

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 Monday, 22 October 2018
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:53] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:32:11] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:32:21] 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: [9:32:35] Thank you.
19 I ask for the appearances of the parties. Mr Gumpert, for the Prosecution first,
20 please.
21 MR GUMPERT: [9:32:42] Good morning, your Honours. Ben Gumpert for the
22 Prosecution. With me today, Pubudu Sachithanandan, Adesola Adeboyejo,
23 Colleen Gilg, Julian Elderfield, Hai Do Duc, Jasmine Suljanovic, Grace Goh, and I'm
24 very sorry to say that I have made inadequate preparation with the regard to the lady
25 who sits at the back of the court.

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- 1 PRESIDING JUDGE SCHMITT: [9:33:05] But I think she can -- I don't know if she
2 has a microphone. She can tell her name.
- 3 MR GUMPERT: [9:33:09] She can speak for herself.
- 4 PRESIDING JUDGE SCHMITT: Yes.
- 5 MS DE LEEUW: [9:33:17] Your Honours, my name is Laura de Leeuw.
- 6 PRESIDING JUDGE SCHMITT: [9:33:20] Thank you very much.
7 And for the representatives of the victims, Mr Manoba first.
- 8 MR MANOBA: [9:33:25] Good morning, Mr President your Honours. Joseph
9 Manoba with Mr James Mawira, Anushka Sehmi and Maria Radzijowska.
- 10 PRESIDING JUDGE SCHMITT: [9:33:33] Thank you.
11 Mr Sachithanandan -- oh, no, no, no. Mr Narantsetseg. My god, no, this -- I don't
12 want to mix parties and participants here. Please.
- 13 MR NARANTSETSEG: [9:33:46] Good morning, Mr President, your Honours.
14 Today the team of Common Legal Representatives is represented by
15 myself, Orchlou Narantsetseg, and Ms Caroline Walter. Thank you.
- 16 PRESIDING JUDGE SCHMITT: [9:33:55] There might only be that the syllables are
17 the same, but nothing else.
18 Then for the Defence, please.
- 19 MR OBHOF: [9:34:02] Good morning, your Honour and Judges. My name is
20 Thomas Obhof. With us today for the Defence is Inshuti Zirimwabagabo,
21 Krispus Ayena Odongo, Abigail Bridgman, Beth Lyons, Roy Titus Ayena,
22 Chief Charles Achaleke Taku, Tibor Bajnovic, and our client Mr Ongwen is in
23 court today.
- 24 PRESIDING JUDGE SCHMITT: [9:34:29] Thank you, Mr Obhof.
25 And the Defence is now calling Witness D-18 as its next witness and we turn to his

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1 testimony.

2 Mr Iron, good day. You are going to testify before the International Criminal Court.

3 On behalf of the Chamber I would like to welcome you to the courtroom.

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5 (The witness speaks English)

6 THE WITNESS: [9:34:46] Thank you, Mr President.

7 PRESIDING JUDGE SCHMITT: [9:34:48] Mr Iron, there should be a card in front of

8 you with a solemn undertaking every witness has to take when they appear before

9 this Court. Would you please be so kind to read this card out aloud.

10 THE WITNESS: [9:35:01] I solemnly declare that I will speak the truth, the whole

11 truth and nothing but the truth.

12 PRESIDING JUDGE SCHMITT: [9:35:08] Thank you very much. You have now

13 been sworn in.

14 Let me explain to you some practical matters you should have in mind when you give

15 your testimony. I think you are aware that everything you say here is written down

16 and interpreted, and to allow the interpreters to follow your testimony, you have to

17 speak slowly and you have to wait until you have been asked the questions to start

18 with the answer.

19 If you have any questions yourself, you can raise your hand, then I will give you

20 the floor.

21 Thank you for that and we will start now your testimony.

22 And I assume Mr Obhof has the floor.

23 MR OBHOF: [9:35:51] You assumed correctly, your Honour.

24 QUESTIONED BY MR OBHOF:

25 Q. [9:35:59] Good morning, Nathan.

- 1 A. [9:36:00] Good morning, your Honour.
- 2 Q. [9:36:05] Could you please tell the Court your full name.
- 3 A. [9:36:11] President, your Honours, I'm called Nathan Iron Emory.
- 4 Q. [9:36:21] When were you born?
- 5 A. [9:36:23] I was born 18 February 1959.
- 6 Q. [9:36:29] And where were you born?
- 7 A. [9:36:32] I was born in Uganda, Katakwi in Soroti district.
- 8 Q. [9:36:45] Mr Witness, is that where you spent your adolescent years?
- 9 A. [9:36:48] Correct.
- 10 MR OBHOF: [9:36:54] Your Honours, if we can go into private session for one
11 question, please.
- 12 PRESIDING JUDGE SCHMITT: [9:36:57] Yes, we go to private session for this one
13 question.
- 14 (Private session at 9.37 a.m.)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Open session at 9.37 a.m.)
- 25 THE INTERPRETER: [9:37:50] Mr President, could the witness wait a few seconds

1 before he responds to the questions.

2 PRESIDING JUDGE SCHMITT: [9:37:57] Mr Iron, I think you have heard it. Yes, if
3 you perhaps wait a little bit until you start with your answer. But that happens to
4 everyone here in the courtroom.

5 THE WITNESS: Thank you.

6 PRESIDING JUDGE SCHMITT: And there are some, including the Presiding Judge
7 here, who also tend to speak sometimes too quick. So this happens. No problem.

8 THE WITNESS: [9:38:16] Thank you, President.

9 PRESIDING JUDGE SCHMITT: [9:38:18] Please continue, Mr Obhof.

10 MR OBHOF: [9:38:23]

11 Q. [9:38:24] Now why do you live outside of your home, your birth country of
12 Uganda?

13 A. [9:38:31] I live outside my country because of the political problems in my
14 country.

15 Q. [9:38:47] Now, Mr Witness, in your statement - which I will call his statement
16 today if I use it past this point - which is UGA-D26-0010-0204 on the first page, the
17 name Nathan Opolot appears. Could you please tell the Court who Nathan Opolot
18 is?

19 A. [9:39:16] That was my first name, a name in my family. But my academic and
20 other documents I use Nathan Iron Emory.

21 Q. [9:39:39] Now, did you graduate from secondary school?

22 A. [9:39:44] I did.

23 Q. [9:39:49] And what was your first employment, your first job after graduating?

24 A. [9:40:01] After graduating I was employed in Office of the President.

25 Q. [9:40:09] And what specifically did you do for the Office of the President?

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1 A. [9:40:18] I was doing VIP protection.

2 PRESIDING JUDGE SCHMITT: [9:40:26] May I shortly. We are speaking of which
3 person when you say "the President".

4 THE WITNESS: [9:40:39] Thank you, President. I was serving the UPC
5 government of Dr Milton Apollo Obote.

6 PRESIDING JUDGE SCHMITT: [9:40:49] Thank you.

7 MR OBHOF: [9:40:52]

8 Q. [9:40:53] In which year did you start serving?

9 A. [9:41:03] 1981. Immediately after the elections of 1980.

10 Q. [9:41:11] Now, as a VIP protection agent what was your very specific position?
11 Did you have a title?

12 A. [9:41:27] I was the comptroller of the State House.

13 Q. [9:41:35] Now, did you receive any special training after having this position?

14 A. [9:41:45] Mr President, I have undergone various trainings. I did VIP
15 protection in North Korea. I did karate in China. I did another course in India.
16 And then, eventually, the last course I did in Monduli, Tanzania.

17 Q. [9:42:12] Let's start off with North Korea. How long did you -- were you
18 trained in North Korea?

19 A. [9:42:22] Mr President, nine month.

20 Q. [9:42:27] And for India and China, respectively, how long were you trained in
21 each of those places?

22 A. [9:42:36] Six months for India.

23 Q. [9:42:39] How long for China?

24 A. [9:42:40] China, China was one year.

25 Q. [9:42:45] Now, Mr Witness, you also mentioned Tanzania. Where were you

1 trained at in Tanzania?

2 A. [9:43:01] I was at Monduli Cadet Academy in Arusha.

3 Q. [9:43:14] Now all this time you were training, that they were building your
4 intellect on military tactics, who was guarding the president?

5 A. [9:43:28] Mr President, before I left for North Korea, we did a basic course in
6 Uganda where we established a unit called the Presidential Protection Unit. That
7 unit had a number of troops which I left behind because I was going for command
8 position.

9 Q. [9:44:05] Now when you went to North Korea, were there any other guards
10 from a foreign country which were on loan to the Government of Uganda?

11 A. [9:44:18] Yes, Mr President. We had a presidential -- VIP Protection Unit of
12 President Mwinyi -- I mean, President Nyerere of Tanzania was seconded to State
13 House, Entebbe.

14 Q. [9:44:53] Now, how long were you training at Monduli in Tanzania?

15 A. [9:44:57] Mr President, two years. October 1984 to 1986, April.

16 Q. [9:45:08] How many Ugandans were in this military academy training with you
17 at this time?

18 A. [9:45:20] Mr President, we had six from Office of the President and we had 17
19 from the regular UNLA; totalling 23.

20 Q. [9:45:44] What type of reputation did Monduli Military Academy have in '84 to
21 '86?

22 A. [9:45:56] President, Monduli is a highly recognised international academy which
23 trains highly qualified, and train you in military combat, discipline, everything.

24 Q. [9:46:26] Now, who was in power in Uganda when you went to Monduli?

25 A. [9:46:31] When I left for Monduli, my president was in power, Dr Apollo Milton

1 Obote.

2 Q. [9:46:45] Now during those two years that you spent at Monduli, were there any
3 changes in the Ugandan government?

4 A. [9:46:56] Yes, Mr President. In July of the following year, 1985, suddenly the
5 government was overthrown by the rogue military officers in UNLA.

6 Q. [9:47:19] Now, were these military officers in the UNLA, were they still in
7 power when you graduated in April 1986?

8 A. [9:47:30] Mr President, no, they were overthrown within six months.

9 Q. [9:47:45] Mr Witness, who is Major Jakaya Mrisho Kikwete? I'm sorry if I
10 mispronounced that.

11 A. [9:47:58] Mr President, Major Jakaya Mrisho Kikwete was my political
12 commissar at Monduli.

13 Q. [9:48:15] Now, did you receive any information about the political situation
14 from Major Kikwete while at Monduli?

15 A. [9:48:31] President, yes. After the overthrow of our government in July 1985,
16 we were following every progress and development until January 1986, when
17 Museveni captured Kampala. I was invited to his office, the office of Major Jakaya
18 Mrisho Kikwete, who was our political commissar, and also a lecturer in political
19 science at the academy. And he told me, "There are changes in your country. First
20 one was the one of July last year, now we have another change of government in
21 Uganda." And that the rebel leader by then, Yoweri Museveni.

22 Q. [9:49:45] Did he tell you what was happening on 11 February 1986?

23 A. [9:49:55] Mr President, your Honours, yes. He told me that, on the 11th, the
24 new government in Uganda has organised a regional conference for regional leaders
25 in the Great Lakes Region to take place at Entebbe.

1 Q. [9:50:24] Did Major Kikwete offer to do anything for you and the 23 officer
2 cadets from Uganda that were at Monduli?

3 A. [9:50:39] President, your Honours, yes. He volunteered and asked me, "Look,
4 your course is ending in the next two month. My president is going to Entebbe, plus
5 President Habyarimana of Rwanda, Mobutu Sese Seko of Zaire, Abdul-Wahab of
6 Sudan, and then Ethiopian leader, Arop Moi of Kenya. So we want, if you have
7 a request to go back home, because it is -- it's your own volition. If you finish the
8 course, if you want to go back home, my president can deliver the message to
9 President Museveni.

10 Q. [9:51:28] Now, did you have -- and I find this funny because Kikwete ended up
11 becoming President of Tanzania, so I keep wanting to say "President Kikwete". Did
12 major -- did you give a message to Major Kikwete to have him convey through the
13 then president of Tanzania?

14 A. [9:51:54] President, your Honours, I did. I wrote a handwritten message to the
15 new leadership in Uganda explaining our situation, that we are about to finish our
16 course and we want to return to our country. So I wrote the message to
17 President Museveni, and my political instructor, Major Jakaya Mrisho Kikwete,
18 offered to accompany, because he was in the CCM hierarchy. So he was to
19 accompany President Mwinyi to Entebbe, he carried the letter and he -- they
20 delivered the letter to Museveni at Entebbe.

21 Q. [9:52:43] What is CCM?

22 A. [9:52:46] CCM is Chama Cha Mapinduzi. It's a ruling party in Tanzania.
23 Chama Cha Mapinduzi.

24 Q. [9:53:05] Now this handwritten letter that you had delivered, did you receive
25 a response back?

1 A. [9:53:14] President, your Honours, I did.

2 Q. [9:53:22] What did that letter that you received back state?

3 A. [9:53:26] The letter I received was written by one President Museveni, saying he
4 had received my letter and he has no objections for us to return to our country since
5 we have been students outside, we have never fought them. Those who were
6 willing to join them can do so. Those who are not willing, can go and seek their own
7 life elsewhere. And then he continued and said, "For this, for me and to honour you
8 people, I'm sending my army commander to attend your graduation."

9 Q. [9:54:21] Mr Witness, because you stated about how the president noted that
10 you were outside the country when the rebellions happened, were you specifically,
11 and the other cadets, were you loyal to a specific president or to the country of
12 Uganda?

13 A. [9:54:42] Mr President, though I worked in office of the president, but the
14 loyalty was for the country.

15 Q. [9:55:08] Now you mentioned that Museveni, President Museveni was going to
16 send somebody to your graduation. Who did President -- specifically
17 President Museveni send?

18 A. [9:55:22] President, your Honours, he sent commander Muhwezi. I can't
19 remember his other name. Jim, Jim Muhwezi -- not Jim Muhwezi, no. Not Jim
20 Muhwezi. It's --

21 PRESIDING JUDGE SCHMITT: [9:55:44] I think, Mr Obhof, you can put the name to
22 Mr iron, if you may.

23 THE WITNESS: [9:55:54] He's a one-eyed general. He was the first army
24 commander of NRA.

25 MR OBHOF: [9:56:01] Elly --

- 1 THE WITNESS: [9:56:03] Elly Tumwine. Correct, yes, your Honour.
- 2 MR OBHOF: [9:56:06] The description really gave it a way. I can see the sun is in
3 your eyes.
- 4 PRESIDING JUDGE SCHMITT: [9:56:15] No, no, but I already indicated that we
5 perhaps can close the curtains a little bit so that we are -- I think we are sort of on the
6 spot at the Bench but not too much of it.
- 7 MR OBHOF: [9:56:29] As we would say, you are in the hot seat right now.
- 8 Q. [9:56:34] Now, Mr Witness, did General Tumwine, did he speak to the new
9 graduates?
- 10 A. [9:56:43] President, your Honours, Tumwine arrived in the morning in
11 a chartered Uganda Airlines plane. He was ushered into the academy graduation
12 ceremony. Thereafter the graduation we had lunch with President Mwinyi and
13 other invited guests. And we were put, you know, we were in groups, were people
14 from Mozambique, cadets from Mozambique, Angola, Nigeria, India. Ugandans
15 were put, were put with our -- Museveni's army commander on one side of it. Then
16 he spoke to us, yes.
- 17 Q. [9:57:33] What did General Tumwine tell you?
- 18 A. [9:57:40] President, your Honour, he assured us of our safety once we go back to
19 the country, and he said he is coming in a chartered plane ready to go with us.
- 20 Q. [9:57:57] Now when did you travel back?
- 21 A. [9:58:22] President, your Honours, once you graduate from Monduli, you leave
22 the same day, we left at 5 o'clock the same day.
- 23 Q. [9:58:36] And did you take that same chartered plane?
- 24 A. [9:58:41] Mr President, your Honours, yes.
- 25 Q. [9:58:46] Now were you received or addressed by any Ugandan official when

1 you returned back home to Uganda?

2 A. [9:59:01] Mr President, your Honours, upon arrival at Entebbe, we were driven
3 to Kampala, we were in a bus with escorts to republic house, republic house was a
4 headquarter -- military headquarters of the UNLA, which were now taken by NRA
5 rebels. President Museveni came and addressed us at 9 o'clock the same day.

6 Q. [9:59:40] Now, Nathan, what was the message given to you by
7 President Museveni when he spoke to you and the cadets?

8 A. [9:59:53] President, your Honours, Museveni was repeating the same message
9 he sent in the letter that "Those of you who wish to join us are free to do so. Those
10 who don't want, can go and live their own life. But those who are going to join us
11 must undergo political education for four months".

12 Q. [10:00:22] Now for, and I'm sorry, I said cadets earlier, for the new officers, how
13 long were they given to make this choice?

14 A. [10:00:37] President, your Honours, we arrived in Uganda on Thursday and
15 Museveni told us that this programme for political education will start on Sunday, so
16 we were given from Thursday, Friday, Saturday, Sunday to make your choice.

17 Q. [10:01:02] And of those cadets, those former cadets, now officers, who came
18 from Monduli, how many returned?

19 A. [10:01:11] Except about four who didn't return, the rest returned.

20 Q. [10:01:26] Now when you were told by President Museveni about the
21 four-month political education and ideology training, what did you think that meant?

22 A. [10:01:44] When he told us about political education, we knew it is
23 a normal -- because in the military, there's a department of political education, so we
24 thought it was a normal political education. So me, being the leader of the group, I
25 assured my fellow colleagues officers that, no, let's just do -- go and attend this thing

1 and see happens thereafter.

2 Q. [10:02:14] Did you ever come to find out what happened to those four
3 gentlemen who did not return?

4 A. [10:02:22] Mr President, some of them -- one died later, the rest just ran out of
5 the country.

6 Q. [10:02:38] Now in your opinion, was the decision to join the NRA and undergo
7 this political re-education, was this voluntary?

8 A. [10:02:52] Mr President, your Honours, it was voluntary, but when I arrived at
9 the place for political education became something coerced.

10 Q. [10:03:14] And you can read my mind because that's where I am going next.
11 Just let our friends catch up.

12 Now where were you taken for this political re-education?

13 A. [10:03:33] Mr President, your Honours, when we arrived back at republic house
14 on Sunday, after Museveni giving us -- you know, he gave us some money on
15 Thursday to go just hang around Kampala, make a decision. So when we came back,
16 we got the bus, everything, we were taken to Masaka. Masaka is a town
17 north -- southwest of Kampala.

18 Q. [10:04:06] Now the place you were taken in Masaka, is there anything significant
19 about this place?

20 A. [10:04:19] Mr President, your Honours, yes. That is the place I used to frequent
21 because it was a country residence for the vice-president of the Republic of Uganda,
22 Paulo Muwanga.

23 Q. [10:04:41] Now what were the conditions at this so-called political re-education
24 facility?

25 A. [10:05:01] Mr President, your Honours, driving from Kampala to Masaka is

1 about, in a bus about three hours, we arrived there at about 8 o'clock. Before we
2 arrived we got numerous roadblocks, rings of roadblocks, the whole facility had been
3 ringed up, about five roadblocks from the time we entered. When we entered inside
4 we found something appalling, you know, we got -- officers dying, the captured
5 officers of former UNLA soldiers, you know, officers. They were lying on ground,
6 no accommodation, no food, macheted. The corpses were everywhere. So
7 the cadets, my colleagues refused get out of the vehicle, you see. And the place was
8 manned by small children, you know, with guns, which Museveni called kadogos,
9 you know, children, you see.

10 So I talked to the commander who was transporting us, I told him, "Please, we are
11 coming for political education, is this the place you are bringing us for political
12 education? Is this the school? What is happening here?" And that commander
13 was called -- he was lieutenant in UNLA, Lieutenant Mushabe. I told him, "No, we
14 cannot stay here. This is not what we agreed with the president. He told us we are
15 coming for political education, but this is a detention camp." You see. Because I
16 managed to get some officers who -- from the north who I could speak with them in
17 Luo or my native language Ateso. I realise, no, we are here in prison.

18 Q. [10:07:21] Now, about how many, if you had to estimate, how many people
19 were at this, would you say, a detention facility in Masaka?

20 A. [10:07:37] President, your Honours, there are over 750 former military officers.
21 Some of them told me they were not captured. Some were captured. Some just
22 joined NRA, but then they were signalled out and then arrested and taken there.

23 Q. [10:07:57] Now this Lieutenant Mushabe, what did he do when you lodged
24 a complaint with him?

25 A. [10:08:07] I talked to him, I told him, "Can you please radio call Elly Tumwine?"

1 Tell him the other officers have declined the facility." So I cannot force them, they
2 have refused to get out of the vehicle, so he decided to radio call Tumwine.

3 Q. [10:08:35] And what did Tumwine tell Mushabe? Or, at least what was
4 conveyed to you by the lieutenant?

5 A. [10:08:46] President, your Honours, I was informed, if that is so, we proceed
6 westwards to Mbarara.

7 Q. [10:09:06] Now what is -- at that time what was in Mbarara?

8 A. [10:09:15] President, your Honours, much as I know, Mbarara was 34 battalion
9 of the UNLA. It is a barracks. When we arrived in Mbarara, more shocking news
10 and scene. The barracks is large, but we found there over 15,000 children of eight to
11 15 years, 15/16, kept there. All of them ferried from Northern Uganda, Eastern
12 Uganda, where NRA was fighting the former UNLA soldiers.

13 Q. [10:10:06] And when you said - just so we have the transcript proper - when you
14 said ferried from Northern Uganda, Eastern Uganda, you meant ferried from both
15 Northern Uganda and --

16 A. [10:10:20] Eastern Uganda, yes.

17 Q. [10:10:25] Now what, other than having over 10,000 child soldiers, what were
18 the conditions of this new training facility that you arrived at?

19 A. [10:10:45] Mbarara, we were the first officers to arrive there, with all those
20 children there, the conditions were worse sanitation is not there, the buildings are
21 dilapidated, no health facilities. There were just instructors who were
22 sleeping -- NRA instructors who were sleeping in beautiful houses, but these children
23 were just in holes, nothing to cover, little food. Sickness was there, diarrhoea,
24 everything. Name it.

25 Q. [10:11:32] Now, how were these, the children, being trained at the

1 34th barracks?

2 A. [10:11:44] Mr President, your Honours, each child had been asked to get a stick,
3 like a gun. So they were training them, basically, how to fight using sticks. They
4 were training them as soldiers.

5 Q. [10:12:10] Now, when you were there, where did you sleep?

6 A. [10:12:18] Our group were given -- because in the barracks of Mbarara there is
7 what we call officers' quarters, there's a junior officers' quarters, and then privates,
8 you know. So we are staying at the privates' quarters next to the main hall, where
9 the purported -- political education was supposed to take place.

10 Q. [10:12:51] Now with the -- not including the 20 or so officers that you came with
11 that were at Monduli, where were the officers that you were with, the 34th army
12 barracks, where did they hail from?

13 A. [10:13:11] Mr President, they -- the other group of officers were drawn from
14 various units; intelligence, command, and then we had others for education. They
15 were all from various tribes, it was not only one tribe, because we had Acholis, there
16 were the Langis, the Karamojong, the Banyankole, Baganda, and the Basoga.

17 Q. [10:13:46] Now, how long were you at the 34th barracks?

18 A. [10:13:54] Six month. Six months. Yes, from April to October. Six months.
19 That was '86.

20 Q. [10:14:10] Now, did you graduate?

21 A. [10:14:16] President, your Honour, I declined to take that course myself. But
22 others took, and they graduated.

23 PRESIDING JUDGE SCHMITT: [10:14:27] May I shortly.

24 Did you have an opportunity to talk with one or several of these soldiers, these young
25 soldiers that you spoke of?

1 THE WITNESS: [10:14:40] President, your Honours, correct.

2 PRESIDING JUDGE SCHMITT: [10:14:44] And what did they tell you? How did
3 they get there, for example?

4 THE WITNESS: [10:14:50] President, your Honours, these are children - when NRA
5 was advancing in the east and north, pursuing the elderly people, these children were
6 left in the villages, scattered in the bushes, so they just collected them like animals,
7 loaded them into trucks and transported them to Mbarara. They were abandoned by
8 fleeing parents.

9 PRESIDING JUDGE SCHMITT: [10:15:15] Thank you.

10 Please continue.

11 MR OBHOF:

12 Q. [10:15:18] Now at this -- how many, if you could estimate, about how many of
13 these students, these kadogos graduated from this so-call training facility in Mbarara?

14 A. [10:15:40] President, your Honours, they were about 15,000. Because, by the
15 time of graduating, the -- Museveni appointed 1,500 officers to command them.

16 Q. [10:16:03] Now at this graduation, were there any Ugandan officials present?

17 A. [10:16:14] At Mbarara graduation - because there are two graduations - at
18 Mbarara graduation it was Museveni and his cousin General Salim Saleh, who was
19 the director of combat operations, and Commander Chihandae, who was a director of
20 training. Those were the only people who were there in Mbarara.

21 Q. [10:16:47] Did they address the new graduates at the graduation?

22 A. [10:16:56] Museveni was absent in the parade ground. He was in the hall
23 addressing the officers. But Salim Saleh and others were the ones who were talking
24 to the instructors. Because these are young children, there was -- they can't really
25 understand what you -- what you address them to do, you see. They were just

1 given -- being issued uniform, uniform and guns, uniform and guns, and there are
2 about 150 trucks waiting to ferry them.

3 Q. [10:17:37] Now you mentioned Salim Saleh, is he President Museveni's cousin or
4 his brother?

5 A. [10:17:45] Mr President, I'm told so, cousin.

6 Q. [10:17:51] Now you talked about the uniforms, guns and trucks. Now, I mean
7 while it might be a little obvious, what was the purpose for issuing these uniforms,
8 firearms, and having the trucks shortly there after the graduation?

9 A. [10:18:24] Mr President, it's obvious. Once you are given a gun as a newly
10 graduated recruit, you must know you are going for a task. You were being
11 prepared to go and replace the other kadogos, the regional NRA kadogos in the north
12 and the east.

13 Q. [10:19:04] Now, do you know if those kadogos went to the north and east?

14 A. [10:19:18] Mr President, your Honours, yes. Because immediately they were
15 issued uniforms, they were ushered into the trucks. Those 100 and -- or, 100
16 and -- about 150 trucks. We were in the hall with Museveni, he was reading the
17 names of the commanders who were going to command those young children. And
18 from my group were two -- were three, all from Teso, who declined to go and do that
19 job. But the rest joined. Some of them are generals today there.

20 Q. [10:20:10] So stating that you declined to go, where did you go next?

21 A. [10:20:20] President, your Honours, in NRA ideology, if you have a dissenting
22 opinion, they call you kipingamizi in Kiswahili. So we were kept there for two
23 weeks. Thereafter, the trucks came back to Mbarara with original kadogos.
24 Museveni was bringing them and converted that place to be a school for his original
25 kadogos. Were loaded into the trucks, went further west to prison in Kiburara.

1 Q. [10:21:14] Now when you say they turned the 34th army barracks into a school
2 for the kadogos, do you mean a training facility or an actual educational facility?

3 A. [10:21:28] Mr President, they were saying educational. So I don't -- I left the
4 place. I don't know whether they are training them basic education or they were
5 mixing the NRA ideology. I don't know.

6 Q. [10:21:47] Now you mentioned you were taken to the west, to Kiburara?

7 A. [10:22:07] Yes, please.

8 Q. [10:22:08] What was in Kiburara?

9 A. [10:22:11] President, your Honours, Kiburara is a prison farm in western region.
10 It can -- it has about two -- accommodation facilities for the warders who, who do the
11 agricultural, you know, in that farm. Very few.

12 When we arrived in Kiburara, more shocking news, we got more children there, in
13 prison, all sent from the north and east and Madi areas. Over 7,000. They were all
14 in room, a prison facility like this. No getting out. In the open. At least this one
15 has a cover, but the other one has no cover. And they were sleeping seated.

16 Q. [10:23:27] Now before we go further about this, could you give us a time frame
17 of when you were in the Kiburara farm prison?

18 A. [10:23:39] I was taken there in October and left beginning of February, the next
19 year.

20 Q. [10:23:52] Now, Nathan, why were you taken to that farm prison?

21 A. [10:24:03] President, as I said, those who were defying the order to go and fight,
22 because as I told you, eventually this political education was just to lure you, but then
23 I realised, no, I cannot be forced to do something that my mind does not approve. So
24 I refuse from the onset that, once I arrived in Mbarara, I will never take this political
25 education. And, Mr President, the type of political education was, the main thing

1 was that NRA must demystify the gun. So I said what kind of political education is
2 this? So I declined.

3 Q. [10:24:59] When you say "demystify the gun", could you explain that a little
4 more, Nathan?

5 A. [10:25:09] I think according to the understanding, they wanted to make sure that
6 a gun is available, you know, is not -- is -- I don't know. I can't -- unless you have
7 help me, but that was the word that they were using, "demystify the gun".

8 Q. [10:25:37] Now could you say it in a different language that you feel more
9 comfortable, if you understand the explanation?

10 A. [10:25:45] The idea was that, in fact, you know, according to NRA ideology, they
11 believe in the use of the gun, you know. So they were telling everybody that a gun is
12 useful, you know. A gun is useful, it's not dangerous.

13 QUESTIONED BY MR AYENA ODONGO:

14 Q. [10:26:15] Nathan.

15 A. [10:26:19] Your Honour.

16 Q. [10:26:19] To demystify means to expose?

17 A. [10:26:28] Expose, yeah.

18 Q. [10:26:29] To expose it?

19 A. [10:26:29] Exactly. Make it available, yeah.

20 Q. [10:26:30] To expose the gun. And perhaps could they have meant that in the
21 past the gun has been central --

22 A. [10:26:40] Mmm.

23 Q. [10:26:41] -- in political control of the country?

24 A. [10:26:44] Yeah.

25 Q. [10:26:45] Those who held a gun were feared. So they now wanted to

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1 demystify, so to speak, to expose the gun and let it appear like it is not the ultimate
2 thing that should be used in politics. Could they have meant that?

3 A. [10:27:05] I think so. Thank you, your Honour.

4 PRESIDING JUDGE SCHMITT: [10:27:08] Two things. I let it pass now. First of
5 all, we do not -- this is on an exceptional basis, I don't have objections that you put the
6 question to the Witness, but in principle we don't want to alternate between the
7 examiners of one party. So you can have, afterwards when Mr Obhof has finished,
8 that is okay, but normally we don't want a back and forth, so to speak. Secondly,
9 since it was clear already I think what the witness meant, I do not object, but your
10 question was of course very are suggestive, frankly speaking. So for the time being I
11 did not stop you, but simply for future instances.

12 Please continue, Mr Obhof.

13 MR OBHOF: [10:28:02] Thank you, your Honours.

14 QUESTIONED BY MR OBHOF: (Continuing)

15 Q. [10:28:06] Now Nathan, who -- the Kiburara farm prison, who was in charge of
16 that prison?

17 A. [10:28:18] Mr President, your Honours, the person in charge was
18 Major Muhwezi, former UNLA major.

19 Q. [10:28:45] Now you mentioned a little bit, but could you explain a little bit more
20 about the conditions at this farm prison?

21 A. [10:29:03] President, your Honour, Kiburara is a basic agricultural farm prison
22 with a tract land for growing crops, keeping animals. It has a main prison where
23 prisoners who are used to grow these crops live. Now that the war had taken place,
24 the prison was vacant, there were no prisoners, so that is where they brought these
25 children in there. The idea was to start farming. That was the original idea of NRA

1 to use these children to farm and then take all those other officers whom they
2 declined to absolve there to do the same. Because when we arrived, we found the
3 children, but there were no officers. The only officers were about 250 or so, were
4 taken to the silos where the grain is kept. That's where we were told to sleep,
5 without ventilation. The children were in the open, no blankets, no nothing. At
6 least for us we carried blankets a bit from where we were, but these children had no
7 clothes, nothing. It was horrible.

8 Q. [10:30:46] Now where did the officers who were sent to the farm prison, officers
9 like yourself, where did they sleep?

10 A. [10:30:55] President, your Honours, I said we were put into the silos. There
11 were two main big silos there for keeping produce, that's where we were kept to
12 sleep.

13 Q. [10:31:10] So you literally slept with the food?

14 A. [10:31:15] They were all empty, they were holes, so we replaced food.

15 Q. [10:31:22] During your time, your three or so, three to four months at this farm
16 prison, did any NRA government officials visit the prison?

17 A. [10:31:36] President, your Honour, we had Commander Mwesigye who was in
18 charge all the prisoners. He is now a member of parliament in Uganda. He was in
19 charge all the prisoners. He was the first to visit us. But the main commander
20 for integration at that time was now General Sejusa, who was then called
21 Commander Tinyefuza.

22 Q. [10:32:19] Did President Museveni ever visit the farm prison?

23 A. [10:32:26] Mr President, your Honours, he came to graduate more children to be
24 taken to fight in northern Uganda.

25 Q. [10:32:40] Now is that the same time when Salim Saleh and Chihandae --

1 A. [10:32:46] They were all there, including the current prime minister,

2 Ruhakana Rugunda. And Museveni's wife was there.

3 Q. [10:33:05] Do you think these abhorrent conditions were visible to these persons
4 who visited the farm prison?

5 A. [10:33:15] President, your Honour, they were visible, but I think they cared less.

6 Q. [10:33:27] What was your relationship with a Lieutenant Ongodia?

7 A. [10:33:43] President, your Honours, upon arriving in Mbarara, Jim Muhwezi,
8 Major Jim Muhwezi, someone went to his office, and he said he had gotten
9 instructions because our records, when we came from Monduli, remained in the
10 republic house, our training records, remained in the republic house. So he was,
11 "I've been instructed to appoint you chief instructor. We are going to start training
12 these children, so you are going to be the chief instructor. These are the instructions
13 from Salim Saleh."

14 Now, after seeing what was happening, I had to do it because now I'm in a land
15 where I cannot even run away, you see. It's the bush, I don't know the place, the
16 nearest place is just a railway line about 30 kilometres away, you see. So I accepted.
17 So he established then a training academy and they brought -- we call there some
18 cadres, they call them cadres, NRA cadres, of whom that Lieutenant Ongodia you are
19 talking about, who hails from my community, I happened to meet him there.

20 Q. [10:35:24] Did he tell you anything about the food in the farm prison?

21 A. [10:35:31] President, your Honours, the prisoners' food is always cooked in
22 a rough way, if you are a prisoner of war. So Lieutenant Ongodia summoned me, he
23 said, "Look, my brother, the food here is adulterated. Don't eat that food. The
24 maize has been ground with bottles so that when you eat that cornmeal, it perforates
25 your abdomen, you just die slowly as a prisoner. Indeed, several officers succumbed

1 in such conditions. Many officers were buried there in Kiburara. So I declined, I
2 never ate their food. I was always eating in this man's house for the whole time I
3 was there.

4 Q. [10:36:46] Now of course you mentioned that earlier, when we started talking
5 about the farm prison, that you eventually left in February --

6 A. [10:36:57] Yes.

7 Q. [10:36:59] -- 1987.

8 A. [10:37:01] Yeah.

9 Q. [10:37:02] Where did you go when you left?

10 A. [10:37:05] When Museveni came and graduated those children, they were taken,
11 so it remained about less than a hundred officers there at the prison. The whole -- all
12 the children were taken, plus more officers, you know, to command them, especially
13 the officers of former Idi Amin army, those who came -- who hailed from West Nile,
14 all of them were taken. It remained a few officers from UFM, that was late Kayire's
15 movement, who helped Museveni capture Kampala, but eventually their leader was
16 assassinated in dubious circumstances. They remained there.

17 So after the graduation, the children were taken. After two weeks, they sent
18 a helicopter to Kiburara to pick me up, take me to republic house.

19 Q. [10:38:10] Do you know who summoned you to republic house?

20 A. [10:38:13] President, your Honours, yes. It was the chief of combat operation,
21 Salim Saleh.

22 Q. [10:38:21] Did he tell you the purpose of summoning you?

23 A. [10:38:37] President, your Honours, he did.

24 Q. [10:38:43] Could you please explain to Court why he summoned you?

25 A. [10:38:50] President, your Honours, he said he had summoned me, the rebellion

1 had broken back in my home area and he needed my assistance as fast as possible.

2 Q. [10:39:22] Now how long were you with General Salim Saleh at republic house?

3 A. [10:39:30] Your Honours, it was less than a month.

4 Q. [10:39:39] And did you help him draw up plans for the invasion of Teso, your
5 homeland?

6 A. [10:39:48] Mr President, your Honours, I was summoned and he told me I must
7 take charge of the mapping of my area, the department of mapping in his office. So I
8 told him, "Sir, I have been out of the country for the -- since 1984. My family is in
9 Tanzania. When they invaded state house, my fiancée fled back to their country.
10 So I needed to relocate -- I mean to repatriate her to Uganda before I go for any other
11 assignment." So he told me, "How long do you need?" I said, "Even two weeks is
12 enough for me." So he accepted to give me two weeks, instead of two weeks, he
13 gave me 30 days.

14 Q. [10:40:49] Now did you have a wife and family in Tanzania?

15 A. [10:40:54] Your Honours, I had a fiancée whom I left in state house, who was
16 studying in Makerere college. I was not yet married.

17 Q. [10:41:11] Now did Salim Saleh give you anything for this journey?

18 A. [10:41:18] President, your Honours, he wrote me a letter which I took to the
19 minister of rehabilitation to facilitate that process.

20 Q. [10:41:31] Mr Witness, did you actually go to Tanzania?

21 A. [10:41:36] I didn't go to Tanzania because I didn't have any good reason to work
22 with these people. I wanted to find my way out before either they destroy me or
23 something. I didn't go to Tanzania.

24 Q. [10:41:58] Now where did you go?

25 A. [10:42:02] President, your Honours, I went to my home district, Teso.

1 Q. [10:42:13] And how long did you spend in Teso?

2 A. [10:42:16] When I arrived in Teso, there was war. NRA was attacking villages,
3 attacking everybody left and right, looting and killing people, so I said, no, what do I
4 do now? The elders decided that, no, you young people you must defend us. It
5 was an agreement between us and then the -- and the elders. So I joined the
6 rebellion, because they had already started, they started fighting against the NRA.

7 Q. [10:43:05] How were you introduced to the rebellion that you joined?

8 A. [10:43:14] President, your Honours, I knew most of the commanders who
9 started the rebellion, and they regarded me as their boss because most of them were
10 from a unit of the police forces called the special force. So when they heard a senior
11 commander has come, they absolved me. And then because the rebellion was -- the
12 political wing was led by Peter Otai, who was the minister of defence at that time,
13 whom I knew very well, and one of his brothers who was one of the commanders, so
14 they knew me.

15 Q. [10:44:06] So which group, what was the name of the group which you joined?

16 A. [10:44:16] Uganda People's Front, Uganda's People Army, UPA, UPF/UPA.

17 Q. [10:44:26] Now were or was the UPA/UPF successful in holding back the NRA
18 advance into Teso?

19 A. [10:44:41] President, your Honours, we did. We did remove all NRA
20 deployments in Teso from the villages. We stopped their cattle rustling which they
21 were doing, we stopped killings and we isolated them to one town -- two towns in the
22 whole of Teso, Soroti and Kumi. Those were the only two towns they were holding
23 in Teso. But the rest of the district we liberated.

24 Q. [10:45:18] Now during this same time, during the spring and summer of 1987,
25 was there any other group which was marching through Teso?

1 A. [10:45:33] President, your Honours, yes, we had -- UPA was running from
2 Lango, right away to Tororo and Busia, that was the ground for UPA. But we had
3 the Holy Spirit Movement of Prophetess Alice Lakwena. They came, they were
4 marching to Kampala. So I talked to her because I was one of the senior
5 commanders in UPA. I told her, okay, she is free to travel through Teso, there is no
6 problem, we will organise her people to show her way and then organise food for
7 them. So that is what we did. Alice Lakwena, came and passed Teso to Mbale,
8 Tororo, Iganga until she reached Jinja. We were still in Teso.

9 Q. [10:46:45] Now in your opinion, especially as a trained military person, how
10 necessary was it for the Holy Spirit Movement of Alice Lakwena that the UPA held
11 off the National Resistance Army and allowed them to advance through Teso?

12 A. [10:47:06] President, your Honour, you know, Alice Lakwena, the Holy Spirit
13 Movement, for her she said she was guided by the spirits and she was following what
14 the spirits were telling her and the spirits were telling her to move. But I tried to tell
15 her, "Look, we must gain ground, we must have the base. If you are annihilated in
16 front, where is your base?" You see. But she could not listen any of that. So we
17 allowed them to go without the problem, we gave them food, everything. They
18 were marching, there were many, about 5,000, so maybe they thought they would
19 overcome all obstacles.

20 Q. [10:47:59] Now when did the major part of the fighting cease in Teso?

21 A. [10:48:08] President, your Honour, when Alice passed and went and she was
22 confronted at Jinja in Maga Maga, Museveni had more support so they started
23 pursuing them back. Others crossed to Kenya, others came back to Teso. So we
24 had a lot of engagement, so we depleted almost our resources during that time,
25 almost one and a half years of fighting nonstop, trying to push these people from

1 Iganga, Mbale. So we reduced our operations from 1988-'89.

2 Q. [10:49:09] At that time was the UPA receiving military assistance from the
3 Kenyan government?

4 A. [10:49:24] President, your Honours, we were not receiving assistance at that
5 time.

6 Q. [10:49:35] Now was there an eventual peace agreement in the 1980s between the
7 UPA and the NRA?

8 A. [10:49:49] President, your Honours, a few commanders decided to defect when
9 they saw there was little resources and so on, so they held down one-to-one peace
10 agreements but not as an organisation.

11 Q. [10:50:06] During this time when the NRA was advancing and the UPA was
12 running out of ammunition --

13 A. [10:50:16] Yeah.

14 Q. [10:50:16] -- where did you go?

15 A. [10:50:20] President, your Honours, I was sent to Nairobi.

16 Q. [10:50:33] Now, Mr Witness, having been classically trained in the military, at
17 this time, in 1987 and '88 was the National Resistance Army operating like a classical
18 military?

19 A. [10:50:52] President, your Honours, NRA has never stopped being
20 a professional army. It was not professional at all. It was just a guerrilla army.
21 They were operating like guerrillas.

22 MR OBHOF: [10:51:21] Your Honour, I'm noticing the time and my next session
23 should be about 30 minutes.

24 PRESIDING JUDGE SCHMITT: [10:51:26] I understand and I already saw it, so I
25 would have suggested it myself.

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- 1 So we will have now the coffee break until 11.30.
- 2 MR OBHOF: [10:51:37] And I would like to say, at least as of right now, I'm
3 definitely on time for the estimated times that we indicated.
- 4 PRESIDING JUDGE SCHMITT: [10:51:42] Yes, I think so. Thank you.
- 5 THE COURT USHER: [10:51:44] All rise.
- 6 (Recess taken at 10.51 a.m.)
- 7 (Upon resuming in open session at 11.31 a.m.)
- 8 THE COURT USHER: [11:31:24] All rise.
- 9 PRESIDING JUDGE SCHMITT: [11:31:42] Mr Obhof, you still have the floor.
- 10 MR OBHOF: [11:31:47] Thank you very much, your Honour.
- 11 Q. [11:31:56] Still good morning, Nathan, I hope you had a good break?
- 12 A. [11:32:02] Yes, please.
- 13 Q. [11:32:03] Now before we move on to your time in exile, you mentioned a name
14 during the first session I would like to ask you a few things about. You mentioned
15 a person by the name of General Tinyefuza, also who went by the name of Sejusa.
16 What was -- what did he do during the beginning years of the war?
- 17 A. [11:32:31] President, your Honours, Tinyefuza was assigned to redeploy former
18 UNLA officers and soldiers. That's why it was common in the detention facilities of
19 all those soldiers and officers who either surrendered or were captured.
- 20 Q. [11:33:09] Now, did you ever hear what happened when he redeployed these
21 persons?
- 22 A. [11:33:17] Repeat the question.
- 23 Q. [11:33:21] Maybe I will rephrase it. It was kind of strange.
24 Did you ever hear about Tinyefuza's redeployments, the operations which he led with
25 these persons?

1 A. [11:33:33] Yes, President, your Honours. Tinyefuza was, after almost closure of
2 the detention camps, he went to the front line and he was fighting northern Uganda.
3 He held several operations in Teso, Lango, Acholi. The famous one being Operation
4 Sim Sim where they wiped out -- he was actually conducting a pogrom operations in
5 those areas.

6 Q. [11:34:13] Now, specifically, if you know, where did Operation Sim Sim take
7 place? In which regions?

8 A. [11:34:20] Operation Sim Sim was in the north.

9 Q. [11:34:25] And that would include both Acholi and --

10 A. [11:34:28] Acholi and Lango, and parts of Madi.

11 Q. [11:34:37] Now, Mr Witness, when you first arrived in Kenya did you go
12 straight to Nairobi or did you go somewhere else?

13 A. [11:34:48] President, your Honours, I request for private session.

14 MR OBHOF: [11:34:57] Your Honour, could we go into private session --

15 PRESIDING JUDGE SCHMITT: [11:35:00] Of course.

16 MR OBHOF: [11:35:02] -- please.

17 (Private session at 11.35 a.m.)

18 (Redacted)

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1 (Redacted)

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3 (Open session at 11.41 a.m.)

4 THE COURT OFFICER: [11:41:34] We are back in open session, Mr President.

5 MR OBHOF: [11:41:50]

6 Q. [11:41:51] Now Nathan, the last question I asked, you mentioned about the UPF
7 contacting Khartoum. Now, when did the UPF/UPA start receiving assistance from
8 the Khartoum government?

9 A. [11:42:13] President, your Honours, it was end of 1994.

10 Q. [11:42:24] What kind of support did the UPF/UPA receive?

11 A. [11:42:36] President, your Honours, it was military supply and finances.

12 Q. [11:42:50] Did any outside groups use Khartoum or use the Sudanese
13 government to bring finances or matériel to the UPF/UPA?

14 A. [11:43:19] President, your Honour, I request again a private session.

15 PRESIDING JUDGE SCHMITT: [11:43:22] Yes. Private session.

16 (Private session at 11.43 a.m.)

17 (Redacted)

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6 (Open session at 11.44 a.m.)

7 THE COURT OFFICER: [11:44:33] We are back in open session, Mr President.

8 MR OBHOF: [11:44:49]

9 Q. [11:44:49] Mr Witness, what happened in Malaba in Amagoro in 1986?

10 A. [11:44:57] President, your Honours, there was pressure on the Kenyan
11 government by the United States and other western powers that East African
12 Community be formed. So there was a border meeting. After our forces did
13 operations around the border, there was a border meeting between President Moi and
14 Museveni at Amagoro.

15 Q. [11:45:31] What did the UPF do after this meeting?

16 A. [11:45:42] After the meeting the UPF was told to wind up the operations at the
17 border areas and then seek another alternative.

18 Q. [11:45:59] And Mr Witness, what was the alternative which they gave to you?

19 A. [11:46:10] President, your Honours, it was to travel to Khartoum and have a link
20 with LRA.

21 Q. [11:46:21] Now, if you could briefly, could you describe to the Court your
22 travels from where you were at in Kenya to Aruu?

23 A. [11:46:34] Mr President, your Honours, I left Nairobi on 20 September '96 with
24 a group of six officers to Khartoum. Stayed in Khartoum for two days, took a flight
25 to Juba, proceeded to Aruu for a meeting with the LRA high command to seek ways

1 of how we can establish a corridor to have our equipments ferried to the east from
2 Juba.

3 Q. [11:47:26] Now, which officers? You said there were six, which officers did you
4 travel with when you left Nairobi?

5 A. [11:47:35] They were UPA officers.

6 Q. [11:47:36] But do you remember the names of the UPA officers?

7 A. [11:47:42] Yes, please.

8 Q. [11:47:43] Could you please tell the Court?

9 A. [11:47:46] I had Okilan Joseph, who's a senior commander. Robert Okodel. I
10 had Mina (phon). I had Onyet (phon). And then I had Okiro, who passed away,
11 unfortunately, in Juba. That is natural illness. Then I had one political colleague of
12 mine, Eme Gabantu (phon).

13 Q. [11:48:30] When you arrived in Aruu, how long did you stay there before you
14 met with Joseph Kony?

15 A. [11:48:39] I arrived in Juba in the evening flight. The next morning, we drove
16 to Aruu and we met at the same time I arrived there.

17 Q. [11:48:59] Now can you explain to the Court the nature of that first initial
18 discussion you had with Joseph Kony?

19 A. [11:49:11] Mr President, your Honours, when I left Khartoum, I was assigned
20 a senior Sudanese intelligence officer to travel with me to Aruu. So I went with him
21 up to Aruu and we held a meeting in his presence. The idea was that I have come to
22 meet them to seek how we can establish a corridor and how they can help me ferry
23 our weapons to the east so that we spread out the operations against the NRA.

24 Q. [11:49:59] Now why didn't the UPF just send their military contingent, their
25 group, the UPA? Why didn't they just send them up to Sudan to live with the LRA?

1 A. [11:50:15] Mr President, your Honours, UPA, as I told you, as the soldiers got
2 depleted and before I left, my commander, the late Eregu, had sent 200. He met
3 Joseph Kony and they agreed to send 200 people to Joseph's base, but he was waiting,
4 there was nothing coming out. Because he was just talking to Joseph, but not the
5 Sudan government. He was talking to Joseph for possible assistance, but not the
6 Sudan government.

7 Q. [11:51:08] Now, did you ever hear of whether President Omar Al-Bashir,
8 whether he had anything to do with the UPA forces not being brought to Sudan?

9 A. [11:51:26] Your Honour, there was a real commitment for UPA and the Sudan
10 government. Just like the way they were supplying LRA. Because Museveni had
11 intensified and given SPLA total support. So Bashir, on the other hand, said: No,
12 I cannot just let these things go this way lying down. So that is the most important
13 aspect of why he really wanted us to, to start annexes in the east so as to draw away
14 that support Museveni was giving to SPLA directly to come and confront us.

15 Q. [11:52:23] So would it be fair to -- because you -- sorry, let me start over.

16 So Museveni was giving weapons to the SPLA and Sudan was giving them to the
17 LRA and UPA.

18 Were there ever fights between the LRA and the SPLA?

19 A. [11:52:59] That that was the major war, it was between LRA and SPLA. The
20 UPDF were not present most of the time. They would just come and go back, deliver
21 tanks and deliver to SPLA. So now, when LRA advances, SPLA attacks, so the war
22 is between the two at most occasions.

23 Q. [11:53:32] So, Mr Witness, with your military background and education, what
24 type of war is this being fought?

25 A. [11:53:45] You know, in my background it was -- we are fighting -- actually, the

1 LRA and the SPLA were fighting the war between Museveni and Bashir.

2 Q. [11:54:02] So it was a proxy war?

3 A. [11:54:05] A proxy war, that's the correct word. A proxy war.

4 Q. [11:54:13] Now, after meeting Joseph Kony in Aruu, how long did you remain
5 there?

6 A. [11:54:25] President, your Honour, I left 1996 and returned 2000, October. So
7 I was in Sudan for nearly four years on a mission that I thought I would, I would
8 spend less than 30 days. But I ended being there for four years.

9 Q. [11:54:53] Now just so we can make sure everything is correct. The transcripts
10 say '96, I thought I heard '86. So it was 1996?

11 A. [11:55:06] That's when I left, yes. '96.

12 Q. [11:55:12] Now, did you stay in Aruu until the LRA moved to Jebellen?

13 A. [11:55:18] I stayed in Aruu until they attacked the LRA camp in Aruu and then
14 we retreated to Jebellen.

15 Q. [11:55:34] And when that camp was attacked, when Aruu was attacked, which
16 groups came and fought the LRA?

17 A. [11:55:46] It was UPDF/SPLA combined forces and there were some Ethiopians
18 and Rwandese. You know, Mr President, the United States of America gave five
19 countries each \$20 million in form of arms to go and assist, uproot the Sudan forces
20 and LRA in Juba. So there was Uganda UPDF, Rwandese army, Ethiopians, because
21 according to the people who, when you see some dead people, they are white, after
22 the battle, even some Russians were there using the SPG-9, you know, they were
23 using this gun called SPG-9.

24 Q. [11:56:57] During your time at Aruu did you ever go back into Uganda?

25 A. [11:57:04] While in Aruu I went to Uganda I think four times. The first, I

1 arrived in September, I spent one month and we left in November for Uganda,
2 because Joseph was telling me I must familiarise myself with the route. So that's
3 why we went, with my commanders, to see how the situation is.

4 Q. [11:57:42] On which route did you re-enter Uganda?

5 A. [11:57:48] We entered Uganda through Nimule.

6 Q. [11:58:03] How many people were with you when you re-entered Uganda
7 around Nimule?

8 A. [11:58:04] About 500, over 500.

9 Q. [11:58:14] Now, did the -- did everyone go to the same location?

10 A. [11:58:20] President, your Honours, when LRA leave the main camp, it's one
11 unit. Once we are in Uganda they go to different -- they break up, different units.

12 Q. [11:58:54] And where, the unit that you left with, where did they break up?

13 A. [11:58:59] President, your Honour, most of the time I was not deployed to fight.
14 I was a guest commander. So I was most of the time travelling with Joseph Kony's
15 unit.

16 Q. [11:59:16] Now other than to learn the different passages into Uganda, was there
17 any other reason why you took several trips to Uganda?

18 A. [11:59:35] President, your Honours, yes. When I finished the meeting with the
19 LRA high command, they assured me that all is going to be well, they are going to
20 give me the force of about 500 men to help me ferry any arms that I might receive
21 from the Sudan government. So we agreed in the presence of one of the senior
22 Sudanese intelligence officers, who took the message back to Khartoum, and one time
23 after about two weeks they flew the weapons to Juba and then they delivered the
24 weapons to LRA camp for us to move to Uganda and take them to eastern Uganda.

25 Q. [12:00:35] During this first time do you remember who was charged with taking

1 these weapons to eastern Uganda?

2 A. [12:00:46] President, your Honours, we had one occasion where they let Otti,
3 Vincent Otti and Tabuley. All of them are deceased.

4 Q. [12:01:08] Now in this instance do you know if the late Otti Vincent and
5 Charles Tabuley, if they succeeded in their mission?

6 A. [12:01:20] President, your Honours, they told me the enemy had deployed
7 heavily so it was not possible for a large convoy -- I mean, a large caravan of human
8 beings walking through ambushes and ambushes, so they decided that they secure
9 these equipments until a later time when the obstacles have been cleared, then they
10 can proceed and deliver them.

11 Q. [12:01:55] These weapons being ferried by Tabuley and Otti, what type of
12 weapons were these?

13 A. [12:02:04] Their personal arms, ammunitions.

14 Q. [12:02:19] Did you get to know the late Charles Tabuley?

15 A. [12:02:24] Yes, I know him. He was a very courageous commander. Was very
16 tough, very courageous commander. And a very smart man.

17 Q. [12:02:45] And how about the late Otti Vincent, did you get to know him while
18 you were in the LRA?

19 A. [12:02:52] President, your Honour, Vincent Otti was I think third in high
20 command of LRA, because he was in charge intelligence, he was overall intelligence
21 director.

22 Q. [12:03:15] Mr Witness, during your time in Uganda in 1996 and '97, did you ever
23 go to the Palabek area?

24 A. [12:03:26] I know Palabek, but I have never passed through Palabek. Palabek is
25 directly from Nimule, but we used to cross on the eastern side of SPLA camp which

1 was there, facing Lokung mountain in Kitgum, near Owiny-Kibul. That's the area
2 was mostly we used to pass.

3 Q. [12:04:10] Now, we are going to go back to Sudan now.

4 A. [12:04:13] Please.

5 Q. [12:04:14] In September and October of '97. Now, do you know why the joint
6 force of the UPDF and SPLA attacked the encampment at Aruu?

7 A. [12:04:41] President, your Honour, Garang had I think pressure from his allies,
8 your Honours, that he must take Juba and secede. That was the idea. So they had
9 been given a lot of resources, some of which Museveni misappropriated. So when
10 they attacked and they couldn't over -- pass beyond Jebellen, it was really a big blow
11 for them because I think the allies started realising now it's not possible, this thing is
12 not possible militarily. Either we go and negotiate with Garang or something like
13 that -- I mean with Bashir. But that is the reason. The reason was to capture Juba.
14 There was pressure. And then of course Museveni being such a rebellious person,
15 he really wanted to take the opportunity, because he believed that once Juba is
16 captured, LRA will be very far from his borders.

17 Q. [12:06:01] Now after the attack the LRA relocated to Jebellen. How long did
18 you stay at Jebellen?

19 A. [12:06:09] That was 1997. I left -- there came the issue of Aboke girls, so it put
20 LRA into a bad, awkward situation, so the Sudanese government brought that -- the
21 sister, the head teacher of Aboke girls to Jebellen. But because of a lack of
22 communication between Kony and the lady who was invited to assist in interpreting,
23 so we talked to Sister Rachele about the girls, she demanded they release the girls, but
24 Kony was not accepting, you see. So this went on for a long time, Rachele could
25 come, stay in Juba, because the Sudan government also feared that, look, that is a war

1 zone, anything can happen, because SPLA crossed the road, you know, they can -- it's
2 an ambush. So she was restituted to Juba. So most of the time -- because Kony did
3 not want to talk direct this lady, so I would be called by the Sudan intelligence to go
4 and explain to the lady what Kony thinks about, you see.

5 So I stayed there until the Carter Centre also came in about the peace -- possibilities of
6 peace talks. I stayed in Juba until September of 1998, then I relocated to Khartoum.

7 Q. [12:08:17] Now, relocating to Khartoum, why did you relocate to Khartoum?

8 A. [12:08:23] President, your Honours, when Carter Centre came and the
9 undersecretary for children under conflict, that was Olara Otunnu, they came and
10 explained and told Kony to seek possibilities of ending that war peacefully by
11 negotiating. So that is when I was given a role to go and try to explain, because
12 there was nobody who could explain the political situation within the LRA hierarchy.

13 Q. [12:09:14] Where did you work in Khartoum?

14 A. [12:09:25] Mr President, in Khartoum the Sudan government opened a residence,
15 like an embassy for LRA, so I was staying there in that building which had been given
16 by the government.

17 But meanwhile coordinating with the director of security in president's office.

18 Q. [12:09:58] Did you have a title when you lived in Khartoum?

19 A. [12:10:02] Yeah, I was a major. You mean a title in Khartoum?

20 Q. [12:10:11] Yes.

21 A. [12:10:11] I didn't have any title. From LRA, I didn't have.

22 Q. [12:10:23] Withinside of the embassy, though, the embassy the Sudanese
23 government gave to the LRA and the UPDF, did you have a title?

24 A. [12:10:37] No. There I was the secretary-general of LRA there, the late Dominic
25 Wanyama, and then there was direct representative of Kony, Bwone, somebody

1 called Bwone. Mine was advisory. I didn't have any role.

2 Q. [12:11:08] Now, was this an embassy as you would think of one today, where I
3 could go to the Ugandan embassy in Brussels or the United States embassy in
4 Wassenaar, or was this more of an office?

5 A. [12:11:24] It was more of an office, but the Sudanese were calling it an embassy.

6 Q. [12:11:35] Did any other countries besides Sudan recognise it?

7 A. [12:11:41] President, your Honours, why they are calling it an embassy, because
8 I could -- we could receive some ambassadors from other countries in that residence,
9 neighbouring countries' ambassadors. So that's why they were calling it an embassy.
10 I could -- even could reside. I remember receiving the DRC ambassador, others.

11 Q. [12:12:07] Now, you've mentioned a little bit about the Carter Centre and we
12 will discuss a little bit more in depth maybe in 10 or 15 minutes.

13 A. [12:12:19] Yes, please.

14 Q. [12:12:20] But aside from the Aboke schoolgirls, was there any other dealings
15 when you first arrived in Khartoum that you dealt with with the Carter Centre?

16 A. [12:12:33] Your Honour, Mr President, your Honours, president -- former
17 President Jimmy Carter came and we met him with a director of conflict resolution,
18 Professor Joyce Neu. So they said they are willing to help LRA resolve this conflict
19 peacefully by arranging and funding ways of negotiating with the Ugandan
20 government.

21 Q. [12:13:24] Did you have any dealings with the Carter Centre in relation to
22 Joseph Kony's parents?

23 A. [12:13:33] President, your Honours, yes. The assurances the Carter Centre
24 wanted was to involve Joseph Kony's parents so that they are aware that their son is
25 not being lured into a trap, but help them convince their own son to seek ways of

1 resolving the conflict amicably. That's why the parents were involved. And indeed
2 I was involved. Because we, together with the Carter Centre, we organised and they
3 were flown to Khartoum. We met them, they assured us. So when I transmitted
4 the message to Joseph Kony that the parents are here, they are willing to see you, he
5 declined to fly to Khartoum.

6 Q. [12:14:43] Where did Joseph Kony want to meet his parents?

7 A. [12:14:48] President, your Honours, he demanded that the parents be taken to
8 Jebellen.

9 Q. [12:15:02] And do you know why they were not flown to Jebellen?

10 A. [12:15:06] President, your Honours, the Sudan intelligence were afraid that if
11 anything happens to these parents, it will be like a story like Aboke. If he detains the
12 parents, then we'll be in problems. So they wanted him to meet the parents in
13 neutral ground. Because after all, Joseph had been flying to Khartoum and he comes
14 back, but they were wondering why he is not accepting to go and meet the parents.
15 So it was a security risk, according to the Sudan government.

16 Q. [12:15:52] Now I stand corrected, it's really two or three minutes we are going to
17 discuss about the Carter Centre. Now, when you first arrived and you still had your
18 dealings with the Carter Centre, were they short-lived or did the Carter Centre
19 dealings last longer?

20 A. [12:16:14] President, your Honours, Carter Centre dealings lasted longer. Even
21 after I arrived in Nairobi, I still was communicating with Hoffman, who was
22 the director of conflict resolution, who replaced Professor Joyce Neu. So it was
23 a long time dealing.

24 Q. [12:16:38] Now what did the Carter Centre do to the relationship between
25 Uganda and Sudan?

1 A. [12:16:48] President, your Honours, it was again an opportunity that was
2 disregarded by LRA because the Carter Centre, with the assistance of President Moi,
3 organised a bilateral meeting between the two heads of state, President Bashir and
4 President Museveni. And that conference took place in Eldoret in Kenya. So LRA
5 was invited by the Sudan government to be on the side talks and see and put their
6 case before the two leaders. As you said rightly, it was a proxy war, so they wanted
7 LRA to be there to send representatives so that they listen. Because these two people
8 who were arming the two groups, SPLA and LRA, were coming together. So they
9 wanted the forces, they were also arming to be part of that big arrangement, you see.
10 But it never materialised. LRA declined. The meeting took place in Eldoret and
11 organised by Carter Centre.

12 Q. [12:18:14] Now you mentioned that the LRA was offered an olive branch. Did
13 the Carter Centre offer the same position, the same seat at the table for the SPLA?

14 A. [12:18:29] President, your Honours, I am not sure, but I know they must have,
15 because I was getting a communication from the Sudan government on our side. On
16 Museveni's side, I don't know. But the message was LRA must -- should be given an
17 olive branch to sit in the side room and be consulted. So I believe it was the same for
18 SPLA.

19 Q. [12:19:04] Now, to the best of your knowledge, how long had the Carter Centre
20 been brokering this peace between Uganda and Sudan?

21 A. [12:19:17] President, your Honour, Carter Centre is involved in a charity work in
22 South Sudan. They are involved in community development, clean water, sanitation
23 and health. So directly involving itself on the issue of the peace, I learnt it in 1999.

24 Q. [12:20:08] Mr Witness, this meeting in Eldoret, do you remember approximately
25 what time it took place, month and year, or even the day, if you remember.

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1 A. [12:20:22] That meeting took place at 1999, I think. I can't remember day,
2 I'm sorry. It took place in Eldoret.

3 Q. [12:20:31] Okay. It's been at least 19 years, so. Do you remember if it was the
4 beginning of the year, middle or end of the year? And if you don't, that's fine.

5 A. [12:20:44] I don't. I can't remember. It took place in Eldoret.

6 Q. [12:20:52] Now why -- considering this could have culminated in peace, which
7 would include the LRA, why did Otti Lagony, Otti Vincent, why didn't these other
8 top commanders kick Joseph out of the LRA and negotiate peace for the LRA by
9 themselves?

10 A. [12:21:23] President, your Honours, my experience in LRA is that everybody
11 listens to what Kony says, because they believe he has the spiritual power and
12 you cannot do contrary to what he says. So there's no way any of those people could
13 kick Kony out. Anyone who tried, even if he -- it's a hearsay, he would execute you.
14 Examples, Otti Lagony was executed because he went directly to deal with Arabs, the
15 Sudan government. Ocan-Odonga was also killed, and many others. So it was
16 difficult for any of these commanders to go contrary to Joseph Kony.

17 Q. [12:22:32] Mr President, we are going to talk about a few documents from the
18 Carter Centre and I will read out the ERNs of the ones we are going to talk about now
19 and I will say the tab numbers as we use them.

20 A. [12:22:44] Okay.

21 Q. [12:22:44] For the Court record, they will be tabs 13, 16, 17 and 18. And their
22 ERNs will be, or are, UGA-D26-0010-0248; the second one is UGA-OTP-0026-0282.
23 The next one is also an OTP ERN at 0026-0306. And the last one, the fourth one, is
24 also an OTP ERN, UGA-OTP-0026 at 0313.

25 Now, as we discussed at the very beginning today, now you also went by the name of

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1 Nathan Opolot?

2 A. [12:23:57] Yes, please.

3 Q. [12:23:58] And could you please turn to tab 17. There is a binder on your table,
4 Mr Witness. And if you would turn to the third page and for the ERN, it is 0308.
5 Maybe if the court usher might be able to help the witness.

6 A. [12:24:31] It is page what?

7 Q. [12:24:34] It's tab 17, one-seven.

8 A. [12:24:37] Tabs one-seven is here.

9 Q. [12:24:39] Yes.

10 PRESIDING JUDGE SCHMITT: [12:24:40] I think you can perhaps assist Mr Witness.
11 And I would assume it would be enough to assist him with one of these tabs. Then
12 he will have his own.

13 THE WITNESS: [12:24:57] You see it there. Thank you.

14 MR OBHOF: [12:25:03]

15 Q. [12:25:04] Now, if you turn to the final page of that tab, page 3, which is 0308.

16 Now, Mr Witness, is that your signature down at the very bottom?

17 A. [12:25:16] That's my name.

18 Q. [12:25:21] And the date reads the 4th of?

19 A. [12:25:25] 4 December '99.

20 Q. [12:25:29] Now, Mr Witness, if you could brief -- quickly look over this and just
21 refresh your memory as to what this might be.

22 If the Court wouldn't mind giving him maybe one minute? I should have thought
23 about this before the break.

24 PRESIDING JUDGE SCHMITT: [12:25:46] That's no problem.

25 THE WITNESS: [12:25:50] This, this is a report which you have just asked me about,

1 the meeting between the two presidents. And this was the communication from the
2 director of intelligence, when I met him and he wanted me to communicate to LRA.

3 MR OBHOF: [12:26:09]

4 Q. [12:26:09] Yes. So this is literally what we were talking about?

5 A. [12:26:14] Exactly.

6 Q. [12:26:14] Yes. Mr Witness, noting the date, on December 1999?

7 A. [12:26:18] Yes.

8 Q. [12:26:19] Was Otti Lagony still alive at that time?

9 A. [12:26:23] Otti had been killed. He was not there.

10 Q. [12:26:40] In dealings like this, as you have said, Otti Lagony was trying to
11 communicate with the Arabs, with Khartoum?

12 A. [12:26:49] Yes.

13 Q. [12:26:50] It would have been impossible for him or others to do anything
14 during this meeting because of Kony?

15 A. [12:26:58] Yeah, it would have been possible.

16 Q. [12:27:00] Possible or impossible?

17 A. [12:27:03] To attend this meeting?

18 Q. [12:27:05] Correct.

19 A. [12:27:05] It would have not -- it would not be possible.

20 Q. [12:27:14] Now, if we could, if we could go to tab 16.

21 A. [12:27:21] Sixteen? Sixteen, here.

22 Q. [12:27:27] Now, again on the second page of tab 16, which is 0283, I notice you
23 did not sign here, but there is a date on this?

24 A. [12:27:39] Yeah, it's 19 January 2000.

25 Q. [12:27:48] Written about six weeks after this meeting between the governments

1 of Kampala and Khartoum?

2 A. [12:27:53] Yes.

3 Q. [12:27:56] If you could quickly, it is a very short two-page --

4 A. [12:28:06] Mm-hmm. Yes, please.

5 Q. [12:28:24] Mr Witness, do you remember writing this 18 years ago?

6 A. [12:28:28] Yes, please.

7 Q. [12:28:35] Why did you write the Embassy of the Republic of France in
8 Khartoum in January of 2000?

9 A. [12:28:42] President, your Honours, while in Khartoum, I was introduced to the
10 French ambassador in Khartoum by the director of intelligence, Sudan intelligence.
11 The purpose was to seek ways of how France can assist in the situation of Uganda.
12 Because there was a lot of war in the DRC, financed and armed by
13 President Museveni against a former French colony; so that was the purpose of this
14 letter.

15 And then two, was to seek ways of how France can help LRA. Because LRA now
16 had been accused of human rights violations, and, of course, you know France being
17 the first signatory of -- in terms of human rights, you see. So that's why they were
18 asking me to meet the ambassador so that we can find ways of how they can assist in
19 this process.

20 PRESIDING JUDGE SCHMITT: [12:30:25] I think Mr Iron will get along on his own
21 without the help of the court usher now.

22 THE WITNESS: [12:30:34] Yeah, yes. Thank you. I have understood.

23 PRESIDING JUDGE SCHMITT: [12:30:35] Exactly, I am quite sure, yes.

24 THE WITNESS: [12:30:39] Thank you, President.

25 PRESIDING JUDGE SCHMITT: [12:30:42] And thank you very much.

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- 1 MR OBHOF: [12:30:55]
- 2 Q. [12:31:02] And now we are going to go to tab 13. It is a Defence document,
3 0010-0248.
- 4 Now Nathan, do you remember allowing me to copy this document in December of
5 2015?
- 6 A. [12:31:46] That is tab 13?
- 7 Q. [12:31:48] Do you remember allowing me --
- 8 A. [12:31:50] Yes, yes, yes.
- 9 Q. [12:31:51] -- to copy this document?
- 10 A. [12:31:52] I allowed you to copy them, yes, yes.
- 11 Q. [12:31:59] Now, we are trying to follow in a chronological order. This is dated
12 18 May 2000.
- 13 A. [12:32:08] Yes.
- 14 Q. [12:32:09] Did you help author this note from the Lord's Resistance Movement's
15 political desk?
- 16 A. [12:32:18] I helped of -- I helped them, correct.
- 17 Q. [12:32:21] Now, could you explain the reasoning behind this complaint from the
18 LRA desk?
- 19 A. [12:32:46] The complaint from LRA was that they wanted Carter Centre to
20 understand that for them, they are not against peace talks with Ugandan government.
21 Their complaint was all those people who have tried to do, to hold peace talks with
22 the government have ended being eliminated by the same government they are
23 talking peace with. So they were trying to analyse all the historical events relating to
24 peace talks and involving the personalities who have been murdered by the same
25 system you want to talk to. So they wanted to have this clear in the minds of the

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- 1 Carter Centre.
- 2 PRESIDING JUDGE SCHMITT: [12:33:37] May I, please?
- 3 Mr Iron, it is --
- 4 THE WITNESS: [12:33:41] Yes.
- 5 PRESIDING JUDGE SCHMITT: [12:33:42] It is not signed, but at least in the end it is
- 6 called, "Lord's Resistance Movement, Political Desk."
- 7 THE WITNESS: [12:33:50] Yes.
- 8 PRESIDING JUDGE SCHMITT: [12:33:51] What does "political desk" mean?
- 9 What persons consisted this political desk?
- 10 THE WITNESS: [12:33:57] The political desk was headed by Otto, Sam Otto, I think
- 11 he's back in Uganda now. He was the chairman of the political wing of LRA.
- 12 So -- but, of course, he could not author such a thing, so I helped him author. But
- 13 I was in, in Khartoum so that's why he could not sign. I sent him -- I sent them
- 14 a copy, but that's why it is not signed because I was already in Khartoum. I was not
- 15 with LRA now.
- 16 PRESIDING JUDGE SCHMITT: [12:34:34] And I would simply assume this would
- 17 have to be approved by Joseph Kony.
- 18 THE WITNESS: [12:34:42] Yes, the message, the -- you know, they had, they were
- 19 delivering messages every day, you know, to Jebellen and to Nsitu; so he had
- 20 appointed Colonel Sam Otto as a chairman of LRA.
- 21 PRESIDING JUDGE SCHMITT: [12:34:57] Thank you.
- 22 THE WITNESS: [12:34:58] Yeah.
- 23 MR OBHOF: [12:34:59]
- 24 Q. Again, just maybe, because it has been a few years, do you mean Sam Otto or
- 25 Sam Kolo?

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- 1 A. [12:35:05] He's the same man. He's called Sam Otto Kolo.
- 2 Q. [12:35:14] Okay. The last document that we are going through the series
- 3 dealing with Carter Centre --
- 4 A. [12:35:21] Yeah.
- 5 Q. [12:35:21] -- is the tab 18.
- 6 A. [12:35:24] 18, yeah?
- 7 Q. [12:35:26] Yes.
- 8 A. [12:35:27] Thank you.
- 9 Q. [12:35:36] It is Prosecution document 0026 --
- 10 A. Leave 17, yeah?
- 11 Q. -- 0316.
- 12 PRESIDING JUDGE SCHMITT: [12:35:39] It is the last one.
- 13 THE WITNESS: [12:35:41] Yes, yes.
- 14 MR OBHOF: [12:35:45]
- 15 Q. [12:35:45] And on the very last page it's written, "Sincerely yours, Jongomoi
- 16 Okidi-Olal." Do you know this Mr Okidi-Olal?
- 17 A. [12:36:04] President, your Honour, yes.
- 18 Q. [12:36:10] On the first page, on page 0316, it states, and I'll read it:
- 19 "The two gentlemen proposed other options, as we talked. We discussed two
- 20 important points as options to this proposal. These two points I cannot put in the
- 21 paper here, but these two gentlemen have asked me questions on this, and I told them
- 22 I would bring the answer when I meet with you next time."
- 23 Now the two gentlemen were referenced earlier as being the witness and
- 24 Mr Dominic Wanyama you spoke of earlier.
- 25 Do you remember meeting with Mr Okidi-Olal in May of 2000?

1 A. [12:37:17] President, your Honours, Mr Okidi-Olal I knew him for a long time.
2 He was involved in efforts to see whether LRA war can end peacefully. He has
3 introduced me to quite a lot of people, because he was connected to the state
4 department.

5 For your record, President and your Honours, I left him in Nairobi when I flew here,
6 because he is now involved with the South Sudan peace process. So he is in between
7 Nairobi and Addis Ababa. But he is a man whom I met many times. We met
8 Carter Centre several times with him. He has introduced me to various assistant
9 secretaries of state who have served in Africa; Rogers, Winter, Yamamoto, and many
10 others. So he is a man whom I have known who has been trying very much to help
11 resolve this thing peacefully. And he is also well-known in Khartoum.

12 Q. [12:38:53] Now in the quote I read out it talked about two, the two important
13 points. Do you remember which two important points you discussed with
14 Mr Okidi-Olal?

15 A. [12:39:19] President, your Honour, as I told you, Okidi was also dealing directly
16 with the State department and the Pentagon on issues about LRA. So he would
17 bring proposals what the Americans say and what the Americans want LRA to do.
18 You see. So the issue of the two important point was he was pursuing a line,
19 a different line, because in this report of his he had some disagreement with the way
20 the Carter Centre was trying to bring in LRA, just as the people, the ones sitting inside
21 room and be consulted. You see. So he had another arrangement. That's why he
22 was telling me about the two people. Of course, that is why you see he has not
23 revealed the names, he was doing another way to have LRA engage the government
24 of Uganda directly.

25 Q. [12:40:37] And is that one of the ultimate reasons why Mr Okidi-Olal, his work

1 with the Carter Centre stopped, because he disagreed with the Nairobi agreement?

2 A. [12:40:55] Yes, it stopped.

3 Q. [12:40:58] Now we do know the Carter Centre continued on, as you said, even
4 after you got back from Nairobi.

5 A. [12:41:04] Yes.

6 Q. [12:41:06] But after this, after this breakdown with Okidi-Olal, was this dialogue
7 with the LRA through the Carter Centre, was it strong or did it start to wither?

8 A. [12:41:26] Mr President, your Honours, I know there were negotiations between
9 LRA and government later on when they were in Congo. So I don't know who was
10 facilitating that arrangement. But there were negotiations I know between LRA and
11 the Uganda government and also involving South Sudan government, but I don't
12 know who was funding, because I never again was in touch with Joseph Kony.

13 Q. [12:42:10] I do apologise, I am going to go back to tab 13.

14 A. [12:42:13] Yes, please.

15 Q. [12:42:15] A small question. And the part I am going to discuss is on the third
16 page, page 0250.

17 PRESIDING JUDGE SCHMITT: [12:42:24] Please proceed.

18 MR OBHOF: [12:42:29]

19 Q. [12:42:30] Around the middle of the page or so?

20 A. [12:42:32] Page what?

21 Q. [12:42:33] It is the third page, it's tab 13, and it's third page, which at the bottom
22 right corner says 0250.

23 Right there in the middle I will read out:

24 "Why does UPDF insist in killing and killing?

25 Why should Yoweri Museveni maintain the concept of fighting rebels to the last man

1 while giving sham amnesty?

2 Why should Museveni direct the elimination of those rebel fighters who negotiate or
3 surrender to the regime for the sake of peace, eg Captain Ojirot Jesus of UPA,
4 Lieutenant Colonel Angelo Okello of UPDA, Andrew Lutakome Kayire, leader of
5 UFM who captured Kampala in the war against the junta of General Tito Okello."
6 In this document which you said you helped to write, but didn't, it was --

7 A. Yeah.

8 Q. -- a joint operation, what is this of the - and this is from May 2000 - this Captain
9 Ojirot Jesus, Lieutenant Colonel Angelo Okello, and this Andrew Kayire, who are
10 these people?

11 A. [12:44:15] President, your Honour, I start from the last to the top. Andrew
12 Lutakome Kayire was the leader of UFM. This is the rebel group which mainly was
13 composed of the Baganda, the Baganda and then a few Busoga, they are the ones who
14 sided with Museveni when he was approaching Kampala. They had actually
15 controlled Kampala, this group here. And this gentleman would have been -- was
16 supposed to be Museveni's number two from UFM, but then he ended having him
17 dead, was shot dead before even -- he was just made the minister for a few months,
18 then he was killed. I think when he started saying that -- asking for equal, you know,
19 equal division of the cake, so he was shot dead.

20 Colonel Angelo Okello, this was a UPDA. This was a rebel group from the north.
21 These were the former UNLA officers, soldiers, who regrouped and decided to have
22 peace talks with Museveni. So they was led by this Angelo Okello. He was
23 also -- after arriving in Kampala, his soldiers were taken away, he remained solo, he
24 was killed. He was shot dead.

25 Captain Jesus Ojirot was my commander in Teso. He helped, he helped release one

1 of the captured ministers called Aporu, Dr Aporu. He released -- he was the one
2 keeping that minister, he was a Teso minister, he released him, and Aporu took him
3 to Museveni. When he arrived at Museveni, he stayed for about a month, he found
4 conditions not bearable, so he fled back. So after fleeing back they lured him again
5 and then they shot him in Mbale. I know, I know all of them.

6 So Brigadier Opon Acak, Opon Acak negotiated for peace. He was actually with the
7 UPA. This was a former chief of staff of the UNLA. When I arrived in Nairobi he
8 was living with Peter Otai. So he decided to break away and he negotiated with
9 Museveni. So when he was going back to Uganda, because he never used the formal
10 route, he just wanted to go through Mount Elgon, he was ambushed and was killed.
11 He is a Lango from Lango.

12 Q. [12:47:46] Now these four gentlemen you just discussed about, when they died
13 was this during the 1980s or the 1990s?

14 A. [12:47:59] Andrew Kayire died many years, '80s. Angelo Okello also died late
15 '80s. Jesus Ojirot died earlier '90s, early '90s. Opon Acak died 1989.

16 Q. [12:48:35] Now the reason why I had all this explained is one of the first few
17 sentences that I read when it said "Why should Yoweri Museveni maintain the
18 concept of fighting to the last man while giving sham amnesty?"

19 Now, what is this sham amnesty written before the listing of these four people who
20 were, as you said, killed by the NRM government?

21 A. [12:49:11] President, your Honours, Museveni always says he will give you
22 amnesty. But his amnesty, it does not recognise. Once you are within, he doesn't
23 recognise amnesty. Embassies give amnesties everywhere, but you go back home,
24 eliminates you, he will either shoot you or poison you. Those are his tactics.

25 Q. [12:49:43] Now again these gentlemen, as they were killed by the NRM

1 government, was this something that was known within the UPA and the LRA?

2 A. [12:49:57] Yes, this, this was in public. This was public. It was published in
3 the Ugandan papers he has been shot dead. You know, we don't know the gunmen.
4 You see. They negotiated even this, like Jesus, they negotiated with the government.
5 In fact, he negotiated when I was already in Nairobi here. I just heard this now,
6 negotiating, but after a few months, I hear he has been shot dead by the same
7 government, you see.

8 Q. [12:50:42] Now while you were negotiating for the LRM and the UPF, was any
9 of this, these issues during that year and a half to two years you were at the
10 "embassy" - with air quotes - were these discussed while you were having
11 a negotiation, issues like this, that people who negotiated were killed?

12 A. [12:51:16] President, your Honours, I discussed -- before I produced the
13 document I discussed with Professor Joyce Neu. I said, "Look, the position is this:
14 We try all these things, but is there a side reliable? Are you trusting Museveni's
15 side?" Because I gave all these examples when General Tito came and made
16 arrangement with him in Nairobi. The old man was returned back, he was returned
17 to Uganda and he didn't live long. He just passed on. While in Nairobi was very
18 healthy, but when he arrived in Uganda his health deteriorated. So all these things
19 we discussed with the Professor Joyce Neu.

20 And one of the reasons - I must be very honest with you, President - after
21 communicating to Joyce Neu one time, she opened to me, said, "Look, you know, the
22 other side is not committed." So as a conflict resolution officer -- official of
23 Carter Centre she decided to resign and went to lecture at a university.

24 Q. [12:52:56] Now, Nathan, of course we know who Joyce Neu is.

25 A. [12:53:02] Yes.

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1 Q. [12:53:02] Now the Judges might not know who Joyce Neu is.

2 A. (Overlapping speakers)

3 Q. [12:53:07] Could you -- Witness, could you please explain briefly to the Judges
4 who Joyce Neu is.

5 A. [12:53:15] President, your Honours, Joyce Neu was a director for conflict
6 resolution at the Carter Centre. She is a professor. Right now she is lecturing in
7 one of the universities in California.

8 MR OBHOF: [12:53:52] Your Honour, I think this would be a good place to stop. I
9 can guarantee a hundred per cent I will be done by second session tomorrow.
10 Maybe even first.

11 PRESIDING JUDGE SCHMITT: [12:54:01] Yes. Okay. Thank you very much.
12 Then we have the lunch break until 2.30.

13 THE COURT USHER: [12:54:05] All rise.

14 (Recess taken at 12.54 p.m.)

15 (Upon resuming in open session at 2.32 p.m.)

16 THE COURT USHER: [14:32:55] All rise.

17 PRESIDING JUDGE SCHMITT: [14:33:19] Good afternoon.

18 Please, Mr Obhof, proceed.

19 MR OBHOF: [14:33:22] Good afternoon, your Honours.

20 Q. [14:33:26] Good afternoon, Nathan.

21 A. [14:33:28] Good afternoon.

22 Q. [14:33:28] Before we proceed, we do have to announce Michael Rowse is in the
23 courtroom as well.

24 Nathan, earlier today during our first session, you used a word -- you were
25 discussing the NRA ideology, you used a Kiswahili word. Do you remember the

1 word that you said? The booth needs to have it for clarity.

2 A. [14:34:04] President, your Honours, the word is "kipingamizi".

3 Q. [14:34:11] Perfect, thank you.

4 Now, during your time in Aruu, Jebellen and Khartoum, did you get to know Joseph
5 Kony?

6 A. [14:34:50] President, your Honours, I did.

7 Q. [14:34:57] How well did you get to know him?

8 A. [14:35:04] President, your Honours, I may not assume that I knew him very well,
9 but I knew him. The time I was there, I was with him all the time.

10 Q. [14:35:24] Did he trust you or at least did it appear that he trusted you?

11 A. [14:35:33] President, your Honour, he trusted me because I was his guest.

12 Q. [14:35:44] Now, during that time with Joseph Kony, did he ever explain to you
13 how he ended up joining the resistance against the National Resistance Army?

14 A. [14:36:06] President, your Honour, he did explain circumstances at which he
15 ended up fighting the NRA.

16 Q. [14:36:19] Could you tell us what Joseph Kony told you?

17 A. [14:36:25] Your Honour, he told me from the beginning, he was a chapel boy
18 and then at a certain time he possessed spirits, which made him to disappear for
19 about two weeks at his own village in Odek in Gulu. The spirits told him to go and
20 stay on one of the hills, rocks around his home village there. Then he stayed there
21 without food, without water. He was instructed to keeping on praying, praying and
22 praying. And then after I think some time, the spirits again got him out, told him to
23 travel a certain direction, which I can't remember, within their village, and that is
24 where he got the first encounter with NRA. He was armless, but the spirits were
25 fighting for him, according to him.

1 Q. [14:37:52] Now, did Joseph Kony ever tell you a story about him being
2 captured?

3 A. [14:38:01] Your Honour, yes, he did. He said during one of the encounters
4 with the enemy, he was already -- readily captured, interrogated and then they kicked
5 his ass and they told him, "You stupid man, get away." They thought it was a
6 villager.

7 Q. [14:38:29] So they didn't know that they had actually captured Joseph Kony?

8 A. [14:38:34] They didn't know.

9 Q. [14:38:38] Did he tell you in which year this happened?

10 A. [14:38:43] Unfortunately I can't remember whether he told me, but -- but that's
11 the story he told me.

12 Q. [14:38:53] Now, generally speaking, not in this one instance but generally, how
13 was Joseph Kony able to evade capture?

14 A. [14:39:11] Generally, your Honour, Joseph Kony, the time I was there, he had
15 some unique characters. You sit with him, all of a sudden he falls asleep, he tells you
16 "Let me go and sleep. When he comes back, he comes with a message. He says the
17 spirit had visited him and indeed some of the messages, if not most of them, came to
18 pass.

19 Q. [14:39:50] Now, we are going to go much more in depth on this issue in a little
20 bit, but for right now and briefly, these messages, these predictions, where did he get
21 this information?

22 A. [14:40:10] President, your Honour, he said the messages are delivered by
23 particular spirit, because he said he had several spirits. There was a war spirit and
24 many others, you know, which could deliver messages, and indeed if he tells you the
25 enemy is coming, indeed the enemy is coming and he has never been to the front line,

1 you know, with him there.

2 If he tells you, "Bomb is landing, it's this side, get away from there" and the bomb will
3 land there. So I didn't know where -- where he got those powers, but he says from
4 the spirits.

5 Q. [14:40:53] Now, what happened to people who did not obey the orders of the
6 spirits which spoke through Joseph Kony?

7 A. [14:41:06] President, your Honour, most of his commanders, he always briefed
8 them on the orders of the spirits and one has to obey the orders of the spirit. If you
9 go astray, you will have a problem, and indeed those commanders who never obeyed
10 the instructions he always gives them, they ended either getting wounded or dead in
11 the battlefield.

12 Q. [14:41:42] Now, with this type of, not punishment, but with this type of action,
13 this type of repercussion happened, let's say even if Joseph Kony didn't obey the
14 spirits?

15 A. [14:42:00] Yes, your Honour. He himself was an example, because one time he
16 told me if the spirits tell him to pray 10 times a day he has to pray 10 times a day. If
17 he misses, something wrong will happen to him.

18 Q. [14:42:31] Now, During the time when you were in LRA, did you ever come to
19 learn what happened to persons who tried to escape from the LRA?

20 A. [14:42:44] President, your Honour, there are two issues here. The escapees, the
21 way I used to hear, he used to tell them that "Now you are with me. The enemy is
22 on the other side. You are with the good people." So if you'd escape from the good
23 people to the side of the enemy, the enemy will eliminate you. And that is what you
24 could pray during prayers to the recruits and everybody. And indeed, you find on
25 the way some of these people would try to escape, but you find just they are dead on

1 the way, they have been killed by the SPLA or the local communities around there,
2 but not the LRA killing those people. The local people or the SPLA, or UPDF.

3 Q. [14:43:48] Now we talked about this a little bit earlier today about the fate of
4 Otti Lagony and Okello Can-Odonga. How did you come to learn about their, their
5 executions?

6 A. [14:44:08] President, your Honour, I was in Khartoum. Then the director of
7 intelligence sends one of his deputies to brief me that, unfortunately, we have lost our
8 good friend Otti Lagony and Okello Can-Odonga. Kony has executed them. That
9 was the message I got.

10 Q. [14:44:40] So then is anybody in the entire LRA immune from Joseph Kony's
11 wrath if he gets mad and wants to kill you?

12 A. [14:44:54] President, your Honour, I don't think anybody is immune, because
13 they are people like Vincent Otti. Like Vincent Otti, these were very good, you
14 know, people he really trusted, but he ended killing him up. There are people like
15 Matata, although he died a natural death. We had people like Omona, the deputy
16 army commander who was there, was a former UNLA. So nobody was immune.
17 Because I am told even here there was a time when he even executed part of his, you
18 know, his wives, you know, if they disobeyed.

19 Q. [14:45:56] Nathan, what comprised Joseph Kony's army council?

20 A. [14:46:13] President, your Honour, Joseph Kony did not have a professional
21 army council. The way an army is arranged you have the -- all this, this. He didn't
22 have the army council. But Joseph Kony's army council was mostly from his spirits
23 were dictating to him how he plans the war, how he plans the deployment. He
24 rarely called the commanders to say, "Look, you are brigade commander, you come
25 and we arrange this. You are deputy army commander, you're an intelligence officer,

1 how do we plan?" Doesn't plan it. The whole plan comes from his head and he
2 says it is from the spirits. That was his whole command, and prayers.

3 Q. [14:47:11] Now, can you remember any of the names of the spirits on this army
4 council of Joseph Kony?

5 A. [14:47:28] President, your Honour, I may not remember all of them, but I
6 remember one or two or three. There was a spirit called Silili. Juma Oris. And
7 then there's a - I think - I can remember those two. But there was Silili, Juma Oris.

8 MR OBHOF: [14:48:00] If I may, your Honour?

9 PRESIDING JUDGE SCHMITT: [14:48:02] Of course.

10 MR OBHOF: [14:48:04] From page 0218 of his statement, paragraph 53.

11 Q. [14:48:08] Do you remember one by the name of Who Are You?

12 A. [14:48:12] Oh, yes, yes, yes, yes. There was one called Who Are You. Yes.
13 Yeah. There was one spirit called Who Are You.

14 Q. [14:48:22] Only because you mentioned the name I would like to turn to tab 3,
15 which is UGA-D26-0010-0225. And, Nathan, it might be easier for you to see it on
16 the screen, because this printed is going to be a --

17 A. [14:48:44] My screen is not on.

18 Q. [14:48:46] Oh, it's not on?

19 A. [14:48:47] No. Yeah, yeah, I can see.

20 Q. [14:48:55] If you could zoom in, especially on the person standing -- the male
21 standing right next to Joseph Kony.

22 A. [14:48:59] Yes.

23 Q. [14:49:00] Mr Witness, who is that person right there with Joseph?

24 A. [14:49:04] The person next to Joseph Kony is the late Colonel Juma Oris; was the
25 minister of information during Idi Amin.

1 Q. [14:49:20] Is that the same Juma Oris we're speaking about right now?

2 A. [14:49:27] I believe -- I believe so. Because I don't know how he came to name
3 one of the spirits Juma. Ah, this is Juma Oris, yes. But he's deceased.

4 Q. [14:49:41] Now, would -- you mentioned briefly that Joseph would sometimes
5 go to sleep and come back with certain predictions. Now, how would the orders
6 from his spiritual army council come to Joseph?

7 A. [14:50:02] President, your Honour, the way he explained to me one time, says,
8 "Look, when I start seeing my body weakening and I begin experiencing some kind of
9 sleep and I need to go to sleep, I have to go and sleep. And that's when I receive the
10 spirits." He receives when he's taking some nap.

11 Q. [14:50:32] Now, have you ever been present when Joseph Kony was being
12 possessed by the spirits while he was awake?

13 A. [14:50:40] President, your Honour, I have not seen, I have not been present.
14 Because he disappears, he goes to sleep, he comes back with the message. But not
15 when he's seated with us. Even if he is seated, just tells you, "Excuse me." He is
16 gone.

17 Q. [14:51:04] Now Nathan, would - at least to the best of your knowledge - would
18 these spirits give Joseph Kony advanced knowledge of persons who may be trying to
19 escape or trying to talk to the government of Sudan? Would the spirits tell him
20 issues like that?

21 A. [14:51:43] President, your Honour, that is exactly what he used tell us. He says
22 "I know in advance what is happening." And he will tell you that you are planning
23 something. There are people who are going to escape from here, this brigade, this
24 one, he will tell you. And that would happen.

25 Q. [14:52:07] Now, would he make these predictions known beforehand? Well, as

1 you said, he would make these predictions beforehand. Would he tell just the
2 brigade leaders or would he tell everybody, say, in a brigade?

3 A. [14:52:25] President, your Honour, he would always announce this during
4 prayer time, because within the camp everybody comes to pray in one area. There's
5 a designated area for prayers, so all the soldiers come, apart from the guards who
6 remain there. But he would announce during such a prayer time. He wouldn't tell
7 the brigade commanders.

8 Q. [14:53:02] Now, from what you observed, did those people in the LRA who
9 were listening to Joseph talk about this, did they believe what he was saying?

10 A. [14:53:19] President, your Honour, basically everybody in the LRA believes in
11 Kony's word. I don't know what zero zero percentage doesn't believe. Everybody
12 believes in his word.

13 Q. [14:53:44] Now, Joseph Kony's spirits, would he tell people that his spirits were
14 far-reaching? By that I mean that they don't have to be present next to him for his
15 spirits to exact revenge?

16 A. [14:54:07] President, your Honour, he would exactly say so. Would say no. I
17 know, I know how far this will happen, how far it will go, without even being there.
18 He would tell people.

19 Q. [14:54:25] Now, while you were with Kony did you ever witness or can you give
20 an example of Kony using the spirits to stop people from trying to escape?

21 A. [14:54:50] President, your Honour, while I was in LRA, most of the time, as I
22 told you, I was a guest commander, so I was very close to Kony, and most of the time
23 we ate together. But I don't sleep in his compound, I was given another commander
24 to take guard of me. But he had those unique powers, really unique powers, because
25 he would tell you, "Nathan, I can see a convoy of food being brought by the Sudan

1 government." But he has never communicated with those people. And indeed, you
2 see the load is coming. He can tell you, "Look, UPDF is already crossing the border
3 heading here. So we need to inform the Sudanese army." And it would come true.
4 So he would know in advance and he would foretell exactly what would happen.
5 And if he tells you that the spirit says "Go and plant mines. It will only hit the trucks
6 and the tanks. You just go and do that. Don't do any other thing." He just tells
7 you go and plant the mine and you will just wait and you will hear the blasts. He
8 will tell you, "They just come here. Wait. Just put."
9 So that was the uniqueness of his spiritual approach, which I don't know where he
10 got it from, but I have witnessed the way it happened. Because Kony has eluded
11 death. He has been shot I think once only, just as a bullet -- a bomb shrapnel, but he
12 has not been shot. But he has been in battles.

13 Q. [14:57:13] Now, while you were with the LRA, did the LRA have strict rules to
14 live by?

15 A. [14:57:25] Yes.

16 Q. [14:57:29] Can you remember some of these rules?

17 A. [14:57:33] President, your Honour, while my experience in LRA was that you
18 have to carry water in a small bottle, you hang it here, you mix with the shea nut
19 butter. That bottle you are carrying is a sign for respect for water, wherever you find
20 water. You're not supposed to play with water, you're not supposed to -- you know,
21 let's say urinate on water or, you know, it was just a sign for respect for water.
22 Two, if you are living within LRA camp, hygiene, that was one of the strict rules,
23 hygiene was completely maintained. There was no sickness, you don't see diarrhoea,
24 you don't see anything. But the -- the soldiers are there, they are active every day.
25 The others I saw was that you're not supposed to take a -- a girl as your wife before

1 she's anointed. You know, there are recruits they bring, some of them are women,
2 you cannot take a girl before you are anointed -- the girl is anointed and approved by
3 the elders. The other one I saw was you must carry rosary, Catholic rosary, each and
4 everybody had it. And many others.

5 Q. [14:59:16] Mr Witness, in a conventional military, do they require soldiers to
6 carry rosaries?

7 A. [14:59:29] President, your Honour, that depends on your belief in the
8 professional army. You could carry. If you're Muslim, you can carry. If you're a
9 Catholic, you can carry. It is just for your own prayer time. But in LRA, it was
10 almost compulsory because they would go and contact the Catholic churches to give
11 them the rosaries. It was, it was a -- a mandate to have a rosary for prayers. To a
12 certain extent, they had the white gowns, which they call "kanzus" for senior officials
13 or commanders.

14 Q. [15:00:27] Now, in a conventional military, do they require you to wear water
15 around your neck with shea nut oil?

16 MR GUMPERT: [15:00:38] Your Honours, these are rhetorical questions on which
17 this witness can give no real help to the Court and, in my respectful submission,
18 Mr Obhof should move on to something more relevant.

19 PRESIDING JUDGE SCHMITT: [15:00:50] Or he could rephrase it and simply say,
20 since the witness has also served in other military circumstances, you could ask him
21 how it was -- had been handled there.

22 MR OBHOF: [15:01:02] Okay. Yes.

23 Q. [15:01:03] When you were trained at Monduli and in North Korea, was that part
24 of your training to wear water around your neck which you could not drink?

25 A. [15:01:16] President, your Honour, it is not there in the professional army, but an

1 individual can just go and get it. If he approaches a witch doctor, and tells him,
2 "You are going to war, you can put this as amulet." You know, you know what an
3 amulet is. So that's an individual when in professional soldier life. But in LRA it
4 was a must to carry it for respect for water. And also it -- he believed it could be
5 medicine, if you are shot, you just use it to wash the wound.

6 Q. [15:01:56] Now, these rules that you've enumerated and the others ones which
7 you have not, did they apply to everyone equally or did they not apply to newly
8 abducted persons or persons who had been in the LRA for a decade?

9 A. [15:02:18] The newly abducted or recruited, until they were initiated, that's
10 when they begin using. But for those who have been initiated, it was a must they
11 wear and carry.

12 Q. [15:02:38] Now, again, we talked today about your time in Monduli, you
13 mentioned that you were trained in South Korea?

14 A. [15:02:56] No, North Korea.

15 Q. [15:02:58] North Korea, yes, sorry, my fault. Can you briefly explain the
16 military ranks and how one moves up or down from a military rank in a conventional
17 military as you were trained?

18 A. [15:03:14] President, your Honour, once you graduate as a cadet, you become a
19 first officer, it depends on the establishment of that particular cadre's army. In the
20 case for Uganda, you become a second lieutenant. You go to a lieutenant, a captain,
21 a major, a lieutenant colonel, colonel, brigadier.

22 Now Museveni has introduced new systems of ranks. I think he was just appeasing
23 his officers, which were not there during the independence army, which are called
24 lieutenant generals. But from brigadier -- previously in our constitution it was
25 brigadier, major general, and general. But now he has added more ranks. That is

1 in a professional army.

2 Q. [15:04:12] Now, in a professional army, how would one move from second
3 lieutenant to a first lieutenant?

4 A. [15:04:21] After cadet, you become a second lieutenant, then you become full
5 lieutenant, you -- it's -- it's automatic, it's automatic. You can qualify for that within
6 six months, but the rest of the ranks, you have to go and take a course.

7 Q. [15:04:42] So it's based upon educational merit?

8 A. [15:04:46] Yeah.

9 Q. [15:04:47] And you --

10 A. [15:04:48] You have to go -- undergo and take a course. Like a platoon
11 commanders' course, company commanders' course, and then you go to staff college,
12 so that you are able to command a company or a battalion.

13 Q. [15:05:09] Now, in terms of ranks that we've been talking, what did a military
14 rank mean in the LRA?

15 A. [15:05:36] President, your Honour, LRA ranks were given according to one's
16 performance.

17 Q. [15:05:52] Could you define "performance"?

18 A. [15:05:56] Your Honour, performance in the battlefield, if you're a very good
19 fighter, Kony would promote you. He was not giving ranks on -- I mean, on a -- on a
20 relation -- relation to person to person, but on merit. If you are a good commander,
21 he would promote you. That's why you see prominent commanders like
22 Ocan-Odonga, the one eventually killed after he lost his eye in battle was a very
23 strong commander. We had people like Buk, we had people like Tabuley and many
24 others. He was promoting his commanders on merit.

25 Q. [15:06:51] Now, did the spirit have any say in the promotion of commanders?

1 A. [15:06:58] Your Honour, I cannot, I cannot give the correct position on that.

2 Because I could just hear him calls a meeting of all officers, then he gives ranks. So

3 I don't know whether the -- the spirit contributed to that or himself personally.

4 Q. [15:07:23] Now, when you went to Monduli, you were taught what certain

5 words were meant, brigade, battalion, company. Now, when you were in the LRA,

6 did those names exist in the LRA?

7 A. [15:08:01] President, your Honour, I did not under -- I did not get the real thing

8 from the -- what I -- what was -- what was visible there was we had brigades, we had

9 battalions, the LRA had battalions, but from down there, I don't know whether, I

10 didn't invest -- I didn't study whether they had those other establishment, like

11 company or what. But there were battalions and brigades, because I remember there

12 was a Stockree brigade, a Gilva brigade. Those -- those ones, I -- I know. But from

13 company down, I don't know. They had from battalion, those ones were visible.

14 Then Control Altar, which belonged to Kony himself, was also a brigade guarding

15 him.

16 Q. [15:09:04] Now, from what you learned while you were educated, did the name

17 "brigade" in the LRA mean the name "brigade" as in a conventional military?

18 A. [15:09:17] President, your Honour, no. A brigade in LRA could have about

19 from 500 people to 5,000 as a brigade. From 500, depending on the number of

20 soldiers. You could have that as a brigade.

21 Q. [15:09:46] So there was no set --

22 A. [15:09:48] But -- but because in a -- in a regular brigade, a brigade is supposed to

23 have about four battalions and a battalion is supposed to have about five to 600

24 people. A company is supposed to have 300 and something. So a brigade is

25 supposed to have 2,000, but for him, he had from 500. Even up to 5,000, that -- it

1 could be called a brigade.

2 Q. [15:10:17] So please tell me if I'm correct that it was only a brigade in name in
3 the LRA?

4 A. [15:10:26] President, your Honour, it was not a brigade in name, it had people
5 and commanders. That's why I'm explaining, LRA's brigade would comprise 500 to
6 5,000 in population of the soldiers. It could be 5,000 soldiers and he calls it a brigade.
7 Because for -- for information, when I went to Sudan, I got -- the LRA had
8 almost -- over 15,000 soldiers, over 15, armed soldiers. Juma Oris came with another
9 6,000. This Juma Oris here. So their brigades were just that -- that big, you know.
10 They didn't have a -- a division, it ended to brigade.

11 Q. [15:11:27] Now, when you mentioned too about the -- about moving from rank
12 to rank, now when you said "performance", do you mean performance on the
13 battlefield or do you mean performance in a different way?

14 A. [15:11:46] Your Honour, performance in the battlefield. And then also
15 performance in recruitment. Battlefield. And it depends on how many soldiers
16 you have recruited.

17 Q. [15:12:09] Now, this type of promotion going between the ranks, was this the
18 same throughout your entire time in the LRA or did it change over the years?

19 A. [15:12:47] President, your Honour, while I was there for the time I was within
20 LRA, it was the same type of promotion, unless they changed when I left. Because
21 you could be having a unit in Uganda and when there is promotion, they say, "No,
22 you have to promote this person in Uganda too." Your name appears there for
23 promotion, but you are in Uganda.

24 Q. [15:13:23] Now, finally on this area of promotions, would it be possible that
25 somebody might have been ambushed and seriously injured and in order to increase

1 morale, somebody would get promoted as well and increase the morale of the
2 soldiers?

3 A. [15:13:45] Your Honour, I think you're right because those who suffered, and
4 instead of keeping them, you would use some leverage to give them hope by giving
5 them some ranks. That's correct. Because we had some people amputated, but
6 they were promoted. They lost legs, they were amputated in Juba, but they still get
7 the promotion.

8 Q. [15:14:15] That leads me to a different photograph, UGA-D26-0010-0232.

9 PRESIDING JUDGE SCHMITT: [15:14:36] I think it will be displayed soon.

10 MR OBHOF: [15:14:41] It's at tab 10.

11 THE WITNESS: [15:14:55] Yes.

12 PRESIDING JUDGE SCHMITT: [15:14:59] You can see it now on the screens.

13 THE WITNESS: [15:15:03] I can see it. Thank you.

14 MR OBHOF: [15:15:06]

15 Q. [15:15:07] Now Nathan, do you remember allowing me to photocopy this
16 photograph?

17 A. [15:15:12] President, your Honour, yes.

18 Q. [15:15:17] Now, who is this person, if you remember?

19 A. [15:15:22] President, your Honour, this was the brigade commander for Gilva.

20 Q. [15:15:29] What's his name?

21 A. [15:15:30] Otim, Colonel. He was a colonel when I was there, Otim.

22 Q. [15:15:37] Okay. Do you know a second name or a nickname?

23 A. [15:15:41] Oh, it's -- I know him, he's a -- he's lost one limb.

24 Q. [15:15:49] So if I say --

25 A. [15:15:51] He has one -- he lost one limb when we were in the battle -- when he

1 was in the battle. There was Otim. I know him as Otim.

2 Q. [15:15:56] Okay.

3 A. [15:15 57] Brown guy.

4 THE INTERPRETER: [15:15:58] Your Honour, could you please ask them to take a
5 break in between questions and answers.

6 PRESIDING JUDGE SCHMITT: [15:16:03] I think you have heard it. Just have a
7 short break between answering and the questions.

8 THE WITNESS: [15:16:08] Okay.

9 PRESIDING JUDGE SCHMITT: [15:16:09] You can put the name to him simply to
10 expedite proceedings.

11 MR OBHOF: [15:16:15]

12 Q. [15:16:16] Does Otim Charles, otherwise known as "Otim Mono" sound right?

13 A. [15:16:24] President, your Honour, it's Otim Charles.

14 Q. [15:16:27] Now, in this photograph he has two legs; is that correct?

15 A. [15:16:37] Your Honour, yes.

16 Q. [15:16:38] But you, but you did state that he only has one leg now?

17 A. [15:16:50] Yes, your Honour. This was during an operation when he was in
18 Uganda, but he got wounded after, when he was crossing the border back to Sudan,
19 near Atiak -- not Atiak, near, what is this place, Aswa. Aswa, east of Kitgum road,
20 he was -- was shot there with a poisoned blade. This is the poisoned blade, which
21 it -- it didn't break his leg, but just entered, penetrated the muscle and then caused the
22 rotting of the tissues all there, you know, the blades which are being manufactured in
23 Nakasongola by the Koreans. They poisoned the -- the cartridges.

24 Q. [15:17:55] Now, Mr Witness, after he hurt his leg, was he still involved in the
25 day-to-day activities of the LRA? Maybe not the fighting, but at least the

1 administration?

2 A. [15:18:17] Your Honour, yes. He was a -- a -- he was a camp commander at
3 Nsitu, if I can remember. By the time I left for Khartoum, he was camp commander
4 for Nsitu camp.

5 Q. [15:18:39] Now, if Joseph Kony thought somebody or had suspected that
6 somebody might want to escape, could he also use promotions in order to make that
7 person stay?

8 A. [15:18:58] Your Honour, it's right.

9 Q. [15:19:08] Now, we're going to look on something slightly different. Did
10 Joseph Kony have knowledge of the herbal and traditional medicine?

11 A. [15:19:24] President, your Honour, he knew it very well.

12 Q. [15:19:33] Now, would you say his knowledge was that of a normal person in
13 Uganda?

14 A. [15:19:44] Your Honour, with that knowledge of his own herbal medicine, it was
15 normal, like normal person in Uganda. He had that knowledge of herbal medicine.

16 Q. [15:20:02] Did Kony ever tell you where he received this knowledge?

17 A. [15:20:16] Your Honour, he didn't tell me, but I witnessed one or two occasions.
18 He can just tell somebody to go to the bush, pick such and such, dig such and such a
19 root or if somebody is broken, has been shot in the battle, there is no POP, he just tells
20 you to go and get some leaves, crush them and then apply them on -- on your arm,
21 broken arm, then you tie with the two, two panels of board and the hand will heal
22 without you putting POP, the medical one. These are just green leaves off a tree.
23 But wherever he got it from, he didn't tell me.

24 Q. [15:21:13] Now, did you ever see Joseph Kony predict or prophesise that
25 someone would fall ill in the near future?

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- 1 A. [15:21:29] Your Honour, I have never witnessed that one.
- 2 Q. [15:21:37] Have you ever heard about that happening?
- 3 A. [15:21:43] Your Honour, no.
- 4 MR OBHOF: [15:21:53] Your Honour, I'd like to go to page 0219 of his statement,
5 paragraph 57b, I'd just like to --
- 6 PRESIDING JUDGE SCHMITT: [15:22:02] Yes, okay.
- 7 THE WITNESS: [15:22:06] To?
- 8 MR OBHOF: [15:22:09]
- 9 Q. [15:22:09] Page 16 of 20 in your statement of tab 1. Page 16, and the real page is
10 page 0219 for the ERNs.
- 11 A. [15:22:52] Okay.
- 12 Q. [15:22:53] I'm going to read this to you. It says: "Second, Kony had an
13 extraordinary ability to know what herbs or other natural products would cure
14 diseases/ailments. This was not like your normal doctor or medicine man. Kony
15 did not need to see the person to tell them what they needed. Sometimes he would
16 predict cures before the person ever knew that they were sick. He would tell them
17 to collect an herb, and when they felt sick in a week, to take the herb. Everyone that
18 I knew that followed Kony's instructions about medication lived."
- 19 Now, Mr Witness, does this refresh your memory about a discussion we had three
20 years ago?
- 21 A. [15:23:40] Yeah.
- 22 Q. [15:23:40] Now, is what I just read now has it refreshed your memory?
- 23 A. [15:23:53] President, your Honour, correct.
- 24 Q. [15:23:58] Now, Mr Witness, did you ever hear about Joseph Kony healing the
25 eyes of somebody who has gone blind?

1 A. [15:24:09] Your Honour, I have heard such statements from the elders from
2 within LRA. And on this particular section you've read, your Honour, I remember I
3 went to the colleague of mine, when we arrived in Khartoum, this man could not
4 walk because he had gout. He had to remove the shoes and the tarmac is very hot.
5 So when, when we eventually ended in the hotel room where we are and they gave us
6 a radio call to talk to him, he just told this man to pick something, "Go and -- within
7 the flowers there." He told him go and pick something and then chew.
8 After two hours, this man started putting on shoes, and he could not walk
9 from -- from -- from Nairobi where he could not put on his shoes. When we landed,
10 he could not put on the shoes. So this one reminds me when he tells you, he can
11 predict the ill ailment you have, but if he tells you, "Do this", you do it and you will
12 become okay, your Honour.

13 Q. [15:25:44] Now, Mr Witness, we're going to discuss a little bit about Joseph
14 Kony's predictions in the field. Do you remember being with Kony in Uganda
15 during a dry season?

16 A. [15:26:16] Your Honour, yes, that is the time when Kony mostly used to go to
17 Uganda. He could not go to Uganda during wet season. Dry season.

18 Q. [15:26:30] Was there a time when you were being pursued by the UPDF during
19 the dry season?

20 A. [15:26:44] President, your Honour, the UPDF knew LRA calendar and they
21 knew LRA mostly when it comes to fight, they fight better during the dry season, so
22 they would always heavily deployed to pursue LRA.

23 Q. [15:27:05] Now, did you ever see Joseph Kony's spiritual -- his prayers help you
24 while the UPDF was in pursuit of Control Altar in Uganda?

25 A. [15:27:26] President, your Honour, the different situation was that while in

1 Uganda Kony could predict and pass his predictions to the commander of that
2 particular unit. He wouldn't call everybody, but then the commander in turn would
3 come and relay. That was when the forces are in Uganda. But when then in Sudan,
4 everybody is called and told information. But while in Uganda, he calls the patrol
5 commander and would tell you that -- he tells the commander that the enemy is
6 coming, go and do this, do this, deploy like this, you would be able to finish them.
7 Or, let's move away from here, go to this corner, the bombs will land here. And it
8 would happen.

9 Q. [15:28:22] Now, was there a time during the dry season when Joseph Kony
10 prayed while he was with you in Uganda, and that rains came down and stopped, or
11 at least hindered, the UPDF chasing after you?

12 A. [15:28:41] President, your Honour, correct.

13 Q. [15:28:51] Now, Mr Witness, you once told me a story about crossing the Aswa
14 River and setting up camp with Joseph.

15 A. [15:29:00] Yes.

16 Q. [15:29:01] Could you tell that story to the Court, please.

17 A. [15:29:05] President and your Honour, we crossed - excuse me - we crossed
18 Kitgum road to Aswa, and we went and camped to have lunch, stoppage for lunch to
19 cook. We ate. But then, all of a sudden, Kony had a short nap. In all of -- he
20 called me, said, "Nathan, the enemy is just behind us here, and now the bombs are
21 going to rain on this camp." So he called the commander, the commander blew the
22 whistle, everybody get back your backpacks. Immediately we took off the bombs
23 started landing where we were staying. You see. So that was the prediction. I
24 could have believed that he knew really exactly what was happening. But we had
25 already left the place.

1 Q. [15:30:08] But you did leave based upon his predictions?

2 A. [15:30:12] We did leave based upon his predictions, your Honour.

3 Q. [15:30:17] What about the location of sickbays? While you were in the LRA,
4 did Joseph Kony have any influence over the location of sickbays?

5 A. [15:30:38] President, your Honour, every sickbay of LRA was being located by
6 Kony, whether it's in Sudan or in Uganda. Because he believed, or the spirits tell
7 him where to put the sickbay. And, indeed, those wounded would never been
8 found by LRA -- by NRA and UPDF. It can just be an open place, but they just pass
9 there, but the sick are there. It depended on Kony. So the commander of the
10 sickbay has to consult him in order to locate the place for the sick and the wounded.

11 Q. [15:31:20] Now, Mr Witness, we've already talked about a few of these annexes
12 to your statement. Now I'd like to pull, and go through them, the ones we haven't
13 discussed and go through them one by one, you know, briefly, so the Judges have an
14 idea --

15 A. [15:31:49] Yes, please.

16 Q. [15:31:50] -- of what each thing is.

17 Now the first one we're going to look at is the array of photos that you allowed me to
18 copy, starting with tab 2, Defence ERN 0010-0224.

19 A. [15:32:06] Yes, tab 2.

20 Q. [15:32:07] And specifically for this photograph I really do want to wait until it
21 pulls up on the computer, so you can see it, even though I know you would probably
22 recognise it.

23 Mr Witness, what is this photograph?

24 A. [15:32:33] President, your Honour, this photograph is the meeting I held with
25 the LRA senior officers and Joseph Kony to -- we immediately arrived in Aruu, this

1 was the meeting. Kony had his brigadier commanders, they are all here. And I had
2 my delegation on the other side of six people. We are negotiating to get the passage,
3 as I told you. That was the purpose which took me to Sudan and this was the first
4 meeting we held upon arrival from Khartoum.

5 Q. [15:33:24] Now, if we could now go to tab 4. Because we've already talked
6 about tab 3. It's 0010-0226.

7 A. [15:33:40] Yes.

8 Q. [15:33:41] Nathan, do you remember who this gentleman is?

9 A. [15:33:50] President, your Honour, I do.

10 Q. [15:33:52] Who is this gentleman?

11 A. [15:33:56] Your Honour, it's Dr Obita.

12 Q. [15:34:03] Now, this photograph, was this taken in Aruu, Juba, Khartoum?
13 Where was it, do you remember?

14 A. [15:34:12] This one was taken in Khartoum, in LRA offices in Khartoum.

15 Q. [15:34:19] Now, this doctor, was he a doctor by PhD or a doctor by medical
16 doctor?

17 A. [15:34:27] He is a biochemist, Australian-trained biochemist.

18 Q. [15:34:38] Now to tab 5, which is 0227.

19 A. [15:34:48] Yes, your Honour.

20 Q. [15:34:51] Nathan, who is that with the doctor?

21 A. [15:35:00] Your Honour -- I mean, President and your Honour, with Dr Obita is
22 the late Yadin. He was the LRA chief of administration, CPA. But he died in action.
23 But he was called Yadin.

24 Q. [15:35:33] Is his full name Nyeko Tolbert --

25 A. [15:35:40] Nyeko, yes. Yes. Nyeko. Tolbert, Nyeko.

1 Q. [15:35:45] Now, when this photograph was taken, was he considered to be one
2 of the top LRA commanders?

3 A. [15:35:52] President, your Honour, it's correct. He was in Khartoum,
4 representing LRA in Khartoum, in the office in Khartoum before I moved there.

5 Q. [15:36:09] Now for the next one, tab 6, which is Defence ERN 0010-0228.

6 A. [15:36:21] Yes. Located.

7 Q. [15:36:25] Now these two gentlemen here, could you tell Court who they are?

8 A. [15:36:36] President and your Honour, the gentleman in the green uniform is
9 Tolbert Nyeko. This was in Aruu. The gentleman in a white T-shirt is Johnson
10 Ogwok, the brother to Olara Otunnu, but he is now deceased. This Johnson, he died
11 in Nairobi. He had a rupture of the artery in the brain, in his head. Died two years
12 ago.

13 Q. [15:37:29] This Ogwok --

14 A. [15:37:32] Yes, Johnson Ogwok, brother -- cousin to Olara Otunnu. He was in
15 the political wing of LRA.

16 Q. [15:37:43] Do you know what position he held in the political wing?

17 A. [15:37:47] Your Honour, he was in charge security, security desk in the political
18 wing.

19 Q. [15:38:01] Next one is tab 7, 0010-0229, Defence ERN. Was this just a -- what
20 type of photograph was this?

21 A. [15:38:22] Your Honour, this was a casual picture within LRA camp.

22 PRESIDING JUDGE SCHMITT: [15:38:29] I think we can move to the next one,
23 I would say.

24 MR OBHOF: [15:38:33]

25 Q. [15:38:38] Now these next two tabs, 8 and 9, we'll just do those together.

- 1 Defence ERN 0010-0230 and 0010-0231. Where were these photographs taken,
2 Nathan?
- 3 A. [15:39:10] Your Honour, this Aruu.
- 4 Q. [15:39:17] And who is the gentleman sitting there -- standing there in the white?
- 5 A. [15:39:21] This is 0230?
- 6 Q. [15:39:24] That's correct, yes.
- 7 A. [15:39:28] The gentleman, your Honour, in white was called Opolot. He was
8 the chief technician and communication officer for Joseph Kony. He was a UPA, the
9 original UPA sent there. But he passed on, I understand, during the attack of
10 Ri-Kwangba. But he was a chief signal officer for Kony.
- 11 Q. [15:40:14] I'm going to go back to one. One of my colleague's reminded me to
12 ask something about the first picture at tab 2.
- 13 A. [15:40:25] On tab 2?
- 14 Q. [15:40:27] Yes. It's 0010-0224.
- 15 A. [15:40:34] Yes.
- 16 Q. [15:40:37] Now, is there any special arrangement to the seating here? So are
17 UPA on one side, LRA on another, or are people just seated together?
- 18 A. [15:40:57] Your Honour, there was a special arrangement.
- 19 Q. [15:41:03] Could you describe that arrangement?
- 20 A. [15:41:08] Directly opposite, if when you look at this picture directly, is the back
21 of Joseph Kony. Joseph Kony is here. And then there was -- on his left is Abonga
22 Papa. I don't know whether you get me.
- 23 Q. [15:41:35] Which one here on the photograph is Joseph Kony?
- 24 A. [15:41:40] There is this chair you see with a white thing, extending backwards
25 with something like white, directly opposite -- well, directly in front of the screen, of

1 the picture. There's a dark chair with a white thing, you can see white. That is
2 Joseph Kony.

3 PRESIDING JUDGE SCHMITT: [15:42:02] I get it at least.

4 MR OBHOF: [15:42:03] You get it?

5 PRESIDING JUDGE SCHMITT: [15:42:05] Yes.

6 THE WITNESS: [15:42:06] That is Joseph Kony. On this side, when you're looking
7 at the picture like this, on the right is Otti Vincent. On the right is Otti Vincent. On
8 the left of Joseph Kony is Abonga Papa, who was in charge prayers. On -- after Otti
9 Vincent, this was Opiro, was a chief medical officer. And then you get to Yadin.
10 Yadin was next, in green, the last green on your right. And then the gentleman in a
11 red cap was the deputy army commander, the late Omona. He was Kony's deputy
12 army commander.

13 And then the other ones are who?

14 PRESIDING JUDGE SCHMITT: [15:43:02] I think we don't --

15 THE WITNESS: [15:43:03] No, no, no, I mixed it. Excuse me, excuse me. I mixed
16 it. It is Kony is the other one next to the tree, next to the red man in a cap, is Kony.
17 These ones in uniform are the army command -- the brigade commanders.

18 PRESIDING JUDGE SCHMITT: [15:43:19] So we got it here, but wrong.

19 THE WITNESS: [15:43:23] Yes, yes. Kony is hidden by the red cap, in civilian.
20 And then the other one is Opiro. And then Banyya is the one - you can see
21 Banyya - after the last civilian, that's Banyya. And then the next in uniform is
22 Lumumba, was a signal officer.

23 PRESIDING JUDGE SCHMITT: [15:43:48] I think that that will do now with the
24 picture and with the persons.

25 We can continue now.

1 MR OBHOF: [15:43:53] It might help if maybe over the night for homework we give
2 him the picture and he can write the names with --

3 PRESIDING JUDGE SCHMITT: [15:44:00] I don't have any. And if you want to
4 submit it, then I don't have a problem with it. But I think the information that this
5 entails has been sufficiently explored, so to speak.

6 MR OBHOF: [15:44:13]

7 Q. [15:44:13] Now, Mr Witness, we saw the picture of Otim Charles earlier.

8 A. [15:44:17] Yes.

9 Q. [15:44:18] Now, when you arrived was he considered to be a senior
10 commander?

11 A. [15:44:26] Pardon?

12 Q. [15:44:27] Otim Charles, was he a senior commander when you arrived?

13 A. [15:44:34] Your Honour, Otim was a brigade commander, he was a senior
14 commander. He was a brigade commander, Gilva brigade. That was the second
15 brigade in ranking.

16 MR OBHOF: [15:44:50] Now, your Honours, the witness's former attorney asked we
17 do this last part in private session for tab number 11.

18 PRESIDING JUDGE SCHMITT: [15:45:01] I understand.

19 Private session.

20 (Private session at 3.45 p.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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Trial Hearing
WITNESS: UGA-D26-P-0018

(Open Session)

ICC-02/04-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Open session at 3.48 p.m.)
- 4 THE COURT OFFICER: [15:48:59] We're back in open session, Mr President.
- 5 MR OBHOF: [15:49:05]
- 6 Q. [15:49:08] Nathan, the final tab that I would like you to look at right now is
- 7 going to be tab 15, and that tab is UGA-D26-0018-2843.
- 8 A. [15:49:30] Yes.
- 9 Q. [15:49:33] Now, do you recognise this?
- 10 A. [15:49:44] President, your Honour, I do.
- 11 Q. [15:49:50] Could you explain to Court what this book is about.
- 12 A. [15:50:00] President, your Honour, this book is -- the title is Portrait of a Despot.
- 13 It depicts who Museveni is, his administration, his character. It gave us an
- 14 opportunity to write this book and it is on sale. It's in Kampala, Nairobi, and even in
- 15 London. It's a collection of the character of Museveni from the time he started bush
- 16 war to the time we wrote this book, which we printed in Nairobi. I did print it in
- 17 Nairobi.
- 18 MR OBHOF: [15:51:09] Now, your Honour, I would be more adept to call it for the
- 19 day. Right now it looks like 45 minutes for tomorrow. Forty-five minutes, maybe
- 20 an hour.
- 21 PRESIDING JUDGE SCHMITT: [15:51:27] I understand. I think that's a good
- 22 suggestion. I will follow.
- 23 So we adjourn the hearing for today and reconvene tomorrow at 9.30. Thank you.
- 24 THE COURT USHER: [15:51:37] All rise.
- 25 (The hearing ends in open session at 3.51 p.m.)