

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 Monday, 14 August 2017  
9 (The hearing starts in open session at 9.41 a.m.)  
10 THE COURT USHER: [9:41:35] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:41:57] Good morning, everyone, after the recess.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:42:05] Good morning, Mr President, your Honours.  
15 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case  
16 reference ICC-02/04-01/15.  
17 And for the record, we are in open session.  
18 PRESIDING JUDGE SCHMITT: [9:42:21] And could the parties please introduce  
19 themselves for the record. Mr Gumpert for the Prosecution, please.  
20 MR GUMPERT: [9:42:31] Ben Gumpert for the Prosecution. With me today,  
21 Hai Do Duc, Beti Hohler, Pubudu Sachithanandan, Yulia Nuzban,  
22 Yeasin Shahriar Khan, Paul Bradfield, Jasmina Suljanovic and Ramu Fatima Bittaye.  
23 PRESIDING JUDGE SCHMITT: [9:42:47] And for the Legal Representatives of the  
24 Victims. Mr Manoba first. (Microphone not activated)  
25 MR COX: [9:42:58] Your Honour, Francisco Cox and James Mawira for the Legal

1 Representative.

2 PRESIDING JUDGE SCHMITT: [9:43:02] And Mr Narantsetseg.

3 MR NARANTSETSEG: [09:43:05] Good morning, Mr President, your Honours.

4 I hope that your Honours and everyone else had a very refreshing summer break.

5 Today appearing for the Common Legal Representative, myself,

6 Orchlón Narantsetseg, and my colleague, Caroline Walter, and our visiting

7 professional from South Korea, Ms Hyuree Kim.

8 Thank you very much.

9 PRESIDING JUDGE SCHMITT: [9:43:26] Thank you.

10 And now for the Defence. Mrs Bridgman.

11 MS BRIDGMAN: [9:43:29] Good morning, Mr President, your Honours. Abigail

12 Bridgman is my name, together with Chief Charles Achaleke Taku, Thomas Obhof

13 and Eniko Sandor. And our client, Mr Ongwen, is in court.

14 PRESIDING JUDGE SCHMITT: [9:43:42] Thank you very much. I have been

15 informed that the Defence wants to raise an issue with the Chamber.

16 MR TAKU: [9:43:49] Yes, your Honour. Good morning, your Honours. I rise,

17 your Honours, to urge, very strongly urge, your Honours to leave me the scope of the

18 testimony of two witnesses, P-189 and P-355, in particular, your Honours, the

19 evidence that they intend to lead out of the scope of the temporal jurisdiction of the

20 Court, and of course not just after the scope of the jurisdiction of the charges, but

21 evidence that comes after the alleged offences were committed and consummated.

22 Your Honours, from the reply brief and from the transcripts that were disclosed to us,

23 these two witnesses are coming to testify, among others, on issues that happened

24 in September 2006, supposedly to rebut the defence of duress. In other words, allege

25 rebuttal after the alleged crimes that occurred during the temporal jurisdiction of the

1 charges from 1 July 2002 to 31 December 2005.

2 Your Honours, you had previously ruled on our objections to expanding the scope of  
3 this case. You did so on the basis of evidence that was led, that was led in crime  
4 basis that were not charged, or some evidence that were out of the scope of the  
5 temporal jurisdiction prior to the alleged offences being committed.

6 We understood, your Honours, your decision to mean that such evidence could be  
7 adduced but would not be considered as a factual basis for making a determination  
8 on the alleged crimes that were confirmed within the temporal jurisdiction of the  
9 charges. And we understood that also to mean the evidence relating to elements of  
10 the charges or form of criminal liability that were outside the temporal jurisdiction of  
11 the charges.

12 Your Honours, the two witnesses who state -- and they have knowledge about events  
13 that occurred by their profile either as politicians or military men or some other fact  
14 that they were -- they lived in some of the areas so they could provide information,  
15 very useful information, to the Court about events that occurred within the charge  
16 period because of the positions they held. There is no guessing about that. Or they  
17 could give evidence about their personal participation in prosecuting the war because  
18 they made decisions, they were in situations that prosecuted the war, and they came  
19 into contact with individuals that were involved in one way or another. But more  
20 particularly to a narrower scope about the central person in this case, in this particular  
21 charge, Mr Ongwen, not just about -- not about the LRA as an institution, because the  
22 case is about Mr Ongwen, it's about the individual and not the institution as such.

23 However, your Honours, the focus for this witness is to disprove a defence that has  
24 been raised within the context of the charges and within the context of the temporary  
25 jurisdiction of the charges and some time after -- after, not before -- the alleged

1 offences occurred. We say, your Honours, that this is not only irrelevant to the case,  
2 it is an attempt, your Honours, to litigate the activities of the LRA generally.  
3 And also, your Honours, it opens another wider issue, the political decisions that  
4 were made by international community and the politicians in Uganda in order to  
5 bring peace, negotiate the ceasefire, cessation of hostility or the truces that occurred,  
6 that in their professional capacity they were merely there to execute, to facilitate  
7 the -- these political decisions that were taken by the international community and the  
8 belligerents in this war in order to bring an end to the war. It opens wide the door  
9 who can litigate for years and from different perspective.  
10 So at the ICTR, your Honours, we were confronted with this situation because it was  
11 also intended to manage the economy of judicial time so that the Prosecutor would be  
12 required in advance to submit to the judges the areas, the scope of the evidence that  
13 each witness is coming to testify so the judges would be able to manage judicial time  
14 and to ensure that the evidence coming to testify about issues that would inform them  
15 and issues that are relevant to the charges, since the war in Rwanda was a very wide  
16 war fought in different areas, not just to call witnesses to testify in general about  
17 everything.  
18 But we recognise also that your Honours would be entitled to know exactly several  
19 issues that occurred in this war generally in order to know exactly things that occur in  
20 this particular war, in order to know exactly where to situate Mr Ongwen, who was  
21 he, where was he, and also to associate main actors in this war. But to call such  
22 evidence for the purposes of rebutting a defence in this case, your Honours, the  
23 purpose -- the purpose is rather different in this case -- is out of the temporal  
24 jurisdiction.  
25 If the purpose is to inform the Court to have a wider perspective of what occurred in

1 northern Uganda so as to make a historical record, your Honours, which is one of the  
2 rationales for trials of this nature, your Honours, then it's okay. But to say that  
3 issues that happened after they came to the Court have been consummated and  
4 ended, and you want to rebut the duress in 2006.

5 And above all, your Honours, it raises a further problem about bringing -- trying to  
6 lead evidence about persons who surrendered, persons who were out of the combat,  
7 persons who were captured, to come and say that they played a role, you bring them  
8 back in conflict, in violation of the laws and customs of war in the Geneva  
9 Conventions that these individuals who have surrendered or defected should not be  
10 brought back into the conflict. Clearly, it would not help the Court, your Honours,  
11 in any way whatsoever.

12 So we submit that your Honours should define and limit the scope of the evidence  
13 that these two witnesses intend to adduce before the Court.

14 PRESIDING JUDGE SCHMITT: [9:51:34] Thank you, Mr Taku. I assume that  
15 the Prosecution would like to answer to this objection.

16 MR GUMPERT: [9:51:50] Thank you, briefly. Your Honours will know from the  
17 summaries which have been submitted that the next two witnesses, P-189 and P-355,  
18 give evidence which is, for the most part, about a meeting which they had with  
19 Dominic Ongwen and some of his soldiers in September 2006. That date is of course  
20 some nine months after the last date in the charged period, which concludes at the  
21 end of 2005.

22 The principal reason, it is not the only reason, but the principal reason for calling  
23 these witnesses is because it is the Prosecution's submission that the exchanges  
24 between these witnesses and Dominic Ongwen during that meeting  
25 in September 2006 cast very bright light upon Mr Ongwen's state of mind.

1 It is of course his state of mind as at September 2006. But the Prosecution will  
2 submit that the Court is entitled to draw conclusions from his state of mind at that  
3 time as to what his state of mind would have been during the charged period.  
4 Indeed, it's only fair and, I respectfully submit, sensible to recognise that at the time of  
5 this meeting, the date 31 December 2005 had no magic for Dominic Ongwen or  
6 indeed anybody else. The charges at that time hadn't been specified. He couldn't  
7 have known whether what he was doing then was going to be the subject of criminal  
8 offences which were later to be alleged against him or not.

9 There is every reason to think that his state of mind in September 2006 would have  
10 been similar to that back during the charged period. And so for that primary reason,  
11 the Prosecution submit that the evidence about these exchanges in September 2006  
12 could be - and I shan't go into the substance of the evidence, your Honours have the  
13 summaries - could be of critical importance when your Honours consider the  
14 ingredients of the defence of duress, which the Defence have notified the Court by  
15 virtue of filing 517 that they intend to rely upon.

16 Even -- I pause because your Honour --

17 PRESIDING JUDGE SCHMITT: [9:54:54] No, please continue.

18 MR GUMPERT: [9:54:57] Even without that, your Honour, the Prosecution would  
19 submit that the encounter about which these witnesses will testify, Ongwen  
20 surrounded by soldiers, troops whom he commands, some of them apparently  
21 children, the manner in which he is able to give orders to dispose of the situation, that  
22 is all of very great relevance to some of the principal questions, leave aside any  
23 defence issues, if I can put it that way.

24 It is of cardinal importance to this case that the Prosecution establish the command  
25 structure. Were these troops under Ongwen's command? Was there some formal

1 command structure which enabled him to give orders which he could reasonably  
2 expect to be carried out? Very clear light is shed on all of that by both of these  
3 witnesses. And your Honours have, as Mr Taku acknowledges, already ruled,  
4 I think on 13 June of this year in transcript 85, most clearly perhaps, that evidence  
5 outside the charged period can - indeed, should - be put forward where it helps  
6 the Court to determine facts and circumstances which are within the charged period.  
7 The mere accident that a particular event takes place before 1 January 2002 or after  
8 31 December 2005 can't sensibly be suggested to mean that it has no relevance for the  
9 Court if it enables the Court to put conduct which occurred within the charged period  
10 into its proper context and to understand it better.

11 PRESIDING JUDGE SCHMITT: [9:56:56] Thank you very much, Mr Gumpert.

12 MR TAKU: [9:56:58] Your Honours, if I may, very briefly.

13 PRESIDING JUDGE SCHMITT: [9:57:00] Very briefly, please, Mr Taku.

14 MR TAKU: [9:57:04] Yes. The main issue here, your Honours, is first about what it  
15 says his state of mind. His state of mind, for the purposes of this case will be mens  
16 rea. How the mens rea after the facts will be relevant to the charged act remains  
17 a mystery.

18 Secondly, the circumstances on which the conflict took place, that evidence about the  
19 circumstances, the circumstances of the alleged meeting is completely different about  
20 the ceasefire, where the other problem was right of passage in furtherance of the  
21 ceasefire. So give them supplies, give them food and right of passage to a particular  
22 location put in place by international community that this will settle. Probably at the  
23 end of the ceasefire they might have been disarmed or some other thing. I do not  
24 know. But it was in the context of a ceasefire and not in the context of the conflict.  
25 So how can evidence about what occurred in the context of the ceasefire outside the

1 charged period, how can it be relevant, your Honours, with regard I mean to the  
2 conflict and the attacks that occurred within the charged period?  
3 Furthermore, it's about the question of saying they asked Mr Ongwen to surrender,  
4 they themselves also say that that was not the instruction given. The only  
5 instruction for them -- give them right of passage to a particular location. And  
6 besides, is it about a question of defecting? Of course the evidence they themselves  
7 have laid out Ongwen ultimately defected at a particular time, so that argument,  
8 when the right circumstances occurred, he did so. He was not captured in combat,  
9 your Honours. So these encounters are describing what happened in the ceasefire,  
10 the command was different, the authority that gave the instruction were given, they  
11 had nothing to do with the conflict. And in the laws and customs of war, your  
12 Honours, under Geneva Convention, when there is a ceasefire, the different rules of  
13 law, international law on conflict apply.

14 PRESIDING JUDGE SCHMITT: [9:59:04] Thank you very much.

15 (Trial Chamber confers)

16 PRESIDING JUDGE SCHMITT: [9:59:45] So the Chamber decides the following:

17 The objection is overruled. The Chamber reassures that it is not expanding the scope  
18 of the case, that it is not expanding the scope of the confirmed charges, but  
19 the Chamber also reiterates that evidence might be of relevance for facts and  
20 circumstances within the scope, the temporal scope of the confirmed charges that has  
21 been, like with these witnesses, happened during or outside the scope of  
22 the -- temporal scope of the, of the confirmed charges.

23 Acts and conducts put forward by the evidence can be evidence to support the facts  
24 and circumstances in the charged time period even if they did not happen during the  
25 charged time period. We have decided that before and we reiterate that. And with

1 all evidence received in the case the Chamber will consider the appropriate use of this  
2 evidence when deliberating its judgment. So this is in line of what we have already  
3 said several times.

4 And we can now call in the witness.

5 I may recall perhaps now during the time when we bring in the witness that we had  
6 also other witnesses who described what happened during peace negotiations. And  
7 I am relatively sure that this was also outside the -- partly outside the temporal scope  
8 of the charged period. We will have to see in the end what we make out of it. That  
9 is the approach of this Chamber. We would not want to limit ourselves to certain  
10 purposes, so to speak of witness testimony.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE SCHMITT: [10:02:23] Good morning, Mr Witness.

13 WITNESS: UGA-OTP-P-0189

14 (The witness speaks English)

15 THE WITNESS: [10:02:28] Good morning, your Honour.

16 PRESIDING JUDGE SCHMITT: Since you answer me, I recognise that you hear me.

17 THE WITNESS: [10:02:32] Very well, your Honour.

18 PRESIDING JUDGE SCHMITT: [10:02:33] I would like to welcome you to the  
19 courtroom on behalf of the Chamber. Mr Tingira, there should be a card in front of  
20 you with a solemn undertaking to tell the truth. Would you please be so kind and  
21 read out this card aloud.

22 THE WITNESS: [10:02:51] I solemnly declare that I speak the truth, and the whole  
23 truth, and nothing but the truth.

24 PRESIDING JUDGE SCHMITT: [10:03:04] Thank you very much. Mr Tingira,  
25 before we start with your testimony I will have to explain to you some practical

1 matters that you should have in your mind when you give your testimony.  
2 Everything we say here in the courtroom is written down and furthermore, and more  
3 important, is interpreted so that everybody understands what has been said. It is  
4 therefore important to speak clearly and at a slow pace and it is also important that  
5 you only speak when the person who has asked you a question has finished this  
6 question.

7 If you have any questions yourself, please raise your hand so that we know you want  
8 to have a word and we will give you the word then.

9 This is everything for the practical matters this with witness. We can start then the  
10 testimony and Mr Gumpert has the floor.

11 MR GUMPERT: [10:03:51] Thank you, your Honour.

12 QUESTIONED BY MR GUMPERT:

13 Q. [10:04:03] Could you tell the Court please your full name?

14 A. [10:04:07] I am Irumba Tingira Omero.

15 Q. [10:04:20] I think that you're a military man; is that correct?

16 A. [10:04:26] That's correct.

17 Q. [10:04:29] Currently serving in the UPDF?

18 A. [10:04:35] That's correct.

19 Q. [10:04:38] What rank do you currently hold?

20 A. [10:04:42] The rank of colonel.

21 Q. [10:04:48] From now on, if it meets with your approval and that of the Court, I  
22 shall refer to you as Colonel Tingira. Would that be a correct appellation?

23 A. [10:05:00] I would find it positive.

24 Q. [10:05:02] Thank you, Colonel.

25 MR TAKU: Your Honour --

1 PRESIDING JUDGE SCHMITT: [10:05:07] No, no. I think we should you had  
2 should not -- we should simply say the name.

3 MR TAKU: [10:05:13] Thank you, your Honours.

4 MR GUMPERT: [10:05:15] That is to say "Mr Tingira"?

5 PRESIDING JUDGE SCHMITT: [10:05:17] "Mr Tingira" or "Mr Witness" like you  
6 wanted.

7 MR GUMPERT: So be it.

8 PRESIDING JUDGE SCHMITT: No titles.

9 MR GUMPERT: [10:05:26]

10 Q. [10:05:26] Mr Tingira, when did you join the UPDF?

11 A. [10:05:34] I joined the UPDF in 1995.

12 Q. [10:05:41] And when did you become a commissioned officer?

13 A. [10:05:49] I became a commissioned officer in 1997, after two years.

14 Q. [10:05:57] I want to ask you about your duties from 2001 onwards, can you  
15 briefly, and I do mean perhaps no more than two or three sentence, describe what  
16 work you were doing between 2001 and 2003.

17 A. [10:06:20] Briefly, between 2001 and 2003, I was deployed in northern Uganda  
18 and charged with duties of a brigade intelligence officer.

19 Q. [10:06:38] In respect of which brigade was that?

20 A. [10:06:41] That was for all three brigade, which was a mobile brigade in  
21 northern Uganda.

22 Q. [10:06:51] And I think in 2003, between that year and 2006, you moved to  
23 another posting; is that correct?

24 A. [10:07:02] That's correct.

25 Q. [10:07:05] With which unit was that and what role were you performing?

1 A. [10:07:12] From 2003 and to 2006 I moved up the ladder and held two positions.  
2 First was division counter-intelligence officer, but in the same area, northern Uganda,  
3 the 5th division, and then later I became the division intelligence officer for the same  
4 division.

5 Q. [10:07:39] Can you help us help the Court understand what sort of work, what  
6 sort of duties a divisional intelligence officer would have at that time?

7 A. [10:07:56] At that time and circumstances the job or the tasks of the division  
8 intelligence officer were primarily to collect combat or military operation intelligence  
9 on the Lord's Resistance Army were the main, if not the only belligerent group in the  
10 division area of responsibility, and that is collecting intelligence on the operations, on  
11 their plans, on their units, on the actives of the Lord's Resistance Army.

12 Q. [10:08:34] I would like to focus now, if we may, on the month of September of  
13 that year, 2006. Can you describe for the Judges what the military situation was as  
14 between the UPDF and the LRA in that month of September?

15 A. [10:08:56] Well, it would be fair for Court to give a quick background and I say  
16 by that month of September and then quickly I think into the month of September.  
17 So by September 2006 the operational tempo of UPDF's operations against the Lord's  
18 Resistance Army had really reached peak. And when I say "reached peak" it's not  
19 a matter of statistics but it's my personal assessment.

20 The UPDF had gained an upper hand against the LRA units. We had managed to  
21 isolate quite a number of the LRA units and we were progressing very well against  
22 them operationally. But by then a ceasefire had been announced by my  
23 commanding chief and the commanding chief of the Uganda People's Defence Forces,  
24 His Excellency Museveni, the president.

25 The orders of the ceasefire were that the UPDF was enjoined to make sure that we

1 disengage and seize operations against the Lord's Resistance Army in the spirit that  
2 they are allowed safe passage to collect in a number of locations in South Sudan.  
3 And one of them I remember is Owiny Kibul for purposes of the Juba talks which  
4 are -- which were or which are an open process known by, by the international  
5 community and everybody perhaps.

6 The orders were received by my division, that is 5th division, the orders from the  
7 president, and we had conformed and we created safe passages for the Lord's  
8 Resistance Army units that were in our area of operation so that they safely  
9 progressed to South Sudan.

10 It was the duty of the intelligence officers to monitor and ensure that the integrity of  
11 the ceasefire is not defied for purposes of ensuring that the executive orders are  
12 adhered to by all units of the UPDF and also for the sake of peace to ensure that  
13 indeed the LRA are allowed safe passage.

14 But also to me the other important point was to ensure that we indeed establish that  
15 the LRA groups move as designated to move. The process was publicised for  
16 purposes of ensuring the highest level of transparency that can ever be garnered.  
17 Radio stations were utilised. Elders in society were talked to, maps were produced,  
18 and we believe the highest level of publicity was given to the peace talks and the safe  
19 corridors for the LRA, and indeed the LRA units began exploiting the process and the  
20 publications to move through designated safe corridors.

21 Weekly, in the first week of September, I personally was in charge in my area of  
22 operations of the division in ensuring that I monitor and even report accurately on the  
23 progress of the ceasefire as well as the progress of the LRA units that were in our area  
24 of operation.

25 So in the first week of September, three groups of the LRA which were physically

1 responding the ceasefire and using safe corridors to travel to South Sudan came in -- I  
2 should say I got in contact with them, not in the neutral sense, but I accessed them, I  
3 should use that word.

4 And with permission of this Honourable Court, I will break down the encounter with  
5 these two or three groups.

6 PRESIDING JUDGE SCHMITT: [10:14:15] Yes, you can do that I think so you make  
7 life easy for Mr Prosecutor, I think, if you do that.

8 MR GUMPERT: [10:14:25] Indeed, I am grateful.

9 Q. One or two points of clarification. The stenographers didn't quite capture the  
10 location which you spoke of. I think in fact it is on a list which I prepared.

11 But am I right in hearing you to have said the name Owiny, O-W-I-N-Y, new word  
12 Kabul, K-A-B-U-L, as being one of the locations towards which the LRA were  
13 progressing in Sudan.

14 A. [10:15:01] Owiny Kibul, not Kabul, Owiny Kibul.

15 Q. [10:15:05] Apologies. Getting confused between Uganda and Afghanistan.

16 And there is a document or a map which I think may be going to help all of us in this  
17 room and indeed those in the public gallery understand the location and the general  
18 geography of what you have said.

19 Your Honours, it is tab number 2 on a paper version, but I am going to ask that it be  
20 shown on the screen. The paper version even in A3 format has some very small  
21 writing indeed for my middle-aged eyes.

22 PRESIDING JUDGE SCHMITT: [10:15:47] I think the glasses would not even help us  
23 with that one.

24 MR GUMPERT: [10:15:50] No. The ERN is UGA-OTP-0260-0139. Your Honours  
25 will recall that with Witness P-0009 we spent a little time, in the end, my fault, wasted

1 a little time, because the images appearing on the screen hadn't been optimised for  
2 brightness and contrast and the like. We have taken the liberty in collaboration with  
3 CMS in preparing optimum versions of this document and various others which the  
4 court officer has on a USB stick which I believe you'll now be able to refer to.

5 PRESIDING JUDGE SCHMITT: [10:16:33] Thank you very much. I recall it vividly,  
6 and I also recall the efforts that the Defence then made to present better pictures, so to  
7 speak, as I recall.

8 MR GUMPERT: [10:16:42] Yes. Fair that credit is given where it is due, indeed.

9 Can the improved version, I am going to recommend the PDF version of the map at  
10 the ERN reference I have just given be put on the screen. (Microphone not activated)

11 Sorry, it is on the evidence 1 channel. It is on the evidence 1 channel.

12 PRESIDING JUDGE SCHMITT: [10:17:22] Please continue, no problem. It is just  
13 that my monitor has to be arranged a little bit differently. Please continue.

14 MR GUMPERT: [10:17:31] I don't know if the lady sitting next to Wilfred is in  
15 control of the image, because I'm going to -- good, yes.

16 Can you zoom in on the red arrow and then shove the image up a bit. Sorry, that  
17 might be called up, but I am calling that down. Yes, okay, we will start there.

18 Thank you.

19 Q. [10:17:57] You spoke about safe passage, safe corridors a moment ago,

20 Mr Tingira.

21 Firstly, have you seen this document before?

22 A. [10:18:10] Yes, I have seen it before.

23 Q. [10:18:12] And who is the person who wrote on it the red arrow and the blue  
24 markings?

25 A. [10:18:23] I personally marked the map, but, yes, I personally marked the map,

1 but with a request that I was not marking it as a professional cartographer, and so we  
2 are simply looking at estimations and not mathematical scales and references.

3 PRESIDING JUDGE SCHMITT: [10:18:47] Mr Witness, this is understood. It is  
4 perfectly clear that this is something to help us understand better, but it is not  
5 a scientific approach that you took, it is perfectly clear.

6 THE WITNESS: [10:19:00] Most obliged, your Honour.

7 MR GUMPert: [10:19:03]

8 Q. And help us to understand, what was it that you were intending to indicate in  
9 general terms by this fairly broad-sweeping red arrow, which is I suppose pointing in  
10 a northwesterly direction?

11 A. [10:19:15] The broad-sweeping arrow depicts the general safe corridor which  
12 was the safe access of advance that was granted to the Lord's Resistance Army units.  
13 And logically you can see it is broader at the base, meaning that from various wide  
14 areas the LRA units could collect, and as they advance northwards towards Sudan,  
15 then they have a more refined access of advance.

16 Q. [10:20:03] Thank you. Now, you spoke a moment ago of being able to help  
17 the Court by breaking your evidence down in three separate encounters with  
18 members of the LRA. Did I understand correctly?

19 A. [10:20:14] You understood correctly.

20 Q. [10:20:16] I'm grateful.

21 If we could move the image up and perhaps zoom out just a little.

22 PRESIDING JUDGE SCHMITT: [10:20:24] "Up" meaning down in the mindset,  
23 Mr Gumpert?

24 MR GUMPert: [10:20:28] Yes. Sorry. I'll try and adjust my language. Sorry,  
25 zoom out a little more. I think the resolution which we had a moment ago was

1 correct or was an appropriate one. And can we then move it down, in your

2 language a little more. There. Thank you very much.

3 Now, we've dealt with the red arrow, but we've still got the blue writing. Is it

4 possible to centre the blue writing a bit more and make it a little larger again so we

5 can read what the witness has written. That's one level of magnification higher.

6 No? Very well. Then we'll deal with the one --

7 PRESIDING JUDGE SCHMITT: [10:21:20] I think we saw it.

8 MR GUMPERT: [10:21:22] Yes. We will deal with them one by one from the

9 bottom up.

10 Q. These three blue markings, the bottom one, what is the word you have written

11 there?

12 A. [10:21:37] The word is read as "Achol-Pii."

13 Q. [10:21:41] And that's a geographical, physical location which is to be found on

14 this map, is that correct?

15 A. [10:21:51] Yes, the division headquarters of my division then.

16 Q. [10:21:55] Thank you. And you have circled the area also in blue?

17 A. [10:21:59] I have circled an area adjacent to Achol-Pii indicating some given

18 event that with the indulgence of this Honourable Court I will explain later.

19 Q. [10:22:10] That is one of the three incidents you spoke of, yes?

20 A. [10:22:13] Exactly.

21 Q. [10:22:13] Yes. And then we move up. Perhaps I am making too much of this.

22 I will try and move a bit more quickly. We move up to the next, where you have

23 written -- well, you can tell us what you've written.

24 A. [10:22:25] The next is written as "Dominic RV," which is the same as of Dominic

25 rendezvous or Dominic meeting place.

1 Q. [10:22:37] (Microphone not activated)

2 PRESIDING JUDGE SCHMITT: [10:22:38] Microphone, please, Mr Gumpert.

3 MR GUMPERT: [10:22:41]

4 Q. You've circled the location where that occurred?

5 A. [10:22:44] I circled the location and the name is Lackeokot.

6 Q. [10:22:50] Thank you. And again I believe that that slightly difficult spelled  
7 word is on the list which I prepared.

8 And then the uppermost of the three blue marking?

9 A. [10:23:02] The name is Dure.

10 Q. [10:23:10] And again the circle indicates a location where a particular event  
11 about which you will give evidence occurred?

12 A. [10:23:14] Exactly.

13 Q. [10:23:17] Thank you. I would like to deal with those three events in  
14 chronological order, the order in which they occurred, if we may. Which of the three  
15 occurred first?

16 A. [10:23:43] -- more back, but Achol-Pii, let's get to Achol-Pii.

17 Q. [10:23:47] So if we could go back to the -- yes, thank you. Perfect, yes.

18 PRESIDING JUDGE SCHMITT: [10:23:52] This has really the tendency to create  
19 confusion. Our court usher is perfectly in charge of the situation and understands  
20 fully what we want to see on the screen.

21 MR GUMPERT: [10:24:06]

22 Q. [10:24:11] Can you recall the day on which the event about which you are going  
23 to testify occurred, the date?

24 A. [10:24:24] The main, of course there are a series of events within the main, but  
25 what I regard as the main event was the event of 4 September 2006, when -- which is

1 related to the Dominic RV. That's the main event, although there are other  
2 sub-events that are closely related.

3 Q. [10:24:52] So this event near Achol-Pii happened sometime shortly before  
4 4 September, is that your evidence?

5 A. [10:25:01] I would want to recollect my thinking, it could have been maybe two  
6 days before the, before the main event.

7 Q. [10:25:12] Yes, I don't ask you to be precise, if it is difficult to do so. It was in  
8 the order of two days before, you think?

9 A. [10:25:21] It's difficult, but shortly within the same, shortly within the same time  
10 frame of or within the same week.

11 Q. [10:25:32] Can you briefly describe for us this first event which took place at  
12 Achol-Pii?

13 A. [10:25:44] In the main spirit of pursuing the ceasefire and in the main spirit of  
14 the UPDF or the Uganda People's Defence Forces, giving safe passage to the LRA  
15 units to freely pass and move South Sudan, we received intelligence that there was an  
16 LRA element which was coming to pass at this place which I have circled near  
17 Achol-Pii, but the exact name of the place was Pajule primary school.

18 We sent out encouraging messages to the group, of course through the same sources  
19 from whom we learnt that the group was on the move, that it would be desirous if  
20 indeed they were -- they needed some rest and also an interaction with us, it would  
21 be desirous that they camp at Pajule primary school.

22 Indeed, they camped at that primary school where the circle is depicted. I moved in  
23 personally and made this team, which I estimated to be around 15 young  
24 Lord's Resistance Army fighters. And when I say "young," I mean I estimated their  
25 ages to be between 15 and 20. Yes, 20 is old, but relatively young to me. So I

1 engaged the -- I greeted the team when I -- or the group of the fighters when I reached  
2 there and engaged them in quick talk. I explained to them the situation, but  
3 dwelling on the point that quite many of their comrades had defected and had been  
4 defecting from the Lord's Resistance Army. And on my team, I had UPDF soldiers,  
5 the team was around 10 UPDF soldiers and 3 recently defected  
6 Lord's Resistance Army members, maybe within one month.  
7 We explained life is okay outside, there was no serious cause for the war, and there  
8 had always been propaganda by the LRA commanders dissuading these young  
9 people that if you defect and go the UPDF will kill you or the government will kill  
10 you. And that had been long running propaganda by the Lord -- by the LRA  
11 commanders. So the purpose of having these defectors with me, and I should  
12 recollect even some of the UPDF officers had been ex-Lord's Resistance Army  
13 members, it was a sign of confidence building and even I let these LRA soldiers who  
14 had been ex-LRA and the other three recent defectors even do the talking. They  
15 looked fine and they were symbolic by themselves that there was life outside the LRA  
16 and that life was positive and that life was acceptable.  
17 But these 15, estimated 15 Lord's Resistance fighters at Pajule primary school, I  
18 assessed they had -- they didn't have a good attitude and they looked cocky and they  
19 were not willing to listen a lot. They said they were on their mission, they were  
20 moving to South Sudan. And truly I could read their demeanour, if I pushed hard,  
21 most probably an incident could have happened. And so for the sake of peace, but  
22 also most important I will be honest that I didn't trust the LRA a lot because they had  
23 done quite a number of horrible things any human being could do to other human  
24 beings. I dropped the pushing. I didn't want to incense them more. Because if  
25 they shot at someone or if they shot, that incident could easily be blamed on me and

1 yet the orders of the president, His Excellency Museveni, were clear that we would  
2 not provoke any incident whatsoever except we could open fire in the protection of  
3 civilians. And therefore I dropped the issue of explaining myself deeply and  
4 critically to this group by virtue of the group being cocky. We wished them well and  
5 they began packing their things. But after we had given them water and some few  
6 rations, they began packing their things to continue their movement towards  
7 South Sudan. But maybe quickly using some little time to account for the executive  
8 order, because I had informed this Honourable Court that the orders were in the  
9 protection of civilian life, the UPDF could open fire.

10 I remember vividly one of the five people wanted by this Honourable Court called  
11 Raska Lukwiya, was killed by the UPDF under the same circumstances. When he  
12 went and invaded a village somewhere in remote Kitgum and killed a number of  
13 people personally with his troops and the UPDF responded by attacking him. He  
14 was quite outside the safe corridors, but I don't remember whether this was before  
15 these meetings or after these meetings. It's not related to the meetings I am  
16 explaining, but I am trying to give a complete and wholesome perspective of the  
17 situation, your Honour.

18 Q. [10:33:01] Staying with that for a moment, should we understand that you are  
19 using that incident in which Raska Lukwiya was killed as an example of things going  
20 wrong during this ceasefire period?

21 A. [10:33:23] I brought it in to elucidate the two levels of responsibility for the  
22 national forces. On one side the meekness to support -- meekness to support the  
23 ceasefire process even with the highest level of restraint just like you are going to say  
24 through these meetings and just like we restrained ourselves with this group at  
25 Pajule.

1 But, on the other hand, I brought it to explain the other second level of responsibility,  
2 the cardinal responsibility of protecting civilian life. Here is someone who had been  
3 given all the possible -- who had been given all the possible I should call it temporary  
4 amnesty but not in the technical sense of the word, temporary amnesty, pass here,  
5 take your forces, the UPDF will even give you water to drink, they will give you  
6 rations until when you move to South Sudan, but he deliberately commands his  
7 forces and instead goes to strike at a village and kill civilians. So the UPDF sitting to  
8 watch errant members of the LRA continuing with their wayward behaviour was not  
9 part of the deal. So we dealt with Raska Lukwiya because that was out of his own  
10 choice. We didn't kill some of the LRA commanders whom we met, because that  
11 was their choice.

12 Q. [10:35:18] Thank you. One other matter arising out of your answer. You  
13 spoke about how there was, perhaps I can call it disinformation, from LRA  
14 commanders who were, you understood, informing their fighters that they would  
15 receive a hostile reception if they were to defect and surrender to the UPDF. And  
16 you explained that that was a reason why you had taken with you a number of, firstly,  
17 UPDF soldiers who had themselves formally been in the LRA, and secondly, very  
18 recent defectors. I want to ask you about other means, more generally, how was it  
19 that the UPDF, indeed the government authorities, were seeking to put the message  
20 out to potential LRA defectors that they could come home. What methods were  
21 used?

22 A. [10:36:28] The efforts of the government had been historical efforts. Quite  
23 many methodologies were employed by the Government of Uganda positively. The  
24 African societies and the society in Uganda and more so the society in northern  
25 Uganda we are talking about believes in traditional leadership or societal leadership.

1 It's on record some of the elders from society who had been -- who had been  
2 approached by the government to go and meet, discuss, talk to the LRA leaders about  
3 defections ended up being killed by the Lord's Resistance Army commanders, but  
4 that is out of scope of my testimony. But whoever is interested in it can follow up.  
5 It's a historical fact. We can't remove it.

6 Number two, quite a number of the relatives of these Lord's Resistance Army  
7 commanders had contacted them, including even religious leaders, but the Lord's  
8 Resistance Army commanders refused those overtures. There were deliberate radio  
9 programmes and defectors would tell us that indeed the LRA were fond of listening  
10 to radios. But every time the effective messages and the programmes over radios  
11 would intensify, the defectors would tell us the Lord's Resistance Army commanders  
12 would prohibit abductees from listening to radios.

13 And finally, they would hype it up by telling everybody that you get in the hands of  
14 the government, you get in the hands of the UPDF you are as good as dead, and yet  
15 quite many defectors were alive. In fact, every time we used the defectors to go to  
16 radio stations, new defectors would tell us that the LRA commanders would tell the  
17 abductees that the government recorded the voices of those people, then later killed  
18 them and the government was playing voices of dead people, but would also  
19 continue taking them back to the radio stations to ensure that newer messages had  
20 brought out by the defectors and the question of possible killings by the government  
21 are rebutted.

22 It's my final -- it's my, it's my honest submission right now that given all the  
23 methodologies the government and the non-government organisations and agencies  
24 used in Uganda used to dissuade the LRA and motivate them to defect, the  
25 good-willed ones indeed defected, and whoever choose to defect, that was his own

1 deliberate, calculated plan not to defect.

2 Q. [10:39:56] One point of precision: Do you recall the name of any of the radio  
3 stations which were used for these broadcasts about which you have spoken?

4 A. [10:40:07] I don't remember the name of the radio, but I remember the  
5 programme which was Dwog Paco, which means come home, and I remember one  
6 key, one key presenter whom nearly every defector from the LRA would talk about  
7 was -- I don't know whether I should mention his name.

8 Q. [10:40:28] The name that I expect you are about to say has been mentioned in  
9 open session before, and indeed I think for a man who makes his living by  
10 broadcasting on the radio, it would be probably futile to seek to protect his identity.

11 PRESIDING JUDGE SCHMITT: [10:40:44] No. This means you can mention the  
12 name, Mr. Witness.

13 THE WITNESS: [10:40:47] (Interpretation) So he was Mr Lacambel on a programme  
14 called Dwog Paco. But I think what I remember is it was -- it would be spread out  
15 quite on also a number of radio stations. I don't know the technical part of it,  
16 whether they were harmonising frequencies, but the programme was that Dwog Paco,  
17 come back home.

18 Q. [10:41:11] Thank you. Can we shift now to the middle of the blue marked  
19 locations on the map. Thank you.

20 A. [10:41:26] The second blue is Dominic RV, which I explained as Dominic  
21 rendezvous or Dominic meeting place. And I would regard this, perhaps, as the  
22 fulcrum of all the issues I am trying to explain here.

23 On 4 August, very early in the morning, and that includes before it was daybreak, we  
24 had begun receiving intelligence that another Lord's Resistance Army unit had plans  
25 and was generally advancing towards that red/blue circle within the general

1 provisions of the advanced South Sudan under the auspices of ceasefire. And they  
2 were like it close within the general areas of that blue circle, which is the general areas  
3 of Lackeokot, that is on the Kitgum-Gulu road, main road.  
4 We also gave feedback through these informers that it is our desire that we could  
5 have an RV with an LRA unit as a matter of which, because we had also  
6 created checkpoints -- I should call them report lines, report lines really. And we put  
7 it across that this place could serve as a report line. And also out of a good gesture  
8 of brotherhood, the UPDF would be able to link up with the LRA brothers and we  
9 share a few insights and we also talk to them and they talk to us and we increase on  
10 confidence-building.

11 So early morning on the 4th --

12 Q. [10:43:53] Can I interrupt you there? Can I ask you to think hard again about  
13 the month, the 4th of which month?

14 A. [10:44:00] September 2006.

15 Q. [10:44:02] Thank you. I press you only because a moment ago you mentioned  
16 August.

17 A. [10:44:08] August, I mentioned August?

18 Q. [10:44:09] It appears in the transcript in any event.

19 PRESIDING JUDGE SCHMITT: [10:44:13] You have first a couple of minutes ago  
20 mentioned September, a couple of seconds ago August, and now September, so I --

21 THE WITNESS: [10:44:22] Let me -- your Honour, with your indulgence, I believe  
22 because we are in August, I was being influenced by the current time. But we are  
23 talking about 4 September 2006.

24 PRESIDING JUDGE SCHMITT: [10:44:39] Thank you for that clarification.

25 Mr Gumpert.

1 MR GUMPERT: [10:44:43]

2 Q. [10:44:43] I am sorry that I interrupted you. I just wanted to clear that up.

3 You said that you had taken steps with a view to increasing confidence-building, and  
4 you then moved to events early on the morning of 4 September 2006. Can you  
5 continue with that aspect of your evidence?

6 A. [10:45:08] Thank you, Counsel. So early morning of 4 September 2006, I moved  
7 with the same team that I had used previously at Pajule primary school, and the  
8 composition remains the same, for a proper purpose. UPDF members who were  
9 ex-LRA members to give a positive sign to the LRA members, and recent defector,  
10 three of them, also to give a positive sign and to be a leaving symbol for the LRA  
11 members.

12 So by around 9 or towards 10 when we were approaching this blue encirclement or  
13 the blue circle, I and my team met a group of LRA members. I don't remember the  
14 number because anyway some of them who were slightly in the bush. But when I  
15 met them on the road, and that was generally what -- part of the area, part of the  
16 corridor, of the safe corridor, so I disembarked and greeted them and also my team  
17 disembarked.

18 But what was interesting is these team members of mine who were the defectors and  
19 some of the ex-LRA knew some of these LRA members whom we met on the road  
20 and they shook hands in earnest. And we explained to them that, yes, we are happy  
21 to see you; number one, we are all Ugandans, number two, we are all human beings.  
22 I took the leading role, explained that these are your comrades. And they also  
23 explained for themselves and I tried to tell them, you know, if anybody of you would  
24 wish really to come out and surrender and defect, that would save a lot of bother.

25 First of all, walking from here to South Sudan is like slavery, slavery, and to me it was

1 really a human rights issue, the way I was looking at it.

2 But the boys said, "No, we have our boss and actually don't talk about defection  
3 because if our boss picks it that we talked about it, it's a taboo to him. He doesn't  
4 like hearing about that." So then I said, "But who is your boss?" But my -- the  
5 defectors and my soldiers had already whispered to me. They said, "These boys you  
6 see belong to a unit called Sinia brigade, which is commanded by one of the most  
7 ferocious LRA commanders, known as Odomi." But the full names were  
8 Dominic Ongwen, because there were nicknames also being used.

9 So they told us the boss was ahead and we left them in peace as they had said we  
10 don't need to discuss issues related to defection because if it went to their boss that we  
11 talked about it, life would be terrible for them, including them being killed by the  
12 boss.

13 So we proceeded to -- we proceeded ahead on the road, and maybe half a kilometre or  
14 something around there, we are talking about either 10.30 or 11 there, we meet  
15 another bigger group. Quite a number of them were in the bushes. And when we  
16 got out of the vehicle, I introduced myself as the division intelligence officer, and also  
17 they saw my boys, I would call them "my boys", the other ex-LRA and the defectors.  
18 Again they recognised some many more and they told us the boss in charge of that  
19 group was -- the rank that was given was Brigadier Dominic Ongwen and he was in  
20 the vicinity.

21 I requested them to call the boss and the boss came over, their boss came over. On  
22 this point, I need clarify that I never personally knew -- physically, I had never  
23 physically met Dominic Ongwen. But the boss that came out, medium-build boss in  
24 size and height, looking youngish by the face, and smiling occasionally, with a small  
25 limp also as he walked, putting on military uniforms with a brigadier's epaulettes on,

1 with a hairstyle that was dreadlocked.

2 It came to my mind that I was meeting the same -- the real person, because I had seen  
3 his likeness in captured photos as an intelligence officer, photos captured by the  
4 UPDF. I had interviewed more than 200 defectors and their description and  
5 explanation could fit the man. But very quickly also, my boys, the recent defectors  
6 plus the other LRA turned UPDF, quickly notified me that that is the  
7 Dominic Ongwen, that is the one.

8 So I extended my hand, we shook hands, actually hugged him, and we agreed -- the  
9 first request, he was speaking basic Swahili and Luo, Acholi for that matter, to be  
10 specific. So he requested that his forces and himself rest a bit at this RV. I told him  
11 we were at their service, because that was a golden opportunity, since we had been  
12 belligerent, chasing each other, this was time for the truth to be known.

13 In the meantime, some civilians had also begun collecting, but I had purposely gone  
14 ahead of time, ahead of events, as an intelligence officer, to make sure that I  
15 ascertained the situation, gauge whether the LRA could easily be -- revert to their  
16 historical trickery, because they had always -- they had on a number of occasions  
17 tricked our officers and also murdered them under some circumstances of the  
18 so-called peace talks at some time. Then I communicated back and a number  
19 of -- some people also belonging to the UPDF, others began their journey to come and  
20 join us.

21 In the meantime we sat and it was really like maybe two long-lost brothers meeting.  
22 So to quickly break the ice, I joked with that person who was being called Dominic,  
23 and I think I had confirmed. I joked with him. I told him "brigadier looked for you  
24 to capture you for long", and he answered me that you failed until now and I'm  
25 confident now it's not about capturing me because there is no more fighting. I -- and

1 we joked and laughed and again shook hands and I deliberately brought in that  
2 soldier's joke to really show -- cast us as perhaps people of the same profession, if  
3 I can -- if I can basically reduce it to that, people who can speak the same language,  
4 the language of soldiering. And I think my joke went well with him because he was  
5 happy that -- and he smiled -- he smiled because I had not succeeded in capturing  
6 him as we joked. And then, okay, we offered the seat.  
7 Now, because I told this Honourable Court that he spoke basic Swahili and Luo, I am  
8 not fluent in Luo, but by then, 2006, I had been operational in northern Uganda for  
9 quite some time and I would also do basic sentences that would enable positive  
10 communication. And indeed we used our basics, our basic approaches in the  
11 language, not being language experts, of course, and I was convinced that we were  
12 understanding each other because when I told him to sit, when I gave him a chair, I  
13 told him to sit, he sat. When I asked him what drink he wanted, he chose Coca-Cola.  
14 And in the process, when I requested him whether we can have a photograph, he  
15 accepted and he also requested me to take his own photograph. I also accepted.  
16 So if people don't have a common basic understanding of a given language or  
17 languages, I don't think they can -- they can move all that far and they do all those  
18 positive actions. So I assert before this Honourable Court that indeed we  
19 communicated basically. So --

20 Q. [10:56:27] Forgive me --

21 PRESIDING JUDGE SCHMITT: [10:56:29] It is a good idea to look now at these  
22 photographs that have been mentioned? If you wanted to. I don't know.

23 MR GUMPERT: [10:56:35] I certainly do. I was -- Mr Witness, I think the  
24 Honourable -- his Honour has in mind, as do I, that we are about to take a break  
25 relatively shortly.

1 Actually, your Honour, I would like to come to the photographs after the break.

2 They will take a little time.

3 PRESIDING JUDGE SCHMITT: [10:56:50] Your choice.

4 MR GUMPERT: [10:56:51] And I have two or three precisions with regard to the  
5 evidence the witness has already given.

6 PRESIDING JUDGE SCHMITT: [10:56:56] Absolutely, absolutely. Please continue.

7 MR GUMPERT: [10:56:58] Thank you. We will come to those photographs.

8 Q. [10:57:00] Let's just clear up the means by which they were taken. Whose  
9 camera?

10 A. [10:57:06] They were taken by my camera. I was carrying a camera along.

11 Q. [10:57:11] And would that be a standard part of your equipment for encounters  
12 such as these?

13 A. [10:57:17] Exactly, exactly. On an intelligence officer full-time, there has to be  
14 a camera, whether it is those old cameras we were using or any other stylish camera,  
15 given the modern times. But believe me, search an intelligence officer and you'll  
16 find a recording device and a camera on him.

17 Q. [10:57:40] Thank you.

18 A. [10:57:41] It's all standard equipment, your Honour.

19 Q. [10:57:45] Thank you. Two matters which you mentioned some time ago.  
20 You spoke of making recent LRA defectors, some I think as recent as within the last  
21 few months, part of your encounter team. Can you remember the names of any of  
22 those recent defectors?

23 A. [10:58:00] The two who were on my team, I remember only -- no, one, I  
24 remember only one name called Rambo, but the other was called Okaka Morris, I  
25 think, if I can remember clearly. It's Okaka Morris, the second one.

1 PRESIDING JUDGE SCHMITT: [10:58:22] Is this Rambo, is this a name or  
2 a nickname?

3 THE WITNESS: [10:58:28] Your Honour, it's my imagination that Rambo should  
4 have been a nickname while they were operating in the bush, because it's not an  
5 African name, it's not an Acholi name.

6 PRESIDING JUDGE SCHMITT: [10:58:38] That was my understanding too.

7 THE WITNESS: [10:58:42] Most obliged, your Honour.

8 MR GUMPERT: [10:58:44]

9 Q. The second issue, you said that you had decided, it was your duty as a military  
10 man, as an intelligence officer, to go ahead first, to make sure that it was safe. But  
11 that coming in your wake there would be a number of civilians who would also take  
12 part in this encounter. Do you remember that?

13 A. [10:59:05] Yes, I do remember very well.

14 Q. [10:59:06] Can you explain to the Court in two or three sentences who were the  
15 persons from civilian life who were going to take part in this encounter?

16 A. [10:59:17] I remember the late Walter Ocora, who was a civilian leader then. I  
17 remember one bishop who joined, who was also part of the photograph. I don't  
18 remember the names very well. And also some few civilians from the general area  
19 where we were meeting. I don't remember -- I didn't capture the names of those  
20 civilians, but quite a number of the civilians who participated in that also  
21 participating in a group photo. Because I had not mentioned, I also requested that  
22 gentleman who was being called Dominic Ongwen that we have a group photo, and  
23 it was an idea that really both of us agreed to. And there was also a group photo  
24 that we took which depicts a number of civilians who took part in that meeting.

25 Q. [11:00:20] So the most efficient method of reminding you, if that is possible, of

1 who was present would be to look at that group photograph together perhaps after  
2 the break; is that right?

3 A. [11:00:33] I would positively pray.

4 Q. [11:00:37] We will do that. Thank you.

5 PRESIDING JUDGE SCHMITT: Indeed, we will do that, meaning that we will have  
6 a break until 11.30.

7 THE COURT USHER: [11:00:46] All rise.

8 (Recess taken at 11.00 a.m.)

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

10 THE COURT USHER: [11:33:14] All rise.

11 PRESIDING JUDGE SCHMITT: [11:33:31] Mr Gumpert.

12 MR GUMPERT: [11:33:33] Thank you, your Honour.

13 Q. [11:33:38] Mr Tingira, we're going to look at those photographs now, or some of  
14 them.

15 Can I invite those who are looking at the paper version to go to tab 3, at which will be  
16 found a photograph with the ERN number UGA-OTP-0260-0140.

17 PRESIDING JUDGE SCHMITT: [11:34:25] We have it on the evidence screen and we  
18 have it on paper.

19 MR GUMPERT: [11:34:28] I'm grateful.

20 I think it will be helpful if we zoom out a little for the moment and have it on full  
21 screen so that we can see some handwritten annotations which appear on the  
22 document.

23 PRESIDING JUDGE SCHMITT: [11:34:52] It's a little bit further down. Exactly like  
24 that. Thank you.

25 MR GUMPERT: [11:34:56] There we have it. Thank you.

1 Q. [11:34:59] Now, Mr Tingira, we can see some handwriting in blue ink, three  
2 names, and then apparently an indication as to which name applies to which of the  
3 persons we can see in the photograph. Who made those handwritten annotations in  
4 blue ink?

5 A. [11:35:23] I acknowledge the handwriting as mine and I acknowledge I am the  
6 one who made the handwritings in the blue ink.

7 Q. [11:35:31] Thank you. And that's your signature at the bottom, isn't it?

8 A. [11:35:34] Positive.

9 Q. [11:35:34] Yes.

10 Now can we zoom in on the photograph itself so that we can see each of the faces  
11 from -- I'm going to start from left to right. So I'm going to start with man number  
12 one. Bigger than that if it's possible. Just focusing on man number one at the  
13 moment. Perhaps even a fraction bigger. Yes. Begins to pixilate after that.  
14 So, firstly, when was this photograph taken?

15 A. [11:36:06] It was taken during the meeting that I had described slightly before  
16 we broke off. And that was on the 4th of September 2006.

17 Q. [11:36:21] Yes.

18 PRESIDING JUDGE SCHMITT: [11:36:22] And see this on the photograph.

19 MR GUMPERT: [11:36:25] We can.

20 Q. [11:36:27] And who is this person who you've indicated as person number one?

21 A. [11:36:32] Number one is or was one of the commanders in the group that I met.

22 Q. [11:36:44] Yes.

23 A. [11:36:45] And he was described as one of the most immediate commanders of  
24 Dominic Ongwen, and by the names he was described as Okello Kalalang.

25 Q. [11:36:54] Thank you. Just for clarity, you say one of the most immediate

1 commanders. Are you speaking of subordinates?

2 A. [11:37:03] Subordinates, yes. Subordinate commanders.

3 Q. [11:37:08] Thank you. That's how he was described to you?

4 A. [11:37:09] Exactly.

5 Q. [11:37:10] Yes.

6 We can probably without changing the zoom or the focus deal with man number two.

7 It's probably pretty obvious.

8 Who is that?

9 A. [11:37:22] Your lordship, how time flies. I was too youthful and very more  
10 energetic then, but that is then Captain Tingira Irumba, and that's myself.

11 PRESIDING JUDGE SCHMITT: [11:37:40] So you recognise yourself.

12 THE WITNESS: [11:37:42] I recognise myself, Mr President.

13 MR GUMPERT:

14 Q. [11:37:44] And then lastly, man number three on the right. Perhaps we can  
15 centre that person so we can see all of him. The zoom was good. I was just  
16 suggesting that perhaps the positioning of the photo could be -- yeah, move it over a  
17 bit if you can.

18 PRESIDING JUDGE SCHMITT: [11:38:04] I think it's okay like that.

19 MR GUMPERT: [11:38:07] Very well.

20 Q. [11:38:09] Yes, can you tell us who that person is?

21 A. [11:38:13] This was the man who was described to me as the overall commander  
22 of the Lord's Resistance Army group that I met. And he was described as Brigadier  
23 Dominic Ongwen and exactly he's the one.

24 Q. [11:38:32] Thank you.

25 One other matter before we move on, we can see that Ongwen or the man described

1 as Ongwen, man number three, and the person behind him, whose head we can't see,  
2 have coloured ribbons or lanyards, some form of string or little narrow rope over  
3 their right epaulette and up into their right breast pocket.

4 What did you understand the significance of those lanyards or strings to be?

5 A. [11:39:10] I never inquired into them, but I just generally assumed that perhaps  
6 they could be their unit identification. Maybe their unit identifier, something  
7 around there.

8 Q. [11:39:27] Thank you.

9 Can we move on to the photograph which is at tab 4, which has the ERN number  
10 UGA-OTP-0260-0141. Pausing there.

11 Whose handwriting is that?

12 PRESIDING JUDGE SCHMITT: [11:40:05] Microphone please.

13 MR GUMPERT: [11:40:09]

14 Q. [11:40:09] Pausing there. Whose handwriting is that that we can see?

15 A. [11:40:12] I identify it as my personal handwriting.

16 Q. [11:40:15] Thank you. And again, as his honour has pointed out in the  
17 left-hand corner we can see the date. And we can see a person holding a camera.  
18 Who is that person?

19 A. [11:40:27] He is Dominic Ongwen. The same person who was identified as  
20 Dominic Ongwen.

21 Q. [11:40:33] Now, you've told us that these photographs were taken on your  
22 camera. What do you know about the camera he was holding?

23 A. [11:40:44] During the encounter, I had a camera. And this gentleman also had  
24 one. So after he was in the process of, I requested that I could take his singular  
25 photograph and he accepted, and then he prepared his camera and also requested me

1 personally to take other photographs of his and his people. And I did it very quick.  
2 I vividly remember he was preparing, he was switching on his camera for me to take  
3 some of his photographs. Later I handed it back to him and he proceeded with it to  
4 Sudan.

5 Q. [11:41:28] Thank you very much.

6 Can we go now to the group photograph about which you spoke before the break.

7 That's at tab 11. Before we zoom in, same procedure, we can see five persons  
8 identified and named, a signature, a date. Is that you again, your handwriting?

9 A. [11:42:03] I recognise it as my handwriting, my personal handwriting.

10 Q. [11:42:09] Thank you. If we zoom in, I will deal with the persons in the order  
11 in which you identified them. We can see at the centre of the front row, where the  
12 captain of a football team might be sitting, a person you've identified as man number  
13 one. Who is that?

14 A. [11:42:32] That was Dominic Ongwen.

15 Q. [11:42:36] Perhaps the nature of the garments worn by the person we can see  
16 next to him makes it obvious, but who is that in the purple?

17 A. [11:42:47] He was one of the civilians in attendance and was a bishop. I don't  
18 recall the designation in terms of bishopric roles or the names, but was one of the  
19 bishops.

20 Q. [11:43:00] Thank you. Now, the person who you've identified as number 2 is  
21 on as we look at it the right-hand side standing up.

22 A. [11:43:13] I recognise him as Major Adjumani. That is the common name that  
23 he was being referred to as, and he was one also of the senior commanders  
24 for -- subordinate commanders for Dominic Ongwen in the group.

25 Q. [11:43:38] And then man number 3, who is at the back in the middle?

1 A. [11:43:46] That is the same Okello Kalalang whom I identified in the picture of  
2 the three.

3 Q. [11:43:54] Thank you. Now, as we look at it to the left of the bishop, you've  
4 identified man number 4. Who is that?

5 A. [11:44:09] I would remember him as I think Achaye, somebody like Achaye.  
6 The name seems to have been Achaye. Again one of the commanders -- subordinate  
7 commanders for Dominic Ongwen.

8 Q. [11:44:27] Can we just move the photograph down so we can see the annotation  
9 you've made. You've written there A-C-A-Y-E. That's the Achaye?

10 A. [11:44:38] That's Achaye.

11 Q. [11:44:39] And you've also written the word I would read as Pito?

12 A. [11:44:43] Yeah, that's the second name.

13 Q. [11:44:45] Thank you. And then finally if we can go back to the photograph  
14 and find man number 5. Who is that young chap?

15 A. [11:44:56] That, that was myself.

16 Q. [11:44:57] Thank you.

17 A. [11:44:58] Yeah.

18 MR GUMPERT: [11:45:02] I haven't given the ERN number. I apologise.

19 PRESIDING JUDGE SCHMITT: [11:45:07] Indeed. But you can do it now.

20 MR GUMPERT: [11:45:10] I do it now if I may. UGA-OTP-0260-0148.

21 PRESIDING JUDGE SCHMITT: [11:45:18] Perhaps one question: A person that is  
22 not specifically named here, the person left to person number 1 to Dominic Ongwen  
23 in civilian clothing, do you recall who that was, or was it one of the civilians that  
24 accompanied you?

25 THE WITNESS: [11:45:32] The big, the big guy, Mr President?

1 PRESIDING JUDGE SCHMITT: [11:45:37] That's a much better description than I  
2 have given, the big guy, yes.

3 THE WITNESS: [11:45:42] Okay. He was Walter Ocora. And I believe by then he  
4 was, he was district civil leader in one of the districts in northern Uganda. So he can  
5 be counted as one of the civilians in attendance. But he's late right now, he died.

6 PRESIDING JUDGE SCHMITT: [11:46:07] Thank you.

7 MR GUMPERT: [11:46:08] Your Honour, in the light of that answer, it's no criticism,  
8 I'm going to ask to refresh the witness's memory from paragraph 40 of his statement.  
9 There is slightly more precision there.

10 PRESIDING JUDGE SCHMITT: [11:46:20] Of course.

11 MR GUMPERT: [11:46:22] Thank you.

12 Q. [11:46:30] Mr Tingira, when you --

13 PRESIDING JUDGE SCHMITT: [11:46:33] But it was quite precise if I look at  
14 paragraph 40.

15 MR GUMPERT: [11:46:36] Yes, your Honour. The purposes, there are two district  
16 commissioners it seems, and I --

17 PRESIDING JUDGE SCHMITT: [11:46:41] As a matter of clarification, so to speak?

18 MR GUMPERT: [11:46:44] Yes.

19 PRESIDING JUDGE SCHMITT: [11:46:45] Yes.

20 MR GUMPERT: Yes.

21 PRESIDING JUDGE SCHMITT: Please continue.

22 MR GUMPERT: [11:46:46]

23 Q. [11:46:46] In paragraph 40 of the statement which you made, you identified  
24 Walter Ocora as being the resident district commissioner, as you just said, and at that  
25 stage you remembered that the location where he was the RDC was Gulu; is that

1 correct?

2 A. [11:47:00] I'm positively refreshed, your Honour.

3 Q. [11:47:05] I'm grateful. While we're at it, was there any other resident district  
4 commissioner present at this meeting to your recollection?

5 A. [11:47:17] I would, I would wish to recall that the gentleman in the spotted shirt  
6 I think was also one of the district commissioners. I think we had two, I would want  
7 to believe, I would want to remember.

8 Q. [11:47:35] So that's the, yes, as you say, the sporting sort of shirt. As we look at  
9 it, just to the left of Achaye Pito still seated in the front row?

10 A. [11:47:47] He is the one, but a quick, a quick exclusion, I don't address my mind  
11 effectively in regard to this gentleman, but he seems to have been one of the district  
12 commissioners.

13 Q. [11:48:05] Thank you.

14 PRESIDING JUDGE SCHMITT: [11:48:06] I think we can leave it at that.

15 MR GUMPERT: [11:48:09] So be it.

16 Q. [11:48:13] I want to embark now on the substance of the exchanges between  
17 yourself, your troops and Dominic Ongwen. You've told the Court about what  
18 might be called the pleasantries, offering him a seat and a drink and cracking a joke as  
19 between military men. Did you embark upon any more serious topics of  
20 conversation with Dominic Ongwen?

21 A. [11:49:04] Yes. After we had settled in or after I had settled him in, believe me,  
22 he was all smiles, and that I assumed would give me inroads into his, into his heart.  
23 I remember explaining to him that in our tradition, once you share a meal with  
24 someone or once men share a meal, men to include women, that's a positive sign of  
25 brotherhood and peace and love.

1 So I remember stating it to him that now that we had welcomed each other, we had  
2 sat as brothers, I had offered him a drink, there was the other positive side of life,  
3 there was the option of defection, that's how -- I'll call it giving up the, giving up the  
4 rebellion, even instantly where he was.

5 My greater motivation was driven by the helpless children I saw in his company.

6 And with permission from this Honourable Court, I request first of all to address the  
7 question of the children I'm talking about.

8 In the --

9 Q. [11:50:44] So we move from your exchanges to observations you made about  
10 some of the other persons there present with him; do we understand correctly?

11 A. [11:50:54] Exactly, because the two reinforce each other.

12 Q. [11:50:58] Yes.

13 PRESIDING JUDGE SCHMITT: [11:50:59] I think we should let him talk.

14 THE WITNESS: [11:51:01] So I estimated an average number of around 60 fighters in  
15 the company of Dominic Ongwen, but vividly around 10 of them who were within  
16 his close protection or closer to him in the inner ring, let me call it inner ring because  
17 protection would be wrong. There was no threat whatsoever he acknowledged and  
18 I acknowledge. There were around 10 children.

19 So these 10 children were as a matter of fact loaded with luggage and they literally  
20 looked like loaded donkeys. So when I looked at the children and imagined the trip  
21 from wherever they were, including wherever they had come from up to South Sudan,  
22 that was going to be the worst thing that can happen to a child, even a mature person,  
23 because truly the distances were horrible by estimation, but also motivated by the  
24 need to end the suffering of the people, the people in northern Uganda and in that  
25 combined spirit I requested him that let him consider the question of him and the

1 whole of his team simply calling off the great threat to South Sudan and they say their  
2 contribution towards peace is simply that they have opted for the other normal life in  
3 society.

4 PRESIDING JUDGE SCHMITT: [11:52:47] May I shortly, when you speak of  
5 children, what is your understanding of what age range are you referring to? So that  
6 we are -- so that we can picture it.

7 THE WITNESS: [11:52:58] Mr President, perhaps as you -- there is even -- I don't  
8 know, there is a depiction of my description in one of the photographs that I think I  
9 submitted to investigations at one time. But I'm talking about humans who by  
10 estimation are not beyond the age of 14. And I could see clear people who were  
11 more or less between, say, 9, 10 -- I mean around 9, 10, 11, 12, 13. Those are the  
12 people I'm talking about.

13 PRESIDING JUDGE SCHMITT: [11:53:38] How do you come to assess the ages of  
14 children, of young persons?

15 THE WITNESS: [11:53:45] Your Honour, first of all, I recognise that I appear before  
16 this Honourable Court not as an expert witness, but on the other side, perhaps by  
17 community diagnosis and very much used to the situation in Africa and in Uganda  
18 and particularly in northern Uganda, I could look at a kid, I mean, I could look at a  
19 group, a group of humans and I could segregate them in terms of estimated ages.  
20 So the particular group I'm talking about was really tender, small and you could  
21 simply look at them, you could simply look at them as a mature person, because I  
22 have kids too, and you could really grade them as children by observation.

23 PRESIDING JUDGE SCHMITT: [11:54:51] Please continue. I've interrupted you.

24 THE WITNESS: [11:54:54] So I requested him that in the interest of peace and now  
25 that we had broken bred together, I humbly request, and I'm putting it in reported

1 speech, I humbly request that you really consider yourself and all these people under  
2 you and most important the children, really to give up the rebellion and we are ready  
3 even right now to receive you, because receiving defectors was not an obligation and  
4 out of anticipation actually we had even kept, we had put some vehicles on standby  
5 at the division headquarters just in case.

6 What happened is I assessed his laugh as a sarcastic laugh because he accompanied  
7 his laugh with the following words. He assured me he was a brigade commander  
8 and as such defection or giving up would be the least thing on his mind as he was in  
9 charge of his troops and therefore my proposal was out of question.

10 Point number two, he told me that he must move South Sudan and truth of the matter  
11 he also additionally assured me that he's moving South Sudan, yes, but if all doesn't  
12 go well, they're willing to fight, continue fighting.

13 So I saw a preconceived position in his psychology. But I was still milling -- as I was  
14 still milling over that, one of his senior officers, whom I described as Adjumani,  
15 jumped in very quickly and also jokingly told me they wouldn't feel bad if they  
16 captured Kampala, and that's where their heart lied.

17 So to me it meant it showed, it showed a strand that much as, yes, we are a positive  
18 link lined towards peace talks, these gentlemen had some other thoughts and their  
19 openness had opened up those thoughts to me.

20 Then I reminded him, I said, "Okay. You are fully in charge as you've told me you  
21 were a brigadier general, you are fully in charge and you are the senior most here.  
22 So that means you are fully in command. And indeed, I could observe that the  
23 gentleman was in full command. First these officers I'm talking about would not  
24 look him in the eyes, and that showed me that his command was extraordinary.  
25 Then he would give a simple instruction to his soldiers, but they would literally run,

1 they would literally run, go running, sprinting to effect his orders.  
2 And that also showed me that he was really in charge of his people. So I told him:  
3 "Okay, I'm lowering the bar, which may not perhaps affect your prestigious position  
4 that you've just explained to me that as brigadier commander defection is not even in  
5 your vocabulary and you are willing to continue fighting in the event that the  
6 situation warrants. Okay, what of these children? They don't make their own  
7 decisions. These people I regard as children and whom I see as under age, they are  
8 at your mercy. You make your own decisions as a grown up. You have just  
9 indicated to me that you cannot defect whatsoever, although you are fully in charge  
10 here and your boss Kony is so many kilometres hiding inside Sudan, and in any case,  
11 we could support you to defect. You have told me you cannot defect. That's your  
12 decision. So what of these children for whom you are making decisions, so why  
13 don't you, okay, make your decision, hand me the children? I see them heavily  
14 laden. They seem to be forming your logistics train. I could receive them on behalf  
15 of their distraught parents, who have missed them for perhaps a while."  
16 His trademark sarcastic laugh came up again. He told me: "You call those kids  
17 children, but I call them my soldiers.  
18 So we are talking about my soldiers. We are not talking about the children you are  
19 talking about.  
20 To me the situation was getting complicated. Someone who looked like a friend  
21 really and someone whom I had extended a gesture of good will was not ready to  
22 perhaps budge.  
23 So the third attempt I kept lowering the bar. I said, "Now, my brother, there is that  
24 boy I see close by here." And I later was told that he was his personal assistant and  
25 actually in the normal language, the boys were calling him his personal, personal

1 attendant. The boy, all the time we were seated he was standing carrying a  
2 Kalashnikov in close proximity of my brother Dominic Ongwen. The boy was  
3 having his luggage on his back and he was not putting anything down.  
4 My heart went out for the boy like for the rest of the people, the whole group anyway.  
5 So I said, "Okay, Dominic, the world will always remember you for this at least, get  
6 me that young boy there, who is standing without turning, give him to me. And I  
7 will also thank you for that."  
8 I saw his facial expression changing. And a person who has been smiling, if he's  
9 getting irritated by what you are telling him, this may not be described in words, but I  
10 could see that he was getting irritated. And then he told -- he said, "If that's the case,  
11 I'm getting my soldiers ready to move."  
12 And he was beginning to give an order when -- and boys were -- his soldiers were  
13 nearly beginning to pick their luggage, I said, "Okay, okay. Let's leave this. And  
14 because I need to leave you have your way, because you know exactly the purpose of  
15 what you are attempting to achieve." So he cooled down a bit.  
16 I did that because again, it goes back to the executive orders that we had got from his  
17 excellency, the president. Don't antagonise these people. Don't create a scene,  
18 unless in defence of civilians. So I dropped the idea and then eventually I  
19 encouraged the other civilian leaders, take over. Prayers were said. More  
20 refreshments were served.  
21 Amidst -- and I have to be honest, amidst my bleeding heart that Dominic could not  
22 even give us the smallest concession I had requested for. So the civilians tried to  
23 repeat the same plea, but one of my soldiers told me that Dominic shot them down in  
24 the same style.  
25 So what happened was when we transited from my commander-to-commander talk

1 into the other greater civilian discussion which culminated into the great group  
2 photograph, when the attention of Dominic was drawn by the bigger discussion, I  
3 excused myself and went aside and began talking to a number of his fighters.  
4 I began straight with a kid, I said "What's your name?"  
5 And he told me "I'm called Suker." That's the only name he gave. Then  
6 immediately the boy sidestepped me and he moved away. But of course internally I  
7 knew he had to be safe. So I reached out to another of his soldiers, whom later I  
8 came to -- no. I asked him indeed, I said, "What's your name?" He told me Oryem.  
9 But I photographed also -- I would photograph also some of them.  
10 Then I said, "Oryem, why can't you people defect now that you are here and safely we  
11 are together? You always say Kony is restrictive and you always claim you fear  
12 Kony. Now that you are alone with your commander here, why don't you defect?"  
13 Now, Oryem told me, "This man -- commander of ours, please, and better leave us  
14 alone, because if he gets to know that we've talked about defection with you, he will  
15 surely kill all of us. He is such a ruthless man." And I remember Oryem saying,  
16 "For purposes of our lives, please leave us alone. But his decision is final. He  
17 seems to be insisting he's taking all of us to Sudan and we'll go. But if he said that  
18 we surrender right -- I mean we defect right now, still we would listen to him." But  
19 he's a final man. But he's not a man that you really think he's with a positive heart.  
20 He's really a truly ruthless man.  
21 So later one of the soldiers -- one of my soldiers who had been an ex-LRA came and  
22 took me aside, he said, "For the sake of the peace of these children and others LRA  
23 fighters, just leave them alone and leave the question of defection because I'm telling  
24 you my experience, this man who is commanding them" that was my ex-LRA, now  
25 UPDF member, whom I had -- told me "this man who is commanding them, believe

1 me, I have been in the bush, he's one of the worst and ruthless people you can ever  
2 meet."

3 At midnight on the road, this is the analogy my soldiers used, you would rather meet  
4 10 devils which are holding hands having closed the road if you are travelling on a  
5 road at midnight than meet one man called Dominic Ongwen.

6 So that was enough for me to understand and I joined the main meeting.

7 PRESIDING JUDGE SCHMITT: [12:07:05] When was this group photo that we have  
8 already looked at made? Was it made before the encounter, the discussions with  
9 Dominic Ongwen, or was it made afterwards?

10 THE WITNESS: [12:07:19] It was made, your Honour, the photograph was made  
11 towards the conclusion of the encounter. And I remember around something like 2  
12 something, 2 p.m. something perhaps, Dominic was ordering everybody to carry all  
13 their luggages and ordering his subordinate commanders to account for everybody  
14 ready to take off for the great trek to Sudan.

15 PRESIDING JUDGE SCHMITT: [12:07:51] Thank you.

16 I think would you like to continue, Mr Gumpert?

17 MR GUMPERT: [12:07:54] I'm grateful.

18 Q. [12:07:57] I think you told us earlier that the encounter had started, that is to say  
19 your own encounter with Mr Ongwen, at about 11. So from 11 to we're talking  
20 about something like three hours?

21 A. [12:08:11] Because there was an aspect of even resting, remember when we had  
22 just met, the purpose he set up was -- the request he filed was to enable his soldiers  
23 rest. So it's true all that while we were there at the RV.

24 Q. [12:08:31] You spoke of about 60 fighters, of whom about 10 were boys. And  
25 you gave us ages, I think from 9 upwards. Do I recall correctly?

1 A. [12:08:45] You recall correctly.

2 Q. [12:08:47] Can you help the Court with regards to how these boys in particular  
3 were dressed and equipped?

4 A. [12:08:56] These humans I identified as boys or children were all armed with  
5 Kalashnikovs. And each of them was loaded with luggage. I don't know what they  
6 were carrying and I couldn't check, but they were truly heavily laden given their ages.  
7 They were putting on a mixture of dressing, half civilian and half military uniforms.  
8 They all had an identical characteristic. As a mature person, I observed they were  
9 really -- they looked dejected, they looked malnourished, they were very dirty, they  
10 were stinking, some of them were barefooted. And they stood near on attention as if  
11 they were on parade for all that while we were in that meeting and generally they  
12 looked miserable.

13 PRESIDING JUDGE SCHMITT: May I just shortly.

14 Just to understand it, this meeting took about three hours, let's just say for about three  
15 hours. And the children you describe, did they, did they have their luggage that  
16 they had to take on their backs or did they put it down? What was it about the  
17 luggage at that time?

18 THE WITNESS: [12:10:33] Your Honour, all those who were in my sight had their  
19 luggage on their bodies. They were carrying the luggage. The luggage was on  
20 them as if they were on standby ready to move.

21 MR GUMPERT: [12:10:45]

22 Q. Picking up on another aspect of the answers which you've given, you spoke of  
23 Suker, I boy who identified himself as Suker, and you spoke of a photograph.

24 Can we turn to tab 10. And that's UGA-OTP-0260-0147.

25 And I think a photograph will appear on your screen, Mr Tingira.

1 Whose handwriting?

2 A. [12:11:31] It's my handwriting.

3 Q. [12:11:32] Can we zoom in so that we can get the closest or the largest possible  
4 view of that photograph. Is that the photograph you were referring to?

5 A. [12:11:46] This is the photograph I was referring to and this is the boy I'm calling  
6 Suker who was the close aide to Dominic Ongwen.

7 Q. [12:11:57] And how old did you -- you had a longer view of him and from a  
8 number of different angles. We can see him just in this one photograph. How old  
9 did you estimate Suker to be?

10 A. [12:12:17] I estimated him to be 13, around 13 there.

11 Q. [12:12:21] Thank you. You spoke specifically about one of Dominic Ongwen's  
12 subordinates, as you understood it, a man by the name of Oryem. Did I understand  
13 correctly?

14 A. [12:12:49] Yes, I mentioned --

15 THE INTERPRETER: [12:12:51] Message from the interpretation: Overlapping  
16 speakers, your Honour.

17 MR TAKU: Your Honour --

18 PRESIDING JUDGE SCHMITT: [12:12:54] There is no problem with the overlapping  
19 speakers because the answer was very short. And I think we can continue, despite  
20 the intervention of Mr Taku.

21 You have the floor, Mr Taku.

22 MR TAKU: [12:13:10] Excerpts are missing, your Honour, and I've not verified the  
23 transcripts. Before I thought he said Ongwen was one of the soldiers who had  
24 defected and was not under his command at that point in time, and he sought this  
25 information from Oryem at that point. I didn't understand him to say that it was

1 Ongwen's subordinates. But if he can clarify that, your Honours, then we will ...

2 PRESIDING JUDGE SCHMITT: [12:13:34] Perhaps we give it another try and clarify  
3 that.

4 MR GUMPERT: [12:13:43] It was -- in fact, I'm grateful to my learned friend. I  
5 wanted to clarify with the witness the sequence of events.

6 Q. [12:13:49] Firstly, tell us where and when did you very first clap eyes on the  
7 man by the name Oryem?

8 A. [12:14:00] My first eyesight contact with Oryem was at this very meeting at  
9 Lackeokot with Ongwen. He was under Dominic Ongwen's command. That was  
10 the first meeting.

11 Q. [12:14:17] Have you ever met him subsequent to that meeting?

12 A. [12:14:19] Yes, I have.

13 Q. [12:14:20] Can you explain to their Honours the circumstances in which you  
14 came to meet him subsequently?

15 A. [12:14:37] Perhaps as Dominic Ongwen and his other commanders had jokingly  
16 stated to me, the LRA carried on with their fighting through South Sudan, DRC and  
17 up to Central Africa.

18 So later in 2012, 2012, I was deployed in Central Africa. First of all, we have -- I  
19 would request the Court recognise that the Ugandan forces eventually pursued the  
20 LRA and they constituted the regional counter LRA force under the auspices of the  
21 African Union. So under that arrangement, I was deployed in Central Africa to our  
22 contingent as a deputy contingent commander as well as the overall intelligence  
23 coordinator.

24 So during that deployment, that's when I met Oryem for the second time. You  
25 should have seen the happiness really for me to reunite because I knew I would never

1 see any of these people. So he told me he was in the hands -- I found when he  
2 had -- by the time I was deployed, I found when he had defected to the UPDF in  
3 Central Africa. And this meeting was in northern Uganda 2006, but my next  
4 encounter with Oryem was in 2012 in Central Africa.

5 So then when we met, we recognised each other. And that was the second meeting.  
6 But he gave me quite a number of stories how Dominic Ongwen continued  
7 commanding them, et cetera, but that is briefly the answer to your question.

8 Q. [12:16:37] And this precision: You told us what Oryem had told you  
9 about -- well, his impressions of his commander, Ongwen, the 12 devils and the like.  
10 Did that conversation occur then and there, September 2006, or did it occur when you  
11 met him six years later in 2012?

12 A. [12:17:06] He repeated the same assertions he had told me, although he -- during  
13 the meeting of 2006, he spoke briefly and didn't engage a lot. But he described  
14 his -- that's when he described his boss as a -- no, it's the soldier, it's -- remember to  
15 put the record right. It's a soldier or my soldier of the UPDF who had defected and  
16 was with me, not Oryem, during the meeting here who told me they knew  
17 Dominic Ongwen while he was in the bush as a rebel. They knew Ongwen as an  
18 equivalent of 10 devils manning a road block at midnight.

19 Then Oryem by then during the meeting of 2006 was an active fighter in the group of  
20 Dominic Ongwen.

21 In 2012, the same Oryem was a defector in the hands of the UPDF in Central Africa.  
22 That's when Oryem, again in Central Africa, told -- he remembered very well our  
23 discussion at this meeting. I also again showed him his photographs, his  
24 photograph I took. And he said he knew deep in his heart, and the Ongwens had  
25 even indicated it to them that there was nothing like defection during all that period.

1 Their interest was to go to Sudan and then reorganise themselves and perhaps keep  
2 duping everybody and then they resume their fight.

3 We had really a long discussion when I met him in Central Africa, but he also again  
4 re-described his boss then, that's Ongwen, as a very ferocious leader who had ordered  
5 for quite a number of terrible punishments --

6 PRESIDING JUDGE SCHMITT: [12:19:10] Mr Taku.

7 MR TAKU: [12:19:12] Your Honours, under the principle of orality, this evidence  
8 would best be given by those individuals who provided this account to him. There  
9 is no reason to bring a witness here to try to put on the record before your Honours  
10 what other witness who are probably alive, or probably some of them have been  
11 before the Court and some of them will come before this Court, for him to -- this  
12 extensive hearsay, there's a limit to that. He met these individuals. They told him  
13 something.

14 But to give -- to make a judgment, to make evidence about their judgment call about  
15 what and when is where you could not be, whereas you receive evidence before this  
16 Court from many witnesses, many insider witnesses, including some of the defectors  
17 and others, your Honour, it's -- the prejudicial effect outweighs the probative value of  
18 this evidence. And also the purpose for which the witness was called, which will  
19 notify your Honours.

20 So I again urge the Court to limit the scope of the evidence of this witness, especially  
21 his opinion - he clearly said he was not an expert - opinion evidence and making  
22 value judgments on what he heard from other people and using inflammatory -- and  
23 of course I would dare say he's a soldier and he should know better, your Honours,  
24 that that type of language, about the devil and things like that, it's not permitted here.  
25 We made a commitment at the beginning of this trial to respect everyone, accused,

1 witnesses and victims and all participants.

2 And I think he should restrain himself when repeating hearsay, which, as a  
3 commander, he would just have discounted it and stick to the facts of what he  
4 observed, what he saw, what happened at the site of the meeting, not to extend it, "In  
5 Central Africa this happened again."

6 Mr Ongwen has protested, you remember, your Honours, when you called him to  
7 speak, that "I think I'm not here being tried for all, everything that happened in the  
8 LRA, simply because five other individuals indicted are not here and may never be  
9 here," and we've not been able to get Mr Kony. They should limit the case to  
10 Mr Ongwen, what happened to the specific meeting he's talking about. And if he  
11 met the other individuals thereafter, it is that he defected. Full stop. Not is actually  
12 the hearsay accounts of what the individual told him.

13 He's changed from LRA to UPDF, talking to a commander who will have tainted his  
14 opinion about a number of things that happened. But that opinion is not necessary  
15 in this particular context.

16 PRESIDING JUDGE SCHMITT: [12:21:50] Thank you, Mr Taku.

17 The Chamber is able to differentiate between observations that the witness made at  
18 the time and what he's talking about and also between hearsay. Hearsay is not  
19 excluded from the outset, as we know in our legal framework. This means that it  
20 might be considered, but you can also be assured that the Chamber is able to assess  
21 the probative value of hearsay. So I can assure you that that's perfectly clear.

22 And by the way, the witness was asked about this incident and about this person.

23 And I think indeed, Mr Gumpert, what we can do, we can leave now this person. If  
24 you want, you can show the photograph to the witness and then I think we should  
25 move on to another person.

1 But it's perfectly clear that the probative value of hearsay might be very different and  
2 it is to be assessed by the Chamber. But we are aware of the fact of the difference  
3 between hearsay and immediate accounts and immediate impressions, observations  
4 by a witness.

5 Mr Gumpert, please continue.

6 MR GUMPERT: [12:23:06]

7 Q. [12:23:15] Mr Tingira, I would like to look at --

8 PRESIDING JUDGE SCHMITT: [12:23:17] It is 6, tab 6, I think.

9 MR GUMPERT: [12:23:20] Yes. I was going to deal with the photographs in the  
10 order in which they appear.

11 PRESIDING JUDGE SCHMITT: [12:23:24] Very well.

12 MR GUMPERT: [12:23:26] So can we go to 5.

13 PRESIDING JUDGE SCHMITT: [12:23:31] I said very well. So please continue with  
14 5 then.

15 MR GUMPERT: [12:23:34] Thank you. The ERN is UGA-OTP-0260-0142. I think  
16 that's fine. Thank you, very clear.

17 Q. [12:23:48] Your handwriting again, Mr Tingira?

18 A. [12:23:52] I acknowledge this as my actual handwriting.

19 Q. [12:23:55] And you took the photograph?

20 A. [12:23:57] I took it personally.

21 Q. [12:23:59] And it shows a person who you understood at the time to be whom?

22 A. [12:24:04] Okello Kalalang, one of the subordinate commanders of  
23 Dominic Ongwen.

24 Q. [12:24:11] Thank you. Moving swiftly on to tab 6, UGA-OTP-0260-0143. Your  
25 handwriting, your photograph?

1 A. [12:24:27] Yes. I acknowledge this as my handwriting and one of the  
2 photographs that I took.

3 Q. [12:24:31] Thank you. Two men indicated here. Number 1, who is that?

4 A. [12:24:39] This is the Oryem we've been talking about, the one I met at the  
5 meeting of 2006 and later on the defect of 2012.

6 Q. [12:24:51] Thank you. He has two stars visible on his epaulette. What does  
7 that indicate to you by way of rank?

8 A. [12:25:04] By the time of the meeting his ranking designation was lieutenant.

9 Q. [12:25:08] Thank you. And another person indicated by you as person number  
10 2, further away from the camera with a side-on, a profile view, who did you  
11 understand that to be?

12 A. [12:25:23] I was informed he was -- he went by the name of Okeny, if I can  
13 remember correctly.

14 Q. [12:25:37] O-K-E-N-Y?

15 A. [12:25:40] Correct.

16 Q. [12:25:40] Thank you. And what did you understand his function to be?

17 A. [12:25:44] I was made to understand that he was in charge of intelligence  
18 operations in the brigade then, in Dominic Ongwen's brigade.

19 Q. [12:25:54] Thank you. It's possibly of no importance, but I see that where I've  
20 spelt out the letters, the first of the letters is a mistake. It's O-K-E-N-Y rather than  
21 E-K-E-N-Y in the transcript.

22 Moving on to tab 7, that's UGA-OTP-0260-0144. Your handwriting, your  
23 photograph?

24 A. [12:26:32] I acknowledge both.

25 Q. [12:26:33] Thank you. And who did you understand this person to be?

1 A. [12:26:39] The LRA senior officer I called Adjumani, but he was being referred to  
2 as Major Swaib Adjumani or Ayumani, depending on how you pronounce it.

3 Q. [12:26:57] Thank you. Turning over to tab 8, which is ERN  
4 UGA-OTP-0260-0145. Your photograph, your handwriting?

5 A. [12:27:17] Correct for both.

6 Q. [12:27:20] Thank you. I think you've already mentioned a gentleman called  
7 Achaye Pito. Is this him?

8 A. [12:27:27] Yes, it's him.

9 Q. [12:27:28] Thank you. And then tab 9, UGA-OTP-0260-0146. Maybe we can  
10 just zoom this a little. The person closest to the camera looking into the lens, who  
11 did you understand that to be?

12 A. [12:28:04] This is the Okeny I had described earlier as someone who was  
13 handling intelligence operations in Dominic Ongwen's group.

14 Q. [12:28:12] Thank you.

15 PRESIDING JUDGE SCHMITT: [12:28:15] He seems to wear civilian clothes; is that  
16 correct?

17 THE WITNESS: [12:28:19] Correct, your Honour. Your Honour, and as I had  
18 described that a number of these people were, some of them were dressed in mixed,  
19 were using mixed dressing, military and civilian. Maybe military trouser and  
20 civilian shirt, or vice versa.

21 PRESIDING JUDGE SCHMITT: [12:28:38] Thank you.

22 THE WITNESS: [12:28:39] But armed.

23 MR GUMPERT: [12:28:41]

24 Q. [12:28:42] Do go on.

25 A. [12:28:47] Sorry?

- 1 Q. [12:28:47] I'm sorry. I thought you began a sentence and then stopped.
- 2 PRESIDING JUDGE SCHMITT: [12:28:51] No, no. "But armed."
- 3 MR GUMPERT: [12:28:53] "But armed." Thank you. I have heard it wrong.
- 4 Would your Honour just grant me a moment to gather my thoughts?
- 5 PRESIDING JUDGE SCHMITT: [12:29:07] Absolutely.
- 6 Perhaps I can bridge the gap in the meantime.
- 7 Mr Tingira, did you have an impression how many people were all in all in the group
- 8 of Dominic Ongwen at the time? Did you get an impression at the time?
- 9 THE WITNESS: [12:29:38] Yes, Mr President. At that rendezvous, at that meeting
- 10 place, I estimated them to be at around 60. But looking through records, operation
- 11 records that we had been keeping a tab on Dominic Ongwen's brigade, it transpired
- 12 to me that the brigade had a strength of perhaps between 200 and 300.
- 13 PRESIDING JUDGE SCHMITT: [12:30:07] Thank you.
- 14 MR GUMPERT: [12:30:31]
- 15 Q. [12:30:32] Aside from the commanders whom you photographed and have
- 16 named, do you recall by name any others whom you met on that occasion?
- 17 A. [12:30:46] As of now, I may need to refresh my mind, but the key people I think
- 18 we've -- the key people I remember we've even mentioned them.
- 19 MR GUMPERT: [12:31:02] Your Honours, there is one name which may be of
- 20 importance where I seek to refresh.
- 21 PRESIDING JUDGE SCHMITT: [12:31:07] Yes, if you think so, please do.
- 22 MR GUMPERT: [12:31:09]
- 23 Q. [12:31:10] Does the name Atube, I may not pronounce it correctly, A-T-U-B-E,
- 24 bring anything to your mind?
- 25 A. [12:31:21] I remember him as one of the people in the group that day. I

1 remember that name.

2 Q. [12:31:28] And just so we're absolutely clear, your group or Ongwen's group?

3 A. [12:31:33] Ongwen's group. He was -- I remember one LRA member going by  
4 that name under command of Dominic Ongwen.

5 Q. [12:31:41] Thank you. Who was the most senior military man eventually  
6 present at this meeting?

7 A. [12:31:57] You mean on the side of the UPDF?

8 Q. [12:32:01] Yes.

9 A. [12:32:04] It was, it was the 3rd division. He's called Lucky Kidega. Lucky  
10 Kidega. He was I think representing the overall command of the division.

11 Q. [12:32:24] And that's the 5th division of which you've spoken earlier?

12 A. [12:32:27] Exactly.

13 Q. [12:32:31] And his rank?

14 A. [12:32:33] During the meeting, he should have been colonel brigadier. I may  
15 need to refresh. You know, we are talking about 2006. But I think he was a colonel.

16 Q. [12:32:46] I'm not going to seek to deal with that further. Apart from him, was  
17 the brigade commander present and, if so, who was that?

18 A. [12:32:56] Yes. Also the rank could have been major or lieutenant colonel, but  
19 Joseph Balikudembe also joined us. He was the area brigade commander. So in  
20 sequence, I the division, I go first. Then brigade commander and division  
21 commander came in later.

22 PRESIDING JUDGE SCHMITT: [12:33:22] So how big was your group, if we would  
23 label it like that, in the end? With how many people did you attend this meeting?

24 THE WITNESS: [12:33:33] I came in with around 10, and the brigade commander  
25 and the division commander each I remember came in with only single pick-up, and

1 then plus the civilians. So one could look at the, one could look at the description to  
2 give the numbers, but most probably I would think maybe around 30, 30 plus.

3 MR GUMPERT: [12:34:18]

4 Q. [12:34:19] I want to turn now to the third of the events which you told us you  
5 would wish to give evidence about.

6 Can we go back to the map briefly. And zoom in on the uppermost of the blue  
7 annotations. That's good. Thank you.

8 We can see a blue mark and the word "Dure", do I pronounce it correctly?

9 A. [12:34:52] Yes, Dure.

10 Q. [12:34:53] Dure. I'm grateful. Who made that mark and who wrote that  
11 word?

12 A. [12:34:57] It was me who marked and it was me who did the inscription.

13 Q. [12:35:00] What happened at Dure, why did you indicate this indication on the  
14 map?

15 A. [12:35:13] In my testimony I pointed at three meetings. We've covered the  
16 Pajule primary school meeting as the first. We've also covered the Dominic RV  
17 meeting which was the second. And the third one was at Dure, where it was more  
18 or less the same pattern, another element of Lord's Resistance Army was reported to  
19 be going to cross the Pader-Kitgum road at that place marked as Dure. And they  
20 also repeated the same pattern, reported to the place, received them. I remember  
21 they were under someone called Okuti.

22 PRESIDING JUDGE SCHMITT: [12:36:12] I think we can make this short, I would  
23 suggest, respectfully.

24 MR GUMPERT: [12:36:21] I shall comply inasmuch as I am able.

25 Q. [12:36:24] It may be that you can describe this in no more than two or three

1 sentences in fairly general terms.

2 A. [12:36:32] It was more or less the same pattern as the previous meetings. We  
3 gave refreshments. Gave assurances to Okuti and Tim. They were nonresponsive  
4 and they continued on their trip.

5 Q. [12:36:56] Thank you. Was Okuti someone of whom you had become aware as  
6 a result of your work as an intelligence officer?

7 A. [12:37:17] Yes.

8 Q. [12:37:17] What did you know of him at the time you met him?

9 A. [12:37:21] He was one of the senior commanders within the LRA. And there  
10 was another group of LRA and a -- okay, not a sector as such, but a group of LRA  
11 which was independent of other groups which was commanding operationally.

12 Q. [12:37:45] Did that group have a particular name or designation?

13 A. [12:37:49] It had, but currently I need to address my mind to the real designation.  
14 I don't remember it.

15 Q. [12:37:59] I shan't press you on that.

16 Lastly this point, you were at this time, you've told us, a captain, and the 5th division  
17 intelligence officer, yes?

18 A. [12:38:21] Yes, I was.

19 Q. [12:38:22] Do you recall whether you made any formal report on the events  
20 about which you have told us?

21 A. [12:38:36] Yes, I remember making operation notes and filing, filing an official  
22 report, but I must add very quick that I never moved with those reports. And then it  
23 was an operational, really, situation. But I filed those and I'm sure -- I don't know  
24 that they can really be accessed. That is another question. But I filed reports.

25 Q. [12:39:07] On that subject, have you made efforts to see whether you can access

1 them?

2 A. [12:39:14] My skepticism comes from the fact that I really tried my best. But  
3 5th division was newly created. By that, had more or less nearly -- I mean, newly  
4 been created, and we were in makeshift structures. Right now they have even  
5 electricity and the offices are as cool perhaps as the courtroom here. So I filed  
6 honestly. Most probably someone misplaced them, going by the principle of  
7 relevance with time.

8 Q. [12:39:52] Well, I'm grateful for the efforts you made, and I understand. Thank  
9 you.

10 That concludes my questioning for this witness, your Honour.

11 PRESIDING JUDGE SCHMITT: [12:40:01] Thank you, Mr Gumpert.

12 It would now be the turn of the legal representative, Mr Cox.

13 MR COX: [12:40:07] Your Honour, we have no questions for this witness.

14 PRESIDING JUDGE SCHMITT: [12:40:10] Mr Narantsetseg.

15 MR NARANTSETSEG: [12:40:18] Your Honour, thank you for the opportunity.

16 We are satisfied with the evidence adduced by the Prosecutor. So we propose no  
17 further questioning. Thank you.

18 PRESIDING JUDGE SCHMITT: [12:40:26] Thank you.

19 And it now then would be the turn of the Defence. Perhaps I would suggest that we  
20 have the lunch break, and we shorten it a little bit, until 2 o'clock. Would that be  
21 okay?

22 I assume Mrs Bridgman, as you are sitting on a chair, that should be the one who  
23 indicates that you are the one who is interrogating the witness; is that correct?

24 MS BRIDGMAN: [12:40:48] Yes, your Honour. You are correct.

25 PRESIDING JUDGE SCHMITT: [12:40:51] What do you say? I think we can do it

1 this way. At 2 o'clock we start then with your examination.

2 MS BRIDGMAN: [12:40:56] Thank you, your Honour.

3 PRESIDING JUDGE SCHMITT: [12:40:57] So we have now the lunch break until 2  
4 o'clock.

5 THE COURT USHER: [12:41:00] All rise.

6 (Recess taken at 12.41 p.m.)

7 (Upon resuming in open session at 2.00 p.m.)

8 THE COURT USHER: [14:00:52] All rise.

9 PRESIDING JUDGE SCHMITT: [14:01:06] So I give the floor to Mrs Bridgman for  
10 the questioning by the Defence.

11 MS BRIDGMAN: [14:01:16] Thank you, Mr President.

12 QUESTIONED BY MS BRIDGMAN:

13 Q. [14:01:22] Good afternoon, Mr Witness.

14 A. [14:01:24] Good afternoon, ma'am.

15 Q. [14:01:26] I'm going to ask a few questions relating to what you've already  
16 discussed with Mr Prosecutor and then I will also ask you other things related to your  
17 involvement in the operations against the LRA.

18 Now, Mr Witness, you briefly told this Court earlier today that you also were  
19 involved in operations in Central Africa. I would like to ask you, in your opinion, is  
20 the UPDF still fighting the LRA as we speak today?

21 A. [14:02:13] Your worship I retract myself, your Honour. I would have the  
22 humility of giving two sides to the issue. One, I would feel it a bit unfair for the  
23 Defence to perhaps turn me into a general maybe spokesperson for the UPDF because  
24 unfairly I feel the UPDF operations carrying into Central Africa have nothing to do  
25 with me, and I would gladly request that maybe I'm confined on the questions of, on

1 the real, real questions that pertain our meeting with Dominic Ongwen.

2 And, again, that is my feeling, but, but if maybe I could hear from this Honourable  
3 Court.

4 PRESIDING JUDGE SCHMITT: [14:03:20] I understand the background why  
5 you're saying that, but in principle, when it comes to this question, for example, if you  
6 have an opinion on it, you can give it. If not, and if you say "I don't have enough  
7 information," also okay. But in principle, of course, a witness cannot choose the  
8 questions that are posed to him or her.

9 THE WITNESS: [14:03:45] Most obliged, Mr President.

10 I disengaged -- maybe a quick background. I disengaged from the LRA operations  
11 quite some time, but, again, I will play into what the Defence was trying to prohibit  
12 me from doing. I don't incur the apportion into it, but I saw an official statement  
13 from the UPDF, just like it's a public statement, and I think they were stating that  
14 recently they disengaged from the operations.

15 MS BRIDGMAN: [14:04:24]

16 Q. [14:04:26] Thank you, Mr Tingira.

17 And, your Honours, I just would like to clarify that in case some of my questions go  
18 into issues of national security, I'll be guided by both the witness, the Prosecution and  
19 the Chamber to always request to go into private session for some of these matters.

20 PRESIDING JUDGE SCHMITT: [14:04:43] I can imagine that, and absolutely we  
21 are all vigilant in that respect. And also Witness can raise the issue. But I think we  
22 are all aware of possible implications with national security. Please continue.

23 MS BRIDGMAN: [14:04:57] Thank you.

24 Q. [14:04:58] Now, Mr Witness -- sorry. I'm going to try to remember to call you  
25 Mr Tingira, but we have always said "Mr Witness."

1 This statement about the disengagement just came, if I'm not wrong, about May or  
2 June of this year; is that correct?

3 A. [14:05:18] I don't -- I don't have any greater focus on the issue.

4 Q. [14:05:23] But it's fair to say it is sometime this year that this statement came?

5 A. [14:05:29] I would want to imagine.

6 Q. [14:05:31] Thank you. You briefly stated that from the principle of relevance,  
7 some of the reports or documents that were collected during the operations in 2006  
8 might have been destroyed or misplaced or something like that. Would you help me  
9 understand why for an operation that just -- let's take the statement from the  
10 government of Uganda. For operations that were only ceased recently, why it would  
11 not be relevant for the UPDF to keep records of operational reports regarding the  
12 LRA?

13 A. [14:06:19] Your Honour, I would have something like three takes to the  
14 question. Number one, fairly I would feel that it's not the filing system of the UPDF  
15 that is on trial in this Honourable Court. But that also takes me to a second stage,  
16 that, number two, I handed over that office a long time ago, long time ago and I  
17 moved on to other offices.

18 So practically and in all fairness, delay in retrieval of the information we are trying to  
19 focus on really cannot be effectively accounted by me and, again, I'm a smaller  
20 component of the UPDF. So I tried my best within the possible time, and I was not  
21 successful in locating the information.

22 But also to wind up very quickly, I would not wish to think there is a fast rule that  
23 says where a document is missing and the author perhaps is still alive, and he can  
24 recount what he put down that the document maybe becomes of greater importance  
25 than the author. I'm alive and I've just given a live testimony. He can also still talk

1 about many matters.

2 PRESIDING JUDGE SCHMITT: [14:07:37] But, Mr Tingira, before we continue, just  
3 perhaps two or three ideas that I have when I listen to the question, listen to you.  
4 Simply keep in mind that Defence has a different function than Prosecution in the  
5 courtroom. They must test what you have said. These are simply the rules.  
6 So there will be, I can imagine, put questions to you that you perhaps would not want  
7 to answer or what you would think perhaps are not relevant in your mind, simply  
8 take them as they are and answer them to the best of your knowledge. If you know,  
9 answer them; if you don't know, don't answer. If you say it's calling for speculation,  
10 you say "I don't feel comfortable with that." Simply go through the process because  
11 in a courtroom, as I said, there are these two parties with different interests, so to  
12 speak, and different approaches to the form of question and mode of questioning.  
13 Please continue, Mrs Bridgman.

14 THE WITNESS: [14:08:44] Most obliged, your Honour.

15 MS BRIDGMAN: [14:08:47]

16 Q. [14:08:49] Mr Witness, before you disengaged from LRA operations in Central  
17 Africa or perhaps after, forgive me if I'm making assumptions in this regard, do you  
18 remember participating in an exercise where remains of one of the top commanders  
19 were exhumated in Central African Republic?

20 A. [14:09:14] I remember supporting the process in some regards.

21 Q. [14:09:25] And you wrote a report in that regard. If I recall correctly it's at tab  
22 15 of the binder. I am sure that you have a copy of that.

23 A. [14:09:43] My binder stops at tab 11 so --

24 PRESIDING JUDGE SCHMITT: [14:09:49] So I think the witness has not at his  
25 provision on the additional tabs by the Defence. Can we help the witness perhaps

1 with that?

2 Our material here at the Bench is complete, but it has to be complete also for the  
3 witness out of fairness to the witness.

4 MS BRIDGMAN: [14:10:27] Yes. I handed over some copies to the Prosecution.  
5 But the person I handed them over, I don't see her in the courtroom.

6 PRESIDING JUDGE SCHMITT: [14:10:37] So perhaps usher could help us with  
7 that.

8 MR GUMPERT: [14:10:40] I have a set here. If the document is going to be  
9 displayed on the screen --

10 PRESIDING JUDGE SCHMITT: [14:10:45] I think now that we started, we will  
11 display it on the screen, plus witness should have it in print. So if Mr Gumpert or  
12 court usher could please give this.

13 It seems to be diligently prepared by Mr Gumpert.

14 MR GUMPERT: No. Indeed by my -- sorry, I'm sitting down.

15 PRESIDING JUDGE SCHMITT: With prepared, I mean what you took out of it.

16 MR GUMPERT: Yes.

17 PRESIDING JUDGE SCHMITT: You see what I mean? It seems to be complete.  
18 This, I wanted to express. Thank you.

19 We are now talking about number 15, Mr Tingira.

20 THE WITNESS: [14:11:22] Yes, your Honour.

21 PRESIDING JUDGE SCHMITT: [14:11:48] I think we can now continue and you  
22 can put the questions to Mr Tingira.

23 MS BRIDGMAN: [14:11:54] I just wanted to give him an opportunity to take a look  
24 and I was --

25 PRESIDING JUDGE SCHMITT: [14:12:00] To take a look, it's five or six pages,

1 perhaps you simply ask your questions, and when it comes to a specific part of the  
2 report, he can have again a specific look at that part.

3 MS BRIDGMAN: [14:12:12]

4 Q. [14:12:12] So, Mr Witness, would you tell the Court your role in this exercise,  
5 please.

6 A. [14:12:24] My role was as the exercise coordinator on the side and on behalf of  
7 the UPDF.

8 Q. [14:12:34] Were you present for the entire exercise until the remains were  
9 handed over to the doctors.

10 A. [14:12:41] No.

11 Q. [14:12:46] Would you please share with us the point where your participation  
12 stopped.

13 A. [14:12:57] As you can see, quite many parties were involved right from the -- I  
14 should say the driving party was the ICC. And we are talking about a wide span of  
15 geography, Uganda, Central Africa. So it was partnered that there is somebody who  
16 is coordinating all these persons involved and into investigative coordinating with the  
17 ICC up to when their team was assembled and the team was dispatched Central  
18 Africa. I didn't travel with the team. The team comes back to Uganda and then a  
19 debrief is done.

20 So in military style, if you are, say, charged with commanding an operation, even if  
21 you don't get to the battlefield, what happens is you own up, you own up the debrief.  
22 So it's in that spirit that I penned down this report owning up the debrief.

23 Q. [14:14:10] Thank you. But you are aware that the purpose of the entire  
24 exercise was to verify that the remains were for Okot Odhiambo, correct?

25 A. [14:14:23] Yes, yes, I am aware, madam.

1 Q. [14:14:28] Thank you. Do you know who Vincent Otti is?

2 A. [14:14:35] Those are two names. Maybe I would request you guide me in  
3 what context.

4 Q. [14:14:41] Perhaps another top LRA commander at some point, one of the  
5 people who had an arrest, an ICC arrest warrant against him?

6 A. [14:14:57] Madam, empirically, maybe you could simply provide to me what  
7 you mean by "knowing."

8 Q. [14:15:04] Does that name ring a bell to you at all; and if yes, what do you  
9 know about him?

10 PRESIDING JUDGE SCHMITT: [14:15:12] Could you perhaps specify this a little  
11 bit. It's a little bit, you know, what you know about him. I think simply we can  
12 assume that Mr Tingira has heard about Vincent Otti. I think that this is, we can  
13 shorten this. But perhaps if you want to go in that direction, you can ask him if he  
14 ever met him, if he ever has talked to him or something like that. But, you know, to  
15 ask him "What have you heard about him," for example, would be really relatively  
16 unspecific, I would say.

17 MS BRIDGMAN: [14:15:43] I will be more particular, your Honour, in that regard.

18 PRESIDING JUDGE SCHMITT: [14:15:47] Yes, please do that, yes. Yes, please.

19 MS BRIDGMAN: [14:15:49]

20 Q. [14:15:49] Are you aware that Mr Vincent Otti was killed?

21 A. [14:15:55] I heard about it.

22 Q. [14:15:59] Do you know if the ICC, just like they did in Okot Odhiambo's case,  
23 if they ever conducted a similar exercise for Vincent Otti?

24 A. [14:16:13] I don't know.

25 Q. [14:16:19] Do you recall a time sometime in 2005, late 2005, when there was a

1 rumour going around that Dominic Ongwen had been killed in battle?

2 A. [14:16:36] I don't remember very well.

3 Q. [14:16:44] In your recollection, do you ever remember participating in a similar  
4 exercise for any LRA person killed in action?

5 A. [14:16:59] No.

6 Q. [14:17:04] Do you have any recollection of a time when the UPDF or the  
7 government of Uganda conducted forensic examination on anyone who was killed  
8 during operations, even civilians, for instance, from any of the attacks conducted by  
9 the LRA?

10 A. [14:17:27] No.

11 Q. [14:17:30] Thank you, Mr Tingira.

12 Now, you talked about your work as an intelligence officer, the first portion between  
13 2001 and 2003 and from 2003 to 2006, and I would like to take it step by step. When  
14 you were the brigade intelligence officer, to whom did you report?

15 A. [14:18:19] A brigade intelligence officer would report to a division intelligence  
16 officer.

17 Q. [14:18:28] So considering that state that you were for brigade 403, which was a  
18 mobile unit covering three divisions, does that mean that you reported to all the three  
19 divisions that you covered during the first period?

20 A. [14:18:49] In military reporting, there is two and E4. So I would report to my  
21 division IOO for 5th division.

22 Q. [14:19:07] So from the very beginning you still were attached to the 5th  
23 division, am I getting you correctly?

24 A. [14:19:13] Yeah, you're getting me correctly.

25 Q. [14:19:15] Thank you. But your information or your reports would be used

1 by all the other divisions, is that correct?

2 A. [14:19:31] I think they could.

3 Q. [14:19:37] Now, when you worked as an division intelligence officer did you  
4 sometimes use reports from other division intelligence officers?

5 A. [14:19:52] I would indulge your clarification perhaps on what type of reports  
6 you are talking about.

7 Q. [14:20:00] I'm talking about intelligence reports gathered during your period  
8 of -- during your work?

9 A. [14:20:11] Hypothetically it should be that you've got to keep comparing notes.  
10 I would call it that, you've got to keep comparing notes. I would not wish to reduce  
11 it to the official format of a report, but it's imperative that you keep comparing notes.

12 Q. [14:20:31] So if we move from the hypothetical to the practical, was this what  
13 happened?

14 A. [14:20:38] I believe so.

15 Q. [14:20:43] Thank you, Mr Witness. Do you recall the name of your division  
16 commander?

17 A. [14:20:50] I would imagine it should be Lucky Kidega.

18 Q. [14:21:04] Do you recall the division commanders for the 3rd and the 4th  
19 division?

20 A. [14:21:09] No.

21 Q. [14:21:10] I'm going to ask you just randomly a few names, and if you would  
22 be kind enough to tell me if you worked with them or somehow if they were involved  
23 in some of the operations around that time. Katumba Wamala, did he work in  
24 northern Uganda around the time period that you operated there?

25 A. [14:21:34] Oh, I don't remember.

- 1 Q. [14:21:34] Aronda Nyakairima?
- 2 A. [14:21:39] I don't remember.
- 3 Q. [14:21:39] David Tinyefuza?
- 4 A. [14:21:42] I don't remember.
- 5 Q. [14:21:43] Paddy Ankunda?
- 6 A. [14:21:47] I don't remember.
- 7 Q. [14:21:56] When you worked for the mobile brigade did you travel between  
8 the different divisions, the places that they covered?
- 9 A. [14:22:13] Repeat the question, ma'am.
- 10 Q. [14:22:17] When you worked as the mobile brigade intelligence officer and you  
11 mentioned that it covered the 3rd, 4th and 5th divisions, did you travel throughout  
12 that, all the divisions as part of your work?
- 13 A. [14:22:35] Not throughout. Maybe I need to make a quick qualifier that the  
14 way you see these divisions on the map is not the way the ground is mapped with red  
15 lines and blue boundaries and the dotted lines like that. By the time you are going to  
16 step somewhere you say "Oh, I think I'm crossing over." So I described the brigade  
17 as mobile and the main function is to be in the jungles, flush out the LRA. So yes,  
18 into those divisions you are talking -- areas of responsibility into those the divisions  
19 that you're talking about, yes in the jungles, but it's not that it's an organised visit and,  
20 you know, you cross boundaries. But we were a brigade that would cross those  
21 imaginary boundaries but in the jungles.
- 22 Q. [14:23:35] Thank you, Mr Witness. So that would ideally give you a good  
23 background knowledge of most, or perhaps all of northern Uganda where the LRA  
24 operations were taking place; is that correct?
- 25 A. [14:23:50] It's not correct.

1 Q. [14:23:52] Can you help me clarify this, help me to understand the reality on  
2 the ground?

3 A. [14:24:01] Madam, it was your question, and my conviction is I can't account  
4 for all the parties in northern Uganda. But the reality on the ground is -- I don't  
5 know how you can simplify it -- but the point is, let's assume your part is division 1,  
6 maybe this is division 2, that's division 3. What is going to happen is, for example, if  
7 I'm 403, somewhere in the middle, and we are chasing somebody, we are chasing  
8 counsel's bag, there's -- can assume it's the LRA. If it enters into that corridor where  
9 it is the hidden there, we follow it. And then if it turns it around and gets into the  
10 middle of the other corridor we follow it. So in reality, and in as far as geography is  
11 concerned, yes, we've operated inside your territory and we've operated inside his  
12 territory. But again, it's not really something that is very streamlined that  
13 boundaries are existing like those tables, and so that is the reality of the operations.

14 PRESIDING JUDGE SCHMITT: [14:25:19] And nobody was forbidden to cross a  
15 little bit when it was necessary?

16 THE WITNESS: [14:25:24] No.

17 PRESIDING JUDGE SCHMITT: [14:25:25] Do I understand that correctly?

18 THE WITNESS: [14:25:28] Your Honour, that is the reality.

19 PRESIDING JUDGE SCHMITT: [14:25:30] Forbidden a little bit ironically, say, of  
20 course.

21 THE WITNESS: [14:25:36] Your Honour, that is the reality.

22 MS BRIDGMAN: [14:25:39]

23 Q. [14:25:41] And, Mr Witness, I appreciate you indulging me in this regard,  
24 because I am trying to draw a picture for me to properly understand some of the  
25 things that were happening because I was not there. So it helps me a lot to know

1 what was happening on the ground in that regard.

2 Now, as an intelligence officer, is it not true that you used technical intelligence,  
3 human intelligence, counterintelligence and other types of intelligence to gather your  
4 information necessary for the operations.

5 THE WITNESS: [14:26:27] Your Honour, standard practice world over is that the  
6 moment the question on the floor gets -- points towards, for example, the security and  
7 intelligence capabilities of a given country, then looks like our first leg seems to be  
8 crossing the threshold into national security matters and because it requires me to  
9 elaborate what, so --

10 PRESIDING JUDGE SCHMITT: [14:27:01] We go into private session, then, I  
11 understand it.

12 THE WITNESS: [14:27:05] Most obliged, your Honour.

13 (Private session at 2.27 p.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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2 (Open session at 2.45 p.m.)

3 THE COURT OFFICER: [14:45:48] We are back in open session, Mr President.

4 MS BRIDGMAN: [14:45:58]

5 Q. [14:45:59] Mr Witness, after operations, for instance -- let me rephrase my  
6 question. When the UPDF had engagements with the LRA, some people would be  
7 captured sometimes from the LRA; is this correct?

8 A. [14:46:29] It's correct.

9 Q. [14:46:32] As an intelligence officer -- and I understand you said when you are  
10 the division intelligence officer, you had other people to take care of most of your  
11 business, but you have a peculiar understanding since you started out as a brigade  
12 intelligence officer, and I would like to know from that perspective, having taken both  
13 positions, these people would be briefed -- debriefed after they had been captured,  
14 correct?

15 A. [14:47:05] The unit in charge of that operation definitely has to -- has to talk to  
16 them.

17 Q. [14:47:17] Now, sometimes these engagements would be, let me say, strikes  
18 where the LRA was not actively engaging in, but let's say a base of sorts where they  
19 would be settled and then the UPDF would attack these places; is that correct?

20 A. [14:47:37] Repeat your question, madam.

21 Q. [14:47:40] Some of the engagements that the UPDF had with the LRA would  
22 be more of surprise attacks; is that correct?

23 A. [14:47:50] What -- can we elaborate on what a surprise attack is so that I get to  
24 understand your question and give you what you want to understand.

25 Q. [14:48:02] So for instance you said sometimes you would get information that

1 there is an enemy in a particular place. Maybe they are resting for the day or two  
2 days. And then you would -- I assume you would deploy in that position. So what  
3 I mean by a surprise attack is that it's not an active engagement. It's more that you  
4 know where they are and you go and strike them, you catch them unawares. That's  
5 what I mean.

6 A. [14:48:35] I think, madam, if we segregated this, say, from the English meaning  
7 of your statement and maybe I tackled it from the military understanding, what you  
8 need to realise is I don't remember in my career in 5th division, I don't remember any  
9 group of LRA that was settled somewhere in a forest eating mangos and oranges and  
10 all that. In most cases, and actually all the time, either these guys would pass  
11 through the village, kill some people, and the UPDF now goes into hot pursuit. Or,  
12 as you are somewhere, they have ambushed civilians on the way, you get to realise  
13 they have burnt something like one, two, three cars and you begin tracking them. So  
14 that was, I should call it the game. That was the game. So I don't know. You  
15 interpret it yourself to find out whether it fits your descriptor of surprise. But I have  
16 given the description of the nature of the operations we were engaged in.

17 Q. [14:49:54] I appreciate that. Did you sometimes get documents, LRA  
18 documents after such engagements? Perhaps things left behind or ...

19 A. [14:50:10] Yes, we did. Because I remember in my main submission I even  
20 talked about captured photographs where I had been seeing LRA commanders, the  
21 like, the true likeness of the LRA commanders, and inclusive of them being Dominic.

22 Q. [14:50:38] And when you received these documents and photographs and the  
23 like, of course you would analyse them and try to make sense out of them, correct?

24 A. [14:50:57] Every organisation does that, and we would.

25 Q. [14:51:04] Mr Witness, I would like to bring to your attention tab 14 of the

1 documents you've just been handed.

2 MS BRIDGMAN: [14:51:19] And, your Honours, it has just occurred to me that I  
3 did not give the ERN number for tab 15. That's UGA-OTP 0232-0093.

4 PRESIDING JUDGE SCHMITT: [14:51:33] Perhaps then just continue with tab 14.

5 MS BRIDGMAN: [14:51:36] For tab 14 the ERN number is UGA-OTP-0192-0002.

6 Mr Witness, does that appear to be something that could have been captured from the  
7 LRA.

8 A. [14:52:08] Is this the document with "Centenary Rural Development Bank"?

9 Q. [14:52:12] Yes, that's the document.

10 A. [14:52:18] Well, in all fairness I can't place this document, because I don't  
11 think -- if perhaps it's me who, who had captured it. It needs to be put in context  
12 really. But to me, to me, as the witness of today it was easier to put into context the  
13 other, the documentary evidence that was involving pictures, because I knew them  
14 right from the word go and it's me who submitted them. But if you're going to bring  
15 every annex that pertains to the LRA it would be a bit unfair that -- in other words, in  
16 summary, I can't deny that it's not a document that is related to the LRA, but also I  
17 can't confirm unless it's me who submitted it, and then I would dress it up in terms of  
18 context.

19 PRESIDING JUDGE SCHMITT: [14:53:16] Ms Bridgman, I think that's fair enough.  
20 You can ask the witness if he, for whatever reason, recognises the document, even if  
21 he has prepared it. But this was of course not the purpose of your question. But it's  
22 several pages and it might really be difficult for the witness to give a meaningful  
23 answer to that. So I think you have something in mind, perhaps you steer directly to  
24 what you want to ask in that respect.

25 MS BRIDGMAN: [14:53:46] Thank you, Mr President. The reason I'm asking is

1 because it is attached to him and I was trying to lay the foundation to see if he  
2 recognised it and if it came from him or one of his captured documents.

3 PRESIDING JUDGE SCHMITT: [14:53:59] He gave an answer. And when you  
4 say "it's attached to him", perhaps you can elaborate on that, if you want.

5 MS BRIDGMAN: [14:54:07] Unfortunately I don't have any more information than  
6 that, so.

7 MR OBHOF: [14:54:12] Your Honour, in the metadata it says related to witness  
8 0189. And that's metadata uploaded by the Office of the Prosecutor. And if the  
9 document is related to said witness, we're -- I believe my colleague is trying to find  
10 out how this the 67-page document is related to this witness.

11 PRESIDING JUDGE SCHMITT: [14:54:31] Exactly. So we don't know and we  
12 cannot -- at the moment we cannot verify it, we cannot specify it, and the witness has  
13 I think given an answer to it.

14 MS BRIDGMAN: [14:54:47]

15 Q. [14:54:47] So, Mr Witness, from your answer, would I be correct to say that  
16 you collected several documents that might look like this document and handed them  
17 over to the Prosecution?

18 A. [14:55:03] "That look like this document", and the meaning of that statement is  
19 what, madam? Diaries, pieces of the diaries with the Centenary Rural Development  
20 Bank. Looking like is what exactly?

21 Q. [14:55:25] Exactly. Thank you for assisting me in that regard. It appears to  
22 me that these are extracts from a diary. And since I do not have any other  
23 information, that's why I'm asking you if you captured documents that might be diary  
24 entries, that might have notes written by LRA commanders or soldiers, maybe reports  
25 or memos or personal thoughts and things like that.

1 A. [14:55:56] To the best of my knowledge, your Honour, I remember also seeing  
2 a number of documents captured from the LRA including photographs, memos,  
3 notebooks, et cetera. But again, I have to be cognisant of the fact that not every  
4 document -- first of all, I have to be cognisant of the fact that the LRA was not  
5 managed by me alone. I was not a sole proprietor of the operations against the LRA.  
6 Someone else maybe could have captured some documents.  
7 And the other thing I would want to put across is I would want to believe that a piece  
8 of evidence that I'm not familiar -- well familiar with does not -- it doesn't necessarily  
9 translate into the fact that maybe some other witness is better qualified to talk about  
10 that piece of evidence. So what I know I continue telling Court that I know, and  
11 what I don't know I will still continue telling Court that I'm not familiar. That  
12 doesn't mean I'm dismissing the evidence. It could have value at some given and  
13 purpose at some given time. So any document that I have submitted I will continue  
14 owning up. I owned this morning quite a number of the documents.

15 PRESIDING JUDGE SCHMITT: [14:57:37] Please continue.

16 MS BRIDGMAN: [14:57:39]

17 Q. [14:57:42] Now, Mr Witness, for the places that the LRA was operating in in  
18 northern Uganda, were they covered by the 3rd, 4th and 5th division or they also  
19 encompassed other divisions?

20 A. [14:58:08] I vividly remember much of the LRA operations. And this is a  
21 greater picture, I'm giving you a greater picture of what I heard. But I still recognise  
22 that learned counsel was very interested in me talking about what I saw, what I smelt  
23 and what. But yes, primarily 3rd, 4th and 5th division were the main divisions  
24 dealing with LRA. But you want more concrete things, I submit myself before you  
25 in respect of 5th division.

1 Q. [14:58:51] Thank you. And by any chance do you know if there was -- and  
2 forgive my generalisations because I am not trying to speak in military terms or  
3 purely legal terms, but from let me call it general say, speak say, was there a  
4 division -- no, not a division -- was there a kind of headquarter where all the divisions  
5 shared information since the conflict spread through the -- for instance, what the 403  
6 brigade was like, but from a tactical level do you know if there was a headquarter to  
7 collate all this information to inspire operations against the LRA?

8 A. [14:59:42] You've used the word collate. My imagination, if you are talking  
9 about collation, that it doesn't need maybe a place where all the key people of the  
10 division maybe should sit from Monday to, to, to Friday. It's a prudent practice that  
11 there will always be a point which is bringing together all the bits and pieces of  
12 information that are being collected. Just like you operate here, in Congo, you are in  
13 Uganda, you are in Central Africa, there will always be a headquarters. So anything  
14 above the division has nothing to do with me. Something, operation at the division  
15 headquarters, yes, it has something to do with me. So in as far as I am concerned for  
16 the brigades that are beneath me, I would perhaps serve as that kind of point of  
17 reference you are talking about. So as a division IO, we are talking about my office  
18 and myself serving as that division for the subordinate brigades.  
19 For the UPDF, they know based at those levels the military has that. Love it or you  
20 could hate it but they love they have that principle operating from your own level  
21 and that is it. It brings efficiency.

22 Q. [15:01:28] Mr Witness, in that regard, if a top LRA commander -- let me, let me  
23 ask it this way: Your interaction with Dominic Ongwen on 4 September 2006, would  
24 it be fair to me to say that it was -- it would be a report of -- that would garner high  
25 interest from all divisions?

1 A. [15:02:18] It depends on how they perceive it. I don't know what the current  
2 challenges of the divisions by that particular moment are and I don't know what the  
3 military what they call the main effort where the main effort is, so to me as a division  
4 IO 5th division it was a key issue. But whether it was important for the adjacent  
5 divisions it was discretionary. How I wish they were here. They would assist you  
6 on that. But to me it was a key issue and that's why I gave it all the consideration.  
7 But, however, all the LRA's groups that were crossing were of my interest.  
8 Otherwise if I was segregational perhaps I should have met Dominic and then left the  
9 others. But within my capacity I've told you I met three groups.

10 Q. [15:03:25] So as a division intelligence officer for the 4th division, if a top  
11 commander was captured or surrendered to the 4th division and a debriefing  
12 occurred, would you typically receive a copy of such a report?

13 A. [15:03:55] You are designating me as the division IO of the 4th division?

14 Q. [15:04:02] 5th division.

15 A. [15:04:03] You had put me in context of the 4th division, madam, so could you  
16 repeat, please.

17 Q. [15:04:07] Yes, I might have erred in what I was saying. So as a 5th division  
18 intelligence officer, if a top commander was captured or surrendered and they were  
19 debriefed in the 4th division or the 3rd, would you typically receive a copy of the  
20 report of the debriefing?

21 A. [15:04:32] I don't think it's typical and I don't think it's automatic. I told you  
22 in these matters there is quite a lot of discretion. If whoever has done the debriefing  
23 finds maybe something is of importance to me, say like a group of LRA is planning  
24 from the debrief maybe there is an impending plan of maybe attacking one of my  
25 IDPs, then prudently someone should be able to tip me in.

1 But the way it sounds, I mean, it doesn't work the way it sounds as you put it,  
2 madam, because if you are a division IO, 5th division, you were not the overall  
3 coordinator of the rest of the divisions and, therefore, it's not by default that  
4 operational issues must definitely be addressed to you. So on the need-to-know  
5 basis, someone could easily tip you off. Just like if I saw a snake coming your way  
6 right now, I should be able to tell you that, hey, look ahead of yourself there. And  
7 that's how it works. Not because you pay me to look out for snakes around you, no.

8 Q. [15:06:01] Thank you, Mr Witness.

9 Along the same lines, I have tabs 12 and tab 13 of the Defence binder and tab 12, it's  
10 UGA-OTP-0191-0285, and tab 13 is UGA-OTP-0192-0688.

11 Mr Witness, these documents appear to me to be extracts of reports, of debriefing  
12 reports for some of the LRA commanders. Do any of them look familiar to you?

13 A. [15:07:01] What I see is to the 4th division commander, who was not my  
14 commander, and at the back I see by PC Ocira Captain, who is not me.

15 Q. [15:07:17] My question is do they look familiar to you? By any chance could  
16 they be one of those documents which someone thought it prudent for you to take a  
17 look at?

18 A. [15:07:33] Looking familiar, maybe. In terms of authorship and whether I  
19 have ever seen them, I don't think they're familiar to me, although looking at the  
20 content, if I were in operations against the LRA, I would -- this is a paper I wouldn't  
21 bypass. I would love to read it and see what it's talking about.

22 Q. [15:08:05] Thank you, Mr Witness.

23 Now, I would like to ask you about weapons. As an intelligence officer, was it part  
24 of your duty to find out how the LRA was getting armed?

25 A. [15:08:46] That's a strategic question. It deals with, with I should say strategic

1 intelligence and mine was tactical. So if you were to be designated as a tactical level  
2 operator, your primary duty is find, fix, finish and exploit.

3 And perhaps to elaborate more, your duty is to, where is the -- is there an LRA group  
4 or unit or sub-unit in my area? If the answer is yes, where are they and what are  
5 they planning to do? Progressively you go after the answer you've given, find them,  
6 tackle them, exploit and that is it.

7 So where they are getting armed from, who is giving them the money, those are  
8 strategic questions, and I believe maybe somebody else should be able to look at those,  
9 because remember, the division area of responsibility is a very small area, and  
10 verifying those interrogative questions you've put across me, you would be chewing  
11 more than you can -- I mean you would be biting more than you can chew.

12 At the end of the day you are not going to account for anybody that you see. The  
13 LRA killed people in this IDP because I was processing a ticket to go to country X and  
14 verify whether indeed their arms come from there. But that's not your responsibility  
15 at my level of a division IO. You would be arrogating yourself too much on your  
16 table and perhaps outside the mandate.

17 Q. [15:11:02] So if I may, if I may borrow your language for a second about fix,  
18 finish and exploit, are you saying that when you -- sorry. You said if you hear  
19 information about an LRA unit, then you're thinking of where are they and what are  
20 they planning to do. Would you also be interested in their capacity, both in numbers  
21 and their arms?

22 A. [15:11:52] That is by default.

23 Q. [15:11:56] So before you tackle or exploit, at least you have a general  
24 awareness of what kind of arms they are carrying, whether it be small arms or  
25 support weapons, correct?

1 A. [15:12:11] The principles or the principle of find is wider maybe than you  
2 would imagine. It's not like I found an abandoned vehicle. It's wider. So as you  
3 try to find all these imperatives are generally looked into, because ideally there is no  
4 military that commits to fight an enemy whom they don't understand, and the  
5 question of strength is very important because it determines whom -- what level of  
6 deployment you're going to make.

7 Q. [15:12:53] So as a military person, did you ever find weapons being used by  
8 the LRA that were not conventional -- "conventional" is not the word, that were not  
9 part -- that were not typically weapons that one would get in Uganda? Let's say if  
10 they attacked or during an engagement with the UPDF they captured this weapon.  
11 Were there some weapons that were not typically -- that would not have been  
12 typically gotten from the Ugandan forces?

13 A. [15:13:39] Repeat the question, please.

14 Q. [15:13:43] During your operations and while you were gathering this  
15 information relating to the capacity of the LRA, did you ever get information to  
16 indicate that they had weapons that were not typically -- that were not typically  
17 weapons you would get from Uganda?

18 A. [15:14:10] I think one of the strands I can effectively remember in the history of  
19 the LRA was I think at one time they were using landmines when Uganda had  
20 already done with the question of landmines, and I think the country had become a  
21 signatory to either Land Mine International Convention or something like that, so  
22 I think I remember that.

23 Q. [15:14:41] Apart from landmines, and earlier you testified about some of the  
24 soldiers carrying AK-47s, what other weapons did the LRA use?

25 A. [15:14:54] Are you pointing at the LRA of our meeting exactly in context or

1 you are generally talking about the Lord's Resistance Army in 5th division?

2 Q. [15:15:09] Generally the LRA in the 5th division.

3 A. [15:15:13] I remember the defectors mentioning machine guns and mentioning,  
4 I would call them rocket propellers, rocket propelling guns.

5 (Counsel confers)

6 MS BRIDGMAN: [15:16:02]

7 Q. [15:16:03] Did you ever hear that these guns were ever procured from Sudan  
8 or other foreign places?

9 A. [15:16:24] I heard about that.

10 Q. [15:16:25] Now, we have heard evidence in this Court that on the part of the  
11 UPDF, there were helicopter gunships, there was Mambas. Could you tell us what  
12 other weapons the UPDF used against the LRA within the 5th division?

13 A. [15:16:46] I think you've just mentioned them, madam.

14 Q. [15:16:51] Is that all?

15 A. [15:16:54] To the best of -- of course every soldier has a personal weapon,  
16 every soldier has his personal weapon, and then what you've just mentioned in form  
17 of Mambas and helicopters are always osmat players (phon), and it's true, they were  
18 used in the counter-LRA operations.

19 Q. [15:17:25] Mr Witness, Puranga is in Pader district, which would put it in the  
20 5th division; is that correct?

21 A. [15:17:35] That's correct. Some quick disclaimer, I would not want you  
22 to -- I would indulge you not to say, for example, by default Puranga may not  
23 necessarily fall in 5th division by virtue of being Puranga, but to the best of my  
24 knowledge, by the time I was operational there, the place you've mentioned was in  
25 5th division.

1 Q. [15:18:07] Thank you for that clarification.

2 Was there any time in 2002 when the UPDF deployed chemical weapons in Puranga?

3 A. [15:18:20] I have no knowledge of that.

4 MS BRIDGMAN: [15:18:22] And, your Honours, I'm referring to these unknown  
5 documents at tab 14, and it's at page 0009. It has a heading saying dates of chemical  
6 bombings. And page 0010 it shows the effects.

7 PRESIDING JUDGE SCHMITT: [15:18:49] The problem is we do not really know  
8 who produced it and how it was obtained. So this is -- and the witness has already  
9 said that he does not recognise the document if I have understood it correctly. But  
10 okay, we can read it here.

11 MS BRIDGMAN: [15:19:07] That is also the understanding of the Defence.

12 PRESIDING JUDGE SCHMITT: [15:19:10] Yes, okay.

13 MS BRIDGMAN: [15:19:10] But I'm trying to ask it in terms of the propaganda that  
14 was involved within this conflict and what it might mean --

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

16 MS BRIDGMAN: [15:19:21] -- in the grand scheme of things.

17 PRESIDING JUDGE SCHMITT: [15:19:24] I understand. Please continue.

18 MS BRIDGMAN: [15:19:27] Thank you.

19 THE WITNESS: [15:19:28] And my answer was I don't remember.

20 MS BRIDGMAN: [15:19:32]

21 Q. [15:19:32] Thank you, Mr Tingira.

22 This morning you told the Court that you are not from northern Uganda. But

23 I would like to ask you, by the time you deployed in 2001, could you speak any of the  
24 languages, whether Acholi or Lango?

25 A. [15:20:05] I should say speaking is a wide assertion from you. Before I

1 deployed I could greet. Let me break it down. Before I deployed I could greet.  
2 Now, whether you interpret that to mean speaking a language, again, I leave it to  
3 your indulgence, madam.

4 But with time, of course, you are forced to learn basic phrases and basic statements.

5 As you know what in Africa we call a statement that would not make you die of thirst  
6 or hunger, where you can branch and you tell somebody you really need water for  
7 drinking and that is it.

8 Q. [15:20:49] So by the time you met Dominic Ongwen in September 2006, were  
9 you at the level where you could ask for water or had you gone beyond that?

10 A. [15:21:01] I called it basic. I said I could speak basic Acholi. And then I said  
11 he could also speak basic Swahili. And "basic" is subjective in as far as my regard is  
12 concerned.

13 Q. [15:21:25] I think that's a very fair assessment.

14 Now, before your deployment, did you receive specialised training, or let me call it a  
15 briefing, on the history of the conflict in northern Uganda?

16 A. [15:21:57] I don't remember, I don't remember any what you would regard as  
17 briefing. Well, I could get back to you again, because I don't want to take your  
18 words for granted. What would you regard as a briefing?

19 Maybe going to school and/or going to a specialised centre and an expert, in quotes,  
20 takes a week, what do you mean exactly, because ideally, being born in Uganda, and  
21 the conflict started when I was mature, and keeping tab of the news and having been  
22 in the military, sincerely, I should say maybe by the time I came in I was fairly ready  
23 for whatever.

24 But the other quick thing is for me to prevent people from attacking innocently people  
25 who were in an IDP, I didn't require a briefing to have a certificate saying that I was

1 briefed. So those are the missions that I was given, where missions that were  
2 common sense missions, but in as far as the broader mission of the UPDF to protect  
3 the population and restore peace is concerned.

4 Q. [15:23:17] So you were aware of the general discontent of the people of  
5 northern Uganda against the government of President Museveni, correct?

6 A. [15:23:32] I would not utilise that statement personally because, first of all, I  
7 don't speak for the -- I would not purport to speak for the people of Acholi. And  
8 with the permission of Court, of this Honourable Court, I would also still, though I'm  
9 a witness, but I would dispute you that you would rightly speak for the people in  
10 Acholi. Because quite many of them, if you met them, they disassociate themselves,  
11 will say they were really disapproving of the activities of the LRA.

12 So and again to use common sense, if the people of Acholi were discontented against  
13 President Museveni and the LRA was also discontented against President Museveni,  
14 so ideally I don't know, invoking the unity of opposites perhaps, then logically how  
15 would the LRA begin killing the people and abducting, abducting and killing  
16 massively people with whom they share a common feeling the way you want to put  
17 it?

18 But in this matter I would exonerate the people of northern Uganda from that very  
19 unfortunate box where you want to seal them that they were discontented against  
20 either the president, I don't think I have the facts.

21 Q. [15:25:07] So when the president took office in 1986, the Acholi people  
22 supported him immediately, is that what you're saying?

23 PRESIDING JUDGE SCHMITT: [15:25:26] You know, the witness is not a historian,  
24 I would say. It's a little bit difficult to entertain this further. As you have seen also  
25 and everybody in the courtroom when you look at the last answer of the witness, we

1 can get now into speculation into opinion.

2 So I think it would be better to move on, you know. What has been the attitude of a  
3 certain part of the population in 1986, it's really hard for the witness, he's not an  
4 expert. I would really say that at least this one we should skip and you go to another  
5 point.

6 MS BRIDGMAN: [15:26:04] May I clarify, your Honour?

7 PRESIDING JUDGE SCHMITT: [15:26:06] If you have a clarification that satisfies  
8 me, yes, but only this one.

9 MS BRIDGMAN: [15:26:13] My line of questioning goes to the fact that the witness  
10 was an intelligence officer and in particular a human intelligence officer who  
11 interacted with the civilians. And from that the evidence that has been so far been  
12 given in this courtroom, I think that historical perspective of what could be the  
13 human interactions that he had with the civilians would be of importance in this  
14 regard.

15 PRESIDING JUDGE SCHMITT: [15:26:41] Then why not go directly to this like  
16 you did it now, like you explained to the Bench now, why not explain to the witness:  
17 You are or have been intelligence officer in very high positions. Did this also include  
18 information about these historical events and historical attitudes of people and  
19 something like that. And then he may answer meaningfully. Then the witness can  
20 answer: Yes, this was part of, so to speak, my understanding, part of the  
21 information that I received, that I wanted to receive, that I was interested in; or he  
22 might say no.

23 MS BRIDGMAN: [15:27:19] Thank you, Mr President.

24 Q. [15:27:22] Mr Tingira, as you've heard my interaction with the president, I'm  
25 trying to draw out some of the things that have already been said in this courtroom.

1 And my question for instance now is that you were not aware about the  
2 encouragement that the LRA initially received from the cultural leaders, the political  
3 leaders and Acholi elders; is that your testimony?

4 A. [15:27:52] Yes, I stand by my testimony because until when maybe one of these  
5 days I see the leaders you are mentioning behind you by themselves submitting that  
6 they were encouraging and supporting the LRA, that's when I will be convinced.

7 But believe me, I know nothing related to the local population and the Acholi  
8 supporting the LRA. Believe me, that support, that support you are mentioning  
9 I would wish to use -- the right word maybe it's speculative support.

10 I don't think there is any -- you could maybe -- but I don't think there is any empirical  
11 evidence that gives the support, that elucidates the support you purporting from the  
12 Acholi people as that support going to the LRA.

13 In fact, to be the good thing is, of course, you and I and everybody here enjoys the  
14 minute of this Court, but if you went in the middle of the Acholi people in northern  
15 Uganda and you mentioned that, you tried to mention that you people and the other  
16 support of yours to the LRA, you've got to make sure that maybe we are there  
17 to -- people are there to protect you will anger the people more.

18 The people are separated from the LRA. Believe me, the people of northern Uganda  
19 had nothing to do the LRA and as was that purported support is concerned. All  
20 those could be political statements, and the other issue is you know the -- you know  
21 the context and you know the content of political statements.

22 Let's look at facts and let's look at facts in the face in this Court and in as far as the  
23 matters before this Court are concerned and I would be very glad really.

24 PRESIDING JUDGE SCHMITT: [15:29:55] It's better we could also discuss how  
25 long we would want to continue. We have now one and a half hour, have had a one

1 and a half hour session. The question would be do you have already an idea how  
2 long your examination would last?

3 MS BRIDGMAN: [15:30:12] Your Honour, I was counting on about three sessions.  
4 And I assumed that because we had a short lunch break we would a two hour session  
5 for this afternoon. That was just my assumption.

6 PRESIDING JUDGE SCHMITT: [15:30:26] It's no problem. We can continue until  
7 4 o'clock, yes, and then we continue. And my question has the background that we,  
8 for purposes of planning, I think we would then at least start with the next Witness  
9 P-355 on tomorrow afternoon perhaps. It's not a must, but just that we -- I  
10 understand that VWU has the witness, so to speak, in line so that we are mentally and  
11 perhaps also personally prepared.

12 Please continue, Ms Bridgman.

13 MS BRIDGMAN: [15:31:04] Thank you, Mr President.

14 PRESIDING JUDGE SCHMITT: [15:31:06] And then we go now until 4 o'clock  
15 and we have then the break.

16 MS BRIDGMAN: [15:31:09] Thank you, Mr President.

17 Q. [15:31:11] Finally, Mr Witness, along the lines that we have been discussing, is  
18 it your testimony that for the entirety of your period as an intelligence officer both at  
19 a brigade and division level, you did not have any information on collaborators, LRA  
20 collaborators living within the civilian population?

21 A. [15:31:35] And what's your definition of a collaborator, madam?

22 Q. [15:31:41] Someone who supported the LRA, whether with resources or  
23 information, regarding the position of the UPDF, regarding anything that would be  
24 detrimental to UPDF operations but would be helpful to the LRA.

25 A. [15:31:59] And your question is did I come across?

1 Q. [15:32:04] Did you or did you not?

2 A. [15:32:09] Coming across, if coming across personally means maybe -- but

3 I would not wish to speculate on your question. You will bear with me, because we  
4 are talking about serious matters like being part of a process of justice here, and it  
5 would be wrong for me to assume your words.

6 So let's go slowly. Put your question in the simplest words and you put across the  
7 message that you want me to perceive so that I answer you correctly. So you're  
8 saying in my career, what did I --

9 PRESIDING JUDGE SCHMITT: [15:32:59] May I perhaps shortly, if you allow me?  
10 Mr Tingira, did you have any information that the LRA also had intelligence?

11 Simply speaking, just simply as a basic.

12 THE WITNESS: [15:33:11] Thank you, your Honour. That information was there.  
13 And even I pointed out in the morning session one of the LRA members who was in  
14 charge of intelligence. And, therefore, if there is someone in charge of a function,  
15 that means the function exists.

16 PRESIDING JUDGE SCHMITT: [15:33:25] Did you come to know what kind of  
17 information these intelligence officers, so to speak, in the LRA received? How did  
18 they receive the information? Did you come to know that?

19 THE WITNESS: Heavily from the defectors, heavily from the defectors, the LRA  
20 members who I would defect from the LRA, they would say partially they would  
21 even deploy their own operatives, say, if you come from The Hague and you are a  
22 trusted member of the LRA, then they're going to deploy you when you're dressed in  
23 civilian. You come and do covert reconnaissance in the, in the area. And more  
24 often, and I'm quoting defectors, more often their interest would be which IDP, for  
25 example, has things that can be stolen, which IDP is in their own assessment less

1 protected so that when they come and strike it at the end of the day they have left a  
2 signature, and which road is having a number of civilian vehicles that is passing  
3 where they could attack, burn them and rob money and all that stuff. And once in a  
4 while of course I do reconnaissance on the UPDF and determine maybe.

5 PRESIDING JUDGE SCHMITT: [15:35:00] So where would -- if you have come to  
6 know that, where would the LRA get this information from? I've just -- assume it  
7 would also be human intelligence we have talked about before. For example, it  
8 might also have been interesting for the LRA to know how many UPDF soldiers were  
9 deployed in a certain site and so on and so on. Did you come to know how they  
10 received this information?

11 THE WITNESS: Your Honour, as I explained that, first of all, you -- I would indulge  
12 you understanding that the African societies live very much on extended family  
13 relations. So if I come from -- if I come from The Hague here, that means if you send  
14 me back to this location to do reconnaissance, it is very easy to be, for example -- and  
15 there were cases someone is hidden say by a brother, not because perhaps the brother  
16 wants -- and these are explanations by defectors -- but if the man comes he says "Look,  
17 sir, you going to keep me safely around here for two days." And if I -- if you utter a  
18 word, then the third day for sure you're going to be dead. Or others, they will  
19 convince someone and someone also will do some reconnaissance for if I come I  
20 convince him and maybe by extension he also does reconnaissance. Your Honour,  
21 you know the dynamics of human beings. Even if I am, assuming I am the enemy  
22 here, but by virtue of my operations I'm going to have something like one person to  
23 link with who is going to do some little work for me.

24 PRESIDING JUDGE SCHMITT: [15:37:08] Thank you.

25 I think, Mrs Bridgman, thank you for your indulgence. You may continue.

1 MS BRIDGMAN: [15:37:14] Thank you, Mr President.

2 Q. [15:37:19] And thank you, Mr Tingira. This morning you discussed a little bit  
3 in detail about the peace process and about the ceasefire. Do you recall when the  
4 ceasefire was ordered?

5 A. [15:37:43] I don't recall when the ceasefire was ordered and, again, it takes us  
6 to the form and essence. The ceasefire you are referring to -- or we are referring to  
7 was a strategic kind of invention or understanding. And to the best of my  
8 recollection, it had to do with the office of the president. Now that is too far above  
9 me to claim before Court that I know who initiated, I know how it started and then  
10 the meeting was at midnight and three people were involved. I prayed to this Court  
11 even in the morning that I'm kept alive of the effects of the ceasefire within the  
12 division perspective. And very quickly, to restate myself, I remember yes, we  
13 received a message from his excellency the president at the division level to all units  
14 and the division commander restated the message and eventually got my mission as  
15 the division intelligence officer and I elaborated very well my role within the whole  
16 framework. So those were -- and those were big and strategic level issues and,  
17 whether he took time to dig deep and follow them up or not, my mission had already  
18 been carved out for me at the division level. So again, there's a lot of fairness and  
19 justice for you to keep at the back of your mind, madam, that in the military keep to  
20 your level and you will win the war.

21 Q. [15:39:36] I am trying to be as mindful of that Mr Tingira as much as I can.  
22 And that is why my question was when the ceasefire was ordered, not the details  
23 about how it came into existence. I just wanted to know when you got that order, if  
24 you can recall. But I think you said you do not recall.

25 A. [15:39:55] Yes, madam. Because to me when is part of those details. And I

1 find in my own perception, professional perception, I find that's what I've done by  
2 describing events towards September, events towards September. At least when I  
3 talk about September I have given you a very interesting reference point. And so if  
4 anybody who is interested in the dates, time, and whether it was perhaps raining or  
5 not, it's a quick start for some research, but that's why I gave you that time frame of  
6 around, by the time or towards, around September there.

7 Q. [15:40:31] So was it two days before the September date, was it two months, or  
8 two weeks? Do you recall the time frame in which you received the order?

9 A. [15:40:47] Madam, I don't remember the time frame. But whether it was a  
10 matter of days or a matter of months, the fact is 4 September I met Dominic Ongwen  
11 and I gave you all the details that followed that meeting. I mean that was the crucial  
12 thing. I remember you asked me was it crucial or "Was it of interest to you?" Yes, it  
13 was of interest to me. The meeting to me was key. I don't remember whether the  
14 orders for the ceasefire were one week, one month or two weeks, but the essence is  
15 finally, out of all that benevolent process from His Excellency President Museveni, on  
16 4 September I met Dominic Ongwen and within the environment, circumstances and  
17 management that I explained.

18 Q. [15:41:40] Mr Witness, I seek your indulgence in this matter.

19 A. [15:41:48] Yes, madam.

20 Q. [15:41:49] Because the time when the ceasefire order -- well, let me keep it  
21 simple. The time you received that ceasefire order is of importance to me and my  
22 case and that's why I'm asking you along those lines, so I can place it in context in  
23 what I think is an important issue. And --

24 PRESIDING JUDGE SCHMITT: [15:42:11] It's absolutely clear that this might be  
25 important for you but the witness has answered the question. He does not -- he

1 cannot put it exactly in a time frame. But what I understood as a fact is that at the  
2 time of 4 September 2006 there existed this ceasefire. This is what stands in what I  
3 understood from your testimony.

4 THE WITNESS: [15:42:44] Yes, your Honour.

5 MS BRIDGMAN: [15:42:45]

6 Q. [15:42:46] Mr Witness, do you recall if at all -- no, I will rephrase my question.  
7 You testified earlier that Raska Lukwiya was killed because he violated the ceasefire  
8 agreement. Now, I have knowledge to indicate that Raska Lukwiya was killed in  
9 August 2006 which was way before your 4 September meeting with Mr Ongwen.

10 A. [15:43:26] I can answer, madam?

11 Q. [15:43:28] Yes, sure.

12 A. [15:43:29] So by your, by your explanation it looks like you were interpreting  
13 the -- that what I call the historical moment of 4 September 2006, that's the meeting  
14 with Ongwen, you were conflating it with the ceasefire. The ceasefire was far earlier  
15 than that meeting. So whether Raska was killed, and I remember I said I don't  
16 remember whether it was before the meeting or after the meeting, I didn't say  
17 whether it was before the ceasefire or not, I mean after the ceasefire, I said before or  
18 after the meeting I don't remember. But go check your records very well, but you're  
19 going to find that Raska Lukwiya died out of his own violation of the -- and you don't  
20 need to call it a simple violation, he went and attacked the population. Go, you will  
21 find the names of the people he killed, and the UPDF was under obligation to protect  
22 the population. So the moment you don't want to respond to the ceasefire that has  
23 been granted and you think, a ceasefire to you means entering an IDP and massacring  
24 innocent citizens, I would think any military or any defence forces would be  
25 abdicating their constitutional responsibility if they don't protect the population.

1 Q. [15:45:06] Thank you, Mr Tingira. I think in a way you have answered my  
2 question, that the ceasefire had already been in effect way before the meeting with  
3 Mr Ongwen.

4 Now, if I say that the ceasefire agreement was in place by June 2006, which would be  
5 months before, to give safe passage to the LRA to reach the assembly points, would  
6 that be correct in your -- would that jolt your memory at all?

7 A. [15:45:43] No, madam, let me take you back to the answer I gave you. I said I  
8 really, I am trying hard to remember that, place the ceasefire initiation into a timeline,  
9 but I think I'm failing. And again let me indulge you and dissuade you from going  
10 for the subsidiary, that is the death of Lukwiya. We could put this aside, because  
11 Lukwiya's issue is a separate issue, and whether -- perhaps what we are discussing is  
12 a mistake of fact, that could be treated differently, but I would request that I will  
13 really try my best to place myself into context in as far as the matters of Dominic  
14 Ongwen are concerned.

15 So again to summarise myself, by the time I met Dominic Ongwen on 4 September,  
16 the ceasefire was in effect. When exactly I can't refresh my memory as of now.

17 Q. [15:46:53] Mr Tingira, do you acknowledge though that Raska Lukwiya was a  
18 top LRA commander?

19 A. [15:47:01] I know it. And additionally, I believe I saw some literature  
20 mentioning him as one of the indictees of the ICC, indictees or indicted, you know  
21 your language, but someone who had been indicted by the ICC.

22 Q. [15:47:23] As a matter of fact, Raska Lukwiya was the army commander of the  
23 LRA; is that correct?

24 A. [15:47:37] Well, I don't remember properly. I don't remember properly and  
25 to me -- I don't remember properly. Yeah.

1 Q. [15:47:51] Mr Witness, did you participate in any way in Operation Iron Fist?

2 A. [15:48:03] In any way? Yes.

3 Q. [15:48:10] Do you know the objectives of Operation Iron Fist?

4 A. [15:48:17] Since you widened it as in any way, so my way of participation  
5 didn't require me to know the objectives of Operation Iron Fist, because I didn't  
6 participate at the planning level.

7 Q. [15:48:39] Fair enough. Do you know when it was launched?

8 A. [15:48:41] I don't remember.

9 Q. [15:48:42] Do you recall where the LRA was based at that time you --

10 A. [15:48:48] Madam, when you asked the question whether I participated in any  
11 way, I think if I gave some explanation, then most probably it would guide you more.

12 PRESIDING JUDGE SCHMITT: [15:49:03] So in which way?

13 MS BRIDGMAN: [15:49:05] I welcome that, yes.

14 PRESIDING JUDGE SCHMITT: [15:49:08] Perhaps to -- yes, to shorten the  
15 proceedings, to concentrate them and streamline them. Anyway, it might be a lot of  
16 ways. So we are interested in knowing which way.

17 THE WITNESS: [15:49:22] Exactly, your Honour. When other forces were  
18 fighting in South Sudan, other forces remained to fight in Uganda. And militarily, if  
19 you were in Sudan, you were in any way supporting the operations in Uganda, and  
20 militarily, if you were in Uganda, you were in any way supporting the operations in  
21 South Sudan, because all of you have filled the operation theatre.

22 So when I answered you, I had a positive spirit, yes. I participated in any way in a  
23 manner that my -- I was in Uganda, filling the space in Uganda, but I don't have the  
24 clear details of -- or you call it the rear, forming the rear. If the operation is in South  
25 Sudan and someone who is operating in Uganda -- but I can vaguely remember that

1 by the time Operation Iron Fist was being talked about, I was actively involved in the  
2 operations in Uganda.

3 And so again it takes us back to my -- to my northern Uganda experience. Physically  
4 I didn't participate, not in Operation Iron Fist. And contextually, given the -- what  
5 they call the battlefield framework, yes, I did because -- in any way because I was  
6 filling the rear. So again, to be honest and to be factual, a person who has been, say,  
7 in the rear may not necessarily give you the true account of another operation theatre.  
8 So some other people who were actively involved in that operation I believe would be  
9 of some great use, if you quickly did your homework to check out who did what.

10 MS BRIDGMAN: [15:51:21]

11 Q. [15:51:22] You told this Court earlier that the LRA did not have bases in  
12 Uganda. Did you ever hear that LRA had bases in Sudan?

13 A. [15:51:40] I would hear about that. But again, madam, to make a clarification,  
14 I was talking about 5th division. I never talked about -- I never generalised in regard  
15 to the whole country. But I was talking about 5th division within the time I was  
16 operational. There is no location of the LRA then that could really be defined as a  
17 base in the military sense of what a military base or what a military force base would  
18 look like. So 5th division, while I was there, I don't remember a military base of the  
19 LRA.

20 Q. [15:52:38] Do you know why the LRA did not have a base in the 5th division?

21 A. [15:52:44] I think they could account for their tactical decisions. Having a  
22 base or not having a base is a tactical decision and they could account for themselves,  
23 they could be having a reason. Because if I give a reason, maybe it may be  
24 speculative. I could say because the UPDF was very active, but that is my  
25 perception from my own side. So that question is really -- if you want an objective

1 answer, a note to the LRA could give you the best answer you can ever get on earth.

2 Q. [15:53:28] As someone who was working in the rear, is it not true, Mr Tingira,  
3 that one of the most immediate consequences of Operation Iron Fist was that the LRA  
4 was driven out of Sudan and became more involved in operations in Uganda?

5 A. [15:53:49] I don't have the empirical evidence. Again, that is analysis. My  
6 main concern was the LRA in my area of responsibility. That is strategic  
7 level -- Sudan plus Uganda, that is strategic level analysis, and maybe you could have  
8 talked to someone who operated at that level and he gave you that opinion. I don't  
9 know. But I wouldn't really place myself in -- in that bracket.

10 Maybe why at one time, if you have information that the LRA moved from the west  
11 side of my division to the south side or to the north side of that, true, we can talk  
12 about it. But a division IO is not a very big -- maybe I need to clarify. He is not a  
13 national level operator. But now, from a small region you are trying to propel me to  
14 national and to regional. That that is making me too big for nothing really.

15 Q. [15:54:58] Mr Witness, my question was not strategic. It was more  
16 operational, or so I thought. While you were a brigade intelligence officer in 2001,  
17 2002 and 2003 and then you moved on to a division intelligence officer, and that was  
18 around the time Operation Iron Fist was - let me phrase it this way - was catching fire,  
19 is it not true that there were more operations -- most of LRA operations became more  
20 pronounced in northern Uganda?

21 A. [15:55:35] Perhaps to restate myself, madam, yes, you may dismiss my  
22 observation that -- that my -- I mean, the question is not of strategic level but I will  
23 still stand by my assertion because the question is addressed to me. And we are  
24 many in this room, everybody is entitled to their own assessment and I wouldn't  
25 dispute it.

1 So if that's your assessment, well and good, but I'm being cautious that Sudan  
2 again -- operations in Sudan plus operations in Uganda, if you combined them into  
3 one explanation, that's already strategic level. Actually, anything to do with national  
4 decisions, maybe I need to clarify myself. Anything to do with national decisions is  
5 strategic level decision-making, and therefore the operation you are talking about  
6 which was launched cross-border couldn't have been a division -- a division decision  
7 of Tingira and he's division commander. That's already a national level decision,  
8 strategic. Actually, I should correct myself, that once it involves two countries  
9 maybe I should call it even super strategic. But that is regional. So I'm less  
10 qualified at the circumstances, I'm less qualified to give my perspectives.

11 PRESIDING JUDGE SCHMITT: [15:57:01] Perhaps shortly, Mr Tingira, apart from  
12 any assessments and creating causalities between different events, did you at some  
13 point in time, as an intelligence officer, recognise an increased activity, generally  
14 speaking, of the LRA? At some point in time did you recognise that in your -- in  
15 your realm where you were at 5th division?

16 THE WITNESS: [15:57:31] Yes, I -- that comes -- your Honour, that comes real  
17 quick to understand because I would want to refresh myself. But I think  
18 around 2003 or 2004, around there, again not very specific, but it's -- I will use  
19 geography as the indicator of increment.

20 Around that time the LRA pushed and entered what they called the Teso region.  
21 Originally Teso region had been historically really not an area for operations for the  
22 Lord's Resistance Army. And when they pushed into Teso region, that -- I would  
23 call it inside now, the 3rd division, and traditionally the LRA had been operational in  
24 the 4th and 5th divisions, then perhaps I could regard that as an expansion, and it's a  
25 specific indicator because it includes geography.

Trial Hearing  
WITNESS: UGA-OTP-P-0189

(Open Session)

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- 1 PRESIDING JUDGE SCHMITT: [15:58:38] Thank you very much, Mr Tingira.
- 2 I think that was a little bit in the vein what you wanted to elicit.
- 3 MS BRIDGMAN: [15:58:44] Thank you, Mr President. And I look at the time.
- 4 I think this might as well be the end of my questioning today.
- 5 PRESIDING JUDGE SCHMITT: [15:58:52] Thank you very much, Mrs Bridgman.
- 6 Then we abate the proceedings for today and continue tomorrow at 9.30.
- 7 THE COURT USHER: [15:59:00] All rise.
- 8 (The hearing ends in open session at 3.59 p.m.)