

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, 24 June 2019
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:53] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:01] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:32:06] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:22] Thank you. I call for the appearances of
20 the parties. For the Prosecution, Mr Sachithanandan.
21 MR SACHITHANANDAN: [9:32:28] Good morning, your Honour.
22 Appearing today with Ben Gumpert, Shkelzen Zeneli, Beti Hohler, Milena Bruns,
23 Grace Goh, Natasha Barigye, and Suhong Yang.
24 PRESIDING JUDGE SCHMITT: [9:32:41] Thank you.
25 And for the representatives of the victims, Mr Narantsetseg first.

1 MR NARANTSETSEG: [9:32:46] Good morning, Mr President, your Honours.
2 My name is Orchlón Narantsetseg. I'm joined by Ms Caroline Walter. Thank you.
3 PRESIDING JUDGE SCHMITT: [9:32:54] And Mr Manoba.
4 MR MANOBA: [9:32:56] Good morning, Mr President, your Honours. I appear
5 today with James Mawira, Anushka Sehmi and myself, Joseph Manoba.
6 PRESIDING JUDGE SCHMITT: [9:33:03] Thank you.
7 And for the Defence, Mr Obhof, please.
8 MR OBHOF: [9:33:07] Good morning, your Honour. Today we have
9 Gordon Kifudde, Beth Lyons, Roy Titus Ayena, our client Dominic Ongwen is in
10 court today, and myself, Thomas Obhof.
11 PRESIDING JUDGE SCHMITT: [9:33:16] Yes. And the parties and participants
12 here in the courtroom are aware that we have to discuss questions of protective
13 measures, this has been announced, and Rule 74 assurances, and to discuss these
14 matters we go shortly to private session.
15 (Private session at 9.33 a.m.)
16 THE COURT OFFICER: [9:33:33] We are in private session, Mr President.
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Open session at 9.40 a.m.)

10 THE COURT OFFICER: [9:40:16] We are back in open session, Mr President.

11 PRESIDING JUDGE SCHMITT: [9:40:22] Thank you. The Chamber will now

12 render its decision on the requested assurances.

13 The Chamber notes that neither the Rule 74 counsel nor the Defence or the

14 Prosecution identified specific topics or issues in the witness's statement which may

15 lead to the self-incrimination of the witness. The reasons provided by the request of

16 Rule 74 counsel are also not sufficient to grant such assurances.

17 Given the nature of the anticipated testimony and the subsequent low probability of

18 self-incrimination as well as the possibility of taking alternate measures to sufficiently

19 protect the witness, the Chamber does not find it necessary to grant the witness

20 assurances pursuant to Rule 74 of the Rules.

21 Accordingly, the request is rejected.

22 The Chamber may however resort to the use of private session if it deems it necessary.

23 And I'm sure that Rule 74 counsel, Ms Kerwegi, which will stay there and will be on

24 duty, so to speak, and Defence will also be vigilant in this regard.

25 This concludes the ruling of the Chamber, and the Chamber finally also notes in that

Trial Hearing
WITNESS: UGA-D26-P-0075

(Open Session)

ICC-02/04-01/15

1 regard the Prosecution's assurances in relation to this witness.

2 And now that we have solved these procedural questions we can bring in the witness

3 now.

4 (The Witness enters the video-link room)

5 PRESIDING JUDGE SCHMITT: [9:42:34] Good morning, Mr Oryem. Do you hear
6 me?

7 WITNESS: UGA-D26-P-0075

8 (The witness speaks Acholi)

9 (The witness gives evidence via video link)

10 THE WITNESS: [9:42:43](Interpretation) Good morning. Yes, I do hear you.

11 PRESIDING JUDGE SCHMITT: [9:42:45] Thank you. On behalf of the Chamber I
12 would like to welcome you at the video-link location. You are going to testify before
13 the International Criminal Court and I will now read to you the solemn undertaking
14 that every witness appearing before this Court has to take. So please listen carefully.
15 I solemnly declare that I will speak the truth, the whole truth and nothing but the
16 truth. Mr Witness, do you understand the undertaking?

17 THE WITNESS: [9:43:28](Interpretation) Yes, I have understood it.

18 PRESIDING JUDGE SCHMITT: [9:43:33] Do you agree with it?

19 THE WITNESS: [9:43:37](Interpretation) Yes, I do agree with it.

20 PRESIDING JUDGE SCHMITT: [9:43:41] Thank you. You have now been sworn
21 in.

22 Mr Witness, the Chamber has not given you Rule 74 assurances, but you still have the
23 lawyer at your side who will be very vigilant when it comes to any questions of
24 self-incrimination, as well as Defence, Prosecution and of course also the Chamber
25 here in this room.

1 Additionally, the Prosecution has given you the assurance that your testimony will
2 not be used either directly or indirectly against you in any following subsequent
3 procedures by this Court, except if you would not tell us the truth, but you have
4 already stated and given the solemn undertaking that you will tell us the truth.

5 If any question, if it happens that any questions that you will be asked might lead to
6 your self-incrimination, we will hear your answer and also hear the question in
7 private session. This protects you and the information will be kept confidential.

8 Have you understood this, Mr Witness?

9 THE WITNESS: [9:44:55](Interpretation) Yes, I have understood.

10 PRESIDING JUDGE SCHMITT: [9:45:03] Thank you. Before we start with your
11 testimony, a practical matter, everything we say here in the courtroom is written
12 down and interpreted. To allow for the interpretation, everyone has to be -- has to
13 speak therefore at a relatively slow pace so that the interpreters can follow and
14 everybody can follow what the parties, participants and you have said.

15 If you have any questions yourself, for example, if you need a break, if you think you
16 would want to address the Chamber, please raise your hand and I will give you the
17 floor.

18 This is enough for the preliminary questions and I give Mr Obhof, for the Defence, the
19 floor.

20 QUESTIONED BY MR OBHOF:

21 Q. [9:45:55] Good morning, Oryem.

22 A. [9:46:34] Good morning.

23 Q. [9:46:37] Could you please state your full name for the record.

24 A. [9:46:43] My name is Oryem, Michael, and my other name, a well-known name,
25 is Abokomek (phon).

1 Q. [9:47:06] Could you please state the nickname again. I think it came out -- it
2 was lost in translation.

3 A. [9:47:19] It's Abongomek.

4 PRESIDING JUDGE SCHMITT: [9:47:25] That was a little bit different. And we
5 have of course in this courtroom heard this name already.

6 MR OBHOF: [9:47:34] Your Honour, I would like to go into private session for
7 four quick personal questions about personal information.

8 PRESIDING JUDGE SCHMITT: [9:47:44] That's fine.
9 Private session shortly.

10 (Private session at 9.47 a.m.)

11 THE COURT OFFICER: [9:47:48] We are in private session, Mr President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Open session at 9.49 a.m.)

25 THE COURT OFFICER: [9:49:31] We are back in open session, Mr President.

Trial Hearing
WITNESS: UGA-D26-P-0075

(Open Session)

ICC-02/04-01/15

1 MR OBHOF: [9:49:43]

2 Q. [9:49:46] Mr Witness, did you attend primary school as a child? And if you did,
3 which primary school?

4 A. [9:49:58] When I was young I did go to school, but very briefly.

5 Q. [9:50:17] And why did you stop attending school?

6 A. [9:50:24] The reason why I stopped going to school was based on the insecurity
7 in Uganda and that's why I ended my education.

8 PRESIDING JUDGE SCHMITT: [9:50:51] I think, Mr Obhof, you can be more direct
9 here. The Prosecution will not complain, so we can move forward.

10 MR OBHOF: [9:50:58]

11 Q. [9:50:59] Mr Witness, could you tell the Court when you were abducted?

12 A. [9:51:05] Yes, I can.

13 PRESIDING JUDGE SCHMITT: [9:51:14] Please do that, Mr Witness. Please tell us
14 what happened and when it happened.

15 THE WITNESS: [9:51:21](Interpretation) In 1995, that is when the LRA rebels came
16 and abducted me.

17 MR OBHOF: [9:51:43]

18 Q. [9:51:45] Do you remember the month in which you were abducted?

19 A. [9:51:51] I do recall, but given the passage of time I do not recall very well, but I
20 can guess that it was sometime in February or March or -- it's between those two,
21 between those months, between February and March. At the time I was a young kid
22 and I did not know. I was a little bit naive.

23 PRESIDING JUDGE SCHMITT: [9:52:27] Mr Witness, just a comment by me: That
24 it is not naive at all. At that age nobody, I think, even here in the courtroom, would
25 exactly remember when it was, especially after such a long time.

1 MR OBHOF: [9:52:44]

2 Q. [9:52:45] Which group from the LRA abducted you?

3 A. [9:52:50] The group that came and abducted me was Raska Lukwiya's group.

4 Q. [9:53:07] And what was the name of that group?

5 A. [9:53:11] The group, there were actually many groups that were combined.

6 There was Stockree, there was Gilva, there was Sinia. Control Altar was also part of
7 the group. It was a combined group.

8 Q. [9:53:34] Do you remember the name of the individual who abducted you?

9 And, if you do, could you please tell it to Court.

10 A. [9:53:46] The person who abducted me was known as Odongo and that's the
11 name I know him by, Odongo.

12 Q. [9:54:00] If you can remember, how long was it from when you were abducted
13 to when you first met Raska Lukwiya?

14 A. [9:54:20] When we were -- when I was abducted, they were all together.
15 Raska Lukwiya was also present at the time.

16 Q. [9:54:43] Were there any other big commanders with the group that abducted
17 you?

18 A. [9:54:54] Yes, there were several commanders, but I did not know all their
19 names. But yes, there were several commanders present.

20 Q. [9:55:16] After your abduction did Raska Lukwiya address the newly-abducted
21 persons?

22 A. [9:55:31] Raska did not address us directly, but the people who abducted us
23 were the ones who were telling us what rules to follow, they were the ones who were
24 telling us that if you, if you do this you will be in trouble, or if you commit this
25 infraction you will be in trouble. But Raska Lukwiya did not address us in any way.

1 Q. [9:56:11] Now what type of rules did these people tell you right after you were
2 abducted?

3 A. [9:56:20] One of the first things we were told, the first rule that they read out to
4 us was that: Now you have been abducted, you are part of the LRA. You are now
5 part of the LRA, one of the rules that is prohibited by the LRA -- one of the most
6 stringent rules is the rule of escape, if you attempt to escape, you will be killed. And
7 if you want anything, if you want to go anywhere, you have to inform people what
8 you want to do or where you want to go.

9 Q. [9:57:19] Now, we usually have sort of a monologue for these things. Could
10 you tell us the story about the trip, so when you were abducted all the way up until
11 you went to Sudan.

12 A. [9:57:52] Yes, I can. I will tell you. If I remember something, then I will tell
13 you. When we were abducted orders were issued and we attempted to go to a place
14 known as Te Got Atoo at the Atoo foothills. We left the Atoo foothills and we went,
15 we crossed the road from Kitgum going to Gulu. We went to a place known as
16 Paibona. We crossed the river, we went to Palabek, directly to Palabek, and from
17 Palabek we continued walking, we continued the journey until we entered into Sudan.
18 We entered in a place known as Pajok in Sudan.

19 Q. [9:58:56] When you were going from Uganda to Pajok, were you given anything
20 to carry?

21 A. [9:59:07] At the time I was not given anything to carry because I was extremely
22 young and I was extremely small, I was not able to carry any load and carry that. So
23 I was given small things that I held in my hands, for example, umbrellas, and very
24 light things that I had to hold in my hand. There were some times when I was not
25 capable of walking.

1 Q. [9:59:48] Did other people have to carry heavier objects?

2 A. [9:59:55] Yes, the older people did have to carry stuff, they were given heavier
3 things to carry, they had to carry things like foodstuff, they also carried bags
4 containing clothes. Those are some of the things that I saw the older people
5 carrying.

6 Q. [10:00:26] Around how long did it take you to get from Te Got Atoo to Pajok?

7 A. [10:00:39] That took about a week and some days because it was a bit far.

8 Q. [10:00:52] Now, what happened to the group when you arrived at Pajok?

9 A. [10:01:03] When we arrived at Pajok, we found Kony had sent a vehicle from the
10 Arabs to come and carry us, because we arrived there and find Sudanese forces in
11 their defence unit. They had sent six big -- I think seven huge vehicles to come and
12 collect us.

13 Q. [10:01:36] And where did those vehicles take you?

14 A. [10:01:42] They took us to Kony's headquarters in Palutaka.

15 Q. [10:01:57] Now what happened when you arrived at Kony's headquarters at
16 Palutaka?

17 A. [10:02:07] When we arrived at the headquarters in Palutaka, they started by
18 distributing places where we should stay.

19 Q. [10:02:30] Do you remember if Kony addressed you or addressed the group
20 when they arrived?

21 A. [10:02:38] What I remember when we arrived, we stayed for a -- before we were
22 given to different places, yes, Kony came and addressed us.

23 Q. [10:03:00] And what did Kony tell you or tell the group?

24 A. [10:03:06] First of all, what he told us was that he said first of all he is greeting
25 everyone who came from Uganda. Secondly, he did not abduct us the way it's

1 always told in Uganda, that people are abducted for exchange with arms, but he
2 abducted us to help and overthrow the Ugandan government. He did not abduct us
3 to come and use us for exchange with guns. Whatever is being said in Uganda was
4 not right, that he abducts people and exchanges them with arms. He abducted us to
5 help him to overthrow the government. That's what he was telling us. He told us
6 to stay and wait for the training and many other things that will come along the way.

7 Q. [10:04:01] Now when he was addressing you, were there females in this group?

8 A. [10:04:15] Yes, there were women, there were children, there were old people,
9 both boys and girls.

10 Q. [10:04:36] Did Kony give a different message to the girls and to the women?

11 A. [10:04:46] No, he did not address himself particularly to the girls, but he spoke
12 generally to everyone and he said everyone who arrived there will be given a position
13 where to stay, whether. You are young or not, regardless of your age or status, there
14 will be a position or a place where you will be stationed that is good for your life.
15 That's what he told everyone.

16 Q. [10:05:16] Mr Witness, after your abduction were there any rituals performed
17 upon you?

18 A. [10:05:36] Yes, when I was abducted there were a ritual that was performed.

19 Q. [10:05:48] Could you please describe this ritual to Court.

20 A. [10:05:56] After Kony addressed us we were then taken to a place that he had
21 prepared, a place where he usually prays from, it's called the Yard. And when we
22 arrived there we were told to remove our shirts, everybody should remove their tops.
23 And when we removed our shirts, then they picked something called camouflage.
24 The camoplast was used for the men, they would get the camoplast and then
25 shea butter and they would put on your head, on your chest and then on your legs,

1 and that was done for the male people. But for the female the ritual that was
2 performed was that they were given the camoplast, shea butter, and they would also
3 use eggs. They would use the egg on the female because they say if you have any
4 fetishes or if you have anything bad around your body, then the egg would break and
5 then they will have to deal with that. That was the ritual that was performed on the
6 ladies.

7 Q. [10:07:24] Now how long after your arrival in Palutaka did these rituals take
8 place?

9 A. [10:07:46] It did not take long because they said that ritual was meant to cleanse
10 us and, therefore, we were now ready to be LRA fighters. We were then cleansed
11 and were already LRA fighters.

12 Q. [10:08:07] After these rituals were performed, how did you feel?

13 A. [10:08:30] After the ritual, well, I didn't feel anything special. I didn't feel
14 anything much on myself. I was still young and I was a bit naive. I was just there,
15 but didn't feel anything more. I just kept calm and I didn't feel anything. I never
16 fell sick or anything like that.

17 Q. [10:08:59] Now, at the time back in 1995, once these rituals were performed on
18 you, did you believe in the rituals?

19 A. [10:09:17] Yes, you would have to believe because, first of all, they will tell you
20 are already clean and you are already a member of the LRA army. And there was
21 nothing else other than having to believe because you were already in their hands and
22 you'll believe them.

23 Q. [10:09:41] Now, these rituals, who specifically performed these rituals upon
24 you?

25 A. [10:09:57] From there, there are people who specialise in that, they were called

1 the people of the Yard, they're the ones who were designated to carry out that task.
2 And I am told those were the people, during the initial days of Kony they were the
3 ones who were in charge of sprinkling water and using shea butter, they were the
4 ones specifically designated for that task.

5 Q. [10:10:39] Now, around the time of your abduction, do you remember who was
6 in command of the Yard?

7 A. [10:10:48] Well, at that time I have to speak the truth. You know, I was still
8 young then and I was not -- I didn't know much people, I was new there and I was
9 also scared and frightened. I saw them, they were many. But it was a complete
10 unit, but I don't recall them.

11 PRESIDING JUDGE SCHMITT: [10:11:19] Mr Obhof, perfectly understandable, I
12 would say.

13 MR OBHOF: [10:11:22]

14 Q. [10:11:30] Now, Mr Witness, earlier you mentioned that the punishment for
15 escape was death. What would be the punishment -- would there be any
16 punishment if somebody escaped and wasn't recaptured?

17 A. [10:12:16] At that time what I heard was that if somebody escaped and they are
18 not recaptured and they went to their home, for instance, if they went with a gun, if
19 you went without a gun, then they would not bother so much, but if they escaped
20 with a gun they would say they would follow up that person up to the place where
21 the person was abducted from. Because Kony said the manner with which he
22 acquired guns was not simple, no one else can acquire guns in that way, so if anybody
23 escaped with his gun you will have to follow that person until he recovers his gun.
24 If not, he will have to trace that person and kill them, or maybe he should do
25 something that will cause grievous pain to that person who has made him lose his

1 gun. He will do that to the people in the area where the person was abducted from.

2 Q. [10:13:20] Now, can you ever remember this happening or ever hear about this
3 happening while you were in the LRA?

4 A. [10:13:35] I remember at a time -- well, I think I can just recall, but I didn't -- I
5 did not see it myself, I just heard about it, that it happened in a place called Palabek.
6 I am not very clear about the location of Palabek, though.

7 Q. [10:14:09] And what did you hear happened specifically in Palabek?

8 A. [10:14:19] According to what I heard, somebody -- some people escaped because
9 Kony said people from Palabek -- because Palabek was near to the border, so Kony
10 was saying he gives his guns to the people but the people of Palabek keep on running
11 away with their guns, and yet the people of Palabek did not help him to acquire the
12 guns. So he selected some people to send and to do an operation in Palabek, to go
13 and show the people of Palabek that he is a bad person if they misbehave. I don't
14 know what exactly happened in Palabek, because at that time I was still young. But
15 I was just told about these things and that's what I can remember.

16 Q. [10:15:11] Now, when you heard about this, was it before Iron Fist or after
17 Operation Iron Fist?

18 A. [10:15:25] That was quite a while before, it was while we were in Palutaka. We
19 had just arrived in Palutaka and those things were happening while we were there in
20 Palutaka.

21 Q. [10:15:48] From what you heard, was this type of punishment common
22 knowledge in the LRA?

23 A. [10:16:00] Well, that is something everyone in the LRA knew. Even right now,
24 wherever the LRA is, they, they know, and Kony himself still has it in mind.
25 Because Kony decides on what he wants on his own. Nobody else could come with

1 the instructions other than Kony himself.

2 Q. [10:16:43] Mr Witness, upon your arrival in Palutaka, how long was it before
3 you were assigned a house?

4 A. [10:16:55] Well, after the address, it took about two days and Kony -- well, you
5 know, all these things are supposed to be done under the instruction from Kony, so
6 he issued the instruction that all the recruits should be distributed out. The young
7 ones, he ordered that the young ones, all the young people should be given out to the
8 households of the commanders. The older ones should be distributed to the coys
9 where the soldiers were stationed. And the female ones were supposed to stay back
10 and he gave the instruction for their distribution later on. That was how the people
11 are distributed.

12 He said when the female members were distributed, the recruits are distributed, then
13 the older women could then be distributed to the commanders' households.

14 Q. [10:18:17] Now, which household were you sent to?

15 A. [10:18:24] From there, I was taken to a commander called Olobo.

16 Q. [10:18:40] After arriving at Olobo's house, did you receive any type of military
17 training?

18 A. [10:18:53] Yes, when everyone was distributed to the various positions, then he
19 ordered that the people should be trained, everyone should be trained to become
20 a soldier. Everyone should gain some military skills and also know how to use guns.
21 Then the training started.

22 Q. [10:19:28] Now you have mentioned two groups so far: you mentioned the LRA
23 and the Sudanese government. Which group trained you when you first started
24 training?

25 A. [10:19:53] When I had just arrived I was trained first by the LRA soldiers.

Trial Hearing
WITNESS: UGA-D26-P-0075

(Open Session)

ICC-02/04-01/15

1 Q. [10:20:09] And for how long were you trained by the LRA soldiers?

2 A. [10:20:15] Well, that training took some months. If I can remember, it started
3 when we arrived and then it ended around September 1995. That was when we
4 finished our training.

5 PRESIDING JUDGE SCHMITT: [10:20:42] May I shortly, Mr Obhof.

6 Mr Witness, you were very young at the time. What kind of training did you receive
7 at your age in 1995?

8 THE WITNESS: [10:20:59](Interpretation) My first training was in parade, they
9 trained me how to march. After the parade training, they started training me how to
10 operate a gun, how to disassemble a gun and then reassembling a gun. After that,
11 they also trained us on military tactics, what you should -- the skills you should have
12 as a soldier. Those are the kind of trainings that I underwent.

13 PRESIDING JUDGE SCHMITT: [10:21:40] Thank you.

14 Mr Obhof.

15 MR OBHOF: [10:21:42]

16 Q. [10:21:44] Now, about two minutes ago you said "When I had just arrived I was
17 trained first by the LRA soldiers." Who trained you second?

18 A. [10:22:01] For the second training I think I was a bit more grown up, and that
19 training concerned things like the artillery, and we were trained by the people from
20 Sudan. You know, Kony had ordered that we should be trained on every single
21 thing, each and every member of the LRA team should know everything about the
22 guns. And we were also being trained by the Sudanese soldiers, they were training
23 us on how to use the 12.7, 60-millimetre guns, PK, those were new kind of guns and
24 we did not know them and we were being trained by the Sudanese soldiers. They
25 were training the LRA on how to operate such guns.

1 PRESIDING JUDGE SCHMITT: [10:23:10] Mr Witness, you said that you were a bit
2 more grown up, I think these were your words. Could you tell how much older you
3 were? Only if you really know.

4 THE WITNESS: [10:23:26](Interpretation) Well, at that time I was no longer in
5 Palutaka, I was now in Aruu, and I think I was 10 and above years old and -- I think I
6 was 10 plus years old, if I can clearly recall.

7 PRESIDING JUDGE SCHMITT: [10:23:53] Thank you.
8 Mr Obhof.

9 MR OBHOF: [10:23:55]

10 Q. [10:23:57] Now when you were trained by the Sudanese government, do you
11 remember approximately how many people went to train with you?

12 A. [10:24:14] People were trained in different groups, but they would select about
13 60 people to train at once and the training took phases, about five different phases.
14 They would select 60 people and then they would go for the training on how to use
15 the artillery. And if they are done, another set of people will be taken. But each
16 group would have not more than 60 people.

17 Q. [10:25:01] For how long did your group of 60 people train with the Sudanese
18 government?

19 A. [10:25:10] Well, it used to not take long. It would take about three to four
20 months. That's how they were training us.

21 Q. [10:25:34] And where were you trained by the Sudanese government?

22 A. [10:25:47] All the trainings were conducted from Juba.

23 Q. [10:26:03] And while it may be understood, how did you get from Aruu to Juba
24 for the training and from Juba back to Aruu?

25 A. [10:26:23] At that time the LRA was in their base and they were almost like

1 a whole government, they had vehicles that would operate, the vehicles would take
2 the people there. And even the Sudan government would bring supplies, like food
3 items, to the LRA base. That was how people would move because vehicles were
4 available.

5 Q. [10:27:05] And what entity, while it is implicit, but what entity gave the LRA
6 these vehicles?

7 A. [10:27:18] The Sudanese government.

8 Q. [10:27:28] Now we are going to move on to a little bit different topic, one which
9 you just brushed the surface of about 10 to 15 minutes ago. Now you mentioned
10 about the distribution of females. Was there a specific name for young women -- for
11 young girls when they were given to a household?

12 A. [10:28:07] Yes, it was there.

13 Q. [10:28:16] What was that name and what were those persons' general duties?

14 A. [10:28:22] If you are talking about male children they were called "*kadogi*", but
15 for the girls they were called "ting ting". I don't know the meaning of the names, I
16 found the names were already in use, but the ting ting were distributed in the
17 homesteads, in the households of the commanders, and the kind of duties they would
18 perform, I remember those days when you had big hospital within, they would be
19 taken to that unit, the girls would help to cook for the people who were hospitalised.
20 And there were also mothers there. These girls would also serve in the households
21 of the commanders taking care of the children. Whenever food was ready, they were
22 the ones to serve the people. So these were the kind of duties that they were
23 performing as ting ting. And yeah, I -- these are the things that I saw them do.

24 Q. [10:29:52] Who made the decision where to send the ting tings, to which
25 household or to which place in the camp? Who made that decision?

1 PRESIDING JUDGE SCHMITT: [10:30:12] We have just obviously lost the video link,
2 so we have to wait I think till we have it back again.

3 We just wait a minute and then we will get confirmation how long it will take.

4 (Pause in proceedings)

5 PRESIDING JUDGE SCHMITT: [10:31:27] There seems to be a bigger issue. This
6 suggests of course that we now have a break. I would say let's say quarter past 11
7 and then we will try to make sure that everything is fixed then and that we continue.
8 You are quite quick, Mr Obhof. I think perhaps all in all we need for this witness
9 two days. That would be enough, I would say.

10 If Mr Sachithanandan does not tell us that he needs two full days, for example, for the
11 cross-examination.

12 MR SACHITHANANDAN: [10:31:58] No, your Honour. I'm thinking one session
13 and a bit over at the moment.

14 PRESIDING JUDGE SCHMITT: [10:32:02] Yes. So I think we will still be fine. So
15 we meet again at a quarter past 11.

16 THE COURT USHER: [10:32:09] All rise.

17 (Recess taken at 10.32 p.m.)

18 (Upon resuming in open session at 11.18 a.m.)

19 THE COURT USHER: [11:18:29] All rise.

20 Please be seated.

21 PRESIDING JUDGE SCHMITT: [11:18:48] So the technical problems seem to be
22 solved for the moment, so we continue with the examination by the Defence.

23 Mr Obhof has the floor.

24 MR OBHOF:

25 Q. [11:19:09] So it would be good afternoon there in Uganda, Oryem. I hope you

1 had a restful break.

2 A. [11:19:18] Good afternoon, and thank you.

3 Q. [11:19:24] Now right before we had our technical problem I was asking a
4 question about ting tings. So let me repeat it for you: Who made the decision
5 where to send ting tings? Who made the decision to send them to specific
6 households?

7 A. [11:19:55] Within the LRA, there is only one overall commander, and that is
8 Kony. There is no one else who has authority to give any orders, to issue any orders
9 other than Kony within the LRA.

10 Q. [11:20:22] Specifically related to ting tings, what were the rules about
11 relationships with ting tings?

12 A. [11:20:40] The young girls are sent to -- distributed with rules, they are rules
13 which have been instituted by Kony.

14 Q. [11:20:56] I think maybe I will be a little bit more direct, your Honour.
15 Would the ting tings be allowed to have a relationship with persons withinside of the
16 household?

17 A. [11:21:18] No, they are prohibited. They are not allowed to have any
18 relationship with the people in the household.

19 Q. [11:21:28] What would be the punishment if that rule was broken?

20 A. [11:21:40] If you break that rule, then there is no other punishment other than
21 death.

22 Q. [11:21:53] I am going to move on to the older ladies: How were the females,
23 the older women distributed?

24 A. [11:22:15] The older girls were, if they are abducted, they are brought and they
25 are kept for a while. But the same rule applies to the girls as well. The rules are

1 that nobody is allowed to have any relationship with a girl unless the girl has been
2 distributed to you. If this happens, then you have to answer to that and the only
3 thing that -- the only punishment is death. So most times the girls are sent out and
4 after three to four months, or even five months, the girls are kept and not distributed.
5 After about four -- three, four, five months, he makes a decision and decides that this
6 person has now been in the LRA for a while, the person has now been purified. And
7 if the person has any illness, then it would have given them time to know that this
8 person has an illness or not. So then he issues orders and asks for all the girls to be
9 taken to where he is, and then once the girls have been taken to where he is, then he
10 issues the orders as to how the girls should be distributed.

11 Q. [11:23:42] And when you are using the pronoun "he", you of course are referring
12 to Joseph Kony?

13 A. [11:23:52] Yes, Kony.

14 Q. [11:24:01] So during that time period, would a woman be expected to train to
15 fight?

16 A. [11:24:20] Yes, the girls are also trained. They are also trained to fight, same as
17 everybody else.

18 Q. [11:24:37] Now, if there was an upcoming battle, what would be the expectation
19 of a woman who was selected for standby?

20 A. [11:24:59] Based on my observation, all women, women were also sent to the
21 front line. But even if you do have your husband and they sent you to the front line,
22 if you have your husband there during the time that you are fighting, during this
23 battle time, you are not allowed to have -- to stay with your wife, you are not allowed
24 to have relations with your wife until after this mission has been completed. Once
25 you complete the mission, then you can come back and continue your relationship as

1 husband and wife. But when you are sent to battle, whether you are husband or
2 wife, you are sent on mission, you are not allowed to have relations while you are at
3 the battlefield. You can resume your relationships afterwards.

4 Q. [11:25:54] Now, what would happen if someone were to have relations with
5 their husband or wife before a battle?

6 A. [11:26:19] First of all, as Kony stated, first, first of all, that is a taboo. If you
7 have sexual relationships with a wife who is not your wife, that is prohibited.
8 You are not allowed to do that and if you go ahead and do that, then you are likely to
9 be shot, you will probably be shot anywhere on your body. If you have relations
10 with somebody else or if you commit adultery before an operation, for example, if the
11 wife goes -- the husband goes and and the wife stays behind, if you go and have
12 relations, sexual relationships with that woman, then the only punishment is death.
13 There is no prison. There is no other punishment other than death.

14 Q. [11:27:22] What I am looking at now is, say if you have a man who has a wife
15 and is going to battle and the man has sexual relations with his wife during this
16 period when he is not supposed to have it before battle, what would happen to the
17 person who is going to battle?

18 A. [11:28:03] Based on my knowledge, if Kony does not know, then the person
19 could be shot. And if the person is shot, the person could be shot, for example, on
20 the private parts. And this -- and this is an indication that you have done something
21 that has been prohibited. And this is something that happened on occasion.

22 Q. [11:28:36] You stated that it happened on occasion. Do you know anybody to
23 whom this happened?

24 A. [11:28:54] You know, this -- it's been a while since these things happened and I
25 did not actually witness it myself, but I heard. I heard that this happened a lot at the

1 beginning of the LRA. That was before we, we came and before I was abducted.

2 Most of these things happened at the beginning of the LRA.

3 PRESIDING JUDGE SCHMITT: [11:29:19] I think it is absolutely okay that
4 the witness differentiates between what he has experienced himself, witnessed
5 himself, or what he has heard of.

6 MR OBHOF: [11:29:37]

7 Q. [11:29:38] Now, in the LRA, because we have of course talked about the
8 ting tings, but we haven't gone into detail about wives, how did a person receive
9 a wife in the LRA?

10 A. [11:30:00] In the LRA, the -- Kony was the one who was responsible for
11 everything, so if women are brought, they are kept for a while and then when the
12 time is ready, if you are lucky, then you are given a wife. If you are lucky you are
13 given a wife. You do not go and court somebody. According to Kony, courtship,
14 courtship creates prostitution, so he is the one who decides, he decides that this
15 person is capable of having a wife and then once he has made this decision that this
16 person is capable of having a wife, he gives that person a wife. According to Kony,
17 courtship is prohibited because courtship encourages prostitution and husbands and
18 wives would become husband and wife by being given to that person.

19 PRESIDING JUDGE SCHMITT: [11:31:06] Mr Witness, were there people in the LRA,
20 fighters, who had been given more than one wife?

21 THE WITNESS: [11:31:21](Interpretation) Yes, there are many, many people,
22 especially most of the commanders in the LRA had more than one wife.

23 PRESIDING JUDGE SCHMITT: [11:31:30] Mr Obhof.

24 MR OBHOF: [11:31:40]

25 Q. [11:31:40] Could a woman refuse a husband that she was distributed to by

1 Kony?

2 A. [11:31:57] Yes, it was possible. But, you know, most of the things in the LRA,
3 people did not refuse, people did not like refusing things. But occasionally, once in
4 a while, there were some women who would refuse.

5 Q. [11:32:26] And if you happen to know, on which basis could a woman refuse, or
6 on which basis had you heard of a woman refusing a husband?

7 A. [11:32:50] Based on my knowledge, I know that if a woman refuses a man -- you
8 know, love is something that comes into people's hearts, it's something that develops
9 into a heart. Maybe that person would have observed and then made a decision that
10 that person is not my age or that person is not appropriate for me. But, if the person
11 decides, oh, that person is appropriate, they are old enough to be my, my husband,
12 and even if, for example, if the LRA had not abducted me, maybe I would have been
13 able to get a man that age or that size, then it's possible. But sometimes it's also
14 a question of liking the person or loving a person.

15 Q. [11:33:46] A similar question: Could a man refuse a woman who was
16 distributed to him by Kony?

17 A. [11:34:08] Yes, the husband -- a man can refuse a wife, but you can only do that
18 once. On the second occasion, if you do not give a good explanation as to why
19 you are being given something and you are refusing, then that raises questions and
20 you have to be answerable to that.

21 Q. [11:34:36] What kind of questions would that raise?

22 A. [11:34:47] They would ask, for example -- Kony would say if somebody has been
23 abducted then that is his person, he himself has abducted that person, nobody
24 instituted the plan to abduct that person, he is the one who did that, and if that person
25 has been given to you as a wife, then you have to take care of that person.

1 If you're being given a wife and you refuse, why are you refusing that wife? Do you
2 have any issues? Do you have any quest -- do you have -- perhaps you are thinking
3 of escaping the LRA. Why are you refusing to take care of this, a movements' person?
4 Because this person that is being given to you is the movements' person, the
5 movement of Kony, so they will ask you what are your plans, what are your
6 intentions, do you think -- are you thinking of leaving.

7 Q. [11:35:52] Was there a specific reason of why Kony ordered relationships
8 between men and women?

9 A. [11:36:10] Based on what I have heard, you know, I have to explain what I heard.
10 Based on what Kony said, he said that when he abducted people or when he was
11 abducting people, he was abducting people to fight. He wasn't abducting people,
12 for example, to have a husband or a wife or for any other particular reason. The
13 reason why he was abducting people was to fight. But because there is a desire,
14 there is a human desire, there is a human need for a man to be a man and a woman to
15 be a man -- a woman to be a woman, so when he started abducting people and the
16 people that he had within the bush, there were desires, people had desires that they
17 could not control.

18 So he decided when he saw that people had desires, he decided, okay, if there is
19 a man who wants a woman, then he will give the person a wife. The same thing, if
20 there is a young girl who is able to have a husband, then that person will have
21 a husband. But, it has to be somebody. For example, if it's a wife, then it has to be
22 a woman who is within the LRA. You are not allowed to go and abduct somebody
23 who is not within the LRA and make that person your wife. That woman has to be
24 already within the LRA.

25 PRESIDING JUDGE SCHMITT: [11:37:49] At what age were these, you said I think

1 girls or women being given to a man?

2 THE WITNESS: [11:38:04](Interpretation) Most of the ones I observed were older.

3 Most of the ones I have seen, the ones that Kony would give the go-ahead to become
4 a wife, it's possibly from 18, 18 upwards. That's based on my observation. So if
5 a woman is 18 and older, then the woman would be given directly to the man, based
6 on my observation.

7 PRESIDING JUDGE SCHMITT: [11:38:35] Mr Obhof.

8 MR OBHOF: [11:38:36]

9 Q. [11:38:38] Was there a difference with relationships when it came to a woman
10 whose husband had died in battle?

11 A. [11:38:58] Yes, there was a difference.

12 Q. [11:39:02] Could you explain that difference for the Court, please.

13 A. [11:39:10] The difference is, first of all, if a woman is widowed, then
14 Kony -- there is a decision made by Kony that she should not be courted immediately.
15 There are certain rituals that have to be performed. The woman has to be segregated
16 for a while and a particular ritual has to be performed to remove the spirit of the dead
17 husband from her, from that woman. There are some times when someone would
18 be left for a year, or even two years after she has lost her husband before being
19 allowed to court.

20 After a while, when the woman has been cleansed, when there is a ritual, the ritual
21 has been performed, then Kony would issue orders. He would not distribute that
22 woman, but he would issue orders and say if there is anybody who can court that
23 woman or if there is anybody who is interested in that woman, then they can go
24 ahead and, and court each other. Because this woman is now a widow, so they
25 cannot force upon her another man, because if they force upon her another man she

1 will not be happy. And if she is unhappy, then perhaps the spirit, the -- her dead
2 husband's spirit will come and disturb the relationship.

3 So there has to be a courtship so that it's mutual between the two of them so that there
4 is no problems with the dead husband's spirit coming to disturb them.

5 Q. [11:40:51] So, in this instance, did the woman have the right to choose between
6 a selection of suitors?

7 A. [11:41:14] Yes, the woman had a right. But the woman would also be given
8 orders and told that you, you have to select somebody who is of your age. For
9 example, if you are 20 and above, you should not then make a decision saying I want
10 somebody who is younger than me, you should not go for a *kadogo* who is way
11 younger than you. You, the woman, the widow, they ask was the husband
12 a commander, was the husband of high ranking or was the husband a private. So if
13 your husband was a private, then you are supposed to select a private because that
14 was the rank that your husband was.

15 But if your husband was higher ranking, then you are allowed to court somebody
16 who is also higher ranking because that is the standard that you had before. There is
17 a difference between a private and a high-ranking officer, so if you are used to the
18 lifestyle of being the wife of a commander, then you have to continue being with
19 a commander because that's the lifestyle that you're used to.

20 Q. [11:42:47] Mr Witness, there has been a lot of discussion about punishments,
21 about having sexual relation outside of wedlock. How was rape handled in the
22 LRA?

23 A. [11:43:18] I would like to reiterate something: I need to speak the truth. In the
24 LRA, the issue of rape did not exist. If they hear that you have raped somebody, if
25 it's heard that somebody has raped somebody, then immediately, not, not after

1 a short time, you'd be reported.

2 Q. [11:43:52] What would happen when you were reported, if somebody was
3 reported for committing rape?

4 A. [11:44:04] If you are reported they do not even investigate, Kony does not
5 actually investigate things. If they report you for rape, then the only punishment
6 would be death. He doesn't ask questions, you will be killed.

7 Q. [11:44:34] We are going to move on and discuss a little bit about your life in the
8 different camps in Sudan.

9 Now, you mentioned that after going to Pajok you went to Palutaka. For around
10 how long did you stay at Palutaka?

11 A. [11:45:00] We were in Palutaka, we arrived there in June. So June, July, August,
12 September, October, that's when we left Palutaka.

13 Q. [11:45:20] And how do you remember that you left Palutaka in October of 1995?

14 A. [11:45:38] The reason why I recall was because there was a battle, there was
15 a battle against the LRA, an intensive battle.

16 Q. [11:45:53] For those four or so months in Palutaka, how did the LRA eat?

17 A. [11:46:08] The months that we were in Palutaka, based on my observation, from
18 time to time food will be brought to the LRA. It was the Sudanese government that
19 was providing the LRA with the food.

20 Q. [11:46:29] You mention that there was a battle. Who came and fought the LRA
21 which caused it to leave Palutaka?

22 A. [11:46:48] According to what I heard, it was the government of Uganda,
23 combined with the SPLA, the Dinka, and some people, there is a nearby country, I
24 think which is this country -- let me think about the country again, then I will let you
25 know. But there were three different countries, their forces were combined together

1 to fight against LRA. That's why the LRA had to flee the place. I think it was
2 Ethiopia.

3 Q. [11:47:27] I believe you said earlier today, after leaving Palutaka you went to
4 Aruu. For how long did the LRA stay at Aruu?

5 A. [11:47:47] The LRA stayed for quite a while in Aruu. I think started from
6 October that year. They stayed at someplace for a short while before moving to
7 Aruu. Then they started leaving Aruu from 1995 up to 1998 when another attack
8 was launched against the LRA from there.

9 Q. [11:48:17] Now how was the, in general terms, how was the camp, the LRA
10 camp set up at Aruu?

11 A. [11:48:43] Well, the base in Aruu was similar to the one that was in Palutaka
12 where we came and found they had established. It was a similar kind of base,
13 a huge base that was similar to that in Palutaka.

14 Q. [11:48:59] Now once you are at Aruu, how did the LRA, again, how did the LRA
15 get its food?

16 A. [11:49:15] It was still the same as Sudan government that was helping the LRA.

17 Q. [11:49:26] Now because of the duration, did the LRA eventually start growing
18 crops, start sowing fields?

19 A. [11:49:46] Yes, even in Palutaka, when we came we found people were
20 cultivating crops.

21 Q. [11:50:00] Now this base in Aruu, did it have granary stocks?

22 A. [11:50:18] Well, at the Aruu base, yes, we had food items, we had granaries, we
23 could cultivate our crops, but also the Sudanese government could provide us with
24 food, though the LRA was also engaged in agricultural activities.

25 Q. [11:50:44] Now, why did the LRA eventually leave Aruu?

1 A. [11:50:58] Again, in 1998, the government of Uganda and that of Ethiopia and
2 the SPLA combined and came and attacked the LRA again from Aruu.

3 Q. [11:51:22] At the time of the attacks did the LRA have a surplus in the granaries?

4 A. [11:51:41] Yes, there was surplus and some food supplies were left behind.

5 Even the Sudanese government had provided us with lots of food supplies. But also,
6 there were so many people who were there at the base.

7 Q. [11:52:10] Where did the LRA go after being forced out of Aruu?

8 A. [11:52:25] When the LRA was flushed out of Aruu, they went to a place called
9 Jebellin.

10 Q. [11:52:45] And for how long did you, you personally, not the LRA but you
11 personally, stay at Jebellin?

12 A. [11:53:02] Well, I stayed for some time in Jebellin, because I think we stayed in
13 Jebellin, I stayed in Jebellin until we relocated to another place.

14 Q. [11:53:25] At Jebellin, how was the camp set up?

15 A. [11:53:42] When the base was established in Jebellin people did not station in
16 a big group. They were split in different areas. Each brigade had its own location.
17 You will find that Sinia brigade had their own location, Control Altar and Gilva were
18 at the edges of the area and the space in between was established as a defence unit.
19 But the places were nearby each other.

20 Q. [11:54:26] Did the LR -- pardon me. Did the LRA begin to cultivate fields
21 again?

22 A. [11:54:50] Yes, LRA continued cultivating fields. Actually, that was the place
23 where LRA cultivated lots of fields, because the -- I think the supplies from the
24 Sudanese government was kind of reduced. When we had just arrived they were
25 supplying us, but after a while they reduced all the supplies and eventually stopped.

1 That was the time when the LRA heightened their cultivation activities.

2 Q. [11:55:27] Mr Witness, was there ever a time after moving to Jebellin in which
3 you got injured?

4 A. [11:55:47] No. In Jebellin, where I got injured, was the battle that started in
5 Jebellin that made us go out of Jebellin. That was the time I got injured.

6 Q. [11:56:05] And what type of injury did you have?

7 A. [11:56:17] I was shot in the leg.

8 MR OBHOF: [11:56:30] Your Honour, if I may, I would like to read from
9 paragraph 20 --

10 PRESIDING JUDGE SCHMITT: [11:56:34] Yes, of course.

11 MR OBHOF: [11:56:36] -- Tab 1. It is UGA-D26-0022-0301 at page 0308.

12 Q. [11:56:49] Mr Witness, I am going to read a section of your witness statement
13 that you signed with the Defence. And it reads:

14 "I was deployed to Uganda shortly after the LRA moved to Jebelin, and I was injured
15 in February 1999. I remained in sickbay around the area of Kilak Hill for around one
16 year. I believe the commander of the sickbay at that time was named John. I was
17 shot in my arm."

18 Mr Witness, do you remember discussing this with the Defence?

19 A. [11:57:40] Yes, I discussed this with them, because what happened was we left
20 Jebellin and we came to Uganda and that was the time that the thing happened. But
21 what you were asking me before was what was happening from Sudan.

22 Q. [11:57:59] I stand corrected.

23 PRESIDING JUDGE SCHMITT: [11:58:02] That's the reason why we try to put to
24 him his former statement.

25 MR OBHOF: [11:58:08] Exactly.

- 1 Q. [11:58:11] Now when you were sent to Uganda, which brigade -- in which
2 brigade were you?
- 3 A. [11:58:33] I was in Sinia brigade.
- 4 Q. [11:58:34] And do you remember which battalion you were in at that time?
- 5 A. [11:58:48] I remember I was in a battalion called Oka battalion.
- 6 Q. [11:59:02] Now, at this time, was Dominic Ongwen with you when you went to
7 Uganda?
- 8 A. [11:59:16] Sorry, who are you asking about?
- 9 Q. [11:59:23] At this time when you fled Jebellin and went back to Uganda, was
10 Dominic Ongwen with you?
- 11 A. [11:59:39] When we left Sudan we went to a place called Rubanga Tek, from
12 Rubanga Tek we left and went to Uganda.
- 13 Q. [12:00:04] Now when you went to Uganda this time when you were injured in
14 your arm, was Dominic Ongwen with your battalion?
- 15 A. [12:00:25] Yes, when I got injured I was together with Dominic Ongwen in Oka
16 battalion.
- 17 Q. [12:00:41] Who was your brigade commander at that time?
- 18 A. [12:00:52] At that time he was called Buk Abudema.
- 19 Q. [12:01:06] Were any other -- sorry, go ahead.
- 20 A. [12:01:12] But while we were just leaving -- while we were escaping from the
21 Iron Fist, the BC was called Charles Tabuley. While we were just leaving Sudan it
22 was Tabuley.
- 23 Q. [12:01:46] Now, at the time when Tabuley was the brigade commander, what
24 other brigades went to Uganda?
- 25 A. [12:02:01] At that time of the brigades, everyone else left Sudan except Kony.

Trial Hearing
WITNESS: UGA-D26-P-0075

(Open Session)

ICC-02/04-01/15

1 Kony ordered that everyone should leave Sudan and come to Uganda. It was only
2 him to remain in Sudan. The rest of the people were supposed to return to Uganda.

3 Q. [12:02:25] Mr Witness, I think we are talking about two different times when
4 you went to Uganda, so I am going to move back a few steps.

5 Now earlier I read to you a section that talked about how you left Jebellin and went to
6 Uganda. Did you remember that?

7 A. [12:02:47] Yes.

8 Q. [12:02:49] And this is going to be the time that I am discussing. Not how you
9 said later on when we were talking about when the LRA left from Rubanga Tek. Is
10 that okay?

11 A. [12:03:08] Yes.

12 Q. [12:03:15] Now, when you left from Jebellin and went back to Uganda, who was
13 the brigade commander?

14 A. [12:03:32] You know, what is confusing me, there are actually two things:
15 When we went to Uganda and we had left everyone else in Sudan, was one instance,
16 and then there was another instance when everyone came to Uganda. If it was the
17 one that took place in the year 2000 it was a small group. That was the time I got
18 injured. I moved with a small group, but not the entire LRA group. But what I
19 have been talking about is the huge LRA groups all coming to Uganda.

20 PRESIDING JUDGE SCHMITT: [12:04:09] I think you can soon end up there, I
21 would advise.

22 MR OBHOF: [12:04:15] I have a few questions about the small group and that's what
23 I have been trying to do, maybe 10 minutes, and then move on to the large group.

24 PRESIDING JUDGE SCHMITT: [12:04:24] Yes, okay.

25 MR OBHOF: [12:04:25]

1 Q. [12:04:25] I am glad you brought this up, Mr Witness, thank you. What I'm
2 referring to right now is when the smaller group went. Not when the whole LRA
3 but when the smaller group went in around 2000, okay?

4 A. [12:04:43] Right, I have understood. In the year 2000 we left there and left the
5 BC there, he was called Matata. He stayed back in Sudan. We selected a small
6 number of troops, they were led by Odongo, and we went to Uganda.

7 Q. [12:05:11] This smaller group, for how long were you in Uganda?

8 A. [12:05:27] From the year 2000 we stayed until 2001, when people went away.
9 For me, I stayed back in the bay. As I stated earlier on, I stayed back in the bay, but
10 people stayed in Uganda up to the year 2001 and then in 2001 we followed the people
11 who had gone ahead and followed them back in Sudan and we went and found them
12 in Jebellin.

13 Q. [12:06:05] Which commander led you back to Sudan, back to Jebellin?

14 A. [12:06:20] The commander, the commander was Odongo who led the initial
15 group. But for us, we stayed back and we were a small number of people, and when
16 we were going back we were led by a commander called Oyat Lapaicho.

17 Q. [12:06:48] Now what happened when you arrived at Jebellin in Sudan?

18 A. [12:07:02] When we arrived in Sudan, we found what had happened was that
19 people had already left Jebellin, they had moved to a place called Rubanga Tek and
20 there was no more help from the Arabs or the Sudanese government. They were no
21 longer helping the LRA. And we came and found lots of changes. People had been
22 put in different smaller camps. He had put people in, split people in small camps.
23 That's what we came and found in Sudan.

24 Q. [12:07:44] Do you remember the names of some of these smaller camps?

25 A. [12:07:57] The one that I can recall was called Rubanga Tek. There was Nisitu,

1 there was Bin Rwot, those were the major camps that I can recall of. But there were
2 also other smaller ones that he established. I cannot recollect their names, but yeah,
3 those were the places.

4 Q. [12:08:29] I think you mentioned this, but just to make sure, to which camp did
5 you go?

6 A. [12:08:47] The particular one I went to was Rubanga Tek, that was the main base
7 where Kony's headquarters was.

8 Q. [12:09:04] Now I know this might seem obvious again, but what drove the LRA
9 out of Rubanga Tek?

10 A. [12:09:25] What drove the LRA out of there was the same arrangement and
11 because there was no more support to the LRA and I came to hear that the
12 government of Sudan had agreed, had accepted to allow the government of Uganda
13 access Sudan and go to the place where the LRA were based. Then the government
14 soldiers entered into Sudan and there was another attack. But in -- the people of
15 Rubanga Tek knew that there was an advancing force of the government soldiers of
16 Uganda, so they had to flee before the government soldiers could arrive. They left
17 before the attack.

18 Q. [12:10:31] Now you mention that the Sudanese government had stopped
19 helping the LRA at that time and that it allowed the UPDF to come up to
20 Rubanga Tek to attack the LRA. To the best of your knowledge, did the Sudanese
21 government ever start resupplying the LRA after Operation Iron Fist?

22 A. [12:11:09] Yes, to the best of my knowledge I think we had relationship strains
23 with the LRA three different occasions. There was even a time the LRA fought
24 against the Arabs, but later on they re-established their contacts.

25 Q. [12:11:38] Do you know how long after the major invasion at Operation Iron Fist,

1 how long it took for the LRA and the Sudanese government to re-establish its
2 relationship?

3 A. [12:12:05] When the LRA was leaving Sudan, because Kony had ordered, he
4 said he was going to show the Arabs that he is a real man, he is not a joke. The
5 reason they call him Kony was because he is really a strong force. So he organised
6 his forces and they went and attacked and overran the Arabs, Kit I, Kit II and III,
7 overran the barracks and recovered lots of items from the backs.
8 Thereafter, when people had already left, the Arabs came and tried to talk to Kony,
9 they said, "It's not good for us to keep fighting, we have not been fighting before.
10 That means that it's the Ugandan government that is coming to destabilise us and
11 bring problems for us." And Kony had cut off the Arabs who were on the other side
12 of Juba, because they would put ambushes everywhere, the Arabs could not move
13 with their food items. If you come do the ambush, they would just be shot.
14 There was no reinforcement coming from the upper side of Juba and then the Arabs
15 felt they were cut out so they needed to come back and make an agreement with
16 Kony. Then they met and eventually they started supporting us again. They
17 started giving us many other things, not just food items. But at that time people
18 were not just living in the camps, people were living on the outskirts of -- and only
19 a handful of people were staying in a place called Nisitu. The bulk of the people
20 were all on standby and they were all ready. They had left the camp and the
21 relationship between Uganda -- the Sudanese government and the LRA eventually
22 was re-established.

23 PRESIDING JUDGE SCHMITT: [12:14:05] When did this happen?

24 THE WITNESS: [12:14:17](Interpretation) That was from the year 2002 coming to
25 2003. That was the period I am talking about.

1 PRESIDING JUDGE SCHMITT: [12:14:25] Was this before or after

2 Operation Iron Fist?

3 THE WITNESS: [12:14:39](Interpretation) That was before the Operation Iron Fist.

4 I think it was just starting because it started from Sudan and then they flushed out the

5 LRA to come back to Uganda.

6 PRESIDING JUDGE SCHMITT: [12:14:49] Okay.

7 Mr Obhof.

8 MR OBHOF: [12:14:55] I apologise, your Honour, I have one section before the

9 post-Iron Fist.

10 Q. [12:15:01] Now, Mr Witness, could you compare the manner in which the LRA

11 operates to the manner in which the UPDF operates?

12 A. [12:15:28] I see lots of differences in the way the two forces operate. There's

13 a big difference. Number one, one of the differences I witnessed was the way orders

14 were carried out. Secondly, it was the procedures or the battle laws were put in

15 place, I saw a big difference in that as well, between the LRA and the UPDF.

16 Q. [12:16:12] Now let's go with the first big difference, which you say the way that

17 orders were carried out. How were orders issued and carried out in the LRA?

18 A. [12:16:26] In the LRA, based on my knowledge, there is only one person who is

19 responsible for these orders. If this person issues those orders, then those orders

20 have been issued. If he orders you to go and drown yourself in a deep, deep river,

21 then that's what you have to do. Because when I came, within the LRA, the

22 orders -- if there is something that is needed or if there is something that is -- sorry,

23 within the UPDF if there is something that is needed then there are discussions. And

24 the other big difference is that Kony thinks alone. He issues his instructions alone.

25 He does not discuss things with anybody before making a decision. What he

1 decides he decides and that's what happens, and that's one of the main differences
2 between the orders.
3 If he wants something to be done, he asks somebody. He will go directly to
4 somebody and ask that person to do it. He does not make a decision, saying "I have
5 somebody who is second-in-command. I have other high-ranking commanders next
6 to me", no. He will go and directly ask whoever he wants to perform a certain task
7 to perform it. He does not follow the hierarchy in the army.
8 And also with respect to battle, he does not, he does not say, for example, that if there
9 is an area where civilians are, this is how you have to go and fight. No. There are
10 no rules pertaining to civilians. When Kony sends people for battle, people go and
11 battle. There is no differentiation between civilians and the soldiers. He is the only
12 one who has the rule. He is the only one who is capable of overrunning the whole
13 LRA.

14 Q. [12:18:40] Just to clarify this very last line: Did you mean to say -- or, sorry, it's
15 said here that he is the only one who is capable of overrunning the whole LRA. Do
16 you mean running, operating the LRA, or overrunning the LRA?

17 A. [12:19:07] He is the only one who has authority to issue orders within the LRA.
18 He is the only one. There is nobody else other than him.

19 Q. [12:19:35] Just a minute ago you stated that he, Kony, will go and directly ask
20 whoever he wants to perform a certain task to perform it. Now when he is
21 bypassing this chain of command, what type of notifications do the commanders in
22 the middle, what type of notifications do they get about these instructions?

23 A. [12:20:24] Let me tell you honestly something in relation to Kony, I believe even
24 up to now where he is, and that's why I say there's a difference between the way he
25 acts and other armies. You may be a commander and have your own army, but if he

1 wants to -- if he wants somebody else to perform a certain task, he will leave you, the
2 commander, and ask somebody else under your command to do it. And that's why
3 he says he is the only one within the LRA who has the power. Not even his deputy,
4 no other high-ranking commander has the right to issue any orders, except himself.
5 He is the overall commander of the LRA.

6 So you find that once he issues instructions, these instructions have to be followed.

7 There are no discussions. Nobody says, oh, sir, you know, in our opinion we should
8 do this or we should do that. No. This is not acceptable. You are not allowed to
9 discuss anything with him. Once he issues orders, he issues orders. If you attempt
10 to make discussions with him or if you attempt to give him an opinion, then he will
11 accuse you of trying to overthrow him and then you are going to be in problem.

12 Q. [12:21:57] Even what you just said -- with what you just said, what was available
13 for a commander to do if his junior commanders attacked a place because
14 Joseph Kony ordered it? What was available to this commander to do to the junior
15 persons who attacked some place without his knowledge?

16 A. [12:22:29] I did not quite understand that question. Could you please repeat
17 the question what kind of commander. It's very difficult to answer the way you
18 have asked it.

19 PRESIDING JUDGE SCHMITT: [12:22:38] I think the word "available" is too
20 unspecific. I think you can a little bit --

21 MR OBHOF: [12:22:47] More direct.

22 PRESIDING JUDGE SCHMITT: [12:22:47] -- more direct, yes.

23 MR OBHOF: [12:22:50] Okay.

24 Q. [12:22:51] I will use military designations. So say if Joseph Kony called
25 a lieutenant to lead a battle, a coy commander, the coy commander went and fought

1 this battle and came back to his -- to the OC of the battalion, what type of
2 punishments could the OC of the battalion give to that coy commander for what he
3 did during the attack?

4 A. [12:23:37] There is nothing that he can do, because that coy commander waits
5 for instructions. They do not have any authority. There is nothing that the person
6 can do, because the authority came from above.

7 Q. [12:24:09] What generally happened to commanders who openly defied orders
8 from Joseph Kony?

9 A. [12:24:27] If you -- if Kony issues -- there is no other order that Kony would
10 issue for such infraction other than death. If the person does not follow his order,
11 that means that the person is trying to rebel within his movement. If a person does
12 not follow his orders, that person does not belong to him, that person is not aligning
13 with him. And in these circumstances the only consequence is death.

14 Q. [12:25:04] Mr Witness, I am going to ask you a few names and please explain
15 what happened to these persons, briefly explain what happened to these persons, if
16 you know who they are and if you know what happened to them.

17 The first person is Otti Lagony.

18 A. [12:25:34] Yes, I do know him and I know what happened to him.

19 Q. [12:25:42] Please tell Court briefly what happened to Otti Lagony.

20 A. [12:25:50] When we were in Aruu I was also present at the time because
21 whatever happened happened when I was present. When we were in Aruu,
22 Otti Lagony was the 2IC of Kony. You know, at the time when the war started from
23 Palutaka to Aruu, based on my knowledge Otti Lagony was knowledgeable of this.
24 He was aware of it. I will still young at the time, but based on my observation I
25 knew that he knew something.

1 So if, for example, we are being attacked, Otti would be aware of it, he would go, he
2 would fight. I would also see him fighting. If there was a battle, he would go and
3 fight. Otti would say, come on, let's not fight. Kony would tell him, let's run, let's
4 not fight. Otti would insist and say, no, we have to fight, because if we don't fight,
5 then they are going to come and they are going to defeat us.

6 So, as I stated earlier, Kony's authority and Kony's orders are the only thing in the
7 LRA. If you refuse to follow his orders, you die and you are buried. So indeed Otti,
8 Can Odonga and some other commander, I do not recall all their names, there were
9 some junior commanders who were killed. And this is based on the information that
10 I gave you earlier, that if you do not follow Kony's instructions, if you do not -- if you,
11 if you try to show that you are able of leading the movement or if he believes that
12 you are trying to oust him, it will lead to your death.

13 Q. [12:27:56] How about a person named Opoka Reform Agenda?

14 A. [12:28:07] Yes, I also know the person named Opoka Reform Agenda.

15 Q. [12:28:15] And just briefly, could you explain to Court what happened to him.

16 A. [12:28:25] Opoka Reform Agenda came. I just realised that he was in the LRA.
17 When he came he had a satellite phone and he had other phones. He said he was
18 organising people so that people could come and join up with the LRA. So when
19 Opoka came to the LRA, first of all, as I stated earlier, the LRA has rules. Kony
20 wants only his rules to be obeyed. He does not want anybody's rules to be obeyed.
21 If you are listening to somebody outside the LRA, that means you are not part of the
22 LRA. So, as I stated earlier, Kony wants to follow certain instructions, only his
23 instructions. If you are not following what he is saying, that means that you are not
24 part of, part of the group, you are a rebel. So he issued instructions and ordered the
25 killing of Agenda.

1 Q. [12:29:36] Just for a time frame on this, was it before or after Iron Fist when he
2 ordered the execution of Opoka Reform Agenda?

3 A. [12:29:52] It was during Iron Fist, because Opoka Reform Agenda, when he was
4 killed, he was not killed at the base, but he was killed while we were, while we were
5 on the move because Iron Fist was already under way. We had not yet arrived in
6 Uganda, but all these things happened when we were still in Sudan.

7 Q. [12:30:19] And the last person is Otti Vincent. What happened to Otti Vincent?

8 A. [12:30:33] Otti Vincent, Otti Vincent's case is the same. He was also killed by
9 Kony. The -- one of the things that resulted in his death, the reason why Otti died,
10 was because Kony claimed that Otti had changed -- had turned the movement to
11 become his own.

12 Kony did not want to go for peace talks, but Otti was insisting that they should have
13 peace talks. Otti kept on calling the radios. He kept on making calls to other
14 people. Otti was actually convinced and he was set on people going back home.

15 But, as far as Kony was concerned, Otti was not obeying him. Otti was doing what
16 he himself, Otti, wanted to do. Otti had now taken over the movement as his own.

17 It was not Otti's movement, it was Kony's movement, and that's why Kony decided to
18 kill him. And that's why the -- that was the same reason why those brigade
19 commanders were killed.

20 The only thing Kony wants is for people to follow his instructions. It does not
21 matter what the consequences of his orders or his instructions are, but that's what he
22 wants you to follow. If he tells you, he directs you to go and jump into a river and
23 drown, that's what you have to do, you have to go jump into a river and drown. If
24 you show Kony that you are a bright person or you are a skilled person or if you do
25 something that Kony is not aware of, if he comes to be aware of that, then you are

1 going to die, because the only consequence of doing actions other than what Kony has
2 instructed is death.

3 Q. [12:32:25] Was this execution of Otti Vincent, was he the only one executed?

4 A. [12:32:38] Otti Vincent was not killed alone.

5 Q. [12:32:43] Could you just give us the names of some of the people who were
6 executed at the same time as Otti Vincent?

7 A. [12:32:55] The people that I know who were killed with Otti Vincent were
8 Otti Vincent himself, Ben Acellam, Otim Record, Pope, Adjumani, he was referred to
9 as Major Adjumani, he was part of the security detail. Those are the people that I
10 know were killed, together with Otti.

11 Q. [12:33:29] We talked a lot about things that will get you executed in the LRA.
12 What other type of punishments did Kony enforce upon people other than
13 executions?

14 A. [12:33:57] Earlier on, there were no prisons within the LRA. If you committed
15 any infraction, you would be killed. But at some point they would evaluate what
16 you have done. He himself would assess what you have done and make a decision
17 as to whether whatever it is that you have done, whether your infraction should be
18 punished by beatings or whether you should be sent to prison. So he would make
19 that decision based on what you have done. And based on investigations that were
20 undergoing, he would initially perhaps put you in prison while they investigate and
21 then a decision would be made as to what punishment was appropriate.

22 Q. [12:34:47] This prison, what would happen to a commander if he was sent to
23 this prison by Joseph Kony?

24 A. [12:35:10] If Kony sends a commander to the prison, first of all, the person, the
25 person is demoted, he does not have any more authority. The wives are also taken

1 away from that person. You are placed into the hands of somebody else who will be
2 responsible for you. It doesn't matter whether that person is more lower ranking
3 than you, he can ask somebody who is lower ranking than you to be -- to take
4 authority over you.

5 They will -- they will take you into prison. First of all, you would be beaten, you
6 would be beaten. They would not -- there were no numbers of strokes that you
7 could be given. You could be given any amount of strokes. It doesn't matter
8 whether you were a high-ranking commander or whether you were a junior
9 commander.

10 Q. [12:36:20] When you were under arrest, would the escorts remain with the
11 commander?

12 A. [12:36:36] No, you would be stripped of everything, even your escorts. Even if
13 you do come with your escorts, you do not have any authority. You are stripped of
14 all authority. You don't have any authority -- you do not have authority over your
15 escorts. You might have your escorts present, close to you, but you do not have
16 authority over them.

17 Even your wife, sometimes they take away your wife and your wife does not
18 even -- is not even allowed to approach you. And this depends on the nature of the
19 imprisonment.

20 Q. [12:37:16] Now I am going to change topics slightly, Mr Witness, to Joseph Kony
21 himself. And the Court's heard a lot about Joseph Kony, so we're going to try to
22 keep this section for about 10 or 15 minutes instead.

23 PRESIDING JUDGE SCHMITT: [12:37:33] Obviously, you can at least partially read
24 my mind.

25 MR OBHOF: [12:37:37] Yes, of course. It's actually written in my paragraph 61 to

1 say that.

2 Q. [12:37:42] When Joseph wasn't ordering people's executions, what was his
3 personality like?

4 A. [12:38:01] It's very difficult for me to actually explain what kind of person Kony
5 was, because he – Kony, as a man, based on my observation, is evil. He's a dark
6 person. Based on my own observation, he's an evil person.

7 Q. [12:38:27] You've mentioned a lot about these rules, we have talked about these
8 rules that Joseph Kony would make. Where would he say that he would get the idea
9 for these rules?

10 A. [12:38:52] Based, based on Kony's leadership of the LRA, Kony claimed to have
11 spirits. Kony said that he was capable of talking directly to God and everybody
12 within the LRA knew that Kony was capable of talking directly to God.

13 Q. [12:39:21] Now when Kony was talking to these spirits or talking to God, what
14 would go on when he was doing this? How would he look? How would he talk?
15 Give a brief explanation about Joseph when he was being possessed.

16 A. [12:39:47] When Kony is talking to the spirits, his voice would change. It -- he
17 would no longer sound like Kony because his voice would change. That is
18 something that I observed on a number of occasions. When his voice changes, his
19 eyes also change. His eyes become red and he looks, he looks like somebody who is
20 extremely angry, somebody who is evil, and his voice is high pitched. His voice
21 would be high pitched, and that is something that I observed, especially when he is
22 talking to the spirits, that's what would happen.

23 Q. [12:40:38] Now, other than these rules, what other type of information would
24 Kony receive from the spirits?

25 A. [12:40:52] Kony said that his life, the way he has to lead, the way he has to, to

1 lead the LRA, it's the spirits that tell him, the spirits direct him and tell him what he is
2 supposed to tell his people, how he is supposed to lead the LRA.

3 So the spirits will always talk to him. I saw some examples from time to time.

4 There is one time when I saw something, for example, there are occasions when the
5 spirits would give Kony certain reports and then Kony would inform the people of
6 what he was -- what the spirits told him.

7 PRESIDING JUDGE SCHMITT: [12:41:49] Did the spirits always stay with Kony?

8 THE WITNESS: [12:42:02](Interpretation) At the beginning, if, if -- based on my
9 recollection, I will explain based on my recollection. Sometime from 1995 when I
10 was in the LRA, to the time when we were in Aruu, that was the time when in all
11 honesty I saw that Kony was possessed and the spirits would come and talk to him.
12 I don't know whether they were spirits, but whatever it is that was talking to him or
13 the gods that were talking to him would actually talk to him.

14 PRESIDING JUDGE SCHMITT: [12:42:43] Did this at any time later on change?

15 THE WITNESS: [12:42:56](Interpretation) Yes, there were changes. When we were
16 in Aruu, most times when we were leaving and going to Jebellin, Kony would tell us
17 that the spirit would only come and visit Kony, the spirit would only come to Kony in
18 dreams, the spirit was not going to be present all the time because Kony is already
19 knowledgeable in everything, the spirits have already trained Kony and he has all the
20 knowledge and the information he needs. So the spirits do not have to be ever
21 present in his life during that time.

22 PRESIDING JUDGE SCHMITT: [12:43:35] So did the spirits ever leave Kony?

23 THE WITNESS: [12:43:44](Interpretation) Yes, the spirits would possess him from
24 time to time. He was not constantly possessed, but it was from time to time. There
25 were certain times when he was as any normal human being, he would sit and talk

1 and joke. But on the day that he was possessed you would actually see and know that
2 there is a difference. Whatever he is saying, someone would actually be able to
3 assess that it's a spirit that is talking through him.

4 PRESIDING JUDGE SCHMITT: [12:44:14] I think you can put, perhaps,
5 paragraph 10 to him, otherwise --

6 MR OBHOF: [12:44:18] I am just going to ask him one other different way.

7 PRESIDING JUDGE SCHMITT: [12:44:20] Yes, of course, of course. But then you
8 can put --

9 MR OBHOF: [12:44:25] Yes, then we'll put --

10 PRESIDING JUDGE SCHMITT: [12:44:20] -- paragraph 10 to him.

11 MR OBHOF: [12:44:24] Yes.

12 Q. [12:44:25] Mr Witness, after Operation Iron Fist completed, in your opinion did
13 you see Joseph Kony possessed by spirits, say, after 2003?

14 A. [12:44:48] From 2003, it's difficult for me to explain, because as I stated, he
15 would be possessed once in a while. He would say Lakwena has given
16 such-and-such instructions. On occasion he would say he's been visited by the
17 spirits. But, I did not see this happen as regularly as I had seen it happen before. I
18 did not see this and I do not know whether it was something that was still happening
19 on a regular occasion.

20 MR OBHOF: [12:45:29] I can read it. I'll read paragraph 10 just to make sure.

21 Q. [12:45:33] Mr Witness, I am going to read from paragraph 10 at page 0306 of
22 tab 1 Defence binder:

23 "From what I saw, the Spiritual element of the LRA existed very strongly from
24 1995-2003. It was not until" around -- "It was not until 2003, around
25 Operation Iron Fist, when I noticed that the Spirits had left Kony. I say that the

1 Spirits left Kony around this time because the character of Kony changed. You can
2 tell when someone is lying, and from what I saw, Kony no longer had honesty in his
3 eyes."

4 And this is what we're wondering about this paragraph, whether this means that the
5 spirits stopped or whether it appeared that they were just coming very, very
6 infrequently?

7 A. [12:46:57] Well, according to my observation, the way I observed the changes in
8 him, he would tell us that the spirits would come to visit him once in a while. The
9 spirits would come in his dreams, not like they used to come during day, and they
10 speak through him. This time they would appear in his dreams and they will tell
11 him what to do in his dreams.

12 But according to my own observation, because previously each time he would talk to
13 them he would tell you that if you go this way, this will happen, if you did this, that
14 will happen.

15 But in the subsequent years he would tell us things that would not necessarily come
16 to pass. Then we also started suspecting that, well, maybe the spirits were no longer
17 there, but he would tell us that the spirits would come in his dreams.

18 Q. [12:47:58] Did you ever come to learn any of the names of these spirits?

19 A. [12:48:15] Yes, I got to know about two different spirits that I can recall. There
20 was one which was a lady and she was called Salindi. He said that was a female
21 spirit. And then the male one was called Who Are You. The spirit was Who Are
22 You. In Acholi it means -- it's said as *in angaa*, but I didn't understand what that was
23 supposed to mean exactly.

24 Q. [12:49:01] From what you saw, did you believe that Kony was possessed?
25 Whether it be by good or bad spirits, but did you believe that Kony would be

1 possessed?

2 A. [12:49:29] Well, honestly, in my belief, yes, I believe that Kony had something in
3 him for real.

4 Q. [12:49:44] Now, from what you saw and what you heard from others, did other
5 people in the LRA have these same beliefs?

6 A. [12:50:06] According to my observation, yes, most of the people had beliefs in
7 him. They believed that Kony had spirits, because they really knew that the spirits
8 were there. And there are things that people witnessed are the things that he said
9 that came to pass or other things that made people believe. People therefore
10 believed he had the spirits.

11 MR OBHOF: [12:50:38] And, your Honour, because I know you like to go
12 expeditious, I would just like to note paragraphs 10 to 16 in his witness statement.

13 PRESIDING JUDGE SCHMITT: [12:50:47] Yes. Of course we have seen these
14 different examples. If you want, perhaps, to pick one of --

15 MR OBHOF: [12:50:51] Yes, I will just pick up.

16 PRESIDING JUDGE SCHMITT: [12:50:53] Yes, perhaps pick one and then we can
17 go -- (Overlapping speakers)

18 MR OBHOF: [12:50:56] And then we can go to lunch after we do this.

19 PRESIDING JUDGE SCHMITT: [12:50:58] Exactly. Yes, exactly like that.

20 MR OBHOF: [12:51:04]

21 Q. [12:51:05] Now, Mr Witness, can you tell us one of, one of these predictions that
22 Kony made that eventually came true.

23 A. [12:51:28] Well, I know that, first of all, Kony talked about roads. He said if
24 they open up roads, if Yoweri Museveni opened up roads, that would be an
25 indication that the time is near.

1 Secondly, you, the people I abducted and brought to Sudan, I saved you from
2 a disease. There will come a time when there will be an outbreak of AIDS and it will
3 kill so many people. It will come, you will contract and then you will slim and
4 eventually die.

5 I personally did not know that that was happening, but Kony had prophesied that, he
6 said that would come, attack people in Uganda and will kill so many people.

7 He also said that there is no one else who will be able to oust Museveni from power.
8 He himself is, Joseph Kony, will be the only person who will be able to remove
9 Museveni from power.

10 If he fails to remove Museveni from power, then nothing else will remove him. Even
11 through voting, nobody is going to take him out of that office. He will leave that
12 office at his own volition when he is old and tired without anybody being able to
13 remove him from that position. That is what I heard from him. And when I came
14 back I thought about it, I came and found roads were all open. I also thought about
15 it in hindsight. I found AIDS was prevalent. And I also looked back and I said, in
16 Uganda, yes, the current president is the one who is still there and it's all coming to
17 confirm what Kony prophesied earlier. That's why I believe, yes, the things he said
18 are coming to pass.

19 PRESIDING JUDGE SCHMITT: [12:53:41] So he covered more than one, but that
20 doesn't matter.

21 So we will have then the lunch break until 2.30.

22 THE COURT USHER: [12:53:53] All rise.

23 (Recess taken at 12.53 p.m.)

24 (Upon resuming in open session at 2.30 p.m.)

25 THE COURT USHER: [14:30:42] All rise.

- 1 Please be seated.
- 2 PRESIDING JUDGE SCHMITT: [14:31:02] Good afternoon, everyone.
- 3 Mr Obhof, you still have the floor.
- 4 MR OBHOF: Thank you very much, your Honour.
- 5 Q. [14:31:16] Good afternoon again, Oryem.
- 6 A. [14:31:21] Good afternoon.
- 7 Q. [14:31:36] Oryem, we're going start now, we're going to talk about the large
8 reentry that we spoke of earlier when almost all of the LRA went back into Uganda
9 from Sudan. Now at that time when Iron Fist was happening and they were getting
10 kicked out of Sudan, about how large was the LRA?
- 11 A. [14:32:05] Based on my observation, there were -- the LRA was a very big
12 organisation. There were so many people I cannot actually guess the exact numbers.
- 13 Q. [14:32:27] And at the same time when you were going back in the second time,
14 in which brigade were you?
- 15 A. [14:32:42] I was in Sinia brigade. If you're talking about the group that we
16 moved with, then Sinia was part of the group, Gilva was also part of the group,
17 Lapaicho was also in that group. It was a combined group.
- 18 Q. [14:33:18] And at that time who was the brigade commander of Sinia?
- 19 A. [14:33:32] At the start of Iron Fist, it was Tabuley who was the brigade
20 commander.
- 21 Q. [14:33:46] Did that change at all?
- 22 A. [14:33:56] Yes. When we started leaving Sudan after Iron Fist, and when we
23 moved to Uganda, that's when the changes occurred.
- 24 Q. [14:34:11] And in relation to the Sinia brigade commander, what change
25 occurred?

1 A. [14:34:27] When we left Sudan and moved back to Uganda, when people were
2 coming back to Uganda, Kony asked Sinia to go back. Tabuley went back with Sinia
3 to the mountains where he was.

4 Q. [14:35:06] Then over the next years did Tabuley remain the brigade commander
5 of Sinia?

6 A. [14:35:20] When we went back to Kony, when we were going back, that's when
7 he took Buk and made him the BC of Sinia and he took -- he sent Tabuley to Stockree.

8 PRESIDING JUDGE SCHMITT: [14:35:45] And I think everybody now has in the
9 meantime recognised that we have a problem with the real-time transcript. It should
10 not stop us from continuing. I know also sometimes, especially the Presiding Judge,
11 is not very articulate, but if I look at it, I'm absolutely sure that I would not be so
12 wrong as it indicates here. So it has to be fixed, but we simply continue. And in
13 case we get into a quarrel about what has been said five minutes ago, we can solve it
14 on the spot.

15 Please, Mr Obhof, continue.

16 MR OBHOF: [14:36:15] Thank you, your Honour.

17 Q. Now you mentioned Oka battalion before. What were the other battalions in
18 Sinia brigade?

19 A. [14:36:38] There was Terwanga, Siba and Oka battalions, and then the
20 headquarters.

21 Q. [14:36:58] Now, again, there after -- now we're going to be discussing about
22 times after Buk became the brigade commander. Do you remember who the
23 battalion commander of Siba battalion was?

24 A. [14:37:20] The battalion commander of Siba battalion was, I'm trying to recall,
25 I'm trying to recall. But right now I can't, I can't recall, but I do recall the person, but

1 I can't remember instantaneously.

2 MR OBHOF: [14:37:42] If I may, Your Honour, from paragraph 34 at tab 1, Defence
3 tab 1, at 0310.

4 Q. [14:37:51] Does the name Okello ring a bell?

5 A. [14:38:01] Oh, yes. I know the person, he was known as Okello Pokot.

6 Q. [14:38:09] And for how long did Okello Pokot remain as the head of Siba
7 battalion?

8 A. [14:38:25] Okello Pokot was there for a while until he was transferred
9 somewhere else, but he was there for quite a while.

10 Q. [14:38:40] And do you remember who took over for Okello Pokot when I was
11 transferred?

12 A. [14:38:50] Are you referring to the Siba battalion?

13 Q. [14:38:58] Yes.

14 A. [14:39:02] In Siba battalion they kept on changing the leaders. Kalalang at
15 some point was also heading Siba. There were many people who headed that
16 battalion. I cannot recall all the names of the people. Perhaps I have written it
17 down and that's how it took place, but you know when things keep on changing,
18 changing, changing, at least you get to a point where you can't recall it, you cannot
19 recall everything.

20 PRESIDING JUDGE SCHMITT: [14:39:42] Again, very understandable.

21 MR OBHOF: [14:39:43] Yes.

22 PRESIDING JUDGE SCHMITT: [14:39:44] So perhaps you can move to another
23 point, I think.

24 MR OBHOF: [14:39:46] Well, it's in the same paragraph, in paragraph 34
25 (Overlapping speakers)

1 PRESIDING JUDGE SCHMITT: [14:39:48] Yes. Then perhaps you may put it to
2 him, but then we move to another point.

3 MR OBHOF: [14:39:53] Okay.

4 Q. [14:39:53] "After Operation Iron Fist, Okello Pokot was the battalion commander
5 of Siba Battalion. After him, Ocan Nono (also known as Ocan Labongo) took over
6 Siba Battalion."

7 Does that refresh your memory, Mr Witness?

8 A. [14:40:17] Oh, yes, it does, that refreshes my memory.

9 Q. [14:40:27] Who was the head of Terwanga after Iron Fist?

10 A. [14:40:41] The head of Terwanga was someone known as Loum Icaya. When
11 Loum Icaya escaped, then he was replaced by a commander known as Kalalang.

12 Q. [14:40:58] And of course Oka battalion, who was the head of Oka battalion?

13 A. [14:41:09] At the time it was Dominic Ongwen.

14 Q. [14:41:13] And for how long did Dominic remain at Oka battalion?

15 A. [14:41:26] Dominic was at Oka battalion all the way from Sudan till we went
16 back to Uganda, and then he was injured. And that was the last time that he was the
17 CO of Oka battalion.

18 Q. [14:41:58] Who took over Oka battalion after Dominic was injured?

19 A. [14:42:14] When Dominic sustained his injury the time we were moving forward,
20 there was Cele Akuri who then became commanding officer.

21 Q. [14:42:35] And for how long did Celestino Akuri lead Oka battalion?

22 A. [14:43:00] When we were going back, when people were leaving Teso, going
23 back to Acholi, Cele Akuri was deceased by then and then Kony took somebody from
24 Control Altar, a commander known as Acellam Ben and then he took, he took over
25 from Cele Akuri as CO of Oka battalion.

1 PRESIDING JUDGE SCHMITT: [14:43:31] Mr Obhof, you mentioned already the
2 injury of Mr Ongwen.

3 MR OBHOF: [14:43:35] I am moving to that right now.

4 PRESIDING JUDGE SCHMITT: [14:43:37] Yes, please.

5 MR OBHOF: [14:43:54]

6 Q. [14:43:54] Now, you mentioned that Mr Ongwen got injured after you guys
7 came back into Uganda. Do you know or can you remember about how long after
8 you re-entered Uganda was Mr Ongwen injured?

9 A. [14:44:21] I did not quite get the question. At the time we were already in
10 Uganda, all these things, all these events took place while we were in Uganda. I
11 would really appreciate it if you could ask the question in a way that I understand it.

12 Q. [14:44:40] That's no problem. When you were in Uganda, how long was it
13 from when you came back to Uganda to when Dominic sustained his injury?

14 A. [14:45:00] When we were in Uganda, we left Sudan in 2003, I believe, based on
15 my observation, we left around about February, March and I believe Dominic
16 sustained his injuries around about June, June/July, between June and July. I'm
17 guessing that was when he sustained his injury. It took place a while ago, so I'm just
18 guessing it was between June/July.

19 Q. [14:45:40] Were you present when Mr Ongwen was injured?

20 A. [14:45:50] When Dominic sustained his injury, we were together in Oka, but at
21 the time we had been split. We had been split up. I do not know where they were
22 going, but I believe that at the time Kony had summoned Dominic and asked him to
23 go to see him in Sudan.

24 When he summoned Dominic to Sudan, they attempted to go to Sudan, but it was not
25 possible. They were defeated because they were constantly being pursued and they

1 were constantly -- there were so many soldiers around, so he issued orders that

2 Dominic should go back.

3 At the time I was not there. I was not part of the group that was moving. I stayed
4 behind. But when they were coming back, when they were coming to cross the
5 Kalongo road, that's when those of Dominic entered into a UPDF ambush. There
6 was a lot of soldiers, there was a Mamba also included, and that was where Dominic
7 sustained his injury from.

8 Q. [14:47:11] On which part of Mr Ongwen's body did he sustain this injury?

9 A. [14:47:27] It was on his knee. He was shot approximately four times, four
10 times with four bullets on his knee.

11 Q. [14:47:50] Do you remember for how long Mr Ongwen had to heal from this
12 injury?

13 A. [14:48:12] I do recall that it took a while, because starting from the time that he
14 sustained the injury, until we split up from him, we left him in sickbay. People left
15 the area and went towards the Teso area. We came back from Teso and, when we
16 were coming back from Teso that was the time that we found out that Dominic had
17 healed. So it took a while.

18 But, you know, things that happened a long time ago, events that happened long time
19 ago, it's very difficult to guess the exact dates. But thankfully you're making
20 reference to periods and time, so that makes it a little bit easier for me to deal with.

21 MR OBHOF: [14:49:02] Your Honour, if I could just read the first sentence of
22 paragraph 26(Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [14:49:08] Of course, paragraph 26, yes.

24 MR OBHOF: [14:49:08] 0309.

25 Q. [14:49:10] And just to get a little bit of a better time frame, at paragraph 26 of

1 your statement you wrote:

2 "I am not certain how long Dominic was in sickbay, but I remember that it took
3 around one year for him to heal."

4 Now, owing that you said that he was hurt before Teso and that you found out he
5 was okay while you were returning, does that sound about right, Mr Witness?

6 A. [14:49:49] Yes, that's correct.

7 PRESIDING JUDGE SCHMITT: [14:49:53] Mr Obhof, shortly.

8 Mr Witness, during that time did you ever see Mr Ongwen? Visit him, for example,
9 in the sickbay?

10 THE WITNESS: [14:50:11](Interpretation) No, I did not actually visit him, but the
11 area where they were located was also an area where I frequented, but I did not see
12 him. We stayed behind. The group that went before us went ahead of us, but I did
13 not go back. I did not have authority or I did not have the right to go and visit him.

14 PRESIDING JUDGE SCHMITT: [14:50:36] Mr Obhof.

15 MR OBHOF: [14:50:48]

16 Q. [14:50:49] During this time in sickbay, what type of command would
17 Mr Ongwen have?

18 PRESIDING JUDGE SCHMITT: [14:50:58] If the witness has knowledge of that.
19 Because he just said he did not -- had not been in a contact. It is a more general
20 question, he might know generally what would happen to commanders who are in
21 sickbay, but perhaps you rephrase it a little bit.

22 MR OBHOF: [14:51:13] I will rephrase it a little bit, but he already somewhat gave
23 an answer earlier for the reason why he was replaced.

24 PRESIDING JUDGE SCHMITT: [14:51:20] Yes. Yes. But -- yes, but we have to be
25 careful --

1 MR OBHOF: [14:51:22] Yes.

2 PRESIDING JUDGE SCHMITT: [14:51:20] -- here that the witness is not guessing.

3 MR OBHOF: [14:51:23] Yes.

4 Q. [14:51:24] Mr Witness, which -- after Mr Ongwen's injury, in which battalion
5 were you?

6 A. [14:51:38] I was still under Oka battalion.

7 PRESIDING JUDGE SCHMITT: [14:51:43] From there, of course, then you can
8 continue. And this is not -- this is absolutely unobjectionable if you continue from
9 there.

10 MR OBHOF: [14:51:51]

11 Q. [14:51:53] During your time in Oka battalion after Mr Ongwen sustained his
12 injuries, did you receive orders from Mr Ongwen?

13 A. [14:52:12] At the time when we left, as I explained earlier, when
14 Dominic Ongwen stayed behind, they immediately made Cele Akuri the
15 commanding officer of Oka.

16 Q. [14:52:31] Now this is more of a general question, not necessarily just for
17 Mr Ongwen, but in sickbay in general, how does a sickbay get food?

18 A. [14:53:00] Based on my knowledge, I know that people who are in sickbay
19 usually obtain food two ways: One way is that they are taken to a place where they
20 are able to find things like cassava and they can forage for other things that people
21 left behind in their fields. And the second way is based on the, the rules that Kony
22 had given, was that people who are in sickbay, if, for example, there is somebody
23 who is able to get in contact with civilians and the civilian is able to assist the sickbay
24 in any way, then the person should contact the civilian and get assistance. But they
25 should do it according to Kony's ways and not according to that person's ways. So

1 he had a way that he had instructed them that they could ask for assistance from
2 civilians.

3 Q. [14:54:18] While Mr Ongwen was in sickbay did you hear anything about how
4 he got food when in sickbay?

5 A. [14:54:38] When I found Ongwen in sickbay, I tried to enquire and tried to ask,
6 first of all, Mr Ongwen had found cassava, cassava around Lalogi area, and they
7 would go, they would send people who were taking care of them to go and collect the
8 cassava, and that's what they would use to sustain themselves.

9 And secondly, there were other people that Dominic had contact with, especially with
10 the particular coordinator. So those people would buy them things, would buy them
11 food and things like medication that could help them and bring them, and that's what
12 I heard, that's what I heard was taking place in that bay.

13 Q. [14:55:38] Now, did you hear any other rumours about Mr Ongwen while he
14 was in sickbay?

15 A. [14:56:00] I did hear rumours relating to Dominic Ongwen and these rumours
16 actually resulted in him being arrested and it could have actually resulted into his
17 death as well.

18 Q. [14:56:17] Now, if you could, could you explain to the Court the rumours that
19 you heard, explaining it to the best of your ability. So if you would like, take a few
20 minutes, take, you know, 5, 10 minutes to explain to the Court what you heard about
21 these rumours.

22 A. [14:56:44] The rumours, the rumours that I heard, well, when we started earlier I
23 swore that I would speak the truth, so if I am unable to tell you something, I will not
24 tell you.

25 But, there were rumours at the time, the people who were taking care of Dominic

1 had -- were able to go and buy food, buy medication, and at some point the
2 coordinator that he was -- the coordinator that he was in touch with went and got in
3 touch with some white guy and the white guy that the coordinator went and got in
4 contact with said he wanted to come and find out where Dominic was and he said
5 that if that is really Dominic, Dominic should take one of his soldiers and go and meet
6 him so that he can ascertain that in fact that is Dominic. And that's the rumours that
7 I heard.

8 So indeed, these people left and went to that place. They told Dominic and Dominic
9 took somebody and they went. I do not know whether it was the people
10 who -- whether it was Dominic who went or whether it was the people who were
11 taking care of Dominic who went, but there was an escort of Dominic who went,
12 somebody known as Opio Akula. When they got there, this white person came and
13 took Opio Akula -- and took Opio Akula to this white person in Gulu. So when they
14 got there Opio Akula spent the night there. The next day, they were given things, so
15 many things, like batteries, they were given sugar, and they were given so many
16 other supplies that Akula was given to take back to Dominic Ongwen.

17 But, whatever it is that they discussed, I do not know. I don't know what they
18 discussed. But this white person took Dominic's escort, took the person, put them in
19 the car and then took the escort back in the area where Dominic was. And then
20 Opio Akula went back to Dominic. He went back with all the things, the supplies
21 that this white person had given him.

22 So, at the time, there were other people -- there were other sickbays that were also
23 within the area. For example, there was the Gilva sickbay was in the area. So they
24 came to understand that these things happened. Okwonga Alero became aware of
25 these things. When he realised that Dominic sent somebody to go and meet some

1 white person in Gulu and then the person came back, Lapaicho was also close by in
2 one of the other bays. They immediately called -- they set up communication and
3 spoke to Otti and Kony and told them that Dominic sent somebody to meet up with
4 some white guy and then the person came back.

5 And immediately, as soon as communication was sent, Kony issued orders,
6 instructions to Okwonga Alero and told Okwonga Alero to immediately arrest
7 Dominic and kill him if it's possible. And that was the time when Okwonga Alero
8 came. He arrested Dominic and started to take him to Vincent Otti, because
9 Vincent Otti was in an area known as Palaro.

10 And so Okwonga Alero took Dominic and Opio Akula, as well as Kidega Sunday, the
11 people who had been arrested, they were in prison, and all the things that the white
12 man had supplied them with, and they took all these things and they were supposed
13 to go and report to Otti. And based on the information that I got, they went to Otti
14 Vincent, they met Otti Vincent in an area, the Palaro area. When they met with him,
15 Kony had issued orders that Odomi should be killed. He issued orders while
16 Dominic was actually listening or Dominic could hear. He said, "Otti, if Dominic did
17 this thing for real, go ahead and kill him. Do not leave him. Go ahead and kill him
18 now."

19 But based on the information that I had, Otti refused. Otti said, "Let me first
20 investigate the matter and find out what really happened." Otti took Opio Akula,
21 who had gone to town to meet this person. He said they should go and convince
22 this white guy and the coordinator so that Opio Akula could come back with these
23 people. But if Opio Akula did not do this, then somebody would die, there would
24 be death and this matter would become more serious.

25 So Otti took his escort, he took Kony's escorts, some of Kony's escorts who were with

Trial Hearing
WITNESS: UGA-D26-P-0075

(Open Session)

ICC-02/04-01/15

1 Otti. They went to the coordinator's home, but unfortunately, when they got to the
2 coordinator's home I believe the coordinator was aware of all these things so he did
3 not show up. It became very difficult for them to find this white person. And
4 Dominic was left behind in the prison with Otti. They waited for this white man for
5 a long time and he didn't show up. They waited for the coordinator for a long time,
6 he didn't show up. So Otti sent a phone -- a message that they should back. Before
7 they came back to Otti, Opio Akula realised that this matter had become extremely
8 serious so he decided to escape. He went and reported to the government. The
9 person who remained behind in prison was Dominic and Kidega Sunday. And that
10 is based on the information that I heard.

11 And I think I will stop, I will stop there for a while, because I think I have spoken so
12 much.

13 PRESIDING JUDGE SCHMITT: [15:02:55] No, no, that's not a problem, Mr Witness.
14 You have been asked to speak.

15 What would be interesting is, could you perhaps make it clear where you got this
16 information from.

17 THE WITNESS: [15:03:18](Interpretation) Well, this was information that was in our
18 brigade in Sinia brigade, and even if I was in Sudan or wherever I could have been I
19 would have known of this.

20 PRESIDING JUDGE SCHMITT: [15:03:27] Thank you.

21 Mr Obhof.

22 MR OBHOF: I only have a few minor follow-up questions. He hit almost
23 everything perfectly.

24 Q. [15:03:37] Mr Witness, what was the purpose of -- or what was the rumoured
25 purpose of the contacts between the white man and Mr Ongwen?

1 A. [15:04:04] The rumour that I heard was that Dominic wanted to defect and join
2 the government forces. That was the rumour that Dominic wanted to abandon LRA
3 and come back to the government forces. That's why it was ordered that he should
4 be killed.

5 Q. [15:04:28] Why did Kony, why did he not merely make a radio call to
6 Mr Ongwen, Opio Akula and Kidega Sunday to join up with Otti Vincent in Palero?
7 Why would Kony have to have ordered somebody like Okwonga Alero to collect
8 him?

9 PRESIDING JUDGE SCHMITT: [15:04:51] If you know, Mr Witness.

10 THE WITNESS: [15:05:05] (Interpretation) Well, that was an indication of arrest.
11 That was an indication of arrest. And Kony normally uses people who are very close
12 to him. If he knows that something has gone wrong somewhere, then he uses
13 somebody who is nearby to arrest you and that close person is the one who will kill
14 you. That's what Kony does and he issues the instructions directly to the person he
15 wants to execute it.

16 MR OBHOF: [15:05:34] Maybe instead of reading one sentence I can ask him a rather
17 direct question.

18 Q. [15:05:44] To the best of your knowledge, Mr Witness, did Mr Ongwen have
19 a radio call in his sickbay?

20 A. [15:05:52] Yes, it was there, but that radio call was faulty. That's what I heard.
21 But it was there.

22 Q. [15:06:11] Now around the same time these rumours started coming about
23 about Mr Ongwen, were there any other persons withinside Sinia who escaped?

24 A. [15:06:34] Yes, at that time that person was there because -- the reason why the
25 rumour spread fast was because the officer who was left with Dominic, should take

1 care of Dominic, escaped and came home. Even the 2IC had escaped and gone home.

2 So these two people had already escaped prior to the contact with the white person.

3 So they thought if two people had already escaped and this information had also

4 come, then it's possible that Dominic also intends to defect.

5 Q. [15:07:16] And who were these two people?

6 A. [15:07:25] Odong Cowboy and Otto Sunday. Those were the two people I

7 knew had defected from Odomi's bay -- sickbay, rather.

8 Q. [15:07:54] Did Otto Sunday ever return to the LRA?

9 A. [15:08:09] Yes, during the peace talks when we were in Rikwangba, Otto Sunday
10 again returned to the LRA.

11 Q. [15:08:22] And the same question about Odong Cowboy, did he return to the
12 LRA?

13 A. [15:08:29] Yes, both of them returned to the LRA. Even Odong Cowboy did
14 return. Otto Sunday also returned to the LRA during the peace negotiations.

15 Q. [15:08:45] And just so we can be clear, Odong Cowboy, when did he return in
16 relationship to Otto Sunday?

17 A. [15:09:01] I think they went back at the same time. When we went to the
18 Congo and when the peace talks started, we were, we were all getting excited because
19 we thought eventually we would return home. And it was during that time that we
20 were able to see Otto Sunday and Odong, Odong Cowboy and one of Kony's wives.
21 Actually, two of Kony's wives returned at that time. But I don't know how exactly
22 they returned, which way they used to return there, I am not clear about that.

23 Q. [15:10:13] And sorry for a little bit of a repeat question, during this time while
24 Kidega Sunday, Dominic Ongwen and Opio Akula were arrested, what type of
25 command would Dominic Ongwen have during this time while he was arrested?

1 MR SACHITHANANDAN: [15:10:38] Your Honour, we have to focus on what
2 the witness perceived directly, I think, and not speculation.

3 PRESIDING JUDGE SCHMITT: [15:10:46] I think it's -- there is no problem to
4 rephrase it a little bit in a way that you might even be able to elicit the same
5 information that you wanted to get by a very direct question.

6 MR OBHOF: [15:10:58] Yes.

7 Q. [15:11:02] During this time while Mr Ongwen was arrested, what type of orders
8 would he send to Oka battalion?

9 A. [15:11:21] At that time he did not have any orders that he could send anywhere,
10 he was just a sick person and did not have authority in Oka brigade -- in Oka
11 battalion, rather. He was a sick person because Oka did not stay back. There were
12 some people who were selected who were sick to stay at the sickbay. Some people
13 from Terwanga stayed, others from the headquarters also stayed, but Oka battalion
14 went away.

15 PRESIDING JUDGE SCHMITT: [15:11:59] So I think, Mr Obhof, you wanted to go
16 beyond the question of sickbay, if I understood it correctly.

17 Mr Witness, you also told us that Mr Ongwen at some point in time was arrested.

18 During that time, during his arrest time, so to speak, what orders would come from
19 him?

20 THE WITNESS: [15:12:32](Interpretation) You know, when you are imprisoned you
21 have no authority. There was no orders he could send. He was only at the mercy
22 of whoever was keeping him in prison. He even heard with his own ears when
23 Akula was talking to Kony, Kony had ordered that Dominic should be killed and he
24 was not sure whether he was going to be spared or killed. Well, I was not there
25 physically, but I know he was only waiting for his fate to be decided later on.

1 PRESIDING JUDGE SCHMITT: [15:13:09] Mr Obhof, I think we can move on now.

2 MR OBHOF:

3 Q. [15:13:25] As we were talking about this earlier, Mr Witness, this radio call, how
4 often would people communicate on radio calls?

5 A. [15:13:51] You know, there was a problem with the radio call and they would
6 not talk quite often with the radio calls, because Dominic, who was injured, I think he
7 could not use the radio call much because whenever you set up the system, in the
8 next minute the soldiers will attack you there. So, when he was in the sickbay I am
9 not sure whether he was using the radio call and how he was using it, or not. They
10 had a radio call, but it was also a bit faulty, you could only be able to hear messages
11 from other people, but you could not relay back. Therefore, I am not sure whether
12 he was setting up the radio to use or not.

13 Q. [15:14:50] Now you mentioned this, you said, "whenever you set up the system,
14 in the next minute the soldiers will attack you there." And that's in reference to
15 using the radio call.

16 Could you explain this a little bit more, in general terms, not necessarily about
17 Mr Ongwen or about yourself, but in general terms.

18 A. [15:15:32] Well, your location will already be identified and, for that reason,
19 many times when they want to set up their radio call, they would go away from the
20 main group and then go and set up from far away and talk from there, because each
21 time you set up your radio call to begin talking, the soldiers will come to attack you,
22 so they would have to move and move away from the sickbay so they can talk. But I
23 think everyone was using that method at that time. I was not very close by Otti
24 then.

25 Q. [15:16:11] Now, you say they would have to go far away. Let's use -- since you

1 were with Celestino Akuri, how far away would he go to use his radio call when you
2 were, say, in Teso?

3 A. [15:16:36] Well, I did not go to Teso. I stayed midway between the places. I
4 moved with the people. We reached at some point and I stayed. But I did not go
5 there. But the way the message reached Kony was just like any other message
6 would have to go to Kony. Kony said whoever wants to set up the radio set should
7 move about 3 kilometres away from the group, then you can talk to, to your
8 colleagues. But that's how they used to operate at that time.

9 Q. [15:17:45] Now, we briefly mentioned this person Ocan Nono a little earlier.
10 What kind of person was Ocan Nono?

11 A. [15:18:04] Ocan Nono was part of the security details of Kony and Kony picked
12 him and took him to Sinia. That is how he came to become a member of Sinia
13 battalion.

14 Q. [15:18:39] Did you ever come to find out why Joseph Kony chose Ocan Nono to
15 move to Sinia brigade?

16 A. [15:18:57] In my own observation, I think when Ocan Nono came to Sinia
17 brigade, the, the issue about Odomi's imprisonment had already gotten over, and I
18 think he just decided to pick his -- member of his security details to bring to near
19 Dominic so that they could spy on him to see if Dominic intends to defect, that person
20 should be able to report. And also if he wanted anything to be done by Sinia brigade
21 he would be able to talk to somebody he trusted and somebody he knew very well.
22 Because he did not only bring Ocan Nono, he also brought Adjumani and Doctor
23 Acaye were all brought to Sinia. He even picked Acellam Ben who came as the CO
24 of Oka brigade. All of them came from Control Altar.

25 In my own observation he felt he needed those people to come and see in case

1 Dominic intends to defect, then he should be able to know. He would use his
2 soldiers any way he wants. He would do all that so that he knows how to manage
3 them well. That was my own observation, it was my own thinking, but I think it's
4 really right.

5 Q. [15:20:56] You stated earlier today that Dominic eventually became the brigade
6 commander of Sinia. What type of role did Ocan Nono have in Sinia after Dominic
7 became brigade commander?

8 A. [15:21:28] Just like I said earlier on, there must have been a reason why
9 Ocan Nono was brought there. And when the other issue was resolved, then Kony
10 said Odomi should now be let free. I don't know how exactly they resolved it, but
11 eventually they came and made Dominic the BC of Sinia brigade. At that time they
12 said Dominic should be together with him, two people as brigade commanders of the
13 same brigade. It was Dominic and then Ocan Nono who he had earlier on selected
14 to come to Sinia.

15 Q. [15:22:21] Now you have mentioned this name Ben Acellam again. Do you
16 remember where he was from, where was his hometown or village?

17 A. [15:22:43] According to what I heard, his village was called Atiak Palukere.
18 I am not very sure about the place, but that's what I heard. It's called Atiak Palukere.

19 Q. [15:23:03] Were there any other senior persons in the LRA that came from that
20 same area?

21 A. [15:23:18] Coming to Sinia brigade?

22 Q. [15:23:23] Sorry, I think I slurred my words there.

23 Were there any other senior persons in the LRA from that same Atiak area?

24 A. [15:23:42] Yes, there were some commanders as well, but one person I knew
25 very well was Otti Vincent who was coming from Atiak as well. I don't know which

1 part of Atiak, because there is Atiak Palukere and other places in Atiak. I don't
2 know whether they were coming from the same area with Ben Acellam or not, but he
3 was coming from Atiak as well.

4 Q. [15:24:11] You mentioned briefly about Ben Acellam's relationship to
5 Joseph Kony. What about Ben Acellam's relationship with Otti Vincent. What type
6 of relationship did Ben Acellam and Otti Vincent have?

7 A. [15:24:35] In my observation, Vincent and Ben Acellam had a very good
8 relationship, I think they knew each other as people coming from the same area.
9 They were really exuding that kind of relationship.

10 MR OBHOF: [15:25:07] Your Honour, I think I would like to ask the next two
11 questions, a total of two minutes at the most in private session, please.

12 PRESIDING JUDGE SCHMITT: [15:25:15] Yes, private session.

13 (Private session at 3.25 p.m.)

14 THE COURT OFFICER: [15:25:25] We are in private session, Mr President.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 3.26 p.m.)

7 THE COURT OFFICER: [15:26:44] We are back in open session, Mr President.

8 MR OBHOF: [15:26:55]

9 Q. [15:26:55] You mentioned earlier this person by the name of Adjumani and that
10 he was also part of the security of Kony.

11 I know this might seem obvious, but where was Adjumani from?

12 A. [15:27:21] Well, I am not aware of where exactly he was coming from. But I
13 think he was coming from Adjumani because Adjumani is one of the towns in Madi.
14 But he was referred to as Adjumani and that's why he was called so.

15 Q. [15:27:41] Similar question that we had about Ben Acellam: What type of
16 relationship did Adjumani have with Otti Vincent?

17 A. [15:27:58] Well, I didn't see any clear relationship between them, but I remember
18 when he was in Uganda, when Adjumani was in Uganda and Otti was also in
19 Uganda, he spent most of the time with Otti, because all the security details of Kony,
20 whenever they're deployed somewhere else, that's when they go. But if they are not
21 deployed somewhere else, then they would stay with Otti.

22 So most of the times he was staying with Otti there, but I don't know how else they
23 were relating other than the fact that they knew themselves as soldiers.

24 Q. [15:29:01] Now, as part of his personal guard, before they sent Adjumani to
25 watch after Mr Ongwen, from what you observed, did Joseph Kony trust Adjumani?

1 A. [15:29:28] Kony said all the members of his security team, starting from, from
2 his wives, all his -- the security details and the children, he trusted all the people.
3 Whoever he assigned to do anything would be able to do it the way he wanted.
4 Even if the instruction was given to a very junior commander, it would be followed to
5 the letter.

6 Q. [15:30:12] And the last person in this array that you mentioned earlier is
7 Acaye Doctor. Do you know where Acaye Doctor was from?

8 A. [15:30:37] Well, I am not very clear about where exactly he comes from, but
9 Acaye Doctor I think was somebody coming from Pabbo. He was coming from the
10 area of Pabbo, but I don't know which particular area within Pabbo. I think could be
11 a place called Dog Olinga, I'm not very clear about the place, and I don't want to tell
12 a lie because I have vowed not to tell a lie. I am not very clear about the particular
13 place in Pabbo.

14 Q. [15:31:27] When you left the bush, where was Acaye Doctor?

15 A. [15:31:38] When I left the bush, Acaye Doctor was with Kony, but I do not know
16 the exact area where they were located, but I know that he was with Kony.

17 Q. [15:31:59] And what type of relationship did Acaye Doctor have with
18 Joseph Kony?

19 A. [15:32:16] I -- I do not know whether they were actually related, as in relatives.
20 But, based on the fact that he was part of Kony's security detail and has been for -- he
21 was there for a long time and most of the times he was near Kony, then I do believe
22 that that was the type of relation they had. They had like close ties, but no, they
23 were not blood related.

24 Q. [15:32:54] And we're going to go a little further. Now, Mr Ongwen in the time
25 we're thinking is the brigade commander of Sinia. In which group of Sinia were

1 you?

2 We'll say within the first two or three months of Mr Ongwen being appointed brigade
3 commander.

4 A. [15:33:34] I stayed in Oka.

5 PRESIDING JUDGE SCHMITT: [15:33:44] For how long did you stay in Oka
6 battalion, if you recall it?

7 THE WITNESS: [15:33:58](Interpretation) I was in Oka battalion most of the time. I
8 stayed there for a very long time. But even the duration that I was there, that I was
9 in Oka battalion, there were times when I was away from Oka battalion, but I was
10 there for the longest duration.

11 PRESIDING JUDGE SCHMITT: [15:34:18] Did you ever leave Sinia and Oka
12 battalion during your time in the bush?

13 THE WITNESS: [15:34:35](Interpretation) I did not go to any battalion. But I do
14 recall that I left for brief stints when I separated from Oka for brief periods and came
15 back. So that I do recall happen, but not being moved to another battalion.

16 PRESIDING JUDGE SCHMITT: [15:34:58] Mr Obhof.

17 MR OBHOF: [15:35:05]

18 Q. [15:35:05] During those brief stints, did you ever spend time in the headquarters
19 of Sinia?

20 A. [15:35:27] At the time, yes, I did spend some time in the headquarters.

21 Q. [15:35:43] Now, Mr Witness, we are going to talk a little bit about Odek.

22 Do you recall hearing about an attack on Odek?

23 A. [15:36:04] I do recall when Odek was attacked, but I heard about it.

24 Q. [15:36:17] And how did you hear about the Odek attack?

25 A. [15:36:36] I heard about the Odek attack when I was at -- I was in the Pader area.

1 At the time, Dominic, Dominic was around the Loyo Ajonga area, so when there were
2 many soldiers, based on what I heard, they were constantly being pursued. He was
3 constantly being pursued. So he left some of the members of his headquarters and
4 he moved to another location, and that's why I said that there were times when I was
5 detached, I was away from them. He left his headquarters and they split his group.
6 I do recall that I saw one of the head -- one of the commanders, Adjumani, who was
7 with him. I saw him come with Adjumani and some of the escorts and a few other
8 people, they came and they met with us at Oka battalion.

9 When he came, when he came and met with us, he was complaining of chest pains
10 because he has a bullet that is lodged in his chest. He was shot in the chest. I do
11 not know whether, whether -- I know that Dominic has been with you for a long time
12 at the moment, so I do not know, I want to enquire: Has he complained about chest
13 problems? Because I do know that at the time he used to complain a lot about chest,
14 chest pains, because of the bullet that is lodged there.

15 Whenever he was being pursued by soldiers, he would have to run long distances
16 and because he had a bullet lodged in his chest, it was difficult for him to run. So
17 they actually made an effort to find a space for him to stay in that area, so that he
18 wasn't being constantly pursued. So I was actually taken and told to go and add on
19 to the people that he was with, because most of the members of his battalion had
20 already been scattered around. At the time he was also sick.

21 They did not know how we obtained food. They did not know where we would go
22 foraging for cassava and other things. So that's what we used to do, we would go
23 and forage for those things.

24 And that is how I started staying close to Dominic.

25 PRESIDING JUDGE SCHMITT: [15:39:17] Mr Witness, it might have escaped my

1 attention, but how did you come to know of the Odek attack?

2 THE WITNESS: [15:39:35](Interpretation) I heard about the Odek attack initially, the
3 first time I actually heard about it was on the radio. I heard about it at around 8, I
4 heard that LRA soldiers had attacked Odek. I heard this over the radio.

5 PRESIDING JUDGE SCHMITT: [15:39:57] And where have you been at the time
6 when you heard this?

7 THE WITNESS: [15:40:10](Interpretation) At the time I was in an, in an area known
8 as Lapak. If you are heading to -- northwards, you go to Lacoy, if you are coming
9 downwards you come to Lapak. If you go southwards you go to an area known as
10 Lapolo. And then if you go south, further south, you go to Agago. If you go north,
11 you go to an area known as Lapolo. But I was in an area known as Lapak, that is
12 where I was situated. That is where I heard that from.

13 PRESIDING JUDGE SCHMITT: [15:40:51] Mr Obhof, please move on.

14 MR OBHOF:

15 Q. [15:40:53] And you stated the radio. Now did you hear it on FM radio or on
16 the radio call?

17 A. [15:41:05] It was over the FM radio.

18 Q. [15:41:14] And you spoke a little bit about Mr Ongwen. Was Mr Ongwen there
19 when you heard this on the FM radio?

20 A. [15:41:30] Yes, at the time he was with us. He had people who had been -- he
21 had a number of people at the time. I believe at the time we were about 30, 30 of us,
22 including women. And that was the time when he did complain about chest pains,
23 he was complaining that he has chest pains.

24 MR OBHOF: [15:41:56] And, your Honour, for the record I'm going to reference
25 tab 18, this is UGA-OTP-0017-0130 at page 0130. This is from 27 April 2004 in the

1 directional finding material. The coordinates there that you see next to Dominic's
2 name place him between 19.9 and 20 kilometres north by north-west of Odek.

3 MR GUMPERT: [15:42:28] I object.

4 MR OBHOF: [15:42:29] Under Article 69(6) this is a fact, this is a common known
5 fact. I'm not talking about whether or not he personally was there, but this distance
6 from this location.

7 PRESIDING JUDGE SCHMITT: [15:42:39] Let us first listen to Mr Gumpert and then
8 we continue.

9 Mr Gumpert.

10 MR GUMPERT: [15:42:44] Your Honours, the objection is on this basis: It is not for
11 Mr Obhof to give evidence to the Court about Mr Ongwen's location or about the
12 accuracy or reliability of this document. It would be for him and the Defence to
13 present testimony or other information capable of being submitted on that matter.
14 He shouldn't be telling the Court from the bar.

15 PRESIDING JUDGE SCHMITT: [15:43:17] On the other hand, of course, we, we take
16 note of this. It's perfectly clear that we have this intelligence report on the table,
17 which might mean something, or not. Yes.

18 MR GUMPERT: [15:43:31] Indeed. And no doubt the Court will decide what it
19 means and how reliable, but Mr Obhof shouldn't be telling the Court *en passant* while
20 examining a witness.

21 PRESIDING JUDGE SCHMITT: [15:43:45] Okay. I think he has already done it.
22 Next time --

23 MR OBHOF: [15:43:48] I understand.

24 PRESIDING JUDGE SCHMITT: [15:43:49] -- perhaps you would refer to written
25 submission and you can tell us then. But it wouldn't -- it would not have escaped

1 our attention anyway, whatever this means, yes. We don't know yet. But we have
2 oftentimes had similar evidence also during the Prosecution case, and simply we take
3 note and have to put it into perspective and put it together with all the other evidence
4 we are presented with.

5 You can perhaps continue from there and draw information out of it and put it to
6 the witness, but Mr Witness has already quite specifically said where he thinks he has
7 been at the time.

8 MR OBHOF: [15:44:32] Mm-hmm.

9 Q. [15:44:33] Mr Witness, how far is Lapak from the Agago River?

10 A. [15:44:56] Approximately 5 miles. Maybe even less than 5 miles. It's not very
11 far. But most times we were in the area surrounding the area, going to Agago close
12 to the river, going back on the hilltop. We were there for a while.

13 PRESIDING JUDGE SCHMITT: [15:45:24] And for the parties, of course, you could
14 tell the Chamber in any further submissions what this exactly means where this
15 location, where we would have to put it, and how this might relate to other testimony.
16 This I meant when I describe that we have to holistically assess everything like we
17 always do in the end.

18 MR OBHOF: [15:45:50]

19 Q. [15:45:50] And, Mr Witness, just for the benefit of everyone, Lapak, is it east or
20 west of Agago River?

21 A. [15:46:06] Lapak, if you are at Agago, there are two rivers. There is the Achwa
22 river, if you are at the Achwa river, at the, the river that splits, divides Gulu and
23 Pader, then it's to the south. If you are, if you have at Agago, if you are in that area,
24 then Agago is directly in the south. If you stand in that area where we were, then
25 Agago is directly in the south.

1 Pajule is approximately 5 -- 8 to 9 miles from that place, based on my observation. If
2 you look eastwards before going to Pajule, the area of Koyo-Lalogi, Koyo-Lalogi is
3 also in that area, close to that area, so most of the times we were in that area. If you
4 move to the river, going towards Pader -- I mean going towards Gulu, or if you move
5 from there going towards Pajule, then Pajule is closer, the river is actually further.

6 Q. [15:47:41] Mr Witness, what type of water sources are around the Lapak area?

7 A. [15:47:56] The rivers, I say if you were coming from Gulu said, there is a river
8 that splits Gulu and Pader. If you come from Pader, as if you are heading towards
9 Gulu, you have to cross the Achwa River, and it's a big river, so you have to cross the
10 Achwa River. If you are coming from Lapak, going southwards, you have to cross
11 the Agago River. That is when you are heading southwards. If you're heading
12 northwards then there are a number of other smaller water bodies, I cannot describe
13 the names or I do not know the names of all those small water bodies, but I do know
14 the names of the two rivers, the two big rivers, because if you actually look on the
15 map, you will find the names of those two big rivers that I mentioned.

16 MR OBHOF: [15:49:03] Your Honour, right now is a logical time for me to stop. I
17 will be finished easily in the first session tomorrow.

18 PRESIDING JUDGE SCHMITT: [15:49:10] Okay. And I think it stands -- but you
19 have done at least, you have two sessions left.

20 So then this concludes the hearing for today, Mr Witness. We will see you tomorrow.

21 I think this is 10.30 at your time. Yes.

22 And for the rest of us, tomorrow, 9.30 we resume the hearing.

23 THE COURT USHER: [15:49:32] All rise.

24 (The hearing ends in open session at 3.49 p.m.)