

Trial Hearing

(Open Session)

ICC-02/04-01/15

1 International Criminal Court

2 Trial Chamber IX

3 Situation: Republic of Uganda

4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15

5 Presiding Judge Bertram Schmitt, Judge Peter Kovacs and

6 Judge Raul C. Pangalangan

7 Trial Hearing - Courtroom 3

8 Tuesday, 7 March 2017

9 (The hearing starts in open session at 9.32 a.m.)

10 THE COURT USHER: [9:32:50] All rise.

11 The International Criminal Court is now in session.

12 PRESIDING JUDGE SCHMITT: [9:33:06] Could the court officer please call the case.

13 THE COURT OFFICER: [9:33:09] Thank you, Mr President.

14 The situation in Uganda in the case of The Prosecutor versus Dominic Ongwen, case
15 reference ICC-02/04-01/15.

16 For the record, we are in open session.

17 PRESIDING JUDGE SCHMITT: [9:33:22] Thank you.

18 I ask for the appearances of the parties. And since the parties seem to have changed a
19 little bit at least, we need the names. Please, Mr Sachithanandan.

20 MR SACHITHANANDAN: [9:33:32] Your Honour, I'm appearing today with

21 Beti Hohler; and with Mr Gumpert, back in the driving seat; Mr Colin Black; Colleen Gilg;

22 Yulia Nuzban; Adesola Adeboyejo; Xinwei Liu; Julian Elderfield; and

23 Ramu Fatima Bittaye.

24 PRESIDING JUDGE SCHMITT: [9:33:51] Thank you.

25 And the Legal Representatives of Victims.

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WITNESS: UGA-OTP-P-0205

1 MS HIRST: [9:33:57] Good morning, your Honours. Megan Hirst appearing with
2 James Mawira.

3 PRESIDING JUDGE SCHMITT: [9:34:01] And the second team.

4 MS MASSIDDA: [9:34:05] Good morning, your Honour. Paolina Massidda back again
5 too. With me today Ms Jane Adong; Mr Orchlon Narantsetseg; and Ms Jacqueline Atim.

6 PRESIDING JUDGE SCHMITT: [9:34:16] Thank you.

7 And for the Defence, please.

8 MR OBHOF: [9:34:18] Good morning, your Honours. Today we have with us counsel
9 Krispus Ayena Odongo, our associate counsel; Chief Charles Achaleke Taku; myself,
10 Thomas Obhof; and our client, Mr Dominic Ongwen.

11 PRESIDING JUDGE SCHMITT: [9:34:31] Thank you.

12 And we also welcome Ms Kerwegi in the courtroom as legal counsel for the witness.

13 MS KERWEGI: [9:34:35] Good morning, your Honour. Sarah Kerwegi.

14 PRESIDING JUDGE SCHMITT: [9:34:39] Thank you.

15 We continue with the examination of the witness and Mr Sachithanandan, who is at the
16 moment obviously then in the driving seat, has still the floor.

17 MR SACHITHANANDAN: [9:34:48] Thank you, your Honour.

18 WITNESS: UGA-OTP-P-0205 (On former oath)

19 (The witness speaks Acholi)

20 QUESTIONED BY MR SACHITHANANDAN: (Continuing)

21 Q. [9:34:52] Good morning, Mr Witness.

22 A. [9:34:56] Good morning.

23 Q. [9:34:57] Mr Witness, we stopped yesterday with -- by discussing Abok. But I
24 forgot to do something just before that, which is to see whether we can find the Lukodi
25 standby on the big map that you annotated, and that's what we're going to do now. So if

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1 we can, if we can look at the computer, and the tab is tab 1 of binder 1, the ERN for the
2 record, again, is 0233-1386. The map should be on evidence 2 right now. If we can just
3 scroll to the right and zoom in so that we can see the annotation.

4 Mr Witness, can you see number 7, it says "Dominic Lukodi standby"? Can you please
5 confirm that you see it?

6 A. [9:36:13] It's not very clear. I can't see it clearly.

7 Q. [9:36:19] Let's just zoom in a little bit.

8 All right. If you can look at number 7 now.

9 A. [9:36:27] Yes, I can now see it.

10 Q. [9:36:29] All right. Let's try to find it in the map. If we can go left.

11 All right. You see number 7 there near "Omel Bar"?

12 A. [9:36:53] Yes, I've seen.

13 Q. [9:36:54] Is that where the Lukodi standby occurred?

14 A. [9:37:00] Yes, exactly.

15 Q. [9:37:02] All right. Thank you. And just before we close the map, the
16 annotations on the right you saw from number 1 to number 8, who wrote those
17 annotations?

18 A. [9:37:21] I did.

19 Q. [9:37:22] Okay. Thank you. We can close the map now.

20 Mr Witness, when we were discussing your conversation with Dominic Ongwen about
21 Abok, and shortly afterwards you said you departed from that location with a number of
22 women, around that time were there any changes to Mr Ongwen's rank?

23 A. [9:38:25] After that, yes, his ranks were increased. Actually his ranks changed.

24 Q. [9:38:38] And around that time what was the change that occurred in his ranks?

25 A. [9:38:49] At that time they were now two. Ocan George, who was the CO of Siba

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1 was also brought to the brigade headquarter together with Dominic, and he started
2 working together with him.

3 Q. Right. And Dominic's rank, was there any change, for example, in armies there are
4 ranks, major, lieutenant colonel, colonel, et cetera, was there any change in Dominic's
5 ranks?

6 A. [9:39:28] He was lieutenant colonel at that time.

7 MR SACHITHANANDAN: [9:39:37] Your Honour, may I refresh the witness'
8 memory.

9 Q. Mr Witness, I'm just going to read from the transcript of an interview you did with
10 the Office of the Prosecutor.

11 For the record this is tab 31 of binder 2, that is 0243-0760, and the page is 0766, starting
12 from the top.

13 Mr Witness, the questioner asks about Dominic Ongwen:

14 "When did he become a colonel?"

15 And in the next line you respond: "Promotions could come even after a week or after
16 two months, but during that time, just before I left him in June, that was when he got that
17 promotion to colonel."

18 Does that refresh your memory?

19 A. [9:41:10] His rank, he got his rank of colonel at the time we went to Sudan together
20 with Ocan George, after he had sent the operation report of Lukodi, he sent this report
21 using Ocan George's radio call and then his rank was -- then he was promoted. But
22 when I left and when I was going, his rank was lieutenant colonel, that was when I was
23 going to Buk.

24 Q. [9:41:46] So tell us about this report he made using Ocan George's radio call. Did
25 you see that with your eyes? And perhaps you can describe it to us.

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1 A. [9:42:09] At the time Dominic was called -- when Kony called Dominic and Ocan to
2 go to him, we met and at that time Dominic had a radio call that was not functioning, but
3 Ocan George had a radio call that was functioning, so he used that radio call that belongs
4 to Ocan George to make the report. Then we left Uganda to go to Sudan to meet Kony.
5 Yes, I was present.

6 Q. [9:42:49] Okay. I'm sorry, this is an obvious question, but you say you were
7 present, does that mean you saw and heard this report or does it not?

8 A. [9:43:07] I heard when they were talking, I saw from the book that he had written
9 his notes and I was reading from his notebook. I was standing next to him. Although I
10 did not read each word one by one, but I stood near him and I was hearing what he was
11 saying.

12 Q. [9:43:33] And when you say "him", who are you referring to?

13 A. [9:43:38] Dominic.

14 Q. [9:43:43] Could you tell us in detail what was reported?

15 A. [9:43:58] On this report about the operation he was doing and his work in his
16 brigade, the work he was doing together with Ocan, he was reporting about it. He
17 reported about an attack on Lukodi. He also reported on the attack on Odek, and also he
18 talked about another camp that was attacked by Labongo which was in Orii. He
19 attacked one camp there. And then also there were other lives that were lost, he also
20 talked about it together with the items that he received at that time or he got at that time.
21 That is what I heard, items like guns and also people who were abducted.

22 Q. [9:44:58] Right. And now let's take that step by step because that's a lot of
23 information.

24 What was said about Lukodi to the best of your recollection?

25 A. [9:45:19] About Lukodi he said he sent people, he sent soldiers who went and

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1 attacked Lukodi barracks and they burnt the camps down, but the number of people who
2 died in Lukodi I did not hear him talk about it.

3 Q. [9:45:47] Again, sorry, instead of saying "he", "him" it's better you say names
4 because if not I have to keep bothering you by asking who you mean by "him". Yeah?
5 So could you please for the record say who you're talking about right now.

6 A. [9:46:14] Dominic was the one sending this report.

7 Q. [9:46:20] And who was receiving the report, if you know?

8 A. [9:46:31] From Kony's side, the signaller that was receiving was Labalpiny.

9 Q. [9:46:42] Could you only hear Dominic's side of the conversation or could you hear
10 Dominic's side as well as Labalpiny's side?

11 A. [9:46:57] I could also hear Labalpiny's communication, and also Kony took over the
12 radio calls and also gave instruction on how fast Odomi should work, move to him.

13 Q. [9:47:16] Okay. Let's move to Odek. You said there was also a reference to Odek
14 in Dominic's report. What did he say?

15 A. [9:47:34] About Odek Dominic sent a report that he sent soldiers to attack Odek.
16 They burnt down the barracks. They also collected guns that they got from there. That
17 is what I heard, or I heard when Dominic was mentioning this.

18 Q. [9:47:59] You mentioned that abductions were referred to. What was said by
19 Dominic about abductions?

20 A. [9:48:14] About abductions he also gave the information on the number that he had
21 and he was going with to where Kony was. He gave the number of girls he was going
22 with and he had those numbers and he gave that number to Kony, he sent it on radio call
23 to Labalpiny.

24 Q. [9:48:39] Now, without mentioning your involvement in any operation, could you
25 tell us to which operations these women were related, if you know?

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1 A. [9:49:00] Yes, I can explain.

2 Q. [9:49:02] Please, go ahead.

3 A. [9:49:13] Amongst them were abductions done in Omiya Pacwa, (Redacted)

4 (Redacted) in additions to the girls that

5 were abducted earlier, those were the total numbers that Dominic gave.

6 Q. [9:49:55] Now, you mentioned that this was -- now, when you're talking about the

7 reference to Lukodi, the reference to Odek the reference to abductions, is this all one

8 report or is this a number of different reports that you are recalling at the same time?

9 A. [9:50:24] All these things Dominic as the overall commander he prepares them in

10 his notebook, how the events occurred in a particular time, but when he's now

11 communicating and sending the report, he communicates exactly in line with the dates of

12 that particular attack. But for the abductions the dates could vary, so he will not give the

13 specific dates because the dates would vary, unless the -- if this was an abduction where

14 many people were captured at the same time, then the exact date can be communicated.

15 Q. [9:51:10] Right. Yes. I'm not really asking about the different attacks, I'm just

16 trying to see whether this was one report that you saw being made on the radio on one

17 day, or is it multiple reports that you saw being made on multiple days?

18 A. [9:51:40] These reports are collected together, they are like different reports that

19 have now been put together and then he sends them on one day.

20 Q. [9:51:52] And when -- when did this -- I'm trying to figure out when this happened.

21 So you remember your conversation that you had with Dominic about Abok. How

22 much time elapsed after that before you saw this report?

23 A. [9:52:18] It was -- it took some months, around three months, then the report

24 was -- he sent the report.

25 Q. [9:52:32] Right. So let's talk about this RV because you're seeing this report

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1 because you're at an RV. What was the purpose of this RV?

2 A. [9:53:02] In this RV Dominic was called to go to Sudan where he was taking
3 reports.

4 Q. [9:53:10] And where did this RV occur location wise?

5 A. [9:53:19] The RV occurred in Pader.

6 Q. [9:53:26] All right. And who told you to go to this RV?

7 A. [9:53:42] I was with Ocan, Ocan George Labongo, and we left together to go to that
8 RV to meet Dominic.

9 Q. [9:53:53] Who else was at this RV?

10 A. [9:54:15] The -- the people who were there include Otto Olebe, Okwer was also
11 there, Opige was also there, Dennis was there, Awere was also there and some other
12 people that I cannot now remember all.

13 Q. [9:55:14] What is the position and unit affiliation of Otto Olebe?

14 A. [9:55:31] Otto Olebe was in Sinia, Siba battalion.

15 Q. [9:55:45] And what about Opige?

16 A. [9:55:54] Opige was also in Sinia brigade at the brigade headquarter.

17 Q. [9:56:01] Dennis?

18 A. [9:56:07] Dennis was at Okwer's homestead.

19 Q. [9:56:24] All right. We're going to try and see if we can find this RV on the big
20 map that you annotated, so if you please could please look at your screen.

21 And we're going to go back to tab 1, binder 1, on evidence 2. Could we please zoom in
22 on the annotations on the right of the map.

23 Okay, do you see number 8 which says "Dominic Sudan"?

24 A. [9:57:17] Yes, I've seen.

25 Q. [9:57:18] We're going to try and find that location on the map.

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1 Do you see number 8 there?

2 A. [9:57:38] Yes, I've seen.

3 Q. [9:57:40] Is that the RV location you mentioned?

4 A. [9:57:54] This is a different RV, this is -- this was when he was brought -- he was
5 given a report about his promotion to brigade commander. But the RV that I went to
6 with Ocan George was not here at 8, it was the other side of the road to Pajule.

7 Q. [9:58:30] All right. And what was the purpose of this RV, the RV that we're
8 talking about now, where you and Ocan George went to meet Dominic Ongwen?

9 A. [9:58:49] To go to Sudan.

10 Q. [9:58:57] Right. And what happened after this RV?

11 A. [9:59:09] We left to -- for Sudan to meet Kony.

12 Q. [9:59:24] Please describe what happened when you met Kony?

13 A. [9:59:35] When we reached and met Kony at the Imatong hills in the Sudan, Kony
14 announced promotions and he promoted some of his people, he promoted Dominic, he
15 also promoted me and some other people. And the womens, the girls that we moved
16 with were also distributed. Amongst them --

17 MR SACHITHANANDAN: [10:00:19] Your Honour, may we go into private session
18 for --

19 PRESIDING JUDGE SCHMITT: [10:00:22] I have assumed that.

20 Private session, please.

21 MS KERWEGI: [10:00:32] Your Honour, I'm sorry, to interrupt right now --

22 (Private session at 10.00 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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7 MR SACHITHANANDAN: [10:31:21] Your Honour, I think we can -- we can leave

8 private session.

9 PRESIDING JUDGE SCHMITT: [10:31:25] Then we go to open session.

10 (Open session at 10.31 a.m.)

11 THE COURT OFFICER: [10:31:30] We are in open session, Mr President.

12 MR SACHITHANANDAN: [10:31:48]

13 Q. Mr Witness, we are now going to discuss abduction more generally. So now we
14 discussed a particular -- a number of individual locations, we're not going to discuss those
15 now, but more generally. You described a number of orders about abductions that came
16 from Dominic. Why did those orders come within the LRA? Is there a particular
17 reason, or did they just originate from Dominic?

18 A. [10:32:49] Well, I personally do not know how to respond to this because they
19 instructed us to do this and do that. But I do not know the reasons, they're the ones who
20 know the reasons.

21 Q. [10:33:06] No, you're right, and that was a bad question, so let me try again.
22 Were there -- now, you've described specific orders, what I'm asking is were there orders
23 of a more general nature within the LRA about abductions?

24 A. [10:33:32] Yes, there were general orders to abduct people.

25 Q. [10:33:40] Please describe in detail these orders?

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1 A. [10:33:53] When general orders are issued sometimes the orders are actually
2 stopped on a general basis as well.

3 Q. [10:34:08] Right. And where do these orders originate within the LRA?

4 A. [10:34:20] The orders originate from Kony.

5 Q. [10:34:27] And can you describe from Kony how they are disseminated through
6 the various levels of the LRA?

7 A. [10:34:49] When orders are issued, there are a number of ways of issuing orders I
8 can describe to you. Kony may issue orders after he's convened everybody together and
9 we are all in one place, all present, all listening. There are times when Kony would only
10 convene senior commanders, issue orders to these commanders, and there are times when
11 Kony would call a specific person and issue an order to that person, so Kony would call
12 that person and then his deputy and then issue the order and the person would go and
13 carry out that order.

14 Q. [10:35:43] Now there are various levels in the LRA; for example, you've described
15 how a brigade commander gives orders to battalion commanders, and you've described
16 how battalion commanders give orders to their subordinates. So I'm just trying to see
17 how would an order from Kony, let's say to abduct, how would it reach a junior soldier,
18 let's say a corporal or a private in a unit? I just want you to describe the path that it
19 would take.

20 A. [10:36:38] Well, I said earlier that if Kony issues an order he'll call his deputy, and
21 the other people that work with his deputy he would give them the report, then these
22 people would go to their various duties and then issue the -- issue these orders or send
23 out the reports and then the reports would trickle down. And the orders that Kony
24 would give generally, when he convenes everybody together, those orders, everybody
25 would actually be present and listening to those orders. But when we are talking about

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1 the army, he would give the orders to his 2IC and to his operation room. He would call
2 these people, issue the orders to these people, and then these people would send the
3 orders down to the COs.

4 Q. [10:37:53] Okay. So let's take that step by step. Kony gives the order to his
5 deputy. Who is his deputy at that time?

6 A. [10:38:07] It was Otti Vincent.

7 Q. [10:38:08] Okay, and from Vincent Otti who does it go to?

8 A. [10:38:19] From Vincent Otti, there are people who would come to Otti's office;
9 Lakati was one of them, Trigger was one of them, Banya was one of them, Yadin Tolbert
10 was one of them. They would go to Otti and Otti would issue these orders to them.
11 Then the brigade commanders will go to Lakati, receive the orders and then go back to his
12 or her brigade.

13 Q. [10:39:01] Okay. And just for completeness let's complete the chain. So from the
14 brigade commander where does it go, the order?

15 A. [10:39:13] From the brigade commander, the orders would go to the CO, from the
16 CO it would go to the OC, from the OCs it would go down to the sections.

17 Q. [10:39:27] Okay. When you say "CO" who is a C -- no, rephrase. What unit is
18 supervised by a CO?

19 A. [10:39:44] A battalion.

20 Q. [10:39:45] So what is an OC?

21 A. [10:39:57] The OC is in charge of a coy or company.

22 Q. [10:40:06] Right. Let's go back now to the general orders about abductions.
23 What was the content of the general order for abductions regarding women?

24 A. [10:40:38] If I use the example of 2002, prior to an operation, before an operation,
25 Kony convened everybody together. He then told us that whoever did not have a wife

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1 was going to get a wife. There were going to be abductions, beautiful girls should be
2 abducted and -- and boys also should be abducted, boys who are able to participate in the
3 army. Each brigade should ensure that they increase or they boost the number of their
4 units or their soldiers.

5 Q. [10:41:32] And this general order for abduction, did it remain in force in -- now,
6 you've mentioned Iron Fist, Iron Fist is in 2002 you said. Did the general order remain
7 open in 2003?

8 A. [10:41:57] They stopped abductions because abductions did not actually -- did not
9 go into 2002 and 2003. In 2003 we did not abduct so many people because at the time the
10 order had been -- they'd revoked the order.

11 Q. [10:42:31] Now we've discussed a number of abductions. Now I don't want you
12 to mention those particular abductions, but why did those abductions occur? Is that
13 because the order had been opened again?

14 A. [10:43:05] You know, it's -- I'm trying to think a way to explain so that you can
15 understand. You know, when you're assigned to a particular job there are times when
16 you may go over and above what you're supposed to do as an individual, so you may do
17 what you haven't been authorised to do and actually do the opposite of what you're
18 supposed to do.

19 Q. [10:43:51] Right. And let's -- we'll discuss that in detail then, but I think we'll
20 have to do that in private session. Let's just move forward. 2004, was there a general
21 order to abduct in 2004 or was it forbidden to abduct in 2004?

22 A. [10:44:11] No, there were no general orders to abduct in 2004. There were no
23 general orders to abduct, unless a particular commander decides to take his -- to do it
24 within his own initiative. If the commander comes across somebody that he or she
25 thinks he can abduct, then you abduct the person, keep quiet about it and then send the

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1 report after a period has elapsed.

2 If you go to this -- if you go with that person, if you go with that person openly they'll
3 know that this person has been abducted. So you hide the person, wait after a period
4 and then re-introduce the person to your group.

5 MR SACHITHANANDAN: [10:45:06] Your Honour, may we go briefly into private
6 session.

7 PRESIDING JUDGE SCHMITT: [10:45:09] Private session.

8 (Private session at 10.45 a.m.)

9 (Redacted)

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Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0205

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Trial Hearing

(Private Session)

ICC-02/04-01/15

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16 (Redacted) So at this point

17 wasn't there a problem because these abductions had been forbidden? I'm trying to

18 understand.

19 A. [10:53:33] Well, there were issues among these senior commanders at the time

20 when these abductions were going on. There were problems, Dominic was in trouble.

21 He was told to go to prison and Otti Vincent in Uganda, but he did not go.

22 Q. [10:54:14] Right. And I'm just trying to get a date for that. Was this -- was this in,

23 for example, we discussed Laliya in 2002, was it before Laliya or after Laliya that he -- that

24 Dominic was in trouble?

25 A. [10:54:43] It was after Laliya.

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1 PRESIDING JUDGE SCHMITT: [10:54:45] Can we go back to open session?

2 MR SACHITHANANDAN: [10:54:48] Yes, your Honour.

3 PRESIDING JUDGE SCHMITT: [10:54:49] Open session, please.

4 (Open session at 10.54 a.m.)

5 THE COURT OFFICER: [10:54:54] We are back in open session, Mr President.

6 PRESIDING JUDGE SCHMITT: [10:55:06] Thank you.

7 MR SACHITHANANDAN: [10:55:12]

8 Q. [10:55:13] And when he was told to go to prison and refused, was this after Ngora
9 or before Ngora?

10 A. [10:55:33] This was after Ngora.

11 Q. [10:55:43] Was it before the beginning of the Teso campaign or after the beginning
12 of the Teso campaign?

13 A. [10:55:58] It was after the Teso campaign.

14 Q. [10:56:04] And I think you've heard this question from me before: Was it before
15 the death of Tabuley or after the death of Tabuley?

16 A. [10:56:16] It was after the death of Tabuley. When you -- are you asking me about
17 the abductions at Laliya, or are you asking me about the orders regarding Dominic being
18 asked to go and see Otti?

19 Q. [10:56:37] The orders about Dominic being told to go and see Otti.

20 A. [10:56:47] That was after Tabuley's death.

21 Q. [10:56:52] Was it before Lukodi or after Lukodi?

22 A. [10:56:58] This took place after Lukodi. It was after Lukodi.

23 Q. [10:57:31] Was it -- is there any other date that you can give me so that -- I'm just
24 trying to understand when this happened, when Dominic was told to go to Otti. Is there
25 any -- do you remember the date actually? Maybe I should have asked that first.

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1 A. [10:57:55] No, I cannot actually recall the exact date, but I heard this over the radio
2 call (Redacted) when Dominic was being asked to go to Otti. (Redacted)
3 (Redacted) Dominic has been asked to go to Otti, to prison. (Redacted) So
4 it's a little bit difficult for me to -- to remember the exact date.

5 Q. [10:58:23] Okay, is this when Buk received his wives?

6 A. [10:58:34] Yes, it was at the time that I was with Buk, the time that had taken his
7 wives to him.

8 Q. [10:58:41] And why did Dominic -- well, if you know, why did Dominic not go to
9 Vincent Otti to go to prison?

10 A. [10:58:59] Well, I do not know because I was no longer there. I was far away from
11 him, he was in Gulu.

12 MR SACHITHANANDAN: [10:59:10] Your Honour, I think we can stop now.

13 PRESIDING JUDGE SCHMITT: [10:59:12] Yeah. I think it is a good time now to have
14 the coffee break, until 11.30.

15 THE COURT USHER: [10:59:18] All rise.

16 (Recess taken at 10.59 a.m.)

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

18 THE COURT USHER: [11:31:40] All rise.

19 PRESIDING JUDGE SCHMITT: [11:31:53] I recall for everybody that we are in open
20 session.

21 So Mr Sachithanandan you still have the floor.

22 MR SACHITHANANDAN: [11:32:09]

23 Q. [11:32:10] Mr Witness, you described a general order that existed for the abduction
24 of women some time in 2002. What type of women were LRA fighters supposed to
25 abduct? Were there any characteristics to bear in mind?

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1 A. [11:32:48] Girls.

2 Q. [11:33:01] Yes.

3 A. [11:33:04] To abduct girls.

4 Q. [11:33:08] Okay. But, for example, what was the age range that you were
5 supposed to focus on?

6 A. [11:33:26] Some girls are abducted while they're still young, for instance, from age
7 12. Others are abducted when they are already 18. Others are -- could be even 20 years
8 old if -- especially a girl who is still living at home is also abducted. So it's from 12 years
9 old upwards.

10 Q. [11:33:58] And was there any significance to abducting young girls?

11 A. [11:34:11] From my -- the way I hear, when it is being said, mostly it's because they
12 are expected to be healthy.

13 Q. [11:34:43] Were people worried about any particular disease?

14 A. [11:34:52] Yes, there were some particular diseases that people were worried of
15 which are transmitted through sex, so there were fears of those kinds of diseases.

16 Q. [11:35:12] You've been in a number of different units in Sinia. When you were in
17 Oka battalion, how many women were there?

18 A. [11:35:40] There were many women. Could do -- it's close to maybe 50.

19 PRESIDING JUDGE SCHMITT: [11:35:58] Yes, and may I ask something.

20 And how many men in this battalion?

21 THE WITNESS: [11:36:08] (Interpretation) There are about a hundred men.

22 MR SACHITHANANDAN: [11:36:14]

23 Q. [11:36:15] And before that, in 2004 when you were in Terwanga, how many
24 women in Terwanga?

25 A. [11:36:34] I don't exactly recall the exact numbers but yes, they were there.

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1 Q. [11:36:42] And of course I am not expecting an exact number, I want a rough
2 estimate, if you can.

3 A. [11:37:00] Well, there were -- there were about -- or, between 50 to -- from 50
4 upwards, there were also women in that number because some officers, yes, had some
5 women, yes.

6 Q. [11:37:16] In Sinia -- sorry, not Sinia, Siba, in Siba, how many women were there?

7 A. [11:37:32] Even in Siba there were many women. The number -- the number
8 varies, sometimes goes down, sometimes goes up, but I can estimate about from 30
9 upwards.

10 Q. [11:37:51] I forgot to ask: In Terwanga, you said there were upwards of 50
11 women. How many men were there in Terwanga?

12 A. [11:38:05] In Terwanga there were about 120 men.

13 Q. [11:38:14] And in Siba, men?

14 A. [11:38:21] Siba had more men compared to Terwanga at that time. There were
15 about 180.

16 Q. [11:38:36] Okay. And we're going to do another tour of the battalions. When
17 you were in Oka how many men had wives?

18 A. [11:38:55] Opoka had a wife, Okot Aliga had a wife, Ben Acellam had a wife, and
19 some other officers that I may not recall them by their name now and other sergeants.
20 Okello Naptali and Okeny. Opiyo. The others -- this is the only ones that I can
21 remember.

22 Q. [11:39:55] All right. And we'll do the same now. For Terwanga in 2004, how
23 many men had wives?

24 A. [11:40:24] At the time that Loum was still there before they had escaped, or Loum
25 had wives, Ojok Kampala had a wife, Kidega had a wife, Larit had a wife, Nyero had a

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1 wife, even Kobi while he was still there had a wife and some others.

2 Q. [11:41:05] Okay. Now for the same period, let's do Siba. How many men had
3 wives?

4 A. [11:41:26] Ocan George had wives. Awere has a wife. Otto Olebe has a wife.
5 And others, now I can't recall their names.

6 Q. [11:42:11] Now, it looks like not everyone had wives. So at what age or level of
7 maturity would one get a wife?

8 A. [11:42:36] In terms of having a wife, once you're mature in your age, from 20
9 upwards, you are given a wife if it was agreed that it should be given. Even when you
10 are 20, upwards of 20, if they have not yet agreed to give you, then you will not be given,
11 so you will stay without a wife.

12 Q. [11:43:09] Okay. So now I want you to think of, say, 2004-2005, that period, if
13 men come to marriageable age and want women, what happens? Like, describe to us the
14 procedure that takes place so that they end up with women.

15 A. [11:43:45] It begins from coy from OC. OC is aware of people whose age is now
16 at the right age for them to have a wife, then he will take a report of that person to the CO.
17 From each coy they bring to their CO and CO takes this report to the brigade commander,
18 then the brigade commander will take this report and send upwards.

19 MR SACHITHANANDAN: [11:44:33] Your Honour, can we go into private for about
20 two questions?

21 PRESIDING JUDGE SCHMITT: [11:44:39] Yes. Please.

22 (Private session at 11.44 a.m.)

23 (Redacted)

24 (Redacted)

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18 (Open session at 11.47 a.m.)

19 THE COURT OFFICER: [11:47:43] We are back in open session, Mr President.

20 MR SACHITHANANDAN: [11:47:56]

21 Q. [11:47:56] Mr Witness, thus far we've been talking mostly about women and now I
22 want to switch topics to abductions of a different sort and that is abductions of young
23 boys.

24 You mentioned yesterday about abductions at Laliya, and for the record I'll just mention
25 the transcript, that is transcript 47, realtime, page 21, lines 17 to 19.

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1 You mentioned, Mr Witness, that you saw amongst the boys -- sorry, I'll quote it:

2 "For those boys that I saw, they were between 12 -- they were from 12 ... and above

3 to ... 15 years."

4 Now, when you were in Sinia, in Siba, in Oka, in Terwanga, did you see children like that,
5 children under the age of 15?

6 A. [11:49:15] Yes, they were there.

7 Q. [11:49:23] So let's take an example of a boy, just so that everyone in this courtroom
8 understands, let's take, let's say, one boy who is around 12 or 13, is abducted and brought
9 into Sinia. What happens from that point in terms of -- yes, maybe you can tell us like a
10 story what happens from that point.

11 A. [11:50:13] When a young boy is brought, or any other person who has been
12 brought in the name of staying in the LRA rebels, they begin to talk to that person, asking
13 him -- when they ask the person, he is told to stay, that "This place where you have been
14 brought to, it's for you to stay, don't try to escape so that you don't lose your life. You
15 have to stay. Whatever any people here do, you also do the same. When government
16 soldiers come and they are shooting at us, don't lie down, run after people, follow them.
17 And in the same way that you came is also the same way that everybody that you see here
18 also came through, they were abducted and brought here and they were talked to just as
19 we are doing now. And they are told if you escape, you will be killed when you -- and
20 when they get you. So when you escape and you are caught, you will be killed. That is
21 what you are told. So if anyone tries to escape, yes, this person is caught and killed so
22 that the other people learn from it not to escape.

23 Q. [11:52:03] Right. So they are brought and they are given these warnings, and
24 what happens next to them?

25 A. [11:52:14] After that, when many of them have been brought, they are then

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1 distributed amongst the people. If there are not many, if there is, let's say if the overall
2 commander in charge of that place wanted, then they are sent to him, or they go to the
3 person who went to conduct the operation, or any other person that is seen that needs the
4 help of these new people, then he would be given to him to take care of them. Then he
5 begins to train them on how they -- how the army operates.

6 Q. [11:53:08] Now when a child of this age is brought to Oka or Terwanga or Siba,
7 who decides where this boy is going to be assigned in that unit?

8 A. [11:53:41] It depends. From the -- from the battalion it is the CO. From the
9 brigade it's the brigade commander.

10 Q. [11:53:57] Now of course when you are a 12 year old you don't know much about
11 fighting or war --

12 MR TAKU: [11:54:08] Your Honour, could -- your Honour, we object to this, answers,
13 he gives an answer or he makes a statement and -- put a question, he should put the
14 question instead of saying "... of course when you are a 12 year old you don't know ..."
15 how to -- well, I mean, that manner of putting questions, leading questions, your Honour,
16 is completely inappropriate.

17 PRESIDING JUDGE SCHMITT: [11:54:31] I think it's correct what you're saying, but
18 I think it's also not, it's also not a big problem to word it differently. So but it is sustained,
19 so to speak, but we don't make a formal procedure out of it.

20 MR SACHITHANANDAN: [11:54:45] I agree, your Honour. That was -- I will
21 rephrase.

22 Q. [11:54:49] Now these boys are brought and, as you said, they are given a warning
23 and they are assigned to a place. What happens to them, if at all, in terms of training?

24 A. [11:55:14] The command or the instruction for training them is given to the person
25 who is taking care of them. For example, if we are in Uganda or if they are in Uganda

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1 where they are in a mobile, you cannot gather all the recruits and train them together.
2 But when they are in Sudan at the base, then all of them are gathered together and are
3 trained together. But it will still be coming from wherever he was sent to, then he would
4 train and go back there. So if he is from coy they would go back to coy, to the person he
5 was staying with.

6 At the brigade there are people who are identified and they are known that they are able
7 to take care of people, and then there are those who are known that they are not capable
8 of taking care of people, so those ones are also known.

9 Then there are also people who should not talk to these children because the way he
10 would talk to these children may make the child to be crying, he would say thing which
11 was not appropriate. So then they are able to see a place where this child can
12 appropriately go and stay and then, as a way of letting the child to forget, that's where the
13 child is then put to stay.

14 Q. [11:57:02] What sort of training did these children receive?

15 A. [11:57:14] Mostly he is told how -- when they are in Uganda he is told that you
16 climb up, up on this tree and look into this direction. If you see there are people coming
17 from this direction, you say it out. So that person who is up there is now doing an OP
18 work. So you then communicate the number of people you have seen or from the
19 directions they are coming.

20 So you who is standing down below the tree, you now communicate to the people who
21 had gone to work. These are either the people who have gone to patrol and they are now
22 coming back. So that is how they go through their training.

23 Q. [11:58:23] And other than OP work, what other work were they taught?

24 A. [11:58:34] Fighting. They are taken as standby to wherever they are going, even
25 at the battlefield they also go. And from there you told whatever people do at the

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1 battlefront you don't lie down, you follow people from behind while you're shouting.

2 And when they get weapons, it's given to him and they are the ones who carry.

3 When they also get items from the house, he is also told to pick so he would also pick

4 what he has been told to pick. That is how they would -- he would be trained.

5 Q. [11:59:32] How would these children get weapons?

6 A. [11:59:50] When those who have guns are in front and they are fighting, when they

7 get an injured enemy soldier who has a gun, that is when now this child is made to pick

8 that gun if it was now his age to have a gun. But if he had not yet reached the age to

9 have a gun, then that gun is taken and given to another place and he's told that he will get

10 his gun later on. So that is how they get the guns.

11 But when they are in Sudan the guns are distributed to the children. So at the time when

12 they are in Sudan the guns are distributed. These are guns that are in the armoury, are

13 taken and given to the new recruits.

14 Q. [12:00:36] Right. And I want you to focus on -- now I don't want you to think of

15 Sudan. I want you to focus on 2002, 2003, 2004, 2005, you know, that period in Uganda.

16 Now how do you gauge when a child is ready to use a gun?

17 A. [12:01:13] At that time the child would have already got used to the activities and

18 also the child is showing interest in staying with the LRA. So even if he is assigned to an

19 OP alone he can do it. At that time he can be given, he or she can be given a gun. That

20 kind of person can now be given a gun. Because he or she has already got courage, has

21 been encouraged to stay in the bush.

22 Q. [12:01:55] Now you mentioned these children going on attacks. What sort of

23 work did they do during attacks?

24 A. [12:02:29] When people moved towards battle they just follow the others. After

25 the battle, then they carry goods and they request them to keep those goods very well up

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1 to the point of destination, they should not drop anything.

2 Q. [12:03:05] Right. Now we've discussed the general situation in great detail. I
3 want to move to some specific examples. You mentioned a child called Kidega Ocudi
4 during the Ngora incident. How old at that time was Kidega Ocudi?

5 A. [12:03:40] Kidega was about 13 years old.

6 Q. [12:03:49] Please describe Kidega's job and functions.

7 A. [12:04:02] Kidega was the person who would carry Dominic Ongwen's chair. He
8 would carry the chair and follow Ongwen wherever he goes. If Ongwen would like to
9 sit down, he gets the chair from Kidega.

10 Q. [12:04:33] Did he have any -- sorry, am I being heard?

11 PRESIDING JUDGE SCHMITT: [12:04:38] Yes.

12 MR SACHITHANANDAN: [12:04:39]

13 Q. [12:04:40] Did he have any other functions?

14 A. [12:04:46] Well, other functions would be given by Dominic Ongwen and he would
15 carry out those functions.

16 Q. [12:04:58] Where was Kidega Ocudi located during the fighting at Ngora?

17 A. [12:05:15] He was with Dominic, following Dominic. They were walking together
18 with Dominic.

19 Q. [12:05:23] Did he have a weapon at the time?

20 A. [12:05:31] Kidega didn't have any weapon.

21 Q. [12:05:40] Did he have a uniform at the time?

22 A. [12:05:46] Dominic had given him a uniform.

23 Q. [12:06:04] Other than Ngora did you know of any other operations that Kidega
24 went on?

25 A. [12:06:26] With most of the operations organised by Dominic during my absence,

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1 I cannot really recall them.

2 Q. [12:06:46] Is Kidega alive now?

3 A. [12:06:53] Kidega is not alive.

4 Q. [12:06:58] When and how did he die?

5 A. [12:07:13] Regarding Kidega's death, I really don't know how he died. I just
6 heard that he died, because at that time the government was staging many operations
7 against Dominic and we just learned that Kidega had died.

8 Q. [12:07:49] And around what time or when was this?

9 A. [12:08:23] I can no longer recall.

10 Q. [12:08:27] That's not a problem. Have you heard of anyone called Okello
11 Civilian?

12 A. [12:08:44] Yes, I've heard about Okello Civilian.

13 Q. [12:08:48] Who is he?

14 A. [12:08:54] Okello Civilian stayed with Nyero, a very young boy.

15 Q. [12:09:10] When he joined the LRA, how old was he?

16 A. [12:09:22] He was 12 years old.

17 Q. [12:09:30] Which battalion was he in?

18 A. [12:09:41] Terwanga.

19 Q. [12:09:46] Between 2002 and 2005, did he go on any operations that you know of?

20 A. [12:10:05] Nyero went with them to collect food from Patongo.

21 Q. [12:10:16] Please describe what happened at Patongo.

22 A. [12:10:26] Nyero went to collect food from Patongo. He entered the camp and he
23 gave goods to be carried by Okello Civilian and he went back with that, went back to
24 where they were based.

25 Q. [12:11:02] Do you remember when this event occurred?

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- 1 A. [12:11:16] That happened in 2000 -- in 2003.
- 2 Q. [12:11:31] And around how old was Okello Civilian at this time?
- 3 A. [12:11:43] In that year he was -- he turned 13, 13.
- 4 Q. [12:12:01] We discussed the Odek attack yesterday. During the Odek attack,
- 5 where was Okello Civilian?
- 6 A. [12:12:15] He was with Nyero.
- 7 Q. [12:12:20] So what does that mean? Where was Nyero at the time?
- 8 A. [12:12:29] Nyero also went to the Odek standby.
- 9 Q. [12:12:41] What were the tasks of Okello Civilian at the Odek attack?
- 10 A. [12:12:56] According to what Nyero told him to do, I am not aware of that, but
- 11 when they came back, Okello Civilian came back carrying luggage obtained from Odek.
- 12 Q. [12:13:25] Did he have a weapon at the time?
- 13 A. [12:13:35] No, he didn't have any weapon yet.
- 14 Q. [12:13:40] Did he ever obtain a weapon?
- 15 A. [12:13:50] He was given a weapon.
- 16 Q. [12:13:56] Do you remember when that was?
- 17 A. [12:14:07] The weapons captured in Odek, it was from those weapons that Okello
- 18 Civilian was given one.
- 19 Q. [12:14:29] Is Okello Civilian alive now?
- 20 A. [12:14:35] No, he's not alive.
- 21 Q. [12:14:40] How did he die?
- 22 A. [12:14:47] Okello Civilian died in battle.
- 23 Q. [12:14:59] Please describe how Okello Civilian died in battle.
- 24 A. [12:15:13] When the army came and operated against Dominic, that's when Okello
- 25 Civilian was shot dead.

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- 1 Q. [12:15:47] Do you remember was this after Lukodi or before Lukodi?
- 2 A. [12:16:04] That was after Lukodi.
- 3 Q. [12:16:09] Was it before you joined Oka or after you joined Oka?
- 4 A. [12:16:24] That was when I joined Oka.
- 5 Q. [12:16:30] How old was Okello when he died?
- 6 A. [12:16:42] At the time of his death he wasn't 15 years old yet.
- 7 Q. [12:17:03] Now, we've spent a lot of time on Terwanga. I want to go to Oka.
- 8 Was there anyone under the age of 15 in Oka that you can remember?
- 9 A. [12:17:39] There were some.
- 10 Q. [12:17:44] Please tell us who they were.
- 11 A. [12:17:53] They were with Opoka, two of them with Opoka.
- 12 Q. [12:18:06] Please tell us about them.
- 13 A. [12:18:21] By the time I joined Oka these two children were already staying with
- 14 Opoka of intelligence. His nickname was Olongoro (phon). So these children
- 15 eventually died when they were still in the hands of Opoka.
- 16 Q. [12:18:56] While they were under the age of 15, did they ever go on any
- 17 operations?
- 18 A. [12:19:13] If Opoka moves in operations, he goes with them. So, yes, they went
- 19 for operations.
- 20 Q. [12:19:25] Did you see this? Did you -- sorry, let me rephrase that question.
- 21 How do you know that?
- 22 A. [12:19:41] When I was still in the Oka battalion, I saw them going for operations.
- 23 Q. [12:19:52] Please tell us the locations of these operations, if you recall.
- 24 A. [12:20:10] They went with Okeny.
- 25 Q. [12:20:15] Where?

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1 A. [12:20:20] They went to Omiya Pacwa.

2 Q. [12:20:36] Any other examples you can think of?

3 A. [12:20:48] If I recall later, I will do so. Right now I cannot think of others.

4 MR SACHITHANANDAN: [12:20:56] Your Honour, can we go into private for one
5 question?

6 PRESIDING JUDGE SCHMITT: [12:21:00] Yes. Private session.

7 (Private session at 12.21 p.m.)

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15 MR SACHITHANANDAN: [12:21:51] We can go back into public, your Honour.

16 PRESIDING JUDGE SCHMITT: [12:22:00] Public session again.

17 (Open session at 12.22 p.m.)

18 THE COURT OFFICER: [12:22:05] We are back in open session, Mr President.

19 MR SACHITHANANDAN: [12:22:11]

20 Q. [12:22:12] We are now moving to Siba battalion. During the period between 2002
21 and 2005 did you see children under 15 in Siba battalion?

22 A. [12:22:34] In Siba battalion there were children.

23 Q. [12:22:46] Were any of them under 15 that you could think of?

24 A. [12:23:01] There was some.

25 Q. [12:23:05] Can you tell us their names, if you remember, or to whom they were

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1 assigned.

2 A. [12:23:25] In Siba battalion there were children with Ocan George. And also

3 Officer Awere had children too. And also with Ocheng, he too had children.

4 Q. [12:24:06] Do you remember the names of any of these children?

5 A. [12:24:16] I don't recall.

6 Q. [12:24:20] Let's go one by one. The children with Ocan George, sorry, is this Ocan

7 George Labongo that you mentioned earlier?

8 A. [12:24:34] Ocan George Labongo.

9 Q. [12:24:38] The children with Ocan Labongo, did they ever go on operations?

10 A. [12:24:55] In Siba, yes, they used to go for operations.

11 Q. [12:25:03] And can you name the locations of any of these operations?

12 A. [12:25:35] When Ocan George went to a nearby centre near Kitgum, which is in

13 Orii, those children went too to that centre.

14 Q. [12:26:05] Was this before Lukodi or after Lukodi?

15 A. [12:26:25] That was after Lukodi.

16 Q. [12:26:35] And the children under Awere, did they ever go on operations?

17 A. [12:26:48] Yes, they did.

18 Q. [12:26:50] Please tell us the locations of those operations?

19 A. [12:27:00] They went to collect and carry food from Lango.

20 Q. [12:27:11] Was this before Lukodi or after Lukodi?

21 A. [12:27:20] After Lukodi.

22 Q. [12:27:28] And you mentioned a third commander, I think it was Ocheng. What

23 about the children under him, did they ever go on operations?

24 A. [12:27:42] Yes, they went for operations.

25 Q. [12:27:49] Please tell us the locations of these operations.

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1 A. [12:28:04] Those children also went to carry food in Adilang.

2 Q. [12:28:23] And I think you know the next question: Was Adilang before Lukodi
3 or after Lukodi?

4 A. [12:28:33] Collecting food from Adilang was after Lukodi.

5 Q. [12:28:48] Mr Witness, can you open your binder to the first page where there are
6 the list of names. Without mentioning the names, person 3, did he ever go on
7 operations?

8 A. [12:29:23] Yes, person 3 went on operations.

9 Q. [12:29:38] Please tell us the locations of these operations.

10 A. [12:29:43] Person 3 went on operations to Opit.

11 Q. [12:29:53] Is this the Opit we talked about earlier, yesterday?

12 A. [12:30:06] Yes.

13 Q. [12:30:12] At the time he was -- he became a part of the LRA, how old was person
14 number 3?

15 A. [12:30:32] Thirteen years old.

16 Q. [12:30:37] Which year did he become part of the LRA?

17 A. [12:30:47] He joined the LRA in 2002.

18 Q. [12:30:55] Was Opit before the Teso campaign or after?

19 A. [12:31:12] The Opit attack happened after the Teso campaign started, but for us we
20 hadn't yet reached Teso. Others had already gone to Teso, but others hadn't still gone to
21 Teso.

22 Q. [12:31:36] Was Tabuley alive at the time or was he dead?

23 A. [12:31:44] Tabuley was still alive.

24 Q. [12:31:50] I want you to look at person number 4 on your list of names. Did he
25 ever go on operations?

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1 A. [12:32:06] He went.

2 Q. [12:32:11] Please tell us the locations of these operations.

3 A. [12:32:28] Here he went and collected food from Onekgwok and he also went, he
4 also went to Lango in a place called Aromo.

5 Q. [12:33:07] Was the Aromo operation before Lukodi or after Lukodi?

6 A. [12:33:21] Before the Lukodi attack.

7 Q. [12:33:26] Was it before the death of Tabuley or after?

8 A. [12:33:46] Before. Tabuley was still alive.

9 Q. [12:33:48] Was it before Ngora or after?

10 A. [12:33:59] After Ngora.

11 Q. [12:34:03] At the time of Aromo how old was person 4?

12 A. [12:34:14] Person 4 was 13 years old also.

13 Q. [12:34:33] What were the roles of person 3 and person 4 in the operations they
14 went for?

15 A. [12:34:54] They were first of all getting training for themselves. Secondly, their
16 role was to carry food.

17 Q. [12:35:08] Person 3, when he went to Opit, did he have a gun?

18 A. [12:35:33] Did not have a gun. That was the time when got the gun, after, after
19 the attack, that's when they got the guns.

20 MR SACHITHANANDAN: [12:35:43] Can we go into private for one question, your
21 Honour.

22 PRESIDING JUDGE SCHMITT: [12:35:47] Yes. Private session.

23 (Private session at 12.35 p.m.)

24 (Redacted)

25 (Redacted)

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8 MR SACHITHANANDAN: [12:37:04] We can go back into public, your Honour.

9 PRESIDING JUDGE SCHMITT: [12:37:07] Open session.

10 (Open session at 12.37 p.m.)

11 Do we have an estimate how long your examination will last? Only for planning

12 purposes, of course.

13 MR SACHITHANANDAN: [12:37:25] I think it will take about an hour into the next

14 session, your Honour. Perhaps 40 minutes into the next session.

15 PRESIDING JUDGE SCHMITT: [12:37:32] Then I would say the following for the

16 planning of today, that we indeed finish for the moment at 1 o'clock like we would

17 normally do, continue at 2.30.

18 And if you are not telling me you want at all cost to start your examination today,

19 afternoon, I would say it might be better for you to start tomorrow then at 9.30.

20 THE COURT OFFICER: [12:38:00] I'm sorry to interrupt, but I hereby confirm that we

21 are in open session.

22 PRESIDING JUDGE SCHMITT: [12:38:08] Mr Obhof.

23 MR OBHOF: [12:38:09] That's no problem, your Honour, we can start tomorrow

24 morning.

25 PRESIDING JUDGE SCHMITT: [12:38:13] You can start or you are really --

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1 MR OBHOF: [12:38:15] We can. We'll start tomorrow morning as you suggested.

2 PRESIDING JUDGE SCHMITT: [12:38:18] (Microphone not activated)

3 MR SACHITHANANDAN: [12:38:32]

4 Q. [12:38:34] Mr Witness, we have discussed the ages of a lot of people. Can you tell
5 us, when you said somebody's age is 13 or 14 or 12, how you made that assessment?

6 A. [12:39:06] Knowing that person's age, you could ask that person and the person
7 would tell you their right age. Also, you can look at the person and estimate the size of
8 that child.

9 Q. [12:39:38] Thank you. We're now going to switch to a different topic, where we'll
10 talk about discipline in the Sinia brigade.

11 Did you ever see anyone in the Sinia brigade punished for breaking any rule, or for any
12 other reason?

13 A. [12:40:23] A person that I saw with my own eyes, with my own eyes as was being
14 punished was not there, especially a young person. But when I -- the one that I heard
15 when I reached the RV, yes, was there.

16 Q. [12:40:53] Okay. Just for your information, it doesn't have to be about young
17 people anymore. We're not talking about young people anymore, but please tell us what
18 you discovered at the RV.

19 A. [12:41:13] From the RV, when we met, in terms of punishment I found that one
20 soldier was punished, he is called Oyet Patrick Agac. He was beaten, the number of
21 strokes that Oyet Patrick Agac was given was 100. He was given 100 lashes.

22 Q. [12:42:00] Who instructed, if anyone, this punishment?

23 A. [12:42:15] That happened from brigade commander Dominic at the time when
24 Oyet was still with him.

25 Q. [12:42:27] Why was he punished?

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1 A. [12:42:38] Following my questioning, I found that Oyet had refused to go to collect
2 food. He had refused to go on the standby to collect food.

3 Q. [12:43:00] Was this before Lukodi or after Lukodi?

4 A. [12:43:14] This was after the attack on Lukodi.

5 Q. [12:43:24] Do you know of anyone else who was punished like this?

6 A. [12:43:44] In Sinia there were punishments which happened earlier, but during
7 that time frame that you are asking, that's the only one that I can remember.

8 Q. [12:44:13] Have you heard of anyone called Acie?

9 A. [12:44:25] Yes, I have heard.

10 Q. [12:44:30] Please tell us about Acie.

11 A. [12:44:38] Acie was beaten, was also beaten because they were -- she was suspected
12 to be a witch and she was beaten. And later on she was killed.

13 Q. [12:45:08] Why was she suspected of being a witch?

14 A. [12:45:27] Suspect of witchcraft happens when something has happened on
15 somebody and how that person -- and how that person you were behaving at that time.
16 So when such kind of, you know, rumours come on you, that's the kind of -- that's when
17 now the suspect, you know, comes on you.

18 Q. [12:46:00] Which aspect of her behaviour gave the impression that she was a
19 witch?

20 A. [12:46:17] That she is layir.

21 MR SACHITHANANDAN: [12:46:23] Perhaps the interpreter could, if that's an Acholi
22 word, perhaps the interpreter could interpret for us?

23 THE INTERPRETER: Yes, your Honour, it's a person that is like you put somebody, you
24 blind somebody not to, to be able to see. So you create a situation in that person that the
25 person becomes blind and so you cannot see. It's like a spell, you get a spell that the

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1 person becomes blind and is not able to see.

2 MR SACHITHANANDAN: [12:47:00]

3 Q. [12:47:01] Who ordered the beating of Acie?

4 A. [12:47:16] What happens is that from the battalion the report from CO, from coy
5 goes to CO and then CO takes the report to the brigade commander, then the brigade
6 commander confirms.

7 Q. [12:47:45] But is that what happened in the context of Acie?

8 A. [12:47:55] Yes, exactly.

9 Q. [12:47:59] And who was the brigade commander at this time?

10 A. [12:48:07] Dominic.

11 Q. [12:48:17] Who are the people who are asked to implement these punishments?

12 Who carries out these punishments?

13 A. [12:48:39] It were carried out by sergeants.

14 Q. [12:48:57] So for example, in the context of Acie was she punished at the battalion
15 level or was she punished at the brigade level?

16 A. [12:49:12] The report came to the brigade and was beaten from the battalion.

17 Q. [12:49:20] Within the brigade who decides on matters of discipline?

18 A. [12:49:43] Brigade commander.

19 Q. [12:49:44] Was this the case when Dominic Ongwen was running the Sinia
20 brigade?

21 A. [12:49:59] Yes.

22 MR SACHITHANANDAN: [12:50:04] Your Honour, perhaps I have about three
23 questions in private, and then maybe we can just end the session.

24 PRESIDING JUDGE SCHMITT: [12:50:11] We go to private session then.

25 (Private session at 12.50 p.m.)

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1 THE COURT OFFICER: [12:50:25] We're in private session, Mr President.

2 MR SACHITHANANDAN: [12:50:29]

3 Q. [12:50:34] Mr Witness, were you ever the subject of disciplinary action in the LRA?

4 A. [12:50:46] Yes, I was given.

5 Q. [12:50:50] Please describe what happened.

6 (Redacted)

7 (Redacted)

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10 (Redacted)

11 (Redacted)

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- 17 PRESIDING JUDGE SCHMITT: [13:01:43] Thank you very much for the moment.
- 18 Then we have the lunch break until 2.30.
- 19 THE COURT USHER: [13:01:49] All rise.
- 20 (Recess taken at 1.01 p.m.)
- 21 (Upon resuming in open session at 2.31 p.m.)
- 22 THE COURT USHER: [14:31:34] All rise.
- 23 PRESIDING JUDGE SCHMITT: [14:31:53] Mr Sachithanandan.
- 24 MR SACHITHANANDAN: [14:32:00]
- 25 Q. Good afternoon, Mr Witness. We move now to a different topic. You have

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1 mentioned with regard to the Sinia brigade various different positions, various
2 different roles, and because we are nonmilitary people, it will be useful for us to
3 understand exactly how the brigade was structured and exactly how the brigade
4 functioned.

5 So let's start and let's think, let's think of a -- let's think in 2004-2005, that period. In
6 the Sinia brigade headquarters, could you tell us what departments or sections
7 existed?

8 A. [14:33:17] In the Sinia brigade headquarters there is a brigade commander, there
9 is the BIO, there is the BM and the admin, administrator. There is also the support
10 commander.

11 Q. [14:33:49] You have explained BIO and BM before. What is the function of
12 admin?

13 A. [14:34:02] The admin's functions are to write information concerning the brigade
14 and also the conservation of that information.

15 Q. [14:34:24] And what is the function of support?

16 A. [14:34:32] The support commander is in charge of heavy weapons.

17 Q. [14:34:48] Now the BIO, the BM, admin, support, did these people work alone or
18 did they have people to assist them?

19 A. [14:35:10] They have people to support them.

20 Q. Are you familiar with the concept of the operations room?

21 A. [14:35:33] Yes, I have knowledge about that.

22 Q. [14:35:35] In the Sinia brigade headquarters, what is the function of the
23 operations room?

24 A. [14:35:50] Functions of the operations rooms, they are supposed to receive
25 orders from the brigade commander and implement the orders as is required. For

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1 example, if an order is issued to put in place a standby, then they organise the
2 required numbers for the standby. If 100 standbys are required, then they go to the
3 battalion and the battalions will get the required number of the standby at the brigade
4 headquarters.

5 Q. [14:36:53] Who is in the brigade operations rooms?

6 A. [14:37:05] There is the BIO and the BM. The admin also works with them. As
7 well as the RCM.

8 Q. [14:37:27] And what is RCM?

9 A. [14:37:35] RCM is the officer who supervises foot soldiers. If, for example,
10 there is need for soldiers, then he is the one who sends the information to
11 Odeli (phon). And when the soldiers arrive he makes a report which he forwards to
12 the BM.

13 Q. [14:38:16] Sorry, it's is just not clear in the transcript so I will ask again. Who
14 does -- who does the RCM send information to?

15 A. [14:38:29] The RCM sends a report to Odeli. Then Odeli sends a report to the
16 RCM in a given battalion so as the soldiers can be rapidly assembled.

17 Q. [14:38:56] Right. And now we will do the same exercise but at the battalion
18 level. So now you mentioned Terwanga, Oka, Siba. In these battalions, what are
19 the various departments that exist and what are their functions?

20 A. [14:39:32] In the battalion there is the CO, the battalion 2IC, then the IO, the
21 adjutant and the RCM, battalion RCM.

22 Q. [14:39:58] What's the job of the adjutant at the battalion level?

23 A. [14:40:08] The adjutant is also in charge of writing reports.

24 Q. [14:40:23] Now, in the brigade level you mentioned someone called an admin.
25 Is there an admin at the battalion level or is that what you mean by an adjutant?

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1 A. [14:40:40] At the battalion level it is the adjutant.

2 Q. [14:40:47] Now earlier you mentioned a position called the OC at the battalion
3 level. What is the role of the OC?

4 A. [14:41:02] The OC is in charge of the soldiers at the level of coy.

5 Q. [14:41:21] Okay. So now is battalion 2IC and the OC two different things?

6 A. [14:41:38] The battalion 2IC works with the platoon commander who is in the
7 coy, because it is the OC who works with the CO and not with the 2IC.

8 Q. [14:42:11] Okay. That is not very clear to me so we'll take that one by one.

9 PRESIDING JUDGE SCHMITT: [14:42:19] You have asked him, no? You have
10 asked him, so you cannot complain when he has answered. That's all I wanted to.

11 MR SACHITHANANDAN:

12 Q. [14:42:27] No, it is not a criticism, Mr Witness, it is my lack of processing power.
13 Right. So there is the head of the battalion, he is the CO. Now, who is his deputy,
14 his number two?

15 A. [14:42:46] It is the battalion 2IC.

16 Q. [14:42:50] Now the OC is someone different from the battalion 2IC; is that
17 correct?

18 A. [14:43:00] Yes, it is different.

19 Q. [14:43:03] Okay. So now we come to the second layer. We have brigade, we
20 have battalion. And below that, what is the level below battalion?

21 A. [14:43:21] Coy.

22 Q. [14:43:22] And who leads a coy?

23 A. [14:43:27] The OC.

24 Q. [14:43:35] You mentioned -- actually let me just check. Now, there is a brigade
25 intelligence officer at the brigade level and an intelligence officer at the battalion level.

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1 What is the relationship between the two?

2 A. [14:44:05] They both belong to the intelligence section. The brigade -- in case
3 the brigade intelligence officer is absent, then the battalion IO will do the job of the
4 brigade intelligence officer if no -- on the part of movement there has not been any
5 preparations.

6 Q. [14:44:52] Right. I guess what I am asking is more along the lines of is there
7 a reporting from the IO at the battalion level to the BIO at the brigade level?

8 A. [14:45:09] Yes, that's how it is.

9 Q. [14:45:16] Is there is a support commander at the battalion level or is there not?

10 A. [14:45:31] Even at the battalion level there is a support and its commander.

11 Q. [14:45:40] And the same question there, is there reporting from battalion
12 support commander to the brigade support commander?

13 A. [14:45:53] Yes, that's how it is.

14 Q. [14:45:59] The 2IC at the battalion level, who does he report to?

15 A. [14:46:08] He reports to the brigade major, BM.

16 Q. [14:46:20] Right. But what about the relationship between the 2IC at the
17 battalion level and the battalion commander, is there a reporting relationship there?

18 A. [14:46:34] There is, because the battalion 2IC, before going to the brigade level,
19 he or she first has to go through the battalion CO.

20 Q. [14:47:01] Is there an operations room at the battalion level?

21 A. [14:47:11] Yes, there is.

22 Q. [14:47:15] Who are the members of the battalion operations room?

23 A. [14:47:25] There is 2IC, the IO, the adjutant and the battalion RCM.

24 Q. [14:47:40] In a battalion usually how many companies do you have?

25 A. [14:47:52] Three companies.

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1 Q. [14:47:57] You have mentioned a few times the idea of a standby force. How is
2 a standby force composed or created?

3 A. [14:48:11] A standby force, if it is only required at the level of the battalion only,
4 and if it is the CO who is sending the only -- that only battalion, then he calls for the
5 IO and the 2IC to consider the number of people to be deployed. And the 2IC is then
6 instructed together with the IO and the RCM of the battalion to organise the men.
7 Then the CO calls the others so as to give them the required number for the standby
8 force. And also they would be informed as to where that standby force will be
9 deployed.

10 Q. [14:49:16] Right. I forgot one important aspect of the structure, that is the work
11 of the signaller. Was there anyone who did the work of a signaller at the brigade
12 level?

13 A. [14:49:40] Yes, I had forgotten that. Yes, there is a signaller.

14 Q. [14:49:52] And does he work alone or does he work with other people?

15 A. [14:50:03] The signaller also has other people to help him or her.

16 Q. [14:50:11] What is the work of the brigade signal officer?

17 A. [14:50:24] The brigade signaller officer has to use the radio which is in the
18 brigade to send messages.

19 Q. [14:50:41] Is there a signals officer at the battalion level?

20 A. [14:50:50] Yes, there is.

21 Q. [14:51:03] Did the signallers talk on the radio ever or is it only the commanders
22 who spoke on the radio?

23 A. [14:51:16] The signallers talk on radio and the commanders also talk on radio.

24 Q. [14:51:39] Thank you, Mr Witness. We are going to move to a different section.

25 Your Honour, could we go into private session for about perhaps 5, 10 minutes.

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- 1 PRESIDING JUDGE SCHMITT: [14:52:13] Private session then, please.
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15 MR SACHITHANANDAN: [14:56:54] Thank you, your Honour. We can come out
16 of private.

17 PRESIDING JUDGE SCHMITT: [14:56:59] Open session, please.

18 (Open session at 2.57 p.m.)

19 THE COURT OFFICER: [14:57:04] We are back in open session, Mr President.

20 MR SACHITHANANDAN: [14:57:29]

21 Q. [14:57:29] Mr Witness, I am now just going to fill a number of gaps from your
22 examination from yesterday, so we are going to jump around a bit and I ask for your
23 patience on this.

24 You remember after Odek --

25 MR AYENA ODONGO: [14:57:57] Your Honour.

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1 PRESIDING JUDGE SCHMITT: [14:57:57] Yes.

2 MR AYENA ODONGO: [14:57:58] I am not too sure whether it is his place to fill the
3 gaps at this point in time. Does that not amount to cross-examination? I thought
4 the purpose of examination-in-chief is to lead the evidence where the witness wants
5 to go, as far as he knows. Is this a revision?

6 PRESIDING JUDGE SCHMITT: [14:58:30] I ask Mr Sachithanandan. What do you
7 say?

8 MR SACHITHANANDAN: [14:58:34] Your Honour, I am not trying to change the
9 exam -- the evidence of the witness. I am merely going to examine areas that I
10 accidentally omitted from my outline yesterday and certainly not areas that the
11 witness has already testified about. So --

12 PRESIDING JUDGE SCHMITT: [14:58:52] I understand.

13 So we would allow that, but you would be right if we were on redirect, I would say,
14 then we would not allow it. You see what I mean?

15 So this is also from everybody else in the courtroom in the future, such questions
16 would not be allowed on redirect. But at the moment I think when we observe if
17 Prosecutor really sticks to with he has said, that it is really about things that have not
18 been asked before. That is important. Have not been asked before.

19 Yes. Thank you.

20 MR AYENA ODONGO: [14:59:28] Much obliged.

21 MR SACHITHANANDAN: [14:59:35]

22 Q. [14:59:44] Yesterday we discussed Odek, Lukodi and Abok, and then shortly
23 afterwards your journey to Buk. At the time of your journey to Buk, did you
24 encounter any sickbay unit?

25 A. [15:00:21] As I was moving and taking Buk's women, I found the sickbay for the

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1 Gilva brigade.

2 Q. [15:00:37] Who were the persons in the sickbay at this time?

3 A. [15:00:49] I found in that sickbay Tulu and Apire Ray and Onek Dinka.

4 Q. [15:01:06] What is the position and unit affiliation of Tulu?

5 A. [15:01:27] Tulu was lieutenant colonel in the Gilva brigade.

6 Q. [15:01:38] What is the position and unit affiliation of Apire?

7 A. [15:01:51] Apire had come from control brigade and was being taken care of at

8 Gilva. He was a captain.

9 Q. [15:02:09] And the same please for Onek Dinka?

10 A. [15:02:19] Onek Dinka was also a captain in the Gilva brigade.

11 Q. [15:02:29] Who was the most senior person by rank that you encountered at the

12 Gilva -- at the Gilva sickbay?

13 A. [15:02:47] Onek Dinka was the one in charge of the sickbay.

14 Q. [15:03:27] At the end of your narrative we had just discussed Omiya Pacwa.

15 How long did you stay in Uganda after Omiya Pacwa?

16 A. [15:04:12] Six months.

17 MR AYENA ODONGO: [15:04:15] Your Honour, this is what is not clear: I don't

18 know whether they could repeat it because it is not even captured by the translators,

19 by the transcribers.

20 "At the end of your narrative ... how long did you stay in Uganda after" -- oh, I think

21 they got it right now.

22 PRESIDING JUDGE SCHMITT: [15:04:37] I think they got it now.

23 MR AYENA ODONGO: Yeah.

24 PRESIDING JUDGE SCHMITT: So please continue.

25 MR AYENA ODONGO: Thank you.

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1 MR SACHITHANANDAN: [15:04:44]

2 Q. Right. I'm sorry, Mr Witness. So we stopped your story at that point. Could
3 you please tell us after Omiya Pacwa --

4 PRESIDING JUDGE SCHMITT: [15:05:05] Microphone of counsel, please.

5 MR SACHITHANANDAN: [15:05:07]

6 Q. [15:05:07] After Omiya Pacwa, how long did you stay in Uganda?

7 A. [15:05:23] We stayed in Uganda for about six months, six to seven months.

8 Q. And what happened after that?

9 A. [15:05:46] Then the peace talks began and we went to Sudan at Owiny Kibul.

10 Q. [15:06:01] In the six months or so after Omiya Pacwa and your move to Sudan,
11 who were the most senior LRA commanders in Uganda?

12 A. [15:06:18] At that time the overall in charge in Uganda was Dominic. The other
13 LRA senior commanders were also there in their ranks, but the one who was
14 appointed over all in charge of Uganda was Dominic.

15 Q. [15:07:15] And now again, Mr Witness, a different topic. I apologise for
16 moving so quickly between topics.

17 Was there ever any discussion in the LRA about what to do regarding civilians who
18 informed the government about LRA movements?

19 A. [15:07:51] Could you repeat the question again.

20 Q. [15:07:55] If the LRA thought that some civilians were giving information about
21 the LRA to the government, what would the LRA do about it?

22 MR AYENA ODONGO: [15:08:31] Your Honour, I think that's a very presumptive
23 question. He's presupposing -- I mean, that question seems to presuppose that --

24 PRESIDING JUDGE SCHMITT: [15:08:38] Okay. Let me rephrase it.

25 MR AYENA ODONGO: Yes.

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1 PRESIDING JUDGE SCHMITT: It's correct what you say.

2 Do you recall anything, any standing order, so to speak, regarding civilians from your
3 time at the LRA? First of all, generally speaking.

4 THE WITNESS: [15:09:07] (Interpretation) Orders in relation to the civilians while
5 I was still in the LRA, when a civilian makes an alarm on the LRA, that civilian
6 should be killed. A civilian who tries to grab a gun from a child soldier in the LRA
7 or tries to fight any of the LRA soldier should be killed. And if it is understood that
8 it's this civilian that took or reported and has been confirmed that he is the one that
9 reports anything about the LRA and has been captured, he is also killed.

10 PRESIDING JUDGE SCHMITT: [15:10:04] Please continue.

11 MR SACHITHANANDAN: [15:10:08]

12 Q. [15:10:10] During the period between 2002 and 2005, do you recall examples of
13 civilians who had been suspected of reporting in the way you just mentioned?

14 A. [15:10:50] I need some time to think about that?

15 Q. [15:11:09] Has anyone in the Sinia brigade during this time encountered any
16 hunters during their travel in the bush?

17 PRESIDING JUDGE SCHMITT: [15:11:53] If you do not recall it, Mr Witness, just
18 simply -- simply tell us "I do not remember it at the moment."

19 THE WITNESS: [15:12:05] (Interpretation) No, I don't recall.

20 MR SACHITHANANDAN: [15:12:32] Your Honour, may I refresh the memory of
21 the witness?

22 PRESIDING JUDGE SCHMITT: [15:12:35] I expected that, yes. But we know that,
23 or it could be assumed that the witness would not say something out of his own
24 experience but it would be hearsay then. We know this is not excluded, but I just
25 put it to you so that you know and you can put it into perspective. Yes.

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1 MR SACHITHANANDAN: [15:12:57] Indeed, your Honour. We are tab 9 of
2 binder 2, and that is 0247-0175. And the relevant page is 0189. I am reading from
3 line 476.

4 Q. Mr Witness, again I am just reading out a part of the interview that you gave to
5 the ICC. And you say:

6 "The hunters would also be moving around in the bush but they will be looking for
7 wild animals. And at times they would see us or they would come to a place where
8 the LRA are and they would go back and report to the government troops. So the
9 government would send the aeroplane or even the infantry force to attack the LRA.
10 And that is why each and every time they are saying that if they get the hunters they
11 would kill them."

12 Then the interviewer asks you: "How many hunters do you think in the time
13 2003/2004, how many hunters did you see killed?"

14 And you respond: "I heard that the Oka battalion killed hunters
15 near Achowa (phon) ..."

16 PRESIDING JUDGE SCHMITT: [15:14:44] I think this is enough as a quotation.

17 MR SACHITHANANDAN: [15:14:50]

18 Q. [15:14:50] Does that refresh your memory, Mr Witness?

19 A. [15:14:56] Yes, I -- I do remember, yes.

20 Q. [15:15:03] And please tell us what you remember in the context of hunters?

21 A. [15:15:18] Those were hunters who were got by the Oka brigade who were from
22 hunting. And they were shot at. They were shot at as they were actually retreating,
23 so that is what I heard. Some people ran away.

24 PRESIDING JUDGE SCHMITT: [15:15:56] So you were not present when this
25 happened?

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1 THE WITNESS: [15:16:01] (Interpretation) I was not present.

2 MR SACHITHANANDAN: [15:16:26] Your Honour, I think we can now perhaps go
3 into a final private session, and then ask the final few questions, and then wrap up.

4 PRESIDING JUDGE SCHMITT: [15:16:38] Then we go into private session.

5 (Private session at 3.16 p.m.)

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7 MR SACHITHANANDAN: [15:23:57] That's it, your Honour. No further

8 questions.

9 PRESIDING JUDGE SCHMITT: [15:23:59] Thank you very much. I

10 understand -- we go to open session, please, first.

11 (Open session at 3.24 p.m.)

12 THE COURT OFFICER: [15:24:12] We are in open session, Mr President.

13 PRESIDING JUDGE SCHMITT: [15:24:23] Thank you very much.

14 I understand that the Legal Representative of Victims do not have questions. Is this

15 correct?

16 MS MASSIDDA: [15:24:32] No, your Honour, we have no question for this witness.

17 Thank you.

18 MS HIRST: [15:24:38] We also have no questions for this witness, your Honour.

19 PRESIDING JUDGE SCHMITT: [15:24:41] Thank you very much.

20 Then this concludes the hearing for today. We continue tomorrow at 9.30 and we

21 start with the questioning by the Defence.

22 THE COURT USHER: [15:24:58] All rise.

23 (The hearing ends in open session at 3.24 p.m.)

24 RECLASSIFICATION REPORT

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

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- 1 2016, the public redacted version of this transcript is filed in the case.