

Trial Hearing  
WITNESS: UGA-OTP-P-0264

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan  
6 Trial Hearing - Courtroom 3  
7 Tuesday, 4 April 2017  
8 (The hearing starts in open session at 9.31 a.m.)  
9 THE COURT USHER: [9:31:02] All rise.  
10 The International Criminal Court is now in session.  
11 PRESIDING JUDGE SCHMITT: [9:31:18] Good morning, everyone.  
12 Good morning, Mr Witness.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:31:34] Good morning, Mr President, your Honours.  
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus  
16 Dominic Ongwen, case reference ICC-02/04-01/15.  
17 And for the record, we're in open session.  
18 PRESIDING JUDGE SCHMITT: [9:31:48] I ask for the appearances of the parties,  
19 Prosecution first, please.  
20 MR BLACK: [9:31:53] Good morning, your Honours.  
21 Colin Black for the Prosecution. With me is Benjamin Gumpert, Beti Hohler,  
22 Adesola Adeboyejo, Paul Bradfield, Yulia Nuzban, Pubudu Sachithanandan,  
23 Ramu Fatima Bittaye and Mari Pilvio.  
24 PRESIDING JUDGE SCHMITT: [9:32:15] Thank you.  
25 And the Legal Representatives of the Victims.

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1 MR COX: [9:32:17] Good morning, your Honour. For the Legal Representative  
2 Francisco Cox and Mr James Mawira.

3 MS MASSIDDA: [9:32:25] Good morning, your Honours. For the second team,  
4 Paolina Massidda and Orchlon Narantsetseg.

5 PRESIDING JUDGE SCHMITT: [9:32:30] The Defence, please.

6 MR AYENA ODONGO: [9:32:34] Good morning, Mr President and your Honours.  
7 I am being assisted by Chief Charles Achaleke Taku, Mr Michael Rowse, Tom Obhof,  
8 and our client Dominic Ongwen is in court. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:32:56] And counsel for the witness.

10 MR RAIMONDO: [9:33:02] Good morning, your Honours, Fabián Raimondo, legal  
11 adviser to the witness.

12 PRESIDING JUDGE SCHMITT: [9:33:08] Thank you very much.

13 And Mr Black has still the floor.

14 MR BLACK: [9:33:11] Thank you, your Honour.

15 WITNESS: UGA-OTP-P-0264 (On former oath)

16 (The witness speaks Acholi)

17 QUESTIONED BY MR BLACK: (Continuing)

18 Q. [9:33:16] Mr Witness, good morning to you.

19 A. [9:33:19] Good morning.

20 Q. [9:33:19] At the end of court yesterday you discussed how Dominic Ongwen  
21 and other LRA commanders distributed women that had been abducted. I'm going  
22 to ask you some more questions about that topic now. Generally speaking in the  
23 LRA how were women and girls distributed?

24 A. [9:33:52] In the LRA when a girl is abducted and she's old enough to be with a  
25 man, she's given out to a man. If she's still very young, she's nurtured.

1 Q. [9:34:10] Can you explain what you mean by nurtured?

2 A. [9:34:26] She's kept to grow until when she's fit to be given out to a man, and  
3 she's given out to a man. And the man would also be somebody who is already  
4 mature, not a young person.

5 Q. [9:34:45] Who would make the determination of whether a girl or a woman  
6 was old enough to be given to a man as a wife?

7 A. [9:35:05] Well, that is normally incumbent upon the individual commanders  
8 with whom such people are staying.

9 Q. [9:35:17] At what level of command would such decisions be made? At the  
10 company level, or battalion level, brigade level, or higher?

11 A. [9:35:37] The decision is normally made from above and it trickles down, up to  
12 the CO of the battalion.

13 Q. [9:35:48] Do you know where the decision originates, who takes the decision?

14 A. [9:36:06] Well, such a decision sometimes come from Joseph Kony, but  
15 whenever he is far the decision can come from the CO, it can also come from the  
16 brigade commander.

17 Q. [9:36:27] A moment ago I asked you who decides when a woman or a girl is  
18 old enough to be given as a wife, but who determines which girls or women would be  
19 distributed and to whom they would be distributed?

20 A. [9:37:00] Well, that normally comes from above, and when I say comes from  
21 above, it comes from the commander of the brigade who has the mantle and authority  
22 to say such and such a girl should be given to such and such a commander, this  
23 commander is already fit to have a woman. If the girl is still young, they would say  
24 this one is still young and has to be put in the operation room or be given to a coy  
25 under the charge of somebody. These are girls at the level or girls referred to as

1     ting ting.

2     Q.   [9:37:44]   And how do you know this, how do you know about this system and  
3     how it operates?

4     A.   [9:37:58]   I witnessed these things happening, that's why I know of them.

5     Q.   [9:38:07]   You mentioned yesterday ting tings and today girls who needed to be  
6     nurtured.   What was the role of such girls, ting tings, in the LRA?

7     A.   [9:38:28]   Well, these girls, whenever they are put under the custody of  
8     somebody, these girls -- if the girl is put in the household of a woman who has a child,  
9     this girl would take charge as a babysitter, sometimes carrying the bags, sometimes  
10    carrying the baby.

11    Q.   [9:39:07]   Did the LRA have rules about sex with ting tings?

12    A.   [9:39:16]   Yes, there was very strict rule.

13    Q.   [9:39:21]   And what did the rule say?

14    A.   [9:39:26]   The rule was such that when a ting ting is assigned to somebody, the  
15    person would be instructed to take care of the girl and not sleep with her.   However,  
16    there are instances where such persons circumvent.

17    Q.   [9:39:51]   And just so it's clear, when you say "persons circumvent" what do  
18    you mean?   What happened?

19    A.   [9:40:04]   They -- some people would defy the instruction and do otherwise.

20    Q.   [9:40:16]   I know it's a bit of a delicate subject, but what do you mean "do  
21    otherwise"?

22    A.   [9:40:32]   Well, if the instruction was that you should not do such a thing, you  
23    will find that out of the many people who have been given the instruction that person  
24    would do exactly what has been instructed not to do.   That is what I meant by  
25    defying the instruction?

1 Q. [9:41:06] Were there consequences for LRA commanders who had sex with  
2 ting tings?

3 A. [9:41:21] Yes. Because -- there are consequences because some of these  
4 people would be infected and they would in turn infect such girls.

5 Q. [9:41:38] What kind of infection, do you know?

6 A. [9:41:46] In the LRA there is a high prevalence of syphilis.

7 Q. [9:41:58] Can you think of a particular example of a commander who slept  
8 with a ting ting and infected her?

9 A. [9:42:15] Yes, I can give such an example.

10 Q. [9:42:18] Please give us one.

11 A. [9:42:27] For instance, the commander I was staying with when we were in the  
12 Congo was called Otto Agweng and he was assigned a certain young girl, later on he  
13 slept with that girl, he actually raped her and infected her as well. The issue was  
14 raised to Kony and Kony quarrelled with him about that. That was an example of  
15 such a situation.

16 Q. [9:43:11] Thank you. Can you think of any examples that occurred in  
17 Uganda?

18 A. [9:43:28] Yes, it also happened in Uganda.

19 Q. [9:43:32] Can you give us a specific example of a commander who infected a  
20 ting ting with syphilis in Uganda?

21 A. [9:43:46] Yes, I can do that.

22 Q. [9:43:50] Please go ahead.

23 A. [9:43:54] In Uganda what happened was when we were in Oka battalion there  
24 was -- there was a commander called Komakech Lutugu who was assigned a ting ting,  
25 he later on slept with the ting ting. Komakech Lutugu had syphilis and he infected

1 the girl.

2 Q. [9:44:26] Was Lutugu punished for this?

3 A. [9:44:36] Well, as the commander Acellam Ben just reprimanded him he was  
4 not punished.

5 Q. [9:44:59] And what happened to the ting ting that he infected with syphilis?

6 A. [9:45:05] When she was infected and she was sick, as the commander  
7 Acellam Ben released her.

8 Q. [9:45:25] Do you remember any instances in Uganda where a commander slept  
9 with a ting ting and was in fact punished, not just reprimanded?

10 A. [9:45:52] Well, I don't recall of that, because while in Uganda in Oka battalion  
11 that is all I know. I am not very sure about what could have happened in the rest of  
12 the battalions because we were not all staying together.

13 MR BLACK: [9:46:13] Your Honour, could I please mention a name from  
14 paragraph 148 of his statement, tab 1.

15 PRESIDING JUDGE SCHMITT: [9:46:20] Yes. As a catchword, so to speak.

16 MR BLACK: [9:46:23] Yes. Thank you.

17 Q. [9:46:26] Mr Witness, do you know a person or commander by the name of  
18 Olwiko?

19 A. [9:46:36] Olwiko, a commander called Olwiko, I never heard of him. Maybe  
20 the name was written wrongly.

21 Q. [9:46:46] Let me read you a sentence or two from the statement that you gave  
22 to investigators in 2016 and see if that refreshes your memory. You said at  
23 paragraph 148 --

24 PRESIDING JUDGE SCHMITT: [9:47:04] Just for the record name the ERN  
25 number.

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1 MR BLACK: [9:47:08] Thank you, your Honour. It's UGA-OTP-0256-0139 and the  
2 page is 0163.

3 Q. [9:47:18] Mr Witness, it says in the statement:

4 "I recall a commander by the name of Olwiko in Oka who had syphilis and slept with  
5 his ting ting but I don't recall her name. This happened about a year after my  
6 abduction when we were in around Pader" --

7 PRESIDING JUDGE SCHMITT: [9:47:39] No, exactly. That's enough.

8 MR BLACK: [9:47:43]

9 Q. [9:47:44] Does that refresh your memory, sir?

10 A. [9:47:49] Well, the way that statement was recorded was wrong. I -- there  
11 was no commander called Olwiko. I never heard of such a commander in the LRA.

12 MR AYENA ODONGO: [9:48:09] If I may help.

13 PRESIDING JUDGE SCHMITT: [9:48:12] Please.

14 MR AYENA ODONGO: [9:48:14] I think that name is Olwiko, Olwiko. Not  
15 Olwiko.

16 PRESIDING JUDGE SCHMITT: [9:48:20] So, Mr Witness, if you hear the named  
17 spelled like Mr Ayena spelled it, does that ring a bell?

18 MR AYENA ODONGO: [9:48:34] Olwiko, Olwiko.

19 THE WITNESS: [9:48:40] (Interpretation) Olwiko. Yes, if it's Olwiko, then I  
20 know.

21 PRESIDING JUDGE SCHMITT: [9:48:44] But we are -- I think it's unanimous here  
22 that you are not an expert technically, technically, but informally, yes, so thank you  
23 very much.

24 MR BLACK: [9:48:58] Yes, my thanks to my learned friend there.

25 Q. [9:49:03] And thank you, Mr Witness. I apologise for the mispronunciation.

1 This person who has been mentioned now, do you remember anything about him  
2 infecting a ting ting?

3 A. [9:49:19] Yes, that happened and he was punished, he was caned.

4 Q. [9:49:28] Which unit was he in?

5 A. [9:49:33] Oka battalion.

6 Q. [9:49:37] And who -- who determined the punishment that would be imposed  
7 on him?

8 A. [9:49:50] The punishment was given by Acellam Ben and then the issue was  
9 also forwarded.

10 Q. [9:50:01] Forwarded to whom?

11 A. [9:50:12] The issue was forwarded to Dominic Ongwen, who was the  
12 commander.

13 Q. [9:50:18] And how do you know that?

14 A. [9:50:25] It was through radio call.

15 Q. [9:50:28] Did you see or hear that radio call yourself?

16 A. [9:50:36] Yes, I heard when they were discussing it.

17 Q. [9:50:43] What happened to the ting ting that this commander infected with  
18 syphilis?

19 A. [9:50:55] Well, they decided to release her because she could not be assigned to  
20 any other person knowing very well she was already sick.

21 Q. [9:51:11] Were ting tings who were infected always released or could there be  
22 anything else done with them?

23 A. [9:51:29] Well, sometimes they would inject her.

24 Q. [9:51:41] Was it possible for a ting ting who had been infected with syphilis to  
25 stay in the LRA?

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1 A. [9:51:56] Well, they would -- they would weigh the condition, if she is given  
2 some injections and she gets cured, she would continue staying. But in instances  
3 where there is no improvement, there is no improvement, that a ting ting would be  
4 released.

5 MR BLACK: [9:52:20] Your Honour, could I again try to find -- just read part of a  
6 sentence from paragraph 149 and see if that refreshes his memory?

7 PRESIDING JUDGE SCHMITT: [9:52:32] Yes.

8 MR BLACK: [9:52:32] Thank you.

9 Q. [9:52:33] Mr Witness, in your statement you said in regard to this commander:  
10 "The infected ting ting was then given to Olwiko as his wife as she was now infected  
11 and could not be given to anyone else."

12 Does that help you remember what happened in this particular instance?

13 A. [9:53:02] Yes, it does.

14 Q. [9:53:05] And now that your memory is refreshed, what happened to this  
15 ting ting?

16 A. [9:53:14] That ting ting, after having been infected, she was assigned to him  
17 while she was receiving treatment and she was assigned to him as his wife. But later  
18 on I really don't know how she disappeared. I don't know where she went  
19 afterwards.

20 Q. [9:53:41] And do you know of any other occasions in which a commander  
21 slept with a ting ting and she ended up being given to him as a wife?

22 A. [9:54:03] Well, I said from Uganda the LRAs were not staying together, they  
23 were all split in various groups. And maybe in other brigades and battalions  
24 possibly, but I'm not aware of anything of that nature.

25 Q. [9:54:25] Let me ask you now some more questions about wives in the LRA.

1 What was the role of a wife?

2 A. [9:54:41] The roles of wives in the LRA at the beginning, or those days when  
3 the LRA were in Sudan, they, they were all working as soldiers. But when the LRA  
4 came to Uganda in 2002, some of them would be having guns and would be fighters  
5 while others didn't have. And those who did not have guns would be preparing  
6 meals and doing laundry for their husbands and their own and then doing laundry  
7 for the children, for those who had children. That was basically the roles of the  
8 women or wives in the LRA.

9 Q. [9:55:33] You referred to "those who had children". Were those children that  
10 were abducted along with the women or were they born in the bush?

11 A. [9:55:53] No, the LRA were not abducting women carrying children. Those  
12 were children who were born in the bush.

13 Q. [9:56:04] Who were the fathers of those children?

14 A. [9:56:13] The fathers of those children were the officers or the commanders  
15 who were mature enough to have wives.

16 Q. [9:56:26] Earlier you described the process by which wives were distributed.  
17 Did the women have any choice in whether they became wives or not?

18 A. [9:56:44] No, they did not have a choice. Whenever you are assigned to a  
19 husband you don't have a choice whether or not to have children or not to stay with  
20 the husband. You did not have a choice. You just have to follow.

21 Q. [9:57:05] Were there LRA rules regarding sex with wives or with women who  
22 are mature enough to have sex?

23 A. [9:57:22] Yes, there were rules.

24 Q. [9:57:27] Tell us the rules that you remember regarding sex in the LRA.

25 A. [9:57:42] Well, there were rules. For instance, for a mature woman, one

1 deemed to be mature enough to be able to have sex with a man should be assigned to  
2 a husband because she would be deemed to be mature.

3 Q. [9:58:04] Could men have sex with any woman in the LRA?

4 A. [9:58:19] No, there was no such a rule in the LRA. Whenever a woman is  
5 assigned to a man, that woman is only that man's wife.

6 Q. [9:58:35] And was that woman allowed to do things for other men or not?

7 A. [9:58:56] Well, if -- in line with the cooking, yes, she could cook, but for doing  
8 laundry and taking bathing water and having sex, it was outlawed.

9 Q. [9:59:18] Was there any punishment for violations of these rules?

10 A. [9:59:27] Yes, there were punishments.

11 Q. [9:59:30] What kinds of punishments?

12 A. [9:59:39] Well, the punishments could include lashes or even death.

13 Q. [9:59:50] Did any of your commanders in the LRA have wives in the bush?

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

15 Q. [10:00:07] Which ones?

16 A. [10:00:13] Acellam Ben had women.

17 Q. [10:00:20] Do you recall how many wives Acellam Ben had while you were  
18 with him?

19 A. [10:00:31] He was having three wives.

20 Q. [10:00:35] What were the names of Acellam Ben's three wives?

21 A. [10:00:45] The first one was called Collin, but she was referred to as  
22 Min Okonya. The second one was called Ayero. And the third one was called  
23 Betty.

24 Q. [10:01:03] How old was Min Okonya when you first saw her.

25 A. [10:01:15] It's difficult to estimate her age.

- 1 Q. [10:01:19] Was she already Acellam Ben's wife when you first saw her?
- 2 A. [10:01:28] Yes.
- 3 Q. [10:01:30] What about Ayero, was she his wife when you first met her?
- 4 A. [10:01:39] Yes.
- 5 Q. [10:01:40] And Betty?
- 6 A. [10:01:41] Even Betty.
- 7 Q. [10:01:44] Which was the youngest of the three?
- 8 A. [10:01:49] Betty.
- 9 Q. [10:01:53] Was she bigger or smaller or about the same age or size as you when
- 10 you first met her?
- 11 A. [10:02:08] When I first saw her she was, in terms of age, she was older than
- 12 me.
- 13 Q. [10:02:17] Yesterday you mentioned that wives were sometimes punished.
- 14 That's at page 34 of the realtime transcript. Were Acellam Ben's wives ever
- 15 disciplined or punished?
- 16 A. [10:02:39] Yes, they have -- they have been given punishments.
- 17 Q. [10:02:43] What kinds of conduct by the wives would result in punishment?
- 18 A. [10:02:58] When they did something wrong, they are given punishments. For
- 19 instance, if a husband says that "Please prepare for me some food" and they would
- 20 refuse to do it, or they would have conflict amongst themselves, they would say "Let so
- 21 and so do." So they would all refuse at the end of the day. Then the man will now
- 22 say that "Since you do not want, then I will punish you, and will cane you." That's
- 23 what happens.
- 24 Q. [10:03:43] And when the man would say "I will punish you, I will cane you",
- 25 describe what would happen next.

1 A. [10:03:59] Well, if he says "I will cane you", yes, then he will cane them.

2 Q. [10:04:12] Did Ben Acellam personally cane his wives?

3 A. [10:04:22] Commander Acellam Ben did not personally cane his wives, but his  
4 escorts who are near who were on duty are the ones that are instructed by him, he  
5 would instruct that escort to go to the chief of the security who is in charge of that  
6 home and invite him to come over. So when the security comes over, he would  
7 explain to him that the behaviours of the women, he would explain to him the  
8 behaviours of the women, this is what they're doing and this is enough for  
9 punishment, so send for some canes or lashes to be brought. So when those canes  
10 are brought, depending on the decisions of the commander, he can say let these  
11 people be given 20 strokes of the cane, or if he says 100, yes, it will depend on how  
12 much he had accumulated the problems from the women.

13 Q. [10:05:46] Did you personally see things like this happen to the wives of  
14 Acellam Ben?

15 A. [10:06:00] Yes, those things happened.

16 Q. [10:06:03] Were you yourself ever ordered to punish or cane the wives of  
17 Acellam Ben?

18 A. [10:06:09] Yes, he gave orders to me.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:06:32] Did you ever witness Acellam Ben's wives being punished in  
23 Uganda?

24 A. [10:06:45] In Uganda I did not see.

25 Q. [10:06:55] Do you know whether other escorts were ever ordered to discipline

1 the wives of their commanders in the LRA?

2 A. [10:07:10] In my understanding I know -- I think other commanders could do  
3 it, but I did not personally observe.

4 Q. [10:07:21] And what do you base your understanding on if it's something that  
5 you didn't personally see?

6 A. [10:07:34] Because I saw from Commander Acellam Ben that is what he would  
7 do.

8 Q. [10:07:45] According to your understanding, was this the practice only in the  
9 Congo or did the LRA also engage in this kind of punishments in Uganda?

10 A. [10:08:02] This happens everywhere.

11 PRESIDING JUDGE SCHMITT: [10:08:09] And when we are going to be concrete  
12 in the future with regard to the witness, we go to private session.

13 MR BLACK: [10:08:18] Thank you, your Honour. I'm not going to ask any more  
14 questions about that. Things outside of Uganda.

15 Q. [10:08:25] In fact, Mr Witness, I'm going to ask you a few more questions about  
16 rules and discipline, but not with regard to women. What rules governed the  
17 conduct of LRA fighters?

18 A. [10:08:49] The rules that govern the LRA fighters, yes, there are rules.

19 Q. [10:09:01] Which rules do you remember that governed the conduct of LRA  
20 fighters?

21 A. [10:09:14] The rules that govern the LRA fighters, firstly cases or issues of rape.  
22 If you are an LRA soldier and you like to rape, then there are rules that targets you.

23 Q. [10:09:38] Can you explain a bit more what you mean by the rules target such  
24 a person?

25 A. [10:09:55] The rules that is applied on that person, if the person is used to

1 raping women, the first punishment is caning that person, if that was the first time he  
2 did it. If it is repeated, that case is forwarded to Kony and he would determine what  
3 punishment to be given. So if he says the person should be caned, then it will be  
4 cane. But if he says this is the second time and the other time I heard about it and  
5 this person should be killed, yes, then, he would be killed.

6 Q. [10:10:41] Were there rules about how LRA fighters should conduct  
7 themselves in battle?

8 A. [10:10:58] Yes, there were rules.

9 Q. [10:11:02] What did the rules say about battle?

10 A. [10:11:09] The rules about battles is that when you are instructed not to  
11 capture people, then when you're a soldier you should not capture anybody. If  
12 you're instructed to go and fight and charge every item that you will find, so if any of  
13 the soldier does not charge the items, then there are rules that will also target you.  
14 Or there could be rules that says when you fight do not charge any item, but you go  
15 against and you go ahead to charge, then you will also be punished.  
16 If you get money, a big sum of money and you hide that money, you don't declare,  
17 then there are also rules that will be used because they will say you want to escape.  
18 If you get a woman during when you go to fight and you rape that woman, yes, then  
19 there are also rules that will apply against you.  
20 So these are some of the rules that are put, especially when people were going for a  
21 battle somewhere.

22 Q. [10:12:24] What were the consequences for a soldier who violated one of these  
23 rules?

24 A. [10:12:35] All the punishments can either be caning or death.

25 Q. [10:12:43] In the LRA were there rules about how you should address other

1 members of the LRA, in particular commanders?

2 A. [10:13:02] Yes, there were rules that were put in place for that.

3 Q. [10:13:07] What were those rules?

4 A. [10:13:18] The rules that are put in the LRA, which were general rules for  
5 all -- for everybody, is that when instructions are given not to do a certain thing and  
6 you violate it, then you are taken as somebody who has violated. Then the  
7 appropriate punishment will be decided. If it is supposed to be caning, then you  
8 will be caned. If it is supposed to be death, then it will be death. So all those  
9 instructions and laws related to money or gold that you get and then you do not  
10 declare, yeah, there were also rules that would certainly be applied. So it is either  
11 death or caning. Those are the two that would be applied.

12 Q. [10:14:09] Thank you, that's clear.

13 Was there any special way that you were supposed to address or speak to superior  
14 officers in the LRA?

15 A. [10:14:30] In relation to that, I am not aware of any rules that relates to how  
16 you would communicate. But if you were a lower ranked soldier or just an ordinary  
17 soldier and you've probably done something or you were beaten for something, then  
18 you can go to that commander and explain yourself that "I was beaten for this reason  
19 but the truth was A, B, C, D." So that is what you could actually do.

20 Q. [10:15:15] Are you familiar with the word "lapwony"?

21 A. [10:15:22] Yes, I am familiar with that word.

22 Q. [10:15:25] And how is that word used in the LRA?

23 A. [10:15:34] The word "lapwony" is like part and parcel of the LRA because if  
24 you are called -- if you are called, you cannot just respond "huh", you have to respond  
25 in a certain way, "ladit" or "afande".

1 Q. [10:15:59] What does -- this may be a difficult question with interpretation, but  
2 when do you respond "ladit"? What does that mean?

3 A. [10:16:18] When you respond "ladit", which is like equivalent to a boss or "yes,  
4 sir," that means you are responding to somebody who is bigger than you, who is your  
5 superior, who is your commander.

6 Q. [10:16:32] And when would you use the word "lapwony"?

7 A. [10:16:42] That also relates to somebody who is senior to you, somebody who  
8 was there before you.

9 Q. [10:16:53] And the word "afande", when is that used?

10 A. [10:17:09] "Afande" is used all the time, it's referring to a senior person, a  
11 senior commander who has probably called you and you refer to him as "afande".

12 Q. [10:17:23] All of these various rules that you've discussed now about battle  
13 and with women, et cetera, did those apply in Uganda?

14 A. [10:17:42] Yes, all those rules I think was there since the beginning of the LRA,  
15 that rules were there.

16 Q. [10:17:55] I would like to change subjects now and very briefly touch on  
17 communications in the LRA. Yesterday you mentioned a radio call, and that's pages  
18 49 to 50 of the realtime transcript, and perhaps other occasions.

19 Mr Witness, again, what is a radio call?

20 A. [10:18:31] A radio call is a communication device.

21 Q. [10:18:38] Describe what it looks like.

22 A. [10:18:49] A radio call is not very big. It's in the size of a radio, most of them  
23 are in the size of a radio, not very big. There are two types, there are those in the  
24 bigger size and then the smaller size as well.

25 Q. [10:19:19] Do they have any kind of antenna or other mechanism to receive

1 signals?

2 A. [10:19:31] Yes, there are antennas that are connected. The antennas are  
3 connected and put up on a tree and then it's connected onto the radio and then it is  
4 operated, the particular number or that person who is to be called is punched in and  
5 then the call is made.

6 Q. [10:20:00] Within the LRA who had radio calls?

7 A. [10:20:14] Most battalions in the LRA had radio calls, right from battalion, to  
8 headquarter, up to Kony.

9 Q. [10:20:31] Who operated the radio call?

10 A. [10:20:39] There were radio signallers, they are the ones who operate the radio.

11 Q. [10:20:46] Do you remember the names of any of Acellam Ben's radio  
12 signallers?

13 A. [10:20:57] Yes, I remember.

14 Q. [10:21:01] Tell us the name or names you remember.

15 A. [10:21:09] There was Kadogo, Olanya Lagile, and Onen Bunga. These were  
16 the signallers that were with Acellam Ben.

17 Q. [10:21:26] Do you recall how old those three people were, compared to  
18 yourself?

19 A. [10:21:37] They were older, they were older than me. I -- they were older  
20 than me and it's difficult for me to estimate their names now.

21 Q. [10:21:47] When Acellam Ben used the radio call, with whom would he  
22 communicate?

23 A. [10:21:56] It depends on the number that he has punched in.

24 Q. [10:22:07] Give us an example of someone in particular that you remember  
25 him communicating with over radio call.

1 A. [10:22:16] The person that he communicates with could be his colleagues in the  
2 battalion, like Ocan Labongo, Kalalang. And also in the headquarter with Dominic  
3 Ongwen he could also communicate.

4 Q. [10:22:39] And how do you know that?

5 A. [10:22:43] I know that, especially after they have concluded their  
6 communication, they will start explaining what was happening in the battalion, so  
7 that's when I would be able to know that they were talking about a certain battalion  
8 and this was what they were talking about.

9 Q. [10:23:11] Just to be sure that I'm clear, who is "they"?

10 A. [10:23:22] They would be referring to, he would be communicating with  
11 another battalion. For example, Ocan's battalion or Kalalang's battalion, so he would  
12 communicate with them. And then also with the headquarter, he would  
13 communicate with Dominic Ongwen. So after they have concluded their  
14 communication and the antennas have been removed, they now begin to discuss, just  
15 talk that Ocan Labongo's battalion have sent people for an operation, or yesterday  
16 they did an operation somewhere, or that the government soldiers were following  
17 them. So that is when I would know and conclude that what they were discussing  
18 on radio were actually related to the issues that he has just mentioned now that  
19 maybe they had been for an operation or there were government soldiers following  
20 them. This is what -- this is how I would be able to know what they were saying on  
21 radio.

22 Q. [10:24:42] So were you actually able to overhear the conversation with the  
23 other battalion commanders or did you learn this just from Acellam Ben discussing  
24 with you after the radio calls?

25 A. [10:24:59] Yes.

1 Q. [10:25:02] Sorry my question was not a good one, maybe. You say "yes".

2 Which was it, that you heard this just from Acellam Ben or that you actually  
3 overheard the other battalion commanders speaking?

4 A. [10:25:22] I hear after Acellam has already communicated, has already finished  
5 communicating with radio call and is now sharing with the other officers who are  
6 present with him there.

7 Q. [10:25:36] Thank you, sir. That's clear.

8 Now I'm going to say a phrase to you and ask you if you know what that phrase  
9 meant in the LRA. The phrase is "to make a place for someone". Do you know  
10 what that meant in the LRA?

11 A. [10:26:02] Yes, the phrase "to make a place for somebody", this is what it  
12 means: It was at the time when the LRA were going to Sudan there was a lot of  
13 movement, so when someone has walked and is tired and cannot keep up with the  
14 movement, then they will say "Prepare, let this person have a place prepared for him."  
15 So that person would be killed because he is how weak and helpless.

16 Q. [10:26:43] Did you see such things yourself?

17 A. [10:26:54] That example I gave was when we were going to Sudan it happened.  
18 There was somebody who was very, very weak. We had moved quite a long  
19 distance and behind us we had left, it was quite a long distance and even we still left  
20 with a long way to go. So that person was killed.

21 Q. [10:27:26] What unit were you in at the time?

22 A. [10:27:34] I was in Oka battalion, but by the time we were going to Sudan we  
23 were mixed up, we were very many people from different groups.

24 Q. [10:27:44] Was this before or after the training in Sudan that you described  
25 yesterday?

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1 A. [10:27:54] We were still on our way.

2 Q. [10:27:58] And you said you were on your way to Sudan, but in which country  
3 did this happen?

4 A. [10:28:08] We had already entered Sudan.

5 Q. [10:28:12] I'll ask you another phrase: "Dog adaki" or "Odok adaki", what did  
6 that mean in the context of the LRA?

7 A. [10:28:38] Dog adaki is the extreme end of deployment, of deployment where  
8 the deployment ends, so it is the soldiers who sit at those extreme ends of the  
9 deployment ring.

10 MR BLACK: [10:29:02] Your Honours, I'd like to show him tab 7 of the binders.  
11 The ERN is UGA-OTP-0256-0182. It's a confidential document, but again we've  
12 provided a redacted version that can be shown to the public.

13 Q. [10:29:40] Mr Witness, in a moment you'll see this on the screen in front of you.  
14 And perhaps the usher can help you with a hard copy too. Again, it's tab 7.  
15 (Microphone not activated)

16 PRESIDING JUDGE SCHMITT: [10:30:21] Microphone was not activated.

17 MR BLACK: [10:30:25] Thank you, your Honour.

18 Q. [10:30:27] Mr Witness, do you recognise this document?

19 A. [10:30:29] Yes, I do.

20 Q. [10:30:30] How was this document created?

21 A. [10:30:37] This picture is showing the positioning of the soldiers.

22 Q. [10:30:48] Does this relate to the deployment rings that you mentioned just a  
23 moment ago?

24 A. [10:30:59] Yes.

25 Q. [10:31:01] And who would be in the middle ring, the middle of this drawing?

1 PRESIDING JUDGE SCHMITT: [09:21:00] It's the same problem, I think.

2 THE WITNESS: [10:31:15] (Interpretation) In the middle is the commander.

3 MR BLACK:

4 Q. [10:31:20] And which commander in particular, do you recall when you drew  
5 this?

6 A. [10:31:33] I would give an instance of an RV where Joseph Kony is also  
7 involved. He would be the one at the centre.

8 Q. [10:31:44] In this particular drawing at the centre there are the letters "DO" and  
9 "HQ". Who would that signify?

10 A. [10:31:57] Well, that shows how the Sinia brigade or, when we are at an RV,  
11 that is the deployment ring.

12 Q. [10:32:18] If this is a Sinia brigade RV, who was in the centre?

13 A. [10:32:31] That would be the headquarter and Dominic Ongwen's household  
14 would be at the centre.

15 Q. [10:32:38] And who would be on the very outermost ring?

16 A. [10:32:52] The outermost ring is composed of the dog adaki, the deployment of  
17 the defence or security deployment.

18 Q. [10:33:08] And what did the other rings in between Dominic Ongwen and the  
19 dog adaki represent? Who would be at those rings?

20 A. [10:33:27] That would be his personal security that would be lined after the CO,  
21 after the CO. After the officer there will come the sergeants, and after the sergeants  
22 then the ordinary soldiers.

23 Q. [10:33:52] Thank you. You can put that to the side.

24 Mr Witness, yesterday you described attacks on Odek and other places where  
25 civilians were abducted. Can you recall any other examples of LRA operations in

1 Uganda around the same time period in which civilians were abducted?

2 A. [10:34:44] Yes, there are some examples I can give.

3 Q. [10:34:49] Please go ahead and give us some examples.

4 A. [10:34:56] For instance, that happened in Teso.

5 Q. [10:35:01] Tell us about a specific instance you remember in Teso.

6 A. [10:35:12] What happened in Teso was that while we were walking we  
7 abducted some civilians. After abducting them, the civilians were asked to tell the  
8 LRAs what was happening around there and they did exactly that. Thereafter the  
9 civilians were released and they moved away. But later on we continued walking  
10 and then stationed somewhere and we started cooking. The civilians on the other  
11 side went and then returned with soldiers. When they came back with the  
12 government soldiers, they didn't come following the same -- the same route that we  
13 came from, but they came from -- came from another side and then they stormed us.  
14 We only realised when they started shooting at us and there was an engagement.  
15 We engaged the government soldiers until we defeated them. The civilians, instead  
16 of running away, failed to flee and they stayed behind. They were captured. There  
17 were three women who were captured, but the men -- the men instead ran away.  
18 When the civilians were brought to the group they were questioned that you were  
19 abducted but released, why did you have to come back with the government soldiers?  
20 They said these soldiers forced us to bring us to the location where this group is.  
21 Then they -- a commander called Ojok Dolo and when -- these civilians were  
22 questioned and we started walking again. We moved for a while and then stationed  
23 as some point. And then the commander called Ojok Dolo ordered that the civilians  
24 should be killed. He said the civilians were released but they went and came back  
25 with the soldiers. Yes, then those civilians were pushed into a house and they

1 identified the kadogi and -- to go and stone the women until they die.

2 That is exactly what happened and that happened at a time when Buk was the one in  
3 charge.

4 Q. [10:38:00] Which unit was Buk in charge of at that time?

5 A. [10:38:08] Sinia.

6 Q. [10:38:10] And which unit were you in?

7 A. [10:38:15] I was in Oka battalion.

8 Q. [10:38:19] Who did you understand to be the commander of Oka battalion at  
9 that time?

10 A. [10:38:29] Cele Akuri.

11 Q. [10:38:31] And what position did Ojok Dolo have?

12 A. [10:38:41] Well I am not very sure about his rank, but what I was assure of was  
13 that he was an officer, but I don't know at which rank.

14 Q. [10:38:52] What unit was he in?

15 A. [10:39:01] He was at the headquarters.

16 Q. [10:39:05] Sorry, the headquarters of which unit?

17 A. [10:39:15] Headquarters of Buk's unit.

18 Q. [10:39:21] You said the kadogi were identified to go stone these people. Who  
19 were the kadogi?

20 A. [10:39:32] Kadogi, not kadogo to mean children or ordinary soldiers. In the  
21 LRA, we were -- the children or the young soldiers were called kadogi.

22 Q. [10:39:58] And describe what the --

23 MR AYENA ODONGO: [10:40:01] Your Honour, I want to assist so that we

24 understand. Kadogos -- kadogo means small, small, small people. So when they

25 say kadogi, that is the -- he is, kind of, putting it in the context of Acholi, kadogo is

1 singular, kadogi is plural. So when he says kadogi, kadogi means many children.

2 PRESIDING JUDGE SCHMITT: [10:40:35] That sounds perfectly logical, even if for  
3 somebody who has not learnt your language.

4 Please continue, Mr Black.

5 MR BLACK: [10:40:46] Thank you very much.

6 Q. And thank you for your patience, Mr Witness, this is not my -- not a language  
7 that I speak.

8 Can you please describe then what the young soldiers did to these abductees?

9 A. [10:41:08] The women who were captured were taken into a building, they  
10 removed the bricks from the wall and they -- there was an instruction that these  
11 women should be stoned to death. We did exactly that. And after they were  
12 confirmed dead, we now set off to continue with our movement.

13 Q. [10:41:39] Thank you, that's all about that incident.

14 Do you remember any other incidents in Uganda specific times that civilians were  
15 abducted?

16 A. [10:41:58] Well, I can recall.

17 Q. [10:42:02] Please give us an another example.

18 A. [10:42:10] What I can remember was when we were in Pader we were walking  
19 and somebody escaped, had escaped and they had been recaptured. It was said that  
20 person should not be beaten. Initially he was given to carry salt and when the  
21 weight of the salt overwhelmed him, they took him in front and was instructed to lie  
22 along the road and they instructed everyone else to walk over him. When the  
23 person lied down, they walked over him until he eventually died. That is what  
24 happened in Pader.

25 Q. [10:43:20] What unit were you in at the time?

1 A. [10:43:28] At that time I was in Terwanga.

2 Q. [10:43:33] How long had you been in the LRA at that time?

3 A. [10:43:41] I had stayed for less than a year. I had been there for possibly two  
4 months.

5 Q. [10:43:52] Do you recall an incident in the Apala hills in Lango?

6 A. [10:44:06] In Lango, yes, I do recall.

7 Q. [10:44:14] Please tell us what you remember about that.

8 A. [10:44:27] In Apala I remember we went to work, we had gone to ferry food  
9 items. We went and carried food items and returned. At that time there was strict  
10 instruction that people should stay far from civilian settlements and they should stay  
11 far so civilians would not know of their presence, and at that time we were in Oka  
12 battalion under the command of Acellam Ben. We went, walked, abducted people  
13 and returned with.

14 After abducting the people they said these civilians should not be taken to the main  
15 road. And then when they are released they would eventually go and bring -- come  
16 back with soldiers. There was an instruction that civilians should not be abducted  
17 and also civilians should not know of the presence of the LRA. So they decided that  
18 the civilians should be killed and they were actually killed.

19 Q. [10:45:46] Approximately how many civilians were there who had been  
20 abducted?

21 A. [10:45:58] Well, there were not many. They had not abducted many civilians.  
22 They were few.

23 Q. [10:46:06] Was it more or less than five?

24 A. [10:46:17] The civilians were between six and seven, around there, because  
25 they had abducted mature people.

1 Q. [10:46:29] And when did this happen?

2 A. [10:46:35] I cannot have a clear recollection of the period. It was sometime  
3 back.

4 Q. [10:46:41] Was it before or after the attack on Odek; can you remember that?

5 A. [10:46:51] It was before.

6 Q. [10:46:54] And who was the commander of Sinia brigade at the time?

7 A. [10:47:11] At that time it was Dominic Ongwen.

8 Q. [10:47:14] You said that "they decided that the civilians should be killed."

9 Who decided that they should be killed?

10 A. [10:47:28] That instruction or the order came from above. It came from Kony,  
11 the order was that civilians should not know of the presence of the LRA in their  
12 location, and when we went and abducted the civilians, the overall commander who  
13 went for that operation was the one who ordered for the killing of these civilians.

14 Q. [10:47:54] Who was the overall for that operation?

15 A. [10:48:03] That was Oringa Aligo.

16 Q. [10:48:11] What was his position?

17 A. [10:48:20] He was an officer, he was an adviser.

18 Q. [10:48:26] Do you know which unit he was in?

19 A. [10:48:35] Oka battalion.

20 Q. [10:48:37] Who actually supervised the killing?

21 A. [10:48:50] He identified his 2IC, who was called B10. There was a boy called  
22 B10 who was the 2IC at that time. He instructed the 2IC to ensure that those people  
23 were killed and as the 2IC who had received the instruction, he came and there was a  
24 soldier called Abonga, who was a sergeant, he picked Abonga and then they went  
25 and picked other soldiers that they should go and kill these civilians and we went and

1 killed them.

2 Q. [10:49:33] When you say "we", who actually did the killing?

3 A. [10:49:45] I was one of them and together with other soldiers.

4 Q. [10:49:59] How old were the other soldiers that participated in this?

5 A. [10:50:10] Well, some were older than me.

6 Q. [10:50:15] Were there any who were smaller than you or your size?

7 A. [10:50:23] Yes, there were some I was older than.

8 Q. [10:50:31] Can you recall the names of anyone else who participated in this  
9 attack or this operation?

10 A. [10:50:47] Well, I don't recall that.

11 Q. [10:50:51] Did any luggage carriers participate in this attack? And I don't  
12 mean the killing of the civilians, I mean the attack prior to that.

13 A. [10:51:21] Well, the luggage carries were not there because the people who  
14 actually carried the luggage, it was decided that they should not reach the main  
15 group. There were other luggage carriers within the LRA who were not necessarily  
16 newly abducted civilians.

17 Q. [10:51:45] Did anyone -- any luggage carriers from Acellam Ben's household  
18 go to this attack?

19 A. [10:51:59] Yes.

20 Q. [10:52:01] Do you remember their names?

21 A. [10:52:06] Yes, there was Ayero, there was Sarah.

22 Q. [10:52:18] Anyone else?

23 A. [10:52:25] Well, I don't recall the names of the others.

24 MR BLACK: [10:52:29] Your Honour, could I put a name to him from  
25 paragraph 167? Thank you.

- 1 Q. [10:52:35] Does the name Adong refresh your memory in this context?
- 2 A. [10:52:46] Yes, it does.
- 3 Q. [10:52:52] Was it -- did Adong participate?
- 4 A. [10:52:59] Yes, she was part of the team.
- 5 Q. [10:53:04] About how old was she at the time?
- 6 A. [10:53:10] Well, I cannot recall that. I couldn't have known her age.
- 7 Q. [10:53:16] Do you recall whether she was older or younger or about the same
- 8 age as you?
- 9 A. [10:53:26] Well, she was a big girl, and she was older than me.
- 10 Q. [10:53:34] What about Sarah, do you remember how old she was?
- 11 A. [10:53:47] Well, Sarah was also older than me.
- 12 MR BLACK: [10:53:50] Your Honour, could I ask the witness about the last part of
- 13 paragraph 167?
- 14 PRESIDING JUDGE SCHMITT: [10:53:57] Yes, of course.
- 15 MR BLACK: [10:53:58] Thank you.
- 16 Q. [10:53:59] Mr Witness, in the statement that we have of you from 2016 you
- 17 mentioned in relation to this event that "Sarah from Teso about 11 years old at this
- 18 time" and "Adong from Lango about 13 years old at this time."
- 19 Does that help you or can you help us understand the approximate ages of these girls
- 20 when this happened?
- 21 A. [10:54:35] Well, when it comes to the issues of ages, and particularly the issue
- 22 of Sarah's age, well, my complaint would be on the people who recorded my
- 23 statement, because what I remember is I told them I could not have been able to know
- 24 Sarah's age because she was actually bigger than me, and what you're saying could
- 25 have been what they just wrote.

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1 Q. [10:55:11] And finally on this, you said that the civilians were killed. How  
2 were they killed?

3 A. [10:55:28] Well, the civilians were killed using the bayonet, they were stabbed  
4 with the bayonet.

5 PRESIDING JUDGE SCHMITT: [10:55:47] I think here you would refer -- would  
6 have to refer to 172, paragraph 172 in that respect.

7 MR BLACK: [10:55:57] Thank you, your Honour.

8 Q. [10:56:01] Mr Witness, in paragraph 172 of the statement you said:

9 "The three of us then hit them around the neck and head until the abductees died."

10 Does that refresh your recollection about how these particular civilians were killed?

11 A. [10:56:42] Well, the recording was not correct. There was a mistake -- there  
12 are actually many mistakes in the recording.

13 Q. [10:56:49] Okay, so you stand by the description that you gave just a moment  
14 ago about the bayonets? Is that right?

15 A. [10:57:02] Yes, that's right.

16 MR BLACK: [10:57:06] Your Honour, I see we're just three minutes from the break,  
17 perhaps now is a good time.

18 PRESIDING JUDGE SCHMITT: [10:57:14] Break until 11.30.

19 (Recess taken at 10.57 a.m.)

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

21 THE COURT USHER: [11:33:06] All rise.

22 PRESIDING JUDGE SCHMITT: [11:33:25] Mr Black.

23 MR BLACK: [11:33:26] Thank you, your Honour. And it's just an estimate, but I  
24 think I'll need about 30 more minutes, maybe 40.

25 PRESIDING JUDGE SCHMITT: [11:33:34] Then I think we will have -- afterwards I

1 assume that the Legal Representatives of the Victims will have questions? Yeah.

2 And then we think about what we are doing when we start with the -- you can -- in  
3 the meantime you can just reflect on that a little bit, on that question.

4 So please, Mr Black.

5 MR BLACK: [11:33:51] Thank you, your Honour.

6 Q. [11:33:55] Mr Witness, we've been discussing abductions. Do you recall an  
7 incident in which a woman named Josaphine was involved?

8 A. [11:34:16] Well, I cannot recall.

9 Q. [11:34:38] I think you mentioned one abduction that happened in Pader. Do  
10 you remember any other abductions that occurred in Pader?

11 A. [11:34:56] The abductions in Uganda, and there were also other abductions in  
12 other places.

13 Q. [11:35:09] And I was hoping to ask you about an incident in which a mature  
14 woman, approximately 30 years old, named Josaphine was abducted. Does that  
15 mean anything to you?

16 A. [11:35:30] Yes, I can remember that. It happened from the -- the east.

17 Q. [11:35:43] In what region did that happen? You say from the east, can you  
18 give us any other indication of where it occurred?

19 A. [11:35:53] Well, that happened from around Pader, around a place called  
20 Adilang or Patongo.

21 Q. [11:36:03] Do you remember when it occurred?

22 A. [11:36:12] I have no recollection of that.

23 Q. [11:36:16] Did it happen before the training in Sudan that you described  
24 yesterday or after?

25 A. [11:36:26] It was before we travelled to Sudan.

1 Q. [11:36:30] And tell us what you remember about this incident, please.

2 A. [11:36:43] What I can recall was that people were identified to go for work and  
3 we went for the task and they indicated the number of people who should be  
4 abducted, they said we should abduct five people. And when we went there we  
5 abducted people, carried loots and abducted five people. The woman called  
6 Josaphine was working in her garden and out of the abductees she was okay, the rest  
7 were a bit very old. Then it was decided that this woman should be brought. The  
8 overall commander for this operation was Okot Aliga and there were also other  
9 officers who were involved. We came back with the woman and we arrived and  
10 went to Acellam Ben. Then he said, "Well, this woman will be assigned to -- or,  
11 given out to Olwiko. And when he gave out the woman to Olwiko the woman  
12 already had a child, they abandoned the child. The woman kept on complaining  
13 that she could not continue staying there, but she was convinced that she was only  
14 going to lead the way for the -- the rebels, but she was eventually taken for good.

15 PRESIDING JUDGE SCHMITT: [11:38:45] What does "they abandoned the child"  
16 mean?

17 THE WITNESS: [11:38:52] (Interpretation) The child was left behind, she -- they  
18 said she should leave her child behind and the child was given out to another civilian  
19 who was initially abducted to go back with.

20 PRESIDING JUDGE SCHMITT: [11:39:12] Thank you.

21 MR BLACK: [11:39:14]

22 Q. [11:39:14] You mentioned that you were instructed to take five civilians.  
23 Why five?

24 A. [11:39:28] Well, the instruction was that there should not be much abduction of  
25 civilians and the instruction was that the biggest number of abductees at any one time

1 should be five.

2 Q. [11:39:46] Do you know why that was?

3 A. [11:39:52] Well, I am not conversant with why the instruction came. It was  
4 issued out by Acellam Ben, I don't know whether it came from above or not.

5 Q. [11:40:05] Do you remember the approximate ages of the other people who  
6 were abducted with Josaphine?

7 A. [11:40:18] Well, these other ones were already mature, they were actually  
8 elderly. They carried the luggage and moved for a short while before they were  
9 released.

10 Q. [11:40:32] And how old was Josaphine, do you remember?

11 A. [11:40:40] It was difficult to estimate her age, but she had said she already had  
12 a child.

13 Q. [11:40:51] Do you remember any particular reason why she was abducted?

14 A. [11:41:03] Well, according to what I think it was because she was nice, she was  
15 abducted because she was nice.

16 Q. [11:41:14] How do you mean that "she was nice"? What was nice about her?

17 A. [11:41:21] She was beautiful.

18 Q. [11:41:27] What unit were you in when this happened?

19 A. [11:41:33] Oka battalion.

20 Q. [11:41:37] You mentioned Okot Aliga. What unit was he in?

21 A. [11:41:45] Oka battalion as well.

22 Q. [11:41:48] And who was the commander of Oka battalion at this time as far as  
23 you know?

24 A. [11:41:55] They said it was Acellam Ben.

25 Q. [11:41:59] And who was the Sinia brigade commander at the time?

1 PRESIDING JUDGE SCHMITT: [11:42:03] The microphone was not activated.

2 MR BLACK: [11:42:05] My apologies.

3 Q. [11:42:08] Who was the Sinia brigade commander at the time?

4 A. [11:42:13] That was Dominic Ongwen.

5 Q. [11:42:18] Do you know if this incident was reported above Acellam's level?

6 A. [11:42:32] Well, when we returned from the work he gave the report to his  
7 officers saying he was going to forward the issue about that lady to the superiors that  
8 he is going to assign the lady to somebody. I'm now not sure whether he forwarded  
9 the issue or reported on that or not.

10 Q. [11:43:00] Mr Witness, we're nearly finished with my questions. I want to ask  
11 you now about the subject of escape, starting with your own escape from the LRA.  
12 Without mentioning the names of any of the people you escaped with, please tell the  
13 Court how you escaped.

14 A. [11:43:27] Well, the issue of escape, I actually escaped alone. I escaped at  
15 dawn. And when I woke up, I started walking. I walked towards the main road  
16 and the security that was established around, in the LRA speak it's called guard, I  
17 passed by the guard and they did not recognize when I passed them. I walked  
18 ahead, but I heard some footsteps following me, they were running after me, and  
19 when I realised that they were pursuing me and they were near, I -- I went and hid at  
20 the edge of a garden and hid under some stumps. They came past and went ahead.  
21 They tried to look around but could not identify any footprints. They retreated and  
22 tried to look for my footsteps.

23 When I escaped it had rained and you could clearly identify that somebody has  
24 passed here. So when they came back to the point where I was hiding and they said  
25 "this gentleman must be here". They got their gun and cocked and told me to come

1 out. I did exactly that. I started crying, came out and they took me. We started  
2 walking back to the position where I escaped from. We went and found when the  
3 rest of the LRAs had already left. When we arrived there they said, "Well, you  
4 wanted to escape and we shall give you luggage to carry." They prepared some  
5 luggage and gave me to carry. They got a bag and gave to carry on my back. And  
6 all these items were really very heavy and the weight overwhelmed my capacity.  
7 We walked. I could walk while stumbling in there, and we reached a point and they  
8 decided that we should stop there and station a bit. When we stationed there, they  
9 said "Where is the gentleman -- where is the boy who tried to escape?" And they  
10 picked me and took me to the operation room. And when we reached there they  
11 identified some battle-hardened soldiers to go and get some strokes, they should also  
12 get some clubs and then some cassava stems. When they brought those categories of  
13 sticks they also came along with some machete.  
14 They asked me --

15 Q. [11:47:03] Sir, I'm sorry to interrupt --

16 PRESIDING JUDGE SCHMITT: [11:47:03] He is re-telling the story of his first  
17 escape and perhaps you would have to -- because we have heard this already.

18 MR BLACK: [11:47:15] Yes, your Honour.

19 PRESIDING JUDGE SCHMITT: [11:47:16] You would have to --

20 MR BLACK: Thank you.

21 PRESIDING JUDGE SCHMITT: -- guide the witness.

22 MR BLACK: [11:47:19]

23 Q. [11:47:19] Mr Witness, my question perhaps was confusing. I wasn't  
24 referring to the time that you attempted to escape in 2002, but when you were  
25 ultimately able, you were successful in leaving the LRA. Can you tell us how that

1 happened?

2 A. [11:47:46] My escape, how I escaped and left the LRA happened when we  
3 were in Central. Many people were escaping and many people were losing their  
4 lives, they were actually being killed. So I reflected deeply and told myself that I am  
5 not the one who started this war. Even the senior people, the elderly people that I  
6 found here are even leaving, then why should I stay here? So I made a decision on  
7 my own.

8 Then after that, I made my decision. There were some people who also want to  
9 return, but they are scared. There are many people, including women. For  
10 example, there are some two women and some children who were born there and  
11 there's another young boy of Congolese national. Then there's -- the other two ladies  
12 were from Uganda, including their children. So I started talking to them and they  
13 told me that "Since you have a gun, you could pave for us the way." And I told them  
14 "No problem" and we agreed on a date to leave.

15 So when we set the date I sent them in front, I told them to go ahead. There's a  
16 particular kind of food in Central, it's like a yam, it's like a yam, that is the kind of  
17 food that people eat and they live on.

18 So I sent these people to go and harvest that particular kind of foodstuff. So they  
19 went and I remained in the defence. Meanwhile I was also preparing. I put all my  
20 things together, then at four I left.

21 When I left, I went -- I went and found some other people were also collecting this  
22 particular root and I asked them "Where are the other people that I sent?" but I didn't  
23 tell them that I sent them, I just ask asked them "Where is the other people?" They  
24 told me that they were ahead. So I went ahead and met them, I found them. And  
25 then we started moving. We came to a certain road which is used by civilian and we

1 followed that road until it was coming to around 9, 10 p.m. in the night. The  
2 children that we had were tired, they were even thirsty, there was no water, so I told  
3 them that it's now night and here in the night in this area there are many guns and  
4 civilians can easily kill us, so we decided to branch into a forest.  
5 We prepared our sleeping place and we slept in that forest.  
6 So the people we left behind were actually following us. They followed us up to the  
7 particular home, a certain home, but they could not trace our foot marks, so they  
8 returned. They were in two groups: There was one group on the other side of the  
9 road and another group on the other side of the road. Then they found our foot  
10 marks.  
11 So when towards the morning it was coming to dawn when we were preparing to  
12 leave we were woken up to gunfire. They fired at us. Then those women and the  
13 children that they had and then the boy, that Congolese boy, were captured and they  
14 returned back with them.  
15 Myself, together with that boy who was born from there, that child, we came with  
16 him. So it was that child who went ahead of me into the villages. And I had  
17 remained behind, so I came back. When I came back to a certain -- to the place  
18 where we were, I thought they had killed the people that I had left behind, but they  
19 did not kill, but they only took away the items that we had.  
20 So I entered the village but on barefoot. Then the civilian there started telling me  
21 that they met with some people who came from this direction and going to the other  
22 side. They had -- they took away our -- flour and meat from them. And those  
23 people captured some women who were with them. And the women were tied with  
24 the ropes. They also had a gun and then a bag.  
25 So I told the civilian that those were people who followed us, they are the ones who

1 shot at us. "I defected from them, I left them, I am returning home, I am tired of  
2 being in the bush, so I want to return home."  
3 So they -- they -- I told them no problem now, those people have gone. And the  
4 civilians said that these people told them that they are going to come back. So the  
5 people who sent that child were returning, so when they returned they told -- they  
6 asked us "We have just returned. We have sent some -- we have sent a young  
7 person, a child to town" and I told him "That child, we separated with him." Then  
8 that civilian picked me, but before they could start moving with me they put me  
9 down, they cooked food, gave me food and also nursed my foot and then we went to  
10 town.  
11 Then when we reached town it was around 2 p.m., we reached at the chief's place  
12 because there they use the chief. So we reached the chief, the chief recognised me, I  
13 also knew him. So when the chief saw me he started asking me that "What  
14 happened?" I told him that I have left the bush, I want to return home. So he asked  
15 me, "How did you leave? What is the problem?" I told him I have overstayed in the  
16 bush. And there was nothing much the chief told me, just told me that "Since you  
17 have returned, you're going to stay with me at my place."  
18 So I accepted and I -- because I also speak the language of that area, so in the evening  
19 of that day they prepared water, I bathed myself, they gave me a new clothe and  
20 changed. And the soldiers who were there were informed. And the head of the  
21 group of that soldiers -- or the head of that soldiers came to me and he talked to me  
22 and started asking me and I explained to them what exactly had happened. So they  
23 told me it's okay, you -- in the meantime you stay. And I slept over the night, then  
24 they took me to the hospital, I got treatment. They -- they cleaned my wound and  
25 they bandaged it and we returned.

1 So some of the people who knew me in that town were many. There was a particular  
2 lady who had also stayed in the bush, so she had returned to that place called Jako,  
3 that town is called Jako. So when she saw me she asked me "Are you the one?" I  
4 said "Yes." Then I explained to her that I am here, I have come. And she started  
5 explaining to me what I should do and she told me that Ugandan army is at Obo.  
6 And the -- I have the telephone number of the commander of the Ugandan army. So  
7 I told her to call, then she called and explained to that commander. Then that  
8 commander told her to give me the phone. But before the phone was given to me,  
9 the chief was called and Rwot was told -- was instructed to take care of me, they are  
10 coming to see me.  
11 Then the lady brought the phone to me and I spoke to that commander. And the  
12 following day they told me that they are going to take me to the hospital. They took  
13 me to the hospital and returned.  
14 Then the Ugandan army together with the US soldiers came from Obo, at the  
15 headquarter, and they asked to see me. But the soldiers that were at Jako refused.  
16 They told them that I am still sick. They said, "Fine, no problem. Even when he's  
17 very sick we just want to see him." So they carried us, they took us to the airfield, we  
18 stayed with those people. There was one Acholi officer who was there, he'd ask me  
19 and I explain to him what happened.  
20 Then they told me, "No problem, you can return."  
21 We came back, but the soldiers spent the night at the field, at the airfield. Then at  
22 night the Seleka soldiers who were at Jako started planning so that they can take me  
23 away from the chief to transfer me to another town called Bilinyang that night.  
24 So the chief said -- refused actually. He said that cannot happen because I came to  
25 his home in his (indecipherable). So if I had reported to them the authority over me

1 would be with them, so the chief struggled to reject their request until morning, then  
2 in the morning the chief took us to the airfield. Then as we were at the airfield there  
3 was a plane that came and that took us to Obo.

4 Q. [12:00:04] I'm sorry to interrupt. It's a lot of detail, which is certainly  
5 important, but I'd like to maybe just ask you: Did you eventually go back to  
6 Uganda?

7 A. [12:00:21] No, I did not immediately come to Uganda. I stayed there.

8 Q. [12:00:27] You mentioned "Central". Which is the country that you were in  
9 when you escaped the LRA?

10 A. [12:00:40] Central Africa.

11 Q. [12:00:44] And tell us perhaps briefly what you did after you -- you've  
12 explained about Seleka and the UPDF. Once you joined the UPDF, what did you do?  
13 And actually please wait -- your Honour, could we maybe go into private session for  
14 this?

15 PRESIDING JUDGE SCHMITT: [12:01:04] I would also have suggested it.

16 Private session.

17 MR BLACK: [12:01:10] Thank you.

18 PRESIDING JUDGE SCHMITT: [12:01:15] Just a second, Mr Witness, we are going  
19 into private session so that nobody can hear you outside the courtroom.

20 (Private session at 12.01 p.m.)

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22 (Redacted)

23 (Redacted)

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8 (Open session at 12.08 p.m.)

9 THE COURT OFFICER: [12:08:59] We are back in open session, Mr President.

10 MR BLACK: [12:09:02] Thank you, your Honour. I'm trying to wrap this up.

11 Q. [12:09:05] Mr Witness, yesterday you mentioned that you were told in the  
12 bush that your parents had been killed. Was this the first time that you realised that  
13 that was not true?

14 A. [12:09:28] Yes.

15 Q. [12:09:29] What was your reaction?

16 A. [12:09:35] When I found them they were alive. I reflected that information  
17 which was given to me that my parents were killed. So, yes, I confirm that that was  
18 not true information. So my stay in the LRA, while I was still in the LRA I was  
19 staying while I knew that my parents were all not there.

20 Q. [12:10:02] What year, sir, did you escape from the LRA and return home?

21 A. [12:10:15] I -- I finished 15 years in the bush.

22 PRESIDING JUDGE SCHMITT: [12:10:23] I think that's enough information for  
23 that.

24 MR BLACK: [12:10:26] Thank you, your Honour.

25 Q. [12:10:27] And, Mr Witness, do you know of any other LRA members who

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1 escaped?

2 A. [12:10:40] Yes, I know.

3 Q. [12:10:44] Can you give us a few names of LRA members that were in the bush  
4 and escaped?

5 A. [12:10:59] I can give some examples.

6 Q. [12:11:16] Go ahead and give some examples, please.

7 PRESIDING JUDGE SCHMITT: [12:11:21] We can make this short, I would  
8 suggest.

9 MR BLACK: [12:11:25] Thank you, your Honour. Just a few examples and then  
10 I'll move on.

11 PRESIDING JUDGE SCHMITT: [12:11:29] A few examples, yeah, but not a list.

12 MR BLACK: [12:11:37]

13 Q. [12:11:37] Go ahead, Mr Witness, if you could give us a few examples.

14 A. [12:11:47] An example of some of the people who were in the LRA who  
15 escaped, like Acellam Cesar, Obu (phon), Nyeko, Opiyo Sam are some of the people  
16 who were in the LRA who escaped and they are now at home.

17 MR BLACK: [12:12:11] Your Honour, could we go into private session just for  
18 about five minutes.

19 PRESIDING JUDGE SCHMITT: [12:12:15] I understand.

20 Yes, private session.

21 MR BLACK: [12:12:17] Thank you, your Honour. And actually I think this will  
22 be my last topic. I would like to show the witness one more document, it's tab 9 in  
23 the binder.

24 (Private session at 12.12 p.m.)

25 (Redacted).

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10 (Open session at 12.22 p.m.)

11 THE COURT OFFICER: [12:22:08] We are back in open session, Mr President.

12 MR BLACK: [12:22:20] No further questions from the Prosecution, your Honour.

13 Thank you.

14 PRESIDING JUDGE SCHMITT: [12:22:23] Thank you very much, Mr Black.

15 And now I give the floor to the Legal Representatives of the Victims. I see activities

16 with Mr Cox, so I give you the floor.

17 MR COX: [12:22:40] Thank you, Mr President.

18 QUESTIONED BY MR COX:

19 Q. [12:22:47] Good afternoon, Mr Witness. My name is Francisco Cox. I

20 represent victims and I will be putting some questions to you.

21 Mr Witness, without giving any names of locations or places, could you tell us your

22 life before abductions, what memories and what ties, with whom, without

23 mentioning names again, do you remember having close ties?

24 A. [12:23:36] Well, my life before captivity in my area where I stay, my life was

25 okay, I would stay well with people, and everyone that I stay with had hope in

1 whatever was going on. And apart from that, in relation to the other work like work  
2 in the field, in the garden was okay, I was not lazy. I am a person who like -- a  
3 person of God who likes praying, I pray every time. I go to pray. That was my life  
4 while I was still at home.

5 All the neighbours speak well of me. They will tell my parents that, "God willing,  
6 your child, if he continues with this kind of life and his behaviour, good behaviour he  
7 will be helpful in the future." That is what the people in our neighbourhood will tell  
8 my parents. I am a calm person, I do not harass people, I don't segregate people, I  
9 stay with people in a very easy way. That is how my life was.

10 Q. [12:25:27] You just said that neighbours would say that you would come up in  
11 the future. What was your expectation of coming up in the future, yours personally?

12 A. [12:25:47] My interest was in education.

13 Q. [12:25:52] What kind of education?

14 A. [12:26:01] I wanted to get education to become a doctor. That is how I had  
15 planned and that was my wish, that if I complete my education I would become a  
16 doctor.

17 Q. [12:26:14] Why did you want to become a doctor?

18 A. [12:26:23] Well, my grandfather is a medical person and he told me that if I  
19 study I should do -- follow his footsteps so that I can also become a medical person.  
20 Also my uncle, brother to my father, also is a catechist, he told me if I do not become a  
21 doctor, yes, I can also become a catechist. So those are the things that they were  
22 encouraging me to do.

23 Q. [12:27:04] At the time of your abduction, Mr Witness -- thank you for your  
24 answers -- were you living at your home or in the camp?

25 A. [12:27:19] At the time of my abduction, the issue of the camps were not yet in

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1 existence.

2 Q. [12:27:32] Mr Witness, I would ask -- I would like to ask a short question about  
3 those who are escort. Do they have to use a particular position when in attack in  
4 relation with a commander?

5 A. [12:28:01] The issue of escorts is not only during an attack. You have to be  
6 close to your commander, whether during time of fighting or not. You have to stay  
7 close to the, your commander.

8 Q. [12:28:18] In general terms, how many escorts does a commander have?

9 A. [12:28:31] Well, I can't say that because depends on how it has been  
10 established that this commander should have this number of escorts.

11 MR COX: [12:29:00] Forgetting about the mic, your Honour.

12 PRESIDING JUDGE SCHMITT: [12:29:03] We all do from time to time.

13 MR COX: [12:29:05] I beg your forgiveness.

14 Q. [12:29:08] Mr Witness, being close to a commander during an attack, did it  
15 have a protective function for the commander?

16 A. [12:29:30] Yes, it does, it protects. You -- you actually help that commander  
17 in terms of even fighting. When that commander has been shot as security you have  
18 to make sure that that commander does not remain behind.

19 Q. [12:29:51] I would like to go shortly, your Honour, to the attack on Odek, since  
20 we have a lot of clients from Odek, and would like to put some questions, not to  
21 over --

22 PRESIDING JUDGE SCHMITT: [12:30:04] No.

23 MR COX: [12:30:05] -- repeat myself.

24 PRESIDING JUDGE SCHMITT: [12:30:06] But you keep in mind what I said.

25 MR COX: [12:30:09] Sure.

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1 PRESIDING JUDGE SCHMITT: [12:30:11] I think when we had the first witness.

2 MR COX: [12:30:13] Yes.

3 PRESIDING JUDGE SCHMITT: [12:30:14] That your task is not to add to the  
4 Prosecution case.

5 MR COX: [12:30:18] No, your Honour, it's just in the sense of that when we  
6 collected the views and concerns of our clients there are a lot of issues that, as a  
7 truth-seeking process, that this proceeding already is, they would like to be reflected  
8 during the evidence that is given before you, so --

9 PRESIDING JUDGE SCHMITT: [12:30:35] So let's give it a try, but please --

10 MR COX: [12:30:39] Of course.

11 PRESIDING JUDGE SCHMITT: [12:30:40] -- refrain yourself to what the witness,  
12 for example, what feelings he had, what he experienced personally. I would  
13 appreciate that.

14 MR COX: [12:30:50] Thank you, your Honour.

15 Q. [12:30:58] When -- when you abducted people in Odek, had you abducted  
16 before people in other attacks?

17 MR TAKU: [12:31:10] Your Honour, we object to this question. It goes to the  
18 heart of the Prosecution's case and I do not know what new information learned  
19 counsel is trying to recite here which the Prosecutor has not recited. And besides,  
20 your Honour, it is not his role about the particular -- the Prosecutor asked this  
21 question consistently, including about the personal participation of this particular  
22 witness.

23 PRESIDING JUDGE SCHMITT: [12:31:35] I agree, this is sustained. I agree, yeah.

24 MR COX: [12:31:44]

25 Q. [12:31:44] Mr Witness, I would ask you about abductees from Odek. And

1 you mentioned what happened to them -- to the right size, of those who were the  
2 right size for the LRA. Were there any adult abductees from Odek?

3 MR TAKU: [12:32:04] Your Honour, again I object. It is -- the question should be  
4 specific to the particular witness, not questions that tend to prove whatever crimes  
5 might be perpetrated generally. He should ask questions which are specific to the  
6 situation of this witness as a victim or potential witness. This question,  
7 your Honours, goes way out of the scope of -- of the duties of my learned colleague  
8 with regard to this particular witness, your Honours.

9 MR COX: [12:32:37] Your Honour, if I may. One of the functions of a Legal  
10 Representative of Victims is to exercise the right that victims have, what the  
11 Inter-American Court and other human rights bodies have called the right to truth.  
12 Therefore, victims do have a role, I'm not -- I don't want to replace the Prosecutor,  
13 become a prosecutor bis, as you placed it, but I do want to exercise the function that I  
14 am being given by victims, which is to elicit evidence that will tell their truth through  
15 the voice of other people. And I think that if I don't do this, if I don't ask these  
16 questions I will not be satisfying the mandate that I was given by the people in Odek  
17 and what they told us happened in Odek. And I'm just trying to ask him that these  
18 views and concerns, these are views of the victims, may be registered in court in  
19 evidence so when they eventually sometime read the transcript, have their history,  
20 their version of what happened reflected.

21 If we are only here to elicit questions about reparations, then there's no purpose in  
22 having us here until reparations. I think the role of lawyers -- or, legal  
23 representatives is not only to ask about reparations. Victims have much more  
24 concerns than just reparation, they are part of the truth-telling process, so I think I  
25 would beg for some extension or broader space than just focusing on reparations for

1 the victims.

2 PRESIDING JUDGE SCHMITT: [12:34:28] But I have also explained that we have  
3 to balance the rights of the victims with the rights of the accused to a fair trial. And  
4 of course we can only decide this on a case-by-case, or better to say on a  
5 question-by-question basis.

6 I'm not sure if the Prosecution has addressed this already when they were  
7 questioning the witness. Could you help me in that respect, Mr Black.

8 MR BLACK: [12:35:07] I would like to help you, your Honour. The question is --

9 PRESIDING JUDGE SCHMITT: [12:35:12] If there were also adult abductees.  
10 And I have -- I don't -- and of course I do not have every word in my mind that the  
11 witness has told us.

12 MR BLACK: [12:35:24] Your Honour, I believe I asked about the ages of the  
13 abductees. What I don't recall asking about is what happened to the ones that were  
14 of the right size for the LRA. I'm not sure that I followed up on that, in fairness.

15 MR TAKU: [12:35:39] May it please the court, let me reply, if I may.

16 Your Honours subjected the victim applicants to a very rigorous process which is in  
17 the rulings of the Court. And if I remember, your Honours, this Court has in the  
18 Lubanga case clearly defined the role of the legal representatives and lawyers for  
19 victims. The Prosecutor represents a wider mandate here, including that of victims  
20 in regard to the crimes that may have been committed and the Prosecutor has  
21 discharged their role very, very rightly, your Honours.

22 The Prosecutor brings a specific victim here, that victim is not an expert, that victim is  
23 talking about what happened to him, your Honours. He mostly decide that  
24 evidence. But to attempt to transform this in an attempt -- particular of  
25 victims -- we're talking about victims generally, your Honours, either in Odek, in

1 northern Uganda, or in a particular place, your Honours, is grossly unfair. He is  
2 exercising a mandate which is not his under the Statute and under the jurisdiction of  
3 this Court.

4 If your Honours want I will bring the Lubanga trial just for that, that he is an  
5 independent, a clearly independent person representing the right of particular  
6 victims, and if one of the victims comes here, with leave of the Court he may put  
7 some questions to him under the direction of the Court. But to purport, as he now  
8 alleges, that he can ask about all the victims of Odek, so when the victims of Odek  
9 should read the transcript they will know that he represents their interests,  
10 your Honours, that goes into a bit of activism which is not within the mandate either  
11 of the Court or that of any participant in this trial.

12 PRESIDING JUDGE SCHMITT: [12:37:21] So for the moment I think I have a  
13 Salomonic solution, meaning that this is -- since this is a principle question, I think the  
14 Judges have to deliberate on that. And since we are 20 minutes close to the lunch  
15 break we will have the lunch break until 2.30 and then come back with that.  
16 Shortly, Mr Cox, when you said only for the reparation phase you have to come back,  
17 you have exercised your rights with every witness and I do not qualify what came out  
18 of it, but you elicited information that is important for you and for the victims, but  
19 what we are talking here about is really how we -- how we balance fairly the rights of  
20 the victims and the rights of the accused. That that is the point here. And that does  
21 not deprive you in any way from your rights. And how to interpret views and  
22 concerns is of course something that, as I said, can be done in a sort of general way,  
23 but in the end, when it comes to a certain question, we have to decide question by  
24 question.

25 We have the lunch break until 2.30.

1 MR GUMPERT: [12:38:37] Your Honours, just before you do, on a point of detail,  
2 having spoken to Mrs Hohler, Mr Black being otherwise engaged in the questioning  
3 process, without having looked at every word in the transcript but before you wield  
4 the Sword of Solomon, we believe that the accurate answer to your Honour's question  
5 would be that Mr Black explored in detail what happened to witness -- sorry, to  
6 abductees of the "right age" but didn't explore what happened to the abductees of the  
7 "wrong age", that is to say the older people, the adults. That appears to be the state  
8 of the evidence at present.

9 PRESIDING JUDGE SCHMITT: [12:39:18] Okay, thank you.

10 THE COURT USHER: [12:39:22] All rise.

11 (Recess taken at 12.39 p.m.)

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

13 THE COURT USHER: [14:31:34] All rise.

14 PRESIDING JUDGE SCHMITT: [14:31:59] The Chamber will now give its ruling on  
15 the Defence's objection at the end of the last session. This concerns Defence objection  
16 on the scope of the LRV questioning.

17 The objection relates to whether the LRV may ask questions about adult abductees  
18 during the Odek attack.

19 The objection to the previous question was sustained, the previous question, on  
20 grounds that the question was already asked and answered during the Prosecution's  
21 examination.

22 In transcript 64, page 63, lines 14 to 20, the witness was asked to describe the  
23 abducted people he saw. The Chamber considers this particular question to also be  
24 asked and answered. This said, the objection goes more generally to the role of the  
25 LRV in questioning Prosecution witnesses and the balancing exercise between the

1 rights of the victims specified under Article 68(3) of the Statute and the accused's right  
2 to a fair and impartial trial.

3 As the Chamber previously explained, the LRV may not ask questions as  
4 the Prosecution bis, irrespective of whether the Prosecution elicited information on  
5 the same point or not.

6 The Chamber will sustain objections if it determines that, for example, the LRVs are  
7 attempting to elicit evidence which aims to prove the elements of the crimes charged  
8 or Mr Ongwen's role in their commission.

9 However, the LRV may appropriately ask certain questions to witnesses about other  
10 matters which are relevant to the personal interests of the victims. This may include  
11 questions about harms which the witness personally suffered or harms of other  
12 victims which the witness observed. As always, the Chamber emphasises that  
13 objections will be received and resolved on a case-by-case basis.

14 So the objection to this particular question is sustained, but Mr Cox may continue to  
15 ask questions about abductees at Odek consistently with the guidance just given.

16 This concludes the Chamber's ruling. And I have some -- two additional remarks  
17 shortly.

18 When we said that we decide on a case-by-case basis, behind this caveat is you can try  
19 to word general rules as accurately as you want, and you can try to frame it as  
20 accurately in general terms, but life is not abstract. As we know, life is concrete.  
21 You cannot put it into a form, so this is why we have this caveat.

22 And for the LRV, for Mr Cox this means what we have said the witness has already  
23 stated that there were also abductees, and I quote "who were considered old" and  
24 next quote "energetic people". You may also therefore ask the witness if he has  
25 knowledge about harm these victims, possible victims might have suffered.

1 MR COX: [14:35:50] Thank you, Mr President, your Honours. I think that's a very  
2 interesting question. I will just phrase it in the same way.

3 PRESIDING JUDGE SCHMITT: [14:35:58] You had -- you had two questions in the  
4 one, but we do not look back, don't look back, you always say, we look forward.

5 MR COX: [14:36:12] Yes, yes.

6 PRESIDING JUDGE SCHMITT: [14:36:12] But as I said, you would not be allowed to  
7 elicit if there were other abductees, but since this has been elicited already, you may  
8 ask if they -- what harm, if ever, the witness has observed they have suffered or not.

9 MR COX: [14:36:28] Yes, I understood that. Thank you, your Honour.

10 Q. [14:36:32] Mr Witness, did you see or know any harm that older abductees  
11 suffered?

12 A. [14:36:54] Well, there was no harm that came to the people -- the mature people  
13 who were abducted, they were released and they all went back home.

14 Q. [14:37:05] Thank you, Mr Witness.

15 I would now like to turn to a topic --

16 PRESIDING JUDGE SCHMITT: [14:37:10] Let me remark something. So this,  
17 sometimes in court it may turn out that you have fierce discussions of a point which  
18 in the end is not so relevant, but I think it was important that we discussed it. So I  
19 really appreciate, first of all, the objection, so to speak, by Mr Taku and appreciate  
20 also that you insisted on having more guidance. Although I repeat, guidance does  
21 not mean that we have an answer for each incidence that might happen in the future.  
22 Please continue.

23 MR COX: [14:37:47] Thank you, your Honour.

24 Q. [14:37:49] Mr Witness, could you describe what day-to-day life was like while  
25 you were in the LRA?

1 A. [14:38:13] Well, I can talk about that in reference to myself, because I cannot talk  
2 about the life of all the other people.

3 Q. [14:38:21] Yes. And I am asking about your day-to-day life, actually.

4 A. [14:38:33] Well, my life in the LRA up to the time and what made me be able to  
5 come back home strong and healthy was based on the fact that I was disciplined and  
6 very respectful. I think I cannot say anything else. I think what I have said was is  
7 enough to explain everything.

8 Q. [14:39:00] Could you illustrate us where did you sleep while in the bush?

9 A. [14:39:15] Well, while we were in the bush we did not have anywhere else to  
10 sleep expect in the bush. You could not sleep in houses. You would have to sleep  
11 in the bush, you will have to make your bed in the bush and sleep there. You set up  
12 the bed and you just have to sleep on it.

13 Q. [14:39:38] Mr Witness, you talked about bed, what was the bed like in the bush?  
14 What did it look like?

15 A. [14:39:55] If you arrive at a position each and every one, for instance, the  
16 ordinary soldiers, you would have to set up your own bed. If it's during the rainy  
17 season, you get grass, you cut grass and then if you have a net you will set up the net,  
18 if you have a tent, you can set up the tent and that makes the bed.

19 Q. [14:40:26] If it was raining, were the same conditions of sleeping arrangements  
20 were exactly the same or were you able to go into houses, or things like that?

21 A. [14:40:44] No, there were no houses you could go into.

22 Q. [14:40:49] Were you able to make friends while you were in the bush?

23 A. [14:41:00] Well, friendship with fellow soldiers, we were actually living together  
24 and in the military you cannot befriend somebody that this is my friend or the other  
25 one is not, you have to live with everyone well.

1 Q. [14:41:26] While in the bush, what was your prospect of future and your sense  
2 of life while you were in the bush?

3 A. [14:41:45] My prospects in life, when I was still in the bush, was that I continued  
4 working and we used to be told that -- and this was coming from Joseph Kony, he  
5 would say, "If eventually we would overthrow the government, we will have very  
6 good life ahead of us." And I thought yes, this would come to pass. But I realised  
7 that that was just his way of talking to his soldiers so that they could believe in the  
8 cause.

9 Q. [14:42:38] (Microphone not activated)

10 PRESIDING JUDGE SCHMITT: [14:42:41] Mr Cox, I don't know if the microphone  
11 was activated.

12 MR COX: Oh, sorry.

13 PRESIDING JUDGE SCHMITT: Please start again with the question.

14 MR COX: [14:42:49]

15 Q. [14:42:49] Mr Witness, now I would like to change to a different topic. Once  
16 you returned to your home, how have people related with you since that time?

17 A. [14:43:11] Well, concerning my -- the manner with which I returned home, when  
18 I just arrived I received a warm welcome. I received a warm welcome from the  
19 neighbours.

20 Q. [14:43:31] Did anybody approach you or say anything bad to you due to the fact  
21 that you were with the LRA?

22 A. [14:43:49] Yes, that happened.

23 Q. [14:43:53] Could you explain to the Court what happened and what you felt  
24 when that happened?

25 A. [14:44:11] When I had already stayed home for a while, later on I, I went back to

1 Gulu, stayed in Gulu for a while, then I travelled back home. And, yes, there was  
2 strife between my mother and, and a woman in the neighbourhood. The woman in  
3 the neighbourhood was saying that my mother was lucky by the fact that her son was  
4 able to come back from the bush and is still laughing and alive.

5 For the other people, their children were not able to come back. And people who  
6 were gathered and relaxing at that time were concerned why this woman was talking  
7 in such a manner. My mother got up, she was very angry and they started  
8 quarrelling, but they were stopped.

9 That happened, that coincided with the day when I had travelled from Gulu to go  
10 back home in the village. That was what happened.

11 Q. [14:45:30] Mr Witness, is that the only incident or have you had similar  
12 problems since you've came -- came back from the LRA?

13 A. [14:45:47] Well, when I just -- when I just come back from the bush, that was the  
14 first instance of such a thing happening. In the second occasion there were other  
15 people who were asking for their children, they were asking whether I had seen  
16 such-and-such a person still there in the bush. I would tell them, yes, this person  
17 was still there.

18 And honestly when we were at the CPU the person who was taking care of the  
19 returnees would give -- gave us instructions that "Whenever you go back home, if  
20 anybody asks you, even when you know the, the person they are asking for has  
21 already died, you don't tell them that the person is already deceased because you  
22 know, if you tell them so, people back in the villages may not be very happy because  
23 you are still alive and they might end up harming you." And I followed that strictly  
24 and I still follow it up to now. I would tell everybody who asks me about any other  
25 person who was in the bush, I would tell them that person was still there by the

1 time I left.

2 Q. [14:47:09] Do you feel that your time in -- with the LRA and what you saw and  
3 had to do has affected you in any way mentally or psychologically?

4 A. [14:47:31] Well, yes, that brought a lot of problems and a lot of -- yeah, a lot of  
5 problems, because in the first place some of us who were in the LRA right now we  
6 have problems at home. We, we have wounds that are still almost fresh. It's like  
7 a burn on the back. And whenever you are seen, there is a stigmatisation, they will  
8 say this person is a returnee, they would call you olum or otong-tong. And  
9 these -- we were always referred to this by the civilians. And we find it very difficult  
10 to live with the civilians because every time you are with them they will begin talking  
11 about wars and battles. They will begin saying, "You know, you -- there was a time  
12 you did such-and-such a thing in this place" and, you know, such discussions make it  
13 very hard for us who came from the bush to live with the civilians. You would feel  
14 you should seclude yourself from the rest of the civilians and whenever they begin  
15 discussing such things, you feel unsafe, you begin wondering why they are talking  
16 about these issues. And that is the biggest problem that we have back at home.

17 Q. [14:49:04] Mr Witness, are you able to sleep well at night? And was  
18 this all -- well, just that question for now.

19 A. [14:49:17] Yeah, on some occasions I will sleep well in the night, but on others,  
20 no, I don't sleep well because I keep on thinking about my life, I keep on worrying  
21 about my life, I feel as if even in the night the civilians can attack me. And I keep on  
22 wondering what life I have ahead of me. Since I am living with the civilians, how do  
23 they look at me? And every time I am back at home I feel scared because if  
24 somebody comes to request for something from me, I would not have any objection  
25 because I know if I reject or if I fail to give them, they would be coming to ask me for

1 that because they are looking for something else and if -- and when I reject, they  
2 might want to harm me.

3 These are the kind of things that make my life very uncomfortable.

4 Q. Do any of those civilians accuse you directly of anything?

5 A. [14:50:32] In terms of accusation, no, they have not directly accused me of any  
6 particular thing. But in situations or, yeah, when we are talking about battles, when  
7 I go to places where there were attacks, they would begin talking about these attacks  
8 and I wonder why they keep on talking about such attacks.

9 Q. [14:51:02] Mr Witness, and thank you for -- for answering that. Do you have  
10 any physical scars from the time in the LRA? Like, for example, the beating, did that  
11 leave any physical scars?

12 A. [14:51:28] In regards to the scars, yes, I have the scars on my buttocks.

13 MR COX: [14:51:43] Your Honour, just one question in private session.

14 PRESIDING JUDGE SCHMITT: [14:51:46] Yes. We go to private session.

15 (Private session at 2.51 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Open session at 2.52 p.m.)

25 THE COURT OFFICER: [14:52:47] We are back in open session, Mr President.

1 PRESIDING JUDGE SCHMITT: [14:52:51] I have a question, Mr Witness: You said  
2 that civilians call you, and I recall it correctly, tong-tong, and there was another word  
3 that I did not understand. Perhaps you could explain to the Court what tong-tong  
4 means and I am not sure what the other word was, to be frank.

5 THE WITNESS: [14:53:17] (Interpretation) Yes, I can explain it.

6 PRESIDING JUDGE SCHMITT: [14:53:19] Please do that.

7 THE WITNESS: [14:53:25] (Interpretation) The word "olum", this refers to those of  
8 us who were abducted and we were moving in the bushes, all our activities were  
9 based in the bushes. Then the word "otong-tong", it refers to the fact that the LRAs  
10 would cut people using the panga, they would hack people using the panga.

11 PRESIDING JUDGE SCHMITT: [14:53:52] Thank you. And a further question:  
12 Mr Cox has already asked you how people, the civilians reacted to you. I would be  
13 interested in your perspective when you came out of the bush, you have told us that  
14 you have been for many years in the bush. So the bush was for many years your life.  
15 When you came back, how did you feel? How was it able for you to accustom to this  
16 other life not in the bush? Can you explain that a little bit to us? Was this easy?  
17 Was this difficult?

18 THE WITNESS: [14:54:40] (Interpretation) When I came back home, in the first  
19 instance we stayed at the CPU for a long while and while we were at the CPU we  
20 were being counselled, they were giving us livelihood tips since we had already  
21 returned home. We were given life skills, and after we were discharged from the  
22 CPU and had gone back home living with the civilians, the skills that we were given  
23 from there, I was able to analyse the manner with which the civilians were looking at  
24 me. Luckily I am one person who is a bit aloof, I don't like moving about and  
25 people -- moving about. When I leave home, I only go to fetch water or I go to the

1 garden. And I had resolved that that is how I should live back there in the village.  
2 And yes, some civilians started coming to me, they would ask me why I don't like  
3 moving about. I would tell them I am not used to moving about. They would  
4 come to me and they would be telling me stories and we would have discussions. I  
5 started adjusting. The people who used to come to me at home, we became friends  
6 and we got familiar with each other, but the rest who were not coming home, no, I  
7 never got used to them because back home most of the people are drunkards and, for  
8 me, I do not drink and I don't like people who drink because they act not nicely, so I  
9 actually don't stay with them and I have not gotten fond of them.

10 PRESIDING JUDGE SCHMITT: [14:56:36] Thank you very much.

11 Mrs Massidda.

12 MS MASSIDDA: [14:56:38] Thank you, your Honour. Your Honour has asked two  
13 of my question, I have one left.

14 QUESTIONED BY MS MASSIDDA:

15 Q. [14:56:49] Mr Witness, good afternoon. My name is Paolina Massidda and I  
16 represent a group of victims in this proceedings.

17 I would like to refer you to something that you said this morning about what  
18 happened when you arrived back home from the bush.

19 The reference, your Honours, is to the realtime transcript of this morning, transcript  
20 65, page 51, lines 3 to 5. The question was: "What happened when you were taken  
21 home?"

22 And you answered, Witness: "From home, when I reached home, there was  
23 a tradition or ceremony that was done."

24 Now, to what were you referring this morning in saying that there was a tradition or  
25 ceremony that was done?

1 A. [14:57:57] Well, it's part of the Acholi culture that there is a ritual that is  
2 performed, especially for a person who has stayed away from home for a while.

3 When you return home the ceremony will have to be carried out. And that happens  
4 in all the clans. Each clan have their own style of doing it. In my clan,  
5 the -- you are supposed to step on an egg before you enter the compound. And that  
6 was the ritual that was performed.

7 And when I stepped on the egg, I reached the -- I entered the compound, I entered the  
8 main house of my mother. And when I entered, they poured water in the calabash  
9 and they got the olwedo leaves and they told me to come out. They sprinkled water  
10 on me and they told me to go back inside. I went and then I was instructed to go  
11 back out again. And that was done three times. And afterwards that was it.

12 Q. [14:59:16] Thank you very much, Mr Witness. And why this ritual was  
13 performed?

14 A. [14:59:30] Well, that was done because I had stayed for long away from home.  
15 And they would say I was living in the dark. That was how the elders referred to  
16 that scenario. They said I was living in the dark, that's why they had to carry out  
17 such a ritual.

18 Q. [14:59:52] Thank you very much, Mr Witness.

19 This concludes my questioning, your Honour.

20 PRESIDING JUDGE SCHMITT: [14:59:56] Thank you.

21 And it's now the turn of the Defence. I would like to inquire, do you -- I know it  
22 might be a little bit premature, but do you have an estimate how long it will take you,  
23 an estimate only?

24 MR AYENA ODONGO: [15:00:16] My lords and your Honours, I think we shall  
25 finish by the end of tomorrow.

1 PRESIDING JUDGE SCHMITT: [15:00:22] Okay. And this means that you want to  
2 start now?

3 MR AYENA ODONGO: [15:00:25] Yes.

4 PRESIDING JUDGE SCHMITT: [15:00:26] Yes, then you have the floor, Mr Ayena.

5 MR AYENA ODONGO: [15:00:43] Yes.

6 PRESIDING JUDGE SCHMITT: [15:00:54] In the meantime, I can perhaps, like I  
7 always like to do, address something because we appreciate of course very much that  
8 we would then have the Thursday and the Friday without -- we know that's not  
9 correctly worded, we appreciate that it would of course be nicer if we could continue  
10 with a witness but I know there were a little bit discussions about moving up  
11 a witness on the list. I think we would have to think seriously about it, when this  
12 situation again occurs, that we really think about having a -- a witness in stock, so to  
13 speak. I know the discussion, Mr Gumpert. So next time we are -- I think we all,  
14 parties here and participants in the courtroom, are aware of this, so to speak, problem.  
15 Because we might not have such long portions of nearly six weeks, we had now  
16 consecutively, when we have shorter portions, this problem will likely arise in every  
17 occasion, so it would be a pity to -- to just skip constantly courtroom days.

18 MR GUMPERT: [15:02:03] Your Honour, it's serendipitous that you should mention  
19 that. I will this afternoon be writing an email to the Chamber, to the Defence and,  
20 indeed, to the Victims and Witness Unit with proposals for the next session which is  
21 a very truncated session, I think it's only eight days.

22 In short, and I don't ask for responses from anybody, we are going to suggest that we  
23 try and push the envelope just a little bit to try and ensure that we fill that time as  
24 fully as we can. And we certainly recognise what the Chamber has just said about  
25 having, if we can, a witness or so in reserve for every session so that we don't

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1 lose time.

2 PRESIDING JUDGE SCHMITT: [15:02:50] I appreciate that very much. And I think  
3 we should really try to achieve that and be a little bit indulgent with each other. I  
4 might not be -- of course it might be at some point of time important if you have  
5 a witness at number 1 or at number 20 or 30, but if the witness arrives as number 44  
6 or number 27, that might not be really such a difficult matter to accept. And in the  
7 end, of course, the Chamber would have to decide, of course.

8 So please, Mr Ayena.

9 MR AYENA ODONGO: [15:03:27] Mr President, and your Honours, I hesitate to  
10 suggest that we'd be done by the end of tomorrow, and I really will be assiduous  
11 about pursuing to achieve that, but just in case it is not achievable, I hope it will be  
12 understood in good -- yes.

13 PRESIDING JUDGE SCHMITT: [15:03:52] You know, I asked you for an estimate --

14 MR AYENA ODONGO: Yes.

15 PRESIDING JUDGE SCHMITT: -- and of course you might not be absolutely sure,  
16 but it -- as you know, it is always good to have goals.

17 So please, Mr Ayena.

18 MR AYENA ODONGO: [15:04:06] I set that goal for me and for all of us.

19 QUESTIONED BY MR AYENA ODONGO:

20 Q. [15:04:16] Good afternoon, Mr Witness. Mr Witness, I am Krispus Ayena  
21 Odongo. I am sure you may have an idea about me. Your story of course is very  
22 heart-rending knowing that some of us tried to rescue you about 2005 and it didn't  
23 work out. But it is good that you are here to help Court appreciate the vagaries of  
24 life in the bush.

25 I am going to put to you a few questions, especially about what you have already

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1 talked about with the Prosecution. And just like you have been very forthright in  
2 your answers to the Prosecution, I want you to, in the same frame of things, help  
3 Court to understand why we are here.

4 Mr Witness, the Defence is -- and of course I'm sure the Chamber is excited that you,  
5 having been very close to the Control Altar of the LRA, you have certain very  
6 specialised information about the goings on at the Control Altar of the LRA.

7 Mr Witness, you mentioned that at some point, I don't know whether -- this is general,  
8 I am not going to mention names. As far as we -- possible we shall avoid mentioning  
9 names. And when I talk about your boss in the DRC, you know who I'm talking  
10 about so that we avoid mentioning the name.

11 Mr Witness, you mentioned that at some point in DRC and the Central African  
12 Republic you were moving with your boss (Redacted)  
13 (Redacted)

14 A. [15:07:04] Yes, from Congo, that's correct. At the time Acellam Ben and Otti  
15 Vincent were killed. (Redacted)  
16 (Redacted)

17 MR AYENA ODONGO: [15:07:29] Can we go to closed session?

18 PRESIDING JUDGE SCHMITT: [15:07:31] I think we go to private session.

19 MR AYENA ODONGO: [15:07:33] Private, yes, for a short while.

20 Q. [15:07:38] Now, Mr Witness, can you tell Court -- sorry, it is (Overlapping  
21 speakers)

22 (Private session at 3.07 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted).

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WITNESS: UGA-OTP-P-0264

(Private Session)

ICC-02/04-01/15

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WITNESS: UGA-OTP-P-0264

(Private Session)

ICC-02/04-01/15

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18 (Open session at 3.11 p.m.)

19 THE COURT OFFICER: [15:11:45] We are back in open session, Mr President.

20 PRESIDING JUDGE SCHMITT: [15:11:47] Thank you. Excuse me, Mr Witness, for  
21 interrupting, but you can perhaps start your answer again.

22 THE WITNESS: [15:12:00] (Interpretation) That information I got from people who  
23 came from Darfur where Kony was. When they came, they told us the story. They  
24 said Agweng has been killed because he had slept with the wife of a certain officer  
25 who was a sergeant, so Kony said Agweng had many issues on him so he should be

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1 killed. So indeed he was killed.

2 MR AYENA ODONGO: [15:12:39]

3 Q. [15:12:40] Thank you very much, Mr Witness. You also talked about your  
4 escape and how you were shot by Okello Palutaka and his group.

5 Your Honour, this is in UGA-OTP-0256-0139 at page 147, paragraph 53.

6 Can you tell this Honourable Court whether Palutaka was senior or junior to you?

7 A. [15:13:36] Palutaka was a senior person. And he said -- since you said that you,  
8 you were -- you also knew part of the LRA and some of the people, yes, Palutaka is  
9 a senior person.

10 Q. [15:13:53] Thank you. Now, Mr Witness, I will want you to use your special  
11 knowledge and close proximity to Joseph Kony to inform the Chamber about how  
12 Kony -- Kony generally conducted his affairs. And I will begin by: Did you  
13 understand the kind of arrangement within -- first of all let me put it in a simpler way.  
14 Did you know about the Control Altar?

15 A. [15:14:47] Yes, the issue of Control Altar, I knew it as being a brigade which is at  
16 the headquarter. That is how I knew it.

17 Q. [15:15:04] And who was the chief of the Control Altar?

18 A. [15:15:23] At the Control Altar, my understanding --

19 Q. [15:15:34] Mr Witness, let us talk about Joseph Kony. What role in your  
20 opinion did Joseph Kony perform within the LRA?

21 MR GUMPERT: [15:15:50] Your Honour, I'm very sorry to interrupt, but it may be  
22 because the witness and the questioner share a language, but I didn't get the answer  
23 to who was --

24 PRESIDING JUDGE SCHMITT: [15:16:01] There was no -- at least there was no  
25 answer that we can follow here in the transcript.

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1 MR GUMPERT: [15:16:06] Which seemed to be possibly because having heard it in  
2 Acholi the questioner, Mr Ayena, spoke over it.

3 PRESIDING JUDGE SCHMITT: [15:16:14] I have here on line 23 "At the  
4 Control Altar my understanding" and that's it.

5 MR GUMPERT: [15:16:21] So it sounds as though he was about to give us an answer  
6 and was then cut short.

7 MR AYENA ODONGO: [15:16:26] Okay.

8 PRESIDING JUDGE SCHMITT: [15:16:30] Perhaps, Mr Witness, just to make things  
9 short and not too complicated there is obviously an issue with the interpretation.  
10 The question was: Who was the chief of the Control Altar? And perhaps you can  
11 answer it again, just to shorten the things, the matters.

12 THE WITNESS: [15:16:48] (Interpretation) The Control Altar generally was Kony.

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

14 Q. [15:17:02] So the overall commander was in charge of the central Control Altar;  
15 is that correct?

16 A. [15:17:19] Well, now for those higher ranks I do not understand it adequately.

17 PRESIDING JUDGE SCHMITT: [15:17:32] You know, but the answer was first of all  
18 the Control Altar generally was Kony, so this is an answer, yeah.

19 MR AYENA ODONGO: [15:17:45]

20 Q. [15:17:46] Mr Witness, when you were in the bush, especially when you were  
21 close, since you were (Redacted), did you listen  
22 to how Joseph Kony used to issue orders?

23 A. [15:18:20] For that one, for example, when we were in the Congo, orders that  
24 were given by Joseph Kony I usually see them when it's now being acted upon. For  
25 example, if he says we should go to the Ri-Kwangba where there is a meeting, then

1 people would go there. But if he gives an order that there is no going anywhere, yes,  
2 then people would not go.

3 Q. [15:19:00] Since you were in a very special way to perhaps understand who  
4 Joseph Kony is, can you tell Court what you perceived Kony to be. What kind of  
5 person was he or is he?

6 A. [15:19:26] Kony is a big person, he is the chief commander. If I say chief  
7 commander, he is like the president of the LRA.

8 Q. [15:19:36] When you lived in the bush did you hear anything about the spiritual  
9 attributes of Joseph Kony?

10 A. [15:19:57] Yes, I heard about his spiritual attributes.

11 Q. [15:20:08] Did you experience some of the things that came as a result of that  
12 possession?

13 A. [15:20:21] I did not experience, apart from that anointing, which is -- which  
14 you are anointed with a shea oil, that's what I saw, that's what I went through.

15 Q. [15:20:38] Mr Witness, since you now talked about the initiation ceremony, can  
16 you tell Court the effect it had on you when they performed that ceremony on you?

17 A. [15:21:03] That functioning, that ceremony did not bring any negative effect on  
18 me or any satanic way or feeling in me, no, I did not experience anything.

19 Q. [15:21:23] When they were performing it on you what did it tell you it was  
20 meant to do?

21 A. [15:21:40] I know I am just repeating my responses, but I can -- well, I can still  
22 respond to it. That anointing, first it was said it's to help dampen your feeling of  
23 escape, so if you escape, you will move around and around and around until you  
24 come back where you -- from where you left. And secondly, if you go to  
25 a battlefield bullets would not hit you.

1 Q. [15:22:13] Now, Mr Witness, before you were abducted had you heard about the  
2 LRA, and Joseph Kony in particular?

3 A. [15:22:29] Before my abduction I had heard about Kony. And even when I was  
4 still young, yeah, they captured me when I was still home. They came during day  
5 and we were seated inside our house. At that time they would use -- they would  
6 still use shea oil. So when they reached our compound they sprinkled water in the  
7 sign of the cross, then they came in front of our door, they picked the shea oil, put it in  
8 water and mixed it up and then again they sprinkled in the sign of a cross. They  
9 entered inside the house and picked the items in the house and they came out.

10 Q. [15:23:22] Mr Witness, in other words this was your second experience of the  
11 LRA when you were finally abducted; is that what you are saying?

12 A. [15:23:39] Yes.

13 Q. [15:23:42] Now, as a child before you were abducted, what did you hear people  
14 saying about Kony and the spirits?

15 A. [15:24:01] Now I cannot remember all those details now because I was still  
16 young at that time, but from what I would hear, at that time it was referred to as  
17 lakwena, that when those people come at that time, those early days, they would not  
18 take things by force, they would request for people to give them something and they  
19 would gather people and even talk to people in a good way, they would actually  
20 teach people.

21 Then on Sundays when they find you in the garden they would do -- capture you, but  
22 they would warn you and they would tell you not to dig on Sunday. So that is what  
23 I would hear from my elderly people.

24 Q. [15:24:53] So according to them, at the beginning the LRA and Joseph Kony  
25 operated in a peaceful manner with the population; is that correct?

1 A. [15:25:13] Well, those days -- those early days maybe that is -- maybe it's true,  
2 those early days.

3 Q. [15:25:23] Mr Witness, did they finally tell you why or at what stage the LRA  
4 turned violent against the population?

5 A. [15:25:44] That one was explained a long time ago, but now I don't know.

6 Q. [15:25:52] They didn't tell you about when, at what stage and why the LRA  
7 became violent?

8 A. [15:26:02] No, I was not told about that. But from my understanding and from  
9 the teachings I got during the time I was in the LRA, when Kony would teach us, was  
10 it was on the part of the government, he told us that it was the government of Uganda  
11 that was fighting him and that is why he continued also fighting the government.  
12 And that is what he would tell people.

13 Q. [15:26:48] Mr Witness, that's about his problem with the government of Uganda.  
14 But how about the problem with the people? Was the people part of the government  
15 of Uganda fighting him?

16 A. [15:27:11] Not his people. He -- of course his people, he wouldn't fight against  
17 them.

18 Q. [15:27:19] Mr Witness, I am talking about the population of Acholi, Lango, Teso  
19 and the other parts of Uganda.

20 A. [15:27:37] Well, it's difficult now to recall that because the areas where Kony was  
21 moving -- for example, he never reached the side of the people of -- the Baganda, so  
22 he never reached there.

23 Q. [15:27:53] Just like he talked about why he was fighting against the government  
24 of Uganda. When he lectured you or whenever he talked to you, did you ever hear  
25 Kony talking about why he was also attacking the populations in Acholi, Lango and

1 ultimately Teso?

2 A. [15:28:31] Yes, that is true. Following your question, all this were in stories,  
3 sometimes when he is telling stories, because at the time when we were still in the  
4 Congo, if he is now seated with his colleagues like Odhiambo, Olanya Abac, you  
5 would find him telling stories, explaining the reason why the war took long. And he  
6 would say that for him he was just like a doctor. But what the government has  
7 decided to think about him he doesn't know.

8 Q. [15:29:26] Mr Witness, if -- you may have realised that I want to know the  
9 reason why the LRA turned against the population, the people of Acholi, the people  
10 of Lango, the people of Teso.

11 A. [15:29:52] Well now, that I have no knowledge. I don't know.

12 Q. [15:30:01] Now, Mr Witness, while you were in the bush, if somebody attempted  
13 to escape, what would you do just before your own escape?

14 A. [15:30:28] I would do nothing. There was nothing I could do.

15 Q. [15:30:34] What would the commander in charge of that person do?

16 A. [15:30:46] The responsible commander -- well, if the person escapes and is never  
17 recaptured there is nothing that can be done.

18 Q. [15:31:02] Mr Witness, you remember you told Court that when you escaped  
19 they pursued you. So in the same frame of things, would the commanders pursue  
20 those who escaped from their groups?

21 A. [15:31:29] If that is the question, yes, that is correct, they will pursue the person  
22 who has escaped.

23 Q. [15:31:41] Now you talked about rules and regulations in the LRA. Did you  
24 ever get to know the ultimate source of those rules and regulations? Who put them  
25 in place? Was it at the brigade, at the battalion, or at the Altar level, the

1 Control Altar level?

2 A. [15:32:24] The orders in the LRA were all coming from above.

3 Q. [15:32:36] In other words, they came from Joseph Kony himself; is that correct?

4 A. [15:32:48] Correct.

5 Q. [15:32:52] Now, Mr Witness, in your experience, of course I know you have  
6 already talked about battalions, you have talked about brigades, you have talked  
7 about the Control Altar and so forth, and so forth. Can you tell Court whether Kony  
8 was a conformist; in other words, would Kony necessarily follow the chain of  
9 command or Kony would issue orders to anybody he chose to?

10 A. [15:33:45] In the military the orders follow the chain of command.

11 Q. [15:34:07] You remember, Mr Witness, that when you went to Apala there was  
12 an order that had come from Kony and this order was issued to Acellam directly; is  
13 that correct?

14 A. [15:34:42] Well, no, that is not correct. It was recorded wrongly. Acellam was  
15 a CO, Kony could not issue instructions directly to him.

16 Q. [15:34:54] So in your experience, how did Kony -- how did the order reach  
17 Acellam?

18 A. [15:35:10] I said it came through radio call.

19 Q. [15:35:14] Did he call Acellam directly?

20 A. [15:35:29] That order came from above and he did -- the order trickled down to  
21 the brigade commander before coming down to the CO.

22 Q. [15:35:48] Did you hear this communication to the brigade commander?

23 A. [15:36:05] No, I -- I didn't. I only realised when they were now putting -- they  
24 were implementing the orders and then the address that was given to the people who  
25 were going for the operation.

1 Q. [15:36:22] How did you get to know that the order to Ben Acellam had come  
2 from the brigade commander?

3 A. [15:36:42] In my own understanding, I know in the military information come  
4 from above and moves downwards.

5 Q. [15:36:54] Now, Mr Witness, you mentioned that you were an (Redacted)  
6 (Redacted) is that correct?

7 A. [15:37:09] Ocan Labongo, yes, I was with him.

8 Q. [15:37:14] (Overlapping speakers) is that correct?

9 A. [15:37:18] Yes, I was with him.

10 Q. [15:37:21] Can you tell Court who Ocan Labongo was and his role in the LRA?

11 A. [15:37:36] Ocan Labongo was a CO.

12 Q. [15:37:46] He was the commanding officer of which unit?

13 A. [15:37:54] Siba.

14 Q. [15:37:57] And Siba was a battalion; is that correct?

15 A. [15:38:05] Yes, it was a battalion.

16 Q. [15:38:15] When you were (Redacted) did he remain for all that time in Siba  
17 battalion or he shifted to any other battalion?

18 A. [15:38:34] Well, I was transferred, I was taken away from him before.

19 Q. [15:38:45] And when you were removed from him, where were you transferred  
20 to?

21 A. [15:38:53] Oka.

22 Q. [15:39:01] Now, Mr Witness, was it normal for people to move from one  
23 battalion to another or even from one brigade to another?

24 A. [15:39:20] Yes, it was.

25 Q. [15:39:27] In your particular case, Mr Witness, what were the circumstances that

1 led you to be moved (Redacted) to somebody else, what had  
2 happened to him?

3 A. [15:39:50] Well, I -- I don't really know why. That depended on what they felt  
4 I was worth. They would then arrange that such a person would have to be  
5 transferred to another location.

6 Q. [15:40:06] Who transferred you?

7 A. [15:40:13] It was Ocan Labongo who said I should be transferred to him.

8 Q. [15:40:23] Mr Witness, I am talking about your transfer from Ocan Labongo to  
9 the next person. When you left Ocan Labongo who transferred you?

10 A. [15:40:51] That was because the person who actually abducted me had already  
11 died.

12 Q. [15:41:07] Now, Mr Witness, it would be very interesting to Court to know the  
13 circumstances under which Ben Acellam, who was your immediate commander,  
14 killed. Can you tell Court how he was killed?

15 A. [15:41:42] Yeah, the death of Acellam Ben, I was not present at the place where  
16 the LRA was when he was killed. I was at Ri-Kwangba at the front where the peace  
17 negotiations were taking place.

18 When people came from the homestead, they came to the LRA base at the foot -- at  
19 the foothill -- at the foot of the hill. They stationed there. Thereafter Kony left.

20 And when Kony left the place he sent communication to Odhiambo who had stayed  
21 behind at Malaika (phon), Malaika was near the position where people had stationed.  
22 He ordered that people should leave that place that very night. And indeed people  
23 left the place.

24 We remained at the front and Ben Acellam called me from the front and told me that  
25 he was supposed to keep watch over these items that are here. He should make sure

1 that the items don't get spoilt by rain. They moved. And when they reached, Kony  
2 had gone ahead to a defence called Kiswahili.  
3 He moved up to that defence. And when he reached there, he said people should all  
4 follow him where he was because he had the message for them.  
5 Then the people who had remained behind left. They included Acellam Ben, Otti  
6 Vincent and other commanders. They all went and arrived at that very place.  
7 When they arrived there, he had already arranged his people to arrest the people who  
8 came. That was what I was told happened. I was not there in person, but I was just  
9 told that.

10 Q. [15:44:14] So is it the case that he was together with Vincent Otti on that day?

11 A. [15:44:26] Yes, they left together.

12 Q. [15:44:33] Do you remember other commanders who were with them?

13 A. [15:44:44] There were so many other commanders.

14 Q. [15:44:51] Was Ocan Labongo one of them?

15 A. [15:45:04] I am not very sure about that. I am not sure whether he was there or  
16 not. I don't know.

17 Q. [15:45:12] Now, after the execution of Vincent Otti and Acellam, did you see  
18 Ocan Labongo again?

19 A. [15:45:33] After the execution of Vincent Otti and Ben Acellam, yes, I saw  
20 Ocan Labongo. He was there.

21 Q. [15:45:52] When you left the bush was Ocan Labongo still there?

22 A. [15:46:00] No, Ocan Labongo had already been killed. He was killed by the  
23 soldiers.

24 Q. [15:46:11] Which army?

25 A. [15:46:15] The UPDF. They killed him when they had gone for hunting -- for

1 hunting and the soldiers discovered that they were doing that and they -- he was  
2 killed next to river Babodo (phon) in Central Africa.

3 Q. [15:46:41] Thank you very much, Mr Witness.

4 Let's now talk about Dominic Ongwen, first of all as an individual and also as  
5 a commander. Mr Witness, when you were in the bush did you associate closely  
6 with Dominic Ongwen? Did you get to know him?

7 A. [15:47:21] Yes, I knew him.

8 Q. [15:47:26] Now, can you tell Court how much longer after your abduction you  
9 got to know Dominic Ongwen?

10 A. [15:47:46] It was after a while. Yesterday I said I got to know Dominic Ongwen  
11 from Teso.

12 Q. [15:47:58] You got to know him during the Teso expedition; is that correct?

13 A. [15:48:10] Correct. When some of the LRAs went to Teso, Dominic Ongwen  
14 and others came from Sudan and went to Teso. We met at an RV and  
15 he -- they -- I was -- they showed me who he was.

16 Q. [15:48:35] So he was pointed to you only after he had returned from Sudan; is  
17 that correct?

18 A. [15:48:47] That's correct.

19 Q. [15:48:51] Do you recall, Mr Witness, when you first knew the role of  
20 Dominic Ongwen within the LRA?

21 A. [15:49:06] Well, the person who pointed him to me just told me he was  
22 a commander. And I didn't know at what level. And I didn't know his actual rank  
23 or level. I didn't know.

24 Q. [15:49:24] So they just told you that he was a commander and they did not  
25 define to you what level of command, responsibility he held; is that correct?

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1 A. [15:49:44] Correct.

2 Q. [15:49:51] And, Mr Witness, you stated at paragraph 129 of your statement that  
3 you did not work under Dominic Ongwen for any operations until the Odek incident;  
4 is that correct?

5 A. [15:50:14] Well, that was not recorded correctly. And I am complaining about  
6 some of the recordings.

7 PRESIDING JUDGE SCHMITT: [15:50:40] Mr Witness, this is the reason why you  
8 are sitting in the courtroom and why we hear you orally, so that you can tell us what  
9 is different to what is written down as your former statement. It is exactly why  
10 you are in the courtroom. So it's important what you say today. And as you have  
11 said before, this has to be the truth and this is the only thing that counts.

12 MR AYENA ODONGO: [15:51:11]

13 Q. [15:51:11] And, Mr Witness, the purpose for some of these questions is for you  
14 to help us and particularly the Court to understand why there could be differences  
15 between the statement that was recorded and you appended your signature to and  
16 what the true position is. That is why the Judge has, you know, correctly put to you  
17 that, you know, this is your purpose here. So you are not bound, in other words,  
18 you are not bound to what you have put your signature on in the statement; is that  
19 correct? Do I make myself clear, Mr Witness?

20 A. [15:52:07] I am getting you.

21 Q. [15:52:09] So we are talking about operations, operations that was led by  
22 Dominic Ongwen and which you participated. According to that statement it would  
23 appear you had said you had never gone to any operation under Dominic Ongwen  
24 until when you went to Odek. Was there any other operation before Odek?

25 A. [15:52:59] Well, that was this -- there was none such.

1 Q. [15:53:05] And, Mr Witness, person to person, when did you first come into  
2 personal contact with Dominic Ongwen? Was it in Uganda or maybe later on in  
3 Sudan or the DRC for that matter?

4 A. [15:53:47] The reference to coming into contact with Dominic Ongwen, I said he  
5 was pointed to me when we were in Teso. I was told that he was Dominic Ongwen  
6 who was the commander, but they didn't tell me anything else about him.

7 We stayed, we stayed for quite a while until when the LRA left Teso and came back  
8 towards Acholi land and -- and Lang (phon) which was -- we stayed there and we did  
9 not meet again.

10 And people kept on moving until at a time when they called for an RV, that was the  
11 period when I started seeing Dominic again. I was then with Ben. Every time we  
12 would meet I would move with Ben with his chair, I would put his chair where  
13 Dominic Ongwen and the other officers are stationed. I would put the chair there  
14 and then I would move aside. When the meeting is done, I would go back to pick  
15 the chair and then we'd move back to Acellam Ben's position.

16 Q. [15:54:58] Now, at close range -- or, did you ever talk to Dominic Ongwen one  
17 on one?

18 A. [15:55:14] Well, he was such a senior commander and as an ordinary soldier I  
19 did not have the capacity to sit down with him to discuss anything. That could not  
20 happen in the LRA group. If such a commander does not call you to him you cannot  
21 just go to have a chat with him. That couldn't happen.

22 Q. [15:55:39] And, Mr Witness, the peace talks that you were talking about, do you  
23 remember when it was, the year?

24 A. [15:56:00] Well, the LRA crossed the river in 2004 and the peace talks  
25 were -- was in 2005.

1 Q. [15:56:13] Mr Witness, is it possible that you may have forgotten the exact year,  
2 but the peace talks where some of us were directly involved were actually in 2006?

3 Does that help you to remember backwards?

4 A. [15:56:43] Well, that can remind -- I can -- can make me remember. It's possible  
5 that I could have forgotten.

6 Q. [15:56:56] So, Mr Witness, from your time of abduction in 2002, apart from  
7 maybe your contact with Dominic Ongwen during the alleged Odek attack you never  
8 came so close to him; is that correct?

9 A. [15:57:34] During the Odek attack, at the time when there were, there were plans  
10 to travel back to Sudan there was an RV where we met and then we left together with  
11 Acellam Ben to go.

12 Q. [15:57:55] Now, Mr Witness, you mentioned to the Prosecutors the various  
13 escorts and signallers for Dominic Ongwen. Did you meet all of these in Garamba or  
14 Ri-Kwangba for that matter?

15 A. [15:58:30] Well, we crossed the river and Dominic Ongwen had stayed back in  
16 Uganda. When most of the LRA fighters had gone across the river and were in the  
17 Congo, some of them did not reach the Congo.

18 Q. [15:58:51] Mr Witness, are you suggesting that some of the escorts that were  
19 working with Dominic Ongwen in Uganda, when you finally crossed over to  
20 Ri-Kwangba, they did not come with Dominic Ongwen when he finally came?

21 A. [15:59:14] I did not see some of them, they did not reach.

22 Q. [15:59:21] Did you try to find out from those who were in the last batch that  
23 crossed together with Dominic Ongwen what could have happened to those escorts?

24 A. [15:59:40] Well, I did not try to find out, because when Dominic's group came  
25 they went and stayed the other side of Gang Bo (phon). We were at the battalion

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1 and there was a big gap between the two positions. I could not establish that.

2 Q. [15:59:59] (Overlapping speakers) about while you were in Uganda or while you  
3 were in Ri-Kwangba?

4 A. [16:00:08] I am talking about Ri-Kwangba, basing on the questions that you are  
5 giving me.

6 MR AYENA ODONGO: [16:00:16] Mr President and your Honours, the time has  
7 ticked on 4. Perhaps it's a logical time to stop.

8 PRESIDING JUDGE SCHMITT: [16:00:26] I pick this suggestion and I agree with  
9 your proposition. And.

10 This concludes today's hearing and we resume tomorrow at 9.30.

11 THE COURT USHER: [16:00:37] All rise.

12 (The hearing ends in open session at 4.00 p.m.)