

Trial Hearing  
WITNESS: UGA-D26-P-0087

(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 Monday, 8 October 2018  
9 (The hearing starts in open session at 9.32 a.m.)  
10 THE COURT USHER: [9:32:43] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:33:13] Good morning, everyone.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:33:19] Good morning, Mr President, your Honours.  
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus  
16 Dominic Ongwen, case reference ICC-02/04-01/15.  
17 And for the record, we are in open session.  
18 PRESIDING JUDGE SCHMITT: [9:33:33] Thank you.  
19 I ask for the appearances of the parties.  
20 Mr Gumpert, please.  
21 MR GUMPERT: [9:33:39] Your Honours, Ben Gumpert for the Prosecution. With  
22 me today, Adesola Adeboyejo, Pubudu Sachithanandan, Beti Hohler, Julian Elderfield,  
23 Grace Goh, Hai Do Duc and Kamran Choudhry.  
24 PRESIDING JUDGE SCHMITT: [9:33:52] Thank you.  
25 And for the Legal Representatives of the victims, Mr Manoba.

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- 1 MR MANOBA: [9:33:56] Good morning, Mr President, your Honours. With me  
2 today, James Mawira, Anushka Sehmi and myself, Joseph Manoba.
- 3 PRESIDING JUDGE SCHMITT: [9:34:05] And Ms Massidda, please.
- 4 MS MASSIDDA: [9:34:07] Good morning, Mr President, your Honours. For the  
5 common Legal Representatives team today, with me, Mr Orchlon Narantsetseg,  
6 Ms Caroline Walter and myself, Paolina Massidda.
- 7 PRESIDING JUDGE SCHMITT: [9:34:21] Thank you very much.  
8 Today's witness is Mr James Okot -- I was too quick indeed, yes, Mr Obhof has the  
9 floor first.
- 10 MR OBHOF: [9:34:33] Thank you, your Honours. My name is Thomas Obhof,  
11 assistant to counsel. Today with me is Ms Abigail Bridgman, Mr Tibor Bajnovic,  
12 counsel Krispus Ayena Odongo, Chief Charles Achaleke Taku, Ms Beth Lyons and of  
13 course our client, Mr Ongwen is in Court today.
- 14 PRESIDING JUDGE SCHMITT: [9:34:54] Thank you very much.  
15 And now we turn to the examination of Mr James Okot Ojwiya.  
16 Mr Witness, on behalf of the Chamber I would like to welcome you in the courtroom.  
17 Good morning again.
- 18 WITNESS: UGA-D26-P-0087  
19 (The witness speaks Acholi)
- 20 THE WITNESS: [9:35:11] (Interpretation) Good morning, and thank you very much  
21 for welcoming me.
- 22 PRESIDING JUDGE SCHMITT: [9:35:13] I will now read out the solemn  
23 undertaking, Mr Witness, that every witness has to take when they appear before this  
24 Court, so please listen carefully.  
25 I solemnly declare that I will speak the truth, the whole truth and nothing but the

- 1 truth. Do you understand and agree with the solemn undertaking, Mr Witness?
- 2 THE WITNESS: [9:35:40] (Interpretation) Yes, I accept.
- 3 PRESIDING JUDGE SCHMITT: [9:35:42] Thank you. You have now been
- 4 sworn in.
- 5 Before we start with your questioning, I have a few practical matters for you. You
- 6 know that everything we say here in the courtroom is written down and interpreted
- 7 and to allow the interpreters to follow your examination, everyone, including you,
- 8 has to speak slowly and clearly at a relative slow pace and if you want to address the
- 9 Chamber, you can raise your hand and then I will give you the floor.
- 10 Thank you very much for the moment, and I assume there are indications that
- 11 Mr Obhof will make the questioning for the Defence.
- 12 MR OBHOF: [9:36:26] Thank you, your Honour, that is correct.
- 13 QUESTIONED BY MR OBHOF:
- 14 Q. [9:36:39] Good morning, Mzee.
- 15 A. [9:36:49] Good morning.
- 16 Q. [9:36:52] Could you please provide the Court with your full name.
- 17 A. [9:37:02] My name is Ojwiya James Okot. I repeat, my name is Ojwiya James
- 18 Okot. I am 65 years old.
- 19 Q. [9:37:23] Mr Witness, what is your current line of work?
- 20 A. [9:37:36] Currently I am seeing -- trying to solve conflicts that happens within
- 21 the community. I do reconciliation on land conflict and certain conflicts that require
- 22 that people reconcile. That's what I do.
- 23 Q. [9:38:09] Now, how long have you worked in this profession, sir?
- 24 A. [9:38:20] It's about five years now.
- 25 Q. [9:38:25] Now, Mr Witness, starting back in your earlier days when you were

1 younger, say in your twenties, what did you do for work then?

2 A. [9:38:43] When I was still a young man, after finishing my education, I got a job  
3 as a storeman in a hospital. Later because of the conflict, I fled to Sudan. I lived  
4 there for some time and returned when it was a little more peaceful. I came back to  
5 Uganda and did not go back to my job. I started doing farming. And up to now,  
6 I was farming until I was elected by the clan leaders to be a conflict resolution expert  
7 within the clan, especially in regard to land conflict. Thank you.

8 Q. [9:39:52] Now, Mr Witness, you said you fled to Sudan because of the conflict.  
9 Could you explain to Court which conflict you are referring to in this instance?

10 A. [9:40:09] The conflict that made me flee for the first time was during Amin's  
11 regime. I fled and went to Sudan from 1972 and returned to Uganda in 1979. And  
12 then the conflict, the most recent conflict which happened in Uganda, I was already in  
13 Uganda. Up to now, we are still going through the post-conflict situation.

14 Q. [9:40:58] When you returned after the Idi Amin era, what was your life like say  
15 between 1979 and 1985?

16 A. [9:41:19] Life became very difficult because I was unemployed. I didn't have  
17 anything to hang on to. I had to do peasantry farming so that I could be able to put  
18 bread on the table. Life was difficult. From then up to 1988, when this conflict  
19 started, I was very vulnerable in so many ways. We also suffered a lot during the  
20 conflicts that took place in Uganda.

21 All the wars that took place in Uganda, civilians are the ultimate victims. What  
22 they -- whatever they ask you for something, you must accept that yes, I have. If, for  
23 example, they ask for cassava, you have to give them and they will not pay you for it.  
24 If you have chicken, they will take your chicken. If you have cattle, they will take  
25 your cattle and you will not be compensated for it. That happened for a long time.

1 It was protracted for a long time. These are the things that kept happening in our  
2 area. It made us vulnerable. We became poor.

3 Q. [9:42:47] Now, thinking of the -- around 1986 to 1988, what happened to the  
4 people of Acholi when the National Resistance Army marched to northern Uganda?

5 A. [9:43:12] At that time horrible things happened in Acholiland. First there was  
6 forced abduction which happened to go and fight. On the other hand, the  
7 government was forcefully evicting people from their original villages, you should  
8 leave your original village and go to a camp. These are the horrible things that  
9 happened for a long time.

10 We were not free at all. In 1988 -- or, rather, by 1988, all the animals that were in  
11 Acholi were forcefully taken away by government because they claimed that those  
12 who owned animals such as goats, sheep and cattle, you were still helping the rebels.  
13 People became so poor and were moved to the camps and starting relying on food  
14 handouts from organisations.

15 That is not the only thing that happened. The most painful thing is that when your  
16 property is forcefully removed and doesn't give it back to you, people were so angry.  
17 People got so angry. And up till now the animals that were forcefully taken away  
18 from the Acholi community has not been compensated. Only few people were  
19 selectively compensated. Most of the victims were not compensated.

20 Even the rebels, those who were fighting in the bush committed so many crimes, such  
21 as abduction, beating people, but this happens whenever there is war. A situation of  
22 war always brings suffering to the local community, all the civilian. So we had that  
23 problem that we suffered.

24 Right now we are looking for how to solve the problem that befell us, how do we  
25 view this as elderly people, how do we solve the conflict. These are some of the

1 things that were happening.

2 Q. [9:45:59] Now, Mr Witness, at the beginning -- I should say just after the  
3 overthrow of the government by the National Resistance Army, where were you  
4 living?

5 A. [9:46:20] I was living in Pabwo. I was in Pabwo when the government was  
6 overthrown then. I was in Pabwo.

7 When so many splinter groups started showing up, there was a group led by  
8 Okello Okeno, there was the group led by Alice Lakwena, then the government also  
9 had their own group. All these are armed military groups and we suffered in the  
10 hands of these groups. You have to choose a side so that you can at least get some  
11 protection from the side you've selected.

12 And, indeed, as someone who was really mature, the group of Okeno asked me to  
13 coordinate them with the civilian population so that they can have food and easy life.  
14 I did that. I did that and they got defeated, they were weakened.

15 But we coordinated them with the government, and they surrendered to the  
16 government so that at least peace prevails. That is when the late Walter Ocora and  
17 others, including Kilama, we brought them back and there was some relative peace,  
18 because we had only one group that we had now brought back to the government.  
19 But this did not happen as expected.

20 What was important was to bring the two forces together. But other people wanted  
21 other things, those are some of the problems that we went through after the  
22 reconciliation between the rebel group I was coordinating and the government.  
23 There was another force which were still in the bush then. That is the Lord's  
24 Resistance Army.

25 The LRA abducted me and they asked me what I was doing. I explained to them

1 clearly, and I got injured in my abduction. They used a spear to pierce my feet.

2 I was whipped using a machete on my back. And I stayed with that injury in the  
3 bush for one week.

4 When I found an opportunity, I decided to escape, because I thought they would kill  
5 me. I tried my level best to escape, and I managed to return home.

6 When I returned home, I left my village of origin and came to the town centre. Up  
7 till now I live in the town centre. My homestead, which was in the village, I had to  
8 abandon it. When people were brought to the camps in the town centre, I lived  
9 together with them and I continued staying in the township. Those are some of the  
10 problems that we went through.

11 Now, it depends on how the owner of the homestead looks after his homestead.

12 There are bound to be problems. If you don't take care of your household well, the  
13 rebels will come and enter your household.

14 When we came to town, we had lost all the animals. When we were abducted and  
15 brought to the barracks, we persevered, but we had no animals anymore, together  
16 with other people like the late Odiya. Then people like Adimola and together with  
17 us, we were released after four months and taken back home. So after we were  
18 released, we decided we were not going back to the village of origin. That's where  
19 we stayed in town and indeed we continue staying there up to now.

20 PRESIDING JUDGE SCHMITT: [9:51:24] Thank you, Mr Witness.

21 When did that happen? When were you abducted? Do you know the year?

22 THE WITNESS: [9:51:40] (Interpretation) It was in 1989.

23 PRESIDING JUDGE SCHMITT: [9:51:44] I think, Mr Obhof, the witness has covered  
24 also some of the areas that you wanted to entertain. So he has a little bit facilitated  
25 your work, I would assume, but please continue.

1 MR OBHOF: [9:51:57] That's why I let him keep speaking.

2 PRESIDING JUDGE SCHMITT: [9:52:01] No, no. Absolutely, me too, as you have  
3 seen.

4 Please continue.

5 MR OBHOF: [9:52:04]

6 Q. [9:52:04] Now, you mentioned Okello Okeno earlier. Which group did he  
7 lead?

8 A. [9:52:15] They were part of the 80 brigade of the UPDA.

9 Q. [9:52:24] Now, you stated you worked as a coordinator. Specifically how did  
10 you receive that position?

11 A. [9:52:42] I said I was abducted. When I was abducted and taken to the bush,  
12 they asked me, "If we send you back home, how will you help us? Will you  
13 coordinate us so that we can get food supplies? Can you go back to your community  
14 and be our ally?"

15 I requested them to let me go back home, because I was already weak, and I cannot  
16 live in the bush. "So if it comes to things like requesting the community to give you  
17 food, then I can work for you." That is how I went back home.

18 Q. [9:53:23] During your time as a coordinator, did you meet or talk to any other  
19 coordinators within the UPDA?

20 A. [9:53:43] There were other groups with whom we were coordinating.

21 Q. [9:53:54] During your time with the UPDA, did you ever coordinate with the  
22 Black Battalion group?

23 A. [9:54:05] I do not know that battalion. I have just heard about it now. I'm  
24 hearing it for the first time.

25 Q. [9:54:27] Now during either time of your abductions, either with the UPDA or



1 with the LRA, did you ever encounter Joseph Kony?

2 A. [9:54:53] No, I never encountered Joseph Kony. I never saw him. The person  
3 who abducted me from Kony's group is Taare. He's from Pangora. I was abducted  
4 and taken to him, and then he inflicted the pain on me. Later on I escaped from  
5 them and came back home. He was called Taare, he comes from Pangora.

6 Q. [9:55:30] Now you mentioned earlier today that the UPDA stopped fighting.  
7 Now were there any issues with the 1988 peace agreement between the government  
8 and Walter Ocora?

9 A. [9:56:02] There were indeed problems, because there are bound to be problems  
10 whenever negotiations take place. When we tried to talk to the group of Walter  
11 Ocora and Kilama and other people, people like Walter Odoc also, we encountered a  
12 problem, and there was a conflict even before they came to negotiate with the  
13 government. When half of that group came to negotiate, they took part of the group  
14 that had been brought and were taken to Mbale, to Moroto and other places.  
15 Now, the people who were still remaining in the bush feared for their lives, because  
16 they did not know who they will come to since their commander was no longer with  
17 them. That brought a bit of fear to the group of those of Ocora who were still  
18 remaining in the bush. Not only that, it did not take more than a year when that  
19 group, the first group returned and Kilama was killed. There was doubt from those  
20 who were still remaining in the bush, and they feared to come back home. They said  
21 that now that our commander has been killed, how will we survive? And, indeed,  
22 that happened as you said.

23 Q. [9:57:41] Now, those people who stayed in the bush, did they join any other  
24 groups or did they eventually return home like you did?

25 A. [9:58:03] Most of them returned. We were coordinating them with those who

1 were within the town so that they can be helped and they come together. We were  
2 able to get most of them back. There was no one among the group of those of Okeno  
3 that remained in the bush.

4 Q. [9:58:30] Now what about Odong Latek, do you remember who Odong Latek  
5 was?

6 A. [9:58:40] I remember Odong Latek. They were -- he was part of those who  
7 were fighting together with those of Okello, but he was abducted by the rebels of  
8 Lakwena. When they abducted Okeno, even Odong Latek was abducted. When  
9 those of Ocora went and confronted then and was able to rescue Okeno he did not  
10 come back. That is what I know about Odong Latek.

11 Q. [9:59:28] Mr Witness, did the government of Uganda, did you ever hear about  
12 the government using ajwaki to try to defeat and find Joseph Kony?

13 A. [9:59:54] I heard that. And some ajwakis also used to say, so that they can find  
14 an ajwaka who is more powerful than the spirits of Kony so that he can capture the  
15 spirit of Kony and Kony is himself found. I heard that.

16 MR OBHOF: [10:00:23] Your Honour, if we could go into a private session for one,  
17 maybe two questions at the most.

18 PRESIDING JUDGE SCHMITT: [10:00:29] And then shortly to private. Thank you  
19 for indicating how long it will last.

20 Private session.

21 (Private session at 10.00 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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(Private Session)

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- 1 (Redacted)
- 2 (Redacted)
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- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Open session at 10.03 a.m.)
- 18 THE COURT OFFICER: [10:03:06] We are back in open session, Mr President.
- 19 MR OBHOF: [10:03:13]
- 20 Q. [10:03:15] Mr Witness, did anyone ever admit to giving Joseph Kony an olwedo
- 21 leaf?
- 22 A. [10:03:37] They tried. The elders tried, cultural leaders tried, but nobody
- 23 supported that. The elders under the chiefs went to Odek, but nobody admitted that
- 24 they did that. So they did try.
- 25 Q. [10:04:07] Mr Witness, you mentioned a person by the name of

1 Andrew Adimola earlier. Where did you meet this person?

2 A. [10:04:22] Adimola was selected as one of the leaders. I met him while I was in  
3 prison. He is now deceased. We had been arrested together and we were in the  
4 barracks.

5 Q. [10:04:44] Mr Witness, which government entity arrested you?

6 A. [10:04:59] The current government.

7 Q. [10:05:04] I'm sorry, I wasn't being specific enough. Were you arrested by the  
8 police or by the military?

9 A. [10:05:18] Military. The military people who were on patrol, they were looking  
10 for people who had livestock, they are the ones who went and collected us all and  
11 brought us with the late Odiya. The commander who did that is now deceased as  
12 well. Opoka Dwong, he was the one who led that group that went to rustle cattle in  
13 Achwa.

14 Q. [10:05:55] And you mentioned earlier that you were arrested for about four  
15 months. Did you spend this whole time arrested in the military barracks?

16 A. [10:06:14] We were in the barracks for two months. We were then taken to the  
17 prison and they kept us in the prison for two months. The fifth week we were  
18 released and all collected and taken back to the barracks, and we were told that today  
19 you are going to be released because we cannot find you guilty of any crime. At the  
20 time that they were supposed to be released Wasswa was the brigade commander in  
21 Gulu at the time. When we were told that they want to release us, I raised up my  
22 hand and said, "Okay, now you want to release us, there is nothing that we've done.  
23 All our documents have been destroyed. What are you going to do about the  
24 documents that you've destroyed? Are you going to give us any documentation for  
25 us to go with -- to go back with?" And they said, "Yes, we are going to do this, but

- 1 this will be done by the RDC."
- 2 After that they took about 45 people, they would take them to the police. At the
- 3 police they started accusing these same people of crimes of causing public disorder.
- 4 When I heard them, while we were still at the barracks, I told them, I said, "Could you
- 5 please inform the RDC and ask him to come. What kind of public disorder have
- 6 these people committed?" Because they had said that they were going to write them
- 7 a letter. These people wanted money so that they could take -- the parents could
- 8 take the money to the police and then the letters would be written on their behalf.
- 9 Opira, who was the assistant RDC, came to me and I told him, I explained this to him.
- 10 He went and he witnessed it, came back and said this is happening. So he came, he
- 11 spoke to Wasswa, and then everything started to going to his office, everything was
- 12 directed to his office. This is what happened.
- 13 The problems that happened were extensive. If you're listening to this as a Court,
- 14 please listen to this with the purpose of trying to unify people with the spirit of
- 15 forgiveness and the spirit of unification. This is extremely important and I would
- 16 like you when you come to assess the evidence, then do this as well. People do
- 17 commit crimes, people do bad things, but people also forgive. If somebody does
- 18 something bad against you, you forgive them. If you do something bad against
- 19 somebody else, they are supposed to forgive you as well. Thank you.
- 20 Q. [10:09:11] Mr Witness, this time that you were arrested and spent time at both
- 21 the barracks and the civilian prison, around which year was this?
- 22 A. [10:09:33] 1989. 1989. This happened perhaps around November. And in
- 23 February, that's when we were released. Towards the end of November, and in
- 24 February we were released.
- 25 Q. [10:09:56] Now how were you treated when you were in the civilian prison?

1 A. [10:10:17] That's a good question. When you are a prisoner, you are not treated  
2 well, you are mishandled, you are beaten, you're mistreated. And those are some of  
3 the things that happened to us. You do not have any voice, you do not have any  
4 rights. You have to follow exactly what you are being told to do in order to protect  
5 your own life.

6 Q. [10:10:47] Were you treated the same way at the military barracks?

7 A. [10:10:55] At the military barracks we probably were close to losing our fingers  
8 because we had to uproot grass. That was one of the punishments that we were  
9 given, you had to uproot grass. Irrespective of how hard the soil was, you had to  
10 uproot it. When we were sent to collect maize, if they send you at 10 a.m. we come  
11 back at around 6 p.m. That's the soldiers -- that had been farmed for the soldiers, so  
12 we would have to go and collect them.  
13 If we were given a task of loading things from the lorry, irrespective of whether or not  
14 you are capable or whether or not you had the strength to do that, we had to carry a  
15 hundred-kilo bags of beans from the lorry and take it in. So we were mistreated in  
16 several different ways.

17 Q. [10:12:02] You mentioned how you were eventually released. Was there a time  
18 during your imprisonment in which a large group of around 45 to 50 people were  
19 released?

20 A. [10:12:26] Yes. The people that were initially released, when they told us that  
21 we were going to be released, there were so many of us in the quarter guard we did  
22 not have any space to sleep. The quarter guard was extremely full. Some of us had  
23 to stand. You would stand and sweat. On the day that they told us we were going  
24 to be released, they told us that you're going to be released in different groups. We  
25 are going to split you up into different groups, people going to Anaka, people going

1 to Patiko, people going to Odek are all going to be separated into different groups.  
2 So that's why I went with the question, "If you are going to release us and put us into  
3 different groups, how about the documents? We do not have our documents.  
4 What are you going to do about that?"  
5 And yes, indeed, they did take 49 people and these people were supposed to be sent  
6 to Anaka. These people got into the lorry to head to Anaka. The rest of us stayed  
7 behind.  
8 That evening, the evening that these people were sent to Anaka, during the night  
9 government intelligence came and asked me, they asked me, "What do you have on  
10 your person?" Different soldiers, different soldiers came and asked me, "What do  
11 you have on your person?" And I told them, "I don't have anything. Yesterday I  
12 told you that if you are going to release me I would like to walk and go home on foot.  
13 I did not want to go by -- to go home on lorry, because if you are going to put me onto  
14 a lorry, that means that you're not going to release me. You don't have the intention  
15 of releasing me."  
16 I told that to the brigade commander in the presence of Lakari, Captain Obola who  
17 was -- who is also from Pabwo. I told them. And that's why, when something  
18 happened along the way, they came back and they asked me. These people, they  
19 came and told us that these people died, they perished. They do not know how it  
20 happened.  
21 The rest of us who had stayed behind, when we heard about it we were extremely  
22 aggrieved and sad by that, and I believe it was for those reasons that he decided to  
23 take us to the office of the RDC, and I believe these are some of the things that we  
24 went through while we were in the barracks.  
25 Q. [10:15:14] Who specifically told you that the people who were taken by lorry to

1 Anaka were killed?

2 A. [10:15:28] The intelligence. There were so many people who were kind-hearted  
3 people, people who had good intention. There were government intelligence who  
4 were among us. Some of the RPs that were taking care of us, they would come and  
5 ask us "What is it that you have on your person? You know, yesterday, what you  
6 said yesterday to the -- to the commander would have helped people. If they had  
7 followed what you told them and taken people to the RDC and then taken people  
8 home, it would have been helpful." They are the ones who told me. I cannot  
9 mention their names because I do not know their names.

10 Q. [10:16:16] When you were eventually released were you offered a ride?

11 A. [10:16:27] I walked. I walked. As I stated, I walked from the barracks to the  
12 office of the RDC. When I got to the office of the RDC I was given a letter and then I  
13 walked, I walked back home. I did not get a lift. Nobody took me by car  
14 anywhere.

15 Q. [10:16:48] Mr Witness, we're going to move a little bit into your current work  
16 now. Now, Mr Witness, your work in your interclan disputes, is that with  
17 Ker Kwaro Acholi?

18 A. [10:17:08] Yes, it is.

19 Q. [10:17:11] Now, are your skills limited to disputes between your own clan  
20 members, or do you handle interclan disputes?

21 A. [10:17:36] I do not only handle my clan disputes, it's interclan disputes.  
22 Because if it's in Koch, I am called, I would go to Koch, mediate. If I'm called to  
23 Palaro, where there is conflict, I will head to Palaro. It could be in Lamogi, we will  
24 go and resolve the problem. So those are some of the things that I do. It's not only  
25 limited to where I am or to my clan. I work with all clans in order to create



1 unification. Where there is a problem we sit down, we sit down and discuss, we  
2 mediate. According to the Acholi, when there is a problem, mediation is the key.

3 Q. [10:18:31] Mzee, you say when there were problems, now what type of problems  
4 have you dealt with over these past five years?

5 A. [10:18:50] One of the problems that we have been extremely aggrieved by is  
6 death, the killings in the jungles, in the bushes. You would find people have been  
7 arrested or abducted, taken to a particular hill and killed. When women or hunters  
8 go out you come across bones, bones that have not been buried. So if you come  
9 across these bones you have to come and report this, then they have to find a goat. If  
10 two goats are needed, then you have to find one for the female sex and one for the  
11 male sex because you do not know the number of people that have been killed. If it  
12 relates to women, they will tell the women here are your -- here is your goat. The  
13 men, here is your goat. We want to bury your bones so that you do not bring bad  
14 luck to the people who have come across you. The people who came across you do  
15 not know what happened to you. They do not know the -- do not know what befell  
16 you. So it's used to cleanse, to cleanse that particular land. Thank you.

17 Q. [10:20:19] Now, Mr Witness, what is gemo?

18 A. [10:20:41] Thank you for that question. In Acholi when people talk about  
19 gemo -- I will give you an example. When there is measles, if people are affected by  
20 measles in a particular place, they refer to that as evil spirits. Because when people  
21 are infected by measles it kills a lot of people, you do not know who brought the  
22 measles, you do not know how people have become infected, and that's referred to as  
23 an evil spirit. So as the elders, elders sit down and discuss what can we do about  
24 this problems with the measles, and then the elders will sit down and discuss and try  
25 to come up with a solution to cleansing the measles. And that is an example of a bad

1 spirit or evil spirit that has befallen a home. Deaths that are unexplained are known  
2 as deaths caused by evil spirits.

3 Q. [10:21:47] Mzee, is there anything significant about the Cero-Leno on the  
4 Kampala-Gulu highway?

5 A. [10:22:04] Well, as I said earlier, that cleansing the area or cleansing land if there  
6 has been a death, or something bad has occurred; for example, in that area there were  
7 accidents constantly taking place, then the elders will come together and sit and  
8 decide to cleanse that particular area so that deaths and accidents no longer occur in  
9 that area. They did that perhaps in respect to a death or killing that had happened at  
10 Cero-Leno in the past. So the evil spirits are in that area, so when the evil spirits  
11 affect somebody or possess somebody, it causes accidents. And when they go and  
12 they cleanse the area, then they call that cleansing of the area. And that happened at  
13 Cero-Leno.

14 Q. [10:23:13] When would moyo ot be performed?

15 A. [10:23:20] Moyoyo ot, or the cleansing of a house, this is how it would happened:  
16 For example, I killed somebody and then I ran and entered into another person's  
17 house. By running into somebody's house after killing somebody I've taken the  
18 person's spirit that I killed into that person's house, so they have to cleanse that house.  
19 If somebody dies from injuries, then they have to cleanse the person as well. If, for  
20 example, the person has an accident or the person has been stabbed in the bush and  
21 the person dies, then you carry that dead body and bring that dead body home.  
22 Then they have to cleanse that person so that the spirits of that person do not hang  
23 around or do not stay in the house to disturb the occupants of that particular house.  
24 And that's what is referred to as cleansing of the house.

25 Q. [10:24:28] What is the difference between moyo and tumu in terms of spirits?

1 A. [10:24:48] When we talk about moyo ot or cleansing, it's about death. When we  
2 talk about tumu, tumu, for example, as a male person you've picked up food and  
3 you've thrown food at your wife, then they have to perform a ritual to make that good.  
4 If as a man you go to your parents' bedroom and open the door where they are  
5 sleeping, then they have to perform some rituals to make that good as well. And  
6 that's what it is. If you or if any man or woman becomes drunk and goes and poops  
7 in the house because they are drunk, then they also have to perform a ritual, a ritual  
8 to cleanse that. So tumu and moyo, there is a difference between the two.

9 Q. [10:26:01] Mzee, how does tipu become cen?

10 A. [10:26:07] A spirit -- if, for example, I've been killed, I'm upset or I'm aggrieved  
11 by being killed, the anger that I have as a result of being killed, my spirit will not die;  
12 my body will die, but my spirit will not die. My spirit will say if you have -- that  
13 you have killed me, I'm going to avenge my death. So my spirit will then go and  
14 avenge itself, it will go and kill somebody from your household. It would kill your  
15 child. It will kill a member of your family. It will kill a member of your clan. And  
16 that is what is referred as cen.

17 The spirits that have become extremely evil, for example, you killed, you killed a  
18 disabled woman, the person is unable to protect themselves, the person is pleading,  
19 "Why are you killing me, I haven't done anything," but you still go ahead and kill that  
20 person, then you will be possessed by cen. That is in Acholi -- that's what happens  
21 in Acholi. The reason why I am informing you this, why I'm talking about this, is to  
22 ensure that there is a difference between cen, which is an evil spirit, and then spirits,  
23 spirits that want to be avenged. Those are cen.

24 Acholi will say I will go and curse you in front of a shrine, that's when they go in  
25 front of the shrine and curse the spirits, or to -- then the spirits, the spirits will come

1 out and tell you what it is that they want. So when you go and ask for olwedo, for  
2 example, earlier on you asked something about the olwedo leaves, the question  
3 would be who or which clan took the olwedo leaves and gave it to Kony. So when  
4 they say cen, cen refers to somebody who has been killed without fault. If you kill  
5 somebody who has not done anything to you, in order for the cen to stop possessing  
6 people or harassing people, then they have to do something to unify those people. If  
7 I kill somebody from Lango, then the Langi have to be in, and me, the person who  
8 committed the crime, we have to go through a ritual in order for us to become as one  
9 again. That's how it works in Acholi.

10 Q. [10:29:01] Now in this ritual how does culu kwor play into it?

11 A. [10:29:18] I say culu kwor, which is like payback. If there is a death, if  
12 somebody has killed another person, that person has to admit to their mistake, they  
13 have to admit to whatever it is that they have done. So if you admit that I've done  
14 something wrong, then they have to compensate the other person in order for you to  
15 become unified. When they do that, when they compensate person, it's not  
16 necessarily money to the clan, it's not necessarily money to the person who has died,  
17 but that money that has to be paid, if there is -- they have to buy, for example,  
18 livestock, they have to buy a cow, they have to buy something that they can use to  
19 pay at the bride price. When that woman has a child, if you are a man then the  
20 person will be named after you. If the person who was killed was a woman, then  
21 they will have to name that child as -- they have to name that child in that women's  
22 name, and this is in order to compensate or to pay back. And they use this as a  
23 remembrance, and these are some of the things that are extremely important in Acholi.  
24 It's in order to unify people. They do this in order to unify people.  
25 If they decide that I've killed somebody or somebody is dead, let's leave it, let's not do

1 anything about it, then that's likely to create more problems, it's likely to cause more  
2 problems in the future.

3 Q. [10:31:12] Mzee, could you explain to Court what moto oput is?

4 A. [10:31:21] I said that in the process of reconciliation, that's when the moto put  
5 comes in. In the process of compensation, that's when oput comes in. So if, for  
6 instance, I am to compensate for the death of my wife, then the family members of my  
7 in-laws will come and then, together with my families, will be brought together to go  
8 through this process. So all the ingredients for the oput will be brought together, put  
9 in a small calabash. The who sides will kneel down and bow to take the oput  
10 concoction together at the same time. The whole idea is to, you know, to bring  
11 harmony, to bring unity, so that each one will go back, you know, in a more amicable  
12 way. They will bring the saucepan, the remains, the hard stuff of the food, the bread  
13 which was made and it has remained in the saucepan. That hard remain of the  
14 bread will be given to both sides and they will eat. They will exchange the food that  
15 was cooked together. One side will take the food from the other side, and in that  
16 exchange it is an indication and it is a testimony that today we have reconciled and  
17 we have sorted out the differences that came.

18 So each kind of compensation relates to a particular death that occurred. If, for  
19 instance, you accidentally kill someone, the compensation is also different. If, for  
20 instance, you kill someone intentionally, it also has a different form of compensation.  
21 All this is documented.

22 If, for instance, your wife dies accidentally or, for instance, you took your wife to the  
23 hospital and your wife died as a process, let's say of childbirth, that you do not pay as  
24 a compensation. All -- for instance, if you haven't married your wife officially, all  
25 you do is take some little money to the family of your wife, for example, could be five

1 cows. If this person was a young girl who was not yet fully married, then, for  
2 example, you could give eight cows as a process. And this is basically what  
3 happens.

4 Q. [10:34:28] Now, Mzee, is there a time limit or an expiration date on cen, or can it  
5 continue throughout the generations?

6 A. [10:34:40] Well, there is, there is no time that cen will be -- will cease to be.  
7 Because the spirits do not die. It is only our body that dies. So if you have not fully  
8 resolved the reason for that cen to exist, then it will continue to exist. But if you have  
9 resolved, you have compensated, you have provided what is required to do, then it  
10 will stop to exist. And when the ritual is performed and the spirit is appeased and  
11 will say, "Okay, thank you, you have already compensated me and I'm now happy,"  
12 the spirit will also tell its people that, "Okay, my people, I think I am now happy, let  
13 everything now remain as it is."

14 Q. [10:35:42] Mr Witness, what is orongo?

15 A. [10:35:54] Well, this now, we are getting into how a particular person really  
16 performs their different tasks or roles.

17 When we speak about orongo, orongo is the animal spirit. When the hunter, if, for  
18 instance, you kill a leopard, lion, you kill such wild animals, those are the animals  
19 that are said to have the orongo spirit. So when you kill those wild animals then you  
20 will see the spirits of those animals come to possess you. Sometimes you will see the  
21 wild -- a lion or a leopard because you have killed it. So what happens is the process  
22 requires that you are taken to the wilderness so that the ritual is performed from the  
23 wilderness.

24 If someone who is said to be possessed by the orongo spirit, if this person goes to  
25 hunt in the wilderness, the person will go and kill that animal and will return. Once

1 the person goes to the bush he will not return minus the animal that he has gone to  
2 hunt for. So he has a very powerful spirit that each time he goes to the wilderness to  
3 hunt he will come back with an animal.

4 So I just want to break and put it in short that the orongo spirits are spirits of wild  
5 animals that, you know, that would possess a person and, in some instances, a person  
6 who is possessed by orongo, for instance, at night you will just jump, wake up in the  
7 middle of your sleep, you will think you have seen maybe a wild animal or there is a  
8 leopard which is coming when it is not true, it is just that the spirit is already in you.  
9 So once you go to the bush or to the wilderness to hunt, you will certainly come back  
10 with an animal.

11 Now, orongo is --

12 PRESIDING JUDGE SCHMITT: [10:38:37] I think, Mr Witness, I that that's enough  
13 on this issue. We should move to another one. Because it's not about the spirits of  
14 Kony, for example, so this would be of course perhaps of more interest, if you move  
15 from the general questions of the spirits that exist to the specific question what this  
16 might be -- might have to do with Kony and how they are related to Mr Kony.

17 I think that that is especially what the Defence wants to elicit information.

18 MR OBHOF: [10:39:08] I really think you can read minds because you're always  
19 guessing our next line -- approach.

20 PRESIDING JUDGE SCHMITT: [10:39:16] Please move on.

21 MR OBHOF: [10:39:18]

22 Q. [10:39:19] Mr Witness, what role does an ajwaka play in northern Uganda?

23 A. [10:39:27] Witch doctors, the witch doctors, who are referred to as ajwaki in  
24 Acholi, their major roles are to see that any spirits of -- related to death, let's say death  
25 spirits that is affecting or possessing a young boy or a young girl, they will assess and

1 find out what kind of spirit is affecting this young girl or young boy. So they will  
2 find out what the spirit is looking for and what the spirit requires to be done. And  
3 then a particular remedy or a particular ritual is performed. So those are the roles  
4 that the witch doctors will perform.

5 But also, their role and their work depends on the strength of a particular spirit that  
6 they are possessed with. There are some spirits that cannot actually work on cen.  
7 All the witch doctor will do is just to assess and find out that this lady or this young  
8 man is possessed by this particular spirit, and all that you do is just to either get a  
9 chicken or a goat and then you cast away the spirits.

10 But there are some witch doctors who can actually work on the bad spirits and they  
11 can actually exorcise those spirits. For example, those are the spirits that, bad spirits  
12 that possessed Kony, and they can be able to tell you that so-and-so is planning  
13 against you. And this spirit can even tell you that right now some people are talking  
14 with my name, or they will tell you that there's a group of people who -- in a very  
15 short time we are going to be attacked from where our location is. But those are the  
16 spirits, those are the kind of spirits that are -- ordinary witch doctors back home  
17 cannot manage to exorcise, and that is why in the cultural institution of Acholi it has  
18 been difficult for these Kony spirits to have been handled.

19 If I give an example of the Second World War, which was where Hitler, you know,  
20 conducted and did all the actions. He died, and even up to now no one knows  
21 where he is. Because whenever he is going to fight, whenever he is going to the  
22 battlefield, something comes to him and tells him "Please leave this place," and he  
23 goes. So every time that the Allied forces come to attack him he would not be found  
24 at a particular place where he is. So we also think that a person like that with a very  
25 high level of IQ, is it God given or how is this mind, how is this IQ made of?



1 Because if you look at a person like Kony, right from the beginning of the insurgency  
2 up to now, there has not been any success in apprehending Kony. If there was any  
3 effort that have been put together, the world has, you know, come together to try and  
4 see that this conflict is resolved, but it is not possible. So we don't know what kind  
5 of spirit is really driving Kony, how it is helping him. So this is where the spirits  
6 that Kony has has really put the whole thing in jeopardy. So this is briefly what  
7 I can say.

8 Q. [10:43:52] Thank you, Mzee.

9 Whose responsibility, as you've mentioned about bad spirits, whose responsibility is  
10 it to make sure that the jok is not used for harmful purposes?

11 A. [10:44:23] Well, in my own opinion, even when I am back home at the  
12 Ker Kwaro Acholi, I still talk about the same thing, that if we had information that  
13 there is someone who has those bad spirits that hurt people, such a person should be  
14 dealt with, because there is no reason someone to possess or to have things that hurt.  
15 So for us the way I see is that people who have, the medicine men who have certain  
16 things that help, for example, in Buganda in Uganda, they have things that are called  
17 kifaru. These ones, when they send it to someone, it will go and attack somebody,  
18 go and hurt somebody, that is not good. But someone who has the good spirit, for  
19 example, if you have a hunchback, and you go to a witch doctor, and he will give you  
20 medication to cure you of the hunchback, that one is good.

21 The second one also is if you have a woman who is barren and is looking for a child,  
22 and she goes to a witch doctor and is given medication to cure the barrenness, that is  
23 okay. Those are the spirits that we want.

24 If a man is impotent and goes to a witch doctor to seek for a remedy, those are the  
25 good spirits that we will want. But here you have people who look for all sorts of

1 bad spirits. People are going to Zambia to look for bad spirits. People go to find  
2 different ways of getting spirits that hurt people. This is not what we want.  
3 So right now in Gulu we are trying to go through one by one to find out which witch  
4 doctor is actually working and using spirits to hurt people. And once we find them,  
5 we call them to the cultural institution and sit them down and warn them.  
6 I want to make an addition. When people were in the camp, there was a witch  
7 doctor what came from Karuma. That woman, once she comes to your house, your  
8 house will burn, your house will be set on fire. Every time she comes to a house, the  
9 house will get burnt. So this woman was followed up, and she was apprehended,  
10 because her actions were actually punishing people.  
11 So those are the kind of things that us as elders, we are not in support of. So these  
12 are just some of the examples of the good spirits and then the bad spirits, for example,  
13 the ones that Kony is possessed with, which has not brought us any happiness, it has  
14 just instead given us, you know, a lot of problem.  
15 I gave examples of Hitler, where he died, no one knows. But he had killed people,  
16 because people, you know, would go to fight from Africa, they are taken to fight in  
17 the World War, and they would die, and some of them would not come back. This is  
18 the same thing right now happening with Kony. You are abducted, you are taken  
19 there. When you die, you die, if you die there, what is going to happen?  
20 So all we want now, to see that people who are innocently dying, this should be  
21 stopped, and those ones who have been innocently killed should be compensated and  
22 rituals performed so that those bad spirits are stopped immediately.  
23 Q. [10:48:23] Mr Witness, does a person choose to become an ajwaka?  
24 A. [10:48:36] Well, you cannot select or choose to be an ajwaka, you just become  
25 possessed by the dead spirits. Those are the spirits, it is those spirits that will now or

1 as I explained earlier, they will now look for which are the good spirits that should be,  
2 you know, received and which are the bad ones that should be exorcised.

3 So there are those spirits that will come and speak and say: Look, I came to provide  
4 and guide you to get herbs that should help you, to get herbs for preventing or for  
5 treating poisoning or medication for treating diseases. So those are the things that  
6 will now be sorted out.

7 But you cannot accept to be possessed with somebody's spirit because, because it is  
8 not possible. But once the condition comes, you will be forced to accept it, because it  
9 will start bringing a lot of sickness upon you, it will start doing so many other bad  
10 things or disturbing you, so that is why at the end of the day it has to come to a witch  
11 doctor to resolve it.

12 Q. [10:50:04] Mr Witness, where do these spirits that eventually attach to somebody  
13 before, when they become an ajwaka, where do these spirits live before they attach  
14 themselves to a person?

15 A. [10:50:25] I mentioned that the spirits live in the wilderness. They live in the  
16 forest, on the mountains. They live at the banks of large or big water bodies.  
17 Sometimes I think they live in those big trees in the wilderness. If, for instance, you  
18 go to the mountainside, and maybe that's where they are hiding, you only now realise  
19 that something is disturbing you. And when you come back, you come when you  
20 are already possessed, because you don't see them, you don't see those spirits. So  
21 you only find you are possessed and that's it.

22 Q. [10:51:15] Can you buy jok from other parts of the country?

23 A. [10:51:38] I mentioned that there are some people who are bad hearted and they  
24 work to hurt people. There are some herbs that someone will tell you "Take this, go  
25 and plant it in your home, it will bring you wealth." That's why you hear that some

1 people go to the underworld, the underwater to receive those things. So you go  
2 when you go to look for such kind of things, when you bring it home, it will start  
3 asking you: Now that you've brought me here, now I want you to do for me this, A,  
4 B, C. So this is what is happening in some places, looking for wealth which you  
5 have not worked for.

6 PRESIDING JUDGE SCHMITT: [10:52:46] Mr Obhof, do you think this would be the  
7 time for a break because I have also a short issue to address.

8 MR OBHOF: [10:52:53] Yes, I think maybe.

9 PRESIDING JUDGE SCHMITT: [10:52:55] I have the impression that we are moving  
10 relatively fast, but of course you know better.

11 MR OBHOF: [10:52:59] Yes, that is correct. I think a break right now, we would be  
12 finished in the first 5 or 10 minutes of the next session.

13 PRESIDING JUDGE SCHMITT: Yes.

14 MR OBHOF: But just so we can collect our thoughts.

15 PRESIDING JUDGE SCHMITT: [10:53:09] Yes, yes. (Microphone not activated)

16 Before we go into the break, I would like to shortly address an issue that has been  
17 arising last week. It's about the anticipated testimony summaries. Those

18 anticipated testimony summaries are designed to facilitate the Chamber's

19 understanding of the calling party's upcoming evidence preparation and for the  
20 non-calling party's preparation.

21 The Chamber hopes therefore and expects that the anticipated summaries for Defence

22 witnesses are a meaningful reflection of what information the Defence seeks to elicit

23 from them. So the Defence is encouraged to provide more detailed summaries

24 whenever this is necessary and to do so with enough advance notice to facilitate the

25 preparations of others.

1 The Chamber is of the opinion that this is enough to simply do it this way and say we  
2 encourage and no directions in that respect. I think it's simply about adjusting to  
3 this new situation and it's also about -- we are talking about the expected time for the  
4 questioning. It's perfectly normal that at the start of a party's case, so to speak,  
5 things have to evolve, you have to get adjusted to the whole thing. So it's not a  
6 problem at all when you perhaps go a little bit too high. I think when we look back  
7 at the Prosecution case there was a similar thing.

8 But the witness summaries should not be a straightjacket, that is also perfectly clear,  
9 we need flexibility. But nevertheless, the purpose of such summaries is really that  
10 the Chamber and the non-calling party can prepare themselves. So this purpose  
11 should be served by the summary. These are just words to encourage.

12 We have now the break until 11.30.

13 THE COURT USHER: [10:55:23] All rise.

14 (Recess taken at 10.55 a.m.)

15 (Upon resuming in open session at 11.34 a.m.)

16 THE COURT USHER: [11:34:45] All rise.

17 PRESIDING JUDGE SCHMITT: [11:35:01] Mr Obhof, you still have the floor.

18 But there is obviously a new person here on the Defence side you can perhaps  
19 introduce.

20 MR OBHOF: [11:35:20] Sitting next to my left, the new person is Ms Bethany Adam.  
21 She is one of our interns.

22 PRESIDING JUDGE SCHMITT: [11:35:29] Thank you. Please continue.

23 MR OBHOF: [11:35:29] Your Honour, I'm sorry we had to come back from lunch, we  
24 discussed it and we are going to close the Defence's direct examination of the witness.

25 I would also like to wish everyone in Uganda, a day early, a very happy

Trial Hearing  
WITNESS: UGA-D26-P-0087

(Open Session)

ICC-02/04-01/15

- 1 Independence Day.
- 2 PRESIDING JUDGE SCHMITT: [11:35:45] Indeed, we know this. Thank you.
- 3 Any questions by the Prosecution?
- 4 MR GUMPERT: [11:35:50] No, your Honour.
- 5 PRESIDING JUDGE SCHMITT: [11:35:51] By the Legal Representatives of the
- 6 Victims?
- 7 MR MANOBA: [11:35:56] None, your Honours.
- 8 PRESIDING JUDGE SCHMITT: [11:35:58] Ms Massidda?
- 9 MS MASSIDDA: [11:36:01] No questions, your Honour.
- 10 PRESIDING JUDGE SCHMITT: [11:36:03] Thank you very much.
- 11 So, Mr Witness, this concludes your testimony. On behalf of the Chamber I would
- 12 like to thank you for coming to this Court and helping us to establish the truth. On
- 13 behalf of the Chamber I wish you a safe trip back to Uganda. Thank you again very
- 14 much.
- 15 (The witness is excused)
- 16 PRESIDING JUDGE SCHMITT: [11:36:25] This concludes also the hearing for
- 17 today and we resume in, I think in two-weeks' time on 22 October, 9.30 normally,
- 18 with D-18, as I understand it.
- 19 Thank you very much everyone. Thank you.
- 20 THE COURT USHER: [11:36:41] All rise.
- 21 (The hearing ends in open session at 11.36 a.m.)