

Trial Hearing
WITNESS: UGA-D26-P-0007

(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, 8 November 2018
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:30] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:33:56] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:34:06] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 For the record, we're in open session.
19 PRESIDING JUDGE SCHMITT: [9:34:17] Thank you.
20 I call for the appearances of the parties. This is no surprise, I assume.
21 Please, for the Prosecution.
22 MR BLACK: [9:34:24] Good morning, your Honour. Colin Black on behalf of the
23 Prosecution, together with Julian Elderfield, Ben Gumpert, Yulia Nuzban, Beti Hohler,
24 Pubudu Sachithanandan, Grace Goh, Jasmina Suljanovic and Adesola Adeboyejo.
25 PRESIDING JUDGE SCHMITT: [9:34:41] Thank you.

1 And for the Legal Representatives of the victims, Mr Cox.

2 MR COX: [9:34:46] Good morning, your Honour. With me, Mr James Mawira,
3 Ms Anushka Sehmi, and Ms Maria Radziejowska.

4 PRESIDING JUDGE SCHMITT: [9:34:54] And Mr Narantsetseg.

5 MR NARANTSETSEG: [9:34:57] Good morning, Mr President, your Honours. My
6 name is Orchlón Narantsetseg for the Common Legal Representatives of Victims.
7 Thank you.

8 PRESIDING JUDGE SCHMITT: [9:35:05] Thank you.

9 And for the Defence. Ms Bridgman.

10 MS BRIDGMAN: [9:35:08] Good morning, Mr President, your Honours. Abigail
11 Bridgman for the Defence, with Thomas Obhof, Krispus Ayena Odongo, Beth Lyons,
12 Roy Titus Ayena, Tibor Bajnovic. And our client, Mr Ongwen, is in court.

13 PRESIDING JUDGE SCHMITT: [9:35:22] Thank you very much.

14 And the Defence is now calling D-7 as its next witness and we turn to his testimony.

15 And D-7 is you, Mr Kakanyero. On behalf of the Chamber I would like to welcome
16 you in the courtroom. Good morning.

17 WITNESS: UGA-D26-P-0007

18 (The witness speaks Acholi)

19 THE WITNESS: [9:35:42] (Interpretation) Good morning.

20 PRESIDING JUDGE SCHMITT: [9:35:43] You're going to testify before the
21 International Criminal Court and, like every witness, you will have to make the
22 solemn undertaking when you appear before this Court. I will read it out to you, so
23 please listen and then I will ask you if you agree.

24 I solemnly declare that I will speak the truth, the whole truth and nothing but the
25 truth.

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- 1 Mr Witness, do you understand the undertaking?
- 2 THE WITNESS: [9:36:14] (Interpretation) I understand.
- 3 PRESIDING JUDGE SCHMITT: [9:36:15] And do you agree with it?
- 4 THE WITNESS: [9:36:18] (Interpretation) I agree. I agree to speak the truth.
- 5 PRESIDING JUDGE SCHMITT: [9:36:23] Thank you very much, you are now sworn
- 6 in. And before we start with your testimony, a few practical matters.
- 7 Everything we say here in the courtroom is written down and interpreted and to
- 8 allow for the interpreters to follow what has been said in the courtroom, we have to
- 9 speak at a relatively slow pace and we should only start speaking when the person
- 10 asking us a question has finished.
- 11 If you yourself, Mr Kakanyero, have a question, you can raise your arm and I will
- 12 give you then the floor.
- 13 And I give now the floor to Ms Bridgman for the examination of the Defence.
- 14 MS BRIDGMAN: [9:37:04] Thank you, Mr President.
- 15 QUESTIONED BY MS BRIDGMAN:
- 16 Q. [9:37:10] Good morning, Mr Witness.
- 17 A. [9:37:12] Good morning.
- 18 Q. [9:37:14] Can you please state your name for the record.
- 19 A. [9:37:29] My name is Kakanyero Joe. I'm also called Odong.
- 20 THE INTERPRETER: [9:37:33] Your Honour, could the witness speak louder.
- 21 PRESIDING JUDGE SCHMITT: [9:37:43] Mr Kakanyero, I'm informed by the
- 22 interpreters to ask you to speak a little bit louder so that they can hear you better.
- 23 Thank you.
- 24 Ms Bridgman.
- 25 MS BRIDGMAN: [9:37:53]

- 1 Q. [9:37:54] Apart from Odong, are you also called by any other names?
- 2 A. [9:38:03] I am Kakanyero Joe and Odong Audi.
- 3 Q. [9:38:10] Thank you. So is Odong Audi a nickname or is it an official name?
- 4 A. [9:38:26] That's the name I'm referred to when I'm at home.
- 5 Q. [9:38:31] I'm going to show you a document, Mr Witness.
- 6 And, your Honours, it's at tab 2 of the Defence binder, UGA-D26-0023-0007.
- 7 PRESIDING JUDGE SCHMITT: [9:39:23] I think it should appear on your screen
- 8 soon.
- 9 MS BRIDGMAN: [9:39:33]
- 10 Q. [9:39:34] Do you see that document, Mr Kakanyero?
- 11 A. [9:39:38] Yes, that is the one. That is me.
- 12 Q. [9:39:43] And what is this document?
- 13 A. [9:39:50] This is my national ID.
- 14 Q. [9:39:54] Thank you. So on your national ID you don't have the Odong Audi
- 15 name. Can you explain why.
- 16 A. [9:40:08] My name in the national ID is Kakanyero Joe, but the other name is just
- 17 a name used at home, but in my ID and other documents I use Kakanyero Joe.
- 18 PRESIDING JUDGE SCHMITT: [9:40:26] I think there is no problem there. So you
- 19 can move on.
- 20 MS BRIDGMAN: [9:40:31] I was going to move on, indeed. Thank you.
- 21 Q. [9:40:35] Where do you live, Mr Kakanyero?
- 22 A. [9:40:39] I live in Coorom.
- 23 Q. [9:40:44] And where is Coorom located?
- 24 A. [9:40:51] Coorom is in Lamogi sub-county in the district of Amuru.
- 25 Q. [9:40:59] And that is in the country of Uganda, correct?

- 1 A. [9:41:03] Yes, that is correct.
- 2 Q. [9:41:04] Is this the same place you were born?
- 3 A. [9:41:15] Yes, I was born there. I left there to come here.
- 4 Q. [9:41:18] What do you do for a living, Mr Kakanyero.
- 5 A. [9:41:24] I am a farmer and I am also a carpenter.
- 6 Q. [9:41:32] Do you hold any responsibilities in your community?
- 7 A. [9:41:48] Yes, I do. I am the vice-chairperson, the LC1 of Coorom.
- 8 Q. [9:41:59] And when were you born, Mr Witness?
- 9 A. [9:42:02] I was born in 1970.
- 10 Q. [9:42:13] How did you get to know this?
- 11 A. [9:42:20] My parents told me that.
- 12 Q. [9:42:24] Mr Witness, do you know Mr Ongwen?
- 13 A. [9:42:40] I know Ongwen Dominic.
- 14 Q. [9:42:44] How do you know him?
- 15 A. [9:42:50] I know Ongwen Dominic, I should refer to him as my brother, because
- 16 my -- our parents are brothers in the clan.
- 17 Q. [9:43:08] Were you ever abducted by the LRA?
- 18 A. [9:43:17] Yes, we were abducted together.
- 19 Q. [9:43:23] Can you please briefly describe what happened.
- 20 A. [9:43:30] And that is what I have come to explain.
- 21 Q. [9:43:34] Thank you.
- 22 PRESIDING JUDGE SCHMITT: [9:43:35] Please go on. Please explain.
- 23 THE WITNESS: [9:43:40] (Interpretation) This is what I have to say: For me,
- 24 Kakanyero, I want to explain this to the Court on what happened to me, together with
- 25 Ongwen Dominic and Opio Oloro.

1 We used to live together in Coorom, and in the morning we were abducted while on
2 our way to school in the place called Bardege. We started going to this school
3 because there were no schools in Coorom. That was a community school and it was
4 a grass-thatched structure. Because of the conflict we shifted to study in a school
5 called Alero primary school, and we were abducted about 7 o'clock, and it was about
6 1.5 kilometres from home. That is how we were abducted.

7 When we were abducted, Dominic was the youngest among us. I was older and
8 more mature. Dominic was younger than the two of us. When we were abducted
9 they moved with us to the home of Olar Lakusenyi (phon). When we reached there
10 we found many soldiers there. From there we were -- there was a ceremony
11 performed on us using shea butter and they put the sign of the cross on our chest and
12 our head, and they would say that the Lord was in charge of everything in the world.
13 That is what happened. The ceremony created fear, and we were frightened, and we
14 thought something else would happen to us.

15 That day we spent the night there, and the next day they started moving with us to an
16 area called Lwit Yat in the morning. From Lwit Yat we met a bigger group which
17 was bigger than the one that abducted us. There were so many people. We started
18 hearing names -- starting hearing names of some of the commanders such as Oyuk,
19 Ocaya, Aliga, and Odor, and other commanders known as men who comes from
20 Lacekocot in Kitgum. And other LRA commanders who were there. For us, we
21 were abducted long ago when the LRA still used to fight with the stone bombs to
22 overthrow the government. They would pray over the stones so that the stones
23 would work as bombs, but I did not see those bombs exploding.

24 That day we spent the night in Lwit Yat, and on the second day they started telling us
25 that we were abducted with other people who were being brought from other

1 locations. Because the government of Uganda was forcefully recruiting the civilians
2 of northern Uganda to go and look after their cattle in Ankole. Therefore, they were
3 told us that we were abducted to protect us so that they don't take us to look after
4 cattle, and they would teach us how to protect ourselves and self-defence. That is
5 briefly what I can say.

6 We slept there and on the fourth day, that is the day that they started splitting people.
7 They took us to a training wing, a place they referred to as "training wing", that is
8 where we were trained from. They moved together with the training school. It's
9 not like the UPDF where the training wings have particular locations for training.
10 For them, when you are on the move, then they start training straight away. It was a
11 mobile training wing. Then we were trained in marching, on how to do parade, and
12 how to dodge the bullets, how to assemble and reassemble the gun, and those are the
13 things that happened there.

14 We left there and the next day we went to a place called Lacokotwe (phon), and went
15 to a place called Got Moro, towards Lango. From there we came back towards Lacor
16 seminary, then we went towards Patiko.

17 When we moved we were already tired. One of the commanders known as Omony
18 from Patiko was among those in the training wing, he was in charge of training and
19 he was the one taking care of the abductees. Omony escaped. He was being
20 referred to as second lieutenant, he had one star, according to whatever the
21 government soldiers use.

22 When Omony escaped, then they decided to take cover there and they put a defence
23 there and they started cooking. It was ordered that Omony should go and brought
24 from their home. If he is not there, people should be killed from their home. When
25 they went to collect Omony, for us, we remained there. We started preparing food

1 and we ate, and then they came with Omony. His hands were tied behind his back.
2 When we had finished eating, they summoned us to a parade, then they brought
3 Omony and made him lie on his stomach, and then his head was hacked with an axe.
4 They said this was a lesson to those who want to escape and those who want to
5 frustrate the LRA movement, so that those who were new can learn a lesson and fear.
6 Whoever wants to escape would not survive what happened to Omony. That day
7 Omony was hit with an axe and died. He was hit with the axe until he died, and
8 then they started pulling him and he was thrown in the bush.
9 That is what I saw what happened in the LRA. That was from Patiko.

10 PRESIDING JUDGE SCHMITT: [9:50:49] Thank you very much, Mr Witness, for the
11 moment. That was quite a lot of information.

12 But we have here also the statement that he gave to the Defence, and he covered quite
13 a lot of what is in the statement. But I assume that you have some further questions,
14 Ms Bridgman. So please continue.

15 THE WITNESS: [9:51:12] (Interpretation) Yes, you can -- you can ask me the
16 question.

17 MS BRIDGMAN: [9:51:17]

18 Q. [9:51:18] Thank you. I'm going to request that you speak a little slower for the
19 interpreters to say -- for us to understand what you're saying. I'm going to ask you
20 just a few clarifying questions about the things you have said so far.

21 You said that you were going to school when you were abducted, but what is the
22 name of the school you were going to?

23 A. [9:51:48] It was called Alero P-7 school.

24 Q. [9:51:57] You also said that you were abducted with someone called
25 Opio -- Opio --

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- 1 PRESIDING JUDGE SCHMITT: [9:52:07] Opio Oloro.
- 2 THE WITNESS: Yeah.
- 3 MS BRIDGMAN: [9:52:11]
- 4 Q. [9:52:12] How old was Opio Oloro, if you remember?
- 5 A. [9:52:19] Opio Oloro was -- I don't remember the age now.
- 6 Q. [9:52:28] Do you remember the year when you were abducted?
- 7 A. [9:52:33] Yes, I do remember.
- 8 Q. [9:52:36] What year was that?
- 9 A. [9:52:40] In 1987.
- 10 Q. [9:52:45] So from my calculation you would have been 17 years old. You have
- 11 just said that Dominic Ongwen was young, younger than both you and Opio. How
- 12 much younger was he than you, if you can give an estimate?
- 13 A. [9:53:13] Dominic Ongwen was not more than 11 years.
- 14 Q. [9:53:27] Now, at this Alero P-7 school that you were going to, do you remember
- 15 some of the names of your teachers at that school?
- 16 A. [9:53:41] Yes, I do remember.
- 17 Q. [9:53:43] Please tell us.
- 18 A. [9:53:47] The teacher I remember, one was called Olok Leru (phon), He has since
- 19 passed on. One was called Romano, I don't know where he is now. One was called
- 20 Atwoga, he's still alive up to now.
- 21 Q. [9:54:16] You said that Dominic Ongwen is your brother. Did you know -- did
- 22 you interact with him outside of school before your abduction?
- 23 A. [9:54:46] Yes, we would live together.
- 24 Q. [9:54:54] Can you describe Mr Ongwen as much as you can from that time
- 25 before your abduction, if you remember?

1 A. [9:55:17] When we were with Dominic Ongwen at home before abduction, he
2 was a very good child. He was a calm child among all the children who were with
3 us. There was nothing bad he would do at home and he was a well-behaved boy.

4 Q. [9:55:49] That morning when you were abducted, how did the soldiers, the LRA
5 soldiers treat you? Did they tie you? Did they beat you up? How?

6 A. [9:56:25] When we had just been abducted we were not tied, we were not bound
7 together. They only told us to move fast.

8 Q. [9:56:35] Do you recall if they asked for your personal information? Did they
9 ask for your names, where you came from, your parents? Anything like that?

10 A. [9:56:52] They never asked the name of our parents, but they only asked our
11 names. For me, I mentioned my real name. Dominic also mentioned his real name.
12 Opio Oloro also mentioned his real name. But other people did not give their real
13 names. They only -- they came up with the names and mentioned names that's only
14 similar to theirs. But for us, we used our real names.

15 Q. [9:57:19] Do you know why these other people would not give their real names?

16 A. [9:57:30] I do not know why.

17 Q. [9:57:37] You also mentioned the ceremony where you were smeared. Were
18 you ever told why you were going through this ceremony?

19 A. [9:57:52] I remember.

20 Q. [9:57:58] What did they tell you?

21 A. [9:58:00] They told us that they would use shea butter to smear us. All
22 abductees are smeared with shea butter. And when there is a battle, the shea butter
23 would stop any bullet from touching you, because the shea butter was kind of holy.

24 Q. [9:58:34] You also mentioned that at that time the LRA was using stone bombs.
25 Did they soon move away from that while you were still in the bush? Did you ever

1 see guns being used?

2 A. [9:59:03] When we were abducted in '87, they had guns and the stone bombs too.
3 But they said that they would use the guns, although they Holy Spirit had not yet
4 given them permission to use the stone bombs, and that as soon as the Holy Spirit
5 gives them permission to use the stone bombs, they would start using the stone
6 bombs to overthrow the government.

7 Q. [9:59:30] You mentioned the areas that you moved with the LRA and the
8 various commanders you met. Were you still at that time with Opio and
9 Dominic Ongwen?

10 A. [9:59:52] Yes, we were still together.

11 Q. [9:59:55] Were you still together when Omony was killed with an axe?

12 A. [9:59:59] Yes, we were still together.

13 Q. [10:00:03] And would I be correct that you all witnessed this killing?

14 A. [10:00:25] Yes.

15 PRESIDING JUDGE SCHMITT: [10:00:26] Just shortly, Ms Bridgman.

16 Mr Witness, were there other killings that you witnessed and also Mr Ongwen and
17 also Mr Opio Oloro witnessed?

18 THE WITNESS: [10:00:46] (Interpretation) Yes, there were several other killings that
19 happened.

20 PRESIDING JUDGE SCHMITT: [10:00:52] Please, Ms Bridgman.

21 MS BRIDGMAN: [10:00:55]

22 Q. [10:00:59] Did you or any other people that were in your group participate in
23 these killings?

24 A. [10:01:27] Out of the abductees, the freshly abducted people, none of us was
25 given anything to use to kill any of these people. The killings were done by the

1 soldiers themselves.

2 Q. [10:01:45] During this period, were you given any tasks?

3 A. [10:01:56] I was not given any task.

4 Q. [10:02:02] Did you stay together or you were soon split up?

5 A. [10:02:14] After about three and a half months we were split.

6 Q. [10:02:21] Do you know what happened to Opio Oloro?

7 A. [10:02:29] I returned, he was still in the bush, I don't know what happened to
8 him.

9 Q. [10:02:41] Is it my understanding that you have never seen him since that time
10 that you were split up?

11 A. [10:02:57] No, I have never met with him again.

12 Q. [10:03:04] Do you know what happened to Dominic Ongwen?

13 A. [10:03:17] Well, when we were together with him in the bush, I don't know
14 anything bad that happened to him from there. But right now we are together in this
15 same courtroom.

16 PRESIDING JUDGE SCHMITT: [10:03:32] May I shortly.

17 During these three and a half months when you were abducted and three and a half
18 months afterwards, when you were together with Dominic Ongwen, did you have the
19 chance to talk with him? Could you interact with him?

20 THE WITNESS: [10:03:59] (Interpretation) For the three months we were together,
21 we were all together, but where we were moving, there was nowhere you could have
22 time with each other. The UPDF could keep pursuing us every single minute.
23 They took us very far away towards Kitgum. You would not have any time to talk
24 to each other. The only thing you were left with doing is to keep praying to God that
25 you keep on living.

1 PRESIDING JUDGE SCHMITT: [10:04:36] Thank you.

2 Ms Bridgman.

3 MS BRIDGMAN: [10:04:39]

4 Q. [10:04:41] You said you were taken very far away to Kitgum. Is it also my
5 understanding that you were in an area that you were not familiar with?

6 A. [10:05:03] I had never reached Kitgum before.

7 Q. [10:05:07] Can you briefly describe how you moved during those first three
8 months, not so much the areas, but what was the -- how did the LRA move?

9 A. [10:05:31] Previously when I was narrating my story, I had reached the point
10 where they killed Omony. After killing Omony, we started moving again. We kept
11 on moving about. We went to Kitgum. We moved in various places. And during
12 the movements you would also be undergoing training, especially when you are
13 stationed somewhere to prepare meals, they would be training you.

14 But after two and a half to three months, they said those who have been undergoing
15 training are now able to take care of themselves. On that day myself as Kakanyero
16 and Opio Oloro, Dominic was not one of us, we saw early in the morning the LRA
17 started selecting a standby to go for an operation, in one of the places somewhere in
18 Sudan, at a centre called Apyeta. That centre was inhabited by Garang's soldiers.
19 They selected a standby to go for a battle there.

20 They gave me a stamp. They gave me a log. Four of us, about four boys, we were
21 all given logs. They told us we were going for a walk. But before we were sent
22 there, they said they would first take us for a prayer at the Yard in the Control Altar.
23 The Control Altar is the place where prayers are conducted. They would use a very
24 big calabash and perform a ceremony that is akin to that of a witch doctor.

25 They were all taken there, all the recruits together with the other soldiers who were

1 taken to Control Altar at the Yard. And we were all lined up and in the shape of a
2 cross. We saw very many other people who were surrounding the over 400 people
3 that were selected.

4 While we were there, we entered the Yard. We all stood quiet. And all the soldiers
5 who had guns were standing and quiet. The people of the Yard started singing. I
6 still recall the song quite vividly. I could as well recite the song. "Polo, polo Yecu
7 larwa, Yecu larwa i kwo wa". That was the kind of song they were singing.

8 I was there, but I was almost dead. I didn't know what was happening. They sang
9 three different hymns. And then we used our three fingers, you go and dip your
10 fingers in oil that is put in a very huge sauce pan. You would dip your fingers in
11 that three times and then you make some incantations, and then you move, you
12 continued.

13 And then they told us we have to go and get weapons from Apyeta. I was there in
14 person. We left, we went, we crossed Aswa in the night. And the next day in the
15 morning we had arrived at that location.

16 There was a formation made ready for the battle. Those of us who looked at us
17 recruits were lined behind the other soldiers. We also had some other soldiers who
18 were together with us behind, and they told us everyone should remove their shirts
19 and tie their shirts around their waists. We did that. And they said if we begin
20 firing, if anybody decides to escape or flee, we shall shoot. If we begin firing, you
21 have to surge forward, run forward and continue.

22 Then the battle began. They started running. And they told us when they started
23 running forward, we should begin screaming and making noise.

24 Now as a very helpless person, there is nothing you can do. You have to do exactly
25 what they want you to do. So we started screaming and running. They fought and

1 overran that barracks. They looted all the items that they wanted and we returned.
2 On our way back, when we were about to arrive at Aswa river, there was a military
3 helicopter that came around. I ran and then fell and I got injured on the chest. But
4 we were able to cross the river and came on this other side of it.
5 The commander to whom I was an escort, at that time he was sure that I would be his
6 escort. He was called Olano. And during that battle, he sustained an injury on his
7 knee. He was brought back to a sickbay in Aywere (phon). He was there. And
8 I was taken to a commander called Opuk Kalema coming from Anaka.
9 At that time I was still moving together with the LRA group called Special Mobile.
10 They took me to Opuk, I was with him. But my chest problem intensified and then
11 I was taken to the sickbay in Aywere.
12 We kept on moving together there, and I was able to recover. There was no way I
13 could escape, because I was not anywhere near our home. They went and picked me
14 away from the sickbay after my recovery, because they were saying I told them that
15 I was already good enough, I could now go back for operation. But my intention
16 was to go and move with them so that if I reach a place near our home, I would be
17 able to escape. Luckily, they moved with me nearby and I was already aware of the
18 place. Then I told them I am doing so badly; my chest problem has resurfaced.
19 Then they said, "Well, what we should do is look for a sickbay and take you there."
20 They looked for one. You know, a sickbay is like a hospital, but it's always very
21 deep in the thicket where the UPDF soldiers cannot locate.
22 They carried me, took me to the sickbay towards a place called Ayago. Ayago is in
23 Nwoya district, Alero sub-county. I was taken there. From there, we stayed for a
24 while. Then the government soldiers discovered our presence. We fled to a place
25 called Patiko and we were again discovered.

1 The government again discovered our presence there and we ran to another place
2 nearby our home. The next day in the morning, I saw the hills of our home. Then I
3 decided to escape and go home.
4 I abandoned the group called Special Mobile, but you know the LRA had different
5 groups. There was a Special Mobile, Sinia brigade, Condom high command, Gilva.
6 Several groups were there. When I returned home, I came and found Dominic's
7 parents were no longer there. I asked them, "Where is the mother of Odomi?"
8 From home we called him "Odomi". I asked them, "Where are the parents of
9 Odomi?" They told me that these people were killed. "When you people were
10 abducted, these -- the parents were taken and luckily -- or, unluckily, they were
11 killed." That was the report that came when I returned home.
12 This is my statement as Kakanyero. If there is something I have yet left out, I request
13 to be asked so I can explain further because this is something that happened back in
14 1987. I never went to school; it's difficult for me to recite everything. If I have left
15 out anything, please ask me so I can recite further.

16 PRESIDING JUDGE SCHMITT: [10:14:32] Thank you very much, Mr Kakanyero.
17 I think this was a very vivid and descriptive narrative and it again covered a lot of
18 issues and topics that you might have asked, but there might be some - I don't assume
19 many - questions left for you.

20 MS BRIDGMAN: [10:14:56]

21 Q. [10:14:57] Mr Kakanyero, you sang a song that was sung at the Yard. Can you
22 tell us the meaning of the words in that song?

23 A. [10:15:15] That song is a praise song asking God to help them in their operations
24 without any bottlenecks.

25 PRESIDING JUDGE SCHMITT: [10:15:33] And let me just, while you are thinking

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1 about the next question, make a remark. Sometimes a narrative simply gives a better
2 immediate impression of a witness than if you ask and they are short answers and the
3 next question and short answers. Because of that, I think narratives have their
4 merits.

5 MS BRIDGMAN: [10:16:00]

6 Q. [10:16:00] I'm going to take you back to that time when you were chosen among
7 the people to go for that standby in Apyeta. You said you went to the Yard and
8 described in detail what it was like. You also said that you were almost dead.
9 What do you mean by that? How were you feeling during this period?

10 A. [10:16:35] What normally happens in the LRA, when you were initiated for the
11 first time using shea butter, that will change your life immediately. The killings that
12 are done in broad daylight will also have an impact on your life. Even the songs we
13 sang in the Yard, we saw them singing in the Yard, I saw as if, well, the world has
14 changed, things are happening differently.

15 PRESIDING JUDGE SCHMITT: [10:17:04] Do you think perhaps we should make a
16 short break?

17 Ms Lyons, do you think we should make a short break? Perhaps it's better.

18 MS LYONS: [10:17:16] Your Honour, I checked -- sorry. I just asked Mr Ongwen
19 and he would like the witness to continue.

20 PRESIDING JUDGE SCHMITT: [10:17:22] Yes. Okay, that's fine with us, but I
21 simply -- because we observe also what happens, what's going on and because of that
22 I asked.

23 MS LYONS: [10:17:33] Thank you for asking, your Honour.

24 PRESIDING JUDGE SCHMITT: [10:17:36] Yes, thank you.

25 Please continue, Ms Bridgman.

1 MS BRIDGMAN: [10:17:38]

2 Q. [10:17:46] Mr Kakanyero, you said that when -- the first time you were smeared
3 with shea butter, your life changes immediately. Can you describe your own
4 personal changes that you felt at the time of your -- that ceremony?

5 A. [10:18:21] Well, the first thing that happened to me, I felt like I was lifeless.
6 I was just feeling like I am no longer myself. Before, before the ceremony, I was -- I
7 was a normal person, but after being smeared with the shea butter, I felt things were
8 completely different.

9 Q. [10:18:47] You also mentioned that after witnessing the killings, it also had an
10 impact. Can you describe your own personal feelings and experiences?

11 A. [10:19:10] The killing of Omony using an axe, well, it gave me a lot of fear and
12 changed my life because I knew that if I also tried to escape and then I'm recaptured,
13 they will do the same to me. So for me to be able to escape, I should wait until I
14 reach a place where I'm familiar with before I can escape. If it's a far-off place, it
15 won't be easy for me.

16 Q. [10:19:45] You also said that the world changed. Can you please help me
17 understand in your own opinion, how your world changed, how the world at home
18 was different from this new world that you were exposed to?

19 A. [10:20:06] What changed was the fact that they can kill somebody in a very
20 gruesome manner in broad daylight and the language they use during the process
21 changed my life and the shea butter with which I was smeared also had a change on
22 me. I realised that if I were to defy any of their orders or if I don't do what they want
23 me to do, they will kill me. So to be able to survive, I needed to do exactly what they
24 wanted me to do. If maybe miraculously God helped me, then that would be
25 sometime later in the future.

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1 PRESIDING JUDGE SCHMITT: [10:21:09] Mr Kakanyero, you said there were, and
2 perfectly understandable, no chance to have conversations with Mr Ongwen during
3 these three and a half months, but were you able to observe how he reacted to the
4 abduction? Did you have any hints, anything that you observed that could help
5 Court to understand?

6 THE WITNESS: [10:21:48] (Interpretation) When we were abducted, we were in the
7 same group called Special Mobile, but there were different coys within that. I didn't
8 mention that earlier, but let me mention it here. I was in a coy called Kanyagaya.
9 Opio Oloro was in a coy called Borojima and other people we came to know of later
10 were in other coys, Wabikaji, but they were all under one leadership.
11 When Dominic was in a brigade, but not in Sinia, because Sinia brigade was a
12 different brigade, and there was that brigade that Odomi was in, what I know is
13 Odomi was there, but he wasn't feeling easy, he wasn't all by himself.
14 I think he was really depressed, but he didn't have anything to do. We were all
15 children. It was very difficult. If you were in the hands of a beast, you will have to
16 follow the instructions of the beast so that you can survive. If you defy, it can work
17 against you, just to use you to teach others who would want to do something you had
18 tried to do.

19 PRESIDING JUDGE SCHMITT: [10:23:13] During that time, again the first three and
20 a half months, have you been punished by the LRA for any conduct?

21 THE WITNESS: [10:23:32] (Interpretation) Yes, they would mete out punishments,
22 especially when they were training us on how to parade, how to conduct ourselves in
23 combat when we were being taught the names of guns. They were punishing all of
24 us, myself, Dominic and Opio Oloro. Sometimes the punishments were really
25 harsh, but, there, what you need to know is they would begin by using a machete to

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1 beat you. They would get sticks later on. The first weapon to use -- to punish you
2 is a machete.

3 PRESIDING JUDGE SCHMITT: [10:24:06] It might be difficult for you to tell us, but
4 could you describe in more detail how you and Mr Ongwen were punished?

5 THE WITNESS: [10:24:28] (Interpretation) What I can say is that the reason we were
6 punished was sometimes they -- they use a language that you don't understand.
7 They are telling you to turn left and then you turn right. Because you don't
8 understand the language, they come and punish you. Sometimes you are being
9 trained on how to march and then you don't know how to swing your hands well,
10 they come and slap you. These were the things that were happening.

11 PRESIDING JUDGE SCHMITT: [10:24:56] When you said they used a machete or
12 sticks, how did they do that? What did they do exactly?

13 THE WITNESS: [10:25:13] (Interpretation) There are about two things they would
14 do. When they train you on how to parade, they most times will slap you. But if
15 they train you on combat operation, changing location or withdraw, they will be
16 using the machete. If you're not running fast or if you're clumsy, they will beat you
17 with a machete on the back.

18 PRESIDING JUDGE SCHMITT: [10:25:41] Thank you.

19 Please, Ms Bridgman.

20 MS BRIDGMAN: [10:25:46]

21 Q. [10:25:46] Now, Mr Kakanyero, when you said they would beat you with a
22 machete on the back, how many times, for instance, would they do that for a single
23 infraction or is it only on the back or other parts of the body?

24 A. [10:26:14] If you are taking long to understand what they want you to do, they
25 don't slap you only once, they will beat you until you begin to understand exactly

1 what they want from you.

2 Q. [10:26:28] Now, you finally managed to escape, but can you describe to us what
3 was going on in your mind at the time that you made that decision to escape?

4 A. [10:27:01] What came in my mind was that I knew I was being forced -- actually,
5 the three of us were being forced to do the things that we were doing. We weren't
6 doing them in our own volitions. One thing I knew was that, since we were taken to
7 roam about in areas of Kitgum, it was very difficult for us to escape to come back to
8 Gulu, or to Amuru, Coorom, where we hail from. I just had it at the back of my
9 mind that if by luck we are brought to walk around areas near our home I will
10 eventually escape. I just knew I felt if I come to an area that I was familiar with,
11 I would escape. It was exactly that that happened, when we came nearby our home
12 area I had to escape.

13 Q. [10:28:03] Did you worry that the LRA would come following you just like they
14 did with Omony?

15 A. [10:28:20] I was fearing two things. Number one, if you are intercepted in the
16 process of escaping, you would be killed. But also, if you escape successfully and
17 you are not caught, each time we are moving about the UPDF would be pursuing us,
18 and if you try to escape and you land in the hands of the UPDF they would also kill
19 you. I feared that as well.

20 Q. [10:28:47] Did you consider that the LRA might come to Coorom to look for
21 you?

22 A. [10:28:57] What helped me was the fact that I was at the sickbay, I knew the
23 people from the sickbay were not all able and they wouldn't be able to pursue me, so I
24 escaped from there. But if it were in these other special forces it would have not
25 been possible for me to escape.

1 Q. [10:29:29] Now, when you came back home, did you stay in Coorom or did you
2 move away, during the period of the conflict?

3 A. [10:29:50] I returned, stayed home for a while, then eventually left home. I
4 went to stay with an uncle who was living in Amuru town council.

5 Q. [10:30:09] And why did you move to stay with your uncle?

6 A. [10:30:15] I decided to just go and stay there because I felt like going to stay
7 there, because I feared probably they would get me again if I stayed in my place.

8 Q. [10:30:32] You mentioned that when you came back home you found Dominic
9 Ongwen's parents had been killed. Do you know who killed his parents?

10 A. [10:30:46] When I came home and found his parents were no more, I was told
11 that it was the LRA that killed Dominic Ongwen's parents. When I asked which
12 group killed, they told me that the group that killed Dominic's parents was called
13 Gilva. I wasn't there, but I know what Gilva group is.

14 Q. [10:31:12] Now, during the period since you came back home, did you ever
15 receive any information? Do you know if Dominic Ongwen's family ever heard
16 from him or ever had any contact with him?

17 A. [10:31:36] When I came back home, I had no knowledge about Dominic Ongwen.
18 I only heard about Dominic Ongwen when an arrest warrant was issued for him, and
19 then later I heard that he was now with the ICC. And that is when people started
20 hearing about him. From the time of his abduction to the time that the arrest
21 warrant was issued, I had not known anything about him. It's actually a miracle that
22 I have been able to see him today, because back home we will only see that -- we only
23 see him through the photo and the videos, and I'm now -- it's a miracle that I am now
24 seeing him personally. And I am grateful to God that he has been preserved.

25 Q. [10:32:38] Did you ever hear any rumours of people coming back from the LRA

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1 saying he had been killed?

2 A. [10:32:54] People who returned from the LRA did not say anything about
3 Dominic Ongwen's killing. But we thought he was no more because nothing was
4 heard about him. And then later on we started hearing stories about him, that
5 Dominic Ongwen and other commanders had arrest warrants issued for them.
6 Actually, we did not even know whether it was our Dominic Ongwen or another
7 Dominic Ongwen, who we thought was another Dominic Ongwen who was being
8 sought after.

9 Q. [10:33:28] Thank you.

10 MS BRIDGMAN: [10:33:29] Your Honour, can I have a moment to confer?

11 PRESIDING JUDGE SCHMITT: [10:33:32] And looking at the statement that the
12 witness has given to the Defence, I think not only is everything covered in the
13 statement, but even beyond that. Just as a hint for your short deliberation.

14 (Counsel confers)

15 MS BRIDGMAN: [10:34:50] Thank you, your Honours, for your patience.

16 Q. [10:34:54] Mr Kakanyero, and finally from me, why did you offer to come and
17 testify today?

18 A. [10:35:10] I came to testify that Dominic Ongwen was abducted, I came to testify
19 that I knew Dominic Ongwen as a child, I came to show how we separated with him
20 from the bush, to speak about our separation, and the other things that are already in
21 the statement I gave.

22 Q. [10:35:44] Thank you very much.

23 I have no further questions, but lead counsel has a few follow-up questions.

24 PRESIDING JUDGE SCHMITT: [10:35:51] Okay. Thank you.

25 Mr Ayena.

1 QUESTIONED BY MR AYENA ODONGO:

2 Q. [10:35:59] Mr Kakanyero, I want to personally thank you for making it possible
3 for you to come to see your brother, but more particularly to come and ask -- I mean,
4 assist Court to know the background of Dominic's abduction.

5 A few things I want you to help Court to understand still further. This name
6 Coorom, when you say Coorom, does it have any particular meaning in Acholi?

7 A. [10:36:46] The name Coorom, I did not enquire to get the deeper meaning. But
8 I heard from our elders during the bonfire that there was a woman who had failed to
9 get a man to marry, but when she came to the area called Coorom now she found a
10 husband and settled there, and she said that "Coorom, it means men are the same."
11 And that is how the place came to be.

12 Q. [10:37:28] And, Kakanyero, you said you come from a place called Lamogi. Is
13 there any history attached to the people of Lamogi that you may want Court to know
14 which characterises the people of Lamogi?

15 A. [10:38:10] Kindly repeat the question.

16 PRESIDING JUDGE SCHMITT: [10:38:12] I would suggest to move to another
17 question, because people may have some features in common from different places,
18 but not all people are alike. So I think it's -- the witness has given us a lot of
19 interesting information, but I think general information about the place where he is
20 coming from is not of enough relevance to discuss it.

21 MR AYENA ODONGO: [10:38:37] I will move on.

22 Q. [10:38:42] And, Mr Kakanyero, you said:

23 "The ceremony created fear, and we were frightened, and we thought something else
24 would happen to us."

25 What did you think might happen to you again after the ceremony?

1 A. [10:39:19] After the ceremony -- actually, before they even finished anointing me,
2 I was very healthy. And if something happens, a loud noise for example, it startled
3 me always. But after the ceremony I was lifeless, I didn't notice my environment. I
4 wondered whether it was the shea butter which was used to smear us that created
5 this lifelessness in me. Because before the ceremony I was a very healthy, alert
6 person, but after that I was lifeless.

7 Q. [10:40:05] And there was this song that you recited, "Polo, polo Yecu larwa".
8 Can you give --

9 PRESIDING JUDGE SCHMITT: [10:40:20] He has already interpreted it, has already
10 told us what it means. So we can continue.

11 MR AYENA ODONGO: [10:40:27] Well, if you are satisfied (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [10:40:37] No, it's simply he has -- which was, again,
13 very vivid when he said that he, after all these years, recalls exactly this song and how
14 he recited it. And this was also interpreted by the interpreters, and later on he was
15 asked. I think we can simply let this stay in the room.

16 MR AYENA ODONGO: [10:40:56]

17 Q. [10:40:56] Last but not least, Mr Kakanyero, when you came back and you found
18 Dominic Ongwen's parents were no more, did any other person - not necessarily
19 abducted together with you, but somebody who had been also abducted, maybe
20 under different circumstances - did anybody else escape and come back home?

21 A. [10:41:42] There were other people who escaped and came back home.

22 Q. [10:41:47] And when they came back home, did they tell you whether
23 Dominic Ongwen had --

24 MR GUMPERT: [10:41:57] Your Honours, it's a leading question. My learned
25 friend should not be suggesting what other people who may have escaped may have

1 told this witness. He could ask a neutral question: What did they say?

2 PRESIDING JUDGE SCHMITT: [10:42:10] Let me ask the neutral question.

3 Mr Kakanyero, when you had returned back home, in all these years, did anybody
4 who came back home talk about Dominic Ongwen? Did you hear anything about
5 him from people, not just rumours, from people who came back home?

6 THE WITNESS: [10:42:39] (Interpretation) People who returned from the bush from
7 the different groups and leadership of the LRA used to say Odomi was there. But
8 they were not sure which Odomi we were asking about.

9 One of the children came back among the returnees and we asked him. When we
10 asked him whether Dominic was there, he told us that Dominic could be there, but
11 from there they live in different groups and not close to each other.

12 When I was returning, there were two Dominics, there was Ongwen Dominic, this
13 one of ours, and then there was another one who used to come from Coo Pee around
14 Paibona.

15 For us, we thought it was the one of Paibona who was there or ours who was there.

16 But it was not easy to know whether he was there or not. Until he came to the Court,
17 it was not easy to know which Dominic Ongwen had been arrested. Even there
18 were conflicting information where he came from.

19 PRESIDING JUDGE SCHMITT: [10:43:58] Thank you. Thank you very much.

20 I think that answers the question and we can move to another point.

21 MR AYENA ODONGO: [10:44:03] I think that's all.

22 PRESIDING JUDGE SCHMITT: [10:44:05] Okay. Thank you very much. Thank
23 you, Mr Ayena.

24 I would give the Prosecution the floor, Mr Black.

25 MR BLACK: [10:44:13] No questions from us, your Honour. Thank you.

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- 1 PRESIDING JUDGE SCHMITT: [10:44:16] I did not expect it.
- 2 Of the Legal Representatives of the victims, Mr Cox? No.
- 3 Mr Narantsetseg? No.
- 4 Mr Kakanyero, so there are no further questions to you. On behalf of the Chamber
- 5 I would like to thank you that you have made yourself available as a witness in these
- 6 proceedings and that you came to this courtroom and help us to establish the truth.
- 7 Thank you very much. We wish you a safe trip back home to Uganda.
- 8 THE WITNESS: [10:44:52] (Interpretation) Thank you very much for the
- 9 opportunity.
- 10 (The witness is excused)
- 11 PRESIDING JUDGE SCHMITT: [10:44:56] This concludes the hearing for today.
- 12 The next witness is D-6, I think, tomorrow morning at 9.30.
- 13 THE COURT USHER: [10:45:05] All rise.
- 14 (The hearing ends in open session at 10.45 a.m.)