22 THE WITNESS: [10:25:49] (Interpretation) Later on when Otti Vincent was
23 mentioning the names, Kony asked, "Are those the only termites?" Termites in the
24 LRA means the commanders. "Are those the only termites who are with you?
25 What about my in-law?" Because he used to call Ongwen "*muko*" meaning in-law

1 because Ongwen was nicknamed Wanyama. And Otti Vincent answered that,
2 "Wanyama has also joined me. He is also with me." That is the response that Otti
3 gave Kony when Kony asked Otti.

4 PRESIDING JUDGE SCHMITT: [10:26:46] Mr Obhof, please proceed.

5 MR OBHOF: [10:26:48]

6 Q. [10:26:50] Now, Mr Witness, when the man, the person whom we talked about
7 in private session, when the man discussed with you about Pajule, did he discuss
8 Dominic's role, if any, in the planning of the attack?

9 A. [10:27:39] Those people, the two people I was with, the person who explained
10 deeply was the other one. The female person was the one who explained deeply
11 because she was there physically. We also shared a lot with her and I asked her how
12 they moved, who was commanding the soldiers who went there and she was
13 explaining to me, as is in the military always, you always ask what was recovered
14 during the attack and what are the bad things that happened, what are the losses that
15 we, the LRA incurred. And then she explained to me everything. That is what I
16 understood.

17 Q. [10:28:58] Do you remember the names of the senior officers which
18 physically -- which she told you physically went into the attack?

19 A. [10:29:13] Yes, I do remember.

20 Q. [10:29:31] Could you please tell the Court which names you heard?

21 A. [10:29:42] The names I heard, she said that the person who led them up to the
22 battle who had radio call at the time was Yadin Nyeko and Yadin at the time was
23 coordinating and communicating with Otti. The other commanders who were there
24 included Onen, who was nicknamed Onen Unitu but was called Onen Acirokop, was
25 also among those who went to attack. Another commander who was there, the

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1 most -- the junior commanders who supported them in the attack included the
2 commander who supported Yadin, who also went close to Pajule was Lukwiya Raska.
3 All those people, that is, Yadin and Lukwiya, were those who went there. For them,
4 they remained behind. They again met after the attack.

5 Q. [10:31:31] When Vincent Otti talked to Joseph Kony after the attack, do you
6 remember if he mentioned if Mr Ongwen fought in the attack?

7 A. [10:31:57] Well, I do not recall that and also I did not hear him mention that
8 Ongwen was there in the attack. He mentioned his name, he mentioned Ongwen's
9 name when he was referring to the commanders who had joined him.

10 Q. [10:32:19] Thank you, Mr Witness. Now I'm going to move forward.
11 Now, Mr Witness, were you physically present for the Odek attack in 2004?

12 A. [10:32:53] In the year 2004 I was not there. I was in Palabek.

13 Q. [10:33:09] Who was given the order to work at Odek?

14 A. [10:33:27] The person who was given the order to go and work in Odek, well, I
15 didn't hear any such instruction. But I heard Kony talking on the radio call, was
16 talking with the people who had -- the other commanders who had radio calls and he
17 was telling them that, "My people are also stubborn". And if he was referring to "my
18 people" he was referring to the people of Odek and he was saying they were stubborn
19 and they needed to be punished someday.

20 He was talking to all the people who had radio calls who had soldiers carrying out
21 operation. He was addressing himself to them and I think he was talking to all the
22 commanders. I did not hear him give instruction to a specific person to go and do
23 this or that.

24 Q. [10:34:52] Now, after Kony made these statements, do you remember if, and if
25 you do remember please state that person's name, if someone came on to the radio

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1 call and agreed with Joseph about his statement about the people from Odek?

2 A. [10:35:31] Nobody specifically came out clearly to accept to carry out that task,
3 but those who were around or were nearby were people of the Trinkle sickbay and
4 Gilva sickbay and also there were other sickbays for Sinia that were nearby. And the
5 commander who was around or nearby was Onen Unita.

6 MR OBHOF: [10:36:24] Your Honour, I would like to refresh the witness's memory
7 from tab 4, please. Defence tab 4, that's UGA-D26-0011-0234 and it's going to start at
8 the very bottom of the page on 0248.

9 I'm going to read a small passage to see if this refreshes your memory.

10 Q. [10:36:53] So it was asked to you:

11 "So do you remember on the radio - on the military radio - before Odek, which was in
12 April 2004, do you remember -- do you ever remember hearing Dominic request
13 permission to work in Odek?"

14 And the answer was:

15 "That one was Okwonga Alero, not Dominic. It was actually Okwonga Alero.

16 When Kony made the comment that, 'These people of mine here, one day we need to
17 pull their ears,' then Okwonga agreed with Kony" and "said, 'Yes, these people are
18 disturbing us. They are stubborn. One day we need to go an [unintelligible] ..."

19 Does that refresh your memory, Mr Witness, as to some of the contents of the
20 discussion?

21 A. [10:37:59] Yes, that reminds me very well. As I mentioned earlier, I said there
22 were people from the sickbay who were nearby. Okwonga Alero was also there.
23 And the Trinkle sickbay, Okwonga Alero was not in the sickbay, he was okay, he was
24 healthy. He actually mentioned that these people were disturbing the people of the
25 sickbay and I think, just like Kony has said, their ears needed to be pulled. I listened

1 to that, I heard that being mentioned.

2 Q. [10:38:38] And I know it was a long time ago when you heard these
3 communications, but in reference to the attack, do you remember how close these
4 statements were made by Kony in reference to the attack on Odek, how close?

5 A. [10:39:08] Well, it didn't take a while. It was done almost immediately, took a
6 short time, then it was done.

7 Q. [10:39:23] Now, you also mentioned the sickbay for Sinia. Around that time, if
8 you remember, who was in charge of Sinia sickbay?

9 A. [10:39:42] I do not recall. I don't know who exactly was the commander of the
10 sickbay of Sinia at that time, but I knew the incharge of Trinkle and Gilva sickbays.

11 Q. [10:40:04] Just for posterity, who was in charge of the Gilva and the Trinkle
12 sickbays? First go with Trinkle, please.

13 A. [10:40:25] The incharge of Trinkle was called Okumu Santo and he was the
14 doctor. And the one of Gilva was called Abonga Won Dano.

15 Q. [10:40:53] Now, around this same time, do you remember the location of Ocan
16 Labongo, otherwise also called Ocan Nono?

17 A. [10:41:19] Well, at that time I am not sure where Ocan Labongo was exactly.

18 Q. [10:41:30] Now, did you ever come to learn about what happened at Odek, what
19 physically happened in Odek?

20 A. [10:41:42] I came to know about what happened in Odek for one reason. I met
21 a soldier who had fallen off from the group, because after the Odek attack, the
22 government gunship came and attacked the LRA soldiers, and then they all fled and
23 scattered in disarray. Then I met one of the soldiers who had run off, and he was
24 just wandering about and he found us. He was from the sickbay, and then he came
25 and started narrating to me why they came, where the helicopter gunship came and

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1 attacked them at the sickbay.

2 Q. [10:42:51] Did this person tell you who the overall was for the Odek attack?

3 A. [10:43:06] No, he didn't tell me.

4 Q. [10:43:17] Did he tell you which groups went to fight at Odek?

5 A. [10:43:25] Well, he did not tell me which particular group went to attack Odek,
6 but what he told me was that the reason why they came under attack from the
7 helicopter gunship, he said that was because some people had gone and attacked
8 Odek, and then eventually the helicopter came, searched around and then bombarded
9 them.

10 MR OBHOF: [10:44:10] Now, your Honour, I think right now might be a logical time.

11 I'm pretty sure I'm going to finish during the next session. I mean, I can't 100

12 per cent guarantee it, but I'm 99.5 per cent sure I'll finish in the next session.

13 PRESIDING JUDGE SCHMITT: [10:44:23] That's quite good, I would say, at least in,
14 let me put it this way, in this environment, not in a natural science environment
15 perhaps, but in this environment.

16 So then we have a break until 11.30.

17 THE COURT USHER: [10:44:40] All rise.

18 (Recess taken at 10.44 a.m.)

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

20 THE COURT USHER: [11:30:45] All rise.

21 PRESIDING JUDGE SCHMITT: [11:31:09] Mr Obhof, please.

22 MR OBHOF: [11:31:11] Thank you, your Honour.

23 Q. [11:31:15] Good afternoon, Mr Witness.

24 A. [11:31:22] Good afternoon.

25 Q. [11:31:31] Mr Witness, I am going to ask you a series of questions now about

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1 Mr Ongwen. Now, can you explain to the Court the first time you met Mr Ongwen.

2 A. [11:31:59] The first time I met Dominic Ongwen was when he was abducted.

3 That was in 1990. That was the first time I met him after he was abducted. I knew
4 him from then on.

5 MR OBHOF: [11:32:41] Your Honour, I think the next two questions will have to be
6 said in private and then we can go back into public, please.

7 PRESIDING JUDGE SCHMITT: [11:32:47] Private session, please.

8 (Private session at 11.32 a.m.)

9 THE COURT OFFICER: [11:33:01] We are in private session, Mr President.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Open session at 11.35 a.m.)

11 THE COURT OFFICER: [11:35:56] We are back in open session, Mr President.

12 MR OBHOF: [11:36:00]

13 Q. [11:36:01] During this period when you were with Mr Ongwen, did you teach
14 Mr Ongwen anything?

15 A. [11:36:18] At the time we were staying together, like I said, he was still young.
16 What we were doing was to train him on how to take care of himself as a soldier,
17 about the environment, and that is what we were teaching him.

18 Q. [11:36:50] Now you have said in both private and in public that Mr Ongwen was
19 young. Could you tell Court and maybe describe to the Court why you are saying
20 he was young. What gave you that impression that he was young?

21 A. [11:37:25] What makes me believe he was young and confirmed he was young is
22 because at that time, when we are on the move, for instance, when we are crossing
23 a big water body which had burst its banks, because we have many water bodies in
24 Acholi, he could not cross on his own, and he would be carried so that he can cross
25 the water body.

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1 He was not even able to move long distances like where his commander had gone.

2 It made me confirm that he was indeed young and he was not able to carry out tasks
3 which adults could carry out at the time.

4 Q. [11:38:27] When you first met Mr Ongwen, do you remember if he had any
5 nicknames or if they called him by any type of names?

6 A. [11:38:51] We used to refer to him as Odomi and that is the name that stuck.
7 He was called Odomi. And that was the most popular name at the time.

8 Q. [11:39:15] Now without going into detail --

9 PRESIDING JUDGE SCHMITT: [11:39:20] Just a moment, Mr Obhof.
10 I think the French interpretation, I am asked that it should be put on.

11 You can continue, Mr Obhof.

12 MR OBHOF: [11:39:41]

13 Q. [11:39:41] Now without going into detail, when you first met Mr Ongwen what,
14 if anything, did he know about the situation of his parents?

15 A. [11:40:12] What I -- I did not have anything that I knew at the time about his
16 parents. I only knew that he was abducted and taken to the bush and his parents
17 had remained at home. At the time his parents were still at home.

18 MR OBHOF: [11:40:48] Your Honour, the next about three or four minutes will
19 require to be in private session. I can explain why.

20 PRESIDING JUDGE SCHMITT: [11:40:54] Now, perhaps it would suggest itself to
21 enquire if any information about the parents of Mr Ongwen appeared later and why
22 can't we discuss that in open session?

23 MR OBHOF: [11:41:07] If you disconnect, I can tell you, in a private session, why.

24 PRESIDING JUDGE SCHMITT: [11:41:12] Okay, then we go into private session
25 shortly.

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1 (Private session at 11.41 a.m.)

2 THE COURT OFFICER: [11:41:21] We are in private session, Mr President.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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3 (Redacted)

4 (Open session at 11.43 a.m.)

5 THE COURT OFFICER: [11:43:58] We are back in open session, Mr President.

6 MR OBHOF: [11:44:10]

7 Q. [11:44:10] Now, Mr Witness, could you explain to the Court, just briefly because
8 they have heard stuff about this before, what a ting ting is.

9 PRESIDING JUDGE SCHMITT: [11:44:22] Mr Obhof, we have really had a lot of
10 evidence on that and I think we don't need further evidence. Yes. Really. What
11 a ting ting, I think we had this 30 times.

12 MR OBHOF: [11:44:35] I do agree.

13 PRESIDING JUDGE SCHMITT: [11:44:37] Yes. And there were no, if I recall it
14 correctly, there were no, really no discrepancies in between (Overlapping speakers).

15 MR OBHOF: [11:44:47] Maybe I can ask a more --

16 PRESIDING JUDGE SCHMITT: If you have --

17 MR OBHOF: -- in a more direct way instead of trying to do it --

18 PRESIDING JUDGE SCHMITT: [11:44:50] Yes, if you have something specific
19 you are heading at, what could add to what we already know, fine. But in this
20 general, generic matter, so to speak, I would suggest simply to skip it.

21 MR OBHOF: [11:45:03] I was trying to follow the openness of it. Instead of asking
22 him a very direct question which might be considered leading, I was trying to lead
23 into it and ask --

24 PRESIDING JUDGE SCHMITT: But you know --

25 MR OBHOF: -- him a few questions.

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1 PRESIDING JUDGE SCHMITT: [11:45:10] It's correct, but you know we are not so
2 strict like in this common law straitjacket of asking, and also the Prosecution is also
3 indulgent to a certain extent and the Presiding Judge and the Chamber is indulgent.
4 So try a little bit more specific and directly, if you may.

5 MR OBHOF: [11:45:33]

6 Q. [11:45:33] Mr Witness, who was the first person in the LRA to be called ting
7 ting?

8 A. [11:45:55] The first person to be called ting ting in the whole of the LRA was
9 a girl who was very young. She used to stay in Kony's household. I do not know
10 the real name of the girl, but the name which was given to him as a nickname was
11 named after the spirit Silindi. She was the first to be called ting ting. I do not know
12 the real name of the girl, but she was also referred to as Silindi and she used to live in
13 Kony's household.

14 Q. [11:46:51] And who had the nickname of Aditi, spelled A-D-I-T-I?

15 A. [11:47:07] Aditi also stayed in Kony's household, but Aditi was much later and
16 the other girl was no longer in the bush.

17 Q. [11:47:29] Now, Mr Witness, when did, if you remember, when did Mr Ongwen
18 get promoted to a cadet officer?

19 A. [11:47:51] Ongwen was given the cadet officer rank in the year 1996. That is
20 when he became a cadet officer, in 1996.

21 Q. [11:48:16] And in 1996 how common was it for someone of Dominic's age to be
22 promoted to a cadet officer?

23 A. [11:48:41] It was common.

24 Q. [11:48:51] And do you know why Mr Ongwen was promoted to a cadet officer?

25 A. [11:49:08] Mr Ongwen was promoted; first, they considered the year he was

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1 abducted, the trainings and how he became a soldier, and when he became a soldier.
2 He also trained others who were put in his care and where he was staying together
3 with them. Those people also became soldiers and therefore they found it -- they
4 found that he was already knowledgeable and experienced as a soldier.
5 Secondly, he was also promoted so that he can be encouraged to stay in the bush.
6 Those are the two things I can say.

7 Q. [11:50:11] How common was it to, for people to receive promotions in the bush
8 to encourage them to stay in the bush?

9 A. [11:50:29] It was not very common at the time, but they would promote
10 according to the lot or the group of people, depending on how long they have stayed
11 in the bush. When they consider the length of time they have stayed in the bush,
12 they would promote them so that they are encouraged and they are happy to stay in
13 the bush, since there will be other people abducted and will be trained also.

14 Q. [11:51:13] Now while we are on promotion, let's skip a few years forward to the
15 time around Operation Iron Fist. Do you remember what Mr Ongwen's rank was
16 right before Operation Iron Fist?

17 A. [11:51:40] Before the Iron Fist, Dominic Ongwen was leading a company,
18 a group of soldiers known as company.

19 Q. [11:52:06] Do you remember his rank?

20 A. [11:52:16] At that time he was, when the -- he was a major at the start of the
21 Iron Fist.

22 Q. [11:52:31] But before Iron Fist.

23 A. [11:52:41] Before Iron Fist he was a captain.

24 Q. [11:52:51] Now around this Iron Fist starting, about how many people received
25 promotions?

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1 A. [11:53:11] At the start of the Iron Fist many people were promoted. Afterwards,
2 and during the Iron Fist, many people were also promoted.

3 Q. [11:53:32] Could you tell the Court why so many people were promoted around
4 Operation Iron Fist?

5 A. [11:53:51] At the start of the Iron Fist, Kony said that there would be a lot of
6 work and, therefore, soldiers will not be under a few commanders, there will be many
7 commanders.

8 For that matter, the senior officers will be helped by junior officers so that it is easy to
9 manage and lead the soldiers.

10 Secondly, during the Iron Fist, promotions took place because some people died
11 during the operation, both senior and junior commanders lost their lives, and some
12 people were promoted to replace them.

13 The second reason why there was promotion during the Iron Fist was because there
14 was bound to be peace talks between the government and the LRA rebels, and indeed
15 the peace talk took place. Promotions took place, especially of the senior
16 commanders so that it can facilitate the peace talks. It would also enable them to go
17 for the peace talks as high-ranking officers to -- to make the negotiators believe that
18 those who came for the peace talks are high-ranking officers, and that is the reason
19 why people were promoted.

20 MR OBHOF: [11:55:55] Your Honour, the next few questions, these ones I am really
21 sure have to be asked, but it is only going to be about three minutes, three or four
22 minutes.

23 PRESIDING JUDGE SCHMITT: [11:56:04] Information-wise for the public. Yes,
24 private session.

25 (Private session at 11.56 a.m.)

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1 THE COURT OFFICER: [11:56:16] We are in private session, Mr President.

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15 (Redacted)

16 (Open session at 11.58 a.m.)

17 THE COURT OFFICER: [11:58:17] We are back in open session, Mr President.

18 MR OBHOF: [11:58:33]

19 Q. [11:58:33] Now, Mr Witness, when you return from the LRA, after you were
20 captured and you came back home, how were you received?

21 A. [11:58:54] I was received well when I returned home. First of all, the soldiers,
22 the government troops with whom we were fighting, and when I got injured they
23 captured me and they brought me out and they started taking care of me. They
24 started giving me treatment right from the place where I was captured and had
25 injuries. Later on, the commander of that group who was in Gulu barracks talked to

1 me through the commander who was leading those ones who were fighting. He
2 assured me not to fear and promised to send a helicopter to collect me from the
3 battlefield. A helicopter was sent and I was brought to Gulu main barracks and
4 I was treated until I got healed.

5 The soldiers received me well and the population, the civilian population also
6 received me well. Even in my community people received me well. Up to now
7 I am living with them without any problem.

8 Q. [12:00:26] Now we talked about this earlier, about Dwog Paco. Did you speak
9 on Dwog Paco after you returned back home?

10 A. [12:00:48] Yes, I did. I spoke on Dwog Paco programme several times and I
11 also welcomed many other people because I had talked to them and then they came.
12 I went back to radio and then I welcomed and I received them back.

13 Q. [12:01:12] Without getting into the specifics, just a general nature, what kind of
14 message did you send on Dwog Paco?

15 A. [12:01:30] On the radio the message I was sending to the people who were in the
16 bush was that I am alive, because most of them thought I was deceased. But I told
17 them that I was alive and I also told them that everything that was being spoken on
18 the radio was the truth. Those who returned before me are all alive and I met them
19 physically, so the people who had stayed back in the bush should not have any fear of
20 returning home, because if they returned home nothing will be done to them and
21 nobody will capture you and then kill you. Whatever Kony was saying was not true.
22 That was the message I was delivering to the people who were still in the bush.
23 The other thing I also did (Redacted)
24 (Redacted) so that the people who were still back in the bush
25 could be able to land on some of these photos so they could believe that I was

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1 physically available and still alive. That was part of the things I was doing. And it
2 yielded some results because some of the people who returned later on told us -- told
3 me that they were able to see my pictures, they heard my voices and it encouraged
4 them to come back.

5 MR OBHOF: [12:03:17] To those in the public, I'm sorry, these last five to 10 minutes
6 will have to be in private.

7 This will be the end, for me at least. Lead counsel has --

8 PRESIDING JUDGE SCHMITT: [12:03:25] Yes, yes. I assumed that already and
9 I can assure everyone that this indeed has to be entertained.

10 I guess what you are going to ask, so I think this really has to be in private session.

11 Private session then.

12 (Private session at 12.03 p.m.)

13 THE COURT OFFICER: [12:03:42] We are in private session, Mr President.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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- 11 (Open session at 12.09 p.m.)
- 12 THE COURT OFFICER: [12:09:41] We are back in open session, Mr President.
- 13 MR OBHOF: [12:09:48] And, your Honours, I am going to hand over the proverbial
- 14 podium to lead counsel.
- 15 PRESIDING JUDGE SCHMITT: [12:09:54] Mr Ayena, please.
- 16 MR AYENA ODONGO: [12:10:04] I'm much obliged, Mr President and
- 17 your Honours.
- 18 QUESTIONED BY MR AYENA ODONGO:
- 19 Q. [12:10:09] Good afternoon again, Mr Witness.
- 20 A. [12:10:16] Good afternoon.
- 21 Q. [12:10:18] I have just a few questions to ask you to assist Court to understand --
- 22 A. [12:10:28] Right.
- 23 Q. [12:10:30] -- one particular area. Mr Witness, you told Court that LRA - and
- 24 this is what is now known to Court - that LRA preferred children to grownup people
- 25 and those were the targets for abduction and recruitment, rather, conscription into the

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1 LRA.

2 Now, can you tell Court generally, during this period how old was the youngest, if
3 you recall, how old was the youngest in the group at the time when you
4 joined -- when you were abducted?

5 A. [12:11:33] At the time we were abducted the very young people were abducted
6 were fairly many. We were ranging between 12 to about 15. All of us were
7 abducted. If you were 12 onwards and you are looking healthy, they would abduct
8 you. They abducted people of my size, a couple of them.

9 PRESIDING JUDGE SCHMITT: [12:12:06] Please.

10 MR AYENA ODONGO: [12:12:09]

11 Q. [12:12:11] Mr Witness, you told Court that when you met, when you first met
12 Dominic Ongwen it was in 1990 and it was your statement that Dominic Ongwen at
13 that time was so tiny. In your estimation how old was Dominic Ongwen by that
14 time in 1990?

15 A. [12:12:45] At the time when his commander had travelled to Soroti and we were
16 living together, Dominic Ongwen was either 13 or 14.

17 Q. [12:12:57] There was a term called Adire, can you tell Court what this term
18 means, if you know?

19 A. [12:13:20] Aditi, the meaning of it?

20 Q. [12:13:30] Aditi. Adire.

21 PRESIDING JUDGE SCHMITT: [12:13:35] From observing the facial expression of
22 the witness I think he doesn't know. But he might surprise us.

23 MR AYENA ODONGO: [12:13:42] He --

24 PRESIDING JUDGE SCHMITT: [12:13:44] When I look at him he seems not to
25 recognise anything, either Aditi or Adire, but I don't know. Perhaps he can confirm

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1 differently.

2 I think you move on, Mr Ayena. Yes.

3 THE WITNESS: [12:14:19] (Interpretation) The meaning of that word, well, I have
4 not clearly understood the question. But what I know that we talked about was on
5 ting ting and -- but the issue of Aditi or Adire, I -- didn't come out, did not.

6 PRESIDING JUDGE SCHMITT: [12:14:46] Mr Ayena, I think simply you move on.
7 It's obviously not a concept or a word or expression where the witness connects
8 something with.

9 MR AYENA ODONGO: [12:15:01]

10 Q. [12:15:03] Do you know whether it is a type of animal or bird, or something?

11 A. [12:15:16] Yes, I know Adire, which is a bird.

12 Q. [12:15:24] Mr Witness, does that now refresh your memory as to whether this
13 term was ever used in the bush, just like ting ting was used?

14 A. [12:15:46] Well, the word "Adire" was not used.

15 MR AYENA ODONGO: [12:15:54] That's the end. Thank you.

16 PRESIDING JUDGE SCHMITT: [12:15:56] Thank you, Mr Ayena.

17 Now this concludes the examination by the Defence. We would now have the
18 examination by the Prosecution.

19 We can have now the lunch break and continue afterwards, or we can start
20 immediately, but I would perhaps suggest to have the break first.

21 It might also be better for your client if we have a break here. And I think then we
22 can come together again at 2 o'clock, I would suggest.

23 Ms Gilg.

24 MS GILG: [12:16:37] I am just wondering, your Honour, because we need to, as
25 discussed earlier this morning, I am wondering if it might be better to start tomorrow.

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- 1 I can --
- 2 PRESIDING JUDGE SCHMITT: Okay. That's fine.
- 3 MS GILG: -- for sure be finished tomorrow and then we can do the audio --
- 4 PRESIDING JUDGE SCHMITT: [12:16:48] Exactly. That would have been my next
- 5 question. Then I am fine with simply adjourning until tomorrow 9.30. I had
- 6 forgotten that you have to arrange that and everything, of course. That makes sense.
- 7 Okay, thank you very much. So then we adjourn for today.
- 8 And thank you, Mr Witness, thank you Mr Gray Curlewis at the video-link location.
- 9 We see each other again, as I always say, tomorrow morning at 9.30.
- 10 MR CURLEWIS: [12:17:22] (Via video link) Thank you, Mr President.
- 11 THE COURT USHER: [12:17:25] All rise.
- 12 (The hearing ends in open session at 12.17 p.m.)