

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

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 Thursday, 27 June 2019
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:01] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:26] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:31:31] Thank you, Mr President.
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 We are in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:46] Thank you.
20 For the appearances of the parties, the Prosecution first.
21 MR CHOUDHRY: [9:31:50] Good morning, your Honours. Kamran Choudhry here
22 today with Mr Colin Black, Ms Yulia Nuzban, Ms Beti Hohler, Ms Natasha Barigye,
23 Ms Grace Goh and Ms Jasmina Suljanovic.
24 PRESIDING JUDGE SCHMITT: [9:32:03] Thank you.
25 And for the representatives of the victims, Mr Narantsetseg first.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 MR NARANTSETSEG: [9:32:06] Good morning, Mr President, your Honours. I'm
2 appearing with Ms Caroline Walter and my name is Mr Orchlon Narantsetseg.
3 Thank you.

4 PRESIDING JUDGE SCHMITT: [9:32:15] And Mr Manoba.

5 MR MANOBA: [9:32:17] Good morning, Mr President, your Honours, I'm appearing
6 today with James Mawira and myself, Joseph Manoba.

7 PRESIDING JUDGE SCHMITT: [9:32:23] Thank you.

8 And for the Defence, Mr Obhof, and some faces well known, but at least this week
9 new to the courtroom.

10 MR OBHOF: [9:32:32] Good morning, your Honour and your Honours, today we
11 have Gordon Kifudde, Ms Beth Lyons, Tibor Bajnovic, Chief Charles Achaleke Taku,
12 Dominic Ongwen, our client is in court, and myself, Thomas Obhof.

13 PRESIDING JUDGE SCHMITT: [9:32:45] Thank you.

14 And welcome by the Chamber to the video-link location to Mr Opio.

15 Good morning, Mr Opio, do you hear me?

16 WITNESS: UGA-D26-P-0025

17 (The witness speaks Acholi)

18 (The witness gives evidence via video link)

19 THE WITNESS: [9:33:02](Interpretation) Yes. Good morning. I can hear you
20 clearly.

21 PRESIDING JUDGE SCHMITT: [9:33:06] And there should also be a counsel for you,
22 Mr Adriko. I don't see him at the moment, but this is perfectly clear because we
23 don't have everything on the screen.

24 Perhaps you can show yourself so that we have a face with the name.

25 Good morning, Mr Adriko, welcome to the courtroom.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 MR ADRIKO: [9:33:24] Good morning, Judge.

2 PRESIDING JUDGE SCHMITT: [9:33:26] Welcome to the extended courtroom, so to
3 speak.

4 MR ADRIKO: [9:33:29] Thank you.

5 PRESIDING JUDGE SCHMITT: [9:33:31] Just as information for the parties and also
6 for Mr Adriko, we don't have any Rule 74 issues at the moment, but the situation is
7 the same then with the other two witnesses and the Chamber thinks that it is for the
8 benefit of the witness, it is best to leave Mr Adriko at the video-link location to assist
9 Mr Opio if anything arises which would need his assistance.

10 Mr Opio, I will now read to you the solemn undertaking that every witness has to
11 take who appears before this Court. Please listen carefully.

12 I solemnly declare that I will speak the truth, the whole truth and nothing but the
13 truth.

14 Mr Witness, do you --

15 THE WITNESS: [9:34:33](Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [9:34:34] Do you understand the undertaking?

17 THE WITNESS: [9:34:40](Interpretation) Yes, I have understood the undertaking.

18 PRESIDING JUDGE SCHMITT: [9:34:44] Do you agree with it?

19 THE WITNESS: [9:34:46](Interpretation) Yes, I do agree with it.

20 PRESIDING JUDGE SCHMITT: [9:34:48] Thank you. Then you are now sworn in.

21 A small practical matter before we start with your testimony and your questioning:

22 Everything we say here in the courtroom is written down and interpreted. To allow
23 for the interpretation, we have to speak at a relatively slow pace so that the

24 interpreters can follow what we are saying and of course also what you are saying.

25 If you want to address the Chamber, for example, if you want to speak with your

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 counsel or if you want a break, please raise your hand, then we know that you want
2 to address us.

3 We start now with your testimony, and the Prosecution has the floor, I assume
4 Mr Obhof.

5 MR OBHOF: [9:35:33] I didn't know I got recruited to be on the Prosecution.

6 PRESIDING JUDGE SCHMITT: [9:35:38] Yes, of course, yes. Then the Defence, of
7 course, but this every once in a while happens --

8 MR OBHOF: [9:35:49] Exactly.

9 PRESIDING JUDGE SCHMITT: [9:35:49] -- to confuse things.

10 MR OBHOF: [9:35:50] Everyone does it.

11 PRESIDING JUDGE SCHMITT: [9:35:50] Yes.

12 QUESTIONED BY MR OBHOF:

13 Q. [9:36:00] Good morning, Opio.

14 A. [9:36:06] Good morning.

15 Q. [9:36:07] Could you please state your name, your full name, for the record.

16 A. [9:36:18] My full name is Opio Sam.

17 MR OBHOF: [9:36:21] And your Honour, as normal fashion, I would like to ask
18 a few background questions about -- for about two minutes - so nobody run
19 anywhere - just on the witness.

20 PRESIDING JUDGE SCHMITT: [9:36:32] That's fine.

21 And I think for equality of arms I at least contemplate when Mr Choudhry starts, to
22 address him as for the Defence.

23 But, yes, we go to private session.

24 (Private session at 9.36 a.m.)

25 THE COURT OFFICER: [9:36:55] We are in private session, Mr President.

Trial Hearing
WITNESS: UGA-D26-P-0025

(Private Session)

ICC-02/04-01/15

- 1 (Redacted)
- 2 (Redacted)
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- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)

17 (Open session at 9.39 a.m.)

18 THE COURT OFFICER: [9:39:17] We are back in open session, Mr President.

19 MR OBHOF: [9:39:28]

20 Q. [9:39:29] As a child, did you attend primary school, and if you did, which school
21 did you attend?

22 A. [9:39:45] When I was a child I studied until primary 6 only.

23 Q. [9:39:54] And why did you stop attending school?

24 A. [9:40:13] I was abducted when I was in primary 6 and taken to the bush.

25 Q. [9:40:26] Now could you please tell the Court when you were abducted?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 A. [9:40:41] I do not recall the exact day and date, but I do recall that I was
2 abducted in 1990.

3 Q. [9:40:52] And when you were abducted, do you know which group abducted
4 you, the name?

5 A. [9:41:09] Yes, I do know the name of the group and it was a group that was
6 headed by Mr Kenneth Banyan.

7 Q. [9:41:19] And what was the name of that group?

8 A. [9:41:30] At the time the group was known as Condoom.

9 Q. [9:41:44] And this group called Condoom, did the name ever change into
10 anything else?

11 A. [9:42:05] It was shortly after I was abducted that the name was changed.

12 Q. [9:42:18] What was the name changed to?

13 A. [9:42:26] It was known as Sinia then.

14 Q. [9:42:40] And the name of the overall group, not just Condoom, but the group in
15 which Condoom belonged to, what was the name of the group at that time when you
16 were abducted?

17 A. [9:43:02] Condoom was a division, and each division has three brigades. Out
18 of the three brigades, the one that abducted me was red brigade, and that was
19 Mr Banyan's brigade.

20 MR OBHOF: [9:43:21] If I may be a little bit more direct in my questioning about
21 this?

22 PRESIDING JUDGE SCHMITT: [9:43:28] You may.

23 MR OBHOF: [9:43:29] Thank you.

24 Q. [9:43:29] When you were abducted was the LRA named the LRA?

25 A. [9:43:45] No. I did not know the name at the time, but they used to refer to it as

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Holy. I did not know about the LRA yet, but they used to refer to the group as the

2 Holy.

3 Q. [9:44:04] Now, after your abduction, did anyone in the group in Condoom ask
4 you for your name?

5 A. [9:44:23] When I was abducted I was asked for my name, and I told them that
6 my name was Opio Sam.

7 Q. [9:44:37] Why did you give your abductors your real name?

8 A. [9:44:52] They told me that if I did not tell them my true name, then there would
9 be repercussions.

10 Q. [9:45:08] Did they tell you what those repercussions would be? And if they did
11 tell you, could you please tell them to the Court.

12 A. [9:45:26] They told us that they would beat us. If you do not tell them your
13 name you'd be flogged severely, you'd be beaten very hard, so you had to tell them
14 your real name. And you know, there are other people who were also present, so if
15 they ask somebody else who was abducted with you and they, the person tells them
16 that your name is Opio, but when you have told them a different name, then
17 something will happen, you will be punished.

18 Q. [9:46:01] After being abducted, to where did you go with the group?

19 A. [9:46:16] When I was abducted, we left our home. We crossed the road and
20 went towards Anaka.

21 Q. [9:46:32] And at that time as an 11-or-12-year-old boy, how well did you know
22 the Anaka area?

23 A. [9:46:52] I did not know the Anaka area, because there was a very -- a very long
24 distance to get there. We walked for about three or four days to get there and people
25 in that area told us that this place is known as Anaka.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Q. [9:47:15] At that age how easily could you have found your way back home if
2 you were actually able to escape?

3 A. [9:47:39] At that time I was still very young, I did not know the area. And, you
4 know, they used to tell us rumours that if you go towards the Acholi area you'd be
5 killed. So I'd never actually dared to cross over and go to the Acholi side.

6 Q. [9:48:03] Now, you stated that you were told if you went over to the Acholi area
7 you could be killed. Now, what other dangers - besides of course not knowing the
8 area - were there if you were actually able to escape from the Anaka area?

9 A. [9:48:31] The reason why I said that was because at the time there was a group
10 that used to go into the homesteads, so if you ran and came across that group they
11 would take you back, and if they took you back you'd be killed.

12 Q. [9:48:56] Now without going into detail just yet because we will get to this in
13 about 15 minutes, what happened to the newly abducted persons after Condom
14 arrived in the area of Anaka?

15 A. [9:49:29] When we arrived in the area of Anaka, they started training us. They
16 taught us how to assemble and disassemble a gun. They taught us how to parade.
17 Those are the things that they started teaching us to do.

18 Q. [9:49:49] After your abduction, did the Holy perform any rituals upon you and
19 those you were abducted with?

20 A. [9:50:04] Yes, when we arrived there, there was a place that had been cleared.
21 They gathered us. Once you are abducted, they take you there, they place
22 something white on your body that is mixed with shea butter, and then they smear it
23 on you. And that thing was referred to as camouflage. They would tell you that if
24 they smear you with that camouflage you are safe, nothing will happen to you.

25 Q. [9:50:38] Now this clearing area you just mentioned, did it have a name?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 A. [9:50:57] The clearing was known as a place for prayer, so every evening they
2 would go and pray at that clearing.

3 Q. [9:51:13] How long after reaching the Anaka area were these rituals performed
4 upon you and those abducted with you?

5 A. [9:51:32] When we arrived at Anaka we spent two nights, and then on the third
6 day they prepared the clearing and they started spraying ashes on it. When
7 they -- they started clearing at around 8 in the morning. At around 2 they had
8 finished with the clearing, and then in the evening they gathered us and took us to
9 that clearing.

10 Q. [9:52:03] Now, around the time of your abduction, was there any difference
11 between the rituals performed upon males and those performed upon females?

12 A. [9:52:27] No, there was no difference between the rituals performed, because
13 what they used to do, they would put it, a sign of the cross on your chest, on your
14 legs, on your back, and then on the dorsal side of your hand. So that would be done
15 on both the men and the women.

16 Q. [9:52:52] Now, the ritual you explain with the camouflage, was that also
17 performed upon the women?

18 A. [9:53:08] Yes, that would be performed on everybody.

19 Q. [9:53:18] After these rituals were performed upon you, how did you feel?

20 A. [9:53:33] When they performed those rituals on me, approximately one month
21 after that I became very ill. I became very ill, I had nightmares, very nightmares, I
22 would also dream about -- have nightmares about my mother. And they took me,
23 prayed and prayed on me for two days, they prayed for me and then after two days
24 the nightmares stopped.

25 Q. [9:54:10] When these initial rituals were being performed upon you, did you

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 believe in what they were telling you that these rituals would protect you from?

2 A. [9:54:37] Yes, they told us that if you -- the rituals were performed you would
3 not be shot, nothing would happen to you. If you go to a battle you will not die.
4 That's what we were told.

5 Q. [9:54:56] Did you believe that at that time in Anaka in 1990?

6 A. [9:55:14] Yes, well, the people who were there, the older people who were there
7 told us that these things happen for real, so yes, I did believe.

8 Q. [9:55:31] Briefly, Mr Witness, could you explain what a technician is?

9 A. [9:55:54] A technician or technicians are the people who stayed behind when
10 people go for battle. They are the one -- they create some kind of imitation gun, they
11 stay behind in a place known as the Yard. And when they are at the Yard there is
12 a charcoal stove and they place that gun on that charcoal stove and they continue
13 praying.

14 Q. [9:56:28] Again briefly, what was a controller in the LRA?

15 A. [9:56:47] A controller, controllers were people who would go with the people
16 when people are going for battle. They would have water mixed with shea, shea oil
17 and the white clay which I told you was camouflage. Then, once people are going
18 for battle, when people are at the front line they would sprinkle the water before
19 people go ahead and they would sprinkle the water so that they clear the path for
20 people.

21 Q. [9:57:21] You mentioned the Yard. What type of person would see over the
22 functions, or what was the name of the person who would see over the functions of
23 the Yard?

24 A. [9:57:49] The persons who were in charge of the Yard were known as chiefs.
25 You had a chief controller and then another chief and the two people would always

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 work together.

2 Q. [9:58:15] A few minutes ago you mentioned something about being brought
3 back and being killed if you escaped. So what was the punishment or punishments
4 for trying to escape?

5 A. [9:58:47] There was no other punishment other than flogging.

6 Q. [9:58:58] When did you first learn about this punishment?

7 A. [9:59:15] When we were abducted I wasn't the only one who was abducted,
8 there were many other people who were abducted. There are certain children who
9 attempted to escape and they went, they re-apprehended them in Anaka because they
10 did have the LRA people within the area. They had intelligence people within the
11 area. So they went, they re-apprehended the two boys that had attempted to escape,
12 they brought them, they beat them and they asked them "Are you going to try and
13 escape again?" And they said "No, we are not going to try and escape again."

14 Q. [9:59:51] Were you present for this flogging of these two boys?

15 A. [10:00:06] When the two boys were being beaten we were all gathered together,
16 all the people that had been newly abducted, and they told us, "You see what these
17 people have done? If you do the same, you are going to face the same consequences,
18 so don't try and escape."

19 Q. [10:00:28] Now as a young boy of 11 or 12 years old, how did this make you feel
20 when you witnessed these floggings?

21 A. [10:00:46] When I saw the beatings, I was extremely frightened because I was
22 also afraid. I thought, okay, I am not going to try and escape, because if I do try and
23 escape, the same thing is going to happen to me.

24 Q. [10:01:04] Now, what was the punishment for somebody who successfully
25 escaped and made it back home?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 A. [10:01:28] If somebody successfully escaped, you know, sometimes they would
2 tell you that they were able to re-apprehend that person and they killed that person.
3 But you cannot be sure. Sometimes the person will have escaped and successfully
4 gone back home.

5 Q. [10:01:58] These rules about escape, who made these rules about these
6 punishments?

7 A. [10:02:15] All these rules were made by Kony.

8 Q. [10:02:32] Were there any punishments for someone who successfully escaped
9 with a firearm?

10 A. [10:02:56] If somebody escaped, you know, what happens is whoever is
11 abducted, they would establish where you are abducted from, they would record that,
12 and the moment you escape they can go back to the place where you were abducted
13 from and they can go and kill people from there. If you were unlucky and you were
14 also found, you will be killed.

15 Q. [10:03:29] Did you ever hear about this type of punishment happening?

16 A. [10:03:45] Yes, they would say, so, you know, if somebody escaped, they will
17 select some people for the standby and then they will send the people to follow you
18 up. Most times, if they go and they don't find the person, they will return and say
19 we were not able to find person. Then they will agree that, well, no problem, the
20 next time we go to that area we should struggle to find the person or find people
21 there.

22 MR OBHOF: [10:04:14] Your Honour, if I may ask one or maybe two questions in
23 private session.

24 PRESIDING JUDGE SCHMITT: [10:04:18] We go to private session.

25 (Private session at 10.04 a.m.) * (Reclassified entirely in public)

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 THE COURT OFFICER: [10:04:38] We are in private session.

2 MR OBHOF: [10:04:42]

3 Q. [10:04:42] Now, Mr Witness, we are in private session so nobody outside of this
4 room can hear your answer.

5 Did you ever witness this type of collective punishment upon the villages of persons
6 who escaped?

7 A. [10:05:13] Well, I did not witness it. I did not see anybody who escaped with
8 a gun and they followed him and they were killed. But, well, there was only one
9 group that was -- that was only in one group, but there were so many other groups.
10 But you'd hear that there is that group that went and killed people in this place, but I
11 personally didn't witness that.

12 PRESIDING JUDGE SCHMITT: [10:05:43] Back to open session.

13 (Open session at 10.05 a.m.)

14 THE COURT OFFICER: [10:05:56] We are back in open session.

15 MR OBHOF: [10:06:11]

16 Q. [10:06:12] This punishment that we have been talking about upon villages for
17 someone escaping, now from what you heard from others while you were in the Holy
18 or LRA, was this commonly known throughout the groups?

19 A. [10:06:39] Well, that was a rule that if somebody escaped, then that thing would
20 be implemented and that was given out by Kony.

21 Q. [10:06:56] Now we spoke, you gave a brief description of your training after you
22 arrived in Anaka, so I am going to talk a little bit more about training, your training
23 and training in general.

24 Now when you were being trained in Anaka, which group trained you?

25 A. [10:07:31] The person who was training us in Anaka was a gentleman called

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Opuk. I think he was called the RCM. He was the one in charge of the training, he
2 was the one in charge of assembling and disassembling a gun and then parades. He
3 was the one training people.

4 Q. [10:08:02] Now when you were being trained, what category of ages were being
5 trained?

6 A. [10:08:23] Most of the people with whom I was abducted, I think the oldest
7 would be about 20 years old, because the more mature people were released. Some
8 of us were -- the youngest would be 11 or 12 and the oldest would be about 20.

9 Q. [10:08:49] Was it only the males who were trained?

10 A. [10:09:01] They trained everyone, whether you were female or male, young or
11 old, all of us were trained at the same time, assembling, disassembling a gun and then
12 parade. Everyone was trained at the same time.

13 Q. [10:09:34] Now why were the both females and males trained at the same time
14 with the same type of training?

15 A. [10:09:56] They said the reason why we were abducted and taken to the bush
16 was to be able to overthrow the government. Whoever was taken there was
17 supposed to be trained in military tactics.

18 MR OBHOF: [10:10:15] Now since this only logically flows, even though we haven't
19 discussed it, I'm going to discuss about the training in Sudan.

20 PRESIDING JUDGE SCHMITT: [10:10:27] I think that makes sense, yes.

21 MR OBHOF: Okay.

22 Q. [10:10:29] Now, Opio, when the Holy moved to Sudan and became the LRA, did
23 the training change at all?

24 A. [10:10:51] When the Holy arrived in Sudan the training did not change, it was
25 the same manner of training where, if somebody is abducted, the people who were

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 taken as recruits were all put together regardless of their sexes. They will not care
2 about who is young or who is old, they were all put together and they will train you
3 on the same things, disassembling a gun and parade.

4 THE COURT OFFICER: [10:11:22] Could the French interpreter please turn her
5 microphone on.

6 MR OBHOF: [10:11:34]

7 Q. [10:11:35] Now, when you moved to Sudan, who was in charge of the training
8 for the LRA?

9 A. [10:11:50] Just like I mentioned earlier, the overall in charge of training was
10 Opuk. When we left Uganda we went there and he maintained his role as a trainer
11 training people on parade. You know, he was a seasoned fighter and he was
12 previously in the army, he knew how the military operated. That's why he was in
13 charge of that.

14 Q. [10:12:23] After someone was abducted, when were they or those persons
15 assigned a household or a group to join?

16 A. [10:12:46] When a person is abducted, depends on the number of people who
17 are abducted, if they were so many, they will not put them in the same place. You
18 know, there they don't combine, they don't put people, gather them in one place.
19 They are distributed in different battalions, and then in the battalions they are
20 distributed into coys. But when it's time for training they would blow the whistle
21 and then everyone will converge at the same point and then they will go for the
22 training. But it's not like everyone stays in the same place, they are distributed in
23 different places.

24 Q. [10:13:27] Who would assign or distribute these persons to the different groups?

25 A. [10:13:43] Well, that is done by the operation commander, he's the one who

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 distributed the people. The operation commander was the person I was living with
2 when I was in Condom, because I was there for about two years. Thereafter I was
3 taken to Control Altar. He was the person called Komakech Omona George.

4 Q. [10:14:16] Now, staying in the area of training, after the move to Sudan, what
5 role, if any, did the government of Sudan have in the training of LRA personnel?

6 A. [10:14:42] While we were in Sudan, you know, when we arrived in Sudan we
7 did not go in the hands of the Arabs, but we went in the hands of some soldiers
8 coming from Eastern Equatoria, they were the LDU equivalent of the Sudanese
9 government. We lived with them and later on went to the Arabs. Then the Arabs
10 started supporting us. The kind of support included food supplies, weapons,
11 medicine and sometimes they would also select some people and they would go and
12 train them. Those people would be trained in Khartoum. You know the kind of
13 training, for instance, if you go to Juba, they will train you on heavy weaponry, they
14 would also train you on using other guns that we did not have, because they needed
15 us to know how to operate those guns. Those were the kind of trainings. And also
16 the people who went to Khartoum would be trained on the political affairs. Some of
17 them were trained on how to drive, how to operate military vehicles. And those
18 were the kind of things that we engaged in.

19 Q. [10:16:11] Mr Witness, could you please explain to the Court about the
20 LRA's -- or the Holy, sorry, the Holy's move to Sudan?

21 A. [10:16:35] The way the Holy travelled to Sudan was, in 1994, during a peace
22 process that involved Betty Bigombe, the Holy left to go to Sudan. The first people
23 who went were 37 in number, but when the peace talk failed the people came back
24 and then took another group. That group was the group of Komakech Omona
25 George and that was the first group to go, and then there was a second group that

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 went. I was in the group of Komakech Omona George.

2 Q. [10:17:31] Now, what happened with these 1994 peace talks with Betty Bigombe?

3 Do you know why they failed?

4 A. [10:17:56] I was an escort and I was close by the commanders. Many times
5 when they came back from the peace talks they would talk and I would hear. One of
6 the reasons why the process failed was an order, I think the president of the country
7 had given an ultimatum that the LRA had only one week to report home and they
8 said that was an ultimatum from him. I think that was -- I didn't hear him say that,
9 but that was what the commanders were discussing. When he gave that ultimatum,
10 Kony said the peace talks could not continue. He also said he was giving only one
11 day, he was giving only one day to the president to begin attacking him. Then the
12 process had to fail.

13 Q. [10:19:15] Sorry about that.

14 When you first arrived in Sudan, where did you go?

15 A. [10:19:33] When I arrived in Sudan, we stayed in a place called Luwudu.
16 Luwudu, you know, when you are in Palutaka, it's on the eastern side, that's when
17 you are in Sudan, it's called Luwudu. And we would live there and go to the
18 headquarters of the people with whom we stayed. You know, we didn't go straight
19 to the Arabs, we first stayed with the LDU of that place and we started living with
20 them and then they were giving us food supplies and a few other things that were
21 given to them by the government. We stayed with them. Then later on our leaders
22 also connected with the Arabs and then we left and went to stay with the Arabs.

23 Q. [10:20:37] Now, without going into detail about each location, because we will
24 go through each one individually, could you name in order of which camps you went
25 to in Sudan while you were in the LRA?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 A. [10:21:03] Just like I said, we went to Luwudu. From there, there was a -- there
2 were two defence units, Luwudu and Gong. That was where we were while we
3 were with the LDU of that area.

4 We stayed there and then later on we combined with the LDU of that area and we
5 went and attacked Palutaka, because Palutaka was in the hands of the Dinka who are
6 now the SPLA. We combined with those LDU forces and then we attacked Palutaka.
7 And the soldiers with who we were combined stayed back. Later on, the SPLA
8 rearranged and then came and fought and then they displaced us again from there.

9 Q. [10:22:12] And how long do you remember the LRA staying in Palutaka?

10 A. [10:22:25] Just like I said, when we attacked them, then we left the home guard
11 to stay there. Later on they reorganised and came and overran the place, and those
12 soldiers who had stayed back were chased and they went back to Luwudu. And
13 later on the Arabs said they were going to -- if they are going to help us, we should be
14 able to fight off the rebels in that area. So we planned and we went and attacked
15 Pajok. You know, Pajok, when in Pajok, Palutaka would have remained behind,
16 kind of. The combined forces of the LRA and those LDUs went and attacked Pajok
17 and then we stationed there. And you know that place was called 75, 75 is on the
18 way from Juba to Nimule. The road that goes to Palutaka is also there.

19 So the Arabs were nearby. When we attacked there and overran it, and we told
20 them that we are already in Pajok, the Arabs were able to walk and move and come to
21 us. They moved for about one week and they were able to arrive in Pajok. They
22 found us in Pajok. And when they came, they deployed there.

23 Then, when we stationed there, well, they removed our headquarters from Gong and
24 we came -- they came to Palutaka and we also stayed in Pajok.

25 Thereafter, we left Pajok and we went to Palutaka. But some people stayed in Pajok

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 but later on, there was again an attack on Pajok and they chased us away from Pajok.
2 We left Pajok, we went to Palutaka, we even ran away from Palutaka to Bor and we
3 went to a place called Aruu.
4 You know, Aruu is beyond junction 75 that goes to Nimule, but the SPLA soldiers
5 came up to that junction. When they arrived there, for us, we had already gone and
6 stationed in Aruu. Then when we were in Aruu, we reorganised to go and attack 75
7 and chase away those people, but we were not able to, to manage that. And they
8 stayed back at 75 and cut some Arabs away from us.
9 Those who had stayed back were not able to connect to us, but they had to detour and
10 move very many places to be able to find us. For us, we stayed back in Aruu. We
11 stayed in Aruu for about a year.
12 Thereafter, we were attacked again. We left there, we went to Jebellin. We stayed
13 in Jebellin. At least in Jebellin, we stayed there for quite a while before we were
14 attacked again. We stayed in Jebellin. In Jebellin we were not so many. And
15 while we were in Jebellin, the commander with whom I was staying called Komakech
16 died from there. He had been taken to Juba hospital, but his condition deteriorated.
17 From there, he was taken again to Khartoum and then he died from there.
18 That was how we moved. We stayed in Aruu. We went to Jebellin. Jebellin, there
19 were two places, there was Jebellin I and Jebellin II. We left Jebellin I and then we
20 went to Nisitu. From Nisitu we stayed there, but the Arabs said we should not stay
21 along the main road, we should move a bit inland. So we left there and went to
22 Rubanga Tek and we started staying there, and there was a bit far in and not near the
23 main road.
24 We stayed there and, again, another attack came, Operation Iron Fist started, and we
25 were attacked from there. And Kony told us that, "You know, here, soldiers are

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 going to attack us from here, so we need to leave. And, you know, nowadays the
2 Arabs don't like us, so what we have to do is we should, you know, the Arabs had
3 intelligence officers everywhere, so we need to leave because we should not be caught
4 unawares."
5 So he sets up three different standbys to go and attack the Sudanese government
6 because they had allowed Ugandan government army to come and attack us. So
7 they set up a standby to go and attack Nisitu and * Kubusita. You know that place is,
8 when you are going Juba, you take the road going towards Uganda, and when you
9 leave there you will reach a place called * Miatalatin, and that was the base of the
10 Arabs.
11 Kony arranged that we should go and attack the place. Three different standby
12 forces were arranged and we went, one day, attacked all the places. And in Nisitu,
13 we found UPDF soldiers were there. * Kubusita we also found UPDF soldiers there.
14 Then people started believing that the Arabs had already allowed the UPDF soldiers
15 to come in Sudan. Then Kony said people should now move back towards the hill of
16 Luwudu. Then, when we started going there, we moved there and the soldiers came
17 to our previous defence and found we had already left there. The UPDF went there
18 and didn't find us.
19 We moved and went and climbed on to Luwudu hills. When we were atop the hill,
20 they decided that Otti should be sent somewhere. But the soldiers also followed us
21 up there and they attacked us from the hilltop. We got down and we went towards
22 Ikotos, but we didn't reach Ikotos and then in-between those hills, Kony said we
23 could now attack the UPDF soldiers.
24 They did something. They got a puppy, they put the puppy along the road -- he
25 moved ahead and put the puppy there. Then he said each and every one should get

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 some soil and throw on the dog. Every single person who was walking with us
2 picked soil and threw on that dog and the dog laid there. Nothing happened. You
3 threw the soil and then jump over the dog and you continued walking. He said that
4 was meant to protect us and nothing is going to happen to us.

5 Later on, we then staged an ambush. The soldiers came but didn't reach us and
6 went back. Then, thereafter, he said we should now go and find the soldiers and
7 attack them. People were organised and were taken to go and attack the soldiers.
8 They fought, but we could not overrun their base. We only pushed them a bit, but
9 they didn't flee, they stayed there and we came back.

10 Thereafter, we left them and then we came and climbed on top of another hill and
11 then got down. Then they told Otti to select a group and he should go with to
12 Uganda while Kony will stay back in Sudan.

13 Otti selected a group, he picked Sinia and Gilva, and he came with to Uganda.

14 Trinkle and Stockree stayed back with Kony. We left and went down.

15 PRESIDING JUDGE SCHMITT: [10:30:55] Yes.

16 MR OBHOF: [10:30:56] (Overlapping speakers) We --

17 PRESIDING JUDGE SCHMITT: [10:30:56] No, no, but it's -- I wanted to say

18 something. It was of course a very long narrative, but nevertheless the witness has
19 really an absolute amazing understanding and recollection of geography and
20 respective events in time. No, really, this is really amazing. We didn't have this in
21 this detail until now.

22 But I think we should now focus a little bit more, but thank you for this account,
23 Mr Witness.

24 BY MR OBHOF:

25 Q. [10:31:27] It was, it was very, very good, Opio. Thank you very much.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Because you were talking about the re-entry after Iron Fist, I wanted to ask a few
2 follow-up questions about stuff that happened in Sudan. Is that okay?

3 A. [10:31:48] Yes, that's okay.

4 Q. [10:31:52] Now you mentioned that the LRA of course spent about a year or so
5 in Aruu. How did the LRA feed itself while in Aruu?

6 A. [10:32:16] When we were in Aruu, Aruu is right close to the roadside so cars
7 would bring food from Juba, and that's what we used to sustain ourselves.

8 Q. [10:32:36] And I know this might seem a little repetitive, but while in Jebellin, in
9 Jebellin 1 and Jebellin 2, how did the LRA feed itself?

10 A. [10:32:58] When we were in, when we left Palutaka, Aruu, and went to Jebellin,
11 at the time the Arabs were the ones who provided us with everything. We did
12 have cars, our commanders had cars and they would go and collect food from Juba.
13 We had lorries that, two lorries that would go and collect food from Juba and bring it
14 if the road is clear.

15 But when we left and went to Jebellin, we still had cars bringing food. It is only
16 when we went to Nisitu that the government said, no, we should not stay close to the
17 roads and they're the ones who will supply us with food.

18 Q. [10:33:45] Now, while in Jebellin, did the LRA tend gardens and fields with
19 crops?

20 A. [10:34:00] Yeah, in Jebellin people did cultivate, people cultivated crops. There
21 were people who grew sorghum and beans, because sorghum is a staple food that
22 stays in the garden for a long time. Yes, but people did cultivate crops.

23 Q. [10:34:27] Now you mentioned about the government of Sudan bringing
24 weapons and materiel. For how long did the government of Sudan provide the LRA
25 with weapons and materiel?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 A. [10:34:52] When we went to Sudan, when the Arabs came and found us there
2 and they allowed us to go to Pajok, after that they started providing us with weapons.
3 They provided us with weapons till we went to Nisitu.
4 It was when we went to Rubanga Tek, when we went to Rubanga Tek we were still
5 close to the road as well. They provided, they continued providing us with weapons,
6 but they did not provide us with as many weapons as they did before.

7 Q. [10:35:46] What type of assistance did the government of Sudan provide after
8 Operation Iron Fist?

9 A. [10:36:05] After Operation Iron Fist, you know, when Operation Iron Fist started,
10 there were -- we were attacked. As I stated, three barracks were attacked at the same
11 time, so when the barracks were attacked they stopped bringing us food. The people
12 who stayed behind would put ambushes along the road.

13 So they sent somebody known as Won Bogi, he used to stay in Juba. The Arabs
14 knew him. They sent this old man to go and look for the LRA and ask them what
15 the problems were, tell them that -- ask them why they entered into that place, were
16 they being pressured by the government.

17 And they were told, "Please tell the LRA not to place ambushes along the road, and if
18 they have problems with food let them let us know and we will help them, provide
19 them with food."

20 Q. [10:37:26] Now we are going to talk a little bit about the structure of the LRA.
21 Mr Witness, when did the Holy change its name to the LRA?

22 A. [10:37:48] The Holy changed their name to the LRA when we went to Sudan and
23 that is why -- that is when they started referring to themselves as the LRA. But
24 when we were still in Uganda when we had been newly abducted, they were
25 still -- they were not yet referred to as the LRA.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Q. [10:38:10] When you were newly abducted, what rank was Kenneth Banya?

2 A. [10:38:25] When I was newly abducted, there were no ranks at the time. They
3 used to refer to themselves as commanders. They would tell them, they would tell
4 the person that you are a CO but they did not have any particular ranks. The ranks,
5 they started using ranks when people moved to Sudan. But when we were still in
6 Uganda when we had been newly abducted, nobody had any ranks or wore any, but
7 people were referred to as COs or brigade commanders or division commanders.
8 That's what they used to refer to them, but they did not actually have any ranks.
9 There were no captains or majors or there were no ranks at the time.

10 Q. [10:39:18] Now, if possible, can you compare the way that the LRA was
11 structured to the structure of the UPDF?

12 A. [10:39:54] The difference between the LRA soldiers and the UPDF, all looked the
13 same at the time. But when I am in the UPDF now I see that they have the same
14 kind of arrangement, you have a CO, you have a 2OC. There are also different
15 platoons, there are different sections, they also have different coys. So it was more
16 or less the same. In the UPDF, yes, they would refer to it as a battalion, but the
17 battalion probably had about 100 or just over 100 people so they were divided in that
18 way. There would be an OC and OC would have his -- with his people. And that's
19 what -- the difference between the UPDF and the LRA. But within the LRA you also
20 have women, but in the UPDF they are mostly men. That's my observation.

21 PRESIDING JUDGE SCHMITT: [10:40:50] Just shortly, Mr Witness, the interpreters
22 tell me that you sometimes speak a little bit too fast, so I would ask you to slow down
23 a little bit. This is no reproach, this happens to everyone in this courtroom, even
24 though we are very experienced and used to being here. But please try to speak
25 a little bit slower so that the interpreters can follow.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Mr Obhof, please.

2 MR OBHOF: [10:41:23]

3 Q. [10:41:23] In the LRA who was responsible for promotions?

4 A. [10:41:38] In the LRA, the person who was in charge of promotions was Kony.
5 Kony was the only one who had the authority to do that, nobody else.

6 Q. [10:41:55] How did Kony choose whether someone deserved a promotion in the
7 LRA?

8 A. [10:42:18] First of all, in the army, the reason why people are promoted depends
9 on obedience. If you are an obedient soldier you could be promoted. If you are
10 hard-working, for example, if you are a good sharpshooter, then yes, that you could
11 be promoted to a lance corporal, or something to that effect. And there were also
12 other high ranking commanders that were given ranks. He would gather them
13 together and then he would tell them, he would say: Right now at this particular
14 point of time I would like people to be promoted. I would like so-and-so-and-so to
15 be promoted to such-and-such a rank. So they would tell the officers, I want this
16 person to be either a captain or a colonel and so on.

17 Q. [10:43:24] Now similar question: Who was responsible for demotions in the
18 LRA?

19 A. [10:43:47] In the LRA, Kony is still the only person who had authority, he would
20 promote you and demote you. There was nobody else who had that authority.

21 Q. [10:44:16] In the UPDF how does a company commander or a battalion
22 commander receive his or her instructions?

23 A. [10:44:44] Based on my observation, in the army most of the orders come from
24 above and then trickle down.

25 Q. [10:45:02] Have you ever heard, or have you ever received -- let's go first have

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 you ever received your orders directly from President Museveni during your time in
2 the UPDF?

3 A. [10:45:30] I did not quite understand that question. Could you please repeat it?

4 PRESIDING JUDGE SCHMITT: [10:45:33] I think you can ask another question. It's
5 relatively clear the answer, I think, to everyone. And he simply might not have
6 conceived what you are up to. I think you can simply refer to the situation in the
7 LRA and we can take our own conclusions from there.

8 MR OBHOF: [10:45:59]

9 Q. [10:45:59] Mr Witness, in the LRA, how would Joseph Kony issue orders?

10 A. [10:46:20] In the LRA Joseph Kony would issue orders to his deputy and then
11 his deputy would send the information down, down the chain.

12 Q. [10:46:38] Would Joseph Kony ever bypass the chain when issuing instructions?

13 A. [10:47:02] It depends, it depends. There are some times when he, he
14 communicates. If Otti is not available, he would ask, if he cannot find hold of Otti,
15 who is his deputy, he says: Okay, no problem, I thought we should do
16 such-and-such a thing, but if he is not there, then that's okay, I'll wait for him and talk
17 to him later.

18 But, no, he would not actually bypass Otti and ask somebody else to do something.

19 Q. [10:47:44] In the LRA what was available for a commander to do if he did not
20 want to follow orders from Joseph Kony?

21 A. [10:48:13] Could you please repeat your question?

22 PRESIDING JUDGE SCHMITT: [10:48:19] Available, available --

23 MR OBHOF: [10:48:21] I will be more direct.

24 PRESIDING JUDGE SCHMITT: [10:48:22] -- was too complicated.

25 MR OBHOF: [10:48:24] Yeah, I was trying to keep it much more open, your Honour.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 So I'll be more --

2 PRESIDING JUDGE SCHMITT: [10:48:27] Yes, but I think we don't have any
3 objections by the Prosecution if you are a little bit at least more direct.

4 MR OBHOF: [10:48:34]

5 Q. [10:48:34] Could a commander in the LRA refuse to follow Joseph Kony's
6 orders?

7 A. [10:48:47] In the LRA, once Kony issues an order, if you refuse to follow that
8 order, if you refuse to follow that order, you must escape, you must leave where he is,
9 because he will accuse you of refusing to follow his orders because you are his rebel,
10 you are rebelling against him.

11 Q. [10:49:22] And what happened to somebody who rebelled against Joseph Kony?

12 A. [10:49:37] If anybody rebels against Joseph Kony, Kony would say, well, I don't
13 have a prison that I can send you to so if anybody does not -- breaches the law, for
14 example, if it's a high ranking commander, he would tell him, I don't have a prison to
15 send you to.

16 PRESIDING JUDGE SCHMITT: [10:49:56] And what would happen to this
17 high-ranking commander?

18 THE WITNESS: [10:50:08](Interpretation) Nothing, other than death. For example,
19 let me give you an example of something that happened, it happened to Otti Lagony
20 and Okello Can Odonga. This happened to them. I actually personally witnessed
21 that, it's not hearsay, I saw them. Otti Lagony and Can Odonga were arrested, they
22 were accused of wanting to defect to the government. They were put in prison and
23 orders were issued that if anybody else wants to defect they will be killed. So indeed
24 they did take those people and kill them.

25 MR OBHOF: [10:51:01]

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Q. [10:51:02] Do you remember a person by the name of Opoka Reform Agenda?

2 A. [10:51:15] Yes, I do recall that person.

3 Q. [10:51:24] Who was he and what happened to him?

4 A. [10:51:38] Opoka was somebody who came from the government, he defected
5 from the government and joined Kony, Kony in the LRA.

6 Q. [10:51:54] Where is he now?

7 A. [10:52:04] I do not know where he is right now, because when he joined the LRA
8 he was with those of Sam Kolo, because he came in as a politician and the politicians
9 included Sam Kolo. He was the spokesperson and he was moving with those of
10 Sam Kolo, so I actually do not know where they went.

11 MR OBHOF: [10:52:32] I think there may have been a minor misunderstanding of
12 the language.

13 Q. [10:52:38] Is he still alive?

14 A. [10:52:51] No. He is deceased.

15 Q. [10:52:59] And do you know how or why he died?

16 A. [10:53:14] It's very difficult for me to personally know what happened, because
17 when he left and went and joined those of Sam Kolo, those of Sam Kolo went to
18 Sudan to Kony. I did not go to Sudan, I stayed behind in Uganda. But I heard
19 afterwards that he was killed.

20 PRESIDING JUDGE SCHMITT: [10:53:32] We again have a witness here who
21 is -- who clearly differentiates, and rightfully so, between what he personally
22 witnessed and things that he has heard or come to know somehow. I think that's
23 absolutely okay.

24 MR OBHOF: [10:53:53]

25 Q. [10:53:54] Do you remember an approximate year in which you heard he was

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 killed?

2 A. [10:54:10] No, I cannot actually remember the year. Yeah, I did not save it to
3 memory.

4 Q. [10:54:20] Was it before or after Iron Fist though?

5 A. [10:54:37] It was after Iron Fist.

6 Q. [10:54:42] And a final name before we go to break, what happened to
7 Otti Vincent?

8 A. [10:55:01] Otti Vincent was killed by Kony. And two other commanders.

9 Q. [10:55:17] If you remember, what are the names of the two other commanders?

10 A. [10:55:30] One of them is Ben, we used to call him, we used to refer to him as
11 "Ben". I do not know his other name. He was the brigade commander of Oka.
12 When he was killed he was the secretary. He used to work with Otti.

13 Q. [10:56:03] And you said there was one other person killed with Ben and with
14 Otti. Who was that?

15 A. [10:56:22] I actually can't remember at this moment instantaneously the name of
16 the second commander.

17 PRESIDING JUDGE SCHMITT: [10:56:29] I think that's no problem. We have other
18 witnesses who talked about this matter.

19 MR OBHOF: [10:56:36] And considering the time and where I am at, I think right
20 now would be a good break time, your Honour.

21 PRESIDING JUDGE SCHMITT: [10:56:46] Yes, indeed. So we have coffee break
22 until 11.30.

23 THE COURT USHER: [10:56:51] All rise.

24 (Recess taken at 10.56 a.m.)

25 (Upon resuming in open session at 11.31 a.m.)

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 THE COURT USHER: [11:31:10] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:31:32] Mr Obhof, you still have the floor.

4 MR OBHOF: [11:31:38] Thank you, your Honour.

5 Q. [11:31:43] Good afternoon, Opio.

6 A. [11:31:47] Good afternoon.

7 Q. [11:32:03] Opio, I am going to start off with something that you mentioned
8 earlier about the size of groups.

9 In the LRA, about how many people were in a battalion?

10 A. [11:32:32] In the LRA, there are times when there are many people in a battalion
11 and times there are fewer, but I think the biggest number would be around 300
12 people.

13 Q. [11:32:48] And in the UPDF around how many people are in a battalion?

14 A. [11:32:59] Well, I am not sure about the number of people in the battalion of the
15 UPDF.

16 Q. [11:33:07] If you could, would you estimate it's more or less than the number of
17 people in a battalion in the LRA?

18 A. [11:33:25] Well, they are more.

19 Q. [11:33:45] Now, you mentioned today about punishments, you mentioned that
20 there were death sentences and floggings. During your entire time in the LRA, do
21 you remember any other type of punishments?

22 A. [11:34:13] Those were the two categories that I witnessed.

23 MR OBHOF: [11:34:27] Your Honour, I would like to refer to tab 1, it's

24 00 -- UGA-D26-0010-0443 at page 0456, paragraph 60 and 61.

25 PRESIDING JUDGE SCHMITT: [11:34:45] Yes.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 MR OBHOF: [11:34:49]

2 Q. [11:34:50] Mr Witness, was there a possibility while you were in the LRA to be
3 arrested?

4 A. [11:35:06] Yes, you could be arrested, but that depended on the, the mistake you
5 have made, the problem you have, you have created. If it's a big infraction, you can
6 actually be killed. But there are situations where you can be arrested, imprisoned
7 and you will be disarmed and you will be in prison for two to about four months.

8 PRESIDING JUDGE SCHMITT: [11:35:33] What would prison or arrest mean in the
9 LRA?

10 THE WITNESS: [11:35:47](Interpretation) Arrest would be, well, they will go and
11 arrest you because you will have done something wrong, then they will bring you in
12 the prison. That's what it means.

13 PRESIDING JUDGE SCHMITT: [11:36:02] So the LRA did have prisons?

14 THE WITNESS: [11:36:10](Interpretation) Well, while we were in Jebellin, yes, we
15 had a prison cell. I remember I stated earlier that Otti Lagony were arrested and put
16 in a prison cell, it was there.

17 PRESIDING JUDGE SCHMITT: [11:36:26] And later on, when the LRA or many of
18 the groups went to Uganda?

19 THE WITNESS: [11:36:42](Interpretation) When the groups went to Uganda, well,
20 there was no prison. If you did something wrong in Uganda, just like I stated earlier,
21 either they would remove your gun from you and that would be taken to be
22 imprisonment, you would not be armed.

23 PRESIDING JUDGE SCHMITT: [11:36:59] Mr Obhof, I think we can leave this issue,
24 because we had other witnesses who had more specific details about that.

25 MR OBHOF: [11:37:09] Well, I wanted to ask one follow-up about that, just one.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 PRESIDING JUDGE SCHMITT: [11:37:13] Let's hear the one follow-up, and -- yes,
2 please.

3 MR OBHOF: [11:37:18]

4 Q. [11:37:18] If you had your gun taken and you were under arrest, what type of
5 authority would you have towards your subordinates before your arrest?

6 A. [11:37:39] When they remove your gun from you, you don't have any authority.
7 They will give the powers to another person to be in charge of the people who were
8 your subordinates. You won't have any authority.

9 Q. [11:38:02] On a different vein, what type of authority would a commander have
10 if he was sent to sickbay?

11 A. [11:38:22] If you are in the sickbay as a sick person, you don't have any authority,
12 because you will be an injured person, you cannot give any command. But there
13 would also be another person at the sickbay who will be in charge of the sickbay, and
14 that person will be above you in authority, because there will be an OC of the sickbay
15 who will be in charge of managing the affairs of the sickbay, and not you.

16 Q. [11:38:58] If you can remember, of course, after Operation Iron Fist how many
17 sickbays had a radio call?

18 A. [11:39:22] The sickbays that had radio calls after Operation Iron Fist, I think
19 there was only one, it was at the foothill of Atoo Hills. Well, there was also another
20 one in Kilak, the other side of Gulu, there was also a sickbay with a radio call there.

21 Q. [11:39:49] Now for the one in Kilak, who -- do you know who operated that
22 sickbay?

23 A. [11:40:06] Well, in Kilak they kept on changing the people. At first it was
24 Kwoyelo, and then after Kwoyelo there was Okeny Lutiba. After Okeny it was John
25 who was manning.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Q. [11:40:29] The same question, but for the sickbay at Te Got Atoo?

2 A. [11:40:44] Well, I am not sure about who was manning the sickbay at
3 Te Got Atoo.

4 Q. [11:40:59] Mr Witness, I would like to spend the next maybe 15 or 20 minutes
5 discussing a little bit about Joseph Kony.

6 When did you first meet Joseph Kony?

7 A. [11:41:23] The time when I was just abducted?

8 Q. [11:41:29] If you met him right after you were just abducted, but, yeah, the
9 first -- what was your impression of him when you first met him?

10 A. [11:41:48] When I was abducted I saw Kony, he came from Kitgum to Gulu
11 where all of us were. I said we were in Anaka, he came and joined us at the border
12 between Lamogi and Madi. We met him there, he gathered everyone together at
13 the -- near some hill. He put the people down, he gathered us and then he prayed
14 for us. I did not know him. But after he left, then I was told that the person who
15 was addressing us was Kony. Initially I thought he was a very huge person, heavily
16 bearded, but when I saw him, he was not that big and he was just like any other
17 human being.

18 Q. [11:42:48] You mention this preaching, how, how often would Joseph Kony
19 preach?

20 A. [11:43:13] Wherever he was, when he is moving with his people they keep on
21 talking about God, they would gather people, they would pray. Previously they
22 used to pray every day, either in the mornings or in the evenings.

23 Q. [11:43:39] Did this preaching change at all when the LRA moved to Sudan?

24 A. [11:43:55] When we went to Sudan, it did not really change -- it didn't change, it
25 kept on carrying on. There one catechist called Abonga Papa and in the absence of

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Kony he would be preaching to the people and Kony would later on join and he
2 continues from there.

3 Q. [11:44:23] How did Joseph Kony's preaching affect the LRA?

4 A. [11:44:41] Well, just like anyone would go to pray, you would go and pray and
5 it's the same thing, there was nothing peculiar about it. But just like anyone else
6 could go for prayers and, yeah.

7 Q. [11:45:13] Now, similar to his preachings, would Joseph Kony receive messages
8 during his prayers?

9 A. [11:45:41] Well, sometimes when he is preaching he is a free person, nothing
10 comes to him. But sometimes he would also be speaking and would tell people that
11 the spirits would want to communicate and he would gather people and people
12 would listen to him. But there are days when he is a normal human being.

13 Q. [11:46:04] Now the days when he would gather people and say the spirits and
14 talk about the spirits speaking through him, what kind of messages would come from
15 the spirits?

16 A. [11:46:28] For instance, let me say, today, he would say this evening people will
17 have to get ready because the spirits would want to speak to the people. Then
18 people would prepare and gather in the church. He would appear in a cassock and
19 he would pray and then eventually he would start speaking. When he begins
20 speaking, sometimes it's the spirit called Sili Silindi, which is a female spirit, and his
21 voice would change and would speak like a woman.

22 Q. [11:47:13] Now you don't have to explain them because the Court has been
23 explained in detail of what each spirit did, but I would just like a few --

24 PRESIDING JUDGE SCHMITT: [11:47:18] I appreciate that, yes, I think the Chamber
25 appreciates that too.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 MR OBHOF: [11:47:25]

2 Q. [11:47:25] But could you give us just the names of the spirits that you can
3 remember.

4 A. [11:47:31] There was one called -- the first one was called Mama Sili Silindi, I
5 said that one is a female. There is also Juma Bosco Orisko, and then Who Are You.
6 That was -- those were the spirits that would speak to him almost -- every now and
7 then. But there were several other spirits, they could make 20 or so in number, but
8 the major ones were the three that I mentioned.

9 PRESIDING JUDGE SCHMITT: [11:48:08] Mr Witness, did you believe that the
10 spirits spoke through Mr Kony?

11 THE WITNESS: [11:48:24](Interpretation) Yes, I did believe, because, you know, as
12 a man, you cannot all of a sudden begin speaking like a woman with a female voice
13 when you usually not do so. Secondly, each time he prophesied, the things will
14 come to pass, then I had to believe him, because it was difficult for me to differentiate
15 between spirits and normal human being, I didn't know that people's voices could
16 change. But yes, these were the things that were happening and I believed him.

17 PRESIDING JUDGE SCHMITT: [11:49:00] Did this belief ever change during your
18 stay in the LRA?

19 THE WITNESS: [11:49:12](Interpretation) While I was in the LRA, well, luckily, one
20 of his brothers who was called Olanya, he joined us there, even right now he is still
21 there, and he started telling us the stories. I used to stay with him, he told me so
22 many stories and I could follow, I followed how the whole thing started and how
23 eventually it came to Kony. And then I, I came to realise that this was not mere
24 spirits, this was like an evil spirit.

25 PRESIDING JUDGE SCHMITT: [11:49:46] Mr Obhof.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 MR OBHOF: [11:49:53]

2 Q. [11:49:53] Similar to what the Presiding Judge just asked, from what you heard
3 from others and what you observed from others around you, did others in the LRA
4 believe that Joseph was possessed or was being spoken through by spirits, whether
5 malevolent or benevolent?

6 A. [11:50:29] Well, most of the people believed that whatever he was saying was
7 coming from the spirit. You know, it was difficult to differentiate between
8 malevolent and benevolent spirits, but the spirits were speaking through him.

9 Q. [11:50:57] Could you give the Court just one example of a prediction in which
10 Joseph Kony made that came true.

11 A. [11:51:21] Let me give an example. If there is an upcoming battle he would say
12 nobody should not eat anything. If you ate, they will shoot you in the mouth and
13 you will die. That happened, I witnessed it. There were soldiers who were coming
14 to attack us and then we laid an ambush. One of my colleagues, he was next to me.
15 They started firing and the person started eating and they fired a gun. It shot him on
16 the cheeks and the truth was he was eating and they shot him exactly there. So
17 I believed in him.

18 Secondly, all the operations that took place there, he would tell us that in this coming
19 year there will be this attack. If you, if you don't prepare they will come and attack
20 you and they will come from this direction. And that normally happened.

21 PRESIDING JUDGE SCHMITT: [11:52:28] I think that's enough information on these
22 predictions.

23 MR OBHOF: [11:52:33] Yes.

24 Q. [11:52:35] Now similar to what the Judge asked before, did the frequency
25 change at all as the years went by with the, the times in which the spirits would

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 possess Joseph Kony?

2 A. [11:53:03] Just like I mentioned, when we arrived in Sudan, he told the people
3 that, "The spirits will not be coming to speak to me when I gather everyone like
4 previously." The spirits would be speaking to him on his own but when he's by
5 himself, but he will only relay the messages to the people later on.

6 And after that, the spirits were not speaking to him in public. He would just come
7 and tell us that the spirits spoke to him and these are the things that they said. But
8 he was no longer gathering people and the spirits speaking to him in our presence.

9 Q. [11:53:47] Thank you, Mr Witness.

10 Now we are going to move on to a different topic.

11 What would happen to a soldier if he raped a woman?

12 A. [11:54:09] First of all, if you are not authorised or you are not given
13 a woman - because the rules were very strict - if you were sent to abduct, you will go
14 and abduct people and you come and hand them over to him, he is the one to
15 distribute the people. Even if you are a commander, you are not allowed to do
16 anything contrary to what he says.

17 If you contravene, he would either imprison you or they will beat you. But most
18 times it is about beating. They have not been killing people because they have raped
19 or something like that.

20 Q. [11:54:55] Now you mention these very strict rules on relationships in the LRA.
21 Could you explain to the Court the strict rules.

22 A. [11:55:20] Well, the first one is you will not do anything on your own without
23 the instruction coming from Kony, because he would say everything that he gives as
24 an instruction to people were coming from the spirits, so you would not have the
25 choice to do whatever you want on your own. You have to follow what he tells you

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 to do.

2 Q. [11:55:50] So how would somebody receive a wife or a husband?

3 A. [11:56:04] If the women are brought and then taken to, to him, then they would
4 look at the people who are ready to receive women. If you are still young, you will
5 not be given. Even the ladies, they will look at the ladies and see the very young
6 ones are kept away.

7 And the young ones are called ting ting. The ting ting are very young girls who are
8 not yet ready, who cannot yet be given as wives. But the ones who are mature
9 enough, they will identify men who look to be able to take care of --

10 THE INTERPRETER: [11:56:43] Your Honour, we have lost the sound.

11 PRESIDING JUDGE SCHMITT: [11:56:46] So I think we have to fix this first before
12 we can continue.

13 MR OBHOF: [11:56:56] Just so the Court knows too, I am actually going really well,
14 so barring any catastrophe, I should be done today.

15 PRESIDING JUDGE SCHMITT: [11:57:04] That's good news.

16 And since we are talking about that, Mr Choudhry, do you already have an idea
17 how long your examination will last?

18 MR CHOUDHRY: [11:57:17] Your Honour, I would probably say in the morning
19 tomorrow.

20 PRESIDING JUDGE SCHMITT: [11:57:20] Fine.

21 (Pause in proceedings)

22 PRESIDING JUDGE SCHMITT: [11:58:01] I tend to say recurring musical themes are
23 not -- normally not a good sign.

24 Mr Witness, do you hear us again?

25 THE WITNESS: [11:58:38](Interpretation) Yes, I can hear you.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 PRESIDING JUDGE SCHMITT: [11:58:41] So I think I have a question now.

2 You mentioned girls and mature enough. When would a girl be mature enough to
3 be given to a man?

4 THE WITNESS: [11:59:06](Interpretation) A girl who could be given to a man would
5 be a girl who is already menstruating and would be about 16 or -- and above. But
6 between 12 and 15, these are the ones who were referred to as "ting ting".

7 PRESIDING JUDGE SCHMITT: [11:59:29] Mr Obhof.

8 MR OBHOF: [11:59:31]

9 Q. [11:59:35] Now, when the sound cut off, you were stating about a wife:

10 "... the ones -- the ones who are mature enough, they will identify men who look to be
11 able to take care of ..." and that's where the sound went off.

12 What happens when a man is identified for a woman who can take care of that
13 woman? So please continue on the conversation before.

14 A. [12:00:21] The man would be called, taken to the office, the office where there is
15 an admin. The admin will have the names listed down, the names of all the people
16 who are capable of taking care of wives. The names will be taken to Kony and then
17 Kony would make a decision for the women to be given to these men, the men whose
18 names are on the list.

19 PRESIDING JUDGE SCHMITT: [12:00:47] How would this be handled in times
20 when the troops were away from Kony geographically? For example, Kony would
21 be in Sudan and the troops would be in Uganda, would there be any difference?

22 THE WITNESS: [12:01:13](Interpretation) If Kony is not around, the women are not
23 distributed. It's only after Kony has issued orders for the commanders to be selected.
24 But if someone has been abducted, a woman has been abducted, the woman would be
25 kept in a particular household until Kony makes a decision for the person to be

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 distributed. You cannot distribute an abducted woman along the way.

2 PRESIDING JUDGE SCHMITT: [12:01:42] Mr Obhof.

3 MR OBHOF: [12:01:58]

4 Q. [12:02:00] Now what would happen -- sorry, would a woman have the ability to
5 say no to being distributed to a man?

6 A. [12:02:24] Based on my observation, no. No woman could say no.

7 Q. [12:02:33] Did a man have the ability to say no to a woman who was distributed
8 to him?

9 A. [12:02:46] No, a man cannot refuse, because first of all he would have said, yes,
10 I am capable of taking care of a wife. Then why would you refuse one given to you?

11 Q. [12:03:06] Was there a difference between the way a woman became a wife if she
12 was a widow?

13 A. [12:03:33] Yes, there is a difference, because, first of all, when the person is
14 widowed, then the person is called, segregated for about six to seven months. After
15 about six to seven months, the person is taken, a ritual is performed, the person is
16 cleansed and purified. And then the woman is courted. The woman is not
17 distributed this time but she is courted. So the men will go to her and court her and
18 the woman will then make a decision saying, "It's this man that I want to become my
19 husband." She is not distributed.

20 PRESIDING JUDGE SCHMITT: [12:04:20] Was it possible that more than one
21 woman or girl was distributed to a man?

22 THE WITNESS: [12:04:41](Interpretation) They are not all given at once. No man is
23 given one, two or three wives, I mean two or three wives at the same time. But they
24 can give the person one woman at a time. So this year, they would give the person
25 one wife, the next year they would give him another one, and the next year they

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 would give him another one based on the person's needs and wants.

2 PRESIDING JUDGE SCHMITT: [12:05:08] Obviously my question was not perfectly
3 clear. This -- the last what you said was exactly what I meant. So was it possible
4 that in the end, let's say after a couple of years, one man had several women?

5 THE WITNESS: [12:05:30](Interpretation) Yes, that was possible. Because there
6 was no rule relating to monogamy.

7 PRESIDING JUDGE SCHMITT: [12:05:39] Mr Obhof.

8 MR OBHOF: [12:05:47]

9 Q. [12:05:49] In the Acholi culture, and Lango, of course, are men allowed to have
10 multiple wives?

11 A. [12:06:09] In the Acholi and Lango tradition, yes, they are more or less the same,
12 but I haven't heard any rule saying someone should only have one wife.

13 Q. [12:06:38] What would happen to a man, if anything, if he refused to accept
14 a woman distributed to him?

15 A. [12:06:59] Based on my observation, they would ask the person, "Okay, you
16 have been given a wife, you don't want this wife, so what do you want?" So they
17 make a decision saying, "Okay, we will leave you now. We are not going to give you
18 any wife. Maybe we'll reconsider your case two or three later, because you said you
19 wanted a wife and now you're saying no. Why?"

20 Q. [12:07:36] While you were in the bush, did Mr Ongwen have a wife?

21 A. [12:07:50] When I was in the bush, yes, he did have a wife.

22 Q. [12:07:58] From what you observed, how did he treat his wives?

23 A. [12:08:20] Sometimes when we would visit them, when we would meet, I would
24 observe how they used to live. When people visit him they are very welcoming,
25 they welcome the person, they are cordial and there was nobody who complained,

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 none of them were complaining.

2 Q. [12:08:53] When you visited other persons, did some of their wives complain?

3 A. [12:09:11] Sometimes people would not complain openly about this, because,

4 you know, there was a place where women would take their complaints. There was

5 an office pertaining to women's issues, that if a woman had a problem they would

6 take that -- their problems or the issue. They would not actually talk about it openly,

7 so they would go and discuss it with the respective office.

8 Q. [12:09:43] Now we are going to return back a little bit to Operation Iron Fist.

9 In which year did Operation Iron Fist happen?

10 A. [12:10:13] Operation Iron Fist, I am guessing it started maybe around about

11 2001.

12 Q. [12:10:38] Now, in this year 2001 before the operation started, and maybe a little

13 bit in 2000, how many troops were being sent to Uganda by the LRA?

14 A. [12:10:58] Based on what I said earlier, there was Otti, he went with one group

15 to Uganda. There were four groups. Two groups went to Uganda, two groups

16 stayed behind with Kony.

17 Q. [12:11:21] I'm sorry, I didn't explain myself well. The year before Iron Fist

18 happened, how many troops were in -- LRA troops were in Uganda?

19 A. [12:11:50] Before Iron Fist there were sickbays that were in Uganda. Yeah,

20 most of the troops were in Sudan, but the sickbays were in Uganda.

21 Q. [12:12:11] Now you mentioned before that Joseph Kony knew about the attack

22 coming. How did he know about this attack?

23 A. [12:12:38] As I stated earlier, he would say it was the spirit, the spirit came and

24 told him about it. He said: The spirit told me this and this, the spirit told me that

25 we are going to be attacked on such-and-such a date in such-and-such a month. And

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 that is when we knew about Operation Iron Fist, because he prophesied it. He said:

2 We are going to be attacked at any moment, please take care.

3 Q. [12:13:12] Now, at the time of Operation Iron Fist, in which brigade were you?

4 A. [12:13:26] At the time of Operation Iron Fist I was in Kony's brigade known as
5 Trinkle.

6 Q. [12:13:36] And you say Kony's brigade, what was the purpose of Trinkle
7 brigade?

8 A. [12:13:54] Trinkle brigade were the high command security detail. We used to
9 take care of the commanders in the high command.

10 Q. [12:14:18] Now, when Vincent Otti took the brigades back to Uganda, was there
11 any difference in the way the brigades operated?

12 A. [12:14:42] When Otti took the two brigades back to Uganda and the two
13 brigades stayed back with Kony, there was no different between the way the brigades
14 were, because there was communication between Otti and Kony, so any plans that
15 were being made were made together between Otti and Kony.

16 Q. [12:15:11] At this same time around Iron Fist, who was the brigade commander
17 of Trinkle?

18 A. [12:15:27] At the time of Iron Fist, the brigade commander was Okot Odhiambo
19 and Onen Unita.

20 Q. [12:15:47] Can you remember who the battalion commanders were?

21 A. [12:16:02] The battalion commanders, there were three battalions, there was
22 Kwati (phon), there was Bogi, who was in charge of that battalion, the second
23 battalion in which I was based. The third battalion was led by Okwonga Alero.
24 But within those, all three battalions you had two people who were co-heading those
25 battalions.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Q. [12:16:34] And who were those two people?

2 A. [12:16:47] Bogi's battalion had Owinyo, there was Owinyo. And my battalion,
3 there was myself and Okulu Benson. And in the third battalion there was
4 Okwonga Alero and Ocaya.

5 Q. [12:17:15] Around this same time of Operation Iron Fist do you remember what
6 position Raska Lukwiya held?

7 A. [12:17:36] At the time Raska Lukwiya was in the high command, but I do not
8 know what his role was in the high command, but he was in the high command.

9 Q. [12:17:53] How about Nyeko Tolbert Yadin, do you remember what position he
10 had around the time of Iron Fist?

11 A. [12:18:10] Nyeko Tolbert Yadin was a spokesperson, he would call and he
12 would speak to the BBC.

13 Q. [12:18:31] And a final person, Caesar Acellam. Around the time of Iron Fist,
14 what position did he hold?

15 A. [12:18:55] Caesar Acellam, well, I wasn't very sure about what his exact roles
16 and duties were, but I know he was in Control. He was also an intelligence officer.

17 Q. [12:19:18] We are going to move on to something a little different now, dealing
18 with something that you had mentioned earlier this morning.

19 Can you help the Court, without naming any names, and explain what a collaborator
20 was?

21 A. [12:19:53] A collaborator is somebody who you can send for errands, you can
22 ask them to look for things, buy things and come back. But usually the person is
23 a civilian but they help you.

24 Q. [12:20:14] Again without naming names, did you work with collaborators while

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 you were in the LRA?

2 A. [12:20:36] Yes, we did.

3 Q. [12:20:42] How did a civilian become an LRA collaborator?

4 A. [12:21:02] First of all, in order to become an LRA collaborator, it usually depends
5 on how well the commander gets on with the civilians in that area. If you are a fierce
6 civilian and you -- a fierce commander and you mistreat civilians in the area, then
7 nobody wants to help you.

8 Q. [12:21:32] Did collaborators exist after Operation Iron Fist?

9 A. [12:21:49] After Operation Iron Fist, when people moved and went back to
10 Sudan, when I went back to Sudan, I do not know whether this continued, because
11 after Operation Iron Fist we went to Sudan and then we went to Congo, so I don't
12 know what was happening in Uganda.

13 Q. But what I mean is from that time after Iron Fist, but before you went to Congo,
14 so the times maybe around 2002 until around 2005, were the LRA commanders in
15 Uganda still using collaborators?

16 A. [12:22:42] Yes, they did continue using collaborators.

17 MR OBHOF: [12:22:49] Your Honour, if I can go into private session for one, maybe
18 two questions, please.

19 PRESIDING JUDGE SCHMITT: [12:22:58] Yes, please.

20 (Private session at 12.22 p.m.)

21 THE COURT OFFICER: [12:23:07] We're in private session, Mr President.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 12.24 p.m.)

8 THE COURT OFFICER: [12:24:29] We are back in open session, Mr President.

9 MR OBHOF: [12:24:36]

10 Q. [12:24:37] Now, Opio, do you remember a person by the name of Rwot Oywak?

11 A. [12:24:49] Yes, I do remember a person called Rwot Oywak.

12 Q. [12:24:58] What was his relationship like with the LRA?

13 A. [12:25:16] I started seeing Rwot Oywak when he first came to Otti. He asked to
14 speak to Otti and he went and spoke to Otti. I do not know what they discussed, but
15 my understanding was that he spoke to Otti in order for them to begin negotiations
16 for peace talks. I did not hear what they discussed, though.

17 Q. [12:25:48] Now you say the first time I started seeing Rwot Oywak when he first
18 came to Otti. How often would Rwot Oywak visit Otti?

19 A. [12:26:11] Based on what I heard, that was the second time that he had come to
20 Otti, because there was -- in an area known as Koyo-Lalogi, they first met there.
21 And then the second time is the one I just mentioned a few moments ago.

22 Q. [12:26:44] Mr Witness, while you were in the LRA after Iron Fist, do you
23 remember if Mr Ongwen was seriously injured?

24 A. [12:27:03] Yes, I do recall that. I actually saw the injury. I, I do not know
25 where it happened, where it happened -- the area where it happened, but I saw the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 injury.

2 Q. [12:27:24] Could you describe what you -- the injury which you saw?

3 A. [12:27:36] The injury that I saw was on his thigh, close to his knee. And the
4 injury was there. I cannot recall whether it was on the left or on the right, but it was
5 on his thigh between the knee and the thigh, around that area.

6 Q. [12:28:05] Do you remember about how long after Operation Iron Fist that
7 Mr Ongwen sustained this injury?

8 A. [12:28:29] When we left Sudan and came back to Uganda, we stayed with him.
9 And when I met him, he had already sustained that injury.

10 Q. [12:28:48] Now everyone in the Court knows that you are not a medical
11 professional. But from what you saw to his leg, how bad was this injury?

12 A. [12:29:10] Based on what I saw, the injury was, was serious, because he was
13 limping. The wound itself was very big. I don't know if he actually broke the bone,
14 but it was a very big wound.

15 Q. [12:29:38] Do you remember for approximately how long Mr Ongwen was
16 healing from this injury?

17 A. [12:30:02] I do not know how long it took for the injury to heal, because when I
18 met him, shortly thereafter we split because I was in another brigade. We left him
19 behind and we kept on moving. So I don't know how long it took. I don't know
20 whether it took months or whether it took a year, I don't know, because I left.

21 Q. [12:30:34] Who was in charge of the sickbay in which Mr Ongwen was at?

22 A. [12:30:51] Well, I am not clear about the commander of that sickbay, but we met
23 him at the sickbay. He met together with Lapwony Otti.

24 Q. [12:31:12] Was Mr Ongwen in charge of that sickbay?

25 A. [12:31:23] Well, I am not sure if he was the one who was in charge of the sickbay,

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 but he was injured and I don't know whether there was another commander who was
2 in charge or he was only -- he was there with only his escorts or something like that.
3 I'm not clear.

4 Q. [12:31:54] Whomever would have been in charge of this sickbay, what would
5 have been that person's duties?

6 A. [12:32:12] If you are in charge of the sickbay, you have to make sure that you
7 take care of all the sick people. They have to eat well, because they have to eat -- no,
8 you don't have -- they don't have capacity to look for food by themselves. So you
9 have to ensure that the few soldiers that you are with should be able to be engaged to
10 bring food for the sick people at the sickbay.

11 Q. [12:32:44] When you saw Mr Ongwen in sickbay, do you remember seeing
12 a radio call in that sickbay?

13 A. [12:33:04] Just like I said previously, we met with them, we came, we met Otti's
14 group and then we came together, so -- but I didn't ask whether they had a radio call
15 or not, because we didn't take long and we left.

16 Q. [12:33:47] I'll ask you a few more series of names, Mr Witness.
17 Do you remember a person by the name of Acaye Doctor?

18 A. [12:34:06] Yes, I remember Acaye Doctor.

19 Q. [12:34:13] Who was Acaye Doctor?

20 A. [12:34:23] Acaye Doctor was an officer. Well, he was not a medical doctor, but
21 that was his name just. He was not working as a medical personnel or he wasn't
22 even doing any medical-related things, but "Doctor" was his name.

23 Q. [12:34:53] Now, during that same period of 2000, around 2002 and 2003, what
24 was Acaye Doctor's role in the LRA?

25 A. [12:35:14] At that time he was an OC and he was living with -- he was with

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 some soldiers who would move together with Kony.

2 Q. [12:35:38] Do you remember in which brigade he was?

3 A. [12:35:49] Acaye Doctor was not in any brigade, he was Kony's escort.

4 Q. [12:36:05] From what you witnessed or may have heard, was he trusted by
5 Joseph Kony?

6 A. [12:36:20] Yes, he was trusted by Kony.

7 Q. [12:36:30] What about a person by the name of -- or by a nickname of Adjumani?

8 Do you remember a person who was called Adjumani?

9 A. [12:36:44] Yes, I remember Adjumani.

10 Q. [12:36:50] Now around '02 or '03, 2002/2003, what was Adjumani's role in the
11 LRA?

12 A. [12:37:10] Adjumani was Raska Lukwiya's escort.

13 Q. [12:37:22] Do you remember which brigade Adjumani was in?

14 A. [12:37:38] Adjumani was not in a brigade. You know, even Raska Lukwiya
15 was in Control Altar together with Otti. Adjumani was the chief security officer in
16 Raska's home.

17 Q. [12:38:07] From what you saw and what you have heard, was he trusted by the
18 high command?

19 A. [12:38:22] Well, the -- his commander used to tell us that Adjumani is a very
20 sharp person and could provide good security for him, that's why he was in charge of
21 his commander's security.

22 Q. [12:38:47] What happened to Adjumani?

23 A. [12:39:01] Adjumani died.

24 Q. [12:39:07] And do you know how he died?

25 A. [12:39:17] Yes, I know.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 Q. [12:39:26] So kindly please tell Court how Adjumani died.

2 A. [12:39:39] At the time he died he was no longer with Raska Lukwiya because he

3 died from the Congo, he was no longer with Raska Lukwiya. He was Kony's escort.

4 And while he was there, one morning the soldiers were called for a fall in, and Arop,

5 who was in operation room, came and went to Kony, he left the fall in and went to

6 Kony and then Kony said Adjumani was one of the people in Otti's group, he would

7 pick information from Kony and text to Otti, so he was acting like Otti's intelligence

8 officer, so they decided that Adjumani should be arrested and taken to Kony. I think

9 Adjumani sensed something wrong and when the person came from Kony to disarm

10 Adjumani, you know, when people are called for a fall in they are all armed, so when

11 he came and then instructed Adjumani to sit down, he just opened the sheath and

12 started shooting people. Luckily, Arop was shot -- Adjumani shot but hit Arop's

13 gun, then Arop shot back and killed him. That's how Adjumani was killed.

14 Q. [12:41:37] Now, earlier you mentioned this Ben that was also killed along with

15 Otti. Was this Ben Acellam?

16 A. [12:41:57] Yes, he was called Ben Acellam.

17 Q. [12:42:04] Now during this same time around 2002 to 2003, what role did Ben

18 Acellam have and what brigade was he in?

19 A. [12:42:23] Ben Acellam was in Stockree. He was the CO of Stockree.

20 Q. [12:42:48] What type of relationship or what type of friendship did Ben Acellam

21 and Otti Vincent have?

22 A. [12:43:06] Ben Acellam was a commander who hailed from Atiak, Otti as well

23 was coming from Atiak. I don't know whether they had blood relations, but they

24 used to live cordially. Many times he would invite Ben to his home and they would

25 play cards and they would spend a lot of time together. I don't know the kind of

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 relationship exactly, whether they were blood related or not.

2 Q. [12:43:48] From what you witnessed and heard, did Joseph Kony and

3 Otti Vincent trust Ben Acellam?

4 A. [12:44:05] The way I saw, yes, they trusted him. Because that's why he was put
5 as a CO, the instruction came from Kony that he should be put as the CO. You know,
6 Ben Acellam was Banya's escort.

7 Q. [12:44:26] And one final person: Ocan Nono. Do you remember who
8 Ocan Nono was?

9 A. [12:44:43] I remember Ocan Nono, he used to be called as Ocan Labongo.
10 Mostly he was referred to as Ocan Labongo.

11 Q. [12:44:59] Thank you. I always mispronounce the second name, which is why I
12 go with Nono.

13 Ocan Labongo, around the time same, 2002 to 2003, when the LRA was coming back
14 to Uganda, do you remember which brigade he was in?

15 A. [12:45:30] Yes, I do. He was in Sinia brigade.

16 Q. [12:45:41] And from what you remember, what was his role in Sinia brigade?

17 A. [12:45:55] While in Sinia brigade, Ocan Labongo was the CO.

18 Q. [12:46:03] Do you remember for which battalion?

19 A. [12:46:13] Ocan Labongo was in Oka.

20 Q. [12:46:32] Did you ever personally work with Ocan Labongo?

21 A. [12:46:48] Well, we did not work together, but earlier on, when I was an escort
22 he was also an escort and we met. Initially he was Otti Lagony's escort and then he
23 was transferred and we stayed together before he was taken to Sinia.

24 Q. [12:47:20] Was he, from what you observed and from what you heard, was he
25 trusted by the commanders in which he acted as an escort?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 A. [12:47:39] When he was with Otti Lagony, yes, Otti Lagony trusted him.

2 Q. [12:47:49] Was he an escort for Otti Lagony when Otti Lagony was executed?

3 A. [12:48:04] Yes, at that time he was his escort.

4 Q. [12:48:10] Do you know what eventually happened to Ocan Labongo?

5 A. [12:48:27] Well, I know what happened to Ocan Labongo. I didn't witness it,
6 but I was told.

7 Q. [12:48:38] What did you hear happened to Ocan Labongo?

8 A. [12:48:52] That was in Central African Republic, Ocan Labongo was in, in
9 Samuel's group, there was a commander who was called Samuel from there, he was
10 picked. Because I think they were walking and they got the footmarks of an
11 elephant. They selected five of them to go and follow the elephant so they could kill
12 it. When they left, I think while they were following the elephant, they decided to
13 take a rest. They sat and they started preparing meals. Then he left the group to go
14 and ease himself. Then I think he crossed a river and went on the other side of the
15 river. And when he was going there he was seen by some soldiers and when he was
16 easing himself the soldiers shot him, they shot him on the leg, they broke his leg.
17 And luckily he had his pouch with him, then he started crawling and shooting back at
18 the shoulders who eventually retreated.
19 But the people with whom he was moving to follow the elephant heard the gunshots
20 and then they found, they found he had repulsed the soldiers, but had shot himself as
21 well. He had shot some of the soldiers, killed them and killed himself, and then
22 these other colleagues went, found him there, and the guns, they recovered the guns
23 and then they went back and reported what happened, that he had moved out to go
24 and ease himself and then he was attacked by soldiers, he fought them back, but he
25 shot himself on the head. And that was the report they gave back.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 MR OBHOF: [12:51:08] I wonder would be it be okay, your Honour, to take the
2 break now. I have six pages which roughly means about an hour to an hour and
3 15 minutes.

4 PRESIDING JUDGE SCHMITT: [12:51:17] I think that's fine and then we would only
5 start with the Prosecution tomorrow, I would suggest.

6 So we have now the lunch break until 2.30.

7 THE COURT USHER: [12:51:26] All rise.

8 (Recess taken at 12.51 p.m.)

9 (Upon resuming in open session at 2.31 p.m.)

10 THE COURT USHER: [14:31:14] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [14:31:25] Mr Obhof, you still have the floor for the
13 Defence.

14 MR OBHOF: [14:31:36] Thank you, your Honour. Only because it's time sensitive,
15 co-counsel has asked me to mention the email from Mr Choudhry earlier about
16 adding the additional pieces. Concerning the first four pieces - I'm trying to make
17 sure I have it correctly - yes, tab 8, 9, 10, 11, as he noted, tab 8 is only already on the
18 Defence's list which means he could have used that and the transcripts by order of the
19 Court would follow regardless. So of course we have no objections to those, but we
20 would appreciate as soon as possible if we have the exact time frames for the audios
21 to be played, again, because the audio was around 32 minutes and there are -- even
22 though the tracks are listed for the transcripts on 9, 10 and 11, I know that tab 11 is 11
23 minutes long.

24 PRESIDING JUDGE SCHMITT: [14:32:42] I think everything you say is correct and
25 makes sense and I think there will be no problem to tell, not only the Defence but

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 everyone, on which portions you would want to rely upon.

2 MR CHOUDHRY: [14:32:57] Your Honour, Just to respond, I may not use those
3 items. It very much depends upon what the purpose and reason my learned friend
4 wishes to adduce them, but I may not use them at this stage. I simply can't
5 anticipate. I've tried my best, but I shall limit it, if and when it becomes --

6 MR OBHOF: [14:33:18] Well, I would assume at least by COB today he would --

7 MR CHOUDHRY: [14:33:22] Oh, yes. Definitely.

8 MR OBHOF: (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [14:33:23] I think we leave it at that so at least after
10 today's hearing I think you can decide if you want to hear it.

11 MR CHOUDHRY: Thank you, your Honour.

12 PRESIDING JUDGE SCHMITT: Mr Obhof, now you can continue.

13 MR OBHOF: [14:33:33] Also for tab 12 now, though, for the final one, for the
14 logbook, the Defence does not agree with the introduction of this logbook at this time.
15 There is a reason why when we're playing the witness in audio here in the next 30
16 seconds that we have the transcript, the audio and the logbook all together, that both
17 the Prosecution and the Defence have argued that there are some inconsistencies
18 between logbooks and within the tapes, so the logbook by itself we do have an issue,
19 your Honour.

20 PRESIDING JUDGE SCHMITT: [14:34:06] I think this issue might also solve itself, so
21 simply let's continue. We hear what you want us to hear and then we don't even
22 know if Mr Choudhry will want to use it tomorrow in his examination.

23 So please, you may proceed now.

24 MR OBHOF: [14:34:25][14:34:27] I was actually going to ask if I could have the floor
25 on evidence 2 for playing of an audio.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

- 1 PRESIDING JUDGE SCHMITT: [14:34:36] If you prefer evidence 2, why not, I think.
- 2 MR OBHOF: I've been told that's what I have to use.
- 3 PRESIDING JUDGE SCHMITT: I think the court officer will have no issue with
- 4 using evidence 2.
- 5 THE COURT OFFICER: [14:34:43] You do have the floor. Just for the record, is the
- 6 document you intend to play public?
- 7 MR OBHOF: [14:35:07] Yes, it can be played public.
- 8 THE COURT OFFICER: [14:35:10] Thank you.
- 9 MR OBHOF: [14:35:21] I have to read an ERN for this, of course. The ERN is
- 10 UGA-OTP-0259-0359. It is an enhanced audio of UGA-OTP-0241-0339 side A. For
- 11 the Judges and everyone in the court, the binder, we placed the transcripts and
- 12 highlighted the relevant -- roughly the relevant portions on page 0635, which is not to
- 13 be shown to the witness, and I still don't have number 3 -- or, sorry, the evidence.
- 14 It's showing up -- let me play it and see if it actually comes.
- 15 Q. [14:36:17] Mr Witness, I'm going to play you an audio recording. It is going to
- 16 be a short clip of about 20 seconds, and then I will play it for you, ask you -- play it for
- 17 you twice and ask you a few questions based upon that audio. Is that okay?
- 18 A. [14:36:39] Yes, that's fine, I understand.
- 19 PRESIDING JUDGE SCHMITT: [14:36:50] Which tab is it? Do we have translation
- 20 for that?
- 21 MR OBHOF: [14:36:54] That's in tab 3.
- 22 PRESIDING JUDGE SCHMITT: [14:36:56] Tab 3, thank you.
- 23 MR OBHOF: [14:36:57] Yes. The evidence channel also has to be connected to the
- 24 USB, not to my computer. To the HDMI cord, sorry.
- 25 THE COURT OFFICER: [14:37:29] I got the confirmation that the audio is active.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 You can just play the audio.

2 MR OBHOF:

3 Q. [14:38:03] Just to make sure, Mr Witness, do you hear that audio?

4 A. [14:38:12] No, I didn't hear anything.

5 PRESIDING JUDGE SCHMITT: [14:38:19] So we have this in common I think with
6 the witness.

7 THE COURT OFFICER: [14:38:35] We have just checked the audio prior to the start
8 of the third session. If you could please do the exact same.

9 MR OBHOF: [14:38:44] I did.

10 THE COURT OFFICER: [14:38:45] We are okay on the AV booth. And the
11 technician is on his way.

12 MR OBHOF: [14:38:51] I can try to play it from my computer here.

13 PRESIDING JUDGE SCHMITT: [14:38:53] Any try that gives us the chance for
14 expedited procedure is appreciated.

15 MR OBHOF: [14:39:23] So now it's going to be maybe about 25 seconds because I'm
16 using the ICC's computer.

17 Q. [14:39:31] Okay, Mr Witness, now I'm going to play you an audio.

18 (Playing of audio excerpt)

19 MR OBHOF: [14:40:19] I'm going to replay that one more time for the witness.

20 PRESIDING JUDGE SCHMITT: [14:40:22] No problem. It must be very difficult for
21 the witness, but we have made the experience here in this courtroom, I think, that
22 sometimes they are remarkable in identifying matters. So please play it another
23 time.

24 MR OBHOF: [14:40:38] I will restart with the same time.

25 (Playing of audio excerpt)

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 MR OBHOF: [14:41:17]

2 Q. [14:41:20] Now, Mr Witness, what was that short discussion about?

3 A. [14:41:33] Based on what I have heard, the person speaking is reporting to Kony
4 and informing him of the people who were not present at his location.

5 Q. [14:41:53] Do you remember what they specifically stated about
6 Dominic Ongwen?

7 A. [14:42:07] I did not hear anything about Ongwen. I heard Okello Pokot, who
8 was not present with his people. Akuri was also not present with his people.

9 Lapaico was also not present with his people. But that voice is Tabuley's voice and
10 it's Tabuley who is speaking to Kony.

11 Q. [14:42:39] Thank you, Mr Witness.

12 A. [14:42:55] Thank you, too.

13 Q. [14:42:59] If I may ask some general questions about radio communications,
14 your Honour?

15 PRESIDING JUDGE SCHMITT: [14:43:21] Why not? But perhaps -- I'm not sure if
16 the witness is very knowledgeable in this area, but we will soon find out, and then
17 you could shorten it if -- or not, or expand it.

18 MR OBHOF: [14:43:36] Yes.

19 Q. [14:43:38] Mr Witness, if there is a discussion on a radio and they are going
20 through a roll call, listing people's names and their positions, so say a battalion
21 commander -- or, sorry, brigade commander, battalion commander, battalion
22 commander, battalion, intelligence officer, BM. And if they list somebody as not
23 being there or somebody who is not present during that roll call, what does that
24 mean?

25 A. [14:44:22] As you heard them talking, the person is reporting to Kony and

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 informing him of the people who did not -- who had not arrived at his location. He
2 said Okello Pokot. I heard Akuri, Akuri and his household were not present. So I
3 heard three people being named and those are the people who were not present there.
4 There was nothing else that would be said. If they sent information there is usually
5 a code. The code is usually with the signaller and it's up to the signaller to use the
6 necessary information from that code to send the message.

7 MR OBHOF: [14:45:25] And now, your Honour, we are going to go on to Pajule.
8 Thank you.

9 Q. [14:45:31] Mr Witness, did you actively participate in the attack on Pajule?

10 A. [14:45:41] I did not -- I was not present at the attack that -- of the actual people
11 who went to Pajule, but I was present when people were being selected and I stayed
12 behind. But on that day I was present when people were being selected to be sent to
13 Pajule.

14 Q. [14:46:08] Now --

15 PRESIDING JUDGE SCHMITT: [14:46:09] So we can continue in open session.

16 MR OBHOF: [14:46:12] Yes.

17 Q. [14:46:13] Now that we are discussing Pajule now, this one that you are present
18 for the selection but did not go to the attack, do you remember around what time of
19 the year this happened?

20 A. [14:46:36] I cannot recall the exact year, but I can hazard a guess. I believe it
21 happened sometime maybe around about Independence or Christmas. I know that
22 it happened, there was some celebrations, it was on a big occasion. So there was
23 some kind of celebration and people had had alcohol, people were drunk.

24 Q. [14:47:16] Do you remember - and if you do, could you name them - the senior
25 commanders who were present at the RV for the selection?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 A. [14:47:31] Yes, I do, I do recall them.

2 Q. [14:47:49] Who was present at the RV, Mr Witness? Please tell Court.

3 A. [14:47:56] Present at the RV, the highest ranking officer was Otti Vincent.

4 There was Lukwiya Raska. Nyeko Tolbert Yadin was also present. I was also
5 present. As well as Bogi, Bogi was also present. Sinia's group was also present.

6 Q. [14:48:35] Who from your brigade went in for the attack at Pajule?

7 A. [14:48:45] People from my brigade, the highest ranking commander was Bogi,
8 he was the 2IC for Lukwiya Raska.

9 Q. [14:49:08] Now, Witness, we have this tradition of having a monologue for
10 certain things like this: Could you explain what happened the day that they went in
11 for the attack.

12 A. [14:49:26] On the day that they went to Pajule, we came from the foothills of
13 Latanya and entered into a place known as Wanduku. At Wanduku we met the
14 other groups from Sinia. People were selected, people were selected from around
15 about that Latanya area. Lukwiya Raska was the overall, his 2IC was Bogi and Bogi
16 was from my group. When they left they went to Pajule. At around 5 in the
17 evening, they walked slowly, slowly, slowly and then they got there when it was dark.
18 Lukwiya Raska, who was the overall, gave soldiers to Bogi as his 2IC to go and attack
19 the barracks, and then the second group of soldiers entered into Pajule camp to go
20 and collect food.

21 When these people got there, the people who went and attacked the camp attacked it
22 at dawn, at around 5 a.m., and another group went to the camp to collect food. They
23 collected food. The people who were in the barracks, there was -- were under heavy
24 gunfire, there was -- they fought with the soldiers who were in the defence. Some
25 soldiers were injured. For example, Lukwiya was injured -- Lukwiya's support was

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 injured during the attack. Lalu Lalu was also injured during the attack at the
2 barracks. The fighting at the barracks was extremely fierce. They overran the
3 soldiers who had gone to the barracks. When the soldiers were overrun, they came
4 back and met with Raska Lukwiya along the way.

5 At the centre, the people who went to the centre went, collected food and abducted
6 people. They abducted a number of people. When they came back -- when they
7 were coming back there was one soldier who went to Oywak's and Oywak asked
8 them, "What you are doing here?" They said, "Oh, we have come to collect food.
9 Other people have gone to the barracks." He asked them, "Where is your
10 commander?" And they said, "Our commander stayed behind and he's Otti
11 Vincent." He said, "Okay, no problem. I'm not staying behind. I'm coming with
12 the people who have been abducted." So he left and started going with the people
13 who had been abducted. He met those of Bogi along the way and they came, walked
14 and came to where we were.

15 At around 10 a.m. there was a gunship that came from Lira. The gunship circled
16 around and around and around about four times, and then it turned and started
17 following the soldiers. The gunship found people, but they said that the way they
18 were monitoring the gunship, the gunship said there were too many civilians they
19 could not shoot them. So it left, it came back again.

20 The people started walking, they came, they found us. When they found those of us
21 who had stayed behind, Otti said, "Okay, let's move. Let's move towards the south."
22 We moved from this defence and moved towards the south. We walked. After
23 a while, they said, "Okay, let's move again to another location." We moved to
24 another location. At around 4 p.m., we stayed behind and Otti said, "Okay, all of us
25 should go to that position." Otti said, "There is a gunship coming. If this gunship

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 comes, we should start shooting at it because this gunship is coming to fire bombs on
2 us. If the gunship does fire bombs on us it's going to injure a lot of people, so if it
3 comes we should fire it -- we should fire at it." The gunship came from the east,
4 going to the west, and it kept on circling people. It started going from the west,
5 going towards eastwards. They started shooting at the gunship. They started
6 shooting at the gunship, it went up. And there was communication with the
7 gunship saying they are so many people and they are being -- they are shooting on us.
8 The person in the plane said, "I cannot throw down bombs because there are so many
9 people." It turned and went back to Lira, and people sat. Then Rwot Oywak went
10 to Otti. When he got to Otti they spoke, they had a discussion with Otti. And then
11 he was at Otti's -- he was with Otti for a while and then Otti called someone and said,
12 "Okay, select some people, give them to Rwot Oywak to go back with them in the
13 morning. There are some people who can be kept behind, those people are capable
14 and able of being soldiers." And Oywak said, "Okay, no problem."
15 In the morning we split up. There are some people who were selected, the younger
16 ones, and they stayed behind. But the older people were given to Rwot Oywak and
17 he went back with them to Pajule, and that's what happened during in the attack in
18 Pajule. That morning we split, Otti went his way, we went our way. I do not know
19 what happened, whether Oywak spoke to Otti again. But, as far as I know, after that
20 Oywak left and went to Pajule. That's what happened.

21 PRESIDING JUDGE SCHMITT: [14:55:30] Thank you, Mr Witness. This was a very
22 fluent account. Where did you stay during the attack of Pajule?

23 THE WITNESS: [14:55:43](Interpretation) During the attack of Pajule we stayed
24 behind with those of Otti at Wanduku, because that is the location where the people
25 who were going for the attack left from at around 5, 5 p.m., and then when they came

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 back at around 10 a.m. they came and found us there because the gunship was
2 following them. Then we left that location and went to the south. We went to the
3 south with everybody else. That's what happened.

4 PRESIDING JUDGE SCHMITT: [14:56:17] How far away is this from Pajule, this
5 Wanduku?

6 THE WITNESS: [14:56:29](Interpretation) The distance between -- I do not know the
7 exact distance between Wanduku and Pajule, but I know that they walked slowly
8 from Wanduku to Pajule and they got there at dawn. So, if it's very far, the most I
9 can estimate is about 7 miles.

10 PRESIDING JUDGE SCHMITT: [14:56:52] And you said you stayed behind at this
11 place called Wanduku with Otti Vincent. How many people stayed behind?
12 Which group stayed behind with you?

13 THE WITNESS: [14:57:10](Interpretation) The people that stayed behind, all the
14 people who went to fight were selected from different groups. They took them from
15 Trinkle, some were taken from the headquarters, from Control Altar, and some were
16 taken from Sinia. So the group that were left behind also included Trinkle, Sinia, the
17 headquarters and Control Altar. But people were many, I cannot estimate the exact
18 number of people that were there.

19 PRESIDING JUDGE SCHMITT: [14:57:50] Where did you get the information from
20 what happened in Pajule?

21 THE WITNESS: [14:57:57](Interpretation) The commander, Bogi, I mentioned his
22 name, I was in Bogi's group, we were in the same brigade. Bogi was the first CO and
23 I was his deputy, so when he came back, he told me what happened, he said, he
24 explained how -- what happened when they got there, how they were split in two
25 groups and how the event rolled out.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 PRESIDING JUDGE SCHMITT: [14:58:27] And, Mr Obhof, you said we have the
2 custom here to invite witnesses to a monologue. I prefer narrative or report to
3 monologue.

4 MR OBHOF: [14:58:39] Sorry about that. That does sound better.

5 PRESIDING JUDGE SCHMITT: You don't have to be sorry. It was just to say what
6 the intention behind it is.

7 MR OBHOF: [14:58:49]

8 Q. [14:58:52] Mr Witness, now during this time when the group went into Pajule to
9 fight, did you happen to notice where Mr Ongwen was located?

10 A. [14:59:09] When they went to Pajule, we stayed behind with those of Ongwen.

11 Q. [14:59:28] What specific reason do you know of why Ongwen wasn't chose to go
12 to fight?

13 A. [14:59:47] I believed that I explained earlier that Mr Ongwen was injured at the
14 time, he had an injury around his knee, so he was unable to go. The rules in the
15 bush were that if you had an injury, if you had big injury, then you would not be
16 selected to go for battle.

17 Q. [15:00:17] Just some two -- one or two more quick questions about this area.
18 Now Rwot Oywak, when he was talking with Otti Vincent, how was he dressed?

19 A. [15:00:37] When he was talking to Otti I saw him, he was moving about, he was
20 moving to Otti and we had stayed behind, but right now, I cannot recall what he was
21 putting on. But I know him, even right now I know him. He was a very tall person
22 and he was -- it was easy to identify him from a distance because he was tall. And
23 he went to Otti, I could not hear what they were talking about.

24 PRESIDING JUDGE SCHMITT: [15:01:16] I think the fact that this something like an
25 encounter with Otti and Rwot Oywak took place, I think we have this many, many

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 times.

2 MR OBHOF: [15:01:25]

3 Q. [15:01:26] Well, the one last thing is did he at least have a shirt over his chest?
4 Was he clothed? I mean you might not be able to remember what he wore, but was
5 he at least wearing clothes?

6 A. [15:01:47] Well, other people came and no one was undressed. But at the time
7 when the gunship came, those were putting on red and white had to remove their
8 clothes and they were told to get tree branches and cover their, cover
9 their -- themselves so they could not be identified by the helicopter. But nobody was
10 undressed, nobody removed their shirts or tops.

11 PRESIDING JUDGE SCHMITT: [15:02:16] Perhaps just one more question, a little bit
12 going back to clarify it, Mr Witness. You said you stayed together behind with those
13 of Dominic Ongwen. When you were at the RV and at the time when the attack in
14 Pajule took place, were you together with Dominic Ongwen at the RV?

15 THE WITNESS: [15:02:41](Interpretation) Yes, when these people went for the battle
16 everyone else who stayed back stayed in the same position and that's the same place
17 where they came and found us.

18 MR OBHOF: [15:02:59]

19 Q. [15:03:01] I'm going to move forward a few years, Mr Witness, to the summer of
20 2006. What were your personal hopes when the LRA withdrew from Uganda, went
21 to the Congo for the peace talks?

22 A. [15:03:54] When we went to the Congo, we had hopes that the peace process
23 was going to be fruitful, and it would be very helpful for our future.

24 Q. [15:04:19] Now you stated "we", does that mean that you heard and you
25 witnessed from others having the same hopes and desires that you had?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 A. [15:04:33] Well, most of the people at the onset of the peace talks, everyone was
2 saying we need to bring this to the end so that we can go home. Everyone was
3 speaking like. Even some of the senior commanders were saying if this peace
4 process could bear some fruits, we would be able to go back to Uganda. So it was
5 coming from everyone.

6 Q. [15:04:59] Around this same time what was Mr Ongwen saying about his hopes
7 and desires for the peace talks?

8 A. [15:05:14] At that time most of the commanders and even the other soldiers
9 were all excited because initially, while people were going there to Congo, people
10 were being counseled and everyone had hopes that the peace talks would let people
11 to go back to Uganda and begin staying well and have very good lives. Everyone
12 thought it would be very good.

13 Q. [15:05:57] Mr Witness, what happened to Raska Lukwiya in August 2006?

14 A. [15:06:12] What happened to Raska Lukwiya, well, I did not see it physically,
15 but I was just told that the government soldiers shot him and he died. That's what I
16 heard, that it happened at Te Got Niyono (phon). It's on the side of the river on the
17 side of Kitgum.

18 PRESIDING JUDGE SCHMITT: [15:07:02] Perhaps in the meantime, a question
19 before I forget it.

20 Mr Opio, what was your highest rank in the LRA?

21 THE WITNESS: [15:07:12](Interpretation) I was a lieutenant colonel.

22 PRESIDING JUDGE SCHMITT: [15:07:23] Thank you.

23 MR OBHOF: [15:07:24]

24 Q. [15:07:26] On that same vein, Mr Witness, what is your rank right now in the

25 UPDF?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 A. [15:07:54] Currently in the UPDF I am a private. You know, when you have
2 just joined they first look at your reports, how you work, and they assess if you can
3 be -- if you can have any ranks. I am currently a private but a platoon commander.

4 Q. [15:08:27] We are going to talk now a little bit about the reason why you are here:
5 Mr Ongwen, himself. Opio --

6 PRESIDING JUDGE SCHMITT: [15:08:45] But we are not going to, because I have
7 the statement here, we are not going to talk about any opinions on these procedures.
8 Of course about the person Dominic Ongwen and how he met him, what he knows
9 about him, perfectly clear, but not about the procedure here.

10 MR OBHOF: [15:09:02] It wasn't in here in my notes.

11 PRESIDING JUDGE SCHMITT: [15:09:05] No, but I simply flagged it,
12 because -- okay, even the better. So you are already envisaged that there might come
13 some small objection.

14 MR OBHOF: [15:09:14] I knew you were going to state it either way.

15 Q. [15:09:20] Mr Witness, do you remember the first time you met Mr Ongwen?

16 A. [15:09:29] Well, the first time I met Dominic Ongwen was a long time ago. I
17 don't remember the year, but we were both young and both of us were escorts at that
18 time.

19 Q. [15:09:54] Do you remember for who Dominic was an escort?

20 A. [15:10:05] Dominic Ongwen was an escort to Acellam Ceasar.

21 PRESIDING JUDGE SCHMITT: [15:10:18] Mr Witness, you said you were both
22 young at the time. If you recall it and if you have a picture in your head, so to speak,
23 when you say both young, was he the same age, was he a little bit older, was he
24 younger?

25 THE WITNESS: [15:10:41](Interpretation) Well, it was a bit difficult to observe that,

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 but what I saw was that he was older than me by a year or two, but the difference was
2 not really much.

3 MR OBHOF: [15:11:04]

4 Q. [15:11:06] Did Ceasar Acellam have a nickname for Dominic Ongwen?

5 A. [15:11:16] He used to call him Wai Wai most of the times.

6 Q. [15:11:33] Now during that time when you were both escorts when you met him,
7 how would you describe Dominic Ongwen's personality?

8 A. [15:11:48] Well, it's a bit difficult to talk about a person's personality, sometimes
9 you cannot see it clearly, but each time we would meet, we would converse and he
10 would live just like any other person lives.

11 Q. [15:12:16] As you got older, did you get to know Mr Ongwen well?

12 A. [15:12:29] Yeah, as we kept on growing and we got to know each other better, I
13 would go to him, and we would converse. He would also come to my place and we
14 would be conversing and we got to know each other better.

15 Q. [15:12:49] From what you saw, how did Mr Ongwen treat the persons with
16 whom he worked?

17 A. [15:13:01] Mr Ongwen in his life most of the people with whom he lived really
18 loved him. That's what I saw, the way he was interacting with people. If you go to
19 the soldiers with whom he was living, if you ask them, they would tell you. "How
20 do you live with this commander?" They would tell you "This commander is a very
21 good person, living with him is very nice." That's what his soldiers would say.

22 Q. [15:13:44] Now was it normal for the subordinates to say things like this about
23 their commander, that they loved working with him and that they loved living with
24 him?

25 A. [15:14:29] You know, God created people differently. So just like I said, I said

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 this person is a good person, that is dependent upon how you live with people, and if
2 you live with people well, that is when they can appreciate and say you are a lovely
3 person.

4 Q. [15:15:12] Now during his time in the LRA, did Mr Ongwen get in trouble a lot
5 with Joseph Kony or Otti Lagony or Otti Vincent?

6 A. [15:15:23] At one time I heard, but I didn't see because I was not there, I heard
7 that there was a time he was objecting to everything Kony was saying. He would
8 tell Kony that this is not right, let's not do it. For instance, he was telling Kony about
9 mistreatment of soldiers. That brought a lot of friction between them. Kony would
10 call him *muko* to mean my in-law. He was one person who would directly tell Kony
11 what he felt, but that brought a lot of friction there between them.

12 Q. [15:16:24] Are you aware or have you heard of any instances of Mr Ongwen
13 being arrested by orders of Joseph Kony?

14 A. [15:16:43] Yes, I did hear. When I left and came, I was told -- those who came
15 after me told me that Dominic was arrested and he was imprisoned and Kony wanted
16 him to be killed, but one of the commanders played a trick and released Dominic.
17 But otherwise they wanted to kill him and I think that commander at some point was
18 with Dominic. That's what I was told.

19 Q. [15:17:18] Now we are towards the end of it and I want to talk about your
20 escape, Opio. How did you come about to escape from the LRA?

21 A. [15:17:36] I escaped from the LRA, I left from Central African Republic, near
22 a town called Biria (phon). My escape was at a time when we were attacked by the
23 army and we broke off, seven of us. Out of the seven, four were Ugandans, one
24 person was from Central African Republic and the other two were Congolese. That
25 makes a total of seven.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 We broke off from the main group and we moved. I went and reached a training
2 centre called Akono (phon), it is in Central African Republic. I found some civilians
3 there. I started talking to them and I got a phone from them. Then I used a number
4 that the UPDF, each time they would go about, they would go with aeroplanes and
5 take pictures of people and drop, there were some leaflets that were being dropped
6 and that leaflet had a telephone number. I kept on trying that telephone number
7 until it went through and one of the soldiers picked up. That soldier incidentally
8 was an Acholi and he was there in Central African Republic. He was called Captain
9 Mudogi. He was an intelligence officer. I connected with him, I talked to him and
10 he asked me where I was. I told him I was near Biria, on the southern side of Biria,
11 and he asked me if a helicopter could land there. I told him no, it's not possible,
12 because it's a very -- it's a forest kind of.

13 So he told me, "You try and get a clear place where a helicopter can land, then
14 tomorrow I will be able to come and pick you at around 11 a.m. We walked from
15 there, we got to a more clear place where a helicopter could land and -- and the next
16 morning, we stayed with the civilians who were at the centre and at about 11
17 a helicopter came from the headquarters and came and landed somewhere different.
18 They didn't land where we had identified, but they identified another place and
19 landed there.

20 Then they left where they had landed and walked and came to where we were sitting
21 together with the civilians. They came and started talking to us, and they asked me
22 who I was. I told him I was the one who connected with them. He had moved
23 with one of the COs. The CO said there was no problem, we will have to go into the
24 helicopter and he said we should hand over all the guns that we had. I picked all the
25 guns that my soldiers had. We gave them to them, and then we went to the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 helicopter and then we flew to Obo. It was a long distance. There was a park
2 somewhere along the way where some white person was staying there. The
3 helicopter first landed there and refueled and then we left. We know the helicopter
4 arrived at 11 and then we arrived at the other place about 1, and then we left there
5 and reached Obo at 4 p.m. That was how I came into the hands of the government
6 of Uganda.

7 PRESIDING JUDGE SCHMITT: [15:21:30] I think that you might have one or
8 another follow-up question, but not too many I would assume.

9 MR OBHOF: [15:21:37] Well, they are about -- similar to the questions that I asked
10 the other day, yes.

11 Q. [15:21:46] While in the LRA, were there any rumours about -- especially after
12 Iron Fist were there any rumours about what would happen to somebody if they
13 escaped and turned themselves in to the UPDF?

14 A. [15:22:07] Could you please repeat the question. I did not get it well.

15 Q. [15:22:21] Were there any rumours in the LRA about what would happen to an
16 LRA soldier if they escaped and reported to a UPDF barracks?

17 A. [15:22:42] Yes, in the bush Kony would tell you that if you defect the
18 government would kill you. The UPDF would not even let you reach Khartoum or
19 anywhere. If you get into their hands they will take your picture and then
20 immediately kill you. I know even up to now he's still speaking the same. But
21 when I came home, I came and established that these were all lies. Nobody gets
22 killed.

23 Q. [15:23:13] When did you finally realise that these were all lies?

24 A. [15:23:22] Well, one thing was that the pictures that he was saying, these are
25 pictures of people who were got and then eventually killed. When I arrived in Gulu

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 I came and found these people there. When I arrived in CPU, I found most of the
2 people he had told us were killed Okwonga Alero, Sam and all others were all there.
3 I therefore then confirmed that that was just a propaganda so he could keep people
4 with him.

5 Q. [15:24:01] When you escaped in 2014, did you think that there was still a chance
6 that the UPDF might kill you?

7 A. [15:24:13] Of course, you would still think in that way because you don't know
8 what is ahead of you. You are going to a place you don't know. And personally
9 when they arrived, even the people with whom I was moving, I told them, "If we are
10 going to die, you don't have to fear. Let's go and die."

11 Some of them objected initially, but I told them, "If we are going to die, we shall die.
12 Don't worry. Let's go." Eventually I was able to convince them and we moved
13 together.

14 When we arrived in Obo, even some of the people with whom we were before, we
15 found them in Obo and I was very excited and happy when I found them there.

16 Q. [15:25:01] I'm very happy you came back home and I thank you for your
17 co-operation and help today with the Court, Opio.

18 MR OBHOF: [15:25:11] Your Honour, for the Defence's examination-in-chief for this
19 witness we are done for today.

20 PRESIDING JUDGE SCHMITT: [15:25:15] Thank you, Mr Obhof.

21 And thank you, Mr Opio, for today only, I have to say. This concludes the hearing
22 for today but not your testimony.

23 We reconvene tomorrow morning at 9.30. I think that is 10:30 for you. Until then.

24 THE COURT USHER: [15:25:32] All rise.

25 (The hearing ends in open session at 3.25 p.m.)

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0025

1 RECLASSIFICATION REPORT

- 2 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
3 2016, the public reclassified and lesser redacted version of this transcript is filed in the
4 case.