

Trial Hearing  
UGA-OTP-P-0003

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
6 Judge Raul Cano Pangalangan  
7 Trial Hearing - Courtroom 1  
8 Wednesday, 1 March 2017  
9 (The hearing starts in open session at 9.30 a.m.)  
10 THE COURT USHER: [9:30:02] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:30:22] Good morning, everyone.  
13 Good morning, Mr Witness, especially.  
14 And please, court officer, call the case.  
15 THE COURT OFFICER: [9:30:32] Thank you, Mr President.  
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic  
17 Ongwen, ICC case reference 02/04-01/15.  
18 We are in open session.  
19 PRESIDING JUDGE SCHMITT: [9:30:47] Thank you.  
20 And I ask for the appearances of the parties.  
21 MR ELDERFIELD: [9:30:51] Your Honour, good morning. Julien Elderfield, with  
22 me, Pubudu Sachithanandan, Ben Gumpert, Colleen Gilg, Adesola Adeboyejo, Mari  
23 Pilvio and Ramu Fatima Bittaye.  
24 PRESIDING JUDGE SCHMITT: [9:31:04] Thank you.  
25 For the Legal Representatives of Victims.

1 MS ADONG: [9:31:09] Thank you, your Honour. Jane Adong and with me are  
2 Mr Orchlou Narantsetseg and Jacqueline Atim.

3 PRESIDING JUDGE SCHMITT: [9:31:17] And the second team, so to speak.

4 MS HIRST: [9:31:20] Good morning, your Honours. Megan Hirst and with me  
5 James Mawira.

6 PRESIDING JUDGE SCHMITT: [9:31:26] And now for the Defence?

7 MR AYENA ODONGO: [9:31:31] Thank you, your Honours. I am Krispus Ayena  
8 Odongo. I am assisted by Charles Achaleke Taku, Rowse, Mr Obhof Thomas.

9 PRESIDING JUDGE SCHMITT: [9:31:51] Thank you.

10 And we all know that it's now the turn for the examination by the Defence and I sense  
11 that Mr Odongo will have the floor now, Mr Ayena Odongo.

12 MR AYENA ODONGO: [9:32:04] Yes. Thank you very much, your Honours.

13 WITNESS: DRC-OTP-P-0003 (On former oath)

14 (The witness speaks Acholi)

15 QUESTIONED BY MR AYENA ODONGO:

16 Q. [9:32:15] Mr Witness, good morning.

17 A. [9:32:21] Good morning.

18 Q. [9:32:23] Yesterday and the day before you were asked quite a number of  
19 questions. My style will be slightly different. I want you to be very concise in your  
20 way of answering. You just should answer the questions that I put to you so that in  
21 that way we help Court to follow, to follow us easily.

22 (Redacted)

23 (Redacted)

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1 Q. [9:33:44] When you talked to the Prosecution you were not very explicit about  
2 your educational background. I want you to tell this Honourable Court your level of  
3 formal education.

4 A. [9:34:19] Thank you very much. Before I respond to this question, there is one  
5 thing I want to state before I give my statement to the -- can the Court allow me to say  
6 something?

7 PRESIDING JUDGE SCHMITT: [9:34:39] We are not very happy with that because it  
8 is now the turn of the Defence. But if you keep it short, please do it.

9 THE WITNESS: [9:34:47] (Interpretation) Thank you, your Honours. The person  
10 who is speaking, I know him very well from Uganda. There is a style that the court  
11 in Uganda use, and I think he wants to bring this style in the International Criminal  
12 Court. The court in Uganda, there's a way that they ask question that puts the  
13 witness in a situation that you only respond "yes" or "no," "yes" or "no," and I see that  
14 is the style he wants to bring so that I can respond yes, no, yes, no.

15 PRESIDING JUDGE SCHMITT: [9:35:35] Mr Witness, I stop you there. I  
16 understand where this is going to. First of all, it is up to the Defence how it conducts  
17 his or her -- his questioning, and the Chamber is of course mindful of also its  
18 obligations under the statute and the rules to protect the dignity and well-being of the  
19 witnesses and we will do that and we have always done that. And it's is not up to  
20 you to assess this from the beginning and so you just have to go through this process.  
21 This is absolutely typical, not only in international courts, but I also point out in  
22 domestic courts.

23 So you are going to answer these questions and, of course, it would be advisable to  
24 keep it as short as possible. We have seen this the last couple of days, but  
25 nevertheless you cannot be obliged by anyone who questions you to only answer

1 with "yes" or "no". If there are -- we all know that when it comes to answers there  
2 might be not only black or white, there might be shades of grey or whatsoever, all  
3 sorts of colours in between and you are entitled to do that. And when it becomes too  
4 long and too -- a question -- an answer perhaps that is repetitious we will interfere.  
5 So I think this addresses your concern, but I would very much appreciate that you  
6 have an open attitude, so to speak, now from now on to what is going on today and  
7 perhaps tomorrow, which means the questioning by the Defence.

8 So, Mr Ayena, it's of course still your turn.

9 MR AYENA ODONGO: [9:37:33] I thank you very much, your Honour, for  
10 clarifying on this. I was rather taken aback that -- it's an assault on judicial system of  
11 Uganda that it varies very drastically from the international style.

12 PRESIDING JUDGE SCHMITT: [9:38:05] Just one additional thing, systems are the  
13 one thing and abstract concepts or procedures are one thing, but all these systems are  
14 stilled with life by people, by persons asking, by certain judges, by witnesses, by  
15 prosecutors, by defence. So I doubt that we have any system, any structure in a pure  
16 form like in the legal book.

17 But please continue, Mr Ayena.

18 MR AYENA ODONGO: [9:38:39] I am much obliged, your Honour.

19 Q. [9:38:45] Mr Witness, I want you to know that you and I are to help Court, so we  
20 must cooperate. I should respect you, you should respect me. So that, you know,  
21 the answer you are going to give is out of the bottom of your heart and not because I  
22 have harassed you, or so you think. My role is to be as friendly as possible to you so  
23 that you, you give me the answer (Redacted)

24 (Redacted)

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4 Q. [9:40:19] Before we sought -- you sought the assistance of Court in what you  
5 thought would be prejudicial to your interest, I was asking you to tell Court about  
6 your formal education.

7 A. [9:40:54] In line with the question you ask me, on the first day that I was here in  
8 court I responded to the question that I was asked. So if I was not asked about my  
9 level of education, I cannot talk about it because I have to respond to the question that  
10 I had been asked. The reason why I did not talk about my education, because  
11 the Prosecution did not ask me about my education or where I was born, so I cannot  
12 respond to what I wasn't asked.

13 PRESIDING JUDGE SCHMITT: [9:41:28] Mr Witness, I have to interrupt you.  
14 This was an absolutely neutral question by the Defence which had nothing in it to  
15 reproach you. It is of course clear if you have not been asked specifically about this  
16 matter, then you have not given an answer in that respect so there is no reproach in it.  
17 So it would an really advisable in the next hours if you give up this a little bit very  
18 defensive, so to speak, attitudes towards the Defence, this idea that they, they want to  
19 do you some harm. And there is, as I told you before, there is a Court here, there are  
20 Judges here and there is also Prosecution. If there is something that is objectionable  
21 the Judges or Prosecutor will step in. So please, Mr Witness, answer the question.  
22 The question would of course also be if we have to discuss this in private session.  
23 But if it can be -- no, I don't think so. I was shown something here. I think it is  
24 possible to discuss this in an abstract way which does not explicitly say where it has  
25 been and when.

1 So, Mr Witness, just perhaps tell us what kind of schooling you had, what education  
2 you had in a more general way. Thank you.

3 (Redacted)

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9 PRESIDING JUDGE SCHMITT: [9:43:33] We go into private session.

10 MR AYENA ODONGO: [9:43:34] -- for us to go into private session.

11 PRESIDING JUDGE SCHMITT: [9:43:36] Yes. Yes. I see that we cannot conduct  
12 this without going into private session, so we do that.

13 So that you, Mr Witness, feel more comfortable with the examination.

14 (Private session at 9.43 a.m.)

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12 (Open session at 10.04 a.m.)

13 THE COURT OFFICER: We are in open session, Mr President.

14 PRESIDING JUDGE SCHMITT: [10:04:34] Please repeat the question. Thank you.

15 MR AYENA ODONGO: [10:04:38]

16 Q. [10:04:39] You see, Mr Witness, I am emphasising this because there are  
17 translations in the intercepts which is very important to this court and they were  
18 allegedly translated by Acholi speakers. It is also important because there were  
19 proverbs, Acholi proverbs which were brought to you yesterday and I think it is on  
20 court record that you complained yesterday or the day before that although the  
21 translations were in English they now brought it to you in Acholi to confuse you; is  
22 that correct?

23 A. [10:06:24] I would request you to use very well what we have been saying,  
24 because you seem to be going into the area of darkness where things were not well  
25 heard. If you can perhaps listen again to the tape so that you understand better.

1 I am still here, so we could request the Court so that they replay the tapes. And  
2 where I didn't do a good translation you may also chip in and give assistance, because  
3 everybody heard what I said. Thank you.

4 PRESIDING JUDGE SCHMITT: [10:07:06] I know what you are referring to,  
5 Mr Ayena, but it would perhaps be advisable in such a case like we established it  
6 with the last witnesses that you specifically read out to him what he has said, I think  
7 it was yesterday, and then he can comment on it.

8 MR AYENA ODONGO: [10:07:34] Your Honours, I will refer you to the draft  
9 transcript on page 19, starting from line 6 to line 16.

10 PRESIDING JUDGE SCHMITT: [10:07:52] You read this to him and ask him what he  
11 says about it now. You put the question afterwards. Not as we have established it  
12 before, you don't have to ask him if he has said it because he has said it because it's  
13 a transcript.

14 MR AYENA ODONGO: [10:08:08]

15 Q. [10:08:09] Mr Witness, these paragraphs I referred to read, read like this:

16 "There is a problem, a small problem here ... I want the Court to understand this  
17 clearly. I am finding that as stated in my statement, I listened to this audio and I  
18 draft in English, but find that the Court is bringing what is written in Acholi so that  
19 I can read and understand, but this is confusing me because I write, I draft the script  
20 in English, the notes in English." The notes. "But here I am being presented with  
21 what is written in Acholi. And the people who translated this are different. So I  
22 want the Court to look into this clearly, if this will not confuse me, because it appears  
23 it is brought to confuse me, because what I have in my record is in English, but here I  
24 have what is written in Acholi."

25 Is that what you said?

1 A. [10:10:33] I thank the Court. This is an easy thing. Saying that this was  
2 brought in Acholi and it is confusing me, I didn't say that I was fearing to interpret  
3 that, only that whatever has been written in Acholi, reading it takes more time,  
4 whereas reading in English takes a shorter time. It doesn't mean that I was unable to  
5 translate or interpret what was there. So I would like to say I wasn't fearing to  
6 interpret or translate. With Acholi it will take a longer time, whereas with English it  
7 will take a shorter time. Thank you.

8 Q. [10:11:31] Mr Witness, is it possible that there are certain proverbs or jargons,  
9 even some words in Acholi which you may not understand?

10 A. [10:12:02] I lived in Acholi for many years, almost 20 years. My wife is an  
11 Acholi. I have good proficiency in Acholi. That is why I was able to do this work  
12 because of my good knowledge in Acholi and I can speak Acholi and any Acholi may  
13 testify to this. Even the proverbs I can also understand. If I didn't understand  
14 Acholi or speak Acholi, I would not be able to do the interpretation. Thank you.

15 Q. [10:12:36] I think we shall cross the bridge when we reach there. So let's now  
16 go to your training.

17 Mr Witness, during examination-in-chief you gave very impressive account of your  
18 training. I now want you to clarify to this Court the basis of this training generally  
19 within the UPDF and specifically for your good self. The questions I want to put to  
20 you are, number one, does the UPDF have a central specialised training wing for  
21 training signallers, technical intelligence?

22 A. [10:14:01] Your Honour, I would like you to excuse me. I am a serving officer,  
23 so the Defence should not use this chance to get secrets of the army. There are some  
24 secrets which they cannot get when they are in Uganda, so I would request that you  
25 ask questions concerning what I said yesterday and not asking questions regarding

1 the army because I am a serving officer. So please ask me questions regarding what  
2 I said yesterday. Thank you.

3 PRESIDING JUDGE SCHMITT: [10:14:42] This is perhaps not so easy to resolve.  
4 But I think it would be the best if we stuck to what this witness really has underwent  
5 in military education, so to speak. Not to generalise it. Perhaps we give it a try like  
6 that so he might be comfortable with that, to ask him specifically what kind of  
7 education in the military he underwent to acquire the skills he has.

8 MR AYENA ODONGO: [10:15:22] Your Honours, I abide by your guidance.  
9 Although I find a bit of difficulty in, in appreciating how disclosure about institutions,  
10 I mean the institution of the presence or none, would really be a security problem.

11 PRESIDING JUDGE SCHMITT: [10:15:54] Please give it at first a try as I advised you  
12 and then we have a look into it if we need more information.

13 MR AYENA ODONGO: [10:16:13]

14 Q. [10:16:13] If you, if you are uncomfortable about that, where did you train from?

15 A. [10:16:38] I said yesterday very clearly how I was trained and I'm sure you also  
16 followed what I said. I said things systematically. I am an intelligence officer.  
17 I cannot therefore reveal where intelligence officers are trained. And yet you belong  
18 to the opposition in Uganda. That means that you like to fight my -- our -- my  
19 government and I won't allow that.

20 PRESIDING JUDGE SCHMITT: [10:17:07] This is now, you are now going much too  
21 far in your role as a witness. We won't allow that in the future. So it's not, as I told  
22 you before and I have to be I think more explicit now, you are not here to assess the  
23 proprietary of every question that is being put to you and up until now again there  
24 was no question put to you by the Defence counsel which was in any way improper.  
25 It is perfectly clear that we are talking here about translation, about audios, about

1 listening, about interpretation of words. So all the line of questioning, there is -- as I  
2 said, there is nothing improper in it. And you have the same duty that you had to  
3 answer to the question of the Prosecution, you have to answer to the question of  
4 counsel of the Defence here. So I would strongly advise you in the future just to  
5 answer the questions that are put to you. And if there is something that might be  
6 detrimental to your security or to protection of state security or whatsoever we go  
7 into private session. We can always discuss that.

8 But we do not discuss now every five minutes the propriety of questions by  
9 the Defence. You can be sure that the Court has enough experience to step in if need  
10 be, but not when you want it.

11 MR TAKU: [10:18:42] May it please your Honours and with your kind permission.  
12 I just wanted to contribute to this by, with due respect, remind the witness that it is  
13 not about politics. He made the statement that he is opposition and he would like to  
14 fight this government. I'm afraid that's what is wrong with Africa, but that is not  
15 what this case is about. That is not what this court is for.

16 And also remind him that I know that the army is apolitic, the army is to protect the  
17 nation, protect both opposition and the government. So that statement that he  
18 makes that because he is the opposition and he would like to fight his government,  
19 I think that is to misstate the role of an army in a democracy.

20 PRESIDING JUDGE SCHMITT: [10:19:29] Mr Taku, you know that I have already  
21 addressed it.

22 But I can perhaps put it, Mr Witness, to you again a little bit more clear perhaps. It is  
23 absolutely clear that we here, a court, we are following the rule of law, we are not  
24 following the rule of politics. As I said before, this is not about Ugandan politics,  
25 and also Mr Taku has said, and again but this is the last time that I tell you that.

1 Mr Ayena and all the others here in the Defence team have a role as officers of the  
2 court. They have a role here in the rule of law, and they are bound to their  
3 professional ethics, and we have, as I said before, we have no reason to doubt that.  
4 And this is a completely different situation than you would perhaps - I don't know  
5 that, I cannot assess that - that you might perhaps have in politics in Uganda or  
6 wherever.

7 But this is it for now. And I really, it was a little bit a relatively long intervention, I  
8 sense that it is necessary now, but we will not repeat it.

9 MR AYENA ODONGO: [10:20:54]

10 Q. [10:20:56] Mr Witness, without going to maybe having to disclose where you  
11 trained, do you remember that you told Court that you were trained by somebody  
12 called Okello Adubango.

13 A. [10:21:31] I told clearly that I was trained by Okello Adubango and he is now  
14 deceased.

15 Q. [10:21:40] Was Okello Adubango an Acholi?

16 A. [10:21:54] Okello Adubango is an Alur person from the Alur tribe, but he was  
17 born in Acholiland. And he was fairly aged and had good knowledge of Acholi.  
18 Thank you.

19 Q. [10:22:14] Now, you said that you became a technical intelligence officer,  
20 technical?

21 A. [10:22:54] Your Honour, sometimes you may have the impression that I am not  
22 answering questions well, because I feel that there are some questions which should  
23 be in private, because issues concerning security and my institution should be dealt  
24 with care, because I may be afraid to say certain things. Thank you.

25 PRESIDING JUDGE SCHMITT: [10:23:19] So this is something that we appreciate,

- 1 how you acted now, not admonishing, but simply telling us where your concerns are.
- 2 And I think we can follow this in this regard and we go into private session.
- 3 MR AYENA ODONGO: [10:23:39] Yes.
- 4 (Private session at 10.23 a.m.)
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19 (Open session at 10.46 a.m.)

20 THE COURT OFFICER: [10:46:02] We are in open session, Mr President.

21 PRESIDING JUDGE SCHMITT: [10:46:07] You can answer now, Mr Witness.

22 THE WITNESS: [10:46:11] (Interpretation) In line with the question given to me, the

23 LRA did not only operate in northern Uganda or in only one district. LRA operated

24 in Gulu district, because you asked me where did the LRA operate? LRA operated

25 in Gulu district. They also operated in Kitgum, in Pader district. LRA also

1 operated in Abim district, which is in Karamoja area. LRA also operated in Nwoya  
2 district, in Amuru district. LRA operated in Oyam district, in Apac district. LRA  
3 also operated in Lira, Lira district. LRA operated in Soroti district, in Kumi district.  
4 In Amuria district. LRA did not have the opportunity to cross over Karuma, I am  
5 not sure whether because they lacked equipments that would enable them to swim  
6 across the River Nile to the other side of Karuma.

7 LRA operated in Sudan. LRA also operated in the Congo and Central African  
8 Republic where they are currently still based. LRA worked in different places.  
9 I cannot narrate one by one

10 So, Mr Krispus, follow -- in line with the question you have given me, there is a book  
11 that I have written, and if the Court would allow me, I would open or to read  
12 a passage from this book. You would see clearly --

13 PRESIDING JUDGE SCHMITT: [10:49:09] Mr Witness, Mr Witness, a short moment.  
14 I think this answer was sufficient and I think also, especially Mr Ayena who has put  
15 the question to you will agree with me. So I think we can continue with the  
16 examination by Mr Ayena.

17 MR AYENA ODONGO: [10:49:22] I totally agree with you. He actually -- actually  
18 went -- he went further than I thought, which is very good, because all I wanted to  
19 know was for him to tell Court that the LRA operated within the Acholi sub-region,  
20 Lango sub-region, Teso sub-region, Sudan, and then of course now in the Central  
21 African Republic and the DRC.

22 PRESIDING JUDGE SCHMITT: [10:50:01] This was all covered, I think, Mr Ayena.

23 MR AYENA ODONGO: [10:50:09] Yes. I am so grateful.

24 Q. [10:50:13] Now, Mr Witness, is it possible that the whole of that area was  
25 affected, which was affected by the LRA was served by only the Gulu intercept office?

1 A. [10:50:49] At the beginning I said that technical intelligence is not me alone. I  
2 said there were other people, even the police, and other organisations which I don't  
3 know conducted intercept. But on my side, as I said yesterday, with the radio call  
4 you may be stationed in Gulu but you can intercept communications in the Sudan.  
5 You can be stationed in Gulu and you can intercept somebody who is in Soroti or in  
6 West Nile. So radio call, with radio call you can intercept communication even up to  
7 Sudan. So my staying in Gulu, I can pick communication in any part of Africa.  
8 Even in Kenya I can pick even when, while I am stationed in Gulu.

9 Q. [10:51:52] Mr Witness, that -- that seems to vary with what you talked about  
10 your inability now to pick the LRA because they are so far away now, at the moment.

11 A. [10:52:19] Yesterday I mentioned that when these people were in the Sudan,  
12 when you look at the distance between Gulu and Sudan what is the range, what is the  
13 distance? I mentioned in my statement yesterday that when these people are in  
14 Sudan we actually pick them, intercept them right from the Sudan. But there are  
15 some points, because of interference due to bad weather, that's when we are unable to  
16 pick them. But where now the range of the radio call cannot reach, then that means  
17 we are not able to pick them.

18 Yesterday I mentioned that while we are doing our intercept work there is also  
19 direction finding which confirms that these people are communicating from  
20 Lubanga Tek. And this is what I mentioned yesterday and I think you also had this.  
21 Thank you.

22 Q. [10:53:20] So is it the case that your capacity, your technical capacity was such  
23 that there are situations you could not capture?

24 PRESIDING JUDGE SCHMITT: [10:53:36] We are speaking at the time 10, 12 years  
25 ago, we are speaking about this time now.

1 THE WITNESS: [10:53:55] (Interpretation) Ten years ago, your Honours, we were  
2 doing intercept work, intercepting the LRA work until such a time when they left  
3 Uganda, they even left Sudan and they shifted to Central African Republic. It was  
4 difficult to find them and we had to transfer some of the machines there and, up to  
5 now, some of our machines are there and the people who were stationed there have  
6 the time to pick them. I said that the radio call operates based on the weather, on the  
7 weather at that time. So some of our people are still there up to now, the people that  
8 you see their names were listed yesterday, they are still doing the same work. And  
9 they even know that they are still doing the intercept work, even up to now, as I am  
10 speaking. But by the time they left Uganda, they left Sudan we were not able to, we  
11 did not have the authority or the right to intercept them, that's why we shifted our  
12 machines which is guiding our forces in the Central African Republic.

13 MR AYENA ODONGO: [10:55:19]

14 Q. [10:55:19] Now, Mr Witness, can we talk about the location of your office in  
15 Gulu.

16 I don't know whether it is necessary to go back to closed session.

17 PRESIDING JUDGE SCHMITT: [10:55:35] I think when we are talking about the  
18 location as it were at the time, I don't -- would not have a problem with it. But when  
19 you are referring to present days I would say we would have to go into private  
20 session.

21 Are there any other opinions on the side of the Prosecution on that, in that regard?

22 MR AYENA ODONGO: [10:56:00] Well, I am referring to --

23 MR ELDERFIELD: [10:56:04] Your Honour, I believe it is public the fact that the  
24 Ugandan African forces are tracking Kony in the Central African Republic at the  
25 moment. It is purely the names that we would like to keep in private session and as

1 long as there are no names I think we can continue.

2 PRESIDING JUDGE SCHMITT: [10:56:20] Then we continue in open session.

3 And, Mr Witness, you were very attentive to that fact and in your last question you  
4 recalled very correctly and very precisely what not to talk about in open session, so  
5 please continue like that.

6 Please, Mr Ayena, you have still the floor.

7 MR AYENA ODONGO: [10:56:48]

8 Q. [10:56:48] Now, Mr Witness, yesterday you make reference to your office being  
9 in -- is it a boys' quarters? Is that correct?

10 A. [10:57:12] Regarding my office, I think the photograph yesterday clearly  
11 mentioned, but if it is anything that is relating to office I may not be able to mention it  
12 in the public.

13 PRESIDING JUDGE SCHMITT: [10:57:28] No, no, this remark by the witness is  
14 correct I think. Please, Mr Ayena, continue. We have seen the photographs and he  
15 remarked on them.

16 MR AYENA ODONGO: [10:57:39] Your Honours, I want to cross-examine him on  
17 what we saw yesterday and what is on record again, and what is on record.

18 PRESIDING JUDGE SCHMITT: [10:57:53] Perhaps then you refer to what we saw  
19 yesterday, what he remarked there yesterday.

20 Yes, of course, of course you are entitled to do that.

21 MR AYENA ODONGO: [10:58:03] Yes.

22 Q. [10:58:09] So can you tell Court, Mr Witness, the number of people who are on  
23 the same compound with you?

24 A. [10:58:33] The number of people that we were with in the same compound,  
25 yesterday I mentioned them clearly. There were some names that I even left out that

1 I did not pick. They are names that I was, you know, I was advised not to mention  
2 but to just read the -- use the names. I said clearly there are people working in two  
3 sections, direction finding and intercept, and if this list is still here please bring it  
4 forward, then I can be able to mention it to you again.

5 Q. [10:59:11] Now, Mr Witness, let's leave that alone.

6 Can you tell Court whether there was any other security intelligence agency sharing  
7 the same compound with you?

8 A. [10:59:39] I mentioned that I am not the only one, the only person doing  
9 intercept, there were other people who were doing intercept work, like Internal  
10 Security Organisation who were also doing similar work, but their office is separate  
11 from ours. I even mentioned their name here yesterday. They do a different kind  
12 of work. I don't know how they do the intercept operation. So I don't do it alone,  
13 there are other people, many other people who also do it. Thank you.

14 PRESIDING JUDGE SCHMITT: [11:00:10] I think it is now time to have a break.  
15 And let me put it this way, after this one and a half hour I think this break is well  
16 deserved, so to speak, and we meet again here at 11.30.

17 THE COURT USHER: [11:00:24] All rise.

18 MR AYENA ODONGO: [11:00:27] Much obliged.

19 (Recess taken at 11.00 a.m.)

20 (Upon resuming in open session at 11.32 a.m.)

21 THE COURT USHER: [11:32:27] All rise.

22 PRESIDING JUDGE SCHMITT: [11:32:44] Mr Ayena has still the floor.

23 MR AYENA ODONGO: [11:32:52] I thank you, your Honours.

24 Q. [11:32:57] Mr Witness, welcome back. I hope you had a good coffee break.

25 Mr Witness, I discovered later on that I was after all not wrong in my assessment that

1 you are a very intelligent man, you have even written a book. And for that matter,  
2 since it's about the conflict that is in the centre of these proceedings, we shall ask you  
3 to sell a copy to us. That's what I'd like to note.

4 But Mr Witness, when I read through the transcript I discovered that when you joined  
5 the army in 1987 you could have been 14 years old; is that correct?

6 A. [11:34:05] Yes, that is correct.

7 Q. [11:34:10] So you are a child soldier?

8 PRESIDING JUDGE SCHMITT: [11:34:17] Mr Ayena, please different wording,  
9 please.

10 MR AYENA ODONGO: Pardon.

11 PRESIDING JUDGE SCHMITT: So you were a child when you became a soldier  
12 would be --

13 MR AYENA ODONGO: Yes --

14 PRESIDING JUDGE SCHMITT: -- child soldier, because this has a certain  
15 connotation with --

16 MR AYENA ODONGO: [11:34:31] Yes. Okay.

17 Q. [11:34:34] So you were a child when you became a soldier? An infant?

18 A. [11:34:39] I joined the army when I was 14 years old because I liked that  
19 profession. I didn't care whether I was young or not, but I liked to join the army.  
20 Thank you.

21 Q. [11:34:54] And when you joined, Mr Witness, during your training were you  
22 told that soldiers are supposed to be neutral from partisan politics, among other  
23 things?

24 A. [11:35:21] I am not a politician.

25 Q. [11:35:25] The question is: Were you told that a good soldier ought not to

1 take sides in partisan politics?

2 A. [11:35:49] I am not a politician, and that politics doesn't figure in the training  
3 programme of the army.

4 Q. [11:36:01] Can I put it another way: Are you aware that a soldier, an army  
5 man is not supposed to be involved in partisan politics?

6 A. [11:36:20] You should ask me so that I understand well. I have just said that  
7 doesn't belong in the army training programme. Give me -- ask me a proper  
8 question and then I can answer also in a proper manner.

9 Q. [11:36:37] Mr Witness, this morning you told Court that I am an opposition  
10 and therefore I wanted to get some information in order to attack your government.  
11 You remember that?

12 A. [11:37:10] I do know that ICC called me here to testify in the Dominic case and  
13 not in the Ayena case. Thank you.

14 Q. Do you remember saying that --

15 PRESIDING JUDGE SCHMITT: [11:37:24] Mr Ayena, you are, I say -- first I say the  
16 positive thing, when you ask your questions you are very -- take your time, you have  
17 a very slow pace, much slower than, for example, the Presiding Judge, but still, a little  
18 bit on the negative side, on the flip side, you step too quickly in when before he has  
19 finished his answer with the next question so that they can follow. And also we  
20 don't hear sometimes your question. Just really try to wait two or three seconds  
21 until you ask your next question.

22 Thank you, Mr Ayena.

23 MR AYENA ODONGO: [11:38:04] Your Honours, I apologise for my inadequacies.  
24 I was badly trained. I talk so fast ordinarily. Okay, I will try to.

25 PRESIDING JUDGE SCHMITT: [11:38:14] You don't talk too fast, you start again

1 too quick. That is a little bit of a difference.

2 MR AYENA ODONGO: [11:38:21] Okay.

3 Q. [11:38:31] So, Mr Witness, the question is: Do you remember saying this in  
4 the morning?

5 A. [11:38:39] I do remember very well that the Judge said there's no need to  
6 discuss Ugandan politics here. But I don't want us to also get involved in Ugandan  
7 politics. Thank you.

8 Q. [11:38:57] Mr Witness, I put it to you that you are partisan and you have a  
9 choice between those in government and those you think are in a position.

10 A. [11:39:25] I am a soldier in the Ugandan army. I was sent here by Uganda. I  
11 didn't come here to stand for the LRA, but I came here to stand for Uganda, for the  
12 people of Uganda.

13 Thank you.

14 Q. [11:39:43] Mr Witness, do I understand from that line of answer that you have  
15 come here to defend the position of the government of Ugandan?

16 A. [11:40:01] LRA was fighting the Ugandan government, as you do know.  
17 According to you, which government was being fought against by the LRA. I'm sure  
18 you too must have been affected in your own area. Thank you.

19 Q. [11:40:20] So for that reason would you want to confirm to this Court that you  
20 have come to defend the position of the government of Uganda?

21 A. [11:40:39] I have come here as a Ugandan representative in the International  
22 Criminal Court. I'm a Ugandan and I have come here as a representative of the  
23 Uganda because it is the Ugandan government which referred this case to the ICC.

24 PRESIDING JUDGE SCHMITT: [11:41:04] I think he has answered that question.

25 MR AYENA ODONGO: [11:41:07] Yes.

1 Q. [11:41:09] Following on that answer, can you confirm to this Court whether  
2 you were debriefed by the government of Uganda before you came? Since you are a  
3 representative.

4 A. [11:41:32] The Ugandan government gave the ICC the authority to obtain  
5 evidence from me. If the Ugandan government had refused, how would ICC would  
6 have known me? Thank you.

7 Q. [11:41:56] Mr Witness, as a serving officer in the army of Uganda, before you  
8 left did you discuss what you were coming to do in the ICC with the government of  
9 Uganda or some representative of the government of Uganda?

10 A. [11:42:26] I am a serving officer. According to the procedures in the army, if  
11 the soldier is going to a different place he has to get authorisation. I had to go to my  
12 superiors and request permission to come to the ICC. Then I was told, given the  
13 permission to go and they said they were well aware of the issue. And my superior  
14 therefore authorised me to come here. So my coming here isn't illegal. Thank you.

15 Q. [11:43:05] Did you discuss with your boss the subject matter now before  
16 Court?

17 A. [11:43:20] Since he is my boss, how wouldn't I talk about it? Because he was  
18 the one reading the intercepts, so I told and explained to him what I was -- why I was  
19 coming here. And it is him, my superior, who instructs me to provide the ICC with  
20 the evidence I have. Thank you.

21 Q. [11:43:51] Am I right to say that you shared information with him?

22 A. [11:44:07] Not exactly. He already knows all the intercepts. He reads the  
23 intercepts. He knows everything. So I didn't have to share with him because he  
24 already knows.

25 Thank you.

1 Q. [11:44:24] We were discussing, or I posed some questions to you about the  
2 office in Gulu. Can you tell this honourable Court -- or, rather, confirm, forget about  
3 the list of people that I know you identified yesterday, but can you tell this  
4 Honourable Court whether, (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [11:45:40] You are making me answer the same question for the second time.  
9 I told you we have already the Internal Security Organisation and we are in the same  
10 house, but we work in different offices. I don't know what they do in their office and  
11 they too don't know what I do in my office. I have repeated this already and I've just  
12 repeated. Thank you.

13 Q. [11:46:07] Did you get to know whether they were also doing intercept work?

14 A. [11:46:23] I said these people work in a different office. I have a different  
15 office so I don't know what happens in their office. We're in the same block, in the  
16 same house, but the rooms are different. Thank you.

17 Q. [11:46:38] The question is: Did you know whether they were also doing  
18 intercept work?

19 A. [11:46:54] These people were in the same house, but the office for the Internal  
20 Security Organisation was different from my office. So it would be better for you to  
21 ask them because I don't know what happens in their office and they too don't know  
22 what happens in my office. Thank you.

23 Q. [11:47:15] Mr Witness, I want the court officer to assist us to go to tab 1,  
24 Prosecution file. Are you there?

25 I want you to look at number 8. Do you recognize that person?

1 A. [11:48:12] Well the problem, the person who is assisting me hasn't yet got the  
2 right page.

3 PRESIDING JUDGE SCHMITT: [11:48:24] I think there might be perhaps a  
4 confusion with the binder. You referred to the Prosecution binder, tab 1?

5 MR AYENA ODONGO: [11:48:31] Yes, the Prosecution binder.

6 PRESIDING JUDGE SCHMITT: [11:48:34] Yes, the Prosecution binder, not the  
7 Defence binder. And it's tab 1.

8 Perhaps the usher can assist.

9 It should be a list of names.

10 MR AYENA ODONGO: [11:49:15] Yes, it's a list of names.

11 PRESIDING JUDGE SCHMITT: [11:49:19] Generally.

12 Do you have it now in front of you, Mr Witness?

13 THE WITNESS: [11:49:58] (Interpretation) Yes, I now do have it.

14 MR AYENA ODONGO: [11:50:01]

15 Q. [11:50:01] I want you to look at number 8. Do you recognize that person?

16 A. [11:50:18] That is the -- our boss who belongs to the direction finding team.

17 He was our overall boss and I said he is our overall boss of the CMI.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [11:51:28] (Redacted) to find that some

25 other witness before you, or witnesses before you from the Internal Security

1 Organisation is on record as having said they also reported to the same officer?

2 A. [11:52:02] It's not my problem to know that. If they do that I have no idea.

3 What I know is that after finishing writing my notes, I forward that to someone. So

4 if they were doing that, if they were submitting their reports to him, I have no idea.

5 They have their different notebooks. I have my notebooks. So it's not my problem

6 really. Thank you.

7 Q. [11:52:28] Thank you. Mr Witness, did you ever get involved in Iron Fist

8 operation?

9 A. [11:53:01] I was in the operation, Fist operation.

10 Q. [11:53:09] What were you doing there?

11 A. [11:53:18] I would request that we go into private session for that question.

12 PRESIDING JUDGE SCHMITT: [11:53:23] We go into private session.

13 (Private session at 11.53 a.m.)

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10 (Open session at 12.36 p.m.)

11 THE COURT OFFICER: [12:36:09] We're in open session.

12 PRESIDING JUDGE SCHMITT: [12:36:14] Mr Ayena.

13 MR AYENA ODONGO: [12:36:15] Yes.

14 Q. [12:36:17] Mr Witness, I am in no doubt that Court, even we on the Defence  
15 side, are not lost to what was said yesterday. But what I want to ask you is as to  
16 whether you are aware that somebody else could have given this information which  
17 led to the intervention of the UPDF and not necessarily based on your information?

18 A. [12:37:16] I said that with radio call, when I said "one," everybody with a  
19 headset has heard "one." But if one says "one two," well, it may be the same. If  
20 someone hears something from Achol-Pii or from Kotido or from Kampala, that  
21 means he has heard the same thing on the same channel. That means it's the same  
22 information which is being distributed to everybody.

23 You are a civilian. You haven't been trained in the signals course.

24 With signalling, if one says "Charlie Queen Five Echo," I'm sure that what I've just  
25 said now everybody has heard that, and that's how information is distributed. So

1 wherever you are, whether in Achol-Pii or elsewhere, they will still receive the same  
2 information, because intelligence doesn't rely on one source only. There are ten  
3 other different people who may work better than you who are also doing the same  
4 work. Thank you.

5 Q. [12:38:30] You are now coming closer, Mr Witness. There is this thing about  
6 the TONFAS, breaking the code. It would appear that this was a very specialised  
7 area for interceptors and not everybody was so skilled. And from your statement it  
8 would appear you were one of those highly-skilled people in breaking the codes; is  
9 that correct? It was not for anybody to break the codes?

10 A. [12:39:23] Yesterday I said that I am not the only one who is most skilled.  
11 Yesterday I want to say that I am the only one who can interpret or break the code,  
12 the TONFAS code very well; as I said, there are many people doing the monitoring of  
13 the LRA communication. And in Acholi there was NGOs who could do the same  
14 thing, because if you put the channel on 579, any person could be -- would be able to  
15 listen to the radio communications of the LRA, not only the army, the Ugandan army.  
16 So that's what I can say. Thank you.

17 Q. [12:40:12] Mr Witness, that is a very interesting twist in the chain of evidence  
18 that we are now getting. Do I understand that even NGOs were feeding the military  
19 intelligence about what was going on?

20 A. [12:40:46] I want you to understand very well. I gave as an example, please  
21 understand well, I just gave, I just gave an example like the NGOs, who also use radio  
22 calls, and with a radio call, you just only have to change the channel like 5.7  
23 something. So even a civilian would be able to do the monitoring of the  
24 communication.

25 But the radio calls used by NGOs or by missionaries are just the same radio calls and

1 are able to ensure the monitoring, because this is something where you can just limit  
2 to the UPDF only. Even in other parts of the world there could be still monitoring so  
3 long as they are on the same channel. Thank you.

4 Q. [12:41:52] But you remember that my line of questioning was about the  
5 difficulty of breaking the codes?

6 A. [12:42:08] You said I was the most skilled person as if I was just boasting. I  
7 said it was not only me. I said I was able to break the TONFAS code according to  
8 the skills I had. But if you say that you think you were too skilled, more skilled than  
9 anybody else, by saying that you are adding some salt. What I can say is that I'm not  
10 the most skilled, but I did break the codes according to the skills I had acquired. But  
11 there are also other people who are more skilled who were better than me. I don't  
12 know why the ICC contacted me, but that's how it was. Thank you.

13 Q. [12:42:59] Now, Mr Witness, is it possible, therefore, that after the Abim  
14 incident there was a period when it became impossible for you to intercept; or there  
15 was no use of, you know, those kind of names, the call signs, because that was part of  
16 the techniques for, you know, for interception -- for radio communication?

17 A. [12:44:09] Yesterday I talked about the TONFAS and how the call signs are  
18 used and how they changed the TONFAS and their style of communication. This  
19 was a report which came on that very day, because each day LRA has different  
20 communications, and according to what I noted down, and yesterday I gave an  
21 example, for example, one can write 021900 or 020900 main, that could be meaning on  
22 the 2nd at 9 at a certain month and certain year.

23 As I said, the LRA talks from January to January. That means that the intercepts for  
24 9 a.m. is there, the intercept for 11 a.m. is there. So that depends on the time, the day  
25 and the month. Thank you.

1 Q. [12:45:21] Mr Witness, you know I'm asking you this because it will be maybe  
2 relevant as we progress. Some witnesses before you told this Court that after their  
3 Abim incident the use of call signs, TONFAS and so on and so forth were suspended;  
4 is that correct?

5 A. [12:45:58] You are repeating what has already been said. This was said  
6 yesterday and you heard it for yourself. You heard what happened here, the  
7 recording was played. And if you want, perhaps the recording may be replayed so  
8 that you may understand better, because I find that you are just repeating. What I  
9 said yesterday everybody heard.

10 And also I explained why Kony changed the TONFAS. So if you didn't understand  
11 well, perhaps we could request the Court so that it may be replayed for you.

12 This is why the issue Five Echo came in, because that was the final order given by  
13 Kony. Everybody understood this yesterday. You are repeating the same question.  
14 That's why I am ready to answer any other new questions you may have. Thank  
15 you.

16 Q. [12:46:55] Mr Witness, at the risk of being misunderstood for overpraising you,  
17 you know, I am not possessed of the same level of intelligence maybe as you are, but  
18 you see, the question I'm asking is very simple. After the Abim incident, did Kony  
19 suspend the use of TONFAS, call signs, and if it is so, for how long was this  
20 suspended?

21 A. [12:47:44] You know, when I am talking I am not talking for myself. I talk  
22 according to the records and also according to what I have noted. I talk according to  
23 what you have heard and what you or me have heard. All these audios were played  
24 yesterday, so I am answering your questions according to what we heard yesterday  
25 on the recordings because I cannot give an answer which is at variance with what was

1 played yesterday.

2 I have to base my answers on what was played yesterday. Thank you.

3 PRESIDING JUDGE SCHMITT: [12:48:32] Mr Witness, perhaps I have to clarify  
4 something. It's not only about the audios that have been played to you during the  
5 examination by the Prosecution. Any other question related to your work and your  
6 knowledge about the incidents may be of interest. And I think here Defence counsel  
7 is alluding to, as I understood it you were constantly intercepting at the time, so when  
8 a question is put to you did after a certain audio that we might have heard or not, the  
9 LRA stop with a certain practice? It would suggest itself that you might answer to  
10 that, that you might have an answer to that because you did not only hear this one  
11 audio or this couple of audios we heard the last two days, but you nearly on a daily  
12 basis you heard it. So you could perhaps provide the Court with information on  
13 that.

14 THE WITNESS: [12:49:41] (Interpretation) Thank you, your Honour. And  
15 thank you, Court.

16 I would like to say that the LRA, the Abim incident wasn't the first time to attack the  
17 LRA. Most times when the LRA is attacked by the UPDF, immediately they have  
18 either to change the TONFAS or not to use the TONFAS because they do know that if  
19 they continue using the TONFAS that means that the UPDF may continue attacking  
20 them. So at any time when the LRA is attacked or when the LRA radios have been  
21 captured, immediately the TONFAS is changed. This happened several times  
22 because many radios were captured from the LRA, including the TONFAS because  
23 each radio has a TONFAS. You can't have a TONFAS without having a radio.  
24 That means if you don't have a radio, that means you don't have a TONFAS. So  
25 sometimes when an LRA doesn't hear his commanders on radio calls, he can use -- he

1 can listen to the domestic radio and get information and as a result he may  
2 immediately suspend the use of TONFAS because he may think that the UPDF may  
3 have captured the TONFAS.

4 So the stopping, stopping the use of TONFAS wasn't only one time, but it happened  
5 several times. So in most cases therefore they will use jargons or proverbs while  
6 waiting for new TONFAS. Thank you.

7 MR AYENA ODONGO: [12:51:53]

8 Q. [12:51:55] Another angle. You have talked about jargons, you have talked  
9 about TONFAS, we have talked about call signs and now you have talked about, you  
10 brought in proverbs. Can you explain to Court the difference between these words  
11 as you understand them?

12 A. [12:52:28] Can you please repeat the question? I didn't quite understand it.

13 PRESIDING JUDGE SCHMITT: [12:52:38] Perhaps one after the other perhaps  
14 because there was some different expressions in it. Perhaps you just put one  
15 expression and then after the answer the next one.

16 MR AYENA ODONGO: [12:52:48] (Microphone not activated)

17 Q. [12:52:56] What was a call sign as far as LRA was concerned? Can you give  
18 an example as a call sign?

19 A. [12:53:11] Thank you. A call sign I'll give an example concerning you and me.  
20 You are Krispus, you will use the call sign One Two Bravo or Zero Bravo. That is a  
21 call sign. And me I'll use the call sign Zero Alpha. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) There are millions of them

25 and they may be changed.

1 During this month you may use Zero Bravo and because of some problems, for  
2 example, if the UPDF attacks the LRA and takes away the TONFAS, it will require  
3 some time to prepare a new one from Sudan so bring it to Uganda. Therefore the  
4 old call sign will not be used and a new TONFAS may be now One Two Kilo, for  
5 example. And then the Zero Bravo call sign may be given to other person and the  
6 Zero Alpha which I was using may be given to someone else. So when you hear  
7 Two Victor, Two Victor, that old Two Victor could have been referring to me, but the  
8 present Two Victor may now refer to you. There's nothing rigid, there's nothing  
9 permanent till death. The call signs are changed according to the different periods.  
10 So that's what I can say about TONFAS.

11 Your Honour, according to the question I have been asked I am supposed to make a  
12 difference between a call sign and a proverb and a call sign. I have just talked about  
13 call sign. Now I am going to talk about proverb.

14 A proverb -- I am not hearing very well. A proverb is a saying which is used for  
15 describing something. For example, the LRA when they want to cross over to Sudan  
16 using Palabek road they would say "This one is the thread, this is the thread for the  
17 woman dress." And they can say these are thread, thread which -- for example, if  
18 Otti is giving an order to Kwoyelo so as to cross into Sudan, he would proceed as  
19 follows: He would say "Have you seen the piece of cloth for tying the dress?" And  
20 if you are an Acholi or a Lango, you cannot understand what they are saying. They  
21 are actually describing the road or they could be describing a mountain.

22 "If you cut that piece of cloth for tying the dress, use the knife," that means the road  
23 going to Palabek, you have to cross it, because a knife is used for cutting something.  
24 So he is trying to describe, he is trying to tell you that you have to cross into Palabek  
25 and if you -- now when he talks of Sahara, that means Sudan, so he may use that kind

1 of saying to mean Sudan. And before doing the big knife, that mean -- actually the  
2 knife here means the border.

3 So before doing the big knife, you will find some churches which are there. Now  
4 here churches actually means hills. They describe hills using the word "church."

5 So even if there's no TONFAS, sometimes they will use proverbs to communicate  
6 between themselves because they describe things in a way you don't understand.

7 Even if they are speaking in Acholi someone who understands Acholi still wouldn't  
8 be able to understand what they are trying to say.

9 Yesterday, the other day -- yesterday I told you about some senior army commander  
10 who came to my office and found me writing the intercept. This (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) proverbs are used to communicate in the absence of TONFAS. So

17 that is what I can say. And if you aren't conversant, if you are not familiar with that  
18 kind of saying, you cannot understand what they are saying.

19 Q. [13:00:08] Can you now go to jargons?

20 PRESIDING JUDGE SCHMITT: [13:00:10] I question myself, Mr Ayena, if it would  
21 be -- if it not would be wise to have now the lunch break and we come back to the  
22 jargons after the lunch break.

23 MR AYENA ODONGO: [13:00:23] That's a general confluence for all of us. When  
24 it comes to that time, who am I to disagree with you, My Lord?

25 PRESIDING JUDGE SCHMITT: [13:00:33] Yes. Of course you could say it

- 1 belongs to the question, but it's not such inextricably --
- 2 MR AYENA ODONGO: Yes.
- 3 PRESIDING JUDGE SCHMITT: -- linked to it that it could not --
- 4 MR AYENA ODONGO: I'm much obliged.
- 5 PRESIDING JUDGE SCHMITT: -- perhaps be answered after the lunch break.
- 6 MR AYENA ODONGO: [13:00:46] Thank you.
- 7 PRESIDING JUDGE SCHMITT: [13:00:47] So we see each other again at 2.30.
- 8 THE COURT USHER: [13:00:52] All rise.
- 9 (Recess taken at 1.00 p.m.)
- 10 (Upon resuming in open session at 2.30 p.m.)
- 11 THE COURT USHER: [14:30:55] All rise.
- 12 PRESIDING JUDGE SCHMITT: [14:31:15] Mr Ayena, you have the floor.
- 13 MR AYENA ODONGO: [14:31:22] Good afternoon, your Honours.
- 14 Q. [14:31:28] Good afternoon, Mr Witness.
- 15 Mr Witness, with the permission of Court, I'll go back to ask, you know, one brief
- 16 question about the Gulu house. When you became a warrant officer, did you
- 17 become the supervisor in that place?
- 18 A. [14:32:28] I did not become the supervisor because there was somebody who
- 19 was our supervisor.
- 20 Q. [14:32:36] I'm talking about being a supervisor, but not necessarily being overall.
- 21 A. [14:32:58] When our overall boss went back to Kampala, I remained in that
- 22 office as a staff of CMI, because most people were transferred back to Kampala and I
- 23 remained alone to continue work in that office.
- 24 Q. [14:33:15] Now, Mr Witness, when you now assumed -- when your boss was no
- 25 longer there, did you at any one point bring in members of your family to the place?

1 A. [14:33:35] When the LRA now went to Central Africa after leaving Uganda, the  
2 office, some of the people whom I was training were taken away, and some other  
3 people that I trained were there. And when they were deployed to follow the LRA,  
4 there was -- that means where they were staying in that office, it was already closed.  
5 Even, even when I speak now, that office in Gulu is no longer functional, because it  
6 has been transferred to Central Africa. The young people that I had trained are the  
7 ones that were working in it, so me now as the elder is the one that has remained.  
8 Yes, according to the rank and experience and seniority at work, I was the eldest, even  
9 when somebody who is older, or, you know, has experience, yes, you become an  
10 elder.

11 Q. [14:35:03] Mr Witness, what would you describe as your general relationship  
12 with the people who were on that compound?

13 A. [14:35:09] What kind of people? I need to understand. What kind of people  
14 who were there? Maybe you need to be specific on the kind of people. Is it the  
15 civilian or the army officers? Which kind of people? Let you kind of explain the  
16 departments so I can understand.

17 Q. [14:35:40] In this case we are talking about members of the disciplined forces.  
18 We are talking about members of the CMI and particularly members of ISO, the  
19 Internal Security Organisation.

20 A. [14:36:04] (Redacted)

21 (Redacted)

22 (Redacted) in the same

23 block or same building, but we operate from different rooms. So even when the  
24 LRA now is in Central African Republic, my people, the ones that I have trained, I  
25 have sent them. They are working in central Africa following the orders from my

1 bosses. So I don't know if even ISO have their deployment there, because I don't  
2 know how -- their plan. We're in different units. We are under one roof, but  
3 different roofs -- different rooms. Thank you.

4 Q. [14:37:06] Did you, Mr Witness, did you have any beef with any of the officers, I  
5 mean did you have a fracas with somebody who was also working on the same  
6 compound?

7 A. [14:37:29] Ever since I came, I am a person of God. I have never had any  
8 quarrel with anybody. I am an Evangelist. I don't have a problem with any person.  
9 Ever since I joined the army, I've never written a statement. I've never quarreled  
10 with anybody. That is what record I have in the UPDF.

11 Q. [14:38:02] Do you remember, Mr Witness, anybody, especially a member of the  
12 Internal Security Organisation, writing a petition against you?

13 A. [14:38:22] Well, if, if he has written a complaint against me and sent the  
14 information to your office, and if there is an issue, then I would be invited to a court  
15 like we are in a court today. Thank you.

16 Q. [14:38:43] Mr Witness, do you ever, I mean, do you remember ever drawing a  
17 gun against the person mentioned as number 9 on the list that I showed you earlier?  
18 Can you go back to that.

19 A. [14:39:10] Thank you. That person, if you say I drew a gun against him, but in  
20 the UPDF there is a code of conduct. If a soldier carries a gun against a colleague, he  
21 would be arrested and put on firing squad. There would be a statement and the  
22 army would sit down and the case is heard.

23 But I think what you are saying is probably what you've just -- allegations that you  
24 are bringing up, because I don't have any record of allegations against me. I don't  
25 have any knowledge of somebody bringing complaint against me. I'm just surprised

1 to hear this from you. Thank you.

2 Q. [14:40:02] I put it to you, Mr Witness, that we have on court record an allegation  
3 by the person I have referred to that you had a beef with him, you had a fracas with  
4 him, you drew a gun against him, and there was a petition that he made and a  
5 reconciliation was made. Is that a lie? Was he lying?

6 A. [14:40:43] Your Honours, I want to thank you for this time. I am happy to hear  
7 this kind of information.

8 I think if there is a problem and somebody sent this information to you as a Ugandan  
9 lawyer, then this case, this case would be settled in Uganda if somebody has a case  
10 against me. But if somebody or your relative has brought some information to you,  
11 and you are creating another case, I am here in the ICC related to the Kony or case  
12 against Dominic. I'm surprised to hear another information.

13 I request that what I am saying should be what I have in my statement, right from the  
14 beginning up to now. But now Krispus has left what has brought us here. He has  
15 gone back to a case in Uganda. That means there is another case which is starting.  
16 Are we -- are we in the Ugandan case or we are in the ICC case?

17 PRESIDING JUDGE SCHMITT: [14:41:48] We are of course in the ICC case. But  
18 this is maybe part of it, because we have different witnesses and if witnesses tell us  
19 different things, then we have to think about as a court, and also as the parties and  
20 participants which might be true. And because of that, this is at the moment Mr  
21 Ayena doing, he's referring to what another witness said, and it's of course not about  
22 Uganda. It's not about a case against you. It's simply about what has happened at  
23 the time.

24 And the question was put to you and you can tell the Court if this is true or not. It's  
25 simply like that.

1 MR AYENA ODONGO: [14:42:35] I'm indebted to you, my lord.

2 THE WITNESS: [14:42:42] (Interpretation) I want to thank this honourable Court  
3 for the important question.

4 Your Honours, I know that when there is a problem or when there is a case, it should  
5 not be just an oversay or a hearsay. It should be a clear statement which says: I  
6 fought somebody, so and so, and I drew a gun on this date, and what was the nature  
7 of the case. Because in the army, in the Ugandan army, when you draw a gun  
8 against somebody, irrespective of your rank, once you drew a body -- a gun against  
9 somebody, then an immediate action is taken against that person.

10 So if there was a case of a gun that somebody referred to Krispus, that I drew a gun  
11 against him, then it should be very clear, it should be very clear, because if I was  
12 informed that there was a case in Uganda, then my supervisors would actually inform  
13 me if it was a case against or about a gun which was taken from the barracks, then I  
14 would be informed.

15 But this should not be something like an issue which was taken from a drinking place  
16 and then brought which is not true, and this is the first time I'm hearing about this.

17 Thank you.

18 MR AYENA ODONGO: [14:44:12]

19 Q. [14:44:13] Mr Witness, I want you to know that the case I'm referring to was not  
20 reported to me. It was reported and recorded in this Court. So it's not as if it is me  
21 against you, the way you seem to be, no.

22 A. [14:44:45] Well, I want to still thank you, because what you are saying, for you,  
23 you stay here in The Netherlands. Me, my first time of coming to The Netherlands.  
24 You are known every place here. Maybe there are some Africans that you have met  
25 here and you investigate information about me from them.

1 So if there was any case against me in relation to carrying a gun or putting a gun  
2 against somebody, then you would go and ask the UPDF, because the records are  
3 with the 4th division, they are in the headquarters. And if any soldier --

4 PRESIDING JUDGE SCHMITT: [14:45:27] Mr Witness, I have to stop you again.

5 Really, I do not like to do that. But it's absolutely correct what counsel put to you.

6 This was not his investigation. It was not his invention, so to speak. It has been

7 brought up in this courtroom a couple of weeks ago and this is the reason why you

8 are asked. And here you have the possibility to tell us something about it, to tell us

9 the truth, what you think is the truth.

10 It's not about investigating this case which is not a case for us. It's not as a case for

11 us of any interest. But it is of course of interest when we have two different

12 witnesses that are reporting to us certain incidents and they are not identical, their

13 versions. This is of course for a court or for us to establish the truth, it might be of

14 interest.

15 So simply tell us if has something like that happened, and what is your view on that.

16 And then I think, Mr Ayena, this is the last attempt, so to speak, to really, really try to

17 do it.

18 MR AYENA ODONGO: [14:46:38] Absolutely, absolutely.

19 PRESIDING JUDGE SCHMITT: [14:46:41] So please, Mr Witness, it could also be I

20 think in your interest to tell us what -- how you perceived it at the time what has

21 happened, to tell us that.

22 THE WITNESS: [14:46:58] (Interpretation) Your Honours, I have already taken

23 oath in this Court. If it was important, if it was possible for me to do a second oath,

24 then I would do it. Thank you.

25 PRESIDING JUDGE SCHMITT: [14:47:14] Mr Witness, there is no need for a second

1 oath. You are under the same obligation that you gave at the beginning. This oath  
2 is still valid. It extends to all of what you are saying in this courtroom. So you are  
3 bound, have been bound in the past of your testimony and are now bound and will  
4 be bound in the future by the same oath.

5 So please answer now.

6 THE WITNESS: [14:47:42] (Interpretation) I have said all the true things, all the  
7 truth that I have. And I think I seem to have run out of words now.

8 What counsel Ayena is saying are total lies and I don't have anything else to say about  
9 it. Thank you.

10 MR AYENA ODONGO: [14:48:08]

11 Q. [14:48:09] Thank you very much, Mr Witness. But I want, I want to close  
12 my -- I mean my line of questioning on this. But I want you to go well aware that  
13 these, if they are lies, they are not created by me, okay? It's not as if I have a  
14 personal vendetta with you, no. I am repeating to you what was said in this Court  
15 and your duty is to say it is true or not true. If it is true, you explain the  
16 circumstances. But if you choose to say it is not true, that's all you have to answer.  
17 Is it true that you had a beef, a fracas with this gentleman named as number 9,  
18 because you should be warned that other witnesses after you will come to testify  
19 about this.

20 A. [14:49:24] I don't have anything else to say because I've already said I have run  
21 out of words to tell the truth.

22 PRESIDING JUDGE SCHMITT: [14:49:32] Mr Ayena, please continue then, please.

23 MR AYENA ODONGO: [14:49:41]

24 Q. [14:49:41] Mr Witness, is it true that the environmental situation at the intercept  
25 house was sometimes not very conducive? Sometimes there was dampness, there

1 was overcrowding, and that kind of thing.

2 A. [14:50:08] The intercept house, everyone had their own rooms. So if there was  
3 darkness, how I would operate, I had a lamp. I had a lamp which I would use in my  
4 office. So if it was dark, I had the lamp and I would use. Thank you.

5 Q. [14:50:39] Did you have some problem of leakage in the roof?

6 A. [14:50:47] I am not understanding the house that you are talking about, because  
7 the one that we saw yesterday in the photograph, that house doesn't leak. But in  
8 case of blackout and there is no power, that house uses electricity, but if there was no  
9 power, my bosses in CMI bought for me lamps which I would use if or when the LRA  
10 is communicating, especially when they were communicating in the evening like at 7  
11 p.m. At 7 p.m. it is dark and it would require light, so I would use this lamp.

12 Secondly, I had two types of radio calls. One uses electricity and the PRM uses the  
13 car battery or the accumulator battery which use is used to run a vehicle. So even if  
14 there was no electricity, I would use the PRM radio which uses the car battery. So  
15 this is how we'd operate when it was dark.

16 Thank you.

17 Q. [14:52:08] Between you and me, because of our language togetherness, we may  
18 understand what we mean by laput (phon). Can you tell Court, can you explain to  
19 Court the difference, I mean, what you mean by laput. What is laput? Is there any  
20 other type of lamps other than laput?

21 A. [14:52:34] I think we have an interpreter and he's doing the right job and he  
22 knows what a lamp is. The lamp is something where you have, when you put  
23 paraffin in it and then you light and it produces for you light. That's what I am  
24 meaning.

25 Q. [14:52:59] Is laput covered by a glass?

1 A. [14:53:06] The language that is used to call laput, the one you are referring to,  
2 which is a lamp, I'm using Luo, I'm using tara, because for you to understand,  
3 because you speak Lango, but for Acholi words here I use laput. Some Acholi  
4 people do not use tara and they use laput, which is what I use so that you can  
5 understand.

6 Q. [14:53:48] Mr Witness, I think it is my duty to remind you that you are not  
7 talking to me, you are talking to Court. So, you know, you should know that the  
8 question I ask you is not for my benefit but is for the benefit of Court.

9 So can you tell Court the different types of lamps or sources of light which use  
10 paraffin.

11 PRESIDING JUDGE SCHMITT: [14:54:32] But, Mr Ayena, you also keep in mind the  
12 relevance of the line of questioning.

13 MR AYENA ODONGO: [14:54:37] Yes, yes. Oh, yes.

14 PRESIDING JUDGE SCHMITT: [14:54:38] We will soon see it?

15 MR AYENA ODONGO: [14:54:41] Yes.

16 PRESIDING JUDGE SCHMITT: [14:54:41] Okay. Thank you.

17 THE WITNESS: [14:55:00] (Interpretation) I'm waiting for your question because  
18 you said you are going to repeat the question.

19 MR AYENA ODONGO: [14:55:05]

20 Q. [14:55:06] I said apart from what you call tara, is there any other source of light  
21 which uses paraffin?

22 A. [14:55:13] I think you will make me say so many things, because there are so  
23 many other different lamps that uses paraffin. For example, there is one which is  
24 called todoma (phon). There is another one called tara, which is still meaning the  
25 same thing, or laput, which is still meaning the same thing, a lamp. In English it's

1 called lamp.

2 Remember, for your education you have gone ahead, you're higher than me, but I also  
3 studied and raised my level. Maybe my English is a bit low or my -- but what I  
4 know in English, tara in English is called lamp. And that's what, that's what I  
5 learned because my teacher actually told me. I studied and -- well, as an adult and  
6 when I was in O level, at least my English, you know, also improved a bit. So I  
7 know that tara is lamp in English.

8 Q. [14:56:37] Mr Witness, I am interested in this because I am going to link it to  
9 something very important, about possibility of destruction of documents.

10 Now you brought out three things. You have brought tara, you have brought  
11 todoma, then you talked about laput. All these three different sources of light,  
12 which use paraffin? And go ahead to demonstrate how they are.

13 A. [14:57:31] All these three items, you use a matchbook to light. And when you  
14 use a matchbook, you cleared, you light it. You put paraffin into these three items  
15 and then use a matchbook to light and then it will produce for you light. That is  
16 how I can describe.

17 They could, you could fill paraffin or diesel, but not water. They don't, you know,  
18 fill it, they don't fill petrol in it. Maybe the white people can understand. They put,  
19 if whether they put paraffin, they put diesel and then you light using a matchbook on  
20 top and then it produce for you the light. That is what I am meaning. There is not  
21 any other way I can describe that. But that is how I can describe it. Thank you.

22 Q. [14:58:25] Laput -- no, todoma, can you describe to court how it operates?

23 A. [14:58:35] You put paraffin into it and then you light using a matchbook. And  
24 then it produces light.

25 Q. [14:58:50] Is it covered?

1 A. [14:58:58] Well, if there is wind, I can cover it using even a piece of paper. But  
2 if there is no wind, I may not cover it. And as long as it is producing light.

3 Q. [14:59:13] And then laput.

4 A. [14:59:17] Laput is the same thing that I'm talking about. You put paraffin and  
5 then you light with a matchbook. You can -- you may cover it or you may not cover  
6 it, but still it will produce for you the light.

7 Q. [14:59:32] A bit different from todoma?

8 A. [14:59:41] You know, it may be the same thing, but it's called variously. For  
9 example, I can give a trouser, you can call a trouser or a short. But that's a simple  
10 example I can give.

11 PRESIDING JUDGE SCHMITT: [15:00:03] Mr Ayena, I think we really should now  
12 put something to the witness. You know, we have discussed for a couple of minutes  
13 the different possibilities of giving light. Not shedding light on things but giving  
14 light to a room. So you have something in mind?

15 MR AYENA ODONGO: [15:00:20] Yes, I have something in mind. The first one is  
16 that he does not know Acholi very well.

17 PRESIDING JUDGE SCHMITT: [15:00:26] No. But this.

18 MR AYENA ODONGO: [15:00:29] Then the second one.

19 PRESIDING JUDGE SCHMITT: [15:00:30] If this is correct --

20 MR AYENA ODONGO: [15:00:31] Yes.

21 PRESIDING JUDGE SCHMITT: [15:00:32] -- this would have to be assessed by us,  
22 and we are able to do that of course.

23 MR AYENA ODONGO: [15:00:36] Perfect.

24 PRESIDING JUDGE SCHMITT: [15:00:37] So I'm just only a little bit, I don't want to  
25 give the impression, although I do it at the moment I know, to be impatient, but I

1 think I can also assume a little bit what you are heading at. But perhaps head at it,  
2 please.

3 MR AYENA ODONGO: [15:00:52] Okay.

4 Q. [15:00:53] Mr Witness, were you using one of these all the time or you could  
5 interchange them?

6 A. [15:01:18] I use what you put paraffin into it and then I light it and then it  
7 produces light, as long as or when there was no electricity.

8 Q. [15:01:33] Is it correct to say that they would produce soot?

9 A. [15:01:41] Whatever is lighted, there must be some smoke. If you light  
10 something with a match, there will be smoke, because there is no fire without smoke.  
11 Perhaps here in Europe.

12 Q. [15:02:03] So is it possible that this soot had the potential of destroying some  
13 documents?

14 A. [15:02:13] If the documents are destroyed by smoke or not, that is not your  
15 problem but that is our problem because it is not you who buy the notebooks. It's  
16 someone else who buys the notebooks.

17 Q. [15:02:33] Mr Witness, we are talking about -- anyway, I think I leave it to Court  
18 to assess.

19 Now I want to refer you to tab 19, Defence tab 19. Are you there?

20 A. [15:03:43] (Speaks English) Yes.

21 Q. [15:03:44] Yes, I want you to go to paragraph 11.

22 MR ELDERFIELD: [15:03:54] Perhaps the ERN?

23 MR AYENA ODONGO: [15:03:56] Sorry. And I was warned.

24 The ERN is, the ERN is UGA-OTP-0242-0220. So actually the ERN number is 219,  
25 219, yes.

1 Q. [15:05:03] Are you there? And I would want to read this part:  
2 "Worst of all, when he is alone in the office he tears some documents from the files.  
3 We actually don't know whether documents which are put in record in the file  
4 became useless when the in charge of the office is either transferred or is out on duty.  
5 I request that you follow up this issue secretly using your means to find out the truth.  
6 Otherwise in conclusion we at the station are committed to working together as a  
7 team so that we achieve the goal but only him" and in bracket your name is  
8 mentioned "who frustrates our efforts."  
9 This was a communication that was intercepted from, yes, is a letter, this  
10 communication was a letter which was written by the gentleman that I referred you to,  
11 number 9. Have you seen that?

12 A. [15:07:02] I've seen the writing.

13 Q. Was it written by me?

14 A. I do not know where you got this piece of document. If there was a complaint  
15 against me, I should have been summoned within the 4th division so that I am asked  
16 question on this. But I can say that any person is able to write such a thing, because I  
17 don't know who wrote this, perhaps there's a way you have found this thing illegally  
18 so as you can come and challenge me here in the court to portray me as a criminal.  
19 You know where you got this document.

20 PRESIDING JUDGE SCHMITT: [15:07:55] So for the umpteenth time I have to  
21 interrupt unfortunately. Again, this has not been investigated and brought up by  
22 Defence counsel. This was, if I recall it correctly, already part of the examination of  
23 the Prosecution. It was put to the other witness. And you understand since we are  
24 talking about intercepts, about quality of interception, about interception process and  
25 communication, it is of interest for the Court to know if there were different persons

1 doing such a job when something like that occurred, that might be of interest. And  
2 just comment on it, say it's untrue or whatsoever or it's in part true, or whatever you  
3 want to say. But we really would urge you from the side of Court now not to  
4 admonish or try to admonish constantly Defence counsel.

5 So please answer the question. This is put to you that somebody has made this  
6 complaint and you can say something about this. This is now your day in court  
7 where you can rectify it, where you can say what is your opinion about it.

8 THE WITNESS: [15:09:20] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) was using rough

18 papers, but later my superiors gave me a logbook because loose papers may just  
19 disappeared, may be blown away by the wind and that could be disastrous.

20 How could I -- now if I burnt the papers, it could only be done if I was authorised by  
21 my superiors. So now the Defence was asking me questions while insisting on the  
22 issue of ISO, Internal Security Organisation. It will seem that he may have met the  
23 ISO, ISO agents. As I said, we all stay in the same block, in the same house, but the  
24 rooms are different.

25 Your Honour, I'm not, I'm not so highly educated, but I could say that there was

1 jealousy because of the notebook I was using, some military officers were very  
2 interested in what I was doing.  
3 Then of course, other colleagues would not like seeing me being close to my superior,  
4 they would not be happy when they see me being driven away in the cars of my  
5 superiors. So as a result, this may make some people feel jealous, your Honour.  
6 I beg your, I beg your indulgence for having said this. Not everybody can like you.  
7 This is something which happens. It is normal. It happens everywhere in the  
8 world. So at least I have learned something which I didn't know. So I thank the  
9 ICC for having (Redacted)

10 (Redacted)

11 (Redacted)

12 MR AYENA ODONGO: [15:12:53] Your Honours, your Honours, there is some  
13 aspects of this letter which I wish to discuss in closed session.

14 PRESIDING JUDGE SCHMITT: [15:13:12] We go to closed session then, please.

15 (Private session at 3.13 p.m.)

16 (Redacted)

17 (Redacted)

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- 25 (Open session at 3.27 p.m.)

1 THE COURT OFFICER: [15:27:59] We are back in open session.

2 MR AYENA ODONGO: [15:28:05]

3 Q. [15:28:06] Mr Witness, this morning you talked very extensively about human  
4 intelligence; is that correct?

5 A. [15:28:23] That is correct.

6 Q. [15:28:30] Did you ever have occasion to talk to people who might have  
7 information about the war in northern Uganda?

8 A. [15:28:55] I get information through radio calls of LRA. My job was to do  
9 intercepts. My job was not, was not to get information from civilians, because I  
10 myself was the source of information, and I knew all that was happening. I didn't  
11 have time to get information from civilians.

12 Q. [15:29:31] Did you ever interview LRA returnees?

13 A. [15:29:46] That happened at the time when the LRA had already left Uganda  
14 and gone to Central African Republic. But when the returnees came back, yes, we  
15 would actually ask them about the conditions. It was not a very important interview,  
16 because those who came back from central -- those who returned from -- the returnees  
17 from Central African Republic would just give us information which wasn't firsthand  
18 information but the real information, the first-source information would have been  
19 already received through the radio signallers in CAR.

20 Q. [15:30:41] Mr Witness, before and after Iron Fist especially between 2002 and  
21 2005, did you ever -- I mean, rather, let me put it this way, did any LRA former  
22 abductee escape and come back and report to your office or any intelligence office  
23 that you know of?

24 A. [15:31:31] I can say that any abductee who reports back home, first of all, they  
25 are handed over to the division intelligence officer because he's the overall head of

1 intelligence in the division.

2 So once the abductees have been received by the division intelligence officer, he may  
3 inform me that he has received some abductees, especially if these abductees were  
4 commanders, then he would request me to talk with them and he -- hoping that I  
5 could get new terms from these abductees and get new TONFAS.

6 So I would go with him in his car and then note the records of the interview which I  
7 later give to the superiors. So yes, I would carry out a kind of interview with them  
8 and then I go back to the barracks and make a report to the division intelligence  
9 officer.

10 Q. [15:33:02] I was lucky, I landed on this.

11 Mr Witness, I want to refer you to Defence tab 3. ERN number UGA-OTP-0027-0214  
12 at 0224, paragraph 67.

13 Allow me to read it aloud, your Honours.

14 It reads, paragraph 67: "I do not have the former LRA chief of signals helping me in  
15 my work. When rebels leave the bush we interrogate them for intelligence purposes,  
16 we even put on civilian clothes in order to do that. Normally this is done in the  
17 counterintelligence office here in the division. I was involved in the interview of the  
18 signals officer who came out of the bush."

19 And remember that this statement of yours was signed on 11 December 2004. Do  
20 you remember that statement?

21 A. [15:35:25] I don't see anything wrong there. What else -- why should I, you  
22 know, be afraid? There is nothing wrong there, because I said clearly that when the  
23 LRA commanders or signallers return, I am authorised to go and speak to them, not  
24 just any other soldier. For example, Brigadier Odongo, whom you heard about  
25 yesterday, was arrested during a field operation when the UPDF had shot him on the

1 leg. So when he was brought by the UPDF helicopter to the 4th division headquarter,  
2 the division commander, by then Colonel Nathan Mogisha, called me to come in a  
3 haste and told me, "There is some job to do. We have captured somebody and we  
4 want you to go and interview him." Remember this person is a brigadier. So my  
5 commander called me to go and interview him because he knows that I understand  
6 most of the terms that the LRA use.

7 So when I went to Odongo brigadier I started talking to him in the style, in the  
8 language that they use in the bush. So to his surprise he actually even thought I was  
9 one of them. So when I speak to them in their term that they use in the bush they  
10 actually wonder who actually I am. So they actually become excited to even -- and  
11 begin revealing, revealing much more secrets to me.

12 So I remember that on that day I spoke to Odongo while he was still at the Gulu  
13 military hospital and he had given me information that we have captured this person  
14 and Kony is not yet aware of that.

15 So they told me to go and speak to him using my radio call and I picked my radio call,  
16 went to him, to Odongo, who was admitted in the hospital at that time. So we went  
17 with the division commander and by then Betty Bigombe. So we put the radio close  
18 or next to the sick brigadier. So when I set the radio call, I gave him to speak and I  
19 gave him instruction and I told him use your term, and talk to Kony and use your  
20 term that you use in the bush that I will kill you, I will kill you. But don't tell him  
21 that the UPDF has captured you.

22 So when I gave him that instruction, Odongo started communicating using my radio  
23 call, and I even believe that at that time even Dominic was hearing that. So when  
24 Kony heard Odongo was saying "Layom Cwiny, akaneri (phon), akaneri," Kony was  
25 really happy, because I told him, I told Odongo that if Kony asks you whose radio are

1 you using, you tell Kony that you have been handed over to Red Cross and Red Cross  
2 is the one treating you and they have given me this radio to use so that Kony may not  
3 know that you are in the barracks.

4 So I gave this long example so that you may know what is going on. So most of this  
5 time we were communicating, and yet at that time when Odongo was with us in the  
6 barracks, so we were getting information, every information that the LRA was  
7 sending, and they had not known that Odongo had been captured. But they realised  
8 much later that Odongo was captured and then they actually cut communication with  
9 him.

10 In another incident Otti Vincent called Brigadier Odongo, and remember he's already  
11 prisoner of war who was under our custody, so when Otti called Odongo akaneri,  
12 Otti asked him, "Where are you?" And Odongo said, "I'm already here, these people  
13 have already captured me." They were actually speaking in their terms.

14 So while they were speaking the division IO had a small phone which was recording.  
15 And so while Odongo was communicating, the division intelligence officer was  
16 recording. And when he called me, he asked me to listen, that first listen to this  
17 communication. So he told me that I wanted to listen to this communication because  
18 I gave this radio and Otti was communicating.

19 So when I was given that phone with that recording, I went back to my office, I pick a  
20 tape and a recorder, I started transferring the recording using memory card into a  
21 tape. I played it, listened to it and transcribed it. So when I wrote the whole report  
22 came about three pages and I took back the report to division IO and explained to him  
23 what these people were talking about.

24 PRESIDING JUDGE SCHMITT: [15:41:14] Thank you very much  
25 Mr Witness. I think it is fair to say that this answers the question of Mr Ayena.

1 Thank you very much.

2 And Mr Ayena, please continue with your questioning.

3 MR AYENA ODONGO: [15:41:24]

4 Q. [15:41:34] So you used this information, this type of information -- sorry. So  
5 you used this kind of information such as the one you got from Odongo for purposes  
6 of intelligence reporting?

7 A. [15:41:59] That I used under technical intelligence, because I told you that  
8 technical intelligence, we use what we get from radio call. So the division  
9 intelligence officer was not able to do that. That's why he forwarded it to me and I  
10 worked on it. For him he is a person from human intelligence, he does not handle  
11 technical intelligence bit. So that's why he brought to me as a technical intelligence  
12 officer.

13 I wanted to say a lot more but I was cut short. So briefly, that is what I said.

14 Q. [15:42:45] You got Brigadier Odongo. He was a human being; is that right?

15 A. [15:43:01] Brigadier Odongo was an LRA commander who was shot by the  
16 UPDF in the field and was taken to 4th division to get treatment, to get treatment.  
17 So after the treatment he was given amnesty commission and now he has returned  
18 home. And even up to now the UPDF is still supporting him.

19 Q. [15:43:28] My question is: Is he a human being?

20 A. [15:43:31] I have nothing to respond there, because if I told you that he was  
21 arrested while he was alive, that means he was not a bird, he was a human being who  
22 was living and was alive. But if he was, if he was a monkey he would not be taken  
23 to the barracks.

24 Q. [15:43:49] So am I right to say that the intelligence you got from him was human  
25 intelligence?

1 A. [15:43:54] Human intelligence brought a report to technical intelligence. Please  
2 get this right.

3 Q. [15:44:26] Very well. So that is one example you gave. But in the line that I  
4 read to you, you said when rebels leave the bush, we interrogate them for intelligence  
5 purposes.

6 So my question is: When you interrogate them for intelligence purposes, where do  
7 you give the report you get from them?

8 A. [15:45:07] I think you don't have questions to ask. You are repeating these  
9 questions. I told you that when I go and interview them, I bring the report to  
10 division IO only.

11 First of all, the information is not important, because by the time these people come  
12 from the bush, the CMI staff who are in the field will have already collected firsthand  
13 information from them. So by the time they are brought from Garamba or Central  
14 Africa to Uganda it's like after one month and the information is no longer very  
15 important to the army.

16 So it is only recorded for purpose of a record, because the IO will say, ask these  
17 people who is their commander, how many units are there, who is dead. So it's not  
18 now very important, but the most important is that my people who were in the field  
19 will have already received this information. So whatever information that we get  
20 from the CPU is now not important to us as technical intelligence.

21 Q. [15:46:18] I think, Mr Witness, you have given me as much as I would want you  
22 to give. But can I ask you another question: Were you aware of other sources of  
23 human intelligence within the UPDF? Of course you've already -- I think I should  
24 not bother you with that, because you said within the army there are so many others  
25 such as the counterintelligence, human intelligence, NGOs, even individuals who

1 had, you know, radios. They had the capacity to intercept.

2 So would I therefore, Mr Witness, be right to say that sources of the final intelligence  
3 report was premised on multifarious reports from sources, many sources, including  
4 of course your highly celebrated intercept record reports?

5 A. [15:47:38] Your Honours, I request to go to private session. I will respond to  
6 that in private.

7 PRESIDING JUDGE SCHMITT: [15:47:51] I think there is nothing to object to that.

8 We go to private session.

9 (Private session at 3.47 p.m.)

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3 (Open session at 3.55 p.m.)

4 THE COURT OFFICER: [15:55:54] We are now in open session.

5 MR AYENA ODONGO: [15:56:03] Sorry.

6 Q. [15:56:06] All these different sources of intelligence, where do they end?

7 A. [15:56:27] The overall head of the army in Uganda is the chief of defence forces.

8 And I also think you know him. The chief of defence forces therefore means that he  
9 has different branches, he has other chiefs that he's responsible for.

10 So all this information that should have still continued in private, he should have  
11 asked me while we were still in private.

12 PRESIDING JUDGE SCHMITT: [15:56:54] This is really, Mr Witness, this is not an  
13 information that has to be given in private session. So you don't have to worry  
14 about anything in that respect.

15 Please, Mr Ayena.

16 MR AYENA ODONGO: [15:57:08]

17 Q. [15:57:16] Whoever finally receives this, does he make some kind of final report  
18 arising from these different reports?

19 A. [15:57:30] Your Honours, I beg for your forgiveness, because I am in active  
20 service, because any information that might come out when I go back to my -- it  
21 might bring me problems. So there are certain things I need to be careful, because I  
22 don't need to be forced that it has to be open, because if there are things that come out  
23 in the open, it will bring me problems when I go back.

24 PRESIDING JUDGE SCHMITT: [15:58:01] We go to answer this, and this is the last  
25 question for today and the last answer for today, so we go to private session for that,

1 and shortly.

2 And, Mr Witness, you can answer that in private session.

3 (Private session at 3.58 p.m.)

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- 6 (Open session at 4.10 p.m.)
- 7 THE COURT OFFICER: [16:10:56] We are in open session, Mr President.
- 8 PRESIDING JUDGE SCHMITT: [16:10:59] Thank you very much.
- 9 This concludes the hearing for everybody -- not everybody, but most of the people
- 10 here.
- 11 It would be good, I think a good thing to have now a break and sleep over it, and
- 12 tomorrow with fresh energy perhaps, Mr Witness, with a fresh attitude we come back
- 13 here and have a new court day.
- 14 THE COURT USHER: [16:11:27] All rise.
- 15 (The hearing ends in open session at 4.11 p.m.)