

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0092

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 26 March 2019
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:28] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:55] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:33:01] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we're in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:13] Thank you. For the appearances of the
20 parties, first Mr Choudhry for the Prosecution.
21 MR CHOUDHRY: [9:33:19] Good morning, your Honours. It's Kamran Choudhry
22 and with me today is Ben Gumpert, Adesola Adeboyejo, Pubudu Sachithanandan,
23 Colleen Gilg, Beti Hohler, Yulia Nuzban, Sanyu Ndagire, Milena Bruns,
24 Natasha Barigye, Laura de Leeuw, Grace Goh and Jasmina Suljanovic.
25 PRESIDING JUDGE SCHMITT: [9:33:38] Thank you.

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1 And Ms Massidda next.

2 MS MASSIDDA: [9:33:40] Good morning, Mr President, your Honours. For the
3 Common Legal Representatives team today in courtroom, Mr Orchlon Narantsetseg,
4 Ms Caroline Walter and myself, Paolina Massidda.

5 PRESIDING JUDGE SCHMITT: [9:33:51] And Ms Hirst.

6 MS HIRST: [9:33:55] Good morning, Mr President, your Honours I'm Megan Hirst.
7 With me, James Mawira, Anushka Sehmi.

8 PRESIDING JUDGE SCHMITT: [9:34:00] Thank you.

9 And Mr Obhof for the Defence.

10 MR OBHOF: [9:34:02] Good morning, your Honour. Today in court is
11 Counsel Krispus Ayena Odongo; co-counsel Chief Charles Achaleke Taku; assistant
12 to counsel, Gordon Kifudde; case manager, Roy Titus Ayena; now myself,
13 Thomas Obhof; and our client Mr Ongwen is in the rear.

14 PRESIDING JUDGE SCHMITT: [9:34:21] Thank you very much.

15 And now we turn to Mr Arop.

16 Good morning, Mr Arop.

17 WITNESS: UGA-D26-P-0092

18 (The witness speaks Acholi)

19 THE WITNESS: [9:34:29] (Interpretation) Good morning.

20 PRESIDING JUDGE SCHMITT: [9:34:30] On behalf of the Chamber and of this
21 Court, I would like to welcome you in this courtroom, Mr Arop.

22 THE WITNESS: [9:34:40] (Interpretation) Thank you.

23 PRESIDING JUDGE SCHMITT: [9:34:41] There should be a card in front of you with
24 a solemn undertaking. Do you see it?

25 THE WITNESS: [9:34:47] (Interpretation) Yes, I do see it.

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1 PRESIDING JUDGE SCHMITT: [9:34:48] Would you please be so kind to read this
2 card out aloud.

3 THE WITNESS: [9:34:58] (Interpretation) I solemnly declare that I will tell the truth,
4 the whole truth, nothing but the truth.

5 PRESIDING JUDGE SCHMITT: [9:35:07] Thank you, Mr Arop. Have you
6 understood this undertaking?

7 THE WITNESS: [9:35:13] (Interpretation) Yes, I have.

8 PRESIDING JUDGE SCHMITT: [9:35:15] And do you agree with it?

9 THE WITNESS: [9:35:19] (Interpretation) I agree.

10 PRESIDING JUDGE SCHMITT: [9:35:21] Thank you. Before we start with your
11 testimony, a few practical matters. Everything we say here in the courtroom,
12 Mr Arop, is written down and interpreted and to allow for the interpretation we have
13 to speak at a relatively slow pace so that the interpreters can follow.

14 If you want to address the Chamber, if you want to say something, then please raise
15 your hand and then I will give you the floor.

16 And to everyone here in the courtroom, if anything arises which could border, so to
17 speak, incrimination, self-incrimination of the witness, we are aware of that and we
18 will help the witness then go to private session, give even in the course of
19 proceedings, if necessary, assurances and so on and so forth. I think we should be
20 able to have enough flexibility to handle that, everyone here.

21 So we start now with the testimony, Mr Arop, and first, as you perhaps have been
22 explained, the Defence is questioning and I think Mr Obhof has the floor now.

23 QUESTIONED BY MR OBHOF:

24 Q. [9:36:57] Good morning, Mr Arop.

25 A. [9:36:59] Good morning.

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1 Q. [9:37:04] Could you please state your full name to the Court.

2 A. [9:37:10] My name is Arop Alfred. I was born in Lacor seminary and I was also
3 abducted from Lacor seminary.

4 Q. [9:37:30] Have you gone by any other names or nicknames?

5 A. [9:37:37] Yes. I used to be called Otike.

6 Q. [9:37:50] And what does "Otike" mean?

7 A. [9:37:58] The reason why I was named Otike, because of my beards and also
8 there are things that I was doing like farming.

9 PRESIDING JUDGE SCHMITT: [9:38:13] So the beards were more visible at that
10 time?

11 THE WITNESS: [9:38:23] (Interpretation) Yes, it was visible and a lot of beards,
12 your Honour.

13 PRESIDING JUDGE SCHMITT: [9:38:29] Yes, that was only a remark by me.

14 Yes, please continue, Mr Obhof.

15 MR OBHOF: [9:38:35] In the lines of remarks, I know about beards too.

16 PRESIDING JUDGE SCHMITT: [9:38:39] I did specifically not address you,

17 Mr Obhof.

18 MR OBHOF: [9:38:42]

19 Q. [9:38:42] Now, Mr Witness, you said you were born in Lacor seminary. On
20 which date were you born?

21 A. [9:38:54] I was born on 22 July 1997.

22 Q. [9:39:07] I'm going to have to ask you the year again. Which year was it in
23 which you were born?

24 A. [9:39:17] Excuse me, it has escaped my mind a bit, but I was born in '72, July 22.

25 Q. [9:39:37] And are you married?

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1 A. [9:39:40] Yes, I am.

2 Q. [9:39:43] And how long have you been married?

3 A. [9:39:57] We started living together right from 2005 up to now.

4 Q. [9:40:06] What is your highest level of education?

5 A. [9:40:16] My highest level of education is primary 5.

6 MR OBHOF: [9:40:29] Your Honour, if we could go into a private session for two
7 short questions, and it will be less than two minutes.

8 PRESIDING JUDGE SCHMITT: [9:40:36] Yes, of course.

9 Go to private session.

10 (Private session at 9.40 a.m.) * (Reclassified partially in public)

11 THE COURT OFFICER: [9:40:47] We're in private session, Mr President.

12 PRESIDING JUDGE SCHMITT: [9:40:50] Thank you.

13 MR OBHOF: [9:40:52]

14 Q. [9:40:52] Mr Witness, what are your parents' names?

15 A. [9:41:01] My parents are long deceased. There's one who is called
16 (Redacted), she's now elderly. But my father was called (Redacted). Another
17 name by which he was known is (Redacted).

18 Q. [9:41:25] And what is your wife's name?

19 A. [9:41:29] She's called (Redacted).

20 Q. [9:41:33] And when you were in the bush, did you have a wife? And if you did,
21 what was her names?

22 A. [9:41:50] I didn't have wives while I was in the bush, but when I was about to
23 return, I had a wife called (Redacted). She escaped before me and I followed
24 her later on. But she's not living with me.

25 PRESIDING JUDGE SCHMITT: [9:42:08] Thank you. Mr Arop, you have seen we

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1 have been in private session and this we do and I appreciate that Mr Obhof suggested
2 it to protect your privacy and that you feel more comfortable with your testimony on
3 certain matters; just for your explanation what's going on here in the courtroom, yes?

4 We go back to open session now.

5 THE WITNESS: [9:42:38] (Interpretation) Thank you.

6 (Open session at 9.42 a.m.)

7 THE COURT OFFICER: [9:42:43] We're back in open session, Mr President.

8 MR OBHOF: [9:42:51]

9 Q. [9:42:52] Mr Witness, what is your current occupation?

10 A. [9:43:05] I am a bit disabled, but I do farm, people come and help me to farm. I
11 farm crops like sugarcane, sesame, g-nuts. Most of the food crops that are usually
12 consumed are the things that I farm.

13 Q. [9:43:31] Do you use any animals or any type of livestock to help you farm?

14 A. [9:43:48] No, I do not use animals. Most times I look -- we look for tractors, we
15 look for people who have them, I go and manage their farms, supervise their farms,
16 and then in return they give me the tractor to go and help me work in my farm.
17 Because I can't pay them, so usually we just do a kind of exchange, I work in their
18 farm and they give me the tractors to go and farm in my garden.

19 Q. [9:44:22] And sorry for the long delay, sometimes we have to wait for the
20 interpreters to finish.

21 Now, you mentioned you went to school up to P5. When did you stop attending
22 school?

23 A. [9:44:45] It was at the time of the overthrow of the government. We went and
24 stayed in Amuru. We ran from where we were living. When we returned from
25 that hideout in Amuru, I went back to school just for one term and then my education

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1 was, you know, stalled in the way because of the war which continued.

2 Q. [9:45:19] And why did your family have to go into hiding when the war started?

3 A. [9:45:30] When the government was overthrown we were still young, but there
4 was a lot of rumours that there were bombs that would be fired and this will be very
5 powerful bomb, so as children we needed to be protected, so we were taken off in the
6 villages.

7 Q. [9:46:06] And just for clarity, which government - you talked about being
8 overthrown - which government do you refer?

9 A. [9:46:28] This was when President Museveni was coming to power.

10 Q. [9:46:41] Mr Witness, we're going to skip forward about a decade. Could you
11 tell Court when you were abducted by the LRA?

12 A. [9:46:58] Yes, I can explain. When we left the bush in Amuru, we came back to
13 town, I went back to Lacor where we were living before. I was abducted from there
14 in July. I do not recall the exact date and day, but I remember it was in July in 1997.

15 Q. [9:47:30] Now, just before your abduction, what were you doing for income?
16 What was your job?

17 A. [9:47:44] At that time I began farming vegetables and I would also sell small
18 items like biscuits, sodas. Those were the items that I would sell to raise money.

19 Q. [9:48:06] Now, Mr Witness, you did mention you moved back to Lacor seminary
20 after your return from hiding. From where were you abducted?

21 A. [9:48:23] I was abducted from Lacor seminary after I returned from the hiding
22 place.

23 Q. [9:48:36] And around how many people were abducted with you?

24 A. [9:48:49] From within our homestead we were four people, but then from the
25 neighbourhood there were a total of 31, 31 people who were abducted. These were

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1 our immediate neighbours. When we moved, they took us, we found there were
2 other people, another group of people who were also abducted, but those of us from
3 Lacor, that village surrounding us, we were 31 in number.

4 Q. [9:49:26] Now, just for clarity, when you say 31, does that mean 30 people plus
5 yourself or does that mean 31 people plus yourself?

6 A. [9:49:45] I was the 31st person.

7 Q. [9:49:54] Do you remember the immediate leader of the group which abducted
8 you, the person on the ground?

9 A. [9:50:10] The person who came to abduct me was Kalalang and Oketa. But the
10 person, the commander who was leading that group was called Acellam Michael.
11 That was after when we were taken to where they were camped, we found them in
12 that headquarter, we found him there because he didn't come to the place where we
13 were abducted from.

14 Q. [9:50:39] Do you remember the name of the brigade or the group which
15 abducted you?

16 A. [9:51:00] At that time that group was called Yangu.

17 Q. [9:51:07] Now you said at that time it was called, the group was called Yangu.
18 Did Yangu ever receive a different name?

19 A. [9:51:22] The group was renamed to Trinkle.

20 Q. [9:51:32] For posterity, do you remember in which year the group was renamed?

21 A. [9:51:39] The group became known as Trinkle at the beginning of the year 1990.
22 That time we were already in Sudan.

23 THE INTERPRETER: [9:52:03] Your Honour, the interpreter's correction: The
24 group was renamed in 1999. We were in Sudan.

25 MR OBHOF: [9:52:18]

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1 Q. [9:52:19] Now, you mentioned that Kalalang was the immediate person on the
2 ground. Was Kalalang an officer at the time of your abduction?

3 A. [9:52:30] You know, when I was abducted, at that time when I was abducted I
4 didn't know the ranks, the differences between the ranks. But from what I would see,
5 I think they were at the same level, either second lieutenant, one of them; either
6 Kalalang was a lieutenant.

7 Q. [9:53:01] Now, Mr Witness, from your birth date and the time when you were
8 abducted you were 25 years old. Was it a general practice -- or, what was the
9 general practice of the LRA when they abducted somebody of that older age?

10 A. [9:53:37] Usually when they abduct someone of an older age, the best thing that
11 they use you for is to carry luggage. So if they use you to carry the luggage, and if
12 they were going to a sickbay where the sick persons were, when you are about to
13 reach there then they would kill you.

14 PRESIDING JUDGE SCHMITT: [9:54:00] Mr Arop, you said that you were abducted
15 together with 30 people from your community. What was the age range of these
16 people, of these 30 people?

17 THE WITNESS: [9:54:20] (Interpretation) I think, from what I saw, the youngest
18 person in that group was I think 18 years old. Mostly the people who were abducted
19 were people who were a little bit mature because they wanted them to carry luggage.
20 They didn't find young people around so they wanted these people to carry luggage.

21 PRESIDING JUDGE SCHMITT: [9:54:42] And what happened to these people, if you
22 know, that were together with you, abducted?

23 THE WITNESS: [9:54:55] (Interpretation) What happened that I know very well was
24 that, because I was one person who was very stubborn and I was very open, I was
25 very aware of what was happening so I wanted to see what was going on with the

1 rest of the people. Because all my colleagues who were abducted were tied up, but
2 I was not tied. So they came and they were asking who do I see should be released.
3 So I appointed -- so I pointed to one of the person with whom I come from the same
4 village and I pointed to him that he should be released because his legs were swollen.
5 So these two people were released and they came back. But the rest who were not
6 released, they didn't leave. When we reached Sudan, I was the only one who arrived
7 Sudan, plus another person also with whom I was abducted from our home. Only
8 those two of us were -- managed to reach Sudan. But the rest didn't.

9 PRESIDING JUDGE SCHMITT: [9:55:59] How did they die?

10 THE WITNESS: [9:56:10] (Interpretation) You know, when we moved, that group
11 was actually going to meet Joseph Kony. So we reached a certain place and when
12 we reached that place they were saying that the spirit had said people should now not
13 be killed. But when we reached that wilderness, it was in the wilderness, so people
14 were not killed but they were just abandoned even while they were alive. They were
15 just abandoned there, but they were very weak. They couldn't now move. So it
16 therefore means, if they are were left behind, they could either be eaten up by wild
17 animals.

18 PRESIDING JUDGE SCHMITT: [9:56:53] Please, Mr Obhof.

19 MR OBHOF: [9:56:55]

20 Q. [9:56:55] A quick follow-up on your answer from the Judge. These persons, let
21 me do the math, two, 28; these 27 other persons, did you ever see any of them ever
22 again, the ones who were left behind?

23 A. [9:57:21] All those people died. I never saw any one of them, except the two
24 people that I pointed and they were released. Those are the only two people that
25 when I returned I found they were alive. But they were really not doing well,

1 because the things that they were even seeing on their way back actually made them
2 mentally disturbed.

3 PRESIDING JUDGE SCHMITT: [9:57:54] What do you mean by that? Could you
4 perhaps explain a little bit what you have in mind now when you say that, the things
5 that they see, that they saw, if you recall it?

6 THE WITNESS: [9:58:11] (Interpretation) When I returned, that's when they told me.
7 They told me that on their way back they would find dead bodies that were killed
8 and they were passing over them; sometimes you would see a dead body with the
9 head chopped off. So seeing such sights was the one that was really disturbing
10 them.

11 PRESIDING JUDGE SCHMITT: [9:58:35] Thank you.

12 MR OBHOF: [9:58:35]

13 Q. [9:58:37] When you were abducted, to where did you think you were going?

14 A. [9:58:50] From the language they were communicating with, you, you wouldn't
15 understand because they were telling us they were going to Kampala. But -- but to
16 them Kampala meant Sudan.

17 Q. [9:59:10] So in their language, if I'm understanding you correctly, were they
18 using the city name of Kampala?

19 A. [9:59:36] They would use the name Kampala, but amongst them they
20 understand the meaning is a coded word. So if they say "Kampala", for them, it is
21 something else. So -- but for us, we wouldn't know. So for us we would think it is
22 the Kampala which is a city, but to them it was meaning something else.

23 Q. [10:00:03] Just because it's been raised, during your entire time in the LRA, did
24 the LRA ever actually march to Kampala to overthrow government?

25 A. [10:00:27] The Kampala they were talking about was with the Arabs in Sudan.

1 It is not the Kampala which is here.

2 PRESIDING JUDGE SCHMITT: [10:00:37] I think that's clear. And Mr Obhof, this
3 is of course a question where I think we all know the answer and you simply can
4 continue.

5 MR OBHOF: [10:00:48] And just for the record, I --

6 PRESIDING JUDGE SCHMITT: [10:00:50] But perhaps, I would be interested,
7 Mr Arop, when you said I think you walked to Sudan, I understood it. How long
8 did it take you? Perhaps you won't recall the exact number of days, but do you have
9 an idea how long it took you?

10 THE WITNESS: [10:01:12] (Interpretation) It was not an easy move. You keep
11 criss-crossing so that you don't understand the path that you used. We walked for
12 about two weeks. When we were about to enter Sudan, we turned again and slope
13 down the hill and walked for another two weeks. So it took us like four weeks to
14 reach our destination in Sudan.

15 PRESIDING JUDGE SCHMITT: [10:01:40] (Overlapping speakers) And did you
16 walk the whole day? From sunset -- from the morning into the evening?

17 THE WITNESS: [10:01:49] (Interpretation) When there was an attack and the
18 soldiers have been chased away, sometimes you can stay there for a whole day and
19 then you start moving the next day. If they planned to avoid an ambush of soldiers,
20 sometimes you start moving in the evening and move throughout the night up to
21 about 1 p.m. in the next day.

22 PRESIDING JUDGE SCHMITT: [10:02:16] What did you have to carry during your
23 march to Sudan?

24 THE WITNESS: [10:02:30] (Interpretation) It is because of the luggage that I
25 survived because they gave me the luggage and the camp of Otti Lagony, and then

1 there was sugar on the other side, and I had like two basins of beans and salt that
2 I was carrying. The luggage I carried was heavy. I was -- my hands were
3 paralysed. I couldn't feel my hands when I reached Sudan.

4 PRESIDING JUDGE SCHMITT: [10:02:59] Thank you.

5 Mr Obhof.

6 MR OBHOF: [10:03:07]

7 Q. [10:03:08] You were just stating that you were criss-crossing around. Could
8 you describe the terrain in which you crossed to get to the LRA base in Sudan.

9 A. [10:03:28] The place we stayed in, first the movement was to confuse us so that
10 we do not know where we were. We had actually passed through the border
11 around Agoro. We would first go back to Palabek, we will stay around the border
12 intentionally so that we do not follow the route. We went to Laboni hills, it was very
13 rocky areas and most of these rocks and mountains are similar.

14 Q. [10:04:05] Now you say "mountains", which mountain range do you refer?

15 A. [10:04:17] Very huge mountains where sometimes you go up to the peak and
16 then you slope down up to the pass again. That is what we used to do.

17 MR OBHOF: [10:04:32] If I may, your Honour, give him a mountain range name and
18 see if he remembers it?

19 PRESIDING JUDGE SCHMITT: [10:04:41] Of course, if you can do that and I think
20 then we can leave it. I think it's also from known sources, we could inquire and find
21 out where it was, but you may.

22 MR OBHOF: [10:04:49]

23 Q. [10:04:51] Was this mountain range, was it called Imatong?

24 A. [10:05:01] We went to Imatong later. We did not pass through Imatong. We
25 passed through some mountain ranges around Palabek. We went to Imatong much

1 later.

2 Q. [10:05:18] Now, when you were passing through Sudan up to the LRA base,
3 were there people living in these areas of Sudan?

4 A. [10:05:39] Yes, there were people, but most of them were enemies. If you split
5 from the group, they would kill you if they find you. There was the Dinka, the
6 Lutugu who would go hunting. There are many categories of people who lived
7 there. Some people known as Lokoya were known to eat humans.

8 Q. [10:06:11] Now, did you ever learn or come to find out why these people would
9 hunt and try to kill LRA?

10 A. [10:06:32] We did not ask why they were enemies with LRA. Sometimes when
11 you ask too many questions, you can land into problems also.

12 Q. [10:06:59] Now, during this trek through Sudan before you got to the base, how
13 easy would it have been for somebody to escape?

14 A. [10:07:12] It was not easy. You cannot escape. Some people just give up and
15 some people give up their lives and attempt to escape so that he's killed. But if you
16 want to be alive, you cannot escape. You cannot escape and be alive. First of all,
17 the grass was so bushy. Even if you escape, you wouldn't survive.

18 PRESIDING JUDGE SCHMITT: [10:07:44] Mr Obhof.

19 Would you have known, just in case you would have attempted to escape, would you
20 have known your way back? Because you said you criss-crossed and perhaps you
21 knew the terrain or not, but would you have known how you would have to go to get
22 back?

23 THE WITNESS: [10:08:07] (Interpretation) There is no way I would know my way or
24 my direction or where Uganda was because there are so many hills and mountains;
25 I've never been to that place. The place was cloudy, I didn't even think of escaping.

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1 MR OBHOF: [10:08:25] I think that's like the fourth question you've asked, your
2 Honour, that I was coming right up next to my next --

3 PRESIDING JUDGE SCHMITT: [10:08:33] Yes. You know that I'm sometimes a
4 little bit premature in my asking, but I'm absolutely sure that you accept that. But I
5 will (Overlapping speakers)

6 MR OBHOF: [10:08:41] I wouldn't even say premature; I'd say perfectly timed
7 because --

8 PRESIDING JUDGE SCHMITT: [10:08:45] Yes? Okay. Then I try to restrain
9 myself now a little bit.

10 MR OBHOF: [10:08:48] No, no, no. Please.

11 Q. [10:08:51] Now, when you were abducted and you said you stopped for a little
12 while, you were told that people were not to be killed. Now can you elaborate on
13 that, I mean of why?

14 A. [10:09:16] When we met Commander Kony, he said we should go for prayers,
15 even those abducted and everyone else was supposed to go for prayers. He was
16 talking about his soldiers. We don't know who his soldiers were. Those are the
17 younger abducted children, they were known as Kony's soldiers. When they took us
18 for prayers, the spirits were talking. I tried to figure out where the spirit was talking
19 from, but I did not understand, I didn't know the spirits spoke, how the spirit spoke.
20 It seems when the commanders went to him, that is when the spirits would speak to
21 him. He wouldn't even know what was going on. It is recorded down and then
22 they tell the story later. That is the first thing I knew.

23 Q. [10:10:11] Now one thing we didn't -- we've been talking about this base, but we
24 never actually asked you the name. What was the name of the base in Sudan that
25 you first went to after your abduction?

1 A. [10:10:26] There were many bases. I found people were shifting from Jebellen 1
2 to Jebellen 2. I went straight to Jebellen 2, but there was Jebellen 1 close by, you
3 would see it on the other side. I started living in Jebellen 2.

4 PRESIDING JUDGE SCHMITT: [10:10:58] Mr Obhof, if you allow, that might be a
5 question that you would want to ask too, but perhaps if I ask, if you don't mind.
6 Could you describe how this Jebellen looked like? Can we see this as an
7 encampment, a community, even how many people were there, were there families?
8 You see what I mean? So what did it look like this Jebellen, how you recall it?

9 THE WITNESS: [10:11:27] (Interpretation) Jebellen 1 was a huge barracks and it
10 went around a big hill, there were many weapons and bombs. Jebellen 2 on the
11 other hand was a place which was created because the Jebellen 1 was becoming small.
12 It was big, the Trinkle and Altar brigades were all moving there. There were many
13 brigades there and even Stockree was moved to Jebellen 2 and houses were lined up
14 together.

15 PRESIDING JUDGE SCHMITT: [10:12:12] This might be very difficult for you, but
16 just an estimate, how many people would have been living there at the time? Really,
17 a rough estimate if you can. If you say it's impossible, it's also okay.

18 THE WITNESS: [10:12:32] (Interpretation) There were many people. I can't even
19 estimate because there were many defences. Others had defences ahead of us.
20 There were really many people. If I am to estimate, in each defence there were about
21 2000 people. That is also an underestimation because there were women and
22 children as well.

23 PRESIDING JUDGE SCHMITT: [10:12:54] And how many defences?

24 THE WITNESS: [10:12:59] (Interpretation) The one I was aware of at the time, we
25 had one defence near the tamarind tree. There was Jebellen 1, Jebellen 2 and Nsitu.

1 These are the ones I knew, but I have not been to Nsitu. It took me a lot of time, a lot
2 of time to reach Nsitu. There were other people also in Juba, but the people in Juba
3 were not very many, not more than 50, because they were escorts.

4 PRESIDING JUDGE SCHMITT: [10:13:30] I think this gives at least a rough
5 impression. Then that's okay, I think.

6 Please, Mr Obhof.

7 MR OBHOF: [10:13:38]

8 Q. [10:13:39] Mr Witness, earlier you also said that the spirits and Kony gave the
9 order not to kill. Who would give the order to kill?

10 A. [10:13:59] The way I saw, I was not very young at the time, but any order comes
11 from Kony, no one makes his own decision to do something. Any standby is from
12 Kony, any abductions is given by Kony. If they say no looting food or no eating, it is
13 Kony who gives the directives. You stay without food. It is only Kony who gives
14 any order. Even up to now I suppose it's only Kony who gives any order.

15 Q. [10:14:38] Now, upon your arrival in Jebellen 2, which household did they send
16 you to?

17 A. [10:14:53] First I stayed in *dog adaki* at the home of Lagony. That is, Otti Lagony.
18 I was more of a house help. There were many Arops who were living in that
19 household. Others were in the operation room and I was in the house help.
20 Later on I was taken to operation room with another Arop. Then I was taken to
21 Abonga's household. Then Abonga took me again to *dog adaki* and stayed there.
22 But that area was controlled by Lagony.

23 Q. [10:15:42] And when you're saying Arabs, you mean people from Sudan, from
24 the Khartoum government?

25 A. [10:15:58] Yes, those are the Arabs. Others were soldiers. Others from

1 Khartoum, they were also amongst us there. We did not stay far away from them.
2 They were close by. When we were in our defence they would also be in their
3 defence. There were also soldiers who were there whom we found. They were
4 called Kwino. We do not know whether they were part of Kony's soldiers.
5 Whenever there was a standby we would go with them together to go to the homes of
6 those of the Lutugu people. But those people did not stay long and they left.

7 Q. [10:16:50] Now, these Kwino, these people, where did the Kwino come from,
8 ethnicity or country?

9 A. [10:17:10] I did not know much about them because they stayed for a short time
10 and left. I think they are from Adjumani side.

11 Q. [10:17:23] One more quick question on this area. Do you know the language in
12 which they spoke?

13 A. [10:17:39] Some of them already knew Acholi and they would speak Acholi.
14 But most of them are from West Nile area.

15 Q. [10:18:00] And out of curiosity, the people of the West Nile, which language do
16 they speak?

17 A. [10:18:09] The language that they used to speak at the time was Acholi because
18 they learnt. I do not know the languages that they spoke before learning Acholi
19 because they are also in a different *dog adaki*.

20 Q. [10:18:33] I'm sorry, I do have another question about the Kwino. So was it a
21 tribe or an organisation?

22 A. [10:18:47] It's a group of soldiers like an organisation which was there. It's not
23 a tribe.

24 Q. [10:18:55] Now, the Judge already asked a few questions about this, so I'm going
25 to try to make them a little more focused.

1 You described the general setup of Jebellen 2. Now, were women and children
2 living in the same locations as the fighters?

3 A. [10:19:36] At that time there were not many children. We had children who
4 were trained as soldiers, they were called *kadogi*, known as Kony soldiers. They
5 were the ones who would teach them, not us, who would train them, not us. We
6 used to live together. They would train them in marching and we would go and see
7 how they are being trained.

8 We also used to live together with the women. But some women were in Nsitu.
9 When a woman has had a baby they would take her to Nsitu to go and stay there, and
10 others would come back there. But they would not go to -- the soldiers of Kony
11 would not go there.

12 Q. [10:20:27] How did the people at Jebellen 2 eat?

13 A. [10:20:42] When we reached there the Arabs used to give food, but it was
14 insufficient. But when, for example, me, I did not have anything that I was doing. I
15 started heaping potatoes. I found some potatoes in Te Olam and then we started
16 growing potatoes and started growing our own crops. There was foodstuff which
17 we grew. If it was in Uganda it would be amazing. Some fields were known as
18 "ooo", like you are surprised, the extension of the farms were big. Like in Kony's
19 household you would find 40 sacks of sesame. And these are not small sacks, but
20 huge sacks. Sorghum was in huge heaps and would go as far as the top of this roof.
21 The UPDF would even run away when they saw it when they went to attack us
22 because they thought it was a miracle. We had lots of food grown. There was a lot
23 of food. We had pigeon peas, we had all types of peas, sesame, and lots of things
24 which we just cultivated.

25 Q. [10:22:12] Did the LRA maintain livestock at Jebellen 2?

1 A. [10:22:22] We had heads of cattle. We had goats, chicken. Every household
2 had chicken. Even me, I had my own chicken that I was rearing.

3 Q. [10:22:36] Now, just because we're on the topic of food, were there certain types
4 of food or animals which the LRA did not eat?

5 A. [10:22:56] There were some animals that the LRA did not eat, including pigs.
6 There were no ducks there and some wild animals which was also forbidden to eat.
7 There were many things that were forbidden to eat. Even a vegetable known as
8 malaquang we used not to eat, tamarind, and other wild sour fruits, we used not to
9 eat them. Sometimes the spirit would say you can eat, but many times it would say
10 do not eat.

11 Q. [10:23:41] We're going to move back a few steps and ask a few more questions,
12 not a lot, but a few more questions about your abduction.

13 Were there any rituals or ceremonies performed upon you after you were abducted?

14 A. [10:24:09] When you are abducted, when you reach Sudan, even before going
15 there, they would carry out some rituals. But when you finally reach Sudan they
16 would definitely carry out a ritual on you. They can smear you with camouflage to
17 see if you have any infection like syphilis. If you have they will put you aside.

18 PRESIDING JUDGE SCHMITT: [10:24:39] What does "put you aside" mean,

19 Mr Arop?

20 THE WITNESS: [10:24:52] (Interpretation) You do not mix with the rest of the
21 population. If they want to help you they will start treating you. If they don't want,
22 they would say now, for you, you enjoyed your life, you suffer. Because if you have
23 syphilis there will be no enough food, there will be no treatment, and many times you
24 are in pain and sometimes they would leave you to suffer. But the younger people,
25 they can be treated if he sees that you are a potential soldier, because he has

1 medication that he can use.

2 PRESIDING JUDGE SCHMITT: [10:25:29] And how did the LRA know if someone
3 was ill, if someone had the syphilis?

4 THE WITNESS: [10:25:48] (Interpretation) That is why I wondered how they know.
5 They take you to the yard and smear you with something whitish. They would put
6 it on your forehead, on your chest. If you are infected that thing would not stick on
7 your forehead. If it sticks a little they would know that you have some infection
8 which is not very bad and they would take you back, sometimes they are taken back
9 to Uganda. We knew about it later.

10 MR OBHOF: [10:26:30]

11 Q. [10:26:31] Mr Witness, you said that the rituals were performed, some rituals
12 were performed even before you reached Sudan. Was there anything you were not
13 allowed to do before these rituals were performed, the first ones?

14 A. [10:26:57] We were not told anything, but at some point a young soldier, a
15 *kadogo*, came and told me that this will help me with farming. He came with *moo ya*
16 and smeared me and said that they will not kill me, they will not kill me anymore and
17 assured me that I would reach the final destination where they were going. That
18 was the first time that I was smeared. But when we went to Sudan, we were all
19 smeared with camouflage.

20 Q. [10:27:34] How long after your abduction were you smeared with the *moo ya*, the
21 shea oil?

22 A. [10:27:48] We were about to enter Sudan. I had stayed for about three weeks.
23 And some of my colleagues were no longer there, with whom we were abducted.

24 Q. [10:28:04] Now, when this boy told you why he was going to smear you and he
25 smeared you, how did you feel afterwards?

1 A. [10:28:28] You feel reassured. You feel it deep in your heart that you are safe.
2 And that is how you keep feeling. The way I saw, it actually later made me get
3 scared because I wanted to escape, but when he smeared that thing on me, I got more
4 scared, I couldn't escape.

5 Q. [10:29:00] Now, during these first month or so when the rituals were performed,
6 just before entering Sudan and when you reached Jebellen 2, did you believe in these
7 rituals?

8 A. [10:29:24] I did not believe in it. But later on when the child was telling me and
9 was protecting me, I started believing that maybe this is the truth, because he told me
10 that even I escape, I would still be abducted. He said that with what he had smeared
11 me with, even if I escaped I would be re-abducted. I don't know if he was speaking
12 like that because he was young, but later on when I stayed there I realised he was
13 telling me the truth. Because some people who were smeared with that thing, if they
14 escaped they would find them, they would turn back and come back to the rebels
15 themselves.

16 Q. [10:30:14] Now you say this, could you give Court an example of what you just
17 said where somebody tried to escape and returned back.

18 A. [10:30:27] There was a boy with whom we were staying in Sudan, that boy
19 escaped and joined the Arabs. He stayed there for long and no one knew where he
20 was. But one day the Arabs brought him to the base and brought him to the LRA.
21 He was received well and the Arabs did not think they would do anything to him.
22 But when the Arabs left he was killed.

23 Q. [10:31:18] Now, around the time of your abduction did anyone, any of these 27
24 other people, or 28 other people, try to escape on your trip to Jebellen 2?

25 A. [10:31:37] After we arrived the other person with whom I was abducted from

1 the same home tried to escape, but along the way he was hit by a landmine and he
2 died. That's what I saw, because I saw it, and there were four of them who tried to
3 escape, but then they were hit by a mine. Because when they're in Sudan, to protect
4 them the LRA would plant the landmines along the way. So when you escape you
5 have to follow the same route and you could also be hit.

6 Q. [10:32:27] When you were abducted, did your captors tell you anything, as in
7 rules or guidelines?

8 A. [10:33:23] They read it to you very clearly that they do not give you opportunity,
9 they don't give opportunity to anyone. If you escape, they will kill you because they
10 don't have a prison. So if you show your intention of escape, they will kill you.
11 First of all, they ask us, "Do you speak Acholi?" Then we said "Yes." Then they
12 asked, "Why do you hate us? Why don't you like us? But you want the UPDF, you
13 are joining the homeguard, but you don't want to come and join us?" These were
14 some of the questions they were asking us.

15 Q. [10:34:10] Were there any other punishments associated with somebody
16 escaping the LRA?

17 A. [10:34:24] There's no any other punishment apart from death. I didn't see any
18 other punishment, apart from death, that is given to anyone. Because first they say,
19 if you try to escape there is no place to keep you. Because the only place where you
20 can stay is to stay with them, so if you escape, you have left them, that means you
21 want to come back home. So there is nothing else that they will do to you apart from
22 death.

23 Q. [10:35:08] Now, when you were abducted, were you allowed to disobey orders
24 from Kalalang?

25 A. [10:35:23] Kalalang also does not have the rules. If he has captured anyone and

1 has taken them there and he has reached there, he now becomes an ordinary person.
2 So even when you have captured someone, you have taken the person there, you do
3 not have the right, the authority, the power to kill that person. So once he is also
4 there, he is just like under command of another person.

5 Q. [10:36:01] Now, during your time, your trip to Sudan, even though you were
6 told that there were to be no killings, did they make threats against your life, your
7 abductors?

8 A. [10:36:23] Yes. The threats is given to you right from the time that you have
9 been abducted, because they want you to follow their orders until you reach the point
10 where they want to take you. So the threat is given right away, right from the time
11 of abduction. Even when you are a young person, you face the same situation.

12 Q. [10:36:51] And now we're back in Jebellen 2. Mr Witness, how long after you
13 arrived in Jebellen 2 did it take before you were first trained to use military grade
14 weapons?

15 A. [10:37:11] When we arrived at Jebellen 2, they only train those young ones. But
16 for us who were a little bit mature, we were given a lot of work, things to -- our main
17 responsibilities were to go and collect construction materials. And we would move
18 long distances, because you have to go and look for those poles to bring home, and
19 it's very difficult. And when you, you bring those construction materials like the
20 bamboos, they are very heavy. So when we finished the constructions we were
21 again taken to look for trees, for wood for construction of houses of the commanders.
22 These are very big woods and for you to -- only one person cannot even hold with
23 both arms. So it was a long time. It took us a long time for us to be able to start
24 using the guns. I think for my case it took me one year. The first year was basically
25 to dismantle the guns. Then the other, the other training would now come to the

1 issue of marching, but the marching came much later. But the rest of our work were
2 basically to cultivate, to go and look for wood for construction purpose.

3 Q. [10:38:54] Now, after this about year or so when you started getting trained,
4 who trained you?

5 A. [10:39:08] The trainings were mostly conducted by the sergeants who were at
6 the *dog adaki*. There were others like Oyet who were sergeants. So there were these
7 other young, young *kadogos* who were already there and trained. But it also didn't
8 take a long time. Shortly afterwards the Arabs came, they wanted some people to go
9 for training. So luckily enough I was picked amongst those people and we were
10 taken to the Arabs for training. So when we reached at the training camp with the
11 Arabs, that's where they now started training us on other weapons.

12 So we were taken amongst the officers, but when I reached there I excelled so the
13 Arabs actually put me to lead the rest of the other groups with whom I was taken.
14 So when they -- sometimes the Arabs would give punishment to our group members,
15 but I would say no because our rule doesn't allow us to give such punishment. So
16 I was helping them, protecting them not to be punished. So when I would talk with
17 the Arabs, then they started training, they continued training us with a lot other
18 military skills. So even the Arabs, even for while I was there, started giving me some
19 responsibilities and to lead this group. This is when, at least my life, I felt much
20 easier while I was there.

21 PRESIDING JUDGE SCHMITT: [10:40:40] How long did this training last?

22 THE WITNESS: [10:40:49] (Interpretation) In the first lot we were, we spent about
23 six months training on how to fire the weapons, the heavy weapons, and then we
24 came back.

25 When I came back, I wasn't given just a corporal but I was given straightaway

1 sergeant, the rank of a sergeant. Then I spent a short while, I was given, I was
2 promoted the rank of sergeant major.

3 Then later on again there was another training on intelligence, we were taken back
4 again to the Arabs. When we, when we went, as we went for the second training,
5 the people who were taken with me were also sergeants, they were officers. But
6 when we reached there, again the Arabs put me their leader, the leader of the group I
7 went with. So still they kept on giving me those responsibilities. When we
8 returned from the training that second time, I was given the rank of a second
9 lieutenant.

10 After that course, when we returned we continued with our farming. But I still kept
11 on living an ordinary life because I saw that the ranks which are given there, you are
12 given rank to try and lure you to stay so you would not be able to escape. Because if
13 you have a rank, if you try to escape it means you first have to talk to the people
14 around you so that they can be able to allow you to escape. But it's very difficult,
15 because when you share your thought with anyone about escape, then you just have
16 to die.

17 PRESIDING JUDGE SCHMITT: [10:42:30] Was this training by the Arabs exclusively
18 for LRA people? What I mean by that is, in the group when you were trained were
19 there only LRA people?

20 THE WITNESS: [10:42:45] (Interpretation) They would put us together with the
21 Arabs because we were actually like their pillar. We were like their pillar. For
22 them, they were very weak in infantry, infantry fighting. So if they are going to
23 engage with the Dinkas, they would now look to us, they would look upon us to
24 actually support them in facing the Dinkas. So they would merge us together with
25 the Arabs.

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1 PRESIDING JUDGE SCHMITT: [10:43:17] Mr Obhof.

2 MR OBHOF: [10:43:20]

3 Q. [10:43:21] About how long was this second training, the intelligence one in
4 which you took?

5 A. [10:43:35] When we went there, there were already some things that we were
6 already aware, we already knew certain things, so we didn't take a long time there.
7 I think we spent about three months only.

8 Q. [10:43:51] When you came back from the second training, were you reassigned
9 to a new household?

10 A. [10:44:04] I remained in Lagony's household.

11 Q. [10:44:14] What were your duties and functions when you came back to
12 Lagony's household?

13 A. [10:44:24] At that time he now trusted me with responsibilities. He brought me
14 to his headquarter, so I started living together with some of the mothers and some of
15 the young girls who were there so I would be in charge of their welfare. If they -- a
16 particular household would need some food, they come to me and I give them the
17 food. Even when they are going to garden for farming work, I would escort them to
18 protect them against the enemies. So we would take them to the garden and for us
19 we would provide them the security.

20 Q. [10:45:15] I'm sorry for coming back, you explained your first training rather
21 well. This intelligence, though, during your second training, what did that entail?

22 A. [10:45:33] They were training us on skills, for instance, in -- if in case we have
23 been cut off from a certain area, what can we do to manoeuvre that situation? And
24 also if, probably if, for instance, our ammunitions are not functioning, what do we do
25 in such a situation? So these were the kind of things that the Arabs were training us

1 on. And also how you would camouflage yourself so that you are not easily
2 identified. How you can be able to manoeuvre your way out so that people would
3 not easily identify you within a particular area.

4 Q. [10:46:26] Mr Witness, during your time in Sudan, especially your work with the
5 Arabs, in what language did they teach you?

6 A. [10:46:44] The instruction was given in Arabic, but the other thing is that also
7 you don't have to completely get to learn the Arabs because when you come back to
8 our camp, if the spirit get to know it that you have learnt Arabs in details, then you
9 also be in problem because also the Arabs, once they also realised that you know
10 Arabic, they start isolating you, they start picking you, they start favouring you,
11 giving you a lot of things, but then when you come back to your group, your
12 commander would isolate you and kill you. So I didn't want to associate with them
13 very closely.

14 MR OBHOF: [10:47:30] I know, your Honour, it's a little bit early. My next section
15 is about 13 minutes long. And I can guarantee you that I will finish first session on
16 Thursday. So we will be well in time.

17 PRESIDING JUDGE SCHMITT: [10:47:41] Do we know already, Mr Choudhry, how
18 long the -- of course roughly only, we know that at that point in time I won't nail you
19 down on that, so to speak, how long you would want to question the witness on
20 Thursday then? Because we want to finish this witness on Thursday, frankly
21 speaking.

22 MR CHOUDHRY: [10:47:59] Your Honour, I'm guessing about an hour, hour
23 and a bit.

24 PRESIDING JUDGE SCHMITT: [10:48:07] Yes, okay. That's fine then.

25 So let's have now a break until 11.30.

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1 THE COURT USHER: [10:48:16] All rise.

2 (Recess taken at 10.48 a.m.)

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

4 THE COURT USHER: [11:32:23] All rise.

5 PRESIDING JUDGE SCHMITT: [11:32:36] Mr Obhof, you still have the floor.

6 MR OBHOF: [11:32:45] Thank you, your Honour.

7 Q. [11:32:49] Good afternoon, again, Mr Witness. Good morning, actually.

8 A. [11:32:55] Good morning.

9 Q. [11:32:58] Now earlier today when we asked you about people of a mature age
10 being abducted, you mentioned that usually they would be taken to a sickbay and
11 then killed. Why was that the case?

12 A. [11:33:20] Because they do not want you to know where the sick people are kept,
13 because if you know of it, you would escape. Secondly, the sickbay does not usually
14 have many soldiers and therefore they do not want newly abducted people to be in it.

15 Q. [11:34:07] Now shortly after you returned from your second training with the
16 Arabs, did anything happen to the leader of your household, Otti Lagony?

17 A. [11:34:27] When we returned, Lagony went somewhere and when he came back,
18 he found things were not as it was. He was captured -- he was arrested, rather,
19 together with Can-Odonga, who was the commander of Stockree at the time, and they
20 were killed. Life was not easy for us. Most of us in the household, some officers
21 were killed. The ladies and girls who used to stay there were all distributed to other
22 people. Some of them were also killed because they resisted the new homes where
23 they were taken, they didn't want to go there, and they were killed. That is when I
24 was removed from there and taken to Kony's household.

25 Q. [11:35:29] Besides Otti Lagony and Can-Odonga, was anyone else arrested?

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1 A. [11:35:40] At that exact time only two of them were taken and killed, but later
2 some officers who were there, were also arrested because they were not obeying the
3 laws.

4 Q. [11:36:05] And who were these officers who were arrested?

5 A. [11:36:12] I remember someone who used to be a driver, he's called Opio Amata,
6 he used to come from Koch also. There was Ocen Adam, I do not know his role at
7 the time. He was an officer who used to stay with us, he was also arrested. There
8 was also Nyero Okodi and Opio. But the three others were killed. Opio was not
9 killed though.

10 Q. [11:36:53] Do you know why Opio was spared?

11 A. [11:37:01] According to what they used to say, his arrest was related to
12 something else. I do not know why he was spared. But from what we were told,
13 we were told that when these people were taken -- arrested and taken in, they were
14 abusing the overall commander and they used to say, "Let him kill us if he wants", but
15 Opio did not say any word.

16 Q. [11:37:49] Now, Mr Witness, the execution of Otti Lagony and Can-Odonga,
17 now could you explain what happened to those two, how did it go about?

18 A. [11:38:08] We used to live with them in harmony and I was favoured, even in his
19 presence. It started when Tata was accusing him that he was not saluting him.
20 That when he finds someone from the bush that they will not salute him, they had
21 their attention. When he came back from Congo, he had been sent to Congo, they
22 had not distributed uniforms at the time, he was arrested because he was accused of
23 coming back to Uganda, of surrendering to the government of Uganda. Then he was
24 taken and executed.

25 PRESIDING JUDGE SCHMITT: [11:39:05] Were you present when he was executed?

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1 THE WITNESS: [11:39:10](Interpretation) I had been transferred to Kony's
2 household. The officer called Abdula was taken and put among the standby to go.
3 I did not know it was a standby to go and execute. Many soldiers went. I met him
4 on the way. I was carrying a bomb. I was angry, I was so angry I threw down the
5 bomb. He was handcuffed. He had -- he asked for permission so that he could talk
6 to me, but they did not accept. He only told me that, "Don't worry, you will be safe".
7 He was taken and I remained there. And when I remained there it wasn't easy for
8 me. When Kony heard that I was made to see what was going on, I -- he told me
9 that me, I am stupid, I should have bombed them. Why did they allow mercy?

10 MR OBHOF:

11 Q. [11:40:18] Now you mentioned a Tata. How did -- what position did this Tata
12 eventually hold in the LRA?

13 A. [11:40:36] Tata was Lagony's deputy. Lagony was COT, and he was Lagony's
14 deputy at the time.

15 Q. [11:40:53] Did Tata assume Otti Lagony's position after he was executed?

16 A. [11:41:02] The person who replaced Otti Lagony was called Otti, also.

17 Q. [11:41:15] How did this Tata eventually die?

18 A. [11:41:23] I heard that Tata died a natural death of disease in Uganda.

19 Q. [11:41:32] Now how did you personally take the execution of Otti Lagony?

20 A. [11:41:44] When I learned that he had been taken to execution, life wasn't easy
21 for me. I was thinking what I would do next, but Sudan was also far away. I had
22 no capacity to do anything at the time. It wasn't easy for me. I was separated from
23 the people I used to live with, I was taken to the home of the commander and I did
24 not know anyone there.

25 Q. [11:42:22] From what you witnessed afterwards from friends or fellow persons

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1 in the LRA, what was the general mood of the persons in the LRA after Otti Lagony
2 and Can-Odonga were killed?

3 A. [11:42:49] At that time many people loved Lagony. That is the time problems
4 started in the LRA, many people didn't not want to stay in the LRA anymore. They
5 stopped all the standbys from coming to Uganda because even the young soldiers
6 known as *kadogo* did not want to stay. They would escape if they came to Uganda.
7 They made people to participate in farming instead, making people to pray so that
8 they can forget what happened.

9 Q. [11:43:42] Now from being in Otti Lagony's household, do you believe these
10 accusations which were made against him by Joseph Kony?

11 A. [11:43:53] I did not believe because I had seen myself that they were jealous.
12 There was -- he was in charge of standby and he had selected some standby which
13 was supposed to come to Uganda and he and Can-Odonga was the one in charge, but
14 Tata who was jealous. It was Tata who wanted to come himself.

15 Q. [11:44:39] Now these three persons who were executed a little later with similar
16 allegations, did you believe the allegations laid upon them or laid against them?

17 A. [11:44:56] What happened there is that -- what happened there is that those who
18 have -- who witnessed something should also be killed. They saw that those people
19 who were close to Lagony, even from home, they came from the same area, so they
20 killed them so that they don't tell it to anyone. People became afraid. It was meant
21 to create fear among the population.

22 PRESIDING JUDGE SCHMITT: [11:45:29] Mr Obhof, shortly.

23 Mr Arop, you said you -- I think if I quote correctly: "I was favoured in his
24 presence." And I understood you meant Otti Lagony; is that correct?

25 THE WITNESS: [11:45:51](Interpretation) Yes, that is correct.

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1 PRESIDING JUDGE SCHMITT: [11:45:53] So did you then also fear for your life
2 after this had happened?

3 THE WITNESS: [11:46:01](Interpretation) I was scared and I feared for my life. I
4 knew that I would be killed any time. I was among people who were strangers to
5 me, I was not used to them and I did not know them.

6 PRESIDING JUDGE SCHMITT: [11:46:18] Mr Obhof.

7 MR OBHOF: [11:46:19]

8 Q. [11:46:21] Now how did you come to learn about the accusations which
9 Joseph Kony made against Otti Lagony, Can-Odonga and the other three?

10 A. [11:46:44] I used to live together with them, and he did not even know where it
11 came from. Later on, the spirit came and said that those people should be killed.
12 He did not want them to come to Uganda and be released when they're alive. First,
13 they thought since they wanted to defect to the UPDF, they should be allowed to
14 come back to Uganda and they defect and started with the UPDF. But later on it was
15 told that -- it was told to us that the spirit ordered that they be killed. I didn't see it
16 personally, but that's what the commanders used to say.

17 Q. [11:47:28] Now on to a different person. Do you remember someone called
18 Opoka James?

19 A. [11:47:44] Yes, I know him very well. I saw him.

20 Q. [11:47:52] What happened to -- first, when Opoka James was in the LRA, what
21 was his role or his rank?

22 A. [11:48:09] You know, the way Opoka joined us in the bush, I was already an
23 escort with the boss himself, Opoka did not come alone. He came with some people,
24 they even came with some radio calls. Opoka did not have any rank in the bush.
25 He went as a boss himself. He was a bit big-headed and started planning with other

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1 officers and told other officers that Kony was taking long and delaying to overthrow
2 the government, they should allow so that Kony is shot. That is when the spirit
3 reported that to Kony and he was arrested. He had not taken long in the bush yet.
4 Some officers who were there, already were beaten because of that and those are the
5 officers with whom Opoka met them.

6 Q. [11:49:14] What did Opoka James do before he went to the bush?

7 A. [11:49:27] I was not home, I was in the bush, so I do not know what he was
8 doing. But when he went to the bush, I saw he had a pistol. There were two and
9 there were two close people who went together to the bush.

10 Q. [11:49:47] Now I know it was maybe implied, but what eventually happened to
11 Opoka James?

12 A. [11:49:59] I had already gone away, but I heard that what happened to him, he
13 was -- the spirit ordered that he should be killed, and those ones who also came with
14 him. I wasn't there at the time, but I heard that they were all killed.

15 Q. [11:50:36] Was it believed or known throughout the LRA that Opoka James was
16 killed for these reasons?

17 A. [11:50:51] People believed it because he started meeting senior commanders and
18 some of the foot soldiers that were there, he would gather them and talk to them.

19 Q. [11:51:14] Now a few minutes ago you said you worked with the boss. Since
20 this is a court, we have to be accurate. Who is the boss?

21 A. [11:51:34] Could you please repeat the question.

22 Q. [11:51:39] A few --

23 PRESIDING JUDGE SCHMITT: [11:51:41] I think he even mentioned that he ended
24 up at some point in time with Joseph Kony. I think we understood it.

25 MR OBHOF: Okay.

1 PRESIDING JUDGE SCHMITT: Perhaps you can continue from there.

2 MR OBHOF: [11:51:51]

3 Q. [11:51:52] You stated you worked closely with Kony. What was your position
4 when you were transferred to Kony?

5 A. [11:52:04] First I stayed in *dog adaki*, then I was put as security, his own security
6 to protect him. And later, we had an overall person called John, but when John was
7 not able to move, I became the overall in charge of security of Kony.

8 Q. [11:52:37] For how long did you work with Kony?

9 A. [11:52:48] Right from the time of Operation Iron Fist up to the time I was shot in
10 the leg. When we had split we were supposed to meet up somewhere. I was shot
11 in the leg. I was with him already, right from the time of the Iron Fist.

12 Q. [11:53:13] Can you make of it for a time frame? Your injury to your leg when
13 you were shot, when did that happen?

14 A. [11:53:27] I started staying with him in the year 2000, up to 2002, when I was
15 shot in the leg at the end of 2002.

16 Q. [11:53:45] What is the personality of Joseph Kony like?

17 A. [11:53:57] When you are close to Kony, you just see him as a human, a good
18 person. But he starts talking something strange any time, you don't have to question
19 it, you just have to follow. When he says "we move", and he tells you "don't go this
20 way", if you go that way, you will be shot. If he says no women in our group, now
21 as a person on duty, I should -- I should ensure that no woman joins the movement
22 line.

23 PRESIDING JUDGE SCHMITT: [11:54:43] Does something happen when you are
24 close to Kony, like a conversation with him? You understand what that means?

25 That you simply -- is he at some point in time even approachable as a person, as

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1 a human being?

2 THE WITNESS: [11:55:03] (Interpretation) We can hold conversations and crack
3 jokes and laugh. But he changes mood very swiftly and you'd remain alone. He
4 wouldn't want anyone to with him.

5 PRESIDING JUDGE SCHMITT: [11:55:24] When you talk with him you would be on
6 guard, would you agree with that?

7 THE WITNESS: [11:55:32] (Interpretation) Yes. You just don't join him,
8 you -- sometimes he even stops the officers not to enter his household and they would
9 say no one should join him, he is resting, even if you see him sitting alone.

10 PRESIDING JUDGE SCHMITT: [11:55:52] Mr Obhof.

11 MR OBHOF: [11:55:54]

12 Q. [11:55:55] Would Kony, along the same lines as his Honour, the Judge, would
13 Kony joke around? Would he laugh and joke with people?

14 A. [11:56:09] Yes, he jokes, he plays with his children, he laughs, even plays with
15 his wives, and you would see them laughing. When it is the right time he just as
16 human as any person. What I fear is he changes all of a sudden. You can stay with
17 him for 10 years and you don't even know who exactly he is. He would change.
18 Today, he is a good person, tomorrow he changes and he starts giving orders that you
19 have to follow. I tried my best to try to understand him, to try to know the spirit,
20 how does the spirit work, but I failed. I was already an adult, I was already very
21 mature, but I failed to know how the spirits work.

22 Q. [11:57:01] Would Joseph Kony ever joke around about killing people?

23 A. [11:57:11] He will not mention to you that he was -- he is going to kill you. He
24 can call you and start conversing with you and talk with you as if there is no problem.
25 When he tells you you can go back, he will have given an order already. He would

1 say, "Remove this person, kill him and take him away from our midst." If you don't
2 execute his orders, they would kill you. The person who was given the order would
3 be killed if he doesn't execute it.

4 Q. [11:57:58] Now, other than the example you gave, if you fail to kill somebody
5 you would be killed, could people defy other orders of Joseph Kony?

6 A. [11:58:10] No one dares to defy because, if you defy, you have given up your life.
7 He holds everyone's lives in his hands, he can decide what time to take it. Even if
8 you are in charge of a brigade, you are the biggest officer there, you are not actually in
9 charge of these troops. Even the wife given to you, the woman given to you is not
10 yours. The woman is, he says that the woman is for the movement. If, for example,
11 he says that women should go and do work in this location and you decide to hold
12 your wife not to go, he will take away the woman from you.

13 Q. [11:59:07] Sorry for being direct, but so essentially Joseph Kony could kill people
14 at his own pleasure, is that what you're getting at?

15 A. [11:59:22] If you make a mistake and if you are taken away from the rest of the
16 community, if you defy any of the orders, go against any of the rules, for example, if
17 you sleep with a woman who is not your wife or even you are so given the order, that
18 one, you would be killed. He would order that you be killed straightaway.

19 Q. [11:59:50] Now, following along orders from Joseph Kony, if Joseph Kony
20 wanted a place attacked, we'll say Pader, would he always go through a chain of
21 command in order to reach the lieutenant who is next to Pader?

22 A. [12:00:27] Even if you are a commander, I said earlier, you have no role. He
23 can give an order to someone who is lower than you and say you go and do this work.
24 Sometimes he would pick people who are close to him as signallers. For you, the
25 officer, you are irrelevant. If you went to change the plan you will not come back.

1 Q. [12:01:03] And was this known within the LRA that Joseph could call somebody
2 from lower rank and give them a direct order?

3 A. [12:01:15] Kony will just say everyone should receive message, so-and-so has
4 now replaced this person in this position. And once you receive this information
5 you have to follow it and you have to salute the new person who has been appointed,
6 because they say the spirit is the one that has communicated so there is nothing else
7 to say about it, you have to follow it.

8 Q. [12:01:59] Did Kony have any persons in the LRA that he would consider a close
9 friend, that Kony would consider a friend?

10 A. [12:02:15] The person that he considers as the closest friend to him is the spirit.
11 So he says the only person who is close to him is the spirit. Even when you are
12 a very good fighter and you boast that you are a good fighter, you will lose your life
13 because he says it is the spirit that fights. So there is nobody who is close to him.
14 Even you who is protecting him, you also live very carefully because you know any
15 time when he changes his mind he can pick you and also you will be killed. So you
16 always live a very careful life even when you're around him.

17 Q. [12:03:04] When it comes to meting out punishments, did Kony treat every
18 person equal or were other persons favoured?

19 A. [12:03:19] Kony, if liking people by mouth, he does that only to the *kadogos*,
20 because some of these children were picked from his home area when they were very
21 young and they were taken to the bush. So those are the only people that he says he
22 trusts them. But then, if you violate the rules, if you violate the orders he will not
23 leave you, he will kill you. He just likes you verbally and he will just tell you by
24 word of mouth and he would say that he likes you. But when you violate the orders,
25 he will kill you. Because then he will say you have now familiarised yourself with

1 him and you are so used to him, so he will just kill you when you violate the rules.

2 Q. [12:04:24] How did Kony react to persons who told him the truth, even if the
3 truth was bad?

4 A. [12:04:35] There are times when, if he is chatting, it has to be him to ask you,
5 then you can tell him. But you cannot initiate talking to him by your own. If you
6 initiate, then he will say you have no respect. Then immediately after that you will
7 see actions being taken. They will change you. They will take you to another place
8 and, before you know it, you are in another position and probably they will just -- you
9 will end up being killed.

10 Q. [12:05:26] How did Kony relate to his wives?

11 A. [12:05:48] Kony relates very well with them. You even see clearly that they
12 love each other. But if you are that wife and you do any mistake, you do any
13 mistake, say you sleep with another husband or with another man, you will just be
14 killed; both of you will be killed. But if you do not commit any -- you violate any
15 rule, you will live normally and there is no problem. Even his wife, if his wife
16 escapes, he takes them the same way, that the wife should now not be taken to him.
17 She will just be killed.

18 PRESIDING JUDGE SCHMITT: [12:06:39] How many wives did Joseph Kony have
19 at the time when you could observe it, were close to him?

20 THE WITNESS: [12:06:48] (Interpretation) Well, it's difficult to, to mention the
21 figures because they're very many.

22 Sometimes in a position you have like 30, 40 wives. But also in other positions
23 where they are located, they could also be there. There are really many, I cannot
24 estimate.

25 But in the lot in which we were together on the, up on the mountain, there were 50

1 households, and I think in that 50 households maybe there were like 40 wives, in
2 addition to the ting ting, the little girls that are used to carry the children and take
3 care of the children. They are also amongst them there.

4 MR OBHOF: [12:07:40]

5 Q. [12:07:40] You mentioned how Kony could even have one of his wives killed.
6 Did you ever see this?

7 A. [12:07:53] The orders are the same. If anyone tries to escape, will not go back to
8 him. From that location where the person escaped, he will just order the person to
9 be killed. So the rules applies to everyone there. So if you escape, there is no
10 wasting time, you will just be killed. I think in my opinion, he was trying his best to
11 try to create fear in people so that people don't violate any of the rules that have been
12 set.

13 Q. [12:08:35] Did you ever hear Joseph Kony issuing an order for one of his wives
14 to be executed?

15 A. [12:08:44] At the time when I was still with him, I heard about a certain wife,
16 a certain woman who was captured and he ordered that that woman should be killed.
17 I do not recall her name, but she was in another location.

18 Q. [12:09:13] What kind of advice would Joseph receive from his wives?

19 A. [12:09:29] Mostly the wives would share with him some of the challenges that
20 they are going through, the things that they are lacking. They would tell him and
21 then he would order for those items to be brought to them.

22 Q. [12:09:55] To the best of your knowledge, did the wives ever offer advice on
23 possible missions or ways in which to run the LRA?

24 A. [12:10:11] Well, that one, you cannot even try. How, how do you start? You
25 cannot even try that. You cannot even try. Even when you are an officer, you are

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1 high-ranking officer, I don't think you can even start that kind of discussion with him
2 because that means you are now overthrowing his government.

3 MR OBHOF: [12:10:43] And for your Honours' benefit, this section will be shorter
4 than most, this next section coming up, as he has asked before in different hearings,
5 so it's just one page instead of the normal four or five.

6 PRESIDING JUDGE SCHMITT: [12:11:24] So I wonder if you would not be able to
7 finish your examination today.

8 MR OBHOF: [12:11:29] I think I may.

9 PRESIDING JUDGE SCHMITT: [12:11:32] Because I have of course also your
10 summary on the table and I have at least an idea how you are progressing, so this
11 short conversation should also be understood as a little bit of a motivation, so to
12 speak. Please, yes.

13 MR OBHOF: [12:11:48] Right now I think I'm on target for the end of the day.

14 PRESIDING JUDGE SCHMITT: [12:11:52] Okay, good. Please proceed.

15 MR OBHOF: [12:11:55] But I cannot promise.

16 PRESIDING JUDGE SCHMITT: [12:11:58] No, no, no. People that are under
17 pressure, that doesn't make sense. But motivation is better. This is more positive
18 than pressure. Pressure is negative energy.

19 MR OBHOF: [12:12:09] You sound like my grandfathers, and my fathers and my
20 brothers.

21 PRESIDING JUDGE SCHMITT: [12:12:14] You should not have mentioned the
22 grandfather perhaps in that regard.

23 MR OBHOF: [12:12:17] Well, that one was German, though, so.

24 Q. [12:12:21] Mr Witness, I know you have talked about this, but I would like
25 a clear answer. Were there spiritual beliefs in the LRA?

1 A. [12:12:37] Once you are there in the bush, whether you like it or not, you have to
2 believe because that is what they say that the spirits have said. There was one day
3 that I was trying to ask myself because I didn't know anything about the spirit, so I
4 asked a colleague, that what does the spirit talk about? What does the spirit say?
5 Then he warned me that do not ever open your mouth again to say anything about
6 the spirit. And I immediately kept quiet. I promised myself never to ask anything
7 about the spirits.

8 Q. [12:13:22] And you have talked a little bit about spirits issuing orders through
9 Kony. Did the spirits -- or what kind of punishments did the spirits order upon
10 Joseph Kony himself?

11 A. [12:13:42] The one that I know very well is that there was a time he would just
12 sleep, he wouldn't move, so later on when the spirits began talking, because there is
13 one person called Okodi who would record the message of the spirit. So he recorded
14 and when the spirit was talking, so he recorded and the punishment that was given, it
15 was sickness.

16 And the reason why we confirm that the spirits indeed exist was because there are
17 certain things that he prophesized and it happens as he has prophesized. For
18 example, there was a day in April, there is a spirit called Juma Oris Debohr, that day,
19 whether you like it or not, you have to be on standby because even when you are in
20 defence, even you are in defence and when the -- on that, on that day, there is always
21 going to be an engagement, there is always going to be fighting. So we believed that
22 indeed the spirits are there because the spirits are very many. There is one called
23 Silindi, there is one called Who Are You and the whole, all of them have different
24 roles.

25 Q. [12:15:02] Speaking about prophecies, did Kony make any specific prophecy

1 about the ICC?

2 A. [12:15:15] Yes, the spirit talked about that, that there is some young person who
3 will come and will be the first person to start facing the ICC court. He mentioned
4 that. I remember he started talking about that even before the death of Lagony.
5 But we didn't know who this child was. We thought maybe it was one of his
6 children like Saline or Ali would be the one that he was talking about, because he
7 would just talk and then he leaves the discussion hanging. So later on, that's what
8 we started realising. He kept on repeating the same statement, the statement about
9 ICC, he kept on repeating it.

10 Q. [12:16:12] Now generally speaking, did Kony's prophecies come true more often
11 or less often?

12 A. [12:16:32] I would like to say that while I was still there, all the prophecies that
13 he made came true. For example, there was time when we had farmed quite a lot of
14 crops and the harvest was really good. He told us that this food, we are not going to
15 eat them because we are going to be under attack. And it happened. He even
16 talked about the UPDF who now joined with the Arabs, and he ordered that if there is
17 any officer who violates or comes with a different opinion from ours, you just have to
18 kill that person because the UPDF is already in defence. He even mentioned some
19 senior commanders in the UPDF, like Julius Oketta who were amongst those in the
20 UPDF group in the Sudan. So indeed most of the things that he talked about came to
21 pass.

22 Q. [12:17:38] Earlier today you discussed about a secretary too, someone who
23 would write stuff down. Could you explain why Kony would need a secretary to
24 write down things that came to him from the spirits?

25 A. [12:18:01] That one usually it is the spirits that communicates, because when he

1 is talking, at that time when the spirits are talking, then Okodi would write. But
2 during the time of Iron Fist, there would be no recording. The secretary would not
3 work. He would do everything by himself. So even deployments, he would even
4 do some of the deployments by himself.

5 Q. [12:18:43] What was the appearance, what did Joseph Kony look like while he
6 was being possessed?

7 A. [12:18:53] At the time that his communications were written down, I didn't see,
8 because only the senior officers would go there, but also not many officers, it is
9 usually one or two, plus the secretary. But at the time now when I was staying with
10 him, I would confirm some of the things that would happen because you would see
11 him seated on his chair, and then he's talking, then suddenly his eyes turn red and
12 then he will start ordering. Even me who is with him, he would just start ordering
13 me that start doing A, B, C, D. "At this point of time, take away this person, take
14 away so and so, we don't want mothers, women amongst us." Or he would just
15 order, "Get up and we go." So I was actually seeing those kind of things and because
16 he says during fighting or during the time of war he would just say he is possessed
17 and so those orders, once he orders, then you have to do it because we also were very
18 much afraid.

19 Q. [12:20:00] Mr Witness, did the LRA distribute fetishes to its -- to the persons
20 withinside?

21 A. [12:20:19] There are many things that are done. For instance, the shea oil, you
22 will have it with you. The things changed depending on the situation. There was
23 a particular battle and he came suddenly because even when you are already under
24 siege, like we are here in this house, he would -- he would know, he would order that
25 everyone should remove the bullets from the chamber, and people would work. So

1 even when you see your enemy advancing towards you, you have no time to face him
2 to shoot.

3 There was a time again in another incidence, we didn't know what was happening.

4 There was even no rain. So he ordered that if there is no rain, we are not going to
5 fight. So I was asking, "How can we have rain in a season like this when -- in a dry

6 season there is no rain?" But we started moving. We moved a few distance, then

7 there was an overhanging cloud and it rained. So when the rain came, he ordered

8 everyone to stand in a line, he came with a small dog. So you would remove mud,

9 you move mud from the ground and you throw it towards the dog. Then when you

10 do that, you continue going to the battlefield. So that was one of the big fights.

11 So he would just encourage people and say people should now go and fight. He has

12 now finished fighting. So indeed it was a very difficult fighting and most people

13 who went, did not come back.

14 But his people, I didn't see them. I didn't see any injuries on the people, the soldiers

15 that he sent at the battlefield. So that is why I believe and confirm that I think there

16 is something that is special and strange about him.

17 Q. [12:22:27] Now at the beginning you mentioned shea oil, what was that used

18 for?

19 A. [12:22:35] One of the things that they have there is the shea oil and honey. So if

20 you get injured, they put the shea oil on the wound. Sometimes there those ones

21 who go to Uganda, he says, there is a certain bomb that is chemical, so if people are

22 bombed with that chemical bomb, they use this shea oil to drop it in the -- on the

23 wound so that it preserves it.

24 Q. [12:23:19] Was there other fetishes that would be worn? Not just the *moo ya*,

25 but on other parts of somebody's body?

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1 A. [12:23:35] There are many things there. I even saw some feathers of a certain
2 bird they also give you, but it is not all the time. Like I said, the spirits change the
3 plans. Sometimes they say you do this, sometimes they say you use the leaf from the
4 palm tree. So sometimes they say you make a sign of a cross and tie it on the belt of
5 the gun. So it changes, it changes every time depending on the situation.
6 Sometimes he says you pick the back of the Obolo tree and then you prepare it to
7 burn the Air Stiblis. So the things changes all the time. There is nothing there that
8 is always constant. You might be here with the group, you go to another area or you
9 escape, when you come back you find that the plan has changed. So everything is
10 always changing.

11 Q. [12:24:43] Now, Mr Witness, I'm going to take another step back. After you
12 arrived in Sudan, when you were first abducted, how long was it before you saw
13 Mr Ongwen?

14 A. [12:25:08] It didn't take a very long time because I would go to observe how the
15 training of the young people was going on. So I started observing, I started
16 observing him. He was a bit unique from the rest of the other people because he was
17 friendly, not like the other children, so I got used to him. I got used to him much
18 more quickly. So by the time it was going into one year when they arrived, because
19 when I was there they came much after me, so when he arrived, that's when I started
20 getting used to him and it was much easier.

21 Q. [12:25:55] Now you said Mr Ongwen was not like the other children. Now,
22 when you arrived, could you estimate how much younger Mr Ongwen was in
23 comparison to your age?

24 A. [12:26:14] I think, from what I would see, around that time -- it was difficult to
25 estimate because, you know, I was -- you would also have -- you would be afraid, so I

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1 was not even thinking anything about his age. But I think my only focus at that time
2 was to try to get used to some of them in his age group, in his age category. But
3 there was a day I ask him, because it was difficult to ask, then I ask him one day, I ask
4 him, I say that, "You will like us. Do you like some of us who are the senior
5 commanders?" So he responded and said, "You know, some of the things that we
6 are doing, like carrying firewood, some of us cannot manage. So it is you who help
7 us to carry." So that is the only response he gave me and I also walked away.

8 Q. [12:27:21] Mr Witness, how did Mr Ongwen walk when you first saw him?

9 A. [12:27:32] He was walking normally.

10 Q. [12:27:42] When did Mr Ongwen first develop his limp?

11 MR GUMPERT: [12:27:51] I object.

12 PRESIDING JUDGE SCHMITT: [12:27:52] Yes. Exactly. You know yourself that
13 this was a leading question. And it is sustained, the objection, so we have to
14 rephrase it. Perhaps I can rephrase it if you allow me. Of course you allow me.
15 Of course you would. This was also a leading question, sort of.

16 MR GUMPERT: [12:28:12] Indeed.

17 PRESIDING JUDGE SCHMITT: If you will.

18 MR GUMPERT: [12:28:13] May I make one other observation?

19 PRESIDING JUDGE SCHMITT: Please.

20 MR GUMPERT: [12:28:16] I am disturbed. Perhaps your Honours are not
21 concerned whether I'm disturbed or not. I observe that none of this personal
22 knowledge of Mr Ongwen is in the summary and I am concerned.

23 PRESIDING JUDGE SCHMITT: [12:28:30] No, I don't know if I should be concerned,
24 but I recognised it. And I also appreciate that you address it.

25 I think really we should strive to -- when I say "we", since we are now in the defence

1 presentation of the evidence, the Defence should strive really to provide as much as
2 possible in advance the potential content of the examination to the other parties and
3 participants. I would agree with that.

4 I also have -- because, as you know, I used to prepare myself also and of course I
5 have ...

6 And because of that, by the way, Mr Obhof, I was absolutely sure that we finish the
7 witness today because of the summary. I thought it -- I could not envision how it
8 could even come close to go into a fourth session, so to speak. So please, I think we
9 will handle the situation now, but please, for future witnesses, try to be as complete as
10 possible.

11 We know that you can't -- and I think nobody expects to incorporate everything. We
12 have also there is a little bit of spontaneity in such a hearing that we should allow, but
13 this is a complete topic, so to speak, that has not been addressed in the summary.

14 I think we leave it at that. Thank you, Mr Gumpert.

15 And please rephrase your question.

16 MR OBHOF: [12:29:56]

17 Q. [12:29:57] Mr Witness, did Mr Ongwen sustain any injuries while you were in
18 the bush?

19 A. [12:30:04] When I was in the bush, I also came and saw him. I had come to
20 collect things. It was about 2002, I found he had been shot in the thigh and he was
21 using a walking stick to support his movement. I saw that personally.

22 Q. [12:30:30] Was this the only injury that Mr Ongwen sustained?

23 A. [12:30:51] Ongwen got many injuries when he was in Uganda. I would only
24 hear about it, I was in Sudan, because we were already protecting the commander.
25 But when we came to collect things we found he had been shot in the thigh and he

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1 was using a long stick for supporting his movement. But he got many injuries
2 during his time in Uganda.

3 Q. [12:31:29] You don't have to go into detail about the other injuries, but could you
4 name where a few of these other injuries are located?

5 PRESIDING JUDGE SCHMITT: [12:31:44] If you know. I think you said that you
6 heard about these other injuries and that you saw the injury that resulted in the
7 damage of the hip. But if you know what these other injuries were you can tell us.
8 But, as you have said, you heard about it.

9 THE WITNESS: [12:32:08] (Interpretation) We heard about so many injuries, that
10 so-and-so is injured and he's in the sickbay. But the one I saw personally is the one
11 that was on his thigh when he was using a long stick for supporting his movement. I
12 didn't hear that one, I saw it personally.

13 PRESIDING JUDGE SCHMITT: I think, Mr Obhof, we leave it at that then. That's
14 enough information.

15 MR OBHOF:

16 Q. [12:32:35] And because you stated he was different than other people, how did
17 Mr Ongwen, at least from what you witnessed, treat those underneath him?

18 A. [12:32:51] He loved the soldiers beneath him. Even those without ranks, he
19 loved them. Even for me, I was able to get close to him because he's a people's
20 person, he would eat together with the junior soldiers, even if he didn't have a rank.
21 He would stay with you and eat with you without any problem.

22 Q. [12:33:23] So was that normal to see a commander do this, not necessarily
23 Mr Ongwen? Would be it normal for, say, Buk or Kapere?

24 A. [12:33:48] There are others who are very militaristic, they did not want the
25 junior soldiers to get close to them. Some of them were already mature when they

1 were taken to the bush. They did not want anyone below their rank to be close to
2 them or share meals with them. But for him, he would stay freely with people.
3 Kapere, for example, I was close to him -- I never got -- I stayed together with him but
4 I never got close to him. He was not a friendly person.

5 Q. [12:34:34] Now earlier, Mr Witness, you also said you were coming to collect
6 things. "It was about 2002," and "I found he had been shot in the thigh." What were
7 you coming to collect?

8 A. [12:34:57] We were moving together with the boss, we came to collect things like
9 sugar and foodstuff which had been buried on the ground.

10 Q. [12:35:13] When Mr Ongwen was injured in the thigh did you visit him in the
11 sickbay?

12 A. [12:35:33] When I passed via the sickbay or close by the sickbay, they told me
13 that he was near there, so I moved to that location and found him. I didn't find him
14 at the bay exactly, but I followed him, he was on the road. I met him and we just
15 stood and talked while we were on the, on the road moving, because you shouldn't
16 waste time talking to someone and take long.

17 PRESIDING JUDGE SCHMITT: [12:36:12] Did he tell you how he was injured?

18 THE WITNESS: [12:36:17] (Interpretation) We did not have all that time to talk
19 about what caused the injury or how he was injured. There was hardly time. I just
20 got some sugar, gave the children in his household, and then I continued.

21 MR OBHOF: [12:36:37]

22 Q. [12:36:39] Mr Witness, just for a few more questions we are going to come back
23 to some of the rules and punishments. Did the spirits ever order that Joseph Kony
24 be punished by way of beating?

25 A. [12:37:19] Who would beat him, in the first place? I never heard it, it was not

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1 said.

2 PRESIDING JUDGE SCHMITT: [12:37:37] The question was a little bit mysterious I
3 think, frankly speaking.

4 MR OBHOF: [12:37:43] Well, the spirits aren't meting out the punishments equally
5 to everybody.

6 Q. [12:37:54] Now, Mr Witness, we have talked of course about some people being
7 punished with executions and about Kony being punished with sickness. What
8 other type of punishments were there in the LRA?

9 A. [12:38:11] The smallest punishment you would be given was to demote you in
10 rank. They would disarm you. They would take away all the soldiers, and you
11 become a foot soldier. You go carrying water and do your own things. Those are
12 the punishments I saw, that is the least you can get. There is also whipping, you can
13 be beaten.

14 Q. [12:38:56] Mr Witness, what was the punishment for escaping successfully with
15 a firearm?

16 A. [12:39:06] If you escaped with a firearm, or even if you escape without a firearm,
17 there is no other punishment other than death. Sometimes if you escape with
18 a firearm, the punishment does not only concern you, it also involves people in the
19 area you went to. If you escape and went to a particular place, they would punish
20 people in that place also. But if they caught you before you went to another place,
21 you would be punished alone.

22 Q. [12:39:53] What would happen to the town or village in which you passed
23 through if they received the punishment?

24 A. [12:40:08] Can you repeat the question.

25 Q. [12:40:18] You said that sometimes if you escape with a firearm, the punishment

1 does not only concern you, it also involved people in the area you went to. And you
2 said that you would go and those people in that area would be punished. What type
3 of punishment would those people in the area receive?

4 A. [12:40:51] If you hear the name Abola, for example, Abola escaped, and he was
5 talked about at home in the radio, he was received in his home in Awer. It was -- an
6 order was given and Otti went to Awer and punished people because of Abola. That
7 is an example I can give. There are many examples, that is one I can give.

8 Q. [12:41:26] Now you say "example", did that actually happen to where Otti went
9 to Awer and punished the people?

10 A. [12:41:39] Yes, it happened in Wianono camp at the home of those of Abola.
11 Later Abola shot himself and he died. He committed suicide.

12 Q. [12:41:57] And you said "Otti," Otti went, which Otti?

13 A. [12:42:05] It was Vincent Otti.

14 Q. [12:42:10] And do you happen to know a time frame in which this camp was
15 attacked as punishment for Abola leaving?

16 A. [12:42:24] I do not recall the year, but it is about the year 2003 or '04.

17 Q. [12:42:34] So it was definitely after Iron Fist?

18 A. [12:42:40] Yes.

19 Q. [12:42:44] Now this type of punishment, was it widely known throughout the
20 LRA?

21 A. [12:42:56] It was widely known. And then other punishments, they would take
22 you to the front line all the time. And you have no right to refuse. You will be
23 going to the front line all the time. That is also a form of punishment. Sometimes
24 they would give an order, at any standby so-and-so should be in the front line.

25 Q. [12:43:26] Now this type of collective punishment on a village, when was the

1 first time you heard about Kony meting out this kind of justice on an entire village?

2 A. [12:43:47] The first time I heard about it, I had not been punished -- I had not
3 been abducted yet, it was in Atiak, I was still at home. That is the first time I heard
4 about collective punishment.

5 Q. [12:44:14] And what reason or reasons did you hear that Atiak was punished
6 while you were still at home before abduction?

7 A. [12:44:31] I did not get the detail, but it involved someone who had escaped.
8 They told us it was about someone who had escaped.

9 Q. [12:44:45] What effect did this knowledge about Atiak have upon you when you
10 were abducted in the LRA?

11 A. [12:45:03] I got scared because I knew that if you escape with a weapon, they
12 would kill you, they would kill the people in your homestead and that caused a lot of
13 fear for me.

14 Q. [12:45:25] Before you were abducted and basing your answer on what you
15 heard, did others in your village, in the surrounding villages know about this type of
16 punishment?

17 A. [12:45:48] The civilians know about this and they know that if someone escaped
18 with a weapon and comes back to that area, people would flee because they know
19 that these guys will follow up the weapon.

20 Q. [12:46:15] Now other than from the spirits, were there any other ways in which
21 Kony would learn about people who wanted to attempt to escape?

22 A. [12:46:49] I don't think there is another way that I know of that he uses. He is
23 the only one who knows how he gets his information. Sometimes, for example, if
24 you are put on standby, and you start talking, some people probably have been put
25 there to spy on the people who are in the standby. That's how probably he knows

1 that you want to escape. For example, if you tell another soldier that we -- "I see no
2 use of being in the bush here" and if that soldier reports you to another person, before
3 you know it, you will be collected.

4 Q. [12:47:50] So is this why you stated earlier that if you wanted to escape, you had
5 to convince everybody?

6 A. [12:48:09] If you want to escape, you shouldn't talk to any other person, don't
7 mention your plan to anyone else. If you talk to someone or give your plan to
8 someone, it should be someone whom you already know, whom you had selected
9 prior to your, prior to your plan so that you can tell them. But you do not mention
10 your plan to others.

11 For me, when I was escaping, I mentioned my plan to some younger people, younger
12 children who were living with me. For me, I had already seen that they were
13 interested in getting out of the bush. I talked to them about education first, I gave
14 them advice as an adult that if you should go back to school, it would be good. And
15 they appreciated the advice I was giving them, so on the day that I was leaving I told
16 them, "Let's go."

17 Q. [12:49:14] You stated that if you wanted to escape, somebody could report to
18 their commanders. Do you have an example from your time in the LRA where
19 something like this happened?

20 A. [12:49:44] There are many. Most people who were killed because of escaping
21 were reported. Someone would go and say so-and-so said this to me. Even for me,
22 when I escaped, I talked to the children, knowing that they there was no officer close
23 by in my base. If there was an officer nearby, I wouldn't have told the children. I
24 would have left alone.

25 Q. [12:50:09] Does it make a difference whether you are a sergeant or a lieutenant

1 colonel?

2 A. [12:50:19] There seemed to be a difference, but people are the same. Whether
3 you are a sergeant, or whether a lieutenant colonel, there is only one person who
4 commands things, who gives orders. There is no difference, really. The only
5 difference is that you move with more soldiers because you are a senior commander.
6 A sergeant is not as senior as a lieutenant colonel, for example. But about the
7 welfare and how you are treated, however big your rank is, it's only Kony who gives
8 orders.

9 Q. [12:51:10] Earlier you mentioned -- you talked about Abola and speaking on the
10 radio. Which radio show or which radio station was Abola speaking on?

11 A. [12:51:25] It was radio Mega in the Dwog Paco programme. It was not only
12 him talking but people from his home who were also recorded and were -- the voices
13 being played on air so that people could hear. That was the mistake now they were
14 making.

15 Q. [12:51:52] Do you remember the first time you heard this Dwog Paco show?

16 A. [12:52:08] The first time I heard about the Dwog Paco programme was when I
17 had already been shot in the leg. I was mainly in Sudan. I could not hear this
18 programme. When I was in the sickbay I started hearing it. Someone with whom I
19 used to live with, who was also a child, I heard him talking on the radio. When I
20 heard him on radio, I realised that indeed when you escape and reach home, you will
21 not be killed. Because in the bush, they would tell us that when you escape and
22 reach home, they would kill you.

23 When I heard my colleague talking, it was in the year 2004 is when I first heard it, it
24 was about the month of May, when I heard it, I think Kony also knew that I had
25 a radio, and he asked people whether I had a radio in the bay. And he was told that

1 it seems I had a radio.

2 Kapere was sent and told me that I was -- reported that I had the radio. I indeed told
3 him that yes, I had a radio. He asked me whether I heard something on the radio. I
4 told him with the pain I do not hear the radio. He talked to the commander and the
5 commander said, "No, don't take away the radio." I do not know why. Later I did
6 not open the radio. I thought maybe they had other plans. I never opened the
7 radio again. I started thinking about escaping when I get cured. And when Kapere
8 left my side, I escaped immediately.

9 Q. [12:54:00] Now you mentioned you heard this -- you mentioned that you heard
10 this in, I believe May 2004. Was this the first time you actually heard Dwog Paco or
11 was this the first time you heard somebody you knew?

12 A. [12:54:23] That was the first time I heard Dwog Paco. When I was living with
13 the commander out there, I didn't have a radio. But people would say they -- people
14 would tell me that they heard people speaking on Mega. Some of the children
15 would tell me and I would ask them what were they saying. And they would tell
16 me that, "When you come back and surrender, they would take care of you. The
17 government is waiting for us." And I would ask whether it was true, but the
18 children would tell me that they also doubt. But when I heard for the first time on
19 radio Mega, that was -- they had told me the day that that programme is relayed and I
20 heard it for the first time on that day.

21 Q. [12:55:14] You also mentioned hearing stories about what -- what the
22 government would do to people when they came back home and stuff told to you
23 within the LRA. What stories did you hear that the government would do to an
24 LRA person if they escaped?

25 A. [12:55:43] When I was still in Sudan, I heard that when you defect, they would

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1 kill you. They would even kill women. One time when I was in Uganda at the bay,
2 they attacked us and abducted the wives of Owino. But later on, when we came
3 back, we found they had killed the women. They had actually raped them and
4 killed them. I got so scared when I was going back to Uganda -- when I went back to
5 Sudan, I knew that you wouldn't escape. I was already very afraid because I saw
6 personally the women were killed. I knew they were Owino's wives. They killed
7 many people who had been captured alive and we thought they would take them and
8 take care of them.

9 Q. [12:56:53] From what you heard from others, did other people in the LRA
10 believe this as well?

11 A. [12:57:01] People fear to defect to any army. There are some groups known as
12 Arrow Boys. When you surrender to them, they wouldn't even talk to you. They
13 will not want to ask you any question, they will just kill you.

14 MR OBHOF: [12:57:37] Your Honour, I think right now might be a good time to
15 break.

16 PRESIDING JUDGE SCHMITT: [12:57:40] Indeed. And as you have been informed
17 about, we will have a shortened lunch break today. This means that we will meet
18 again here at 2 o'clock.

19 THE COURT USHER: [12:57:51] All rise.

20 (Recess taken at 12.57 p.m.)

21 (Upon resuming in open session at 2.00 p.m.)

22 THE COURT USHER: [14:00:33] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [14:00:56] Good afternoon.

25 Mr Obhof, you still have the floor.

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1 MR OBHOF: [14:01:01] Thank you, your Honour.

2 Q. [14:01:04] Good afternoon, Mr Witness.

3 A. [14:01:07] Good afternoon.

4 Q. [14:01:15] Mr Witness, I'm going to ask you a few follow-up questions on rules
5 in the LRA.

6 Now, you mentioned earlier about people sleeping with other people's wives. What
7 was the rule in the LRA dealing with a woman without a husband and a man without
8 a wife?

9 A. [14:01:55] Could you say the question again.

10 PRESIDING JUDGE SCHMITT: [14:01:58] It was a little bit unclear. You can steer
11 it more directly towards the point if you want. I think it was about -- the witness
12 had already been speaking about sexual intercourse, what would have
13 happened -- I can ask it, perhaps.

14 What would have happened if a man slept with a woman, both were not in
15 a relationship and had not been given wives and have not been wives and husband?
16 What would happen if this came out and if this came -- people came to know this?

17 THE WITNESS: [14:02:36](Interpretation) They would be killed.

18 MR OBHOF: [14:02:49]

19 Q. [14:02:50] Now, what was the rule about sexual relations before a battle?

20 A. [14:03:03] There are times that even your very own wife who has been given to
21 you, if instructions are given that there is no sharing bed, you have to follow the
22 instruction. Everyone would be given this information that the spirit has declared
23 that there should be no sharing bed. So all these things that I have mentioned, the
24 instructions come from the spirit. So even for you to be given a wife it is the spirit
25 that will instruct and then the wife will be given to an officer. So all the women who

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1 have been abducted, the orders come from Kony, and even in most cases in many
2 occasion it is Kony who gives the order for abduction. So if he doesn't give any
3 order for abduction, you do not do an operation for abductions.

4 Q. [14:04:10] What would Kony do if someone violated the rule about not having
5 sex with your wife? So if it was ordered that you cannot have sex, what would Kony
6 do to the persons, assuming that they are husband and wife?

7 A. [14:04:37] You see, people do not violate these rules because once people have
8 already been informed, Kony doesn't feel the effect, but it is you who is going to feel
9 the effect, because if fires -- gunshots are made and guns are fired, it is you who is
10 going to face the consequence. So people know that if you violate that rule, you
11 will die.

12 Q. [14:05:14] Do you know of anyone who violated that rule?

13 A. [14:05:20] It happened at a time when I had not yet gone to Sudan. It was one
14 commander called Oboke. I heard that he went and had sexual intercourse with
15 that -- with a woman in the morning, and during battle he was shot. His private part
16 was shot. So usually you are not shot in any other part of the body. You are shot in
17 your private part. Even if you are a woman, you will be shot in your private parts.

18 PRESIDING JUDGE SCHMITT: [14:05:55] Mr Obhof, please move on, I think we
19 have heard this story quite a lot of times.

20 MR OBHOF: [14:06:10]

21 Q. [14:06:10] Mr Witness, do you have a -- I believe you already said this, sorry, but
22 I will ask it again because I can't remember --

23 PRESIDING JUDGE SCHMITT: [14:06:16] No, don't ask it again. He has -- he had I
24 think, I understood it, he had been given a wife shortly before he left --

25 MR OBHOF: [14:06:25] Yes.

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1 PRESIDING JUDGE SCHMITT: [14:06:26] -- the LRA, if I have understood it
2 correctly.

3 MR OBHOF: [14:06:29] Yes.

4 Q. [14:06:30] How did you get this wife?

5 A. [14:06:42] The way I got my wife, it was a bit different because I was one person
6 who, most times, was living with in -- with the mothers, with the women. So there
7 was a time when some girls were abducted and they were brought, so I was talking
8 for them. I would talk for them and protect them. But I didn't get to remember
9 them very well. So later on when they were being distributed, one of the girls
10 refused to be given. Then she was beaten. Then they ask why. Then she said she
11 wants to go and come and live with me. Then they sent for me, they called me, they
12 asked me if I knew. And then I said I don't know her, but because the younger
13 officer -- the younger soldiers had already informed me that they're going to kill this
14 girl, then I accepted because they had asked me if I want this girl to come and live in
15 my household.

16 So I accepted. I picked the girl and I went with her to my home, and we had a
17 relationship and I fathered with her a child and she came back with that child. But
18 then when I came back, we didn't continue because when she came back, she got
19 another husband and I didn't want to get back into a relationship with her because I
20 feared my health because I would get infection. So I just left the relationship and my
21 child is still with her.

22 Q. [14:08:13] Who decided to distribute a woman? Who made that decision?

23 A. [14:08:24] It's Kony himself. He's the one who issues instructions to
24 a particular commander that the girls should be distributed. Usually he does that
25 after first understanding them well. You, you first have to, when the girls are

1 brought, it is not that they are immediately given out. The girls are first kept and
2 they stay for some time with them. Then after, that's when they are given out.
3 Like I said before, even abduction, it is him who issues the instructions. So it means
4 when people have been abducted, all the new abductees are first sent to him, both
5 boys and girls are sent to him, and then it's him to distribute the numbers. He can
6 say, like, let 10 go to so-and-so and 10 go to another commander. If you are given
7 those new abductees to take care of, you just take care of them. You don't do
8 anything on them.

9 Q. [14:09:36] What would happen -- and I think it can be inferred from what you
10 said but I would like it in black and white, what would happen if a woman refused to
11 go to a man once distributed by Joseph Kony?

12 A. [14:10:01] It depends on why she is rejecting. There are some times when she is
13 refusing the other person because they are not of the same size. So when the man is
14 given to her and she can say, "Okay, this man is not of my size", so then they will take
15 the girl away. So the person would be given to another person. But if the girl
16 accepts when she's given to you, no problem, then you go with her.

17 So -- but it depends on households; so sometimes I don't understand, but I need to
18 talk about mine. Like in my case, when this girl came, I talked to her, explained to
19 her that even myself, I was abducted. So "We are going to stay, it is not in my
20 interest, so we need to stay together. I also want to escape", I told her this secret. I
21 even -- so we had a very good relationship; we even understood each other.

22 So I don't know whether in the other households, they were also doing the same thing
23 as we were doing. But, as you know, in this relationship, by all means you have to
24 all agree and negotiate. Because, for some commanders I would also see that when
25 they have been given the wives, you -- you may think that they've agreed, accepted to

1 live together but on the day that maybe they're being transferred, the woman would
2 refuse to go with the man, until she would be given to another person.

3 Q. [14:11:35] Now was there a different process if a woman had a husband and
4 then that husband died in battle? What would happen to that woman?

5 A. [14:11:55] She would be -- the head, the head would be shaven. She would be
6 taken to the Yard and she would be kept there. So if you are a man who wants that
7 woman, you go there, you negotiate, you get into a courtship. And then once you've
8 agreed, then the commanders would be informed that these people have now agreed
9 and then they would like to stay together. Then it is Kony to now give the final
10 information or agreement that they can now be man and wife.

11 Q. [14:12:32] Do you remember somebody in the LRA by the name of Ali?

12 A. [14:12:51] Ali, yes, I know. Of course there were many people with the same
13 name Ali, so I don't know which one exactly.

14 Q. [14:13:04] An Ali in Trinkle.

15 A. [14:13:09] Yes, I know Ali.

16 Q. [14:13:16] Who is Ali from Trinkle?

17 A. [14:13:25] If -- if -- the one that I know was either a lieutenant or second
18 lieutenant.

19 Q. [14:13:37] Do you remember which battalion in Trinkle that he was in?

20 A. [14:13:48] Ali was in the second battalion.

21 Q. [14:13:58] Was somebody named Lobul?

22 A. [14:14:10] Lobul was in headquarter.

23 Q. [14:14:14] Where is Lobul now?

24 A. [14:14:21] Lobul is dead. Even Ali is no longer alive.

25 Q. [14:14:34] Is there any characteristic about Lobul which would look different

1 from someone else?

2 A. [14:14:52] Lobul was one of those people who would speak like Kony and
3 people would fear him. He was one person who was shot in the head and he died
4 and he was left behind. But later on when people reached in a position, people
5 realised that he again came and he appeared suddenly. So he came and listed names
6 of officers who -- whom he said had rejected him. So those officers whom he named,
7 the next day they were shot and killed.

8 So Lobul was a bit strange and his character was different. Because he even
9 mentioned the time he would die, where he would die; that he would die in Uganda.
10 So actually, indeed it happened as just like he mentioned earlier. So that is why he
11 was taken to stay in the headquarter.

12 Q. [14:15:46] Mr Witness, before coming in the court today, when was the last time
13 you remember seeing Mr Ongwen?

14 A. [14:16:03] Like I told you earlier, I last saw him in, in the year 2004, in the
15 beginning when he still had injury in his leg. But I never saw him after that.

16 Q. [14:16:22] Moving back a few months in 2003, did you go to the RV outside of
17 Pajule before the attack on Uhuru Day -- after Uhuru Day?

18 A. [14:16:45] I did not go amongst the people in the RV, but I was close to them, to
19 those people and that was also around the time that I met Dominic Ongwen.

20 Q. [14:17:03] Now, when you met Mr Ongwen, did he seem okay?

21 A. [14:17:19] As I said earlier, Ongwen was injured. He was limping and he was
22 supporting himself with a -- with a walking stick. The injury was in his thigh. I
23 saw him, but we didn't take long with him because the people were really moving up
24 and down and we didn't take -- I didn't take a long time with him. The people I
25 found who were going there were -- Raska and Otti are the ones that I saw going to

1 the RV in Pajule.

2 Q. [14:17:54] If you had to estimate, how long was Mr Ongwen's walking stick?

3 A. [14:18:07] It was a long walking stick. It was much taller than him. I, I even
4 asked the other younger children that was -- that were walking with him, and they
5 told me that sometimes he would limp, sometimes they just have to carry him; that's
6 what they told me.

7 Q. [14:18:32] And for the record, Mr Ongwen is approximately 178 centimetres.

8 Now, do you remember if there was an Acholi chief anywhere near there?

9 MR GUMPERT: [14:18:46] This is immensely leading and equally absent from the
10 summary. I object.

11 MR OBHOF: [14:18:53] We do have an area of Pajule, just because we didn't put
12 some person's name in it doesn't make it less of a summary.

13 PRESIDING JUDGE SCHMITT: [14:19:00] I would allow to entertain the issue, but
14 you would have to word it in a way that you do not already tell him what to say.
15 This is the, I think, the core of a leading question.

16 Why not try -- the witness already said that in the beginning he was there at the
17 Pajule attack. Perhaps I even try it.

18 So when did -- when did you -- what happened, Mr Arop? Or where did you stay
19 during the Pajule attack?

20 THE WITNESS: [14:19:43](Interpretation) As I said earlier, people are picked in
21 groups, so I came -- I -- we came following the group of Raska and Otti
22 Vincent when -- as they were going to the RV. I just came and met them at the
23 position where they were resting, so I was going to the position to take food. So
24 when I met, when I came and -- across their group, I found them, but I did not go
25 with them in the RV. I also didn't know that they were actually going for any attack.

1 PRESIDING JUDGE SCHMITT: [14:20:18] And did you come to know what
2 happened there afterwards?

3 THE WITNESS: [14:20:27](Interpretation) When I reached at the position where
4 some of the colleagues I was with were, I found that some people from the Trinkle
5 brigade were also picked and went with them. Then, later on, it didn't take a long
6 time, I learnt that Pajule was attacked and one of the soldier who was from my group
7 was picked and taken, never returned. So when I asked some of the people who
8 went and return, they told me it was Raska who, who went there.

9 PRESIDING JUDGE SCHMITT: [14:21:01] Did you make -- in the aftermath of, so to
10 speak, of the Pajule attack, did you see people coming back from Pajule? Of course,
11 the fighters and perhaps abducted people.

12 THE WITNESS: [14:21:26](Interpretation) After I already took the food items, I came
13 back to pick more items, I again met those people in the same RV. I found Raska
14 was there, Otti was there, plus so many other people who were abducted were all
15 there. They were actually civilian population. They were being addressed, they
16 were being talked to. Even the same chief that was mentioned earlier, I even saw
17 him there, I was told that was a chief. But I did not talk to them because my rank
18 wouldn't allow me to enter there because I didn't have any rank. We just continue
19 with our mission to go and collect more beans.

20 PRESIDING JUDGE SCHMITT: [14:22:03] What did you observe with regard to this
21 chief, if you observed anything?

22 THE WITNESS: [14:22:21](Interpretation) After I was told that that was the chief, I
23 asked some of the children who went there, I asked them, "How did he come there?"
24 Those children told me how he came there, they also don't know. But there was
25 a time previously that he came to these people and was talking with them. So that is

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1 what these young people were telling me. But also I didn't ask them so many
2 questions, because if I continue ask them and that information leaks to the senior
3 commanders, it would also be disastrous to me. So I didn't take -- ask them further.

4 PRESIDING JUDGE SCHMITT: [14:23:00] Did you come to know the name of this
5 chief?

6 THE WITNESS: [14:23:03](Interpretation) I was told that he was called Oywak.

7 PRESIDING JUDGE SCHMITT: [14:23:09] And when I asked you did you observe, I
8 meant did you see him interact with anyone?

9 THE WITNESS: [14:23:26](Interpretation) When I was passing by and when I, when
10 I saw him, I saw he was seated on a chair, together with Raska, Otti was also there,
11 and they were talking to the people who had been abducted. But of course
12 we -- I didn't go close to where they were because there were senior commanders
13 there, so I didn't get to understand what exactly they were talking about.

14 PRESIDING JUDGE SCHMITT: [14:23:47] This would have, this would have been
15 my next question, if you have had -- if you heard him say something? Or did you
16 hear him address, for example, the crowd there, the people that had been abducted?

17 THE WITNESS: [14:24:10](Interpretation) I didn't know what they were talking
18 about. But later on I learned from the children, the young people, that they were
19 talking. And after that address to the people who were abducted, all of them were
20 released and he went back with them. That is what I learned later on.

21 PRESIDING JUDGE SCHMITT: [14:24:28] Thank you.

22 Mr Obhof, so, simply I think it is what you wanted to address, but I think most of it
23 has been now answered by the witness. And we have also a lot of information in
24 that respect from other witnesses already.

25 MR OBHOF: [14:24:51] I agree. I think you hit that pretty much on the head.

1 Q. [14:24:57] Now, before the Pajule attack, did you come to know whether the
2 LRA had information about supplies in the IDP camp?

3 A. [14:25:18] I do not know. I didn't know about it, because where we were at that
4 time, there was no way we could get any information of what was happening in the
5 camp. Because we were very close to the big -- to the big boss, so our work was just
6 to go collect food and that's it. So I didn't get to know anything related to the camp.

7 Q. [14:25:46] Now you said a *ladit* would help you come and collect food. Which
8 *ladit* do you refer to?

9 A. [14:26:05] Could you say the question again?

10 Q. [14:26:16] It says here that you were very close to the big boss, so our work was
11 to collect food. The big boss, is this the same big boss we've been talking about the
12 entire time?

13 A. [14:26:37] It was Kony. For us, we would come and collect food that were
14 buried on the ground so we -- and they would just tell us that this is where the food is.
15 So we would come and -- we would come to the collection where the foods were
16 buried in the ground and we just collect and go back with it.

17 Some of the foodstuff we would take to where the, the mothers were, and then as
18 other portions, we would go with them to our positions.

19 Q. [14:27:14] Mr Witness, can you briefly, briefly explain to the Court how you
20 came to escape the LRA?

21 A. [14:27:31] Yes, I can explain. This is how I escaped: It was a time when
22 Joseph Kony himself would make orders over the radio that I should be taken.
23 Because he had already gone back to Sudan and, for me, with my injury, I had
24 remained in Palabek. So when I began to hear about the plan to go back to Sudan, I
25 just told myself that, no, I am not going back to Sudan. I will just find my own way.

1 So it was from that point in time that I started planning. They told me that I should
2 prepare so that we can start moving. I told them, I cannot move because with my leg
3 I am not yet able to walk.
4 So when I told them I am going to remain, they accepted. So that let some few
5 people first go and I remained behind with a few people so that it would be easy to
6 escape with me. So I accepted.
7 So I picked only the people if I knew, if I tell them that I want to escape, they he
8 would kill me, those were the people that I sent them first to go. So immediately
9 they went. Immediately I -- that's when I also gathered all the other children that
10 remained and told them that, "You, I want us to go back, I want you to go back to
11 school, so let us go back home. I see that you are still young, you are able to
12 continue with your education. Some of you are still young, you have not yet -- you
13 have not yet taken long here. Let us go."
14 So this -- some of these young people started accepting. But the other officers who
15 were with me refused. But I told him, I told those two officers that, "No problem, I
16 have already made my decision, I am going. If you want to remain, you remain."
17 That was -- the two commanders were Ocitti and Odwe.
18 So when we left, they remained there. But after that shortly we left we heard
19 gunshots behind us and I learnt later on those officers were killed.
20 So the other children, I moved with them, I encouraged them, "Let's go, let's not go
21 back." So I had three girls and I think there were about nine boys. I was the tenth
22 person. So in total we were 13 people who were able to escape. With us we also
23 had seven guns. So all these people I came with them, I arrived with them safety.
24 Right now, as I speak, we have a very good relationship with them because one of
25 them studied and managed to become a doctor and he is doing very well. Most of

1 the people I came back with are from Lango. There was only one girl who was an
2 Acholi by tribe. Because these people, I found it was easier to work with them
3 because they would understand what I was telling them. But the others were very
4 scared and afraid that they would be killed.
5 So the ones that I returned with, they have studied, many of them are doing very well
6 in their profession. They even invite me to go to their homes. So that's what
7 happened.
8 Then one of the child actually told me that there is a child that, that I got from the
9 bush and they want to remove that child and take them back home, but I told them,
10 "It's okay, you can leave, let it be like that."
11 But it is not easy, by the time we reached it was not easy. When we reached
12 Lacekocot, the government soldiers did not recognise us because I didn't tell them
13 that I was an officer because I also didn't introduce myself. But once we entered the
14 barracks, that's when they started questioning us, they started unpacking our items,
15 then they saw that we had a lot of ammunitions with us. All the soldiers took off
16 and went to their different trenches. So we told them, "Look, for us, we are all new
17 people, we have just been abducted." They continued questioning me, they checked
18 to me, and that's when I accepted that, yes, I am Arop, and when I opened up they
19 now ask me, "What do you want?" I told them, "The only thing I want is to reach
20 home and to go to Gulu. Because this is still my first time to come and see people in
21 the open like this. I am only interested in seeing my family members." And
22 immediately they told me that there is a helicopter gunship that is coming to pick me.
23 So immediately the helicopter gunship picked me, but the rest of the other children
24 remained there. It was later on that had I started -- again joined them when they
25 continued with their education.

1 But when I reached home it was not easy, because they wanted me to go back to the
2 army. But I told them, "No, look, I feel I am so weak, I am already injured. I don't
3 want to continue with the soldiering work." So I decided to go back home, but when
4 I reached home I didn't find my parents, I didn't have anywhere to live. I started
5 living and staying around the town areas until a certain woman, after looking the
6 condition I was in, was the one that started taking care of me, tried to take me to
7 hospital in Mulago for an operation to see how I can be operated on. But up to now I
8 still have bullets in me which have not been removed. And then my leg, which was
9 supposed to be amputated, they tried to rehabilitate it, but I am still weak. Even
10 when I am in the cold place like this, I still find it very difficult. It was a very
11 difficult life. Because we thought, when we come back, the government will help
12 you, everything, they would take care of you, but nothing happened.
13 So when I came I just went home, empty-handed until when World Vision came and
14 gave me a small mattress which I now use for my bedding. Up to now I am
15 struggling on my own, I don't even have land. I have to go and hire out land from
16 people. As I said in the morning, you have to look for someone who has a big farm,
17 you go and work in the farm, and then the person will give you tractor, a tractor to
18 come and plough your field so you can also grow something. This is how I am
19 really surviving.

20 Q. [14:34:09] When you were at Lacekocot, did you get to see the IDP camp?

21 A. [14:34:23] That was the first time I saw a camp properly, that's how I knew what
22 a camp looked like. Whenever we passed from the hilly areas and saw it down, we
23 thought it was a barracks. I didn't even go in the middle of the camp. We moved
24 from the sideways from the periphery of the camp and then we went to the barracks
25 of the army. But I had seen that this indeed is what a camp looks like.

1 Q. [14:34:55] How did seeing that camp change you?

2 A. [14:35:05] It gave me sadness. I had told myself not to go and live in a camp,
3 because I knew that, whenever there is any fighting in a camp, the civilians will be the
4 first victims because the soldiers put the civilians in harm's way. I did not stay in
5 any camp when I came back.

6 Q. [14:35:38] After you came back did you have any interactions with a person by
7 the name of Penytoo?

8 A. [14:35:55] About Penytoo, we did not just link up with him. When I came back
9 I found they were in the barracks, they were waiting for me to confirm that Penytoo
10 was going to the bush. When I was taken there, I found I knew him. I saw him. I
11 told them the truth. Because I like to tell the truth and I am grateful that I had to
12 swear in the Court to tell the truth also.

13 When I reached they told me to say that he was going to the bush. So when I went
14 there, some of them were Europeans were asking me and they asked me whether I
15 knew the person. I told them I knew the person and the first time I saw him was
16 from home before I was abducted. They asked me what he was doing at the
17 moment. I told him, no, I did not. Since I had just come back. They asked me
18 how many times had he come to the bush. I told them, no, I never saw him in the
19 bush. If he had gone to the bush he would not come back. I didn't see him in the
20 bush. And honestly, if he had gone to the bush he would not come back. Because,
21 for Kony, if you go to the bush you don't come back.

22 MR OBHOF: [14:37:21] I believe counsel has a few questions, your Honour.

23 PRESIDING JUDGE SCHMITT: [14:37:24] Then I give Mr Ayena the floor.

24 And Mr Kifudde has again the task to watch the microphone.

25 MR AYENA ODONGO: [14:37:51] (Microphone not activated) exercise diligence.

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1 QUESTIONED BY MR AYENA ODONGO:

2 Q. [14:37:56] Mr Witness, I have a few questions I want to share with you so that
3 you maybe put more light for clarity to Court.

4 Now, the first one is you talked about wife attrition, a young abducted girl is allotted
5 to a man. And you described in detail what happens. Now I want to find out from
6 you whether the situation of a boy, or a man, in this confusion of wife, husband was
7 different. If a man was given a woman, or a girl for that matter, to be his wife, did
8 he have a choice to either refuse or to take her on?

9 A. [14:39:21] You have no powers to select. You can refuse for a reason. For
10 example, I was given a woman called Aciro. They did not know that I knew the
11 woman. The woman didn't know me, but I knew her. She was close to me. I told
12 them this one is my relative. They asked me how did I know she was my relative. I
13 even mentioned the father's name and they actually found that was true. And you
14 can refuse if you have a reason. For me, if I was to accept at that time, it would not
15 be good. She is not indeed my relative. If I escape with her and I would have
16 a child with her, it will not be good since we were close from home. I was big
17 already, I was not like other children who did not know their clans or their
18 relationship with other people.

19 Q. [14:40:23] Once you were allotted a person as your wife, you described in detail
20 what, in your situation, that it took about two months before you knew her.
21 Supposing some other person was not like you and -- or in -- let's give you as an
22 example. Supposing it was this time the girl who was more interested in having
23 sexual relations with you, would you have refused?

24 PRESIDING JUDGE SCHMITT: [14:41:15] That's very speculative. But, okay, if ...
25 Please, please another question. No, this is too speculative, really.

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1 MR AYENA ODONGO: [14:41:32] I am guided.

2 PRESIDING JUDGE SCHMITT: [14:41:34] You know, the witness would have to put
3 himself into a position 15 or 20 years, nearly 20 years ago, and then try to imagine a
4 certain situation that did not come to pass in his life. So this, I think this we call
5 speculation then. Please, another question please.

6 MR AYENA ODONGO: [14:41:53] Well, let me put another question.

7 Q. [14:41:57] You stayed for a long time, and did you have affection between you,
8 mutual affection between you and a lady?

9 A. [14:42:12] Courtship and affection is not like when you are free. There are
10 gunshots at all times and sometimes there are no gunshots, so you don't concentrate
11 on such things. When we were there, when I stayed with the lady with whom was,
12 I was given as a wife, we hardly stayed together because most times I was away for
13 standby when she is not with me.

14 Q. (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [14:42:43] A little bit slower, please, Mr Ayena, so
16 that the interpreters can follow.

17 MR AYENA ODONGO: [14:42:48] They have complained again.

18 PRESIDING JUDGE SCHMITT: [14:42:50] I think they haven't complained, but I
19 thought there was a sort of an overlap now.

20 THE INTERPRETER: [14:42:58] Indeed, your Honour, there was an overlap.

21 PRESIDING JUDGE SCHMITT: [14:43:01] Confirmed by the interpreters now.
22 Please proceed.

23 MR AYENA ODONGO: [14:43:07] I apologise.

24 Q. [14:43:09] What I was asking you, Mr Arop, for the few times you stayed with
25 her -- I mean, you had sexual relations with her, did you force her, or sometimes she

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1 took the initiative?

2 A. [14:43:36] When we had our understanding we had no problem. When I come
3 back from standby, she would receive me. She knew I was the only person going to
4 protect her and keep her well. When people are coming back from standby and she
5 has not seen me, she would not be happy because she would think probably I am
6 dead. Whenever she sees me coming back from standby she would welcome me
7 and take bathing water for me.

8 Q. [14:44:12] Since you stated that you were very close to Joseph Kony, did you
9 come to learn that he had contacts within the civilian population who were filing
10 information, intelligence information to him?

11 A. [14:44:38] That happened to people who were in standby in Uganda. Yes, it
12 would happen. Sometimes they would link up with those people. They would buy
13 gumboots. Some of the gumboots that we carry, some of the food that we carry
14 comes in that way and they would take to those people. Such people were there.
15 But you would not know them. For us, who were suspected to have plans of
16 escaping, we wouldn't know. These are for people who were known. They would
17 select people from Aruu, from Gong, from Alalere. Those are places I never stayed
18 in. If they take you to Jebellen 2, you do not know some of the inner secrets. You
19 can stay with a commander but you do not know people -- the secrets the people
20 know about, like the things that are hidden in different locations. Sometimes I do
21 not know where they are hidden. They would not let you know.

22 MR AYENA ODONGO: (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [14:45:45] Yes. I assume that was your last
24 question? Yes.

25 MR AYENA ODONGO: [14:45:48] And I announced it.

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- 1 PRESIDING JUDGE SCHMITT: [14:45:50] Yes, but there was again an overlap,
2 Mr Ayena. Because of that I did not hear it. I only assumed it.
3 MR AYENA ODONGO: [14:45:58] Your assumptions --
4 PRESIDING JUDGE SCHMITT: [14:46:00] My assumption was correct because you
5 were sitting down. But I simply wanted to confirm it.
6 So this means that this concludes the hearing for today. We adjourn until Thursday,
7 9.30, and then we continue with the examination by Mr Choudhry for
8 the Prosecution.
9 THE COURT USHER: [14:46:18] All rise.
10 (The hearing ends in open session at 2.46 p.m.)
11 RECLASSIFICATION REPORT
12 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
13 2016, the public reclassified and lesser redacted version of this transcript is filed in the
14 case.