

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 Judge Raul Cano
6 Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 16 September 2019
9 (The hearing starts in open session at 9.38 a.m.)
10 THE COURT USHER: [9:38:09] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:38:12] Good morning, everyone. Could the
13 court officer please call the case.
14 THE COURT OFFICER: [9:38:18] Good morning, Mr President, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:38:30] Thank you.
19 I ask for the appearances of the parties. Mr Choudhry, first, for the Prosecution.
20 MR CHOUDHRY: [9:38:37] Good morning, your Honour.
21 Kamran Choudhry, here today with Mr Ben Gumpert, Ms Sanyu Ndagire, Mr Colin
22 Black, Mr Hai Do Duc, Mr Pubudu Sachithanandan and Ms Jasmina Suljanovic.
23 PRESIDING JUDGE SCHMITT: [9:38:47] Thank you.
24 And for the representatives of the victims, Ms Sehmi first.
25 MS SEHMI: [9:38:50] Good morning, Mr President, your Honours. On behalf of

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1 the Legal Representative for Victims, Anushka Sehmi and James Mawira.

2 PRESIDING JUDGE SCHMITT: Thank you.

3 Mr Narantsetseg.

4 MR NARANTSETSEG: [09:38:59] Good morning, Mr President, your Honours. For
5 the common legal representative, Orchlon Narantsetseg, with Ms Caroline Walter.

6 Thank you.

7 PRESIDING JUDGE SCHMITT: [9:39:07] Thank you.

8 And for the defence, Mr Obhof.

9 MR OBHOF: [9:39:09] Thank you very much, your Honour.

10 Today we have Chief Charles Achaleke Taku, Gordon Kifudde, myself Thomas Obhof,
11 and our client Mr Ongwen is in Court.

12 PRESIDING JUDGE SCHMITT: [9:39:17] Thank you.

13 And we have at the video-link location Mr Okulo as counsel for the next witness.

14 Good morning, Mr Okulo, welcome to this extended courtroom. We have to discuss
15 with regard to the next witness Rule 74 matters, and for that we go to private session.

16 (Private session at 9.39 a.m.) * (Reclassified partially in public)

17 THE COURT OFFICER: [9:39:46] We are in private session, Mr President.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 We are now discussing, as I said, the Rule 74 issues. The Chamber has taken note of
7 the request by Mr Okulo. The Chamber wishes to receive more concrete information
8 on this matter.

9 As we understand it, Mr Okulo, your client has an amnesty certificate, is this correct?

10 MR OKULO: [9:41:14] Could you repeat the question again, I didn't get it.

11 PRESIDING JUDGE SCHMITT: [9:41:23] Mr Okulo, as we understand it, your client
12 has an amnesty certificate, is this correct?

13 MR OKULO: [9:41:32] I have not discussed that with him.

14 PRESIDING JUDGE SCHMITT: [9:41:39] Do we have any information by
15 Prosecution or Defence on that matter? Because we have to make sure -- you know,
16 the Chamber contemplates, like always, if there is an amnesty certificate and we can
17 be sure that it is valid, then we would do it like we always do in it in the past. That
18 we say we simply revert to private session, if necessary, are vigilant with regard to
19 potential issues of self-incrimination, but if not, of course I think this would be
20 a classical Rule 74 issue.

21 So any -- it would, of course have been nice if this had been cleared, so to speak, and
22 made certain on the spot at the video-link location, but we are now in a situation that
23 we don't know exactly.

24 Mr Choudhry, do you have any information that could help us?

25 MR CHOUDHRY: [9:42:33] Your Honour, certainly it's the case that from the

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1 transcript, it's clear that he does have amnesty, but I haven't seen a certificate as such.

2 PRESIDING JUDGE SCHMITT: [9:42:42] Mr Obhof?

3 MR OBHOF: [9:42:43] Yes, I concur from the transcripts that, and we have heard the
4 same thing, that he does have amnesty but I have never seen the certificate.

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [9:43:05] So what we will do then, we will
8 shortly -- we have to deliberate -- that this is a situation we have not faced yet, we
9 were -- either be clear that there was an amnesty certificate or that there was none.

10 Mr Gumpert, do you want --

11 MR GUMPERT: [9:43:22] Your Honour, I would respectfully submit that that can be
12 cleared up. The witness is there, we can ask him. If he says, "Yes, I've got
13 a certificate," then the Court can properly proceed on that basis. It's only if he
14 himself expresses some doubt or says, "No, no, that's wrong information," then the
15 Court may have difficulties.

16 PRESIDING JUDGE SCHMITT: [9:43:42] That is correct, what you are saying. We
17 can give it a try, but it might well -- very well be that we don't -- that we get an
18 ambivalent answer. This is something -- but of course why not, why not give it a try
19 in that respect.

20 So what we are doing now then, we bring the witness in and ask him then, simply.

21 I think we can do that in private session, ask him, I would suggest, so to speak.

22 MR OKULO: [9:44:31] Yes, we're -- we're getting him.

23 (The witness enters the video-link room)

24 PRESIDING JUDGE SCHMITT: [9:44:59] Good morning, Mr Witness. Do you hear
25 me?

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1 THE INTERPRETER: [9:45:06] No audio came through, your Honour.

2 PRESIDING JUDGE SCHMITT: [9:45:11] Then we have to fix this first. It could be
3 one of these days.

4 Mr Witness, do you hear me now?

5 WITNESS: UGA-D26-P-0134

6 (The witness speaks Acholi)

7 (The witness gives evidence via video link)

8 THE WITNESS: [9:46:08](Interpretation) Yes, I can hear you.

9 PRESIDING JUDGE SCHMITT: [9:46:10] We have to apologise. Sometimes,
10 because of the long distance, there are technical problems.

11 Mr Witness, good morning, first of all at the video-link location. On behalf of the
12 Chamber I would like to welcome you to the video-link location, to this extended
13 courtroom, as we word it.

14 THE WITNESS: [9:46:28](Interpretation) Thank you very much.

15 PRESIDING JUDGE SCHMITT: [9:46:30] Before we start with your testimony we
16 have a question: Do you have an amnesty certificate?

17 THE WITNESS: [9:46:42](Interpretation) Yes, I do have.

18 PRESIDING JUDGE SCHMITT: [9:46:48] And do you know what this amnesty
19 certificate covers? Could you tell us, please, if you know.

20 THE WITNESS: [9:46:58](Interpretation) When I was given the certificate, it was
21 given to me -- that when you come back from the bush, they give you that certificate
22 because the government has forgiven you.

23 PRESIDING JUDGE SCHMITT: [9:47:29] Shortly, to the parties now, I think that that
24 should be enough information on that, I would say.

25 MR GUMPERT: [9:47:36] It would appear that it's in the same terms as everybody

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1 else's --

2 PRESIDING JUDGE SCHMITT: [9:47:39] Yes, and --

3 MR GUMPERT: [9:47:39] -- inasmuch as they're all any good.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Open session at 9.48 a.m.)

11 THE COURT OFFICER: [9:48:25] We are back in open session, Mr President.

12 PRESIDING JUDGE SCHMITT: [9:48:50] Thank you.

13 Mr Witness, this was simply a legal question that we had to determine, so this was the
14 reason. It was not that we want to speak above your head, so to speak, but
15 sometimes this happens that things are discussed in the courtroom when a witness is
16 already present.

17 The Chamber will now render its decision on the requested assurances.

18 The Chamber notes that the Defence identified in its highlighted summary one
19 specific topic which may lead to self-incrimination. We all know what it's about.

20 And in request 1592, Rule 74 counsel did not provide any particular reasons for which
21 Rule 74 assurances should be granted other than identifying passages from the
22 witness's prior interviews, which in his view should be redacted from the public
23 record.

24 Given the nature of the anticipated testimony, the Chamber finds of course that there
25 is a possibility of self-incrimination. However, considering the existence of an

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1 amnesty certificate as well as the possibility of taking alternate measures, we will
2 apply a broad interpretation in that regard to sufficiently protect the witness. The
3 Chamber does not find it necessary to grant the witness assurances pursuant to Rule
4 74 of the Rules; accordingly, the request is rejected. The Chamber may however
5 resort to the use of private session if it deems it necessary. And I'm sure that Rule 74
6 counsel and Defence will also be vigilant in this regard.

7 This concludes the ruling.

8 And I think also we can ask Mr Gumpert or Mr Choudhry if the Prosecution is willing
9 to make an assurance that anything the witness says will not be used against him in
10 subsequent prosecutions by the Court, except under Article 70 and 71.

11 MR CHOUDHRY: [9:50:51] Your Honour, we can offer that assurance.

12 PRESIDING JUDGE SCHMITT: [9:50:53] Thank you very much. I think that covers
13 a lot of things.

14 So back to you, Mr Witness. Again I apologise that we discussed these procedural
15 matters at relative length.

16 Mr Witness, I will now read out to you the solemn undertaking which every witness
17 appearing before this Court has to take. Please listen carefully.

18 I solemnly declare that I will speak the truth, the whole truth and nothing but the
19 truth.

20 Mr Witness, do you understand the undertaking?

21 THE WITNESS: [9:51:34](Interpretation) I request that you repeat it.

22 PRESIDING JUDGE SCHMITT: [9:51:40] No problem. I do it, I read it a little bit
23 slower and please listen.

24 I solemnly declare that I will speak the truth, the whole truth and nothing but the
25 truth.

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1 Have you understood the undertaking, Mr Witness?

2 THE WITNESS: [9:52:05](Interpretation) Yes.

3 PRESIDING JUDGE SCHMITT: [9:52:05] Do you agree with it?

4 THE WITNESS: [9:52:09](Interpretation) I agree.

5 PRESIDING JUDGE SCHMITT: [9:52:13] Thank you. A few practical matters

6 before we start with your testimony. The thing that we discussed with the parties

7 here, so that you understand it, was about issues of self-incrimination that might arise.

8 We have not given you this full Rule 74 protection, but the Prosecution has made an

9 assurance that if you stay -- stick with the truth, that nothing can happen with this

10 Court here. And when any issue arises that might incriminate you, we go to private

11 session and nobody here outside the courtroom can hear it and it will also be not on

12 the public record.

13 Just to explain to you what has happened. And you have also your counsel with you

14 who helps in that regard and is vigilant that nothing to your detriment, nothing bad

15 to you can happen.

16 Mr Witness, everything we say here in the courtroom is written down and interpreted.

17 We have therefore to speak at a relatively slow pace so that the interpreters can

18 follow.

19 If you have any questions yourself, for example, if you think you need a break, please

20 raise your hand and then we will give you the floor and we will give you time to

21 relax.

22 Mr Obhof, I give you now the floor for the Defence.

23 And let me -- I have of course seen the witness summary and I have looked into the

24 transcripts, let me word it this way, and I think we know each other good enough

25 now that you understand it, there are issues that are more important and there are

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1 issues that are less important and there are especially issues, for example, on rituals
2 and these matters where we have, like I have recently read in one of your filings,
3 a plethora of evidence where you might perhaps make things short.

4 MR OBHOF: [9:54:24] Your Honour, that's why I tried -- write inside of the
5 summary that we will briefly discuss. So when I use the word "briefly" I expect less
6 than 10 minutes, not like at the beginning when we spent a whole session on it.

7 PRESIDING JUDGE SCHMITT: [9:54:38] I am sure we understand each other.

8 QUESTIONED BY MR OBHOF:

9 Q. [9:55:00] Good afternoon, Mr Witness.

10 A. [9:55:09] Good morning to you.

11 Q. [09:55:10] Yes, I should have said good morning.

12 PRESIDING JUDGE SCHMITT: [9:55:10] You were, you were far advanced in time,
13 I think.

14 A. [9:55:17] (No interpretation)

15 MR OBHOF: [9:55:19]

16 Q. [9:55:20] Could you please state your name for the Court?

17 A. [9:55:27] My name is Lokwiya Charles.

18 Q. [9:55:40] When and where were you born?

19 A. [9:55:44] I was born in a place called Koro in Gulu, Koro Lapainat, in Lapainat
20 west. I was born in 1976 on 1 January 1976.

21 Q. [9:56:23] What do you currently do as a living?

22 A. [9:56:29] Currently I work with the government. I work as a soldier.

23 Q. [9:56:51] And how long have you worked with the government as a soldier?

24 A. [9:57:05] This is the 16th year that I am working as a soldier.

25 Q. [9:57:16] Are you married?

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1 A. [9:57:21] Yes, I am married.

2 PRESIDING JUDGE SCHMITT: [9:57:29] May I shortly interrupt, Mr Obhof. I get
3 notice here that Rule 74 counsel is not in the room with Mr Witness, but I think this is
4 what we normally would expect if we appoint a Rule 74 counsel.

5 So Mr Witness, you are obviously alone in the video-link room; is this correct?

6 THE WITNESS: [9:58:00](Interpretation) He's there.

7 PRESIDING JUDGE SCHMITT: [9:58:10] Mr Okulo, are you in the video-link room
8 or not? Because I got the information that you are not.

9 MR OKULO: [9:58:19] Yes, I am in the room.

10 PRESIDING JUDGE SCHMITT: [9:58:23] Okay. So I wanted to tell you that you
11 have to stay there, that you -- to assist the witness in case any issue arises. This is the
12 reason why we appoint a counsel, even if not the full Rule 74 assurances are granted.
13 But we have to protect the rights also of the witnesses and you are there to help the
14 witness in that regard with your professionalism.

15 So we continue, Mr Obhof, now with the examination.

16 MR OBHOF: [9:58:59]

17 Q. [9:59:02] Before you were abducted, what was your highest level of education?

18 A. [9:59:16] I stopped in primary 3 because when I went to primary 4, I did not sit
19 the final exams.

20 Q. [9:59:40] Why didn't you sit the final exams, Mr Witness?

21 A. [9:59:47] At that time, there was really fighting in our country.

22 Q. [10:00:09] Around which date do you remember being abducted, Mr Witness?

23 A. [10:00:17] It was in the month of August, 28 August.

24 Q. [10:00:39] How long had it been -- by the time you were abducted, how long had
25 it been since you were enrolled in school?

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1 A. [10:00:55] It is difficult to estimate how long I'd been in school because at that
2 time you would go to school one day, then you're running the next day, and I cannot
3 exactly tell how long I had stayed in school.

4 PRESIDING JUDGE SCHMITT: [10:01:22] Perhaps if we know his age, then we
5 can --

6 MR OBHOF: [10:01:25] He gave his birthday.

7 PRESIDING JUDGE SCHMITT: [10:01:28] Yes, yes, exactly.

8 MR OBHOF: [10:01:30]

9 Q. [10:01:32] At the time of your abduction, where were you?

10 A. [10:01:44] On the day of my abduction I had gone to help a friend. We had
11 gone to the garden to farm. When we came back we were waiting for food and that
12 is when these people came, they found us waiting for our dinner and then they
13 abducted us.

14 Q. [10:02:10] Do you remember who you were with when you were abducted, the
15 names of your friends?

16 A. [10:02:26] Yes, I do recall their names. One of them was known as Ojok, the
17 other one was known at Ongom, and then myself, the three of us.

18 Q. [10:02:55] Were they abducted with you when you were abducted?

19 A. [10:03:07] Yes, the three of us were all abducted together.

20 Q. [10:03:16] Could you please explain to Court these first few hours after your
21 abduction. When you are abducted and the first few hours after that.

22 A. [10:03:30] On the day that we were abducted, there were approximately 20
23 people. They came, they found us waiting for food, they abducted us. We started
24 walking, following the road. They wanted us to take them where they could find
25 medication and where they could also find some supplies, such as sugar and soap.

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1 We walked and went to the hospital but there was nobody in the hospital, there was
2 no medication either, we did not find the stuff that they wanted either, so they started
3 going with us. They went with us and took us to the bush with them.

4 Q. [10:04:32] Now in these first few hours after being abducted, what was going
5 through your mind?

6 A. [10:04:43] When I was abducted and they were taking us, because they told us
7 that we should go with them and they would leave us along the road. But when we
8 walked with them, and up to the time that we went with them into the bush, and they
9 did not release us, we spent the night with them. The next morning we got up and
10 continued walking, they did not release us.

11 Q. [10:05:26] Do you remember the name of the group which abducted you and
12 your friends?

13 A. [10:05:36] The person who abducted me, well, I came to know of two of them.
14 One of them who was in charge of the group was known as Kizito, and then the other
15 one was known as Mulosi. Those are the two that I recall.

16 Q. [10:06:09] And which group were they in in the LRA? Which specific LRA
17 group were they a part of?

18 A. [10:06:20] Kizito was a -- was a CO, either a CO or brigade commander, I'm not
19 so sure, of Sinia brigade. But both of them were in Sinia brigade.

20 Q. [10:06:45] After you were abducted, about how long did it take before you
21 were -- before you arrived in Sudan?

22 A. [10:07:09] Approximately two months.

23 Q. [10:07:21] During these two months before you were taken to Sudan -- before
24 you arrived in Sudan, can you briefly explain to the Court where you were taken, the
25 different locations within Uganda.

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1 A. [10:07:41] We went towards Bul Kul at the Atoo foothills close to Lawiny. We
2 crossed the Paicho road and went towards Awach. We walked and went to an area
3 close to Lawiny. We crossed the Achwa River and we went to the ranch which is
4 Acwa ranch. And then we walked went towards Palabek, and that's my recollection
5 of our movement.

6 Q. [10:08:40] Now at this time, how familiar, as a 17- or 18-year-old youth, how
7 familiar were you with these different locations you just described?

8 A. [10:08:56] I did not know those places, or I had not known them before, but we
9 were told the names of the places as we were going through them.

10 Q. [10:09:18] At that time in 1994, how easy would it have been, while travelling to
11 these different places, for you to have found your way back home if you managed to
12 escape?

13 A. [10:09:43] When we were moving with these people I did not know exactly
14 where I was, I did not know where I had come from, where we were going. I was
15 kind of disorientated, I did not know where we were.

16 Q. [10:10:19] Now shortly after your abduction, did the -- did the LRA perform any
17 rituals or ceremonies upon you and other newly-abducted persons?

18 A. [10:10:41] When we were abducted, as soon as we were abducted, on that same
19 day they smeared shea butter on us. It was smeared on our chest and on our back.
20 Because they told us that at the time we were not purified, we could not therefore eat
21 with them or hold anything that they used to eat. So once they did that, then we
22 became purified, according to them, and then we were able to eat with them and
23 touch the things that they touched.

24 Q. [10:11:29] Mr Witness, as this was going on, how did you feel during this
25 ceremony, or during this ritual?

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1 A. [10:11:54] Personally, I was extremely frightened because these are things that I
2 had never encountered in my life. I did not know what they wanted from me. So I
3 was extremely afraid.

4 Q. [10:12:25] Mr Witness, during these first two months before you arrived in
5 Uganda, did you receive any type of training from the LRA?

6 A. [10:12:43] Yes, I did.

7 Q. [10:12:55] Could you please tell the Court where you received this training
8 while you were in Uganda.

9 A. [10:13:04] When we had crossed the Achwa River and we were at the ranch,
10 a place known as the Acwa ranch, that is where they started training us to dismantle
11 a gun, how to assemble it again. We were taught how to parade. Those are some
12 of the things that they taught us when we were in Uganda.

13 Q. [10:13:44] Do you remember who conducted this training near the Acwa ranch?

14 A. [10:13:51] It was somebody known as Mandela. He is now deceased.

15 Q. [10:14:12] Now after this initial training in Uganda, did you ever receive any
16 further training?

17 A. [10:14:26] We -- I did receive further training when we got to Sudan.

18 Q. [10:14:40] Do you remember where in Sudan you received this training?

19 A. [10:14:53] It was at a place known as Gong.

20 Q. [10:15:12] And while at Gong, who trained you?

21 A. [10:15:19] It was somebody, a commander known as Opuk.

22 Q. [10:15:34] And when you arrived in Gong for this training, what type of weapon
23 did you already have?

24 A. [10:15:44] When we left Uganda and went to Sudan I did not have any firearms.
25 When we got to Sudan, when we got to Gong, and after the training, that is when

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1 they collected -- collected guns from Torit and distributed them to us.

2 Q. [10:16:22] While you were at Gong, did anyone else other than Opuk train you?

3 A. [10:16:42] The other -- I do not recall the other people that were present and
4 training us.

5 PRESIDING JUDGE SCHMITT: [10:16:57] Mr Witness, do you know where the
6 weapons came from?

7 THE WITNESS: [10:17:03](Interpretation) The firearms that we were initially given
8 were collected from Torit.

9 PRESIDING JUDGE SCHMITT: [10:17:24] What does Torit mean? Is this a place,
10 or person, or ...?

11 THE WITNESS: [10:17:35](Interpretation) Torit is a town in southern Sudan. When
12 we initially arrived in Sudan, we went through Luwudu and then we went to Gong.
13 After the training we were sent there, we were sent to Torit to collect food and the
14 firearms and we came back with these things. And then once we came back with the
15 firearms from Torit, they distributed them to us.

16 PRESIDING JUDGE SCHMITT: [10:18:09] Who gave you the food and the firearms
17 in Torit?

18 THE WITNESS: [10:18:17](Interpretation) We found that these things had been sent.
19 There were two commanders from the LRA that were already there, there was
20 Acellam and Opiru who were already at Torit.

21 PRESIDING JUDGE SCHMITT: [10:18:41] Which Acellam? Because we had some
22 names here during our proceedings with Acellam. Do you know further names of
23 this Acellam?

24 THE WITNESS: [10:18:55](Interpretation) It was Caesar Acellam.

25 PRESIDING JUDGE SCHMITT: [10:19:01] Thank you.

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1 Mr Obhof.

2 MR OBHOF: [10:19:03]

3 Q. [10:19:04] A few minutes ago you mentioned that there were several other
4 persons training you while at Gong. Were all these persons training you, were they
5 members or a part of the LRA?

6 A. [10:19:23] Yes, they were all part of the LRA.

7 Q. [10:19:42] And did you ever come to learn how Acellam and Opiru, how they
8 received or where they got these weapons from which they gave to everyone?

9 A. [10:20:04] Based on the fact that they were already in the town, I did not see
10 anything. We went to the town where they were, they brought these things with
11 a car, they handed them over to us, and then we came back with them.

12 PRESIDING JUDGE SCHMITT: [10:20:27] I think the witness clearly differentiates
13 between things that he perceived himself and saw himself and perhaps -- so I think
14 we should appreciate that. Yes. We continue.

15 MR OBHOF: [10:20:44] I do and I think I might ask -- I moved a few questions
16 around (overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [10:20:49] No, no. I would allow. It was
18 a comment by me because it's better than the other way around, that we have to
19 enquire always, is this hearsay or did he really know, you know what I mean, or did
20 he see it or only hear it. So it's better this way. It was simply a comment, nothing
21 more, nothing less.

22 MR OBHOF: [10:21:11]

23 Q. [10:21:14] Mr Witness, to the best of your knowledge did any governments help
24 the LRA while it had its bases in Sudan?

25 A. [10:21:27] I -- I heard this that these were among the things that were happening,

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1 guns were given to us from Sudan, ammunition was also received from Sudan, and
2 we were told that it was the Sudanese government that supplied these things.

3 Q. [10:22:04] Now other than the guns and ammunition, did you hear about the
4 Sudanese government giving the LRA anything else?

5 A. [10:22:20] They supplied us with food and medication.

6 Q. [10:22:41] Now you were saying supplied, supplied, so I'm going to go through
7 each different one. From what you heard or from what you saw, did the LRA have
8 to pay for its food?

9 A. [10:23:13] No, there was no money given in exchange for anything to the
10 Sudanese government.

11 MR OBHOF: [10:23:25] I think that would cover the next few ones.

12 PRESIDING JUDGE SCHMITT: [10:23:27] Yes, indeed. I would have suggested
13 that you move on.

14 MR OBHOF: [10:23:30]

15 Q. [10:23:32] Now when the LRA received these weapons and these ammunitions,
16 what did it do with those matériels?

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [10:24:32] For further -- if you went to dwell into
23 that further, but I think that was enough of an answer, I would suggest, but it's up to
24 you. We would have to go to private session, if you want to enquire (Overlapping
25 speakers)

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1 MR OBHOF: [10:24:43] Out of caution, I would like to ask --

2 PRESIDING JUDGE SCHMITT: [10:24:44] Yes. Then we go to, then we go to
3 private session.

4 MR OBHOF: [10:24:46] For about two, maybe three minutes at the most.

5 PRESIDING JUDGE SCHMITT: [10:24:50] Yes. Okay, thank you.

6 (Private session at 10.24 a.m.)

7 THE COURT OFFICER: [10:24:57] We are in private session, Mr President.

8 (Redacted)

9 (Redacted)

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 (Redacted)

2 (Open session at 10.26 a.m.)

3 THE COURT OFFICER: [10:26:27] We are back in open session, Mr President.

4 MR OBHOF: [10:26:31]

5 Q. [10:26:33] Now Mr Witness, in terms of these places you mentioned, Pajok and
6 Palutaka, and without mentioning anything, any type of involvement which you may
7 or may not have done, what was the reason -- or who was the LRA attacking at the
8 places like Rubona, Pajok, and Palutaka?

9 A. [10:27:07] When -- at Rubona, it was against the SPLA. At Pajok, it was
10 fighting against the SPLA. And Palutaka, it was also against the SPLA.

11 Q. [10:27:35] Now these weapons, food, ammunitions and medicines that were
12 provided by the government of Sudan, for how long did the government of Sudan
13 supply these weapons and food and medicine?

14 A. [10:28:03] The things were supplied right from the time that the Sudanese
15 government started meeting with people while we were at Palutaka, I recall that it
16 this was perhaps around about 1995.

17 PRESIDING JUDGE SCHMITT: [10:28:31] And do you recall, Mr Witness, if at any
18 time later these supplies, this assistance stopped?

19 THE WITNESS: [10:28:43](Interpretation) The assistance stopped I believe in 1999.

20 PRESIDING JUDGE SCHMITT: [10:28:56] Thank you.

21 Mr Obhof.

22 MR OBHOF: [10:28:58]

23 Q. [10:29:00] Do you know why the government of Sudan stopped giving these
24 provisions to the LRA?

25 A. [10:29:13] No, I do not know the reasons why.

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1 Q. [10:29:29] And do you know if after the government of Sudan stopped giving
2 these provisions, did the government of Sudan ever start giving provisions again to
3 the LRA?

4 THE INTERPRETER: [10:29:52] The sound did not come through in total.

5 MR OBHOF:

6 Q. [10:30:06] I can make the question shorter.

7 Sorry, Mr Witness, the sound did not come through on our side. Do you know if the
8 government of Sudan started giving the LRA any provisions after it stopped in 1999?

9 A. [10:30:32] No, I did not hear anything further to that effect.

10 Q. [10:30:41] Now we are going to talk a little bit more about escape, Mr Witness.

11 Now, what was the punishment for someone who tried to escape and was caught?

12 A. [10:31:07] When someone tries to escape and you are caught, they always say
13 that there is no cell in the LRA so you would be killed.

14 Q. [10:31:37] Mr Witness, without talking about anything which you may or may
15 not have done, have you ever witnessed someone being killed for attempting to
16 escape?

17 A. [10:31:58] I just heard about it, I did not see -- personally I did not witness
18 someone being killed.

19 Q. [10:32:27] Considering that you had never seen someone being killed for
20 attempting to escape, did you still believe that you would be killed for attempting to
21 escape?

22 A. [10:32:42] Yes, I believed.

23 Q. [10:32:56] And from what you heard while you were in the LRA from other
24 persons, did it appear that other people believed that they would be killed if they
25 attempted to escape and were caught?

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1 A. [10:33:16] Many people believed that.

2 Q. [10:33:36] Mr Witness, what could happen if someone successfully escaped with
3 a gun from the LRA?

4 A. [10:33:53] If you escape with a gun and come with it home, they would come
5 and kill people in the area where your home is and they burn all the houses there.

6 Q. [10:34:32] Mr Witness, what was the punishment for rape in the LRA?

7 A. [10:34:47] If you rape a woman, you would be killed. If you survive being
8 killed, you would be whipped more than 300 strokes of the cane.

9 Q. [10:35:16] Now without discussing any possible role or anything which may or
10 may not have -- which you may or may not have done, have you seen somebody or
11 heard of somebody being killed because he raped someone?

12 A. [10:35:49] When we were in Palutaka, someone slept with another person's wife
13 and they were shot; they were both shot in a firing squad. It was not rape.

14 Q. [10:36:16] So I guess I would take answer to my next question: Do you
15 remember who it was that was killed for having sexual relations with someone else's
16 wife?

17 A. [10:36:44] The name escaped now. It's been long.

18 PRESIDING JUDGE SCHMITT: [10:37:05] Mr Witness, that is absolutely
19 understandable after more than 20 years, I think, I would assume.

20 Please, Mr Obhof.

21 MR OBHOF: [10:37:14]

22 Q. [10:37:16] Mr Witness, were there any other type of punishments - because you
23 mentioned being beaten over 300 times - were there any other type of punishments
24 other than execution?

25 A. [10:37:45] I do not know of any other apart from those two.

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1 Q. [10:37:57] Well you mentioned 300 strokes of the cane, were there any type of
2 infractions that would result in strokes only instead of an execution?

3 A. [10:38:15] If, for example, you -- you do something which you were not told to
4 do, they would give you strokes of the cane.

5 Q. [10:38:47] Mr Witness, what did it mean within the LRA to have your gun
6 removed?

7 A. [10:39:00] When they remove your gun, it means that you committed some
8 infractions and that would be a punishment, they would take the gun away from you.
9 If you have any ranks, they can demote you. They can take away your wives, if you
10 have wives, and your wives are given to other people.

11 Q. [10:39:37] Now these rules that we're discussing, these punishments for
12 violation of rules, who decided upon these rules? Who made these rules?

13 A. [10:39:59] We found the rules there and they told us that the rules were given by
14 the Holy Spirit.

15 Q. [10:40:17] Who had the ultimate decision about whether or not to mete out
16 a punishment in the LRA?

17 A. [10:40:39] Kony had the absolute authority and power.

18 Q. [10:40:57] Now what would happen if someone refused -- not failed to or forgot
19 to -- but if somebody refused to follow an order from Joseph Kony?

20 A. [10:41:20] If you refused to follow an order from Kony he would kill you.

21 Q. [10:41:39] Now, Mr Witness, you mentioned that you first went to Luwudu and
22 then you went to Gong, you were also in Palutaka, Pajok, all these different locations
23 inside of southern Sudan. Were there any difficulties about getting back to Uganda
24 if somebody escaped by themselves from one of these bases in southern Sudan?

25 A. [10:42:24] Kindly repeat the question, please.

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1 PRESIDING JUDGE SCHMITT: [10:42:42] It was indeed a little bit complicated,
2 Mr Obhof.

3 MR OBHOF: [10:42:45]

4 Q. [10:42:46] Long and drawn out and I do apologise.

5 We'll use one location, Mr Witness. Pajok. If somebody wanted to escape by
6 themselves from Pajok and go back to Uganda, what difficulties would that person
7 face while trying to get back home?

8 A. [10:43:13] If you are not familiar with the area you can lose your life. From
9 Sudan to Uganda was rather long, because you would walk for four days to reach
10 Uganda. So if you do not know your way, you can even walk for a full month
11 because you do not know the way. You don't know where the water sources are,
12 you don't know where you could get food, so you can actually cause death to yourself
13 when you escape alone.

14 PRESIDING JUDGE SCHMITT: [10:44:02] I think that was very clear, you can move
15 on.

16 MR OBHOF: [10:44:04] I just want to ask one more about the local population as we
17 already covered who they are fighting against.

18 PRESIDING JUDGE SCHMITT: [10:44:09] Yes.

19 MR OBHOF: [10:44:10]

20 Q. [10:44:10] Mr Witness, how did the local population of southern Sudan, like the
21 Lutugus, how did they feel about -- what were their feelings towards people in the
22 LRA?

23 A. [10:44:25] The Lutugu community was the first to receive the LRA in Sudan.
24 When the LRA were in Gong, Loudu and Torit, it was occupied by the Lutugu; they
25 were the original people who lived there. They had a good relationship with the

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1 LRA. When things started bad later the relationship was soured.

2 Q. [10:45:19] Mr Witness, without going into detail about each location, if you
3 could remember, could you tell the Court the different places in which you stayed
4 while in southern Sudan?

5 A. [10:45:38] I lived in Gong, Loudu, Palutaka, Aruu junction, and then Nsitu,
6 Lubanga Tek, Bin-Rwot, and Jebellen. I moved and stayed in all those places.

7 PRESIDING JUDGE SCHMITT: [10:46:19] Quite a number of places.

8 MR OBHOF: [10:46:24]

9 Q. [10:46:25] A quick question about Jebellen. Did you stay in Jebellen 1 or
10 Jebellen 2, or both?

11 A. [10:46:34] I stayed in both.

12 MR OBHOF: [10:46:51] Your Honour, only because this next session might last a half
13 an hour, maybe we can take our 30-minute break a little early. I would still say come
14 back at 1.15, instead of -- if it be okay with the Court. Right now I'm going on a pace
15 I can guarantee I'll be done by first session tomorrow. Probably actually even earlier,
16 maybe by the end of the day.

17 PRESIDING JUDGE SCHMITT: [10:47:15] Of course, always the same question.

18 Since we have just started with the witness testimony, it might be difficult for you,
19 Mr Choudhry, but -- and I will not nail you down on it, so to speak. Do you have
20 already an estimate?

21 MR CHOUDHRY: [10:47:30] Your Honour, I think possibly two sessions, at most.

22 PRESIDING JUDGE SCHMITT: [10:47:33] Okay. Then I think we allow ourselves a
23 little bit longer coffee break until 11.30.

24 THE COURT USHER: [10:47:41] All rise.

25 (Recess taken at 10.47 p.m.)

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

2 THE COURT USHER: [11:33:35] (Microphone not activated)

3 PRESIDING JUDGE SCHMITT: [11:33:45] Good afternoon, Mr Witness. I hope you
4 had a good break.

5 THE WITNESS: [11:33:52] (Interpretation) Good afternoon. Yes, I did, thank you.

6 PRESIDING JUDGE SCHMITT: [11:33:58] Mr Obhof, you still have the floor.

7 MR OBHOF: [11:34:16] Thank you, your Honour.

8 Q. [11:34:18] Good afternoon, Mr Witness.

9 A. [11:34:23] Good afternoon.

10 MR OBHOF: [11:34:26] Now, your Honour, I'd like to go into a short private session
11 for anywhere between two to four minutes.

12 PRESIDING JUDGE SCHMITT: [11:34:36] Private session.

13 (Private session at 11.34 a.m.)

14 THE COURT OFFICER: [11:34:47] We are in private session, Mr President.

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 (Redacted)

2 (Redacted)

3 (Open session at 11.36 a.m.)

4 THE COURT OFFICER: [11:36:21] We are back in open session, Mr President.

5 PRESIDING JUDGE SCHMITT: [11:36:24] Thank you.

6 MR OBHOF: [11:36:25]

7 Q. [11:36:28] Mr Witness, without talking about anything you may or may not have
8 done, from what you saw while in the bush, how were wives generally treated by
9 men in the LRA?

10 A. [11:36:56] In the bush, women were treated in different categories. There were
11 some who were soldiers and there were some who became housewives.

12 Q. [11:37:16] The ones who became housewives, from what you observed of other
13 people, how were they generally treated by the husbands?

14 PRESIDING JUDGE SCHMITT: [11:37:30] That is a very general question, but okay,
15 let's listen to the answer. He might not know of all soldiers in the LRA, but yes.

16 MR OBHOF: [11:37:42] I will narrow it down later.

17 THE WITNESS: [11:37:56] (Interpretation) The women who were considered
18 housewives were women who were usually very meek and who they considered
19 unable to fight or do anything. And the ones who were considered as soldiers were
20 women who had been in the bush for a long time. They were knowledgeable in
21 army work and that was the distinction that was made between the two of them.

22 MR OBHOF: [11:38:33]

23 Q. [11:38:34] When you were in the bush, did you see these housewives being
24 beaten?

25 A. [11:38:50] Well, if you -- if there is any infraction or if you do something wrong,

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1 then yeah, you would be beaten.

2 Q. [11:39:03] Mr Witness, who had the authority to give someone a wife?

3 A. [11:39:29] It was Joseph Kony who had the authority to distribute women.

4 Q. [11:39:41] What would happen if someone distributed women without the
5 permission of Joseph Kony?

6 A. [11:39:56] If it's a commander or a high-ranking officer and you distribute
7 women without getting the authority of Joseph Kony, you would be demoted and
8 you would also be caned irrespective of your rank. The women or your wives
9 would also be taken away from you and given to other people.

10 PRESIDING JUDGE SCHMITT: [11:40:24] Do you recall an instance where this
11 happened, the way you describe it?

12 THE WITNESS: [11:40:40] (Interpretation) Those were rules that existed, but, yeah, I
13 did not pay that much attention to follow it.

14 PRESIDING JUDGE SCHMITT: [11:40:50] Mr Obhof.

15 MR OBHOF: [11:40:52]

16 Q. [11:40:54] Now, you said if they were a senior commander. What happens if a
17 junior commander distributed a woman without the expressed permission of Joseph
18 Kony?

19 A. [11:41:16] If you were a junior commander and you abducted any woman and
20 distributed that woman to somebody else, you would be beaten more than 200 or 300
21 strokes or you would be demoted. If you had any authority, you would no longer be
22 given any authority whatsoever.

23 PRESIDING JUDGE SCHMITT: [11:41:42] Again, Mr Witness, the same question,
24 did you see this happen?

25 THE WITNESS: [11:41:55] (Interpretation) I did not see this happen, but these were

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1 rules and regulations that were already in place.

2 PRESIDING JUDGE SCHMITT: [11:42:03] Thank you.

3 Mr Obhof.

4 MR OBHOF: [11:42:05]

5 Q. [11:42:08] Mr Witness, do you know an incident involving a one Mr Ocan Bunia
6 and Ogwee?

7 A. [11:42:27] Well, it's -- time has really lapsed and I don't recall the event very
8 well.

9 MR OBHOF: [11:42:49] Your Honour, if I may read a few passages from the binder
10 from tab 8?

11 PRESIDING JUDGE SCHMITT: [11:42:54] If you tell us exactly where you read
12 from.

13 MR OBHOF: [11:42:57] I'll be trying to do my best. It's about 30 lines but I will
14 paraphrase it a little bit. I don't want to ask more leading questions. I want to try
15 to refresh his memory but ...

16 PRESIDING JUDGE SCHMITT: [11:43:14] Yes, let's look at it first.

17 MR OBHOF: [11:43:14] Yes, it's from tab 8, UGA-OTP-0209-0256 and it's at page
18 0264 going on to the next page starting at lines -- at line 215.

19 PRESIDING JUDGE SCHMITT: [11:43:34] Yes, I can follow already. You can put it
20 or read it to the witness to refresh the memory, if possible.

21 MR OBHOF: [11:43:43] I could probably do it just from the first -- the first four lines.

22 PRESIDING JUDGE SCHMITT: [11:43:46] I also think that may be -- yes.

23 MR OBHOF: [11:43:50] Yes.

24 Q. [11:43:50] Now, Mr Witness, this is from an interview you had with the Office of
25 the Prosecutor back in August 2004.

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1 Now you stated that "What happened was that there was a guy by the name of
2 Ogwee ... Ongwee that ... had an affair with the wife of someone called Ocan Bunia.
3 Ocan is" spelled "O-C-A-N ... had an affair ... they had sex and then order was made ...
4 to bring them forward."

5 Does that refresh your memory about the incidents involving Ocan Bunia and Ogwee
6 or Ongwee?

7 A. [11:44:52] It's been quite a while. I've forgotten the event.

8 PRESIDING JUDGE SCHMITT: [11:44:58] That happens. And indeed it is quite a
9 while.

10 MR OBHOF: [11:45:01] Yeah.

11 PRESIDING JUDGE SCHMITT: [11:45:02] Also the statement, I think it's the oldest
12 statement that we encountered, so to speak, until now, from 2004 August.

13 MR OBHOF: [11:45:12]

14 Q. [11:45:29] Now, Mr Witness, you stated that Joseph Kony had the -- the only
15 person to have the authority to distribute women. Who would happen if a woman
16 had lost her husband in battle? Would that be any different than somebody who
17 had never had a husband?

18 A. [11:46:00] Well, it was different because if you are a widow, you are taken and
19 some ritual is performed. The person who performed the rituals was Abonga.

20 Once he performs the rituals, then after four days you would stay in a house, in a
21 particular house. If there are many women, you'd all be placed in the same house.
22 After four days, they will take you to a river. They would wash you and then after
23 washing you, they would take you back to where you were before and then they
24 would give you instructions that you are free to court whosoever you want so that
25 you can stay with this person.

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1 PRESIDING JUDGE SCHMITT: [11:46:53] That was very detailed and I think you
2 can move on. We had a lot of evidence on that, too.

3 MR OBHOF: [11:47:00] Just one more quick question on this and then I promise
4 we'll be moving on.

5 PRESIDING JUDGE SCHMITT: [11:47:06] Yes, okay.

6 MR OBHOF: [11:47:06]

7 Q. [11:47:07] When a woman courted the different men and if she made a decision,
8 would she still require the authority of Joseph Kony to marry said person?

9 A. [11:47:28] No. The authority no longer comes from Joseph Kony.

10 PRESIDING JUDGE SCHMITT: [11:47:34] I think this would -- you could argue that
11 the witness had already answered that when he said she was now free.

12 MR OBHOF: [11:47:42] You are correct, your Honour, but I just wanted to ensure
13 the transcripts were clear.

14 PRESIDING JUDGE SCHMITT: [11:47:48] You know, sometimes we read them, also
15 the transcripts, and we also take one or the other conclusion from what is being said
16 here.

17 MR OBHOF: [11:48:07]

18 Q. [11:48:07] Now, Mr Witness, without talking about the duties yet, the specific
19 duties, what was your position while you were in the LRA?

20 A. [11:48:35] At the time that I was promoted for the first time, I was promoted for
21 the first time when I was in support, and I stayed as a support commander
22 throughout that time.

23 Q. [11:48:56] Generally speaking, what are the duties that you had while a support
24 commander?

25 A. [11:49:15] I was under Control Altar. The -- most of the staff that we had were

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1 used whenever the highest ranking commanders were going out, were going on
2 mission. So we would support the highest ranking commanders wherever they
3 were going on mission, and that's what we used to do.

4 Q. [11:49:47] With what would you support these commanders?

5 A. [11:50:06] If you go with them, whatever they require you to do whenever
6 they're on mission is what you are sent out to do and what you do.

7 Q. [11:50:33] Did you have control or did you have to observe people or matériels?

8 A. [11:50:56] That would be part of the job. If you're escorting someone, a
9 commander to Uganda, for example, you would escort them to Uganda and then you
10 would come back with them. Those are some of the things that we did.

11 MR OBHOF: [11:51:11] Your Honour, if I may be a little more direct with the
12 witness to speed things along.

13 Q. [11:51:18] Now, Mr Witness, as support commander, would you have control
14 over weapons, certain types of weapons?

15 A. [11:51:34] I was in charge of Control Altar only.

16 PRESIDING JUDGE SCHMITT: [11:51:42] I think it, you know, the witness was in
17 the bush for quite a long time, it might have changed, and what you want to enquire,
18 we could perhaps do that in private session when we come to a certain other issue.
19 Because only then I think it is really of the most significance. What he has done in
20 the 1990s is not so relevant, but it might be relevant what happened in 2003. I think
21 you understand it.

22 MR OBHOF: [11:52:30] Yes.

23 Q. [11:52:31] Now, Mr Witness, thinking about the -- about when you're helping
24 and you're supporting commanders. Now, when senior persons would meet, say a
25 few -- an example would be Odhiambo and Otti and Kony, where would the escorts

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1 of those gentlemen be?

2 A. [11:53:08] The escorts of the commanders, for example, Otti's escorts, he had
3 escorts that were within somewhere, but there are other people who would be on the
4 outside, but the escorts would be within.

5 Q. [11:53:33] Maybe we can use Ocan Bunia as a good example. So if Ocan Bunia
6 was meeting with Otti, would -- where would Ocan Bunia's escorts be located?

7 A. [11:53:55] Ocan Bunia was a high-ranking commander, but not that high. He
8 was a brigade -- he was in a brigade. So whenever he was coming to meet the other
9 higher ranking officers, he would perhaps come with only one or two escorts.

10 PRESIDING JUDGE SCHMITT: [11:54:18] During meetings of different
11 commanders who brought with them their escorts, would the escorts be near enough
12 to the commanders to hear what they say and discuss?

13 THE WITNESS: [11:54:49] (Interpretation) If escorts are present, for example, their
14 bodyguards, yes, their bodyguards would be privy to the conversation.

15 MR OBHOF: [11:55:09]

16 Q. [11:55:22] Now, Mr Witness, during your time in the LRA, during that nearly
17 10-year span, do you remember which brigades or which groups you served under?

18 A. [11:55:49] I was in the one brigade only. When I was abducted I was taken to
19 Sinia, and when we went to Gong I was taken to Control Altar, and while I was in
20 Control Altar I was in the logistics department. After that I was then sent to the
21 support.

22 Q. [11:56:30] Mr Witness, being that you've served your country for the past
23 15 years and going on your sixteenth year, what comparisons would you have in the
24 way in which the LRA operated when related to the way the UPDF operates?

25 A. [11:57:03] The government performs differently from the rebel groups.

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1 PRESIDING JUDGE SCHMITT: [11:57:12] May I shortly, Mr Obhof.

2 In your opinion and in comparison, what is the main difference between the
3 government forces and the LRA?

4 THE WITNESS: [11:57:34] (Interpretation) The difference between government
5 forces and rebel forces is very, very distinct. The government has its rules and they
6 have procedures and policies. They will tell you that these are your tasks, you do
7 these and end here. But from -- as a rebel group, you work from morning to night.
8 There is quite a huge distinction between the way the rebel group performs its duties
9 and the way the government forces performs their duties.

10 PRESIDING JUDGE SCHMITT: [11:58:17] Thank you.

11 Mr Obhof.

12 MR OBHOF: [11:58:22]

13 Q. [11:58:23] Now, Mr Witness, following along the same way these two operate, if
14 a battalion commander, we'll say, or a company commander in the UPDF -- and of
15 course we don't want you to talk about anything which may be considered secret or
16 top secret --

17 PRESIDING JUDGE SCHMITT: [11:58:46] Then we would go to private session.

18 MR OBHOF: [11:58:49] Yes.

19 Q. [11:58:49] But generally speaking, how would a battalion commander or a
20 company commander receive orders or instructions in the UPDF?

21 A. [11:59:13] In the UPDF orders at the battalion level come from the division.
22 The division gets its orders from the brigade and then the battalion sends it to the OC.
23 The OC sends it to the platoon commander.

24 PRESIDING JUDGE SCHMITT: [11:59:42] Mr Witness, these are now my words,
25 does this chain of command that you describe -- or, did this also exist in the LRA?

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1 THE WITNESS: [12:00:04] (Interpretation) No, this was not the same chain of
2 command.

3 PRESIDING JUDGE SCHMITT: [12:00:08] And how did it function in the LRA?

4 THE WITNESS: [12:00:16] (Interpretation) In the LRA Kony would issue orders
5 directly to the brigade commanders or to the division commanders.

6 PRESIDING JUDGE SCHMITT: [12:00:33] Mr Obhof.

7 MR OBHOF: [12:00:37] Now, your Honour, I know you alluded to this this morning,
8 we will talk a little bit about some of the stuff which we've gotten a lot of detail. But
9 that's why I put the word "briefly," we'll try to go through it, cutting out stuff, making
10 sure that it's only about 15 minutes, maybe 20 minutes at the most, not a very long
11 session.

12 PRESIDING JUDGE SCHMITT: [12:01:02] And what are you going to talk about
13 with the witness in the near future?

14 MR OBHOF: [12:01:09] A little bit about the spirits, but I'm not going to have him
15 name them all. I'm not going to go into certain details.

16 PRESIDING JUDGE SCHMITT: [12:01:14] But very short, please, because we had
17 also -- it's not only about the amount of evidence we have, but also about how close
18 certain, for example, witnesses were to the issues at stake. We always have to keep
19 that in mind.

20 MR OBHOF: [12:01:30] But, I know --

21 PRESIDING JUDGE SCHMITT: [12:01:33] No, no --

22 MR OBHOF: [12:01:34] I would explain it, but I don't want to pollute the witness
23 right now.

24 PRESIDING JUDGE SCHMITT: [12:01:39] So let me put it this way: I want to
25 encourage you to make it short.

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1 MR OBHOF: [12:01:43] Yes.

2 Q. [12:01:47] Now, Mr Witness, can you tell us about what type of religious beliefs
3 Joseph Kony had?

4 A. [12:02:09] From my knowledge - I observed him and how he used to live - I
5 believe that Kony did not follow any religious practice. He was operating like a
6 Catholic, like a Protestant, like the Pentecostals, sometimes like a Muslim, so it was
7 difficult to tell what religious affiliation he was following.

8 Q. [12:02:49] Did Kony ever claim to talk to spirits?

9 A. [12:03:06] Yes.

10 Q. [12:03:13] When or how did Kony say that he talked to these spirits?

11 A. [12:03:36] When I saw, whenever Kony would come and say that the spirit has
12 spoken to him, he would come in our midst and talk a lot. He can start talking in the
13 morning at 8, up to 2 p.m. and then release his people to go.

14 Q. [12:04:04] And when he has these -- when he would come within your midst
15 and start talking, how many people would show up to listen to Kony talk?

16 A. [12:04:29] He will gather together all his soldiers. The brigades that are close
17 by would all be summoned and people of Control Altar would all be there.

18 PRESIDING JUDGE SCHMITT: [12:04:43] Would the women, the wives also be
19 there?

20 THE WITNESS: [12:04:57] (Interpretation) Yes, all the wives, his wives and any wife
21 in the bush there, including his, they would all be there.

22 MR OBHOF: [12:05:15]

23 Q. [12:05:15] Now early on, say around '94, '95, '96, around how often did these
24 gatherings happen?

25 A. [12:05:43] It would happen once a week. Sometimes when people are few he

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1 does not address people. But when people are many he would address people every
2 week.

3 Q. [12:06:10] Now, in addition to these gatherings that he would have, would there
4 be any official ceremonies, any official gatherings that were, say, at a higher level than
5 when Kony would just come and talk about the spirits?

6 A. [12:06:40] That would happen when there are problem, people are facing
7 challenges or problems.

8 Q. [12:06:52] Now these gatherings about the spirits, did they -- throughout your
9 time in Sudan, did they remain constant, every week or every few weeks? Did they
10 remain constant your whole time throughout being in Sudan?

11 A. [12:07:23] Yes, it was happening.

12 Q. [12:07:37] Did these gatherings, did they have any impact on you personally?

13 A. [12:07:59] No.

14 Q. [12:08:04] Now, from what you witness, did these gatherings have an impact on
15 other persons in the LRA?

16 A. [12:08:30] It is difficult to say, because people have different beliefs.

17 MR OBHOF: [12:08:42] Your Honour, if you may, I'm going to go to tab 10, that is
18 UGA-OTP-0209-0312, and that is at page 0326, and specific area is lines 338 to -- or 388
19 to 389.

20 PRESIDING JUDGE SCHMITT: [12:09:07] Yes.

21 MR OBHOF: [12:09:23]

22 Q. [12:09:23] Now, Mr Witness, this is a discussion with the Office of the
23 Prosecutor again back in August of 2004, and they were discussing about these
24 religious beliefs. I just want to read -- actually, your Honour, I'm going to start with
25 384 for with context, unless you think 388?

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1 PRESIDING JUDGE SCHMITT: [12:09:45] I think that makes sense. But I think you
2 don't have to continue until 400 something.

3 MR OBHOF: [12:09:53] Oh no, I'm --

4 PRESIDING JUDGE SCHMITT: [12:09:55] Simply, simply (Overlapping speakers)

5 MR OBHOF: [12:09:57] I'm just going to read the two sentences.

6 PRESIDING JUDGE SCHMITT: [12:10:00] Exactly. Give it try with that one.

7 MR OBHOF: [12:10:02]

8 Q. [12:10:02] You stated that, when they were discussing about how he talks to the
9 spirits and Gods, you said that:

10 "Now we have not seen anything with our own eyes and said, 'This is God and this is
11 manifestation of God'. That we ... we have not ... experienced that."

12 And then you said: "... mostly he" referring to Joseph Kony "... mostly he ... the
13 message that he ... is confusing people with ... is using God."

14 Do you remember saying something along that line, Mr Witness, to the Prosecution?

15 A. [12:10:46] I know I spoke to them, but it's been long. I cannot remember what
16 exactly I said.

17 PRESIDING JUDGE SCHMITT: [12:11:05] What do you think, Mr Witness, now that
18 you're, in 2019, sitting in this video-link location, admitted, a long time after this
19 statement? But hearing that, do you -- would you consider this wording by yours
20 con -- it was meant to confuse people or people were confused? Do you think this is
21 correct, from your recollection now that you have today?

22 THE WITNESS: [12:11:49] (Interpretation) What I can say, that it is true. Because
23 even now, from the time that Kony was speaking to people, people who believed in
24 him are still in the bush because they still believe that Kony has a spirit, as he told
25 them.

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1 PRESIDING JUDGE SCHMITT: [12:12:11] I think that's what perhaps you wanted
2 to --

3 MR OBHOF: [12:12:15] That confirmation would change my next two questions.

4 PRESIDING JUDGE SCHMITT: [12:12:21] Yes. Good.

5 MR OBHOF: [12:12:27]

6 Q. [12:12:28] Mr Witness, in your opinion, what is it about Joseph Kony that has
7 kept him in such a position of influence within the LRA?

8 A. [12:13:03] In my view, when I was in the bush up to the time that I left, Kony
9 would be giving information and talking to confuse people. And he would only talk
10 about God, he doesn't speak about anything else other than God. And the issue of
11 religion is understood differently, the way you understand is the way you believe.

12 Q. [12:13:49] Mr Witness, just for posterity, and please do not go into explanations
13 of any of them, do you remember the names of any of these spirits that Joseph said
14 would speak to him?

15 A. [12:14:25] I can remember there was one called Silindi. There was one called
16 Who Are You. Another one was called Juma Oris and another was called King
17 Bruce. Those are the ones that I can recall.

18 PRESIDING JUDGE SCHMITT: [12:14:55] I think we have here now the most
19 prominent ones, so please proceed.

20 MR OBHOF: [12:15:01]

21 Q. [12:15:03] Now, without going into any big detail, what kind of messages would
22 Joseph Kony say these spirits gave to him?

23 A. [12:15:33] Whenever they speak, most times they would bring the message
24 when there are fightings or exchange of bullets. And many times when there is no
25 fighting, there is no message from the spirit.

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1 Q. [12:16:04] Mr Witness, while you were in the bush would Joseph Kony himself
2 make predictions about future events?

3 A. [12:16:34] He would come and make predictions sometimes.

4 Q. [12:16:44] From what you witnessed, would these predictions come true?

5 A. [12:17:02] I remember one day when we were in Lubanga Tek he came and - it
6 was in the evening during prayers - he came and started telling us that "Some of you
7 will come back to fight against me and some of you will become my enemy -- most of
8 you will become my enemy." I remember that indeed it happened the way he
9 predicted.

10 Q. [12:17:48] Now, without going into detail about any other predictions, would he
11 make other predictions which came true?

12 A. [12:18:12] I do not recall now.

13 Q. [12:18:30] Mr Witness, we're going to talk a little briefly about two persons. Do
14 you remember persons by the name of Otti Lagony and Okello Can Odonga?

15 A. [12:18:53] Yes, I do remember their names.

16 Q. [12:19:05] Who was Otti Lagony?

17 A. [12:19:14] I knew Otti Lagony well when he replaced the late Komakech.
18 Komakech was sick and went and died in Khartoum. Then Otti Lagony was
19 appointed and promoted from chief of staff to the deputy of Kony.

20 Okello Can Odonga, I knew him because he was a brigade commander in Sinia
21 brigade.

22 PRESIDING JUDGE SCHMITT: [12:19:46] What happened to them?

23 THE WITNESS: [12:19:56] (Interpretation) These people, there were changes that
24 took place and Otti Lagony was removed from being Kony's deputy to the second
25 deputy of Kony, but Matata was given a bigger -- the bigger position of Kony's

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1 deputy. I think he did not like the changes and he had plans of splitting the group
2 into two so that he could come back with some people and surrender to the
3 government. They were arrested, captured, together with Okello Can Odonga, and
4 they were killed.

5 PRESIDING JUDGE SCHMITT: [12:20:48] Did you witness the killing?

6 THE WITNESS: [12:20:59] (Interpretation) On the day that they were killed I saw as
7 they were passing, I saw them personally as they were going with them. But I did
8 not know where they took them, I did not go where they killed them from.

9 PRESIDING JUDGE SCHMITT: [12:21:17] And what effect did these killings have
10 on the other LRA fighters, commanders perhaps?

11 THE WITNESS: [12:21:42] (Interpretation) From my observation I saw no effect,
12 because even those who loved those people, those who wanted to associate with them
13 could not do anything when they saw that these two were killed.

14 PRESIDING JUDGE SCHMITT: [12:22:01] Perhaps you give it a better try, Mr Obhof.
15 Obviously my question was not perfectly worded. We can also, without further ado,
16 assume that other people took this as an example.

17 MR OBHOF: [12:22:23]

18 Q. [12:22:24] Now how did this -- these executions, how did this affect the morale
19 of the persons in the LRA?

20 A. [12:22:50] According to me, those people were indeed leaders and they had
21 people who were their followers. When they were killed, there were people who
22 were bitter but they could not do anything.

23 Q. [12:23:21] And when these executions happened, do you remember where the
24 LRA was located at that time?

25 A. [12:23:43] At the time, the group was still in Jebellen. These people were

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1 arrested from Nsitu and brought to Jebellen. They stayed for two days and then on
2 the third day, they were taken and executed.

3 Q. [12:24:09] Now, I know it's been a very long time because you said they were
4 walking past you, do you remember who -- what commanders were in the group
5 which was taking Lagony and Can Odonga to their eventual death?

6 A. [12:24:45] I recall two people. There was Buk, who was a commander, and
7 Odongo. There were many commanders who were taking these people. But I don't
8 recall the rest now.

9 Q. [12:25:16] Now, Mr Witness, I'm going to ask you about a few names of persons.
10 Can you let me know what you remember about that person vis-à-vis their rank or
11 their position around the time you escaped.

12 Now, you mentioned someone earlier, Opiru. Who is this Opiru you were talking
13 about?

14 Sorry, it should be Opiru, O-P-I-R-U.

15 A. [12:26:08] Opiru was known also as Livingstone.

16 Q. [12:26:17] Now, around the time you escaped, what was Opiru Livingstone
17 doing?

18 A. [12:26:36] At the time of my escape, Opiru was deceased.

19 Q. [12:26:43] And when he died, do you remember his rank?

20 A. [12:26:57] By the time of his death he was a colonel.

21 Q. [12:27:07] How about a person by the name of Nyeko Tolbert Yadin?

22 A. [12:27:17] Yes, I do know Yadin.

23 Q. [12:27:23] When you escaped, what was Yadin doing?

24 A. [12:27:37] He was also the late now when I was leaving.

25 Q. [12:27:49] When he died, do you remember his position and his rank?

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- 1 A. [12:28:07] At the time of his death Yadin was deputy chief of staff.
- 2 Q. [12:28:19] I'm sorry, but do you remember what his rank was?
- 3 A. [12:28:33] He was a brigadier.
- 4 Q. [12:28:39] Someone else called Doctor Ocaya, Doctor Ocaya?
- 5 A. [12:28:56] Yes, I knew Ocaya.
- 6 Q. [12:28:58] If you could, let us know his rank and what he was doing when you
- 7 escaped the bush.
- 8 A. [12:29:17] Ocaya was the head of department for medical in the bush. He was
- 9 a light colonel.
- 10 Q. [12:29:40] From your memory, was he alive when you escaped?
- 11 A. [12:29:56] It was difficult to know because I had split away from them.
- 12 MR OBHOF: [12:30:02] If I may, your Honour, just read from tab 16?
- 13 PRESIDING JUDGE SCHMITT: [12:30:06] If there is information that you perhaps --
- 14 MR OBHOF: [12:30:07] Yes.
- 15 PRESIDING JUDGE SCHMITT: [12:30:08] -- might not have present at the moment.
- 16 MR OBHOF: [12:30:13] Yes, it's been a long time and --
- 17 PRESIDING JUDGE SCHMITT: [12:30:14] No, no, it's absolutely clear.
- 18 MR OBHOF: [12:30:15] It's tab 16, it's UGA-OTP-0221-0405 at page 429, all the way,
- 19 if I'm not mistaken, starting from line 827, but I'll only read the operative part.
- 20 Q. [12:30:48] So you mentioned he was a lieutenant colonel and that he was a
- 21 medical doctor and the Prosecution asked you:
- 22 "Is he still alive? Do you know?"
- 23 And your answer was: "He is dead." "...oto woko."
- 24 Does that refresh your memory, Mr Witness?
- 25 A. [12:31:17] Yes. It does refresh my memory because yes, at the time I did say he

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1 was deceased and that's true. I'd forgotten about it.

2 Q. [12:31:31] It's okay. Like we've been saying for the past few years, it has been a
3 long time, Mr Witness.

4 How about somebody by the name of Onyee?

5 A. [12:31:51] Onyee was Otti's chief escort. I do know him.

6 Q. [12:31:59] And when you left the bush, do you remember if he was still alive?

7 A. [12:32:10] Onyee and Otti were both alive when I left.

8 Q. [12:32:21] Matata, you mentioned him earlier. You said he was promoted to
9 Kony's deputy. When you left the bush, how was Matata doing?

10 A. [12:32:43] Matata was already deceased.

11 Q. [12:32:52] How about Odek Michael?

12 A. [12:33:00] When I left the bush, Odek was still alive.

13 Q. [12:33:06] And what was his position, if you remember?

14 A. [12:33:16] At the time, he was Kony's ADC and he had been assigned other
15 appointments, but I do recall about him during that time.

16 PRESIDING JUDGE SCHMITT: [12:33:32] Is this a very extensive list --

17 MR OBHOF: [12:33:36] We have one more name.

18 PRESIDING JUDGE SCHMITT: [12:33:38] Oh, one more name, good.

19 MR OBHOF: [12:33:41] I was going to let you know.

20 Q. [12:33:43] And the final, Mr Witness, I know the Judge might smile about this,
21 but Mr Charles Tabuley, where was he when you finally escaped?

22 A. [12:34:01] When I was escaping Tabuley was dead.

23 Q. [12:34:12] Now, Mr Witness, did you ever serve underneath the command of
24 Okot Odhiambo?

25 A. [12:34:28] No, I did not serve under Odhiambo.

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1 Q. [12:34:38] During your time in the LRA, did you get to, at least, see some of his
2 personality?

3 A. [12:34:58] Yes, I did. I did interact with Odhiambo. We moved with them as
4 well. And I know him based on the fact that we were together, we moved together
5 and we -- on occasion when we met, we would move together, separate, meet again,
6 move together and separate.

7 PRESIDING JUDGE SCHMITT: [12:35:25] And what did you observe, Mr Witness,
8 in the character, personality, if any?

9 THE WITNESS: [12:35:39] (Interpretation) He was very fierce.

10 MR OBHOF: [12:35:53]

11 Q. [12:35:53] Now, from what you observed, how did Okot Odhiambo treat those
12 persons who worked underneath him?

13 A. [12:36:19] Odhiambo was extremely ill-tempered and people were afraid of him.

14 Q. [12:36:31] How did Okot Odhiambo treat his wives?

15 A. [12:36:50] Okot Odhiambo was not an empathetic person, he was not a kind
16 person.

17 Q. [12:37:01] And did he show this lack of empathy or this lack of kindness
18 towards his wives in the bush?

19 A. [12:37:26] Okot Odhiambo was extremely ill-tempered.

20 Q. [12:37:36] Did you ever witness him beating or hitting his wives?

21 A. [12:37:51] I did not personally see this, but I heard about it.

22 PRESIDING JUDGE SCHMITT: [12:37:58] I think you can move on. We have
23 enough now on the personality of Okot Odhiambo.

24 MR OBHOF: [12:38:06] Yes. And, your Honour, I may have fibbed earlier when
25 I was said there was one last name, that I actually had typed out here on the bottom

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1 and forgot to move it up. But I am going on to a new section after this name so I

2 know this is --

3 PRESIDING JUDGE SCHMITT: [12:38:22] Yes.

4 MR OBHOF: [12:38:23] And it goes with the Acellams now.

5 Q. [12:38:24] Mr Witness, do you remember a person by the name of Ben Acellam?

6 A. [12:38:40] Yes, I do recall a person by the name of Ben Acellam.

7 Q. [12:38:45] When you escaped the LRA, do you remember which group or which
8 position he held?

9 A. [12:39:06] Ben Acellam was transferred twice, to my recollection. He was sent
10 as a CO to a brigade and then he was taken back to Control Altar. He was in Control
11 Altar for a while and then he was sent to Trinkle. So we did -- I did meet him on a
12 number of occasions.

13 Q. [12:39:35] So from what you remember, was Ben Acellam in Trinkle when you
14 escaped?

15 A. [12:39:48] Yes, he was.

16 Q. [12:39:57] Now, Mr Witness, can you briefly explain what happened to the LRA
17 during -- when Operation Iron Fist started?

18 A. [12:40:20] When Operation Iron Fist started in Sudan, when the soldiers came
19 from Uganda to Sudan, Kony told us that the soldiers have arrived, they have
20 received reports that the soldiers have arrived. They came and immediately started
21 selecting people to go and attack the Sudanese soldiers. The attack was conducted at
22 three defences on the same day. It was at Nsitu, there was one at Kubresita, and
23 there was another one at Meer Salasini (phon). And that's my recollection of these
24 events. And from that time, that is when people scattered from Sudan. People
25 were distributed. Some people went to Uganda and some people were scattered and

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1 they just walked around in Sudan. That is my recollection of these events.

2 Q. [12:41:49] Now you stated that it started in Sudan and that soldiers came from
3 Uganda to Sudan. To your recollection, was it only the UPDF that was attacking the
4 LRA on these three different fronts?

5 A. [12:42:19] Yes, it was the LRA that was attacking the Sudanese forces.

6 Q. [12:42:33] I want to make sure I get everything right, so the -- of course, the
7 UPDF attacked. So what you're saying is that the Sudanese forces were also
8 involved in Operation Iron Fist?

9 A. [12:42:57] Based on the information that we received from Kony, Kony informed
10 us that the Sudanese government had joined forces with the Ugandan forces. He
11 informed us that Ugandan forces were already in Nsitu and that is where they went
12 and attacked.

13 Q. [12:43:24] These few three to six months before Operation Iron Fist started, how
14 much of the LRA was in Sudan?

15 A. [12:43:49] If I'm to hazard a guess, I would believe perhaps 6,000 or more.

16 Q. [12:44:06] Now, if you also had to hazard a guess, what percentage of the LRA
17 would you say this 6,000, 6,000 persons represent?

18 A. [12:44:35] It's difficult for me to detail that because I did not know the exact
19 number of people in every brigade, so it's very difficult for me to give you a definite
20 answer.

21 Q. [12:44:56] You said that some groups went to Uganda after Iron Fist started.
22 Do you remember who led these groups into Uganda?

23 A. [12:45:18] When Iron Fist started, most of the people that were initially sent to
24 Uganda were Otti Vincent and Tabuley. They were the first people to go to Uganda.

25 Q. [12:45:42] And where did Kony go after Iron Fist started?

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1 A. [12:45:54] Kony remained with another group, because people were split up in
2 different groups. There were some people who stayed within that area, there were
3 sick people who also stayed within that area. There were many separate groups at
4 the time.

5 Q. [12:46:17] Now, just after Operation Iron Fist started and the groups were going
6 their different ways, with whom did you travel?

7 A. [12:46:38] I left with the -- initially I was with Yadin, and then we went and met
8 with Kony's group. And that's how we used to move, we would move together,
9 separate, meet up, move together, and separate again.

10 Q. [12:47:01] Now, what happened with these - if you know, of course - what
11 happened with these people at Nsitu?

12 A. [12:47:20] I did not quite understand your question.

13 Q. [12:47:36] The women and the children, what happened to them, the women
14 and the children, after Operation Iron Fist?

15 A. [12:47:52] The women and children were separated. Those people who could
16 move with the convoy went with the convoy. Those people who stayed behind
17 with -- maybe perhaps who had more difficulty moving. Those women who had
18 three, four or more children stayed behind with the sick people because it would have
19 been difficult for them to move with all those children. But the women who had one
20 child were sent with the convoy because it was easier for them to move with the
21 convoy.

22 Q. [12:48:32] You've spoken about the sick. What about the lame, persons who
23 may be missing an arm or missing a leg, what happened to these people after
24 Operation Iron Fist?

25 A. [12:48:54] When we were leaving Sudan when battle was impending, we

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1 separated from them. I came and found some of them back home after they had
2 been -- after they had been captured but I do not know what happened to them
3 between that time.

4 Q. [12:49:28] Now after Operation Iron Fist started, for how long did you remain in
5 Sudan, you yourself?

6 A. [12:49:50] I stayed in South Sudan for a while. Most of my time in the bush
7 was spent in South Sudan. I would come into Uganda for short periods of time and
8 then go back to South Sudan.

9 Q. [12:50:14] Now, do you remember whose group you were in when you finally
10 returned to Uganda?

11 A. [12:50:32] I was in the convoy of Kony and Yadin.

12 MR OBHOF: [12:50:44] Your Honour, I want to ask him about five minute's worth of
13 private session questions.

14 PRESIDING JUDGE SCHMITT: [12:50:50] Yes, private session.

15 (Private session at 12.51 p.m.)

16 THE COURT OFFICER: [12:51:03] We are in private session, Mr President.

17 (Redacted)

18 (Redacted)

19 (Redacted)

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- 14 (Open session at 12.57 p.m.)
- 15 THE COURT OFFICER: [12:57:20] We are back in open session, Mr President.
- 16 PRESIDING JUDGE SCHMITT: [12:57:23] Thank you very much. And as already
- 17 indicated in private session, we will have our lunch break until 2.30.
- 18 THE COURT USHER: [12:57:31] All rise.
- 19 (Recess taken at 12.57 p.m.)
- 20 (Upon resuming in open session at 2.32 p.m.)
- 21 THE COURT USHER: [14:32:30] (Microphone not activated)
- 22 PRESIDING JUDGE SCHMITT: [14:32:34] Mr Obhof, please continue.
- 23 MR OBHOF: [14:32:55] Thank you, your Honour.
- 24 Q. [14:33:00] Good afternoon, Mr Witness. I hope you had a good lunch down
- 25 there at the video-site link.

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1 A. [14:33:12] Yes, I had a good lunch.

2 Q. [14:33:22] Now, Mr Witness, I'm going to do a quick follow-up question from
3 earlier today. You mentioned the multitude of different places, you mentioned
4 Gong, Palutaka, Pajok, Jebellen, Lubanga Tek, Nsitu, Bin Rwot.

5 Now, why did the LRA keep moving from place to place to place while in Sudan?

6 A. [14:34:12] When we were in Palutaka, we were chased away by soldiers. We
7 fled and stopped in Aruu junction.

8 Q. [14:34:33] Was the same for all the rest of the locations where you were chased
9 away by soldiers?

10 A. [14:34:55] Yes.

11 Q. [14:35:04] And, Mr Witness, do you remember around how long it was after
12 Operation Iron Fist in which you personally re-entered Uganda?

13 A. [14:35:35] After the Iron Fist, we had no permanent settlement in Sudan and
14 everyone moved to Uganda.

15 Q. [14:35:58] Now after Operation Iron Fist, did you ever go to Soroti?

16 A. [14:36:12] Yes, I did.

17 Q. [14:36:27] When did you, if you remember, when did you go to Soroti?

18 A. [14:36:45] I cannot recollect right now the exact date, or the period which we
19 went.

20 MR OBHOF: [14:36:57] Your Honours, I'm going to read quickly from tab number 7.

21 PRESIDING JUDGE SCHMITT: [14:37:01] Yes.

22 MR OBHOF: [14:37:01] UGA-OTP-0209-0227 at page 0229, it's line 45.

23 Q. [14:37:20] Mr Witness, this is from your meeting with the Prosecution in August
24 of 2004.

25 And this was a little while after you had already talked to the Prosecution and

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1 the Prosecutor, the investigator asked you:

2 "Did you go with Otti to Soroti in June 2003?"

3 And you answer "Yes."

4 Does that help recall the approximate time in which you went to Soroti?

5 A. [14:38:04] Yes, that could be it, because right now I cannot recall everything. So
6 much is -- I have so much information stored in my head.

7 PRESIDING JUDGE SCHMITT: [14:38:16] Mr Witness, that's not a problem at all.

8 It's absolutely natural that your recollection was back then in 2004 much better than it
9 is today, given the fact that we were now talking about 2003 and that was at the time
10 only a year ago and now 16 years have passed.

11 Please, Mr Obhof.

12 MR OBHOF: [14:38:42]

13 Q. [14:38:43] For this trip to Soroti do you remember who led the group which
14 went to Soroti?

15 A. [14:39:03] When we were going to Soroti it was on the order of Vincent Otti.
16 When he ordered that everyone should move to Soroti, Tabuley was the one leading
17 the first group and then Otti followed. Another group, like for those of Yadin who
18 was on the side, and then Gilva brigade was also there. We went with that group in
19 Soroti.

20 Q. [14:39:49] Now amongst those people who went to Soroti, do you remember if
21 Mr Ongwen was in this group of people?

22 A. [14:40:07] No, I do not recall.

23 Q. [14:40:15] Mr Witness, do you remember at that trip to Soroti how many brigade
24 commanders Stockree had?

25 A. [14:40:41] Stockree brigade had two commanders.

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1 Q. [14:40:50] Do you remember who the two brigade commanders of Stockree
2 were?

3 A. [14:41:03] Stockree brigade had Tabuley as a commander, and Okullu.

4 Q. [14:41:21] Now around that time when you sent to Soroti, was it commonplace,
5 was it normal for the brigades to have two brigade commanders?

6 A. [14:41:46] It was a new thing at the time. I personally failed to understand why
7 there were two commanders.

8 Q. [14:42:12] Mr Witness, do you know what a collaborator is?

9 A. [14:42:32] According to my understanding, a collaborator is someone you use to
10 provide information and to help you purchase goods.

11 PRESIDING JUDGE SCHMITT: [14:42:57] If you want to be more specific, then I
12 think you can do it. You know what we have in mind.

13 MR OBHOF: [14:43:06] Yes, I was going to ask him one more question and then go
14 through there.

15 MR OBHOF: [14:43:15]

16 Q. [14:43:15] Now, why would someone provide information and help purchase
17 goods for the LRA in Uganda?

18 A. [14:43:48] That used to happen, especially those who thought about the LRA
19 who were in the bush, they were sympathetic to those who were in the bush.

20 Q. [14:44:11] Now, Mr Witness, do you know a person by the name of
21 Rwot Ywakamoi Oywak?

22 A. [14:44:30] I saw Rwot Oywak personally when I was in the bush. I know him.

23 Q. [14:44:39] From what you witnessed, was Rwot a collaborator?

24 A. [14:44:58] No, he was not a collaborator. He was doing his role as a -- someone
25 who was trying to mediate between the LRA and the government of Uganda.

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1 Q. [14:45:24] Now as you can tell, Mr Witness, we are moving toward in time now.

2 Do you remember an attack - without talking much more about it - do you remember
3 an attack on Pajule?

4 A. [14:45:53] Yes, I do know.

5 Q. [14:46:07] At that time what was your role, what was your position in
6 Control Altar?

7 A. [14:46:22] We had Otti Vincent.

8 Q. [14:46:35] But at that time, at that time of the attack on Pajule, what was your
9 position, what did you do?

10 PRESIDING JUDGE SCHMITT: [14:46:47] Not what did he do, I think we
11 (Overlapping speakers).

12 MR OBHOF: [14:46:50] What was your --

13 PRESIDING JUDGE SCHMITT: Let me perhaps.

14 You said "at that time". Since we had a lot of evidence here in the courtroom that
15 might suggest that there were several attacks on Pajule, perhaps -- my question,

16 Mr Witness: Do you recall when exactly this attack was? Was there something
17 memorable about the day, so to speak?

18 THE WITNESS: [14:47:24](Interpretation) It was Uhuru Day, or, rather,
19 Independence Day, and that is why I remember it so clearly.

20 PRESIDING JUDGE SCHMITT: [14:47:34] And then, Mr Obhof, I think we can have
21 some of the questions in a general manner in open session, whereas when it
22 comes -- even when it comes close to being more specific we would have to go to
23 private session I think.

24 MR OBHOF: [14:47:51] I'm going to ask him actually a very few brief questions
25 about a different one.

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1 PRESIDING JUDGE SCHMITT: [14:47:55] Okay. Good.

2 MR OBHOF: [14:47:58]

3 Q. [14:48:00] Mr Witness, were there any prior attacks on Pajule before this one,
4 this one around Uhuru Day?

5 A. [14:48:18] I heard about those attacks, but I did not witness it.

6 Q. [14:48:33] Did you hear about one during the same year, Mr Witness.

7 A. [14:48:55] I heard about the first one, and then the second one is the one that I
8 participated in.

9 Q. [14:49:04] For the first one, do you know what the object or what the purpose of
10 the one -- the first attack?

11 A. [14:49:23] No, I did not know.

12 Q. [14:49:32] Mr Witness, could you, in this first attack, could you tell us the name
13 of the senior commanders you remember seeing there.

14 PRESIDING JUDGE SCHMITT: [14:49:43] I think he has said he --

15 MR OBHOF: [14:49:45] Sorry (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [14:49:45] -- does only know it from hearsay, so he
17 would not have seen anybody there at an attack --

18 MR OBHOF: [14:49:53] Sorry, I meant to say the second attack, so I was reading my
19 question number 94 --

20 PRESIDING JUDGE SCHMITT: [14:49:57] -- and without ever --

21 MR OBHOF: [14:49:57] Yeah, yeah.

22 PRESIDING JUDGE SCHMITT: [14:49:57] -- mentioning what perhaps your role
23 might have been, but simply what you observed from the time, who were the
24 commanders there.

25 MR OBHOF: [14:50:07] Yes.

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1 Q. [14:50:09] Let me say that, sorry, about that: During the second attack, who
2 were the commanders you remember being there before the attack at the RV?

3 A. [14:50:35] Yes, I do recall.

4 PRESIDING JUDGE SCHMITT: [14:50:38] Perhaps you can simply tell us the names
5 that you recall, not more, for the moment.

6 THE WITNESS: [14:50:49](Interpretation) I recall Otti Vincent, Nyeko Yadin, there
7 was Lakati, Mzee Banya, Ocaya was there and also Opiru. There were quite many.
8 The others I can't remember, but there was also Raska Lukwiya. I cannot recall all of
9 them.

10 PRESIDING JUDGE SCHMITT: [14:51:24] And I think you proceed from there.

11 MR OBHOF: [14:51:26] And that's still a lot of names for 16 years down the road.

12 Q. [14:51:33] Now, Mr Witness, just so we're -- complete understanding, these are
13 Opiru and Ocaya, are those the ones we had mentioned earlier?

14 A. [14:51:47] Yes.

15 Q. [14:51:55] Now before leaving the RV, did anyone address the persons who
16 were there from the LRA?

17 A. [14:52:14] Otti Vincent was the one who gave a briefing.

18 Q. [14:52:24] Did -- do you remember the reason for going to Pajule?

19 A. [14:52:53] What I can recollect now, we were told that we should go and attack
20 the barracks and collect food. Those are the things I recollect. We were also told to
21 abduct people.

22 PRESIDING JUDGE SCHMITT: [14:53:17] Perhaps there, you could -- there was one
23 question perhaps in open session, if he recalls, who was the overall commander, and
24 then I think --

25 MR OBHOF: [14:53:29] Well --

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1 PRESIDING JUDGE SCHMITT: [14:53:30] -- it's better to go to private. But simply
2 that's my impression.

3 MR OBHOF: [14:53:35]

4 Q. [14:53:37] Do you remember who was the overall commander of the attack that
5 went with the troops?

6 A. [14:53:54] It was Lukwiya Raska.

7 MR OBHOF: [14:53:58] I think I can ask a few more without -- yes?

8 PRESIDING JUDGE SCHMITT: [14:54:02] I trust you for ...

9 MR OBHOF: [14:54:08]

10 Q. [14:54:08] Now, do you remember what time the group which went to Pajule set
11 off? What time they left the RV.

12 A. [14:54:29] We left about 7, between 7 and 8 p.m. in the evening.

13 Q. [14:54:51] Do you remember at what time the group arrived?

14 MR OBHOF: [14:54:52] Actually, your Honour, I think we better go to private
15 session, please.

16 PRESIDING JUDGE SCHMITT: [14:55:01] I also think so. We go to private session.
17 We can -- there are some questions asked and the answers are - accordingly, we can
18 lift - redactions also.

19 We go to private session.

20 (Private session at 2.55 p.m.)

21 THE COURT OFFICER: [14:55:21] We are in private session, Mr President.

22 (Redacted)

23 (Redacted)

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20 (Open session at 3.11 p.m.)

21 THE COURT OFFICER: [15:11:27] We are back in open session, Mr President.

22 MR OBHOF: [15:11:43]

23 Q. [15:11:45] Mr Witness, at the RV did you see anybody there whom we've talked
24 about today, any civilians whom you recognised?

25 A. [15:12:11] There were civilians, some of them were released on that day and

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1 some of them stayed behind.

2 PRESIDING JUDGE SCHMITT: [15:12:22] Why not be more direct here.

3 Did you see Rwot Oywak there?

4 THE WITNESS: [15:12:36](Interpretation) I did not actually see him personally, but
5 my understanding is that all the people that were abducted and went back were given
6 to Rwot Oywak to take back.

7 PRESIDING JUDGE SCHMITT: [15:12:49] I think we can simply move on there.
8 We have a lot of evidence that could point in this direction.

9 MR OBHOF: [15:12:58]

10 Q. [15:13:00] Mr Witness, was Mr Ongwen at the RV, did you see Mr Ongwen at
11 the RV for Pajule?

12 A. [15:13:16] I do not recall seeing him.

13 Q. [15:13:23] Did Mr Ongwen go to the barracks to fight?

14 A. [15:13:36] No. It was Bogi who went to the barracks.

15 Q. [15:13:43] Did you see Mr Ongwen go to the trading centre to fight?

16 MR CHOUDHRY: [15:13:47] Your Honour, with that I rise.

17 PRESIDING JUDGE SCHMITT: [15:13:50] Correct, correctly so.

18 He has said that he has -- can only conclude what happened at the trading centre. So
19 he simply -- it's not correct did he see -- to ask him if he saw Mr Ongwen there.

20 Mr Witness, did you see Mr Ongwen after the attack at the RV?

21 THE WITNESS: [15:14:23](Interpretation) No, I did not see him.

22 PRESIDING JUDGE SCHMITT: [15:14:24] You know, the problem is he has not seen
23 what has happened in the trading centre and so this is self-explanatory. You could
24 ask if he has heard something or whatsoever, but not if he has seen something.

25 MR OBHOF: [15:14:42]

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1 Q. [15:14:42] Before the division into the three separate groups, did you see

2 Mr Ongwen inside of that group that went to Pajule?

3 A. [15:15:02] No, I did not see him either.

4 MR OBHOF: [15:15:12] And, your Honour, this might seem a little unconventional.

5 Would the Chamber mind a 5-minute break for a short call? I can guarantee I will

6 finish today, but I do have to use the bathroom very badly.

7 PRESIDING JUDGE SCHMITT: [15:15:25] Of course this is not unconventional, this

8 is absolutely acceptable. No problem with that, five minutes. Let us know when

9 you are ready.

10 THE COURT USHER: [15:15:36] All rise.

11 (Recess taken at 3.15 p.m.)

12 (Upon resuming in open session at 3.20 p.m.)

13 THE COURT USHER: [15:20:20] All rise.

14 Please be seated.

15 PRESIDING JUDGE SCHMITT: [15:20:37] Mr Obhof.

16 MR OBHOF: [15:20:39] Thank you very much, your Honour, in both respects.

17 Q. [15:20:50] Mr Witness, what happened to you after being injured at Pajule?

18 A. [15:21:07] When I sustained the injury, we came and found people leaving the

19 RV. At that time we also continued walking until we got to the point where we were

20 supposed to encamp for the night, and I think it was three days after that that we split

21 from the rest of the group.

22 Q. [15:21:42] And why did you split from the rest of the group?

23 A. [15:21:57] I had sustained injuries and there were other people who were injured

24 as well.

25 Q. [15:22:10] So did you go to a sickbay?

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1 A. [15:22:15] Yes, I did.

2 Q. [15:22:27] Do you remember who led this sickbay?

3 A. [15:22:40] It was under the leadership of Alit.

4 Q. [15:22:47] Now, Mr Witness, this time in sickbay after Pajule, how many times,
5 at this time when you went, how many times had you personally been in sickbay?

6 A. [15:23:12] I had been sickbay -- on the first occasion that I sustained injuries
7 I was on the move, I was mobile, but on the second occasion I had to stay in the bay
8 and that was my first time to spend time in the sickbay.

9 Q. [15:23:40] Now you said the first time it was mobile, so in this sickbay, did it
10 remain in the same location the entire time in which you were there?

11 A. [15:24:01] On the first occasion I was with the commanders, I was among the
12 commanders, so I kept on moving with them.

13 Q. [15:24:17] But this time, this second time that you were there, did the sickbay,
14 say, stay at the same tree or stay in the same exact location the entire time in which
15 you were in sickbay?

16 A. [15:24:36] No.

17 Q. [15:24:44] Can you give reasons of why the sickbay would move to different
18 locations?

19 A. [15:25:02] The reason why the sickbay was never stationary was due to the fact
20 that we had shortage of water. We also had to continuously move away from being
21 found by the forces. If, for example, someone escapes then the rest of the group
22 cannot stay in that particular place.

23 Q. [15:25:36] Now when you were in sickbay, how did Alit communicate to his
24 commander.

25 A. [15:25:57] If you do not have a radio, then there are times when you have been

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1 informed or you have been told that we are going to meet at such-and-such a time at
2 this scheduled place, and those are the rules that they follow.

3 Q. [15:26:23] Did your sickbay have a radio call?

4 A. [15:26:37] No, I do not recall.

5 Q. [15:26:43] What sickbays would have a radio call?

6 MR CHOUDHRY: [15:26:55] Your Honour --

7 PRESIDING JUDGE SCHMITT: [15:26:57] If any.

8 THE WITNESS: [15:27:03](Interpretation) The sickbays that had radio calls, to my
9 knowledge there was only one, and this was in -- at a place known as Te Kilak and it
10 was with Kwoyelo.

11 MR OBHOF: [15:27:30]

12 Q. [15:27:31] Do you know why Kwoyelo's sickbay would have a radio call?

13 A. [15:27:43] The reason why Kwoyelo had a radio call was that on most occasions
14 he was on his own.

15 PRESIDING JUDGE SCHMITT: [15:28:05] What do you mean by "he was on his
16 own"?

17 THE WITNESS: [15:28:16](Interpretation) He did not have any soldiers close by.
18 He did not have anyone else close by. So most, most of the people who were in the
19 sickbay were under his leadership. He was the highest ranking person there, there
20 was no other person to help him there.

21 MR OBHOF: [15:28:46]

22 Q. [15:28:47] Were there soldiers in your sickbay?

23 A. [15:28:54] Yes, there were soldiers.

24 Q. [15:29:00] And I am sorry to ask you this follow-up questions, they were
25 uninjured soldiers, or were they injured soldiers?

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1 A. [15:29:17] There were uninjured soldiers as well as injured soldiers.

2 Q. [15:29:29] What would be the duties of the uninjured, the healthy soldiers?

3 A. [15:29:43] Those were there to help collect food for people who were unable to
4 go and collect the food for themselves.

5 Q. [15:29:56] Were there people in sickbay who were not soldiers?

6 A. [15:30:09] (Witness shakes head). (No interpretation).

7 Q. [15:30:23] When you were in sickbay were you visited by any senior
8 commanders?

9 A. [15:30:40] When I was in the sickbay no one -- no senior commander visited me.

10 Q. [15:31:07] Mr Witness, while you were in the bush did you get to know
11 Dominic Ongwen?

12 A. [15:31:24] Yes, I knew him.

13 Q. [15:31:31] Did you ever work with him?

14 A. [15:31:46] We did not work together.

15 PRESIDING JUDGE SCHMITT: [15:31:50] What do you mean when you say "I knew
16 him"?

17 THE WITNESS: [15:32:10](Interpretation) We used to meet during prayers, during
18 meetings, and sometimes when we are moving we could move together. So I would
19 know him because we have moved together and we have also been together in
20 meetings.

21 PRESIDING JUDGE SCHMITT: [15:32:29] Did you talk, talk to him, talk with him,
22 speak with him?

23 THE WITNESS: [15:32:44](Interpretation) No.

24 PRESIDING JUDGE SCHMITT: [15:32:46] Mr Obhof.

25 MR OBHOF: [15:32:49]

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1 Q. [15:33:03] Mr Witness, do you remember where you were when you decided
2 you wanted to escape?

3 A. [15:33:23] We were in an area called Koch Annan (phon).

4 Q. [15:33:34] How many people were with you in your group when you decided to
5 escape?

6 A. [15:34:02] We were about 60 or 70 people.

7 PRESIDING JUDGE SCHMITT: [15:34:05] Had you already recovered from your
8 injuries when you escaped?

9 THE WITNESS: [15:34:22](Interpretation) I was on the path to recovery, I was not
10 fully recovered yet.

11 PRESIDING JUDGE SCHMITT: [15:34:29] Had you already left the sickbay?

12 THE WITNESS: [15:34:32](Interpretation) I was still part of the sickbay?

13 PRESIDING JUDGE SCHMITT: [15:34:36] Mr Obhof.

14 MR OBHOF: [15:34:40]

15 Q. [15:34:40] Can you explain the events which led to your decision to escape the
16 LRA?

17 A. [15:35:02] I started thinking about escape when we were relocating to another
18 position. I had a child with me, my child, who was still young at that time. When
19 we reached the position where we were going, I liked to stay alone so I had -- I was
20 alone, I was sitting, and in the evening they were talking about me. The person who
21 was talking about me, I was able to see him, to see them talk and then I was even able
22 to hear them. I heard them saying that they should go and collect food and when
23 they come back from collecting food they should first address my issue because I had
24 changed.

25 So when I heard them talk about me like that, I was suspicious. I first wanted to

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1 shoot them, but then I decided to leave them to continue with their plan as I also
2 continue with my own plan.

3 Then I told the people who I was with and I told them, "let's go home" and they
4 indeed left with me. We left about midnight, coming to 1 a.m.

5 We reached a clear path around 8 a.m., that is how I left them.

6 PRESIDING JUDGE SCHMITT: [15:36:39] How many people went with you?

7 THE WITNESS: [15:36:52](Interpretation) I was the one who left with my wife, and
8 then the people who were living in my household, they were two girls. Those are
9 the people I escaped with.

10 MR OBHOF:

11 Q. [15:37:11] And just for clarity, did you also escape with your child?

12 A. [15:37:25] Yes, I escaped with my child also.

13 Q. [15:37:39] Now, Mr Witness, while you were in the LRA, what was said about
14 the treatment of LRA escapees by the government of Uganda if they reported in and
15 surrendered?

16 A. [15:38:20] I used to hear what they would say, especially Kony. Kony would
17 be the one to circulate the message or the information. He would say that when you
18 come back home, the government would kill you. He would say that when you
19 escape, government would kill you straightaway. That is what circulated and made
20 people afraid to return home.

21 Q. [15:38:55] Now you said it made people afraid to return home. Did you believe,
22 while you were in the LRA, what Kony said?

23 A. [15:39:18] I was first afraid.

24 PRESIDING JUDGE SCHMITT: [15:39:23] When you say "first" it suggests itself to
25 ask, and then?

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1 THE WITNESS: [15:39:42](Interpretation) Later I gained courage and left. I

2 decided to accept whatever fate awaits me, because even if I stayed in the bush I

3 would die, if I came home I would die. I just accepted what would befall me.

4 MR OBHOF: [15:40:10]

5 Q. [15:40:10] Mr Witness, when you came home, were you worried that anything

6 further might happen to you or your family?

7 A. [15:40:31] I did not fear much about that, because even the people in my home

8 knew that I was present, I had escaped. They knew after about three months.

9 Q. [15:40:52] And as we talked about it earlier, about people escaping with guns,

10 were you worried that something might befall your family because of that, because of

11 your escape?

12 A. [15:41:17] I did not fear along that line, because the group that I was in did not

13 know my particulars, and I did not even know their particulars.

14 MR OBHOF: [15:41:34] Your Honour, I just want to read something to him to see if

15 it reflects his memory at all.

16 It's an investigation report, it's tab 22. It's an extract from a BSQ taken on

17 20 July 2005. It's UGA-OTP-0284-0687.

18 Q. [15:42:02] Now, Mr Witness, I'm just going to read this back and, like it's been,

19 maybe --

20 PRESIDING JUDGE SCHMITT: [15:42:09] But you should make clear what it is.

21 MR OBHOF: [15:42:11] Yes.

22 PRESIDING JUDGE SCHMITT: [15:42:12] So that the witness is not mislead, so to

23 speak, to think that it is a statement by him.

24 MR OBHOF: [15:42:17] Well, if we would have had the original, it might have

25 actually had quotes on there.

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1 PRESIDING JUDGE SCHMITT: Yes, but I think you are able to simply make it clear
2 to the witness that this is a little bit, let me word it this way, of indirect statement.

3 MR OBHOF: [15:42:32] Yes.

4 Q. [15:42:32] Now, Mr Witness, this is an extract of a BSQ which the Prosecution
5 did in July of 2005. If I'm not mistaken, it stands for biosurvey questionnaire.

6 Anyway, it's something that the Prosecution prepared after meeting with you and it
7 said that:

8 "In an Individual Protection Assessment conducted on 20 July 2005 Charles Lukwiya
9 (P-0048, D-0134) is recorded as stating that he thinks there is a possibility that the
10 rebels may attack his family in the camps in retaliation for his leaving the bush and
11 that he believes the rebels may know where his family is because he was abducted
12 from home."

13 Mr Witness, was this extract recorded correctly 14 years ago?

14 A. [15:44:07] I think I do not recall everything now.

15 Q. [15:44:13] It's a very legitimate answer.

16 PRESIDING JUDGE SCHMITT: [15:44:19] Absolutely. No, no, this is again
17 remarkable how the witness differentiates what he really knows, what he has
18 forgotten, what he knows from hearsay, what he has seen.

19 MR OBHOF: [15:44:28] Your Honour, this will conclude the Prosecution -- or
20 the Defence's exam of the witness.

21 PRESIDING JUDGE SCHMITT: [15:44:33] I should not be the only one in this
22 courtroom who sometimes mixes things up. But we understand what you mean,
23 Mr Obhof.

24 We adjourn then the hearing for today and resume, continue tomorrow at 9.30 with
25 examination by the Prosecution.

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- 1 For the moment, thank you very much, Mr Witness. We will see you tomorrow
- 2 morning again.
- 3 THE COURT USHER: [15:44:52] All rise.
- 4 (The hearing ends in open session at 3.44 p.m.)
- 5 RECLASSIFICATION REPORT
- 6 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 7 2016, the public reclassified and lesser redacted version of this transcript is filed in the
- 8 case.