

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 Friday, 28 June 2019  
9 (The hearing starts in open session at 9.33 a.m.)  
10 THE COURT USHER: [9:33:16] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:33:36] Perhaps we can let the public in too.  
13 So, as I said, finally we let the public in too.  
14 Good morning, everyone.  
15 Could the court officer please call the case.  
16 THE COURT OFFICER: [9:33:58] Good morning, Mr President, your Honours.  
17 The situation in the Republic of Uganda, in the case of The Prosecutor versus  
18 Dominic Ongwen, case reference ICC-02/04-01/15.  
19 And for the record, we're in open session.  
20 PRESIDING JUDGE SCHMITT: [9:34:12] Thank you.  
21 And for the appearances of the parties, Mr Choudhry for the Prosecution first.  
22 MR CHOUDHRY: [9:34:18] Good morning, your Honours.  
23 Kamran Choudhry, here today with Mr Ben Gumpert, Ms Yulia Nuzban,  
24 Ms Beti Hohler, Mr Colin Black, Ms Grace Goh and Ms Milena Bruns.  
25 PRESIDING JUDGE SCHMITT: [9:34:30] Thank you.

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1 And for the representatives of the victims, Mr Narantsetseg.

2 MR NARANTSETSEG: [9:34:34] Good morning, Mr President, your Honours.

3 With me, Ms Caroline Walter. My name is Orchlou Narantsetseg. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:34:37] And Mr Manoba.

5 MR MANOBA: [9:34:38] Good morning, Mr President, your Honours.

6 Joseph Manoba, James Mawira and Anushka Sehmi.

7 PRESIDING JUDGE SCHMITT: [9:34:45] Thank you.

8 And for the Prosecution -- you see, once you do that, it reoccurs. So, I have to really  
9 say, I think I have to address Mr Choudhry as for the Defence now. I think I have to  
10 do that.

11 Mr Obhof for the Defence, please.

12 MR OBHOF: [9:35:04] Thank you very much, your Honour.

13 Today, for the Defence, we have Chief Charles Achaleke Taku; Beth Lyons;

14 Gordon Kifudde; Professor Doctor intern, Laura Graham; Mr Ongwen Dominic is in  
15 court; and myself, Thomas Obhof.

16 PRESIDING JUDGE SCHMITT: [9:35:25] Thank you.

17 I think in chronology, you call this perseverance or something like that.

18 And at the video-link location we have our witness, Mr Opio.

19 A very warm welcome again in the courtroom.

20 WITNESS: UGA-D26-P-0025 (On former oath)

21 (The witness speaks Acholi)

22 (The witness gives evidence via video link)

23 THE WITNESS: [9:35:41] (Interpretation) Thank you very much.

24 PRESIDING JUDGE SCHMITT: [9:35:42] And I think counsel for Mr Opio is also  
25 present.

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1 MR ADRIKO: [9:35:47] Good morning, Mr President.

2 PRESIDING JUDGE SCHMITT: [9:35:49] Yes, good morning.

3 And now we give the floor to the Prosecution, Mr Choudhry, please.

4 QUESTIONED BY MR CHOUDHRY:

5 Q. [9:36:02] Good morning, Mr Opio.

6 A. [9:36:04] Good morning to you.

7 Q. [9:36:06] Mr Opio, I'll be asking you some questions today and there are four  
8 areas that I would like to ask you about: The first, I'd like to talk to you a bit about  
9 Trinkle and the structure. The second, I'd like to talk to you about Dominic  
10 Ongwen's injury. The third, I would like to talk to you about Pajule and the attack at  
11 Pajule. And lastly, I would like to talk to you a bit about the UPDF. Is that clear?

12 A. [9:36:41] Yes, I have understood.

13 Q. [9:36:44] Now, before I begin, I want to let you know that I'll be referring to  
14 some materials. So do you have a binder in front of you with any materials in it?

15 A. [9:37:05] Yes, I do have.

16 Q. [9:37:10] Now, I will be referring to some of them and show you some of those  
17 materials and for others I won't be showing you. But I just want to make sure that  
18 you have some key items and get some formalities out of the way.

19 Could you please turn to tab 2 of the binder in front of you.

20 A. [9:38:01] It's open before me.

21 Q. [9:38:02] Now, in 2015, you were interviewed by lawyers for the Defence for  
22 Dominic Ongwen, yes?

23 A. [9:38:16] Yes, I was interviewed by the lawyers.

24 Q. [9:38:20] And they wrote things down and made a statement for you, yes?

25 A. [9:38:34] Yes, they wrote down a statement.

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1 Q. [9:38:38] Now, the document in front of you, right, if you look at the bottom, has  
2 the initials OS. That's your initials, isn't it?

3 A. [9:38:59] That is correct.

4 Q. [9:39:00] And if you turn to page 15 of that document --

5 A. [9:39:20] Yes, I have turned already.

6 Q. [9:39:22] -- there's a signature. And that's your signature, isn't it?

7 A. [9:39:30] Yes, that's my signature.

8 PRESIDING JUDGE SCHMITT: [9:39:34] I think we can now take it that we have the  
9 witness statement of the Defence in front of us, and you can proceed from there.

10 MR CHOUDHRY: [9:39:42]

11 Q. [9:39:43] Mr Witness, when you provided this statement you were being  
12 truthful, weren't you?

13 A. [9:39:58] Could you please repeat the question?

14 Q. [9:40:01] When you provided this statement you were telling the truth, weren't  
15 you?

16 A. [9:40:10] Yes, I was telling the truth.

17 Q. [9:40:18] You can put that binder away now.

18 Other than speaking to the Defence, after you left the bush, you gave interviews to  
19 other people, correct?

20 A. [9:40:49] Yes, many people interviewed me. I do not know who they were  
21 because I was interviewed by many people.

22 Q. [9:40:58] The UPDF debriefed you, yes?

23 A. [9:41:07] Yes, they did.

24 Q. [9:41:09] And some NGOs debriefed you?

25 A. [9:41:16] Yes, they all did.

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1 Q. [9:41:19] Now, just to help you, I may be referring to some of the things you said  
2 in all of those statements, okay?

3 A. [9:41:35] Understood.

4 Q. [9:41:37] I'd now like to --

5 MR OBHOF: [9:41:39] Your Honour, I'm not objecting to anything, I'm just  
6 wondering where these NGO reports are, because all I see is stuff from the UPDF and  
7 from the witness inside the binders.

8 PRESIDING JUDGE SCHMITT: [9:41:53] Yes. Can you help us, Mr Choudhry?

9 MR CHOUDHRY: [9:41:55] Your Honour, it's the debriefing note item number 7.  
10 The NGO in that occasion was Bridgeway Foundation.

11 MR OBHOF: [9:42:05] But, your Honour, the person there is in the UPDF, is in the  
12 military. It says "captain" at the very end.

13 PRESIDING JUDGE SCHMITT: [9:42:14] Simply, when we come to that we can  
14 solve the problem, if it is necessary at all. But, in indeed, at first sight there seems to  
15 be something that has to be clarified, but not yet, not in advance before the question  
16 arises at all.

17 Mr Choudhry, please proceed.

18 MR CHOUDHRY: [9:42:34]

19 Q. [9:42:34] Now, Mr Opio, I'm going to begin with asking you questions about  
20 Trinkle brigade.

21 And, your Honours, I'd like to take you to tab number 1. And just to explain, this  
22 isn't to be shown to the witness. Your Honour, these are excerpts of intercepts. I'll  
23 refer to the source of the items. Part of my questioning is slightly repetitive of  
24 yesterday, but it will soon become apparent that I'm demonstrating an evolution of  
25 Trinkle brigade.

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1 Mr Opio, you told us that Iron Fist happened in 2002, yes?

2 A. [9:43:20] Yes, it happened in 2002.

3 Q. [9:43:22] And when Iron Fist happened you were in Trinkle brigade?

4 A. [9:43:32] Yes, I was in Trinkle.

5 MR CHOUDHRY: [9:43:35] Your Honour, this is item number 1 on that excerpt list.

6 Q. [9:43:40] Mr Opio, in September 2002 Lieutenant Colonel Okot Odhiambo was  
7 the brigade commander of Trinkle, wasn't he?

8 A. [9:43:57] Yes, he was in Trinkle.

9 MR CHOUDHRY: [9:44:01] Your Honours, item number 3.

10 Q. [9:44:05] When Okot Odhiambo was in charge in 2002, you held the rank of  
11 major, didn't you?

12 A. [9:44:17] Yes, I was a major.

13 Q. [9:44:20] And LRA commanders at that time used radio to communicate with  
14 each other, didn't they?

15 A. [9:44:32] Yes, there were radio calls.

16 Q. [9:44:40] And the LRA commanders that used the radios would have call signs,  
17 yes?

18 A. [9:44:52] Yes, there were.

19 Q. [9:44:55] And as a commander you would sometimes use the radio?

20 A. [9:45:05] In the battalion we did not have a radio. The radio was only with the  
21 brigade commander and Odhiambo was the one who had the radio call.

22 Q. [9:45:17] But you had a radio call sign with the number 73, didn't you?

23 A. [9:45:33] The radio which I had was the radio given to me. When you are  
24 going for duty, you are given a radio and you are given a call sign. As a CO you  
25 cannot own a radio. It's only the brigade commander who can have a radio.

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1 Q. [9:45:51] And your call sign for that radio was 73, wasn't it?

2 A. [9:46:00] Yes, that is correct.

3 Q. [9:46:03] You also used walkie-talkies, yes?

4 A. [9:46:12] No, there were no walkie-talkies, only radio call.

5 Q. [9:46:18] You had a walkie-talkie call sign of 3H, didn't you?

6 A. [9:46:32] No, it was not there. During Iron Fist I did not have any walkie-talkie.

7 It is only the radio which I talked about earlier.

8 Q. [9:46:45] Well, what does the number 3H or 3 hotel stand for, according to you?

9 A. [9:47:07] I don't recognise that. I don't understand it.

10 Q. [9:47:14] I'd now like to focus on Trinkle brigade in the year 2003. Okay?

11 PRESIDING JUDGE SCHMITT: [9:47:20] The French interpreter, please turn the  
12 microphone on. Thank you.

13 Could you please repeat, Mr Choudhry, it escaped my attention because I was talking  
14 too.

15 MR CHOUDHRY: [9:47:33]

16 Q. [9:47:34] Mr Opio, I'd like to focus on Trinkle brigade in the year 2003, okay?

17 A. [9:47:48] Okay.

18 MR CHOUDHRY: [9:47:48] And, your Honour, this is item 5 on the excerpt.

19 Q. [9:47:54] Mr Opio, in September 2003 Lieutenant Colonel Charles Okello Kapere  
20 took over from Okot Odhiambo and became the brigade commander of Trinkle,  
21 didn't he?

22 A. [9:48:14] Yes, that's correct.

23 MR CHOUDHRY: [9:48:18] Your Honours, this is item number 14.

24 Q. [9:48:21] Mr Opio, and it's right in saying that Charles Kapere was the brigade  
25 commander at the time of the attack at Pajule IDP camp, yes?

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1 A. [9:48:43] Yes, Kapere was the one who was there. Odhiambo was not there  
2 anymore.

3 Q. [9:48:53] Another person that was a member of Trinkle at the time of the Pajule  
4 attack was Captain Charles Arop Bakmac, yes?

5 A. [9:49:13] Yes, Captain Arop was there.

6 Q. [9:49:17] And yesterday when you were speaking about a person called  
7 Adjumani you mentioned an LRA fighter called Arop.

8 Your Honours, that's page 61, lines 14 to 24.

9 When you mentioned Arop, am I right in thinking that you were talking about  
10 Captain Charles Arop Bakmac?

11 A. [9:49:47] Yes, that's correct. You are right.

12 MR CHOUDHRY: [9:49:51] Your Honour, could we go into private session for two  
13 questions, please.

14 PRESIDING JUDGE SCHMITT: [9:49:56] Private session.

15 (Private session at 9.49 a.m.)\*(Reclassified partially in public)

16 THE COURT OFFICER: [9:50:02] We're in private session, Mr President.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [9:51:12] Mr Opio, I'd now like to move -- your Honours, perhaps we could go  
25 back into public.



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1 PRESIDING JUDGE SCHMITT: [9:51:23] Open session.

2 (Open session at 9.51 a.m.)

3 THE COURT OFFICER: [9:51:32] We're back in open session, Mr President.

4 MR CHOUDHRY: [9:51:40]

5 Q. [9:51:45] Mr Opio, I'd like to talk to you about the second area, and that's

6 Dominic Ongwen's injury.

7 You suggested yesterday - and, your Honours, I'm looking at page 58 of the real-time

8 transcript, lines 1 to 5 - that you met Dominic Ongwen shortly after Iron Fist, yes?

9 A. [9:52:21] I did not meet him in person. The day we were going to Pajule is

10 when I met him. But the rest of the days I'd not met him.

11 Q. [9:52:38] So you're saying today that the first time you met Dominic Ongwen

12 after Iron Fist was at the attack at Pajule IDP camp; is that correct?

13 A. [9:52:59] I met Dominic after the Iron Fist. People were in Uganda. We -- as

14 far as I remember, I said yesterday that when we left Latanya hills we met at

15 Wanduku.

16 Q. [9:53:25] Well, let me read to you what you actually said yesterday. You were

17 asked:

18 "Do you remember about how long after Operation Iron Fist that Mr Ongwen

19 sustained this injury?"

20 Your answer to that question was:

21 "When we left Sudan and came back to Uganda, we stayed with him. And when I

22 met him, he had already sustained that injury."

23 Does that refresh your memory, Mr Opio?

24 A. [9:54:08] I remember I said that when we came, when we came to meet those of

25 Dominic, he was already injured. That is what I said yesterday.

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1 Q. [9:54:21] But you didn't stay with Dominic Ongwen at Pajule, did you?

2 A. [9:54:33] When we met, there were different positions. For us in Trinkle, we  
3 were in our group. Dominic was with the Sinia group. We met indeed. He was  
4 there, I saw him in person, I saw him. I did not hear about it. I confirm that he was  
5 injured because that day he told me that he got injured in the thigh. He even  
6 showed me the wound.

7 Q. [9:55:09] Let's take it step by step. You've told us that you were in Trinkle, yes?

8 A. [9:55:16] Yes.

9 Q. [9:55:19] Dominic Ongwen wasn't in Trinkle, was he?

10 A. [9:55:26] No, he was not in Trinkle. He was in Sinia.

11 Q. [9:55:31] So when did you stay with Dominic Ongwen, Mr Opio?

12 A. [9:55:42] Like I explained, we met at an RV where everybody had grouped. At  
13 that RV, that is when I found Dominic there, he had the injury. Even yesterday  
14 that's what I said.

15 PRESIDING JUDGE SCHMITT: [9:55:59] I think, whatever, we have to take this,  
16 what he says today, and the concept of staying might be interpreted differently. But  
17 he has now confirmed twice that he met Dominic Ongwen, as I have understood it at  
18 least, and I hope I'm not wrong now, at Wanduku. And that must have been  
19 perhaps for only one or two days. I'm not sure.

20 Perhaps we could ask you:

21 Mr Opio, have I understood it correctly, you met him at Wanduku and shortly after,  
22 perhaps the day after, you parted already. Is this correct or am I wrong?

23 THE WITNESS: [9:56:42] (Interpretation) We met with those of Ongwen in  
24 Wanduku and then people were selected, people left 5 p.m. to go to Pajule. For us,  
25 we remained there. The next day we left and went south of Wanduku, and then the

1 helicopter gunship came and hovered above us. And then the third day we split,  
2 Dominic went his way, I went my way. That is what I said even yesterday.

3 PRESIDING JUDGE SCHMITT: [9:57:16] So then the third day you parted, so it was  
4 not two days but three days, to put it this way.

5 You may continue, Mr Choudhry.

6 MR CHOUDHRY: [9:57:23]

7 Q. [9:57:24] Mr Opio, I'd like to talk to through some of the things that you said to  
8 the Defence in 2015, and if you could turn to tab 2, please.

9 I'm going to read to you selected sentences.

10 Your Honours, the first paragraph I'll be reading from is paragraph 26 and, just for  
11 references, that's UGA-D26-0010-0443. That's the reference of the document.

12 Mr Opio, you said Iron Fist happened in 2002. That's what's in your statement,  
13 okay?

14 A. [9:58:20] Yes, it started from 2001 to 2002.

15 Q. [9:58:26] Now let's look at paragraph 30 of your statement. You said:

16 "From Sudan, it took us about 2 weeks to get to Uganda."

17 That's correct, yes, isn't it?

18 A. [9:58:41] Yes, that's correct.

19 Q. [9:58:44] Paragraph 32, you said this:

20 "Our battalions would carry their own radios. This allowed us to link up with other  
21 battalions. Occasionally, we would meet Sinia Brigade, the brigade in which  
22 Dominic Ongwen was in."

23 When you said that, you meant that after Iron Fist your group, Trinkle, occasionally  
24 met up with Dominic Ongwen's group, Sinia, didn't you? That's what you meant?

25 A. [9:59:24] Like I said, Sinia is a brigade with a radio call. Trinkle also has a radio

1 call. That is what used to connect us.

2 Q. [9:59:41] Mr Opio, Pajule wasn't the first time that you saw Dominic Ongwen  
3 after Iron Fist, as your statement says you met him occasionally before Pajule.

4 MR OBHOF: [9:59:54] Objection, your Honour. The statement does not say that.  
5 He was stating that Sinia was the brigade in which Dominic Ongwen was in, not that  
6 they met with Dominic Ongwen.

7 PRESIDING JUDGE SCHMITT: [10:00:06] This can relatively easily be clarified.

8 Mr Witness, when you say:

9 "Occasionally, we would meet with Sinia Brigade, the brigade in which Dominic was  
10 in."

11 When you met with Sinia brigade, did you also meet Mr Ongwen personally then?

12 THE WITNESS: [10:00:34] (Interpretation) After the Pajule attack, people split up.  
13 It took about four to five months, then we met them.

14 PRESIDING JUDGE SCHMITT: [10:00:45] So this, what has been read to you by  
15 Mr Choudhry and again by me now, if you put this back in time when this happened,  
16 are you referring to a period before Pajule, when you say you met Sinia brigade in  
17 which Dominic Ongwen was in, or to a period after Pajule?

18 THE WITNESS: [10:01:20] (Interpretation) It was after the attack on Pajule. For me,  
19 I was now sent to go and collect some people from Sinia. They told me that I was  
20 using 7-8, like the counsel said that that was my number. I came to collect Kony's  
21 wives who was in Dominic's group, that is when I met Dominic. That is how it was.

22 PRESIDING JUDGE SCHMITT: [10:01:51] So I think we don't have to read this then  
23 as a linear, a narrative in time, but simply that this sometimes might happen, that  
24 there is a general topic and there is referred to some incident in time which lies after a  
25 specific topic that is addressed afterwards. So this might be the case here. It's only

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1 a potential interpretation.

2 Mr Choudhry.

3 MR CHOUDHRY: [10:02:17]

4 Q. [10:02:18] When you met Dominic Ongwen at Pajule, he was operational, wasn't  
5 he?

6 A. [10:02:34] When I met Dominic he had injuries and, with that, injuries is an  
7 indication that you are not operational, because when you are in the sickbay you  
8 cannot be given any responsibility because there is a leader of the bay. But he was  
9 able to walk, although limping.

10 MR CHOUDHRY: [10:03:01] Your Honour, the next question I'll be referring to  
11 derives from tab 12, and that's UGA-OTP-0232-0234, and the specific reference is 0421,  
12 that's the page.

13 Q. [10:03:19] Mr Opio, you were aware that on 18 September 2003 Otti had given  
14 Dominic Ongwen the position of 2IC of Sinia, weren't you?

15 A. [10:03:45] That, I am not aware of.

16 Q. [10:03:50] You're aware that Kony asked Otti whether Dominic Ongwen was  
17 healthy enough to take up that position of 2IC, aren't you?

18 A. [10:04:07] Can you say the question again?

19 Q. [10:04:13] You are aware that Kony asked Dominic -- sorry, asked Vincent Otti  
20 whether Dominic Ongwen was fit enough to be 2IC of Sinia?

21 A. [10:04:33] No, that I am not aware if Kony asked Otti, because the brigade where  
22 I was was different from where he was.

23 Q. [10:04:51] Now, you are quite sure that Dominic Ongwen was injured at the  
24 time you met him at Pajule, yes? You're quite sure of that?

25 A. [10:05:13] Yes, that I am aware of.

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1 Q. [10:05:18] Mr Witness, you've been asked about Dominic Ongwen's health at the  
2 time of Pajule before by the Defence, haven't you?

3 PRESIDING JUDGE SCHMITT: [10:05:38] Perhaps I should interrupt here shortly.  
4 I think there was a -- it's only a written objection by the Defence to using of this tab 12,  
5 and I think we should at least address this.

6 Mr Choudhry, what do you say? You know the written -- the email by the Defence.  
7 So out of fairness to everyone and to the Defence I think we have to address that.

8 MR CHOUDHRY: [10:06:03] Your Honour, as I understand it, my learned friend's  
9 objection is premised upon the fact that this logbook item shouldn't be adduced  
10 simply because there isn't a corresponding audiotape. I understand that to be the  
11 objection.

12 Your Honour, that can't be a valid objection for the use in cross-examination against  
13 this witness, for several reasons: The first is, is that that item was submitted  
14 individually as a piece of evidence.

15 The second is, whether there is a corresponding audiotape or not, that is irrelevant for  
16 the purpose of using it in cross-examination. That may be relevant as a question of  
17 weight to be attached to the actual item, but it has no bearing as to whether I'm  
18 entitled to use that and put a proposition from that to the witness.

19 PRESIDING JUDGE SCHMITT: [10:06:53] Yes, but I think, I think also, Mr Obhof,  
20 you can agree upon that, that as a source of, a proposition, it can definitely be used.  
21 And otherwise it's like always, the Chamber will have to assess relevance, probative  
22 value, consistencies, potential inconsistencies with other evidence in the end. But I  
23 simply wanted to be fair, because you addressed it, and I wanted to bring it up and  
24 not put it under the carpet, so to speak.

25 MR OBHOF: [10:07:22] Your Honour, the Defence would only ask that it be able to

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1 use additional pages from this same logbook, the one referenced at

2 UGA-OTP-0232-0234, if we need to use them during re-direct.

3 PRESIDING JUDGE SCHMITT: [10:07:34] Absolutely. I think there would be no  
4 objection by the Prosecution. And if there were an objection it would be overruled.

5 So, Mr Choudhry, please continue.

6 MR CHOUDHRY: [10:07:45]

7 Q. [10:07:46] Mr Opio, I was asking you a question about Dominic Ongwen's injury  
8 at the time of Pajule.

9 The last question I asked you was that, when you were interviewed by the Defence in  
10 2015, you were asked about Dominic Ongwen's injury, weren't you?

11 A. [10:08:11] So many people asked me about Dominic. Maybe they also asked  
12 me, but I was asked by different people.

13 Q. [10:08:23] Mr Witness, before giving evidence today, you read your statement  
14 very recently, didn't you?

15 MR OBHOF: [10:08:32] Your Honour, the Defence wants to know what the  
16 relevance of this is, because this is actually a standard practice, which is ordered by  
17 the Chamber, that they be allowed to read through any written transcripts or signed  
18 statements.

19 PRESIDING JUDGE SCHMITT: [10:08:43] Yes. I think we -- indeed, I think -- it's  
20 not a real objection, but we can take it that he has written his statement and proceed  
21 from there. I would agree with Mr Obhof here.

22 MR CHOUDHRY: [10:08:56]

23 Q. [10:08:59] Mr Witness, you can remember the Defence asking you about  
24 Dominic Ongwen's health at the time of Pajule, you can remember that, can't you?

25 A. [10:09:23] As you heard from my response, I was asked by many people.

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1 Q. [10:09:30] Well, I want to read to you what you told the Defence.

2 Your Honours, that's tab 2 and that's paragraph 33.

3 Mr Opio, this is what you said:

4 "There was one time we met in Pajule. It was Sinia and Trinkle. It was in 2003 or  
5 2004. I remember it was the day after Independence Day. The grass had not dried.

6 We met at Latanya Hill. When we met there, Dominic was okay, but he walked with  
7 a bad limp."

8 You told the Defence --

9 PRESIDING JUDGE SCHMITT: [10:10:33] Mr Obhof.

10 MR OBHOF: [10:10:34] For completeness of the record, your Honour, in the same  
11 section --

12 PRESIDING JUDGE SCHMITT: [10:10:38] Yes, I would --

13 MR OBHOF: [10:10:39] -- paragraph 45.

14 PRESIDING JUDGE SCHMITT: [10:10:41] I would have done this also. It's this, of  
15 course, I know. One step after the other. Mr Choudhry, please proceed.

16 MR CHOUDHRY: [10:10:50] Your Honour, just as a point of reference, I'm quite  
17 okay with my learned friend objecting to valid objections. I think what I would ask  
18 your Honours to be cautious of is that I would hate for my learned friends to disrupt  
19 the flow in which Mr Opio gives his evidence, because that might in fact be a  
20 disjustice to Mr Opio himself.

21 PRESIDING JUDGE SCHMITT: [10:11:15] No, I think this was -- there was no  
22 mal-intention by Mr Obhof. He simply saw that the same matter has been addressed  
23 in the same statement at another later point in time.

24 And, Mr Obhof, you could have waited if Mr Choudhry also brings this up, and if he  
25 would not do it I would do it.



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1 So now we continue and you, I think you would ask Mr Opio if this is correct also  
2 today.

3 MR CHOUDHRY: [10:11:41]

4 Q. [10:11:42] Mr Opio, when you said that to the Defence, all you meant was that  
5 Dominic Ongwen was okay but he had a limp. That's what you meant, right?

6 A. [10:12:08] When I was questioned I said I found Dominic was walking with a  
7 limp. If someone is limping, that means he's not healthy. You cannot be healthy  
8 and then you are limping.

9 Q. [10:12:21] So what did you mean when you said Dominic Ongwen was okay?

10 A. [10:12:35] Well, what I said was clear, that when I met Dominic I found he was  
11 limping, because he had injuries.

12 Q. [10:12:49] Again, Mr Opio, what did you mean when you said Dominic Ongwen  
13 was okay? What did you mean by the word "okay"?

14 MR OBHOF: [10:12:58] Your Honour, I think this is the second time; it's asked and  
15 answered.

16 PRESIDING JUDGE SCHMITT: [10:13:04] So this is the last time (Overlapping  
17 speakers) let him answer.

18 THE WITNESS: [10:13:18] (Interpretation) Well, from the question that you are  
19 asking me, if I ask you if someone is limping, does that mean that person is healthy?

20 PRESIDING JUDGE SCHMITT: [10:13:30] So we -- Mr Witness, you are not here to  
21 ask questions yourself. I think we put it together now, because the statement is a  
22 unity also. You said in paragraph 45 of this same statement, this is the same UGA,  
23 0453 at the end:

24 "At that time, Dominic was still recovering from an injury, even though he was able to  
25 walk."

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1 So if we put this together with the other, paragraph 33 that has been read to you twice,  
2 do you want to say something more about what you meant when you said he was  
3 okay?

4 THE WITNESS: [10:14:28] (Interpretation) There is nothing that I can add there,  
5 because I said that, yes, I met him, but he was limping.

6 PRESIDING JUDGE SCHMITT: [10:14:36] I think we continue from there. No  
7 further questions on that.

8 MR CHOUDHRY: [10:14:41] Your Honour, just sticking with the facts.

9 Q. [10:14:44] Mr Opio, just confirming that, Dominic Ongwen was able to walk, yes,  
10 at the time when you saw him at Pajule?

11 A. [10:14:58] I said he was walking with a limp.

12 Q. [10:15:02] And, in fact, when he arrived at the RV, he wasn't being carried, but  
13 he had walked to the RV, yes?

14 A. [10:15:17] Yes, he was walking, but limping. He was not carried.

15 PRESIDING JUDGE SCHMITT: [10:15:21] I think we know now that he was limping  
16 and that he was not completely recovered and he was not carried. I think we have  
17 enough information on that now.

18 MR CHOUDHRY: [10:15:33]

19 Q. [10:15:34] Mr Opio, I'd like to turn to the attack at Pajule itself.

20 Now, you've told us that before the attack there was an RV at Wanduku; that's correct,  
21 yes?

22 A. [10:15:53] Yes, that is correct.

23 Q. [10:15:57] And it was Vincent Otti that called LRA units to meet at that RV?

24 A. [10:16:09] That is correct.

25 Q. [10:16:12] And if my memory serves me well, when you got to the RV there

1 were other LRA units there?

2 A. [10:16:25] Yes, they were there.

3 Q. [10:16:28] And so there were very many fighters at the RV before the attack at  
4 Pajule?

5 A. [10:16:40] Yes, there were.

6 Q. [10:16:44] Now, yesterday you were asked which senior commanders were  
7 there.

8 And, your Honours, the reference for that is the real-time transcript page 72, lines 18  
9 to 21 --

10 So, Mr Witness, you were asked which senior commanders were there and your  
11 answer, I'll go through them one by one, was Otti Vincent, yes?

12 A. [10:17:05] Yes.

13 Q. [10:17:07] Lukwiya Raska?

14 A. [10:17:12] Yes.

15 Q. [10:17:14] Nyeko Tolbert, yes?

16 A. [10:17:19] Yes.

17 Q. [10:17:19] Bogi?

18 A. [10:17:22] Yes.

19 Q. [10:17:24] And you said yourself?

20 A. [10:17:28] Yes.

21 Q. [10:17:31] And you said Sinia's group was also present.

22 A. [10:17:37] Yes.

23 Q. [10:17:40] Now, when you said Sinia's group, you meant Dominic Ongwen?

24 A. [10:17:52] I was asked about the different groups that were there. I mentioned

25 Trinkle, Sinia and Control Altar. So I mentioned the senior commanders that were

1 there and then the commanders on our side.

2 Q. [10:18:11] And you held the rank of major at the time of the attack at Pajule,  
3 correct?

4 A. [10:18:20] Yes, I was a major.

5 Q. [10:18:22] And Dominic Ongwen held the rank of major at the time of the attack  
6 at Pajule?

7 A. [10:18:32] I do not recall his rank at that time.

8 MR CHOUDHRY: [10:18:47] Your Honour, if we could go into private session for a  
9 few questions.

10 PRESIDING JUDGE SCHMITT: [10:18:53] Private session.

11 (Private session at 10.18 a.m.) \*(Reclassified partially in public)

12 THE COURT OFFICER: [10:19:01] We're in private session, Mr President.

13 MR CHOUDHRY: [10:19:08]

14 Q. [10:19:10] I'd like to ask you about other people that were there.

15 Charles Kapere was at the RV before Pajule, wasn't he?

16 A. [10:19:26] Yes, Charles Kapere was present.

17 PRESIDING JUDGE SCHMITT: [10:19:30] So we have to interrupt here for a  
18 moment and hope that the problem can be solved quick.

19 (Pause in proceedings)

20 PRESIDING JUDGE SCHMITT: [10:20:13] Mr Opio, do you hear us?

21 THE WITNESS: [10:20:19] (Interpretation) Yes, I can hear you.

22 PRESIDING JUDGE SCHMITT: [10:20:22] You know, the video link broke down a  
23 little bit for a moment. Now we can continue.

24 Mr Choudhry, please proceed.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [10:21:25] Okay. Thank you for reminding me.

9 Thank you.

10 A little bit of patience here. We want to make sure how long it might take to fix it  
11 before we decide if we go into a break or not.

12 So there is obviously no estimate how long it might take. My suggestion would be  
13 that we have the coffee break then, an early coffee break, and reconvene at perhaps 11.

14 Is that okay?

15 And then we try our utmost that we establish the video link again and that we can  
16 finish the examination of this witness. I think we go back to open session and I  
17 announce this again. Open session.

18 (Open session at 10.22 a.m.)

19 THE COURT OFFICER: [10:22:39] We are back in open session, Mr President.

20 PRESIDING JUDGE SCHMITT: [10:22:42] Thank you. But only shortly, because  
21 we have a problem with the video link, a technical problem, and we hope that this  
22 will be solved within half an hour. So we will have now our -- yes, but now he is  
23 there again, so we can -- I think we try to proceed. But in private session,  
24 unfortunately. I only wanted to announce for the audience here that we should go,  
25 have to go into a coffee break, but hopefully we don't have, the video link has been

1 established. We go to private session.

2 MR CHOUDHRY: [10:23:22] And, your Honours, just for the public gallery, only  
3 two or three questions.

4 PRESIDING JUDGE SCHMITT: [10:23:27] Only two or three questions in private  
5 session.

6 So private session.

7 (Private session at 10.23 a.m.) \*(Reclassified partially in public)

8 THE COURT OFFICER: [10:23:36] We are now in private session, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:24:52] And so when you say you did not pay attention, does that mean you  
20 didn't pay attention to all the people that were at the RV, right?

21 A. [10:25:12] Well, you know that the people who go to the RV are very many, so  
22 you cannot really know exactly sometimes who everyone was there. You cannot  
23 really pay your attention to see everyone one by one because there would be so many  
24 people at the RV.

25 Q. [10:25:32] And precisely because of that reason that you've just given, when

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1 Vincent Otti was at the RV there were times you didn't see him there, right?

2 A. [10:25:54] On that day?

3 Q. [10:25:59] Mr Opio, you've told us that there were so many people at the RV that  
4 you couldn't pay attention to everybody. My question to you is because of that,  
5 there were times when you were at the RV when you did not see Vincent Otti, yes?

6 A. [10:26:29] I saw Vincent Otti with my own eyes. The people that you heard I  
7 mentioned the name are people who were present. Even though people are put in  
8 different positions, but those are the people that I saw with my own eyes, they were  
9 present at that location.

10 PRESIDING JUDGE SCHMITT: [10:26:50] Can we discuss this further in open  
11 session? Are you through with the names?

12 MR CHOUDHRY: [10:26:58] Your Honour, I did have public, that was my mistake.  
13 We should go back into public.

14 PRESIDING JUDGE SCHMITT: [10:27:03] I think also the last question, but that  
15 doesn't matter. We can lift that.

16 Open session.

17 (Open session at 10.27 a.m.)

18 THE COURT OFFICER: [10:27:15] We are back in open session, Mr President.

19 MR CHOUDHRY: [10:27:21]

20 Q. [10:27:22] Mr Opio, you're not telling this Court that from the time you got to  
21 the RV before Pajule right up until the next day when you left you were -- you could  
22 see Vincent Otti at all times?

23 PRESIDING JUDGE SCHMITT: [10:28:09] So this is a little bit unfortunate this  
24 morning. I think we should now take a break. This is, as I said, this is unfortunate,  
25 but this can happen.

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1 Mr Obhof, we take the break now. I think it has to be fixed really to an extent that  
2 we can continue and so not to be interrupted every five minutes.

3 So until 11 o'clock a coffee break.

4 THE COURT USHER: [10:28:42] All rise.

5 (Recess taken at 10.28 a.m.)

6 (Upon resuming in open session at 11.08 a.m.)

7 THE COURT USHER: [11:08:26] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [11:08:38] So I think it's already good afternoon,

10 Mr Opio, good afternoon in Uganda. We hope now that the video link is stable and  
11 we can continue until the end of the examination by all parties.

12 Mr Choudhry, please proceed.

13 MR CHOUDHRY: [11:09:05]

14 Q. [11:09:05] Mr Opio, before we took the break you told us that there were many  
15 LRA fighters at the RV before the attack at Pajule. My question is, when you say  
16 "many fighters", there were hundreds of fighters, weren't there?

17 A. [11:09:25] There were many soldiers, I cannot estimate the number, over a  
18 hundred.

19 Q. [11:09:46] Now you say that you yourself did not go for the attack at Pajule,  
20 correct?

21 A. [11:09:58] That is correct.

22 MR CHOUDHRY: [11:10:04] One question in private session, please.

23 PRESIDING JUDGE SCHMITT: [11:10:06] I would have suggested that. I assumed  
24 it. Private session.

25 (Private session at 11.10 a.m.) \*(Reclassified entirely in public)



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1 THE COURT OFFICER: [11:10:22] We are in private session, Mr President.

2 MR CHOUDHRY: [11:10:24]

3 Q. [11:10:26] Mr Opio, yesterday, you told this Court an hour-by-hour narrative of  
4 what happened at Pajule. Are you sure that you didn't go for this attack and that  
5 you are not confused?

6 A. [11:10:52] I can confirm that I did not go for the attack.

7 Q. [11:11:06] So to be clear, from the time you arrived at the RV at Pajule before the  
8 attack up until the fighters returned from the attack at Pajule you stayed the whole  
9 time at the location of Wanduku, correct?

10 A. [11:11:34] I stayed in Wanduku. When they came, we went southwards.

11 MR CHOUDHRY: [11:11:47] Your Honour, We can go back to public session.

12 PRESIDING JUDGE SCHMITT: [11:11:49] Yes. Public session.

13 (Open session at 11.11 a.m.)

14 THE COURT OFFICER: [11:11:52] We are back in open session, Mr President.

15 MR CHOUDHRY: [11:12:05]

16 Q. [11:12:05] Mr Witness, you very helpfully distinguished between things you saw  
17 and things you heard. I want to focus on things you personally saw with your own  
18 eyes, okay? Is that clear?

19 A. [11:12:27] Yes, I'm getting you.

20 Q. [11:12:30] Because you stayed at Wanduku the whole time, you yourself never  
21 saw with your own eyes when the attack at Pajule started.

22 A. [11:12:55] Personally I did not see how the attack took place, because I was not  
23 there.

24 Q. [11:13:04] And when you say you didn't know how the attack took place, you  
25 mean you yourself did not see with your own eyes what exactly happened during the

1 attack at Pajule.

2 A. [11:13:26] Like I said yesterday, Bogi, who was the commander, left from our  
3 brigade, from the same battalion. He was CO of 1, I was CO of 2. He came and  
4 explained to me what happened there, like I said yesterday.

5 Q. [11:13:52] I'll come on to Bogi. My question is that you never saw it with your  
6 own eyes, you can confirm that, yes?

7 A. [11:14:04] I did not see personally.

8 Q. [11:14:13] Again, you personally did not see with your own eyes when the  
9 attack at Pajule camp finished.

10 A. [11:14:25] That's correct.

11 Q. [11:14:34] So everything you know about what happened at Pajule and the  
12 hour-by-hour account you gave us yesterday, you learnt from Bogi, correct?

13 A. [11:14:49] Like I explained, that is correct. First, the attack took place from  
14 5 o'clock. Within 7 kilometres -- 7 miles you can hear gunshots. Secondly, the  
15 helicopter gunship from our location at 7 kilometres you can really see the helicopter.  
16 Over 10 kilometres you cannot see, but from where we were we could see the  
17 helicopter gunship and we could hear gunshots.

18 Q. [11:15:31] Now I want to focus on the selection and I want to focus specifically  
19 on Raska Lukwiya, okay?

20 PRESIDING JUDGE SCHMITT: [11:15:51] The witness understands. He is a smart  
21 person, I think you can simply proceed.

22 MR CHOUDHRY: [11:15:58]

23 Q. [11:15:59] Mr Opio, yesterday you told us that fighters from several units in the  
24 LRA participated in the attack at Pajule. Do you agree?

25 A. [11:16:11] Yes, I agree.

1 Q. [11:16:18] And Raska Lukwiya was the person who was the overall operational  
2 commander for all the groups that went to the attack, correct?

3 A. [11:16:31] Yes, that's correct.

4 Q. [11:16:37] And in relation to the groups that went, you told us that there was  
5 one group that went to the barracks, yes?

6 PRESIDING JUDGE SCHMITT: [11:17:17] Did the witness hear the question? I'm  
7 not sure.

8 THE WITNESS: [11:17:26](Interpretation) No, I did not hear.

9 PRESIDING JUDGE SCHMITT: [11:17:30] Thank you, Mr Opio.

10 Please repeat it, Mr Choudhry.

11 MR CHOUDHRY: [11:17:33]

12 Q. [11:17:33] We are talking about the groups that went to Pajule. One of the  
13 groups went to attack the barracks, yes?

14 A. [11:17:44] That is correct.

15 Q. [11:17:50] Another group went to the trading centre to collect food and abduct  
16 civilians, yes?

17 A. [11:17:58] Yes, they went, correct.

18 Q. [11:18:07] And there were other groups too. There was a group that went to  
19 the mission, to attack the mission at Pajule, wasn't there?

20 A. [11:18:17] There were only two groups, the ones that went to the barracks and  
21 the ones that went to the camp.

22 Q. [11:18:33] So other than these two groups, you do not know about any other  
23 groups or plans to attack any other parts of Pajule, correct?

24 A. [11:18:47] That's correct.

25 Q. [11:19:00] Now sticking with Raska Lukwiya, yesterday you said this -- and,

1 your Honours, that's real-time transcript page 73, lines 23 to 25 and page 74, line 1.

2 Mr Opio, you said: The fights at the barracks was extremely fierce. They overran  
3 the soldiers who had gone to the barracks when the soldiers were jump (sic) run, they  
4 came back and met Raska Lukwiya along the way.

5 My question is when you said they came back and met Raska Lukwiya on the way,  
6 they didn't meet Raska at the RV, they met him at a location away from the RV,  
7 correct?

8 A. [11:19:51] When they were going for the attack, like I said, there were two  
9 groups. Raska Lukwiya was the overall, he split them into two. He picked Bogi to  
10 go to the barracks and he said he would go to others to the camp and then they would  
11 come and meet where they split from. After the attack, they came back to the same  
12 junction where they had split from, and then they moved together and came back to  
13 us in Wanduku.

14 Q. [11:20:32] When you say that Raska Lukwiya said he would go to the others to  
15 the camp, that means he left the RV, correct?

16 A. [11:20:44] I want to be a bit clear. I said that only one group was selected.  
17 Now when they went, he as the overall decided to send his second in command,  
18 which was Bogi, he went to the barracks. For him he said he would go with the  
19 others to go and collect food in the camp. Now where they stopped and split from,  
20 after they collected food, they -- and Bogi also left the barracks and came, they met at  
21 that same spot where they had split from and they came back to us in Wanduku.

22 Q. [11:21:33] So Raska Lukwiya actually went towards Pajule?

23 A. [11:21:39] Raska Lukwiya went to Pajule.

24 Q. [11:21:47] And when Raska Lukwiya went to Pajule, you stayed at Wanduku,  
25 yes?

1 A. [11:21:57] That's correct.

2 Q. [11:22:00] Mr Witness, I'm going to ask you to turn to a tab. I think you have  
3 drawn a sketch of where you say Raska Lukwiya met this other group. So could you  
4 please turn to tab, I think it's 4. It's tab 3, sorry, tab 3.

5 And, Your Honours, just for reference sake, the reference of that is

6 UGA-D26-0010-0458.

7 Do you have that sketch in front of you?

8 A. [11:22:47] Yes, I do have it.

9 Q. [11:22:51] You drew this sketch, yes?

10 A. [11:22:55] Yes, I drew the sketch.

11 Q. [11:22:59] Now on the right of the sketch, there is a box and that's what you  
12 drew to represent the RV before the attack at Pajule, correct?

13 A. [11:23:10] That is correct.

14 Q. [11:23:19] And at the bottom there is a big circle which says "IDP camp" and by  
15 that mean you Pajule, correct?

16 A. [11:23:30] Yes, that is correct.

17 Q. [11:23:40] And in between you will see the letters RL, do you see that? That  
18 stands for Raska Lukwiya, doesn't it?

19 A. [11:23:53] That one is correct.

20 Q. [11:24:14] And when you wrote RL at that point, that's the point that you are  
21 assuming Raska Lukwiya met Bogi and the others when they came back from the  
22 attack at Pajule, yes?

23 A. [11:24:30] Yes, when they were coming back.

24 Q. [11:24:47] Now again, I'm going to ask you to just talk about things you saw  
25 with your own eyes. After Raska Lukwiya left the RV, you yourself did not see with

1 your own eyes what he did, did you?

2 A. [11:25:06] When he came back to us, and he came with the people, that's when I  
3 saw what he did.

4 Q. [11:25:25] But after -- when Raska Lukwiya went towards Pajule, you don't  
5 really know exactly what he did from your own personal knowledge, do you?

6 A. [11:25:40] Personally, I did not see what he did there, but like I said yesterday, I  
7 heard what he did there.

8 Q. [11:25:56] Now, Mr Opio, you can put that map away for the time being.

9 PRESIDING JUDGE SCHMITT: [11:26:16] Are you going to come back to the map?

10 MR CHOUDHRY: [11:26:19] Yes, your Honour.

11 PRESIDING JUDGE SCHMITT: [11:26:21] Yes, I assumed.

12 MR CHOUDHRY: [11:26:23]

13 Q. [11:26:23] Mr Opio, I would like to move on to Dominic Ongwen, okay?

14 Your Honours, the first reference is page 77, lines 21 to 23.

15 Mr Opio, I'm going to read to you some of the questions that you were asked  
16 yesterday, okay?

17 And what I want you to do is --

18 A. [11:26:48] Yes, yes.

19 Q. [11:26:49] -- not answer, not answer the question. And I promise you I will  
20 read to you your answer, but I just want to read to you, first of all, the question that  
21 was asked and ask you a separate question in relation to that, okay?

22 Now yesterday you were asked this question: "Did you happen to notice where  
23 Mr Ongwen was located" during the Pajule attack?

24 My question to you, the question where Mr Ongwen was located during the Pajule  
25 attack, that's a simple and easy question for you to understand, you would agree with

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1 me on that, yes?

2 PRESIDING JUDGE SCHMITT: [11:27:47] Simply ask what you want to ask. You  
3 can assume that the witness really understands the questions, and I think until we  
4 have indicia otherwise.

5 MR CHOUDHRY: [11:27:59] On these particular questions, there is indicia  
6 otherwise, and that's why I wanted to just probe it. There's only two or three  
7 questions, your Honour.

8 MR OBHOF: [11:28:06] Your Honour, also I would like to read from the corrected  
9 transcript that was disseminated today. That question actually reads: "Mr Witness,  
10 now during this time when the group went into Pajule to fight, did you happen to  
11 notice where Mr Ongwen was located?" It is a different question. When they went  
12 in to fight.

13 PRESIDING JUDGE SCHMITT: [11:28:27] This question, "did you happen to notice",  
14 if you look at the wording, it can be asked even simpler and more to the point, and I  
15 think Mr Choudhry is going to do that.

16 MR CHOUDHRY: [11:28:40] Your Honour, I will come to that, but it's his response  
17 that I want to focus on.

18 PRESIDING JUDGE SCHMITT: [11:28:45] Okay. Please proceed.

19 MR CHOUDHRY: [11:28:46]

20 Q. [11:28:48] Mr Opio, your answer to the question that was asked is this - and  
21 forgive me, I don't have the corrected transcript so if there is an error in what I'm  
22 saying, I'm quite open for you to sort of correct me on that.

23 Your answer, Mr Opio, and this is at page 77, lines 21 to 23, was this: "When they  
24 went to Pajule, we stayed behind with those of Ongwen."

25 Now my question is, when you said "those of Ongwen", you meant fighters from

1 Sinia who were under Dominic Ongwen, didn't you?

2 A. [11:29:31] Those who remained with us are the people I was talking about.

3 Q. [11:29:50] When you said "those of Ongwen", you meant LRA fighters that were  
4 in Sinia under Dominic Ongwen, didn't you?

5 A. [11:30:06] I -- I'm not aware whether he was the commander of that group. We  
6 found him there as a wounded person.

7 Q. [11:30:24] Let me read to you another question that you were asked yesterday,  
8 and this time it was by the Judges.

9 Your Honour, that's page 79, lines 8 to 12.

10 PRESIDING JUDGE SCHMITT: [11:30:36] I recall.

11 MR CHOUDHRY: [11:30:38]

12 Q. [11:30:38] Again, Mr Opio, I'm not asking you to answer this question, I just  
13 want you to focus on the words of what you were asked, first of all, okay?

14 The Judges asked you: "Mr Witness, you said you stayed together behind with those  
15 of Dominic Ongwen. When you were at the RV and at the time when the attack in  
16 Pajule took place, were you together with Dominic ... at the RV?"

17 Now you would agree with me that the question, "were you together with Dominic at  
18 the RV" -- sorry, you can speak, Mr Witness.

19 A. [11:31:22] Can you repeat.

20 Q. [11:31:26] Okay. Yesterday you were asked a question by the Judges and I will  
21 read it to you again, "... were you together with Dominic Ongwen at the RV?" Sorry,  
22 I will read the full question, sorry. "When you were at the RV and at the time when  
23 the attack in Pajule took place, were you together with Dominic Ongwen at the RV?"

24 My question for you is, the question were you together with Dominic Ongwen at the  
25 RV at the time when the attack in Pajule took place, that's a simple one for you to



1 understand, yes? You understand that question?

2 MR OBHOF: [11:32:04] Your Honour, objection. Badgering the witness.

3 PRESIDING JUDGE SCHMITT: [11:32:07] Yes, I think it's unnecessary. I at least  
4 yesterday had the impression that this was a clear question and the question was  
5 induced by exactly like you saw it, Mr Choudhry, by the little bit more open answer  
6 to the question by Mr Obhof and together means personally together with a person, I  
7 would simply say. And I would be surprised if the witness would not have  
8 understood the question.

9 MR CHOUDHRY: [11:32:40]

10 Q. [11:32:42] Your answer to that question, Mr Witness, was: "Yes, when these  
11 people went for the battle everyone else who stayed back stayed in the same position  
12 and that is the same position where they came and found us."

13 Your answer didn't talk of Dominic Ongwen, did it?

14 A. [11:33:04] We all remained at that location. The people who did not go for the  
15 attack remained there, but the ones that went for the attack came back and found us  
16 in the same location, and then we went south.

17 Q. [11:33:30] Yesterday wasn't the only time you were asked whether  
18 Dominic Ongwen was at the RV with you during the attack at Pajule. You were  
19 asked that question by the Defence when you were interviewed in 2015, weren't you?

20 A. [11:33:58] That one they asked.

21 Q. [11:34:02] Let me read what you told the Defence.

22 And, your Honours, that's at paragraph 45, I believe that's tab 2, UGA-D26-0010-0453.

23 Mr Opio, this is what you told the Defence back in 2015:

24 "Towards the end of the fight, Dominic met up with the group that went to the IDP  
25 camp to collect food."

1 When you told that to the Defence, you meant that Dominic Ongwen left the RV and  
2 went towards Pajule, didn't you?

3 A. [11:34:46] No, I did not say like that. I said, the people who went for the attack  
4 in Pajule came back and found we were together with Dominic and the -- and not that  
5 Dominic left alone and went and met these other people separately, it was not like  
6 that.

7 Q. [11:35:12] Mr Opio, Dominic Ongwen left the RV and went to meet the group at  
8 the centre because he was the officer in charge of that group; isn't that right?

9 A. [11:35:25] No, it was not like that.

10 Q. [11:35:34] You didn't just tell the Defence that, Mr Opio, you drew a map. Can  
11 you please turn to tab 3.

12 You see the letters "RL" in the centre, don't you, Mr Opio?

13 And you see the letters "DO" below those letters. The letters DO stand for  
14 Dominic Ongwen, don't they?

15 A. [11:36:25] No, that is not the name of Dominic Ongwen.

16 Q. [11:36:37] Okay, Mr Opio, let's turn to your statement and what you said about  
17 those letters.

18 And, your Honours, that's paragraph 45.

19 I'd like to read to you what you said in your statement to the Defence:

20 "His location is on the hand-drawn map attached as Annex A. His location is  
21 labelled 'DO'."

22 When you wrote that you were talking about Dominic Ongwen, weren't you,  
23 Mr Opio?

24 A. [11:37:12] What I was referring to, I was not talking about Dominic Ongwen.

25 But in this map which I sketched, indicates the direction that the people who left came

1 and rejoined us. As you can see, there is one arrow that crosses the road, which I  
2 indicated as defence. Then there's another arrow where there is the IDP camp. So  
3 when these people attacked the two points, they came and met at this place where I  
4 have indicated "RL", where Lukwiya and Bogi again reconnected and joined us.

5 PRESIDING JUDGE SCHMITT: [11:38:09] Mr Witness, the abbreviation DO, what  
6 does it stand for?

7 THE WITNESS: [11:38:16](Interpretation) The RL stands for Lukwiya Raska. DO  
8 indicates their return to that point.

9 PRESIDING JUDGE SCHMITT: [11:38:40] Mr Witness, again to paragraph 45, and it  
10 has already been read to you this phrase by Mr Choudhry:

11 "Towards the end of the fight, Dominic met up with the group that went to the IDP  
12 camp to collect food."

13 What did you mean by met up with them? Can you explain that.

14 THE WITNESS: [11:39:08](Interpretation) Well, all these people who went for the  
15 operation came and joined us at the position where we were with Otti, and we left  
16 there and went to the south of that defence where -- at Wanduku. Because all these  
17 people came back together and joined us and we went towards -- southwards to  
18 Wanduku.

19 PRESIDING JUDGE SCHMITT: [11:39:49] It continues here, to be complete, I quote  
20 after the phase that I and Mr Choudhry have put to you:

21 "He never went into the town centre or the IDP camp. He stayed a good distance  
22 away. The group was brought to him."

23 This could be understood, Mr Witness, as if the group that collected food at the IDP  
24 camp was later on brought to Mr Ongwen. Would this understanding be correct or  
25 would it be wrong?

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1 THE WITNESS: [11:40:31](Interpretation) I think in regard to that writing I think it  
2 was not clear, because what I said is that all these people went for the attack, came  
3 back together, and again joined up with us at the location where they left us. That is  
4 what the correct recording should have been.

5 PRESIDING JUDGE SCHMITT: [11:41:03] So there was no specific group that were  
6 part of the attack at Pajule that was brought to Mr Ongwen; is this correct?

7 THE WITNESS: [11:41:21](Interpretation) That is correct, because everyone came  
8 and met with Otti, not that some people first went to Dominic and then came to Otti,  
9 no. Everyone came together and straight to Otti.

10 PRESIDING JUDGE SCHMITT: [11:41:38] Mr Choudhry.

11 MR CHOUDHRY: [11:41:39] Your Honour, I have no further questions.

12 PRESIDING JUDGE SCHMITT: [11:41:42] Thank you very much.

13 This concludes the testimony -- this concludes -- no, this of course does not already  
14 conclude. No, I'm too quick again. Mr Narantsetseg, Mr Manoba, any questions?

15 MR NARANTSETSEG: [11:42:00] No further question, your Honour. Thank you.

16 MR MANOBA: [11:42:02] No further questions.

17 PRESIDING JUDGE SCHMITT: [11:42:04] No further questions.

18 Any questions by the Defence? Yes, of course, of course, Mr Obhof.

19 MR OBHOF: [11:42:08] Thank you, your Honour.

20 QUESTIONED BY MR OBHOF:

21 Q. [11:42:09] Sorry, it will be very quick. We'll be done in maybe five minutes,  
22 Mr Witness.

23 Now, Opio, in 2003, who was the brigade commander of Sinia?

24 A. [11:42:32] Could you say the question again.

25 Q. [11:42:36] In 2003, who was the brigade commander of Sinia brigade?

1 A. [11:42:47] In my recollection, the brigade commander was Abudema. It's  
2 something that happened in the past. I only recollect it was Abudema.

3 MR OBHOF: [11:43:11] And, your Honour, without -- please do not show the  
4 witness this, but I just refer to Defence tab 4, UGA-OTP-0242-0865 at page 0866, right  
5 there where it starts off at number 2 on the left-hand side.

6 Now, your Honour, this question, this next question wasn't addressed by the  
7 Prosecution but it is a question I'd like to ask because there is an issue with the  
8 transcript from yesterday, the real-time, to the -- it's -- and then the name of one  
9 person.

10 PRESIDING JUDGE SCHMITT: [11:43:46] If it is so, I have no problem with it, so  
11 please proceed.

12 MR OBHOF: [11:43:50]

13 Q. [11:43:51] Opio, yesterday you stated that Lalu Lalu and someone else was hurt  
14 during the Pajule attack. Because there might have been problems with the  
15 connection from Kampala, who was this other person that you stated was hurt during  
16 the Pajule attack?

17 A. [11:44:16] The other person was called Lieutenant Lokwiya, he was in Support.

18 Q. [11:44:36] Okay. We go back to my questions.

19 Mr Witness, when the fighting started in Pajule, were you able to hear this from the  
20 location in which you were at?

21 A. [11:44:59] Yes, from our location we could hear the gunshots, because it was  
22 only about 7 kilometres away.

23 Q. [11:45:15] Mr Witness, today -- and this was, when I looked at it earlier, at  
24 page 15, lines 12 to 13 of the real-time transcript, you stated:

25 "I came to collect Kony's wives who was in Dominic's group, that is when I met

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1 Dominic."

2 Do you remember which wife or wives you were sent to collect?

3 A. [11:45:49] Yes, I do recall.

4 Q. [11:45:58] Could you please tell the Court which wife or wives you were sent to  
5 collect.

6 A. [11:46:06] The person I came to collect, one of them was called Min Ono (phon)  
7 and the other one is called Min Chandit (phon), meaning the mother of Chandit.  
8 They were all with Dominic.

9 Q. [11:46:30] Do you remember what their real name -- what their real names were?

10 A. [11:46:39] I only recall the name of one, who was called Ameto. Ameto is the  
11 one who was the mother of Chandit. But the other one, we only referred to her as  
12 Min Ono.

13 Q. [11:47:05] Mr Witness, this kind of rehashes the discussions today. If  
14 somebody is injured, has a serious injury, do they have an office?

15 A. [11:47:44] That person would have no authority because he is an injured person  
16 and he is kept in a place where there is an OC in charge of that area, and he is the one  
17 that takes care of him. The injured person would have no authority.

18 MR OBHOF: [11:48:05] Now, your Honour, in this respect I'm referring to the tab  
19 12.2 which was handed during break, UGA-OTP-0232-0243 at page 0448. You will  
20 see it there up at the very top, it should be lines 2 -- lines 2 and 3 or lines 3 and 4 -- yes,  
21 the second line and the third line.

22 And also on the previous one, which is at same tab -- or same number at page 0436  
23 where you will notice the line up in section number 3.

24 Your Honour, that finishes the Defence's redirect.

25 PRESIDING JUDGE SCHMITT: [11:48:52] Thank you very much.

1 Mr Opio, this concludes your testimony. On behalf of the Chamber I would like to  
2 thank you that you have made yourself available as a witness in these proceedings,  
3 that you have answered the questions of the parties and the Judges. We wish you  
4 a safe trip home.

5 THE WITNESS: [11:49:14](Interpretation) Thank you. Thank you very much.

6 PRESIDING JUDGE SCHMITT: [11:49:24] Okay, Mr Obhof, you still want to have  
7 the floor, shortly.

8 MR OBHOF: [11:49:27] It was just after we disconnected with Kampala,  
9 your Honour, because I don't think the witness should hear any of this. It's not  
10 about the witness, it's about a different witness.

11 PRESIDING JUDGE SCHMITT: [11:49:39] Thank you very much again, Mr Opio.

12 And we can now disconnect the witness and then we discuss the matter that you  
13 want to address.

14 (The witness is excused)

15 PRESIDING JUDGE SCHMITT: I think it's okay now.

16 Mr Obhof, please.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [11:51:04] Thank you very much.

8 Before we break for the weekend, I would like to address yet another matter on

9 a more personal note.

10 Today is the last day of our court officer, Wilfred Ndungu, he is going to Arusha to

11 the MICT, and on behalf of the Chamber, I would give him a special thank you for his

12 highly professional work and the always pleasant and discreet manner in which he

13 exercised his duties.

14 Wilfred, we wish you all the best. We wish you well of course for Arusha, but we

15 will miss you and we would of course be glad to see you again here in The Hague in

16 the courtroom here.

17 This concludes the hearing of today.

18 We will meet again on Monday, 9.30 with Witness D-56.

19 THE COURT USHER: [11:52:10] All rise.

20 (The hearing ends in open session at 11.52 p.m.)

21 RECLASSIFICATION REPORT

22 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July

23 2016, the public reclassified and lesser redacted version of this transcript is filed in the

24 case.