

Trial Hearing
WITNESS: UGA-D26-P-0028

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 2 October 2018
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:07] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:33] Good morning, everyone.
13 Good morning, Mr Witness.
14 WITNESS: UGA-D26-P-0028 (On former oath)
15 (The witness speaks Acholi)
16 PRESIDING JUDGE SCHMITT: Could the court officer please call the case.
17 THE COURT OFFICER: [9:31:42] Good morning, Mr President, your Honours.
18 Situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
19 Ongwen, case reference ICC-02/04-01/15.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:31:57] I ask for the appearances of the parties.
22 The Prosecution, Mr Gumpert.
23 MR GUMPERT: [9:32:03] The appearances is diminished by sickness today,
24 your Honours. Ben Gumpert. With me today, Yulia Nuzban, Pubudu
25 Sachithanandan, Hai Do Duc, and Jasmina Suljanovic.

1 PRESIDING JUDGE SCHMITT: [9:32:13] Then we all hope that it is not spreading
2 further.
3 And now for the Legal Representatives of the Victims.
4 MR MANOBA: [9:32:22] Good morning, Mr President, your Honours.
5 Joseph Manoba, appearing with Mr James Mawira and Anushka Sehmi.
6 PRESIDING JUDGE SCHMITT: [9:32:29] Mr Narantsetseg.
7 MR NARANTSETSEG: [9:32:32] Good morning, Mr President, your Honours.
8 My name is Orchlon Narantsetseg. I am appearing today with his Caroline Walter.
9 Thank you.
10 PRESIDING JUDGE SCHMITT: [9:32:40] Thank you.
11 And for the Defence, Mr Ayena, please.
12 MR AYENA ODONGO: [9:32:42] Good morning, Mr President and your Honours.
13 Today I'm appearing with Tom Obhof, Ms Abigail Bridgman, Madam Lyons, Beth,
14 Roy Ayena, Chief Achaleke Taku. And our client, Mr Dominic Ongwen, is in court.
15 PRESIDING JUDGE SCHMITT: [9:33:08] Thank you. And you can remain
16 standing.
17 I welcome again Mr Adek in the courtroom and you can continue with your
18 examination, please.
19 MR AYENA ODONGO: [9:33:16] Yes.
20 QUESTIONED BY MR AYENA ODONGO: (Continuing)
21 Q. [9:33:26] Good morning, again, Rwot Adek.
22 Rwot Adek, yesterday we talked at length and you said you were with Joseph Kony
23 in Sudan in 2004 for one month and 10 days. I will talk to you later about your
24 interaction with him during the Juba Peace Talks. But let's start with your meeting
25 with him in 2004.

1 When you met Joseph Kony, can you help Court to understand the personality of
2 Joseph Kony. The personality, you talked about how he would behave when he was
3 possessed, and briefly about how he was when he was relieved of the spirit
4 possession. Can you now go a little further into the personality of Joseph Kony as
5 you perceived as an elder.

6 A. [9:34:44] Thank you very much. Thank you for the question.

7 I would like to correct something small. When I said I stayed for 40 days, that is, one
8 month and 10 days, that was not in Sudan. That was at the beginning when we were
9 looking for solutions to the problem, we were looking for peace in the year 1993.
10 In the year 2004, Betty Bigombe asked me to try and re-establish the peace
11 negotiations. I started moving with her between Juba and Khartoum, where we met
12 many other people in Nsitu.

13 What I would like people to know about the personality of Kony is that people need
14 to know where he hails from, and the clan that he comes from; what are the
15 characteristics of such a clan. He comes from Palaro, in Odek. The Palaro clan in
16 Acholi, the first person to become a priest in the entire Acholi region, Mr John Oniri,
17 came from Palaro. The first person to become an engineer in the entire east African
18 region, Mr Olwach Bwomono, came from Palaro. One of the senior officers in the
19 British forces was called Brigadier Okoya, also hailing from Palaro. Oboma, who
20 was also a war planner during the Tanzanian war, came from Palaro.

21 Mr Olum Banya, the father of Labongo and Gipir, which the history of
22 Wangwat Latong like in the history of Israel where Moses struck the river and then
23 the water opened, the same thing happened in Acholi and Olum Banya, his children
24 were struggling for power, one of them attacked an elephant with a spear and the
25 spear was belonging to the other brother. One of the brother starting demanding for

1 his spear. And another scenario was when one of the daughters of the other brother
2 swallowed beads and, because of this scenario, they could not live together. The
3 father made incantations and then opened the River Nile. They crossed the river
4 and went to the side of Pugungu. Olum Banya was the person who established the
5 Bunyoro kingdom, Batoro kingdom, and then the Basoga kingdom, and then he went
6 to the Bachwezi king and established a kingdom there. When he returned he went
7 back to Ladwong hills, which is in Palaro. From there he moved to Apar where he
8 eventually died. Apar is -- one of the Oywelo trees, there are actually 10 Oywelo
9 trees, that is why the name Apar, which means 10, came about. His son who was
10 called Labongo followed his father, went to Ladwong hills, and also died at Apar.

11 Q. [9:39:15] Excuse me, we do not have -- it is a very beautiful history, but
12 unfortunately we may not have benefit of time. Today we are restricted by time.
13 What we want is to find out whether that background, you would say, shaped
14 Joseph's personality, Joseph Kony's personality. Let's leave the history.

15 PRESIDING JUDGE SCHMITT: [9:39:39] Thank you for the intervention, otherwise I
16 would. And I would prefer that you, because it is your witness, that you do that.
17 Thank you very much.

18 MR AYENA ODONGO: [9:39:46] Yes.

19 THE WITNESS: [9:39:48] (Interpretation) Well, thank you. I gave that background
20 so you could understand the background of Kony. It's not something we are just
21 assuming, but it's his origin and those are the kind of things that were happening in
22 his clan, and anybody who knows this history will be able to appreciate the
23 personality of Kony.

24 When we went for the fourth rounds of peace talks in the year 2004, at Nsitu, the only
25 person who didn't accept the idea - that eventually left to the collapse of the peace

1 talk - were the Arabs. They did not welcome the idea of meeting Kony. When we
2 went back to meet Kony they told us that Kony is not here and he said he doesn't
3 want to meet you people. So we were not able to meet him. We went back to
4 Khartoum and we met the minister of foreign affairs. We told him the story and told
5 him how these people were trying to sabotage the peace talk. The ministry of
6 foreign affairs took us back to Nsitu in Juba.

7 MR AYENA ODONGO: [9:41:22] Actually, just a minute again. Let's talk about the
8 personality of Kony. His personality. How he reacted to people, how he would
9 respond to people and what he would want to do, what he is likely to do if certain
10 events happened. I think the Court is --

11 PRESIDING JUDGE SCHMITT: [9:41:43] Perhaps I, if I may.

12 It is of course difficult, Mr Witness, after all these years, but since we have the
13 impression in the courtroom that you have a lot of knowledge and had encounters
14 with Mr Kony personally, you might tell us something about his behaviour. For
15 example, I just give alternatives, was he at some times friendly, was he sometimes
16 rude, was he convincing, did you have the impression that he exercised a -- let's not
17 now not talk about spiritual but a mental, intellectual power over his people?
18 Something like that perhaps would be interesting. If you can. If you have
19 something in your mind still.

20 THE WITNESS: [9:42:31] (Interpretation) Thank you. Thank you very much.

21 I will say this shortly since you want it very short. In my knowledge of Kony, you
22 will not see any difference between him and any other person. He is a very humble
23 person if you stay with. He is -- you can converse with him, he can crack jokes, he
24 would be playful. Most times would play the local harps, the lukeme. But if you
25 see he is sat quiet for some minutes, you will then notice that he is about to be

1 possessed by the spirits.

2 There is no difference between what I said yesterday and what I am saying today. In
3 his life, he would joke a lot. He hated wrongdoings. That's why I think Kony
4 didn't go any military training. He didn't have any specialised military training.
5 Maybe if he trained himself somehow, but I think other people who went serious
6 military training earlier in their lives were under Kony's leadership. There was
7 Major Keny (phon), there was Major Okech. Major Okech went through senior 6
8 level education. Odong Latek was very -- was a very sharp shooter with very good
9 military training. He was one of the best shooters in the entire East Africa, but he
10 was under Kony's leadership. Odong Latek was Kony's army commander after
11 Opiro Agulu died.

12 PRESIDING JUDGE SCHMITT: [9:45:02] Mr Witness, thank you. Because we are
13 now coming to other persons, but I think we have, if we combine it with what we
14 heard yesterday, we have enough information of the witness what he can give us
15 about his impression of, of Joseph Kony. Perhaps we can move to another point.

16 MR AYENA ODONGO: [9:45:19]

17 Q. [9:45:22] Mr Witness, what would Kony do if he discovered, for instance, or
18 suspected, that one of the commanders was making contacts with top government
19 officials?

20 A. [9:45:51] Most times he would summon them and reprimand them, would warn
21 then strongly. I witnessed that about two times. I witnessed it while we were in Juba,
22 when he did that to Caesar Acellam. He warned Caesar Acellam because he said
23 Caesar was not following his instruction. That was the time when we had gone for
24 the peace talk and you, yes, Mr Ayena, you were there in person. Caesar Acellam
25 requested me to go and plead with him because he knew I was very close to Kony. I

1 went and talked to him and he was able to understand. But I asked Caesar, what
2 exactly did you do, did you do something wrong? How did he come to know about
3 that? Then he told me Mr Kony is always like that. That is not happening only to
4 me, it has happened to many other people. That's why they really feared him.
5 Most of his -- all his soldiers feared him so much.
6 That was why each time we would go for the peace talk they would not disturb me,
7 because they knew that Kony trusted me so much so they would not check or do such
8 on me. That was something you could really clearly see and understand about
9 Kony.

10 There was nothing like doing anything in secret. Because everyone knew that even
11 if you tried to do something in hiding, or you tried to do something in camera, he
12 would come to know about it. So the people followed him strictly.

13 Q. [9:47:38] There was an episode in 2003 when it is alleged that General
14 Salim Saleh -- I mean, Dominic Ongwen received --

15 MR GUMPERT: [9:47:54] I object. The counsel should ask a question to establish
16 whether the witness knows this. Not tell him.

17 PRESIDING JUDGE SCHMITT: [9:48:01] Yes. That's true. That's correct. What
18 you can do is perhaps simply, in a more general way, do you know of any incident
19 concerning Dominic Ongwen and Salim Saleh. That's the question.

20 MR AYENA ODONGO: [9:48:16] Although it is on record.

21 PRESIDING JUDGE SCHMITT: [9:48:18] Yes, but we don't want to influence the
22 witness. Let me put the question, perhaps.

23 MR AYENA ODONGO: [9:48:24] Very well.

24 PRESIDING JUDGE SCHMITT: [9:48:25] If you don't mind.

25 Mr Adek, do you have any knowledge, personal knowledge, not only from hearsay,

1 about an incident - and I word it very generally - allegedly concerning

2 Dominic Ongwen and Salim Saleh -- and/or Salim Saleh?

3 THE WITNESS: [9:48:45] (Interpretation) Well, I didn't hear anything about

4 Salim Saleh. But after the collapse of the peace talks I heard that Kony and

5 Dominic Ongwen were not in good terms. But there was no way we could intervene.

6 It could have also happened the same way it happened to Otti. That's what I heard.

7 PRESIDING JUDGE SCHMITT: [9:49:15] You said you heard it, but nevertheless

8 perhaps I add one question: Did you come to know where they were not at good

9 terms, Dominic Ongwen and Joseph Kony, afterwards?

10 THE WITNESS: [9:49:32] (Interpretation) I heard that they had separated for quite

11 a while. When we went to central Africa they had thought that if he had listened to

12 me he would come back home. But I don't know whether he had heard my message

13 to him, that's why he surrendered. But I was told that Ongwen was no longer with

14 Kony and he had split with his small group and he was away from Kony. I heard

15 that and many other people from Uganda had heard about that.

16 PRESIDING JUDGE SCHMITT: [9:50:09] Perhaps, Mr Adek, for our understanding,

17 do you recall at what time this happened a little bit more exactly, so I think we are

18 not -- we do not all know at the moment? When did this happen or when you

19 heard -- did you hear that this has happened?

20 THE WITNESS: [9:50:33] (Interpretation) It started from the year 2013. It was in

21 2013. We went there in 2014 to Central African Republic to try and talk to the people

22 who were in the bush. We went and communicated on radio while we were in the

23 Congo.

24 PRESIDING JUDGE SCHMITT: [9:50:53] Thank you very much.

25 Excuse me for intervening, but I think it has perhaps a little bit made things clearer.

1 MR AYENA ODONGO: [9:51:03] It was worth its while.

2 Q. [9:51:07] Rwot Adek, apart from reprimanding such commanders, what would
3 Kony do about such commanders? Would he just forget about him and let him be,
4 or would he put some arrangements around him? Maybe some surveillance, or?

5 PRESIDING JUDGE SCHMITT: [9:51:40] Let -- although you haven't said anything,
6 but I am inclined to say sustained.

7 But, no, you know it, Mr Ayena, we have here, that's my impression, a very
8 knowledgeable witness who really thoroughly tries to give to us the information that
9 he really recalls, and we simply can put questions to him without suggesting things
10 and we will give us a truth in his knowledge, an answer that he can live with, so to
11 speak. So I think simply put more general questions, open questions, and Mr Adek
12 will answer.

13 MR AYENA ODONGO: [9:52:23] I am guided, your Honour.

14 Q. [9:52:26] Rwot Adek, if Kony discovered such things about his commanders,
15 apart from reprimanding him, what else would he do?

16 A. [9:52:45] Sometimes he would put them in incarceration. One of the things I
17 came to understand was that Otti Lagony - but at that time I didn't meet him - but
18 later on when I met him I asked him what had happened to Otti Lagony. The story
19 was told to me by another commander. When I asked him he never came clear
20 about that, but at that time Otti Lagony was no longer there.

21 After that, it also came to Vincent Otti. For Otti Vincent, when we had gone for
22 holiday in Uganda, we read from the newspaper that Vincent Otti and Kony had
23 fought between themselves. They exchanged fire. When we arrived we found the
24 mood of the soldiers were not very good. That was in their base at Ri-Kwangba.
25 He told us to bring for him a garra fish. I requested when we arrived. I asked him,

1 "Since you said Otti is sick, can I pay a visit to him?" But he told me, no, we had to
2 quarantine them because the disease that they were having were highly
3 communicable. But I had earlier seen Otti's tracksuit that he had brought from
4 Nairobi on Abudema, Abudema was putting on that tracksuit. So he never told me
5 clearly what had happened until the year 2008, in April, when we met for the last
6 time. Then he gathered all his commanders and he started narrating how Otti was
7 killed. He admitted that Otti was already deceased and he was killed because Otti
8 had planned to kill himself as Kony. I reprimanded him in the presence of Ayena.
9 I told him that "Kony, do you know why we have come all this far in the bush to you?
10 The reason we have come to you is because you are our children and you are our
11 blood. Do you see any other tribes with us here? You have killed Otti. The next
12 commander you are going to put to replace Otti, are you still going to kill him? You
13 know very well we carried out a consultation in Uganda about the issue of the ICC.
14 Everyone in Uganda never supported the indictment. Now you have killed Otti.
15 How will you explain to the ICC that you are a good person?"
16 My delegation got scared. They thought maybe I had now opened a can of worms.
17 We would not be safe in his hands. I told him point-blank, "You should stop killing
18 these people in the bush. Let the murder of Otti be the last one. If it were possible
19 we needed to recover Otti's remains so that we can take back home and bury. Please
20 don't kill any other person. Let this be the last."
21 The last thing I told him, and then we separated, until now, was that I said, "You
22 know, tomorrow they are going to attack you from here, please don't take this war
23 back to Uganda. Don't take this war anywhere else in your country. Take this war
24 to the Congo where there are no people."
25 I remembered one thing that Ayena said. Ayena told him that, "Kony, why don't

1 you surrender so that you are not just killed, but you don't have to -- please go and
2 surrender so you are not killed." He told Ayena, "My uncle," - you know, this is
3 because his mother comes from Lango - he said, "You know, if the Acholi people gave
4 me their blessings and I keep on praying, there is no bullet coming from
5 a government gun that will attack me, you will never hear of that."

6 That was the last time I was with Kony. That was in 2008, April, and the last of the
7 peace negotiations. This is what I can add on to Kony's personality.

8 PRESIDING JUDGE SCHMITT: [9:57:57] Thank you very much. And exactly that.

9 I wanted to add this also, reverse a little bit to the former question of interactions with
10 Joseph Kony, what further information.

11 Please continue, Mr Ayena.

12 MR AYENA ODONGO: [9:58:13]

13 Q. [9:58:14] And did you learn about Kony's tactics if he wanted to bring his enemy
14 within range? Did he talk to you about what he would do if he wanted to get his
15 enemy close to him? I mean, if he wanted to deal with his enemy. Or somebody he
16 had problems with (microphone not activated) his commanders.

17 PRESIDING JUDGE SCHMITT: [9:58:44] About military tactics, so to speak.

18 MR AYENA ODONGO: [9:58:46] Yes.

19 PRESIDING JUDGE SCHMITT: [9:58:47] But if you can say something. If not, it is
20 absolutely understandable. It would be understandable, let me put it this way.

21 THE WITNESS: [9:59:01] (Interpretation) I remember during one of the peace
22 negotiations it called on Okulu Fred. Okulu Fred was a member of our delegation.
23 Okulu Fred went and spent a night with Abudema. You know, when we got to the
24 bush we are given out to different commanders to go and spend the night with them.
25 Okulu tried to talk to Abudema. He told Abudema that this war will bring for us

1 more problems. Kony does not have any military knowledge. For you people who
2 know more about the military, why don't you talk to him so we can stop? But Kony
3 came to know about that.

4 Now when we came from Uganda, Kony told me that, "Mr Adek, do you know that
5 Okulu went back to Uganda and tried to mobilise people against me?" I told him
6 that I never heard of that, but I came to know that Okulu went to Gulu. I came to
7 know about that from his sister. He told Okulu that "Mr Adek, you need to know
8 that with me, if somebody angers me so much I will relax and pretend that I don't feel
9 anything. The person will eventually forget and I will catch them and kill them."
10 That's what he said.

11 Then this other soldier other than Abudema, the one who was following Otti,
12 Odhiambo. Odhiambo told me that, "Okulu, this is the last time I am talking to you.
13 I have stopped playing the guitar. I have stopped drinking. I have stopped
14 womanising. I am left with only one thing, to kill. If one day you go and do
15 a similar thing again, please don't return here. If you ever do, I will kill you."
16 Then I -- I came in and stopped the argument. I said, "I have understood this.
17 Leave Okulu with me, I will go and talk to him from Juba." I requested that we close
18 the meeting and we left because I knew things were going to go amiss.

19 Okulu, while we were now moving, he began telling me that, "You know, these
20 people, whenever you tell them something they do not understand." Abudema tried
21 to grab a gun from his bodyguard to shoot Okulu. Okulu peed on himself; he was
22 really scared. Everywhere I was going he would move with me and he only started
23 talking while we were now travelling back.

24 That was what I came to understand.

25 PRESIDING JUDGE SCHMITT: [10:02:20] Thank you. I think that was not directly

1 related to -- sort of, yes. Because he obviously was not or is not a military person.

2 But please continue.

3 MR AYENA ODONGO: [10:02:33]

4 Q. [10:02:33] Let's relate it to what we discussed about what you came to learn
5 about his misunderstanding with Dominic Ongwen. In your -- can you tell Court
6 what you think could have been --

7 PRESIDING JUDGE SCHMITT: [10:02:51] No, I think "what you think", calling for
8 an opinion, or something are like that. Do you have any information? Simply.

9 And I think it has been answered already, but okay, let's give it a second try.

10 Do you have any, any information, facts that might explain why there was

11 a disagreement or whatsoever between Joseph Kony and Mr Ongwen?

12 MR AYENA ODONGO: [10:03:19] You know, that's not the way I wanted to put it.

13 Q. [10:03:24] Do you have any information why, even after the misunderstanding,
14 Kony still kept Dominic Ongwen within his ranks?

15 PRESIDING JUDGE SCHMITT: [10:03:36] Please, I think please answer both
16 questions: Do you have information why there was a disagreement? First question.

17 Second question: Do you have any information what happened afterwards and why

18 Mr Ongwen was still in the ranks after having a disagreement? But only if you

19 know something. But the whole two days you are here in the courtroom you always

20 have only related to things that you have really knowledge of. So, if you may, please
21 answer.

22 THE WITNESS: [10:04:13] (Interpretation) Thank you for the question.

23 I request that we should understand well to, to know why they disagreed. It would

24 only be possible if I was staying with them. I only heard about the quarrel. I was in

25 Uganda and I heard that they were no longer in agreement. It is not possible to

1 know why they disagreed if you are not living with them. I only heard, just like any
2 other person heard, that they were no longer in agreement. Like I said earlier, that
3 was why I was taken to speak on radio, a radio in Congo, so that those who can hear
4 can surrender. I think that is a clear response I can give.

5 PRESIDING JUDGE SCHMITT: [10:05:13] Indeed, and that is fair enough, and you
6 would have simply to move to another point.

7 MR AYENA ODONGO: [10:05:19] Yes.

8 PRESIDING JUDGE SCHMITT: [10:05:19] So he has no direct information. And
9 that speaks in favour of the witness, that he simply, simply makes clear what he has
10 knowledge of. And this is also like yesterday, he differentiates clearly between own
11 knowledge and hearsay and everything like that.

12 MR AYENA ODONGO: [10:05:34] Yes.

13 Q. [10:05:35] Now, Rwot Adek, this character of Joseph Kony that you described,
14 did the soldiers, commanders who were serving under him clearly understand it?

15 A. [10:06:05] That question should be answered by the commanders whether they
16 understand Kony. I cannot speak on behalf of the commanders. It's like you,
17 Ayena, I cannot claim that you understand so-and-so. Well, you should be the one
18 to say you understand that person well. That is what I can say.

19 MR AYENA ODONGO: Well put.

20 PRESIDING JUDGE SCHMITT: [10:06:25] Yes, well put. Exactly. That I wanted
21 to -- yes. So, again, absolutely fair and absolutely understandable answer, I would
22 say.

23 MR AYENA ODONGO: [10:06:40]

24 Q. [10:06:40] Now, Rwot Yusuf Adek, let's move to Juba Peace Talks, and we share
25 the same platform with you as you very well know.

1 Now, yesterday you touched briefly on this, Juba Peace Talks. Can you tell Court
2 during the interactions when we were making consultations, the delegation was
3 making consultations with Joseph Kony, can you tell Court the top commanders who
4 were close to Kony at that time?

5 A. [10:07:27] Thank you. That one is easy.

6 There was Caesar Acellam, Otti Vincent, Abudema, there was Dominic Ongwen.

7 There was Odhiambo, there was Alit, and there was Bwone, Colonel Bwone. These
8 are the people whom I know very well. That was during the peace talks.

9 Later on they also appointed Alit and Colonel Bwone to be part of the delegation of
10 the peace talks. People like Sunday, Acama Ray, and Dennis were earlier put as
11 members of the delegation, but they added those two people. Those were the
12 commanders with whom we were. There was also Ocan Bunia.

13 These are the high-ranking people with whom they would have a meeting and speak
14 to during the peace talks.

15 Q. [10:08:49] Was Okot Odhiambo also there?

16 A. [10:08:53] Yes.

17 Q. [10:08:57] Let's have a clear perspective from the time of the beginning of the
18 peace talks. Was Dominic Ongwen there at the beginning of the peace talks when
19 we arrived?

20 A. [10:09:14] No. The first time I did not see him. I saw Dominic Ongwen much
21 later. The first time that we arrived there we did not meet all the officers of the LRA.
22 On the day that I spoke with Kony we met at 8 p.m. when I was taken from Uganda.
23 He removed you and Otti and I remained with only him. That is why he accepted
24 to -- I beg your pardon, the reason why he accepted to speak peace is because we had
25 a long discussion up to 3 a.m. I told him the reasons why he should accept peace

1 talks. I was talking about the lives, the living condition of the people back home;
2 there was no education, there were no jobs, people were continuing to die. And the
3 most important thing was the issue of putting a permanent satellite camp. We
4 discussed and agreed that if they put the permanent satellite camp the Acholi will die
5 without land. We should accept to the peace talks because you have failed to defeat
6 government, the war has taken long and many people have died, and he accepted to
7 appoint 12 people in his delegation at the beginning.
8 If you want the names of the people I can mention them, but if it is not necessary I can
9 just say that there were 12 people who were appointed.
10 And when discussions were going on we appointed Ayena as the lawyer of the
11 delegation from our side. Most of the discussions during the peace talk were
12 smoothly going on, but there was a small issue within the delegation. When we
13 were sitting at the round table, the government would sit on one side, we would sit
14 on the other side, but there would be internal wrangles within the delegation. Then
15 I advised that the delegation should speak one language; the government delegation
16 should speak one language and the LRA delegation should speak one so that they can
17 come to an agreement. If disagreements continue within the different delegations it
18 was not possible to come together and speak on the round table. The person who
19 responded was the person leading the government delegation, Rugunda, and his
20 response was just one word, "Absolutely".
21 We continued the discussions during the peace talks. There were five items on the
22 agenda: One, cessation of hostilities, comprehensive accountability, ceasefire, and
23 disarmament. All these items were discussed when we were having the meeting.
24 And when we were going to sign the peace talks, there were two issues: First,
25 Kony's concern with the ICC. He said that if government wants him to sign the

1 peace accord he should first withdraw the ICC case. But the government says that
2 he should first sign the peace accord, then they will take his signatures to the
3 Security Council to suspend the ICC issue. That was the first obstacle.
4 The second obstacle was the issue of the welfare. Kony said "What would be my
5 welfare if I come back home? Will I have a house? Will government construct for
6 me a house? Will government give me a source of livelihood? Will government
7 give me protection?" We were only three from Kony's delegation to talk about it. It
8 was a bit of a secret. We would leave the rest of the delegation in Juba. Myself,
9 Peter Ongom and Martin Ojul, we would go and speak from Nairobi. From the
10 government side we had Brigadier Otema, Colonel Kiyanda (phon), and
11 Commissioner Oryang. We kept it as a secret and we would only give the report to
12 Kony alone. I would go alone to go and speak to Kony so that the rest of the
13 delegation do not get wind of it.
14 Government had already agreed to meet that condition, but there was one problem.
15 Kony said that to be sure of government's commitment, governments should give
16 200,000 US dollars so they start establishing a home back home. The government
17 accepted. But when I was home I was told that this money had already been given.
18 I wondered to whom that money was given, and yet it was a secret. I was told that
19 the money was sent to Nairobi with someone. I wondered why they sent someone
20 else with that money to Nairobi and yet we had agreed it would be a secret.
21 When we went to the bush we realised that they had actually given 20,000 dollars,
22 and it only reached 15,000 dollars. We do not know if the 5,000 dollars disappeared
23 between Nairobi and the bush, or between Kampala and Nairobi. We did not know
24 what happened.
25 That is what brought disagreement and Kony suspected government was not

1 interested in the peace talks. That brought confusion.

2 Another obstacle to the peace talks was we had agreed during the discussions that

3 those who would protect Kony's soldiers in Ri-Kwangba would be the SPLA, where

4 the UN would supply them with food and other items. But later we realised that the

5 SPLA had some UPDF among them. You wouldn't know, but some people knew.

6 Someone from the bush knew someone among them, someone called Oboya.

7 Oboya, while his wife was cooking - Betty Amongi, who is now minister for land in

8 Uganda - carried the child. When the mother came and spoke in Acholi and she said

9 that, "Are you Acholi?" Said, "Yes, I am an Acholi." "What are you doing here?"

10 Said, "My husband is here. My husband is called Oboya." And then she asked,

11 "What does Oboya do here?" And she said that Oboya is a soldier in the UPDF. So

12 Amongi wondered that is the UPDF also here. That's when they realised that the

13 UPDF is among the SPLA who were supposed to guard the LRA. That brought big

14 confusion in the peace talks.

15 If I am to explain everything that happened, it would take a long time to finish it.

16 But let me just give the outlines and brief detail of what happened.

17 According to what we knew, especially myself when we were doing consultation

18 during the peace talks, ICC was an obstacle and was viewed as bad. But when

19 Ongwen was taken from Congo and brought here, we started viewing ICC as a court

20 which should be trusted by the whole world and should stand for the world,

21 especially the way they take issues of humanity and try to get the truth the way I am

22 doing now.

23 When I was coming here I was told that I should be a protected witness, but I refused.

24 I said I will give my evidence openly, because when you speak the truth, why should

25 they hide your identity? They told me that government should know that I am

1 giving evidence here. I told them, this is my government. The passport which I am
2 using was endorsed by government. The government is mine. I passed through
3 immigration. Why should I give my evidence in secret?
4 When you speak the truth it would also help to know the position of the government
5 and it would help to bring out the truth about the accused. That is why I requested
6 that, if I am to give evidence, I should give it in public session since I am already
7 a leader in my community. That is why I am speaking the truth now. This is what
8 I can say.

9 PRESIDING JUDGE SCHMITT: [10:19:58] Thank you. I think we can say that we
10 appreciate that you testify openly and in public session. That is very much
11 appreciated by the Chamber. Because it is important during such a complex case
12 and such a long case that we have witnesses testifying openly. That people can see,
13 in your country especially, and who is interested all over the world what has
14 happened. And here the original voice and everything, that's appreciated.
15 I think, Mr Ayena, Mr Adek has covered some ground that I assume simply from
16 your summary you also wanted to cover, so it has a little bit facilitated your life, so to
17 speak.

18 MR AYENA ODONGO: [10:20:47] Very much. But I just wanted to put on record,
19 to reassure him that the list of the delegates, the members of the delegation, the LRA
20 delegation to the Juba Peace Talks is already on court record. It is tab 3.

21 PRESIDING JUDGE SCHMITT: [10:21:05] Yes. I have a question to tab 3, exactly.
22 It is good that you bring it up; otherwise I would have done it. Who has produced
23 this list? It is not clear for me here. No, list 2, I think. Isn't it list 2 where Mr Adek
24 appears on page 5 under number 9?

25 MR AYENA ODONGO: [10:21:28] This is from the government of Uganda.

- 1 PRESIDING JUDGE SCHMITT: [10:21:30] This one?
- 2 MR AYENA ODONGO: [10:21:31] Yes.
- 3 PRESIDING JUDGE SCHMITT: [10:21:32] Where there under number 9 we see the
4 name of you, Mr Witness, Okwongo Yusuf Adek.
- 5 MR AYENA ODONGO: Yes.
- 6 PRESIDING JUDGE SCHMITT: But you are now referring to tab 3?
- 7 MR AYENA ODONGO: [10:21:48] This is what was I think submitted by the OTP.
8 It is tab 3, UGA-OTP-0192-0823 at page 0824.
- 9 PRESIDING JUDGE SCHMITT: [10:22:08] That is insofar very interesting, so I am
10 glad that we discussed this. That number 2 is obviously, as you say - and I think it
11 seems to be not contested by the Prosecution - a list or a document from the
12 government of Uganda.
- 13 MR AYENA ODONGO: [10:22:24] Yes.
- 14 PRESIDING JUDGE SCHMITT: [10:22:24] Tab 3 is the list of the
15 Lord's Resistance Army, and on both appears Mr Adek. So this is good to clarify
16 that.
- 17 MR AYENA ODONGO: [10:22:33] Yes.
- 18 PRESIDING JUDGE SCHMITT: [10:22:34] Thank you.
19 We can, for the record, we can say that tab 3 is UGA-OTP-0192-0823, and tab 2 is
20 UGA-OTP-0192-0286. So that we have this for the record.
- 21 MR AYENA ODONGO: [10:23:05] Yes.
- 22 Q. [10:23:07] You talked about Otti Lagony. What happened to him? Do you
23 know what happened to Otti Lagony, eventually?
- 24 A. [10:23:25] I asked about his whereabouts since he was not there and I was told
25 that he died because of a disagreement between him and Kony. He wanted to

1 surrender and go back home. That is what I heard. But when I asked Kony he
2 never told me anything directly.

3 Q. [10:23:46] And would you say this is the same thing, the same fate that befell
4 Vincent Otti?

5 A. [10:24:05] Yes, it is the same fate that befell Vincent Otti, that is why I rebuked
6 him. I liked Lagony because he was honest. He was even more honest than
7 Vincent Otti.

8 PRESIDING JUDGE SCHMITT: [10:24:19] And perhaps also for future witnesses, I
9 understand, Mr Gumpert, that the Prosecution has - as we have here already
10 indicated in decision 1267 - has stipulated that Joseph Kony caused Mr Otti to be
11 killed and that this was, and I quote, "consistent with the implicit threat of lethal
12 violence which Joseph Kony held over his subordinates". I think that is a quotation
13 from you; is this correct?

14 MR GUMPERT: [10:24:49] I don't have that document in front of me. That was my
15 formulation, I recall it fairly well. Yes, I am prepared to agree that this is.

16 PRESIDING JUDGE SCHMITT: [10:24:57] So this is not hearsay, this is simply we
17 are asking the right person here, so to speak.

18 MR GUMPERT: [10:25:03] Yes.

19 PRESIDING JUDGE SCHMITT: [10:25:04] Yes. So what I want to say about that is
20 you don't have to dwell too deep into these matters because of what is already on the
21 record and is not contested by the Prosecution. Yes.

22 MR AYENA ODONGO: [10:25:15] Very well.

23 PRESIDING JUDGE SCHMITT: [10:25:21] You see that we are prepared here.

24 MR AYENA ODONGO: [10:25:24] Amazingly. Well, you know the subject matter
25 actually better than all of us. I think -- I mean, you have to guide us. Thank you

1 very much for being who you are. We appreciate.

2 Q. [10:25:43] Mzee Adek, can you now in brief tell Court, first of all, why the war
3 took so long. In your view, why did the war take so long with all the many peace
4 talks, and, finally, the last peace talks? Who would you place the blame on?

5 PRESIDING JUDGE SCHMITT: [10:26:21] We let it pass, Mr Gumpert.

6 MR GUMPERT: [10:26:24] I came to the same conclusion, my lord.

7 THE WITNESS: [10:26:34] (Interpretation) I believe that what prolonged the war for
8 so long -- first, I lived in the area where the war took long. The war was prolonged
9 because they were not managing the war between the two people properly. There
10 was no unity so that they can solve the problem that was -- that brought the war,
11 made the war to prolong. No one was defeating the other. The government wasn't
12 defeating the rebels and the rebels was not defeating the government. And there
13 was no unity. So these were the things that prolonged the war between the two
14 parties in the conflict in our area.

15 What was the second question?

16 MR AYENA ODONGO: [10:27:45]

17 Q. [10:27:46] The second question was the reason why the last peace talks
18 collapsed.

19 PRESIDING JUDGE SCHMITT: [10:27:55] I think Mr Adek has already elaborated
20 on that. But if you want to add something -- you have already explained quite a lot
21 of disagreements and events, but if you want to add something.

22 THE WITNESS: [10:28:12] (Interpretation) I will repeat these two things: First, the
23 first obstacle was the ICC. Government wants Kony to sign, then they take the issue
24 to the Security Council to suspend the issue of the ICC. But Kony wanted
25 government to first remove the issue of the ICC, then he signs. And then the second

1 issue was the issue of Kony's welfare, which I already talked about. Those two
2 issues were big obstacles to the peace talks.

3 And then another thing that I remember, I do not know how it came about, we got
4 a report when Ayena had already left from General Deng that your people fought
5 with us in the SPLA camp which was in Nabanga.

6 The camp where they were keeping Joseph Kony was in Ri-Kwangba, and then
7 Nabanga was a different site. We asked what brought the war, I mean the battle.
8 So General Deng told us to find out why our children fought them. I told
9 General Deng that, "See, remember that we mediated between you twice. That your
10 people were going beyond the area where Kony was and, yet, they should close to the
11 area where Joseph Kony were. I saw it in Malakal, how they fought. I request that
12 you the soldiers should be honest and treat the civilians well. The people who are in
13 Juba, the welfare of the people who were in Juba now should be maintained. You
14 soldiers should not fight amongst yourself, because when they start fighting, the
15 fighting will spread to Uganda and there will be no peace. Let us be honest."

16 At that time Riek had gone to Khartoum. I asked General Deng that, "Since you
17 claim that our people fought your people, what is the fate of our stay here?" He told
18 us that, "You are members of the delegation; you continue to stay." But it was scary
19 because, when you go to ease yourself, you would see soldiers escorting you. We
20 were like suspects or criminals. What brought the final blow to the peace talk is we
21 sat for a meeting and there was nothing going on. Riek was not in Juba. We asked
22 the UN who were facilitating us that we should go for a break and come back when
23 Riek is in Juba. We went and got air tickets from them and we left, and that was the
24 last attempt at the peace talks.

25 The peace talk was not closed officially because there was mutual suspicion between

1 the parties. In Ri-Kwangba the SPLA soldiers went and attacked the area where
2 they were keeping Joseph Kony, and they burnt foodstuff, they spoiled the bar, all
3 which was sank there. They came and fought them in Nabanga. So the two battles
4 had split up the whole team and that is what made the peace talks to end.

5 PRESIDING JUDGE SCHMITT: [10:32:18] Thank you very much. I think there was
6 indeed further information to that already given, but I think we can move now to
7 another point.

8 MR AYENA ODONGO: [10:32:28]

9 Q. [10:32:29] Rwot Adek, from what you learnt as an elder and a person who
10 closely interacted with the LRA, can you please tell Court if it was easy to escape from
11 the LRA once you became an LRA soldier or commander.

12 A. [10:33:08] I don't know how those soldiers were trained on how, whenever you
13 find yourself in trouble, how you would escape. Something like that. I don't know
14 how they were trained. But most times we would hear that they kept on killing
15 those who tried to escape and this was meant to scare those who were still in there
16 from escaping. But because we were not staying with them we are not aware of
17 what steps or actions they were taking to prevent their fighters from escaping. We
18 could only hear about that.

19 Q. [10:34:00] And according to what you heard, Mr Witness, was it any easier or
20 more difficult for somebody identified -- I mean, for somebody who was identified by
21 Joseph Kony as a valuable fighter, courageous and successful in war?

22 A. [10:34:41] Are you asking for my opinion or my observation?

23 PRESIDING JUDGE SCHMITT: [10:34:47] Yes, that is correct. I also hesitated to
24 intervene. Perhaps we can rephrase it a little bit.

25 Do you know of any instances where Joseph Kony came to know that one of his

1 commanders wanted to escape? And if so, do you know how he reacted? And I
2 think then we leave it at that.

3 THE WITNESS: [10:35:23] (Interpretation) One thing that I know is that I saw an
4 example in one of our areas, whenever somebody escapes it wouldn't take long before
5 the fighters come around. Sometimes they would also come and abduct the parents
6 of the escapee. Therefore, most times when they are escaping, they would escape
7 during battle. They would not escape any other time. We never received any
8 reports from anybody saying "I left Kony. I escaped. And then I came home." But
9 each time they come face to face with battle, then they would disappear, and that was
10 how they would escape. That's what we know.

11 PRESIDING JUDGE SCHMITT: [10:36:15] I think the underlying, not problem, but
12 idea, is - and Mr Witness has correctly perceived it - that the witness is here to give
13 facts, and to draw any conclusions from these facts is the task of, ultimately, of course,
14 of the Chamber, but also of the parties who make their final submissions then in the
15 end. So it is absolutely correct how the witness answers and you can I think move to
16 another point. Yes.

17 MR AYENA ODONGO: [10:37:03]

18 Q. [10:37:05] Mr Witness, as an elder and somebody who interacted with LRA
19 closely, did you know about Dominic Ongwen's military attributes? Did you come
20 to learn about it, whether he was a good soldier, whether he was courageous, or
21 something like that?

22 A. [10:37:46] We stayed in a war zone. People whose names we could hear about
23 their military prowess included Dominic.
24 We were not only hearing about the very good fighters on the side of the LRA only.
25 We could also hear from the side of the government about commanders who were

1 very good during battles.

2 I would compare Dominic from Kony's side with Paul Lokech on the government's

3 side. Paul Lokech is also an Acholi. He is the one commanding the soldiers in

4 Somalia. Whenever there is war in an area, most times whenever they send

5 Paul Lokech, he would bring sanity to the ground. When he was taken to Somalia

6 he brought lots of changes and a lot of successes. After Somalia, he was taken to

7 Russia as a military attaché, but the situation in Somalia deteriorated and Paul Lokech

8 was withdrawn from Russia and taken back to Somalia.

9 This is normally what brings trust on to somebody; whenever you are sent for an

10 assignment, you go and carry out your task very well. That's why I could compare

11 Paul Lokech on the government side with Ongwen on Kony's side.

12 I also heard about Otti Lagony, who was also very good. There was another

13 commander who was called Oyuk. He is now deceased. He was also a very good

14 fighter.

15 It is because of these attributes that normally makes people rise very fast in military

16 ranks.

17 This is what I can say about Ongwen. We could hear about him as a very good

18 fighter. Some of us knew him, but other people who didn't know about him also

19 could hear about him. We don't know what exactly he would do while in battle, but

20 we could really hear how good he was in battle. We could hear how whenever he

21 goes for a battle he would win.

22 Q. [10:40:38] And before I forget, you say that fighters would come - I mean, from

23 the bush - and attack a village where an escapee came from. Do you have any

24 examples you can give to Court?

25 A. [10:41:17] I mentioned one place. A child of a person called Oryem, he escaped.

1 They were not living very far from where I was staying. When they came they
2 attacked the place and we came to understand later on that there was a boy who was
3 hailing from there, he escaped, and then the rebels came and attacked the place.

4 That's what we knew would happen every now and then.

5 Q. [10:41:52] Now, you talked about Ongwen -- hearing the fact that Ongwen was
6 a good fighter. When you talk about fighting, what exactly did this mean? Did it
7 mean he was fighting against government forces or was he attacking civilian targets?
8 Was he good at attacking civilian targets or fighting government forces?

9 A. [10:42:40] When you are recruited, were you recruited to attack civilians?
10 You are recruited to fight against your enemies. You remember I told you about the
11 Acholi tradition and the instructions that should be given. Whenever you want to
12 go and join any military forces they will give you three canons; they would say don't
13 go and kill any woman, don't kill any children, and don't loot. This is the kind of
14 action that would give you protection. If you do that, your parents would know that
15 when you go and join any military force you will go only to attack your enemies.

16 Q. [10:43:30] So do I understand, for the benefit of Court, that Dominic Ongwen
17 was renowned for being a good fighter against UPDF military targets?

18 A. [10:44:01] That is the same thing I also know.

19 PRESIDING JUDGE SCHMITT: [10:44:13] May I shortly?

20 MR AYENA ODONGO: [10:44:15] Yes, please.

21 PRESIDING JUDGE SCHMITT: [10:44:16] Did you meet Mr Ongwen personally and
22 did you have -- or did you talk to him personally on one or several occasions?

23 THE WITNESS: [10:44:37] (Interpretation) We have had time to meet with Ongwen.
24 We would all go to give reports, we would meet, chat. And we kept on meeting,
25 especially during the Juba Peace Talks.

1 PRESIDING JUDGE SCHMITT: [10:44:53] And what impression did you have?
2 What kind of person was he in his interactions, in his social interactions with you, for
3 example? You might have covered it, but I think it fits at the moment.

4 THE WITNESS: [10:45:09] (Interpretation) Well, right now this Court will be
5 a witness. The Court has -- Ongwen has been in this Court for much longer time
6 than I spent with him, but what I know is every time we were together in the bush, if
7 you don't begin a chat with him he would not talk. He is a very humble person.
8 And if you look at him you would not even see him as a military person. But I think
9 because he has stayed here for a longer time than the time I spent with him, I would
10 spend a few moments with him, but not so long.

11 So I think the Court knows him better than I do, but what I know about him is that he
12 is a very humble person who is a bit reserved.

13 PRESIDING JUDGE SCHMITT: [10:46:14] Thank you.
14 Please continue, Mr Ayena.

15 MR AYENA ODONGO: [10:46:19]

16 Q. [10:46:21] Mr Adek, did you ever come to know about instances where some
17 community leaders would discourage people who had escaped -- I mean,
18 discouraged people from escaping from LRA? And for those who -- for some of
19 those who returned --

20 MR GUMPERT: [10:46:47] No, I'm sorry, I object again. The question is: Did
21 community leaders have a message for people who escaped? Or some such neutral
22 proposition. Not telling the witness what Mr Ayena thinks the message was.

23 PRESIDING JUDGE SCHMITT: [10:47:02] I think there is no huge difference but,
24 simply, you can rephrase it a little bit.

25 MR AYENA ODONGO: [10:47:07] Yes.

1 PRESIDING JUDGE SCHMITT: [10:47:08] And as I said already, the impression of
2 this witness is he can clearly distinguish. But I would also ask you, perhaps, to
3 rephrase it.

4 MR AYENA ODONGO: [10:47:17] Yes.

5 Q. [10:47:22] Mr Witness, did you receive any message about how community
6 leaders handled some of the children who escaped from the bush?

7 A. [10:47:51] I didn't just come across that, but I know it very well. The children
8 who were escaping from the bush, they would be taken through some ceremonies.
9 They would have to step on an egg before they arrive at the place of the paramount
10 chief. But that was not in accordance with the Acholi tradition. You are supposed
11 to do that only as you are entering your family's compound.
12 We had several meetings and we had radio programmes, especially on Mega Radio.
13 There was a programme called Dwog Paco programme and we kept on talking about
14 that. Each time somebody comes back from the bush the person would be taken to
15 radio to come and talk to the people who are home and also address themselves to the
16 people in the bush to tell them that "I have returned home and I am alive." That is
17 what kept on happening at that time.

18 Q. [10:49:04] Now, did you come to know whether some community leaders,
19 maybe some clan leaders, forced some of the boys who escaped to return to the bush?

20 PRESIDING JUDGE SCHMITT: [10:49:19] Yes, Mr Gumpert.

21 MR GUMPERT: [10:49:20] I object. Mr Ayena is putting a proposition and asking
22 the witness to agree with it. That's not the way that direct examination should work.

23 PRESIDING JUDGE SCHMITT: [10:49:32] Yes. Perhaps we -- let me give it a try.
24 We can do it in a more general way I think.

25 Do you know -- do you have concrete information about how community leader

1 treated children coming back from the bush? Either it might be in a good way,
2 might be in a bad way. We have an open question, so to speak. So do you have
3 any information about that that perhaps goes beyond hearsay? Concrete examples.
4 If you have.

5 THE WITNESS: [10:50:18] (Interpretation) Yes, I have understood the question quite
6 well.

7 Different people have different characters. There are those who would reject their
8 own children saying, for instance, that this girl has got pregnant and had a child with
9 a person they do not know. For that reason, you will find that such a person who
10 was returned from the bush would have to go and look for a place where people don't
11 know them, rent a house and live there. Before the people around get to know her,
12 she would have to relocate to another place so that she stays kind of anonymous.
13 That was happening.

14 Secondly, many times during meetings, which meetings sometimes I would also be in
15 attendance, there are people who would quarrel in meetings. They were quarrelling
16 because they were saying "Why is Ongwen being allowed to dress up smart, put on
17 a tie, as if he is not somebody who has committed crimes?" There are some people
18 who are not happy with the way he is being handled while others think well about
19 him.

20 There are those who have been able to go back to their parents and they are living
21 very well with their parents, but there are also people who have not gone back to
22 their homes because the people in such areas do not want them there saying that
23 these are people who brought for them problems.

24 So it's a bit difficult. The situation is different. Some people are welcoming and
25 others are not.

- 1 PRESIDING JUDGE SCHMITT: [10:52:12] No, no. It is absolutely, again, a very
2 differentiated answer, let me comment shortly on that. Thank you.
3 Mr Ayena, do you want to continue or are we approaching?
4 MR AYENA ODONGO: [10:52:25] I think we could have a break.
5 PRESIDING JUDGE SCHMITT: [10:52:30] Let me now a little bit, with a twinkle in
6 my eye, say but only under the condition that we finish today with the examination.
7 Otherwise we would continue.
8 MR AYENA ODONGO: [10:52:41] Yes.
9 PRESIDING JUDGE SCHMITT: [10:52:42] Then we have the break until 11.30.
10 THE COURT USHER: [10:52:45] All rise.
11 (Recess taken at 10.52 a.m.)
12 (Upon resuming in open session at 11.31 a.m.)
13 THE COURT USHER: [11:31:24] All rise.
14 PRESIDING JUDGE SCHMITT: [11:31:45] Mr Ayena, you may proceed, please.
15 MR GUMPERT: [11:31:48] Can I briefly interrupt to say, as I think I should, to you
16 put them on the record, that we have been joined by Adesola Adeboyejo and
17 Julian Elderfield.
18 PRESIDING JUDGE SCHMITT: [11:32:00] Thank you very much, indeed.
19 But the Defence team remains unchanged, I think.
20 MR AYENA ODONGO: [11:32:05] Yes. Mr President, first of all, I wish to start by
21 apologising for putting sometimes answers and then I put the question.
22 PRESIDING JUDGE SCHMITT: [11:32:17] No, no, you don't have to apologise for
23 this.
24 MR AYENA ODONGO: [11:32:20] This is because --
25 PRESIDING JUDGE SCHMITT: [11:32:22] This happens sometimes.

1 MR AYENA ODONGO: Yes, because I --

2 PRESIDING JUDGE SCHMITT: [11:32:25] It's normal.

3 MR AYENA ODONGO: [11:32:26] -- was trained by the English who sometimes ask
4 their questions -- answer their questions and then ask it: Beautiful weather, isn't it?

5 PRESIDING JUDGE SCHMITT: [11:32:37] No, I fully understand that. We are here
6 at the Court also with a mixed system, so to speak --

7 MR AYENA ODONGO: [11:32:43] Yes.

8 PRESIDING JUDGE SCHMITT: [11:32:43] -- and we have lawyers, also Judges from
9 different countries, from different legal systems that have learned differently so we
10 have to be respectful in that respect, and if something like that occurs, we simply
11 address it in a polite way and that's not a problem at all. Please continue.

12 MR AYENA ODONGO: [11:33:03] I am much obliged, your Honour. Mr President,
13 I will talk to the witness about the so-called Iron Fist operations.

14 Q. [11:33:20] Rwot Adek, did you ever hear about Operation Iron Fist, and if you
15 did, can you give briefly what you know about Operation Iron Fist?

16 A. [11:33:48] In regards to the war that took place in Uganda, and following my
17 arrival there with Betty Bigombe in 2004 to talk peace, especially in areas of Nsitu,
18 that is when I understood and heard about Operation Iron Fist, which started from
19 Nsitu. Operation Iron Fist came as a result of what happened in America, where
20 they say Osama bin Laden committed a crime in America.

21 Osama bin Laden used to live in Juba around, around some hills. By the time he
22 attacked the hotel in Nairobi and caused so many injuries, he was living in Juba in
23 a hill called "America". He left that place and went to Afghanistan and then he
24 committed the crime they say he committed in America.

25 It was suspected that Osama bin Laden could be hiding together with the LRA

1 fighters headed by Kony. That is the reason why American forces wanted to find
2 out if it is true that Osama bin Laden was with Kony. That is what actually brought
3 what they called Operation Iron Fist. The Khartoum government was forced to
4 collaborate with the SPLA and they put a defence in Nsitu.
5 The Khartoum government wanted to capture Kony without any battles. They sent
6 some of their commanders to go there, to go to Nsitu A and Nsitu B, and it is about
7 just one mile from each other. Kony was in Nsitu B, while the SPLA was in Nsitu A,
8 which was along the road from Nimule to Juba. Nsitu is 22 miles from Juba,
9 according to what we found out.
10 When they went there they met Kony and the commanders from Khartoum told Kony
11 that "We are aware that government soldiers want to attack you. We want you to go
12 and place an ambush in this and this place." Kony refused, because he got wind of
13 their trick. He told them that "You people should go back. We will wait for them
14 to come." When they tried to persuade Kony, in vain, and when they left, as they
15 were arriving in Nsitu, Kony had already informed his soldiers that these guys are
16 collaborating to attack us and he told them to attack these four locations before they
17 arrived. When they arrived, that is when the attack took place in the four different
18 locations.
19 The place where I was staying I found a burnt tanker, the armoured vehicle which has
20 chains. Three of them were burnt and they showed me a commander who was
21 a liaison officer in Gulu known as Magara. Magara fled on foot, he wasn't shot, but
22 he just fell down and collapsed. It was a common talk in Gulu.
23 When Kony attacked these people they left Nsitu and moved towards Imatong hills.
24 That is when they put their defence there up on top of the hill and they surrounded
25 the whole place and they said that when they realised the government troops had

1 some American troops, they came down from atop the hill and settled at the foot of
2 the hill, and they failed to find out where they were exactly hiding.

3 That is why the battle of Imatong was very fierce. The soldiers went up the hill and
4 found only women and children and they were told that the men left. That is why
5 the battle at Imatong was so fierce. And that is what led to the failure of
6 Operation Iron Fist.

7 The meaning of the expression Operation Iron Fist, I do not know what it means. It
8 is an English expression and I do not know what exactly they had in mind when they
9 named it Operation Iron Fist. But briefly that is what I know about
10 Operation Iron Fist. The origin, especially the fact that there were allegations and
11 suspicions that Osama bin Laden was hiding with Kony. And firstly, they did not
12 find any Arab person with Kony.

13 What I understood later is that Kony's daughter, who he told me the name, but I don't
14 recall now the name, that daughter of Kony was taken to Khartoum and never
15 returned. And that is the reason why Kony and the Khartoum government parted
16 ways, because his daughter was not returned to him. The daughter vanished forever.
17 And then the director of military intelligence, who was said to be the brother of the
18 president, also died in that battle and that worsened the relationship between Kony
19 and Khartoum.

20 That is what I learnt from Nsitu, from Kony's soldiers and SPLA soldiers, because the
21 SPLA soldiers were the ones who were protecting me and guarding me in Nsitu
22 when we were looking for Joseph Kony. That is what I know.

23 PRESIDING JUDGE SCHMITT: [11:42:12] Thank you, Mr Witness.

24 MR AYENA ODONGO: [11:42:14] Thank you for that information.

25 Q. [11:42:18] Now, can you tell Court, maybe, if you know, the time, year, or even

1 the month of the Iron Fist attack on Nsitu. Do you remember?

2 A. [11:42:49] Operation Iron Fist, much as I do not recall properly, there are people
3 who clearly remember that it took place shortly after what happened in the Pentagon.
4 What happened in Pentagon happened in 1992, when Osama bin Laden attacked
5 Pentagon. That is what brought Operation Iron Fist. And it did not take long
6 before the Operation Iron Fist started after the attack.

7 Q. [11:43:40] And, Mr Witness, can you tell Court whether there was one or there
8 was a second Operation Iron Fist? Was there only one or were there two operations?

9 A. [11:44:00] Another operation which took place was after the peace talk. The
10 peace talk collapsed in 2008, in the month of April. That operation was known as
11 Operation Lightning Thunder. It took place in the Congo and most of us just heard
12 about it. When we stopped talking to Kony in April and you, Ayena, as our lawyer,
13 was present during that discussion, that is when I told Kony that, "Please, if you want
14 to engage in battles, do not bring it home." That is when they went to Garamba in
15 Congo and Operation Lightning Thunder was launched and executed there.

16 What I understood later from two people was that, first, my own son who was in the
17 bush, he did not go to the bush as a soldier, but we took him during the peace talks
18 because he was a stubborn child, he was over-drinking and taking a lot of drugs.

19 And since we were having discussions with the soldiers who were in the bush, I was
20 confident that peace would finally return. So I took him where there was no alcohol
21 so that Kony could also give him some medication to stop drinking, to rehabilitate
22 him in my family.

23 The government actually agreed to that decision to take my son and that permission
24 was granted through the then resident district commissioner of Gulu, the late Colonel
25 Walter Ocora. The operation which I am talking about happened when he was there.

1 He told me that Kony gathered everyone and --

2 Q. [11:46:32] If I may, let's go there later. Let's talk about this Iron Fist first. And
3 I am dutifully reminded by my colleague, who is himself an American, that bin Laden
4 actually attacked the Pentagon on September 11, 2001. But according to you the
5 attack was in 1992. Would this information help you to remember? Would this
6 information help to you recast on the timeline of Operation Iron Fist?

7 A. [11:47:40] The Operation Lightning Thunder --

8 Q. No, we are talking about Iron Fist.

9 A. Iron Fist, yes.

10 PRESIDING JUDGE SCHMITT: [11:47:48] Let me perhaps shortly.

11 Mr Adek, in your understanding and your recollection, when you are talking about
12 Operation Iron Fist, about what year are we talking then?

13 THE WITNESS: [11:48:04] (Interpretation) I got information about
14 Operation Iron Fist in 2004 when I was in Nsitu. But it had happened much earlier.
15 When we went to meet the rebels who were in the bush to talk peace with Betty
16 Bigombe in 2004, they told me about Iron Fist. So Iron Fist happened before 2004.
17 That is what I know.

18 PRESIDING JUDGE SCHMITT: [11:48:41] I think that that clarifies it, so I personally
19 don't see a contradiction there. And also the witness has already stated that
20 Lightning Thunder happened after the collapse of the peace talks in 2008. So I think
21 we can simply continue from that.

22 MR AYENA ODONGO: [11:48:59] Mr President, it is important to know, because it
23 is directly related to this case, the timeline.

24 PRESIDING JUDGE SCHMITT: [11:49:06] No, no, but we know, we have so much
25 information about Operation Iron Fist.

- 1 MR AYENA ODONGO: Very well.
- 2 PRESIDING JUDGE SCHMITT: And it is now only about in the understanding of
3 this witness when it happened. And I think he has stated it and I don't see
4 a contradiction in his testimony --
- 5 MR AYENA ODONGO: [11:49:24] Yes.
- 6 PRESIDING JUDGE SCHMITT: [11:49:24] -- with the timeline we have already
7 discussed in several other instances.
- 8 MR AYENA ODONGO: [11:49:30] Well, I'm gratified that he at least remembers that
9 when they went in 2004 he was told that it had happened previous to 2004.
- 10 Q. [11:49:44] Mr Witness, after Iron Fist, after the Iron Fist operation,
11 Operation Iron Fist, can you tell Court exactly what happened in terms of the
12 movements of LRA troops?
- 13 A. [11:50:17] In regard to what exactly?
- 14 Q. [11:50:19] After operation --
- 15 PRESIDING JUDGE SCHMITT: [11:50:24] Let me.
16 You know, you talked about what you heard about Iron Fist and you locate this in
17 time and at a certain point in time. Do you have any knowledge about the result on
18 this operation, of this Operation Iron Fist on the movement of the LRA? Where did
19 they go? Did they stay anywhere? In that sense.
- 20 THE WITNESS: [11:50:58] (Interpretation) I understood that they scattered and went
21 to different places. I understood that after Operation Iron Fist some of them went to
22 Congo where they also -- when they started the peace talks, some of them were
23 already in Congo, although others were in southern Sudan and others were Uganda.
24 They went up to Congo where the peace talks found them.
25 Another battle took place between them and the SPLA in a place called -- it is a town

1 which is between Congo and Uganda known as Yambio. A battle took place in
2 Yambio and it brought disagreement between them and Riek. That is when I was
3 called to go and meet them. That was as a result of Operation Iron Fist.

4 PRESIDING JUDGE SCHMITT: [11:52:18] I think, Mr Ayena, it is not very
5 promising to follow this line because Mr Witness obviously has no thorough own
6 knowledge about movements of the LRA afterwards. I would simply suggest to
7 move to another point.

8 MR AYENA ODONGO: [11:52:36] In fact, Mr President, I am reminded that he has
9 already stated that around this time he was in prison. He was only released in 2003.

10 PRESIDING JUDGE SCHMITT: [11:52:44] Yes.

11 MR AYENA ODONGO: [11:52:45] He may not have a clear recollection.

12 PRESIDING JUDGE SCHMITT: [11:52:48] Obviously you got the information from
13 Mr Obhof, so I think this only confirms what I said. So please move to another
14 point.

15 MR AYENA ODONGO: [11:53:21]

16 Q. [11:53:24] But, Rwot Adek, my client, Dominic Ongwen, has been charged with
17 attacks on IDP camps which occurred between 2002 and 2005. Do you have any
18 recollection about intensification of LRA attacks around this time in Uganda?

19 A. [11:54:11] The IDP camps which were in Lukome is within my home area. It is
20 within the cultural area where I am head. But in 2002 I was in prison. In 2003,
21 August is when I was released from prison.

22 What happened at home is known by the people who were left at home as
23 they narrated to me. Ongwen's name was heard in the Lukome IDP camp because
24 of the charges against him. But the information in the community, know someone
25 else who is a member of the same community in Lukodi, he is known to be the one

1 who led the attack there. It is not easy to know whether Ongwen sent that person as
2 his commander. It is common knowledge that the attack that took place there was
3 not between one party and civilians, but between soldiers and soldiers. The people
4 who died died in crossfire because civilians were caught up in the process.
5 It is not easy to know whose bullet killed who, because the bodies were found with
6 bullet wounds, but it did not indicate whether the bullets were from the LRA or from
7 the government forces. That is what I know.
8 Ongwen's name was not anywhere in the attack that took place in that place.
9 Ongwen's name only became prominent after the charges on him. It was another
10 person who, who was from the same area who was said to have led the attack. He is
11 still alive. One day I saw him myself. But I could not accuse him or point any
12 finger at him as a leader. Because there are people who already came from the bush
13 and are back home and got amnesty, while others came back home and did not report
14 to the government and they do not have amnesty certificates. There are others who
15 reported to the government and they have amnesty certificates.
16 It is difficult to know who has a certificate or not, but also it is difficult to find out that
17 person who is alleged to have led the attack on Lukodi. That is what I know.
18 PRESIDING JUDGE SCHMITT: [11:57:42] When the attack on Lukodi happened,
19 where did you live at the time?
20 THE WITNESS: [11:57:57] (Interpretation) I was in prison. In 2002 I was in Kigo
21 Prison. But when I came back in 2003, in the month of August, since that place is
22 within my home area, I learnt about what I just explained.
23 PRESIDING JUDGE SCHMITT: [11:58:18] Do you know when the attack on Lukodi
24 happened? You might not know the day, but can you try to locate it in time a little
25 bit more specifically? If you can.

1 THE WITNESS: [11:58:35] (Interpretation) It is said that it took place in 2002 while
2 I was in prison. But when I came back in 2003 I heard about it.

3 PRESIDING JUDGE SCHMITT: [11:58:52] Please continue, Mr Ayena.

4 MR AYENA ODONGO: [11:58:55]

5 Q. [11:58:58] Now that we are talking about the IDP camps, can you tell Court who
6 actually created these IDP camps. Did the people voluntarily move to the IDP
7 camps as a spontaneous reaction to attacks by LRA or were they forced into the IDP
8 camps as a government policy?

9 PRESIDING JUDGE SCHMITT: [11:59:35] Or a mixture of all? They are all
10 possibilities. No, no, it's not a problem. As I stated before, we have a witness who
11 clearly understands every undertone also, so he knows.

12 What can you tell us, from your position as a traditional leader, about the creation of
13 the IDP camps? How did they come about, so to speak? Why were they installed,
14 in your knowledge?

15 THE WITNESS: [12:00:14] (Interpretation) To tell you the truth, the IDP camps,
16 actually the first camp started from Bweyale. When they started establishing the
17 IDP camps in Acholi area it was much later. When soldiers looted animals from the
18 community in 1988, in the year 1988, November, all people who were affected were
19 taken to Bweyale. The camps that started in Acholiland started between 1995 and
20 1996. That was as a result of an interview which was given to me. In 2001 my
21 home was surrounded. I stayed away for five months and then I was arrested. I
22 stayed in the barracks for four months and a half in 2001. Because of the interview
23 which Catherine Burns of the BBC asked me about what was going on, what I spoke
24 about is what caused me problems.

25 We talked about the creation of the IDP camps and I said that, in regard to the IDP

1 camps, the president said during his, his campaigns for elections that the way he
2 would finish the war is to collect everyone and put them in the camps and he will
3 speak to the international body to give food to the people in the camps so that the
4 battleground remains free of people so that he finishes the war. He said then that
5 the people in the communities were the ones who were feeding the rebels because of
6 the crops they, they grow. That is common knowledge also back home.
7 So when they started herding people into the camps, some places they actually used
8 force and they used soldiers and homes were bombed and helicopter gunships were
9 used to herd people into the camps. These things are all in records that are available
10 in Uganda.
11 Now, explaining the truth like this also gives the government an idea that when you
12 do something wrong, it will still come to the truth. That is what I know about the
13 creation of the IDP camps. People did not go voluntarily. They were forced to go
14 there.

15 MR AYENA ODONGO:

16 Q. [12:03:45] Thank you very much for that answer.

17 Now, can you tell Court exactly how -- I mean, whether as they moved to the camps
18 they were allowed to carry their properties. Of course, the animals were no longer
19 there, but were they allowed to carry with them their foodstuff like food grains and
20 such things? And when they were already in the camp, were they allowed to go
21 back and pick their foodstuffs, for instance, uproot their cassava or potatoes?

22 A. [12:04:40] There were two ways people used for going to the camps. When the
23 instruction came out that people should relocate to the camps, those who immediately
24 went to the camp were able to collect their items to go with to the camps. But those
25 who were forced out did not have any time to carry any of the food items that they

1 had with them. Those were the two ways people got themselves in the camps.

2 Q. [12:05:16] Realising, Mr Witness, that the mainstay of the people of Acholi is
3 cassava, and these are root plants which you need to go and uproot and, you know,
4 from time to time. Were they allowed to go back and fetch the cassava tubes and
5 potatoes from their gardens left behind?

6 A. [12:06:08] In 2005, I was helping one of my friends carry out construction of his
7 house, he's called Dr Obonyo, he was in Kitgum. I would leave Gulu in a bus to go
8 and help him. On my way I would pass by several IDP camps. A big camp was in
9 Onyama, another one was in Paicho. There was one in Cwero, another one in
10 Anagura. There was a camp in Lacekocot and there was also one in Acholibur.
11 When you passed Acholibur, at the border between Pader and Gulu there was a camp.
12 There was also a camp in Ayul, there was one in Kitgum Matidi. But there was
13 a curfew and before 10 o'clock you will not be allowed to leave the camp to go
14 anywhere. But after 10, even those who were moving in vehicles would be taken out
15 of their vehicles. They would have to go and begin clearing the bushes by the
16 roadside so that the road would be a bit clearer for the rebels not to be ambushing
17 vehicles. These were the things that were happening.

18 Later in the day, at about 5, whenever the camp leader rings a bell you are supposed
19 to go back inside the camp. If you don't do that you will be taken for a rebel.
20 These were the kind of things that were happening, though the trend kept on
21 changing bit by bit. I witnessed that myself. Each time I would travel between
22 Kitgum and Gulu this is what I witnessed.

23 Q. [12:08:40] Since you said you witnessed some of these -- the conditions in these
24 IDP camps, was there a proper arrangement for settling people? For instance, in
25 terms of accommodation, food, water, sanitation, medical facilities, schools and

1 education facilities, security arrangements, and so on and so forth?

2 A. [12:09:25] Well, the encampment destroyed the traditional values. You know,
3 in Acholi traditional culture, you do not mix up with children in the same house.
4 But in the camp, the buildings were next to each other. No parent was able to have
5 control on how to guide and groom up their children.
6 The person who was respected at that time was the camp commander. The camp
7 commander was the one responsible for registering people to be given food handouts
8 like maize flour, beans, and the likes. One of the worst effects of the camp was that
9 all the males became drunkards. It was the women who were taking care of the
10 families. You would find a woman who is carrying firewood on the head, strapping
11 a baby on the back and holding a hoe as she goes to try and till some land.
12 The beans that could have stayed at home, you would find a man would be putting
13 on Wellington boots and he pours the beans that was in the house in the gumboot.
14 He moves to the next drinking joint to butter the beans with alcohol. He will ask
15 you, "Bring for me a basin," and then he will remove the gumboots and then he pours
16 the beans in the basin to butter with the alcohol. That is how men got wasted in the
17 camp. Many of them are still having the same character even up to now. This
18 brought a lot of burden and problems to women, brought a lot of burden and trouble
19 to the traditional leaders to try and rehabilitate the community. It also brought in
20 a lot of trauma and it also affected the education system in the camp.
21 With these kind of problem it required not just the Ugandan government, but the
22 international community to come and help to try and salvage the situation so that the
23 community can be brought up to match up with the rest of the communities
24 everywhere else. That's one of the things I saw in the camp.
25 And then, each time you would move inside the camp, the first thing you will find

1 that was being traded in was alcohol. You would never find any hotel or
2 a restaurant, you would only find people selling alcohol. Even up to now selling of
3 alcohol is widespread, and that is a major problem.

4 Q. [12:13:11] Now, as an elder and clan leader, in your experience or from what
5 you observed during these camp arrangements, how did the government soldiers and
6 their allied forces treat the IDP camp residents? What was the relationship between
7 the residents and the soldiers?

8 A. [12:14:01] Well, I never stayed in the camp, but the life of the civilians and that
9 of the soldiers depended on each and -- each soldier. There are those who were
10 more communal and those who were not really sociable. It is also like those days
11 when I used to travel between Kitgum and Gulu. If you find a commander who is
12 a terrible one, he would stop the bus and then he would just be strolling about, does
13 not release the people to move for quite a while. But if you get a better one he would
14 survey the road and then allow the people to go just like that. So people have
15 different characters.

16 But one thing I knew and what I have talked about is exactly what I know and what I
17 have seen, but the relationship between the army and the civilians was only during
18 days when I was travelling I would see, they would stop you, bring you out and take
19 you to slash the roadside. That was all that I witnessed.

20 Q. [12:15:21] Did you have occasion to make an estimate of the number of residents
21 in what you called the big camps? About how many people, according -- if you got
22 any information?

23 A. [12:15:47] What was mentioned even on radio was that of Pabbo. Pabbo was
24 the biggest camp in Acholi. They used to say there was 62,000 people in the camp.
25 That was what we knew about that. But also there were NGOs that had records

1 about these camps. They would take these records so they would use the data to
2 help in humanitarian support. I am not aware of any other camp, but I used to hear
3 about Pabbo because it was mentioned on radio almost every single day. Pabbo had
4 62,000, other camps had 10,000, and different camps had different population of
5 people.

6 Q. [12:16:46] Mr Witness, given that the reason for taking people to the camps was
7 to protect them from the war effect, did you come to learn approximately how many
8 soldiers would be stationed around the barracks, I mean at each of those IDP camps
9 to protect the barracks?

10 PRESIDING JUDGE SCHMITT: [12:17:18] That is a very broad question I think. So
11 perhaps it is easier for Mr Adek if we ask him: Do you have knowledge of any IDP
12 camp and the number of military stationed there? And if so, please tell us.

13 THE WITNESS: [12:17:53] (Interpretation) Well, even you ask me this question, I
14 think this question is very deliberate, because the only person who knows the number
15 of soldiers attached to a camp is the commander who will have sent them. You
16 know, even if personally I could have walked to the camp or sat somewhere, there is
17 no way I could have counted the number of soldiers who were taken there.
18 You cannot do that and you cannot -- I couldn't have estimated the number of soldiers.
19 I am not a soldier myself. I have not sent them myself. So it is difficult for me to
20 estimate any number.

21 PRESIDING JUDGE SCHMITT: [12:18:27] I think that is also -- again, again, I would
22 say fair enough.

23 MR AYENA ODONGO: [12:18:32] Yes.

24 PRESIDING JUDGE SCHMITT: [12:18:33] Please continue.

25 MR AYENA ODONGO: [12:18:34]

1 Q. [12:18:36] Did you ever visit any of these camps as an elder?

2 A. [12:18:53] We visited Lacekocot camp. I also visited a camp that was at a place
3 called Akoro Kwe (phon) in Bungatira and then Pabbo camp. These were the three
4 camps that I visited.

5 Q. [12:19:26] In these three camps that you visited, can you tell Court the location
6 and proximity of the military barracks vis-à-vis the IDP camps. How close were, were
7 these --

8 PRESIDING JUDGE SCHMITT: [12:19:49] Microphone, please.

9 MR AYENA ODONGO: [12:19:51]

10 Q. [12:19:51] How close were the barracks to the camps and where were they
11 located? Were they within or outside the camps?

12 A. [12:20:23] The one of Pabbo was situated together with the rest of the people,
13 but that in Coopee was -- because that camp was established later, the soldiers were
14 behind the centre. Not every camp had the same setup, different camps had
15 different setups. I saw those two that I have described.

16 Q. [12:20:57] Now, Mzee Adek, you no doubt have been to barracks. Would you
17 say the barracks in Pabbo was a big one?

18 A. [12:21:27] Well, the camp that was in Pabbo where I went was not at the centre.
19 I didn't go where the barracks was. I stayed with the people. I did not go to the
20 barracks because the soldiers were at the centre. I stayed where the civilians were, I
21 did not go to the barracks where the soldiers were. That camp was very huge and
22 by the time you arrive at the edge you will be able to establish what is happening
23 there. The soldiers were stationed at the centre and I did not reach there.

24 Q. [12:22:07] Have you ever heard about LDUs, home guards, by whatever names
25 they were called? Have you ever heard about them?

1 A. [12:22:29] The home guards or the LDUs were mainly people from home.

2 Q. [12:22:41] In relation to the camps, where were they recruited from? And
3 where did they live? Where did they live?

4 A. [12:23:06] LDUs were recruited previously when people were still at their homes.
5 When people were now relocated in the camps, the LDUs were already in place.
6 When people went to the camp it was required that each LC chairperson was to
7 recommend a person. Where I was living in Bardege two people were nominated,
8 there was Komakech, the son of Lukwiya, and then Opio, the son of Oryem. Those
9 were the two people I witnessed. The LDUs were recruited when people were still
10 in their respective villages. When eventually the people were in the camps the LDUs
11 were already in place.

12 Q. [12:24:14] Now, did you ever get any report about attacks on these IDP camps?
13 If you did, when did they reach the IDP camp? Were you told whether the LRA
14 went straight to the camps or maybe started with the barracks and then later
15 on -- what was their target?

16 A. [12:25:09] The response to that question is not different from the response I gave
17 about the question on Lukodi. That is how the camp was. I didn't follow up on
18 each and every camp and the attacks that took place there. What took place in
19 Lukodi was what was aired out to the people. The other places where the attacks
20 were not very grievous, the issues were not raised and brought out to the people.

21 Q. [12:25:44] And I know you have already talked about civilians dying in crossfire,
22 and the difficulty of telling who died from whose bullet, but as an elder in the
23 community did you come to learn whether the government carried out any forensic
24 examination on the victims of these attacks?

25 A. [12:26:43] Well, I think that response would be best given by a doctor because

1 these are the best people who carry out post-mortem, they are the ones who can
2 respond to this question. I think a medical doctor who does post-mortem who can
3 respond to this question. Me, having stayed at home and having not done that, there
4 is no way I could have known about this kind of issue.

5 Q. [12:27:28] Fair enough. Mr Adek, from your testimony and statement you
6 were in the eye of the storm, so to speak, in relation to the conflict in northern Uganda,
7 and you were subjected to so many arrests. Have you ever been arrested on
8 allegations of involvement with the LRA? In other words, were those arrest in
9 relation to allegations with the involvement with the LRA?

10 A. [12:28:39] Well, I do not have any secrets, or I cannot say I was not in connection
11 with the LRA. I said it previously that that was what brought for me problems.
12 They called me a collaborator. They were referring to me as an LRA collaborator.
13 The arrests that I went through, I never objected to that. I kept on admitting that
14 I was in touch with the LRA and each time I am in touch with them I am looking for
15 peace. I have not carried anything that is harmful to the LRA. And each time I
16 engage in negotiations with them I don't only talk to the LRA, I also talk to the
17 government. Every time something wrong is done I do not keep quiet about it, I say
18 it out. If there is something wrong that is done by the people of Kony I would tell
19 them straight off.
20 It's the truthfulness that I am telling this Court now. This is my character. This is
21 my life. I think with my age, as an elder, I cannot change. I cannot be a different
22 person now. My work is to speak the truth. That is the gift God has given me.
23 Thank you.

24 Q. [12:30:24] Was this a recurrent episode in the lives of many people in Acholi,
25 being arrested because of being connected with LRA? If so, how were they normally

1 treated? If you know.

2 A. [12:31:07] There could be different ways of handling their situation. Others are
3 lucky. Others are unlucky. Beside that, also it depends on who has arrested you.
4 You can land on one officer who is kind and another who is not kind. So it really
5 depends. But there are particular situations. I have seen two of them when I was in
6 the barracks. Someone called Lapwony Richard Okwon was tied on the arms with
7 a tight rope and they were moving with him from the bush for a whole week. When
8 they brought him to the barracks I was also detained in the barracks. The rope had
9 been swallowed up by the skin of the person tied. We helped and it healed. And
10 then he left the country. He died last year while he was in the UK.

11 Another person known as Kilara was living in a place call Custom Corner (phon).
12 His home was not far away from mine, I witnessed him being whipped badly. He
13 was already an elderly person.

14 When you are brought in the barracks there is a quarter guard, and the place where
15 they detain people is close to the quarter guard. He was tied with his -- both arms
16 tied on the back and they would tie a rope on a tree branch and then they would pull
17 him up, and later on release the rope and he would fall down. I saw that myself.

18 The third incidence was a woman who was arrested on allegations that she was
19 supplying ammunition to those in the bush. I do not know if that was true or not,
20 but we were detained together. A soldier who was called Okoc was coming from
21 Alero; even the woman was from Alero. Okoc beat the woman badly and I had to
22 go and restrain him. The woman had defecated on herself. He was claiming that it
23 was the woman who killed people in their home. That is why he disliked the
24 woman. I told him, "Well, that is something which happened between you and her
25 at home, but now she is with government as a detainee, do not use the anger you had

1 at home." So those are the three incidences I saw while I was in the barracks.

2 Q. [12:34:35] Now, Mzee Adek, talking about attacks in various places, in Acholi in
3 particular, and other -- well, let's talk about Acholi. Is it the case that all these attacks
4 were actually done by LRA, all the killings, all the atrocities that were committed
5 were committed by LRA soldiers?

6 A. [12:35:24] It is not something that I know, but sometimes you hear -- sometimes
7 you hear on radio or when people are talking about it that this happened in a faraway
8 location. But to have clear knowledge of that incidence, it is better that the person
9 who was in that particular area confirms it. But when you are far away from the
10 scene of what happened, it's you just hear about it.

11 Q. [12:36:01] Mzee Adek, at paragraph 29 of your statement you stated that there
12 existed a special battalion that --

13 MR GUMPERT: [12:36:21] Your Honours.

14 PRESIDING JUDGE SCHMITT: [12:36:22] Yes.

15 MR GUMPERT: [12:36:24] Normally, I would submit, and it certainly has been
16 Prosecution practice, if it is sought to refresh a witness's memory leave of the Court is
17 sought, and it is done in a particular manner. I would ask that the same rules apply
18 to the Defence as they did to the Prosecution.

19 PRESIDING JUDGE SCHMITT: [12:36:39] I think you would have to prepare it
20 a little bit more so that we can clearly establish that there is a lack of recollection or
21 whatsoever. You can try it, for example, by asking: Do you know of any instances
22 where there was a masquerade of some sort? So you can ask that. And with regard
23 to the answer you can then refresh his memory, or, if it is not necessary, you don't
24 refresh the memory. Perhaps you simply proceed like that.

25 MR AYENA ODONGO: [12:37:16] I am obliged, Mr President, but I think

1 sometimes we are going to and forth about this, because at a certain point I remember
2 that we were advised that when some information is already on the Court record you
3 just --

4 PRESIDING JUDGE SCHMITT: [12:37:37] No, no. No. There is a difference. I
5 think I have to explain this. There a difference.

6 This question of refreshing memory has to be decided with regard to the witness that
7 we have specifically in the courtroom and his or her testimony. And it was not
8 clearly - and I agree with Mr Gumpert - was not clearly established that the witness
9 did not really, did not really recall or so. But it's a small matter. You simply put it
10 like I said a little bit: Do you know of any instances of masquerade? And then we
11 follow from that. It's not a problem.

12 MR AYENA ODONGO: [12:38:25] I am much obliged.

13 Q. [12:38:27] Mr Witness, do you recall any incidences where government forces
14 masqueraded as LRA? Committed atrocities and blamed it on the LRA?

15 A. [12:38:55] In regard to that, there are two incidences, there are two cases of
16 information that I have heard. Others I heard on radio, while others I heard through
17 hearsay.

18 It is not easy to establish the truth. But what I learnt later as the truth was from
19 someone called Ocaka. Ocaka was from Alero. During the peace talks I mentioned
20 that we went to Alero, he is the one who coordinated us. We moved with the driver
21 of Betty Bigombe, known as Onen. If there was anything relating to Alero, Ocaka
22 would be the one to connect and coordinate us.

23 There was another person called Labali. Labali was a local leader, a local council
24 chairperson in Alero. That is when Ocaka died. The death of Ocaka was because
25 he would give government information and also give information to the rebels; he

1 was kind of a double-dealer. For the rebels, was mainly because he was living in
2 that same area.

3 Some of the children who had surrendered from the LRA and joined the government
4 forces, I understood while I was in the barracks that some -- while in detention I also
5 shared the same cell with some of the soldiers who were also detained. They told
6 me that, "Look here, some of these things we are killing ourselves. Some of us were
7 told that we behave, some of us were told to behave like those who were in the bush.
8 That one is to really find out what you think about the whole situation."

9 Bad things can happen either with those in the bush or those in government. It is
10 like the example of chopping off people's hands. That started when the resident
11 district commissioner Ocaya brought that up and suggested that people should fight
12 the LRA using bow and arrow and spears. We protested that during a meeting and
13 accused Ocaya of plans to finish the young children. If you knew that using bow
14 and arrow and spears can be used to win a war, why don't you give the government
15 soldiers the same weapons. That brought a lot of confusion in Acholi.

16 When Kony and his soldiers finds you with a machete and a spear he would think
17 that the government sent you to kill them. When you are captured they would ask
18 you to choose between your hands holding the spear, and the ear which does not
19 listen. Which one should be cut off. So you just give in and hand over your hand
20 and they chop it.

21 When they chop off your hand you feel as if they spared your life so you, you look at
22 them as a kind person. That is the kind of confusion that the war brought among
23 people.

24 The things that happened, I request the Court and the person asking the questions is
25 that there are so many things you cannot explain everything. Let us now attempt to

1 what is before us. It took so long for this war to end so it is not easy to finish it in
2 one or two days. This is what I can respond.

3 PRESIDING JUDGE SCHMITT: [12:44:06] Thank you. I think we understand.

4 Let me shortly explain some procedural matter, Mr Ayena, because now having read
5 through the transcript shortly, you said you thought it is already on the record. I
6 have to clarify, this would be correct if this was a witness where via Rule 68(3) the
7 statement would have been made part of his statement in the courtroom. But since it
8 is not -- so only -- this would only apply - also for everyone else here in the
9 courtroom - would only apply to such witnesses.

10 A witness where we have a statement, no Rule 68(3) applies, is here in the courtroom,
11 then you would have -- it is like I said, you have to establish that the -- that there is
12 a lack of memory, or something like that, to put this statement to him or her. So just
13 to clarify. Yes.

14 MR AYENA ODONGO: [12:44:59] I am guided, Mr President. And it has been
15 a long day and we think we could go for an early lunch, and then we come back
16 maybe slightly earlier and break off earlier.

17 PRESIDING JUDGE SCHMITT: [12:45:20] We can perhaps continue then, I would
18 suggest, a quarter past 2 so that we have this one and a half hour.

19 MR AYENA ODONGO: [12:45:27] Yes, yes.

20 PRESIDING JUDGE SCHMITT: [12:45:27] And do you already envision how long it
21 will take you after the lunch break?

22 MR AYENA ODONGO: [12:45:33] About maybe 45 minutes or thereabouts. Not
23 more than one hour.

24 PRESIDING JUDGE SCHMITT: [12:45:39] And just since we are talking about it
25 now, Mr Gumpert, do you already know how long the examination by

1 the Prosecution will last?

2 MR GUMPERT: [12:45:49] I attempted to provide an estimate to one of your legal
3 officers this morning. I don't really deviate. About a session, about an hour and
4 a half. But of course it depends on the answers.

5 PRESIDING JUDGE SCHMITT: [12:46:00] Of course.

6 And any questions envisioned by the Legal Representatives of the Victims?

7 MR MANOBA: [12:46:08] Just a handful, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:46:09] Okay, then I would suggest indeed we do
9 it like that. We have the break until a quarter past 2, then we finish the Defence
10 questioning. We continue, as we all know, on Thursday, not tomorrow, at 9.30.
11 But we then also start on Thursday, whenever, whenever with the next witness I
12 think. Which one is it? 115?

13 MR OHBOF: [12:46:36] No, it's 150.

14 PRESIDING JUDGE SCHMITT: 150. So we have now the lunch break until
15 a quarter past 2.

16 MR GUMPERT: [12:46:43] Your Honour, can I raise one minor issue of procedure?
17 I'm sorry, not to --

18 PRESIDING JUDGE SCHMITT: Of course. Yes.

19 MR GUMPERT: -- be quicker. The order in which we question, in the Prosecution's
20 case we went calling party, victims, non-calling party. Do we proceed with that or
21 would you wish me to ask questions before my learned friend for the victims?

22 PRESIDING JUDGE SCHMITT: [12:47:07] I tend to say before. Yes. I tend to say
23 before.

24 MR GUMPERT: [12:47:14] Very well.

25 PRESIDING JUDGE SCHMITT: [12:47:15] And the last will then be the legal

1 representatives. And let me put it this way, we don't expect too many questions by
2 the legal representative for the witness.

3 Thank you.

4 THE COURT USHER: [12:47:25] All rise.

5 (Recess taken at 12.47 p.m.)

6 (Upon resuming in open session at 2.17 p.m.)

7 THE COURT USHER: [14:17:49] All rise.

8 PRESIDING JUDGE SCHMITT: [14:18:05] Good afternoon.

9 Mr Ayena, you still have the floor.

10 MR AYENA ODONGO: [14:18:12] Yes.

11 Q. [14:18:16] Good afternoon, Mr Witness.

12 Now, Mr Witness, what was the view of the Acholi traditional leaders - were they
13 traditionally traditional leaders, religious leaders and elders generally - what was
14 their view about amnesty?

15 A. (Inaudible)

16 PRESIDING JUDGE SCHMITT: [14:19:08] Wait a moment. There is some noise
17 now. We have to first -- this has to first stop.

18 So I think it is now okay.

19 I apologise, there was some technical problem, Mr Witness. Please start again.

20 THE WITNESS: [14:19:31] (Interpretation) The opinion of the (inaudible) --

21 PRESIDING JUDGE SCHMITT: [14:19:40] No, I think we have to -- if we don't get
22 any new information how quick it is going to stop, we would have to leave the
23 courtroom shortly and wait until this has been fixed.

24 I am informed that a technician has been called to come here. So we would have to
25 go to the deliberation room, and you perhaps can stay here, and we hope that it will

1 be fixed soon. So we wait for couple of --

2 THE COURT USHER: [14:20:16] All rise.

3 (Recess taken at 2.20 p.m.)

4 (Upon resuming in open session at 2.32 p.m.)

5 THE COURT USHER: [14:32:12] All rise.

6 PRESIDING JUDGE SCHMITT: [14:32:37] So just to inform Mr Witness, the problem
7 was that when you answered your question then we had a loud noise here on the
8 speakers, and we could not follow what you said. Now the interpreters are moved
9 to the other side, which is something new for us that they are now on the left side.
10 We welcome them also on that side and we hope that it does now function without
11 problems.

12 So, please, Mr Ayena, I would suggest that you repeat your last question.

13 MR AYENA ODONGO: [14:33:16]

14 Q. [14:33:16] Mr Witness, the question that I had put to you was about amnesty.
15 What was the position of the traditional leaders, Acholi elders and religious leaders
16 about amnesty to the LRA combatants?

17 A. [14:33:52] Thank you very much for the question.

18 The opinion of the people, especially religious and traditional leaders, was that they
19 were so much interested in amnesty and forgiveness. This also came about as a
20 result of the meeting that took place in London in 1998. It was resolved that
21 traditional leaders should be supported so that they can talk to their children who are
22 in the bush to come back home, and then they should also talk to the government so
23 that the government can extend amnesty to those people. It was a general consensus
24 to have that.

25 PRESIDING JUDGE SCHMITT: [14:34:54] So the French interpretation would have

1 to be turned on, yes. So this was not a technical problem.

2 But we got your answer. It's okay. Thank you very much for your answer.

3 Mr Ayena, please continue.

4 MR AYENA ODONGO: [14:35:13]

5 Q. [14:35:14] Mr Witness, was this the same position that was adopted by the
6 delegation or the leadership of LRA when the peace talks in Juba commenced?

7 A. [14:35:42] I remember clearly when we arrived at agenda number 3, which was
8 on accountability and reconciliation, it was agreed and the government was also in
9 support of it, they agreed on a total and blanket amnesty for all. Everyone was in
10 support of that. The document that was produced for the peace talk had that
11 incorporated in it.

12 Q. [14:36:33] Now, Mr Witness, this morning you talked about -- you talked in
13 approval of the ICC, but you also mentioned that at the beginning people were not
14 very supportive of it.

15 Now, can you tell Court which justice mechanism was preferred by the people of
16 Acholi, especially the elders and the religious leaders?

17 MR GUMPERT: [14:37:11] Your Honour, I object on grounds of irrelevance. This
18 witness's opinion about the appropriate justice mechanism, whilst perhaps interesting
19 in sociological terms, has zero relevance to the issues in this trial.

20 PRESIDING JUDGE SCHMITT: [14:37:26] I think we should not ask the witness to
21 draw conclusions or to tell us about what he finds appropriate or not appropriate.
22 What you could ask him would, for example, be: What effect did the turn of events
23 have on, for example, the family of the accused or something like that. But to say if
24 this is the right way to go forward, I think I would also say is not a question that I
25 would like to have been put to the witness here in the courtroom.

1 No. You called for an opinion. So you could simply -- it is not the task of a witness
2 to provide opinions. We allow every question that tries to elicit facts from a witness,
3 but not to provide for opinions.

4 MR AYENA ODONGO: [14:38:36] I am guided, Mr President. But I will recast the
5 question.

6 Q. [14:38:40] Mr Witness, what is the thinking in Acholi, you, as an elder, what is
7 the thinking in Acholi about how to resolve the conflict in northern Uganda?

8 A. [14:39:10] I will repeat this. The example is actually on me. As an elder, I
9 want the world to be peaceful. I want people around me to stay in harmony. I
10 started, I started supporting the idea of having peace talks. I had so many people
11 who supported my idea of having a round-table discussion to an end -- to have an
12 end to this war.

13 I am utterly happy and impressed with my efforts. I think it is part of the efforts that
14 I put together that brought peace in Uganda. It was not achieved through the gun.
15 The Ugandans have to come together so that they can sustain this peace. That's my
16 response.

17 Q. [14:40:22] In view of that, Mr Witness, did you ever discuss other justice
18 mechanisms as elders of Acholi with the religious leaders and other interested
19 parties?

20 PRESIDING JUDGE SCHMITT: [14:40:41] That is, for example, this is exactly an
21 appropriate question which tries to elicit facts. And any conclusion which
22 has to -- could be drawn or has to be drawn or cannot be drawn out of it is then our
23 task. Thank you.

24 MR AYENA ODONGO: [14:40:55] Perfect.

25 THE WITNESS: [14:41:06] (Interpretation) Religious leaders and traditional leaders

1 almost have the same opinion. All of them are advocating for forgiveness. The
2 only way to a harmonious existence is having forgiveness.
3 All the traditional leaders and religious leaders are advocating for the same, they
4 keep on talking about this. And if you look at the times when some organisations or
5 NGOs gather people for a meeting, they talk about forgiveness, they talk about
6 amnesty so that the country can move forward peacefully.

7 MR AYENA ODONGO: [14:42:05]

8 Q. [14:42:06] I don't know, Mr Witness, whether I got through to you. The
9 question is: Did you discuss any other justice mechanism other than the formal
10 courts, like this one, or the courts in Uganda? Or put some other way, within the
11 Acholi setup or tradition, is there any justice mechanism that could -- that was
12 discussed?

13 A. [14:43:01] I think this is the question that you have put out, which is in relation
14 to the traditional practices. In Acholi traditional practice, the only way warring
15 parties can be brought together is through mato oput. If a person from one clan
16 knows that they have committed murder in another clan, the Acholi traditional
17 practice is such that they do not concentrate on compensation. They will wait for
18 three days, and if somebody killed from your clan and then you went and responded
19 or took revenge, that is bad, but you will have to wait for three days so that you can
20 settle down. And they will wait for the household of the killer to put together their
21 resources and agree to come and talk to the family of the deceased, and they come
22 together through a process of mato oput.

23 Before the mato oput process, the two different families will never have anything
24 together. They will never drink from the same source, they will never talk to each
25 other, until the third day when they can come together and go through the processes

1 and then they can reconcile.

2 They do not believe in an eye for an eye. If somebody is killed from one side,
3 another person should not be killed in revenge.

4 Q. [14:45:14] Mr Witness, you talked about mato oput. You know, you are talking
5 to a court of a multicultural nature. Can you be so kind as to explain to them the
6 processes that led ultimately to mato oput, the steps. Are there processes? Can you
7 go in better details what exactly happens?

8 A. [14:46:03] The first thing, you have to look at the person who was killed and the
9 manner with which they were killed. Was it an accident? Was it purposeful?
10 Was there intention? All these are three aspects will attract different modes of
11 response.

12 If, for instance, you were engaged in a fight, and accidentally the other person died,
13 the mode of compensation is different.

14 In another instance, for instance, if you are driving a vehicle and then you knocked
15 someone, or you sent someone on an errand and they went and in the process they
16 died for one or two reasons, all these situations attract different compensation and
17 retribution.

18 Traditionally, this compensation is not made in monetary terms. Instead it would be
19 a live animal, a cattle. Three of the animals will be oxen. One oxen would be for
20 the chief, the second ox will be for the mother of the deceased, and then the third ox
21 would be for the burial.

22 When I talked about the ox for the chief, the chief will use this ox, it will be killed, it
23 will be slaughtered and then to be eaten during the process.

24 If the deceased is coming from a household that is not required to partake of the food
25 that is produced, another household will have to partake of that.

1 And then the animals that were brought as compensation would be used as dowry for
2 a girl that is coming from the other family. The woman who is married using the
3 animals that were brought, when the animals are brought and the woman produces
4 a girl, that animal will be kept there.

5 And now when carrying out, when they are compensating the deceased, these are the
6 items that are delivered: The killer will have to bring a lamb, and then the deceased
7 family would also bring another lamb. They will put the two sheep together with
8 their heads facing each other and then a ceremony is conducted, they will mimic
9 a fight.

10 There will be two other people who will come to mediate between the two warring
11 parties, and eventually the two warring, seemingly warring parties are stopped from
12 fighting each other. They will cut the two sheep. The head of the first sheep is
13 given to the other family, and then the other, the head of the other sheep is given to
14 the next family.

15 Then they will get the oput tree, get the back of the tree, and they make a concoction
16 from the oput tree. And the two parties, a member from each of the two parties will
17 have to fold their hands behind them, and then you put your heads together as
18 you are drinking from the calabash. As you are drinking, both of you do at the same
19 time so your heads can meet as you are drinking from the same calabash.

20 After doing that, they will get the liver of the sheep, roast and give to the two
21 different families, three times for each. Then they will go to, they will get the crust
22 from millet or maize flour that is produced and share with each other. They will also
23 get salt and distribute it to different families, and this is meant to show unity.

24 They will also get oil from sesame and they keep on winnowing the sesame as they
25 make incantation. They will also get this sesame and keep on eating as they carry

1 out or they go ahead with the incantation.

2 After that, they will get a short knife, a calabash, which will be used as a basin for
3 water to wash their hands. They will use that calabash as a wash basin, and after
4 washing their hands the water will be splashed on the family of the killer to cleanse.

5 I have only mentioned the headlines. I have not gone so much into the details. But
6 if the Court is interested in knowing deeper than this, I would have brought the items
7 or the picture of such a ceremony so that the Court would see the process.

8 This process would then reconcile the two families so that there is not a repeat of such
9 a killing. This is how the Acholi carry out the reconciliation process.

10 Most times when this ceremony is being conducted, they do not allow the chiefs to be
11 present. If any chief is supposed to appear there, it will be on request and only with
12 the interest that they should go and see so they can know how it is done. But they
13 do not have any powers. The people who carry out these activities are identified by
14 the traditional system, but they are not necessarily the chiefs. Though such a person
15 would be a member of the chief's ruling, ruling elite.

16 Now the animal that is given to the chief, for instance, myself as Mr Adek, I am the
17 chief of Pageya, if they killed a person from the Pageya clan, they would have to give
18 me an ox. If there is another chief who also came to help in the mediation, he will
19 not enjoy or receive any animal. But that animal will be given to another person.

20 This is the process of mato oput in Acholi culture.

21 PRESIDING JUDGE SCHMITT: [14:54:19] May I say we had also for Mr Witness, we
22 had during the Prosecution presentation of evidence, we had also other witnesses
23 speaking about this, but none was so detailed and went so into the specificities I think
24 than Mr Adek. So this was very, very detailed and we could see how complex the
25 whole process is.

1 Please continue, Mr Ayena.

2 MR AYENA ODONGO: [14:54:55] Yes.

3 Q. [14:54:56] Now, Mr Adek, during the peace talks, is this what was captured in
4 agenda number 3 on accountability? If it is so, the reason behind justice
5 being stamping out impunity, does this process take account of, you know, somebody
6 coming and revealing what he did, the two communities talking about what exactly
7 happened, the other, the offending party admitting responsibility and asking for
8 forgiveness before all these processes are done, or how is it?

9 A. [14:56:14] I have understood this in two ways: Number one, after the process
10 of mato oput, it cleanses the person or the family that has, that has killed. Secondly,
11 if has taken place, then it reconciles the two.

12 In Acholi there is nothing called impunity. When you are playing games, then you
13 can think about something that is close to impunity. I am playing with you, I am
14 doing this, and then you don't pay back.

15 But in actual sense, there is no competition or there is nothing like doing something
16 wrong and then you don't get -- then you get away with it. When you talked about
17 accountability and reconciliation, you have to talk about forgiveness. You have to
18 talk about mato oput. Mato oput comes to resolve a dispute between the two
19 warring parties. If that is not done in Acholi, the people from the two clans can
20 never marry each other. But if the mato oput processes are done, people can freely
21 marry from the two clans.

22 In Acholi tradition if a person killed another person, in that clan nobody can marry
23 anybody from any other clan nearby because they know the other clan is a dirty clan.
24 This can only happen when the mato oput process is done. If it is not done, then
25 a person from that family who wants to marry will have to go very far away to an

1 area where they are not known before they can get spouses.

2 Acholi tradition believes so much in reconciliation. The only thing that came and

3 kind of confused people is religion. Religion came. With the advent of religion in

4 Acholiland, they started saying that the blood of Jesus came and cleansed everyone,

5 so we don't have to go through the processes.

6 But the truth is we have not had religion with us for a very long time. Most times

7 when I'm talking to people, I talk about three different issues. I tell them that the

8 first religion that came to Acholiland was Islam in 1841. Counting, it should be

9 about 177 years. The second religion was Anglican. That came in 1901. That

10 means it has now lasted for 117 years. The third religion was that of Catholicism, to

11 which I belong. It came in 1911. It has already lasted for 107 years.

12 But Acholi as a tribe or as an ethnicity, when did they come into existence? When

13 did God create the Acholi people? I keep on talking about this, and I think it bears

14 some sense of truth. I believe that God first created Acholi. They say God created

15 Adam and Eve. Adam was a black person. And they removed a rib from him and

16 the blood then was used to make a white person.

17 There are only two category of people in the world, black and white. Therefore,

18 religious protesters should have aligned themselves to traditional beliefs. Even

19 government practices came and aligned themselves according to religious practices.

20 PRESIDING JUDGE SCHMITT: [15:01:06] Thank you very much, Mr Witness. This

21 was not, strictly speaking, factual evidence, but it was very interesting to put into

22 perspective several matters which we have discussed many times here in this

23 courtroom.

24 Please continue, Mr Ayena.

25 MR AYENA ODONGO: [15:01:27] Mr President, the purpose of some of this

- 1 interaction is to underscore the importance Acholi traditions and cultures attach.
- 2 PRESIDING JUDGE SCHMITT: [15:01:41] I absolutely, I absolutely agree.
- 3 MR AYENA ODONGO: [15:01:43] The mind, to bring out the mind of an Acholi
4 person, their understanding about traditions and, you know, especially spiritualism
5 and --
- 6 PRESIDING JUDGE SCHMITT: [15:01:59] No. You I think today also said already
7 that people here in this courtroom come from different cultural and political and
8 historical backgrounds, and we have to, we have all to try to understand, of course,
9 and this is a part of it. So there is no complaint, so to speak. On the contrary.
10 Please continue.
- 11 MR AYENA ODONGO: [15:02:24] And since we agree on that note, Mr President
12 and your Honours, I will stop here.
- 13 PRESIDING JUDGE SCHMITT: [15:02:31] Thank you very much.
14 So we then have finished the questioning of the Defence today. As we have already
15 indicated before the break, we continue on Thursday, 9.30, with the questioning by
16 the Prosecution.
17 And we will also start with the next witness, 150, on Thursday, be it after the first
18 session or after the second session or whatsoever, but we will start at least with the
19 second witness.
20 The hearing is adjourned for today. We resume on Thursday, 9.30.
- 21 THE COURT USHER: [15:03:12] All rise.
22 (The hearing ends in open session at 3.03 p.m.)