

Trial Hearing
WITNESS: UGA-D26-P-0018

(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 Tuesday, 23 October 2018
9 (The hearing starts in open session at 9.40 a.m.)
10 THE COURT USHER: [9:40:19] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:40:45] Good morning, everyone.
13 Good morning, Mr Iron.
14 WITNESS: UGA-D26-P-0018 (On former oath)
15 (The witness speaks English)
16 THE WITNESS: [9:40:50] Good morning.
17 PRESIDING JUDGE SCHMITT: [9:40:51] Could the court officer please call the case.
18 THE COURT OFFICER: [9:40:54] Good morning, Mr President, your Honours.
19 Situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
20 Ongwen, case reference ICC-02/04-01/15.
21 And for the record, we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:41:08] Thank you.
23 I ask for the appearances of the parties. Mr Gumpert for the Prosecution, please.
24 MR GUMPERT: [9:41:15] Ben Gumpert for the Prosecution. With me today,
25 Julian Elderfield, Adesola Adeboyejo, Hai Do Duc, Julian Elderfield,

- 1 Pubudu Sachithanandan, Jasmina Suljanovic and Grace Goh.
- 2 PRESIDING JUDGE SCHMITT: [9:41:26] Thank you.
- 3 And for the representatives of the victims, Mr Manoba first.
- 4 MR MANOBA: [9:41:30] Good morning, Mr President, your Honours.
- 5 Joseph Manoba, James Mawira, Anushka Sehmi and Maria Radziejowska.
- 6 PRESIDING JUDGE SCHMITT: [9:41:40] And now Mr Narantsetseg.
- 7 MR NARANTSETSEG: [9:41:43] Good morning, Mr President, Your Honours.
- 8 My name is Orchlon Narantsetseg. With me, Ms Caroline Walter. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:41:50] Thank you.
- 10 And for the Defence, Mr Obhof.
- 11 MR OBHOF: [9:41:53] Good morning, your Honours.
- 12 My name is Thomas Obhof. With the Defence today is Inshuti Zirimwabagabo,
- 13 Krispus Ayena Odongo, Abigail Bridgman, Beth Lyons, Roy Titus Ayena,
- 14 Chief Charles Achaleke Taku, Tibor Bajnovic and Eniko Sandor.
- 15 PRESIDING JUDGE SCHMITT: [9:42:15] Indeed you captured all. So you still have
- 16 the floor, Mr Obhof. Please continue with the examination.
- 17 QUESTIONED BY MR OBHOF: (Continuing)
- 18 Q. [9:42:42] Good morning, Nathan, I hope you slept well last night.
- 19 A. [9:42:47] I did.
- 20 Q. [9:42:50] I have one follow-up question from yesterday, before we start on the
- 21 new section today.
- 22 Now yesterday we talked about tab 15, which is the book, you don't have to open it
- 23 up now. It's the book, "Portrait of a Despot".
- 24 Now, yesterday when you were discussing it, did you mean that you wrote the book,
- 25 helped write the book or edited the book?

- 1 A. [9:43:23] Mr President, your Honours, I helped edit the book.
- 2 Q. [9:43:31] And Nathan, when you arrived at Aruu junction, was that LRA camp
3 clean?
- 4 A. [9:43:48] Mr President, your Honour, it was a very well-established camp, very
5 clean.
- 6 Q. [9:43:58] Now, what about prayers? Were people required to attend prayer
7 services?
- 8 A. [9:44:07] Mr President, your Honour, it was mandatory to pray.
- 9 Q. [9:44:19] When were prayer services?
- 10 A. [9:44:25] Mr President, your Honour, prayer services, if there was no message
11 from the spirit, it was done once a day. But if the spirit had communicated to Kony,
12 it could be done even 10 times a day.
- 13 Q. [9:44:53] Now, could people sit anywhere which they pleased during these
14 prayer services?
- 15 A. [9:45:00] Mr President, your Honour, there was a designated prayer place.
- 16 Q. [9:45:15] Do you know the name of the designated prayer place?
- 17 A. [9:45:27] Mr President, your Honour, that -- that such a place did not have
18 a name for the main prayers, designated prayers for Sundays, but they have what
19 they call the altar, which is erected around each commander's compound, including
20 Joseph Kony, where he, the commander alone, can go and pray. But for the general
21 public, there was either under a big tree around the -- the camp.
- 22 Q. [9:46:05] When people went to the prayer services, could men and women, boys
23 and girls sit together?
- 24 A. [9:46:14] Mr President, your Honour, they sat according to gender.
- 25 Q. [9:46:33] What would happen to every newborn child in the LRA camps?

1 A. [9:46:44] Mr President, your Honour, I have not experienced that one.

2 Q. [9:46:53] I think it might have been the manner in which I asked, so I will be
3 a little more specific whilst trying to remain open.

4 Was there a religious ceremony performed on the newborn children?

5 A. [9:47:10] Mr President, your Honour, as I told you, I have never experienced or
6 seen a newborn baby when I was there because they -- they normally, the ladies are
7 taken to Juba. So after that, ladies and children are confined a different place, not in
8 the main front-line camp; so I have no evidence on that.

9 Q. [9:47:37] If I may, your Honour, read a paragraph?

10 PRESIDING JUDGE SCHMITT: [9:47:39] Of course, yes.

11 MR OBHOF: [9:47:41]

12 Q. [9:47:41] At page 0221 of your statement, at paragraph 63, you stated that:

13 "The Spirits also required that every child born in the camp be baptised. This is also
14 why people were cleansed before joining Kony."

15 And it might have been the way in which I phrased my question, but does that
16 refresh your memory, Mr Witness?

17 A. [9:48:08] Mr President, your Honour, I have seen baptism, going -- performing
18 baptism, but the ceremony, I don't know whether you mean baptism as a ceremony.
19 I have seen a few children being baptised in the camp.

20 PRESIDING JUDGE SCHMITT: [9:48:25] I think we leave it at that. Please proceed.

21 MR OBHOF: [9:48:29] Yes.

22 Q. [9:48:36] Were there medical services available at the camp?

23 A. [9:48:39] Mr President, your Honour, yes.

24 Q. [9:48:51] Now, along with those services, were there medical personnel in those
25 camps?

1 A. [9:48:58] Mr President, your Honour, there were qualified medical personnel.

2 Q. [9:49:17] Now you mentioned yesterday about Kony's respect for water and
3 how persons couldn't urinate around it. Would persons be punished if they were
4 caught urinating or defecating around water?

5 A. [9:49:35] Mr President, your Honour, it's true.

6 Q. [9:49:45] And what type of punishment would be given to persons who
7 defecated or urinated around water?

8 A. [9:49:55] Mr President, your Honour, the punishments varied, depending on the
9 age of the person. If it is a child, then just cane. If it is an -- an adult, they can give
10 you to pray for two weeks and other -- and something like that.

11 Q. [9:50:21] This is quite similar to an answer you gave yesterday, but why would
12 they be punished?

13 A. [9:50:34] Mr President, your Honour, because of the spirit, a love for water, a
14 respect for water because water, according to Joseph, was everything. It was
15 medicine. He -- he used it to cleanse other things, using water sprinkling here and
16 there. So water was actually revered.

17 Q. [9:51:10] Now was there a use for water, say, if UPDF troops were advancing on
18 an LRA position?

19 A. [9:51:26] Mr President, your Honour, Joseph used to send a group of elders with
20 water; they go and sprinkle on the direction, maybe 2 kilometres or 3 kilometres
21 before the camp. They go and do -- perform certain ceremony using water and other
22 things.

23 Q. [9:51:54] Now during your time with the LRA, could you remember an instance
24 where the group in which you were a part of sprinkled water to help or to aid the
25 UPDF in not finding you in your hidden position?

1 A. [9:52:15] Mr President, your Honour, Joseph used to send his prayer team to the
2 directions he used to -- to go and do the same, as I explained to you.

3 Q. [9:52:32] Mr Witness, did you ever have a near miss with UPDF soldiers along
4 the Gulu/Pakwach road right near Karuma?

5 A. [9:52:56] Mr President, your Honour, yes.

6 Q. [9:52:58] Could you please explain this near miss for the Court.

7 A. [9:53:03] Mr President, your Honour, it was from Pakwach Bridge to -- I mean,
8 from Karuma Bridge to Pakwach Road, a group had been sent to lay an ambush
9 because the UPDF were transporting their supplies far north. So when we arrived
10 there, the ambush was laid 5 metres from the main road and there was a route behind,
11 about 7 metres. There was a path the UPDF normally used to patrol the route from
12 Karuma Bridge, 15 kilometres. So we laid down there, waiting for the convoy to
13 come.
14 Then they just passed behind us, walking, laughing. We're just lying a metre away
15 from -- along the road. They were just walking. We lay still. They went. Then
16 they passed. On the way, they came back through the main road, that's farther.
17 There is no problem.

18 Q. [9:54:26] Now, as the UPDF were advancing towards your position, did
19 anybody perform any spiritual ritual or any type of ritual?

20 A. [9:54:39] Mr President, your Honour, the commander had been directed to do
21 that by Joseph.

22 Q. [9:54:51] Do you remember the type of ritual in which the commander
23 performed?

24 A. [9:54:56] Mr President, your Honour, I don't remember, but I know that the
25 usual is water and they use water and a certain type of oil, which you normally carry,

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1 as I told you, you carry, you just go and sprinkle and say a prayer.

2 MR OBHOF: [9:55:25] Your Honour, for the Defence's examination-in-chief, we have
3 no more questions for this witness.

4 PRESIDING JUDGE SCHMITT: [9:55:30] Thank you very much.

5 Mr Ayena.

6 QUESTIONED BY MR AYENA ODONGO:

7 Q. [9:55:40] Nathan, I want to thank you for giving very useful information to
8 Court, but a few questions, maybe one or two I want to put to you.

9 You left in 2000. When you related with the -- I mean, while you stayed with the
10 UPDF -- I mean, with the LRA, did you see Dominic Ongwen there?

11 A. [9:56:12] Mr President, your Honour, I did.

12 Q. [9:56:23] Can you describe to Court the kind of level of performance he was
13 performing when you were there? Was he closely related to planning operations
14 and things?

15 MR GUMPERT: [9:56:42] This is a leading question.

16 PRESIDING JUDGE SCHMITT: [9:56:44] Indeed.

17 Mr Ayena, I think you have asked your question and the witness may answer.

18 THE WITNESS: [9:56:50] Mr President, your Honour, while I was with the LRA, I
19 did recognise or notice many commanders. Dominic Ongwen was a young boy at
20 that time. What I can't remember which brigade he belonged to, but he was a young
21 boy and he commanded something like either a platoon or something like that, but
22 not, not a company. He was a very young officer.

23 MR AYENA ODONGO: [9:57:30]

24 Q. [9:57:32] If you related with him, can you briefly describe to Court what
25 character he was?

1 A. [9:57:43] Mr President, your Honour, I -- we left for Uganda one time with
2 Joseph Kony. As usual, I'm in his convoy, we call -- used to call it a convoy, but
3 I was with the team, the forces who were with Kony most of the time.
4 At one time, Joseph was to go somewhere, a different axis because he used to go and
5 coordinate all the troops and visit and see their performances. I happen to be left
6 under the care of Dominic Ongwen in Uganda. I stayed with him. I ate with him
7 in his unit. It was a small unit. Something like a company, like that. And he did,
8 he cared for me. I didn't see anything bad from him. He was commanding his
9 forces well, until Kony came back. Then he handed me back to the main forces and I
10 went back to Sudan.

11 Q. [9:58:54] That's all.

12 PRESIDING JUDGE SCHMITT: [9:58:55] Thank you very much.

13 Mr Gumpert, does the Prosecution have any questions?

14 MR GUMPERT: [9:59:01] Yes, your Honour.

15 PRESIDING JUDGE SCHMITT: [9:59:05] So please proceed.

16 QUESTIONED BY MR GUMPERT:

17 Q. [9:59:12] Mr Emery, can I clear up your position in the LRA. Yesterday you
18 called yourself a "guest commander". Your Honours, that's at page 78, line 6.
19 What do you mean by a "guest commander"?

20 A. [9:59:37] Mr President, your Honour, a guest commander is a commander who
21 has visited another unit and is not actively involved in the activities of that unit.
22 He's a guest commander.

23 Q. [9:59:56] So at no time were you an operational part of the LRA; is that correct?

24 A. [10:00:07] Mr President, your Honour, no time.

25 Q. [10:00:17] Can we look at tab 17 of the bundle of documents. The ERN is

1 UGA-OTP-0026-0306.

2 Is there any reason why it can't be displayed for the public, since I am going to be
3 asking questions about its details?

4 MR OBHOF: [10:00:59] Your Honour, it was displayed yesterday as well.

5 PRESIDING JUDGE SCHMITT: [10:01:02] Indeed, so I don't see any problem in
6 displaying it today.

7 MR GUMPERT: [10:01:10] Yes. Thank you.

8 Q. [10:01:13] Now, this is a document which you have signed, isn't it?

9 A. [10:01:20] Mr President, your Honour, yes.

10 Q. [10:01:23] And it is a document which records a meeting between yourself and
11 a Sudanese government official; is that correct?

12 A. [10:01:35] Mr President, your Honour, yes.

13 Q. [10:01:39] You were the only representative of the LRA present at the meeting?

14 A. [10:01:46] Yes, your Honour.

15 Q. [10:01:49] And on the last page, with the last four digits 0308, your remarks to
16 the Sudanese government official are recorded, aren't they, just above your signature?

17 A. [10:02:10] Yes, your Honour, but I will explain.

18 Q. [10:02:13] Well, before you explain, let's just be clear about what you said, then
19 you can explain.

20 PRESIDING JUDGE SCHMITT: [10:02:19] Yes, but then we give him the
21 opportunity to explain.

22 MR GUMPERT: [10:02:24] Of course.

23 PRESIDING JUDGE SCHMITT: [10:02:25] Okay. Please.

24 MR GUMPERT: [10:02:26]

25 Q. [10:02:26] You said, amongst other things:

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1 "The position of the Movement towards the government of the Sudan is equally

2 undoubtable. LRM/A..." that stands for Lord's Resistance Movement or

3 Lord's Resistance Army, doesn't it? That's right, isn't it, Mr Witness?

4 A. [10:02:55] Yes, please.

5 Q. [10:02:56] Yes. "LRM/A believes the government is doing her best to support
6 the Movement despite several odds. And I would urge the government to continue
7 doing so till victory is achieved! For LRM/A, the sky is the limit as far as the struggle
8 is concerned -- We as a Movement, are ready to make use of any possible assistance to
9 full advantage."

10 And you ended by saying, "LRM/A for Global Peace, Democracy and Development."

11 And at the very end, "Aluta-Cotina". I think that's the Spanish for "may the
12 struggle continue".

13 A. [10:03:44] You are right.

14 Q. [10:03:45] Those were your remarks on behalf of the LRA, weren't they,
15 Mr Witness?

16 A. [10:03:50] Mr President, can I remark?

17 PRESIDING JUDGE SCHMITT: [10:03:51] Yes, please. Please proceed.

18 THE WITNESS: [10:03:56] Mr President, this is a document I authored on behalf of
19 LRA under the instructions of Joseph Kony. After talking to him and explaining to
20 the director his position, he directed me to write this document. These are his words,
21 but I was writing on behalf of him, because he could not travel to me, the director.
22 So the Sudanese government were in an awkward situation, so he sent me, that "Go
23 and put, this is my position." And this is what I stated yesterday.

24 MR GUMPERT: [10:04:42]

25 Q. [10:04:42] Did you really think that operations such as the abduction of

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1 schoolgirls from the Aboke school, which occurred just before you joined the LRA,
2 were a contribution to global peace, democracy and development?

3 MR OBHOF: [10:05:01] Objection, your Honour. The witness never said he joined
4 the LRA. He said he was attached from the UPF/A.

5 PRESIDING JUDGE SCHMITT: [10:05:08] But he mentioned yesterday this
6 abduction of the children from Aboke, so he may answer to the question.

7 THE WITNESS: [10:05:15] Mr President, your Honour, indeed, when I went to
8 discuss with LRA of possible way of getting us a passage for equipments for UPA, I
9 found Aboke girls had been abducted and this was a concern for both the world and
10 the government of Sudan. So this government of Sudan repeatedly tried to convince
11 Kony to release these girls so that he joins the world of peace, but such efforts were
12 not achieved. So that's why I was involved to try to convince Kony, explain to him,
13 because I was his guest. Look, we in the UPA, we don't abduct people. We recruit
14 able fighters. We don't attack schools. So my mission was through -- Sudan was
15 trying to use me to explain to him that "If you need to be recognised globally, please
16 release these girls".

17 In my opinion, after abducting and refusing to release the girls, does not qualify for
18 global peace. That is my opinion.

19 Q. [10:06:43] And did you share that personal opinion with anyone in the
20 documents we saw yesterday that you wrote?

21 A. [10:06:55] In the documents I have written, Mr President, it is very evident that
22 all I was pushing for was a peaceful conflict resolution, including releasing of the girls,
23 including disbanding forced recruitment and so on and so forth.

24 Q. [10:07:28] Let me ask you the question again, perhaps you can point to a passage
25 where you told, perhaps it was the French ambassador, was it, or persons to whom

1 you reported after you left the LRA, that you disapproved of the LRA's abduction of
2 those girls. Can you do that?

3 A. [10:07:58] I have, Mr President, visited several missions when I was in
4 Khartoum. One of them was the French embassy, after being introduced, and the
5 mission was to go and talk to the French government to put pressure on LRA to
6 release Aboke girls. And indeed, the mission agreed and sent the messages, I went
7 and explained to them. I said, "Look, I have tried talk the leadership of LRA, and if
8 more pressure can be put, because Sudan alone cannot handle this, it would be very
9 useful." So the ambassador in Khartoum even offered to give travel documents to
10 five LRA officials to travel to Paris for the same.

11 Q. [10:08:56] Well, so you say now, Mr Witness. Let's look at tab 16, shall we,
12 which was your letter to the French ambassador.

13 A. [10:09:07] Yes.

14 Q. [10:09:08] Yes. Can you point us to the passage where you were talking about
15 the need to put pressure on the LRA to release the Aboke girls? Can you take us to
16 that passage?

17 A. [10:09:43] Mr President, number one, number one, the purpose of our visit is to
18 follow up the previous visit proposals. Aboke release was one of the proposals, and
19 other achievements, and give the current state of events. Although it is not
20 mentioned here, but those were the proposals we made to the ambassador.

21 Q. [10:10:09] Let's look at another document. Can we turn to tab 13. That's
22 UGA-D26-0010-0248.

23 A. [10:10:39] Yes, your Honour.

24 Q. [10:10:40] That is a document from the LRA political desk which you helped to
25 author, you told us yesterday.

- 1 A. [10:10:48] Correct.
- 2 Q. [10:10:51] Were you being honest when you made your contribution to this
3 document?
- 4 A. [10:11:02] Mr President, honest how?
- 5 Q. [10:11:05] Well, it's your word, Mr Witness.
6 Yesterday - your Honour, the reference is page 100 of the transcript, line 17 - you were
7 asked about a different document. Were you being honest when you wrote it?
8 And your reply was, "I have been honest in everything." So it's your word that I'm
9 asking you about.
- 10 A. [10:11:30] Mr President, this document I help LRA to write was sent to
11 Carter Centre. This was a document sent to Carter Centre. So I was honest.
- 12 Q. [10:11:47] Can we go to the third page, the last four digits are 0250.
- 13 A. [10:11:56] Mm-hmm.
- 14 Q. [10:11:56] And if I may, your Honour, I would like to read --
- 15 A. [10:11:59] Which one?
- 16 Q. [10:12:01] Which one? It's page 0250.
- 17 A. [10:12:05] 250, yes.
- 18 PRESIDING JUDGE SCHMITT: [10:12:07] 250 and I assume --
- 19 THE WITNESS: [10:12:09] Which paragraph?
- 20 PRESIDING JUDGE SCHMITT: [10:12:10] I know, but you tell us, please.
- 21 MR GUMPert: [10:12:13]
- 22 Q. [10:12:13] It's the third paragraph on that page. It begins with the words
23 "Lord's Resistance Movement".
- 24 A. [10:12:21] Yes.
- 25 Q. [10:12:21] It's a slightly convoluted paragraph so if I may, I will read it in whole.

1 It will take a minute or so.

2 PRESIDING JUDGE SCHMITT: [10:12:30] Yes, please.

3 Q. [10:12:32] "Lord's Resistance Movement [LRM/A] do not desire any killings be it
4 political, any murder, any abductions, but if our enemies of not of the same mind, if
5 they can justify genocide, forced conscription into UPDF even at infant age,
6 dictatorship, wild aggression even going so far as attacking, destroying neighbouring
7 countries and claim special privileges in the process, then necessity compels us to
8 challenge this privilege. We know as well as you do that in the past it was the most
9 just who are in the right, in the present it is the most strong. In the past motive is the
10 determining factor, in the present, self-interest. In the past justice is the judge, in the
11 present Movement. In the past, it is the idea, which is decisive, in the present, it is
12 expediency."

13 Mr Witness, what you were telling the Carter Centre was that given the way the
14 Ugandan government had behaved, necessity compelled the Movement, the LRA, to
15 act not on the basis of justice, but of expediency. That's what that paragraph means,
16 isn't it?

17 A. [10:14:32] Mr President, your Honour, I would request his Honour to read and
18 understand what I have written there. Read again and you will digest. It is not the
19 way you are interpreting it. If you want me to interpret it for you, I will do it.

20 PRESIDING JUDGE SCHMITT: [10:14:51] Yes, please do it, because since you might
21 have been the author, we would be interested to hear it from you.

22 THE WITNESS: [10:15:01] All right. I begin reading it again:

23 "The Lord's Resistance Movement [LRA] do not desire killings" you understand that,
24 "be it political, any murder, any abductions, but if our enemies are not of the same
25 mind", if Museveni was not was doing bad things, you see, "if they can justify", we

1 know very well Museveni justified genocide, not only in Uganda, in Rwanda.
2 Forced conscription of people to UPDF, Museveni used child soldiers to achieve
3 power. Dictatorship, his 33 years in power, he has refused to leave power, that's
4 dictatorship. Wild aggression, attacking countries left and right. Having his forces
5 in Sudan. Destroying neighbouring countries. Uganda has a debt of 10 billion in
6 Congo, when he sent his soldiers to loot. And they claim a special privilege in the
7 process of doing all these atrocities.
8 Then, necessity compels us to challenge that privilege. LRA was challenging that
9 privilege Museveni was having, attacking countries, capturing neighbouring, killing
10 neighbouring heads of state and so on.
11 "We know as well as you do that in the past the most just were the right," which is
12 correct. "... in the present it is the most strong." Museveni claims to be strong. He
13 has a huge army and he can do anything to anybody, any neighbouring country; so
14 he claims to be right and strong.
15 "In the past motive is the determining factor, in the present, self-interest."
16 Very correct. Museveni's activities are self-centred. It is not for the interest of
17 anybody. It is for himself. That's why he is existing with a huge army, destroying
18 the region and destroying Uganda.
19 "In the past justice is the judge ..." Very correct. "... in the present, the Movement."
20 Now that is why you fail to interpret this paragraph. This movement is the NRM
21 movement, because Museveni believes this movement has everything to solve all the
22 problems in the region, the LRA movement, not LRM movement, Mr President.
23 PRESIDING JUDGE SCHMITT: [10:18:19] And I think we can leave this now
24 because, as with all documents, they have the advantage that we have a text that is
25 fixed, and in the end it has to be interpreted, if need be, by the Judges.

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1 So I think we can move on.

2 MR GUMPERT: [10:18:48]

3 Q. [10:18:49] You told us yesterday about your observations of the way in which
4 Joseph Kony ran the LRA?

5 A. [10:18:58] Mr President, your Honour, yes.

6 MR GUMPERT: [10:19:01] Your Honours, I am going to refer to a number of
7 assertions made from page 71 of the transcript onwards. Your Honours will
8 probably remember them in broad outline.

9 Q. [10:19:12] You said that Joseph Kony was able to evade being captured because
10 the spirits visited him. That's right, isn't it?

11 A. [10:19:23] Mr President, your Honour, that was his message.

12 PRESIDING JUDGE SCHMITT: [10:19:28] And, Mr Gumpert, when it is -- indeed,
13 when you are citing the transcript, you don't have to ask the witness if it is right
14 because he has said it yesterday.

15 MR GUMPERT: [10:19:40] Your Honour is absolutely right. I shall simply remind
16 the witness of four other propositions.

17 Q. [10:19:46] You said that commanders who disobeyed Kony would be killed or
18 wounded on the battlefield. You told the Court that Kony didn't have a human
19 army council, you said it was the spirits who were dictating his war plans; you told
20 the Court that the spirits would give Kony warning of officers who were going to
21 escape or betray him to the Sudanese. You said he could foretell attacks because of
22 his unique powers and you said that you had personally witnessed the way in which
23 these spiritual powers operated.

24 My question is this: Towards the end of your time, let me use a neutral conjunction,
25 with the LRA, you wrote a number of documents which you kindly provided for us,

1 didn't you?

2 A. [10:20:51] Mr President, your Honour. Maybe I correct him on one of the first
3 two officers who disobeyed the spirit words, not who disobeyed Kony, would be
4 killed in the battlefield. I correct you.

5 Q. [10:21:15] I stand corrected. Now I want to come back to those documents.
6 You wrote the document we have looked at already, a summary of a meeting you had
7 with a Sudanese official in December 1999. That's at tab 17. Yes?

8 A. [10:21:35] Yes.

9 Q. [10:21:36] Then following in chronological order, you wrote to the ambassador
10 of France, that's in January 2000.

11 A. [10:21:47] Yes.

12 Q. [10:21:48] There are just two more, your Honour.

13 You wrote the political desk document we've looked at in May of 2000.

14 A. [10:22:00] Yes.

15 Q. [10:22:02] And then, and I shall refer to this carefully, because it was dealt with
16 in private session, after you left the LRA, you wrote another long document in
17 November of 2000, didn't you?

18 And that's at tab 11, for your Honours.

19 A. [10:22:21] Yes.

20 Q. [10:22:22] When you came to write these various letters and reports, your honest
21 assessment, honest in all things, did you speak of the unique spiritual powers which
22 were operating in the LRA?

23 A. [10:22:42] Mr President, your Honour, these were official documents. I did not
24 need to write to an ambassador to explain the spiritual powers Kony has. I was
25 writing political and necessary, you know, documents, not interpreting the powers.

1 I -- I needed to do that.

2 Q. [10:23:08] But I don't quite understand. You were trying to bring this conflict
3 to an end, weren't you, so you say?

4 A. [10:23:19] Mr President, your Honour, the conflict was supposed to be brought
5 to end peacefully. So there was no need for me to explain either to Carter Centre, the
6 powers, spiritual powers Kony has; rather, explain their need for peaceful resolution.

7 Q. [10:23:41] But you yourself had personally witnessed the problem with that,
8 which was that the LRA wasn't being run on rational, political grounds. It was being
9 run by an army council of holy spirits. Didn't you think that that was some
10 important information for the ambassador of France or for the people you reported to
11 when you finally came out of the LRA?

12 A. [10:24:02] Mr President, it was not necessary.

13 Q. [10:24:06] Well, why is it necessary that the Judges, who are trying to get to the
14 bottom of the truth of this matter should know about it, but you concealed it from all
15 the other people for whom you were writing reports --

16 MR OBHOF: [10:24:20] Objection, your Honour, that is badgering the witness. The
17 witness --

18 THE INTERPRETER: [10:24:24] Your Honour, could the speakers observe the
19 three-second golden rule.

20 PRESIDING JUDGE SCHMITT: [10:24:29] And I think, Mr Gumpert, to use the
21 world "concealed" is -- the witness has given an explanation simply and that is his
22 answer. This is now on the table. You may ask him, why he does think it is
23 important for the Judges here, but that's it. No further -- let me put it this way, you
24 don't have to go further for your question.

25 So please answer the question, Mr Iron. Why do you think this is important here in

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1 the courtroom to present this to the Judges, to the bench?

2 THE WITNESS: [10:25:02] Thank you, Mr President, your Honour. I think in one
3 of the documents I've explained in a statement, which you have, that is the statement
4 which has been -- which will be tabled before the Judges, it explains how Kony had all
5 those powers. So I needed not to write a letter to this Court to explain the same.
6 It's already in my statement.

7 MR GUMPERT: [10:25:31] I will move on.

8 PRESIDING JUDGE SCHMITT: [10:25:32] Yes, I think you -- yes, you don't always
9 get what you like to extract, so to speak.

10 So you are finished with your questioning?

11 MR GUMPERT: [10:25:42] No, I have one last matter -- well, one last series of
12 questions for which we have to go into private session.

13 PRESIDING JUDGE SCHMITT: [10:25:50] For how long? Can you envision that for
14 the audience that they --

15 MR GUMPERT: [10:25:55] It depends on the answers, as always. I am
16 imagining -- forgive the lèse-majesté -- that at the end of this, unless there are other
17 questions, we may take the break before the next witness.

18 PRESIDING JUDGE SCHMITT: [10:26:11] Okay.

19 MR GUMPERT: [10:26:12] So it may be that, for the gallery, this is it until after the
20 coffee break.

21 PRESIDING JUDGE SCHMITT: [10:26:07] Okay.

22 Then we go to private session.

23 (Private session at 10.26 a.m.)

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10 (Open session at 10.34 a.m.)
11 THE COURT OFFICER: [10:34:55] We are back in open session, Mr President.
12 PRESIDING JUDGE SCHMITT: [10:35:02] Do the representatives of the victims have
13 any questions? Mr Manoba?
14 MR MANOBA: [10:35:06] Mr President, your Honours, we do not have any
15 questions for this witness.
16 PRESIDING JUDGE SCHMITT: [10:35:12] Mr Narantsetseg.
17 MR NARANTSETSEG: [10:35:13] No further question, your Honour. Thank you.
18 PRESIDING JUDGE SCHMITT: [10:35:19] (Microphone not activated)
19 The Defence - excuse me - any further questions.
20 MR OBHOF: [10:35:22] No, your Honour. Defence waives its right underneath
21 Rule 40 for this witness.
22 PRESIDING JUDGE SCHMITT: [10:35:28] Thank you very much.
23 So this concludes your testimony, Mr Iron Emory. On behalf of the Chamber I
24 would like to thank you for answering the questions and in assisting the Chamber to
25 establish the truth. We wish you a safe trip back home.

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1 THE WITNESS: [10:35:46] Mr President, thank you for giving me this opportunity to
2 participate in this case so as to establish the truth and justice.

3 PRESIDING JUDGE SCHMITT: [10:35:56] Thank you.

4 (The witness is excused)

5 PRESIDING JUDGE SCHMITT: Now this concludes also the hearing for today.

6 We resume tomorrow at 9.30 with D-74.

7 THE COURT USHER: [10:36:09] All rise.

8 (The hearing ends in open session at 10.36 a.m.)