

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Monday, 8 May 2017
8 (The hearing starts in open session at 9.31 a.m.)
9 THE COURT USHER: [9:31:35] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE SCHMITT: [9:32:01] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:32:07] Thank you, Mr President.
15 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 For the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:32:20] I ask for the appearances of the parties.
19 The Prosecution first.
20 MS ADEBOYEJO: [9:32:23] Good morning, your Honour. Adesola Adeboyejo for
21 the Prosecution, with Mr Benjamin Gumpert, Mr Pubudu Sachithanandan,
22 Mr Shahriar Yeasin Khan, Yulia Nuzban, Iya Aragon and Mr Colin Black.
23 PRESIDING JUDGE SCHMITT: [9:32:45] Thank you very much.
24 For the Legal Representatives of the Victims.
25 MR MANOBA: [9:32:48] Good morning, your Honours. Joseph Manoba,

Trial Hearing
WITNESS: UGA-OTP-P-0142

(Open Session)

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- 1 James Mawira and Megan Hirst.
- 2 MR NARANTSETSEG: [9:32:55] Good morning, your Honours. Orchlou
- 3 Narantsetseg for the Common Legal Representatives. Thank you.
- 4 PRESIDING JUDGE SCHMITT: [9:33:00] Thank you.
- 5 And for the Defence. Mr Obhof.
- 6 MR OBHOF: [9:33:03] Good morning, your Honour. Today we have
- 7 Counsel Ayena Odongo, Ms. Abigail Bridgman, Chief Charles Achaleke Taku,
- 8 Roy Titus Ayena, our client, Mr Dominic Ongwen, and myself, Thomas Obhof.
- 9 PRESIDING JUDGE SCHMITT: [9:33:22] Thank you.
- 10 And Rule 74 counsel, please.
- 11 MR VON BÓNÉ: [9:33:26] Good morning, your Honour. My name is
- 12 Julius Von Bóné. I'm Rule 74 counsel for the witness.
- 13 PRESIDING JUDGE SCHMITT: [9:33:32] Thank you very much.
- 14 I have heard that you want to address the Chamber shortly, Mr Gumpert.
- 15 MR GUMPERT: [9:33:39] Your Honours, yes, and may I do so in private session?
- 16 It's a short matter.
- 17 PRESIDING JUDGE SCHMITT: [9:33:44] Then we go to private session.
- 18 (Private session at 9.33 a.m.)
- 19 (Redacted)
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(Open Session)

ICC-02/04-01/15

1 (Redacted)

2 (Open session at 10.32 a.m.)

3 THE COURT OFFICER: [10:32:59] We're in open session, Mr President.

4 MR OBHOF: [10:33:10]

5 Q. [10:33:11] Mr Witness, this next set of questions might seem obvious, but again
6 we are explaining this for the purpose of the record, so even though some of the
7 questions might sound strange, please answer to the best of your ability.

8 Now, Mr Witness, in a normal year as you understand it, when are the rainy seasons
9 in northern Uganda?

10 A. [10:33:49] In Uganda when I was -- when I was still born -- when I was young,
11 the rainy seasons would start in March.

12 Q. [10:34:06] Now, if you can remember, about 13 years ago, 14 years ago, in 2003
13 and 2004, would the rainy season still start in March?

14 A. [10:34:24] There have been changes to the weather. For example, this year,
15 the rainy seasons have started a little bit late, sometimes April, March or at the end
16 of -- towards the end of April. That's when we have the rains. Sometimes it's late
17 and we get the rains at the beginning of March. So there's been a change in climate.

18 Q. [10:34:53] To the best of your memory, did those changes start just recently or
19 did those changes start 15 years ago? By that I mean in 2003 and 2004, were the rains
20 still starting in March or beginning of April?

21 A. [10:35:25] During that period I wasn't at home. We were away. So it was
22 difficult for me to determine when the rainy seasons were. Sometimes it would rain
23 in March, sometimes it would rain in April. There are always changes. So it's April,
24 March. I haven't seen the rains start in June, but I know March, April, May, those
25 are the three months within which we get the rainy seasons.

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1 PRESIDING JUDGE SCHMITT: [10:35:59] Perhaps, Mr Obhof, you can be now a
2 little bit more specific. I can, of course, imagine where you're heading at, and the
3 witness is not a meteorologist, but of course it's important to -- you can ask him about
4 that, but I think I would now move on to a specific point in time that you want to
5 head at.

6 MR OBHOF: [10:36:22] These are just general observations. The specific stuff will
7 come later on in the day.

8 PRESIDING JUDGE SCHMITT: [10:36:30] Okay.

9 MR OBHOF: [10:36:31]

10 Q. [10:36:31] During the rainy season, especially towards the end, are the rivers at
11 a higher level? And by that mean are they flowing faster and rising much higher
12 than during the dry season?

13 A. [10:36:55] Could you please repeat the question? It's not very clear.

14 Q. [10:37:01] I'll split in up into a few different questions to make it easier.
15 During the rainy seasons, do the rivers flow faster?

16 A. [10:37:21] When the rains have just started, the waters are still low so the water
17 is not flowing fast. It's a steady flow. But when the -- when it rains heavily, then
18 we have a faster flow.

19 Q. [10:37:41] So towards the middle or end of the rainy season, would the rivers
20 be deeper than they would be say at the end of February?

21 A. [10:38:00] The rivers are deeper in August, September. In January, February,
22 the waters are extremely low and you can just cross at any point because when the
23 waters are high -- or when the waters are low, you can cross at any point without
24 crossing from the bridge because the waters are low.

25 Q. [10:38:28] Now, on a similar note, Mr Witness, when are -- when is the dry

1 season in northern Uganda?

2 A. [10:38:43] The dry season starts -- the dry season itself starts in January,
3 February. That's -- and December, mid-December. That's the height of the dry
4 season. And that's when people start burning the fields, preparing, preparing the
5 fields. But after that there is a change. In February, there's a change.

6 Q. [10:39:13] Now, to the best of your knowledge, Mr Witness, when are the
7 seasons when mangos are ripe and ready to eat?

8 A. [10:39:30] There's a difference. In Atiak mangos ripen in the dry season, but
9 in my region, in Achwa region, it's in May but sometimes you do have a few mangos
10 ripening in April. But the best mangos, the best ripening season is in May to June.

11 Q. [10:39:59] And to the best of your knowledge, Mr Witness, when is the normal
12 season for harvesting groundnuts?

13 A. [10:40:15] If groundnuts are planted, it usually takes about three months. So
14 it's in July or August. In Uganda you've got two times. One -- groundnuts are
15 planted twice, in August and September as well. And that's the new groundnuts for
16 the next season.

17 Q. [10:40:45] Now, Mr Witness, the reason for this discussion is so that over these
18 next few sessions if we ask you for dates or times, if you can't remember the year or
19 the month, please feel free to describe it by dry season, rainy season, or whether any
20 type of agricultural product are in -- are being harvested. Is that okay, Mr Witness?

21 A. [10:41:18] That's fine.

22 Q. [10:41:21] Now, Mr Witness, during your time in the LRA, did you ever
23 witness Joseph Kony talking to spirits?

24 A. [10:41:49] It's difficult to know whether Kony is speaking to spirits, but when
25 he's standing in front of people -- when I got there I was told that when you find

1 Kony in front of people, with red eyes, that means that he's, at that particular moment,
2 he's possessed. That's what I heard and that's what I saw. I did not see any spirits.
3 But we were told that if you see him standing in front of the crowd, addressing the
4 crowd, with red eyes, then he's possessed.
5 I haven't seen Lakwena, but I know when they're talking about Lakwena, they're
6 talking about Joseph Kony being possessed and addressing people.

7 Q. [10:42:35] Now, you just stated something about red eyes. Could you
8 elaborate further on what you mean by red, or red eyes?

9 A. [10:42:45] It's the change on his -- there is a change in his facial expression.
10 It's the same when somebody is annoyed, you can actually see a change in their facial
11 expression. So that's the same kind of expression that he gets. His eyes go all red.

12 Q. [10:43:06] How did Joseph Kony act when he was being possessed by these
13 spirits, Mr Witness?

14 A. [10:43:28] From my point of view, if they convene us for prayers, Joseph Kony
15 would appear not as he normally is, joking, laughing. At that particular moment
16 he's talking about extremely serious stuff, he's not laughing, he's not joking, and that's
17 when you see the change. You notice a change in his characteristics from when he's
18 happy and normal and when he's possessed.

19 Q. [10:44:00] When he was possessed, did he always speak in Acholi, or did he
20 speak in other languages?

21 A. [10:44:15] Mostly he would speak Acholi and sometimes English. So you
22 have Acholi and English. At times if he decided to speak only in English, then he
23 would be speak in English and that English would be -- and then there would be a
24 translation or that message would be relayed to people.

25 Q. [10:44:42] Now, whilst he was possessed, did anyone write down what Kony

1 would say?

2 A. [10:44:57] Yes, he did have somebody who used to take notes and transcribe
3 everything that he was saying.

4 Q. [10:45:07] Now, from your knowledge, did Kony remember what he said or
5 did people have to tell him what he had said while being possessed?

6 A. [10:45:30] He would recall, he would remember what he was talking about.
7 It would also be written down so that information could also -- he could also be
8 reminded from the notes.

9 Q. [10:45:45] Similar to this topic, did Kony have weekly prayers while you were
10 in Sudan?

11 A. [10:45:59] Yes, there were prayers and sometimes when he organises the
12 prayers, it could be like weekly, but the prayers could also be any time. So there was
13 no specific date or time. Any time that he calls for prayers, then people would go for
14 prayers, like in the evening or in the mornings, it could be like at midday. So there
15 was no definite time for prayers.

16 Q. [10:46:35] Would everyone attend these prayers?

17 A. [10:46:49] When we were in the Sudan, if it was time for prayers, it was
18 required for everyone to attend. No one would miss.

19 Q. [10:47:02] Now, you've already mentioned this first word, so could you please
20 explain to the Court what Lakwena is?

21 A. [10:47:27] I cannot explain what Lakwena is, but from what he himself, Kony,
22 says that he is a Lakwena, that means he is a messenger, messenger of the angels. So
23 that is what we would understand while we were in the bush. So as Lakwena, his
24 role was to relay or convey message maybe because of something that he has in him
25 which we don't know so that he's able to explain to people.

1 So from what we understand is that the messenger or Lakwena is somebody who is
2 sent to go and deliver a certain message. So that is what I understand by that.

3 Q. [10:48:16] Mr Witness, do you recognise the name of Mama Sili Selindi?

4 A. [10:48:33] Mama Selindi was Kony's wife.

5 Q. [10:48:41] Where was she from?

6 A. [10:48:48] I do not know where she comes from.

7 Q. [10:48:55] Was there also a spirit called Mother Selindi?

8 A. [10:49:09] Well, there were names of spirits, there were several names which
9 I would hear. Yes, that was one of the names that I would hear.

10 Q. [10:49:20] Do you remember what type of messages that the spirit
11 Mother Selindi would tell Joseph or speak through Mr Kony?

12 A. [10:49:39] No, I don't know.

13 Q. [10:49:42] Have you heard of the spirit Who are You?

14 A. [10:49:56] Yes, I have heard about it.

15 Q. [10:49:57] Which type of messages would Who are You speak through
16 Joseph Kony?

17 A. [10:50:06] Well, for me, I just hear. I am not able to differentiate which one is
18 which. But when you say Who are You, then in Acholi it means -- that's exactly
19 what it means, Who are You. I would hear when people are talking about it but I
20 could not say that this spirit was going to say this or that. So I am not very certain
21 on exactly what it is.

22 Q. [10:50:40] Have you ever heard of the person or the spirit Juma Oris?

23 A. [10:50:53] Yes, I heard about that.

24 Q. [10:50:57] Do you know what Juma Oris, what type of messages the spirit
25 Juma Oris used to convey through Joseph Kony?

- 1 A. [10:51:13] I am -- I am not aware about that.
- 2 Q. [10:51:18] Have you ever heard of the spirit Ing Shu?
- 3 A. [10:51:32] Yeah, that's one of the spirit names that I have heard while in the
4 bush.
- 5 Q. [10:51:38] I'm sorry to sound like a broken record, but do you know what type
6 of messages were conveyed from Ing Shu
7 through Joseph Kony?
- 8 A. [10:52:05] Did you ask me a question?
- 9 Q. [10:52:10] Yeah, sorry, let me repeat that for you, sir.
10 Do you know what type of messages were conveyed from Ing Shu through
11 Joseph Kony?
- 12 A. [10:52:28] I am not aware.
- 13 Q. [10:52:31] Have you heard of a spirit by the name of Silver?
- 14 A. [10:52:44] I do not recall.
- 15 Q. [10:52:48] A spirit by the name of Jean Brickey?
- 16 A. [10:53:00] I also don't recall that.
- 17 Q. [10:53:04] And finally, have you heard of a spirit named Bianca?
- 18 A. [10:53:14] I don't recall as well.
- 19 Q. [10:53:18] Can you think of the name of any other spirits which you have
20 heard about while in the LRA which we have not discussed this morning?
- 21 A. [10:53:36] I cannot remember.
- 22 Q. [10:53:44] Now, Mr Witness, does 7 April, is that a significant day within the
23 LRA?
- 24 A. [10:54:02] I am not aware of that date. I do not recall April. I do not recall.
- 25 Q. [10:54:13] Which day is Juma Oris day in the LRA?

- 1 A. [10:54:24] I am not aware of the Juma Oris day, I'm not aware.
- 2 Q. [10:54:34] Did you ever learn what influence these spirits might have had on
3 Joseph Kony and, as a result, on the LRA?
- 4 A. [10:55:07] I have no information.
- 5 Q. [10:55:14] Did Joseph Kony ever speak about hearing -- hearing orders from
6 these spirits and then passing them on to other people within the LRA?
- 7 A. [10:55:39] When he comes to people, he says he has brought a message, he has
8 come to deliver a message. That's all. I don't have any other detailed information.
- 9 Q. [10:55:55] Now, Mr Witness, during your time in the LRA did you ever see or
10 hear about Joseph Kony making predictions about what was going to happen in the
11 future?
- 12 A. [10:56:21] Yes, I heard what he would predict to happen in the future.
- 13 Q. [10:56:32] Did some of these predictions come to pass?
- 14 A. [10:56:42] Sometimes it happens as he has predicted.
- 15 Q. [10:56:49] Did Kony make predictions about the future dealing with
16 impending battles?
- 17 A. [10:57:13] Yeah, he would predict and say there is an upcoming battle and he
18 would tell people that "you have to organise, prepare because there is a battle coming
19 ahead." So people would prepare in wait of the upcoming battle.
- 20 Q. [10:57:36] Could you please describe one of these predictions to the Court.
- 21 A. [10:57:46] For example, in prediction of what happens in future there was a
22 time he stood up and said "all of you here are going to escape, you will go back home
23 and you will return to fight against me." So he was actually pointing at some senior
24 officers, other low ranking officers. Then there was another time that he said that
25 "war will come up to our place here," that time we were at Palutaka and, indeed, after

1 a short period of time we saw soldiers started fighting and we were displaced from
2 Palutaka, we were just away from that base. So this is one of the example that he
3 would predict and it would indeed occur and this is what I saw.

4 Q. [10:58:51] I'll give the witness a second while he's pouring water for his
5 counsel.

6 Now, Mr Witness, the predictions on the attacks, were these predictions about attacks
7 coming to the LRA or to the LRA going to the engagement?

8 A. [10:59:28] These were government soldiers coming to attack to the LRA but
9 not LRA going doing the reverse.

10 Q. [10:59:39] Now, you also mentioned about Joseph Kony pointing out people
11 who he believed were going to escape. Was this also -- were these also common
12 predictions or was this a one-time occurrence?

13 A. [11:00:05] Even myself, if I look at what he said that all of you are going to
14 escape, even me, now I have escaped, I'm home. Several other people escaped and
15 came back home, so like, yes, I can now confirm and understand that -- and
16 understand what he was actually saying was actually the truth.

17 Q. [11:00:32] Now, Mr Witness, in your opinion do you believe that Kony talked
18 to spirits regardless of whether they were good spirits or bad spirits?

19 A. [11:00:56] It would be very difficult for me to understand that, but from what
20 I would see and what he would say, yes, I could believe that maybe he has some spirit
21 or in a certain way that the witchdoctors would probably operate. But on my own
22 personally, I wouldn't understand such a thing.

23 Q. [11:01:22] Now, Mr Witness, about these predictions, do you think that Kony
24 received all this information from spirits or do you think it's possible that he would
25 strategically place trusted persons throughout the LRA to relay information to him

1 about people within the LRA?

2 A. [11:02:02] Many times Kony makes his own decision and he believes in his
3 own decision. Even the other commanders wait for command from him. So from
4 my own observation he would actually rely on his own decision. And even the
5 other commanders, he would just call them and instruct them on what to do.

6 Q. [11:02:29] In order to make his decisions do you know or do you have an
7 opinion if Kony would receive information from other persons, from people
8 strategically placed within the LRA to act as spies in order to give him such
9 information to make his own decision?

10 A. [11:02:56] No. I did not see anybody that Kony has, like, appointed amongst
11 the people to, like, communicate or give him information. So for him what he does,
12 he would just gather people and then he would start talking to the commanders or to
13 the people, depending on what he wants to do.

14 Q. [11:03:27] So would it be correct to say that Joseph Kony did not collaborate
15 even with his most senior commanders on his decisions?

16 A. [11:03:43] There are -- people who would work after he has given his decision
17 would be the commanders that he has called, so he would first get his decisions and
18 then he would call the commanders and then the commanders would therefore share,
19 discuss this decision. So he would first work on his own, make his decision, then he
20 would call the senior commanders and then they share this information.

21 Q. [11:04:22] But the senior commanders would be there to implement his
22 decision, correct?

23 A. [11:04:32] Yes, the commander -- the senior commanders would be there.

24 PRESIDING JUDGE SCHMITT: [11:04:43] May I ask I question, Mr Obhof?

25 MR OBHOF: [11:04:46] Please do, your Honour.

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1 PRESIDING JUDGE SCHMITT: [11:04:48] Mr Witness, but Mr Kony did use
2 intelligence, did he?

3 THE WITNESS: [11:04:56] (Interpretation) Yeah, he did.

4 PRESIDING JUDGE SCHMITT: [11:04:59] So please continue, Mr Obhof.

5 MR OBHOF: [11:05:02]

6 Q. [11:05:22] Now, Mr Witness, on Friday Madam Prosecutor questioned you
7 briefly about Ocan Nono whom you said was the battalion CO of Siba battalion. Did
8 Ocan Nono also go by the name Ocan George Labongo?

9 A. [11:05:53] Labongo is different from Ocan Nono. The two are different. But
10 Ocan Labongo, you know there are several names. Ocan, Ocan, his home place is in
11 Labongo, but Labongo is different from Ocan. So those two names are different.

12 Q. [11:06:22] Which is correct, because we're not talking about the intelligence
13 officer from Stockree, the Labongo from there?

14 A. [11:06:36] Ocan Labongo is not intelligent officer, but Labongo is intelligent
15 officer.

16 Q. [11:06:51] Did Ocan Nono have any other names that he would go by, any, say,
17 nicknames?

18 A. [11:07:00] Yeah. It's Ocan Labongo.

19 Q. [11:07:07] Now, when you left the bush, Mr Witness, was he still the
20 commanding officer of Siba battalion?

21 A. [11:07:24] Yes, Ocan was still CO.

22 PRESIDING JUDGE SCHMITT: [11:07:34] Perhaps could you verify, because I'm
23 not sure if I have understood it correctly, if this Ocan Nono is -- has also been called
24 with a nickname Ocan Labongo. So I'm not sure if I have understood it correctly.
25 Perhaps you could verify. Because I have looked in the transcript and first of all the

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1 witness said that Ocan Nono and Labongo are different persons, but later on he said
2 Ocan Labongo might have been a nickname for Ocan Nono, so.

3 MR OBHOF: [11:08:18]

4 Q. [11:08:18] Just so we can clarify things for the Judges, Mr Witness, could you
5 please say the other names that Ocan Nono would go by?

6 A. [11:08:31] Ocan Nono, that name, if not anything, it's the same. Ocan Nono
7 Labongo, Labongo is the name of their home. But Labongo is his real name, his full
8 name.

9 PRESIDING JUDGE SCHMITT: [11:08:51] Thank you.

10 MR OBHOF: [11:08:58] Counsel is going to speak for --

11 PRESIDING JUDGE SCHMITT: [11:09:00] Of course. On linguistic matters I did
12 not expect anything else.

13 So please, Mr Ayena.

14 MR AYENA ODONGO: [11:09:09]

15 Q. [11:09:11] Mr Witness, you know there is something confusing here. There is
16 Labongo and then Labongo. Of course Labongo refers to the home, but Court wants
17 to know whether there were two people, one called Labongo and then the other
18 Labongo. If there were two people, who of the two was also referred to as
19 Ocan Nono? You know? This is what we want to know. Two people. Were
20 they two to begin with? If they were two, who of the two also went by the name
21 Nono?

22 PRESIDING JUDGE SCHMITT: [11:10:02] Thank you.

23 THE WITNESS: [11:10:04] (Interpretation) There are two persons. Ocan Labongo
24 is the CO. Labongo is the intelligence person.

25 PRESIDING JUDGE SCHMITT: [11:10:25] I think this has clarified it. Thank you

1 very much.

2 MR OBHOF: [11:10:30]

3 Q. [11:10:30] And one last final question about the intelligence person. Was that
4 person, when you left the bush, in Sinia brigade?

5 A. [11:10:47] I do not recall that now.

6 Q. [11:10:57] Was he one of the intelligence officers you listed off last week for
7 Madam Prosecutor?

8 A. [11:11:10] Yes, he is an intelligent person.

9 Q. [11:11:16] Now, during the day and tomorrow, for ease of reference, I shall use
10 "Ocan Nono" because I do not have the linguistic skills as our learned counsel does.
11 Just to make sure we have a difference in the distinctions.

12 During your time in the bush was Ocan Nono always the CO of Siba battalion?

13 A. [11:12:01] Yeah, Ocan Nono remained as the CO of Siba. Of course they are
14 usually also transferred. He was not there previously. He was brought to Sinia,
15 but they were frequently transferred, but at that time he was the CO of Siba.

16 Q. [11:12:25] Before he was the CO of Siba was he in Trinkle brigade?

17 A. [11:12:41] Yes, they were transfers. And he was in Trinkle, I do not recall, but
18 he kept on moving from places, from Trinkle, he was actually in between those
19 brigades.

20 Q. [11:13:05] Is it true that at one time Ocan Nono was an escort to Joseph Kony?

21 A. [11:13:19] I do not now recall.

22 Q. [11:13:27] What type of person, in your opinion, was the late Ocan Nono?

23 A. [11:13:47] Well, Ocan Nono I found him in the bush, but he is a stubborn
24 person, he is jumpy, he likes doing things in a stubborn way.

25 Q. [11:14:03] Was he somebody that was hard to work with?

1 A. [11:14:13] Yeah, he's difficult to work with and he's arrogant, he's -- yeah, that
2 is him.

3 Q. [11:14:21] Now, you stated that he was stubborn. Could you give maybe one
4 or two examples of his stubbornness.

5 A. [11:14:34] Well, his stubbornness, he does not easily chat people. He can
6 provoke you any time. He likes touching you and torturing people. Yeah, that was
7 his behaviour.

8 Q. [11:14:57] Now, Mr Witness, would I be correct in saying that Ocan Nono,
9 when he was transferred to Siba he replaced Okello Pokot as a Siba battalion
10 commanding officer?

11 A. [11:15:17] Yes.

12 Q. [11:15:25] Did this transfer happen around April or May 2003?

13 A. [11:15:37] I do not recall.

14 Q. [11:15:47] Did Ocan Nono come to Sinia brigade at the same time as Icaya
15 Loum?

16 A. [11:16:05] Yes, I cannot recall when, but it didn't -- they came within -- a short
17 time within each other, so it wasn't a very long time between their coming to Sinia.

18 Q. [11:16:20] Did Icaya Loum replace Lapaico as the Terwanga battalion
19 commanding officer?

20 A. [11:16:32] Yes, he did.

21 Q. [11:16:35] Now here's where what we talked about in the beginning of the day
22 comes in: Do you remember if it was dry season or rainy season when they were
23 transferred?

24 A. [11:16:53] I do not recall, because it's been quite a while. I do not -- I do not
25 recall whether it was during the rainy season, whether it was during the dry season.

1 Q. [11:17:11] Were they transferred around the same time as Mr Ongwen
2 becoming brigade commander of Sinia or were they transferred sometime before
3 that?

4 A. [11:17:35] I do not recall that time, I do not recall the time that they were
5 brought and the time when Dominic became brigade commander. I do not recall
6 that period very well.

7 Q. [11:17:50] Mr Witness, was there a time when Ocan Nono took control of Sinia
8 brigade?

9 A. [11:18:11] For a short while he was commander of Sinia, but only for a very
10 short period, but I do not recall when.

11 Q. [11:18:23] When you say "short period" do you mean for a couple of weeks, a
12 few months or a few days?

13 A. [11:18:36] No. Perhaps one, one week or one month, but not, not a year.

14 Q. [11:18:46] Mr Witness, according to your experiences in the bush, was it
15 normal for a person like Ocan Nono's rank to be kept together with Dominic?

16 A. [11:19:13] Yes, it was possible. It was possible for the two of them to stay
17 together.

18 Q. [11:19:30] Now, do you remember if Ocan Nono, his short time as the Sinia
19 brigade commanding officer, was that before or after Charles Tabuley's death?

20 A. [11:19:53] I do not recall that period.

21 Q. [11:20:00] Now, you mentioned that Ocan Nono was stubborn. Do you think
22 he was happy relinquishing Sinia brigade's commanding officer position, allegedly, to
23 our client, Mr Ongwen?

24 A. [11:20:25] If someone is superior than you, you cannot have any animosity
25 towards it. As a junior officer you have no right. You cannot be angry because

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1 there is somebody else who is superior to you. He was there as acting, that does not
2 mean that he was the actual officer. He is not the one in charge of the office, so if the
3 person in charge of the office come then you relinquish the post as an acting officer.

4 Q. [11:21:03] But at that time, Mr Witness, were they not the same rank of
5 lieutenant colonel?

6 A. [11:21:16] No, they were not -- they did not have the same rank. When I left
7 the bush Ocan Nono was not yet a lieutenant colonel.

8 Q. [11:21:30] Again back to the stubbornness. According to your observations
9 was Labongo -- sorry, Ocan Nono friendly to Mr Ongwen?

10 A. [11:21:58] Yeah, they stayed together as COs. The COs and brigade
11 commanders would stay together. There was no problem in between them, but he
12 did not want anything that was -- he did not want anything that was bigger or more
13 than somebody else's, and that was where his problem was. But there was nothing,
14 no other problem other than that.

15 Q. [11:22:34] Now, Mr Witness, again last week while talking with
16 Madam Prosecutor, it was briefly raised about Mr Ongwen's injuries. I'd like to talk
17 to you about a few of these injuries. To your knowledge was Mr Ongwen only
18 injured once while in the LRA?

19 A. [11:23:27] Dominic Ongwen wasn't injured just once. I believe he was shot
20 more than three or four times.

21 Q. [11:23:49] Do you remember Mr Ongwen being shot in the right leg in a place
22 called Acet in 1996?

23 A. [11:24:07] Yes, I do.

24 Q. [11:24:10] Now, I know it's been about 20 years, but do you remember about
25 how long he spent in sickbay from this first injury to his right leg?

1 A. [11:24:31] That's been a while. I did not put -- I did not -- that wasn't part of
2 my statement. But legs do not heal quickly. It took up to six months, and after six
3 months he was able to limp. But it took a while to properly heal. But five or six
4 months, within five, six, seven months, he was able to limp. I did not stay with him
5 in the bay, but throughout -- within that period he was at least able to limp.

6 Q. [11:25:14] Now, Mr Witness, do you recall or remember Mr Ongwen being
7 shot in that same right leg around late 1998, early 1999?

8 A. [11:25:34] I do not recall, but Dominic did sustain a number of injuries.

9 Q. [11:25:44] Mr Witness, do you remember if Mr Ongwen was shot in the right
10 leg in November of 2002?

11 A. [11:26:05] I do not recall.

12 Q. [11:26:10] In 2002 -- actually, I'm sorry, your Honour, could we please go to a
13 private session for this next question.

14 PRESIDING JUDGE SCHMITT: [11:26:24] Private session.

15 (Private session at 11.26 a.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 11.27 a.m.)

24 THE COURT OFFICER: [11:27:10] We are back in open session.

25 MR OBHOF: [11:27:21]

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1 Q. [11:27:22] Now, to make everything crystal clear, Mr Witness, were you
2 present when Mr Ongwen was shot in his right leg for the third time in November of
3 2002?

4 A. [11:27:38] I do not recall the year, the year that you're talking about. I do not
5 recall that year.

6 Q. [11:27:54] Do you recall, though, being present with Mr Ongwen when he was
7 shot in his leg for the third time?

8 A. [11:28:10] I do recall that he was shot in the leg in Acet. I do not recall the
9 year and I do not recall the time.

10 Q. [11:28:22] Mr Witness, would I be correct in saying that the battalion we just
11 spoke about, the one that you were in in 2002, was present with Mr Ongwen when he
12 was shot in his leg in November of 2002?

13 A. [11:28:56] Most of the battalions were not split. We stayed together. They
14 would split, meet up again at the RV, split, meet up again at the RV. And that's how
15 we used to move about.

16 Q. [11:29:15] If somebody from your battalion would have carried Mr Ongwen
17 after being shot in his leg, do you think as your position you might have known about
18 that?

19 A. [11:29:40] There were so many people I can also -- I could have also -- if
20 somebody is injured, I can also help assist if my commander is injured but there were
21 so many people that were able to carry. There is no rule that says so and so is the
22 one who is supposed to carry an injured person. Anybody can.

23 MR OBHOF: [11:30:05] Your Honour, a private session, please, for one or two
24 more questions.

25 PRESIDING JUDGE SCHMITT: [11:30:10] Private session.

- 1 (Private session at 11.30 a.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Open session at 11.31 a.m.)
- 16 THE COURT OFFICER: [11:31:39] We're in open session, Mr President.
- 17 MR OBHOF: [11:31:50]
- 18 Q. [11:31:52] Mr Witness, do you remember visiting Mr Ongwen in sickbay any
- 19 time after Operation Iron Fist?
- 20 A. [11:32:10] I did not go to visit Mr Ongwen when he was in sickbay, and I do
- 21 not recall when Iron Fist took place.
- 22 Q. [11:32:23] I'll rephrase it for you then. In the last two years of you being in
- 23 the LRA, do you recall ever visiting Mr Ongwen in sickbay?
- 24 A. [11:32:48] I do not recall. I cannot recall right now.
- 25 Q. [11:33:08] Now, Mr Witness, did people in sickbay keep their radios?

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- 1 A. [11:33:26] Yeah, sometimes people in the sickbay would have their radios.
2 Sometimes they would not have radios.
- 3 Q. [11:33:36] And by radio - I'm sorry, Mr Witness, I did not specify - I mean the
4 radio calls, not the FM/AM radios, but a military grade radio.
- 5 A. [11:33:58] Yes. Some people would have their radios. If there are enough
6 radios to go around, then someone can take their radio and use it to control the bay.
7 But most bays had their own radio calls as well. So if it's a big bay and there is a
8 high ranking officer in it, then that bay would have a radio call to enable
9 communication between the -- with the bay and to inform everybody else of what
10 was going on.
- 11 Q. [11:34:36] What is a high ranking commander, Mr Witness?
- 12 A. [11:34:47] It could be for example in the past when Lagony was injured, he had
13 a radio. High ranking officers like Lagony.
- 14 Q. [11:35:02] Just so we can be sure of which person you're talking about, are you
15 speaking of Otti Lagony, the alleged former number two to Joseph Kony?
- 16 A. [11:35:15] Yes, I am.
- 17 Q. [11:35:19] So would it be normal for a battalion 2IC to keep a radio in the bay?
- 18 A. [11:35:34] No.
- 19 Q. [11:35:37] Mr Witness, did Celestino Akuri or Cele ever lead Oka battalion?
- 20 A. [11:35:59] You know, people moved around and Celestino Akuri was with us.
21 I know he was there for a while but I do not know when. But most times he was in
22 the headquarters of the brigades. But he moved around. He moved around. He
23 was with us in Sinia as well.
- 24 Q. [11:36:27] Did he die during the Teso campaign?
- 25 A. [11:36:38] I do not recall.

1 Q. [11:36:42] Did Onek Padibay, otherwise known as Onek Binyakanyee ever run
2 Oka battalion?

3 A. [11:37:01] Onek was also there for a while. He was one of the commanders of
4 Sinia. As I stated earlier, people were moved about. He was there briefly.

5 Q. [11:37:15] Do you remember when Onek was heading Oka battalion?

6 A. [11:37:28] I do not recall, I do not recall when.

7 Q. [11:37:39] Now, Mr Witness, when persons were injured, or should we say
8 seriously injured, and spent a considerable amount of time in sickbay, would it be
9 normal for that person to keep control of the people underneath him or would
10 somebody step in and assume those duties?

11 A. [11:38:10] The commander that was left behind would continue acting in the
12 battalion if somebody is injured. But if the person who is in the bay has a radio, then
13 they can communicate because the commander will tell his acting officer or the
14 person replacing him, give him instructions, tell him how to run the battalion. They
15 would communicate with radio. And if there was no radio, then they would
16 continue as is. They would continue communicating with the other high ranking
17 officers who would give them instructions and advise them.

18 Q. [11:39:02] Mr Witness, did you go to Teso during any of the Teso campaigns?

19 A. [11:39:12] Yes, I went to Teso.

20 Q. [11:39:17] Do you remember in which years you went to Teso?

21 A. [11:39:27] I do not recall the exact time that we went to Teso because people
22 went in groups. There was one group that went before, one group went first, and
23 then there was another group that went, another group came back, so I do not recall
24 the exact time and the year.

25 Q. [11:39:50] Was it around the same time that Charles Tabuley died?

1 A. [11:40:01] Yes, that was around about the time that Charles Tabuley died.

2 I think we had been there for a few months. We'd been in Teso for a few months by
3 then.

4 Q. [11:40:19] Did Mr Ongwen go to Teso?

5 A. [11:40:33] Dominic and Buk Abudema, I think there is a little bit of confusion
6 between the two, but I believe they went to Teso. I recall that at the time there was a
7 change as brigade commander, but I do not recall the exact -- the exact time.

8 Q. [11:41:08] Do you remember when Buk was moved from, from Sinia to
9 Division?

10 A. [11:41:22] I don't recall the exact time that he was moved and the year that he
11 was moved. I do not recall, but I do recall that he was taken back to Control Altar at
12 some point and Dominic took over as commander of Sinia.

13 Q. [11:41:48] So was Dominic with Sinia before, as you state, he took over as the
14 commander of Sinia?

15 A. [11:42:00] Dominic was already in Sinia. He was initially there as BM in the
16 operations room and he moved around. He was -- he also acted as operation
17 commander who was in the operations room but most times he was in Sinia. There
18 was only for a brief period when he went to the operations room in Control Altar, but
19 most times he was in Sinia.

20 Q. [11:42:32] Do you remember when that brief period was?

21 A. [11:42:43] That was the time when we were in Jebelen, but I do not recall the
22 year. But that was the time when we were in Jebelen, Jebelen 1. That was when
23 he -- he was at -- he was with Control Altar for a brief period.

24 Q. [11:43:07] So back to the original question from a few minutes ago: Do you
25 remember if Mr Ongwen partook in the Teso campaign, the final one by that, the one

1 where Mr Charles Tabuley lost his life?

2 A. [11:43:41] At the time we were with the Buk Abudema and it was
3 Buk Abudema with whom we went to Teso most of the times. Odomi came
4 afterwards.

5 Q. [11:43:56] Was Cele with you in Teso?

6 A. [11:44:03] I do not recall if Cele was there. There were quite a number of
7 people.

8 Q. [11:44:15] Do you remember if Onek Padibay was there?

9 A. [11:44:26] I do not recall.

10 Q. [11:44:29] Mr Witness, did you ever hear about Mr Ongwen being contacted
11 by General Salim Saleh in 2003?

12 A. [11:44:51] I do not recall.

13 Q. [11:45:03] Did you ever hear about General Salim Saleh giving Mr Ongwen
14 tens of millions of shillings and military uniforms in 2003?

15 A. [11:45:22] No, I did not hear that.

16 Q. [11:45:27] Mr Witness, did you ever hear about Mr Ongwen and
17 Ms Florence Ayot being summonsed to see Otti Vincent after being contacted by
18 General Salim Saleh?

19 A. [11:45:51] No, I do not know.

20 Q. [11:45:56] Mr Witness, did you ever hear about Mr Ongwen and Ms Ayot
21 being tortured by Otti Vincent after being contacted by Salim Saleh?

22 A. [11:46:18] No, I did not know about that.

23 Q. [11:46:24] Mr Witness, was there any time in the past, in your last few years
24 within the LRA, in which Mr Ongwen was attached to Control Altar?

25 A. [11:46:47] Well, just as I have said, the brief period when he was at

1 Control Altar, then he was now brought as a brigade commander in the Sinia.

2 Q. [11:47:08] Well, this was as you said earlier, you talked about him being part of
3 Control Altar during Jebelen 1, which would have been, correct me if I'm wrong,
4 1994-1995 time. So is this a different time of him being in Control Altar, Mr Witness?

5 A. [11:47:35] Yeah, 1994, that was the time when I went to the bush. So it was
6 really a very short time for me to know.

7 Q. [11:47:48] But are you saying that Mr Ongwen was with Control Altar before
8 being made brigade commander of Sinia?

9 A. [11:48:03] Yes.

10 Q. [11:48:11] How long was he attached to Control Altar, if you can remember?

11 A. [11:48:19] I do not recall, but it took some time. It took some time, but not
12 very much.

13 Q. [11:48:31] Do you mean one, two or three months? Longer? Shorter?

14 A. [11:48:40] More than that. More than -- more than a month or two or three.

15 Q. [11:48:52] We're going to move on to a different area now, Mr Witness.

16 Now, Mr Witness, after being abducted how long did you stay in Uganda before
17 going to Palutaka?

18 A. [11:49:18] We did not take long in Uganda, but I cannot exactly recall the date
19 and the month, but I think it was around 1999, towards the end -- 1994 towards '95.
20 That's when we went to Sudan.

21 Q. [11:49:44] Now, if you remember, around how long were you in Palutaka?

22 A. [11:49:58] We did not take long in Palutaka. We were taken away. We left
23 people in Palutaka. We went to Owiny Kibul. I think we did not take more than
24 two years in Palutaka. Probably about one to one and a half years, something
25 around that.

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1 Q. [11:50:24] Now, are you sure you went to Owiny Kibul after Palutaka, or did
2 you go to Aruu junction after Palutaka?

3 A. [11:50:38] We left to go to Aruu junction, but Owiny Kibul was a detach before
4 we left Palutaka, so some people were at Owiny Kibul just to go and pick food, then
5 you come back to Palutaka. So when we were just from the base we went to Aruu.

6 Q. [11:51:06] And after that, after the Owiny Kibul/Aruu junction, did you head
7 to Jebelen 1 then?

8 A. [11:51:25] Yeah, there was no any other place we went to. We went straight
9 to Jebelen 1.

10 Q. [11:51:39] Now, Mr Witness, when you were in Palutaka were you trained
11 there or were you first trained when you went to Jebelen 1?

12 A. [11:52:06] Well, when we were at Palutaka, I was an RCM, that is where we
13 received some trainings. Then we went to Jebelen and added many more than
14 trainings like on marching and -- yeah, those were the two places where we received
15 training from.

16 Q. [11:52:37] What was your main function while in Palutaka?

17 A. [11:52:55] As an RCM in Palutaka my role was to ensure hygiene and to see
18 that they -- the recruits are training on marching and parade and how to show respect
19 to the superiors. These were some of the things we were doing when we were
20 briefly at Palutaka.

21 MR OBHOF: [11:53:27] Your Honour, I'm going to read from tab 1 on the Defence
22 binder, UGA-OTP-0228-4445, page 4467.

23 Q. Line 722 -- or 723 and 724: "Now, when we got to Sudan, the most important
24 thing was like we were living in a camp. The main thing we were actually doing
25 there was digging."

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1 And then the investigator asked you: "Do you remember where that camp was?"

2 And your answer was that the camp was at Palutaka.

3 Now, Mr Witness, we're just trying to refresh your memory. Does that refresh your
4 memory more of what you said in 2006 with the Prosecution?

5 A. [11:54:44] Yes, I know you are talking about probably farming, which is
6 different from training, but farming was already part of our daily life, daily livelihood,
7 because if you don't farm, then you would not eat. So yes, there were some farming
8 that we were doing, just like that one.

9 PRESIDING JUDGE SCHMITT: [11:55:07] And may I shortly ask you, Mr Witness,
10 you said you had been an RCM at the time. Could you explain to us what that
11 means?

12 THE WITNESS: [11:55:23]) (Interpretation) RCM in my understanding is a person
13 whose role is to observe the hygiene of the base where we were like in the barracks, to
14 ensure the environment is clean, the houses are okay and ensuring discipline within
15 the army. Yeah.

16 PRESIDING JUDGE SCHMITT: [11:55:45] Thank you.

17 MR OBHOF: [11:55:48]

18 Q. [11:55:50] On the same line, Mr Witness, on the same exact page, on page 4467
19 of tab 1, at line 50 -- at 752, you were asked by the Prosecution: "Did you receive any
20 training while you were there?" And that's in reference to Palutaka.

21 And on the next page your answer was: "Now, the beginning of training in Sudan
22 actually started from Jebelen."

23 Does that refresh your memory, Mr Witness, on whether you were trained before or
24 after arriving in Jebelen?

25 A. [11:56:33] You know when you've just joined a certain group, you are trained

1 on how to live in the group. So then the more serious trainings are the ones that we
2 received from Jebelen. These were the more hard core training. But the one in
3 Palutaka was for -- if you are still a new person, you are oriented on what you should
4 do and you are told on what to do. Then there was, you know, some minor digging
5 and you are sent to go and collect items like foodstuffs or you -- so these were some of
6 the things that were happening between Palutaka and Jebelen, that's in the middle.

7 PRESIDING JUDGE SCHMITT: [11:57:24] And we are talking about the 1990s at
8 the moment, Mr Obhof?

9 MR OBHOF: [11:57:30] Yes, your Honour. There's actually a rhyme or reason for
10 it.

11 PRESIDING JUDGE SCHMITT: [11:57:37] It was just a remark, Mr Obhof, at this
12 point in time.

13 MR OBHOF: [11:57:46]

14 Q. [11:57:46] How long did you stay in Jebelen 1, Mr Witness?

15 A. [11:57:58] In Jebelen 1 we did not take a lot of time. We were moving, we
16 were constantly on the move. Sometimes you would come to Uganda because there
17 was really no specific time to move into Uganda. So we were really moving in and
18 out of Jebelen and also in the areas of the Sudan, you know, farming; we would also
19 be doing farming and there would also be training. So, yeah, there were really quite
20 a number of things going on at the same time, so you wouldn't stay fixed at the same
21 place. There was also, you know, construction of houses.

22 Q. [11:58:45] Now, after leaving Jebelen 1, you went to Jebelen 2; is that correct,
23 Mr Witness?

24 A. [11:58:55] Yeah, we left Jebelen 1 to go to Jebelen 2. They are close by,
25 probably approximately 1 kilometre only. Some of the groups like Gilva and

1 Stockree also remained in that group. Sinia and Trinkle brigade are the ones that
2 moved the short distance but were together.

3 So if you talking to somebody in the other group that we left in Jebelen 1, you could
4 even hear because we were not very far away.

5 Q. [11:59:29] Now, Mr Witness, you stated that while in Jebelen 2 you had some
6 specific tasks and that your major tasks were digging Kony's fields, building huts and
7 making charcoal. Does that sound correct?

8 A. [11:59:51] That's correct.

9 Q. [11:59:52] Now, was the government of Sudan, otherwise called the Arabs,
10 were they helping you at this time between Palutaka and Jebelen 2?

11 A. [12:00:09] When we entered Sudan, I found when those people were already
12 providing assistance like bringing food, some foodstuff, and there were also some
13 ammunitions that they would provide, so yes, I found those assistance were already
14 coming to Kony.

15 Q. [12:00:38] And during your time in Sudan, did they also give -- did the
16 government of Sudan also provide military style training for people within the LRA?

17 A. [12:00:54] Training provided by Sudan government was basically training on
18 guns, how to operate guns, and also training some of us who were in intelligence.
19 These were some of the trainings that I saw were provided. For instance, also how
20 to set up landmines, these were some of the trainings provided.

21 MR OBHOF: [12:01:25] Your Honour, could we please go into a private session for
22 a few seconds.

23 PRESIDING JUDGE SCHMITT: [12:01:30] Private session.

24 (Private session at 12.01 p.m.)

25 (Redacted)

- 1 (Redacted)
- 2 (Redacted)
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- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Open session at 12.02 p.m.)
- 14 THE COURT OFFICER: [12:02:55] We're back in open session, Mr President.
- 15 MR OBHOF: [12:03:06]
- 16 Q. [12:03:06] During your time in Sudan, Mr Witness, did the government of
- 17 Sudan, more specifically their troops, their military troops, did they ever come and
- 18 fight alongside the LRA?
- 19 A. [12:03:30] Yeah, we stay with these people together, even sometimes we plan
- 20 for battles together and we go together.
- 21 Q. [12:03:39] So they stayed with you in some of these locations in Palutaka,
- 22 Jebelen 1, Jebelen 2; is that correct?
- 23 A. [12:03:51] They did not stay with us in Palutaka. But from Jebelen 1 and 2,
- 24 yes, they were with us in one defence.
- 25 Q. [12:04:05] Now, Mr Witness, while at Jebelen did you go on any operations

1 there?

2 A. [12:04:26] What I remember in Jebelen, we went to 42, that is where we went to
3 fight. There was defence called 42 up on the mountains.

4 Q. [12:04:43] Now I'm also going to read a little bit of what you said. It's still in
5 this tab 1. 0228-4445 at page 4470, lines starting with line 848. This is in reference
6 to Jebelen 2, Mr Witness. The investigator asks: "And did he go on any operations
7 while you there?" Which I'm assuming means "while you were there."

8 And your answer is: "From Jebelen 2 we would actually come to the front line to
9 fight the government forces, Ugandan government forces, who were actually going
10 there."

11 Is that correct, Mr Witness?

12 A. [12:05:48] Yes.

13 Q. [12:05:51] So even dating back at the time of Jebelen 2, the government of
14 Uganda was crossing an international border into Sudan and fighting the LRA and
15 soldiers from the government of Sudan; is that correct?

16 A. [12:06:18] The question wasn't very clear. Maybe if you could say it again.

17 Q. [12:06:26] The government of Uganda sent its forces into Sudan to attack
18 Jebelen 2, which was a base for the LRA and the Sudanese government; is that
19 correct?

20 A. [12:06:56] No, it was -- it's not like that. 42 was a Dinkas defence. We were
21 taken as LRA and Arabs to go and fight the Dinka.

22 Q. [12:07:15] But you were going and fighting the Dinka, but were the
23 government of Uganda sending UPDF to fight you at Jebelen 2 as we just read?

24 A. [12:07:33] I do not recall that.

25 Q. [12:07:37] I repeat the quote, as you stated: "... from Jebelen 2 we would

1 actually come to the front line to fight the government forces Ugandan government
2 forces who were actually going there."

3 A. [12:07:58] That was from Jebelen to when the government soldiers came to us,
4 came to our base. We did not go to them. They just came to our base in Jebelen.

5 PRESIDING JUDGE SCHMITT: [12:08:14] In this quote that you have heard,
6 Mr Witness, what does "front line" mean? Where was the front line?

7 THE WITNESS: [12:08:28] (Interpretation) Front line is a place where your enemy
8 is which is close to you because we were -- the distance between us wasn't much.
9 Front line, that place where your own soldiers are not there, but your enemy is the
10 next person ahead of you or in front of you.

11 PRESIDING JUDGE SCHMITT: [12:08:48] And these battles took place at Jebelen,
12 have I understood it correctly now?

13 THE WITNESS: [12:08:57] (Interpretation) Yes, it happened in Jebelen and also
14 in 42.

15 PRESIDING JUDGE SCHMITT: [12:09:02] Thank you.

16 MR OBHOF: [12:09:10]

17 Q. [12:09:14] Now, Mr Witness, you spoke about 42. Could you briefly describe
18 to the Court what 42 is?

19 A. [12:09:27] 42 in Arabs language, they are talking about kilometre 42. That is
20 how we knew it. So it therefore means that the defence are at kilometre 42.

21 Q. [12:09:49] Who was defending kilometre 42?

22 A. [12:09:57] 42 was in the hands of the SPLA rebel group, particularly the Dinka.

23 Q. [12:10:11] And was the SPLA friendly to the LRA or to the Sudanese
24 government?

25 A. [12:10:27] Well, I -- well, in saying, I shouldn't have actually explained this,

1 when they came, they were actually together with the Dinka. So when we went
2 there I found they were already -- I found they were together, but I do not know what
3 happened which soiled the relationship between the LRA and the Dinka, and they
4 were also not in good terms with the Arabs.

5 Q. [12:10:56] Do you know if the SPLA was on good terms with the government
6 of Uganda?

7 A. [12:11:11] From what we were told, we were told that the Dinka and the
8 Uganda army were working together, that is what we knew.

9 MR OBHOF: [12:11:25] Your Honour, noting the time, I think right now would be
10 a good time to have a break just because.

11 PRESIDING JUDGE SCHMITT: [12:11:32] Okay. And I can announce that we can
12 start at 2 o'clock already, 2 sharp, and have then two full hours in the afternoon.

13 THE COURT USHER: [12:11:42] all rise.

14 (Recess taken at 12.11 p.m.)

15 (Upon resuming in open session at 1.59 p.m.)

16 THE COURT USHER: [13:59:29] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [13:59:47] Mr Obhof, you have still the floor.

19 MR OBHOF: [13:59:52] Thank you very much, your Honour. Before we begin we
20 just want to apologise to the Court. Counsel Ayena was not feeling well this
21 morning and tried to work through it and went back home to try to get some rest, so
22 he will be missing the afternoon.

23 PRESIDING JUDGE SCHMITT: [14:00:10] Again, our best wishes to him.

24 MR OBHOF: [14:00:12] Thank you.

25 Q. [14:00:13] Good afternoon, Mr Witness.

- 1 THE INTERPRETER: [14:00:16] The microphones are not on.
- 2 MR OBHOF: [14:00:22]
- 3 Q. [14:00:22] Good afternoon. I hope you had a good lunch today.
- 4 A. [14:00:27] Yes, I did. Thank you.
- 5 Q. [14:00:34] Now, Mr Witness, when we left to go to lunch we were discussing
- 6 briefly about your time while in Sudan. When you were in Sudan, did you ever
- 7 meet somebody by the name of Anum, spelled A-N-U-M?
- 8 A. [14:01:04] I do not recall that -- meeting a person with that name.
- 9 Q. [14:01:10] Did you ever meet somebody with the name Onum, O-N-U-M?
- 10 A. [14:01:20] No, I do not recall.
- 11 Q. [14:01:30] Do you know if there was a time when the government of Sudan
- 12 stopped helping and fighting with the LRA?
- 13 A. [14:01:46] I do not recall the time.
- 14 Q. [14:01:53] Do you know or ever did you hear about Joseph Kony or anybody
- 15 else in Sudan in 2003 having meetings with the Sudan People's Armed Forces,
- 16 otherwise known as SPAF?
- 17 A. [14:02:19] I do not -- I do not know, because I think during that time we were
- 18 mostly in Uganda.
- 19 Q. [14:02:40] Now, Mr Witness, while you were in Palutaka, Aruu, Jebelen 1 and
- 20 Jebelen 2, why didn't you try to escape?
- 21 A. [14:02:59] Well, at the time I was not yet -- I did not know the place. I was a bit
- 22 afraid. I did not know which direction I would have to go, so, yeah, I did not know
- 23 how I could escape. That's why I did not escape at the time.
- 24 Q. [14:03:26] In the late '90s, when you went back to Uganda, why didn't you try to
- 25 escape then?

1 A. [14:03:40] It's not easy to escape once you are in the LRA. I was afraid. If you
2 escape, there are repercussions: They go to your home area, they kill people, and
3 that's why I was extremely scared because I thought, if I left, then the people in my
4 home area would be killed and that really frightened me.

5 Q. [14:04:11] Thank you, Mr Witness, and we will get right back to that. But do
6 you know a person while you were in Sudan, or even after, named - and I'm
7 sorry - Binany, spelled B-I-N-A-N-Y?

8 A. [14:04:37] Binany was a -- was a person in the LRA. The name sounds
9 extremely familiar, but I do not know in which battalion he belonged to.

10 Q. [14:04:48] If I stated that he was Kony's ADC, would that help you?

11 A. [14:05:03] Yes, it might refresh my memory a little bit that he was in a -- in
12 a group that was close to Control Altar, but I do not know. There is a bit of
13 a differ -- I cannot differentiate between him and Lukodi very much but yes, he was,
14 he was close to Kony, but I cannot differentiate between Binany and Lukodi.

15 Q. [14:05:31] Would either of those two gentlemen be considered senior enough to
16 undergo discussions with the Governor of Sudan on Joseph Kony's behalf?

17 A. [14:05:50] Those two were bodyguards. In my observations I do not think that
18 they had the capability or the capacity to do that. But perhaps if you are talking
19 about language, then maybe they helped translate or interpret. But in relation to
20 communications or discussions, then I do not think they did that because they were
21 more bodyguards.

22 Q. [14:06:21] Thank you, Mr Witness. Now, back on to what you just mentioned
23 a mere few minutes ago. Were there rules commonly known throughout the LRA
24 instituted by Joseph Kony?

25 A. [14:06:47] Yes, there were rules and Kony was the one who instituted all rules.

1 Nobody had the authority to issue any rules on his or her own initiative.

2 Q. [14:07:04] Now, Mr Witness, were there rules about what happened to escapees
3 of the LRA?

4 A. [14:07:17] Yes. When I joined the LRA, when I was initially abducted, I was
5 informed that if I escaped I would be killed. I was also told that the people in my
6 home area would also be killed. And I heard those rules quite regularly. I also
7 heard rules about not eating shea butter, not eating pork, not eating eggs, yeah, I
8 heard those kind of rules. I also heard that if you are crossing a river, then you
9 should try your level best to try and put water on your forehead.

10 There were other rules as well: Widows should not be courted before a time has
11 elapsed and before they have been -- they have been smeared. Those rules did exist.

12 Q. [14:08:22] Now, just let's say someone attempted to escape from the LRA and
13 was caught, what would be the punishment for such a person?

14 A. [14:08:37] If you are unlucky, then you would probably be killed. If you are
15 lucky, then you would be beaten, you would be beaten close to death. You would be
16 beaten severely.

17 Q. [14:08:52] And from what you said a few minutes ago, is it safe to say that
18 Joseph Kony would decide who died and who would not?

19 A. [14:09:06] Yes, Kony, Kony would determine who should be killed and who
20 should not be killed.

21 Q. [14:09:21] Now, a little bit more about the villages and the retribution on them.
22 Was this type of punishment, this collective punishment where the village of an entire
23 person who escaped would be destroyed, or could be destroyed? Sorry, Mr Witness.

24 A. [14:09:42] Yes, if anybody escaped, yes. That's what would happen. They
25 would not differentiate between any village but they would tell every single recruit

1 that if you escape, then we are going to, we are going to -- there will be repercussions,
2 and they would give examples that if you do that, then that's what will happen.

3 Q. [14:10:20] Now, Mr Witness, you just mentioned a minute -- about the courting
4 of widows, and I know that you talked very briefly with Madam Prosecutor about
5 other areas last week dealing with women in the LRA. Now, should you feel that
6 you need a private session, that if what you are explaining, you would like to do that
7 in private, please let us know. I do not think we will need that but I would want you
8 to feel comfortable and answer questions completely to the best of your knowledge.
9 Do you understand, Mr Witness?

10 A. [14:11:09] Yes, I do, I understand perfectly. We can continue in open session.
11 There is no problem at the moment.

12 Q. [14:11:16] Thank you.

13 Now, Mr Witness, you talked about there being a period where widows could not be
14 courted. How long was that period after the widow's husband had died?

15 A. [14:11:41] In my observation during my time in the LRA I was not -- I am not
16 very sure of the details, but in my observation, sometimes one and a half years or
17 maybe one year. And after the person has stopped grieving about her husband, then
18 they will decide. All the women would be taken to Control Altar, kept there. Once
19 they are finished all the rituals, they cut their hair, they pray for them, then the
20 superiors make a decision or issue an order that if there is anybody who is interested
21 in any guy or any man, then they should go ahead and courtship can continue.
22 These people are not newly abductees so different rules apply to them.

23 Q. [14:12:49] Now, during this mourning period was it a time when the women
24 would generally grieve for their husbands or did you ever hear about this being
25 a period in which the women would also be tested for sexually transmitted diseases?

1 A. [14:13:18] In the bush nobody examines anybody, there is no medical
2 examination about -- to determine whether or not somebody has a disease. Even if
3 you do have syphilis or gonorrhoea, if you do want a guy, then you go ahead and
4 continue your courtship. You talk to the guy and you continue. There was no
5 medical examination.

6 Q. [14:13:48] And this grieving period was a rule enacted by Joseph Kony, correct?

7 A. [14:14:00] Yes. Yeah, it was Kony who established the rule.

8 Q. [14:14:05] Now, Mr Witness, you used the word "courtship." Were these
9 women allowed not to take another husband? Could they remain single if they
10 wanted to?

11 A. [14:14:27] There is no rule that -- there is no rule to determine whether or not
12 you want or do not want a woman. It's the ladies who have to decide. Of course,
13 there are men who are interested, a man will come and talk to the lady, but if the
14 woman decides that she does not want to get involved with that man, then she stays
15 single.

16 Q. [14:14:54] And to the best of your knowledge, this is how it operated while you
17 were in Sudan, Mr Witness, correct, for widows specifically?

18 A. [14:15:04] Most times. During that time, yes, there was courtship in, in Sudan.
19 Sometimes it would also happen in Uganda, if the women leave Sudan and go to
20 Uganda, then the same procedure would apply.

21 Q. [14:15:33] Now, going to the other end, Mr Witness, for new women, if I
22 remember correctly, you stated that they were given as wives; is that correct?

23 A. [14:15:49] Yes, that's correct.

24 Q. [14:15:52] Now, you stated they didn't have a choice. But in the same token
25 would the young officers have a choice as well?

1 A. [14:16:13] Most times in my observation you are not forced. Sometimes
2 you are not forced to marry somebody. It will depend on your age. If you are
3 asked -- there was no man that I saw being forced to marry somebody. If the -- if the
4 man wanted to, then he would, but if he didn't, then it was his choice not to.

5 Q. [14:16:41] Does that mean that somebody would approach the male and ask
6 them if they wanted a wife?

7 A. [14:16:57] It was mostly the COs who are in the battalions. If, for example, you
8 feel that okay, I am ready to take a wife or I am interested in a girl, then the battalion
9 commander would go ahead and say: This person is now an adult, I think it's time
10 that maybe he should be given a wife or maybe he should be married off. And then
11 the information is relayed to the superiors. Sometimes you don't even know that
12 these discussions are being held in your name. I, for example, did not know that
13 they were -- they made this decision on my behalf that I was going to get married off.
14 But I just saw them bring me a woman and say this is your wife. So they made the
15 decision. Sometimes they make the decision on your behalf. Depends on how they
16 assess the situation.

17 Q. [14:17:54] Now, Mr Witness, a male had the option of saying no; is that correct?

18 A. [14:18:05] Yes. A male had the option of saying he did not want a wife or he
19 did not want to be with a particular lady.

20 Q. [14:18:14] What would happen to that male if he repeatedly said no, say if he
21 said no to his first three or four wives that his commanding officers attempted to give
22 to him?

23 A. [14:18:34] If you are a man and you refuse a lady three or four times, then
24 maybe there are questions, it raises questions. That means that perhaps you are not
25 capable of performing as a man. So if you are given a lady as a -- if you are given

1 a woman, then probably you are going to end up as brothers and sisters because
2 you cannot engage in sexual intercourse.

3 Q. [14:19:00] So looking at that, is -- was homosexuality allowed in the LRA?

4 A. [14:19:17] No, that's something that did not happen. That was something that
5 did not happen and that's something that would not be allowed or tolerated.

6 Q. [14:19:25] What would happen if you were a male and you were assumed to be
7 a homosexual?

8 A. [14:19:39] I cannot guess what would happen, but the only thing that I can
9 probably think of is death.

10 Q. [14:19:49] Would there then be pressure upon a man or a male to take a wife if
11 that male had already refused three previous offers for wives out of the fear of being
12 labelled a homosexual?

13 A. [14:20:17] No, it wasn't a -- like that. It was -- they would only decide that
14 maybe this guy is -- this man is impotent, but nobody would assume that you are
15 homosexual.

16 Q. [14:20:45] Now, Mr Witness, with the Prosecution you also spoke of ting tings; is
17 that correct?

18 A. [14:20:53] Yes, I did. I discussed ting ting.

19 Q. [14:21:00] Was sexual intercourse allowed with ting tings?

20 A. [14:21:09] No, it wasn't allowed.

21 Q. [14:21:14] were you -- sorry. Was a person in the LRA allowed to have sexual
22 intercourse with somebody outside of marriage?

23 A. [14:21:30] No, the rules did not allow that.

24 Q. [14:21:41] What are the possible punishments for someone who has sexual
25 intercourse with a ting ting?

1 A. [14:21:54] You are beaten, you are beaten severely. You are beaten until
2 you are unable to walk if you sleep -- or if have sexual intercourse with a ting ting or
3 a young girl.

4 Q. [14:22:22] I just wanted to make sure we have an issue with the transcript. Did
5 you state that you were beaten severely until you are -- oh, it's just fixed -- unable to
6 walk. Is that correct, Mr Witness?

7 A. [14:22:39] Yes, you are beaten until sometimes you are unable to walk because
8 your buttocks are extremely swollen and you cannot even sit down because you are
9 beaten so severely.

10 Q. [14:22:52] What would happen to a person if they committed a rape during an
11 attack?

12 A. [14:23:08] I did not see anybody raping anyone during an attack. When
13 you are fighting, you are fighting. You are not going to start having sexual
14 intercourse because at that moment you are fighting.

15 Q. [14:23:23] What would happen if somebody did it directly after an attack?

16 A. [14:23:34] Are you talking -- are you asking me a question about the people who
17 are within the group, within the LRA, or who? Who specifically are you referring
18 to?

19 Q. [14:23:45] Yes, Mr Witness. If a person within the LRA rapes somebody
20 directly after an attack?

21 A. [14:24:01] I do not have a -- I do not have a response to that question because the
22 question is not clear. Are you asking about a person within our group, a person
23 within the LRA who is being raped, or are you talking about a civilian who is being
24 raped? Which one of the two are you referring to?

25 Q. [14:24:25] Well, honestly, Mr Witness, if a person within the LRA raped anyone,

1 what would be the punishment?

2 A. [14:24:42] Most times when we were moving around -- let me give an example.
3 When you are fighting during a battle you cannot have sexual intercourse because
4 there is gunfire, there is chaos. But if we are talking about the coordinators who
5 owned things or who are carrying certain things, if as an LRA soldier you sleep with
6 this person, you are beaten, you are beaten severely.

7 Q. [14:25:19] A little bit more with the rules. Was there a general rule about
8 having sexual intercourse even with your wife before a battle?

9 A. [14:25:36] No, if you are going for battle, the rules prohibited us -- prohibited
10 people from having sexual intercourse. That was not permissible. You are not
11 allowed to do that. If you know that you are going to fight, for example, today, then
12 you are not allowed to do that.

13 Q. [14:25:57] Was there anything that Joseph Kony said would happen to people
14 who had sexual intercourse when they knew they were going to have a battle?

15 A. [14:26:17] Yes, he said if you have sexual intercourse with a woman before battle,
16 then that means you are stained, you are -- you are dirty. That means that when you
17 go to fight, you will be shot in your private parts. It was -- he said that you are
18 committing some sort of taboo and that wasn't allowed. So if you did that,
19 something was going to happen to you.

20 Q. [14:26:43] Do you know or have you heard of that ever happening to anyone
21 within the LRA, specifically having their genitalia shot in battle?

22 A. [14:26:58] Those things happen, it happens because I -- I believe I did not put it
23 in my statement, but there was someone known as Pedot, but he did have sexual
24 intercourse with a civilian and he was shot in his genitalia. So that made me believe
25 that there is some truth to that.

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1 Q. [14:27:28] Have you ever heard of that happening to somebody by the name of
2 Ocii?

3 A. [14:27:38] No, I do not recall.

4 Q. [14:27:45] Now, Mr Witness, within a brigade what were the general duties of
5 a BIO?

6 A. [14:27:58] A BIO is an intelligence officer. They gather information pertaining
7 to that brigade where they are talking about deaths or places that were attacked, how
8 people are living, general information regarding that brigade.

9 Q. [14:28:22] So it's fair to say if people were having internal arguments the BIO
10 would report it to a superior?

11 A. [14:28:37] Yes. If they discuss anything in relation to the brigade, then he
12 knows where to send this information. He takes it to the head of director of
13 intelligence. He collects all this information when he is together with his brigade
14 commander and all the information is collated, they -- the brigade commander meets
15 with the other commanders and they discuss it.

16 Q. [14:29:08] Would the BIO and the IOs also report on anybody whom they
17 thought might try to escape?

18 A. [14:29:25] It's extremely difficult to ascertain that such-and-such wants to escape.
19 So it, it was, it was very rare for a report to be -- for somebody to bring a report saying
20 that somebody is thinking of escaping. But we -- the information in relation to stuff
21 that was gathered was shared within the battalion.

22 Q. [14:29:55] Now, Mr Witness, around the time of your escape who was the
23 director of intelligence of the LRA?

24 A. [14:30:15] Around that time I do not quite clearly recall who was the overall
25 intelligence officer in the LRA. But we had other officers like Akoja (phon). By that

1 time I think Otti Vincent had already left the intelligence role, but there were several
2 other officers like Okwera who were working as intelligence.

3 Q. [14:30:50] If I stated Onen Unita, would that refresh your memory?

4 A. [14:31:00] Yes, Onen Unita was also in the same operation unit.

5 Q. [14:31:08] Does that mean that Onen Unita was in the operation unit, or that he
6 was the director of intelligence?

7 A. [14:31:23] Onen Unita was in the operation unit, not as intelligence.

8 Q. [14:31:34] Now, Mr Witness, what were the duties of a battalion IO?

9 A. [14:31:46] The battalion IO performs quite a similar role to that of BIO because
10 they gather all the small little, little details within the battalion, the operations, the
11 number of people who have died or -- yeah, these are the kind of assignments that
12 BOs do. You, you report on the situation or conditions of the mothers if you are
13 together with them.

14 Q. [14:32:24] Now, Mr Witness, would -- to the best of your knowledge, would
15 BIOs and battalion IOs report directly sometimes to Joseph Kony or Vincent Otti?

16 A. [14:32:45] There is no expressed instruction that as a battalion IO you report
17 straight to Kony. So there is no way a BOI would leave on his own to communicate
18 with Kony, they have to follow set procedure in line with the ranks. So the person
19 who gives report to director of intelligence would be a BIO from the brigade. But as
20 a battalion IO, he -- his level stops with the brigade IO.

21 Q. [14:33:23] So just to make sure the transcripts are correct, and I apologise for
22 trying to summarise what you said, was that the battalion IO would not report
23 directly to Kony or Otti but that the brigade IO, the BIO, might report to Kony or Otti;
24 is that correct?

25 A. [14:33:49] Yes, that's correct.

1 Q. [14:34:01] Mr Witness, did battalion IOs and brigade IOs, did they ever collect
2 intelligence from without -- from outside of the LRA?

3 A. [14:34:27] The battalion IOs and the brigade IOs, usually they do not stay
4 together. Probably they stay for a short time and they would separate. So there are
5 information that you can also gather from the civilians, depending on the situation in
6 the area where you are operating. So if there is any new information, for instance,
7 which the government would have come out with and you get that information from
8 the civilians, then if you meet, you can inform your superior that I got this
9 information from the civilian.

10 So there are two ways of gathering information, internally within your group or
11 information about the number of sick persons within the group or information that
12 you also get externally. So you put them together and you send to your BIO or you
13 can send to your CO and he would communicate that on radio. That is how it
14 works.

15 Q. [14:35:39] So it would be that the -- I'm sorry for asking this question, that the
16 BIO might have his own military grade communications radio?

17 A. [14:35:56] No, they use one radio. For instance, with us they -- we would use
18 the radio belonging to the brigade commander. So if the brigade commander has
19 a radio, the BIO does not have a radio, okay, he is not allowed to have a radio. But if
20 there is enough, you know, equipments, radio equipments, then each one of them
21 would be able to have.

22 Q. [14:36:59] Mr Witness, where would the BOI typically be positioned?

23 A. [14:37:15] The BIO stays together with the brigade commander. If the positions
24 have all been distributed out, then they stay very close. They actually stay very close
25 to the extent that they can even eat together.

1 Q. [14:37:54] Now, Mr Witness, when you were abducted, who was the 2IC of the
2 LRA?

3 A. [14:38:07] At the time of my abduction it was Omona Field who was
4 the -- Joseph Kony's 2IC.

5 Q. [14:38:23] And what happened to Omona Field?

6 A. [14:38:32] Omona Field died. I do not understand the cause of his death, but
7 I think he died due to illness.

8 Q. [14:38:44] Who replaced him?

9 A. [14:38:53] After his death I think it was Otti Lagony who replaced him.

10 Q. [14:39:05] And, Mr Witness, could you please tell this Court what happened to
11 Otti Lagony.

12 A. [14:39:22] I wouldn't say a lot about Otti Lagony, but he was killed from Jebelen.

13 Q. [14:39:34] Mr Witness, isn't it true that Otti Lagony was killed on order of
14 Joseph Kony?

15 A. [14:39:51] Yes.

16 Q. [14:39:57] Do you know what is alleged that Otti Lagony did to warrant him
17 being executed by Joseph Kony?

18 A. [14:40:12] Well, briefly what I heard from hearsay, I didn't hear from
19 Joseph Kony himself, we were on standby to come to Uganda and Otti wanted to
20 say -- actually was interested that all those of -- all those who were coming to Uganda
21 should come and hand themselves in to the government. So that is the information
22 that went to Kony, and he was killed.

23 Q. [14:40:44] So even the alleged second-in-command of the LRA was not immune
24 from Joseph Kony's rules; is that correct?

25 A. [14:41:04] Yes.

Trial Hearing
WITNESS: UGA-OTP-P-0142

(Private Session)

ICC-02/04-01/15

1 MR OBHOF: [14:41:07] Now, your Honours, could we please go into private session
2 for one or two questions?

3 PRESIDING JUDGE SCHMITT: [14:41:15] Private session.
4 (Private session at 2.41 p.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Open session at 2.42 p.m.)

13 THE COURT OFFICER: [14:42:09] We are back in open session, Mr President.

14 PRESIDING JUDGE SCHMITT: [14:42:17] Thank you.

15 MR OBHOF:

16 Q. [14:42:40] Mr Witness, did you ever hear about how Joseph Kony came to learn
17 about Vincent -- or, sorry, about Otti Lagony's alleged plan?

18 A. [14:42:43] I did not get to know that.

19 Q. [14:43:00] Was it ever discussed amongst the LRA about how they felt about
20 Otti Lagony being executed on order of Joseph Kony?

21 A. [14:43:19] What came out was that Otti wanted to return together with those
22 who were coming to Uganda, he wanted to come and defect with that group.

23 Secondly, he -- it was alleged that he wanted Kony to be killed, that is how Kony
24 actually himself said. But I did not hear that information directly from him, but his
25 kill -- his death came after some time when that happened.

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(Open Session)

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1 Q. [14:43:57] Did some of your brothers amongst the LRA discuss it with you and
2 how it made them feel?

3 A. [14:44:10] No, no one told me.

4 Q. [14:44:20] Did you personally, Mr Witness, did this personally bother you or
5 were you scared because the apparent second in command was executed for wanting
6 to escape? Did that stop you from trying to escape?

7 A. [14:44:44] Yes, that can scare you. Even, even you, you will certainly be scared
8 to see somebody who is second after him. So it -- it was not only me, but all other
9 soldiers in the LRA were equally scared. So even when you were interested in
10 escaping, yes, it did cause a lot of fear.

11 Q. [14:45:15] Mr Witness, was anyone else executed because of the same plot?

12 A. [14:45:29] There were, there were two. He was killed with another person
13 called Okello Director on the same day. They were killed on the same day.

14 Q. [14:45:41] Do you know if anybody else was set for execution but was spared by
15 Joseph Kony?

16 A. [14:45:57] There were many people which I heard of after I had left. I -- I do
17 not recall their names because many of the children who were coming from the
18 households of those people were actually said they should have been killed. So I do
19 not now recall exactly their names.

20 Q. [14:46:18] Now during your time in the LRA were there any other high
21 commanding people who were executed by order of Joseph Kony?

22 A. [14:46:37] The ones I saw are only those two people and then Ongwe (phon)
23 who had slept with his colleague's wife. These were the commanders that I
24 physically saw with my own eyes.

25 Q. [14:47:02] Now, Mr Witness, how was the commander of a standby unit chosen?

1 A. [14:47:15] The standby commander I cannot say the procedure of -- that is used
2 to choose them, but I never know why. I think they are chosen depending on what
3 they feel and they feel that this person should be the one to lead, so then that person
4 is chosen.

5 Q. [14:47:42] Did the leader of the standby unit, was that person always the senior
6 most person within the standby unit?

7 A. [14:48:00] Yeah, they could pick somebody who is senior, who is top most senior
8 in that group and they would pick that person to move or to lead that group.

9 Q. [14:48:19] Did the leader have to be the senior most person or could they have
10 chosen a junior person who knew the area well?

11 A. [14:48:36] It depends on the work that that person is seen to be able to handle,
12 because if you are going to -- for a big battle you cannot put a private when they are
13 officers. So the person chosen is also chosen in line with the kind of work that
14 you are going to do.

15 Q. [14:49:04] So could a lieutenant be chosen over a captain if the lieutenant knew
16 the area very well and a captain was unfamiliar with the area in which you were
17 going to work?

18 A. [14:49:22] It is not only about an area, because if an area in Uganda, then all of
19 us are from Uganda, can pick anybody, could even pick a lieutenant to go with
20 a group of soldiers or could even pick a captain or even a major, depending on the
21 particular work that is supposed to be done, how big is the assignment, what are the
22 things that are supposed to be done. So that's -- those are the things they look at.

23 Q. [14:50:00] Now, Mr Witness, in, in receiving orders who did a standby unit
24 receive their orders from?

25 A. [14:50:25] When there is any operation the person who has planned for the

1 operation is the one that will come and tell you and also brief you because if you are
2 not the person who has planned, there is no way you can come to give the briefing.
3 So it is the person who has planned for the work is the one that will give you the
4 briefing and instructions to go and do the work. For instance, in the brigade it is the
5 brigade commander who will come and address the soldiers and tell them what to do.

6 Q. [14:51:04] Did the brigade commander address the soldiers before every single
7 engagement?

8 A. [14:51:18] Well, that one, by all means it is the brigade commander to talk to
9 them before they leave for any operation.

10 Q. [14:51:33] So before every operation in Teso, Buk Abudema would speak with
11 even unit and Charles Tabuley would speak with every unit of Stockree?

12 A. [14:51:54] That is -- that is how it happens. Before they go at least they give
13 a briefing that we are going to such-and-such a place. So they have to give that
14 briefing.

15 Q. [14:52:12] So what would happen, say, if a commander's radio was dead for two
16 or three weeks and he had no way to contact people, would he still talk to his units
17 before they fought?

18 A. [14:52:36] If you have received a briefing already, even when your radio is not
19 functioning, you will move and meet your people along the way. There is a way
20 that you will meet. And if you get a group that has radio, then you can use that
21 radio and inform -- to inform your superior that your radio is not functional. So if
22 there is any information that's supposed to be communicated to you and you are not
23 on air, then the other people will inform you and you will know what to do.

24 Q. [14:53:11] Thank you, Mr Witness.

25 Now, with -- who would give the orders to the brigade commander?

- 1 A. [14:53:25] It's Joseph Kony.
- 2 Q. [14:53:30] Now, Mr Witness, weren't there alleged offices called the chief of staff,
3 the brigade general and division within the LRA?
- 4 A. [14:53:53] I have not heard about that.
- 5 Q. [14:53:55] So you have never heard of the Division command in the LRA?
- 6 A. [14:54:07] In my knowledge I know that Kony is the division commander
7 because there was nobody above him. Division commander majorly I heard when I
8 returned, but I didn't know the meaning of division commander. I didn't have any
9 information about it.
- 10 Q. [14:54:27] Was there something called the army field commander, Mr Witness?
- 11 A. [14:54:36] I have not heard about it.
- 12 Q. [14:54:39] Have you heard of the name of Nyeko Tolbert Yadin?
- 13 A. [14:54:50] Yes, I am aware about Tolbert Yadin. I know him and I also know
14 him by his name.
- 15 Q. [14:55:01] What position did he hold before he died in January of 2004?
- 16 A. [14:55:11] I do not recall his position, but he was the overall admin in the LRA.
- 17 Q. [14:55:24] What position did Buk Abudema take after he left Sinia brigade?
- 18 A. [14:55:36] I do not recall what role he was holding, especially from the
19 Control Altar.
- 20 Q. [14:55:52] When Lapaicho left Sinia brigade, what group did he go to,
21 Mr Witness?
- 22 A. [14:56:00] Lapaicho kept on moving in between the groups. He was at the
23 sickbay to take care of the women.
- 24 Q. [14:56:16] Mr Witness, would you agree or disagree with me that both Lapaicho
25 and Buk Abudema when they left Sinia brigade went to Division?

1 A. [14:56:32] That could have happened after Buk left. But for him he was moving
2 up and down. Sometimes he would be in the sickbay with the women. I did not
3 follow his movements very closely.

4 Q. [14:56:51] Do you know something called Jogo division?

5 A. [14:57:01] Jogo division I do not have very sufficient information about it, but I
6 guess it was a group that was very close to Kony.

7 Q. [14:57:29] Just as a recap, Mr Witness, what would happen if somebody refused
8 a direct order of Joseph Kony?

9 A. [14:57:44] It was very difficult to refuse because of the fear that everyone would
10 have. So it was not possible to refuse to take his orders.

11 Q. [14:57:58] Just to play devil's advocate, if you said no, in your opinion what
12 would happen to that person?

13 A. [14:58:15] Yeah, it could be taken that this person is planning to escape or would
14 want to go and surrender to the government. So you could be killed.

15 Q. [14:58:31] Mr Witness, I am going to read out a few names to you and if you
16 know who they are, just please explain briefly who they are and to the best of your
17 knowledge when they died.

18 The first one is John Matata.

19 A. I do not know when John Matata died, but I know him because he was one of
20 our leader as a brigade commander in the Sinia.

21 Q. [14:59:11] If I stated he died of complications of HIV around the end of 2002,
22 would that sound about correct?

23 A. [14:59:26] Yes, that is what we were also told, that he had HIV/AIDS.

24 Q. [14:59:32] How about Lumba Lumba?

25 A. [14:59:42] I recall that name, but -- he is called Lumba Lumba, but he's called

- 1 Walumbe. I don't know from where he died, but I recall his name as
2 Walunge, not Lumba Lumba.
- 3 Q. [15:00:05] And who was Walunge?
- 4 A. [15:00:14] Walumbe was a senior signaller in the LRA.
- 5 Q. [15:00:27] And didn't he die in 2002 as well?
- 6 A. [15:00:33] I do not recall.
- 7 Q. [15:01:02] Mr Witness, just is it Walumbe or Walunge?
- 8 A. [15:01:14] It is -- he is called Walumbe. Walumbe.
- 9 Q. [15:01:31] Opoka Pume or Pum (phon)?
- 10 A. [15:01:41] He is not called Opoka Pume, he is called Opoka Pum Cici (phon).
- 11 Q. [15:01:51] And what was his position before he died?
- 12 A. [15:02:01] He was a lieutenant colonel. He was with us in the Sinia. And
13 when we were in the Sudan, he was one of the leaders of Terwanga, he was the leader
14 of Terwanga as a CO, and then later on he went to Control. But from the Control
15 now I did not know what he was doing. But he was a CO of Terwanga at the time
16 when we were in Sudan, in Jebelen.
- 17 Q. [15:02:33] Would you agree that he died in Anaka in early 2003?
- 18 A. [15:02:43] I am not aware.
- 19 Q. [15:02:53] Charles Tabuley, he died during the Teso campaign; is that correct?
- 20 A. [15:03:06] Yes.
- 21 Q. [15:03:07] Ojoka, used to be in intelligence?
- 22 A. [15:03:22] I am -- I cannot exactly recall that name.
- 23 Q. [15:03:30] Onyee, Otti Vincent's former head of security?
- 24 A. [15:03:45] I heard about that name but I do not know where he is, I cannot tell
25 whether he is still alive or not.

1 Q. [15:03:54] And then Nyeko Tolbert Yadin died in January 2004; is that correct?

2 A. [15:04:06] I do not recall the exact time he died. But I know him very well and,
3 yes, I know his name and that is exactly how he was called.

4 Q. [15:04:21] Opira Livingstone?

5 A. [15:04:32] Opira Livingstone, I know him very well, but I am not sure if he is still
6 alive or he is still in the bush.

7 Q. [15:04:47] Acel Calo Apar?

8 A. [15:04:54] I know Acel Calo Apar very well. He was in Gilva. Now I -- I am
9 not sure whether he is still alive or not.

10 Q. [15:05:07] Opiro Anaka?

11 A. [15:05:14] It's been a long time since I saw Opiro Anaka since I came out of the
12 bush. Yes, I know him very well.

13 Q. [15:05:32] Mr Witness, would it surprise you to know that it's alleged all of these
14 people died well before you escaped from the bush, months before you escaped from
15 the bush? Sorry.

16 A. [15:05:52] Well, on one side, yes, I can say I was still in the bush because I was
17 not together with them, so it was difficult to know that such-and-such a person has
18 died or to know whether they had died after I had come out of the bush because most
19 of the times many of these people, we are now not together with them.

20 MR OBHOF: [15:06:26] Mr President, could we please go to private session.

21 PRESIDING JUDGE SCHMITT: [15:06:31] Private session.

22 (Private session at 3.06 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0142

(Private Session)

ICC-02/04-01/15

- 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 3.07 p.m.)
- 14 THE COURT OFFICER: [15:08:04] We are in open session.
- 15 MR OBHOF: [15:08:11]
- 16 Q. [15:08:12] Mr Witness, was there a time while you were in the LRA where the
- 17 brigades had two separate brigade commanders and battalions would have two
- 18 battalion commanders?
- 19 A. [15:08:36] I recall that there were two officers in a battalion. I do recall that that
- 20 happens but I did not see that in our group.
- 21 Q. [15:09:03] So it did happen in other groups, correct?
- 22 A. [15:09:10] Yes, it would happen.
- 23 Q. [15:09:16] Now, Mr Witness, at the end of last week you estimated that Sinia
- 24 brigade had between 250 to 300 fighters; is that correct?
- 25 A. [15:09:31] Yes, that's correct.

1 Q. [15:09:35] Now, Mr Witness, in a normal operating military, aren't brigades
2 measured in the thousands of fighters, not 250 to 300?

3 A. [15:09:55] Yes. In normal sense, yes, the brigade should be bigger than that,
4 a battalion should also be bigger than that. But normally you'd find that a battalion
5 has 40 men or less than that. But at the time there were not that many. Sometimes
6 the numbers in the brigade would go down to 200 because there were not that many
7 people. Sometimes there were 40 people, 30 people within a battalion. There is no
8 formation, there is no section within the LRA.

9 Q. [15:10:37] And, Mr Witness, in a normal military, do they usually count the
10 number of wives and children that are there as well?

11 A. [15:10:51] In the LRA nobody counts the children. The women and men are the
12 ones who are counted.

13 Q. [15:11:03] Thank you, Mr Witness. Who is Kamkownga?

14 A. [15:11:19] Could you please repeat the question. I did not get it very well.

15 Q. [15:11:25] I have a very bad accent, I'm sorry, Mr Witness. Kamkownga,
16 otherwise known as Okwonga Alero.

17 A. [15:11:43] I know Okwonga Alero, I know him very well.

18 Q. [15:11:48] Who is Okwonga Alero?

19 A. [15:11:57] Okwonga Alero is somebody who was in Control Altar. He was part
20 of the group that was in Control Altar, he was a member of the yard.

21 Q. [15:12:11] Was he ever a battalion commander in Gilva?

22 A. [15:12:23] I do not recall.

23 Q. [15:12:27] Did he lead the people on the ground in the attack on Odek?

24 A. [15:12:43] I do not recall.

25 Q. [15:13:06] Do you know if he went to the attack on Odek?

- 1 A. [15:13:12] I do not -- I do not believe that Okwonga Alero was among that group
2 that went to Odek. I do not know, I do not remember.
- 3 Q. [15:13:26] Do you remember if he was at the RV point for the attack on Odek?
- 4 A. [15:13:34] I do not recall.
- 5 Q. [15:13:38] Do you recall if anyone from Gilva brigade went to Odek?
- 6 A. [15:13:48] Yes, there was Ojara Abin (phon) and Abonga Won Dano, those are
7 some of the people who went.
- 8 Q. [15:14:05] At that time do you know what or which battalion Abonga Won Dano
9 was in inside of Gilva?
- 10 A. [15:14:13] No, I do not know.
- 11 Q. [15:14:25] Mr Witness, you stated last week that Oyenga was part of the standby
12 force that went to Odek. In which battalion did Oyenga serve?
- 13 A. [15:14:45] I do not recall, but he was in Terwanga battalion. Oyenga was in
14 Terwanga battalion.
- 15 Q. [15:15:02] But he was part of the standby force that went to Odek; is that correct?
- 16 A. [15:15:11] I do not recall that much.
- 17 Q. [15:15:19] Now, Mr Witness, you stated that the RV point before the attack on
18 Odek was around Omel Kuru, near Kanu, in Awach sub-county; is that correct?
- 19 A. [15:15:41] Yes, that's correct.
- 20 Q. [15:15:43] Now, Mr Witness, Loyo Ajonga, that's in the Logi sub-county, not
21 Awach, correct?
- 22 A. [15:15:58] Yes, they are all in the same area.
- 23 Q. [15:16:02] In the same area, but are they in the same sub-county?
- 24 A. [15:16:11] They are -- they are both in Achwa.
- 25 Q. [15:16:14] Does it surprise you to learn that Loyo Ajonga is not in

1 Achwa county -- sub-county?

2 A. [15:16:25] I do not know, but I know that Achwa begins from where we were to
3 Loyo Ajonga, so I do not know where the separation or the division between the
4 two is.

5 Q. [15:16:40] Mr Witness, is Bolo in Achwa sub-county?

6 A. [15:16:56] I do not recall.

7 Q. [15:16:57] Is Bolo east or west of the Aswa river?

8 A. [15:17:14] There is Bolo Laming, Bolo Agweng. If you are standing in Bolo,
9 Achwa is in front of you, which means it's in the west. If you are standing on the
10 other -- on the other side of the riverbanks, then it's on the other side, which means
11 it's on the east.

12 Q. [15:17:42] So the Bolo -- Bolo on the east, is that in Achwa sub-county?

13 A. [15:17:53] I do not recall that much.

14 Q. [15:17:57] Mr Witness, you stated that the RV point for Odek was about 20 miles
15 from Odek or 32 kilometres; is that correct?

16 A. [15:18:15] It was very difficult to estimate kilometres at the time when we were
17 in the bush, but that was to my -- in my estimation that's what I thought it was.

18 Q. [15:18:31] Do you remember if it rained around the time that a standby force
19 went to Odek?

20 A. [15:18:45] No, I do not recall it raining on that particular day.

21 Q. [15:19:04] In which direction would the standby force have had to walk in order
22 to get to Odek?

23 A. [15:19:21] The -- in my observation, in the position that we were and the way the
24 sun rose they walked towards the southeast. They walked towards the southeast or
25 the east, but they did not go directly eastwards. They went either to the southeast or

1 to -- but that was based on my observation and the position that we were in at the
2 time.

3 Q. [15:19:58] Now, Mr Witness, is it possible that on 27 April 2004 that Mr Ongwen
4 was actually east of the Achwa river, about 25 to 30 kilometres northeast of Odek?

5 A. [15:20:29] I do not recall that.

6 Q. [15:20:34] Mr Witness, do you know a person by the name of Odong Cau?

7 A. [15:20:41] Yes, I know Odong Cau very well.

8 Q. [15:20:49] Didn't he defect from the LRA in March of 2003.

9 A. [15:21:02] I do not know when he defected, but yes, he went back home.

10 Q. [15:21:08] Do you know or remember if he defected before you left the LRA?

11 A. [15:21:16] Yes, he left before me.

12 Q. [15:21:21] Was it months or would you say it was more like a year before you
13 left?

14 A. [15:21:31] I do not recall the exact time that he defected, but to my -- if we
15 estimate the time that we left and he left, then I might be able to do that because I left
16 in July, but I do not know what date he left.

17 Q. [15:21:53] Would it be a long time before you? It doesn't have to be exact as in
18 365 days.

19 A. [15:22:13] I would estimate that there was a -- some duration between his
20 defection and mine, perhaps a year, in my estimation, it might be a year.

21 Q. [15:22:28] Did he go to Odek in the standby force?

22 A. [15:22:36] I do not recall.

23 Q. [15:22:38] Did he go to Lukodi with the standby force?

24 A. [15:22:44] No, he didn't.

25 MR OBHOF: [15:22:51] Indulge me for one minute, your Honours, while I get

1 a citation.

2 PRESIDING JUDGE SCHMITT: [15:23:01] Of course.

3 MR OBHOF: [15:23:03] Thank you.

4 Q. [15:23:24] Now, Mr Witness, I just want to try to refresh your memory about

5 something we discussed about three minutes ago when I asked if Oyenga went to

6 Odek. And we are going to start at tab 4, and it's 0228-4542, page 4556. Starting at

7 line 462.

8 And this was from 2006: "OK, the person Oyenga that you mentioned before. Did

9 he go on this fight?" in reference to Odek.

10 Your answer was: "Oyenga went."

11 Does that help refresh your memory, Mr Witness?

12 A. [15:24:24] I do not recall that.

13 Q. [15:24:51] Now finally, Mr Witness, on Odek, in your 2006 interview with

14 the Prosecution you stated that the orders for Odek were to go fight the government

15 soldiers and get the food and then when asked if there were any other reasons for

16 attacking, you repeated there were no major reasons apart from going to collect the

17 food. That's from tab 4, UGA-OTP-0228-4542, page 4549 from lines 215 to 235.

18 Is that still the same today, Mr Witness, that the reasons were to fight government

19 soldiers and to collect food?

20 A. [15:25:46] That's what they went and did. I do not -- I did not go there

21 personally, so it's very difficult for me to, to explain or to give further information.

22 Q. [15:25:59] That's all I wanted to know was the orders, not whether you went,

23 Mr Witness. So thank you.

24 Mr Witness, who is Tulu?

25 A. [15:26:36] Tulu was a commander of Gilva's sickbay.

- 1 Q. [15:26:43] Do you know where he originally was from?
- 2 A. [15:26:51] He was a -- he always was around the bay, but I do not know where
3 he is from, but I do know that he is from Gilva.
- 4 Q. [15:27:02] Do you know where he grew up at as a child?
- 5 A. [15:27:09] No, I do not know.
- 6 Q. [15:27:17] Mr Witness, have you ever heard of a place called Gwendia?
- 7 A. [15:27:26] Yes, I know Gwendia.
- 8 Q. [15:27:34] Where is Gwendia?
- 9 A. [15:27:40] Gwendia is in Achwa.
- 10 Q. [15:27:46] And it's its own parish inside of Achwa, correct?
- 11 A. [15:27:56] Yes, Gwendia is in a parish in Achwa.
- 12 Q. [15:28:11] Now, Mr Witness, is it possible that your mission you spoke about to
13 Lukodi was originally planned for Gwendia and that it was not until after the standby
14 unit encountered people from Gilva that the mission was changed to Lukodi from
15 Gwendia?
- 16 A. [15:28:48] No, that's not true.
- 17 Q. [15:28:51] Is it true that Gilva sickbay was operating in Bungatira sub-county
18 during the time in and around the attack at Lukodi?
- 19 A. [15:29:12] That's a lie.
- 20 Q. [15:29:13] So Gilva sickbay was not around Lukodi at the time of the attack?
- 21 A. [15:29:23] No, it wasn't.
- 22 Q. [15:29:24] Where was Gilva sickbay at the time of the attack on Lukodi?
- 23 A. [15:29:30] I do not know the exact area that it was, but we met when we were
24 going on mission, but I do not know where they were based, but I know that they
25 were probably based around Kanu or Omel, the Omel area. That was -- that's where

1 I guess the Gilva was.

2 Q. [15:29:53] Mr Witness, did anybody from Gilva sickbay discuss how LDUs from
3 Lukodi used to actively look for the Gilva sickbay and attack the people from Gilva
4 sickbay?

5 A. [15:30:16] No, I did not hear it, nor did I see it.

6 Q. [15:30:21] Mr Witness, before the attack on Lukodi had you ever been to that
7 area to survey the IDP camp, the LDU barracks and the UPDF barracks at Lukodi?

8 A. [15:30:47] No. There was no surveillance that took place in that place.

9 Q. [15:30:56] Mr Witness, to the best of your knowledge was there a military base
10 in Gwendia?

11 A. [15:31:10] I do not know at the time -- I do not, I cannot guess or know whether
12 there were soldiers at Gwendia.

13 Q. [15:31:20] Were there soldiers at Awach?

14 A. [15:31:27] Yes, there were soldiers at Awach.

15 Q. [15:31:40] Now, Mr Witness, is it normal for two different brigades to join
16 together for the purpose of an attack on a small military detach?

17 A. [15:32:03] There were not two different brigades. They refer to them as two
18 brigades because the people in the bay are very few. It's not a whole movement.
19 It's not Gilva brigade. It's a bay, they take care of mothers, and they are the ones
20 who came and joined us. The reason why they -- they brought people from Gilva
21 was so they could also go get food and help the people who are in the bay feed the
22 people in the bay, but it wasn't a whole brigade.

23 Q. [15:32:56] Do you know or did you hear about Tulu receiving military weapons
24 and munitions and other materiel from Otti Vincent which he collected from Sudan
25 right before the incident at Lukodi?

- 1 A. [15:33:21] I do not recall and I did not see it either.
- 2 Q. [15:33:36] Now, Mr Witness, on the way back from the attack at Lukodi, how
3 many dead bodies from Gilva did you see?
- 4 A. [15:33:57] I did not see any dead bodies.
- 5 Q. [15:34:04] And to be sure, you took the same route back that you did when you
6 went there, correct?
- 7 A. [15:34:14] Yes, we backtracked, the same route that we came with was the same
8 route that we went back with.
- 9 Q. [15:34:25] Now, Mr Witness, how is it that you know, that you are so sure that
10 Gilva sickbay was not in Bungatira but you yet do not know where it was at around
11 the time of the attack on Lukodi?
- 12 A. [15:34:53] There was a -- in my personal knowledge, Gilva was not in Bungatira.
13 They could not be in Bungatira.
- 14 Q. [15:35:08] Mr Witness, the helicopter gunship that came, how quickly did it
15 arrive after the attack on Lukodi started?
- 16 A. [15:35:30] Perhaps 30, half an hour, 40 minutes before the gunship came. It was
17 dusk before the helicopters came. I would estimate perhaps it was 7, 7.30, 7.40,
18 around about that time, that's when the helicopters came.
- 19 Q. [15:36:02] Mr Witness, do you know if any ground reinforcement, namely
20 buffaloes or Mambas came during -- the UPDF ground forces came in during the
21 attack on Lukodi?
- 22 A. [15:36:25] I did not, I did not see. I did not hear them either. Perhaps if they
23 came, then they came after we had left, but that was separate from the helicopters.
- 24 Q. [15:36:37] If I stated that they came about 90 minutes after the attack started,
25 would all of the LRA have been gone by then?

- 1 A. [15:36:55] Ninety minutes is a long time, it's a very long time. People left
2 quickly. We did not stay there for that long. Ninety minutes is a long time.
- 3 Q. [15:37:10] How long would you estimate that the LRA stayed at Lukodi?
- 4 A. [15:37:21] The longest, to my estimation, half an hour, 40 minutes, 50 minutes.
5 I do not believe we were there for one hour.
- 6 Q. [15:37:34] Now, the helicopter gunship, did it fire on to the LRA?
- 7 A. [15:37:48] The helicopter gunship did not drop any bombs. Afterwards, it just
8 kept on circulating, it was circulating above. We could hear it but it did not drop
9 any bombs, not as far as I heard anything, any explosions.
- 10 Q. [15:38:15] Now, the report afterwards, Mr Witness, who would the report be
11 made to, to Joseph Kony or to Buk Abudema?
- 12 A. [15:38:32] The post-mission report was sent to Kony, not to Buk.
- 13 Q. [15:38:47] How many forces came from Gilva sickbay, specifically from Tulu?
- 14 A. [15:39:02] I do not recall, but I believe it was 50, 50 and up. But I do not recall
15 the exact numbers.
- 16 Q. [15:39:15] Was Abongo Won Dano in sickbay at that time?
- 17 A. [15:39:27] Yes. He came from Tulu's group so, yeah, I know that they were in
18 the same group.
- 19 Q. [15:39:37] So to your memory was he injured sometime between Odek and
20 Lukodi?
- 21 A. [15:39:50] Abongo was not injured. He did not sustain any injury.
- 22 Q. [15:39:57] So why was Abongo Won Dano with sickbay?
- 23 A. [15:40:03] Sickbay does not only house sick people. There were other people,
24 other soldiers, who were also working at the sickbay.
- 25 Q. [15:40:16] So it would be normal then for the fighters in sickbay to leave sickbay

1 and have it be ostensibly unprotected for three days while they go to fight at Lukodi?

2 A. [15:40:40] They would not leave the bay unprotected. They would leave some
3 people protecting the mothers at the bay. So they would select a number of people,
4 because it's not -- we don't go for so many days. So they would select a number of
5 people and leave other people to protect the sick people and people in the bay.

6 Q. [15:41:02] In the middle of 2004, can you estimate how many people were in
7 Gilva brigade?

8 A. [15:41:14] No, I was not in Gilva brigade so I cannot estimate or guess the
9 numbers.

10 Q. [15:41:25] Considering Sinia, the first brigade, had between, around 250 to 300
11 persons, in your opinion wouldn't 50 be a lot of people to be inside of any brigade's
12 sickbay, Mr Witness?

13 A. [15:41:55] Fifty is a big number, 50 is a big number for a sickbay. It is a big
14 number.

15 Q. [15:42:08] Mr Witness, did Ocan Bunia go to Lukodi?

16 A. [15:42:19] No, Ocan Bunia did not go to Lukodi.

17 Q. [15:42:26] Do you know of any radio communications between Ocan Bunia and
18 Tulu about an attack on Lukodi?

19 A. [15:42:39] No, I have no knowledge of that.

20 Q. [15:42:45] Do you have any knowledge if the fighters from Gilva returned back
21 and reported to Tulu?

22 A. [15:42:59] Yes, I know that when they went back, they reported to him with
23 respect to what happened at Lukodi.

24 Q. [15:43:07] How do you know that, Mr Witness?

25 A. [15:43:16] Because that depends -- it's the standard procedure, because if you

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1 come with your soldiers, you would go and report and say this is what happened, we
2 went, we completed our mission, nobody died, this is what happened. So I believe
3 that he did -- he did go and communicate to Tulu.

4 Q. [15:43:40] So your belief is based upon SOP, correct, standard operating
5 procedures?

6 A. [15:44:00] I do not understand if you say, if you use that term.

7 Q. [15:44:03] Sorry, your belief that they went back to Tulu and gave a report is
8 based upon what they were supposed to do, based upon normal procedures. You
9 weren't physically there for the report, correct?

10 A. [15:44:25] Yes, that's correct.

11 Q. [15:44:28] Did you hear the radio communication from Ocan Bunia -- or, sorry,
12 from Major Tulu to Ocan Bunia?

13 A. [15:44:50] If Ocan Bunia has a radio and Tulu has a radio then, yes, to my
14 knowledge, I know that they will communicate. But I did not hear them. But if the
15 commanders have radios, then they do communicate between them.

16 MR OBHOF: [15:45:10] Your Honours, I know it is about 15 minutes early, but I
17 have one section left that's about an hour long, so.

18 PRESIDING JUDGE SCHMITT: [15:45:18] So the further procedure suggests itself, I
19 would say, so we will have -- conclude the hearing for now.

20 MR OBHOF: [15:45:26] Okay.

21 PRESIDING JUDGE SCHMITT: [15:45:26] And to resume tomorrow, 9.30. And as I
22 understand it, you will probably be finished after the first section.

23 MR OBHOF: [15:45:36] I can guarantee that, your Honour.

24 PRESIDING JUDGE SCHMITT: [15:45:38] Okay, thank you very much. So, as I
25 said, hearing for today concluded.

1 Mr Taku is rising.

2 MR TAKU: [15:45:44] Yes, your Honours. We just received a mail, I don't know,
3 probably your Honours have seen it.

4 PRESIDING JUDGE SCHMITT: [15:45:52] Yes.

5 MR TAKU: [15:45:53] That communication VWU facilitated --

6 MR OBHOF: [15:46:05] This will have to be in private session.

7 MR TAKU: [15:46:07] Yeah, yes, your Honour, private session.

8 PRESIDING JUDGE SCHMITT: [15:46:10] So let's shortly go to private session for
9 that one.

10 (Private session at 3.46 p.m.)

11 (Redacted)

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- 14 (Open session at 3.50 p.m.)
- 15 THE COURT OFFICER: [15:50:54] We are back in open session, Mr President.
- 16 PRESIDING JUDGE SCHMITT: [15:50:58] And since the last time we have been in
- 17 open session nothing substantial has changed. We conclude the hearing for today.
- 18 Tomorrow again, 9.30.
- 19 THE COURT USHER: [15:51:09] All rise.
- 20 (The hearing ends in open session at 3.51 p.m.)