

Trial Hearing
WITNESS: UGA-OTP-P-0145

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Wednesday, 17 January 2018
8 (The hearing starts in open session at 9.31 a.m.)
9 THE COURT USHER: [9:31:55] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:32:20] Good morning, everyone.
12 Could the court officer please call the case.
13 THE COURT OFFICER: [9:32:26] Good morning, Mr President, your Honours.
14 The situation in the Republic of Uganda, in the case of The Prosecutor versus
15 Dominic Ongwen, case reference ICC-02/04-01/15.
16 And for the record, we're in open session.
17 PRESIDING JUDGE SCHMITT: [9:32:42] Thank you.
18 And for the appearances of the parties, Ms Nuzban.
19 MS NUZBAN: [9:32:45] Good morning, your Honours. Yulia Nuzban for the
20 Prosecution. With me in court, Ben Gumpert, Beti Hohler, Julian Elderfield,
21 Pubudu Sachithanandan, Ramu Fatima Bittaye, Jasmina Suljanovic and Colleen Gilg.
22 Thank you.
23 PRESIDING JUDGE SCHMITT: [9:33:02] Thank you.
24 And for the Legal Representatives of the Victims, Mr Narantsetseg.
25 MR NARANTSETSEG: [9:33:08] Good morning, Mr President, your Honours.

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1 For the common Legal Representative, my name is Orchlon Narantsetseg. With me,
2 Ms Caroline Walter. Thank you.

3 PRESIDING JUDGE SCHMITT: [9:33:13] Thank you. You said that in the
4 velocity that we are accustomed to.

5 In the meantime, Mr Manoba, please.

6 MR MANOBA: [9:33:22] Good morning, Mr President, your Honours.

7 Joseph Manoba and James Mawira.

8 PRESIDING JUDGE SCHMITT: [9:33:27] Thank you.

9 And for the Defence, Mr Obhof.

10 MR OBHOF: [9:33:30] Thank you very much, your Honour. Today we have

11 Chief Charles Achaleke Taku, Eniko Sandor, Ms Abigail Bridgman, our client

12 Mr Dominic Ongwen, and myself, Thomas Obhof.

13 PRESIDING JUDGE SCHMITT: [9:33:41] Thank you. And for the record, also we
14 have Mr Von Bóné as Rule 74 counsel.

15 Prosecution is now calling P-145 as its next witness and that is also the reason why we
16 have Mr Von Bóné here. The Chamber briefly recalls at the outset that this witness
17 has been granted face distortion and the use of a pseudonym in our well-known
18 decision 612. The Chamber considers that no further order is necessary in this
19 regard, noting that the VWU does not recommend any additional protective
20 measures.

21 But what we have to discuss is the issue of the Rule 74 assurances, and to discuss this
22 we go shortly into private session.

23 (Private session at 9.34 a.m.)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

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15 (Redacted)

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18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Open session at 9.36 a.m.)

23 THE COURT OFFICER: [9:36:00] We are back in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [9:36:03] Thank you. The Chamber will now

25 render its decision on the requested assurances, mindful of the factors specified in

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1 Rule 74(5) of the Rules.

2 The Chamber has decided to provide assurances pursuant to Rule 74 of the Rules in
3 order to enable the witness to testify without fear of the consequence of
4 self-incrimination.

5 This concludes the ruling of the Chamber and we can now bring the witness in.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE SCHMITT: [9:37:34] Mr Witness, good morning. Do you
8 hear me?

9 WITNESS: UGA-OTP-P-0145

10 (The witness speaks Acholi)

11 THE WITNESS: [9:37:40] (Interpretation) Yes, I can hear you.

12 PRESIDING JUDGE SCHMITT: [9:37:42] You are going to testify before the
13 International Criminal Court, and on behalf of the Chamber I would like to welcome
14 you in the courtroom.

15 Mr Witness, I will now read the solemn undertaking to tell the truth to you that every
16 witness who testifies before this Court must agree to. So please listen carefully to
17 what I say:

18 I solemnly declare that I will speak the truth, the whole truth and nothing but the
19 truth. Mr Witness, do you understand what I have read to you?

20 THE WITNESS: [9:38:21] (Interpretation) I have understood.

21 PRESIDING JUDGE SCHMITT: [9:38:24] Do you --

22 THE WITNESS: [9:38:27] (Interpretation) I do take oath that I will tell the truth
23 before everyone here.

24 PRESIDING JUDGE SCHMITT: [9:38:35] Okay. Thank you very much. That
25 means that you agree.

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1 Mr Witness, let me now explain to you how the protective measures that the Chamber
2 has put in place for your testimony work. The Chamber has put the following
3 measures in place to protect you: First of all, face distortion. That means that no
4 one outside the courtroom can see your face. Secondly, we will refer to you only as
5 "Mr Witness", not with your real name. This is to make sure that the public does not
6 know your name.

7 When you are asked to describe anything that relates specifically to you or you are
8 asked to mention facts that might reveal your identity, we will do so in private
9 session. In private session, that means that there is no broadcast and no one outside
10 the courtroom can hear your answer.

11 You have also been assigned a lawyer, Mr Witness, to provide you with legal advice
12 about possible self-incrimination. This is Mr Von Bóné sitting to the right of you.
13 The Chamber gives you the assurance that your testimony will not be used against
14 you in any subsequent proceedings before this Court. This of course applies only as
15 long as you do not commit any offences or misconduct when testifying, especially
16 you have to tell us the truth. This only applies when you tell us the truth.

17 If any question is asked that could lead to your self-incrimination, we will hear your
18 answer in private session and keep this answer confidential, and everybody in the
19 courtroom, participants, your counsel and the Chamber, is vigilant in that respect.
20 Do you understand, Mr Witness?

21 THE WITNESS: [9:40:35] (Interpretation) I have understood.

22 PRESIDING JUDGE SCHMITT: [9:40:37] Before we start with your testimony, just
23 a few practical matters. As you understand, everything what is said here is written
24 down and interpreted. And to allow for the interpretation, we all have to speak at a
25 relatively slow pace, and we only start speaking when the person who has asked the

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1 question has finished. So this is, I think, enough as the preliminaries, and we can
2 start then with the testimony work.

3 Ms Nuzban.

4 QUESTIONED BY MS NUZBAN:

5 Q. [9:41:15] Good morning, Mr Witness. As you know, I will be asking you
6 questions on behalf of the Prosecution.

7 MS NUZBAN: [9:41:22] Your Honour, may we go into a brief private session to
8 introduce the witness?

9 PRESIDING JUDGE SCHMITT: [9:41:30] Yes, of course.

10 (Private session at 9.41 a.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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1 (Open session at 9.43 a.m.)

2 THE COURT OFFICER: [9:43:10] We're back in open session, Mr President.

3 MS NUZBAN: [9:43:22]

4 Q. [9:43:23] Mr Witness, at the beginning I will ask you some background
5 questions. And my first question is: Have you heard of the LRA?

6 A. [9:43:42] Yes, I heard about it.

7 Q. [9:43:46] What is your experience of the LRA?

8 A. [9:43:58] What I know about the LRA is that they are the ones who abducted
9 me.

10 Q. [9:44:07] When were you abducted?

11 A. [9:44:19] I was abducted in 1990.

12 Q. [9:44:25] Do not mention the name of the village, but could you please tell us
13 the name of the district where you were abducted from?

14 A. [9:44:41] The LRA abducted me from Kitgum district in 1990.

15 Q. [9:44:55] Who else was abducted with you?

16 A. [9:45:05] On that day from our village I was the only one who was abducted.

17 Q. [9:45:15] How many people abducted you?

18 A. [9:45:25] They were very many in numbers. I couldn't estimate their exact
19 number.

20 Q. [9:45:33] Who was in charge of the people that abducted you?

21 A. [9:45:45] That particular commander was called Abonga.

22 Q. [9:45:56] What did Abonga tell you after your abduction?

23 A. [9:46:09] Upon my abduction Abonga told me, now that I am with them, there
24 is no returning back home. Should I return back home, if I escape, they will come
25 and kill everyone in that village, including my parents. So I stayed with them.

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1 Q. [9:46:33] How long did you remain with the LRA?

2 A. [9:46:46] I was abducted in 1990. I returned in 2005. This translates to about
3 15 to 16 years.

4 Q. [9:47:02] Do you remember the month when you returned in 2005?

5 A. [9:47:12] I do not exactly recall now, but I think it should be about April or
6 May. I do not recall the exact date.

7 Q. [9:47:31] What was your rank when you left the LRA?

8 A. [9:47:48] I was given the rank of the captain.

9 Q. [9:47:56] Let's now talk about the LRA practices during your time with the
10 LRA. You were abducted into the LRA as a child. What was your experience as a
11 child in the LRA?

12 A. [9:48:23] What I went through in the LRA includes carrying heavy luggage,
13 walking for long distances and seeing some heinous atrocities that are conducted,
14 including killings.

15 Q. [9:48:45] How did other children end up in the LRA?

16 A. [9:49:01] All the children who came to the LRA were abducted. All were
17 abducted. There is no child that comes to the LRA voluntarily.

18 Q. [9:49:16] Does Operation Iron Fist mean anything to you?

19 A. [9:49:31] I do not understand the meaning.

20 Q. [9:49:39] Have you heard about Operation Iron Fist?

21 A. [9:49:49] Yes.

22 Q. [9:49:56] What was Operation Iron Fist, Mr Witness?

23 A. [9:50:16] I do not understand the meaning of Iron Fist because I do not know
24 how it began. I came to know more about it when I had already returned home.

25 PRESIDING JUDGE SCHMITT: [9:50:32] I think you can - you don't have to insist

1 on that, what his understanding of Iron Fist was. If there is a specific incident that
2 might have happened during that period, perhaps you can go to that one.

3 MS NUZBAN: [9:50:49] I will move on for now, your Honour.

4 Q. [9:50:55] When did Operation Iron Fist take place?

5 A. [9:51:10] I said that the Operation Iron Fist happened when I already had
6 returned home, but how it began and when I do not know.

7 PRESIDING JUDGE SCHMITT: [9:51:22] I would simply, as I said, and as you
8 have promised, I would simply move to another point. Because Iron Fist, we have
9 heard it so many times, is a concept, it has happened during a certain period of time,
10 and it's so broad, that if you want to elaborate something from this witness which
11 happened or that might have happened during that time, you should really go
12 straight forward to that incident. Or what you want to know from him.

13 MS NUZBAN: [9:51:55] Thank you, your Honour.

14 Q. [9:51:57] Mr Witness, concentrate on the time period between 2003 and the
15 time when you left the LRA. Did the LRA continue abducting children?

16 A. [9:52:19] At that time they would still abduct.

17 Q. [9:52:26] How old were the youngest abductees that you saw with your own
18 eyes?

19 A. [9:52:36] The children that I have seen abducted by the LRA are even between
20 the ages of 8, 9, 10. Once the child has already grown and is a bit of size, that child
21 would just be abducted.

22 Q. [9:53:09] What was the role of children in the LRA?

23 A. [9:53:24] In the LRA the children are used to carry food, carry food, and if
24 there is fighting those children are lined behind the forces, are lined behind people
25 who have guns so that their role would be to make noise, to shout. But the ones that

1 would be fighting are the ones that have the guns.

2 PRESIDING JUDGE SCHMITT: [9:53:55] Did children also have guns sometimes?

3 Or always?

4 THE WITNESS: [9:54:11] (Interpretation) If they are still very young they do not
5 carry guns.

6 PRESIDING JUDGE SCHMITT: [9:54:17] When we are speaking of very young,
7 could you perhaps specify more the age that you are talking about.

8 THE WITNESS: [9:54:28] (Interpretation) From eight years to 14, those ones do not
9 carry guns.

10 PRESIDING JUDGE SCHMITT: [9:54:39] Ms Nuzban.

11 MS NUZBAN: [9:54:45]

12 Q. [9:54:45] What other things did these children between eight and 14 were
13 doing in the LRA?

14 A. [9:55:07] I think what they do is what I have already mentioned.

15 Q. [9:55:18] You told us earlier that you witnessed atrocities such as killings.
16 Who ordered the LRA to kill?

17 A. [9:55:38] In the LRA when they say you kill, they kill the civilians.

18 Q. [9:55:51] Why were the civilians killed?

19 A. [9:56:03] I do not know why the civilians were killed.

20 PRESIDING JUDGE SCHMITT: [9:56:11] Has anybody when you were - during
21 your time in the LRA has anybody talked to you about that? Has any of the
22 superiors or the commanders explained why civilians should be killed?

23 THE WITNESS: [9:56:28] (Interpretation) No one spoke to me that civilians should
24 be killed. No one told me that you should go and kill civilians, but all I know is that
25 they killed civilians. If they find civilians they would kill civilians, but I do not

1 know why they killed civilians. That was the plan of the top commanders.

2 PRESIDING JUDGE SCHMITT: [9:57:01] Please continue.

3 MS NUZBAN: [9:57:03]

4 Q. [9:57:04] You say, "In the LRA when they say you kill, they kill the civilians."

5 Who are "they", Mr Witness?

6 A. [9:57:24] The people who give such orders are the top commanders like Kony,
7 Okot Odhiambo, Dominic Ongwen or Odomi, and Lukwiya Raska. I might have
8 forgotten some of the names, but the top commanders in the LRA which were known
9 were five.

10 PRESIDING JUDGE SCHMITT: [9:57:56] I think it's your questioning, you should
11 elaborate a little bit and try to specify a little bit more, and not to let this be in the
12 extreme, extremely general way that it has been said.

13 MS NUZBAN: [9:58:19]

14 Q. [9:58:20] How do you know that these orders were given by the top
15 commanders?

16 A. [9:58:38] They are the ones who are on the LRA, that is why I know it comes
17 from them.

18 PRESIDING JUDGE SCHMITT: [9:58:45] Perhaps you allow me shortly a question.
19 Mr Witness, can you give an example, concretely, a concrete incident where you
20 heard an order from one of these persons?

21 THE WITNESS: [9:59:03] (Interpretation) One such example happened when I was
22 in the sickbay, at the time when we were in sickbay our leader was called Major Olak
23 Otulu, or commonly known as Tulu. So when we were stationed close to the bank of
24 Aswa River the overall commander of the Sinia brigade, who was Odomi, came to us
25 and said he wants some people to go for an operation, an operation which he has

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1 planned, so that the sick people should go and collect food and they come back with
2 food.

3 So we picked, we selected people. I was amongst those who went to collect food.

4 We went, collected food for them, they went to the defence and started engaging in a
5 fight with the government soldiers. They fought, they entered the barracks, they
6 overpowered the UPDF and they overran the barracks. So those of us, the sick
7 people, we collected food and came back home.

8 Later on, we heard over the radio domestic that people were killed. That is why I
9 concluded that those are the people who have the plans, who give the orders for
10 killings. That is one of the examples I can talk about.

11 PRESIDING JUDGE SCHMITT: [10:00:33] But, as I -- as you at the time have
12 understood it, this was a battle between LRA and government soldiers, or did I
13 understand you incorrectly?

14 THE WITNESS: [10:01:01] (Interpretation) Yes, the LRA soldiers engaged the
15 government soldiers, they overran the government soldiers and the government
16 soldiers fled.

17 PRESIDING JUDGE SCHMITT: [10:01:10] Ms Nuzban, please.

18 MS NUZBAN: [10:01:12] Thank you.

19 Q. [10:01:14] You said you went to collect food. Where did you go?

20 A. [10:01:29] We went to Lukodi.

21 Q. [10:01:34] When was it, what year?

22 A. [10:01:48] This event happened a long time ago and I do not recall the exact
23 time.

24 PRESIDING JUDGE SCHMITT: [10:01:58] I think we would not expect from you
25 that you know the exact time, Mr Witness, but can you try to think back in time and

1 try to specify a little bit more, perhaps the year. Or if you don't recall the year, can
2 you place it and say it was between 2003 and '05 or whatsoever. You know what I
3 mean? So just try to be a little bit more specific, if you think about it.

4 THE WITNESS: [10:02:37] (Interpretation) I can hazard a guess, perhaps 2003 or
5 2004. Because I went back home in 2005, so perhaps between 2003 and 2004.

6 PRESIDING JUDGE SCHMITT: [10:02:52] That's exactly what we can expect from
7 you and not more. We would not really think that you know the exact date.
8 Please, Ms Nuzban.

9 MS NUZBAN: [10:03:04]

10 Q. [10:03:04] You said a few moments ago that Odomi came to collect people.
11 Did you know Odomi before he arrived?

12 A. [10:03:24] I knew him before he came to that place.

13 Q. [10:03:31] How did you know Odomi?

14 A. [10:03:43] I know Odomi because we were with them in Sudan.

15 Q. [10:03:53] Can you describe -- can you describe Odomi when he arrived to
16 your sickbay, head to toe?

17 A. [10:04:07] When he came to the sickbay, well, the - those of us who were
18 injured were in a particular place where we took care of other sick patients. I was
19 actually healed, I was better, so I was helping take care of the other people. He came,
20 he collected us altogether, he convened the officers together and he told us that he has
21 planned an operation, a very good operation; he wants to help people, the sick people,
22 get food, get supplies. And he said if somebody who comes helps the people who
23 are in sickbay, the injured people should - those who are not - who are able bodied
24 should go and collect food. So they selected people to go and collect food and give it
25 to the rest of the people who are extremely weak and people who cannot travel for

1 long distances.

2 So when he came he called us, he convened us. I was among those people, there
3 were six or seven of us. Major Tulu was also there. Major Abucingo was also there.
4 But Tulu was in charge. So he said if there is an operation he wants people to be sent
5 to him tomorrow so that people could go and collect food.

6 The details of the -- he did not give the details of where the location was going to be,
7 but he spoke to it - he spoke about it with Tulu.

8 The next day we took people. I also took some people. I was among the people
9 and we left. There were other officers from the bay. There was Ojara, there was
10 myself, there was Ojoko. We left and we went to join the group. He could not
11 come and join us with his group because his group was bigger. So if he came with
12 his group the UPDF may perhaps pursue him and come and attack the patients, or
13 the sick people. So he stayed behind with his group and we went and joined the
14 group on the river bank. We left, went and met them at the riverbank, and then we
15 travelled and headed to Lukodi.

16 Q. [10:06:42] I want to ask you a few clarification questions now. Again, when
17 Mr Ongwen arrived, can you describe him? How did he look?

18 A. [10:07:09] Well, he looked normal, as any normal - any other normal person.
19 He walked well.

20 PRESIDING JUDGE SCHMITT: [10:07:19] May I shortly.

21 How did you know that it was Mr Ongwen? This may sound simplistic, but simply
22 that we make sure that we speak of the right person.

23 THE WITNESS: [10:07:34] (Interpretation) How would you not know your
24 superior? He was in -- I was in a different brigade, but he was my commander so I
25 knew him. I also stayed with him for a long time in Sudan, so I personally knew him.

1 While we were in Sudan, he would come from time to time and talk to us, advise us
2 and counsel us on how we should stay and how we should live.

3 PRESIDING JUDGE SCHMITT: [10:08:07] I think we should leave it at that and
4 continue. And he had a narrative about Lukodi, perhaps you could then step in
5 there if you have further questions or clarification insofar.

6 MS NUZBAN: [10:08:23]

7 Q. [10:08:24] You said that Ongwen addressed some officers. What time of the
8 day did Mr Ongwen address the officers?

9 A. [10:08:43] It was in the evening, sometime in the evening. When he came it
10 was in the evening. And then, in the morning, we left and went and joined his
11 group and started heading towards Lukodi at around 11 or midday. But when he
12 came and sent the report that he needed people, that was in the evening, perhaps
13 around 4 p.m.

14 Q. [10:09:07] When Mr Ongwen arrived, who did he arrive with?

15 A. [10:09:22] He came with about six, five or six people, but I do not recall the
16 names of all the people that he came with.

17 Q. [10:09:33] Who were these people?

18 A. [10:09:45] I do not recall their names right now.

19 Q. [10:09:50] I want to ask you the names of the other officers that Mr Ongwen
20 addressed when he arrived at your location. You mentioned Otulu and you
21 mentioned yourself. You also mentioned Abucingo. Do you remember other
22 officers?

23 A. [10:10:18] Yes, I do recall. If I have forgotten somebody then I have forgotten
24 them, but I recall them.

25 Q. [10:10:31] Can you give us their names?

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1 A. [10:10:40] There was Tulu, there was Matata, myself (Redacted), there
2 was Ojoko, there was Ojok, there was Ojara. Some people refer to him as Ojara Gali
3 but we call him Ojara. I think I've forgotten some of them, but these are the ones
4 that I recall.

5 Q. [10:11:18] Who is Kilama?

6 A. [10:11:25] Yeah, Kilama was, Kilama was also present. He is a second
7 lieutenant. I had forgotten about him.

8 Q. [10:11:36] Who is Oyet Matata?

9 A. [10:11:47] Oyet Matata is Matata, but I only called -- I used the one name
10 Matata because we used to refer to him as Matata, but his other name is Oyet. He is
11 the second person that I mentioned.

12 Q. [10:12:05] Indeed. And thank you. What was your rank at the time?

13 A. [10:12:16] At the time I was still a lieutenant.

14 Q. [10:12:28] You mentioned earlier that Ojara went to Lukodi and you just
15 described Ojara Gali who was present during Mr Ongwen's address. Is it the same
16 person or is it two different people?

17 A. [10:12:49] It's the same Ojara who went to Lukodi.

18 Q. [10:12:58] When Mr Ongwen went to Lukodi, how many people did he have?

19 MR TAKU: [10:13:13] Your Honour, I wonder whether the witness has said that
20 Mr Ongwen went to Lukodi. He said that Mr Ongwen came to their location, or
21 they went to Mr Ongwen's location. I don't remember the witness saying that
22 Mr Ongwen went to Lukodi.

23 PRESIDING JUDGE SCHMITT: [10:13:30] We can clarify -- thank you,
24 Mr Taku -- we can clarify that.

25 Mr Witness, did Mr Ongwen, according to your knowledge, go to Lukodi?

1 THE WITNESS: [10:13:48] (Interpretation) I know that he, to my knowledge he
2 went because he went with his people; he could not leave his people behind, he went
3 with his people. The sick people branched off so that if we were being pursued by
4 soldiers, they would not pursue the sick people but they would pursue his people.
5 So he was in front.

6 PRESIDING JUDGE SCHMITT: [10:14:13] But you did not see him there?

7 THE WITNESS: [10:14:24] (Interpretation) When we went to the place that we
8 went to his group was in front, so he was in front. He was in front on the way to
9 Lukodi.

10 PRESIDING JUDGE SCHMITT: [10:14:35] And, Mrs Nuzban, we would have to
11 inquire I think what the witness did and where he stayed and what the function of his
12 group was, and so on and so on. Otherwise, I think Defence would keep this in
13 mind also but perhaps we can ask him in that respect too, that we, that we really
14 know what his perspective was at the time.

15 MS NUZBAN: [10:15:02] Your Honour, if I may, I will do that in a few moments.
16 And before that I was --

17 PRESIDING JUDGE SCHMITT: [10:15:07] Of course, of course. I just wanted to
18 remind everybody in the room that we should not forget that.

19 MS NUZBAN: [10:15:15] Thank you, your Honour.

20 Q. [10:15:17] Now, how many people were selected from Gilva sickbay to go to
21 Lukodi?

22 A. [10:15:34] Each person would take people from his household, enough people
23 to go and collect food. Because when you go and collect food, you don't collect it
24 together, each one takes it to their household, so I believe maybe up to 60 people.

25 Q. [10:15:53] How old were the people selected to go to Lukodi?

1 A. [10:16:13] The people who -- when LRA is sending people on mission, they do
2 not worry about the age. What they do is they select the people who they believe
3 will not escape. Irrespective of your age, whether you are eight, whether you are 12,
4 they choose people who they know are not going to escape.

5 Q. [10:16:43] In your estimation, what was the age of the youngest person who
6 went to Lukodi?

7 A. [10:17:04] Which group are you asking about? Are you asking about the
8 group that came from the bay or the group that came from Ongwen?

9 Q. [10:17:14] Both, Mr Witness. But let's start with the bay. How old was the
10 youngest person from the bay that went to Lukodi?

11 A. [10:17:32] From the bay, most of them were from the ages of 14, 16 to 17.
12 Those are the youngest people that I saw who came from the sickbay because they
13 wanted people who were capable of carrying the injured and the sick.

14 Q. [10:18:01] How about Ongwen's group, how old was the youngest person
15 from Mr Ongwen's group that you saw with your own eyes in Lukodi?

16 A. [10:18:21] There were many, but I did not -- I did not guess their ages, I was
17 not looking at them and guessing their ages. But he had a lot of people, he had a
18 convoy and there were so many people in that group.

19 Q. [10:18:39] You said earlier that you selected people to go to Lukodi. Did all of
20 your people go?

21 A. [10:18:57] The people that I selected from my household, I took people from
22 my household because when you are in the LRA you live in groups or households, so
23 sometimes there is five people, there is - it depends on the number. So you take a
24 number of people and leave others to take care of the sick people. So I took people
25 from my household, Tulu took people from his household. All the officers that I

1 named earlier had their own household. So they took people from their households.

2 Our overall leader at the time was Tulu. So we each took people from our own
3 households.

4 Q. [10:19:45] How many did you select?

5 A. [10:19:58] From my household, in my household there were five people. Out
6 of the five people three of us went. Two people stayed behind.

7 Q. [10:20:09] Were these people armed?

8 A. [10:20:25] In my household I was the only person who had arms.

9 Q. [10:20:35] What kind of arms did you have?

10 A. [10:20:46] I had an SMG.

11 PRESIDING JUDGE SCHMITT: [10:20:53] How old were these people that were
12 selected from your group, that you selected from your group? Do you recall that?

13 THE WITNESS: [10:21:07] (Interpretation) I can guess because I came back with
14 them, I came back home with them.

15 PRESIDING JUDGE SCHMITT: [10:21:14] Please try.

16 THE WITNESS: [10:21:24] (Interpretation) The three people that I went with were
17 approximately 15; from 16 to 14, between that age range, 14 to 16.

18 PRESIDING JUDGE SCHMITT: [10:21:42] And just that I -- that we as the Judges
19 understand it, you selected these people because you had been told to do so. Did
20 anybody speak to you personally or was there perhaps a gathering where this order
21 was given out? You see, so that we can picture ourselves in the situation a little bit,
22 if you could do that for us.

23 THE WITNESS: [10:22:16] (Interpretation) Well, when we had the meeting, the
24 meeting that was held in the late afternoon when Odomi came and told us that he
25 wanted people to go and collect food, he told us that there was an operation, that he

1 had arranged an operation and he was going to attack a place so that the sick people
2 would also leave. And it was at around that time that Tulu gave orders that we
3 should select people to go and collect food. So in my particular household I did not
4 have older people. Those were the only people that I had. So I selected people
5 from that household. We were five. Two of them were left behind to take care of
6 the, of the injured, to carry people. They were older. And I took the others, the
7 other three.

8 PRESIDING JUDGE SCHMITT: [10:23:11] So the order to select the people came
9 from Tulu? Or from whom did they come?

10 THE WITNESS: [10:23:21] (Interpretation) The order came from Tulu because
11 Odomi had -- Odomi had already planned an operation, an operation that was going
12 to take place. So the order to go and carry food came from Tulu. Tulu ordered us
13 to select people to go and carry food.

14 PRESIDING JUDGE SCHMITT: [10:23:51] (Overlapping speakers) understand for
15 us, if you know, was Tulu superior to Odomi or was it the other way around? Or
16 were they on the same level?

17 THE WITNESS: [10:24:04] (Interpretation) Tulu was a subordinate, he was a major.
18 Dominic was a major general or brigadier general, he was superior.

19 PRESIDING JUDGE SCHMITT: [10:24:25] Ms Nuzban.

20 MS NUZBAN: [10:24:29]

21 Q. [10:24:30] Where was Otulu during the attack on Lukodi?

22 A. [10:24:44] Tulu branched and stayed behind with the sick people because he
23 could not walk long distances, he had been shot in the leg and he had sustained a
24 number of injuries so he could not walk long distances. So he stayed behind.
25 When we went to Lukodi to loot food, he stayed behind with the sick people.

1 Q. [10:25:07] I believe you said at the beginning that you did not know where
2 Ongwen was going, the destination of the attack when he arrived with -- when he
3 arrived at your sickbay. Is that right?

4 A. [10:25:28] Yes, that's what I stated.

5 Q. [10:25:30] When did you learn that you were going to Lukodi?

6 A. [10:25:45] We found out that we were going to Lukodi the next day because
7 we walked for one and a half days because we left at around 11 to midday. At the
8 time that we left we did not know where we were going, but on the next day when
9 we were crossing the Kitgum road, the road going to Awach, we started guessing
10 where are we, you know, and asking ourselves where are we going to work. And it
11 was only when we got to the Lukodi area that we kind of guessed that perhaps this is
12 the area where the mission was going to take place.

13 Q. [10:26:24] I will ask you about the events in Lukodi in a few moments, but
14 before that I want to clarify the location of your sickbay where Odomi found you.
15 You said it was close to River Aswa. Where is River Aswa in relation to Lukodi?

16 A. [10:27:03] The Aswa that I'm talking about is the Aswa that is next to Te Got
17 Aceng and at the Aceng hill. Because the Aswa River is long, it goes through Awach,
18 and it was in the direction behind, behind Goma. The -- it was the direction behind
19 Binya school. That is the Aswa that I'm talking about. It's close to Odek hills. It's
20 in the direction of Odek centre. And that's the Aswa that I'm talking about.

21 Q. [10:27:42] Can you remember other places close to the location of your sickbay
22 when Ongwen arrived?

23 A. [10:27:59] Yes, I do recall.

24 Q. [10:28:02] Can you name them?

25 A. [10:28:05] There was Loyo Ajonga, Omel Kuru, Omel Oboke, Tian Otima

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1 (phon), Te Got Aceng. And I've forgotten some of the rest. Perhaps if you could
2 refresh my memory, then that will be helpful.

3 PRESIDING JUDGE SCHMITT: [10:28:39] I think that that would be enough.

4 MS NUZBAN: [10:28:42]

5 Q. [10:28:42] And what are these places?

6 A. [10:28:54] In the past these were civilian areas, but the civilians had been
7 chased away from the area by the LRA and it had become -- it had become bushes.
8 So the LRA were the ones who were in control of that area.

9 Q. [10:29:16] I now want to turn to the events in Lukodi. Can you describe, tell
10 us everything that you remember what happened in Lukodi.

11 PRESIDING JUDGE SCHMITT: [10:29:33] There we have to be of course vigilant
12 with regard to the Rule 74 assurances in that respect. Perhaps first of all we should
13 clarify if he was there at all.

14 MS NUZBAN: [10:29:46] I believe that's what the witness said in the beginning,
15 your Honour.

16 PRESIDING JUDGE SCHMITT: [10:29:50] Then please continue.

17 MS NUZBAN: [10:29:53]

18 Q. [10:29:57] Mr Witness, you told us that you went to Lukodi together with
19 Ojara Gali and Ojoko. Tell us everything that you remember that happened in
20 Lukodi.

21 A. [10:30:17] I recall that when we got to Lukodi and when Odomi's group
22 was -- had formed a formation walking along the road going towards the barracks,
23 we were behind the hills. There are a number of houses or -- where civilians would
24 stay and in the evening the soldiers would put the security. We went and found
25 some beans. When we found beans, we started carrying the beans. We heard

1 gunshots. The distance from where the gunfire was going on to where we were
2 collecting the food was about 700 metres, approximately 700 metres.
3 We carried the food and started heading back. Because when we were heading, they
4 had already set up a place, that this is where you are going to come and meet Tulu.
5 So we went, we carried food and went back to where we were supposed to meet
6 Tulu.
7 When we got there, once the operation started, they started firing gunshots in the
8 barracks. There were some officers who were with me at the time. The officers that
9 we went with, they disappeared. They went towards Odomi's group. They went
10 and joined Odomi's group. The rest of us carried food and went back. I led the
11 people who carried food. We went and met Tulu at Loyo Ajonga, where we had
12 agreed, where the RV had been set up in a certain village.
13 We stayed there for approximately one to two days, and the others came back. They
14 started telling us what happened. They said they attacked -- Odomi's group went
15 and attacked the government soldiers and the government soldiers ran. Once the
16 soldiers ran, once the government soldiers ran, they killed people, they killed people
17 in Lukodi. We asked -- we asked among ourselves how many people, but they said
18 they could not estimate the number of people that had been killed, but many people
19 had been killed. And we heard the broadcast over the radio stating that people had
20 been killed in Lukodi. That's what I recall.

21 PRESIDING JUDGE SCHMITT: [10:32:51] I think my question was not completely
22 without justification. Being there and being there might be different things. But
23 please continue, Ms Nuzban.

24 MS NUZBAN: [10:33:02]

25 Q. [10:33:04] I will ask you a few clarification questions. You said that there

1 were officers with you that went and joined Lukodi -- apologies, that joined Odomi.

2 Who were these officers?

3 A. [10:33:28] (Overlapping speakers)

4 Q. [10:33:29] Mr Witness, I apologise for interrupting, but I was incorrect. In fact,
5 you said that there were some officers with you who went and joined Odomi's group.

6 Who were these officers?

7 A. [10:33:42] I said that when we left to go, we moved together. They would be
8 in front, for us we would be behind. But as we moved together and we remained
9 behind, we reached an area where we would be able to get food. We would find
10 food in those homes. So those of us from the sick group, we branched off to collect
11 those foods.

12 But Ojoko and another person, I think could be Kilama, I do not recall the name
13 clearly, those two officers just continued to move ahead. We were moving in one
14 line. We were in one line and in that one line, for us we would remain behind. The
15 fighters, the fighting group that had guns would go ahead, but those of us without
16 the guns, including those who were sickly, remained behind.

17 So we -- when we reached that point where we could now find food, we branched off
18 to collect food. But the other ones, the fighting group, went ahead, continued
19 moving ahead. The people that I mentioned their name continued to move ahead.
20 They did not know that people had branched off to collect food. They actually
21 realised when Odomi's group were already fighting.

22 So as Odomi's group were fighting, they also did not know where their group was.

23 So after the attack, that's when they also came back, because they knew where we
24 were going to meet with our commander Tulu. So they came back after two days
25 and joined us at the location where we were supposed to meet.

1 PRESIDING JUDGE SCHMITT: [10:35:42] Mr Witness, did you see anything from
2 the actual attack in Lukodi, attack on the UPDF, killings and so on and so forth? Did
3 you witness this with your own eyes, anything of that?

4 THE WITNESS: [10:36:08] (Interpretation) Can you say the question again?

5 PRESIDING JUDGE SCHMITT: [10:36:11] Yes, I apologise. You talked about
6 what has happened in Lukodi. Did you see what happened in Lukodi? Especially
7 the battle, the fighting, did you see this with your own eyes?

8 THE WITNESS: [10:36:37] (Interpretation) I did not see anything with my own
9 eyes, apart from carrying the food which I saw, and I also carried some food. But
10 not at the centre. But it all happened in the Lukodi area.

11 PRESIDING JUDGE SCHMITT: [10:36:51] Did I understand you correctly that
12 some of your group went directly to the centre of Lukodi? I have two names in my
13 mind, Ojoko and Kilama. Did I understand you correctly?

14 THE WITNESS: [10:37:12] (Interpretation) Yes, correct.

15 PRESIDING JUDGE SCHMITT: [10:37:14] Did they later, these two, for example,
16 did they later on join you again?

17 THE WITNESS: [10:37:28] (Interpretation) Yes. Those who had separated briefly
18 all returned back to the sickbay, because those were part of the people in the sick
19 group, in the sickbay. Indeed, those were members of Ocan Bunia's group who were
20 in the Gilva brigade.

21 PRESIDING JUDGE SCHMITT: [10:37:49] When they met again with you, did they
22 tell you what happened in Lukodi?

23 THE WITNESS: [10:38:02] (Interpretation) Yes. They were telling us what
24 happened in Lukodi, that these people, this group went and attacked the soldiers and
25 they overpowered them and the soldiers ran away and they started moving towards

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1 the camp. So while they were in the camp, they started killing some of the civilians
2 who were not able to flee. So those ones, they were the ones who were killed
3 because they were in their houses.

4 PRESIDING JUDGE SCHMITT: [10:38:30] Ms Nuzban.

5 MS NUZBAN: [10:38:32]

6 Q. [10:38:38] Mr Witness, just to be clear, who are "they" when you describe the
7 killing of civilians? Who killed civilians?

8 A. [10:38:56] You know, "they" is an Acholi word, so when I talk about "they", it
9 means I'm talking about that group, that Odomi's group which we have been talking
10 about.

11 Q. [10:39:14] And again, just to be clear, did you see any of the killings with your
12 own eyes?

13 A. [10:39:31] I did not see any killing physically, I did not see it with my own eyes.
14 But previously there were some killings which would take place which I was able to
15 see, but that was quite a long time. But that specific day I did not see.

16 Q. [10:39:55] And did you see any dead bodies in Lukodi or around Lukodi on
17 that -- during that occasion?

18 A. [10:40:13] No.

19 Q. [10:40:20] You spoke about the food that was collected in Lukodi. Where did
20 the food come from?

21 A. [10:40:40] These foods were from -- came from Lukodi. They included flour
22 and beans.

23 Q. [10:40:48] Who owned that food before it was collected?

24 A. [10:41:02] Before they were looted, these were civilian foods. They belonged
25 to the civilians.

1 Q. [10:41:11] And just to be clear, how do you know that that food belonged to
2 civilians?

3 A. [10:41:29] I knew because some of these foods were in the granaries, some of
4 them were in the house. Even myself, when I was abducted from home, we had
5 granaries in our homes. So I would know, I would see, because we would pick some
6 of these clothes from the granaries which were in those homes. Some of the foods
7 were picked from the houses of the civilians.

8 Q. [10:41:55] How did civilians react when the LRA picked food from their
9 homes?

10 A. [10:42:15] When the LRA loot food from civilian homes, there is nothing else
11 they can do. They send information to the government, and the NGOs would come
12 to provide food relief and other items.

13 Q. [10:42:30] Can you remember what foods were looted? You earlier
14 mentioned beans. Do you remember any other foods that were looted?

15 A. [10:42:53] When the LRA come to an area, there are many things that they pick,
16 including foodstuff like beans, flour, cassava. Could be the processed cassava,
17 anything that they come across. Even chicken, goats, if they find, they will take it
18 with them. But that day they did not find goats.

19 Q. [10:43:23] What did you see with your own -- with your own eyes that was
20 taken from Lukodi?

21 A. [10:43:38] What I saw with my own eyes include chicken, chicken, beans, flour,
22 soya beans, and then dried cassava, and also we had some fresh cassava which were
23 uprooted. These are the things that I saw.

24 PRESIDING JUDGE SCHMITT: [10:44:06] And what happened to this food? Was
25 it distributed amongst the different groups? How can we picture that for ourselves?

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1 THE WITNESS: [10:44:21] (Interpretation) For instance, when -- for us in the sick
2 group, when we come back, we take this food to our commander, like Tulu. He
3 would take some and then retain with him, and then the rest he would give us to take
4 to our households.

5 PRESIDING JUDGE SCHMITT: [10:44:37] So the distribution, so to speak, would
6 be made by the commander; is that correct?

7 THE WITNESS: [10:44:55] (Interpretation) Once we returned, the commander is
8 the one in charge who will distribute. He would then give orders that the food
9 should be rationed accordingly so that it should not be wasted. If you waste your
10 food and - waste your food and you do not reach the time that has been, you know,
11 put that the food should last, then you would stay hungry because there would be
12 nothing else to eat.

13 PRESIDING JUDGE SCHMITT: [10:45:23] Ms Nuzban.

14 MS NUZBAN: [10:45:24]

15 Q. [10:45:25] And did this distribution in fact happen after Lukodi?

16 A. [10:45:35] After the attack in Lukodi we came back and handed over the food
17 to our commander. But his group, Odomi's group did not come back to join us. He
18 continued moving in their own way.

19 Q. [10:46:00] Did the LRA pick non-food items from Lukodi?

20 A. [10:46:16] I was more knowledgeable specifically of the things that we picked
21 as our group in from the sickbay. But from the barracks I do not know what they
22 picked. But of course I at least would imagine they would pick things that they
23 would find from the barracks, and also, maybe as they went also to the camp and the
24 centre, they could also pick things from there or they could break into shops that were
25 in the centre and could pick things from there. But I do not know the particular

1 items that they picked because his group did not return to where we were.

2 Q. [10:47:04] Did Odomi's group in fact pick items from Lukodi?

3 A. [10:47:22] That I am sure they would not leave, because they would pick.

4 Because if there is something that they find and they were able to eat they would pick.

5 PRESIDING JUDGE SCHMITT: [10:47:31] But he obviously has no concrete

6 knowledge because, as he says, he was not there and Odomi did not return to the

7 sickbay.

8 MS NUZBAN: [10:47:39]

9 Q. [10:47:39] Who carried the food for your sickbay when your group left from
10 Lukodi?

11 A. [10:48:02] When we collected these foods and returned, the next day the group
12 that had lost their way but later on joined us, we spent just a few more days and we
13 were called to go and join Bunia's group close to the banks of Aswa River. So he
14 dismantled and - dismantled the sickbay because he said everyone had already
15 healed so there was no need to have the sickbay. So the sickbay was dismantled and
16 people were distributed in small groups.

17 Q. [10:48:47] Was there a report after the attack on Lukodi?

18 A. [10:49:02] To who?

19 Q. [10:49:09] Mr Witness, that's the question that I'm asking you.

20 PRESIDING JUDGE SCHMITT: [10:49:15] Was there, let me put it this way, was
21 there a report by anybody inside of the LRA? Did anybody report, or did you hear
22 anything about the internal LRA radio, for example, about Lukodi?

23 THE WITNESS: [10:49:38] (Interpretation) Well, within the LRA, if a senior
24 commander conducts an operation he would send a message on radio call, he would
25 not keep quiet. For example, he would send the message to his superior like Kony.

1 But at that time we did not have radio, Tulu did not have radio so him himself, for
2 instance, he would not keep quiet, he would send it because he had a radio.

3 PRESIDING JUDGE SCHMITT: [10:50:16] But especially and specifically about
4 Lukodi, you did not hear any such report? Have I understood this correctly?

5 THE WITNESS: [10:50:39] (Interpretation) No, I did not know of anyone sending
6 any information over the radio. Because we had already known that the person who
7 went for that operation in Lukodi was him, so we didn't have a radio and we did not
8 get any information through the radio.

9 PRESIDING JUDGE SCHMITT: [10:50:56] Ms Nuzban, and I think the witness has
10 also said some time ago that he heard it over the radio, Mega radio. But I think we
11 don't have to dwell into that.

12 MS NUZBAN: [10:51:08] I have a little different question, if I may?

13 PRESIDING JUDGE SCHMITT: [10:51:11] Of course. But I simply wanted to
14 refer to the other possibility where he might have known something from some
15 source, so to speak. Please, Ms Nuzban.

16 MS NUZBAN: [10:51:22]

17 Q. [10:51:23] Mr Witness, how did Otulu learn about what happened in Lukodi?

18 A. [10:51:41] Tulu was called so he knew about the plan, because they went aside
19 and had a discussion with him, the two of them who are senior commanders. So
20 I think he would be aware that we are going to Lukodi for this kind of operation, so
21 I think he was aware.

22 Q. [10:52:07] Focus on the time after the attack. How did Otulu learn about the
23 events in Lukodi?

24 A. [10:52:25] You know, Tulu did not have a functioning radio. In the past, you
25 know, when something happened in the distant past it's not easy to remember.

1 Sometimes he would just have a radio and he would only be able to receive
2 information, he would only monitor what is going on but he would not communicate.
3 Sometimes he would even hide it because it is heavy and, since he was weak, he
4 would not be able to carry it. So I think he was able to get some information, like I
5 said, he could have heard it over the radio domestic like Mega, and from the two
6 people who came back who had *lost their way and later joined us.

7 Q. [10:53:18] You said earlier that food was brought to Otulu for distribution.
8 What was the report about the food from Lukodi?

9 A. [10:53:47] The report that was given was that we went, we had a successful
10 operation, we carried our foodstuff, we all arrived safely, we did not lose anyone.
11 But the other group are still in -- are still doing the operation.

12 PRESIDING JUDGE SCHMITT: [10:54:10] I think we've - at least I have
13 understood it this way, that the witness with his group brought the food back to the
14 sickbay, to Tulu's group, and the other group did not come back there and did not
15 come back with food to the sickbay. At least I have understood it this way. If there
16 is any objection, I'm free. And we have, of course we have a transcript, we can look
17 into it in detail. But I think this is what the witness wanted to convey.

18 MS NUZBAN: [10:54:46]

19 Q. [10:54:46] And who gave that report, Mr Witness, to Otulu?

20 A. [10:55:02] The report about our return or?

21 Q. [10:55:06] Yes, about your return.

22 A. [10:55:12] About our return, I was the one who provided the report, because
23 the other officers were not with us when we returned.

24 Q. [10:55:27] Let's now talk about your escape. You told us that you left the
25 LRA in 2005. You spoke about it earlier, but just to be clear, and without mentioning

1 names, who did you escape with?

2 A. [10:55:56] I escaped in the year 2005, and this is how I escaped: When we
3 returned from Lukodi reports came to Tulu that everyone is required to go to the
4 riverbank at Aswa ranch. So those of us who were in the Gilva, we went there, we
5 found our commander Ocan Bunia, he made -- he created groups and brought a list of
6 promotion for the promotion that were given to us, some of the officers. On that day
7 I was given the rank of captain. Some other people were also given the rank of
8 captain.

9 Later on we were given a group to move to go to - up eastwards in Kitgum up to the
10 foothills of Got Ogago. But before we reached the foothills of Got Ogago we met
11 Otti Vincent, who started reorganising the group according to how they had planned.
12 On that day he said Wat Mon, Major Wat Mon will become the CO of our group.
13 Then we left with Major Wat Mon and we moved to the other side of the road going
14 to Kitgum. I was moving with the other two young children that were with me,
15 there were also other older boys who had guns. So when we reached the other side
16 of the road going to Kitgum there was that particular point close to River Ogago.
17 Then I told these children, I told them that I usually listen to domestic radio and they
18 are saying that when you return home you will not be killed.
19 So these children were a bit scared, they feared that they would be killed if they
20 return. But I convinced them and told them, "Please listen to me. We shall not be
21 killed. Let us go back. I have spent a long time in the bush. I have spent 15 years,
22 10 years plus in the bush, and what happened you who has just spent a few years,
23 why would you refuse? Let us go back home." because they did not have guns.
24 But the ones that had guns, I feared to tell them because I knew they would kill me.
25 So later on in the night I convinced these two children, I collected them, and we

1 started moving.

2 We took about four to five days and then we reached (Redacted) barracks. But as we
3 were moving we went past several barracks, but I was still fearful. I thought it
4 would be good if I come to (Redacted), which is our home area, it would be fairly
5 safer. Even if the soldiers kill me, at least our family members would be able to
6 come and collect my body.

7 So when we reached (Redacted) and reported we were taken to Gang-Dyang, and
8 from there I left those children at that place. For me, I was brought to Gulu. Then
9 when we reached Gulu I reported. I knew there was - so there were some guns
10 which were hidden and I wanted these guns to be taken. So when we went back we
11 collected those guns and we came back and I was brought to radio Mega.

12 PRESIDING JUDGE SCHMITT: [10:59:50] Ms Nuzban, we have now 11 o'clock.

13 But you are very far, I think, in your questioning. Do you have an estimate?

14 MS NUZBAN: [10:59:58] That is right, your Honour. We are close to the end and
15 I estimate that we'll need about 30 minutes, perhaps less.

16 PRESIDING JUDGE SCHMITT: [11:00:10] (Microphone not activated)

17 MS NUZBAN: [11:00:11] Yes.

18 PRESIDING JUDGE SCHMITT: [11:00:12] (Microphone not activated)

19 THE COURT USHER: [11:00:15] All rise.

20 (Recess taken at 11.00 a.m.)

21 (Upon resuming in open session at 11.32 a.m.)

22 THE COURT USHER: [11:32:29] All rise.

23 PRESIDING JUDGE SCHMITT: [11:32:48] Just for planning purposes, Mrs Nuzban,
24 shortly, we will have to finish this session at quarter past 12, 20 past 12. I assume
25 that we have finished until then the Prosecution examination.

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1 Legal Representatives will, I do not expect a lot of questions?

2 MR NARANTSETSEG: [11:33:07] Sorry, your Honour, some problem here.

3 PRESIDING JUDGE SCHMITT: [11:33:16] No problem.

4 MR NARANTSETSEG: [11:33:18] We don't intend to question, your Honour.

5 Thank you.

6 PRESIDING JUDGE SCHMITT: [11:33:20] Thank you. That means that we finish
7 the examination by the Prosecution this session. And I've been informed about the
8 prospects with regard to the Defence examination. I think we start then at 2.30 with
9 one session today. And then, as you all know, we have tomorrow this opening of
10 the judicial year, no hearing. And we finish definitely this witness on Friday and
11 start with Witness 200 on Monday. Just for your information.

12 Ms Nuzban, you have the floor.

13 MS NUZBAN: [11:33:55] Thank you, your Honour.

14 Q. [11:33:58] Mr Witness, a couple of clarification questions. Several times you
15 mentioned the ages of children in the LRA. My question is how did you estimate
16 age?

17 A. [11:34:25] Ages were estimated based on physical appearance, because if
18 you're living together with somebody you can look and estimate their age.

19 Q. [11:34:36] What features of physical appearance did you consider when you
20 estimated ages?

21 A. [11:34:55] I would look at how big they are, their sizes.

22 Q. [11:35:05] Anything else that you would want to mention?

23 A. [11:35:24] Well, it's easy to identify children, because you look at their size,
24 you look at their appearance, you ask what classes they were in before their abduction.
25 So if they told that they were in primary 2, 3, 4, 5, then you estimate that they are

1 young children.

2 Q. [11:35:47] Now moving to a different topic. At the beginning I asked you to
3 describe Ongwen before the attack on Lukodi.

4 And, your Honours, that's page 17, line 7.

5 You then said that Ongwen walked well. I want to ask you whether there was
6 anything unusual about the way Ongwen walked when you saw him before Lukodi?

7 A. [11:36:31] Ongwen, from the way I saw him, he walked well. He had an
8 injury that he would limp at the time, but he would walk and limp but that did not
9 prevent him from conducting his operations. He did walk. He would lean over to
10 one side when he walks, but I would not consider that as an injury because it
11 was -- he had already healed from that injury.

12 Q. [11:37:01] Thank you, Mr Witness. Now, another clarification question I have
13 is about your unit and brigade during the time of attack on Lukodi. You told us that
14 sometime after the attack on Lukodi you were in Gilva and your commander was
15 Ocan Bunia. What was your brigade and unit during the attack on Lukodi?

16 A. [11:37:31] When Lukodi was attacked I was in the sickbay. The sickbay that
17 I was in was Gilva's sickbay. Gilva is the name of the brigade, it's Ocan Bunia's
18 brigade. All of us who were in that sickbay were under Ocan Bunia. The battalion
19 that I was in was known as Kaman. When we came back to Ocan Bunia I went back
20 to that same battalion known as Kaman.

21 Q. [11:38:17] Thank you. I want to ask you questions about a different topic
22 now. Please focus your mind on the time after your escape from the LRA. At page
23 40, lines 20, 21 you told us that you went on Radio Mega after your escape. Where is
24 Radio Mega?

25 A. [11:38:49] Radio Mega is in Gulu.

1 Q. [11:38:53] How long after your escape did you appear on Radio Mega?

2 A. [11:39:11] I do not recall the exact time that I went to Radio Mega, because I

3 recall that when I escaped I spent one night at Gang Dyang. On the second day

4 I was taken to Gulu, I spent a night in Gulu, and then we went to the bushes to collect

5 the guns that I earlier said Tulu had hidden. Because I knew where the guns were I

6 took the government soldiers there.

7 When we completed that operation, I cannot recall how long it took, but I know that it

8 wasn't a very long time. Perhaps the longest time would be about 10 days after that,

9 then I went on Mega radio.

10 Q. [11:39:53] That's fine, Mr Witness. How many times did you appear on Radio

11 Mega?

12 A. [11:40:09] I recall that I went twice. If I haven't forgotten, I recall that I went

13 twice to Mega radio.

14 Q. [11:40:15] And why did you appear on Radio Mega?

15 A. [11:40:27] The reason why I went and appeared on Radio Mega, because at the

16 time we were told that when people came out of the bushes, we were told that as soon

17 as you come out of the bushes and go to the government you would be killed. So

18 when I came back I found that my people were alive. We thought that all the people

19 who had come out had been killed because we were told they would record voices,

20 they would tell us that voices would be recorded and put on Radio Mega to -- as a

21 hoax. So I asked them to let me go on the radio and make an announcement and let

22 the people know. And if they want to come back, they would come back.

23 Q. [11:41:11] What was the name of the programme on which you appeared?

24 A. [11:41:20] The programme was known as "Dwog Cen Paco", translated "Come

25 Back Home".

1 Q. [11:41:39] Who hosted Dwog Paco?

2 A. [11:41:50] I do not know who was in charge of the -- of hosting the programme,
3 but the person that was there was Lacambel. Perhaps there was somebody who was
4 superior to Lacambel, but we knew Lacambel. He was the one who was
5 broadcasting the programme.

6 Q. [11:42:13] Do you remember what you spoke about when you appeared on
7 Dwog Cen Paco?

8 A. [11:42:27] I do recall some of the things that I spoke about.

9 Q. [11:42:32] Can you tell us briefly what you recall now?

10 A. [11:42:50] I recall telling people -- asking people who had stayed behind in the
11 bush, telling them that they should come home. For example, Major Wat Mon, Okot
12 Odek, Ojara Gali, Major Tulu, and a number of other LRA officers. I cannot recall all
13 their single name -- every single name. But I was pleading and asking them to come
14 back home.

15 Q. [11:43:21] What unit did these officers belong to?

16 A. [11:43:38] Most of the names that I just mentioned were from Gilva. Odek
17 was in Control Altar.

18 Q. [11:43:49] You said earlier that you listened to public radio stations when you
19 were in the LRA. Did you listen to Mega FM when you were in the LRA?

20 A. [11:44:02] Yes, we would listen to Radio Mega. There were times when we
21 were prohibited from listening except for the senior commanders, but other times
22 they would let the junior commanders or junior officers also listen to public radio.

23 PRESIDING JUDGE SCHMITT: [11:44:33] Mr Witness, when you spoke yourself
24 on Mega radio did you have a text that was provided to you or did you speak from
25 your heart, did you speak freely, if you recall?

1 THE WITNESS: [11:44:55] (Interpretation) When I spoke, I spoke freely, I spoke
2 from the heart. Nothing was written down. I was told if I want to go and
3 broadcast on the radio, then I should go. So I was taken and I started talking. I
4 greeted people and started telling people to come home. So I spoke from the heart.
5 Nothing was written down.

6 PRESIDING JUDGE SCHMITT: [11:45:18] Ms Nuzban.

7 MS NUZBAN: [11:45:20] Thank you.

8 Q. [11:45:21] Mr Witness, I just want to take you very briefly to the time before
9 you left the LRA. Apart from Radio Mega FM, what other radio stations did you
10 listen to in the bush?

11 A. [11:45:46] The radios that we listened to before Mega was a radio station in
12 Gulu known as Bedu Wilobo (phon). I think it was known as Bedu Wilobo FM.
13 Then after that, the Mega FM was established and we mostly listened to Mega FM
14 because it had more programmes. The other radio stations did not have so many
15 programmes and I do not know any others.

16 Q. [11:46:21] What programmes on Mega FM did you listen to while in the LRA?

17 A. [11:46:34] The programmes we would listen from Mega FM was -- the main
18 one was Dwog Paco, because what most people wanted to find out was whether it
19 was true; if you went home, would you be killed, would you survive? So that was
20 one of the reasons why people preferred that particular programme.

21 Q. [11:46:58] Thank you, Mr Witness. I now have come to the final part of my
22 examination. In this part I will play to you five brief excerpts from an audio
23 recording. After I play each excerpt, I will ask you questions about it. So I ask you
24 to listen to these audio excerpts carefully.

25 For the record, the ERN of the audio is 0183-0032, track 1. The English translation is

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- 1 0282-0034 and, your Honours, you can find it at tab 5.
- 2 PRESIDING JUDGE SCHMITT: [11:47:50] How much is it in total?
- 3 MS NUZBAN: [11:47:53] Your Honour, the five excerpts are brief. They are
- 4 about 15 to 20 seconds each.
- 5 PRESIDING JUDGE SCHMITT: [11:48:00] Okay. Good. Please continue.
- 6 MS NUZBAN: [11:48:03] May I just have a confirmation from the court officers
- 7 that we have the floor to play the audio from our computers?
- 8 THE COURT OFFICER: [11:48:12] You currently have the floor. May I ask
- 9 whether this item can be played publicly? Thank you.
- 10 MS NUZBAN: [11:48:19] The first excerpts of five should be played in a private
- 11 session, your Honours. So we request to go into a private session.
- 12 PRESIDING JUDGE SCHMITT: [11:48:28] Private session. For how long
- 13 (Microphone not activated)
- 14 MS NUZBAN: [11:48:34] For three, four minutes at most.
- 15 PRESIDING JUDGE SCHMITT: [11:48:38] Okay. So it will not be long that we
- 16 stay in private session. Private session.
- 17 (Private session at 11.48 a.m.)*(Reclassified partially in public)
- 18 THE COURT OFFICER: [11:48:45] We're in private session, Mr President.
- 19 MS NUZBAN: [11:48:47] First, 6.05 to 6.27, lines 55-57 in tab 5, your Honour. I will
- 20 give you a moment to find the right lines.
- 21 PRESIDING JUDGE SCHMITT: [11:49:07] Which lines?
- 22 MS NUZBAN: [11:49:09] 55-57.
- 23 PRESIDING JUDGE SCHMITT: [11:49:13] Thank you. Please continue.
- 24 MS NUZBAN: [11:49:22] I will play it now.
- 25 (Playing of the audio excerpt)

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1 MS NUZBAN: [11:49:50] Your Honour, we requested before the start of the
2 hearing the simultaneous -- the interpretation or reading out into the record of the
3 translation. Can it please be done, and can I confirm with the interpreters that it can
4 be done?

5 PRESIDING JUDGE SCHMITT: [11:50:09] I think -- I don't see anything that the
6 interpreters would not agree to that. So I simply would ask you to read it into the
7 record.

8 MS NUZBAN: [11:50:21] Your Honour, are you requesting me to read it out or the
9 interpreters? I apologise. I didn't understand.

10 PRESIDING JUDGE SCHMITT: [11:50:29] It might be that I'm a little bit confused.
11 My apologies. We have here something written. We could follow it. But it's not
12 on the record, so we have to manage this to come into the record. And perhaps then,
13 since obviously it was my mistake, the interpreters have also this translation, so
14 please somebody read it and translate it for us so it is on the record. And I see one
15 microphone on and I see even half of a face, and so perhaps you can do this for us.
16 Or not.

17 THE INTERPRETER: [11:51:13] Could they play it again or do we just have to read
18 out what is here?

19 PRESIDING JUDGE SCHMITT: [11:51:17] Just read out what is here, if there are
20 no complaints. I think we should not (Overlapping speakers)

21 MR VON BÓNÉ: [11:51:27] Your Honour, your Honour, could we check with the
22 witness whether the volume is correct for him to hear it?

23 PRESIDING JUDGE SCHMITT: [11:51:36] I think, Mr Witness, why not?

24 Mr Witness, have you clearly heard what has been said and which is supposed to be
25 said by you?

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1 THE WITNESS: [11:51:54] (Interpretation) Yes, I heard it. That's my voice.

2 PRESIDING JUDGE SCHMITT: [11:51:57] And then now, I think, I dare say finally
3 we can now come to the interpretation, please.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Is that how far we went?

9 MS NUZBAN: [11:52:29] Yes, indeed.

10 PRESIDING JUDGE SCHMITT: [11:52:32] The content was not so informative
11 until now. I hope that there will be portions who give us more information, I think,
12 because we -- but what we now know is how the procedure with the following four
13 excerpts we will follow. So I have understood it, and I think everybody has
14 understood it too. So please ask your questions with regard to this excerpt.

15 MS NUZBAN: [11:53:00]

16 Q. [11:53:01] Mr Witness, now my question: You said it was your voice. When
17 was it?

18 A. [11:53:17] This was at the time that I had just come back home. That was the
19 time that I went and spoke on Mega radio.

20 Q. [11:53:25] Who were you hoping would hear your message on Mega FM?

21 A. [11:53:40] I was hoping and wanted the people who had stayed back in the
22 bush, who were still in the bush, to hear the broadcast and come back home.

23 PRESIDING JUDGE SCHMITT: [11:53:49] I wonder, Ms Nuzban, if we could
24 address this in public session? Because I think mainly -- I understand, of course,
25 why we heard it in private session, but now the discussion, if the witness does not

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- 1 identify himself, I think could perhaps be done in public session.
- 2 MS NUZBAN: [11:54:09] Indeed, your Honour. We could have gone into --
- 3 PRESIDING JUDGE SCHMITT: [11:54:11] It doesn't matter, but we can go now --
- 4 MS NUZBAN: [11:54:14] Yes.
- 5 PRESIDING JUDGE SCHMITT: [11:54:16] -- if you agree.
- 6 MS NUZBAN: [11:54:17] Yes. Thank you.
- 7 PRESIDING JUDGE SCHMITT: [11:54:18] Then we go to public session.
- 8 MS NUZBAN: [11:54:23] Next, 6 minutes --
- 9 (Open session at 11.54 a.m.)
- 10 THE COURT OFFICER: [11:54:28] We're in open session, Mr President.
- 11 PRESIDING JUDGE SCHMITT: [11:54:30] Just a second, Ms Nuzban.
- 12 MS NUZBAN: [11:54:32] Apologies. Next, 6 minutes 27 seconds to 6 minutes 47
- 13 seconds. Your Honours, it is lines 57-59 in tab 5. I will play it now, Mr Witness.
- 14 (Playing of the audio excerpt)
- 15 THE INTERPRETER: [11:54:49]
- 16 "I'd like to talk about the war you're fighting. If each of you could think back about
- 17 the way we've been fighting together, and the way some of you are still continuing to
- 18 do so, actually you're not fighting to overthrow the government."
- 19 MS NUZBAN: [11:55:11]
- 20 Q. [11:55:11] Mr Witness, is it still you speaking on Mega FM?
- 21 A. [11:55:24] Yes, that's my voice.
- 22 Q. [11:55:25] You mentioned the war to overthrow the government. What did
- 23 you mean?
- 24 A. [11:55:42] Because as far as we were concerned, when we were abducted, we
- 25 were trained and we were told that they're fighting to overthrow the government.

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1 And I stayed in the bush. They would send us to fight, telling us that we are going
2 to overthrow the government. So when I came back, I found out that it wasn't a war
3 to fight over the -- to overthrow the government, but the intention was just to kill
4 people. And that's why I told people to come home, because this wasn't a war to
5 overthrow the government.

6 Q. [11:56:18] Now, 6 minutes 48 seconds to 7 minutes 11 seconds, lines 60-62 in
7 tab 5. It will play now.

8 (Playing of the audio excerpt)

9 THE INTERPRETER: [11:56:34]

10 "You'd better realise that you're fighting to finish off your people at home. Because
11 if you're fighting to overthrow the government, do you think that the civilians and
12 people you're killing every day are what's known as the government, or are you with
13 the guns the ones called the government?"

14 MS NUZBAN: [11:56:58]

15 Q. [11:56:59] Mr Witness, what people at home were you talking about?

16 A. [11:57:10] The civilians, our parents, our parents who gave birth to us.

17 Q. [11:57:16] Why were the LRA finishing off people at home?

18 A. [11:57:32] Well, it's very difficult for me to explain and understand why they
19 were killing people, because I saw them killing civilians and I do not know why they
20 were killing civilians because civilians were not armed.

21 PRESIDING JUDGE SCHMITT: [11:57:48] And I think we have addressed that also
22 before. Before the break we have this already.

23 MS NUZBAN: [11:57:57] I am moving on to the next excerpt, your Honour.

24 PRESIDING JUDGE SCHMITT: [11:57:57] Please.

25 MS NUZBAN: [11:57:58] 9 minutes 24 seconds to 9 minutes 37 seconds, lines 90-91

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1 in tab 5.

2 Q. [11:58:05] The audio will play now, Mr Witness.

3 (Playing of the audio excerpt)

4 THE INTERPRETER: [11:58:16]

5 "For example, you, Ben from Sinia, I found your wife. She arrived [home] safe and
6 sound. The army got her and brought her; they didn't kill her."

7 MS NUZBAN: [11:58:35]

8 Q. [11:58:36] Mr Witness, who is speaking on the recording?

9 A. [11:58:40] That's me. I'm the one speaking.

10 Q. [11:58:42] And who is Ben that you are addressing?

11 A. [11:58:52] I was addressing Ben, a senior officer in Sinia.

12 Q. [11:59:00] What was Ben's full name?

13 A. [11:59:13] I don't know all his names but we used to refer to him as Ben. He
14 was the CO. I do not know all his names.

15 Q. [11:59:21] CO of what, Mr Witness?

16 A. [11:59:31] He was the CO of Sinia brigade, Odomi's brigade, but I do not know
17 whether he was the second or the first COO or which battalion he was COO of, but he
18 was in that brigade.

19 Q. [11:59:50] That's fine, Mr Witness.

20 PRESIDING JUDGE SCHMITT: [11:59:51] Mr Witness, did you know him a little
21 bit more in detail because you addressed him specifically?

22 THE WITNESS: [12:00:04] (Interpretation) Yes, I knew him personally. But when
23 I came home, when I was walking going towards the barracks I met his wife and the
24 wife was telling me, the wife who was with him introduced herself to me and told me
25 that she was Ben's wife and I told her, I said, "Look, next time I go to Mega radio for a

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1 broadcast I will ask him to come out."

2 MS NUZBAN: [12:00:42]

3 Q. [12:00:43] Finally, Mr Witness, 9.38 to 9.58, lines 91-95 in tab 5. It will play
4 now:

5 (Playing of the audio excerpt)

6 THE INTERPRETER: [12:00:59]

7 "But she told me to tell you that if you could think about it seriously it would be
8 better for you to come out home. She said she's collected the child that you sent to
9 your home area in Atiak. She now has the child. She said you need to think about
10 the child that you have with you. What's actually making you allow the small child
11 to continue suffering there?"

12 MS NUZBAN: [12:01:26]

13 Q. [12:01:26] What made you think that Ben would hear your message on Mega
14 FM?

15 A. [12:01:34] I thought he would hear what I am saying because he was a senior
16 officer. And, as I explained, I met his wife and his wife explained to me the story.
17 And that's why I said let me say this over the Radio Mega so that that child can be
18 returned. That's why I went and spoke about it on Radio Mega.

19 Q. [12:02:02] And what made you think that Ben would do as you ask?

20 A. [12:02:19] Well, that you would explain, you can talk about it. But I also did
21 not believe that if I say something about it he would follow and take action. But it
22 was just out of my own feeling that if I can say something and if somebody out there
23 can listen and respond to it, then that would be good. That's why I just talked
24 about it.

25 PRESIDING JUDGE SCHMITT: [12:02:49] And did he listen and respond to it, to

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1 your knowledge?

2 THE WITNESS: [12:02:58] (Interpretation) I do not know if he acted upon it. At
3 that time I also left for a course in a different place.

4 PRESIDING JUDGE SCHMITT: [12:03:11] So you don't know if he came out of the
5 bush?

6 THE WITNESS: [12:03:22] (Interpretation) Ben did not return. Well, if he
7 returned, maybe he was in another group because there are so many groups.
8 Around that time I went to Kawaweta for a training so I do not know whether he
9 returned. He could have died in the bush.

10 PRESIDING JUDGE SCHMITT: [12:03:40] Ms Nuzban.

11 MS NUZBAN: [12:03:41] Your Honour, in fact I have no further questions.

12 Mr Witness, thank you for answering my questions.

13 PRESIDING JUDGE SCHMITT: [12:03:47] Thank you, Mrs Nuzban.

14 And since the Legal Representatives of the Victims don't have questions we will have
15 now the break until 2.30, as I have explained before, and then we have one session of
16 the Defence examination, to be continued on Friday.

17 THE COURT USHER: [12:04:04] All rise.

18 (Recess taken at 12.04 p.m.)

19 (Upon resuming in open session at 2.32 p.m.)

20 THE COURT USHER: [14:32:48] All rise.

21 PRESIDING JUDGE SCHMITT: [14:33:09] Mr Obhof, I think you can remain
22 standing, you have the floor.

23 MR OBHOF: [14:33:14] Thank you very much, your Honour.

24 QUESTIONED BY MR OBHOF:

25 Q. [14:33:20] Good afternoon, Mr Witness.

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1 A. [14:33:26] Good afternoon.

2 Q. [14:33:28] This session will be a little shorter today so we can make sure that we
3 will finish indeed on Friday. I'm just going to ask you a few different sections and
4 hopefully we will be done in about an hour today.

5 Now, Mr Witness, were you forced to fight without a weapon right after you were
6 abducted?

7 A. [14:34:06] Yes.

8 Q. [14:34:12] Even though you might -- may not have known -- well, actually, at
9 that time were you told what would happen if you did not fight without a weapon?

10 A. [14:34:34] At that time when you refuse to go you will be killed there and then.

11 PRESIDING JUDGE SCHMITT: [14:34:45] May I shortly, Mr Obhof.

12 How were you supposed to fight without a weapon? Can you explain this a little bit
13 to the Court.

14 THE WITNESS: [14:35:05] (Interpretation) I do recall that I said earlier that those of
15 us who are newly abducted and if you are young, you just spent like two days or
16 three days in captivity, people like that line up behind. You walk behind the people
17 who have guns. Your role is only to shout and morale boost the fighters, and you
18 move together with the team. But if the fighting becomes so fierce and you have
19 been overpowered, you now -- when the team starts running, you also run following
20 those who have the guns.

21 PRESIDING JUDGE SCHMITT: [14:35:45] Thank you, Mr Witness.

22 MR OBHOF: [14:35:50]

23 Q. [14:35:50] Now you mentioned earlier today, Mr Witness, about how people
24 who attempted to escape and succeeded, their entire village and their families could
25 be destroyed. Do you know of any instances, without talking about your

1 involvement, that this happened?

2 A. [14:36:29] Such killings happened several times. If they capture you and you
3 escape and return, they will come and kill all your family members. I have
4 witnessed several such, but I do not recall all of it now.

5 Q. [14:36:48] Do you remember when these killings happened, Mr Witness?

6 A. [14:37:04] That happened mostly at the time when people were not yet in the
7 camp. But when people were gathered and everyone was in the camp and there was
8 improved security, I did not see that happening anymore.

9 Q. [14:37:28] Mr Witness, before, right before Iron Fist, do you remember a time
10 when Ocan Bunia's wife tried to escape whilst in Sudan and was consequently killed
11 under Joseph Kony's orders?

12 A. [14:37:57] I do not recall.

13 Q. [14:38:06] Do you remember any time whilst in Sudan Ocan Bunia being
14 arrested?

15 A. [14:38:30] Could you say the question again?

16 Q. [14:38:35] Of course, Mr Witness. Do you remember if Ocan Bunia was
17 arrested at any time whilst in Sudan?

18 A. [14:39:01] I, I did not know about that. Because I know that many times when
19 senior commanders are put in captivity or under detention it could be a result of some
20 problem or some failing to follow some instruction. But I'm not sure about
21 Ocan Bunia.

22 Q. [14:39:31] Do you remember a time in 1999 in which Otti Lagony and Okello
23 Can Odongo were executed by orders of Joseph Kony?

24 A. [14:40:02] That I recall. I recall that they were arrested and killed. At that
25 time we were at a place called Nsitu and they were killed from Jebellin.

1 Q. [14:40:17] Now, for clarity, Mr Witness, is it Jebellin 1 or Jebellin 2?

2 A. [14:40:32] That was in Jebellin, which was an LRA camp. I heard they were
3 killed, but they were not killed from within the camp but they were brought as they
4 were moving towards the Ugandan border and they were killed along that way.

5 Q. [14:40:57] Now the first person, Otti Lagony, who was the late Otti Lagony?

6 A. [14:41:18] Well, to know that much detail I may not be able to know, because
7 that's an old story.

8 PRESIDING JUDGE SCHMITT: [14:41:26] I think, Mr Witness, Mr Obhof meant do
9 you know what his function, his role in the LRA was? If you recall that.

10 THE WITNESS: [14:41:52] (Interpretation) I do recall that Otti Lagony was -- I do
11 recall that the person who was taken after Kony was Field Omona, but that Omona
12 died due to some ailment. Then after that was Otti Lagony as -- came as his
13 second-in-command. After the death of Lagony, Lagony was killed alongside other
14 people like Okello Can Odongo and some of their relatives also were killed.

15 PRESIDING JUDGE SCHMITT: [14:42:38] Thank you. I think this is the
16 information that you wanted or that you seek, so to speak.

17 MR OBHOF: [14:42:50]

18 Q. [14:42:50] Now, Mr Witness, in a general manner, not in specific detail, do you
19 know generally why Otti Lagony and Okello Can Odongo were killed?

20 A. [14:43:15] From what I hear, Otti Lagony wanted that people should be brought
21 back home following the peace process, the peace talk process. But Kony was not in
22 support of this peace process. Otti Lagony wanted the peace talks to go on and so
23 that people could return. So I recall at that time there was a team from Uganda. I
24 do not recall their name. They wanted the peace talk negotiations to go on so that
25 the children and other people should return home.

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1 The government of Uganda had agreed to the peace, deal but from the story that I
2 hear Lagony had agreed to sign the peace agreement, but Kony did not want this. So
3 Kony felt that Lagony would probably derail them and go ahead to sign the peace
4 deal, so such people, Lagony and those around him, should be killed. And there
5 were some of them who -- some people who were around Lagony, whose name now I
6 do not recall, were killed.

7 MR OBHOF: [14:44:41] Your Honour, if we could, a private session for what I expect
8 to be one question, please.

9 PRESIDING JUDGE SCHMITT: [14:44:46] Yes, private session.

10 (Private session at 2.44 p.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Open session at 2.47 p.m.)

14 THE COURT OFFICER: [14:47:56] We are back in open session, Mr President.

15 MR OBHOF: [14:48:10]

16 Q. [14:48:10] Mr Witness, whilst you were in Sudan were you ever under the
17 command of a person by the name of Onen Unita?

18 A. [14:48:31] When I was going to Sudan, I was no longer with Unita, because
19 when I was still in the bay, when I remained in the sickbay, I was under the command
20 of someone who is no longer alive. And then later on Kwoyelo was the one who
21 came and took over the command of the sickbay.

22 Q. [14:49:08] Mr Witness, you -- when you interviewed with the Prosecution, you
23 mentioned that actions committed by the LRA against civilians were ordered by
24 Joseph Kony. Now, did you personally hear Kony make these orders?

25 A. [14:49:43] When Kony wants to communicate something, sometimes he will

1 gather people, just like we are seated here. So there are those times when we were in
2 Sudan, he would gather people and then he will tell them that, "Kill people, you kill
3 people, people are stubborn." But when he says people are stubborn, you should kill
4 them, I do not know why he should say that. He says that the Acholi should be
5 killed because they are stubborn. These are some of the words that I heard with my
6 own ears.

7 Q. [14:50:22] (Microphone not activated)

8 PRESIDING JUDGE SCHMITT: [14:50:23] Microphone, please, Mr Obhof.

9 MR OBHOF: [14:50:26] Thank you. Sorry.

10 Q. [14:50:27] In your opinion, Mr Witness, did Joseph Kony want to be a god on
11 Earth and worshipped by the people?

12 A. [14:50:55] I think, in my own view, I do not know how Kony wants to live, what
13 kind of person he wants to be. Because if I follow his story, sometimes when he is
14 talking to people, just like we are gathered, you hear sometimes he says he is going to
15 overthrow the government with only 50 people. Sometimes he would say he will
16 overthrow the government with just only a hundred people.

17 So, you know, after such stories, when you hear -- at the time when we were
18 dispersed and scattered from Sudan, when the government of -- the soldiers of the
19 Ugandan government scattered us from Sudan, we returned back to Uganda in
20 2002/2003. So we started asking ourself: If he is saying that he is going to
21 overthrow the government with only 50 people, then who are these 50 people?
22 Because the people whom he had before were even more than 50, but -- so maybe of
23 the people that he says will die, maybe we are also amongst them. So people started
24 asking themselves and that is why we also decided to leave.

25 Q. [14:52:22] During your time in the bush, Mr Witness, did you ever hear

1 Joseph Kony talk about spirits?

2 A. [14:52:38] I heard a lot about that. He would come and say he is possessed.

3 But I would not know that this is a spirit or it is just a normal human being talking.

4 But he would say he is possessed.

5 Q. [14:53:04] And is it correct then to say that you witnessed -- sometimes when

6 Joseph Kony would say he was possessed, you witnessed this?

7 A. [14:53:21] That's correct.

8 PRESIDING JUDGE SCHMITT: [14:53:24] May I ask you, Mr Witness, when you

9 saw that, what did you make out of it? How did you feel when you saw Kony

10 possessed? Can you tell us at the time, if you try to remember?

11 A. [14:53:54] When he is speaking under the influence of the spirits or when he is

12 possessed, for those of us who were young, whatever you think about, you just keep

13 quiet about it because there is nothing else you can do and there is no way that you

14 can think of going back home, because even then at that time people were already

15 scattered from the villages, and if you escape they will just go and recapture you.

16 So even if you stay with him there and you decide to go and share your idea or your

17 view with someone, that person might again report you. So you fear, you fear each

18 other. And whatever you have, whatever idea you have, you just keep quiet with it,

19 silently. But for me, I think it was not the spirit.

20 Q. [14:54:57] Now, Mr Witness, could you explain when he was being -- when, as

21 you would say, when Joseph Kony would say that he was being possessed, what

22 would happen to the people in the camp? Would they just stand around or would

23 people form around him?

24 A. [14:55:33] In my understanding, when he comes to address the -- his people,

25 some of his senior officers usually come and bring information that tomorrow or

1 such-and-such a day the spirit would like to speak or address the people. So they
2 gather everyone. They gather everyone, including the new recruits. They only
3 leave a few security officers to take charge of the security of the area.

4 So he would come dressed in a white tunic, and as he arrives at the first instance,
5 everyone would spring to their feet, they would stand up. Just like as we respect
6 ourself here in this house; when they, the Judges, come in, everyone stand up, and
7 then when he enters, then people sit down.

8 So in this instance when Kony comes, he would -- people would stand up and then
9 when he sits down, people now start to sing. Then the chief catechist would stand
10 up and would start the singing. So Kony would therefore start talking to people
11 after the singing is complete.

12 In some instances people would sit under a tree which has been -- you know, the area
13 has been cleaned, that -- under that shade is used as the church. There are some
14 places which people go and gather. This place is called the Yard and it is also used
15 as a meeting point or a prayer point where -- when Kony wants to address people, it
16 is -- people would gather in such places.

17 Q. [14:57:36] Mr Witness, you mentioned something called the chief catechist.
18 What is the chief catechist?

19 A. [14:57:51] How is it called?

20 Q. [14:58:01] Chief catechist.

21 A. [14:58:09] The chief catechist was called Abonga Papa. He used -- he used to
22 use the name Abonga Papa, but he returned. He escaped and returned. But
23 unfortunately when he returned, he was elderly, he is of advanced age, and he passed
24 on, but he had already returned.

25 Q. [14:58:42] Now, is this the same commander that you used to work under, this

1 Abonga Papa?

2 A. [14:59:02] Abonga Papa was in charge of the prayers and they would do -- stay
3 together. But also, you know, this thing about this group, there is so much, and
4 sometimes I cannot go so deep into such stories because it has taken some time. But
5 all I know was that Abonga Papa was most time in the same group with Onen. But
6 people also transferred to different places.

7 PRESIDING JUDGE SCHMITT: [14:59:38] But just a remark by me. I think what
8 the witness told us about how these things evolved when Kony wore the white tunic
9 were quite pictorial, I would say. And this, I think, was also the reason why you
10 delved into that matter.

11 MR OBHOF: [15:00:15]

12 Q. [15:00:15] Now, Mr Witness, thank you for your answer earlier. But when I
13 asked about Abonga Papa, you were abducted and somebody who was in charge of
14 that group was also named Abonga. Is the person who was in charge of the group
15 that abducted you, was that Abonga Papa?

16 A. [15:00:49] No, it was somebody different. Abonga Papa was different, was
17 a different person. Their departments were similar, but the other Abonga Papa died
18 before 1994.

19 When he died, then they moved me to Unita. I did not stay with Unita for a long
20 time. When the government started pursuing us seriously, then Kony split us in two
21 smaller groups and we went and joined Angaji's group.

22 Q. [15:01:30] So this Abonga that died in 1994, was he also a religious figure
23 withinside of the LRA?

24 A. [15:01:45] Yes. He was also a religious leader in the LRA. The same as Onen.
25 When the Holy Spirit was going to appear they would go and lay stones where the

1 spirit was supposed to appear from.

2 Q. [15:02:11] Now the Abonga in 1994 that died, what was his position?

3 A. [15:02:28] He, he had water, he would sprinkle water, he would sprinkle water.
4 Wherever people are moving he would go in front of people and sprinkle water. He
5 would also perform rituals. If people are going to battle, he would come and
6 sprinkle water on people as well.

7 Q. [15:02:48] So that be to say that this Abonga that died in 1994, he was
8 a controller?

9 A. [15:03:04] Yes, he was a controller. He died -- he did not die in 1994. It was
10 perhaps 1993 or 1992. Maybe not even late 1993.

11 Q. [15:03:25] And Onen Unita for that short period while you were under his
12 command, was he a controller or was he the Yard commander?

13 A. [15:03:46] I think there was a different commander for the Yard. He also -- he
14 is also deceased. He died on the day that I got injured. He was known as Onen
15 Toyota, he was also a controller. When Toyota died, then Onen replaced him.
16 I cannot actually explain that very well because I am not very sure about it
17 because -- that was in 1994.

18 Q. [15:04:23] Mr Witness, does the day of 7 April have any significance in the LRA?

19 A. [15:04:45] Yes. The -- that day is -- I can't remember the exact day, but I know
20 that there is a day that is important. Kony tells us that that is the day of the holy
21 spirit and that was the day he became possessed by the holy spirit, but I'm not exactly
22 sure about the dates.

23 Q. [15:05:22] But at least to your -- sorry, at least to your recollection there was
24 a special date every year which celebrated the day in which Joseph Kony was
25 allegedly possessed by the holy spirit; is that correct?

1 A. [15:05:47] Yes, that's correct. He says that that's the day of Juma. Juma is also
2 one of his spirits. I don't know whether it's Juma. I'm not very sure about the name,
3 but that is a day that is also a celebrated day, it's a respected day.

4 Q. [15:06:11] Seeing that you mentioned one of the spirits, do you know this -- or
5 do you remember a spirit by the name of Who Are You?

6 A. [15:06:32] Kony had several spirits and it requires somebody, some very senior
7 person who was close to him to explain, explain this, because I heard Who Are You, I
8 heard the name Selindi, but I did not know all the names and it's also been a long
9 time.

10 Q. [15:07:08] Now even now what you just talked about 15 minutes ago, did you
11 ever feel comfortable talking to any of your commanding officers or fellow LRA about
12 the spirits and your beliefs about whether Joseph was being possessed or not?

13 A. [15:07:43] No, I could not discuss it with anybody. It's extremely difficult to
14 start talking about this with anybody. If you want to safeguard your life, you do not
15 start such conversations with anybody who has a gun.

16 Q. [15:07:59] Now from what others said to you, did you hear other people tell you
17 that they believed Joseph was being possessed?

18 A. [15:08:21] There are some people who did believe, some of the senior officers
19 did actually believe that he was possessed, as well as Abonga Papa. I know that
20 Abonga Papa also believed that he was possessed because when he came home, he
21 did not come home voluntarily. He was actually captured and then brought back
22 home. He tried to run away, but (Redacted) and caught him. He was already
23 weak. At the time I had already joined the UPDF.

24 Q. [15:09:00] After being captured, Mr Witness, isn't it true that Abonga Papa died
25 in prison?

1 A. [15:09:17] No, Abonga Papa did not die in prison. When Abonga came back,
2 we pursued him (Redacted)
3 (Redacted) captured Abonga and brought him back home, the government gave him
4 a house where he could live freely and told him that at the end of the month he could
5 go and collect some food. So he was given free food. He was given medication to
6 enable him to restart his life. But the only thing is that when he came back he was
7 already ill. I believe that perhaps he was HIV-positive and that's what killed him.
8 I believe that at the time that he was captured he was already sick and he did not
9 have any medication to help him.

10 Q. [15:10:09] Thank you, Mr Witness.

11 Now along with these possessions did Joseph Kony ever make predictions about the
12 future?

13 A. [15:10:32] I do not know anything. I actually do not believe anything like that.
14 I do not believe that he could predict the future because somebody who can predict
15 the future cannot just issue judgments over people willy-nilly, so I cannot believe that
16 he had any powers to predict the future. Or that the government would come and
17 attack him. If he could predict the future, the government would not attack him.

18 Q. [15:11:17] Mr Witness, did you ever hear rumours or even hear Joseph Kony
19 discuss of his knowledge of people's future defection plans well in advance before
20 they attempted to escape?

21 A. [15:11:48] Well, he would say that he knew, he knew what people were thinking,
22 he knew when people wanted to escape, but I believe he was just guessing because
23 there are some times when he would kill somebody for no apparent reason
24 if -- regardless of whether the person wants to escape or not. So if he knew, if he
25 actually knew people's thoughts, if he knew whether people attempted to escape or

1 not, don't you think he would have called me and asked me as well at the time that
2 I was planning to escape?

3 Q. [15:12:26] I actually agree with you, Mr Witness.

4 Mr Witness, would Joseph Kony place trusted persons throughout the LRA in an
5 attempt to try to thwart people's escape attempts?

6 A. [15:12:59] Are you -- is it to put somebody to wait for somebody in case the
7 person is trying to escape and then kill them? No, he would not do that. But the
8 only thing is that he had actually brainwashed people and told them that if somebody
9 plans to escape and you do not report that person, he will know about it. And if you
10 do not report it, then all of you are going to be killed. So people had the notion that
11 he knew about it, that he knew that people wanted to escape. But if he knew that
12 people wanted to escape, old people like Sam Kolo, all the other senior commanders
13 that left and escaped, why didn't he arrest them and kill them as well?

14 Q. [15:13:46] So then you are saying he still had a somewhat of a loose spy
15 network at least trying to ensure that people would stay?

16 A. [15:14:07] No. I do not know or I do not believe that he told anybody to spy,
17 but the only thing that he would do is guess. Perhaps if he looks at you and makes
18 an assessment that maybe you look suspicious, you are perhaps planning to escape.
19 If he looks at me, for example, and guesses that (Redacted) plans to escape because
20 these days he's acting funny, these days he has low morale, then he would issue
21 orders for me to be arrested. Then he would look at the people who are in -- who are
22 from my village and all the people who are from my village within the LRA would all
23 be brought together and all arrested. Even if there is any other senior LRA officer
24 who does not intend to escape, who does not even have low morale, they would
25 not -- they would bring the person and they would kill everybody else. Because if

1 they kill, for example, one person, then the people from my area would become angry
2 that, "Why did you kill our child? Why did you kill this person from our area?" So
3 he would kill everybody from my area.

4 Q. [15:15:35] Mr Witness, when you were abducted were you ever anointed into
5 the Holy?

6 A. [15:16:00] Anybody, anybody who is abducted, before you are given any food,
7 the food that has been pillaged, the food that is given to people to eat, a ritual is
8 performed. They sprinkle you with water, and once they've sprinkled you with
9 water, then you are allowed to eat the food that they are eating.

10 Q. [15:16:21] Did they tell you the reason for the sprinkling of the water and for
11 these rituals?

12 A. [15:16:34] Yes. They told us that the reason why they sprinkle water on you is
13 to cleanse you so that you are completely cleansed. And if you attempt to escape or
14 if you are thinking of escaping, then your thoughts will be visible to them and they
15 will know your thoughts and they will know your intentions of escaping.

16 Q. [15:17:04] Did you ever help perform these rituals on other newly abducted
17 people?

18 A. [15:17:21] No. The people who sprinkle water are separate people. There is
19 a particular group of people, people that are particularly known to Kony, who
20 perform these rituals, not anybody, not everybody.

21 Q. [15:17:44] Was prayer a normal part of the LRA?

22 A. [15:17:56] Yes. In the LRA, prayer was normal. But it also depends where the
23 LRA was. If the LRA was in Uganda, they would not pray that frequently because
24 they were afraid that the government soldiers would hear them and pursue them.
25 But when they were in Sudan, they would pray every week. And there are also

1 other occasions. Before Sunday, if there is any -- if Kony has any programmes, then
2 he would summon people, because people used to live close together, then he would
3 summon everybody to come and would pray.

4 Q. [15:18:39] Now, would these prayers, would they be Christian, Islamic, Judaism,
5 or would they be a mixture of different religions and different cultural beliefs?

6 A. [15:19:06] Kony's -- it's very difficult for me to explain exactly what religious
7 denomination Kony belonged to, because if, for example, he made the sign of the
8 cross and then started praying, it would be easy to know. But sometimes he starts
9 praying without the sign of the cross. Sometimes we start praying and then he
10 makes the sign of the cross. Sometimes we bow down like Muslims. Sometimes he
11 would get a sheep, take it to the bush and have the stomach punctured.

12 So it was very difficult for me to say the exact denomination that he belonged to.

13 Perhaps the people that were in his inner circle or who were closer to him would be
14 able to tell us what religious denomination he belonged to.

15 Q. [15:20:02] Mr Witness, during your interview also we noticed that you discussed
16 that Joseph Kony would want to hear the names of people who allegedly went to
17 certain locations on the radio call. Do you know why Joseph would want to hear
18 those names?

19 A. [15:20:32] No, I do not know why. I do not know why he would want the
20 person's name mentioned on radio call. I do not understand or know why.

21 Q. [15:20:43] From what you witnessed and what you observed, did that cause
22 problems with people having their names being announced over the radio?

23 A. [15:21:09] Whose name was mentioned on radio? I do not -- I did not quite
24 understand that.

25 Q. [15:21:19] Well, I will give an example. If, as you said before, your big boss

1 Ocan Bunia started listing a bunch of names on the radio, a lieutenant, a second
2 lieutenant, a captain, a major, and said they attacked a certain location, and
3 said - without mentioning your name - and he also said your name, would that, in
4 your opinion, make it easier for you to leave the LRA or would that make it harder for
5 you to leave the LRA, now that your name has been mentioned over the radio call
6 relating to an alleged attack?

7 A. [15:22:16] You know, the -- if we go back and try to explain what the LRA does, I
8 stated earlier that the LRA abducts young children, young children who do not know
9 life. They do not know -- they are unworldly. When the LRA abducts these kids, it
10 is very easy to brainwash them. They bring the kids, the kids see death. When the
11 kids see death, killing people, people who have been killed, sometimes they are asked
12 to walk over dead bodies. They do these so that the kids are afraid. They then
13 have the belief that if I go back home, such-and-such a thing will happen.
14 So if he mentions names, for example he says, "I sent such-and-such a person to kill
15 people, such-and-such a person to attack a certain place", then I became aware that
16 there was nothing. This was not the spirit. Kony was not possessed by the spirit.
17 This was just something that he was doing to brainwash people, to stop people from
18 going home. And that meant that there was nothing to stop us from going back
19 home.

20 Q. [15:23:39] So, in a nutshell, Joseph Kony was trying to create an atmosphere of
21 hopelessness amongst all the abductees, right, Mr Witness?

22 A. [15:23:54] That's correct.

23 MR OBHOF: [15:24:00] I might have about two or three more questions, all of which
24 have to be asked in private session.

25 PRESIDING JUDGE SCHMITT: [15:24:06] Then private session.

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1 (Private session at 3.24 p.m.) *(Reclassified in public)

2 (THE COURT OFFICER: [15:24:09] We are in private session, Mr President.

3 MR OBHOF: [15:24:22]

4 Q. [15:24:22] Mr Witness, do you know a person or a woman by the name of
5 Christine Aling? It may be pronounced "Christian Aling".

6 A. [15:24:48] No. I do not recall the person very well. There were so many
7 people. I cannot recall that name.

8 MR OBHOF: [15:24:58] That's it for the day, your Honour. We can go back into
9 public session, please.

10 PRESIDING JUDGE SCHMITT: [15:25:05] Public session.

11 (Open session at 3.25 p.m.)

12 THE COURT OFFICER: [15:25:08] We are back in open session, Mr President.

13 PRESIDING JUDGE SCHMITT: [15:25:16] Thank you very much. This concludes
14 the hearing for today and the questioning of the Defence, for today only. We resume,
15 as we have already said before, on Friday, 9.30.

16 THE COURT USHER: [15:25:26] All rise.

17 (The hearing ends in open session at 3.25 p.m.)

18 RECLASSIFICATION REPORT

19 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
20 2016, the public reclassified and lesser redacted version of this transcript is filed in the
21 case.