

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 13 August 2019
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:51] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:15] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:31:23] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:37] Thank you.
20 After the recess, I would like to start on a positive note. The Chamber appreciates it
21 that obviously everyone has found the right courtroom after the recess, which is
22 another one than the usual one.
23 We come now to the presence of OTP first, please tell us who is there for OTP today.
24 MR SACHITHANANDAN: [9:32:01] Good morning, your Honour.
25 Pubudu Sachithanandan appearing with Sanyu Ndagire, Colin Black, Yulia Nuzban,

1 Hai Do Duc, Grace Goh and Milena Bruns.

2 PRESIDING JUDGE SCHMITT: [9:32:13] Thank you.

3 And for the representatives of the victims, Mr Manoba first.

4 MR MANOBA: [9:32:17] Good morning, Mr President, your Honours.

5 Joseph Manoba and James Mawira.

6 PRESIDING JUDGE SCHMITT: [9:32:22] Thank you.

7 Mr Narantsetseg.

8 MR NARANTSETSEG: [9:32:23] Good morning, Mr President, your Honours.

9 My name is Orchlon Narantsetseg, I'm appearing with Ms Caroline Walter.

10 Thank you.

11 PRESIDING JUDGE SCHMITT: [9:32:30] Thank you.

12 And for the Defence, Mr Obhof.

13 MR OBHOF: [9:32:34] Good morning, your Honour. Today we have our counsel,

14 Krispus Ayena Odongo; our co-counsel, Beth Lyons; one of our case managers, Tibor

15 Bajnovic; another case manager, Roy Titus Ayena. Our client Mr Ongwen is in court

16 and my name is Thomas Obhof.

17 PRESIDING JUDGE SCHMITT: [9:32:48] Thank you very much.

18 We have been informed that Mr Ayena would shortly like to address the Chamber.

19 Is this correct?

20 Then, please, you may speak.

21 MR AYENA ODONGO: [9:33:11] Mr President and your Honours, it gives me

22 pleasure to make this personal statement arising from what happened to me in the

23 not too distant past.

24 Mr President, I want to begin by thanking you for taking cognisance of the special

25 circumstances under which I found myself and you allowed time for me to be back in

1 court. I'm delighted for that.

2 And I take particular instance that -- I make this statement because it affect the -- what
3 concerns it affected the programme of this Court.

4 Mr President, for some time now the Defence has been complaining about threats of
5 witch-hunting of not only Defence counsel, but witnesses who have already testified
6 and potential ones intended to be brought to testify before Court.

7 This is certainly to stifle, meant to stifle, this is certainly meant to stifle the progress of
8 this court, because of the interest of those who are pursuing their personal vendetta
9 against individuals. In particular, we want Court to take note that the three people
10 who have already been mentioned behind the intimidation, harassment of our
11 witnesses, were all involved in one way or another in the attempt to resolve conflict in
12 northern Uganda. And it is this that is the cause of their persistent pursuit of people
13 who are involved in this.

14 The background to it, Mr President and your Honours, is that they think that some
15 testimonies made in this court is undermining what they already had underpinned as
16 their personal contribution to the resolution of the conflict in northern Uganda. And
17 there are certain things they wouldn't want to be mentioned, which would undermine
18 their political interest.

19 Mr President and your Honours, after many irregularities in the parliamentary
20 election in Oyam north where I contested for member of parliament, I went to court
21 and won a petition in the High Court. After this petition, Mr President, an appeal
22 was made to the Court of Appeal, during which for unknown, you know, suspicious
23 circumstances, the court, the lower court decision was overturned. We made several
24 applications, not least applications for reduction of costs. It is these costs which
25 unfortunately was executed against me.

1 PRESIDING JUDGE SCHMITT: [9:36:28] You can assured that the Chamber does
2 not have any bad feelings towards you as a counsel personally because this happened
3 to you, and it is extremely difficult from this country here to understand what has
4 happened in Uganda. But I think we have understood that this was something that
5 had nothing, absolutely nothing to do with your conduct here in the proceedings and
6 so on and so forth. So there is nothing that stays here in the room with regard to
7 what happened there in Uganda.

8 And as you already mentioned, since we understood this already before the recess,
9 we gave you, so to speak, also personally the time to solve this, at least for the
10 moment, so that these proceedings here in the courtroom can continue as smoothly as
11 possible.

12 MR AYENA ODONGO: [9:37:24] Mr President, I allude to this because there is
13 a remote link to my functions in this court to what happened to me. You know,
14 there -- yes, Mr President?

15 PRESIDING JUDGE SCHMITT: [9:37:39] No, no, we understand that. But I only
16 wanted to assure you that from the side of the Chamber, there is nothing in our mind
17 or in our back that would affect this with regard to your function as a counsel here in
18 the courtroom in this case. This is absolutely clear.

19 MR AYENA ODONGO: [9:37:59] I am much obliged.
20 But suffice it then, Mr President, for me to reiterate our earlier concern about the
21 vulnerability of my person and that of my -- of our witnesses and my, members of my
22 team. During the recent outreach organised by the VWU, we noticed that there are
23 overtones about some of these things. And Mr President, we can assure you that we
24 missed the opportunity to get some of our best witnesses out there because during the
25 outreach, where we were not involved, we were made to understand that some of our

1 potential witnesses were scared away because they were either scared away or
2 enticed to join other teams. But that is not to blame anybody in particular, but it is
3 noteworthy that we put this on record.

4 And, Mr President, the political dynamics in Africa in general and in Uganda in
5 particular, sometimes get seized by individuals completely without the consent of the
6 state and they manipulate it which -- in a manner that could affect functions like in
7 this court.

8 That's why we are saying, Mr President, you may have to step a bit higher, your
9 efforts to take protection -- protective measures for members of my team, and also
10 the Defence witnesses, because some of these people have very intensive interest in
11 curtailing the effectiveness of witnesses and members of my team in this case.

12 PRESIDING JUDGE SCHMITT: [9:39:58] Thank you very much.

13 MR AYENA ODONGO: [9:39:59] Yes.

14 PRESIDING JUDGE SCHMITT: [9:40:00] I think, Mr Ayena, this is, as a statement
15 here at the beginning of this hearing, I think should suffice. I can assure you that
16 the Chamber will do everything, of course, what we have in our hands and also we
17 have a registry here, we have also VWU, that all the witnesses that you have on your
18 list will be heard and, until now, we managed to do that and we will put every effort,
19 as far as we can do it as a court as a whole, into helping the Defence that you can
20 conduct, like you did in the past, your defence case as complete and efficient as you
21 wish to do so.

22 And still we have today, we have the next witness of the Defence here, and we have
23 a lot of, a lot more witnesses there, and the Chamber really hopes that we can all get
24 them here to the courtroom or via video link so that you can complete your case. I
25 think this should you suffice at the moment and we can bring now the new witness

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1 in.

2 MR AYENA ODONGO: [9:41:15] Thank you very much, Mr President.

3 Only to say that, because of what I have just said immediately, in good time we may
4 be making application to be allowed actually to file in new, some new witness, you
5 know, potential witnesses to be brought. I am much obliged.

6 PRESIDING JUDGE SCHMITT: [9:41:36] I think there is still one such application
7 pending, and a decision on that will soon be delivered I could -- I think I can envision
8 this week. So yes, of course, I don't speak about things that have not been finalised
9 yet, but I know what we have in mind.

10 So I think this is enough for the moment. Thank you so much, Mr Ayena.

11 MR OBHOF: [9:42:01] Much obliged.

12 PRESIDING JUDGE SCHMITT: [9:42:01] We can bring now the next witness in.

13 (The witness enters the courtroom)

14 PRESIDING JUDGE SCHMITT: [9:43:35] Good morning, Mr Ocen, do you hear me?

15 WITNESS: UGA-D26-P-0100

16 (The witness speaks Acholi)

17 THE WITNESS: [9:43:45](Interpretation) Good morning, I hear you.

18 PRESIDING JUDGE SCHMITT: [9:43:47] On behalf of the Chamber, Mr Ocen, I
19 would like to welcome you to this courtroom and thank you that you have been
20 coming to this court to help establish us the truth.

21 I will read now the oath to you that every witness has to take when testifying before
22 this court. So please listen carefully to what I say: I solemnly declare that I will
23 speak the truth, the whole truth and nothing but the truth.

24 Mr Ocen, do you understand the undertaking?

25 THE WITNESS: [9:44:24](Interpretation) I do.

1 PRESIDING JUDGE SCHMITT: [9:44:25] Do you agree with it?

2 THE WITNESS: [9:44:27](Interpretation) I agree.

3 PRESIDING JUDGE SCHMITT: [9:44:31] Thank you, Mr Ocen, you are now sworn
4 in.

5 A small practical matter before we start with your testimony: Everything we say
6 here in the courtroom is written down and interpreted. To allow for the
7 interpretation, we all have to speak at a relatively slow pace, but I think there will be
8 no problem with you, and if you are too fast I will be reminded by the interpreters
9 and I will deliver such a message to you.

10 We can start now with your testimony, and I assume that for the Defence Mr Obhof is
11 the one in the lead.

12 MR OBHOF: [9:45:33] Thank you, your Honour.

13 QUESTIONED BY MR OBHOF:

14 Q. [9:45:34] Good morning, Francis.

15 A. [9:45:38] Good morning.

16 Q. [9:45:43] In furtherance of what the judge said, you will see when I am speaking
17 a lot of times, I will look up. It's to ensure that before I ask the next question you
18 have received the full interpretation. So please accept my apologies beforehand if it
19 seems like I am looking away.

20 Could you please state your full name?

21 A. [9:46:22] My name is Francis Ocen.

22 Q. [9:46:29] Have you ever gone by any other names, whether at home or in the
23 bush?

24 A. [9:46:42] That's the only name that I use.

25 Q. [9:46:49] When and where were you born?

1 A. [9:46:58] I was born in Gulu in northern Uganda, in 1969.

2 MR OBHOF: [9:47:12] Your Honour, if we could go into private session just for two
3 or three minutes just to ask some more personal information about the witness.

4 PRESIDING JUDGE SCHMITT: [9:47:19] Then shortly to private session.

5 (Private session at 9.47 a.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 9.49 a.m.)

21 THE COURT OFFICER: [9:49:07] We are back in open session, Mr President.

22 MR OBHOF: [9:49:16]

23 Q. [9:49:16] Mr Witness, what do you do for a living?

24 A. [9:49:25] I am a farmer.

25 Q. [9:49:30] What is your highest level of education?

- 1 A. [9:49:41] I stopped in primary 5.
- 2 Q. [9:49:47] And why did you stop school in primary 5?
- 3 A. [9:49:57] It was because of the insurgency in our area.
- 4 Q. [9:50:11] When did you stop attending school?
- 5 A. [9:50:22] I stopped attending school in 1985.
- 6 Q. [9:50:44] Mr Witness, when were you abducted by the LRA?
- 7 A. [9:50:56] I was abducted in 1994.
- 8 Q. [9:51:07] Which specific group withinside the LRA was responsible for your
- 9 abduction?
- 10 A. [9:51:23] It was Gilva brigade.
- 11 Q. [9:51:35] Who was the commander in charge of the brigade when you were
- 12 abducted?
- 13 A. [9:51:48] He was called Buk Abudema.
- 14 PRESIDING JUDGE SCHMITT: [9:51:55] Mr Obhof, this begs the question if Gilva
- 15 brigade might be not the correct recollection.
- 16 MR OBHOF: [9:52:07] If you would like, I could ask a more direct.
- 17 PRESIDING JUDGE SCHMITT: [9:52:13] You may.
- 18 MR OBHOF: [9:52:14]
- 19 Q. [9:52:15] Now, Mr Witness, was it Gilva brigade or was it Sinia brigade?
- 20 A. [9:52:22] Gilva brigade.
- 21 Q. [9:52:31] Now could you please describe to the Court that first day, the first
- 22 24 hours -- how you were abducted and the following 24 hours after you were
- 23 abducted?
- 24 A. [9:52:53] On that day when I was abducted I was severely beaten.
- 25 Q. [9:53:07] Were you taken anywhere immediately after your abduction?

1 A. [9:53:22] When I was abducted I was beaten and told to show for them the way,
2 but I was in such a pain that I could not be able to tell them the location or the
3 direction. Then another colleague of mine told them that, please, you can spare this
4 child, let me now help him so that I can lead you in the way.

5 So we were taken to a certain place which I didn't know, because if you have not been
6 there before it would be differ, especially when you are a child. But I remember we
7 were taken under a certain foothill and when we reached there we spent a night.
8 That is what happened to me during that one night on my first day of abduction.

9 PRESIDING JUDGE SCHMITT: [9:54:15] May I shortly, Mr Obhof?

10 Mr Witness, you said that you were born in 1969 and that you have been abducted in
11 1994. That would make it an age of 24, 25 when you have been abducted; is that
12 correct?

13 THE WITNESS: [9:54:40](Interpretation) Yes, it could be around that.

14 PRESIDING JUDGE SCHMITT: [9:54:44] Thank you.

15 MR OBHOF: [9:54:50]

16 Q. [9:54:50] When you arrive to these foothills how easy would it have been for you
17 to find your way home if you were able to escape?

18 A. [9:55:11] It was not possible, because if you try to escape and if they again
19 recapture you, they would kill you, so it was not easy, escape was not an easy thing
20 while in the bush.

21 Q. [9:55:33] Was anybody else abducted with you?

22 A. [9:55:44] From that area I was the only person who was abducted.

23 Q. [9:55:55] When you arrived at the foothills, were there any other abductees at
24 that location?

25 A. [9:56:06] Yes, there were.

1 Q. [9:56:14] Can you estimate for the Court around how many other abductees
2 were at the foothills that first day?

3 A. [9:56:31] Well, those of us who were just abducted, it was not allowed for you to
4 even know the number of people who were there. The rule wouldn't allow you to
5 even estimate the number of people in the group.

6 Q. [9:56:55] During that first, first day or maybe first couple of days, how many
7 people were released and allowed to go back home?

8 A. [9:57:13] I did not see anybody being released.

9 Q. [9:57:22] Now after spending the night at those foothills, where did you go next?
10 Where did they take you next?

11 A. [9:57:45] When we left the foothill we didn't go far, but that group was
12 struggling to get something to eat.

13 Q. [9:58:03] During this time during your first few days after your abduction, were
14 you forced to carry anything?

15 A. [9:58:16] I was made to carry food items.

16 Q. [9:58:27] Do you remember what you were forced to carry?

17 A. [9:58:38] It was maize, sorghum, and then peanuts, these are some of the things
18 that I was made to carry.

19 Q. [9:58:53] Were the other people who had been abducted, were they forced to
20 carry anything?

21 A. [9:59:04] Yes, they did.

22 Q. [9:59:17] Now after your abduction how long would you estimate that it was
23 before you were taken to Sudan?

24 A. [9:59:35] It was approximately two weeks.

25 Q. [9:59:50] During that time did everyone who was abducted, who you met at the

1 foothills, did they all make it to Sudan?

2 A. [10:00:07] Yes, all of them were sent to Sudan.

3 Q. [10:00:20] What obstacles or dangers did the group face while going up to
4 Sudan?

5 A. [10:00:39] We did not have food and water.

6 PRESIDING JUDGE SCHMITT: [10:00:51] Mr Witness, did everyone manage to go
7 to Sudan? Did everyone arrive safely there?

8 THE WITNESS: [10:01:05](Interpretation) Unfortunately, some people died along
9 the way due to hunger and exhaustion. Some people died along the way, some
10 people were lost along the way, but some people did arrive in Sudan.

11 PRESIDING JUDGE SCHMITT: [10:01:22] Mr Obhof.

12 MR OBHOF: [10:01:32]

13 Q. [10:01:34] Now, on the trek to Sudan, how familiar were you with these areas?

14 A. [10:01:44] I was not familiar with those areas at all.

15 Q. [10:02:00] Could you tell the Court which base or which location in Sudan which
16 you were taken to.

17 A. [10:02:12] We were taken to the border in a place known as Gong district.

18 Q. [10:02:27] And what happened when you arrived at Gong in Sudan?

19 A. [10:02:38] Nothing happened; we just stayed there. The most difficult thing or
20 the most different problem was the lack of food.

21 Q. [10:02:54] For how long did you remain in Gong?

22 A. [10:03:03] For approximately a year.

23 Q. [10:03:13] Now during this time were you assigned to any unit withinside the
24 LRA?

25 A. [10:03:26] No, not yet.

1 Q. [10:03:37] How long did it take before they assigned you to a specific unit or
2 brigade?

3 A. [10:03:55] It took some time. I believe it was sometime in 1980.

4 PRESIDING JUDGE SCHMITT: [10:04:10] Mr Witness, could you please repeat the
5 year that you mentioned. I think this might not have come through correctly.

6 THE WITNESS: [10:04:23](Interpretation) 1990 -- 1998.

7 PRESIDING JUDGE SCHMITT: [10:04:34] Okay. We already had assumed that, I
8 think.

9 MR OBHOF: [10:04:43]

10 Q. [10:04:43] Now when you were finally assigned to a brigade, to which brigade
11 were you assigned?

12 A. [10:04:55] I was sent to Stockree brigade.

13 Q. [10:05:11] We are going to take a few steps back now. After your abduction
14 did the LRA perform any rituals upon you and the others abducted with you?

15 A. [10:05:32] Yes, they did perform certain rituals.

16 Q. [10:05:40] Now please describe these rituals to Court.

17 A. [10:05:51] I do not know the meaning of the rituals, but based on what was
18 performed on me they mixed some white ashes with shea butter and they smeared it
19 on my chest and on my back.

20 Q. [10:06:13] Do you remember who performed this ritual upon you?

21 A. [10:06:23] Yes, I do recall the person who did that.

22 Q. [10:06:29] Could you please tell the Court who this person was.

23 A. [10:06:37] It was Charles Tabuley.

24 Q. [10:06:49] How long after you were abducted was it before Charles Tabuley
25 performed these rituals upon you?

1 A. [10:07:07] It was after three days.

2 Q. [10:07:19] After Tabuley performed these rituals upon you did you feel any
3 different?

4 A. [10:07:32] None whatsoever.

5 Q. [10:07:47] Mr Witness, you told the Court a few minutes ago about the
6 punishment for escape. How did you find out about the punishment for escape in
7 the LRA?

8 A. [10:08:16] You are told, you are told that if you try to escape and you are
9 recaptured, you will be killed.

10 Q. [10:08:29] Did you ever witness this type of punishment meted out against
11 anyone who tried to escape?

12 A. [10:08:44] No, I did not see it. But, honestly, I did not have any interest in
13 seeing any such thing.

14 Q. [10:08:59] Now, you stated that you were told after being abducted. From
15 what you heard from others in the LRA, was this type of punishment widely known
16 throughout the LRA?

17 A. [10:09:24] You are told directly that if you try to escape or if you escape you will
18 be killed.

19 Q. [10:09:42] After arriving in Gong how familiar were you with your
20 surroundings there in Sudan?

21 A. [10:10:02] That is the only knowledge I had. You were prohibited from
22 knowing the other areas or the other places in that area, because as soon as you
23 became familiar or if you asked, they would assume you wanted to escape.

24 Q. [10:10:30] How did the local populations treat the LRA, in Sudan, of course?

25 A. [10:10:45] There were no people, no inhabitants in that area, it was just in the

1 bush.

2 Q. [10:11:01] Now around that time after coming to Gong, and maybe even further
3 past Gong, what type of relationship did the LRA have with the SPLA?

4 A. [10:11:26] I do not know the relationship between them, but Kony told us that
5 these people are from Sudan. And he, Kony himself is from -- his tribe is from
6 Sudan, so he had just returned home.

7 Q. [10:11:56] Now, thinking further along these punishments, what other type of
8 punishments were there in the LRA?

9 A. [10:12:16] The punishments were death and being beaten. You were beaten
10 a great number of strokes.

11 Q. [10:12:33] What type of actions would normally result in someone being
12 executed?

13 A. [10:12:50] Escape and if you try and court someone's wife.

14 Q. [10:13:04] What type of punishments -- or what type of actions would receive
15 a punishment of being beaten?

16 A. [10:13:24] If there is an argument between people or if you fight with somebody
17 else.

18 Q. [10:13:44] Now you mention this punishment of courting a -- let me get the exact
19 words, courting someone's wife. What was the manner or how did a woman
20 become a wife and a man become a husband in the LRA?

21 A. [10:14:23] Based on the decision that was made, if you are grown up, if you are
22 old enough, then you are capable of getting married. But if you are still a young
23 person, then you cannot get married. And if you try to do that, then you are
24 punished for it.

25 Q. [10:14:52] So what type of courting system did they have in the LRA?

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1 A. [10:15:02] I do not know.

2 PRESIDING JUDGE SCHMITT: [10:15:07] I think, Mr Obhof, you --

3 MR OBHOF: [10:15:09] Can be more direct.

4 PRESIDING JUDGE SCHMITT: [10:15:11] No. I would suggest -- you sense when
5 you have a witness in front of you questioning, you have something in advance what
6 you think might come out of it. But sometimes you sense that a witness knows more
7 about other matters, to put it this way. So you can, I would suggest at least, simply
8 move forward.

9 MR OBHOF: [10:15:38]

10 Q. [10:15:39] Mr Witness, what type of relationship did the Lord's Resistance Army
11 have with the government of Sudan?

12 A. [10:15:54] I do not know the nature of their relationship.

13 Q. [10:16:02] When you arrived in Sudan, when were you -- how long was it before
14 you were trained?

15 A. [10:16:25] It was in 2000.

16 Q. [10:16:33] Not that year again. You arrived in Sudan 1994, and were you ever
17 trained in how to assemble and disassemble a weapon?

18 A. [10:17:06] That was in 2000, because when you initially arrive you are not
19 allowed to be trained because they are suspicious and they assume that you would
20 run away with their guns.

21 Q. [10:17:20] Now when you were eventually trained, what were you trained
22 upon?

23 A. [10:17:35] I was trained on how to use radio communication.

24 Q. [10:17:49] And who trained you on how to use the radio communication
25 devices?

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1 A. [10:18:05] It was Patrick Lumumba, he trained me.

2 Q. [10:18:16] Can you describe this training to the Court.

3 A. [10:18:29] I was taught how to turn on the radio and how to use it.

4 Q. [10:18:49] Which type of radios were you trained upon?

5 THE INTERPRETER: [10:19:03] Could the witness please repeat the name of the
6 radio.

7 PRESIDING JUDGE SCHMITT: [10:19:08] I think you have heard it, Mr Witness, the
8 interpretation has not gotten the name of the radio. Could you please repeat it.

9 THE WITNESS: [10:19:22](Interpretation) The radio device was known as Racal.

10 MR OBHOF: [10:19:44]

11 Q. [10:19:44] Now, during your time as a signaller, did you use any other radios
12 other than the Racal?

13 A. [10:19:58] Yes. There were other devices, but the one I was using and the one
14 that I was trained to use was Racal.

15 Q. [10:20:15] What were the names of these other devices?

16 A. [10:20:23] There was a Casena, Codan.

17 Q. [10:20:41] Were there any differences between the Racal, the Codan and the
18 Casena?

19 A. [10:20:58] No, they all functioned in the same manner, except they had different
20 names.

21 Q. [10:21:13] For how long were you trained on how to use the radio equipment?

22 A. [10:21:32] The training, the training was taught while on the go, so it was
23 difficult, it's difficult for me to estimate exactly how long it took and the number of
24 years it took, because we are trained on the go.

25 Q. [10:21:54] Now during this time while you were receiving this training, in which

1 brigade were you?

2 A. [10:22:05] I was in Stockree.

3 Q. [10:22:16] And when you received this training, do you remember at which base
4 you were in in Sudan?

5 A. [10:22:37] Yes, I do recall.

6 Q. [10:22:38] At which base were you at when you received this training?

7 A. [10:22:46] I was at Nisitu.

8 PRESIDING JUDGE SCHMITT: [10:22:49] May I shortly.

9 Mr Witness, you said a couple of minutes ago that you were on the go I think you
10 said, it was page 20 of the real-time transcript of something -- you were in Stockree.

11 Yeah, a couple of minutes ago, you were on the go. What does this mean, that you
12 were on the go?

13 THE WITNESS: [10:23:18](Interpretation) When I say we were on the go, that means
14 you are not in a classroom but you move. As you are moving, you get to a place,
15 you settle, you open the radio and you are instructed. Then when you have to move,
16 you continue moving. We did not have any specific base to go and learn how to use
17 the equipment.

18 PRESIDING JUDGE SCHMITT: [10:23:43] And you went back to Nisitu then every
19 once in a while?

20 THE WITNESS: [10:23:54](Interpretation) We were there for a short time before
21 people left and went to Congo. And that was the time when the LRA and the
22 Sudanese government fell out.

23 PRESIDING JUDGE SCHMITT: [10:24:06] Thank you.

24 Because I think this was not perfectly clear, because you asked him where the base
25 was and if he was on the move, so to speak, this was not so easy to be reconciled.

1 Please, Mr Obhof.

2 MR OBHOF: [10:24:28]

3 Q. [10:24:28] Were you trained on anything else other than the radios?

4 A. [10:24:41] No, nothing else.

5 Q. [10:24:49] Were you trained on how to use any firearms?

6 A. [10:24:59] No.

7 Q. [10:25:03] Now, as you were learning how to use the radios, as you said,

8 Lumumba taught you. Who was your superior, who was your boss at that time?

9 A. [10:25:34] It was Patrick Lumumba.

10 Q. [10:25:54] Now, when using these radios, how did you know who was
11 speaking?

12 A. [10:26:09] The person would introduce themselves, then you would know who
13 it was. But if they did not introduce themselves, then you wouldn't know who was
14 speaking.

15 Q. [10:26:28] How would they introduce themselves?

16 A. [10:26:41] They had names that they used.

17 Q. [10:26:53] From the time when you helped out with signals, did the names of
18 persons remain constant?

19 A. [10:27:16] No, the names changed constantly. It wasn't the same.

20 PRESIDING JUDGE SCHMITT: [10:27:26] I think we should make clear what names
21 in this context means.

22 MR OBHOF: [10:27:35]

23 Q. [10:27:35] When they are referring to names, as you heard the Judge mention,
24 how would a name be used? So say if you were talking, let's use Joseph Kony, what
25 type of name might he have?

1 A. [10:28:02] Based on what I said, names were used all the time, but he himself
2 was referred to as Lapwony Madit.

3 PRESIDING JUDGE SCHMITT: [10:28:23] Well, what I was alluding to, Mr Witness,
4 was, what I would like to ask you: Would the persons talking on the radio use their
5 real name?

6 THE WITNESS: [10:28:39](Interpretation) Some would use their names, others
7 would use call signs.

8 PRESIDING JUDGE SCHMITT: [10:28:42] Thank you.

9 MR OBHOF: [10:28:54]

10 Q. [10:28:55] Would a signaller have a call sign?

11 A. [10:29:03] No, signallers did not have call signs.

12 Q. [10:29:19] So if a signaller spoke on behalf of a commander, whose call sign
13 would that signaller use?

14 A. [10:29:36] The signaller would use the commander's call sign.

15 MR OBHOF: [10:29:55] Now I moved a bit around with my stuff to go with the flow.

16 PRESIDING JUDGE SCHMITT: [10:30:01] No, absolutely, it's okay.

17 MR OBHOF: [10:30:02] So I am going to return back to a few things, briefly.

18 Q. [10:30:12] Mr Witness, you have mentioned Gong and you mentioned Nisitu,
19 which other locations in Sudan do you remember staying at while in the LRA?

20 A. [10:30:29] At Parajok.

21 Q. [10:30:38] Do you remember staying at any other places besides Parajok, Gong
22 and Nisitu?

23 A. [10:30:59] I know the other places, but as of now I do not recall the names of the
24 places, because it has now taken -- been a while.

25 PRESIDING JUDGE SCHMITT: [10:31:09] Absolutely understandable.

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1 And I think you can move on.

2 MR OBHOF: [10:31:19]

3 Q. [10:31:20] When you were in Sudan, how did the LRA obtain food?

4 A. [10:31:29] The LRA obtained food from the villagers.

5 Q. [10:32:07] What method did the LRA use to obtain this food from the villagers?

6 A. [10:32:20] From what I observed, mostly they would get the leader of that area
7 and would inform them through the leader and the leader would mobilise the foods.

8 PRESIDING JUDGE SCHMITT: [10:32:39] So would the food be given voluntarily?

9 THE WITNESS: [10:32:49](Interpretation) Yes, that is how it was happening.

10 MR OBHOF: [10:33:03]

11 Q. [10:33:03] Now, when people were sent to Uganda, how much food were they
12 given for their operation?

13 A. [10:33:17] I do not know the amount of food given.

14 Q. [10:33:44] During this time in Sudan, were you ever sent on mission to Uganda?

15 A. [10:33:58] No, I was not sent.

16 Q. [10:34:10] While you were in Nisitu, how did the LRA get food there?

17 A. [10:34:23] It was provided by the government of Sudan.

18 Q. [10:34:35] For how long did the government of Sudan provide food while you
19 were at Nisitu?

20 A. [10:34:52] I do not recall the number of years.

21 PRESIDING JUDGE SCHMITT: [10:35:00] Did it stop -- do you recall a time when it
22 stopped?

23 THE WITNESS: [10:35:16](Interpretation) I do not quite remember, but, but at the
24 time when the government of Uganda and the government of Sudan began the peace
25 talk, I think that was around the time, but I do not quite recall the year exactly.

1 PRESIDING JUDGE SCHMITT: [10:35:40] We can also move on here, I would say.

2 MR OBHOF: [10:35:45]

3 Q. [10:35:45] Mr Witness, what kind of religious presence was there in the LRA?

4 A. [10:36:00] Could you repeat the question.

5 PRESIDING JUDGE SCHMITT: [10:36:02] That was indeed a little bit unclear, I
6 would say. You can be more straightforward.

7 MR OBHOF: [10:36:09] Okay.

8 Q. [10:36:10] Were there religious services and prayers in the LRA?

9 A. [10:36:23] There is no any other religion. The religion is even not Christian, is
10 not Catholic, it's not even Muslim. But he would only pray for, generally for
11 everything, for everybody. There was no specific religion.

12 PRESIDING JUDGE SCHMITT: [10:37:03] Mr Obhof, all seems to speak in favour of
13 steering relatively quickly to his work as a signaller.

14 MR OBHOF: [10:37:13] I'm sorry, your Honour, that won't be until the next session.
15 I am at least being open and honest with you.

16 PRESIDING JUDGE SCHMITT: [10:37:19] Yes, but sometimes I make these remarks
17 to induce the thinking process or whatsoever.

18 MR OBHOF: [10:37:30] It's in here, it really is.

19 Q. [10:37:33] And how would Joseph Kony go about praying for persons?

20 A. [10:37:49] I cannot specifically say, because everyone would conduct individual
21 prayer, so I do not know how he would pray.

22 Q. [10:38:11] Would Joseph Kony depart messages upon persons after praying?

23 A. [10:38:23] He would just tell people to pray, would say people should pray,
24 because with prayer it will open ways for everything.

25 PRESIDING JUDGE SCHMITT: [10:38:37] When you were in Sudan, Mr Witness,

1 were you able to observe Joseph Kony closely?

2 THE WITNESS: [10:39:00](Interpretation) When you are in the bush, the army
3 protocol says that if you are not one of the senior commanders you cannot stay close
4 to a person like that. So me, as a young person, I wouldn't stay close, I would stay
5 very far away.

6 PRESIDING JUDGE SCHMITT: [10:39:24] Okay.

7 Mr Obhof.

8 MR OBHOF: [10:39:27]

9 Q. [10:39:28] Would Kony ever discuss the Ten Commandments?

10 A. [10:39:36] Yes, he would.

11 Q. [10:39:42] What would Kony say about that, say about the Ten Commandments?

12 A. [10:39:51] He says people should follow the Ten Commandments, that's all.

13 Q. [10:40:12] Would Kony discuss about talking to spirits while you were in the
14 bush?

15 A. [10:40:25] Well, I do not know about that.

16 Q. [10:40:43] Would Kony ever make predictions?

17 A. [10:40:47] Yes, he would.

18 Q. [10:40:48] What type of predictions would Joseph Kony make?

19 A. [10:40:58] Mostly he predicts things that will happen to him and also those that
20 are going to happen to his people, and indeed they come to pass just as he has
21 predicted.

22 Q. [10:41:19] Did Kony ever make a prediction that dealt with you?

23 A. [10:41:36] Yes, he did make one prediction that happened and that I know of.

24 Q. [10:41:46] Could you please describe to the Court, tell the Court the prediction
25 in which Kony made that touched you, or that concerned you.

1 A. [10:42:08] One such prediction that I saw and then also the one that actually
2 happened on me, the first instance he predicted something about me. He told me,
3 you are a disabled person, you have not committed any crime, you have no problem
4 and you are going to go back, there is nothing that will happen to you.

5 So, indeed, when I came back I was received by General Otem Owany and I went
6 home and there was no problem.

7 Then in the second scenario, he predicted that there is going to be a very tough war,
8 but people should not go anywhere and nothing will happen. So that was an
9 operation which was going to happen in the Congo.

10 And indeed, when that attack happened, the military helicopters of the enemy came
11 and bombed our area and the LRA stayed just in one compound and no one was hurt.

12 And then later on, when the helicopter went, he told people to now leave.

13 That's what happened.

14 Q. [10:43:33] From what you saw, would Kony make predictions often?

15 A. [10:43:47] No, it was not very often.

16 Q. [10:43:51] When he did make predictions, from what you observed, how often
17 would those predictions come true?

18 A. [10:44:11] Almost all predictions happened. The ones that I saw they all
19 happened, including the one that happened on me.

20 Q. [10:44:30] From what you may have heard or from what you know, where did
21 Joseph Kony get the information in which -- or receive the information to make these
22 predictions?

23 A. [10:44:52] That I do not know where he receives them from.

24 Q. [10:45:05] Now staying along the notion of Kony, what happened to a person
25 who refused to follow an order issued by Joseph Kony?

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- 1 A. [10:45:33] Could you say the question again.
- 2 PRESIDING JUDGE SCHMITT: [10:45:50] Perhaps let --
- 3 MR OBHOF: [10:45:52] What could --
- 4 PRESIDING JUDGE SCHMITT: [10:45:52] -- let me.
- 5 MR OBHOF: [10:45:54] Yes.
- 6 PRESIDING JUDGE SCHMITT: [10:45:55] Mr Witness, have you ever recognised
- 7 that Mr Kony personally gave orders?
- 8 THE WITNESS: [10:46:08](Interpretation) Yes, Kony does give orders. And all
- 9 commands, instructions come from him. There is no one who advises him, it's only
- 10 him.
- 11 PRESIDING JUDGE SCHMITT: [10:46:22] And then the question would be,
- 12 Mr Witness: What happens to anybody who does not follow the instruction, the
- 13 command of Kony?
- 14 THE WITNESS: [10:46:43](Interpretation) Most times he says if you violate his
- 15 orders or instructions, he doesn't have any prison so you are killed.
- 16 MR OBHOF: [10:47:02]
- 17 Q. [10:47:02] Now, Francis, do you remember a person by the name of
- 18 Otti Lagony?
- 19 A. [10:47:15] I do recall Otti Lagony.
- 20 Q. [10:47:23] Could you briefly tell the Court who was Otti Lagony.
- 21 A. [10:47:35] Regarding that, at the time when Otti Lagony was still there, I was not
- 22 very familiar with the ranks and role in the army, because I had just been abducted so
- 23 I didn't have much information about the commanders in the LRA.
- 24 PRESIDING JUDGE SCHMITT: [10:47:56] Mr Obhof, we have heard a lot of
- 25 evidence on that and I revert now to the Prosecution. I think it's not disputed what

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1 has happened to Mr Lagony.

2 Is that so, Mr Sachithanandan?

3 MR SACHITHANANDAN: [10:48:09] Yes, your Honour, we will not be challenging
4 the killing of Mr Lagony.

5 PRESIDING JUDGE SCHMITT: [10:48:15] So I think simply since this witness seems,
6 seems at least, not to be an eyewitness on what happened, I think you can move on,
7 because we had such witnesses already here in the courtroom.

8 MR OBHOF: [10:48:29] Your Honour, if you wouldn't mind, maybe we could take
9 the break early. I can probably guess we will be done next session then.

10 PRESIDING JUDGE SCHMITT: [10:48:37] Okay, that's fine. Then we have a little
11 bit longer break than normally until 11.30.

12 THE COURT USHER: [10:48:46] All rise.

13 (Recess taken at 10.48 a.m.)

14 (Upon resuming in open session at 11.31 a.m.)

15 THE COURT USHER: [11:31:12] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [11:31:36] Now, Mr Obhof, you still have the floor.

18 MR OBHOF: [11:31:42] Thank you very much, your Honour.

19 Q. [11:31:55] Still good morning, Francis. I hope you had a good break.

20 A. [11:32:03] Thank you.

21 Q. [11:32:05] Now as we alluded to earlier today, I would like to talk to you a little
22 bit about the sending of messages through the radio call. When using the radio call,
23 how did the LRA send messages to its different groups in different locations without
24 the government of Uganda knowing the content of the message?

25 A. [11:32:49] The messages were coded.

1 Q. [11:32:59] Did these codes have any special name within the LRA?

2 A. [11:33:09] The, the codes, well, the messages were sent in such a way that only
3 the people sending or receiving the messages would know the meaning behind the
4 message.

5 Q. [11:33:33] If you can remember, could you give maybe an example of how these
6 messages would be coded.

7 A. [11:33:51] Could you please repeat the question.

8 Q. [11:33:57] Could you give an example of how the messages would be coded?

9 A. [11:34:12] It's extremely difficult for me to give you an example of some of the
10 proverbs or the codes that were used, because some of them were actually real things,
11 but when you send it out to somebody else, the other person would not understand.
12 So it's very difficult, it would be extremely difficult for me to try and explain it or
13 interpret it, because some of these things are things that may have happened in the
14 past or things that would happen in the future or things that are going to happen, so
15 it's really, really difficult for me to try and explain it.

16 For example, when Jesus was giving his messages, he was speaking in, in proverbs.
17 So it's really difficult for somebody who does not know to interpret the meaning
18 behind what Jesus was actually saying.

19 PRESIDING JUDGE SCHMITT: [11:35:19] Mr Ocen, do you know who created the
20 code?

21 THE WITNESS: [11:35:30](Interpretation) I, I know who made these messages, it
22 was Patrick Lumumba, but he is now deceased.

23 PRESIDING JUDGE SCHMITT: [11:35:46] When did he die?

24 THE WITNESS: [11:35:49](Interpretation) I do not know when he died. But it's
25 a long time ago. I think it was in 1997.

1 PRESIDING JUDGE SCHMITT: [11:36:02] Did the code change afterwards from
2 time to time?

3 THE WITNESS: [11:36:13](Interpretation) Yes, they would change based on how
4 you are thinking and the messages that you are trying to portray.

5 PRESIDING JUDGE SCHMITT: [11:36:25] Who did or who made the change? Who
6 was responsible for the change of the code?

7 THE WITNESS: [11:36:37](Interpretation) It was the late Patrick Lumumba.

8 PRESIDING JUDGE SCHMITT: [11:36:42] And after he died, because you said the
9 code changed later on, after he died who was responsible for the change of the code?

10 THE WITNESS: [11:37:02](Interpretation) It was Mandaka, but he is now deceased
11 as well. After Mandaka, it was Anywar, Anywar is now part of the government.

12 And right now I do not know who is responsible for it because I'm back home as well.

13 PRESIDING JUDGE SCHMITT: [11:37:24] And whatever the code was, Mr Witness,
14 have you been made to know how the code was? Have you been made to
15 understand as a signaller the code?

16 THE WITNESS: [11:37:49](Interpretation) They can, they can change something.

17 For example, they would say "Francis" but that would mean something else. Or they
18 would refer to me as Francis, but that would also be some kind of code. Or they
19 might refer to me as some kind of animal and those were the kind of codes that they
20 used to use.

21 PRESIDING JUDGE SCHMITT: [11:38:14] My question was too complicated, I
22 apologise. Were you able to understand the code?

23 THE WITNESS: [11:38:30](Interpretation) The codes relating to me, yes, I would
24 understand them. But if they did not relate to me or had nothing to do with me,
25 then no, I would not understand. So if they are talking, if the message is directed to

1 me, then yes, I would understand, but if it is intended for somebody else, then no, I
2 would not understand it.

3 PRESIDING JUDGE SCHMITT: [11:38:50] Thank you.

4 Mr Obhof, but now we have also who were the followers of Mr Lumumba, so we
5 have this already on the record.

6 MR OBHOF: [11:38:58] And you asked three of my questions, which is perfect.

7 PRESIDING JUDGE SCHMITT: [11:39:02] Sometimes I also have a flow, so to speak,
8 so it might perhaps help.

9 MR OBHOF: [11:39:11]

10 Q. [11:39:12] Now, you mentioned how you would know the codes that were
11 directed to you but would not know for other persons. How many of these codes
12 would be in operation at any given time?

13 A. [11:39:40] There would be one, there would be one, they are not different.

14 Q. [11:40:12] As a signaller, if you received a coded message, how would
15 a commander decode the message when he received it from you?

16 A. [11:40:36] It is the rules require the commander to hold the microphone, you as
17 the signaller would be with him. The signaller is responsible for taking care of the
18 radio, for making sure it works properly. But it is the commander responsible for
19 receiving and giving messages.

20 Q. [11:41:07] Mr Witness, have you heard of something called a TONFAS?

21 A. [11:41:18] Yes, I have.

22 Q. [11:41:19] Could you explain to the Court what a TONFAS is?

23 A. [11:41:32] I'll reiterate what I said: TONFASs are coded messages, and that's
24 how I know what a -- that would be my definition of a TONFAS.

25 Q. [11:42:20] So what would be the difference between the TONFAS and the codes?

1 A. [11:42:36] Based on my knowledge, I would say a TONFAS is a code. If there's
2 a difference between them, then I am not sure what the difference is.

3 Q. [11:42:58] How would these commanders know the codes? How would they
4 know the TONFAS?

5 A. [11:43:21] The TONFASs would be knowledge to them, because first of all the
6 person with whom you're communicating would be aware of the conversation
7 because they would have planned, and when you are communicating, the two of you
8 would be able to understand what it is that is being passed on.

9 Q. [11:43:48] Or maybe I can use an example. You have a battalion commander
10 who is, we'll say Mr X, and he dies. His replacement, Mr Y, how would Mr Y know
11 these TONFAS?

12 A. [11:44:16] I said in order for somebody to know what the meanings of these
13 codes, you have to meet, explain to the person and discuss what these codes mean.
14 If do you not meet and discuss and explain to that person what these codes mean,
15 then that person would not know what they are.

16 Q. [11:44:47] Is there a reason why these codes were kept so secretively?

17 A. [11:45:06] Yes, because we did not -- they did not want the government to
18 decode their messages and know what they were -- they were talking about.

19 Q. [11:45:41] As you worked as a signaller, in your opinion, how easy is it to learn
20 and attempt to decipher these TONFAS?

21 A. [11:46:03] It's not easy. You, as the operators, you are aware of each other so
22 you can discuss certain things among yourselves. But when it is the commanders or
23 the higher ranking officers discussing certain things, then we are not aware of exactly
24 what it is that they are talking about.

25 Q. [11:46:33] You mentioned just now saying that some of the higher ranking, you

1 wouldn't understand what the higher ranking officers were talking about. Were
2 there any special TONFAS just for the senior persons in Control Altar?

3 A. [11:46:58] Yes, they existed.

4 Q. [11:47:09] And would these TONFAS meant for Control Altar, would they be
5 distributed to individual brigade commanders?

6 A. [11:47:30] I do not know. But whatever is sent to us would be relating to our
7 operations.

8 Q. [11:47:59] To estimate, how often would these TONFAS change?

9 A. [11:48:16] It's difficult for me to determine how often they would change,
10 because when I was still there you would wait for the person who used to set up these
11 codes and send them. But nobody else would do that. But when I left, I do not
12 know whether the TONFASs are constantly changed.

13 MR OBHOF: [11:48:47] Now, your Honour, I have about two questions in private
14 session.

15 PRESIDING JUDGE SCHMITT: [11:48:52] Yes, then we go to private session for
16 a short while.

17 (Private session at 11.49 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Open session at 11.50 a.m.)

4 THE COURT OFFICER: [11:50:17] We are back in open session, Mr President.

5 MR OBHOF: [11:50:29]

6 Q. [11:50:30] You mentioned a person earlier by the name of Buk Abudema. What
7 type of relationship did Buk Abudema have with Dominic Ongwen?

8 A. [11:50:57] I do not know the nature of the relationship between the two of them,
9 but I know that they were both soldiers but I do not know what over kind of
10 relationship was between them.

11 Q. [11:51:18] At the time of your abduction who held a higher position,
12 Buk Abudema or Mr Ongwen?

13 A. [11:51:34] Buk was higher ranking.

14 Q. [11:51:42] To the best of your knowledge, during your entire time in the LRA,
15 did Dominic ever hold a position which was higher than Buk?

16 A. [11:52:01] No. Buk was always higher.

17 Q. [11:52:20] Do you remember a person who went by the name of Ayumani?

18 A. [11:52:33] Yes, I do know Adjumani, I do recall him as well.

19 Q. [11:52:41] Who was he, who was Adjumani?

20 A. [11:52:51] Adjumani was Vincent Otti's escort.

21 Q. [11:53:01] From what you observed, did Otti Vincent trust Adjumani?

22 A. [11:53:17] Well, I do not know, but I believe he did have some trust in him
23 because he took care of him.

24 Q. [11:53:33] What happened to Adjumani?

25 A. [11:53:48] I was not close, very close to them, but I heard that he died, that he

1 died at the time that they were going to kill Otti Vincent and he started fighting, so
2 he -- they shot him. He was trying to protect Otti and they shot him. I personally
3 was not there.

4 Q. [11:54:29] Now, do you remember a person who went by the name of Doctor?

5 A. [11:54:40] Yes, I do recall a person by such a name.

6 Q. [11:54:50] Who was Doctor?

7 A. [11:54:59] Doctor, well, I do not know how else to refer to him or how to call
8 him, but I know that he was based in the control room, but I do not know exactly how
9 to refer to him, but I know that he was in the control room with the leaders.

10 Q. [11:55:34] From what you observed, was he trusted by the commanders in
11 Control Altar?

12 A. [11:55:57] Could you please repeat the question, who are you referring to, who
13 were they supposed to be trusting?

14 Q. [11:56:07] Well let's use Joseph Kony. Did Joseph Kony trust Doctor?

15 A. [11:56:22] Well, I do not know whether he trusted him or did not trust. It's
16 really difficult to know or to say what someone is thinking.

17 Q. [11:56:37] Finally, you mentioned Charles Tabuley earlier. What happened to
18 Charles Tabuley?

19 A. [11:56:52] Charles Tabuley died in combat, he was shot at the battlefield.

20 Q. [11:57:01] Do you remember around when he was shot?

21 A. [11:57:11] In 2002.

22 Q. [11:57:21] Now, Francis, I would like to talk a little bit about Dominic Ongwen.
23 When you first met Dominic, what were your impressions of him as a person?

24 A. [11:57:44] When I initially met Dominic Ongwen, he was a young person and
25 I was older than him.

1 Q. [11:57:59] At that time when you met him, what was his character like?

2 A. [11:58:09] Me, are you asking about my character?

3 Q. [11:58:14] No. Sorry about that, no. Dominic's character, what was his
4 character like?

5 A. [11:58:26] Dominic Ongwen was not a bad person, but based on my observation
6 he was childish. He liked playing. He really, really liked playing more than
7 anything else. He was childish. He was always playing football and other kind of
8 games.

9 Q. [11:58:53] And did this, this childish, this playing, playing football, did this
10 change over the years?

11 A. [11:59:15] I do not know, but I believe that that is his -- those are his
12 characteristics. He liked playing and he was also a joker. He liked telling jokes.

13 PRESIDING JUDGE SCHMITT: [11:59:28] When did you meet him for the first time?
14 Do you recall that more in detail perhaps?

15 THE WITNESS: [11:59:39](Interpretation) Yes, I do recall.

16 PRESIDING JUDGE SCHMITT: [11:59:43] Could you please tell us.

17 THE WITNESS: [11:59:54](Interpretation) When I first met him he had come to see
18 me in sickbay with some of the other commanders, and that was the first time that I
19 met him properly and he was introduced to me, that this is Dominic Ongwen. And
20 as soon as he arrived he started playing, he started playing with some of the other
21 children there.

22 PRESIDING JUDGE SCHMITT: [12:00:19] I know it has happened a long time ago,
23 but can you try to tell us roughly which year this was?

24 THE WITNESS: [12:00:39](Interpretation) This was in 1998.

25 PRESIDING JUDGE SCHMITT: [12:00:44] Thank you. And when was the last time

1 that had you met Dominic Ongwen personally?

2 THE WITNESS: [12:00:56](Interpretation) The last time that I met Dominic Ongwen
3 was in the Congo and I was in the sickbay at the time as well. They came from
4 Uganda during the peace talks and they went to the Congo. He also came and
5 visited me in the sickbay and that was the last time that I saw Dominic Ongwen till
6 today. They separated, they went somewhere else, and I stayed in the sickbay, and
7 that was the last time that I saw him. After that I went back home and I never saw
8 him again. And that was in 2005 till today.

9 PRESIDING JUDGE SCHMITT: [12:01:45] Mr Obhof.

10 MR OBHOF: [12:01:48]

11 Q. [12:01:51] Now, when Mr Ongwen was playing his jokes and playing football,
12 which ranks would he do this with?

13 A. [12:02:10] Well, he majorly played with the younger junior soldiers.

14 Q. [12:02:26] Did you ever come to learn why Mr Ongwen would play with these
15 junior soldiers?

16 A. [12:02:42] I did not know. I did not find out.

17 Q. [12:02:51] Did you ever come to learn what the more senior commanders
18 thought about Mr Ongwen playing football and joking around with the junior
19 soldiers?

20 A. [12:03:07] I did not.

21 Q. [12:03:29] And do you know if Mr Ongwen was ever disciplined for his
22 socialisation with the junior ranks?

23 A. [12:03:48] I did not.

24 Q. [12:04:17] What effect did this, the fact that Mr Ongwen was playing and
25 socialising with the junior soldiers, what effect did it have on these junior soldiers?

1 A. [12:04:38] Well, that I do not know.

2 Q. [12:04:58] Mr Witness, to the best of your knowledge, was there ever a time
3 when Joseph Kony disciplined Mr Ongwen?

4 A. [12:05:22] I did not know, but at the time when I was in the government's hand
5 in Zara in Sudan, that's when some people who came from there told us that Kony
6 has arrested Dominic and he wants to kill him because he is disobeying his orders.
7 This is the report which I received when I was already with the government. But
8 when I was still there I did not know of any punishment that Kony gave to him. It
9 was until when I was now in, now in the government, that's when I was told that
10 Kony wanted to kill Dominic.

11 Q. [12:06:14] You just said that you were in the government by that time, what
12 were you doing for the government at that time?

13 A. [12:06:28] When I was with the government I had left the bush and I came to
14 them, and I was in the counselling room so that I could be integrated and live
15 normally like the rest of the people.

16 Q. [12:06:56] As we are talking to you about back home now, before you finally
17 escaped the LRA, had you heard of the Mega FM radio broadcast called Dwog Paco?

18 A. [12:07:22] Yes, I did.

19 Q. [12:07:32] What did you hear about this programme from other persons in the
20 LRA?

21 A. [12:07:52] Could you say the question again.

22 Q. [12:07:56] Were there any rumours about this programme being spread
23 throughout the LRA?

24 A. [12:08:12] Yes, there were rumours. The rumours were that the issue of
25 returning home were lies. If you listen to those messages and you return home, they

1 will kill you. So these were the rumours that were spreading around.

2 Q. [12:08:37] When you first heard these rumours, did you believe them?

3 A. [12:08:50] I did not believe, because the people who had gone home, you would
4 even hear them speak, you would hear their voice and you can recognise them, so I
5 did not wholly, fully believe it.

6 Q. [12:09:23] When did you first start hearing about amnesty?

7 A. [12:09:43] Well, the years have now gone by. I think the first time I heard about
8 it was in the year 2007.

9 Q. [12:10:06] What would Kony say about amnesty?

10 A. [12:10:23] I personally did not hear what Kony would say about amnesty.

11 Q. [12:10:32] Were there rumours within the LRA about amnesty?

12 A. [12:10:50] I did not hear that, but what I heard that was happening was that
13 during the time of the peace talk between the government and the LRA, that's when I
14 would see that this kind of meeting take place. But regarding amnesty, I did not
15 hear anything.

16 Q. [12:11:25] Now, Mr Witness, could you tell the Court how you came to escape
17 the LRA?

18 A. [12:11:40] Well, as a matter of truth, in the LRA I did not escape by myself,
19 because if I had escaped I would not be here now. As I mentioned a while ago, I
20 mentioned that because how God planned, took me to the bush, it was also the same
21 way that he returned me back home. I am a weak person, I am disabled, I could not
22 walk, I could not escape. But, luckily enough, the government of Uganda sent
23 helicopter gunship and went and collected me and brought me back home. This I
24 take it as miracle, a miracle as happening in my life, and I am still happy. God's
25 ways are still working and I am still before you here. And this is how I escaped from

1 the LRA.

2 Q. [12:13:05] After you left the LRA, were you taken back home to Gulu?

3 A. [12:13:17] I was taken back home in Gulu.

4 Q. [12:13:23] And at any time after you left the LRA, did you ever work with
5 government on these communications through the radio call?

6 A. [12:13:43] No, I did not. They had asked me to continue, but I told them that
7 I am no longer interested in, in the army, I want to go back home and farm.

8 MR OBHOF: [12:14:05] Your Honour, counsel has a few follow-up questions.

9 PRESIDING JUDGE SCHMITT: [12:14:08] Of course, like always.

10 Mr Ayena, you have the floor.

11 QUESTIONED BY MR AYENA ODONGO:

12 Q. [12:14:22] Good morning, Mr Ocen.

13 A. [12:14:29] Thank you.

14 Q. [12:14:30] I believe we know each other, don't we?

15 A. [12:14:35] Yes, yes, I know.

16 Q. [12:14:39] Now, Mr Ocen, we were talking about marriage, you say you are
17 married with six children. Can you tell Court how you got married, what kind of
18 marriage, Acholi marriage or some other type of marriage.

19 A. [12:15:03] I am married traditionally, the traditional marriage of Acholi.

20 Q. [12:15:13] Where did you meet your wife? Where did you first meet her?

21 A. [12:15:28] Meeting as in what aspect?

22 Q. [12:15:35] As in when you first ask her hand in marriage.

23 A. [12:15:47] I met, I met her in Gulu.

24 Q. [12:15:54] Was it when you were still in the bush or after you had returned?

25 A. [12:16:02] I had returned and then I went up to her home, their village.

1 Q. [12:16:12] Was your wife also abducted at any one point?

2 A. [12:16:20] Yes, she was.

3 Q. [12:16:27] Did you meet her in the bush while you were still in the bush?

4 A. [12:16:36] I did not meet her, but when she returned, that's when I got a report
5 from the, the army's head office that she had returned. And then I said that, since
6 she is now around and if I want her I will meet her and then visit her parents. So,
7 after a while, when I had settled down, then I went to their home and I was welcomed.
8 Then I returned back home, I prepared myself, got some money and dowry, and then
9 I took to her place.

10 Q. [12:17:26] Let's talk about Dominic Ongwen's habit of playing pranks with
11 junior officers and children. Did this endear him, according to your observation, did
12 this endear him to the soldiers or what would you assess as the outcome of this
13 constant playing with the soldiers? How did they regard him?

14 A. [12:18:11] Well, even though I did not live with him all the time, but I -- from my
15 understanding and knowledge is that that kind of playful relationship brings about
16 happiness and joy between him, and also even the younger junior soldiers, it keeps
17 them happy.

18 Q. [12:18:39] And lastly, according to your observation, how would you describe
19 Dominic Ongwen's character, both as a person and also as a commander in the bush?

20 A. [12:19:05] Could you say the question again.

21 Q. [12:19:09] You know, just like you know me, I am now saying -- you of course,
22 you know me less than you know Dominic. I want you to tell Court, from your own
23 experience with Dominic Ongwen, and also from your observation from the way he
24 conducted things in the bush and how people regarded him, can you tell the Court
25 what you would give as a fair assessment of Dominic Ongwen's character. Was he

1 a good man? Was he liked? Was he kind?

2 PRESIDING JUDGE SCHMITT: [12:19:45] I think the witness has understood the
3 question.

4 THE WITNESS: [12:19:54](Interpretation) What I know is that, and in my own
5 observation and understanding, Dominic Ongwen is not a bad person. He is liked,
6 he is liked by everyone, right from the young one up to the commanders. He does
7 not discriminate, he doesn't segregate, whether this was a child or you are an adult or
8 who are you, irrespective of your status. And wherever he is you just hear people
9 laughing. Whether he is with the children or with the adults, people would just be
10 laughing and happy. So in my own observation to say that Dominic Ongwen is
11 a bad person, no. Unless if it is something related to deep, deep inside somebody's
12 heart, then I wouldn't know, but from what I know he is not a bad person.

13 MR AYENA ODONGO: [12:20:57]

14 Q. [12:20:58] Did you observe him relate with people he lived with, like his wives
15 and his children, of course?

16 A. [12:21:14] Since I did not live very close with him, but still I know that from his
17 home he was liked and he lived very well with his people. That's what at least I
18 knew.

19 Q. [12:21:28] Thank you very much.

20 And we would like to thank you for coming, and safe journey back home. Thank
21 you.

22 PRESIDING JUDGE SCHMITT: [12:21:36] Thank you, Mr Ayena.

23 It's now the turn of the Prosecution. I don't think that you need a pause.

24 MR SACHITHANANDAN: [12:21:43] That's correct, your Honour. I just need to
25 steal the lectern from the Defence, that's all.

1 PRESIDING JUDGE SCHMITT: [12:21:49] Yes, I think that will be possible. But I
2 think -- exactly, you should -- or you can meet in the middle, I think that is ideal, that
3 is ideal.

4 No, I did not want, Mr Obhof, to oblige to bring it to you, and so this was a very good
5 solution (Overlapping speakers)

6 MR AYENA ODONGO: [12:22:13] At least he isn't stealing it.

7 PRESIDING JUDGE SCHMITT: [12:22:15] Yes, indeed. I think we all agree that
8 this is a borrowing for a short time.

9 QUESTIONED BY MR SACHITHANANDAN:

10 Q. [12:23:02] Hello, Mr Witness.

11 A. [12:23:05] Hello. Thank you.

12 Q. [12:23:08] You recall meeting me a few days ago during our courtesy meeting?

13 A. [12:23:16] Yes, I do.

14 Q. [12:23:18] So, the same way I said to you during the courtesy meeting, I want
15 you to be entirely relaxed. I know sometimes your leg hurts you, so please feel free
16 to stop me any time if you want to move around, et cetera. And I will ask you a few
17 questions now.

18 You mentioned Michael Anywar as being one of the signallers in the LRA. It's
19 correct, isn't it, that after Iron Fist he was the director of signals?

20 A. [12:24:04] Yes, correct.

21 Q. [12:24:08] Now, as the director of signals, what were the duties and
22 responsibilities of Mr Anywar?

23 A. [12:24:28] Anywar's role were to see that all radio communications were
24 functional. That is the role of the director. As I know, he ensures that all the
25 operators have maintained their radios are in working condition and they are

1 properly maintained. So that is what Anywar was doing.

2 Q. [12:24:56] And it's correct, isn't it, that Mr Anywar was a trained signaller?

3 A. [12:25:09] Yes, Anywar trained in signalling.

4 Q. [12:25:14] And in fact sometimes he trained other people in signalling; that's
5 correct, isn't it?

6 A. [12:25:25] Correct. He does train them on how to tune in the radio and also
7 how to take care of the radio. He would tell people -- train people on that use.

8 Q. [12:25:38] Now, whenever the TONFAS was changed, it's correct, isn't it, that
9 Mr Anywar had a role in passing the TONFAS to the other signallers?

10 A. [12:25:58] Yes, he had the power to distribute, but he did not have the authority
11 to create it, unless the instruction comes from Kony. So if you create a TONFAS in
12 your own, by your own interest, then Kony would discipline you because he will say
13 you want to betray his soldiers. So unless he issues instructions to you to create the
14 TONFAS, you would not do it.

15 Q. [12:26:31] Thank you. And I appreciate you adding detail to your answers,
16 because that is very helpful for the Court.

17 So if I understand correctly, Kony would order the creation of a TONFAS, then
18 Michael Anywar would create a TONFAS and pass it around; is that correct?

19 A. [12:26:55] Correct.

20 Q. [12:27:01] Now I want to move to a different signaller. It's correct, isn't it, that
21 Anthony Opoka was the brigade signals officer for Sinia brigade at one point?

22 A. [12:27:22] That is correct.

23 Q. [12:27:27] Now, could you tell us, please, the duties and responsibilities of
24 Anthony Opoka as the brigade signals officer of Sinia brigade?

25 A. [12:27:44] I know that Opoka was operator of the Sinia brigade, but - unless he

1 was given another role when I was there - but all I knew, he was an operator.

2 Q. [12:28:03] Right. And in fact that's what I am asking about, I am asking about
3 his work as the operator of the radio in Sinia brigade. Could you tell us what his
4 role was, in detail, as the operator of the radio in Sinia brigade?

5 A. [12:28:26] Operator's role is to tune the radio at the right time, wait for the
6 message that is to be communicated. But also if there is no information that requires
7 you as commander, then you only share pleasantries and then you end there. But if
8 there is a message intended for the commander, then you pass on that, the radio, the
9 commander will talk, and then when they are done you close the session at that time
10 and you move on.

11 Q. [12:29:06] Right. So it's correct, isn't it, that you have heard Anthony Opoka
12 speak on the radio while you were in the LRA?

13 A. [12:29:22] Yes, I heard.

14 Q. [12:29:23] Right. Now I am going to ask you -- now, I know Mr Obhof already
15 asked you some questions about your career, I just want to fill in some details about
16 your career.

17 It's correct, isn't it, that sometime after Iron Fist you served as the signaller for
18 Mr Tabuley?

19 A. [12:30:04] Correct.

20 Q. [12:30:11] And when Mr Tabuley took over the division, you moved with him to
21 the division; that's correct, isn't it?

22 A. [12:30:25] Correct.

23 Q. [12:30:28] Can you remember where you were when Mr Tabuley was killed?

24 A. [12:30:41] I do recall that at the time we were in Teso, but I do not recall the
25 exact location of where we were, but we were in Teso.

1 Q. [12:30:55] And it's correct, isn't it, that you reported the death of Mr Tabuley on
2 the radio?

3 A. [12:31:07] Yes, I did.

4 Q. [12:31:12] What were the instructions given by Kony and Otti when you
5 reported the death of Tabuley?

6 A. [12:31:31] Kony sent Otti to come and collect Tabuley's soldiers.

7 Q. [12:31:41] And do you remember what happened to Mr Tabuley's body?

8 A. [12:31:49] No, I do not know what happened to it.

9 Q. [12:31:56] Now it's right, isn't it, that after some time after Tabuley's death, that
10 Mr Abudema took over the division?

11 A. [12:32:09] Yes, that's correct.

12 Q. [12:32:15] And you continued to be in the division and served as Abudema's
13 signaller; that's right, isn't it?

14 A. [12:32:29] Yes, I did. I was there for a few months and then I left.

15 Q. [12:32:46] Could you please tell us what sort of leader Abudema was.

16 A. [12:32:58] Abudema was a brigade commander.

17 Q. [12:33:06] I guess I am asking for a bit of detail about how he related to other
18 commanders, did he relate well, did he relate badly?

19 A. [12:33:27] Honestly, Abudema did not like people. He was not a people's
20 person. He constantly argued with people. And if he asks you to do something
21 and you take your time, you will be beaten, so he was not liked.

22 Q. [12:33:52] And was he like this with Mr Ongwen?

23 A. [12:34:00] He did not like anybody, whether you're an older person or a younger
24 person. He did not like people in general.

25 Q. [12:34:10] Right. I am just trying to see whether you have any specific

1 information about the relationship between Mr Abudema and Mr Ongwen, or do you
2 not?

3 A. [12:34:31] I do not know the nature of the relationship between them. It was
4 very difficult to see whether they were cordial with each other, because neither of
5 them liked the other, so it's very difficult for me to respond to that.

6 Q. [12:34:49] Now, when you were signaller for Mr Abudema, could you describe
7 to us, please, in detail, what your daily duties were?

8 A. [12:35:11] I did not actually get used to Abudema. I was only there for about
9 six months. I sustained an injury and I left and then I came back home. But
10 Abudema was not a nice person. He did not like people. It's very -- in order for
11 you to know a person's character or to know their personalities, you should be able to
12 like that person, you should be able to have conversations or discuss things with them.
13 But in Abudema's case it was very difficult, so it's really difficult to know what kind
14 of person he was.

15 Q. [12:35:58] Right. And I want to leave that subject now. You know, okay, we'll
16 finish -- we are finished with Abudema as a person. I'm more trying to find out
17 what the daily duties of a signaller are, like what did you do on a daily basis when
18 you were functioning as a signaller in the LRA?

19 A. [12:36:26] On a daily basis as a signaller, when you get up in the morning you
20 have to ensure that the battery is fully charged, the battery of device is fully charged.
21 If it's not, you charge it. You wait for the scheduled time for communication; if it's at
22 8, you set up the radio, if it's at 9, you set up the radio. If there is no communication,
23 you switch off the radio. If there is communication and it requires a certain
24 commander, you call the commander to come, he'll have the communication and then
25 you switch it off. If somebody else comes on air and asks is there anybody else on

1 radio and you would answer, yes, there is. If there is nothing to discuss, you
2 exchange small pleasantries and then you switch off the radio. But the main tasks
3 were to make sure that the radio was in proper working condition.

4 Q. [12:37:29] Now, you mentioned the scheduled time for communication. It's
5 correct, isn't it, that there were multiple times in a day that commanders talked on the
6 radio?

7 A. [12:37:52] Yes, but within the LRA there were three times, at 9, at 1 and at 4.

8 Q. [12:38:01] And it's correct, isn't it, that this was daily communication, daily
9 communication three times?

10 A. [12:38:15] Yes, that's correct.

11 Q. [12:38:18] And when commanders at 9, at 1, at 4, when they came on the net,
12 they would introduce themselves using their call sign; that's correct, isn't it?

13 A. [12:38:42] Yes, that's correct, they would introduce each other by their call signs.

14 Q. [12:38:47] And it's right, isn't it, that Kony used to be called Layom Cwiny?

15 A. [12:38:57] Yes.

16 Q. [12:39:00] And Otti used to be called Wat Pa Dano?

17 A. [12:39:10] Yes, that's correct.

18 Q. [12:39:12] And Mr Ongwen was called Tem Wek Ibong?

19 A. [12:39:26] Tem Wek Ibong was Buk, and there was Lalworo Odong. If it was
20 changed when I left, then I do not know. But Tem Wek Ibong was Lalworo Odong,
21 and that was a name that was started during the Iron Fist. Because they said that if
22 you are afraid, then you go back into your mother's womb. But I do not know at the
23 moment, but if I recall at a later time then I will tell you, but that was Buk's call sign.

24 Q. [12:40:04] And it's right, isn't it, that Madilu was Buk's call sign?

25 A. [12:40:13] Yes, he had several call signs.

1 Q. [12:40:39] Mr Witness, you mentioned Dwog Paco, can you remember when you
2 started hearing Dwog Paco on the radio?

3 A. [12:40:57] That was in 2007, and that was during the peace talks, that's when I
4 heard about that, because there were rules against listening to radios in the bush.

5 Q. [12:41:30] Mr Witness, I am going to mention a few commanders, and please tell
6 me if you know what I tell you about them. It's correct, isn't it, that Sam Kolo
7 escaped from the bush when you were in the bush?

8 A. [12:41:59] Yes, Sam Kolo escaped.

9 Q. [12:42:07] And it's correct, isn't it, that Loum Icaya escaped from the bush
10 during the time that you were in the bush?

11 A. [12:42:21] Yes, he did escape.

12 Q. [12:42:23] And Onen Kamdulu, he also escaped while you were in the bush,
13 correct?

14 A. [12:42:34] Yes, he did escape.

15 Q. [12:42:38] Now, at the time of escaping, is there a difference in terms of the
16 punishment between escaping with a gun and escaping without a gun?

17 A. [12:43:07] Yes, if you escape with a gun, yes, there is punishment. He would
18 say, if you want to escape, escape without a gun, but if you escape with a gun, then
19 that's problematic.

20 Q. [12:43:27] So would the punishment be different then if you escaped without
21 a gun?

22 A. [12:43:41] If -- there was no difference between escaping with a gun or without
23 a gun, because either way you would be killed.

24 Q. [12:43:56] Mr Witness, after Iron Fist, did you ever meet Mr Ongwen in the bush
25 in Uganda?

1 A. [12:44:15] No, I did not meet with him.

2 Q. [12:44:24] So am I right in thinking that when you described him playing with
3 junior soldiers, this was something you saw before Iron Fist; am I right?

4 A. [12:44:48] Yes, that was before Iron Fist.

5 PRESIDING JUDGE SCHMITT: [12:44:51] I think the witness also mentioned that he
6 met him in 2005 in the Congo, if I recall it correctly. But there's of course another
7 notion in his former statement to the Prosecution, which would relate to meeting
8 Mr Ongwen.

9 MR SACHITHANANDAN: [12:45:12]

10 Q. [12:45:12] Mr Witness, when you met Mr Ongwen in the Congo, what was his
11 rank, role, and position?

12 A. [12:45:29] When I met him in the Congo, he did not have any functions, because
13 when he was in Uganda, while I was in the Congo, Ongwen had gone to see the
14 government during the peace talks and he did that -- he did this without Kony's
15 instructions.

16 So when Kony took Ongwen to the Congo, Ongwen was demoted and he became
17 a private, because he went and spoke to the government without instructions coming
18 from Kony. That's what I know. So when he was in the Congo he was mostly
19 a junior soldier.

20 Q. [12:46:12] And before he was demoted, it's correct, isn't it, that he was
21 a brigadier?

22 A. [12:46:26] Yes, he was a brigadier.

23 Q. [12:46:29] And it's correct, isn't it, that he was a brigade commander for Sinia
24 brigade?

25 A. [12:46:37] Yes, that's correct.

1 Q. [12:46:41] And before he became brigade commander for Sinia brigade, he was
2 the battalion commander of a battalion in Sinia brigade; that's right, isn't it?

3 A. [12:47:02] Yes, he was a battalion commander.

4 MR SACHITHANANDAN: [12:47:09] Just a minute, your Honour, I am just ...
5 (Counsel confer)

6 PRESIDING JUDGE SCHMITT: [12:47:18] I think I would like to clarify something
7 with the witness.

8 Mr Ocen, you have been interviewed by the Prosecution, do you recall this?

9 THE WITNESS: [12:47:38](Interpretation) I do not recall, because it's been quite
10 some time. I have met so many people and it's difficult for me to recall every single
11 meeting.

12 PRESIDING JUDGE SCHMITT: [12:47:51] I give it a try simply, I read out to you
13 something that is supposed to have been said by you during a questioning by
14 the Prosecution. It's UGA-OTP-0284-1044 at 1077, line 1070, you have been asked
15 there:

16 "So, did you ever meet Ongwen?"

17 And it's written down here as your answer: "I've never met him."

18 Later on on this page, 1089, line:

19 "Ongwen, I never met him because he had his own separate brigade. So, for me
20 I can actually leave mine and go to this place. What would I be looking for?"

21 So this seems to suggest that, at least at that time, you told the Prosecution that you
22 did not meet Mr Ongwen. So today here in the courtroom could you clarify this?

23 THE WITNESS: [12:49:14](Interpretation) The way that I was asked by
24 the Prosecution, and the way I responded to them was that I did not have any
25 authority to go and meet Ongwen and I did not meet him. But I have told you here

1 that on the two occasions that I met Mr Ongwen, I have stated it clearly that on both
2 these occasions he is the one who comes and visits me in the sickbay. The first time
3 was in 1998, and on the second occasion that he came to see me in the sickbay was in
4 the Congo in 2005, and that's the information I can give you. I did not go and meet
5 him, but he came and visited me in the sickbays.

6 PRESIDING JUDGE SCHMITT: [12:50:08] Thank you for this clarification.

7 MR SACHITHANANDAN:

8 Q. [12:50:15] Just to pick up from his Honour's question, it's right, isn't it, that when
9 you were in the Congo you were in the sickbay with Mr Oyenga; is that correct?

10 A. [12:50:31] Yes, that's correct.

11 Q. [12:50:35] Mr Witness, now his Honour mentioned your interview with
12 the Prosecution, and I am going to ask you a few questions based on that interview.
13 Now, you were played - based on one of the interviews you had with
14 the Prosecution - you were played a tape or a communication, a radio communication
15 during your interview where you identified the voice of Mr Ongwen.

16 And I'm going to just mention the statement here. It is statement, the statement
17 UGA-OTP-0265-0306 at page 0310, paragraphs 27 to 30.

18 Now I would like to play the tape for you again so that you can tell us what you hear.

19 MR OBHOF: [12:51:36] Your Honour, might I suggest we do this after lunch,
20 because the tape is listed as 6 and a half minutes.

21 PRESIDING JUDGE SCHMITT: [12:51:44] A little bit, my decision on that would
22 depend upon how long you envision to continue your questioning of the witness.
23 This was very complicated. This will not be your last question?

24 MR SACHITHANANDAN: [12:51:59] No, your Honour.

25 One option would be - and we have tried this in the past, I think - is we let court

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1 management play the witness the tape during the break so that the witness can listen
2 a number of times, then we come back after the break. This way we will have a full,
3 full understanding.

4 PRESIDING JUDGE SCHMITT: [12:52:20] I think this is appreciated. So we have
5 now the lunch break until 2.30.

6 THE COURT USHER: [12:52:26] All rise.

7 (Recess taken at 12.52 p.m.)

8 (Upon resuming in open session at 2.31 p.m.)

9 THE COURT USHER: [14:31:43] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [14:32:16] Good afternoon.

12 The Prosecution has still the floor.

13 MR SACHITHANANDAN: [14:32:20] Thank you, your Honour.

14 As discussed before the break, we played -- or the court management played the
15 audio and I'm just going to put down the ERN of the audio on the record, that is,
16 UGA-OTP-0235-0015, track 1, and the extent played was from 1.32 to 6.16 minutes.

17 PRESIDING JUDGE SCHMITT: [14:33:00] It's a little bit less than six minutes, 4.8
18 something.

19 MR SACHITHANANDAN: [14:33:06]

20 Q. [14:33:07] Mr Witness, now, you were played an intercepted communication a
21 few times during the break and I'm going to ask you some questions based on what
22 you said in your statement to the Prosecution.

23 In statement UGA-OTP-0265-0306 at page 0310 at paragraph 30, regarding this audio
24 you said:

25 "Dominic Ongwen is saying ... he got one thing."

1 That's correct, isn't it, Mr Witness?

2 A. [14:33:59] Yes, that's correct.

3 Q. [14:34:05] And you further say in the same paragraph that Kony is responding
4 to Dominic Ongwen. That's correct, isn't it, Mr Witness?

5 A. [14:34:22] Could you say the question again?

6 Q. [14:34:26] In the tape it's Mr Kony who is talking to Mr Ongwen; that's correct,
7 isn't it?

8 A. [14:34:34] Yes.

9 Q. [14:34:37] Did you manage to identify what thing Mr Ongwen was talking
10 about?

11 A. [14:34:47] I understood.

12 Q. [14:34:50] Please tell the Court what the thing was?

13 A. [14:34:59] Dominic Ongwen was talking about during his movement along the
14 way, he came across a diamond, a diamond, and he gave that report to Kony. And
15 Kony was asking him who got that diamond, and he said one of his junior soldiers
16 called Okot Martin was the one who came across that diamond. So Kony told
17 Ongwen that he could not keep that item, so he should take it to Lakati because
18 Lakati was a person who likes farming, so that should be taken to Lakati and Lakati
19 should take care of it and then Martin, that child, that junior officer should be given
20 the rank of a lieutenant. That is what was communicated.

21 Q. [14:35:59] Thank you, Mr Witness, that was detailed and thank you for that.

22 I'm going to move on to a different topic.

23 Unless your Honour has questions?

24 PRESIDING JUDGE SCHMITT: [14:36:12] No, please move on.

25 In the meantime, a comment. I have also of course read the former transcript, and it

1 obviously makes sense to give the witness the chance to listen to it again. So there
2 was much more detail than in the former statement -- or in the former statement the
3 witness even said that he did not know what it was about.

4 MR SACHITHANANDAN: [14:36:36] Indeed, your Honour. Useful practice also
5 for the future I think, yes.

6 Your Honour, I am now going to refer to tab 29, that is document UGA-OTP-248-0462
7 at page 0499. This is not to be shown to the witness. It is only for the benefit of the
8 parties and the Bench. And, your Honour, I'm going to put a proposition to the
9 witness based on this document.

10 PRESIDING JUDGE SCHMITT: [14:37:10] Yes.

11 MR SACHITHANANDAN: [14:37:11] And the proposition will be based on the
12 information in lines 714 all the way down to 735, and I will read out the relevant lines:
13 714, 721, 726, 727, 732, 734, and 735.

14 Q. [14:37:48] Mr Witness, it's correct, isn't it, that you were on the air when
15 Mr Ongwen reported the attack on Odek?

16 A. [14:38:08] I do not quite recall, but I do remember that yes, I heard that
17 information.

18 Q. [14:38:18] And it's right, isn't it, that Mr Ongwen attacked Odek and reported it
19 on air?

20 A. [14:38:28] I was not aware of that.

21 MR SACHITHANANDAN: [14:38:33] No further questions, your Honour.

22 PRESIDING JUDGE SCHMITT: [14:38:35] Thank you very much.

23 I don't assume, Mr Obhof. Okay, please.

24 Okay, I have of course to ask the representatives of the victims. I don't assume, but
25 you never know of course, if Mr Manoba has questions.

1 MR MANOBA: [14:38:55] No questions, your Honour.

2 PRESIDING JUDGE SCHMITT: [14:38:57] Mr Narantsetseg, likewise?

3 MR NARANTSETSEG: [14:39:00] No questions. Thank you.

4 PRESIDING JUDGE SCHMITT: [14:39:03] And Mr Obhof will make do without the
5 lectern.

6 MR OBHOF: [14:39:15] Thank you, your Honour.

7 QUESTIONED BY MR OBHOF:

8 Q. [14:39:20] Good afternoon, Francis.

9 Francis, earlier today you stated that you met Dominic twice, in 1998 and 2005, and
10 that you also stated that you were in Teso when Charles Tabuley died. My question
11 is: Was Mr Ongwen with you in Teso around the time Tabuley died?

12 A. [14:39:52] Ongwen was not there.

13 Q. [14:39:55] Was Mr Ongwen in Teso before Tabuley died for the preceding few
14 months?

15 A. [14:40:05] I did not see him. He was not there.

16 Q. [14:40:09] And when considering the audio you listened to during our break,
17 and considering possible TONFAS and codes, can you be sure that the word diamond
18 actually means diamond in the audio that you heard?

19 A. [14:40:34] That was the actual diamond, which is the mineral. It was not a
20 TONFAS. That was a direct communication referring to diamond, the mineral.

21 PRESIDING JUDGE SCHMITT: [14:40:46] Thank you, Mr Obhof.

22 That concludes your testimony, Mr Ocen. Thank you very much for coming to The
23 Netherlands, into this courtroom, to testify here and to help us establish the truth.
24 On behalf of the Chamber, I wish you a safe trip back home.

25 THE WITNESS: [14:41:06] (Interpretation) Thank you.

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- 1 (The witness is excused)
- 2 PRESIDING JUDGE SCHMITT: [14:41:08] This concludes also the hearing for today.
- 3 We continue on Thursday, 9.30, with D-84. The further plan until next week is the
- 4 witness afterwards is D-19, possibly, hopefully, on Friday starting. And we are also
- 5 planning to have, at least on Tuesday then, D-122.
- 6 That's it for today. We see each other on Thursday.
- 7 THE COURT USHER: [14:41:37] All rise.
- 8 (The hearing ends in open session at 2.41 p.m.)