

Trial Hearing
WITNESS: UGA-D26-P-0024

(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 Pangalangan
- 7 Trial Hearing - Courtroom 3
- 8 Tuesday, 6 November 2018
- 9 (The hearing starts in open session at 9.31 a.m.)
- 10 THE COURT USHER: [9:31:33] All rise.
- 11 The International Criminal Court is now in session.
- 12 PRESIDING JUDGE SCHMITT: [9:31:44] Good morning, everyone.
- 13 Could the court officer please call the case.
- 14 THE COURT OFFICER: [9:32:02] 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: [9:32:16] I call for the appearances of the parties.
- 19 Ms Nuzban for the Prosecution, please.
- 20 MS NUZBAN: [9:32:21] Good morning, your Honours. Good morning all. My
- 21 name is Yulia Nuzban on behalf of the Prosecution. With me in court,
- 22 Shkelzen Zeneli, Ben Gumpert, Pubudu Sachithanandan, Colin Black, Julian
- 23 Elderfield, Grace Goh, Jasmina Suljanovic, Adesola Adeboyejo, Hai Do Duc,
- 24 Laura de Leeuw.
- 25 PRESIDING JUDGE SCHMITT: [9:32:44] Thank you.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

- 1 And for the representatives of the victims, Mr Cox first.
- 2 MR COX: [9:32:46] Good morning, Mr President, your Honours. With me,
- 3 Mr James Mawira, Ms Anushka Sehmi, Ms Maria Radziejowska, and myself,
- 4 Francisco Cox.
- 5 PRESIDING JUDGE SCHMITT: [9:32:51] Yes, yourself, indeed.
- 6 Mr Narantsetseg.
- 7 MR NARANTSETSEG: [09:32:53] Good morning, Mr President, your Honours.
- 8 Orchlon Narantsetseg for the Common Legal Representative of Victims. Thank you.
- 9 PRESIDING JUDGE SCHMITT: Thank you.
- 10 And now for the Defence, Mr Ayena, please.
- 11 MR AYENA ODONGO: [9:33:07] Good morning, Mr President and your Honours.
- 12 I am Krispus Ayena Odongo. With me today is Mr Owiso Owiso, an intern;
- 13 Mr Obhof Thomas; Madam Abigail Bridgman; Madam Lyons Beth; Roy Titus Ayena;
- 14 Charles Achaleke Taku, chief. And our client, Dominic Ongwen, is in court.
- 15 PRESIDING JUDGE SCHMITT: [9:33:38] Thank you very much.
- 16 Today's witness and the next witness of the Defence is Mr Okot.
- 17 Mr Okot, on behalf of the Chamber, I would like to welcome you in the courtroom.
- 18 There should be a card in front of you with a solemn undertaking. Please read this
- 19 card out aloud.
- 20 WITNESS: UGA-D26-P-0024
- 21 (The witness speaks Acholi)
- 22 THE WITNESS: [9:34:09] (Interpretation) I solemnly declare to speak the truth, the
- 23 whole truth and nothing but the truth.
- 24 PRESIDING JUDGE SCHMITT: [9:34:17] Thank you very much. You are now
- 25 sworn in.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 I have a few practical matters to tell you before we start with your testimony.
2 Everything we say here in the courtroom is written down and interpreted, and to
3 allow for the interpretation we all have to speak at a relatively slow pace so that the
4 interpreters can follow. And also, please speak only when the person who has asked
5 you a question has finished the sentence. Thank you for the moment.

6 And I give now the Defence the floor. It is Mr Ayena, I assume, at least.

7 MR AYENA ODONGO: [9:34:54] You're absolutely correct, Mr President and your
8 Honours. Good morning again.

9 QUESTIONED BY MR AYENA ODONGO:

10 Q. [9:35:07] Good morning, Mr Witness.

11 A. [9:35:09] Good morning.

12 Q. [9:35:10] Mr Witness, I want to take this opportunity to welcome you to this
13 Court. I am sure we know each other. Can you tell Court your name?

14 A. [9:35:45] Yes, I can, but I request that it should be in a private session.

15 PRESIDING JUDGE SCHMITT: [9:35:57] There has been no recommendation for
16 protective measures, so I'm not sure if we should now start with this.

17 Mr Okot, we have an assessment of the situation, and it has been said that there is
18 no -- there are no security issues with regard to your person. So I would ask you to
19 speak, to tell your name in open court, please.

20 THE WITNESS: [9:36:34] (Interpretation) My name is Okot Francis.

21 PRESIDING JUDGE SCHMITT: [9:36:40] Thank you.

22 MR AYENA ODONGO: [9:36:46]

23 Q. [9:36:46] Are you called by other names, maybe nicknames, especially when you
24 were in the bush?

25 A. [9:36:56] Yes, I had a name.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

- 1 Q. [9:37:01] What was it? Can you tell Court, please.
- 2 A. [9:37:07] I was called Okot Coopil.
- 3 Q. [9:37:14] What is your nationality?
- 4 A. [9:37:21] I am a Ugandan. I come from Gulu district. I am an Acholi by
- 5 ethnicity. I come from the sub-county of Unyama in Angaya parish, Coopil Village.
- 6 Q. [9:37:47] So is it from your village that you got your nickname Coopil from?
- 7 A. [9:38:02] I did not get that name from my village. There were many people
- 8 called Okot, so they used to refer to the name of my village to differentiate which
- 9 Okot they're referring to.
- 10 Q. [9:38:19] Can you tell Court, Mr Okot Coopil, where you live at the moment?
- 11 A. [9:38:26] Currently I'm in the ICC court premise.
- 12 PRESIDING JUDGE SCHMITT: [9:38:41] Absolutely correct. We cannot question
- 13 this for the moment.
- 14 MR AYENA ODONGO:
- 15 Q. [9:38:53] Yes, I think that's very correct, Mr Okot. But can you tell the Court
- 16 where you reside back at home.
- 17 A. [9:39:03] Back home I stay in Coopil.
- 18 Q. [9:39:11] And what do you do for a living at the moment?
- 19 A. [9:39:21] I am a peasant farmer. I rear some livestock like chicken and goats at
- 20 home.
- 21 Q. [9:39:37] And do you have a family?
- 22 A. [9:39:45] Yes, I do have a family.
- 23 Q. [9:39:54] Now, Mr Okot, will you tell Court whether you were ever involved in
- 24 the conflict in northern Uganda.
- 25 A. [9:40:03] I was involved in the conflict.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

- 1 Q. [9:40:20] And can you tell court how you got involved in this conflict?
- 2 A. [9:40:25] Yes, I can.
- 3 Q. [9:40:37] Yes.
- 4 PRESIDING JUDGE SCHMITT: [9:40:40] I think you can give Mr Okot some
5 expressions that might lead - I know you don't want to hear it, the
6 Prosecution - might lead him. Abduction, for example, and so on. I think that
7 would expedite. And it's nothing indecent and objectionable in that.
- 8 MR AYENA ODONGO: [9:40:59] Now that you have warned them, I will, yes.
- 9 PRESIDING JUDGE SCHMITT: [9:41:02] I would not say a warning. A hint or
10 something like that.
- 11 MR AYENA ODONGO: [9:41:08] Yes.
- 12 Q. [9:41:10] Mr Okot, when were you abducted? Were you, first of all, were you
13 abducted by any group, and if you were, which group abducted you and when was
14 it?
- 15 A. [9:41:27] I was abducted from my village in Coopil in Gulu district. The group
16 that abducted me was a big group which had joined together and they were moving
17 as a big group. The group had just come from Sudan, and they had not yet split up.
18 I do not know who was in charge of that group because I did not know anyone then
19 when I was abducted.
- 20 Q. [9:42:04] Thank you. Now, when you were abducted, can you tell Court what
21 exactly happened from the time of your abduction and how you ended up with the
22 LRA?
- 23 A. [9:42:28] Yes, I can. I can very clearly. In that group that abducted me, it was
24 on 2 July in the year 1996. It was in 1996 when I was abducted in the morning while
25 I was tilling in the farm. That day, we were told not to go far away. I was actually

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 tilling near my homestead. The government had warned us not to go far away from
2 home. They wanted people to go and attend to a rally about 10 or 11 o'clock. But the
3 group that abducted me came early in the morning.

4 They moved with me to various locations. They were still moving together as a big
5 group. They went and crossed the road from Gulu town, to Opit, to Awere. After
6 that they came and crossed the big river called Toci. Thereafter they crossed the
7 main Gulu-Kampala road and entered the area called Koc. It was a very forested
8 area.

9 After that, before we crossed the Opit road in the area called Loyo Ajonga we met a
10 different group, and that group had the overall commander of the LRA.

11 People split from there before going to Koc and they met him again. We met the
12 group which was in Uganda, which was being led by Otti Lagony. From there, the
13 group split and people went different ways.

14 And, thereafter, we were moving to areas of Koc, Alero, and towards Pabbo, Apar.
15 That is, the group that had me was moving. We moved in that area for a long time.

16 After that --

17 Q. [09:45:26] For the time being, let me put another question to you. You have
18 now been moving to different places. Can you tell Court how you became. Were
19 you by this time already a soldier of the LRA? If you were, can you tell Court how
20 you were meant to become a soldier of the LRA?

21 A. [9:45:52] At that time I was not yet a soldier of the LRA, but an abductee. I was
22 still bound together with other people with a rope on my waist. I used to carry
23 foodstuff. And, everywhere I wanted to go, I would be escorted by one of the
24 soldiers. I could not go to a place alone. My main role was to cook and to gather
25 firewood at the time.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 Q. [9:46:41] Thank you very much.

2 Now, Mr Okot, sorry, we forgot to ask you, when you were abducted, how old were
3 you? Do you remember?

4 A. [9:46:54] I was 16 years old.

5 Q. [9:47:01] Thank you very much.

6 Now, can you at this point tell Court how you became an LRA soldier. Was there
7 any initiation ceremony or ceremonies that were performed on you to initiate you or
8 to now trigger your becoming a member of the LRA?

9 A. [9:47:36] Many things happened after that. First, after being abducted, before I
10 even spent the night with them, what is normally done, they smear shea butter oil on
11 your chest, or they sprinkle water mixed with the shea butter on you. Unless that is
12 done to you, you shouldn't touch anything. But they use and you eat alone. You
13 don't share even utensils that they use for eating, because they believe you are still
14 unpure. For example, at home, you could be eating pork. And for them, they don't
15 eat pork. Perhaps you were eating lamb, they don't eat lamb. Or you smoke or you
16 drink alcohol. For them, they don't do such things. For that matter, there is things
17 probably that you say that they do not accept, and they say that you are still unpure.
18 For them, they don't quarrel. They refer to themselves as brothers and sisters.

19 Q. [9:48:48] Yes. Thank you.

20 Now after that initial ceremony of smearing you with water mixed with shea butter,
21 was there any other rituals performed on you?

22 A. [9:49:15] Many things happened according to the time set. If that is done to
23 you, you can use the utensils or share things together with the group. You eat
24 together as a group. But that is just part of it. There are other things, for example,
25 when the moon rises, even if you are already an old person, you should go and dip

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

- 1 yourself in water. If there is no big water body, they would get water in a jerrycan
2 and they would sprinkle on everyone who is in the LRA.
- 3 Secondly, there are things done such as camouflage, which they smear on you. They
4 would draw the shape of a -- of the heart on your back and on your chest. That is
5 done every -- that is done in the evening, when everyone is already gathered together
6 about 6 p.m., especially when there is no more operation going to take place.
- 7 When they put that thing on you, you shouldn't bathe and you should not wear any
8 shirt or a blouse. You should stay with it till morning. The person who has put the
9 camouflage would read signs from what he has put. If it disappears in the morning,
10 it means that you probably have some charm on you or some protective charms given
11 to you by a witch doctor that has been put on you, and you would be summoned and
12 asked to explain. You should accept. If you don't accept, they will tell you that is
13 your problem, because it can lead to two or three things. First, you can get injuries.
14 Secondly, you can die, and thirdly, you can get very ill and you just get thin and fail
15 to breathe. Those are the things that would happen if -- if you failed to -- to declare.
- 16 Q. [9:51:52] So, Mr Witness, were these rituals meant to cleanse people of these
17 impurities? Did I make myself clear? I was asking, was it the reason -- was
18 removing impurities or cleansing people of these impurities the purpose for
19 performing these ceremonies?
- 20 A. [9:52:45] Yes, that is what they say.
- 21 PRESIDING JUDGE SCHMITT: [9:52:54] May I shortly?
22 Mr Okot, then how did you feel at the time after these rituals had been performed on
23 you? Did you feel now integrated into this army or how did you feel? If you can
24 recall it.
- 25 THE WITNESS: [9:53:19] (Interpretation) You are not told exactly how you would

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 feel because you do not know, you're not yet doing anything. You would only be
2 told that you are now part of us. You cannot go anywhere. Just wait to do what
3 you are told. You just stay amongst them like that, because you have no option, you
4 have no way of living, you have no voice, you have no say in what goes on. You just
5 wait and see what will happen to you and do what you are told to do.

6 You are only told that, "From today onwards, we'll be moving with you." When you
7 are trained and given a weapon, they will tell you, "Hang on to this. This is what it
8 is supposed to be used for." That is what happens.

9 PRESIDING JUDGE SCHMITT: [9:54:18] I think he has now mentioned training, but
10 perhaps we can follow this path, Mr Ayena.

11 MR AYENA ODONGO: [9:54:23] Yes.

12 Q. [9:54:24] So can you tell Court briefly whether you underwent any military
13 training and where was this training done?

14 A. [9:54:49] In regards to military training, it takes place anywhere where you are
15 based. They teach you on marching. They also teach you on dismantling and
16 assembling a gun and they show you the most important parts of the weapon, on the
17 different roles of the different parts. You would know, but they wouldn't give you a
18 weapon. But when they see that you are able to use the weapon, then they would
19 try to give you a gun.

20 It doesn't -- it takes a bit of time before you are given a weapon.

21 Most times, the weapons are given from Sudan, not from Uganda.

22 You can stay two years or a year before you are given a weapon. For them, they
23 would gauge and see how you are coping with the training.

24 Q. [9:55:52] Now, Mr Witness, from the records available, you spent a sizable time
25 within the Control Altar and one time you were a Yard commander; is that correct?

Trial Hearing
WITNESS: UGA-D26-P-0024

(Private Session)

ICC-02/04-01/15

1 A. [9:56:23] That is correct.

2 Q. [9:56:25] And you were a part of the team that performed these rituals that you
3 are talking about on those who came subsequent to your abduction; is that also
4 correct?

5 A. [9:56:51] Those things happened, yeah, that is correct. But I can explain
6 something more. But I request that we can do this in private session.

7 PRESIDING JUDGE SCHMITT: [9:57:06] And why, Mr Witness, in private session?
8 Until now with your testimony, also how you gave it, I did not see a reason why we
9 should go in private session.

10 MR AYENA ODONGO: [9:57:18] Actually --

11 PRESIDING JUDGE SCHMITT: [9:57:20] Yes, Mr Ayena?

12 MR AYENA ODONGO: [9:57:22] Mr President, there is a small section I thought
13 would be best conducted in private session in respect to abduction, which --

14 PRESIDING JUDGE SCHMITT: [9:57:32] When we come to that, then that's, of
15 course, correct. That is paragraphs 11, 12 of his -- yes, then we go to private session
16 to discuss this. Okay.

17 (Private session at 9.57 a.m.) *(Reclassified entirely in public)

18 THE COURT OFFICER: [9:57:56] We're in private session, Mr President.

19 MR AYENA ODONGO: [9:57:59]

20 Q. [9:58:00] Now, Mr Okot, after your own abduction, were there other abductions,
21 and if so, did you get involved personally in some of them?

22 A. [9:58:10] Those things happen in different groups depending on the orders
23 which comes from the overall commander of the whole group. Abductions take
24 place, but it's based on the orders that are given by the overall commander.
25 Sometimes he would say that Lakwena has prohibited abductions.

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 When any commander abducts someone, you'd get punishment for that. You, the
2 commander, will be punished or that person will die. He can give you that
3 punishment by removing any powers from you and taking away the command
4 responsibility, because you will have violated the -- the rules.

5 Abductions also depend on the group of people you're abducting, there are women,
6 there are children and men. From the age of 12 to the age of 15 are the people who
7 should be abducted. He would say that people should be abducted from this age
8 bracket, and he would also give the number of women and men who should be
9 abducted in this age bracket.

10 If you abduct more than the number he has asked you to do, you would be punished.
11 You would be -- they would remove your command responsibility and you'd just be a
12 member of the -- the group without a voice. Even if something is -- something bad is
13 happening, you do not have a voice in it. You stay as if you are also newly
14 abducted.

15 PRESIDING JUDGE SCHMITT: [10:00:23] I think it's not necessary that we go into
16 personal involvement of the witness, also looking at the statement that has been
17 provided by the Defence. We simply can ask him, and he has obviously understood
18 it, about more the general aspects and perhaps now also, from whom came the orders
19 and who was the one who ordered perhaps. You can follow that path.

20 MR AYENA ODONGO: [10:00:51] Yes.

21 PRESIDING JUDGE SCHMITT: [10:00:52] And then I'm fine with it. Otherwise, we
22 would have to think about self-incrimination issues, but not now. Nothing
23 happened until now.

24 MR AYENA ODONGO: [10:01:05] In other words, we go back to open session.

25 PRESIDING JUDGE SCHMITT: [10:01:08] No. You can simply, I think we can

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

- 1 continue asking him, but I think I can do it perhaps, yes? This one.
- 2 MR AYENA ODONGO: [10:01:16] Still in private?
- 3 PRESIDING JUDGE SCHMITT: [10:01:18] It's not necessary. I think we can go to
- 4 open session indeed, yes.
- 5 MR AYENA ODONGO: [10:01:22] Yes, that's what I --
- 6 PRESIDING JUDGE SCHMITT: [10:01:23] Yes, Indeed.
- 7 (Open session at 10.01 a.m.)
- 8 THE COURT OFFICER: [10:01:30] We are back in open session, Mr President.
- 9 MR AYENA ODONGO: [10:01:36] I can --
- 10 PRESIDING JUDGE SCHMITT: [10:01:37] Yes, please continue if you want.
- 11 MR AYENA ODONGO: [10:01:40]
- 12 Q. [10:01:41] Now, Mr Witness, you talked about orders for abduction, that it was
- 13 the overall person who gave those orders. Who was this overall commander? Can
- 14 you tell Court who he was?
- 15 A. [10:02:00] The overall commander is the LRA leader who is Joseph Kony. But
- 16 also Kony says he is also a messenger of the spirits that work with him.
- 17 So he receives message from the spirits that the spirits want such and such kind of
- 18 people. So for him, he only relays the message from the spirit to the people and then
- 19 the people have to work with that order.
- 20 Q. [10:02:42] Thank you. Did you, Mr Witness, meet this gentleman called Joseph
- 21 Kony, and if so, when? Did you stay closely with him and did you study him?
- 22 A. [10:03:04] I met him and also sometimes I stay close to him because most of my
- 23 stay, I spent my times in Sudan and he also lived in Sudan.
- 24 But while he was in Sudan, he would not stay at one place with the people. He
- 25 would move from one place to place to visit the different groups. But most times, he

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

- 1 lived together with his security.
- 2 The visits that he make to the different groups is really to deliver the message from
- 3 the spirit and also to do some other, perform some other rituals that are required.
- 4 There are things that he also brings, which he says the spirit gave that people should
- 5 be given so that they stay with them.
- 6 He also brings a message for abduction, and he would also tell people and instruct
- 7 them how the abduction should be conducted. He would look at different groups,
- 8 people who were in Uganda, people who were in Sudan. So he would instruct how
- 9 the abduction should be, how many people should be abducted.
- 10 But also, the abductees should not be used by such commanders before they have
- 11 been taken to the same place. You are instructed, once you abduct, make sure you
- 12 take care of them. Bring them until they're delivered to where they should be taken.
- 13 And you are only supposed to do -- perform the required rituals.
- 14 Once you have brought the abductees to him, then he will choose them. He will look
- 15 at them and he will say, "There are some people that the spirits have not welcomed
- 16 them, so those people are released." And they go back. While those who remain
- 17 are distributed to the different groups. But it is not you, the commander who did the
- 18 abduction that should distribute the people. It has to be him that will do the
- 19 distribution.
- 20 Q. [10:05:15] Now, Mr Witness, you talked about Kony's spirits. When you first
- 21 met Kony, and during the course of your stay with him, what impression of him did
- 22 you make? What type of person was he?
- 23 A. [10:05:34] Kony is a normal person just like a normal human being. He speaks
- 24 and chats like a normal ordinary human being. But, there is no one who can advise
- 25 him, just like people would sit down and get ideas on what should be done. But

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

- 1 with him, that is not the case, everything comes from him.
- 2 And also, he also follows what the spirits that possess him have told him. He has
- 3 many spirits. There are some spirits that are very aggressive. Some are medical.
- 4 Some are teachers. Some are even, they are farmers and they actually feed people.
- 5 If there's people in a bad condition, they feed people.
- 6 Different, different kinds of spirits and different kind of work are with him. There
- 7 are those who also look at politics. So when he come and speaks about politics, that
- 8 is what the spirit has come at that time. And when he come to speak about health
- 9 and medical conditions, that is also what comes. So, usually, that doctor will spell
- 10 out the kind of medicine that should be used. For instance, if there is going to be an
- 11 outbreak like Ebola, like cholera, and any other outbreak, such as diarrhoea, he would
- 12 come and -- he would come and declare the medicine for such conditions. Some
- 13 people would be given medicines and would prevent such medical conditions.
- 14 So those are the things that he would come and tell people.
- 15 Q. [10:07:32] Now, how would the spirits use Kony? How would the spirits
- 16 manifest themselves in Kony? Can you describe to Court how Kony would be like.
- 17 A. [10:07:54] At the time when I was abducted, I did not see. But previously I
- 18 would hear that he would come and speak to people. But when I got abducted, that
- 19 spirit now would not come to speak to the people. But it would speak through him
- 20 and he would come and tell people that the spirits have said this. Sometimes in a
- 21 day three different messages are delivered. And you only realise when he has
- 22 invited people to come, or people are invited to come and pray. So it is during such
- 23 prayers that that message is delivered, because he also preaches. And when he is
- 24 preaching, that's when he tells, pass on the message that the spirits have said. So
- 25 after the prayers, people now go back to their position and they continue.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 But you would not give any advice, because, for instance, if you go to pray, what
2 advice are you going to give? It's just like information that you go to receive where
3 people have gathered. So in such meetings or in such prayers, that is where he pass
4 on the message from the spirits. But there is nothing like advising him.

5 Q. [10:09:15] Now, Mr Okot, from what you observed about Joseph Kony and your
6 experiences, did you believe that Joseph Kony actually did possess supernatural
7 powers?

8 A. [10:09:35] Yes, that is correct. The reason why I say he has those powers,
9 because I can give three examples. First, I think in around 1998, the spirits told him
10 that some of your commanders will -- some of your commanders will go away from
11 you, will desert you, because they're after the worldly things.

12 So indeed, these worldly things are based on things like money and some other
13 important things that people live with in this world. And when you see that you
14 have money, you can always acquire those things. So when such message comes,
15 the spirits usually tell him that.

16 And that happened, because around that year there were some two commanders, and
17 these were senior commanders, and after that one of the aggressive spirits came and
18 said those people are going to break away with a big number of people from him, and
19 they are going to defect. And those people have already planned for big things that
20 they are going to get. And so those should be killed. And indeed, those people
21 were killed. Those two senior commanders were killed. And that happened
22 around 1998, 1999. I do not recall very well now.

23 Q. [10:12:00] Mr Witness, can you tell Court, if you do remember, the names of
24 those senior commanders?

25 A. [10:12:06] Yes, I do recall their names. It was someone who was his first -- he's

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 second in command, in the name of Otti Lagony. And there was also another
2 commander, a brigade commander, by the names Okello Can Odongo. These were
3 the two senior commanders.

4 Q. [10:12:45] Now, Mr Witness, if somebody -- what were the consequences of
5 attempting to escape, if somebody tried to escape?

6 A. [10:13:08] Anyone who tries to escape, depending on how long you have stayed
7 in the bush or what knowledge you have in doing certain things, and what you have
8 gone through while in the bush, if you are someone who has spent a long time in the
9 bush you could be killed, and indeed you are killed. But if you are someone who
10 hasn't spent a long time in the bush, sometimes you are punished and they only
11 tighten security around you, until the time when you are taken to Sudan, because
12 when you are in Sudan they believe that you cannot escape because there -- nothing
13 for you, there is nothing for you to eat. And also, the Dinka and other hunters have
14 so many in the wilderness and they know that you cannot pass through them to come
15 to Uganda.

16 So they know that once you are in Sudan you cannot come back. And in addition to
17 that, sometimes when the lakes get overflowed, they know you cannot cross. So they
18 don't put a lot of security around you, because they know that the things that will
19 protect you are really hunger and other natural calamities that cannot make you come
20 back to Uganda.

21 But when you are in Uganda, that's when you are killed.

22 Q. [10:14:39] Now, can you give other examples of Kony's spiritual powers. And
23 if you do remember, can you tell Court some of the names of the spirits.

24 A. [10:15:06] Some of the spirits that I do recall, but there were many spirits, there
25 is only one that I think I can clearly recall, which is very aggressive. That's the only

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 spirit when he is on duty, that's when, that's the spirit that will, you know,
2 communicate very aggressive message, and that's called Who Are You. And there is
3 another one called Alice Salongo. Another one is called Mama Salindi. There is
4 another one called Owora. There is also one called Jink Brickey. And there are
5 others that I now do not recall, but there are quite many spirits.

6 Q. [10:16:13] Now, Mr Witness, in your statement - and your Honours, I'm
7 referring to ERN UGA-D26-0010-0414, paragraph 19 - that Kony would know
8 whenever someone intended to escape, how would he know this?

9 A. [10:16:41] The way he knows them is how the message is brought. He doesn't
10 tell people what he does and how he comes to know them. But he just comes and
11 says such and such a thing will happen. But he will not tell people that this thing
12 will happen like this, or this is what we should do. So usually what he does is only
13 what the spirit has said that this is what should be done, so that they are not -- they
14 don't get into a lot of problems.

15 Q. [10:17:28] Did people believe that Kony would know their intentions to escape
16 through the spirits?

17 A. [10:17:43] People believed, but it doesn't continue for a long time, because, you
18 know, as a human being, he also violated the spirits, because the spirits also gave him
19 some punishment, and even mentioned this clearly and he told people that the spirit
20 said they have now left us, now we should find our own way to survive, but we
21 should follow the instructions that they have given. They will come and visit us
22 once in a while, but they won't be with us all the time.
23 So from that time, whatever would happen the way he has prophesied would now
24 not happen. Or the frequent reports that he used to bring to people, as he used to do
25 before, were not happening now. So that made people now to start realising, their

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 eyes opened up and also some things that were done like the rituals performed, for
2 instance, when they would be done in certain weeks or days were not now being
3 done. So that is why many people now started leaving him from different places,
4 and that's what happened.

5 Q. [10:19:24] Mr Witness, can you tell Court about what time or which year it
6 began to appear clear that the spirits had left Joseph Kony? Do you remember the
7 time?

8 A. [10:19:49] It began from the year 2000, that's when that communication was
9 made. There was no big group in Uganda. And he communicated a message from
10 the spirit, which he said "The spirit says I have now left you. Continue using the
11 skills that we have already given you. I will visit you once in a while.
12 Everything that you will use, you will now find it by your own self. The way to
13 collect food as I used to -- as I had opened it for you before, I have now closed it.
14 You have to now find your own food."

15 And indeed the food link that we used to get from the Sudan government was closed.
16 And in addition to that, there were different groups, like the Red Cross, who had
17 come to follow up on some of the students who were abducted from Aboke. They
18 came and said those girls should be taken back. But he refused about that.
19 And after him refusing, he was told to leave that area. So he started leaving the area
20 where he was living with the Sudan government, and he started living on his own.
21 He was now living on his own food that he grew. He was doing everything by
22 himself and not by the spirit. That's when I started realising his weaknesses and also
23 realised that indeed the spirits have left him.
24 Also many people started escaping from Sudan. You'll find some people, maybe six
25 or seven have left. Different routes were opened up. Some people would come

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 back to Uganda, from Juba to Uganda, because there was nothing really that was now
2 tying them and making them feel scared to leave because even now they realised that,
3 oh, indeed they even have their home, which is different from where they are
4 currently living.

5 Q. [10:22:35] Now, Mr Okot, can you tell Court why the spirits punished Joseph
6 Kony? What happened that made the spirits punish him?

7 A. [10:22:54] There were two things that happened. First, the rule didn't allow
8 that Sudanese nationals should be abducted and integrated into the LRA. So that he
9 violated the rule, because he made some Sudanese nationals to be abducted.
10 Secondly, he should not have many -- he shouldn't have had many wives. So indeed
11 in that he also violated the rules and he had very many wives which was beyond the
12 number that the spirits had sanctioned.

13 So because of the many women, that was also the number of crimes that he
14 committed against the spirit and that's why the spirit even said: "It has now become
15 difficult to help you people. I am going to punish you and give you punishment for
16 a period of 10 years. If after that, then I will come back and help you." But still I
17 see that the spirit haven't come back to help him the way it used to do before.

18 Q. [10:24:23] Mr Okot, can you tell Court generally what would happen, I mean the
19 rules regarding escapes, if you escaped and you were recaptured, what would
20 happen to you?

21 A. [10:24:42] When you escape and you are re-abducted, I said there were three
22 things that would happen. If you are someone who had spent a long time in the
23 bush and you are knowledgeable, you should be killed.
24 But if you are someone who has not yet taken a long time and you thought of
25 escaping, if you are recaptured, then they would just beat you and then they ask you

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 to promise that you will not try it again. Then they will leave you.
2 But also there are those, especially the senior commanders, if you have spent a long
3 time, that's when you would be killed. So it depends on how you are or who you are
4 and how long you have spent with them.

5 Q. [10:25:43] And for those who escaped and went back home, and maybe they
6 carried guns or a gun with them, what would happen to them and their families and
7 villages?

8 A. [10:26:00] Those things used to happen, because that's why you are given names
9 depending on your area so that they can identify you by the area you come from,
10 because some people knows where you come from, so they would go to that area to
11 collect the guns and they will say "Go back and bring our guns. If not, everyone in
12 that area should be killed."

13 But when they find that people are not in that area, like people, for instance, had gone
14 to the camp, no problem, because they will know that that area people have left.

15 But if they know that people are living in that area, they will come looking for their
16 gun and they have killed everyone in that area because of the gun that you escaped
17 with.

18 Q. [10:27:03] Did you have the opportunity to witness this type of punishment
19 being meted to anybody?

20 A. [10:27:17] The place where I was staying in in Sudan, there were a lot of barriers.
21 It was difficult to come from Sudan to Uganda. There are many things that you
22 would meet along the way that makes it very difficult to come to Uganda: The issue
23 of the water body that I have talked about; and secondly, the issue of food, it's
24 difficult to get food; and thirdly, the issue of other enemies that would just be in the
25 wilderness like the Dinkas and other hunters, because, you know, in the Sudan

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 everyone has a gun, a man or a woman, they know how to use a gun, so they usually
2 have a gun.

3 So because of that I was not able to witness such kind of things. But most of those
4 things happened to the groups that were living in Uganda, because for a group to
5 come from Sudan should be a group of five to six people. That happened sometime
6 before, but those group who tried to escape, they were followed up, but they
7 never -- they were not caught up until they managed to reach Uganda.

8 Q. [10:28:59] Now, Mr Witness, let's talk about your life in Sudan. Can you tell
9 Court what role you played when you were in Sudan? What were your functions?

10 A. [10:29:16] When I was in the Sudan, I was not a leader of any group. I was just
11 someone who would be used. So there was only one area where I would be used.
12 For instance, when there were certain things that are required, like when people were
13 sent to an operation and some of the abductees, when they are now brought, our
14 work was basically to take them through the ceremony of anointing them, putting
15 camouflage on them. When they bring back some weapons that they recovered from
16 the battle, when they bring, we also bless it, we sprinkle water on it. So those are the
17 kind of things that we would do.

18 In addition, there were things to do with the prayers. There are things that he would
19 only pray by himself and then he would only come and say let's look for certain
20 things like A, B, C, D to bring, like this particular bark of Obwolo tree, which is made
21 and burnt and then the smoke would come out. Sometimes the scent is very sweet,
22 and those are things that sometimes are done in different ways to help cure a certain
23 sickness.

24 Sometimes he would come and say particular items are urgently required, should not
25 exceed three days. If it does, there would be a problem on these people.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 So those are some of the different tasks that sometimes he would assign and instruct
2 us to do, and those are the things I was doing.

3 Q. [10:31:28] Thank you. Now let's go back a bit about the punishment. Do you
4 remember when Joseph Kony was punished by the spirits, did he from that time still
5 nevertheless continue to enforce the rules that were already set by the spirits?

6 A. [10:31:57] What the spirit said was that he was leaving and would only visit
7 once in a while. When they come to him, they would tell him a message and then he
8 would come and relay the message of the spirit. But they will not come regularly
9 like they used to do. He also did not have so much power like he had before.

10 Q. [10:32:27] For instance, in regard to rules about escape, did Kony still continue
11 enforcing that rule?

12 A. [10:32:41] At this point or when the spirit had abandoned him, life was so hard
13 in Uganda, and everywhere we would set up, the enemy forces would come and
14 attack and we were on the move all the time. There was no place they would stay
15 for a week. That was part of the punishment. And he was told that he would not
16 have rest. That happened.

17 It was also about food. He was not going to have the nice food that he used to have
18 before. He would only eat from the wilderness, unlike in the past when he had
19 access to food where he would send his group to go and loot food, because the spirit
20 would actually mention where you can get food and you would go and get food.

21 But such information was no longer there. He would have to look for food himself.

22 Q. [10:33:51] After the spirits apparently left Joseph Kony or after the punishment,
23 did the punishment, did Kony or his commanders, did he still punish those people
24 who tried to escape in the same manner he used to punish them before the spirits left?

25 A. [10:34:13] In regard to that, if anyone escapes and he's caught, he will still

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 punish them. He would still give orders to kill them. But it will not be easy to
2 know that someone was going to escape, like he knew before. In the past, he would
3 know if somebody had plans of escaping, but at this point, he would just realise
4 someone has escaped and they would follow them. Sometimes they would get them.
5 Sometimes they don't get them. And such a person who escapes is also -- also has a
6 weapon, and sometimes they would fight. If he manages to overpower the force that
7 has followed him, he would go or sometimes he's shot and he's -- he's killed.
8 Unlike in the past, he did not have prior knowledge that someone was going to
9 escape or sometimes he would know that a group of people would want to escape
10 when the spirit was still there. And sometimes he would even pray that those
11 people should be forgiven, that he doesn't think of escaping. In the past, he would
12 do that. But when the spirit abandoned him, he will not be able to know.

13 Q. [10:35:44] Now, Mr Witness, since you were close to the Control Altar, did you
14 understand the command structure of LRA, how it was set up?

15 A. [10:36:04] In regard to the command structure, ranks were not given because of
16 work, but it is, it depends on how long you have stayed in the bush. For example,
17 the person who was born first is older usually, and that is how the ranks were given.
18 Even if you have a big rank, by the way, you do not have any authority and you don't
19 have -- you cannot overpower him in any argument or advise him in anything.
20 There is no way you can have a voice or an opinion on something even if you are
21 given the biggest rank. The rank given to you is only in a procession of the length of
22 stay in the bush and sometimes because of the knowledge you have, because most of
23 the people who stay with him are not as knowledgeable as you would expect. Most
24 of the people in the bush did not go to school and they were illiterate.
25 Those who probably went to school have gone to class 4 or 5 downwards. Those are

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

- 1 the people who are considered educated. Others went to primary 1. Others did not
2 go to school completely, because the war in northern Uganda stopped people from
3 going to school and many people were displaced in camps. And none of the soldiers
4 was knowledgeable enough to advise him, and especially if you are already given a
5 rank. Every time he calls a meeting to -- he does not actually call a meeting of the
6 senior commanders to seek their advice. He would only give them directives on
7 what to do and you would hear that we have been told to do this and that.
- 8 Even the person who has been directed to tell something, the person directed to do
9 something may have a higher rank, but sometimes someone who has a lower rank
10 will be told to manage an operation, even if he is lower in rank. Sometimes he
11 would choose someone he likes, someone he believes can give a good report,
12 especially if someone is still lower in rank, he believes this person can still tell the
13 truth. Unlike a senior commander who would want to take credit for an activity, he
14 would instead appoint a person of lower rank to have the authority on an operation
15 or to lead an operation. Otherwise, in other words, whoever he chooses to do, to
16 lead an operation or to do an activity will be the one to do it.
- 17 Q. [10:39:24] Now, Mr Witness, I'll take you briefly to the question of escaping, of
18 escape. Why is it that even up to now there are people who do not want to escape
19 from the LRA?
- 20 MS NUZBAN: [10:39:53] Your Honour.
- 21 PRESIDING JUDGE SCHMITT: [10:39:54] Yes.
- 22 Please wait a moment until you answer.
- 23 Please, Ms Nuzban?
- 24 MS NUZBAN: [10:40:00] Your Honour, I object to that question. I wonder how the
25 witness can answer it being -- having left the bush in 2012.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:40:06] Let me have a short look to the question
2 again.

3 Yes, "even up to now" of course is -- strictly speaking, you are correct.

4 So I may rephrase it, Mr Ayena, I think which alters not much, frankly speaking.

5 Mr Okot, when you look back in time, until 2012 when you left the bush, what was it
6 that people hindered to leave the bush?

7 THE WITNESS: [10:40:45] (Interpretation) What stopped people from leaving the
8 bush, sometimes their fear. You would think about what he said -- what he had said
9 in the past and you would fear. Secondly, you'd also fear that when you were asked
10 what would you say if you are caught, and many times people would just give up
11 and say, "I better stay."

12 But sometimes people escape. Sometimes people gain courage and they leave and
13 they successfully leave the bush and their life change, and definitely they appreciate
14 that they made a decision to leave. That is what happens.

15 So there are obstacles that varied from personal reason to the general reason of fear.
16 It depends on what you have gone through, if you are not feeling that you're -- you're
17 pressured, you can stay; or if you think that your life has become useless, you can find
18 a way of escaping, and you find ways of leaving the bush.

19 You can leave on your own or you can share with a friend. But also sometimes
20 when you share with a friend, you actually put more obstacle to yourself. But if you
21 are lucky and you share with a friend, you can leave together. Sometimes you start
22 as if you are just joking and then you gauge how your friend is, then you can leave
23 together.

24 PRESIDING JUDGE SCHMITT: [10:42:42] Thank you.

25 Mr Ayena, please.

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 MR AYENA ODONGO: [10:42:45]

2 Q. [10:42:45] Thank you very much. Now let's talk about Operation Iron Fist.

3 Mr Witness, did you fight in the Operation Iron Fist?

4 PRESIDING JUDGE SCHMITT: [10:43:04] This could be potentially a question that
5 could incriminate, the answer that could incriminate the witness.6 So I simply want to inform you, Mr Okot, that you don't have to answer questions
7 that might incriminate you. If you feel more comfortable to answer the question in
8 private session, we can do so, but you are not, if the answer would incriminate you,
9 you are not required to answer. I simply wanted to inform you when it comes
10 to -- because the question was if you fought in Operation Iron Fist. Yes? Have you
11 understood that, Mr Okot?12 THE WITNESS: [10:43:43] (Interpretation) Yes, I've understood. We can -- I can
13 speak on that when in the private session.14 PRESIDING JUDGE SCHMITT: [10:43:58] Okay, then we go to private session.
15 Thank you, Mr Okot.

16 (Private session at 10.44 a.m.) *(Reclassified entirely in public)

17 THE COURT OFFICER: [10:44:14] We're in private session, Mr President.

18 PRESIDING JUDGE SCHMITT: [10:44:15] Mr Ayena, I think from -- also from the
19 statement that we have here from the Defence, it's not necessary to really go
20 specifically to his contribution. I think you will be or you are aware of that.

21 MR AYENA ODONGO: [10:44:28] I'm aware.

22 PRESIDING JUDGE SCHMITT: [10:44:29] Please continue.

23 MR AYENA ODONGO: [10:44:30]

24 Q. [10:44:31] Mr Witness, can you tell Court briefly, how the LRA positions were
25 attacked during the Iron Fist and how the LRA defended themselves?

Trial Hearing
WITNESS: UGA-D26-P-0024

(Private Session)

ICC-02/04-01/15

1 A. [10:45:08] Let me explain this to you. First, I would like to say that the spirit
2 came back and mentioned the operation of the government of Uganda. The spirit
3 said that the government of Uganda had help from other governments. The
4 Southern Sudan was part of it and then also Sudan, the Northern Sudan was part of it,
5 because he was no longer in Juba and no longer in Khartoum.
6 We had left Jebellin and also left Nsitu and only in the area of Lubanga Tek. At that
7 time, he called everybody together and mentioned about the operation which was
8 going to come. He said the operation would be a difficult one. He started by
9 saying that, he started saying in July, that is about the Iron Fist, that, "The crops that
10 you have cultivated look really healthy, but you will not cultivate it. You -- you will
11 not eat it. Your enemies will eat it. What you will eat will come from your
12 enemies."
13 And then in February, when Operation Iron Fist started, he actually said that it
14 should be harvested and stored so that the enemy can come and find it stored. There
15 was a lot of sesame, sorghum, beans and peas and cassava, and it was a very good
16 harvest which had been put together.
17 People stored these things. And when the Ugandan troops came together with the
18 SPLA, the government troops had actually entered Nsitu, although most of them
19 were still in the area occupied by the SPLA, which is -- which was in the border.
20 After that, the spirit said clearly or rather, he -- he said clearly that people should be
21 split and put in different groups. There were three groups. These three groups
22 were jointly commanded by himself. He would be in one location, but he would do
23 the command remotely because there was a good communication system that was
24 being used.
25 After that, when he mobilised people, he relayed the message of the spirit which had

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 been brought to him; that they should get stones from the river bank. Each person
2 should have seven stones in the pocket or in a bag. People got the stones. They
3 were kind of special types of stones from the riverbank. He brought people together
4 and prayed. People were anointed. And those who were not participating in the
5 battle remained home. Those who were going for the battle started moving, and that
6 was an attack which took place at night. The group went and attacked the defence
7 of the Arabs. They attacked three bases of the Arabs at Nsitu near Telasim (phon).
8 Those are the detaches which were there. But the biggest detach was in Nsitu at that
9 time. And the rest were smaller bases.

10 He said that the commander would lead that group should go in the lead and when
11 he comes close by, he would squat down and everybody would line up. Everybody
12 should pick a stone and hold in his hand and wait for orders from the overall
13 commander who had been appointed to lead that group.

14 What happens is that commander who was leading the battle should just say
15 "Lubanga Tek" and then he would make three steps forward and throw the stone
16 ahead.

17 After throwing the stone, people should repeat what he did by mentioning Lubanga
18 Tek and then make three steps forward and throw the stone. That would awaken
19 the people you are going to attack, and that commander would start to fire his gun
20 and everybody would fire their gun.

21 That happened, but he was giving the overall command remotely, and you should
22 send a report to him all the time. And all the attacks took place at the same time and
23 ended at the same time and it went very well.

24 Even though there were some people who probably had sinned and losses
25 were -- there were losses from the LRA side, many people followed the rules, but

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 others incurred some losses. Like the spirit said, the battle was won and some guns
2 were recovered from the battle. And then the operation continued.

3 On the way back, people scattered. Those who were injured were put separately,
4 mothers were put to move separately, and then the able-bodied ones were scattered
5 to wait for other troops that were coming from Uganda, because that group was
6 ambushed before they were ready, so that the whole group can be aware that we
7 knew about their coming and we were ready to hold them.

8 And that is how we left the defence and the spirit said that we should not fight from
9 that defence, because if we were to fight in that defence, it would violate what the
10 spirit wants, because the spirit had already blessed that defence, so no blood should
11 be shed on that defence.

12 And that is how the Iron Fist started and moved on. No one went back and we
13 continued moving up to Uganda.

14 PRESIDING JUDGE SCHMITT: [10:53:21] I think this is for the initial stages of Iron
15 Fist would be enough, I would assume, this narrative. If you can go to another point,
16 we can also go to open session I would suggest.

17 MR AYENA ODONGO: [10:53:34] Yes.

18 PRESIDING JUDGE SCHMITT: [10:53:35] Yes. Open session, please.

19 (Open session at 10.53 a.m.)

20 THE COURT OFFICER: [10:53:43] We are back in open session, Mr President.

21 PRESIDING JUDGE SCHMITT: [10:53:46] Thank you.

22 If you intend to go, to move to another topic, we could also have the break now, but I
23 would leave it up to --

24 MR AYENA ODONGO: [10:53:54] Your Honour, just one question.

25 PRESIDING JUDGE SCHMITT: [10:53:55] Yes, of course please, please proceed.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [10:53:59]

2 Q. [10:53:59] Now, Mr Witness, in your statement you said the effect of following
3 the orders given by the spirit was to make the enemy forces sleep; is that correct?

4 A. [10:54:22] About sleeping, that is correct, when we were just going. But the
5 stone we threw was to wake them up so that they know that we were already there.
6 You don't throw the stone to hurt them, but to wake them, because the stone would
7 make the ground shake so that they wake up and would rise up to see what's going
8 on. And after waking them, they are aware.

9 MR AYENA ODONGO: [10:54:54] I think this is a proper point.

10 PRESIDING JUDGE SCHMITT: [10:54:57] Okay, thank you. Then we'll have now
11 the coffee break until 11.30.

12 THE COURT USHER: [10:55:02] All rise.

13 (Recess taken at 10.55 a.m.)

14 (Upon resuming in open session at 11.32 a.m.)

15 THE COURT USHER: [11:32:37] All rise.

16 PRESIDING JUDGE SCHMITT: [11:33:05] Mr Ayena, you still have the floor.

17 MR AYENA ODONGO: [11:33:10] Much obliged, Mr President, and your Honours.

18 Q. [11:33:16] Mr Witness, I hope you had a good coffee break. When we left this
19 morning --

20 A. [11:33:30] Yes, I had a good break.

21 Q. [11:33:36] -- we were talking about the onslaught of the Iron Fist. I'm
22 particularly interested in you telling Court more about food production. You said at
23 that time you had a bumper harvest. When you left, did you carry any food with
24 you to Uganda?

25 A. [11:34:20] The food did very well. We did not come to Uganda immediately.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

- 1 People stayed in Sudan for some time, because there were different roles that were
2 given out. Some people were hiding the weapons, concealing them. Some people
3 were sent on reconnaissance mission along the routes, and also to look for places
4 where the injured, the weak, the mothers would live. And also, other people were
5 on standby waiting for whatever mission.
- 6 So we were basically staying within Sudan, so not much food was taken to go with.
7 Some were kept as in reserve, but then people realised there was no need to keep
8 them. Then those that were taken -- and the instruction was that, "Use it to feed you
9 and then if they ran out of stock, then find your own way to get more food."
- 10 Q. [11:35:47] Now, Mr Witness, in your statement --
- 11 MR AYENA ODONGO: [11:35:49] Your Honours, I'm referring to ERN UGA-D26,
12 page 417, paragraph 33, and you said that: "During the period after the Iron Fist,"
13 LRA was "in dire need -- "
- 14 MS NUZBAN: [11:36:20] Your Honour.
- 15 PRESIDING JUDGE SCHMITT: [11:36:20] Yes.
- 16 MS NUZBAN: [11:36:21] I hesitate to interrupt my learned colleague, but I don't see
17 a reason to refer to the statement. Mr Ayena can put questions and not refer to -- the
18 witness from the statement.
- 19 PRESIDING JUDGE SCHMITT: [11:36:31] Yes. I think you can first try to draw
20 a question out of this paragraph and then if the witness has problems with
21 recollection, you can simply refer him to that then. So I would agree with
22 Ms Nuzban, yes.
- 23 MR AYENA ODONGO: [11:36:50] I am indebted to her as well.
- 24 PRESIDING JUDGE SCHMITT: [11:36:53] I am sure it would not turn out a problem;
25 so please draw a question out of it and then you can continue.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 MR AYENA ODONGO: [11:36:59] Yes.

2 Q. [11:37:00] Now, when finally you came to Uganda, all those who -- those of the
3 LRA that finally came to Uganda, did you have food available to feed the soldiers and
4 their families?

5 A. [11:37:30] I mentioned that when the Iron Fist began, we fought in Sudan once,
6 then afterwards people were split into different smaller groups. But people didn't
7 come out to Uganda immediately. I said we first stayed in Sudan to try to find
8 a way of completing the assigned task. So people were moving in groups; one group
9 would move ahead and then the others would follow, but people were eating
10 together.

11 So when people started moving, we crossed the road from Pajok to Juba and we went
12 to some mountain between Uganda and Sudan. We stayed there for some time;
13 that's where we got food. Then some groups, some groups were separated, were
14 divided to go to Uganda. But most of the group, the majority remained in Sudan.
15 Those remained included the mothers, those who are weak, the injured, and then
16 Control Altar and some other two brigades remained in Sudan. Those were the ones
17 that remained staying and also working and operating within Sudan.

18 Q. [11:38:57] Thank you for that information, Mr Witness. But I am particularly
19 concerned about the forces that were now in Uganda, and in your statement at one
20 point you were also in Uganda. The question is: When you came to Uganda, did
21 you have food available to you?

22 A. [11:39:29] Coming to Uganda, it was not only one time. There were two
23 groups. The first group is the one I told you that was separated. I came in the
24 second group. The first group had already come. Now, in our group that we came
25 with, there was no food distributed. You get food where you have gone to and

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 where he had told us to go to. Because when we came to Uganda, people were still
2 in their villages and they were home and they had foodstuff in their areas. So that
3 same foodstuff that people were living on, which is the civilian food, were also the
4 food that we were actually using.

5 Q. [11:40:23] This time, Mr Witness, when you came back from the Sudan after the
6 Iron Fist, did you find the population still in the villages?

7 A. [11:40:45] People were still living in the villages, but some were already moving
8 closer to the roadside where they would live. Because the first group had already
9 arrived and instruction was already -- people were also already told that they should
10 live carefully, should live a careful life and should be on the alert because any time
11 they can be attacked. So most people were already -- by that time, some people were
12 already going to some centres where there would be more security. The young
13 would also go away. But in the other areas, you would still find people, they were
14 still at home, especially the -- the adults would still be home.

15 Q. [11:41:38] Mr Witness, I want to refer you to your paragraph -- to paragraph 33
16 of your statement.

17 Your Honours, this is the paragraph I was referring to.

18 PRESIDING JUDGE SCHMITT: [11:42:02] Please proceed now.

19 MR AYENA ODONGO: [11:42:03] UGA-D26 --

20 PRESIDING JUDGE SCHMITT: [11:42:08] You have said it already I think, yes.

21 MR AYENA ODONGO: [11:42:10] I have already said it.

22 Q. [11:42:13] And I want to read a small portion of it. And you said:
23 "During the period after the Iron Fist, the Holy Movement separated into small
24 groups for fear of attracting attention of the UPDF. We were in dire need of food
25 that was not readily available because people were concentrated in the camps."

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 A. [11:42:48] You said correctly, that is correct. Because, you know, coming from
2 Sudan doesn't mean that we came and completed everything immediately. I was
3 still explaining to you how people came in and then the changes that came after, until
4 when we started running out of food and people split into different groups, because
5 radio-call communication was very closely monitored. And once you opened radio
6 call, you would find the helicopter gunships come right away, straightaway. So
7 I was going to explain to you all those, but I started still from the point when the
8 groups split. I have all this information as it is written down.

9 Q. [11:43:41] Sorry for maybe putting the cart before the horse. Can you kindly
10 continue in the line you are doing to explain how, finally, you obtained your food.
11 Go ahead, Mr Witness.

12 A. [11:44:05] So, in the first group that came to Uganda, they came and started
13 living in Uganda. We remained in Sudan. We didn't take a long time after that; we
14 also came to Uganda. We passed via Agoro. We didn't come deeper into Uganda
15 because Joseph Kony was in that group, but he returned back to the mountains in
16 Agoro areas. So while there, food was collected from Omiya Anyima centre and the
17 group went back to Agoro hills, because in the area of Agoro hills, there were
18 Sudanese nationals who had farmed various food crops like maize, wheat, beans and
19 other food crops like cabbages, onions and other vegetables.

20 So those were the food items that people lived on. But the people that went straight
21 to Uganda, continued to stay in their smaller groups. Not very small groups, but
22 because there was not a lot of pressure at that time, at least each group would have
23 quite a number of people.

24 So the groups continued. At that time, there was not a lot of pressure, there would
25 be food that they would get in the villages. The civilians would also go to the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 centres. Nothing was being done on them. But they would still remind themselves
2 and remember how people were being abducted, the size that was abducted. So
3 those were the civilian population that would move away and go to the town centres.
4 So at that time, it was quite a mixed situation, because even the government soldiers
5 would come and ask the same civilian. The rebels would come and ask the same
6 civilian, so the civilian population was a bit confused. And so, because of that fear,
7 some of them starting leaving home. They were living in the centre. They would
8 only come back to the village to pick food items and go back to the centre.
9 So that is also how we started losing food. Food, we started running out of stock of
10 food until around 2003 when pressure increased. 2004, there was not a lot of people.
11 So when you get even the cassava in the bushes, they were very bitter, and it was
12 around that time now that people split further into smaller groups where you can be
13 able to get food to live on your own.
14 Each group would be -- it was required each group to have at least a maximum of
15 20 fighters in the group, not more than that. That was the order which was issued.
16 And during that time he also outlawed any form of engagement or operation.
17 Unless when you have been attacked, you were not supposed to go and attack any
18 place. People were asked to only defend themselves in an event when they are under
19 attack, as the instruction from the spirit. Because, as I said earlier, around that time
20 the spirits were now not with him. It would only visit him once in a while.

21 Q. [11:48:08] Mr Witness, you talked about concentration camps, didn't you, on
22 the -- I mean, according to the passage I read. Was there a concentration -- I mean,
23 concentration camps, otherwise known as IDP camps?

24 A. [11:48:40] In that year, 2003, that's when the camps were established, into the
25 year 2004. But, as I said, most of my stay was not in Uganda. We would only come

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 and visit and then go back. Because it depends on what the spirits have said, the
2 kind of items that are needed. So those are the things that we would come to explain
3 to the people or pick items that the spirit wanted us to take.

4 While we were even still in Sudan, he also ordered that people who were in Sudan are
5 under his command. Such people in whatever group they are in, if you are
6 separated from the main group, do not go to Uganda, make sure you find people
7 where there are from within Sudan. Do not flee to Uganda, because if you do that,
8 then you are taking information about him. Or he will take it that you have escaped,
9 and if you come to Uganda, then you should be killed.

10 So that was the message which he sent to the people who were in Uganda. So that is
11 why most times people had to just stay within Sudan but only come once in a while to
12 Uganda. Or sometimes come to Uganda to bring some weapons, when the group
13 come, they would find the larger group in Uganda and they would give them
14 weapons and they would go back.

15 He would also not stay with the main group, because if he is in Uganda there would
16 be a lot of pressure, the UPDF, the government soldiers would actually be following,
17 pursuing him very closely. So he didn't want to stay in Uganda because they would
18 find him. But Sudan, because Sudan is a very large area, so he would live freely.

19 And in addition, most of the villages in Sudan are occupied by hunters and some of
20 them also have guns. And according to him those were also rebels, those were also
21 his enemies.

22 So it was safer for him to stay in Sudan because he wouldn't fear that some people
23 would come or take information about him. So he felt it was easier to stay in Sudan
24 and his life would be easier in Sudan.

25 But, of course, the government soldiers would also be there. But no one would take

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 for them information wherever about where he is.

2 PRESIDING JUDGE SCHMITT: [11:51:25] I think we should move now to another
3 point. And just for clarification, the witness did not use the expression
4 "concentration camps", he simply agreed to the proposition by counsel, that is page 42,
5 line 7, because people were concentrated in the camps, which was an absolute correct
6 quotation from paragraph 35 of the witness's statement to the Defence. And he said,
7 and he answered, "You said correctly, that is correct." So just for clarification, he did
8 not use this expression.

9 You can, I think, as I said, you can move to another point now, Mr Ayena.

10 MR AYENA ODONGO: [11:52:21]

11 Q. [11:52:21] Mr Witness, when you were in the bush, did you come to know
12 Dominic Ongwen?

13 A. [11:52:37] Yes, I knew him. I even saw him.

14 Q. [11:52:45] When and where did you first meet him, if you remember?

15 A. [11:53:00] They were in the first group who came to Uganda. But,
16 unfortunately, he got injured. It didn't take a long time and he got injured in his leg
17 and he was taken where the sick are kept. So he was being taken care of there.
18 In addition, when we left Sudan, together with Kony, we went and visited him where
19 he was.

20 Q. [11:53:37] Excuse me, Mr Witness, can we --

21 PRESIDING JUDGE SCHMITT: [11:53:42] I think it's --

22 MR AYENA ODONGO: [11:53:43] No, but he's not answering. I want him to --

23 PRESIDING JUDGE SCHMITT: [11:53:46] I think let him continue and then you can
24 simply ask following up questions.

25 MR AYENA ODONGO: [11:53:51] Okay.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 PRESIDING JUDGE SCHMITT: [11:53:52] He is in his narrative and, as I see it, it's --

2 MR AYENA ODONGO: [11:53:56] Flowing.

3 PRESIDING JUDGE SCHMITT: -- flowing and it is paragraph 31 of his statement.

4 So just simply let him talk.

5 Please continue, Mr Okot. You said you visited Mr Ongwen in the sickbay, as I have
6 understood it. So from there, please proceed.

7 THE WITNESS: [11:54:23] (Interpretation) Yes, we went together with Kony and we
8 visited him. Then, after, because -- then after we left, we didn't even spend a night
9 there, we continued with our movement and we left them there where they were
10 as -- in their sickbay.

11 We continued and went back to Sudan. The sick remained in Uganda, and some
12 other groups, we didn't now meet them.

13 PRESIDING JUDGE SCHMITT: [11:54:58] Mr Okot, when you say you met with,
14 together with Kony, Mr Ongwen in the sickbay, how did this meeting unfold? Can
15 you tell us a little bit more, if you recall it?

16 THE WITNESS: [11:55:19] (Interpretation) The meeting happened in this way: The
17 group that he came with was there, and the people who were in the sickbay usually
18 move under concealment so that their position is not known. But he did not go with
19 many people, he went with very few people to go and see him on how he got injured
20 in the leg. So he went and saw him, not with the larger group, with everybody, he
21 went and saw him and then he came back to the other bigger group with whom he
22 moved and continued back to Sudan. There was really not much that he did. Of
23 course, he'd also took and left for them some food item for the sick people.

24 PRESIDING JUDGE SCHMITT: [11:56:18] What you told us now, did you see this
25 with your own eyes? Did you directly, so to speak, accompany Mr Kony when he

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 met Mr Ongwen?

2 THE WITNESS: [11:56:36] (Interpretation) I did not see it with my own eyes, but
3 I was with the group in which -- the group that accompanied him. And also, the
4 group that was in Ongwen's -- Ongwen's group, also came to visit us where we were.
5 Usually that particular point where the meeting, only a few people would go. That
6 is how I came to know that he went and visited him.

7 PRESIDING JUDGE SCHMITT: [11:57:06] So just to be sure, so at this time you also
8 did not have the opportunity to talk with Mr Ongwen?

9 THE WITNESS: [11:57:17] (Interpretation) No, I did not.

10 PRESIDING JUDGE SCHMITT: [11:57:21] Okay, thank you.
11 Please, Mr Ayena. I think we have quite a lot now of information, but perhaps you
12 have some follow-up questions.

13 MR AYENA ODONGO: [11:57:29] Yes.

14 Q. [11:57:30] Mr Witness, do you remember approximately the month in 2003 and
15 2004 when you met Dominic Ongwen when Joseph Kony -- I mean, rather, you said
16 you didn't see him. When --

17 PRESIDING JUDGE SCHMITT: [11:57:51] We have to be clear now about the time
18 frame.

19 MR AYENA ODONGO: [11:57:53] Yes.

20 PRESIDING JUDGE SCHMITT: [11:57:54] I think the witness said in his statement at
21 paragraph 31 that he met him in the sickbay. Perhaps you ask him simply: When
22 did you meet him, do you recall it, in the sickbay?

23 MR AYENA ODONGO: Yes, that's what --

24 PRESIDING JUDGE SCHMITT: [11:58:04] And did you meet him afterwards again?
25 Perhaps like that so that it's not so suggestive.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [11:58:12] Yes.

2 Q. [11:58:13] Now, when did you meet him, this meeting in the sickbay, do you
3 remember the time?

4 A. [11:58:30] That same meeting was when we met, but I didn't have any chance to
5 meet him because there was really nothing much that I shared with him because he
6 was bigger than me in rank. But at their level as commanders, that's when they
7 were -- that's when they were able to meet and they would encourage each other,
8 would support each other so that they know how to live and how to -- to not be
9 exposed to enemy targets. Because usually when someone is injured he is not given
10 assignments to go and do anything or he is not given instructions on what to go and
11 do, but he is only -- he is usually only told to be careful not to be able to do things that
12 will expose him to the enemies.

13 PRESIDING JUDGE SCHMITT: [11:59:40] And, Mr Okot, do you have now, sitting
14 here today in the courtroom, I know it was a long time ago, but could you tell us,
15 please, when this happened? Could you narrow it a little bit. Do you know the
16 year when you met him there in the sickbay?

17 THE WITNESS: [12:00:11] (Interpretation) It was in 2002.

18 PRESIDING JUDGE SCHMITT: [12:00:15] Yes. Please move on, Mr Ayena. This
19 also concurs with what he said in paragraph 31, but you may continue.

20 MR AYENA ODONGO: [12:00:26]

21 Q. [12:00:27] Mr Okot, you actually said you met him again in 2003 and 2004.
22 And let's just talk about time, don't talk about any other thing for the time being.
23 Can you tell Court, if you remember, what month in 2003 and 2004 when you went to
24 see Dominic Ongwen in the sickbay?

25 A. [12:01:00] At that time he was already walking with a limp. He was not in the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 sickbay. He was able to move on his own. He wouldn't do much, but he would
2 still be able to move. Our meeting was not scheduled. We were in a small group.
3 We went to meet another group. That group was under attack by the enemy forces,
4 so we split, about five of us. We were moving to look for other people and then we
5 came across his people who were there and we went and stayed with them for some
6 time.

7 When they realised we were there, a message was sent and we went back to our
8 original units.

9 PRESIDING JUDGE SCHMITT: [12:02:00] So, Mr Okot, would it be correct to say
10 that this time, 2003 and 2004, you met Mr Ongwen accidentally, it was not the
11 purpose to go there and meet him?

12 THE WITNESS: [12:02:19] (Interpretation) Yes.

13 PRESIDING JUDGE SCHMITT: [12:02:22] And at that time have you been in
14 company of Mr Kony or with another commander?

15 THE WITNESS: [12:02:43] (Interpretation) Many times we were not under any other
16 commander's leadership, but we would be in the group which Kony wants to be close
17 to him. Sometimes even Kony himself will not be in that group, but that group
18 should be close to him, especially in Sudan.

19 For instance, when he is under serious attack, he would come and join you and move
20 with him, and you would move ahead, and he would branch off with a few people
21 and disappear from the group. He uses the group to -- as a cover so that he can
22 disappear. So sometimes he would move and use another group to move with him,
23 then he would branch off again.

24 And after the bigger group has gone with the rest of the soldiers, he would branch off
25 and settle somewhere else, and that is what would happen. Many times we were in

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 Sudan, and even from Sudan we would not go for operations, he would not give us
2 orders to go and look for food. Many times we would live on wild animals and
3 honey from the wilderness.

4 Sometimes we would get food from the hunters from Sudan, the civilian hunters who
5 were from Sudan would get some food and we would get from them, and that is
6 where we would get food from the communities in South Sudan. That is what used
7 to happen.

8 PRESIDING JUDGE SCHMITT: [12:04:34] Thank you.

9 Mr Ayena, please proceed. I think this was a little bit, the answer, broad, a little bit
10 the topic of the question. But that sometimes happens. Please, Mr Ayena.

11 MR AYENA ODONGO: [12:04:48] Yes, it does happen.

12 Q. [12:04:50] Now, Mr Witness, you said that Dominic Ongwen was in the sickbay
13 for about one year.

14 MS NUZBAN: [12:05:02] Your Honour, I don't recall that.

15 PRESIDING JUDGE SCHMITT: [12:05:06] Yes, I think --

16 MS NUZBAN: [12:05:09] It's a leading question.

17 PRESIDING JUDGE SCHMITT: [12:05:11] Yes, I am not completely sure, but
18 perhaps if counsel can give us the reference in the transcript, then I would allow the
19 question, otherwise not.

20 MR AYENA ODONGO: [12:05:20]

21 Q. [12:05:22] Mr Witness, maybe I shall rephrase the question. Do you know for
22 how long Dominic Ongwen stayed in the sickbay?

23 A. [12:05:38] In regard to that, we would not actually meet him, but I think it was
24 about one year. You know, when you have a broken bone, it takes time before it
25 heals for you to be able to move properly. Like I said, starting from the year 2002,

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 when he got injured after coming from Sudan, that means about 2003 to mid-2003,
2 that is when he started feeling better and that is what happened.

3 Q. [12:06:23] Now, Mr Witness, could you have learnt whether during the time he
4 was in the sickbay, around 2003, Dominic Ongwen fell into trouble with Joseph Kony
5 for attempting to contact, to contact a top UPDF --

6 MS NUZBAN: [12:06:48] Your Honour, I apologise yet again, but this is putting an
7 entire proposition.

8 PRESIDING JUDGE SCHMITT: [12:06:54] Yes, yes, that's true.

9 MS NUZBAN: [12:06:56] It's leading.

10 PRESIDING JUDGE SCHMITT: [12:06:57] This is a manner of questioning by the
11 non-calling party, I would say. I am much more indulgent since I am coming from
12 a system where we don't have any parties. But, nevertheless, you would have to
13 rephrase this. Formulate it openly so that the witness does not really know what
14 you want to hear. Let me put it.

15 Mr Witness, have you heard of any problems that Mr Ongwen had with Mr Kony?

16 MR AYENA ODONGO: [12:07:35] Yes.

17 THE WITNESS: [12:07:45] (Interpretation) I did not hear any such thing. Even if it
18 was there, I am not part of their meetings, I do not attend -- I don't get close to them to
19 attend what they talk about.

20 PRESIDING JUDGE SCHMITT: [12:08:01] Thank you. I think that answers it.

21 You can move to another point.

22 MR AYENA ODONGO: [12:08:06]

23 Q. [12:08:07] Now, Mr Witness, can you describe to Court, according to your own
24 impressions, who Dominic Ongwen was as a person and also as a commander.

25 A. [12:08:32] Kindly repeat the question, please.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 Q. [12:08:37] Did you get to know about Dominic Ongwen's character when you
2 were in the bush?

3 A. [12:08:55] The group that Dominic Ongwen was with then in their entire time in
4 Uganda, we met the time I only mentioned that we met. But to know how he lives,
5 his way of life, I did not get to know, because there was no connection, except that
6 when you are sent to meet this and that group, you would meet them. Like I said,
7 they would send you from Sudan to go and get this group and deliver a message
8 from the spirit. When you get that group, you would get -- you ask from them and
9 deliver the message, and that message will reach to the smaller group, up to sickbay
10 and many other group. And that is how we connected.

11 Q. [12:09:57] Mr Witness, was Joseph Kony sometimes suspicious about his
12 commanders, especially those who were planning to escape?

13 MR GUMPERT: [12:10:12] Your Honour, this must be tedious, various people
14 standing up and objecting to leading questions. It could be resolved by my learned
15 friend asking proper questions. I respectfully submit you should direct him to do so.

16 PRESIDING JUDGE SCHMITT: [12:10:26] We are of course all aware where you are
17 heading at. This is 34 and following paragraphs, I would assume. And you started
18 I think a couple of minutes ago asking about command structures, and perhaps you
19 simply continue from there, and then I think there will be no objections by
20 the Prosecution. So I think you asked: Do you know something about command
21 structures?

22 MR AYENA ODONGO: [12:10:55] Yes.

23 PRESIDING JUDGE SCHMITT: [12:10:56] And the witness will answer it, will give
24 us an answer, and then you can ask: Has this been always followed? And if not,
25 what were the reasons why it was not followed? Just like that.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [12:11:09] Yes, I am much obliged and guided,
2 your Honour.

3 Q. [12:11:13] Now, Mr Witness, command structure, we are talking about how LRA
4 was arranged from top to bottom. Were you aware of the command structure of the
5 LRA?

6 A. [12:11:43] I knew the command structures were many. There were many ranks,
7 rather. But these ranks did not mean responsibility. You can find people who are
8 in the same ranks, like three people who were in the same ranks are together.
9 Among these three, these three would be led by somebody with a lower rank. And
10 they would only be given advisory roles, doing advisory roles, and the person with
11 the lower rank would sometimes lead.

12 It is like someone who was born first would have many number of years on earth, like
13 I mentioned earlier. But it is not because the person has more responsibility when he
14 has a big rank.

15 Q. [12:12:48] And you earlier on talked about escape. Was escape confined to
16 only lower ranks, or was it the case that even senior commanders would also try to
17 escape?

18 A. [12:13:26] I mentioned earlier and gave an example about some commanders
19 who were killed. That means that anyone can escape from the LRA, because
20 not -- no one went to the bush voluntarily, and everyone was forced and was still
21 being forced to continue staying in the bush. Anyone can escape. But when
22 you are escaping, you should escape alone without anyone knowing. That one was
23 for everybody.

24 PRESIDING JUDGE SCHMITT: [12:14:04] May I, Mr Ayena?

25 MR AYENA ODONGO: [12:14:06] Yes.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

- 1 PRESIDING JUDGE SCHMITT: [12:14:07] Perhaps simply.
- 2 Was Mr Kony informed about what happened in command structures or in units that
- 3 he was not moving with? Was he informed about what was going on there?
- 4 THE WITNESS: [12:14:37] (Interpretation) Let me explain clearly in response to that
- 5 question. I repeated the same thing earlier. First, Joseph Kony can stay two years
- 6 or one year without meeting any commander. But he would send the younger
- 7 commanders to go and meet them so that he is aware of what is going on, and he
- 8 would send people messages to go and tell them the message of the spirit and also to
- 9 inform them on what the spirit wants to be done about an upcoming operation or
- 10 a big operation that is about to be done.
- 11 Many times he would give strict rules and ensure that any commander should not
- 12 break any rule, and any commander who breaks the rules should be removed from
- 13 the position of authority and will be kept without a say in anything that happens in
- 14 that unit. And sometimes a younger commander or, rather, somebody with a lower
- 15 rank would be the one who would be in charge of the unit.
- 16 For that matter, those who were sent would go back to Kony and explain to him that
- 17 such-and-such a rule has been broken. And when such a rule is broken, he will
- 18 summon that commander to go to him in Sudan and ask him why it was broken.
- 19 If somebody is able to move, he would have to go up to Sudan where he is; or if he is
- 20 not able to move, they would change the leadership and that person is taken to
- 21 another place. Maybe that person is already tired or has become too familiar with
- 22 the group and has lost track on how to lead, how to talk to the people. They would
- 23 take him away so that he rests.
- 24 Sometimes they would take him back to Sudan and he would teach the person again
- 25 personally on how things should be done while in Uganda.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 Those are the things that used to happen.

2 PRESIDING JUDGE SCHMITT: [12:17:00] And just to make it clear, who were the
3 persons who informed Mr Kony about breaking of rules in such units?

4 THE WITNESS: [12:17:20] (Interpretation) Those who would inform Kony are the
5 people he would send from Sudan or those who are in Uganda but within the same
6 units, the same groups. For example, the signaller would know when they send
7 a message that no abduction should take place. There are times he would prohibit
8 abduction and say no one should be abducted. He would also prohibit looting of
9 food and say no one should be taken to collect food, you use other means of getting
10 food.

11 But if you violate that and send people to abduct or to collect food, and if he gets to
12 know that a soldier went to this location and was shot and died, there you will have
13 committed a crime and he will summon you. He would take you and you stay with
14 him and you have no work. You should stay where he is able to see you and
15 observe you. For example, commanders in Control Altar were put in smaller groups
16 without any authority. They were denied of their responsibilities. For example, if
17 someone was in charge of medical work, he would -- he was taken to the smaller
18 groups. Like support also, the group was dissolved from the Control Altar and
19 taken to mobile forces, the mobile units, and they would go to smaller units, without
20 any power. They would take this commander and take him to Sudan and does not
21 return to Uganda.

22 When you leave Sudan and come to Uganda on your own, you should go forever
23 because if he finds you, he would finish you, because there was a rule that if you are
24 in Sudan, stay in Sudan and if you are in Uganda, stay in Uganda.

25 PRESIDING JUDGE SCHMITT: [12:19:46] Please, Mr Ayena, move on.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [12:19:48] Yes.

2 Q. [12:19:52] Mr Witness, was there a department or a directorate of intelligence in
3 the LRA structure?

4 A. [12:20:12] Yes, there was intelligence, but the department of intelligence was
5 everywhere. The one, the one that he uses are the units that he sends. For example,
6 you have your intelligence that you use, but for him, the intelligence that he uses
7 comes from him. His intelligence people would come to your unit. Sometimes he
8 doesn't come to you directly as the person in charge of a group, but he would go to
9 smaller -- to the foot soldiers and ask them how life is, how they are being treated.
10 And if the foot soldier says that our commander does this and that, that would be
11 a problem. And that is why he would summon you and you go to him so that you
12 rest. It would be not to kill you, but to talk to you and train you, because if you
13 violate what he has put as a rule, it would lead to the loss of his soldiers.

14 Q. [12:21:26] Thank you. Now, Mr Okot, let's talk about women and man/woman
15 relationships in LRA. Were there any rules regarding women, girls, sex
16 relationships and marriages in the LRA?

17 A. [12:22:08] Let me say this clearly, that the women who were in the LRA,
18 whether you are abducted as a young person or an already grown-up person, it was
19 Kony himself was responsible for them. He would be the one to give directive and
20 he would ask how many people in this age bracket do you have, and then he would
21 direct you on where to keep such young people when you give him the figures that
22 he has asked for. Such a group of people, the younger ones will be given to the
23 commanders who can keep these children.

24 For him, he does not allow anyone to sleep with younger girls. They are called
25 ting tings, and their particular roles would be to help the mothers as babysitters, to

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 carry food for the child, carry clothes for the mother of the child, since the mother
2 herself would be carrying the child.

3 Secondly, the ting tings would be to move with those who were going to collect food
4 such as cassava so that they carry, they carry the cassava and bring it to the base.

5 And thirdly, they would help in things like cooking. When the child is disturbing
6 the mother you should help to cook because security doesn't allow the children to cry.

7 And sometimes when you go to collect water those young girls would be the ones to
8 cook and to help the mother of the child to look after the child so that the child
9 doesn't cry and expose the location of the group if the enemy forces were moving
10 close by. That is in regard to the younger ones.

11 Now about the older women, he is the one who determines how many girls should be
12 abducted, when he says 20 girls should be abducted, out of those 20, 10 should be
13 older ones and the 10 should be younger ones. He knows where these people would
14 be taken to. When it is not possible, he would be informed. They would tell him
15 that, well, we were able to get five or six and only two are younger and four are older.

16 Then he would say, out of those, the young ones should be kept by the commander
17 who abducted, or please take the younger girls to the -- to a commander whom you
18 think can treat them well. The older ones should be kept and he would ask that
19 officers should be prepared from every unit, especially those who do not have wives
20 or women in their lives. Sometimes they even prepare names of officers who
21 already have wives.

22 Later on, after finding out the statistics, after giving the orders for the abduction and
23 after knowing that so-and-so are required to have wives and such-and-such a number
24 of girls have been abducted, he would order that these girls should be sent, or he
25 would say "I would come myself to Uganda" and he would come and inspect them.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

- 1 Sometimes he releases some of them after realising that the person perhaps is sick, is
2 infected, or is weak. Sometimes the sickness is not only about HIV, sometimes it is
3 about tuberculosis, or hunchback, or other infections known as the nodding
4 syndrome, those sicknesses that make a person weak. That is usually revealed to
5 him by the spirits, he would see and he would select them and release such people.
6 Sometimes they would make the person first stay for a month and then release, but
7 they would be protected so that no one sleeps with them or no one rapes them. They
8 would be protected until they are taken back to their homes.
- 9 But the ones who are okay, whom he sees that they are okay, he would see where to
10 send them and give them as wives to the commanders that he thinks should have
11 wives. All orders come from him. No commander has any order other than him.
12 For him, he says he also has no power but it is the spirit that directs him to abduct
13 people and give those women as wives.
- 14 So this is what happens in regards to the women or wives in the LRA.
15 Even the men, the abduction orders come from him and then sometimes he inspects
16 and releases some of them. The sick ones are taken back and then the healthy ones
17 are kept. That is what happens.
- 18 PRESIDING JUDGE SCHMITT: [12:28:08] Mr Okot, you spoke of older women,
19 what is your understanding or what was the understanding in the LRA of an older
20 woman in that regard?
- 21 THE WITNESS: [12:28:36] (Interpretation) A girl who can be in the house as
22 husband and wife, or a man who can be -- I mean a woman who can be with a man,
23 rather.
- 24 PRESIDING JUDGE SCHMITT: [12:28:46] When would that be, that a woman can
25 be with a man as a wife?

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 THE WITNESS: [12:29:01] (Interpretation) The way he sees, he determines. They
2 do not ask age, they do not find any other way of finding out the age of the girl.
3 They do not even ask when the girl is born, but he sees and determines that
4 such-and-such a person is already mature enough to be a wife. No one determines it
5 except himself.

6 PRESIDING JUDGE SCHMITT: [12:29:27] Perhaps a little bit more specific. From
7 your experience in the bush these many years, how old would these girls or women
8 be when they became wives?

9 THE WITNESS: [12:29:53] (Interpretation) I know some of them could be about 16 or
10 17 and above, because he also doesn't want people who are over 20. Such a person
11 he doesn't bring to the rest of the group.

12 PRESIDING JUDGE SCHMITT: [12:30:12] Mr Ayena, please continue.

13 MR AYENA ODONGO: [12:30:17]

14 Q. [12:30:18] And, Mr Witness, what were the consequences of violating some of
15 the rules set by Joseph Kony about women?

16 A. [12:30:45] Those who violate the rules, first, the consequence is that sometimes
17 you could have done it in secret, and of course it will be seen from the injuries that
18 you get or the kind of thing that you will go through as a particular commander.
19 Secondly, such a person would be transferred to another place.

20 Q. [12:31:31] Now, Mr Witness, you talked about wives and husbands. Can you
21 tell Court whether LRA soldiers got married in the bush and what you
22 understand -- and what, according to you, marriage was in the bush.

23 A. [12:32:02] Marriage in the bush, well, it's called marriage, but it is not in the
24 interest of the two of you. It's that somebody is picked and is given to another
25 person that you can stay as man and wife. But also it is not given just to anybody.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

- 1 There are categories of people. Because, for instance, there are some people, let's say
2 like himself, he has many different wives. So on any order that he gives out, they
3 also increase the number of women to him.
- 4 So marriage in the LRA, it is him who determines. It is not that you take your time
5 to go and court a lady. That is not the case.
- 6 Q. [12:33:12] Now, Mr Witness, can you tell Court whether, after a decision that
7 so-and-so would be such-and-such person's wife, there would be performed
8 a ceremony of marriage as understood in the customs of Acholi or other customs,
9 would there be any ceremony performed?
- 10 A. [12:33:50] There is nothing else that is said. What happens is that such people
11 are taken to where he is. He will inspect them. And the list that he has prepared is
12 availed and he will read out the names and he will tell them, "You choose from the
13 women that are there."
- 14 So once you have chosen and picked your wife, then he will instruct you to go and
15 take care of her. And he will tell you, "If you lose her and you don't take care of her,
16 next time I will not give you another wife."
- 17 So there is no specific marriage ceremony because there are no onus of that, because
18 he is the only one who -- who is in charge of everything. So if he has given, that is
19 the end of it.
- 20 Q. [12:34:59] Now, Mr Witness, was it possible for a girl to refuse to accept a man
21 to whom she had been given?
- 22 A. [12:35:16] That was not possible to refuse.
- 23 Q. [12:35:22] How about for the men, was it possible for a person to refuse to accept
24 a girl who had been given to him?
- 25 A. [12:35:40] Yeah, that you can do. You -- it's not a must. You can say, "I am

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 still not yet ready", depending on how you see it. Maybe also you have seen that the
2 lady is not as nice as you would like. Because also you fear that next time they will
3 say, "Oh, so-and-so says he doesn't want to have a wife." But you also find a reason
4 that you can give. For that situation, there is no punishment. They will look for
5 another person and will be given to him.

6 Q. [12:36:27] Mr Witness, did you -- can you give an example of a person in the
7 LRA who was given a woman to stay with and he refused?

8 A. [12:36:47] There are very many examples. There were people who also refused
9 and there was no problem. It is not that he refused and he is not going to have
10 a wife for the rest of his life; it's just that he could have seen that the lady is not
11 beautiful. But it doesn't mean that you are not going to stay with a wife for the rest
12 of your life.

13 So if they ask you, "What rule -- whose rule do you want to follow because that is the
14 rule that I have made so that people can follow", because if you have a wife,
15 sometimes you -- you know, it takes away your worry, it makes you concentrate in
16 your work, it makes you not to envy your other colleague. Also, it makes you, you
17 know, not to be worried that when you go for an operation and you come back there
18 is no food, no one has cooked for you, there is no water for you to bathe, you have to
19 go to the well and collect water yourself.

20 So if you have someone who can help you in such a way, can also, you know, help to
21 wash your clothes and, you know, if the person is there like that, you can be rested
22 and because no one else will take care of you. So if, for instance, you have gone for
23 an operation and something happens while you are away, so your items would be
24 with someone, would be with her, will take care of it. So it therefore means
25 you cannot live -- you cannot refuse for a long time that you cannot have such

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 a person. So by all means you will have at one point someone, but still he will not
2 force you.

3 Q. [12:38:44] No, Mr Witness, when you finally escaped from the LRA, did you
4 leave some of your colleagues still there?

5 A. [12:39:04] Yes.

6 Q. [12:39:16] What -- was it an easy decision, drawing from your own experience,
7 was it an easy decision to escape from the LRA?

8 A. [12:39:36] It is very difficult to make decision because you have two or three
9 fears. First, you fear that if you try to escape, because anyone could be watching you,
10 and would say, "I am trying to see such-and-such a person; I don't understand him
11 now." They look at your behaviours and they can be able to report.

12 So they can say, "Let's watch this person," or, "Let's increase security around this
13 person or this situation so that we understand what's happening." So once that
14 information comes out, they'll say, "Oh, I think this person is now tired and needs to
15 be taken care of."

16 So first, you need to be careful of the people around you.

17 Secondly, where you are going to, you don't know what will happen.

18 And thirdly, when you're moving and you come across a group of your other
19 colleagues and they ask you, what will you tell them?

20 So those are consideration that you have to put in mind, so it makes making decision
21 very difficult. At some point you just have to, you just have to give up and then say,
22 "Let me give in" and you try. If it was luck, if you try and because of that and you're
23 lucky, that's your luck, and that's why some people manage to escape.

24 Q. [12:41:15] And, Mr Witness, you said especially when -- I mean, earlier on,
25 people would fear escaping because there was a chance that you would be followed

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 to the village and the entire family or village would be killed. Was this fear still
2 there by the time you escaped from the LRA?

3 A. [12:41:51] I think I have responded to that, I think the third time now. First, I
4 said how the LRA would live, live with the people. It was very easy to know what
5 would happen. Then after, when the spirit said he has now left people and now
6 people were under pressure, and were split into smaller units of 15 to 20 people, you
7 wouldn't know whether your colleague has died or not, there is not any information
8 that you now know or have of your colleagues. Sometimes you could have spent
9 like two to three months without knowing where your group is. So you just now
10 think of yourself, why am I hiding? Why? Why should I hide? Because then, for
11 instance, there are people that you could have spent one year, you don't know where
12 they are. You don't know.

13 So that is not much of a problem. But the reason why people were followed up
14 when they go home was because that time people would still be at home, they were
15 not yet in the camp. Because sometimes people would go to different places. They
16 could have changed district; they left Gulu and gone to another district. So it
17 becomes difficult to find your home. So there's no way they can follow up. So if
18 you leave, they wouldn't follow you. But the follow-up was being done at the time
19 when people were still living in their villages. But from the time when I left, for
20 example, I was in Central Africa, is there anyone who would still have planned to run
21 and follow me because there were different groups, militia groups? I could have
22 gone to one of them or I could have been carried by a car and taken, so would you
23 follow me?

24 So the only thing is that you just have to know to protect yourself. If you are in the
25 bush, you have to be careful. If you leave, be fast, be swift, and you move so that

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 when you reach to a particular place you can be rescued. So when you get such
2 group, you now move with them.

3 So that's what was happening and many happened; that's why a number of people
4 were able to escape, even some commanders were able to escape because of that,
5 because they were -- they knew what was happening. And in addition to that,
6 people were -- the number had reduced, not as many as it was before.

7 MR AYENA ODONGO: [12:44:47] Mr President, I think that's the end of my
8 questioning.

9 PRESIDING JUDGE SCHMITT: [12:44:50] Yes. Thank you very much.

10 The question would be, how long will your questioning be, Ms Nuzban?

11 MS NUZBAN: [12:44:57] Thank you, your Honour. We anticipate about
12 30 minutes.

13 PRESIDING JUDGE SCHMITT: [12:45:03] So we can -- and I don't assume that the
14 Legal Representatives will have any questions.

15 Then I suggest that you start and we prolong a little bit this session and then we have
16 then the whole afternoon free, I would suggest.

17 Yes, so please continue.

18 MS NUZBAN: [12:45:33] I will ask a moment of indulgence to arrange my papers
19 and we will distribute --

20 PRESIDING JUDGE SCHMITT: [12:45:38] No problem.

21 MS NUZBAN: [12:45:39] -- the folders.

22 PRESIDING JUDGE SCHMITT: [12:45:40] Yes, yes, I see.

23 MS NUZBAN: [12:45:41] Thank you.

24 PRESIDING JUDGE SCHMITT: [12:46:03] So although we have everything on
25 electronic files, there is still some analogue paper here for us to follow, which for the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 people who work a little bit here in this courtroom, it's better to be used. Only the
2 young people are only into the electronic files, I think.

3 MS NUZBAN: [12:46:55] Okay, after a long delay, I am ready, your Honours.
4 PRESIDING JUDGE SCHMITT: [12:47:00] This was not a long delay, no, no. Please
5 continue.

6 QUESTIONED BY MS NUZBAN:

7 Q. [12:47:07] Mr Witness, my name is Yulia Nuzban. We met yesterday. As I
8 have told you, I will be asking you questions on behalf of the Prosecution.
9 Now, you left the LRA in 2012 because of internal fighting in your unit, correct?

10 A. [12:47:28] Correct.

11 Q. [12:47:29] At that point you had already spent 16 years with the LRA; am I
12 right?

13 A. [12:47:43] Correct.

14 Q. [12:47:45] And you decided to escape when you would get an opportunity to do
15 so, correct?

16 A. [12:47:58] Correct.

17 Q. [12:48:01] How long before you actually escaped did you take a decision to do
18 so?

19 A. [12:48:24] It didn't take me a long time to make a decision, because it could have
20 brought problems on to me. So I didn't take long.

21 Q. [12:48:38] And at that time the overall commander of the LRA in the
22 Central African Republic was Dominic Ongwen, correct?

23 A. [12:49:01] Dominic Ongwen was not in Congo, he was already in Central Africa.

24 Q. [12:49:09] He was the commander in charge of the LRA forces in the
25 Central African Republic at that time, correct?

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 A. [12:49:24] He was a commander, yes, but even because Joseph Kony was in
2 Central Africa, at that time no one had any other authority, because, like I said, there
3 were other people of similar rank who were also there.

4 Q. [12:49:48] In the last 10 years of your stay in the LRA, many commanders had
5 already escaped from the bush, correct?

6 A. [12:50:00] Correct.

7 Q. [12:50:03] For example, in May 2012, that's about, that's about six months before
8 your escape, Caesar Acellam had defected from the Central African Republic?

9 A. [12:50:25] Correct.

10 Q. [12:50:29] Caesar Acellam's rank at the time was major general?

11 A. [12:50:39] Yes.

12 Q. [12:50:43] I am going to show you a document, it will appear on the screen right
13 in front of you.

14 Your Honours, it's tab 5, UGA-OTP-0286-0030. That's evidence 1.

15 Mr Witness, can you see it?

16 A. [12:51:33] I have seen.

17 Q. [12:51:36] That's a defection flier explaining how to return home, isn't it?

18 A. [12:51:54] Yes, that is it.

19 Q. [12:51:55] The three photos on the right show Caesar Acellam, correct?

20 A. [12:52:08] Correct.

21 MS NUZBAN: [12:52:13] Court officers, would you please zoom in on the text in the
22 upper left corner, or perhaps let's leave it as it is.

23 PRESIDING JUDGE SCHMITT: [12:52:25] Yes, I think so, I think it's good enough.

24 Now at least on our screen it is good enough, although it is a language that I cannot
25 read.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

1 MS NUZBAN: [12:52:34] Your Honours, in fact, we have a translation of that text
2 and it can be found at tab 4, it is UGA --

3 PRESIDING JUDGE SCHMITT: [12:52:43] I have seen it already, yes.

4 MS NUZBAN: [12:52:45] For the record, UGA-OTP-0286-0026 at page 27, third
5 paragraph.

6 PRESIDING JUDGE SCHMITT: [12:52:53] Please proceed.

7 MS NUZBAN:

8 Q. [12:52:55] Mr Witness, please take your time to read through the text in Acholi.
9 I hope you are able to discern the letters.

10 A. [12:53:24] Yes, I am able to read. "This is me, Major General Acellam" --

11 PRESIDING JUDGE SCHMITT: [12:53:37] No. Mr Witness, you don't have to read
12 it by yourself. The question was only if you can read it. You don't have to read it
13 aloud. That's not necessary. It's simply if you can identify what is written down
14 there, only about that.

15 And, Ms Nuzban, I think you have a question to that passage.

16 MS NUZBAN: [12:53:57] Yes, indeed.

17 Q. [12:53:59] Mr Witness, that's a message from Caesar Acellam; am I right?

18 A. [12:54:09] Yes.

19 Q. [12:54:11] In his message, Caesar Acellam encourages people still in the bush to
20 escape, correct?

21 A. [12:54:27] That is correct, because these photographs, while I was still in the
22 bush, were being dropped by, by plane and part of -- one of -- this photograph was
23 one of them.

24 Q. [12:54:52] In this, in his message, Caesar Acellam explains that after his escape
25 the UPDF did not harm him, correct?

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

- 1 A. [12:55:09] Correct.
- 2 Q. [12:55:13] And that's the flier that encouraged you to escape; am I right?
- 3 A. [12:55:29] Correct.
- 4 MS NUZBAN: [12:55:33] Court officer, will you please display tab 3, that's
- 5 UGA-OTP-0286-0022 at page 24.
- 6 I see we have a little delay. It will take a moment. I see court officer motioning.
- 7 Okay.
- 8 Q. [12:56:32] Mr Witness, that's you holding the defection flier, correct?
- 9 A. [12:56:39] Correct.
- 10 Q. [12:56:41] And you are holding it to show that it encouraged you to escape?
- 11 A. [12:56:48] Correct.
- 12 Q. [12:57:01] Now, Joseph Kony didn't manage to stop you from planning
- 13 a successful escape, did he?
- 14 A. [12:57:15] During that time I did not know where he was, because I had spent
- 15 close to one year without seeing him.
- 16 Q. [12:57:27] And Joseph Kony didn't manage to stop other commanders from
- 17 planning a successful escape; am I right?
- 18 A. [12:57:41] Correct.
- 19 Q. [12:57:44] After your escape you spoke on the FM radio, correct?
- 20 A. [12:57:59] I spoke while I was already in Uganda.
- 21 Q. [12:58:05] And when you spoke on the radio, you called out to the LRA men and
- 22 women in the bush by name; am I right?
- 23 A. [12:58:22] Correct.
- 24 Q. [12:58:24] You did it because you knew that the LRA officers in the bush used to
- 25 listen to the FM radios?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 A. [12:58:42] Correct.

2 Q. [12:58:45] You asked people in the bush to return home?

3 A. [12:58:56] Yes.

4 Q. [12:58:58] You told them it was safe?

5 A. [12:59:06] Yes.

6 Q. [12:59:08] You assured them that the government had no plans to kill those who
7 returned?

8 A. [12:59:27] I told them.

9 Q. [12:59:31] But you did not mention Joseph Kony's ability to predict escape at all,
10 did you?

11 A. [12:59:49] No, on that I did not mention.

12 Q. [12:59:54] If it was important, why wouldn't you mention it at the time?

13 A. [13:00:08] Because people were now in different places. There's people who have
14 spent over two years, they don't know where he is, and he doesn't now mind about
15 them. He is now minding his own business and taking care of his own life.

16 So the rest of the people were now abandoned living their own life. He was not
17 encouraging them. People were just living in the bush without, you know,
18 anywhere that you could see a future. There was no any future that you could see.
19 There was nobody who was now near you. Every day you don't even meet other
20 people, you don't meet him. So there was nothing else I could really talk about it in
21 regard to that.

22 Q. [13:00:56] Thank you.

23 Your Honour, for the next set of questions I am going to play a short segment of an
24 audio recording.

25 PRESIDING JUDGE SCHMITT: [13:01:07] The placeholder.

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

- 1 MS NUZBAN: [13:01:09] Indeed, your Honour, and for the record that's
2 UGA-OTP-0285-0010, from 3.48 to 4.28. A translation can be found at tab 1,
3 UGA-OTP-0285-0008, sixth paragraph.
4 Q. [13:01:32] Mr Witness, I ask you to listen carefully to the sound recording that is
5 about to play because I will ask you questions about it.
6 (Playing of the audio excerpt)

7 MR OBHOF: [13:02:23] Your Honour, before the witness answers we would like to
8 make an objection to the way the translation is. Sorry, not the translation, to the way
9 that it is written inside of the English paragraph. From the content of the
10 paragraph which they just quote-unquote played and the paragraph following, the
11 last sentence, which they are showing, belongs in the next paragraph. It does not
12 belong in this section. If you look at the topics of which the paragraph they just
13 played and the next paragraph, the topics are vastly different.

14 PRESIDING JUDGE SCHMITT: [13:02:52] But I think that that's -- we simply skip
15 that. We simply -- I think it's of no significance here for you.

16 MS NUZBAN: [13:03:00] Indeed, your Honour, I will not be asking questions about
17 that.

18 PRESIDING JUDGE SCHMITT: [13:03:03] Yes. So it is agreed, Mr Obhof, there will
19 be asked no questions insofar.

20 Please, Ms Nuzban.

21 MS NUZBAN: [13:03:15]

22 Q. [13:03:15] Mr Witness, this is you speaking on the FM radio after your escape;
23 am I right?

24 A. [13:03:21] That is correct.

25 Q. [13:03:23] You call on Odomi to leave the LRA, correct?

Trial Hearing
WITNESS: UGA-D26-P-0024

(Open Session)

ICC-02/04-01/15

- 1 A. [13:03:33] Yes, that is correct.
- 2 Q. [13:03:34] You ask Odomi to come out because it is safe.
- 3 A. [13:03:46] Yes, I did.
- 4 Q. [13:03:52] And you tell him not to fear the ICC.
- 5 A. [13:03:57] Yes, I said that.
- 6 Q. [13:04:00] You tell him it's his choice whether to remain in the bush or to leave.
- 7 A. [13:04:13] Yes, I say it.
- 8 Q. [13:04:15] Thank you, Mr Witness.
- 9 MS NUZBAN: [13:04:16] Your Honours, no further questions.
- 10 PRESIDING JUDGE SCHMITT: [13:04:18] Thank you very much.
- 11 I understood that the representatives of the victims don't have questions. I think
- 12 a simple -- yes.
- 13 Further questions by the Defence? Mr Ayena, please.
- 14 MR AYENA ODONGO: [13:04:34] Just one or two, Mr President.
- 15 QUESTIONED BY MR AYENA ODONGO:
- 16 Q. [13:04:39] Mr Witness, are you aware that Caesar Acellam surrendered in 2012
- 17 and that Dominic Ongwen also surrendered in 2015 and they were not actually
- 18 captured?
- 19 A. [13:05:11] Yes, I am aware. Because Acellam Caesar came that month and then
- 20 I came back in November. And then I met him when I returned. And in southern
- 21 Sudan, at the border of Congo and South Sudan, we met there when he had come
- 22 from Uganda to -- and he had gone there, he talked to me, he talked to other people
- 23 who were also there. We met with him.
- 24 Q. [13:05:57] Now, you told Court that between you and Dominic, Dominic was
- 25 a much higher commander than you. Now, when you appealed to him, did you

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 expect him to accept your appeal?

2 A. [13:06:27] An appeal is an appeal. You send according to how you feel about it.

3 You gauge according to how the person used to be, because if somebody with whom

4 you talk about, that means you had some -- you believed in the way he was taking

5 people, he was not mistreating people. At least you had a confidence in such

6 a person. By the time you sent a message to such a person you were aware that

7 nothing will happen when the person comes back where you are now, you know that

8 nothing will happen to you or nothing will happen to him. And for that reason I

9 sent that message to him and I believe in the message I sent.

10 Q. [13:07:17] Now, Mr Witness, when you spoke on the radio, on the FM radio, did

11 you talk off the cuff or did you read from a prepared text?

12 A. [13:07:42] I did not have any text or any paper that I read from. I spoke while

13 thinking about the people whose lives were difficult compared to mine. When I was

14 out I felt that I should send a message and read out their names and tell them that

15 I am free so that they can also come and be free. There was no message written. I

16 had nothing in my hand when I was reading the message.

17 Q. [13:08:21] And when you went to the radio station, did you ask to go or were

18 you asked by some authority to go and talk to the people in the bush?

19 A. [13:08:44] I was told twice that I should think and I was asked if I was -- if there

20 were people with whom I used to live with and I cared about them. Then I thought

21 deeply, and then I went on my own and I said what I said on radio. There was no

22 pressure on me to say what I said. When I was delivering this message I was

23 already home. A message was sent on radio to call me and others. When we were

24 called we were sent to Kampala and we delivered this message from Kampala. This

25 is what happened. But from Gulu also, I also spoke on the same station.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 Q. [13:10:02] And when you spoke you assured them that they would not be hurt.

2 Were you aware that they were still afraid that their lives would still be in danger?

3 MR GUMPERT: [13:10:29] Your Honour knows the objection I am going to make.

4 This is simply a suggestion for the witness to agree with as opposed to a question of
5 what were they thinking. It isn't helpful.

6 PRESIDING JUDGE SCHMITT: [13:10:41] Yes, I think the witness, what the witness
7 has said and has affirmed that he has said stands for itself. There might be some
8 interpretation, but I think the witness has said this is what he at the time delivered via
9 the radio, and this wording, so to speak, the words that he chose, they stand as they
10 are, I would say.

11 MR AYENA ODONGO: [13:11:08] Maybe I will rephrase.

12 Q. [13:11:11] And when you left the bush, for those you left in the bush, were you
13 aware that many, if not all of them, were still sceptical about their security?

14 PRESIDING JUDGE SCHMITT: [13:11:30] I think I would simply suggest to move to
15 another point, because I think the witness has also explained that the purpose of
16 delivering such messages was that he was aware that people were fearful. You see
17 what I mean? This is the precondition, so to speak, to utter these words.

18 MR AYENA ODONGO: [13:11:52] Okay. In that case you have made my case, for
19 which reason I now stop, Mr President, your Honour.

20 PRESIDING JUDGE SCHMITT: [13:12:00] Thank you. That was not my purpose,
21 but, yes, okay. Thank you very much.

22 Then this concludes the testimony of Mr Okot.

23 Mr Okot, on behalf of the Chamber I would like to address you, I would like to thank
24 you for having made yourself available as a witness in these proceedings and for your
25 testimony that helps us to establish the truth. Mr Okot, we wish you a safe trip back

Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July 2016, the public reclassified and lesser redacted version of this transcript is filed in the case

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0024

1 home to Uganda.

2 (The witness is excused)

3 PRESIDING JUDGE SCHMITT: [13:12:35] This also concludes the hearing for today,
4 so to speak, and we continue on Thursday, 9.30 with D-7.

5 THE COURT USHER: [13:12:44] All rise.

6 (The hearing ends in open session at 1.12 p.m.)

7 RECLASSIFICATION REPORT

8 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
9 2016, the public reclassified and lesser redacted version of this transcript is filed in the
10 case.