

Trial Hearing
WITNESS: UGA-D26-P-0056

(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 Judge Raul Cano
6 Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 2 July 2019
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:14] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:32:34] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:32:39] Thank you, Mr President.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 For the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you.
19 I ask for the appearances of the parties. For the Prosecution, Mr Sachithanandan.
20 MR SACHITHANANDAN: [9:33:00] Good morning, your Honour.
21 Today I'm appearing with Ben Gumpert, Hai Do Duc, Colin Black, Kamran Choudhry,
22 Beti Hohler, Milena Bruns, Yulia Nuzban, Grace Goh, Natasha Barigye and
23 Suhong Yang.
24 PRESIDING JUDGE SCHMITT: [9:33:16] Thank you.
25 And for the Legal Representatives of the victims, Ms Massidda first.

Trial Hearing
WITNESS: UGA-D26-P-0056

(Open Session)

ICC-02/04-01/15

- 1 MS MASSIDDA: [9:33:20] Good morning, Mr President, your Honours.
2 For the Common Legal Representative team, Orchlón Narantsetseg, Caroline Walter,
3 and myself Paolina Massidda.
4 PRESIDING JUDGE SCHMITT: [9:33:28] Thank you.
5 And Mr Manoba.
6 MR MANOBA: [9:33:29] Good morning, Mr President, your Honours.
7 Joseph Manoba and James Mawira.
8 PRESIDING JUDGE SCHMITT: [9:33:35] And a welcome also to the video-link
9 location where Mr Opiyo is sitting, and also I think to your right side Mr Kabatsi your
10 counsel, I assume, at least.
11 MR KABATSI: [9:33:47] Yes. Yes.
12 PRESIDING JUDGE SCHMITT: [9:33:49] Not in visible sight but we have heard you,
13 you are present.
14 MR KABATSI: [9:33:54] Yes.
15 PRESIDING JUDGE SCHMITT: [9:33:55] And Mr Obhof.
16 MR OBHOF: [9:33:56] Good morning, your Honour and your Honours.
17 Today -- my name is Thomas Obhof. Today with me we have Chief Charles
18 Achaleke Taku, Beth Lyons, and our client Mr Ongwen is in Court. And I forgot
19 yesterday to wish everybody a happy Canada Day.
20 PRESIDING JUDGE SCHMITT: [9:34:14] Thank you. It escaped my attention,
21 frankly speaking.
22 You may continue with Defence's examination of the witness.
23 WITNESS: UGA-D26-P-0056 (On former oath)
24 (The witness speaks Acholi)
25 (The witness gives evidence via video link)

1 QUESTIONED BY MR OBHOF: (Continuing)

2 Q. [9:34:31] Good morning, Mr Opiyo, and I hope you slept well last night.

3 And, your Honour, I decided to remove a section last night, so is should only be
4 about 15 or 20 minutes today.

5 PRESIDING JUDGE SCHMITT: [9:34:56] Okay.

6 MR OBHOF: [9:34:58]

7 Q. [9:34:59] Mr Opiyo, could you explain to the Court how you came to escape the
8 LRA.

9 A. [9:35:10] Briefly, I -- this is how I got the opportunity to escape from the LRA:
10 When I found out certain information through radio programmes on how returnees
11 were being treated. I also saw newspapers and prints like the New Vision, how
12 returnees have been welcomed and how the community were giving their feedback
13 on those were treated. It encouraged me to come back. I had already heard that the
14 LRA wanted to go to Congo. And then, for me, I saw the distance of moving from
15 Sudan to Congo and, given my experience in the LRA, I decided to take advantage
16 and come back home. It appeared that the LRA had other motives other than what
17 I was hearing in the past. Coupled with the information which I already got, I was
18 encouraged to return home.

19 Q. [9:36:48] You mentioned yesterday that you returned home in 2006. Do you
20 remember which season or which month it was when you returned home?

21 A. [9:37:10] I recall that it was in the dry season. It was in February. The bushes
22 had just been cleared by wildfire.

23 Q. [9:37:27] You explain that you had heard information through radio
24 programmes and that you had read it in newspapers like World Vision. Before you
25 started hearing these radio programmes and before you started reading these

1 newspapers, what did you hear would happen to people who escaped the LRA at the
2 hands of the UPDF?

3 A. [9:38:18] What I heard earlier, and I heard from somebody in Palabek, they were
4 fishing when we found them and I asked them what would happen to those who
5 returned from the bush. I don't know whether they were fearing, they told me, "My
6 child, you can come back, but you cannot guarantee your life. You can be poisoned."
7 So I asked, "How does it happen?" Then he told me the government has a big
8 network. And I told them, "No problem, I will still try to find out later."

9 Besides that, Kony himself used to tell us that when you go back you will lose your
10 lives, for the reason that there are so many things which have been happening in
11 Acholi and the government had its plans for the Acholi race. For me, I did not know
12 that history, but Kony was telling me -- telling us as an elderly person. So those are
13 the things that I was hearing from the bush.

14 Q. [9:40:00] When Kony was telling you these stories or telling you these things,
15 did you believe him?

16 A. [9:40:23] I had some belief. I remember when I was young and I was in the
17 village, government troops came and arrested some people from our community and,
18 indeed, some people never returned. There were lots of gunshots in the community
19 at the time. And I was already afraid of gunshots. Now, coupled with what Kony
20 told us, it left me confused.

21 Q. [9:41:02] After you returned home after you escaped and made it back, how
22 were you treated by the government?

23 A. [9:41:18] It wasn't easy for me to escape. My commander gave me some
24 information and told me that if you ever want to escape and return home, don't just
25 leave. Wait when there is a battle and if you weigh the situation and the situation is

1 not very bad, surrender to the government forces, so that when the LRA find you in
2 the future, they would know that it was not your intention to escape, you were just
3 captured. And, indeed, when we were moving with two commanders, Acellam
4 Caesar and another person who was an IO called Labongo, I climbed up some hills to
5 look at directions in case I wanted to escape.

6 Then I saw soldiers coming from across the stream. I sent one of the soldiers to go
7 and tell the convoy that some soldiers were coming. The convoy left and went
8 ahead. I remained behind. When the soldiers came across us and they saw us, they
9 started shooting. We attempted to run after the convoy, but we branched with the
10 soldiers that I had arranged to come back with them. They chased the rest of the
11 soldiers and I remained, hid my gun, as I had been told. But one of the soldiers did
12 not hide his gun.

13 When I surrendered, the other soldier was told to sit down and throw down his gun.
14 He refused and the soldier was shot. But, for me, they started piercing my chest
15 with the barrel of the gun and was told to hand over my gun. I had a small wallet
16 and it had some money in it. I told them "I do not object to what you are demanding.
17 Take me to your commander."

18 They took me to their commander and I knew the commander. He was a
19 commander who was once in the LRA. When he saw me, he knew me. He stopped
20 them from doing anything on me and I was relieved, and I told them that, "I have my
21 weapon somewhere. Let's go and collect it." We went and collected the gun and
22 they took me to another group.

23 We continued staying with them in the bush there for about two days, while asking
24 me questions about where the LRA wanted to go. I told them because I knew.
25 I was taken to Angagura Trading Centre where the army barracks was located.

1 Later on, they took me to their headquarters which was in Pader district. That is
2 how I was welcomed home.

3 Q. [9:45:06] Now, after you got home now, after you went back to Angagura and
4 you were released from UPDF's care, how were you treated by the UPDF and the
5 government over the next few years?

6 A. [9:45:47] The government tried its level best to find out information from me
7 because I used to hide things of the LRA. So the government tried to follow me
8 because in our group there were other sergeants who had escaped and they knew
9 what I used to do. The government did not just leave me. They wanted to find out
10 what they wanted from me. But there was nothing bad that they did to me.

11 MR OBHOF: [9:46:35] Your Honours, that will end, for the Defence at least, for its
12 case in-chief with this witness (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [9:46:41] Yes. Thank you very much, Mr Obhof.
14 And I give the floor to the Prosecution, Mr Sachithanandan.

15 MR SACHITHANANDAN: [9:47:04] Your Honour, I forgot to mention when I was
16 doing the introductions that it is Ms Natasha Barigye's last day with the OTP team
17 and we are very grateful for her service.

18 PRESIDING JUDGE SCHMITT: [9:47:15] Thank you very much for mentioning that.
19 We wish you all the best.

20 QUESTIONED BY MR SACHITHANANDAN:

21 Q. [9:47:22] Mr Witness, I'm a lawyer from the Prosecution and I'll be asking you
22 some questions. And I wanted to apologise. We were supposed to meet, well, via
23 video link when you were being familiarised with the courtroom, but I was travelling
24 and I could not be present. But I'm pleased to meet you now.

25 I want to pick up from where Mr Obhof left off, which is to do with your escape, since

1 we're on the subject.

2 You mentioned that you were encouraged by listening to some radio programmes.

3 Could you describe to us in detail how these radio programmes encouraged you to
4 escape?

5 A. [9:48:28] Thank you very much. I used to listen to how the radio programmes
6 starts. The producer of the radio was called Lacambel *Wod Ogena. He brought
7 one of the commanders -- the former commander is called Kenneth Banya, and was
8 speaking on Radio Mega and was encouraging us to return home. He said he
9 himself, as an elderly person, as a former commander, he is informed, and the way he
10 was welcomed home was different from what Kony told people while in the bush.
11 He said he was free, there was nothing done to him, even if he was a commander in
12 the LRA.

13 He was not the only one. There were other women who had also returned. They
14 were also brought to Mega FM and they were speaking on radio. And then some
15 foot soldiers also who returned and they all spoke the same language really.

16 What they used to, what they used to tell us was, "If you want to go back to school,
17 you are free. If you have injuries and you need medical attention, they would take
18 you for medical attention."

19 I heard what they are saying and compared to what I would ask the community and
20 compared to what Kony used to tell us, and then I got encouraged and decided to
21 really think about coming back home.

22 It was not that it was one-off, it was several times that I heard the radio.

23 Q. [9:50:23] And was it shortly after Mr Banya escaped that you heard him on the
24 radio?

25 A. [9:50:50] He had stayed for some time. I cannot tell exactly how long he had

1 stayed home because we do not consider time as important for us.

2 Q. [9:51:04] Now, could you tell us, how did you get an opportunity to listen to FM
3 radio when you were in the bush?

4 A. [9:51:25] I was lucky and I'm grateful for that, grateful to some of the
5 commanders in the LRA for that. They were kind. One time I met Dominic in a
6 sickbay. One of the evenings they were playing traditional Acholi songs called
7 *Lukeme*. After that programme they started another programme of *Dwog Cen Paco*.
8 He gave us the opportunity to listen to radio and that actually brought him problems
9 because it was not allowed for us to listen to radio.

10 Secondly, for me, I was let free and they were confident that I would continue to stay
11 in the LRA. I was not monitored a lot. Those are the two things that made me to
12 listen to radio.

13 Q. [9:52:33] And have you seen other people in the LRA listening to the radio?

14 A. [9:52:48] Yes, some people were listening to radio also. Some officers and a few
15 sergeants who had stayed for long in the LRA would once in a while listen to radio
16 when they are with kind and good-hearted commanders, like the example I just gave
17 you.

18 Q. [9:53:14] Now, speaking of kind and good-hearted commanders, you mentioned
19 that one commander gave you advice on how to escape. Could you tell us like a
20 story how he gave you this advice and what he told you?

21 A. [9:53:42] I was close to a commander called Michael. He passed on now. He
22 was a major. He told me he was also abducted and stayed long in the bush. He
23 grew up in the bush. Many times he would tell us that we should not work to satisfy
24 Kony all the time because as humans, we are not going to remain in the bush forever,
25 unless we are dead.

1 He said it's important. We should also think about home, think about those who
2 were abducted, we should keep them well as humans. Because when you listen to
3 radio and you hear somebody who has stayed with you has gone back home and
4 living well, some commanders are also living well when they go back home. So we
5 should think about how we will live when we go back home.

6 We should love each other. And he told me many things. Those are the some of
7 the points that I really took note of as a young person at that time and I kept on
8 thinking about them.

9 Q. [9:55:09] So other than Kenneth Banya, who were the other commanders you
10 heard had escaped and were living well?

11 A. [9:55:24] There are two commanders who were confirmed and heard them on
12 radio. One was Major Onekomon, also known as Ocii Oyite (phon). He escaped
13 from Sudan and the LRA followed -- pursued them and they were shot, but they
14 managed to get away.

15 Later, I heard that he was taken to Pabbo and I heard that on the FM radio, and I
16 heard how the people of Pabbo welcomed him. It was live on radio when he was
17 arriving in Pabbo. I saw how we used to live with him and how he was welcomed
18 in Pabbo.

19 Another commander was Onen Kamdulu. Onen Kamdulu also loved people, he
20 was free with people. I read that when I was in Teso and read how he was
21 welcomed in -- at home when he escaped, how he was greeted and welcomed by the
22 community.

23 Then I realised that people really love us. There are many others that I can talk
24 about, but those are the ones that I saw in the newspaper and also heard on radio.
25 When I came back home, I found there were many.

Trial Hearing
WITNESS: UGA-D26-P-0056

(Open Session)

ICC-02/04-01/15

1 Q. [9:57:02] Major Onekomon, did he escape before the death of Tabuley or after
2 the death of Tabuley?

3 A. [9:57:24] If I'm not forgetting then Onekomon came first because he escaped
4 from Sudan before Iron Fist.

5 Q. [9:57:38] Now, you said you read about escapes in the newspaper. Could you
6 tell the Court how you got an opportunity to read about escapes in the newspaper?

7 A. [9:58:02] We used to move among the community where people were living.
8 In Teso and Lango, most of them were not -- had not left their homes, and you would
9 find newspapers in their homes when you go to their homes.
10 I was inquisitive and I would want to know what is happening around the world.
11 I would pick a newspaper, I would want to read, especially news about people who
12 had returned from the LRA. That is how I used to get the newspaper.

13 Q. [9:58:38] Have you heard of someone called Loum Icaya?

14 A. [9:58:50] I did not just hear about him; I know him very well.

15 Q. [9:58:58] Well, that's helpful. He was a battalion commander in Sinia brigade;
16 that's right, isn't it?

17 A. [9:59:13] I knew Loum very well from Stockree. You know, the LRA you do
18 not stay in one place. Perhaps he was in another battalion also, because changes take
19 place every now and then.

20 Q. [9:59:34] And if I told you that he escaped with a large part of his battalion, does
21 that sound right to you?

22 A. [9:59:49] I cannot confirm that because, when he was escaping, I was not present.
23 But yes, he escaped.

24 Q. [10:00:07] Thank you, Mr Witness. You've been very helpful about the
25 question of escapes, but now I'm going to move on to a different topic.

Trial Hearing
WITNESS: UGA-D26-P-0056

(Open Session)

ICC-02/04-01/15

1 Now, I want us to go back in time a little bit to when you were in the Oka battalion.

2 This is after your trainings in Sudan, et cetera, so when you were in Oka battalion
3 under Dominic Ongwen. You remember that time, right?

4 A. [10:00:44] Well, I don't clearly recall that, but I see as if -- it's not far from
5 Jebellin.

6 Q. [10:00:59] Right. So I will just read from paragraph 30 of your statement and
7 that might help. And it says:

8 "I was still in Oka and by the time we went to Uganda, Dominic Ongwen was the
9 battalion OC."

10 Does that remind you?

11 A. [10:01:22] Well, yes, that reminds me. Following what I have observed, yes, it
12 reminds me.

13 Q. [10:01:36] And for the record, this is UGA-D26-0025-0037 at page 0047.

14 Mr Witness, at this time, it's right, isn't it, that Oka battalion was composed of a
15 number of coys?

16 A. [10:02:04] Correct.

17 Q. [10:02:07] And each coy had a coy commander?

18 A. [10:02:15] That's right.

19 Q. [10:02:17] And each coy commander had a household?

20 A. [10:02:26] That's right.

21 Q. [10:02:27] And each coy commander had escorts who were young, young boys?

22 A. [10:02:41] That was it.

23 Q. [10:02:44] And each of them also had wives and ting tings; that's right, isn't it?

24 A. [10:02:56] Some had, others didn't have. Not all of them had.

25 Q. [10:03:05] And it's right, isn't it, that these coy commanders reported to the

1 battalion commander?

2 A. [10:03:21] Yes, that's right.

3 Q. [10:03:25] And there was something called an operations room in the battalion;
4 that's correct, isn't it?

5 A. [10:03:37] Correct.

6 Q. [10:03:39] And in the operations room was where the 2IC worked along with the
7 IO; that's right, isn't it?

8 A. [10:03:52] In the military, yes, that's how it works.

9 Q. [10:03:57] And there was also someone called an adjutant in the battalion; that's
10 right, isn't it?

11 A. [10:04:07] That's right.

12 Q. [10:04:11] So I want to feel -- sorry, not that I want to feel, I want to ask about
13 these escorts that we just mentioned, and I want to put it into the context of your own
14 story that you told us yesterday.

15 Now, you said that you were abducted with your cousin, you were around 10, your
16 cousin was around 17, and that the LRA decided to keep you as the young boy but
17 decided to release your cousin as the older person. Can you tell us, why does the
18 LRA make that distinction when keeping people and releasing people?

19 A. [10:05:20] In my own understanding, and basing on what I observed, first of all,
20 they knew very well that the young ones were very easy to indoctrinate. Secondly,
21 the older ones knew the truth and also had the capacity to escape very fast, but a
22 younger one will not be easily able to escape and it is also very easy to influence and
23 change their mindsets. That's what I know and that's what I observed.

24 Q. [10:05:58] And it's right, isn't it, that these young boys were of the age of 10, 11,
25 12?

1 A. [10:06:16] I'm sorry, I think I have not understood the category of children you
2 are talking about. Are you talking about those ones in the coy or who exactly are
3 you talking about?

4 Q. [10:06:28] I'm sorry, I wasn't clear enough. Now, you were explaining why
5 young boys were kept and older boys were released and I wanted to get a rough age
6 range for the boys who were kept in the LRA, including in Oka battalion. So this
7 would include boys of the ages of 10, 11, 12; that's correct, isn't it?

8 A. [10:06:58] Correct.

9 Q. [10:07:04] Now, in Oka battalion, what were the kinds of jobs or functions that
10 these boys had?

11 A. [10:07:23] Most times what we would do, or what I would do, was to carry
12 luggage, food items, and if you were near your commander you would be carrying
13 his things, you would also be carrying a pouch, that is a kind of bag that is used for
14 carrying ammunition. And then you would also be setting his bed. You would fix
15 the tent for him. Those are the kind of duties you would perform for him.

16 Q. [10:08:01] Now, what about when Oka battalion is in combat, what are the tasks
17 of these children during combat?

18 A. [10:08:23] Honestly, I would like to put this very clear for you so you can
19 understand it. You know, combat comes in different forms. Sometimes you just
20 collide into each other in your different movements, and then at that time those who
21 are already seasoned soldiers would know what to do. But for the younger ones,
22 they would also try to survive or get ways of pulling through, because at that time
23 you don't know what can happen.

24 But in the second aspect, you can plan, select a standby to go for a mission, or there
25 are soldiers who are pursuing you and then you are selected to go and repulse the

1 soldiers who are following you. Then your commander can pick you to help him,
2 move with him to carry his weapon, or something like that. And that's how it would
3 happen.

4 Q. [10:09:28] Thank you, Mr Witness. And please be patient with me, because of
5 course I'm not from the military, so I'm learning as you speak.

6 Now, you made a distinction between inexperienced children and seasoned soldiers.
7 How does a child, an inexperienced child, eventually end up with a weapon and
8 perhaps uniform?

9 A. [10:10:07] You know, in the LRA most times after a combat the weapons that are
10 recovered during the battle are sometimes given to the children, but even when they
11 are given to the children, the children will be monitored by the seasoned soldiers.
12 You know, as a seasoned soldier, you cannot be able to carry all the weapons, you
13 have your own and then you have to carry another one. Then it will be a big burden
14 for you. What will happen is the weapons would be given to the children to carry,
15 as they try to practice to keep weapons.

16 Q. [10:10:52] Now, when people in the battalion capture weapons, who decides
17 whether a particular child should get a weapon?

18 A. [10:11:13] The truth is that, in the coy, depends on how somebody was abducted
19 and how long they have spent in the coy, and the manner in which they are living in
20 that coy. Any OC can choose to give a weapon to a child, basing on how the child
21 has been relating to everyone in the coy.

22 Q. [10:11:41] Now, when Oka battalion was in Uganda how were these children
23 trained in the -- in carrying out fighting?

24 A. [10:12:05] The truth is I would want to confirm from what happened to me.
25 There is no regular training, but most times they will keep on telling you that, if you

1 escaped, they will do such-and-such a thing to you, you have to stay intact and not go
2 anywhere. They don't give you any proper training.

3 Q. [10:12:35] What about how to use a weapon, how do the children learn how to
4 use a weapon?

5 A. [10:12:47] Whenever children were abducted they were taken to Sudan, most of
6 the times to a place where they are free and have all the time to be trained. But in
7 Uganda it was not as much, because nobody really trusted the children that much to
8 conduct training in Uganda.

9 Q. [10:13:17] Now, what exactly is a *dog adaki*?

10 A. [10:13:29] *Dog adaki* is a trench where the soldiers would stay in preparation for
11 any battle, but there are parts that are built where the huts are built behind, the *dog*
12 *adaki* is built in front of the building -- in front of the huts, that's why it's called *dog*
13 *adaki*.

14 Q. [10:14:06] Now, what was the role of the young escorts when they're in the *dog*
15 *adaki*?

16 A. [10:14:27] The roles of the children were varied. In Sudan their roles were
17 different, and in Uganda the roles were also different. In Sudan, there are huts that
18 are constructed for them to sleep in, while the seasoned soldiers would be sleeping in
19 the *dog adaki*, but when it's raining they would come back to their huts. But the
20 major role was that, in the morning, they would call a fall in and they would be roll
21 called and they would be given simple domestic chores like cleaning the compound,
22 and then they would wait for food, when it's ready. That was how it used to happen
23 in Sudan.

24 But in Uganda, most times you would take your position under trees and they would
25 be tasked with preparing meals, they would be roasting cassava while waiting for

1 other things to do. Those were the kind of things they were doing. Those who had
2 taken a bit of time in the bush already would be sent together with a seasoned person
3 to go for an OP in front of the *dog adaki* so as they can learn how to operate. That's
4 the kind of things they were doing.

5 Q. [10:15:55] Now, sorry if this is an obvious question, but what is an OP? What is
6 the function of an OP?

7 A. [10:16:15] OP is a person who is positioned in front of the defence to monitor
8 and see who is approaching. They know an enemy can always come to approach the
9 defence and the OP is the person who is in charge of monitoring the situation around.
10 That's how they used to refer to such a person. I don't know how else they can call
11 in other languages.

12 Q. [10:16:44] Now, you said the young escort goes with a more -- with an older
13 person for the OP. What is the role of the young escorts in the OP?

14 A. [10:17:04] I think the question is not very clear, because they don't only select
15 escorts to go for OP, they can pick on any soldier to go for the OP, together with any
16 other child and not just the escorts.

17 PRESIDING JUDGE SCHMITT: [10:17:26] But, Mr Witness, let's assume for a
18 moment that it is an escort who is going to the OP, what would be his role?

19 THE WITNESS: [10:17:43] (Interpretation) The role of an escort is not any different
20 from that of any other person who is taken there. The role is simple, to monitor the
21 place and see if anybody is approaching the barracks. If the escort has a gun, he will
22 be able to shoot at the people who are coming, but if he does not have then he will
23 run back to the defence to inform the people in the defence that some people are
24 approaching our base. That's the role.

25 MR SACHITHANANDAN: [10:18:16]

1 Q. [10:18:16] Now, when new abductees, that is young male abductees, are brought
2 to the battalion, who decides which coy should get which male abductee?

3 A. [10:18:46] Well, the truth is, in Uganda, no one will decide on what to do at that
4 time, but what would happen is that the person who will have abducted that person
5 will take charge of the abductee in the unit they are in. But from Sudan all the
6 abductees can be gathered together, and the person who is in charge of the soldiers
7 will identify who goes where and, eventually, you will find some of the children are
8 taken to Kony's household and others to different households.

9 Q. [10:19:28] Now, that's helpful. I want us to focus on your time in Oka battalion
10 in Uganda, all right? Because that is what I find most useful. Now, it's true, isn't it,
11 that when abductees are brought in, they are brought to the operations room?

12 A. [10:19:53] Most times it would not happen that way. If that was how it was
13 happening in some places, then I think those were places or units that were not being
14 disturbed over and over by the soldiers.

15 Q. [10:20:10] Thank you, Mr Witness. So when you think that I've said something
16 that you think is inaccurate, yes, please tell me that.

17 Now, when young abductees are brought and, let's say, are kept in the house of the
18 coy commander, how does the battalion commander know that we have new
19 abductees?

20 A. [10:20:34] Well, as the person in the coy you have to go and report that we have
21 new people, we have recruits in our group, and that was, that was it.

22 Q. [10:21:01] Thank you. Now I want to switch to a slightly different topic and
23 this is women and girls in the Oka battalion.

24 At what age, if you know, do women qualify -- or, sorry, do girls qualify to become
25 wives?

1 A. [10:21:37] Well, I would see them, but I couldn't estimate their ages. In Kony's
2 interest he felt the young girls should go to babysit the children who were produced
3 in the bush, but if they eventually grow up, then they would become wives. How
4 they are turned from girls into wives was not something that I was very clear about.
5 Some of us who were low ranking could just observe the things happening, but it was
6 also difficult for me to establish how old these girls were before they are turned into
7 wives.

8 Q. [10:22:32] Now, it's correct, isn't it, that not every man in the LRA had a wife?

9 A. [10:22:43] It's correct.

10 Q. [10:22:45] So how would the commander of a unit assess whether someone in
11 his unit was ready to have a wife?

12 A. [10:23:00] Well, these abductees would eventually grow up from there, but often
13 it was not the commanders who would decide. Kony had his security persons and
14 intelligence officers installed in all the battalions, they would keep on reporting back
15 to Kony how these -- everyone else was living. Kony had his intelligence officers
16 who would provide him information about each and every commander, so they knew
17 how they were selecting the people and distributing them.

18 Q. [10:23:49] Now, it's correct, isn't it, that some young men as they were maturing
19 wanted wives and asked for wives from their commanders?

20 A. [10:24:06] I will say, well, maybe it happened somewhere because, you know,
21 the LRA soldiers had different units in different places. If that happened to
22 somebody, well, then could have happened to somebody from somewhere.

23 Q. [10:24:33] Now, yesterday you mentioned that Abudema gave you a wife.
24 Could you describe to this Court how Abudema gave you a wife and what he told
25 you?

1 A. [10:24:59] Well, I had already stayed for long in the coy, and most of the new
2 people who were brought in the coy were young and I was older than them. And,
3 personally, I would regularly go for operations and one time I got injured, and when
4 I was injured I actually thought I was going to die. Kony met me along the way
5 when I was being carried on a stretcher. He told me that, "Relax, you are not going
6 to die. You have lots of good things ahead of you and you are going to do very
7 many good things in this world. Stay in the position, I will provide medicine for
8 you." And he also promised that he was going to do something for me that is going
9 to encourage and support me and also find somebody to help me. Then, one
10 evening, Abudema came and visited me at my position and he told me that there is a
11 lady that we are going to give to you to help you in your pain, because boys cannot
12 take good care of you.

13 Secondly, she's going to be your wife. I did not say anything in response. I thought,
14 well, maybe because Kony had said he was going to do something for me, then
15 maybe that was what it was that was coming to pass. That's how I got a wife.

16 Q. [10:26:48] Did Abudema give you any instructions or advice on how to take care
17 of your wife or treat your wife?

18 A. [10:27:02] No, he didn't give me any advice, because we were just living like
19 people live in the wild.

20 Q. [10:27:18] Now I want to talk about the girls and women in Oka battalion.
21 What were the general functions of the ting tings in Oka battalion?

22 A. [10:27:42] I would like to indicate that this does not happen only in Oka
23 battalion but happens everywhere in the LRA, because I didn't station only in Oka
24 battalion. Their major task was to carry food, especially in Uganda, they would
25 carry light things that would not be so much of a burden to them, doing laundry and

1 then providing food for the commanders, taking care of children in Uganda and even
2 in Sudan, they would make sure that the children are taken care of.

3 Q. [10:28:27] Now, as you say in Oka as well as the rest of the LRA, what were the
4 tasks of the wives?

5 A. [10:28:38] Well, honestly I would like to indicate the roles of the women. There
6 were some women who would also go for battles and they would fight, so that was
7 part of their roles.

8 But there were also some women who were tasked with cooking and they would also
9 be helping the injured, giving them treatment, cleaning their wounds, and, yeah,
10 doing other domestic chores.

11 Q. [10:29:19] Have you ever seen girls or women in Oka battalion get injured?

12 A. [10:29:37] Well, in Oka, no, I did not, but in other places, yes, I did.

13 Q. [10:29:49] Right. We are going to leave the topic of women for the moment.

14 Now, yesterday you talked about the failed talks with the *rwot* and Father Tarasizo;
15 that's right, isn't it?

16 A. [10:30:37] Yes, that's correct.

17 Q. [10:30:40] And I'm just going to read from your statement, paragraph 38, which
18 is at page 0048. You said:

19 "After that failed attempt, I joined the group that Dominic was leading around Tee
20 Got Atoo. I was there for about four months."

21 That's right, isn't it?

22 A. [10:31:10] Correct.

23 Q. [10:31:13] Now I'm just going to read from the next paragraph, it's about the
24 same time period. You say:

25 "We used to ambush vehicles and collect medicine and food." Now, without telling

Trial Hearing
WITNESS: UGA-D26-P-0056

(Private Session)

ICC-02/04-01/15

1 us your role in any of these things, could you describe to us how these vehicles were
2 ambushed and how medicine and food was collected?

3 A. [10:31:51] I would like to talk about one which I saw, and --

4 PRESIDING JUDGE SCHMITT: [10:32:03] Let us go to private session so the witness
5 can speak more openly, I think.

6 Private session.

7 (Private session at 10.32 a.m.)

8 THE COURT OFFICER: [10:32:26] We are in private session, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-D26-P-0056

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 10.35 a.m.)

9 THE COURT OFFICER: [10:35:33] We are back in open session, Mr President.

10 MR SACHITHANANDAN: [10:35:38]

11 Q. [10:35:39] Mr Witness, I want to talk about a different topic now, and that's
12 about how orders and instructions are communicated in the LRA, and I want to read
13 from your statement, that is paragraph 22, page 0045. You said, Mr Witness:
14 "All orders came from Kony who sent messages through his OC, who in turn sends
15 the messages to all brigades to be passed on to battalions."

16 That's correct, isn't it?

17 A. [10:36:39] I said that, when a statement was read to me, that it was not correct.
18 I said that was not written properly.

19 Q. [10:36:52] Okay. So we'll take it step by step.

20 Now, Mr Kony's deputy at one point was Vincent Otti; that's correct, isn't it?

21 A. [10:37:08] Correct.

22 Q. [10:37:10] And it's right, isn't it, that Mr Kony would sometimes give Mr Otti
23 instructions to be communicated to units below; that's right, isn't it?

24 A. [10:37:29] Sometimes it happens like that when in Uganda. But when he is in
25 Sudan, it doesn't happen like that.

1 Q. [10:37:39] Right. So let's focus on Uganda for the moment. So when Mr Otti
2 has received an order from Mr Kony, it's right, isn't it, that Mr Otti would then
3 transmit it to the brigade commanders under Mr Otti?

4 A. [10:38:00] Yes, it happens like that.

5 Q. [10:38:05] Now, when the brigade commanders have received this instruction
6 from Otti, it's right, isn't it, that the brigade commanders pass the instruction to the
7 battalion commanders below them?

8 A. [10:38:29] Sometimes it happens like that, sometimes not.

9 Q. [10:38:36] Right. So let's focus on the times that it does happen like that.
10 Now, when the instruction comes to the battalion commander, it's the battalion
11 commander that passes the instruction to the men in the coys in his battalion; is that
12 right, isn't it?

13 A. [10:39:03] Before I confirm that, any information that is going down, they would
14 first call an officer to see if he can manage to do it before the information is given to
15 him.

16 Q. [10:39:26] Right. So if the battalion commander believes that somebody below
17 him is capable of carrying out a mission, then he would pass on this message to the
18 officer below him; that's right, isn't it?

19 A. [10:39:47] Sometimes it happens.

20 Q. [10:39:52] Now, could you tell us, you've mentioned this word a few times, what
21 exactly is a standby?

22 A. [10:40:05] A standby is a group of soldiers selected for an operation, and they
23 will be sent to wherever the assignment is located. So the group of soldiers who
24 were selected to go for an operation, like people going to attack a defence somewhere,
25 it can be some people who were waiting to ambush some soldiers or people going to

Trial Hearing
WITNESS: UGA-D26-P-0056

(Open Session)

ICC-02/04-01/15

1 collect food, that's what we call a standby. Or some group of soldiers who were
2 selected for an eventuality that would come. So that's a standby.

3 Q. [10:40:57] Now, in a battalion, how is a standby selected for a particular
4 mission?

5 A. [10:41:12] In reality, it depends on the operation. There are some operations
6 which require more experienced and knowledgeable people, while others require just
7 collecting food. Others require taking the sick to the sickbay. So there are many
8 things considered, procedures followed, to select a standby.

9 PRESIDING JUDGE SCHMITT: [10:41:46] Mr Witness, but who determines who is,
10 in these various instances, and difficult or less difficult events that might happen,
11 who determines which people are in the standby?

12 THE WITNESS: [10:42:13] (Interpretation) In every coy or *dog adaki* there is someone
13 who is in charge of them. So that person would know that such-and-such a person is
14 suitable to do this activity or this operation.

15 PRESIDING JUDGE SCHMITT: [10:42:34] And, for example, if it was a more
16 difficult operation and several coys should participate, who would decide then?

17 THE WITNESS: [10:42:59] (Interpretation) Like I said, you pick whoever is in your
18 coy and take to the operation room. From the operation room, they would even
19 drop that person and they would see that he is not fit or suitable for the operation that
20 awaits them.

21 MR SACHITHANANDAN: [10:43:23]

22 Q. [10:43:24] And in the kind of operation that the Judge just mentioned, a
23 complicated operation involving many of the coys in the battalion, what is the role of
24 the battalion commander in the selection of the standby?

25 A. [10:43:54] The battalion commander doesn't have much to do. The battalion

Trial Hearing
WITNESS: UGA-D26-P-0056

(Open Session)

ICC-02/04-01/15

1 commander will only ensure that the number required is selected. It is the duty of
2 the operation room to find the right number. If they want 20, he should look for 20
3 people and bring. And then the operation room would tell the commander the 20
4 people required are now present, are now here, and he would only instruct them take
5 them where they are wanted.

6 Q. [10:44:35] Right. And this would be the 2IC in the operations room; that's
7 correct?

8 A. [10:44:48] Correct.

9 Q. [10:44:51] And the 2IC reports directly to the battalion commander; that's right,
10 isn't it?

11 A. [10:45:04] Correct.

12 Q. [10:45:07] I want to talk about a different concept, and I suspect it's a related
13 concept. And it's the word "convoy". What is a convoy?

14 A. [10:45:31] The term convoy refers to the soldiers, everybody in the group,
15 women, recruits, young children who were born in captivity. When they are moving
16 together to go to a location that they are destined for, they are called a convoy.

17 Q. [10:46:04] Okay. So the word convoy is related to movement. When a unit is
18 moving, it's a convoy; am I understanding you correctly?

19 A. [10:46:19] Yes.

20 Q. [10:46:22] All right. A different word -- and this is something you talked about
21 yesterday, and that's the idea of arrest. Now, when someone is arrested in the LRA,
22 they cannot lead attacks or other missions, can they?

23 A. [10:46:56] That person cannot lead anyone to go for an attack. He himself is
24 under protection. He would be among people and the security would be watching
25 him and they would monitor how he is behaving. He has no powers to do anything.

1 Q. [10:47:19] And it's right, isn't it, that somebody under arrest would not be
2 reporting missions on the radio call; that's right, isn't it?

3 A. [10:47:36] Most times it doesn't happen, but if -- sometimes the unit gives
4 respect to somebody who has been arrested, especially if he is a commander. So a
5 commander who is under arrest can also sometimes be allowed to say something on
6 the radio.

7 Q. [10:48:08] But I'm right, aren't I, when I think that he is not going to be reporting
8 any attacks because he can't carry out any missions; that's right, isn't it?

9 A. [10:48:31] That is correct.

10 MR SACHITHANANDAN: [10:48:39] Your Honour, for context I would like to just
11 cite two ERNs from the Prosecution binder from tab 21, these are two logbook pages.
12 The first ERN is UGA-OTP-0068-0146 at pages 0199 and page 0202. The binder itself
13 is not clear, your Honour, but it's just for the record. And the next ERN is
14 UGA-OTP-0068-0146 at 0228 to 0229, and these are just two logbook pages with attack
15 reports.

16 Your Honour, I'm at a logical stopping point. I wonder whether we could break
17 early and perhaps even start early. It doesn't matter to me.

18 PRESIDING JUDGE SCHMITT: [10:49:45] How long will it take you? Do you have
19 an idea?

20 MR SACHITHANANDAN: [10:49:49] Fifteen minutes or so.

21 PRESIDING JUDGE SCHMITT: [10:49:52] Then I would suggest that you finish your
22 examination.

23 MR SACHITHANANDAN: [10:49:58] Very well, your Honour.

24 Your Honour, this is going to be about Pajule, so perhaps we can go into closed
25 session then.

Trial Hearing
WITNESS: UGA-D26-P-0056

(Private Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:50:32] Private session.

2 (Private session at 10.50 a.m.)

3 THE COURT OFFICER: [10:50:44] We are in private session, Mr President.

4

5

6

7

8

9

10

11

12

13

14 Page redacted – Private.

15

16

17

18

19

20

21

22

23

24

25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

Trial Hearing
WITNESS: UGA-D26-P-0056

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 10.57 a.m.)

6 THE COURT OFFICER: [10:57:07] We are back in open session.

7 MR SACHITHANANDAN: [10:57:19]

8 Q. [10:57:22] I'm right, isn't it, Mr Witness, that you were told that Rwot Oywak
9 had come with those who had been captured?

10 A. [10:57:45] I cannot confirm that, but if you just heard it, I cannot say yes, he was
11 there, because I cannot -- I did not see him. I only heard about it, so I cannot confirm
12 that he was there.

13 Q. [10:58:08] That's perfectly fine, Mr Witness. I'm not actually asking you what
14 you saw, I'm just asking you whether you heard that Rwot Oywak had come with the
15 captured people. You had heard that; that's right, isn't it?

16 A. [10:58:26] Yes, I heard. That was after about two weeks.

17 Q. [10:58:33] Do you remember who told you?

18 A. [10:58:44] I do recall. The commander is dead now, he was a second lieutenant.
19 He was the one who told me.

20 Q. [10:58:55] Do you remember his name?

21 A. [10:59:04] Right now I cannot remember it, but if I think I will find the name
22 later.

23 Q. [10:59:13] That's not a problem, Mr Witness. I understand it's been a long time.
24 Mr Witness, I'm almost done. I just want to ask you -- actually, it's something just
25 occurred to me, so I will ask you now. Have you heard of a gun called a B-10 being

1 lost at Pajule?

2 A. [10:59:51] I heard also through hearsay.

3 Q. [10:59:59] All right, Mr Witness. Now a different topic for only a few minutes.

4 You mentioned yesterday that Mr Ongwen was promoted a number of times. Can
5 you tell us to what ranks and roles he was promoted?

6 A. [11:00:28] Thank you. Let me explain and be honest, and I'm sorry that I will
7 have to say it again.

8 First, the promotion was not only for Dominic. It was for all the young officers who
9 grew up in the bush. Considering the trust that Kony no longer had on the senior
10 commanders, Kony saw it fit that, since he no longer trusts the senior commanders,
11 he should promote the younger commanders, because it's easy to work with them.
12 In all brigades, even in his security, he started promoting the young officers to
13 different ranks. He also started putting them in a leadership position to see how
14 they can manage.

15 But for Dominic, as far as I know he was promoted, I confirm that he was promoted.

16 If you see people who were abducted and were in the battalion where Dominic was,
17 like even when he was in Uganda, those children are free, they are not punished, they
18 are not mistreated, like it happens in other battalions. For that reason, many officers
19 who were with Dominic were very free and Kony decided that such a person who
20 was taking care of people very well deserves a promotion. That is why he promoted
21 him regularly, to help him take care of his soldiers.

22 That is my observation.

23 Q. [11:02:35] Thank you, that's a very comprehensive answer and those are the
24 kinds of answers I appreciate.

25 And I want to take you to paragraph 31 of your statement -- I'm sorry, 71, 71. And

1 that is page 0055. I'm now going to read from your statement:

2 "Kony kept promoting Dominic so that he would not return."

3 MR OBHOF: [11:03:07] Your Honour, I would just prefer the entire paragraph to be
4 read. There is a significant context (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [11:03:16] Okay. I think that's fine.

6 Please, Mr Sachithanandan, it's sustained, so to speak, but not too formally. Please
7 read it.

8 MR SACHITHANANDAN: [11:03:23] Absolutely, your Honour.

9 Q. [11:03:25] I'm going to start from the beginning of the paragraph, Mr Witness,
10 para 71:

11 "I heard from other returnees that Dominic was put under more restriction after my
12 escape. Kony kept promoting Dominic so that he would not return."

13 Now, my question is about this reference to return. Why did Kony promote
14 Dominic so that he would not return?

15 A. [11:04:09] Well, this is purely my own thinking and observation and it was
16 based on the way he was living.

17 First of all, the way he used to relate with his rank and file soldiers and then relating
18 with the other officers, Kony possibly thought that, if he promoted Dominic, then it
19 would encourage him to stay because some other commanders were already escaping.
20 Kony is a very intelligent person and he knew how to make his mind games work for
21 him.

22 Those who went to the bush when they were already mature, it was difficult for him
23 to manipulate them. But those who grew up in the bush, it was very easy for Kony
24 to manipulate them. He knew very well that if he gave this rank or that to the other,
25 it will help the people to settle down. For instance, they were giving wives to the

1 soldiers. Whether you wanted a wife or not, he would just give one to you and that
2 would help you settle down.

3 So he knew very well how to manipulate those who grew up in the bush and that's
4 why he started promoting them, so they could stay much longer with him. If he did
5 that, he knew very well that people would not think about anything else, they would
6 become more brave, and something like that. Kony, like I said Kony was very and is
7 very intelligent. At our age, we couldn't decipher whether it was him being
8 intelligent or he was working for us.

9 Q. [11:05:53] Thank you, Mr Witness. And now we come to my final question or
10 two.

11 You described many times how Mr Ongwen was a good and kind leader, a very
12 empathetic leader; that's correct, isn't it?

13 A. [11:06:21] That's correct.

14 Q. [11:06:22] So it's right, isn't it, that if, in his battalion, if a coy commander had a
15 problem, the coy commander could easily approach Dominic and tell him his
16 problems?

17 A. [11:06:45] Well, I personally would not say yes, because I cannot confirm that
18 there was one coy commander who left and went to Dominic to report to him of such
19 a thing. I don't remember anything happening like that. If it could have happened,
20 well, maybe it was at a time when I was not there and it happened in another coy.
21 I cannot confirm that.

22 Q. [11:07:12] Right. I am just giving an example. Maybe it's more helpful to ask
23 for an example from you. Can you give us an example of Mr Ongwen being a caring
24 and empathetic leader?

25 A. [11:07:32] I will give you an example. When I was in the sickbay, or when

1 I was in the convoy moving together with him in Uganda, Dominic was not
2 segregative. He would eat freely, dine together with the young officers. Unlike
3 other senior commanders who would not dine with other lower ranking officers, he
4 would do that very freely. He would chat very freely with his people, unlike the
5 other commanders.
6 If you are walking in the convoy he would also share -- eats with his ordinary soldiers.
7 That's why he was highly loved by his people and he was also a very loving person.
8 He was a simple commander, very relaxed and easy to work with. Those are the
9 kind of things I observed.
10 You know, children, including myself, I loved that kind of life because it made life
11 easier.

12 Q. [11:08:41] In fact, now that you mention your relationship with Mr Ongwen,
13 when you were talking on the radio after having returned from the bush and you
14 were calling Mr Ongwen to come out, you referred to him as *muko* or in-law; that's
15 right, isn't it?

16 A. [11:09:10] That is it.

17 Q. [11:09:14] And it's also right that Mr Ongwen was a brave man and a brave
18 fighter; that's right, isn't it?

19 A. [11:09:37] Well, honestly, not just him but many other commanders had the
20 same skills and braveness. But for him, he would only do what he knew he could
21 accomplish.

22 Secondly, if he knew something was going to bring problems for his soldiers, he
23 would not engage in, and that's why his soldiers loved him.

24 Q. [11:09:59] So when you say he would only do what he thought he could
25 accomplish, you mean he was a good tactician, good at tactics and planning; is that

Trial Hearing
WITNESS: UGA-D26-P-0056

(Open Session)

ICC-02/04-01/15

1 when you mean?

2 A. [11:10:15] Well, Dominic would not just engage in something without being sure.

3 If there is -- and he wouldn't do things on his volition. If there is an order from his

4 senior, he would sit down with his officers and they would assess. If they feel that

5 this is not practical or they feel it's not feasible, Dominic would object to doing that.

6 But if he knew he was able to accomplish that, he would do that.

7 I will tell you this frankly, this is the same reason that his soldiers feared and also

8 respected him, many times he would work hard and then sometimes he would give

9 them time to rest.

10 Q. [11:11:14] Thank you.

11 MR SACHITHANANDAN: Your Honour, just for context I would like to mention

12 an ERN. This is Prosecution tab 1, UGA-D26-0015-0081 at page 0083. It's -- they are

13 excerpts related to a psychiatric report.

14 I'm just going to check with my colleagues, your Honour. But I think I'm done.

15 PRESIDING JUDGE SCHMITT: [11:11:46] Otherwise, we would really have to

16 contemplate to go into a break.

17 (Counsel confers)

18 MR SACHITHANANDAN: [11:12:10] No further question, your Honour.

19 PRESIDING JUDGE SCHMITT: [11:12:13] Thank you very much.

20 Any questions by the representatives of the victims? Ms Massidda.

21 MS MASSIDDA: [11:12:19] No question, your Honour. Thank you.

22 PRESIDING JUDGE SCHMITT: [11:12:21] Mr Manoba.

23 MR MANOBA: [11:12:22] We do not wish to question this witness.

24 PRESIDING JUDGE SCHMITT: [11:12:25] Thank you.

25 Mr Obhof, any further questions? Does it take longer?

Trial Hearing
WITNESS: UGA-D26-P-0056

(Open Session)

ICC-02/04-01/15

1 MR OBHOF: [11:12:28] No, five minutes or less.

2 PRESIDING JUDGE SCHMITT: [11:12:33] Okay. Then we'll do that too.

3 QUESTIONED BY MR OBHOF:

4 Q. [11:12:44] Sorry, Opiyo, I just have a few more quick questions for you.

5 Opiyo, do you remember the year in which you were in Oka, Oka battalion?

6 A. [11:13:08] Well, I can hazard a guess. You know, you do not stay in one place
7 constantly, you would stay for two or three months and then you're transferred to the
8 next brigade or you're in another convoy. Yeah, so I was in different places at
9 different times.

10 Q. [11:13:30] Was it before or after Operation Iron Fist?

11 A. [11:13:45] Well, before Operation Iron Fist I was there, and also after Operation
12 Iron Fist I was also there.

13 Q. [11:13:56] When you were there after Operation Iron Fist, who was the battalion
14 commander of Oka?

15 A. [11:14:10] The ones I can clearly recall, there were two battalion commanders
16 that I can very quickly recall of. There was Pokot was the battalion commander at
17 one point, and then Okello Kalalang was also a battalion commander, and also
18 Michael was also there, but later on there was a transfer that took place and I didn't
19 get the full details of the transfer.

20 Q. [11:14:44] Thank you, Mr Witness.

21 Now earlier today you stated that Mr Ongwen got in trouble for listening to the FM
22 radio. What trouble did Mr Ongwen get into because of listening to this FM radio?

23 A. [11:15:09] Well, I would like to say that Kony had his intelligence officers in all
24 the LRA units who would be tasked with reporting back to him the ways of lives of
25 all the soldiers and the commanders. And even in the sickbay, there was one of

1 them who was there and we were -- he allowed us to stay well, we were relaxed, we
2 would listen to radio, we would even dance to some *Lukeme* songs, and that was
3 reported back to him.

4 And they felt that the kind of activity Dominic was conducting in his group would
5 make some of the soldiers escape. The kind of messages that were coming out from
6 the radio was going to make people understand things differently.

7 These are the things I eventually came to understand that happened, but when I was
8 still there I did not understand these things.

9 Q. [11:16:26] Did you come to learn how or what happened to -- the punishment
10 you spoke of, what happened to Mr Ongwen for allowing people to listen to the FM
11 radio?

12 A. [11:16:51] Well, the punishment I learned that was given to him was that he did
13 not have any power or authority to lead those soldiers and did not have any power to
14 transfer any soldier. He was supposed to live like any other soldier in that group.
15 The same happened to another commander who was called Lamola. He was also
16 punished like that. He was also not following some of the orders from Kony. At
17 some point he was also listening to radio about things that were happening in
18 Uganda, and Lamola was also punished in the same manner.

19 Q. [11:17:36] Thank you. You stated earlier that a person by the name of
20 Onekomon escaped from Sudan. Do you remember which base the LRA occupied at
21 the time of Onekomon's escape?

22 A. [11:17:56] I remember and I still know it, but the name of the base right now is
23 not very clear in my mind, but I know it was on the other side of Kit river. He
24 escaped and moved through our coy and left, but also some people in our coy left
25 together with him.

1 Q. [11:18:26] Did he escape before or after the LRA occupied Jebellin?

2 A. [11:18:40] Well, the LRA had already left Jebellin. They had already left
3 Rubanga Tek. They had gone further in the bush on the side of Uganda and
4 Rubanga Tek was about 2 or 3 miles away from that base, but that is just my
5 estimation.

6 Q. [11:19:02] One final small area.

7 Other than these security officers that Kony would place in all the battalions and coys,
8 what other hardships would a senior commander have when attempting to escape
9 from the LRA?

10 A. [11:19:29] Well, if you were lucky and you are not discovered, that would be
11 okay. But if it's discovered, depends on your rank, and if you were really loved by
12 your soldiers Kony would kill you. He knew very well if a good officer who is loved
13 by his soldiers escapes, it will highly demoralise his soldiers. So if you decide that
14 you want to escape, you will be putting your life at a big risk. It's a real sacrifice
15 thinking that, if I am going to die, I will die in the hands of people who are at home or
16 in the hands of the UPDF.

17 You will then decide and then leave. That is it.

18 Q. [11:20:32] Finally, you earlier today, about 40 minutes ago -- my colleague, he
19 was discussing about radio messages and the trickle down order -- or, orders from
20 Joseph Kony. And several times you would say sometimes not, or it doesn't happen
21 like that in certain instances. So I'll read you this passage.

22 My colleague asked you:

23 "... when the brigade commanders have received this instruction from Otti, it's right,
24 isn't it, that the brigade commanders pass the instructions to the battalion
25 commanders below them?"

Trial Hearing
WITNESS: UGA-D26-P-0056

(Open Session)

ICC-02/04-01/15

1 And you responded:

2 "Sometimes it happens like that, sometimes not".

3 Could you please explain this "sometimes not". The times when it doesn't happen
4 like that, how does the information come from Kony to, say, a battalion or a coy
5 commander?

6 PRESIDING JUDGE SCHMITT: [11:21:37] I think, for the record, this was page 27 of
7 the real-time transcript, line 19.

8 MR OBHOF: [11:21:45] Yes, 15 through 19, yes.

9 PRESIDING JUDGE SCHMITT: [11:21:48] Yes.

10 THE WITNESS: [11:21:59] (Interpretation) Honestly, I would like to tell you that, in
11 my observation -- I said there were two different ways communication would move.
12 In the Sudan, Kony would summon all the brigade commanders, they will have a
13 meeting in his house, and the kind of discussions they have, well, I don't know.
14 Some of the information would trickle down to the lower ranking officers and others
15 don't.
16 But in Uganda, if it was Vincent Otti who was the overall or the highest ranking
17 commander, information would go to him. But most times, the information or
18 communication moves through the signaller to Otti, but if Kony wants to talk to Otti
19 directly, they can also talk. If he wants a message to go to a brigade, the information
20 would go there and then the task will be given to that brigade commander.
21 It will now be the role of the brigade commander to select who should go and carry
22 out that. There were commanders who would just assign tasks without knowing
23 whether this will be accomplished or not. Some commanders would accept to carry
24 out a task and just go and fail, but others would object to doing that. And, in that
25 way, you will find that some commanders were being promoted and others were not

Trial Hearing
WITNESS: UGA-D26-P-0056

(Open Session)

ICC-02/04-01/15

- 1 being promoted. Those who were not being promoted were considered not to be
2 following Kony's orders.
3 Kony was a very smart person.
4 MR OBHOF: [11:23:45] That will be all, your Honour.
5 PRESIDING JUDGE SCHMITT: [11:23:47] Thank you very much, Mr Obhof, for the
6 Defence.
7 Mr Opiyo, this concludes your testimony. On behalf of the Chamber I would like to
8 thank you that you came for two days to the video-link location, and on behalf of the
9 Chamber we would like to wish you a safe trip back home.
10 THE WITNESS: [11:24:12] (Interpretation) Thank you.
11 (The witness is excused)
12 PRESIDING JUDGE SCHMITT: [11:24:16] This also concludes the hearing for today.
13 We continue on Thursday, 9.30, with D-88.
14 THE COURT USHER: [11:24:29] All rise.
15 (The hearing ends in open session at 11.24 a.m.)