

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 Pangalangan
7 Trial Hearing - Courtroom 1
8 Thursday, 2 February 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:20] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:30:41] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:30:50] The situation in the Republic of Uganda, in the
16 case of The Prosecutor versus Dominic Ongwen, case reference ICC-02/04-01/15.
17 PRESIDING JUDGE SCHMITT: [9:30:59] Thank you.
18 Now for the appearances, please, Mr Gumpert.
19 MR GUMPERT: [9:31:05] Yes, Ben Gumpert with Colleen Gilg, Pubudu
20 Sachithanandan, Julian Elderfield, Yulia Nuzban, Adesola Adeboyejo, Colin Black,
21 Mari Pilvio, and Ramu Fatima Bittaye.
22 PRESIDING JUDGE SCHMITT: [9:31:22] Thank you.
23 Mrs Massidda.
24 MS MASSIDDA: [9:31:25] Good morning, your Honours. There are only two,
25 Paolina Massidda and Mr Orchlón Narantsetseg.

1 PRESIDING JUDGE SCHMITT: [9:31:31] Thank you.

2 Mr Manoba.

3 MR MANOBA: [9:31:32] Good morning, your Honours. Joseph Manoba and
4 James Mawira.

5 PRESIDING JUDGE SCHMITT: [9:31:37] Thank you.

6 And now for the Defence, I see Mr Taku rising.

7 MR TAKU: [9:31:41] May it please the Court. I appear for Mr Ongwen. With
8 me today is Abigail Bridgman and Mr Tharcisse Gatarama, Mr Roy Titus Ayena and,
9 of course, Mr Ongwen himself is in Court today.

10 PRESIDING JUDGE SCHMITT: [9:31:58] And Mrs Kerwegi.

11 MS KERWEGI: [9:32:03] Good morning, your Honour. Sarah Kerwegi.

12 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you very much. And we also
13 welcome the witness again in the courtroom. Good morning.

14 And Mr Gumpert has still the floor.

15 MR TAKU: [9:32:16] I'm so sorry. Before my esteemed colleague takes the floor,
16 Mr Ayena is not well today. He asked me to inform the Court that he will be here
17 probably next time. Thank you. I'm sorry for interrupting Ben.

18 PRESIDING JUDGE SCHMITT: [9:32:38] Please forward to him the best wishes by
19 the Chamber.

20 MR TAKU: [9:32:44] Thank you, your Honour.

21 MR GUMPERT: [9:32:46] And indeed the Prosecution.

22 Your Honours, I should explain the lady sitting next to the witness is a member of the
23 staff Registry, more particularly of the Victims and Witnesses Section, and is here
24 because later in the day we will be looking at some transcripts, and she is here to
25 provide assistance in finding the page quickly rather than wasting court time.

1 PRESIDING JUDGE SCHMITT: [9:33:07] And I think it's fair to say that this lady
2 has already a lot of experience in doing that. So please continue, Mr Gumpert.

3 MR GUMPERT: Thank you.

4 WITNESS: UGA-OTP-P-0440 (On former oath)

5 (The witness speaks Acholi)

6 QUESTIONED BY MR GUMPERT: (Continuing)

7 Q. [9:33:18] Mr Witness, before I start, on a number of occasions yesterday you
8 said that you couldn't remember and asked to be reminded. Now, that's something
9 which the learned Judge, the learned Judges may well permit where it's necessary.
10 But it may be that sometimes when I ask you a question, if you think back to the time
11 that I'm asking about and take a little time to consider, that it won't be necessary.
12 Please don't feel that you are under pressure to say exactly what you may have said
13 beforehand. If it's necessary to remind you of something, the Judges may allow that
14 to be done but, in the first instance, I would ask you to consult your own memory and
15 try and give the best answer you can. Nobody will hold that against you?

16 PRESIDING JUDGE SCHMITT: [9:34:11] I appreciate that very much,
17 Mr Gumpert.

18 Indeed, what counsel is said is absolutely correct.

19 Please continue.

20 MR GUMPERT: [9:34:17]

21 Q. [9:34:18] Now, when we broke off yesterday, you had been telling the Court
22 about orders given by Joseph Kony and that sometimes those orders would be obeyed
23 by the subordinate commanders and sometimes not. The question I ask you now,
24 think hard about this, please: Can you give us examples of the commanders who
25 would typically obey Joseph Kony's orders?

1 A. [9:35:06] Could you please repeat your question?

2 Q. [9:35:10] Can you give us some examples, some names of people who would
3 typically obey Joseph Kony's orders?

4 A. [9:35:37] To my recollection, the commanders who obeyed Joseph Kony's
5 orders were Dominic, Odhiambo and a number of other people.

6 THE INTERPRETER: [9:35:57] The interpreter requests the witness to speak up a
7 little bit, please.

8 PRESIDING JUDGE SCHMITT: [9:36:03] Mr Witness, it's the same like yesterday,
9 please speak up a little bit so that the interpreters can hear you better and that makes
10 their life easier and ours too. It's no problem. Just think about it, speak a little bit
11 louder.

12 THE WITNESS: [9:36:24] (Interpretation) If I do recall, the people who obeyed
13 Kony's orders included Dominic, Odhiambo and a number of other people.

14 MR GUMPERT: [9:36:45]

15 Q. [9:36:47] What was Dominic's other name?

16 A. [9:36:59] The name frequently used was Tem Wek Ibong.

17 Q. [9:37:08] Now can you give us some examples, some names of commanders
18 who typically, or sometimes, didn't obey Kony's orders?

19 A. [9:37:30] The ones that I knew who disobeyed Kony's orders were
20 commanders like Onen Unita and Odongo. Kony used to complain about these two
21 commanders, stating that they did not obey his instructions, and he used to call them
22 lazy.

23 Q. [9:38:15] Can you explain to us how those commanders would avoid carrying
24 out the orders which Kony had given?

25 A. [9:38:39] Well, they disobeyed most of Kony's orders because, for example, if

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1 they are told to go on mission they wouldn't go on mission themselves, they would
2 assign this to somebody else and the task would not be done as per the order.

3 Q. [9:39:01] What about those commanders themselves, what steps, what
4 measures would they take to avoid obeying orders?

5 A. [9:39:31] Could you please repeat that question?

6 Q. [9:39:35] Yes. I want you to -- let's take the two commanders who you just
7 named as being commanders who didn't obey. Think about those two men. How
8 was it that they would avoid obeying the orders? What would they do?

9 A. [9:40:17] Well, they would delegate subordinate commanders to go and do the
10 tasks because they, themselves, would not be in a position, or they would not want to
11 do the job at that particular time, so they would delegate it to subordinate
12 commanders, to junior commanders.

13 MR GUMPERT: [9:40:45] Your Honour, I'm going to ask to refresh the witness'
14 memory on a particular point. If I can draw it firstly to your Honours' attention, it is
15 at tab 4, the ERN number is UGA-OTP-0218-0503 and the particular page which I
16 want to refer to is at 0505. And the answer about which I seek to refresh the memory
17 of the witness begins in Acholi at line 62, but for us English speakers line 68.

18 PRESIDING JUDGE SCHMITT: [9:41:44] Please go on.

19 MR GUMPERT: [9:41:45] I'm grateful.

20 It may be that rather than putting it up on the screen the witness can be shown that
21 page and those lines.

22 PRESIDING JUDGE SCHMITT: [9:42:02] I think that's a good idea, too.

23 And Mr Witness, when you have read it, please tell the Court so that Prosecutor can
24 put the question to you.

25 THE WITNESS: [9:43:01] (Interpretation) Yes, I've seen it.

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- 1 MR GUMPERT: [9:43:07]
- 2 Q. [9:43:08] Was that what you said?
- 3 A. [9:43:15] Yes. Exactly, that was my statement in the past.
- 4 Q. [9:43:23] So what would you say today about the way in which commanders
5 would avoid obeying orders?
- 6 A. [9:43:45] Well, my response is already in my statement. I don't think there is
7 anything else that I can add on to that because what I know is what is in the
8 statement.
- 9 PRESIDING JUDGE SCHMITT: [9:44:02] You can move on.
- 10 MR GUMPERT: [9:44:03] Well, your Honour, the answer then isn't on the record.
- 11 PRESIDING JUDGE SCHMITT: [9:44:07] That is of course true, yes.
- 12 MR GUMPERT: [9:44:09] Let me --
- 13 PRESIDING JUDGE SCHMITT: [9:44:10] That's the downside of it.
- 14 MR GUMPERT: [9:44:12] I'm sorry about that. Previously I was reading it out
15 and that way it would be on the record, but --
- 16 PRESIDING JUDGE SCHMITT: [9:44:18] That's of course correct what you say.
- 17 MR GUMPERT: [9:44:20]
- 18 Q. [9:44:21] Mr Witness, let me remind you of what you said and then you can, if
19 you have any further comment, anything else to say, tell us. You said:
20 "There were two types of problems. One, as a commander, if you go, the
21 Government forces will kill you, but also if you don't go and you don't fight, or you
22 don't do as you are ordered, you could also be killed. So what a number of
23 commanders started doing was trying finding ways to avoid ... get into problems.
24 So started ... pretending to be sick or ... such and such a thing not available, or this
25 you can't do this, all kinds of excuses started coming up."

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1 Would you give the same answer today? Is that right what you said?

2 A. [9:45:25] Yes. I know most times when somebody does not want to do
3 something, they make up excuses so that they do not go on mission, for example, they
4 pretend to be ill or, if they don't want to go, they make up their minds that, okay, I do
5 not really want to go, so if I pretend that I'm sick, then I would not suffer
6 consequences from that. So they would -- at the time, there was already a rule that if
7 you defect and go back to the government you won't be killed. So they were already
8 aware of it that if you defect and go back to the government you won't be killed.
9 And that's what I know.

10 Q. [9:46:18] Thank you. I've got a completely new topic now. I want to ask you
11 about LRA radio procedure.

12 Can you tell us when you left in August of 2004 how many radios there were in use in
13 the LRA, approximately? Nobody is asking you to the very exact number.

14 A. [9:46:52] Well, the radios at the time that I left there were a number of radios
15 that were being used, several different radios that were being used.

16 Q. [9:47:13] What kind of units would have radios?

17 A. [9:47:30] There were several units. There were also divisions. There were
18 three separate divisions. All those divisions had radios. Brigades also had radios.

19 Q. [9:47:51] What about units below brigades, would they typically have radios
20 or not?

21 A. [9:48:07] Not usually, unless there is a specific mission that has been assigned
22 to that commander and if a mission is assigned to a particular commander, then the
23 person is given a radio. But once they complete their mission, they have to return
24 the radio.

25 Q. [9:48:35] At what times would radio communications take place?

- 1 A. [9:48:52] Radio calls would depend on the scheduled times. So they
2 would -- they did not communicate every single time. It was only during the
3 scheduled times.
- 4 Q. [9:49:09] Can you tell us what the scheduled times were?
- 5 A. [9:49:19] Yeah. The radios would be turned on at 9, 1, 5 or 6 in the evening.
- 6 Q. [9:49:33] And how long typically would these communication periods last?
- 7 A. [9:49:51] There was no time set for the communications, so it would depend on
8 the length of the communication or it would depend on the circumstances at the time.
9 But there was no set time.
- 10 Q. [9:50:13] I want to ask you now about codes. Were there codes used to keep
11 communications confidential?
- 12 A. [9:50:35] Yes, there were codes that were used.
- 13 Q. [9:50:41] I'm going to ask the lady sitting next to you to turn to tab 16.
14 Do you recognize the handwriting on this document which is UGA-OTP-0262-0198?
- 15 A. [9:51:28] Yes, I do recognize the handwriting.
- 16 Q. [9:51:33] Whose is it?
- 17 A. [9:51:41] It is my handwriting. I'm the one who wrote that down.
- 18 Q. [9:51:47] Can you explain to us what you were demonstrating when you
19 created this document?
- 20 A. [9:52:07] I would like to know with regard to what in particular?
- 21 Q. [9:52:19] Well, we can all see the alphabet written out from A to Z and the
22 figures 0 to 9. And we can see the words at the top "TONFAS One Blue." Explain
23 to us why you wrote these letters next to each other and these numbers next to each
24 other. What were you trying to show to the person who reads it?
- 25 A. [9:52:54] Well, based on my understanding, I had been asked to explain how

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1 they used TONFAS and that's why I wrote down the alphabetical letters. The
2 alphabetical letters are from A to Z. At the bottom you've got two letters and that's
3 how the -- how messages were designed so that the messages remained in code.

4 Q. [9:53:32] Mr Witness, my name is Ben and I was born on 27 February. I won't
5 tell you the year. If you wanted to send a radio message Ben 27 using this TONFAS,
6 what would you do? Explain to us.

7 A. [9:54:00] If I'm using TONFAS, I go where the figures are. Could you please
8 repeat your date of your birthday so that that would assist me.

9 Q. [9:54:22] 27.

10 A. [9:54:27] Okay. If I'm -- if you're using TONFAS, you go to the figures, and
11 you have figures and you've got yellow. You will not -- you won't actually say go to
12 the figures. You instruct the person to go to yellow. Look at the letter X and the
13 letter T.

14 Q. [9:54:56] So now we understand the number. What about if you want to give
15 the name Ben, B-E-N, how do you do that? What instruction do you give?

16 A. [9:55:13] If you're using TONFAS relaying Ben's name, look at Lima Mike,
17 Foka (phon) Hotel and then Echo Delta.

18 Q. [9:55:37] We can probably move quite quickly. If you turn over the page,
19 we've got a similar document, but here it's TONFAS red rather than TONFAS blue
20 and figures green rather than figures yellow. Is this another example of a different
21 TONFAS code?

22 A. [9:56:09] Yes, but it does exactly the same thing, except that it's slightly
23 different from the previous TONFAS that we looked at.

24 Q. [9:56:23] Thank you, Witness. And turn the page again, I'm sorry I didn't
25 give the ERN for the last one, it was 262-0199. And now I'm asking you to look

1 at 0262-0200 and we're on tab 18.

2 Can you explain to the Court in the same way how these nicknames and code words
3 would be used by the radio operators in the LRA?

4 A. [9:56:59] If you look at the nickname, the nicknames are usually related to the
5 TONFAS. So if you want to send a commander's name, you do not use that his
6 actual name. You use the nicknames, which are, if you look at the name "Joseph
7 Kony" which is to the right, they will use his nickname, which is "Radio," to the left.

8 Q. [9:57:50] And what about the code words down below, just explain that, give
9 us an example.

10 A. [9:58:03] The code words were also used, if for example a mission has been
11 scheduled and the commander is supposed to go on mission, if the commander has
12 abducted girls and they have sent him to abduct girls, then the code word used to
13 describe that would be "River Nile."

14 Q. [9:58:34] And just so we're clear, you wrote these three examples that we've
15 just looked at just to give examples, they're not actually codes which were in use; is
16 that correct?

17 A. [9:58:51] Yes, that's correct.

18 Q. [9:58:54] Thank you. Now, explain to the Judges, please, how it was that the
19 person sending the message and the person receiving it would be able to understand?
20 How would they have access to the codes? What documents would they have?

21 A. [9:59:22] They would have similar documents. The same documents that I've
22 designed, all the radio operators would have the same document so that when a
23 message is sent they use the same mode of communication.

24 Q. [9:59:45] And how would these code documents be distributed to the radio
25 users?

1 A. [10:00:00] On most occasions once a code has been designed, they would call
2 the signallers and the signallers would go and collect the designed codes and then
3 take them back to your assigned station or to your radio.

4 Q. [10:00:21] I want to ask you a bit about radio procedure now. A moment ago
5 when you talked about Dominic, you said he was also known as Tem Wek Ibong.
6 What is this Tem Wek Ibong? Can you explain to us?

7 A. [10:00:49] That is the name assigned or he probably came up with it that he
8 should be called Tem Wek Ibong. It is like a name, like in Acholi, it's a challenge that
9 if you can manage, come, touch and try.

10 Q. [10:01:17] Can you give us some examples of other commanders' names like
11 this?

12 A. [10:01:30] My question, a similar kind of name, are you asking about a similar
13 kind of name?

14 Q. [10:01:44] Yes. Let's try and achieve some precision. Was there a technical
15 word which radio operators used for this kind of name, the sort of Tem Wek Ibong
16 name? Was there a technical term you used for this kind of name?

17 A. [10:02:11] No. It is not there.

18 Q. [10:02:17] All right. I'll move on. I'm going to name some commanders and
19 I'm going to ask you to give us their radio name. Joseph Kony.

20 A. [10:02:33] On radio Joseph Kony was called Layom Cwiny.

21 Q. [10:02:50] I'm going to spell that out for the ease of the transcribers. Correct
22 me if I'm wrong. L-A-Y-O-M C-W-I-N-Y. Is that right?

23 A. [10:03:12] Yes, that is correct.

24 Q. [10:03:20] Do you remember any other radio name which Joseph Kony used?

25 A. [10:03:36] There were other names, like Otti Vincent was known as Wat Pa

1 Dano.

2 Q. [10:03:47] What about Raska Lukwiya?

3 A. [10:03:58] Raska Lukwiya was known as Keto Keto.

4 Q. [10:04:05] Just focus on Raska. Apart from Keto Keto, do you remember any
5 other radio name?

6 A. [10:04:28] I request to be reminded. I have forgotten so many things that
7 happened in the past. When I see a particular statement, I can remember exactly.

8 Q. [10:04:42] It's all right, Mr Witness. I'm not going to press you.

9 One last commander I'm going to ask you about and that is Okot Odhiambo, what
10 was his radio name?

11 A. [10:05:17] I'm sorry, I've forgotten that name.

12 Q. [10:05:21] Now, I'll leave that too.

13 Now, Mr Witness, I want you to think back to a time when Joseph Kony was ordering
14 an attack in the way you've described over the radio. Would he speak in clear terms,
15 would he use ordinary Acholi words or would he use other words?

16 A. [10:05:58] No, it's not spoken in plain Acholi. It's spoken in a language that
17 they understand.

18 Q. [10:06:09] Can you give us an example, if Kony was ordering an attack, what
19 sort of words would he use to disguise what he is saying?

20 A. [10:06:28] I request to you repeat for me the question so that I can answer it
21 clearly.

22 Q. [10:06:54] Yes. I'm not asking you to remember any particular event. I'm
23 asking you to give an example so that the Court can understand the kind of language
24 that Kony would use rather than speaking in ordinary Acholi, so that the Court can
25 understand how he would disguise what he was saying.

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1 A. [10:07:35] I cannot recall that now.

2 Q. [10:07:37] Now, Mr Witness, you misunderstand me, I'm not asking you to
3 remember any particular thing. I'm asking you to help the Court by giving an
4 example, think of the sort of way that Joseph Kony would speak in a disguised way,
5 so that the Court can understand. Like you gave examples of the codes, they weren't
6 real codes, they helped us to understand the way things worked. I'm asking you to
7 do the same thing again.

8 A. [10:08:13] Now it's clearer. If we are talking about TONFAS and codes, if
9 Kony wants to give directives to a commander, he would use the TONFAS, and he
10 would select where the commander has to identify from the TONFAS and he sends
11 his message. He doesn't send a message plainly. He uses the TONFAS so that the
12 commander will interpret and say that I have been given directives to go and attack
13 such and such a place.

14 Q. [10:09:12] Just two more questions about the way the LRA communicated.
15 Firstly, when there was interference on a particular frequency, what would the LRA
16 do to make sure that communications got through?

17 A. [10:09:46] Many times if the radio is unclear, they can wait for another time
18 when the radio is clearer, then they will switch on the radio and send a message.

19 Q. [10:10:05] Can I ask you to concentrate on frequencies. How many radio
20 frequencies were used by the LRA?

21 A. [10:10:27] There were many frequencies used by the LRA. What I -- what
22 they used, I cannot recall everything, but I can confirm that there were many
23 frequencies.

24 Q. [10:10:43] And if they wanted to change frequency, how would they
25 communicate this?

1 A. [10:10:53] Many times when the LRA want to change their frequency they
2 have a particular way of communicating that let us move to this location. They don't
3 say the frequency directly.

4 Q. [10:11:31] Thank you. Last question about communications, and I'm not
5 asking you about the radio now. Apart from the radio, were there any LRA
6 commanders who would use different means of communication?

7 A. [10:12:06] The other ways -- radio was the only way of communicating, but
8 there were smaller radios known as walkie-talkies. It is only used for a short-range
9 communication. It really depends on the distance between the communicating
10 parties.

11 Q. [10:12:31] And if senior commanders of the LRA wanted to communicate with
12 the outside world, what means would they use?

13 A. [10:12:49] Outside world, I'm not understanding "outside world." Are you
14 talking about a different country or what?

15 Q. [10:13:05] No. I mean a person who isn't part of the LRA. Let's suppose a
16 commander wanted to make a phone call -- sorry, wanted to communicate with a
17 Ugandan politician or a local administrator, how would they do that?

18 A. [10:13:38] Most times they used a telephone, a mobile telephone or they can
19 use hand delivery, like people, a messenger who can be used to send a message.

20 Q. [10:14:02] To your knowledge, which commanders had mobile phones?

21 A. [10:14:19] If I recall well, the person who had a telephone was Otti Vincent.

22 Q. [10:14:31] And what would he use it to do?

23 A. [10:14:41] That phone was mainly used for communicating with people with
24 whom they have programmes, like to meet, for instance, to meet religious leaders, or
25 if they have a programme to have a meeting with someone, they would use the

1 mobile phone.

2 Q. [10:15:10] Something new now, Mr Witness. What do the words, forgive my
3 pronunciation, "Dwog Paco" mean to you?

4 A. [10:15:38] The word "Dwog Paco" was an appeal to those who were still in the
5 bush to abandon rebellion and return home or to desert the LRA and come back to the
6 government.

7 Q. [10:16:00] And how was this appeal transmitted, how was it sent out?

8 A. [10:16:14] They would use the FM radio which was in Gulu. It is called Mega
9 FM.

10 Q. [10:16:26] What kind of people would speak on the Dwog Paco radio
11 programme?

12 A. [10:16:46] Many times the people who escaped from the bush and have
13 already returned home had taken to the FM radio to appeal to those who were still in
14 the bush to come back home.

15 Q. [10:17:04] Thank you. Yesterday when you were speaking about LRA units,
16 you mentioned the Sinia brigade. Do you remember that?

17 A. [10:17:23] Yes, I do remember mentioning Sinia brigade.

18 Q. [10:17:29] When you came out of the bush in August 2004, who was the
19 commander of the Sinia brigade?

20 A. [10:17:50] The Sinia brigade commander at the time was Dominic Ongwen.

21 Q. [10:17:58] Can you tell the Court how long Ongwen had been the commander
22 of that brigade?

23 A. [10:18:18] He was commander for long, but not very long, because there were
24 changes all the time. I do not recall exactly the period he was commander of that
25 brigade.

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1 Q. [10:18:34] Fair enough. Can you tell us who was the commander before
2 Ongwen, the one immediately before him?

3 A. [10:18:44] I do not recall. Unless it was in my statement, if I see the statement
4 I can recall, because when I look at the time I wrote the statement, it's been long and
5 so many things have happened along the way and I have forgotten them.

6 MR GUMPERT: [10:19:25] Your Honour, on this occasion I am going to ask to
7 refresh on just that single point. It's tab 6, the starting ERN is UGA-OTP-0218-0544,
8 and the page that I'm going to refer to has the last four digits 0553. And for the
9 English I'm going to read line 291 and some of the lines beneath it. The equivalent
10 Acholi obviously perhaps is line 290.

11 THE COURT OFFICER: [10:20:35] Sorry, is it public or confidential on that page?

12 MR GUMPERT: [10:20:40] It's confidential.

13 Q. [10:20:49] You said, "Abudema was moved to Division Command." And
14 then lower at line 300, "That took place after the death of Tabuley." And then
15 line 303, "So the brigade commander of Sinia is not Abudema but ..." and then line 305
16 "... Ongwen."

17 Does that refresh your memory about who was the commander of Sinia before
18 Ongwen?

19 A. [10:21:44] I do not recall well, but it could be Ocan Bunia. I'm not
20 remembering properly. It should be Ocan Bunia.

21 Q. [10:22:05] Tell us about this person Abudema then that you mentioned in this
22 interview.

23 A. [10:22:36] I don't know how I should talk about Abudema. What exactly
24 should I say about Abudema?

25 Q. [10:22:44] Let me be precise. You told the interviewers that Abudema moved

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1 to division command. Where was Abudema stationed before he moved to division
2 command?

3 A. [10:23:19] Before being moved to division command, Abudema --

4 Q. [10:23:57] I wonder if you could repeat, Mr Witness. Tantalisingly the
5 answer stopped midway through.

6 A. [10:24:10] I want to ask are you still asking about number 290?

7 Q. [10:24:24] No. Forget the page. Close the book.

8 You mentioned a commander called Abudema and that he moved to command the
9 division. My question is this: What command did Abudema hold before he moved
10 to command the division?

11 A. [10:24:47] He was in Sinia.

12 Q. [10:25:00] And what position did he hold in Sinia?

13 A. [10:25:18] His position was he was the commander of Sinia brigade.

14 Q. [10:25:24] Thank you. Now I want to ask about subordinate commanders in
15 the Sinia brigade, battalion commanders. At the time that you left the bush, can you
16 remember who was the commander of the first battalion of Sinia brigade?

17 A. [10:26:01] I do not recall, but if my memory doesn't fail me, it must have been
18 Ocan Bunia. But I don't recall well.

19 MR GUMPERT: [10:26:18] Your Honours, I'm going to ask about three positions
20 about which the witness gave precise answers when he was interviewed 13 years ago.
21 I'm going to seek to refresh his memory on that matter.

22 PRESIDING JUDGE SCHMITT: [10:26:29] Yes.

23 MR GUMPERT: [10:26:31] Could we turn please to tab number 6, which is
24 UGA-OTP-0218-0544.

25 Q. [10:26:50] And I'm going to ask you to look at page 0548 and I'm going to go

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1 you to look at line 143, where you start talking about Sinia. At line 146 you said "1st
2 Battalion Ocan Labongo."

3 Does that remind you of who the commander of the first battalion was?

4 A. [10:27:41] Now that I have seen the statement, I do recall.

5 Q. [10:27:46] And the second battalion you named the commander, this is over
6 the page, 0549, as Ben Acellam. Was that correct?

7 A. [10:28:09] Yes, that is correct.

8 Q. [10:28:12] And lastly, the third battalion you named the commander as Loum
9 Isaiah. Was that correct?

10 A. [10:28:27] Yes, I remembered all of them.

11 Q. [10:28:32] Now, I want you to concentrate on Dominic Ongwen's use of the
12 radio when he was the commander of Sinia brigade. Can you remember him using
13 the radio at that time?

14 A. [10:29:07] At that time Ongwen was using the radio.

15 Q. [10:29:13] How would he behave on the radio? How would he speak on the
16 radio? Can you explain?

17 A. [10:29:34] He speaks the way other people speak on radio. It depends on the
18 mission which he has been sent for, he can change the manner of speech while on
19 radio.

20 Q. [10:29:52] Can you yourself remember an occasion when he spoke on the radio
21 after a mission?

22 A. [10:30:17] I do not recall, unless I am reminded what he was talking about
23 which I've either written in a statement.

24 Q. [10:30:27] Well, we may do that, but with respect, Mr Witness, I'm going to ask
25 you to try and think back really hard, think back, can you recall Dominic Ongwen

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1 talking on the radio that you heard when you were in the bush?

2 A. [10:30:59] Yes, I may recall some of the things that he was saying over the
3 radio while I was in the bush. He was reporting on missions that he had gone to and
4 explaining the -- explaining what he had done.

5 Q. [10:31:20] Can you remember the location, the place where any of these
6 missions occurred where you heard him talking on the radio?

7 A. [10:31:41] Yeah, I can recall some places where he was, when he went to Odek.

8 Q. [10:31:58] Very good. Anywhere apart from Odek?

9 A. [10:32:17] Could you please refresh my memory, if there is anything or if I've
10 written this down somewhere?

11 MR GUMPERT: [10:32:26] Your Honour, may I take him to one particular line?
12 This is tab number 7. The ERN is UGA-OTP-0218-0571. And the page that I want
13 to refer to is 0586 and the line number for the witness is 526 and for us in English
14 is 528.

15 Q. [10:33:13] Talking about radio broadcasts you said, "The last one I heard was
16 when Dominic Ongwen attacked Lukole" and then a little bit further down "I can't
17 remember the date." Does that remind you of a radio transmission which you heard
18 Dominic Ongwen make?

19 A. [10:33:43] Yes, I heard something to that effect over the radio, because when
20 you're on the radio, you do hear all sorts of communication over it.

21 Q. [10:33:59] Mr Witness, in a moment I'm going to play you some sound
22 recordings, but just before we get to that point, still remembering back to when you
23 were in the bush, can you remember how Kony or Otti or other senior commanders
24 reacted when Dominic Ongwen made these reports about missions, say, at Lukole or
25 Odek?

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1 A. [10:34:40] If you -- if you play that, if you play the recordings, then I will tell
2 you who is -- who is speaking and I will be able to explain what is happening and
3 what was done.

4 Q. [10:34:54] Mr Witness, I'll do that in a moment, but please, just for this one
5 question, I'm asking you to try and remember back, before we hear anything, can you
6 remember how Kony and Otti would react to Dominic Ongwen's reports of attacks?

7 A. [10:35:25] On most occasions they were happy because he would have gone
8 and implemented an order that they had issued.

9 PRESIDING JUDGE SCHMITT: [10:35:41] I think you should move on.

10 MR GUMPERT: [10:35:44] I intend to, your Honour. Yes, I shall.

11 There are eight sound recordings which I intend to play. They are fairly brief, I think
12 the longest is six minutes.

13 PRESIDING JUDGE SCHMITT: [10:35:59] Of course when you, yourself, bring
14 into play minutes and time, I want to use the opportunity to ask you do you have an
15 estimate how long the examination is going to last of this witness, your examination?

16 MR GUMPERT: [10:36:19] Judging from how matters went previously when
17 recordings were played, I think between an hour and an hour and a half.

18 PRESIDING JUDGE SCHMITT: [10:36:29] Please continue.

19 MR GUMPERT: [10:36:31] I'm grateful.

20 MR TAKU: [10:36:32] Your Honours, I want to also take the opportunity to inform
21 the Court that we apply to add two items to our binder. We sent an email this
22 morning. And during the cross-examination we will use these items. It's fairly
23 easy, it's material that had already come before the Court in one form or another. So
24 we will send an email to that effect. So I want to let parties know, your Honour.

25 PRESIDING JUDGE SCHMITT: [10:37:01] I think this will not be an issue that will

1 be disputed.

2 MR TAKU: [10:37:06] Thank you, your Honour.

3 PRESIDING JUDGE SCHMITT: [10:37:08] Please, Mr Gumpert.

4 MR GUMPERT: [10:37:09] I'm sorry, I was distracted, I'm not quite sure what the
5 issue is. But I'll take it that your Honour is right, that it won't be disputed and I'll
6 move on.

7 I'm going to ask now that the first sound recording be played. It will follow the
8 same pattern. On our screens but not the witness's will appear the transcript. We'll
9 all hear the spoken Acholi.

10 Q. [10:37:32] Mr Witness, I'm going to ask you to listen carefully to this sound
11 recording, and when it's finished I'm going to ask you who was speaking and
12 generally what they were talking about.

13 I'm reminded that you might want to have a pen and paper in case you want to take
14 notes.

15 PRESIDING JUDGE SCHMITT: [10:37:58] So please, Mr Court Usher, please give
16 him pen and paper.

17 MR GUMPERT: [10:38:05] So this is sound recording UGA-OTP-0235-0038. And
18 the video is one which can be played in public, can appear on the public screens.

19 (Playing of the audio excerpt)

20 MR GUMPERT: [10:40:39]

21 Q. [10:40:44] Did you recognize any of the voices we heard speaking, and if you
22 did, tell us who they were?

23 A. [10:40:57] Well, the voices I recognize, there is Ocen. There's somebody whose
24 voice I did not recognize who was coming on air and Ocen asked the person, "Oh, I
25 do not get you."

- 1 And then later on somebody mentioned Madilu's name. I do not actually recognize
2 that person's voice either.
- 3 Kony then came on air. Dominic came on air. And Dominic said, "Oh, I've just
4 come back from mission."
- 5 And they asked him, "Where have you been?"
- 6 He responded, "I've been on mission to Odek."
- 7 And Kony said, "Oh, that's it." So when Kony said, "Oh, that's it," he asked -- Kony
8 asked, "Odek centre?"
- 9 And Dominic responded, "Both the centre and the barracks."
- 10 Kony asked, "Have you killed -- have you killed everybody? Did you eradicate
11 everybody?"
- 12 And Kony said -- Dominic said, "Completely."
- 13 Kony asked, "Is there firewood?" referring to guns.
- 14 Dominic responded, "Yeah, we do have -- there is firewood." And Dominic said,
15 "Okay, I have to keep on moving because the soldiers are still coming. There's going
16 to be a division among the soldiers and I'll inform you later of the -- when we connect
17 up later."
- 18 And that's my understanding of the conversation.
- 19 Q. [10:43:01] Thank you. I'm going to ask that you be referred to tab 21, that's
20 UGA-OTP-0262-0298, and the page I'm starting at is 0336. The timestamps of the
21 recording that we have just heard are from 00.05.44 to 00.07.40.
- 22 Mr Witness, in the left-hand side of this page, on the left-hand side of this page we see
23 some handwritten initials. Who wrote those initials?
- 24 A. [10:44:11] The handwritten, the handwriting, the handwritten annotations,
25 that's my handwriting. I'm the one who wrote that down.

- 1 Q. [10:44:21] And I want to ask you about three of those initials. OCE, what
2 does that stand for? Who does that indicate?
- 3 A. [10:44:37] OCE is Ocen abbreviated.
- 4 Q. [10:44:53] JK?
- 5 A. [10:44:57] That refers to Joseph Kony.
- 6 Q. [10:45:08] And DO?
- 7 A. [10:45:11] That refers to Dominic.
- 8 Q. [10:45:14] And do we understand correctly that you've put these initials in the
9 margin to indicate who is speaking?
- 10 A. [10:45:29] Exactly.
- 11 Q. [10:45:30] You've made just a few changes and I'm going to go to those. Can
12 you turn over the page to 0337 and line 748. Can you see that line? You made a
13 change there to the original transcript. Can you read out what you actually heard?
- 14 A. [10:46:06] Can you please repeat the number?
- 15 Q. [10:46:08] Sure. It's line 748. That's on the right-hand side. And it's
16 passage of speech which begins with the word "Iyweyo."
- 17 A. [10:46:32] Yes, I'm at that line.
- 18 Q. [10:46:35] Sorry, I'm probably not being very clear. You changed the original
19 transcript just a little bit, a couple of words. I'd like you to read to us what you think
20 was actually said at that moment, please.
- 21 A. [10:47:00] 748 reads like this: "You've cleaned the backsides of my mother, all
22 of them, right?" That's it.
- 23 Q. [10:47:11] And what did the speaker mean when they said "you've cleaned the
24 backside of my mother"?
- 25 A. [10:47:25] Well, my understanding, according to LRA language, have you

1 eradicated everybody?

2 Q. [10:47:37] Thank you. Down at the bottom of that same page, 0337, you've
3 made another small change. It's in line 765. Can you read out the words that you
4 believe were spoken by Joseph Kony?

5 A. [10:48:08] He's asking, "Is there firewood?"

6 Q. [10:48:12] And what does "firewood" mean in that context?

7 A. [10:48:22] According to LRA speak, he's asking whether Dominic recovered or
8 seized guns during his mission?

9 Q. [10:48:37] Last question for this sound recording. Line 772, you've crossed
10 out the word "unintelligible" and you've written in the words "Lanyata lanyata."
11 Can you read to us what you believe was said by Dominic Ongwen there?

12 A. [10:49:06] I crossed that out because Dominic said, "Because faya is still
13 behaving lanyata lanyata," but to my understanding this means that he wants to split
14 up his army into small groups. Lanyata is something that is used to feed fish. So
15 when you're using it for fishing, you cut it into small bits. So the term was used to
16 split up his men into smaller groups.

17 Q. [10:49:54] Thank you. Could we close the binder for a moment, because I'm
18 going to be asked that you be played another sound recording now. It's from the
19 same parent sound recording, 0235-0038, but we're starting now at timestamp
20 00.23.32.

21 Apologies. Giving wrong directions, getting muddled. In fact, although it is the
22 same parent ERN, the starting timestamp is 00.20.35. That's what will be displayed
23 on your Honour's screens.

24 (Playing of the audio excerpt)

25 MR GUMPERT: [10:52:26]

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1 Q. [10:52:29] Whose voices did you hear and what were they talking about?

2 A. [10:52:42] Well, the ones I recognized, Kony's signaller, he contacted Otti

3 Vincent, and during the conversation Otti asked Kony's signaller that "Has Tem Wek

4 Ibong come back on air?" and the signaller responds, "No, not yet."

5 Q. [10:53:13] And now I'd ask that you be shown the same tab, 21, with ERN

6 0262-0298 and turn to page 0353. Whose handwriting is it on the left-hand side of

7 the page, Mr Witness?

8 A. [10:54:04] That's my handwriting.

9 Q. [10:54:05] You've already explained to us what the initials OT and DO mean,
10 but there's a new one here, LBP, what does that stand for?

11 A. [10:54:23] It stands for Labalpiny.

12 Q. [10:54:31] And who was Labalpiny?

13 A. [10:54:38] It was Kony's signaller.

14 Q. [10:54:42] Just one thing I ask you to explain from this sound recording, it's at
15 line 1117. What do you understand Vincent Otti to be saying there?

16 A. [10:55:12] Otti Vincent was asking if Dominic was on air or if he had sent the
17 message or whatever it is that he had said he would send earlier.

18 Q. [10:55:34] Thank you. The concluding timestamp for that little clip was
19 00.22.00 for the record.

20 The next clip is six and a half minutes, and there is some questioning, so it may be the
21 break is indicated.

22 PRESIDING JUDGE SCHMITT: [10:55:53] Indeed. We have the break until 11.30.

23 THE COURT USHER: [10:55:58] All rise.

24 (Recess taken at 10.56 a.m.)

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

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

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:31:32] Mr Gumpert.

4 MR GUMPERT: [11:31:40] The next sound recording is still from the same parent
5 ERN, 0262-0298, and it begins at timestamp 00.23.32 and concludes at timestamp
6 00.30.00. And we're going to play that now.

7 (Playing of the audio excerpt)

8 MR GUMPERT: [11:38:49]

9 Q. [11:38:50] Whose voices did you recognize speaking in that sound recording?

10 A. [11:39:04] The voices that I recognized in the recording include that of
11 Otti Vincent. When they met he was talking to Dominic and Dominic was reporting
12 the outcome of his mission in Odek and outlining the weapons which he recovered
13 from Odek during the Odek attack. Among them is a gun called PK. There was
14 one PK and its chain of ammunition with 200 bullets, the four of them. There was
15 one RPG pipe with its ammunition. There were two LMG guns. There were five
16 SMG guns and 30 full magazines of ammunition. There was also ammunition of a
17 mortar known as 60-millimetre mortar. There were five bombs. He also outlined
18 10 uniforms, 10 gumboots, and then a bag, a back bag known as peg were also 15.
19 And then enemy casualties, that's the government troops, were nine. And he also
20 said many civilians lost their lives. He did not give the number of the civilian
21 casualties.

22 That's what I heard.

23 MR GUMPERT: [11:41:10] Could the witness be shown please tab number 21.

24 The ERN for that tab is 0262-0298 and the page I'd ask that he be shown is 0355.

25 Is that your handwriting with the initials in the left-hand margin?

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- 1 A. [11:42:01] Yes, it is.
- 2 Q. [11:42:03] Indicating by the use of initials, for example, "DO",
3 Dominic Ongwen, who you believe to be speaking; correct?
- 4 A. [11:42:18] Yes, indeed.
- 5 Q. [11:42:19] Just one or two lines where you've made some changes. Could you
6 turn to page 0357, line 1219. You crossed out the word "unintelligible" and wrote
7 something else in. Could you read to us what you believe was said at that stage?
- 8 A. [11:42:57] This is how it reads: 200 -- "that four PK." But it says "the PK with
9 200 ammunition, 200 rounds of ammunition."
- 10 Q. [11:43:21] So this is the gun you were talking about earlier, the PK gun, yes?
- 11 A. [11:43:33] The PK that they talked about that was recovered also has a chain of
12 bullets. Each chain has 200 rounds of ammunition. There were four chains that
13 were recovered.
- 14 Q. [11:43:50] And three other points at which you have heard what was
15 previously "unintelligible," the first is line 1235. What was the heard you heard
16 there?
- 17 A. [11:44:21] There they're talking about gumboots.
- 18 Q. [11:44:27] Line 1246, what did you hear which was previously unintelligible?
- 19 A. [11:44:43] That place was "unintelligible," it was "peg" or a back bag.
- 20 Q. [11:44:51] And lastly, line 1286, what did you hear there?
- 21 A. [11:45:10] There he said "60-millimetre bomb," the 60-millimetre bomb.
- 22 Q. [11:45:20] Thank you, Mr Witness. We're done with that recording.
23 I gave the wrong ERN, my apologies for that. The sound recording we've just been
24 listening to is part of 0238-0038.
25 The next sound recording I want to play is from UGA-OTP-0235-0015, and the

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1 timestamp starting is 01.32 and it finishes at 06.12.

2 We'll listen to this now, please, Mr Witness.

3 (Playing of the audio excerpt)

4 MR GUMPERT: [11:51:00]

5 Q. [11:51:00] Mr Witness, whose voices did you recognize and what were they
6 talking about?

7 A. [11:51:15] What I understood, I -- I recognized the voice of Dominic who was
8 talking about diamond, and then Kony asked if the diamond -- what the diamond
9 was like. And Dominic answered that it was grade A. And then Kony asked him
10 to take care of it, to ensure it's well kept, it should not be given to the foot soldiers, but
11 to an officer who should keep it. And then Kony said that it seems the diamond is
12 from Congo. So he asked that what rank the person who found the diamond was
13 and Dominic reported that the person who found the diamond was a second
14 lieutenant, which means he was the second in command of the commander who led
15 the attack. And then Kony asked for his name and Dominic said he was called Okot
16 Martin.

17 Later, Dominic said that the diamond should be sent to Kweri, Kweri in the LRA
18 referred to Otti Vincent, that means it was supposed to be sent to Otti Vincent.
19 That's what I understood.

20 Q. [11:52:58] Thank you, Mr Witness. I'm going to ask that you be shown the
21 transcript which is at tab 19, the ERN is 0262-0205. And if we could go to page 0207.
22 Have you adopted the same procedure here by writing down the initials, like DO for
23 Dominic Ongwen, of the people you believe are speaking in the left-hand margin?

24 A. [11:53:53] Can you repeat your question?

25 Q. [11:53:55] Yes. I'm looking at the left-hand margin of page 0207 and once

- 1 again, we can see somebody has written, in hand, initials against each voice.
- 2 A. [11:54:20] Yes. I've seen the handwriting. It's my handwriting.
- 3 Q. [11:54:25] And the initials indicate who is speaking, yes?
- 4 A. [11:54:30] Yes, it does.
- 5 Q. [11:54:32] Focus on lines 28 and 29 on that page, if you would. As I
- 6 understand it you're saying the speakers are Dominic Ongwen and Labalpiny. You
- 7 crossed out the word "Simon." What was actually said?
- 8 A. [11:55:01] I crossed out "Simon" because they were talking about "diamond."
- 9 Q. [11:55:11] Thank you.
- 10 Would you go to line 60. You've made a correction here. I'd like you to read out
- 11 what you believe was said and also to explain to the Court what the meaning is
- 12 behind the words.
- 13 A. [11:55:46] Number 60 says that "I said do not -- do not give any of the foot
- 14 soldiers to hold it, put in an officer's bag, over."
- 15 This means that he should -- it should not be given to a soldier of a lower rank, it
- 16 should be given to an officer with a higher rank to keep -- to keep it.
- 17 Q. [11:56:26] Can you go to line 87. You've made a correction there. What was
- 18 actually said?
- 19 A. [11:56:41] There Otti was calling Tem Wek Ibong, but it wasn't written well, so
- 20 I corrected Ibong, so the full statement is Tem Wek Ibong.
- 21 Q. [11:56:58] And lastly, could you go to line 108. You've made a correction
- 22 there. Tell us what you believe is said and what it means.
- 23 A. [11:57:22] Joseph Kony was telling Dominic that it should be taken, that thing
- 24 should be taken to "Kweri, it shouldn't stay with him," that means it should be sent to
- 25 Otti Vincent, the diamond should be sent to Otti Vincent.

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1 Q. [11:57:39] Thank you, that's all I have for that tab. So if we could close the
2 binder.

3 And I'm going to play you now, Mr Witness, another sound recording. The ERN is
4 0239-0123. And I'm going to ask you be played a passage that lasts just over a
5 minute from the timestamp 00.23.31 to 00.24.54.

6 (Playing of the audio excerpt)

7 MR GUMPERT: [11:59:56]

8 Q. [11:59:57] Whose voices could you hear and what were they talking about?

9 A. [12:00:05] I heard Otti. Dominic was on air, Dominic came on air. And they
10 asked, "Who attacked Lukodi?"

11 There's a place that is not very clear. Dominic was speaking, but you could not
12 actually hear what he was saying.

13 Dominic -- Otti then said, "I heard they burnt about a hundred houses."

14 Q. [12:00:53] Mr Witness, I'm going to ask that you be shown tab 20, which has
15 the ERN 0262-0235. And I'm going to ask that you be shown page 0288, which may
16 be hard to identify because the page number has been covered over by a redaction.

17 But page 0287, the preceding page is clearly legible. It starts the relevant page with a
18 timestamp 22.51.

19 Mr Witness, in the left-hand margin we can see some handwritten initials. Who
20 wrote those?

21 A. [12:02:23] I did.

22 Q. [12:02:27] I want you to concentrate, if you would, on the passage of five or six
23 lines which begins at timestamp 23.42. Can you see that?

24 A. [12:02:51] Yes, I can.

25 Q. [12:02:54] Who was speaking and what did they say?

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1 MR TAKU: [12:03:12] Your Honour, I think my colleague has to rephrase the
2 question. The witness has listened to the audio and has given you a specific answer.
3 And my colleague is showing him this, he has recognized his initial. I think he
4 should rephrase the question not to ask in this, in this particular way.
5 We note that he's giving answers, he listened some times ago and took a particular
6 position which may be here, we do not know whether he's wrong, what recorded here
7 or not, we do not know. But he has given a clear answer, and if my colleague is
8 going to show him this, maybe they showed him this at that point in time and he
9 initialled it. There is no question who is speaking here. That cannot be the
10 question. He should rephrase the question about the material that was shown to
11 him, and he look at it and why he initialled it.

12 PRESIDING JUDGE SCHMITT: [12:04:02] So where are we exactly so that we have
13 a look at it? Line, which line are we, Mr Gumpert?

14 MR GUMPERT: [12:04:10] It's line -- well, this transcript doesn't have line
15 numbers.

16 PRESIDING JUDGE SCHMITT: Yes.

17 MR GUMPERT: But it does have timestamps, so we're nearly as well equipped.
18 And on this page, in the right-hand column one sees the timestamp 23.42. My
19 understanding of the witness's evidence is that this is a transcript which he has seen
20 and marked before in exactly the same way as he has done with other transcripts.

21 PRESIDING JUDGE SCHMITT: [12:04:40] Yes.

22 MR GUMPERT: [12:04:41] And I am asking him in the light of this, who was
23 speaking and what they were saying.

24 PRESIDING JUDGE SCHMITT: [12:04:46] I think there is no problem in it
25 because -- because, Mr Taku, we have, like we had it many times before, handwritten

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1 abbreviations so to speak of the person. And if it is clarified with the witness that he
2 was the one who did it, then you may ask him what this abbreviation means.

3 MR TAKU: [12:05:10] Your Honour, with due respect, your Honour, the others
4 previously were able to say that, look, to give some background to say that, look,
5 these documents were given to us, we did not -- we are not the authors of these
6 documents. And therefore it was shown to us for this particular purpose. That
7 evidence has not been decided. He's been shown this to say -- to ask a direct
8 question exactly if that were correct. That's what's -- I mean it goes now to the
9 truthfulness of what might be here, but which may conflict with what -- the
10 demonstration that have taken place in your presence and what the answer he has
11 given.

12 So that foundation may be laid first. We don't know yet. Maybe he did this, maybe
13 this is what he wrote. We do not know exactly yet. That's my concern.

14 PRESIDING JUDGE SCHMITT: [12:06:04] No, but as I said, we have first to verify,
15 to clarify who has made this handwritten abbreviation, and then it would follow the
16 procedure we had a couple of times already, and then you can ask what this means,
17 which person is, so to speak, meant by this abbreviation.

18 But of course, Mr Taku, it's correct that we have to clarify with the witness if this is his
19 handwriting and if he is the author of that.

20 Please continue.

21 MR GUMPERT: [12:06:36] I'm sorry if I've taken that too shortly. I had thought
22 that it was understood, but if it's not.

23 Q. [12:06:44] Mr Witness, have you seen this document before?

24 A. [12:06:59] Yes, I've seen this document before.

25 Q. [12:07:01] Who showed it to you?

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1 A. [12:07:11] To my recollection, the document was shown to me when I met the
2 team from the ICC.

3 Q. [12:07:23] Were you played a sound recording when you looked at this
4 document?

5 A. [12:07:46] Yes, I listened to a sound recording.

6 Q. [12:07:48] And having listened to the sound recording, was it you who made
7 the annotations, the initials in the left-hand margin?

8 A. [12:08:09] Yes, the handwriting on the left-hand side, the initials, that's my
9 handwriting to indicate the speaker.

10 Q. [12:08:17] If there was anything wrong in the document, any wrong
11 transcription, what did you do?

12 A. [12:08:35] If there's something wrong in the document I would correct it so
13 that it relates to the whole document. And that depends on what I've heard on the
14 recording.

15 Q. [12:08:51] Thank you. That's very clear.

16 Now, I'm going to go back to ask you about those four lines that I was asking you
17 about a moment ago, so we're on page 0287 and we're at the timestamp 23.42. Can
18 you see that line, V32 it says and timestamp 23.42. Perhaps it can be pointed out to
19 you.

20 A. [12:09:24] Yes, I'm looking at it.

21 Q. [12:09:26] Who was speaking there and what did they say?

22 MR TAKU: [12:09:35] Your Honour, I'm afraid I have to stand again. He has said
23 the people who spoke there, what did they say? He repeated when he heard exactly
24 when he demonstrated before your Honours what you heard now. Now, he has also
25 said the people who -- you can ask that who were the people involved in this

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1 (inaudible)? Who -- what did they say? It's on the paper here before. You look at
2 this version and you look at the answer he has given today when he was
3 demonstrated and you make a determination. But he says, well, what do they say?
4 He's just going to read what is on paper. That wouldn't be his answer.

5 PRESIDING JUDGE SCHMITT: [12:10:13] You could say it is called sort of
6 repetitive because it has already been said. But I think we can do it for these four
7 lines, we can do the exercise, please, and then we really are mindful of being not too
8 repetitive. Also with regard to perhaps future witnesses that might come and are
9 going to be played perhaps similar or the same intercepts, but this is only
10 foreshadowing future witnesses. I'm not exact, I don't know of course exactly what
11 you envision to do with further witnesses of the Prosecution.

12 MR GUMPERT: [12:10:54] There's I think I'm right in saying one more witness to
13 come of this nature. The remark -- I'll keep this very brief, now is not the time -- but
14 the material of course is repetitive, it's the same material. The Prosecution's case is
15 that there are different witnesses who are making remarks which may or may not
16 coincide, and that is an important part of the Prosecution case.

17 PRESIDING JUDGE SCHMITT: [12:11:24] It was only a remark by the Presiding
18 Judge so also to keep you a little bit attentive to the fact that too much repetition is not
19 perhaps necessary, not more, not less. Please continue.

20 MR GUMPERT: [12:11:40] I shall.

21 Q. [12:11:42] So, Mr Witness, we're back to timestamp 23.42, which I think you
22 had identified a moment ago. Who is speaking and what are they saying?

23 A. [12:12:04] Well, I heard what they said and who was speaking.

24 Q. [12:12:10] Tell us.

25 A. [12:12:21] Well, at 23.42 Kony asked "Who attacked Lukodi?" Dominic

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1 responded. But there is one place that is unintelligible.

2 Q. [12:12:40] But apart from the place which is unintelligible, what could you
3 hear that Dominic said?

4 A. [12:12:57] At the beginning he said, "Ah, that's it", but after that it's not clear.
5 And then later I see "Ah, eno an", which that is, "Is that it?" But later on he says
6 something, but then it's not clear, it's not clear whether he's saying "Ah, is that it?" or
7 "Ah, I am the one." It's not clear.

8 Q. [12:13:28] And at line 2346 what can you hear there?

9 A. [12:13:53] At 23.46 I heard "It's me. Over." But I do not understand to what
10 he -- what he's referring to when he says "It's me. Over."

11 Q. [12:14:08] Very well. Just one more clarification from this document. It's on
12 the next page, 0289.

13 PRESIDING JUDGE SCHMITT: [12:14:20] Perhaps may I shortly interrupt.

14 Mr Witness, I have a question to you. You have just told us of what you hear at the
15 timestamp 23.46. What is being said in the line above? You see this is also "V32",
16 and on the left side there is a "JK" and I read it, I of course do not know the language,
17 "Kong inwoo". What does that mean?

18 THE WITNESS: [12:15:04] (Interpretation) Kony asked -- Kony said "Can you please
19 repeat?" Then afterwards the response is "Ah, it's me. Over." But whatever he
20 was responding to saying "It's me. Over", I'm not sure what that relates to.

21 PRESIDING JUDGE SCHMITT: [12:15:30] Thank you, Mr Witness.

22 Please, Mr Gumpert.

23 MR GUMPERT: [12:15:34]

24 Q. Last question on this document. On page 0289, again it's obscured, for what
25 it's worth there is a page 55 in the middle at the bottom if that helps, there's this

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1 exchange: You've put the initials OT, and we read the words "They killed over fifty
2 people ... twenty five." And then against the initials DO the words "That is still few.
3 Over."

4 Do you see that exchange?

5 I want you to explain to us what it is that you understand by those words?

6 A. [12:16:50] My understanding of this is Otti was saying "They killed over 50
7 people." And then I also see "twenty five."

8 Q. [12:17:21] It's really the next answer which I'm having difficulty
9 understanding. You've marked DO saying "That is still few." What does that mean?
10 How should we understand that?

11 A. [12:17:45] The response "That is still few" that means that whatever happened
12 was small scale and it should happen on a larger scale.

13 Q. [12:18:03] Thank you.

14 I'm going to move now to the next sound recording. There are two clips from this.
15 The sound recording ERN is 0235-0049. And the timestamp of the first extract is
16 00.16.03 to 0.19.21.

17 So if we could close the binder, Mr Witness, and if you'd listen carefully to these three
18 minutes or so.

19 (Playing of the audio excerpt)

20 MR GUMPERT: [12:22:15]

21 Q. [12:22:16] Whose voices could you hear and what were they talking about?

22 A. [12:22:26] I heard Dominic and Raska Lukwiya. Dominic was telling Raska
23 Lukwiya that he went to warm the boys -- to warm up the boys, which means he
24 went for battle. Dominic said while on his way -- while on his way to carry out his
25 mission the civilians became aware of their presence. So when the civilians became

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1 aware of their presence, he lined up the soldiers that were with him and he sent them
2 to fight. While they were fighting an armoured car known as a mamba came and
3 started shooting at them. There were three mambas. The three mambas were in
4 the valley, the river valley and started shooting at them. That's what I heard.

5 Q. [12:23:49] I'm going to ask that the witness be shown the document which is at
6 tab 22. The ERN is 0262-0363. And the page I'm going to refer him to is 0381.

7 Mr Witness, whose handwriting is that in the left-hand margin?

8 A. [12:24:39] That's my handwriting.

9 Q. [12:24:43] We've seen some of those initials before. DO you told us for
10 Dominic Ongwen, OCE for Ocen, but I don't think we've seen LOK before. Who did
11 you mean to indicate when you used the initials "LOK"?

12 A. [12:25:10] That is Raska Lukwiya.

13 Q. [12:25:12] And can you remind us what position Raska Lukwiya held in the
14 LRA hierarchy?

15 A. [12:25:28] Raska Lukwiya was a senior commander. And at the time he had a
16 radio.

17 Q. [12:25:36] Thank you. One or two moments or lines where you've made
18 corrections. Line 408, you corrected that. What was actually said?

19 A. [12:26:01] This is how it reads: Dominic said "I've just come back from
20 warming the boys, warming the boys, over."

21 Q. [12:26:11] And you explained to us what that means so I won't ask you again.
22 Can you go to line 434. You mark this as Dominic Ongwen speaking and you
23 corrected the "unintelligible". What did you hear? What words did you hear?

24 A. [12:26:40] It reads: "Yesterday I went" -- I went and attacked somewhere. It
25 says, my interpretation is "Yesterday I attacked a place."

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1 Q. [12:26:55] Thank you.

2 Line 450. Again, you've indicated that Ongwen is speaking and you crossed out
3 "unintelligible". What words did you hear?

4 A. [12:27:17] He said "Mambas started firing at us. Over." Meaning the mamba,
5 the armoured car, was shooting at them.

6 Q. [12:27:35] And at line 458 you've made another correction. What words did
7 you hear?

8 A. [12:27:55] He said "I started lining up my men -- I started lining up my men to
9 attack the army. Over. And all the soldiers ran away. Over."

10 Which means that even by the time that he lined up his soldiers and started
11 fighting -- and started firing at them, before the armoured cars came, the soldiers had
12 already ran away because the civilians were already aware of their positions.

13 Q. [12:28:33] One last question. Line 467, you've indicated "Dominic Ongwen
14 speaking," you've crossed out "unintelligible". What words did you hear?

15 A. [12:28:54] I heard -- I believe he was asked "Did anything bad befall you
16 guys?" And he responded "No, not on us."

17 Q. [12:29:12] Thank you. I'm going to ask that you be played another portion of
18 this same sound recording. And the timestamp for this portion is 00.20.33 to
19 00.24.07.

20 (Playing of the audio excerpt)

21 MR GUMPERT: [12:33:33]

22 Q. [12:33:33] Mr Witness, who was speaking and what were they saying?

23 A. [12:33:52] I could hear the -- first of all, Kony's signaller was on air, then
24 Dominic joined the network. He was talking about a mission that he was supposed
25 to go and conduct, but he did not succeed. Then Kony told him that before planning

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1 you should have sent some people to go and check that place, or they should first go
2 and abduct some civilians to tell you the situation before going there. He also said
3 that he had done that and the civilians were fleeing, they would not accept. That is
4 what I understood.

5 Q. [12:34:52] Could the witness be shown, please, tab 22, which is a transcript
6 with the ERN number 0262-0363, and in particular the page with the number 0386.
7 Mr Witness, whose handwriting do we see in the left-hand margin of this and the
8 succeeding pages of this transcript?

9 A. [12:35:45] That is my handwriting.

10 Q. [12:35:47] And have you used the same system of putting initials to indicate
11 the people who, when you listened to the sound recording, you believed were
12 speaking?

13 A. [12:36:06] Yes, indeed, I used the same system.

14 Q. [12:36:08] As I understand it, it's only where you believe that the transcript
15 was incorrect that you have made corrections in handwriting; is that correct? Do I
16 understand right?

17 A. [12:36:42] I have not understood about the changes. Can you repeat the
18 question?

19 Q. [12:36:47] Yes. I'm trying to move quickly. Over this page and the next four
20 pages you've indicated who's speaking, but you haven't made any other changes, is
21 that because you were satisfied that the transcript was correct?

22 A. [12:37:13] Yes, where you see no changes it means that whatever I heard has
23 been written down.

24 Q. [12:37:21] Then I haven't got any questions for you about this document.

25 Thank you.

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1 Can we move on to the penultimate sound recording. The ERN of this sound
2 recording is UGA-OTP-0235-0043, it is track number 2, and the timestamp is from
3 04.03 to 10.00.

4 Listen carefully please, Mr Witness.

5 (Playing of the audio excerpt)

6 MR GUMPERT: [12:43:40]

7 Q. [12:43:40] Mr Witness, whose voices did you hear and what were they talking
8 about?

9 A. [12:43:56] I heard the voice of -- the voices of Joseph Kony and Vincent Otti.
10 They were talking about Odongo and Onen in regard to a mission that they went for
11 and they did not perform well. They were complaining about the performance of
12 those people and Otti should arrest or apprehend those people because they are lazy
13 and that if their future missions should -- those people should not be assigned
14 soldiers because they will not perform. Kony gave an example of how well Dominic
15 works, he plans well and the result is always positive.
16 That is what I heard, plus many others which I cannot remember all.

17 Q. [12:45:01] Could the witness be shown the document which is at tab 23, that's
18 the transcript with the ERN 0262-0399, and turn to page 0404.

19 Mr Witness, again we see initials used in the left-hand column. Is this your
20 handwriting indicating who you believe is speaking?

21 A. [12:45:53] Yes, that is my handwriting and indicates the speaker.

22 Q. [12:45:59] I want to ask you about just one of the passages, it's row 66. And
23 you've indicated that you believe the speaker is Joseph Kony, JK. And, as I
24 understand it, what you heard is Kony saying:

25 "Also those who disobey orders deliberately like those of Odongo and Angola who do

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1 misbehave, quarreling, and hurling insult at each others, what have you, I have noted
2 all those."

3 A. [12:46:50] Yes, that is true.

4 Q. [12:46:53] Leave the transcript aside. I think you mentioned both Odongo
5 and Angola before. What were the consequences for them, what happened to them
6 when, as Kony thought, they had deliberately disobeyed his orders?

7 A. [12:47:31] I need to think. I need to recollect what happened to them.
8 Can I request that you repeat the question?

9 Q. [12:48:07] Let me ask it in a different way: Do you know where either
10 Odongo or Angola are now, today, February 2017?

11 A. [12:48:31] I do not know where they are.

12 Q. [12:48:35] All right. What about when you came out of the bush in
13 (Redacted), where were they then or what were they doing at that time?

14 A. [12:48:55] When I escaped they were still in the bush and they were
15 commanders leading the different units that they were assigned to command.

16 Q. [12:49:08] So in (Redacted) they remained in command of their units?

17 A. [12:49:25] When I returned home in (Redacted) they remained
18 there, so it was not easy for me to know that they were still commanders or they were
19 no longer commanders.

20 Q. [12:49:42] Had you heard anything about them no longer being commanders?

21 A. [12:49:57] Since then I never heard anything.

22 MR GUMPERT: [12:50:04] I'm going to move to the last sound recording.

23 MR TAKU: [12:50:07] Your Honour, before my colleague moves, I think the
24 witness talked about Onen. We're seeing Angola for the first time now, but he
25 talked about Onen, Onen and Odongo. I don't know whether Onen is the same like

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1 Angola, I do not know.

2 PRESIDING JUDGE SCHMITT: [12:50:26] Perhaps, Mr Gumpert, you can pick this
3 question up if this is the same person so Mr Taku would not have to pick it up when
4 it is his turn.

5 MR GUMPERT: [12:50:56]

6 Q. [12:50:56] Mr Witness, you've seen line 66 and the mention of Angola. Can I
7 ask that you're referred to line 107. And we see there mention of "Onen." What can
8 you tell us about Angola and Onen, who are they?

9 A. [12:51:37] Angola is the one known as Onen. His surname is Onen. The
10 name Angola was given to him later.

11 Q. [12:51:51] Thank you. We'll move on, please, then to the last sound recording,
12 which is an extract from ERN 0239-0112.

13 Your Honour, almost the last question which arises out of this is going to necessitate
14 private session again, so we're bookending the witness in that way.

15 Perhaps that could be played now to the witness.

16 And listen carefully, Mr Witness, to this which is timestamp 12.25 to 15.48.

17 (Playing of the audio excerpt)

18 MR GUMPERT: [12:56:08]

19 Q. [12:56:08] Whose voices could you hear and what were they talking about?

20 A. [12:56:21] The voices I recognized are that of Vincent Otti and Joseph Kony.
21 Joseph Kony was telling Otti, as -- as a prophet, someone possessed by the spirit that
22 the spirit had instructed him to promote people. And he started sending the names
23 of those who had been promoted. Among them Joseph Kony and then Lakati and
24 then --

25 Q. [12:56:57] Mr Witness, I'm going to interrupt you.

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1 A. [12:56:59] -- Tulu.

2 Q. [12:57:01] I'm not going to ask you to name all of the people. Could you
3 instead be shown -- I apologise if that's improper.

4 PRESIDING JUDGE SCHMITT: [12:57:13] Why not? If he has the recollection, let
5 him, let him speak out the names.

6 MR GUMPERT: [12:57:16] Carry on.

7 A. [12:57:22] Thirdly, Tulu; Ocen signaller; there was Ocan Labongo, the fifth; the
8 sixth was Dominic, who was called Odomi; and then Michael Odek; then Okot Odek;
9 a commander called Kwo Yelo; and then they called the name Anywar signaller; and
10 finally, Otti Vincent.

11 Q. [12:58:01] Could the witness be shown tab number 24, which is the transcript
12 with the ERN 0262-0425, and in particular page 0438.

13 Is this your handwriting in the left-hand margin, Mr Witness?

14 A. [12:58:45] Yes, it is my handwriting.

15 Q. [12:58:46] And I think you've already told us who you mean to denote by the
16 various initials, but I don't believe we've seen AB before. That's at line 251. Who
17 did you mean to indicate by that?

18 A. [12:59:22] That was Abudema who spoke.

19 Q. [12:59:30] Thank you. Apart from the initials indicating who's speaking there
20 are no corrections that I can see. Is that because you were satisfied that the transcript
21 was already correct?

22 A. [12:59:53] Yes, it is correct.

23 Q. [12:59:56] Thank you.

24 One last question for which we will have to go into private session.

25 PRESIDING JUDGE SCHMITT: [13:00:01] Private session, please.

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- 1 (Private session at 1.00 p.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
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- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Open session at 1.02 p.m.)

3 THE COURT OFFICER: [13:03:05] We are in open session, your Honour.

4 PRESIDING JUDGE SCHMITT: [13:03:07] Thank you very much.

5 I would like to ask the representatives of the victims if they have any questions to put
6 to the witness?

7 MS MASSIDDA: [13:03:17] We have no question, your Honour. Thank you.

8 PRESIDING JUDGE SCHMITT: [13:03:21] Mr Manoba?

9 MR MANOBA: [13:03:23] Your Honour, we do not wish to question this witness.

10 PRESIDING JUDGE SCHMITT: [13:03:26] Thank you very much.

11 Then we have the lunch break until 2.30 and then the Defence starts its questioning.

12 Do you have already an idea how long it will last? I'm only asking also that we can
13 be sure if we need extended hours or not, but since the Prosecution had, what's that,
14 three and a half hours, something like that, yes?

15 MR TAKU: [13:03:50] Thank you, your Honours. It is very, very difficult, but I
16 will try as much as possible to start from the open session and possibly defer the
17 closed sessions to the end. And I think I will just move directly to the heart of the
18 case first and see how he responds, the responses that he will give, but I will try to be
19 as efficient, as effective as possible, move directly to the issues. And the other issues
20 that I might decide, I will try to see. I will try to respect the time that you give to us
21 because the Court has a schedule, and so we would not like to do anything to
22 interfere with that schedule, but I can assure your Honours that I will do my best to
23 see if we can finish today, but if not I will let the Court know.

24 PRESIDING JUDGE SCHMITT: [13:04:47] Exactly. So we do it this way: We
25 start with your examination and when you see clearer, when you see how it works --

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- 1 MR TAKU: [13:04:55] Yes, your Honour.
- 2 PRESIDING JUDGE SCHMITT: [13:04:56] -- and you would think that the time
3 would not be sufficient, then you tell us because what is really the bottom line is that
4 the witness does not have to come back after the break.
- 5 MR TAKU: [13:05:06] I will do my best, your Honours. Yes, it wouldn't be fair.
- 6 PRESIDING JUDGE SCHMITT: [13:05:09] (Overlapping speakers) Not after this
7 break --
- 8 MR TAKU: Yes.
- 9 PRESIDING JUDGE SCHMITT: -- but after the longer break.
- 10 MR TAKU: [13:05:13] Yes, it wouldn't be fair.
- 11 PRESIDING JUDGE SCHMITT: [13:05:17] So until 2.30.
- 12 MR TAKU: Yes, yes. Thank you, your Honour.
- 13 THE COURT USHER: [13:05:19] All rise.
14 (Recess taken at 1.05 p.m.)
15 (Upon resuming in open session at 2.29 p.m.)
- 16 THE COURT USHER: [14:29:41] All rise.
17 Please be seated.
- 18 PRESIDING JUDGE SCHMITT: [14:29:56] Mr Taku, you have the floor.
- 19 MR TAKU: [14:30:01] Thank you very much, your Honour.
- 20 QUESTIONED BY MR TAKU:
- 21 Q. [14:30:13] Yes, Witness, good afternoon, sir.
- 22 A. [14:30:32] Thank you.
- 23 Q. [14:30:33] I'm the lawyer for Mr Ongwen and I'll be putting some questions to
24 you; do you understand?
- 25 A. [14:30:41] I understand.

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1 Q. [14:30:41] And I will ask questions only on issues which were deemed relevant.
2 We are not going to ask questions on answers that you gave which we thought could
3 help the Court, which we thought were favourable to us. I will ask questions on
4 matters in controversy.

5 Now, let me start, Witness. You spoke since yesterday about Mr Kony. You've
6 answered questions to deal about Mr Kony, you listened to audio, also heard the
7 voice of Mr Kony. And I want to ask you questions in order to put those -- to bring
8 more clarity or more information about this personality, Mr Kony, on the basis of the
9 few audios we heard. You interpreted all his voice and what he might have said.
10 But let me pose to you based on these audios, can you tell the Court on the basis of
11 the audios we listened today what sort of leader Mr Kony was?

12 A. [14:32:03] Well, my understanding, it is very difficult for me to explain Joseph
13 Kony's leadership because in the bush Kony maintains that he's possessed by spirits.
14 So it's extremely difficult for me to explain or to understand Kony's personality.

15 Q. [14:32:47] Now let me from the basis of the audios we listened today and of
16 course the basis of your personal knowledge, knowing him for so many years, was
17 Mr Kony a very harsh commander who enforced discipline on members of the LRA,
18 that's hard discipline; he expected to be obeyed, his orders to be obeyed, failure of
19 which sanctions will follow, there will be consequences? Was he that type of leader?

20 A. [14:33:31] Well, from my point of view, yeah, at times he was extremely strict
21 and at times he was also kind. It depends. He changes. He's not -- sometimes he
22 speaks as if he's possessed by something. Sometimes he speaks like a normal person.
23 So it's extremely difficult for me to deduce what kind of person he was.

24 Q. [14:34:12] Would I be right to say that he was unpredictable?

25 A. [14:34:19] Well, it's difficult to know what he's speaking or what he's thinking

1 about. There are certain things that he would speak out loud, but there are certain
2 things that he would not say, so it's really difficult for me to understand. Is he
3 speaking on his behalf? Is he possessed by something? Are these his own words?
4 Are these somebody else's words? It's really difficult for me to explain.

5 Q. [14:34:56] Therefore, this complex personality that we heard today, those of us
6 from the audios we heard, this complex personality instill fear, great fear on the
7 people who were under his command in the LRA, because they did not know what he
8 could do the next moment. He could order you killed. He could order you
9 arrested, as indeed he ordered that Odongo and Angola should be arrested for being
10 lazy. He could do that. Am I correct to say so, sir?

11 A. [14:35:34] Can you please repeat the question clearly? I did not understand the
12 question. Please repeat the question.

13 Q. [14:35:51] Now, the question is because he was unpredictable, it was difficult to
14 know what he would do the next moment. He could be calm. He could be angry.
15 He could be talking, saying that he's possessed by spirits, talking about spirits.
16 Because of this unpredictability in his conduct, the people, those combatants and
17 commanders in the LRA, the LRA, most of them were scared, were -- simply they
18 feared, they feared him, to violate his orders because they did not know exactly what
19 he could do if they violated instructions given by him. Would that be correct, a fair
20 assessment of whom he was and what the situation would be?

21 A. [14:37:03] Yes, I know that people who were under his command and the orders
22 that he would issue, people were actually afraid of the orders that he would issue.
23 Sometimes they would respect it because of fear, because they would not know
24 exactly what he was going to do at any particular time.

25 Q. [14:37:20] Indeed, in the audios that we just heard today that you interpreted,

1 when Mr Kony spoke on those videos, everyone listened. Nobody challenged
2 anything he said in those videos that we heard today; is that correct, sir?

3 A. [14:37:40] Yes, that's correct. When Kony is speaking, nobody responds.
4 Everybody waits for the person who is being asked, and then they wait for that
5 person to respond to the question that Kony has asked.

6 Q. [14:37:59] Now, without conceding, without conceding that the voice you
7 attributed to Mr Ongwen is his, without conceding, we heard that individual giving a
8 report to Mr Kony about certain activities. Can you explain why they had to bring
9 an account of every operation to Mr Kony in the LRA?

10 A. [14:38:33] Well, Kony wanted all reports to be sent to him in response to any
11 orders that he has issued. So if a person goes out on mission, he also has to come
12 back and inform Kony. It won't be quiet until Kony actually knows about it.

13 Q. [14:39:14] We also heard from those audios that Kony was communicating with
14 people in different positions, some in higher positions, some in lower positions.
15 Would I be right that Kony could give orders to anyone, anyone, no matter,
16 irrespective of rank to conduct an operation within the LRA and that person, would
17 that person through a specific chain of command and that individual will carry out
18 the operation?

19 A. [14:40:04] Well, from my understanding, Kony would issue orders from the top
20 and then the orders would trickle down from the top to the lower ranking officers.
21 Kony would not actually issue orders to lower ranking officers, but the orders will
22 trickle down from the top commanders coming down to the lower ranked
23 commanders.

24 Q. [14:40:32] Now, if that is your answer, let us talk about one individual, Ocan
25 Labongo. You mentioned him this morning and part of this afternoon. He was in

1 those audios. Who was he?

2 A. [14:41:03] No, I did not actually see any name called Ocen Labongo. The only
3 name that I recognized from those audios is Ocan Labongo, not Ocen Labongo.

4 Q. [14:41:24] Yes, thank you for that correction. It's Ocen Labongo, Labongo. I
5 know that --

6 PRESIDING JUDGE SCHMITT: [14:41:30] But I think this is exactly the person that
7 counsel is referring to.

8 MR TAKU: [14:41:42]

9 Q. [14:41:43] Do you know him?

10 A. [14:41:47] Yes, I did.

11 Q. [14:41:54] Can you tell the Court whom he is?

12 A. [14:42:00] Ocan Labongo was a commander, but he was a lower ranked
13 commander.

14 Q. [14:42:19] Was he an intelligence officer?

15 A. [14:42:24] At the time he was a commander, but he wasn't -- as far as I was
16 aware, he wasn't an intelligence officer.

17 Q. [14:42:38] Never, according to you, he had never been an intelligence officer to
18 Mr Kony; is that your evidence now, sir?

19 A. [14:42:51] Well, when I knew him, when I knew him, he was -- I wasn't aware of
20 the fact that he was an intelligence officer for Kony, but I knew that he was a
21 commander.

22 Q. [14:43:08] He was a commander in which unit, sir?

23 A. [14:43:14] When I knew him as a commander, as I stated earlier, he was a
24 commander in Sinia. And when we split ways, I do not know whether he became an
25 intelligence officer. I do not know, because I had already left.

1 Q. [14:43:51] Well, my question relates to the period that you were there, whether
2 you at the time you were with Mr Kony, this individual was Mr Kony's chief
3 intelligence officer?

4 A. [14:44:12] No. At the time he wasn't the chief intelligent officer.

5 Q. [14:44:28] Has he ever been a member of the close protection unit of Mr Kony to
6 your knowledge?

7 A. [14:44:37] He was -- at some point he was in a unit that was under Kony.

8 Q. [14:44:52] In what capacity, sir?

9 A. [14:44:54] At the time he was a group that was always moving with Kony.
10 There was a group that was set aside that was to move with Kony at all times.

11 Q. [14:45:22] And it was then he was deployed by Mr Kony to Sinia brigade as
12 battalion commander, that at least you know; is that correct, sir?

13 A. [14:45:40] Well, I'm not sure -- when he went to Sinia brigade, I'm not sure
14 whether they sent him there as a battalion commander. But I do know that he was a
15 commander in Sinia brigade.

16 Q. [14:46:03] Yes, this is even better. So do you know or do you not whether he
17 was the second brigade commander of Sinia? Let me put it differently. Do you
18 know that at a particular moment in the LRA the brigades, some brigades, in
19 particular Sinia brigade had two commanders, one was Dominic and the other was
20 Mr Ocan Labongo, Labongo? Do you know that, sir?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [14:47:10] (Redacted)

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1 Did you, Witness, observe a trend in the LRA where a field commander who conduct
2 an operation and that operation will be reported by somebody who was not
3 necessarily in the field when the operation was conducted? In other words, another
4 commander goes to the field and conducts, executes an operation, but the report is
5 given to Mr Kony and others by, let me say, his brigade commander, not necessarily
6 by the foot soldiers, the commander who led the operation in the field. Do you
7 know about that, that is the state in the LRA?

8 A. [14:48:22] I did not actually understand your question very well.

9 Q. [14:48:45] For example, let me quote an example, let me say Mr -- for example,
10 Mr -- or let me ask the question: Did you hear an operation that was carried out by
11 Mr Ocan Labongo, but the person who reported this operation was Mr Odhiambo?
12 Did you hear about that operation, sir?

13 A. [14:49:22] If someone is sent on mission, and the person is a subordinate under a
14 higher ranking commander, if that person returns from mission, he reports to his
15 immediate commander and then his immediate commander reports to Kony. He
16 himself, the subordinate does not report directly to Kony.

17 Q. [14:49:55] Indeed. My question related, tab 8, UGA-OTP-0218-0594 at 0606.
18 Can you put that before the witness. And with permission of the Court let me read
19 that out, line 393.

20 "So you said you heard about the ABIYA attack on the LRA net?

21 L397, "Yes, that I heard.

22 What did you hear?"

23 L403: "So he was reporting about what happened in terms of deaths of civilians,
24 UPDF and the burnt houses.

25 Who was reporting?

1 That was Okot Odhiambo.

2 And the commander who he sent as overall was Labongo."

3 Now let me put my question. You said that Labongo was a commander in the Sinia
4 brigade. You know that this morning. This Odhiambo, Okot Odhiambo, who is
5 he?

6 A. [14:51:47] From my understanding, and to reiterate what I said earlier, Okot
7 Odhiambo was senior commander and Ocan Labongo was under Okot Odhiambo.

8 Q. [14:52:09] So in fact Okot Odhiambo was the commander in Sinia brigade and
9 Ocan Labongo was deployed to work under him; is that what you are saying, sir?

10 A. [14:52:23] Okot Odhiambo was the overall commander of that group. Now, in
11 those groups, in those kind of groups, the big groups, there are overall commanders,
12 and then within that group itself there are subdivisions. And within those groups
13 there are other commanders. So Ocan Labongo was under Okot Odhiambo's
14 command.

15 Q. [14:53:03] So how do you call that group that Okot Odhiambo was overall
16 commander, sir?

17 A. [14:53:11] Can you please repeat your question?

18 Q. [14:53:27] Yes. We just heard you talk about groups, that Okot Odhiambo was
19 the overall commander of that group. So how did you call that group? What is the
20 name of that group?

21 A. [14:53:39] Well, I know that Okot Odhiambo was overall commander of Sinia
22 brigade, and under Sinia brigade there were other groups. Sinia brigade was
23 subdivided into many groups. So I do not know exactly which one Ocan Labongo
24 was in.

25 Q. [14:54:07] So at the time of this operation that I talk about, where was Mr

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1 Ongwen? He was in which group, sir, and had what position?

2 A. [14:54:24] As I've already stated, the reports, whatever I listened to is from the
3 radio. So the position where the person is, I'm not sure, I don't know whether the
4 person is under which brigade. The person may have been taken and put under a
5 different command. It's extremely difficult for me to know over the radio where he
6 was.

7 Q. [14:54:57] Now, still in this case, sir, what you said -- if I may read on, your
8 Honours? Lines 414, that is same tab 8, your Honours, the Prosecutor asked you this
9 question:

10 "How do you know that?"

11 Line 418: "How it happened ... they talk about it openly ... and then Kony wanted to
12 know which commander was in charge."

13 And they asked, line 423: "Who did Labongo work for?"

14 You said: "He was working for Okot Odhiambo."

15 P0607: "What was his position?"

16 L430: "Brigade intelligence officer. His rank captain."

17 L499: "Odhiambo would send his messages directly to Kony."

18 L474: "I was moving around with Commander Opoka. Did you hear about the
19 attack on Aboke?"

20 L525: "I do not know that place."

21 Now, Witness, we have heard you saying that the person who leads the operation
22 doesn't report. It is the commander of the unit who has a radio who reports. But
23 you were asked in this case, Ocan Labongo did not report, it was Odhiambo. How
24 did you know that it was him? You said it was talked about openly and you heard
25 about it.

1 How do you know? How was it talked about, by what other means was it talked
2 about other than the radio that you knew about it, that it was Mr Ocan Labongo?

3 A. [14:57:21] Perhaps maybe there are times when I do not get your question
4 clearly. So I'm giving you a different response. I'm not sure. And sometimes it
5 might be difficult for me to answer the question.

6 Q. [14:57:35] I perfectly understand. In other words, apart from the radio that you
7 could follow these reports, was it possible by other means that you could know
8 exactly what was happening in the field and who was effectively -- carried out
9 operations in the field, as opposed to the commanders who were reporting these
10 operations to Kony? Was there any way by which you would know, apart from the
11 radio?

12 A. [14:58:06] No, there is no other way that I can learn or find out about something
13 that happened during an operation, unless I'm on the radio. If something does not
14 come through the radio, then I'm none the wiser about it.

15 Q. [14:58:35] So you are saying that you would not necessarily know the units that
16 conduct an attack, all you know are the reports coming from the brigade commander
17 or the commander who has a radio, or that's the only way that you will know about
18 the operation? That the details as to who effectively conducted the attack, which
19 unit, you didn't know? Would that be correct, sir?

20 A. [14:59:05] If I hear it over the radio when the commander is sending a report
21 following his group's mission, if he sends his group or takes his group on mission,
22 when the group comes back from mission, they report to the commander. So
23 whatever the job that was done by the commander he sent, that overall commander
24 will report to the commander and then, when they ask which commander went and
25 did this, then he will inform, he will inform them which commander actually went to

1 the field.

2 Q. [14:59:53] Now, do you know apparently, was it possible that elements of
3 another unit, and by this I mean the use of splinter groups, smaller groups that went
4 out to conduct operations, they were under attack by the UPDF, and they came to the
5 closest unit that was not involved in the attack, but whose commander has a radio,
6 would they give the reports to their commander who has a radio to report the attack,
7 the operation, to Mr Kony?

8 A. [15:00:51] Yes, sometimes it happens. Sometimes it doesn't happen. It
9 depends on where the commander was working. He would be on his way to go and
10 meet his superior.

11 Q. [15:01:18] Now, before I move to the next point, there is some individual called
12 Toolbox. Who has that name, nickname, Toolbox in the LRA? Do you know the
13 individual?

14 A. [15:01:36] If I recall well, Toolbox, if I -- among the names of those who were
15 promoted by Kony, his name was mentioned as Otulu. That is the guy who was
16 called Toolbox.

17 Q. [15:02:02] This individual, Mr Tulu, Commander Tulu, belonged to which unit,
18 sir?

19 A. [15:02:11] Commander Toolbox was in Gilva brigade.

20 Q. [15:02:26] Now do you also know about an individual called Ocaya?

21 A. [15:02:44] Someone called Ocaya? Ocaya was a name shared by many people.
22 As far as I know there was two people who were called Ocaya.

23 Q. [15:03:06] Well, let me venture to ask these two individuals belonged to which
24 units?

25 A. [15:03:13] The Ocaya whom I know, there was one called Ocaya Doktor (phon)

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1 and the other Ocaya was working in a small unit in the yard. If there was, if there
2 was a different Ocaya in other units, then I am not sure I know any.

3 Q. [15:03:53] Now, you got information mainly from listening to the radio. Did
4 you at any time, sir, listen to communication over the radio between Mr Kony, Mr
5 Otti Vincent, Ocan Bunia, Lakati, Tabuley, Okula, Lagoga, Icaya Loum, Onen
6 Kamdule, Lapanyikwara and Mr Dominic in which Mr Kony was talking about a
7 phone, in other words, a phone that he was told was given to Dominic by one
8 Lieutenant General Salim Saleh of the UPDF, one of the commanders in the UPDF
9 high command on a significant personality in Uganda and East Africa? Did you
10 hear about that, about that phone that was found with Mr -- the communications, did
11 you hear about that?

12 A. [15:05:28] I did not hear about the phone. If I may ask which year was it or
13 which period was it?

14 Q. [15:05:49] Well, it was in 10 April 2003, when you were still in the LRA. Maybe,
15 they may put it before you and let me read out the message, maybe it might help you
16 refresh your memory, maybe you heard about that.

17 Can you put that tab 23, can you put that before -- 22, please, 22.

18 And with permission of the Court, let me read out the message to refresh his memory.

19 This document came from the ISO, the intelligence security, and the ERN number is
20 UGA-OTP-0242-1190 at 1194. The second paragraph, let me read that out for the
21 transcript. "Kony told Dominic that General Saleh" --

22 MR GUMPERT: [15:07:12] Sorry to interrupt, your Honours, in our binder provided
23 by the Defence, there is no tab 22.

24 PRESIDING JUDGE SCHMITT: [15:07:27] No. Obviously we have an advantage
25 then, the Bench, because we have tab 22. I don't know how we could solve this on

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1 short notice, but we put it on the screen and I could for example -- no. Perhaps have
2 a look if it is on another tab. We put it on the screen. That's the most easiest way I
3 would say.

4 MR TAKU: [15:07:50] I really apologise, your Honour.

5 PRESIDING JUDGE SCHMITT: [15:07:53] Nothing gets lost.

6 No, it's no problem.

7 MR TAKU: [15:07:55] I apologise to my friend. We sent it by email and I instructed
8 that copies to be given. I don't know why they weren't given.

9 PRESIDING JUDGE SCHMITT: [15:08:03] We have it. We have it on 22.

10 JUDGE PANGALANGAN: No, I don't have it.

11 PRESIDING JUDGE SCHMITT: You don't have it either?

12 So I'm the only privileged person here in the courtroom. But that doesn't change
13 anything. If everybody has it on the screen, we have no problem to continue with it.

14 MR TAKU: [15:08:20] I'm extremely sorry, your Honours.

15 PRESIDING JUDGE SCHMITT: [15:08:22] Wait a second until we get confirmation
16 that we can have it on the screen.

17 It is there now as I see it on evidence 1. Evidence 1, yes.

18 So please continue.

19 MR TAKU: [15:08:48] Yes. Thank you very much, your Honours. I'm sorry again.

20 Q. [15:08:51] So let me read it out so that you can refresh your memory.

21 "Kony told Dominic that General Saleh said on radio that he (Kony) is the one who
22 has refused peace talks with the government. He added that and yet it is Saleh who
23 sent UPDF mobiles and gunship to attack his LRA soldiers in their positions despite
24 the ceasefire which was declared.

25 Kony said the person Saleh is stupid and does not think that he is clever. Kony

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1 repeated that Dominic should write all the details, from start, since he started coming
2 in touch with Labeja and General Salim Saleh, so that when so when Mr Otti reaches
3 him they will discuss on it. He said he tried to review it and found that at times
4 what Dominic did would help them. He asked if Dominic has already buried the
5 MTN phone given him by Saleh. Dominic said he still has the phone, and is moving
6 with it to Otti. Kony then said that phone should not be buried, but should be given
7 to Otti, but Otti should not use it because it might have bomb planted in it, which
8 may explode when they use it. He said Otti should instead use another phone to
9 ring General Saleh and hear what he will say.

10 Kony also told Dominic to, if possible, plan a sniping ambush, and also kill any UPDF
11 officer like Okello Okwara and David did on Porogali, Acholi," something "road
12 recently, where Captain Kalike was killed so that he is also promoted, as he did to
13 those two soldiers named above. Dominic said he will plan and do as Kony has told
14 him."

15 Did you monitor, did you hear this communication, having the refreshed memory?

16 PRESIDING JUDGE SCHMITT: [15:11:51] Mr Gumpert is rising.

17 Mr Gumpert.

18 MR GUMPERT: [15:11:54] Your Honours, before that recitation my learned friend
19 told the witness that he was inviting him to refresh his memory. Now, I've got no
20 objection to memory refreshing. Indeed I've asked the witness to perform it on a
21 number of occasions. But I've done so from documents of which he was the author.
22 There is, with great respect, no indication that this witness has any knowledge of this
23 document or its contents. He can't possibly be refreshing his memory. My learned
24 friend can ask questions based on it, but showing the document to the witness is
25 pointless, I respectfully submit.

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1 PRESIDING JUDGE SCHMITT: [15:12:34] But what we can -- what Defence can do
2 is it can ask the witness if any of the information contained in this document and read
3 to the witness out aloud does trigger something that he has heard or something that
4 he has knowledge of. So we can do it this way and I think this achieves the
5 same -- or should I question the witness?

6 MR TAKU: [15:13:03] Yes, your Honours.

7 Q. [15:13:04] Witness, you heard --

8 PRESIDING JUDGE SCHMITT: [15:13:05] Witness has heard I think the question.

9 MR TAKU: [15:13:07]

10 Q. [15:13:08] You heard the question formulated by the honourable Judge. Can
11 you answer, sir?

12 A. [15:13:25] I'm not in a position to answer this question because I do not know
13 the origin of this document. Secondly, what kind of radio are they referring to that
14 they heard this information from? Is it the radio used by the LRA for
15 communication, or was it a radio used for transmitting broadcasting messages? I
16 have not understood that.

17 Q. [15:13:52] When we get to closed session, I will ask you questions about the type
18 of operations by the nature of your special knowledge, you will be able to tell us
19 about this issue better when we get to closed session and about your activities ever
20 since you left the LRA. But for now, as I said, this was Internal Security
21 Organisation, they intercepted LRA radio communications and I called the names of
22 those commanders who were online when this was discussed and I asked whether
23 that triggered your knowledge, whether you heard that communication, whether you
24 heard that discussion from Mr Kony to Dominic about the contacts with General
25 Salim of the UPDF and another commander on the phone?

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1 A. [15:15:00] If they were to bring the audio and I listened to it, I would probably
2 answer. But I am not able to answer because I have not heard the audio.

3 Q. [15:15:08] Well, I totally respect your answer. Therefore, Witness, would I be
4 right to say that you did not -- you were not in a position from 2002 to 2004 when you
5 left, you didn't listen to all the LRA radio communications regarding to the operations
6 by different commanders in the LRA, you didn't listen to them? You listened to
7 some but not to all?

8 A. [15:15:53] There are times, there are different schedules for radio communication.
9 It's possible that I was not present during a particular communication and they
10 agreed at a time that I was not there. Probably the message was passed when I was
11 not on radio, and I definitely couldn't have heard. Sometimes radio communication
12 schedules change, depending on the circumstances.

13 PRESIDING JUDGE SCHMITT: [15:16:31] May I shortly interrupt for a general
14 remark.

15 So, of course, classically refreshing memory refers to a process related to a statement
16 or document that the witness has himself or herself produced. That is clear. That
17 does not exclude that during an examination of a witness another document not
18 produced by this witness is used. We would prefer it if the information in such
19 document would be extracted and put into a question as such.

20 For the future, I would really ask not to read out longer portions of documents that
21 are not related to the witness insofar as the witness has produced it, because it might
22 be difficult, but that does not, as I said, not exclude it that it may be used during
23 questioning in a way that I described.

24 So we can extract information out of such document and ask him have you ever heard
25 of that? Do you have knowledge of that? Does that trigger something? But this is,

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1 of course, not the classical, as Mr Gumpert was correct, is not the classic process of
2 refreshing memory, but this was just another wording by you.

3 So I wanted to make this little bit clearer for the future. And please continue with
4 your examination, Mr Taku.

5 MR TAKU: [15:18:01] Thank you, your Honours. Thank you.

6 Q. [15:18:11] Witness, were you aware that sometimes from between 2002, 2003
7 and 2004 that Mr Ongwen was wounded in battle and was sick and was in the
8 sickbay? Were you aware of that?

9 A. [15:18:33] Which month particularly? Which particular year so that I can -- it
10 can trigger my memory, I would be able to answer that question easily?

11 Q. [15:19:01] Well, particularly in I think 2003, the end of 2002 and 2003, that
12 Mr Ongwen was in the sickbay.

13 A. [15:19:22] I still continue to seek for clarification that -- which sickbay? Because
14 there could be many sickbays and I wouldn't know which one he was in. If I am told
15 that he was in this and that sickbay at this and that period, if I remember, then I can
16 tell you I know. But if it is not anywhere in my statement, then I wouldn't be able to
17 answer it.

18 Q. [15:19:55] Yes. The sickbay at the foot of Atoo Hills.

19 A. [15:20:12] I hear about Atoo Hills. I know where Atoo Hills is, but I'm not
20 aware that Dominic was at the sickbay in Atoo Hills. I say this because there are
21 some things that I'm not able to know, especially if it was sent at a time when you
22 were not assigned to be at the radio, when you are not listening to what is going on,
23 then you wouldn't know what has been said.

24 Q. [15:20:52] Therefore, obviously, during the time of this communication that you
25 testified you heard, which is attributed to him, you wouldn't know, you didn't know

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1 that he sustained any injuries and he was in the sickbay? Could that be your answer,
2 sir?

3 A. [15:21:09] At the time that he was speaking on radio he was wounded. If he
4 was wounded while sending his communication I would know. If he sent the radio
5 on message, I would know. But I know that when he was sending his reports about
6 his mission, I wouldn't know if he was in a sickbay. It is difficult to answer that
7 question.

8 Q. [15:21:50] Now, did you hear at all that Dominic was wounded in battle at some
9 point in time in 2002-2003, about the injuries?

10 A. [15:22:17] No, I do not remember because in 2003-4, people were mobile, people
11 were moving from one location to another. It is, therefore, difficult to know if he
12 was wounded or not.

13 Q. [15:22:33] So within this period, would I be right to say that you knew little
14 about -- did you come personally in contact with Mr Ongwen between 2002 and 2004?
15 Were you in one location with him?

16 A. [15:23:10] No, I did not.

17 Q. [15:23:14] Now, indeed, tab 15, UGA-OTP-0262-0176, at 0182. My next line of
18 questions will be on paragraphs 40, 42 and 41. Paragraph 40, that's your statement.

19 PRESIDING JUDGE SCHMITT: [15:24:04] This one you would read out because it
20 is in English, and then it would be translated to the witness into the language that he
21 understands and then he can answer.

22 MR TAKU: [15:24:18] Thank you, your Honour.

23 Paragraph 40:

24 "I do not know anything about Ongwen's wives as I was not close to Ongwen. He
25 was with his group and I was not staying close to him."

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1 Paragraph 42:

2 "I do not recall Ongwen being physically present when I broadcast on the radio --

3 MR GUMPERT: [15:24:37] We're going to need to go into private session. Sorry to
4 interrupt.

5 MR TAKU: Okay. Thank you.

6 MR GUMPERT: But we're about to have a difficulty.

7 PRESIDING JUDGE SCHMITT: [15:24:43] We'll go to private session.

8 MR TAKU: [15:24:44] Yes, I'm sorry. Thank you.

9 (Private session at 3.24 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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16 (Open session at 3.56 p.m.)

17 THE COURT OFFICER: [15:56:43] We are in open session, Mr President.

18 Excuse me to interrupt, could you please provide the ERN page number? Thank
19 you.

20 MR TAKU: [15:57:06] Yes. Thank you so much. UGA 0017-015. I don't know
21 the status, but I see here "Secret" and probably I think -- I don't think -- I think it
22 should be public.

23 It's secret? Okay. It's confidential.

24 PRESIDING JUDGE SCHMITT: [15:58:04] I think you can continue.

25 MR TAKU: [15:58:06] Yes.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) line should not be

8 pursued to push him. Let me see. Well, your Honours, I think I'll move to

9 something else. I don't want to push him to --

10 PRESIDING JUDGE SCHMITT: [15:59:01] Please do that.

11 MR TAKU: [15:59:03] Yes.

12 Q. [15:59:05] But, Witness, from your experience now that you're out there, let me

13 say, in the free world, I'll call it free world advisedly because Mr Kony lives like his

14 own world is free, but in this other side, Witness, you believe that the UPDF --

15 Well, your Honours, let me move to another line. I do not know how to ask the

16 questions without breaking the rules. Let me move to another line. That's what I

17 mean, your Honour.

18 PRESIDING JUDGE SCHMITT: [16:00:04] I would like to ask you something. You

19 foreshadowed that it might be possible that you finish your questioning in this

20 afternoon's session.

21 MR TAKU: [16:00:11] Yes.

22 PRESIDING JUDGE SCHMITT: [16:00:12] Could you now say how long would it

23 take you?

24 MR TAKU: [16:00:16] Your Honours, very, very, very soon I will be finishing, your

25 Honours. Let me just find out from my colleagues.

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- 1 (Counsel confer)
- 2 MR TAKU: [16:00:40] Your Honour, we still have a major area that we would like to
- 3 go to, and the line of question I was asking would have gone right to that area.
- 4 PRESIDING JUDGE SCHMITT: [16:00:55] My question was only related to the fact
- 5 that we have now 4 o'clock.
- 6 MR TAKU: [16:00:58] Yes.
- 7 PRESIDING JUDGE SCHMITT: [16:00:59] And if we can finish perhaps in half an
- 8 hour or so, I would simply say we continue and do that; otherwise we would have the
- 9 break until tomorrow 9.30 --
- 10 MR TAKU: [16:01:15] Yes, yes, yes, your Honours.
- 11 PRESIDING JUDGE SCHMITT: [16:01:17] -- and continue on at 9.30.
- 12 MR TAKU: Tomorrow, your Honours.
- 13 PRESIDING JUDGE SCHMITT: Okay. Then we'll have the break and meet again
- 14 tomorrow at 9.30.
- 15 MR TAKU: [16:01:21] Yes.
- 16 THE COURT USHER: [16:01:22] All rise.
- 17 (The hearing ends in open session at 4.01 p.m.)