

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 Thursday, 23 May 2019  
9 (The hearing starts in open session at 9.30 a.m.)  
10 THE COURT USHER: [9:30:10] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:30:25] Good morning everyone.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:30:42] Good morning, Mr President, your Honours.  
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus  
16 Dominic Ongwen, case reference ICC-02/04-01/15.  
17 And for the record we're in open session.  
18 PRESIDING JUDGE SCHMITT: [9:30:55] Thank you. I ask for the appearances of  
19 parties.  
20 Mr Gumpert for the Prosecution first.  
21 MR GUMPERT: [9:31:00] May it please your Honours, with me today, Beti Hohler,  
22 Pubudu Sachithanandan, Sanyu Ndagire, Hai Do Duc and Suhong Yang.  
23 PRESIDING JUDGE SCHMITT: [9:31:11] It seems that we have a little problem with  
24 the connection.  
25 MR AYENA ODONGO: [9:31:13] (Microphone not activated)

1 PRESIDING JUDGE SCHMITT: Okay, then we have to fix this first before we  
2 continue.  
3 In the meantime, I can speak a little bit perhaps. I think we would not have to repeat  
4 that because Mr Gumpert is known, Ms Hohler is known, Mr Sachithanandan is  
5 known, Mr Hai Do Duc is known, everyone is known to the Defence. So once we  
6 have fixed it, I think we can, without any repetition, we immediately continue but of  
7 course only under the condition that they are connected.

8 MR AYENA ODONGO: [9:32:19] (Microphone not activated)

9 PRESIDING JUDGE SCHMITT: [9:32:24] So it seems to have been the volume that  
10 had to be increased. Is that correct?

11 MR AYENA ODONGO: [9:32:33] Most regrettably, yes.

12 PRESIDING JUDGE SCHMITT: [9:32:35] Yes -- no, you don't, you know -- but I  
13 have to confess that this was the same with me. So I had also, when I came in here  
14 and greeted everyone, I did not hear myself correctly and so I adjusted. We had this  
15 before, so you don't have to regret anything. This can happen and this happened  
16 also to me today.

17 So we continue with Mr Narantsetseg for the LRVs.

18 MR NARANTSETSEG: [9:32:59] (Microphone not activated) Good morning,  
19 Mr President, your Honours. My name is Orchlon Narantsetseg and I'm joined by  
20 Ms Caroline Walter.

21 PRESIDING JUDGE SCHMITT: [9:33:06] Thank you.

22 Mr Cox.

23 MR COX: [9:33:07] Good morning, your Honours. With me, Ms Anushka Sehmi,  
24 Mr James Mawira and myself, Francisco Cox.

25 PRESIDING JUDGE SCHMITT: [9:33:13] Thank you.

1 And now for the Defence, Mr Ayena, I assume.

2 MR AYENA ODONGO: [9:33:17] Yes. Good morning, Mr President and  
3 your Honours.

4 Good morning, Mr Witness.

5 Today I am joined by co-counsel Chief Achaleke Taku; co-counsel Beth Lyons;  
6 Mr Kifudde Gordon, assistant to counsel; and today we have on her maiden  
7 appearance Professor Laura Graham, who is an intern with us. And of course our  
8 client -- oh, Roy Titus Ayena --

9 PRESIDING JUDGE SCHMITT: [9:34:05] Yes, yes, okay.

10 MR AYENA ODONGO: [9:34:05] -- and our client, Dominic Ongwen.

11 PRESIDING JUDGE SCHMITT: [9:34:08] Thank you very much.

12 I -- yes, here is the professor. Now I see her. You were hidden behind Mr Ayena.  
13 But most importantly, we have today in the courtroom Mr Otto Isha. On behalf of  
14 the Chamber, I welcome you to the ICC and to this courtroom.

15 WITNESS: UGA-D26-P-0083

16 (The witness speaks English)

17 THE WITNESS: [9:34:32] Thank you.

18 PRESIDING JUDGE SCHMITT: [9:34:33] Mr Witness, Mr Isha, there should be a  
19 card in front of you with a solemn undertaking. I would ask you to kindly read out  
20 loud this undertaking.

21 THE WITNESS: [9:34:45] I solemnly declare that I will speak the truth, the whole  
22 truth and nothing but the truth.

23 PRESIDING JUDGE SCHMITT: [9:34:52] Thank you very much. You have now  
24 been sworn in. I would like, before we start with the examination, with a practical  
25 matter. You are aware that everything we say here in the courtroom is written down

1 and interpreted and we have to speak at a relatively slow pace that the interpreters  
2 can follow. If you want to address the Chamber, please raise your hand and I will  
3 give you then the floor.

4 I will give now the floor to the Defence, to Mr Ayena.

5 And if I may give a suggestion. I have read the summary and looking at it and with  
6 regard to what we are talking about in this case, what the case is about, you could  
7 contemplate -- if you concentrate on the situation in Lango in the '90s and 2000s. Let  
8 me put it with regard to the summary, paragraphs 8 following might be the most  
9 interesting parts of the expected testimony of this witness.

10 So what I want to say about that is we should perhaps not concentrate on a time that  
11 goes as far back as in the 1980s. You, of course you can address it, but it's simply to  
12 flag it a little bit how you would group it and how you would -- on which  
13 item -- issues you would concentrate.

14 MR AYENA ODONGO: [9:36:27] I'm guided, Mr President. As a matter of fact,  
15 you already read my mind. A lot of the things which are there will not be  
16 canvassed.

17 PRESIDING JUDGE SCHMITT: [9:36:39] Thank you very much, Mr Ayena.

18 QUESTIONED BY MR AYENA ODONGO:

19 Q. [9:36:45] Good morning, Mr --

20 A. [9:36:46] Good morning.

21 Q. [9:36:47] Yeah. I am sure we know each other pretty well.

22 A. [9:36:49] I think so.

23 Q. [9:36:50] You think or you know?

24 A. [9:36:52] We know each other.

25 Q. [9:36:54] Now, Mr Witness, as the Judge, the Presiding Judge has already said,

1 you are the most important person in this courtroom this morning until you are out of  
2 here.

3 A. [9:37:09] Most obliged.

4 Q. [9:37:11] And this is because you have special, fairly specialised knowledge  
5 about what happened, especially around the camps in Lango and a few other places  
6 in northern Uganda with particular emphasis on what happened in those areas in  
7 between 2002 and 2005. But you will also do well to talk about background  
8 information that may be beyond those years only when they are relevant.

9 I want to ask you to restrict yourself as much as possible to simple and short answers  
10 until I flag you out for an extravaganza of time and space when you can speak until I  
11 stop you again or the Judge. Thank you.

12 A. [9:38:22] Thank you.

13 Q. [9:38:22] Now, can you tell Court, please, your current legal name.

14 A. [9:38:31] Mr President and your Honours, my name is Otto Ishaam Amiza.

15 Q. [9:38:45] Now have you ever been known by any other names?

16 A. [9:38:49] No.

17 Q. [9:38:52] Can you tell Court where and when you were born.

18 A. [9:38:58] I was born on 16 December 1978, towards the end of the era of one of  
19 Uganda's most notorious dictators, General Idi Amin Dada.

20 Q. [9:39:23] You are talking about Field Marshal?

21 A. [9:39:26] I know him as General Idi Amin.

22 PRESIDING JUDGE SCHMITT: [9:39:31] But he might not have knowledge of  
23 Mr Idi Amin, so you can proceed, please.

24 MR AYENA ODONGO: [9:39:39]

25 Q. [9:39:41] And what is your nationality, your ethnic group and place of residence

1 at the moment?

2 A. [9:39:49] Mr President, I am a Lango by tribe and a Ugandan by nationality. I  
3 currently live in Lira town which is one of the towns and district in northern Uganda.  
4 But I was born in Loro sub-county, Oyam county -- Oyam district in northern  
5 Uganda.

6 Q. [9:40:34] Is Lango anywhere near Acholi and Teso?

7 A. [9:40:41] Lango is in the middle bordering Acholi in the north, northeast and  
8 bordering Teso south-east.

9 Q. [9:41:02] Can you tell Court whether or not you're married.

10 A. [9:41:09] I am married. To one wife.

11 Q. [9:41:19] What do you do for a living?

12 A. [9:41:27] Mr President, I am a farmer who rears animals and do crop production,  
13 crop farming. I am also a director in one of -- a small companies in Uganda called,  
14 Water for Life, Uganda, where we do water engineering works.

15 Q. [9:41:58] You talk about engineering works, water engineering works. Can you  
16 tell Court what your profession is.

17 A. [9:42:10] Yes. Mr President, I did water engineering in one of the universities  
18 in Uganda called Kyambogo University, and I also did a bachelor of procurement and  
19 logistics management in another university in Uganda. So I'm a procurement  
20 specialist and a water engineer.

21 Q. [9:42:44] Thank you very much. Have you ever worked with Friends for  
22 Humanity Rights?

23 A. [9:42:52] Yes. Mr President, I am also one of the leading agent or Friends for  
24 Humanity Rights Uganda, which is a civil society organisation on human rights  
25 advocacy and advocacy and activism, yeah.

1 Q. [9:43:28] With that background have you ever gotten involved in activism in  
2 respect to LRA activities in northern Uganda?

3 A. [9:43:44] Mr President, I have done a lot of activism on human and civil rights in  
4 northern Uganda, and Uganda as a whole, for quite some time in my life, including  
5 human rights and civil rights related to LRA.

6 Q. [9:44:20] What were you before you resigned yourself to farming? Have you  
7 done any work before?

8 A. [9:44:37] Mr President, upon leaving school after completing my degree and  
9 diploma, I worked with two international NGOs. One was called Action Against  
10 Hunger USA, we would call it also *Action Contre La Faim*, in French. I worked as a  
11 humanitarian worker handling water and sanitation, as the head. I also worked as a  
12 water and sanitation officer with CESV Italy, another international NGO. And I  
13 worked with a World Bank-funded project in northern Uganda called NUSAF,  
14 Northern Uganda Social Action Fund, as a facilitator.

15 I was also an assistant lecturer in one of the technical colleges in the north, and upon  
16 leaving work with the humanitarian organisations I joined active politics in Uganda,  
17 I was elected to parliament of Uganda in 2007 until 2011. It was then that upon  
18 losing election I went back home to do farming, activism, and my private water  
19 engineering works.

20 Q. [9:46:35] Isha, can you tell Court, if you do recall, what the situation was like in  
21 1986 in northern Uganda when the NRA took power?

22 A. [9:46:54] Mr President, in 1986 I was hardly eight years.

23 PRESIDING JUDGE SCHMITT: [9:47:06] May I shortly interrupt. This was the  
24 reason why -- and of course, Mr Isha, you have followed what I have told counsel  
25 before -- this is the reason why I said we should concentrate on a time when Mr Isha

1 not only was an adult but was actively involved, as he has already told us.  
2 And we have a lot, we have a lot of information on this time by people who have been  
3 at an age where they really could recollect what happened. I would -- I would not,  
4 I would not cut it here, but I think Mr Ishaah has already understood that he can only  
5 give a very generic answer, so to speak.

6 So I let it pass and I will let Mr Ishaah answer, but I would really ask you to move  
7 quickly forward in time, so to speak.

8 MR AYENA ODONGO: [9:48:03] I'm guided, Mr President.

9 PRESIDING JUDGE SCHMITT: [9:48:05] Mr Ishaah, excuse me for the interruption.

10 THE WITNESS: [9:48:10] Mr President, I gave the background of I was hardly eight  
11 years, but I think I was inquisitive enough to know what happened at the time,  
12 because I was already in primary 2 and I was a sharp person, I remember many  
13 things which happened. At the time we had just gone through a number of internal  
14 wars, there was a rebellion in the country and another group had just taken  
15 government in 1985, before 1986, so I could -- I remember what happened at the  
16 time and --

17 PRESIDING JUDGE SCHMITT: [9:49:03] So please give us a short account what you  
18 remember.

19 THE WITNESS: [9:49:07] Yeah, and at the time there was a lot of animosity. Of  
20 course, many of us feared the government that had come in 1986, those of us who  
21 were in the north, because those who were in power both from '80 to '85 was  
22 somebody from my tribe. The next '85 was also somebody from Acholi, my  
23 neighbouring tribe, and so we feared, most of the people feared that the government  
24 coming in may come for revenge because there was fighting going on.

25 So I remember it was very difficult for us. Our home was just by the road, highway,



1 and we had to vacate our home and move a little, 3 kilometres away, for fear of the  
2 new coming government, which was also a rebellious group.

3 Yeah, that's what I remember. There was a lot of fear. Yeah.

4 MR AYENA ODONGO: [9:50:08]

5 Q. [9:50:08] And did this, did this fear come to pass? When they first arrived in  
6 Lango, what was their first reoccupation, if you remember, just briefly?

7 A. [9:50:22] Of course I remember one of my uncles was taken away because he  
8 was a bus conductor. He was called Mr Odur.

9 And so he was a bus conductor and he was known, was taken away and he never  
10 returned, true. He died in Luzira Prison. And many other people were picked at  
11 the time and that caused a lot of fear further to many people. So I think there was a  
12 lot of concern about the safety and security of the people.

13 I personally, in 1987-88 I was in P4. I partly, partly joined a small rebellion group  
14 called Olum Olum. Olum Olum was a local one in Lango region. I went there but,  
15 fortunately, one of the local commander who was a soldier in the previous  
16 government knew my father. When I introduced myself -- my father was a teacher  
17 and had taught him in school, he knew my father and then he said, "What have you  
18 come to do here? Go home." So I was chased away by one of the Olum Olum  
19 officer. I was chased away. That is how I missed being a rebel at the time.

20 PRESIDING JUDGE SCHMITT: [9:51:56] That must have been fortunate for you --

21 THE WITNESS: [9:52:00] I think so.

22 PRESIDING JUDGE SCHMITT: [9:52:01] -- in hindsight. No. Yes, why not say it.

23 THE WITNESS: [9:52:06] Yeah.

24 MR AYENA ODONGO: [9:52:07] Yes.

25 Q. [9:52:07] Now, can you tell Court how they treated the properties of the people,

1 such as livestock, food stock, and land in particular.

2 A. [9:52:24] Mr President, I remember basically livestock, our animals which were  
3 in our own farm -- my grandfather's farm, where we lost 200 animals, cattles,  
4 mysteriously. We couldn't identify exactly who was stealing our animals. We  
5 grew up knowing that there were the Karamojong rustlers who had come from the  
6 east, but they had never reached to our home for all these years, because our home  
7 was over a hundred kilometres from the border with Karamojong and they had never,  
8 they had never crossed over to come to our area. But this time our animals were  
9 taken, 200 heads of cattle were taken from our own grandfather's farm.

10 And there were a lot of issues with land. One still holds in my mind and still  
11 remains there, because even when I became active in parliament I was fighting with  
12 the government to regain ownership of that land called Adyeda group farm which  
13 was -- which the army then took over, occupied it. And they continue to occupy it  
14 up to now, although it was a community group farm.

15 Many people lost many properties.

16 Q. [9:54:06] Now, can you tell Court how the people reacted to this conduct, to the  
17 conduct of the NRA then?

18 A. [9:54:18] Mr President, because of fear for revenge, and of course loss of  
19 livelihood source, like when we lost our animals, I think many people -- some people  
20 wanted to fight, some people wanted to fight. Some people went into hiding, others  
21 actually went into exile, they ran away from home. And many were kept in fear at  
22 home, yeah.

23 Q. [9:55:01] So would I be right to assume that the people who started resistance  
24 was because they perceived it as a fascist occupation army?

25 A. [9:55:20] Mr President, what I recall vividly as a child then was that people

1 feared for revenge. They thought the government that had come in, NRA  
2 government, would revenge on them, so -- and they thought they had come to  
3 payback in terms of life and so on. So, yes, they were not very comfortable with  
4 NRA government, no, and it took many years.

5 Q. [9:55:55] So how was this resistance finally contained?

6 A. [9:56:06] Mr President, it took so many dimensions over a lot of time. I  
7 remember in Lango region our elders, the traditional and religious leaders, and also  
8 some of the elderly political leaders convened and asked those who had gone out to  
9 fight to come back home, to talk to NRA government, and also ask some of them to  
10 join the government. And I think over time it worked, because many people in our  
11 region in Lango then abandoned the fight. But, of course, that mentality of resistant  
12 kept on in other areas.

13 Q. [9:57:10] Those -- you talked about intervention by the elders, by cultural  
14 leaders, by clan leaders in your statement.

15 A. [9:57:21] Yes.

16 Q. [9:57:21] And you said that some of the commanders who upon cessation of  
17 hostilities got taken up by government --

18 A. [9:57:35] Yeah.

19 Q. [9:57:36] -- were either killed or poisoned. Is this your statement?

20 A. [9:57:42] I didn't say were either killed or poisoned. But I said they -- many of  
21 them died when they were taken away. I was not specific on the circumstance of the  
22 killing. I didn't know whether they were poisoned.

23 PRESIDING JUDGE SCHMITT: [9:58:03] Indeed. The witness is correct. But has  
24 a very, a very -- makes very clear statements, and I think we can leave it at that.

25 MR AYENA ODONGO: [9:58:14] Yes.

1 Q. [9:58:17] Was it your understanding that those who surrendered were well  
2 taken care of by the government, protected and given due opportunity to participate  
3 in the politics of Uganda?

4 A. [9:58:44] Mr President, I don't think so, because as I told you, I lost my uncle.  
5 Many who were arrested were later retrenched. Those who, those who joined the  
6 government were retrenched, they were -- others were sent out of jobs. I don't  
7 remember many, many who were retained in government progressively. I don't  
8 remember many.

9 Q. [9:59:19] So is it your case, Mr Witness, that the call to cessation of hostilities did  
10 not actually bear fruits?

11 A. [9:59:41] Mr President, the call for cessation helped to some good extent because  
12 many people who were in the bush came out and others entered government.  
13 Others, majority of them of course died along the way. So I would say it helped, it  
14 helped the process. Some few also survived.

15 Q. [10:00:18] Would you, Mr Witness, say that the reaction and reception, reaction  
16 to and reception by the government of those who surrendered, the manner in which  
17 they were received, the manner in which they were protected, the manner in which  
18 they were accommodated, would it be an incentive to those who had not -- I mean, if  
19 they had not actually surrendered?

20 A. [10:00:56] Mr President, I beg, I beg for a repeat of the question.

21 PRESIDING JUDGE SCHMITT: [10:01:02] Indeed, the question was --

22 MR AYENA ODONGO: [10:01:06] Twisted.

23 PRESIDING JUDGE SCHMITT: [10:01:08] Twisted. In the end at least it was a little  
24 bit twisted. And, of course, it's also the attempt to phrase it a little bit differently and  
25 to get perhaps to a little bit modified answer. But I would not cut you, you see.

1 You see, because I think the witness has covered generally with his answers already  
2 what you have asked.

3 Perhaps it's a better idea to move forward to another issue. Because he has already  
4 said how in his mind, in his recollection how this process helped or did not help, to  
5 phrase it very generically.

6 MR AYENA ODONGO: [10:01:52] Just one more question.

7 Q. [10:01:56] Mr Witness, in your view, had these people known that they were  
8 going to be treated the way they were finally treated, would they have voluntarily  
9 come out?

10 A. [10:02:10] Mr President, I highly doubt, I highly doubt they would actually come  
11 out voluntarily because the elders had to convince them, and the elders of course  
12 assured them that they would get good protection and so on. But when some died  
13 along the way, others were thrown out completely from government work and so on,  
14 they were not absorbed in the government army, people regretted, some regretted.  
15 Yeah, no wonder those who remained, those who had not followed the request and  
16 the advice of the elders, some remained, continued, some continued in the bush.

17 PRESIDING JUDGE SCHMITT: [10:03:14] I think that's enough for this item.

18 MR AYENA ODONGO: [10:03:19] Okay.

19 Q. [10:03:20] Now, Mr Witness, do you know anything specifically about LRA?

20 A. [10:03:33] Yes. I know LRA as an abbreviation which means Lord's Resistance  
21 Army, which was a rebellious group in, operating basically in northern Uganda,  
22 within Acholi, Lango, Teso and part of West Nile under the command of Joseph Kony.  
23 And it took long as a rebellious group in the region. I can't be specific on the period,  
24 yeah, but I do know the Lord's Resistance Army.

25 PRESIDING JUDGE SCHMITT: [10:04:27] You would have to direct him a little bit

1 more now.

2 MR AYENA ODONGO: [10:04:30] Yes, yes.

3 PRESIDING JUDGE SCHMITT: [10:04:31] Not lead him, but direct him.

4 MR AYENA ODONGO: [10:04:33] Yes.

5 Q. [10:04:34] Now, Mr Witness, a lot has been told to Court about the Lord's  
6 Resistance Army, but can you help Court to understand in better particulars the  
7 extent of the occupation of areas in northern Uganda?

8 PRESIDING JUDGE SCHMITT: [10:05:10] That's a difficult question for the witness.  
9 Perhaps I simply - you may say that I am wrong, Mr Witness - I would assume that  
10 you could tell us specifically about the region where you resided and where you come  
11 from, so the Lango region specifically, and perhaps may not have so much  
12 information, direct information, immediate information about other regions. So  
13 perhaps we focus on this region more. But I might be wrong. You might prove me  
14 wrong.

15 MR AYENA ODONGO: [10:05:48] Mr President, you are both right and wrong, in  
16 the sense that this gentleman canvassed the whole of northern Uganda because of his  
17 occupation.

18 PRESIDING JUDGE SCHMITT: [10:05:58] Then we let him simply talk and look  
19 how far we get.

20 MR AYENA ODONGO: [10:06:03] Yes.

21 Q. [10:06:05] Can you tell the area of coverage, starting with Lango, was LRA  
22 spread out to every part of Lango or to some specific areas of Lango only?

23 A. [10:06:21] Well, I -- as a worker of NGOs based in Lango, I remember vividly  
24 that LRA were more on -- I don't know whether you would want me to be specific to  
25 the districts, if it can be understood here.

1 Q. [10:06:47] Yes.

2 PRESIDING JUDGE SCHMITT: [10:06:48] I think, I think we understand it because  
3 we have a lot of information already and we have also been, the whole group here,  
4 nearly everyone you see here in northern Uganda, and so we know -- we are quite  
5 knowledgeable.

6 THE WITNESS: [10:07:03] Oh, yeah. So in Lango region, it was in the entire Lira  
7 district, which is now having five more districts, there was in, in Otuke, in Alebtong,  
8 in the current Lira district, in Dokolo. It only excluded one district called Amolatar.  
9 That's what I remember.

10 And then in, in Apac, former Apac district, it was in the entire Oyam district and part  
11 of Kole, Kole district. I don't remember when the LRA crossed to the current Apac  
12 where the other two districts have been cut off. I only remember those who were  
13 displaced who had moved there, and we had about three camps in the traditional  
14 Apac.

15 Now, in Acholi I think it was the entire region, because I worked in the region of Gulu,  
16 Gulu district. I was more in the camps of Pabbo and Alero and others, and part of  
17 the current Pader, Pader and Kitgum districts. So those are the areas where I knew  
18 and at least I had had opportunity to move in those areas.

19 And I remember part of Teso where I also went to called Kaberamaido, yeah,  
20 Kaberamaido, which was in original Soroti district. So those are the areas I used to  
21 move around and those are the areas I knew LRA had also reached.

22 MR AYENA ODONGO:

23 Q. [10:08:52] Do you remember when they first -- they were first sighted in Lango?

24 A. [10:09:09] Mr President, I don't quite remember well. I don't quite remember  
25 well.

1 Q. [10:09:14] That's okay.

2 A. [10:09:15] Yeah.

3 Q. [10:09:16] But was their arrival and conduct in Lango reported to the  
4 government?

5 A. [10:09:28] Well, Mr President, since I was not in the active government work  
6 then, in the early 2000, I can't say much. But I only recall our area member of  
7 parliament whom I succeeded who one time called a local meeting and told us about  
8 how he had informed government about the LRA invasion of parts of Lango, because  
9 the, the war concentrated a lot in Acholi region and so, when it entered Lango, I  
10 remember the area MP calling a meeting. I also followed when they protested in  
11 parliament. Actually, they walked out of parliament in protest that the war was  
12 entering into Lango region and it had escalated, many people were running around to  
13 the camps, but there were no direct government intervention. Yeah, I remember that.  
14 That was around 2001. Yeah, around 2001, 2002.

15 Q. [10:10:42] According to what you heard the elders say, did it appear like  
16 government was aware and was condoning or acquiescing in the conduct of the LRA?

17 MR GUMPERT: [10:11:03] We're coming to something which is perhaps relevant  
18 now. I'd be very grateful if my learned friend didn't lead the witness in that very  
19 overt manner.

20 PRESIDING JUDGE SCHMITT: [10:11:12] Yes.

21 I think you can word it differently, in a manner that is indeed not leading.

22 And Mr Witness gave already a hint in his answer when he spoke about members of  
23 parliament leaving for certain reasons. Perhaps, perhaps I may take over.

24 Mr Isha, could you elaborate a little bit on why this was so, why this happened.

25 THE WITNESS: [10:11:40] Well, Mr President, excuse me, at the time many people,



1 as LRA entered Lango region, there were no clear guidance on how the community,  
2 the victims, the community would be settled in IDP camps or would be organised in  
3 some settlement. There were no clear government troop direct intervention, yet  
4 everybody knew that government had every capacity to either contain or to fight back.  
5 But the leaders and the community then were so concerned why there was nothing  
6 much, nothing big happening or why government was not directly intervening to  
7 stop LRA expansion, and also to come and intervene on people who are already  
8 getting displaced. Because it took some time before government could actually  
9 admit publicly that, one, there were internally displaced camps in Lango region. It  
10 took some time. And then, two, there were no direct intervention from government  
11 to establish locations, naming the camps and putting basic facilities. It wasn't there.  
12 I remember when I now joined the NGO, it were -- those were the first NGOs in  
13 Lango, around 2001, 2002, that started arranging people into camps, into organised  
14 kind of camps, and it was basically our work. I remember doing it a lot in many  
15 camps, putting the camp structure, trying to sanitation facilities, and arranging every  
16 system in the camp. But government was not very, very much seen on the ground.

17 PRESIDING JUDGE SCHMITT: [10:13:44] I think this was something you were also  
18 heading at. May I just continue shortly.

19 MR AYENA ODONGO: [10:13:52] Yes, please.

20 PRESIDING JUDGE SCHMITT: [10:13:54] So your answer had two pillars, so to  
21 speak. You first spoke about some reactions to the behaviour so to speak of the  
22 government and, specifically, the second one, you mentioned camps.

23 THE WITNESS: [10:14:12] Yeah.

24 PRESIDING JUDGE SCHMITT: [10:14:12] What can you tell us about the  
25 establishment of the camps? I put it in a very general manner because I see that you

1 really -- your answers are very concise so you will not talk now half an hour and  
2 otherwise, we would interrupt you. But what can you tell us? How they were  
3 established at the time?

4 THE WITNESS: [10:14:35] Well, Mr President, at the beginning it was difficult to call  
5 it camps. It was more of concentration units because people were just moving  
6 around, running around. When you find a school or an administrative unit like a  
7 sub-county, you find yourself there. There was no guidance. There was no  
8 leadership that was telling people, "Go and concentrate here and stay here."  
9 But also it reached a point where government started, I would say, forcefully telling  
10 people, "You need to now get to the camp." I remember I think either in 2001, when  
11 a directive was given by one of the army commanders that people should go to the  
12 camps, but in any case the camps were not there. So you would only find people in  
13 certain locations. These were not yet gazetted camps. So that is how people  
14 headed into these -- into these locations, I would say concentration points that were  
15 later gazetted as internally displaced people's camps. So the establishment was not  
16 structured, the camp establishment was not structured. There was no leadership.  
17 There were no specific gazetted of, "This is a location. This is a location." It  
18 gradually just developed into camps, yeah.

19 PRESIDING JUDGE SCHMITT: [10:16:20] Thank you. That's really interesting and  
20 I think this leads to some follow-up questions, but I would perhaps ask you to  
21 continue.

22 MR AYENA ODONGO: [10:16:29] Yes. You did so well, my Lord. That's the area  
23 I was going to, but you perhaps did it even better.

24 Q. [10:16:38] Mr Witness, would I be right therefore to say that camps were  
25 established in two ways: One, as a spontaneous reaction to the prevailing situation

1 whereby people saw the need from time to time to move to safe areas; and two, by the  
2 use of force by the government?

3 PRESIDING JUDGE SCHMITT: [10:17:06] Yeah, I know, Mr Gumpert, I think we  
4 can, we can do it without any leading because we have here a really very  
5 well-informed witness who has already -- you can simply follow what he said. He  
6 mentioned already that his impression -- there was force in play. Why not ask him  
7 the open questions, if he can tell us a little bit more how, perhaps on a concrete  
8 example, how such camps were established and how people ended up there. So  
9 then he can decide if he calls it force or he calls it voluntary or whatsoever.  
10 Otherwise, we would always have Mr Gumpert stand up and object and we would  
11 have to decide. Perhaps let me just continue here.

12 Mr Witness, you already said something about how the people ended up, I word it  
13 this way, ended up in the camps. Could you tell us more about this process?

14 THE WITNESS: [10:18:24] Yes, Mr President and your Honours. As I earlier said,  
15 first, the circumstance was very difficult for the people to live in their homes and so in  
16 that quest, many people started running around; so the only place they would find  
17 would be like administrative locations, sub-county headquarters, schools near  
18 churches, where you would have at least one borehole or an existing water point, so  
19 people would go and crowd there.

20 But many were not comfortable because there was nothing like any septic system in  
21 such places. And also, there was nothing like food, nothing like accommodation and  
22 nothing like any other basic need. There was nothing in such points. So you would  
23 find others going there, but others remaining because they could not find themselves in  
24 those areas. They had nothing to -- to live on. And always they would stay a bit,  
25 go back and run back to their homes to look for food, firewood and so on, including

1 water. And many of course would also die on the way, along the way.  
2 So it was -- it was a kind of a situation compelling them to find themselves in certain  
3 locations. But gradually when the campaign by the local leaders became so strong,  
4 that was the time government now said, "Everybody should run to the camp." And  
5 people, literally you would say they were forced because they were saying, "But we  
6 go and stay there, we have nothing to eat, there is no accommodation. There is  
7 nothing. So what are we going to do there?"

8 So people had to find themselves because it was an ultimatum. By this period,  
9 everybody must be in the camp. But there was nothing for people to go and, you  
10 know, live in the camp. So that was the circumstances, but over time, yes, it became  
11 now gazetted locations.

12 PRESIDING JUDGE SCHMITT: [10:20:43] So I think we will have to talk about the  
13 conditions in the camps later on, but I have two follow-up questions to what you said  
14 now. You mentioned that the circumstance was difficult in the homes of the people.  
15 Why was that so?

16 THE WITNESS: [10:21:02] Mr President, there were already attacks, there were  
17 already invasion in the areas. So normally nobody would find it easy to stay at  
18 home, so people were trying to run away, but also they don't have where exactly to  
19 run to. So the situation was there was a lot of insecurity at home and in seldom  
20 cases you would hear of killed -- people killed here or children abducted, and also  
21 along the way you would hear somebody was abducted or killed on the way when he  
22 had gone home to pick something. So it was not safe also at home.

23 PRESIDING JUDGE SCHMITT: [10:21:46] And do you recall when the government  
24 decided that the people should go to the IDP camps? Do you have an idea? Can  
25 you tell us?

1 THE WITNESS: [10:22:00] Mr President, I don't remember very well, but I will  
2 recollect, I don't know whether I will have time to --

3 PRESIDING JUDGE SCHMITT: [10:22:09] I think your testimony will last a little bit  
4 and we will have -- at 11 o'clock we'll have a break and I'm sure when you come back  
5 from the break, you can tell us.

6 THE WITNESS: [10:22:18] Yes.

7 PRESIDING JUDGE SCHMITT: [10:22:22] You said that at one point in time, let us  
8 word it this way, the government decided that the people should go to the IDP camps.  
9 What would have happened if a family would not go to the IDP camp?

10 THE WITNESS: [10:22:40] Mr President, I don't want to predict what would have  
11 happened, though -- but as you know also, those who went to the camp, many died in  
12 the camps. I'm going to speak about that later. Those who died in the camps were  
13 quite many because of the situation there.

14 PRESIDING JUDGE SCHMITT: [10:23:03] I was -- I was not clear enough now in --

15 THE WITNESS: [10:23:05] Yeah.

16 PRESIDING JUDGE SCHMITT: [10:23:06] -- in my question, I think.

17 THE WITNESS: [10:23:08] Yeah.

18 PRESIDING JUDGE SCHMITT: [10:23:10] You mentioned in that regard "force". So  
19 force is something that people forces.

20 THE WITNESS: [10:23:15] Yeah.

21 PRESIDING JUDGE SCHMITT: [10:23:16] So what would have forced the people to  
22 go to the camp? So if they -- this is what I was heading at: If a family would have  
23 decided, "Okay, the government may direct me to the camp but I don't -- I refuse. I  
24 stay where I am."

25 THE WITNESS: [10:23:38] Mr President, if I picked you well, and I would beg your

1 pardon if I didn't pick you well, if people were worried of the security in their homes  
2 where they were living, definitely they would find themself moving out. That  
3 would force them out. But if people were really feeling safe and also with good  
4 protection from government troops, I think people would not be willing to go to the  
5 camps. And I saw that as a big laxity at the time. People were not sure. There  
6 was no clear security protection.

7 PRESIDING JUDGE SCHMITT: [10:24:22] I understand.

8 So Mr Ayena, I think we can proceed from there.

9 MR AYENA ODONGO: [10:24:29]

10 Q. [10:24:30] Mr Witness, you consistently said those who went home sometimes  
11 were killed on the way?

12 A. [10:24:43] Yes.

13 Q. [10:24:44] Did you come to know who was responsible for these killings?

14 A. [10:24:52] Mr President, at the circumstance at the time, it was really difficult to  
15 know exactly who was killing people on the way, because once in a while there  
16 would be ambushes by uniformed armed men and they would kill them by a gun.  
17 And you also know there were movements of mobile government troops and there  
18 were also movement of rebels in the area; so I wasn't privy to knowing exactly who  
19 was there for killing also along the way. It was difficult because I was -- I'm not a  
20 military expert to really follow that, but people were so suspicious they didn't know  
21 who -- or sometimes they don't know who killed, yeah. Because there are people  
22 who could come and say, because as a worker then, there would be people who  
23 would say, "I think these were government troops." This was coming from many  
24 people. Some people would say, "These were LRA." But you can't because you  
25 need to do more investigation deeper but which I couldn't do at the time.

1 Q. [10:26:10] Mr Witness, the President was asking you about what ultimately  
2 forced people out of the villages and if I got him right, I think he wanted you to  
3 inform Court about how the government directed for people to move out of the  
4 villages to the camps were implemented?

5 PRESIDING JUDGE SCHMITT: [10:26:40] That's correct, indeed, yes.

6 THE WITNESS: [10:26:44] Well, Mr President, the government directive came from  
7 the army, it was the army commander who declared that everybody must leave and  
8 now get to the camps. The government structure in place in terms of the local  
9 leadership and administrative units were not in place organised to implement that.  
10 So it was just an order, which was badly managed and in fact poorly, poorly managed.  
11 But people had no option.

12 So the implementation of the order was very ruthless. It was quite difficult because  
13 the army were not allowing people now to stay in their homes. At the same time,  
14 they had not put any system in place to guide people, take people to the camp and  
15 establish systems.

16 MR AYENA ODONGO: [10:27:57]

17 Q. [10:27:58] Excuse me?

18 A. [10:27:59] Yes.

19 Q. [10:28:00] You're saying the implementation was ruthless?

20 A. [10:28:04] Yeah.

21 Q. [10:28:05] If I remained in my home or a group of us in the village refused to  
22 move to the camp, how would government ensure that we actually move? What  
23 situation did they create to make it clear that we must move?

24 A. [10:28:25] Mr President, the word "order" stands very strong and it's clear. The  
25 situation was you must go and you have no option to resist. If you try to resist, of

1 course you would find some other force imposed or applied on you. And that's  
2 what happened. There was nothing like bargaining with you, negotiating with you,  
3 "For you, you can stay here, maybe wait for a while." It wasn't there. It was an  
4 order, you must go. And that was the status quo at the time. And everybody who  
5 had not moved to the camp was forced to the camp, using force. I remember.

6 Q. [10:29:16] Can you tell Court whether in what you call the use of force the  
7 government forces maybe used guns or bombardment of the areas?

8 MR GUMPERT: [10:29:30] Your Honours, they must know that this is the kind of  
9 thing which is objectionable.

10 PRESIDING JUDGE SCHMITT: [10:29:36] Yes, yes. I have to sustain that. But it's  
11 not a problem at all.

12 When you said at the end of your last answer, you said that you saw, what did you  
13 see?

14 THE WITNESS: [10:29:53] Mr President, I saw en masse movement. Of course  
15 people running, not picking their belongings, and that is a very serious thing, people  
16 were just moving, you just have to pick and go. You leave your few goats there, you  
17 leave your beddings there, you leave your other properties there, you leave even food,  
18 I remember people leaving food in the granaries, leaving food in their houses and that  
19 was it, but you have to get to the camp. So -- and those who would try to maybe  
20 delay, not resist, delay, you would get some small beatings, definitely.

21 PRESIDING JUDGE SCHMITT: [10:30:32] Okay. I think this answers it. Please  
22 move on.

23 MR AYENA ODONGO: [10:30:35]

24 Q. [10:30:35] Now, when we talk about those who voluntarily moved to the camps,  
25 were they entire villages, parishes, or say even sub-counties?



1 A. [10:30:50] Mr President, I think the movement was -- initially it was on  
2 individual basis, not a huge group of people moving at once. You find 10 people,  
3 two families going like that because others are remaining and you wouldn't go to  
4 another home to say, "Can we move to the camp?" There was no system, as I said,  
5 neither from the community talking to other neighbour or to the other relative that we  
6 go to the camp, neither government system saying "Now let's keep on mobilising, this  
7 village you go to settle in this camp. That's why even in the camps you would find  
8 people from village A staying in the same camp with people from another village Z,  
9 and people were moving just anyhow. There was no system. So you would move  
10 on your own. Even at the time of telling people go to the camps now, people just  
11 kept on moving. So you find a location, you find yourself there. You move from  
12 wherever you are, you find yourself there. If you are not comfortable here because it  
13 is full, you run to the next location.

14 PRESIDING JUDGE SCHMITT: [10:32:02] I think this is -- we can very clearly  
15 picture that from this narrative.

16 MR AYENA ODONGO: [10:32:06] Yes.

17 Q. [10:32:07] Now, in your opinion, could it have been -- could the forced  
18 movement into camps have been avoided if people acted responsibly by moving to  
19 the -- I mean voluntarily to the camps?

20 A. [10:32:30] Mr President, I beg you, I beg you --

21 Q. [10:32:34] There are two situations.

22 A. [10:32:35] Yeah.

23 Q. [10:32:36] Situation number one was when people were voluntary -- I mean,  
24 according to what I understood, if I got it right, people would move as and when the  
25 situation warranted.

1 A. [10:32:50] Exactly.

2 Q. [10:32:50] Is that correct?

3 A. [10:32:51] Exactly.

4 Q. [10:32:52] Now, would that have been sustainable and therefore could the  
5 forced movement of people have safely been avoided?

6 A. [10:33:08] Mr President, both yes and no. Yes -- no because at the peak of the  
7 escalation you couldn't avoid people from running to look for safe place somewhere  
8 distance away where they would occupy or where they would stay. So even if it was  
9 some system, as long as there was escalation, which of course later on intensified,  
10 people were still going to move, so you would not stop that.

11 But yes because government needed to have been clear, to say I think the situation  
12 has reached a level which is too bad, these people cannot be kept here any more, we  
13 should now begin to see how we take them away from here and then also put  
14 facilities or prepare their minds in such a way that people would move, knowing that  
15 I'm going to a safer place, I'm going to a place where I can be accommodated well.  
16 So yes, government would have done much better if they were willing and they were  
17 ready. Because for long government also denied that there were no camps. I told  
18 you how it was a force, politicians who now had to go to parliament, shout and do all  
19 sorts of things, and I remember when it was exposed on the BBC radio and television  
20 about the magnitude of the situation, and so that is when now people were saying,  
21 "Okay, now you go to the camp" people were now being forced to go.

22 So government would have done it much better without even forcing people, but  
23 since they were not even -- they were reluctant also to admit that the situation had  
24 reached to that level or people -- it had reached a level where people needed to get  
25 some protection areas, it became bad.

1 Q. [10:35:22] Following your graphic description of the situation obtaining in the  
2 IDP camps, and the hue and cries of the members of parliament and other community  
3 leaders, was northern Uganda ever declared a disaster area?

4 PRESIDING JUDGE SCHMITT: [10:35:47] I think, I think we let it pass,  
5 Mr Gumpert.

6 THE WITNESS: [10:35:53] Mr President, in 2001 I was living in the university and  
7 I was a student leader, I was already active and I knew what was happening. I  
8 remember a conference which was held also in Kampala in a hotel called Hotel  
9 Africana and so the members of parliament were very vigorous about the situation in  
10 the north, and subsequently there was an urge by members of parliament to declare  
11 northern Uganda a disaster area, which was public. In the meeting at Africana and  
12 also in the newspapers and so on it was a clear thing, members of parliament from the  
13 north strongly advocated, and many people from other regions supported the move,  
14 that government should declare northern Uganda a disaster area to allow  
15 international community and supporting agencies come in, because they were also  
16 not being allowed. So because of that cry, that is when it prompted members of  
17 parliament actually to walk out. But government vehemently opposed and resisted  
18 that and northern Uganda was never declared a disaster area. That's what I recall.

19 PRESIDING JUDGE SCHMITT: [10:37:23] Okay. Thank you.

20 MR AYENA ODONGO: [10:37:24]

21 Q. [10:37:25] Mr Witness, how was the general living condition in the IDP camps?

22 A. [10:37:30] Thank you, Mr President. I think that's a question which is -- I'm  
23 more comfortable with because as a humanitarian worker then and who worked with  
24 the people in the camps and witness on daily basis, because it was my duty from  
25 Monday to Friday to leave in the morning and go to the camp and come back in the

1 evening, the situation in the camps were terribly bad.

2 PRESIDING JUDGE SCHMITT: [10:38:00] And you already indicated it, you may  
3 take really now your time to describe that because I assume from, also from your CV  
4 what you already have told us this morning and also from the summary that you are  
5 a person who can really tell us something about that. So please proceed.

6 THE WITNESS: [10:38:20] Yeah. So, Mr President, first of all, these IDP camps, as  
7 we used to work we used to call it just concentration camps because people were  
8 crowded together without defined structures for homes, maybe houses, and the kind  
9 of materials people were using for making their small huts, tarpaulins, if you find one,  
10 a bit of grass, if you find because it's also -- it was difficult also to find grasses, you  
11 couldn't move out and find grasses and bring. And the spaces were too  
12 concentrated and very small.

13 So the human condition, first of all, the housing wasn't there. What was there I don't  
14 know how to call it, how to define it because it was deplorably bad and the people  
15 were too many. I remember in one of the camps there were 30,000 people, called  
16 Aloi IDP camp, which is in one small location. So it was so bad in terms of housing.  
17 In terms of feeding, there were no foods. Remember people were being forced out to  
18 leave their home and come in the camp without carrying things or food. Remember  
19 there were no distribution of food by government. There were also no -- at the  
20 beginning there was nothing from NGOs until when some of us came in, and with  
21 very little, very few NGOs actually in Lango region, very few NGOs went there  
22 because of restriction and little knowledge about the situation there. So there was a  
23 lot of malnutrition in the camps.

24 I remember one day when I travelled to Omoro IDP camp, about 80 kilometres away  
25 from Lira town, and I had gone to do survey for drilling some water points in that

1 camp, we came across six babies that were badly malnourished and my duty would  
2 not allow me then to transport them from where they are to a feeding centre, a  
3 therapeutic feeding centre which was in Lira town manned by *Médecins Sans*  
4 *Frontières*, another sister organisation. But because they were looking so bad, human  
5 lives looking like, I don't know how to describe any way, I took a risk to lose the job  
6 but basically to transport them to the therapeutic feeding centre.

7 As I moved back towards Lira town the first four people -- I think first two died when  
8 I just moved about 40 kilometres in the vehicle. When I was approaching town,  
9 about 2 kilometres to Lira town, two also passed on in my vehicle. Now as I was  
10 entering the gate, we were now calling the medical officers to come and pick these  
11 ones, the other two also passed on. So we ended up bringing the dead bodies, from  
12 human life and we deposited the dead bodies at the therapeutic feeding centre. And  
13 that kind of occurrence was a daily occurrence in the camps, children, babies, the  
14 elderly, the disabled would die like one-day-old chick, actually one time I said it like  
15 one-day-old chick when they were not being protected, just normal death, just die.

16 So in terms of feeding there was a lot of problem which caused a lot of malnutrition  
17 and many children and elderly died as a result of that.

18 Secondly, hygiene and sanitation, my area of specialization, it took us sometimes, like  
19 in Lira district, it took my office, because I was the water and sanitation officer and  
20 the leading organisation, it took us about two months to do -- two to three months to  
21 do hygiene and health education first to try to train people how they could manage  
22 waste, human waste. There were no latrines, no latrines, but you're talking of 30,000  
23 people.

24 I remember when I went to Abaho (phon) -- no, Alangi IDP camp, which host a  
25 Catholic mission, I moved out, it had rained. So I wanted to do survey, to do survey

1 of the water and I had to lay about 400 metres of cable to get the point which has a  
2 better water point. My staff refused to walk behind the camp because there were  
3 faeces littered everywhere, littered everywhere, but we needed water as an  
4 emergency because there were no waters. So it was so difficult, but I had to take  
5 command to make people walk on the faeces, you step, sit on the faeces because you  
6 have to measure them. I was sitting, having the machines, so I had to sit or squat but  
7 on the faeces everywhere.

8 So the sanitation was terribly bad and many people caught other diseases and died as  
9 a result of poor hygiene and sanitation.

10 Illnesses like diarrhoea, cholera, typhoid and what -- those things you couldn't avoid.

11 It was just a normal thing that people have to get it and they have to die because there  
12 were also no medical facilities. Nothing.

13 And again in the camps, it was now very risky for people who were in the camp. If  
14 you want to move out, you're not sure whether you go out and come back. It was  
15 even more risky for them to be in the camp because you're not very sure whether  
16 you're going home and you will come back.

17 So people were just there now dying painfully or suffering painfully as they were in  
18 the camp. That's why many people were not very comfortable in the camp, but they  
19 had no option.

20 So life in the camp was really bad. Water wasn't there. I remember when I went to  
21 a camp called Okwang IDP camp, that was the camp which is about 120 kilometres  
22 from Lira town, I think 100 kilometres, nobody had reached there and they had one  
23 borehole, but we're talking about 20,000 people. When we were there, we managed  
24 to repair water points around in government facilities, health centres and school.

25 We did three, and my organisation, Action Against Hunger, the headquarters which

1 was in USA, had to call back to give me appraise because I had to repair three  
2 boreholes in not more than six hours. But what I'm talking about is a very difficult  
3 task. You cannot even do one in six hours. So we had to do it because the situation  
4 was deplorable and it was bad. Water wasn't there, food wasn't there, sanitation  
5 was terribly bad, no health facility. The only NGO that came in was *Médecins Sans*  
6 *Frontières* to try to do health service, which could not be enough and they couldn't do  
7 everything.

8 So many people died as a result of the poor and deplorable situation in the camps.  
9 Unfortunately, the data to these dates, I highly doubt whether the world have it.

10 PRESIDING JUDGE SCHMITT: [10:46:35] Thank you. That was really very  
11 impressive.

12 Please continue, Mr Ayena.

13 MR AYENA ODONGO: [10:46:45]

14 Q. [10:46:45] Now as a former member of parliament, would you be able to  
15 estimate the strength of UPDF and its auxiliary forces from the time of the  
16 establishment of the camps up to 2005?

17 A. [10:47:01] Mr President, I think the Uganda People's Defence Forces was and is  
18 still a strong force in Uganda and as, yes, as you asked, as a member of parliament, I  
19 know the capacity of our force and I knew it at the time. We were able to do other  
20 incursions outside the country, in Congo, in Sudan and so on and we would deploy  
21 heavily and we would man outside our own country. Honestly, I would have  
22 thought that the UPDF had a better capacity to handle the LRA. I don't think LRA  
23 had a very strong force, a very strong system that would defeat the UPDF. I don't  
24 think so. But I only kept on wondering why that strong capacity was not deployed.  
25 That is -- that had been my wonder and I have no -- I have no apologies for saying

1 this, I don't think the government troop had, had the -- any problem to contain the  
2 LRA. I only wonder why.

3 Q. [10:48:31] Is it your statement, therefore, Mr Witness --

4 PRESIDING JUDGE SCHMITT: [10:48:35] "Is it your statement, therefore." Let us  
5 suspect, so to speak, that there might be some leading part in your question.

6 Mr Gumpert is already a little bit uncomfortable I think.

7 MR AYENA ODONGO: [10:48:51] My problem with my learned friend is that he's  
8 so quick on his feet, but he's entitled.

9 But Mr President, may I be guided? Am I entitled to make propositions to the  
10 witness?

11 PRESIDING JUDGE SCHMITT: [10:49:04] No, not on the direct examination. And  
12 let me make a remark where we have listened to this witness for near one and a half  
13 hour and he clearly expresses himself. This is, you know sometimes you have  
14 witnesses where you really have to -- hard to try to exert anything from them, but this  
15 is not the case with this witness. So you simply, as we have done it in the past one and  
16 a half hour, you simply can draw out parts of what he has said and ask him to  
17 elaborate on it and then all the information will come out I think. I think this  
18 is -- has been made -- has become clear.

19 MR AYENA ODONGO: [10:49:49] Okay.

20 Q. [10:49:53] Given the relative strength and balance of power between the  
21 government forces and the LRA, in your estimation was it possible for --

22 MR GUMPERT: [10:50:09] We're back in the same place.

23 PRESIDING JUDGE SCHMITT: [10:50:13] Yes.

24 Let me try it, I know of course where you are --

25 MR AYENA ODONGO: [10:50:17] Okay.



1 PRESIDING JUDGE SCHMITT: [10:50:18] -- heading at.

2 You already indicated that or said something about the strength of UPDF and the  
3 strength of LRA in a general manner. Did you have for yourself an explanation why  
4 this struggle between LRA and UPDF evolved as it evolved?

5 I put it in a very generic manner, but I think you understand what you are asked for.

6 THE WITNESS: [10:50:57] Mr President and your Honours, excuse me, as you asked  
7 my personal opinion, I think the government was negligent, unbothered. It  
8 didn't -- I think the government didn't see any reason to heavily engage, particularly  
9 in the region, because there were similar incursions also in some regions and you  
10 would see quick and fast interventions.

11 We also had a rebellion in other areas, like we had ADF in western Uganda.

12 Sometimes you would hear of an incursion once and there would be heavy  
13 deployment and heavy operations and the thing would close. But here I saw as  
14 government was reluctant to pursue the LRA to the logical conclusion because all the  
15 machineries, all the army, the soldiers and so on were not being deployed. A  
16 circumstance where an attack happens in a camp, which is less than -- excuse me,  
17 which is less than 5 kilometres from a main army barracks and the incursion takes  
18 three hours and there's no intervention, and their intelligence deployed everywhere.  
19 In fact, people would be picked and taken that you are being suspected to be a rebel  
20 collaborator and so on every time, but an incursion takes place, there is no intelligence  
21 report, killing ensues for three hours, there is no intervention. The barracks is a  
22 small distance away, the helicopters are there, all those kind of machineries are there,  
23 so what was it? My summary is that I think government was reluctant.

24 PRESIDING JUDGE SCHMITT: [10:53:21] Okay. Thank you. I think this -- we  
25 have now reached a point where we can have our break, which could also be used by

1 you, Mr Isha, perhaps you could regain your voice a little bit.

2 So we have a break until 11.30.

3 THE COURT USHER: [10:53:41] All rise.

4 (Recess taken at 10.53 a.m.)

5 (Upon resuming in open session at 11.38 a.m.)

6 THE COURT USHER: [11:38:03] All rise.

7 PRESIDING JUDGE SCHMITT: [11:38:30] When technical problems arise I tend to

8 say that can happen. And I would also like to say this today, but it should not

9 become a recurring theme that we get accustomed to.

10 Please, Mr Ayena, you may proceed.

11 MR AYENA ODONGO: [11:38:47] Yes.

12 Q. [11:38:49] Good morning, again, Mr Witness.

13 A. [11:38:52] Morning.

14 Q. [11:38:53] I hope you had a refreshing break time?

15 A. [11:38:57] Oh, yes. Yeah.

16 Q. [11:39:01] We are now going to continue from where we stopped. In your

17 opinion, and from hindsight, could the government have -- could the situation in the

18 camps have been ameliorated by government adopting a less restrictive policy?

19 A. [11:39:28] Yes, Mr President. I think there were many things which

20 government would have done to avoid the problem then that developed in the camp.

21 First, putting people together in a concentrated point

22 brought in these mass killings. Those could have been avoided if people were not

23 locked in one point. Before -- people were now in those locked points without

24 proper security; that was when we heard of the Barlonyo massacre, the Abia massacre,

25 the Obok massacre and many of those mass killings, so that could have been avoided.

1 And the, the restriction of people in the camp would have also saved people from  
2 other deaths related to malnutrition and food, because there were no food, there were  
3 no proper supplies of food; so it would have also saved certain lives.

4 Government only needed to provide security for the people. And government only  
5 needed to, to regulate the incursion, to regulate the management of the camps and  
6 also the management of the people, where they were in their homes.

7 Q. [11:41:27] Given what you told Court, the strength of UPDF, was it possible to  
8 deploy effectively to protect people in their homes to avoid the need to take them to  
9 concentration camps?

10 A. [11:41:58] Mr President, that question may be technical. But, I think that taking  
11 people to the camp needed proper preparation by the government, because even  
12 when they were taken to the camp, that same insecurity prevailed there. And  
13 actually worst, because I told you the magnitude of the killings became more than  
14 even it was before when they were at home because you would have selected killings  
15 in one home or a few homes.

16 So, I think the ordering people to the camp was one of the worst things, worst, worst  
17 decision taken by government. Government had a capacity. What could  
18 demonstrate that government had the capacity to contain the LRA incursion, the LRA  
19 rebellion, was when the auxiliary forces in Lango, the Amuka, the -- in Teso, the  
20 Arrow Boys, when they were brought in by the cry from the community, that was  
21 when even the, the LRA almost -- started disappearing. It was no longer -- you  
22 couldn't hear more of attacks.

23 In other words, even up to today, myself and many people believe that it was now the  
24 auxiliary forces that ended the, the war. Because if merely auxiliary forces who were  
25 not fully armed and, you know, people just pick from the community would, you

1 know, make -- would -- would help to stop the killings and so on, why wouldn't  
2 government forces, with all those machinery and budget and what, fail to protect  
3 people wherever they were?

4 I thought government had the capacity. But as I said earlier, government was  
5 reluctant. I think they were unwilling to protect the people, deliberately.

6 Q. [11:44:29] Could they have -- could there have been a motive for the  
7 unwillingness of government to intervene?

8 MR GUMPERT: [11:44:42] Your Honour, I --

9 PRESIDING JUDGE SCHMITT: [11:44:37] Mr Gumpert.

10 MR GUMPERT: [11:44:38] -- respectfully submit that's inviting speculation, unless  
11 the witness has some particular knowledge. And furthermore, it is of dubious  
12 relevance as to what the motives of different people may have been.

13 PRESIDING JUDGE SCHMITT: [11:44:56] Yes, it's sustained. In general, but of  
14 course you could again rephrase it and ask, "Do you know" -- or, as Gumpert has  
15 worded, "Do you have knowledge why this policy was implemented as it was  
16 implemented?"

17 THE WITNESS: [11:45:15] Mr President, I don't know exactly the motive of  
18 government. But, as I narrated the history of how the NRA government came into  
19 power and how small rebellious groups emerged, a number of them, including the  
20 LRA later on, and how people thought government had come to revenge on them,  
21 and many such things which happened along the way, is highly suspect that maybe,  
22 maybe not, government wanted people to -- to leave them to die. Let them die there.  
23 It was not their business anyway.

24 PRESIDING JUDGE SCHMITT: [11:46:10] But we understand you said maybe,  
25 maybe not, so indeed Mr Gumpert was correct when he said that this called a little bit

1 for speculation. But it's, it's fine. We have to take the answer as it is, but it's really  
2 more a hypothesis and we don't, we don't know what the motives were.

3 Please continue, Mr Ayena.

4 MR AYENA ODONGO: [11:46:34] Yes.

5 Q. [11:46:35] You want to say something more?

6 A. [11:46:42] Yes, Mr President, if I picked what the President said, as if I wasn't  
7 very clear, people had the fear from NRA government over many issues, by the way.  
8 Over issue of revenge, issue of land, land taking, which has continued and it is  
9 happening massively now. And so people thought that this government had the  
10 motive to maintain the people in war so that they would rob them of their precious  
11 wealth, basically land, and also how the animals were taken, which were also our  
12 wealth. And I'm a direct victim. So yes, we, we had -- I had also, let me talk for  
13 myself, I had a motive that, I think government had a motive to deliberately suppress  
14 the people, put them in fear, let them continue at war so that they could deprive them  
15 or they could not come back to fight for political power or other might, because  
16 remember, these were people who had been in power, both in Lango, in Acholi and  
17 West Nile and which was fought by the NRA when it was a rebellion. Yeah.

18 PRESIDING JUDGE SCHMITT: [11:48:12] Okay, thank you. I think you can move  
19 now to another point.

20 MR AYENA ODONGO: [11:48:16]

21 Q. [11:48:20] Thank you very much, Mr Witness. Can you give to Court what, in  
22 your considered opinion, would have been the best approach? (Microphone not  
23 activated) I mean, to countering the anticipated incursions by the rebels?

24 MR GUMPERT: [11:48:43] Your Honour, I have been on my feet a lot and I  
25 apologise in part for that. My understanding is that expert witnesses are called to

1 give their opinions and that this witness is a fact witness. I don't want to appear  
2 oppressive and of course the background is important, but his opinion about what  
3 might have been done, it just isn't relevant and I would say inappropriate.

4 PRESIDING JUDGE SCHMITT: [11:49:05] I agree with you. This is sustained.  
5 You would have to -- and the witness has a lot of knowledge, meaning that he can  
6 provide us with a lot of facts and he has done so, and we should really concentrate on  
7 the facts that he can provide us with.

8 Please proceed now, Mr Ayena.

9 MR AYENA ODONGO: [11:49:26]

10 Q. [11:49:27] Now, Mr Witness, after disbandment of the camps, can you describe  
11 to Court the socio-economic ramifications of the long stay in the IDP camps on the  
12 population generally?

13 A. [11:49:44] Mr President and your Honours, before I answer the question, there  
14 was also something with how government then disbanded the camps. And this is  
15 another story, but I will be brief. It happened similarly to how they were asked to  
16 get to the camp. I remember very well that time I was in parliament, and the  
17 minister for disaster then was called honourable Ecweru, Moses, who came to one of  
18 the place, one of the camps called Otwal IDP camp. And he supervised the, the  
19 putting down of the small structure, the machatas (phon), which people had built.  
20 He actually supervised, you know, also forced people back, "Get back, get back."  
21 There was no serious plan. We had a strong debate in parliament on reparation and,  
22 of course, plan to take people back to their homes because people had lost, many  
23 people didn't know even the boundaries of their land. Many people now had lost  
24 their elderly people. They didn't even know where they were coming from. So  
25 we -- we wanted government to have a clearly defined plan and programme on how

1 people would return back and how they would be settled back. They would be  
2 given certain things to go home, to start putting life -- the infrastructural system was  
3 completely down. There were no roads. There were no what. But it was again  
4 done in a rush and people headed in their homes without preparation. In other  
5 words, after such a long period of war, the expectation of many of us was that there  
6 was going to be a clearly defined programme and arrangement to resettle people back  
7 to begin a new life. Nothing.

8 And so the life, the living conditions of the people after the -- the camp remains bad.  
9 Many people got traumatised as a result of the war and the life in the camp and so on  
10 and what they saw.

11 And as a result of trauma, I know almost everybody, 60 to 70 per cent of the people of  
12 northern Uganda are mentally traumatised because of what they saw and how they  
13 were never prepared to regain their conscience and get back to normal life without  
14 clear deliberate programmes and policy.

15 And so the life, I can tell you many people who were in the camp contracted HIV and  
16 AIDS. Dozens have either died or live with HIV in their bodies and they contracted  
17 when they were in the camps and the situation was clear. Some people was selling,  
18 you would use the word "selling" ladies to the soldiers around for something to eat  
19 while they were in the camp. And that is how they got HIV and AIDS.

20 And so they are back home. Others have even died. Many have died. Those who  
21 returned from the camp, they died when they went home. Those who are there are  
22 mentally, psychologically traumatised. They -- they lost all their properties. You  
23 remember, the animals went, the -- the things they left at home all went. The  
24 properties that were there were not there and they were not able to get it while they  
25 were in the camps.

1 So life, life, even now, is still very difficult. In -- I was hearing recently in Acholi  
2 region now, many people are doing -- committing suicide, unnecessarily. You hear  
3 the other -- another one has committed suicide. Another one.  
4 I attribute this to the mental challenges and the poverty situation which is in that  
5 region. Up to now, the statistics still show that northern Uganda, the disparity level  
6 of economic -- the economic disparity level of northern Uganda vis-à-vis other region  
7 is still too bad. The gap is still too wide; majority of the people still live below  
8 poverty level.  
9 So, the situation in northern Uganda is still hard because of unclear preparation to  
10 resettle people back and to put in place policy that would make people recover easily.  
11 Yeah.

12 PRESIDING JUDGE SCHMITT: [11:55:01] Thank you.

13 Mr Ayena, if I look at the summary of the expected testimony, I have the impression  
14 that Mr Ishaah has foreseen and covered a lot of the questions that you wanted to ask  
15 him with this, with this last answer also. I have the impression at least.

16 MR AYENA ODONGO: [11:55:21] Yes.

17 PRESIDING JUDGE SCHMITT: [11:55:23] It was a remark by me. Please proceed,  
18 but he has really -- for example, if I look here at paragraphs 15 following, I think this  
19 has all been covered by this answer. But please proceed with further questions if  
20 you have them.

21 MR AYENA ODONGO: [11:55:37] Yes.

22 Q. [11:55:43] Mr Witness, you talked about people abandoning their homes, not  
23 being allowed to go back to their homes, they abandoned their properties. Can you  
24 tell Court what happened to those properties.

25 A. [11:56:03] Mr President, most of the properties that remained behind were



1 basically heavy assets. You are talking of beds, you are talking of animals, you are  
2 talking of bicycles, you are talking -- which you couldn't carry to the camp and you  
3 couldn't stay with it there. You are talking of food in the granary. These things just  
4 disappeared. But you wouldn't -- because I didn't see, I didn't see anybody carrying  
5 it, I didn't see UPDF carrying it, neither LRA carrying it on their heads. But you  
6 would suspect that those who are remaining there were the two categories of people,  
7 were the LRA who would come once in a while, and the government soldiers who  
8 would patrol the area. Those were the only people remaining behind. So who took  
9 them? Those two people should answer.

10 PRESIDING JUDGE SCHMITT: [11:57:09] Okay. Thank you.

11 MR AYENA ODONGO: [11:57:13] And with your permission, Mr President, I will  
12 ask not his opinion this time, but from his knowledge.

13 Q. [11:57:27] Mr Witness, according to you, could the -- could the situation in  
14 the -- I mean, of concentrating people in the camps have been avoided?

15 MR GUMPERT: [11:57:49] I have the same objection, your Honour.

16 PRESIDING JUDGE SCHMITT: [11:57:52] Yes. And I have -- yes, could it have  
17 been avoided? But I think we have covered that before, before the break. I think  
18 this is -- I would even say it's asked and answered. This makes it easier. So please  
19 continue. The witness has spoken about that --

20 MR AYENA ODONGO: [11:58:11] Okay. Then I abandon it.

21 PRESIDING JUDGE SCHMITT: [11:58:12] -- before the break. Yes. No, no, I think  
22 you can abandon that. And he also nods, so I think he recalls very well.

23 MR AYENA ODONGO: [11:58:27]

24 Q. [11:58:27] Mr Witness, although you covered this partly, I want you to be more  
25 specific. Has government compensated those whose properties, especially land,

1 were seized to establish the IDP camps?

2 A. [11:58:45] Mr President, that is what continue to cause even difficulties between  
3 government and the people of northern Uganda, because when government came in  
4 there were locations where government talked to some people to establish their  
5 barracks and -- temporary barracks. Like in my home, home sub-county, the lowest  
6 unit very near to me, the place called Adyeda group farm, when government came in,  
7 they entered there and they stayed and they said they would take a small time and  
8 leave. They have stayed there up to to date. Actually, they have forcefully taken  
9 over. And there are many of such areas which I know.

10 Secondly, the owners who were then displaced, including primary schools, I  
11 remember some schools which have disappeared, like a school in Barelege, which is  
12 in Otuke, which has almost become a state house for president, those areas were  
13 never compensated. And the properties that got lost during the time of the war,  
14 there have been no compensation. There have been people who went to court, as  
15 they took their cases in Ugandan courts, where people have taken government to  
16 court to compensate their properties, to compensate their animals, and even when in  
17 certain cases the people have won the case, but government has been very scanty and  
18 fishy in paying already court requirements. So compensation has not been done.  
19 That is still what makes many people very fury. I am personally one of the person  
20 who is in court over issue of compensation from government. Yes.

21 Q. [12:01:08] Have you visited, and as a leader in the area, come to learn about the  
22 role of the government forces in the atrocities, if any?

23 A. [12:01:23] Mr President, I can't be specific and I can't be -- I can't answer that I  
24 know exactly that government troops killed somewhere, but what I can say --

25 PRESIDING JUDGE SCHMITT: [12:01:37] But then I think we should move forward.

1 THE WITNESS: Yeah, but --

2 PRESIDING JUDGE SCHMITT: [12:01:37] No, this is too much hearsay then I would  
3 assume.

4 THE WITNESS: [12:01:43] Yes. What I can say is that -- sorry. What I can say is  
5 that, yes, there are a lot of those hearsay which I didn't come close to directly.

6 PRESIDING JUDGE SCHMITT: [12:01:57] Then I think we leave it at that as an  
7 answer. Yes.

8 Please, Mr Ayena.

9 MR AYENA ODONGO: [12:02:07]

10 Q. [12:02:07] According to you, Mr Witness, according to your observation during  
11 the time you worked for the NGOs that you described --

12 A. [12:02:18] Yes.

13 Q. [12:02:19] -- was there any difference between the IDP camps which were set up  
14 in Acholi and those set up in Lango and Teso?

15 A. [12:02:30] Mr President, the camps in Acholi came much early. And over time  
16 they kept on graduating, graduating to other levels. In Lango, it came late and in  
17 that rush and they didn't take too long. So I -- the difference was not big. There  
18 was no big difference because all people were all concentrated together. Although,  
19 as I -- as in Lango, what I saw was that it didn't graduate to certain level as the one I  
20 saw in Acholi later. The one I saw in Acholi had become much better later on.

21 PRESIDING JUDGE SCHMITT: [12:03:21] And, by the way, now that we are talking  
22 about the IDP camps, you might remember that we discussed the question, if you  
23 recall, when they were established. Could you reflect upon that during the break?

24 THE WITNESS: [12:03:37] Okay. Yes, Mr President, I remember in 2002 when  
25 I was joining I participated in establishing some. And there were already a few

1 which were already established in Lango. They were already there. But I  
2 participated in a number of setting up some of the new camps. Yeah. But there  
3 were few which were already there.

4 PRESIDING JUDGE SCHMITT: [12:04:03] Thank you. So the memory came back  
5 during the break.

6 THE WITNESS: [12:04:06] Yeah, I'm trying to think.

7 PRESIDING JUDGE SCHMITT: [12:04:10] Surely you do.

8 Please, Mr Ayena.

9 MR AYENA ODONGO: [12:04:17]

10 Q. [12:04:17] According to your observation, Mr Witness, were as many camps in  
11 Teso and Lango as the camps in Acholi attacked by the LRA?

12 A. [12:04:35] Mr President, I know basically the camps that were attacked in Lango,  
13 because I -- most of them were attacked when I was now working, and one or two in  
14 Teso. Not very much the camps that were attacked in Acholi, not very much.  
15 Yeah.

16 Q. [12:05:10] You talked about visiting some camps in Pader. Did you have  
17 occasion to visit Pajule camp?

18 A. [12:05:22] Yes, Mr President, I did.

19 PRESIDING JUDGE SCHMITT: [12:05:28] When did you visit Pajule camp?

20 THE WITNESS: [12:05:33] Mr President, I think I went to Pajule in 2004. Yeah,  
21 towards the end of 2004.

22 MR AYENA ODONGO: [12:05:47]

23 Q. [12:05:47] Did you find out whether or not it had been attacked by LRA?

24 A. [12:05:56] Mr President, yes. But can I add?

25 PRESIDING JUDGE SCHMITT: [12:06:04] Yes, of course.

1 THE WITNESS: [12:06:06] Yeah, but my going to Pajule was basically on assessment  
2 of the, the water and sanitation situation and it was more -- I more concentrated on  
3 my area of work because I was on assignment.

4 PRESIDING JUDGE SCHMITT: [12:06:25] So I think what the witness really could  
5 report on from his own impressions that he had at the time is how the situation was  
6 in the camp at the time when he visited it. Everything else would be, again, hearsay.  
7 Relatively -- I know hearsay is not excluded completely, but this would be, perhaps,  
8 relatively weak hearsay because you hear it a year after something might have  
9 happened or not happened.

10 MR AYENA ODONGO: [12:06:53] I am guided, Mr President.

11 Q. [12:07:05] Mr Witness, you have already talked about auxiliary forces.

12 A. [12:07:15] Yes.

13 Q. [12:07:16] In the case of Amuka, how was it conceived, the recruitment of  
14 Amuka?

15 A. [12:07:28] Mr President --

16 PRESIDING JUDGE SCHMITT: [12:07:29] Yes, it's your turn. You are asked  
17 a question, you may answer.

18 THE WITNESS: [12:07:33] I beg for a supplementary --

19 PRESIDING JUDGE SCHMITT: [12:07:34] Of course you can.

20 THE WITNESS: [12:07:34] -- question.

21 PRESIDING JUDGE SCHMITT: [12:07:36] Let's listen.

22 THE WITNESS: [12:07:37] Perceived by who?

23 PRESIDING JUDGE SCHMITT: [12:07:40] I don't think you meant perceived, but  
24 how, how they came about, how they were installed, in a more general manner. Do  
25 you have knowledge about that?

1 MR AYENA ODONGO:

2 Q. [12:07:53] Yes, how were they -- how did it -- how did people begin to think it  
3 was necessary to establish and then establish them?

4 A. [12:08:03] I had, I had answered something related to that through you,  
5 Mr President. The people were not contented with the operations of the government  
6 soldiers. They were also sometimes suspecting them for being behind attacks, and  
7 so the leaders -- that was clearly from, a cry from the community and then the leaders  
8 came out to respond. And the leaders were like, "We should get a way of protecting  
9 ourself", and that was the beginning of the issue of recruiting auxiliary forces.

10 Of course, all of a sudden I remember very well government took over by sending  
11 their local ministers to come and now start creating a structure or commanders, but  
12 the agitation, the initial complaint was from the community that we are not having  
13 any protection and government now needs to protect us, but they are also not  
14 protecting us. So why can't we, you know, fight on our own, protect our own?

15 And that's why many people voluntarily, even workers, children, young people said  
16 we are going to join the auxiliary forces to protect our people. In other words,  
17 people were no longer convinced with the government protection. Because at that  
18 time it was the peak, around 2003 and 4 it was now at the peak where there were  
19 massive mass killings in almost all the camps in Lango and it went in that road from  
20 the east going up to -- I mean from west going up to the east where about five camps  
21 had mass killings. So people were like, "We are going to protect ourself. We have  
22 to do whatever we can to", and that is how people now started joining auxiliary forces.  
23 But the government then took over to do the, the training and so on. But the training  
24 was too short, of course. One week, deployed, like that.

25 Q. [12:10:31] Now that you say they were scarcely trained, can you comment on the

1 discipline and the ability that was exhibited by the Amukas?

2 A. [12:10:55] Mr President, as far as I'm aware, the Amukas themselves were not  
3 commanding themselves; the command was in the hands of the UPDF. And these  
4 were people just picked from the community. You wouldn't expect them to have  
5 credible discipline in their work as soldiers or as armed people, you wouldn't. At  
6 the same time, they were not trained. I said they would be picked and put in a point  
7 and then given guns, and that is it. They were not soldiers. Yeah. Not  
8 professionals.

9 PRESIDING JUDGE SCHMITT: [12:11:47] I think that's also a very clear answer.

10 MR AYENA ODONGO: [12:11:55]

11 Q. [12:11:56] Now, during your work in the camps did you seize any opportunity  
12 to talk to the camp dwellers about how they were being treated by the soldiers who  
13 were meant to guard them?

14 A. [12:12:09] Mr President, many times. Many times. Because, as we would go  
15 in the morning to the camp, it was a requirement also to do a bit of our security  
16 intelligence, you know, gathering, to know what had happened in the night and also  
17 to know how people are living.

18 There were a number of issues regarding the soldiers who were there, in terms  
19 of -- there were issues of rape, of course, once in a while. There were also issues of, if  
20 you don't do things the way they want and you are there, there were beatings which  
21 occurred in many areas. And sometimes there were competition for what is brought  
22 in, things which are brought by the NGOs. Because you could also see some  
23 problem with soldiers themselves. You don't see them having enough facilities, you  
24 also wonder. So sometimes they get what is given around to the, to the IDPs.

25 So there were a lot of complaints. Many others are small ones. Complaints were

1 always there from the community about the soldiers.

2 MR AYENA ODONGO: [12:13:48] Mr President, I think that's about it.

3 PRESIDING JUDGE SCHMITT: [12:13:52] Thank you very much, Mr Ayena.

4 MR AYENA ODONGO: [12:13:53] Yes.

5 PRESIDING JUDGE SCHMITT: [12:13:54] And I would ask Mr Gumpert for  
6 the Prosecution if you have questions?

7 MR GUMPERT: [12:13:58] There are no questions for this witness.

8 PRESIDING JUDGE SCHMITT: [12:14:01] Thank you very much.

9 And Mr Narantsetseg.

10 MR NARANTSETSEG: [12:14:04] Not from us. Thank you.

11 PRESIDING JUDGE SCHMITT: [12:14:07] Mr Cox.

12 MR COX: [12:14:08] Your Honour, may I ask just a couple of questions, few?

13 PRESIDING JUDGE SCHMITT: [12:14:11] Of course you may.

14 MR COX: [12:14:13] Thank you.

15 PRESIDING JUDGE SCHMITT: [12:14:14] Otherwise I would not have asked you.

16 MR COX: [12:14:17] Thank you.

17 QUESTIONED BY MR COX:

18 Q. [12:14:18] Mr Witness, just you have talked a lot about the conditions of the  
19 camps, but we missed one aspect. Could you inform the Court on how was the  
20 educational system at the time of the camps.

21 A. [12:14:32] Mr President, I think that is a good question. Many of the people  
22 who abandoned their schools went to concentrated points where you would have  
23 only one school for the entire 30,000 people, or you are talking of now about 10,000  
24 school-going children.

25 Now you have one learning centre which were being supported by the NGOs, not



1 government, by the NGOs. So education was terribly bad. Many people would not  
2 actually waste time to go and to study because there are no space and there are no  
3 additional supplementary staff or structures, classrooms, and so on. So education  
4 was terribly bad. Many people did not go to school at the time. It was not useful,  
5 anyway.

6 Q. [12:15:34] And if you briefly could tell in general terms what happened to those  
7 boys and girls that during that time didn't go to education. Were they able to come  
8 back and get their education?

9 A. [12:15:47] Mr President, again that is a very good question, and many of them  
10 now did not study. These are the majority of the, I would call the wasted people in  
11 the north who are now crowded in every trading centre. If you move in the new  
12 emerging townships, they are crowded there drinking alcohol, which we call -- the  
13 local one called Lira-Lira, drinking alcohol from morning to morning and doing  
14 nothing. They are the majority of the people who are wasted, and if you go there  
15 now you would find a number of people at the trading centre. You would hear  
16 music, people dancing and drinking local liquor. Because they didn't study, they  
17 have nothing to do, and many of them have actually lost their land, so they are idle  
18 there. So they didn't get those opportunities.

19 MR COX: [12:16:51] Thank you, Mr President. That is all.

20 PRESIDING JUDGE SCHMITT: [12:16:52] And thank you, Mr Cox, also, for the  
21 questions.

22 Mr Isha, that concludes your testimony and that also concludes the hearing for today.  
23 On behalf of the Chamber we would like to thank you --

24 THE WITNESS: [12:17:03] Thank you.

25 PRESIDING JUDGE SCHMITT: [12:17:04] -- for coming to this Court and providing

1 us with this information. And also on behalf of the Chamber wish you a safe trip

2 back home to Uganda.

3 THE WITNESS: [12:17:12] Thank you.

4 (The witness is excused)

5 PRESIDING JUDGE SCHMITT: [12:17:13] This, as I already said, this concludes the

6 hearing for today. The next witness will be D-139, I think. And we will continue

7 with the hearings on Monday, 9.30.

8 THE COURT USHER: [12:17:26] All rise.

9 (The hearing ends in open session at 12.17 p.m.)