

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0068

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 Friday, 14 June 2019
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:26] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:30:48] Good morning, everyone.
14 A special welcome in the courtroom again to Mr Witness. Good morning.
15 WITNESS: UGA-D26-P-0068 (On former oath)
16 (The witness speaks Acholi)
17 THE WITNESS: [9:31:06] (Interpretation) Good morning.
18 PRESIDING JUDGE SCHMITT: [9:31:07] Could the court officer please call the case.
19 THE COURT OFFICER: [9:31:11] Thank you, Mr President.
20 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
21 Ongwen, case reference ICC-02/04-01/15.
22 And for the record, we are in open session.
23 PRESIDING JUDGE SCHMITT: [9:31:26] Thank you.
24 And like always, I call for the appearances of the parties.
25 Mr Sachithanandan first.

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1 MR SACHITHANANDAN: [9:31:32] Good morning, your Honour.

2 Pubudu Sachithanandan, appearing with Ben Gumpert, Yulia Nuzban, Beti Hohler,

3 Colin Black, Jasmina Suljanovic, Hai Do Duc, Milena Bruns, Shkelzen Zeneli,

4 Natasha Barigye and Suhong Yang.

5 PRESIDING JUDGE SCHMITT: [9:31:50] Thank you.

6 And for the Representatives of the Victims, Mr Narantsetseg first.

7 MR NARANTSETSEG: [9:31:56] Good morning, Mr President, your Honours. My

8 name is Orchlón Narantsetseg and I'm appearing with Ms Caroline Walter. Thank

9 you.

10 PRESIDING JUDGE SCHMITT: [9:32:03] And then Ms Sehmi.

11 MS SEHMI: [9:32:05] Good morning, Mr President, your Honours. On behalf of

12 the Legal Representatives of the Victims, Anushka Sehmi and James Mawira.

13 PRESIDING JUDGE SCHMITT: [9:32:11] Thank you.

14 And today not finally because we have another participant, so to speak.

15 First, Mr Obhof for the Defence.

16 MR OBHOF: [9:32:17] Thank you very much, your Honour. Good morning, your

17 Honour and your Honours. Today we have counsel Krispus Ayena Odongo; we

18 have our assistant to counsel, Gordon Kifudde; myself, Thomas Obhof. And we

19 have our client Mr Dominic Ongwen in Court.

20 PRESIDING JUDGE SCHMITT: [9:32:32] Thank you.

21 And we have the legal adviser for the witness.

22 MS MONTEFUSCO: [9:32:36] Good morning, Mr President, your Honours.

23 Nicoletta Montefusco for the witness. I'm the legal adviser.

24 PRESIDING JUDGE SCHMITT: [9:32:42] Thank you.

25 And we start now with the questioning by the Prosecution and we have

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1 Mr Sachithanandan.

2 QUESTIONED BY MR SACHITHANANDAN:

3 Q. [9:33:18] Good morning, Mr Witness.

4 A. [9:33:22] Good morning.

5 Q. [9:33:23] You remember we met briefly two days ago when you were with the
6 Victims and Witnesses Section?

7 A. [9:33:38] Yes, I remember.

8 Q. [9:33:40] Right. So I'm going to, just like Mr Obhof yesterday, I'm going to ask
9 you some questions and I'm going to try and divide it into two sections. First,
10 we'll -- or, rather, I will ask you to talk in general about a few topics about your time
11 in the LRA, and then we'll go back to your witness statement and we'll walk through
12 some points that may have been missed yesterday.

13 So let me begin with the first section. You described yesterday how you spent some
14 time in the battalion of Mr Dominic Ongwen and you mentioned that you reported to
15 someone called Obong. That's right, isn't it?

16 A. [9:34:41] Correct.

17 Q. [9:34:42] Did Obong have any other names or nicknames?

18 A. [9:34:52] No.

19 Q. [9:34:55] Right. And this is going to sound like a bit of an odd question, but
20 did he have two eyes or did he have one eye?

21 A. [9:35:16] He had both eyes.

22 Q. [9:35:19] Now, you described yesterday your duties as an escort in detail.
23 Could you please describe to us what Mr Ongwen's duties were as the battalion
24 commander of your battalion.

25 A. [9:35:53] Thank you. His roles were to take care of the welfare of the soldiers in

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1 that battalion and part of the roles of ensuring the welfare depended on ensuring that
2 there is food for the soldiers. It also includes organising a standby to go and collect
3 food because while in the bush, we didn't have food. So for us to survive, we
4 needed to leave our bases in the bush and come to civilian homesteads to collect food
5 items and go back with them in the bush so that we are able to continue surviving.
6 So the main role of Dominic in the battalion majorly focused on that area.

7 Q. [9:37:10] And could you describe to this Court how Dominic would organise a
8 standby in the way you just mentioned.

9 A. [9:37:29] How he would organise the standby, he also had his commanders who
10 were in charge of the different coys. There were A coys, B coy and C coy. So he
11 would call these commanders of the coys and the coy commanders would go down to
12 their coys and select soldiers based on the directive given by Dominic to select those
13 soldiers from the coy.
14 So he would instruct each of those commanders to select say, five soldiers from each
15 coy and that would make a total of 15 soldiers from all the coys. So out of the
16 15 soldiers, Dominic, as the battalion commander, would therefore select one
17 commander out of those 15 to lead them to go to the villages to collect food. So that
18 is how it was done.

19 Q. [9:39:01] And let's say now they go for this mission and they come back. What
20 happens when the standby comes back from the mission?

21 A. [9:39:20] Once the standby is back from their operation, what happens is that the
22 food that was brought would not be first collected at one place, but each coy would
23 have gone to collect food for their people because their own soldiers, their own
24 people would have gone for that standby.

25 So when food that was brought by the coy members, when they come back, even

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1 when 20 of you remained at the station from that coy, all of you will eat that food that
2 was brought by say the few five members who went.

3 So there's nothing else that happens after the coy comes back. Only that the coy
4 commander -- the operation commander will come back and give a report that we
5 went, we did our successful operation, although we were constantly or we were
6 attacked by the UPDF, but we did not meet any serious challenges. We all came
7 back safely. So that is how the operation would go on and what would happen after
8 the standby returned to their bases.

9 Q. [9:41:00] Thank you. And I appreciate how much detail you're giving me. It's
10 very helpful. Could you tell me, you say the operation commander comes back and
11 reports. Who does he report to?

12 A. [9:41:22] He would report to Dominic.

13 Q. [9:41:27] Now, you mentioned they brought back food or they would bring back
14 food. Now, there's lots of people in the battalion. How is this food divided after it's
15 brought back?

16 A. [9:41:52] Like I explained, each coy will have sent their people to collect food,
17 but in each of those coys, for example, if five people went for operation, it also means
18 that there are five households in that coy who went for an operation. Meaning also
19 that in each household, one person will have been selected to go and collect food.
20 So if two people were selected from each coy, it means two households from each coy
21 were selected. So if five of us were picked from the -- each coy or from a coy, that
22 means we would go and collect food that would be enough for everyone within the
23 household that remained.

24 Q. [9:42:55] And would Mr Ongwen give any instructions or directions about how
25 this food is to be distributed?

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1 A. [9:43:15] No. He does not give any instruction of how that food should be
2 distributed because the coy commanders are already there who will be responsible for
3 the distribution.

4 Q. [9:43:30] Now, you've mentioned these coy commanders a number of times.
5 Could you tell us the names of any coy commanders you recall?

6 A. [9:43:51] Well, I do not now recall the names of the coy commanders because
7 I was not in the coy, I was in the battalion where Dominic was.

8 Q. [9:44:16] Do you remember -- I'm going to just mention some names to you and
9 tell me if you remember them or not. Ojok Ot Ngec.

10 A. [9:44:34] I know him.

11 Q. [9:44:37] At the time that you were in Mr Ongwen's battalion, who was
12 Ojok Ot Ngec?

13 A. [9:44:53] I did not know his exact position.

14 Q. [9:45:01] Was he -- did he have his own household, was he in a coy? Do you
15 remember anything like that?

16 A. [9:45:21] Well, it was difficult to know something which was far away from
17 where I was stationed.

18 Q. [9:45:35] What about Odong Cow or Odong Cowboy, did you know someone
19 like that?

20 A. [9:45:54] Yes, I knew him.

21 Q. [9:45:58] At the time that you were in Mr Ongwen's battalion, where was
22 Odong Cow or Odong Cowboy?

23 A. [9:46:18] He was in Sinia brigade -- Stockree brigade.

24 Q. [9:46:30] Sorry, I got two answers in the translation. So was he in Sinia brigade
25 or was he in Stockree brigade?

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1 A. [9:46:44] Stockree.

2 Q. [9:46:49] Did you know anyone called Kidega Sunday.

3 A. [9:46:57] No.

4 Q. [9:47:06] Did you know anyone called Abongomek or Bomek?

5 A. [9:47:20] I know.

6 Q. [9:47:23] And at the time that you were in Mr Ongwen's battalion, where was
7 Abongomek?

8 A. [9:47:43] He was OC of A coy.

9 Q. [9:47:48] Sorry, just to be clear, do you mean OC of A coy in your battalion or a
10 different battalion?

11 A. [9:48:03] In our battalion.

12 Q. [9:48:09] Could you tell us the duties of Abongomek as an A coy commander?

13 MR OBHOF: [9:48:24] Your Honour, objection, speculation. If he could rephrase it
14 and ask him what he observed. I can understand where the Prosecutor is going, but
15 if he's not the commander he wouldn't know the duties but he could observe what he
16 saw.

17 PRESIDING JUDGE SCHMITT: [9:48:39] I think you don't have a problem to
18 rephrase it a little bit, but I would not have objected to it because the witness would
19 have understand it. But try to mollify it little bit.

20 MR SACHITHANANDAN: I'll try to refine my questioning, your Honour.

21 PRESIDING JUDGE SCHMITT: That's even better.

22 MR SACHITHANANDAN: [9:48:57]

23 Q. [9:48:59] Mr Witness, okay, so now you said Abongomek was in your battalion,
24 he was A coy commander, what did you see Abongomek doing as part of his daily
25 duties as A coy commander?

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1 A. [9:49:27] What I know is that A coy commander like himself had the duties to
2 ensure that the soldiers in A coy are okay and catered for and taken care of. What
3 does that mean? It means there should be adequate food in their coy. If they run
4 out of food, he should report to the OC of the battalion, in this case would be
5 Dominic.

6 Q. [9:50:12] Do you know whether Abongomek used or had any heavy weapons?
7 Sorry, let me rephrase that. Did he have any special duties relating to heavy
8 weapons?

9 A. [9:50:37] Yes, he had.

10 Q. [9:50:40] Could you please describe to this Court what his special duties were
11 with heavy weapons.

12 A. [9:50:54] He would -- he used to operate one of the bomb called mortar.

13 Q. [9:51:13] Have you seen him use any other heavy weapons?

14 A. [9:51:30] No.

15 Q. [9:51:31] Have you heard of a big machine gun called a 12?

16 A. [9:51:46] I did.

17 Q. [9:51:49] Have you ever seen Mr Abongomek use a 12?

18 A. [9:52:00] No.

19 Q. [9:52:04] Have you seen a 12 ever used by your battalion?

20 A. [9:52:18] It was not there.

21 Q. [9:52:24] Did Abongomek have a wife or wives?

22 A. [9:52:39] At the time of my escape he had a wife.

23 Q. [9:52:51] Do you remember the name of the wife?

24 A. [9:53:00] I do not know the name.

25 Q. [9:53:04] Do you know how Mr Abongomek got that wife?

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1 A. [9:53:20] I do not know.

2 Q. [9:53:24] Were there any girls in Mr Abongomek's household who were not his
3 wife?

4 A. [9:53:42] Yes, there were.

5 Q. [9:53:49] Can you tell us their names?

6 A. [9:53:58] I do not recall their names.

7 Q. [9:54:03] And to the extent that you saw anything, did you see what the duties
8 of these girls were?

9 A. [9:54:27] These girls, their duties were to cook and wash clothes.

10 Q. [9:54:42] And roughly how old were these girls?

11 A. [9:54:57] It's hard to estimate their ages.

12 Q. [9:55:07] And how did these girls come to be in Mr Abongomek's household?

13 A. [9:55:26] These girls are distributed by the brigade commanders, so once they
14 have been distributed, either to go to A coy or to the battalion. For instance, from
15 the battalion it means they should also be distributed to the different coys in that
16 battalion, A coy, C coy, B coy, depending on how the distribution was made.

17 Q. [9:56:05] Now, you said that the distribution was by the brigade commander.

18 At the time that you were in Mr Dominic Ongwen's battalion, could you describe to
19 us, this Court, like a story how the brigade commander would distribute these girls
20 and how they would end up in individual households?

21 A. [9:56:44] When a brigade commander is distributing the girls, for example, if
22 there were 10 girls, if he picks five to go to the battalion, then these five would be
23 handed over to the OC of the battalion. Once the OC of the battalion receives these
24 five girls, then the OC of the battalion will look within the coy OCs or the coy
25 commanders who does not have girls in his coy or who has girls but are few in his

1 coy.

2 So the OC battalion will make this assessment and if he determines that in A coy there
3 are no girls, then he will call the OC of the A coy and would sit him down and tell
4 him that these girls will live in your household, you should take care of them. They
5 are not your wives, but you should take good care of them. He would instruct them
6 that he do not want to hear anything wrong happen to them or that they escape, you
7 should go and take care of them.

8 So that is how the OC of the battalion would distribute the girls to the coys.

9 Q. [9:58:39] Now, thank you for that. And again, I really appreciate your attempt
10 to give detail because that's very helpful. Just so that I'm clear, by OC of the
11 battalion you mean the commander of the battalion; is that right?

12 A. [9:58:55] Yes, the battalion commander.

13 Q. [9:59:01] Now, we've talked about wives in the battalion and we've talked about
14 girls who are not wives in the battalion. Could you explain to us how girls who are
15 not wives become wives?

16 A. [9:59:33] These girls are only kept there in the battalion and they cannot become
17 wives in that battalion. Because it is Kony who has the orders to distribute wives to
18 his commanders. So when time comes, when he has ordered that the girls should be
19 taken, all the girls who are not yet married should be taken to him, so it means all the
20 girls would be taken to him and it is upon him to choose the commanders to whom
21 he should give those girls to become their wives. Then he would be the one to
22 distribute.

23 PRESIDING JUDGE SCHMITT: [10:00:27] Mr Witness, what would happen if a
24 certain unit, battalion or whatsoever is far away from the place where Mr Kony was,
25 what would happen then?

1 THE WITNESS: [10:00:47] (Interpretation) In that case when the station is far, if he
2 demands that the girls should be taken to him, there would be no distance, you have
3 to obey and take the girls to him.

4 MR SACHITHANANDAN: [10:01:07]

5 Q. [10:01:08] Right. So let's say that Kony has made this decision that this woman
6 is supposed to go here, can you describe to us how that decision is then implemented
7 and the girls are sent?

8 A. [10:01:33] When he gives orders that the girls should be distributed, each
9 brigade, the commander of each brigade would then be asked by Kony, he would ask
10 that how many commanders in your brigade do not have wives, or how many
11 soldiers do you think are already fit to have wives but don't have wives.
12 The brigade commander would then write down the names of those people and he
13 would give to Kony. During the distribution of these girls that brigade would get
14 the girls and within a brigade there would already be names of commanders who
15 would be given wives, and then they would start giving these girls to the people
16 whose names were already with Kony and the girls would be given to them
17 according to the instruction given.

18 Q. [10:03:07] Right. So let's say the girls now come to the brigade and the brigade
19 commander already has these names of who the person should go to. Sorry, who
20 the wife or the girl should go to. And let's say that -- so the brigade commander
21 decides -- or, rather, the brigade commander sends the wife toward the battalion,
22 right, of the recipient? What happens when the wife comes to the battalion?

23 PRESIDING JUDGE SCHMITT: [10:03:49] Mr Witness, you want to address us?

24 THE WITNESS: [10:03:54] (Interpretation) I need help. I'm hearing a female voice
25 and I'm not understanding clearly. I request that we use the male voice which I can

1 understand clearly.

2 PRESIDING JUDGE SCHMITT: [10:04:10] I think we would have to verify what is
3 going on here. This is obviously a technical problem. No, it's not a technical
4 problem, it's simply translation, and this is simply a woman interpreting, but it has
5 changed now. So you can feel comfortable, Mr Witness. Have you understand the
6 question?

7 Or I think it's better if you repeat it, Mr Sachithanandan. So we can continue now.

8 MR SACHITHANANDAN: [10:04:41]

9 Q. [10:04:42] So, just so you understand, Mr Witness, when I speak, the lady will be
10 interpreting, and that's why you're hearing the female voice.

11 Now, we've -- you've described how Kony makes a decision and then the brigade
12 commander has a number of names of people who should receive wives. Now, let's
13 say that some of these recipients are in a particular battalion, say. How do these
14 girls go from the brigade to the battalion?

15 A. [10:05:17] These girls, to move from the brigade to the battalion, there will have
16 been an RV or a meeting point where the brigade will meet with all the battalions.
17 And when they meet, then the brigade commander would summon the brigade -- the
18 battalion commanders and his brigade and they would meet. The brigade
19 commander would then explain to battalion commanders that there were girls who
20 were due for distribution to those who are now fit to have wives. The battalion
21 commander would then be -- each of the battalion commanders would then be given
22 the list of people who were fit to have wives. The brigade commander would
23 explain that these boys or these men have already been given the wives, take these
24 girls and go and give to them. If the brigade commander gives the women or the
25 girls to the battalion commanders, the battalion commanders would now go to the

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1 battalion command and summon all the coy commanders and explain to them. If
2 that person whose name is on the list of those who would be given a wife is in A coy,
3 they would summon the commander of A coy and then tell him that he is supposed
4 to be given a wife. Then they would call that soldier from the A coy and they would
5 give him the woman.

6 Q. [10:07:44] Now, you mention that there would be lists or a list of names of who
7 should receive a wife. Could you tell us who prepared these lists?

8 A. [10:08:05] The list is not only prepared by one person. The task to prepare the
9 list, that's from Kony and would come to brigade commander, and then later it would
10 come down to the battalion commander and to the OC of coy, of a coy. If it starts
11 from Kony and comes to the brigade, the brigade should send down the information
12 to the battalion commander to see and assess who within the coys can be given a wife.
13 The OC of the coy would also assess and see that such and such a person is already
14 able to be given a wife, and the name would be submitted to the battalion commander
15 who would in turn send it up to the brigade commander and the brigade commander
16 would send the name to Kony. That is how it works and starts from Kony and ends
17 up with Kony.

18 Q. [10:09:41] Thank you. And again, the level of detail is very helpful.
19 Now, you mention that at various levels in this hierarchy people assess whether or
20 not someone should get a wife. If you know, and based on what you saw, how does
21 someone in the LRA qualify to receive a wife?

22 A. [10:10:16] That person will have been a soldier who has stayed for long and
23 someone who has a rank at least from the level of sergeant upwards.

24 Q. [10:10:51] And could you tell us, if you know, was it more likely that a
25 hard-working soldier would get a wife than, let's say, a lazy soldier?

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1 A. [10:11:21] Hard work in the LRA does not give -- does not guarantee you a wife.

2 Q. [10:11:35] Right. Maybe I wasn't being very clear. I'm just wondering, was
3 there any distinction between a hard-working soldier and a lazy soldier in terms of
4 the likelihood of being given a wife?

5 A. [10:12:03] The difference between a hard-working person and a lazy person in
6 the army, I cannot understand how it fits with your question, because there is no
7 place for laziness in the army. You are under command, you are always
8 commanded and you have to follow the command of your superior. Lazy or not,
9 you have to follow the rules, you have to follow the command. But what happens is
10 that cowards during the battle will probably qualify to be regarded as laziness, but
11 laziness is not something which is in the army. There's no place for laziness because
12 you have to respect the command.

13 PRESIDING JUDGE SCHMITT: [10:13:11] I think you can move on.

14 MR SACHITHANANDAN: [10:13:13]

15 Q. [10:13:18] Now, we've discussed in a lot of detail how women and girls were
16 distributed in the LRA and in your brigade. Can you tell us, how did these girls and
17 these women enter the LRA?

18 A. [10:13:51] The girls were all abducted, as the men were abducted to become
19 soldiers.

20 Q. [10:14:06] Now, just like you've done in the recent past, could you describe to
21 this Court like a story how these girls were abducted.

22 MS MONTEFUSCO: Counsel would (overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [10:14:31] Of course don't mention any, any
24 personal acts by yourself, just in the abstract.

25 THE WITNESS: [10:14:48] (Interpretation) When girls are being abducted, the

1 soldiers that have been sent out to the different homesteads, sometimes they would
2 have gone on mission to collect food, sometimes they would have gone on operations
3 to attack barracks or camps. And when these soldiers find a young girl, a young,
4 beautiful or good-looking girl, then they would abduct this girl, they would abduct
5 the girl and take care of the girl. And it's the same manner in which young boys are
6 abducted. They abduct boys who are young enough who were able to be recruited
7 into the army, they are kept, they are trained and then they later become soldiers.
8 They are both -- boys and girls are abducted in the same manner.

9 MR SACHITHANANDAN:

10 Q. [10:15:51] Right. Now let's say, just like you said, people go to homesteads,
11 they see a young girl, they abduct the girl. What happens when they come back to
12 the battalion with the girl?

13 A. [10:16:11] When a girl or girls have been abducted and they are brought back to
14 the battalion, the battalion commander will make the decision as to where the girls
15 should be sent to the different coys.

16 If he decides that out of the three girls that have been abducted, let's say three girls
17 have been abducted, if he decides that two girls should be sent to A coy, one girl
18 should be sent to C coy and that's how it's done. That's based on his observation and
19 his decision. And if they send them to the different coys in that manner, then the OC
20 of the two coys has to take very good care of the girls and that's what happens when
21 girls are abducted.

22 Q. [10:17:13] Now tell us, if you know, if these girls were abducted by fighters of a
23 headquarters, of a brigade headquarters, what would happen then?

24 A. [10:17:34] If the girls have been abducted by soldiers from the brigade
25 headquarters, then they do have the same authority to divide the girl, to distribute the

1 girls and send them to the battalions.

2 Q. [10:17:51] And who is it in brigade headquarters that has the authority to
3 distribute these girls that way?

4 A. [10:18:05] It is the brigade commander who has the authority.

5 Q. [10:18:12] Right, Mr Witness. Now we are going to -- now, you
6 mentioned -- let me just check what you said. That young boys are also recruited.
7 Let's do the same thing you did with young women, let's say fighters in your
8 battalion go to a homestead and get young boys. What happens when they come
9 back to the battalion?

10 A. [10:18:52] When they come back to the battalion, if they have abducted young
11 boys, as I explained earlier, they will select an equal number of people from each coy.
12 When they come back to the battalion, sometimes they don't decide that this soldier
13 has been abducted by somebody who is from A coy, in which case that person should
14 remain in A coy. It is the battalion commander who makes a decision to send the
15 boy from the person who abducted that boy and distribute that boy to a different coy.

16 Q. [10:19:54] So let's -- let me ask you a question similar to what I asked you earlier.
17 Let's say that the abduction is by fighters from brigade headquarters and they bring
18 the boys back to brigade headquarters, what happens then?

19 A. [10:20:19] If they abduct the boys, then the boys will remain in the brigade
20 headquarters because the brigade headquarters also want to multiply the number of
21 their soldiers. So if they abduct boys from the brigade headquarters, then they keep
22 them there.

23 But if the person is mature and the person increases in rank, then at some point they
24 are able to move him to another unit. But on abduction, the person stays behind and
25 remains in the brigade headquarters until such time as another decision is made.

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1 Q. [10:21:05] So in the brigade headquarters who decides where these young boys
2 should be assigned within the headquarters?

3 A. [10:21:29] Could you please repeat your question.

4 Q. [10:21:33] Sorry, that was long and unfortunate.

5 Now, you've described -- or, let's say, the boys come to the brigade headquarters, and
6 you said that they are distributed within brigade headquarters, who is the person in
7 brigade headquarters who decides where these boys go?

8 A. [10:22:01] Well, the boys would be kept at the brigade headquarters and the
9 brigade headquarters is not always -- is not only a brigade headquarter, it has coys
10 and all these different coys also have leaders, they have commanders. They are in
11 the headquarters, yes, but they have different coys and their different sections of the
12 army.

13 So if the boy is divided -- if the boy is abducted, then the brigade commander decides
14 and divides the boys to the different coys within that brigade. He would say, okay,
15 this one should go to A coy, this one should go to B coy, this one should go to C coy.

16 Q. [10:23:09] Now, you've made a number of references to young boys, but it's
17 helpful for us to have an age range. What is the youngest age at which boys are
18 abducted for this purpose?

19 A. [10:23:38] It's very difficult for -- for one to determine or it's very difficult for
20 them to make a determination that they will only abduct up to certain age. Take me,
21 for example, I was abducted at the age of 10.

22 Q. [10:23:59] And have you seen other people abducted at the ages of
23 say 10, 11, 12?

24 A. [10:24:15] Yes, I have.

25 Q. [10:24:17] And have you seen people 11 -- sorry, 10, 11, 12 in the Sinia brigade?

1 A. [10:24:31] Yes, I have.

2 Q. [10:24:36] Now, you mentioned training of these young boys. So let's focus on
3 these boys who are 10, 11, 12, that range, can you describe to us how -- can you
4 describe to us like a story how these boys are trained?

5 A. [10:25:05] The boys are usually trained in the same manner that I explained
6 yesterday, the way that I was trained, but I'll repeat it. The first form of training, the
7 military training is to learn how to parade. Once you've learned how to parade, then
8 they start teaching you how to dismantle and put back a gun. Once you are able to
9 dismantle and put back a gun, they teach you how to shoot the gun.

10 But if the training is in Uganda, you do not practice target shooting, but when we
11 were in Sudan, then we would practice target shooting. They would place some
12 kind of target, a round target at a distance, maybe 100 metres away from the shooter,
13 and then you would be required to shoot at that target. But the training was the
14 same. They would not differentiate between the ways they trained younger boys or
15 older boys. It doesn't matter what year the person was abducted or at what age the
16 person was abducted, the training is the same. And that's based on my personal
17 knowledge.

18 Q. [10:26:46] Now, you mentioned training in Uganda. Can you describe to us
19 what training was like for these boys 10, 11, 12 in Uganda?

20 PRESIDING JUDGE SCHMITT: [10:26:58] Sudan or Uganda now? I think you
21 mentioned twice Uganda and I think -- or have I misheard something now?

22 MR SACHITHANANDAN: [10:27:07] Let me do both, your Honour. One after the
23 other.

24 Q. [10:27:12] Let's focus on Uganda for the moment. In Uganda, what was
25 training like for these boys who were 10, 11 --

1 PRESIDING JUDGE SCHMITT: [10:27:20] You mentioned twice Uganda, so I
2 thought it should be clear which one we are talking about now, which region.

3 THE WITNESS: [10:27:36] (Interpretation) In Uganda, the training that took place
4 was not only limited to children 10, 11, 12 years old. If they are training people, they
5 train everybody because sometimes they abduct people who are older than 10, 11, 12
6 and they do not differentiate between the different ages saying this one is older than
7 the other one. No. The only difference is that when we are at -- on parade, then it
8 depends on the height. Then the shorter people are put in front, the middle range in
9 the middle and then the taller people at the back. But in terms of training, they do
10 not differentiate between people who are younger or people who are older. It's all
11 equal.

12 MR SACHITHANANDAN:

13 Q. [10:28:41] Right, so -- sorry, I distracted you with this age business. What I
14 wanted to know is, in Uganda what did the training comprise of?

15 A. [10:29:01] In Uganda, they would teach us how to parade, they would teach us
16 how to dismantle and put back a gun and they would also teach us how to fire a gun.
17 They would teach us all those things. But they would also teach you other skills,
18 skills of taking care of yourselves, skills of protecting yourself from government
19 soldiers. So they would tell us if, for example, you are put as the security detail to
20 make sure that government soldiers do not attack them, you have to ensure that you
21 do not sleep, you have to ensure that you walk around all the areas, the areas
22 surrounding you to ensure that there's no imminent government attack pending. If
23 you see anything suspicious, you need to run back and report and say the
24 government soldiers are coming. And this will give people the opportunity to get
25 up and leave before they are actually attacked, before government soldiers attack the

1 location where you were. And that's what the training comprised.

2 Q. [10:30:27] Now, when you were in the battalion of Mr Ongwen, who was in
3 charge of organising these trainings in the battalion?

4 A. [10:30:52] When I was in that battalion we had someone known as Ayella who
5 was in charge of that.

6 Q. [10:31:07] In whose household or coy was Ayella?

7 A. [10:31:20] Ayella was in B coy.

8 Q. [10:31:27] And who at the time was the commander of B coy?

9 A. [10:31:37] The commander of B coy was Lutugu.

10 Q. [10:31:46] Did Lutugu have any other names?

11 A. [10:31:54] No.

12 Q. [10:31:56] Have you heard of anyone called Ocaya or Icaya Lutugu?

13 A. [10:32:10] No, the only name I knew was Lutugu.

14 Q. [10:32:19] And when you were in Mr Ongwen's battalion, to whom did Lutugu
15 report?

16 A. [10:32:33] Lutugu would report to Ongwen.

17 Q. [10:32:38] Now, tell us, if you know, did Mr Ongwen have any duties or
18 responsibilities with regard to training?

19 A. [10:33:02] His main task pertaining to training was to ensure that the abductees
20 or the people were being trained properly to become soldiers.

21 Q. [10:33:29] And could you -- sorry, because I'm not from a military background,
22 what does that mean, being trained -- ensuring that they are trained properly?

23 A. [10:33:55] When I say ensuring that they are trained properly, it means that he,
24 Mr Ongwen, would wait for a report. Most times he was not involved personally in
25 the training, but when he divides the children to the different coys, then it is the

1 responsibility of the OCs of those coys to ensure that the children or the new
2 abductees are trained to become soldiers. The reasons why these children have been
3 sent to the coys is so that the people in the coys would train the boys to become
4 soldiers. But within the battalion itself there is somebody who is knowledgeable in
5 training, the person knows how to teach them how to parade, the person is
6 knowledgeable in teaching people how to dismantle, put back a gun and fire a
7 firearm, and most times it is this person who does the training.

8 If a child is abducted and brought, that means that there are other children who have
9 already been brought and are being trained. That new -- the child who has been
10 newly abducted will just be brought and added on to the other children who are
11 being trained. So he -- that person will come in and join them and they would -- he
12 will come and they will teach them how to parade and then that person will move to
13 the next level of training. So whenever they bring somebody new, the person comes,
14 joins the ranks, and starts training from the beginning until they are experienced.

15 Q. [10:35:46] Now, you mentioned that Mr Ongwen would wait for a report about
16 training. Could you tell us what you meant by a report about training.

17 A. [10:36:12] The report pertaining to training, for example, every morning the OCs
18 of every coy would get up, go to the battalion headquarters where Ongwen was
19 based and report to him, inform him how the coy spent the night, nothing bad
20 happened during the night, all the soldiers are still -- all the soldiers are still there, the
21 recruits are still there. He has supervised the training of the recruits and he knows
22 what's going on. He informs him that the recruits are now able to parade, the
23 recruits are being taken care of, the recruits are not being mistreated. And those are
24 the kind of issues that they would report to Mr Ongwen.

25 Q. [10:37:10] Now, we have talked a great deal about training for military matters,

1 you know, using a gun, dismantling and putting together a gun. Without talking
2 about anything you did, could you tell us how these skills were put into use by these
3 children?

4 A. [10:37:51] The skills that the children would have attained would be used when
5 they are sent on mission. When I say being sent on army mission or army operations,
6 this means that you've been sent to battle. If you go to battle, then you have to use
7 those skills that you attain during the training. And the way these children use the
8 skills is also based on -- the way they use the skills is based on the training that they
9 received, so they use those skills during battle.

10 Q. [10:38:39] Now, could you describe to us like a story what these children would
11 do during these army operations you describe.

12 A. [10:38:59] The children would -- let me say, the army missions or army
13 operations, that exists all the time. If you are a soldier, you're always going on army
14 mission or operation. But there is a difference because there are some times when
15 we are not fighting, there are some times where we are encamped somewhere and
16 there is no fighting. So if, for example, you are not attacked or you do not go and
17 attack -- if your enemy does not seek to attack you or you do not go out and seek your
18 enemy to attack them, then there is no battle. But if your enemy seeks you out and
19 attacks you, then there is going to be battle. So what you do is, whoever has a gun
20 and the person points their weapon at you, that means that that person is attacking
21 you. And you also have your gun, so you have to point your gun at that person and
22 attack that person as well. If the person shoots you first, they defeat you. If you
23 shoot that person first, then you have defeated that person.

24 And those are some of the things that these children do.

25 Q. [10:40:33] Now, earlier when you mentioned people going on mission and there

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1 being a particular commander for a particular mission, now, I can imagine that
2 commander has his duties for that mission, did the young children have any special
3 duties or particular duties during these missions?

4 A. [10:41:01] If they make a decision that they are going to set up an ambush, an
5 ambush to wait for soldiers, soldiers who are on patrol, then depending on what the
6 instructions, instructions that have been given with respect to that ambush, if they say,
7 for example, that they have to form a formation of about 5 metres to set up that
8 ambush, then you the children have to set up a formation in that way. But out of
9 those children there will be -- or, out of those people there would be a commander
10 and that commander will be the one who will give instructions to start firing once the
11 soldiers have entered into that ambush. So when the soldiers enter into that ambush,
12 then the commander would issue the instructions for you to begin fire. Once
13 instructions are issued for you to begin fire, then you have to immediately start firing
14 as well. And those are the kind of duties that you have been sent on. There is no
15 difference between the jobs that you have been sent to. They don't tell you that
16 you -- this one is going to do this or that person is going to do that. No. You all
17 perform the tasks equally.

18 Q. [10:42:51] Now, yesterday you mentioned a number of times people getting
19 injured in the LRA. Have you ever seen during your time in Mr Ongwen's battalion
20 children being injured in combat?

21 A. [10:43:17] Yes, I did.

22 Q. [10:43:20] Now, without talking about anything you did, could you describe to
23 this Court like a story how these children were injured in combat.

24 A. [10:43:36] Injuries in combat are usually sustained in any way. If you are at the
25 battlefield, if you're lucky or if God is on your side, you won't be injured. Or if you

1 sustain an injury, most times the children who sustained injuries, including myself,
2 I was one of those children who sustained injuries. If I use my example, me as an
3 example, when my leg was shot, the people that I was with, my comrades, are the
4 ones who carried me, they carried me and ran with me away from the battlefield and
5 they actually helped me survive. They saved my life. They carried me. They put
6 me on a stretcher for about two days. They carried me around on a stretcher for
7 about two days, while searching for the sickbay, so that they would send me and put
8 me in the sickbay and be treated.

9 The same thing that happened to me, or the same way I sustained injuries and I was
10 treated, that's the same way that all the other soldiers within the LRA would go
11 through. If you sustain an injury during heavy gunfire and you are under extreme
12 duress and you do not have -- you are not able to run, but based on the heavy gunfire,
13 your friends would not be able to come back and get you. So in those circumstances
14 they would run, they would leave you and not be able to come back and get you, and
15 that is your bad luck.

16 But usually for them, the best thing for them to do would be to help somebody who
17 has been injured and run away with that person, especially if the person is still alive.
18 If they kill you, if they shoot you and kill you, yeah, they leave you behind. But if
19 they shoot you and injure you and they are able to carry and run away with you, they
20 will carry you, run away with you and take you to the sickbay where they will
21 be -- where you will be taken care of, you'll be treated. If there's medication, you
22 will be given medication. If there is no medication they would use hot water to treat
23 your wounds until you heal.

24 So briefly, that's what happens.

25 PRESIDING JUDGE SCHMITT: [10:46:30] No, no, it's okay. You were asked for a

1 story, so we won't stop you. And I think in the first sentence you said injuries in
2 battle are usually sustained in any way and I think we, with this, we can move to
3 another topic perhaps.

4 MR SACHITHANANDAN: [10:46:50]

5 Q. [10:46:51] Mr Witness, without telling us anything you've done, could you tell
6 us, please, whether you've heard of any fighting at a place called Lanyatido.

7 A. [10:47:14] Yes, I did hear about it.

8 Q. [10:47:18] Now, without telling us what you did, could you tell us, please, what
9 happened at Lanyatido.

10 A. [10:47:40] I cannot actually explain in detail what happened at Lanyatido, or
11 I cannot tell you about it because I was not present at that battle. But what I did hear
12 was that Stockree brigade was the one who went and attacked that place. But other
13 than that I cannot give you any more information.

14 Q. [10:48:00] Now, without telling us what you did, could you tell us whether you
15 heard of any fighting at Atanga.

16 A. [10:48:23] Yes, I did.

17 Q. [10:48:24] Could you tell us what happened, please.

18 A. [10:48:31] I heard about the battle, but I do not know exactly what happened
19 there.

20 PRESIDING JUDGE SCHMITT: [10:48:38] I think in these circumstances we move
21 simply forward. Because if the witness has only hearsay -- or as I always say, of
22 course it depends on -- hearsay can be a very, very weak evidence, it can be quite
23 good evidence, but I think in this case I could not regard it as very, very relevant, to
24 put it mildly.

25 MR SACHITHANANDAN: [10:49:09]

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1 Q. [10:49:10] Mr Witness, you mentioned the presence of escorts in Mr Ongwen's
2 battalion. I'm going to tell you a few names, just tell us whether you know them or
3 not. Have you heard of Kilama Cio?

4 A. [10:49:30] No, I haven't heard of him.

5 Q. [10:49:34] Have you heard of someone called Wokorach?

6 MR OBHOF: [10:49:43] Your Honour, I am not saying -- I don't object to the question,
7 it's just that Wokorach is like saying have you heard of Thomas, it's a one word name.

8 PRESIDING JUDGE SCHMITT: [10:49:55] Of course you bear with me that I cannot
9 assess in how far this is correct, so we simply wait on the answer of Mr witness and
10 perhaps he, if it is like Thomas or other very known names, then he will tell us.

11 Mr Witness, Wokorach, have you ever heard of a person like that, with that name?

12 THE WITNESS: [10:50:34] (Interpretation) I do not recall that name.

13 MR SACHITHANANDAN: [10:50:38]

14 Q. [10:50:39] Have you heard of anyone called Okot Dego?

15 A. [10:50:47] Could you please repeat that name.

16 Q. [10:50:50] Okot Dego.

17 A. [10:50:59] No. No, I have not heard that name.

18 Q. [10:51:02] And final name, have you heard of anyone called Adiri or Aditi?

19 A. [10:51:20] Yes, I have.

20 Q. [10:51:21] Please tell us about this individual, who is he and where was he?

21 A. [10:51:34] I know Adiri -- well, unless it's somebody else who has a similar name.

22 But the Aditi that I know was a soldier like me. We worked together at the time that
23 we were in Soroti. We also stayed together. He was in the battalion in A coy, but

24 we stayed together, we used to live together with them. But when you talk about

25 Aditi, there are many Adiris. Some of those are nicknames. It refers to somebody

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1 who is extremely lanky and lean. So if you are a lean, lanky person they nickname
2 you Adiri. So it's also a nickname.

3 Q. [10:52:49] And this Adiri, was he in Sinia brigade or in another brigade?

4 A. [10:52:57] He was in Sinia brigade.

5 Q. [10:53:01] Was he in your battalion or a different battalion?

6 A. [10:53:11] He was in my battalion.

7 Q. [10:53:14] Was he present in your battalion when Mr Ongwen was the
8 commander or was he not?

9 A. [10:53:32] He was present in our battalion at the time Ongwen was commander,
10 but we went with him to Soroti and we left Mr Ongwen at Pader in Acholi. But
11 unfortunately, when we got to Soroti he lost his life.

12 Q. [10:53:50] And when -- I'm sorry to hear that, Mr Witness. When Adiri was in
13 Mr Ongwen's battalion, was he a young boy or was he an older person?

14 A. [10:54:10] He was a young boy.

15 MR SACHITHANANDAN: [10:54:14] Your Honour, I'm at a logical stopping point.

16 PRESIDING JUDGE SCHMITT: [10:54:18] I assume that you will now go from the
17 general part to the more specific questions.

18 Then we will use this opportunity to have now the break until 11.30.

19 THE COURT USHER: [10:54:30] All rise.

20 (Recess taken at 10.54 a.m.)

21 (Upon resuming in open session at 11.33 a.m.)

22 THE COURT USHER: [11:33:37] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [11:33:53] Mr Sachithanandan, you still have the
25 floor.

1 MR SACHITHANANDAN: [11:33:59] Your Honour, just like yesterday, I was
2 wondering whether we could do this section in private because it's about Pajule.

3 PRESIDING JUDGE SCHMITT: [11:34:15] Yes, I think so, to be consequent with
4 what we did today, we go shortly to private session.

5 (Private session at 11.34 a.m.) * (Reclassified entirely in public)

6 THE COURT OFFICER: [11:34:30] We are in private session, Mr President.

7 MR SACHITHANANDAN: [11:34:39]

8 Q. [11:34:40] Mr Witness, so just to reassure you, we are now in private session so
9 the outside world can't hear us.

10 And I want to -- you remember Mr Obhof asked you about Pajule yesterday and I'm
11 going to follow up on that a little bit and ask you a few questions on some details.

12 Now, you mentioned yesterday - and for the record this is page 61 of the real-time
13 transcript - that Vincent Otti was at Pajule. Could you tell us, please, what
14 Vincent Otti was doing in Pajule?

15 A. [11:35:25] Like I said, Vincent Otti was not in Pajule, but he was in the standby
16 that went and attacked Pajule. He was not living in Pajule, but he was in the convoy
17 that went and attacked Pajule.

18 Q. [11:36:01] Sorry, that's my fault, I didn't give you the right question. So can
19 you tell us what Vincent Otti did in the convoy that went to Pajule.

20 A. [11:36:10] He did not do anything because he was not in charge of the command
21 of the people who went to Pajule. So, according to the military hierarchy, if you are
22 not the one commanding the operation, you can be there as a commander, but you are
23 not assigned anything to do and you cannot do anything. You only have your escort
24 who are in charge of your security and that's it. There is nothing else that you can
25 do if you are not the overall in charge of the operation.

- 1 Q. [11:36:59] So just to make sure that I understand, Vincent Otti was in the
2 standby at Pajule but he was not in charge. That's what you're saying; is that right?
- 3 A. [11:37:11] Correct.
- 4 Q. [11:37:17] Now I want to move on to --
- 5 PRESIDING JUDGE SCHMITT: Mr Obhof.
- 6 MR OBHOF: [11:37:21] I'm very sorry. The transcripts aren't running right now.
- 7 PRESIDING JUDGE SCHMITT: [11:37:25] Yes. I also got the information. But
8 this is not a problem since I think we have been here in the courtroom yesterday, and
9 the time to forget what has been said yesterday was too short, I think, for everyone
10 here. So we are -- we all agree that Mr Sachithanandan did not misquote and so I
11 think we simply can go on.
- 12 And once it will be there, the real-time transcript, we will be happy, but I think we
13 simply continue with the examination.
- 14 And by the way, these questions could of course have been asked in open session,
15 but - because they did not pertain to the witness's acts and conduct - but I think we
16 now stay in private session and you simply continue.
- 17 MR SACHITHANANDAN: [11:38:07] Absolutely, your Honour. It's just to give
18 the witness a sense of comfort.
- 19 Q. [11:38:15] Mr Witness, I want to talk about another commander you mentioned
20 yesterday, and that is Commander Yadin. Could you please tell us what Yadin was
21 doing in the standby at Pajule.
- 22 A. [11:38:30] Yadin did not have any role, just like I mentioned of Otti Vincent who
23 also did not have any role, because they were not the ones in charge. The person
24 who was overall in charge of them was there, so he also didn't have any assignment.
- 25 Q. [11:39:09] Okay. So, just so that I understand, Yadin was in the standby at

1 Pajule but he did not have a command role; am I quoting you right?

2 A. [11:39:19] Correct.

3 Q. [11:39:23] And did you see Vincent Otti and Yadin at Pajule?

4 A. [11:39:36] Yes, I saw.

5 Q. [11:39:46] Now I want to leave the -- what you discussed yesterday and move on

6 to the statement that you gave to the Defence. And what I want to do is get out

7 some of the details that are in your statement but that we didn't necessarily cover

8 yesterday.

9 Right, I'm going to read out from your statement, which is the evidence registration

10 number UGA-D26-0025-0457, and I'm going to talk -- I'm going to make a reference to

11 paragraph 28 of your statement.

12 PRESIDING JUDGE SCHMITT: [11:40:43] 0467.

13 MR SACHITHANANDAN: [11:40:45] That's correct, your Honour. Sorry.

14 Q. [11:40:49] Now, Mr Witness, I'm going to quote from your statement:

15 "The leaders of Pajule attack were Bogi and Tabuley, leading one group. Abudema,

16 Raska, Otti Vincent leading another group." Now, is it correct that Tabuley was also

17 in the standby for Pajule?

18 A. [11:41:17] He was there.

19 Q. [11:41:23] Can you tell the Court what Tabuley was doing in Pajule?

20 A. [11:41:29] Tabuley was the one who commanded the people who went to the

21 camp.

22 Q. [11:41:51] All right. Now, another person that was mentioned in the bit that I

23 just read out was Abudema. In your statement you had said that he was one of the

24 other people leading another group; is that correct?

25 A. [11:42:13] Correct.

1 Q. [11:42:17] Now I also want to clarify something about the direction that you
2 entered the camp, and I'm focusing on paragraph 27 of your statement. It's correct,
3 isn't it, that you entered from the west side of Pajule camp?

4 A. [11:42:50] Correct.

5 Q. [11:42:53] And it's correct, isn't it, that you entered at a point close to the
6 Catholic mission? Is that correct?

7 A. [11:43:01] Correct.

8 Q. [11:43:06] And am I right in saying that the barracks was across the road from
9 the Catholic mission?

10 A. [11:43:13] Correct.

11 MR SACHITHANANDAN: [11:43:24] Your Honour, in the context of these few
12 questions that I asked, tabs 2 and 4 are relevant for the locations of Commander
13 Abudema and Commander Tabuley. And let me just --

14 PRESIDING JUDGE SCHMITT: [11:43:40] But of course again we are not
15 talking -- not again, but we had this several times, to put it this way. These are
16 documents, whatsoever, not produced by the witness. So simply draw out the
17 information, use this as a basis for your question, not more, not less. Otherwise it
18 confuses the witnesses, and we should not put it directly to the witness, I would say.

19 MR SACHITHANANDAN: [11:44:03] Absolutely, your Honour. But just for the
20 record I will read out the ERNs because I don't have a -- I want to have a record on
21 the --

22 PRESIDING JUDGE SCHMITT: [11:44:10] Yes, absolutely. We have done this
23 before, but also we have done this with all the other witnesses that we -- that I -- how
24 I always word it, we draw out the basis for the question that we want to put to the
25 witness out of this information.

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1 But please, the ERN numbers, yes.

2 MR SACHITHANANDAN: [11:44:27] So the relevant -- these are ERNs of logbooks

3 of intercepted communications: UGA-OTP-0133-0289, that is one document and the

4 relevant pages are 0383, 0396, 0400 and 0407. Next document is

5 UGA-OTP-0197-1078 at 1131, 1144 and 1156. Next document is UGA-OTP-0242-6018

6 at 6158. I hope that's not an error, your Honour. I will check it and tell you later.

7 Yes, I believe those are the correct ERNs.

8 Q. [11:45:37] Mr Witness, I'm going to suggest something to you and I just want to

9 hear what you think. There was an attack on Pajule in early 2003 and in that attack

10 Commander Tabuley was one of the commanders. It's possible, isn't it, that this is

11 the attack you are describing?

12 A. [11:46:14] Yes, I am talking about that attack.

13 MR SACHITHANANDAN: [11:46:45] Your Honour, I'm just going to read out the

14 ERN of the relevant logbook page for this January 2003 attack.

15 PRESIDING JUDGE SCHMITT: [11:46:53] Yes, please do so.

16 MR SACHITHANANDAN: [11:46:55] That is tab 6 of the Prosecution binder,

17 UGA-OTP-0197-2162 at 2191.

18 PRESIDING JUDGE SCHMITT: [11:47:05] I assume we can go back to open session.

19 MR SACHITHANANDAN: [11:47:09] Correct.

20 PRESIDING JUDGE SCHMITT: [11:47:10] Yes, open session.

21 (Open session at 11.47 a.m.)

22 THE COURT OFFICER: [11:47:27] We are back in open session, Mr President.

23 MR SACHITHANANDAN:

24 Q. [11:47:34] Mr Witness, have you heard of anyone called Daniel Opio?

25 A. [11:47:48] Yes, I did.

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WITNESS: UGA-D26-P-0068

1 Q. [11:47:54] Could you tell us who he was and which unit he was in?

2 A. [11:48:01] He was in Sinia brigade.

3 Q. [11:48:18] And what battalion of Sinia brigade was he in?

4 A. [11:48:28] At the time that I entered Sinia, I found he was in the headquarter, but
5 he was transferred shortly when I arrived and at that time I was not much informed
6 of operations in Sinia brigade.

7 Q. [11:49:15] You remember you mentioned yesterday Mr Ongwen being injured.

8 A. [11:49:33] I remember.

9 Q. [11:49:36] When Mr Ongwen was in the sickbay where was Daniel Opio?

10 A. [11:49:43] As I said, that he was transferred shortly when I arrived. But at that
11 time when Dominic got injured himself, as Daniel Opio, I -- well, I do not know
12 exactly his position at the time, but he was someone who had stayed for a long time in
13 the army, in the LRA and he was a seasoned soldier. He was also injured so he was
14 together with Dominic in the same sickbay. That is what I can recall.

15 Q. [11:50:44] And did he have any other names other than Daniel Opio?

16 A. [11:50:51] That's the only name that I knew and that was the name that was
17 used.

18 Q. [11:51:03] Could you tell us, how do you know that Daniel Opio was with
19 Mr Ongwen in the sickbay?

20 A. [11:51:12] On the day that Dominic went to the sickbay, and when he was left in
21 the sickbay, I was present and Dominic himself was the one who also picked me to
22 continue moving with the convoy. While some of the junior soldiers that we were
23 with in his household, three or four of them remained with him in the sickbay, and
24 for me, I continued with the convoy. So that is how I came to know that he was
25 together with Opio Daniel.

1 Q. [11:52:21] So just so I understand, you leave Mr Ongwen but Daniel Opio stays
2 with Mr Ongwen, is that what you mean?

3 A. [11:52:32] Yes.

4 Q. [11:52:36] And before you separated was Opio Daniel in your battalion, that is
5 Mr Ongwen's battalion?

6 A. [11:52:49] Opio Daniel was in the brigade headquarter, but because of the injury
7 that he had, that is why he remained in the sickbay together.

8 MR SACHITHANANDAN: [11:53:07] Your Honour, my apologies, I have one
9 question in private session.

10 PRESIDING JUDGE SCHMITT: [11:53:19] Private session.

11 (Private session at 11.53 a.m.)

12 THE COURT OFFICER: [11:53:29] We are in private session, Mr President.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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15 (Open session at 12.04 p.m.)

16 MR SACHITHANANDAN: [12:04:51]

17 Q. Mr Witness, I think we are coming to the end of your examination.

18 THE COURT OFFICER: [12:04:55] We are back in open session, Mr President.

19 MR SACHITHANANDAN: [12:04:58] My apologies.

20 Q. [12:05:02] Mr Witness, we discussed a few minutes ago this person called

21 Abongomek. Do you remember Abongomek?

22 A. [12:05:18] Yes, I do recall.

23 Q. [12:05:21] Without telling us anything you may have done or you may have

24 been involved in, could you tell us, do you know of any attacks that Mr Abongomek

25 went on?

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1 A. [12:05:35] I do recall some of the attacks that took place while we were in the
2 bush, when the UPDF soldiers attacked us, but I can't recall all the places that these
3 attacks happened.

4 Q. [12:06:05] Right. But I'm actually asking a very specific kind of question. Not
5 about attacks in general but about any attack that Mr Abongomek was in, do you
6 remember anything like that?

7 A. [12:06:19] Are you talking about an attack that he himself commanded, or are
8 you talking about an attack where he himself was selected as a standby to go and
9 fight? I really don't understand that question.

10 Q. [12:06:43] Yes, so let's take both of those. Do you know of any that he
11 commanded?

12 A. [12:06:50] No, I do not know of any that he himself went there as a commander.

13 Q. [12:07:09] Right. And do you know of any where he was not the commander
14 but he was part of the standby?

15 A. [12:07:21] Yes.

16 Q. [12:07:29] Please tell us about it.

17 A. [12:07:34] The one that I know -- the one that I know is the one at Pajule, he was
18 present at Pajule. I also know some of the battles in Soroti, in Teso, he was also
19 present. I cannot actually name all the places, every single place that we were in, in
20 Teso, but I know that we were with them in Pajule.

21 PRESIDING JUDGE SCHMITT: [12:08:05] I think that will do in that regard.

22 MR SACHITHANANDAN: [12:08:09] Very well, your Honour. I'm just going to
23 check with my team.

24 PRESIDING JUDGE SCHMITT: [12:08:14] Of course.

25 MR SACHITHANANDAN: [12:08:18] That's it, your Honour.

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1 PRESIDING JUDGE SCHMITT: [12:08:19] Thank you.

2 Mr Narantsetseg, Ms Sehmi, any questions?

3 MR NARANTSETSEG: [12:08:24] No further question, your Honour. Thank you.

4 PRESIDING JUDGE SCHMITT: [12:08:27] Ms Sehmi?

5 MS SEHMI: [12:08:28] Your Honour, I had a few questions.

6 PRESIDING JUDGE SCHMITT: [12:08:31] Yes, please.

7 QUESTIONED BY MS SEHMI:

8 Q. [12:08:32] Good afternoon, Mr Witness. I'm going to ask you a few questions
9 on behalf of the victims participating in this case. Mr Witness, to confirm, you were
10 abducted when you were 10 years old and you were in primary school at the time,
11 correct?

12 A. [12:08:52] Yes, that's correct.

13 Q. [12:09:01] So you spent around eight years in the LRA, that is from 1997 to 2005;
14 is that correct?

15 A. [12:09:11] Yes, that's correct.

16 Q. [12:09:19] And during this time would it be fair to say that you did not receive
17 any formal schooling or education during your time in the LRA?

18 A. [12:09:30] Yes, stated correctly.

19 Q. [12:09:44] Now after you left the LRA, were you able to go to school again or
20 receive any training of any sort?

21 A. [12:09:57] I did receive training, some tailoring training.

22 PRESIDING JUDGE SCHMITT: [12:10:11] And I think we have also recognised that
23 Mr Witness has read out the solemn undertaking, has given it by himself.

24 MS SEHMI:

25 Q. [12:10:21] And you currently -- however, you don't currently work as a tailor; is

1 that correct?

2 A. [12:10:33]That's correct.

3 MS SEHMI: [12:10:35] Your Honour, I don't have any further questions.

4 PRESIDING JUDGE SCHMITT: [12:10:39] Thank you very much, Ms Sehmi.

5 Any further questions by the Defence? Mr Ayena.

6 QUESTIONED BY MR AYENA ODONGO:

7 Q. [12:10:53] Yes. Good morning, Mr Witness. I don't know whether it's still

8 morning. It's slightly after.

9 Mr Witness, you said somehow Vincent Otti, Raska Lukwiya, Tabuley, Buk Abudema,
10 those top commanders were in Pajule. Did you know what they were doing or did
11 you come to learn what they were doing in Pajule at that time?

12 A. [12:11:41] I did find out afterwards that as commanders and the soldiers under
13 their command, and as I stated yesterday, that there were many people when the
14 standby was selected for people to go to Pajule, there were also many commanders at
15 the time. The commanders were not necessarily there to command the attack at
16 Pajule, but they were present. They were not present at the battlefield, but they
17 were present, they were there.

18 The soldiers that were with them were also present. The people that went to fight
19 were separate and different from their own commanders. Among these people there
20 were two groups. One group was sent to the camp with a different commander and
21 the soldiers that they were supposed to go with to the camp. There was also another
22 group of soldiers that were supposed to follow them without any tasks assigned to
23 them. That's why they were -- all those commanders that you have named were
24 present at Pajule but not with any roles.

25 PRESIDING JUDGE SCHMITT: [12:13:18] I think that makes it quite clear now.

1 MR AYENA ODONGO: [12:13:21] Yes.

2 Q. [12:13:25] Now, did you come to know whether there was a meeting by those
3 top commanders just before the mission?

4 A. [12:13:46] Most times when they talk about meeting at an RV, once you meet at
5 that RV, that is when the commanders have a meeting amongst themselves and it is
6 during these meetings you as an escort are not privy to that meeting, you are not
7 amongst them, and whatever it is that they discuss amongst them is unbeknown to
8 you. You are present, but you are only there to guard them. But whatever it is they
9 are discussing amongst themselves is unbeknown to you. Yes, there was a meeting.

10 Q. [12:14:37] Now, Mr Witness, did it come to your knowledge or did you come to
11 learn whether during that meeting the attack on Pajule was discussed?

12 A. [12:14:54] Well, I do not know. I was not privy to that meeting, but I saw the
13 next morning a standby being selected. I did not know where the standby that was
14 being selected was going to be sent to. We were there, but it was only -- we could
15 guess where we were going based on the direction. It's only once you are close to
16 a particular place that you are told that we are going to this place and these are the
17 tasks or these are the things that we are going to do in this place.

18 Q. [12:15:41] Now I want you to be very clear to Court because it will help Court to
19 understand this particular issue I'm going to ask you about. When the people met
20 and you as the escorts were away, did you see Dominic Ongwen participate in this
21 meeting?

22 MR GUMPERT: [12:16:08] Your Honour, I've got an objection to this question.

23 PRESIDING JUDGE SCHMITT: [12:16:11] Which one?

24 MR GUMPERT: [12:16:13] The witness has said previously that he doesn't know
25 about a specific meeting. He's agreed with Mr Ayena that in general there are such

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1 meetings before attacks. He hasn't said that he actually witnessed any such meeting
2 at which he could or could not have seen Dominic Ongwen.

3 PRESIDING JUDGE SCHMITT: [12:16:34] But we have of course also in mind what
4 has been said yesterday. And just let me take over and rephrase it a little bit. And I
5 think it might be a repetition.

6 Did you at any time before or during or after Pajule personally see Mr Ongwen?

7 THE WITNESS: [12:17:01](Interpretation) Before Pajule was attacked, Mr Ongwen
8 was no longer in the convoy because he had sustained an injury and at the time he
9 was in the sickbay, as I stated earlier. Because when he stayed back in the sickbay I
10 continued in the convoy and that is why I was selected to go to the standby to Pajule.

11 PRESIDING JUDGE SCHMITT: [12:17:35] Thank you. And I think that is what has
12 already been said by the witness yesterday and we leave it at that.

13 MR AYENA ODONGO: [12:17:43] Yes.

14 Q. [12:17:47] Now, Mr Witness, you said this large group was on a convoy. Did
15 you come to know where this convoy was headed to?

16 A. [12:18:04] No, I did not know where the convoy was headed to because as a foot
17 soldier, you are not told, you are not privy to the plans that have been made by the
18 commanders.

19 Q. [12:18:29] Now after the Pajule attack, where did this convoy go? The Ottis, the
20 Tabuleys, the Buk Abudemas, the Raska Lukwiya, all those, where did they go?

21 A. [12:18:56] I do not know where some of those people went, but Abudema's
22 group, as part of Abudema's group, I can tell you where we went because if we
23 separate now with you, you -- I do not know where you are going, I do not know
24 which direction you are going, neither will you know where I'm going or which
25 direction I'm going, so it's very difficult for me to explain where all these people went,

1 but I can explain what relates to me.

2 PRESIDING JUDGE SCHMITT: [12:19:34] That makes sense I would say, yes.

3 MR AYENA ODONGO: [12:19:37] Yes, a lot of sense.

4 Q. [12:19:41] You and Abudema, where did you go?

5 A. [12:19:54] We moved -- you know, when we say "moving in mobile", that means
6 that you're not stationary at any point. We started moving, we headed towards
7 Patongo, but because of the distance, we did not actually get to Patongo.

8 The next day, we continued walking until we got to Patongo. Then we crossed the
9 road and headed towards Lango. We headed as if we were going towards Lira, but
10 we did not actually get to Lira. We were roaming in the area, in a sub-county known
11 as Otuke, and we stayed roaming within that area. We stayed there, yeah. That
12 was where we stayed after the Pajule attack.

13 Q. [12:20:53] Did any of this group go to -- ultimately go to Soroti?

14 A. [12:21:04] We met when people started moving to go to Soroti. There was
15 a meeting within the area where we were in Otuke. We met there, all the brigades
16 met in that area, but I became aware of it later that plans were being made for us to go
17 to Soroti because after that meeting, we started walking -- heading towards Soroti.

18 Q. [12:21:54] Now let's talk about Soroti. Yesterday you said Dominic Ongwen
19 went for a short time to Soroti. Did he participate in any attacks in Soroti?

20 A. [12:22:14] I do not know if he did because when we were in Soroti, I only met
21 him on one day, and then after that, we split on that same day. But what he told me
22 was that he was not going to be in Soroti for a long time and shortly thereafter, I
23 heard -- I just heard that he was not in Soroti anymore and he had gone back. So I
24 do not know of any battle where I was with him. I did not -- I do not of any battle of
25 such nature.

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1 MR GUMPERT: [12:23:05] Your Honour, sorry, I have further objections. I can put
2 them briefly. I understand re-examination is meant to be clarifying matters --

3 PRESIDING JUDGE SCHMITT: [12:23:13] Absolutely, you can -- I would have now
4 encouraged Mr Ayena to ask questions which resulted out of the examination of
5 Mr Sachithanandan, otherwise I think we can come to an end. I would also have
6 encouraged him.

7 Mr Ayena, so no -- you know re-examination is called re-examination because it's not
8 an examination, I think.

9 MR AYENA ODONGO: [12:23:44] My Lord, sometimes there's a very fine
10 distinction because --

11 PRESIDING JUDGE SCHMITT: [12:23:49] Because of that, I did not interrupt until
12 now --

13 MR AYENA ODONGO: [12:23:53] Yes.

14 PRESIDING JUDGE SCHMITT: [12:23:53] -- but I simply, as I worded it, I would
15 like to encourage you to focus on matters that result out of the examination by
16 Mr Sachithanandan. We don't make a big thing out of it. Let's listen to your next
17 question and then we decide on it.

18 MR AYENA ODONGO: [12:24:11] Because, my Lord, that was following from the
19 convoy, the convoy that assembled in Pajule. That's how I got there.

20 PRESIDING JUDGE SCHMITT: [12:24:22] Absolutely, and the witness has answered
21 everything --

22 MR AYENA ODONGO: [12:24:25] Yes.

23 PRESIDING JUDGE SCHMITT: [12:24:25] -- and I think we have now been -- also
24 heard about Soroti and also this has been covered now.

25 MR AYENA ODONGO: [12:24:32] Much obliged, my Lord.

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1 Q. [12:24:35] Now, Mr Witness, yesterday you stated that the Catholic mission in
2 the barracks were next to each other. But today you said it was across the road from
3 the mission --

4 MR SACHITHANANDAN: [12:24:54] Objection. He mentioned across the road or
5 at the very least --

6 MR AYENA ODONGO: [12:25:00] Yes, he did.

7 PRESIDING JUDGE SCHMITT: [12:25:01] He did.

8 MR SACHITHANANDAN: [12:25:01] So --

9 PRESIDING JUDGE SCHMITT: [12:25:03] No, no. I think he quoted correctly,
10 Mr Ayena. Didn't he? Or am I wrong now?

11 MR AYENA ODONGO: [12:25:11] Very unlikely that you're wrong. One of us
12 could be wrong, if so --

13 PRESIDING JUDGE SCHMITT: [12:25:17] Okay --

14 MR AYENA ODONGO: [12:25:18] -- none of us is wrong --

15 PRESIDING JUDGE SCHMITT: [12:25:19] -- I'm absolutely sure that I heard -- what
16 I heard today, and I also know that we discussed the location of the Catholic mission
17 yesterday. So the first thing is that since Mr Sachithanandan took this up today, that
18 this question results out of his questioning, so this -- there is nothing to complain
19 about that. And whatever has been said, and I get a nod here, meaning that he has
20 obviously said today that it is across the street. Yes. So, and if -- so simply we try
21 to establish here what -- yes, let me take over.

22 Mr Witness, you heard, you also followed. In your -- try to picture the situation, the
23 location of Pajule at the time. Where was the Catholic mission located in relation to
24 the barracks?

25 THE WITNESS: [12:26:16](Interpretation) As I stated, it was on the other side of the

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1 road. When I'm talking about on the other side of the road, there's not that great
2 a distance. It's not even 100 metres long. There's a road. The only thing that
3 separates these two things is a road, but it's not even that far. Because when we
4 attacked the barracks, when the soldiers fled, we ran into the barracks and we
5 immediately crossed the road and went to the mission. And that's why I'm saying
6 that there's no distance between them; that's why I said the mission is close to the
7 barracks.

8 PRESIDING JUDGE SCHMITT: [12:27:08] And I also -- I might recall incorrectly, but
9 now we have it clarified that yesterday the witness said it's not -- it's close, but he did
10 not mention the street, but he had not mentioned or nobody asked about a street, so
11 there is -- there is no -- I don't see a contradiction here.

12 Please.

13 MR AYENA ODONGO: [12:27:27] Thank you.

14 Q. [12:27:30] Now Mr Witness, you were talking about distribution of girls as
15 wives. And you said that at the brigade level, there were girls who were also
16 distributed. How did you come to know how this was done?

17 A. [12:28:00] I knew about this because I was already a soldier, I was a seasoned
18 LRA soldier.

19 Q. [12:28:25] The last question. You say orders for wife distribution was
20 ultimately directly from Joseph Kony. How about in operational matters? Matters
21 to do with a decision to attack maybe a convoy of the UPDF or to attack a barrack or
22 to go for a massive raid for food, was it a decision taken instantaneously by the
23 battalion or brigade commander or there was -- who gave the order?

24 A. [12:29:20] The orders to fight especially when we're talking about big attacks, for
25 example, the attacks on Pajule, those orders would come directly from Kony. There

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1 was no brigade commander who had the authority to make plans to go and commit
2 such an attack because if you do that, there's punishment, there are consequences for
3 that. So you should not actually send back any report. If you prepare an attack,
4 you should not report back to him and say, "I lost a soldier during this attack" because
5 he'll not be happy about it.

6 MR AYENA ODONGO: [12:30:17] Yes.

7 PRESIDING JUDGE SCHMITT: [12:30:17] Thank you very much, Mr Ayena.

8 MR AYENA ODONGO: [12:30:20] Thank you.

9 PRESIDING JUDGE SCHMITT: [12:30:21] Mr Witness, this concludes your
10 testimony. On behalf of the Chamber, I would like to thank you that you came to the
11 Netherlands, to The Hague, to this courtroom, that you helped us to establish the
12 truth, and we all wish you a safe trip back home.

13 THE WITNESS: [12:30:45](Interpretation) Thank you.

14 (The witness is excused)

15 PRESIDING JUDGE SCHMITT: [12:30:45] I would shortly because we -- before we
16 leave, I would shortly like to enquire if there are any news about D-75, Mr Obhof?

17 MR OBHOF: [12:30:57] I have a message, so let me check my email. Okay, it's not
18 from -- not from our investigator. I did talk to her this morning. They had issues
19 finding the correct field in which the witness was in. The witness, of course, trying
20 to save money doesn't come home after -- while working in the field.

21 They're heading out again, both our investigator and our resource person, in order to
22 ascertain the exact field that he is in. Because of internet capabilities where they're
23 going, I'm not going to try to contact them for about another hour and a half.

24 PRESIDING JUDGE SCHMITT: [12:31:37] So it's still an open question, so to speak?

25 MR OBHOF: [12:31:40] They are still looking, yes (overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [12:31:42] I heard there might be, in case or if need
2 be, there might be an alternative.

3 MR OBHOF: [12:31:45] Witness 85 was actually arriving this weekend. The VWU
4 noted that they thought the witness was coming on the 16th, but we were told the
5 witness is coming on the 15th, that's what (overlapping speakers) --

6 PRESIDING JUDGE SCHMITT: [12:31:56] So then what we are going to do is, we
7 have to be open to the developments, we don't know yet what will happen, but
8 tentatively, this is the reason why I'm asking, tentatively when we part today, we will
9 meet again on Tuesday, 9.30. Whatever witness we will have. And if we have none,
10 we don't meet again on Tuesday, 9.30.

11 THE COURT USHER: [12:32:20] All rise.

12 (The hearing ends in open session at 12.32 p.m.)

13 RECLASSIFICATION REPORT

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