

Trial Hearing  
WITNESS: UGA-D26-P-0026

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
6 Judge Raul Cano Pangalangan  
7 Trial Hearing - Courtroom 3  
8 Monday, 5 November 2018  
9 (The hearing starts in open session at 9.32 a.m.)  
10 THE COURT USHER: [9:32:06] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:32:31] Good morning, everyone.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:32:35] Good morning, Mr President, your Honours.  
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic  
16 Ongwen, case reference ICC-02/04-01/15.  
17 And for the record, we are in open session.  
18 PRESIDING JUDGE SCHMITT: [9:32:49] Thank you.  
19 I call for the appearances of the parties, first for the Prosecution.  
20 MS ADEBOYEJO: [9:32:55] Good morning, Mr President, your Honours.  
21 Adesola Adeboyejo for the Office of the Prosecutor, with Kamran Choudhry, Ben  
22 Gumpert, Yulia Nuzban, Julian Elderfield, Pubudu Sachithanandan, Grace Goh,  
23 Jasmina Suljanovic, Hai Do Duc and Laura de Leeuw.  
24 PRESIDING JUDGE SCHMITT: [9:33:18] Thank you very much.  
25 And for the representatives of the victims.

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- 1 MR COX: [9:33:22] Good morning, your Honour. With me James Mawira,  
2 Anushka Sehmi, Maria Radziejowska, I am Francisco Cox.
- 3 PRESIDING JUDGE SCHMITT: [9:33:31] Thank you, Mr Cox.  
4 Mr Narantsetseg.
- 5 MR NARANTSETSEG: [9:33:32] Good morning, Mr President, your Honours.  
6 Orchlon Narantsetseg for the Common Legal Representative of Victims. Thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you very much.  
8 And for the Defence, Ms Bridgman.
- 9 MS BRIDGMAN: [9:33:42] Good morning, Mr President, your Honours. I am  
10 Abigail Bridgman, together with Chief Charles Achaleke Taku, Krispus Odongo  
11 Ayena, Thomas Obhof, Beth Lyons, and our client Mr Ongwen is in court.
- 12 PRESIDING JUDGE SCHMITT: [9:33:55] Thank you very much.  
13 And the Defence is now calling today D-26 as its next witness. We turn to his  
14 testimony. And D-26 is Mr Oyet.
- 15 Mr Oyet, good day to you at the video-link location. On behalf of the Chamber I  
16 would welcome you to the extended courtroom.
- 17 Mr Oyet, I will now read to you the solemn undertaking every witness has to take  
18 when they appear before the Court. So please listen to me.  
19 I solemnly declare that I will speak the truth, the whole truth, and nothing but the  
20 truth.
- 21 Mr Witness, do you understand the undertaking?
- 22 WITNESS: UGA-D26-P-0026  
23 (The witness speaks Acholi)  
24 (The witness gives evidence via video link)
- 25 THE WITNESS: [9:34:43] (Interpretation) Yes, I do.

- 1 PRESIDING JUDGE SCHMITT: [9:34:46] Do you agree with it?
- 2 THE WITNESS: [9:34:48] (Interpretation) Yes, I do agree.
- 3 PRESIDING JUDGE SCHMITT: [9:34:51] Thank you. You have now been  
4 sworn in.
- 5 Before we start then with the examination, I would like to tell you some practical  
6 matters. You are aware that everything we say here is written down and interpreted.  
7 And to allow for the interpretation we all have to speak at a relatively slow pace and  
8 only start speaking when the person that has asked us something has finished the  
9 sentence.
- 10 If you personally have a question or want to address the Chamber, please raise your  
11 hand, then we are aware of that and we will give you the floor.
- 12 Thank you for the moment and I give now Ms Bridgman the floor for the Defence.
- 13 MS BRIDGMAN: [9:35:51] Thank you, Mr President.
- 14 QUESTIONED BY MS BRIDGMAN:
- 15 Q. [9:35:52] Good morning, Mr Witness.
- 16 A. [9:35:58] Good morning.
- 17 Q. [9:36:02] Can you please state your full name.
- 18 A. [9:36:07] Yes, I can do that.
- 19 Q. [9:36:14] Please go ahead.
- 20 A. [9:36:19] My name is Oyet Kenneth.
- 21 Q. [9:36:24] Do you have any nicknames?
- 22 A. [9:36:36] No, I don't.
- 23 Q. [9:36:40] Can you please state your nationality and place of residence.
- 24 A. [9:36:56] I was born in Orute, which is in Pawel parish, Patiko sub-county, in  
25 Gulu district, Aswa county.

- 1 Q. [9:37:23] When were you born?
- 2 A. [9:37:36] I was born in 1983.
- 3 Q. [9:37:42] What do you do for a living, Mr Witness?
- 4 A. [9:37:55] I am a carpenter.
- 5 Q. [9:38:01] And what is your level of education?
- 6 A. [9:38:22] I stopped in primary 3.
- 7 Q. [9:38:24] Why did you stop in primary 3?
- 8 A. [9:38:34] The reason I stopped in primary 3 was because in 1994, in September  
9 24, it was a Saturday, LRA soldiers came and abducted me.
- 10 Q. [9:39:15] Can you briefly describe the circumstances of your abduction.
- 11 A. [9:39:34] What happened during my abduction was that on Saturday at about  
12 8 p.m., while we were having supper, like I mentioned earlier, LRA soldiers came and  
13 abducted me. They abducted me at 8 p.m. We were having dinner.
- 14 Q. [9:40:05] Who were you with when you were abducted?
- 15 A. [9:40:20] I was together with my mother and two other siblings.
- 16 Q. [9:40:29] What happened to your mother and your other siblings?
- 17 A. [9:40:43] What happened to my mother and the other siblings was that while  
18 I was taken out of the house, they remained in the house. When they took me out,  
19 they took me to where they were sitting, they were stationed in another homestead.  
20 They were at the house of my grandmother. They took me there. I saw my mother  
21 carried a jerrycan full of water, and they left the other children in the house. I don't  
22 know what else happened.
- 23 Q. [9:41:37] Were your siblings younger or older than you?
- 24 A. [9:41:47] The two children were younger than me.
- 25 Q. [9:41:57] Now you said you saw your mother carrying a jerrycan of water. Did

1 she try to stop the LRA soldiers from taking you away?

2 A. [9:42:25] She didn't have capacity to stop them from taking me. She just  
3 resigned and she started crying.

4 Q. [9:42:47] Were you tied when you were abducted and taken from your family?

5 A. [9:43:01] When I was abducted they tied a rope around my waist.

6 Q. [9:43:13] You mentioned that it was the LRA, but did you learn the group that  
7 abducted you and their commander?

8 A. [9:43:31] I did not get to understand exactly who was the overall commander.  
9 I didn't have the capacity to learn that.

10 Q. [9:43:54] When they took you to your grandmother's place, what happened?

11 A. [9:44:13] I was given a chicken to dress. I did that, and when I finished, they  
12 got it back and went away with it.

13 Q. [9:44:32] Did you stay at that place or did you move?

14 A. [9:44:48] That night when they finished cooking, they moved a little away from  
15 our home, because there was a main road crossing nearby towards the centre. They  
16 moved away from the main road. They went in for about a mile or so and then they  
17 spent the night there.

18 Q. [9:45:19] What then happened the morning after?

19 A. [9:45:31] The next morning, we left there, I was bound around the waist. We  
20 went and crossed Unyama stream. And then we proceeded to a place. Later on, I  
21 heard gunshots from behind us, where we had originally come from, and then some  
22 of the soldiers ran back to that place. I think they engaged in a battle there. And  
23 those of us who were just freshly abducted, together with those I already found in  
24 there, we were gathered together in one of the compounds and, yes, that's what  
25 happened.

1 Q. [9:46:21] Now, how many fresh abductees did you see that morning?

2 A. [9:46:41] That morning I saw a good number of people. I cannot figure out the  
3 number.

4 Q. [9:46:54] Were they younger or older than you, or about the same age as you?

5 A. [9:47:13] Well, it was a mix. Some of them were a little older than me, while  
6 others were my own age.

7 Q. [9:47:29] Now you said that you were bound around the waist, but did anybody  
8 attempt to escape during this period?

9 A. [9:47:47] I personally tried to escape. But when we tried to escape some of the  
10 soldiers had left the place. They followed us, but because at that time it was  
11 in September and grasses were tall, we could not run far. They were able to  
12 recapture us and we were taken back.

13 Q. [9:48:20] When they recaptured you, what happened?

14 A. [9:48:34] When we were recaptured and taken back, there was a nearby cassava  
15 plantation, they broke the cassava stems and they were rubbing them around our  
16 necks as punishment, and then they also caned us using the cassava stems.

17 Q. [9:48:57] And how many of you tried to escape?

18 A. [9:49:08] We were three, and bound using the same rope.

19 Q. [9:49:20] How many times were you caned with the cassava stems?

20 A. [9:49:37] Well, the number of strokes were uncountable. I didn't establish  
21 because I was also very much scared.

22 Q. [9:49:54] Did you sustain any injuries from that beating?

23 A. [9:50:09] Yes. Following the beating I sustained some injury. I had some  
24 swellings here and there, but I didn't have any wounds.

25 Q. [9:50:39] You mentioned earlier the battle that happened just after you had

1 arrived at this place where we are right now. Were you taken back to that battle or  
2 you remained in the compound?

3 A. [9:51:05] No, I did not go back there to the battle. We stayed in the compound.  
4 But when the soldiers moved a little away from us, we got an opportunity to escape.  
5 But they were able to realise that we were escaping; they pursued us and  
6 recaptured us.

7 Q. [9:51:29] Now during this period, did you undergo any rituals?

8 A. [9:51:43] Yes. They smeared me with shea butter oil. That happened two  
9 days after my abduction. Then I stayed for about a week, and then they also  
10 smeared me with something called camoplast. It is kind of whitish. They smeared  
11 my entire body with it.

12 Q. [9:52:16] I am trying to identify the timeline. When they smeared you with the  
13 shea butter, was it after your attempt to escape or before your attempt to escape?

14 A. [9:52:42] They smeared me with the shea butter after I had already attempted to  
15 escape.

16 Q. [9:52:52] Did they explain to you the purpose of the smearing of the shea butter?

17 A. [9:53:05] Yes, they did. They said the smearing was meant for a purpose that if  
18 I -- if I tried to escape again, they will be able to recapture me, and when they  
19 recapture me, they will kill me.

20 Q. [9:53:27] And how about the camoplast, what was the purpose of that?

21 A. [9:53:44] That too, they said, was meant to change you to become part of them.  
22 So much so that it will remove any feelings or thoughts about returning home. You  
23 will never think of going back home.

24 Q. [9:54:09] When you were going through these rituals, how did you feel?

25 A. [9:54:26] When I was going through these rituals, I didn't have anything else I

1 could do.

2 Q. [9:54:41] During this period did you observe or witness any killings?

3 A. [9:55:00] During this period I did not witness any such.

4 Q. [9:55:12] So what happened after that, did you move to a different place?

5 A. [9:55:29] After the battle we left there, we went and crossed Pabbo road. We  
6 moved downwards towards Kilak.

7 Q. [9:55:49] During this period do you remember any of the commanders -- the  
8 names of any of the commanders you were with?

9 A. [9:56:07] I remember the commander of that group was called Labongo. That's  
10 the one I can recall.

11 Q. [9:56:18] Do you remember his other name?

12 A. [9:56:28] He was called Labongo George.

13 Q. [9:56:36] Did you remain in Uganda after your abduction?

14 A. [9:56:50] When we went to Kilak we again returned and then moved directly to  
15 Sudan. That was around September, but in October we were already in Sudan.

16 Q. [9:57:12] Can you briefly describe your journey to Sudan, if you remember.  
17 What did you see? What was it like going to Sudan?

18 A. [9:57:34] When we left Kilak, we came and crossed Pabbo road. We also  
19 crossed Awach road and then we went to the riverbank. We crossed the river and  
20 then we found several other soldiers. There was a huge number of soldiers. We  
21 spent the night there. The next morning at dawn we left, heading to Sudan. That  
22 was what happened.

23 Q. [9:58:18] How did you cross the river?

24 A. [9:58:28] Well, the water was huge, but what they did that I saw, they got a rope  
25 and then tied it across the river and we used the rope to navigate through the water.

1 Q. [9:58:54] Did everyone in the group survive that journey to Sudan?

2 A. [9:59:13] There were several people, but some of them were not able to survive  
3 the journey, because it was a very long journey. Some people had their legs swollen  
4 and they were not able to arrive.

5 PRESIDING JUDGE SCHMITT: [9:59:35] What happened to them?

6 THE WITNESS: [9:59:43] (Interpretation) We were being guarded while they were  
7 walking with us and then we were ahead of them. Those who had difficulties  
8 walking were behind, so I don't know what exactly happened to them. But they  
9 didn't reach.

10 MS BRIDGMAN: [10:00:07]

11 Q. [10:00:08] Now, what did you find in Sudan when you arrived?

12 A. [10:00:16] When we arrived in Sudan, other people had already arrived there.  
13 We -- the people we found had constructed houses, small houses.

14 Q. [10:00:42] And what was your daily life like in Sudan? What did you do?

15 A. [10:00:57] When we arrived there, there is a place known as Luudo. We stayed  
16 there for approximately two weeks or a month, I am not exactly sure, and then we  
17 were taken and relocated to another place. From there, we were taken to training,  
18 trained to become soldiers.

19 Q. [10:01:36] Can you describe the training, what did you have to learn?

20 A. [10:01:54] We were trained how to dismantle a gun and how to shoot a gun  
21 while we were at Gong.

22 Q. [10:02:08] Were you ever taught about the rules in the LRA as part of your  
23 training?

24 A. [10:02:25] We were not taught about any rules.

25 Q. [10:02:33] Were you assigned any duties after the training?

1 A. [10:02:48] I was not assigned any particular duty, but I was taking care of  
2 a commander's child. That's what I was doing immediately after the training.  
3 I was young at the time so I was taking care of this other young child.

4 Q. [10:03:13] What was the commander's name?

5 A. [10:03:21] The commander was known as Okello Trigger.

6 Q. [10:03:28] And how old was this child that you were taking care of?

7 A. [10:03:42] The child was young, possibly two years old.

8 Q. [10:03:53] And when you say you were taking care of the child, what exactly do  
9 you mean?

10 A. [10:04:08] When the mother is performing some tasks, I sit and watch over the  
11 child and let the mother get on with whatever task she is performing.

12 Q. [10:04:26] Did you have a gun during that time?

13 A. [10:04:33] No, I did not have a gun at the time.

14 Q. [10:04:41] Now, this Okello Trigger, what was his rank and position in the LRA?  
15 If you remember.

16 A. [10:04:58] At the time -- I do not recall his exact rank, because I was not yet  
17 aware of the matter of ranks, but he was a BM.

18 Q. [10:05:20] Do you remember which group within the LRA he belonged to?

19 A. [10:05:32] I recall that he was in Stockree. I believe it was Stockree.

20 Q. [10:05:52] Did you grow close to Okello Trigger? What was your relationship  
21 with him?

22 A. [10:06:08] Okello Trigger and I had a good relationship.

23 Q. [10:06:21] How long did you spend as a babysitter?

24 A. [10:06:31] Perhaps six months.

25 Q. [10:06:38] And then what happened after that?

1 A. [10:06:47] After that we left that place and went to Pajok.

2 Q. [10:07:03] When you say "we," who do you mean? The whole LRA? Your  
3 group?

4 A. [10:07:20] A standby was selected and sent on mission to fight, to fight against  
5 the SPLA. When they went they fought and they overran, they took over Pajok. So  
6 that's what happened. We left Gong and went to Pajok.

7 Q. [10:07:52] You just said that a standby was selected. What is a standby?

8 A. [10:08:06] A standby represent people who have been selected to go on mission,  
9 people who have been selected to go to battle or to fight at a particular location.

10 Q. [10:08:28] Where do these people come from? Do they come from one unit or  
11 from several units?

12 A. [10:08:48] Standbys are usually selected from different units. There were quiet  
13 a number of people that were selected and sent to that battle. It wasn't from one unit,  
14 but it was from different brigades. There was an amount that had been -- they  
15 decided on a number of people from each brigade and then they selected people from  
16 those brigades and sent them to fight.

17 Q. [10:09:29] If you know, who organises this mission? Who determines that  
18 a mission has to be done before the standby people are selected?

19 A. [10:09:54] The selection of the standby is organised by Kony, only Kony himself.  
20 He is the one who issues the order that a standby should be selected to go to fight or  
21 on a particular mission.

22 Q. [10:10:18] And is it Kony who selects the individuals from every unit to go for  
23 that standby?

24 A. [10:10:34] No, he does not select every individual, but he issues the order for  
25 a standby to be selected. Once the order has been issued, then he informs his

1 commanders and then the commanders inform their subordinates, and the order  
2 trickles down to the lower commanders, asking them to select the standby and giving  
3 them the number of people that are required for that standby.

4 Q. [10:11:24] And just to clarify, you have just said that Kony issues the order for  
5 standby and then informs his commanders. Does he just inform them to execute the  
6 order or he consults with them?

7 A. [10:11:53] He issues orders because he, he tells them that the spirit has issued  
8 such and such an order, or the spirit said this has to be done.

9 Q. [10:12:27] Now, this battle at Pajok, why were you fighting the SPLA, do you  
10 know?

11 A. [10:12:45] I do not know the exact reason as to why they were fighting the SPLA.

12 Q. [10:13:11] Were you receiving -- if you know, were you receiving any form of  
13 assistance from people outside of the LRA?

14 A. [10:13:29] We were receiving assistance from the Sudanese government. At the  
15 beginning, the things or the assistance that I saw, when we came from training,  
16 a group was selected to go and pick up arms and food from Lerelere (phon).

17 Q. [10:14:18] So did you succeed and move to Pajok after that battle?

18 A. [10:14:29] Can you please repeat your question.

19 Q. [10:14:34] I will rephrase. When the battle at Pajok ended, did the LRA move  
20 to Pajok?

21 A. [10:14:56] After the battle of Pajok, they stayed there, and during that time there  
22 was also another place known as Palutaka and there were people there as well. The  
23 SPLA was also at Palutaka. After the battle of Pajok, they were cut off, and then they  
24 themselves decided to leave Pajok. The LRA then went to Palutaka as well and they  
25 started their base at Palutaka.

1 PRESIDING JUDGE SCHMITT: [10:15:49] There seems to be a problem at the  
2 moment with the connection, so we have to wait a second.

3 No darkness anymore. The witness is clearly visible.

4 So please continue, Ms Bridgman.

5 MS BRIDGMAN: [10:16:32]

6 Q. [10:16:32] Now, Mr Witness, can you describe for us life at Palutaka.

7 A. [10:16:46] Life in -- at Palutaka was really good. We set base there. We also  
8 farmed. We cultivated fields. We had a lot of arms and weapons that were given  
9 to us by the -- by Sudan. And all those things were brought to us at Palutaka.  
10 Those are some of the things that I saw happening in Palutaka.

11 Q. [10:17:28] Were there also schools where children could go and learn?

12 A. [10:17:40] I did not see any schools.

13 Q. [10:17:49] Do you remember the year when you were living in Palutaka?

14 A. [10:18:01] We were in Palutaka in 1995.

15 Q. [10:18:14] And what were your duties, your particular duties in Palutaka?

16 A. [10:18:29] While in Palutaka, my duties were as an escort. I was -- I had to  
17 move with my commander, hold his chair, hold his weapon.

18 Q. [10:18:51] And what was your commander's name?

19 A. [10:18:59] It was Labongo.

20 Q. [10:19:05] Is this the same George Labongo that you mentioned earlier?

21 A. [10:19:12] Exactly.

22 Q. [10:19:23] Now, did you stay at Palutaka or finally you had to move again?

23 A. [10:19:34] We stayed at Palutaka and then left Palutaka after a war in 1995, in  
24 October. There was a battle at Palutaka, we left that place and we went to a place  
25 known as Aruu.

1 Q. [10:20:05] Now so far we have mentioned several places, Gong, Pajok, Palutaka,  
2 and Aruu. But how far apart were these places?

3 A. [10:20:26] The distance between the places, for example, Pajok and Palutaka,  
4 was perhaps 10 kilometres or thereabouts. I am not exactly sure, but I guess that it's  
5 10 kilometres or thereabouts. Aruu and Pajok is slightly further. I mean, Aruu and  
6 Palutaka, the distance is slightly longer. I do not know how many miles, but I know  
7 it's -- the distance is much further.

8 Q. [10:21:15] And how was your relationship with your commander?

9 A. [10:21:27] The relationship between my commander and myself was not -- was  
10 all right.

11 Q. [10:21:43] When you moved to Aruu did you get new assignments, or you  
12 remained as his escort?

13 A. [10:21:58] I continued staying with him. I was not assigned any particular  
14 duties.

15 Q. [10:22:11] While in Sudan, did you receive any further training from what you  
16 had originally received?

17 A. [10:22:28] Yes, they continued with the training. We were -- mostly it was  
18 army training that we received.

19 Q. [10:22:44] Did you continue to engage the SPLA during this time?

20 A. [10:22:54] Yes, we did. We continued to engage the SPLA because when we  
21 were at Aruu, the SPLA and the UPDF joined together and attacked the LRA. I  
22 recall that this was perhaps some time in 1997 when the joint attack took place.  
23 There was a battle. And I was also sent -- I was among the people that was sent to  
24 fight. I sustained injuries during this battle at a place known as Wii-Got. I was shot  
25 in the head.

1 Q. [10:24:10] When you were selected to go to this particular battle, were any  
2 rituals performed on you?

3 A. [10:24:24] Before we went to battle they performed a ritual. We were told to  
4 take off our shirts and we were sprinkled with water. And then we went to battle.

5 Q. [10:24:46] What was this ritual supposed to accomplish, if you know?

6 A. [10:24:56] I do not know the meaning of the ritual. I do not know why they  
7 performed this ritual.

8 Q. [10:25:19] When you were selected to go for this operation, did you want to go?

9 A. [10:25:31] I had no desire of going to battle. Right from the beginning, this  
10 wasn't my -- it wasn't my desire to be there, and it continued that way.

11 Q. [10:25:57] Could you have declined to go for the battle and said no?

12 A. [10:26:10] No, you couldn't.

13 Q. [10:26:19] Do you know anyone who ever declined going to battle if they were  
14 selected?

15 A. [10:26:33] No, I did not see anyone decline.

16 Q. [10:26:43] Would anything have happened if anybody declined?

17 A. [10:26:57] I believe that it's possible something could have happened if a person  
18 declined. Because when you are there, you yourself do not have any rights  
19 whatsoever.

20 Q. [10:27:18] In your opinion, having been there, what do you think would have  
21 happened?

22 A. [10:27:38] If a person refuses to go to the battlefield, the person will be  
23 punished.

24 Q. [10:27:49] What kind of punishment would that person receive?

25 A. [10:27:59] Two, there are two types of punishments that people are given there.

1 You are caned severely or you are killed.

2 Q. [10:28:14] Now, you mentioned the injuries that you sustained during that battle.

3 I am going to show you a photograph.

4 And, your Honours, it's at tab 4, UGA-D26-0025-0084.

5 Mr Witness, is this from that injury? Do you see the photograph? I'm sorry.

6 A. [10:29:25] Yes, I'm looking at it right now.

7 Q. [10:29:29] Is this from that injury that you sustained during the battle?

8 A. [10:29:41] Precisely.

9 Q. [10:30:06] Can you describe the injuries, as much as you remember?

10 A. [10:30:16] The injury, when I sustained the injury, we had been selected for  
11 standby to go and fight at Wii-Got. We went to the battle at Wii-Got. Before we  
12 went, they sent our intelligence to go for a reconnaissance mission to the barracks.  
13 When they went for that mission, they came back and reported back. In the evening,  
14 we left to go to that battle. It was supposed to -- the battle was supposed to  
15 commence at dawn.

16 We left at around 1 a.m. We left at around 4 to go to that place and the intelligence  
17 somehow disappeared because it was still dark. We -- the position -- they could not  
18 locate the position of the barracks. We went to the barracks at around 4 a.m. That  
19 was -- we were not yet prepared for battle. When we entered into the barracks, the  
20 SPLA started shooting at us before we were able to make a formation. There was  
21 gunfire, heavy gunfire, and I was shot at that particular moment. And when -- that's  
22 how I received my injury and that's how we went for that battle at Wii Got where I  
23 sustained that injury.

24 Q. [10:32:01] Do you recall how you left the battlefield?

25 A. [10:32:15] Yes, I do recall. When I sustained the injury I was bleeding profusely.

1 One of my colleagues helped me, held me by the arms and we walked back to the  
2 barracks. That was what happened after I sustained the injury.

3 Q. [10:32:50] And just to take you back briefly, when you went to this battle, were  
4 you carrying a gun?

5 A. [10:33:05] Yes, I had one.

6 Q. [10:33:12] Now, when you were removed from the battlefield, how did you heal  
7 from these injuries?

8 A. [10:33:30] We returned back to Jebellen. From there, we were taken to Juba.  
9 We went and found -- we went and received our treatment and got cured from there.

10 Q. [10:33:57] You say "we". Is it my understanding that there were several people  
11 who were injured that were taken to Juba?

12 A. [10:34:13] Yes.

13 Q. [10:34:21] Now how did you travel to Juba, since you were injured?

14 A. [10:34:39] We used a vehicle to go to Juba because there was a vehicle available.  
15 It was given to the LRA. Sometimes it would be used to bring supplies to us. That  
16 was the vehicle that was -- that we used to go for treatment.

17 Q. [10:35:04] When you say the vehicle was given to the LRA, who gave the LRA  
18 that vehicle?

19 A. [10:35:22] According to my understanding, it was given by the Sudanese  
20 government.

21 Q. [10:35:40] Now, in Juba, where exactly did you receive your treatment?

22 A. [10:35:57] We were in a hospital. I do not recall the name of the hospital, but  
23 we got treatment from a hospital in Juba.

24 Q. [10:36:14] Do you remember if it was a government run hospital, if it was  
25 a military hospital? Anything you can remember about that hospital?

- 1 A. [10:36:34] That was a military hospital. It was one hospital where there were  
2 several other people from different forces who were being treated from there,  
3 including some Arabs.
- 4 Q. [10:37:03] Did you pay for the medical treatment?
- 5 A. [10:37:19] Not even a coin.
- 6 Q. [10:37:28] Were you guarded at this hospital?
- 7 A. [10:37:41] There were some people who were working in the hospital who  
8 would help us to provide our needs. For instance, if we needed water or needed  
9 drugs in there, there were people who were helping us with those services.
- 10 Q. [10:38:04] When you healed did you think -- did you consider just leaving and  
11 going back home?
- 12 A. [10:38:25] After healing, the same vehicle that took us there came back to  
13 retrieve us from there and take us back.
- 14 Q. [10:38:47] How long did you spend in the hospital, if you remember?
- 15 A. [10:39:03] I spent about two months.
- 16 Q. [10:39:14] Once you returned back did you get new assignments?
- 17 A. [10:39:33] When I returned from the hospital I was not given any other  
18 assignment. We stayed at Jebellen until we relocated to Lubanga Tek. I was not  
19 assigned any duties.
- 20 Q. [10:39:52] So were you still an escort to Labongo at that time?
- 21 A. [10:40:15] At that time I was already transferred. I was no longer with  
22 Labongo.
- 23 Q. [10:40:25] Where had you been transferred to?
- 24 A. [10:40:37] I was transferred to the household of Odhiambo.
- 25 Q. [10:40:51] So far we have discussed three different households, Okello Trigger,

1 George Labongo, and Odhiambo. Who made these assignments that you should  
2 move from one household to another?

3 A. [10:41:19] Well, my transfer, most times I transferred together with the  
4 commander I am working with.

5 Q. [10:41:42] But do you know who makes the order for the transfer, even for your  
6 commander?

7 A. [10:42:05] The issue of transfer normally comes direct from Control Altar. All  
8 the transfers are made from there. We would only receive a report that such and  
9 such a person has been transferred to the other location. Then you would have to  
10 move. Therefore, most times for us as ordinary soldiers we would just be under our  
11 commanders, and if your immediate commander is transferred, automatically you are  
12 also on transfer. That's why you would hear this time I have been in this household,  
13 and the next time you are in another household. That was the situation.

14 Q. [10:43:00] Now, when you were transferred to Odhiambo's household, what  
15 was his rank and position, if you remember?

16 A. [10:43:16] He was a CO and a major at that time.

17 Q. [10:43:28] What was the name of the unit that he was CO for?

18 A. [10:43:42] He was in Siba battalion at that time.

19 Q. [10:44:01] And do you remember the year when you were transferred to  
20 Odhiambo's household?

21 A. [10:44:15] I cannot clearly recall.

22 Q. [10:44:35] And just to take you back briefly, you said earlier that all the orders  
23 about transfers came from Control Altar. Who was the commander for  
24 Control Altar?

25 A. [10:44:57] There were several commanders in Control Altar, but the power to

1 transfer was vested in Kony. He would then relay the information to the other  
2 commanders in Control Altar, who will then relay the information to the various  
3 brigades.

4 Q. [10:45:29] You also just said that Odhiambo was CO for Siba battalion. Which  
5 brigade was Siba in?

6 A. [10:45:46] At that time it was in Sinia.

7 Q. [10:46:01] Did Odhiambo stay in Sinia brigade, or he was transferred?

8 A. [10:46:15] He did not take long in Sinia. He was transferred to Control Altar, to  
9 a department called -- these were people who were tasked with distribution of food  
10 items. Whenever food items were delivered from Juba, or sometimes they would go  
11 and collect the items themselves, he was taken to that department.

12 Q. [10:46:54] And would I be correct to assume that you stayed with him in that  
13 new department?

14 A. [10:47:12] Yes, you are correct, because he was transferred to that new  
15 department and then, when he was transferred, he told us that all the soldiers who  
16 were under him were supposed to prepare their items because they were on transfer.

17 Q. [10:47:36] Now help me understand this department. When food was brought,  
18 it is this department that distributed it all the way to the very last soldier, or how did  
19 it happen? Walk me through this role. What happened?

20 A. [10:48:13] In this department the list of all the brigades are with them, the list of  
21 everyone in Control Altar is also with them. So whenever they receive food items,  
22 they look at the quantity supplied and they would now distribute the food items  
23 basing on the sizes of the brigades. After the items are given to the brigades, the  
24 brigades will now take over to distribute to battalions, battalions will take to coys and  
25 then from coys to the households.

1 Q. [10:48:58] So if a brigade went to collect food, they would still bring it to this big  
2 department in Control Altar; am I right?

3 A. [10:49:19] Whenever these items are brought using a vehicle, they are brought to  
4 Control. And then the brigades will come to Control and receive the items and then  
5 go and distribute.

6 Q. [10:49:35] Thank you, Mr Witness. Now, did Odhiambo stay in this  
7 department or he was transferred once again?

8 A. [10:49:52] He also didn't stay for long there, because while he was there he was  
9 again transferred to Trinkle. But before that transfer, there was no longer the issue  
10 of food distribution, because the relationship between the LRA and the Sudanese  
11 government had gone sour.

12 Q. [10:50:31] Mr Witness, do you remember giving a statement to representatives  
13 of the Defence?

14 A. [10:50:51] Yes, I do remember.

15 Q. [10:50:58] I just want to clarify with you something that you said in your  
16 statement, and I just want to make sure that I understand you well today.

17 MS BRIDGMAN: And, your Honours, this is UGA -- tab 1, UGA-D26-0010-0486,  
18 and in particular at paragraph 21.

19 PRESIDING JUDGE SCHMITT: [10:51:28] Please go on.

20 MS BRIDGMAN: [10:51:33]

21 Q. [10:51:33] Mr Witness, in your statement you said that:

22 "Odhiambo was brigade commander of Stockree when I joined with him. Whilst still  
23 in Jebellen, he was transferred to Sinia. Once in Lubanga Tek, he was transferred  
24 back to Stockree."

25 I just want to clarify from you from what you have said today, that he was CO for

- 1 Siba and he was a major, with what you previously told the Defence.
- 2 A. [10:52:20] Can I respond to that now?
- 3 Q. [10:52:21] Yes, of course.
- 4 A. [10:52:30] While in Sinia, you know, these things happened quite a while ago  
5 and sometimes I can mix up a few things. But in Sinia he was a CO. Then he left  
6 and went on transfer to Control. Then, while we were in Jebellen, and he was in  
7 Stockree, he was also still a CO. And I can recall that when he was in Stockree he  
8 was there as a CO.
- 9 Q. [10:53:15] Thank you for the clarification. Now can you briefly describe the  
10 character of Odhiambo and your relationship with him?
- 11 A. [10:53:47] Briefly, what I can say is that Odhiambo was a very rude person and  
12 his harshness was in the sense that each time Kony gives an instruction, he would be  
13 very aggressive in implementing. And if you break the orders, he would aggress  
14 you. That was something I witnessed and I know about Odhiambo.
- 15 MS BRIDGMAN: [10:54:42] Your Honours, I am almost moving to a different topic  
16 and this would be a good place to stop.
- 17 PRESIDING JUDGE SCHMITT: [10:54:49] I understand this hint, yes. So we have  
18 then the coffee break until 11.30. Thank you for the moment.
- 19 THE COURT USHER: [10:55:00] All rise.
- 20 (Recess taken at 10.55 a.m.)
- 21 (Upon resuming in open session at 11.31 a.m.)
- 22 THE COURT USHER: [11:31:23] All rise.
- 23 PRESIDING JUDGE SCHMITT: [11:31:33] Ms Bridgman, you still have the floor.
- 24 MS BRIDGMAN: [11:31:49]
- 25 Q. [11:31:57] Mr Witness, we were discussing the time in Sudan. And I just want

1 to ask, did you remain in Sudan or you still had to move?

2 A. [11:32:17] Could you please repeat your question.

3 Q. [11:32:21] Did the LRA remain in Sudan or you moved?

4 A. [11:32:32] The LRA continued on their journey.

5 Q. [11:32:49] From Jebellen, where did the LRA go?

6 A. [11:32:55] From Jebellen, the LRA went to Lubanga Tek.

7 Q. [11:33:07] And did you stay in Lubanga Tek or you then moved again?

8 A. [11:33:14] We stayed at Lubanga Tek, but the LRA and the Sudanese  
9 government were no longer on good terms and there was a battle while we were at  
10 Lubanga Tek. They fought against the LRA. Kony predicted the war. And before  
11 the battle commenced, he actually issued orders for us to start fighting.

12 Q. [11:34:07] Do you remember the year when this happened?

13 A. [11:34:12] I do not recall the exact date, but perhaps sometime in 2001 or 2002.  
14 I'm not quite sure, but it's between 2001 and 2002.

15 Q. [11:34:42] Now when you say that Kony predicted the war, what do you mean?

16 A. [11:34:51] Whenever there is going to be a war or battle, he would tell us that  
17 someone is coming to fight against the LRA. And when he told us that the LRA was  
18 going to be attacked, he prepared soldiers and put them on the ready to fight against  
19 the Arab soldiers at the time that we were at Lubanga Tek.

20 Q. [11:35:31] What was the setting? How did he tell you this? Would it be in  
21 a group setting? Would he call a few commanders?

22 A. [11:35:46] He would call people and ask us to go and pray, so everybody will be  
23 convened together and then he would tell us, he would tell us that there is going to be  
24 a battle against the LRA, it's going to be attacked by a joint Sudanese and Ugandan  
25 army, including the SPLA and the Arabs. They have all come together and they are

1 all going to fight against you. Before they attack us, I have to attack them.

2 Q. [11:36:30] Now you say that he would call you for prayers. Would this be part of  
3 the prayers or would the address -- this sounds to me like a military address. Can  
4 you explain to me how it would happen?

5 A. [11:36:49] He would call people and first address them, and then after the  
6 address, he would pray. He would start by giving us the information and then  
7 prayers.

8 Q. [11:37:18] Thank you. Now apart from this prediction about the battle, did  
9 Kony make any other predictions that you remember?

10 A. [11:37:27] I do not recall any other predictions at this particular moment.

11 Q. [11:38:29] Do you remember him predicting anything about crossing the Nile  
12 during your time in the bush?

13 A. [11:38:43] Yes, I do recall that, I recall that, the prediction about crossing the Nile.  
14 When we crossed the Nile, he corrected all the people -- he collected all the people  
15 who had already crossed the Nile and were on the side with him. He told us, he said,  
16 "You people, those of you who are going, you are going to encounter something along  
17 the way, and this is going to help you. If you come across your enemies as well, do  
18 not do anything to them, but take whatever it is that they have. Take the -- whatever  
19 it is that they have and use it for your benefit."

20 Q. [11:39:41] Did this prediction come to pass, if you remember?

21 A. [11:39:55] I do not know whether whatever it is that happened is exactly what  
22 he predicted. But when we went and came across -- we came by roadside, we came  
23 across a car. We were walking in front and there was -- there were a number of  
24 other people that were walking behind, for those of us who were ahead kept on  
25 walking. But the people who were behind stopped the car. When we got to the

1 place where we had encamped, I heard a report that the car that was stopped  
2 contained a SPLA soldier and he had a pistol. And there was also a white man who  
3 was in that car and he had a Thuraya phone. And those things were taken -- the  
4 pistol and the Thuraya phone were taken, but then they were released and they let  
5 them go.

6 Q. [11:41:02] Do you recall the time frame within which this happened, generally?  
7 Do you remember the year?

8 A. [11:41:14] This was in 2003. No, I mean 2005, this is when it happened.

9 Q. [11:41:32] And do you remember any predictions that happened while you were  
10 already in Congo that came to pass?

11 A. [11:41:46] When we were in the Congo, he also predicted another battle, he told  
12 us that we were going to be attacked in Garamba. He convened everybody and  
13 addressed us and informed us to this effect. He told us that the next day, at around  
14 10 a.m., people should have already left the defence. When he had told us  
15 previously that there was going to be a battle, he had told us to hide all the food that  
16 we had cultivated, he told us that, "The food that you hide will help you in the future.  
17 Whatever food you don't hide is going to be burned."

18 Q. [11:42:45] Do you know if Kony could predict if someone was thinking of  
19 escaping from the LRA?

20 A. [11:42:57] It's very difficult for me to make any affirmative response to that,  
21 because sometimes he would say things, he would say somebody wants to escape.  
22 But I cannot actually conclusively determine that.

23 PRESIDING JUDGE SCHMITT: [11:43:40] Please move on.

24 MS BRIDGMAN: [11:43:42]

25 Q. [11:43:42] When you came to Uganda, did you participate in any operation?

1 A. [11:43:56] When we came to Uganda, that was in 2003, around about October.  
2 That is when Kony issued an order for an RV. He issued an order to Otti to set up  
3 an RV. We met at the RV at Latanya. When we met at this RV at Latanya, there  
4 were a lot of people. There was a Trinkle brigade where I was based, the division  
5 that was -- that was Raska's division, as well as Control Altar. And Otti was in  
6 Control Altar. The highest ranking commander at that RV were Otti, Raska, and our  
7 brigade commander who was Bogi. He was known as Taban Bosco. There were  
8 also other commanders from Control, such as Opoka Pum. There were also other  
9 brigades, but I do not recall all the brigades. There were so many people, so I don't  
10 know whether all the brigades were there or only some of them were there.  
11 We would meet and we were sent, we were all put in individual sides. So wherever  
12 you were sent to -- to sit, that's where your group would sit.  
13 They selected a standby. They first selected a standby to go to a defence. I cannot  
14 remember the name instantaneously, but there was a barracks between Pajule and  
15 Pader, there was a school and there were soldiers stationed at that school. They  
16 selected a standby to go and attack that barracks. But because there were so many  
17 people in that area, the soldiers were aware that there might be an attack and the  
18 soldiers left. When they went to attack the barracks, they found that the soldiers had  
19 already left. They -- there was -- there were shots in the barracks, they surrounded  
20 the barracks and shot at the barracks. The people on one side would see soldiers and  
21 people on the other side would see soldiers. They started exchanging gunfire, but  
22 the soldiers -- the UPDF soldiers had actually left, so the LRA were attacking each  
23 other. When they realised that they were actually attacking each other and there  
24 were injuries, they stopped fighting and they went back. When they went back, after  
25 the attack between the different groups of LRA soldiers, we left that place and

1 another standby was selected.  
2 Most of the people that were selected for the second standby were people who had  
3 been in the previous standby. That standby was sent, the same standby that had  
4 been selected initially. They took away the people who had sustained injuries and  
5 they added more people to that particular standby and they sent them to Pajule. The  
6 rest of us remained where Otti was at the headquarters. The overall commander of  
7 the Pajule attack was Taban Bosco, he was the overall commanding officer. He was  
8 selected as the brigade commander from Control and he was sent on this operation to  
9 Pajule as the overall commanding officer. When we met at the RV, I was present,  
10 but I did not go to the barracks. We stayed behind, we stayed where Otti was at the  
11 headquarters, and that's what I know happened while we were in Uganda.

12 PRESIDING JUDGE SCHMITT: [11:48:49] What other commanders did you see at  
13 the RV, Mr Witness? Or did you see other commanders? Do you recall other  
14 commanders at the RV?

15 THE WITNESS: [11:49:03](Interpretation) The commanders that I recall, the most  
16 highest ranking commanders are the ones that I've mentioned. I do not recall some  
17 of the more -- the more general commanders, I don't recall all the names.

18 PRESIDING JUDGE SCHMITT: [11:49:21] I think you will continue, anyway, Ms  
19 Bridgman.

20 MS BRIDGMAN: [11:49:25] Thank you, Mr President.

21 Q. [11:49:28] Mr Witness, I just want to break down what you have just said, and  
22 please excuse me if it sounds like I'm making you repeat yourself. But earlier this  
23 morning we were talking about the battle at Pajok and you said that the order came  
24 from Kony and the commanders would just select people from the standby. Now I  
25 want you to explain to me, here you said that Kony ordered the big RV at Latanya.

1 Do you know what the purpose of that RV was?

2 A. [11:50:12] I do not know why -- what the purpose of the RV at Latanya was.

3 But he would issue orders and the person, for example, if the highest ranking person  
4 in that area or location was Otti, he would issue orders to that person. So he issued  
5 orders to Otti and that's what -- that's all I know about that.

6 Q. [11:50:48] And do I understand you correctly that Kony wasn't present at that  
7 RV? It was Otti who was the highest ranking officer present?

8 A. [11:51:05] Yes, that's correct.

9 Q. [11:51:09] When you talk about the defence standby that was created, was this to  
10 execute an order that came from Joseph Kony or from Otti?

11 A. [11:51:32] Kony -- the way Kony would operate was that he would scatter his  
12 soldiers. Once the soldiers are scattered, then he would issue orders and ask people  
13 to converge in a particular place. For example, as we converged at that RV. Then  
14 once we get to that RV, then he would issue orders and say, "I would like you to go to  
15 this place and perform such an operation."

16 Q. [11:52:16] So, for purposes of the ultimate operation, what was the purpose of  
17 the RV? What happened at the RV?

18 A. [11:52:50] I'm not quite sure. But what I saw -- what I witnessed was that, first  
19 of all, a standby was selected to go and attack the barracks, the barracks that was  
20 located at Atura school. When they got there, they found that the soldiers had left.  
21 And then after that, we walked for about two to three days and then they went to  
22 Pajule. So I do not know whether that meeting was intended for the Pajule  
23 operation or for something else. I do not know. But that would be the  
24 high-ranking commanding officers who would have that information, the ones who  
25 were privy to that information, the people such as Otti and the other commanders.

1 Q. [11:53:49] So would Otti and the other senior commanders that you mentioned,  
2 would they make the order to attack let's say Pajule, or that order would have come  
3 from Kony in the first place?

4 A. [11:54:27] I know that the order would have come from Kony because the way  
5 Kony operated, as I stated earlier, that he would scatter all his -- his soldiers and then  
6 if he has a target, if he wants to target a particular place, then he would ask people to  
7 meet at some place and that's how he would operate.

8 Q. [11:55:02] Now from what you have said, I understood that there were two  
9 standbys, the first one where the soldiers had already gone and the second one that  
10 went to Pajule. You said that you did not go to the second one, but did you go to the  
11 first one?

12 A. [11:55:23] No, I did not go to the first one, because the people who were selected  
13 to go to the first standby were the very same people who went for the second standby,  
14 who were selected for the second standby. The people who sustained injuries  
15 during the first standby when there was an exchange of friendly fire, were removed  
16 and then they selected new people and added them on to that group.

17 Q. [11:56:00] So you said that you stayed with Otti at RV. Did you see the people  
18 coming back from the first standby?

19 A. [11:56:22] The -- when the first standby came, we were actually encamped in a  
20 position on another side, and these people came back from a different direction. The  
21 RV location where we were, the defence place where we were located was extremely  
22 big.

23 Q. [11:56:50] I'm sorry, I have not understood your answer. Did you see the  
24 people when they returned from the first standby?

25 A. [11:57:09] No, I did not see them.

1 Q. [11:57:18] What about the people who came back from the second standby, did  
2 you see them?

3 A. [11:57:29] The -- the people who went -- who came back from the second  
4 standby came back in twofold. The first -- the people who came before, the first  
5 group, I did see that group, they were the ones who went to the barracks. They  
6 attacked the barracks and overran the barracks. They ran and they came back.  
7 And those are the people that I saw.

8 Q. [11:58:15] Now, you said that was the first group. Where did the second  
9 group go?

10 A. [11:58:22] The -- the standby, there were two groups in the standby. There's  
11 a group that is at the front and those are the people that started, were at the battle.  
12 The people who stayed behind are the people who collect the food. Those people  
13 who were ahead, those people who went to the barracks and came back are the  
14 people that I saw.

15 Q. [11:58:58] At this point, Mr Witness, did you have a rank?

16 A. [11:59:22] At that time, yes, I did have a rank.

17 Q. [11:59:35] What was your rank?

18 A. [11:59:39] I was a second lieutenant.

19 Q. [11:59:53] Now earlier you mentioned in response to the presiding Judge's  
20 question, you said you remembered the senior commanders but not the junior ones.  
21 At that point, would you consider yourself a junior commander? Would you have  
22 been in the category of junior commanders that you referred to?

23 A. [12:00:30] At that time as a second lieutenant, if you met in that manner, these  
24 are the people who would provide security. They would be -- the people would be  
25 guarding the rest of the members. So at that time I was given the task of guarding

1 the bigger group.

2 Q. [12:01:17] When you say you would be guarding the bigger group or the rest of  
3 the members, do you mean other LRA commanders junior to you or the senior  
4 commanders?

5 A. [12:01:30] That meant we were providing protection to the entire group. You  
6 would be distributed in different positions and they make sure you go ahead so that  
7 in case there is an attack, you will be the first people to be confronted.

8 Q. [12:02:05] Now among the commanders that were at the RV point, do you recall  
9 if Mr Ongwen was present?

10 A. [12:02:22] I did not see him.

11 Q. [12:02:30] Do you recall if then he was a junior or a senior commander in the  
12 LRA?

13 A. [12:02:44] At that time, he was not a high-ranking officer because he had  
14 previously sustained some injuries and we used to hear that he was at the bay, the  
15 sickbay, but I think he was not a high-ranking officer.

16 Q. [12:03:12] So from what you said earlier about the senior commanders, am I  
17 correct in -- is my understanding that he was not part of the senior commanders, is it  
18 correct?

19 A. [12:03:37] Well, at that time I'm not very clear whether he could be considered  
20 a senior commander at that time. I do not recall that well now because we had  
21 separated with him a while before.

22 Q. [12:04:08] Do you remember where you had separated with him, the place and  
23 the time?

24 A. [12:04:22] I recall we separated from Jebellen. That is what I can recall.

25 Q. [12:04:43] While in Jebellen, do you remember Mr Ongwen's role within

1 the LRA?

2 A. [12:05:02] Yes, I do recall. He was a BM of Sinia.

3 Q. [12:05:25] If you know, what is the role of a BM?

4 A. [12:05:33] The BM is the spokesperson of the brigade commander. He will be  
5 the person who will relay information from -- that the brigade commander will have  
6 received from Control Altar and relays it to the lower units. For instance, if they say  
7 they need 50 soldiers, and that information is coming from Control Altar, the brigade  
8 commander will come to the brigade, would summon the BM and give him the  
9 instructions that he has received from Control Altar. Then the BM will summon the  
10 battalion 2IC, who will then go to the battalion to select the soldiers. That was his  
11 role at that time.

12 Q. [12:06:43] Mr Witness, do you know what "BM" stands for?

13 A. [12:06:50] According to what I know, well, it's a bit difficult for me to explain it  
14 because that is in English, but what I used to hear was that that was a position of  
15 a brigade master.

16 Q. [12:07:21] Thank you. And during this period when Mr Ongwen was a BM,  
17 did you at any point interact with him? Did your roles interact?

18 A. [12:07:34] My interaction with him in his duties was at a particular time when  
19 the brigade commander was Raska, and Raska had gone somewhere, I don't recall  
20 where exactly he had gone, but that left Odhiambo to act as the brigade commander.  
21 There was that time, whenever you would receive information from Control Altar,  
22 then they would send me to go and invite Dominic or I go and tell him that such and  
23 such a thing is required. That was the time when I was interacting with him.

24 Q. [12:08:51] So would I be -- just to understand, would you pass messages to  
25 Dominic Ongwen, or you would invite him to come and meet with your commander?

1 A. [12:09:15] I would go and call him to come.

2 Q. [12:09:27] When he came, were you present for the meetings that he had with  
3 your commander?

4 A. [12:09:43] No. My role stopped at summoning him. I was an escort, I  
5 wouldn't attend.

6 Q. [12:09:57] Now during these interactions with Mr Ongwen, what would you say  
7 his personal character is?

8 A. [12:10:19] What I can say about the character of Dominic Ongwen, I'm basing on  
9 my interactions with him and how I used to observe him lead his life, he was a person  
10 who loved to joke. He was a carefree person. Even at that time when he was at  
11 that rank, he would take his time to come and sit down with the other junior people,  
12 people who were not at his rank. He would enact with them, interface with them  
13 and joke with them a lot of times. He would even play games, would play cards  
14 with them, together with the young ones instead. That was what I witnessed when  
15 he was there, that was his character. He -- he led a kind of childish life. He had  
16 a lot of jokes and fun making. That was what I saw about him.

17 Q. [12:11:44] You just mentioned that he led kind of a childish life. Can you help  
18 me understand what makes you say so? Help me to understand what you mean by  
19 that.

20 A. [12:12:17] I mean to say that he was a very simple person, who was down to  
21 earth. For instance, if he was in the position of a BM, going down to sit with the  
22 people at the coy, if it's not for a person who love other people, would not come down  
23 to that level, but because of his love for the people, that is why he would come down  
24 to that level and stay with those people as well.

25 Q. [12:13:09] Now while you worked let's say with Odhiambo, did you ever hear

1 any of the commanders you worked with make any comment regarding

2 Mr Ongwen's character? What did they think of him?

3 A. [12:13:54] There was no instance when a senior commander made any remarks  
4 with Dominic Ongwen. With all the people I stayed in the bush, I never heard  
5 anybody mention anything about the character about Dominic. Honestly, I didn't  
6 hear that.

7 Q. [12:14:44] Now while in Uganda under Odhiambo, did people in your group go  
8 out on operations?

9 A. [12:15:01] In Odhiambo's group?

10 Q. [12:15:14] Yes. While you were serving under Odhiambo, did he send out  
11 people for operation, apart from the Pajule operation that we discussed earlier?

12 A. [12:15:29] Right now I do not recall that clearly.

13 Q. [12:15:55] And just to clarify, did you remain under Odhiambo as a commander  
14 while you were in Uganda?

15 A. [12:16:10] When I was under the command of Odhiambo in Uganda, he was  
16 transferred to Stockree, we remained in Trinkle while we were in Uganda.

17 Q. [12:16:39] And who was your commander in Trinkle?

18 A. [12:16:56] That was Bogi and Kapere. Those were the commanders of Trinkle.

19 Q. [12:17:14] Now, Mr Witness, we briefly talked about Joseph Kony regarding his  
20 predictions, but can you briefly tell us about his character? The same way you have  
21 told us about Odhiambo and Dominic Ongwen, just briefly, what can you say about  
22 Joseph Kony?

23 A. [12:18:02] According to what I know, it's difficult to describe the character of  
24 Kony, it's hard for me to describe his character because -- because Kony had his -- had  
25 his own life. It's difficult to understand what he is thinking about and it's difficult to

1 really know his real character.

2 Q. [12:18:51] Could an individual in the LRA defy Kony's orders?

3 A. [12:19:03] Nobody had the powers of defying his orders.

4 Q. [12:19:28] Mr Witness, permit to take you back very briefly to something you  
5 said. While we were discussing your time in Trinkle, you said that your commander  
6 was Bogi and Kapere. Can you help me understand if both of these were brigade  
7 commanders?

8 A. [12:20:26] Both of them were brigade commanders, but before they came became  
9 brigade commanders, Bogi was initially a CO, while Kapere was the brigade  
10 commander. Then when they transferred, the brigade commander was -- with  
11 Odhiambo was called, Opiro Livingstone was transferred to Control, then Bogi  
12 became the brigade commander.

13 Q. [12:21:33] So did I understand you correctly that Trinkle had two brigade  
14 commanders serving at the same time?

15 A. [12:21:44] Yes, when the Operation Iron Fist started, at that time, there were two  
16 brigade commanders for each of the brigades. They would work together  
17 simultaneously.

18 Q. [12:22:08] So these two brigade commanders, would they be moving together or  
19 would they be moving separately, still with the same position but moving separately?

20 A. [12:22:40] The brigade commanders would move separately, but sometimes they  
21 would also converge. But out of the two, one would be superior to the other.

22 Q. [12:23:12] Now back to Joseph Kony and his orders, you said that nobody had  
23 the powers to defy his orders. What would happen if anybody defied those orders?

24 A. [12:23:37] If you defy an order from Kony, he would say he does not have prison  
25 facilities. If you defied his orders, nothing else would do apart from killing you. I

1 remember there was a time we were in Sudan, there was a department called  
2 "Military" that was in place, and it was a place where somebody would be detained  
3 while they're being investigated. But when our base was shattered, the moment you  
4 defy his orders, you will be killed.

5 Q. [12:24:41] Now, did it matter if one was a senior commander or a junior officer  
6 in the LRA?

7 A. [12:25:00] Whether you were junior or senior, nobody was safe, and there are  
8 examples to attest to that. There was his second in command who was called Otti  
9 Lagony, he was also killed. He was a senior commander. And that is  
10 a confirmation that nobody was safe, whether you're senior or junior.

11 Q. [12:26:01] Mr Witness, what was the role of women in the LRA?

12 A. [12:26:27] In the LRA, while we were in Sudan, from the year 1995, even women  
13 would be -- would engage in battles. But along the way, when a number of the  
14 women started producing children, they were exempted from going for battles.  
15 They would only carry out roles that were defined to them as women.

16 Q. [12:27:22] And what roles were defined to them as women?

17 A. [12:27:28] That included cooking food, and then taking care of the -- the babies.  
18 Those were the things they were doing.

19 Q. [12:27:53] I'm sorry to take you back a little bit, Mr Witness. You mentioned  
20 the killing of Otti Lagony, do you remember the year when this happened?

21 A. [12:28:18] I remember that clearly. It happened in the year 1998. I think 1998  
22 or 1997. I think I cannot recall it very clearly, but within those two years.

23 Q. [12:28:51] During the later period of your time in the LRA, do you recall other  
24 instances where senior commanders were punished for defying Joseph Kony?

25 A. [12:29:04] I remember while we were in Garamba, Kony gave an order for the

1 killing of Otti because -- well, I don't clearly know why he was killed, but Kony gave  
2 the order. Otti, together with other commanders, were arrested and killed.

3 Q. [12:29:53] Which Otti are we talking about, Mr Witness? And what was his  
4 role in the LRA?

5 A. [12:30:07] We are talking about Otti who was Kony's second in command.

6 Q. [12:30:28] And do you remember if anything happened to Thomas Kwoyelo?

7 A. [12:30:41] I recall what happened to Kwoyelo. Before Otti was arrested, we  
8 were at a defence known as Kaba. Otti -- Otti Vincent was at a place known as  
9 Ri-Kwangba. Kony came from Ri-Kwangba. He got to Kaba and issued orders that  
10 Kwoyelo should be arrested. And there was also another commander known as  
11 Ayumani. Kwoyelo was arrested and severely caned, but the commander known as  
12 Ayumani knew -- became aware that they were coming to arrest him and he fled.  
13 Orders were issued that he should be shot. Kwoyelo was arrested, beaten severely,  
14 his guns were taken away from him, as well as his wives. They were all under some  
15 kind of house arrest. They were not allowed to leave and go anywhere.

16 Q. [12:32:16] And I don't intend to pursue this much further than now, but just one  
17 more question: Do you know what Kwoyelo and Ayumani had done, the reason for  
18 the punishment?

19 A. [12:32:31] No, I do not know.

20 Q. [12:32:52] Mr Witness, do you know what happened to Odhiambo when the  
21 LRA was moving to Central Africa?

22 A. [12:33:03] No, I do not know.

23 Q. [12:33:14] Thank you. Going back to the women in the LRA, how did they end  
24 up in the households that they were in?

25 A. [12:33:32] The women who were in a particular household, in each single

1 household, were distributed to those households.

2 Q. [12:34:00] Who distributed these women to the various households?

3 A. [12:34:08] It was Kony who issued orders that the women should be distributed,  
4 and it was Kony who issued orders that these women should be abducted. He also  
5 issued orders regarding the abduction of everybody else.

6 Q. [12:34:41] Now, speaking about distribution, to whom would they be  
7 distributed?

8 A. [12:34:51] The women would be distributed to whoever has been selected as  
9 capable of having a wife. There are some times when you are actually not aware  
10 that you are going to receive a wife, but then you'd receive reports telling you that  
11 these women that have been brought, one of them has been allocated to you and this  
12 is your one.

13 Q. [12:35:33] Did the women have a choice in this matter?

14 A. [12:35:43] The women did not have a choice, and they could not refuse whoever  
15 it was that was assigned to them as a husband.

16 Q. [12:36:12] You also just said that sometimes you are not aware and you'd receive  
17 a report telling you that a woman has been allocated to you. Could a man in the  
18 LRA refuse to take that woman that has been selected for them?

19 A. [12:36:36] No, you could not refuse that. Because when you are given a wife  
20 you have to accept it, except for the higher ranking commanders. They could turn  
21 down somebody -- they could turn down a woman, but you could not do it more than  
22 once. You are allowed to do it once, for example, but not more than that. But for  
23 the junior ranking -- junior ranking officers, if you are given a wife you had no choice  
24 but to accept.

25 Q. [12:37:27] Now, for the senior commanders, you said they could turn down

1 a woman but not more than once. What would happen if they turned down

2 a woman more than once?

3 A. [12:37:41] If you turned or refused the wife that had been given to you, if you  
4 refuse, you're not given a wife on another occasion. So you cannot actually refuse to  
5 accept a wife on two occasions.

6 Q. [12:38:23] Did it happen in the LRA that you could see a woman that you liked  
7 and started a relationship with her?

8 A. [12:38:36] If somebody is brought and given to somebody else, and they live  
9 together, if that person becomes the widow, then you can court, courtship can ensue.

10 Q. [12:39:15] So do I understand you correctly that courtship could only happen  
11 after a woman has become a widow?

12 A. [12:39:38] Yes, that's correct.

13 MS BRIDGMAN: [12:40:00] Your Honours, may I have a moment to confer?

14 PRESIDING JUDGE SCHMITT: [12:40:04] Of course.

15 MS BRIDGMAN: [12:40:40]

16 Q. [12:40:47] Mr Witness, when did you leave the LRA?

17 A. [12:40:55] I left the LRA in 2010, while we were in Congo.

18 Q. [12:41:08] Do you recall the time when there were peace talks going on between  
19 the government and the LRA?

20 A. [12:41:42] Yes, I do recall.

21 Q. [12:41:53] Which group were you in and who was your commander around that  
22 time, if you remember?

23 A. [12:42:02] At the time I was in --

24 THE INTERPRETER: Sorry, could the witness please repeat the name of the group.

25 PRESIDING JUDGE SCHMITT: [12:42:21] Could you please be so kind to repeat the

- 1 name of the group. The interpreters did not get it well.
- 2 THE WITNESS: [12:42:32](Interpretation) I was in Apu group.
- 3 MS BRIDGMAN: [12:42:41]
- 4 Q. [12:42:41] Mr Witness, was that a brigade, a battalion? What was it?
- 5 A. [12:42:52] This group was a battalion.
- 6 Q. [12:43:05] And in which brigade did this battalion belong to?
- 7 A. [12:43:10] This battalion was not in a brigade, but it was kind of affiliated to
- 8 Kony's, to Kony's base. It was one of the security battalions.
- 9 Q. [12:43:36] Do you remember how many people were in your battalion?
- 10 A. [12:43:45] There were many people in that battalion.
- 11 Q. [12:43:58] When did you join this battalion, if you recall?
- 12 A. [12:44:08] I joined the battalion in 2009, around 2008, 2009.
- 13 Q. [12:44:35] Thank you for that.
- 14 Do you remember which group you belonged to the last time you were in Uganda,
- 15 before you moved out of Uganda?
- 16 A. [12:44:49] I was in Trinkle.
- 17 Q. [12:45:04] If you recall, can you tell us the general mood of the LRA soldiers
- 18 during the period of the peace talks in 2006?
- 19 A. [12:45:22] During the peace talks, most of the people were happy and optimistic
- 20 that people would go back home as a result of the peace talks. Unfortunately,
- 21 instead of people going home, there was a battle. The peace talks did not come to
- 22 any fruition.
- 23 Before the peace talks ceased, we heard that Kony collected all of us together and
- 24 informed us that the peace talks are proceeding well, but the setback, I believe that
- 25 the peace talks had actually got to the point where he was supposed to sign an

1 agreement -- I'm not sure, I do not know what he was supposed to sign or where he  
2 was supposed to sign, but he did not sign whatever it is that he was supposed to sign.  
3 He said he could not sign that document when the ICC has a warrant of arrest for him.  
4 If he signs that document, then it is tantamount to suicide. He's setting himself into  
5 a trap. A noose has been set and he's going to put his head through the noose and  
6 pull it.  
7 If the warrants of arrest are not removed, then he would not sign. If you see a noose,  
8 you cannot go and put your head through that noose and pull the rope, and that's  
9 what he told people.

10 Q. [12:47:37] During this period, what was your rank in the LRA?

11 A. [12:47:42] At the time I was a lieutenant.

12 Q. [12:47:53] And during this period, what were the orders from Kony? How  
13 were the LRA soldiers supposed to behave themselves during the negotiation phase?

14 A. [12:48:08] During the peace talks we were just told to stay calm. But when the  
15 peace talks were coming to an end, where nothing was becoming of the peace talks,  
16 he issued orders and scattered everybody. That's what he did.

17 Q. [12:48:42] What about amnesty? When did you start hearing about amnesty, if  
18 you remember?

19 A. [12:48:55] I started hearing about the amnesty when some of our colleagues had  
20 gone back home and they were speaking on the radio, they were telling us that there  
21 was an amnesty. It was not very easy at the time to go back home, because if you  
22 just go back home anyhow, for example, if you leave and go back home, then your life  
23 is kind of in peril, and that's one of the things that people were afraid of. People  
24 were actually fearful of leaving and going back to receive amnesty. We knew about  
25 it, we heard about the amnesty, but we did not fully understand what it was all about.

1 Q. [12:50:23] During the time you spent in the LRA, Mr Witness, what would you  
2 say were your biggest fears? What were you most afraid of?

3 A. [12:50:41] I was most afraid of dying, of death, because if you do anything, if  
4 you make Kony unhappy in any way, then you could lose your life. So you're  
5 always on guard, you are taking care not to commit any infractions, not to put your  
6 life at risk of being killed.

7 Q. [12:51:15] And how did you finally manage to leave the LRA? Can you briefly  
8 tell us how you made it back home?

9 A. [12:51:31] I left the LRA while we were in the Congo. We were in a place  
10 known as Doruma. We were between -- that was between Doruma and Nzara.  
11 Nzara is towards the Sudan. Doruma is in the Congo.  
12 When we were moving, we entered into an ambush. We were shot. I was also shot  
13 in that ambush. I ran and went and fell somewhere. When I fell down, I lay low.  
14 And at that particular moment I found UPDF soldiers. I met them shortly there  
15 afterwards, and then I handed myself over to the UPDF soldiers, and that's how I  
16 came back home.

17 We're very afraid at the time. The civilians in the Congo were also afraid of  
18 encountering the civilians in the Congo, because if you actually encountered them,  
19 they could kill you, because they would go hunting with their guns. So if you met  
20 them while you had a gun, they would take your gun and they would kill you. So I  
21 was afraid. But I made a decision that if I saw Ugandan soldiers, then I would go  
22 and hand myself over to them, and that's what I did.

23 Q. [12:53:16] And where was Joseph Kony around the time that you surrendered?

24 A. [12:53:26] When he heard gunshots, he ran. We were moving together with  
25 him, and when he heard gunshots he ran and I separated from them. I was shot, and

1 then I fell down, lay low and surrendered.

2 MS BRIDGMAN: [12:54:00] Your Honours, I'm coming to the close of my questions,  
3 I have a few more, but I understand lead counsel will have more questions and I'm  
4 happy to pause for now and finish up in the next few minutes in the next session and  
5 have lead counsel continue.

6 PRESIDING JUDGE SCHMITT: [12:54:44] I think Mr Gumpert wants to say  
7 something.

8 MR GUMPERT: [12:54:46] What Mrs Bridgman has just said wasn't what I was  
9 anticipating that she would say. I have no observations about lead counsel's  
10 questions or when we should take the break, but may I take your Honours to what  
11 appears to me to have been a result of a partial interpretation.

12 The question on page 53, line 9 is, "Where was Joseph Kony around the time that you  
13 surrendered?" Your Honour will recall there was a very long passage in the  
14 earphones of those listening in English of the Acholi language at that point, and I  
15 suspect that not all of what the witness said was translated because the answer to this  
16 question about the location of Kony, it's at page 53, line -- sorry, page 54, I think  
17 line -- no, sorry, page 53, line 21, "When he heard gunshot ... we were moving  
18 together with him, when he heard gunshots he ran and I separated from them."  
19 In other words, the transcript reads that this witness is with Joseph Kony. That I  
20 think is not what the witness said, and although it may be a point of no real  
21 significance, the transcript ought to reflect what the truth actually is.

22 PRESIDING JUDGE SCHMITT: [12:56:08] I think this can only be remedied if we  
23 simply ask him again.

24 MR GUMPERT: [12:56:12] Yes.

25 PRESIDING JUDGE SCHMITT: [12:56:12] Frankly, I have also understood that he

1 was with him at the time from this answer.

2 So perhaps we would have simply to ask him this question again, Ms Bridgman. Or

3 I can ask him.

4 Mr Witness, when you came out of the bush at the time, this incident that you talked

5 about, were you together with Joseph Kony at the time?

6 THE WITNESS: [12:56:37](Interpretation) At the time, yes, we were together.

7 PRESIDING JUDGE SCHMITT: [12:56:49] Okay. Then everything is clear. So we

8 understood it correctly. Thank you.

9 I have a question to Ms Adeboyejo: How long will your questioning last?

10 MS ADEBOYEJO: [12:57:03] Your Honours, perhaps about an hour.

11 PRESIDING JUDGE SCHMITT: [12:57:05] This would of course mean that we

12 perhaps do not finish today if we now have a longer break. I don't know how long

13 your questioning will be and how long the questioning of Mr Ayena will be.

14 MS BRIDGMAN: [12:57:18] I can speak for myself. I don't anticipate more than 15

15 minutes of my questions. I only have maybe two questions, but I also want to take

16 a moment to look at the transcript and see if I missed anything.

17 MR AYENA ODONGO: [12:57:38] Mr President, on my part, I will take no more

18 than 10 minutes.

19 PRESIDING JUDGE SCHMITT: [12:57:43] Then this sounds promising, all in all, so

20 everything is normal. We like that, of course, if things are normal.

21 Lunch break until 2.30.

22 THE COURT USHER: [12:57:55] All rise.

23 (Recess taken at 12.57 p.m.)

24 (Upon resuming in open session at 2.32 p.m.)

25 THE COURT USHER: [14:32:01] All rise.

1 PRESIDING JUDGE SCHMITT: [14:32:19] Ms Bridgman, you still have the floor.

2 MS BRIDGMAN: [14:32:27]

3 Q. [14:32:28] Good afternoon, Mr Witness.

4 A. [14:32:32] Good afternoon.

5 Q. [14:32:36] Earlier today you talked about Kapere as one of the brigade  
6 commanders. Do you remember his other name?

7 A. [14:32:56] Well, I do not recall his other name, but I think they used to call him  
8 Pua (phon) Kapere. I am not sure if that is his real name, but what I am sure about is  
9 the name Kapere.

10 PRESIDING JUDGE SCHMITT: [14:33:20] If you want, you can put a name to him, if  
11 this triggers something in him or not. I think it would be perhaps quicker.

12 MS BRIDGMAN: [14:33:33]

13 Q. [14:33:33] Do you remember if, by any chance, he was called Charles?

14 A. [14:33:44] Well, I don't recall whether he had that name or not.

15 Q. [14:33:49] That's okay. While you were serving under Kapere, did you ever go  
16 to Teso with him?

17 A. [14:34:16] I went to Teso not with Kapere. Kapere did not go to Teso, if I can  
18 remember.

19 Q. [14:34:27] That's okay.

20 And, your Honour, just when I was searching through how we broke off today, I  
21 remembered that in tab 5 of the Defence binder some of the information that we were  
22 discussing about the witness being with Joseph Kony is captured in that report. But  
23 now it's on the record in any case, so I will not pursue it any further.

24 PRESIDING JUDGE SCHMITT: [14:34:57] I think so. We have it on the record now,  
25 since Mr Gumpert was very vigilant in that respect before the break.

1 MS BRIDGMAN: [14:35:06]

2 Q. [14:35:06] Now, Mr Witness, when was the last time you saw Dominic Ongwen  
3 before you escaped?

4 A. [14:35:30] The last time I saw Dominic was while people were still in Bin Rwot  
5 and Gang Boo. But when we eventually separated, when we went for an operation, I  
6 do not remember if I saw him again.

7 Q. [14:35:58] And you mentioned that the time leading to your escape you were  
8 travelling -- or, you were with Joseph Kony. How did he survive that ambush, if  
9 you know?

10 A. [14:36:32] The manner of the ambush and the way he escaped was such that we  
11 were crossing a road from Nzara going to Doruma. We walked for about one and a  
12 half miles, him together with others stood, they stopped and then waited there. He  
13 selected four of us and asked us to move ahead to try and check if the road is clear to  
14 find out if there are soldiers along the road or not. The four of us went ahead and  
15 then we were the ones who entered into that ambush. They started shooting at us.  
16 For those of them who remained behind, I really don't know how they managed it,  
17 but I broke off from them and then eventually I reported to the UPDF.

18 MS BRIDGMAN: [14:37:42] With your Honours' permission I'm going to read a little  
19 portion from that report at tab 5.

20 PRESIDING JUDGE SCHMITT: [14:37:49] Of course.

21 MS BRIDGMAN: [14:37:50] And the ERN number is UGA-OTP-0285-0160. I will  
22 read a few portions from the last paragraph at 0165 and a small portion from 0166.

23 MS ADEBOYEJO: [14:38:20] I'm sorry to interrupt my learned friend, I think my  
24 learned friend means tab 2, not tab 5.

25 PRESIDING JUDGE SCHMITT: [14:38:26] I also, yes, I wanted to say with a little

1   twinkle in my eye that what we have on tab 4 is very, very short, so that there could  
2   not be any further information entailed that we cannot grasp with one view.

3   So we are at 2 then; is this correct?

4   MS BRIDGMAN: [14:38:46] Yes. And thank you to my colleague on the other side.  
5   But I hope I got the ERN number right.

6   Q. [14:38:54] Mr Witness, I'm going to read to you a few portions and please let me  
7   know if this is accurate or not. It says:

8   "When he was shot at the road junction near Doruma Kony was just 50 meters behind  
9   him because for him he was the GPS operator for Kony and others ..."

10   And I'll skip the rest of that, and it says:

11   "When they entered the ambush the UPDF soldier who saw them first had not cocked  
12   his gun, in the process trying to cock, Kony heard and other commanders took cover  
13   then firing started though it was not concentrated otherwise Kony would have failed  
14   to escape and would have been captured or killed."

15   Is this accurate, Mr Witness?

16   A. [14:40:02] Well, that is not very accurate because I was together with three  
17   others sent forward. Kony had stayed back for about a mile or one and a half away  
18   from us. When they started shooting at us, they were quite far away.

19   PRESIDING JUDGE SCHMITT: [14:40:28] So, again, just a remark by me. The  
20   witness clearly always distinguishes exactly what he knows and it's remarkable, his  
21   recollection.

22   Please continue.

23   So when we have these reports, I think -- I assume that we will have those in the  
24   future too, we should, when we put the questions to the witness, we should always  
25   make it clear what it means such a report; that it's not a statement by somebody.

1 That it's simply something that has been put together by certain people. Just for the  
2 future. But obviously the witness has understood the situation.

3 You can proceed.

4 MS BRIDGMAN: [14:41:16] I'm guided, your Honour.

5 Q. [14:41:19] Now, Mr Witness, we've discussed your time in the LRA from the  
6 time of your abduction to the time that you left. So that is '94 to 2010. By the time  
7 you left in 2010, what, if anything, had changed about Joseph Kony?

8 A. [14:42:04] Well, I don't know much that changed about Kony because, the way  
9 he operates you will not understand him clearly, you don't understand his operations  
10 well. So it makes it difficult to know whether he's changing or the way he does his  
11 things.

12 Q. [14:42:36] Let me ask in the form of an example. Was he still predicting -- was  
13 he still making predictions?

14 A. [14:42:51] Well, shortly before I returned, I didn't witness any of his predictions.

15 Q. [14:43:18] Was he still issuing orders from the spirit?

16 A. [14:43:39] I did not hear about that.

17 Q. [14:43:46] And finally, Mr Witness, why did you offer to come and testify today?

18 A. [14:44:05] I offered to come and testify in order to ensure justice.

19 Q. [14:44:18] Thank you very much. And I'll hand over to lead counsel for the rest  
20 of the questions.

21 PRESIDING JUDGE SCHMITT: [14:44:25] Thank you, Ms Bridgman.

22 Mr Ayena, you have the floor.

23 QUESTIONED BY MR AYENA ODONGO:

24 Q. [14:44:38] Good afternoon, Kenneth Oyet.

25 A. [14:44:43] Good afternoon.

1 Q. [14:44:43] Kenneth, I hope we recognise each other. Do you recognise me?

2 A. [14:44:59] Yes, I do very well.

3 Q. [14:45:02] Now, Kenneth, first of all I want to thank you for your  
4 straightforward answers to the questions put to you this morning and part of this  
5 afternoon. I'm going to run through with you a few questions further to what my  
6 learned sister asked you.

7 Number one, from the reading of your statement and your testimony, it would  
8 appear you were within the close circuit of Joseph Kony for a long time.

9 A. [14:46:09] I stayed in Kony's army for the number of years that I mentioned.

10 Q. [14:46:22] Would I therefore be right to assume that you clearly understood  
11 Kony's psyche and manner of issuing orders to his commanders?

12 A. [14:46:54] That's correct.

13 Q. [14:46:58] In that case, Kenneth, you talked about a period after the Iron Fist  
14 when Joseph Kony decided to deploy two brigade commanders at a go. My  
15 question is, whenever Joseph Kony issued orders to one of the two brigade  
16 commanders, was it always the case that the other would simultaneously be informed  
17 of the order?

18 A. [14:47:54] He would issue just one order and he would not segregate which  
19 brigade commander to receive. He would just give an order and that order would  
20 go to that brigade to go and do this and that. The two brigade commanders would  
21 be able to know of the orders.

22 Q. [14:48:20] Let us again look at the way Joseph Kony operated. Was it always  
23 the case that Joseph Kony would follow a chain of command, issue an order through  
24 his own commander, the own commander issue -- going through to the division  
25 commander, to the brigade commander, and so on and so forth, or was it the case that

1 sometimes he would issue orders direct to particular commanders or even foot  
2 soldiers?

3 A. [14:49:25] The way Kony issues his orders, well, I am not very conversant with it  
4 because he normally uses his senior commanders within Control Altar whenever he's  
5 issuing his orders.

6 Q. [14:49:44] Now, let's go to the meeting at Latanya. During that meeting did  
7 you see Dominic Ongwen anywhere near Vincent Otti and the other senior  
8 commanders you said sat in that meeting?

9 A. [14:50:26] We met at that RV and the senior commanders were there, the  
10 commanders I mentioned before. But during the meeting I didn't see what was  
11 happening, because I was at the guard. The meeting took place and I was not able to  
12 see who was there, because I was providing security.

13 Q. [14:50:48] Let's assume that you were performing guard duties. Did you -- was  
14 it possible for you to notice significant commanders within the LRA who were within  
15 the environ?

16 A. [14:51:23] No, I did not see the commanders. I also didn't have the space to be  
17 able to see the commanders, except the ones I talked about previously.

18 PRESIDING JUDGE SCHMITT: [14:51:38] I think you move on to another point.

19 MR AYENA ODONGO: [14:51:42] Yes.

20 Q. [14:51:44] Now, Kenneth, during meetings of senior commanders, especially  
21 after Joseph Kony had issued an order, a specific order for performing a task, would a  
22 junior commander be consulted to participate?

23 A. [14:52:20] The junior commanders will not be consulted.

24 Q. [14:52:37] And I think, Kenneth, it would be useful for you to tell Court whether,  
25 after Kony issued an order, I mean, as to what would be left for the relevant

1 commanders to do? Once Kony had issued an order, what was left for them to do?

2 A. [14:53:20] Whenever Kony issues an order, what the commander will be left  
3 with doing is that the specific order that has been given has to be followed by that  
4 commander. If you defy, that will put your life at risk.

5 Q. [14:53:40] Now, Kenneth, during your stay in the LRA, and especially when you  
6 had become of fair rank and especially, further, especially when you were within  
7 Uganda, did you ever hear government officials, especially senior army commanders,  
8 trying to reach out to some LRA commanders to persuade them to defect and join  
9 government?

10 A. [14:54:25] I never heard of that.

11 Q. [14:54:50] Did you ever hear Dominic Ongwen being contacted by General  
12 Salim Saleh?

13 A. [14:55:07] No, I did not.

14 Q. [14:55:18] Last, around the time of the meeting at Latanya, did you see the  
15 physical state in which Dominic Ongwen was?

16 A. [14:55:53] From the time we separated from Jebellen, I never saw Dominic again.

17 Q. [14:56:05] Sorry, I will just one more question. It's very interesting because  
18 people are talking about spirits and the rituals and things which you referred to at the  
19 beginning of your testimony. Kenneth, can you tell this Court whether you actually  
20 believed that Joseph Kony used spirits and whether every time you went to war or to  
21 an engagement you were aware that the spirits were around protecting you or  
22 watching over you?

23 A. [14:56:59] Confirming that is a bit difficult on my side, because I never  
24 physically saw any spirits for me to believe that there were spirits being used. I  
25 never saw any spirits, so I cannot say he had spirits. I didn't see.

- 1 MR AYENA ODONGO: [14:57:23] That's all.
- 2 PRESIDING JUDGE SCHMITT: [14:57:25] Thank you, Mr Ayena.
- 3 And I give then the floor to Ms Adeboyejo, who is already prepared, as I have seen.
- 4 You can start with your examination.
- 5 MS ADEBOYEJO: [14:57:36] Thank you, Mr President.
- 6 QUESTIONED BY MS ADEBOYEJO:
- 7 Q. [14:57:40] Good afternoon, Mr Witness.
- 8 A. [14:57:44] Good afternoon.
- 9 Q. [14:57:46] Mr Witness, you told us a while ago that you separated from
- 10 Mr Ongwen in Jebellen when he was a brigade master. Do you recall that?
- 11 A. [14:58:08] Yes.
- 12 Q. [14:58:08] And this would have been around 1998 or 1999, isn't it?
- 13 A. [14:58:21] Yes.
- 14 Q. [14:58:21] And you told us that a brigade master is a spokesman of the brigade
- 15 commander, and he relays information from Control Altar or gives instructions to the
- 16 battalion 2IC to select soldiers. These would be military duties, would they not?
- 17 A. [14:58:54] Yes.
- 18 Q. [14:58:54] And I would be correct in saying that the position of brigade master
- 19 would be for a person who is responsible if he has to carry out military duties, isn't it?
- 20 A. [14:59:18] That's right.
- 21 Q. [14:59:20] And if a brigade master was not capable of carrying out his duties, he
- 22 would not occupy that position or he would be punished, would he not?
- 23 A. [14:59:44] Well, that task is assigned to you, but any time you can also be
- 24 transferred, because in other brigades there were also such positions and people
- 25 occupying.

1 Q. [15:00:01] And a person who is assigned to be a brigade master would be a  
2 person who is capable, wouldn't it, Mr Witness?

3 A. [15:00:19] Yes.

4 Q. [15:00:21] And I would be correct in saying that the messages Odhiambo had  
5 sent you to deliver to Ongwen were military messages or they were messages  
6 concerning LRA matters, were they not?

7 A. [15:00:51] Yes. It related to military actions, and they were also sent if they  
8 needed to select people or if there is any other information that needs to be relayed.

9 Q. [15:01:10] And, in fact, a person would not be appointed as a brigade master if  
10 he could not carry out these military duties, would he?

11 A. [15:01:33] That's correct.

12 Q. [15:01:36] Now, Mr Witness, just for me to be clear, I want to read from your  
13 statement that you signed with the Defence investigators. That will be tab 1, page 9,  
14 UGA-D26-0010-0494.

15 I'm reading paragraph 29:

16 "My coy, not being selected, left Latanya hill around 16h00 on the day before  
17 Independence Day."

18 That would be correct, would it not, Mr Witness?

19 A. [15:02:59] You know, some of these events have took place a long time ago.  
20 There are sometimes when you just remember something or something just pops up  
21 to mind. I do -- whatever it is that I stated there is what I recalled at the time.

22 PRESIDING JUDGE SCHMITT: [15:03:27] May I shortly.

23 You said it is what you recalled at the time. And I think it was January 2016, and  
24 now we are in 2018. Has your recollection changed in any way or would you state it  
25 "at the time I stated it as I recalled it" and that's it?

- 1 THE WITNESS: [15:04:00] (Interpretation) I recall what I wrote down.
- 2 PRESIDING JUDGE SCHMITT: [15:04:10] Okay. That is an answer, yes. Please  
3 move on.
- 4 MS ADEBOYEJO: [15:04:14]
- 5 Q. [15:04:15] And what was written down was that your company had left Latanya  
6 hill the day before Independence Day, isn't it, Mr Witness?
- 7 A. [15:04:32] Yes.
- 8 Q. [15:04:33] Mr Witness, you will agree with me that more people left the bush  
9 because of amnesty than for any other reason, wouldn't you?
- 10 A. [15:04:58] That's correct.
- 11 Q. [15:05:01] And this was because they heard people over the FM radio talking  
12 about the amnesty, isn't it?
- 13 A. [15:05:17] That's correct.
- 14 Q. [15:05:19] In fact, when former comrades were speaking over the radio, you all  
15 realised that the amnesty was real, isn't it?
- 16 A. [15:05:40] Yes.
- 17 Q. [15:05:42] And so this was what gave you the courage eventually, as you told  
18 this Court, to make the decision to hand yourself over when you were injured, isn't it?
- 19 A. [15:06:04] That's correct.
- 20 Q. [15:06:07] Now, if I just take you to tab 2, page 6, paragraph b, which my learned  
21 friend read to you a short while ago, you talk about the fact that you were the GPS  
22 operator. And, in my mind, a GPS operator is the one who provides direction.  
23 Would I be correct in this, Mr Witness?
- 24 A. [15:06:54] Yes, that would be correct.
- 25 Q. [15:06:59] And just to clarify, for you to have run into the ambush that you

1 described, there had been no prediction that there was going to be such an ambush,  
2 was there?

3 A. [15:07:32] There was -- there was no prediction about an ambush.

4 MS ADEBOYEJO: [15:07:39] Mr President, your Honours, you will be happy to  
5 know that those are all my questions.

6 PRESIDING JUDGE SCHMITT: [15:07:44] Thank you very much.

7 MS ADEBOYEJO: [15:07:45] Thank you, Mr Witness.

8 PRESIDING JUDGE SCHMITT: [15:07:47] Any questions by the Legal  
9 Representatives of the Victims, Mr Cox?

10 MR COX: [15:07:52] No, your Honour.

11 PRESIDING JUDGE SCHMITT: [15:07:53] Mr Narantsetseg?

12 MR NARANTSETSEG: [15:07:54] No questions, your Honour. Thank you.

13 PRESIDING JUDGE SCHMITT: [15:07:58] Thank you very much.

14 MS BRIDGMAN: [15:08:00] Your Honours, may I?

15 PRESIDING JUDGE SCHMITT: [15:08:05] Of course. Yes. Yes, you get the floor  
16 again. I always ask. I never forget Rule 140(2).

17 MS BRIDGMAN: [15:08:11] Thank you.

18 QUESTIONED BY MS BRIDGMAN:

19 Q. [15:08:13] Mr Witness, just to follow up on something my colleague from the  
20 Prosecution has asked. Why did you not leave the LRA as soon as you heard about  
21 amnesty? Why did you stay until 2010?

22 A. [15:08:39] The reason why I stayed in the LRA was because it was extremely  
23 difficult to leave. You -- one, you also had to think about your life, you had to be  
24 guarded about your life, because if you just decide to up and go without any thought,  
25 then you're actually risking your life. That's why it was extremely difficult for me to

1 leave. It's not easy. If you just get up and decide to leave, you will be killed. If  
2 you plan with somebody that you are going to escape and the person actually reports  
3 you, then you are also going to be killed.

4 Q. [15:09:27] Thank you.

5 And finally, in the statement that you gave us - and your Honours, this is paragraph  
6 49 - Mr Witness, you said that the biggest concern was, if you left, Kony would  
7 "punish you and your village for leaving. Amnesty means very little if the Holy  
8 comes and destroys your village for leaving."

9 Is this accurate?

10 A. [15:10:01] Yes, that's accurate. Because if you leave, if you escape to the area  
11 where you originate from, they will go to that area and the people in that area will  
12 face repercussions, they would be punished, they would be killed, and bad things will  
13 befall them. That's why it was difficult to leave. You had to think not only of your  
14 life, but you had to think about the lives of your family and community.

15 Q. [15:10:34] Thank you, Mr Witness.

16 Thank you, your Honours. No further questions.

17 PRESIDING JUDGE SCHMITT: [15:10:40] Thank you very much.

18 Mr Witness, Mr Oyet, that concludes your testimony. On behalf of the Chamber  
19 I would like to thank you for having made yourself available as a witness in this case  
20 and helping us to establish the truth. We wish you a safe trip back home.

21 (The witness is excused)

22 PRESIDING JUDGE SCHMITT: [15:10:59] This also concludes today's hearing. We  
23 resume tomorrow at 9.30 with D26-24. It's always D26. I fail to understand the  
24 rationale behind it, but from now on I think I will simply say D-24 and then skip  
25 the 26.

Trial Hearing  
WITNESS: UGA-D26-P-0026

(Open Session)

ICC-02/04-01/15

- 1 Tomorrow, 9.30.
- 2 THE COURT USHER: [15:11:28] All rise.
- 3 (The hearing ends in open session at 3.11 p.m.)