

Trial Hearing  
WITNESS: UGA-OTP-P-0264

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
6 Judge Raul Pangalangan  
7 Trial Hearing - Courtroom 3  
8 Wednesday, 5 April 2017  
9 (The hearing starts in open session at 9.30 a.m.)  
10 THE COURT USHER: [9:30:10] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:30:30] Good morning, everyone.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:30:37] Good morning, Mr President, your Honours.  
15 This is the situation in the Republic of Uganda, in the case of The Prosecutor versus  
16 Dominic Ongwen, case reference ICC-02/04-01/15.  
17 And for the record we are in open session.  
18 PRESIDING JUDGE SCHMITT: [9:30:52] Thank you.  
19 And the appearances of the parties, please.  
20 MR BLACK: [9:30:55] Good morning, your Honour.  
21 Colin Black for the Prosecution, together with Beti Hohler, Benjamin Gumpert, Paul  
22 Bradfield, Yulia Nuzban, Pubudu Sachithanandan, Ramu Fatima Bittaye and Mari Pilvio.  
23 PRESIDING JUDGE SCHMITT: [9:31:13] Thank you.  
24 And the Legal Representatives of the Victims.  
25 MR COX: [9:31:16] Good morning. Francisco Cox and James Mawira for the victims.

Trial Hearing  
WITNESS: UGA-OTP-P-0264

(Open Session)

ICC-02/04-01/15

- 1 MR NARANTSETSEG: [9:31:21] Good morning, your Honours.  
2 Orchlon Narantsetseg for the Common Legal Representative.  
3 Thank you.  
4 PRESIDING JUDGE SCHMITT: [9:31:25] Thank you.  
5 And the Defence please.  
6 MR AYENA ODONGO: [9:31:33] Good morning, Mr President, good morning,  
7 your Honours. Mr President, your Honours, today I'm assisted by Chief Achaleke Taku,  
8 Mr Michael Rowse, Tom Obhof, Roy Titus Ayena, and our client Dominic Ongwen is in  
9 court.  
10 PRESIDING JUDGE SCHMITT: [9:31:54] Thank you.  
11 And we have Mr Raimondo of course.  
12 MR RAIMONDO: [9:31:59] Good morning, Mr President, your Honours.  
13 Fabián Raimondo, legal adviser to the witness.  
14 PRESIDING JUDGE SCHMITT: [9:32:04] Thank you.  
15 I would shortly like to address the proposal for the approximate timetable for the next  
16 session.  
17 Mr Gumpert would like shortly to comment that we appreciate this forward-looking  
18 approach. It is ambitious, but not overambitious, and especially keeping in mind that we  
19 could make recourse to extended hours I think this is a goal we can achieve. Thank you  
20 very much for that.  
21 MR GUMPERT: [9:32:31] Thank you, your Honour.  
22 PRESIDING JUDGE SCHMITT: [09:32:32] And I give Mr Ayena the floor.  
23 WITNESS: UGA-OTP-P-0264 (On former oath)  
24 (The witness speaks Acholi)  
25 QUESTIONED BY MR AYENA: (Continuing)

1 Q. [9:32:51] Good morning, Mr Witness.

2 A. [9:32:53] Good morning.

3 Q. [9:32:54] Mr Witness, yesterday we talked about your relationship with

4 Joseph Kony and of course (Redacted) I want to put two

5 questions to you: The first one, Mr Witness, you remember in your statement, under

6 paragraph 67 of your statement, that is UGA-OTP-0256-0139, at page 150, you stated, and

7 I quote:

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21 Q. [9:36:05] How about checking, spying on whether some other persons were  
22 sleeping with his wives?

23 A. [9:36:26] No, I did not do that.

24 MR BLACK: [9:36:28] I apologise for the interruption. Your Honour, should this  
25 perhaps be in private session for identification rather than Rule 74 concerns?

- 1 PRESIDING JUDGE SCHMITT: [9:36:38] I think you might be correct.
- 2 What do you say, Mr Raimondo?
- 3 MR RAIMONDO: [9:36:46] I do agree with the Prosecution.
- 4 PRESIDING JUDGE SCHMITT: [9:36:49] Okay then, then we go to private session to
- 5 discuss this.
- 6 MR BLACK: [9:36:52] Thank you, your Honour.
- 7 PRESIDING JUDGE SCHMITT: [9:36:55] Yes.
- 8 (Private session at 9.36 a.m.)
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7 (Open session at 9.44 a.m.)

8 THE COURT OFFICER: [9:44:01] We are back in open session, Mr President.

9 MR AYENA ODONGO:

10 Q. [9:44:10] And, Mr Witness, you testified that Agweng was eventually executed by  
11 Kony for sex crimes?

12 A. [9:44:30] Yes, that is what happened.

13 Q. [9:44:41] Mr Witness, can you help us understand how Kony was disseminating  
14 his orders when you were now in the Congo?

15 A. [9:45:04] Whenever Kony was sending his -- his orders he would use the structure  
16 of the LRA and the rules of the LRA. Whenever he is sending orders, whenever  
17 somebody has broken a rule he would give directives so that you are punished. He  
18 would -- he would first gauge your record of breaking the rules and if you are a second or  
19 a third offender he would probably give you a death sentence. That is what I -- I said  
20 earlier also.

21 Q. [9:46:05] When you were in the Congo there were operations; is that correct?

22 A. [9:46:20] While we were in Congo there were hardly any operations. There was  
23 an attack that took place while we were in Congo. When the Congolese started attacking  
24 the LRA, that is when we went and revenged the attack. If they were not to start  
25 attacking us we would have not gone.

1 Q. [9:46:50] How about for purposes of collecting food?

2 A. [9:47:03] In regards to food, there was a lot of food that was within the LRA. We  
3 had grown our own food.

4 Q. [9:47:13] So, Mr Witness, this one incident where there was fighting between the  
5 LRA and the Congolese, who was ordered to lead the attack against the Congolese?

6 A. [9:47:42] First we were -- we were selected, me and those of Labongo, we went to  
7 the villages of the Congolese. Kony sent us with a letter for negotiations with the  
8 Congolese government. When we took the letter, we placed the letter at a school nearby.  
9 The area is called Kelewa (phon).

10 PRESIDING JUDGE SCHMITT: [9:48:13] I think we are coming again into an area  
11 where we would have to go to private session because it seems that the witness was  
12 perhaps involved.

13 MR AYENA ODONGO: [9:48:23] Yeah.

14 PRESIDING JUDGE SCHMITT: [9:48:24] Private session.

15 (Private session at 9.48 a.m.)

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21 (Open session at 9.56 a.m.)

22 THE COURT OFFICER: [9:56:53] We are back in open session, Mr President.

23 MR AYENA ODONGO:

24 Q. [9:57:06] Mr Witness, we shall backtrack a bit and talk about your age and family

25 background. But maybe before we talk about your family background you seem to have

1 stated in your statement, and I think you repeated it in your testimony, that Ongwen was  
2 a good commander, is that correct, was a good person?

3 A. [9:57:49] Yes, I said that.

4 Q. [9:57:52] When you were with Dominic Ongwen in Uganda and even when finally  
5 you went with him to the Congo, how was he relating with the civilians?

6 A. [9:58:18] In regards to his relationship with the civilian, I don't have any  
7 information, I don't have any knowledge, but if it's about his relationship with the -- with  
8 the soldiers, I know. In Uganda when some civilians are abducted he -- he stays well  
9 with the civilian, he teaches the civilian, but in Congo there were hardly any civilians  
10 close to us.

11 Q. [9:58:59] And let's deal with matters of discipline. The ultimate punishment of  
12 course was death. Did you see Dominic Ongwen issuing orders for those who escaped  
13 to be killed?

14 A. [9:59:33] No, I did not see. I did not even hear about it.

15 Q. [9:59:44] In terms of the welfare of the soldiers who were under him, how was  
16 Dominic Ongwen treating soldiers, officers and, of course, the rank and file of the soldiers  
17 under him?

18 A. [10:00:15] In regard to his relationship with his troops in Sinia, the way he  
19 addresses the officers and the COs of the different battalions and then the COs would  
20 address the rest of the soldiers who were in the battalion. He normally gives more  
21 morale to the soldiers so that the soldiers are energised and they don't worry too much.  
22 That's what I can say.

23 Q. [10:00:51] And you talked about this man called Ocan Labongo. What kind of  
24 person was he?

25 A. [10:01:09] Ocan Labongo was a CO of Siba.

- 1 Q. [10:01:16] What kind of person was he? Was he equally nice compared to  
2 Dominic Ongwen?
- 3 A. [10:01:31] Ocan Labongo was different. If somebody came and started talking to  
4 him, he would get angry. He was short tempered. He liked fighting.
- 5 Q. [10:01:54] He was short tempered?
- 6 A. [10:01:58] Yes, he was.
- 7 Q. [10:02:04] Did you know about his special relationship with Joseph Kony?
- 8 A. [10:02:19] No, I do not have any knowledge of that.
- 9 Q. [10:02:24] Did you get to know that at one point he was with Control Altar?
- 10 A. [10:02:43] He was. As I stated yesterday, in the LRA people are always being  
11 transferred from one place to another.
- 12 Q. [10:03:00] Did you get to know that at one time he was chief security to  
13 Joseph Kony?
- 14 A. [10:03:20] Which security?
- 15 Q. [10:03:25] You talked about somebody called Kalalang. Can you tell Court the  
16 character of Kalalang? What kind of person was he? Was he a nice commander? I  
17 mean, in most cases we want you to talk about their characters relative to that of  
18 Dominic Ongwen. What kind of person was Kalalang?
- 19 A. [10:04:00] Kalalang did not relate well to people. He -- he was constantly  
20 disturbing other people and looking for trouble.
- 21 Q. [10:04:16] That was Kalalang?
- 22 A. [10:04:19] Yes.
- 23 Q. [10:04:24] There was another senior person called Dhiambo, otherwise known as  
24 Odhiambo. What kind of person was he?
- 25 A. [10:04:43] It's very difficult for me to explain his character because I did not spend

1 time with him, but from what I heard he was extremely fierce.

2 Q. [10:05:03] How about Buk Abudema?

3 A. [10:05:12] Abudema was fierce, but he was a tattletale. Whenever he heard  
4 anything, he would immediately run to -- he would immediately run to Kony, he would  
5 always tell tales, saying somebody did this or somebody did that, or somebody said this,  
6 somebody said that.

7 Q. [10:05:35] Did you know somebody called Tulu, also referred to as Toolbox?

8 A. [10:05:46] I did not see Tulu. I heard about him. I heard that name, but I do not  
9 know him personally.

10 Q. [10:05:55] What did you hear about him?

11 A. [10:06:04] I do not know that much about Tulu.

12 Q. [10:06:14] Did you get to know which brigade he belonged to?

13 A. [10:06:24] No, I do not recall which brigade he was in. I do not have knowledge  
14 of that.

15 Q. [10:06:34] Thank you very much, Mr Witness.

16 Mr Witness, you told the investigators that you were abducted in the year 2002 when you  
17 were 11 years old; is that correct?

18 A. [10:07:01] I'm repeating it. Yes, that's exactly what I said.

19 Q. [10:07:05] And for your comfort, Mr Witness, the way we do our things in court is  
20 that sometimes we repeat so many questions and it may sound boring, but we want you  
21 to really bear with us because when we repeat them there's a reason why we are repeating  
22 them. So you be patient with us; is that correct, Mr Witness?

23 A. [10:07:49] Yes, that's correct. That is part of the matter that we are dealing with at  
24 the moment.

25 Q. [10:08:00] I appreciate your understanding because, Mr Witness, there is a

1 possibility that we can easily irritate you with asking you the same questions that were  
2 asked by the Prosecution and you may think we are just bothering you. We want to put  
3 you in the proper picture that that's how we do it here.

4 PRESIDING JUDGE SCHMITT: [10:08:23] When we are now just -- I want to alert you.  
5 When we are now entertaining his background and these matters, we would have to be  
6 careful when we have to go to private session, I would say.

7 MR AYENA ODONGO: [10:08:41] I was about to do that, your Honour.

8 PRESIDING JUDGE SCHMITT: [10:08:42] Then we go to private session.

9 MR AYENA ODONGO: [10:08:47] Yes, let's go to private session.

10 (Private session at 10.08 a.m.)

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(Open session at 10.13 a.m.)

1 THE COURT OFFICER: [10:13:39] We are back in open session, Mr President.

2 MR AYENA ODONGO: [10:13:45]

3 Q. [10:13:45] Mr Witness, do you remember when you first heard Dominic Ongwen  
4 had escaped?

5 A. [10:14:00] I heard that -- while I was at home somebody called me and I heard that  
6 Dominic Ongwen had left the bush.

7 I do not recall the exact date.

8 Q. [10:14:17] Were you happy with the news of his escape?

9 A. [10:14:25] Yes, I was extremely happy.

10 Q. [10:14:31] And that was all because he was a very good commander to you; is that  
11 correct?

12 A. [10:14:44] Precisely. Exactly what you said. And when I heard that he had left  
13 the bush, I took time out and came to Gulu with a number of other boys. We thought  
14 that we'd come and find him in Gulu, but he wasn't there.

15 Q. [10:15:05] You mentioned meeting somebody called -- I don't know whether  
16 this -- we can go back to private session briefly again.

17 PRESIDING JUDGE SCHMITT: [10:15:15] Okay, private session please.

18 (Private session at 10.15 a.m.)

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2 (Open session at 10.22 a.m.)

3 THE COURT OFFICER: [10:22:15] We are back in open session, Mr President.

4 MR AYENA ODONGO: [10:22:33]

5 Q. [10:22:34] (Redacted) you said that the gentleman who told

6 you to -- to make statements met you last year. Can you tell Court exactly what time last

7 year? Do you remember the time (Microphone not activated) when he met you?

8 A. [10:23:11] It was last year, but I do not recall the exact date.

9 MR AYENA ODONGO: [10:23:30] Your Honours, maybe we go back to private session  
10 again.

11 PRESIDING JUDGE SCHMITT: [10:23:35] I have a little bit anticipated that because  
12 you were going back a little bit --

13 MR AYENA ODONGO: [10:23:40] Yes.

14 PRESIDING JUDGE SCHMITT: [10:23:40] -- to this issue.

15 Yeah, private session then.

16 (Private session at 10.23 a.m.)

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23 (Open session at 10.49 a.m.)

24 THE COURT OFFICER: [10:49:23] We are back in open session, Mr President.

25 MR AYENA ODONGO: [10:49:36]

1 Q. [10:49:36] Mr Witness, I was asking you whether this ceremony was performed on  
2 you before or after being informed about the fate of your parents?

3 A. [10:50:00] The ceremony was -- I had already been initiated. When you are  
4 abducted by the LRA, before -- when they want you to eat something they first initiate  
5 you and they put shea oil on you. Secondly, the general initiation would take place later.

6 Q. [10:50:34] So is it the case, therefore, that the shea oil smearing ceremony are in  
7 two stages? Is that what you want Court to know?

8 A. [10:51:02] The ceremony in regard to my experience, when I was abducted those  
9 who initiated me initially told me that they want to initiate me so that I can eat so that I do  
10 not become an impure person amongst them.

11 Q. (Overlapping speakers)

12 THE INTERPRETER: [10:51:25] Message from interpretation: Could counsel wait for  
13 interpretation, please.

14 PRESIDING JUDGE SCHMITT: [10:51:29] Mr Ayena, there was again the issue of  
15 overlap.

16 MR AYENA ODONGO: [10:51:33] Oh, yes.

17 PRESIDING JUDGE SCHMITT: [10:51:34] Overlapping speakers.

18 MR AYENA ODONGO: [10:51:36] My colleague was warning me, but I'm so dumb  
19 sometimes I don't pick things quickly.

20 Q. [10:51:46] Mr Witness, I was saying, the first one was to allow you participate in  
21 the ordinary day-to-day activities, especially eating, and then you talked about what you  
22 called the jumala, the jumala one, does it mean that there was another big shea oil  
23 smearing ceremony?

24 A. [10:52:28] It depends on how the commander of the yard decides. The general  
25 initiation which was performed on us, they brought us together and they told them that

1 this one has already been initiated, but the commander who was in charge of the initiation  
2 told them that the initiation you performed on him was just for -- to enable him eat with  
3 us, but this one is for everybody, he should participate. That's what I heard them say  
4 and that is what happened and we were all initiated again.

5 Q. [10:53:13] Was this ceremony substantially different from the first one and, if so,  
6 can you describe to Court, you know Court is keen on knowing the processes that, you  
7 know, young abductees went through in the LRA?

8 A. [10:53:43] There was no difference in the two processes. It was one and the other.  
9 They remove your shirt and they start smearing shea oil on the back of your feet, on your  
10 chest, on your forehead and on your back. They put the sign of the cross on all these  
11 parts.

12 Q. [10:54:14] And these two different stages, did you feel differently when you first  
13 smeared? You told Court about it yesterday, or the other day, can you tell Court  
14 whether you felt slightly different when there was this, you know, general ceremony  
15 performed with others?

16 A. [10:54:47] There was no difference.

17 Q. [10:55:01] Before you went to the bush, had you gone through any traditional  
18 ceremony akin to what you experienced in the bush, Acholi traditional ceremony?

19 A. [10:55:29] From our household we -- there are traditional practices that were  
20 performed, but my grandfather did not like it, for him he preferred prayers.

21 Q. [10:55:43] He's a Christian?

22 A. [10:55:48] Yes.

23 Q. [10:55:52] So finally you go to the bush and then these people are putting a sign of  
24 the cross on you. Did you know why they put the sign of the cross?

25 A. [10:56:11] No, I do not know. And it is difficult for me to explain.

1 Q. [10:56:20] LRA was sometimes also referred to as "Holy". Did you get to know  
2 that?

3 A. [10:56:35] Yes, I got to know it.

4 Q. [10:56:38] If you understood, what was Holy meant to connote?

5 A. [10:56:56] I do not know what the word "Holy" meant. I just would hear them  
6 calling them "Holy".

7 Q. [10:57:09] Could this have referred to what we talked about the other day, the  
8 spiritual attributes of the LRA?

9 A. [10:57:27] I have no knowledge in regards to that. Maybe that is what it means,  
10 but I'm -- I -- I don't know anything about that.

11 Q. [10:57:45] And of course, Mr Witness, this is repetitive, but I think in pursuit of  
12 what I want to let you -- let Court know I will still ask it: And you said that you were  
13 informed that at this ceremony that the ceremony was meant to stop you having any  
14 thoughts of escape?

15 A. [10:58:21] Yes, that was said. The people who initiated us said that.

16 Q. [10:58:31] Mr Witness, you said that you believed these things at this time; is that  
17 correct?

18 A. [10:58:49] When we were initiated, yes, I believed at the time when I was just  
19 recruited, I was a recruit at the time. I believed because, first, I was new there, I'd never  
20 been in any army, I did not know anything about the army because in the army  
21 everything is according to the orders given. So as a new person you needed to believe,  
22 you even -- you were not in a position to refuse anything.

23 Q. [10:59:28] Now, when you tried to escape, can you tell Court what kind of  
24 punishment you received?

25 A. [10:59:42] I explained the punishment that I got last time. I said I was beaten.

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- 1 PRESIDING JUDGE SCHMITT: [10:59:47] He has answered that, I think. You don't  
2 have to repeat that.
- 3 MR AYENA ODONGO: [10:59:51] Yes. And --
- 4 PRESIDING JUDGE SCHMITT: [10:59:52] We could have now the break.
- 5 MR AYENA ODONGO: [10:59:55] Yes, your Honour.
- 6 PRESIDING JUDGE SCHMITT: [10:59:56] We have now the break until 11.30, please.
- 7 THE COURT USHER: [11:00:02] All rise.
- 8 (Recess taken at 11.00 a.m.)
- 9 (Upon resuming in open session at 11.29 a.m.)
- 10 THE COURT USHER: [11:30:00] All rise.
- 11 PRESIDING JUDGE SCHMITT: [11:30:22] Mr Ayena, you still have the floor.
- 12 MR AYENA ODONGO: [11:30:25]
- 13 Q. [11:30:41] Mr Witness, welcome back from coffee break. We shall continue from  
14 where we left, and we were talking about the punishment that was meted to you when  
15 you attempted to escape. Did you see such punishment being meted out to others who  
16 attempted to escape as well?
- 17 A. [11:31:15] Yes, I did. I witnessed it.
- 18 Q. [11:31:19] During your time with the LRA, did you see senior commanders also  
19 being punished in the same manner for attempting to escape?
- 20 A. [11:31:41] When I was still a recruit I did not see any commander who attempted to  
21 escape and was punished.
- 22 Q. [11:31:50] How about when you had become a full soldier in the LRA for the  
23 12 years you were there?
- 24 A. [11:32:02] No, I did not see it.
- 25 Q. [11:32:07] Did you know about Vincent Otti and how he came to be executed?

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- 1 A. [11:32:29] I spoke about that yesterday.
- 2 Q. [11:32:36] Ben Acellam?
- 3 A. [11:32:38] I spoke about yesterday as well.
- 4 Q. [11:32:41] Can you tell -- can you repeat again to Court why they were executed?
- 5 PRESIDING JUDGE SCHMITT: [11:32:49] Mr Ayena, we have taken note of it and he  
6 has answered that and I think we don't have to entertain this twice.
- 7 MR AYENA ODONGO: [11:32:57] Okay.
- 8 PRESIDING JUDGE SCHMITT: [11:32:59] If you have another angle of course, like  
9 always, but it's simply the same question and he has answered it already.
- 10 MR AYENA ODONGO: [11:33:08] Perfect. Thank you.
- 11 Q. [11:33:13] Mr Witness, there is a term you have used in this court called "yard".  
12 Can you tell Court what "yard" means?
- 13 A. [11:33:32] I respond -- I answered the question yesterday, but yard, the yard people  
14 are the people who perform retros, they prepare the place for prayers. The people who  
15 do that are known as lu-yard.
- 16 Q. [11:34:01] Would I be correct, Mr Witness, to say that during that ceremony, the  
17 shea nut smearing ceremony, you are taught that you are bound to some spiritual  
18 attributes and had certain rules that had to be followed?
- 19 A. [11:34:35] Could you please repeat your question? I did not get it properly.
- 20 Q. [11:34:41] You told Court, Mr Witness, that you were told that the shea oil that was  
21 smeared on you had the effect of confusing you so that even if you wanted to escape you  
22 would go round and round and round and then you would find yourself back to the same  
23 spot; is that correct?
- 24 A. [11:35:13] Yeah, it -- it depends -- it's also the same as the response I gave yesterday.  
25 That's true.

1 Q. [11:35:24] So my question, Mr Witness, was that by this were you, therefore, being  
2 taught that there were some spiritual connections between the shea nut -- I mean the shea  
3 oil and you, once you are smeared with the shea nut there was something spiritual about  
4 it?

5 A. [11:36:03] They -- they did not -- they did not tell us anything that if you're  
6 smeared with shea oil it has some sort of spirituality.

7 Q. [11:36:25] How about during that ceremony, were you told about the basic rules  
8 and regulations of the LRA?

9 A. [11:36:42] During the ritual, as I stated yesterday, we were told that anybody who  
10 attempts to escape will return back to their same location just because of the oil.

11 Q. [11:37:02] And from your own experience, where did people from the yard, or  
12 those who performed these ceremonies, where did they get the instructions from?

13 A. [11:37:21] The people from the yard got their instructions from whoever instructed  
14 them, or depending on the -- how they were instructed based on the LRA culture.

15 Q. [11:37:40] And the lessons they were taught which you are talking about, where  
16 did it come from? Who drew out those lessons?

17 A. [11:37:56] The teachers got their instructions from Joseph Kony.

18 Q. [11:38:09] And, Mr Witness, at your paragraph 78 of the statement you talk about  
19 rules regarding respect and obeying general orders. Could you ignore orders which  
20 were given by your superiors in the LRA?

21 A. [11:38:39] No, that was impossible. Insubordination was frowned upon, so if you  
22 receive instructions from your commander, that's unacceptable, you -- well, you could on  
23 occasion refuse but tell your commander that "I'm going to do it but I do not agree with  
24 it." You could tell that to your commander.

25 Q. [11:39:14] But you still do it? You give your opinion but go ahead and do it? Is



1 that correct?

2 A. [11:39:23] Yes, you do it. Because you cannot refuse it outright at the time based  
3 on those instructions.

4 Q. [11:39:34] Mr Witness, would you say that insubordination was common within  
5 the LRA?

6 A. [11:39:46] From my perspective and based on my -- based on the commander that I  
7 lived with, if I did not agree with somebody, I would inform him that I do not agree with  
8 this and he would also assess what I told him and perhaps he would agree with me and  
9 decide not to perform it the way that he wanted it to do. But I do not know if that was  
10 how it happened everywhere.

11 Q. [11:40:30] And Mr Witness, according to your experience, was there room for  
12 discussion of -- I mean or exchange of ideas as far as orders were concerned?

13 A. [11:40:53] Yes, sometimes the rules do agree. For example, if you are called, if  
14 your commander calls you and issues instructions, then you can speak at that moment.  
15 But if your commander does not call you, you do not have the right to approach him  
16 because you're a junior officer and you do not have the authority to approach your  
17 commanding officer.

18 Q. [11:41:17] What I mean to say is if a senior commander gave an order, was it open  
19 to his inferior to negotiate that order or even to discuss it with him?

20 A. [11:41:42] That would happen. Yeah, you would sit down and discuss it.

21 Q. [11:41:48] Was this the same with orders that was -- with orders that were given  
22 directly by Joseph Kony?

23 A. [11:42:09] Yes, that was also subject to discussion, because if Joseph Kony issued  
24 some orders, the officers would sit down and discuss that order.

25 Q. [11:42:29] I want to give an example: If Kony gave an order to Ben Acellam to go

1 and attack a particular place, could Acellam defy such an order?

2 A. [11:43:05] I will give you the same response. Ben Acellam would call his officers,  
3 they would sit down, they would discuss it. And after discussion they would decide that  
4 given that these instructions have come from above, we have to go and -- we have to go  
5 and carry out this order, and indeed they do go out and carry that order.

6 Q. [11:43:28] Now, talking about rules regarding women, who made those rules?

7 A. [11:43:43] The rules pertaining to women were also issued by Kony.

8 Q. [11:43:52] And, Mr Witness, in your statement in paragraph 80 you said that:

9 "During movement if a man converses with a woman that is not his wife, they could be  
10 arrested and beaten."

11 Who of the two would be beaten, was it the man, the woman or both of them?

12 A. [11:44:30] To enable you to understand this, if people are caught courting, if they  
13 are caught doing that, if a man is caught courting an officer's wife and you're caught,  
14 you're both arrested, you're both interrogated. If it's capable of punishment, then you are  
15 punished. But if the woman says, "Well, the courtship has already been going on for a  
16 while", then you're punished. But if it's something that is new, the woman might say  
17 "Oh, well, we were just discussing -- we were just talking with this -- I was just talking  
18 with this person." And they will assess the matter and then they will warn them and tell  
19 them "Do not do this again." But it wasn't a standard that whenever somebody spoke to  
20 a woman then that was subject to punishment or that was courtship or that related to an  
21 escape.

22 Q. [11:45:38] Now in respect to punishment for breaching rules regarding sex and  
23 women, would I be correct to say that they applied to both sexes, both men and women?

24 A. [11:46:02] Yes, that's correct.

25 Q. [11:46:06] And, Mr Witness, in paragraph 137 of your statement you seem to have

1 conceded to the Prosecution that you did not have any dealings with Dominic Ongwen's  
2 wives and could therefore not comment. Is that still your position?

3 A. [11:46:44] Yes, that's correct.

4 Q. [11:46:48] And is it your statement that you did not know how Dominic Ongwen  
5 got those wives of his?

6 A. [11:47:08] Yes, that's correct.

7 Q. [11:47:12] Now, Mr Witness, you talked about the operation in Pader which was  
8 ordered by Acellam where boys and girls were abducted.

9 And this can be found, your Honours, in his paragraph 40.

10 And you said that you do not know where the instructions came from. Is that correct?

11 A. [11:47:49] Yes, that's correct.

12 Q. [11:47:54] So, Mr Witness, is it therefore possible that the Pader operation was  
13 planned by some senior LRA authorities higher than Ongwen who picked your  
14 commander Acellam to execute it?

15 A. [11:48:28] I do not know whether the orders came from higher up, but to my  
16 knowledge and to my understanding of the practices of the LRA and the way Acellam  
17 was operating, when we went to -- on mission to Pader, the groups had been split and he  
18 is the one who organised the mission and we went and we carried food from the camp  
19 and came back with it.

20 Q. [11:49:03] Now, in that Pader example you gave a particular example of a beautiful  
21 woman called Josaphine who was abducted on the orders of Okot Lapaico; is that correct?

22 A. [11:49:27] No, that's not correct.

23 Q. [11:49:33] Who ordered for the abduction of that woman called Josaphine?

24 A. [11:50:04] It was the overall commander of that mission.

25 Q. [11:50:11] (Overlapping speakers) who was the overall?

1 A. [11:50:18] I responded to this question yesterday. The overall was called Aliga,  
2 Okot Aliga.

3 Q. [11:50:31] (Overlapping speakers) remind you again, Mr Witness, that there are  
4 bound to be repetitions, so don't mind answering them one more time. You remember  
5 I've not asked you these questions. This is my turn. I may also want to ask the same  
6 questions because when I ask you maybe I want to lead you to another question, so kindly  
7 don't feel irritated. Is that correct?

8 A. [11:51:09] Yes, I understand.

9 Q. [11:51:13] And you said that when the -- that overall commander Okot Aliga  
10 returned he reported to Ben Acellam about the abduction, the abductions which included,  
11 of course, this Josaphine; is that correct?

12 A. [11:51:38] Yes, he did. He reported it. And that is the standard operating  
13 procedure. As a commander if you've been on mission, you need to go back and report  
14 to the commander who issued the instructions to go out on that mission.

15 Q. [11:51:56] Did you see Ben Acellam giving a report to Dominic Ongwen about this  
16 particular woman?

17 A. [11:52:16] He informed me that he was going to send out the report.

18 Q. [11:52:29] Mr Witness, is it your statement that when -- is it still your statement  
19 that when Okot Aliga abducted Josaphine he did not have any orders for that abduction  
20 from Ben Acellam?

21 A. [11:52:53] I stated yesterday, and I repeat the same answer, people were sent on  
22 mission. When people went for the operation they abducted this girl. They found her  
23 cultivating her fields. When she was abducted they made her carry luggage and they  
24 brought her back. They brought her back with some other elderly women. The elderly  
25 women were released. That lady had a child. They removed the child and gave it back

1 to the elderly women who were released. Josaphine said that "You should please forgive  
2 me." Okot Aliga told her, "We are taking you but we are bringing you back, we are  
3 sending you back" but, indeed, they went with the lady and they took her to where we  
4 were.

5 Q. [11:53:46] So in the same vein, neither Okot nor Acellam had the order from their  
6 respective superiors to abduct Josaphine?

7 A. [11:54:10] That was part of an operation, an operation to go and collect food.

8 Q. [11:54:18] Now, Mr Witness, that frame of things, since Mr Ongwen did not order  
9 for the abduction of Josaphine, in your opinion, why would Acellam need to report to  
10 him?

11 MR BLACK: [11:54:35] Your Honour, objection. I'm not sure how the witness can be  
12 asked to give an opinion about that. I'm not sure.

13 PRESIDING JUDGE SCHMITT: [11:54:47] I think he can answer -- I think he can  
14 answer the question. Do you -- or, perhaps we a little bit rephrase: Did you have -- did  
15 you ever think about this issue, who reported to whom about this incident? Did you  
16 have any ideas about it?

17 THE WITNESS: [11:55:13] (Interpretation) With respect to reporting, reporting on  
18 operations, it is the same with my response earlier, we were told -- people were told to go  
19 on operation to collect food. Unfortunately that woman -- they came across the women  
20 while people were on their way on mission. The overall commander decided that, oh,  
21 she's a beautiful woman, she's shaped nicely and she's fit to be in the LRA. So he issued  
22 the order that they should take that woman. They brought the lady to Acellam Ben and  
23 they explained it to him. Acellam said, "No problem, I will send out this information on  
24 radio call." But at the time the issue of the abductions had been prohibited, people had  
25 been prohibited from abducting people. So this was something that was done illegally.

1 PRESIDING JUDGE SCHMITT: [11:56:19] So I think we can leave the matter now and  
2 go to another issue.

3 MR AYENA ODONGO: [11:56:24]

4 Q. [11:56:25] Now, Mr Witness, since you described -- and this Josaphine was given to  
5 Lutugu; is that correct?

6 A. [11:56:56] Yes, that's correct.

7 Q. [11:56:57] And she was given to Lutugu by Acellam?

8 A. [11:57:05] Yes, that's correct.

9 Q. [11:57:14] Did you hear Mr Ongwen having any opinion in the matter?

10 A. [11:57:23] No, I did not hear anything to that effect.

11 Q. [11:57:30] Now, Mr Witness, in your opinion for the time you spent in the bush  
12 when a distribution of a wife was made by a brigade commander, would a division  
13 commander or the Control Altar have any say in the matter?

14 A. [11:57:59] I do not know how they plan about this or I do not know where they  
15 discussed these matters from.

16 Q. [11:58:14] And at paragraph 145 of your statement, Mr Witness -- and of course  
17 page 50, line 3 of the realtime transcript, you said that the overall order to abduct came  
18 from Kony, but you saw the distribution of ting ting being made at a battalion level; is  
19 that correct?

20 A. [11:58:56] With respect to the distribution of ting tings, yes that happened. They  
21 would send the person, they would say this person -- this person should be sent to such a  
22 person to be taken care of.

23 Q. [11:59:22] You also mentioned, Mr Witness, that Ben Acellam was responsible for  
24 distributing the women in -- to the boys and was -- reported the same to his brigade  
25 commander; is that correct?

1 A. [11:59:42] Yes, that's correct because he was a commander, he was a CO of Oka  
2 battalion. So if people are abducted, then, yes, he distributes them. They would sit  
3 down in his operation room and make the distribution.

4 Q. [12:00:03] Were you aware that this was a standing order that had already been  
5 sent down from Joseph Kony and, therefore, it was just being followed by the brigade  
6 commanders?

7 A. [12:00:33] I do not have any particular knowledge with regard to that standing  
8 order, but that depends on the perception of commanders in each particular unit, then the  
9 commanders would sit down in their respective units and make such decisions.

10 Q. [12:01:06] And you also mentioned, Mr Witness, that Oka battalion was not always  
11 positioned in the same place with the entire Sinia brigade. Do you know, Mr Witness,  
12 how Acellam would make his report to the brigade headquarters?

13 A. [12:01:37] I have no knowledge of that because I don't know the call signs of the  
14 radio call. Sometimes I hear during a chat after they are finished their radio call  
15 communication.

16 Q. [12:01:57] But, Mr Witness, is it your statement that he would always make his  
17 report by radio call?

18 A. [12:02:09] Yes. Every day they connect the antennas. And depending on -- on  
19 the day, they connect the antennas.

20 Q. [12:02:29] In respect to wife distribution, how soon after distribution did this  
21 report have to be made?

22 A. [12:02:44] It's immediate usually.

23 Q. [12:02:53] And if he delayed to relay the information and it was discovered, what  
24 would happen to him?

25 A. [12:03:04] Nothing would happen. It depends on how he perceives it and

1 how -- what appropriate time he chooses to send the message. If he chooses to send  
2 immediately, he would send. If he chooses to send after a week, he would also do that.

3 Q. [12:03:25] You told the Prosecutor and repeated before this Court, Mr Witness, that  
4 there was widespread but silent facts that commanders would sleep with their ting ting  
5 without being punished; is that correct?

6 A. [12:03:56] Yes, that is correct.

7 Q. [12:04:00] And this was hardly talked about and punishment only occurred if  
8 something glaring had happened?

9 A. [12:04:21] Like I stated already yesterday, it is true.

10 Q. [12:04:26] So, Mr Witness, would I be right to say that such behaviour was  
11 therefore illicit and done in hiding because it was against the rules, people knew that it  
12 was against the rules?

13 A. [12:04:51] Yes, that is correct.

14 Q. [12:04:55] And, Mr Witness, as a matter of fact, people went out of the way to make  
15 sure that their superiors were not aware of such behaviour?

16 A. [12:05:15] Yes, that happened.

17 Q. [12:05:19] Mr Witness, do you know when Dominic Ongwen became the brigade  
18 commander of Sinia brigade?

19 A. [12:05:43] I have no knowledge of that. I have knowledge about his promotions,  
20 but if it's about his transfer, then it happened when he was in Teso. I beg to be excused,  
21 perhaps I didn't understand the question well.

22 Q. [12:06:12] Mr Witness, you can still retrace and give your statement. I'm glad that  
23 you recognize that right. So is it your statement that the first time you realised  
24 Mr Ongwen was a brigade commander was when you were with him in Teso?

25 A. [12:06:40] Yes, that is correct.



- 1 Q. [12:06:44] Can you, Mr Witness, repeat to Court which year you were in Teso?
- 2 A. [12:07:01] I have forgotten about that.
- 3 Q. [12:07:08] Do you remember whether it was before, after -- or after the death of
- 4 Tabuley when Mr Ongwen became the brigade commander?
- 5 A. [12:07:34] When Dominic Ongwen was brought Tabuley had already died.
- 6 Tabuley died from around Kaberamaido.
- 7 Q. [12:07:49] Do you by any chance know exactly where in Kaberamaido, the
- 8 location?
- 9 A. [12:08:05] I don't know. Because at the time that he died people were split into
- 10 smaller groups, so I just heard about it as it was being talked about. I also understood
- 11 when it was being talked about.
- 12 Q. [12:08:27] But, Mr Witness, you remember that you told the Prosecution that -- and
- 13 this is in paragraph 148 of your statement -- you told the Prosecution that a year after your
- 14 abduction when Mr Ongwen was already brigade commander someone called Olwiko
- 15 infected a ting ting with syphilis.
- 16 A. [12:09:07] Yes, that happened from Oka battalion.
- 17 Q. [12:09:13] And that was a year after your abduction?
- 18 A. [12:09:26] I cannot estimate the exact -- I could have finished a year already.
- 19 Q. [12:09:39] Mr Witness, I want to put it to you that at the time of the alleged event
- 20 Mr Ongwen was far from being brigade commander. What do you say about that?
- 21 A. [12:10:08] In regard to that, it can be correct because at that time I was still young.
- 22 Those are some of the things that I remember and I would explain what I remember. The
- 23 investigators asked me what I could remember and I was trying to explain to them and I
- 24 didn't know they were going to put it in writing.
- 25 Q. [12:10:42] Correct, Mr Witness, you cannot be faulted for that because we

1 recognize that you were very young, you were just about 11 years and there are certain  
2 events that you may not remember clearly. And it's only fair to tell Court when you  
3 seem to be at cross-purposes about events.

4 Mr Witness, you talked about the prevalence of syphilis at that time in the LRA. I don't  
5 know whether this is a fair question, but I'm saying -- I want to ask do you know on the  
6 average how many soldiers had the disease? According to rumours. Of course you  
7 would not know.

8 A. [12:11:50] I would hear rumours, but I wouldn't know who -- I wouldn't notice that  
9 so and so had syphilis, but I would hear that there was syphilis.

10 Q. [12:12:07] Now, at paragraph 150 of your statement you told the Prosecutor that  
11 you witnessed numerous times ting ting being made wives. In particular, you stated that  
12 a person in charge of the ting ting would make their request to their battalion commander,  
13 in this case Acellam, who would then offer to speak to the brigade commander; is that  
14 correct?

15 A. [12:12:57] Yes, that is correct.

16 Q. [12:13:01] Now, Mr Witness, I want you to clarify to Court whether you observed  
17 the phase or any time when a soldier would come to Acellam seeking for permission to  
18 make a ting ting his wife; do you remember any person who did this?

19 A. [12:13:33] I saw that happen.

20 Q. [12:13:40] Could you mention a particular person and the ting ting involved?

21 A. [12:13:52] First it happened with a commander called Oringa Aligo, he was a  
22 sergeant at the time. He came to Acellam Ben, who was a commander then, and  
23 requested him to help him with a ting ting. Acellam then told him to wait and -- asked  
24 him to wait until someone was abducted, then he would give him someone.

25 Q. [12:14:25] So was he finally given a ting ting?

1 A. [12:14:41] There was no ting ting given to him, but after someone was abducted, he  
2 was given a woman who was already mature, well beyond ting ting.

3 Q. [12:14:57] In other words, he was given more than he requested for?

4 A. [12:15:16] He was given one, not many. Oringa Aligo did not have a woman, he  
5 did not have a wife, and that is why he requested.

6 Q. [12:15:25] Mr Witness, I was particularly talking about ting tings who were already  
7 in the households of the commanders. Would those commanders seek permission from  
8 Acellam to be allowed to have those ting tings as their wives?

9 A. [12:15:56] They would come and request, they would come and ask Acellam.  
10 And when Acellam sees it fit or he would tell them please wait, he would tell them that.

11 Q. [12:16:15] Now that is the example I wanted you to give to Court. Was there any  
12 particular person who requested Acellam to allow him take on a ting ting under his  
13 custody or within his household to become his wife?

14 A. [12:17:08] Komakech Lutugu was one of those who requested.

15 Q. [12:17:18] Is this the same Komakech Lutugu who was given Josaphine?

16 A. [12:17:29] Yes.

17 Q. [12:17:39] But you told Court that he was given Josaphine because he didn't have a  
18 wife. What had happened to the ting ting?

19 A. [12:17:53] At the time when Komakech Lutugu's wife was pregnant she could not  
20 move, so when someone was abducted they decided to give the ting ting to Lutugu. So  
21 that woman was carrying the bag and when -- they let the young girl continue to stay with  
22 Lutugu. When the girl matured in the household of Lutugu he came to Acellam Ben and  
23 requested that the ting ting who was living in his household now becomes his wife.  
24 They asked him to explain why and he said that he had already committed a crime.

25 Q. [12:18:47] What had happened?

- 1 A. [12:18:51] He had already slept with her.
- 2 Q. [12:18:58] The ting ting was already pregnant?
- 3 A. [12:19:04] I did not say ting ting, I was talking about the woman who was given to  
4 him who was pregnant. The ting ting was not pregnant.
- 5 Q. [12:19:19] So, Mr Witness, who had slept with who? That is not clear. Can you  
6 make it clear?
- 7 A. [12:19:33] This is what I said: Komakech Lutugu slept with the ting ting. His  
8 wife had just delivered a baby. When the wife delivered a baby, the ting ting was still  
9 with Komakech Lutugu helping to carry the luggage and food. A ting ting matured in  
10 the household of Komakech Lutugu. And he started admiring the ting ting and slept  
11 with the ting ting. Later he came to Acellam Ben and requested that the ting ting should  
12 be given to him as a wife because he had already slept with her.
- 13 Q. [12:20:17] The one who had become pregnant, was that Josaphine?
- 14 A. [12:20:25] Yes.
- 15 Q. [12:20:36] Now, Mr Witness, were there situations when wives, so to speak, were  
16 randomly distributed to the commanders without necessarily being requested for?
- 17 A. [12:20:59] In regard to that, it depends on the request from particular officers or  
18 commanders. When he sends such a request and when there are women who have been  
19 abducted, he would present a list of those who had already requested for wives and then  
20 the women would be given to them.
- 21 Q. [12:21:32] Mr Witness, do I understand that wife distribution was therefore on  
22 request?
- 23 A. [12:21:46] It depends on the request. Wife distribution depends on the  
24 commander, how the commander feels about a particular soldier. That soldier should be  
25 someone who is mature, not a young person.

1 Q. [12:22:10] You know, Mr Witness, if you were -- a commander was given or any  
2 soldier was given a ting ting or a wife, for that matter, did he have a right to reject that  
3 wife?

4 A. [12:22:34] In the bush it's not easy to get a woman so it is not logical to reject the  
5 woman unless the woman is really ugly or repellent.

6 Q. [12:22:58] Mr Witness, you talked about herbal contraceptive medicines. Was this  
7 something the women used on their own accord or their husbands made them take the  
8 medicines to stop them from becoming pregnant?

9 A. [12:23:30] I have not understood the question. Are you talking about -- can you  
10 repeat the question? Maybe -- my statement I did not talk about any contraceptives in  
11 my statement.

12 MR AYENA ODONGO: [12:23:52] Your Honours, I will refer the witness to paragraph  
13 153 of his statement.

14 PRESIDING JUDGE SCHMITT: [12:24:02] Page 164.

15 MR AYENA ODONGO: [12:24:06] Page 164.

16 PRESIDING JUDGE SCHMITT: Yes.

17 MR AYENA ODONGO:

18 Q. [12:24:08] And I will read it to you, Mr Witness. It is stated:

19 "I cannot talk about the decision to give birth because I was not married. I know that  
20 there was medication that the women had access to which stopped them producing and  
21 this included traditional Acholi medicine."

22 This is what was recorded in your statement as having been made by you.

23 A. [12:24:54] In regards to that, I talked about things which happened in Congo and  
24 Central. I told investigators that in regards to -- in Congo and in Central they have  
25 traditional medicine which is used to -- as contraceptive. Excuse me about that, initially

1 I had not understood the question.

2 Q. [12:25:29] Are you aware, Mr Witness, that Mr Kony had given a standing order  
3 for his soldiers to procreate and make more children to become future soldiers in the  
4 struggle?

5 A. [12:25:57] I did not hear that.

6 Q. [12:26:06] And you talked about the incident (Redacted)  
7 (Redacted) raped his wife. We talked about it already, but maybe you can reiterate it.  
8 And you said that this wife reported directly to Kony; is that correct?

9 A. [12:26:49] It's still the same response, yes.

10 Q. [12:26:55] And at that time, Mr Witness, were there other officers around?

11 A. [12:27:09] It was on a big day, it could have been New Year or Christmas and there  
12 were -- peace talks were going on in Congo and we were in a place called Tim Kikomi,  
13 that's where we had our Christmas. Some people who -- a delegation came and joined us  
14 in the celebration for Christmas. And when I was with him, I was following him  
15 with -- I was armed with a gun, he told me to go home and tell -- tell my wife to put water,  
16 bathing water in the shelter, I am going to bathe and then go and see the boss. Indeed, I  
17 came and told Ayaa and told her to take bathing water to the shelter. She took water to  
18 the shelter.

19 And when commander -- and Commander Otto Agweng was remaining behind. He  
20 came together with some of the officers, the senior officers, even Dominic Ongwen was  
21 there, but he left -- he left early and went to his home. The other commanders like Okot  
22 Odek, Kidega Min Tigi Tigi, Opore and one other commander. And Opio Sam was also  
23 present.

24 Then commander Otto Agweng left to go and bathe. He entered the shelter and then he  
25 called his senior wife, that is Ayaa, and told her to bring his clothes.

1 And later on, the woman went and brought clothes and he refused that they should bring  
2 another clothe, so she went and -- she went and brought another clothe and then asked  
3 her to bring a belt. Then he grabbed her and pulled her in the -- pulled her towards the  
4 shelter.

5 He did not hold her hands but held her clothes and raised it up and then the woman said,  
6 "Lapwony, why are you doing that?" And later on, since people were gathered under  
7 the tree, everybody was looking at the direction. The woman was ashamed and then  
8 he -- she returned to the shelter and Agweng started using her.

9 Then the woman said, "Why do you do this? Don't you see all the people gathered  
10 outside?" And indeed, the officers started scattering and they left.

11 When he finished satisfying himself, the woman left crying and went straight to the boss,  
12 to Kony. When she went there, she stayed there for about a week. And when the  
13 celebration -- after the celebration, Agweng was summoned and was questioned on the  
14 incidents, but I do not know what exactly took place or what they talked about during the  
15 summon. But later on the woman came back to Agweng's house.

16 Q. [12:31:11] That's a very good narrative, Mr Witness. So for that matter, would I be  
17 right to assume that just by listening to you, your statement and your testimony, rape of  
18 any form, including that of one's own wife, was not tolerated in the LRA?

19 A. [12:31:40] Yes, that's correct. That happened in front of people and it wasn't  
20 pleasant.

21 Q. [12:31:55] He did it in the open. Could it have been different if he had done it  
22 maybe in their own house, do you think?

23 A. [12:32:07] Yeah, there's no prohibition on that. If he's -- if the -- in spite of the fact  
24 that that was his wife, what he did wasn't a good thing. Even you, if you do that to your  
25 wife knowing that that's not what's supposed to happen, then it's not good.

1 Q. [12:32:33] Mr Witness, you testified on 3 April 2017 that you were an escort  
2 under --

3 PRESIDING JUDGE SCHMITT: [12:32:59] When it comes to the names, I think we go  
4 to private session, yes?

5 Private session.

6 MR AYENA ODONGO: [12:33:11] Private session.

7 (Private session at 12.33 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)



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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Open session at 12.35 p.m.)
- 14 THE COURT OFFICER: [12:35:54] We are back in open session, Mr President.
- 15 MR AYENA ODONGO: [12:35:57] Thank you, Mr Court officer.
- 16 Q. [12:36:03] Mr Witness, at paragraph 111 you also said that you overheard over the
- 17 radio call about an attack on Pajule which Oka -- in which Oka was not present, and you
- 18 said that you were an escort for Ben Acellam.
- 19 Now --
- 20 A. [12:36:33] It's the same answer. That's correct.
- 21 PRESIDING JUDGE SCHMITT: [12:36:36] Mr Black.
- 22 MR BLACK: [12:36:37] Your Honour, just as a point of clarity, as I read paragraph 111 I
- 23 don't think it says anything about Oka battalion. My apologies. I see it's paragraph 110,
- 24 not 111.
- 25 PRESIDING JUDGE SCHMITT: [12:36:55] And we -- I repeat I think what I said

1 yesterday or the day before yesterday, I don't recall exactly when it was, that when we are  
2 talking about this attack, the witness has made clear that he does not have a firsthand  
3 account, so to speak, because he was not present.

4 MR BLACK: [12:37:23] Yes, your Honour, and I apologise for rising again, but there's  
5 reference to Oka battalion with regard to a first attack, and I don't see any reference to  
6 Oka battalion with regard to a second attack. That was the point I wanted to clarify.

7 PRESIDING JUDGE SCHMITT: [12:37:40] That's correct, what you're saying.

8 MR AYENA ODONGO: [12:37:41] That sounds like both of us were correct, because I  
9 also made reference to the first attack.

10 PRESIDING JUDGE SCHMITT: [12:37:50] I would simply say continue with your  
11 questioning, and we have seen that there was no direct connection between the two  
12 events.

13 MR AYENA ODONGO: [12:38:02] Yes.

14 Q. [12:38:05] Now, in view of your statements, Mr Witness, is it possible that Mr Ben  
15 Acellam became commander of Oka in March 2004?

16 A. [12:38:27] As I stated yesterday, Ben Acellam became the commanding officer of  
17 Oka while the LRA was in Teso.

18 Q. [12:38:47] Mr Witness, can you explain how the reporting processes worked in the  
19 LRA?

20 A. [12:39:07] It's the same response. They use -- I did not actually have any  
21 knowledge about radio communication, the use of call signs. I heard -- what I heard was  
22 what people were saying. They do communicate via radio call.

23 Q. [12:39:28] And, Mr Witness, you told the Prosecution that as an escort your roles  
24 included giving accurate reports about what was happening within your unit, including  
25 escape plans and relationships with girls outside marriage. Now my question is:

1 Would I be right to say that an escort also worked as a spy?

2 A. [12:40:08] Yes, that's correct.

3 Q. [12:40:12] Mr Witness, we were talking about Ben Acellam and others together  
4 with Vincent Otti when they were executed. Are you aware that they were executed  
5 because there was a rumour that reached Kony that they were planning to escape?

6 A. [12:41:03] Yes, I heard that.

7 Q. [12:41:08] Can you tell Court who within the system could have given this  
8 information to Kony?

9 A. [12:41:22] I do not know who gave that information to Kony. I do not know  
10 whether it was the intelligence officers or whether it was his security officers. I have no  
11 knowledge of that.

12 Q. [12:41:36] You remember, you remember, Mr Witness, that at this time you were  
13 escort to the security of (Microphone not activated), chief security.

14 A. [12:41:55] I said at the time I was Acellam Ben's escort. When that thing happened  
15 we were at the front, we were in Ri-Kwanga where the peace talks were taking place.  
16 We were taking care of things at Ri-Kwanga.

17 Q. [12:42:14] For the benefit of the translators, I think that was -- there was some  
18 difficulty with that word front. It is front, it is front.

19 So I'm sure, Mr Witness, the execution of Vincent Otti and those with whom he was  
20 executed became a topical issue within the LRA. When you finally went to (Redacted)  
21 (Redacted) of Mr Kony, did you hear how Kony got this information?

22 A. [12:43:22] No, that's very secretive. Even us, the people who had been transferred  
23 there were under guard. We were not allowed to sit with anybody, we were not allowed  
24 to converse with anybody, so I do not have any knowledge of that.

25 Q. [12:43:48] And when you had to do (Redacted) for Joseph Kony and you

1 inspected his wives, did it feel strange that you would be asked to do this?

2 PRESIDING JUDGE SCHMITT: [12:44:14] I'm not sure if he has answered this  
3 question -- no, no.

4 THE WITNESS: [12:44:20] (Interpretation) I responded to that question yesterday.

5 PRESIDING JUDGE SCHMITT: [12:44:23] Yes, exactly. And I'm not sure that the  
6 witness included this part into the duties he was being given to. I think he denied it, this  
7 part. I'm not -- of course I don't have the reference here, but I have it in my head, so to  
8 speak. This would mean put another question to him.

9 MR AYENA ODONGO: [12:44:50] Yeah.

10 Q. [12:44:53] Now, Mr Witness, as you did your (Redacted) around Joseph Kony,  
11 were you aware that there were other security networks also doing spy work on you?

12 A. [12:45:18] From my perspective as a (Redacted) at night we are all laid out in a  
13 line and they keep on checking on us. Yes, I'm sure there were security officers checking  
14 on us. Firstly, the reason why I said that there were probably security details on us was  
15 because we as escorts, the escorts of the people that had been killed, at the time they had  
16 assumed that we were all part of the programme, so when -- after a while we were put  
17 into the security detail, we were sent out to work at night, we were not able to sleep. Yes,  
18 the security were also there. Perhaps they thought that we might think otherwise or act  
19 in a way that was contrary to what we were supposed to do.

20 Q. [12:46:17] So in that case, Mr Witness, would I be right to say that the closer one  
21 came to Kony the more paranoid about him Kony became?

22 A. [12:46:41] Kony is not afraid of anybody. Perhaps his own security, his senior  
23 security officers, because his security officers are informed that nobody can approach him.  
24 Everybody is supposed to keep a distance.

25 Q. [12:47:04] Thank you, Mr Witness. You talked about the organisation of Sinia and

1 at paragraph 69 of your statement you said that at the time of your abduction the  
2 commander of Oka, Oka, was Lapaico. However, at paragraph 38 of the same statement  
3 you said that Lapaico was the head of Terwanga. Could you help Court to understand  
4 this dichotomy?

5 A. [12:47:50] Well, it's similar to my earlier response. I said in the army you are not  
6 stationed in one position, people are transferred, people are moved about. There is no  
7 other response that I can give other than that. As a soldier you cannot stay stationed in  
8 one place. You are moved, you are moved from one place to another.

9 Q. [12:48:16] Mr Witness, in this case we are talking about a particular timeline at the  
10 time when you were abducted.

11 A. [12:48:34] When I was abducted the group that abducted me were Lapaico's group.

12 Q. [12:48:52] Then -- anyway. So would I be right, Mr Witness, to state that after  
13 Lapaico as Terwanga CO, it was Cele Akuri, Loum Icaya, and then Acellam, in that order?

14 A. [12:49:30] No. There was no Loum Akuri. There was Cele and there was Loum  
15 Icaya. I made that distinction yesterday and the response remains the same.

16 Q. [12:49:47] I am talking about Cele Akuri, Icaya Loum. I don't know whether he was  
17 called Laum (phon) or Loum. What was he called?

18 A. [12:50:04] Loum Icaya.

19 Q. [12:50:08] (Redacted)

20 PRESIDING JUDGE SCHMITT: We know --

21 MR BLACK: [12:50:20] Your Honour, before --

22 PRESIDING JUDGE SCHMITT: [12:50:22] (Microphone not activated).

23 MR BLACK: [12:50:24] And could we move into private session --

24 PRESIDING JUDGE SCHMITT: Yes.

25 MR BLACK: -- if you're going to continue down this line?

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- 1 PRESIDING JUDGE SCHMITT: [12:50:29] Yes, of course. Of course.
- 2 MR AYENA ODONGO: [12:50:33] Your Honour, maybe we don't need to.
- 3 PRESIDING JUDGE SCHMITT: [12:50:38] (Overlapping speakers) to?
- 4 MR AYENA ODONGO: No.
- 5 PRESIDING JUDGE SCHMITT: Okay.
- 6 (Private session at 12.50 p.m.)
- 7 THE COURT OFFICER: [12:50:42] (Microphone not activated).
- 8 PRESIDING JUDGE SCHMITT: [12:50:43] No, but there is no decision that cannot be
- 9 reversed, isn't it, so --
- 10 MR AYENA ODONGO: [12:50:49] It's not cast in stone.
- 11 PRESIDING JUDGE SCHMITT: [12:50:52] Yeah, exactly. So then we go back to open
- 12 session. But shortly in private session I can address the following.
- 13 MR AYENA ODONGO: Yes.
- 14 PRESIDING JUDGE SCHMITT: We are nearing the -- it doesn't matter, we can also talk
- 15 about that in open session. We are nearing the lunch break and I would like to inquire
- 16 how long your questioning would take.
- 17 MR AYENA ODONGO: [12:51:12] Your Honour, we -- your Honour, we are about to
- 18 end a certain point, or a certain topic and then we can continue after lunch.
- 19 PRESIDING JUDGE SCHMITT: [12:51:24] And you're aware of the goal that we set
- 20 each other would be a little bit of a euphemism, but we talked about that you would set
- 21 perhaps yourself. Yeah, no, simply that I think, from how the questioning is going that
- 22 we could finish today, I would say, and then everybody has a free day tomorrow and on
- 23 Friday. What do you say?
- 24 MR AYENA ODONGO: [12:51:51] I say exactly that, your Honour.
- 25 PRESIDING JUDGE SCHMITT: [12:51:54] Okay. Then please continue with the topic

1 you want to address.

2 MR AYENA ODONGO: [12:51:59] Yes.

3 Q. [12:52:08] Mr Witness, you said that you received your training in Sudan a month  
4 after you arrived. And this can be found in your statement, paragraph 74, at page 150.

5 And maybe with your permission, your Honours --

6 MR BLACK: [12:52:44] Sorry. Sorry to rise. I just -- it could have been a translation,  
7 but paragraph 74 doesn't say he received training a month after he arrived, at least my  
8 paragraph 74 at tab 1.

9 PRESIDING JUDGE SCHMITT: [12:52:59] That is correct, Mr Black.

10 So, Mr Witness, when did you receive your training? When you have been -- see, if you  
11 look at a reference point your abduction, and can you still say with your recollection,  
12 recalling what has happened, how long after the abduction your training started?

13 THE WITNESS: [12:53:39] I received formal training in Sudan. When the LRA came  
14 back from Teso we were taken to Sudan. When we got to Sudan then other people had  
15 already crossed the river. We were told, the people who remained in Uganda, that was  
16 the first time that we got to Sudan, we'd be given formal training while we were in the  
17 Sudan.

18 PRESIDING JUDGE SCHMITT: [12:54:10] And how long after your abduction, if you  
19 recall it, or if you can still assess it a little bit, how long after your abduction this would  
20 have been?

21 THE WITNESS: [12:54:20] (Interpretation) It took a while. It was probably about a  
22 year, a year, two, three.

23 MR AYENA ODONGO: [12:54:32] Your Honour, I'm sorry I was referring actually to  
24 paragraph 75. I'm indebted to my learned friend, save that he did not go far enough to  
25 inform me that I was so close to the truth. And at that paragraph, maybe it would be

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1 useful to remind the witness that he said that at --

2 PRESIDING JUDGE SCHMITT: [12:55:04] But there the relation, the reference point in  
3 time is not the abduction, this is the difference. I think the reference point in time, so to  
4 speak, is geographically arriving in Sudan, as I understand it. So this is something  
5 different, I would say.

6 MR AYENA ODONGO: [12:55:32] I will delightfully abandon that.

7 In that case, your Honour, we could go for lunch.

8 PRESIDING JUDGE SCHMITT: [12:55:41] Thank you very much.

9 So we have the lunch break now until 2.30.

10 THE COURT USHER: [12:55:46] All rise.

11 (Recess taken at 12.55 p.m.)

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

13 THE COURT USHER: [14:31:42] All rise.

14 PRESIDING JUDGE SCHMITT: [14:32:05] Mr Ayena, you have still the floor.

15 MR AYENA ODONGO:

16 Q. [14:32:31] Mr Witness, in respect to what we were talking about before we broke for  
17 lunch, you said that your battalion commander was talking on radio; is that correct?

18 A. [14:33:01] Yes, that is correct.

19 Q. [14:33:04] Do you remember who at that time was Dominic Ongwen's signaller?

20 A. [14:33:15] I responded to that yesterday and I also mentioned their names.

21 Q. [14:33:20] Mr Witness, we agreed earlier on that there are certain questions that you  
22 may have to -- that would be repeated.

23 PRESIDING JUDGE SCHMITT: [14:33:32] Since this does not call for a narrative, so to  
24 speak --

25 MR AYENA ODONGO: Yes.



1 PRESIDING JUDGE SCHMITT: -- just repeat what you recall, which signallers you  
2 recall.

3 MR AYENA ODONGO: [14:33:49] Yes.

4 THE WITNESS: [14:33:51] (Interpretation) The signallers who were in Sinia brigade at  
5 the time included Okello, Lacim, there was Onen Bunga, and the others I cannot recall  
6 now.

7 Q. [14:34:20] How about Ben Acellam's signaller?

8 A. [14:34:32] There was Kadogo, Olanya Lagile and also Onen Bunga who was with  
9 Acellam but was transferred to headquarters later.

10 Q. [14:34:43] Now the radio -- the radio communication you heard, was it in coded  
11 language or it was in plain language?

12 A. [14:35:04] I had earlier said that I -- the language spoken by signallers is not ordinary  
13 and I do not understand.

14 Q. [14:35:12] They were using -- they were using call signs?

15 A. [14:35:19] Yes, they were using call signs.

16 Q. [14:35:27] Did you know the call sign of Ben Acellam?

17 A. [14:35:38] I still repeat that I do not know the call signs that they were using. The  
18 number or whatever of Acellam Ben, I have no knowledge of it. What I said is that when  
19 they finished their communication radio call they would start talking about the  
20 communication in a language I understand.

21 Q. [14:36:05] Would that therefore suggest, Mr Witness, that if your boss was talking to  
22 somebody in a coded language, unless he came and told you who he was talking to, there  
23 was no way you would know who he was talking to?

24 A. [14:36:31] It's difficult to know, because the way signallers talk are coded and I  
25 cannot know. Unless you are trained in radio call communication, you wouldn't know.

1 It is difficult.

2 Q. [14:37:10] Mr Witness, I think we are now going to Odek. Let us go to Odek.

3 Where exactly do you remember you were, your group, where were you positioned just  
4 before the Odek attack?

5 A. [14:37:47] People met at the RV and then a plan to attack was made. It's the same  
6 as I responded the other day.

7 Q. [14:38:03] Maybe something which is slightly different from what you told Court,  
8 yes, you came to an -- I mean to an RV. Where did you come from to come to the RV?  
9 Do you remember the location you were at before --

10 A. [14:38:27] We had come from the eastern side.

11 Q. [14:38:38] When you talk about tung malo, what exactly do you mean? Can you  
12 put the name of the location where you were?

13 A. [14:38:58] We had come from the east, from the place where the sun rises.

14 Q. [14:39:07] Do you remember the name of the location, the sub-county, the parish, the  
15 village where you had been stationed?

16 A. [14:39:14] That I cannot recall. When you are moving in the bush you cannot know  
17 names of places. I have no knowledge of that.

18 Q. [14:39:33] So am I right to assume that you also did not know where the other  
19 different battalions were, those were Siba, Terwanga, Siba and Terwanga battalions, you  
20 also did not know their positions, and of course the headquarters?

21 A. [14:39:59] That is true, because when we met at the RV, that is when the plan to go  
22 and loot for food was launched. I do not know where they were at the time. You know,  
23 in Uganda people split into smaller groups because of fear of the soldiers pursuing you.

24 Q. [14:40:27] Now, Mr Witness, wherever you were, at least can you tell Court whether  
25 you were on the eastern bank or on the western bank of Aswa river?

- 1 A. [14:40:52] We were on the east.
- 2 Q. [14:41:00] So in order to come to the RV you had to cross river Aswa?
- 3 A. [14:41:11] When we moved to camp to Odek, if I recall well, we did not cross Aswa?
- 4 Q. [14:41:26] Now, Mr Witness, can you tell Court the position of Odek, is it west or  
5 east of Aswa river?
- 6 A. [14:41:42] When we finished our operation in Odek I wouldn't know which direction  
7 Aswa river was located at the time. I had never been to Odek in my life. I reached only  
8 when we went there for an operation.
- 9 Q. [14:42:04] Now, Mr Witness, which group was Ongwen commanding at that time, if  
10 you remember?
- 11 A. [14:42:22] I said earlier that it was Sinia brigade.
- 12 Q. [14:42:37] Yes, Mr Witness, we know that he was the brigade commander, but as the  
13 brigade commander did he have some unit that -- that moved around him just like, you  
14 know, there would be a battalion? Did the head -- was the headquarters organised in  
15 a manner that the brigade commander would have his own fighting units?
- 16 A. [14:43:16] That is correct. He, he had the headquarters to himself.
- 17 Q. [14:43:25] Now, this -- I want you to tell Court more about Odek. Are you aware  
18 that this place called Odek is the birthplace of Joseph Kony, where his uncles were, where  
19 his relatives were, where his church, the original church he came from was and that  
20 therefore in order for anybody to attack it he had to be sure that it was not going to annoy  
21 Kony? Were you aware?
- 22 A. [14:44:24] I learnt about that after the operation when we had finished the operation  
23 in Odek, that's when I was informed that this is the birthplace of Kony. Now, on the  
24 operation I am not aware whether he was angered by, by our action there. I know that  
25 the operation was mainly to go and loot food and we were warned that there were

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1 soldiers there.

2 Q. [14:45:08] So, you finally got to know that this was Kony's home turf. Was it after  
3 or during -- was it before, during or after the attack?

4 A. [14:45:36] I said I learnt about it after the attack in Odek that I was informed that  
5 Odek was actually Kony's birthplace.

6 Q. [14:45:49] Now, did you get to know that the order to attack Odek actually came  
7 from Kony directly?

8 A. [14:46:01] I'm -- I don't know anything about that. Like I said earlier, that was  
9 a plan to go and loot food. If he, he was the one who ordered, I have no knowledge of  
10 that, but I know that it was a plan to go and loot for food, to loot food.

11 Q. [14:46:24] And, Mr Witness, you have already told Court that the whole of Sinia  
12 brigade was there.

13 I want us to look at tab 4, which is UGA-OTP-256-178.

14 PRESIDING JUDGE SCHMITT: [14:47:22] Could the court usher help the witness again,  
15 please.

16 MR AYENA ODONGO: [14:48:00]

17 Q. [14:48:01] So, Mr Witness, this was drawn by you. Was this drawn by you?

18 A. [14:48:14] Yes, I was the one who drew it.

19 Q. [14:48:19] And that handwriting is yours?

20 PRESIDING JUDGE SCHMITT: [14:48:24] I think he has said already that somebody else  
21 has written it.

22 MR AYENA ODONGO: [14:48:29] Okay.

23 Q. [14:48:31] Now, Mr Witness, how far away is that position you marked "I" from  
24 Odek?

25 A. [14:49:00] I already explained the distance. There is nothing more I can, I can say to

1 that question.

2 PRESIDING JUDGE SCHMITT: [14:49:09] Was this the football field incident last time,  
3 I think? Football field versus courtroom, you could say.

4 MR AYENA ODONGO: [14:49:22] (Microphone not activated) I want to put some  
5 questions to him.

6 Q. So, Mr Witness, please help me again. I know that you said it. Can you say it one  
7 more time, for my sake, for heaven's sake.

8 A. [14:49:44] I cannot say anything else which is different from what I already  
9 mentioned the other day. There is nothing new that I will add to it.

10 Q. [14:49:53] Okay. And, Mr Witness, in your statement at paragraph 84 you said that  
11 after the meeting you walked for a few hours; is that correct? Is that still your statement  
12 today?

13 A. [14:50:39] After the meeting I don't recall any meeting that we sat for, probably you  
14 meant something else.

15 Q. [14:50:52] Mr Witness, then in that case let's go to it, tab 4. Tab 4, I mean paragraph  
16 84 of your statement. Let's read it together.

17 You see, Mr Witness, I want you to know that I do not believe that I am always right. In  
18 fact, we want to believe that you are the most right person here because it is you who is  
19 making these statements, so the right statement should come from you. But let's read it  
20 together.

21 You said: "I recall the attack at Odek which occurred in 2004 but I don't recall the date or  
22 the month. I recall we were in a brigade defence position a few hours walk from Odek.  
23 The whole of Sinia brigade was present at the time position and the overall commander  
24 was Dominic Ongwen. I recall a standby force was selected and Ben Acellam was picked  
25 by Ongwen to be the overall commander."

1 But I think the most important one is in the second sentence which you say, "I recall we  
2 were in a brigade defence position a few hours walk from Odek."

3 Do you remember making that statement, Mr Witness?

4 A. [14:52:49] I request that I be excused there. The question you are asking is different  
5 from what has -- what was recorded in the past. There could have been some alterations.  
6 I am responding according to the way you are asking, that is why I said you were talking  
7 about a meeting, and I told you that I don't recall any meeting that took place. But what  
8 you read now is different, but this is correct. This is what I explained. That is what  
9 I can say.

10 PRESIDING JUDGE SCHMITT: [14:53:35] But, Mr Witness, it's, it's -- you have to answer  
11 the question and if you think you have to say something like you did at the moment or  
12 make alterations or say "the question put to me was different", then do it. There is  
13 nothing negative in it. And the questions are not objectionable that are put to you.  
14 Simply say when you, for example, when like counsel did at the moment, he put  
15 something to you, reads to you your former statement, then you can say "Yes, I recall that  
16 that it was exactly like that." You can say, "Ah, no, I don't think so, I would like to make  
17 alterations." It's simply like that.

18 MR AYENA ODONGO: [14:54:24]

19 Q. [14:54:25] (Microphone not activated) put differently is, when you talk about  
20 "defence position", is it the same thing as the RV?

21 A. [14:54:38] Yes, that is correct.

22 Q. [14:54:42] So you may have to correct me and even people after me, together with  
23 Court. When we talk about an RV, I thought in my simple mind it would mean  
24 a meeting place where you meet and plan. That is what I was referring to as kacoke.

25 A. [14:55:23] I have understood now. It was an RV, yes.

1 Q. [14:55:33] So in this case is it still your testimony that you took a few hours' walk  
2 from the RV to Odek?

3 A. [14:55:53] It was not a long walk. We walked for a short distance, then we -- we sat  
4 down and wait for a time.

5 Q. [14:56:07] So it was not necessarily a few hour's walk, but it took some time to reach  
6 Odek because you had to sit somewhere?

7 A. [14:56:27] Yes, we stopped somewhere and waited for time to go for the operation,  
8 because we reached too early and we had to wait for the sun to settle down before we  
9 could go.

10 Q. [14:56:41] Now, Mr Witness, if you were to walk without having to sit to wait for the  
11 sun to cool, how long do you estimate it would have taken you to reach Odek, from the  
12 RV to Odek?

13 A. [14:57:08] It wouldn't take long.

14 Q. [14:57:19] Give an estimate to Court, Mr Witness.

15 A. [14:57:30] In my estimation we walked and we -- we sat down at midday and we  
16 were told to wait for time, because if we proceeded we would reach too early. And  
17 indeed we sat down and waited. And when the sun had cooled down a bit, then we  
18 continued with the movement.

19 Q. [14:58:03] So, Mr Witness, can you tell Court from the time -- from your resting place  
20 how long it took you to reach Odek?

21 A. [14:58:19] It didn't take long, it didn't take a long time. It could have taken about an  
22 hour.

23 Q. [14:58:28] It took you only one hour to cover that distance. Right.

24 Mr Witness, can you tell Court roughly how many LRA soldiers were deployed to attack  
25 Odek?

- 1 A. [14:59:03] It's not -- I don't know the number. It's not easy to know the number.
- 2 Q. [14:59:09] Did any from your battalion remain behind?
- 3 A. [14:59:21] Yes, there were people.
- 4 Q. [14:59:26] My question is: From the RV to the place where you went to attack, did  
5 the whole of your battalion go for the attack or some of the people remained at the RV?
- 6 A. [14:59:56] Most people went.
- 7 Q. [15:00:12] Now, can you tell Court exactly -- I mean, can you estimate about what  
8 time the attack on Odek took place?
- 9 A. [15:00:28] It was in the evening at approximately 5 to 6 p.m.
- 10 Q. [15:00:38] Between 5 to 6; correct?
- 11 A. [15:00:46] That's my estimation.
- 12 Q. [15:00:56] Now, Mr Witness, you have given a rough map of Odek in your diagram.  
13 Can you tell Court whether there was a river or a swamp which was near the Odek camp?
- 14 A. [15:01:31] We -- in the direction we approached there was no river or swamp.
- 15 Q. [15:01:44] Was there any marketplace near Odek camp?
- 16 A. [15:01:59] There were shops, not a market.
- 17 Q. [15:02:02] There was no marketplace in Odek?
- 18 A. [15:02:10] I did not see a market. We went and took soap from the shops. When  
19 the soldiers came, then we fled.
- 20 Q. [15:02:33] (Microphone not activated)  
21 I'm reminded that it was not activated.  
22 Was there a school near Odek?
- 23 A. [15:02:54] Yes, we saw a school while we were on top of the hill.
- 24 Q. [15:03:02] You did not reach it?
- 25 A. [15:03:04] No, we didn't.



1 Q. [15:03:19] Now, you talked about somebody called Odong Richard earlier. Was  
2 this Odong Richard present during the Odek attack?

3 A. [15:03:39] Could you please repeat the question? I do not recall speaking about any  
4 Odong Richard. I do not -- that name is not familiar to me.

5 Q. [15:03:54] (Microphone not activated) Sorry. Odong Cow.

6 A. [15:04:12] Cow, that was in Congo.

7 Q. [15:04:17] He was not present at the Odek attack?

8 A. [15:04:23] No. When people were in Uganda, Odong Cow was not in the LRA. It  
9 was during the peace talks, when people were in the Congo, that Odong Cow came with  
10 Otto Ngwinye and joined the LRA. Those are the two people that I know.

11 Q. [15:04:50] Now, Mr Witness (Microphone not activated).

12 Mr Witness, at paragraph 97 of your statement, that is OTP, in tab 1, your Honours, his  
13 statement, UGA-OTP-0256-0139, you said that you saw an old man drinking with some  
14 soldiers. Was this when you had now moved to the civilian area, to the camp?

15 A. [15:05:50] Yes, people had already gone to the camp. That's correct. It's the same  
16 answer. It's still similar to what I said yesterday.

17 Q. [15:06:00] Now, Mr Witness, in your testimony of April 3, realtime 64, page 70 -- I  
18 mean, paragraph 70 to 71, you talked about shooting houses because you were told that  
19 soldiers could be hiding in the houses. Had you been told this at other attacks as well?

20 A. [15:06:49] No. They did not tell us this in relation to any other attacks. There are  
21 other places that we went to attack, or on mission, where there were no soldiers and all  
22 we did was carry food.

23 Q. [15:07:10] When you entered the camp the other group that had gone to the barracks,  
24 had they also already started operation?

25 A. [15:07:33] Yes, that's correct, there was already gunfire.

1 Q. [15:07:39] And you found this old man still drinking with soldiers, even when there  
2 was gunfire already in the air; is that correct?

3 A. [15:08:00] Yes, that's correct.

4 PRESIDING JUDGE SCHMITT: [15:08:08] Weren't you surprised that they were calmly  
5 drinking together when there was gunfire?

6 THE WITNESS: [15:08:27] (Interpretation) You know, when people went to the camp,  
7 when there was gunfire, the soldiers who were drinking, the soldiers that we found  
8 drinking were behind the houses. When people arrived, when people arrived hastily,  
9 what we saw was a person in civilian clothing as well as a -- soldiers. And these people  
10 got up. When they got up to flee, we immediately started shooting at them and the  
11 civilian was caught in the crossfire -- the civilian was shot at that time.

12 MR AYENA ODONGO: [15:09:17]

13 Q. [15:09:18] Now, Mr Witness, let's go back to the RV. Did you attend the meeting at  
14 the RV?

15 A. [15:09:31] I said I was in a junior soldier, so I was not present when the commanders  
16 or the senior ranking officials were discussing matters. What I said yesterday was that I  
17 had carried the seat, bring the seat, place it next to the commander and then go to the  
18 sidelines. I did not hear what the commanders were talking about.

19 Q. [15:09:59] (Overlapping speakers) the Court whether it was possible for you to  
20 identify some of the commanders who were in attendance?

21 A. [15:10:10] There were several commanders.

22 Q. [15:10:15] Did you see somebody called -- I mean somebody we've already referred  
23 to, Ocan Labongo, was he there?

24 A. [15:10:33] When we met all the battalions were present. Even if I did not see him I  
25 know that he was present because that was an RV for everybody.

- 1 Q. [15:10:50] How about commander Tulu, otherwise referred to as Toolbox?
- 2 A. [15:11:02] I stated yesterday that I did not see him.
- 3 Q. [15:11:12] Now, Mr Witness, since you did not attend that meeting, did you get to  
4 know what was discussed in that meeting? Did anybody discuss with you?
- 5 A. [15:11:41] I stated yesterday that Acellam Ben informed me that we were going on  
6 mission, we were going to collect food.
- 7 Q. [15:11:57] Did he also discuss with you where the ultimate order had come from?
- 8 A. [15:12:10] No, he did not tell me.
- 9 Q. [15:12:15] Now, Mr Witness, I want you to help Court to understand this better.  
10 Other people have talked about it, but that is not important. It is for you to tell your own  
11 version. This man called Ocan Labongo, I think I had earlier on asked you, but I want  
12 you to answer this in the context of the questions that I am now putting to you at this  
13 point in time. Had you ever known that he had been -- I think you also answered this,  
14 you said you are aware that he was in the security of Joseph Kony, is that correct, before  
15 he came to be posted to be a battalion commander under Sinia brigade.
- 16 A. [15:13:20] Yes, I said he was part of the security detail in the Congo, but not in  
17 Uganda. If he was part of the security detail in Uganda and then he was transferred,  
18 then I am not -- I do not know that, but I do know that in the Congo, yes, he was, and then  
19 he was transferred elsewhere.
- 20 Q. [15:13:45] I put it to you, Mr Witness, that this Ocan Labongo was known to have  
21 been a very close security to Joseph Kony and that by the time he came to the Sinia  
22 brigade he came for a purpose. What do you say about that?
- 23 A. [15:14:21] I do not have any knowledge of that. Perhaps at some point in time prior  
24 to my abduction into the LRA, perhaps at that time, but I cannot make any comment  
25 on -- in that respect because I do not have any knowledge about that.

1 Q. [15:14:37] Sorry. Mr Witness, I want us to talk about Dominic Ongwen around this  
2 time when you were already abducted. Did you ever get to know that Dominic Ongwen  
3 had a problem which led to his arrest by Vincent Otti?

4 A. [15:15:08] No. I had no knowledge of that.

5 Q. [15:15:16] Did you get to know about a telephone, a mobile telephone that  
6 Dominic Ongwen got at one time?

7 A. [15:15:35] No, I do not have knowledge of that either. The reason why I do not  
8 have any knowledge about that was that because at the time that people were in the  
9 Congo, I gave an example yesterday, we were split up in separate locations, some people  
10 were across the river, some people were 5 miles apart from the different groups, so I do  
11 not know, do not have any knowledge about that. When the LRA was attacked in  
12 Garamba Park, when we started leaving, people were split up into splinter groups  
13 until -- but then I did not meet Dominic Ongwen again.

14 Q. [15:16:25] So, in other words, you wouldn't know whether, you know,  
15 Ocan Labongo had been a close security to Joseph Kony before he came to Sinia, you  
16 wouldn't know?

17 A. [15:16:46] No, I have no knowledge about that.

18 Q. [15:16:55] Mr Witness, did you get to know that during the attack on Odek  
19 Ocan Labongo also participated?

20 A. [15:17:19] At the -- I said that people met, several people met when we were going to  
21 attack Odek. Most of the commanders went as well.

22 Q. [15:17:34] And I want to put again to you, Mr Witness, that at this point in time  
23 Dominic Ongwen had some problems with Kony, he was not trusted, and therefore  
24 Ocan Labongo, although he would appear to have been a mere battalion commander was  
25 actually appointed as a corps CO for Sinia brigade. What do you say about that?

1 A. [15:18:25] Perhaps the senior ranking officers were aware of that, but you know,  
2 there are certain things that happened among the senior ranking officers that we the  
3 junior officers have no knowledge of.

4 Q. [15:18:44] And, Mr Witness, we have information that at the end of that attack it was  
5 Ocan Labongo who reported that he had attacked Odek and later on he also gave this  
6 information to all units that he was the one who was responsible for the attack on Odek.  
7 Mr Witness, did you get to know about this?

8 A. [15:19:28] No, I did not come to learn about that. But depending on what you have  
9 just stated, Ocan Labongo, people -- all the senior ranking officers in the LRA knew his  
10 character, so if he said it, then perhaps he did. But I personally did not hear him say that.

11 Q. [15:19:58] Given that Ocan Labongo could have been in this meeting, would it be  
12 correct for me to assume that although Dominic Ongwen was there, it could well have  
13 been Ocan Labongo who was actually overall commander and that is why  
14 Dominic Ongwen was left actually seated at a certain point, he did not attack, he did not  
15 go for the attack?

16 A. [15:20:43] I do have a similar response. Perhaps he did say it, but I did not hear it.  
17 But almost everybody within the LRA, the junior officers, the women, know about  
18 Ocan Labongo. If he wants to say something, then he says it. There are no filters.

19 MR AYENA ODONGO: [15:21:14] Bonus for us all, Mr President and your Honours,  
20 I think this is the end of my cross-examination.

21 PRESIDING JUDGE SCHMITT: [15:21:23] Thank you very much. This is also the end  
22 of the testimony of Mr Witness.

23 Mr Raimondo.

24 MR RAIMONDO: [15:21:33] Thank you, your Honour. During the lunch break the  
25 witness asked me whether he could address the Court by the end of his testimony, he

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1 would like to make a very short testimony.

2 PRESIDING JUDGE SCHMITT: [15:21:47] Yes, we allow that.

3 Please, Mr Witness, if you want to say something. But please not too long.

4 THE WITNESS: [15:21:58] (Interpretation) Okay.

5 I requested to address the Court. I came here as a witness and I would like to inform the  
6 general public and everybody that I came here as a witness and there are certain questions,  
7 the reason why I say this --

8 MR AYENA ODONGO: [15:22:27] Excuse me, could this be in private or public?

9 PRESIDING JUDGE SCHMITT: [15:22:28] We are in open session.

10 MR AYENA ODONGO: [15:22:30] Okay.

11 PRESIDING JUDGE SCHMITT: [15:22:33] Please continue. Excuse us, Mr Witness.

12 THE WITNESS: [15:22:37] (Interpretation) The reason why I have requested to address  
13 you is because I know that I came as a witness to give the Court an account of the events  
14 that took place in the past. There are certain questions that I heard and I -- the questions  
15 made me feel that I was the one who was responsible for accusing Dominic Ongwen for  
16 the crimes and I was not happy about some of those questions. But since this matter has  
17 now been concluded, there is nothing much more that I would like to add to this. But  
18 that's, that's what I wanted -- that's what I wanted to inform the Court. I wanted to  
19 portray my feelings.

20 PRESIDING JUDGE SCHMITT: [15:23:33] Thank you very much, Mr Witness. This  
21 concludes your testimony. We thank you especially that you made yourself available as  
22 a witness to help the Court to establish the truth. We thank you for your assistance and  
23 wish you a safe trip back.

24 (The witness is excused)

25 PRESIDING JUDGE SCHMITT: This also concludes the hearing for today and for

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- 1 a couple of weeks, I would say.
- 2 We resume 1 May, 9.30, with Witness 352.
- 3 THE COURT USHER: [15:24:07] All rise.
- 4 (The hearing ends in open session at 3.24 p.m.)