

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 8 June 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:01] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:43] Good morning, everyone. Good morning,
14 Mr Witness.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:32:50] Good morning, your Honours.
17 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
18 reference ICC-02/04-01/15.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:02] Thank you. I ask for the appearances of
21 the parties. The Prosecution first, please.
22 MR GUMPERT: [9:33:06] Good morning, your Honour. My name is Ben Gumpert.
23 With me today, Kamran Choudhry, Shahriar Yeasin Khan, Hai Do Duc, Yulia Nuzban,
24 Pubudu Sachithanandan, Yya Aragon, Ramu Fatima Bittaye and Adesola Adeboyejo.
25 PRESIDING JUDGE SCHMITT: [9:33:24] Thank you very much.

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1 And for the common Legal Representatives of the Victims.

2 MS MASSIDDA: [9:33:28] Good morning, your Honours. Paolina Massidda,
3 Orchlon Narantsetseg, and I am sure you will notice already yesterday a new face,
4 Alexis Lariviere.

5 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you very much, Ms Massidda.
6 And Mr Cox.

7 MR COX: [9:33:42] Good morning, your Honours. With me, Mr James Mawira.
8 I am Francisco Cox.

9 PRESIDING JUDGE SCHMITT: [9:33:47] Thank you. And for the Defence, please.

10 MR AYENA ODONGO: [9:33:49] Mr President and your Honours, I am being
11 assisted by Chief Charles Taku Achaleke, Madam Abigail Bridgman,
12 Mr Michael Rowse and Roy Titus Ayena. Our client, Dominic Ongwen, is in court
13 and I am Krispus Ayena Odongo.

14 PRESIDING JUDGE SCHMITT: [9:34:20] And I think you can remain standing,
15 Mr Ayena Odongo, because you have the floor for the questioning by the Defence.

16 MR AYENA ODONGO: [9:34:33] Very well, and I thank you.

17 WITNESS: UGA-OTP-P-0009 (On former oath)

18 (The witness speaks Acholi)

19 QUESTIONED BY MR AYENA ODONGO:

20 Q. [9:34:43] Good morning, Rwot Oywak Ywakamoi.

21 A. [9:34:50] Good morning.

22 Q. [9:34:59] Mr -- I mean Mr Rwot Oywak Ywakamoi, I am going to ask you some
23 questions to clarify a number of issues. First of all, in your statement and, secondly,
24 about what you told this court during your testimony, and perhaps more importantly,
25 in relation to your personal knowledge about the LRA war, because you stand in

1 a peculiar position as one of the chiefs of the Acholi people who were gravely affected
2 by the LRA war, which is an issue before this Court.

3 I am sure, Rwot Oywak, you will agree with me that we know each other very well
4 and that the peace initiatives that you got involved in, we shared the same platform
5 for a little while and therefore what we are going to discuss here is personally known
6 to me and also to you. And therefore I am very glad that you are here to help Court
7 to elucidate and highlight on some of the key issues, which nobody else is in a better
8 position to do.

9 May I also take this opportunity, Rwot Oywak, to remind you that you have put on
10 the line before this Court the dignity of the traditional chiefs, not only of the Acholi
11 people, but of the entire Africa. And therefore, in line with your vow yesterday that
12 you will tell this Court the truth and nothing but the truth, you owe it therefore not
13 only to this Court, Rwot Oywak, but also to you personally and the people of Africa
14 to help this Court to arrive at the truth.

15 Among other things I want to remind you about is that in case there are some areas
16 that you may have overstated or you may have misunderstood the questions about,
17 you are free to correct them so that by the time you leave this court, you have said
18 nothing but the truth.

19 Rwot Oywak, I will put a few questions about the background to the LRA. Since
20 when, Rwot Oywak, did you get interested in the affairs of LRA? Can you
21 remember?

22 A. [9:39:33] I did not have personal interest, but we came to a conclusion and
23 agreement together with the people that we should stand up for the atrocities that is
24 being committed by the LRA so that we find a way of amicably solving the problem.
25 So I was selected to be one of the persons to be in that team that should speak, just

1 like you have been doing.

2 Q. [9:40:10] Would I therefore, Rwot Oywak, be correct to say that your motivation
3 was based on a collective sense of responsibility by the people of your community to
4 counter the effects of the LRA war?

5 A. [9:40:45] I stood for this issue that -- for which we are here today, the LRA issue,
6 because it touched me personally, together with my people. I am a victim who is
7 part of the LRA atrocity. So I am here to tell what happened to me and to the people
8 of Pajule.

9 Q. [9:41:12] Thank you, Rwot Oywak. As the chief of Koyo Lalogi, and somebody
10 who was very instrumental in the peace initiatives, did you ever find the main causes
11 or motivation, for that matter, for the LRA insurgency?

12 A. [9:41:48] I do not understand the cause for their actions.

13 Q. [9:42:02] Did you ever get to know whether the LRA had any clear objectives
14 about their insurgency?

15 A. [9:42:26] I do not know why they started the organisation, because I am not
16 amongst them.

17 MR AYENA ODONGO: [9:43:00] (Microphone not activated) your Honours.

18 Your Honours, I must apologise, we should have made a -- I mean, put this on the list
19 of documents and disclosed it to -- but it is a similar video that we have seen here
20 before of Joseph Kony speaking. So I want to make a polite request that we be
21 allowed to play this, if it doesn't prejudice the Prosecution.

22 PRESIDING JUDGE SCHMITT: [9:43:39] Does the Prosecution know what we are
23 talking about at the moment?

24 MR GUMPERT: [9:43:45] Received an email 30 seconds ago, your Honour. I don't
25 know precisely which one. For the Prosecution, at this stage we're happy for

1 whatever material to be played, provided it is already on the record. I am sure that
2 it won't inconvenience the witness, nor us.

3 PRESIDING JUDGE SCHMITT: [9:44:04] Yes. Then you are --

4 MS MASSIDDA: [9:44:07] Your Honour, sorry, can we also receive the email, please,
5 because we also have no idea what we are talking about. Thank you very much.
6 And we have no objection, of course, to the use of it. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:44:17] So two things. First of all, the email
8 should also go to the Legal Representatives of the Victims. Second, the request is
9 granted and you can continue.

10 MR AYENA ODONGO: [9:44:27] I am much obliged.

11 THE COURT OFFICER: [9:44:49] Is this video to be played publicly as well?

12 MR AYENA ODONGO: [9:44:53] Yes, publicly.

13 PRESIDING JUDGE SCHMITT: [9:45:07] On which channel is it displayed?

14 (Viewing of the video excerpt)

15 MR AYENA ODONGO: [9:45:58]

16 Q. [9:45:59] Rwot Oywak, I am sure you are familiar with the person who was
17 speaking. Did you recognise him?

18 A. [9:46:09] I know him. I saw him.

19 Q. [9:46:13] Who was that?

20 A. [9:46:16] Joseph Kony.

21 Q. [9:46:20] And did you hear what he said about the objectives of this war?

22 A. [9:46:36] I did not hear because I do not understand English, because he was
23 speaking in English.

24 Q. [9:46:44] Can the interpreters be kind enough to interpret to Rwot Oywak what
25 Joseph Kony was saying?

1 PRESIDING JUDGE SCHMITT: [9:46:54] Perhaps it would have to be played again
2 then.

3 MR AYENA ODONGO: [9:46:57] Yes.

4 PRESIDING JUDGE SCHMITT: [9:46:58] Otherwise the interpreters could not
5 follow.

6 MR AYENA ODONGO: [9:47:01] Yes.

7 PRESIDING JUDGE SCHMITT: [9:47:01] I agree to that, but will have to then accept
8 what the witness says and move to another point.

9 And I can use the opportunity to ask you the ERN of the piece of evidence you gave
10 to the Court.

11 MR AYENA ODONGO: [9:47:28] Your Honour, this, unfortunately, as we said
12 before, was not disclosed yet. We are going to create an ERN number.

13 PRESIDING JUDGE SCHMITT: [9:47:36] Okay, then we will have this later.

14 MR AYENA ODONGO: [9:47:39] Yes.

15 PRESIDING JUDGE SCHMITT: [9:47:40] So then we play it again. It was so a short
16 piece, so I would allow it here in that instance. And interpreters please interpret it
17 for the witness.

18 (Viewing of the video excerpt)

19 MR AYENA ODONGO: [9:48:32]

20 Q. [9:48:33] Rwot Oywak, did you get the interpretation of what Joseph Kony was
21 saying?

22 A. [9:48:41] Yes, I got it.

23 Q. [9:48:44] And what did he say he was fighting for?

24 PRESIDING JUDGE SCHMITT: [9:48:50] No, he had -- the witness has heard what
25 he has said. You can ask him if he has any thoughts about it or what he thinks about.

1 I think that that would be a correct question.

2 MR AYENA ODONGO: [9:49:02]

3 Q. [9:49:06] Rwot Oywak, can you answer in line with the questions posed by the
4 Judge, by the Presiding Judge? You have any thoughts about what he said?

5 A. [9:49:21] I do not have anything to say about it because that was his idea; he was
6 speaking his mind. Those were his thoughts.

7 Q. [9:49:39] Now, Rwot Oywak, when Joseph Kony and his LRA went to the bush,
8 can you tell Court the political setting and circumstances prevailing in northern
9 Uganda in general and in Acholiland in particular?

10 A. [9:50:18] I do not know why Kony went to the bush. He has his reasons.
11 Because I was not in his group to go to the bush, so I do not know why he went to the
12 bush.

13 Q. [9:50:39] Rwot Oywak, I apologise, maybe I should have put it differently.
14 I am not talking about the reason why Joseph Kony went to the bush. What I am
15 saying is at this time when Joseph Kony went to the bush, can you tell Court the
16 political atmosphere in Uganda, in northern Uganda particularly in Acholiland, at
17 that time. What was the political and social atmosphere in Acholiland at that time?

18 A. [9:51:27] For me, as a young person, I did not know anything. The reason why
19 Kony went to the bush, whether he went for political reasons or not, I do not know.
20 I only realised that there was now war in my area.

21 Q. [9:51:56] Rwot Oywak, at that time, you would agree with me, that there was
22 a change of government. Can you tell the people, I mean, can you tell Court how the
23 change of government impacted on the people of Acholi at that time?

24 A. [9:52:33] I do not have a response to give. When a government changes, that is
25 it. It doesn't change for the Acholi people only.

1 Q. [9:53:01] Now, Rwot Oywak, can you tell this Court whether during the peace
2 talks Joseph Kony told you and the other chiefs of Acholi and those who came from
3 other places why he went to the bush?

4 A. [9:53:35] I do not understand your question. Maybe you clarify.

5 Q. [9:53:43] Rwot Oywak, in your testimony yesterday you said you went to meet
6 Joseph Kony in Garamba in Riikwamba many times in the group of traditional
7 leaders from Uganda. My question is: During those episodes did Joseph Kony
8 ever talk about the reasons why he went to the bush?

9 A. [9:54:26] Well, the issues relating to Kony, I think we ended the court from Juba.
10 I think what brought us here is not Kony's issues in Juba.

11 PRESIDING JUDGE SCHMITT: [9:54:46] Mr Witness, I would like to explain
12 something to you. Strictly speaking it's not incorrect what you are saying, but since
13 at the core of these proceedings is of course the guilt or innocence of a person, of an
14 individual, but we have already also heard historian and anthropologist, and it is also
15 important to know a little bit, or a little bit more about the background of a conflict
16 because things do not occur without any setting, any cultural, political, social setting
17 and it's also important for the Court to know this and this is, as I understand it, the
18 background of the questions of Mr Ayena. And if you could answer these questions
19 to the best of your knowledge. You are not, it is also correct you are not here to
20 speculate or to -- but, for example, the last question: If Joseph Kony would have told
21 you something about his motives to go to the bush, this would certainly be of interest
22 for the Defence and perhaps in -- later on also for the Court.

23 THE WITNESS: [9:56:21] (Interpretation) I can respond to the last question if it is
24 explained to me like that I understand now. The issues relating to Garamba, what
25 Joseph Kony told us was that the Acholi elders should know that he went to the bush

1 to fight because he want to take over government.
2 We should be informed and we should be aware of that intention. We even
3 explained to him that if that is what you say why is the fighting targeting the civilians?
4 That is when we were exchanging discussions with him. He said he sent his soldiers
5 to fight with the government soldiers. He wouldn't accept to our words that his
6 soldiers are killing civilians. So if such a person cannot accept or listen to what we
7 are telling him, with a do we do? We should keep quiet? But his message is that he
8 wants to take over government.

9 MR AYENA ODONGO: [9:57:43]

10 Q. [9:57:45] Thank you, Rwot Oywak. You know, if you could just be cooperative
11 as that it will make life very easy and it is not to implicate you or to trick you into
12 saying things that you need not say if, you know, you don't know that.

13 The next question: It has been said in this court that the insurgency of Joseph Kony
14 was steeped in spirituality, can you tell this Court whether Joseph Kony was the first
15 spirit leader to emerge to fight the government of Uganda?

16 A. [9:58:48] I explained to the Court that Kony says he works with the spirit. He
17 has a -- spirit groups, he calls them the Ten Commandments. I do not understand
18 the meaning of the 10 commanders, the people who actually control him in fighting,
19 so he fights, while he has defence in the spirits?

20 Q. [9:59:25] Before Joseph Kony was there any other spirit leader who rose to fight
21 the government?

22 A. [9:59:46] There was somebody called Lukoya Severino, who we also understand
23 that he is related to Kony. I heard and I also saw him personally; he is an elderly
24 person.

25 Q. [10:00:09] Have you ever heard the name Auma Lakwena, Alice Auma

1 Lakwena?

2 A. [10:00:26] Yes, I heard, I also saw the photo. She is the one who started the
3 rebellion and then fled and died in Nairobi. I saw her photo; I did not see her
4 physically.

5 Q. [10:00:47] Can you tell Court, Rwot Oywak, whether there were similarities
6 between this movement of Alice Auma Lakwena and the movement of Joseph Kony?

7 A. [10:01:13] There are now three groups. There was Kony, there is Lukoya and
8 Alice Lakwena. All these people have spiritual rebellion. They claim that it is the
9 spirits that lead them in the rebellion.

10 Q. [10:01:41] Now, Rwot Oywak, as I said from the beginning, you are a very
11 central figure in the lives of the people of Acholi and, by extension, the lives of the
12 people of northern Uganda and the people of Uganda. And therefore, like I said,
13 you stand in a very peculiar position, and I say it openly, as much as you know, for
14 you to explain to Court in your understanding as an Acholi traditional chief, how
15 Kony's group emerged. Was it spontaneous to the political security challenges of the
16 day or was it slowly shaped by the demands of Acholi population, particularly the
17 elders, against the backdrop of what they perceived as an oppressive regime?

18 A. [10:02:56] Thank you very much. My knowledge in regards to -- in regards to
19 what Kony says that he joined the rebellion, he says that he -- he went to the bush to
20 save the people, because the government of Acholi was overthrown by another
21 rebellion. For that reason, he also went to the bush to save the Acholi people. As I
22 said earlier, he has 10 people, his people, who lead him. Even Alice Lakwena says
23 that she went to the bush to retaliate the removal of the government of the Acholi
24 people. For that reason, they also went to the bush to overthrow the government.
25 They abduct people forcefully and no one went to join them. Alice Lakwena went

1 with the rebellion, and then the father of Alice Lakwena also joined the rebellion.
2 She was -- he was defeated and he was left alone and came back to the community.
3 Now he is back in Gulu, he is a religious leader.
4 Kony also started his rebellion. We talked to him; we went to him several times until
5 he crossed over to Sudan, until we reached to Garamba. From there we failed and
6 we left him there. Right now, I do not know or we do not know where he is.
7 I cannot say where he is now.

8 Q. [10:05:04] Rwot Oywak, you make my spirit jump with revolutionary joy
9 because you are now telling Court the background. But may I ask you to tell Court,
10 Rwot Oywak, whether you were there at the opening of the peace talks in Juba.

11 A. [10:05:42] Yes, I was present.

12 Q. [10:05:51] Were some of these political and socioeconomic objectives of Kony's
13 war reverberated during the opening statements?

14 A. [10:06:18] It was in the open. Kony said that he wants to talk. For that reason,
15 he sent people. He selected his representatives so that discussions are held on
16 a round table for amicable solution to the problem. There were discussions held in
17 Juba several times because he had agreed and sent his representatives to the talks.
18 He said that for talks to continue, there should be a ceasefire, and the group that went
19 there talked to the government and government agreed to a ceasefire so that talks are
20 facilitated.

21 The discussions started from Juba, but he was not present. His group were the ones
22 that were talking on his behalf. For us, like chiefs and religious leaders, we are like
23 a bridge; we want to listen to what the government says and what the LRA says so
24 that we -- they are all given a chance to say their mind.

25 Kony's representatives claimed that Kony wanted to overthrow the government.

1 His spokespersons said that Kony asked that he should be given a place, a region,
2 where he can rule. There were so many things that were said, but right now I cannot
3 remember everything because I did not write anything down. Unless I am asked, I
4 will stop here.

5 Q. [10:08:01] Now, Rwot Oywak, you told Court that Kony addressed the
6 traditional leaders, who included the paramount chief of Acholi, and many others of
7 course. Can you tell Court whether Kony challenged the chiefs of Acholi for having
8 blessed his going to the bush? Can you tell Court what Kony said about the role of
9 the elders of Acholi?

10 A. [10:09:09] Kony said many things. About his going to the bush, he said he is
11 from Payira and he was blessed by the elders. When we were with Kony already, he
12 said for the talks to continue. His mother should be taken to him so that the talks
13 can go on. He said that the blessings of the Acholi elders made him go to the bush.
14 We just heard when he was talking about it.

15 Q. [10:09:51] Rwot Oywak, do you know what is called oboke olwedo in Acholi?

16 A. [10:10:06] Oboke olwedo are the leaves of olwedo. In Acholi, they are used for
17 blessing and for celebrations what has been done, or to bless someone who is going
18 on a journey.

19 Q. [10:10:24] On the day when Kony addressed the chiefs, did he talk about this as
20 having being one of the ceremonies performed by the elders of Acholi to usher him
21 into his bush war?

22 A. [10:10:50] He did not say it was the Acholi chiefs, but he said the elders of
23 Payira are the ones who blessed him, because he left from Payira to go for the
24 rebellion. It was not the chiefs, but the elders. We also asked ourselves which chief
25 gave the blessing, which chief gave the oboke olwedo. He said that he left from

1 Payira and went to the bush, and the elders were the ones who gave the oboke
2 olwedo. We were also asking ourselves who gave the leaves.

3 Q. [10:11:32] Rwot Oywak, it would be of great interest to this Court if you could
4 narrate the story of the lion and the hunter. I mean, as told by -- narrated by Kony to
5 the chiefs on that day.

6 A. [10:12:09] The story, a story is something told to children to teach them so that
7 they can draw lessons from the story, so that whatever you do, you learn lessons from
8 it. The story which he told us, unfortunately, I have forgotten.

9 Q. [10:12:44] Rwot Oywak, would it refresh your memory -- because these are
10 recorded. Would it refresh your memory if you were told that Kony said the chiefs
11 and elders of Acholi were behaving like the proverbial hunter who, when he was
12 stuck fighting with a lion, he saw a passerby, asked him to come and assist him, and
13 when the passerby held the tail of the lion, the hunter disappeared and left the lion -- I
14 mean the newcomer to struggle with the lion, so to speak. He was drawing the
15 relation that whereas the elders of Acholi were the ones who had asked him to come
16 and take the mantle of the war, they have since left it in his hands. Does it refresh
17 your memory?

18 A. [10:14:06] Yes, I -- I remember that it was said. He was speaking like this. He
19 was telling us and he was actually crying, as far as I can remember. He said that he
20 went to the bush to help those who started the war, but now he has been left alone.
21 He is like the passerby who held the tail of the lion, and he is just swinging behind the
22 lion and no one is there to help him to hit the head of the lion. He said that he just
23 joined the rebellion, but those who started the rebellion fled and left the tail of the lion
24 in his hand, meaning that those who started the rebellion left the rebellion in his
25 hands. That is what he said.

1 Q. [10:15:01] Thank you very much, Rwot Oywak. Now, Rwot Oywak, this Court
2 has heard about spirituality of the LRA, heard about the practices in Acholi, heard
3 about witchcraft and heard about spirit possession.

4 Could you tell Court whether, in the context of the LRA, spirit possession was
5 synonymous with witchcraft?

6 A. [10:15:57] In Acholi, if you are possessed by a spirit - for us, we call it
7 jok - because you are the only one who is possessed by the spirit, and your relatives,
8 people in your community, are the ones who help you, to cleanse you, and you
9 continue to work when you are blessed.

10 That happens to people and when someone is possessed, we call him a joka, but for
11 that one we would call it the chain of rebellion or the spirit of rebellion which had
12 possessed him. He did not tell us the name of the spirit that possessed him and we
13 did not even know the spirit that had possessed him. Like in -- like you asked, in
14 Acholi, when someone is possessed by a spirit, it is like an evil spirit or cen which has
15 possessed them.

16 Q. [10:17:05] Would I understand you, Rwot Oywak, as saying that spirit
17 possession is not necessarily witchcraft?

18 A. [10:17:22] When you are possessed by the spirit, you should accept to be guided
19 by the spirit. You work according to what the spirit tells you because you are -- your
20 actions are not ordinary. You are led by the spirit because you already accepted him
21 to possess you. You have welcomed the spirit and fed the spirit. That means
22 you are now led by the spirit and you are now a worker of the spirit.

23 Q. [10:18:00] Now, Rwot Oywak, you are pretty young, I know, you were just born
24 in 1959, but that's not too young. You know the ways -- and by your sheer position
25 as the chief of the Acholi, and I dare say that is why you are referring to everybody

1 else as "these children", because when you are a chief, everybody is a child, because
2 you are the alpha and the omega of the authority of the people and therefore
3 everybody else is a child.

4 Would you please tell this Court to what extent the spirit possession and witchcraft
5 impact or influence the beliefs and action of the Acholi population?

6 A. [10:19:14] Among the Acholi community there is an outline role of a spirit jok
7 when you are possessed. First, it confuses you. Unless it is celebrated or rituals are
8 performed, then you can start working well. As an joka or the spirit medium, you
9 start working after you have -- a set of rituals have been celebrated. For you, you are
10 led by the spirit and the spirit will conduct all the activities that is around. The spirit
11 knows what is going on.

12 We also have spirit jok which are born. There are spirits which are born and they are
13 called Lubanga. Someone with a hunchback is -- when someone with a hunchback is
14 born, he is referred to as jok. There are some people also who are born with an extra
15 finger, he has six fingers. He is named Ojara or Ojok in Acholi. All those are
16 referred to as jok. That is what the elders used to say.

17 We also found it like that. At my age, I can confirm that that is what I also found.
18 In the communities there are people who are called Ojok and Ojara, and then there
19 are those who are born twins. They are also referred to as jok and is named Opio
20 and Ocen and is -- rituals are performed and the names Opio and Ocen are given to
21 them. Opio is the first born and Ocen is the one that followed.

22 Q. [10:21:20] Rwot Oywak, I am impressed that even at your age you are quite
23 couth about traditional matters of the Acholi people.

24 Do I understand therefore that the population of Acholi believes in spirituality?

25 A. [10:21:50] Yes, the Acholi believe in the spirituality of someone who is close to

1 you. That is the reason why last final rites are conducted for people who are dead,
2 because they believe that the spirit can take vengeance if the last funeral rite is not
3 held. That is why the spirit is appeased and he is remembered during the funeral
4 rite, so that he or she rests in peace wherever he or she has gone. That is why the
5 Acholi celebrate remembrance of those who are departed.

6 PRESIDING JUDGE SCHMITT: [10:22:35] May I shortly, Mr Ayena?

7 MR AYENA ODONGO: [10:22:38] Yes.

8 PRESIDING JUDGE SCHMITT: [10:22:39] I have also a question perhaps which fits
9 into the sequence of questions you are putting to the witness.

10 Mr Witness, how would you recognise a person who is possessed by a spirit? I don't
11 talk about physical features that you mentioned, for example hunch back or an
12 additional finger, but more psychological emanations of a spirit. How would you
13 recognise a person who has such a spirit in him or herself?

14 THE WITNESS: [10:23:12] (Interpretation) When someone is possessed by the spirit,
15 first becomes confused and uncoordinated. His talks are uncoordinated and starts
16 doing things which are not usual, can even start undressing and can start moving in
17 the bush alone. You therefore know that this person has been possessed and should
18 be helped and brought back home. That is how the spirit possesses people and that
19 is how you can observe and know that the actions of this person is extraordinary and
20 unusual. For us, we would not know, but for him, he would know what he's doing,
21 and we would know that this has been possessed by the spirit jok. That is how we
22 know it.

23 MR AYENA ODONGO: [10:24:10]

24 Q. [10:24:10] Thank you, Rwot Oywak. Following on the question posed by the
25 Presiding Judge, can you tell this Court whether in some instances those who are

1 possessed by these spirits can prophesise, can foretell what is to come?

2 A. [10:24:41] If someone who is already practicing as a spirit medium, there is
3 always something like a lion skin or a leopard skin or an animal skin, they would use
4 their methods to find out what would happen in the future. For you, if you go to
5 him to ask to -- him to foretell the future, he would cast his shoes, would cast his
6 spirits to tell what is going to happen to you. You do not see what he talks about.
7 He will just tell you and you would hear what would happen. The spirit which is on
8 that person, which has possessed that person, is the one that would tell you and
9 narrate what would happen. For you, you do not see.

10 Q. [10:25:41] Now, Rwot Oywak, in view of those beliefs, when it emerged that
11 Kony, Alice Lakwena, Severino Lukoya said they were possessed and they now had
12 capacity to fight the government of Uganda, in your opinion, could that have been
13 a source of inspiration to some people? Not all, I am not saying you were involved,
14 but to some people in Acholiland, and of course the wider north, including Lango?

15 A. [10:26:39] I'm sorry, I think the question was incomplete. Can you complete
16 the question?

17 Q. [10:26:51] I was saying you have now talked about the beliefs in spirituality in
18 Acholi and of course by extension to a wider population of northern Uganda. Now
19 that you said people know that these things happen, when Kony emerged, when
20 Alice Lakwena emerged, when Severino Lukoya emerged as countering the
21 government of Uganda, which was at that time perceived by some people as
22 oppressive, do you think that their spiritual attributions were a source of inspiration
23 to some people to believe them and/or even to support them?

24 A. [10:28:04] I need to clarify on that. Those who started the rebellion left. No
25 one went to join them voluntarily. They all abducted people by force. They started

1 from their homes. Like Lakwena started from Gulu, Kony started from Odek, even
2 Lukoya started from there.

3 How they recruited people and grouped people together, I don't know whether the
4 two people started by holding discussions among themselves. I do not know if
5 people went to them voluntarily and joined because he had claimed he had a spirit.
6 I never got to know that. What I know is that when they were already fighting, they
7 would abduct people and some people do not come back. When they abduct people,
8 you become part of his troops and his soldiers, and that is how he recruited his
9 soldiers.

10 But the issue that the Acholi and the Lango people went and joined the rebellion
11 because -- if they were possessed, I never heard it.

12 Q. [10:29:21] But, Rwot Oywak, you remember that you have just told this Court a
13 few minutes ago that Kony claimed that he was given oboke olwedo, he was blessed
14 by the people, at least of Payira, the elders of Payira, to go and fight. Could they
15 have been -- could they have drawn their source of inspiration to support him
16 from -- because of his spirituality?

17 A. [10:30:05] I just think that the reason why he said he was given the oboke
18 olwedo is because he had indicated that he was able and he was definitely blessed.
19 The person who probably gave the blessing did not go with him, but he was given the
20 blessing by handing over the oboke olwedo to him and then he went and recruited his
21 soldiers and continued with his fighting.

22 In Acholi when you are given the blessing with oboke olwedo, you do not go with the
23 person who has blessed you, I have already given you my blessing for you go and try
24 your luck. For me, that's what I can say if he was indeed given the blessing.

25 Q. [10:31:09] Rwot Oywak, during the initial stages of the conflict did you come

1 into contact with Joseph Kony?

2 A. [10:31:19] When we were -- when they already started indications to talk, I met
3 Joseph Kony. I also admitted that I met him. Even yesterday I admitted that I met
4 him.

5 Q. [10:31:35] Can you, from -- of course, to a great extent your own perspectives
6 were influenced by what was going on. Can you tell Court whether you agree or
7 perceive the spirit of Joseph Kony as powerful?

8 A. [10:32:06] In my own view, and how I have assessed it, Kony's spirit helps him
9 more than myself, because if you see that the whole world go to follow him, but he
10 still manages to elude them, to elude and escape, that means he has something that
11 protects him.

12 Q. [10:32:44] Do you share that perspective with the population of Acholi and the
13 people of Uganda?

14 A. [10:33:08] When a normal person like myself speaks and tells me a good thing to
15 believe in, yes, I support him and I also respond to it.

16 Q. [10:33:25] Now, Rwot Oywak, you said that joining these spiritual war groups
17 were involuntary. Would you say that this was the same with the former
18 government soldiers and even one of the senior ministers in the former government,
19 that is a whole professor, Professor Newton Ojok, was he also forcefully recruited or
20 some of them voluntarily joined and fought up to Jinja?

21 A. [10:34:25] Yes, I heard you mention the name Isaac Ojok, but I did not
22 understand his motivation for joining the army because at that time and in that year
23 I was still young compared to what I am now. I heard of the name Isaac Ojok
24 working together with Alice Lakwena. I do not know how he joined, but that was
25 his own interest because he was a person who was already old enough and he was

1 knowledgeable, so I am not aware whether he believed in the spirit or he went in his
2 own interest.

3 Q. [10:35:06] Rwot Oywak, did you ever hear about somebody called Brigadier
4 Odong Latek?

5 A. [10:35:19] Yes.

6 Q. [10:35:22] Did he voluntarily join or was he abducted by Joseph Kony?

7 A. [10:35:32] I heard that Odong Latek was a soldier, actually I know that he was
8 a government soldier. But how he joined Kony I do not know, whether he joined as
9 a soldier who agreed to go and support his colleague, or whether Kony abducted him,
10 but what I know is that Mr Odong Latek was a government soldier.

11 Q. [10:36:09] How about Vincent Otti?

12 A. [10:36:12] All these were adults, they were actually older than Kony. But what
13 Otti did, his profession, whether he was a teacher or what, I know -- I am told he was
14 a teacher, but I don't know. I do not know how he joined, whether he was abducted
15 by Kony or he went voluntarily. Because these were actually older people, they
16 were actually much older than Kony and they should be having their own decisions.

17 PRESIDING JUDGE SCHMITT: [10:36:41] I think we leave it at that. We should
18 not put more names to him. He might not know exactly what the reasons were, why
19 these people went to the bush or not. I think we could move to another point now.

20 MR AYENA ODONGO: [10:37:00] Much obliged, your Honour.

21 Q. [10:37:08] Now, Rwot Oywak, according to your understanding, those who
22 came into contact with Joseph Kony, did they fear or revere him?

23 A. [10:37:51] Those who met with Kony during the peace talk met because Kony
24 accepted to talk peace. And that is why people went to meet him, because if he had
25 not accepted, nobody would have gone to him.

1 Q. [10:38:18] Rwot Joseph Oywak, I am not only talking about those who went for
2 the peace talks, I am talking about generally those who came into contact with him,
3 including some of the people you received back home as the chief of the Acholi.
4 What did you think about Kony?

5 A. [10:38:47] Well, if you ask me that way, then it brings me to better
6 understanding. In the return of my children, your children, our Ugandan children
7 who came back from the LRA, what they say is, one, that Joseph Kony has spirits on
8 him and these are very powerful spirits. And if you go against Kony he will kill you.
9 And that Kony does not want to stay together with the abductees, he stays only with
10 a few of his people. Some of those who even returned said you can even stay like
11 four years without seeing him. Some said they saw him, like, once.
12 So knowing things about Kony is difficult because it is difficult to tell, it's
13 supernatural. So if today he is normal, you are friends, you are okay, you go to
14 the -- to the well, everything is okay, but when those spirits come he is a different
15 person, you only hear about orders that his soldiers come to do. So that is the
16 information I got from the people who returned from him on who Kony is and how
17 he does his things.

18 Q. [10:40:26] Were you told he performed some miracles or made prophecies that
19 came to pass?

20 A. [10:40:45] Those who returned would say yes that soldiers are coming, let's go
21 away. And indeed, before they move away, far away, the government soldiers
22 would have arrived so, indeed, they had to believe that what they tell them was true.

23 Q. [10:41:04] And, Rwot Oywak, can you tell Court in your experience, with many
24 people who returned, how they said Kony's powers impacted on them, and could you
25 tell Court what kind of rituals they told you were performed on them?

1 A. [10:41:48] They say that the strength, the strength of Kony's spirit is that when
2 you go to fight you win and you become victorious against the government soldiers.
3 And in most occasions his soldiers would come back unhurt, they would not be
4 injured. So what he does, he uses water, but where he gets his water from they do
5 not know. His commanders come with waters sprinkled on them. I saw some of
6 them actually had the water in water -- in bottles which they tie around their neck or
7 on their waist and they say that is the water that Kony uses.

8 Q. [10:42:33] Did you hear them talk about the shea butter?

9 A. [10:42:46] The shea nut oil, the person who used moo ya, which is the shea nut
10 oil, was Alice Lakwena. So when he gets his soldiers, she uses the oil which she
11 smears on your forehead and then she sends you to fight. That happened on many
12 soldiers. Even people like Odong Latek, like you mentioned, like Isaac, I am told
13 they were also smeared with this oil because for us, as Acholi, we try to investigate
14 the issue of the spirits, that kind of spirits, we really investigate it.

15 Q. [10:43:28] Now, Rwot Oywak, I want you to see a certain video script.

16 PRESIDING JUDGE SCHMITT: [10:43:49] Does this one have an ERN number?

17 MR AYENA ODONGO: [10:44:01] The ERN number is UGA-D26-0018-0001.

18 THE INTERPRETER: [10:44:33] Your Honours, does this need the interpretation to
19 be done as well?

20 PRESIDING JUDGE SCHMITT: [10:44:38] That is a good question, I think we
21 would -- I think the people speaking in the video, will they speak Acholi or will they
22 speak English?

23 MR AYENA ODONGO: [10:44:50] English.

24 PRESIDING JUDGE SCHMITT: [10:44:51] English. So we need interpretation for
25 Mr Witness again. Thank you for asking. Indeed, I see we have here more than

1 20 minutes so we should have a fair choice of it, only a portion of it.

2 And if you also please could indicate the timeline we are hearing from and seeing
3 from them. I think "timestamps" is the correct expression.

4 MR AYENA ODONGO: [10:46:05] Yes, the timestamp is from 3.40 to 10.48 and then
5 again from 6.54 to 7.27.

6 PRESIDING JUDGE SCHMITT: [10:46:26] It seems -- Mr Gumpert.

7 MR GUMPERT: [10:46:29] Your Honours, I don't want to sound like a goody
8 two-shoes here, but may I speak for the interpreters rather than the Prosecution for
9 a moment. I am relatively confident that they will view this with a degree of dismay.
10 There is meant to be a process whereby they get a heads up about what's coming.
11 And asking them to do interpretation of minutes long, like this, completely on the fly,
12 is a really tough ask.

13 PRESIDING JUDGE SCHMITT: [10:47:09] So then we ask them. Of course, if I ask
14 the interpreters if they are comfortable with doing that, you would not say yes, of
15 course. But would you give it a try?

16 THE INTERPRETER: [10:47:26] Your Honours, I think it would be important if we
17 had the transcript for this video. That would be very helpful for us.

18 PRESIDING JUDGE SCHMITT: [10:47:36] Then why not play it later on. How long
19 would it take to provide the interpreters with the transcript? Is this possible?
20 I think this is addressed to Mrs Bridgman or Mr Rowse. Can you give an answer to
21 that?

22 MS BRIDGMAN: [10:47:59] Yes, your Honour, we can provide a transcript.

23 PRESIDING JUDGE SCHMITT: [10:48:02] And on how short the notice would be?

24 MS BRIDGMAN: [10:48:06] Perhaps during the second session, after the coffee
25 break.

1 PRESIDING JUDGE SCHMITT: [10:48:12] Then we do the following, Mr Ayena.

2 Just continue with another, with another line of questioning, and then after the break,
3 we play this portion, these two portions of video, I would suggest.

4 MR AYENA ODONGO: [10:48:27] I would agree, your Honour. Although I am
5 sure they are scared for nothing. They are very good interpreters. If they tried
6 their hand in it, they would do it. But, okay, the lady who doesn't speak seems to be
7 objecting.

8 PRESIDING JUDGE SCHMITT: [10:48:52] So then, please, obviously from the
9 interpretation booth, there is another opinion on that.

10 We don't hear anything, no. But then we finish that now. We have decided this,
11 after the break, there will be a transcript and this will be -- initiate the process then
12 anew. So please continue with another line of questioning.

13 MR AYENA ODONGO: [10:49:16] Yes.

14 Q. [10:49:17] Now, Rwot Oywak Ywakamoi, let's talk about the militias and the
15 UPDF. You told Court that you were intimately involved in the peace initiatives
16 between the LRA and the government of Uganda. Now, there is evidence on court
17 record that following the military operation named Operation North, Betty Bigombe
18 introduced some rigorous anti-insurgency measures, such as arming community
19 defence groups called arrow brigades. Are you aware of this?

20 A. [10:50:25] You may want to excuse me. The Arrow Boys, Home Guards, and
21 Amuku in Lango, they are called Amuku. The Arrow Boys is another group. Then
22 from Acholi they are called Home Guards. I know very well that Bigombe never
23 gave out the guns. If they gave, maybe she could have given from Gulu, because I, I
24 stay and live in Pader. But what happened between Home Guards, militia and
25 Arrow Boys, all these groups are recruited from amongst the camp community, or

1 some of them volunteer as young boys and girls, to come and help the government.
2 But to see that Bigombe goes to Kony and then comes back to give guns, I have not
3 seen it. But Bigombe was the leader of the peace team during the time when she was
4 in northern Uganda.

5 Q. [10:51:45] well, whether or not she armed them, Rwot Oywak, is not important,
6 but what is important is what you have said. Actually, you have answered beyond
7 my expectations. So do we agree that these groups were the ones who were
8 generally referred to as the militias?

9 A. [10:52:20] If, in relation to the names that I know, when they are all put together,
10 they are called Home Guards. But if we put Home Guards, Arrow Boys, I think
11 that's what we now refer as militias. But for us from home, we call them Home
12 Guards. These are people who help to protect the village or the camp, and they do
13 this together with the government soldiers. They actually work together with the
14 government soldiers in the camp or protecting the -- the roads to ensure the safety.
15 These are people who have voluntarily given themselves to the government to help. I
16 do not know whether they are paid or they have any form of motivation.

17 Q. [10:53:11] Now, Rwot Oywak, can you tell Court whether you as leaders were
18 consulted before this policy of recruiting the so-called Home Guards, Amuru,
19 Arrow Boys, were recruited. In particular, I mean the Home Guards. Were you
20 consulted?

21 A. [10:53:42] My -- on my own and personally, Oywak Ywakamoi, I was in the
22 community. At the time when people were now in the IDP camps, people were
23 gathered and information was given that boys who can volunteer should be allowed
24 to come and help to provide protection to their parents and their properties. So
25 people came from different places, like Puranga, Lacekocot and they came. But they

1 came and gathered people and explained why they need boys to come and help. It
2 was explained to them why they are being recruited. The purpose was to protect
3 their homes and their property while they work alongside the government soldiers.
4 So when the government is working with the people, when they come through us, if
5 they come through us, the chiefs, and they told us, we would have actually asked
6 more, further, why they are doing this, but they went straight to the community.

7 Q. [10:55:10] Just to clarify a bit further. Did you, from the way you have
8 answered, Rwot Oywak, did you as leaders agree with that concept and policy both
9 as individuals and as Ker Kwaro Acholi. Did you agree with the policy of recruiting
10 militias from the population and, you know, keeping them within the population?

11 A. [10:55:52] Well, in relation to performing a certain task comes from an
12 individual. The recruitment of these people was done in line with normal
13 recruitments of other jobs which adverts are sent and you apply. So this was
14 communicated that if you want you can go. So for us as chiefs, we were not
15 consulted. Information just came that those who were interested should go. Then
16 boys and girls went, those who feel they can manage. So while they work and how
17 they work, we see all of them now in uniforms, in military uniforms. They are in the
18 barracks, they come to the camp, they come to protect the roadsides, so we are all
19 performing military job.

20 Q. [10:56:57] Rwot Oywak, my question was: Did you agree with the concept and
21 policy of recruitment of Home Guards?

22 A. [10:57:21] When this information was openly delivered to the people, everybody
23 agreed that if you have the energy, you are capable, you go, because this was actually
24 a paying job, you are paid for it. So for us as parents or as leaders who do not
25 provide this job, there is no way we would refuse because -- but this information was

1 brought to the public in a community gathering, and the acceptance to go and join
2 was individual.

3 And these persons were supposed to work within their sub-counties. Some of them
4 actually were moving from their homes to go and work, but at some point, because
5 they now had guns, they were not allowed to sleep home or work -- to work from
6 their home, so they had to stay within the barracks, and they would come and do
7 their work.

8 PRESIDING JUDGE SCHMITT: [10:58:27] I think, Mr Ayena, this would be a good
9 time to have a break, or the break.

10 MR AYENA ODONGO: [10:58:32] (Microphone not activated)

11 PRESIDING JUDGE SCHMITT: [10:58:34] Yes, I would like shortly to address the
12 issue, so to speak, of the video portion that you want to play. I have now come to
13 know that we have seen it already twice during the proceedings, first with
14 Professor Allen and secondly with P-205. So perhaps you can think in the meantime
15 about the alternative, just to draw out of this video which we have already seen twice,
16 the propositions or the questions you want to pose to the witness. Just a suggestion.
17 But I would not exclude it now if you insist on it. In that case, I trust that your team
18 will be able to provide the interpreters with the interpretation so that the process can
19 run smoothly. Yes.

20 So we have now the break until 11.30.

21 (Recess taken at 10.59 a.m.)

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

23 THE COURT USHER: [11:31:06] All rise. Please be seated.

24 PRESIDING JUDGE SCHMITT: [11:31:30] I would like to address shortly two things.
25 First of all, I would remind everybody that we have a -- different hours today for our

1 third session. We shorten the lunch break. This means we start again at 2 o'clock,
2 and we have to finish at a quarter past three, out of internal matters. The second
3 thing is I -- we spoke later, yesterday about it, Mr Ayena, that we are not limiting you
4 and pushing you to finish today. That still stands, but we definitely will have to
5 start with Witness 280 tomorrow. I would like to remind that.

6 So we should aspire, at least, and I think it is manageable that we finish the Defence
7 questioning after the first session tomorrow so that we can start with 280 in the
8 second session. This is just a reminder or a recommendation, so to speak, a strong
9 recommendation, that I would put to Defence. So you can continue then, Mr Ayena.

10 MR AYENA ODONGO: [11:32:41]

11 Q. [11:32:50] Rwot Joseph Oywak Ywakamoi, I suppose you had very fulfilling
12 break coffee. We were talking about militias. I now want to ask you to tell Court
13 how the militias were collaborating. First of all, how were they organised and
14 equipped? How were the militias or the Home Guard, for that matter, how were
15 they organised and equipped?

16 A. [11:33:50] The Home Guards are recruited and then they are given a training,
17 a military training. I do not know what takes place during the training. I only
18 thing I see is that they come wearing uniform and holding guns and coming from the
19 barracks. That means they have already been trained. They start the recruitment
20 from the villages and the wards, and the local authorities have to know that so-and-so
21 has been recruited or so many people have been recruited in the -- from this
22 community. What they do is dependent on what the army says.

23 Q. [11:34:37] Were they putting on the same uniform as the UPDF?

24 A. [11:34:52] They wear the same uniform with the UPDF, but some of them, some
25 of them come back with different types of clothing of uniform, because even the

1 soldiers do not use the same type of uniform every day. They work together with
2 the UPDF soldiers, and I know that whoever has uniform is recognised as police or as
3 a soldier. For me, I see all of them have uniform of the army.

4 Q. [11:35:29] Would I be right to suggest that if I did not know an individual as a
5 Home Guard and he was putting on uniform, I would not know whether he was
6 a Home Guard or a UPDF?

7 A. [11:35:50] If you say you do not know this person, it means you don't know the
8 person, and in reality you wouldn't have known the person. It's the same with the
9 rest of the -- the regular UPDF soldier. Even if he is wearing a uniform, and you do
10 not know him definitely until somebody explains that I am so-and-so, you wouldn't
11 know. Even the Home Guards, when they are wearing uniform or not wearing
12 uniform, you cannot know them or you cannot differentiate them. As long as they
13 are working together, we call all of them soldiers.

14 Q. [11:36:29] And they were having the same type of guns?

15 A. [11:36:38] As regards to the guns, they used the same guns that the soldiers use.
16 They are the same guns. They have the different guns that the rest of the soldiers
17 use that the Home Guards also use.

18 Q. [11:37:03] Now, Rwot Oywak, you talked about recruitment. Was it always
19 voluntary, or forced sometimes?

20 A. [11:37:22] When it was announced, people went voluntarily. Those who go
21 voluntarily, the LC is aware that so-and-so has gone to do such-and-such a job. It's
22 voluntary, no one was forced. During the training there, you are forced to follow the
23 training schedule like jogging in the morning, because they are forced to do what
24 military people do. It's during the training and doing the military things that they
25 are forced to do the things that they are supposed to do. That is what we see. We

1 also see it happen from the camp and we see them jogging in the morning.

2 Q. [11:38:17] Rwot Oywak, there was some earlier information given to this Court
3 that there was a general information given to the population that all able-bodied
4 persons were supposed to join the Home Guards, and if you didn't join the Home
5 Guards you might be interpreted as intending to join the rebels. And this would put
6 you to risk. If this information was true, could it be the case, Rwot Oywak, that even
7 those who appeared to have voluntarily joined the Home Guards, in fact did it on the
8 backdrop of that latent threat to their security?

9 PRESIDING JUDGE SCHMITT: [11:39:35] I think you should first of all have to ask
10 him if he also has this information. Otherwise, he is a little bit speculating in the
11 dark, so to speak. So perhaps first ask him "have you heard about that", and then
12 you can continue with a question, asking him if this could have been a reason why
13 they joined. I would suggest that this is less suggestive to the witness.

14 MR AYENA ODONGO: [11:40:04] My Lord, even if the speculation was in the light,
15 it would still be unfair to him. Now that it was even in the dark, I am asking --

16 PRESIDING JUDGE SCHMITT: [11:40:17] You know that I am wording cautiously
17 and carefully. Always try to do so.

18 MR AYENA ODONGO: [11:40:24] I know, your Honour.

19 Q. [11:40:26] Rwot Oywak, did you get this information that somehow there was
20 a general impression that -- given to the population that the young able-bodied
21 persons were called upon generally to join in the community defence, in that those
22 who were found to be disinclined to join could be mistaken to be anti-government
23 and perhaps intending to join the LRA?

24 A. [11:41:18] I heard that, but it never happened like that where I was. Where
25 I was living at the time, an announcement was made and people joined voluntarily,

1 and when they returned after, after finishing their role as Home Guards, they are not
2 forced to go back and they are not followed up. If you return with army equipments,
3 then you are followed, but if you leave the army equipments behind, no one follows
4 you.

5 Q. [11:42:09] How, Rwot Oywak, were the militias collaborating with the UPDF on
6 the one hand and the local authorities and the chiefs on the other hand?

7 A. [11:42:39] When they become soldiers, they report to the military command.
8 They have someone who leads them. What kind of collaboration are you talking
9 about?

10 Q. [11:42:59] Well, you have as good as answered, but the collaboration I am
11 talking about is that they still remained your children. They still remained part of
12 the community. Was there a way they were still reporting some of the problems
13 maybe they encountered with the army, to their local leaders and authorities? That
14 is the collaboration I am talking about.

15 A. [11:43:43] I -- I respond to this shortly like this: When somebody goes to work
16 and comes back to their home, he lives in their home. It's not easy to know whether
17 he has problems or he does not have problem. Why he left his job we do not know.
18 He does not announce his reason for abandoning the job and returning home, and I
19 did not get that information. Thank you.

20 Q. [11:44:28] Now, Rwot Oywak, can you tell Court how the LRA responded to the
21 creation of Home Guards in your area in relation to the civilian population?

22 A. [11:45:08] The LRA came and committed atrocities in any area. When they
23 realise that you have joined the Home Guard, when you have joined as a Home
24 Guard because so many people had joined the Home Guard militia when they were
25 in the camp so when the LRA come and find that an Home Guard originates from

1 that home, they kill people in that home and in that area. They don't do that to
2 families which have Home Guards in the militia only, but they do to everybody.
3 When they get you at home they do whatever they want with you, you have to follow
4 what he wants. That is what they were doing in any area that they attack, there
5 is -- regardless of whether there was an Home Guard or no Home Guard from that
6 home.

7 Q. [11:46:08] Is it therefore your testimony, Rwot Oywak, that the LRA did not
8 react favourably to the creation of Home Guards?

9 A. [11:46:42] I responded that the atrocities that the LRA committed was not
10 just -- was not because the Home Guards were recruited because they would commit
11 atrocities on anybody, even a traveller from Tanzania, from Sudan, as long as they
12 meet you they would attack you. Even those being attacked are not Home Guards,
13 that means the LRA did not commit atrocities because Home Guards were recruited.
14 They committed atrocities on anybody that they came across.

15 Q. [11:47:22] Perhaps I shall rephrase it differently. How did the LRA react to the
16 policy of establishing the Home Guards?

17 A. [11:47:50] There was no direct contact with the LRA so that we can know how
18 they responded to the creation. When the LRA meet you, as long as you are
19 a human being, whether you are a Home Guard or not, you are under him. If
20 you are not hurt, they can take you and you become part of their troops. That -- they
21 give their opinion why Home Guards were recruited, I do not know of it. It's not
22 easy to know what they thought about the creation of Home Guards. For me as
23 a leader, as a chief I do not know what they thought about the creation of the Home
24 Guards. I just see what they do on the community, the atrocities that they commit
25 on travellers and on the people.

1 Q. [11:48:47] Rwot Oywak, this Court has received evidence, by people who
2 testified before you, that when the militias who in your case was called -- were called
3 the Home Guards were established, LRA reacted very violently about it. Did you
4 get this information?

5 A. [11:49:28] Knowing that the LRA committed an atrocity is not something I heard,
6 I saw it myself. I was not just informed about it, because it was happening in the
7 area where we were living, in every part of the land. When other witnesses say the
8 LRA committed atrocity because Home Guards were recruited, actually when the
9 LRA were join -- were going to the bush there were no Home Guards. That depends
10 on what the witness understood.

11 Q. [11:50:11] And it is your testimony, Rwot Oywak, that the Home Guards were
12 recruited from the community and therefore they were the children of Acholi; is that
13 correct?

14 A. [11:50:34] Yes, that is correct.

15 Q. [11:50:41] And earlier on I think you established a baseline understanding that
16 LRA thought they were fighting for the Acholi, that was their declared objective; is
17 that correct?

18 A. [11:51:02] The LRA said they were fighting for the Acholi. They would say that
19 everywhere, wherever they find Acholi people. I think the reason why they say that
20 is so that they can gain support from the community. If they say that "We are
21 fighting for the Acholi" the community can support them.

22 Q. [11:51:36] Rwot Oywak, in this case here is a situation where the very same
23 people they declared they were fighting for have now sent their children to join the
24 enemy army. What do you think was the reaction of LRA to this?

25 PRESIDING JUDGE SCHMITT: [11:52:08] You know yourself, I think, that you are

1 asking the witness to speculate and to look into the mind of others. Some people
2 may be able to do that, but this very rarely happens. So I would rephrase it or put
3 another question to the witness, please.

4 MR AYENA ODONGO: [11:52:27] I do agree that he is not one of those who would
5 speculate.

6 Q. [11:52:32] Rwot Oywak, can you tell Court whether in your opinion this is how
7 LRA perceived this?

8 A. [11:53:00] What did the LRA perceive? I did not understand the question well.

9 Q. [11:53:09] I am saying when the children of Acholi joined the government forces
10 to fight, ostensibly to fight the LRA, in your opinion, and especially in view of the fact
11 that you were very intimately involved in the peace processes, did it come out clearer
12 that, you know, the LRA were apprehensive of this?

13 A. [11:53:55] This is my response to your question: The LRA may not perceive it
14 well because they will be fighting the people whom they thought they would be
15 fighting for. Why did they respond like this? Because these people joined when
16 the LRA was killing them and killing their parents and, therefore, they volunteered
17 and offered their services to help safeguard their home. Like for me, if I do not agree
18 that they should fight, like I always say that fighting is not the best option.

19 Q. [11:54:44] Now, Rwot Oywak, what was the role of those militias in
20 counter-insurgency and can you also explain whether their role was just to protect the
21 population and not to fight the LRA?

22 A. [11:55:20] I respond like this to your question: When someone has chosen to
23 work with the army, he has chosen to go and fight, to protect his property, and
24 himself and his people. So when a militia goes to fight he has gone to fight and
25 protect himself and safeguard his property and his people because the LRA was not

1 segregating this is the Home Guard or this is so-and-so's garden, this is so-and-so's
2 child, they would attack indiscriminately and therefore the Home Guards stood up to
3 protect the home and protect the country because the Home Guards, the Home
4 Guards were in Acholi, and then in Lango there was the Amuka, there were others in
5 Teso.

6 Q. [11:56:27] You know, Rwot Oywak, you and I stand in more or less the same
7 position in relation to the peace initiatives, but the reason I'm asking this is what the
8 term "Home Guard" connotes. It would appear ordinarily that the connotation given
9 by that word was that it was -- that group was meant to guard the home. Now, was
10 there an extrapolation of their function beyond guarding the home, so to speak,
11 following up LRA and fighting them far beyond the home?

12 A. [11:57:32] Yes, that happened. And it happens for this reason: Because the
13 Home Guards that were recruited, even the ones who were in Pajule, when the UPDF
14 soldiers are pursuing the rebels, the Home Guards can also pursue from Pajule to
15 Acholi Bur. That means that when the LRA come and attacks the camp, the Home
16 Guards, together with the soldiers would follow and pursue the LRA. There was no
17 limit as to where you can operate.

18 Indeed, the word "Home Guard" is English, means to protect the home, but they are
19 armed, but these arms are not kept at homes and that means that when there is
20 a problem they have to go and help in rescuing the situation.

21 Q. [11:58:43] In that regard, Rwot Oywak, would you agree with me that the
22 population of Acholi, Lango and Teso had risen up in arms against the LRA?

23 A. [11:59:07] Yes, it happened.

24 Q. [11:59:14] Thank you. In your view, Rwot Oywak, where there any positive
25 results of the actions of the Home Guard against LRA insurgency?

1 A. [11:59:44] When it comes to fighting there is no positive results. Whether it
2 involves Home Guard or the LRA or the UPDF soldiers, as long as there is fighting
3 and there are soldiers, it leads to loss of life and I don't see any positive result. When
4 the Home Guards go to fight and they kill someone, they kill a brother. Even the
5 LRA when they come, they kill a brother. So there is no positive result that I see in
6 what leads to death. Especially where it involves death, I do not support such.

7 Q. [12:00:29] Rwot Oywak, what I want you to tell Court is whether it had the
8 effect of curbing or exacerbating the ferocity with which the LRA attacked the
9 population, especially the camps?

10 A. [12:01:01] The presence of Home Guards did not increase the LRA violence or
11 atrocity, the LRA were already a violent group in their own interest.

12 PRESIDING JUDGE SCHMITT: [12:01:52] Microphone, please.

13 MR AYENA ODONGO: [12:01:54] Yes, thank you.

14 Q. [12:01:57] I am hoping against hope that the transcript might come. But just in
15 case it doesn't come, I shall move on until it comes. It appears there is a disconnect
16 between my team and -- are you comfortable with what you have?

17 THE INTERPRETER: [12:02:21] Yeah, the team appears to have the script, your
18 Honours.

19 MR AYENA ODONGO: Okay.

20 PRESIDING JUDGE SCHMITT: [12:02:24] So this is good news, and I think then we
21 can continue with the video excerpts that you want to play.

22 MR AYENA ODONGO: [12:02:31] Yes.

23 PRESIDING JUDGE SCHMITT: [12:02:51] Evidence channel 2, I think it will be
24 displayed.

25 MR AYENA ODONGO: [12:03:23]

1 Q. [12:03:24] Rwot Oywak, this is -- I want you to listen to what one of the
2 ex-commanders of the LRA said and I will pose a few questions to you. The name is
3 Achama Jackson, I think he was a major or something.

4 THE COURT OFFICER: [12:04:05] I have a question for the Defence team, is this
5 item to be played publicly?

6 MR AYENA ODONGO: Yes.

7 (Viewing of the video excerpt)

8 PRESIDING JUDGE SCHMITT: [12:05:04] If it is two portions perhaps you put now
9 the questions that you want to put or are they closely connected?

10 MR AYENA ODONGO: [12:05:13] Yes.

11 PRESIDING JUDGE SCHMITT: [12:05:13] Okay, then put -- then please play the
12 second one too.

13 MR AYENA ODONGO: [12:05:18] Maybe we start with this portion, I put the
14 questions to him.

15 Q. [12:05:25] Rwot Oywak, did you hear and understand what this ex-LRA
16 commander was saying?

17 A. [12:05:38] Yes, I heard.

18 Q. [12:05:43] And, Rwot Oywak, I want to remind you that I know that you have
19 a commendable command of the English language, it's not as if you don't understand
20 completely, but, of course, I'm not forcing you but I know you know English. What
21 was he saying, can you tell Court what he was saying, can you repeat to Court, or
22 what you understood he said?

23 A. [12:06:17] Ray Achama said -- he was explaining to the white person who was
24 seated with him that "If you escape from the LRA and they get you, you should be
25 killed." This is what I heard. Briefly, that's what I heard, briefly.

1 Q. [12:06:42] Now, you -- Rwot Oywak, you interacted with so many returnees
2 who recounted to you their experiences in the bush. Is this what they told you was
3 true of the rules and regulations of the LRA?

4 A. [12:07:12] I received several information, even from -- Sam Kolo told us that if
5 you escape, if he had escaped he would be killed. So everyone who returns from
6 LRA tries their level best to protect themselves so that they are not recaptured again
7 because it is the rule in the LRA if you escape and they capture you again you should
8 be killed. So all the people who return, we try our best to protect them so that they
9 are not again re-abducted. That's why we send them to the institution where they
10 were kept until when they are safe.

11 Q. [12:07:57] You have talked about this man called Sam Kolo, who was he?

12 A. [12:08:06] Sam Kolo was one of the LRA commander who returned from the
13 LRA. He explained, he actually talked the same thing that Ray was explaining, that
14 the regulations in the bush is when you escape and you are re-arrested or re-abducted
15 you should be killed without any other or mercy. So what we do, we have to protect
16 these people who return. Any LRA who escapes will narrate to you the same
17 information and when they come back home it is in their mind that they have to be
18 careful, they have to protect themselves and even the other community members
19 should be able to protect them.

20 Q. [12:08:57] May I remind you, Rwot Oywak, that this is not Achama Ray, this is
21 Jackson Achama. And can you tell Court a little more about Sam Kolo, what was his
22 function in the LRA, what rank was he in the LRA?

23 A. [12:09:28] I gave an example, you asked me to explain what I heard from people
24 who returned from the bush, so I gave an example of Sam Kolo that he actually said
25 the same thing that this person in the video is saying. He was an LRA who has now

1 returned home. He was one of the commanders, he was one of the LRA
2 commanders. He has now returned home. And he made the same statement that
3 this person that you have shown on the video has said that if the LRA gets you for the
4 second time they will kill you. So to say what exactly he was doing, what Sam Kolo
5 was doing in the bush I cannot explain. I know he was in the LRA. Whether he
6 was in office or not in office, but I know that Sam Kolo was a member of the LRA and
7 he had ranks, but now he has returned home.

8 Q. [12:10:34] Rwot Oywak, if I told you that there was Sam Kolo who was
9 a brigadier would this trigger your memory about his rank? And that he was a
10 spokes -- the spokesperson of the LRA before he returned?

11 A. [12:11:02] We would hear him speak on foreign radios like BBC, sometimes he
12 would also call on our local radio, Mega FM. Yeah, we would hear him speak on
13 those radios.

14 Q. [12:11:21] Thank you.

15 PRESIDING JUDGE SCHMITT: [12:11:22] Perhaps we listen now to the second
16 portion.

17 MR AYENA ODONGO: [12:11:24] No, just one more --

18 PRESIDING JUDGE SCHMITT: Just one quick, okay.

19 MR AYENA ODONGO:

20 Q. [12:11:28] Rwot Oywak, those who returned, including Sam Kolo, or any of
21 them for that matter, did they ever discuss with you whether the knowledge that
22 whoever was recaptured after escaping would be killed, acted as a deterrence to those
23 who may have wanted to escape and return home?

24 A. [12:12:14] That information did not prevent escape. Many people in the LRA
25 escaped. They say it was an order, it was a rule in the LRA. The number of people

1 that we received from the LRA at GUSCO centre, at World Vision, at Caritas centre,
2 the numbers were so huge. So that instruction, that rule did not prevent anybody to
3 escape from the bush as long as they wanted to.

4 Q. [12:12:51] Rwot Oywak, that would have been the answer to my second -- the
5 second leg of my question. The first question is: Could that have been a deterrence,
6 of course so many people escaped, but did they discuss with you whether that acted,
7 nevertheless, as a deterrence, especially to those who were feeble minded, so to speak,
8 maybe cowards, or who had special surveillance around them?

9 A. [12:13:44] Well, that -- that can be a deterrent measure, but you as a person, if
10 you find things are difficult you have to find a way to escape from it. So that is why
11 some LRA indeed escaped. And there are those, as you said, who were scared. Up
12 to today I've not returned. Whether it was because of that rule or because of
13 something else or because they were now enjoying the fighting or maybe because of
14 distance, I don't know whether it were those issues, whether -- even myself and
15 yourself, if your mother tells you "My son, if you do this, don't return home", yes,
16 indeed you'll be scared, but if you look at what your mum tells you, it is a bad thing,
17 at the time at -- you want to leave, you will not let her know that you are leaving, she
18 will just realise that, oh, my son has gone.

19 Q. [12:14:49] Thank you, Rwot Oywak.

20 I think let's go to the second.

21 PRESIDING JUDGE SCHMITT: [12:14:52] Yes, please.

22 MR AYENA ODONGO: [12:15:02] Your Honours, I want to put on record the ERN
23 number of the --

24 PRESIDING JUDGE SCHMITT: [12:15:10] Yes.

25 MR AYENA ODONGO: [12:15:11] -- of the previous.

1 PRESIDING JUDGE SCHMITT: Please do that.

2 MR AYENA ODONGO: It is UGA-D26-0018-0001. And the time stamps were 6.54
3 to 7.10 and then again from 8.53 to 10.10.

4 PRESIDING JUDGE SCHMITT: [12:15:54] Thank you. So please play it now.

5 MR AYENA ODONGO: [12:15:57] Yes.

6 (Viewing of the video excerpt)

7 MR AYENA ODONGO: [12:17:22]

8 Q. [12:17:24] Rwot, there are two parameters in that script, one was about wives
9 and the other was about Kony's spirituality. Let us begin with wives. From your
10 interactions -- first of all, did you understand what Jackson Achama was saying about
11 wives?

12 A. [12:18:11] Yes, I understood.

13 Q. [12:18:17] Did you get that part where he said both he and the wives, so-called
14 wives, were abductees?

15 A. [12:18:31] Yes, I heard.

16 Q. [12:18:38] Rwot, as a chief of the Acholi, you know the customs, the cultures and
17 customs of the Acholi about traditional marriages. In the Acholi custom and culture,
18 is abduction of girls to become wives acceptable, to begin with?

19 A. [12:19:22] This is my response: It is not only in the Acholi tradition, I am sure
20 in many other traditions do not allow that a woman should be forcefully married.
21 So if a woman is forced and you put this person, to turn this person to be your wife
22 and she agrees to become your wife, then an appropriate ritual is done to cleanse, to
23 cleanse the two of you so that your stay, your marriage, is blessed. So you now
24 become one person, man and wife. So what the Acholi tradition do, you will be
25 cleansed. Once you are cleansed, you will continue to have your relationship, you

1 have your marriage because you are now not relatives; it was only the situation that
2 put you together.

3 Q. [12:20:28] Rwot Oywak, do you want to tell this Court therefore that such
4 episodes of abductions could be solemnised through traditional rituals?

5 A. [12:20:53] Yes, that can be done. What is done is to do a traditional process of
6 cleansing these people who slept in the bush.

7 Q. [12:21:11] Now, Rwot Oywak, you were responsible for receiving some of these
8 people back home. Have you encountered a situation where those who lived as
9 husbands and wives in the bushes were refused to continue to live as husbands and
10 wives upon return to the community?

11 A. [12:21:52] That happened in some places but in few cases, but, yes, let me
12 respond and say it happened, but it happened in few places. Because we talked
13 about it and that is why the few cases happened. It is the interest of the woman that
14 we consider. If you forcefully take me as your wife, I will not stay. But many cases
15 you find that the woman will stay for a short time and then will return back to the
16 man and they continue living.

17 Q. [12:22:38] As a traditional chief, have you received any reports from one of your
18 daughters as having been raped in the bush?

19 A. [12:23:01] Yes, we received because there were signs that she was raped. They
20 would return with the children, like two or three, that means they were raped while
21 in the bush.

22 Q. [12:23:36] Now, Rwot Oywak, were these reports in the context of criminalising
23 the act or just reporting to you what actually happened that culminated in the
24 construction of the so-called marriage and the reproduction of the children they came
25 back with?

1 A. [12:24:16] That was not brought forward for any criminal prosecution. But just
2 that as parents we should know what they went through and what happened to them
3 while they were in the bush. It was not brought as a case that should be prosecuted,
4 but rather so that the parents know -- knows what happened to them. Not only to
5 the parents, some of them bring this issue up because they don't have parents, so they
6 bring up the issue even to the aid workers and other agencies that support them.
7 They will tell you so that you know what they went through, because the person will
8 tell you for some reason, partly maybe to receive some support, so what kind of
9 support should he or she get? So she will tell you this information because she will
10 need to receive some support.

11 Q. [12:25:19] Thank you, Rwot Oywak. Now, let's -- the last, the other bit, the
12 other parameter about Kony's spirituality, did you hear the views espoused by
13 Jackson Achama about Joseph Kony?

14 A. [12:25:47] If I am not repeating myself, then Jackson, Jackson mentioned the
15 same thing that I said in the morning here, that the benefit of Kony's spirit is only to
16 himself. And this is what the person on the video said, that means Kony's spirits are
17 powerful, that protects him and that is why Kony is able to speak like that.

18 PRESIDING JUDGE SCHMITT: [12:26:15] Mr Ayena, the witness is correct, he has
19 already addressed these issues on your questions in the first session. I think we
20 could shorten this bit a little bit, so to speak.

21 MR AYENA ODONGO: [12:26:33] Thank you, your Honour.

22 Q. [12:26:37] On your role as the chief, one of the chiefs of Ker Kwa Acholi,
23 Rwot Oywak, can you tell this Court the history of the establishment of Ker Kwa
24 Acholi? Was it the white men who brought it or that has been an institution for time
25 immemorial?

1 A. [12:27:19] Yes, thank you for your question. I, I heard you started very well,
2 that things related to the tradition, tradition of kingship is inherited. We also inherit
3 from our forefathers because they were actually kings, they were chiefs, but clans that
4 do not have lineage or royal lineage, they do not have chiefs. But each of those clans
5 will have a leader, they have their leaders and they will have their seers. The
6 kingdoms or the chiefdoms were not instituted by the government. They were in
7 existence before; even when Jesus was born, the chiefdoms were already existing.

8 Q. [12:28:33] So it is your testimony that Ker Kwaro did not come with the white
9 men?

10 A. [12:28:46] Correct.

11 Q. [12:28:51] I think that's about it. Because you may wonder why I am asking
12 this. An expert came here and said the people of Acholi did not have chiefdoms,
13 that chiefdoms is a creation of the colonial administration, and I am really indebted to
14 you for shedding light on behalf of Ker Kwa Acholi that you know, this institution
15 has been there for time immemorial. I thank you.

16 A. [12:29:42] Thank you too.

17 Q. [12:29:55] Let us now move to another topic. Rwot Oywak, we are talking
18 about the LRA logistical financial supports, both internationally and within Uganda.
19 Now, as somebody who interacted closely with the LRA, did you find out how LRA
20 was financially and logistically supported?

21 A. [12:30:59] What I understood briefly is that the LRA were getting their weapons
22 from Sudan when -- while they were in Sudan. I do not know exactly how they get
23 it from there. Do they fight, defeat an enemy and take the guns or do they buy the
24 weapons? You do not dare ask a soldier where he gets his weapons unless he tells
25 you. In regards to money and other logistics, I never heard anything and we did not

1 ask. When you go to plead with them, you do not ask how they get their logistics
2 and their means of survival, you would have ruined the talks, unless he volunteers
3 the information.

4 Q. [12:31:55] Apart from those like the Government of Sudan who supplied them
5 with weapons, can you tell the Court whether there were individual collaborators
6 both in the diaspora and also within Uganda?

7 A. [12:32:28] I never heard that. But I hear from the LRA that they just recover
8 guns from any troops that they clash with, whether soldiers of Sudan or soldiers of
9 Uganda; they recover guns during a battle. To say that "So-and-so bought it for us,"
10 they never mentioned, they only mentioned that they recovered guns during battles.

11 Q. [12:32:59] Rwot Oywak, it has been strongly suggested in this Court that there
12 were collaborators of the LRA even within the population of Acholi, both at home
13 and in the diaspora. What do you say about this?

14 A. [12:33:26] In regards to issues of collaboration, I do not know how they, they
15 interpret -- whether they are interpreting as a collaborator. There is no LRA who
16 mentioned that so-and-so is a collaborator. Even a soldier, any soldier cannot tell
17 you who he collaborates with, especially when you go to plead with them, you are
18 not part of them and you are not part of their team and they start telling you
19 "So-and-so is my person." If they say that, they could have mentioned that to other
20 people, but I never heard that.

21 Q. [12:34:19] Thank you very much, Rwot Oywak. As a matter of fact,
22 Rwot Oywak, to put it very bluntly to you, it has been suggested that you have all
23 along been a collaborator of the LRA. What do you say about that?

24 A. [12:34:40] That is not true. I have been -- I was speaking with the LRA and I
25 was delegated by the community and I was negotiating for peace. I was delegated

1 by the community in an open session. I was not the only one. There was Bigombe,
2 there was Betty Akech, there was the parliamentary group.

3 Q. [12:35:20] Rwot Oywak, what I have told you is not my personal infatuations,
4 but is borne out of a series of documents that were disclosed by the OTP, and with the
5 permission of Court, I think --

6 PRESIDING JUDGE SCHMITT: [12:35:44] You would have to put these documents
7 to him, I would say.

8 MR AYENA ODONGO: [12:35:48] Yes, yes.

9 PRESIDING JUDGE SCHMITT: [12:35:49] Yes.

10 MR AYENA ODONGO: [12:35:50]

11 Q. [12:35:55] Number one, the ICC investigation notes, reports, record of meetings,
12 that is "Uganda Missions 15 16-03-06 -- 07-04-06". I think this refers to the date.

13 PRESIDING JUDGE SCHMITT: [12:36:32] And about which tab? We would also
14 like to follow, of course.

15 MR AYENA ODONGO: [12:36:37] This is tab 24, your Honours. In that document
16 I shall read -- the ERN number is UGA-OTP-0263-1497.

17 Q. And I shall read to you, Rwot Oywak, it was reported that: "Rwot Oywak
18 continues to encourage ..." this was in 2006, "Rwot Oywak continues to encourage the
19 LRA to continue fighting. Oywak gave a dingi to Kweyello."
20 I don't know what "dingi" is.

21 PRESIDING JUDGE SCHMITT: [12:38:00] So I would have simply a question just so
22 that the Judges also can understand. This is absolutely correctly quoted, it is clear,
23 but what perhaps could -- Prosecution could clarify a little bit, what does "Record of
24 Meetings: Uganda Mission 15" mean? And I don't know the name. I don't know
25 the name, I don't mention the name, OTP, there is a name here. What is this, just

1 shortly to understand for us?

2 MR GUMPERT: [12:38:27] Your Honour will first note the date by comparison with
3 today's date and the arrival date of many members of this team, the team which I lead
4 at this institution. With that implicit caveat, my understanding is, and I shall avoid
5 names where I can, back in March of 2006 the Office of the Prosecutor had
6 a representative who had a series of meetings in the month between 16 March and
7 7 April, with the various persons who are named in bold on this document, on the
8 dates which are set out, and I believe that the passage which has just been quoted is
9 the summary of that member of the Office of the Prosecutor of what had been said by
10 the person named in bold under the date 25 March 2006.

11 So we've got some double hearsay here, not necessarily incorrect by virtue of that, but
12 reported in a document which is now a record of the Office of the Prosecutor.

13 PRESIDING JUDGE SCHMITT: [12:39:48] Yes, I have understood it and I have also
14 assumed that it is like this but what was not clear to me was, but we have to verify
15 that perhaps first, Mr Ayena, if the witness has participated in this, has said so -- I
16 would not assume so, but ...

17 MR GUMPERT: [12:40:11] Well, again, we go only from the record. The witness
18 himself will know best, but the record suggests very strongly that the witness did not
19 participate in this process resulting in the creation of this document.

20 PRESIDING JUDGE SCHMITT: [12:40:26] But what is unfortunate, really, saying is
21 that of course I could only fly over it because I see it for the first time, that it is not
22 clear who is supposed to have said that.

23 MR GUMPERT: [12:40:41] I agree, there is a lack of clarity. I would apologise, but
24 it would be pointless; I didn't make this record.

25 PRESIDING JUDGE SCHMITT: [12:40:48] You don't have to take this on you, of

1 course. Yes. But it is an instance here where I think, out of fairness also to the
2 witness, it is correct to put this to the witness and to ask him about that. So we
3 continue like that and with your questioning in that way and we see what comes out
4 of it. But please understand that at least we are sitting here and I am also a little bit
5 surprised about how this record looks. I have seen records better understandable.
6 You know that I am wording cautiously. But nevertheless, it is here and it has in all
7 fairness been disclosed by the Prosecution. And you please continue, Mr Ayena.

8 MR GUMPERT: [12:41:34] Your Honour, just for clarity, if it is helpful, my
9 understanding is that the person who has made the utterance resulting in the words
10 recorded which have been read out is the person whose name appears in bold
11 underneath the date 25 March 2006.

12 PRESIDING JUDGE SCHMITT: [12:41:56] That is of course the closest explanation
13 but it is not completely clear, you would agree with me.

14 MR GUMPERT: [12:42:01] I fully agree.

15 PRESIDING JUDGE SCHMITT: [12:42:02] But, nevertheless, Mr Ayena, please be
16 indulgent with the interruption but you understand that we want to have really the
17 best information to understand what's going on here.

18 MR AYENA ODONGO: [12:42:14] I thank you, my lord. I want to be very clear to
19 the Witness that we can only be so fair to him. And to say that we have landed on
20 this document and this is what somebody reported in that meeting about him, and it
21 is my duty to put it to him and ask him whether he knows about it.

22 PRESIDING JUDGE SCHMITT: [12:42:49] Absolutely.

23 MR AYENA ODONGO: [12:42:51] What he has to say about it.

24 Q. [12:42:58] Rwot Oywak, this is what somebody from the Office of the Prosecutor
25 reported as having been said in one of the series of meetings that my very eminent

1 learned friend has competently narrated to you. What do you say about that?

2 A. [12:43:25] I respond to it in this way: My coordination and contact with the
3 LRA was in regards to peace talks. I do not deny that I was coordinating with the
4 LRA and yet I was speaking with the LRA. Even you, you were the lawyer of the
5 LRA.

6 PRESIDING JUDGE SCHMITT: [12:43:48] May I shortly?

7 MR AYENA ODONGO: [12:43:52] Yes.

8 PRESIDING JUDGE SCHMITT: [12:43:53] Mr Witness, you said during these peace
9 talks you were together with a woman called Betty Bigombe; is that correct?

10 THE WITNESS: [12:44:03] (Interpretation) Yes, that is correct.

11 PRESIDING JUDGE SCHMITT: [12:44:06] What was your relationship with her?
12 Did you get along with her?

13 THE WITNESS: [12:44:12] (Interpretation) There was no contact, personal contact
14 between us. But because of the problem that was in Acholi, people volunteered to
15 speak and therefore people were selected to go and participate in the peace talks.
16 Not everybody was chosen. Yesterday I also mentioned it that among the chiefs I
17 was selected, together with Rwot Acana. Among the various leaders there was
18 Bishop Ochola and Bishop Odama. Among the government representatives, there
19 was Betty Bigombe and Betty Akech.

20 PRESIDING JUDGE SCHMITT: [12:45:01] Did you often have exchanges, meaning
21 that you had discussions with her or talks with her?

22 THE WITNESS: [12:45:12] (Interpretation) We met with her only once, in Palabek,
23 and the convoy that brought people from Gulu were almost 20 vehicles. There was
24 another aeroplane that brought people in Palabek with Sam Kolo. She also reached
25 in Pajule at the first time that the LRA started surrendering. I do not stay close to her,

1 we only meet during discussions about peace talks, because we all go for the peace
2 talks. I do not know what kind of coordination or collaboration that I had with the
3 LRA. Any communication that I had with the LRA was clear and it was because of
4 the peace talks. That's what I can say.

5 PRESIDING JUDGE SCHMITT: [12:46:01] Thank you, Mr Witness.

6 Please, Mr Ayena.

7 MR AYENA ODONGO: [12:46:09]

8 Q. [12:46:10] Rwot Oywak, for purposes of clarity, can you tell Court who this
9 Betty Bigombe was or is?

10 A. [12:46:22] Betty Bigombe was a member of parliament. She was representing
11 Gulu in parliament and therefore a representative of the Acholi people. Even the
12 Lango, even the Teso, she was given a big position, as I got to know later.

13 Q. [12:46:52] Thank you, Rwot Oywak. There was another record of meetings,
14 which is found at tab 25, and the ERN number is UGA-OTP-0263-1498 at page 1500.
15 In that meeting again it was reported thus, and I quote: "In May 2005 men came
16 from London with eight phones and strong batteries. David does not know their
17 names. They met Otti and Okuti near Pajule. Otti said the man is from Kitgum but
18 lives in London. It was later reported via" -- I don't know whether I can mention
19 that name.

20 PRESIDING JUDGE SCHMITT: [12:48:42] Yes, I think. Please continue.

21 MR AYENA ODONGO: [12:48:46]

22 Q. [12:48:47] "It was later reported via Aronda, army commander, that it was
23 Akena P'Ojok who gave the money for those phones via Rwot Oywak."

24 It is a bit surprising but that is what we got from the OTP. What do you say about
25 that, Rwot Oywak? Do you know, first of all, a man called Akena P'Ojok?

1 A. [12:49:40] I am equally surprised. I do not know Akena P'Ojok. I do not
2 know anyone with whom I met who brought money to buy phones that came
3 through me. I am just seeing it now. I am hearing about it now.

4 Q. [12:50:05] Rwot Oywak, do you remember meeting these two people called Otti
5 and Okuti near Pajule, or anywhere?

6 A. [12:50:31] I did not see any Okuti. For Otti, I did not meet him in Pajule, except
7 on the 10th during the attack. I didn't even see him.

8 Q. [12:50:54] May I politely put it to you, Rwot Oywak, that there are certain facts
9 within your knowledge but you are conveniently denying them, as will be proved
10 later.

11 A. [12:51:20] I will be grateful if someone comes out with the truth about how that
12 happened. because for me, I do not know what happened. I have no knowledge of
13 that. I only see what has been put in writing.

14 Q. [12:51:39] Rwot Oywak, true or not true, this appears to have been the
15 perception in the community and the reports that reached those who have sat in this
16 meeting. Why, in your view, would this perception be about you?

17 A. [12:52:14] People have different perceptions and third perception can always
18 come. Once you are chosen to do something, they observe what you do. But
19 people have different ways of responding to the work you are doing. Others think
20 you went there for a bad reason, and those who think you went there for a good
21 reason did not mind anything.

22 Q. [12:52:44] Thank you, Rwot Oywak. I will move to another one. Tab 25, ERN
23 number UGA --

24 PRESIDING JUDGE SCHMITT: [12:53:01] If it is 25, we had it already, so just say the
25 pages.

1 MR AYENA ODONGO: [12:53:05] Yes, the page is at 1502.

2 PRESIDING JUDGE SCHMITT: [12:53:10] That is enough now.

3 MR AYENA ODONGO: [12:53:12] Yes.

4 Q. [12:53:15] This was a report from the CMI, that is, the Chief of Military

5 Intelligence. I will not disclose the name of the person. And I quote: "Oywak is

6 a known collaborator. He is a conduit to get supplies to the LRA from England."

7 Are you aware --

8 A. [12:53:55] The writing has vanished from the screen. It is not here anymore.

9 PRESIDING JUDGE SCHMITT: [12:54:18] Why not, as we have done in other

10 instances, just translate what counsel puts to him and reads out. There were two or

11 three phrases. I think counsel reads them again, and then they are translated into

12 Acholi. That should be sufficient.

13 To clarify again, this is from, Mr Witness, this is from the same record of a meeting in

14 Uganda. And it, if this is correct, it has been provided by the Prosecution and also

15 the record has been made by an investigator. So please, Mr Ayena, just read it again.

16 There are only two or three phrases.

17 MR AYENA ODONGO: [12:55:03] I am much obliged, your Honour, because after

18 all he says he doesn't know English. Looking at them, at the document, might not

19 help him. But I think the translation is more relevant.

20 PRESIDING JUDGE SCHMITT: [12:55:14] Because of that, I say just read it again

21 and it will be translated. That that is much more helpful.

22 MR AYENA ODONGO: [12:55:20] So the phrase is: "Oywak is a known

23 collaborator. He is a conduit to get supplies to the LRA from England."

24 Q. [12:55:42] Did you get that, Rwot Oywak?

25 A. [12:55:47] That is not true. I did not get any from anyone in London to give to

1 the LRA, apart from getting a letter from the LRA to bring on the table for the peace
2 talks.

3 Q. [12:56:11] Rwot Oywak, I want you to know that I have no personal interest in
4 the matter. I am reading to you what those with the expertise in intelligence matters
5 discovered and was relayed in that meeting.

6 PRESIDING JUDGE SCHMITT: [12:56:32] That is, yes. Yes, your objection is, I
7 foreshadow it, and it is sustained.

8 You can ask. You put it to him, ask him, and if he says it isn't true, this is his
9 testimony.

10 MR AYENA ODONGO: [12:56:48] Yes.

11 PRESIDING JUDGE SCHMITT: [12:56:49] You know, because we do not know.
12 You said people with expert and with skills and so on to suggest that we already
13 know that this is true. But we don't, we don't know.

14 MR AYENA ODONGO: [12:56:58] Okay.

15 PRESIDING JUDGE SCHMITT: [12:56:59] This is a piece of evidence, or not, and
16 you can put it to him and the evidence here in the courtroom is what the witness
17 comments on it. Yes.

18 MR AYENA ODONGO: [12:57:08] I should have seen that. I should have foreseen
19 that coming from my learned friend.

20 PRESIDING JUDGE SCHMITT: [12:57:13] And I had foreseen it before he stood up.
21 This was not because I wanted to shorten you, Mr Gumpert, but simply to quicken
22 the proceedings, so to speak.

23 MR AYENA ODONGO: [12:57:27] Thank you.

24 Q. [12:57:28] Rwot Oywak, what do you say about this?

25 A. [12:57:35] In regard to that it is not true. Because if it was true, a whole army

1 chief calls me that -- I mean, assumes that I do such a thing, he has never summoned
2 me, what is the truth about it.

3 Q. [12:57:58] I will just read one more before the lunch break, your Honours.

4 This is found in tab 25, same tab, page -- same page, where it was again recorded, this
5 time from your own institution, questioner Ker Kwaro Acholi, where it was reported:
6 "Rwot Oywak is a dubious character. Acholi Religious Leaders Peace
7 Initiative -- that is ARLPI -- used to give him money for the contacts that he facilitated
8 for the peace process. UPDF is very concerned about him. If he was an ordinary
9 person ... he would have been arrested. One time, I told Oywak that the LRA has
10 a problem with me, and Oywak said not to worry that he would take care of it.
11 People came to me when I was in Pader and said that Oywak is dangerous. People
12 there fear him. He communicates with people in London. That is how he has
13 a satellite phone. A week ago Otti requested Oywak to go to Lira to get phone
14 reception. You have to be careful what you speak in this committee because it goes
15 back to LRA."

16 PRESIDING JUDGE SCHMITT: [13:00:16] I think also, out of fairness for the witness,
17 we should really mention here who was supposed to have reported that, I would
18 suggest. If there is no contradiction or not -- it's not contested. But I think this
19 would be fair. Perhaps the witness might tell us something about his relationship to
20 this person.

21 MR AYENA ODONGO: [13:00:37] Yes.

22 PRESIDING JUDGE SCHMITT: [13:00:38] So we have to be fair to the witness here,
23 we have to -- yeah. So please, Mr Ayena, you could tell him who is allegedly,
24 allegedly has reported that.

25 MR AYENA ODONGO:

1 Q. [13:00:50] This recording was from the paramount chief, Rwot David Acana, this
2 is what he said about -- allegedly said about you and was captured during that
3 meeting which was reported by the investigators, the office of the OTP.

4 A. I am just hearing this for the first time. I do not know anything about it. All I
5 know is that I coordinate with the LRA to fulfil the mission which I was assigned.
6 There was no collaboration as quoted in the document.

7 PRESIDING JUDGE SCHMITT: [13:01:59] I think --

8 MR AYENA ODONGO:

9 Q. [13:02:00] Yes, Rwot Oywak, you now see that there are three situations which
10 have been raised tending to link you to the LRA and the external persons in London.
11 Would it surprise you if anybody actually believed that you were actually
12 a collaborator?

13 A. [13:02:35] I cannot accept that. I can't agree to that. Why is it coming right
14 now during the trial that I am -- I have a testimony to that. Why didn't it come at the
15 time that there was insecurity and rebellion in Uganda?

16 PRESIDING JUDGE SCHMITT: [13:02:54] I think we leave it at that for the moment,
17 we can continue after, because we have a shortened break. If you want you can
18 continue in that vein at 2 o'clock.

19 MR AYENA ODONGO: [13:03:07] Yes.

20 PRESIDING JUDGE SCHMITT: [13:03:07] So we have the shorter -- Mr Gumpert is
21 rising, wants to say something, obviously.

22 MR GUMPERT: [13:03:10] I do have some submissions. I have been waiting
23 because I didn't want to interrupt my friend unfairly. I don't need to make them
24 now, I could make them at the beginning of the next session. They are not long, but
25 I think --

- 1 PRESIDING JUDGE SCHMITT: [13:03:24] Do they concern the --
- 2 MR GUMPERT: [13:03:26] They concern the propriety of the continued line of
3 questioning along these lines.
- 4 PRESIDING JUDGE SCHMITT: [13:03:35] Okay. Good.
5 Then we have the break until 2 o'clock.
- 6 (Recess taken at 1.03 p.m.)
7 (Upon resuming in open session at 2.02 p.m.)
- 8 THE COURT USHER: [14:02:15] All rise.
- 9 PRESIDING JUDGE SCHMITT: [14:02:37] Mr Gumpert, you wanted to address the
10 Court. When it is about the propriety of previous questioning I would simply say
11 that we do not entertain discussions about the past, retroactive discussions, but we
12 decide on a case-by-case basis whether we allow questions or lines of questioning yes
13 or no.
- 14 MR GUMPERT: [14:03:07] Your Honours, my submissions are about what should
15 happen in the future, but as with various legal discussions we have had about the
16 propriety of evidence outside the charged period, I use it only as an analogy, I am
17 going to seek to refer to what has already happened as an illustration of the dangers
18 of what may happen in the future if this line of questioning is sustained.
- 19 PRESIDING JUDGE SCHMITT: [14:03:38] Of course, if you refer to the future you
20 want to inhibit further discussions in the future, so please continue.
- 21 MR GUMPERT: [14:03:47] Essentially, I have three points to make: The first is
22 this, the relevance of whether this witness is or is not a collaborator, or is said to have
23 been a collaborator by various people is, I respectfully submit, marginal at best. I
24 didn't stand up to object to it when it was first raised, but it's, I submit, on the cusp.
25 And it's in the light of that first point that I make my second two points, and the

1 second is this: That point, that question, whether the witness was a collaborator, or
2 not has been well and truly aired, and the witness has given, I respectfully submit, a
3 definite answer. It can't be right that there -- that every time there is such a
4 suggestion in the various records which have been disclosed, each such record is put
5 to the witness as support for exactly the same proposition. At a point, I would
6 submit, the witness's answer is final, it's yes or no, and further illustrations from the
7 disclosed material simply aren't helpful to the Court and are vexatious because they
8 simply prolong the amount of time the witness is in the witness box.

9 The third point is this: When we're dealing, as we are here, with a document which
10 represents third or sometimes fourth-hand hearsay there are significant dangers.
11 The witness was accused in very polite terms of not telling the Court the truth and he
12 was so accused, I respectfully submit, on a false basis.

13 May I invite your Honours to look at page 64 of the transcript and at tab 25, which is
14 0263-1498, at page 1500.

15 PRESIDING JUDGE SCHMITT: [14:06:21] This we can make short. This has
16 been -- and you, for example, or the Bench could have intervened in that one. Yes,
17 you can make this short, the last point. That is true, indeed, yeah. But on the
18 other -- on the other two points you make I would shortly perhaps like to have a, but
19 really shortly by the Defence what you say to that, if you want, otherwise we ...

20 MR GUMPERT: [14:06:51] Short on the third point means no more from me,
21 your Honour?

22 PRESIDING JUDGE SCHMITT: [14:06:54] No, it's having looked at it and also
23 sometimes it happens indeed, you could have stepped up at the moment that it
24 occurred. This is retrospective, yeah.

25 MR AYENA ODONGO: [14:07:14] Your Honours, with absolute due respect to my

1 learned friend on the opposite side, I have this to say: I profoundly started with the
2 special stature and status of this witness. He has carried the mantle of the institution
3 of Ker Kwaro Acholi and indeed the entire dignity of the institution -- cultural
4 institution of Africa to this Court. This witness's character is actually at stake. The
5 integrity of what he is saying must be looked at in light of his relationships, and in
6 light of what he purports to have been, and also in light of the change of hearts at the
7 moment. For instance, your Lordships will have discerned that although in his
8 statement he has made allusions to some problems between the population and the
9 LDUs, or for that matter the militias, and he has also talked about the problems the
10 population has had with the government soldiers. In all his answers he has been
11 very careful.

12 PRESIDING JUDGE SCHMITT: [14:09:18] We are not going to discuss now --

13 MR AYENA ODONGO: [14:09:21] Yes.

14 PRESIDING JUDGE SCHMITT: [14:09:21 -- the evidence and how it might have
15 been perceived by us.

16 MR AYENA ODONGO: [14:09:25] In fact, my lord, I think in view of the fact that
17 the character and integrity of this witness must be properly assessed, we should raise
18 some of these things to him, it is only fair that he should -- and in view of the fact that
19 in any event these documents were not produced by us, they were actually produced
20 by the Prosecution.

21 PRESIDING JUDGE SCHMITT: [14:09:48] Okay, I think that is enough information
22 for us.

23 (Trial Chamber confers)

24 PRESIDING JUDGE SCHMITT: [14:11:49] So we have to say the following to that:
25 Of course we have an objection which is not a real objection but one that is addressed

1 to the future, insofar what we are now saying is not a classical ruling, it's just what we
2 think at this moment about the line of questioning and what has been going on.
3 First of all, these documents, and we are not talking about one, about several
4 documents, have been, and I must say so, correctly disclosed by the OTP.
5 The second thing is they have not only been disclosed by the OTP, they have been
6 produced by the OTP, by investigators I would say. That's also correct.
7 The third point is these documents contain potentially relevant information regarding
8 the credibility of the witness and, as such, in principle they might be put to the
9 witness, and since these documents are on record and contain allegations against the
10 witness it is only fair to put -- to give the witness the opportunity to answer to that.
11 And there are different -- it's not only that we are talking about a general concept of
12 collaboration, we are talking of certain facts and circumstances that are -- that differ
13 from each other, and that can be put to him.
14 Nevertheless, I would say, if there are further documents or things like that we
15 simply, and we will only entertain them if they contain new information, and you
16 simply put it without any, please, without any suggestive impact, you put it to the
17 witness and if he denies it that's it, simply, and we continue to the next one. This is
18 just, as I said, not a classical ruling in that sense, it is a guideline, and that does not
19 prevent or inhibit or prohibit the Chamber to decide on a case-by-case basis when it
20 comes and when there would be objections or something like that.
21 With this in mind we can put the witness in and continue the questioning, please.
22 (The witness enters the courtroom)
23 PRESIDING JUDGE SCHMITT: [14:15:19] Good afternoon, Mr Witness. We
24 continue now the questioning by the Defence counsel Mr Ayena, who has still the
25 floor.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO:

2 Q. [14:15:32] Good afternoon, Rwot Oywak.

3 A. [14:15:36] Thank you.

4 Q. [14:15:39] Rwot Oywak, we were -- before we went for lunch we were
5 discussing certain indicators, including documents, that seem to underpin the
6 proposition by certain quarters that you may have been a collaborator of the LRA. I
7 want to inform you that I am leading you through this and you will see the relevance
8 when we come to the area of attack on Pajule.

9 And of course we have already agreed that it is up to you to say what you know
10 about it, you either say yes or no or whatever, what you know about it.

11 Rwot Oywak, under tab 8, ERN number UGA-0011-0497, these telephone numbers
12 were given under the heading "Possible LRA contacts" and their collaborators.

13 He has something to say, your Honour.

14 PRESIDING JUDGE SCHMITT: [14:17:28] Mr Witness, please, you can speak.

15 THE WITNESS: [14:17:36] (Interpretation) I would love to see the -- what is being
16 talked about, if it could be displayed on my screen.

17 PRESIDING JUDGE SCHMITT: [14:17:45] Yeah, if this is possible, I think we
18 should display it for the witness on the screen.

19 MR AYENA ODONGO: [14:17:53] Does he have a binder?

20 PRESIDING JUDGE SCHMITT: [14:17:55] He could of course also be shown in the
21 binder with the help of the usher, but if we can display it on the screen.

22 And I'm sure this is not to be publicly displayed, without knowing it, but I'm sure this
23 is like that.

24 MR GUMPERT: [14:18:13] Right, your Honour.

25 PRESIDING JUDGE SCHMITT: [14:18:21] And in the meantime, of course, now I

1 don't want to contradict myself, but what are we talking about here? We

2 know -- who is -- who created this one? Do we know that?

3 MR AYENA ODONGO: [14:18:36] This is the same source.

4 PRESIDING JUDGE SCHMITT: [14:18:37] The same source?

5 MR AYENA ODONGO: [14:18:39] Yes, your Honour.

6 PRESIDING JUDGE SCHMITT: [14:18:40] But I see here "his diary". Who is "his
7 diary"?

8 MR GUMPERT: [14:18:46] No, with great respect, this is not the same source. It's
9 disclosed by us, if that's what my learned friend means as "source", but we didn't
10 create this document. We received it in the course of the investigations.

11 PRESIDING JUDGE SCHMITT: [14:19:00] Then can you publicly tell us what his
12 diary means, who is behind his -- which person? (Microphone not activated)

13 MR GUMPERT: [14:19:16] I'm going to be candid and say even if we did, I
14 wouldn't give a faster answer. I don't recall at this very moment. I will establish
15 what information we have and give your Honours the answer as quickly as I can.

16 PRESIDING JUDGE SCHMITT: [14:19:34] Because this is not -- Mr Ayena, this one
17 is, on the face of it, if you have a first look at it, very difficult. There are a number of
18 telephone numbers, I think I can say that, a lot of telephone numbers, but as I
19 say -- and even if a number that the witness might know appears on it, I don't -- do
20 not see really here the relevance, frankly speaking, contrary to what we talked about
21 before.

22 MR GUMPERT: [14:20:06] I can answer your Honour's initial query, thanks to my
23 learned friend on my -- two to my left, with greater precision. The Prosecution
24 cannot say with certainty whose diary this is. This is a document which was
25 received, and in receiving it the assertion was made that this was LRA Brigadier

1 Yadin's diary, or part thereof.

2 PRESIDING JUDGE SCHMITT: [14:20:35] So with this in mind, I think we
3 continue and you quickly, please, Mr Ayena, put the proposition to the witness.

4 MR AYENA ODONGO: [14:20:54] Your Honours, I'm being advised by learned
5 counsel on my right that this diary came from Nobel Mayombo; he was a brigadier
6 and one time permanent secretary, Ministry of Defence. That is the source.

7 PRESIDING JUDGE SCHMITT: [14:21:19] And we see, of course, a certain name
8 here. And please continue.

9 MR AYENA ODONGO: [14:21:24] Yes.

10 PRESIDING JUDGE SCHMITT: [14:21:25] And I think we can go through this
11 relatively quick.

12 MR AYENA ODONGO: [14:21:29]

13 Q. [14:21:30] So Rwot Oywak, this number was given as yours in the context of
14 possible contacts with the LRA. The number is 077-6735545, that is an MTN number.
15 Do you recognise that number, Rwot Oywak? Could it be yours or could it have
16 been yours one time?

17 A. [14:22:13] I -- I remember in the past this was my number, it was a number
18 which I used previously, but the current number that I use is different from this.

19 Q. [14:22:26] And then, Rwot Oywak, there is a satellite number 881631416909.
20 Did you ever use that satellite number?

21 A. [14:22:51] That was the satellite phone that was given for the peace talk. It
22 was the -- procured by Acholi Religious Leaders Peace Initiative, ARLPI. They are
23 the ones who brought the phone to help us coordinate.

24 PRESIDING JUDGE SCHMITT: [14:23:10] I think, Mr Ayena, with regard to this
25 document, you could move on.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

- 1 MR AYENA ODONGO: [14:23:14] Yes.
- 2 PRESIDING JUDGE SCHMITT: [14:23:15] I also perhaps just think aloud, we have
3 here differently to the other documents.
- 4 MR AYENA ODONGO: [14:23:20] Yes.
- 5 PRESIDING JUDGE SCHMITT: [14:23:20] The first line, possible and contacts.
- 6 MR AYENA ODONGO: [14:23:23] Yes.
- 7 PRESIDING JUDGE SCHMITT: [14:23:23] So this does not say a lot, frankly
8 speaking, so please perhaps move to -- (Overlapping speakers)
- 9 MR AYENA ODONGO: [14:23:30] I want to move to tab 7, your Honours. It is
10 ERN number UGA -- of course the same, page 507.
- 11 PRESIDING JUDGE SCHMITT: [14:23:45] And again the question was,
12 Mr Witness -- perhaps we display it for the witness on the screen. He might know
13 enough English to look at it, and this is, as I said, one reason why we entertain this
14 procedure is out of fairness to the witness.
- 15 MR AYENA ODONGO: [14:24:02] Yes.
- 16 PRESIDING JUDGE SCHMITT: [14:24:03] So he should have the document in
17 front of him. Also not publicly displayed, I think.
- 18 MR AYENA ODONGO: [14:24:25] And under other possible LRA contacts, under
19 that tab and ERN number, your Honours, the first one is stated to be -- I mean is
20 stated, "He has been meeting Nyeko Yadin on several occasions," and in bracket they
21 say, "The details of their discussions are not revealed."
- 22 Q. [14:24:50] Now, Rwot Oywak, do you recognise this person called Nyeko
23 Yadin?
- 24 A. [14:25:02] I know him very well.
- 25 Q. [14:25:08] Was he related to you?

1 A. [14:25:16] Yadin was a commander that was being sent by Kony during the
2 exchange of the correspondences during the peace -- peace talks, that's how I came to
3 know him.

4 PRESIDING JUDGE SCHMITT: [14:25:33] Again, Mr Ayena, we are talking about
5 contacts and the witness has already said that he had contacts in the broader realm of
6 the peace talks, so ...

7 MR AYENA ODONGO: [14:25:51] But I have something else, your Honour.

8 PRESIDING JUDGE SCHMITT: [14:25:54] Yeah, you could, for example, ask him
9 all the information that is in these five, under these five bullet points -- (Overlapping
10 speakers)

11 MR AYENA ODONGO: [14:26:01] In fact, I asked him whether Nyeko Yadin was
12 related to him.

13 Q. [14:26:09] Was he related to you?

14 A. [14:26:13] To me, Yadin is not my relative, I even don't know him. I only saw
15 him in the bush among the LRA because he was in the delegation from Joseph Kony
16 to bring correspondences. So he was together with Otti and that's why I met him.
17 And during the meeting there was a particular location at Koyo which was
18 designated by the government that should be the meeting place. It is not clearly
19 indicated here, but should have been Koyo Lalogi, which was designated by
20 government for the contacts with the LRA.

21 Q. [14:27:04] Thank you, Rwot Oywak. Can you tell this Court whether you
22 ever received any letter from Nyeko Tolbert Yadin?

23 A. [14:27:27] The letters that were received from Yadin, Otti, there are several
24 letters which were exchanged.

25 Q. [14:27:39] And this, did you receive any one of them in your personal

1 capacity?

2 A. [14:27:55] Nothing, none.

3 MR AYENA ODONGO: [14:27:59] Your Honours, I want to refer to tab 5. There
4 is a letter ERN number, and this is a notebook, tab 5 is actually a notebook which was
5 from the UPDF liaison officer, and the ERN number is -- it is actually UGA-0022-0354,
6 at page -- (Microphone not activated) I mean the ERN number is 343.

7 PRESIDING JUDGE SCHMITT: [14:28:58] 343.

8 MR AYENA ODONGO: [14:28:59] Yeah.

9 PRESIDING JUDGE SCHMITT: [14:29:00] Is 343. And the page is?

10 MR AYENA ODONGO: [14:29:02] And the page is 34 -- 354.

11 PRESIDING JUDGE SCHMITT: [14:29:16] I think we would also have to display
12 this for the witness, of course.

13 MR AYENA ODONGO: [14:29:20] Yes.

14 PRESIDING JUDGE SCHMITT: [14:29:42] Could it be made larger for the witness,
15 please. Thank you.

16 MR AYENA ODONGO: [14:29:55]

17 Q. [14:29:55] Do you see that letter, Rwot Oywak?

18 A. [14:30:01] Yes, I am seeing.

19 Q. [14:30:03] Is that handwriting familiar to you?

20 A. [14:30:14] I'm still seeing it now, this letter. I'm seeing it now. It did not
21 reach me. I am seeing it was addressed to me, but did not reach me.

22 Q. [14:30:27] My question is, is that handwriting familiar to you in view of the
23 fact that you have told the Court that you received several correspondences between
24 you and LRA commanders?

25 A. [14:30:52] I would like to respond to it this way: I did say that it is written to

1 me. The letters are written for the coordination that we want to talk. I see this one
2 has being addressed to me but I never saw this letter.

3 Secondly, when a letter is written for me to -- for us to bring to the president, we
4 didn't even open it. I -- I wouldn't know the handwriting. The one that we took to
5 the president was also -- I replied, I saw a copy here.

6 PRESIDING JUDGE SCHMITT: [14:31:31] I think he has answered that question.

7 MR AYENA ODONGO: [14:31:36] I want, your Honours, to refer him to another
8 letter which is on page 355, same ERN number. Can you display that to him.

9 Q. [14:32:24] Rwot Oywak, do you see that letter which was apparently written
10 on March 2nd, 2003?

11 A. [14:32:40] I have just seen this letter now, I'm seeing it together with you
12 people.

13 Q. [14:32:48] Do you see the addressee as "Omara"? Can you tell the Court what
14 omara means?

15 A. [14:33:05] In Acholi, omara is a person -- is a cousin where mothers of the two
16 come from. Secondly, it also means that the two of you married from the same home,
17 you also call each other omara. I see here they've written "omara," I -- I need -- "You
18 should inform Rwot that we are fine." I don't know if that is what is written.

19 Q. [14:33:46] (Speaks Acholi), is that what is written there?

20 A. [14:33:51] Yes, "I greet you in the name of the Lord, we are still following the
21 Lord well."

22 Q. [14:34:01] And the letter part, (Speaks Acholi).

23 A. [14:34:11] "Jimmy told me everything, we put this in your hands, in chief."

24 Because Jimmy is also a chief, we have a chief called Jimmy. I don't know which
25 Jimmy, whether it is Jimmy who is rwot because the rwot of Puranga is also Jimmy.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [14:34:34] Have I understood you correctly,
2 Mr Witness, that you see this document, this letter for the first time, or am I wrong.
- 3 THE WITNESS: [14:34:47] (Interpretation) I am seeing it for the first time
4 together with the people who are seeing it now.
- 5 PRESIDING JUDGE SCHMITT: [14:34:51] Okay, thank you.
- 6 MR AYENA ODONGO: [14:34:54]
- 7 Q. [14:34:55] Rwot Oywak, do you recognise that this is the same handwriting?
- 8 PRESIDING JUDGE SCHMITT: [14:35:03] I think we can have -- we have a look
9 ourselves and he is not, not better in -- he is not a forensic expert and we are also not
10 forensic expert.
- 11 MR AYENA ODONGO: [14:35:14] (Overlapping speakers)
- 12 PRESIDING JUDGE SCHMITT: [14:35:15] We had a look at it and there seem to be
13 some similarities, so to speak.
- 14 MR AYENA ODONGO: [14:35:21] (Overlapping speakers)
- 15 PRESIDING JUDGE SCHMITT: [14:35:21] But we never know because we are not
16 experts in that respect.
- 17 MR AYENA ODONGO: [14:35:25] I am much obliged, your Honour.
18 I refer you again, your Honours, to page 345.
- 19 Q. [14:35:57] Mr Witness -- or, rather, Rwot Oywak, is it apparent to you, as it is
20 to me, that this is the same handwriting again?
- 21 A. [14:36:16] The writings look similar and I think the letters were kept in the
22 same -- same manner. But this one is written in English.
- 23 PRESIDING JUDGE SCHMITT: [14:36:29] So I think we leave it at that.
- 24 MR AYENA ODONGO: [14:36:32] Yes.
- 25 PRESIDING JUDGE SCHMITT: [14:36:32] We cannot expect more from the

1 witness and we should not, especially, this is more important.

2 MR AYENA ODONGO: [14:36:40] Your Honours, I want to refer the witness again
3 to page 347.

4 PRESIDING JUDGE SCHMITT: [14:36:59] Do you want to put a question to him in
5 that regard --

6 MR AYENA ODONGO: Yes.

7 PRESIDING JUDGE SCHMITT: -- that goes beyond recognition or identification of
8 handwriting?

9 MR AYENA ODONGO: [14:37:14] Yes, identification of the handwriting. And I
10 leave it to your Honours to --

11 PRESIDING JUDGE SCHMITT: [14:37:18] I think we have seen it now, you simply
12 can move on.

13 MR AYENA ODONGO: [14:37:22] Yes. And several others, your Honours, which
14 are in that binder. Perhaps the only thing I want to con-- I mean, to draw your
15 attention to is on page 346.

16 PRESIDING JUDGE SCHMITT: [14:37:50] The information that goes -- or, not
17 information, an issue that goes beyond the mere handwriting?

18 MR AYENA ODONGO: [14:37:56] Yes. Yes. I want him to take note of -- oh,
19 sorry, it's not yet displayed. Is it displayed? Yeah.

20 Q. [14:38:06] I want you to take note of the fourth line where it is written "J.O."
21 Do you see that handwriting, "J.O."?

22 A. [14:38:32] Yes, I am seeing, I'm seeing the handwriting "J.O."

23 Q. [14:38:39] Could that have been your handwriting and your initial?

24 A. [14:38:48] I cannot write in English and my name doesn't start with "O", it is
25 Joseph Ywakamoi. It's not my handwriting and it's not my letter. If you remember

1 yesterday I mentioned that there were so many letters which were written to various
2 groups of people, perhaps this is one of the letters that was written.

3 Q. [14:39:15] Yeah.

4 MR AYENA ODONGO: [14:39:29] Your Honours, I want to refer again to a
5 correspondence which is under tab 21.

6 PRESIDING JUDGE SCHMITT: [14:39:45] Can you please give us the ERN
7 number.

8 MR AYENA ODONGO: [14:39:47] The ERN number is UGA-0138-0279.

9 PRESIDING JUDGE SCHMITT: [14:40:31] I think you can put your questions now,
10 it is displayed.

11 MR AYENA ODONGO: [14:40:34] Yeah.

12 Q. [14:40:35] Rwot Oywak, do you see that letter?

13 A. [14:40:40] Yes, I have seen this letter.

14 Q. [14:40:45] Do you see the signature below it on 20 February 2005?

15 A. [14:41:01] I remember this letter went to the mission, if I recall. Can you pull
16 it down a bit? It was the issue of the children whom we got from the bush.

17 Q. [14:41:27] Who wrote that letter?

18 A. [14:41:33] The name I saw there is Labalpiny, because we receive letters and
19 we forward it.

20 Q. [14:41:42] Is that Labalpiny? You can read the "an ki gen"?

21 A. [14:41:49] Can it be adjusted, please. I am not seeing it. "Sincerely Oyat
22 Francis Lapaico."

23 Q. [14:42:07] So it was written to you?

24 A. [14:42:09] Yes, because I'd received the children and taken them to Caritas and
25 they wanted to find out if the children reached well.

- 1 Q. [14:42:26] Can you tell Court what this letter is about?
- 2 A. [14:42:40] This letter is -- they are saying that we thank the lord and also from
3 the government side.
- 4 Q. [14:42:59] Sir, can I read and you follow?
- 5 A. [14:43:07] You can read.
- 6 Q. [14:43:09] "Mukwongo wapwoyo Rwot Lacwec". Have I read it correct?
- 7 A. [14:43:12] Yes, it is correct.
- 8 PRESIDING JUDGE SCHMITT: [14:43:08] But do we have to translate this now
9 completely and read it out completely?
- 10 MR AYENA ODONGO: [14:43:12] Because what he's saying is different from -- his
11 interpretation is different from what the import of the letter is.
- 12 PRESIDING JUDGE SCHMITT: [14:43:22] Then perhaps you read it.
- 13 MR AYENA ODONGO: [14:43:24] Yes.
- 14 PRESIDING JUDGE SCHMITT: [14:43:25] You are, as we know, it is your mother
15 tongue, as we say.
- 16 MR AYENA ODONGO: [14:43:29] Yes.
- 17 PRESIDING JUDGE SCHMITT: [14:43:29] You read it slowly and it is
18 then -- because we have to know what is going on and we try it at least, although the
19 booth will not be happy, but it is -- just think of it as it was an oral speech that has to
20 be translated. Please continue.
- 21 MR AYENA ODONGO: [14:43:47] (Interpretation)
- 22 "Firstly, we thank the lord for giving us an opportunity to talk to you through this
23 letter. We have received the letter which you sent to us, including the one that came
24 from the government. We kindly ask you to wait for our response to the letters,
25 including what will be required. Besides that, besides that we also request you to

1 inform Lokillamoi to return so that he can continue with his work, because we
2 understand he is a good person because he is helping the mothers of our children.
3 There's not much to say. I only send greetings, I send greetings to you and all of you
4 there."

5 THE WITNESS: [14:46:03] "An ki gen" --

6 MR AYENA ODONGO: [14:46:07] (Interpretation) Oh, "Sincerely Lap Oyat
7 Francis Lapaico."

8 THE WITNESS: [14:46:18] (Interpretation) Your Honours, when this letter was
9 written it was given to someone and given to me. I was the one who received it. I
10 sent it and took it to the people of Pajule and it was given to the LC-3 chairperson of
11 Pajule the way it was written. Because he had fled from amongst us for fear, even
12 the government letter which was given to me I sent it to them. Like I said, so many
13 letters were written and we sent it to them. That is the content of the letter and this
14 was not to bring any issue. I know about this letter.

15 PRESIDING JUDGE SCHMITT: [14:46:53] So I think this is --

16 MR AYENA ODONGO: [14:46:55] Yeah.

17 PRESIDING JUDGE SCHMITT: [14:46:56] -- really a sufficient answer, you can
18 move to the next point.

19 MR AYENA ODONGO: [14:47:00] Yes.

20 Q. [14:47:01] Thank you very much, Rwot Oywak.

21 A. [14:47:05] Thank you.

22 Q. [14:47:06] Rwot Oywak, let's now turn our attention to the attack on Pajule.

23 A. [14:47:16] Okay.

24 Q. [14:47:18] Is it still your testimony, Rwot Oywak, that the attack was
25 commanded by Dominic Ongwen?

1 A. [14:47:37] That is why I'm here. I confirm. Because he attacked me, I saw
2 him, I moved with him.

3 Q. [14:47:51] Now, Rwot Oywak, are you aware that government security
4 agencies constantly, including the police, constantly reported on the events that took
5 place especially regarding attacks by LRA? Are you aware that they constantly
6 reported this, reported on this?

7 A. [14:48:29] The other day I was mentioning that the issue of the attack on Pajule,
8 I found so many people were saying so many things, because for me I was not there, I
9 had been abducted.

10 Q. [14:48:46] My question is: Are you aware that every time this kind of episode
11 happened government security institutions reported on them, made their own
12 investigations and reported on them? Are you aware?

13 A. [14:49:07] The report which they piled was not brought to us as chiefs and they
14 didn't bring to us as victims, but we sat at a security meeting to confirm that we went
15 through the problems.

16 Q. [14:49:26] Did you say you sat in the security meetings?

17 A. [14:49:33] Yes, we sat in a meeting when we came back. We wanted to
18 understand who was absent and they were asking us what happened to us. Like I
19 mentioned, even soldiers were asking me and asking -- asking me to explain the kind
20 of guns that they had. I was mentioning this yesterday.

21 Q. [14:49:56] Did you produce minutes of that meeting?

22 A. [14:50:07] There were no minutes written. It was a community meeting and
23 there was no secretary. It's only those who called the meeting could record such a
24 meeting. For us, we had no reason to keep records of such a meeting. Unless some
25 people organise another meeting, then they will have another -- they will have

1 minutes of the meeting.

2 MR AYENA ODONGO: Your Honours, I want to refer the witness to tab 22. The
3 ERN number is UGA-OTP-256-335. Can you display that to him? I think we are
4 there.

5 Q. [14:51:19] I want you, Rwot Oywak, particularly to look at the eighth line from
6 the bottom, opposite the word "civilians". You count numbers one, two, three, four,
7 five, six, seven, up to number eight, from down.

8 A. [14:51:50] Yes, I can see "civilians, October 10th".

9 Q. [14:51:54] Yes. I want to read that portion:

10 "The October 10th attack was reported to have been commanded by Lukwiya Raska
11 who is said to be the LRA's deputy army commander."

12 Have you seen that, Rwot Oywak?

13 A. [14:52:19] Yes, I have seen. I've seen it.

14 Q. [14:52:29] And do you see the signature at the bottom?

15 A. [14:52:36] Yes, I have seen the signature, but I do not know what "CN" means.

16 Q. [14:52:44] Do you recognise the word "D/ASP"?

17 A. [14:53:01] I do not know what it means. Where is it?

18 Q. [14:53:05] The signature -- it is opposite the signature.

19 A. [14:53:10] Yes, I have seen it.

20 Q. [14:53:12] If I told you that --

21 A. [14:53:17] I can see "ASP".

22 Q. [14:53:23] Do you know what it means?

23 A. [14:53:26] I do not know.

24 Q. [14:53:31] If I told you, Rwot Oywak, that D/ASP means deputy assistant
25 superintendent of police, would that trigger a memory in your head?

1 A. [14:53:52] You are speaking in police language.

2 Q. [14:53:59] I'm not speaking police language. That is what it is called.

3 A. [14:54:12] I do not know what it means. If it is not police language, then I
4 don't know. If you can explain to me so that I can also know.

5 Q. [14:54:27] Now, Rwot Oywak, I want to remind you constantly in my
6 interaction with you that you are a chief, and I want to find out from you in view of
7 you being a chief whether you would regard Dominic Ongwen as your son?

8 A. [14:55:02] I said that all children, even the elderly people, as long as you are
9 under my chieftaincy, I call you my son. The reason why I came, the reason why I
10 went to the bush, was because of my children. Why I came here up in this foreign
11 land is for my children.

12 Q. [14:55:28] I'm very proud about that attitude of yours, Rwot Oywak.
13 That brings me to the conclusion that where you may have faltered in your testimony,
14 you have the opportunity to repair it now through the questions I'm going to put to
15 you.

16 And I begin like this: On the morning of the attack, how many people did you have
17 in your house?

18 A. [14:56:15] There was me, my children. There were three children who were
19 sleeping in another room. Me and my wife were sleeping in another room. We
20 were five in total.

21 Q. [14:56:37] And of the five of you, you were only -- you were the only person
22 who was taken out; is that correct?

23 A. [14:56:50] Yes, I was abducted. Because I was -- the door which I was
24 sleeping in was kicked. My wife fell under the bed, there were bullets everywhere,
25 there was noise, and there was fire burning.

1 Q. [14:57:19] Did you in your statement, do you remember saying that you had
2 three girls, Angee and Scovia, who was 16 and 18 years at that time? Do you
3 remember saying that?

4 A. [14:57:49] I remember that I said that my children were abducted. Perhaps
5 they did not differentiate the days because there were many attacks in Pajule.

6 Q. [14:58:02] In your statement you said in the same house, there were two of
7 your daughters, Angee and Scovia who were sleeping in different rooms, in a
8 different room; is that correct?

9 A. [14:58:21] Yes.

10 Q. [14:58:24] Can you tell Court the age bracket that the LRA soldiers were most
11 interested in whenever they attacked a population?

12 A. [14:58:54] When the LRA get you, even if you're aged 10, 10 and above, they
13 will go with you when they get you.

14 Q. [14:59:08] In terms of abduction, which age bracket were very -- were they
15 very pungent about?

16 A. [14:59:26] Your Honour, since these people started fighting, they did not
17 indicate which age bracket they're interested in. That is what they would do.

18 PRESIDING JUDGE SCHMITT: [14:59:41] I think we have to take it, the answer, as
19 he has given it. We have heard other evidence, we have heard a lot of evidence, and
20 we have to assess it in the end.

21 MR AYENA ODONGO: [14:59:52] Yes, thank you, your Honour.

22 Q. [14:59:54] Now, can you tell this Court, Rwot Oywak, when you got out can
23 you describe the gunshots, who were firing the gunshots, whether you saw them or
24 you were told about them. Who were firing the gunshots?

25 A. [15:00:24] I was not just told. I said clearly that my door was kicked opened, I

1 was taken out, pulled out of my house. As I came out, I could see my neighbour was
2 also being pulled out. From all the different corners people were actually being
3 gathered to come to one point. I was pushed to run towards where the location was,
4 and I was given a bag of sack -- a sack of rice to carry.

5 Q. [15:01:04] Now, Rwot Oywak, can you tell this Court whether you knew
6 somebody called Raska Lukwiya and whether he was there.

7 A. [15:01:22] I think, sir, if yesterday you were here in the Court, I explained that I
8 found Raska Lukwiya was together with Otti Vincent and also together with Ongwen
9 Dominic and Acel Calo Apar. All those people were there on that day, but how we
10 got them, we got Ongwen in Pajule. Otti Vincent we got at Got Latanya.

11 Q. [15:01:58] Now, when you were still in Pajule, did you ever get to know that
12 Lukwiya was anywhere in Pajule in the mix of those who were firing?

13 A. [15:02:21] I think he was there because the LRA command -- there were several
14 LRA commands, but the person whom I was taken to was Dominic Ongwen who was
15 under a certain bigotry and there were very many people who were gathered. It
16 could be that he was there because there were very many of them.

17 MR AYENA ODONGO: [15:02:45] Your Honours, I want to refer, just to refresh
18 his memory, to tab 2 ERN number UGA-OTP-241-551, paragraph 28. And I want to
19 read from the second last sentence -- I mean, line.

20 "I did not see or hear Raska Lukwiya giving orders. He was busy firing his gun, and
21 it was Ongwen's voice I kept hearing. He was busy firing his gun, and it was
22 Ongwen's voice I kept on -- I kept hearing."

23 How did you know that Lukwiya was busy firing his gun?

24 A. [15:03:58] Because the person who gave the orders for the withdraw, calling all
25 the soldiers, it was Ongwen. That is why I heard the names, because he was calling

1 the names of his commanders to withdraw, because I had not met him before, but
2 Ongwen, I had met him before. That's why I knew him.

3 Q. [15:04:25] Rwot Oywak, I want to tell you that this is not what you have put in
4 your statement. You are saying he was busy, Lukwiya was busy firing his gun.
5 How did you know that he was busy firing his gun?

6 A. [15:04:44] Sir, I said the person who called these people to come back was
7 Ongwen. He was calling them by their names. So if he called them by their names,
8 that means I have heard their names.

9 Q. [15:05:00] Not the firing?

10 A. [15:05:06] When he was now stopping the fighting, he was stopping the firing,
11 that we should now leave.

12 Q. [15:05:11] Very well. Did you get to know between Dominic Ongwen and
13 Raska Lukwiya who was senior to the other?

14 A. [15:05:32] I did not know about that. I didn't know who was more senior to
15 the other. The person whom I know was senior was Otti and Nyeko Yadin at the
16 time when I saw them, but between Ongwen and Raska, I do not know who was
17 senior. But Ongwen was the one calling them. That means at that time Ongwen
18 was the senior commander there, so even if Ongwen was -- even if Yadin was the
19 senior commander, I don't know, but that is how Dominic was calling him.

20 Q. [15:06:12] Do you remember the police report that I referred to earlier where
21 Raska Lukwiya was being referred to as the deputy army commander?

22 A. [15:06:37] Well, I don't know how he wrote his report because I did not see the
23 report, but myself who was physically abducted, the person that I found was
24 commanding that place was Dominic Ongwen. That means he was the one who led
25 the people to come there. So if it was Lukwiya who sent him to come and attack, I

1 don't know.

2 Q. [15:07:05] Now, Rwot Oywak, I want you to get very serious at this point.

3 When you were abducted, were you made to carry any luggage?

4 A. [15:07:23] I have said this several times. Even now I said that I carried
5 luggage. I was given rice to carry. Yesterday I said it was about 50 or 60 kilograms.

6 Q. [15:07:45] Now, I want you to describe in epic detail how you carried the
7 luggage. Was it on the head, was it on the back, or did you just hold it in your hand?

8 A. [15:08:09] Counsel, yesterday I said I was given to carry, it was put on my back
9 and I carried while running with it. You cannot carry it on your side and you cannot
10 carry it in any other place, like on your shoulder.

11 Q. [15:08:31] You remember, Rwot Oywak, that somewhere you said you carried
12 it on the head? In the two different statements, one on the 13th and the other on 6th
13 September, you said you carried -- one you carried on your head and the other you
14 carried on your back. Which one is true of the two?

15 A. [15:09:02] Things start from your -- the head and then comes to your neck.
16 That is still carrying luggage.

17 Q. [15:09:10] Now, Mr Rwot Oywak, of course you're not a mister. Rwot Oywak,
18 somebody told this Court that as a matter of fact from the beginning people knew you
19 were a chief and therefore you are the only person on that day who did not carry any
20 luggage. What do you say about that?

21 A. [15:09:44] That is not correct. When the person said that, where was he and
22 why -- when he saw -- said that I did not carry the luggage, where was he?

23 Q. [15:10:01] Well, he was one of those with whom you were herded, you were
24 abducted.

25 A. [15:10:13] It could be he's saying the correct thing because you carry luggage

1 and then you pass on to another person as you're moving. Along the way, you carry
2 for some time and then you pass it on to another person. So he could have seen
3 because I did not carry right from Pajule up to Latanya.

4 Q. [15:10:36] That seems not to be your evidence -- I mean, your statement. It is
5 not reflected in your statement, Rwot Oywak, and remember you're a chief.

6 A. [15:10:51] I have to tell you what happened to me. So if you put your trust on
7 somebody who comes to tell you something about me, but I'm now telling you
8 personally information, something that happened to me, so which one is correct?

9 Q. [15:11:11] Now, Rwot Oywak, before the attack on Pajule, did you have any
10 telephone conversation with any of the commanders, in particular Vincent Otti?

11 A. [15:11:36] For us, we were celebrating the Independence Day. Everybody
12 was celebrating, people were dancing. All of us were drunk. It was a big day.

13 PRESIDING JUDGE SCHMITT: [15:11:51] That seems to be a no.

14 MR AYENA ODONGO: [15:11:53] Yes, yes, I ...

15 Q. [15:11:58] It is being suggested, Rwot Oywak, that prior to the attack -- prior to
16 the attack you had a telephone conversation with Vincent Otti where you actually
17 told Vincent Otti that, "You know what? The population of Pajule are at the most
18 vulnerable around Uhuru time because people have bought a lot of stuff, so many
19 people have come from the towns, they are here. So if you want to really pick stuff,
20 this is the time you should come." What do you say about that, Rwot Oywak?

21 A. [15:13:02] That I say blatant lie, that is a concocted -- is a concocted story.
22 Why didn't this information come out during the Garamba talk? Why should it wait
23 when Otti has died, then this information comes out?

24 PRESIDING JUDGE SCHMITT: [15:13:19] You know, Mr Ayena, that we have to
25 finish at quarter past 3 so it could be --

- 1 MR AYENA ODONGO: [15:13:25] The last question.
- 2 PRESIDING JUDGE SCHMITT: [15:13:27] Yes, okay. Good. No problem. I
3 only wanted to remind you that we don't have 15 minutes. We have only two or
4 three minutes. But please put this next question to the witness if you want.
- 5 MR AYENA ODONGO: [15:14:29] Your Honours, maybe I'll refer you to tab 4 in
6 respect to what I have just put to him, tab 4.
- 7 PRESIDING JUDGE SCHMITT: [15:14:39] This is the last what we do today.
8 Okay, tab 4, yes.
- 9 MR AYENA ODONGO: [15:14:44] Yes. Tab 4 and it is UGA-OTP-70-26 -- 29
10 rather, 29, and it is on paragraph 44.
- 11 PRESIDING JUDGE SCHMITT: [15:15:16] We have taken note of it but the witness
12 has already commented on it, and of course we knew that this was the reference of
13 you, so --
- 14 MR AYENA ODONGO: [15:15:24] But, your Honour, if I can just finish round
15 with one last question.
- 16 PRESIDING JUDGE SCHMITT: [15:15:29] But please one last question indeed.
- 17 MR AYENA ODONGO: [15:15:32] Yes.
- 18 Q. [15:15:32] Rwot Oywak, now you said when you reached where
19 Dominic Ongwen was, he kicked you and you fell down; is that correct?
- 20 A. [15:15:50] He beat me, he kicked me. There were very many people. He
21 wanted us to lie down, everybody to lie down.
- 22 Q. [15:15:58] No, you said he kicked you and you fell down; is that correct?
- 23 A. [15:16:06] I accepted yesterday, even today. You still want me to accept?
- 24 Q. [15:16:14] Is this the same Ongwen you found limping? Is this the same
25 Ongwen you found holding a gun with two hands? Is this the same Ongwen who

1 was holding a stick? Is this the same Ongwen who was strapped with a telephone?

2 A. [15:16:38] It is the same Ongwen whom I saw, I know him, the same Ongwen
3 that yesterday I -- I confirmed the photographs to say that he's the one, he's not
4 different, he's still the same Ongwen now.

5 Q. [15:16:57] Rwot Oywak, do you want Court to believe you, that the same
6 Ongwen who was limping was strong enough to kick you and throw you down when
7 he was holding a gun, when he was holding a stick?

8 A. [15:17:13] Even up to now, Ongwen limps. I don't know whether the limping
9 has disappeared from here.

10 PRESIDING JUDGE SCHMITT: [15:17:22] I think this really should be enough.

11 MR AYENA ODONGO: [15:17:23] Yes.

12 PRESIDING JUDGE SCHMITT: [15:17:24] As an answer and also for today. This
13 concludes the hearing only for today. We resume tomorrow at 9.30.

14 MR AYENA ODONGO: [15:17:31] Much obliged.

15 THE COURT USHER: [15:17:33] All rise.

16 (The hearing ends in open session at 3.17 p.m.)