

Trial Hearing  
WITNESS: UGA-D26-P-0074

(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 Judge Raul Cano  
6 Pangalangan  
7 Trial Hearing - Courtroom 3  
8 Wednesday, 24 October 2018  
9 (The hearing starts in open session at 9.34 a.m.)  
10 THE COURT USHER: [9:34:14] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:34:44] Good morning, everyone.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:34:51] Good morning, Mr President, your Honours.  
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic  
16 Ongwen, case reference ICC-02/04-01/15.  
17 And for the record, we are in open session.  
18 PRESIDING JUDGE SCHMITT: [9:35:04] Thank you. I call for the appearances of  
19 the parties.  
20 Mr Gumpert for the Prosecution.  
21 MR GUMPERT: [9:35:08] Ben Gumpert. With me today, Yulia Nuzban, Adesola  
22 Adeboyejo, Pubudu Sachithanandan, Julian Elderfield and Jasmina Suljanovic.  
23 PRESIDING JUDGE SCHMITT: [9:35:22] Thank you.  
24 And for the Legal Representatives of the Victims, Mr Manoba, please.  
25 MR MANOBA: [9:35:25] Good morning, Mr President, your Honours.

Trial Hearing  
WITNESS: UGA-D26-P-0074

(Open Session)

ICC-02/04-01/15

1    Myself, Joseph Manoba; James Mawira, Anushka Sehmi and Maria Radziejowska.

2    PRESIDING JUDGE SCHMITT:    [9:35:34] And Mr Narantsetseg.

3    MR NARANTSETSEG:    [9:35:35] Good morning, Mr President, your Honours.

4    Orchlon Narantsetseg for the common Legal Representatives.    Thank you.

5    PRESIDING JUDGE SCHMITT:    [9:35:39] And for the Defence, Mr Ayena, please.

6    MR AYENA ODONGO:    [9:35:43] Good morning, Mr President and your Honours.

7    Today with me I have Tom Obhof; I have Madam Lyons Beth; I have Roy Titus Ayena;

8    Chief Achaleke Taku; Ms Bridgman Abigail; Bajnovic; and Mr Dominic Ongwen, our

9    client.

10   PRESIDING JUDGE SCHMITT:    [9:36:12] Thank you.

11   The Defence is now calling D-74 as its next witness.    We turn to his testimony.

12   Mr Acama Jackson, good day.    I welcome you on behalf of the Chamber in the

13   courtroom.

14   WITNESS:    UGA-D26-P-0074

15   (The witness speaks English)

16   THE WITNESS:    [9:36:32] Thank you very much.

17   PRESIDING JUDGE SCHMITT:    [9:36:34] There should be, Mr Jackson, there should

18   be a card in front of you with a solemn undertaking that every witness has to take

19   when they appear before this Court.    Would you please be so kind to read this card

20   out aloud.

21   THE WITNESS:    [9:36:53] (Interpretation) I swear to speak the truth, the whole truth,

22   and nothing but the truth.

23   PRESIDING JUDGE SCHMITT:    [9:37:00] Thank you very much, Mr Witness.

24   You have now been sworn in.    Let me explain to you, before we start with your

25   testimony, a few practical matters.    I think you are aware that everything we say

1 here in this courtroom is written down and interpreted, and to allow for the  
2 interpretation, we have to speak at a relatively slow pace and we should only speak  
3 when the person who has asked, for example, a question has finished. This is simple.  
4 Well, we all sometimes do not abide to these rules, but I say it at the beginning.  
5 If you have any questions yourself, Mr Jackson, please raise your hand and I will give  
6 you the floor then. We start now with your testimony and I give the floor to the  
7 Defence, I assume, Mr Ayena.

8 QUESTIONED BY MR AYENA-ODONGO:

9 Q. [9:38:07] Jackson, I want to begin by thanking you for accepting to come to be  
10 part of this long march to justice.

11 Now, Jackson, can you tell this Court your name, and how old you are, and where  
12 you come from.

13 A. [9:38:33] My names are Acama Jackson. I am 56 years old and I'm from Uganda.

14 Q. [9:38:55] Jackson, do you have any children, if so, how many?

15 A. [9:39:03] I have children, 16 of them.

16 Q. [9:39:17] Are they from one mother or from different mothers?

17 A. [9:39:23] They have different mothers.

18 Q. [9:39:33] Are you living with all their mothers?

19 A. [9:39:42] I'm living together with two of them.

20 Q. [9:39:52] What happened to the rest?

21 A. [9:40:02] Actually, they -- actually, they -- these girls, I got them from the bush.  
22 When I came out with them, some of them, their parents, their parents refused to  
23 continue staying with me, so I divorced them.

24 Q. [9:40:33] What do you do for a living now?

25 A. [9:40:42] Currently I'm a peasant farmer.

1 Q. [9:40:56] Now, Jackson, from your statement it would appear you were a teacher  
2 before you went to the bush. Can you tell Court in fair detail the circumstances that  
3 led you to join the rebel group. What was the security situation obtaining at that  
4 time and what exactly prompted you to be part of the rebel movement?

5 A. [9:41:44] Thank you very much. Before I went to the bush, I was a -- I was a  
6 primary school teacher. And in 1986, when the NRA overthrew the government, so  
7 the formerly forces, who were the UNLA, they also went to the bush. They became a  
8 rebel group. So they asked me to assist them as a person who assist in collecting  
9 foodstuff. That was in '86. And in 1987, when the Holy Spirit Mobile Forces sprang  
10 up, that was when we joined them.

11 Actually, they did not -- the UPDA, UPDA, locally we are called Cilil. They said  
12 they were going to join the LRA, but the civil classes who were among them, like  
13 myself, they were going to come back home. But when we reach the LRA, none of  
14 us was allowed to return back. So that was how I became conscripted in the LRA  
15 rank.

16 Q. [9:44:14] Thank you very much for the answer, Jackson, but maybe we shall  
17 retrace a bit and go step by step.

18 My first question was -- you were in gainful employment and then there was an  
19 uprising, then you were asked to provide -- I mean, to be of assistance to the rebel  
20 group and you accepted. There must have been a reason why you accepted. My  
21 first question was can you describe to Court the conditions which were obtaining  
22 presented by the new group that had overthrown the government that you talked  
23 about. And maybe you will also tell Court who overthrow which government.

24 A. [9:45:29] Thank you. When the -- when the NRA overthrew the government of  
25 the UNLA. This government of the NRA is led by Kaguta Museveni, and the UNLA

1 government was led by Tito Okello. So when the UNLA were ousted and the  
2 NRA/M government came to power -- actually, the NRA were not cooperative with  
3 the civil population: They were carrying out arbitrary arrest. They were killing  
4 people innocently. They were also torturing. So that was the cause why most of  
5 the people decided to join, to join the rebel group, which I was one of them.

6 Q. [9:46:59] So is it your statement that initially you went to join, to give assistance  
7 to the new rebel group, because you yourself had issues with the new forces that had  
8 overthrown the government?

9 A. [9:47:27] I was also not happy with them because they were not treating the civil  
10 community well. They even collected all the livestock from our area. And they  
11 were killing people mercilessly. So that was a violation of human right. That was  
12 why I decided to join them.

13 Q. [9:48:07] Now, you talked about Cilil. Can you define or describe to Court  
14 what the term "Cilil" refers to. What exactly was it?

15 A. [9:48:34] Cilil is our local language. That is reflected to the rebel groups. Cilil  
16 means go and accuse. So it was a nickname for the UPDA. These were the rebel  
17 groups called the Uganda People's Democratic Army. Because they were telling the  
18 civil population, if you want to go and accuse, go and accuse. And that is how the  
19 name Cilil came into being.

20 Q. [9:49:29] And in your statement you said you became a collaborator to Cilil; is  
21 that correct?

22 A. [9:49:47] Yes.

23 Q. [9:49:49] And can you tell Court exactly the job of a coordinator for Cilil and for  
24 how long you were a coordinator?

25 A. [9:50:02] Actually, a collaborator was locally called a coordinator. The

1 responsibility is collecting foodstuff, mobilising the civil community organisation,  
2 sensitising them to let them know the will of the UPDA. When I was assisting them  
3 as a collaborator I spent one year, from 1986 to '87. That was when Holy Spirit  
4 Mobile Forces took us.

5 Q. [9:51:29] And when you were functioning as a collaborator, did you maintain  
6 your job as a teacher?

7 A. [9:51:45] When I was -- when I was assisting them as a collaborator, I was also  
8 working as a teacher. But when we went with them to Awo to join the Holy Spirit  
9 Mobile Forces, that was when I no longer continued with my work as a teacher.

10 Q. [9:52:26] Thank you, Jackson. Now, around this time, in your statement you  
11 seem to suggest that there was a movement led by a lady called Alice Lakwena. Can  
12 you tell Court a bit more about this. Where was Alice Lakwena at this time? If you  
13 know, how did she come about and what was her relationship with Cilil and the Holy  
14 Spirit Movement?

15 A. [9:53:08] Thank you. Alice Lakwena was the first to be inspired by the Holy  
16 Spirit. The spirit came on to her and declared her she is a doctor. She was  
17 authorised to cure all sicknesses. So when the UPDA sprang up, Alice was assisting  
18 to heal the injured of the UPDA. Then, when the NRA went up and attacked a  
19 sickbay where Alice was nursing those injured people and killed all the patients, and  
20 that was when the spirit told Alice to begin fighting, because there would be no need  
21 for healing those who will be killed in war.

22 Q. [9:54:43] Can you tell Court exactly which group attacked the sickbay.

23 A. [9:54:58] It was the NRA, the National Resistance Army.

24 Q. [9:55:03] It was the NRA, at that time the government army?

25 A. [9:55:08] Yes.

1 Q. [9:55:09] Right.

2 A. [9:55:15] Now -- now they are called the UPDF.

3 Q. [9:55:23] Do I understand, Jackson, that, therefore, when you started your work  
4 as a coordinator with Cilil, you, in effect, also worked with Alice Auma Lakwena  
5 before she launched our -- I mean, her fighting movement?

6 A. [9:55:59] I was not working together with her, but because she was operating in  
7 Kitgum, helping those UPDF branches in Kitgum -- UPDA, not UPDF. Yes. So we  
8 were in Gulu district. So I was not in touch with her.

9 Q. [9:56:36] Now, you said Alice Lakwena was seized by a spirit. If you do  
10 understand how a person gets seized by a spirit and, you know, being an Acholi from  
11 northern Uganda, an African, can you tell Court briefly what this, in effect, means?

12 A. [9:57:10] Alice Lakwena was inspired by the Holy Spirit. The Holy Spirit, the  
13 Holy Spirit is one of the three God heads. We have God the Father, we have God the  
14 Son, and God the Holy Spirit. God the Father is the creator and almighty, God the  
15 son is the saviour of humankind, and the Holy Spirit is the active force of God. It is  
16 the chief of the executives and it is the chief of intelligence of the God heads. That is  
17 why God is omnipotent. It is omnipresent and it is omniscient because the Holy  
18 Spirit is spread all over.

19 PRESIDING JUDGE SCHMITT: [9:58:51] I think you can move on to another point.

20 I don't know if you will dwell into that more, I would be interested.

21 You used, Mr Jackson, one word that intrigued me. You said when in 1987 you were  
22 conscripted, I think, you used the word "conscripted". Could you explain a little bit  
23 to us what that means. I think that is quite an interesting question. In your  
24 statement, that's paragraph 4, it is the word, "I was forced into the rebel group", but  
25 "conscripted" is a very interesting wording in that respect. Perhaps you can

Trial Hearing  
WITNESS: UGA-D26-P-0074

(Open Session)

ICC-02/04-01/15

1 elaborate a little bit, if you may.

2 THE WITNESS: [9:59:38] We were told to go to Awo. Those who were called there  
3 were the collaborators, as well as the soldiers, because Awo was the headquarter of  
4 the UPDA. And they said whenever we go there, those who are not soldiers, like the  
5 collaborators, they will come back. But when we went there, contrary to what they  
6 said, nobody was allowed to come back. Whether a collaborator or a soldier, we were  
7 all to join Holy Spirit Mobile Force.

8 PRESIDING JUDGE SCHMITT: [10:00:44] Thank you.

9 Mr Ayena.

10 Perhaps in the meantime: You never went back to work as a teacher, do I  
11 understand it correctly?

12 THE WITNESS: [10:00:58] Yes.

13 MR AYENA ODONGO: [10:01:04]

14 Q. [10:01:06] Jackson, the Judge is asking whether this is what you thought  
15 was -- amounted to conscription, because you went and you were not allowed to  
16 come out.

17 PRESIDING JUDGE SCHMITT: [10:01:19] No, I think, Mr Ayena, he has answered  
18 the question. It's not -- he has used a word in the first place, and he has now  
19 explained it.

20 MR AYENA ODONGO: Elaborated.

21 PRESIDING JUDGE SCHMITT: I think that is very well understandable and I think  
22 we can follow here on the Bench. You can continue.

23 MR AYENA ODONGO: [10:01:37]

24 Q. [10:01:37] Jackson, you were told not to leave. What did Joseph Kony and his  
25 courtiers tell you would happen to you if you tried to leave?



1 A. [10:01:54] Thank you. In the Holy Spirit Mobile Force, which is now called the  
2 LRA, if you try to escape, soldiers will be deployed to pursue you. And the order is  
3 one: kill him or her. So an escapee, the order is one: Death.

4 Q. [10:02:43] Now, what ultimately happened to Alice Lakwena? Can you tell  
5 Court briefly because, I mean, that's not the main subject of our concern here but is a  
6 background. Can you tell Court what exactly happened to Alice Lakwena.

7 A. [10:03:06] Alice Lakwena, when she -- she was inspired by the Holy Spirit, she  
8 began fighting together with the UPDA. She had a front in the eastern route; she  
9 fought the NRA up to Iganga. From there, the spirit told her, "I told you that all  
10 Ugandans must fight together, but you did not follow. So now you make a task  
11 force of 300 soldiers."  
12 So they elected 300 soldiers, excluding Alice and her escorts. Then the spirit said  
13 those in excess must be killed. That was Alice and the escorts. They failed to kill  
14 her. They tried to proceed with their war. They were defeated. Alice had to  
15 return back. When she was in Mbale, she said two things as prophesy, that there  
16 will be a boy who will continue the war; the war will begin from Sudan. Then Alice  
17 went to Kenya where she seeked asylum. Yes.

18 PRESIDING JUDGE SCHMITT: [10:05:14] Yes, I think we can continue, but it was  
19 interesting. We have -- I think we all have read also about it. That was quite  
20 interesting.

21 Please continue, Mr Ayena.

22 MR AYENA ODONGO: [10:05:25]

23 Q. [10:05:26] Now you've prophesised -- first of all, you said he was defeated in  
24 Iganga.

25 A. [10:05:32] Yes.

Trial Hearing  
WITNESS: UGA-D26-P-0074

(Open Session)

ICC-02/04-01/15

1 Q. [10:05:32] Did they ever reach Maga Maga?

2 A. [10:05:36] Actually, I'm not very sure of reaching Maga Maga, but I was told  
3 they reached Iganga.

4 Q. [10:05:47] Yes. And, Jackson, you said he prophesied that a boy would  
5 emerge and continue the war. Did this boy finally emerge, according -- did this  
6 prophecy come to pass?

7 PRESIDING JUDGE SCHMITT: [10:06:03] May I shortly? It has nothing to do with  
8 the witness testimony. We have --

9 THE WITNESS: [10:06:04] Yes, the prophesy --

10 PRESIDING JUDGE SCHMITT: [10:06:05] Wait a moment, please, Mr Witness.

11 We have the daily spotlight here. Could we perhaps, of course, we are all happy  
12 that the sun is still out by the end of October in The Hague, but nevertheless, there  
13 should not be too much on the Bench specifically. Just for the -- that we can close the  
14 blinds here a little bit.

15 Please, you can answer now, Mr Jackson. You're not concerned by the sun in the  
16 room because it shines on us.

17 THE WITNESS: [10:06:46] Thank you. The prophesy came to pass. The boy,  
18 whom Alice was talking about is Joseph Kony who is now heading the LRA and he is  
19 still in Sudan up to now. Because Kony stayed in Uganda from '87 to '94, then he  
20 went to Sudan. So as the prophesy says, if he is to overthrow the government, he  
21 will begin fighting from Sudan.

22 MR AYENA ODONGO: [10:07:38]

23 Q. [10:07:39] Now, Jackson, Alice Auma Lakwena was of the Holy Spirit, according  
24 to you, she was seized by the Holy Spirit and her prophesy was that there would be a  
25 boy that would continue the war. Did this boy also get seized by the spirits?

1 A. [10:08:08] Yes. Kony was manifested by the Holy Spirit when he was praying  
2 on Mount Awere, that was when he saw the Holy Spirit high up in heaven in the  
3 form of a pigeon at 10 metres wide. So that was the call how God provided him as a  
4 servant.

5 Q. [10:08:59] And it is interesting, Jackson, that you appear to have been there right  
6 from the beginning of the time when Joseph Kony took over the spirit movement.  
7 Can you tell Court what exactly happened between Cilil and the Holy Spirit Mobile  
8 Forces?

9 A. [10:09:38] Thank you. When Holy Spirit movement began, Kony joined the 150  
10 brigade, yes. When he joined that brigade, the whole brigade became Holy Spirit  
11 Mobile Forces. So through that brigade Kony wanted the whole of the UPDA to be  
12 under Holy Spirit Mobile Forces, but there was no agreement reached or some of the  
13 UPDA rebelled. Those like Okello Keno, Kilama, Arop, who were commanding  
14 different units, they joined the government. So Holy Spirit Mobile Forces remained.  
15 Those commanders who were in the UPDA who were allowed to join the Holy Spirit  
16 Mobile Forces were also incorporated in the rank and mostly all the senior  
17 commanders were formerly the commanders of the UPDA.

18 Q. [10:11:31] Jackson, it's very interesting. Let's go slowly. Joseph Kony gets  
19 seized by the spirit and then suddenly he has joined one of the Cilil groups. Did he  
20 join of his own volition or was he conscripted? How did he -- what was he before?  
21 And when he left the, what you called "Awere hill", how did he get attracted to the  
22 150, is it -- the 150 brigade of the Cilil, how did he get attracted? Did he join with  
23 others? Did he make an initial recruitment of his own forces or he just went and  
24 joined that group?

25 A. [10:12:40] Joseph Kony, when he began -- when he was inspired, he was still a

1 child, so when the spirit commanded him to go and join among the soldiers, that was  
2 when he went. Because these spirits are spirits of host, military spirits, so he was  
3 directed by the spirit to go and join the army, because the prophesy of Alice says  
4 there will be a boy who will continue the war. So this made the prophesy fulfilled.  
5 He went and joined the army under the directives of the spirit.

6 Q. [10:13:57] Thank you, Jackson. Now, Jackson, how did your position change  
7 when you were forcibly recruited into the Holy Spirit Mobile Forces, were you  
8 assigned any specific duties?

9 A. [10:14:20] Yes. When I was conscripted into the LRA, I was appointed to be a  
10 technician. This was because of my educational rank, because I had finished senior 4.  
11 So the technicians belonged to Yard coy. The Yard composes of technicians,  
12 controllers, catechist, and a chief to Lakwena. Because the Yard is the oracle house,  
13 it is the holiest place in the LRA. So, in the LRA, those who were recruited as  
14 controllers or technicians must be learned.

15 Q. [10:15:54] Jackson, when you talk about a technician it is a concept that is not  
16 easily discernable, is not easily understood. Can you tell Court exactly what the  
17 technicians do and where they do it. What were the functions of a technician?

18 A. [10:16:28] Thank you. Technicians have the responsibility of controlling  
19 armaments, because with the technician you make model guns, you put them on a  
20 charcoal stove and you sprinkle water mixed with shea oil, and you pray to God and  
21 control the explosion of the guns. So the technician controls the firearms in the  
22 battleground. They also conduct prayer. They can even exorcise unclean spirits,  
23 because technicians and controllers have similar duties except that controllers can go  
24 to battlefield but technicians don't go.

25 Q. [10:18:04] Now, you said technicians control explosions of guns?

1 A. [10:18:16] Yes.

2 Q. [10:18:17] Whose guns? Is it the LRA guns? Or, how do they control and  
3 whose guns do they control?

4 A. [10:18:29] The technicians control the explosion of the enemies' guns. If the  
5 spirit announce the categories of arms the enemies have, then you will make a model  
6 of the gun. Then you put a cap, iron cap on top of the muzzle, then you put the gun  
7 on top of the charcoal stove, then you pray to God, you sprinkle the water and the  
8 shea oil on the gun. If the gun is working, then the iron cap on top of the muzzle  
9 will explode. Then you will know that this gun is hurting our forces. Then you  
10 will begin to control it. Some -- sometimes control is done in the river. You take all  
11 the model guns to the water, then you pray and control them. If they are not  
12 working, their caps will be closed, but if they begin to work, then the caps will get off.  
13 So that, what will mean, you have to ask God to close the power of those guns.

14 Q. [10:20:32] Can you tell Court an incident, cite an incident where you performed  
15 this and it was successful, the guns that were disturbing your forces were controlled?

16 A. [10:20:54] It was in '88 when the LRA attacked Kitgum. I was one who was  
17 controlling the guns on the stream -- in the stream. So I witness one. There was a  
18 gun called Raska that was Egyptian make. The gun could not be controlled, the  
19 muzzle remained open after the cap was blown off, so the enemies hurt our soldiers  
20 with that gun. But the rest of the armaments did not do anything.

21 Q. [10:22:07] Are you saying on this occasion you did not manage to control Raska?

22 A. [10:22:17] The Raska actually was very difficult to control, only one gun, only  
23 one gun. But the rest of the guns could be completely controlled.

24 Q. [10:22:34] And Jackson, you talked about the Yard. What is the Yard? What  
25 was the Yard in the context of the LRA?

1 A. [10:22:52] The Yard is comparable to the tent of the Lord's presence during the  
2 time of Moses. Because in the -- because in the Yard God exercises his own power,  
3 and all the power of God is exercised in the Yard. Controlling battle, healing  
4 sicknesses, answering prayers, and all those things that pertains to God, he does it in  
5 the Yard.

6 Q. [10:23:48] Now, you said in outline that the functions of the controllers and that  
7 of the technicians are more or less the same, save that whereas the technicians don't  
8 go to the war front, the controllers go to the war front. Can you describe to Court  
9 exactly - because you have already described what the technicians do - can you  
10 describe to Court what exactly the controllers would do.

11 A. [10:24:27] Controller uses water only, they don't -- they don't use charcoal stoves.  
12 So they control operation on the ground. That is why they are entitled to go to the  
13 battlefield. They use water with small calabashes, and a container, a jerrycan. So in  
14 the battleground they are the ones responsible for nullifying the fire effect of the  
15 enemies. That is how they work. They don't use charcoal stove, but they use water.  
16 They are entitled even to prayer, exorcism of demons, healing of the sick. That is  
17 done for all controllers and technicians.

18 Q. [10:25:49] They exorcise --

19 A. [10:25:52] Exorcise.

20 PRESIDING JUDGE SCHMITT: [10:25:53] That's something different. And  
21 microphone, please.

22 MR AYENA ODONGO: [10:25:59]

23 Q. [10:26:07] Maybe we will get to the Yard a little later, but for how long did you  
24 remain a technician, Mr Witness?

25 A. [10:26:20] I remained a technician until '94. Actually, when there was need for

1 a peace talk of the '93, '94, what was when I was taken away from being a technician,  
2 then I was -- where I was to go and coordinate the peace talk.

3 Q. [10:26:57] By that time, Mr Witness, did you have any rank? Or, in other words,  
4 when you are from technician now to the next stage, was that a promotion? And, if  
5 it was a promotion, what level of promotion did you attain at that time?

6 A. [10:27:30] In the LRA, in the beginning there was no military rank. Every  
7 commander was called a teacher, because they are the teachers of the Bible. You are  
8 all given responsibility. But from 1995, when the LRA were already in Sudan, that  
9 was when military ranks was given so that they can even be respected by the  
10 Sudanese government troops who have ranks.

11 Q. [10:28:24] Now, in that next appointment, what was your title? When you  
12 went to coordinate the peace talks.

13 A. [10:28:40] I was an administrator. And I was -- in the -- first, in the Yard, I was  
14 the clerk to the spirit. Then after that, I was a brigade administrative officer. I was  
15 promoted to division administrative officer. Yes. So from there, that I was given  
16 the responsibility for handling the political affairs. That was why I was appointed to  
17 be the coordinator of the peace talks. Yes.

18 Q. [10:29:30] That's very good. But now you have introduced something else,  
19 Jackson, by saying you were the chief to the spirits, chief clerk to the -- clerk to the  
20 spirits. What exactly did this entail?

21 A. [10:29:55] The clerk to the spirit writes the minutes of the spirit, because when  
22 Kony is possessed by the spirit, when he is delivering speeches, he becomes  
23 unconscious because he will be in spirit. Then the minutes must be written down so,  
24 that when the spirit leaves him, the minutes will be read to him.

25 Q. [10:30:40] Yes. Now, you seem to have played a very central role within the

1 Yard and with the spirits, and observed Joseph Kony very closely. Can you tell  
2 Court maybe your first experience when you realised actually this man is not normal?  
3 When did you first experience Joseph Kony being seized by the spirits?

4 A. [10:31:26] Actually, as soon as I joined Holy Spirit Mobile Forces I knew Kony  
5 was in spirit, because whatever he says happens exactly the way he says it. He  
6 could tell the number of enemies coming, the kind of guns that they have, the  
7 direction they are taking, and how they will be deployed. And all this will happen  
8 exactly as he has said, so this one cannot happen with a person who is not having the  
9 Holy Spirit.

10 Q. [10:32:28] According to your recollection, Jackson, did this spiritual power in  
11 Joseph Kony help him to integrate the UPDA and expand his forces? If so, how did  
12 it happen?

13 A. [10:33:07] Actually, Kony consolidated power around 1989 because, when he  
14 joined the 105 brigade, he tried to unite the UPDA. The willing ones joined him.  
15 And those forces who were being commanded by Alice, when they were defeated  
16 from Iganga, when they came back, they were -- they joined Kony. And the person  
17 who was leading those troops was the father of Alice, Severino Lukooya. He came  
18 and joined her.

19 Now, those UPDA who were actually wanting to have high ranking responsibility in  
20 the forces were the ones who did not join Joseph Kony. But the rest joined him.  
21 When they learned that Kony was -- the Holy Spirit was using him, everybody was  
22 willing to work with him.

23 Q. [10:35:21] Now, you said some of the forces that had been left by Alice Lakwena  
24 joined Joseph Kony. Did you relate with some of them? If so, did they tell you  
25 whether their experiences with Alice Lakwena was more or less the same as their



1 experiences with what was happening with Joseph Kony?

2 A. [10:36:04] Yes. There is a very great similarity between the spirits that were  
3 using Alice Lakwena and those that were using Joseph Kony. Because it is the same  
4 spirit Lakwena that was using Alice and using Joseph Kony. Lakwena means  
5 messenger. So the way the troops under Alice were managing their operation was  
6 also similar to the way the troops of -- under Kony were also conducting their  
7 operation. So since it is the same spirit that were guiding all of them, so there was a  
8 very great similarity between them.

9 Q. [10:37:25] So those dissenting UPDA soldiers, the ambitious ones, how did they  
10 ultimately get integrated? If they did, that is, how did they ultimately get integrated  
11 into Joseph Kony's movement?

12 A. [10:37:57] Actually, the disobedient soldiers of the UPDA who refused to join  
13 Joseph Kony and never even wanted to join the government, who wanted to remain  
14 independent, those were all destroyed by Joseph Kony. Some of them were killed,  
15 some were captured and conscripted into the LRA. Yes. Because Joseph Kony said  
16 we need to have only two forces; the enemy, that is the government troops, and the  
17 LRA. That is all.

18 Q. [10:38:58] Now, you have talked about Joseph Kony when he's possessed, he  
19 becomes unconscious and, you know, you have to take notes, take minutes to read  
20 back to him. Can you tell Court the demeanour of Joseph Kony the person, when  
21 he's just an ordinary person and he's not possessed and he's relating in the normal  
22 day-to-day, you know, processes of life. What was he like?

23 A. [10:39:41] Joseph Kony, when he is not possessed by the spirit he is always very  
24 happy, reluctant, chatting with the soldiers, and he's highly cooperative. But when  
25 he is possessed by the spirit, that is when his character changes completely. The

1 eyes turns red, he never smiles, and he's always very serious until the spirit has left  
2 him. So that is to say, when he is in spirit he's under the power of the Holy Spirit  
3 and the power of the Holy Spirit only.

4 Q. [10:40:55] When Joseph Kony was under that spell of the Holy Spirit, what  
5 languages, what language or languages did he speak? And what kind of voice or  
6 voices did he adopt? Was it the voice of Joseph Kony, or can you describe to Court?

7 A. [10:41:28] The voice of Joseph Kony changes according to the spirit in possession.  
8 If he is being possessed by the operational commander, who is called Mama Malia  
9 Selindi, he talks in a female voice. When he is possessed by other intelligence officer,  
10 he becomes very rude. If it is the spirit of the chairman Juma Oris Debohr, he talks  
11 gently. So the spirits follow protocol in the way they manifest themselves in Joseph  
12 Kony.

13 Q. [10:42:41] Very interesting. Now, Jackson, can you tell Court on the average  
14 how long -- or, what was the longest period you witnessed him in the spirit? One  
15 day, a few hours, a few minutes? Or how long would it take when he was under  
16 that spell?

17 A. [10:43:15] The period of possession is not definite and depends on the speech  
18 the particular spirit wants to deliver. But in the beginning Kony had, usually had  
19 consecutive possession. He may be possessed in the morning, in the evening he may  
20 be possessed. But as time went on he may, if he wants to address the army, may  
21 take one week, or any desired period. Yes.

22 Q. [10:44:18] Now, can you tell Court whether it was always the case that the  
23 spirits came of their own volition, or sometimes, if Joseph Kony wanted to consult  
24 them, he would invoke them somehow? Would he invoke them or he would just sit  
25 there and wait until they come of their own volition?

1 A. [10:44:51] The spirit does not come in the will of Joseph Kony. When God has  
2 found that it is appropriate that the Holy Spirit should come and deliver a speech that  
3 is necessary for the soldiers, then the spirits will come. The spirit will first send a  
4 spirit called "reporter", he will come and tell Joseph Kony that the spirit Juma Oris  
5 Debohr wants to talk, or the spirit Mama Malia Selindi wants to talk, or the spirit Jink  
6 Brickey Who Are You wants to talk, and that spirit, the reporter, goes away. If the  
7 reporter has gone away, usually the spirit in charge of intelligence, Jink Brickey Who  
8 Are You, will come and address the army, then the operational commander, and  
9 lastly the chairman, if the chairman is to talk.

10 PRESIDING JUDGE SCHMITT: [10:46:21] May I.

11 Mr Jackson, you did, as I have understood it, record what the spirit said; is that  
12 correct?

13 THE WITNESS: [10:46:31] Kakare. It is true.

14 PRESIDING JUDGE SCHMITT: [10:46:33] I understand Kakare in the meantime.

15 Thank you. We don't interpretation here for once.

16 And did you keep these notes?

17 THE WITNESS: [10:46:52] Actually I was keeping them, but during the Iron Fist  
18 operation --

19 PRESIDING JUDGE SCHMITT: [10:46:57] You foreshadowed --

20 THE WITNESS: (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: You foreshadowed my next question and answered  
22 it already. So all is lost, so to speak; is that correct?

23 THE WITNESS: [10:47:07] It is true.

24 PRESIDING JUDGE SCHMITT: [10:47:08] Please, Mr Ayena.

25 MR AYENA ODONGO: [10:47:16]

1 Q. [10:47:20] This reporter, how would he come, would he come in a dream? Or  
2 did it require Joseph Kony to make any elaborate preparation? Or he would just sit  
3 there and wait, know that his guests are now about to come?

4 A. [10:47:48] Joseph Kony is a workhouse of the Holy Spirit. So these spirits come  
5 invisibility. They come, they come invisible, they come when they are seen, they are  
6 seen, yes. Kony sees all the spirits. Kony does not dream, but he shows vision -- he  
7 sees vision. And these spirits talk to him face to face. Yes.

8 Q. [10:48:40] Now, from what we have learnt, there was a man who belonged to  
9 another army who wanted -- who finally came to attempt to work with Joseph Kony,  
10 and his name was Juma Oris. Was the spirit Juma Oris there even before that actual  
11 Juma Oris died? Was he there in the beginning?

12 A. [10:49:19] This spirit was there in the beginning. Because Juma Oris, who was  
13 the foreign minister of Idi Amin, had a fighting faction in West Nile called the West  
14 Nile Bank Front. He zoned to Kony when we were in Sudan. But the spirit began  
15 possessing Kony when -- a long time before Juma Oris came. So the spirit is not the  
16 spirit of Juma Oris.

17 PRESIDING JUDGE SCHMITT: [10:50:12] No. But although you have not asked  
18 the witness directly, he has understood what you were up to, so to speak. So you  
19 can continue, I think.

20 MR AYENA ODONGO: [10:50:24]

21 Q. [10:50:25] Now, as a clerk to the spirits, were you lucky enough to also see some  
22 of these spirits in vision?

23 A. [10:50:40] I don't see them. They don't manifest themselves to me, but to him.

24 Q. [10:50:53] Now, Mr Witness, in your experience during your operations with  
25 Joseph Kony and the Holy Spirit forces, LRA, were there such things like observation

1 posts, which sometimes could be understood as being actually informers to Joseph  
2 Kony? And, therefore, what he claimed to be revealed by the spirits were actually  
3 reports gathered from those observation posts in relation to invading forces?  
4 Especially in the early days.

5 A. [10:52:07] We said -- during the time of the Holy Spirit Mobile Forces there were  
6 no observation post established in the army. All the informations and sitreps comes  
7 to Kony through the spirits. Because the spirit who is the chief intelligence officer,  
8 Jink Brickey Who Are You from USA, knows everything, the number of enemies, the  
9 guns they are using. If they have sent -- if they have sent their intelligence ahead,  
10 then every secret concerning the enemy will be revealed. And there was no use for  
11 observation post.

12 Q. [10:53:26] Now, Mr Witness --

13 MR AYENA ODONGO: [10:53:39] My Lord, I think --

14 PRESIDING JUDGE SCHMITT: [10:53:42] I have heard your short conversation, and  
15 I pick it up. So we have the coffee break until 11.30 now and then we continue.

16 THE COURT USHER: [10:53:58] All rise.

17 (Recess taken at 10.54 a.m.)

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

19 THE COURT USHER: [11:31:23] All rise.

20 PRESIDING JUDGE SCHMITT: [11:31:34] Mr Ayena, you still have the floor.

21 Please continue.

22 MR AYENA ODONGO:

23 Q. [11:31:50] Jackson, I hope you had a good coffee break. We shall continue from  
24 where we left.

25 And first one, Jackson, you talked about controllers, technicians, and then you being

1 clerk to the spirit. But you also mentioned something to do with a catechist. Can  
2 you tell Court what is a catechist, and he's or her role at the Yard?

3 A. [11:32:47] Okay, thank you. The catechist are the people who conduct prayer,  
4 they are responsible for preaching the gospel and teaching the words of the Lord.  
5 That is the work of the catechist.

6 Q. [11:33:22] Is he the same as the Yard commander? Is he in charge of the Yard  
7 and, therefore, so to speak, is a Yard commander?

8 A. [11:33:39] In the Yard we have the controllers, technicians, we have the catechist,  
9 we have the chief to Lakwena.

10 Now, controllers have their own commander, technicians have their own commander,  
11 catechists have their own commander, and the chief to Lakwena has their own  
12 commander. But all of them are commanded by the Yard commander because all  
13 these four are companies in the army.

14 Q. [11:34:43] So those companies are commanded by a central figure who is overall;  
15 am I right?

16 A. [11:35:01] Yes. The Yard -- the Yard commander controls the coy. But the  
17 person who controls all of them, because they are generally called the oracle house, is  
18 Joseph Kony himself. He controls the controllers, technicians, catechists, and chief to  
19 Lakwena.

20 Q. [11:35:40] Incidentally, how often were prayers held, and were they mandatory?  
21 And is that where the gospel was taught?

22 A. [11:35:53] Yes, in the LRA prayer is compulsory, a minimum of at least three  
23 times in a day. LRA preach the Christian gospel, so they preach the Bible. Yes.

24 Q. [11:36:33] Now, Jackson, you have really emphasised the central role of  
25 Christianity in the LRA, but at the same time we find such things like Brickey, Who

1 Are You, Selindi -- Silly Selindi, and these other spirits. How would you reconcile  
2 these spirits with the Christian doctrine?

3 A. [11:37:15] These spirits, they are all commanded by the Holy Spirit. So any  
4 spirit that comes from God, executes the will of God. Joseph Kony has been sent to  
5 restore the Ten Commandment. All these individual spirits have -- they have their  
6 own responsibilities. The chairman of the spirit Juma Oris Debohr is to make sure  
7 the will of God is executed spiritually. Where there is resistance, that is where the  
8 army comes in. That is when Mama Malia Selindi becomes the executive.

9 Where there is conspiracy against the children of God, that -- that is where Jink  
10 Brickey Who Are You executes his will.

11 So all these spirits have their own responsibilities. We have Soli Yakobo, who is the  
12 financial controller and chief catechist. We have Wil-Ing Nsu, who the miracle  
13 performer. We have Hawa, who is the co-miracle performer. We have Owora, who  
14 is a -- the co-intelligence officer. We have Major Bianca, who is the Yard commander.  
15 We have King Bruce, who is the support commander. And all other relevant spirits  
16 are there. We --

17 PRESIDING JUDGE SCHMITT: [11:40:24] It's amazing that --

18 THE WITNESS: Yeah.

19 PRESIDING JUDGE SCHMITT: [11:40:26] -- the witness captures literally all of his  
20 former statement, which I had not been given yesterday. So you have mentioned  
21 them all that you mentioned in paragraph 25 of your former statement.

22 So please continue, Mr Ayena. Thank you.

23 MR AYENA ODONGO: [11:40:44] Take note, your lordship, that he was the  
24 technician, and chief to the spirits, so.

25 PRESIDING JUDGE SCHMITT: [11:40:58] Let me put it this way, nevertheless.

Trial Hearing  
WITNESS: UGA-D26-P-0074

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [11:41:04] Yes.

2 Q. [11:41:05] Now, Mr Witness, I want just to turn to tab 7. Tab 7 is on your desk,  
3 in the book. Tab 7.

4 For non-Acholi speakers, the English version is at tab 8.

5 PRESIDING JUDGE SCHMITT: [11:41:47] I think we don't have to go through every  
6 page here. Perhaps we mention the ERN number and then you simply --

7 MR AYENA ODONGO: [11:41:55] Yes. It's tab 7, UGA-OTP-0022-0402.

8 Q. [11:42:12] Mr Witness, were you shown this document before?

9 A. [11:42:18] No.

10 PRESIDING JUDGE SCHMITT: [11:42:52] I think that would not --

11 MR AYENA ODONGO: [11:42:54] It doesn't matter.

12 PRESIDING JUDGE SCHMITT: [11:42:57] It doesn't matter, I would also say. It is  
13 simply -- you can perhaps simply put one of the columns to him, and if he can make  
14 something out of it. And that would be enough, I would say.

15 MR AYENA ODONGO: [11:43:07]

16 Q. [11:43:08] Now that you have seen it, Jackson, can you explain to Court what  
17 this document contains. Or you need a bit of time to study it first?

18 PRESIDING JUDGE SCHMITT: [11:43:32] Mr Jackson, I think it's absolutely enough,  
19 for example, if we have the first page that was mentioned, and there is on the  
20 left -- let's take the second, the second one. I at least, with my language  
21 understanding, read on the left side "Agobi". And then there is on the right side  
22 something. Can you make something out of it, what stands there in those columns,  
23 second paragraph, so to speak?

24 THE WITNESS: [11:44:07] Yes.

25 PRESIDING JUDGE SCHMITT: [11:44:10] Could you explain to the Court, please.



1 THE WITNESS: [11:44:15] The first one, "Lugaga," that one is body ache. So what  
2 we use, we use cam-anyini. This is a kind of herb that grows about one and a half  
3 metres and produces a tuber like carrot.

4 PRESIDING JUDGE SCHMITT: [11:45:06] And what is it used for?

5 THE WITNESS: [11:45:11] You mix with the Odwong, the root of Odwong tree.  
6 Then you -- you get a razor blade or any sharp thing. Then the pain -- the area of  
7 pain, you make small cuts, then you put the combined drugs on.

8 PRESIDING JUDGE SCHMITT: [11:45:47] Would it be correct if I said that this is a  
9 medical application? Or the purpose is for -- it's for medical purposes?

10 THE WITNESS: [11:45:57] Yes.

11 PRESIDING JUDGE SCHMITT: [11:46:01] I think that's -- I think that would apply  
12 to the whole document, I would assume. And I think we have seen something  
13 similar already.

14 MR AYENA ODONGO: [11:46:11]

15 Q. [11:46:12] So, Jackson, the list as they appear, were these the different types of  
16 ailments and the prescriptions that were used in the bush to cure them?

17 A. [11:46:27] Yes. In the bush, we usually use herbs for our treatments. These  
18 herbs are revealed to Joseph Kony, especially Doctor Salan. So he will tell -- he will  
19 show what herb can -- to kill which disease. So this spirit controls all medical  
20 problems in the LRA.

21 PRESIDING JUDGE SCHMITT: [11:47:31] I think you can move to another point. I  
22 think that that is clear now.

23 MR AYENA ODONGO: [11:47:36]

24 Q. [11:47:38] Jackson, could these have been part of your functions when they were  
25 revealed, as a clerk to the spirits, you write them down?

1 A. [11:47:55] Yes. They are written down, then given to the technician or  
2 controller, then they prepare and administer the drugs.

3 Q. [11:48:20] Now, we understand that Pope John Paul II attended -- I mean,  
4 presided over mass in Gulu. Did you attend that mass?

5 A. [11:48:42] No, because I was already in the bush. Is it Pope Paul?

6 Q. [11:48:54] Yes, Pope John Paul II. Did you attend any mass presided over by  
7 a pope on Boma ground?

8 A. [11:49:11] I never attended any prayer which was led by a pope.

9 Q. [11:49:24] Now let us turn to the period 1987 to '94, and particularly your move  
10 to Sudan. As you stated earlier, you were the clerk to the spirits until 1993. How  
11 did your role change in 1993? And especially as the coordination secretary.

12 A. [11:50:00] The reason why I became a coordination secretary, there was need for  
13 negotiation between the government of Uganda and LRA. So I was given that  
14 responsibility to assist as the coordination secretary.

15 Q. [11:50:46] And did you attend any of these -- was there, first of all, was there any  
16 peace talks between the LRA and the government of Uganda; and if so, did you  
17 attend any of them?

18 A. [11:51:04] Yes. There was -- this was in Pagik at the home of an elder called  
19 Ogoni. I was there personally, I was the one who went with Betty Bigombe, Colonel  
20 Wasswa. These were government representatives. I was the one who led them to  
21 the home of Ogoni.

22 Q. [11:51:51] Did the talks start off well?

23 A. [11:51:56] The negotiations started well.

24 Q. [11:52:05] And if you remember at this point in time, what did the LRA actually  
25 want, and who initiated these talks?

1 A. [11:52:19] Actually it was the LRA who wanted to negotiate with the  
2 government because Kony was telling us time and again, one, we are not soldiers, but  
3 we are teachers. So Kony wanted to come home and begin preaching the word of  
4 God to unite with the government so that the government follows the Ten  
5 Commandments. And there was also a need that if the government may not allow  
6 to negotiate, then they would have the opportunity to seek help somewhere else.

7 Q. [11:53:46] Now can you tell Court how long these negotiations went on and  
8 what exactly happened? Was it successful? Was it successfully concluded?

9 A. [11:54:06] This negotiation lasted almost about three months. When the people  
10 came to table, the Ugandan government at last ordered the LRA government to  
11 surrender unconditionally, and that was the cause of the break and that caused the  
12 breaking of the ceasefire and peace talk.

13 Q. [11:54:59] I'm sure when there is an arranged peace negotiation, there are set  
14 items of agenda. Had you exhausted all the items on the agenda and was it the case  
15 that you failed to agree on the items of the agenda that caused the government to give  
16 an ultimatum?

17 A. [11:55:41] Actually, those -- those items listed down to be followed were  
18 actually refused by the government. The government just wanted the LRA to  
19 surrender without any condition laid, so that was why LRA also refused because they  
20 said they had created a corridor for a safe haven, where all -- all LRA should go and  
21 assemble in the safe haven so that they put down their arms so that they are  
22 demobilised.

23 Q. [11:57:01] So by safe heaven, they were suggesting that you were in unsafe hell  
24 and therefore you should go to a safe heaven, is this what you understood?

25 PRESIDING JUDGE SCHMITT: [11:57:22] I think understood not heaven but haven.

1 I might be wrong. It could also mean safe passage.

2 Did you mean sort of a safe passage, Mr Witness, or did you mean the heaven in the  
3 spiritual understanding?

4 THE WITNESS: [11:57:49] I'm talking about a secured area.

5 PRESIDING JUDGE SCHMITT: [11:58:00] I understood it like that.

6 Please, Mr Ayena.

7 MR AYENA ODONGO: [11:58:05]

8 Q. [11:58:06] Now, can you tell Court exactly who sent this message and, if you  
9 remember the particular message, what was the content of the message? What  
10 message was relayed specifically to LRA?

11 A. [11:58:23] Okay, because with the LRA, we are told -- actually, I was not the one  
12 who was told personally, but other -- high-ranking politicians who were involved  
13 were the ones who were feeding Joseph Kony. So when these message reached  
14 Kony, Kony said he has not contacted the government to surrender. If the  
15 government wants all the LRA to go to the safe havens, then LRA must resume war.  
16 So that is how it made the peace talk came to an end.

17 PRESIDING JUDGE SCHMITT: [11:59:36] I think we leave this subject. The  
18 witness right from the start clearly distinguishes between what he personally  
19 observed and heard and what he only got knowledge of. And I think given his last  
20 answer, we can move to another point, please.

21 MR AYENA ODONGO: [11:59:57]

22 Q. [12:00:01] So what did the LRA do after that?

23 A. [12:00:17] Immediately after the collapse of the ceasefire, Joseph Kony, Joseph  
24 Kony ordered LRA to go to Sudan. So that very day, at night, LRA began their  
25 journey to go to Sudan.

1 Q. [12:00:55] Did you get to know the specific, I mean, target of people you were to  
2 contact -- the LRA was to contact in the Sudan on arrival? Was there any early  
3 arrangement with anybody in Sudan?

4 A. [12:01:30] Yes. After the collapse of the ceasefire, I learnt that Kony had  
5 already sent, Kony, a team of seven group people, called the "seven group". They  
6 had already contacted the southern Sudan independent army/movement, which is led  
7 by Riek Machar, so this southern Sudan independent army/movement was to  
8 coordinate them to the Sudanese government.

9 Q. [12:02:59] When you arrived in Sudan, can you describe maybe in outline what  
10 exactly happened, how you were received and the -- how you started to implement  
11 the earlier contact, I mean, the reason for the earlier contact with Riek Machar's  
12 group?

13 A. [12:03:30] Yes. When we arrived in Sudan, there was a sector commander  
14 called Paul Thomas Omoya. He was the one who took us to Martin T Kenyi, who  
15 was the area commander. Yes. So this Martin T Kenyi coordinated us with William  
16 Nyuon Bany, who was the chief of staff of -- of the southern Sudan independent army.  
17 Martin T Kenyi took us to Mugiri. No, that is a place, not a person.  
18 From Mugiri, we met William Nyuon Bany and the external security officer for Sudan,  
19 and the chief security officer for Juba. So they were the ones that represented the  
20 Sudanese government. So, through negotiating with them, the Sudanese  
21 government agreed to give arms and ammunitions to the LRA without any signed  
22 agreement, because the Sudanese government said Uganda is helping SPLA, so they  
23 will help LRA. Therefore, they gave us arms and ammunitions.

24 Q. [12:06:34] Apart from ammunition -- arms and ammunitions, did the  
25 government of Sudan provide any other material support to the LRA?

1 A. [12:06:51] They provided foodstuff and sanctuary.

2 Q. [12:07:08] What about medicines and uniforms?

3 A. [12:07:14] They gave uniforms, but not medicine: 180 pairs of uniforms, 180  
4 AKM 47 assault rifles. And 60,000 7.6 millimetre bullets, ammos.

5 Q. [12:07:51] How about training? Did they help to train?

6 A. [12:07:59] Training was afterwards.

7 PRESIDING JUDGE SCHMITT: [12:08:04] What does "afterwards" mean, when we  
8 put it in a timeline? Do you recall?

9 THE WITNESS: [12:08:12] Because this consignment given was in 1994, but training  
10 started in 1997.

11 MR AYENA ODONGO: [12:08:41]

12 Q. [12:08:42] And can you tell Court what kind of training you received from the  
13 government of South Sudan? Well, I mean government of Sudan, not South Sudan.  
14 Sorry.

15 A. [12:08:56] Me personally, I was not trained. But there was a team of soldiers  
16 who were sent to Juba. They were trained in anti-tank artillery, some seven  
17 anti-aircraft artillery, and even tank, including intelligence.

18 Q. [12:09:37] Do you remember how long this training took?

19 A. [12:09:45] It was three months.

20 Q. [12:09:50] And Mr Witness, you had said earlier that later on, when you went to  
21 Sudan, the concept of military ranks started emerging. Can you -- what did the LRA  
22 use to signify someone higher? Can you describe how this was done?

23 A. [12:10:29] LRA adopted the military gazettes of the Ugandan government.

24 Only that for the rank of an alternate commander, the coat of arm is embedded within  
25 the branch of a palm tree. But generally the ranks were very similar.

1 Q. [12:11:24] Are you saying that you designed your -- the LRA designed their own  
2 logo? Their own, you know, whatever they call it to signify ranks.

3 A. [12:11:45] The gazettes.

4 Q. (Microphone not activated) the gazettes?

5 A. The gazettes were -- I saw some senior commanders who were using the  
6 gazettes of the Sudanese government troops. But the real military sign that is on the  
7 arm and on the shoulder was similar to that of Uganda.

8 Q. [12:12:21] Now, Mr Witness, were ranks, in view of the spiritual attributes of the  
9 LRA, of great significance? From the time they started giving ranks, did Kony  
10 adhere to the concept of the chain of command?

11 PRESIDING JUDGE SCHMITT: [12:12:52] Yes. I think you would have to split it.  
12 These are different things, I think. Perhaps first you could ask the witness were  
13 ranks important, according to his observations, inside the LRA. And then chain of  
14 command is something different, I would say. This could conflict two different  
15 things.

16 MR AYENA ODONGO: [12:13:15] Yes. I thought I would shoot two birds with  
17 one stone, injure the third one, and perhaps scare away the fourth one.

18 PRESIDING JUDGE SCHMITT: [12:13:23] Yes. But I would simply start with the  
19 significance of ranks.

20 MR AYENA ODONGO: [12:13:27] (Microphone not activated) did so well.

21 Q. [12:13:28] Were ranks important?

22 A. [12:13:36] In the LRA, rank itself was not important. Because in the beginning  
23 there was no rank, commanders were called teachers.

24 PRESIDING JUDGE SCHMITT: [12:13:52] But if I may.

25 Later on, as you said, the ranks were introduced. And then this follows when you

1 give ranks that there are higher ranks and that there are lower ranks, that there are  
2 subordinates. So you have also, I would assume, more power if you have a higher  
3 rank. So did it then have any significance?

4 THE WITNESS: [12:14:18] When rank was introduced, it also became somehow  
5 important. One was to create harmony between all other soldiers. The army -- to  
6 make LRA equal to other army set up.

7 PRESIDING JUDGE SCHMITT: [12:14:44] And normally it is also the understanding  
8 that ranks could also signify a sort of reward for the person who gets a higher rank.  
9 Was this the same in the LRA?

10 THE WITNESS: [12:15:00] Yes. In the LRA, promotion is done in two ways.  
11 Sometimes it is -- you are promoted by the spirit. And there is always general  
12 promotion. Now, when you are promoted by the spirit, if there is general promotion,  
13 you will also be promoted. Because the way the spirit makes their merits is different  
14 that of the human being.

15 PRESIDING JUDGE SCHMITT: [12:16:02] You might have addressed this later on,  
16 so I foreshadowed perhaps something. But please continue. I think we can now go  
17 over to the second question that you wanted to ask, follow the chain of command  
18 within these ranks, now that we have established what ranks were about.

19 MR AYENA ODONGO:

20 Q. [12:16:20] The President has more or less made out my question, but maybe I  
21 will put it more specifically to you.

22 In situations of war, was it always the case that the -- in the LRA, the chain of  
23 command was strictly adhered to? For instance, if Joseph Kony ordered for an  
24 attack on a position, was it always the case that it would follow from division  
25 commander, brigade commander, the battalion commander, company commander,



1 and so on and so forth?

2 A. [12:17:18] Yes. In the LRA, the most important thing is obedience to order.

3 Because these orders usually comes from the spirit to Joseph Kony. When

4 Joseph Kony has already issued order to the army commander, all the soldiers must

5 follow. You cannot originate your own order in the LRA and you cannot violate any

6 order. Some people have lost their lives because of violating orders. So with the

7 LRA, once order is issued, everybody follows.

8 PRESIDING JUDGE SCHMITT: [12:18:31] But if I may.

9 I think the question, what interests Mr Ayena is, if an order is issued, is it issued

10 according to a chain of command? Or could, for example, the order be issued to

11 a lower rank immediately, under circumvention of the higher ranks?

12 THE WITNESS: [12:19:09] There is chain of command. This chain of command,

13 especially -- let me say, if Kony orders -- Kony has issued order, he cannot issue order

14 directly to the battalion commander. He has to order the army commander. Then

15 the army commander will order the division commander. The division commander

16 is to order the brigade commander. The brigade commander is to order the battalion

17 commander. And the person who is the task force commander will -- will receive

18 the last order and he executes the exact order.

19 PRESIDING JUDGE SCHMITT: [12:20:02] Thank you.

20 Please continue, Mr Ayena.

21 MR AYENA ODONGO: [12:20:06]

22 Q. [12:20:10] Jackson, according to the functions that you performed in the LRA,

23 was it the case that you were always acquainted with when Joseph Kony issued these

24 orders?

25 A. [12:20:38] Yes. Because order is not executed in secret, and if the spirit has

1 ordered Joseph Kony, he declares it publicly. He says, "Lakwena has ordered this.  
2 Everybody must follow."

3 Q. [12:21:13] In a situation where you were in -- Joseph Kony was in Sudan and  
4 some of the troops were in Uganda, how would he send these orders?

5 A. [12:21:33] Orders is sent through radio communication.

6 Q. [12:21:56] And --

7 PRESIDING JUDGE SCHMITT: [12:22:00] Microphone, please.

8 MR AYENA ODONGO: [12:22:02] Sorry.

9 Q. [12:22:03] In this case, if he was with the army commander, were there instances  
10 when Kony would talk to the field commanders directly, or was it always the case  
11 that he never talked to the field commanders directly?

12 A. [12:22:32] That one depends upon the situation. Sometimes, sometimes Kony  
13 may decide to -- to talk directly to the person who is the commander of the task force  
14 and he will say, "I want you to do this, this, this, this without fail." And the task  
15 force commander will do exactly what he has said.

16 Q. [12:23:20] Does it therefore mean that sometimes it depended on the exigency of  
17 the situation at hand if the situation required immediate action, and could it be that  
18 maybe, according to what you have been saying, if the spirit suggested, it would be  
19 done so?

20 A. [12:23:55] Actually, the spirit is always in command. Since -- but Kony as  
21 a human being is to relay all this command. In case there is an emergency where the  
22 task force commander may -- might have communicated to him, then immediately he  
23 will issue orders under being -- while being supervised by the spirit, that "do this"  
24 and that is done.

25 Q. [12:24:59] You talked about general promotions. Can you give a fair

1 elaboration of what these entailed? When were the instances when there was  
2 general promotion?

3 A. [12:25:27] During general promotion, Kony will call the military council, which  
4 composed of the army commander, division commanders, brigade commanders, and  
5 even battalion commanders. He would ask them the capability of the soldiers who  
6 are in their units, and these military council members recommend an individual  
7 whether he's responsible for promotion. When they have all been recommended,  
8 then they are all promoted.

9 Q. [12:26:58] In the case of intervention by the spirits --

10 A. [12:27:00] Yes.

11 Q. [12:27:00] -- was it possible for, for instance, the spirits to dictate that an  
12 individual should skip some ranks, maybe somebody is a captain, he is catapulted to  
13 a colonel or a lieutenant colonel for that matter? Was it possible?

14 A. [12:27:33] I never witnessed one, but -- but the spirit can give appointment.

15 A person can be taken from a battalion commander to a division commander, that one  
16 is a responsibility. Thereafter, the desired rank will be given to him. The example  
17 is there was a commander called Raska Lukwiya, he was taken from a battalion and  
18 was sent to command Gilva division. Yes.

19 Q. [12:28:58] Now upon the recommendation of the army council or the brigade  
20 council, would Kony necessarily take up their advice, or it was up to him to either  
21 implement their recommendation or even reject them?

22 A. [12:29:24] Generally, he accepts, but if he has identified a person who is  
23 incapable, he will not allow because after this promotion, the officer -- the man who  
24 is at the junior ranks will also be promoted. Yes. So it is only capable people.

25 Q. [12:30:13] And was it possible for Kony of his own determination to decide to

1 promote somebody without necessarily consulting the council, especially if it was  
2 dictated by the spirits?

3 A. [12:30:42] When he has been ordered by the spirit, he has no consultations to  
4 make.

5 Q. [12:31:03] And, Jackson, was it also -- I mean, did Kony also demote  
6 commanders for any reason?

7 A. [12:31:20] Yes, he does.

8 Q. [12:31:33] Now, Jackson, when you were moving to Sudan, did anything  
9 significant happen to you on your march to Sudan?

10 A. [12:31:49] When we were going to Sudan, nothing happened.

11 Q. [12:32:12] Jackson, at a certain point you sustained some injury on your leg.  
12 Can you tell Court when this happened?

13 A. [12:32:27] Yes, I sustained injuries in 1994 when we had returned from Sudan  
14 from acquiring arms and ammunitions. So when we came to Uganda, we entered  
15 into an ambush of the UPDF, that was where I -- my leg was shot, my right leg was  
16 shot and consequently led to my amputation.

17 Q. [12:33:19] Were you kept in the sickbay, and if so, for how long did you remain  
18 in the sickbay?

19 A. [12:33:28] When I got injured, I was taken to sickbay. That was from 1994 up to  
20 1997. So I spent three years in the sickbay.

21 Q. [12:33:56] So after the three years, what happened?

22 A. [12:34:01] I was taken to Juba, then I was flown to Khartoum. I was taken to  
23 military hospital in Askar (phon) where I got my amputation.

24 Q. [12:34:30] Would you want to tell Court briefly the type of bullet wound you  
25 sustained, the nature of the ammunition that was used to injure you?

1 A. [12:34:54] By that time there was a kind of bullet of the incendiary type, so is  
2 was being used by the UPDF. That bullet, when it injures you, it never gets cured.  
3 So I was shot with that bullet. I spent three years without my wound curing, until I  
4 got amputated. Yes.

5 Q. [12:35:42] Mr Witness, are you suggesting that, if you had been injured by an  
6 ordinary bullet, you may have been cured?

7 A. [12:35:54] Yes.

8 Q. [12:36:07] Now, after -- does it therefore mean, Mr Witness, that during the time  
9 when the ranks were being given you were in the sickbay?

10 A. [12:36:26] Yes. The first time that a rank was given I was in the sickbay. I was  
11 given the rank of a captain in my -- in absentia. Then in 1999, that was when I was  
12 promoted to a major, when I was administrator of the casualty unit in Nsitu.

13 Q. [12:37:07] And what did position of casualty administrator entail?

14 A. [12:37:15] The casualty administrator's work is to see that there is food given to  
15 the casualty unit, livelihood should be given to them. They should also get medicine.  
16 And all those -- all those things that are necessary for human life must be given  
17 to -- to the casualties, and because the casualty unit have even women and children.

18 PRESIDING JUDGE SCHMITT: [12:38:11] May I shortly, Mr Ayena? Mr Jackson,  
19 who decided that you were to be flown to Khartoum?

20 THE WITNESS: [12:38:21] It was Joseph Kony who sent me.

21 PRESIDING JUDGE SCHMITT: [12:38:29] Were you flown in a Sudanese aeroplane  
22 from the Sudanese military, or whatever? A plane?

23 THE WITNESS: [12:38:41] When I was going, I was sent by a cargo plane. The  
24 aeroplane is called AJA. And when I was returning, I was flown with a Sudanese  
25 military plane.

1 PRESIDING JUDGE SCHMITT: [12:39:04] Thank you.

2 Please continue.

3 MR AYENA ODONGO: [12:39:07]

4 Q. [12:39:09] Now, was AJA being used by the military as well?

5 A. [12:39:17] AJA is not used by the military.

6 Q. [12:39:24] It's a civil plane -- civilian?

7 A. [12:39:27] Civil plane.

8 Q. [12:39:29] Okay. Mr Witness, let's now turn to the rules, or what sometimes we  
9 refer to as edicts of the LRA. What were the guiding principles, the basic guiding  
10 principles in the LRA?

11 A. [12:39:58] In the LRA, the most important law is the Ten Commandment. And  
12 in the everyday life prayer is also very important. So these two are the most  
13 important in the LRA. But we have some laws which everyone in the LRA must  
14 follow. Smoking is prohibited. Drinking. You are not even allowed to sleep with  
15 somebody's wife. You are not allowed to have homosexuality. Yes, during  
16 operation, you are not allowed to have sexual intercourse. In the operation, there is  
17 operation convenances where, when you are advantaging in the front line, when you  
18 are crossing a river, you fetch the water and make a sign of crossed on your head.  
19 When you are passing through a tree, you will say, "Tree respect me." Yes. So  
20 there are very many regulations.

21 Q. [12:42:22] Let's start with the Ten Commandments. Who preached the Ten  
22 Commandments?

23 A. [12:42:27] Yes. Yes, the Ten Commandment is taught and preached in the LRA  
24 because Kony has been sent to restore the Ten Commandments. Not only for  
25 Uganda, but for the world at large, because people have forsaken the Ten

1 Commandments. So the mission of the LRA is so see that the human kind, mankind  
2 should follow the Ten Commandments.

3 Q. [12:43:28] Does it therefore mean that, if the LRA had completed liberating  
4 Uganda, they would now proceed to Germany, proceed to Europe, to the Americas,  
5 to restore the Ten Commandments everywhere?

6 A. [12:43:52] That is true, as LRA is not established for Uganda only.

7 PRESIDING JUDGE SCHMITT: [12:44:03] We understand that --

8 THE WITNESS: But for the world.

9 PRESIDING JUDGE SCHMITT: Yes. We understand that this might have been the  
10 idea, so please continue.

11 MR AYENA ODONGO:

12 Q. [12:44:12] Now you talked about the other rules of the LRA. Who devised the  
13 rules? Where did they come from? Rules against homosexuality, rules against  
14 adultery, rules against, you know, those things that you talked about. And of course,  
15 earlier on, you talked about escaping. Were these some of the rules? I mean these  
16 rules other than the Ten Commandments, where did they come from, and who issued  
17 them?

18 A. [12:44:59] All these convenances are established by the spirit because these  
19 convenances are traced back to the Bible. So it is spiritual. For the love of mankind,  
20 that is why the spirit has established these convenances.

21 Q. [12:45:42] And these covenants has evinced from the Bible through the spirits.  
22 Now that you said Joseph Kony was the spirit medium, was it always sent down by  
23 Joseph Kony or was it given down by some other person?

24 A. [12:46:16] Actually, Lakwena is the spirit. Kony is called la-or. He does what  
25 the spirit wants him to do. So Kony -- the work of Kony is to see that these

1 convenances sent by the spirit, the messenger, must be followed.

2 Q. [12:47:00] You've introduced a new term -- terminology, la-or. Can you  
3 elaborate, who is la-or? Is it different from a messenger?

4 A. [12:47:18] La-or and Lakwena are two separate people. Lakwena is the spirit  
5 that is sent by God. But the person whom the spirit is using is the la-or.

6 Q. [12:47:46] So, in other words, la-or is the conveyer. He conveys what the spirit  
7 has brought? Do I understand you correctly?

8 A. [12:48:01] Yes, he's the workshop. The spirit's workshop is the la-or.

9 PRESIDING JUDGE SCHMITT: [12:48:10] So this is not exactly the same, but I think  
10 we have understood it.

11 MR AYENA ODONGO: [12:48:17]

12 Q. [12:48:18] And when these rules are given down, who executes them?

13 A. [12:48:26] Now when this la-or have been issued Kony will brief the  
14 commanders, and these commanders are the ones to see that the law and convenances  
15 are followed in all of the LRA.

16 Q. [12:49:06] Now, understand me to be coming from this position, of course there  
17 is the Control Altar?

18 A. [12:49:15] Yes.

19 Q. [12:49:16] Then there was the division. And then there was the brigade, down  
20 to the task forces. Who was responsible for executing these rules? Who was  
21 instructed to ensure that these rules are executed?

22 A. [12:49:48] When we talk of the Control Altar, that is the -- let me say, literally it  
23 is the high command. The Control Altar is the high command, which -- where there  
24 is Kony, who is the commander-in-chief and chairman. We have the army  
25 commander, we have the chief of operation and training, and we have the chieftaincy



1 of military intelligence. These people in the high command have the responsibility  
2 to see that the covenances are followed. But Kony is the topmost man.

3 Q. [12:50:56] Let's take the example of battalion commander and these were -- I  
4 suppose what you are saying is that these were standing rules and standing orders.  
5 If, for instance, somebody committed an act of sodomy within the battalion, did he  
6 have to report it, the battalion commander have to report again to the high command  
7 or was it up to him, or was he under duty to implement the order against  
8 homosexuality?

9 A. [12:51:59] It depends on the offence. If it is capital offence, because sodomy  
10 in -- because in the LRA, sodomy is capital offence, then in the case of such a case, the  
11 battalion commander is to alert the headquarter before he execute it. But in case  
12 there is need, when a commander has identified an objective which he can accomplish,  
13 he can execute that one. Let us take, for example, if people in the sickbay needs drug,  
14 if any commander comes up to a place where he can access drug, he has the  
15 responsibility to -- or to collect the drugs. But when a case is pertaining to capital  
16 offence where death penalty is to be awarded, the headquarter must be informed.  
17 But at all, a standing order can be executed by any commander.

18 PRESIDING JUDGE SCHMITT: [12:54:04] That's clear enough, I would say.

19 MR AYENA ODONGO: [12:54:07]

20 Q. Let's talk about escape.

21 PRESIDING JUDGE SCHMITT: [12:54:14] This is completely new, I think, issue.

22 We could have the lunch break now, I would say.

23 MR AYENA ODONGO: [12:54:21] It would appear, yes. Yes.

24 PRESIDING JUDGE SCHMITT: [12:54:23] Yes. Perhaps for further questioning, of  
25 course escape is important because I know all what you intend to question the

1 witness. Also, areas that are of significance is the people and the commanders and  
2 their roles, I think, that are foreshadowed, and the development of the relationship  
3 between LAR and Sudanese government, and the knowledge of Mr Ongwen.

4 MR AYENA ODONGO: [12:54:50] Yes.

5 PRESIDING JUDGE SCHMITT: [12:54:51] I would deem it as not so significant the  
6 witchcraft thing because it dates very, very far back in time. I simply want to flag  
7 that so you can perhaps think about it for further questioning.

8 MR AYENA ODONGO: [12:55:07] Some of the witchcraft things date up to 2002.

9 PRESIDING JUDGE SCHMITT: [12:55:12] Yes. Then refrain to them, I would  
10 suggest.

11 MR AYENA ODONGO: [12:55:14] Yes.

12 PRESIDING JUDGE SCHMITT: [12:55:16] So we have the lunch break until 2.30.

13 THE COURT USHER: [12:55:20] All rise.

14 (Recess taken at 12.55 p.m.)

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

16 THE COURT USHER: [14:31:40] All rise.

17 PRESIDING JUDGE SCHMITT: [14:32:08] Mr Ayena, please proceed.

18 MR AYENA ODONGO: [14:32:10] Yes. Mr President, we have a happy intrusion  
19 into our team.

20 PRESIDING JUDGE SCHMITT: [14:32:22] Already noticed, but for the record.

21 MR AYENA ODONGO: [14:32:25] Michael Rowse.

22 Q. [14:32:36] Jackson, I hope you had a fulfilling lunch. We are going to continue  
23 from where we left again, and this time we are going to open with escape. Escape,  
24 the topic about escape from the LRA. Jackson, can you tell Court why LRA was very  
25 particular about people escaping from their ranks?

1 A. [14:33:25] Thank you. The LRA have a very strong regulation concerning  
2 escape because when a soldier in the rank, when he escapes, he may go to the enemy  
3 and will release all the secrets concerning armaments, location, the sick. So this  
4 order is very strong to contain the soldiers not to escape. Usually it is punishable by  
5 firing squad.

6 If you escape, a team of soldiers will be dispatched to follow you. If they get you,  
7 you are killed straightaway. Yes.

8 Q. [14:35:01] Okay. Was it also meant to maintain the number within the LRA  
9 and to discourage other people from escaping?

10 A. [14:35:22] Yes, that is the motive. Because when a soldier who has escaped and  
11 is arrested and brought back, he is killed before the soldiers so that all the soldiers to  
12 see and witness if they escape, the same thing will be done to them.

13 Q. [14:36:04] And in case he is not found, that particular person, he escapes and  
14 runs back to his village or to his community, then he disappears, what would  
15 happen?

16 A. [14:36:35] Usually, when you escape with arms, you will be pursued up to home.  
17 If you are not found, the family members and the neighbours will compensate for that.  
18 Yes.

19 Q. [14:37:06] And when you talk about "compensation", what exactly do you mean?  
20 How would they compensate? Would they take their properties, maybe? What  
21 exactly do you mean by "compensation"? How would they compensate?

22 A. [14:37:28] Actually, it is a revenge. The members found will be killed and their  
23 properties destroyed. Houses burnt. And anything that can be done to the family  
24 will be done.

25 Q. [14:38:04] And let's look at the situation in Sudan. Were there instances when

1 people tried to escape from Sudan? And how easy was it?

2 A. [14:38:17] Yes. Some -- some people escaped, some people tried to escape, but  
3 they failed. There was one commander, whose name, Onekomon, he escaped from  
4 the Sudan. A task force was dispatched after him to capture him and his allies so  
5 that they are taken back and be killed before the other soldiers. But they were not  
6 found because the task force was small; they could not follow them up to Uganda.

7 Q. [14:39:19] Was that the end of the story for him or did something else in the -- in  
8 the long run, did they finally get him?

9 A. [14:39:32] He was not found. He came and surrendered to the government.

10 Q. [14:39:51] Can you cite any other example of those who tried to escape but could  
11 not escape?

12 A. [14:40:01] There was one commander with the name Ojok; he was a lieutenant in  
13 the army. He escaped with a gun and came back to their home. A task force was  
14 sent to follow him. He was found drinking. Then he was speared in the chest and  
15 was ordered to stand up. He walked with the spear in his chest up to their home  
16 where he was killed, the gun recovered and the houses burned.

17 Q. [14:41:08] Now, when people were abducted into the LRA, were they told about  
18 the punishment for attempting to escape?

19 A. [14:41:20] Yes. They were all informed that if -- that if you escape and you are  
20 recaptured, you will be killed.

21 Q. [14:41:41] Do you remember who exactly prescribed and put in place this policy  
22 of killing those who tried to escape?

23 A. [14:42:00] This was Mama Malia Selindi.

24 Q. [14:42:10] Is this the lady spirit?

25 A. [14:42:17] Yes, is the lady spirit who is a Sudanese by nationality.

1 Q. [14:42:26] Was it different if a senior commander escaped? Was there  
2 a difference between, you know, the steps that would be taken for an ordinary  
3 rank-and-file soldier escaping and a senior commander escaping, or even attempting  
4 to escape?

5 A. [14:43:04] Actually, the soldier -- a soldier and a senior commander are all liable  
6 to punishment by firing squad. Yes. But for a commander, it's more serious  
7 because a commander is always under surveillance and if a senior commander tries to  
8 escape, it is suspicious that he might have persuaded other troop -- other soldiers; so  
9 his case will be more dangerous.

10 Q. [14:43:54] And in this case when you talk about surveillance, who would be  
11 surveilling the senior commanders? Or any commander, for that matter.

12 A. [14:44:12] Most of the time, information concerning an individual in the LRA is  
13 revealed to Joseph Kony by a -- Who Are You. So Kony knows everybody and the  
14 intention of everyone. So when he is informed by the spirit, he will inform the  
15 operation room and all the army will be alert to try to understand and contain the  
16 intention of that bad person.

17 Q. [14:45:05] That brings me to a subsidiary -- a follow-up question. This morning  
18 you talked about, you know, people who formed the Control Altar and one of the  
19 directorate was the directorate of intelligence. How did this operate? Did it -- I  
20 mean, how was the directorate of intelligence structured? Did it go down to the  
21 operational unit?

22 A. [14:45:52] Yes. The chieftaincy of military intelligence have all the intelligent  
23 ranks, from the Control Altar to the sections; so they are there. They assist in  
24 surveillance and network.

25 Q. [14:46:32] Were some of these specialised to report directly to the Control Altar

1 without necessarily going through the chain of command?

2 A. [14:46:53] Yes. We -- we have the, the skill to assisting of Joseph Kony. This,  
3 after independent intelligence network. So if anyone -- anyone is a member of them,  
4 he has the right to submit his report directly to the Control Altar. Yes.

5 Q. [14:47:34] If one of these was attached to your unit, was it clear to you, the  
6 commander, that he was belonging to that special category of persons? Or it was  
7 only known to Joseph Kony?

8 A. [14:47:58] Usually, those who were publicly known are there, but others who are  
9 secret are also there. And they are everywhere within the units, but nobody can  
10 know them. Yes.

11 Q. [14:48:22] Thank you very much. Now, let's talk about some specifics. What  
12 happened shortly after Operation Iron Fist involving Dam, Vincent Otti and one of  
13 Kony's wives?

14 A. [14:48:49] What happened to Vincent Otti was when Iron Fist operation started.  
15 Otti was organised to be assassinated by the southern Sudan's independent army  
16 after the capture of Parajok. But at night when Otti learnt that he was to be  
17 assassinated, he escaped. But one of Kony's bodyguard, Dam, was killed. And one  
18 of Kony's wives was captured and given to Martin T Kenyi. So when the report  
19 reached Joseph Kony, he said he would revenge. So in 2002, when  
20 Operation Iron Fist was ongoing, they came to the area where that action took place,  
21 around Mount Imatong, so they captured about 300 people, women, children and  
22 soldiers of the southern Sudan independent army, and they killed them all to revenge  
23 for the attempt capture of Otti.

24 Q. [14:50:45] Do you remember the other name of Dam, and the name of Kony's  
25 wife who was captured?

1 A. [14:51:00] I don't quite remember. Dam, I know only his name Dam. And the  
2 name of that wife of Kony, I cannot remember.

3 Q. [14:51:13] Was she finally rescued?

4 A. [14:51:17] Finally she was restored. She was, yes, was rescued.

5 Q. [14:51:40] Jackson, can you turn to tab 10. Tab 10. The ERN number is  
6 UGA-OTP-0026-0319. This is an alleged list of LRA standing orders from June 1995.  
7 I will put out a few of those and ask you if it is true.

8 Now, cleansing, while we shall talk of this in detail later, were people required to be  
9 cleansed after joining, or being abducted into the LRA?

10 A. [14:53:03] Yes. When you are abducted and taken to the LRA you will be  
11 cleansed, whereby water will be sprinkled on you, and shea oil. Apart from that,  
12 camoplast mixed with shea oil will be put on your body in the sign of a cross. And  
13 this camoplast and shea oil, this shows your health. For those who are positive with  
14 HIV, the camoplast dries and falls off immediately. But when you are healthy and  
15 this remains on you, until you are told to bathe, that is three days.

16 PRESIDING JUDGE SCHMITT: [14:54:20] Perhaps, I have a question here.  
17 This document in handwriting, this, do you know this or have you seen this, or even  
18 produced it, perhaps?

19 THE WITNESS: [14:54:34] I had not seen it.

20 PRESIDING JUDGE SCHMITT: [14:54:41] Please proceed.

21 MR AYENA ODONGO: [14:54:48]

22 Q. [14:54:49] And what would happen to members of the LRA who  
23 misappropriated food, drugs, or other supplies within the LRA? What would  
24 happen to them?

25 A. [14:55:10] Usually he is given punishment, so ranging from 30 or more strokes.

1 For serious cases sometimes they were given 200 or more strokes.

2 Q. [14:55:32] How about the handling of cowards, those who were cowards,  
3 cowardly people during battles?

4 A. [14:55:51] When you flee from the front because of your cowardness, when you  
5 return back, you will be punished very severely. A lot of strokes will be given.  
6 Usually are given strokes, hot ones. Actually, not only one person beats you. They  
7 will use people who look very energetic and the strokes will be given through them.  
8 And if they are asked to give five strokes each, then each person gives you five and  
9 goes away, the other one comes, until the required number.

10 Q. [14:56:45] Hot ones?

11 A. [14:56:49] Yes.

12 Q. [14:56:58] You have already mentioned that people were not allowed to smoke,  
13 drink alcohol or commit adultery or fornication, by whatever name they were called.  
14 Was rape accepted?

15 A. [14:57:26] In the LRA you are not allowed to rape, but when women are  
16 abducted they will be allotted to the commanders. When she is given as your wife,  
17 you have the responsibility to share a bed with her, but not to force her to have sexual  
18 intercourse, no.

19 Q. [14:58:04] If somebody is allotted to you and you share a bed with her, and since  
20 you were not allowed to force her to have sexual intercourse with you, if she forever  
21 refused, what would you do? What would happen?

22 A. [14:58:34] Actually, abducted women usually do not rebel because they will also  
23 be taught, you have come here, you are going to assist as a woman, so anybody to  
24 whom you have been given as a wife, be loyal to him, follow all what he tells you.  
25 So these women mostly never rebel.



1 Q. [14:59:20] Does it, however, mean that once a lady has been allotted with you,  
2 you have to negotiate with her to cooperate?

3 A. [14:59:38] Sometimes you have -- actually, you have got at least to sensitise the  
4 woman so that she gains interest in you. But you cannot handle her so roughly,  
5 because sometimes she may be worried, thinking about her family she has left. So  
6 you just simply console, then you can share a bed.

7 PRESIDING JUDGE SCHMITT: [15:00:13] I have also a question that perhaps might  
8 fit here. I am referring to UGA-0026-0321, that is the same document, of course, and  
9 there is as a standing order, Mr Witness, under the headline "Adultery", "Having  
10 sexual intercourse with under age persons". How would the LRA define underage?

11 A. [15:00:52] In the LRA a woman who is under age is that woman who does not  
12 menstruate. But if you menstruate, the spirit says you are mature.

13 PRESIDING JUDGE SCHMITT: [15:01:14] Okay. Yes, please proceed.

14 THE WITNESS: [15:01:17] Because that is the sign from God that you can now  
15 reproduce.

16 PRESIDING JUDGE SCHMITT: [15:01:23] Please proceed, Mr Ayena.

17 MR AYENA ODONGO: [15:01:27]

18 Q. [15:01:28] Now, Jackson.

19 A. [15:01:30] Yes.

20 Q. [15:01:32] How did the LRA respond to people who were always moody, looked  
21 sad and generally not happy? And did this have any particular interpretation?

22 A. [15:02:00] In the LRA moody people are always dealt with through torturing,  
23 beating that person. Because you are -- they are -- if you are so moody, it means  
24 you are not happy staying in the LRA and you are planning to escape. So such  
25 people will be taken to operation room where they are given a small counselling, then

1 strokes are given to them.

2 Q. [15:02:43] So, in other words, the moodiness was beaten out of such a person?

3 A. [15:02:52] Yes.

4 Q. [15:03:02] Now, these standing orders we are talking about --

5 A. [15:03:09] Yes.

6 Q. [15:03:12] -- were they applicable at the time when you were captured, or when  
7 you were recruited, or conscripted, to use your own words?

8 A. [15:03:27] In the beginning, those standing orders were not working, but when  
9 mass abduction came into place, that was when these orders came in. Because there  
10 were different characters of people. Some of the people were always persuading  
11 their friends to escape, so that was the time when these orders came in.

12 Q. [15:04:07] And were they still in operation by the time you were captured by the  
13 UPDF in 2004?

14 A. [15:04:24] Yes, the order was still on, but it is very active during the time of  
15 abduction.

16 Q. [15:04:50] Now, how did someone -- let us talk about wife attribution. Wife  
17 attribution.

18 A. [15:05:02] Okay.

19 Q. [15:05:03] Can you help Court to understand who was responsible for wife  
20 attribution. Those who were the girls who were abducted and those who were  
21 soldiers in the army, can you help Court to understand who was responsible?  
22 Where did the orders for attribution of these wives come from?

23 A. [15:05:42] In the first place, when women are abducted, they're -- they are taken  
24 to the main operation room. From the operation room, those who are to be taken to  
25 Joseph Kony will first be elected because Kony is the one responsible for all these

1 abductions. When his has already been given, then the rest will be the responsibility  
2 of the operation room. So the operation room will see how many should go to the  
3 division, how many should go to the brigade, how many to the battalions.

4 PRESIDING JUDGE SCHMITT: [15:06:40] Mr Witness, what would be the criteria  
5 for those girls who were attributed to Joseph Kony?

6 THE WITNESS: [15:06:56] Actually, one is based on beauty. The most beautiful  
7 ones go to him. Secondly, character. If you are well behaved, you will go to him.  
8 And lately, there was also education. Those girls who were highly educated were  
9 given to him also and some superior commanders, yes. But when -- when they reach  
10 Kony, he will screen them. When he has detected something detest -- detestable  
11 with one of them, he will reject and will be taken away from him.

12 PRESIDING JUDGE SCHMITT: [15:07:57] And what would happen to such a girl  
13 who is rejected by Joseph Kony?

14 THE WITNESS: [15:08:04] Usually, is taken back to operation room, but he  
15 always never sleeps with them. When they're still under assessment, he will not  
16 sleep with them.

17 PRESIDING JUDGE SCHMITT: [15:08:19] Mr Ayena, please.

18 MR AYENA ODONGO: [15:08:21]

19 Q. [15:08:24] And, Jackson, was it always the case that Kony would pick from every  
20 stock of abductees? Every abductee who were brought, he would get a share? And  
21 secondly, there is a saying that beauty is in the mind of the beholder. How did  
22 people assess who was beautiful to Kony?

23 A. [15:09:07] Sometimes Kony would say, "These -- these girls abducted, let them  
24 be distributed to the brigades." But due to loyalty in the military set up, the  
25 operation room usually offers some to him. It may not be in -- in his interest and

1 when the girls reach there, he may distribute -- distribute them in Yangu. Yes, that is  
2 the security brigade of Joseph Kony.

3 Q. [15:10:03] That's "Yangu"?

4 A. [15:10:07] Yes, it was originally called Yangu.

5 Q. [15:10:09] Okay. So he gives them to his security people. Okay. And when  
6 they are now distributed to the brigades, who was responsible for giving them out?  
7 And did he have any duty to say, "No, I don't want to distribute these girls."  
8 Commanders? Or brigade or battalion commander?"

9 A. [15:10:54] When they are being sent to a brigade, it is the responsibility of the  
10 brigade commander and his council, the operation room and the battalion  
11 commanders, they assess the officers who are capable of having wives. Then they  
12 distribute them. So it is the brigade commander who makes the last decision, but the  
13 assessment is always done by the operation room.

14 Q. [15:11:46] In that case, Jackson, does the brigade commander or the council have  
15 a choice but to distribute?

16 A. [15:12:02] In fact, the brigade commander has the authority to choose his,  
17 because he's a member of the high military council. But he has no objection as to the  
18 distribution of women. He can refuse for himself, but not for others because if  
19 Control Altar has already sent, that belongs to the brigade.

20 Q. [15:12:52] Now in the case of male soldiers, who decided that a young man was  
21 now ready to take a wife? And if he was given a wife, did he have a choice to reject  
22 that wife and say, "Me, I want to remain single in the bush."

23 A. [15:13:32] For male soldiers, a person is recommended capable when he is  
24 already beyond the age of a child. And secondly, when he has a -- a rank of  
25 a commissioned officer, then he is entitled to have -- to have a woman. But he does

1 not have the right to reject a woman that is given to him because these women  
2 belongs to the army. So when they are given to you, the one you have received is  
3 yours.

4 Q. [15:14:45] What was the basic motive behind making sure that people had wives,  
5 apart from company, of course?

6 A. [15:15:04] One is to reduce immorality in the LRA and to reduce rape in the -- in  
7 the community. And earlier on also, the spirit said people will leave the bush when  
8 they have children. So the time came for people to reproduce, so that was the time  
9 when they were given wives. Then when these wives were given, they were  
10 anointed and they began to reproduce.

11 Q. [15:16:05] Do you understand, therefore, Jackson, that part of the reason to  
12 literally force people to have wives was for increasing the population of the LRA?

13 A. [15:16:25] Not strictly that way. Because, one, it will also contain the soldiers  
14 because if soldiers are burning with the desire for sexual relationship, they may desert,  
15 the soldiers from -- the soldier from the LRA. So this one is basically to reduce  
16 immorality and for the reproduction case, if it was the will of the spirit.

17 PRESIDING JUDGE SCHMITT: [15:17:17] I think that's clear, the answer.

18 MR AYENA ODONGO:

19 Q. [15:17:26] Were men forced on women as husbands?

20 A. [15:17:40] Actually, men were not forced. But when you want to divorce  
21 a woman given to you, you are forced to have her because when you have  
22 divorced -- who will, who will make as his wife? All the soldiers are brothers.  
23 I cannot take your wife and make it -- her mine while we are in the same force.

24 Q. [15:18:27] And was there a difference between women who had never been  
25 married and those who lost their husbands in battle?

1 A. [15:18:42] There is a difference. For -- for widows in the LRA, you are to  
2 negotiate relationship with her. If she accepts, she will be your wife. But if she  
3 refuses, she will get a man of her choice. But for the unmarried ones, the man that is  
4 allotted to you is your husband.

5 Q. [15:19:32] And if a husband died, what would the new widow -- I mean, what  
6 would the widow have to do?

7 A. [15:19:47] When the husband, the husband of a woman dies, she is given  
8 a period of mourning. Originally was six months, but later it was reduced to three  
9 months, where the woman is allowed to mourn her husband. After that, she is  
10 cleansed, her hair shaved. Then she is free to get another husband.

11 Q. [15:20:42] And if she rushed and did not observe the mourning period and she  
12 was discovered, what would happen to her?

13 A. [15:21:02] If she is not lucky, she is killed. Because sleeping with a woman who  
14 is not yet cleaned, cleansed will cause death to that soldier. If that soldier goes to the  
15 front line, they will not come back. So you will be considered a killer if you secretly  
16 sleep with anybody before your mourning period is over.

17 Q. [15:21:48] And, Mr Witness, you said rape was not allowed. If you were sent to  
18 the bush to fight and in the course of your engagement you found a woman and you  
19 slept with her, what would happen?

20 A. [15:22:12] Sleeping with a woman when, when you have gone for operation is  
21 a very great violation of the operation covenant. Because in you doing the charge,  
22 you will bring misfortune to the whole army and many, many soldiers may sustain  
23 injuries or death. So charged persons are usually punishable by death. There was  
24 one commander named Ojok, he was a Lango, he took a chance for operation to make  
25 him have the time for sleeping with many women. So he was executed, firing squad.

1 Q. [15:23:33] And, Mr Witness, is it true that if you defied these orders and you  
2 slept with a woman, secret -- even if you are not known, a bullet might hit you in the  
3 genitals, the enemy bullet might hit you in the genitals? And, if so, can you cite an  
4 example?

5 A. [15:24:05] That one is absolutely true. If you sleep with a woman -- or that is to  
6 say if you sleep with a woman, that is a woman also sleeping with a man, when the  
7 operation covenant does not allow, you will be killed in battle. Your genitals will be  
8 shot. And that will be the sign that you violated the sexual operational covenant.

9 Q. [15:25:00] Is there any example you can give?

10 A. [15:25:09] Yes. There was one commander, Arop, who was in the Yard. He  
11 slept with a woman out of turn of the order of covenant. So he -- he was shot in the  
12 penis. Yes. And another example is me. When we were coming from Sudan,  
13 coming to Uganda, the operational covenant said you should not have sexual  
14 intercourse, but we were not task force of combat. So that cost me my leg because I  
15 violated the operation covenant.

16 Q. [15:26:22] And you did it. Do you remember a man called Oboke, Oboke Ocii?

17 A. [15:26:38] Oboke.

18 Q. [15:26:39] Yes, Ocii.

19 A. [15:26:47] I know one Oboke. I do not know whether his other name is Ocii.  
20 He was a technician. He is also an amputee, this time.

21 Q. [15:27:11] How about Oboke Latigo?

22 A. [15:27:16] I don't quite remember him.

23 Q. [15:27:18] That's okay.

24 PRESIDING JUDGE SCHMITT: [15:27:20] Please proceed.

25 MR AYENA ODONGO: [15:27:34]

1 Q. [15:27:34] What was the punishment for an unmarried woman, an unmarried  
2 woman having consensual sex with another unmarried man? Firstly, what  
3 happened to the woman? Secondly, what happened to the man?

4 A. [15:28:04] When a man sleeps with an unmarried woman, usually they are  
5 beaten. After being punished, sometimes they are -- sometimes they are forced to  
6 get married. But for a married woman, if you have sex with a married woman, it is  
7 punishable by death. There was one who slept with the wife of Ocan Bunia, he was  
8 shot, firing squad.

9 PRESIDING JUDGE SCHMITT: [15:29:19] Please, Mr Witness, you want to address  
10 us. Yes.

11 THE WITNESS: [15:29:26] I want to add something concerning the Yard.

12 PRESIDING JUDGE SCHMITT: [15:29:32] Please proceed. Why not?

13 THE WITNESS: [15:29:36] We have two kinds of yards. We have home yard,  
14 where the map of Ugandan is drawn and this controls military activities in Uganda.  
15 Then we have the world yard which controls the military activities in the world.  
16 World yard was introduced in 1989, but it was very burdensome for the controllers  
17 and technicians because they have to work throughout the day and night. So God  
18 took responsibility of the Yard. And in 1991, the spirit said God will take  
19 responsibility of the Yard, and he will make all the control. So Kony and the  
20 technicians, controllers, catechists and chief to Lakwena prayed, blessed the Yard.  
21 And all the control apparatuses and equipments were taken from the Yard and put  
22 into River Nile. So this time God is controlling while River Nile is the water used for  
23 control.

24 PRESIDING JUDGE SCHMITT: [15:31:50] Yes, Mr Ayena, please.

25 MR AYENA ODONGO: [15:31:52] My lord, some of those narratives are mind



1    rending.

2    Q.    Mr Witness, at tab 4, page 008, third to last paragraph.

3    PRESIDING JUDGE SCHMITT:   [15:32:28] I think we have introduced it from the  
4    beginning so it's UGA-D26-0022-0001.

5    MR AYENA ODONGO:   Yes.

6    PRESIDING JUDGE SCHMITT:   At page 0008, as I understand it.

7    MR AYENA ODONGO:   [15:32:39] Yes, my lord.

8    PRESIDING JUDGE SCHMITT:   Yes.   Okay, good.

9    MR AYENA ODONGO:

10   Q.   [15:32:42] It reads, "After this ceremony she can be given to another LRA soldier  
11   as a wife."   Now, Mr Witness, after what we have just spoken about, is this line  
12   correct in relation to widowed women in the LRA?   When you say, "After the  
13   ceremony she is given to another LRA soldier," as opposed to her free choice after the  
14   mourning period and the cleansing process.

15   A.   [15:33:29] Actually, for widows, usually she remarries through negotiation.

16   Q.   [15:33:43] And finally on that, Mr Witness, do you remember the persons named  
17   Otti Lagony and Okello Can-Odongo?

18   A.   [15:34:03] Yes, I do.

19   Q.   [15:34:05] What happened to them?

20   A.   [15:34:10] Otti Lagony and Okello Can-Odongo and other soldiers were shot,  
21   firing squad in Jebellin because Otti Lagony was alleged to be conspiring to unite  
22   with UNRF, the -- the army faction of Elly Bamuze.   So when Lagony went to  
23   Khartoum for political coordination, he met Taban Amin; so they agreed to have -- to  
24   fight together.   So Otti Lagony wanted the LRA to unite with UNRF, so that caused  
25   him his death, together with Can-Odongo.

1 Q. [15:35:39] If you may remember, what were -- what did the people who went  
2 say after the group which led them away came back? What did the people who led  
3 them away come and tell people happened to Otti Lagony and Can-Odongo?

4 A. [15:36:17] Actually, I did not get any information as they returned, but after  
5 a long time, what I learned was that the scene where Otti Lagony and Can-Odongo  
6 were executed, that place could not burn. Whenever fire comes, the area is isolated,  
7 up to now.

8 Q. [15:37:01] Now, Mr Witness, let's focus on the spirits, although you have  
9 talked -- we shall skip?

10 PRESIDING JUDGE SCHMITT: [15:37:12] I think we have heard quite a lot about  
11 the spirits. I think we can move to another issue, another topic. And I already  
12 indicated those from the statement and the summary of the Defence that might be of  
13 interest and of significance.

14 MR AYENA ODONGO: [15:37:40] Your Honours, the questions we are going to put  
15 meant to authenticate what is in tab 8 because he was (Overlapping speakers).

16 PRESIDING JUDGE SCHMITT: [15:37:53] That is, of course, something different.

17 MR AYENA ODONGO: [15:37:55] Yes.

18 PRESIDING JUDGE SCHMITT: [15:37:57] Please proceed. But I think we had it  
19 already. This is simply the clean version of tab 7, isn't it?

20 MR AYENA ODONGO: [15:38:22] Yes, but, your Honours --

21 MR OBHOF: [15:38:25] Sorry, tab 4, not tab 8.

22 PRESIDING JUDGE SCHMITT: [15:38:27] Exactly. No, no. We had tab 7, and the  
23 witness already said that he has not produced it, so he can't authenticate it. So it  
24 must be something else.

25 MR AYENA ODONGO: [15:38:37] Sorry, it is tab -- tab 4. And because it's going to

1 be a bit mind-bog -- I mean, enquired into in detail, it might be sagacious to stop here,  
2 allow him to read through and then we run quickly tomorrow, because after all --

3 PRESIDING JUDGE SCHMITT: [15:39:00] But only if we -- we already said that we  
4 want really to finish the examination of the witness by tomorrow, meaning also the  
5 examination by the Prosecution.

6 So it, of course, might be a little bit premature to ask Mr Gumpert if you have already  
7 an estimate?

8 MR GUMPERT: [15:39:18] I was a bit hesitant and it depends on the answers; I think  
9 a session.

10 PRESIDING JUDGE SCHMITT: [15:39:23] A session. So this would mean that if we  
11 stop now 20 minutes' short of 4 o'clock, you would have simply to finish in the second  
12 session tomorrow?

13 MR AYENA ODONGO: [15:39:35] By all means.

14 PRESIDING JUDGE SCHMITT: [15:39:36] By all means.

15 MR AYENA ODONGO: [15:39:38] In fact, the second half.

16 PRESIDING JUDGE SCHMITT: [15:39:40] Okay, then I have no problems with it.

17 So Mr Jackson, you have even housework now -- homework, so to speak, to do for  
18 tomorrow. But as a former teacher, I think you will perhaps be so nice to do that and  
19 then we can go back to that.

20 Does Mr Jackson have the document?

21 MR AYENA ODONGO: [15:40:01] Yes, he has tab 4.

22 PRESIDING JUDGE SCHMITT: [15:40:03] And also he can take it with him to read it.

23 Okay, then I am fine with it.

24 So this concludes for today and we resume tomorrow, 9.30.

25 THE COURT USHER: [15:40:17] All rise.

Trial Hearing  
WITNESS: UGA-D26-P-0074

(Open Session)

ICC-02/04-01/15

- 1 (The hearing ends in open session at 3.40 p.m.)