

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 Judge Raul Pangalangan  
6 Trial Hearing - Courtroom 3  
7 Thursday, 2 November 2017  
8 (The hearing starts in open session at 9.34 a.m.)  
9 THE COURT USHER: [9:34:34] All rise.  
10 The International Criminal Court is now in session.  
11 PRESIDING JUDGE SCHMITT: [9:34:51] Good morning, everyone.  
12 Could the court officer please call the case.  
13 THE COURT OFFICER: [9:35:05] Good morning, Mr President, your Honours.  
14 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic  
15 Ongwen, case reference ICC-02/04-01/15.  
16 And for the record, we're in open session.  
17 PRESIDING JUDGE SCHMITT: [9:35:19] And for the appearances for the  
18 Prosecution Mr Black first, please.  
19 MR BLACK: [9:35:22] Good morning, your Honour. Colin Black for the  
20 Prosecution, together with Beti Hohler, Benjamin Gumpert, Julian Elderfield, Yulia  
21 Nuzban, Pubudu Sachithanandan, Paul Bradfield, Milena Bruns, Agnese Valenti,  
22 Ramu Bittaye and Ayodele Akenroye.  
23 PRESIDING JUDGE SCHMITT: [9:35:45] Thank you very much.  
24 And Mr Cox for the first team of the Legal Representatives of the Victims.  
25 MR COX: [9:35:51] Good morning, your Honour. I'm accompanied by

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1 James Mawira, and myself, Francisco Cox.

2 PRESIDING JUDGE SCHMITT: [9:36:01] And Mr Narantsetseg.

3 MR NARANTSETSEG: [9:36:03] Good morning, Mr President, your Honours.

4 Today I'm alone, Orchlon Narantsetseg for the Common Legal Representative.

5 PRESIDING JUDGE SCHMITT: [9:36:06] Alone, but still Orchlon Narantsetseg.

6 For the Defence, please.

7 MR OBHOF: [9:36:11] Thank you, your Honour. Today we have counsel Krispus

8 Ayena Odongo, our co-counsel Chief Charles Achaleke Taku, our assistant counsel

9 Abigail Bridgman, our client Mr Dominic Ongwen, and myself Thomas Obhof.

10 PRESIDING JUDGE SCHMITT: [9:36:26] Thank you.

11 And Rule 74 counsel.

12 MS PUES: [9:36:29] Good morning, your Honour. Good morning everyone. Anni

13 Pues, legal adviser to the witness. Thank you.

14 PRESIDING JUDGE SCHMITT: [9:36:36] Thank you.

15 And we also welcome Mr Witness again in the courtroom. Good morning.

16 And I give now the floor to the Defence and I assume that it will be Mr Obhof.

17 No, I don't give, I don't give you the floor. Later. Later, because Mr Narantsetseg

18 wants to question.

19 You know, you can say, Mr Narantsetseg, I tried at least.

20 MR NARANTSETSEG: [9:36:58] All is forgiven, your Honour.

21 PRESIDING JUDGE SCHMITT: [9:37:02] But you have the floor, Mr Narantsetseg.

22 MR NARANTSETSEG: [9:37:04] Thank you very much.

23 WITNESS: UGA-OTP-P-0231 (On former oath)

24 (The witness speaks Acholi)

25 QUESTIONED BY MR NARANTSETSEG:

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1 Q. [9:37:09] Good morning, Mr Witness. We have met before, and with  
2 Chamber's leave today I'm going to put some questions to you on behalf of the  
3 victims that we represent in this case.

4 Sir, today my questions will relate to your personal experience in the bush, in  
5 particular the enormous hardship that you have gone through, just as many of the  
6 victims that we represented in the past.

7 Mr Witness, let me ask you with this question: First, could you please tell us briefly  
8 your life before your abduction. How was your childhood like?

9 A. [9:38:04] I would like to thank everyone in this house and also to thank the  
10 examiner. My life before abduction was good. There was no problem. Right from  
11 my birth, I remember I talked about my birth, (Redacted)

12 (Redacted)

13 (Redacted) that is when he died. And upon his death we left Kitgum town and  
14 returned to our original place where you were staying in Gulu, that was before the  
15 creation of the current new district.

16 So most of my stay in my life was in Gulu. I grew up in Gulu until the time when  
17 I was abducted. There was no problem that affected my life.

18 I was going on normally with my education.

19 But after -- that is what happened before my abduction.

20 Q. [9:39:34] Sir, I'm sorry for your loss. Sir, could you please tell us as a child  
21 what were your dreams and ambitions?

22 A. [9:40:01] In my own life what I wanted to become was to become a doctor.

23 When I was still in school, that is what I wanted to become. I wanted to become a  
24 doctor.

25 Q. [9:40:21] Thank you, sir. Now, let's talk about your abduction. What did you

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1 feel at the moment you got abducted? Could you please describe the experience at  
2 exactly that moment?

3 A. [9:40:49] I had heard about LRA, that they abduct children, so the day that they  
4 came I was in the house with my grandfather, so someone knocked at the door. My  
5 father thought it was somebody that we knew and he went and opened. So when he  
6 went and opened, these people entered the house. I had slept, I was sleeping, and  
7 when they came they pulled the bed sheet from me and they asked me to come -- to  
8 wake up. I stood up and they took me out. And indeed I felt bad at that time  
9 because that was exactly the age and the size that the LRA used to abduct.

10 Q. [9:41:38] Thank you, sir. You said you were with your grandfather. Did  
11 anything happen to him or any members of your family on that day?

12 A. [9:41:58] At that time nothing bad happened apart from taking the foodstuff  
13 which they took along with me. But nothing else happened. They did not beat  
14 anyone.

15 Q. [9:42:19] Thank you, sir. So you were abducted. Could you please tell us  
16 also briefly how did this abduction change your life?

17 A. [9:42:30] When I was abducted and taken to the bush many things changed in  
18 my life. Because now that I have returned, I am home, I see people with whom I  
19 grew up and how they are living now, and if I compare with myself many things has  
20 changed in my life which is really not good in my own life.

21 Q. [9:43:16] Thank you, sir. Now I'm going to move on, a slightly different topic.  
22 Could you please tell us your daily life in the bush. Did you go hungry and thirsty?  
23 In particular, was malnutrition a big problem in the bush?

24 A. [9:43:36] Thank you for that question. The life in the bush, I do recall in the  
25 year 1994 to 1995, probably between January and February, when we left Uganda to

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1 go to Sudan we met several groups and we actually had moved along with many  
2 people. There was problem of movement, travel from Uganda into Sudan, because  
3 of the long distance. You would walk barefooted, without shoes. We walked until  
4 we managed to reach the Sudan, but along the way people who would fail to cope up,  
5 to walk lost their life. That's what I saw. When we reached Sudan we stayed at a  
6 place called Luudu. Some of us were new people, new recruits. We were taken to  
7 the training school. In the training we were quite many, both the young people and  
8 those -- the older ones.

9 During the training there was no food and there was problem of cholera that struck  
10 that camp, and many people lost their life due to cholera, in addition to the hunger.

11 The training took nine months, but because of the little food and the problem of  
12 cholera one of the commanders came to the camp, he was called Buk. When he  
13 arrived he witnessed the kind of life that people were going through, people were  
14 dying, there was no food, it was also very cold, there was a heavy rain most of the  
15 time in that area.

16 When he returned to Kony, he reported to him that this training should be stopped,  
17 because if it continues many children will die. There immediately Kony ordered that  
18 the training should be stopped, and when the training was stopped we returned to  
19 the bigger group. When we returned to the bigger group the problem of lack of food  
20 continued, although the cholera incidents was reducing, but food was still a problem.  
21 These are some of the things that I experienced that I do recall.

22 Q. [9:46:48] Sir, did you yourself fall ill during that time? Also, did you also fall  
23 ill often in the bush?

24 A. [9:47:14] During the training that I have just talked about I also -- I also  
25 suffered from the disease that I talked about, but due to God's will we -- I managed to

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1 go through. We were using local herbs and I also used it and luckily I managed to  
2 survive through the disease.

3 Q. [9:47:42] Sir, thank you, sir. Sir, you said yesterday that you were also shot  
4 and injured. Could you please elaborate a little bit more.

5 MR OBHOF: [9:47:54] Objection, your Honour. That's merely a testimony  
6 concerning the victims, it's outside the purview of the questioning for the victims.

7 PRESIDING JUDGE SCHMITT: [9:48:03] Mr Narantsetseg.

8 MR NARANTSETSEG: [9:48:04] Your Honour, I simply fail to see the basis of the  
9 objection, your Honour.

10 PRESIDING JUDGE SCHMITT: [9:48:11] Why not, Mr Obhof, can he tell us  
11 something about how severe the injury was? Why not? And perhaps not too many  
12 details when this happened and in what circumstances, because that could again  
13 make necessary redactions later on, and so on. But why not let -- this witness is here  
14 and tells -- helps us establish the truth and he tells also his story, as we I think now  
15 experience in the past 10/15 minutes, and I think we should let that go. But  
16 not -- Mr Witness, perhaps not explain it too much in detail under what circumstances  
17 and where this happened, but simply what kind of injuries you sustained.  
18 So please answer the question, Mr Witness.

19 THE WITNESS: [9:49:03] (Interpretation) Yes. Thank you again for that question.  
20 I got injuries while still in the bush. I was injured in the leg. That's the first injury.  
21 Later on I got injury in my stomach. That was the second injury. After that - those  
22 were actually minor injuries - I was hit by bomb fragments, which many of them  
23 entered into my body.

24 After that I got injury in my chest. These were the injuries that I went through.

25 MR NARANTSETSEG: [9:50:04]

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1 Q. [9:50:05] Thank you. Sir, do these injuries still affect your life today?

2 A. [9:50:24] The injuries that I sustained, at least the two injuries, I still feel the  
3 effect up to now. The one in my stomach, I am told the splinters haven't come out,  
4 are still inside me. And also in the chest, the splinter went through and I still feel the  
5 effect. When I do heavy duties, I still feel the pain.

6 Q. [9:50:54] I'm sorry to hear that, sir. So my next question is this: You  
7 participated in various battles and fights and you witnessed many forms of violence  
8 while you were in the bush. How do these experiences affect you? Do they still  
9 affect you today emotionally and mentally?

10 A. [9:51:33] All these, all these things, there is nothing that I am experiencing now.  
11 After my return, I do not experience any of such.

12 Q. [9:51:46] Thank you. Sir, now let's talk about your life after your escape. Let  
13 me go back a little bit. Sir, you escaped, but could you tell us why you escaped and  
14 what were the reasons that led you to escape?

15 MR OBHOF: [9:52:07] Your Honour, I'm requesting we go into private session  
16 for this.

17 PRESIDING JUDGE SCHMITT: [9:52:11] Yes, we can go into private session for the  
18 answer.

19 MR NARANTSETSEG: [9:52:15] Thank you, sir.

20 (Private session at 9.52 a.m.) \*(Reclassified partially in public)

21 THE COURT OFFICER: [9:52:26] We are in private session, Mr President.

22 PRESIDING JUDGE SCHMITT: [9:52:30] So you can answer now, Mr Witness.

23 THE WITNESS: [9:52:35] (Interpretation) I want to thank you for this question  
24 again. My escape from the bush, well, there were several things, so many things  
25 surrounding it. When we were still in the Congo, when there was peace talk in the

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1 Congo the first time, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) At that time there was nothing wrong that happened, until a time  
17 when there was rift between the high-ranking commanders in the bush, Vincent  
18 and Kony.

19 Kony wanted that the peace talk should be stopped and that we should move away  
20 from where we were to go to Central Africa. At that time we were in Garamba Park.  
21 But Vincent did not agree to that. He said those -- we came here not to go to Central  
22 Africa, we came here to prepare to go back and fight the government of Uganda. So  
23 we cannot leave this place.

24 So the conflict between the two started and heightened. Kony did not object to it.

25 (Redacted)



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1 (Redacted)  
2 (Redacted)  
3 (Redacted)  
4 (Redacted) Kony used to stay, like, at a certain -- the foot of a  
5 certain mountain about 4 kilometres away from our base. The meeting point with  
6 the delegation from Juba was a distance in Garamba and Kony left to go back to  
7 Garamba. Later on he sent message that he would want everybody to return to  
8 Garamba.  
9 (Redacted)  
10 (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)  
22 (Redacted)  
23 (Redacted) Thank you very much. I think that  
24 helps understanding the event. And perhaps you can now tell us what were the  
25 reasons why you ended up with the decision to go out of the bush. Thank you.

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1 (Redacted)  
2 (Redacted)  
3 (Redacted) The  
4 headquarters of the Control Altar which had Kony's security was a bit far. It was  
5 called Eskimo.  
6 One day Kony sent a message that he wanted all the officers to meet him. Then I  
7 decided that -- I told someone that I'm not feeling fine, I don't want to go. But he  
8 told me that we should go because at that time (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
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10 (Redacted)

11 (Redacted)

12 That kind of killing was not the first time that I had seen in the bush. I remember

13 when Otti Lagony was killed. He was indeed killed. And those who had been

14 arrested together with them were released earlier, but later on they were killed.

15 There were some people who were among the Juba delegation and Kony told them

16 not to go back to Juba. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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25 (Redacted)

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16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted) Thank you, Mr Witness, I think this was  
22 very, very informative, and also about the events around the killing of, obviously, as I  
23 have understood it, of Vincent Otti. We had, we had other accounts, but this was a  
24 very, account by nearly an eyewitness, or earwitness, at least you could say.  
25 Thank you very much.

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1 I think, Mr Narantsetseg, that that would have answered your question.

2 MR NARANTSETSEG: [10:14:24] Yes, your Honour.

3 PRESIDING JUDGE SCHMITT: [10:14:24] And I would also assume you don't have  
4 so many more questions.

5 MR NARANTSETSEG: [10:14:27] You are right. Yes. We can --

6 PRESIDING JUDGE SCHMITT: [10:14:30] Go back to open session, yes.

7 (Open session at 10.14 a.m.)

8 THE COURT OFFICER: [10:14:46] We're back in open session, Mr President.

9 MR NARANTSETSEG: [10:14:50]

10 Q. [10:14:50] Sir, thank you very much for answering my questions. I have a few  
11 questions left.

12 Sir, after you have returned to civilian life, were you able to reunite with your family?

13 A. [10:15:07] When I returned home I met those who had remained at home and  
14 we reunited. Up to now we are together.

15 Q. [10:15:19] Sir, were you also able to reintegrate into -- back into your  
16 community?

17 A. [10:15:28] When I reached the community, I integrated with them. Up to now  
18 I do not have problems, although once in a while, you know, people are not the same  
19 and sometimes they talk behind your back, a few things are said, but that is human  
20 nature.

21 Q. [10:16:01] So were you able to continue your education?

22 A. [10:16:13] When I came back home I did not find any opportunity to go back to  
23 school. (Redacted) I applied to go back to school and continue my studies, but up to  
24 now I have not received any response.

25 Q. [10:16:31] Right. So my last few questions. You said you want to become a

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1 doctor. Now, given the situation, are you able to fulfil your dreams?

2 A. [10:17:00] Up to now my desire is that I can still be a doctor.

3 Q. [10:17:09] Thank you very much, sir, for answering my questions. I wish you  
4 all the best.

5 Your Honour, this concludes my questioning. Thank you.

6 PRESIDING JUDGE SCHMITT: [10:17:16] Thank you, Mr Narantsetseg.

7 And now with a little bit of a delay, but Mr Obhof has the floor.

8 No, I don't assume that Mr Cox would -- no, no. Otherwise he would have -- give  
9 any signals to me, waved his hand, stood up or whatever.

10 So Mr Obhof, please.

11 MR OBHOF: [10:17:48] Thank you, your Honour.

12 QUESTIONED BY MR OBHOF:

13 Q. [10:17:57] Good morning, Mr Witness.

14 A. [10:17:58] Good morning.

15 Q. [10:18:01] First let me apologise that I didn't meet you during the  
16 familiarisation session. I was stuck in Amsterdam that day and I do apologise.

17 Mr Witness, over the next few sessions I'll discuss with you some specific issues that  
18 happened during your time in the LRA. I will try to phrase it in terms of instances of  
19 time and not necessarily based upon dates and years. So for the Court record of our  
20 discussion today I'd like you to help guide Court with some following time frames.

21 Mr Witness, when is the dry season in northern Uganda?

22 A. [10:19:06] In northern Uganda the dry season sets in from January to March.

23 Q. [10:19:17] And people usually burn the grass at the beginning of the dry  
24 season; is that correct?

25 A. [10:19:31] Yes.



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1 Q. [10:19:36] And the rainy season comes after the dry season, right, Mr Witness?

2 A. [10:19:47] Yes, that is correct.

3 Q. [10:19:50] And for about how many months does the heavy rainy season last?

4 A. [10:20:04] The rainy season, as heavy rain falls at the start of April to the start  
5 of May and then the rainfall reduces again, and then in August there is heavy rainfall  
6 for a month, and then from October till mid-November there will be heavy rainfall  
7 again.

8 Q. [10:20:41] I know, I was just down there and I saw some of the heavier rainfall.

9 Thank you, Mr Witness.

10 So is it correct to say that mango season generally starts in late April and runs  
11 through towards the end of June?

12 A. [10:21:11] Yes, that is true.

13 Q. [10:21:16] Thank you, Mr Witness.

14 MR OBHOF: [10:21:17] Your Honour, I will need to go into a short two-question  
15 private session, please.

16 PRESIDING JUDGE SCHMITT: [10:21:23] Private session.

17 (Private session at 10.21 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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13 (Redacted)

14 (Open session at 10.24 a.m.)

15 THE COURT OFFICER: [10:24:15] We're back in open session, Mr President.

16 MR OBHOF: [10:24:19]

17 Q. [10:24:22] Mr Witness, when you were abducted did somebody make a written  
18 record of where you were abducted from?

19 A. [10:24:43] When I was abducted I -- there was no one who took a statement or  
20 took records.

21 Q. [10:24:55] When you were in the LRA did people know where your home was?

22 A. [10:25:13] Yes, people knew where our home was.

23 Q. [10:25:21] After your abduction were there any type of rituals performed  
24 on you?

25 A. [10:25:36] Is it when I returned home or when I was not at home?

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1 Q. [10:25:45] Thank you, Mr Witness. I'll be more clear. Right after you were  
2 abducted when you were young, did anybody within the LRA perform any rituals on  
3 you, any blessings?

4 A. [10:26:09] When I was in the bush some rituals were performed.

5 Q. [10:26:19] What type of rituals were these?

6 A. [10:26:27] When I had just arrived I was anointed using shea butter oil, and  
7 then they got some camouflage soil and then they smeared it on me. They mixed  
8 some soil with shea butter and then made me drink it.

9 Q. [10:27:03] Now, whilst they were performing these rituals, did anyone tell you  
10 the reason for the rituals?

11 A. [10:27:28] The rituals, I was told that the rituals was to cleanse me, to remove  
12 all the bad things that probably I had, including some medicine so that I can join the  
13 LRA.

14 Q. [10:27:45] Mr Witness, what is your opinion on these rituals or what was your  
15 opinion on these rituals when you were abducted at a young age? Better put, did  
16 you believe that it was cleansing you?

17 A. [10:28:27] I was still young at that time. I saw as if it was something which  
18 was good.

19 Q. [10:28:33] Now, from what you noticed during your time in the LRA, did these  
20 type of rituals continue to happen to people who were newly abducted?

21 A. [10:28:49] Most newly abducted people are initiated and that ritual is  
22 performed.

23 Q. [10:29:03] Now, also around the time of your abduction, after you were  
24 abducted by the LRA, did someone explain to you the rules of the LRA?

25 A. [10:29:26] Yes, it is there.

1 Q. [10:29:31] Could you explain some of these rules, Mr Witness?

2 A. [10:29:45] Yes, I can explain. When we reached the bush the initiation was  
3 done. And when I became a soldier with a weapon, I was told a few things. That  
4 for us, we were armed and there are rules regarding carrying a weapon. First of all,  
5 when you are armed you should not point a gun towards your colleague. Do not  
6 open the safe when you are actually with your colleague, especially when you are  
7 pointing the gun towards your colleagues. That was the first rule that I was given.  
8 Secondly, for us who were in the bush at that time, we were fighting to overthrow the  
9 government of Uganda. The government of Uganda has many people. There are  
10 civilians among those people and the gun that you have is supposed to be used for  
11 killing people, including civilians. The gun that you have, you should use it, unless  
12 another rule comes, you should use it as is described.

13 The rule says that your weapon is not to be pointed towards your colleague and also  
14 not towards civilians.

15 Q. [10:31:43] Thank you, Mr Witness. Were you told what would happen if you  
16 tried to escape?

17 A. [10:32:00] Yes, I was told.

18 Q. [10:32:04] And what were you told would happen if you tried to escape?

19 A. [10:32:19] When you escape, when you try to escape and you are caught, and  
20 they would tell us that when you were caught you would be killed.

21 Q. [10:32:34] Now, what would you -- what were you told would happen if  
22 someone escaped and did not get caught?

23 A. [10:32:54] If someone escapes and survives they would go to their home area  
24 and they would kill people in their home area, and they would leave a message in  
25 form of a letter there that we kill people here because of so-and-so who escaped.

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1 Q. [10:33:18] Now, can you name a place or a village or a town where this type of  
2 collective punishment happened?

3 Your Honour, I'd like to go into a private session for about three questions, maybe a  
4 total of two or three minutes.

5 PRESIDING JUDGE SCHMITT: [10:33:53] But he has not answered.

6 MR OBHOF: [10:33:56] He said he knows, but there is a question --

7 PRESIDING JUDGE SCHMITT: That might be related --

8 MR OBHOF: [10:34:01] -- might be a Rule 74 issue.

9 PRESIDING JUDGE SCHMITT: [10:34:04] Okay. Then I trust you in your  
10 assessment, so we go to private session.

11 (Private session at 10.34 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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1 (Redacted)

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10 (Redacted)

11 (Redacted)

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15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Open session at 10.37 a.m.)

19 THE COURT OFFICER: [10:37:14] We're back in open session, Mr President.

20 MR OBHOF: [10:37:30]

21 Q. [10:37:31] Mr Witness, do you remember when you first met our client,

22 Mr Ongwen?

23 A. [10:37:55] The first time I met him I do recall.

24 Q. [10:38:03] Could you please explain it to the Court, Mr Witness?

25 A. [10:38:11] The first meeting with Dominic Ongwen was in 1996, I think around

1 that time, towards 1996, towards 1997 when we were in Jebelen, as I had left Control  
2 Altar to go to the brigade where he was in the Sinia brigade. So that was my first  
3 time of meeting and, like, staying with him. That was around the time.

4 Q. [10:39:03] Now, Mr Witness, the Victims' lawyer recently discussed the issue  
5 about you returning home and how they treated you fairly and they did not -- with  
6 the except of normal certain things of people talking behind your back, everything  
7 seemed to be okay. Now, was this -- from you being a person from Acholi, from the  
8 north, does everybody get treated the same way you got treated when you  
9 came home?

10 A. [10:39:56] No. Not everybody is treated the same way.

11 Q. [10:40:15] And you also yesterday talked about an attack performed by  
12 Otti Vincent in Alero, which is close to Mr Ongwen's home. Now, Mr Witness,  
13 would that attack, which might have had some of Mr Ongwen's fellow villagers there,  
14 would that make it easier or harder for him to return back home?

15 A. [10:40:55] Thank you for that question. In relation to that incident, to tell the  
16 truth, it is really difficult because when something -- when an operation is done in an  
17 area or in your area, whether you were present or not at the time of the attack, even  
18 when you return home, people will not regard you in a good mood. It also makes it  
19 difficult for you to return home because you will be haunted by that and the family  
20 people will tell you that you were present in that attack and, yes, you will feel scared  
21 to return home.

22 Q. [10:41:57] Would the people from your home area be worried that by allowing  
23 somebody to come home, even if they did not attack the area, would they be worried  
24 about that person bringing back cen?

25 A. [10:42:35] Yes, people in the family, yes, talk about it. For instance, when I

1 returned, you know, when you pick a quarrel with someone, people will always give  
2 an example on you. It actually happened on me when I also returned home. But  
3 like I said, that depends on an individual because people are different. So when  
4 someone mention a thing like that to you, you need to know how to take it because if  
5 you respond in a bad way, then they will actually confirm that, yes, indeed you  
6 probably have the cen in you.

7 Q. [10:43:22] Thank you, Mr Witness. Now, while you were in the bush, were  
8 you ever told what the UPDF would allegedly do to you if you escaped and turned  
9 yourself over?

10 A. [10:44:00] That is actually explained frequently to people and once you become  
11 a soldier, you are actually told that when you escape and return home, the  
12 government soldiers will capture you and they will go and imprison you and they  
13 will not allow your family members to come and visit you.

14 Q. [10:44:28] Now, Mr Witness, without discussing the personal circumstances in  
15 which you escaped, did this -- did you think about this? Did this go through your  
16 mind while you were escaping?

17 A. [10:44:46] Yeah. At the time I was escaping, yes, that came to my mind. But  
18 to me, I had already seen that there is no any other place I can go to. If government  
19 is going to kill me, let them kill me, but I have to return home. Because where us in  
20 the LRA were heading to was not in the right direction. So I decided that I should  
21 return home. So if government wants to kill me, then they should kill me.

22 Q. [10:45:37] Whilst you were in the LRA, were you aware of a radio programme  
23 on Mega FM called Dwog Paco?

24 A. [10:46:08] Yeah, I heard but at the time when we were in the bush, you know,  
25 politics is not just in government, but also in the bush, there is politics. They would



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1 say that whatever is said on radio is somebody who has already been killed, but they  
2 are only playing the recorded voice of that person so that you would listen to it and  
3 believe that the person is still alive, and yet indeed the person has already been killed,  
4 but they are only playing his recorded voice.

5 Q. [10:46:51] And from what you experienced and from what others told you  
6 while you were in the bush, did a large amount of the LRA believe this lie?

7 A. [10:47:22] While still in the bush, I had belief that it was true.

8 Q. [10:47:31] Did others within the LRA ever tell you they believed it was  
9 true also?

10 A. [10:47:44] You know, most times when such information come, even while in  
11 the bush and when we were seated, we would chat amongst us and you would hear  
12 what your colleague would respond. And many of the -- many of us who were in  
13 the bush believed that that was true.

14 Q. [10:48:21] Now, Mr Witness, there's a small, small file folder on your desk. It  
15 has a few orange tabs on it and I would like you to turn to tab 14, please. It looks  
16 similar to the one --

17 PRESIDING JUDGE SCHMITT: [10:48:45] I think Mr Witness would need help by  
18 the court usher. I sense it. Perhaps you can help him. I think you would only  
19 need to show him the folder and then he will manage alone by himself and you won't  
20 have to stay there.

21 MR OBHOF: [10:49:36] Maybe Shipra might be able to stay there just for this first  
22 question.

23 PRESIDING JUDGE SCHMITT: [10:49:41] Exactly that -- exactly what I wanted to  
24 suggest, just for the first question, and I think then we could get along without the  
25 help of Madam Court Usher.

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1 MR OBHOF: [10:49:51] Tab 14 is, for the record, UGA-OTP-0270-0156. And I'm  
2 going to ask Shipra if she could help him turn to, flip through it very quickly and then  
3 turn to the very last page. Sorry, my mistake, second to last page, page 0162.

4 PRESIDING JUDGE SCHMITT: [10:50:27] If you're not used to that exercise, it's not  
5 so easy for a witness (Overlapping speakers)

6 MR OBHOF: [10:50:32] It's hard for counsels, and we do it every day.

7 PRESIDING JUDGE SCHMITT: [10:50:34] So if perhaps I can make a suggestion,  
8 we do it now with this question and with this document. If you want to have the  
9 witness look into other documents, I would suggest that after the break we have a  
10 page turner to assist him. That might be an idea.

11 MR OBHOF: [10:50:52] If I remember --

12 PRESIDING JUDGE SCHMITT: [10:50:53] But it might also be that you do not  
13 want to show him other documents and only draw questions out of it. I don't know.

14 MR OBHOF: [10:51:00] Well, your Honour, there will be tab 20, but that's a  
15 photograph which can be shown on the screen.

16 PRESIDING JUDGE SCHMITT: [10:51:08] No, that's not a problem.

17 MR OBHOF: [10:51:09] And, yeah, we will -- there might be one or two maybe total  
18 where he goes back to that, so a page turner might not be necessary.

19 PRESIDING JUDGE SCHMITT: [10:51:14] Okay, thank you very much. So then  
20 we continue.

21 Thank you Madam Court Usher, that was very kind.

22 MR OBHOF: [10:51:20]

23 Q. [10:51:21] Now, Mr Witness, is that your thumbprint and signature down at the  
24 bottom of this amnesty application?

25 A. [10:51:44] Yes, that's my signature.

1 Q. [10:51:49] Now, Mr Witness, you'll see on the previous page, on page 0162, but  
2 it's immediately to your left, question number 50, when it asks you when you first  
3 heard about the Amnesty Act. Now, in your answer there you stated the year 2007.  
4 Now, is that the first year you heard about the Amnesty Act or is that when you  
5 actually thought that the Amnesty Act was real?

6 A. [10:52:42] It was in this year that I began to hear about it.

7 Q. [10:52:51] Okay. And then on the next page, with questions 54 and 55, when  
8 was asked what could the government do to help accelerate the act and what the  
9 government could do to help the LRA lay down their arms, in both ones you stated  
10 that the government could indulge in talks -- or, 54 is talks and 55 is peace talks.  
11 Now, Mr Witness, why didn't you say that people should be arrested?

12 A. [10:54:00] I have understood your question, but maybe you could explain it a  
13 little more so that I can understand.

14 PRESIDING JUDGE SCHMITT: [10:54:07] It was a little bit --

15 MR OBHOF: [10:54:09] A little bit long and --

16 PRESIDING JUDGE SCHMITT: [10:54:11] No, it was a little bit a rhetoric  
17 question --

18 MR OBHOF: [10:54:14] Okay.

19 PRESIDING JUDGE SCHMITT: [10:54:15] -- I would even say. But yeah --

20 MR OBHOF: I can rephrase. I can rephrase it.

21 PRESIDING JUDGE SCHMITT: -- yeah, you can rephrase it, but I think it's entailed  
22 even in the answers that are written down in 54 and 55. But I won't stop you here.  
23 But it's quite clear that he did not think at the time that arrests were -- but you can  
24 rephrase it if you want, if you give it a try.

25 MR OBHOF: [10:54:35] There is a couple of questions that build upon that as well.

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1 Q. [10:54:39] Mr Witness, why especially in question 55, where you say that the  
2 government and the LRA should engage in peace talks, why didn't you put down that  
3 everybody in the bush should be arrested?

4 A. [10:55:08] Well, you know, the people who are in the bush, if it was by arrest,  
5 by way of arrest to let them return home, it is not possible because it's difficult  
6 because they have guns. You cannot just go and capture or arrest someone who has  
7 a gun. Even someone who has just an arrow it's difficult to capture that person.  
8 That is why I did not say that they should be captured to return home.

9 Q. [10:55:45] Would it also be a consideration that most of the people around the  
10 time you escaped had not joined the LRA but they were abducted just like you?

11 A. [10:56:19] At that time, most of the people who were there I do not know how  
12 many or who were the people who voluntarily joined the LRA, but most of the people  
13 who were there were people who were abducted. All of us, we were together and  
14 most of us were abducted.

15 Q. [10:56:46] Mr Witness, yesterday you stressed that Joseph Kony made all the  
16 orders to abduct. Mr Witness, is it also true that Joseph Kony -- that all the orders  
17 originated from Joseph Kony, whether to abduct or for anything else?

18 A. [10:57:13] Everything in the bush in line with operation, including abduction,  
19 anything that you're going to do they know that -- they know that people will die in  
20 that operation. All that must come from Kony. The orders must come from Kony.  
21 Any operation that is difficult where life will be lost, such orders must come from  
22 Kony. There's no one who will just think by himself to plan to do something. If you  
23 do such a thing, that commander, the best that they can do for you is to be caned, but  
24 if you are also unlucky you will be killed.

25 Q. [10:58:19] Thank you, Mr Witness.

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1 MR OBHOF: Your Honour, I'm looking at the time, and we are on a new section

2 right now, so it would be a good break.

3 PRESIDING JUDGE SCHMITT: [10:58:27] Yeah, I picked this suggestion up.

4 So we have the break until 11.30.

5 THE COURT USHER: [10:58:33] All rise.

6 (Recess taken at 10.58 a.m.)

7 (Upon resuming in open session at 11.32 a.m.)

8 THE COURT USHER: [11:32:17] All rise.

9 PRESIDING JUDGE SCHMITT: [11:32:31] Mr Obhof, you have still the floor.

10 MR OBHOF: [11:32:35] Thank you, your Honour.

11 Q. [11:32:39] Still good morning, Mr Witness, and I hope you had a good break

12 and hopefully some decent tea.

13 PRESIDING JUDGE SCHMITT: [11:32:53] You obviously know that it's not coffee

14 with this witness. Or you assume it?

15 MR OBHOF: [11:33:00] Well, I'm assuming it. Because some of the best coffee in

16 the world is grown in Uganda, but yet very few people drink it, they sell it to people

17 like myself.

18 It's okay to laugh at me, Mr Witness.

19 Q. [11:33:21] Mr Witness, how long were you in Sudan?

20 A. [11:33:34] I stayed in Sudan starting from the year 1995, up to the year 2002

21 when we were flushed out by Operation Iron Fist.

22 Q. [11:33:52] Now, Mr Witness, considering the LRA was now in a foreign

23 country, was it easier to escape the LRA whilst they were in Sudan?

24 A. [11:34:20] When we were in Sudan it was not easy to escape.

25 Q. [11:34:29] Why was it not easy to escape, Mr Witness?

1 A. [11:34:40] The reason why it was difficult to escape while in Sudan, for me, for  
2 me I was still young at that time. Secondly, the long distance back home was not  
3 easy. I didn't know direction and which route I should take for me and for other  
4 people.

5 Q. [11:35:16] Now, Mr Witness, were there also other armed and unarmed groups  
6 in that area in southern Sudan at that time that were not friendly to the LRA?

7 A. [11:35:40] Yes. At that time there were many groups. Like the rebels of  
8 Sudan, at that time it was SPLA, they were rebels of the greater Sudan. Sudan was  
9 still one. Even the civilians in Sudan also had guns. When you escape it would be  
10 difficult for you to penetrate their villages.

11 Q. [11:36:06] Mr Witness, to the best of your knowledge, what would these  
12 civilians and these armed groups do to someone if they -- or do to an escapee of the  
13 LRA if they caught him?

14 A. [11:36:36] When you escape and you fall in the hands of those different groups,  
15 the SPLA especially would just kill you. Even the civilians would kill you.

16 Q. [11:37:02] Now we're going to go back to that tab 14, the amnesty application,  
17 Mr Witness, and this time on page 0158. We're going to be referring to question 19B.  
18 Now, Mr Witness, do you see on the -- it's page 3 of the amnesty application, but the  
19 Court record for the number is 0158.

20 On question 19B there's a question discussing about HIV/AIDS and one of the  
21 answers, when they were asking how HIV can be transmitted, answer [a] is by  
22 "Supernatural means/witchcraft". Now, Mr Witness, did the LRA or people in the  
23 LRA believe in witchcraft?

24 A. [11:38:18] Yes, they did. When we were in the bush the LRA had issues with  
25 witchcraft and several things regarding jok. There are jok or spirits that the LRA

1 believed in. But if you were a witch back at home, they would kill you.

2 Q. [11:38:57] Now, would the LRA also kill suspected witches and, as we say, as  
3 we hear, ajwakas, which as in witchdoctors?

4 A. [11:39:18] Such people were killed by the LRA when they found them.

5 Q. [11:39:25] Now, Mr Witness, what is the Yard?

6 A. [11:39:49] The Yard is a place which is designated for prayers by Kony. He  
7 prays there alone. And sometimes, when there are important things to be passed to  
8 the commanders, the commanders, the senior commanders would go and converge  
9 there when the spirits want to communicate.

10 Q. [11:40:15] So it's correct to say that the restrictions -- that there were restrictions  
11 on who could and who could not enter the Yard, Mr Witness; is that correct?

12 A. [11:40:41] Yes, that is correct.

13 Q. [11:40:45] Now, Mr Witness, who or what were controllers?

14 A. [11:41:11] Are you asking the person in charge of the Yard or something else?

15 Q. [11:41:15] I think we're on the same page, but who is or what is a controller in  
16 the LRA, as in controller and technicians?

17 A. [11:41:37] In the LRA the people who are referred to as controllers and  
18 technicians are people who work in the Yard, where Kony prays from. If -- by the  
19 time I was taken to the LRA there was a yard. The controllers and technicians at the  
20 time were not in -- where there was little engagement in battles, but when I was there  
21 I heard that, when there are battles, there are people who are referred to as  
22 technicians and controllers. They sit in the Yard to control the battle that the group is  
23 engaged in. I heard that when a battle starts and when the enemy group has support  
24 weapons, the heavy weapons like 12.7, generally the heavy weaponry, the technicians  
25 who remain in the yard are supposed to control such heavy weaponry, not to harm

1 those who have gone to fight.

2 Q. [11:43:06] Now, only if you know, what's the significance of the charcoal stove  
3 or what is the charcoal stove used for with the controllers and technicians?

4 A. [11:43:41] The charcoal stove that is used by these people has charcoal in it and  
5 it's lit. The controllers and the technicians would have water and a calabash, water  
6 would be in the calabash and they would be sprinkling on the charcoal stove. If the  
7 power of the lit charcoal stove is not reducing, it means that the heavy weaponry is  
8 very powerful. But if the water is reducing the power of the charcoal stove, it means  
9 that the weapons being used are not powerful, it can actually fail to operate. So if the  
10 water extinguishes the fire, it means that it will -- the weapons will not work.

11 Q. [11:44:45] Mr Witness, who is Juma Oris?

12 A. [11:45:02] I did not see Juma Oris myself, but he's one of the spirits of Kony  
13 known as Juma Oris. I did not see the person personally.

14 Q. [11:45:20] Now instead of the person we'll talk a little bit about the spirits. Did  
15 you ever see Joseph Kony possessed by the spirit Juma Oris?

16 A. [11:45:52] In the year 1995 when we were in Palutaka he was possessed by that  
17 spirit and I saw it.

18 Q. [11:46:02] Now, when you witnessed this, did Joseph Kony go through any,  
19 any changes?

20 A. [11:46:19] Yes, there were changes.

21 Q. [11:46:21] Could you please explain these changes to the Court, Mr Witness.

22 A. [11:46:34] When he was possessed by the spirit and when it was said that the  
23 spirit was the one talking, the voice of Kony changed, and even the eyeballs, and he  
24 became very rude also. Those are the things that I saw.

25 Q. [11:47:03] Now, when you first saw him in Palutaka back in '95, did you believe



1 that he was being possessed by a spirit?

2 A. [11:47:16] Yes.

3 Q. [11:47:25] And from what you observed from the people around you that were  
4 there witnessing the same event, did they believe that Joseph Kony was being  
5 possessed by spirits?

6 A. [11:47:46] People believe, yes, because the message that he passed from  
7 Palutaka came to be, and for that matter believed it.

8 PRESIDING JUDGE SCHMITT: [11:48:03] May I shortly.

9 MR OBHOF: [11:48:05] Yes, your Honour.

10 PRESIDING JUDGE SCHMITT: [11:48:07] Mr Witness, did you continue to believe  
11 this until you left the bush?

12 THE WITNESS: [11:48:25] (Interpretation) When I was leaving the bush I was  
13 losing trust in what I heard and saw in the bush. I did not believe so much that the  
14 spirits really possessed him.

15 PRESIDING JUDGE SCHMITT: [11:48:42] Please.

16 MR OBHOF: [11:48:44]

17 Q. [11:48:45] Do you remember around what time you started the disbelief,  
18 Mr Witness?

19 A. [11:49:02] Yes, I remember.

20 Q. [11:49:04] Could you please tell the Court around what time you started to  
21 disbelieve?

22 A. [11:49:13] When there was tension between Kony and Vincent, that is the time  
23 that I started losing trust. When we were organised to pick those who had remained  
24 in Sudan to take them to Congo, we moved for some time but we didn't reach, we  
25 were summoned back. When I returned, I was taken and put aside among those

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1 who were supposed to cross the Nile river and go to the eastern side of the Nile river.  
2 One day I was together with Dominic and then he asked me, (Redacted), do you  
3 know why you were removed from that group?" I said no, I did not know. Then he  
4 said that, "The reason why you were summoned to come back was because of a  
5 dream which I had that when you go and cross the Nile, you would not come back,  
6 you would escape. For that reason you were told to come back and you were  
7 removed from that group." And the other group -- the group went.  
8 Since then -- because those who were supposed to go went. I was removed, I was the  
9 only one who remained. When Otti Vincent summoned me also, he told me that  
10 I was removed, that I should not go (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 MR OBHOF: [11:51:54] Give me one second, Mr Witness. Sorry, Mr Witness, give  
17 me one second. I want to have one follow-up question inside of a private session  
18 based upon what you said earlier. I'm really sorry, Mr Witness.

19 PRESIDING JUDGE SCHMITT: [11:52:06] Yes, private session.

20 (Private session at 11.52 a.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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1 (Redacted)

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4 (Open session at 11.56 a.m.)

5 THE COURT OFFICER: [11:56:02] We are back in open session, Mr President.

6 MR OBHOF: [11:56:12]

7 Q. [11:56:12] Now, Mr Witness, just to try to put a closer time frame on this, the  
8 time when you started to disbelieve was a time when the LRA was already leaving  
9 Uganda, going in Sudan and then making the move to the Congo. Is that correct?

10 A. [11:56:34] When we left, at the time we started leaving South Sudan, when we  
11 were in Eastern Equatoria of the Sudan and started moving towards the Congo, all  
12 that time I still had some trust in what was going on. When we were told -- when we  
13 were leaving, we were told that we were going to prepare to come back.

14 When we reached there, many things started happening and I started doubting at that  
15 time. After crossing the Nile, after crossing the Nile river, it took me about five or six  
16 months before I started questioning and doubting.

17 Q. [11:57:38] Thank you, Mr Witness. You mentioned earlier on page -- right  
18 now in the realtime it's on page 40, that -- when we asked -- when I asked about  
19 whether people believed the messages -- the spiritual possessions in Palutaka, you  
20 responded that "People believe, yes, because the message that he passed from  
21 Palutaka came to be". What do you mean by "the message that he passed in  
22 Palutaka"? Do you mean that he prophesied something and that it came true?

23 A. [11:58:28] Yes.

24 Q. [11:58:31] What did Joseph Kony prophesise in Palutaka that came true?

25 A. [11:58:46] On the day he was possessed by the spirit, he said that there will be

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1 attacks on the LRA, and indeed the LRA was attacked from their base. He also said  
2 that we would leave our base and go to an area which is over 200 kilometres from  
3 where we were, and it indeed happened. That is what he said on that day and it  
4 came to pass.

5 Q. [11:59:28] Did Joseph Kony make, I wouldn't say often, but did he make  
6 prophecies more than once that came true, say maybe prophecies in Jebelen and in  
7 Rubanga Tek?

8 A. [11:59:54] While in Rubanga Tek there are things which he prophesied and it  
9 happened. Even from Jebelen, a few of his prophecies came to pass.

10 Q. [12:00:22] Mr Witness, who is the spirit Silly Selindi?

11 A. [12:00:45] Silly Selindi is one of the spirits that possesses Kony. It's not seen, I  
12 have not seen it physically, but I heard what -- and I was present when it was  
13 speaking.

14 Q. [12:01:02] And the spirit Who Are You?

15 PRESIDING JUDGE SCHMITT: [12:01:09] May I?

16 MR OBHOF: [12:01:10] Yes.

17 PRESIDING JUDGE SCHMITT: [12:01:11] The formulation was "I was present when  
18 it was speaking", Mr Witness. Could you describe how you perceived that at the  
19 time? Who was speaking? How was it? How was the sound, so to speak? How  
20 did you perceive it when you were listening?

21 THE WITNESS: [12:01:30] (Interpretation) Selindi is a mother and when it's  
22 speaking, it speaks in a woman's voice. But it is someone when speaking does not  
23 speak rudely, speaks calmly. She says she is a mother. If her son or child does  
24 something wrong, she doesn't -- she's a disciplinarian. Everything that she's  
25 speaking, she speaks calmly and speaks in a woman's voice.

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1 PRESIDING JUDGE SCHMITT: [12:02:18] So did she speak? You said in a  
2 woman's voice, but did she speak through another person? What I mean is, for  
3 example, was Kony present and did the spirit speak through him?

4 THE WITNESS: [12:02:48] (Interpretation) Yes, the spirit speaks through Kony, just  
5 has Kony speaking. It is actually in Kony and so when Kony speaks, the spirit is  
6 speaking through him.

7 PRESIDING JUDGE SCHMITT: [12:02:59] I thought that was perhaps quite  
8 interesting, so that we can picture ourself what happened, otherwise it is a little bit in  
9 the abstract and we might not really understand how the people present would have  
10 perceived it.

11 Please, Mr Obhof.

12 MR OBHOF: [12:03:17] Thank you very much, your Honour. That was a great set  
13 of questions.

14 Q. [12:03:21] One final spirit, Mr Witness. Do you remember the spirit Who Are  
15 You?

16 A. [12:03:33] Yes, I remember.

17 Q. [12:03:37] Can you please explain to Court what the jok or what type of spirit  
18 Who Are You is?

19 A. [12:03:49] Who Are You is a violent spirit. Amongst all Kony's spirits, it is the  
20 most violent, and when it comes -- it possesses Kony, everything that it does, it is very  
21 violent. All the instructions and orders that it issues, it all leads to death. If there is  
22 anything wrong that happens in the LRA, if that spirit comes, whatever results is all  
23 death.

24 Even Kony himself, when he's speaking while possessed with that spirit, he speaks  
25 when you -- you actually see that he's really fierce. There is something fierce in him.

1 His face changes, the eyes changes, everything is actually violent if he's possessed  
2 with Who Are You spirit.

3 Q. [12:05:08] Now, Mr Witness, I'm not going to go through the, anywhere  
4 between eight to 10 more spirits. But there were other spirits other than these three  
5 that we have spoken about today; is that correct, Mr Witness?

6 A. [12:05:39] Yes, there are other spirits apart from the ones I have mentioned.

7 PRESIDING JUDGE SCHMITT: [12:05:45] And perhaps again, because to follow  
8 the last questions that I have put to you: Were you present when any other of these  
9 spirits spoke through Kony?

10 And did these spirits also have different voices that, for example, Kony would have  
11 had? Like with the other one we talked about.

12 THE WITNESS: [12:06:24] (Interpretation) Yes. All the spirits when they come,  
13 when they possess Kony, they all come in different voices and you could even hear.

14 PRESIDING JUDGE SCHMITT: [12:06:36] Thank you very much.

15 Mr Obhof.

16 MR OBHOF: [12:06:39]

17 Q. [12:06:39] And a follow-up on that, Mr Witness, did the spirits all speak in  
18 Acholi or did they speak different languages?

19 A. [12:06:50] Most of the spirits speak in Acholi, but the Acholi would not be very  
20 clear. For example, Who Are You, when Who Are You is speaking, the Acholi  
21 language is not clear. Because according to Kony that spirit is from Congo and when  
22 it is speaking the Acholi is not clear, most of it goes back into Congolese language.

23 Q. [12:07:35] Mr Witness, we spoke earlier today about -- or you speak earlier  
24 today about dreams. Why would people sometimes report their dreams over the  
25 military radio to Kony?

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1 A. [12:08:18] Well, that is difficult for me to explain.

2 Q. [12:08:25] Okay. Sorry, I thought you were going to say something.

3 PRESIDING JUDGE SCHMITT: [12:08:30] But difficult might not be impossible, so  
4 perhaps if you have an idea that is connected to this question that might give us sort  
5 of an answer, go ahead. Otherwise, Mr Obhof will have other questions for you.

6 THE WITNESS: [12:09:07] (Interpretation) Well, at that time in my -- in my view,  
7 people think that when you explain your dreams to Kony then he would interpret the  
8 dream for you. He would interpret the dream for you to understand what  
9 exactly it is.

10 MR OBHOF: [12:09:30]

11 Q. [12:09:31] Now, was it a general practice or a general rule in the LRA to report  
12 dreams over the radio call in the morning?

13 A. [12:10:01] It is not like that, but it all comes to the individual who had the  
14 dream. If you feel that the dream is really important and it might have some effect  
15 on you, then you can explain. But if you also feel that nothing wrong will happen to  
16 you, then you can also -- you may not report it. It is not an order that when you  
17 dream you should report it.

18 PRESIDING JUDGE SCHMITT: [12:10:33] Not a question, but allow me a remark:  
19 It might also be not excluded that reporting such a dream can be dangerous in  
20 the end.

21 MR OBHOF: [12:10:47]

22 Q. [12:10:48] Now, Mr Witness, do you know what Air Stiblis are?

23 A. [12:11:01] I am not -- I have no knowledge of that.

24 MR OBHOF: [12:11:20] One second, your Honour.

25 (Counsel confers)



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1 MR OBHOF: [12:11:43]

2 Q. [12:11:43] Let me ask that question again with a different pronunciation.

3 PRESIDING JUDGE SCHMITT: [12:11:48] We know we had here a discussion also,  
4 but please continue, Mr Obhof.

5 MR OBHOF: [12:11:54]

6 Q. [12:11:54] Air Stiblis.

7 PRESIDING JUDGE SCHMITT: [12:12:12] Still also the Bench does not understand.

8 MR OBHOF: [12:12:15] We're going to have Krispus, counsel say it because it  
9 might be a little bit easier.

10 MR AYENA ODONGO: [12:12:30] It is Air Stiblis, Air Stiblis.

11 THE WITNESS: [12:12:39] (Interpretation) Yes.

12 PRESIDING JUDGE SCHMITT: [12:12:41] But, really I'm tempted to say,  
13 Mr Ayena, that this is a kind of magic, because it sounded quite similar to what  
14 Mr Obhof tried. But okay. So we have several counsel here on the Defence.

15 MR AYENA ODONGO: [12:12:59] (Microphone not activated)

16 PRESIDING JUDGE SCHMITT: [12:13:00] Might be. So now, Mr Witness --

17 MR OBHOF: [12:13:03] It's the tonal language part (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [12:13:06] Yeah, yeah, obviously --

19 MR OBHOF: [12:13:06] (Overlapping speakers) miss one small little tone.

20 PRESIDING JUDGE SCHMITT: [12:13:09] Yes, but the language seems to be very,  
21 very differentiated, but also very -- sounding very nicely also.

22 MR OBHOF: [12:13:17] It was just like the "Labongo" and "Labongo"  
23 discussion, yes.

24 PRESIDING JUDGE SCHMITT: [12:13:22] I recall that. But I would not exclude  
25 that even we would be able to learn a little bit of it.

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1 So please continue, Mr Obhof.

2 MR OBHOF: [12:13:30]

3 Q. [12:13:30] Could you please explain what those are, that our counsel Krispus  
4 Ayena Odongo pronounced, please.

5 A. [12:13:47] Air Stiblis is a particular medicine from a local Acholi plant called  
6 Obwolo. They remove the bark of that tree and that tree, the bark is smashed and  
7 then it is worked on and turned into like a rope and it is taken to the Yard, it is prayed  
8 over, and when it is prayed over, that kind of herb is lit to burn so that as it burns it  
9 helps to scare away things like snake, and also to purify the area so that the bad  
10 things, you know, evil things that will come in that area will be prevented by that  
11 smoke from that burning rope which is taken from the bark of that tree.

12 Q. [12:14:49] So this would help dispel bad things, bad spirits, bad animals.

13 Would it also help hide the LRA from SPLA, from the UPDF?

14 A. [12:15:22] It does not protect you from the enemy, but it helps to protect you  
15 from the unseen things like jok. But I do not know what jok exactly is, I have not  
16 seen it physically, but it is said it helps to help you, protect you from those unseen  
17 natural things. But it's also said to help against snakebites.

18 Q. [12:15:54] Now, Mr Witness, is there anything that could happen to cause the  
19 Air Stiblis to leave?

20 A. [12:16:30] There's nothing that can be done to stop the Air Stiblis from existing.  
21 Even myself, I prepared it. It comes from an individual. Since it has already been  
22 explained that it is useful and you believe in it, then you can prepare it and then burn  
23 it so that the area is purified and protected. But if you also feel that it is not useful,  
24 then it is not a must that you should prepare and burn it.

25 Q. [12:17:14] Thank you, Mr Witness.

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1 Now, Mr Witness, earlier today you mentioned about a few other people by the name  
2 of Otti Lagony and somebody else, Okello Can Odongo, and how they were executed.  
3 Could you give a little bit explanation of exactly why they were killed?

4 A. [12:18:00] Yes, I can explain. Otti Lagony and Can Odongo, that was in 1998,  
5 that's when they were killed. I do not recall the month exactly, but that year when he  
6 was killed, when Otti Lagony was killed, he had come back to Uganda. He was in  
7 Control Altar at that time. And Can Odongo was the Gilva brigade commander. So  
8 when they returned, what I heard was that when they were in Uganda they were  
9 trying to connect with the government so that they may defect. That's what I heard  
10 at first.

11 But later on what I heard was that Otti Lagony had ordered for abduction of women  
12 and he distributed them to some of his officers without telling Kony. So it therefore  
13 means that he wanted to sway all the soldiers to respect him so that he becomes the  
14 overall boss. Those are the two things I heard about them when they were arrested.  
15 At the time of their death I was present. Even at the place where they were killed  
16 I was also present. That's what I can say.

17 Q. [12:20:01] And just so we have everything clear for the record, Otti Lagony was  
18 the number two person in the LRA at that time, was he not?

19 A. [12:20:22] Yes, Otti was the number two person.

20 Q. [12:20:27] And the Okello Can Odongo, did he also have a nickname of Okello  
21 Director?

22 A. [12:20:45] Yes, he was.

23 Q. [12:20:49] And at that time when he was executed by orders of Joseph Kony he  
24 was one of the senior-most people in the LRA, right, Mr Witness?

25 A. [12:21:11] Yes, he was one of the most senior leaders. He was the brigade

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1 commander of Gilva brigade.

2 (Counsel confers)

3 MR OBHOF: [12:21:48]

4 Q. [12:21:49] Sorry about that, Mr Witness. Now you mentioned of course that  
5 you would later hear that he was killed because he was distributing women. Now,  
6 this is the number two person in the LRA. Does that mean that every single  
7 commander had to receive orders from Kony before they distributed women?

8 A. [12:22:27] Yes, that's correct.

9 Q. [12:22:29] And drawing on the assumption of what you said, so the  
10 punishment for distributing women without an order from Joseph Kony was death?  
11 Is that correct, Mr Witness?

12 A. [12:23:05] That's correct.

13 MR OBHOF: [12:23:05] Your Honour, I would like to go into private session for  
14 one or maybe two questions. A total of about two, maybe three minutes.

15 PRESIDING JUDGE SCHMITT: [12:23:15] Thank you for the information and that  
16 you foreshadow a little bit how long it will last. We go into private session.

17 (Private session at 12.23 p.m.) \*(Reclassified partially in public)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:26:23] Now, Mr Witness, is it true that Joseph Kony would issue orders  
14 directly to anybody with a radio call? I mean, maybe sometimes he might have  
15 issued them down through Vincent Otti, but did he also issue orders to battalion  
16 commanders and brigade commanders, even coy commanders, Mr Witness?

17 A. [12:26:58] Yeah, that happens.

18 PRESIDING JUDGE SCHMITT: [12:27:04] Okay. Exactly.

19 Open session.

20 (Open session at 12.27 p.m.)

21 THE COURT OFFICER: [12:27:11] We're back in open session, Mr President.

22 MR OBHOF: [12:27:24]

23 Q. [12:27:27] Now, Mr Witness, we spoke a little bit about coordinators. What  
24 are collaborators?

25 A. [12:27:50] Coordinators are civilians, somebody who is within a civilian

1 population, lives amongst the civilian but is not a soldier.

2 Q. [12:28:03] So is there any difference between a coordinator and a collaborator?

3 A. [12:28:16] There is no difference.

4 Q. [12:28:21] I'm going to need the booth, as normal, helping with this name. Do  
5 you know a person by Rwot Oywak, Oywak?

6 A. [12:28:45] Yeah, I know Rwot Oywak.

7 Q. [12:28:50] Now, Mr Witness, whilst you were in the LRA, especially during the  
8 time right after Iron Fist, did the people that you talked to, or even yourself, did they  
9 consider him a collaborator?

10 A. [12:29:20] In my view, I would see Rwot Oywak as a coordinator.

11 PRESIDING JUDGE SCHMITT: [12:29:34] Why?

12 MR OBHOF: [12:29:38] Exactly.

13 Q. [12:29:39] Mr Witness, would he buy things for the LRA, say sugar, salt,  
14 gumboots, tents?

15 A. [12:30:01] Yeah, while in the LRA those kind of things are bought. Even Rwot  
16 Oywak himself, I received items from him. But for tobacco or cigarettes is not  
17 smoked in the bush. But other items like tents, gumboots and other smaller, smaller  
18 items, yes, they are procured.

19 Q. [12:30:23] Now, do you know if Rwot Oywak would be used every once in a  
20 great while or would people go to him often?

21 A. [12:30:50] According to my experience he was a regular contact. I went once  
22 when Tabuley sent me to collect things from him. But many people contacted him.  
23 They would go to him. Most of the LRA fighters knew that Rwot Oywak was a  
24 coordinator. It depends on how the senior commanders organised it. Different  
25 brigades would go there. I could go there today, then the next day when another

1 battalion or another brigade is that side and someone else would go. So he was  
2 contacted regularly.

3 Q. [12:31:24] Now, Mr Witness, do you know if he would also pass on information  
4 to the LRA, say maybe troop movements or the sizes of the detachments inside of the  
5 UPDF?

6 A. [12:31:51] I am not aware of that.

7 Q. [12:31:55] Thank you, Mr Witness.

8 Mr Witness, we discussed yesterday a little bit about your time in Oka battalion.

9 Now I'm going to try to narrow down the time even further. Did you leave or were  
10 you -- did you leave Oka battalion before you had your injury after Operation Iron  
11 Fist?

12 A. [12:32:34] By the time I was leaving Oka battalion I was not injured. I left Oka  
13 and went to the brigade headquarters within the same unit. I left the battalion and  
14 went to the brigade headquarters.

15 Q. [12:33:03] And just for absolute clarity, you were injured before Mr Ongwen  
16 was shot in his leg? Correct, Mr Witness?

17 A. [12:33:19] Yes, that is correct.

18 MR OBHOF: [12:33:23] Maybe I might need to ask the next question or two in  
19 private session, your Honour.

20 PRESIDING JUDGE SCHMITT: [12:33:32] Private session.

21 (Private session at 12.33 p.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 12.34 p.m.)

7 THE COURT OFFICER: [12:34:49] We are back in open session, Mr President.

8 MR OBHOF: [12:34:56]

9 Q. [12:34:58] Now, Mr Witness, during your time in Oka battalion did you ever  
10 witness Mr Ongwen order the execution of any civilians?

11 A. [12:35:20] No, it's not there.

12 Q. [12:35:23] Did you ever see him order the execution of any LRA fighters?

13 A. [12:35:37] No, I did not.

14 Q. [12:35:43] Now, Mr Witness, I'm going to talk about -- a little bit about  
15 Mr Ongwen's injury.

16 Now, yesterday you stated that the time period was some time between Patongo and  
17 before going to Teso. So it'd be Patongo and before some time in mid-2003. Now,  
18 starting off at a point of your injury was Mr Ongwen's injury during a dry season,  
19 during the end of the rainy season or during a mango season?

20 A. [12:36:48] When he got his injuries it was about the month of September, either  
21 September or October because it was rainy and the grass had overgrown.

22 Q. [12:37:05] And this would have been in 2002, right after Iron Fist, correct,  
23 Mr Witness?

24 A. [12:37:28] Yes, that was after Iron Fist.

25 Q. [12:37:34] Now, Mr Witness, who is Celestino Akuri?



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1 A. [12:37:48] Celestino Akuri is someone who was in the -- the same brigade,  
2 which I was in, and I do know him.

3 PRESIDING JUDGE SCHMITT: [12:38:07] May I shortly to the sickbay -- sickbay  
4 because I think this fits.

5 Mr Witness, do you know at what time and when Mr Ongwen left the sickbay?

6 THE WITNESS: [12:38:22] (Interpretation) Yes, I do.

7 PRESIDING JUDGE SCHMITT: [12:38:28] Can you please tell, can you please  
8 tell us?

9 THE WITNESS: [12:38:34] (Interpretation) He left the sickbay in the year 2003  
10 between the months of August and September. That was around the time.

11 PRESIDING JUDGE SCHMITT: [12:38:50] It was very precise. Thank you very  
12 much.

13 Please, Mr Obhof.

14 MR OBHOF: [12:38:54] That was actually a couple of pages down the road, too,  
15 but --

16 PRESIDING JUDGE SCHMITT: [12:38:59] You know, you have to be indulgent  
17 with us --

18 MR OBHOF: Yeah.

19 PRESIDING JUDGE SCHMITT: -- a little bit because sometimes we would perhaps  
20 forget, and if you don't have it on your paper --

21 MR OBHOF: [12:39:09] Exactly.

22 PRESIDING JUDGE SCHMITT: [12:39:12] -- then it's not asked at all, so you have to  
23 (Overlapping speakers).

24 MR OBHOF: [12:39:17] Exactly.

25 Q. [12:39:19] Now, in relation to Celestino Akuri, did he take over Oka battalion

1 after Dominic was injured?

2 A. [12:39:35] I do not recall that now. Celestino Akuri, at the time I was in the  
3 headquarters, I was together with him, of the -- at the headquarters of the brigade.  
4 When I got injured and went to the sickbay, he remained in the sick -- he remained in  
5 the headquarters, rather, and was the OC for the headquarters.

6 And later on when Dominic got injured, Dominic had just picked me from the sickbay  
7 and I'd moved with him to go and meet Otti Vincent.

8 When we reached Otti Vincent, an operation was organised and he was the one who  
9 led the operation. But he didn't reach that operation. He was attacked by the  
10 soldiers of the government and he was shot.

11 When they reached our position, we were with only his battalion and we went and  
12 joined Control Altar. When he was brought with the injury, we met with the  
13 brigade, the Control Altar and the brigade met, then it was organised that we return  
14 to the sickbay because I was still limping and using a walking stick.

15 In the Oka battalion at that time, the officer who was remaining there was called Otto  
16 Agweng. He was the IO at that time. He was the most senior officer in the  
17 battalion. I do not know later on who took charge of the battalion, but I knew that  
18 Otto Agweng was the most senior in Oka battalion at that time.

19 Q. [12:41:30] Now, you stated - sorry - that Otto Agweng was the next senior most  
20 person but he was the intelligence officer. Now, do you know who, when you left  
21 Oka, who was the 2IC of Oka battalion?

22 A. [12:42:03] At the time that I left Oka, the second in command of Oka was called  
23 Ojok Ot Ngec. But later on he died. And the person who replaced him was called  
24 Odong Cowboy. When Dominic got injured, Odong Cowboy was appointed as OC  
25 for sickbay. He moved with Dominic and went and stayed with him in the sickbay.

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1 So the person who had remained in the battalion was Agweng.

2 Q. [12:42:36] When did Agweng die, Mr Witness?

3 A. [12:42:49] I do not recall the day, but I heard about it, I heard that he died.

4 Q. [12:42:55] Now, Mr Witness, earlier today you discussed about very briefly  
5 when you first met Mr Ongwen. Now, we all know Mr Ongwen walks with a limp  
6 after the injury in 2002, but did Mr Ongwen walk with an injury or walk with a limp  
7 before, say, Operation Iron Fist?

8 A. [12:43:52] Yes, he already had a limp.

9 Q. [12:43:55] Did Mr Ongwen have a limp when you first met him?

10 A. [12:44:09] Yes, he had a limp.

11 Q. [12:44:13] Now, Mr Witness, in your opinion, would it be correct to say that it  
12 would be impossible not to notice Mr Ongwen's limp?

13 A. [12:44:40] You can see it.

14 Q. [12:44:42] So it is obvious, correct?

15 A. [12:44:52] Yes, it is.

16 MR OBHOF: [12:45:07] Your Honours, I know we still have 15 minutes left, but  
17 we'll be getting into now was discussed in the private session earlier this morning, so  
18 it'd behoove everybody for me to be able to edit it.

19 PRESIDING JUDGE SCHMITT: [12:45:20] And, of course, the question suggests  
20 itself by me if you can already tell us how long your examination is going to last?

21 MR OBHOF: [12:45:29] If I do the editing, I might be able to get done by the end of  
22 today.

23 PRESIDING JUDGE SCHMITT: [12:45:34] Yeah, I think --

24 MR OBHOF: [12:45:36] Maybe I say we start at 2.15 and maybe go an  
25 hour 45 (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [12:45:40] Yes, yes, yes. I would suggest that, so if  
2 it is possible we should really try to achieve to end the witness today and not  
3 that -- he does not have to come back tomorrow for, let's say, half an hour or an hour.  
4 That would -- if we can avoid that we should do that.

5 So we have now the lunch break until 2.15.

6 THE COURT USHER: [12:46:01] All rise.

7 (Recess taken at 12.46 p.m.)

8 (Upon resuming in open session at 2.16 p.m.)

9 THE COURT USHER: [14:16:07] All rise.

10 PRESIDING JUDGE SCHMITT: [14:16:30] So, Mr Obhof, please continue.

11 MR OBHOF: [14:16:32] Thank you, your Honour. And you will be happy to know I  
12 got it down to about six and a half pages. So it's --

13 PRESIDING JUDGE SCHMITT: [14:16:38] And what does this mean if you --

14 MR OBHOF: About an hour --

15 PRESIDING JUDGE SCHMITT: -- transform it into a time (overlapping speakers)

16 MR OBHOF: [14:16:43] About an hour, to an hour and 15 minutes.

17 PRESIDING JUDGE SCHMITT: [14:16:46] Okay. That's very much appreciated.

18 Thank you.

19 MR OBHOF: [14:16:51]

20 Q. [14:16:52] Good afternoon, Mr Witness. I hope your food during lunch was  
21 palatable.

22 Mr Witness, you mentioned yesterday that while Mr Ongwen was in sickbay a person  
23 by the name of Odong Cow, otherwise known as Odong Cowboy, escaped, but you  
24 were not with Mr Ongwen at that time; is that correct?

25 A. [14:17:35] Yes, that's correct in reference to Odong Cowboy's escape. But at the

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1 time that he escaped (Redacted)

2 Q. [14:17:55] Now, did Odong Cowboy escape with any type of heavy weaponry,  
3 like a PK gun?

4 A. [14:18:21] At the time when Odong Cowboy escaped, I do not recall if he  
5 escaped with a PK gun, but, yes, he did escape with other smaller arms.

6 Q. [14:18:36] Mr Witness, to the best of your knowledge and your memory was  
7 Mr Ongwen reprimanded for Odong Cowboy, Sunday Otto and several other people  
8 they escaped with? Was he reprimanded for them escaping?

9 A. [14:19:09] In line with their escape, I did not see any punishment that was given.  
10 But senior commanders were summoned and the senior commanders came and  
11 talked to him, but I did not see any punishment given out.

12 Q. [14:19:31] Mr Witness, what does it mean if a person in the LRA is stripped of  
13 their weapons?

14 A. [14:19:49] When someone has his or her gun taken out from him, it means that  
15 person is under arrest, or he violated a certain rule and he will have his guns taken  
16 away from him.

17 Q. [14:20:14] Thank you, Mr Witness.

18 MR OBHOF: Your Honour, we're going to have to go into private session for  
19 probably about the next 20 to 25 minutes.

20 PRESIDING JUDGE SCHMITT: [14:20:24] We do that. We go to private  
21 session then.

22 (Private session at 2.20 p.m.) \*(Reclassified partially in public)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 MR OBHOF: [14:22:57] Now we're going to be playing a short, short audio and  
21 asking questions based upon it, your Honour.

22 And if somebody could please turn the sound to evidence 2, please.

23 THE COURT OFFICER: [14:23:35] You currently have the evidence 2 channel  
24 activated. And in the interim, may I request what the level of confidentiality is.

25 MR OBHOF: [14:23:44] It's confidential, it's the private session.

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1 PRESIDING JUDGE SCHMITT: [14:24:09] ERN and everything --

2 MR OBHOF: [14:24:10] There we go, yes.

3 Yes, the ERN is UGA-OTP-0241-0313, track 02. And we are starting at 6.58 and going  
4 till 7.22.

5 PRESIDING JUDGE SCHMITT: [14:24:40] And that's 18, tab 18, is it?

6 MR OBHOF: [14:24:44] That is correct, yes, because it's an audio, yeah.

7 PRESIDING JUDGE SCHMITT: The transcript --

8 MR OBHOF: The highly debated transcript is number 19.

9 PRESIDING JUDGE SCHMITT: [14:24:51] Yes. Yes. But we don't come back to  
10 this one.

11 MR OBHOF: [14:24:59] No, I don't think we are going to be using the transcript. It  
12 will be a lot of just Q and A. And here we go.

13 (Playing of the audio excerpt)

14 MR OBHOF: [14:25:35]

15 Q. [14:25:36] Now, Mr Witness, did you hear the word "muko" in there?

16 A. [14:25:45] Yes, I heard.

17 Q. [14:25:47] I'm going to play that part back for you again. It starts at  
18 approximately 7.12. And I started at 7.11, inside of here, just because there is a little  
19 bit of blank space so we don't miss any out.

20 PRESIDING JUDGE SCHMITT: [14:26:03] And perhaps for our service, so to speak,  
21 when we are looking at the transcript, which paragraphs do we have here or which  
22 numbers do we have here --

23 MR OBHOF: The one that --

24 PRESIDING JUDGE SCHMITT: -- so that we can follow.

25 MR OBHOF: [14:26:12] Yes. The one that I'm referring to specifically for the

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1 witness -- I'm sorry, let me -- it's on page 0006 -- no, no, sorry, sorry, sorry, 0005.

2 PRESIDING JUDGE SCHMITT: [14:26:28] Okay, yes.

3 MR OBHOF: [14:26:29] And it will be number 79.

4 PRESIDING JUDGE SCHMITT: [14:26:33] Thank you very much. Okay.

5 (Playing of the audio excerpt)

6 MR OBHOF: [14:26:54]

7 Q. [14:26:54] Now, Mr Witness, what was said there, the phrase with the wording  
8 "muko" in it?

9 A. [14:27:09] The issue of muko, because in the bush he calls -- the person who was  
10 giving the orders mentioning muko is Kony's voice, he was speaking to Otti Vincent.  
11 His muko is Dominic, which is his brother-in-law because Dominic's sister is his wife.  
12 So when he is referring to him, he refers to him as muko.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [14:28:22] Thank you, Mr Witness. And I apologise that my computer makes  
19 a light sound in the next 10 seconds.

20 PRESIDING JUDGE SCHMITT: [14:28:36] That doesn't matter at all. If it is a light  
21 sound.

22 MR OBHOF: [14:28:51]

23 Q. [14:28:51] Now, Mr Witness, from what you heard that's an order to arrest  
24 Mr Ongwen and his soldiers, correct?

25 A. [14:29:07] Yes, correct.



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1 Q. [14:29:12] Now for everybody I am going to turn to tab 19 and I'm going to read  
2 a few sections and just ask a few questions based upon that. This is -- the tab 19 and  
3 it is UGA-OTP-0242-0610.

4 PRESIDING JUDGE SCHMITT: [14:29:36] And please indicate exactly on not only  
5 the page, but where you are on the page (Overlapping speakers)

6 MR OBHOF: Exactly, yes.

7 PRESIDING JUDGE SCHMITT: -- so that we can also read, yes.

8 MR OBHOF: [14:29:45] Now, we're going to start at 0613 and I'm going to start with  
9 the very second line where it starts off with "Kony asked".

10 Q. Now, this is a ISO logbook which has been alleged to be from 20 April 2003,  
11 which parts of this correspond to what you just heard, but there are some other  
12 things, Mr Witness, I would like to ask you about.

13 On page 0613, lines 2 and 3: "Kony asked whether any SPAF came to meet him. But  
14 Otim said none had come."

15 And for the Court it's Otim Charles, also known as Otim Mono.

16 Mr Witness, during your time in the bush, did the LRA have friendly relations with  
17 SPAF, the Sudanese People's Armed Forces.

18 PRESIDING JUDGE SCHMITT: [14:31:06] Thank you.

19 THE WITNESS: [14:31:15] (Interpretation) Could you explain that clearly so that I  
20 understand the question well.

21 MR OBHOF: [14:31:22]

22 Q. I will actually shorten it. So after 2002 what were the relations like with the  
23 Arabs, with the Sudanese government, after Iron Fist?

24 A. [14:31:52] After, or at the end of the Operation Iron Fist, relations was restored  
25 between LRA and the SPLA in the area of Biringyang. I was also present when

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1 Biringyang began. I was in Sudan, until when again relation soured between us and  
2 the Arabs while we were still in the Sudan.

3 Q. [14:32:42] I would just like to clarify one thing, Mr Witness. At the beginning of  
4 the translation it says that "relations was restored between the LRA and SPLA". Was  
5 that meant to be the LRA and the Arabs, Arabs being the Sudanese government?  
6 Because at the end you said that the relations soured with the Arabs.

7 A. [14:33:14] The relations between the LRA and SPLA was -- never existed. But  
8 after the poor relations between the LRA and the Arabs during the Iron Fist, later on  
9 this was restored and again it soured.

10 PRESIDING JUDGE SCHMITT: [14:33:43] And are you sure that we can't go into  
11 open session for that?

12 MR OBHOF: [14:33:47] We could -- that's the part that's going to be redacted.

13 PRESIDING JUDGE SCHMITT: [14:33:50] Yes, okay.

14 MR OBHOF: [14:33:52] The next part deals with (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [14:33:54] Okay.

16 MR OBHOF: -- directly with them.

17 PRESIDING JUDGE SCHMITT: Then please proceed.

18 MR OBHOF: [14:33:56] I just wanted to ask one more question about this and then --

19 PRESIDING JUDGE SCHMITT: Yeah, okay.

20 MR OBHOF: -- the next part will be specifically.

21 PRESIDING JUDGE SCHMITT: [14:33:59] Yeah.

22 MR OBHOF: [14:34:02]

23 Q. [14:34:02] Mr Witness, also were -- after Iron Fist, when the relations were being  
24 restored, did the Arabs fight with the LRA or did they merely give them food and  
25 ammunition?

1 A. [14:34:30] When the relation was restored, there was no specific support given.  
2 But what happened was that the little money that the commanders had was the one  
3 that was being used to buy small, small items. But in terms of weapons, at that time  
4 the Arabs never gave any support in that line.

5 Q. [14:34:59] Thank you.

6 PRESIDING JUDGE SCHMITT: [14:35:01] But in that vein, perhaps, Mr Witness, and  
7 to your knowledge, before that time, let's say before Iron Fist, do you have any  
8 knowledge if the Sudanese government provided ammunition, other help, medical  
9 support, whatsoever to the LRA?

10 THE WITNESS: [14:35:37] (Interpretation) Yes, when we were still in the areas of  
11 Palutaka, we left Palutaka and went to Aru and Jebelen. At that time, yes, there was  
12 still good relations and they would bring weapons and also do some trainings  
13 together with the Arabs.

14 For example, I personally did training together with the Arabs. There was  
15 a particular gun used for -- an anti-tank gun which I trained together with the Arabs  
16 to use. And also I did intelligence training together with the Arabs. This was  
17 during the time when there was still good relations. These are the things that I saw.

18 PRESIDING JUDGE SCHMITT: [14:36:21] Do you have roughly an idea in which  
19 year this was?

20 THE WITNESS: [14:36:39] (Interpretation) It began right from around 1996. Let's  
21 say -- let me say from 1995, from Palutaka. During that time we would receive  
22 weapons. We would receive foodstuff, monthly, on a monthly basis, until when we  
23 were attacked from Palutaka and we went to Aru. Still we kept on receiving food  
24 and weapons. When we went to Jebelen, it also continued, we continued receiving  
25 the -- those items.

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1 Then there was a base that was open, the base that was used by -- for the, for the sick  
2 and those who were injured at Nisitu. So we kept on receiving medicine, food. All  
3 these were coming from the Sudanese government.

4 PRESIDING JUDGE SCHMITT: [14:37:38] Thank you.

5 Please, Mr Obhof.

6 MR OBHOF: [14:37:41] Thank you, your Honour.

7 Q. [14:37:52] Now, Mr Witness, there is one more passage from here I would like to  
8 read. It is a little long so I will go slow:

9 (Redacted)

10 (Redacted)

11 (Redacted)

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 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)

18 Q. [14:43:35] Now, Mr Witness, you also mentioned the other day about how on  
19 your way to Teso, that even though Mr Ongwen, as you say, didn't leave sickbay until  
20 August or September, that you headed down to Teso and that on the way  
21 Buk Abudema and Dominic got into an argument. What was this argument about,  
22 Mr Witness?

23 A. [14:44:26] Just to go back a bit on the question that you asked, you know,  
24 Dominic and Buk, I cannot really explain in detail the rift they had. But at least  
25 where they were staying, I was also there. But I do not know whether before they

1 were not in good terms. But at the time when Buk was brigade commander,  
2 Dominic was CO. I was together with Dominic. That rift, I think, began much  
3 earlier.

4 So when we left Acholi to go to Teso region, after that journey, the rift between them  
5 continued and deepened (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 So when we were leaving -- because when we were leaving Acholi to go to Soroti,  
12 Dominic was moving with us in the group that were in the sickbay. So I really  
13 cannot tell much about the rift that they had, but there were several couples of -- there  
14 were couples of instances when you would see them not in good terms. That's what  
15 I can explain.

16 PRESIDING JUDGE SCHMITT: [14:46:56] And perhaps a comment by me: We  
17 have discussed this yesterday on questioning by Mr Black, I think we have covered  
18 that, and it was the same answer with different words, which is --

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [14:47:20] No, but I think, I think Mr Black has also  
22 addressed, if I am not wrong, addressed this issue about a rift between --

23 MR OBHOF: Oh, the rift, yes.

24 PRESIDING JUDGE SCHMITT: [14:47:28] The rift, the rift (Overlapping speakers)

25 MR OBHOF: Yeah. Oh, yes, yes, yes.

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1 PRESIDING JUDGE SCHMITT: It has been addressed so we don't have to entertain  
2 this further I would say.

3 MR OBHOF: [14:47:33] Oh, yeah. I just wanted to know about the conversation  
4 (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: Yeah, no, no.

6 MR OBHOF: -- but he was explaining in detail (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [14:47:38] That might be different, but the rift, or  
8 whatsoever, between these two persons has been addressed yesterday.

9 MR OBHOF: [14:47:45] Yes. And we can go back into open session, your Honour.

10 PRESIDING JUDGE SCHMITT: [14:47:48] Open session.

11 (Open session at 2.48 p.m.)

12 THE COURT OFFICER: [14:48:01] We are back in open session, Mr President.

13 PRESIDING JUDGE SCHMITT: [14:48:04] Obviously Mr Black doubts it, but I'm  
14 sure that you have asked it and that it has been discussed yesterday.

15 MR BLACK: [14:48:11] Yes, your Honour. I don't doubt that we were (Overlapping  
16 speakers)

17 PRESIDING JUDGE SCHMITT: [14:48:13] No, I --

18 MR BLACK: -- talking about (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: -- I -- yeah. But of course I am not so quick in  
20 finding the exact reference, but it is clear. I have it in my mind.

21 MR OBHOF: [14:48:31] No, we do know about the rift, so that's what was spoken,  
22 yeah, so sorry.

23 Q. [14:48:37] Mr Witness, as you discussed the rift, what kind of commander was  
24 Buk in relation to the LRA? Was he a good commander in the LRA or was he  
25 a vicious commander in the LRA?

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1 A. [14:49:05] Buk was very tough commander.

2 Q. [14:49:11] And after the arrest warrants from the ICC became public, did you  
3 ever hear Buk Abudema complain because he was not prosecuted -- or not indicted,  
4 sorry, not prosecuted, indicted?

5 A. [14:49:39] Yes, I heard.

6 Q. [14:49:40] And, Mr Witness, comparing Buk to Mr Ongwen, who was the better  
7 commander?

8 A. [14:50:00] If I compare the two, Dominic is a better commander, because I  
9 worked with both of them and I lived with both of them.

10 Q. [14:50:18] Now, Mr Witness, when you went to Teso did you go to the town or  
11 the village of Obalanga?

12 A. [14:50:41] I do not know if you pronounced it well. I have not understood it  
13 well. I don't know whether it is called Obalanga, but yes, I reached Obalanga.

14 PRESIDING JUDGE SCHMITT: [14:50:57] I think you have understood it correctly.

15 MR OBHOF: [14:51:02] Yes.

16 PRESIDING JUDGE SCHMITT: [14:51:02] I see it even in the face of Mr Ayena that  
17 it's correct.

18 MR OBHOF: [14:51:09] Yes.

19 Q. [14:51:09] Did Mr Ongwen fight at Obalanga, the place you mentioned, did he  
20 fight there?

21 A. [14:51:23] No, he did not participate in any fighting in Obalanga.

22 Q. [14:51:27] Did Mr Ongwen participate in any fighting in Lwala, L-W-A-L-A?

23 A. [14:51:44] No, he was not in Lwala.

24 Q. [14:51:58] To the best of your knowledge, Mr Witness, did Mr Ongwen return to  
25 Sudan for a month or two any time during the 2003 calendar year? Or, well, put it



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1 better this way: From his -- from Mr Ongwen's injury until he became Sinia brigade  
2 commander, did he ever return to Sudan to the best of your knowledge?

3 A. [14:52:40] As far as I recall, when he got injured, I don't think he went to Sudan.  
4 I don't remember if he went back to Sudan. But I recall that before he got injured he  
5 went back to Sudan.

6 Q. [14:53:08] Now, Mr Witness, you told the Prosecution during your interview that  
7 Mr Ongwen was not involved in the attack in Pajule. Is that still your statement  
8 today?

9 A. [14:53:30] Yes, he was not involved.

10 Q. [14:53:32] And just so we're clear, because there were two of them, this would be  
11 the one, this would be the one that happened right around Uhuru Day 2003?

12 A. [14:54:01] To respond to this question, I can say that both our attacks in Pajule,  
13 Dominic was not involved.

14 Q. [14:54:19] Thank you, Mr Witness. Mr Witness, who is Acaye Doctor?

15 A. [14:54:33] Acaye Doctor was a commander who was in the Yard of  
16 Control Altar. Later on he was part of Kony's security.

17 PRESIDING JUDGE SCHMITT: [14:54:55] May I shortly perhaps just because it  
18 came only now to my mind.

19 Going back to the second Pajule, second Pajule attack, Mr Witness, I'm not sure, but I  
20 think it has been also addressed yesterday, but I want to make sure, have you been,  
21 have you personally been around Pajule at the time when this attack happened? Or  
22 have you been present without any participation?

23 THE WITNESS: [14:55:33] (Interpretation) The second attack of Pajule I was not near  
24 Pajule. I was around Soroti.

25 PRESIDING JUDGE SCHMITT: [14:55:41] And with whom were you at the time in

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1 Soroti?

2 THE WITNESS: [14:55:47] (Interpretation) At that time I was with Lapaicho.

3 PRESIDING JUDGE SCHMITT: [14:55:57] Thank you.

4 Please continue, Mr Obhof.

5 MR OBHOF: [14:56:02] And that, that actually brings me to an idea of bringing  
6 something else out right now. Could the court usher please display tab 20, which is  
7 UGA-OTP-0281-0154 and this can be displayed to the public. Can.

8 PRESIDING JUDGE SCHMITT: [14:56:29] And on which evidence channel will we  
9 have this? Because the copy is relatively bad. I would assume that it would appear  
10 better on the screen.

11 MR OBHOF: A little better on the screen.

12 MS PUES: [14:56:41] I'm sorry, just for one second, please, may I just interrupt.

13 PRESIDING JUDGE SCHMITT: [14:56:44] Of course.

14 MS PUES: [14:56:46] Your Honour, we are talking about tab 20. I know that the  
15 witness requested that this might be discussed in private session because he was  
16 fearing that this might (Overlapping speakers)

17 MR OBHOF: [14:57:02] Well, then we can go into private session.

18 MS PUES: [14:57:04] -- lead to purposes of (Overlapping speakers).

19 PRESIDING JUDGE SCHMITT: [14:57:06] This simply could have something to do if  
20 he appears on the picture or not. Okay.

21 MR OBHOF: [14:57:14] We can go into private.

22 PRESIDING JUDGE SCHMITT: [14:57:19] Then we go into private session, of course.  
23 (Private session at 2.57 p.m.) \*(Reclassified partially in public)

24 THE COURT OFFICER: [14:57:23] We're in private session, Mr President.

25 PRESIDING JUDGE SCHMITT: [14:57:31] Now that's perfectly clear when the

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1 witness is also one of the persons on the picture, it should be discussed in private  
2 session.

3 MR OBHOF: [14:57:41] Okay. Is this on evidence 1 or evidence 2? So I guess it  
4 cannot be shown to the public.

5 PRESIDING JUDGE SCHMITT: [14:57:47] But it can be shown to the Judges.

6 MR OBHOF: Yes.

7 THE COURT OFFICER: [14:57:49] Yes. The item will be displayed on the evidence  
8 1 channel.

9 PRESIDING JUDGE SCHMITT: [14:57:53] Thank you.

10 MR OBHOF: [14:57:55] We'll wait a hot second until it comes up.

11 PRESIDING JUDGE SCHMITT: [14:58:00] And would it be possible to enlarge it  
12 a little bit, please. Thank you.

13 MR OBHOF: [14:58:14]

14 Q. [14:58:16] Now, Mr Witness, do you know the people on this photo?

15 A. [14:58:26] I know some people.

16 Q. [14:58:30] I am going to ask about one person first and then we'll go through the  
17 rest of them. There is a gentleman right there in the -- well, it's in the centre of the  
18 photo, but the way it appears on the screen he's on the kind of right-hand side. He is  
19 wearing a cloth hat with a soft cloth brim and his arms, one arm, his left arm is  
20 touching a heavy weapon and he has a beard or it appears that he has a beard.

21 Mr Witness, do you know who that person is?

22 A. [14:59:36] I do recall the face, but I cannot remember the name.

23 PRESIDING JUDGE SCHMITT: [14:59:42] I would have no objection if you put the  
24 name to him and if this rings a bell.

25 MR OBHOF: [14:59:47] Oh, we'll let him go through the rest (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: Okay, okay.

2 MR OBHOF: -- beforehand and then (Overlapping speakers).

3 PRESIDING JUDGE SCHMITT: [14:59:52] Good, good, good. But I only want --

4 MR OBHOF: Yeah.

5 PRESIDING JUDGE SCHMITT: -- to indicate that (Overlapping speakers)

6 MR OBHOF: I would like him to do it naturally, if possible, and then we will go

7 through the rest of them that he does know and then if he can't remember,

8 we'll (Overlapping speakers).

9 PRESIDING JUDGE SCHMITT: [15:00:00] Naturally is always better of course.

10 MR OBHOF: [15:00:07]

11 Q. [15:00:07] Mr Witness, could you please describe some of these people or name

12 some of the people that you remember in this photo?

13 A. [15:00:25] I can remember Dominic. I can see Okot Odhiambo is there. Okuti

14 is there. I can see -- I can -- I have remembered the name of the person you asked.

15 (Redacted) There is a Kidega who was in Trinkle. He was part

16 of security. There are other people, I can remember their faces, but not their names.

17 I have forgotten their names now.

18 Q. [15:01:19] Mr Witness, this photograph, is it all people from the same brigade in

19 the same battalion or is this just a mixture of everybody from different battalions and

20 brigades?

21 A. [15:01:37] These people are in different brigades. They also belong to different

22 battalions.

23 Q. [15:01:48] Mr Witness, could you please describe for us the one which is Okot

24 Odhiambo.

25 A. [15:02:03] Yes, I can. Okot Odhiambo is standing behind someone who stood

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1 and bowed a bit. He is behind. He is wearing a round hat on his head and has  
2 some ranks on the shoulder and a red collar.

3 Q. [15:02:36] Now, Mr Witness, was Okot Odhiambo at the Pajule attack we were  
4 discussing earlier?

5 A. [15:02:52] In the second attack he was there, as far as I can remember. I heard it.

6 Q. [15:03:02] Were the rest of these people all at the Pajule attack? Or were any of  
7 these people fighting with you in Teso?

8 A. [15:03:19] There are some people who were there. Like the first person you  
9 asked, he was there in that battle together with Okot Odhiambo. The rest of the  
10 people were not there.

11 Q. [15:03:45] Thank you, Mr Witness.

12 That's it for this photograph, your Honour, so we can go back into public session.

13 PRESIDING JUDGE SCHMITT: [15:03:51] Open session. But I personally think this  
14 could have been discussed in open session and I thought that perhaps the witness  
15 would appear on it, but okay.

16 MR OBHOF: [15:04:03] Some of them are fuzzy so I don't know if --

17 PRESIDING JUDGE SCHMITT: [15:04:06] Yeah. No, no, no, it's not a criticism, it's  
18 just in hindsight sometimes, but we can give a little bit of a relief in that respect as we  
19 have talked about it before.

20 (Open session at 3.04 p.m.)

21 THE COURT OFFICER: [15:04:20] We are in open session, Mr President.

22 MR OBHOF: [15:04:23]

23 Q. [15:04:23] Mr Witness, before we looked at this photograph I was asking you if  
24 you knew Acaye Doctor and you said you did and you gave a little bit of an  
25 explanation. Now, under which brigade or group or unit did Acaye Doctor serve

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1 under in the beginning of 2006?

2 A. [15:05:05] In the year 2006, Acaye Doctor was in Trinkle brigade. That brigade  
3 is mainly composed of the security detail that took care of Kony, the security detail of  
4 Kony himself.

5 Q. [15:05:39] Is it, would it be correct for me to say that Acaye Doctor is loyal to  
6 Joseph Kony?

7 A. [15:05:54] Yes, that is correct.

8 Q. [15:06:00] Is Acaye Doctor a person to whom Joseph Kony would entrust special  
9 tasks?

10 A. [15:06:17] Yes, that would happen.

11 Q. [15:06:21] Now, Mr Witness, who is Major Adjumani?

12 A. [15:06:36] Major Adjumani is someone I know, but I did not stay close to him.  
13 But I know him.

14 Q. [15:06:44] Do you remember where, under which brigade or which unit he  
15 served at the beginning of 2006?

16 A. [15:06:59] I recall in the year 2006 he was also in Trinkle, which is composed of  
17 Kony's security.

18 Q. [15:07:16] Now, is he someone who was loyal to both Joseph Kony and  
19 Otti Vincent? Well, let me rephrase that. At least until the end of 2007. In 2006  
20 was he loyal to Joseph Kony and Otti Vincent?

21 A. [15:07:46] Yes, he was close to them.

22 Q. [15:07:52] In 2006 was Major Adjumani also the type of person whom  
23 Joseph Kony and Otti Vincent would entrust with a special task?

24 A. [15:08:15] Yes, he would do.

25 Q. [15:08:20] Now, Mr Witness, to the best of your memory, were Acaye Doctor and

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1 Major Adjumani dispatched from Sudan to Uganda in 2006 to ensure that  
2 Mr Ongwen and the LRA people he was travelling with returned to Sudan and did  
3 not escape during the beginning of the peace talks?

4 A. [15:08:59] I recall that they came to Uganda. They indeed moved together with  
5 Doctor, but I do not know their mission.

6 Q. [15:09:17] Thank you, Mr Witness.

7 And your Honour, I think this one question would be best asked in private.

8 PRESIDING JUDGE SCHMITT: [15:09:29] Then for one question to private session.

9 MR OBHOF: [15:09:32] Or maybe two at the most because there's a follow up. Just  
10 in case.

11 PRESIDING JUDGE SCHMITT: [15:09:35] Well, we -- yeah, if there is a follow up, of  
12 course, we would not -- I would not insist on it. Private session.

13 (Private session at 3.09 p.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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1 (Open session at 3.11 p.m.)

2 THE COURT OFFICER: [15:11:05] We are back in open session, Mr President.

3 MR OBHOF: [15:11:17]

4 Q. [15:11:17] Mr Witness, around the time that Otti Vincent was killed was  
5 Ben Acellam also executed?

6 A. [15:11:34] At the time, he was killed together with Ben Acellam.

7 Q. [15:11:38] Now you've mentioned Otim Record, Major Adjumani, Ben Acellam  
8 and Otti Vincent. Was anyone else killed by order of Joseph Kony at that time?

9 A. [15:12:00] No, not there, apart from the people whom you've mentioned. It was  
10 Otti Vincent, Ben Acellam, Otim Record and Major Adjumani.

11 Q. [15:12:25] Now, Mr Witness, we have also - again both the Prosecution and us in  
12 the Defence - we have asked you a few questions dealing with Odong Cowboy.

13 Now, after he escaped, while Mr Ongwen was in sickbay, when did he return to the  
14 LRA?

15 A. [15:12:58] When Cowboy escaped he never came back to the bush.

16 Q. [15:13:10] I mean when Mr Ongwen was in sickbay in 2003, when  
17 Odong Cowboy escaped the first time.

18 A. [15:13:22] Yes. When Odong Cowboy escaped, when we were in the sickbay he  
19 never came back to the bush. I don't know whether you have understood what  
20 I said.

21 MR OBHOF: [15:13:43] Yes. Can we go into private session, your Honour, please?

22 PRESIDING JUDGE SCHMITT: [15:13:46] Yes, private session.

23 MR OBHOF: [15:13:48] Thank you.

24 (Private session at 3.13 p.m.) \*(Reclassified partially in public)

25 (Redacted)



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6 And Mr Witness, this is the same Odong Cowboy that escaped in 2003?

7 A. [15:14:37] Yes.

8 Q. [15:14:39] So when you said he didn't come back to the bush, does that mean that  
9 he didn't go back to the LRA until the peace talks started?

10 A. [15:14:56] Yes, I understood that he was -- he returned when we were in Uganda.  
11 But now I remember that when peace talks started in south, southern Sudan, he came  
12 to the bush.

13 PRESIDING JUDGE SCHMITT: [15:15:15] So it might be a question of interpretation  
14 of what "returning" means.

15 MR OBHOF: [15:15:21] Yes.

16 PRESIDING JUDGE SCHMITT: [15:15:21] And what "escaping" means also. Might  
17 be open to interpretation.

18 MR OBHOF: [15:15:28]

19 Q. [15:15:28] Now, Mr Witness, knowing that Odong Cowboy escaped in 2003  
20 when Dominic was in sickbay --

21 PRESIDING JUDGE SCHMITT: [15:15:41] Open session I think.

22 MR OBHOF: [15:15:43] Yes.

23 PRESIDING JUDGE SCHMITT: [15:15:44] It can be discussed in open session.

24 (Open session at 3.15 p.m.)

25 THE COURT OFFICER: [15:15:49] We are in open session, Mr President.

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1 MR OBHOF: [15:16:01]

2 Q. [15:16:37] Let me restart the question, Mr Witness.

3 Knowing that Odong Cowboy escaped in 2003 whilst Mr Ongwen was in sickbay,  
4 would it have been possible for him to come back to the bush for approximately eight  
5 or nine months in 2003 and 2004 without Joseph Kony, Vincent Otti and the entire  
6 LRA learning of his return?

7 A. [15:16:42] Without that knowledge it is not possible for it to happen.

8 Q. [15:16:49] So it's fair to say that the entire LRA would have been notified that he  
9 returned? Or at least through the radio call people would have been notified that he  
10 returned?

11 A. [15:17:13] Yes. At the time that he returned, everyone knew that  
12 Odong Cowboy had returned.

13 Q. [15:17:27] I just want to make distinctly clear when you say the time he returned  
14 you're referring to the peace talk time, late 2005 and -- or, sorry, late -- during 2006,  
15 that's the time when you are talking about when he returned everybody knew,  
16 correct?

17 A. [15:17:52] Correct.

18 PRESIDING JUDGE SCHMITT: [15:18:01] May I shortly, Mr Obhof.

19 MR OBHOF: [15:18:03] Yes, please, because I don't have that much left and it all has  
20 to be done in private.

21 PRESIDING JUDGE SCHMITT: [15:18:08] Yeah.

22 Mr Witness, when Odong Cowboy came back, returned in 2006, how was this  
23 perceived by the LRA? Were there any talks? Was there, for example, suspicion,  
24 the motives why he came back or whatsoever?

25 THE WITNESS: [15:18:33] (Interpretation) When, you know, the time that he

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1 returned, it was the peace talk moment. And his return -- on his return, some people  
2 were happy, some people were not happy. Thinking about how they returned, it  
3 was possible that they could also again escape. So those who were happy  
4 were -- wanted to understand more from him. For instance, myself, I wanted to  
5 know what was happening home. And he gave me information which was very  
6 important to me. So this is what happened. Some people were happy, some people  
7 were unhappy about his return.

8 PRESIDING JUDGE SCHMITT: [15:19:36] Mr Obhof.

9 MR OBHOF: [15:19:38] Thank you, your Honour. And your question gave me one  
10 more question.

11 Q. [15:19:44] How about Otto Sunday, how were people, how was their reaction  
12 when Otto Sunday returned for the peace talks?

13 A. [15:20:07] At the time when Otto Sunday and the team returned, nothing bad  
14 happened, they were welcomed, they were received well. I was together with him in  
15 the same battalion. We would also eat together.

16 Q. [15:20:29] Thank you, Mr Witness.

17 Now this is going to be one question public and the rest in private. And I'm sorry to  
18 the people watching and the people in the gallery that just arrived. For the question  
19 I am going to ask you, just restrict it to "yes" or "no" and then we can elaborate on it  
20 later, depending upon your answer, in private session.

21 Now, Mr Witness, did people from the government of Uganda, specifically the  
22 military or government intelligence, interview you after you escaped?

23 A. [15:21:10] Yes.

24 MR OBHOF: [15:21:16] Now the final approximately four or five questions for me  
25 will have to be in private.

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- 1 PRESIDING JUDGE SCHMITT: [15:21:22] Yes, that is clear. From the answer, yes,
- 2 that was clear.
- 3 Private session.
- 4 (Private session at 3.21 p.m.)
- 5 (Redacted)
- 6 (Redacted)
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14 (Open session at 3.38 p.m.)

15 THE COURT OFFICER: [15:38:12] We are back in open session, Mr President.

16 MR OBHOF: [15:38:19] Thank you, Mr Witness. I appreciate your time. And our  
17 counsel, Krispus Ayena Odongo, will ask a few final questions.

18 PRESIDING JUDGE SCHMITT: [15:38:28] You have the floor, Mr Ayena.

19 QUESTIONED BY MR AYENA ODONGO:

20 Q. [15:38:43] Mr Witness, I am sure we know each other, don't we?

21 A. [15:38:51] Yes, very well.

22 Q. [15:38:59] Now, Mr Witness, first of all I want to thank you very much for the  
23 elaboration you have given about what you know about Dominic Ongwen because of  
24 the special circumstances of your relationship. For that reason, I want you to help  
25 Court to understand who this man Dominic Ongwen is. What would you describe

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1 his character, first of all as a person, secondly, as a commander within the LRA? Can  
2 you help Court to understand him?

3 A. [15:40:17] I thank you for your question. I will respond briefly on Dominic's  
4 character.

5 I lived with Dominic for quite a long time. I know a lot about him. He also knows  
6 a lot about me. In terms of relations to people, talking to people, command in the  
7 army, Dominic is very well acquainted. He is very well -- he is very good at it and he  
8 knows how to speak to his soldiers. I have to speak openly without fear that  
9 Dominic, when it comes to military matters, he is very knowledgeable.

10 My stay with him for the time I was with him, even when government soldiers  
11 learned that this is Dominic's group, they know very well if you follow them, there  
12 will be fierce battle. That is what was -- that is what was happening when I was with  
13 Dominic. So for that matter, the government soldiers would rarely follow us. If  
14 they want to fight us, they would ambush us.

15 Dominic is one person who does not give out arbitrary orders. Even when his  
16 superior gives an order, for the time that I was with him, if any message comes to him  
17 for an operation, he would invite all the officers and will explain to them the  
18 particular nature of the operation.

19 I do recall there was an operation while we were in the sickbay, when message came  
20 from the commanders to him asking that we should go and attack Opit trading centre  
21 and also to abduct and return with them. So Dominic called us and informed us  
22 that, "We have been given orders to go and perform this operation, but I am weak and  
23 I request that this is a matter between us. No one should go and abduct people from  
24 Opit. But you will go and attack the army. If you defeat them, then you return."  
25 That is what happened, the order which was given. We went to Opit and indeed we

1 attacked and defeated the army and we returned. There was no abduction during  
2 that attack.

3 That is briefly what I know about Dominic, our lives, when -- while we were together.  
4 He knows how to speak to people, he is good in his command. That's what I can tell  
5 about him.

6 Q. [15:43:59] Just this afternoon when you were talking about the time when  
7 Vincent Otti was killed, it was apparent that there were quite a number of people who  
8 were to be executed together with him. And according to what you told Court,  
9 Dominic seemed to have intervened. Was this normal with other commanders, in  
10 your experience? In other words, it appears Dominic spared the lives of some people  
11 who should have been executed along with the rest.

12 A. [15:45:10] Yes, he did help to spare their lives. The assistants, for example, I can  
13 give, is one of the commanders known as Caesar Acellam. He should have been  
14 executed as well. He was not killed.

15 Another person who was rescued was myself, and then another person also is  
16 Okema Vincent. We came back together with him. Unfortunately he is now  
17 deceased. Another person who was spared is Ojok Alex. He should have been  
18 executed as well. There are also other people who should have been executed, but  
19 the kind of intervention that Dominic gave, he was one of the few people who could  
20 do such interventions. A person like Caesar, who is now back at home, he was also  
21 like that, he could also do that intervention.

22 When you are such a person in the bush, you can be targeted and sometimes you can  
23 also die. I believe it is also the same thing that killed Vincent. Commanders who  
24 would question what Kony has directed, that it should not be done, could be targeted.  
25 Dominic was also among such commanders. I believe that he was saved by God.

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1 When I returned home, I was sure that he would die in the bush because he likes to  
2 always intervene in what he believes is a bad order. Some commanders, such as  
3 Buk, Okot Odhiambo, if you do something and Kony gives a directive that so-and-so  
4 should be killed, if he does not hear it from Kony again would you die.  
5 But other commanders such as Dominic, Otti Vincent, these two commanders, even if  
6 Kony gives an order, they first meditate upon it and then they would first also ask  
7 him again and get more information.  
8 They also advise on the order and later on, if Kony refuses, then -- I mean insists, then  
9 his orders will be executed. This is what I can respond accordingly.

10 Q. [15:48:18] One other area that I want to canvass with you is the area of  
11 spiritualism in the LRA. You said at the beginning you believed the spirit attributes  
12 of Joseph Kony, but this seemed to have waned along the way. But let's look at  
13 when you still believed it.

14 You went across rivers, you went across forests, you went through mountains. And  
15 in the African belief, these are areas which are infested with spirits. Can you tell  
16 Court how you survived, how the LRA army survived through the bushes, through  
17 the streams, through the mountains? Could it be that Kony did something about it?

18 A. [15:49:50] In regards to the spirits, when I had just arrived in the bush, when  
19 I was still young, I believed so much that the spirits were the ones that were  
20 protecting us against anything.

21 Later on, when I grew up and I became aware, I started realising that it was not that  
22 thing that was protecting me. I started believing that my own survival skill made me  
23 to survive from whatever was happening in the bush. That was according to me.  
24 I started realising that whatever Kony says, that this and that should be done, he first  
25 mentions so that you will follow what he wants. I realised later that because I was

1 still young, it was what Kony used to brainwash you so that you can believe.

2 When I matured up, I became aware and knowledgeable in many of the things that  
3 were happening. I realised that even if I'm not told, I'm supposed to protect myself  
4 because I am already exposed to danger. No one can ensure I am safe. I should  
5 ensure that I safeguard myself so that I don't die.

6 When I was in the bush, crossing big streams or big water bodies was very common.  
7 Northern Uganda has many water bodies. When it is flooded, you have to use  
8 a rope. During the crossing of the rivers or water bodies, you use a rope. But some  
9 people die. Some people get snake attacks and they die.

10 I remember one time when we were around a mountainous area I saw some snakes  
11 which I had not seen in my life that was from Sudan. This place is cold, but is not as  
12 cold as that place I am talking about. Because it will be raining all the time. It  
13 cannot take more than 10 minutes before it rains. But there -- there is no snow there,  
14 it keeps on raining.

15 That place is not a place that human beings can survive easily. But we stayed there,  
16 we passed through that place. There were so many snakes. The snakes are not very  
17 long, but it's huge. There is nothing I can use to compare in this -- no, that is small,  
18 that is very small.

19 PRESIDING JUDGE SCHMITT: [15:53:20] No, but -- may I shortly, Mr Witness.

20 When you say they are small, but huge, perhaps you have a comparison with -- if you  
21 take a leg or an arm, just for us that we can have an idea what -- what they are in  
22 diameters, so to speak.

23 THE WITNESS: [15:53:42] (Interpretation) The snakes I saw there for the first time  
24 could be as short as about a metre and the diameter is this size. It has some hair on  
25 the head. The eyes are big. Others are -- can be from here up to this door. The size

1 of the head and the tail part is not like the rest of the snakes that has a smaller tail  
2 part. For those snakes, the size is the same throughout. You can only know that  
3 this is the tail part and this is the head like -- because of the eyes and the horns that  
4 it has.

5 That is the kind of place we lived in. I remember one of the commanders known as  
6 Matata was in Control Altar, he was one of the commanders during  
7 Operation Iron Fist, they found such a snake and he told one of the escorts to shoot  
8 that snake. The escort shot the snake, but people feared that such huge snakes  
9 should not be killed anyhow.

10 When the escort shot that snake, he shot it in the evening, but in the morning we  
11 didn't find that snake. We moved to the next location. And during our movement  
12 the escort died.

13 It made us fear that such things is not good. Those are the kind of places we passed  
14 from. Other places are hot. Others are very cold. The places which are hot are too  
15 hot, it has no water.

16 PRESIDING JUDGE SCHMITT: [15:55:52] I think, Mr Witness, that is -- that gives us  
17 a picture of what you went through, so to speak and what you survived.

18 Mr Ayena, do you have further questions?

19 MR AYENA ODONGO: [15:56:04] (Microphone not activated).

20 PRESIDING JUDGE SCHMITT: [15:56:05] No further questions, thank you very  
21 much.

22 And, Mr Witness, I would like to address you. On behalf of the Chamber, we want  
23 to thank you for helping us to establish the truth, for coming to this far away court,  
24 and we wish you a safe trip back home.

25 (The witness is excused)

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1 PRESIDING JUDGE SCHMITT: The next witness is Witness 275 of the Prosecution,  
2 and it is a video link witness, and the video link can be established on Monday, so  
3 this means that we have, a day off would be a little bit exaggerated, because we have  
4 enough work, everybody in the courtroom, but we have a day off the courtroom here  
5 and reconvene on Monday, 9.30.

6 THE COURT USHER: [15:56:49] All rise.

7 (The hearing ends in open session at 3.56 p.m.)

8 RECLASSIFICATION REPORT

9 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July  
10 2016, the public reclassified and redacted version of this transcript is filed in the case.