

Trial Hearing  
WITNESS: UGA-D26-P-0074

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
6 Judge Raul Cano Pangalangan  
7 Trial Hearing - Courtroom 3  
8 Thursday, 25 October 2018  
9 (The hearing starts in open session at 9.32 a.m.)  
10 THE COURT USHER: [9:32:29] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:32:43] Good morning, everyone.  
13 Good morning again and welcome in the courtroom, Mr Jackson.  
14 We continue with the examination of Mr Jackson. And the Defence has still the floor,  
15 Mr Ayena.  
16 I'm a little bit too quick now, obviously, for first the court officer would have to call  
17 the case.  
18 THE COURT OFFICER: [9:33:15] Good morning, Mr President, your Honours.  
19 Situation in the Republic of Uganda, in the case of The Prosecutor versus  
20 Dominic Ongwen, case reference ICC-02/04-01/15.  
21 And for the record, we are in open session.  
22 PRESIDING JUDGE SCHMITT: [9:33:28] So we are here, the Chamber, really into  
23 expeditiousness and proceedings without undue delay, but this was a little bit too  
24 quick now. And, of course, we also have to know the appearances of the parties.  
25 And we start with the Prosecution, Mr Gumpert.

1 MR GUMPERT: [9:33:45] Ben Gumpert for the Prosecution. With me today,  
2 Yulia Nuzban, Adesola Adeboyejo, Shkelzen Zeneli, Julian Elderfield,  
3 Pubudu Sachithanandan, Constantin Henrichs, Kamran Choudhry,  
4 Jasmina Suljanovic and Beti Hohler.

5 PRESIDING JUDGE SCHMITT: [9:34:00] Thank you very much.  
6 And for the representatives of the victims.

7 MR MANOBA: [9:34:03] Good morning, Mr President, your Honours. For the  
8 LRVs, Joseph Manoba, James Mawira, Anushka Sehmi and Maria Radziejowska.

9 PRESIDING JUDGE SCHMITT: [9:34:13] And Mr Narantsetseg.

10 MR NARANTSETSEG: [9:34:14] Good morning, Mr President, your Honours.  
11 Orchlon Narantsetseg for the Common Legal Representatives. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:34:20] Thank you.

13 And now it's the turn of Mr Ayena to continue with the examination of the witness.

14 MR AYENA ODONGO: [9:34:26] Good morning, Mr President and your Honours.

15 Today -- I'm Krispus Ayena Odongo, I am assisted by Thomas Obhof, Madam Abigail  
16 Bridgman, Mr Tibor Bajnovic, Charles Taku, Roy Titus Ayena, Madam Beth Lyons.  
17 And our client is in court, Dominic Ongwen.

18 PRESIDING JUDGE SCHMITT: [9:34:50] Please proceed. Thank you.

19 MR AYENA ODONGO: [9:35:00] Yes.

20 WITNESS: UGA-D26-P-0074 (On former oath)

21 (The witness speaks English)

22 QUESTIONED BY MR AYENA ODONGO: (Continuing)

23 Q. Good morning, Jackson.

24 A. [9:35:06] (Interpretation) Good morning.

25 Q. [9:35:10] Jackson, I want you to turn to tab 4 on your binder. ERN is

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- 1 UGA-D26-0022-0001, three zeros.
- 2 PRESIDING JUDGE SCHMITT: [9:35:59] I think it will be displayed also
- 3 electronically --
- 4 MR AYENA ODONGO: Electronically.
- 5 PRESIDING JUDGE SCHMITT: -- because the Bench has been deprived of their
- 6 hard copies.
- 7 MR AYENA ODONGO: [9:36:08] Sorry.
- 8 PRESIDING JUDGE SCHMITT: [9:36:09] No, no. It's not your fault. It can
- 9 happen, but we simply proceed.
- 10 MR GUMPERT: [9:36:17] We have one spare if that would be helpful.
- 11 PRESIDING JUDGE SCHMITT: [9:36:20] Yes, why not. One is better than none.
- 12 Thank you very much.
- 13 MR AYENA ODONGO: [9:36:32]
- 14 Q. [9:36:42] Now, Jackson, do you remember the Defence giving you a copy of this
- 15 document before?
- 16 A. [9:36:53] Yes, I remember.
- 17 Q. [9:36:55] Thank you. And do you remember meeting with Lieutenant Colonel
- 18 RW Skow from the US military along with Ray Apire and Kenneth Banya to provide
- 19 the information contained within this document?
- 20 A. [9:37:30] Yes.
- 21 Q. Now, at the bottom of the page it appears that there is a typo. Is it Onen or
- 22 Onem? Is it Onen or Onem Acirokop Unita?
- 23 A. [9:37:53] That name is Onen, Onen Acirokop.
- 24 Q. [9:38:06] Thank you for the clarification. Now on page 003 of the document, it
- 25 states that the spirits stopped possessing Kony in 1999 at Jebellen in Sudan. From

1 what you experienced post-1999, is that statement correct, to say that from 1999  
2 Joseph Kony no longer had the spirits or the spirits were no longer with Joseph Kony?

3 A. [9:38:43] I think this one is not true because when a person has been chosen by  
4 God and he's being used as the workshop of God, then God will use him until the end.  
5 But there is a difference, the frequency with which the spirit used him was declined.  
6 But Kony still receives messages from God, but he cannot address the army in public,  
7 as he used to.

8 Q. [9:40:06] You think those spirits are still with Kony even today?

9 A. [9:40:13] Yes.

10 Q. [9:40:23] Now, Mr Witness, on pages 0004 to 0006, there are lists of the spirits  
11 and as noted by the Presiding Judge yesterday you seem to have already talked about  
12 them, but did you read through this list? Have you read through this before?

13 A. [9:40:59] Yes, I did.

14 Q. [9:41:05] And do you confirm the accuracy of the list or is it possible that some  
15 have been left out and maybe some were included which ought not to be there?

16 A. [9:41:35] Yes, there are some mistakes. I will outline the spirits.

17 PRESIDING JUDGE SCHMITT: [9:41:46] I think we had this before and I would  
18 simply say you have I think yesterday conveyed to us all the spirits in your  
19 understanding that were with Joseph Kony. And when you, the witness, when you  
20 now say this is it, so to speak, "my list", I think we can compare with this one. We  
21 don't have to look to the contradictions, I would say, simply.

22 That's simply not necessary, I would say, because I have read it too and I see of course  
23 the differences by myself, we can read by ourselves. We compare, we can compare it  
24 with what the witness said yesterday, and as I already stated yesterday, his statement  
25 to the Defence confirms one on one what he said yesterday in the courtroom. So this

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1 is enough in that respect, I would say. Simply so we can shorten this.

2 We have in mind what you said and we can compare it, Mr Jackson, with what is said  
3 here, so we don't have to entertain this again.

4 MR AYENA ODONGO: [9:42:48]

5 Q. Jackson, you have heard what the Judge has said, but just in case there is  
6 something you want to add, did you say everything you wanted to say yesterday, or  
7 having looked at this list, you would want to add something else?

8 PRESIDING JUDGE SCHMITT: [9:43:07] That is possible, if you want to add one,  
9 but to say "There are some in that I don't think should belong there", as I said, we can  
10 compare it ourselves.

11 THE WITNESS: [9:43:25] Thank you. I want to make a very brief correction. The  
12 Yard commander is called Kamki (phon). Sinaska is a reporter, not chief controller.  
13 Chief controller is called L Wellbest (phon), L Wellbest. Yes, that is the chief  
14 controller.

15 PRESIDING JUDGE SCHMITT: Thank you.

16 MR AYENA ODONGO:

17 Q. [9:44:21] Thank you. Now, Mr Witness, who is camoplast?

18 A. [9:44:38] Camoplast is a rotten rock. It is found in Lacekocot in a part of  
19 Kitgum and it is used as medicine that can cure all the diseases.

20 Q. [9:45:20] Did Kony reveal all the uses of camoplast? I mean, let me rephrase it.  
21 Is camoplast traditional to Acholi or it was a discovery of the LRA and in particular,  
22 Joseph Kony?

23 A. [9:45:46] This one is not a traditional medicine of the Acholi. It was discovered  
24 by him. The spirit showed him.

25 Q. [9:46:14] And according to your understanding, did Joseph Kony reveal all the

1 uses of camoplast to his handlers?

2 A. [9:46:37] Yes, he did. One, for cleansing the newly abducted persons; secondly,  
3 for identifying sickness, especially HIV. It can be mixed with shea oil and is given to  
4 any patient and they can cure that specific disease.

5 Q. [9:47:27] And, Jackson, when you say "rotten rock", I'm sure the Judges would  
6 want to know how rocks get rotten? How does a rotten rock manifest itself?

7 A. [9:47:51] Actually, this camoplast is -- is -- it is got from a rock, but the rock is  
8 white, whitish in colour, and very soft, that can be ground into powder. Then can be  
9 taken orally by the patients or can be used as a body smear.

10 PRESIDING JUDGE SCHMITT: [9:48:43] Understandable. Yes.

11 MR AYENA ODONGO: [9:48:45]

12 Q. [9:48:46] And, Mr Witness, is it the case that you can never find this rock  
13 anywhere else except in Lacekocot?

14 A. [9:49:00] That was the only place where this rock was found. Even if when the  
15 LRA were in Sudan, they would send a task force to come and collect the camoplast  
16 up to that place.

17 Q. [9:49:36] Now is there any significance having water tied around one's waist,  
18 especially when you are going for combat?

19 A. [9:49:47] Yes, is very important, because water is the first creation of God. In  
20 the beginning, the spirit of God hovered over water. So power has the -- water has  
21 the power to reveal the secret of God to human being. So the water, that is tied  
22 around the wrist, around the wrist or the waist, when there is time for insecurity.  
23 The water, at night, can talk to you through a dream.

24 Q. [9:51:05] And this water, is it pure water or is it mixed with some other things?

25 A. [9:51:17] This water is pure water, but must be living water, not water heated

1 with fire, not -- unboiled water, and should be got from spring or well.

2 Q. [9:51:52] What happens if it is boiled?

3 A. [9:51:58] When water is boiled, it dies, because it loses its characteristics.

4 PRESIDING JUDGE SCHMITT: [9:52:13] I think we can continue. It's not pure  
5 anymore, simply, then, when it is boiled.

6 MR AYENA ODONGO: [9:52:26] I agree. I'm guided, your Honour.

7 Q. [9:52:31] Can you explain what Air Stiblis are and how they created?

8 A. [9:52:46] Air Stiblis is one of the elements of control in the Yard. This  
9 Air Stiblis is made from the inner barks of two trees, it is it made from the bark of  
10 Lucoro and Obwolo. They are made into a rod, into a string, they are pounded soft,  
11 and it is lit with fire. The smoke of the Air Stiblis has the power to expel evil spirit  
12 and to contain the movement of the enemies. So the Air Stiblis itself can act as  
13 controller or technician, but when you are -- you are given Air Stiblis, you have to  
14 take care, you should not fart, because immediately you fart, the spirit controlling the  
15 Air Stiblis will leave you and the Air Stiblis extinguishes, so control is stopped.

16 Q. [9:55:07] Now, Jackson, the LRA went through mountains, under big trees,  
17 through forests, and those kind of things. Was it possible for Kony to discern, from  
18 time to time, areas which were infested by ghosts? If so, was Air Stiblis used to  
19 dispel them?

20 A. [9:55:54] Yes. The Air Stiblis can be used immediately you encamp in a place.  
21 If the place has been shown to him that there are devils in that area, the Air Stiblis will  
22 be lit and will expel all the evil spirits from that area.

23 Q. [9:56:40] And Jackson, how did the LRA treat nature, mother nature?

24 A. [9:56:55] LRA respects nature because the spirit said, "Treat a living thing as  
25 a living thing." So there is high respect for nature in the LRA.

1 Q. [9:57:48] Yesterday you told Court that every time you crossed the river you had  
2 to make a cross before crossing. Can you tell Court the significance of this.

3 A. [9:58:08] Thank you. When you cross a river or a stream, you will make a sign  
4 of the cross. You will face the water and make a sign of cross with the water on your  
5 head. Then you pray, "Water have mercy upon me." Because water made covenant  
6 with Joseph Kony to help separate the kingdom of God. And there are certain  
7 waters which are waters of God. I will give three examples. River Nile is one of the  
8 water of God, because it the first river in which God performed a miracle on us. The  
9 second one is Red Sea, that is the army of God. And River Jordan, that is the water  
10 of obedience to God. So water is very important in expanding the kingdom of God.

11 Q. [10:00:16] Thank you. Now let's turn to dreams. Did dreams have any  
12 significance in the LRA? And let's look at dreams from different people, starting  
13 with Joseph Kony and individuals in the LRA. Were they important?

14 A. [10:00:42] Yes. Dream was very important in the LRA, because God talks to  
15 people in a dream. Sometimes Kony would ask for everyone who has dreamed, and  
16 would ask the person to deliver his or her dream. So these dreams will be analysed  
17 and, those who are proved to be directly from God, will put into action. But the  
18 dream of Kony was the most important. However, he did not want to hear dream  
19 concerning himself because dream discloses everything concerning a person.

20 Q. [10:02:08] For instance, if somebody dreamt that Kony was going to die, would  
21 he want to hear it?

22 A. [10:02:21] Kony would not like to hear, but sometimes the dreams are delivered  
23 to him. There was one by Nyoko Livingston, he dreamt that there will come a time  
24 that Kony will go back walking on foot. By then Kony had a pickup given to him by  
25 the Sudanese government. Then that dream came to pass in 2002 during Iron Fist



1 operation, where all the items that were given to Joseph Kony by the Sudanese  
2 government were withdrawn.

3 Q. [10:03:43] And these dreams, was Kony an interpreter of these dreams or there  
4 were other people in the Yard who would interpret these dreams?

5 A. [10:04:06] Generally, Kony was the interpreter.

6 Q. [10:04:19] And before I forget, Mr Witness, did you during your stay in the bush,  
7 and even after you had come out of the bush, did you come to know an old man  
8 called Rwot Yusuf Adek?

9 A. [10:04:46] Yes, I do.

10 Q. [10:04:54] Did he play any significant role in the LRA or did he relate with  
11 Joseph Kony, according to your knowledge?

12 A. [10:05:11] Yes. Yusuf Adek and Kony were one. There was a time that the  
13 Ugandan government also arrested him. He was released by Betty Bigombe  
14 to initiate the peace talk. And I again, met him in 2004 in Juba when Yusuf Adek  
15 went with Betty Bigombe to Juba when they were initiating the peace talk that took  
16 place in Garamba. So Yusuf Adek is a person who is a nationalist, he march for his  
17 country.

18 Q. [10:06:34] Thank you. Jackson, yesterday you talked about the international  
19 dimensions of Joseph Kony's pursuit for humanity and you said he did not want to  
20 remain dealing with Uganda only. Now in those prophesies and dreams, did  
21 Joseph Kony prophesise about some international matters?

22 A. [10:07:09] Yes, he did. He talked about LRA. He said that although LRA are  
23 just small units, the information about them will -- will dissipate throughout the  
24 world and he also said there will be a religious war that will be fought in the world  
25 where six million people will die. So the religious war is ongoing this time when

1 you see the Islamic State, the Al-Qaeda, the Al Shabab, the Boko Haram. So this one  
2 makes the prophecy come to pass.

3 Q. [10:08:36] Did Joseph Kony consider or prophesise about Rwanda and Nelson  
4 Mandela?

5 A. [10:08:51] Yes, he did. In 1991 the whole LRA were advised by Joseph Kony,  
6 you should pray for Rwanda and pray for Nelson Mandela. So praying for Rwanda  
7 came to pass. So there was a very -- there was a genocide in Rwanda. That was  
8 why LRA was praying for Rwanda. And Nelson Mandela, he received a peace  
9 award. So we prayed for these people in 1991, then the prayer came to pass.

10 Q. [10:09:59] Did he make any predictions about John Garang?

11 A. [10:10:14] Yes, he did. Kony said if John Garang had collaborated with him, he  
12 would be alive, but since he has refused to collaborate with him, he will be killed. So  
13 this came to pass also. He died in an aeroplane crash.

14 Q. [10:10:53] Did he specifically talk about how he would die? Did he prophesise  
15 how he would die?

16 A. [10:11:10] He did not say the specific death.

17 Q. [10:11:20] Now, Jackson, when you were in Nsitu especially, were there -- was it  
18 possible to carry out pregnancy tests, and if so, who was doing it?

19 A. [10:11:41] Yes. Pregnancy test was being done. These female were taken to  
20 Juba Teaching Hospital. There was a man called Marco Vuni who was -- who was  
21 taking these women for the pregnancy test and they were catered for.

22 PRESIDING JUDGE SCHMITT: [10:12:27] But I think we can move to another point.  
23 I fail to see the relevance here.

24 MR AYENA ODONGO: [10:12:35] You will be surprised that we were consulting on  
25 it. We had already foreseen that you were going to have a fairly violent objection.

1 PRESIDING JUDGE SCHMITT: [10:12:44] This was not violent. This was simply  
2 a determined objection, so to speak.

3 MR AYENA ODONGO: [10:12:53] I'm much obliged, your Honours.

4 Q. [10:12:58] Were there occasions when, you know, the LRA soldiers contracted  
5 STDs, sexually transmitted diseases, and if so, how were they treated?

6 A. [10:13:28] Thank you. There was a time that almost everybody in the LRA was  
7 affected with STD because these women and girls who were abducted from Uganda,  
8 when they were taken to the Yard, only the HIV test was conducted, but the other  
9 sexually transmitted diseases were not tested for. So people had multiple infection  
10 of STDs. So when the medical department told Joseph Kony about it, the spirit  
11 showed him how to prepare medicine to cure those infections, so he made an oral  
12 drug, so that drug cured all sorts of STD in the body.

13 Q. [10:15:07] Let's now talk about witchcraft which is akin to spiritualism.

14 PRESIDING JUDGE SCHMITT: [10:15:20] Yesterday we agreed upon that you will  
15 only entertain the section, so to speak, with regard to newer events, so to speak, yes?

16 MR AYENA ODONGO: [10:15:34] Yes, my Lord, I have that at the back of my mind  
17 because I am aware that you would have a determined objection in case I do  
18 otherwise.

19 PRESIDING JUDGE SCHMITT: [10:15:47] Which will never become violent.

20 MR AYENA ODONGO: [10:15:54] My Lord, that is a figure of speech in our group.

21 Q. [10:16:00] Now, Jackson, from what you were told by former UPDA, did the  
22 National Resistance Army use witchcraft to counter the LRA?

23 A. [10:16:20] Yes, they did. There were very many witch doctors, which were in  
24 the field or in the command centres. During the overthrow of the UNLA there was  
25 a witch doctor who was responsible for the overthrowing of the government, so this

1 witch doctor was very powerful. When the NRA are coming toward the UNLA,  
2 they would be covered with mist so the UNLA cannot see them, so they were just  
3 repulsed. And this witch doctor was killed in Paraa. There was a battle in Paraa.  
4 Before the task force went, Kony told them, "Go and fetch water from the hot spring  
5 in Amoro" because there is a witch doctor which cannot be overrun without the hot  
6 water. So when the water was fetched, an engagement started in Paraa, all the  
7 UPDF were defeated. But the house in which witch doctor called Ali was in was  
8 untouchable. So until a controller with the hot water was called, then he sprinkled  
9 the water towards the building and immediately that house was blown off with RPG.  
10 Immediately, Ali was shot. There were so many spirits that flew in the form of birds  
11 from him, in the form of birds. And that was the end of Ali.

12 Q. [10:19:35] And perhaps the battle of Paraa?

13 A. [10:19:37] That was Paraa.

14 Q. [10:19:41] That was the end of the battle of Paraa?

15 A. [10:19:45] Yes.

16 Q. [10:19:46] And what view did Joseph take of witchcraft, how did he view  
17 witchcraft?

18 A. [10:20:09] Witchcraft is the practice from the dark world. So the Holy spirit  
19 will not go together with the practices of the dark world. So when Kony was  
20 operating within northern Uganda, in early '87, he destroyed all the satanic shrines  
21 from the Acholi region. And when we were in Nsitu, there were very many witches  
22 who were -- who were abducted from Uganda.  
23 If they borrow something from you and you don't give, you will suffer, sometimes  
24 stomach ache, sometimes eye pain, sometimes body ache.  
25 Then, these witches were collected together, the controller prayed and depowered

1 their witchcraft. But for those who did not believe, their witchcraft came back and  
2 they were all collected and shot, firing squad. That was in Jebellen.

3 So Kony does not accept any witchcraft practices.

4 Q. [10:22:28] It has been suggested that Kony destroyed witchcraft shrines so that  
5 he may have the monopoly of the practice. Would you agree with this? What -- I  
6 mean, how is this that Kony himself was exercising witchcraft and, therefore, the only  
7 safety measure would be to destroy the other witch doctors so that he has monopoly  
8 in his operation?

9 A. [10:23:11] That one is untrue. The witch doctors that Kony destroyed their  
10 shrines, these were the witch doctors of Satan. Kony is used by the Holy Spirit when  
11 a spirit is the enemy of devil. So Kony has nothing to do in connection with taking  
12 the power of the -- those satanic witch doctors.

13 PRESIDING JUDGE SCHMITT: [10:24:03] Okay, I think we can leave this point now.

14 MR AYENA ODONGO: [10:24:08] With your permission, my Lord, let me just ask  
15 some related question but not in the same line.

16 PRESIDING JUDGE SCHMITT: [10:24:31] Let's see.

17 MR AYENA ODONGO: [10:24:32] Yes.

18 Q. [10:24:33] Now you talked about witchcraft and you have been talking about  
19 witchcraft from Uganda, and so on and so forth. In your experience, were all those  
20 witch doctors from -- exclusively from Uganda? Or especially those used by the  
21 UPDF, were they from somewhere else?

22 A. [10:24:59] Mostly they were from outside Uganda. They were mostly from the  
23 Oceanic islands, like in Mozambique, Madagascar, Zanzibar and Pemba. These were  
24 from where these witches hailed from.

25 Q. [10:25:42] Now, Jackson, let's talk about Dominic Ongwen. Did you relate

1 closely with Dominic Ongwen during your time in the LRA?

2 A. [10:26:00] Yes, Dominic, Dominic Ongwen, when he was abducted, he was a  
3 batman of Nyeko Tolbert Yadin. Nyeko Tolbert Yadin was the chief of personnel  
4 and administration in the LRA. So I was at his command, as Dominic Ongwen was  
5 under his command. Dominic Ongwen was so young, but was very loyal,  
6 disciplined and obedient. He had no bad character in him.

7 Q. [10:27:16] When you talk about being disciplined, does this also relate to combat  
8 operations?

9 A. [10:27:33] In the army, there are categories of job to be done, task to be allotted.  
10 If you are given a task to go for -- for standby, that is for combat, you go and execute.  
11 But Ongwen was - what do we call that was? - he was a very small batman. He was  
12 concerned with taking -- carrying the luggages of Tolbert Nyeko Yadin, but was not  
13 very much involved in combat. But after he was transferred from the -- the  
14 headquarter, that was when he was given the command responsibility.

15 PRESIDING JUDGE SCHMITT: [10:28:51] Mr Jackson, do you recall when you met  
16 Dominic Ongwen? I think -- I know it's a very long time, has happened a long time  
17 ago, but can you try to place it in time? And how old he was at the time, if you  
18 recall it?

19 THE WITNESS: [10:29:09] I cannot remember the exact year, but he was abducted  
20 on his way to school.

21 PRESIDING JUDGE SCHMITT: [10:29:30] I know from your statement - for those  
22 who want to control it, it's paragraph 76 -- that to you, you spoke about that yesterday,  
23 you were also severely injured sometime in the mid-90s, 1994 until '96, I think you  
24 stated there, and also yesterday. Was the time when you got to know  
25 Dominic Ongwen before that time, during that time, or after that time?

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1 THE WITNESS: [10:29:59] Dominic. Sorry. I became so close with him after I was  
2 injured. That was when I learned about him.

3 PRESIDING JUDGE SCHMITT: [10:30:25] And did you speak to him frequently in  
4 person?

5 THE WITNESS: [10:30:30] Not all the time.

6 PRESIDING JUDGE SCHMITT: [10:30:37] Of course not all the time, but you did  
7 speak to him every once in a while, let me put it this this way?

8 THE WITNESS: [10:30:47] Yes, we do.

9 PRESIDING JUDGE SCHMITT: [10:30:51] Please continue, Mr Ayena.

10 MR AYENA ODONGO: [10:30:53]

11 Q. [10:30:54] Now, Jackson, from your statement it would appear you were  
12 integrated into the LRA around about '87. Do you remember whether you got to  
13 know how soon thereafter when Dominic Ongwen was abducted?

14 A. [10:31:26] Yes, I do.

15 Q. [10:31:31] Can you make a rough estimate of -- because you said he was so small  
16 he was assigned -- first of all, what is a batman? I'm sure the Judges would want to  
17 know what a batman -- you said he was a batman to Yadin Nyeko. What does  
18 a batman do?

19 A. [10:32:03] A batman is a person who is abducted who is underage, who is still so  
20 young, that cannot go for combat. So these batman provide mostly domestic  
21 services. Although they can carry arms, or the chair of the superior, but their main  
22 work is domestic affairs.

23 Q. [10:32:49] And can you estimate the ages of -- the range of ages of those who fall  
24 under that category? Are they --

25 MR GUMPERT: [10:33:03] Can we just have the question, rather than any suggested

1 answers.

2 PRESIDING JUDGE SCHMITT: [10:33:12] Please continue. What would a -- let me  
3 formulate it.

4 When you speak of these batman, and you say underage, what would -- is your  
5 understanding of underage when you say, or when you speak of these batmen, what  
6 age would that be, in your understanding?

7 THE WITNESS: [10:33:29] Generally from nine to 12 years.

8 PRESIDING JUDGE SCHMITT: [10:33:35] Yes. Please proceed.

9 MR AYENA ODONGO: [10:33:38]

10 Q. [10:33:40] Can you tell the Court, Mr Witness, whether it was -- I mean, the  
11 opportunities that were available to a batman. For instance, for escaping, was it easy  
12 for him to escape?

13 A. [10:34:20] It is very difficult for batmen to escape because they are high servants  
14 of their superior. All the time you must be close to your superior.

15 Q. [10:34:48] And Jackson, you talked about Dominic ultimately assuming the role  
16 of command -- I mean, command responsibility. Can you tell Court what kind of  
17 commander Dominic Ongwen was?

18 A. [10:35:10] Dominic Ongwen was not a notorious commander because those  
19 notorious commanders, when they go to the community to conduct operation,  
20 whatever they do to the community will be reported about them by the community.  
21 So Dominic Ongwen had no bad character from the community during his command.

22 PRESIDING JUDGE SCHMITT: [10:36:13] Mr Jackson, do you recall when you  
23 spoke to him the last time or when you saw him the last time, spoke to him the last  
24 time?

25 THE WITNESS: [10:36:26] I think that was 2002, during the Iron Fist operation.



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1 PRESIDING JUDGE SCHMITT: [10:36:47] Thank you.

2 MR AYENA ODONGO: [10:36:48]

3 Q. [10:36:50] And Jackson, you -- by the time you left the bush, had you heard  
4 about the attack in Pajule, the attack in Abok, the attack in Lukodi and the attack in  
5 Joseph Kony's place of birth?

6 A. [10:37:27] Yes. Because attacks is not a secret thing. When a rebel attacks  
7 a place, the community becomes aware that there was insurgency in this area. So  
8 according to the information that we were receiving, the attack in Lukodi was  
9 overseen by Bulali Buk Abudema, so in Pajule was Nyeko Tolbert Yadin, in Barlonyo  
10 was Okot Odhiambo, and in Odek was Ocan Bunia.

11 PRESIDING JUDGE SCHMITT: [10:39:13] Mr Jackson, how did you come to know  
12 of these attacks?

13 THE WITNESS: [10:39:20] When we came out of the bush, we were very close with  
14 the UPDA because they also wanted to get some other information from us. So we  
15 could share information.

16 PRESIDING JUDGE SCHMITT: [10:39:57] Thank you.  
17 Please, Mr Ayena.

18 MR AYENA ODONGO: [10:40:00]

19 Q. [10:40:03] Jackson, by the time you left and from your knowledge of the way  
20 LRA operated, was Dominic in a position to sit at the top, I mean, in top  
21 decision-making meetings for planning, for instance, attacks?

22 PRESIDING JUDGE SCHMITT: [10:40:43] We should not ask the witness, so to  
23 speak, to guess or so. If he has information about it. I would ask you please to  
24 rephrase it a little bit in a more objective manner.

25 MR AYENA ODONGO: [10:40:56] Yes.

1 Q. [10:40:58] Jackson, did you have any information as to whether  
2 Dominic Ongwen participated in planning some of the attacks, although you said  
3 they were overseen by the people you mentioned?

4 A. [10:41:20] I'm not aware because planning in the LRA, there is what we call the  
5 "inner ring," which constitute Joseph Kony, Otti Vincent, that is the chairman and the  
6 operational room and the army commander. These are the first people who make  
7 the first plan to execute. Sometimes they include the division commander. So  
8 brigade commander is just in the third ring outside, so all the brigade commanders  
9 don't have any higher authority in planning.

10 Q. [10:42:36] And according to your experience, once the inner ring had taken  
11 a decision, would -- could it be defied by, for instance, the executing agency, like the  
12 brigade or the battalion?

13 A. [10:43:14] Any unit cannot defy what the inner ring has already concluded.

14 Q. [10:43:27] Are you suggesting that all they would have to do is to execute as  
15 directed by the inner ring?

16 A. [10:43:40] Yes.

17 Q. [10:43:48] Jackson, can you tell Court now, we are coming to the end of this, can  
18 you tell Court how you left the bush? Did you surrender? Were you captured?  
19 What exactly happened?

20 A. [10:44:10] Thank you. I did not surrender. I was captured by the Sudanese  
21 popular army when I was crossing the road, because I could not run, I'm a casualty,  
22 they pursued me and captured me.

23 PRESIDING JUDGE SCHMITT: [10:44:42] When did that happen, Mr Jackson?

24 THE WITNESS: [10:44:47] 2004.

25 MR AYENA ODONGO: [10:44:55]

1 Q. [10:44:58] Do you remember the month? If you do, after they captured you,  
2 how did you end up in Uganda? Was it in Uganda or in Sudan?

3 A. [10:45:16] I was captured from Sudan. I cannot remember the exact date or  
4 month. When I was captured I was taken to the headquarter of the UNICEF because  
5 that -- there was a transitional camp that was established by UNICEF for receiving  
6 defectors of the LRA, so we were taken to the UNICEF headquarter in Totto Chan.  
7 So we were treated and cared for there for four months, then we were flown to  
8 Uganda.

9 Q. [10:46:20] And lastly, did the people in the LRA, according to your experience,  
10 did they believe in Kony's spiritual attributes that Kony was a messenger of God, was  
11 a workshop of God and was omnipotent, was omnipresent, as you said? Did people  
12 generally believe that in the LRA?

13 A. [10:47:15] Yes. Everybody believed. That is it why they -- they continued  
14 working even without any payment because they know they are providing service  
15 to God.

16 Q. [10:47:50] Now, Jackson, from the context of that belief, if a commander was  
17 sent on a combat operation and was told to do A, B, C, but Joseph Kony was not there,  
18 was it possible for him to say after all, "He's not here"?

19 MR GUMPERT: [10:48:27] I object.

20 PRESIDING JUDGE SCHMITT: [10:48:28] Yes, that calls for speculation a little bit.  
21 You have to rephrase it.

22 MR AYENA ODONGO: [10:48:33] I'm guided.

23 Q. [10:48:38] Mr Jackson, if a commander was in the battlefield, what options were  
24 available to him in the absence of Kony?

25 A. [10:48:50] What he has to do is to execute the order that is given to him.

1 Q. [10:49:14] And if he didn't, would Joseph Kony know?

2 A. [10:49:21] Kony knows because this operation is conducted under the power of  
3 the operational commander, so this spirit who is the operational commander knows  
4 everything, because they plan, then Kony execute their plan.

5 Q. [10:49:52] And as a commander, were you always conscious that the  
6 operational --

7 MR GUMPERT: [10:50:00] I'm sorry, there have been a lot of leading questions, but  
8 this is really grossly leading. My learned friend needs to ask the witness a question  
9 which enables the witness to give the testimony rather than agreeing with  
10 propositions put forward by Mr Ayena.

11 PRESIDING JUDGE SCHMITT: [10:50:16] That is correct, but we have -- I think we  
12 did not have a huge problem with that. Also the last question you also rephrased  
13 properly. So you might withdraw it or simply rephrase it.

14 MR AYENA ODONGO: [10:50:25]

15 Q. [10:50:41] Jackson, a commander who was in the battlefield, what was his  
16 understanding of the operational commander -- the spiritual operational commander?

17 A. [10:51:08] The understanding between the commander in the field and the  
18 operational commander who is the spirit is embodied in the order of operation that is  
19 issued.

20 PRESIDING JUDGE SCHMITT: [10:51:30] That's an answer.

21 MR AYENA ODONGO: [10:51:33] In which case I rest my case, your Honours.

22 PRESIDING JUDGE SCHMITT: [10:51:41] Thank you very much, Mr Ayena.

23 This concludes the questioning by the Defence. After the break, we resume with the  
24 examination by the Prosecution. We will have the break until 11.30.

25 THE COURT USHER: [10:51:55] All rise.

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1 (Recess taken at 10.51 a.m.)

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

3 THE COURT USHER: [11:31:06] All rise.

4 PRESIDING JUDGE SCHMITT: [11:31:26] It's now the turn of the questioning by  
5 the Prosecution.

6 And I give Mr Gumpert the floor.

7 MR GUMPERT: [11:31:34] Thank you, your Honour. I should say that there are  
8 a few new faces in the room, Sina Etezazian, Laura de Leeuw, Colleen Gilg and  
9 Hai Do Duc.

10 PRESIDING JUDGE SCHMITT: [11:31:48] Thank you. You can proceed.

11 MR GUMPERT: [11:31:51] I'm grateful.

12 QUESTIONED BY MR GUMPERT:

13 Q. [11:31:55] Mr Jackson, I want to ask you about the document which you had an  
14 opportunity to study overnight, what I think the learned Judge called your homework.  
15 That should be in the black folder which is in front of you at tab 4, and you may wish  
16 to turn to it. ERN, to make life easier, UGA-D26-0022-0001.

17 Do you have it, Mr Jackson?

18 A. [11:32:45] Let me see. Yes.

19 Q. [11:33:02] Thank you. I want to understand clearly what this document is.

20 The text on that first page that we can see on the screen suggests that it was compiled  
21 by a lieutenant colonel in the American army, presumably, serving at the US Embassy  
22 in Kampala, Lieutenant Colonel Skow or "Skow", I don't know now how his name is  
23 pronounced. You met Colonel Skow, did you?

24 A. [11:33:49] Yes, I did.

25 Q. [11:33:52] How many times do you think you met him?

1 A. [11:34:02] Two times.

2 Q. [11:34:06] And you weren't alone, were you? You met him with Ray Apire; is  
3 that correct?

4 A. [11:34:20] Yes.

5 Q. [11:34:21] Were you also with Kenneth Banya?

6 A. [11:34:29] Yes.

7 Q. [11:34:32] And Colonel Skow was asking you questions about the time which  
8 the three of you had spent in the LRA; am I correct?

9 A. [11:34:53] Yes.

10 Q. [11:34:55] And then, again, I'm reading from the document itself, on  
11 26 November of 2005, Colonel Skow gave you and Ray Apire a copy of this document;  
12 is that right?

13 A. [11:35:20] Yes.

14 Q. [11:35:26] And in due course, do I understand correctly, that you provided that  
15 copy to the Defence lawyers for Dominic Ongwen?

16 A. [11:35:50] No, I didn't give them.

17 Q. [11:35:57] When they came to see you and asked you to provide a statement, did  
18 you mention that you had in your possession this document?

19 A. [11:36:13] No, I didn't.

20 Q. [11:36:18] They came to see you quite a few times, didn't they?

21 A. [11:36:25] Yes.

22 Q. [11:36:28] Had you just forgotten about this document or did you think it  
23 wouldn't be helpful to them?

24 A. [11:36:43] I never knew they would need it.

25 Q. [11:36:50] Can that really be right, Mr Jackson? They're asking you questions

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1 all about the spirits and the way the LRA functioned. All the things which you were  
2 talking about in this document much closer to the time, but you didn't think it would  
3 be useful to those lawyers?

4 MR OBHOF: [11:37:10] Objection, your Honour, relevance. As your Honour  
5 pointed out earlier today, he was able to tell the people who interviewed him all this  
6 information without this document.

7 PRESIDING JUDGE SCHMITT: [11:37:20] But Mr Gumpert simply asks how this  
8 document came into the possession of the Defence. I -- at the moment, I think we  
9 will soon discover what this might mean at all, but nevertheless, I don't see anything  
10 to object with this line of questioning.

11 Please continue.

12 Or do you know, Mr Jackson, how this document came into the possession of the  
13 Defence, which is absolutely a normal thing in courtroom proceedings, that  
14 the Defence receives documents?

15 THE WITNESS: [11:38:02] I don't know how they got the document.

16 PRESIDING JUDGE SCHMITT: [11:38:07] But you state it was not you that gave  
17 the Defence this document?

18 THE WITNESS: [11:38:18] I've not given it to them.

19 PRESIDING JUDGE SCHMITT: [11:38:21] And you had it in your possession since,  
20 yeah, this 26 November 2005 or since 2005, that's also correct?

21 THE WITNESS: [11:38:41] It was there.

22 PRESIDING JUDGE SCHMITT: [11:38:43] With you?

23 THE WITNESS: [11:38:44] Yes.

24 PRESIDING JUDGE SCHMITT: [11:38:44] Yes.

25 Please, Mr Gumpert.

- 1 MR GUMPERT: [11:38:47]
- 2 Q. [11:38:47] Now, you have this morning made a small number of corrections to  
3 the document. You told us that on page 0003, the assertion that the spirits stopped  
4 possessing Kony in 1999, which is contained in this document, was wrong. Yes?
- 5 A. [11:39:17] Yes.
- 6 Q. [11:39:18] And you also told us -- and, your Honours, it's at page 5, line 15 of the  
7 transcript -- sorry, not the document, today's transcript -- that there were some names  
8 about the technician and the controller which were incorrect; that was something you  
9 volunteered to help the Judges understand what else was wrong. Yes?
- 10 A. [11:39:46] Kakare. Yes.
- 11 Q. [11:39:49] But during your study of the document, during your homework,  
12 nothing else in it struck you as being wrong or mistaken?
- 13 MR OBHOF: [11:40:02] That's another objection, your Honour. He actually stated  
14 this and we stopped him on your Honour's volition to stop explaining all of the  
15 problems which were wrong with the document. The statement is incorrect. If he  
16 would like to rephrase it and ask him a different question about which ones were  
17 wrong, the Defence would be okay with that.
- 18 PRESIDING JUDGE SCHMITT: [11:40:21] Yes, perhaps, I think that's fair, given  
19 what happened before the break, but of course -- but of course we can ask the witness,  
20 it is now your turn, you can ask him if there is anything that he wants to correct.
- 21 MR GUMPERT: [11:40:36] Yes. Well, my recollection isn't the same as Mr Obhof's,  
22 but there is no point in chasing it down. I can indeed ask the question.
- 23 Q. [11:40:46] Is there anything else in this document which you noticed while you  
24 were studying it overnight which is wrong?
- 25 A. [11:40:57] Yes.



1 Q. [11:41:01] What?

2 A. [11:41:06] The spirits.

3 PRESIDING JUDGE SCHMITT: [11:41:14] (Microphone not activated)

4 MR GUMPERT: [11:41:16] Perhaps I can deal with it.

5 Q. [11:41:18] I understand that there is a conflict, I think his Honour, the Judge, has  
6 already dealt with it, the names in this document and the names that you've given for  
7 the spirits aren't exactly the same. There are a couple which don't tally. I  
8 understand that, as his Honour the Judge has said, we can all read that. Let's just  
9 leave that aside.

10 PRESIDING JUDGE SCHMITT: [11:41:38] Yes.

11 MR GUMPERT: [11:41:39]

12 Q. [11:41:40] Anything else in this document which is wrong?

13 PRESIDING JUDGE SCHMITT: [11:41:45] And there is something with your  
14 microphone, I think. You had it on, but we could not hear it from the microphone,  
15 I think.

16 MR GUMPERT: [11:41:55] Can I just do a test? How am I doing now?

17 PRESIDING JUDGE SCHMITT: [11:41:59] It was my microphone. Just discovered.  
18 Okay. I think please repeat the question, then.

19 MR GUMPERT: [11:42:08]

20 Q. [11:42:08] So I'm not trying to trip you up about the spirits. We understand  
21 that there are some different names, okay, and in fact, I promise you now I am not  
22 going to ask you anything about the names of the spirits. It isn't part of my  
23 questioning, all right?

24 Leaving that aside, anything else in this document which you noticed was wrong?

25 A. [11:42:36] Nothing else.

1 Q. [11:42:40] Thank you. Can we go to page 0003, and the last line. That last line  
2 about the spirits stopping possessing Kony in 1999 at a particular place in Sudan;  
3 that's wrong and you've explained why you think it's wrong.

4 Can we turn over the page, top of page 0004. Let me read something else which is  
5 contained within Colonel Skow's document: "Kony started having possession  
6 episodes in 1987. In the beginning he was possessed sometimes two or three times  
7 a day. Over time frequency of possession declined. Prophesied by Juma Oris in  
8 Kony in 1995 that there will come a time that the spirit would no longer visit."

9 Is that right? Had the spirit of Juma Oris made that prophesy?

10 A. [11:44:33] Actually, Kony did not say that there -- there will come a time that he  
11 will -- the spirits will not visit him. But would not tell him to address the army in  
12 public.

13 Q. [11:44:56] Well, so that's something else which is, in fact, wrong about this  
14 document, is it? It is wrong that Juma Oris prophesied that there will come a time  
15 when the spirit would no longer visit. Is that right?

16 MR OBHOF: [11:45:08] Objection, your Honour. That's a misinterpretation  
17 between what the sentence means to the witness and what the sentence means to our  
18 learned counsel.

19 PRESIDING JUDGE SCHMITT: [11:45:15] I think it is a little bit overstretched the  
20 contradiction here and we have also to -- let me put it in a question, perhaps.

21 Mr Jackson, were you the only contributor to this document?

22 THE WITNESS: [11:45:39] Not only me.

23 PRESIDING JUDGE SCHMITT: [11:45:40] Can we figure the situation. Did you  
24 four -- Mr Skow or "Skow", Kenneth Banya and the third person and you, did you sit  
25 together discussing these issues or did Mr Skow interview, so to speak, you one after

1 the other?

2 MR GUMPERT: [11:45:58] Your Honour, I hesitate to interrupt. I have asked  
3 questions which have established this witness's account of those meetings; that they  
4 were together present. That is his testimony.

5 PRESIDING JUDGE SCHMITT: [11:46:06] But I want, I want to figure the exact  
6 situation.

7 Did you sit in the embassy, for example, and ...?

8 Please answer.

9 THE WITNESS: [11:46:19] That was in Acholi Inn.

10 PRESIDING JUDGE SCHMITT: [11:46:22] And as Mr Gumpert has said, with all  
11 four people that are mentioned in the document together?

12 THE WITNESS: [11:46:33] Yes, we were together.

13 PRESIDING JUDGE SCHMITT: [11:46:35] And were you afterwards asked if it is  
14 correct or not, what has been written down?

15 THE WITNESS: [11:46:49] An -- an individual delivered his statement and was  
16 recorded to the level that an individual knows it is true. So this statement is not the  
17 general statement that is consolidated and approved; that -- this is the -- the agreed  
18 statement.

19 PRESIDING JUDGE SCHMITT: [11:47:16] Then simply now it is, of course, clear  
20 that we don't have a statement by the witness and everybody is aware of that.  
21 Several contributors, a fourth person, Mr Skow has put all this together in a certain  
22 way. So simply we can ask the witness if some of the information entailed in here is  
23 correct with regard to his recollection, simply.

24 MR GUMPERT: [11:47:46]

25 Q. [11:47:48] On the next page, 0005, you were summarising some of the many

1 rules for the LRA to obey. Rules dictated by the spirit Silly Selindi. One of those  
2 rules was "Don't kill innocent people (unarmed persons on the battlefield)." Is that  
3 correct?

4 A. [11:48:31] Is correct.

5 Q. [11:48:42] What was the punishment that the spirits would inflict on people who  
6 killed unarmed persons on the battlefield?

7 MR OBHOF: [11:48:57] Your Honour, the Defence asks to rephrase because it  
8 doesn't say "unarmed" inside of there, it says innocent persons, you know, and then  
9 unarmed --

10 MR GUMPERT: (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [11:49:06] No, no, that is -- Mr Obhof, please. It  
12 has been read out and the witness has heard it and we simply continue that. And  
13 there is of course the word "unarmed".

14 MR GUMPERT: [11:49:23]

15 Q. [11:49:23] What was the punishment which the spirits would inflict on LRA  
16 personnel who killed unarmed persons on the battlefield?

17 A. [11:49:40] When a person kills an innocent person, that is also punishable by  
18 firing squad.

19 Q. [11:49:51] But unarmed people were being killed very often by LRA fighters,  
20 weren't they?

21 A. [11:50:05] It is not true.

22 Q. [11:50:14] When you spoke this morning about notorious commanders, what  
23 had those notorious commanders done, what kind of things had they done to gain  
24 notoriety?

25 A. [11:50:42] These were the commanders may kill innocent people, may rape or

1 may even beat people mercilessly.

2 Q. [11:51:09] I had some difficulty understanding that answer. Did you say that  
3 they may kill, rape or beat people mercilessly?

4 A. [11:51:21] Mm-hmm, yes.

5 Q. [11:51:26] I don't understand how your answer earlier that unarmed people, you  
6 asserted, were not being killed on the battlefield by LRA fighters can stand with the  
7 answer you have just given, that there were notorious LRA commanders who were  
8 killing people or beating them mercilessly or raping them.

9 A. [11:52:02] Yes, I beg to explain.

10 Killing in the battlefield depends on the orders. If the spirit says kill any human  
11 being in the battlefield, anybody who is found in the battlefield, a child, an old person,  
12 a woman, a man, armed or unarmed, will be killed because that is how God works.

13 PRESIDING JUDGE SCHMITT: [11:52:49] May I shortly, Mr Gumpert?

14 Does that mean that the rule that is mentioned here, don't kill innocent people, does  
15 not apply if the spirits or the spirit orders to do so?

16 THE WITNESS: [11:53:06] The spirit knows the specific place where to execute  
17 a particular operation. I am giving an example, in 1989, in Goma, the spirit ordered  
18 the killing of everybody. When the task force went they found there was an auction  
19 in the objective. There were very many people from different parts of Uganda and  
20 all these people who were caught in the battle area were killed, all.

21 PRESIDING JUDGE SCHMITT: [11:54:04] So in your understanding these people  
22 that have been killed at the time, were they innocent or not?

23 THE WITNESS: [11:54:14] According to spirit's order, God know. Because even if  
24 the order is that way, during the combat some people may run and escape unhurt.

25 These are the innocent people.

- 1 PRESIDING JUDGE SCHMITT: [11:54:43] Please continue, Mr Gumpert.
- 2 MR GUMPERT: [11:54:46]
- 3 Q. [11:54:47] So the rule, "don't kill unarmed persons on the battlefield" existed, but  
4 there was another rule, I am not sure if I can find it in this document, which said, if  
5 the spirits say break that rule, then you must do so. Is that what you are saying?
- 6 A. [11:55:21] The spirit does not say "I want you to break my covenant", but it  
7 depends on the situation. I am giving an example. The God that says don't kill was  
8 the God that killed the people in Sodom and Gomorrah.
- 9 PRESIDING JUDGE SCHMITT: [11:55:57] I think we don't get any further here.  
10 But we have answers, whatever they might mean and how they have to be  
11 interpreted.
- 12 MR GUMPERT: [11:56:08] Yes, I'll move on.
- 13 Q. [11:56:19] You gave an example a moment ago before Sodom and Gomorrah of  
14 an actual LRA operation when unharmed people were killed, people from all over  
15 Uganda. Did I understand correctly?
- 16 A. [11:56:36] Yes.
- 17 Q. [11:56:37] And as I understand it, that was as a result of an order given by the  
18 spirit to kill innocent people?
- 19 A. [11:56:50] It was an order from the spirit.
- 20 Q. [11:56:58] Were there occasions when you were aware of the killings of innocent  
21 people which were not ordered by the spirits, or was it always the case that the spirits  
22 ordered it?
- 23 A. [11:57:17] Nobody is killed without the orders from the spirit.
- 24 Q. [11:57:21] And did they give these orders often while you were with the LRA?
- 25 A. [11:57:32] Yes.

1 MR GUMPERT: [11:57:54] Forgive me just for a moment, your Honour.

2 Q. [11:58:07] Could you turn, please, to page 0008 in this document. And I'm  
3 going to, if I may, read out the last four lines and the first five lines on the next page .

4 PRESIDING JUDGE SCHMITT: [11:58:30] I'm not surprised. Please.

5 MR GUMPERT: [11:58:35]

6 Q. [11:58:36] I will just wait until they are up on the screen so they can be followed.

7 It's the bottom of that page for whoever is controlling the graphics. Yes.

8 "In 2001 Kony ordered the arrest of Jackson" -- I'm just pausing, that's you, isn't it,  
9 Jackson?

10 A. Yes.

11 Q. [11:59:02] "Ray, Hillary Lagen, Livingston Nyeko, Lubul, Elia, Kalambit, and  
12 others for a total of 29 officers. They were put in a small house, tied hand and foot  
13 with attachments to their testicles. They went for three days with no food or water  
14 and were beaten. Ray was beaten with 300 strokes. Their wives were given to  
15 other commanders. They were charged with treason for trying to cause a mass  
16 defection of the LRA, and complaining that the LRA was killing civilians. Banya  
17 pleaded for them and they were spared, but they were all demoted to the rank of  
18 private. Their wives returned to them, but they remained under house arrest until  
19 Operation Iron Fist, April 2002."

20 That's the end of the quotation.

21 A. [12:00:23] Yes.

22 Q. [12:00:24] Is that correct?

23 A. [12:00:28] It is correct.

24 Q. [12:00:37] And were you in fact trying to cause a mass defection of the LRA?

25 A. [12:00:53] No, it was not. It was this way: We were advocating that if there is

1 an objective, military objective, the civil population should be spared in that battle  
2 place.

3 Q. [12:01:28] But -- sorry, go on.

4 PRESIDING JUDGE SCHMITT: [12:01:30] Please continue. Please continue with  
5 your answer. Obviously you wanted to say more, so please continue.

6 THE WITNESS: [12:01:39] But our message was misunderstood and was  
7 contradictory to orders of the spirit. So we were viewed as rebels and it lead to our  
8 arrestation. We were to be executed, firing squad, but fortunately, Banya pleaded  
9 and, according to the conclusion of the spirit, we were released. So the spirit has no  
10 covenant with anybody. Cannot take what a person has decided, but you have  
11 to -- but you have to follow what the spirit wants.

12 PRESIDING JUDGE SCHMITT: [12:02:50] Mr Jackson, how did you come or what  
13 were the reasons for advocating when attacking military objectives to spare the  
14 civilian population?

15 THE WITNESS: [12:03:11] In several places there was order of operation to kill  
16 anybody. It was in Atiak. There was also in Goma. There was also in Barlonyo.  
17 So, as a human being, you -- you may think bodily that it is not appropriate to kill  
18 your fellow human being, but from God, if those people are categorised sinful, they  
19 are not spared.

20 PRESIDING JUDGE SCHMITT: [12:04:01] Mr Gumpert, please.

21 MR GUMPERT: [12:04:04]

22 Q. [12:04:05] You told us that there was a misunderstanding.

23 A misunderstanding by Kony of what you were trying to do, do I understand  
24 correctly?

25 A. [12:04:23] Yes, because he thought we were trying to stop the people from



1 following the order of the spirit.

2 Q. [12:04:35] The order to murder civilians, he thought you were trying to stop that  
3 being carried out?

4 A. [12:04:46] Yes.

5 Q. [12:04:48] And was that a misunderstanding? Were you trying to stop the  
6 murder of civilians or not?

7 A. [12:05:00] We were trying to.

8 Q. [12:05:03] So he understood correctly, no misunderstanding?

9 A. [12:05:14] He might have understood all right, but he understands that our  
10 message is contrary to the will of the spirit.

11 Q. [12:05:31] And the punishment for you and the other 28 officers was being  
12 bound, attachments to your testicles. Were you all beaten or was it just Ray who  
13 received 300 strokes?

14 A. [12:06:00] It was Ray who was beaten.

15 Q. [12:06:04] So you and the other 27 got away without a beating?

16 A. [12:06:14] We were not punished, but we were given final warning.

17 Q. [12:06:20] Final warning for this disobedience to Kony and his guiding spirits?

18 A. [12:06:34] Yes.

19 PRESIDING JUDGE SCHMITT: [12:06:44] Did after -- just one second, perhaps it  
20 fits here.

21 Mr Jackson, afterwards, when you were released and after perhaps also the house  
22 arrest, did you ever encounter Joseph Kony again and talk to him again?

23 THE WITNESS: [12:07:10] Yes, I did. During the Iron Fist operation.

24 PRESIDING JUDGE SCHMITT: [12:07:13] And did you talk with him about this  
25 issue that is mentioned here and that has been read out by Mr Gumpert?

- 1 THE WITNESS: [12:07:23] We did not discuss that matter.
- 2 MR GUMPERT: [12:07:27]
- 3 Q. [12:07:29] Can I move on, still in this document, I am nearly at its end, to 0011,  
4 page 0011, Mr Jackson.
- 5 You were talking here about military tactics and I want to ask you about a single-line  
6 paragraph, it's the fifth paragraph down. I will read it: "A current common tactic is  
7 to ambush soft targets." What were soft targets?
- 8 A. [12:08:29] Soft target in the army is that you attacked, you attacked those who  
9 are capable to overrunning.
- 10 Q. [12:08:53] Can you give some examples of soft targets?
- 11 A. [12:09:04] For example, if you have found that an army detachment contains 35  
12 people, that is one platoon, but you are more than 50 in numbers, you can attack them  
13 because they become a soft target for you.
- 14 Q. [12:09:33] So it's got nothing to do with attacking civilians or abducting young  
15 girls, nothing to do with that at all?
- 16 A. [12:09:42] No.
- 17 Q. [12:09:46] But those things did happen, didn't they?
- 18 A. [12:09:55] Repeat.
- 19 Q. [12:09:57] Yes. The attacking of civilians -- well, let me take it one at a time.  
20 Young girls were abducted, weren't they?
- 21 A. [12:10:11] Yes, they were abducted.
- 22 Q. [12:10:16] Let's move to your own responsibilities. You were wounded in 1994;  
23 is that correct?
- 24 A. [12:10:31] Yes.
- 25 Q. [12:10:34] And following some, I think you called them "dark times", and I

1 understand what you mean, you underwent an amputation at a Sudanese hospital,  
2 yes?

3 A. [12:10:49] Yes.

4 Q. [12:10:51] And thereafter you were put in command of an LRA sickbay; is that  
5 correct?

6 A. [12:11:01] Yes.

7 Q. [12:11:06] How many personnel in the sickbay which you commanded? I  
8 understand it probably wasn't the same at all times, but can you give us, say,  
9 a maximum and a minimum figure?

10 A. [12:11:25] In all the list could be 1,000, the largest could be 2,000.

11 Q. [12:11:38] So between a thousand and 2,000 people --

12 A. [12:11:40] Yes.

13 Q. [12:11:42] -- under your commander? Is that -- have I understood correctly?

14 A. [12:11:47] Yes. Yes.

15 Q. [12:11:49] Thank you. Your task as the commander was to prevent that group  
16 of people being attacked or ambushed; wasn't it?

17 A. [12:12:14] No, we were under the protection of the Sudanese government  
18 because that barracks was meant for the casualties, for the mothers and children.

19 Q. [12:12:36] But there came a time when the LRA had fallen out with the Sudanese  
20 government, didn't there?

21 A. [12:12:44] Yes. It happened.

22 Q. [12:12:48] So once that happened, isn't it right that as the commander it was  
23 your responsibility to prevent that group of people being ambushed or attacked?

24 A. [12:13:10] When the Iron Fist operation was imminent, Joseph Kony dissolved  
25 the sickbay. All the forces that were in the sickbay were incorporated into the main

1 force in Lubanga Tek. So the sickbay was no longer there.

2 Q. [12:13:44] What were your responsibilities once you say the sickbay was  
3 dissolved?

4 A. [12:13:57] After the sickbay was closed, only the casualties were grouped  
5 together.

6 Q. [12:14:16] Let me ask the question again. Once the sickbay was dissolved, what  
7 were your, your personal responsibilities?

8 A. [12:14:30] I, I had no responsibility. Because there was a task force of active  
9 soldiers who had to protect the sickbay, so those were the ones responsible.

10 Q. [12:14:56] Mr Jackson, I don't know whether it is important. I understood that  
11 you told us a moment ago that the unit you commanded, the sickbay with a thousand  
12 to 2,000 people in it, was dissolved in 2002. I am trying to ask you this question:  
13 What were you doing, what was your job in the LRA after that time?

14 A. [12:15:23] Actually, I became an ordinary commander. I was responsible for  
15 my children and my wives.

16 Q. [12:15:39] How many people in that group?

17 A. [12:15:50] We were 13.

18 Q. [12:16:03] And where were you situated geographically?

19 A. [12:16:14] We were in a place called Lalar. Actually, the real location is named  
20 Bin Rwot.

21 Q. [12:16:32] And that's in Sudan, is it?

22 A. [12:16:37] Yes.

23 Q. [12:16:40] And what orders were you receiving from the LRA at this time?

24 A. [12:16:53] During that time the casualties were told to get a secure place where  
25 they can stay, but for the active forces, they were all divided into different task forces

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1 for combat.

2 Q. [12:17:32] Perhaps we are not understanding each other. You told us  
3 a moment ago that you became the commander of a group of 13 people consisting of  
4 you, your wives and your children. What were your orders?

5 A. [12:17:46] Yes. I am not understanding your question well.

6 PRESIDING JUDGE SCHMITT: [12:18:06] When you said -- you said "commander",  
7 of course, with regard to your own family, I think we can agree upon that this is  
8 a little bit of an exaggeration to say you were a commander then. But you were  
9 responsible for your family, your wives and your children.

10 Were there any specific orders with regard to this small unit from the LRA, from  
11 Joseph Kony himself, or weren't there any specific orders?

12 THE WITNESS: [12:18:39] There was no order, except that he, he told everybody  
13 that nobody should surrender to the government.

14 PRESIDING JUDGE SCHMITT: [12:18:53] For example, were you told where you  
15 had to go or where you should stay?

16 THE WITNESS: [12:19:07] We were told to stay where we were.

17 PRESIDING JUDGE SCHMITT: [12:19:09] Thank you.

18 Please, Mr Gumpert.

19 THE WITNESS: [12:19:11] In a place called "America".

20 MR GUMPERT: [12:19:18]

21 Q. [12:19:19] Still in Sudan, though, despite the --

22 A. [12:19:22] Yes.

23 Q. [12:19:23] -- name. Yes?

24 A. [12:19:23] Yes.

25 MR GUMPERT: [12:19:30] Your Honours, I am looking at tab 1 of the Defence --

1 sorry, not the Defence, of the Prosecution, the non-calling party's binder, betraying  
2 my former allegiances.

3 PRESIDING JUDGE SCHMITT: [12:19:49] I recognise the label of course, and I  
4 appreciate it.

5 MR GUMPERT: [12:20:00]

6 Q. [12:20:00] Mr Witness, that's a slimmer document with a kind of red -- do you  
7 have it? Yes, that's the one and if you want to turn to tab 1. This is a report from  
8 the Independent newspaper, that's a United Kingdom newspaper, dated 25 June of  
9 2004, and it purports to quote something which you said.

10 And I'm going to read the fourth paragraph, your Honour.

11 This is the quote: "I have suffered for long enough. My family and I pretended we  
12 were going to cultivate the fields and escaped,' Acama said. 'I believe in peace, and  
13 want to help stop the fighting in our country.'"

14 Was that true, that you had pretended you were going to cultivate the fields and  
15 escaped with your family?

16 A. [12:21:37] Yes, that was the tactic because to get, to get away from the main force,  
17 especially the casualties, we need high protection. If you are found, then all of you  
18 will be destroyed.

19 Q. [12:22:04] So it was a risky business trying to escape from the LRA?

20 A. [12:22:15] Very risky.

21 Q. [12:22:18] But on this occasion, you decided to take that risk because, as you put  
22 it, you and your family had suffered enough; is that correct?

23 A. [12:22:34] Yes.

24 Q. [12:22:36] Now, you spoke earlier when Mr Ayena was asking you questions  
25 about the continuing power of the spirits. Kony didn't have to be close to you?

1 A. [12:22:54] Yes.

2 Q. [12:22:54] That the spirits, as I understood it, correct me if I am wrong, have got  
3 wide geographical powers, yes?

4 A. [12:23:04] Yes.

5 Q. [12:23:04] So do I --

6 A. [12:23:07] Yes.

7 Q. [12:23:07] -- sorry, don't let me interrupt you.

8 A. [12:23:11] No.

9 Q. [12:23:12] So do I understand correctly that at least by June 2004, you no longer  
10 believed that the spirits would be able to punish you for your escape?

11 A. [12:23:35] This was because the family of the individual casualties were  
12 authorised to move by themselves. Because we were to get away from, from  
13 America, then we were to go to a place close to Juba. So to avoid having identifiable  
14 trails, each family was allowed to walk on its own. That was when it gave the time.

15 Q. [12:24:28] I understand that the physical precautions which you took; I am  
16 trying to get at something else. You have given a considerable amount of evidence  
17 about your belief in the powers of the spirits. But by the time you escaped, at least,  
18 you didn't fear that the spirits were going to take revenge on you; that you'd lose your  
19 other leg or that your children will be struck down with diseases?

20 A. [12:25:12] The spirit is the spirit of salvation. When Kony was going to DR  
21 Congo, he declared that the -- the casualties will have their own position where they  
22 can stay. Some will go to Uganda, some will remain in Sudan, and some will even  
23 go back to their homes. So in such he had already authorised that the casualties,  
24 whatever they can do to protect themselves and their lives, they can do it.

25 PRESIDING JUDGE SCHMITT: [12:26:18] May I shortly, Mr Gumpert?

1 MR GUMPERT: [12:26:20] Please, I am slightly at a loss.

2 PRESIDING JUDGE SCHMITT: [12:26:23] Yes. Mr Jackson, with whom did you  
3 surrender, exactly? Who was with you, together with you when you surrendered?

4 THE WITNESS: [12:26:41] Actually, I was with the family of Abonga. But they  
5 were a little bit far away from, from -- from me. I was forward with my family; they  
6 were just far behind.

7 PRESIDING JUDGE SCHMITT: [12:27:01] Any other people? Also any fighters,  
8 perhaps, that you surrendered with from the bush?

9 THE WITNESS: [12:27:11] No. I was with my family.

10 PRESIDING JUDGE SCHMITT: [12:27:17] We have here, I don't know if you want to  
11 dwell into that, this tab 2, but --

12 MR GUMPERT: [12:27:23] We do. I am happy for your Honour to ask the  
13 question.

14 PRESIDING JUDGE SCHMITT: [12:27:27] No, no, please continue.

15 MR GUMPERT: [12:27:29]

16 Q. [12:27:30] Mr Jackson, I want to read to you another newspaper report. It's  
17 from the Ugandan newspaper, New Vision. It's a report dated July 8, so it is a little  
18 after the previous report that I read to you. It's on tab 2 of that same document.  
19 And it quotes two army spokespersons, that's Ugandan army, UPDF spokespersons,  
20 Major Shaban Bantariza and Lieutenant Paddy Ankunda. It doesn't specify precisely  
21 which of those officers is doing the talking, but it reads as follows: "They said  
22 a charmer surrendered with 37 combatants armed with three submachine guns."  
23 Is that correct?

24 A. [12:28:46] It is true in the way that some of these people escaped on their own,  
25 but they joined me in Juba, in -- in UNICEF centre. So when we were coming to



- 1 Uganda with -- I came with all of them together.
- 2 Q. [12:29:13] I understand. So various groups that may have escaped separately --
- 3 A. [12:29:15] Yes.
- 4 Q. [12:29:16] -- came together?
- 5 A. [12:29:17] -- came together (overlapping speakers).
- 6 Q. [12:29:17] Yes.
- 7 PRESIDING JUDGE SCHMITT: [12:29:18] And, of course, that's something different
- 8 than to surrender as a whole group together.
- 9 MR GUMPERT: [12:29:25] Yes, I understand.
- 10 Q. [12:29:34] I want to ask you about a radio programme called Dwog Paco. You
- 11 appeared on that programme many times, didn't you?
- 12 A. [12:29:46] Yes.
- 13 Q. [12:29:57] Dwog Paco, for the English speakers, those who are using the English
- 14 language in the courtroom, means "come home", doesn't it?
- 15 A. [12:30:14] Yes.
- 16 Q. [12:30:14] And the aim of the programme was to broadcast to LRA fighters still
- 17 in the bush telling them, "leave the bush, come home, let's make peace." Is that a fair
- 18 summary?
- 19 A. [12:30:31] Yes.
- 20 Q. [12:30:35] And you appeared on it in 2004 and 2005 and even after that, didn't
- 21 you?
- 22 A. [12:30:52] Yes.
- 23 Q. [12:30:55] And you were trying to persuade people who were still out there
- 24 fighting, people like Dominic Ongwen, that they should escape and come home,
- 25 weren't you?

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1 A. [12:31:10] Yes.

2 Q. [12:31:13] You knew that it was a risky business, you had taken that risk  
3 yourself. But that was still your best advice to those people.

4 A. [12:31:32] No. I explain, when you return from the bush, it is the programme  
5 of the government that you should be taken for radio talk show, and you were  
6 advised to tell those remaining in the bush to come back home. So when you go to  
7 the radio station, you cannot begin to talk something out of what is needed to be said.

8 Q. [12:32:16] Let me be clear, you decided that for yourself and your family escape  
9 was the right option, yes?

10 A. [12:32:26] Yes.

11 Q. [12:32:27] Are you saying that the advice you gave to the other people still in the  
12 bush was insincere? It was only because the government were making you do it?  
13 Is that what you are suggesting?

14 A. [12:32:44] My thought could be correct --

15 MR AYENA ODONGO: [12:32:50] Objection.

16 THE WITNESS: [12:32:40] -- but the (overlapping speakers).

17 PRESIDING JUDGE SCHMITT: [12:32:52] He is in the process of answering, so  
18 please continue. There is nothing to object to the question. Please answer.

19 THE WITNESS: [12:33:04] You repeat the question. I got interrupted.

20 MR GUMPert: [12:33:11]

21 Q. [12:33:12] Yes. I'm not sure if I can repeat it, but the gist of it is this --

22 PRESIDING JUDGE SCHMITT: Let me.

23 When you were on the radio station and gave these speeches, were you pretending or  
24 were you honest in what you said?

25 THE WITNESS: [12:33:42] I was telling the truth, but it was the LRA, even if you tell

1 the truth to something, they are just guiding -- guided by the spirit that controls them.  
2 And a person has his own idea of the -- the LRA. He may decide to come out or he  
3 may not. Because since the beginning many people defected from the LRA. Since  
4 '87 up to now.

5 PRESIDING JUDGE SCHMITT: [12:34:19] But it's not really clear to me, your  
6 answer, frankly speaking. That is one of the rare instances. So when you said  
7 "come out of the bush", did you say this because you were convinced of it or did you  
8 say this because you thought it might be good for you because the government was  
9 expecting it? Just as an alternative.

10 THE WITNESS: [12:34:49] Not for, for my security purpose. I was also depending  
11 upon the spiritual message. The spirit said "We are not going to overthrow the  
12 government, but we will be called back." So with me, I thought the amnesty  
13 programme was part of the spiritual prophesy that we may be called back.

14 PRESIDING JUDGE SCHMITT: [12:35:31] Mr Gumpert, please proceed.

15 MR GUMPERT: [12:35:39] Your Honour, that last answer needs me to find  
16 a reference, which I don't have immediately available. May I just take a couple of  
17 seconds to look for it?

18 PRESIDING JUDGE SCHMITT: [12:35:51] Yes, Of course, yes. We can always  
19 do that.

20 In the meantime we can use this time that I do something. I read the ERN numbers  
21 of tab 1 and tab 2 into the record. So tab 1 is ERN 0286 - UGA-OTP we have to  
22 say - 0286-0009. And tab 2 is again UGA-OTP-0263-1256.

23 MR GUMPERT: [12:36:49]

24 Q. [12:36:49] Did I understand you to say that the reason you had come out, had  
25 escaped, was because you were aware of amnesty?

1 A. [12:37:04] Yes.

2 MR GUMPERT: [12:37:09] Your Honours, I would like to refer the witness to tab 2  
3 again, so grateful for the recitation of the ERN. But it is now the second page, last  
4 four digits 1257.

5 Q. [12:37:31] And, Mr Witness, I am going to read to you part of an article from the  
6 New Vision newspaper, 9 July, so it is the day after the previous message, and I am  
7 going to read the words of the Commissioner Ganyana Miiro, he is talking about  
8 messages under the Amnesty Act, and he says, I quote:

9 "'We are sorry the messages didn't get down to the bush, it usually stops at the  
10 commanders who have radios,' said Miiro. He was responding to concerns of the  
11 leader of former combatants, Major Jackson Acama, who met the commissioners at  
12 the UAC office on Buganda road, Kampala. Acama said it was difficult for lower  
13 rank rebels to get information about amnesty. He said his colleagues had  
14 surrendered individually, because it was risky to spread the amnesty message.  
15 Acama said he learnt about the amnesty when he was interviewed by Mega FM's  
16 Lacambel Wod Agena, who was present at the meeting and was praised for  
17 promoting amnesty."

18 Now, you didn't meet Lacambel in the bush, did you? You met him after you came  
19 out?

20 A. [12:39:26] Yes.

21 Q. [12:39:28] So that can't stand with what you said a moment ago. Did you learn  
22 about amnesty from Lacambel after you came out, or did you learn about it before  
23 you came out?

24 A. [12:39:51] Actually, in the bush it depends on whether you can have access to  
25 radio or not, but if you can have access to radio, then you can hear the programme

1 that is going on. But unfortunately the radio was band. Nobody was allowed to  
2 use domestic radios. But the superior commanders were aware of all this.

3 MR GUMPERT: [12:40:31] I'm not going to press that point, your Honour. I'm not  
4 sure that's quite an answer, but I'm going to move on.

5 PRESIDING JUDGE SCHMITT: [12:40:38] I would also suggest that you move on.

6 Q. [12:40:40] Just to be clear about this, the lower ranks had trouble listening to  
7 programmes like Dwog Paco, but the senior commanders --

8 A. [12:40:49] No.

9 Q. [12:40:50] -- they could listen, correct?

10 A. [12:40:53] Yes, yes.

11 Q. [12:40:54] Thank you. Now the last part of my questioning, Mr Jackson, relates  
12 to one of the occasions when you appeared on the radio programme Dwog Paco.  
13 And with your Honour's leave, what I propose to do is to play a two-minute passage,  
14 the English text is to be found at tab 7 of the non-calling party's materials.

15 PRESIDING JUDGE SCHMITT: [12:41:28] I don't insist on that, but of course I  
16 recognise that had you use it every once in a while, let me put it this way.

17 MR GUMPERT: [12:41:36] I am very pleased to adopt some non-Anglo-Saxon  
18 non-common law procedures, your Honour.

19 PRESIDING JUDGE SCHMITT: [12:41:44] It is only words in that respect, it's  
20 procedure. We are -- no, of course, it's a label here. Okay.

21 MR GUMPERT: [12:41:54] Indeed. I am told that it is possible on channel 2 to hear  
22 the sound recording, and appearing on the screen in front of your Honours - is it  
23 evidence 1 or evidence 2 -- on evidence 2, will be a rolling transcript so that  
24 your Honours will be able to see which are the English words which are the  
25 interpretation of the Acholi words that you will be hearing.

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1 Very well. If we can all see that, can that passage now be played.

2 (Playing of the audio excerpt)

3 MR GUMPERT: [12:42:56] I'm sorry, can we stop? The coordination wasn't quite as  
4 excellent as Mr Elderfield has done it every time previously. Perhaps we can start  
5 again.

6 (Playing of the audio excerpt)

7 PRESIDING JUDGE SCHMITT: [12:45:24] And perhaps not to lose this, we have  
8 here the ERN of the transcript of the audio video material, UGA-OTP-0285-0068, and  
9 the translation is 0070.

10 MR GUMPERT: [12:45:39] And if I can cap that, the ERN for the sound recording is  
11 UGA-OTP-0183-0030.

12 Q. [12:45:56] First things first, Mr Jackson, that was your voice, wasn't it?

13 A. [12:46:01] Yes.

14 Q. [12:46:04] And you spoke there about the killing of civilians in cold blood. Was  
15 that something that you were trying to stop happening by broadcasting on this  
16 occasion?

17 A. [12:46:41] Yes, that is my position.

18 Q. [12:46:46] And in the third paragraph of the paragraph, towards the end of what  
19 you said, you were addressing LRA fighters who had killed civilians in cold blood,  
20 weren't you?

21 A. [12:47:14] Yes.

22 Q. [12:47:14] You were saying, "look, there are people who have come home.  
23 Despite these killings, they're still alive." Yes?

24 A. [12:47:25] Yes. Yes.

25 Q. [12:47:31] Can you give us an example of where the worst killings in cold blood

1 perpetrated by the LRA occurred?

2 A. [12:47:52] I can give an example in the killing of Imotong mountains in Sudan,  
3 where 300 people were killed. Actually, there were both soldiers and civilian. But  
4 that was to revenge for the attempted murder of Otti. But they should have only  
5 killed those soldiers, because all these soldiers were even captured by the LRA.

6 Q. [12:48:37] Well, you weren't talking about the killing of soldiers. In this  
7 broadcast you were talking about killing civilians in cold blood. Can you give the  
8 judges an example of a place where Ugandan civilians were being killed in cold blood,  
9 an example of the behaviour which you are speaking about in this radio broadcast?

10 A. [12:49:09] The place where I can cite as an example is Barlonyo.

11 Q. [12:49:18] Thank you.

12 MR GUMPERT: Those are my questions.

13 PRESIDING JUDGE SCHMITT: [12:49:22] Thank you very much.

14 Any questions by the representatives of the victims?

15 MR MANOBA: [12:49:27] A handful, Mr President.

16 PRESIDING JUDGE SCHMITT: [12:49:32] Please, Mr Manoba.

17 QUESTIONED BY MR MANOBA:

18 Q. [12:49:43] Mr Acama, before you joined the UPDA, LRA, you told us yesterday  
19 that you were a teacher, primary school teacher.

20 A. [12:50:01] Yes.

21 Q. [12:50:02] What was the purpose of giving education to the pupils that you were  
22 teaching?

23 A. [12:50:13] To let them become good citizens.

24 PRESIDING JUDGE SCHMITT: [12:50:25] That was quite a concise answer to a very  
25 broad question, so to speak.

- 1 MR MANOBA: [12:50:32]
- 2 Q. [12:50:33] Mr Acama, you had children in the bush, did you?
- 3 A. [12:50:37] Yes.
- 4 Q. [12:50:43] Do you think your children needed this kind of education whilst they  
5 were in the bush?
- 6 A. [12:50:55] Yes, we wanted.
- 7 Q. [12:51:01] And do you think that the other children that were not your own also  
8 needed this education while they were in the bush?
- 9 A. [12:51:15] Yes.
- 10 Q. [12:51:24] Did you provide this education to your own children?
- 11 A. [12:51:32] Yes, we did. I was heading the education from Lubanga Tek.
- 12 Q. [12:51:48] Was this the same for the various LRA groups that were spread out in  
13 Uganda?
- 14 A. [12:51:58] That was the general headquarter. There is only one place where  
15 a school was and that was Lubanga Tek.
- 16 Q. [12:52:15] So then children that were in the LRA that were not in Lubanga Tek  
17 did not have an opportunity to get the education that you were providing, is that the  
18 case?
- 19 A. [12:52:30] Actually, by then almost all the children of the school-going age were  
20 in Lubanga Tek.
- 21 Q. [12:52:45] And by "school-going age", what exactly do you mean?
- 22 A. [12:52:53] Starting from four -- in the bush was from four onwards.
- 23 Q. [12:53:03] Onwards would mean -- what would be the limit for the onwards that  
24 you are talking about?
- 25 A. [12:53:12] Those who are being taught in school were from four to eight years.



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1 Q. [12:53:19] Okay. And after you returned from the bush, have your children  
2 had access to education, formal education provided by the government of Uganda?

3 A. [12:53:45] Yes.

4 Q. [12:53:58] Do you know if all the children that have returned to Uganda are  
5 having the same education that you are providing for your own children?

6 MR OBHOF: [12:54:09] Your Honour, that calls for severe speculation for all the  
7 children in Uganda.

8 PRESIDING JUDGE SCHMITT: [12:54:12] Perhaps you can rephrase it. Do you  
9 have any knowledge if other children, concrete knowledge. That's not a huge  
10 difference, but Mr Obhof is correct.

11 MR MANOBA: [12:54:24] Thank you, Mr President.

12 Q. [12:54:25] Mr Acama, do you have knowledge whether the other children that  
13 were in the bush with you are, you know, having education back home in Uganda?

14 A. [12:54:40] Those children in the bush?

15 Q. [12:54:43] Those who returned from the bush.

16 A. [12:54:44] Yes, they are getting, they are getting education. Some are being  
17 paid by their parents, some are under Els' programme. There is a German lady  
18 called Els who wrote a book called "Aboke Girls". She is sponsoring the children  
19 born in captivity.

20 Q. [12:55:22] Mr Acama, did the children always have enough food in the bush?

21 A. [12:55:33] There is food, but not enough. Up until when we were settled in  
22 Nsitu and Lubanga Tek, when we began to cultivate, that was when there was  
23 enough foodstuff. But since '87, up to '90s, '97, around there, there was not enough  
24 foodstuff, because food is to go -- to be collected from the community. Sometimes if  
25 the deployment of the enemy is very heavy, you fail to acquire foodstuff, then you

1 will go hungry.

2 Q. [12:56:31] When you were still in Uganda or the groups that were in Uganda  
3 and they didn't have food, who supplied food to them?

4 A. [12:56:49] A task force will be sent to the community to go and collect foodstuff.

5 Q. [12:57:03] And do you know how the task force would collect this food from the  
6 community?

7 A. [12:57:11] Yes, I do.

8 Q. [12:57:12] Please.

9 A. [12:57:14] Sometimes, if they get foodstuff from the garden, take for instance  
10 cassava, they will uproot. But for certain food like beans, et cetera, they go to the  
11 village, then they take from the community. In the beginning, they wanted -- they  
12 were requesting the community, but when the number of the LRA grew, they were  
13 taking the food without asking. When they come to your home, they open the  
14 granary, if they find any foodstuff, they take it.

15 Q. [12:58:06] Thank you, Mr Acama. Lastly, when this food was taken from the  
16 civilians, would the task force -- how would it distribute the food to the members of  
17 the LRA?

18 A. [12:58:33] Food was distributed in two ways. Sometimes people are chosen  
19 from every household in the LRA, if people are chosen from the household, then the  
20 food that you carry, you take to your household. It is not distributed. But if a task  
21 force has been sent to collect food for the army, then the all food will be taken to  
22 operation room. Then the administrative officer will come and distribute the food.  
23 Some are taken to Joseph Kony, some to army commanders, some to brigade  
24 commanders and the rest will be sent to battalion.

25 Q. [12:59:29] Thank you, Mr Acama.

1 MR MANOBA: That's all, Mr President.

2 PRESIDING JUDGE SCHMITT: [12:59:32] Thank you, Mr Manoba.

3 Mr Narantsetseg.

4 MR NARANTSETSEG: [12:59:36] No further questions. Thank you.

5 PRESIDING JUDGE SCHMITT: [12:59:38] For the Defence no further questions I  
6 assume?

7 MR AYENA ODONGO: [12:59:41] Mr President, we have, I don't know, it is time,  
8 but if you could give us 10 minutes.

9 PRESIDING JUDGE SCHMITT: [12:59:46] Of course, yes. You have the last word,  
10 so to speak.

11 QUESTIONED BY MR AYENA ODONGO:

12 Q. [13:00:04] Jackson, there is a grey area about how you left. In the morning you  
13 told us that you were crossing the road and then you were, so to speak, arrested or  
14 captured by the Sudanese. Can you clarify this position, how you left the bush and  
15 you ended up in, is it Juba? First of all, when you left, was it your intention to  
16 escape? And if it was your intention to escape, how did you execute that intention?

17 A. [13:00:58] Thank you. I have to make a clear distinction here. I was captured  
18 by the Sudanese government, where I was taken to the UNICEF, then I was flown to  
19 Uganda. But the message in the radio talk show, I said I surrendered to encourage  
20 others to give themselves up to the government because in the bush people are afraid.  
21 They say, whenever you surrender to the government, you will be killed. So that  
22 was the radio message that I was sending them to encourage them to come and  
23 receive the amnesty.

24 Q. [13:01:53] And, Jackson, Mr Gumpert asked whether you were being sincere  
25 when you said this. My question is: What was the atmosphere around the time

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1 you had just surrendered and you were taken for the radio talk show? How were  
2 you feeling? Were you free, or how were you feeling at the time when you were  
3 talking?

4 A. [13:02:41] I was free to walk, there was no any problem in my movement. But  
5 for the messages that we are to send out from the radio, we were briefed, you cannot  
6 go to the radio and begin to tell those in the bush that it is better you stay there, don't  
7 come here, because here life is not okay. It is not, it is not allowed. So it was a  
8 mobilisation for the LRA to come and receive amnesty.

9 Q. [13:03:25] In that context do I understand that that was not really your words,  
10 you were --

11 MR GUMPERT: [13:03:31] This is an enormously leading question.

12 MR AYENA ODONGO: [13:03:32] I don't think so.

13 PRESIDING JUDGE SCHMITT: [13:03:36] I think we have, we have entertained this,  
14 this question, this issue. Was it sincere, was it honest, what did the witness think  
15 when he delivered that speech. I think we have entertained that and we have to put  
16 it together. We won't get an answer that satisfy everyone here.

17 MR AYENA ODONGO: [13:03:55]

18 Q. [13:03:59] Now, Mr Gumpert was asking you about certain newspaper clips.  
19 First of all, we begin with the Independent. Had you read the content of this  
20 document, which is in tab 1, had you studied carefully, word by word?

21 A. [13:04:39] Well --

22 Q. [13:04:41] Before, I mean just before. Before you were asked -- before you came  
23 here. Were you aware of this document?

24 A. [13:04:51] No.

25 Q. [13:04:56] When you now look at what was said there, would you say they

1 reported exactly what you say? Did they capture exactly what you said, or is it  
2 possible that --

3 PRESIDING JUDGE SCHMITT: [13:05:19] No alternative. Simply ask him did they  
4 capture exactly what he said.

5 MR AYENA ODONGO: [13:05:21] Yes.

6 PRESIDING JUDGE SCHMITT: [13:05:22] I think you could even say it has been  
7 answered, but you can give it a second shot, so to speak. Yes.

8 THE WITNESS: [13:05:37] Fine. With this interview, I cannot recall so well of who  
9 did the interview. So I cannot conclude that it is the exact words that I said.

10 PRESIDING JUDGE SCHMITT: [13:06:02] I think that's fair enough, I would say,  
11 after 14 years I think.

12 MR AYENA ODONGO: [13:06:07] Absolutely, absolutely.

13 Q. [13:06:09] Now, in the second script, Mr Gumpert was interviewing  
14 you -- cross-examining you on the fact that you allegedly said the rebels had killed  
15 civilians in cold blood. Is that what you said, that you -- first of all, did you read the  
16 script he was cross-examining you on?

17 A. [13:06:47] I did not.

18 PRESIDING JUDGE SCHMITT: [13:06:49] But careful. I think the process was, as  
19 following 15 minutes ago, we heard an audio recording and the witness was asked if  
20 it was his voice, if I recall it correctly, and I think -- I don't know, Mr Jackson, if you  
21 have heard it in the original, I would assume in the Acholi language in your words so  
22 you have heard your voice. So the question would be, did you say what is then in  
23 the, in translation, so to speak, in English? Is this captured correctly? You can ask  
24 this question.

25 MR AYENA ODONGO: [13:07:32]

1 Q. [13:07:33] In other words, did you say the rebels had killed people in cold blood,  
2 from what you said?

3 A. [13:07:48] In fact, I cannot remember quite well because we see the Mega FM, I  
4 told you prior that you will go and be briefed, you have got to talk what should  
5 sensitise those in the bush to come back. So you cannot talk your own will, you will  
6 always be remembering to tell what can fulfil the interest of the station.

7 Q. [13:08:36] And last maybe, but not least, Jackson, when you were prompted to  
8 talk in the way you talked, if you were to put yourself in the position of those who  
9 were still in the bush at that time, and given what you believed or what you were told  
10 when you were still in the bush, would those words of yours be convincing enough to  
11 let somebody in the bush believe that he was now safe to come out?

12 MR GUMPERT: [13:09:15] Objection.

13 PRESIDING JUDGE SCHMITT: [13:09:17] Yes, sustained. I think you know it  
14 yourself. How can he know and look into the minds of all those people who might  
15 be convinced or not convinced? You would have to rephrase it, I think. I think you  
16 know it yourself.

17 MR AYENA ODONGO: [13:09:34] I am guided here, your Honour.

18 Q. [13:09:36] Mr Jackson, what had Joseph Kony told the people in the bush about  
19 what they would expect when they came out? I mean, if they came out.

20 A. [13:09:59] Thank you. In the bush, Joseph Kony told everybody that nobody  
21 should make a mistake of surrendering to the government because whenever you  
22 surrender to the government, you will be killed. And he gave the example of some  
23 superior commanders of the UPDA who were killed, like Okello Keno, Kilama, Arop,  
24 et cetera. So these were the examples that he use to inform anybody who may want  
25 to escape that death await him at home.

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1 Q. [13:10:51] And as a follow-up to that answer, can you tell Court whether you  
2 know of any commanders around this period, between 2002 and -- and just before  
3 you left, or even up to 2005, whether you are aware of some commanders, or even  
4 soldiers, rank and file soldiers, who tried to escape or come back home and were  
5 killed by the UPDF?

6 A. [13:11:36] There is one commander who died, but it is sceptical whether it is the  
7 UPDA who killed him. Because he was picked from his home in a pickup and  
8 thereafter it was announced that he fell off the pickup and died.

9 Q. [13:12:11] Around this time, Jackson, there was an incident that happened in  
10 Gulu prison where some --

11 MR GUMPERT: [13:12:18] Your Honours.

12 PRESIDING JUDGE SCHMITT: [13:12:19] Yes. Do you have any knowledge of  
13 something what happened?

14 MR AYENA ODONGO: [13:12:26] Yes.

15 Q. [13:12:28] Do you have any knowledge about --

16 PRESIDING JUDGE SCHMITT: [13:12:33] An incident in Gulu prison.

17 MR AYENA ODONGO: [13:12:36] Yes, incident in Gulu prison.

18 PRESIDING JUDGE SCHMITT: [13:12:39] At what time?

19 MR AYENA ODONGO: [13:12:41] It was 2003.

20 PRESIDING JUDGE SCHMITT: [13:12:44] Yes. Do you have any knowledge about  
21 an incident that happened in a Gulu prison in 2003? That is the question.

22 THE WITNESS: [13:12:59] I am not quite aware.

23 MR AYENA ODONGO: [13:13:02] I think that's all from the --

24 PRESIDING JUDGE SCHMITT: [13:13:09] Thank you, Mr Ayena.

25 Mr Acama Jackson, this concludes your testimony. On behalf of the Chamber I

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1 would like to thank you for answering all of the questions here in this courtroom and  
2 for assisting us in establishing the truth. We wish you a safe trip back.

3 (The witness is excused)

4 PRESIDING JUDGE SCHMITT: [13:13:28] We adjourn the hearing and continue on  
5 Monday, 9.30 with Defence Witness 79, I think.

6 THE COURT USHER: [13:13:36] All rise.

7 (The hearing ends in open session at 1.13 p.m.)