

Trial Hearing
WITNESS: UGA-D26-P-0075

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 25 June 2019
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:12] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:33:36] Good morning, everyone.
14 And a special good morning to Mr Oryem, our witness of today.
15 WITNESS: UGA-D26-P-0075 (On former oath)
16 (The witness speaks Acholi)
17 (The witness gives evidence via video link)
18 THE WITNESS: [9:33:45](Interpretation) Good morning to you, your Honour.
19 PRESIDING JUDGE SCHMITT: [9:33:47] Could the court officer please call the case.
20 THE COURT OFFICER: [9:33:51] Good morning, Mr President, your Honours.
21 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
22 Ongwen, case reference ICC-02/04-01/15.
23 And for the record, we're in open session.
24 PRESIDING JUDGE SCHMITT: [9:34:04] Thank you.
25 Same procedure as every day. Mr Sachithanandan for the Prosecution, the presence.

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1 MR SACHITHANANDAN: [9:34:09] Good morning, your Honour. Appearing
2 today with Mr Shkelzen Zeneli, and a change on the front row, Ms Grace Goh,
3 Beti Hohler, Suhong Yang, Milena Bruns, Ben Gumpert, Natasha Barigye and
4 Kamran Choudhry.

5 PRESIDING JUDGE SCHMITT: [9:34:27] One new face in the back, so to speak, back
6 row.

7 Then for the Legal Representatives of the Victims.

8 MR NARANTSETSEG: [9:34:36] Good morning, Mr President, your Honours.
9 Appearing today Orchlon Narantsetseg with Ms Caroline Walter. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:34:41] Mr Manoba. Mr Manoba, please.

11 MR MANOBA: [9:34:47] Good morning, Mr President, your Honours.

12 James Mawira, Anushka Sehmi and myself, Joseph Manoba.

13 PRESIDING JUDGE SCHMITT: [9:34:56] Thank you.

14 And for the Defence, Mr Obhof.

15 MR OBHOF: [9:34:58] Thank you very much, your Honour, and good morning,
16 your Honours. Today we have Gordon Kifudde, Roy Titus Ayena, Beth Lyons, our
17 client Mr Dominic Ongwen is in the back, and myself, Thomas Obhof.

18 PRESIDING JUDGE SCHMITT: [9:35:10] And you can remain standing because you
19 have still the floor.

20 MR OBHOF: [9:35:19] And I would also like to introduce Ms Sarah Kerwegi, who is
21 at our duty location.

22 PRESIDING JUDGE SCHMITT: [9:35:27] Indeed, yes. Thank you very much for
23 reminding me. So I apologise, Ms Kerwegi, but the reason is that you are not visible.
24 You are present, but --

25 MS KERWEGI: [9:35:37] Good morning, your Honour.

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- 1 PRESIDING JUDGE SCHMITT: [9:35:39] Here she is. Good morning, Ms Kerwegi.
2 Please, Mr Obhof.
3 QUESTIONED BY MR OBHOF: (Continuing)
4 Q. [9:35:46] Good morning, Oryem.
5 A. [9:35:53] Good morning to you.
6 Q. [9:36:09] Now we are going to talk a little bit right now about an attack on Abok.
7 Mr Witness, were you present for an attack on Abok?
8 A. [9:36:30] I am not aware of any attack or I did not participate. I was not present
9 at any attack that took place in Abok.
10 Q. [9:36:43] I am just going to clarify this because there were different meanings on
11 the interpretation. You stated you weren't present, but did you ever hear about it?
12 A. [9:37:19] Could you please repeat the question.
13 Q. [9:37:23] Okay, sorry. The interpretations gave us two answers, and so I have
14 to repeat my question, because you stated you were not present, but did you hear
15 about an attack?
16 PRESIDING JUDGE SCHMITT: [9:37:40] May I perhaps.
17 MR OBHOF: [9:37:43] Yes.
18 PRESIDING JUDGE SCHMITT: [9:37:43] I read to you, Mr Witness, what is now in
19 the transcript as your testimony, and from thereon I think we try to clarify that.
20 You answered, at least as it is written down here, that is line 20 of the real-time
21 transcript, page 3: "I am not aware of any attack or I did not participate."
22 So this is not a contradiction. So my first question would be: Are you aware of any
23 attack of Abok?
24 THE WITNESS: [9:38:28](Interpretation) I am not really sure. I heard something
25 about Aboke, but I am not sure about Abok, I did not hear about Abok.

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1 PRESIDING JUDGE SCHMITT: [9:38:46] Then let's continue with Aboke. I think
2 we had it several times that this might be a synonym for Abok, Aboke or Abok. We
3 are not so sure.

4 Mr Obhof, please continue. You are our geography master in the courtroom.

5 MR OBHOF: [9:39:00] Well, I am going to refrain from talking about distances
6 today.

7 Q. [09:39:16] Now, what is the difference to you, Mr Witness, between Abok and
8 Aboke?

9 A. [9:39:22] According to what I heard, I have to be honest, because I cannot say
10 what I do not know. Like I said yesterday, I should only speak the truth. For
11 that matter, according to what I heard, that the attack took place in Aboke, that the
12 LRA attacked Aboke and abducted school children. I just heard about it, I do not
13 know much about it, and for that matter, I cannot talk much on it. If indeed I knew
14 anything about it I would say something and you would also understand.

15 PRESIDING JUDGE SCHMITT: [9:40:06] Thank you very much for the clarification.
16 And I think this is not very promising to continue from there.

17 MR OBHOF: [9:40:22] I am going to switch my sections around because as of right
18 now the next plan was the one private session I had mentioned, but I'm going to do
19 something first in public.

20 PRESIDING JUDGE SCHMITT: [9:40:32] Thank you. Thank you.

21 MR OBHOF: [9:40:34]

22 Q. [9:40:34] Mr Witness, we're going to talk about Mr Dominic Ongwen the person.
23 So when do you remember first meeting Dominic Ongwen?

24 A. [9:40:55] The first time I met Dominic Ongwen?

25 Q. [9:41:07] Yes, please explain the first time you met Dominic Ongwen.

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1 A. [9:41:19] I first saw Dominic Ongwen from Sudan. I would just see him from
2 a distance, we were not acquainted to each other and I wasn't close to him.

3 Q. [9:41:39] When did you first start becoming acquainted with Mr Ongwen?

4 A. [9:41:59] The first time that I got close to him was also in Sudan, when he was in
5 Jebellin, he was in Sinia. That is when I started seeing him and knowing that this is
6 Dominic. And that is when I knew that this commander was called Dominic.

7 Q. [9:42:25] Now, can you describe Mr Ongwen's personality around that time
8 you are discussing in Jebellin.

9 A. [9:42:43] About Dominic Ongwen's personality, it is not easy for me to explain.
10 But according to what I would see, he was, he was not a bad person altogether. He
11 was not a brutal person like other people. If he found junior soldiers he would like
12 to play with them. The younger children, he would hold your hand and play with
13 you and you won't even know it's Dominic Ongwen. He would love to play and
14 joke around with you, and that's how I know Dominic.

15 Q. [9:43:34] Now over the years, and you can describe different instances if you
16 would like, over the years that you knew Mr Ongwen, how did his personality
17 develop?

18 A. [9:44:05] About Dominic's development of personality, I do not see any
19 difference in his life. His life was just human like any other person. At that time,
20 he was in operation room and he would work there and he would stay there. For
21 me, I could not explain in detail his personality because I do not know. I would see
22 him just as a person, as a human being. But I can't talk about his character, his
23 personality. I wasn't close to him. I would only go and see him. If I see him in his
24 home I would just see from a distance. I don't go to his homestead.

25 At that time he didn't even know my name, but if he met me and my colleagues, he

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1 would talk to us, "How are you? Everything going on well?" and we would respond,
2 "Yes, everything is going okay." For that matter, I am not able to explain his
3 personality in detail while in Sudan.

4 Q. [9:45:31] Let's go into -- let's move 10 years in advance to Rikwangba, what was
5 Mr Ongwen's personality like at Rikwangba?

6 A. [9:45:52] At Rikwangba, there was not much difference. You see, when God
7 gives you a personality, if God gives you a bad personality you will live in a bad way.
8 If God gives you a good personality you would live well with people. At
9 Rikwangba, Dominic's life was still the same. Nothing became bad. I did not see
10 him mistreating his junior soldiers. I know that even the soldiers, even the escorts of
11 Dominic, or the people living in his household, even right now if you found people
12 who lived in his household, he wasn't militaristic in his household, he would talk to
13 you, negotiate with you, and educate you on what you do not know. That is what I
14 learnt about him when I was close to him. He wasn't very militaristic, even in his
15 household. That is what I know about his personality.

16 Q. [9:47:27] Now, while you were working with Mr Ongwen, would he ever talk
17 about the civilians in the camps in Uganda?

18 A. [9:47:48] I remember when we were in Uganda in Oka, this is what I believe
19 happened. I don't know why it happened or why it happens that way. When
20 Odomi was the OC we were in an area called Porogali. Wherever Dominic was
21 moving he had a radio that he would use. When he reaches his position a civilian
22 would come and the civilians would listen to the radio to dance to the music from the
23 radio and we would leave and continue with our movement. That happened in
24 Porogali, in another place called Ladiang Mata (phon.), those are the areas where I
25 saw what happened. I did not see any brutality in him. He would say that civilians

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1 should be -- people should live well with civilians because they are the ones who can
2 help you with information.

3 I remember under Dominic's group when we went to a place around Pader some time
4 ago, we joined that place at around 4 a.m. and civilians were also brought to him, they
5 were full there. And when we wanted to go and sleep we left the civilians. He told
6 the civilians to go back to their homes. For us, we slept where we were at the
7 position.

8 About 1 a.m. some civilians started coming towards us because some dogs were
9 barking and they told us that, "My children, our children, there are some soldiers near
10 here, they want to attack you. Please take care." And we left that position that
11 same night. I remember what happened under Dominic's leadership. And that
12 indeed happened and I have knowledge of it. For me, I only say what I know.

13 PRESIDING JUDGE SCHMITT: [9:50:38] Mr Witness, do you roughly recall when
14 that happened?

15 THE WITNESS: [9:50:53](Interpretation) I do not recall the exact time it happened.
16 It was -- it is not easy to recall the month and the date that it happened. I recall that
17 it indeed happened, but I don't know when.

18 PRESIDING JUDGE SCHMITT: [9:51:12] Of course, because of that I only ask you if
19 you roughly recall it. Nobody would expect that you have a date or even a month.
20 But can you put it somehow back in time? So, after Operation Iron Fist, before peace
21 negotiations, or whatsoever, do you see what I mean? Do you have an idea at least
22 when it happened, the year perhaps?

23 THE WITNESS: [9:51:53](Interpretation) I can try to place it. At that time the
24 Iron Fist had already taken place and he was already CO of Oka battalion. That is
25 the time that he was moving with his group Oka in the area that I was telling you. I

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1 do not want to tell lies.

2 PRESIDING JUDGE SCHMITT: [9:52:20] But that at least gives us an idea. I think
3 that is -- nothing more can be expected. And did you work together with
4 Dominic Ongwen? Were you in his group at some point in time?

5 THE WITNESS: [9:52:44](Interpretation) When he was in Oka and when we left
6 Sudan, I was under Dominic Ongwen's battalion. At that time I was in Oka
7 battalion.

8 PRESIDING JUDGE SCHMITT: [9:53:00] Have you been, ever been working closely
9 with him, for example, like an escort or so?

10 THE WITNESS: [9:53:24](Interpretation) At that time the closest I was to him was
11 what I explained yesterday. When he was sick I stayed close to him and I would be
12 there to help him, to give him a hand, until we left and came to Sudan, we crossed the
13 water body to come to Rikwangba and I was close to Dominic.

14 PRESIDING JUDGE SCHMITT: [9:54:03] Thank you very much.
15 Mr Obhof.

16 MR OBHOF: [9:54:15] Thank you, your Honour.

17 Q. [9:54:17] Now, Oryem, while you were working with Mr Ongwen, did you get
18 a chance to notice if he had any wives?

19 A. [9:54:38] At that time I knew he had wives. And, yes, I knew he had wives.

20 Q. [9:54:57] How did, from your observations, how did Mr Ongwen treat his
21 wives?

22 A. [9:55:10] I did not see anything bad, any mistreatment of his wives. He treated
23 his wives in a good way. There was nothing brutal about it.

24 Q. [9:55:29] From what you witnessed while you were in the LRA, how did other
25 commanders treat their wives?

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1 A. [9:55:48] Other commanders, like I said yesterday, there are rules that you have
2 to follow. Up to now, even in your country there is no one who can say that
3 everyone lives peacefully with their wives. There is bound to be a few things,
4 disagreements, and later on it's resolved. And then there are others who are careless,
5 they do not know how to live with human beings. Even relationship with colleagues
6 is poor. It's difficult to say exactly that this is how people should live with other,
7 others or live with the community. I do not know.

8 MR OBHOF: [9:56:56] And now, your Honour, this is the next section, it will be
9 about 15 minutes, I think, 10 to 15 minutes, all in private. Some of it will be able to
10 be redacted later, but for the flow.

11 PRESIDING JUDGE SCHMITT: [9:57:10] I indicated that at the start.

12 Mr Witness, you wanted to say something?

13 THE WITNESS: [9:57:20](Interpretation) I wanted to say something little, I'm
14 requesting the Court to allow me give some examples so that we all are aware of what
15 we are talking about, if the Court can allow, or if you people who are there can allow
16 me to give the examples, please give me a chance.

17 PRESIDING JUDGE SCHMITT: [9:57:56] Please proceed, Mr Witness, if you have
18 examples, because this was -- I think also, entailed, so to speak, in the question of
19 Mr Obhof. Please proceed.

20 THE WITNESS: [9:58:10](Interpretation) The example I want to give helps to remind
21 me on what happened. In regards to Dominic Ongwen I want to give the example
22 what happened, of what happened as a lie, I want to explain this example so that you
23 understand. When we were with Dominic Ongwen, at some point we were together,
24 and many times the things that happened in northern Uganda are reported on radio
25 during the conflict. We heard that Dominic went and attacked a place in Teso,

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1 a place called Yelokwi (phon.) that Dominic went and attacked such a place and we
2 heard it on radio and it was announced that Dominic had been killed together with
3 eight of his -- nine of his soldiers. It was on radio.
4 But we were actually together with Dominic. People were taken. Those who know
5 Dominic Ongwen, who live with Dominic Ongwen for long, went to verify and they
6 verified that it was Dominic Ongwen who indeed died. We were hearing it on the
7 radio, and I was together with Dominic Ongwen. All the radio stations were talking
8 about it in northern Uganda, that Dominic had been killed. We just listened to it and
9 when people were talking that Dominic was dead, we continued staying with those of
10 Dominic up to the time of the peace talks.
11 When the peace talks started we started moving towards Owiny Kibul. Dominic,
12 who was alleged to have been killed, sent an announcement that he wanted to pass
13 through Lacekocot and he said that he wanted to pass to go to Sudan. We moved
14 with those of Dominic and crossed -- came across many people waiting to see if
15 indeed that was Dominic, they were near the road, because they believed Dominic
16 was dead. Did Dominic resurrect and come back to life?
17 That is an example that I want to give to help me, to help us all and to help you
18 understand what is being said, and that is -- also helps me to remember what
19 happened.
20 People were wondering. We heard that -- they say that "We heard that you were
21 dead. We heard that you went to Teso and you were killed there. Did you
22 resurrect and come out of your grave?" People were asking and they said that "We
23 did not know you were Dominic. We thought you were much older. We thought
24 you had unshaven beards and we did not think you were human. Are you the one
25 who is Dominic for real?" And indeed he said, "Yes, I am Dominic."

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1 I gave this example to help us, even if we proceed, we know that there are some
2 examples like the one I gave. I need to explain it so that you know about it.
3 Thank you very much.

4 PRESIDING JUDGE SCHMITT: [10:01:59] Thank you.

5 And before the witness gave this further testimony we discussed this, that we go to
6 private session. You envision around about 15 minutes. Then we go to private
7 session.

8 (Private session at 10.02 a.m.) * (Reclassified partially in public)

9 THE COURT OFFICER: [10:02:21] We're in private session, Mr President.

10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 MR OBHOF: [10:03:43]

2 Q. [10:03:44] You mentioned this going through Lacekocot. Did the group stop in
3 Lacekocot?

4 A. [10:03:59] When we moved through Lacekocot, together with our group, we
5 spent about two hours there.

6 Q. [10:04:14] And what was the purpose of stopping in Lacekocot?

7 A. [10:04:26] We had a stop in Lacekocot because at the time we came to cross the
8 road there was information that had been passed around to the civilians and many of
9 them had come to welcome us, together with the division commanders and the
10 district leadership and other officials from government all came to welcome us. And
11 they also gave us some food. That is the reason why we delayed and took some time
12 there.

13 Q. [10:05:04] Now you just said "division commanders". What do you mean by
14 "division commanders"?

15 A. [10:05:20] That was a UPDF division commander.

16 Q. [10:05:27] Do you remember which division commander or commanders were
17 there?

18 A. [10:05:41] I do recall the division commander by the names Balikudembe and
19 the division IO by the names Kidega Lucky.

20 Q. [10:06:01] Now during this stop, what type of discussions were held between
21 the LRA and these division commanders?

22 A. [10:06:23] What I heard, the government officials who came and met the LRA
23 who were there was, they were majorly advising Dominic, giving him, asking him to
24 think about home. That they have seen and observed that he is still a young person,
25 "Even though we've heard that the ICC has issues against you and looking at your

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1 size and you're still young, we request that you should not be worried of the ICC.

2 You should find time and come back home, because the ICC was instituted by

3 humans and it will be humans who will handle the issue at the ICC."

4 So these were advice that these officials and the elders were telling him, and that they

5 were interested in seeing a fruitful end to the conflict. So this is what I heard majorly

6 what the people who came were speaking to Dominic about and on generally to the

7 LRA so that the war was solved. This is what I was hearing while we were in

8 Lacekocot.

9 PRESIDING JUDGE SCHMITT: [10:07:52] Mr Obhof, I don't see the reason why we
10 should stay in private session to discuss that. This is --

11 MR OBHOF: [10:08:01] I agree.

12 PRESIDING JUDGE SCHMITT: [10:08:01] -- information that he gives. That what
13 he heard about, a meeting between government soldiers and so I -- there's nothing
14 involved what could, could be negative for the witness. At least as I would see it at
15 the moment.

16 MR OBHOF: [10:08:19] I would agree right now.

17 PRESIDING JUDGE SCHMITT: [10:08:23] Yes. Back to open session.

18 (Open session at 10.08 a.m.)

19 THE COURT OFFICER: [10:08:33] We are back in open session, Mr President.

20 MR OBHOF: [10:08:38]

21 Q. [10:08:39] Mr Witness, which commanders were there on behalf of the LRA?

22 A. [10:08:52] Some of the people, the commanders I was aware of, were

23 Dominic Ongwen, Acaye Doctor, Adjumani, Kalalang, Awere and other, and other

24 junior LRA officers were also there, because there were quite a number of people. I

25 only mentioned the -- some of the senior commanders. But there were other junior

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1 commanders as well.

2 Q. [10:09:31] What was Acaye Doctor's purpose in the group?

3 A. [10:09:44] As you heard yesterday, when I said Dominic was now removed from
4 Otti's group, Acaye Doctor was sent by Kony from his brigade in Sudan to come and
5 stay together with Dominic. So indeed Acaye came and stayed with Dominic until
6 when he went back, but he was not a member of the Sinia, he was Kony's security.
7 That is all I know. I do not know what exactly his position was at the time.

8 Q. [10:10:27] Now, same question, but with Adjumani. What was Adjumani's role
9 in the group at that time?

10 A. [10:10:50] Adjumani was also not a member of the Sinia brigade, but when
11 Dominic left, was taken from Vincent Otti's group, that is also when Adjumani was
12 also appointed to accompany Dominic. So Adjumani was also in Kony's security
13 and came and began staying in Sinia until when we went back to Sudan.

14 Q. [10:11:34] Now, you may have alluded to it earlier, but at this point during this
15 meeting, what did you personally hope would happen with the peace talks which
16 were beginning in South Sudan and in the Congo?

17 A. [10:12:12] I was very optimistic that at least the war was going to be resolved,
18 because for a long time we had not met with the UPDF. But on this day we were
19 together, we were not mistreated, we all shared and laughed and when we departed,
20 we were all happy and personally I was optimistic that finally the war was coming to
21 an end.

22 Q. [10:12:53] Now, from what you heard from others in your group around this
23 same time, what did you hear about the feelings of these initial peace talks from the
24 people in your group?

25 A. [10:13:24] I want to say that even the beginning of peace talk only, just the

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1 beginning of the peace talk, everyone in LRA, every soldier, everyone who was
2 abducted was -- were very happy because they were all aware that at least finally they
3 were going back home. So people were happy and people were talking amongst
4 themselves that finally we'll go back home.

5 Q. [10:14:05] During this same time around this meeting, did you ever hear
6 Mr Ongwen talk about his hopes for the peace talks?

7 A. [10:14:27] What I heard what Dominic was speaking about, I heard Dominic
8 speak a lot about the peace talk.

9 Q. [10:14:47] And what did he want to -- what did he tell you he wanted to see
10 from the peace talks?

11 A. [10:15:07] From what I heard him explain, he said that first it was the
12 government officials who first spoke to us, and then after that, Dominic now spoke
13 and said he was very happy to meet with the government team and the civilians who
14 had come to welcome him and his team. So he was happy about this reception.
15 And secondly, he was happy that finally peace was going to be restored in northern
16 Uganda, because many of the things that happen, even the war that was going on,
17 even they, as in the LRA, also want that this war should end. And if it were in his
18 own thinking and if it were his power, in his own power and authority, he did not
19 want to go back to Sudan.

20 But because Joseph Kony has ordered that he should go back to Sudan and take the
21 soldiers back to Sudan, he will go back with the soldiers as ordered. But as he goes
22 back, he will be able to wait and get further clarification and orders from Kony. But
23 personally, as himself, he was happy about this peace process and having observed
24 what the civilians are optimistic about, the peace talk, and also he has also seen that
25 the UPDF were cooperative with them, he is happy and he is optimistic that also the

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1 war would finally end. And of course, he spoke personally about some of the things
2 that he felt he would be able to speak about on that day.

3 MR OBHOF: [10:17:05] Now two more quick sessions, best done in monologue form,
4 so I'll ask ...

5 Q. [10:17:12] Mr Witness, do you know, or do you remember a person or do you
6 know a person by the name of Caesar Acellam?

7 A. [10:17:27] Yes, I know Caesar Acellam, and I know him very well.

8 Q. [10:17:35] Do you know how Caesar Acellam escaped from the LRA?

9 A. [10:17:49] Yes, I am aware of how Caesar Acellam escaped.

10 Q. [10:17:59] Could you please explain to the Court how Caesar Acellam escaped
11 the LRA.

12 A. [10:18:09] Yes, I can explain.

13 Q. [10:18:21] Please explain.

14 A. [10:18:22] In my knowledge, on his escape, first he was in prison. But while he
15 was in prison, as I even started explaining yesterday, with Kony, once you try to
16 show that you are very intelligent, you are very -- someone who want to show that he
17 knows a lot, he will find a way of dealing with you. So that time Caesar Acellam
18 was with Odhiambo and also it happened that I was also in Odhiambo's group in
19 central Africa.

20 There was quite a lot of attacks around that time, and indeed we separated. So when
21 Caesar Acellam left, I was together with him. We left together and crossed a certain
22 road called Boki and came to another area towards the Congo. We crossed a certain
23 river, which I now forget the name of that river, but when we crossed that river, the
24 other side of the river would be in central Africa and this other side you would be in
25 Congo. So we left together with Caesar Acellam and that was the time when

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1 Caesar Acellam escaped and returned home.

2 Q. [10:20:13] Now you were with him, how did he manage to escape?

3 A. [10:20:28] Well, he just found his moment, he found his moment and escaped in
4 the night. We also realised later that his tent and his homestead where he was was
5 now empty, there was nothing there, there were no people. So we also just kept
6 quiet and continued with our movement. That's what I know.

7 Q. [10:20:56] Now, at this time where were you moving with Caesar, where were
8 you moving to at that time?

9 A. [10:21:16] During that time we were just moving to find any place where we
10 could find food, because we used to live on a certain root tubers that we would find,
11 if we find it in the forest in the jungle we would uproot it and eat, so we would be
12 moving from place to place to look for this root tuber so that we could feed on it.

13 Q. [10:21:50] Mr Witness, the last year I am going to talk about is your escape.
14 Now, could you please explain to the Court how you escaped from the LRA.

15 A. [10:22:08] Yes, I can explain my escape from the LRA.

16 Q. [10:22:19] Please explain it to the Court.

17 A. [10:22:24] During that same time when Acellam escaped, you know, we were
18 together during that time when he was leaving, so after his escape I think it took
19 about two weeks, at most three weeks, then thereafter I also left. Because after
20 Caesar escaped I also started reflecting, thinking of myself, if senior commanders like
21 this are escaping and are going away, and I have also been going through a lot of pain
22 and difficulties, but in the bush they are telling us if you escape you will reach and
23 you will be killed. But now the whole of Acellam has escaped and I also heard on
24 radio that Acellam reached well, he spoke on radio and he said he was well and also
25 he is asking the others to go back home.

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1 So I looked at Acellam's rank, position and compared with myself and told myself, if
2 Acellam is alive, then why not me? So, much as they are saying there is death
3 outside there, let me go, so that if my day has come, then let me also go and they kill
4 me together. If I am going to die together with Acellam where he is, then we shall
5 die together. But if there is life, then we shall continue living together with him
6 wherever he is.

7 So that is how I started having a reflection about my continued stay in the LRA. So
8 immediately I left. When I left, I came and reported at a place called Boki. That is
9 how I escaped from the LRA.

10 PRESIDING JUDGE SCHMITT: [10:24:43] Please, please continue. Because I think
11 that was interesting information and I think more into detail to which barracks he
12 went, or so I think is not needed. But interesting was the motivation and what was
13 in his head, so to speak, when he decided to leave.

14 MR OBHOF: [10:25:04] That was actually the remaining part of my questions.

15 PRESIDING JUDGE SCHMITT: [10:25:06] Okay, please.

16 MR OBHOF: [10:25:09]

17 Q. [10:25:09] Mr Witness, you mentioned about the -- about what had been told or
18 what had been told to the people about what would happen by the hands of the
19 government if you escaped. Could you explain more about, about what had been
20 told to you about what would happen if you escaped the LRA by, what would
21 happen to you by the hands of the UPDF.

22 A. [10:25:48] Right from the time when I was in the LRA was that we were told,
23 once you escape and you reach home, they will kill you. But before they kill you,
24 they will record your voice and it is that voice of yours that will be played so that
25 people believe that you are alive. So, indeed, people were scared that if you escape,

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1 you will be killed. So people would just continue living in the bush, not minding
2 about the life as long as they would still be alive while in the bush, because they were
3 scared of their life, of losing their life if they come back home. So this information
4 was really very widely, widely known in the LRA, that if you escape you would be
5 killed.

6 Q. [10:26:47] Now just for the clarity of the record, did you believe these lies that
7 were told to you?

8 A. [10:27:05] I believed, because, you know, when I was in the LRA, when I went
9 I was still very young, I was not conscious and aware of anything that was going on.
10 It's just like when you are a hunter who has been in the hunting life and then you are
11 taken to another place to start living another life.
12 So indeed I believed and knew that the government was bad, because sometimes also
13 depending on when we would engage and meet with the government soldiers, the
14 fighting would be fierce and some people would die. You see your colleagues are
15 shot dead.

16 So it just added to my belief that, you see, if the government was really good, they
17 wouldn't kill some of the people that they would -- the prisoners of war that they
18 would find. So that added on to strengthen my belief that, yes, that kind of thing
19 would happen.

20 Q. [10:28:24] When did you stop believing this?

21 A. [10:28:41] At the time when I began forming my opinion and making a decision,
22 my own decision, was when now I would once in a while listen to the radio, what
23 was being said on radio, and I started believing that it is true, I started believing there
24 is some truth in it. And then coupled with the peace talk also, also helped to make
25 me form my opinion. Because even during the time when we were passing through

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1 Lacekocot, I personally found some of the people who had escaped and they were
2 alive, I even saw with my own eyes that these are people who are from the LRA and
3 now they have returned home and they are, and they are alive. So it made me
4 actually believe that, if people are being told that -- we are being told that when you
5 escape they will be killed, and yet I saw them personally during the Lacekocot meet.
6 So it made me to actually not believe what I was being told.
7 Then, secondly, I would also hear that people like Mzee Banya, Sam Kolo were also
8 back home and they were living and that they were in Uganda. Sometimes I would
9 even hear them speak on radio. That also encouraged me, strengthened me to
10 change my belief. And of course Caesar Acellam, who was one of the senior
11 commanders in the LRA, who even knew how the LRA could have started, has now
12 also left and I am also hearing on radio that Caesar Acellam is alive. That actually
13 strengthened me to leave. I said let me just go and see whatever is there with my
14 own eyes.

15 Q. [10:30:55] Thank you, Mr Witness.

16 MR OBHOF: Now, your Honour, I just have one quick follow-up question from
17 yesterday that I forgot to do at the beginning.

18 PRESIDING JUDGE SCHMITT: [10:31:02] No problem.

19 MR OBHOF: [10:31:03]

20 Q. [10:31:04] Mr Witness -- and this is going to be from Defence tab 1 again, the
21 first page at UGA-D26-0022-0301.

22 Mr Witness, yesterday you told us you were born in 1988. In your signed statement
23 with the Defence you said you were born during the dry season of 1987. And I use
24 Prosecution tab 1, I will read it out, it's UGA-OTP-0285-0218 at page 00 -- or, sorry,
25 0220 and in this, Mr Witness, this is the report taken at Boki after you escaped, and it

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1 has a date of birth in 1986.

2 As a first general question, do you know exactly on which date you were born?

3 A. [10:32:23] In truth, I want to be honest with you, in regards to the year I was
4 abducted, I am estimating things. I am struggling to estimate things and you are

5 bound to find differences. Imagine someone who was abducted without education,
6 not knowledgeable of anything, and the only thing that I got to know was fighting.

7 I was indeed struggling to estimate how old I was. If I had stayed home and I was
8 giving varying dates of my birth, it would be different. But this one I am just trying

9 to estimate. Like I have been saying since yesterday, everything I am saying is

10 estimates, especially about time and when I was born. That is what I can say.

11 PRESIDING JUDGE SCHMITT: [10:33:33] Mr Witness, this is perfectly

12 understandable, I would say.

13 And I think we leave it at that, Mr Ongwen. And of course it had been noticed

14 yesterday already.

15 MR OBHOF: [10:33:43] Yes, I just wanted it as a --

16 PRESIDING JUDGE SCHMITT: [10:33:45] Just so these things do not escape our
17 attention.

18 MR OBHOF: [10:33:47] So in terms of the Defence, we have no more questions and it

19 just depends whether the Prosecution would like to start now or take a break earlier.

20 PRESIDING JUDGE SCHMITT: [10:33:55] I would have asked Mr Sachithanandan.

21 I think you have a choice here, start now or have the break now and start afterwards.

22 MR SACHITHANANDAN: [10:34:05] Let me start now, your Honour, and then we
23 can --

24 PRESIDING JUDGE SCHMITT: [10:34:07] Yes, of course, please. Prosecution has
25 the floor.

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1 QUESTIONED BY MR SACHITHANANDAN:

2 Q. [10:34:30] Hello, Mr Witness.

3 A. [10:34:37] I thank you.

4 Q. [10:34:39] You remember we had a brief chat about two or three days ago in this
5 same courtroom.

6 A. [10:34:54] Yes, I do recall.

7 Q. [10:34:59] So I will just repeat what I told you during the chat. I want you to be
8 entirely relaxed when I am asking you questions and if you have any concerns or
9 something is not clear, you just stop me and raise your hand. Is that all right?

10 A. [10:35:23] That's all right.

11 Q. [10:35:26] Now you have been very detailed in your responses to the questions
12 of Mr Obhof and you have always sought to give examples, and now that's very
13 helpful and I would appreciate it if you would do the same with me.

14 And I think what we will do is, we will pick up from where, something that you
15 talked about this morning and that is how Mr Ongwen treated people. You said that
16 he was -- treated the people in his household very well; that's correct, isn't it?

17 A. [10:36:12] Yes.

18 Q. [10:36:15] Now you spent a lot of time in Oka battalion and you were under the
19 command of Mr Ongwen. Could you tell this Court in some detail how Mr Ongwen
20 treated you.

21 A. [10:36:38] For me, I did not experience any bad treatment, or even good
22 treatment from Ongwen. Dominic Ongwen treats me just like a human being, the
23 way he treats all his other soldiers. I had no special treatment and I did not have any
24 bad treatment from him either.

25 Q. [10:37:11] And if you had any problems or challenges was it possible for you to

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1 talk to Mr Ongwen and raise them with Mr Ongwen?

2 A. [10:37:35] What kind of problem, because there are varying problems? Which
3 one exactly are you asking about?

4 Q. [10:37:44] Well, I am asking a general question. Let's say somebody in your
5 coy is sick, or something like that, was it possible to raise this with Mr Ongwen
6 without a problem?

7 A. [10:38:02] Such things like sickness you can raise with him and tell him "I am
8 sick" or so-and-so is sick, you can tell him.

9 Q. [10:38:13] And what would his response be in these situations?

10 A. [10:38:22] If he has other means -- any means, for example, if he has some
11 medicine that is within his custody, he would pick the medicine and give the person
12 who is sick. But if it is something beyond his management, he would not be able to
13 do anything about it because it is above him.

14 Q. [10:38:46] And what about the other coy commanders in Oka battalion, how
15 would Mr Ongwen treat the other coy commanders in Oka battalion?

16 A. [10:39:06] According to what I saw, Mr Ongwen treated people as human beings.
17 I did not see any ferocious behaviour or treatment. He would just live with the
18 people the way someone should live with people. That's what I was seeing.

19 Q. [10:39:34] That's helpful. So I am just going to ask similarly about other people
20 in the battalion. What about the young children, the *kadogi*, how did Mr Ongwen
21 treat the young children in the battalion?

22 A. [10:39:57] In regards to the young soldiers, there was nothing Ongwen would
23 talk to them about. He would only say that -- when he was CO he would tell the coy
24 commanders that, if you have people under you, you should treat them humanly so
25 the *kadogis* will not be mistreated.

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1 I did not see any way that they were treated badly. I can say that anybody in the
2 battalion would not be mistreated. There was no single day that I have seen that
3 someone was mistreated or punished in a way that was not good.

4 Q. [10:40:54] And if a coy commander somehow did not treat a *kadogi*, a child
5 properly, what would Mr Ongwen do?

6 A. [10:41:12] That one is definite. He would talk about it, he would tell people not
7 to mistreat those under him. I am sure he would talk about it and caution the coy
8 commander why he would mistreat others.

9 Q. [10:41:29] Would there be any kind of punishment for the coy commander, or
10 not?

11 A. [10:41:45] In regards to that, in the LRA I have already talked about many things,
12 I don't know whether you remember, Kony has his set of rules that have to be
13 followed. For Kony, if you do something contrary to what he wants, if you give any
14 punishment contrary to what he knows, or you do something to someone without his
15 authorisation, you would be the one in trouble.

16 Q. [10:42:24] That's helpful. So what is the rule if somebody mistreats a child?
17 Let's say a coy commander mistreats a *kadogi*.

18 A. [10:42:48] They would see what rule has been put in place. There is definitely
19 a rule within a battalion or whichever unit that if someone does something of that
20 nature there would be an appropriate punishment for such a breach. It would be
21 a punishment, not because you have done something bad.

22 I am sure there are rules that have been given to these battalions that if you are found
23 doing this or that, especially mistreatment of soldiers under the battalion, there is
24 definitely a rule -- I mean, a law which guides how people should be treated and a set
25 of punishments that are given for the breach. That's what I know happens.

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1 Q. [10:43:41] Okay, so that's helpful and it's good to get more detail on that. So
2 let's say a coy commander mistreats a child and the -- this becomes known to the
3 commander of the unit, of the battalion. Can you tell us what happens next, like
4 a story.

5 A. [10:44:10] Many times in any setting or organisation, if a rule has been broken or
6 a crime has been committed and has been confirmed that you committed the crime, in
7 the LRA you cannot survive whipping. If they confirm that you have breached
8 something, whether you are a commander or not, they would definitely whip you
9 and they would cane you for that crime.

10 Q. [10:44:46] Right. And I just want to know how that happened. So let's say
11 somebody reports to the battalion commander that an OC has mistreated a child.
12 What does a battalion commander do at that time, if you know?

13 A. [10:45:09] That would be brought to the table and would be investigated. As
14 a battalion commander, he would ask the person who is accused and if he confirms
15 that it has happened, he would give punishment. He would be whipped. That is
16 what happens.

17 Q. [10:45:31] Now, you mentioned the word "investigated". Can you tell us who
18 does the investigating of this breach?

19 A. [10:45:50] The -- in the battalion, it's not even the work of the battalion
20 commander. It is not the work of the commander. Within the battalion, there's an
21 adjutant, there's different offices, there's an operation room, all the things, complaints
22 are taken there. The intelligence officers are there and the intelligence officers would
23 investigate if such-and-such a breach has taken place. So it is the intelligence officer
24 in the operation room that would investigate.

25 Q. [10:46:32] And what is the role -- you mentioned the adjutant, what is the role of

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1 the adjutant?

2 A. [10:46:43] I don't know how you know it differently, but an adjutant is someone
3 who is like in charge of records, having the names of people, keeping all the records
4 of the battalion. He has all the names of the people in the battalion, and some small
5 things such as army fatigues, writing names of soldiers, writing certain things in
6 regard to the army, he would be the one to do it and that is the person called an
7 adjutant.

8 Q. [10:47:34] That's helpful. So once the intelligence officer and the adjutant
9 investigate and they report to the battalion commander, what happens then?

10 A. [10:47:54] They would see the gravity of that breach and how it was committed.
11 If it's indeed the person is found guilty, they would look at the records of how many
12 times he has breached. If it was his first time, he would be cautioned and he would
13 be warned that he should not do it again.

14 Sometimes it doesn't even reach the CO. The IO and the adjutant would actually go
15 and solve to caution. If it was a repeated breach, especially if you have done it three
16 times, that would -- they would use the previous record and tell you that you have
17 already been cautioned, now you have already committed this same crime and, for
18 that matter, we have to punish you so that you remember that rules have to be
19 followed. And that is how it happens in the battalion. That's what I know.

20 Q. [10:49:03] You said some things would go to the CO and some things the IO and
21 adjutant would handle by themselves. What were the things that would be referred
22 to the CO and what were the things that would be handled by the IO and adjutant by
23 themselves?

24 A. [10:49:29] It depends on what happens and how it happens. And it also
25 depends on the commander. There are some small breaches which don't really go to

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1 the commander.

2 Q. [10:49:51] You mentioned a term called the "operations room", could
3 you - because we are not from a military background - could you tell us what that is?

4 A. [10:50:11] An operation room is where the second-in-command of the battalion
5 sits. That's where the power of the second-in-command sits.

6 Q. [10:50:35] Now, we have talked in a lot of detail about how Mr Ongwen treated
7 the coy commanders. Could you tell us how did Mr Ongwen treat the ting tings in
8 Oka battalion.

9 A. [10:50:55] In regards to ting tings, it's within people's households. I do not
10 know, I can't say this is how he treats them. The people who live in his household
11 already know that they are living well. If they are not living well it would be
12 reported. That is what used to happen.

13 Q. [10:51:18] You said if they are not living well it would be reported. Could you
14 explain what that means a bit.

15 A. [10:51:35] If there is a problem or they are not living well, even you, if someone
16 is not living well you would know that such a person is living well and the other one
17 is not living well. As a human being you are able to recognise that someone is not
18 living well and definitely you would ask the person what is going on. That is what I
19 know would happen.

20 Q. [10:52:09] Okay. So I am going to ask a question similar to the one I asked
21 about the young children: What would happen if an OC of a coy, a commander of
22 a coy mistreated their ting tings?

23 A. [10:52:36] If a commander of a coy mistreats a ting ting, it would definitely be
24 addressed with the rules that exist. Depending on the gravity of the mistreatment, it
25 would be handled.

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1 Q. [10:52:54] So just like you described for the previous example, if the battalion
2 commander finds out that a coy commander has mistreated a ting ting, what is the
3 standard procedure for that? What is the standard procedure for what happens
4 then?

5 A. [10:53:18] Like I am saying, it depends on the rules that exist and depends on
6 the gravity of the mistreatment. If he had already been warned about the
7 mistreatment, about the same thing he has done, that one definitely he would be
8 given a punishment. That is what I know.

9 Q. [10:53:45] Now, you have also described how Buk was running Sinia brigade at
10 one point. What would happen if a coy commander misbehaved in brigade
11 headquarters, what would the role of Buk be?

12 A. [10:54:24] I need to say that I am afraid of telling -- talking about what I do not
13 know. I want to talk about what I have seen. If it is something which I have seen
14 and I have seen that something has been done to such-and-such a person, it was
15 easier to talk about it. Let me remind you that, in the LRA, you are not able to finish,
16 to use the official routes, maybe times they use shortcuts. You do not follow the
17 chain of command. In the LRA there are lots of shortcuts and I do not know what
18 happens exactly. I cannot explain all those things. I saw that -- I cannot -- I cannot
19 say that on this day such-and-such a person did this and that and Buk did this and
20 that to address it. It's difficult to talk about it and it's difficult for me to answer such
21 a question.

22 Q. [10:55:29] That's very good, Mr Witness. That is exactly what I want from you.
23 If you don't know something, or if you have not seen something, please say "I don't
24 know", and that is very helpful for me.

25 Your Honour, I am think I am at a logical stopping point here, maybe we take the

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1 break.

2 PRESIDING JUDGE SCHMITT: [10:55:54] I thought so myself. So we have a break
3 until 11.30.

4 THE COURT USHER: [10:56:04] All rise.

5 (Recess taken at 10.56 a.m.)

6 (Upon resuming in open session at 11.30 a.m.)

7 THE COURT USHER: [11:30:36] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [11:30:55] Mr Sachithanandan, you have the floor.

10 MR SACHITHANANDAN: [11:30:58]

11 Q. [11:30:59] Hello, Mr Witness.

12 A. [11:31:06] Hello.

13 Q. [11:31:07] Now I'd like to continue with the line of discussion we were having
14 before the coffee break because you are giving a lot of helpful information about the
15 structure of a battalion in Sinia and how that battalion functioned, so I want to make
16 sure that I make full use of your knowledge.

17 Now, being we have been discussing coy commanders. Could you tell us what a coy
18 is in a battalion?

19 A. [11:31:52] The coy is how positions are allocated. There are A coy, B coy and C
20 coy, so that is the formation in the army.

21 Q. [11:32:14] And during the time when you were in Oka under Mr Ongwen, who
22 were the coy commanders of Oka battalion?

23 A. [11:32:31] Well, I have spoken a lot and many things that I do recall, the ones
24 that I recall I have explained and the things that we are talking about has taken some
25 times back and I have sworn to tell the truth until I complete my evidence. Right

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1 now I do not recall because we were talking about a time frame and it has taken some
2 time now.

3 Q. [11:33:13] Of course. Do you know someone called Ojok Ot Ngec?

4 A. [11:33:24] Yes, I know Ojok Ot Ngec.

5 Q. [11:33:29] At the time that you were in Oka battalion under Mr Ongwen, who
6 was Mr Ot Ngec?

7 A. [11:33:52] At the time I was in the battalion Ojok Ot Ngec was the battalion 2IC.

8 Q. [11:34:03] Did he have his own household in Oka battalion?

9 A. [11:34:14] Yes, his household was separate. He had a separate household.

10 Q. [11:34:21] Did he have any wives?

11 A. [11:34:25] He had a wife.

12 Q. [11:34:31] Do you remember what her name was?

13 A. [11:34:39] I do not recall it, but I saw that he had a wife, because it wasn't my
14 role to understand everything.

15 Q. [11:34:49] And what about ting tings, did he have any ting tings in his
16 household?

17 A. [11:35:02] Well, just like I explained, if I can recall, explain what I mentioned
18 earlier. At the time when I was with Dominic Ongwen, in the whole of Sinia brigade
19 there was instruction not to abduct any person. So at that time there were not many
20 people, there were not many people who were newly abducted and were with us in
21 the battalion because when we came at the beginning, yes, there was operation and
22 there were abductions, but it was few.

23 Later on, when we went back to Sudan and thereafter, when we returned, I never
24 experienced any abduction until we stayed in Oka. So because of that, I have to
25 respond to the question based on what I know.

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1 Q. [11:36:13] Right. But I just want to be clear. Did he have ting tings in his
2 house or did he not? That's the question.

3 A. [11:36:24] I did not see. I did not see.

4 Q. [11:36:29] Were there any -- now we've discussed in detail the young children,
5 the kadogo, were there any kadogo in Ojok Ot Ngec's house?

6 A. [11:36:48] I did not see any *kadogis* there.

7 Q. [11:37:00] You mentioned Odong Cow. Was Odong Cow in Oka battalion
8 when you were in Oka battalion under Mr Ongwen?

9 A. [11:37:15] Yes, Odong Cowboy was there. He was an officer of Oka battalion.
10 He was there at that time.

11 Q. [11:37:25] And he had his own household, that's right, isn't it?

12 A. [11:37:34] He also had his household, yes.

13 Q. [11:37:37] And it's correct, isn't it, that he had women in his household?

14 A. [11:37:47] I am understanding.

15 Q. [11:37:53] Sorry, I'm just -- but I want you to either confirm or not confirm. It's
16 correct, isn't it, that there were women in Odong Cowboy's household?

17 A. [11:38:10] When we say "women" -- when you say "women", that means there
18 were many, but I only know that he had one wife.

19 Q. [11:38:19] Do you remember the name of his wife?

20 A. [11:38:26] I do not recall it because it was not very important to keep her name
21 up to this time.

22 Q. [11:38:37] Odong Cow had young children as escorts; that's right, isn't it?

23 A. [11:38:48] I saw Odong Cow with soldiers. He had his own soldiers, but I do
24 not know whether they were young children. But what I'm telling you was that, at
25 that time when we came following the Iron Fist, when we came after the Iron Fist to

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1 Uganda, there was no any other way of increasing the number of people in the Sinia
2 because there were no abductions.

3 Because the questions are the same with what I explained yesterday, because I may
4 not be able to explain the way I did yesterday and I find it difficult to answer, to
5 respond to the question because yesterday I explained how we moved and how
6 everything transpired. I see the same question as I explained yesterday. That
7 makes me find that I may be able to say something that is not true.

8 Q. [11:39:55] Mr Witness, we'll come to abductions. I'm not at the moment asking
9 you anything about abductions, all right? For the moment I'm just asking about
10 people in the Oka battalion. That's all I'm asking.

11 Now, do you remember seeing children as escorts in Odong Cow's house or do you
12 not?

13 A. [11:40:29] I do not recall. But I know that Odong Cow had soldiers whom he
14 was responsible for after we came back from Sudan. Those that were his escorts, I
15 saw them, they were there, but I didn't see that they were like very young children.
16 At that time as I speak, most of us were all seasoned soldiers because there was no
17 any other new abductions which enabled us to increase the number of people in that
18 group.

19 Q. [11:41:13] Do you remember someone called -- an IO intelligence officer called
20 Agweng in Oka battalion at that time?

21 A. [11:41:29] I recall, I do recall Otto Agweng.

22 Q. [11:41:40] Did he have his own household in Oka battalion?

23 A. [11:41:50] Yes, he was the IO and he had his household. He was first IO in Siba
24 and he was there as a cover sergeant, and then later on he was taken as IO in Siba
25 battalion.

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1 Q. [11:42:14] And it's correct, isn't it, that when he was in Oka he had a wife?

2 A. [11:42:25] Yes, at that time I saw he had a wife.

3 Q. [11:42:28] And it's correct, isn't it, that he had children as escorts in his
4 household?

5 A. [11:42:41] I'm saying he had soldiers, he had soldiers who were in his
6 household.

7 Q. [11:42:51] Do you remember people of 11, 12, 13 in his household or do you not?

8 A. [11:43:02] I do not recall, but at least I saw people from the age group 15
9 upwards. Those were already soldiers who had been there for some time and they
10 had guns. They were not like newly abducted people.

11 Q. [11:43:26] So these people are 15 and upwards. How is it -- what is the process
12 through which they become soldiers after being recruited?

13 A. [11:43:51] Well, as I explained yesterday, according to when we were in Sudan
14 and Kony would instruct that abductions should take place, so when abduction is
15 ordered, then people are abducted and they are recruited into the army. All these
16 orders come from Kony and no one else. No one else was responsible for issuing
17 such orders of abduction. It was him.

18 Q. [11:44:26] That's fine, Mr Witness. I'm not really asking about where the orders
19 come from, I'm just trying to understand what happens. So let's say a young child is
20 brought into the LRA, how do they become soldiers? What is the process in the
21 unit?

22 MR OBHOF: [11:44:44] Your Honour, objection: asked and answered. He went in
23 great detail about this yesterday for about an hour, also using himself as an example
24 of what he went through.

25 PRESIDING JUDGE SCHMITT: [11:44:57] Could you shorten this, please, a little bit

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1 now.

2 THE WITNESS: [11:45:06] (Interpretation) In that situation, when you are abducted
3 as a child for you to be recruited, first of all they organise -- they give you a location.
4 Once you are located, then you are given military training so that you become and
5 lead a life of a soldier.

6 So the training is in stages. They look at a certain group that has come and then they
7 will say, "This group, we'll be training them." And they begin training them until
8 they see and observe that you are now capable of becoming a soldier.

9 So that is how and that is what I know what happens when an LRA -- or when the
10 LRA abducts children and how they recruit them into the army.

11 MR SACHITHANANDAN: [11:46:03]

12 Q. [11:46:06] We're going to move forward a little bit, Mr Witness, to a different
13 topic. Now you said yesterday that after Iron Fist a large group of LRA moved
14 south into Uganda. Can you describe briefly that movement?

15 A. [11:46:37] I can explain that. During -- when the Iron Fist began, the LRA left
16 and entered into an area called Apatalanga, then from there they came to Uganda.
17 Majority of people in the LRA, most of the people in the LRA as a whole left and came
18 into Uganda. That is briefly how I can for now explain.

19 Q. [11:47:13] And what were the brigades that were coming down?

20 A. [11:47:24] I said all the brigade, most of brigade except that of Kony, except
21 Kony who remained with a few people in Control Altar and his security are the only
22 ones that remained in Sudan, but the rest of the brigades left and came to Uganda.

23 Q. [11:47:47] And during this time, it's correct, isn't it, that abductions were taking
24 place?

25 A. [11:47:59] During that time because we are speaking the truth, at the time when

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1 people entered in Uganda, yes, there was abduction.

2 Q. [11:48:16] Could you please describe to this Court in detail how these
3 abductions happened, without telling us anything about what you did.

4 A. [11:48:36] I can explain. When we left Sudan during the Iron Fist, Kony
5 ordered that abductions should take place, whether you like it or not, you have to
6 follow. Because if you do not follow the instructions, he will deal with you.

7 So we left Sudan. I am talking about the group in which I was, which is the Sinia
8 group. We left Sudan, came to Palabek.

9 As we were meant to cross Pager river, as I explained earlier, there were already some
10 people that were abducted along the way. The brigade commander was Tabuley.

11 Then thereafter, as we were meant to cross Pager river, Kony again issued another
12 order. He issued an order to Tabuley that Sinia brigade should return back. We
13 hadn't spent a long time there, I think we had spent only about two weeks in Uganda.

14 The whole of us in Sinia brigade returned to go back to Sudan.

15 When we went back, we went and met with Kony in Apatalanga. There were some
16 people who were abducted and they were in Sinia group. In my estimation, if I talk
17 about women it doesn't segregate young or old, they were about 20. Then, for men,
18 in my estimation for both young and old were also about 20. So, in total, the number
19 of people who were abducted were around 40, 40 in number.

20 So when we reached Apatalanga there was a lot of issue about Sinia brigade.

21 Amongst them it was said that *out of those girls, three of them, there was violation of
22 rules against them. Rules against sexual relationship. The rule was violated
23 against them. And that Sinia committed an offense or that those three girls
24 committed an offense.

25 So the issue was very hot. Those three people were taken to Kony and, like I said

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1 before, Kony says that was his instruction, that when he sends you to do something,
2 you have to do something according to his instructions. So those people were taken
3 to Kony.
4 Kony looked at them and he picked all those people, the new abductees from Sinia
5 brigade, and instructed Sinia brigade to go back to Uganda, telling them that, "Go
6 back to Uganda and I do not want to hear that you have carried out any new
7 abductions or that you have recruited any new soldiers in the brigade. If I hear of
8 such or anything that you have violated my instructions, then I will take immediate
9 actions."
10 So we left, following that instructions, came back, following the same orders, no more
11 abductions. But the people that were taken away from Sinia, the new abductees
12 were given to the people in Control Altar and Kony said that those people that were
13 abducted by Sinia were not going to stay in LRA. So he took those people and gave
14 those people to Otti and they went up to an area in Pajule and they called Rwot
15 Oywak. It was Otti Vincent who called on phone to Rwot Oywak that Rwot Oywak
16 should come and receive a number of people to take them back home.
17 So indeed Rwot Oywak came and these 40 people were handed over back to Rwot
18 Oywak. None of them remained in the LRA and I'm very much informed of this
19 event.
20 Some of the people, for example, some of the mothers who had given birth during the
21 time of Iron Fist, and since life was difficult in the base, Kony also ordered that the
22 mothers, all the mothers that were now difficult to maintain them in the base should
23 be given to Rwot Oywak to take them back home.
24 If I recall very well, the number of mothers and children who were released could
25 reach up to 200 who were given, together with the other 40 people, were all given to

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1 Rwot Oywak. This is what I know that happened.

2 Q. [11:54:46] Thank you, Mr Witness. Sorry for stopping you. I just want to
3 clarify a few things about what you said.

4 You said there were young and old male abductees. What was the -- do you
5 remember what the age of the youngest male abductee you saw?

6 A. [11:55:16] Well, it was not possible to try and compare. I only explained what I
7 know. So also know that sometimes you can forget, as a human being it's normal
8 that I will forget. Even the machine that you are using, sometimes if you press it
9 wrongly you will get some errors. So I beg to be forgiven if I do not explain
10 everything. What I have explained is what you need to take, that that is what I can
11 recall.

12 Q. [11:55:55] Now, these 40 women, when they were abducted they were kept in
13 the battalions of the Sinia brigade; that's correct, isn't it?

14 A. [11:56:10] Let me say, not 40 women. I said the total number of people who
15 were abducted were 40, 20 men and 20 women. So these were the people who were
16 abducted by Sinia and they went and handed over to Kony and Kony took them and
17 gave them to Control Altar.

18 Q. [11:56:38] Yes. Sorry, that was my mistake. Twenty women. But at the time
19 of their abduction until they were released or given to Control Altar, they were with
20 Sinia; that's correct, isn't it?

21 A. [11:57:00] Yes, they were with Sinia until when they reached Kony.

22 Q. [11:57:04] And some of them were kept in Oka battalion; that's correct, isn't it?

23 A. [11:57:15] I am talking about what happened in the whole of brigade, in the
24 whole of the battalion that was under the brigade.

25 Q. [11:57:25] Yes, but because this is a Court it's very important for us to be specific.

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1 So when I said there were some people in -- some of the women were kept in Oka;

2 that's correct, isn't it?

3 A. [11:57:41] That is correct.

4 Q. [11:57:45] In the homes of the -- in the various coys; that's correct, isn't it?

5 A. [11:57:54] Yes.

6 Q. [11:57:57] And in the home of Odomi; that's correct, isn't it?

7 A. [11:58:05] If I do recall, the -- there were, there were fairly older women, fairly
8 middle age women, there were two who were brought to Odomi's home.

9 Q. [11:58:27] Now, can you explain to the Court why was it that Kony was angry
10 about these abductions?

11 A. [11:58:40] That is what I actually talked about. Kony said that in the Sinia there
12 were three women who were sexually abused. Let me say that there were three men
13 who had sex with three of these girls when the other people didn't know, so I do not
14 know how Kony came to know about it.

15 Q. [11:59:21] And tell us, please, who these three men were.

16 A. [11:59:30] Well, you know, I was young to know who and who were those who
17 committed the act, but Kony said in Sinia brigade something like that happened. So
18 maybe it happened amongst the commanders, I did not know in detail. But I only
19 came to know when Kony was saying that there was infringement of the rules within
20 Sinia brigade.

21 Q. [12:00:07] Do you remember people being punished for this?

22 A. [12:00:16] It was not easy to know what happened, but I heard that some people
23 were caned. I heard that someone called Bob who was in Terwanga, he was caned
24 and he was said to be among those who breached the rules. There is another one
25 who was called Onyamo (phon.) who was BIO of Sinia brigade. There was another

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1 person, I do not recall the name but I heard that he was also caned. Those three
2 people were the ones who were caned.

3 Q. [12:00:59] Do you remember Mr Ongwen be punished or was he not punished?

4 A. [12:01:13] I do not know of any punishment or whipping given to Dominic
5 Ongwen. We were together with them. I did not hear anything. Those people
6 were also in prison. If Dominic had also done that he would have also been in
7 prison. Those of Onyamo were imprisoned, his wife was taken away from him and
8 he would carry his own luggage, he could cook his own food. That was the
9 imprisonment which was given to him.

10 Q. [12:01:53] Right. We're going to move a little forward in time and I'm going to
11 read something from your interview.

12 Your Honour, this is Defence tab 17, UGA-OTP-0271-0831 at 836, and I'm going to
13 start reading from line 154.

14 Mr Witness, you were asked:

15 "So when was the order lifted that Sinia could then abduct women?"

16 And you responded:

17 "That order happened in Omuny Lee; when we arrived in Omuny Lee, when people
18 were now going to Teso."

19 A. [12:02:51] It is Omuny Lee.

20 Q. [12:02:54] Thank you, Mr Witness. I'm sorry, my pronunciation is not good.

21 But let me keep going":

22 "That order happened in Omuny Lee ... when people were now going to Teso. That's
23 when they said all battalions can now begin abductions."

24 That's correct, isn't it, Mr Witness?

25 A. [12:03:16] That is correct.

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1 Q. [12:03:32] It's correct, isn't it, Mr Witness, that some women were abducted in
2 Teso by Sinia brigade?

3 A. [12:03:45] That is why I was saying in Omony Lee people were already going to
4 Teso, and Kony ordered that, since we had all converged in Omony Lee. And Otti
5 Vincent told us that Sinia can now start abducting people from Teso, but not from
6 Acholi.

7 Q. [12:04:09] Now, without telling us anything you did, because we are not
8 concerned about that, can you tell us how these abductions took place in Teso?

9 A. [12:04:24] In Teso, it was difficult for me to explain the abductions. First, if
10 I had reached there I would know what happened there and how abductions took
11 place. But when I reached Omony Lee, I stopped in that place, I did not continue
12 into Teso.

13 Q. [12:05:01] So you were never in Teso, Mr Witness; is that correct?

14 A. [12:05:17] I did not reach Teso. I stopped in Omony Lee.

15 Q. [12:05:24] Do you remember two women trying to escape from Sinia brigade
16 who were abducted in Teso, Aceng and Apiyo?

17 A. [12:05:47] I remember they had already returned and they met us in a place
18 called Kotomor. I remember that happened. We met other people who had come
19 from Teso, and we were now together and we were coming back to Acholi now.

20 Q. [12:06:09] And they were abducted by Sinia in Teso; that's correct, isn't it?

21 A. [12:06:21] That's correct.

22 Q. [12:06:24] Mr Witness, I'm going to read you something from your interview.
23 And, your Honour, this is again tab 17 of the Defence binder, 0271-0831 at 846, and
24 I'm going to start reading from line 501.

25 Mr Witness, you were asked:

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1 "... were there any other examples of abductions under Dominic?"

2 And you replied:

3 "I cannot refuse that there were none. There were some few abductions which could
4 have taken place, because for him, he was using the law."

5 That's correct, isn't it?

6 A. [12:07:22] Yes.

7 Q. [12:07:25] I'm just going to run through the wives of Mr Ongwen. It's correct,
8 isn't it, that he had a wife called Abang Katie?

9 A. [12:07:51] Are you talking about Abang Katie?

10 Q. [12:07:57] Yes. Yes. Sorry, Mr Witness, is that correct, did he have a wife
11 called Abang Katie?

12 A. [12:08:35] Yes, I think he had a wife called Abang Katie.

13 Q. [12:08:41] It's correct, isn't it, that he had a wife called Ayari?

14 A. [12:08:50] Yes, there was also a woman, his wife called Ayari.

15 Q. [12:09:00] Do you remember where Ayari was abducted?

16 A. [12:09:03] I do not recall where Ayari was abducted from. I only saw that it
17 was Dominic's wife.

18 Q. [12:09:14] It's correct, isn't it, that Mr Ongwen had a wife called Aber?

19 A. [12:09:23] That is correct.

20 Q. [12:09:27] And she had three children with Mr Ongwen; that's right, isn't it?

21 A. [12:09:35] Yes, correct.

22 Q. [12:09:43] He had another wife called Min Oyella; is that right?

23 A. [12:09:49] Yes, correct.

24 Q. [12:09:53] I'm going to move on to a different topic now, Mr Witness, and it's
25 about your role in Sinia brigade. It's correct, isn't it, that you were an OC support for

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- 1 Oka at some point?
- 2 A. [12:10:34] Yes.
- 3 Q. [12:10:37] And as OC support you were in charge of heavy weaponry in your
4 battalion; that's right, isn't it?
- 5 A. [12:10:50] Yes.
- 6 Q. [12:10:56] This included weapons like the B10; that's right, isn't it?
- 7 A. [12:11:09] Yes, that is correct.
- 8 Q. [12:11:12] And heavy machine guns like the 12 and the PK?
- 9 A. [12:11:22] Yes, that's correct.
- 10 Q. [12:11:24] And also 60 millimetre mortars; that's right, isn't it?
- 11 A. [12:11:32] Yes, correct.
- 12 Q. [12:11:34] And RPGs?
- 13 A. [12:11:39] Yes, correct.
- 14 Q. [12:11:44] Do you know someone called Ocen Garang?
- 15 A. [12:11:55] I remember someone called Ocen Garang.
- 16 Q. [12:12:00] It's correct, isn't it, that he was also a support commander in the Sinia
17 brigade?
- 18 A. [12:12:12] He was not in the brigade command, he was in Terwanga battalion.
- 19 Q. [12:12:22] And he was a support commander in Terwanga; that's right, isn't it?
- 20 A. [12:12:30] Yes, that's correct.
- 21 Q. [12:12:34] Now, you said yesterday that you were not present when Mr Ongwen
22 was injured; that's correct, isn't it?
- 23 A. [12:12:51] Yes, when Mr Ongwen got injured, I was not present.
- 24 Q. [12:12:59] In fact, you were chosen to travel north with Buk Abudema; that's
25 right, isn't it, to Sudan?

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1 A. [12:13:10] Yes.

2 Q. [12:13:14] It's right, isn't it, that Buk Abudema had some problems in his
3 relationship with Mr Ongwen?

4 A. [12:13:31] Yeah, that's correct also.

5 Q. [12:13:34] Could you describe to this Court what these problems were?

6 A. [12:13:43] From my observation, I do not know the detail of how it started, but
7 from the time Tabuley was removed and Buk was brought as -- brought in Sinia
8 brigade, I saw that they were not living in harmony. Buk Abudema did not like
9 Dominic. That happens. I don't know whether -- I mean, whether there was some
10 tension before, whether he just disliked him, but he did not like Dominic. He did
11 not like to speak directly with Dominic. Many times there was tension between
12 them. I do not know what caused it; I do not know when it started.

13 Q. [12:14:42] Now, earlier in your testimony you gave the Court details about
14 various things and that is very helpful. Can you give us examples of where there
15 was tension between Mr Abudema and Mr Ongwen?

16 A. [12:15:07] From what I saw, the tension between these people became evident
17 when we met. First, Abudema complained that Odomi would woo other soldiers
18 away. He claims to know how to treat soldiers, so when soldiers meet in an RV
19 Odomi would convince some soldiers to go to him, that he treats his soldiers well.
20 That was the first thing that I saw as signs of tension. Many times the soldiers liked
21 to go to Oka where Odomi was. Odomi was having the politics of convincing
22 soldiers to go and stay with him.

23 Secondly, he used to say that Odomi also liked to buy things from civilians instead.
24 For example, Buk went up to Kony and said that Odomi's battalion wanted to
25 surrender. That every time Odomi and his battalion went, he would buy food from

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1 civilians.

2 And I told you earlier about this complaint, that when Odomi goes to a place, Odomi
3 does not cause any havoc on civilians. He lives with civilians very freely and,
4 wherever he goes, civilians would gather and civilians would dance. He would
5 mingle freely with the civilians and the civilians is going to make Odomi to surrender
6 and join the government.

7 Even the radio that Odomi used to carry, one time Kony gave an order that the radio
8 should be taken away -- the radio that makes civilians dance should be taken away
9 from Odomi. That is how the tension started.

10 And one time, Odomi selected soldiers from Oka battalion and he wanted to go and
11 attack the headquarter so that they can leave and go away to the government, like
12 they want. But later on he ignored the whole thing and, indeed, there was that
13 tension which existed between the two and the feud continued between them.

14 Q. [12:18:12] Now, before going north to Sudan you met Abudema at an RV; that's
15 right, isn't it?

16 A. [12:18:27] When we were going to Sudan, we went with Abudema. We went to
17 Sudan with Buk Abudema. We went together.

18 Q. [12:18:39] And it's from Mr Abudema that you learned that Mr Ongwen was
19 arrested; that's right, isn't it?

20 A. [12:18:51] Yes, when we were on our way to Sudan, we learnt that we had
21 already reached this place called Kotomor. There was an RV there. That is where I
22 understood from there that Dominic Ongwen was arrested. We were moving
23 towards Sudan with those of Abudema.

24 Q. [12:19:18] And it's right, isn't it, that, as you told the Prosecution, Mr Ongwen's
25 arrest happened after the death of Tabuley and Yadin?

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1 A. [12:19:35] Yes, that's correct.

2 Q. [12:19:38] You mentioned radios recently, and I want to just pick up on that a
3 little bit.

4 Give me one minute, your Honour, I just want to find a page in the transcript.

5 Real-time transcript page 24.

6 Mr Witness, you said you started making your own opinion about the lies you had
7 been told in the LRA once you started listening to the radio. Can you explain a little
8 bit what you mean by that?

9 A. [12:20:57] In what way? I have not understood the question well. Can you
10 ask again?

11 Q. [12:21:11] Now, you said initially that you believed everything about what
12 would happen to you if you escaped, the things you were told in the LRA, and then
13 later you said you stopped believing in it when you began forming your own
14 opinions.

15 A. [12:21:37] I explained earlier that right from Sudan, when we left Uganda and
16 we were heading to Sudan for the peace talk, I believed, I strongly believed. And I
17 found people who were in the bush who had surrendered were there, I saw them
18 myself. Secondly, I saw the Sinia commanders were there.

19 Thirdly, Caesar Acellam also returned and I saw he was there, and I believed that
20 indeed whatever, whatever was being told to us was not true.

21 Q. [12:22:24] Have you heard of a programme called Dwog Paco?

22 A. [12:22:32] I also said earlier that they talked in that programme, I heard in that
23 programme. Even yesterday I said that if you -- they say that if you reach they
24 would record your voice and they would use your voice on Radio Mega when you
25 have actually been killed. I mentioned that yesterday.

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1 Q. [12:22:57] And when you listened to these programmes, what did they make
2 you think?

3 A. [12:23:18] When you listen you feel like returning home, but the issue of being
4 killed frustrates your effort to return. When you hear that you are going to die when
5 you reach home, you get discouraged. Even you who is asking, if you are in the
6 bush and you hear that when you reach home they would kill you and they would
7 tell you go jump in the water, I don't know whether anybody could go and jump in
8 deep water.

9 Q. [12:23:56] Did you meet Odong Cow during the peace talks?

10 A. [12:24:04] During the peace talks I saw Odong Cow. He was there in person
11 but I did not talk to him. I wasn't close to him to interact with him, not even one
12 day.

13 Q. [12:24:24] Did you see Otto Sunday during the peace talks?

14 A. [12:24:32] I saw both of them during the peace talk, but I did not interact with
15 them, I did not speak to them, I was not close to them in any way.

16 Q. [12:24:45] Thank you, Mr Witness. We are now going to discuss spirits briefly.
17 Now, you already discussed in a fair bit of detail yesterday, so I will be very brief. I
18 just want to talk about something you said in your statement to the Defence.

19 And, your Honour, this is Defence tab 1, paragraph 10, which is at -- sorry, the ERN
20 of the tab is UGA-D26-0022-0301 and the page is 0022-0306.

21 Mr Witness, you said:

22 "From what I saw, the Spiritual element of the LRA existed very strongly from
23 1995-2003. It was not until 2003, around Operation Iron Fist, when I noticed that the
24 Spirits had left Kony."

25 That's correct, isn't it?

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1 MR OBHOF: [12:26:09] Your Honour, (Overlapping speakers) asked and answered
2 and went in detail yesterday, even by your Honour and myself.

3 PRESIDING JUDGE SCHMITT: [12:26:15] Yes, but I think I don't see any harm if we
4 refer here to the exact wording of this paragraph 10 of the witness statement, and if
5 the witness confirms that this is his testimony, I think. If not, of course then we
6 would have to continue. That's perfectly clear. And I would give you then the
7 chance afterwards to perhaps enquire on this further. But I don't see any harm here.
8 So you may answer the question, Mr Witness.

9 Meaning you have heard what the Prosecutor has read out, this is part of your
10 statement that you gave to the Defence, and the question would be if this is correct or
11 not.

12 THE WITNESS: [12:27:21] (Interpretation) I -- we already talked about what is being
13 asked. If I come across something which has not been talked about, indeed I will
14 answer it that I have not talked about it yet.

15 PRESIDING JUDGE SCHMITT: [12:27:40] I think you repeat simply the two phrases
16 and ask again if this is correct or not.

17 MR SACHITHANANDAN: [12:27:48]

18 Q. [12:27:48] Mr Witness, I'm going to repeat what I just said again and you can tell
19 me:

20 "From what I saw, the Spiritual element of the LRA existed very strongly from
21 1995-2003. It was not until 2003, around Operation Iron Fist, when I noticed that the
22 Spirits had left Kony."

23 That's correct, isn't it, Mr Witness?

24 A. [12:28:15] Yes, I said that.

25 Q. [12:28:20] Now I'm going to keep going on the same paragraph, and you said:

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1 "I say that the Spirits left Kony around this time because the character of Kony
2 changed. You can tell when someone is lying, and from what I saw, Kony no longer
3 had honesty in his eyes." That's correct, isn't it, Mr Witness?

4 A. [12:28:47] Yes, that is correct.

5 MR SACHITHANANDAN: [12:28:53] And it's the latter half, Mr Witness - not Mr
6 Witness - your Honour, that we did not canvass yesterday I think in detail.

7 PRESIDING JUDGE SCHMITT: [12:29:04] I think we were aware that this was
8 repetitive, sort of. But nevertheless it was, as I said, there is no prejudice if we refer
9 to the former statement, especially to the Defence, and the witness simply confirms it.
10 This brings more clarity, I would say.

11 MR SACHITHANANDAN: [12:29:25]

12 Q. [12:29:26] Mr Witness, you went north then with Buk to Sudan; that's correct,
13 isn't it?

14 A. [12:29:38] That's correct.

15 Q. [12:29:41] And Kony informed you when you went to Sudan that Dominic had
16 now become the BC of Sinia; that's correct, isn't it?

17 A. [12:29:57] Correct.

18 Q. [12:30:00] Can you tell us where you were when you heard this?

19 A. [12:30:14] At that point we were in a place not far away from Lubanga Tek. We
20 were not far from the camp of Lubanga Tek. It was near a water body. I do not
21 recall the name of the water body now, but it was not far from that camp. He put
22 Buk as BC -- removed Buk as BC Sinia from there.

23 Q. [12:30:49] And Buk went to the division; that's right, isn't it?

24 A. [12:30:56] Yes, that is correct.

25 Q. [12:30:59] Mr Witness, I'm going to read something from your interview with

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1 the Prosecution.

2 Your Honour, this is tab 14, that is UGA-OTP-0271 at 0749 and the page is 0775.

3 PRESIDING JUDGE SCHMITT: [12:31:23] And it's the Defence binder?

4 MR SACHITHANANDAN: [12:31:28] That's correct.

5 Q. [12:31:32] Mr Witness, now, you were talking in this interview about Dominic
6 being the BC of Sinia and you were asked at line 864:

7 "So, does that mean that Ongwen was released from prison and immediately became
8 a brigade commander?"

9 And you replied:

10 "He was released and he stayed for some period."

11 And you continue here:

12 "He stayed for some time before being appointed because, you know, Kony has his
13 politics because his thinking was [that] if he kept him like that for long he would
14 escape and come back home."

15 Can you explain to us what you meant by that last sentence, that if Kony kept him for
16 long he would escape and come back home?

17 A. [12:32:43] Yes, I can explain that. This is what I can say: Many times, for
18 example, Dominic was put in prison. The reason why I know that he was sent
19 straight to become BC, even at the time when he was taken there, Kony had already
20 ordered that he should be killed. So I know that if he is taken back there to be there
21 without any office, that means there is still going to be an issue with him. So if he is
22 taken back with a position and given a position, then even Kony himself would know
23 that he has sorted out any issue against him.

24 So I think he just could have put him just to try and let him come out of -- recover out
25 of what he went through to kind of calm him down so that -- I even know that even

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1 you as a person, if you have gone through something yourself, what can be done to be
2 able to counsel you so that you can return back to normal life? There is something
3 that you can be given or you can be taken through so that you can calm down after
4 the experience that you have gone through.

5 Q. [12:34:36] Now, it's right, isn't it, that after you heard this news you started
6 heading south again into Uganda?

7 A. [12:34:56] Correct.

8 Q. [12:34:57] And you came down with Lakati?

9 A. [12:35:05] Correct.

10 Q. [12:35:07] And Lakati had heard from Odomi that you were supposed to meet
11 somewhere in Atanga?

12 A. [12:35:21] No. That was not correctly recorded.

13 Q. [12:35:28] Is it not correct that you met four people sent from Odomi in Atanga
14 on your way south?

15 A. [12:35:43] When we left Sudan, we moved with Lakati and he remained in the
16 area of Palabek. We continued -- we continued and met with four people sent by
17 Dominic to come and pick us in an area called Lakalanganya.

18 Q. [12:36:07] And what did the four people say?

19 A. [12:36:16] They said that everyone should go back to their respective battalions.
20 Those were in the -- from a certain battalion, "You go back to where you came from."

21 Q. [12:36:31] And so that's right, isn't it, so you went to Oka because you were from
22 Oka, that's right?

23 A. [12:36:43] Yes, I went back to Oka.

24 Q. [12:36:48] In fact, you had come down with the new head of Oka, Ben Acellam,
25 that's right, isn't it?

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1 A. [12:37:09] Yes.

2 Q. [12:37:10] Mr Witness, I'm going to show you a map that you drew during your
3 interview with the Prosecution.

4 Your Honour, the ERN of the map is UGA-OTP-0237-0118, but we will be
5 broadcasting these images from the Prosecution; so if you could give us a few
6 minutes -- just a minute.

7 PRESIDING JUDGE SCHMITT: [12:37:48] A few minutes would be a little bit too
8 excessive, but I assume that it will appear quickly.

9 THE COURT OFFICER: [12:38:15] The Prosecution has the floor. Is this a public
10 document?

11 MR SACHITHANANDAN: [12:38:18] Yes.

12 THE COURT OFFICER: [12:38:21] Thank you.

13 It will be on the evidence 2 channel.

14 PRESIDING JUDGE SCHMITT: [12:38:37] And it is already there so you can
15 continue, Mr Sachithanandan.

16 MR SACHITHANANDAN: [12:38:43]

17 Q. [12:38:46] Mr Witness, this is a map that you annotated during your interview
18 with the Prosecution. Now I understand this is very a large map shown on a small
19 screen, so we will move on to the zoomed in version of this.

20 A. [12:39:16] Yes, I can see.

21 MR SACHITHANANDAN: Your Honour, for the record the zoomed in version that
22 we're looking at at the moment is ERN 0286-1313.

23 Q. [12:39:38] Mr Witness, can you see this map?

24 A. [12:39:48] I can see, but the writings -- I can only recall. I can see clearly Pajule
25 because some of the writings are very small, and of course I also, I cannot read, so ...

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1 Q. [12:40:06] That's fine, Mr Witness. We're going to go step by step. Now on
2 the left in big letters you can see Gulu, that's right, isn't it?

3 A. [12:40:22] Yes.

4 Q. [12:40:24] And now you've already told us on the top right, you can see Pajule,
5 that's right, isn't it?

6 A. [12:40:34] Yes.

7 Q. [12:40:35] And in the middle of the map in big letters you can see Pader?

8 A. [12:40:44] I can see, I can see.

9 PRESIDING JUDGE SCHMITT: [12:40:52] But we don't require from the witness to
10 read.

11 MR SACHITHANANDAN:

12 Q. [12:40:56] We're just going to zoom in a little bit more, Mr Witness, into the
13 Odek area. You can see in the middle, Odek, that's right, isn't it?

14 A. [12:41:20] Yes.

15 Q. [12:41:22] And you can see to the left of Odek, Lalogi, that's right, isn't it?

16 A. [12:41:36] Yes.

17 Q. [12:41:38] Now, I want to go across the Aswa river, if we go across, we can see
18 Koyo and Koyo Lalogi, that's right, isn't it?

19 A. [12:41:54] Yes.

20 Q. [12:41:56] So now in between the Pader side and the Gulu side, we also have the
21 Aswa river, that's right, isn't it?

22 A. [12:42:10] Yes.

23 Q. [12:42:14] Now, we're going to use this map to discuss a few things that you said
24 in your interviews with the Prosecution and the Defence and I'm going to start by
25 discussing what you told the Defence.

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1 We can go to the next map.

2 Your Honour, the ERN of this map is UGA-OTP-0286-1314. That is tab 4 of the
3 Prosecution binder.

4 Mr Witness, now, it's correct, isn't it, that this map represents what your location as
5 you told you the Defence at the time of the Odek attack. If you look at this purple
6 circle, if you consider that to represent you in the area of Koyo Lalogi, that's where
7 you were at the time of the Odek attack as per what you told the Defence, that's right,
8 isn't it?

9 A. [12:43:39] Lapak, if you're in Lapak and you go upwards, then that means you
10 go to Koyo Lalogi, and if you come downwards, you come to Opatte.

11 Q. [12:43:57] So you were in the Lapak and Opatte area near Koyo, that's correct,
12 isn't it?

13 A. [12:44:09] Yes.

14 Q. [12:44:11] And now, Mr Ongwen, that is represented by this green circle in the
15 middle next to the purple circle, he was also with you at the time of the Odek attack
16 as per what you told the Defence, that's right, isn't it?

17 A. [12:44:34] Correct.

18 Q. [12:44:38] And what you said was that you were -- Mr Ongwen was injured,
19 that's right?

20 A. [12:44:51] He had -- he was still recovering from a previous injury, that was a
21 previous injury which he had sustained. It was not that it was a new injury but
22 because of the previous injury that he had sustained; so he would complain of chest
23 pain.

24 Q. [12:45:12] And you were a small group. You were looking for cassava and
25 tomatoes, that's right, isn't it?

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1 A. [12:45:24] Correct.

2 Q. [12:45:27] Mr Witness, I'm now going to move to what you told the Prosecution.

3 Can we move to the next tab please.

4 MR OBHOF: [12:45:36] Your Honour, before the map is shown, I do want to make
5 an objection about this next map. And I'm going to read from tab 11, which is after
6 all these citations, at line -- tab 11 --

7 PRESIDING JUDGE SCHMITT: [12:45:46] Tab 11 of?

8 MR OBHOF: [12:45:48] Of the Defence binder, UGA-OTP-0271-0661 on page 0689,
9 starting at line 6 or 965 where the witness --

10 MR GUMPERT: [12:46:02] Your Honour, I can't object to an objection, but I do object
11 to Mr Obhof reading this out in the witness's hearing.

12 MR OBHOF: [12:46:10] I'm okay with the witness be cut off.

13 MR GUMPERT: [12:46:13] I would request that the witness be cut off.

14 PRESIDING JUDGE SCHMITT: [12:46:17] Yes, then we do that since obviously there
15 is anonymity on that question, we cut the witness shortly off.

16 Mr Witness, do you hear me?

17 Seems to be quite difficult. If I had known that, I would have perhaps taken another
18 path.

19 MR OBHOF: [12:47:38] As we're about ready for lunch, we can discuss this and then
20 go to lunch or --

21 PRESIDING JUDGE SCHMITT: [12:47:44] About ready. Not ready. Now it is
22 done. So we continue.

23 So you are going to read something for our information from 0689.

24 MR OBHOF: [12:47:56] Correct.

25 PRESIDING JUDGE SCHMITT: [12:47:58] Which lines?

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1 MR OBHOF: [12:48:00] Lines 6 or 965 at -- to line 967. When the interviewer -- well,
2 previously on line 959 where it says: "You don't recall hearing about the Odek
3 attack?" which is a question.

4 And the interpreter, who is speaking on behalf of the witness, says:

5 "I said I heard about it but" no "differentiate between your attack and mine it is
6 different because there were many attacks at... Maybe the one you heard of is
7 different from the one I heard of."

8 So labelling this attack here on this map as location on 29 April 2004, the witness
9 during his interview used the right, which the Prosecution always states that if you
10 need to change something or make any adjustments you may.

11 And the witness while being interviewed on Odek stated at the end: I think we're
12 talking about different attacks.

13 PRESIDING JUDGE SCHMITT: [12:48:55] Yes, but I think that is not a principle
14 objection to putting this map to the witness if you --

15 MR OBHOF: [12:49:03] It's with the date, your Honour, also, that's --

16 PRESIDING JUDGE SCHMITT: [12:49:06] Yes, I'm aware of that. So if

17 Mr Sachithanandan makes clear that he is not suggesting that this must be necessarily
18 what the witness meant, 29 April 2005, I think it was, then I would have no -- I would
19 say partially overruled, I would say, if you make this clear.

20 And you can, of course, since we have now this caveat that the witness made in his
21 statement with the Prosecution, I think you would have to lead him through that and
22 give him this possibility in your question. You understand what I mean by that?

23 MR SACHITHANANDAN: [12:49:47] Your Honour, of course that's the proposition
24 that the Prosecution is going to put to the witness (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [12:49:56] Was 29 April.

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1 MR SACHITHANANDAN: [12:49:58] And of course the witness is perfectly capable
2 of responding in any manner he wishes to do so, and Mr Obhof and his team can
3 make submissions in the closing brief about whether they think this is the right attack,
4 wrong attack.

5 PRESIDING JUDGE SCHMITT: [12:50:10] So then ask him, first of all, if he -- this
6 has been put together in his presence.

7 MR SACHITHANANDAN: [12:50:19] Correct.

8 PRESIDING JUDGE SCHMITT: [12:50:20] Then I think you can, you can go forward
9 and you ask him do you recall that, and then you ask him -- you can put the
10 proposition to him. And Mr Obhof can put forward, and will have the possibility, to
11 ask him afterwards and put what he told us to the witness so we have both on the
12 record, the answer of the witness to this direct question and the answer to the
13 potential caveat that has been made. I think that that is fair enough to say it this
14 way.

15 MR SACHITHANANDAN: [12:50:56] Your Honour, just a clarification, the map
16 was prepared with the witness and the witness gave evidence when he was
17 (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [12:51:03] And 29 April comes from where?

19 MR SACHITHANANDAN: [12:51:06] That is our proposition.

20 PRESIDING JUDGE SCHMITT: [12:51:08] Then put it as a proposition, to make
21 things shorter. It's too -- I think we should not make it too complicated.

22 MR SACHITHANANDAN: [12:51:16] And locations of the -- the highlighted
23 locations are also the Prosecution's additions. They are propositions being put to the
24 witness.

25 PRESIDING JUDGE SCHMITT: [12:51:24] But you have to make this absolutely

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1 clear that the witness is not confused.

2 And Mr Obhof will have the opportunity, of course, to question the witness in
3 addition to that.

4 So we will connect again --

5 THE INTERPRETER: Your Honour, there was overlapping speaker, overlapping
6 speakers, and the Acholi booth was finding it a bit difficult to follow.

7 PRESIDING JUDGE SCHMITT: [12:51:43] So I'll repeat it.

8 You may put this proposition to the witness, making clear, like always, that it is a
9 proposition, making absolutely clear what has been put together with him and what
10 you constructed, so to speak.

11 And then Mr Obhof will have the opportunity, after the lunch break, to put to the
12 witness his former statement to make clear that he might have made some caveats in
13 the past.

14 I think that's fair enough. And we connect the witness now. He's connected
15 already? Yes.

16 So, Mr Sachithanandan, please proceed.

17 MR SACHITHANANDAN: [12:52:24]

18 Q. [12:52:24] Mr Witness, I'm now going to -- the map you have in front of you
19 relates to what you told the Prosecution, and the Prosecution has marked your
20 location and Mr Ongwen's location, your location in purple and Mr Ongwen's
21 location in green, and I'm going to read out to you what you told the Prosecution
22 during your interview:

23 Your Honour, I'm referring to Defence tab 11, that is UGA-OTP-0271-0661 at page 688,
24 and I'm going to start from line 920.

25 Mr Witness, you were asked:

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1 "Are you aware of troops moving from your location to Dominic's location for the
2 Odek attack?"

3 And you respond:

4 "No, our soldiers never went. Because all that time" -- I'm sorry, "Because at that
5 time the river has flooded and we could not cross. Because the river had flooded
6 and we could not cross to meet Odomi. And it should have been around
7 July-August." That's right, isn't it, Mr Witness, that you told the Prosecution you
8 and Mr Ongwen were on two different sides of the river at the time of the Odek
9 attack?

10 MR OBHOF: [12:54:13] Your Honour, again, he just read the phrase July to August
11 inside of there.

12 PRESIDING JUDGE SCHMITT: [12:54:19] We have to continue that of course. I
13 read this now for the first time. But out of fairness I think to the witness you
14 would -- you can put this to him, and after his answer you continue with two further
15 lines because he's asked then, if I told you that it was in April. I think -- or simply
16 continue, continue it, to be fair to the witness indeed.

17 MR SACHITHANANDAN: [12:54:44] Very well, your Honour.

18 Q. [12:54:45] And, Mr Witness, the investigator then asks you: "If I told you that the
19 Odek attack happened in April ... what would you say about that?"

20 And then you respond:

21 "That's why I told you it took place when it was raining but to guess the time is my
22 problem."

23 PRESIDING JUDGE SCHMITT: [12:55:05] I think that that's okay.

24 MR SACHITHANANDAN: [12:55:07]

25 Q. [12:55:08] Now, that's correct, isn't it, Mr Witness?

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1 A. [12:55:17] That is correct. Because regarding the attack that you ask me about
2 that time, I was not aware exactly which particular attack you were referring to or
3 that you wanted me to speak about. Because, indeed, in northern Uganda there
4 were several attacks and many people are aware of these attacks. Some of them are
5 minor attacks. So when I was being questioned, it was not specific to me, it was not
6 specified to me which particular attack that you wanted me to talk about. So what
7 I was talking about, I was talking about an attack which I am aware of, which I was
8 aware of, but not the one that you were interested in.

9 So again, when I was asked about the major attack which the investigator was
10 interested about, that's when I remembered. So there was a bit of confusion there,
11 because what I remember or what I recall, especially for something which I personally
12 did not participate in, obviously it was bound that I would forget and not be able to
13 state correctly what could have been.

14 PRESIDING JUDGE SCHMITT: [12:56:52] This spares you the additional questions,
15 because it's roughly the same what he said to the Prosecution and roughly the same
16 that you wanted to read out to him to verify if this is his statement.

17 And I think it would be now a time to go into the lunch break or what would -- you
18 envision how many questions would you have?

19 MR SACHITHANANDAN: [12:57:14] One or two, your Honour.

20 PRESIDING JUDGE SCHMITT: [12:57:16] No, then we finish this now.

21 MR SACHITHANANDAN: [12:57:18]

22 Q. [12:57:19] So just so we understand, Mr Witness, when the Prosecution asked
23 you whether you went for a Odek attack, you said that at that time Dominic's location
24 was across the river. That's correct, isn't it?

25 A. [12:57:41] That is what I said, that Dominic was the other side of the river. But

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1 I was not clear of which attack I was being asked about, because there were several
2 attacks in different centres. Because if you continue with the investigation, you will
3 find that even in the same Odek there were two or three attacks that occurred there.
4 So my problem was I didn't know which exactly, which specific attack I was being
5 asked about because they were only saying attack in Odek. So for me as a person, as
6 a human being, I wouldn't know which one exactly the investigator asking me
7 wanted me to talk about. I just responded because I knew there was an attack.
8 But later on when I was -- when it was clarified to me, they said they wanted to know
9 about the main attack, and then that is when I was reminded when I was also told
10 about several other places where attacks were conducted. Because if you remind me,
11 then I can also be able to recall.

12 Q. [12:59:01] All right, Mr Witness. So you were reminded about the date of the
13 attack, and now I'm going to go to another part of your interview, the day after you
14 were reminded. All right? The day after you were told about April.

15 And, your Honour, this is Defence tab 12, UGA-0271-0695, and the page is 0702 and
16 I'm going to start reading from line 231.

17 And I remind you, Mr Witness, this is the day after you were reminded about the date
18 of the attack. You were asked by the interviewer:

19 "... were you aware of any troops from your location being involved in the Odek
20 attack?"

21 You respond:

22 "What I told you ... what I told you yesterday was, for us who were across the river
23 and on my side, nobody went across the river to go for that attack ... but it was the
24 people on the other side of the river who participated."

25 And you continue:

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1 "Odomi did not want soldiers to cross ..." the river "because for soldiers who cross
2 over, they would have the government army following them which he did not want.
3 That's why he was using the people on his side."

4 That's correct, isn't it, Mr Witness?

5 A. [13:00:45] Well, in that recording I do not recall that there were certain portions
6 that I did talk about, because I remember there were times that he was telling us that
7 people should not go to an area where he was, and those are the portions that I
8 remember I talked about.

9 PRESIDING JUDGE SCHMITT: [13:01:09] When you hear that, Mr Witness, what
10 attack on Odek did you have in mind when you -- specifically that, that last portion
11 that the Prosecutor read out to you?

12 THE WITNESS: [13:01:35] (Interpretation) From what I know, there was almost
13 three attacks in Odek. So for the three different attacks it was not clear to me which
14 one exactly that they wanted me to talk about because in the first attack, the Gilva
15 came and collected food. Then in the second attack it was Stockree, they also went
16 to collect food. I was aware of that. And then in the third one, I heard that there
17 was an attack for the third time. So which one exactly were you, your investigators
18 interested in? So given that situation, it would be certainly difficult for me to talk
19 to -- to talk about the attacks in Odek, but I know there were three different attacks in
20 Odek. There could also be others. So it wasn't specific to me which one they
21 wanted me to talk about.

22 PRESIDING JUDGE SCHMITT: [13:02:56] Mr Sachithanandan, I think we leave it at
23 that. Everything else has to be put together, perhaps by parties in their submissions,
24 and of course finally by the Chamber. Whatever this might mean, he might have
25 talked about, we have everything on the record now and I think we don't get any

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1 further here with the witness on that issue, on that topic.

2 MR SACHITHANANDAN: [13:03:22] Thank you, your Honour. Can I just place
3 my references on the record.

4 PRESIDING JUDGE SCHMITT: [13:03:26] Of course you can.

5 MR SACHITHANANDAN: [13:03:28] Your Honour, for this section I am relying on
6 tab 7, and I would be grateful if the Bench could turn to tab 7 of the Prosecution
7 binder, and it is the testimony of witnesses P-06 -- sorry, P-406, that is transcript 154;
8 testimony of P-54, that is transcript T-93; testimony of P-314, transcript T-75;
9 testimony of P-330, transcript T-52; and testimony of P-0264, transcript T-64.

10 PRESIDING JUDGE SCHMITT: [13:04:19] You know, like always, everything that is
11 on the record and has been, the evidence that we have been taken in this Court, this
12 Chamber, it does not escape the attention of this Chamber, whoever brought it
13 forward and when we had witnesses in this courtroom, we are here to take notice of
14 that. So this applies to any witness by Prosecution, Defence or victims'
15 representatives.

16 MR SACHITHANANDAN: [13:04:47] Absolutely, your Honour. And I have no
17 further questions.

18 PRESIDING JUDGE SCHMITT: [13:04:51] Okay. Thank you.

19 Any questions by the representatives of the victims?

20 MR NARANTSETSEG: [13:04:55] No further questions, your Honour. Thank you.

21 PRESIDING JUDGE SCHMITT: [13:04:59] Mr Manoba, any questions?

22 MR MANOBA: [13:05:01] No questions, your Honour.

23 PRESIDING JUDGE SCHMITT: [13:05:04] Mr Obhof, I think this has been clarified,
24 but of course you have the right to. And I think we should ask these two questions
25 before we go and we don't go into a lunch break, we go into a longer break, then. So

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1 please, Mr Obhof.

2 MR OBHOF: [13:05:19] Your Honour, I was going to make the same suggestion. I
3 have two very short questions.

4 QUESTIONED BY MR OBHOF:

5 Q. [13:05:34] We'll make this quick, Oryem. So earlier today you spoke about
6 abductions right after Iron Fist. Approximately how long after Sinia went to Uganda
7 did these abductions take place?

8 A. [13:06:04] The abductions which Sinia started making was from Teso. When
9 they reached Teso, that is when the abductions started.

10 Q. [13:06:23] Now, also today - unless the real-time transcript has been changed in
11 the past hour, which it may be because they do a good job - today you mentioned
12 intelligence officers around page 31, line 22. What was the function of intelligence
13 officers, whether it be withinside of a coy or inside of a brigade, or if they're different,
14 can you please explain to the Court the difference. What were the functions of
15 intelligence officers?

16 A. [13:06:58] The intelligence officer, first of all, in every department in the army
17 there must be an intelligence officer or a department or someone in charge of
18 intelligence. That is like the ears and the eyes of the movement of the government.
19 That is what I know their work to be.

20 Q. [13:07:31] And in the LRA to who did intelligence officers report?

21 A. [13:07:45] The intelligence officers within a battalion, they should reported to
22 the BIO, the brigade -- where the brigade commander is. That is how it should be.
23 But in the LRA reporting lines are not adhered to, like I said earlier. You can find an
24 intelligence officer of a battalion can send a report up the Control Altar. You can
25 find a sergeant has reported up to Kony. It's difficult to follow. I don't know why

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1 they don't follow the reporting line.

2 PRESIDING JUDGE SCHMITT: [13:08:46] That's it?

3 MR OBHOF: [13:08:47] That is it, your Honour. Thank you very much.

4 PRESIDING JUDGE SCHMITT: [13:08:50] Thank you, Mr Obhof.

5 And also thank you, Mr Witness, Mr Oryem. This concludes your testimony. On

6 behalf of the Chamber I would like to thank you that you have made yourself

7 available as a witness in these proceedings. We wish you a safe trip back home.

8 THE WITNESS: [13:09:09] (Interpretation) Thank you very much for hosting me.

9 You remain well.

10 PRESIDING JUDGE SCHMITT: [13:09:14] Thank you again.

11 (The witness is excused)

12 PRESIDING JUDGE SCHMITT: [13:09:19] This concludes also the hearing for today.

13 We continue on Thursday, 9.30 with D-25.

14 THE COURT USHER: [13:09:28] All rise.

15 (The hearing ends in open session at 1.09 p.m.)

16 RECLASSIFICATION REPORT

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

18 2016, the public reclassified and lesser redacted version of this transcript is filed in the

19 case.