

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 Monday, 1 July 2019
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:21] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:33:43] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:33:48] Thank you, Mr President.
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: [9:34:06] Thank you.
20 I ask the Prosecution for the appearances, Mr Sachithanandan.
21 MR SACHITHANANDAN: [9:34:10] Good morning, your Honour.
22 Today I appear with Ben Gumpert, Hai Do Duc, Kamran Choudhry, Beti Hohler,
23 Yulia Nuzban, Milena Bruns, Grace Goh and Natasha Barigye.
24 PRESIDING JUDGE SCHMITT: [9:34:22] Thank you.
25 And the representatives of the victims, Ms Massidda first.

1 MS MASSIDDA: [9:34:26] Good morning, Mr President, your Honours. For the
2 Common Legal Representative team appearing today, myself Paolina Massidda, with
3 Orchlon Narantsetseg and Caroline Walter.

4 PRESIDING JUDGE SCHMITT: [9:34:37] Thank you.

5 Mr Manoba.

6 MR MANOBA: [9:34:39] Good morning, Mr President, your Honours. Joseph
7 Manoba and James Mawira.

8 PRESIDING JUDGE SCHMITT: [9:34:44] Thank you.

9 And for the Defence, Mr Obhof.

10 MR OBHOF: [9:34:47] Good morning, your Honour, and your Honours. Today
11 with me is Chief Charles Achaleke Taku, Beth Lyons, our client Mr Dominic Ongwen,
12 and my name is Thomas Obhof.

13 PRESIDING JUDGE SCHMITT: [9:34:58] Thank you.

14 The Defence is calling Witness D-56 as its next witness.

15 And before we discuss some matters, a very warm welcome to Mr Peter Kabatsi at the
16 video-link location. Good morning.

17 MR KABATSI: [9:35:12] Good morning, Mr President.

18 PRESIDING JUDGE SCHMITT: [9:35:14] As I have already indicated, we have to
19 discuss these Rule 74 matters like we used to since a couple of witnesses ago.

20 We go to private session to discuss this.

21 (Private session at 9.35 a.m.)

22 THE COURT OFFICER: [9:35:48] We're in private session, Mr President.

23 (Redacted)

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13 (Open session at 9.41 a.m.)

14 THE COURT OFFICER: [9:41:24] We are back in open session, Mr President.

15 PRESIDING JUDGE SCHMITT: [9:41:27] Thank you very much.

16 And as I said, the witness can be brought into the room where the video-link location
17 is and then we can start with the testimony.

18 (The witness enters the video-link room)

19 PRESIDING JUDGE SCHMITT: [9:42:20] Good morning, Mr Witness. Do you hear
20 me?

21 WITNESS: UGA-D26-P-0056

22 (The witness speaks Acholi)

23 (The witness gives evidence via video link)

24 THE WITNESS: [9:42:26](Interpretation) Yes, good morning, I do hear you.

25 PRESIDING JUDGE SCHMITT: [9:42:28] You are going to testify before the

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1 International Criminal Court. On behalf of the Chamber I would like to welcome
2 you in this extended courtroom far away from this site.

3 Mr Witness, there should be a card in front of you with the solemn undertaking.
4 Could you please be so kind as to read it out loud.

5 THE WITNESS: [9:43:23](Interpretation) I solemnly undertake to speak the truth, the
6 whole truth and nothing else but the truth.

7 PRESIDING JUDGE SCHMITT: [9:43:30] Thank you. Thank you very much,
8 Mr Witness.

9 I guess you understand the undertaking?

10 THE WITNESS: [9:43:46](Interpretation) Yes, I do.

11 PRESIDING JUDGE SCHMITT: [9:43:47] Thank you. Then you have now been
12 sworn in.

13 A few matters before we start with your testimony. The Prosecution has given the
14 assurance that your testimony will not be used either directly or indirectly against
15 you in any subsequent proceedings by this Court. There would be some exceptions,
16 if you would not tell us the truth, but you have already made the undertaking to tell
17 us the truth so we don't have to discuss this further.

18 If any question is asked that could lead to your self-incrimination, we want to protect
19 you and we will then go to private session. In private session nobody outside this
20 courtroom here can hear what is being said, and this does also not appear in the
21 public transcript.

22 We also ask you, Mr Witness, when telling us about the events you witnessed in the
23 LRA, to give an account of what happened, but, if not specifically asked, not refer to
24 your own acts that you might have done during your time in the LRA.

25 So there we have protection for you with regard to this potential self-incrimination

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1 issues.

2 Another small matter, everything we say here in the courtroom is written down and
3 interpreted and to allow for the interpretation we have to speak at a relatively slow
4 pace so that the interpreters can follow us.

5 So I think this is enough for the preliminaries and I give Mr Obhof for the Defence the
6 floor.

7 MR OBHOF: [9:45:31] Thank you very much, your Honour.

8 QUESTIONED BY MR OBHOF:

9 Q. [9:45:41] Good morning, Opiyo.

10 A. [9:45:46] Good morning.

11 Q. [9:45:48] Sorry I was not here the other day for the video, for the video courtesy
12 meeting.

13 Could you please state your full name to the Court.

14 A. [9:46:15] My name is Opiyo Daniel.

15 MR OBHOF: [9:46:19] And, your Honour, as our normal course of being for the first
16 few minutes, only about two to three minutes for people out there, for this personal
17 information.

18 PRESIDING JUDGE SCHMITT: [9:46:28] I think this we can do like always. We go
19 to private session for this short time.

20 (Private session at 9.46 a.m.)

21 THE COURT OFFICER: [9:46:47] We are in private session, Mr President.

22 (Redacted)

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15 (Open session at 9.49 a.m.)

16 THE COURT OFFICER: [9:49:34] We are back in open session, Mr President.

17 MR OBHOF: [9:49:45]

18 Q. [9:49:46] Now, Mr Witness, did you attend primary school as a child, and if you
19 did, which school did you attend?

20 A. [9:50:03] When I was a child I went to school. I began my studies at Gulu
21 public school, primary school. And after that I moved to Layibi Primary School and
22 I was in primary 3. I stopped my education in primary 6.

23 Q. [9:50:30] Why did you stop your education in primary 6?

24 A. [9:50:42] I did not stop voluntarily, but that was because I was abducted. I was
25 abducted when I went to visit my grandmother in the village.

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1 Q. [9:51:00] Can you remember around what year and which season you were
2 abducted?

3 A. [9:51:16] I do recall that I was abducted in 1995. It was a Friday, but I do not
4 recall the actual date.

5 Q. [9:51:40] Was anyone with you when you were abducted?

6 A. [9:51:54] When I was abducted I was with my cousin.

7 Q. [9:52:07] Was he abducted with you?

8 A. [9:52:14] Yes, we were abducted together. But he was older than me so they let
9 him go.

10 Q. [9:52:37] Do you remember around how old your cousin was when you were
11 abducted?

12 A. [9:52:52] Well, based on my estimation and his appearance, I believe he was
13 maybe 17 or 18, because he was older than me.

14 Q. [9:53:13] When you were abducted, did you know which group abducted you?

15 A. [9:53:31] I came to find out when we got to the place where they had encamped.

16 Q. [9:53:47] What did you find out at the encampment? Which group abducted
17 you?

18 A. [9:54:00] I found out that it was an LRA group, because their appearance, the
19 way they were dressed, and their mannerisms were different from the regular
20 soldiers in Gulu where I used to live.

21 Q. [9:54:22] Who was the person in charge of the LRA group which abducted you?

22 A. [9:54:40] The person who was in charge of that group was known as
23 Otti Lagony.

24 Q. [9:54:54] Now, Mr Witness, could you give Court, please, a short narrative about
25 your abduction until around the time which you came to Te Kilak.

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1 A. [9:55:22] I was abducted on a Friday. Every Friday, most times we would go to
2 the village to visit my grandmother. When we got to the village, my cousin and I,
3 his name is Lalar, there is a stream known as Tochi. It's close to the town. It's about
4 4 miles from the town. When we crossed the Tochi River, on the other side of it, the
5 soldiers had hidden in there. They came out, they aimed at us and told to us sit
6 down. When we sat down they took us and they started asking us questions, asking
7 us: Where have you been? Where are you going?
8 I told them, I told them that "I live in town. I'm a student. I'm going to visit my
9 grandmother. We do not live very far. My home is not very far from here." They
10 told me, "Okay, no problem. Let's first walk and go to this place."
11 And, indeed, they took us and they took us to the place where they had encamped.
12 There was a larger group of people that were there. When we got there they started
13 discuss me, they asked me, "Are you a student?" I told them, "Yes, I'm a student.
14 I'm in primary 6." They asked my, my cousin and they said, "No, he's not a student."
15 They asked me "How old are you?" And I told them that I guess I'm 10 years old
16 and my cousin told them he is 17 and over.
17 They said, "Okay, no problem. It is you that we want. But this other chap, well, let
18 him stay there." And, indeed, when we stayed there they started moving with us.
19 They went to an area that's not very far from where we were. It's known as Ayomu
20 Twong. From that place there was an even larger group and that group was under
21 the command of Otti Lagony. We spent the night there.
22 In the morning we started walking. Government soldiers were close by, apparently.
23 Then there was an exchange of fire between the government soldiers and the LRA for
24 quite a while. After that, there were some injuries. There was someone that I saw
25 was injured. He is known as Komakech, a boy known as Komakech. They shot

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1 him in the thigh and his thighs broke.

2 And from there we started walking and headed towards the Kilak hills. I heard
3 them talk about the Kilak foothills, but at the time I didn't know the place. It took us
4 about three days to get to that area where we were going and from there I heard them
5 say this injured person will be taken to the sickbay. At the time I had no clue what
6 they were talking about, I did not know what the sickbay meant. They took the
7 injured people and took them and the rest of us continued.

8 And whenever we would get to a certain position we would encamp, rest for a while,
9 and then continue. And that is how, briefly, how we got to the Kilak area.

10 PRESIDING JUDGE SCHMITT: [9:59:23] Thank you, Mr Witness.

11 Mr Obhof, these early days which are relatively far away from the period that might
12 be of specific interest for us, you can be a little bit more direct, I think.

13 No --

14 MR OBHOF: [9:59:40] I know what you mean, yes.

15 PRESIDING JUDGE SCHMITT: [9:59:42] Yes, you said it last time, monologue, as I
16 said.

17 MR OBHOF: [9:59:45] I said narrative today.

18 PRESIDING JUDGE SCHMITT: [9:59:46] Yes, I recognised it, I recognised it. But
19 this would perhaps make sense, you have already indicated it, when it comes to, for
20 example, possible events that he witnessed in Pajule or something like that. But
21 these old days, I think -- and also in the end escape, and so this is -- I think you can be
22 more direct.

23 MR OBHOF: [10:00:08] Okay.

24 PRESIDING JUDGE SCHMITT: [10:00:09] Yes.

25 MR OBHOF: [10:00:15]

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1 Q. [10:00:15] Mr Witness, as the 10-year-old boy you were, you stated you didn't
2 know the Kilak area that well.

3 How easily would it have been for you to escape around Te Got Kilak that week or so
4 after you were abducted and make it back home?

5 A. [10:00:46] Well, I did not escape from the Kilak hills, because the distance from
6 that location to our home was quite big, so I did not escape from Kilak area.

7 PRESIDING JUDGE SCHMITT: [10:01:01] May I perhaps shortly, since we are
8 discussing this.

9 You were very young at the time when you were abducted, perhaps 10, 11 years old.
10 You don't know exactly, and that's absolutely understandable. And it's a long time
11 ago, but can you still recall what your feelings were at the time?

12 THE WITNESS: [10:01:31](Interpretation) When I was abducted, it was quite
13 difficult for me. I did not know where exactly my life would finally end.

14 PRESIDING JUDGE SCHMITT: [10:01:46] Had you been ever away before from
15 your parents, for example?

16 THE WITNESS: [10:02:02](Interpretation) I used to live together with my parents, I
17 would not live far away from them.

18 PRESIDING JUDGE SCHMITT: [10:02:08] Please continue, Mr Obhof.

19 MR OBHOF: [10:02:12]

20 Q. [10:02:13] During these first few days on the way to Te Got Kilak, were you
21 made to carry anything?

22 A. [10:02:32] Yes, I carried some items. They were mostly food items, including
23 beans. Then, sometimes when the position is near, where we are going is near, then
24 they also uproot some cassava and add on to the luggage that you already have.

25 PRESIDING JUDGE SCHMITT: [10:02:58] For you at your age, a relatively small boy,

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1 were these items heavy to carry?

2 THE WITNESS: [10:03:11](Interpretation) The items were heavy, because if I can
3 estimate at this time, today, I think the luggage I was given to carry at that time could
4 be 30 to 40 kilograms.

5 PRESIDING JUDGE SCHMITT: [10:03:29] Did you struggle to carry them all the
6 way?

7 THE WITNESS: [10:03:39](Interpretation) It was not easy to carry this luggage,
8 because you don't carry only one type of item. And then, you know, when different
9 items are loaded on to you, you become overwhelmed.

10 PRESIDING JUDGE SCHMITT: [10:03:55] What would have happened if you could
11 not carry any more?

12 THE WITNESS: [10:04:06](Interpretation) What I can confirm that could have
13 happened to me, and also seen from other people whose strength couldn't carry on,
14 you find them, they have collapsed along the way and they are weak. I suspect that
15 such kind of thing could have also happened to me, becoming weak and falling off
16 along the way.

17 PRESIDING JUDGE SCHMITT: [10:04:35] Yes, Mr Obhof.

18 MR OBHOF: [10:04:43]

19 Q. [10:04:44] Mr Witness, when you started to head -- when you went to Sudan
20 after leaving Kilak hill, could you describe the way in which you walked, through
21 which villages or which towns, in order to get to Sudan?

22 A. [10:05:21] Our journey to Sudan was not a one-day journey, we moved via
23 Pabbo and we came heading towards Kitgum. We came to an area called Awach
24 and, as we were going to find a location, we met the government soldiers and there
25 was fierce fighting.

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1 That evening we settled down to rest and the injured people were selected to remain
2 behind, but the rest of us continued to cross Achwa River. When we crossed Achwa
3 River, we met another group of LRA who were on the other side of the river.
4 If I can recall, one of the commanders who was called Omona Field, who was the
5 overall commander, the way I was told and I do confirm that he was also one of those
6 senior commanders after Kony.

7 When we met that group we again came back to the side of Gulu and met another
8 group of LRA in the area of Atoo hill. Again, we encountered government soldiers,
9 we fought, and we got some injuries. The injured people were given to Lagira, at
10 that time he was a major.

11 We headed to area called Patalira. And after that we met another small group that
12 had some food items and they gave us those food items and make a return -- and
13 made a return and continued with our journey straight to Sudan.

14 We entered Sudan through Palabek. From Palabek we went through the wilderness.
15 I could see that we are moving but did not know the area where we were passing
16 through. I just see wilderness until when we entered and joined the big LRA group
17 in an area called Gong in the Sudan.

18 That is how, for the first time, my journey was.

19 Q. [10:08:22] Mr Witness, during this time, from your abduction to Gong, did
20 anyone in the group attempt to escape?

21 A. [10:08:42] Yes, there was one person who tried to escape. He tried to escape in
22 an area around Pabbo and the recruits were gathered and this person was killed.
23 And we were told that if you try to escape you will also die like this person. And
24 that is what happened.

25 Q. [10:09:18] What happened to the body after the person was killed?

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1 A. [10:09:38] After this person was killed, his body was abandoned along the
2 roadside. People broke leaves and threw on the dead body and the rest of the
3 people moved and passed by. I also came and passed by and continued our journey.

4 PRESIDING JUDGE SCHMITT: [10:10:00] How was this person killed?

5 THE WITNESS: [10:10:13](Interpretation) This person was killed through beating
6 with sticks, and some people were made to step on the person. The people who
7 killed this person were the new recruits who were made to perform this act.

8 PRESIDING JUDGE SCHMITT: [10:10:35] Please proceed, Mr Obhof.

9 MR OBHOF: [10:10:40]

10 Q. [10:10:42] After seeing this, Opiyo, how did that affect you in terms of thinking
11 about escaping?

12 A. [10:11:12] It increased my fears because, looking at my age at that time and also
13 the distance far away from home, indeed I was very afraid. I -- it just came into my
14 mind that even now that I am walking without any shoes on my foot, if I try to escape,
15 then I will also die.

16 Q. [10:11:53] Opiyo, after your abduction, did the LRA perform any ceremonies or
17 rituals upon you?

18 A. [10:12:13] Yes, they performed some ceremonies, rituals on me.

19 Q. [10:12:21] Could you please describe these rituals to Court.

20 A. [10:12:37] This is what happened: They brought some shea butter and they put
21 it on my forehead, on my chest and in my palm. Later on they brought some white
22 sand, they called it camoplast, and put it on me. While they were doing this they
23 were also telling me that they are doing this so that I do not have any thinking of
24 escape, and that if I escape they will again find me. Indeed, that was something new
25 in my life, it heightened my fears at that time.

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1 Q. [10:13:39] How long after your abduction where these rituals performed upon
2 you?

3 A. [10:13:52] It didn't take even a whole day. The moment I arrived at the
4 position, in the evening that ritual was performed.

5 Q. [10:14:22] When you underwent these rituals, were there any differences
6 between the rituals performed upon males and those performed upon females?

7 A. [10:14:47] On the day that this ritual was performed we were only males. But,
8 later on, the ones that I observed done on the girls, I didn't see any difference from
9 what was done to me.

10 Q. [10:15:15] Now, you stated that this was something new in your life and it
11 heightened your fears at that time when this rituals were performed upon you. Did
12 you believe what these persons in the LRA were telling you when the rituals were
13 performed upon you?

14 A. [10:15:44] Yes. I had the belief. On the ground also that I was one person who
15 really liked to pray, and because of the name that they called themselves with, in my
16 own thinking, I thought that that was also what would be -- what people would go
17 through in the beginning of their life.

18 Q. [10:16:18] Mr Witness, in the LRA what is the Yard?

19 A. [10:16:34] The Yard, from what I have seen, is white stone that is assembled and
20 organised in the heart -- in the shape of the heart. And in that place Joseph Kony
21 would go to pray from there, or if there is any communication or message that he
22 needs to pass on to others, he would call his commanders there and he would address
23 them from that location.

24 Q. [10:17:15] Is there any special name given to the person who was in charge of
25 the Yard?

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1 A. [10:17:32] There was no other specific name given to that Yard, but in the LRA
2 there are departments and there are people who are in charge of that Yard, the same
3 way that there were also people who were in charge of support, radio communication.
4 So there is a department called the Yard also with its leaders, leadership.

5 PRESIDING JUDGE SCHMITT: [10:17:58] I think you can continue. We had a lot
6 of witnesses who spoke about the Yard and the people that were responsible for it or
7 acted on behalf of the Yard, or however you would want to word it.

8 MR OBHOF: [10:18:13] He answered everything but one. But the last question
9 you are correct.

10 Q. [10:18:26] Mr Witness, after being abducted and seeing what happened to
11 persons who tried to escape, did you try to escape after these rituals were performed
12 upon you?

13 A. [10:18:51] During that time I did not try to escape, because I saw the things that
14 would be done to a person who tried to escape. And also the kind of things that
15 would be done in an area where the person who tried to escape come from. So
16 because of those I never tried to escape.

17 PRESIDING JUDGE SCHMITT: [10:19:15] The last thing that you mentioned, what
18 would happen to the persons that lived there? Can you elaborate on that a little bit?

19 THE WITNESS: [10:19:42](Interpretation) Well, in the, in the place where I used to
20 live, no one had tried to escape, because I lived in town. But when I was in the LRA
21 already, there was an area where one of the boys tried to escape and went back home,
22 so the LRA went to that area. Luckily or unluckily, they found the people in the area
23 had escaped -- had fled. Because they know that once you escape and you come
24 back home, then that area would be punished. So when they didn't find people in
25 that area, what they did, they burnt a number of houses in the area, but good enough

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1 they didn't kill people because the people had fled in advance.

2 MR OBHOF: [10:20:40] Your Honour, if I may please have a private session for two,
3 maybe three, questions.

4 PRESIDING JUDGE SCHMITT: [10:20:48] Private session.

5 (Private session at 10.20 a.m.)

6 THE COURT OFFICER: [10:21:00] We are in private session.

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2 (Redacted)

3 (Open session at 10.23 a.m.)

4 THE COURT OFFICER: [10:23:34] We are in open session.

5 MR OBHOF: [10:23:55]

6 Q. [10:23:55] Now, Mr Witness, do you remember hearing about, or did you hear
7 about other attacks like this taking place at different locations while you were in the
8 LRA?

9 A. [10:24:15] Yes, I would hear about it when we meet other groups and also they
10 would talk about it.

11 Q. [10:24:28] Now from what you heard from others, from other persons in the
12 LRA, was this type of punishment known by others who were in the LRA?

13 A. [10:25:03] I believe they all know, because all of them do the same kind of thing.

14 Q. [10:25:20] We have discussed a little bit this collective punishment of villages,
15 and the punishment for somebody attempting to escape. Were there any lesser types
16 of punishments in the LRA?

17 A. [10:25:51] There were punishments that I heard of and I also passed through
18 areas where such kind of thing happened. If you escape with the LRA guns, then I
19 have also seen and heard that, that the punishment was heavier, was very heavy.

20 Q. [10:26:23] In the LRA were there also lesser punishments where people didn't
21 die? Were there, say, floggings?

22 A. [10:26:43] Well, if you are lucky and they have forgiven you, then they can only
23 beat you just to remove that kind of thinking that came in your mind, because they
24 see that because of your age and size you would not be able to escape to go to another
25 place.

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1 Q. [10:27:12] Now before you actually successfully escaped, did you ever try to
2 escape?

3 A. [10:27:30] I never tried to escape, because I was very, very scared.

4 PRESIDING JUDGE SCHMITT: [10:27:42] Perhaps -- I know we would have to go
5 forward in time, but thematically I think it would be adequate to ask the witness, and
6 I do it:

7 Mr Witness, did you ever have any plans to escape?

8 THE WITNESS: [10:28:07](Interpretation) I had plans to escape, but it was while we
9 were in the Sudan.

10 PRESIDING JUDGE SCHMITT: [10:28:14] Do you recall, roughly, at what time this
11 happened?

12 THE WITNESS: [10:28:28](Interpretation) I do not recall the time exactly, but it was
13 around the time of Operation Iron Fist. But the issue of dates to me at that time
14 wasn't very important.

15 PRESIDING JUDGE SCHMITT: [10:28:43] That is again absolutely understandable.
16 And what was in your mind when you - before you decided to escape would be
17 wrong perhaps, but before you had the plan to escape? What changed your mind to
18 the attitude that you had the years before?

19 THE WITNESS: [10:29:13](Interpretation) First of all, I was already used to the life
20 there. And secondly, I was following the kind of message and propaganda of the
21 LRA and the kind of things that they were already used to doing. And also, my
22 understanding was already increasing and I felt that while I was there in the Sudan, I
23 would be able to come back and nothing would happen to my families, because
24 Sudan was far away from home.

25 PRESIDING JUDGE SCHMITT: [10:29:54] Why did you not realise this plan to

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1 escape? At that time, of course.

2 THE WITNESS: [10:30:14](Interpretation) At that time I was not able to escape
3 because I was also injured, and if I had tried to escape I would probably be
4 recaptured.

5 PRESIDING JUDGE SCHMITT: [10:30:29] Did anything happen to you with regard
6 to your plans to escape?

7 THE WITNESS: [10:30:46](Interpretation) Yes, there was a -- something that
8 happened to me, I was beaten. I was beaten approximately 150 strokes and this
9 disabled me for a while. I was not able to do anything and that kind of stopped me
10 from thinking about escape.

11 PRESIDING JUDGE SCHMITT: [10:31:07] Who ordered you to be beaten?

12 THE WITNESS: [10:31:19](Interpretation) The order came from a commander
13 known as Acel Calo Apar. At the time he was in charge of the operation room and
14 he was in charge of arrangements for security details and operations in Sudan. He
15 was in charge of every matter that went through his office.

16 PRESIDING JUDGE SCHMITT: [10:31:45] And how did he come to know of your
17 plans for escape?

18 THE WITNESS: [10:31:59](Interpretation) There is a river that was close by, I went
19 and crouched by the riverside. I was fishing. If you leave this river, then you go
20 into an area that is near Juba where the Arabs are in -- the area in control by the
21 Arabs.

22 At the time such things did not happen, so they immediately started guessing that
23 perhaps I wanted to escape, because if someone disappears, they usually tend to
24 disappear and not come back.

25 PRESIDING JUDGE SCHMITT: [10:32:41] Hopefully you bear with me, Mr Obhof.

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1 But it, as I said, thematically it was related to what you discussed before with
2 the witness.

3 MR OBHOF: [10:32:50] That was actually right next on my list to discuss that.

4 Q. [10:33:04] Mr Witness, now we are going to move on to something a little, a little
5 different.

6 When were you first trained by the LRA?

7 A. [10:33:22] I was first trained by the LRA sometime in 1995. I do not recall the
8 exact date and time, but that was when we -- when I was abducted and we got to an
9 area known as Gong which is in Sudan. And that's where my training began.

10 Q. [10:33:54] Was the training performed by the LRA in Gong?

11 A. [10:34:04] Yes, it was the LRA that provided the training.

12 Q. [10:34:17] Were -- when you arrived in Gong, were females trained alongside of
13 males?

14 A. [10:34:31] When we were in Gong, it was mostly the boys that were being
15 trained, the males that were being trained.

16 Q. [10:34:49] Who was in charge of your training in Sudan at Gong?

17 A. [10:35:05] The person who was overall in charge of all training was known as
18 Opuk, and he was overall commander of the LRA training wing.

19 Q. [10:35:22] For how long were you trained in Gong?

20 A. [10:35:34] If I'm to guess, the length of the training, I believe it was about three
21 months. And at the time there was a lot of starvation.

22 Q. [10:36:03] After your training in Gong was complete, how would persons be
23 assigned to a group?

24 A. [10:36:24] After the training you are sent back to the groups where you are
25 based. Each person goes to the smaller groups where they have been allocated.

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1 Q. [10:36:44] To which group were you assigned?

2 A. [10:36:50] I was with Kitara.

3 Q. [10:37:04] Which brigade was Kitara in?

4 A. [10:37:07] At the time I came to find out when we went to Aruu that at the time
5 Kitara was in Stockree.

6 Q. [10:37:29] Along the same line of questioning, what role, if any, did the
7 government of Sudan have in training persons in the LRA?

8 A. [10:37:57] You know, trainings were always conducted at different periods.
9 But some of the training that I underwent, for example, using new weapons, they
10 would train you how to use new weapons so that you become familiar with them and
11 able to use them. They would also teach you how to use mines.

12 Q. [10:38:36] Now the training you underwent, when you were sent to train with
13 the Arabs, what, what did you think was going to happen?

14 A. [10:38:57] I thought that perhaps we were going to go back home.

15 Q. [10:39:18] Now when you did your training with the Arabs, do you remember
16 approximately how many people went, you went with?

17 A. [10:39:44] I cannot recall the exact number of people that went, but I can guess.
18 I can guess that perhaps 30 to 60, because it was mostly officers that were involved.

19 Q. [10:40:09] During the LRA's time in Sudan, what other type of assistance did the
20 government of Sudan give to the LRA?

21 A. [10:40:29] They provided different types of assistance. First of all, something
22 that I saw and can actually confirm is that they provided the LRA with different types
23 of weapons, they provided the LRA with food, with medication, and if there were
24 people who sustained serious injuries, these people would be taken to hospitals and
25 treated in Juba or even as far as Khartoum. They would be treated there.

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1 That is some of the type of assistance that I saw them providing.

2 Q. [10:41:18] From what you witnessed, did this type of assistance end?

3 A. [10:41:32] Could you please repeat your question? I didn't hear it properly.

4 Q. [10:41:40] Yes. When did the government of Sudan stop giving this type of
5 assistance to the LRA?

6 A. [10:41:58] The government of Sudan stopped providing this assistance some
7 time when there was a battle between the LRA and the Arabs in Nisitu, Kubri Sita
8 and Mia Talatin (phon), that was the time when assistance stopped. But then, after
9 that it continued, but I cannot remember the exact time and date.

10 Q. [10:42:44] So after these battles at Kubri Sita and Nisitu and different locations,
11 sometime after that but before you escaped, the Arabs started providing assistance
12 again to the LRA. I know it's a little bit of a direct close --

13 PRESIDING JUDGE SCHMITT: [10:43:03] That is a little bit too direct I would say.

14 MR OBHOF: [10:43:05] Yes.

15 PRESIDING JUDGE SCHMITT: [10:43:06] You said, Mr Witness, that -- and you
16 described an incident when this support stopped. Did the situation afterwards
17 change again?

18 THE WITNESS: [10:43:35](Interpretation) After that, there was a dispute during
19 these operations, but after that the LRA and the Arabs reconciled and they continued
20 as before.

21 PRESIDING JUDGE SCHMITT: [10:43:51] Do you have an idea when this happened,
22 like you worded the reconciliation of the LRA and the Arabs?

23 THE WITNESS: [10:44:15](Interpretation) I do recall that one of the things that I am
24 very familiar with is the Iron Fist, because at that time most of the LRA went back to
25 Uganda, but there were some of us who remained in Sudan and it was during this

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1 time that the Arabs actually started feeling sorry for the LRA and they reconciled.

2 Because the LRA would also help them, provide the Arabs with the information

3 regarding the Dinka and they would also help stop the Dinka.

4 PRESIDING JUDGE SCHMITT: [10:44:57] Mr Obhof.

5 MR OBHOF: [10:45:17]

6 Q. [10:45:17] Mr Witness, we are going to go a little bit into relationships within

7 the LRA.

8 First, how was rape handled in the LRA?

9 A. [10:45:46] I did not understand that question very well.

10 Q. [10:45:51] If an LRA soldier was accused of raping somebody, how was that

11 dealt with within the LRA?

12 A. [10:46:11] The LRA had their rules and they would say that if any soldier or any

13 commander is -- has sexual relations with a girl who has not yet been given to him

14 and a girl -- when the orders have not come from above, then that soldier has to be

15 killed.

16 Q. [10:46:54] Can you explain to this Court how a male and a female became

17 husband and wife in the LRA?

18 A. [10:47:22] Based on my knowledge and on my observation, this would happen

19 twofold:

20 Firstly, girls would be abducted, older girls would be abducted. Both old and young

21 girls would be abducted and then they would be taken. But, as far as Kony is

22 concerned, the girls should immediately be taken to the Yard, where the rituals are

23 performed.

24 Once the girls have been cleansed and purified, then the girls are sent back to the

25 different brigades, because the Yard is incapable of taking care of so many people that

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1 have been abducted. And then the time comes when Kony makes a decision that the
2 girls should be distributed to men who are capable of taking cares of wives. The
3 younger girls would continue staying in the commanders' homes.

4 And secondly, if a commander or anybody who has been given a wife dies, and
5 a decision is made that the widow can court the, any other person, then the two of
6 them, the widow and another soldier can court and become husband and wife.

7 And that's how I know women become wives within the LRA.

8 Q. [10:48:59] From your perspective, did a man have the ability to say no to
9 a woman who was distributed to him?

10 A. [10:49:13] Most times, this would not happen because we were always obliged
11 to follow orders.

12 PRESIDING JUDGE SCHMITT: [10:49:26] Why would Mr Kony distribute girls or
13 women to fighters?

14 THE WITNESS: [10:49:45](Interpretation) Based on my understanding, first of all,
15 Kony would abduct young people, the people would grow up, then they would also,
16 they also fall in love or they have needs and then Kony decides that these girls should
17 not escape, because if they are not given to -- if they do not have husbands, there is
18 a possibility that they would escape.

19 And secondly, sometimes somebody is injured and if the person is seriously injured,
20 then the men or your male comrades cannot take proper care of you, but women are
21 more capable of taking care of you if you're injured and down. And that's what I
22 saw happening.

23 PRESIDING JUDGE SCHMITT: [10:50:32] Mr Witness, I would like to read to you
24 a -- one phrase from your statement to the Defence, and would then ask you if you
25 think this is correct.

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1 This is UGA-D26-0025-0037 at page 0045 and it's paragraph 22.

2 You said there, according to this statement:

3 "Kony was intelligent; he gave the women to the men to keep them content."

4 Is that correct?

5 THE WITNESS: [10:51:13](Interpretation) Yes, that's correct.

6 PRESIDING JUDGE SCHMITT: [10:51:15] Thank you.

7 Mr Obhof, please proceed.

8 MR OBHOF: [10:51:35]

9 Q. [10:51:35] Along the same idea, did a woman have the ability to say no to the
10 man she was given to by Joseph Kony?

11 A. [10:51:57] Most times, this would not happen because they did not have any
12 rights.

13 Q. [10:52:13] Who else other than Kony would have the ability to give a woman to
14 a man?

15 A. [10:52:33] Based on my knowledge, nobody else had the authority to do that.
16 Because if you distribute a girl or if you receive a girl without permission from above,
17 you the person, the receiver, will be killed.

18 Q. [10:52:58] What would happen if Joseph gave an order to distribute a woman to
19 a man and a commander refused to follow that order?

20 A. [10:53:21] Most, most times they would either demote you or take away your
21 tasks, because you are not following his authority or you are thinking contrary to his
22 thoughts.

23 Q. [10:53:52] What would happen if a married woman had an affair with a man?

24 A. [10:54:15] Based on my knowledge, something like this happened. There was
25 a soldier who resided at Ocan Bunia's house, there was a courtship between the two

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1 of them. At the time Bunia was not there, he had gone to a place known as Aruu
2 junction, and they eventually had sexual intercourse. The two, the man and the
3 woman were taken and they were killed.

4 PRESIDING JUDGE SCHMITT: [10:54:47] Mr Witness, did you have a wife in the
5 bush?

6 THE WITNESS: [10:54:59](Interpretation) Yes. Honestly, yes, I did have a wife.

7 PRESIDING JUDGE SCHMITT: [10:55:03] And who did - how to word it - give, give
8 it to you -- give her to you, excuse me, or distribute her to you?

9 THE WITNESS: [10:55:22](Interpretation) She was given to me by Doctor Abudema.
10 And based on my understanding I believe that it was Kony who issued those orders,
11 because at the time I had been -- I had sustained a serious injury, and that is
12 something that brought me some kind of peace of mind.

13 PRESIDING JUDGE SCHMITT: [10:55:46] Thank you.

14 Do you have further questions in that area? Otherwise we could --

15 MR OBHOF: [10:55:56] I don't think so, your Honour, so I think maybe this would
16 be a good break time.

17 PRESIDING JUDGE SCHMITT: [10:56:00] Then we have a break until 11.30.

18 THE COURT USHER: [10:56:03] All rise.

19 (Recess taken at 10.56 a.m.)

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

21 THE COURT USHER: [11:31:43] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [11:32:00] The Defence has still the floor.

24 Mr Obhof, please.

25 MR OBHOF: [11:32:04] Thank you, your Honour.

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1 To start off, I'd like to thank everyone in the Registry for getting me a new arm so my
2 computer screen will stand up.

3 Q. [11:32:17] Good afternoon, Mr Witness.

4 Now, Opiyo, so far today you've mentioned a place call Aruu, you've mentioned
5 Gong and Nisitu. During your time in Sudan, did you stay at any other camps with
6 the LRA?

7 A. [11:32:44] Could you say the question again.

8 Q. [11:33:01] Okay. I'll say it simpler. During your time in Sudan with the LRA,
9 which LRA bases did you stay at?

10 A. [11:33:25] We stayed in different places. We stayed in Jebellin, Rubanga Tek,
11 and other smaller, smaller bases which are close to the main base.

12 Q. [11:33:48] You mentioned earlier today that while at Gong the LRA people -- the
13 LRA lacked food. Why did the LRA eventually leave Gong?

14 A. [11:34:16] In my understanding, the LRA were still interested in moving
15 forward so that they could be closer and able to get services from the Arabs because
16 Gong was far away from their headquarter in Sudan.

17 Q. [11:34:43] You mentioned Aruu earlier today. Do you remember for how long
18 the LRA stayed at Aruu?

19 A. [11:35:05] I do not quite recall because I also found that they were already there,
20 so I don't know how long they had spent at that location.

21 Q. [11:35:21] While you were in Aruu how did the LRA eat, how did they get their
22 food?

23 A. [11:35:39] While in Aruu, there were two ways that the LRA received food:
24 One, the Arabs would deliver food to them, but that food was not adequate for all the
25 LRA that were there, so they would run out of food before the next consignment

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1 would arrive. So what they would do, the LRA would go to collect food from the
2 Lutugu who were living in the area.

3 PRESIDING JUDGE SCHMITT: [11:36:15] What does collecting food mean?

4 THE WITNESS: [11:36:27] (Interpretation) I would say that to go and collect food,
5 they have to go and do an attack because in the Sudan there are tribes who had guns
6 and so there is no way that you can go to collect food without any engagement.

7 Even those tribes would attack the LRA at some point.

8 PRESIDING JUDGE SCHMITT: [11:36:54] Mr Obhof.

9 MR OBHOF: [11:36:56]

10 Q. [11:36:58] Why did the LRA eventually leave Aruu?

11 A. [11:37:16] In my understanding, there were two reasons. First, Aruu was not
12 very far away from the front where the Dinkas were.

13 And, secondly, it would give them ample time to be relaxed to conduct the operations
14 that took them.

15 Q. [11:37:56] You mentioned Jebellin. Do you know how, for how long the LRA
16 stayed in Jebellin?

17 A. [11:38:19] In my guess, if -- they could have spent there close to two years.

18 Q. [11:38:44] How did the LRA get food to eat while in Jebellin?

19 A. [11:38:57] When the LRA were in Jebellin, most of the foods were delivered by
20 the Arabs because during that time the Arabs had also given vehicles to the LRA, so
21 food would arrive in time.

22 Q. [11:39:25] From what you saw while you were in Jebellin, what other things
23 besides vehicles and food did the Arabs give to the LRA?

24 A. [11:39:49] What I saw with my own eyes, the first very important were different
25 kinds of ammunitions and weapons; uniforms were also there. These were some of

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1 the things that I saw, even alongside some other small, small items.

2 Q. [11:40:25] Why did the LRA eventually leave Jebellin?

3 A. [11:40:42] I can guess now that I am out.

4 Q. [11:40:57] Were you there, were you in Jebellin when the LRA left?

5 A. [11:41:10] Yes, I was there.

6 Q. [11:41:15] What did you hear or what did you see at the time when the LRA left
7 Jebellin?

8 A. [11:41:29] There were two things that I saw and also heard. First, the front line,
9 once again, was not far away from Jebellin because the Dinkas, combined with the
10 government, the Uganda government soldiers and they were closing in on to the LRA
11 bases.

12 Secondly, which I heard and which was really bad, was the killing of senior
13 commanders like Otti Lagony, Can Odonga, which Kony took them away from his
14 soldiers and went and killed them. So those were the two things, reasons that I
15 know that made people leave that position.

16 Q. [11:42:25] You discussed about two other places -- or, you mentioned two other
17 places named Nisitu and Rubanga Tek. To which location did the LRA go first?

18 A. [11:42:54] If I can recall well, Nisitu was the first place.

19 Q. [11:43:10] How did the people located at Nisitu eat?

20 A. [11:43:30] Maybe let me try and clarify the kind of people who were in Nisitu, if
21 you can give me -- allow me to do that.

22 PRESIDING JUDGE SCHMITT: [11:43:39] Yes, please do that.

23 THE WITNESS: [11:43:46] (Interpretation) In Nisitu, that place was opened for
24 people who were injured, disabled persons who were injured during different battles
25 in the Sudan.

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1 Secondly, Nisitu was also the place where most of Kony's wives and children were
2 living. In addition, many senior LRA commanders also had their homes in Nisitu.
3 So all foods would come from Juba, from Juba you go to Nisitu and then you come to
4 the location where we were. So that is where food was obtained from.

5 MR OBHOF: [11:44:44]

6 Q. [11:44:47] How about Rubanga Tek, how did the LRA get food at Rubanga Tek?

7 A. [11:45:01] During that time there seemed to be no good relationship between the
8 Arabs and the LRA because Rubanga Tek was a little further inside, so most of the
9 foods were collected from the homes of the Lutugu in that area.

10 Q. [11:45:32] I'm going to switch gears slightly and talk to you a little about the
11 LRA itself.

12 Who in the LRA was responsible for promotions?

13 A. [11:46:04] In relation to promotions, in my understanding, it is Joseph Kony who
14 has the authority to promote. Also based on information from his own security
15 about the life of a particular person, so the security would report to him and then he
16 would be the one to order for any promotion.

17 Q. [11:46:41] Did you ever come to learn the specific factors Joseph Kony would
18 use to decide whether someone deserved a promotion?

19 A. [11:47:04] From what I know, one of the things that I see that Kony looks at, he
20 looks at a person who has stayed there for a long time, because every time, every time
21 they are bringing new people, so he looks at people who have stayed for long in the
22 bush so they need to be promoted.

23 And secondly, people were also dying and so they would create a gap in his rank, so
24 he finds that it's important to fill those gaps.

25 Q. [11:48:02] Who was responsible for demoting someone in the LRA?

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1 A. [11:48:30] In my understanding, there is no one else apart from Kony who
2 orders for demotion or from stopping him from holding a certain position.

3 Q. [11:48:53] Did you ever come to learn any of the specific factors Kony would use
4 to decide whether somebody should be demoted?

5 A. [11:49:16] I did not know much about that, but all I know is that he has his own
6 security who reports to him.

7 Q. [11:49:37] This is the second time you've mentioned about the security reporting
8 to Joseph Kony. Could you tell the Court more about this, about this security which
9 would report to Joseph Kony.

10 A. [11:50:04] Kony in his own has people who give him protection and this group
11 also has their leader. So in every brigade there are those securities and, during
12 operations, every group which is conducting an operation will have his security
13 persons that will report to him on what is going on, or if there is someone who is
14 doing their own or -- their own operation based on their own decision. So there is a
15 specific brigade that provides that protection or security to Kony which is a
16 stand-alone brigade.

17 Q. [11:51:03] And for the completeness of the record, which brigade do you speak
18 of?

19 A. [11:51:19] The headquarter which has all the different other commanders is
20 called Control Altar, but the specific brigade that provides security to Kony is called
21 Yangu. That's part of his security of his home.

22 Q. [11:51:50] When you later escaped after Operation Iron Fist, was this brigade
23 still called Yangu?

24 A. [11:52:08] When I left it was still like that. I don't know what changes took
25 place after I left.

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1 Q. [11:52:23] Can you think, or give the Court an instance, of when Kony sent
2 people from his security brigade on a mission so the persons could report back
3 directly to him?

4 A. [11:53:05] We have some young officers, like Oweka, Garang, who would also
5 come to locations where we were.

6 Q. [11:53:20] Do you know this Oweka's other name?

7 A. [11:53:28] I do not know his other name.

8 Q. [11:53:33] How about Garang, was he called by any other name or nickname?

9 A. [11:53:41] I do not know any other name apart from that.

10 PRESIDING JUDGE SCHMITT: [11:53:52] I think you can proceed to another issue.

11 MR OBHOF: [11:54:07]

12 Q. [11:54:08] How would instructions come to persons in the field?

13 A. [11:54:32] As I mentioned earlier, there are departments that are there like the
14 signallers, they give reports on how a particular group is operating. So it is this
15 same person that also receives information that come from Kony and then forward it
16 to the person concerned.

17 PRESIDING JUDGE SCHMITT: [11:55:12] So do I understand it correctly that Kony,
18 so to speak, spoke through the signaller?

19 THE WITNESS: [11:55:24] (Interpretation) In respect to a message from Kony, there
20 are two ways that he communicates: First, if Kony wants to speak something of the
21 spirit, there is a messenger; there is someone who helps to transmit that
22 communication, but that is not every day.

23 Then also there is that communication which he makes through radio call every day,
24 that's also another way. So I don't know which one you are specifically referring to.

25 PRESIDING JUDGE SCHMITT: [11:56:06] Indeed. I was not clear about that.

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1 I would like to refer to the latter one, when he is speaking through the signaller and
2 giving orders through the signaller, as I have understood it.

3 THE WITNESS: [11:56:33] (Interpretation) Okay.

4 Now, any order that comes from Kony, Kony issues through the signaller.

5 Sometimes the information that he has given to the signaller, usually there's a
6 particular commander also who would be with that signaller at that location, so that
7 message is sent to the commander through the signaller.

8 PRESIDING JUDGE SCHMITT: [11:57:03] During your time in the LRA did Kony
9 have a specific signaller or did he have several?

10 THE WITNESS: [11:57:19] (Interpretation) Kony has many signallers that he uses,
11 because the signallers are in a separate department and in that department there are
12 also senior commanders and other junior commanders, so in case there is any standby
13 that needs to be put, and they usually have mobile walkie-talkie or radio call which
14 they can use to give to that standby.

15 PRESIDING JUDGE SCHMITT: [11:57:50] Was there a leader of the signallers?

16 THE WITNESS: [11:58:05] (Interpretation) Yes, there was someone, there was a
17 leader of the signallers.

18 PRESIDING JUDGE SCHMITT: [11:58:11] Do you recall his name?

19 THE WITNESS: [11:58:15] (Interpretation) I do not now recall his name because he is
20 now deceased, but there were others that were also there which I think I can recall
21 their names.

22 PRESIDING JUDGE SCHMITT: [11:58:28] I think I would like to read to
23 him - Mr Witness, to you - a short portion of the statement that you gave to the
24 Defence. This is paragraph 39, the already-mentioned UGA number, at the end 0049.
25 There you said:

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1 "The big signaller was called Opoka. He is now in the UPDF. The signaller was
2 bigger than everybody. He is the one who used to send messages from all the
3 brigades."

4 Do you recall having said that?

5 THE WITNESS: [11:59:05] (Interpretation) Yes, I recall very well.

6 PRESIDING JUDGE SCHMITT: [11:59:10] And today is this still correct?

7 THE WITNESS: [11:59:22] (Interpretation) In regard to that one, I confirm, because
8 he was the overall while we were in Uganda. But while in Sudan, there is someone
9 who is again bigger than him.

10 PRESIDING JUDGE SCHMITT: [11:59:37] Thank you.

11 Mr Obhof.

12 MR OBHOF: [11:59:40]

13 Q. [11:59:43] Mr Witness, how would Joseph Kony decide which signaller to send
14 the message to?

15 A. [12:00:09] From the base, from the base there is someone who is in charge of all
16 the signallers. He is the one who would assess and assign who should be given to
17 Kony, looking at how much this person can be able to hold confidential issues.

18 Q. [12:00:41] How would Kony find out if the orders he gave were followed?

19 A. [12:01:01] Based on my knowledge, in every brigade and every standby, Kony
20 has at least some security detail, at least three or four people.

21 Q. [12:01:21] You mentioned a couple people earlier today too, people by the name
22 of Otti Lagony and Okello Can Odonga. Could you tell the Court what happened to
23 those persons?

24 PRESIDING JUDGE SCHMITT: [12:01:45] I will not really interrupt, but he said
25 earlier he heard about. And we had I think, eyewitnesses, if I recall it correctly, of

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1 what happened. So we can make this short. I just wanted to --

2 MR OBHOF: [12:01:55] Or just like we've been doing in the past few days, a few
3 quick questions and then move on.

4 PRESIDING JUDGE SCHMITT: [12:02:04] Okay. Good.

5 MR OBHOF: [12:02:06]

6 Q. [12:02:06] So what did you hear happen to Otti Lagony and Okello Can
7 Odonga?

8 A. [12:02:22] I heard that at the time there was some kind of communication
9 between Otti Lagony and someone -- some high ranking person in the Ugandan
10 government, and it is my understanding that they wanted him to defect. And, you
11 know, when you are in the bush, you do have someone that you can confide in,
12 maybe another officer that you can confide in, and maybe he confided in somebody
13 and this matter was reported back to Kony. And Kony said that if his deputy Otti
14 Lagony wants to defect, then this would make the LRA weaker.
15 And that is why he decided to kill Otti Lagony and some of the other officers. That
16 is my understanding of the situation.

17 Q. [12:03:26] Now, do you remember a person by the name of Opoka Reform
18 Agenda?

19 A. [12:03:49] Yes, I have heard of this person, and I have personally seen him as
20 well.

21 Q. [12:03:56] What happened to Opoka Reform Agenda?

22 A. [12:04:08] Opoka Reform Agenda, well, I will describe what happened to him
23 briefly before I give the details. Opoka used to hang out with another commander
24 known as Sam Kolo, and they were close. At the time there was a standby that had
25 been set up to go to Uganda, I was also part of the standby that was going to Uganda.

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1 When we left and started heading towards Uganda, we got in an area known as
2 Lum-Deep (phon) and that is where Opoka was arrested. And because Opoka was
3 very close to Sam Kolo, Sam Kolo had informed him that they were going to kill him.
4 And, indeed, we were in front. For them, they were in the middle, and Opoka
5 attempted to escape. And because Kony had extremely tight security, he was
6 apprehended, he was arrested. At around 5, when we started walking to continue
7 with our movement to Uganda, those of us who were ahead heard gunfire behind.
8 And when we got to the position where we were supposed to encamp, that's when
9 we heard that Opoka has been killed.

10 And that is how I -- that's my knowledge of his death.

11 Q. [12:05:58] If you know, Mr Witness, who killed Opoka?

12 A. [12:06:12] I cannot confirm who did that because I was in front, I was in the lead
13 group, but I did hear bullets being fired and then I came to learn that it was him that
14 was killed.

15 Q. [12:06:27] You mention this term "arrested". What would happen to a
16 commander if he or she was arrested?

17 A. [12:06:53] I believe it depends on what that person has done, because there were
18 different ways in which people were arrested.

19 Q. [12:07:07] Could you tell Court the different ways in which people would be
20 arrested.

21 A. [12:07:23] Based -- with respect to commanders being arrested, I will give you
22 the example of Otti Lagony. Otti Lagony had his own security, his security that was
23 in charge of protecting him. So what happened was that he was summoned to go to
24 a meeting at Kony's home and, when he got to Kony's home, the home is fenced and
25 the people who take care of him were left outside, they were not allowed to come into

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1 the fence.

2 So his soldiers who had remained outside the fence on the periphery were also gone
3 and arrested. And for the lower ranking officers, they will send the security officers
4 directly to where you are. They will tell you you are needed in such-and-such a
5 place, and once you get to the place where you've been told to go, that is when you
6 are arrested.

7 Those are the two different ways in which people are arrested, based on whether the
8 person is a high ranking commander or a junior officer.

9 Q. [12:08:43] While under arrest, or while being arrested in the LRA, what type of
10 command would that person have?

11 A. [12:09:22] In the LRA, when you are arrested, then you do not have any type of
12 command or you do not have any type of authority because you are under the guard
13 of the security and you're waiting for Kony and whatever instructions are going to
14 come from Kony.

15 Q. [12:09:48] And after Kony came, what type of options would Kony have with
16 the arrested person? We know in here, with the example of Otti Lagony, Okello Can
17 Odonga and Opoka Reform Agenda, they were killed. Were there anything, any
18 other type of punishments which Kony might mete out after someone was arrested?

19 A. [12:10:36] Yes, there are punishments that could be meted out. Based on my
20 knowledge, Kony is someone who is extremely bright and he will always assess how
21 his commanders are acting. He would also assess the levels of his commander, how
22 hard-working they are or their behaviour.

23 There was one army officer who was a major, he was supposed to be killed with those
24 of Otti Lagony, but Kony decided that if he kills that person it will not make any
25 difference to anyone or to him. So he decided to demote that officer and just let him

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1 be among the soldiers. He did not have any authority. He did not have any rank,
2 but he just let the person be.

3 But if he realises that there is a high interest in a particular person and that it could
4 create a lot of chaos within the LRA, then the option is death.

5 Q. [12:11:48] Mr Witness, what would happen to a commander when they went to
6 sickbay?

7 A. [12:12:16] Could you please explain this -- let me understand this, because going
8 to sickbay is done in two ways: First, you may be sent there to take care of the
9 people who have been injured. Secondly, you may have gone to the sickbay as an
10 injured person or a sick person.

11 So I would appreciate if you could differentiate between the two.

12 PRESIDING JUDGE SCHMITT: [12:12:47] Rightfully so.

13 MR OBHOF: [12:12:48] Exactly.

14 Q. [12:12:52] For the second one, if you were sent there as an injured person.
15 I'll repeat it all with the second one inside there.

16 What would happen to a commander if he were injured and went to sickbay?

17 A. [12:13:35] Based on the army, if a commander is injured, that means that that
18 commander is not capable of performing his duties and there is nobody who will
19 listen to your orders. You have been replaced, there is somebody else who is acting
20 on your behalf, and you are merely a patient in that -- in the army.

21 Q. [12:14:09] Were you ever in sickbay, Mr Witness?

22 A. [12:14:20] Yes, I was in sickbay a number of times.

23 Q. [12:14:28] Were you in sickbay any time after Operation Iron Fist?

24 A. [12:14:39] Yes, I was.

25 Q. [12:14:43] If you remember the name of the person in charge of the sickbay in

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1 which you were, could you please tell the Court.

2 A. [12:15:06] The sick -- well, I cannot recall the sickbay that I was in, I cannot recall
3 the person who was in charge of it, but there was an officer who used to stay at
4 Opoka Supply's house, he was a 2nd lieutenant and he is now deceased. I cannot
5 actually recall his name.

6 Q. [12:15:36] In the sickbay which you're describing, did that sickbay have a radio
7 call?

8 A. [12:15:47] The sickbay that I was in did have a radio call for a certain period, but
9 at some point there was no radio call.

10 Q. [12:16:08] Again after Operation Iron Fist, was it normal for a sickbay to have a
11 radio call?

12 A. [12:16:31] Most times, it was not necessary for sickbays, or they did not have
13 radio calls. So if the -- a person who owns a radio call is injured, that person has to
14 hold on to that radio call until such a time as they find somebody else to whom they
15 can hand over the gadget.

16 Q. [12:17:01] Along the same issue about the radio calls, how, how easy was it to
17 use one of these radio calls?

18 A. [12:17:29] I was not a signaller, so they would -- but they would find people who
19 were knowledgeable in the use of those gadgets. And, actually, there was a separate
20 department, a distinct department that was in charge of radio calls, they would be
21 trained on how to use the radio calls. And if the radio call was faulty, there was a
22 technician that was in charge of repairing that. I was not trained on radio calls, so I
23 really don't have much knowledge on that.

24 Q. [12:18:06] After Iron Fist, and most of the LRA is back in Uganda, how often
25 would a brigade commander use his radio call?

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1 A. [12:18:32] This is a guess, because when the LRA left the base they had many
2 radios, radio calls. But once the LRA was deployed to Uganda, I do not know how
3 many radio calls they went with. But I do know at least that in each and every
4 brigade there was a radio call, provided there was somebody within that brigade that
5 was able and capable of using it.

6 Q. [12:19:25] Now, instead of the radio calls, I'm looking at the FM radio. After
7 Iron Fist would the LRA listen to the reports on the FM radio?

8 A. [12:19:58] Yes, there were some people who did listen to FM radios, but there
9 were some people who did not listen to it.

10 PRESIDING JUDGE SCHMITT: [12:20:09] Did you listen?

11 THE WITNESS: [12:20:17] (Interpretation) Sometimes I would listen. If there is a
12 radio available or if there is -- we are able to get it on air, yes, I would listen.

13 PRESIDING JUDGE SCHMITT: [12:20:28] Did you listen to specific programmes?

14 THE WITNESS: [12:20:34] (Interpretation) I specifically was interested in a
15 programme which in our language is known as Dwog Paco. It's always at 10 on
16 Saturdays. So every time, at that particular time, I would try my level best to listen
17 to that programme and hear and find out who is speaking on that programme.

18 PRESIDING JUDGE SCHMITT: [12:21:09] Why this programme?

19 THE WITNESS: [12:21:19] (Interpretation) This programme was of particular
20 interest to me, because people who left the bush -- and also what was happening to
21 people who had left the bush. I was interested in finding out what had become of
22 them and what their life was like after the bush.

23 PRESIDING JUDGE SCHMITT: [12:21:41] I think you might come back to that a
24 little bit more so, but -- so I would not dwell into that further at this moment. This is
25 okay?

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1 MR OBHOF: [12:21:53] Yes. I will probably come at the very end, but only slightly
2 touch it because you did most of the job already.

3 PRESIDING JUDGE SCHMITT: [12:22:03] Okay. Please continue.

4 MR OBHOF: [12:22:03]

5 Q. [12:22:04] Now, Mr Witness, also with this FM radio, would you hear reports
6 about alleged attacks conducted by the LRA?

7 A. [12:22:28] Most times I did not hear information or announcements regarding
8 such attacks, because it was not convenient, we were always on the move, so it was
9 not convenient times to listen to such programmes.

10 Q. [12:22:50] But you stated "most times", does that mean that you would
11 sometimes hear the, say, Mega FM report about alleged attacks?

12 A. [12:23:16] I have to speak the truth. I did not hear this information from the
13 radio. Most times at 10 o'clock I would only listen to that programme Dwog Paco,
14 but once in a while I would come across some newspapers and then I would read
15 articles about attacks in those newspapers.

16 Q. [12:23:43] Now, when you were reading about these attacks in the newspapers,
17 did you believe that they were, the newspapers, were being honest in reporting the
18 attacks?

19 A. [12:24:12] I did not fully believe in the information therein.

20 Q. [12:24:23] Why didn't you fully believe the information?

21 A. [12:24:38] Because there were some areas that we would bypass and nobody
22 would be killed in that area. But usually after we've left that area, we've by passed
23 that area and soldiers, government soldiers follow us, people would be killed in that
24 area and then they would report that people were killed in that area, and that's why I
25 did not fully believe in everything that was reported.

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1 Q. [12:25:06] Now, Mr Witness, we're going to speak a little bit about Joseph Kony
2 the person, for maybe about 10 minutes, but not too long.

3 Now, you mentioned that Joseph Kony prayed in the Yard. How did Joseph Kony
4 use religion in the LRA?

5 A. [12:25:55] Based on my knowledge, Kony would use religion in two ways:

6 First of all, he would send information to the brigade asking for officers to -- asking
7 for officers and they would tell them -- he would ask for particular ranks. These
8 people would come to the Yard on the premise that Lakwena has given -- has sent an
9 information and there would be somebody, a spokesperson for the spirits who would
10 write down the information, somebody who Kony himself has appointed.

11 And secondly, on Sundays, when he has time, then he would preach. He would tell
12 us sometimes that this information is from the spirit.

13 But now that I'm home, I've come to realise that some of this information may have
14 just come from people, not from spirits.

15 Q. [12:26:59] Now, these spirits, what would they do to Joseph Kony?

16 A. [12:27:28] I should, I should give this information just like I know it. Among
17 the spirits, it's Kony who decides which spirit does what. But, the way he explains it,
18 these spirits have names and these spirits have particular roles. But whatever the
19 spirits do on Kony or however they possess him, I do not know, because it happens to
20 him.

21 Q. [12:28:09] Do you remember the names of any of these spirits?

22 A. [12:28:23] I recall about two names. There is one that he would refer to as Who
23 Are You, and the second one was known as Selindi, based on my recollection. But
24 I think there are three, three -- at least three.

25 PRESIDING JUDGE SCHMITT: [12:28:45] Mr Witness, while you were in the LRA

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1 during your time in the bush, did you believe that the spirits were talking through
2 Joseph Kony?

3 THE WITNESS: [12:29:08] (Interpretation) I did have some kind of belief, but not a
4 hundred per cent belief, because this information was relayed.

5 PRESIDING JUDGE SCHMITT: [12:29:22] Mr Obhof.

6 MR OBHOF: [12:29:24]

7 Q. [12:29:33] Now that you're out of the bush, what do you think now?

8 PRESIDING JUDGE SCHMITT: [12:29:44] I think he has answered that. This was
9 exactly why I referred -- but he might -- he's again a very smart witness, I think he
10 will give a quick, quick answer on that.

11 Perhaps I repeat it, Mr Witness. You already said a couple of minutes ago, now that
12 you're home I think was how you phrased it, but again, now being out of the bush for
13 quite, quite a time, what do you think about the matter, Joseph Kony and spirits?

14 THE WITNESS: [12:30:41] (Interpretation) I had not understood, because the
15 communication had not come through to me, but now I've received the
16 communication. But, personally, I'm also waiting to confirm whether whatever it is
17 that he prophesised came to pass, because there are certain things that would come to
18 pass as he prophesised, but there are certain things that would not happen. So my
19 prayer is I want to see how the war ends, I want to see how the spirits work. So, as a
20 person, personally, I also have an interest in knowing how this whole thing is going
21 to end.

22 PRESIDING JUDGE SCHMITT: [12:31:27] I think we leave it at that and proceed.

23 MR OBHOF: [12:31:32]

24 Q. [12:31:41] From what you witnessed and heard from others, did others in the
25 LRA believe that spirits would speak through Joseph Kony?

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1 A. [12:32:09] I think that is true, because there are some people who are very close
2 to him and they listen to him, to everything that he says. But those of us who would
3 stay further away from him makes that -- creates some difference in the belief of
4 people.

5 Q. [12:32:40] We've mentioned Iron Fist quite a bit today. How surprised was the
6 LRA when Iron Fist started?

7 A. [12:33:13] In my understanding, Kony had already prophesised earlier that there
8 was going to be a massive operation.

9 Q. [12:33:29] At the time of Operation Iron Fist in which brigade were you
10 assigned?

11 A. [12:33:46] At that time I was in Stockree brigade.

12 Q. [12:33:55] Who was your battalion commander and then who was the brigade
13 commander?

14 A. [12:34:17] I cannot recall the battalion commander. But for the brigade
15 commander, during that time there was a lot of shifting and changes. But what
16 I recall was that Lakati was my CO for the battalion.

17 Q. [12:34:41] After Operation Iron Fist did you ever change brigades or battalions?

18 A. [12:35:03] Yes, I was in different brigades. I was in Sinia, I was in Gilva, and
19 there were also some combined units in which I was also taken.

20 Q. [12:35:22] After Iron Fist, when the brigades came back to Uganda, who was in
21 charge of the brigades?

22 A. [12:35:49] I would like to first understand from you which brigade specifically
23 are you talking about?

24 PRESIDING JUDGE SCHMITT: [12:35:57] Indeed.

25 MR OBHOF: [12:36:00] I'll go one by one, make it easier, so we have a more clear

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1 record.

2 Q. [12:36:08] As the brigades came back into Uganda, who was in charge of Sinia?

3 A. [12:36:23] During that time, in my own understanding and also following the
4 new promotions and changes that were made, Dominic was temporarily put to lead
5 because the loss of some of commanders like Can Odonga had created a number of
6 gaps.

7 Q. [12:36:56] How about Gilva, who was in charge of Gilva?

8 A. [12:37:04] I do not recall who was the commander of Gilva because, like I said,
9 there were quite a number of changes during that time.

10 PRESIDING JUDGE SCHMITT: [12:37:19] Mr Obhof, I think we are not coming very
11 far with regard to the ranks and the leaders. But what I would like to ask you,
12 Mr Witness, you mentioned that you were for some time in Sinia, do you recall when
13 you joined Sinia brigade?

14 THE WITNESS: [12:37:48] (Interpretation) Yes, I do recall. It was from the year
15 2000 I was in Sinia. I spent some times there, that's what I can say.

16 PRESIDING JUDGE SCHMITT: [12:38:10] You said you spent some time there,
17 roughly, we don't expect you to know exact dates, of course, like always, but roughly
18 how long did you stay in Sinia?

19 THE WITNESS: [12:38:33] (Interpretation) I spent about six months and, thereafter,
20 we met another group and we were combined and moved to different location. And
21 later on again I returned and continued staying there. And most times we would
22 move with a commander called Pokot who was also the one in charge of Sinia.

23 So, indeed, there were quite a lot of, you know, changes here and there because that
24 army, you know, is not like a conventional army where all procedures are followed.

25 So it would take time to be in a location, you would move to another location, so it's

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1 not very easy to concretely give a time frame.

2 PRESIDING JUDGE SCHMITT: [12:39:28] And when did you finally leave Sinia
3 brigade, if you recall it?

4 THE WITNESS: [12:39:41] (Interpretation) If I can recall, I left in the year 2002, that's
5 when I left. But also that was due to the split of the brigade, because the brigade had
6 become big so we couldn't stay all in one brigade. So the brigade was split and I was
7 in the second split brigade.

8 PRESIDING JUDGE SCHMITT: [12:40:18] So I think you are asking about his
9 relationship with Mr Ongwen, because it suggests a little bit itself if he met
10 Mr Ongwen there in Sinia. Perhaps I give it a start and -- yes.

11 Mr Witness, when you joined Sinia, and thereafter, did you meet Mr Ongwen?

12 THE WITNESS: [12:40:46] (Interpretation) I met, I met him several times. Even
13 while we were in Sudan we would meet, live together. We would even play
14 together, different games like football we would play together. Even when we come
15 back to Uganda and we meet we stay together, just as normal people, because he is a
16 person who is easy to live with, he loves people, and so it's nice to stay with him.

17 PRESIDING JUDGE SCHMITT: [12:41:19] That would have been the next question
18 I would have asked.

19 But, Mr Obhof, perhaps you continue from there.

20 MR OBHOF: [12:41:27]

21 Q. [12:41:28] Over the years you knew him, how did Mr Ongwen's personality
22 develop? Or did it change?

23 A. [12:41:46] I think from -- right from the time that I came to know Dominic, I did
24 not see or find any change in his character, because his life stood still in just the same
25 way as I first met him.

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1 PRESIDING JUDGE SCHMITT: [12:42:08] What rank did he have when you joined
2 Sinia brigade, if you recall it?

3 THE WITNESS: [12:42:25] (Interpretation) In my knowledge I was -- I came to
4 understand the issue of ranks when I was now being introduced and told about ranks,
5 and I knew Dominic when he was at the rank of a sergeant.

6 PRESIDING JUDGE SCHMITT: [12:42:43] To the best of your knowledge, was he
7 promoted later on?

8 THE WITNESS: [12:42:52] (Interpretation) Ongwen was promoted several times.
9 Not only him, many other people were promoted.

10 PRESIDING JUDGE SCHMITT: [12:43:02] Mr Obhof, please continue.

11 MR OBHOF: [12:43:05]

12 Q. [12:43:12] Now, you stated just two or three minutes ago that Mr Ongwen was a
13 person who was easy to live with, he loves people, so it's nice to stay with him. Was
14 his personality, his character, was that normal amongst LRA commanders?

15 A. [12:43:52] Well, in truth, to find commanders with such a character is very, very
16 difficult. The ones I know, there were only three: First is Dominic; then, secondly,
17 the late Tabuley; and the third, the late Can Odonga. These three people, most of the
18 times, all the times they freely interact with their soldiers.

19 Q. [12:44:30] You mentioned earlier that while in the bush you had a wife. Do
20 you know if Dominic had wives while in the bush?

21 A. [12:44:54] Dominic, how he came to have a wife I did not know in detail,
22 because sometimes he would live in Sudan, in Uganda, but it took him time before he
23 came to start having or living with a wife. But from the time, the first time that I
24 came to know him, when I first met him he didn't have a wife at that time.

25 Q. [12:45:24] Once Mr Ongwen had wives, how did he treat his wives?

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1 A. [12:45:39] From what I was, you know, observing, especially when I was with
2 him in sickbay, most times Dominic does not issue very tough orders. Like also
3 sometimes the kind of hard work that women do, I did not see that with his wives.
4 And he would also live very happily, talk very freely with his wives. So I would see
5 that there was some happiness in his family.

6 Q. [12:46:29] You said that most times Dominic did not issue very tough orders.
7 In terms of other commanders, what type of orders would they issue their wives to do
8 that Dominic would not issue generally to his wives?

9 A. [12:47:00] What I would see in other brigades or battalions where I was, like
10 with Abudema, he does not even allow his wives to take food to the soldiers who
11 were at the *dog adaki*. But for Dominic, he would let his wives take food to those
12 boys at the *dog adaki*.

13 I also did not see him put down his wives and beat them, like other commanders
14 would do. So these are some of the things I was able to observe.

15 Q. [12:47:37] Now, Mr Witness, without giving any specific names, and I'm sorry
16 we're going to move on to a slightly different topic, so without naming anyone, could
17 you explain briefly what a collaborator is.

18 A. [12:48:22] I beg that you let me understand. I think that word probably,
19 because the way it came to me, I didn't understand it.

20 PRESIDING JUDGE SCHMITT: [12:48:30] I think we need not ask the witness what
21 a collaborator is. That might be a conclusion that has to be drawn by people who in
22 the end have to draw conclusions.

23 I know of course what you are alluding to and it's simply something that happened or
24 possibly or probably might have happened in the past and you simply can steer at
25 that and we draw the conclusions from that.

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1 I think we know what we are talking about. I think it's -- I don't know if I find it so
2 quickly here. Yes, it's paragraph 31, 32 following of -- I don't know if it's a bigger
3 issue, if we can defer that, but if you want to start it now, I'm fine with it.

4 MR OBHOF: [12:49:16] Maybe -- I mean, I was going to try to push it through, but it
5 might be better to have lunch now.

6 I can guarantee that I'll be done in the first hour tomorrow morning, but I might be
7 able to finish today. I'm just not a hundred per cent on the finishing today.

8 PRESIDING JUDGE SCHMITT: [12:49:31] Mr Sachithanandan, of course the usual
9 question?

10 MR SACHITHANANDAN: [12:49:34] I think I'll need an hour -- a session, your
11 Honour, possibly a session and a few minutes more. That's about it.

12 PRESIDING JUDGE SCHMITT: [12:49:45] Okay.

13 I think then I have no problems with having now the lunch break until 2.30, and then
14 start with this new issue.

15 THE COURT USHER: [12:49:53] All rise.

16 (Recess taken at 12.49 p.m.)

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

18 THE COURT USHER: [14:31:08] All rise.

19 Please be seated.

20 PRESIDING JUDGE SCHMITT: [14:31:23] Good afternoon, everyone. Good
21 afternoon, especially, Mr Witness, at the video-link location. The Defence continues
22 with their examination. Mr Obhof has still the floor.

23 MR OBHOF: [14:31:40] Thank you, your Honour.

24 And I think I found a better way to bring up, starting with paragraph 31.

25 PRESIDING JUDGE SCHMITT: [14:31:49] Yes. Let's see.

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1 MR OBHOF: [14:31:50]

2 Q. [14:31:51] Good afternoon, Mr Witness.

3 Now, Mr Witness, do you remember a time when you were around for a peace talk
4 while in the LRA?

5 A. [14:32:14] I do recall that something to this effect happened, but I do not recall
6 the exact date.

7 Q. [14:32:32] Well, it's okay. I mean, we are more worried about concepts about,
8 about what you remember. And as the Judge has said before, that sometimes we can
9 understand the dates aren't as important as what you remember. Well, I won't say
10 that far, but --

11 PRESIDING JUDGE SCHMITT: [14:32:50] May I give it a try.

12 MR OBHOF: Sure.

13 PRESIDING JUDGE SCHMITT: Why not? Why not, simply? Mr Witness, I put
14 a name to you now, and you simply tell me what you know about this person and
15 how you encountered the person, if at all.

16 The name is Rwot Oywak, so do you know the person?

17 THE WITNESS: [14:33:11] (Interpretation) Yes, I do know him.

18 PRESIDING JUDGE SCHMITT: [14:33:19] So perhaps you can tell us what you
19 know about him, when you encountered him, under what circumstances. What you
20 know.

21 THE WITNESS: [14:33:30](Interpretation) I came to know of Rwot Oywak when we
22 were moving in the area of Koyo Lalogi. At the time most of the people were still in
23 their homesteads, they did not go to the camps. The people who were well known
24 in that area was Rwot Oywak and we were interested in the fact that, since he was
25 known, since he was well known, he should try and make connections for us so that

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1 we can come back home. And that is how I came to know of Rwot Oywak.

2 PRESIDING JUDGE SCHMITT: [14:34:20] Perhaps we continue from there,

3 Mr Obhof.

4 MR GUMPERT: [14:34:35] Your Honour, I discussed this with

5 Mr Sachithanandan -- I apologise for barging in -- it may be helpful, if we want to get

6 to the point, to go even further, to mention the other name which is in this

7 paragraph --

8 PRESIDING JUDGE SCHMITT: Yes. And this was -- this was exactly --

9 MR GUMPERT: The two together, and then we should get where we're going.

10 PRESIDING JUDGE SCHMITT: [14:34:52] Yes. This was, I think, the next thing

11 what I would have wanted to do, if Mr Obhof would not have not done it.

12 We have another name here --

13 MR OBHOF: Yes.

14 PRESIDING JUDGE SCHMITT: -- and really it has no suggestive impact at all, I

15 would say, if you put the other name to him and then we continue from there, what

16 he knows about any encounters with these two people.

17 MR OBHOF: [14:35:09] Yes.

18 Q. [14:35:10] I think four people here can read my mind today.

19 Did you ever -- was there ever an encounter with a Father Tarasizo?

20 A. [14:35:29] Yes, I did meet with him.

21 Q. [14:35:32] Could you explain the meetings with these people, with Oywak and

22 Father Tarasizo, please?

23 A. [14:35:44] This is how the meeting unfolded:

24 Tabuley, I think maybe he got the authority from Joseph Kony, saying that if it's

25 possible we should -- there should be connections so that we can come back home

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1 peacefully.

2 So he sent us and asked us that, if it were possible, we should attempt to meet with
3 Rwot Oywak because Rwot Oywak, as an Acholi chief, is important and somebody
4 who is well respected.

5 So we met people who were living in that area, Koyo Lalogi, and we sent our voices
6 to him. We told them that if they find Rwot Oywak, they should inform him that we
7 want to meet with him. He should give us an appointment, a date and a time where
8 we should go and meet with him so that we can discuss our return home.

9 And yes, indeed, the villagers did go and informed Rwot Oywak and, based on our
10 understanding, Rwot Oywak at the time lived at Pajule camp, they came back and
11 they told us that Rwot Oywak has said you can meet on such-and-such a date, and
12 come and meet with him freely, nothing will happen.

13 Rwot Oywak told them that he would come with Father Tarasizo and then, at around
14 10, we should already be in that place.

15 So we said: Okay, no problem. We would be grateful and we would make the
16 appointment.

17 And that is how we had the meeting with Rwot Oywak.

18 Q. [14:37:41] And what happened during that meeting, Mr Witness? How did it
19 evolve in the meeting and how did it end?

20 A. [14:37:51] We were timekeepers, we were punctual. We got there. When we
21 got there we found that some villagers were already there. They had told us - the
22 villagers - that we were going to have a discussion between Rwot and the LRA, so the
23 villagers came to attend this meeting as well. So when we came, as they had already
24 told us to be free and nothing bad would happen, some of our soldiers and the
25 recruits were placed on the side. And we were also relaxed, we gave our guns to our

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1 escorts, because there were three of us commanders, and the highest, the highest
2 ranking commander was Pokot, and there was another commander known as Okot.
3 We were free, we were at ease, we found some of our -- some ladies and we asked
4 them to make us some peanut butter, so they went into the house and they were
5 grinding the peanut butter.
6 Shortly afterwards, Rwot Oywak came with Father Tarasizo. We sat down, Father
7 was introduced to us and he told us: Please, be at ease, be free, nothing is going to
8 happen. The government is aware of my coming to meet with you and there are also
9 different leaders and different people who are aware of this meeting, so just be at
10 ease.
11 So we introduced ourselves, we told them who we were. Each person introduced
12 himself, introduced their rank as well. And, after that, Father, based on how we had
13 introduced ourselves, he also started talking to us. Based on -- what Father did, he
14 thanked me, he thanked my colleagues with whom I had gone, but he told me that I
15 would be a good teacher.
16 And he asked Rwot, he said, "In order for somebody to become a teacher, what kind
17 of education should they have had?" And Rwot told him that, in order for
18 somebody to become a teacher, they must have had education from secondary 4,
19 upwards, and if you go and train to become a teacher then you'll become a teacher.
20 So I told him, I said, "Well, I don't have any problem. I will wait and see what
21 happens, the outcome of these meetings, and then we will continue."
22 And yes, indeed, before Father spoke a lot. I was sitting at the side, I was on the left.
23 I saw soldiers coming, government soldiers who were coming, they were in
24 a formation, and they were coming from the direction where the two ladies were
25 making peanut butter. So I told them, I said, there are solders coming.

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1 When I said "soldiers", when are we got up, when we stood up, they immediately
2 started firing at us. They shot at us, at those of us with Rwot. Father was shouting
3 and saying, "Please do not shoot, do not shoot." But at the time we started running,
4 we went back towards to where we had left our colleagues. We did not have our
5 weapons with us, we did not have guns. So we ran back to them. Unfortunately,
6 my escort was shot. He was shot in the arm. Ogolo was shot in the arm. But the
7 rest of us who had gone to attend the meeting, those of -- the three commanders who
8 had gone to meet with Rwot, Okot was shot in the shoulder, but he wasn't injured.
9 We met, we were all okay, nothing happened to us. That is how we met with the
10 Rwot and that's -- those are the things that happened.

11 PRESIDING JUDGE SCHMITT: [14:42:34] Mr Witness, do you know or did you later
12 come to know who alerted the military, the soldiers?

13 THE WITNESS: [14:42:44](Interpretation) No, we did not know what happened, but
14 based on the questions that we asked the civilians afterwards, the civilians who had
15 scattered, the civilians told us that -- some of the witnesses were angry, for example,
16 the LC5 of Kitgum. And that's why we -- we determined that there must have been
17 some kind of knowledge.

18 PRESIDING JUDGE SCHMITT: [14:43:27] Mr Obhof.

19 MR OBHOF: [14:43:28]

20 Q. [14:43:31] Now besides Okot, was anyone else hurt during this -- during the
21 engagement from the UPDF?

22 A. [14:43:42] I would like to correct it: There was no Okot, but it was Ogolo who
23 got injured. Pokot was shot in the shoulder. His pip was shot, but he wasn't
24 injured. But when we came back later and asked what happened, that's when they
25 informed us that one of the civilians had been shot in the thigh and his thigh had been

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1 broken, the two ladies that were making the peanut butter had been taken, and the
2 things that Father had brought us, the food, some gifts like watches and small things
3 were taken by the soldiers. Father carried the injured person and went with that
4 person. And that's what we found out later.

5 PRESIDING JUDGE SCHMITT: [14:44:41] Was Rwot Oywak shot also?

6 THE WITNESS: [14:44:46](Interpretation) We found out later, because Rwot also
7 fled, we found that from other people that he was shot in the leg, but I'm not sure, I
8 do not know exactly which leg was shot, but he was shot in the leg. At the time
9 when he came he had on white Wellington boots, but they told us that he was shot in
10 the leg.

11 PRESIDING JUDGE SCHMITT: [14:45:17] And did anything happen to Father?

12 THE WITNESS: [14:45:28](Interpretation) Father did not sustain any injury,
13 according to the information that we got, but some of the things that he had brought,
14 some of the gifts and some of the small things, and he also had a recorder that he was
15 recording the meeting, but I understand that that recorder was not taken either. But
16 he did not sustain any injury.

17 PRESIDING JUDGE SCHMITT: [14:45:51] Perhaps just to complete the thing,
18 paragraph 35 of your statement, this is the already known UGA number 0048 at the
19 end, you said "Father's car was shot in several places but he was okay"; is that correct?

20 THE WITNESS: [14:46:11](Interpretation) That is the information that we received
21 from civilians. I did not personally see it or witness that happening.

22 PRESIDING JUDGE SCHMITT: [14:46:28] Thank you.

23 And like always, the witness again differentiates really between what he has heard
24 and what he has himself seen and witnessed.

25 Mr Obhof.

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1 MR OBHOF: [14:46:40]

2 Q. [14:46:42] Mr Witness, was Mr Ongwen present at this meeting?

3 A. [14:46:56] No, Mr Ongwen was not present at this meeting.

4 Q. [14:47:02] How about Lapolo, do you know a person by the name of Lapolo?

5 A. [14:47:18] I have heard about Lapolo, but I do not know him personally.

6 Q. [14:47:25] I'm going to ask a few brief questions now about other persons: Do
7 you remember a person by the name of Ben Acellam?

8 A. [14:47:52] Could you please repeat that question.

9 Q. [14:47:58] Do you remember someone by the name of Ben Acellam?

10 A. [14:48:06] Yes, I do have recollections of somebody known as Ben Acellam.

11 Q. [14:48:20] Who was Ben Acellam?

12 A. [14:48:28] If it's the same person, Ben is somebody who is from Atiak. I knew
13 him personally as the operations commander, PM, and that's how I came to know him
14 very well.

15 Q. [14:48:51] How about Ocan Labongo, do you know somebody by the name -- or
16 remember somebody by the name of Ocan Labongo?

17 A. [14:49:11] Yes, I do know Labongo very well.

18 Q. [14:49:18] Who was Labongo?

19 A. [14:49:29] There are two. There's a Labongo who was the IO and there was
20 Ocan Labongo who was at Kony's home, and at some point they were transferred to
21 the brigade. That's one of the -- one of the changes that took place and that's how I
22 came to know him.

23 PRESIDING JUDGE SCHMITT: [14:49:53] Perhaps you should make it clear. I
24 think you meant the latter one.

25 MR OBHOF: [14:50:00] Correct, yes.

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1 PRESIDING JUDGE SCHMITT: [14:50:01] And perhaps you continue from there.

2 MR OBHOF: [14:50:03] Yes.

3 Q. [14:50:04] So we're going to talk about the second one, Ocan Labongo. So let
4 me use the exact words you said. There was Ocan Labongo who was at Kony's
5 home and at some time -- at some point he was transferred to the brigade. To which
6 brigade was Ocan Labongo transferred after being at Joseph Kony's home?

7 A. [14:50:43] When we were at Aruu, he was transferred to Stockree. He was not
8 the only one that was transferred, he was transferred with somebody else known as
9 Onekomon Kikoko, or maybe it's Ocii Oyira (phon). There was somebody else
10 known as Adioch Abukok (phon) who was transferred to Gilva. And those are the
11 people that I knew because they were high ranking officers.

12 PRESIDING JUDGE SCHMITT: [14:51:26] Did this Ocan Labongo ever stay in Sinia
13 brigade?

14 THE WITNESS: [14:51:34](Interpretation) I do not know. I'm not very certain of it
15 because most times the LRA do not stay in one place. They are not stationary in one
16 place, we are always moves, and perhaps the changes happened when I was not there,
17 so I do not have any knowledge of that.

18 PRESIDING JUDGE SCHMITT: [14:51:56] You said that he came from Kony's home.
19 Was he, to the best of your knowledge, close to Mr Kony?

20 THE WITNESS: [14:52:06](Interpretation) Based on my knowledge, yes, he was close
21 to Kony, because he was part of Kony's escort, so he did stay and live close with him.

22 PRESIDING JUDGE SCHMITT: [14:52:25] The next one might be a difficult question
23 for you to answer, but I give it a try. Do you happen to know what the reasons were
24 that this Ocan Labongo was transferred?

25 THE WITNESS: [14:52:42](Interpretation) Based on what I heard, I heard that they

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1 had become so used, they were too -- so used to Kony and they did not respect
2 whatever he was saying or they did not take him seriously, so Kony no longer trusted
3 them as much as he trusted them before. That's my understanding of the situation.

4 PRESIDING JUDGE SCHMITT: [14:53:15] Okay, that's -- yes, please continue.

5 MR OBHOF: [14:53:17]

6 Q. [14:53:20] Another person, Mr Witness, Acaye Doctor.

7 A. [14:53:34] Should I respond?

8 Q. [14:53:43] Do you remember a person by the name of Acaye Doctor?

9 A. [14:53:52] Yes, I do recall that person.

10 Q. [14:54:00] Who is Acaye Doctor?

11 A. [14:54:07] Acaye Doctor was an officer who was based in the Support, based on
12 my understanding, when I arrived at Aruu, his parents were also there, and that's
13 how I came to know Acaye Doctor, because officers are more visible than foot
14 soldiers.

15 Q. [14:54:42] Now earlier today, Mr Witness - I'm trying to find the exact line - you
16 stated that you spent some time in sickbay with Mr Ongwen.

17 PRESIDING JUDGE SCHMITT: [14:55:21] I think we have it -- I think we have heard
18 it and that's not a problem. He can continue from there. You're quoting correctly.

19 MR OBHOF: [14:55:30] Thank you.

20 Q. [14:55:33] When did you spend time in sickbay with Mr Ongwen?

21 A. [14:55:40] I was in the sickbay with Mr Ongwen not long after the events that
22 happened after Operation Iron Fist, but I do not remember the whole -- the exact date.
23 We were together at the foothills of Atoo in an area known as Lagude. After that, we
24 went together to an area known as Lapul, it's in Pajule sub-county, because there was
25 that Achwa River that divided the place. So I was with him in two different areas, in

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1 two different bays.

2 Q. [14:56:30] What type of injury did Mr Ongwen have?

3 A. [14:56:37] Dominic, the injury that I saw was on his leg, and that is the injury
4 that he had.

5 Q. [14:57:00] Do you remember for how long you stayed with Mr Ongwen in
6 sickbay?

7 A. [14:57:06] I do not recall the duration, but we were together for some time.

8 Q. [14:57:19] When you were in sickbay with Mr Ongwen, did he have a radio call?

9 A. [14:57:42] When we were with Mr Ongwen, there was no radio call at the base.
10 But when people come, when people bring food, they come with the radio call
11 sometimes.

12 Q. [14:58:04] To narrow this down, though, what do you mean by when people
13 come and bring food?

14 A. [14:58:21] You know, when -- the sickbay is a place where they keep patients
15 and people who have sustained injuries and, most times, the people who are on
16 convoys are the ones who bring food to the sickbays, so they bring the food to help
17 the people, to sustain the people who are in sickbay who are receiving treatment at
18 the time. So at the time it was also important for Mr Ongwen, as somebody -- was
19 important for him to know what was going on. So if there was anybody who was
20 high ranking and they had a radio call, the person would come and talk to
21 Mr Ongwen and explain what was going on so that he would be informed.

22 Q. [14:59:12] What type of command did Mr Ongwen have while he was in
23 sickbay?

24 A. [14:59:28] To be honest, Dominic did not have any authority, but he was
25 respected, he was respected as a high ranking officer who was a patient at the sickbay.

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1 But he was respected but, nonetheless, he did not have any authority.

2 PRESIDING JUDGE SCHMITT: [14:59:59] Mr Witness, at the time when you were
3 together with Mr Ongwen in the sickbay, did the sickbay have a commander?

4 THE WITNESS: [15:00:09](Interpretation) The -- yes, it did have a commander, but
5 unfortunately I understand that he is now deceased. Because I did not spend all the
6 time in the sickbay, I improved and then I left the sickbay, but then I learned
7 afterwards that he died.

8 PRESIDING JUDGE SCHMITT: [15:00:34] What was his name?

9 THE WITNESS: [15:00:38](Interpretation) Well, I do not recall the name of that
10 commander, but he was a young officer who was staying at Opoka's household. I
11 can vividly recall his face, remember his face, but right now the name I cannot recall.

12 PRESIDING JUDGE SCHMITT: [15:01:01] That's not a problem. Mr Obhof, please
13 proceed.

14 MR OBHOF: [15:01:04]

15 Q. [15:01:06] What would be Mr Ongwen's duty while he was in sickbay?

16 A. [15:01:23] What I know very well is that his work is just to keep his fellow
17 people happy, his fellow people who were sick in the sickbay, so that they don't
18 worry about what is going on.

19 Q. [15:01:52] Were Mr Ongwen's wives in the sickbay?

20 A. [15:01:56] At the time when he was getting some improvement and when we
21 were changing position, he had one of his wives who was with him.

22 Q. [15:02:21] Which wife do you remember being there in sickbay with him?

23 A. [15:02:28] She was called Min Bak, but some people call her as Flo.

24 Q. [15:02:49] When you left sickbay, was Mr Ongwen healed?

25 A. [15:03:14] No, not yet. But, at least for myself, I was a little bit feeling better

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1 and I would walk much better than him.

2 Q. [15:03:46] Mr Witness, I want to move on to one topic different -- to a different
3 topic.

4 Did you go to Teso after Operation Iron Fist?

5 A. [15:04:08] Yes, I went to Teso.

6 Q. [15:04:13] Do you remember which brigade and which battalion you were in at
7 that time?

8 A. [15:04:24] Yes, I do recall very well.

9 Q. [15:04:38] Could you please tell the Court the brigade and the battalion you
10 were in at that time?

11 A. [15:04:48] I went on two occasions to Teso. The first time I went together with
12 my OC, who was from Stockree. But there were also different soldiers from other
13 groups who were under his command. But, unfortunately, he was also killed in that
14 Teso expedition.

15 Then we came back and later on we met with Pokot, who was in Sinia, and we moved
16 with them and joined Tabuley. That was during the second time of going back to
17 Teso.

18 Q. [15:05:46] During that second time of going back to Teso with Pokot, where was
19 Mr Ongwen?

20 A. [15:05:57] Dominic had remained in the bay at that time. But because there
21 was a lot of operation by the government soldiers, they were not even stationed at
22 one location. But we had left him in the bay.

23 Q. [15:06:21] We said this Pokot's name. For clarity, do you remember Pokot's
24 other name?

25 A. [15:06:36] I do not know any other name.

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1 Q. [15:06:41] Mr Witness, we are going to have you give a narrative here shortly.

2 PRESIDING JUDGE SCHMITT: [15:06:58] Pajule?

3 MR OBHOF: [15:07:00] Yes.

4 PRESIDING JUDGE SCHMITT: [15:07:02] Premature, I think.

5 MR OBHOF: [15:07:03] If you would like to --

6 PRESIDING JUDGE SCHMITT: No, no, no. No, no. A narrative, perhaps you
7 separate it a little bit.

8 MR OBHOF: [15:07:08] Shortly.

9 PRESIDING JUDGE SCHMITT: [15:07:09] Yes.

10 MR OBHOF: [15:07:10] Yes. I am going to ask a few questions before we go to the
11 narrative.

12 PRESIDING JUDGE SCHMITT: [15:07:16] Yes. Exactly.

13 MR OBHOF: [15:07:16] Yes.

14 Q. [15:07:19] Mr Witness, do you remember around what time of year the attack on
15 Pajule happened?

16 A. [15:07:30] Well, I do not recall the exact month, but during that time the grasses
17 were really grown. But we met with our convoy and we were told that everyone
18 was required at an RV, but I do not exactly recall the exact day.

19 PRESIDING JUDGE SCHMITT: [15:08:15] Was it by any means a memorable day,
20 a day that stood out from other days during the course of a year?

21 THE WITNESS: [15:08:25](Interpretation) I do not recall, because most times when
22 we move in the bush it's not very easy to keep track with days and dates.

23 PRESIDING JUDGE SCHMITT: [15:08:52] Again, no problem. Absolutely
24 understandable.

25 Mr Obhof.

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1 MR OBHOF: [15:08:56]

2 Q. [15:08:58] Mr Witness, where -- or, how did you know to come to Pajule?

3 A. [15:09:13] I was aware because the LRA groups that had split into smaller
4 groups, we met with them and they told us that everyone is required on this specific
5 date and that we must by all means be present on that day. And, indeed, we went at
6 that location.

7 Q. [15:09:52] Do you remember which location that you met the RV point?

8 A. [15:10:01] I do recall, even though the name of the place could be -- could not be
9 the same with how the civilians would refer to them, but for us in the LRA would
10 refer it -- refer to it as Tee Latanya.

11 Q. [15:10:29] Do you remember which senior commanders were at the RV at Tee
12 Latanya?

13 A. [15:10:49] Yes, I remember, although I came a little late when people had
14 already settled, because it was at night, but the overall senior commander that I saw
15 was Otti Vincent. There were commanders like Raska Lukwiya, Abudema, Taban
16 Bogi, and some other young officers who were also around. And then those who
17 were seated a little further away from me, I couldn't recognise some of them.

18 Q. [15:11:42] Did you see Mr Ongwen at the RV?

19 A. [15:11:47] I did not see him physically, because it was dark. We had also come
20 from a long distance.

21 PRESIDING JUDGE SCHMITT: [15:12:09] Did you come to know if he was there?

22 THE WITNESS: [15:12:15](Interpretation) I heard he was there, but at the time when
23 I was moving or in the areas where I was moving I did not see him until when the
24 groups separated.

25 PRESIDING JUDGE SCHMITT: [15:12:34] How did you hear this? How did you

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1 come to know this? Who told you?

2 THE WITNESS: [15:12:43](Interpretation) I came to know how -- I heard about it
3 because there were three standbys and I was in the third standby. So I asked
4 personally, I asked, because I was with him in the sickbay, and some people who
5 were also in the sickbay, I asked them and they told me that Dominic is also present.
6 But for me, I did not see them, I did not see him. I don't know whether they lied to
7 me or just they wanted to keep me happy, I don't know, but I did not see him.

8 PRESIDING JUDGE SCHMITT: [15:13:32] Do you know a person with the name
9 Sam Opio?

10 THE WITNESS: [15:13:43](Interpretation) Opio Sam, I know him.

11 PRESIDING JUDGE SCHMITT: [15:13:48] Was he at the RV?

12 THE WITNESS: [15:13:53](Interpretation) I did not see him. If he was there, then
13 he could have been amongst the people because the people were so many and also we
14 came in the night.

15 PRESIDING JUDGE SCHMITT: [15:14:09] Okay. Mr Obhof, I think you might
16 want to continue with paragraph 46, 47 and so on.

17 MR OBHOF: [15:14:19]

18 Q. [15:14:21] Mr Witness, around that time of the attack on Pajule, what did you
19 hear about Mr Ongwen's health?

20 A. [15:14:32] From what I heard, I was told that there was improvement in his
21 health, but he was still weak. That is what I heard.

22 Q. [15:14:57] Did you hear if Mr Ongwen was commanding soldiers anymore?

23 A. [15:15:12] That one, in my own understanding, not even on hearsay, he did not
24 have any strength or ability to do that, but Pokot and there was another commander
25 called Okello Kalalang were the two people who were leading the battalion where he

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1 was.

2 MR OBHOF: [15:15:45] Without showing to the witness, I'm just referencing our
3 tab 2 again, UGA-OTP-0232-0234 at page 0448. I probably should have put 0447 in
4 there too, it would have made a little more sense, but as you can see, the same thing
5 from the other day.

6 Q. [15:16:15] Mr Witness, without talking about the attack, do you remember
7 around what time the soldiers went to Pajule?

8 A. [15:16:37] Well, it's difficult to estimate the exact time, but it was in the middle
9 of the night.

10 PRESIDING JUDGE SCHMITT: [15:16:56] Mr Witness, did you come to know why
11 the LRA went to Pajule?

12 THE WITNESS: [15:17:03](Interpretation) I understood briefly later on because I
13 found that the meeting was almost concluding and I only came to understand briefly
14 as was talked in the meeting.

15 PRESIDING JUDGE SCHMITT: [15:17:29] And what did you come to understand
16 lately?

17 THE WITNESS: [15:17:33](Interpretation) There were three things that I picked.

18 First, in that meeting, it was said that we should go and attack, and attack Pajule
19 barracks because there were many soldiers and there were many weapons in that
20 barracks, so we should go and attack them and get ammunitions and guns. And
21 also to foil the planned UPDF programme from attacking them as they wanted to go
22 to Teso.

23 Secondly, the LRA wanted to get food which they could use to give to the sick and the
24 injured people so that even they were going to Teso, they would leave these people
25 with enough food.

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1 And thirdly, those who were injured, those who were severely injured needed
2 medication so there was need to go and get medication to help the injured and the
3 sick.

4 So these were the three reasons that I came to learn.

5 PRESIDING JUDGE SCHMITT: [15:18:52] Thank you. I think before we go to
6 private session for the narrative, you could perhaps ask the witness who were the
7 commanders. I think that would also not affect him personally.

8 MR OBHOF: [15:19:08] Well, I asked him who the senior commanders were.

9 PRESIDING JUDGE SCHMITT: [15:19:12] Yes, yes, absolutely, absolutely.

10 MR OBHOF: [15:19:12] No, I mean, I already did. He already --

11 PRESIDING JUDGE SCHMITT: [15:19:14] Yes.

12 MR OBHOF: Oh, you mean --

13 PRESIDING JUDGE SCHMITT: No, no, but we have different groups perhaps then,
14 I think.

15 MR OBHOF: [15:19:18]

16 Q. [15:19:18] Mr Witness, do you know who the commanders of the different
17 groups for the different standbys were?

18 A. [15:19:29] I know the senior commanders.

19 Q. [15:19:41] Which senior commander was in charge of your standby?

20 A. [15:19:49] In the standby, I would like to confirm that all the different groups
21 from the different units of the LRA combined under one overall leadership of Otti
22 Vincent, but as the standby was now planned to go to the different locations, I was in
23 the main convoy where Otti was. Then, Abudema, usually commonly called Buk,
24 was sent as reinforcement. But the person who led the attack was Taban Bogi, who
25 went straight to the barracks. And the instruction was that if they find that the battle

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1 the front was fierce, then Abudema would go and provide reinforcement. That is it
2 what I know.

3 PRESIDING JUDGE SCHMITT: [15:21:00] I think any further information perhaps in
4 private session now, I would suggest, or do you have something else in mind before?

5 MR OBHOF: [15:21:07] No, your Honour.

6 PRESIDING JUDGE SCHMITT: [15:21:08] I think, as we indicated in the beginning,
7 we go now to private session. Not for such a long time, I would assume.

8 (Private session at 3.21 p.m.) * (Reclassified partially in public)

9 THE COURT OFFICER: [15:21:22] We are in private session.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [15:23:54] In relationship to sunrise or sunset, when did the attack start?

8 A. [15:24:05] If I can make a good guess, because I didn't know the exact time,
9 could it -- maybe it could be 2, 2 in the night, because it was dark and we had come
10 from a far-off place, so it was difficult for me to get the time.

11 Q. [15:24:37] And after you were done at the barracks, did you overrun the
12 barracks, did the LRA overrun the barracks?

13 A. [15:24:56] To tell the truth, the barracks was not overrun. From what I got from
14 the people who went to the barracks, as they moved, advanced towards the *dog adaki*,
15 they couldn't go beyond that because the weapons that were in that barracks were
16 very superior, so they couldn't overrun the barracks and they had to withdraw.

17 Q. [15:25:23] Now do you remember how far - it's okay to estimate - how far the
18 barracks was from the edge of the IDP camp?

19 A. [15:25:45] From what I could see from the distant location where we were, I
20 could estimate to be in the range of 100 to 400 metres, but I cannot give an exact
21 figure.

22 PRESIDING JUDGE SCHMITT: [15:26:11] This concurs with what the witness has
23 said in his statement, paragraph 53.

24 MR OBHOF: [15:26:22] I would be okay, your Honour, going back to a public
25 session.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 3.26 p.m.)

6 THE COURT OFFICER: [15:26:40] We are back in open session, Mr President.

7 MR OBHOF: [15:26:58]

8 Q. [15:27:00] Now, Mr Witness, how did the LRA retreat Pajule -- retreat from
9 Pajule?

10 A. [15:27:19] The manner in which the LRA retreated was separately, because the
11 convoy and the group that went for the attack all went separately, so that is why even
12 the withdraw was different. So the ones in convoy also, when they heard that the
13 situation was a bit tense now, and also the bullets was coming to their direction, they
14 also started retreating until such a point when you could even see that the people
15 who went on standby went for the attack. You could even see them now back
16 together in the group. So it was a bit difficult to even say exactly how the people
17 retreated.

18 Q. [15:28:17] Now, at the end of your statement on page 0057 you've drawn a map.
19 Maybe we can show him --it's okay.

20 PRESIDING JUDGE SCHMITT: [15:28:26] I think -- I think we should have a look at
21 it, simply.

22 MR OBHOF: [15:28:29] Yes.

23 If somebody could please make sure that the witness has a copy of this. It's from
24 Defence tab 1, it's at the very last page.

25 Q. [15:28:48] Can you see the map, Mr Witness?

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1 A. [15:28:53] I am not seeing anything.

2 PRESIDING JUDGE SCHMITT: [15:29:11] I think, Mr Witness, it will soon appear
3 on your screen, so, and then we continue with the questioning.

4 MR OBHOF: [15:29:26]

5 Q. [15:29:29] Now, you mentioned a road earlier, could you just -- actually, you
6 know what, describe that. Could you describe the map, please, and what each one
7 of those little things here means?

8 A. [15:29:48] What is in that map is that the side towards my side, where you see
9 the little, little circles, that's the centre. And then in the middle, you see the road
10 from Lira to Kitgum. And then on the western side, you would see -- you find there
11 the barracks, and also there is the mission on the side towards Lira. That is how I'm
12 seeing it here in this picture. But for us, we came from the eastern side near the
13 camp towards that road going to Kitgum, that side of Kitgum.

14 PRESIDING JUDGE SCHMITT: [15:30:47] Mr Witness, did you draw this map?

15 THE WITNESS: [15:30:56](Interpretation) I explained the movements and the -- my
16 visual of the place, but I did not actually draw it, somebody else drew it.

17 PRESIDING JUDGE SCHMITT: [15:31:11] Interesting. I think we have -- the first
18 time we have that.

19 But does this - if you have a look at it - does this roughly concur with what you recall
20 from the attack on Pajule?

21 THE WITNESS: [15:31:28](Interpretation) Looking at it, based on the distance from
22 the centre, then it does show the way the centre looks like. It also shows where the
23 barracks was. But it's -- it's very difficult for me to state in more detail the whole
24 area, because I did not actually go there, I saw it from afar.

25 PRESIDING JUDGE SCHMITT: [15:32:11] Okay.

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1 Mr Obhof.

2 MR OBHOF: [15:32:13] I really had no more questions about Pajule. We'll be
3 moving on, your Honour, if you have anything else?

4 PRESIDING JUDGE SCHMITT: [15:32:26] No, no, please continue.

5 MR OBHOF: [15:32:28]

6 Q. [15:32:31] Opiyo, were you present for any attacks on a village called Lukodi?

7 A. [15:32:51] I was not there personally, but I you did hear about it.

8 Q. [15:33:04] How did you hear about it?

9 A. [15:33:09] I met one LRA group and they told me that Lukodi was attacked.

10 They had gone to collect food from the camp and the person who was their
11 commander was a commander known as Kalalang, he was in charge of this mission.
12 There was fighting in Lukodi because the army was at Lukodi. But they did not tell
13 me the details of it. You know, when we meet we discuss things, but it's usually
14 summarily.

15 Q. [15:34:03] If you know, where was Mr Ongwen around this time?

16 A. [15:34:22] I believe he was under the foothills of Atoo, because this is a big area
17 and they were mobile in that area, sometimes they would cross the river and then go
18 towards Pajule side and then go towards Lapul side.

19 Q. [15:34:52] Could you tell Court, in a narrative, about what you heard happened
20 at Lukodi.

21 A. [15:35:09] There is not much detail that I can give you on this matter, but I did
22 hear that they went to collect food and, while they were there, they engaged in battle
23 because there were soldiers in the battle, soldiers in the camp, soldiers who were
24 taking care of the camp. So I do not know the details of this, because at the time
25 fighting had intensified and, if you came together in large groups, you are constantly

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1 being pursued by gunships. So we were in smaller groups and I don't know what
2 happened in detail.

3 PRESIDING JUDGE SCHMITT: [15:35:57] Do you recall, Mr Witness, when this
4 happened? Again, only roughly, like always.

5 THE WITNESS: [15:36:05](Interpretation) If I'm to hazard a guess, then perhaps in
6 2013 or 2014, because at the time fighting was intensive and you had to take care of
7 your own life.

8 PRESIDING JUDGE SCHMITT: [15:36:41] Have we understood it correctly, 2013 or
9 2014? I would like to confirm that.

10 MR OBHOF: [15:36:52]

11 Q. [15:36:53] Mr Witness, could you repeat the years again, because what we heard
12 was 2013 and 2014.

13 A. [15:37:08] I'm hazarding a guess that it was around that time, because there are
14 so many things that happened, there are so many different things that happened, so I
15 do not know the details of everything. At the time, the UPDF had intensified
16 activity against the LRA.

17 PRESIDING JUDGE SCHMITT: [15:37:31] So we understand you correctly, that this
18 was a long time after Pajule? You talked to us about Pajule, so what you are now
19 talking about, Lukodi, was many, many years later; do we understand this correctly?

20 THE WITNESS: [15:37:52](Interpretation) Maybe -- perhaps you got it right, because
21 it's very difficult to determine. Especially now that I'm outside, it's very difficult for
22 me to remember everything that happened. I know it happened, but I don't know
23 exactly when it happened.

24 PRESIDING JUDGE SCHMITT: [15:38:23] Mr Witness, do you recall when you
25 escaped from the bush?

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1 THE WITNESS: [15:38:28](Interpretation) Yes, I do recall.

2 PRESIDING JUDGE SCHMITT: [15:38:36] Excuse me, do you happen to recall in
3 which year this was?

4 THE WITNESS: [15:38:45](Interpretation) There was some kind of disconnection, so
5 I did not get the full question. Could you please repeat the question.

6 PRESIDING JUDGE SCHMITT: [15:39:01] Do you recall the year when you escaped
7 from the bush?

8 THE WITNESS: [15:39:05](Interpretation) Yes, I do recall the year.

9 PRESIDING JUDGE SCHMITT: [15:39:11] Could you please tell us?

10 THE WITNESS: [15:39:16](Interpretation) I believe I came home in 2006, in February.
11 If it's not on the 6th, then I -- yeah, I have forgotten the date, but it was around the 6th
12 of February.

13 PRESIDING JUDGE SCHMITT: [15:39:39] And this attack on Lukodi that you are
14 talking about, did this happen before 2006 or after 2006?

15 THE WITNESS: [15:39:50](Interpretation) I believe it happened before I left.

16 PRESIDING JUDGE SCHMITT: [15:40:05] And then let us take two reference point
17 in time, so to speak: We have Pajule on the one hand, you talked about that before,
18 and I think there is no objection when I say that you also might know somebody
19 about the death of Tabuley. Is that correct, that you know about the death of
20 Tabuley?

21 THE WITNESS: [15:40:30](Interpretation) Yes, very well, in detail.

22 PRESIDING JUDGE SCHMITT: [15:40:40] So if we take these two points in
23 time - the time when Pajule happened and the time of Tabuley's death - when you try
24 to figure it, this Lukodi you are talking about, was this before or after the death of
25 Tabuley?

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1 You see what I mean? Would this help you to locate it in time, so to speak?

2 THE WITNESS: [15:41:06](Interpretation) It's difficult for me to make
3 a determination, because most times we were constantly on the move and on one day
4 you may move for miles and miles. There were so many splinter groups and there
5 were so many things happening at the time, so if you do not actually meet with any
6 groups around, you do not know what happened chronologically. But you do hear
7 that something happened but you don't know the details of what it was.

8 PRESIDING JUDGE SCHMITT: [15:41:54] Thank you, Mr Witness. I think we
9 understand. We try to encircle it a little bit, but I think we don't get closer.

10 MR OBHOF: [15:42:08]

11 Q. [15:42:10] Mr Witness, when you heard about the attack on Lukodi, who were
12 you with?

13 A. [15:42:23] At the time I was with those of Pokot, and we met some of the splinter
14 groups that came and met with the Pokot group. And that's where I heard it, I heard
15 it when they were talking about it.

16 Q. [15:42:51] Who was in charge of these splinter groups?

17 A. [15:42:57] The -- for example, the splinter groups from Sinia were under the
18 leadership Pokot as the commander of Sinia. But there was Kalalang who was the
19 OC and there were also some junior officers who were in charge of those splinter
20 groups, because people had been split in groups of 20 or 15. Because we were
21 constantly being pursued by airship, by gunships, so they had to split us up into
22 different groups, so they would select any junior officer and put that junior officer in
23 charge of that splinter group.

24 Q. [15:43:46] The splinter group which told you about Lukodi, who was the senior
25 officer in that splinter group?

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1 A. [15:44:01] It was a commander known as the late Olweny. Some people used to
2 refer to him as Marlboro, because he had a round hat, so they would refer to him as
3 Olweny Marlboro. They met us, there was about five of them, and it was during the
4 time that we met that they recounted the events to us.

5 Q. [15:44:37] Which brigade were they in?

6 A. [15:44:45] Olweny Marlboro was, based on my knowledge or understanding, he
7 was in Stockree. But he also had officers from Gilva, so I really do not know how
8 they joined that group.

9 Q. [15:45:21] How did Mr Ongwen find out about this attack?

10 MR SACHITHANANDAN: [15:45:28] Objection. The witness has not said
11 anything about Mr Ongwen's knowledge of the attack.

12 PRESIDING JUDGE SCHMITT: [15:45:33] Yes, I think we would have to ask for,
13 first, this question that Mr Sachithanandan has alluded to, so to speak. I agree with
14 him.

15 MR OBHOF: [15:45:47]

16 Q. [15:45:49] Did Mr Ongwen know about this attack?

17 A. [15:45:54] I believe that he may have also heard about it in the same manner that
18 I heard about it.

19 PRESIDING JUDGE SCHMITT: [15:46:09] Were you present -- when you heard
20 about it, was Mr Ongwen also present?

21 THE WITNESS: [15:46:17](Interpretation) To be honest, he was not with me at the
22 time. He was in the sickbay under the foothills of Atoo. At the time we were
23 moving between Teso and Acholi, so he was not present.

24 PRESIDING JUDGE SCHMITT: [15:46:40] Mr Obhof.

25 MR OBHOF: [15:46:44] Now, your Honour, my last section will take about -- or, last

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1 two sections will take about 30 minutes.

2 PRESIDING JUDGE SCHMITT: [15:46:51] So you are telling us that it would be

3 better to part now for tomorrow? That's fine, I think. I think we have enough time

4 tomorrow.

5 So, Mr Witness, that concludes your testimony, for today only, we see each other

6 tomorrow morning again. That is for you, I think, 10:30, and for us at 9.30.

7 THE COURT USHER: [15:47:13] All rise.

8 (The hearing ends in open session at 3.47 p.m.)

9 RECLASSIFICATION REPORT

10 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July

11 2016, the public reclassified and lesser redacted version of this transcript is filed in the

12 case.