

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 23 February 2018
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:49] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:36:13] Good morning, everyone. Could the
14 court officer please call the case.
15 THE COURT OFFICER: [9:36:18] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:36:33] Thank you.
20 For the appearances of the parties, Ms Adesola Adeboyejo, first, for the Prosecution.
21 MS ADEBOYEJO: [9:36:39] Good morning, Mr President, your Honours,
22 Adesola Adeboyejo for the Office of the Prosecutor, Mr Benjamin Gumpert,
23 Paul Bradfield, Pubudu Sachithanandan, Julian Elderfield, Yulia Nuzban and
24 Ramu Fatima Bittaye.
25 PRESIDING JUDGE SCHMITT: [9:36:57] Thank you.

1 And Mr Cox for the Legal Representatives of the Victims.

2 MR COX: [9:37:00] Good morning, your Honours, Mr President. With me,
3 Mr James Mawira and myself, Francisco Cox.

4 PRESIDING JUDGE SCHMITT: [9:37:06] Thank you.

5 And Mr Narantsetseg.

6 MR NARANTSETSEG: [9:37:07] Good morning, Mr President, your Honours.

7 For the Common Legal Representatives, Ms Caroline Walter, Ms Laura Mahecha and
8 my name is Orchlon Narantsetseg. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:37:18] And Mr Obhof for the Defence.

10 MR OBHOF: [9:37:20] Good morning, your Honour. Today we have counsel,
11 Krispus Ayena Odongo; our co-counsel, Chief Charles Achaleke Taku is back today;
12 we have Mr Tibor Bajnovic; we have our intern, Ms Morganne Ashley; and of course
13 Dominic Ongwen is in court along with me, Thomas Obhof.

14 PRESIDING JUDGE SCHMITT: [9:37:35] Thank you very much, and still not the end,
15 so to speak, we have Mr Edwards whom we know already as Rule 74 counsel.

16 MR EDWARDS: [9:37:44] Good morning, your Honours. Yes, Iain Edwards
17 representing the witness.

18 PRESIDING JUDGE SCHMITT: [9:37:48] Good morning, Mr Edwards.

19 The Chamber now turns to the testimony of P-85 as its next witness.

20 We will first discuss the matter of assurances of Rule 74. This is the reason why

21 Mr Edwards is here and we have to shortly discuss this in private session.

22 (Private session at 9.38 a.m.)

23 (Redacted)

24 (Redacted)

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WITNESS: UGA-OTP-P-0085

(Private Session)

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13 (Open session at 9.39 a.m.)
14 THE COURT OFFICER: [9:39:17] We are back in open session, Mr President.
15 PRESIDING JUDGE SCHMITT: [9:39:26] Thank you. The Chamber now renders
16 its decision on the requested assurances. Mindful of the factors specified in
17 Rule 74(5) of the Rules, the Chamber has decided to provide assurances pursuant to
18 this already named Rule 74 of the Rules of Procedure in order to enable the witness to
19 testify without the fear of consequence of self-incrimination. And this concludes the
20 short ruling of the Chamber and we can now bring the witness into the courtroom.
21 (The witness enters the courtroom).
22 PRESIDING JUDGE SCHMITT: [9:41:07] Mr Witness, good morning. Do you
23 hear me?
24 WITNESS: UGA-OTP-P-0085
25 (The witness speaks Lango)

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1 THE WITNESS: [9:41:14] (Interpretation) Yes, I do.

2 PRESIDING JUDGE SCHMITT: [9:41:15] You are going to testify before the
3 International Criminal Court and on behalf of the Chamber I would like to welcome
4 you to the courtroom.

5 THE WITNESS: [9:41:25] (Interpretation) Thank you.

6 PRESIDING JUDGE SCHMITT: [9:41:28] Mr Witness, I will now read the oath every
7 witness has to take when they appear before this court to you, so please listen
8 carefully.

9 I solemnly declare that I will speak the truth, the whole truth and nothing but the
10 truth. Have you understood, Mr Witness?

11 THE WITNESS: [9:41:51] (Interpretation) Yes, I have.

12 PRESIDING JUDGE SCHMITT: [9:41:54] Do you agree?

13 THE WITNESS: [9:41:57] (Interpretation) Yes, I do.

14 PRESIDING JUDGE SCHMITT: [9:41:59] Thank you. Mr Witness, you have now
15 been sworn in. Let me now explain to you some protective measures that we have
16 put in place for your testimony. First of all, face distortion; that means that no one
17 outside the courtroom can see your face during this testimony. We will also use
18 a pseudonym. In accordance with that, we all will refer to you as "Mr Witness" as
19 I am doing at the moment; not with your real name. That is to make sure that the
20 public does not get to know your name.

21 When you answer questions that do not give away this name and your identity, we
22 will do this in open session; that means that the public can hear what you say and
23 what everybody else says in this courtroom. When you are, on the contrary, asked
24 to describe things that might reveal your identity, we do this in private session.

25 Private session means that there is no broadcast and no one outside the courtroom

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1 can hear your answer.

2 You have also been given a Rule 74 counsel to your right. This means when some
3 issue occurs with regard to possible self-incrimination he will be on guard, so to
4 speak, but everybody else here in the courtroom too.

5 Before we start with your testimony, a few practical matters. First of all, you have to
6 be aware, like everybody else, that everything we say here in the courtroom and what
7 you are going to say is written down and interpreted, and to allow for the interpreters
8 to follow everything that is being said we have to speak at a relatively slow pace.

9 And please, Mr Witness, speak into the microphone so that the interpreters get
10 everything what you tell us.

11 If you have any questions yourself, Mr Witness, please raise your hand. Then we
12 know that you want to say something and I will give you the floor.

13 Thank you. We will then start your testimony.

14 QUESTIONED BY MS ADEBOYEJO:

15 Q. [9:44:14] Good morning, Mr Witness.

16 A. [9:44:17] Good morning.

17 Q. [9:44:18] All right, we have met before. I am with the Office of the Prosecutor
18 and I will be asking you some questions.

19 A. [9:44:28] Okay.

20 MS ADEBOYEJO: [9:44:30] Your Honours, before I start I would like to request for
21 a short private session.

22 PRESIDING JUDGE SCHMITT: [9:44:35] Yes, short private session.

23 (Private session at 9.44 a.m.)

24 (Redacted)

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(Private Session)

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(Private Session)

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22 (Open session at 9.48 a.m.)

23 THE COURT OFFICER: [9:48:55] We are back in open session, Mr President.

24 MS ADEBOYEJO: [9:49:17]

25 Q. [9:49:17] Now, Mr Witness, in your account to us a few minutes ago you

1 referred to a "they". You said the rebels came at around 4 p.m. Which rebels are
2 you referring to, Mr Witness?

3 A. [9:49:34] The LRA rebels.

4 Q. [9:49:38] And this group that came to abduct you, do you know the name of the
5 place where they took you?

6 A. [9:49:55] They took us to a place known as Wi-Agaba and that is in Ojwii.

7 Q. [9:50:11] And what were these rebels who took you, what were they armed with,
8 Mr Witness?

9 A. [9:50:21] The things that I saw, at the time I was a civilian and I was still young
10 or naive about weapons, but I saw them holding SMGs, RPGs and those are some of
11 the things that I saw that I was familiar with.

12 Q. [9:50:46] And this group that came to abduct you, Mr Witness, did they have
13 a commander?

14 A. [9:51:00] The person that I saw commanding them was a commander known as
15 Beba Beba.

16 Q. [9:51:14] Did you know the unit of the LRA that came to abduct you,
17 Mr Witness?

18 A. [9:51:29] At the time I did not know the name of that group, but when they took
19 us to this other location where there was a bigger group, then I heard that the group
20 was known as Control Altar.

21 Q. [9:51:45] Now, apart from these LRA soldiers were there any other soldiers
22 around when you were abducted, Mr Witness?

23 A. [9:52:03] No, there were no other soldiers.

24 Q. [9:52:08] And what happened to you as they were taking you to this site that
25 you have referred to as Ojwii?

1 A. [9:52:24] When we were being taken to Ojwii, other than the luggage that they
2 had given us to carry, things that they had taken from the market to take to Ojwii
3 where the rest of the group had encamped, and the tying of our waists, which was
4 done while we were still at the market, there was no other thing other than those two.

5 Q. [9:52:50] Why had they tied your waist, Mr Witness?

6 A. [9:53:03] The reason why they tied our waists, well, I do not know the reason
7 why, but I guess that they did that to stop us from escaping.

8 Q. [9:53:14] And if anyone tried to escape, Mr Witness, what happened?

9 A. [9:53:25] If somebody among the abductees attempted to escape or escaped,
10 then that person would be killed.

11 Q. [9:53:35] And how did you know this, that they would be killed?

12 A. [9:53:47] When we were abducted, when they took us to Ojwii, we were told
13 that if you attempt to escape, then the punishment is death. If you escape and
14 you are reapprehended, then it's death.

15 Q. [9:54:07] Why would the punishment be death, Mr Witness?

16 A. [9:54:17] The reason why the people were killed, when I was there and after I
17 had been there for a while, I started hearing Kony talking. He said that people who
18 are abducted and taken to the bush and the people who escape are bad people, those
19 people do not want to support him in his fight. So if you escape, then there is
20 nothing else that he can do other than kill you.

21 Q. [9:54:54] All right. We will come back to that later, but did you see anyone
22 who tried to escape who was killed, Mr Witness?

23 A. [9:55:10] Somebody who -- I did see somebody who attempted to escape and
24 was reapprehended and killed, and I had only spent one night with the rebels.

25 Q. [9:55:23] Now who was this person who had tried to escape and was

1 reapprehended?

2 A. [9:55:36] The person, the person had actually escaped. He had not -- he did not
3 just attempt, he escaped and he was caught. We found, we found them in the
4 process of killing him, so I do not know his name.

5 Q. [9:55:51] How old was this boy, Mr Witness?

6 A. [9:56:04] Based on what my commander told me, the boy was 14.

7 Q. [9:56:10] And do you know how he was killed, Mr Witness?

8 A. [9:56:17] The -- when we had stayed behind, the people who were in the front
9 were the one who caught him. We found him -- when we arrived at the spot, we
10 found him being stoned to death.

11 Q. [9:56:33] And who was carrying out the stoning, Mr Witness?

12 A. [9:56:43] It was the people who had also been recently abducted. They are the
13 ones who were ordered to carry out the stoning.

14 Q. [9:56:56] Who ordered them to carry out the stoning?

15 A. [9:57:04] I do not know the exact person who gave the order, because we were
16 behind. We stayed behind. But when we arrived at that spot, we found, we found
17 them stoning him, so I do not know or I did not even see the person who issued the
18 order.

19 Q. [9:57:24] And, Mr Witness, do you recall what year it was that this incident took
20 place when you were abducted?

21 A. [9:57:39] It was in 1990.

22 Q. [9:57:45] Thank you, Mr Witness.

23 Mr Witness, do you know why, because you told us earlier that the young children
24 were the ones who were selected out of those who had been rounded up, do you
25 know why the young children were selected?

1 A. [9:58:11] The reason why they selected the young children was because they
2 wanted young children. Young children are still naive, so if they tell them
3 something they would actually accept it. So they are more easily brainwashed.

4 Q. [9:58:32] Okay, thank you, Mr Witness.

5 What was the effect of the killing, the stoning of this young boy, what was the effect
6 on you, Mr Witness?

7 A. [9:58:48] When we found them stoning the boy, the commander, my
8 commander told me that "Let's walk, let's go and see, let's go to that spot where this
9 person is being killed".

10 So we went to the spot where the person was being killed. When we got there he
11 told me that "Do you see what's going on?"

12 I said, "Yes, I do."

13 And he said this person had been abducted, he escaped, he left the LRA and we
14 caught him again, and the consequences are death. And if you also do the same
15 thing, this is what will happen to you.

16 Q. [9:59:31] And when you refer to "my commander", Mr Witness, who is this
17 person that you are referring to?

18 A. [9:59:47] It was the commander who I was with at the time was Buk.

19 Q. [9:59:55] Did this person called Buk have another name?

20 A. [10:00:04] His other name is Abudema.

21 Q. [10:00:12] So I want to know, when he told you this, that this is what happens to
22 a person who tries to escape, what was your reaction, Mr Witness?

23 A. [10:00:34] When he told me that, and after witnessing what was taking place, it
24 instilled a great fear in me of attempting to escape.

25 Q. [10:00:46] Now, Mr Witness, did you know how many people were abducted on

1 this particular day?

2 A. [10:00:59] I do not know the exact number, but they were many.

3 Q. [10:01:04] When you say "many", would you say you were more than 10 or 20?

4 A. [10:01:12] More than 20, I think from 50 upwards, because there were many
5 people in the market.

6 Q. [10:01:22] Now, after you were taken, Mr Witness, was there any kind of
7 initiation given to you?

8 A. [10:01:39] After we were taken, when we left the place, we went to Lamogi after
9 Gulu. That is where we were taken through a ceremony. We were smeared with
10 the shea butter oil and white sand. That is what were used for the ceremony.

11 Q. [10:02:06] Let me come back to the composition of those of you that were
12 abducted. Was it a mixture of boys and girls or was it boys only or girls only?

13 A. [10:02:31] All the people abducted from the market were boys, there were
14 no girls.

15 Q. [10:02:37] And what age range were these boys who were abducted?

16 A. [10:02:51] From 12 years old to 20.

17 Q. [10:02:59] You told us earlier that you were given luggage to carry. What else
18 were these abductees used for?

19 A. [10:03:22] Everyone who was abducted, the role that we were assigned to were
20 to carry the luggage that were taken from the market.

21 Q. [10:03:39] When you arrived at Lamogi, what role were you then given?

22 A. [10:03:55] When we arrived in Lamogi, we were not given any other roles to do.

23 Q. [10:04:07] Let me come back briefly to what you've referred to as luggage.
24 What exactly were the contents of the luggage you were all given to carry?

25 A. [10:04:25] The luggage included things like sugar, soap, salt and clothes.

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1 Q. [10:04:35] And if a person was unable to carry any of this luggage, what
2 happened?

3 A. [10:04:45] If someone was weak and unable to carry that luggage, the only thing
4 that can be done to that person is to be punished by beating. Or if they see that there
5 is not any other option, then that person will just have to -- will be killed, because
6 they believe the person is just refusing to carry.

7 Q. [10:05:20] Was it in all instances that a person was killed if they were too tired to
8 carry the luggage?

9 A. [10:05:40] Yeah. Most times when someone is too tired to carry luggage, if that
10 person is not going to be killed, then the person would be just abandoned along the
11 way.

12 Q. [10:05:58] And, Mr Witness, did you at any time know who had given the order
13 for these abductions to take place?

14 A. [10:06:15] Our abduction, our abduction, I do not know who gave the orders.
15 But when we arrived at the place where we were taken after our abduction, we found
16 Joseph Kony was there. So I do not know whether he was the one who gave the
17 instructions or someone else.

18 Q. [10:06:43] And did you know, Mr Witness, what was the objective? What was
19 the LRA fighting for?

20 A. [10:06:57] The reason why the LRA was fighting, what I came to learn after we
21 were taken there was that the LRA is fighting because of bad government, bad
22 governance by the sitting government. Because the sitting government took away
23 the wealth of the Acholi people and the Langi, so they have to fight to overthrow that
24 government.

25 Q. [10:07:35] Thank you, Mr Witness. And how did the LRA view the civilians

1 who were living in the camps?

2 A. [10:07:53] The civilians in the camp, before people moved into the camps there
3 was no problem. If -- except for some areas where maybe the community were not
4 friendly. But after people went to the camps, the LRA started saying that it was the
5 government who sent people to the camps, but it was not the LRA.

6 So since the government has now sent people to the camps, the government now
7 thinks or feel that they are able to protect people so that the LRA cannot get food. So
8 that is when now they started looking or viewing the people in the camps as bad
9 people.

10 Q. [10:08:49] And did you know, Mr Witness, what was to happen to these civilians
11 who were viewed as bad people?

12 A. [10:09:06] After the civilians were referred to as bad people, usually the LRA
13 says that if you see in a particular area the community do not like you, then that
14 means that area is bad. So there should be a way of sending people away from that
15 area, or else the bad elements, the wrong people amongst them should be picked so
16 that they should be killed.

17 Q. [10:09:51] And you've referred to the name Kony. Who is this person you have
18 referred to as Kony?

19 PRESIDING JUDGE SCHMITT: [10:10:02] Ms Adeboyejo, I think this is -- you can
20 move to another question. I would say we have an abundance of evidence, and this
21 is carefully worded on who this person might be or might have been.

22 MS ADEBOYEJO: [10:10:17] I am grateful to your lordship.

23 PRESIDING JUDGE SCHMITT: [10:10:19] Of course it would have been answered in
24 the meantime, but nevertheless I just wanted to make this remark.

25 MS ADEBOYEJO: [10:10:26] Thank you, Mr President.

1 Q. [10:10:31] Now you told us, Mr Witness, that these bad persons, if they did not
2 accept, they should be killed. Do you know when this instruction, when it started
3 being given?

4 A. [10:10:57] The orders for this killing, I think by the time I was abducted that
5 instruction was already standing. Only that at the time now when such people have
6 been identified and got, they now just use the standing instruction that was already
7 issued before.

8 Q. [10:11:24] And do you know how long this standing instruction was for,
9 Mr Witness?

10 A. [10:11:36] I do not know how long it took, because I also came to know about it
11 when I was abducted. I found the instruction was already there.

12 Q. [10:11:49] At the time that you were leaving the LRA, did you know if this
13 instruction was still standing, Mr Witness?

14 A. [10:12:03] At the time I left the LRA, I believe the instruction was still there.

15 Q. [10:12:13] Now, Mr Witness, you told us earlier about a young boy who was
16 killed because he tried to escape just a day after you were abducted. Can you recall
17 any other instance of any person who was killed because they tried to escape?

18 A. [10:12:40] Another person who tried to escape which I saw with my own eyes is
19 not there, but I would hear such happenings in other groups when they say, "We
20 recaptured so-and-so who had tried to escape and we killed." Yeah, I would hear
21 this in other groups.

22 Q. [10:13:09] Do you recall a person called Ocii?

23 A. [10:13:20] Ocii, yes, I do recall.

24 Q. [10:13:23] And do you know what had happened to this person called Ocii?

25 A. [10:13:36] When Ocii was -- there was a time when someone tried to escape, but

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1 he did not succeed. But since it was already a standing order, he was recaptured
2 and that standing instruction was used against that person. So Ocii used that
3 instruction to kill that person who had tried to escape.

4 Q. [10:14:13] Do you know what year this took place?

5 A. [10:14:24] I do not quite recall the year. But I do recall the person who gave the
6 instruction.

7 Q. [10:14:33] Who was the person who gave the instruction?

8 A. [10:14:40] It was Odhiambo.

9 Q. [10:14:44] And do you recall what Ocii did or how Ocii carried out the
10 instruction?

11 A. [10:15:02] There is nothing else that is used for killing someone, apart from
12 using logs or sticks.

13 MS ADEBOYEJO: [10:15:23] Your Honours, the witness has said he cannot recall the
14 date. I wonder if I can be permitted to refresh him very briefly on the date.

15 PRESIDING JUDGE SCHMITT: [10:15:31] (Microphone not activated)

16 MS ADEBOYEJO: [10:15:32] Put it to him. Okay.

17 PRESIDING JUDGE SCHMITT: [10:15:33] Excuse me, simply put a certain date to
18 him; that shortens the procedure.

19 MS ADEBOYEJO: [10:15:39] Much obliged, your Honour.

20 Q. [10:15:42] Mr Witness, if I put it to you that it was in October 2002, would you
21 recall that date?

22 A. [10:16:00] Yes, I do recall.

23 PRESIDING JUDGE SCHMITT: [10:16:04] When -- of course, it was -- I said you put
24 it to him, but this is of course an expression normally made by Defence. But what
25 you can do, when it comes to such short information where there is no danger that it

1 might -- that the witness might be influenced, simply say, "We have here a statement
2 where you have said October 2002. Now that I tell you ..." Something like that
3 would be -- perhaps, next time.

4 MS ADEBOYEJO: [10:16:31] Much obliged, your Honour.

5 Q. [10:16:34] Now, do you know exactly where this incident took place,
6 Mr Witness?

7 A. [10:16:52] I now cannot recall where exactly this incident took place.

8 Q. [10:17:05] In your statement, Mr Witness, you had referred to a place called
9 Loyo Ajonga. Does that refresh your memory, Mr Witness?

10 A. [10:17:22] Yes, yes.

11 Q. [10:17:24] Did you see this person being killed yourself, Mr Witness?

12 A. [10:17:33] I did not see with my own eyes, but at the time of issuing of the
13 instruction and when he was being taken to be killed, I was present. But where
14 he was killed from and how he was killed, I was not present; I did not see.

15 Q. [10:18:12] Your evidence before the Court though is that you saw him, you saw
16 that a stick was used to kill this person, Mr Witness?

17 A. [10:18:29] Yeah. That stick, after he finished killing that person, he came back
18 with that stick to show that indeed, as an evidence, that the person has been killed.

19 Q. [10:18:48] What did you see on the stick, Mr Witness?

20 A. [10:18:56] What I saw on that stick, it was all covered with blood. An
21 indication that that person was killed, was beaten.

22 Q. [10:19:13] Apart from these two instances, Mr Witness, do you know of any
23 other instances where persons were caught and killed who had tried to escape?

24 A. [10:19:33] Apart from those two that -- apart from those two incidences, I do not
25 have any other that I saw.

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1 Q. [10:19:44] Now you referred to a place called Lamogi earlier, Mr Witness.

2 What happened to you in Lamogi?

3 A. [10:19:58] In Lamogi what happened to me was basically we were for a training,
4 but -- but also the training was not every day. Sometimes it would be there, some
5 days it would not be-- it would not be there.

6 Q. [10:20:18] And this place you have referred to as Lamogi, where is it?

7 A. [10:20:30] Lamogi, Lamogi, right now is in a new district called Amuru, but
8 previously it was in Gulu.

9 Q. [10:20:50] Now when did you start receiving this training, Mr Witness?

10 A. [10:20:55] I received this training in 1990, the same year I was abducted.

11 Q. [10:21:06] How long did the training last?

12 A. [10:21:10] We were in that training from 1990 up to 1992. That was a time that
13 we were still in that area; so we spent about two years in that area.

14 Q. [10:21:26] What kind of training did you receive, Mr Witness?

15 A. [10:21:35] The trainings included how to shoot a gun, how to stand when
16 you are in the battlefield, how to march. Yeah, these were some of the trainings that
17 we were taken through.

18 Q. [10:21:56] And what kind of weapons were you given to train with?

19 A. [10:22:08] We used AK-47 and RPG.

20 Q. [10:22:13] Where did these weapons come from, Mr Witness?

21 A. [10:22:26] These weapons, most times when people -- the rebels fight with the
22 government forces, that's when they get these weapons.

23 PRESIDING JUDGE SCHMITT: [10:22:41] But the question would be, Mr Witness, if
24 you know where these weapons came from. Who provided the LRA with these
25 weapons?

1 THE WITNESS: [10:22:59] (Interpretation) Before the LRA went to Sudan, they
2 would actually get these guns or weapons from the government forces during
3 fighting. Before they went to Sudan.

4 MS ADEBOYEJO: [10:23:17]

5 Q. [10:23:18] And after they went to Sudan, Mr Witness, where did the weapons
6 come from?

7 A. [10:23:27] When they now went Sudan, they would receive weapons from the
8 Sudan government.

9 PRESIDING JUDGE SCHMITT: [10:23:37] Mr Witness, did you observe that yourself,
10 did you see that yourself?

11 THE WITNESS: [10:23:46] (Interpretation) I saw those items myself. At the time
12 when we went -- when we went to Sudan, yes, I saw with my own eyes as the
13 weapons were being brought.

14 MS ADEBOYEJO: [10:24:03]

15 Q. [10:24:03] And after you received the training, Mr Witness, what unit were you
16 assigned to?

17 A. [10:24:15] When we were taken to Lamogi, we were taken from Control Altar
18 and taken to Sinia. So when we were now doing the training, we were doing the
19 training in Sinia.

20 Q. [10:24:36] And when you finished the training, Mr Witness, what units were you
21 assigned to?

22 A. [10:24:50] After the training, after the training I continued being in Sinia.

23 Q. [10:25:01] And when you talk about Sinia, Mr Witness, what is Sinia?

24 A. [10:25:10] Sinia is one of the brigade in the LRA.

25 Q. [10:25:17] How many brigades were there?

1 MR OBHOF: [10:25:23] Not really an objection, your Honour, but more of
2 a clarifying question. I would like to know the time frame in which she is speaking
3 because it depends upon the time frame.

4 PRESIDING JUDGE SCHMITT: [10:25:32] I understand it is not an objection --

5 MR OBHOF: [10:25:33] Yes.

6 PRESIDING JUDGE SCHMITT: -- it is not an objection, but indeed it would be
7 helpful that from the outset what we are now -- from now on talking about where the
8 structure is related in time, so to speak. Yeah, that's correct, Mr Obhof, thank you.

9 MS ADEBOYEJO: [10:25:47] Thank you, Mr President, your Honours. Thank you,
10 Mr President.

11 Q. [10:26:02] Now, Mr Witness, have you heard about Operation Iron Fist?

12 A. [10:26:16] Yes, I heard about Operation Iron Fist.

13 Q. [10:26:19] During the period of Operation Iron Fist, how many brigades were
14 there in the LRA?

15 A. [10:26:28] During the Iron Fist, there were three brigades. The fourth one was
16 Trinkle.

17 Q. [10:26:42] And which were the other two? You already told us Sinia.

18 A. [10:26:54] The other two were Stockree and Gilva.

19 Q. [10:27:10] When you started out at the LRA, what was the task that you were
20 given, assigned?

21 A. [10:27:22] When I started work in the LRA as a soldier I was an escort.

22 Q. [10:27:31] Who were you an escort to?

23 A. [10:27:39] At that time I was an escort to Otim Toro.

24 Q. [10:27:57] Did you move from being an escort to this person?

25 A. [10:28:16] I moved to another person still as an escort.

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1 Q. [10:28:25] Who was this person?

2 A. [10:28:31] I moved to Tokuma (phon).

3 Q. [10:28:45] At what time did you ever command a unit yourself, Mr Witness?

4 A. [10:29:03] I, I did not specifically control a unit myself alone. (Redacted)

5 (Redacted)

6 Q. [10:29:20] And what unit (Redacted)

7 MR EDWARDS: [10:29:24] Your Honour.

8 MR OBHOF: [10:29:25] Your Honour, I think we both had the same question.

9 MS ADEBOYEJO: [10:29:29] Your Honours, I would request --

10 MR OBHOF: [10:29:31] This might be best in private.

11 PRESIDING JUDGE SCHMITT: [10:29:32] Yes. So there is at least on the left side of
12 the courtroom unanimity. So we go to private session for a short while. Indeed,
13 that's correct.

14 And you see, Mr Edwards, that also the Defence is alerted to the issue.

15 (Private session at 10.29 a.m.)

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- 25 (Open session at 10.34 a.m.)

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1 THE COURT OFFICER: [10:34:37] We are back in open session, Mr President.

2 MS ADEBOYEJO: [10:34:51]

3 Q. [10:34:52] Mr Witness, you have told us about the names of the four brigades
4 that were in the LRA during Operation Iron Fist. Would you happen to know the
5 names of the brigade commanders at that period and who were the deputies, starting
6 with Gilva, perhaps?

7 A. [10:35:22] Yes, I can. But I may, I may have forgotten some of the names,
8 because there are quite a number of people. But there are some that I do recall.

9 PRESIDING JUDGE SCHMITT: [10:35:41] Mr Witness, that's not a problem if you
10 don't remember everybody. I simply would suggest, and I would assume there is no
11 objection by the Defence, that if you simply do not recall a certain name, you just ask
12 him does a certain name of ring a bell, and if yes, it's good, and if no, you have to
13 accept it.

14 Okay. Please continue.

15 MS ADEBOYEJO: [10:36:06] Thank you, Mr President.

16 Q. [10:36:08] So, Mr Witness, let's start with Gilva brigade. During this period of
17 Operation Iron Fist, who was the brigade commander and who was his deputy?
18 And take into consideration the direction given by the President.

19 A. [10:36:34] At the time, to my recollection, the brigade commander for Gilva, one
20 of them was Ocan Bunia. And he was one of the brigade commanders. The second
21 one, if I recall, was Livingstone, Livingstone Opiro.

22 Q. [10:37:04] What about Sinia brigade, Mr Witness?

23 A. [10:37:11] For Sinia brigade it was Abudema, Buk Abudema. The second
24 person, if I recall correctly, well, if I haven't forgotten I think it was Caesar.

25 Q. [10:37:44] And what about Stockree, Mr Witness?

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1 A. [10:37:53] Odhiambo was the brigade commander for Stockree.

2 Q. [10:38:01] And who was the deputy?

3 A. [10:38:08] His deputy, I have forgotten at the moment.

4 Q. [10:38:17] Now in your statement you had made mention of Onen Kamdule.

5 Does this refresh your memory, Mr Witness?

6 A. [10:38:33] Onen Kamdule, yes, yes, it does.

7 Q. [10:38:43] Mr Witness, I now want to ask you very briefly how many battalions
8 were there in Trinkle brigade?

9 A. [10:39:00] Trinkle brigade had three battalions. But it also had a Yard, a Yard is
10 also, the Yard was also part of Trinkle. But as for battalions, there were three if you
11 do not include the Yard. But if you include the Yard, then there are four.

12 Q. [10:39:26] And as at the time of Iron Fist, who was the brigade commander of
13 Trinkle?

14 A. [10:39:38] At the time of Iron Fist, the brigade commander of Trinkle was
15 Acel Calo Apar.

16 Q. [10:39:47] And who was his deputy?

17 A. [10:39:54] His deputy at the time, initially it was Odongo and then
18 Acel Calo Apar.

19 Q. [10:40:14] So let me understand you directly, Mr Witness. The brigade
20 commander for Trinkle was Acel Calo Apar and his deputy was Odongo; would that
21 be correct?

22 A. [10:40:30] No. Odongo was the commander, was the senior commander, was
23 the first commander, and then Acel Calo Apar was his deputy.

24 Q. [10:40:40] Did Odhiambo at any time become the brigade commander?

25 A. [10:40:52] Of Trinkle brigade?

1 Q. [10:40:54] Yes, Mr Witness.

2 A. [10:41:08] Odhiambo was not or was never a brigade commander for Trinkle.

3 But at the time that we came back to Uganda in 2002, when Trinkle did not have

4 a brigade commander, the commander was left behind. But Trinkle came to Uganda,

5 and at the time when it came to Uganda, Odhiambo was the acting commander.

6 They did not have radio communication, so Odhiambo was acting in order to relay

7 any communication that came from above. So if any communication came, then it

8 was Odhiambo who would relay it. So Odhiambo was acting, but he was not the

9 actual brigade commander.

10 Q. [10:41:50] Now let me take you back to Sinia brigade. How many battalions

11 were there in Sinia and what were their names?

12 A. [10:42:07] Sinia had three battalions. One of them was Terwanga. The second

13 one was Oka. And the third one, well, I am trying to remember. Perhaps it

14 was Siba.

15 Q. [10:42:37] Mr Witness, thank you. I am going to now move to Stockree. How

16 many battalions were in Stockree?

17 A. [10:42:48] Stockree also had three battalions. The first one was Mendu, the

18 second one Kipola, and the third one was Sapu.

19 Q. [10:43:06] And finally with Gilva brigade?

20 A. [10:43:11] Gilva had the 1st battalion, 2nd battalion and 3rd battalion.

21 Q. [10:43:20] Now let's move quickly to what you have referred to as the

22 Control Altar. Mr Witness, what was the Control Altar?

23 A. [10:43:38] Control Altar was the LRA headquarters.

24 Q. [10:43:52] And who were the people in charge of the Control Altar, or who was

25 in charge of the Control Altar?

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1 A. [10:44:03] The Control Altar had a number of commanders, because it had
2 several departments as well so there were many commanders. Kony was also part
3 of it, Otti was part of it, Caesar as well, Yadin. There were, there were quite
4 a number of commanders who -- commanders of the high command who were in
5 Control Altar.

6 Q. [10:44:36] Mr Witness, I would put some of the names to you and then you
7 would tell the Court if you recognise these names and where they were within the
8 structure of the LRA.

9 You have referred to Otti, Otti Vincent. Can you tell the Court what was his position
10 in the LRA structure?

11 A. [10:45:10] Otti Vincent, he was the deputy to Kony.

12 PRESIDING JUDGE SCHMITT: [10:45:25] And we are still in the same time frame, I
13 would assume.

14 MS ADEBOYEJO: [10:45:30] Yes.

15 PRESIDING JUDGE SCHMITT: [10:45:30] Meaning 2003?

16 MS ADEBOYEJO: [10:45:34] Yes, your Honour, we are still --

17 PRESIDING JUDGE SCHMITT: [10:45:38] Okay.

18 MS ADEBOYEJO: [10:45:40]

19 Q. [10:45:40] So, Mr Witness, during the period of Iron Fist, if I give you the name
20 of the person called Raska Lukwiya, what was his role within the LRA structure?

21 A. [10:46:02] Raska Lukwiya at that time he was the brigade general.

22 Q. [10:46:18] Caesar Acellam?

23 A. [10:46:24] Caesar Acellam at the time was a director of intelligence.

24 Q. [10:46:36] Owor Lakati?

25 A. [10:46:42] Owor Lakati was in charge of the department, overall department of

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- 1 Control Altar.
- 2 PRESIDING JUDGE SCHMITT: [10:47:07] I don't know if you think it necessary to
- 3 go through all the names. Perhaps you choose some more prominent ones.
- 4 MS ADEBOYEJO: [10:47:16] I have just a few more to go through, your Honour.
- 5 PRESIDING JUDGE SCHMITT: [10:47:19] Yes, please.
- 6 MS ADEBOYEJO: [10:47:21]
- 7 Q. [10:47:24] Sam Kolo, Mr Witness?
- 8 A. [10:47:32] Sam Kolo was the political leader.
- 9 Q. [10:47:36] And Mzee Banya?
- 10 A. [10:47:42] Mzee Banya was an elder and he was an adviser.
- 11 Q. [10:47:54] You told us earlier about --
- 12 PRESIDING JUDGE SCHMITT: [10:48:01] Perhaps two more.
- 13 But do you know which position and rank Tolbert Yadin had?
- 14 THE WITNESS: [10:48:18] (Interpretation) Tolbert Yadin was a brigadier and his
- 15 function, he was a deputy to Otti.
- 16 PRESIDING JUDGE SCHMITT: [10:48:35] And from my side finally,
- 17 Charles Tabuley?
- 18 THE WITNESS: [10:48:45] (Interpretation) Charles Tabuley at the time was
- 19 still a CO.
- 20 PRESIDING JUDGE SCHMITT: [10:48:54] Can you tell us what a CO is?
- 21 THE WITNESS: [10:48:59] (Interpretation) A CO is a battalion commander.
- 22 PRESIDING JUDGE SCHMITT: [10:49:05] Thank you.
- 23 Ms Adeboyejo, please continue.
- 24 MS ADEBOYEJO: [10:49:09] Thank you, Mr President, your Honour.
- 25 Q. [10:49:12] Now, Mr Witness, you referred to us earlier, you referred to the

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1 support unit. Can you tell us who was the head of the support unit in Control Altar?

2 A. [10:49:34] It was Opuk, he was in charge of the support.

3 Q. [10:49:39] And what did the support unit do?

4 A. [10:49:46] The support unit was responsible for heavy weaponry and that group
5 was known as the support.

6 Q. [10:50:05] Mr Witness, I want to ask you, have you ever heard of a place called
7 Atiak?

8 A. [10:50:18] Yes, I have heard of a place called Atiak.

9 MS ADEBOYEJO: [10:50:26] Mr President, your Honour, I would like to request to
10 go into private session for this portion of --

11 PRESIDING JUDGE SCHMITT: [10:50:31] Yes, private session.

12 (Private session at 10.50 a.m.)

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- 25 (Open session at 10.54 a.m.)

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1 THE COURT OFFICER: [10:54:53] We are back in open session, Mr President.

2 PRESIDING JUDGE SCHMITT: [10:54:56] Thank you very much. And as I have
3 already said in private session, it's now time for a break and we reconvene at 11.30.

4 THE COURT USHER: [10:55:06] All rise.

5 (Recess taken at 10.55 a.m.)

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

7 THE COURT USHER: [11:31:43] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [11:31:55] Ms Adeboyejo has rightfully assumed
10 that she has still the floor.

11 Please continue.

12 MS ADEBOYEJO: [11:32:02] Thank you, Mr President.

13 Q. [11:32:07] Welcome back, Mr Witness.

14 A. [11:32:14] Thank you.

15 Q. [11:32:16] Have you heard of Aboke school?

16 A. [11:32:25] Yes, I heard about it.

17 MS ADEBOYEJO: Mr President, your Honours, may I request for us to go for a
18 quick private session.

19 PRESIDING JUDGE SCHMITT: [11:32:37] A quick private session, yes.

20 (Private session at 11.32 a.m.)

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5 (Open session at 11.36 a.m.)

6 THE COURT OFFICER: [11:36:41] We are back in open session, Mr President.

7 PRESIDING JUDGE SCHMITT: [11:36:48] Thank you.

8 Mr Witness, you told us that about the incident where 150 girls, school girls were
9 abducted from Aboke on 10 October. And we would be interested now, what
10 happened after they had been abducted? Perhaps you can start again. I think you
11 spoke about a priest that came. And don't mention if there was any -- if you were in
12 any way was involved. Please continue.

13 THE WITNESS: [11:37:24] (Interpretation) Okay. So when the priest came and
14 made that request and when Commander Lagira asked for permission from Kony on
15 what to do, Kony told him to tell the priest that he will return others, but 30 will
16 remain.

17 And by all means, the priest should accept to that.

18 So indeed, the priest did not object to it. He received 120 girls and went back with
19 it -- with them, and 30 remained.

20 The 30 that remained, we moved with them. We moved with them and spent about
21 one month, when they were still with us within our group.

22 In the second month, we gave these girls to Lagony because Komakech Omona had
23 issued information that Lagony should receive those girls and keep with them -- with
24 him.

25 So when we sent the girls to Lagony, we separated. So when we separated, we had

1 actually not given all the 30 girls to Lagony; we kept some with us. So when we
2 reached our position, after the separation, we asked these girls that were with us what
3 they, what they actually went through. We asked them, "Since the time we abducted
4 you, was there or is there any man that you've had an affair or relationship with or is
5 there any man that approached you for any relationship?"

6 So one of the girl said there is someone with whom she was in relationship, and they
7 were told that if you had not yet been -- if you have not yet gone through a ritual, you
8 should not go through that relationship. So because of fearing that she would be
9 killed, she had to accept the proposal of that man and they had sexual relationship
10 with that officer or with that soldier.

11 But when the commander heard this said, there was -- someone has violated the rule,
12 the rule was that no one should have sex before they have been -- gone through the
13 ritual, so what do we do?

14 So it was said that since there was a very strict instruction against this sexual
15 encounter, you give this person any form of punishment that you feel fits the incident.

16 So Commander Lagira ordered that this person should be given 400 lashes. When
17 this order was given, he selected four of us. They --

18 PRESIDING JUDGE SCHMITT: [11:40:49] Mr Witness, I think now perhaps when it
19 comes to -- when it comes to more details of the incident, so to speak, we go perhaps
20 shortly to private session and continue from there.

21 But thank you very much. This is, as I said, we appreciate very much that you
22 narrate, narrate to us in the way you do it. But sometimes it's simply a legal
23 question if we go to private session or open session.

24 We go now to private session

25 (Private session at 11.41 a.m.)

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4 (Open session at 11.49 a.m.)

5 THE COURT OFFICER: [11:49:58] We are back in open session, Mr President.

6 MS ADEBOYEJO: [11:50:04]

7 Q. [11:50:04] Mr Witness, have you heard of a place called Pajule?

8 A. [11:50:07] Yes.

9 Q. [11:50:19] And do you know what happened in Pajule in October 2003?

10 A. [11:50:25] In October 2003, what happened in Pajule I was not physically present
11 but I heard from my colleagues, people who went there, I heard from them what
12 happened.

13 Q. [11:50:51] Can you tell the Court what you heard?

14 A. [11:50:56] What I heard was that they went and worked in Pajule. Otti
15 organised an operation and sent people to Pajule to attack Pajule barracks and to
16 collect items such as soap, sugar, salt because there was Uhuru day, so he organised
17 that operation to go and do this work. And secondly, to abduct people in Pajule to
18 show them that him and Yadin are not separated because there was information that
19 Otti and Yadin were not seeing eye to eye.

20 So he organised that operation to show the people of Pajule that there was no bad
21 blood between him and Yadin. So he organised that operation and sent people to
22 Pajule.

23 PRESIDING JUDGE SCHMITT: [11:52:10] May I shortly, Ms Adeboyejo.

24 Mr Witness, you said you heard this from colleagues, I think this is reflected in the
25 transcript. Which colleagues were these? And could you perhaps describe the

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1 circumstances when you heard this and from whom.

2 THE WITNESS: [11:52:26] (Interpretation) The person who told me this was one
3 called Oboke, Aciro and Lobul. They were in the sickbay, but they were closer to the
4 area where the group that was going for the operation was stationed. So since they
5 were giving protection to the sick in the sickbay, it was thought that they should also
6 be present so that if they get some medicines they can take to be used for treating the
7 sick. So they were the ones who told me.

8 PRESIDING JUDGE SCHMITT: [11:53:13] Thank you.

9 MS ADEBOYEJO: [11:53:15]

10 Q. [11:53:16] Did they tell you how many civilians were abducted, Mr Witness?

11 A. [11:53:19] They did not tell me the exact number, but they told me many
12 civilians were abducted.

13 Q. [11:53:32] Did they also tell you who commanded the attack on Pajule?

14 A. [11:53:37] They told me that it was Raska who led the attack. But later on after
15 the attack, after some days, that's when Raska came to us and told us that they went
16 to Pajule, had an operation there. They abducted civilians. They also attacked
17 civilian -- they also attacked the military barracks and abducted some civilians and
18 came with them.

19 Q. [11:54:22] Did they tell you who fought in Pajule, Mr Witness?

20 A. [11:54:25] The commanders who went to Pajule, Raska was amongst them,
21 according to how he also reported and also to what the other colleagues told me.
22 Then there was Kapere. And other junior commanders whose names were not
23 mentioned to me.

24 Q. [11:54:58] Mr Witness, did anybody at any time mention to you that there was a
25 commander called Odomi at Pajule?

1 A. [11:55:13] Yes. Those people who told me were the ones who also told me that
2 Odomi was present in that group. But his being present, he did not go to the
3 battlefield himself. He was in the group that remained behind, because he had just
4 returned from the sickbay. He was sick and he had just returned from sickbay. So
5 he did not go physically to fight in the front line, so he remained behind.

6 Q. [11:55:53] Did you know of any prominent persons who was abducted in Pajule,
7 Mr Witness?

8 A. [11:55:58] The most resounding person that I know of who was abducted from
9 Pajule was Rwot Oywak. He is the one that I heard of that was abducted.

10 Q. [11:56:20] Do you know if this abduction was reported, Mr Witness?

11 A. [11:56:28] Otti reported about that abduction after the operation and after those
12 people had returned. So he was reporting to Kony that he organised people and sent
13 them to attack Pajule and also to abduct the civilians from Pajule, because the civilians
14 in Pajule were saying that Yadin and himself were not seeing eye to eye and that they
15 were not staying together. So he sent those people to Pajule to send a signal to the
16 people that there was no problem between him and Yadin.

17 So that is what -- how, that is how he was reporting to Kony about the abduction.

18 Q. [11:57:32] And what happened to the civilians who were in Pajule when this
19 attack happened?

20 A. [11:57:39] When the attack happened, what I heard was there was the abduction
21 of the civilians, the attack on the military barracks and to move with those civilians
22 who were abducted up to the place where Otti was located.

23 Q. [11:58:09] Do you know what eventually happened to those civilians that were
24 moved to where Otti was?

25 A. [11:58:16] I did not hear of anything bad that happened on the civilians who

1 were abducted up to the point they reached Otti. But only that what I heard as a
2 response from Kony was that if that is what the civilians of Pajule are saying, then let
3 Otti and Yadin stay together, eat together in the presence of the civilians from Pajule
4 and then they can release them to go back so that they can go and spread the message
5 that there was no problem between him and Yadin.

6 So the way as Kony issued that instruction is exactly also what they did. Those
7 people sat down together, ate together and then they released the civilians to go back.

8 Q. [11:59:22] Thank you, Mr Witness. Mr Witness, have you heard of a place
9 called Odek?

10 A. [11:59:29] Yes, I have heard of Odek.

11 Q. [11:59:38] Can you tell the Court what you know happened in Odek?

12 A. [11:59:46] First of all, I heard this over the radio. I heard it over the FM radio
13 that Odomi's group had gone and attacked Odek barracks. They had seized
14 weapons, four SMGs had been seized, as well as one G2 which is a rapid machine gun.
15 They had also taken one B-10.

16 They had burnt down the barracks. They had also burnt down houses. And that is
17 something that I heard over the FM radio. And after one week, maybe one week and
18 a few days, we met with Odomi in an area known as Te Atoo Opin (phon) close to
19 Loyo Ajonga near the river.

20 I was also minding my own business and my own ways, looking for food, looking for
21 cassava to help my own people, and I found him in that area. I actually bumped into
22 him accidentally. We had not made any plans to meet.

23 When I bumped into him, I was in a group that was unable to find things. I went to
24 him and I asked him if he had any medication or if he had any soap.

25 When I went to him we sat down and then I asked him, I asked, I said, "I heard over

1 Mega Radio that you sent your people and they went and attacked Odek barracks.
2 Did your people go and attack the barracks?"
3 And he responded, he said "Yeah, I sent my people. They went, they attacked the
4 barracks. They scattered the barracks. They burned houses, they burned down the
5 barracks. They took six guns, four SMGs, one G2, and a recoiller, a B-10, one.
6 And I told him, I said, "Okay. No worries. I heard that over the radio. I had
7 already heard that over the radio, that you had sent your people on mission to that
8 place." And he told me, yeah, he said, "Yes, I did send my people to Odek. And
9 they went, they attacked the barracks."

10 Q. [12:03:01] Did he, did he tell you what happened to the civilians, Mr Witness?

11 A. [12:03:09] Well, with respect to civilians, he told me that civilians were shot.
12 The civilians were shot during the crossfire, so he does not know how the civilians
13 were caught in the crossfire. He does not know whether the civilians were trying to
14 flee or what it was that they were actually doing. So he did not know what the
15 civilians were doing.

16 Q. [12:03:42] How many civilians did he say died?

17 A. [12:03:49] Based on what I had heard over the radio before I spoke to him, I
18 heard over the radio that 30 civilians had died in Odek.

19 Q. [12:04:12] Mr Witness, I will now ask you about a place called Barrio. Have
20 you heard of that place?

21 A. [12:04:23] Yes, I have heard about that place. But I heard about it over the
22 radio. I did not hear it directly from anybody. But I heard about it over the radio.

23 MR OBHOF: [12:04:43] Excuse me, your Honour. It's not necessarily an objection,
24 I'm just asking that the interpreter say the actual name of the place in which the
25 witness said, because the witness named a physical location which is not what the

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1 Prosecutor said.

2 PRESIDING JUDGE SCHMITT: [12:04:58] Obviously needs to be some clarification.

3 Perhaps we try this way.

4 Mr Witness, simply repeat the place that you have in mind at the moment and then
5 we try to verify if we speak of the same place.

6 THE WITNESS: [12:05:19] (Interpretation) Barrio.

7 PRESIDING JUDGE SCHMITT: [12:05:23] Thank you, Mr Witness.

8 And, Ms Adeboyejo, is this the place that you wanted to address?

9 MS ADEBOYEJO: [12:05:30] Yes.

10 PRESIDING JUDGE SCHMITT: [12:05:31] Okay. Then please continue.

11 MS ADEBOYEJO: [12:05:33]

12 Q. [12:05:33] So, Mr Witness, can you tell us what happened in Barrio?

13 A. [12:05:45] I heard over the radio -- nobody -- I did not speak to anybody directly,
14 anybody who was involved at Barrio, but I heard over the radio that Odomi's group
15 had gone on mission to Bar-Rio in Otwal area. They went to that area. They
16 abducted people. Some people died. But I did not see anybody or speak directly to
17 somebody who was involved in that attack. But I only heard it over the radio.

18 Q. [12:06:26] Just to go back a step, Mr Witness, your conversation with Odomi
19 concerning the Odek attack, how close to the time that you escaped did you have that
20 conversation?

21 A. [12:06:49] I do not know the exact date that we met. But to my estimation it
22 wasn't very long after that.

23 Q. [12:07:12] And what year did you escape?

24 A. [12:07:18] I escaped in 2004 in May.

25 PRESIDING JUDGE SCHMITT: [12:07:30] Do you know the exact date when you

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1 escaped, by chance?

2 THE WITNESS: [12:07:35] (Interpretation) Yes, I do know the date that I escaped.

3 I escaped on the 24th.

4 PRESIDING JUDGE SCHMITT: [12:07:46] Of May?

5 THE WITNESS: [12:07:50] (Interpretation) Yes.

6 PRESIDING JUDGE SCHMITT: [12:07:55] Because, Ms Adeboyejo, in the summary
7 of the Prosecution we read 24th of April. And yes, that would have caused some
8 questions, frankly speaking.

9 MS ADEBOYEJO: [12:08:09] Indeed, Mr President, but we have to go with what the
10 witness has said, I understand.

11 PRESIDING JUDGE SCHMITT: [12:08:16] Yes, but simply, this -- of course could
12 have been a contradiction --

13 MS ADEBOYEJO: [12:08:22] Absolutely.

14 PRESIDING JUDGE SCHMITT: [12:08:24] -- if it would not have been corrected by
15 the witness.

16 MS ADEBOYEJO: [12:08:27] Absolutely, your Honour.

17 Q. [12:08:31] Now, Mr Witness, you were telling us earlier about an incident
18 between Omona and some girls at Oboke school. And so I want to turn your mind
19 now to the issue of female abductees.

20 Can you tell the Court what is the general order or standing order that had been
21 given concerning female abductees?

22 A. [12:09:04] The standing rule in the bush regarding female abductees is that if a
23 female person is abducted, they should not immediately hand that person over to a
24 man. The person should first be, when abducted, the person should stay for a period.
25 There is a period that they were supposed to stay before being given to somebody.

1 And then after that period they perform a ritual. They are smeared. They use shea
2 butter and there is a white ochre that they use. They smear these people with -- the
3 female person with them. They use the sign of the cross on the forehead, on the
4 chest, and for girls they are also -- a sign of the cross is also placed on their back.
5 After they have been smeared, they then make the decision as to who is capable of
6 having a wife. Once they make the decision as to who is able to have a wife, then
7 they start distributing the girls to those people that have been selected as now being
8 able to have wives. They will take the girl and hand the girl over to that man. They
9 take one girl, hand them over to a particular man, and that's what they used to do.

10 PRESIDING JUDGE SCHMITT: [12:10:46] May I shortly Ms Adeboyejo again,
11 excuse me, but we have some questions in that regard. You said they make the
12 decision to, I read it out, "once they make the decision as to who is able to have a
13 wife", who makes this decision?

14 THE WITNESS: [12:11:03] (Interpretation) The senior commander, perhaps the
15 brigade commander is the one who makes the decision and then informs the CO. He
16 asks the CO that who in your battalion is now able to receive a wife, and then the CO
17 would look at the men and then he would come back and speak to the brigade
18 commander and then a decision is made to take the girls and give them over to the
19 people in that brigade.

20 PRESIDING JUDGE SCHMITT: [12:11:44] Can we imagine this, when this is done
21 this way, that afterwards there are reports about what had, if this was actually
22 implemented, if this had actually been done. So would it be, for example, reported
23 to the headquarters, to Kony? Or if the CO had affected the decision of the brigade
24 commander, would he report back to the brigade commander?

25 THE WITNESS: [12:12:17] (Interpretation) Once the -- on the day that the girls are

1 to be divided, they are all collected at the brigade. The CO will then come and tell
2 the brigade commander the number of people who are able to receive men -- to
3 receive wives. Then they take the number of girls and give it to the CO. The CO
4 will then take the girls to his battalion. And then when he gets to his battalion, then
5 he gives out the girls to the men or the people in his, in his battalion who he had
6 listed.

7 Once he has divided the girls to all the people he has listed, then he goes back to the
8 brigade commander and tells the brigade commander that "I have now given the girls
9 to their husbands."

10 PRESIDING JUDGE SCHMITT: [12:13:04] So would I understand it correctly then
11 that, so to speak, the final decision would be made by the brigade commander?

12 THE WITNESS: [12:13:13] (Interpretation) In the brigade, the commander, when we
13 are talking about the brigades, then it's the brigade commander who decides who is
14 able to receive a wife.

15 PRESIDING JUDGE SCHMITT: [12:13:36] And a last question: If, for example, the
16 brigade commander is at some faraway place, let's assume, and is not on the ground,
17 so to speak, is not present, is it the same then? Does he also -- is it reported to him
18 and he reports back and gives -- and delivers his decision to the CO? Or is this a
19 wrong understanding?

20 THE WITNESS: (Interpretation) All right. Then if --the brigade commander
21 usually has a radio to communicate with. So if Kony issues an order that the girls
22 that have been abducted should now be smeared and given to their husbands, then
23 the information is sent to the brigade commander. Once the information is sent to
24 the brigade commander, the brigade commander finds the people who smear the girls.
25 Once the girls have been smeared, if, for example, a battalion is far away and it's

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1 difficult to get information, any information from the battalion because they do not
2 have a radio, then the brigade commander will have that information, the battalion
3 commanders or the COs would not have knowledge of this information until the
4 brigade commander and the COs meet, and then the brigade commander would then
5 inform the CO that we have received instructions that the girls should be divided,
6 and then the CO would inform the brigade commander of the men in his group that
7 are available, list them, and then the girls would be distributed.

8 PRESIDING JUDGE SCHMITT: [12:15:19] And this, I resume, so to speak, where
9 you ended, and you said then the, for example, the CO gives the list because he
10 knows the people. And who makes the decision? Does he make a proposal, so to
11 speak? Or how can we picture that for ourselves?

12 THE WITNESS: [12:15:40] (Interpretation) That now depends on the CO, because
13 it's the CO who will now determine who has come of age, who is able to receive a
14 wife, who is able to take care of a wife. Then he decides and says, "Okay. This
15 person is now able to receive a wife."

16 If that person already has a wife, then the CO can also make a decision to give that
17 person a second wife. The CO determines that this person is capable of maintaining
18 one wife. This person is able of maintaining two wives. Or this person has come of
19 age and should have a child. So then he makes that decision.

20 PRESIDING JUDGE SCHMITT: [12:16:30] Thank you, Mr Witness.

21 Also thank you for your indulgence, Mrs Adeboyejo. But these were questions that
22 the Bench would have liked to have addressed with this witness.

23 MS ADEBOYEJO: [12:16:42] Absolutely, your Honour.

24 PRESIDING JUDGE SCHMITT: [12:16:44] Because this witness seems to be a
25 witness that is good placed to answer such questions. Please continue.

1 MS ADEBOYEJO: [12:16:49] Much obliged, your Honour. At this point I would
2 like to ask for a very short private session.

3 PRESIDING JUDGE SCHMITT: [12:16:53] But please tell me why, in general terms.

4 MS ADEBOYEJO: [12:16:56] Because I want to ask questions that are specific to him
5 with regards to this topic. Okay, it's going to be really short.

6 PRESIDING JUDGE SCHMITT: [12:17:03] Yes. And I thought about when you
7 continue with that, we can't, we can't work with pseudonyms here?

8 MS ADEBOYEJO: [12:17:13] We could do that once he's answered the question and
9 then we can go back quickly.

10 PRESIDING JUDGE SCHMITT: [12:17:17] Okay. So I would appreciate it if then
11 we perhaps -- and tell the witness not to mention names.

12 MS ADEBOYEJO: [12:17:22] That's right. That's right.

13 PRESIDING JUDGE SCHMITT: [12:17:23] And these things. Okay. Then please
14 continue.

15 (Private session at 12.17 p.m.)

16 (Redacted)

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- 14 (Open session at 12.19 p.m.)
- 15 THE COURT OFFICER: [12:19:28] We are back in open session, Mr President.
- 16 MS ADEBOYEJO: [12:19:34]
- 17 Q. [12:19:35] All right. Mr Witness, this last wife we have referred to, how did she
- 18 become a wife?
- 19 A. [12:19:45] The last wife that I referred to was given to me. When she was given
- 20 to me, I was in sickbay at the time. They brought me a report and told me that the
- 21 girl who is in your household or who is with you is now your wife, and that's how
- 22 she became my wife.
- 23 Q. [12:20:24] How old was she when she became your wife, Mr Witness?
- 24 A. [12:20:30] When she was given to me she told me that she was 16 and she
- 25 should be 17 in a few -- like, shortly.

1 Q. [12:20:48] And how long did she stay with you, Mr Witness?

2 A. [12:20:51] She was my wife from 2002, 2003. 2004 is when we separated.

3 Q. [12:21:17] And how did you separate?

4 A. [12:21:22] We separated following a UPDF attack. The UPDF attacked us with
5 a gunship. And she was taken -- she was captured by the UPDF and they took her
6 and I stayed behind in the bush.

7 Q. [12:21:46] Did she have a choice as to whether or not she could be a wife?

8 A. [12:21:54] I suppose perhaps in her mind or personally, she may have resisted.
9 But the rules do not allow you to select the person that you want to stay with. So she
10 could not select me.

11 Q. [12:22:29] And did you also have a choice when this person was given to you?

12 A. [12:22:39] Personally, it would have been difficult for me to say no, because I
13 would then have to give an explanation as to why I'm refusing. I would have to tell
14 them why I do not want that woman and yet I've been given the woman as my wife.
15 So I did not make any decision to refuse.

16 Q. [12:23:09] And if a person insists that they do not want the choice that has been
17 given to them or they don't want a wife, what would be the consequence?

18 A. [12:23:22] If you refuse a woman who has been given to you, then you'll be
19 beaten. You'll first be beaten. And then after that you'll have to give an
20 explanation as to why you do not want that wife. So people were afraid and people
21 would -- people would not refuse, would not openly refuse.

22 Q. [12:23:59] And this person that we are talking about, was there any occasion that
23 this person was beaten?

24 A. [12:24:07] This person was beaten.

25 MS ADEBOYEJO: [12:24:22] Your Honour, may I ask for a very short private session

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1 just to explore that part.

2 PRESIDING JUDGE SCHMITT: [12:24:28] Really necessary?

3 MS ADEBOYEJO: [12:24:31] Well, because of Rule 74 reason. It's just one question
4 actually.

5 PRESIDING JUDGE SCHMITT: [12:24:36] Yes, okay. Private session.

6 (Private session at 12.24 p.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

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- 1 (Redacted)
- 2 (Open session at 12.29 p.m.)
- 3 THE COURT OFFICER: [12:29:36] We are back in open session, Mr President.
- 4 MS ADEBOYEJO: [12:29:42]
- 5 Q. [12:29:43] Now, Mr Witness, (Redacted)
- 6 (Redacted) Who carried out the beating?
- 7 A. [12:29:58] (Redacted)
- 8 Q. [12:30:12] Where did this happen?
- 9 A. [12:30:18] It happened while in Pader.
- 10 Q. [12:30:24] Were you yourself ever beaten, Mr Witness?
- 11 A. [12:30:32] Yes, I was, I was beaten.
- 12 Q. [12:30:41] Why were you beaten, Mr Witness?
- 13 A. [12:30:47] I was beaten while we're in Sudan. At the time we were (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted) So he issued instructions that I should
- 20 be beaten, and I was beaten.
- 21 Q. [12:31:45] How many lashes were you beaten, Mr Witness?
- 22 A. [12:31:52] I was given a hundred lashes.
- 23 Q. [12:31:57] Can you tell the Court what other offences would a person commit
- 24 that would result in them being killed as their punishment?
- 25 A. [12:32:09] The other incidences would include first escape; secondly, failing to

1 follow the standing orders in the LRA, like sleeping with a girl who was not yet
2 reached the time to be given to a man or sleeping with a wife of your fellow soldier,
3 all those punishments, all those incidences attract death penalty; or even sleeping
4 with an under-age girl, all those will attract punishment by death.

5 Q. [12:33:04] Now, Mr Witness, you referred earlier to May 2004. Can you tell this
6 Court how you were able to escape?

7 A. [12:33:19] This is how I escaped. You know, it is not easy to escape from there.
8 So my escape came just once into my mind, because you cannot plan your escape and
9 you continue staying there for long, because if they come to know about it, it can
10 result to your death.

11 So it just came to my mind that I should escape, because what I was living in, I was
12 not seeing any future in it, because as we were told that we should fight or the
13 reasons for which we were told to fight, I was not seeing any result coming out of it.

14 So it just came to my mind that I should escape and return home.

15 So the day that I planned to escape, immediately I left that same day.

16 PRESIDING JUDGE SCHMITT: [12:34:32] Shortly, Mr Edwards, I assume that - I
17 cannot read your mind, of course - but I assume that I know what you are at the
18 moment preoccupied with. And it should not perhaps make it too open, and I think
19 it's on the way.

20 MS ADEBOYEJO: [12:34:54] May I request for a short private session?

21 PRESIDING JUDGE SCHMITT: [12:34:58] Yes.

22 (Private session at 12.35 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 17 (Redacted)
- 18 (Redacted)
- 19 (Open session at 12.42 p.m.)
- 20 THE COURT OFFICER: [12:42:13] We are back in open session, Mr President.
- 21 PRESIDING JUDGE SCHMITT: [12:42:25] Thank you very much.
- 22 And the question would be to the LRVs if they have any questions, Mr Cox?
- 23 MR COX: [12:42:30] Your Honour, if I may, just two or three follow-up questions.
- 24 PRESIDING JUDGE SCHMITT: [12:42:34] Of course, of course, yes, absolutely.
- 25 MR COX: [12:42:35] Thank you.

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- 1 PRESIDING JUDGE SCHMITT: [12:42:36] And of course --
- 2 MR COX: [12:42:38] Yes.
- 3 PRESIDING JUDGE SCHMITT: [12:42:38] -- be care --
- 4 MR COX: [12:42:40] Yes.
- 5 PRESIDING JUDGE SCHMITT: [12:42:40] Yes, okay. I don't have to remind you.
- 6 MR COX: [12:42:42] Yes.
- 7 QUESTIONED BY MR COX:
- 8 Q. [12:42:43] Mr Witness, good afternoon.
- 9 I represent victims of this case that are participating. I would like to ask you two or
- 10 three follow-up questions.
- 11 You mentioned, and please don't identify anybody or the role of anybody, but you
- 12 mentioned the incident of girls from Aboke school being taken and that a priest
- 13 followed the group.
- 14 Could you tell the Court who made the selection between the 30 girls that stood
- 15 behind and the 120 that left with the priest?
- 16 MR OBHOF: [12:43:24] Your Honour, before we go further, even though on the
- 17 transcript it's correct, counsel said Aboke or not Aboke, he mispronounced. So, I
- 18 mean, one happened in '97, the other alleged to happen in '04.
- 19 PRESIDING JUDGE SCHMITT: [12:43:39] Okay. And we are talking about Aboke?
- 20 MR OBHOF: [12:43:45] Aboke.
- 21 PRESIDING JUDGE SCHMITT: [12:43:46] Yes, Aboke. I also understood it
- 22 like that.
- 23 MR OBHOF: [12:43:48] Yes, yes. It's right in the transcript --
- 24 PRESIDING JUDGE SCHMITT: [12:43:49] Yes, okay.
- 25 MR OBHOF: [12:43:51] -- but because they are interpreting for the witness, we want

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1 to make sure that becomes clear.

2 PRESIDING JUDGE SCHMITT: [12:43:54] So, Mr Witness, we are talking about

3 Aboke. So the question was: Who made the decision which girls stayed in the bush

4 and which girls could go back to their homes with the priest?

5 THE WITNESS: [12:44:16] (Interpretation) The issue regarding the 30 girls, it was

6 Kony himself who specified the number, that he wants 30 girls to remain behind.

7 But the commander who was on the ground at that time was the one now who

8 selected the specific girls that "This and this and this, come this side".

9 PRESIDING JUDGE SCHMITT: [12:44:39] And I think we had the name on the

10 record already of this commander.

11 MR COX: [12:44:43]

12 Q. [12:44:45] Just one more question. What was the demeanour or how did these

13 30 girls that were left behind react when they realised that they were being left going

14 to the bush and the others were leaving to school?

15 A. [12:45:04] The 30 girls who were selected did not feel good at all, even the priest

16 did not feel good of the 30 girls who were remaining. But, of course, there was

17 nothing else they could do.

18 MR COX: [12:45:28] I have no further questions.

19 PRESIDING JUDGE SCHMITT: [12:45:30] Perhaps I have one further question.

20 Mr Witness, only if you know or if you were aware of or have seen something, were

21 there any criteria that the commander who made the choice would follow? In other

22 words, do you know or have you seen why the 30 were chosen and the 120 could

23 go back?

24 THE WITNESS: [12:45:57] (Interpretation) The 30 girls who were selected, there

25 was no specific criteria used, because all of them were gathered just like we are seated

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1 now. It was just a matter of saying, "You, you, you, stand up, you stand up, you
2 stand up, go this side". That was all. There was no specific criteria that was used.

3 PRESIDING JUDGE SCHMITT: [12:46:26] Thank you, Mr Witness.

4 This finishes also the questioning by the LRVs.

5 My question would be, Mr Obhof, do you have already an idea how long your
6 questioning will last?

7 MR OBHOF: [12:46:38] I can foresee at the very most five hours, which means that if
8 need be on Monday we might cut the lunch break short, and I would definitely be
9 able to finish all on Monday.

10 PRESIDING JUDGE SCHMITT: [12:46:51] No. Of course I ask, otherwise we
11 would continue at 2.30.

12 MR OBHOF: [12:46:56] That's exactly what I thought you were thinking. I'm
13 confident I can get it done all on Monday. If you want to take the day off, if not, we
14 can start at 2.30.

15 PRESIDING JUDGE SCHMITT: [12:47:13] So why not start at 2.30 this afternoon so
16 we are on the safe side then. And although I'm quite confident that you would not
17 need more than three sessions, but nevertheless then we have a little more leeway on
18 Monday is also nice then.

19 MR OBHOF: [12:47:30] I have two, two real big developed sections which I think
20 might take anywhere between 60 to 90 minutes, and that's the one area I had the
21 leeway, so that's what I'd do today.

22 PRESIDING JUDGE SCHMITT: [12:47:39] Because we have enough time now, so we
23 have now the lunch break until 2.30.

24 THE COURT USHER: [12:47:43] All rise.

25 (Recess taken at 12.47 p.m.)

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1 (Upon resuming in open session at 2.31 p.m.)

2 THE COURT USHER: [14:31:42] All rise.

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [14:32:02] Good afternoon, everyone.

5 Good afternoon Mr Witness.

6 And it's now the turn of the Defence, so to speak, and I give Mr Obhof the floor.

7 MR OBHOF: [14:32:15] And a point of record, I forget to announce this morning that

8 Ms Abigail Bridgman has joined us on the Defence side.

9 PRESIDING JUDGE SCHMITT: [14:32:23] Indeed and she is even visible in the
10 second row.

11 QUESTIONED BY MR OBHOF:

12 Q. [14:32:31] Good afternoon, Mr Witness. I hope you had a good lunch.

13 A. [14:32:38] Yes, I did.

14 Q. [14:32:42] Now, Mr Witness, you were abducted at 13 years. Who was it who
15 gave the specific instruction to abduct children?

16 A. [14:33:04] The -- at the time that the order came out, I had not yet been abducted,
17 I was not yet there, but based on what I was told, and that this came from Kony.

18 Q. [14:33:29] Mr Witness, before you were abducted, did you -- I'm sorry. Now
19 you mentioned earlier today about how they would take young children because they
20 were easily brainwashed. What would Joseph Kony brainwash the young children
21 into believing?

22 A. [14:34:00] He would tell them certain things, incorrect things. For example, he
23 would say that he's fighting against the government because the government took
24 away the wealth from the hands of the Langi and the Acholi. And when he, when
25 he tells this to children, children who are naive, children who do not know what's

1 going on, then the children believe that that's the truth.

2 Q. [14:34:54] Mr Witness, as these children grew into adults, would they still
3 believe and talk about the same propaganda that Joseph Kony would brainwash
4 them?

5 A. [14:35:13] When the children are growing, and also depending on what's going
6 on at the time, one can determine that whatever they were told earlier on in their lives
7 isn't true and it actually makes you realise that what he said was not true.

8 Q. [14:35:49] From what you observed did some still believe when they got older?

9 A. [14:36:04] The people who grew up there began to realise what was happening.
10 For example, when you are abducted at a young age you are told that he's fighting
11 against the bad things that are happening, but when you actually see what's going on,
12 it makes you realise that this is not to help the people who are in trouble. It makes
13 you realise that this is not true. But it's not easy to leave. You cannot leave
14 immediately, even if you want to leave as soon as possible, you cannot leave
15 immediately.

16 Q. [14:37:00] Mr Witness, when you were abducted in the 1990s what did -- what
17 was the general belief in the Acholi community and in the Lango community, did
18 they believe that the government was against them back in those early days?

19 A. [14:37:23] People, people used to -- people at home, people back home knew
20 that the government did not have any problems with them, but based on what Kony
21 would tell his people in the bush, he would tell them that it's a bad government.

22 Q. [14:37:56] Mr Witness, when you were let's say 10 back in 1987, did you ever
23 hear of the olumolum?

24 A. [14:38:14] No, I did not hear of the olumolum. I started hearing that name in
25 1988 and 1989. That's when I started hearing the name because there was a group

1 that was different, there was another group, it was different from Kony's group and
2 this group was a Lakwena group and that was when I heard the name.

3 Q. [14:38:52] Now in respect to animals, were the people of the north having their
4 animals taken, whether it be by the government or maybe by the Karamojong?

5 A. [14:39:13] Cattle rustling was taking place, but this was by the Karamojong, but
6 he would then say that the cattle rustlers, the Karamojong cattle rustlers are not the
7 one taking people's cattle, but that is the government's plan, it's the government that
8 is using them to rustler people's cattle.

9 Q. [14:39:49] Now you've also testified today about how people who attempted to
10 escape were killed. Now, Mr Witness, did you know about this before you were
11 abducted?

12 A. [14:40:03] Before my abduction I had heard about this, because there was one
13 girl, one of our neighbours who had been abducted. She escaped and came back,
14 and when she came back, she was telling us about this.

15 Q. [14:40:35] Now did you ever come to find out what happened if somebody
16 successfully escaped with a gun in the LRA, Mr Witness?

17 A. [14:40:49] I asked -- I asked that girl if this happens, for example, if somebody
18 escaped, whether the person escapes, irrespective of whether they escape with a gun
19 or not, what happens when a person escaped? I asked her about the life in the bush
20 as well, it's like what kind of life they lived. And she said that if you escape,
21 irrespective of whether you escape with a gun, the rules are that if anybody escapes,
22 whether or not they escape with a gun, if they are reapprehended, the sentence is
23 death. And she also said that based on her observations, life in the bush is difficult
24 because they have to carry luggage and walk distances.

25 Q. [14:41:49] Mr Witness, you also talked a little bit about relationships in the LRA

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1 this morning. What about homosexual relationships? How were homosexual
2 relationships treated in the LRA?

3 A. [14:42:09] The -- I did not see homosexuality. I did not -- I did not hear of any
4 man loving another man.

5 Q. [14:42:34] Were you ever told whilst you were in the LRA what would happen if
6 you engaged homosexual acts?

7 A. [14:42:43] Well, based on an assumption or in Acholi, a man does not sleep with
8 another man, so I think if you -- if you did that, then you would be killed because as
9 far as they were concerned, that would be taboo.

10 PRESIDING JUDGE SCHMITT: [14:43:14] Mr Obhof, you call a little bit for
11 speculation here, so I think you can move on. You see it from the answer.

12 MR OBHOF: [14:43:21] Oh, yes. Well, you have to ask.

13 PRESIDING JUDGE SCHMITT: [14:43:24] Yes, but you have listened to the answer,
14 so I would suggest that you move to the next --

15 MR OBHOF: [14:43:32] That's the last part of that question I'm on.

16 PRESIDING JUDGE SCHMITT: Okay.

17 MR OBHOF: [14:43:35]

18 Q. [14:43:37] Now, Mr Witness, reading through some of your statements and
19 sitting in court I was wondering if you could explain to this court what happened to
20 Otto Lagony and Okello Can Odonga?

21 A. [14:44:04] All right. Otti Lagony and Okello Can Odonga were accused of
22 trying to leave and go back home. When Otti Lagony was in Uganda he had soldiers
23 with him in Uganda. So while he was in Uganda, he wanted to surrender with the
24 soldiers that he had with him and join the UPDF. When Kony became aware of this,
25 he was summoned, Otti Lagony was summoned together with Okello Can Odonga

1 and the soldiers that they were with in Uganda, they were summoned back to Sudan.
2 Kony told them to go back to Sudan so that they could -- for other, for other plans.
3 But I think he was already aware of that. So when he went back to Sudan,
4 he -- Kony did not take any immediate action on Lagony, but he was monitoring him,
5 trying to determine or ascertain whether he had been told was the truth or not.
6 So while he was monitoring Otti Lagony, he came to the conclusion that Otti Lagony
7 was trying to escape because the radio communication that he had -- the radio
8 communication, the LRA sees it at 6 p.m., but Otti Lagony would talk on his radio at
9 midnight. At midnight he would be communicating with the UPDF, he would be
10 planning how to go back home. So at the time when he was certain that what he had
11 been told was the truth and Otti Lagony was actually planning to leave, then he made
12 the decision for Otti Lagony to be arrested, both Otti Lagony and Can Odonga.
13 Once he planned their arrest, we were at Nsitu and Jebellin. He planned and
14 convened a meeting at Nsitu, and he called all the army commanders to Nsitu.
15 When he made these arrangements, Otti Lagony, Matata, all the army commanders
16 went to Nsitu. When they went to Nsitu, he convened a meeting. Once he
17 convened the meeting, we were there, we as the escorts and his security were also
18 present. Once they had the meeting, the -- but whatever it is that they discussed at
19 the meeting, we did not know. But after that meeting, when they finished the
20 meeting, we saw them send an operation to these commander's homes. they sent
21 people to Lagony's home, they sent people to Okello Can Odonga's home to go and
22 check and find out what kind of weapons they had, the kind of weapons that the LRA
23 were not aware of. So they went, they found that Lagony had a pistol, a different
24 pistol that the LRA was not aware of. And the same thing with Can Odonga. They
25 took the guns and brought them. When they took the guns and brought them, Can

1 Odonga and Lagony were immediately arrested. When they were arrested, they
2 were taken from Nsitu and taken to Jebellin. Matata was instructed to take them to
3 Jebellin.

4 When they took them to Jebellin, we stayed behind in Nsitu together with Kony.

5 After that, when the people had been sent -- taken to Nsitu, he said, "Since these

6 people want to go back to Uganda, to the UPDF, let them take them, take them and

7 release them so that they can go back to the UPDF as they wish." When he told

8 Matata to do this, Matata took Buk, Acel Calo Apar, and he instructed them to go and

9 release them. He sent them with other soldiers as well. When these people went to

10 release the two, they got -- along the way, these people were shot. They were shot

11 along the way. When this happened, he told us, "All the people that had remained

12 behind in Nsitu, he told us that these people have now been released. They have

13 now been released and they have gone. They have gone back to Uganda. And that

14 is what I know about what happened to Otti Lagony and Can Odonga.

15 PRESIDING JUDGE SCHMITT: [14:49:52] Mr Obhof, allow me shortly please.

16 Mr Witness, I understood that during parts of these events you were present. But

17 you provided us, additionally, with a lot of background information and I would like

18 to ask you where you have this information from. Did you witness everything what

19 you told us with your own eyes, or was part of it of the events that have been

20 told -- that you have been told, or how was it?

21 MR OBHOF: [14:50:23] Might I recommend we go into private session for one

22 question, your Honour. I can explain why when we go into private session.

23 PRESIDING JUDGE SCHMITT: [14:50:30] Okay. Then we go shortly into private

24 session.

25 (Private session at 2.50 p.m.)

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18 (Redacted)

19 (Redacted)

20 (Open session at 2.51 p.m.)

21 THE COURT OFFICER: [14:51:40] We are back in open session, Mr President.

22 PRESIDING JUDGE SCHMITT: [14:51:44] So, Mr Witness, the question was where
23 you have the information from that you provided us with?

24 THE WITNESS: [14:51:54] (Interpretation) What I have just narrated, the arrest and
25 their return to Nsitu happened in my presence, I did not hear about it. But taking

1 them from Jebellin on grounds that they're going to be released, that I -- I heard. I
2 heard when Kony was telling us that, "Ah, these people have been taken, they have
3 been taken and been released." I did not see this first hand, but when they were
4 taken to Jebellin I saw that first hand because I was present.

5 PRESIDING JUDGE SCHMITT: [14:52:32] Thank you, that was very detailed
6 indeed.

7 Please, Mr Obhof.

8 MR OBHOF: [14:52:37] Thank you, your Honour.

9 Q. [14:52:39] Mr Witness, at the time of his execution, what position was Otti
10 Lagony in the LRA?

11 A. [14:52:54] At the time of his execution, he was Kony's deputy at that time.

12 Q. [14:53:03] And Okello Can Odonga, he was a brigade commander; is that
13 correct?

14 A. [14:53:16] He was in Gilva.

15 Q. [14:53:22] I'm sorry, was he the Gilva brigade commander?

16 A. [14:53:27] At the time when he was killed he was a CO. But when he was in
17 Uganda with Lagony he was the acting commander of Gilva in Uganda.

18 Q. [14:53:47] And at that time when they were killed in 1999 were there two
19 brigade commanders for each brigade, one in Sudan and one in Uganda, Mr Witness?

20 A. [14:54:06] No. You know, if people are going to Uganda, because when people
21 are going to Uganda, the whole brigade does not go. When they are going to
22 Uganda people are selected. Once they select the number that each brigade is
23 supposed to handover, the brigade command himself does not go. They appoint
24 a CO to go as the brigade commander.

25 Q. [14:54:47] Thank you, Mr Witness. And did these executions, when they got

1 back to Nsitu, did this instil fear in the people who were still in the LRA?

2 A. [14:55:07] It did instil fear, because to witness big commanders being executed
3 would instil fear in people. And the people who were together with these two
4 commanders did not see what happened.

5 Q. [14:55:41] Now, Mr Witness, was Dominic Ongwen, was he there for these -- for
6 the stuff you personally witnessed in Nsitu?

7 A. [14:55:58] No, because the people -- they only summoned the senior-ranking
8 commanders, not the junior commanders. So I did not see him in that group.

9 Q. [14:56:16] Mr Witness, do you remember a person by the name of Opoka
10 Reform Agenda?

11 A. [14:56:34] Opoka Reform Agenda, the Opoka that I recall is an Opoka that we
12 used to call Opoka Chaplin.

13 Q. [14:56:51] Do you remember someone by the name of Majit? Majit, sorry,
14 Majit.

15 A. [14:57:01] Majit? No, I do not recall.

16 Q. [14:57:11] Do you remember someone or a few people who came from
17 Kizza Besigye's group and joined the LRA?

18 A. [14:57:43] I recall that this happened, but I do not recall the names of the people.
19 But I recall that there was a group that came and was present.

20 Q. [14:58:01] Do you remember what eventually happened to that group?

21 A. [14:58:07] I recall. But I do not recall very well, but I do recall somehow that
22 some of them were killed.

23 Q. [14:58:32] Do you remember if one of them was called Opoka James?

24 A. [14:58:39] I do recall the name Opoka James, I recall that name.

25 Q. [14:58:52] Was he one of those people we have just been talking about from

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1 Besigye's group?

2 A. [14:59:05] Yes, he was part of that group.

3 Q. [14:59:14] I'm going to take one small step back, and I apologise. Did anybody
4 else -- did you hear about anybody else being executed when Otti Lagony and
5 Okello Can Odonga were executed?

6 A. [14:59:43] No. I do not recall -- I do not recall if anybody else was killed. I do
7 not recall that.

8 Q. [15:00:06] Mr Witness, about the people from Besigye's group, do you remember
9 when they were killed and the manner in which they were killed? Or at least what
10 you heard, sorry.

11 A. [15:00:32] I do not know or recall when they were killed. Or the manner in
12 which some of them were killed, I do not recall that either.

13 Q. [15:00:46] Mr Witness, I'm going to read out a few names combined. The
14 names are Major Adjumani, Ben Acellam, and Otim Record. Do you remember
15 these names, Mr Witness?

16 A. [15:01:26] Ben Acellam and Otim Record, I do recall those names.

17 Q. [15:01:33] But Major Adjumani, you don't remember that one?

18 A. [15:01:40] I do not recall the name Major Adjumani.

19 Q. [15:01:50] Mr Witness, when you left the LRA, what position was Otti Vincent?

20 A. [15:02:03] At the time that I left the LRA, Otti Vincent was the second in
21 command to Joseph Kony.

22 Q. [15:02:19] Mr Witness, did you ever come to hear about what happened to Otti
23 Vincent in early October 2007?

24 A. [15:02:30] I heard of something that happened to Otti. It was through some
25 news and also information from some people who returned from there as they were

1 speaking on radio. They stated that Kony killed Otti Vincent because he had
2 planned to return home, so Kony killed him.

3 PRESIDING JUDGE SCHMITT: [15:03:17] I think, Mr Obhof, we don't have to
4 deepen this, because we had other evidence on that matter, but if you want to draw
5 out of this information a certain question, you can put it, but no further details in that
6 respect is necessary in my opinion.

7 MR OBHOF: [15:03:33]

8 Q. [15:03:35] Mr Witness, Ben Acellam, was he from the Atiak region as well?

9 A. [15:03:44] Ben Acellam comes from Atiak.

10 Q. [15:03:52] Do you remember where Otim Record comes from?

11 A. [15:04:02] I do not recall where Otim Record comes from.

12 Q. [15:04:09] Just a few more small names and we can move on to something new.
13 Do you know who -- do you remember a person by the name of Opio Omara?

14 A. [15:04:27] Opio Omara, no, I do not recall that name.

15 Q. [15:04:34] Or Ocen Adam, Ocen?

16 A. [15:04:43] Ocen Adam, yes, I do recall.

17 Q. [15:04:50] Now Ocen Adam, he was from Koc, is that correct?

18 A. [15:04:59] Yes, he's from Koc.

19 Q. [15:05:03] The same place at Otti Lagony, right?

20 A. [15:05:10] Correct.

21 Q. [15:05:13] And you remember Ocen Adams -- Ocen Adam being killed around
22 the same time as Otti Lagony and Okello Can Odonga?

23 A. [15:05:32] I do recall that there were some issues on him, but I do not know if he
24 was also killed on the same day that Otti Lagony was killed?

25 Q. [15:05:52] And I was just informed by me colleague that I mispronounced the

1 name Opio Omara, Omara.

2 A. [15:06:08] Opio Omara, Opio Omara, I do recall that he was I think a driver.

3 There was someone who was a driver, and I think that name refers to that person who
4 was a driver.

5 Q. [15:06:35] The last person, do you remember a person called Lieutenant Abel?

6 A. [15:06:53] I do not recall that name.

7 Q. [15:07:01] Mr Witness, earlier today you started to testify briefly about the
8 shea butter oil and the white sand and the specific ritual. Did you elaborate on this
9 ritual that you started to talk about this morning?

10 A. [15:07:28] Yeah, the issue on that white sand, I cannot talk so much about it in
11 detail, because the white sand I usually see the LRA using it, and they also say that
12 that sand was chosen by the Spirit, by the Holy Spirit to be used against anything that
13 is -- to be used for anything that is happening in the LRA.

14 For example, smearing people when they're going for battle, they used that sand and
15 mixed with the shea butter oil for smearing people who are going for war. But why
16 they use that and for what purpose, I do not know. But I would see them use it and
17 they also used it on me.

18 But from what they say is that it helps if you're going for a battle, and when you are
19 smeared with that, bullets, you will not be hit by bullets. And also if you have just
20 been abducted, that smearing is used for cleansing you and -- but I do not know in
21 detail the whole thing. But that's what they would tell us.

22 Q. [15:09:25] Now, Mr Witness, from what you observed, did people believe that
23 this oil or the white sand would actually protect them in battle?

24 A. [15:09:46] You know, when you are told something and you go and do it, then
25 you return unhurt, that makes you to believe that yes, that thing is helping. So

1 indeed, yeah, people believed in it.

2 Q. [15:10:19] Was there a time when you believed in it, Mr Witness?

3 A. [15:10:28] At that time I had belief, because there were some battles in which I
4 went for and I -- and I was also smeared. I would go fight, come back. And so in
5 my own thinking and belief I think it was because of that ceremony which I went
6 through that helped me, helped me to come back safely.

7 Q. [15:11:07] Now, along on the same topic, Mr Witness -- and I might
8 mispronounce this, so hopefully the interpreters remember the proper
9 pronunciation -- do you remember or recall what air stiblis are?

10 A. [15:11:44] Okay, I do recall that it was a kind of a rope, a rope which is made
11 and it is burned. If I do not -- if I can correctly recall, I think that is what it is.

12 Q. [15:12:06] Do you remember what the purpose of the burning was, Mr Witness?

13 A. [15:12:15] I would see that item burned. When we were in a defence, it would
14 be burnt and it would produce smoke. Sometimes they would take it and burn it
15 where the people moved, which left like on the track which was used for walking and
16 they would burn along the track or are around the defence where people are
17 stationed. That is supposed to act as a protection against the people who are
18 stationed and because that would confuse the government soldiers. So even if they
19 had intention of coming to follow you or attack you, that burning would confuse the
20 soldiers and they would start quarreling amongst themselves, and they would not
21 eventually follow you up.

22 Q. [15:13:21] Thank you, Mr Witness.

23 I'm going to ask you a few more names. Do you remember a Mama Silly Salindi?

24 A. [15:13:42] Mama Silly Salindi, I do not recall very well.

25 Q. [15:13:58] How about Who Are You?

1 A. [15:14:05] That is a name, yes, if you -- if you call that name "Who Are You",
2 now I recall. Then I can also recall Mama Salindi. That name is a name that Kony
3 says is one of the spirits which he uses, and that everything that he does, it is those
4 spirits that tell him to do. So he acts on the instructions of those spirits.

5 Q. [15:14:57] I'm not going to go through the spirits one by one, but were there one
6 or two spirits or were there more like 10 or 15 spirits that Joseph Kony would
7 listen to?

8 A. [15:15:14] I cannot recall the names of those spirits, all of them. The ones that I
9 recall are the ones that you mentioned. But yes, those spirits existed, because one
10 would come, on another day, another would come. Any time comes and when he's
11 possessed, he would come with a particular message which he has and he would pass
12 on to people, he would say, "This spirit has said this. This spirit has said this."
13 So, but it has taken me now some time, I do not recall all the names because those
14 spirits I heard about them when we were still in the Sudan, but ever since 2002, when
15 there was no proper base in which people were stationed in where he could be able to
16 gather people and talk to people, that the spirits have said this, there was no
17 particular base. So it was -- it is now difficult for me to remember some of those
18 names.

19 Q. [15:16:40] Now when you were in Sudan, would you physically see
20 Joseph Kony being possessed by spirits?

21 A. [15:16:51] There are times when he would call the commanders and he would go
22 with them to the Yard. Because there is a particular place which has been made. In
23 that place, when the spirits possess him, and just like we are seated now, when the
24 spirits come upon him and they would come and when he want to speak to people,
25 people would go to the Yard, so when they go to the Yard, Kony would put on

1 a white tunic and he would sit down. When he sits down, then he would now
2 declare that he's now possessed with the spirit, then now he will start talking to those
3 who he gathered.

4 Q. [15:17:57] Now when Kony said the spirits were possessing him, did his
5 demeanour, did the way he acted, did it change?

6 A. [15:18:11] When he is saying that he is now possessed, his character changes.
7 Not like the way he usually live with people, this time he would be arrogant, he
8 would be fierce, his face would change and you would see he's a very -- somebody
9 who is now very fierce. And you would also see him shaking, his body would be
10 shaking. So for you who do not know what is happening, you just accept and
11 believe that, yes, he's probably now possessed.

12 PRESIDING JUDGE SCHMITT: [15:18:58] Mr Witness, you said you believed that he
13 is possessed by the spirits. Did this continue all the time you were in the bush or did
14 this at some point in time change?

15 THE WITNESS: [15:19:16](Interpretation) It was not throughout the time that I was
16 in the bush, because to be -- because to be in such a place, it is not every day, it is once
17 in a while. But most of the times, he would just come, for instance, if he has called
18 for a prayer, then he would say he has been possessed by the spirits. But if I do
19 recall, when we were still in the Sudan, it was about three times, about thrice that I
20 saw when we went to the Yard and he told us that he has been possessed. But it is
21 not all the time.

22 MR OBHOF: [15:20:09]

23 Q. [15:20:12] Mr Witness, does the date of 7 April, is that a reoccurring holiday in
24 the LRA?

25 A. [15:20:28] 7 April, of April, I do not recall that particular day and the occasion.

1 Q. [15:20:48] Do you remember a day called Juma Oris Debohr day or Juma Oris
2 day?

3 A. [15:20:58] I do recall the Juma Oris day.

4 Q. [15:21:04] Do you remember which day it was on?

5 A. [15:21:09] Now that you've mentioned Juma Oris Debohr, I now have recalled
6 that date, 7th, 7th is his day. And on that day, all the LRAs are on standby because,
7 because on that day, there is always going to be some fighting or engagement with
8 the government soldiers. So on that day everybody is on standby expecting any
9 fighting.

10 Q. [15:22:01] Mr Witness, we've talk a lot about the spirits. Now something
11 related: Would Joseph Kony ever make predictions that would come true?

12 A. [15:22:24] Sometimes there are things that Kony would say and they come true.
13 If he says or he predicts that there is something going to happen in the future, and yes,
14 that will come to happen.

15 Q. [15:22:50] Can you remember any of these specific predictions, maybe one or
16 two of them?

17 A. [15:23:07] Some of the things he would say mostly were related to attacks by the
18 UPDF, were the ones that most times he would say and he would warn people that
19 "As you stay, be aware and be warned that within a short time we are going to be
20 attacked". And indeed, in less than a few days, we would be attacked. Or he
21 would say, "Be warned, there is going to be a heavy operation so everyone should be
22 prepared and ready that an operation will come". So when that event occurs, he
23 usually tells people that he was instructed by the holy spirit or he was informed by
24 the holy spirits.

25 Q. [15:24:25] Now, Mr Witness, back on to the realm of the living, do you

1 remember a person by the name of Ocan Labongo?

2 A. [15:24:50] I do recall Ocan Labongo.

3 Q. [15:24:57] Now, did you ever serve in the same brigade as Ocan Labongo?

4 A. [15:25:17] I was with Labongo in Stockree.

5 Q. [15:25:25] Did Ocan Labongo ever serve as an escort to Joseph Kony?

6 A. [15:25:39] Ocan Labongo was not an escort to Kony, but the person who was
7 Kony's escort was Ocan Nono. He was -- that is the person I knew and that was his
8 name.

9 Q. [15:26:06] I seem to have made a pronunciation error. Sorry about that. I'll
10 use Ocan Nono. Did you ever serve with Ocan Nono in the same brigade?

11 A. [15:26:26] I was with Ocan Nono but not for long. We stayed for some time
12 and then separated.

13 Q. [15:26:45] Now along with being an escort for Joseph Kony, did Ocan Nono, did
14 he serve in security in Control Altar?

15 A. [15:26:59] Ocan Nono was in the security of Control Altar. He was also with
16 Otti Lagony. Then when Otti Lagony was no longer there, he was taken and
17 transferred to Stockree. So I was with him in Stockree while we were still in the
18 Sudan.

19 Q. [15:27:37] Now from what you observed, did Ocan Nono get along well with
20 other people?

21 A. [15:27:50] Well, Ocan Nono, he used to go well along with other people, but also
22 he did not -- he was not a very good person, he was a bit rude. And so if you -- if
23 you did not have the same mind and you share common things, then you would not
24 go along well with him.

25 Q. [15:28:24] Now when you escaped, Mr Witness, was Ocan Nono, do you

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1 remember what brigade he belonged to?

2 A. [15:28:41] At the time of my escape, unless he was transferred, since I was in the
3 bay, I think he was in Stockree brigade.

4 Q. [15:28:58] I'm going to talk one more small section with you before we end for
5 today. You mentioned in your testimony earlier about an injury to Mr Ongwen.
6 Do you remember when this injury happened?

7 A. [15:29:31] I do not recall when the injury occurred, but from what I was told was
8 that he had just left the bay and he was injured. But what kind of injury it was and
9 when it was, I did not know.

10 MR OBHOF: [15:29:59] Your Honours, I can guarantee I will be done on Monday
11 now. The only question would be whether I get done second or third session. I
12 spoke with some of the Prosecutor's earlier today and told them that I would email
13 them tomorrow evening and I will also email the Chamber in the same message.

14 PRESIDING JUDGE SCHMITT: [15:30:14] But I also understand your intervention
15 that you think for today you are done?

16 MR OBHOF: [15:30:18] Yes.

17 PRESIDING JUDGE SCHMITT: [15:30:19] Okay. So we then conclude the hearing
18 for today. We will resume on Monday at 9.30. Thank you to all of you.

19 THE COURT USHER: [15:30:26] All rise.

20 (The hearing ends in open session at 3.30 p.m.)