

Trial Hearing

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
 2 Trial Chamber IX
 3 Situation: Republic of Uganda
 4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
 5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
 6 Judge Raul Cano Pangalangan
 7 Trial Hearing - Courtroom 3
 8 Friday, 22 September 2017
 9 (The hearing starts in open session at 9.30 a.m.)
 10 THE COURT USHER: [9:30:30] All rise.
 11 The International Criminal Court is now in session.
 12 PRESIDING JUDGE SCHMITT: [9:30:52] Good morning, everyone.
 13 Could the court officer please call the case.
 14 THE COURT OFFICER: [9:30:56] 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: [9:31:12] Thank you. I call for the appearances of
 19 the parties. Mr Zeneli first, please.
 20 MR ZENELI: [9:31:18] Good morning, your Honours. Good morning,
 21 Mr President. For the Prosecution today, we have Ben Gumpert, Beti Hohler - let me
 22 get this right - Shahriar Yeasin Khan, Ramu Bittaye and myself, Shkelzen Zeneli. I
 23 will be asking the questions on behalf of the Prosecution.
 24 PRESIDING JUDGE SCHMITT: [9:31:37] Since Mr Khan has nodded, it seems to
 25 have been right what you said.

1 Mrs Hirst.

2 MS HIRST: [9:31:41] Good morning, your Honours. For the Legal Representatives
3 of Victims, myself, Megan Hirst, and James Mawira.

4 PRESIDING JUDGE SCHMITT: [9:31:49] And Mr Narantsetseg.

5 MR NARANTSETSEG: [9:31:51] Good morning, Mr President, your Honours.

6 Appearing for the Common Legal Representative, myself, Orchlon Narantsetseg,

7 Ms Caroline Walter and Ms Hyuree Kim. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:32:02] Thank you.

9 And for the Defence, Mr Ayena.

10 MR AYENA ODONGO: [9:32:04] Good morning, Mr President and your Honours.

11 I am Krispus Ayena Odongo. I'm being assisted by co-counsel Charles Taku,

12 Mr Tibor Bajnovic and Mr Thomas Obhof, assistant counsels.

13 PRESIDING JUDGE SCHMITT: [09:32:23] And?

14 MR AYENA ODONGO: [09:32:25] And last but by no means least,

15 Madam Abigail Bridgman, and our client Dominic Ongwen is in Court.

16 PRESIDING JUDGE SCHMITT: [9:32:40] Thank you, Mr Ayena.

17 And we have a new face in the courtroom, please.

18 MS VAN DER VOORT: [9:32:44] Good morning, your Honours. Caroline

19 Van der Voort, Legal Representative for Witness P-233, if I'm right.

20 PRESIDING JUDGE SCHMITT: [9:32:53] That's correct.

21 MS VAN DER VOORT: [09:32:52] Thank you.

22 PRESIDING JUDGE SCHMITT: [09:32:53] And we are now turning - you can sit

23 down - we are now turning to the testimony of this Witness P-233 and we have first to

24 discuss the matter of assurances pursuant to Rule 74 of the Rules of Procedure and

25 Evidence. That's why you are here in the courtroom. And to discuss this, we move

1 into private session.

2 (Private session at 9.33 a.m.) *(Reclassified in public)

3 THE COURT OFFICER: [9:33:21] We're in private session, Mr President.

4 PRESIDING JUDGE SCHMITT: [9:33:30] Thank you. I understand,

5 Mrs Van der Voort, that you made such an application. You don't have to elaborate

6 on that, but simply confirm it. Yes, thank you. And like always, I would ask

7 the Prosecution to give their opinion on an inter partes basis.

8 MR ZENELI: [9:33:46] We support it, your Honours.

9 PRESIDING JUDGE SCHMITT: [9:33:48] That is very concentrated and reduced to

10 the minimum, but sufficient.

11 Defence, any comments?

12 MR OBHOF: [9:33:59] No objections to the request, your Honour.

13 PRESIDING JUDGE SCHMITT: [9:34:02] Thank you. We can go into open session

14 then.

15 (Open session at 9.34 a.m.)

16 THE COURT OFFICER: [9:34:11] We are back in open session, Mr President.

17 PRESIDING JUDGE SCHMITT: [9:34:20] Thank you. The Chamber now renders

18 its decision on the requested assurances, mindful of the factors specified in Rule 74(5)

19 of the Rules.

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

21 order to enable the witness to testify without fear of the consequence of

22 self-incrimination.

23 And this concludes the ruling of the Chamber, and we can now bring in the witness.

24 Perhaps in the meantime I can address something. Mr Zeneli, I have seen what you

25 want to elicit in private session. Perhaps we can reduce this a little bit, as we have

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 handled it in the past. When it comes to certain incidents and the witnesses only, so
2 to speak, talking about preliminaries where he was not involved, and about general
3 matters, he was not involved, I think we can at least try to do this in open session, and
4 refrain ourselves to the matters in private session that relate to his actions. Perhaps
5 you can give it a try.

6 MR ZENELI: [9:35:34] I will do my best for that. Thank you.

7 (The witness enters the courtroom)

8 PRESIDING JUDGE SCHMITT: [9:36:01] Good morning, Mr Witness. Do you hear
9 me?

10 WITNESS: UGA-OTP-P-0233

11 (The witness speaks Acholi)

12 THE WITNESS: [9:36:06] (Interpretation) Yes, I can hear you clearly.

13 PRESIDING JUDGE SCHMITT: [9:36:10] Thank you. You are going to testify
14 before the International Criminal Court, and on behalf of the Chamber, I would like to
15 welcome you to the courtroom.

16 THE WITNESS: [9:36:20] (Interpretation) Thank you.

17 PRESIDING JUDGE SCHMITT: [9:36:22] Mr Witness, I will now read the oath to tell
18 the truth to you that every witness who testifies before this Court must agree to. So
19 please listen carefully.

20 I solemnly declare that I will speak the truth, the whole truth and nothing but the
21 truth.

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

23 THE WITNESS: [9:36:47] (Interpretation) I have understood.

24 PRESIDING JUDGE SCHMITT: [9:36:49] Do you agree?

25 THE WITNESS: [9:36:52] (Interpretation) I agree.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [9:36:54] Thank you. We will continue now and I
2 explain first to you the protective measure that have been put in place for your
3 testimony.

4 First of all, face distortion. That means that nobody outside the courtroom can see
5 your face during your testimony on the screen. We also use what we call
6 a pseudonym. That means that we do not call you with your real name, but as
7 "Mr Witness", as I am doing at the moment. This is to make sure that the public does
8 not come to know your name. And as long as you will answer questions that will
9 not give away who you are, we do this in what we call open session. Open session
10 means that the public can hear what is being said in this courtroom.

11 When you are, on the contrary, asked to describe things that specifically relate to you
12 or could reveal your identity, we do this in private session. Private session means
13 that there is no broadcast and the outside world, so to speak, cannot follow what you
14 say.

15 Mr Witness, you have also been assigned a lawyer to provide you with legal advice
16 about possible self-incrimination. This is Mrs Van der Voort to your right. She is
17 present here and if concerns arise in that respect, she will be able to advise you and to
18 raise those concerns with the Chamber.

19 The Chamber gives you the assurance pursuant to Rule 74(3) of the Rules that your
20 testimony will not be used either directly or indirectly against you in any subsequent
21 proceedings by this Court. There is, of course, the exception if you would lie to this
22 Court, then you could be prosecuted for such lies, but you have already assured us
23 that you will tell us the truth, the whole truth and nothing but the truth.

24 If any question is asked that could lead to your self-incrimination, we will hear your
25 answer in private session so that nobody outside can hear it, and we keep this answer

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 confidential, and of course, like always, questioning parties are vigilant in that respect,
2 Mrs Van der Voort and the Bench too.

3 Mr Witness, that was, I know, a lot of information, so may I ask you: Do you
4 understand what I have told you?

5 THE WITNESS: [9:39:23] (Interpretation) I have understood clearly.

6 PRESIDING JUDGE SCHMITT: [9:39:25] Thank you, Mr Witness.

7 There are a few practical matters too before we can start with your testimony. You
8 know that everything here in the courtroom is written down and interpreted. It is
9 therefore important to speak clearly and at a slow pace. Everybody in this
10 courtroom violates this rule every once in a while, but that is normal. But please
11 keep in mind, speak clearly and slowly, speak into the microphone and please only
12 start speaking when the person that has asked you something has finished speaking
13 so that the interpreters can follow.

14 Mr Witness, have you understood this too?

15 THE WITNESS: [9:40:07] (Interpretation) I have understood.

16 PRESIDING JUDGE SCHMITT: [9:40:10] Then I give Mr Zeneli for the Prosecution
17 the floor.

18 MR ZENELI: [9:40:30] Thank you, Mr President. May I have your leave to move
19 into private session, your Honour?

20 PRESIDING JUDGE SCHMITT: [9:40:36] Yes. You could say like always in the
21 beginning.

22 (Private session at 9.40 a.m.) *(Reclassified partially in public)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [9:43:09] Thank you. I am done with that document.

16 Did you attend school, Mr Witness?

17 A. [9:43:21] No.

18 Q. [9:43:25] Have you had any schooling whatsoever?

19 A. [9:43:34] I tried, but not to the level that I can fully understand.

20 Q. [9:43:43] When you were a child, did you go to school?

21 A. [9:43:55] Yes, I was sent to school.

22 Q. [9:43:58] Do you know where?

23 A. [9:44:11] I know.

24 Q. [9:44:12] Can you tell us, please.

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 (Redacted) I did not complete the whole school year. I was
2 abducted and my studies were interrupted.

3 Q. [9:44:45] Who abducted you?

4 A. [9:44:54] The LRA soldiers are the ones who abducted me.

5 Q. [9:45:03] When did they abduct you? What year?

6 A. [9:45:12] In June 2002.

7 Q. [9:45:17] Do you know which unit within the LRA was it that abducted you?

8 A. [9:45:27] I know.

9 Q. [9:45:31] Can you tell us, please.

10 A. [9:45:38] The group, the LRA group that abducted me, is called Stockree brigade,

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [9:46:46] Maybe here, your Honours, we can move into public for a short
18 session?

19 PRESIDING JUDGE SCHMITT: [9:46:49] Absolutely. And what I mean, I can tell
20 you perhaps now, but first we go into -- no, I think we discuss it in private session.

21 Perhaps Prosecution can look -- for example, when I see the summary of your

22 expected testimony, the first paragraph where it says (Redacted) for example, I wonder if

23 we could not elicit, for example, this information in open session? Because

24 otherwise people outside cannot, cannot follow anymore, and we have done it in the

25 past too.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 So you see what I mean. These assurances relate to acts that might have
2 incriminated or might incriminate the witness that he has committed. But listening
3 to something, talking about what happened afterwards, where he was not involved,
4 all these matters, I think, could be discussed in open session. That's my personal
5 opinion.

6 MR ZENELI: [9:47:56] Your Honour, I have given it some thought before
7 highlighting it for private session. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) And it is difficult, I think, to at this moment judge how we
11 will go about it.

12 I have thought within this section of having several sections in public, but I would
13 like to, with your leave, see how it goes in private and then take it from there. If it
14 goes well, then I will ask in public.

15 PRESIDING JUDGE SCHMITT: [9:48:47] I would agree only partially. The second
16 argument, I have already addressed. When it comes to Rule 74 assurances, we had
17 this before. You could be more open, so to speak, but when you say it might be
18 identifying, this is another issue where we, of course, can go into private session to
19 protect the witness. If this is true, then I would agree with you. So then we let it go
20 first.

21 But the other one, please also for future witnesses, please keep that in mind, that we
22 need not be, because of the Rule 74 assurances, constantly in private session.
23 Open session now.

24 MR ZENELI: [9:49:32] Very well.

25 (Open session at 9.49 a.m.)

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 THE COURT OFFICER: [9:49:36] We are back in open session, Mr President.

2 MR ZENELI: [9:49:48]

3 Q. [9:49:48] Mr Witness, you just told us that you were abducted with other people
4 at the time you yourself were abducted. Do you remember how old they were?
5 Don't give me names at this stage, because as the judge mentioned, we are in public
6 session. Just tell me: Do you remember how old they were?

7 A. [9:50:16] It's difficult to estimate their age, but it's very close to mine because we
8 would play together with them.

9 Q. [9:50:27] Do you know what happened to them?

10 A. [9:50:46] I know.

11 Q. [9:50:47] What happened?

12 A. [9:50:48] What happened was that one, at one time, one day, I was taken. I
13 found when they were already beaten to death and I was told that those people tried
14 to escape and if I also tried to escape, that is what will happen to me.

15 Q. [9:51:18] You told us you found when they were already beaten to death. Can
16 you explain what that means? Were they killed?

17 A. [9:51:32] Yes, they were killed.

18 Q. [9:51:36] And how do you know that?

19 A. [9:51:43] When someone is dead, it's clearly seen, because they were beaten,
20 their skulls were smashed and their brains were all littering outside. That's how I
21 came to know, and I was told those people were killed because they had tried to
22 escape.

23 Q. [9:52:02] Did you see their bodies? Did you see them killed?

24 A. [9:52:13] I saw -- I was taken to see so that when I tried to escape, I will also
25 beaten the same way and killed in that same manner.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 Q. [9:52:22] Who told you that if you tried to escape, you would have their fate?

2 A. [9:52:31] The person who took me there at that place was somebody called
3 Oloya Mumpebeni. He was the one who picked me from position. I was in their
4 position.

5 Q. [9:52:51] And can you tell us who Oloya was at that time?

6 A. [9:53:02] Oloya, I did not know his position, but he was a sergeant.

7 MR ZENELI: [9:53:18] Mr President, back in private session, with your leave, please.

8 PRESIDING JUDGE SCHMITT: [9:53:23] Private session.

9 (Private session at 9.53 a.m.) *(Reclassified partially in public)

10 (Redacted)

11 MR ZENELI: [9:53:39]

12 Q. [9:53:40] Mr Witness, were there abductions of people by the LRA during the
13 time that you were in the bush? I know you just told us about yours. It's a general
14 question. Were there during the whole time you were in the bush?

15 A. [9:54:01] Many people were abducted at that time and it continued forward,
16 they kept on abducting people.

17 (Redacted)

18 A. [9:54:25] Well, in the bush when you have been selected to go and do something,
19 abduction or fighting, fighting and abduction go hand in hand, and when you come
20 across maybe government soldiers, then you will also fight. (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [9:55:11] The abduction operations where LRA soldiers are sent for, sometimes
24 the orders come from Kony and filters down to his commanders and then the
25 instructions come to us to go to do the task assigned, that's what I understand.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 Q. [9:55:37] How would these orders from Kony be filtered down for the
2 commanders?

3 A. [9:55:53] How it filter? The way I would observe for whilst in the bush was
4 that there are signallers, and when the time for communication is set, they set up the
5 radio communication antenna, and the head of that group that is moving with the
6 signaller, the signaller will set up the antenna, and the commander will come, and the
7 other soldiers will stand in position nearby.

8 Then the signaller will inform the commander. If there is something that needs the
9 commander's attention, then the signaller will inform the commander that so-and-so
10 wants to speak to you. That is how communication is relayed.

11 Q. [9:56:50] And what were Kony's orders? What did he order?

12 A. [9:57:02] What I saw was done, which I believe came from him, were orders that
13 maybe to attack government forces, orders to abduct people or orders to ambush
14 vehicles. This is what I would observe.

15 PRESIDING JUDGE SCHMITT: [9:57:22] And this is exactly what I mean, all of this
16 could have been elicited in open session.

17 And we should not, we should not forget that really people would like to follow the
18 proceedings here, and we should try to limit the recourse to private session as much
19 as possible. It could be done, for example, when it comes to certain attacks or
20 incidents, that the general information about this without the involvement of the
21 witness could be asked in a way, for example, asking him to tell us what he knows
22 without mentioning his involvement, and other examiners from the Prosecution have
23 done it this way.

24 Because if we and for matter of certainty or security or whatsoever interpret this
25 broadly, then we are constantly in private session, nobody can follow outside

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 anymore. So I really would appreciate it very much if we try to stay as much in
2 open session as possible. And it is possible if we group the questions and the
3 manner of questioning in the way that I have indicated and that has been done in the
4 past.

5 MR ZENELI: [9:58:51] Your Honour, point is well taken. I will try as I said and do
6 my best to do it in open session as much as possible. This particular line of questions,
7 the four to five last questions, was not part of the outline that (Redacted)
8 (Redacted) I was just following up on what the
9 witness said in the --

10 PRESIDING JUDGE SCHMITT: [9:59:11] But we are in private. Aren't we in
11 private session now?

12 MR ZENELI: [9:59:15] We are in private session.

13 PRESIDING JUDGE SCHMITT: Okay.

14 MR ZENELI: Would you like me to move into public session, is that?

15 PRESIDING JUDGE SCHMITT: [9:59:21] If you now directly steer, so to speak, (Redacted)
16 (Redacted) Then we would have to stay in
17 private session.

18 But for example, what was said or not said at a certain point in time or at an RV or
19 whatsoever by other people, what he only listened to, all these things have been many,
20 many times in this courtroom been elicited in open session, all this information.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Open session at 10.02 a.m.)

17 THE COURT OFFICER: [10:02:21] We are back in open session, Mr President.

18 MR ZENELI: [10:02:38]

19 Q. [10:02:39] When did Acet happen? When did the abductions in Acet happen,
20 when did they take place?

21 A. [10:02:56] I do not recall the exact date because I did not write that down. It
22 wasn't my duty to write down this information. In any event, I do not even know
23 how to write.

24 Q. [10:03:14] Was it prior to any major events that you can think of, any
25 movements of the unit you were with at the time?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 A. [10:03:41] Which movement are you talking about? Movement going into
2 which direction?

3 PRESIDING JUDGE SCHMITT: [10:03:46] No, I think --

4 MR ZENELI: [10:03:47] I'm trying to --

5 PRESIDING JUDGE SCHMITT: [10:03:49] May I shortly?

6 MR ZENELI: [10:03:51] Sure.

7 PRESIDING JUDGE SCHMITT: [10:03:51] Witness, we appreciate and that's
8 perfectly clear that after such a long time you do not know dates exactly. But
9 perhaps you could orientate yourself in time with other events that you have in your
10 mind that you recollect and that might have been before Acet or after Acet. So are
11 there some instances, some as counsel said movements, some other attacks, for
12 example, that you have in mind that were before or after Acet so that we can try to
13 near it a little bit when this might have happened?

14 THE WITNESS: [10:04:43] (Interpretation) It's very -- it's very difficult to determine
15 that such an event happened and then we went to this place because so many events
16 took place while I was there.

17 PRESIDING JUDGE SCHMITT: [10:04:58] You can refer to a former statement, for
18 example, if you find it important.

19 MR ZENELI: [10:05:03] Very well. Thank you. And for everyone's benefit in the
20 courtroom, it's tab 4, UGA-OTP-0276-2490 at page 2518, line 937, up to page 2519, line
21 969.

22 Q. [10:05:25] Mr Witness, did this take place before or after Teso?

23 A. [10:05:38] No, we had already come back from Teso.

24 Q. [10:05:41] And was this before or after you went to Congo?

25 A. [10:05:51] That was prior to Congo.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 Q. [10:05:55] And do you remember when you went to Congo, what year?

2 A. [10:06:07] We -- there are some people who went before us. We went to Congo,
3 we were the last group to go to Congo. We were the last group. We went in last.

4 Q. [10:06:28] Was this in 2005?

5 A. [10:06:37] Is that the time that we went to the Congo?

6 Q. [10:06:43] Yes.

7 A. [10:06:47] Let me see, 2005? No. In 2005 we had not yet gone to the Congo.

8 Q. [10:07:04] In your statement to the Office of the Prosecutor, when asked about it,
9 you said: "We had not yet gone to Congo." And you were asked: "What was that
10 period?" and the answer was "2005." Is that correct?

11 A. [10:07:27] That's correct. But we had not -- the question had been was that
12 before Congo and, yeah, in reality we had not yet gone to the Congo.

13 Q. [10:07:42] So was the Acet attack before 2005?

14 A. [10:07:55] I guess that maybe if it wasn't 2005, then it wasn't far off. It wasn't
15 a very big battle. We went to look for food and we were also told to abduct people.

16 PRESIDING JUDGE SCHMITT: [10:08:12] I think the witness does not have
17 a concept, an idea of years. So to ask him if it was 2005 or whatsoever, I think is
18 difficult.

19 But there is another reference in this statement that I would like to ask you,
20 Mr Witness. I'm reading here from line 945 on page 2519. You seem to have said:
21 "They had already fought in Odek."

22 This is a quotation that you have said at the time, so was it after Odek?

23 THE WITNESS: [10:09:05] (Interpretation) It's also difficult for me to estimate
24 whether or not they had gone to Odek, because I heard about Odek. I did not
25 personally go to Odek.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:09:16] That is absolutely a fair answer and

2 I think we can move on.

3 MR ZENELI: [10:09:26]

4 Q. [10:09:26] All right, so let's talk about Acet. You told us that your commander,
5 (Redacted) that you were told by your commander at the time that Dominic Ongwen
6 wanted you to go and -- wanted your unit to go and abduct some people. I want to
7 first talk about why did you go to Odomi, why did your unit go to Odomi?

8 A. [10:10:03] We went to Odomi to collect ammunition, because at the time he was
9 in charge of most of the people who were based in Uganda.

10 Q. [10:10:27] Who told you he was -- how do you know he was in charge of most of
11 the people in Uganda at the time?

12 A. [10:10:37] That's what I heard. I heard people saying that he was the one in
13 charge, and that was my understanding as well.

14 Q. [10:10:59] You said you went there to get ammunition. Was that only for your
15 unit or was that the case for all the unit in Uganda at the time?

16 A. [10:11:16] It's difficult for me to know or respond as to whether all units went to
17 collect bullets, but we did.

18 Q. [10:11:28] If other units would not have bullets, where would they go for
19 bullets?

20 A. [10:11:42] For the people who were in Uganda, these people would go and ask
21 him, because he had the authority for -- to give instructions for the ammunitions to be
22 unearthed and to be distributed to each unit and the quantity that should be
23 distributed.

24 Q. [10:12:07] Forgive me for the nature of the question, but we need to ask it.
25 What did you need the ammunition for? Why was ammunition needed by the

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 units?

2 A. [10:12:23] You know that soldiers need bullets. At any time you have to
3 protect yourself, your enemy wants to kill you and you also want to kill your enemy.
4 So if you don't have bullets, then it's very difficult to work as a soldier.

5 Q. [10:12:48] Now, you told us Dominic was in charge. Do you know which area
6 was he in charge of? Can you tell us the area, the specific areas?

7 A. [10:13:06] It's very difficult to determine that he was in charge of an area from
8 this place to that location, but he was in charge of the people who were in Uganda at
9 that time.

10 Q. [10:13:24] Where were the other senior commanders of the LRA?

11 A. [10:13:36] At the time, I guess that most of them, all the rest, had gone to Sudan,
12 because as junior soldiers, we are not privy to that information.

13 Q. [10:14:06] What were the orders that the commander of your unit said after
14 meeting with Dominic Ongwen?

15 A. [10:14:24] It was stated that at that time the person in charge of the LRA, such as
16 Kony, would have sent information to Kony and informed them, instruct these people
17 to take care of them. He wants people to be safe. The bullets, if you get bullets, if
18 you get bullets, use them wisely, do not misuse the bullets. If you are going to
19 collect food, do not misuse the bullets. If you use those bullets, make sure that you
20 use those bullets in order to get more bullets. That was my understanding.

21 Q. [10:15:12] All right. But I would like to now focus on the abductions of Acet.
22 What were the specific orders given for those abductions?

23 A. [10:15:32] The -- you know, when they give us instructions, when we are about
24 to start moving, if you are not going to -- if you are not going on a big mission, they
25 will send you. Then once you get to -- once you are en route, then they will tell you

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 that the commander said we should get, go and abduct people, approximately 14,
2 15 years old, and go back with them. But the numbers were not given. But if there
3 is an operation, if there is a big operation where they send us or instruct us to abduct
4 numbers of people, then we would go and do that.

5 PRESIDING JUDGE SCHMITT: [10:16:19] And when it comes now to what
6 happened actually, we go to private session. And when they come back and what
7 happens then and the witness is not involved, we go back to open session.

8 MR ZENELI: [10:16:35] With your leave, back to private session, then.

9 PRESIDING JUDGE SCHMITT: [10:16:39] Private session.

10 (Private session at 10.16 a.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

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6 (Open session at 10.24 a.m.)

7 THE COURT OFFICER: [10:24:27] We are back in open session, Mr President.

8 MR ZENELI: [10:24:40]

9 Q. [10:24:41] Mr Witness, you told us that the group was composed with three
10 from your unit and the other from what Odomi gave you; am I correct?

11 A. [10:24:58] That's correct.

12 Q. [10:25:01] And, again, tell us what unit within the LRA were these two groups
13 within the group from? Ask me to explain if the question wasn't clear.

14 A. [10:25:24] We were -- there were only a few of us who came from Stockree, but
15 Dominic had a lot more people under his Sinia brigade.

16 Q. [10:25:36] And why was Lakwo the one who led the group?

17 A. [10:25:49] Because he was also respectful of the commander that he met and he
18 told him that, "Okay, my brother, since you have arrived now, could you please go
19 and help me and get me this such-and-such a thing?" And the such-and-such a thing
20 was food.

21 And given that my commander and Odomi got on before, he agreed. He said, "Okay,
22 my brother. Let me help you. I will go and do what you ask me to do, come back
23 and then leave", because he could not refuse to follow those instructions.

24 Q. [10:26:32] Explain to us, how is it possible that Odomi, Dominic, in charge of
25 a different unit, was able to order a group from Stockree? How is that possible?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 Can you explain that to us?

2 A. [10:26:58] In the army you cannot receive instructions from only your superior
3 commander. If you are under somebody else's command or control, then you have
4 to follow their instructions as well.

5 Q. [10:27:18] And which is the superior commander you are talking of at this
6 moment?

7 A. [10:27:32] In the army any, any army, even in the government army and in the
8 bush as well, any commanding officer. Let me give you an example. In the
9 government, I did not work in the government and I have never been part of the
10 government. If they send a commander to meet with another commander and the
11 other commander is superior to him, that commander would tell him that, okay, since
12 you have arrived now, can you please go and do something.

13 So that junior commander would not refuse to take instructions from the other
14 commander, the higher-ranking commander that he met. And that's how I believe
15 things work.

16 Q. [10:28:21] And who was the superior commander?

17 A. [10:28:28] It was Dominic Ongwen.

18 Q. [10:28:34] When you met, when your unit met with Dominic Ongwen, do you
19 remember the name of the location where you met him before going to Acet?

20 A. [10:28:50] I do not recall the exact name of the place, because most of the times
21 we were not in Gulu. We were mostly in the areas of Latanya, Tee Ogule,
22 Parabongo. Those are the areas that we were mostly based in. But for me to know
23 which area it is that we were going to at that time, I wasn't sure. We were told that
24 we were going to Acet, and that was my first time to go to Acet as well.

25 Q. [10:29:25] Would *Te Got Atoo ring a bell for you, or Got Atoo?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 A. [10:29:37] Yes, I do know Got Atoo.

2 Q. [10:29:42] And was that the place where you met with Odomi before Acet?

3 A. [10:29:55] We did not meet exactly under the foothills of Atoo, but we met
4 within the vicinity of that area, but not right underneath the foothills.

5 Q. [10:30:10] The ones that were abducted and kept, what unit were they taken to,
6 what brigade within the LRA were they taken to?

7 A. [10:30:32] It's difficult for me to determine or to tell you what brigade they were
8 taken to or what unit they were taken to. We left them. There they give us two
9 teens and we went back with them.

10 Q. [10:30:50] What unit was Odomi with at the time, what brigade?

11 A. [10:30:58] He was in Sinia.

12 Q. [10:31:01] And were these abductees from Acet left with Sinia or did you take
13 them back to Stockree?

14 A. [10:31:18] We did not go with them. What had brought us there was to collect
15 ammunitions. We went back with the ammunitions, not with the people. We only
16 went back with the ammunitions we had gone to collect.

17 Q. [10:31:34] Now you told us that the rest were released. Why were the rest of
18 the abductees released?

19 A. [10:31:52] The reason some people were released was because, at the time when
20 I was still in the bush, I do understand that it was instructions were given that people,
21 let's say aged from 17 upwards, already know the good things or the good side of the
22 government and so they cannot stay in the bush. So that is why they were released.

23 Q. [10:32:22] Can you explain to us what you mean by those aged from 17 upwards
24 knew the good things? What do you mean by that?

25 A. [10:32:43] Good things, one of them include relationship between man and

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 a woman, knowledge of things, of situation, knowing things and not being able to
2 forget whatever you/she has gone through.

3 Q. [10:33:07] Now you told us that instructions were given that people, let's say
4 aged from 17 upwards, cannot stay in the bush. Who gave those instructions?

5 A. [10:33:29] The person who gave the orders, I think it was Kony, because even
6 Dominic himself, he would receive such instructions and then he would now use that
7 instruction to see that people of this age group cannot fit within the rebel rank,
8 because if they are kept to stay, at some point they will leave.

9 Q. [10:33:57] So when you would usually go for abduction missions, what age
10 group would you be looking for? Can you specify that for us?

11 A. [10:34:15] From the age 15, 14, even 13 years would be taken, because such
12 a person is still able to be, you know, she can, the person can still be kept, can be
13 mentored, can be influenced to do what you want the person to do.

14 Q. [10:34:44] And was that for both men and women, boys and girls?

15 A. [10:35:00] Yeah, both, both. But if, for the case of women, even you, you know
16 that when they grow and become of age, and they would start having, of course,
17 sexual feelings and even from home would be, you know, interested into getting in
18 a relationship, and so in this particular case, even in the bush, if she is mature, she can
19 be given to a man. And that is how they usually start their family.

20 Q. [10:35:40] Now these instructions that were given from Kony and filtered down
21 to the commanders, as you so well were explaining it to us, were they widely known
22 or how were -- what was the nature of these instructions, of these messages?

23 A. [10:36:16] The orders, while I was still in the bush I would hear certain things.
24 Doesn't mean that I am present at the exact location where the orders are given. But
25 the orders usually move through other people and it would come to me.

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0233

1 Sometimes we are told that the spirit said there is no fighting, or sometimes they say
2 this is time for fighting, or it could also even say at this time people should take care
3 of themselves, people should not be abducted or there should be no abduction, or that
4 sometimes you should not go into civilian houses. So this is how some of the orders
5 actually would be conducted.

6 Q. [10:37:10] Were the orders on abductions widely known or were they a secret?

7 A. [10:37:31] When orders are given, it is given to the commanders who are in
8 a particular area where people can be abducted from. For instance, if Kony was in
9 Sudan, he would send his orders to the commanders who were in Uganda. He
10 would send to the commander, the overall commander in Uganda, for instance, if he
11 says "I want people to be abducted, to be re-recruited," he would send that order.
12 Or even if, if another order was given to abduct girls who would later on become
13 wives, yes, such orders would be given, and those orders would come down to us
14 who were below to put those orders to actions.

15 MR ZENELI: [10:38:20] Your Honour, briefly in private session just two questions
16 on that.

17 PRESIDING JUDGE SCHMITT: [10:38:49] Yes, private session.

18 MR ZENELI: [10:38:51] Thank you.

19 (Private session at 10.38 a.m.)

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Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

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22 (Open session at 10.41 a.m.)

23 THE COURT OFFICER: [10:41:15] We are back in open session, Mr President.

24 MR ZENELI: [10:41:32]

25 Q. [10:41:33] When was the Abia attack? When did it take place?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 A. [10:41:41] It took place some times back.

2 Q. [10:41:50] Was it after Teso?

3 A. [10:42:01] I think people had returned from Teso.

4 Q. [10:42:10] Was it before Acet?

5 A. [10:42:22] Acet, for an attack in Acet, I do not know, because when we went to
6 Acet there was no fighting there.

7 MR ZENELI: [10:42:37] Your Honours, leave to refresh from --

8 PRESIDING JUDGE SCHMITT: [10:42:42] Of course, yes.

9 MR ZENELI: [10:42:44] -- tab 7, UGA-OTP-0276-2583 at page 2594, line 368.

10 Q. [10:42:55] When asked by the investigators, Mr Witness, about the time frame of
11 the attack, you said: "We had already gone to Teso. And Acet was later," meaning
12 after Abia; would that be correct?

13 A. [10:43:20] Well, if that is the case then, I think I did not understand it clearly.

14 PRESIDING JUDGE SCHMITT: [10:43:27] I think we have to take it. It was the last
15 time we had, interestingly enough, we had the same problem with the after. He
16 knew, he knew one point in time after Teso, but he did not know the other one. So I
17 think we simply leave it as it is. There might be other evidence or not, but where we
18 could locate it in time.

19 MR ZENELI: [10:43:56]

20 Q. [10:43:56] What brigade or units went to Abia?

21 A. [10:44:05] At that time there was a group that was organised right from Wake
22 Up battalion. They picked some people from Wake Up battalion. These were
23 seasoned fighters who were selected. And they stayed for a short time and that
24 battalion was transformed to a division.

25 That division stayed for a short while, and Tabu was the one in charge. Then when

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 Tabu died in Teso, someone else took over as the commander of that division. So it
2 was that division that was, that went for that operation.

3 Q. [10:45:15] Do you know who ordered Abia attack, which commander?

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [10:48:02] I think now we should at least go to
- 2 private session, I would say, at some point in time.
- 3 (Private session at 10.48 a.m.)
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Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

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11 (Open session at 10.51 a.m.)

12 THE COURT OFFICER: [10:51:30] We are back in open session, Mr President.

13 MR ZENELI: [10:51:42]

14 Q. [10:51:42] Do you remember the name of any particular escorts that would have
15 been killed during this battle?

16 A. [10:51:54] Yes, I recall.

17 Q. [10:51:58] Tell us that.

18 A. [10:52:04] He was called Ocaya, he had the rank of sergeant. He was shot at
19 the first battle, at the first battle when the UPDF came and first attacked us at the
20 Moroto river. So this angered the commander of the group, who said that "Since my
21 most trusted commander has been killed, I should also go and revenge and attack the
22 place where we suspect this group to have come from."

23 PRESIDING JUDGE SCHMITT: [10:52:39] Mr Witness, when you continue now,
24 don't mention yourself what happened, just keep this in mind. And perhaps you
25 can tell us who was the commander who said that.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 THE WITNESS: [10:52:55] (Interpretation) That was Okot Odhiambo.

2 PRESIDING JUDGE SCHMITT: [10:53:03] Okay. Thank you, Mr Witness.

3 MR ZENELI: [10:53:17]

4 Q. [10:53:18] Do you remember the exact words that Odhiambo said?

5 A. [10:53:32] After the first engagement, because there were two engagements?

6 Q. [10:53:42] Yes, that's fair, Mr Witness. So I'm talking about the moment when
7 his escort was killed, you told us that he decided to revenge that death. I'm actually
8 going to ask another question before I go back to the first one.

9 Revenge *Ocaya's death at what place against what people did he decide to do so?

10 A. [10:54:25] He said that the reason that that group of soldiers came and
11 intercepted us was because civilians saw us and they went back and reported that we
12 saw the LRA moving along the river bank. And so indeed the UPDF started moving
13 in anticipation of meeting us.

14 So in that first battle where we even overpowered the UPDF, Okot Odhiambo was
15 angered, and in addition his escort was killed. And he, therefore, said that "I did not
16 commit any atrocity on anybody. I did not wrong anyone. Even my ancestors
17 knows very well that at this very point I was not the aggressor. So let us go and
18 finish off these people. If we fail to finish them, if we fail to finish them off, we will
19 also see from there. Let us go. God is with us."

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [10:55:38] Now, Mr Witness, don't mention yourself
23 again now, because otherwise we would have to go to private session. But the place,
24 you have said it, and it's not your fault, because it was sometimes a little back and
25 forth with private and open session. But the place where the group should go to,

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 what was the name of the place? That was the question. Can you repeat it, please?

2 THE WITNESS: [10:56:07] (Interpretation) Which group? Our group that was
3 moving?

4 PRESIDING JUDGE SCHMITT: [10:56:10] Yes.

5 THE WITNESS: [10:56:14] (Interpretation) That area, the whole of that area is called
6 Moroto river, the area around the Moroto river, because we had just moved and we
7 were just moving, moving, moving so that we could find a good location where we
8 would have a good environment and breath fresh air.

9 PRESIDING JUDGE SCHMITT: [10:56:41] Mr Witness, does the name of a location
10 named Abia ring a bell?

11 THE WITNESS: [10:56:57] (Interpretation) I know.

12 PRESIDING JUDGE SCHMITT: [10:56:58] Was this the place where the commander
13 sent the group to to revenge?

14 THE WITNESS: [10:57:11] (Interpretation) He did not just send, he did not just send.
15 He even went himself there, because he was really, really extremely annoyed.

16 PRESIDING JUDGE SCHMITT: Thank you, Mr Witness.

17 Mr Zeneli, or should we have the break now?

18 MR ZENELI: [10:57:25] If you could indulge me with just one more question,
19 your Honour?

20 PRESIDING JUDGE SCHMITT: [10:57:29] Of course, of course, yes.

21 MR ZENELI: [10:57:30]

22 Q. [10:57:31] Mr Witness, do you remember the exact words that Odhiambo used
23 for the attack on Abia?

24 A. [10:57:48] In that movement there was no plan to go and attack any place. We
25 were just moving. So when we came across the government soldiers, if they had not

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 fired, shot at us and injured or killed our people, he would not be angered. But since
2 that happened, he was angered and said: Since they attacked me and I was not the
3 aggressor, I should now go and attack them from the place they came from.

4 That is what he said. So in the LRA, most times, every time everyone is on 24-hour
5 standby. So once it is said fighting, when it is war, everyone will go to war.

6 And no one wants to say people should go, it cannot be like -- you cannot be -- it
7 cannot be said that you should go or you should not go. He will just come and
8 estimate that from this point you should go, from this point you remain, because
9 everyone will be fighting, will be struggling to be included in the group that is going
10 for engagement.

11 MR ZENELI: [10:59:01] Your Honour, may I seek really quickly permission to
12 refresh from --

13 PRESIDING JUDGE SCHMITT: [10:59:05] Yes, that makes -- it's reasonable, so to
14 speak. Yes, please.

15 MR ZENELI: [10:59:10] Thank you, your Honours. And the reference is tab 7,
16 UGA-OTP-0276-2583 at page 2605, lines 739 to 741, and at page 2606, line 776.

17 Q. [10:59:26] Mr Witness, when asked by the investigators you stated that:

18 "Odhiambo's order was that in Abia there should be nothing left alive, be it a human
19 being or a goat or a chicken, they should all be killed, and that there was supposed to
20 be no mercy."

21 Is that correct?

22 A. [10:59:55] Even up to now you hear when I say anything, even, even, even, even
23 black ants or a lizard should be killed, anything that is living. You have understood
24 that?

25 Q. [11:00:14] So that is what Odhiambo said, is that correct?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 A. [11:00:20] That's correct.

2 MR ZENELI: [11:00:22] Your Honour, if you allow me, because I feel it is important I
3 say it. I before we break would like to apologise for being slightly resistant to your
4 remarks, very helpful remarks, and I just wanted to do that before the break.

5 PRESIDING JUDGE SCHMITT: [11:00:39] Of course, it's accepted of course. And
6 you know it is for everybody in the courtroom. And really the purpose is only to
7 allow people who want to follow these proceedings, to let them follow as much as
8 possible. And we have information that really there are more people than we
9 perhaps would in our enclave here, so to speak, would imagine sometimes would like
10 to follow purposefully and this is the only reason why I addressed it.
11 So we have the break until 11.30.

12 THE COURT USHER: [11:01:19] All rise.

13 (Recess taken at 11.01 a.m.)

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

15 THE COURT USHER: [11:31:27] All rise.

16 PRESIDING JUDGE SCHMITT: [11:31:47] I would like to remind everyone that
17 today we have only these two sessions.

18 Please continue, Mr Zeneli.

19 MR ZENELI: [11:31:59] Thank you, Mr President.

20 Q. [11:32:03] Mr Witness, I will now move to a different section of my questions.
21 You are now aware of the rules. We're in open session.

22 I would like to ask you about your knowledge on Sinia brigade's attacks. Do you
23 know of any attacks during your time in the bush carried out by Sinia brigade?

24 A. [11:32:49] Personally, to my knowledge, Sinia brigade attacked a number of
25 places. It's very difficult to state which ones of the attacks they committed, because

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 when you are in the bush, each and every person has a task. We are all taught how
2 to fight. But they fought on numerous occasions.

3 PRESIDING JUDGE SCHMITT: [11:33:23] So, Mr Witness, were you an eyewitness
4 of any of these attacks and events?

5 THE WITNESS: [11:33:32] (Interpretation) Other than the event that I spoke about
6 earlier, there is no other event that I personally witnessed. But I heard, I heard of
7 a number of events because that's the nature of our job.

8 PRESIDING JUDGE SCHMITT: [11:33:53] So, of course, you know that, Mr Zeneli,
9 then these testimony must not have finally a very high probative value because it is
10 hearsay. So I think we can limit the whole purpose a little bit in that way, because
11 we have eyewitnesses for all sorts of attacks. So we can make it relatively shortly.
12 That was the purpose of this questioning.

13 MR ZENELI: Thank you, your Honours.

14 Q. [11:34:25] Would you remember any of the locations in which Sinia attacked?

15 A. [11:34:41] The ones that I have heard, are you asking about what I heard? I did
16 not see, I did not witness anything, but I heard. So could you please clarify that for
17 me?

18 Q. [11:34:53] Yes, what have you heard?

19 A. [11:35:02] I heard about Lukodi, I heard about other places, perhaps if you could
20 refresh my memory on that, because I wasn't paying particular attention to the areas
21 that they attacked. But I do know that they attacked several areas, and the task we
22 had at hand while we were in the bush was fighting.

23 Q. [11:35:28] Would Abok mean anything to you?

24 A. [11:35:44] If you call it Abok, then no, because Abok, not really, I do not know of
25 an area known as Abok.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 Q. [11:36:00] Do you know of an area similar to that?

2 A. [11:36:14] If you talk about Abore, then yes, but if you are talking about Abok,
3 then no.

4 Q. [11:36:21] What about Obok or Oboko?

5 A. [11:36:30] No, I don't know any Abok.

6 Q. [11:36:35] What about Koch Ongako, did Sinia go to Koch Ongako?

7 A. [11:36:45] Yes, I heard that they did go to Koch Ongako, but I do not know the
8 exact date that they went to that area. It wasn't part of my responsibility. I wasn't
9 tasked with taking notes and reporting things. But I do know that they did, because
10 that's part of the things that we were doing while we were in the bush.

11 PRESIDING JUDGE SCHMITT: [11:37:10] And where did you know it from,
12 Mr Witness?

13 THE WITNESS: [11:37:19] (Interpretation) Some of the information was heard over
14 Radio Mega. Maybe when I'm within the vicinity of some of the commanders who
15 are listening to the radio, sometimes I would hear about this information from people
16 who are in Sinia brigade. When we meet they would discuss the attacks that they
17 have committed or the missions that they've carried out.

18 PRESIDING JUDGE SCHMITT: [11:37:48] I think we can move on, Mr Zeneli, to
19 another topic I would simply say.

20 MR ZENELI: [11:37:53] Very well, your Honour.

21 Q. [11:37:54] Mr Witness, you just spoke of Radio Mega. Can you tell us what
22 type of radio that is?

23 A. [11:38:08] When I refer to Mega, Mega is an FM radio. There is no other
24 language with which I can describe it. But when they say Radio Mega, it's a radio
25 where there are announcements, where there are broadcasts. And there are

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0233

1 a number of districts that can listen to broadcasts from Mega Radio, for example, if
2 somebody goes on a station known as Premier. Do you understand that?

3 PRESIDING JUDGE SCHMITT: [11:38:43] I think we understand that, and we heard
4 already that this is obviously a private radio station that everybody can listen to.
5 And since everybody could listen to the information, also everybody could have
6 listened to the information about incidents or attacks, and that was the reason why I
7 think we can make this short.

8 MR ZENELI: [11:39:06]

9 Q. [11:39:06] Other than public radios, were there any other radios in the LRA?
10 Were there other radios used there?

11 A. [11:39:15] Yes, the LRA did have radios. The radio calls that the commanders
12 used to use to communicate with each other, they would inform each other of the
13 attacks that they've committed. For example, they would tell one group that this is
14 what we did, and the other commander would also report what he has done so as to
15 boost the morales within the different units and the different brigades, because if one,
16 one group commits an attack, then the other group also has to do the same.

17 Q. [11:39:59] Did the commanders do this reporting to boost the morale of the
18 soldiers for any of Sinia's attacks?

19 A. [11:40:17] You have asked the question, so I will respond. When they are
20 sending messages, they are sending messages to the commander such as Kony.
21 They do have scheduled times, scheduled times when they set up the radio to
22 communicate.

23 So during the scheduled times, if you are called on radio, you would come on radio,
24 report the events that you have done, report what you have done. For example, in
25 the morning they would ask: How did you guys spend the night? How are these

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 things going on?

2 So there is only one radio, one radio channel that all the signallers listen to. So if
3 they call the number that you use or your radio sign call, then you inform them what
4 happened. If it requires the commander to come next to the radio or next to the
5 signaller, then the commander comes next to the signaller and they speak to him.
6 Do you understand that?

7 Q. [11:41:21] When the radios would report on attacks, and I would like you to
8 focus on Sinia's attacks, Sinia brigade attacks, could you tell us whether the
9 commanders in your unit reported that to their own soldiers.

10 A. [11:41:50] If they have heard about it?

11 Q. [11:41:56] Yes, if they have heard about, either as you have said through the
12 public radio or the military radio. Can you -- we would just like to understand the
13 process, what would happen. You told us earlier on that -- and I will read:
14 "The radio calls that the commanders used to use to communicate with each other,
15 they would inform each other of the attacks that they have committed."
16 And then you said: "For example, they would tell one group that this is what we did,
17 and the other commander would also report what he has done so as to boost the
18 morales within the different units."

19 Now, I'm asking, was there an example of Sinia's attacks used in this context.

20 A. [11:42:58] No, they do not send the message immediately. Let me give an
21 example. You see the judges sitting in front of us, they are in a different group.
22 That's an example. I will go back to the information that I was talking about. So,
23 for example, I would not tell, I would tell one -- I would not tell one judge on the left
24 that this is what I did, the judge in the middle this is what I did, the judge on the other
25 side this is what I did.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 They would call Kony's signaller, and then Kony's signaller would send the
2 information. For example, Kony would then say: "Look here, you guys are not doing
3 anything, you are not performing. Take an example of Sinia, Sinia has done this,
4 they have gone on mission, this is what they have done. They have fought, they
5 have captured ammunitions, they have captured Wellington boots, they have
6 captured uniforms. What are you doing? What are the rest of you doing?
7 You are not doing anything. All you are doing is going for food. Did I bring you
8 here to collect food? Did I bring you here to eat?
9 No. I brought you here to fight. So if you are one of the commanders that does not
10 fight, then you are not endearing to him."
11 So he would talk to them in that way. And they were all like children, they were all
12 like children to him. If your father tells you something, if your father tells to you do
13 something, if you follow your father's instructions, your father, it would endear your
14 father. But if you do not follow your father's instructions, then he is not going to like
15 you. Do you understand that?
16 PRESIDING JUDGE SCHMITT: [11:44:32] I think that was a very colourful
17 explanation. And I don't know, but it was he was so fast speaking, I wonder how
18 interpreter could follow. But thank you very much.
19 MR ZENELI: [11:44:52]
20 Q. [11:44:52] Do you remember any of the specific attacks which was used by
21 commanders in your unit as an example from Sinia's attacks?
22 A. [11:45:08] At the time or are you talking about any other time?
23 PRESIDING JUDGE SCHMITT: [11:45:13] I think you have tried it several times. I
24 think it is difficult for the witness really to understand what you are up to. So I think
25 we can move on to another point. And he has answered a lot in that respect which

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 we can put together, and I think we don't have to pursue this further.

2 MR ZENELI: [11:45:37]

3 Q. [11:45:37] How was Sinia's work perceived by the LRA fighters during your
4 time in the bush?

5 A. [11:45:57] Their work was perceived as something very good. For example, in
6 any government, in any world there is usually one commander who is lucky. If I say
7 luck, that means I guess people understand what I am talking about, because when he
8 is moving with a particular group, he goes, he carries out his mission, he comes back
9 with his people without any deaths.

10 So Dominic had that kind of luck. He had the luck. He would go, fight, come back
11 with all his group. And he would also dedicate himself when a mission is -- when
12 instructions are issued for a mission to be carried out, he would dedicate himself to go
13 and do that, select his people, go, conduct the mission and come back with his people.

14 Q. [11:46:50] And what instances do you remember him doing that? Do you
15 remember Dominic Ongwen going with his fighters to attack? Do you know any
16 specific locations that he did that?

17 A. [11:47:24] (No interpretation)

18 PRESIDING JUDGE SCHMITT: [11:47:25] I think we don't have interpretation at the
19 moment.

20 THE INTERPRETER: [11:47:28] Sorry, your Honour. I forgot to switch on the
21 microphone.

22 PRESIDING JUDGE SCHMITT: [11:47:35] Okay. I don't hope this was the effect of
23 my last remark. That, of course, can happen.

24 Mr Witness, apologies by us. Your last question, the microphone of the interpreter
25 was not switched on. So could I please ask you to repeat your answer. That was

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 our fault. So please repeat your answer.

2 THE WITNESS: [11:48:04] (Interpretation) I did not hear of any plan, planned attack
3 or that he dedicated himself to go and fight at a particular camp. That is not
4 something that I was personally aware of.

5 But I heard that Sinia did this. But if he is being pursued by soldiers or if the soldiers,
6 the government soldiers pursue people who have been sent to collect food, then the
7 soldiers that we would meet or the information that I heard over the radio was that
8 Dominic would dedicate himself as a leader. He would get his gun ready, and on
9 most occasions when he is sitting under a tree, he would have his gun ready, and if
10 there is an incident, if anything happens, he is usually at the front line. He is either
11 the first, second or third person to go to the battlefield, which means that all his
12 soldiers were motivated and all his soldiers would follow him whenever he went.

13 Does that make sense?

14 MR ZENELI:

15 Q. [11:49:10] Perfectly so.

16 PRESIDING JUDGE SCHMITT: [11:49:11] Yes, really, but we have to -- it seems to
17 be clear that the witness has not witnessed this directly with his own eyes, he's a bit --

18 MR ZENELI: [11:49:22] He has heard it.

19 PRESIDING JUDGE SCHMITT: [11:49:23] Yes, he has heard it.

20 MR ZENELI: Yes.

21 PRESIDING JUDGE SCHMITT: So I think it is clear now and, yes, we can move on.

22 MR ZENELI: [11:49:29]

23 Q. [11:49:39] You said that his soldiers were motivated and all would follow his
24 whenever he went. How did this compare to the other units, the other commanders
25 in the LRA?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0233

1 A. [11:50:02] If I am to give you an example, let's take, for example, at the time the
2 government of Uganda would send soldiers to look for LRA, mobile units to look for
3 LRA fighters in the bush. They would tell civilians that they are going to collect
4 their children and bring the children back home.

5 But once the soldiers, once there is a battle, the commanders would say: Select
6 a number of people to kill these people.

7 But Dominic would not say that. Dominic would tell you that, "Guys, here are the
8 uniforms, here are the bullets, here are the Wellington boots. What we have been
9 told, we have been sent here to fight, so what we have to do is stand and fight."

10 So there was somebody else who would rush to the front. For example, if you are
11 hungry, when they bring food, if there are a number of people and the food is not
12 enough, everybody rushes to eat the food.

13 So when he stops, when Dominic stops, most of the soldiers want to show how
14 hard-working they are, and that makes it easy, because he is a motivating commander.

15 Not all commanders are the same. Some commanders would issue instructions and
16 say "Go and fight" and he would leave. Do you understand that?

17 Q. [11:51:41] Do you know whether Sinia brigade attacked Odek?

18 A. [11:51:54] Yes, I heard that they did attack Odek.

19 Q. [11:51:59] Do you know whether they attacked Koch Ongako?

20 A. [11:52:05] Yes, I heard that they attacked Koch Ongako as well.

21 Q. [11:52:10] Do you know whether they attacked camp Alero?

22 A. [11:52:17] Yes, I heard about that event as well.

23 Q. [11:52:21] And do you know whether they attacked Lukodi?

24 A. [11:52:27] Yes, I also heard about Lukodi.

25 Q. [11:52:31] And were these attacks considered good work by Sinia brigade?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 A. [11:52:44] That is the kind of work that Kony wants people to do. If you do
2 that, then you are liked, but if you do not do that, then they consider you as
3 a commander who is merely taking care of soldiers. That does not necessarily mean
4 he does not like you, but his preference are commanders who would go out and fight.

5 Q. [11:53:12] Who did you hear about these attacks from? Who did -- who told
6 you so?

7 A. [11:53:26] Sometimes a fellow soldier. Sometimes when we meet with officers
8 from Sinia brigade, for example, there was one known as Ocan Bogi, we was
9 somebody who was also close to us so he would also tell us this kind of information.
10 He was also very brave. He was also a fearless fighter so he would talk about things
11 like this. We also sometimes heard things over the radio. Sometimes we would
12 hear about these things while they were communicating with the radio call when the
13 commanders are saying, "Well, the rest of you units are not doing anything. Sinia is
14 doing this. Sinia has everything they need. They have the uniforms, they have
15 ammunition, they have the Wellington boots that they need." You understand that?

16 Q. [11:54:22] And you heard all of this yourself; is that correct?

17 A. [11:54:28] Yes, I heard this. I was told, I was given this information because
18 that was what we were all supposed to do. That's what they wanted us to do.

19 Q. [11:54:40] Who is "they" that you mean by when you say "they wanted us to
20 do"?

21 A. [11:54:50] If you say who, then they are many people. But there is Kony and
22 his army commanders who usually issue these instructions. But it's mostly Kony
23 who issues instructions, claiming that he has been instructed by the holy spirits.

24 Q. [11:55:18] On Odek, who did you hear it from, do you remember?

25 A. [11:55:29] I heard about the attack on Odek from Ocan, I also heard it over the

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 radio. Ocan is a person, a person like me, so I heard it from him directly.

2 Q. [11:55:45] Do you know of any particular soldier that was in Odek, from Sinia
3 brigade?

4 A. [11:56:00] There were many soldiers who went who were part of it. But it's
5 a number of years now. Some of them have died and I cannot recall every single
6 person. You know, when somebody dies there is a tendency to forget about that
7 person. If the person is your relative, for example, if the person is your child, then
8 you cannot forget. But if it's somebody who you have met in the line of duty, then,
9 yeah, you cannot always keep memory of the name of the person, who they are,
10 where they are from. It's very difficult.

11 PRESIDING JUDGE SCHMITT: [11:56:37] Just one question for follow-up, I think
12 that it fits here. This person Ocan from whom you heard about Odek, did he
13 participate in Odek?

14 THE WITNESS: [11:56:56] (Interpretation) At the time, if he wasn't lying to me then
15 he told me that, yeah, he did go to Odek.

16 PRESIDING JUDGE SCHMITT: [11:57:02] Mr Zeneli.

17 MR ZENELI: [11:57:03]

18 Q. [11:57:03] And what did he tell you about Odek?

19 A. [11:57:16] He told me that they went to Odek, they went to attack Odek. When
20 I say "attack", that means to fight against soldiers. You know, when there is a battle,
21 even for example animals, if animals are fighting the grass also suffers. So the grass
22 is the civilians. When you are fighting, when soldiers are fighting, soldiers
23 cannot -- the bullets cannot bypass the civilians, so the civilians suffer like the grass
24 that suffers under animals fighting.

25 Q. [11:57:50] And what do you mean by the civilians suffered like grass at Odek?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 What do you mean by that?

2 A. [11:58:03] They will be killed. They will be caught in the crossfire during the
3 battle. You understand?

4 Q. [11:58:12] What else other than the killing of the civilians happened in Odek.
5 Did anything else happen there. What did Ocan tell you?

6 A. [11:58:22] They also abducted children, children who can be recruited into the
7 ranks of the LRA. They also abducted girls, girls who would subsequently become
8 wives. That was something that happened habitually in the LRA. Those are the
9 kind of things that he told me.

10 Q. [11:58:47] You just told us that they abducted girls, girls who would
11 subsequently become wives and that that was something that happened habitually in
12 the LRA. What do you mean by that, "that happened habitually in the LRA"?

13 A. [11:59:11] When I say it happened habitually, that means when -- any time if
14 people are sent to abduct, the orders -- the instructions are issued. Nobody decides
15 on their own volition that I am going to do this. But when Kony issues instructions
16 that abduct, so when they find girls, boys, they abduct. That's what I mean by
17 habitually. If he issues the instructions today they would abduct today, tomorrow
18 they would abduct tomorrow. Does that make sense?

19 Q. [11:59:46] What would an LRA mission consist of usually, what would an LRA
20 mission be?

21 A. [12:00:05] When you are talking about work, or mission, even you, you are
22 asking me the question. You know that when the LRA are talking about work, that
23 means fighting. That means they are going to fight against their enemy, the enemy
24 is the UPDF. The LRA and UPDF are enemies. When they meet they fight. I do
25 not know whether the superior leaders of the LRA and the government had issues

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 before. We don't know about that, but whenever they meet they fight. Does that
2 make sense?

3 Q. [12:00:42] And other than the fighting, what else would happen in an LRA
4 mission?

5 A. [12:00:52] They would collect food, they would abduct people, for example,
6 boys so that the boys could recruited into the army. They would not abduct older
7 men. They would abduct girls. Some of the girls would be kept in the Yard. You
8 know, Kony would say sometimes that a spirit would instruct him to make some
9 traditional herbal medication and give it to the girls to drink. If somebody wants to
10 fight, the person can become a soldier or a fighter, even if the person is married and is
11 with her husband. Do you understand?

12 Q. [12:01:35] You mentioned earlier that you don't remember any specific names of
13 fighters that participated in Odek. Would Abongomek ring a bell to you?

14 A. [12:01:52] Yes, I recall him and I know him very well.

15 Q. [12:02:00] And how do you recall him in relation to Odek attack?

16 A. [12:02:08] He was one of the commanders who was committed to his work, and
17 actually military work was his exact word and he would follow all the orders given to
18 him without fail. Understood that correctly?

19 Q. [12:02:23] Was he present at Odek attack?

20 A. [12:02:35] Well, maybe he was there. Because it has taken, it has been a while.
21 And most times he would be sent for operations, because he used to work in support
22 very well. Even now when he is in the UPDF, he is in support. Right now he is in
23 UPDF and he is in support. During training, he would not go for training because
24 he is naturally intelligent and brilliant in his work.

25 Q. [12:03:13] what about Lukodi? What did you hear about Lukodi?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 A. [12:03:30] What LRA could have done in Lukodi is what actually took them.
2 Maybe, maybe collecting food, abduction. And even there are soldiers there who
3 would be protecting those people and they would not want those people to be
4 abducted. So yes, there would be engagement, and you know when there is
5 engagement even a witch would be slapped, then the result would be death. So I am
6 sure people would have also died. Is that clear?

7 PRESIDING JUDGE SCHMITT: [12:04:01] Mr Witness, I think most of the times we
8 understand everything what witnesses tell us. We can follow and you don't have to
9 ask us that, and if there is a problem with understanding I think there are follow-up
10 questions to clarify that.

11 I have a question again which is in the same vein that I asked you before. When you
12 spoke about Lukodi where did you hear it from?

13 THE WITNESS: [12:04:34] (Interpretation) I got sometimes Ocan, Ojok Sukere,

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [12:05:06] And these people that you mentioned, do
19 you know if they participated in that attack, or did they claim to have participated in
20 that attack?

21 THE WITNESS: [12:05:29] (Interpretation) Some people participated and some could
22 not have participated, because this has been an event that happened some years back.

23 PRESIDING JUDGE SCHMITT: [12:05:38] Please continue, Mr Zeneli. And, as I
24 said, I think we can soon move to another topic, I would say. Not only move on, but
25 to another topic.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 MR ZENELI: [12:06:05]

2 Q. [12:06:06] Mr Witness, following the valuable Judge's instruction I would like to
3 move to a different topic now, and that's what you've already mentioned briefly but I
4 would like to get into some details of that. You have told us about the abduction by
5 the LRA. I would like to ask you why were people abducted, why was LRA
6 abducting people in northern Uganda -- in Uganda?

7 A. [12:06:44] Abductions is actually recruitment into the army. But in this kind of
8 army people do not voluntarily join so you have to forcefully recruit.

9 Q. [12:07:06] Do you know of any woman, girls that came voluntarily in the LRA.
10 And this is during the time you were with the LRA.

11 A. [12:07:26] I did not hear, I did not see.

12 Q. [12:07:30] Do you know of any man or younger man or children that came
13 voluntarily in LRA?

14 A. [12:07:47] When the -- at the time when the LRA captured me, I never heard and
15 I never came to know whether somebody voluntarily joined. All were abducted.

16 Q. [12:08:05] Now can you tell us how they were abducted?

17 A. [12:08:19] Abductions, you just come to a home or you, you could be got along
18 the way. And the person who has a gun cannot be compared with someone who has
19 nothing. So one two or three of them come and you are put at gunpoint, you just
20 follow the instructions that you have been given. If you are asked to sit down, you
21 sit down. If they ask you to put your hands to your back, you do that. So they will
22 tie you up, they will tie your hands and they will also give you some bags to carry on
23 your back and you are instructed to start moving. And that is already the process of
24 abduction and you start moving according to instructions.

25 Q. [12:09:11] Could any of the abductees refuse or object to the instructions?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 A. [12:09:26] How would you refuse? If you refuse you will be killed.

2 Q. [12:09:31] Now let's focus on the women and girls that were abducted. After
3 they were abducted where were they taken to?

4 A. [12:09:47] They are taken and kept with the commanders who have been tasked
5 to take care of them. Those ones, the commanders are called admin. And, you
6 know, in the bush there is no functional health system where, you know, you are
7 tested, you are checked to see that you are okay, you are healthy.

8 So the young ones -- so those fairly older ladies are distributed to the men and then
9 the young ones are kept and sent to Joseph Kony. The men who are given women
10 would have, their information, information about them would have come from
11 Joseph Kony that saw, and saw you like -- we like your work and so Joseph Kony is
12 going to appreciate you by giving you wives.

13 Q. [12:11:01] You said that the young ones were kept and then sent to Kony. Who
14 were they kept from? Who kept the young ones?

15 A. [12:11:22] Admin is the one in charge of taking care of them.

16 Q. [12:11:28] And what was the role of the young ones?

17 A. [12:11:38] When they were still temporarily being kept within, they are used to,
18 as babysitters. Sometimes when they are sent to Kony's homestead he would also
19 not keep them within his home. They are taken to the Yard. Those ones who are
20 taken to the Yard are used to prepare concoctions of traditional herbs which are used
21 for medication purposes within the bush.

22 Q. [12:12:14] You said they were kept temporarily, where were they kept
23 temporarily as babysitters?

24 A. [12:12:30] They could be given to one of the commanders who has a wife and
25 has -- and that wife has a child, a younger child, so these young girls would help to

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

- 1 look after the child and this commander is instructed to take care of this girl.
- 2 Q. [12:12:54] And when you say young, how young do you mean, what age?
- 3 A. [12:13:04] Approximately 12, 13 years old.
- 4 Q. [12:13:09] And what happened to them when they grew up, when they grew
- 5 older?
- 6 A. [12:13:23] When they mature they are given out to men.
- 7 Q. [12:13:30] They are given out to men as what?
- 8 A. [12:13:39] To become a wife. If I say to become a wife I am sure you know.
- 9 Q. [12:13:47] Who would give them out to men to become wives?
- 10 A. [12:13:58] Well that kind of thing, most LRA commanders who are in charge of
- 11 a particular group usually have these orders given to them and they will look at this
- 12 girl and say that these particular girls are now of age and are ready to have, to be -- to
- 13 have husbands. So they would be given out. Even Dominic himself did that.
- 14 Other commanders like Odhiambo did that. Several other commanders did that.
- 15 Q. [12:14:35] How do you know that even Dominic himself did that?
- 16 A. [12:14:47] Even at the time when I had grown up and I liked my, my military
- 17 work, and I knew that military work, if you are committed to it they will like you.
- 18 The commander started knowing me, even came to know me. So at that time there
- 19 was a bit of challenges in the fighting so people were fighting, we would put ambush.
- 20 About two -- four or five people would set up ambushes and they would collect guns.
- 21 So the OC who was with him said that people have received guns, we are now going
- 22 to move with you. So yes indeed, we went, I went with him and what happened
- 23 while there, we started engaging in fight with the UPDF. And I received a PK from
- 24 Faradesi and information about me went upwards and indeed I was told also to be
- 25 given and truly I got and received one.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 Q. [12:16:14] How did you know that Odomi, that Dominic Ongwen distributed
2 women, young girls, as wives?

3 A. [12:16:35] Well, if again for very young ones, then I did not come to know that.
4 But those ones from 15 years, 16, those ones are the ones that I know. And at the
5 time that I said I was given one, that was a time he was the one, our commander.
6 And you know the task of collecting a PK is not easy, so I was the one who managed
7 to get a PK and that was a very difficult job. And since it was a difficult job and
8 I was given, and the orders to give me means the orders came from up to him and
9 then the orders came to the commander with whom I was staying. That is how I
10 came to know.

11 Q. [12:17:29] Now without giving us names, just on that last bit you just told us,
12 you said, "and the orders to give me means the orders came from up to him and then
13 the orders came to the commander with whom I was staying." Who do you mean by
14 "means that the orders came from up to him", who is "him"?

15 A. [12:17:59] From Kony, Kony is the highest person, top in the LRA. So when I
16 say "up" just know that information came from Kony, comes down to the lower
17 commanders like Odomi, and then after him it comes to lower commanders who now
18 are with us in the smaller groups, then now it comes down to us.

19 Q. [12:18:26] We will talk about your own details in private session later on, but I
20 would like to have you focus now on what you were saying earlier about this
21 distribution of the women as wives by the commanders. And you mentioned
22 Odomi as one of them and I asked you how do you know that. Can you focus only
23 on that question. How did you know that Odomi distributed women as wives?

24 A. [12:19:08] The other lower ranking officers, the sergeants, the ones who are
25 hard-working, indeed he gives wives to those lower ranking officers. And the

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 person who is given a wife is the one who would mention that.

2 Q. [12:19:31] Did you ever get to see how many women or girls were in Sinia
3 brigade at any point during your stay in the bush?

4 A. [12:19:52] I did not count because I was also in -- not in that group, but it was
5 there.

6 Q. [12:20:05] Was there ever a moment in which you yourself saw how many
7 women and girls were in Odomi's group, in Odomi's unit?

8 A. [12:20:25] They were there. At least the ones I saw. But I did not count to
9 know how many they were.

10 Q. [12:20:34] How did they compare with the women and girls in your unit?
11 Were there more or less women and girls?

12 A. [12:20:53] The units I was in they were few.

13 Q. [12:21:01] And what about the unit that Odomi was leading?

14 A. [12:21:13] You are talking about the number of women?

15 Q. [12:21:17] Yes, number of women, girls, ting tings, as you said. How did that
16 compare to your unit?

17 A. [12:21:32] There were many. There were many with him because there
18 was -- there was a lot of work there.

19 Q. [12:21:43] You just told us there were many with him because there was a lot of
20 work there. Can you explain to us what this link is? What does that mean, he had
21 more women and girls because there was more work?

22 A. [12:22:02] When I say military work, there's a lot of work there, it means, could
23 be he has planned for ambush, to go and ambush military vehicles, or maybe the
24 UPDF followed them. Because, you know, when you send people for ambush, for
25 ambushes, the military, the UPDF will also follow them so, so there is most time

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 engagement with the, with the UPDF.

2 So they would now get the girls from the other place to come here to this group so
3 that, you know, people are motivated to continue working.

4 Q. [12:22:43] How would Odomi decide to give a woman or a girl as a wife to his
5 fighter?

6 A. [12:23:02] He would have sent that information upwards that you see, sir, my
7 officers, my soldiers are really doing good job and the people that I see are doing
8 good work are sergeant so-and-so. Because there the women were given mostly to
9 sergeants so he would mention the names of such persons. So he is given
10 instructions that if you go and attack a place and you abduct girls, then, yes, you have
11 to motivate them because they are really working hard and they are also protecting
12 you. So that is what happens.

13 Q. [12:23:54] Would there be instances in which Odomi would not communicate
14 this to his superior?

15 A. [12:24:19] Well, in that case I do not know, because as, as a commander most
16 times he has his radio and his signaller.

17 MR ZENELI: [12:24:34] It's a minor point, your Honour, but if you would indulge
18 me with that may I refresh, actually, may I put one paragraph to the witness from his
19 prior statement?

20 PRESIDING JUDGE SCHMITT: [12:24:44] If you deem it relevant then you can do
21 that.

22 MR ZENELI: [12:24:52]

23 Q. [12:24:53] Mr Witness, when you were interviewed by the investigators and
24 asked on that very same issue, you said that this was especially --

25 PRESIDING JUDGE SCHMITT: [12:25:11] Where are we now, Mr Zeneli?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 MR ZENELI: [12:25:14] You want the reference?

2 PRESIDING JUDGE SCHMITT: [12:25:15] Yes.

3 MR ZENELI: [12:25:16] Yes, I apologise. It is tab 10, UGA-OTP-0276-2673 at
4 page 2687, line 455 to 461. And it's the second part of that information that I would
5 like to put to the witness.

6 PRESIDING JUDGE SCHMITT: [12:25:47] Yes, please read it and then ask the
7 witness if he recalls or whatsoever.

8 MR ZENELI: [12:25:53]

9 Q. [12:25:53] So, Mr Witness, when asked by the investigators in your statement on
10 the subject that we were talking about, you said: "And it was especially happening
11 in Sinia where Odomi, when he sees a soldier has done a good job, he has performed
12 the task he had been set to do, he was given a wife ..." You already gave this to us.
13 But you also said "But he", meaning Odomi, "would not communicate this
14 information to Kony."

15 Is that correct?

16 A. [12:26:35] Sometimes he does, but very rarely, but he does not completely sit
17 over the information, but he would inform that I did this and this and that, because
18 there are times when operation is really difficult and wherever you communicate on
19 radio call immediately the government soldiers will send a helicopter gunship to
20 follow you up.

21 PRESIDING JUDGE SCHMITT: [12:27:01] And how did you come to know that?

22 THE WITNESS: [12:27:13] (Interpretation) You are asking me a question,
23 your Honour?

24 PRESIDING JUDGE SCHMITT: [12:27:16] You said, Mr Witness, about certain acts
25 and what Odomi did and what he not did, for example, rarely, as you said, he did not

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 communicate to Kony. And I wanted to ask you how did you come to know that?

2 THE WITNESS: [12:27:37] (Interpretation) At that time there would be an RV which
3 is called maybe after one or two months and people would meet. But at that time
4 also there was, it was in -- the intensity of engagement with UPDF was very high and
5 so we would just move a few people, like three/four to go and meet him, Dominic, at
6 a point which has been agreed upon. Many times communication will not be there
7 but you only meet and make appointment for the next meeting. Even in my case,
8 when I was given, that is what happened. There was no communication because
9 immediately you put up, radio antenna up, immediately the gunship would come
10 and follow you up.

11 PRESIDING JUDGE SCHMITT: [12:28:35] Please continue.

12 MR ZENELI: [12:28:39]

13 Q. [12:28:40] Witness, we spoke about the younger girls, the ting tings. I would
14 like to also talk about the somewhat older ones that you were referring to. What
15 would happen to them when they were abducted and brought back to the LRA?

16 A. [12:29:04] They are distributed to boys who have been observed to be doing
17 good work. It is got given to any, any, any male. They are given to sergeants who
18 have really been observed and seen to be doing good work. They actually follow the
19 history and record of this person, how the person was recruited, how the person
20 trained in the LRA and what work he is now doing. So there is always that
21 observation which is made of those people who were given wives.

22 Q. [12:29:45] And was this system of distribution taking place throughout the time
23 that you were in the LRA, so from June 2002 until the moment you left in 2013?

24 A. [12:30:08] When there is an order for abduction that happens. But if there are
25 no abductions and, you know, when the -- you know, soldiers, when, many times

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 when they see a very beautiful girl they will just say let's just go with this person, let's
2 go with her, because even when the senior commanders now will not approve of it,
3 will not approve of it, we will have already taken. So when they reach their location
4 the commander would now send a message to their superior and say that, sir, this
5 person has come with this person, these girls here, what do we do? Will it not bring
6 us some problem? Then the senior commander will say, okay, it's okay, you can
7 now keep them. And that is it. So it doesn't mean that when orders are given not
8 to do abductions it will be strictly followed; a few abductions will still take place.

9 Q. [12:31:22] So this system of distribution that I was asking about, was this the
10 case from the moment you joined the LRA, you were abducted by the LRA in
11 June 2002? Was the distribution done like this throughout the time you were there?

12 A. [12:31:44] All times. All times while I was in the bush, that's what happened.

13 Q. [12:31:53] What were the roles of the wives in the LRA?

14 A. [12:32:04] Wives in the LRA, well, a few would be armed, a few were fighters.
15 But, you know, women mostly perform certain household chores like cooking, being
16 a housewife. If somebody is young, the person is taken care of and used as
17 a babysitter in commanders' houses. And sometimes they would also use them to
18 mix herbal medication.

19 Q. [12:32:38] So other than the household chores like cooking and being
20 a housewife, what else did the abducted girls and women that were distributed as
21 wives, what else did they have to do?

22 A. [12:33:02] Other than being a housewife or cooking?

23 Q. [12:33:07] Yes, other than that, did they have other tasks? Did they have to do
24 any other thing?

25 A. [12:33:17] You know, when somebody is abducted and brought into the bush,

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 the person follows instructions. Whether or not they want to follow those
2 instructions, they were obliged. If the person is given a wife, the person who
3 receives the wife, when the person is on the list of people who is supposed to be given
4 a wife or a girl, they will tell the person that we have received girls, if you see any girl
5 that you like among those girls let us know. The person would indicate which girl
6 he likes. They would call that girl and tell the girl that today, from today on this
7 person is your husband. If you need any kind of help, you need soap, you need
8 clothes, you need Wellington boots, you ask him, whatever. And the husband is also
9 told that you as the husband, you have to talk to this girl and make sure that she
10 obeys you.

11 Q. [12:34:23] Did the women have to sleep with these husbands, these given men,
12 these men they were given to?

13 A. [12:34:37] When I'm talking about husband and wife, that includes sexual
14 intercourse.

15 Q. [12:34:44] Could the women refuse to have sexual intercourse with these men
16 they were given to?

17 A. [12:34:56] If you have been told that this is your husband, how can you refuse?
18 Where will you go if you refuse? Those are the rules, those are the rules in the bush.
19 The husband has been given those instructions, you as the wife have received the
20 same instructions. No, there is nothing else you can do.

21 Q. [12:35:18] What would happen to them if they refused to do these tasks and to
22 sleep with their -- the men they were given to?

23 A. [12:35:39] When you are in the bush, refusing to sleep with your husband, let me
24 give you an example, when you are at home, if somebody commits a crime or
25 breaches a rule the person will be arrested and put into prison. When you are in the

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 bush they always say the rebels do not have a prison, so that person would be
2 apprehended, the person would be killed, because that person is not obeying the
3 orders that have been -- the rules that are in place.

4 Q. [12:36:20] Other than for refusing to obey the orders -- actually, let me go back.

5 Can you make this more specific for us, Mr Witness. So you told us that the women
6 would be killed if they refused the rules. Could you list these rules for us. I ask the
7 question on whether they could refuse to sleep with their given man. And is that the
8 case that they would be killed if they refused to do that?

9 A. [12:37:00] If you have been given a husband, if you are told this is your
10 husband?

11 Q. [12:37:12] Yes. And if she refused to have sexual intercourse with that man,
12 what would happen to her?

13 A. [12:37:26] In order to, to let her obey, they would, they would beat her severely.
14 If once beaten severely if she continues to breach the rules, that means that she cannot
15 stay among the people.

16 Q. [12:37:47] Could these women and girls escape from the LRA?

17 A. [12:37:58] If they are able to, yes. If they find the opportunity, they would
18 escape. But if somebody has been newly abducted, it's extremely difficult for them
19 to find the opportunity to escape. Yes, there are people who escaped. Many people
20 who escaped. But it's very difficult to get that opportunity to escape.

21 Q. [12:38:18] Were there instances in which women that tried to escape were
22 punished after being caught?

23 A. [12:38:34] Very many. People who have been -- who attempted to escape and
24 were beaten. But the ones that have been killed are far few in number.

25 Q. [12:38:53] Do you know of any who was killed for trying to escape?

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 A. [12:39:08] There -- I do not know the names of the women who were killed
2 when they tried to escape. I do know of an older lady. I heard that she wanted to
3 leave and she was killed. But because at the time that I was abducted, she was
4 already in the -- in the bush, I know that she was an older lady in age and also
5 in -- the time that she spent in the bush, because when I was abducted, she was
6 already there.

7 Q. [12:39:44] What was her name?

8 A. [12:39:48] I do not recall her name. But I would refer to her as Ma'am Aling,
9 because if somebody is already married, they would call the person as ma'am.

10 Q. [12:40:10] And why was Aling killed? Can you give us a bit more information
11 on what you remember in her -- in her situation?

12 A. [12:40:25] It's very difficult for me to explain the whole sequence of events. But
13 I heard that she said that there is no point in continuing in the fight because those of
14 Otti have already been killed as well, so what's the point? There is no point for her
15 to continue in that battle. She is not somebody who is young. They asked her if, for
16 example, somebody like yourself, who has been here for a long time and you want to
17 leave, there is no point because this person has been here such a long time. If she
18 makes the decision to leave, she has been here long, she knows her way about. If she
19 decides to escape, she is going to escape. So the only way we can stop her from
20 leaving is to kill her. So they killed her.

21 Q. [12:41:24] Now, you spoke about the punishment, the disciplining of the women.
22 In what place did this -- this beating, for example, that you mention, where did that
23 take place?

24 A. [12:41:44] It took place any place. Wherever there is that infraction, it would
25 happen there, but I understand that this happened in the Garamba.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 Q. [12:42:00] I am moving away from that example and asking you a more general
2 question about the disciplining of the women throughout the time that you were in
3 the LRA. So since June 2002, when the women were being punished and beaten for
4 refusal to do what they were expected to do, where would this take place?

5 A. [12:42:36] It would take place anywhere. Wherever that infraction occurs,
6 that's where the person would be punished. There were no rules that this person
7 should be taken to a particular location. The person would be punished there and
8 then.

9 Q. [12:42:53] And was this done publicly or privately?

10 A. [12:43:06] It was done wherever that infraction occurred. So if they take that
11 person to the commander, then that's where it would happen. Those were the rules.
12 The rules could not be avoided. It would happen anywhere.

13 Q. [12:43:21] Would others see this punishment? Would others in that -- wherever
14 this infraction took place, would that be -- would they see how the woman was being
15 beaten?

16 A. [12:43:40] The -- for such kind of infraction they do not call everybody. They
17 do not summon everybody and say, "Oh, come, come and watch this person who is
18 being beaten. She is being beaten because she has refused to sleep with her
19 husband". They would beat that person. If you do not hear about it, then you don't
20 know about it. But if you are present and you witness it or you hear about it, then
21 you hear about it.

22 Q. [12:44:13] What would happen if a woman or a man in the LRA would attempt
23 to enter into a relation without the commander's order?

24 A. [12:44:48] Most times if that happens, even at home, a woman cannot start
25 telling a man that I want you. The woman cannot go first. She cannot start

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 the courtship. It is usually the man who goes to the woman first. So if the man
2 goes to the woman and tells the woman that I want to be with you, then the man
3 would be punished more severely than the woman because the woman has been
4 misled.

5 Q. [12:45:26] And do you know of any particular instances when such thing
6 happened?

7 A. [12:45:39] Yes, I did witness some of them personally.

8 Q. [12:45:43] Can you tell us the name?

9 A. [12:45:55] This happened while we were in the Garamba. Dominic Ongwen's
10 wife and another officer who was within his household, this happened to them. The
11 man was called Nyeko Agangi and the girl is known as Ayari. Nyeko was taken,
12 tied up and shot, and Ayari was beaten. She was beaten severely but she survived,
13 because those are the rules.

14 Q. [12:46:42] What did Odomi do in relation to this?

15 MR TAKU: [12:46:46] Your Honours, just when we talk about Garamba, I think it
16 should be way out of the charged period, way out of the charged period. That
17 should be even out of the material and temporal jurisdiction of the crime and out of
18 Uganda. I think it should be in Congo that we are leading this evidence now.
19 I didn't rise previously when the evidence was being led, an attempt to widen the
20 scope of this as much as possible, because I did not want to disturb the proceedings,
21 and I also know that your Honours will be able to sift and know exactly the evidence
22 that is relevant or not. But consistently the witness is giving evidence about
23 Garamba, Garamba, Garamba, when they left the territory of Uganda, and I just
24 wanted -- that would be on record. My colleague may continue leading this
25 evidence as much as possible, but it's good that I place it on record at this point in

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 time.

2 PRESIDING JUDGE SCHMITT: [12:47:44] I think we have also the answers here and
3 we can put them into perspective. And we all know, and we have said this before,
4 we are aware of the charges and the confirmed charges and we are also aware of the
5 fact that -- facts and circumstances that could go beyond the charged period, for
6 example could be used for contextual elements or whatsoever. We have decided
7 that already. But I think there is now enough information. I think you should
8 move on, and insofar I would agree with Mr Taku.

9 MR ZENELI: [12:48:32]

10 Q. [12:48:32] How did Nyeko's death occur, Mr Witness? Who ordered it?

11 A. [12:48:41] The orders to kill Nyeko were given by Kony. Because you know,
12 anywhere -- for example, you or even me, if you have a wife and somebody has sex
13 with your wife, you wouldn't be happy about that. You would be sad. You would
14 be upset about it.

15 So Odomi was aggrieved about the fact that this happened to him. So he said, "Why
16 are the junior soldiers behaving in that manner? So I would rather that they kill me".
17 The commanders had a discussion and some of them decided, "Oh, let's kill both of
18 them. Let both of them be killed". But Dominic, the one who had suffered, who
19 had had that -- whose wife had been slept with, said, "Why does that happen to me?
20 I would be better off committing suicide".

21 And Kony decided that -- told Nyeko that -- "Nyeko, I personally do not want to have
22 you killed, but you have to accept death. Odomi has already indicated that you
23 should be dead. He has not personally said that, but he has indicated that by saying
24 that if somebody sleeps with his wife, then he would rather commit suicide." Nyeko
25 was in front of the commanders. In the evening this guy was taken and he was shot.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 This was at around 5 or 6 p.m.

2 PRESIDING JUDGE SCHMITT: [12:50:30] I think now you really can move on to
3 another point, and you have the time in your mind.

4 MR ZENELI: [12:50:39]

5 Q. [12:50:39] Other than for the infidelity, what else were women punished,
6 disciplined for?

7 A. [12:50:57] Other than the infidelity, there were no other severe punishments that
8 were given to people. I did not see anything and I did not hear about it. But people,
9 yes, people would commit infractions, but the most severe ones that I know about
10 were relating to infidelities.

11 Q. [12:51:22] If a woman who is given as a wife to a man in the LRA refuses to
12 perform her housework chores, as you put them, what would happen to her?
13 Would she be punished or not?

14 A. [12:51:43] They would beat her. They would beat that person until the person
15 accepts. You know, women are easy to be threatened. They would bring some
16 sticks and they would tell the person that if you do not accept this, go, lie down, we
17 are going to beat you a number of -- such-and-such a number of sticks. You know,
18 when you are in the bush, you are usually beaten 50 and more strokes, but because
19 she is afraid, she would say, "Okay, please don't beat me. I will go and do whatever
20 it is that you are asking me to do", so they wouldn't beat her.

21 Q. [12:52:18] And did you see these kind of beatings yourself?

22 A. [12:52:25] Yes, I saw this on several occasions.

23 Q. [12:52:31] We were talking about Odomi's wives and you mentioned one name.
24 Do you know of any other wives of Odomi?

25 A. [12:52:49] I know Ayari. I know Min Fatuma. Most of the women are

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

1 referred to as ma'am, ma'am, ma'am, so it's very difficult for me to know all their
2 names. We would call them, for example, Min Abang, Min Ayari, Min Fatuma. So
3 those are the names that we would use. We would call them mother, mother,
4 mother.

5 Q. [12:53:17] How many wives do you remember or do you know that Odomi had?
6 How many wives did he have?

7 A. [12:53:33] At the time he had -- the women that I personally knew were four.
8 I -- but I understand that there were some other women who stayed in his household,
9 but they were not his wives. But I know that there are four. But we would refer to
10 them as mother, mother, mother. He knew their names but we did not.

11 MR ZENELI: [12:54:02] Your Honour, I am looking at the time. I have about five
12 minutes, I think, before we break. I might have about 15 minutes left of my
13 questioning, and I think it's within the time that I had thought of, three hours.

14 PRESIDING JUDGE SCHMITT: [12:54:15] Yes, yes, but we --

15 MR ZENELI: [12:54:18] I will try and finish in private session.

16 PRESIDING JUDGE SCHMITT: [12:54:19] Yes, but we will not -- we may not have
17 a break because of this. So please continue.

18 MR ZENELI: [12:54:25] Very well. Thank you very much. May I, with your leave,
19 move into private session now?

20 PRESIDING JUDGE SCHMITT: [12:54:35] Private session.

21 (Private session at 12.54 p.m.) *(Reclassified partially in public)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session.

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3 PRESIDING JUDGE SCHMITT: [13:02:43] Thank you very much, Mr Witness.

4 That was very detailed. I think that was a lot of information that spares you one or
5 two or three questions, I would assume.

6 MR ZENELI: [13:02:53] Not that I don't revel in that opportunity.

7 Q. Thank you very much, Mr Witness. Just one slight clarification: Which
8 women are we talking about? The names?

9 A. [13:03:13] One of them is Min Ayari and the other is Min Abang. Those are the
10 two.

11 Q. [13:03:41] And who was the lapwony that had the dream? Who are you
12 talking about?

13 A. [13:03:53] That's Lapwony Odomi. That's the commander who is the accused.
14 We would call him lapwony. Even I -- for example, people who were subordinate to
15 me would refer to me as "lapwony", so anybody who is higher ranking or anybody
16 who is superior to others is lapwony.

17 MR ZENELI: [13:04:18] Your Honour, heads up, with your permission, let's move to
18 open session and that will be the end of my examination for today.

19 PRESIDING JUDGE SCHMITT: [13:04:26] Yes, we go to open session again, please.
20 (Open session at 1.04 p.m.)

21 THE COURT OFFICER: [13:04:34] We are back in open session, Mr President.

22 PRESIDING JUDGE SCHMITT: [13:04:42] Mr Zeneli.

23 MR ZENELI: [13:04:47] The last subject, which is his escape.

24 Q. [13:04:50] So, Mr Witness, just tell us briefly when and how you escaped.

25 A. [13:05:03] At the time that we reached at the roadside -- because we moved

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 separately, but the day that we met with Joseph Kony was on the same day we moved
2 with Dominic, although we moved separately.
3 But when we went to meet him, Kony himself came to meet us at a certain, at a certain
4 water point. The place is called Kulu Olam, but I don't know the name of the area.
5 And we were told that amongst the people that came with Odomi, there are some
6 sergeants who will be picked to go to the bodyguard. Some will be distributed to the
7 coy.
8 Then in the morning at about 8 a.m., during the meeting, people -- it was said that
9 those who came with Odomi are big headed, the fact that -- the reason that you stayed
10 in a far-off place, you people, I think, do not know the rules. But here we have the
11 rules. So I am going to mention names. If you hear your name called, then know
12 that I am going to promote you.
13 Then he started calling out the names. He called out the names Amake,
14 Okello Odoge, and these people stood up. And he said, "Go and lie down under the
15 sun", and they went and laid down.
16 The person who was in charge of that killing was Kony's son called Salim. Because
17 at that time Dominic was completely under another command. He did not have any
18 power. There was nothing else that he was in charge of. He was not
19 communicated to indirectly, but he was hearing directly the instructions by himself.
20 He was seated like any other ordinary person. So the sticks were already prepared
21 for beating and the logs that were ready for the work. These people were beaten.
22 They were tied up and they were dragged into the sun.
23 More names were read, including my name, that we were going to the bodyguard.
24 So when we reached -- some sergeants who had moved with their wives to go to
25 Darfur were told that there is no more going to the bodyguard with your wives,

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 you are going alone. Pick the items that belong to the woman and give them back to
2 all the women.

3 When we reached the point, we were told that anyone who has a wife, there is no
4 talking to them anymore, because we are now under new instruction. So I ask
5 myself: Why should other commanders be killed just like that and yet they should
6 have been killed during battle? So I thought to myself and worried. Even the gun
7 that I had when I was getting smaller and smaller because of the worries was taken
8 away. Even Lapwony Odomi, whom I used to go and talk to, at this time he was
9 powerless.

10 The commanders that I found he was using, he had given them instructions. He had
11 given instructions to even lower-ranking officers who were like at my size. Even
12 when we were in Uganda, they were sergeants.

13 PRESIDING JUDGE SCHMITT: [13:09:39] May I shortly interrupt you, Mr Witness?
14 And who gave these orders that you spoke about to kill these officers? As I have
15 understood that they had been given orders to kill these officers, who gave these
16 orders?

17 THE WITNESS: [13:09:58] (Interpretation) That order is given directly by Kony.
18 The order is not relayed but it is given. I think he had already spoke to those people
19 who were selected to do the assignment. So he only ordered those people to go and
20 lie down. Those people went, they were tied and they were beaten.

21 So after the meeting, people were dispersed. Those of us whose names were called,
22 we started preparing to go for the bodyguard, and those people remained there in the
23 sun. In the evening, those people were taken and shot and killed. The person who
24 was in charge of that operation was Salim and Ali, who were all Kony's son. They
25 actually stood with their pistols in their hands and observing these people doing the

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 work. So the orders were given by Kony.

2 PRESIDING JUDGE SCHMITT: [13:10:52] So perhaps make it a little bit short. So
3 having seen that and observed that, you decided to escape; is that a correct wording?

4 THE WITNESS: [13:11:12] (Interpretation) I understood it very well, and I asked
5 myself that, these things which is being done, here in Darfur, do they think that we
6 came here by maybe some plane? If we walked, why can't I walk? So when I was
7 abducted, I did not come into conflict with anybody. And even this war, if I'm asked
8 to tell the history, I don't know. So I asked myself, I planned to leave and -- until I
9 left.

10 PRESIDING JUDGE SCHMITT: [13:11:47] Thank you. I think, Mr Zeneli, that more
11 details we would not need of coming out of the bush. But I think the last incident
12 was quite interesting. But perhaps a last question from me.

13 Mr Witness, do you know when this happened?

14 THE WITNESS: [13:12:07] (Interpretation) That happened -- my escape from the
15 LRA, you mean?

16 PRESIDING JUDGE SCHMITT: [13:12:21] Yes, yes.

17 THE WITNESS: [13:12:25] (Interpretation) It was in 2013, in March. That's when I
18 left.

19 PRESIDING JUDGE SCHMITT: [13:12:32] Thank you.

20 MR ZENELI: [13:12:35] I will leave it at that, your Honour. Thank you.

21 PRESIDING JUDGE SCHMITT: [13:12:38] Thank you very much, Mr Zeneli.

22 And thank you, Mr Witness, for today. The Prosecution has finished their
23 examination.

24 We abate the proceedings for today and we continue on Monday, 9.30, I would
25 assume, with Legal Representatives.

Trial Hearing
WITNESS: UGA-OTP-P-0233

(Open Session)

ICC-02/04-01/15

1 MS HIRST: [13:12:59] Yes, your Honour. I expect we will have a few questions,
2 perhaps 15 minutes or so.

3 PRESIDING JUDGE SCHMITT: [13:13:01] Thank you very much, Mrs Hirst.

4 So we reconvene at 9.30 on Monday.

5 THE COURT USHER: [13:13:08] All rise.

6 (The hearing ends in open session at 1.13 p.m.)

7 RECLASSIFICATION REPORT

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

9 2016, the public reclassified and redacted version of this transcript is filed in the case.