

1 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, 5 March 2019
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:20] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:47] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:31:52] Thank you, Mr President.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you.
19 I ask for the appearances of the parties. Mr Gumpert for the Prosecution first, please.
20 MR GUMPERT: [9:32:14] Ben Gumpert for the Prosecution. With me today
21 Hai Do Duc, Pubudu Sachithanandan, Jasmina Suljanovic and Grace Goh.
22 PRESIDING JUDGE SCHMITT: [9:32:22] Mr Sachithanandan arrived timely, so to
23 speak, immediately when you announced it. You had obviously your eyes behind
24 you also.
25 MR GUMPERT: [9:32:31] Indeed.

1 PRESIDING JUDGE SCHMITT: [9:32:32] Mr Manoba.

2 MR MANOBA: [9:32:33] Good morning, Mr President, your Honours.

3 James Mawira and Joseph Manoba for the first team of Legal Representatives of
4 Victims.

5 PRESIDING JUDGE SCHMITT: [9:32:41] And for the second team, so to speak,
6 Mr Narantsetseg.

7 MR NARANTSETSEG: [9:32:44] Good morning, Mr President, your Honours.

8 I'm appearing with Ms Caroline Walter and my name is Orchlon Narantsetseg.

9 Thank you.

10 PRESIDING JUDGE SCHMITT: [9:32:52] Yes, thank you.

11 And for the Defence, Mr Kifudde.

12 MR KIFUDDE: [9:32:55] Good morning, Mr President and your Honours.

13 For the Defence today we have myself, Gordon Kifudde, assistant to counsel;

14 Thomas Obhof, assistant to counsel; co-counsel Chief Charles Achaleke Taku;

15 co-counsel Beth Lyons; and our client Dominic Ongwen is also in court.

16 Apologies from Counsel Ayena who is still unwell but recuperating.

17 PRESIDING JUDGE SCHMITT: [9:33:15] And again, of course, our best wishes to
18 lead counsel.

19 Before we bring the witness in we have to pronounce a short decision regarding
20 protective measures for the next witness. Yesterday the Defence filed an urgent
21 request for protective measures for Witness D-140, that is filing 1470.

22 On the same day, further emails were sent by the Defence and the Registry correcting
23 part of the factual submissions made in the request.

24 Upon the information provided to the Chamber it finds that the security risks of the
25 witness are of purely subjective nature and that no objective threat has been alleged

Trial Hearing
WITNESS: UGA-D26-P-0140

(Open Session)

ICC-02/04-01/15

1 or can be discerned.

2 In light of this information, the Chamber will not grant protective measures for D-140.

3 The request is rejected.

4 This concludes already the short decision by the Chamber and the witness can be
5 brought in.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE SCHMITT: [9:35:30] Good morning, Mr Witness. Do you hear
8 me?

9 WITNESS: UGA-D26-P-0140

10 (The witness speaks English)

11 THE WITNESS: [9:35:35] Yes, I do hear you.

12 PRESIDING JUDGE SCHMITT: [9:35:36] And do you understand me too?

13 THE WITNESS: [9:35:40] I do understand.

14 PRESIDING JUDGE SCHMITT: [9:35:41] Mr Witness, on behalf of the Chamber I
15 would like to welcome you in the courtroom.

16 THE WITNESS: [9:35:45] Thank you.

17 PRESIDING JUDGE SCHMITT: [09:35:46] We have taken notice of your concerns
18 with regard to translation matters. Let me address this on behalf of the Chamber
19 personally to you. We appreciate a lot that you have taken it upon you to come this
20 long way to The Hague to testify in this courtroom and to help the Court establish the
21 truth.

22 We are aware that testifying here in this foreign country far away from home in this
23 unusual environment for you in this big courtroom is very difficult. It is an
24 achievement to come here and to do that and we would appreciate it if you try to do
25 this, as has previously been indicated by the Defence, in the English language.

1 You can be assured by the Chamber and by the Presiding Judge that nobody is going
2 to trick you, no one from the parties, participants; that we all are aware that problems
3 might arise. And if they do so, we will be vigilant and we will help you.

4 We are not in a hurry. If you have any difficulties in understanding, we will help
5 you. You can and should speak slowly and we all speak slowly so that everybody
6 understands.

7 Have you understood all that?

8 THE WITNESS: [9:37:22] I have understood.

9 PRESIDING JUDGE SCHMITT: [9:37:23] Yes. And I would suggest that we simply
10 go on with your testimony and have a look how it works. And we have all
11 experience here in the courtroom, if we recognise that the problems are too big, then
12 we would have to stop. But I am quite confident, from what I have read before, that
13 we get along very well. Is this okay for the moment?

14 THE WITNESS: [9:37:48] It's okay.

15 PRESIDING JUDGE SCHMITT: [9:37:48] Okay. Mr Witness, there should be a card
16 in front of you with a solemn undertaking. Would you please be so kind to read this
17 undertaking out aloud.

18 THE WITNESS: [9:38:00] I solemnly declare that I will speak the truth, the whole
19 truth and nothing but the truth.

20 PRESIDING JUDGE SCHMITT: [9:38:10] Thank you very much. Have you
21 understood this undertaking, Mr Witness?

22 THE WITNESS: [9:38:15] I have understood.

23 PRESIDING JUDGE SCHMITT: [9:38:16] And do you agree with it?

24 THE WITNESS: [9:38:18] I do agree with it.

25 PRESIDING JUDGE SCHMITT: [9:38:23] Thank you. You are now sworn in.

1 And before we then start with your testimony I have already said we speak at a slow
2 pace here. This is not only because we had, as we have talked about it with you as
3 a witness, that there might be problems, it is because everything is interpreted and we
4 have anyway to speak at a relatively slow pace. So please do that too. And only
5 start speaking when the person who has asked you a question has finished with the
6 sentence.

7 So I think this is enough for the practical matters and we then can start with the
8 testimony and I see Mr Kifudde.

9 Okay, then I give you the floor.

10 MR KIFUDDE: [9:39:11] Thank you, Mr --

11 PRESIDING JUDGE SCHMITT: This is a premier, so to speak.

12 MR KIFUDDE: [9:39:14] Thank you, Mr President.

13 QUESTIONED BY MR KIFUDDE:

14 MR KIFUDDE: [9:39:20]

15 Q. Good morning, Mr Witness.

16 A. [9:39:22] Morning.

17 Q. [9:39:23] I believe we know each other, we met last year, and I will be
18 questioning you on behalf of the Defence.

19 Mr Witness, can you please tell Court your current legal name.

20 A. [9:39:41] Ebuju Richard.

21 Q. [9:39:44] Mr Witness, have you ever been known by any other nicknames?

22 A. [9:39:50] Yes.

23 Q. [9:39:54] And what are those?

24 A. [9:39:57] They used to call me Cobra.

25 PRESIDING JUDGE SCHMITT: [9:40:03] May I.

1 And this Cobra, is this, what does this mean?

2 THE WITNESS: [9:40:11] Cobra is a snake.

3 PRESIDING JUDGE SCHMITT: [9:40:13] I thought it, I simply wanted to verify it
4 because it could mean something else in Acholi, for example, or in Ateso or
5 whatsoever. So it is the snake that we all had in our minds.

6 Please, Mr Kifudde, continue.

7 MR KIFUDDE: [9:40:28]

8 Q. [9:40:29] Mr Witness, apart from Cobra, have you ever been known by any other
9 nickname?

10 A. [9:40:34] They used to call me Bangai (phon).

11 Q. [9:40:41] And when did you use this name Bangai?

12 A. [9:40:48] Bangai, that name was used when we were -- when we were in UPA.

13 Q. [9:40:54] Okay. Thank you. Mr Witness, when and where were you born?

14 A. [9:41:02] I was born in Soroti in the year -- on 7 December 1964.

15 Q. [9:41:20] Mr Witness, can you please tell Court your nationality, ethnic origin
16 and place of residence?

17 A. [9:41:33] I am a Ugandan by nationality, born in Soroti district, and I come from
18 Arapai sub-county.

19 Q. [9:41:51] Mr Witness, what do you do for a living?

20 A. [9:41:56] Currently, I do business. I buy oranges from eastern part of Uganda.
21 I bring to the city of Kampala. And as well I am a councillor representing people
22 with disabilities in my sub-county.

23 Q. [9:42:27] Mr Witness, you earlier on mentioned that during the UPA days you
24 were called Bangai. By "UPA" what do you mean? What does "UPA" stand for?

25 A. [9:42:42] That's Uganda People's Army. It was a fighting group in Teso.

1 PRESIDING JUDGE SCHMITT: [9:42:48] Yes, we have heard that. And what were
2 they fighting for, on which side? Can you explain this to the Court a little bit.

3 THE WITNESS: [9:43:01] That UPA began when there was cattle rustling in Soroti.
4 So with the Teso, as a tribe, a cow was very much of interest for, and it was our
5 wealth as a Teso. So when the Karamojong came and rustled the cows, someone of
6 the guaranteed Teso picked interest to defend the cows, but eventually it turned to
7 become a rebellion against the government because the government was not
8 protecting the cows of the Teso.

9 PRESIDING JUDGE SCHMITT: [9:43:49] Thank you very much for this explanation.
10 Mr Kifudde, please proceed.

11 MR KIFUDDE: [9:43:55]

12 Q. [9:43:56] Witness, what is your level of education?

13 A. [9:43:59] I stopped in senior 4.

14 Q. [9:44:15] Mr Witness, having stopped in senior 4, what then was your first
15 employment?

16 A. [9:44:21] I joined Uganda police force in 1984.

17 Q. [9:44:31] Mr Witness, did you undertake any form of training in order to become
18 a police officer?

19 A. [9:44:41] Yes, I did.

20 Q. [9:44:51] And what type of training was that?

21 A. [9:44:53] We had a military training and we had a, already, you see, law,
22 elementary law.

23 Q. [9:45:11] Mr Witness, at the time you joined Uganda police, what was the
24 security situation like in northern Uganda vis-à-vis eastern Uganda?

25 A. [9:45:25] When I joined special force, police, Uganda police, there was already

1 war between the government of Obote and the current government. They were in
2 the bush fighting each other.

3 Q. [9:45:56] Mr Witness, during your tenure as a police officer, were there any
4 changes in government in the Republic of Uganda?

5 A. [9:46:07] Yeah. In 1985, the, the Obote regime was overthrown by military
6 government. And in 1986, around Feb, NRA overthrew Tito Okello's regime.

7 Q. [9:46:46] Mr Witness, for how long did you serve as a police officer?

8 A. [9:46:50] I served as a police officer for two years.

9 Q. [9:47:01] Mr Witness, what did you do after leaving police?

10 A. [9:47:11] When NRA came to power, I came back home because it so happened
11 we, as a special force, NRA didn't like us. So I had to withdraw home, to my home
12 area.

13 Q. [9:47:39] Mr Witness, earlier you, you stated that you joined UPA. Who
14 convinced you to join UPA?

15 A. [9:47:51] I joined UPA, I was convinced by Hitler Eregu, who was then my,
16 my -- he was with me in the same sub-county and he was the one who trained me in
17 police. So he told me, "Come and join us, there's a -- there's already a problem at
18 hand." That's how I came to join UPA.

19 PRESIDING JUDGE SCHMITT: [9:48:22] Mr Kifudde, I don't think that it is
20 necessary to go into all the details what he did in UPA. I would suggest we focus on
21 potential alliances, meetings with LRA and Joseph Kony. If I may suggest that.

22 MR KIFUDDE: [9:48:43] Mr President, I am just briefly laying the background and
23 then I will proceed.

24 PRESIDING JUDGE SCHMITT: [9:48:47] Because we have also to think if we go into
25 acts that might incriminate the witness, I think it's not necessary to do that.

Trial Hearing
WITNESS: UGA-D26-P-0140

(Private Session)

ICC-02/04-01/15

1 MR KIFUDDE: [9:49:03]

2 Q. [9:49:03] Mr Witness, when you mentioned Hitler Eregu, did he have another
3 name? Who is this particular Hitler Eregu?

4 A. [9:49:15] His commander's name was -- he's -- by name he's Francis Eregu. But
5 then that name "Hitler" was a nickname given to him when they came from Tanzania
6 when they were fighting Idi Amin.

7 Q. [9:49:33] Mr Witness, you stated that one of the reasons why you joined UPA
8 was because of the rampant cattle rustling by the Karamojongs. Was there any other
9 reason why the UPA movement was formed?

10 A. [9:49:48] Well, that was the major reason. And -- and some boys who had
11 come back from special force were wanted by the government, so for their safety they
12 also decided to join UPA.

13 MR KIFUDDE: [9:50:11] Mr President, I kindly request that we go into private
14 session for a few minutes.

15 PRESIDING JUDGE SCHMITT: [9:50:18] Private session.

16 (Private session at 9.50 a.m.)

17 THE COURT OFFICER: [9:50:24] We are in private session, Mr President.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-D26-P-0140

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Open session at 9.53 a.m.)

23 THE COURT OFFICER: [9:53:04] We are back in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [9:53:13] Please proceed.

25 MR KIFUDDE: [9:53:16]

1 Q. [9:53:17] Mr Witness, without saying any -- your role, how was the UPA
2 organised in terms of command structures?

3 A. [9:53:27] UPA had its commander-in-chief. UPA had its own commanders of
4 high command. UPA had a political wing which would be talking to the community
5 and the soldiers as well.

6 Q. [9:53:54] You stated that UPA had commanders. Do you remember any of the
7 UPA commanders and the kind of brigades they commanded?

8 A. [9:54:07] We had Lieutenant Okongel, who was in charge of operations. We
9 had ASP Ecimu, who was commanding the Loitokitoki brigade. We had Lieutenant
10 Elwoku, RIP, one of the commanders in southeastern -- south, south Teso. We had
11 Commander Osigiriya, RIP, who was in northern brigade. We had Commander
12 Abili (phon), RIP, was in headquarters. We had Commander Oronya, he was based
13 in the north brigade. To mention a few.

14 Q. [9:55:24] Mr Witness, during your stay in UPA did the UPA have any kind of
15 alliances?

16 A. [9:55:33] Well, UPA began as a fighting force of its own, but later on it tried to
17 liaise with the, the fighting force of Lakwena, being led by Lakwena Alice, but then
18 UPA say the mode of -- the way she was fighting, UPA could not cope up with that
19 'cause the commanders said, ah, they have never seen when a stone can blast like
20 a bomb or a grenade, and they have never seen a war where somebody smeared with
21 the shea nut oil, then you just run to the enemy, trying to overrun the enemy. That
22 kind of war, UPA didn't like it.

23 So UPA tried to liaise with Kony, but when there were some meetings, there were
24 some disagreements somewhere on who could be the overall commander, 'cause
25 Hitler wanted to be the overall commander and Kony also wanted to be overall

Trial Hearing
WITNESS: UGA-D26-P-0140

(Open Session)

ICC-02/04-01/15

1 commander.

2 So there, there were some disagreements on the seniority.

3 The kind of trainings the overall commanders had, so the high command of UPA said
4 we cannot be commanded by Joseph Kony 'cause he is a -- more or less a civilian who
5 has no objection of fighting, doesn't have the reason of fighting the government.

6 Those are the reasons why UPA declared not to join to fight together with Kony.

7 Q. [9:57:52] Mr Witness, turning back to the alliance with Kony, when and where
8 did this happen?

9 A. [9:58:00] Hitler used to send messengers to meet Kony, 'cause that time we
10 didn't have phones so they would either go by road. Meet him till and around 1990,
11 that's when I remember Kony came up to Soroti. They had a meeting with Hitler
12 and a few of his commanders I don't remember, because they were using, using some
13 fairly funny names.

14 Then Eregu sent Kony to Serere where we had our -- our MMG rifle. As Kony went
15 there, Eregu had a quick meeting with his commanders and they came to an
16 agreement that we should not join up Kony.

17 So Kony went up to Serere. They were hit by the -- by the government forces but
18 they managed to survive. They came back and joined UPA when we were Soroti
19 and the army followed them up to where we were where they joined us, and that time
20 we had to fight alongside each other.

21 PRESIDING JUDGE SCHMITT: [9:59:26] Thank you.

22 May I shortly, Mr Kifudde.

23 Did you encounter Mr Kony personally?

24 THE WITNESS: [9:59:34] To encounter which?

25 PRESIDING JUDGE SCHMITT: [9:59:36] Did you meet Mr Kony personally?

1 THE WITNESS: [9:59:38] Yeah, yeah.

2 PRESIDING JUDGE SCHMITT: [9:59:39] Yes?

3 THE WITNESS: [9:59:39] I saw him physically because I was a bodyguard to the
4 commander of UPA.

5 PRESIDING JUDGE SCHMITT: [9:59:44] Okay. So you could observe how he
6 spoke, how he behaved?

7 THE WITNESS: [9:59:48] Yes. Oh, yes.

8 PRESIDING JUDGE SCHMITT: [9:59:50] Could you perhaps explain a little bit to us
9 what your impression was, what you saw, what you heard.

10 THE WITNESS: [9:59:57] Kony is a soft-spoken guy. He speaks with dignity. He
11 doesn't make noise anyhow. He doesn't laugh anyhow. But what I learnt from him,
12 Kony has very strict orders, and the moment he says his order you must go by what
13 he has said. Failure to do that, he can either declare you dead. That's what I
14 learned from him. When he says do A, B, C, you must do A, B, C in the way he has
15 told you. Failure to do that, you're already in a problem.

16 'Cause I remember, as we were moving with him, he told his fighting force that, "We
17 are going with the visitors home. Whenever we meet any enemy, there is no
18 withdrawal. Whether we are going to pass by the barracks of the enemy,
19 government troops, we should fight and overrun that barracks. I don't want to see
20 anybody withdraw."

21 And that's indeed what happened. That's when I learned he was not a laughing
22 fella.

23 PRESIDING JUDGE SCHMITT: [10:01:18] I think -- yes, thank you very much.

24 I think that that is most of what - from the encounters with Kony and the
25 collaboration of UPA with LRA - is of relevance. So what we -- I have the summary

1 of the Defence here. What we don't, really don't need is to know something about
2 spirits in the UPA. We should not go into that at all. And we should relatively,
3 that would be my suggestion, relatively quickly go forward in time and reach the
4 point in time where the witness had something to do with the Arrow Boys, because
5 we had had this issue a lot of times also during the Prosecution case and that would
6 be of interest.

7 MR KIFUDDE: [10:02:10] Mr President and your Honours, I wanted to explore one
8 more section before I turn on to that section of the Arrow Boys.

9 PRESIDING JUDGE SCHMITT: [10:02:20] Of course. It's simply, it's not that -- it's
10 simply to streamline a little bit, and this is really, in our view, because we are
11 prepared here on the Bench and we know what the witness could potentially discuss
12 here and where he potentially has knowledge, and because of that it is simply that I
13 tried to direct a little bit. And as you have heard from Mr Gumpert, you are also
14 allowed to direct to a certain extent.

15 MR KIFUDDE: [10:02:52] Most obliged.

16 Q. [10:02:54] Mr Witness, during your time in the UPA did you ever leave the
17 country, Uganda?

18 A. [10:03:02] We went to Kenya, that's the time when we had gone to collect
19 ammunition, so I went.

20 Q. [10:03:20] Mr Witness, do you remember some of the UPA commanders in
21 Kenya with whom you were coordinating?

22 A. [10:03:30] In Kenya we only had Mr Ecweru, who was our coordinator who was
23 coordinating the Kenyan government and us and would be the -- who was the only
24 person who could bring information to our overall commander from Kenya. But
25 then other commanders from Kenya, I don't know them by names.

1 Q. [10:04:06] Mr Witness, what type of weapons did you transport from Kenya?

2 A. [10:04:11] From Kenya, we didn't come with any weapons, we came back with
3 our own rifles we had gone with, except we only got ammunitions, boxes of
4 ammunitions and there was a, a gun, anti-aircraft called the Redeye. It was too
5 heavy for us to carry, so we left that rifle. We only picked ammunitions and some
6 shells for RPG. Those are the only things we picked from Kenya and we came back
7 with them to Uganda.

8 PRESIDING JUDGE SCHMITT: [10:04:51] Mr Witness, do you have knowledge who
9 provided your group with these weapons?

10 THE WITNESS: [10:04:58] Well, as being a layman, I was -- I mean, it was Kenyan
11 government who was providing us with those things.

12 PRESIDING JUDGE SCHMITT: [10:05:09] Thank you.

13 MR KIFUDDE: [10:05:11]

14 Q. [10:05:11] Mr Witness, on your trip to Kenya did you move around with any
15 LRA commanders or LRA representatives?

16 A. [10:05:20] Well, we moved with a colonel, I remember it was a Colonel Kwer,
17 but he passed on the way, he passed on the way as we were going, because he was
18 called. And we had another one called Major Moi, RIP, that one went with us, came
19 back, but he passed on when he came back in a certain battle. Those are the two
20 major commanders I would remember.

21 Q. [10:06:01] Mr Witness, a quick one on this: You said you disagreed, UPA
22 disagreed with Lakwena because of her mode of fighting. In the UPA did you have
23 any spiritual beliefs? Briefly.

24 A. [10:06:22] Well, we had a spear also, which had been manned by some three
25 men. That spear could tell us when the enemy is coming, it shows as red. When

1 the enemy is far, it shows as blue, there you can relax, take off your clothes, do
2 anything you want. But the moment you see red you should be ready for war.

3 And there was a lamb which used to move with us.

4 PRESIDING JUDGE SCHMITT: [10:06:59] I said that before, that's enough then, yes.

5 MR KIFUDDE: [10:07:07]

6 Q. [10:07:08] Mr Witness, how did you eventually leave the UPA?

7 A. [10:07:15] UPA, I left UPA that time when we went to, to Gulu with Hitler, there
8 was some meetings, but in those meetings there are some disagreements. And when
9 I saw one of our financial controllers being, being caned by, by Kony's fighters, they
10 tried to call me also aside. I told them I'm a bodyguard of a big man here, I cannot
11 move aside. There we disagreed, so it almost ended up in a firefight. I explained to
12 my boss, he told me, "Okay, now you go back home, take this money to one of the
13 brigades" which was at home.

14 So I left with one commander called Abili, was a brigade commander, but he passed
15 on on the way as we are going. So we remained 48. I took over command to lead
16 these boys back up to Soroti, where, whereas when we reached Soroti the commander
17 who was on the way, who was killed on the way, he took the money. I explained the
18 commander was back at home, that we got such a problem on the way.

19 Now they told me they were organising to go and attack a certain detachment of
20 soldiers in Serere, so I got interested to go for that attack. On reaching the attack
21 I was as well hit, I got injured. I was taken to a sickbay for almost one year.

22 Now, when I was in the sickbay I learned Hitler had left Gulu, he had crossed to
23 Kenya with the 38 fighters, but when they reached Kenya the violence came back and
24 on their way the fighters as well were intercepted by Karamojong whereby they lost
25 15 or so, but the rest reached safety.

1 Now the boys got scattered, started surrendering, Musa also surrendered. When I
2 learnt of it, I also came out of my hiding place. I was arrested by the government
3 troops and taken to the barracks. And that's how I came out from the bush.

4 Q. [10:10:08] Mr Witness, after leaving the UPA did you ever join any military or
5 militia again?

6 A. [10:10:21] After leaving UPA, when I was set free, after turning down the
7 reintegration to the army, I joined Ultimate Security for a living. I worked as an
8 administrator for three years.

9 PRESIDING JUDGE SCHMITT: [10:10:51] I think you can -- I think this would be
10 a case where Mr Gumpert would not object if you simply ask him if he was involved
11 in the issue of the Arrow Boys.

12 So you are doing it perfectly according to the common law book, so to speak, but I
13 think it is not -- we know what we can expect here. So from a civil law perspective,
14 so to speak, you can be more direct.

15 MR KIFUDDE: [10:11:21] Much obliged, Mr President.

16 Q. [10:11:23] Mr Witness, did you ever join the Arrow Boys?

17 A. [10:11:26] Yes, I did.

18 Q. [10:11:27] When did you join the Arrow Boys?

19 A. [10:11:31] This happened when I was in Kampala, I was summoned by Captain
20 Mike Mukula that there was already war at home whereby Kony and his men had
21 come and taken away so many children, young boys and young girls so they needed
22 my attention also to come and put together so that we could find a way of getting out
23 the enemy from our land. So I came, I was put in clandestine group where we could
24 plan how to attack, the possible routes we could take, we do routes, also where the
25 places were of interest so that we could put up ambushes. And that's how I came to

1 join the Arrow Boys.

2 Q. [10:12:27] Mr Witness, do you remember the, the year and approximate month
3 you joined, you were called by Captain Mike?

4 A. [10:12:36] It was in 2003, around March was when they called me.

5 Q. [10:12:58] Mr Witness, as an Arrow Boy, what were your terms of engagement?

6 A. [10:13:07] Well, as an Arrow Boy, we were there to defend in -- hand in hand
7 with the government troops we had to fight the invading force of -- which had
8 invaded Teso and taken away so many children, year 15 downwards, so we had to try
9 to rescue those children and fight the enemy as well, of which we managed to
10 disorganise the enemy.

11 Q. [10:13:49] Mr Witness, what kinds of people were recruited as Arrow Boys?

12 A. [10:13:56] Arrow Boys, most of them were former fighters of UPA, those ones
13 who were already trained and they were battle hardened. Then a few who
14 voluntarily wanted also to join to rescue their fellow children were also recruited and
15 trained by the UPDF and they were integrated, integrated to Arrow Boys.

16 Q. [10:14:30] Upon joining the Arrow Boys or upon becoming an Arrow Boy, did
17 you ever receive any sort of military training?

18 A. [10:14:39] On my behalf I was already a well-trained person, I had already been
19 in the battles, so I didn't need any other training, except it was a matter of getting an
20 arm and going to the field.

21 Q. [10:15:00] You stated that other civilian people also joined. Were those civilian
22 people trained, did they receive any sort of military training?

23 A. [10:15:12] Oh, yes.

24 Q. [10:15:13] What sort of military training did they receive?

25 A. [10:15:15] Well, in military training, you are taught how to take cover, you are

1 taught how to aim at the enemy, and also other military, military skills. We didn't
2 mind of parade because parade was not necessary at that time. It was a matter of
3 learning how to fight only.

4 Q. [10:15:43] For how long were these Arrow Boys trained?

5 A. [10:15:48] Two month was enough for them because it was a rush crash
6 programme.

7 Q. [10:16:01] And I presume the training was by the UPDF?

8 A. [10:16:05] Yeah.

9 Q. [10:16:10] After the military training were the Arrow Boys given guns?

10 A. [10:16:13] Yes.

11 Q. [10:16:15] And who gave you the guns?

12 A. [10:16:21] The guns were provided by the government through our chairman for
13 Arrow Boys, Honourable Mike Mukula and Ecweru Musa (Overlapping speakers).

14 PRESIDING JUDGE SCHMITT: [10:16:36] May I shortly, Mr Kifudde.

15 The expression "Arrow Boys" seems to indicate that there were also other weapons,
16 meaning did you have, did you also use arrows or was this simply an expression with
17 no meaning?

18 THE WITNESS: [10:16:55] Well, that word "Arrow Boys" some, some people were
19 armed, but some wouldn't have the guns, because the government did not give all the
20 guns. They had to handle arrows, some had to handle pangas, and they go to the
21 field to fight.

22 PRESIDING JUDGE SCHMITT: [10:17:18] I understand, thank you.

23 MR KIFUDDE:

24 Q. [10:17:21] Now, apart from the government recruiting Arrow Boys to fight the
25 LRA, did the government of Uganda take any other steps towards protection of

1 civilians?

2 A. [10:17:37] Yes, the government worked hand in hand with the Arrow Boys, tried
3 to protect civilians, and Arrow Boys were fighting alongside the UPDF under the
4 command of UPDF.

5 Q. [10:17:57] Did the Arrow Boys as an institution have a command structure?

6 A. [10:18:02] Arrow Boys had a few commanders who were, who would assist the,
7 the government troops in identifying the possible routes in case the enemy strikes, the
8 possible routes where they can pass as they are withdrawing. So those commanders
9 were there in a lower level.

10 Q. [10:18:27] And apart from the two names you have mentioned already, Captain
11 Mike and Musa Ecweru, do you remember any other commanders for the
12 Arrow Boys?

13 A. [10:18:41] Yes. There was Sam Otayi, former UPA commander, RIP. There is
14 Oyigot was one of the commanders. There was Mukson Ekrit (phon) was one of the
15 commanders. And I myself was one of the commanders.

16 Q. [10:19:10] Mr Witness, you said the cardinal role why the Arrow Boys were
17 recruited was for purposes of protection of civilians. Now, upon the invasion of
18 LRA in Teso region, did the Arrow Boys protect civilians by moving around villages
19 or they were concentration camps?

20 A. [10:19:35] Well, Arrow Boys were patrolling the villages, some were guarding
21 the camps, and some had a duty then to attack the enemy positions where they had
22 camped.

23 Q. [10:19:54] Mr Witness, what was the situation like in those camps?

24 A. [10:20:00] The situation was so bad, a lot of diseases, there was no food, women
25 were being raped by government troops. So the whole thing was just a messed up

1 situation. Children, young children were dying in the camps because of lack of
2 treatment, sleeping in the cold, so on so forth.

3 Q. [10:20:35] Mr Witness, do you remember any of the concentration camps in
4 Teso?

5 A. [10:20:43] Well, we had a camp in Odudui where LRA came and attacked they
6 camped -- the camp. And Arrow Boys were there, there was still fighting, and LRA
7 lost one of their commanders by names Opiyo in that camp. Then some other camps
8 were in town, Soroti town, and in Katakwi, and in Amuria. Those are special
9 trading centres, that's why the concentrated camps.

10 PRESIDING JUDGE SCHMITT: [10:21:24] I think we, we understand that we are
11 talking about the IDP camps here, yes?

12 MR KIFUDDE: [10:21:32] For the record, it is IDP camps.

13 PRESIDING JUDGE SCHMITT: [10:21:39] It is IDP camps.

14 MR KIFUDDE: [10:21:42] Yes.

15 Q. [10:21:42] Mr Witness, you said LRA lost one of its commanders, Opiyo. Do
16 you remember his other name? And were there any other LRA commanders who
17 were killed in Teso?

18 A. [10:21:52] In that name called Opiyo, after him being caught by a bullet, that's
19 when we had other fighters of LRA crying that "Opiyo is dead. Opiyo is dead."
20 His other name I don't know.

21 Then, in Kaberamaido, that's where there was others still fighting, where one
22 commander called Tabuley was put out of action. But his other names I don't know.
23 Those were the nicknames, nickname for that one, Tabuley, and this one was Opiyo.
24 And Opiyo I know in our language also means a twin, twin born.

25 MR KIFUDDE: [10:22:49] Mr President, this might be a bit direct, but ...

1 Q. [10:22:53] Mr Witness, did you hear of Dominic Ongwen coming to Teso
2 alongside the Tabuleys and Opiyo?

3 PRESIDING JUDGE SCHMITT: [10:23:02] I was actually, if you hadn't asked it so
4 directly, I would have done it. So you can deduct from that that it's okay.

5 MR KIFUDDE: [10:23:09] Thank you.

6 THE WITNESS: [10:23:18] For sure, with us the commanders in Teso, we didn't hear
7 of Dominic coming to Teso. Either stepping in our soil, we have never heard of
8 Dominic coming to our soil.

9 MR KIFUDDE: [10:23:43]

10 Q. [10:23:43] Mr Witness, how long did the fight against LRA take in Teso?

11 A. [10:23:47] It took almost eight months, that war was over. The LRA withdrew,
12 back to wherever they came from.

13 Q. [10:24:09] Mr Witness, do you remember the year and perhaps month when the
14 LRA were completely flushed out of Teso?

15 A. [10:24:18] LRA came to Teso in 2003. And within the course of the same year,
16 before the end of that year, LRA was nowhere to be seen in Teso.

17 Q. [10:24:35] Mr Witness, after the LRA had been flushed out of Teso, what then
18 happened to the Arrow Boys?

19 A. [10:24:47] After that war, Arrow Boys were given a smaller package and sent
20 back home. Those ones who, who wished to join UPDF went to UPDF. But most of
21 them went to work in private -- they were absorbed in private security organisations,
22 whereby I also saw happened and joined, also joined Ultimate Security in Kampala.
23 But the rest went back home.

24 Q. [10:25:26] Thank you so much, Mr Witness.

25 Mr President, that ends our examination-in-chief.

Trial Hearing
WITNESS: UGA-D26-P-0140

(Open Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [10:25:32] Thank you, Mr Kifudde. And it was
2 very streamlined questioning, which we appreciate of course. Thank you.
- 3 MR KIFUDDE: [10:25:39] Thank you.
- 4 PRESIDING JUDGE SCHMITT: [10:25:40] I ask Mr Gumpert if you have any
5 questions for the Prosecution?
- 6 MR GUMPERT: [10:25:44] None.
- 7 PRESIDING JUDGE SCHMITT: [10:25:44] Mr Manoba?
- 8 MR MANOBA: [10:25:46] No questions, Mr President.
- 9 PRESIDING JUDGE SCHMITT: [10:25:48] Mr Narantsetseg?
- 10 MR NARANTSETSEG: [10:25:50] No question, your Honour. Thank you.
- 11 PRESIDING JUDGE SCHMITT: [10:25:52] Thank you very much.
- 12 Mr Witness, you can conclude from that that your questioning has already finished.
- 13 We thank you very much again that you have come to this court and testified and
14 help us establish the truth. We wish you a safe trip back home, Mr Witness.
- 15 THE WITNESS: [10:26:13] Thank you.
- 16 PRESIDING JUDGE SCHMITT: [10:26:13] I have been informed that the Defence
17 wants to address the Chamber with regard to the next witness.
- 18 Mr Obhof.
- 19 MR OBHOF: [10:26:22] Should we have the witness stay here or?
- 20 PRESIDING JUDGE SCHMITT: [10:26:25] I think if you put it in a generic manner, if
21 you say -- I think we are talking about Defence witness 108. But we can also wait
22 until the witness has left the courtroom.
- 23 MR OBHOF: [10:26:40] Well, the people are going to hear about it too. I mean, it
24 would be futile to waste this time.
- 25 PRESIDING JUDGE SCHMITT: [10:26:47] Yes. Okay.

1 MR OBHOF: [10:26:47] We have been in contact with our people in the field, the one
2 issue with 108 right now is that he is working on his school fees and he refuses to
3 leave his home until his school fees for the seven children which he must pay are
4 done. He is still keen to testify, but he doesn't appear to want to do it right now until
5 the school fees are paid to ensure that his kids don't miss any school time.

6 We did have another witness, 136, prepared until last week, but because of possible
7 political ramifications we told VWU to give his passport back. At that time we were
8 under the impression that the upcoming witness was going to be there.

9 And then the following witness after that which we would have had prepared, passed
10 away too weeks ago.

11 PRESIDING JUDGE SCHMITT: [10:27:35] Is there no possibility to have a witness
12 either on Thursday or on Friday via video link? Any of the witnesses on your list.

13 MR OBHOF: [10:27:46] Right now I don't think so, but I can check and reply back to
14 the Chamber today by around 1600. We can call our people in Gulu and in Kampala
15 to find out.

16 PRESIDING JUDGE SCHMITT: [10:27:56] Mr Gumpert, do you want to make any
17 comments from the side of the Prosecution?

18 MR GUMPERT: [10:28:01] I'm disappointed. I don't think I can make any
19 constructive comments. I am sure we are all keen to get on with this trial, but if it
20 cannot be done.

21 PRESIDING JUDGE SCHMITT: [10:28:10] Of course the Chamber is also
22 disappointed, but also I have to say that, until now, the Defence presentation of
23 the witnesses was really in a way that nobody could, could say anything negative
24 about it, and you don't do this lightly. But perhaps you take any effort to provide us
25 with a witness on Thursday or Friday, a video-link witness, that can be done of course

Trial Hearing
WITNESS: UGA-D26-P-0140

(Open Session)

ICC-02/04-01/15

1 in one day. We would appreciate that a lot.

2 MR OBHOF: [10:28:40] Yes, I will contact everybody in --

3 PRESIDING JUDGE SCHMITT: [10:28:42] And perhaps there would also be the
4 possibility with, to solve the problem with D-108, perhaps, until Friday. I think that
5 could also be a promising step.

6 MR OBHOF: [10:28:53] Yes, because with 108 now, instead of taking the one and one
7 third days, we really do believe that he could be done in one day. So we will
8 attempt to see if --

9 PRESIDING JUDGE SCHMITT: [10:29:02] And since, since we have two days left, I
10 think it should be possible to have either 108 on Friday, perhaps, or any other witness.
11 So this concludes then the hearing for today. We, especially the Defence, will take
12 all efforts to present us with a witness this week. And I can't say when we will have
13 the next hearing. This will be done when we know it.
14 Thank you for the moment.

15 THE COURT USHER: [10:29:25] All rise.

16 (The hearing ends in open session at 10.29 a.m.)