

Trial Hearing
WITNESS: UGA-D26-P-0136

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 25 March 2019
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:42] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:08] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:31:13] Good morning, Mr President, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:31:27] I ask for the appearances of the parties.
19 Like always we start with the Prosecution, Mr Gumpert.
20 MR GUMPERT: [9:31:32] Good morning, your Honour. Benjamin Gumpert, with
21 me today Pubudu Sachithanandan, Adesola Adeboyejo, Laura de Leeuw,
22 Natasha Barigye, Jasmina Suljanovic, Grace Goh, and Kamran Choudhry.
23 PRESIDING JUDGE SCHMITT: [9:31:47] Thank you.
24 And for the Legal Representatives of the victims, Ms Massidda first.
25 MS MASSIDDA: [9:31:51] Good morning, Mr President, your Honours.

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1 For the Common Legal Representative team, Paolina Massidda, Caroline Walter and
2 Orchlou Narantsetseg.

3 PRESIDING JUDGE SCHMITT: [9:32:00] Thank you.

4 And for the second team, so to speak.

5 MS HIRST: [9:32:04] Good morning, Mr President, your Honours. I'm Megan Hirst.

6 With me James Mawira and Anushka Sehmi.

7 PRESIDING JUDGE SCHMITT: [9:32:11] Thank you.

8 And finally for the Defence, Mr Ayena.

9 MR AYENA ODONGO: [9:32:14] Good morning, Mr President and your Honours.

10 Today we have a fairly diminished team, but not --

11 PRESIDING JUDGE SCHMITT: [9:32:20] But it's not about numbers, I think.

12 MR AYENA ODONGO: [9:32:23] It's not about numbers. Thank you.

13 Today I am assisted by Mr Kifudde Gordon, assistant to counsel; Chief Achaleke

14 Taku, co-counsel; Mr Roy Titus Odongo, case manager; and our client

15 Dominic Ongwen is in court.

16 PRESIDING JUDGE SCHMITT: [9:32:48] Thank you very much.

17 And I said finally, but that's of course not the case. We have the next witness in the
18 courtroom.

19 Good morning, Mr Julius.

20 WITNESS: UGA-D26-P-0136

21 (The witness speaks English)

22 THE WITNESS: [9:33:00] Good morning, Mr President.

23 PRESIDING JUDGE SCHMITT: [9:33:03] On behalf of the Chamber I welcome you
24 in the courtroom. There should be a card in front of you with the solemn
25 undertaking. I would kindly ask you to read out this undertaking please.

1 THE WITNESS: [9:33:17] I solemnly declare that I will speak the truth, the whole
2 truth and nothing but the truth.

3 PRESIDING JUDGE SCHMITT: [9:33:29] And I assume you agree to that, what you
4 have read out?

5 THE WITNESS: [9:33:32] Yes, Mr President.

6 PRESIDING JUDGE SCHMITT: [9:33:34] Thank you. Then you are sworn in.
7 Before we start with your testimony I would like to address some practical matters.
8 We have interpreters here in the courtroom, in the gallery to the right. Everything
9 we say here, what you are saying, everyone else is saying, is written down and
10 interpreted. And to allow for the interpreters we have to speak at a relatively slow
11 pace, and please only start speaking when the person that asks you a question has
12 finished. These are the only things that we have to follow here.

13 If you have any questions yourself, please raise your hand, I will give you then the
14 word.

15 We start now with the testimony by the Defence and I assume Mr Ayena will conduct
16 this questioning.

17 MR AYENA ODONGO: [9:34:19] You are right, Mr President and your Honours.

18 PRESIDING JUDGE SCHMITT: [9:34:23] May I perhaps simply, it's of course up to
19 you, but a suggestion. I saw of course the summary what you intend to address
20 with this witness, very interesting should be the forming of the Arrow Boys, I think
21 you will address that, the function, structure of this entity, so to speak, and its
22 relationship with the government. Also situation in the IDP camps. May I suggest
23 not to focus on the '80s and '90s situation in the Teso region. This is simply
24 a suggestion by me, suggestion by preparing upfront what we can perhaps expect
25 from his testimony with relation to significance, relevance, so on and so forth. It's

1 simply, you can do it as you wish, but it's simply by me a little bit of a guideline, so to
2 speak.

3 Please proceed.

4 MR AYENA ODONGO: [9:35:24] Mr President, I'm guided. I will exercise
5 maximum restraint not to stray outside the precincts of what you have directed. But
6 I dare say, Mr President, this is a peculiar witness in the sense that he is a political
7 leader in the area and although we have already canvassed the background to the
8 conflict, he might have one or two things to say about it. But --

9 PRESIDING JUDGE SCHMITT: [9:35:54] Absolutely.

10 MR AYENA ODONGO: That is not going to --

11 PRESIDING JUDGE SCHMITT: It's fine. Please proceed.

12 MR AYENA ODONGO: [9:35:58] It's not going to be the thrust of my interview with
13 him.

14 QUESTIONED BY MR AYENA ODONGO:

15 Q. [9:36:07] Good morning, Julius.

16 A. [9:36:09] Morning.

17 Q. [9:36:10] I am sure we know each other pretty well.

18 A. [9:36:14] Oh, yes.

19 Q. [9:36:17] So, Julius, you have taken -- I mean, you have given your word to
20 Court that you tell nothing but the truth, and I just want to start by saying that the
21 reason why the Defence called you here is to tell this Honourable Court the truth
22 about what happened, particularly in Teso region, but also in Uganda generally.
23 Because as a political leader I am sure you have one or two things about to say the
24 general things that may help Court to form its mind about what we are talking about
25 in this court.

1 So can we now place on record your current legal names, the names that you are
2 known by.

3 A. [9:37:28] Ochen Julius is my name.

4 Q. [9:37:40] By any chance were you ever in your life known by any other name,
5 nickname or, you know, fond name?

6 A. [9:37:53] I hold only one name.

7 Q. [9:37:58] Okay. Can you tell Court your nationality, ethnic origin and place of
8 residence?

9 A. [9:38:05] I'm a Ugandan by nationality, an Atesot by ethnic group, and resident
10 of Obalanga sub-county in Kapelebyong county, Kapelebyong district in Teso region.

11 Q. [9:38:34] And is that where you were born, Julius?

12 A. [9:38:43] Yes.

13 Q. [9:38:44] And when was that when you were born, when were you born?

14 A. [9:38:53] I was born on 4 March 1973.

15 Q. [9:39:02] Thank you very much. Can you tell Court what you do for a living at
16 the moment. What is your occupation?

17 A. [9:39:30] Currently, I'm a member of parliament in the Ugandan parliament, and
18 down at home I do practice agriculture.

19 Q. [9:39:48] And which constituents do you represent?

20 A. [9:39:52] I represent Kapelebyong county in Kapelebyong district, that is north
21 of Teso bordering Karamoja.

22 Q. [9:40:06] And can you tell Court how long you have been a member of
23 parliament.

24 A. [9:40:16] I have finished two, two years and almost making the third year by
25 1 July, the coming July.

1 Q. [9:40:32] Now, I am sure you wouldn't want to tell Court that parliament was
2 your first engagement. Can you tell Court what you were doing prior to becoming
3 a member of parliament?

4 A. [9:40:48] Oh, yes. Prior coming to parliament, I worked with the religious
5 organisation in the Teso region. I worked with Roman Catholic Church in Soroti
6 dioceses and particularly under the mission of Acumet. There was a small
7 organisation that was started by a priest from Poland.
8 I also worked with the Anglican Church as a youth leader in the archdeaconry. I
9 worked in the district council of Katakwi, where back -- that is, 1996, '98, 2001. I
10 worked as a chairman, local government, equivalent of a governor of a district,
11 Amuria district local government, that was in 2005, 1 July 2011. And then I worked
12 with the cooperative society as a board chairman up to 2015, when I resigned and I -- I
13 joined parliament.

14 Q. [9:42:32] Thank you very much. Now, you told Court a few minutes ago that
15 you hail from Kapelebyong district, but now you said you worked as chairman of
16 Amuria. Can you just clarify that to Court.

17 A. [9:42:56] Amuria district local government was a major district before the
18 creation of Kapelebyong. Kapelebyong district came into autonomy on 1 July, the
19 previous July, but previously was one district.

20 Q. [9:43:25] Okay, so Kapelebyong was split from --

21 A. [9:43:29] Oh, yes.

22 Q. [9:43:31] Thank you very much. And, Mr Witness, can you tell Court your
23 level of education?

24 A. [9:43:45] My level of education, in brief, I hold a bachelor's degree in
25 international relation and diplomacy from Cavendish University in Uganda.

1 Q. [9:44:05] We are going to emphasise your role as a councillor and chairman, in
2 particular in one of the districts in Teso. Of course, without prejudice to your role in
3 the two churches, the Anglican Church and the Catholic Church. But maybe I'll first
4 ask you a general question. When you worked in the two churches, can you tell
5 Court briefly the functions of your office, your role, what were your functions?

6 A. [9:44:52] Oh, yes, I start with the -- the Roman Catholic Church. In Amuria, by
7 that time it was Katakwi district, we had the problem of insecurity that was
8 perpetuated by armed groups, the Karamojong cattle rustlers, and then we had a civil
9 war in Teso called a UPA at that time; it was so serious.

10 Now the Roman Catholic was very concerned about the levels of poverty. There
11 was an effort by the Roman Catholic Church to try to find ways of, first of all, tackling
12 the insecurity that was perpetrated by the Karamojong cattle rustling, theft was so
13 rampant and killings were going on. So the church was very concerned on what the
14 church -- the role the church would play in mobilising the youth and also educating
15 the masses who were living in camps at that time.

16 Because that time, despite the situation, people living in IDP camps, there was high
17 levels of corruption within the institutions or government. Whatever service that
18 was geared or directed to internally displaced persons in camps, but leaders in
19 districts, in government institutions, I think compromised themselves with corruption
20 because we were very concerned, the Roman Catholic Church and the community
21 were very concerned that government -- international community tried to send help
22 to the IDPs, but the leaders were in the middle of undermining that assistance to the
23 community. So the church was trying to empower the people so that they would
24 demand their leaders to be accountable, leave alone mobilising the people to be aware,
25 to play their role on the question of addressing the insecurity, which was so rampant

1 by the Karamojong rustlers. So those -- those things preoccupied us.

2 Q. [9:48:14] Are we talking -- sorry for the interruption, but I think let's go step by
3 step. Can you tell Court what particular period, specific period, gap of time we are
4 talking about?

5 A. [9:48:32] When I talk about the situation that happened in eastern Uganda, in
6 Teso in particular, with the Karamojong rustling alone it dates back way 1954, '54, '50,
7 coming upwards. We have never had a rest from this activity up to today I'm
8 talking. No rest. I was born in the village when people were running, and grew up
9 in the village. Today I'm -- about 45 years that has been ongoing activity. And this
10 particular one, I am talking with the Roman Catholic Church, this is between 1996,
11 coming 2001, 2002, around that.

12 Q. [9:49:35] Now, Julius, let's address the issue of this cattle rustling. As
13 somebody who grew up, was born in Teso sub-region, grew up Teso sub-region,
14 worked with and -- I mean, all-encompassing NGOs, and then finally became
15 a political leader in the area, can you guess, or can you tell Court, according to your
16 knowledge or your research or what you got to know through your work, the
17 approximate population, animal population in Teso at that time?

18 A. [9:50:26] Teso ethnic community was actually the leading cattle keepers in
19 Uganda. According to the animal census of 1960, since '66, around there, the
20 agricultural sector in Uganda has the details, I think not less than 3 million cattle, not
21 less than 3 million cattle were in Teso, of which cattle due to cattle rustling, the
22 numbers have been depopulated, I think, to around maybe 160/170,000 in the region.

23 PRESIDING JUDGE SCHMITT: [9:51:12] Could it be said, Mr Witness, that the cattle
24 was the wealth of the people?

25 THE WITNESS: [9:51:18] Actually, it was the centre of our wealth. Education,

1 health, livelihood, earning income to homes was derived from the cattle. Cattle
2 played the central, it was the centre of our economy; it was a cattle economy.

3 PRESIDING JUDGE SCHMITT: [9:51:38] Thank you.

4 Please, Mr Ayena.

5 MR AYENA ODONGO: [9:51:43]

6 Q. [9:51:44] Did it also by any chance define the status of people?

7 A. [9:51:54] Oh, yes, actually, the first rebellion in Teso, that was in 1980, '85, cross
8 into '86, actually it was ignited when the NRA soldiers after the overthrow of
9 Tito Okello regime in Kampala, when the NRA soldiers were pursuing the UNLA
10 forces in the northern parts of Uganda, the NRA soldiers started the -- they got, they
11 got animals from the *wananchi*, from the civilian population, in the name of paying
12 back when they settled in government. They took a lot of cows from the people.
13 Others were told they will pay. Others were removed forcefully from the people,
14 from the civilians, forcefully, and --

15 PRESIDING JUDGE SCHMITT: [9:53:11] And did they pay afterwards?

16 THE WITNESS: [9:53:15] They have never been paid to date I am in court. As I
17 speak now, as I speak now, we have four cases in court suing the government of
18 Uganda where in one case I am leading, we are seeking for a compensation of
19 500 billion shillings from government as compensation for cattle.

20 PRESIDING JUDGE SCHMITT: [9:53:43] Okay. Thank you. I think this is an
21 extensive information and I appreciate that. We could move on now I think from the
22 cattle rustling, I would suggest.

23 MR AYENA ODONGO: [9:53:53] May I put just one question.

24 PRESIDING JUDGE SCHMITT: [9:53:57] I have not heard it, but of course you may
25 put it.

1 MR AYENA ODONGO: [9:54:00] Yes.

2 Q. [9:54:11] Julius?

3 A. [9:54:12] Yes.

4 Q. [9:54:13] The population of 3 million animals in Teso, are you also aware as to
5 whether the adjoining districts and other tribes also lost animals?

6 A. [9:54:23] Oh, yes, Mr President, the community in northern Uganda largely
7 survive and derive their livelihood on cattle. The ethnic community from Lango,
8 Lango is adjacent to Teso from the north and then Acholi from the further north
9 bordering South Sudan, and then the Karamojong on the eastern parts of Uganda
10 bordering Kenya, these three, three ethnic community, leave alone the Banyankole on
11 the western parts of Uganda, but on the east and the north, the Teso, the Lango and
12 the Acholi, allegedly depended on cattle and all the cattle were rustled in those three
13 communities.

14 Mr President, I assure you even during the overthrow of Tito Okello, we witnessed
15 government troops, and even after that overthrow, started getting cows from the
16 community and our cows were seen with some military officers. For instance, this
17 man, the commander called Kyaligonza, he was sighted with our animals, and even
18 our animals crossed through some countries. The regime in power, for instance, in
19 Libya, the regime in power had to trade some of these animals with firearms.

20 MR AYENA ODONGO: [9:56:25] Yes.

21 PRESIDING JUDGE SCHMITT: [9:56:28] Okay, thank you.

22 MR AYENA ODONGO: [9:56:30]

23 Q. [9:56:30] What I wanted you to tell Court is, if you said Teso alone had 3 million
24 heads of cattle, and the adjoining tribes also had cattle, is it possible that -- were all
25 these taken to Karamoja?

1 A. [9:57:00] That's what I am telling you. In the agricultural sector the animal
2 censors has the details about the cattle that were stolen in Teso, as I told you, and that
3 was stolen in Lango, and that was stolen in Acholi. All these cows, in the outside
4 picture, it was stated, taken to Karamoja on the eastern part of Uganda by the
5 Karamojong ethnic community. But in the actual sense the cows were making
6 a route to Kampala and heading to the western parts of Uganda, and even abroad.

7 PRESIDING JUDGE SCHMITT: [9:57:38] I think that's, now it's clear. No, no, but I
8 also understood beforehand that not only the Karamojong but also government forces
9 took cattle. I have understood it at least. Okay. This seems to be correct.

10 MR AYENA ODONGO: [9:57:55] Yes.

11 Q. That's a lot of information. But can you just make a concluding remark. You
12 stated earlier on that -- or did I understand you to say that this cattle rustling episode
13 could have been the conflict driver in eastern and northern Uganda?

14 A. [9:58:26] Oh, yes. Mr President, and the lawyer, all the wars that started in, in
15 Uganda, the major source, the major cause of those wars, it has been cattle.
16 The rustling between these three ethnic communities and the Karamojong, the source
17 of that conflict is cattle. The conflict between the UPA, which was to believed as the
18 people's, the civilian force versus the regime in power in Kampala, the source was
19 cattle.
20 Even when the LRA, when the LRA came, when the LRA came, it found that there
21 was already grievance on the ground, in Teso, in Lango, in Acholi, with the state in
22 power, with the regime in power, and the source of the conflict was cattle, was the
23 cattle. And --

24 Q. [9:59:42] Sorry to stop you; we are going into that later.

25 A. [9:59:49] Okay.

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- 1 Q. [9:59:49] So for the moment I just want that answer which you have given, I
2 think so well, that it was a factor in the --
- 3 PRESIDING JUDGE SCHMITT: [9:59:59] You don't have to repeat it. We have
4 heard it. And let me say, the witness is absolutely clear in his statements.
- 5 MR AYENA ODONGO: [10:00:07] Yes.
- 6 PRESIDING JUDGE SCHMITT: [10:00:08] But I have a question which is not
7 concerned with and regards the testimony as such. Because you address the witness
8 as "Julius", I wanted to ask you, are you Mr Julius or Mr Ochen in the understanding
9 of a westerner like me, for example? How would you like to be addressed by
10 the Chamber?
- 11 THE WITNESS: [10:00:35] In the church circle, they prefer starting with the
12 Christian name, in the church circle. But in our ethnic community you can even start
13 with the Ochen, the surname.
- 14 PRESIDING JUDGE SCHMITT: So both would be possible.
- 15 THE WITNESS: [10:00:51] Both would be possibly.
- 16 PRESIDING JUDGE SCHMITT: So when I addressed you as "Mr Julius" it was fine?
- 17 THE WITNESS: [10:00:57] I have no problem.
- 18 PRESIDING JUDGE SCHMITT: [10:00:58] Okay, good. Then I'm also fine.
19 Please proceed.
- 20 MR AYENA ODONGO: [10:01:00] From the, and my brother on the other side
21 would know this better, Mr Ben Gumpert, in English when you are using the
22 Christian name you don't put Mr, you don't put the prefix, the prefix is normally put
23 when you are using the surname or both, but if you are saying "Julius", it is just Julius,
24 not Mr Julius.
- 25 PRESIDING JUDGE SCHMITT: [10:01:26] So even for me, the surname is Ochen.

- 1 MR AYENA ODONGO: [10:01:30] Ochen, yes.
- 2 PRESIDING JUDGE SCHMITT: Okay.
- 3 MR AYENA ODONGO: So you can call him Mr Ochen.
- 4 PRESIDING JUDGE SCHMITT: [10:01:33] From my country you would then say
- 5 Mr Ochen would be preferred. Okay, thank you.
- 6 MR AYENA ODONGO: [10:01:43] I hope my brother Gumpert approves of my ...
- 7 MR GUMPERT: [10:01:47] I do indeed.
- 8 MR AYENA ODONGO: [10:01:53] Thank you.
- 9 Q. [10:01:54] Julius, can you tell Court, because this case is about a man who was
- 10 a youth at the time we are talking about, can you tell Court the reaction of the youth
- 11 and how he got involved in this conflict, as a reaction to the general malaise, the
- 12 problems you are talking about?
- 13 A. [10:02:32] I think Uganda as a country has gone through a series of challenges of
- 14 which these challenges have greatly affected the youth, the young community in
- 15 Uganda. When we look at the rustling as a major activity that disrupted the
- 16 population in the northern Uganda and also look at the ups and down of regime fall
- 17 over, it has also greatly affected the youth. And, of course, you remember in
- 18 Uganda we have, we have had political instability in the country, right from the time
- 19 of the independence. President Obote five years, and you come to the next president,
- 20 Amin, nine years. You come to Obote, and then the others Lule, Binasisa, name them,
- 21 six months, or this. Come to Tito Okello Lutwa, until President Yoweri Museveni.
- 22 All those changes of the regime in Kampala, it has greatly undermined and heavily
- 23 affected the youth and women in the country and it's the major reason why the youth,
- 24 the children who were supposed to have been in schools were not able to be in
- 25 schools. And to a large extent education activities were disrupted across the entire

1 country and greatly northern Uganda and east were greatly affected. And it's the
2 reason why most of the, the so-called known globally as rebel leaders in the north,
3 including Dominic Ongwen, these are victims of what I have stated, the actions of
4 cattle rustling and political instability in the country, which greatly affected the
5 children and affected the women. And as a result, hopelessness took the order of the
6 day. Children started looking for a way of life. There is live example in the
7 Kampala streets, you find the children, six, five, two, even a month on the streets
8 trying to seek for survival.

9 When you go to any town -- I think, Mr Ayena, even up to today there are markets
10 where, due to poverty pressures, parents sneak and they auction the children because
11 somebody will want to take them in their homes. So this is the situation which gave
12 pressure to, and gave birth to, to rebels. Above all, it was now seen that since the
13 government in power has, in one way or the other, not thought, preserved the life of
14 the people in the north and the east, and it appeared like it was a revenge from the
15 regime in power, to those who came from the north, because power before they came
16 in was being -- it was in the hands of the northerners, and easterners. So when they
17 went were so merciless, were so brutal, most children now found refuge, they could
18 easily be taken by those who were already going out. I think even Dominic Ongwen
19 was a result or was a victim of that. It was not out of his heart to go out.

20 I tell you, we have mass graves in the east, butchered, massacred by nobody but
21 troops of government. Five hundred people, even now, I can lead you to show and
22 open. We have been demanding the government to allow us open the mass graves,
23 butchered and massacres by government, to allow us accord our people decent burial.
24 Government has never given us a nod up to today. But we know the sites. When
25 we try to go, they deploy heavily. We are not allowed to. We can sneak where they

1 buried our people, but we cannot exhume them.

2 PRESIDING JUDGE SCHMITT: But I think --

3 THE WITNESS: [10:07:52] These are the actions that he -- I am speaking that
4 resulted in the north and the northeast, and actually the reason why then a number of
5 our children were abducted, like Dominic Ongwen group, and others. And as I
6 speak now in my district we had a similar abduction of over 96 children, not there.
7 So you will find that that is how --

8 PRESIDING JUDGE SCHMITT: [10:08:27] Yes, thank you, Mr Witness. That was
9 indeed an answer, but we should really try, when we answer questions, not to hold
10 speeches. I understand that you are emotionally involved and I really understand,
11 fully understand that, but we should focus immediately on what has been asked.

12 MR AYENA ODONGO:

13 Q. [10:08:52] Now, Julius --

14 PRESIDING JUDGE SCHMITT: [10:08:54] Perhaps, Mr Ayena, you can also focus
15 your questions, because it's not the fault of --

16 MR AYENA ODONGO: We are about to --

17 PRESIDING JUDGE SCHMITT: -- the witness. If the question -- the more open the
18 question is, of course, the higher is the probability that we get a very long answer.

19 MR AYENA ODONGO: [10:09:08] Yes.

20 Q. [10:09:10] Now, Julius, I think that is so much for the background to the conflict.
21 Let me now put a very specific question to you: You talked about rebellion in Teso.
22 Can you, in -- just briefly, give just brief outlines of the kind of groups of rebels from
23 the onset of the present government up to -- actually, let's talk about the '80s, '80s,
24 from 1987, say, up to about 2003. Can you tell Court the different types of rebels,
25 rebel activities?

1 A. [10:10:08] Getting back to 1980s, '85, backwards, the situation in Teso was a bit
2 under control because there were militia put in place by the previous regime. But as
3 soon as General Tito Okello was overthrown in 1986, we saw the high intensity of
4 cattle rustling which when people were running to the NRA soldiers to make reports
5 about the intensive rustling, instead you would end up being arrested or even
6 tortured when you are taking a report.

7 In '86, in between to '87, when the NRA started -- they were not getting food rations,
8 they were now using people's cows as their own supplies, and whoever dared to ask,
9 you were in a problem. Particularly what made the situation worse, when the NRA
10 soldiers started looting, if they find any useful equipment under your custody, under
11 your residence, you are a victim. I remember a lorry full of locals in my village were
12 loaded from Obalanga. A man called Erisu, Erisu was a PTA chairman of a primary
13 school, at that time he had cupboards donated under IDA, IDA forces --

14 PRESIDING JUDGE SCHMITT: [10:12:06] But that goes too, too much into detail.

15 THE WITNESS: Okay.

16 PRESIDING JUDGE SCHMITT: No. We have to -- we have really to focus now.

17 We are --

18 MR AYENA ODONGO: [10:12:10] (Microphone not activated)

19 PRESIDING JUDGE SCHMITT: [10:12:13] Microphone and only one after the other.

20 No overlapping.

21 MR AYENA ODONGO: [10:12:18] Sorry.

22 Q. [10:12:22] Julius, how many rebel activities appeared on the scene in Teso, just
23 briefly?

24 A. [10:12:30] In brief, we had UPA rebel group, we had a UPA rebel group were
25 formed from Teso. We had a FOBA, Force Obote Back, in the region. And then we

1 had -- being second. The third one, we had a rebel group led by Alice Lakwena.

2 Q. [10:12:57] Can you tell Court a bit more about that?

3 A. [10:12:59] Alice Lakwena started from Gulu and it was a rebel group that was
4 fighting and it was said to have been said to have been fighting with the help of
5 the Holy Spirit, and it came all the way from Acholi, through Lango, through Teso,
6 and the boys joined and went to -- through Teso up to Maga Maga in Busoga. That
7 was the third. And then finally, we had the LRA rebel group also coming from
8 Acholi through Lango to Teso. I think concerning the question you are asking, how
9 many rebel groups in the region, I can state those four, without putting aside the
10 cattle rustlers from Karamoja, because they acted in the same way, and including the
11 government, because they were also rustling the cows.

12 PRESIDING JUDGE SCHMITT: [10:14:11] So then would it be right to say that there
13 was a state of lawlessness on the ground?

14 THE WITNESS: [10:14:17] I could, I could, I could say, given the situation on the
15 ground, it had its own picture, which is not very far from what you are saying.

16 MR AYENA ODONGO: [10:14:27] Yes.

17 Q. [10:14:29] Now let us talk about the LRA. When they entered were you already
18 holding a political office?

19 A. [10:14:47] The LRA entered the -- Teso, in my sub-county, that was on 15 June
20 2003. That is when they entered. And we do celebrate that day in memory of that,
21 on 15 June in my sub-county.

22 Q. [10:15:13] And Court is interested to know what exactly happened, how they
23 conducted themselves, how they were received. And what exactly they did
24 thereafter.

25 A. [10:15:32] What I can say here is that when the LRA entered, I did made an

1 attempt, I was a councillor, to inform government about strange people, but the RDC
2 by that time accused me as a rumour, rumour, not telling the truth to government at
3 that time.

4 I kept quiet, because I knew they were going to arrest me. The following
5 morning -- the following night on the 15th, there was an attack in Obalanga
6 sub-county, where they killed people. That was the first entry in Teso. That time,
7 when they entered, they had a clash, there were about eight LDUs, and that was the
8 day I, I tried to mobilise the youth as a leader. Because that time the activity of the
9 Karamojong rustling was so tense and it was not easy to separate who are the people
10 coming, the rustlers, or the rebels.

11 PRESIDING JUDGE SCHMITT: [10:16:53] Did you later find out who the people
12 were?

13 THE WITNESS: [10:16:55] Of course. After the attack. After the attack, my centre
14 was burnt, people were killed, property were looted, I -- people were on run, and
15 people were abducted. That day the rebels went to a village called Oyakatoi (phon)
16 primary school, that's where they went to camp and they were playing football at
17 10 o'clock in the morning.

18 Now, I made an attempt to communicate to army commander on phone. That time I
19 was a councillor, I was in Amuria, I called Honourable Jeje Odongo, to inform him,
20 because he comes from my district that time, to inform him there was an attack.

21 These are rebels, they are playing football, people are on the run, all roads are full. It
22 took government close to two weeks to respond from Kampala to Amuria. Two
23 weeks. Rebels were playing football. That time they had now got friendly to the
24 people, they would get people, they get cows, untie, they help the community who
25 have run to unlock the cows from the -- from the corral, they are doing that and that

1 and started telling the people, you see, you see our cows that have been taken and
2 this and that. People were now almost buying the message from the rebels about
3 what was going on. And of course it was a reality at that time.

4 PRESIDING JUDGE SCHMITT: [10:18:45] Do you have an explanation why it took
5 two weeks for the government to respond?

6 THE WITNESS: [10:18:55] From several meetings we held in Soroti, we were told
7 this is the message from government, that there were no troops available, they
8 couldn't leave Gulu, those other places. According to government they were saying
9 this was diversionary, they wanted to divert the troops to come to Teso, and yet they
10 are the intended plan on the Acholi side.

11 And then they also said that they didn't have firearms to, to be used, because that
12 time the rebels were using superior firearms than the government.

13 So that was the time government literally started mobilising troops and I think they
14 were helped by Americans and also other countries to supply firearms like G2s,
15 support weapons and all that, that is when they came. But even when they came,
16 they were so reluctant. I can't imagine, Mr President, a commander commanding in
17 the hotel rather than the battlefield. I can't imagine when the, when the rebels, when
18 the rebels who were now doing whatever they are doing on the ground, the
19 ambushes and all that, these big commanders were here. That is literally,

20 Mr President, during the attack in Obalanga they mobilised the youth, I went to
21 Amuria police station to seek for firearms and we were given one AK-47. We took
22 almost 30 youth, one AK-47, that was the birth of the Arrow Boys.

23 PRESIDING JUDGE SCHMITT: [10:20:40] Exactly. This was exactly I think also
24 where Mr Ayena is heading because --

25 THE WITNESS: Yes, yes.

1 PRESIDING JUDGE SCHMITT: [10:20:47] -- because -- just let me speak for a second.

2 When you said you tried to mobilise the youth, of course the question suggests itself,
3 how did you do that?

4 And perhaps, Mr Ayena, you continue from that.

5 MR AYENA ODONGO: [10:20:59] Yes.

6 PRESIDING JUDGE SCHMITT: [10:21:01] Or it's even the question, he can simply,
7 the witness can also continue.

8 MR AYENA ODONGO: [10:21:05]

9 Q. [10:21:06] Julius, I am sure you have conceptualised the question, I mean, what
10 the President of the Court is saying. He is saying, reaction from the youth gave birth
11 to the Arrow Boys. Can you go into more details about the, you know, the origin of
12 the whole -- I mean the formation of the Arrow Boys, who formed the Arrow Boys
13 and how they were organised, the command reporting structure and all that.

14 A. [10:21:48] Okay. We mobilised the Arrow Boys and literally, literally I led the
15 process because I was the area councillor of that sub-county, mobilised them to
16 support. We had only eight LDUs in the whole barracks and the situation was tense.
17 There were so many attacks and there was no -- we cried to government to add troops,
18 we cry to government to find a way of rescuing -- our camp was holding 45,000
19 people, 45,000 people and there were only eight youth in the camp, LDUs in the
20 camp.

21 So as a leader I was forced at all levels to try, literally on my own to mobilise the
22 youth now, let's help this number, the eight. How? Let me try. Let's go with the
23 car. somebody gave us a pickup, the son of Musa Darit (phon) gave us a pickup,
24 was called Enyuku (phon), to go up to Amuria CPS, central police station, that's
25 where we were given one AK-47 only, they say there are no firearms. We travelled

1 with one police officer, that one checked the gun, we were given and we drove back.
2 So I literally asked the boys, you might have to look for other equipments, the pangas,
3 the spears and all that, to be by the side so that we can defend the people, defend the
4 camp, defend the cattle in the camp.

5 Now, when --

6 PRESIDING JUDGE SCHMITT: [10:23:33] When you say "the boys", at that point in
7 time - I have a couple of questions - how many? The average age I would be
8 interested. And perhaps first, one after the other, how many were they at the time?
9 When you started the process, when you said you asked for these, for weapons and
10 you only received one AK-47.

11 THE WITNESS: [10:24:00] There were more youth, but transport would determine
12 how many would go with us where we thought we would be given supply. That's
13 when we happened to use a pickup which could take about 30.

14 And when we came --

15 PRESIDING JUDGE SCHMITT: [10:24:18] And the age, the age of these 30 people?

16 THE WITNESS: [10:24:21] The age was varying, was varying from 20, 18, whoever
17 was available. Because everybody, it was now an issue of self-defence because the
18 state seems to be in absence. The eight and we have cried for a long time, what the
19 government could only do, can you avail the youth, we train them, and then we shall
20 arm them. But we have been doing that for a long time. You avail the youth, they
21 train, they take them to Congo for the war in Congo, they take them, they don't come
22 back.

23 So we were now saying can we do something ourselves here? This was the
24 situation.

25 So now, when we recruited this youth and the situation now cropped up, the

1 information circulated about the youth who went with the eight LDUs and fought
2 alongside. Information circulated on radio, and all this and that, that was now the
3 time when the -- some of the government leaders, like Musa Ecweru was another DC
4 in Kasese. He was previously involved in the UPA war in Teso. Captain
5 Mike Mukula and other leaders now withdrew from wherever they were to Soroti
6 town. And they started now buying the idea of mobilising the former fighters and
7 the naming of the Arrow was done there. Of course now it was taken over. I was
8 a junior leader who started it. But those superior in government and also being in
9 the opposition, it was going to be very difficult for government to accept firearms to
10 go to a group mobilised by opposition on the ground.

11 So I -- we -- I left them to -- to carry on the task, naming the chairman, the
12 coordination and all that, I played now a low profile on the ground.

13 PRESIDING JUDGE SCHMITT: [10:26:23] So, Mr Ochen, you were at the origin of
14 these Arrow Boys, as at least I have understood it, and then the whole process had
15 been taken over, more or less, by the government and you played not a role at the
16 forefront anymore?

17 Okay. Please, Mr --

18 THE WITNESS: [10:26:42] But I built a monument in the -- in the place where the
19 first attack of battle, the Arrow Boys' monument, we built it. It was officially opened
20 by prime minister on 15 June last year.

21 PRESIDING JUDGE SCHMITT: [10:27:01] In Obalanga.

22 THE WITNESS: [10:27:03] In Obalanga. Although government deployed -- for
23 about three months, were suspicious about what would happen, what was the motive
24 behind the monument, because they never built any monument.

25 PRESIDING JUDGE SCHMITT: [10:27:15] Yes, I understand.

1 Please Mr --

2 MR AYENA ODONGO: [10:27:18]

3 Q. [10:27:19] Julius, let's retrack a bit. You talked about the LDUs, the eight
4 LDUs?

5 A. [10:27:25] Yes.

6 Q. [10:27:26] Can you tell Court exactly who recruited the LDUs and to whom they
7 reported?

8 A. [10:27:34] LDUs were recruited with the help of the local leaders. The policy
9 that the regime in Kampala was doing at that time, when the Karamojong attacks
10 intensified and people cry for military presence around, government would ask the
11 local leaders, "Let's get engaged the process of LDU recruitment, identify the capable
12 boys and they'll be trained and government will arm them to defend the
13 Karamojong." That is how the LDUs, that's how they ASTU were recruited in the
14 border districts.

15 Q. [10:28:27] And what is "ASTU"?

16 A. [10:28:31] ASTU is the Anti Stock Theft Unit. It was similar to LDU, but they
17 just keep changing the names. They would recruit them and use them to protect, to
18 guard, to control the cattle rustling at the border. That's how the eight LDU came to
19 be at that time.

20 Q. [10:28:52] So at this time, where were they stationed?

21 A. [10:28:56] This particular day of the attack, they were stationed at Obalanga
22 sub-county headquarter detach.

23 Q. [10:29:08] Were there or was there a specific group of people they were to
24 protect?

25 A. [10:29:14] They were largely meant to protect the people in the camp with their

1 cows, because of the rustlers.

2 Q. [10:29:22] Let's talk about the camp now. When you talk about the camp, what
3 exactly do you mean? How did this camp come to be? Who initiated it? Was it
4 a spontaneous reaction to the intensive, the intensity of the conflict? Or -- how did it
5 happen? Were they forced or they voluntarily went there?

6 A. [10:29:53] Actually, the camp life, from what I know, there's two situations.
7 Just as I said in this court, that the Karamojong attacks on the neighbouring districts
8 started way back in early 1950s, so people kept on being driven to camp where there
9 was security. People kept on being driven to camp where there was security.
10 Because in the villages, if you remain in the villages you will be killed. That was one
11 scenario. But in the scenario when the LRA came --

12 Q. [10:30:31] Excuse me, you're saying they were driven, they were driven to the
13 camps. Can you tell Court who drove them to the camps and what -- how did they
14 drive them?

15 A. [10:30:46] Okay. Okay. Driving people in the camp was largely done by the
16 rebel groups and the cattle rustlers. If you remained in the village, you are killed.
17 If you remain in the village, you are killed. That is how largely they were driven.
18 Later, the government forces also became the drivers, because it reached a time now
19 when the, when the rebels came. Even the government forces, if they find you in the
20 villages, they shoot you, they kill you. We have a list of people killed by
21 government. That alone, people were now on the run; there were no, no safe side.
22 So when the LRA came, it now reached a time when they just made a pronouncement.
23 Government -- it was now an instruction from government, Mr President, that
24 everybody must leave the village and go to the camp, to separate the rebels, and
25 government was pushing people to the camp.

1 And --

2 PRESIDING JUDGE SCHMITT: [10:31:54] What would happen if they did not go to
3 the camp?

4 THE WITNESS: [10:31:58] You -- you risk your life. You are finished. You are
5 finished.

6 PRESIDING JUDGE SCHMITT: [10:32:02] But how would, when you say the
7 government gave out an order, as I have understood it, from the government side
8 now, from their perspective, how would they, if at all, enforce going to the IDP camp?
9 If at all. If they did that at all.

10 MR AYENA ODONGO: [10:32:20] Julius, if I can help you to understand what the
11 President is saying, yes, there is a pronouncement, "Go out of the villages to the
12 camps." The President is kindly asking, for those who resisted, what would happen
13 to them? How would government move to make sure that they actually moved to
14 the villages?

15 PRESIDING JUDGE SCHMITT: [10:32:48] That was the correct interpretation of
16 what I asked.

17 MR AYENA ODONGO: [10:32:56] Yes. Thank you.

18 THE WITNESS: [10:32:57] Actually, Mr Ayena and the President, when government
19 gave an order and you resisted the order to leave villages to the camp, you were taken
20 as a rebel collaborator. And you will be killed. Next time when other people go
21 and find you, they'll find the remains in the house or in the compound.

22 PRESIDING JUDGE SCHMITT: [10:33:20] I understand. Thank you.

23 MR AYENA ODONGO:

24 Q. [10:33:22] Did they use any means to threaten people, to make sure that people
25 moved out?

1 A. [10:33:35] Who?

2 Q. [10:33:35] The government.

3 A. [10:33:37] What government would do, first of all, when government issued that
4 and -- because, you know, government was very tactful. When they go and they
5 find you in the village, you are a high-level suspect, you are a high-level suspect.
6 And there was also a lot of fighting going on in the villages. And also it was you,
7 you cannot tell, there was also a problem of the spy team, whatever they, they also
8 put them on civilian, rebels are put then on civilian, so anybody they see, they can
9 fire.

10 So the fact that information spread to other villages, that people found in the village X,
11 that they had gone to harvest the food and this and that and that, were killed. Were
12 killed is enough to make everybody run. As soon as you see men in a single line,
13 you know death has come. So the best you can do is to run. Sometimes gunshots
14 and bombs, for instance, in Angica, in Angica village, the government bombed the
15 people who were attending a burial, killing 11 on the spot in Angica village using
16 a gunship. Killing 11.

17 Government bombed people in Morugantuny sub-county, people who were fishing,
18 and they killed some. That was government actions.

19 Now who are you else to remain in the village? And from the time the government
20 action happened, no apology has been made to the locals. Even when we made
21 attempts, several times to demand an apology from government about the killings of
22 the people in the villages, no apology has been tendered to date I'm in this court.

23 Q. [10:36:02] Now let's talk about the camp during the LRA/UPDF conflict. Can
24 you describe to Court how they were organised, the force that was put in place to
25 protect them?

1 A. [10:36:28] When the LRA and -- that time came, of course it became absolutely
2 clear that you can only live in camp and government would deploy troops in the
3 camp. The way they, they put -- they tried to put a security ring. In some camps,
4 they would put a military ring around the camp. In some camp, they will put it on
5 a strategic location they think the -- an area that rebels would prefer attacking the
6 camp from that side, that location. They will deploy either on the eastern side, on
7 the north or the west, they will deploy there. Then bring some companies to do
8 patrols in, in the middle of the camp.

9 Sometimes we also saw the situation where in some, some camps they stayed in
10 the -- they could even appear to be in the middle of the, the camp. Certain scenarios
11 we saw that.

12 That is how the deployment was. But everybody was now forced to be in the camp.
13 For you to separate yourself from the rebels, it was an instruction.

14 PRESIDING JUDGE SCHMITT: [10:38:07] And how were the living conditions in
15 the camps?

16 THE WITNESS: [10:38:11] The living condition, Mr President, was so appalling.

17 PRESIDING JUDGE SCHMITT: [10:38:15] Could you elaborate a little bit on that.

18 THE WITNESS: [10:38:23] The -- the situation was horrible. Children, women were
19 the highly affected group of people. No food, no medication, taking medicine
20 wasn't -- wasn't an easy task because all the main roads, there were anti-tanks planted
21 on -- on road and there was no supply, medical supply.

22 Food was a problem. If you went out for food, you die. And then sanitation was
23 a critical issue, there was lack of water. Population was very high, but water supply
24 was very limited. But we thank the community, the community of Netherlands. I
25 think Netherlands had sent an NGO called Concern Worldwide. They did quite

1 a tremendous job in the camp, I must thank you even today when I'm here for the
2 noble task that they did.

3 Then again the Netherlands operated a programme in Soroti called the SDDP, where
4 they were supporting livelihood, oxen and all that -- those two programmes and they
5 performed wonderfully; no other organisation has ever done it.

6 Now, in that situation very many people died because there were no -- there was a cut
7 of supplies from -- social services were a challenge. As there was also not adequate
8 security and government programmes were not implemented, not delivered;
9 that -- that was -- and very many people died.

10 Any, any -- in Obalanga alone, where I come from, the sub-county, where we
11 celebrate on 15 June, we, we lost, people killed by both the government troops and
12 the rebels, 360 graves are at the sub-county headquarter. 360. Leave alone those
13 who were dying out of other diseases, leave alone those, those are separate. Those
14 are separate. That is the -- a situation at that time when people were in the camp.

15 MR AYENA ODONGO: [10:40:53] Thank you very much. I think that's a very
16 good narrative of the condition in the camp.

17 Q. [10:40:59] Now, Julius, can you tell Court the approximate number of soldiers
18 who were deployed to protect the camps?

19 A. [10:41:15] I think, Counsel, it was very difficult for you to ascertain the number
20 of troops, because you know it is kept secretive, but it was not adequate. Because
21 that was the reason why the popular Arrow Boys recruitment was given an open arm
22 from government, because there was a shortage of troops. So now they had to bring
23 more arrow boys and really integrate them. There was a shortage. I agree, if there
24 were enough troops people would not have been moved from their villages or, or
25 otherwise government would have supported opening detachments at the parish level so

1 that people are nearer their homes, their garden. But you find the whole sub-county
2 you can find one or two camps put together, confined. And the conditions were
3 unbearable. It was, it was horrible. It is because of the limitations of the troops.
4 And people were asking, where are the troops? Because as in the sub-county on
5 average it is about 35, maybe 35, 45 to 50,000 people in the sub-county. But imagine
6 all that population put in one camp, or one and small one. That's where the soldiers
7 would be. And all that population, it would be condensed to that small place.

8 PRESIDING JUDGE SCHMITT: [10:42:52] So could it be said that the Arrow Boys
9 were a supplement to government forces or would you say they were more
10 a substitution or a substitute for the lack of government forces?

11 THE WITNESS: [10:43:08] I think the way I look at it, because if it was not that the
12 Arrow Boys were mobilised, there wouldn't have been a problem -- there would have
13 been a big problem. Because he -- even when the Arrow Boys were recruited, when
14 it becomes an engagement with the enemy, the, the true military would always, they
15 were cagey. Sometimes the Arrow Boys will go and it -- when they reached,
16 sometimes they would clash with the Arrow Boys. On the question of attacking the
17 enemy you will find the military was not, was not -- there was a way they were
18 behaving, because we started experiences that there was an animosity between the
19 UPDF and the Arrow Boys, like this, but they are to keep on controlling the situation
20 that they are the ones who are superior, national army. For you, you are just -- but
21 Arrow Boys played a key role, played a very key role.

22 PRESIDING JUDGE SCHMITT: [10:44:21] You said that initially in the first day, so
23 to speak, the Arrow Boys did not have fire weapons, or this one weapon we talked
24 about. Did this change later on? Were they provided with fire weapons by the
25 government, for example, later on?

1 THE WITNESS: [10:44:39] Yes, later on government mobilised fire weapons from
2 police stations, in Kampala, in some other places, and supplied the, supplied,
3 although not enough, supplied whatever number they could supply through Soroti
4 flying school they gave fire weapon. And then later on when the international
5 community gave support weapons and now that was the time they gave them, or
6 some support weapons, still they were now able to -- I think the number came to over
7 7,000 Arrow Boys in the Teso region, because they were now able to name about 10 to
8 11 battalions of the Arrow Boys and integrating them with UPDF during the action.
9 But that was the situation.

10 PRESIDING JUDGE SCHMITT: [10:45:38] We understood that you might have been
11 at the beginning of the whole idea of the Arrow Boys. Later on, have you been a part
12 of them, although you must have been, just talking about boys, you must have been
13 in your early thirties at the time, have you been part of this group later on, fighting
14 alongside them?

15 THE WITNESS: [10:46:04] I -- Mr President, originally I'm a peacemaker myself. I
16 would not have liked confrontation, war. I would have chosen the, the peace -- the
17 dialogue approach to these problems. That is what I believe.
18 But because we, we grew in the camp and it was very, very difficult to penetrate the
19 problem on the ground, meanwhile we are looking for a way of tackling the problem
20 through dialogue, but we are very well looking for how to approach it, it was
21 necessary to find a remedy where people do patrols in the night, when they attack
22 people who are grazing the cattle, there must be a group running to engage. You
23 can't go to rustlers with a dialogue in the bush. You first, you need fire on fire, and
24 then in certain situations you talk, or something like that. That was the situation.

25 MR AYENA ODONGO: [10:47:10] (Microphone not activated)

1 PRESIDING JUDGE SCHMITT: [10:47:12] Microphone, please.

2 MR AYENA ODONGO: [10:47:13] Sorry.

3 Q. [10:47:15] Julius, the simple question was, did you join the Arrow Boys? Did
4 you become part of it at any one stage? Or, for you, you remained at the point of
5 mobilisation, you just mobilised them as a political leader?

6 A. [10:47:32] I remained on the giver of the idea and I did not move from that point.
7 Even, even later on I had clashes with the government people, because I needed
8 government to come out very clearly with a policy on how these Arrow Boys would
9 be engaged, a clear policy: What happens to those who die? Like they died, 150 of
10 them died. What will happen?

11 When I asked those questions I was threatened, I could have even lost my life. So I
12 retreated. I retreated and said, okay, since the government, you have come in, and
13 you have jumped in, okay, I will just remain as a leader being very critical about what
14 is taking place, about -- in case any challenges emanating during the course of the
15 whole action, I should be able to speak out, or something like that. And I remember
16 even when I remained very critical, I could have still lost my life under the command
17 of Brigadier Gutti, Brigadier Gutti. I was saved because President Museveni was
18 meeting the elders, George William and others from Kaberamaido. They are the
19 ones who rescued me otherwise, Colonel Gutti had already asked for permission to
20 deal with me. I survived narrowly because of the elders.

21 Q. [10:49:17] Now, Julius, can you tell Court whether during this period you
22 witnessed an attack by the rebels on the IDP camp? Did you ever witness any?

23 A. [10:49:39] I want to assure this Court, like I said from the very beginning, there
24 was an attack, there was an attack where they ambushed the Catholic priest in the
25 centre of Oditel.

1 Q. [10:50:05] Sorry, I am talking about the camp, was there an attack on the camp
2 that you experienced?

3 A. [10:50:11] Yes. Yes.

4 Q. [10:50:12] Yes.

5 A. [10:50:14] Of course I am telling you, even when I talk about Oditel, it was
6 attack -- that was attack in the camp.

7 Q. [10:50:22] In the camp, okay.

8 A. [10:50:23] Yes. The Catholic priest wanted to drive to, to Obalanga, where it
9 was already in flames after the attack. Little did he know the rebels had already
10 surrounded that camp. As soon as he was driving, they fired at them. They shot
11 the GISO, so he could not continue turning, because the road passing through the
12 camp, could not continue turning to Obalanga, he had to proceed to Kapelebyong to
13 Moroto when they had already wounded him, they shot him in the right arm.
14 Unfortunately, when they reached the Karamoja side, by the time they reached
15 Katakwi through Moroto road, that man died, that man died. That is one.
16 The other, the other attacks in the camps, there was an attack in Ochocha (phon) camp,
17 which was largely -- the rebels wanted the supply of medicine, because there was
18 a missionary hospital in the middle. The attack happened and they broke into the
19 store and removed the medicine from the health facility, it was Health Centre IV.
20 That happened.

21 And then the rest were -- there were ambushes, ambushes. Apart from when
22 they -- when they -- I think they had their own network. When they see like the
23 supply of food by the UN World Food Programme, supply of food, when there is
24 a supply maybe of something, medicine or what, then they will try to attack at the
25 camp to -- also to access or something like that. But mostly ambushes happened on

1 the way, because some ambushes, soldiers would accompany, but an ambush would
2 come, people would be shot, killed, something like that.

3 Q. [10:52:31] And when you talk about ambushes, who would they be ambushing?
4 Were they civilians or government forces?

5 A. [10:52:43] It was both. There are some civilians also who, who would risk
6 driving their public vehicles without escorts. They can also fall victims.
7 There are those who were in the convoy with the military, civilian vehicles at the
8 military. Of course, the rebels would ambush and they fight with soldiers, and as a
9 result casualties will be -- would result from that. Then also there time maybe
10 soldiers are moving like a convoy for President Museveni, moving from Soroti to
11 Ochulo (phon) hill, it was ambushed, the president convoy was ambushed until they
12 made a comeback. That was a military ambush with the rebels, no civilians were
13 involved. And then there was also an ambush where the bus, Kaberamaido, where
14 they lost 11 people, the priest and others, they also ambushed the bus. Those kind of
15 ambushes happened.

16 Q. [10:53:54] Now, you talked about the LRA looking for food and supplies. In
17 these attacks, in your experience, were there some attacks which were aimed at the
18 open civilian population, for the sake of attacking the civilian population and without
19 the motive of picking food or supplies, just attacking civilians?

20 A. [10:54:25] I would say the situation, the situation, as I told you from the very
21 beginning, when the rebels came they joined the community, they started playing
22 football, they were helping one another, they would walk in the street on the road,
23 but the situation changed, government intelligence network also started using the
24 civilian clothes. And then civilians also, they did not understand the language that
25 the rebels were using and the government was using. When civilians also started

1 informing government forces where rebels are, of course, in that context the civilian
2 has now become an enemy to the rebel. So when the rebel gets such a group, it
3 cannot, it cannot spare, even if it was you. So in such a situation people were going
4 to the gardens to pick food, rebels would suspect them to be moving with, with the
5 forces.

6 PRESIDING JUDGE SCHMITT: [10:55:38] May I ask you something before we go
7 into the break, I would say. You said that in the beginning, at least I have
8 understood you this way, the rebels were on quite friendly terms with the population
9 playing football, have I understood you correctly?

10 THE WITNESS: [10:56:00] Yes, they were playing football, they would help untie the
11 goats, the cows, they closed the doors if they are open. They will, they will free the
12 chicken from the home when you come. Greetings, they can borrow something to
13 eat. That was the situation. But that angered government.

14 PRESIDING JUDGE SCHMITT: [10:56:19] Let me just -- I have understood it
15 obviously correctly. And why is it then that you were alarmed and had the idea to
16 create or give birth to the institution of the Arrow Boys if there were friendly terms?
17 You know, I think we would like to understand this.

18 THE WITNESS: [10:56:38] I Think it is very, very important. I said that before the
19 entry of the Arrow Boys, we had a persistent problem with the cattle rustlers, who
20 kept on attacking, who kept on killing, who kept on rustling the animals from us. So
21 when we were mobilising at that time, we had got the rumour that there is a group
22 coming so we knew as usual Karamojong were going to come during that day. So
23 when we are now mobilising we thought we would mobilise the force to support the
24 LDUs against the rustlers. Little did we know that was the rebel group which was
25 different from the cattle rustlers who was coming in. So now, while we are

1 mobilising to defend ourselves, we now found this situation coming in. And the
2 naming of the Arrow Boys took time, like a month and something, for it to be named
3 as Arrow Boys by those who took over. And the situation had completely changed.
4 It was now cattle rustlers, and then the rebels on this side.

5 PRESIDING JUDGE SCHMITT: [10:57:49] Thank you.

6 I think that's a good time to have our break until 11.30.

7 MR AYENA ODONGO: [10:57:55] Yes, Mr President.

8 THE COURT USHER: [10:57:58] All rise.

9 (Recess taken at 10.57 a.m.)

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

11 THE COURT USHER: [11:32:02] All rise.

12 PRESIDING JUDGE SCHMITT: [11:32:22] We continue with the examination of
13 Mr Ochen.

14 And Mr Ayena, you still have the floor.

15 MR AYENA ODONGO: [11:32:39] And it won't take long, Mr President.

16 Q. [11:32:49] Good morning again, Julius.

17 A. [11:32:51] Yes.

18 Q. [11:32:52] I hope you had a refreshing coffee break.

19 A. [11:32:56] Oh, yes.

20 Q. [11:32:57] Yes. Now, we were talking about the LRA sojourn in Teso, their
21 invasion of Teso. Did you come to know those who were in command of the group
22 of the LRAs who came to Teso?

23 A. [11:33:32] According to the information that was available across Teso region,
24 Brigadier Charles Tabuley, Vincent Otti, were among the, the popular names that we
25 got to know they did enter Teso.

1 According to government, particularly Honourable Musa Ecweru, who was the
2 coordinator of the Arrow by then, did report to the media and the whole country, all
3 over the world, that he -- they had killed a rebel leader called Dominic Ongwen.

4 And he did carry the body of that man from a village called Oyalakwe.

5 Q. [11:35:04] Oyalakwe.

6 A. [11:35:06] Oyalakwe, bordering Alebtong. That dead body was carried up to
7 Soroti municipality, Independence Square where the body was displayed, and he
8 went on media, addressing the public that this was the commander Dominic Ongwen
9 who was put out of action by UPDF. And it was taken for burial at Nakatunya
10 cemetery.

11 Of course, as a civilian population were made to take that as a gospel truth, because
12 highly government officials talked about it. I think there was a concern by this Court
13 of wanting to have a proof of what government was talking about.

14 I was told one day a team of experts visited the cemetery and picked samples of the,
15 the remains of Dominic Ongwen. And they went along with. That is the
16 information I can say as far as that is concerned. But other commanders I think were
17 junior, but indeed it was later on established that Brigadier Charles Tabuley was put
18 out of action in Anyara during the fight with the Arrow Boys.

19 And then there it was another commander called Opio who was shot at Odudui
20 trading centre, Health Centre IV where they were trying to break in the drugs to get
21 the medical supplies. That is what I am aware. Those two prominent commanders,
22 brigade Charles Tabuley, the late, and then Vincent Otti, were among the top LRA
23 commanders that entered Teso region.

24 Q. [11:37:40] This morning you were talking about the first entry point at Obalanga
25 and that -- and you told Court that these people stayed there, interacted with the local

1 population for a long time. Am I right?

2 A. [11:38:01] About two weeks plus.

3 Q. [11:38:06] Now, within the two weeks did they see these commanders you are
4 talking about, Vincent Otti and Charles Tabuley and maybe other commanders?

5 A. [11:38:18] Actually, during the two weeks, when the rebel commanders were
6 interacting with the population, the late Brigadier Charles Tabuley intercepted the
7 founder of our cultural institution, that is Paphras Imodot Edimu and when he got to
8 know that was a cultural leader, he wrote a letter communicating to government what
9 they are thinking their plan was. And indeed, they released the old man, because
10 the information had already circulated that the cultural leader was arrested by the
11 rebels. And when the rebels got to know it was a cultural figure, they did release
12 him with a letter and was received at Soroti hotel where the cultural leader handed
13 the letter to government. That is when we got to know the actual truth that was
14 Brigadier Charles Tabuley.

15 With Vincent Otti, those who were abducted and during the movement around, that
16 is when they got to know that Brigadier Charles -- Vincent Otti was around and was
17 leading another, another group, and Brigadier Charles was leading another group,
18 and the late Opio who was killed at Odudui was leading another group.

19 Those are among the few topmost commanders that entered the Teso region. And
20 there was a saying about Dominic Ongwen, but when they brought a fake dead body
21 in the name of Dominic Ongwen, we did not now from that point, he must have come
22 or what, but he -- that is the actual truth, those three commanders. But the name
23 was, was heard. But I am telling you about the first one that was disapproved.

24 When the government popularised and when the actions of this court went further to
25 prove, I think it was found out that it was not correct. That was the picture.

1 Q. [11:41:08] I am sure you now want to go and confirm to the people that you saw
2 the man Dominic Ongwen in court as further proof.

3 PRESIDING JUDGE SCHMITT: [11:41:18] I think he does not have to confirm that.
4 That is not a -- not part of the witness statement, I would say. And I think this
5 incident, let me formulate it this way, has been elaborated enough and obviously
6 there must have been some misinformation in the past.

7 MR AYENA ODONGO: [11:41:40] Mr President, that was in jest; not a serious
8 statement.

9 Q. [11:41:50] Now, you said those who were abducted and had opportunity to
10 traverse the area of Teso where the LRAs were, came back and talked about the
11 people they saw. Was Dominic Ongwen one of those they said they saw? Did any
12 of them say he or she saw Dominic Ongwen?

13 A. [11:42:22] I think he -- the information that we collected from those who were
14 abducted, I think they largely spoke about Brigadier Charles Tabuley, Vincent Otti
15 and the late Commander Opiyo. Dominic Ongwen's name was very silent.

16 Q. [11:43:03] Now, Mr Witness, you talk about being a prince of peace, did you
17 ever have a chance to get involved in peace negotiations with the LRA?

18 A. [11:43:27] Oh, yes. At the, the peak of trying to find a solution to northern
19 Uganda, I was a leader, I was a governor of a district by that time. And during the
20 process, what everybody yearned for in the east and the north was to find a solution
21 to the problem in the north. And peace was the topmost agenda in every single
22 meeting held at whatever level, whether church or where -- given what people had
23 gone through. It had so happened that the -- there was an initiative led by Acholi
24 Religious Peace Initiative. In that regiment, local leaders were identified from
25 Karamoja, Teso, Lango, Acholi and West Nile to accompany Acholi Peace Religious

1 Initiative and the Teso, Lango religious groups. I happened to represent the local
2 leaders of Teso. The former chairman, LC5 of Lira, Ojul Franco represented Lango;
3 and Abio Hilda, the vice-chairperson of Moyo district represented West Nile; Gulu
4 was represented by Peter Odok W'Ocheng, the former chairman of Pader; and the
5 chairman of Abim, Norman, represented Karamoja.

6 We were in Juba for about one month, and the religious leaders, we made visits to
7 Garamba in an attempt to have -- to get in contact with the LRA command, top
8 command and try to discuss the situation.

9 But above all, Mr Ayena, I believe that time you were a member of parliament in
10 Kampala, above all, Mr President, the situation of war in northern Uganda, it had
11 disgusted people. Those who were involved in war, actually war had become
12 business. Particularly government did not want to end the war; that was the
13 annoyance of the people.

14 And it was the reason why we had to put everything aside and put a critical focus to
15 find a way and talk to the command and see how we bring this war to an end. It
16 was an initiative from grass root because the war was largely seen to be a business
17 now on the side of government. And that is the truth on the ground. Anywhere
18 you go, you find people profited from the war.

19 We went to the religious leaders, there was -- there was a time the first group met
20 Joseph Kony at his camp in Garamba, Vincent Otti and all the -- all those other
21 commanders and they discussed the way, how to bring this war to an end. That
22 time, you remember, we -- I met you at the Juba peace dialogue. We used to sit in
23 the, in the dialogue room, like here in the Juba peace talks. You remember what
24 transferred in the peace process until it is conclusion. We spent a month and we
25 returned to Kampala. That was an attempt by the local leaders, religious leaders of

1 the greater north trying to find an end to the war in northern Uganda.

2 Q. [11:48:19] Thank you very much for that elaboration.

3 Now, Julius, can you tell Court, because you talked about meeting the top
4 commanders of LRA, when you met the top commanders of LRA, did you see
5 Dominic Ongwen in the meeting of the top commanders?

6 A. [11:48:46] In the meeting attended I did not see him.

7 Q. [11:48:52] Thank you.

8 And when you said that war had become the cash cow of the government -- of course,
9 I am just trying to paraphrase it, it had become business for some people in
10 government, can you elaborate further to Court, could -- in your understanding,
11 could this war have been ended sooner than later?

12 A. [11:49:34] To me, in my own understanding, I am totally convinced that this war
13 could not have taken all this long. If the government had interest to end the war,
14 this war would have been ended long ago. More lives, more children abducted,
15 would have been saved. Resources of a country would have been saved if
16 government had interest to end the war.

17 But it came to a clear understanding, a clear understanding that some people in
18 government took advantage of this war; one, either to revenge, because the previous
19 governments were in the north. Two, use it as a money-making venture. Three, to
20 create imbalance in the country, whether in terms of economy, and indeed, it seems to
21 have worked to some people's interest. That's why you see when you look at the
22 poverty index in the country, north and east lead from the tail. It cannot be
23 compared to other regions in the country. And it is also now emerging that it looks,
24 some people were using the war as a strategy, deliberately, because as we speak now
25 there is a high level of land grabbing in the north and the east, because people were

1 not in the villages.

2 It is now that we are seeing the strangers, people highly placed in government, people
3 using the, the gun power, surveying the land. You wake up in the morning, you
4 find the Longhorn cattle have occupied your village. And when you try to reach
5 them, people looking after those cows are armed.

6 As I speak, in my constituents I have two areas occupied by these cows. As I speak, I
7 saw a ranch in Kitgum bordering Lamor, acres and acres of land have been taken. In
8 Amuru, land have been taken, recently were blocked by the security forces, have been
9 deployed. Land has been taken, acres and acres.

10 Now we -- we now start to get to understand that probably there were a lot of hidden
11 interest that were going on during the war and now seems to be manifesting
12 themselves, because who are the people occupying? Who are the people driving the
13 animals and taking the land? They all come from those who are at the helm of
14 leadership in the regime in Kampala.

15 PRESIDING JUDGE SCHMITT: [11:53:10] Thank you.

16 Please continue, Mr Ayena.

17 MR AYENA ODONGO: [11:53:15]

18 Q. [11:53:15] Now, Julius, some of these things --

19 PRESIDING JUDGE SCHMITT: [11:53:17] And a little bit -- of course, it is clear that
20 it might be of interest and significance why the war did not end before a certain time,
21 did not end sooner, but we should not now dwell into actual politics, please.

22 MR AYENA ODONGO: [11:53:37] I apologise, Mr President, but you should know
23 that I beg to be understood when we bring different categories of people to give
24 different perspectives to the conflict. This --

25 PRESIDING JUDGE SCHMITT: [11:53:58] It was not a reproach, not at all. It was

1 simply foreshadowing a potential further cause of questioning. But like always, I
2 think you have understood me and I think we are clear with each other.

3 MR AYENA ODONGO: [11:54:13] I appreciate and I'm guided.

4 Q. [11:54:16] But, Julius, northern Uganda, the greater north became a theatre of
5 war. There was conflicts, fighting, killings. Now, there were two armies involved:
6 The LRA on the one hand, and the government forces, including the auxiliary and
7 allied forces to them, like the LDUs, the Arrow Boys, and the others. Can I put
8 a very straightforward question to you: Who killed the people? Was it LRA alone
9 or, in your experience as a leader, the government forces could have been
10 contributory?

11 A. [11:55:36] In my view, and in my understanding, both government forces and
12 the LRA killed people. But in some context government killed more, because I told
13 you the presence of mass graves, one containing 500 people in Kumi, and you
14 remember in other places, we have several mass graves killed by the military. I told
15 you, why is government not allowing the opening of that? This has been the trend
16 of killing. And I wish government allowed the proper auditing to be done. You
17 would see, and some people would be ashamed because there are incidents where the
18 rebels killed the people, but also there is the incidents where government openly
19 killed people and, in my view, all this would have been avoided if government
20 used -- if government had taken -- had listened the concerns which led to war and
21 brought and speeded to end this war, more lives would have been saved. But
22 because government did not heed to the commands, to the concerns that were raised
23 by the people on the ground, government long actions sustaining this war qualifies
24 the government to have been on league of the death in the north and the east Uganda.
25 Because they had the capacity to stop.

1 If a train is about to get an accident, and the driver has the capacity to control, to stop,
2 life would have been saved. But a driver continued to drive the train knowing the
3 bridge had been broken. That was the situation in Uganda. Ugandan government
4 should have protected everything. That's why we say government is responsible for
5 more killings in this war in northern Uganda because it had the capacity to end and to
6 prevent.

7 Q. [11:59:24] Thank you, Julius.

8 I want us to put it in the context of your statement which, according to my
9 understanding, and I hope I am right, that the war would have ended sooner than
10 later, but for government's own actions and omissions. When you say government
11 killed, government troops also killed people, are you meaning to say that because it
12 was attractive to have the war around, government could have killed people too,
13 around the time?

14 A. [12:00:21] What I mean here is that -- I wanted to pick me from the picture that
15 I am going to put. I told you, if government had people at heart, if government did
16 not want the current situation at that time to continue prevailing, government would
17 have looked at immediate solution, whether dialogue to bring this war to an end.
18 But because I said within government, within government, there was a group and I
19 think it was to interest of President Museveni and his immediate people to see to it
20 that this war was made longer so that it becomes an open punishment to the north,
21 and the east.

22 PRESIDING JUDGE SCHMITT: [12:01:18] Yes. I think this has now asked and
23 answered and we move to another point.

24 MR AYENA ODONGO: [12:01:26] Give me one minute.

25 Q. [12:02:04] As a follow-up to the question I put to you: During confrontation,

1 immediately after confrontation between the government forces and the LRA, what
2 was the behaviour of the government forces towards the population?

3 A. [12:02:26] I think immediately we have had a number of violent acts; grabbing of
4 people's women, also we had rape cases, those incidences did occur. And that's why
5 we have a number of victims. In the -- just to quote, in the case, in the case I
6 represent the victims in Ugandan High Court, over one million of them. We have so
7 many. I think in, in that period, I think I registered over 200, over 200 rape cases,
8 over 200. Because I have the analysis of each category of torture. And that did
9 occur during the war and continued to occur even after what you have asked me.
10 And on top of others.

11 And we also still continue to witness the killings of people by the military, shooting.
12 The situation, the situation was fragile. Even when that, that war calmed down, we
13 still had such a situation, violent situation going on. And up to date, property
14 belonging to the *wananchi*, people have not been compensated up to now,
15 those -- their property were taken at that time. That's the trend, the situation on the
16 ground even after guns went silent.

17 Q. [12:04:57] There is a term which has been persistently used, *wananchi*. I
18 thought I might offer to put it on record, this is a Kiswahili word, the peasants,
19 ordinary people, the civilian population, those are the people called *wanachi*. *Wan* is
20 the *mwananchi*. Yes.

21 Now, during this period, did you, as a political leader, did you come to know
22 whether government forces, maybe to fan the fire of conflict, did they attack -- did it
23 come to your knowledge whether they attacked civilians and blamed it on the LRA?
24 Did such things happen?

25 A. [12:06:08] I think we have situations which what exactly you are asking me did

1 occur. We have a situation in Algoma parish where the family members were killed
2 by the government forces. But the situation was handled in the way like it should
3 have been made to look like it was rebels or Karamojong. But some family members
4 witnessed what was going on. If it was not because of their hiding in the nearby
5 bushes, we would have been made to believe that it was the Karamojong or the rebels,
6 but that was the government action.

7 For instance, you remember I told you in, in a bombing of the people in the burial,
8 government put it publicly, it was they bombed the rebels, and yet they were
9 bombing the civilians. The bombing of the people in the, in the fishing ground, in
10 a swamp, it was made a picture that that was the rebels, meaning either those piloting
11 the aircrafts never read the maps well, or there was an ulterior motive. And also on
12 the ground forces, we heard of the killing of Ochen from Agonga who was shot by
13 government forces, but they were saying it was rebels. And many others, it's a series
14 of them.

15 So I would like to say that I confirm what you say, it did happen because I can lead
16 you to the mass graves in the community where are these killings and the
17 communities will tell you who did it.

18 Q. [12:08:24] Thank you. Let's talk about the Arrow Boys and the LDUs. And
19 particularly after the LRA had been flushed out of Teso.
20 Were they given any token of appreciation by government?

21 A. Oh, yes. First of all, you remember I told you I had a problem with the
22 government, because I raised issues that were so related with the policy.
23 Non-existence of the policy. That if government mobilises civilians into the military,
24 how will their situation be handled. That time government was very violent. I
25 remember the archbishop Odama made a comment when the Arrow Boys were

1 mobilised, that this was so subtle act to the population, but government reacted very
2 angrily to the archbishop Odama, and yet the archbishop was speaking about the
3 welfare of the civilian population to mobilise, to go for war. And indeed when the
4 Arrow Boys, I told you over seven battalions were formed, that was -- almost 11.
5 That was over 7,000 Arrow Boys mobilised to go for war, and I told you over 150
6 were killed during the war. And others sustained injuries, they are disabled.
7 Now, government later on took a decision that they would give them an allowance of
8 60,000 shillings, the Ugandan currency, per month, which even never came. And
9 then later on I think they upgraded it, either 80 or something, around that. But what
10 affected the whole process, it was corruption within the UPDF. And I would like to
11 assure you, most of those arrow boys have not been paid to date I am in this court.
12 And when government instituted an inquiry into corruption within the payment of
13 these boys, a report came out that UPDF officers swindled the money. They never
14 paid the Arrow Boys up to today. Government was so ashamed and embarrassed he
15 panicked and decided to take a decision that he takes some to police, those who were
16 able to join to place, he takes some to the army, those who were able to join army.
17 But even when you are taking them to those other two sister forces, he should have
18 paid them for what they did, which have not been paid.
19 Those who remain without joining the forces remain home. Some were given a little
20 money, others have not received their pay to date, as I speak. I did raise on the floor
21 of parliament asking government, a statement from government regarding the
22 remuneration of the Arrow Boys. I came to this Court when government had not
23 given a statement on floor parliament.
24 Several others have been asking that is the situation on the ground. There was
25 attempt to facilitate them, but within the government you could see very clearly there

1 are individuals within government who were using the war for profit purposes and
2 you can see from the payment of the Arrow Boys. There was also Amuka, similar to
3 Arrow Boys in Lira and Acholi, Amuka, the same fate, no payment, the boys are
4 suffering up to today. Those who lost their families, there was an attempt to give
5 oxen and bulls to support the widows, which have also been swindled by people in
6 government. And that is the situation as it stands up to today. Some of them have
7 not received their payment.

8 Q. [12:12:50] Now, maybe one of the very last questions, Julius, you have talked
9 about the end of war in Teso, and then there were these Arrow Boys. Can you tell
10 Court whether there was a formal process for demobilisation of the Arrow Boys and,
11 if so, how did they handle the issue of the guns they were issued with? Were they
12 formally returned?

13 A. [12:13:39] What I would like to say here is that, usually, demobilisation is
14 a process and if it has to be undertaken, it's a process. I want to say -- I think in
15 a professional manner, I would say demobilisation has not been done professionally,
16 not been done. Apart from summoning these boys to the sub-county, to return the
17 guns and go home, that is what I witnessed on the ground.
18 Return the guns like we are in this court, we move in front of the president of the
19 court and lay the gun, you walk. Even the accountability, even the accountability of
20 firearms supplied to the Arrow Boys, to date, we have been very concerned, we
21 demanded government to lay on the table what magnitude of firearms were given out.
22 No one can give you an answer. No one can give you an answer.
23 And as much as you say the war has gone silent in the region, but there are incidences
24 of killing of the civilians in the villages, there are incidences of killing and we cannot
25 tell who is perpetrating, who is behind this. We cannot tell. And the fact that

1 during the commemoration of 15 June of last year, because I had taken upon account,
2 using my salary, to construct a monument in memory of their contribution of the
3 Arrow Boys in the Teso region, because money that was -- President Museveni made
4 a contribution of 100 bags of cement, but it was swindled by the top leaders in
5 government, it was swindled. And I took upon myself, who started the idea, to use
6 my salary, construct a monument in memory of their contribution to peace in the
7 society.

8 And when the Arrow Boys turned up there were over 1,000 who turned up to
9 commemorate. That was when government deployed the three districts around my
10 area. They were even trying to stop me from holding the function. I deliberately
11 told whoever was calling me to stop, the prime minister of the Republic of Uganda as
12 a guest of honour of this function, I have invited him. And when the prime minister
13 sent a deputy, a deputy minister of disaster, he is the one that came to represent him,
14 and it was actually the coordinator of the Arrow during the war, when he came, the
15 Arrow Boys were very wild on him. At certain occasions I had to calm them down
16 to allow the minister speak. But they didn't want to be able to see him. Because of
17 what they have gone through, what they have not been fulfilled by government, the
18 institution was wild, and he said the minister in charge veterans was to visit these
19 Arrow Boys and talk to them. The minister has never appeared up to now.
20 Another 15 June is just two months ahead from now, and I intend to invite the
21 minister in charge veteran affairs to attend the function.

22 PRESIDING JUDGE SCHMITT: [12:17:42] Thank you.

23 MR AYENA ODONGO: [12:17:43]

24 Q. [12:17:48] Now, one last question, you said that these Arrow Boys were not
25 properly facilitated, they were not properly remunerated. The first question I want

1 to ask is, were these Arrow Boys, or some of them, people with families?

2 A. [12:18:11] Yes. Almost all. Apart from a few.

3 Q. [12:18:19] Now, in view of the fact that they were not facilitated, they were not
4 properly remunerated and they had families to feed and they had the guns, can you
5 describe to Court, can you tell Court their conduct within the community with their
6 guns. Were they peaceful people or did they become maybe risk factors to the
7 community? If so, how?

8 A. [12:19:02] I once said since these boys were drawn from the communities
9 around, during the time they were active, there were incidences of shooting here and
10 there, just like any other community can be. Later on, after the -- after the war, they
11 were told to go back home. Those who joined the army, those who joined police,
12 went in there. Those who could not were sent back home without pay.
13 The boys have remained in the communities, but the situation is helpless for some of
14 them. It is helpless. Some have tried to cope up with the life in the community, but
15 the situation is not good. And it is worse with some families. For instance, 155
16 family that lost the bread earners, widows and orphans, they have been left
17 unattended to date and they are at the mercy of their societies and their relatives.
18 Those who were not paid, their money was swindled, they have gone back to the
19 community where they came from.

20 Now, the activities like thuggery and things of that nature, you cannot determine that
21 because it is what takes place in the dark or in isolated areas, you cannot really tell
22 who that is, who is involved in that. But I think, in my view, if this situation is not
23 properly handled, it can either backfire or anything bad is likely to happen any time.
24 Because if you refuse to pay someone what belongs to him, what he's entitled, and the
25 person is living under abject poverty, the situation at hand will compel the person to

1 do what he thinks can make him survive. Those situations can only be accounted
2 with time.

3 Q. [12:21:56] And finally, as a policymaker in government, can you tell Court
4 whether there is a government policy to protect children against involvement in
5 armed conflict?

6 PRESIDING JUDGE SCHMITT: [12:22:29] You mean nowadays?

7 MR AYENA ODONGO: [12:22:32] Then and now.

8 PRESIDING JUDGE SCHMITT: [12:22:33] Then and now, okay.

9 MR AYENA ODONGO: [12:22:36] Yes. Then and now.

10 Q. [12:22:39] Has there ever been, especially at the time when you were the
11 chairman, or even much earlier, when you were in the council, dating back to 1996,
12 and even now, is there government policy to that effect?

13 A. [12:22:58] I think what I would say, yes, there is a government policy to that
14 effect when I was chairman, even now in parliament, but despite the presence of
15 government policy that seeks to protect the children from joining the military and all
16 that, blah, blah, we still have a challenge. Government has not been in position to
17 protect the children, government failed to protect the children, and in a situation
18 where you are charged by law to protect someone, and other people come, for
19 instance, we are in this court, our security here is guaranteed by the personnel that
20 this Court decided to be in charge here, and if other people invaded this court and if
21 the security failed to protect me, the witness, it failed to protect the lawyers who are
22 here, the Prosecutors, and the President and his team, and they are taken, who will be
23 answerable? I think the person who was supposed to protect will be answerable.
24 When he fails, it becomes a different scenario.

25 In the Ugandan context, during the war and now, so many children were abducted,

1 either on their way to school or back from school, or from their way to the relatives,
2 their aunties, or back from their aunties, or from their way to the village to get food,
3 or back from village to come to, to the camp, they were taken. And an attempt was
4 made to government to account for these children. Government failed. I said from
5 the very beginning when we were talking in Amuria district alone in 2005, 2003, to
6 2004, that was the time the war was at its peak in Teso region, the LRA war. The
7 children that we lost were 96 when we tried to do the audit for all the sub-counties in
8 the district, 96. All these children were abducted in a manner that I have explained.
9 It is not the will of their parents to hand over their children to whoever took them. It
10 was an act that the children were taken. Government did not protect them. Even
11 later on, as a chairman, I continuously went and visited government offices with rude
12 reports demanding from government the whereabouts of these children. The
13 government has not been able to give an answer up to date. So these children have
14 been taken, wherever they have been taken, either in the rebel ranks or in any
15 direction, whatever the case, it is the situation which is still prevailing up to now.
16 And down home there, in Uganda, Mr President, we are still asking President Yoweri
17 Museveni Kaguta, the President of the Republic of Uganda, to account for the
18 children they did not protect.

19 PRESIDING JUDGE SCHMITT: [12:26:38] Okay.

20 THE WITNESS: [12:26:39] Whether they're in the -- in the rebel hands, wherever
21 they are, whether they have been killed in another country in Central African
22 Republic, whatever the case, we know they are the ones who did not protect our
23 children because they are a legitimate government, as claimed. They were sworn.

24 PRESIDING JUDGE SCHMITT: [12:27:00] Yes, I think the answer has been given, I
25 would say. Yes.

1 MR AYENA ODONGO: [12:27:06]

2 Q. [12:27:07] Now, do you know whether -- in your capacity again, do you know
3 whether there are departments or ministries of government, departments, ministries
4 or whatever, who are responsible for coordinating the functions of international
5 organisations or United Nations' agencies that deal with the protection of children in
6 war situations in Uganda?

7 A. [12:27:47] I -- I think we have some of the state institutions in Uganda that do
8 collaborate with international organisations, such as, UN and UNHCR and others.
9 For instance, the office of the prime minister in Uganda works alongside with the UN
10 agencies that deal on UNICEF for that matter, and the UNHCR and Red Cross, but he
11 mostly -- agencies that he -- are part of the UN system and deal with the children,
12 largely UNICEF for that matter. They, they work with them.

13 I remember during at the peak of war, most of the children recovered either
14 during -- during the war or those who managed to escape when they -- when they
15 come, they were largely passed through the hands of UNICEF and other sister
16 agencies that deal with the children. And they would go through a process until
17 finally they -- they get back to their relatives. And I think that process has been
18 going on, it has been going on even, even last year. I think we received about one,
19 one or two children from abduction, those -- those who are abducted. We received
20 some of them, and they passed through that, they arrived in Gulu. After, they were
21 flown from Central African Republic to Entebbe and ended in Gulu, and finally to
22 Kapelebyong district where we received the -- about two of them. These are some of
23 the agencies I would say.

24 The state institutions, I mentioned the prime minister's office and inside the prime
25 minister's office, there a number of other -- you know, the prime minister coordinates

1 other sectors of government and that's how the system down home in Uganda works
2 with the international agencies and that work are -- are part of the UN formation in
3 the country.

4 Q. [12:30:42] Now it is common knowledge that huge amounts were put in place as
5 a war effort to hunt down Kony and his commanders and apprehend them. As
6 a political leader, were you aware of any effort for the international agencies we are
7 talking about, the UN agencies or international -- members of the international
8 community to give some money in the same manner they were giving for chasing
9 around Kony to go for purposes of rescuing children who found themselves in the
10 armed conflict in northern Uganda?

11 A. [12:31:45] I want to say, in relation to the question you have asked me, yeah, it is
12 true during the war, and even it continued after the war, such huge colossal sums of
13 money were given in an effort to pursue, to see how the abducted children could
14 be -- facilitating how to reach them, how to get them, or something like that. But
15 he -- I think it also depended on which agency, for that matter, it depended on which
16 agency. Because the -- the UN agencies, whether UNHCR and -- or UNICEF and
17 who deal with the situational issues in the camps, at school, that one, but other
18 international communities through organisations would try to fund some
19 organisations to deal with, to deal with the -- these children, either follow-up or if
20 they are brought back, the process they go through and all that.

21 For instance, I remember a few organisations, including this Court, Mr President, the
22 trust fund to the victims, in my district, we did receive the -- the funding and the
23 support of this Court, which was meant towards livelihood for these victims --

24 PRESIDING JUDGE SCHMITT: [12:33:42] But if I may shortly interrupt, I think we
25 have addressed that already and this also was not the question, I think.

1 But please continue with the next question.

2 MR AYENA ODONGO: [12:33:52] (Microphone not activated)

3 PRESIDING JUDGE SCHMITT: [12:33:55] Yes.

4 MR AYENA ODONGO: [12:33:54]

5 Q. [12:33:54] In view of the questions I have just asked you, children have returned,
6 some have not returned. What view does the community take of those children who
7 are involved in this conflict?

8 A. [12:34:18] I -- I think to a large extent, most communities are control and guided
9 by the cultural setup. In our setting in Teso, in our setting, in our cultural way,
10 which I believe is the same in the north in Acholi, in Lango, and even in other
11 communities, most of these children that were abducted had stayed some time.
12 Whatever they did when they returned, there was a celebration for their return.
13 Because communities, they are aware, these children never planned for the journey to
14 go where they were taken. It was either arrested, abducted in whatever form and
15 taken. Even some of these children have testified, "When we were in abductivity,
16 so-and-so was made to kill people while we were watching. So-and-so was made to
17 do this." But at the end of the day, they escape in the night, even when they are tied
18 up to somewhere. Even others later on reached a level of confessing that, "I was
19 made to kill people, I killed, telling the relatives after returning."
20 Of course people will sympathise, but they allegedly hand everything to the almighty
21 God and prayers and try to do some cultural ritual for someone who has killed,
22 poured innocent blood and that person did not intend -- is a difference, did not intend.
23 It was a forced action.
24 What happened in Agonga, what happened in Alito, what happened in the areas
25 where these children were returned, relatives and communities organised for prayers,

1 Mr President. Prayers to receive the children. And later on, when children confide
2 about what took place during captivity, where they killed people and all that,
3 traditionally, we have a way that they walk you through for having poured blood of
4 an innocent person. You are walked through that.
5 When you go through that possess of ritual cleansing, they call it cleansing. When
6 you go through that process, you will be released normally to the community.
7 Because this was beyond your control as an individual. It was a forced action and
8 against your will, and everything -- and it has always remained like that.
9 And so some of these people are now part of community. Although they tell stories
10 that, "When we're there, this used to happen." Although some of them still have the
11 psychological problem, because in some, when they are being returned, there is a
12 tendency of keeping quiet. You look, that person is not like other people in the
13 society; he's keeping quiet and sometimes they're very violent in the community.
14 So even the -- the communities are being sensitized by the church, by other civil
15 society organisation that, "Don't do -- be reckless with this group, because they have
16 been made to kill people. So you must do things in a gentle, in a very
17 humble -- understand them, put an ear to the ground, listen exactly what he says. If
18 there is anything strange, you report." So that senior people, mature in the society
19 can deal with the -- with the situation.
20 And they limit him from other places for some time as he's being inducted into
21 a process, until eventually he will open up; he will start talking and he joins the rest of
22 the life in the society, becomes part and parcel of others. This is what has been going
23 on in the society.
24 Q. [12:38:33] And these returnees, especially those who are abducted as children?
25 A. [12:38:42] Yes.

1 Q. [12:38:42] Did you receive some of them who were married, who got into
2 relationships akin to wife and husband relationships in the bush, and did some of
3 them come back with children? If they did, what view does the community take of
4 those relationships? And what did -- first of all, how did they -- what did it tell you
5 about how they got into those relationships?

6 A. [12:39:21] I want to confirm to you, to everybody here, that right from the time
7 I was a chairman, and even before I became a chairman, I have received a number of
8 these girls, I have received a number of these girls, because the abduction started way
9 back in 203, 2003. We have received these girls who were abducted, and they have
10 come back. Some of them testified that they were, they were raped when during the
11 abduction by multiple partners. Others came back with children. And they have
12 been brought to my office when I was chairman.

13 PRESIDING JUDGE SCHMITT: [12:40:18] And how were these children received
14 from the community?

15 THE WITNESS: [12:40:21] Yes, I'm getting, Mr President, there. Some of these girls
16 came, some were pregnant, some came with the -- carrying the -- the babies, and it has
17 been a joint task, both the churches, the -- the clans of the victims and also the civil
18 society organisations, it has been a joint effort to sensitize the community, that you
19 know this was a forced action on our children. And most of our children became
20 victims of the abduction. And when they were taken into captivity, none of us had
21 control during their stay in captivity. The forces that prevailed there decided on
22 them what was happening. But most of them that talked, they were either assigned,
23 assigned to a particular man in the force, they assign you, this is your wife, this is his,
24 something like that. They were assigned. Sometimes the commanders would take
25 advantage, probably I think this was a common -- they will first choose the, the one of

1 their choice in the group, something like that. But most of them were assigned.
2 And when they were assigned they became wives to these people that they were
3 assigned and stayed.
4 That is now a different situation from the abduction time where you go, where yet the
5 control is not there, anybody can take advantage and have some sexual act in that
6 process. Until you reach that process of when you are assigned, others have
7 produced more children, others have come with one child and gone back to the
8 community. The community, Mr President, has welcomed them, after a lot of
9 sensitisation, making them to understand that whatever has happened to your child
10 happened from where none of us had the control.
11 But if such a situation has happened, now they are back, even if they have come with
12 the children which were fathered in the bush, we have no option done to receive them
13 and start a new life. And this is not new in our community. In our communities,
14 some girls are being pregated by not the real husbands. They make friendship
15 without the knowledge of their parents and you can, apparently, wake up and find
16 that your daughter is pregnant. Then you will try to put her -- to find out who did it
17 and then eventually she can report, the man may decide not to say yes, he can even
18 run away. So some families are already used to that situation, they accept the
19 daughter and the child. And those children have been taken as part of community
20 children, although you can never run out of stigmatisation. They will be known that
21 that girl produced with the rebels the child. You never rule that. When people
22 drink in the bar, they can pick a child in the village and they can make a mention on
23 that and that is the situation.
24 But people have been told to stomach it, carry the situation and go along with. It is
25 just like we are looking for those who are missing, but when one returns with a baby,

1 we are happy about the one who has returned. We stomach about who fathered it.
2 That's not an issue now. The issue is she has come back to the community and we
3 stand by that.

4 PRESIDING JUDGE SCHMITT: [12:44:32] Thank you.

5 MR AYENA ODONGO: [12:44:33] Mr President, I am happy to announce that this is
6 the end of my examination.

7 PRESIDING JUDGE SCHMITT: [12:44:39] Thank you very much, Mr Ayena.

8 And I ask now the Prosecution, Mr Gumpert, are there questions to the witness?

9 MR GUMPERT: [12:44:48] Just a very few, your Honour.

10 PRESIDING JUDGE SCHMITT: [12:44:49] Yes, please.

11 QUESTIONED BY MR GUMPERT:

12 Q. [12:44:56] Mr Ochen, you have been speaking for the last 15 minutes or so about
13 the plight of child abductees and I would just like to clarify the source of, or the
14 sources of your information.

15 Have you yourself spoken to child abductees, young people who were abducted by
16 the LRA and who have subsequently returned to Ugandan society?

17 A. [12:45:38] Mr President, the answer I give is yes. When I was a chairman,
18 a political leader of a district, all returnees either received by the civil society
19 organisations, they report to your office. As a chairman, you are invited, you will be
20 the one to receive the child from any civil society organisation that was in touch with
21 the UN agencies and you will be the one required to give a statement in respect to
22 how the district, your community has locally prepared to handle such a situation.
23 And you have people at the grass root who will want to hear a communication from
24 their political leader respect to the situation at hand. That is the basis.

25 Q. [12:46:39] So you will personally have heard the account of, probably, hundreds

1 of such abductees, would that be right?

2 A. [12:46:52] I have -- I have met them. I have been with them. I have received
3 them. I have ushered them to the respective families that lost them. I have
4 attended burials.

5 Q. [12:47:11] I am just trying to get some idea of the scale of your interaction. Was
6 my suggestion that you would have interacted with hundreds of such people the
7 right sort of figure?

8 A. [12:47:26] Come again.

9 Q. [12:47:28] You have made plain the ways in which you would interact with
10 returnees. What I am trying to understand is not so much the qualitative nature of
11 your interactions, but the quantitative. Would it be fair to say, as I suggested
12 a moment ago, that you have spoken to, shared the experience of hundreds of former
13 child abductees? Is that the sort of scale or is it a larger or a smaller number?

14 A. [12:48:03] I think the number that I have interacted who come across or got
15 involved is quite a sizeable number. A sizeable number. I would even been in
16 position to quote even the figures, because we had taken an initiative as a district
17 through the district development agency that has been involved and then we have
18 TEDO, TEDO is a development arm of the Anglican Church. Then we have
19 SOCADIDO. SOCADIDO is development arm organisation for the Catholic Church.
20 So most of them have been involved in picking these children, coordinating, and
21 when they come we sit in a meeting, interact.

22 So I think, Mr Prosecutor, I think the number that I have interacted with, it can't be
23 less than 10, physically, on the ground. That is my area of leadership. Leave alone
24 other parts of the region where the same returnees have come and we have been
25 summoned to go, I have no account on that in the respective jurisdictions outside my

1 control.

2 MR GUMPERT: [12:49:41] Thank you. I have no further questions.

3 PRESIDING JUDGE SCHMITT: [12:49:43] Thank you very much, Mr Gumpert.

4 Then I ask Ms Massidda first, any questions?

5 MS MASSIDDA: [12:49:48] No, your Honour. Thank you. No questions.

6 PRESIDING JUDGE SCHMITT: [12:49:52] Ms Hirst.

7 MS HIRST: [12:49:54] I have no questions, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:49:56] Thank you very much to all of you here in

9 the courtroom.

10 This concludes your testimony, Mr Ochen. On behalf of the Chamber I would like to

11 thank you that you have been coming to this courtroom and to help the Court to

12 establish the truth. And also on behalf of the Chamber I wish you a safe trip back

13 home to Uganda.

14 THE WITNESS: [12:50:18] Thank you, Mr President, for the hospitality that you

15 accorded me away back home from Kampala up to here. But, Mr President, if you

16 don't mind, I ask one, one or two things.

17 PRESIDING JUDGE SCHMITT: [12:50:33] It is not up to the witness to ask. If you

18 want to say something, I would not, I would not hinder you, but we are not here to

19 answer questions of witnesses. I think you understand this.

20 THE WITNESS: [12:50:46] Okay.

21 PRESIDING JUDGE SCHMITT: [12:50:47] So we leave it at that. This concludes the

22 hearing for today. We resume tomorrow at 9.30 with D-92.

23 THE COURT USHER: [12:50:54] All rise.

24 (The hearing ends in open session at 12.50 p.m.)