

Trial Hearing

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 4 May 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT OFFICER: [9:31:41] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:53] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:32:04] Thank you, Mr President.
15 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
16 reference ICC-02/04-01/15.
17 For the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:32:18] Thank you.
19 I ask for the appearances of the parties.
20 MS ADEBOYEJO: [9:32:24] Good morning, Mr President, your Honours. My name
21 is Adesola Adeboyejo. And for the Prosecution is Mr Ben Gumpert,
22 Pubudu Sachithanandan, Paul Benjamin Bradfield, Yulia Nuzban, Ramu Fatima
23 Bittaye, Yya Aragon, Yeasin Khan, Colin Black and Beti Hohler.
24 PRESIDING JUDGE SCHMITT: [9:32:49] Thank you.
25 And for the Legal Representatives of the Victims.

1 MR MANOBA: [9:32:53] Good morning, Mr President, your Honours.

2 Joseph Manoba appearing with Mr James Mawira.

3 MR NARANTSETSEG: [9:33:00] Good morning, your Honours.

4 Orchlon Narantsetseg for the Common Legal Representative. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:33:04] Thank you.

6 And for the Defence, please, Mr Obhof.

7 MR OBHOF: [9:33:06] Good morning, your Honours. For the Defence today, we

8 have Ms Abigail Bridgman, Chief Charles Achaleke Taku, Roy Titus Ayena; our client,

9 Mr Ongwen; and myself, Thomas Obhof. And our counsel sends his apologies; he

10 had to take care of some personal matters during the first session.

11 PRESIDING JUDGE SCHMITT: [9:33:26] Thank you very much.

12 And we have a new face in the courtroom. I assume it is Mr Von Bóné. Please

13 could you introduce yourself for the record.

14 MR VON BÓNÉ: [9:33:34] That's right, your Honour. My name is Julius Von Bóné.

15 I am the legal representative for -- well, I mean the Rule 74 lawyer for the witness. If

16 I may, I have filed for the parties --

17 PRESIDING JUDGE SCHMITT: [9:33:46] We come soon to that.

18 MR VON BÓNÉ: [9:33:49] Okay.

19 PRESIDING JUDGE SCHMITT: [9:33:49] We come soon to that.

20 MR VON BÓNÉ: [9:33:50] Sure. Thank you very much.

21 PRESIDING JUDGE SCHMITT: [9:33:50] No problem.

22 Just a short matter: The Chamber did not want to confuse the parties with the

23 scheduling that has been changed twice now, but we thought, we gave it a second

24 thought and we thought as a Chamber that it is better for parties and participants that

25 we have consecutively these two sessions. This also avoids that everybody,

1 including the accused, has to stay here for three hours and without any activity in the
2 courtroom, so to speak. Simply nothing mysterious behind that.

3 The Prosecution is now calling P-142 as its next witness and the Chamber turns to the
4 testimony of this witness. And first of all we are going to discuss the matter of
5 assurances for the witness pursuant to Rule 74 of the Rules of Procedure and
6 Evidence.

7 I think, Mr Von Bóné, you wanted to address that point.

8 MR VON BÓNÉ: Yes, your Honour, thank you very much, and parties. I did not
9 envisage actually that the appearance of this witness would appear today, but it was
10 scheduled for Friday. Therefore, very late in the evening yesterday I have filed
11 a short report about my work with the witness, which includes usually that I clarify
12 what the exact meaning is of Rule 74 of the Rules of Procedure and Evidence, as well
13 as Article 70 of the Statute.

14 Other than that, I can address that the gentleman is ready to appear in court. He
15 speaks the Acholi language, and obviously I might slow down a little bit for the
16 interpreters.

17 PRESIDING JUDGE SCHMITT: [9:35:41] But you know there are two things. First
18 of all, sometimes it happens that courts are quicker. Normally they are slower than
19 envisaged, but sometimes they are quicker.

20 MR VON BÓNÉ: [9:35:53] Sure.

21 PRESIDING JUDGE SCHMITT: [9:35:54] And this happened in this instance. And
22 the second information that we simply want to know from you is if you request
23 Rule 74 assurances for the witness, if you want to make a request now, you can do
24 this orally and it doesn't matter that you also have it only as-- if you also have it on
25 paper. Would you request for your client Rule 74 assurances?

1 MR VON BÓNÉ: [9:36:16] I would like to request for those assurances and I --

2 PRESIDING JUDGE SCHMITT: [9:36:20] (Overlapping speakers) to discuss this, we
3 have to go to private session.

4 MR VON BÓNÉ: [9:36:21] Sure.

5 PRESIDING JUDGE SCHMITT: [9:36:22] And then you can continue. First to
6 private session, please.

7 (Private session at 9.36 a.m.) * (Reclassified into public)

8 THE COURT OFFICER: [9:36:29] We are in private session, Mr President.

9 PRESIDING JUDGE SCHMITT: [9:36:48] Thank you very much.

10 Mr Von Bóné, if you want to address it, but I think it's self-explanatory. I would
11 appreciate if the Prosecution perhaps give his and her views in that case on an
12 inter partes basis.

13 MS ADEBOYEJO: [9:37:06] Your Honours, we see no objection to such Rule 74
14 assurances being given to the witness.

15 PRESIDING JUDGE SCHMITT: [9:37:12] Thank you very much.

16 From the Defence, any comment?

17 MR OBHOF: [9:37:14] Your Honour, we have no objections to the Rule 74
18 assurances.

19 PRESIDING JUDGE SCHMITT: [9:37:23] We go to open session again, please.

20 (Open session at 9.37 a.m.)

21 THE COURT OFFICER: [9:37:39] We are back in open session, Mr President.

22 PRESIDING JUDGE SCHMITT: [9:37:41] Thank you very much.

23 The Chamber will now render its decision on the requested assurances, mindful of the
24 factors specified in Rule 74(5) of the Rules.

25 The Chamber has decided to provide assurances pursuant to Rule 74 of the Rules in

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1 order to enable the witness to testify without fear of the consequence of
2 self-incrimination.

3 This concludes the ruling of the Chamber, and we can now bring in the witness.

4 In the meantime, we welcome Mr Ayena in the courtroom.

5 MR AYENA ODONGO: [9:38:19] I must apologise. I had some --

6 PRESIDING JUDGE SCHMITT: [9:38:21] We expected you later, because Mr Obhof
7 said you would miss the first session, so you are much earlier than we thought after
8 this information.

9 MR AYENA ODONGO: [9:38:37] Much obliged.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE SCHMITT: [9:39:11] Mr Witness, do you hear me?

12 WITNESS: UGA-OTP-P-0142

13 (The witness speaks Acholi)

14 THE WITNESS: [9:39:18] (Interpretation) Yes, I can hear you.

15 PRESIDING JUDGE SCHMITT: [9:39:20] Mr Witness, first of all good morning.

16 THE WITNESS: [9:39:25] (Interpretation) Good morning. Thank you very much.

17 PRESIDING JUDGE SCHMITT: [9:39:27] On behalf of the Chamber, I would like to
18 welcome you to the courtroom. You are going to testify before the International
19 Criminal Court. And first of all I will now read the oath to tell the truth to you, and
20 this oath has to give every witness who testifies before this Court and every witness
21 has to agree upon this oath.

22 Please listen. I solemnly declare that I will speak the truth, the whole truth and
23 nothing but the truth.

24 Mr Witness, do you understand what I have read to you?

25 THE WITNESS: [9:40:09] (Interpretation) Yes, I do understand what you read to me.

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- 1 PRESIDING JUDGE SCHMITT: [9:40:13] Do you agree to that?
- 2 THE WITNESS: [9:40:18] (Interpretation) Yes, I agree to tell the truth.
- 3 PRESIDING JUDGE SCHMITT: [9:40:21] Thank you very much. We will now
- 4 continue. I will first of all explain to you the protective measures that the Chamber
- 5 has put in place for your testimony. We have put the following measures in place to
- 6 protect you. First, face distortion. That means that no one outside the courtroom
- 7 can see your face during the testimony on the screen.
- 8 We will also use a pseudonym. In accordance with that, we will refer to you only as
- 9 "Mr Witness", as I do at the moment. This is to make sure that the public does not
- 10 know your name.
- 11 When you answer questions that will not give away who you are, we will do so in
- 12 open session. Open session means that the public can hear what is being said in the
- 13 courtroom.
- 14 When you are asked to describe anything that relates specifically to you personally or
- 15 you are asked to mention facts that might reveal your identity, we will do this in
- 16 private session.
- 17 Private session means that there is no broadcast and no one outside the courtroom
- 18 can hear your answer. Sometimes it can happen that things are said in open session
- 19 which should have been said in private session. But we can do our best to protect
- 20 this information. Your testimony will be broadcast on a delay, and furthermore, we
- 21 can remove any such remarks from the broadcast and from the public transcript of
- 22 the proceedings.
- 23 Mr Witness, you have been assigned a lawyer to provide you with legal advice about
- 24 possible self-incrimination. Your legal adviser, Mr Von Bóné, is present with you,
- 25 sitting at your side. If any concerns arise during the course of your testimony, he

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1 will be able to advise you and to raise those concerns with the Chamber.

2 The Chamber gives you the assurance pursuant to Rule 74(3) of the Rules. That

3 means that your testimony will not be used either directly or indirectly against you in

4 any subsequent proceedings by this Court. There is an exception under Article 70

5 and 71 of the Rome Statute that simply means that you have to tell here the truth, and

6 if you don't tell the truth, of course, then these procedures can evolve.

7 If any question asked, is asked that could lead to your self-incrimination, we will hear

8 your answer in private session and keep this answer confidential.

9 The questioning party is responsible for requesting private session prior to asking

10 questions that may lead the witness to incriminate himself. And furthermore, of

11 course, we have Mr Von Bóné and he is allowed to intervene if he deems it

12 appropriate.

13 Mr Witness, I know this was a lot of information, but I want to ask you: Have you

14 understood what I -- the information that I gave you?

15 THE WITNESS: [9:43:47] (Interpretation) I have understood everything that you

16 have explained.

17 PRESIDING JUDGE SCHMITT: [9:43:51] But we are still not at the end with

18 information. We have some practical matters to facilitate your testimony, so to

19 speak.

20 You know everything we say here in the courtroom is written down and interpreted.

21 It is therefore important to speak clearly and at a slow pace. Please speak into the

22 microphone and please only start speaking when the person asking you the question

23 has finished. To allow for the interpretation, the interpreters have to follow, and

24 because of that, everyone has to wait a little bit before starting to speak.

25 If you personally have any questions yourself, raise your hand so we know that you

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1 wish to say something, and again -- but we are now at the end with the information.

2 Have you understood all that, Mr Witness?

3 THE WITNESS: [9:44:48] (Interpretation) Yes, I have understood.

4 PRESIDING JUDGE SCHMITT: [9:44:51] Thank you very much. We will then start

5 your testimony. It's now time for the Prosecution, so to speak. And thinking about

6 what you said, what you intend to elicit in private and open session, in light of the

7 special circumstances of this witness, the Chamber agrees to that.

8 MS ADEBOYEJO: [9:45:09] Thank you, Mr President, your Honours.

9 Your Honours, in view of what you have just ordered, may we request for a very

10 short private session to start off.

11 PRESIDING JUDGE SCHMITT: [9:45:22] Yes.

12 (Private session at 9.45 a.m.)

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 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Open session at 9.48 a.m.)

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

18 PRESIDING JUDGE SCHMITT: [9:48:36] Thank you.

19 MS ADEBOYEJO: [9:48:37]

20 Q. [9:48:38] Now, Mr Witness, you told us that you were abducted. Can you tell
21 us when were you abducted?

22 A. [9:48:51] I do not recall the exact date, but it was in April that I was abducted, in
23 1994.

24 Q. [9:49:00] And do you recall how old you were when you were abducted?

25 A. [9:49:09] I was 14 years old when I was abducted.

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1 Q. [9:49:13] Who abducted you, Mr Witness? And where were you abducted
2 from?

3 A. [9:49:24] The person who abducted me is called Lakony. I was abducted from
4 Onya Road in Bungatira.

5 Q. [9:49:36] And how were you abducted?

6 A. [9:49:38] I was abducted when I was on my way to the stream to go and have
7 a bath. We were two.

8 Q. [9:49:53] Apart from the two of you, were any other persons abducted?

9 A. [9:49:59] Yes.

10 Q. [9:50:02] And how many persons were abducted with you?

11 A. [9:50:08] We were -- those who were abducted were eight from that area.

12 Q. [9:50:17] And what happened to you immediately after you were abducted?

13 A. [9:50:26] Shortly after being abducted, our shorts were removed and they tied
14 our waists with a rope and we were all connected together.

15 Q. [9:50:40] And after you were all connected together, did they do anything to you,
16 Mr Witness?

17 A. [9:50:48] They started moving with us and asked us to show the way. We
18 moved together with them.

19 Q. [9:51:02] Where did you move to, Mr Witness?

20 A. [9:51:08] We moved towards Awach, we went towards Aswa river.

21 Q. [9:51:17] And how long did you spend in this area of the Aswa river?

22 A. [9:51:30] We stayed there for about a week and then we came back and passed
23 from our compound.

24 Q. [9:51:36] Now, all of this that you are telling us, this movement, was in Uganda.
25 Did you remain in Uganda?

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1 A. [9:51:52] The movements were within Uganda. We did not get out of Uganda.
2 We kept moving around until we entered Sudan.

3 Q. [9:52:03] And who was your commander when you entered into Sudan?

4 A. [9:52:13] We were converged together. Raska Lukwiya was commanding the
5 group, and there was also Lakony, who abducted me.

6 Q. [9:52:27] Now, you've told us that you went to Sudan. Where did you go
7 specifically in Sudan?

8 A. [9:52:41] While in Sudan we entered from Pajok and then we went and got our
9 base in Palutaka.

10 Q. [9:52:53] Now, let's put -- let me zero your mind on Palutaka. What were you
11 doing whilst you were there?

12 A. [9:53:07] While we were in Palutaka, we stayed there and we were doing
13 training and we were doing agriculture. We were farming and looking for food.

14 Q. [9:53:25] You mentioned, Mr Witness, that you were doing training. What kind
15 of training were you doing?

16 A. [9:53:38] Training such as in parade, how to march, how a soldier should march.
17 And also farming.

18 Q. [9:53:49] Apart from being taught how to march, what else were you taught in
19 your training?

20 A. [9:54:06] As a soldier, how to dismantle a gun and how to reassemble it back.

21 Q. [9:54:19] And when did you start receiving this training? How old were you?

22 A. [9:54:32] I started getting this training when we were -- I was still 14 at the time.
23 And that is when we went to Palutaka.

24 Q. [9:54:46] Witness, have you heard of a place called Jebelen?

25 A. [9:54:52] Yes, I have heard of Jebelen.

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1 Q. [9:54:55] And what do you know about this Jebelen, Mr Witness?

2 A. [9:55:03] I stayed in Jebelen also, so I know that Jebelen was a base for the LRA,
3 it was the barracks for the LRA.

4 Q. [9:55:14] And since you have been talking to us about the training, what, what
5 were the activities that took place in Jebelen?

6 A. [9:55:26] While in Jebelen, we were doing a lot of farm work and also training.
7 The same training on the use of guns, how to fire a gun, how to shoot a gun, and
8 different types of guns we were learning about. And we were trying to hide a few
9 weapons.

10 Q. [9:55:52] Now, Mr Witness, can you tell the Court, did you receive any kind of
11 specialised training apart from these trainings you've been telling us?

12 A. [9:56:05] Another sort of training which I got was on intelligence and we were
13 sent to Juba for that.

14 Q. [9:56:19] And how were you selected to go to Juba for this training?

15 A. [9:56:32] When I was taken there, when Lakony left me, I was living with
16 someone who was in intelligence, so I was recruited as intelligence in this team.

17 Q. [9:56:46] And what would you be trained -- what would be the kind of training
18 you would receive for intelligence training?

19 A. [9:57:03] The kind of training we got from Juba was how to know how the
20 soldiers -- how soldiers should be, how an intelligence officer should gather
21 information before, before the movement of the troops, and how you should
22 approach people when you meet them. That's the kind of training that we were
23 given as intelligence.

24 Q. [9:57:40] And what kind of methods then would you use as an intelligence
25 officer to gather information?

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1 A. [9:57:54] Gathering information, you can move on your own or you, you ask
2 civilians how the situation is, where the soldiers are, and how you can really gather
3 information, convince someone to give you information about the situation in the
4 area.

5 Q. [9:58:16] Thank you, Mr Witness.

6 Now, you told us earlier about the training. You've been telling us about the
7 training. What kind of weapons did you use for your training?

8 A. [9:58:32] During our training we were using grenades, RPG, SPG-9. Those are
9 the things we were using. SMG gun also, B-10, which is known as a recoiler, are the
10 kind of weapons that we were using.

11 Q. [9:58:53] And how long did this training last, Mr Witness?

12 A. [9:59:03] It's been a while. I -- I wish I could be reminded with a statement
13 because I can't remember now.

14 MS ADEBOYEJO: [9:59:25] Your Honours, I would like to refresh the memory of the
15 witness (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [9:59:31] Yes, of course. There was even a wish by
17 the witness to be refreshed.

18 MS ADEBOYEJO: [9:59:40] Yes. Indeed, your Honour. And it is -- the ERN,
19 your Honour, is UGA-0244 -- OTP-0244-0776 at 0793. And that would be tab 22. I
20 beg your pardon, 0795.

21 PRESIDING JUDGE SCHMITT: [10:00:40] Please quote.

22 MS ADEBOYEJO: [10:00:43] It is UGA-02 --

23 PRESIDING JUDGE SCHMITT: [10:00:48] Yes, yes.

24 MS ADEBOYEJO: [10:00:49] Okay.

25 PRESIDING JUDGE SCHMITT: [10:00:50] But please quote now.

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1 MS ADEBOYEJO: [10:00:50]

2 Q. You said:

3 "I did not carry out any training between that time, that is the 2003/2004 period. By
4 the time we were still in Sudan, when I was taught how to do parade."

5 And my question to you is: Did you go on that training all the way up to 2003/2004?
6 How long did it last?

7 A. [10:01:29] I have not understood the question.

8 Q. [10:01:32] My question to you is: The training that you received in Juba and
9 the training that you received -- you've talked to us about Jebelen, how long did that
10 training last for?

11 A. [10:01:51] I do not recall when we finished the training exactly. But we stayed
12 for some time there.

13 Q. [10:02:01] How long then did you stay?

14 A. [10:02:15] We stayed about one month. I couldn't -- at that time I didn't know
15 how time moved, but I think we finished about one month in Juba.

16 Q. [10:02:30] Now, after you received your training, Mr Witness, what was the task
17 that was assigned to you?

18 A. [10:02:45] I was tasked with carrying out intelligence work.

19 Q. [10:02:54] Specifically I am talking about whilst you were in Sudan. What was
20 the assignment you were given?

21 A. [10:03:07] In Sudan we were carrying out farming activities and doing parade
22 and then some other trainings.

23 MS ADEBOYEJO: [10:03:21] Your Honours, I would like to refresh the witness's
24 memory on just this discrete point.

25 PRESIDING JUDGE SCHMITT: [10:03:28] Yes, but of course you always have in

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1 mind what -- let me put it this way, what is highly relevant --

2 MS ADEBOYEJO: [10:03:35] Absolutely.

3 PRESIDING JUDGE SCHMITT: [10:03:37] --what is relevant and what is not so
4 relevant in the end.

5 MS ADEBOYEJO: [10:03:40] Absolutely, your Honour.

6 PRESIDING JUDGE SCHMITT: [10:03:41] Yes.

7 MS ADEBOYEJO: [10:03:42] It is UGA-OTP-0244-0795. It is actually the same
8 reference I had before. And I would read: "They appointed me the RCM and I
9 started training others how to march." Do you recall that, Witness?

10 A. [10:04:08] Yes, I do recall that very clearly.

11 PRESIDING JUDGE SCHMITT: [10:04:11] Perhaps I may ask a question in between.
12 Whilst you were in Sudan, Mr Witness, you told us that you were also farming. Is it
13 correct to conclude from that that you did not hide when you were in Sudan? That
14 you could move openly in the area? Or is this wrong, would this be wrong to say?

15 THE WITNESS: [10:04:40] (Interpretation) Well, that is correct, we were living very
16 freely. There was no problem. The Sudanese government was working together
17 with us, so we were free.

18 MS ADEBOYEJO: [10:04:52]

19 Q. [10:04:53] All right. So, Mr Witness, who were these people you were required
20 to train?

21 A. [10:05:03] I was training our soldiers. The soldiers within our brigade as Sinia,
22 I was the RCM to guide them for a short period of time on how to march.

23 Q. [10:05:19] And how old, do you know, were these people you were required to
24 train?

25 A. [10:05:30] Well, the eldest would range between 15 -- others were 16, 17 and 18.

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1 The eldest would be about 18.

2 Q. [10:05:45] And when they finished their training, would you know what units
3 they were posted to?

4 A. [10:05:56] Well, that was -- they were part of our brigade. They weren't taken
5 anywhere else. They were part of our brigade and were trained within our group.

6 Q. [10:06:07] And just to remind the Court, when you talk about your brigade,
7 what brigade are you referring to?

8 A. [10:06:17] Sinia brigade.

9 Q. [10:06:21] Apart from yourself who received training, do you recall any other
10 LRA soldiers who were with you when you were receiving your training?

11 A. [10:06:38] Well, I cannot clearly recall that, other than that of a brother that I can
12 still remember. We used to live closely together. He was called Oloya, but from
13 there he was called Okello. There was also Oloya Lope (phon), but I cannot recall
14 the rest of the people who were there.

15 Q. [10:07:05] Thank you, Mr Witness.

16 I'll just ask you a final question on this point about the training. These boys that you
17 trained, the ones that you said were about 15/16, did they go for any operations that
18 you are aware of?

19 A. [10:07:28] Well, people were identified at random. I cannot say -- I cannot tell
20 which ones particularly went for operations, but there were a couple of operations to
21 be done, for instance, going to collect food items and all that.

22 THE INTERPRETER: [10:07:44] The interpreter would request the witness to speak
23 a little slowly.

24 PRESIDING JUDGE SCHMITT: [10:07:50] I think you have heard it, Mr Witness.

25 The interpreters request you to speak a little bit more slowly so that they can follow.

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1 Thank you.

2 MS ADEBOYEJO: [10:08:04]

3 Q. [10:08:04] Now, Mr Witness, you told us that you were in the Sinia brigade.

4 After your training, what was your rank in the Sinia brigade?

5 A. [10:08:20] After my training, while I was in Sudan I started as an RCM for
6 a short time and later on I was given the rank of a second lieutenant.

7 Q. [10:08:33] Now, could you tell the Court what's the full meaning, if you know, of
8 RCM. We are not military people.

9 A. [10:08:52] Well, I may not successfully give you the meaning, but what I think is
10 Regiment Commission Officer.

11 Q. [10:09:02] Thank you, Mr Witness. And how many battalions are in this Sinia
12 brigade that you've told us about?

13 A. [10:09:21] In this Sinia there were three battalions.

14 Q. [10:09:28] And what were these battalions called?

15 A. [10:09:32] The first battalion was called Terwanga. The second battalion was
16 Oka. And the third battalion was called Siba.

17 Q. [10:09:47] Now, I just want you to focus on the question I'm going to ask you:
18 In 2003 did you know who was the head of Terwanga, who was the head of Oka and
19 who was the head of Siba battalion?

20 A. [10:10:12] Well, around 2003 the commander of Terwanga was called (Redacted)
21 (Redacted), the commander of Oka battalion was called Acellam Ben, and Siba was
22 commanded by Ocan.

23 Q. [10:10:38] Did Ocan have another name, a second name?

24 A. [10:10:51] I request that I can be refreshed on that.

25 PRESIDING JUDGE SCHMITT: [10:10:54] Just put a name to him and ask --

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- 1 MS ADEBOYEJO: [10:10:56] (Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [10:10:57] No, you can put a name to him and ask
- 3 him if this rings a bell. I think that that would shorten --
- 4 MS ADEBOYEJO: [10:10:59] That will be faster, yes.
- 5 PRESIDING JUDGE SCHMITT: [10:11:01] --that would shorten -- that would be
- 6 faster, yes.
- 7 MS ADEBOYEJO: [10:11:03] Thank you, your Honour.
- 8 PRESIDING JUDGE SCHMITT: [10:11:04] Otherwise the Defence would bring it up.
- 9 MS ADEBOYEJO: [10:11:15]
- 10 Q. [10:11:16] Would the name Ocan Nono or Ocan Labongo, would it ring a bell
- 11 with you, Witness?
- 12 A. [10:11:26] Ocan Labongo was an intelligence officer of Gilva.
- 13 Q. [10:11:37] Now, Mr Witness, let me take you to the battalion commanders we
- 14 have been talking about. What happens when a battalion commander is injured or is
- 15 unavailable?
- 16 A. [10:11:57] His 2IC would, would take over the command.
- 17 Q. [10:12:04] And did you know who was the 2IC in the Sinia battalions in 2003?
- 18 A. [10:12:19] In 2003, that was Oyenga. He was called Lieutenant Oyenga.
- 19 Q. [10:12:28] That's for Sinia brigade. For Terwanga battalion, who was the 2IC?
- 20 A. [10:12:39] Under the command of Terwanga, Oyenga was the 2IC.
- 21 Q. [10:12:46] And who was the brigade commander of Sinia brigade in 2003?
- 22 A. [10:13:03] In 2003, I would request that I can be refreshed with my statement so
- 23 that I can have a clear recollection.
- 24 PRESIDING JUDGE SCHMITT: [10:13:17] Again, I think --
- 25 MS ADEBOYEJO: [10:13:18] I would put this to you.

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1 PRESIDING JUDGE SCHMITT: [10:13:19] --simply a name would -- if this rings
2 a bell and if not. Because this is not so mysterious.

3 MS ADEBOYEJO: [10:13:26] No, it is not, your Honour.

4 Q. [10:13:28] If I put it to you, Mr Witness, that from late 2003 Mr Dominic Ongwen
5 was --

6 PRESIDING JUDGE SCHMITT: [10:13:38] I didn't -- you asked about 2003, and 2003
7 is -- starts from January 2003. So there was a little bit of a misunderstanding.

8 MS ADEBOYEJO: [10:13:47] Okay.

9 PRESIDING JUDGE SCHMITT: [10:13:47] Perhaps you can -- I don't -- I have not
10 read all the statements of him. There might have been mentioned names.

11 MS ADEBOYEJO: [10:13:57] Yes.

12 PRESIDING JUDGE SCHMITT: [10:13:58] And I understood it like that. But if he
13 has mentioned names, just say -- put on the table here in the courtroom, so to speak,
14 metaphorically, put a name and ask him: Does this ring a bell for -- and you can
15 differentiate because 2003 has 12 months.

16 MS ADEBOYEJO: [10:14:16] Yes. Thank you, your Honours. I am guided by
17 your Honour. The name we have is very specific in the statement of the witness.
18 That's why I wanted to put that to the witness. If, if you prefer that I then refer to
19 the witness's statement, your Honour --

20 PRESIDING JUDGE SCHMITT: [10:14:31] I think in that instance I would prefer that
21 you -- that we go to the -- through the statement.

22 MS ADEBOYEJO: [10:14:36] Yes, your Honour, so that we don't seem to suggest the
23 answer to him. Your Honours, I am referring to UGA-OTP-0244-0667 at 0683.

24 Q. [10:15:27] Mr Witness, I will read to you: "It was Dominic, who was the
25 lieutenant colonel." Do you recall giving that answer when the question was put to

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1 you?

2 A. [10:15:49] Yes. I can clearly recall that, and thank you very much for refreshing
3 my memory, because at that time, between January and June, there was a -- some
4 issue. At that time Buk was the commander, but later on Dominic came and took
5 over, and I wasn't very clear about the period, but at that time particularly it was
6 Dominic Ongwen who was the commander.

7 Q. [10:16:15] Thank you, Mr Witness.

8 Now, could you describe to the Court the first time that you met Dominic as your
9 commander.

10 A. [10:16:32] When I was abducted was when I first saw Dominic. Most of the
11 time I stayed with Dominic and he knows me very well.

12 Q. [10:16:47] I apologise, Witness, perhaps I wasn't as specific as I should have
13 been. I want to know the first time that you met him as your brigade commander,
14 because I asked you the previous question about him being your brigade commander.
15 When was the first time and where was it, if you recall?

16 A. [10:17:14] As my brigade commander that started from 2003 when he was
17 brought as my brigade commander. That was in 2003.

18 Q. [10:17:28] Where was it that you had your first meeting, you are seeing him the
19 first time as your brigade commander?

20 A. [10:17:39] That took place from Uganda but I don't recall the place.

21 Q. [10:17:45] Now, you mentioned earlier that Buk was the former brigade
22 commander and then Dominic Ongwen took over. Do you know where
23 Dominic Ongwen was coming from to take over from Buk?

24 A. [10:18:09] Well I don't know where particularly he was coming from, but he was
25 coming from Control Altar and I am aware that he came from Control Altar to Sinia

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1 brigade.

2 Q. [10:18:24] Did you know why he was in Control Altar, Mr Witness?

3 A. [10:18:35] Well, at that time when he was in Control Altar he was an operation
4 commander and, as an operation commander, he was under the Control Altar.

5 MS ADEBOYEJO: [10:18:52] Your Honours, I would like to apply to go into private
6 session because the next set of questions.

7 PRESIDING JUDGE SCHMITT: [10:18:59] Yes, we go to private session.

8 MS ADEBOYEJO: [10:19:01] Very briefly.

9 (Private session at 10.19 a.m.)

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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10 (Redacted)

11 (Redacted)

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14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Open session at 10.25 a.m.)

19 THE COURT OFFICER: [10:25:52] We are back in open session, Mr President.

20 MR OBHOF: [10:26:00] Your Honour, pardon me. Before we continue, I would like

21 to make reference because we were, I was cross-checking something that my learned

22 colleague said earlier when she asked about the Sinia brigade in 2003 and found on

23 page 22 of the realtime transcript, towards the very bottom, where she read from

24 UGA-OTP-0244-0667, at page 0683 where she read "It was Dominic Ongwen,

25 lieutenant colonel." During the discussion in the interview of that session they were

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1 discussing about Odek in 2004 and the time frame which she quoted was not from
2 2003. So to set the record straight, your Honour, I would like to say that now after
3 reading through the several pages in order to get the proper time frame.

4 PRESIDING JUDGE SCHMITT: [10:26:53] I appreciate that very much and I had
5 also thought of a not verified sentiment, in that sort of a not verified sentiment in that
6 respect, that there is something not, not 100 per cent correct. But thank you very
7 much, this is noted.

8 Please continue.

9 MS ADEBOYEJO: [10:27:11]

10 Q. [10:27:11] Mr Witness, I asked you a question about the task of the brigade IO.

11 A. [10:27:24] The brigade IO is the highest ranking intelligence officer in the
12 brigade. He collects all the information from the respective barracks and put them
13 together as the brigade IO. He would therefore forward the information that is
14 compounded and forwards it to his superior. He is in charge of all the information
15 in the brigade.

16 Q. [10:27:52] And when you say he forwards it to his superior, who are you
17 referring to?

18 A. [10:28:04] His superior would be somebody who is living or stays, or the overall
19 intelligence officer who stays with Kony. He would pick intelligence information
20 from the brigade and forwards it to the overall intelligence officer of the LRA.

21 Q. [10:28:24] And this person you have referred to as "Kony", we don't want to take
22 this for granted, who is this person?

23 A. [10:28:36] Kony is the overall leader of the LRA.

24 Q. [10:28:44] Mr Witness, I will now take you to Odek. Have you heard of a place
25 called Odek?

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1 A. [10:28:54] Yes, I have.

2 Q. [10:28:58] Can you tell the Court what you know that happened in Odek.

3 A. [10:29:13] Well I cannot say much on Odek because I didn't really see a lot in
4 Odek, but I heard a lot, and that's what I can talk about.

5 Q. [10:29:26] And what did you hear that happened in Odek, Mr Witness?

6 A. [10:29:35] Odek was attacked and the soldiers who attacked Odek came from
7 our group.

8 Q. [10:29:49] When you talk about "our group" Mr Witness, what are you referring
9 to?

10 A. [10:29:59] I am talking about Sinia, the group came from Sinia brigade.

11 Q. [10:30:11] Did you know how this attack was planned, Mr Witness?

12 A. [10:30:24] Well, I didn't come to know how it was planned. I only saw when
13 soldiers were stationed and then they started moving to go to Odek, but I didn't
14 understand the planning.

15 Q. [10:30:44] You said that you were not there yourself. Do you know who the
16 soldiers were that went to Odek?

17 A. [10:30:56] Yes, I recall the commander who went there, together with soldiers
18 who were under me who also participated.

19 Q. [10:31:08] And what would be the name of the commander who went to Odek?

20 A. [10:31:18] The commander who went to Odek is called Acellam Ben, together
21 with Okwee, and other commanders who I cannot recollect now but I am sure it's in
22 my statement.

23 Q. [10:31:35] Now, Mr Witness, how did the soldiers that you said were under you
24 who went to the attack in Odek, how were they selected to go?

25 A. [10:31:56] Whenever there is work to be done they would just select people and

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1 they would say so-and-so please go. They would pick from the household. If
2 within your group there are 10 people they would pick five or four people to go.
3 They call everybody and then they would select from the gathering. Sometimes they
4 just say go and call so-and-so without gathering them.

5 Q. [10:32:27] Now you said that there was a gathering. Were you yourself present
6 in this gathering?

7 A. [10:32:38] No, I was not in the gathering.

8 Q. [10:32:42] And then you talked about the fact that people are gathered together
9 and selected to go and work. What do you mean by this work, Mr Witness?

10 A. [10:32:58] Work can mean an attack, a battle, and to go and collect food. That's
11 what I am talking about when I say work.

12 Q. [10:33:11] Now you said Ben Acellam and Okwee were some of the
13 commanders you said who went for this attack. Do you know who selected these
14 commanders to go for the attack?

15 A. [10:33:29] Yes, I know. I know that the person who was in charge at the time
16 was Dominic Ongwen, no one else could select them, so it was Dominic Ongwen who
17 selected them.

18 Q. [10:33:48] Before they went for the attack did they have any discussion as to
19 how the attack would take place?

20 A. [10:34:01] I was not in that gathering, but when I saw them gather I am sure they
21 discussed it. Before work you first meet and you are briefed. In the briefing the
22 commander would come and tell you what you are supposed to do.

23 Q. [10:34:24] And in this briefing that you have discussed, you said you were not
24 there, but what were the orders that were given to the soldiers who were going to
25 Odek?

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1 A. [10:34:42] I said I wasn't part of the briefing, but I know that whenever people
2 are going for work they are briefed. I do not know what order they were given
3 during the briefing.

4 Q. [10:34:58] Apart from this briefing to these commanders did any other briefing
5 take place, Mr Witness?

6 A. [10:35:10] I was not in the gathering, but for us we remained in the position,
7 remained to take care of the position and to take care, to take precaution if something
8 bad was going to happen.

9 MS ADEBOYEJO: [10:35:27] Your Honour, I would seek your indulgence to refresh
10 the memory of the witness at this point.

11 PRESIDING JUDGE SCHMITT: [10:35:32] Yes, but we are also aware of the fact that
12 the witness was not present and has no firsthand information about what was
13 discussed.

14 MS ADEBOYEJO: [10:35:40] Yes, your Honour, but I seek to only (Overlapping
15 speakers)

16 PRESIDING JUDGE SCHMITT: [10:35:44] Yes, yes, yes, but we are aware of that.

17 MS ADEBOYEJO: [10:35:55] Your Honours, I want to refer to UGA-OTP-0228-4542
18 at 4549.

19 Q. [10:36:29] Now I would read to you from 4549, Mr Witness: I will read from
20 line 223:

21 "He actually told these people to go and collect food from there, because there were
22 government soldiers there, they should fight the government soldiers and get the
23 food.

24 And were you present when he gave that order?

25 I was there." Line 229.

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1 Does this refresh your memory, Mr Witness?

2 A. [10:37:09] It has been a while and how the statement wrote there could have
3 been a mistake in the writing. We were at a distance where I could at least hear the
4 way they were talking. When they are giving a briefing it's in a loud voice so I could
5 hear from a distance, because they give briefing in a loud voice so that everybody
6 could hear. I was able to hear whatever was being said so I heard that and I now
7 remember that I heard.

8 Q. [10:37:52] And after you heard this briefing, Mr Witness, did you have
9 a discussion yourself with any of the persons you said were selected from your
10 group?

11 A. [10:38:19] I cannot recall. If I could be reminded with what is in my statement.

12 Q. [10:38:33] Would it help you, Mr Witness, if I started by asking you did you
13 have a discussion with your superior officer?

14 A. [10:38:50] My commander, Okwee, told me there is work, but he didn't tell me
15 the particular, the details of the work. He was the brigade IO.

16 Q. [10:39:08] Mr Witness, the soldiers that went for this attack in Odek, where were
17 they from?

18 A. [10:39:20] They were from Sinia brigade.

19 Q. [10:39:36] Which of the battalions were they from?

20 A. [10:39:42] There were three battalions at the time, Oka, Terwanga and Siba.

21 Q. [10:39:54] And did the soldiers come from all of these battalions or just one or
22 a mixture of two?

23 A. [10:40:10] They were from all the three battalions.

24 Q. [10:40:27] Mr Witness, where were you located when this briefing took place?

25 What was the location of Sinia brigade at that time?

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1 A. [10:40:46] We were in an area, I cannot recall the exact physical location, but I
2 am sure it's in my statement. But it should be around Omel Kuru, in an area called
3 Kanu. I do not recall exactly but I am sure it's about that area.

4 Q. [10:41:09] That's fine, Mr Witness. And once this briefing was given what
5 happened with the soldiers, what did they do?

6 A. [10:41:20] After the briefing they started moving to go to implement their duties.

7 Q. [10:41:30] How many of them went to implement this duty?

8 A. [10:41:43] Like I said, it's been a while now. If I could be reminded from the
9 statement, but I know it's well over 100, there were many.

10 Q. [10:42:07] Mr Witness, do you know what happened then in Odek? Because
11 you have told us that they went to implement the orders.

12 A. [10:42:25] What I heard is what I know. But physically I did not witness, I did
13 not see what happened there. When they returned the soldiers told us that we were
14 in Odek and they told us "We attacked Odek, the government soldiers were chased
15 away." And I knew that they had gone to work in Odek.

16 Q. [10:42:53] We will explore that in some detail. Where was Dominic after he
17 had given the briefing to these commanders to go and carry out this attack?

18 A. [10:43:08] We remained with Dominic in that position when these people left to
19 go and attack.

20 Q. [10:43:20] And how long did you remain with Dominic in this position?

21 A. [10:43:31] We stayed the whole day until the next day when those who went for
22 work came back and found us in the same location.

23 Q. [10:43:39] And were you with Dominic every hour of that day that you stayed?

24 A. [10:43:59] No, we were not together. He was, he was a -- a big commander and
25 I couldn't be close to him. For me I stayed in my position to ensure security and

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1 when these guys left.

2 Q. [10:44:22] You told us earlier that when they left they came back and they gave
3 a report. Was the report given to you personally? Did they talk to you personally
4 about what had happened in Odek?

5 A. [10:44:38] Those who went, the overall person who comes to give a report, they
6 came and gave their report to Dominic Ongwen.

7 Q. [10:44:53] I want to take you very quickly to the names that you had mentioned
8 who you said had gone for the attack. You mentioned the name (Redacted), who
9 was this person?

10 A. [10:45:14] (Redacted) is my CO.

11 Q. [10:45:22] Please forgive me, what's a CO, what does that mean?

12 A. [10:45:28] CO means commanding officer.

13 PRESIDING JUDGE SCHMITT: [10:45:38] Mr Witness, did you hear yourself the
14 report that was given to Dominic Ongwen?

15 THE WITNESS: [10:45:53] (Interpretation) I did not hear the report myself while he
16 was being briefed. What I was told -- what I heard was when the soldiers under me
17 came back and told me what, what they had gone to do. But while Ongwen was
18 being briefed I was not present.

19 PRESIDING JUDGE SCHMITT: [10:46:11] Please continue.

20 MS ADEBOYEJO: [10:46:13]

21 Q. Mr Witness, just to take you back one step very quickly. What were the orders
22 that you heard? You said you were a bit far off but you heard the orders that were
23 given by Ongwen. Can you tell the Court clearly what were the orders that you
24 heard?

25 A. [10:46:38] What I heard from a distance was that "Go and attack the soldiers,

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1 make sure that you chase them away, loot food and come back." That's what I
2 heard.

3 Q. [10:46:57] And, Mr Witness, did you know how they were going to loot the
4 food?

5 A. [10:47:10] When they left, I knew they had gone, they had gone to work. I
6 knew that they were going to do something at least.

7 Q. [10:47:22] In order to be able to get the food what would they need to do?

8 A. [10:47:34] What I heard from the briefing, they would go to the barracks of the
9 army, so they would shoot and fight to get the food.

10 Q. [10:47:44] Mr Witness -- your Honours, I would like to crave your indulgence.
11 I just want to refresh the witness's memory in terms of those who have actually gone
12 for the attack.

13 PRESIDING JUDGE SCHMITT: [10:47:56] Have you -- you have asked him before,
14 but he has not -- he has said --

15 MS ADEBOYEJO: [10:48:00] He said he --

16 PRESIDING JUDGE SCHMITT: [10:48:01] --he does not recall everybody. Yes, you
17 can do that.

18 MS ADEBOYEJO: [10:48:04] Yes, so there is a couple of names I want to suggest to
19 him. And I'm reading from UGA-OTP-0244-0710, at 0720. Okay.

20 Q. [10:48:36] Mr Witness, I'm reading from line 319. There is Ojok Kabutudeng.
21 Line 322, Oryem Bosco. Line 328, Oyat. Line 346, Odong Ogule.

22 Mr Witness, do you recall these names?

23 A. [10:49:17] Yes, I recall these names very well.

24 Q. [10:49:19] And what brigade were these persons from?

25 A. [10:49:27] They were all from Sinia.

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1 MS ADEBOYEJO: [10:49:36] Your Honours, just a moment so that I can consult on
2 something, for one second.

3 PRESIDING JUDGE SCHMITT: [10:49:41] Yes. It might be a little bit longer than
4 a second but it is conceded of course.

5 (Counsel confer)

6 MS ADEBOYEJO: [10:50:19]

7 Q. [10:50:19] Mr Witness, I would like to run through a couple of names to see
8 whether you can identify if these ones were part of those that had gone to -- gone for
9 the attack in Odek. I would like that you listen carefully.

10 Captain Akena Labongo, is this name familiar to you?

11 A. [10:50:44] Yes, I remember that name. I remember him.

12 Q. [10:50:53] Did he participate in the attack in Odek?

13 A. [10:51:02] Like I wrote in my statement, yes.

14 Q. [10:51:05] And Captain Alex Ocaka?

15 A. [10:51:16] Captain Alex Ocaka did not go to Odek.

16 Q. [10:51:23] Lieutenant Okeny Michael?

17 A. [10:51:31] Okeny Michael was not there.

18 Q. [10:51:35] But who was he?

19 A. [10:51:39] Okeny was a commander. But I do not know exactly what role he
20 played.

21 Q. [10:51:48] Lieutenant Kobi Bongo?

22 A. [10:51:55] Kobi Bongo is -- was a staff officer in Sinia. I remember him very
23 well.

24 Q. [10:52:04] Did he participate in the Odek attack?

25 A. [10:52:11] I cannot confirm that he was there. But I did not see him. I didn't,

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1 I didn't know he had gone. I didn't think it was important, but I, I knew about the
2 people, the commanders who went. I don't remember.

3 Q. [10:52:32] How about Lieutenant Ocen Garang?

4 A. [10:52:38] Yes, Ocen Garang was there, but I don't remember whether he went
5 or not. Maybe if you remind me from my statement.

6 PRESIDING JUDGE SCHMITT: [10:52:52] But that's absolutely okay, Mr Witness,
7 that you differentiate and say you know people, you know if they participated, or you
8 don't recall it any more. Absolutely correct how you exercise this. So if you don't
9 know, if you don't recall, tell us. Only if you know, you tell us what you know.

10 THE WITNESS: [10:53:15] (Interpretation) Thank you.

11 MS ADEBOYEJO: [10:53:16]

12 Q. [10:53:16] And Lieutenant Odong Nelson Awere?

13 A. [10:53:25] I do not recall.

14 Q. [10:53:29] Walter Komakec -- Komakech?

15 A. [10:53:35] I don't recall about Walter Komakech.

16 Q. [10:53:39] Now, Mr Witness, you said that they came back and they gave
17 a report. Do you know what they brought back from the attack?

18 A. [10:53:57] What one of the soldiers under me told me, I didn't see it myself, but
19 he told me that they carried food and they also found an LMG gun.

20 Q. [10:54:11] Now, apart from the food and the LMGs, did you see only the soldiers
21 return from the attack?

22 A. [10:54:25] There were a few civilians, they came with some children, but I don't
23 recall their number now.

24 Q. [10:54:39] And how did you know that these persons were civilians?

25 A. [10:54:48] If someone doesn't live with you every day, you would know that he's

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1 new, and you can even see and gauge that this is a civilian. And same as when the
2 soldiers who -- under me told me that there were some civilians. I knew they were
3 there, and I also saw them from a distance and knew they were civilians because you
4 look at a civilian and know.

5 Q. [10:55:13] About how many of them then did you see, Mr Witness?

6 A. [10:55:23] I cannot recall now, but there were not, there were not many, there
7 were few.

8 Q. [10:55:26] Would you say there were less than five?

9 A. [10:55:35] Fewer than five, yeah.

10 Q. [10:55:44] And how were these civilians dressed, Mr Witness?

11 A. [10:55:49] They wore civilian dresses; they were not in military attire.

12 Q. [10:55:51] Were they tied up?

13 A. [10:55:58] No, they were not tied up when they were coming.

14 Q. [10:56:03] What was their agenda?

15 A. [10:56:17] Knowing why they were brought, I cannot say, because the person
16 who brought them probably knew why they brought them. But I think the reason
17 why they were brought was to increase the number of fighters.

18 Q. [10:56:38] What were the ages of the civilians, if you could tell?

19 A. [10:56:48] They were young, the way I saw, they were really young.

20 I cannot -- I think they could not reach 17, 18. They were young, the way I saw.

21 Q. [10:57:03] And what would have been the age of the youngest among them?

22 A. [10:57:13] I think it's in my statement. I don't remember now.

23 Q. [10:57:18] Now, let's explore these persons that you said were civilians. You
24 said that they might have been used to increase the numbers. Do you know exactly
25 what happened to them, the civilian abductees?

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1 A. [10:57:41] I do not know what -- what happened to them. And nothing
2 happened to them from the position where we were at the time.

3 MS ADEBOYEJO: [10:57:51] Your Honours, I would seek your indulgence to refresh
4 the witness on just this particular point. I can --

5 PRESIDING JUDGE SCHMITT: [10:58:00] Yes, we can do that.

6 MS ADEBOYEJO: [10:58:04] -- I am taking note of that at the time.

7 Your Honours, I will be looking at UGA-OTP-0228-4552.

8 PRESIDING JUDGE SCHMITT: [10:58:21] Which tab are we talking about?

9 MS ADEBOYEJO: [10:58:24] Yes, indeed, your Honour. Tab 9, tab 9. That's
10 UGA-OTP-0228-4542, in particular 4552, and I'm reading line 330. I would read:
11 "They recruited them into the army, and they divided them into different groups."

12 Does this refresh your memory, Mr Witness, about what happened to the abductees?

13 A. [10:59:11] Yes, it does. Yes, many times when people are brought, they are
14 divided into groups, they are put into different groups. I remember that now.

15 MS ADEBOYEJO: [10:59:26] Thank you, your Honours. This would be an
16 appropriate point for us to stop.

17 PRESIDING JUDGE SCHMITT: [10:59:30] I pick this proposal up, so to speak. We
18 have now the coffee break until 11.30.

19 THE COURT OFFICER: [10:59:37] All rise.

20 (Recess taken at 10.59 a.m.)

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

22 THE COURT OFFICER: [11:31:13] All rise.

23 PRESIDING JUDGE SCHMITT: [11:31:37] You have still the floor.

24 MS ADEBOYEJO: [11:31:39] Thank you, Mr President.

25 Q. [11:31:43] Welcome back, Mr Witness.

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1 A. [11:31:48] Thank you very much.

2 Q. [11:31:51] Just to encourage you that you are here in the courtroom to give
3 your testimony. So I know that we have the statements and of course we can refresh
4 your memory, but just in order to make the giving of your evidence more expeditious,
5 if you can assist, if you remember, as much of it as you can remember and give us
6 evidence, it would help the process.

7 Now, you told us earlier that there was a briefing and orders were given for the attack
8 in Odek. Who gave the order for the attack?

9 A. [11:32:43] Dominic.

10 Q. [11:32:47] We were also discussing before the break these abductees who had
11 been recruited into the army. Do you know who ordered them to be sent into the
12 army?

13 A. [11:33:16] From what I know is the person who sent his people to go and work
14 should have been the one who issued the order for them to be enlisted.

15 Q. [11:33:29] And who would this person be?

16 A. [11:33:35] I am talking about Dominic, together with his superiors like Kony,
17 because they were the ones who could issue instructions for abduction of soldiers.

18 Q. [11:33:56] Do you know if these abductees at any time tried to escape or to run
19 away?

20 A. [11:34:20] I don't remember of that.

21 Q. [11:34:28] Would it have been possible for these abductees to escape or run
22 away?

23 A. [11:34:40] It was not possible because there was very tight security and they
24 could not escape. More so, they were children and they couldn't really be
25 courageous enough to escape. More so, they were also in areas that they weren't

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1 conversant with, so it was not easy for them to escape since they were really highly
2 secured.

3 Q. [11:35:01] When you talk about the security, what do you mean exactly,
4 Mr Witness?

5 A. [11:35:10] Security means how the people who were new in the system were
6 kept. If you are being kept very monitored very closely, they make sure that you
7 stay put, you don't move anywhere because they don't want you to escape. That is
8 what I mean by security.

9 Q. [11:35:30] And who would do the monitoring, Mr Witness?

10 A. [11:35:38] It could be the entire soldiers within the area where you are. For
11 instance, here all of you could provide security for me, you should make sure that
12 I -- I am secure where I am. If anything bad happens to me, you will have to take
13 charge.

14 Q. [11:36:01] One last question on that point: And these persons who were
15 ensuring the security of these abductees, were they armed?

16 A. [11:36:15] Yes, these are people who were armed. You cannot provide
17 security for somebody when you don't have the weapons to do so. That means they
18 had weapons to carry out their security duties.

19 Q. [11:36:28] You told us that these persons were recruited to become fighters.
20 What were their first assignments that they were given when they joined your group?

21 A. [11:36:45] I saw, for instance, on myself when I was abducted, you would first
22 stay in the system, you would be carrying luggage, you would be cooking. Then
23 you carry out OP duties and then, later on, they will train you on how to operate a
24 gun, and that is the process of turning you into a fighter.

25 Q. [11:37:07] Thank you, Mr Witness. When you talk about OP duties, what do

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1 you mean by that?

2 A. [11:37:18] OP is a person who is put on alert all the time to provide any
3 information in case there is an attack. They are supposed to be highly alert. They
4 are supposed to be monitoring what is approaching, to know what is coming to attack
5 the group so that before the group is attacked they can be able to know and then
6 inform the rest of the people that there is an upcoming danger. That is the -- the
7 work of an OP, they carry out observatory work.

8 Q. [11:38:08] Mr Witness, who makes the decision whether the abductee would
9 be useful to stay with the LRA?

10 A. [11:38:24] Could you please repeat your question?

11 Q. [11:38:28] Indeed, Mr Witness. I said who makes the decision whether these
12 abductees, or any abductees, whether they should stay with the group or they should
13 be released or whatever it is that is done to them, who makes that decision?

14 A. [11:38:49] The authority to do that, well, we came and found that already
15 vested within the LRA because that was very important to Joseph Kony because that
16 was one way of increasing the number of his fighters.

17 Q. [11:39:06] And with regards to Sinia brigade, who would make that decision
18 then?

19 A. [11:39:16] A commander like Dominic Ongwen would be in charge of issuing
20 such instructions.

21 Q. [11:39:23] Mr Witness, still on these abductees, do you know of any of them
22 were killed?

23 A. [11:39:35] I don't recall.

24 Q. [11:39:39] You told us that these persons, when they returned, they gave a
25 report to Ongwen. Do you know what was the content of the report, what did they

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1 say to him?

2 A. [11:40:01] Well, I don't know because I was not physically present during the
3 time the report was being given to him.

4 Q. [11:40:08] Do you know who gave him the reports?

5 A. [11:40:15] Yes, I am aware of that because I know it was overall commander
6 who took charge of the group and it was Ben Acellam and Okwer who gave out that
7 report.

8 Q. [11:40:32] Now, Mr Witness, you said you didn't know the content of the
9 report, but do you know how they gave him the report?

10 A. [11:40:48] With us there were two ways of issuing reports. Before you write it
11 down, you first go and give an oral report, and after giving the oral report, there is
12 such a way of having to relay that report to the other senior commanders through
13 radio. That was how reports were relayed. After an operation, you come and
14 report to your commander and then, after that, the commander will now know where
15 exactly to forward the report. If you know how to write, you would write it down,
16 but also give a verbal one.

17 Q. [11:41:27] Thank you, Mr Witness. Now, with regards to the written reports,
18 do you know who did the writing of the reports?

19 A. [11:41:47] Yes. Whenever you come back from an operation, I know, for
20 instance in a brigade, the BAO would be in charge of report writing, and after writing
21 the report, he would now hand over the report to his commander. And it's now the
22 commander who would get a way of having to relay the report and that required that
23 the commander links up with the signaller so that the report can be given out to Kony,
24 and then the commander sometimes would relay the report himself on radio.

25 Q. [11:42:25] But where the report is in writing, how is the report then relayed to

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1 Kony?

2 A. [11:42:39] It would move through -- it would be relayed through radio call, but
3 also times when they meet, when they meet up, they would sit together and then talk
4 about the report that was earlier sent.

5 Q. [11:42:59] We'll come back to this, Mr Witness. Now, these persons that came
6 back from this attack in Odek, where did they meet to give the report to Ongwen?

7 A. [11:43:16] At the very position where they left us. They left us in one position,
8 went, carried out the operation and then came back and found us in the same position
9 and then gave out the report from that very position.

10 Q. [11:43:36] And where would this position be, Mr Witness?

11 A. [11:43:44] That was around Kanu, but I cannot estimate the exact location
12 because it was somewhere in the wild, in the bush, around Kanu.

13 Q. [11:44:03] Witness, if I were to mention to you a place called Got Atoo, and
14 Omel Kuru, would those --

15 A. [11:44:12] Omel Kuru is one of the places there. If you mention Got Atoo,
16 you are already talking about Kuru and Kanu because they are also in the same
17 sub-county.

18 Q. [11:44:29] And so when you refer to this position where the RV took place,
19 where exactly are you referring to or what vicinity are you referring to?

20 A. [11:44:49] I cannot remember that clearly. You could cross-check from my
21 statement and you will confirm what position it was.

22 Q. [11:44:56] If I mention the name Awach to you, do you recall that, Mr Witness?

23 A. [11:45:03] Yes, well, Awach is also -- is also -- is also in Achwa county. All
24 these places are within the same area, including Atoo.

25 Q. [11:45:19] Now, Mr Witness, let's come back to the point that you made earlier

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1 about the various methods in which reports are given. When these reports are given
2 in writing, in what or how is the report written?

3 A. [11:45:47] You write a report on what happened, for instance, when you went
4 for an operation, how you conducted the operation, how many guns were recovered,
5 how many people did you lose. These are the details. You also mention what you
6 came back with. Those were the things that were included in a report.

7 Q. [11:46:10] And did you have books where these reports were kept?

8 A. [11:46:23] Well, as a battalion IO, well, I was an illiterate but I know the BAO
9 had a big book where he could record everything. All these occurrences were
10 recorded in a book.

11 Q. [11:46:41] Now, still talking about this report, what was Ongwen's reaction
12 when he was given these reports?

13 A. [11:46:58] There was nothing else he could do about that. He would only
14 have to forward that report to his superior, who was Kony, telling Kony what he had
15 carried out. That's what I know he could have done.

16 Q. [11:47:18] Do you know if he actually did this, Mr Witness?

17 A. [11:47:31] Yes, I know very clearly that he did exactly as I said, nothing else.

18 Q. [11:47:36] And what did you see him do?

19 A. [11:47:45] I saw he was communicating on radio and I am sure he reported
20 about what took place.

21 Q. [11:47:53] And how is this radio communication, how is it done? How is it
22 carried out?

23 A. [11:48:08] Well, radio, I never held a radio call to communicate directly, but
24 what I know is you will hang the wire up and depends on which direction you are
25 and should be -- it shouldn't be at the same line. The sun should be across from east

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1 to west. You either put it first in the northern direction or the southern and you'll
2 search your radio depending on the call sign that you use and then you begin
3 communicating with the person you intend to communicate.

4 PRESIDING JUDGE SCHMITT: [11:48:46] Ms Adeboyejo, witness is not a
5 signaller.

6 MS ADEBOYEJO: [11:48:51] I'm getting there, your Honour, but I appreciate your
7 Honours' direction.

8 Q. [11:48:59] Mr Witness, you mentioned earlier that the commander get in touch
9 with his signaller. Can you tell the Court the signaller, who are they and what do
10 they do?

11 A. [11:49:23] Well, the signallers were trained on how to operate the radio and
12 how to speak in confidence. They would work with the commanders to ensure that
13 messages are relayed. Sometimes you will find a commander who does not know
14 how to communicate on radio and it would be the signaller to help such a
15 commander. But sometimes the commander can also communicate directly to other
16 commanders. However, the commanders do not have the authority to communicate
17 without the sanction from his commander. And this commander would therefore
18 relay the next message to the next person at that level. That is the role of a signaller.

19 Q. [11:50:11] If I understood you correctly, Mr Witness, the signaller cannot send
20 a signal without the authorisation of the commander; is that correct?

21 A. [11:50:25] Exactly.

22 Q. [11:50:28] I was trying to correct something I thought I heard in the
23 interpretation.

24 Now, did Ongwen have a signaller, Mr Witness?

25 A. [11:50:40] Yes, he did have.

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1 Q. [11:50:44] And what was the name of the signaller?

2 A. [11:50:51] Well, I cannot clearly recall, but I think it should have been Otto.

3 But sometimes they would change them. There was also Abongomek. These are
4 the ones I can clearly recall now.

5 Q. [11:51:09] A final question on this point, Mr Witness: Did you hear what
6 Ongwen reported to Kony via radio?

7 A. [11:51:22] No, I didn't.

8 Q. [11:51:26] Mr Witness, have you heard of a place called Lukodi?

9 A. [11:51:47] Yes, I know Lukodi very well because that is my home area.

10 Q. [11:52:01] Can you tell the Court what do you know that happened in Lukodi
11 in May 1994 -- I beg your pardon, 2004?

12 A. [11:52:20] Yes. There was an attack in Lukodi.

13 Q. [11:52:34] Who was responsible for this attack in Lukodi?

14 A. [11:52:51] The brigade commander who was Dominic Ongwen was the one
15 who issued the instruction to go and attack Lukodi.

16 Q. [11:53:03] Was there a plan for this attack to take place in Lukodi?

17 A. [11:53:17] The fighters were set up, a combination of fighters from Gilva and
18 Sinia brigade, they were set up and then they were sent to go and attack Lukodi.

19 Q. [11:53:32] Where were they set up?

20 A. [11:53:45] They were set up in an area around Omel Kuru and Kanu, around
21 Awach area, that was where the standby was set up to go and attack Lukodi.

22 Q. [11:54:04] And when you talk about a standby, Mr Witness, what do you mean
23 by that?

24 A. [11:54:12] In the LRA language "standby" means fighters who were set up,
25 ready to go and attack.

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1 Q. [11:54:30] Thank you, Mr Witness. Now, why was Lukodi the focus for this
2 attack?

3 A. [11:54:46] The intention to attack Lukodi cannot come out clearly from me. It
4 was actually from the commander who possibly thought that he had the attack to
5 Lukodi possibly because there were fewer soldiers or there were some food items that
6 could be looted from there. So it could be on that basis that they planned to go and
7 carry out operation there.

8 Q. [11:55:16] You told us that there were soldiers who were selected to go for this
9 attack. Do you know where the soldiers were selected from, what brigades or what
10 battalions?

11 A. [11:55:39] I am aware that there were soldiers who came from Tulu and from
12 Sinia brigade. They were taken from Oka, Terwanga and Siba.

13 Q. [11:56:00] This person you have referred to as Tulu, who is this person,
14 Mr Witness?

15 A. [11:56:08] Tulu was a commander in charge of the Gilva sickbay.

16 Q. [11:56:15] And who selected the persons to go for this attack?

17 A. [11:56:30] Dominic selected his people, Tulu also identified his people, and
18 they were brought up together.

19 Q. [11:56:44] Who was the commander to lead this attack?

20 A. [11:56:54] They identified Captain Ocaka as the commander, the overall
21 commander, to attack Lukodi.

22 Q. [11:57:08] And this person you refer to as Commander Ocaka, where was he
23 from?

24 A. [11:57:20] Ocaka was one of us, but earlier he was in Gilva. Though at that
25 time he was with us in Sinia.

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1 Q. [11:57:34] Apart from Ocaka, did any other commanders go to Lukodi?

2 A. [11:57:44] Yes, there were several commanders. I don't recall the names of

3 others, but Ocaka's 2IC was Abonga Won Dano, Ojara. You know, from there they

4 use different names. There was Abonga Won Dano, Ojara, and also Ojara again.

5 Yeah. Yeah, sometimes I begin recalling some of the names, but I know in the

6 previous statement I may not have remembered about Ojara, but right now, yes, there

7 was another Ojara.

8 Q. [11:58:23] That's fine, Mr Witness. That's why you're here on the stand, you

9 can -- once you recall, you tell us if once it's relevant to the question that's been posed

10 to you.

11 Now, you --

12 A. [11:58:37] Thank you very much.

13 Q. [11:58:40] Now, you previously referred to somebody called Oyenga. Where

14 was this Oyenga during this particular attack?

15 A. [11:58:56] Yes, Oyenga was there. He was there. He actually went and

16 participated in the attack.

17 Q. [11:59:04] I also put another name to you, we had talked about earlier, Ocan

18 Nono; where was he during this attack?

19 A. [11:59:17] Ocan Nono was with us at Sinia but he did not go for the attack.

20 Q. [11:59:26] I put another name to you, Ben Acellam, that you discussed earlier.

21 Where was he during this attack?

22 A. [11:59:34] Ben Acellam was also there but did not go for the attack.

23 Q. [11:59:39] Now, let me come back to this person that you have described as

24 Ocaka. What was his role at the time of this attack in Lukodi?

25 A. [11:59:53] Ocaka was a member of the support and as he was going to Lukodi,

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1 he was now the overall commander of the team that went to attack Lukodi.

2 Q. [12:00:14] And do you know how Ocaka got selected to be the one to head the
3 team of soldiers to go for this attack?

4 A. [12:00:33] I saw that he was just -- it was just mentioned that, well, they said
5 this is the overall commander for this attack. I don't know how he was identified but
6 I only heard when it was already being said that he was the overall commander of the
7 team that should go and attack.

8 Q. [12:00:55] Where were you when you heard this, Mr Witness?

9 A. [12:00:58] I was at the falling in, at the gathering where they were giving the
10 briefing.

11 Q. [12:01:05] Who gave the briefing?

12 A. [12:01:07] Our commander Dominic Ongwen is the one who gave the briefing.

13 Q. [12:01:12] How many soldiers were there at the falling in, the gathering?

14 A. [12:01:24] There were many soldiers. If you cross-check with my statement,
15 you will see the number. I don't recall now.

16 Q. [12:01:32] We will come to that. What were the orders that were given at this
17 briefing by Dominic Ongwen?

18 A. [12:01:48] What Dominic ordered is that go to Lukodi, go and disperse the
19 soldiers in Lukodi, burn their houses, loot food, and come back.

20 Q. [12:02:05] What order did he give concerning the civilians?

21 A. [12:02:21] There was no order about civilians.

22 MS ADEBOYEJO: [12:02:30] Your Honours, I would like permission to refresh the
23 memory of the witness.

24 PRESIDING JUDGE SCHMITT: [12:02:35] Yes.

25 MS ADEBOYEJO: [12:02:36] Thank you.

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1 PRESIDING JUDGE SCHMITT: [12:02:39] And please tell us the tab.

2 MS ADEBOYEJO: [12:02:41] Yes.

3 PRESIDING JUDGE SCHMITT: [12:02:42] So that we can follow.

4 MS ADEBOYEJO: [12:02:44] Indeed, your Honour, I will do so. Your Honours,
5 it's tab 9, UGA-OTP-0228-4542, and I'm looking specifically at 4573 and 4574.

6 PRESIDING JUDGE SCHMITT: [12:03:29] Yes, we are there.

7 MS ADEBOYEJO: [12:03:39] Your Honours, I will be reading from line 1040 and
8 1041.

9 Q. The question was: "Did he give any orders about civilians?" "The order is
10 always, if you go there to fight and get civilians, kill everybody there."

11 The second reference is line 1071: "He said if you get civilians, kill them."

12 And the last reference is in 1082 up to 1084: "The order was there, the order was
13 there are no civilians there but if you get civilians there, kill all of them because he
14 has -- he had taken sometimes without knowing what was actually happening there,
15 whether there were civilians or not."

16 Mr Witness, does this refresh your memory in terms of the order that was given
17 concerning the civilians?

18 A. [12:04:49] Yes, it does refresh my memory, I remember it. Like I said, it's
19 been a while. I cannot remember everything, the statement that I made in the past.
20 But yes, that's how the briefing was.

21 Q. [12:05:08] And who said particularly that Ocaka was going to be the
22 commander of the troops that would go to Lukodi?

23 A. [12:05:20] It was Dominic Ongwen.

24 Q. [12:05:25] Did Dominic Ongwen give any direct instructions to Ocaka? Did
25 you see Dominic Ongwen giving any instructions to Ocaka?

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1 A. [12:05:40] During the briefing, which was before everybody, he was together
2 with all of us, with everybody. He said that this is the overall commander who is
3 going with you.

4 Q. [12:06:08] What did he say -- or did he say anything to Ocaka in particular?

5 A. [12:06:20] If they had a private discussion before they came before the briefing,
6 I wouldn't know, but what is said during the briefing is "You are going to Lukodi, go
7 and attack, burn the place, get food and come back."

8 Q. [12:06:41] Now, when you talk about burning the houses, what houses are you
9 referring to?

10 A. [12:06:54] The houses that I'm talking about include the houses in the barracks
11 of the government army that was there, and burn all the houses and then you come
12 back.

13 Q. [12:07:13] Now, I want to take you back to this person you mentioned was
14 called Tulu. Did Tulu participate in this attack?

15 A. [12:07:25] Tulu did not go to Lukodi.

16 Q. [12:07:31] How many soldiers in all went for this attack in Lukodi,
17 Mr Witness?

18 A. [12:07:56] I do not recall, but I could have written in my statement. It's well
19 over 100. I don't remember now. If you can cross-check from my statement.

20 Q. [12:08:12] Would you say that there were -- you said there were over a
21 hundred. Would you say there were between 100 and 200, Mr Witness?

22 A. [12:08:24] It's about between 100 and 150, that is what I think.

23 Q. [12:08:34] What was the basis for which Ocaka was selected as the commander
24 of the troops to attack Lukodi, Mr Witness?

25 A. [12:09:01] It's difficult to say why Ocaka was selected as commander. He was

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1 a captain, he was a -- he had a higher rank than some of us who were there. I do not
2 know why he was selected. I don't know what he was good at. So I have nothing
3 to say about it.

4 MS ADEBOYEJO: [12:09:23] Your Honours, I seek to elicit a few information from
5 the witness. I would be about 10 minutes in eliciting this, and so I would like to
6 have private session.

7 PRESIDING JUDGE SCHMITT: [12:09:35] Private session, yes. We go to private
8 session.

9 (Private session at 12.09 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 12.28 p.m.)

4 THE COURT OFFICER: [12:28:22] We are back in open session, Mr President.

5 MS ADEBOYEJO: [12:28:29]

6 Q. [12:28:29] Mr Witness, you told us that there were --

7 PRESIDING JUDGE SCHMITT: [12:28:32] Just a second. I have another thing.

8 Mr Von Bóné, sometimes hunger seems to become unbearable, even in the courtroom,

9 but I can assure you that later there will be time to have a lunch. Thank you.

10 Please continue.

11 MS ADEBOYEJO: [12:28:52]

12 Q. [12:28:53] Mr Witness, you told us earlier that you met a man and a woman
13 who gave you or gave the troops certain information. Can you tell the Court what
14 was the information that these civilians gave?

15 A. [12:29:19] The civilians whom I met told me that there were soldiers in Lukodi,
16 but there were not very many. He didn't know the number, but there were few.
17 That is what the civilians told me.

18 Q. [12:29:35] Did they also tell you the location? Did they tell you anything
19 about the location of these -- where these soldiers were?

20 A. [12:29:50] I talked to them and they told me clearly that there were soldiers
21 and they were at the school, at Lukodi school.

22 Q. [12:30:02] Was there any other location they referred to in that vicinity where
23 the soldiers were?

24 A. [12:30:15] We did not move with any civilian. They just told us how the
25 soldiers were and we let them go, we proceeded, they also proceeded.

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1 Q. [12:30:26] Mr Witness, how were you dressed when you were going for this
2 assignment?

3 A. [12:30:39] Well, you know, in the bush you put on anything you feel like; you
4 can put on a military uniform on top and the trousers would be ordinary civilian
5 uniform. So you put on anything you feel like putting on because we didn't have
6 enough uniforms. That is how we dress up.

7 Q. [12:31:02] So how did you -- the troops, how did you move towards Lukodi?
8 What was your formation?

9 A. [12:31:19] Well, when we moved and we approaching Lukodi, we made a stop.
10 At first we were moving in a single line, but when we crossed a stream, then we
11 divided. We left the route and started walking by the side of the road until we
12 approached the barracks.

13 Q. [12:31:43] Where was Ongwen when you were making this approach to the
14 barracks?

15 A. [12:31:54] Dominic Ongwen had remained at the position from where he sent
16 us. I don't know from there where else he could have gone, but he had remained
17 behind at the same position where he dispatched us from.

18 Q. [12:32:09] And what was the distance or can you give us an approximation of
19 the distance between the position where you left Ongwen and Lukodi, where this
20 attack took place?

21 A. [12:32:26] Well, it was a bit far, could range between 15 to 20 kilometres.
22 Well, I wasn't very clear about the distance, but I expect it was about -- between 15 to
23 20 kilometres. Not very near, not very far either.

24 Q. [12:32:45] And how long did it take you to get to Lukodi from your position?

25 A. [12:32:56] We walked for that entire day and we arrived in Lukodi the next

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1 day. We walked, made a stop, prepared meals and then continued from there and
2 approached or reached Lukodi the next day in the evening.

3 Q. [12:33:13] Now, you said that you made a stop. You prepared meals. Apart
4 from preparing meals, what else did you do when you made the stop?

5 A. [12:33:26] Well, we reorganised the fighters and rehearsed on how we should
6 go and attack. We stopped there. After having met the civilians and found out
7 information from them, then eventually we set off and went ahead to attack.

8 Q. [12:33:49] Can you tell the Chamber who was the person who reorganised you
9 to determine how the attack would take place?

10 A. [12:34:00] Captain Ocaka was the one who gave us the highlights on how to
11 approach.

12 Q. [12:34:17] After the reorganisation, what did you then do?

13 A. [12:34:25] We started moving. The armed fighters took the fore and those
14 who didn't have guns remained behind with some few people who had guns as well.
15 But most of the armed fighters were in front.

16 Q. [12:34:46] What was the formation that was then determined when the attack
17 was going to be launched?

18 A. [12:34:58] Well, we first moved in a single line, but when we were now near,
19 we now lined up again, with the armed fighters in front and having an extended line,
20 the unarmed ones were behind us.

21 Q. [12:35:22] Why did you have unarmed persons with you?

22 A. [12:35:31] Well, most times whenever there is work, these were the people
23 who were supposed to carry looted items. These were people who were tasked with
24 carrying food items.

25 Q. [12:35:46] You said that those who were going in front were armed. What

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1 kind of arms did they have with them?

2 A. [12:35:59] Well, they had SMGs, PK, RPG. These were the weapons that they
3 had.

4 Q. [12:36:10] And the composition of the fighters, what was their gender? Was
5 there any distinction as to which categories would go first and which would go after
6 with regards to the gender? In other words, did men go first, and women?

7 A. [12:36:43] Well, it's not really that way. Whenever you're going for an
8 operation, there's nothing like a man or women leading the way. Fighters are the
9 same. Though, out of the fighters who took the fore, none of them was a woman.
10 Those who went ahead were only people who had guns. But also those who
11 remained behind had some few armed people who would take care of those who
12 were behind. Though, the standby force in front were the ones who surged forth
13 and attacked the soldiers.

14 Q. [12:37:19] And among those that were unarmed, did you have any women?

15 A. [12:37:27] Yes, there were some few women amongst them.

16 Q. [12:37:32] How did you know when the battle was to commence?

17 A. [12:37:42] I have not understood the question. Does it mean when we were
18 supposed to start the attack or what?

19 Q. [12:37:51] When you were to start the attack. When you were to start the
20 attack, how did you know when you were to start the attack?

21 A. [12:38:03] We went, arrived there at around 6.45 and the government soldiers
22 identified us and started shooting at us. Then we returned the fire.

23 Q. [12:38:19] Did you have any kind of signal to know when to start?

24 A. [12:38:34] Most times when we are near, they would indicate by a show of
25 hand and that was just an indication that we should start. But in an event where that

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1 is not done, when they begin shooting, you just know that you need to give space to
2 your next neighbour and then you begin firing as well.

3 Q. [12:38:54] Did you have any -- I'm sorry. Did you have any sound to know
4 that you were to start?

5 A. [12:39:06] Whenever they start firing, you don't need to wait for any sound.

6 Whenever the fighting starts, you don't sometimes have to wait for the whistle.

7 Well, we had whistles but sometimes you don't need to wait for the whistle to be

8 blown and when people start firing already, you cannot wait, you just have to engage.

9 PRESIDING JUDGE SCHMITT: [12:39:27] Mr Witness, have I understood you
10 correctly that when you -- when the LRA came to the camp that the UPDF started
11 shooting at you, the soldiers?

12 THE WITNESS: [12:39:44] (Interpretation) Well, I cannot clearly remember that.

13 PRESIDING JUDGE SCHMITT: [12:39:50] Please continue, Ms Adeboyejo.

14 MS ADEBOYEJO: [12:39:54]

15 Q. [12:39:55] Mr Witness, are you in a position to tell the Court where did you go
16 when the attack started? Where were the government soldiers? Where were the
17 government soldiers?

18 A. [12:40:20] Well, we went to the school where the government soldiers'
19 barracks was. We faced them at the barracks in the school.

20 Q. [12:40:30] And who started firing first?

21 A. [12:40:39] Well, we lined up and we had some good distance between us.

22 I cannot recall who exactly started the firing, but I heard a gunshot and -- well, I

23 didn't find out -- ask to find out who exactly started firing. I could not know

24 whether it was the government soldiers who started firing or us. And we had gone

25 for a battle so it was difficult for me to know who exactly started the fire.

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1 Q. [12:41:05] And how long did this exchange of fire, how long did it last?

2 A. [12:41:18] Well, the exchange didn't take a while, didn't take very many
3 minutes, but I cannot estimate the number of minutes. It didn't take really long
4 because the soldiers fled.

5 Q. [12:41:31] Did you see them fleeing, Mr Witness?

6 A. [12:41:37] Yes, because I was at the front line and I saw when they fled and ran
7 into -- inside the civilian camps.

8 Q. [12:41:47] Where were the civilian camps positioned vis-à-vis where the
9 soldiers were?

10 A. [12:42:00] Well, there was nothing they can use to really indicate that, but what
11 I can say is the civilian camp was not far. It was between 100 to 500 metres from the
12 barracks, but the distance was really small and 500 metres would even be on really
13 the higher side, but it was really not far.

14 Q. [12:42:28] And when these soldiers fled, Mr Witness, what was the reaction of
15 the LRA soldiers?

16 A. [12:42:45] When the government soldiers fled, we went to the barracks,
17 searched the barracks, and we set the barracks on fire, we burned all their houses in
18 the barracks.

19 Q. [12:43:04] When you say, "We set the houses on fire", how were the houses set
20 on fire?

21 A. [12:43:13] Well, you just light a fire and then put it on fire.

22 Q. [12:43:21] Whilst this exchange of fire was going on, where was Oyenga,
23 Mr Witness?

24 A. [12:43:35] You know, during a battle all the commanders would be between
25 the soldiers in the kiconies (phon), and at that particular time I wasn't aware where

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1 exactly he was, but I know we were within the same front. I don't know whether it
2 was on the left or on the right-hand side.

3 Q. [12:43:57] Thank you, Mr Witness. Now, you said the UPDF soldiers ran
4 away into the civilian camps. Did any pursuit of these UPDF soldiers take place?

5 A. [12:44:17] Yes, some of the fighters followed the soldiers in the camp, but I
6 didn't go to the camp. But, yes, some of our soldiers went to the camp and they
7 continued firing while they were moving towards the camp. It was already getting
8 dark and I personally didn't go into the camp.

9 Q. [12:44:41] And what happened to the inhabitants of the camp when this
10 exchange of fire was going on between the LRA soldiers and the UPDF soldiers?

11 A. [12:45:02] Well, I didn't witness anything particular in the camp that happened
12 to the civilians except what happened between the LRA and the soldiers when they
13 were exchanging fire. So whatever happened in the camp, no, I don't know.

14 Q. [12:45:23] But did you hear about what happened in the camp, Mr Witness?

15 A. [12:45:32] Afterwards, when we had already gone back and we were about to
16 reach Dominic, we heard that the camp was attacked and many civilians died.

17 Q. [12:45:47] Now, let's come back to the persons that you said were unarmed
18 that went with you for the attack. When the UPDF soldiers ran and the LRA soldiers
19 went in pursuit of the UPDF soldiers, where were these unarmed persons?

20 A. [12:46:11] Well, these people were behind us and after we shot at the soldiers
21 and they fled, people all scattered into their homes, into the camps, to get food items
22 to be looted to take back. That is what the people who were unarmed did exactly.

23 PRESIDING JUDGE SCHMITT: [12:46:39] May I --

24 MS ADEBOYEJO: [12:46:40] Yes.

25 PRESIDING JUDGE SCHMITT: [12:46:42] -- just interrupt shortly. We are all

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1 attentive to possible Rule 74 issues, so when it would come now possibly to any role,
2 a specific role of the witness, we would have to pay attention to that.

3 MS ADEBOYEJO: [12:46:59] I'm conscious of that, your Honour. I thank you for
4 your direction.

5 Q. [12:47:08] Now, Mr Witness, we are talking about those who went to carry out
6 the looting. You recall that you told us that there was yet another group of LRA
7 soldiers who were now behind this group of looters. Do you know what happened
8 to those group of fighters who were armed who had been behind the unarmed
9 persons who had gone with you?

10 A. [12:47:46] Those who were with us?

11 Q. [12:47:51] I apologise. I would paint the picture again, Mr Witness. You
12 said there was a group that was on the front line and then a group of soldiers who
13 were armed, and then behind you were a group of unarmed persons. And you said
14 behind the unarmed persons were yet another group of soldiers who were armed. Is
15 that correct?

16 A. [12:48:19] Yes, that's correct.

17 Q. [12:48:20] So my question to you, Mr Witness, is: The group of soldiers who
18 were at the very end, who were at the back, who were sandwiching these unarmed
19 persons, what happened to those group of soldiers?

20 A. [12:48:42] Well, these soldiers who stayed behind were meant to escort those
21 who didn't have arms to go and loot items and come back. That was basically their
22 role. It was the work of those unarmed and then the armed go behind to go and loot
23 food.

24 Q. [12:49:02] You told us earlier, Mr Witness, that the food was obtained from the
25 camp. Would these soldiers have accompanied these unarmed persons into the

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1 camp, Mr Witness?

2 A. [12:49:20] Yes, they moved together with them to the camp because they had
3 to go and loot food from the houses.

4 Q. [12:49:32] Mr Witness, what happens where a civilian does not want to
5 surrender the food item?

6 A. [12:49:49] Well, the civilians didn't have any objection to giving out food to
7 such people like the rebels. It was really very difficult for the civilians to really have
8 any objection. Sometimes when you arrive, they will just hand it over to you
9 without even for you asking for it. They will say, "My child, please have this." But
10 in case one refuses to give you, you just get it out by force. That is how the people in
11 the bush would get items.

12 Q. [12:50:25] Now, Mr Witness, you said that you stayed only at the barracks and
13 then you left. Do you know what time you left the barracks area?

14 A. [12:50:46] Yes, I moved around the barracks. I was not alone, I had other
15 soldiers with whom I was moving about but whose name I cannot recall. But I took
16 well between 10 to 15 minutes while we were rounding the barracks, and it was a
17 little dark and thereafter we started walking back, following the same route from
18 where we had approached.

19 Q. [12:51:12] How long did it take you to go back, Mr Witness?

20 A. [12:51:25] It didn't take long in the barracks. And if it really, if it took long,
21 then it should have been between 30 to 40 minutes. It was already dark and I could
22 not have timed it. But people didn't take long in there.

23 Q. [12:51:46] Now, you told us earlier that civilians -- you heard that civilians
24 died in the camp. Could you tell us how the civilians died, Mr Witness? Describe
25 how the civilians could have died.

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1 A. [12:52:06] Well, to tell you how exactly the civilians died would really be
2 difficult for me because, well, what I think is they could have died in the crossfire
3 because when we shot at the soldiers, they fled and went to the civilians, and during
4 the exchanges some of them could have died in the crossfire. That's what I think.

5 Q. [12:52:28] And how, Mr Witness, did you hear about the death of these
6 civilians?

7 A. [12:52:40] We heard that on radio after we had already left there that some
8 civilians died, but I didn't establish the number that died.

9 Q. [12:52:50] And when did you hear it over the radio, Mr Witness?

10 A. [12:52:59] That was after we had finished the operation and we heard that the
11 following day over the radio in the news.

12 PRESIDING JUDGE SCHMITT: [12:53:09] Just to make it clear, Mr Witness: Did
13 you see any civilians die at this time?

14 THE WITNESS: [12:53:22] (Interpretation) No, I didn't see any civilians -- any
15 civilian on that day who died. I didn't see any dead civilian on that day.

16 PRESIDING JUDGE SCHMITT: [12:53:30] Please continue.

17 MS ADEBOYEJO: [12:53:31]

18 Q. [12:53:32] Now, you said you heard it over the radio. What did you hear
19 over the radio concerning that attack?

20 A. [12:53:41] Well, they said the LRA fighters went and attacked and fought with
21 the government soldiers and civilians died and the houses in the camp were also
22 burnt down. That's what I heard over the radio.

23 Q. [12:53:57] Okay. Do you know how many civilians were reported to have
24 died?

25 A. [12:54:07] I don't remember that.

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1 Q. [12:54:09] On what radio did you hear this, on what radio, Mr Witness?

2 A. [12:54:18] I do not recall which radio exactly I heard it from, but I used a small
3 radio set. I did not clearly establish which radio was reporting that, but I expect that
4 must have been a radio in Gulu.

5 Q. [12:54:37] And when you heard this report, did it say how the civilians died?

6 A. [12:54:51] I don't remember that.

7 Q. [12:54:55] Now, Mr Witness, you said that the unarmed members of your
8 group went and looted the food items. Where did you meet when they had finished
9 the looting?

10 A. [12:55:27] Well, these people we met -- well, we -- everyone would come back
11 to join the line because we knew where exactly we were going. They actually came
12 and found when I was already approaching Unyama river. They continued
13 following the same route. People were trickling in, in small numbers, would come
14 in twos or threes and just like that. That's how eventually we all came back.

15 Q. [12:55:58] Did you have an agreed point where you were to meet?

16 A. [12:56:09] Most times when there is an operation, there will really be -- because
17 you wouldn't know whether you will come back to the same place and you will just
18 look at any place you consider safe and then you really converge there. But it was
19 not really agreed upon earlier that, after the operation, we will come and meet here,
20 no.

21 Q. [12:56:31] How then were the unarmed members of your group, how were
22 they able to join the armed members of the group?

23 A. [12:56:51] The unarmed members moved together with the armed people who
24 were escorting them. Some of them were already seasoned soldiers and they really
25 knew where exactly they would have to go, they knew where they were going, and

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1 you would have to carry your items and move following the rest of the people.

2 People, they wouldn't move individually, they would just move together in a group.

3 Q. [12:57:17] Now, you said that they had to carry items. Was it only the
4 members of this unarmed group who carried items?

5 A. [12:57:30] Not only them, even the armed soldiers were carrying food items.

6 You would carry anything you think you can carry, not only those who were
7 unarmed. But you would carry small items because as a soldier you would have to

8 be ready for any eventuality, for instance, if there is supposed to be an attack. Most

9 of the people -- the people who were not armed were the ones who were to carry

10 items, to allow the soldiers be ready for any eventuality and also provide the

11 protection to the people who were unarmed and to make sure that the items that are

12 carried are not abandoned along the way. That is how the things are done.

13 Q. [12:58:20] And did these unarmed persons, did they have assistance from
14 others to carry these looted items?

15 A. [12:58:37] Yes, there were also some civilians because after we converged,
16 we -- I saw some civilians who had given us help to carry the items from the camp.

17 There were actually some civilians.

18 Q. [12:58:52] Apart from the food items, do you know if anything else was
19 obtained from the camp or the barracks?

20 A. [12:59:07] From the military barracks there was nothing other than old clothes

21 and gumboots and some magazines that I saw. I did not see any guns that were

22 recovered from the barracks. From the civilians these were mainly food items like

23 beans, groundnuts, biscuits, sodas, lotion, and these were the items that are mainly

24 carried from camps.

25 MS ADEBOYEJO: [12:59:40] Your Honour, I'm looking at the time and I'm in your

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1 Honours' hands.

2 PRESIDING JUDGE SCHMITT: [12:59:46] I think it would be --

3 MS ADEBOYEJO: [12:59:47] A good place to stop.

4 PRESIDING JUDGE SCHMITT: [12:59:50] -- a good point in the examination to stop
5 here.

6 MS ADEBOYEJO: [12:59:53] Yes, your Honour.

7 PRESIDING JUDGE SCHMITT: [12:59:55] Thank you very much, Mr Witness.

8 A special thank you today to the court officer who had to fulfil a multitasking job;

9 which perhaps not everybody has recognised. We conclude the hearing for today,

10 for the reasons we explained before, and we resume tomorrow at 9.30.

11 THE COURT OFFICER: [13:00:19] All rise.

12 (The hearing ends in open session at 1 p.m.)

13 RECLASSIFICATION REPORT

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

15 2016, the public reclassified and redacted version of this transcript is filed in the case.