

INTERNATIONAL CRIMINAL COURT  
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: KOMAKECH                      Gender: Male  
First Name: David                              Father's Name: Tungdyang OBITA  
Other names used: Obii Mikel              Mother's Name: LALANGO  
Place of Birth: Lukodi                        Passport / ID number: N/A  
Date of Birth/Age: 9 October 1973/41      Nationality: Ugandan

Language(s) Spoken: Acholi  
Language(s) Written: Acholi  
Language(s) Used in Interview: English / Acholi

Occupation: Peasant Farmer

Place of Interview: Gulu

Date(s) and Time(s) of Interview:

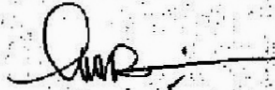
21 April 2015 09:45 - 13:30

22 April 2015 10:05 - 11:30

Interviewers: [REDACTED] (Investigator) and Elena EGAWHARY (Associate Investigator)

Interpreter: [REDACTED]

Witness statement of David KOMAKECH



[REDACTED]

[REDACTED]



[REDACTED]

UGA-OTP-0233-1020



Names of all persons present during interview: David KOMAKECH, [REDACTED]  
(Investigator) and Elena EGAWHARY (Associate Investigator), [REDACTED]  
[REDACTED] (Psycho-social Expert)

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Signature(s): David Komakech [REDACTED] 22/04/2015  
[REDACTED] 22/04/2015  
ELENA EGAWHARY [REDACTED] 22/04/2015  
[REDACTED] 22/4/2015  
[REDACTED] 22/4/2015

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## WITNESS STATEMENT

### Procedure

1. I was introduced to [REDACTED] and Elena EGAWHARY and told that they are investigators with the Office of the Prosecutor (OTP) of the International Criminal Court (ICC). I was introduced to [REDACTED] and told that she is a psycho-social expert with the OTP, of the ICC. I was also introduced to [REDACTED] and told that she is an interpreter with the OTP, of the ICC.
2. The investigators explained to me what the ICC is and described its mandate. They explained the role and mandate of the OTP within the ICC.
3. The investigators explained to me that they are investigating events that took place in Uganda between 01 July 2002 and 2004. I was informed that the OTP is contacting me because they believe I may have information relevant for establishing the truth.
4. I was told that I have the right to be questioned in a language that I fully understand and speak. I confirm that Acholi is a language that I fully understand and speak. I confirm that the language used by the interpreter in this interview is Acholi.
5. The investigators explained to me that this interview is voluntary and that I may end the interview at any time. I understand that I should only answer questions of my own free will and that I am not compelled to incriminate myself or to confess guilt.
6. I was informed that any information I give to the OTP, including my identity, might become subject to disclosure to / might be shared with the participants of the proceedings at the ICC; in particular the Judges, Accused persons, the Counsel of the Accused and the legal representatives of the victims.
7. I was informed that I might be called to testify before the Court in a public hearing. I am currently willing to appear as a witness in Court, if called to testify. I understand that disclosure of my identity and information I have provided may take place whether or not I am called to testify.
8. It was brought to my attention that ICC trials are held in public. It was explained to me that as an exception to the principle of public hearings, the judges may apply protective measures if circumstances require.

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9. The possible security implications resulting from my interaction with the OTP were discussed with me. The investigators have explained to me the reasons and importance of keeping my contacts with the OTP confidential, which I fully understand.
10. Having understood all the above issues, I confirmed my willingness to answer the investigators' questions.
11. The investigators explained to me how the interview was going to be conducted. I was told by the investigators that it is important that I am as accurate as possible in my account; and that I state when I do not know or do not understand the question. I understand that I need to distinguish between what I have experienced or seen myself and what I have heard or learned about from someone else.
12. I was told that at the conclusion of the interview, I would be asked to sign a written statement after having had the opportunity to review it, make any corrections, or add additional information.

### **Background**

13. Prior to 2004, I lived with my wife, Lily APIO close to Lukodi IDP camp. We used to go to Lukodi IDP camp only to sleep at night at first as it was safer. In January 2004, together with my wife, we decided to move permanently to Lukodi IDP camp. This was because the LRA had killed a little boy close to our home and the LRA would come to collect food and abduct people. It was because of this that my family moved to Lukodi IDP camp with our food supplies. By this time, there were many people at the camp but I cannot say how many exactly.

### **The Attack on Lukodi**

14. I believe the attack happened on 19 May 2004 but I cannot be sure as I find the exact date difficult to remember. The LRA came in the evening at approximately 6pm. Earlier that day, the population in Lukodi was told that government troops were coming, but then I heard gunshots. The LRA were shooting at people. There were soldiers amongst the Lukodi population but the LRA were shooting at everyone. I do not know whether the intention was to fire at the people or at the soldiers protecting the camp but the shooting started at the very edge of the camp where there were only civilians.
15. I know the attackers were LRA because of the way they looked and how they came. The LRA looked the way they always look; by this I mean that the attackers were

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bare-chested, without shirts. They had tied clothes around their heads and they had guns. They were wearing trousers and gum boots. The trousers they were wearing were all different types. Some black, some brown, some of military colour. By military colour, I mean like what the UPDF wears (multi-coloured with black, green, brown and white). There were maybe about 100 LRA rebels.

16. When the LRA attacked, I was in Jimmy OKELLO's shop at the Trading Centre spending some time with my friend. My wife was not with me, she was at home. When I heard the shots, I ran out of the shop and the LRA started shooting at me. I wanted to run to the bush but the LRA were shooting at close range so I couldn't run. I re-entered the shop with my friend Christopher ORYEM. The shop we were hiding in belonged to Jimmy OKELLO. I tried to come out of the shop but couldn't so I retreated back inside the shop and hid. I heard the LRA saying "kill all of them". When I spoke to OTP investigators on 23 March 2015, I told them that I was in a house and then ran to one of the shops but I would like to clarify that the house was actually a shop but with a living space in the back.
17. The LRA were using Acholi and Lango languages. The LRA were saying "kill all of them anyone you find you should kill". I don't speak Lango but I can recognize it when it is being spoken. Whilst hiding in a corner of the shop, I saw LRA rebels enter the shop and loot sugar, salt, sweets and soap. I then tried to get out of the house again but was caught. There were two LRA rebels who said they were going to shoot me and told me to sit down. There was an LRA rebel on either side of me. I knew that if I sat down the LRA rebels would kill me so I didn't sit down. I hit the gun of the LRA rebel that was pointed at me and turned it away from me. I then started to run away. Whilst I was running the LRA rebel hit me on the back with the bayonet that was on the gun. I ran away towards the western side of the camp and kept running for about 200 meters. I spent the night in the bush. As I was running and at times rolling downwards away from Lukodi the shooting was continuing. The LRA could see I was running away but they kept shooting at me.
18. When I stopped running I was feeling a lot of pain as my back had been injured. I was also in shock especially when the helicopter gunship came.
19. I heard later from my friend Christopher ORYEM that he had fought another LRA soldier from inside the shop. The LRA young boy soldier had to move away from Christopher ORYEM to get a clear shot but Christopher ORYEM ran towards him so he couldn't shoot him and then escaped.
20. I think the attack lasted about 2 hours because it was at 6pm and later on the LRA moved back when it was about 8pm.



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### The day after the attack

21. When morning came I began to move back to the camp. It was very early in the morning at about 6am. I went back to the camp as I was looking for my wife and children.
22. When I arrived at the camp, I saw that many people had been killed, several huts had been burned, including my home with all of my property still inside. Everything in my home had been burned, clothes and food items.
23. I saw many dead bodies. There were also many who had managed to survive the attack. Among those who came back to the camp the next morning were Christopher ORYEM, Charles ONEN, Patrick OKELLO, Charles OCAKA, Joseph ORYEM, Patrick OJOK, Charles OKUMU, Wilson KILAMA, Wilson ABOLA and John OLANYA as well as other residents of the camp.
24. At the camp, I saw three people who were shot, I could tell these people had been shot as there was a mark on their bodies and blood was oozing out. I could tell it was a gunshot wound from the nature of the shape of the wound in the body. The three people who had been shot were men, they were wearing trousers and shirts but I can't remember the colours. One was called OJARA and was over 40 years old, another was in his twenties but I couldn't remember his name. The other man was in his thirties. I also saw two people whom I was told had been stabbed. They were both men, one was about 30 years old and the other was about 20 years old. I knew both of them; however, I can only remember the name of one of them, OTIM who was a friend of mine. They were wearing shirts and trousers. One had a white shirt and the other had a yellow shirt. Their trousers were black. I remember what they were wearing because they were people I knew. I also saw two bodies that were burnt inside a house. Both of the people who were burnt were women. One had a skirt and top on but the top half of the body and the head were burnt. The other woman was completely burnt so I couldn't see the clothes. I knew the completely burnt body was a woman as her mother was there crying. One of the burnt women was a young girl in her teens, the other, whose upper body was burnt, was in her thirties and I knew her husband, a man called OCAKA.
25. After having seen the burnt bodies I didn't move further because I was in shock. I eventually recovered and moved to go to my house. When I reached my house, I found that it had been burnt down and then proceeded to find out what had happened to my family.



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### Looking for my family

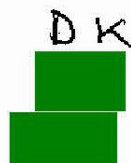
26. I continued searching for my wife and children. I managed to find my children. When I saw my young daughter, Akello SIDONIA for the first time and that she was hurt I felt deeply ashamed. I felt ashamed because I had seen the dead bodies and then I found Akello SIDONIA with other people. She should have been with her mother and at this point I thought her mother was dead. She was crying but there was no sound coming out. I found Akello SIDONIA in the morning as there were people who carried her and brought her back to the camp. People then told me that my wife had been abducted. My wife came back later that day and we went to Lacor Hospital in Gulu so that Akello SIDONIA could have a medical examination. The medical examination found no injuries but only showed that Akello SIDONIA had been alone without her mother and in the cold for the whole night. On the way to the hospital, we encountered the police and I gave them a witness statement. I only gave them the highlights; I didn't tell them how I escaped the shop but just that I escaped. The police spoke to me in Acholi but recorded what I said in English. I don't remember the name of the officer I spoke to.

### Rumours around the Camp

27. Initially there were rumours around the camp. Some people were saying that it was the LRA and others were saying that it was the Government disguised as if they were the LRA. I don't know why the Government would attack the camp as the Government had never done anything like this. I had never seen the UPDF people dress like the LRA rebels who entered the camp. Also when the LRA entered the camp they were shouting that they would kill all the people and I heard this. I also heard it when I was hiding in the shop. The LRA were shouting in the Acholi language and in Lango. Additionally one of the LRA fighters that had surrendered later told us that the LRA attacked the camp. This individual is called OPIRA (nicknamed Ngek) and he lives not far from my house. I do not know whether OPIRA had any rank in the LRA but I remember speaking to him when he came home. I don't remember the year when OPIRA came home but it was long ago. I asked OPIRA if he was with the people who came to Lukodi but he said he wasn't there. However, OPIRA heard that there were three LRA groups that attacked the camp. I am not sure how to spell the names but the three groups were Stockio, Gilva and Codoum. There were lots of people speaking to OPIRA at the time, when I spoke to him. At that time, when these people were speaking to OPIRA, they were all living in Coo-pee camp. OPIRA didn't stay in Coo-pee camp; he stayed at the World Vision reception centre. He just visited the camp because that was where the people from his area were from. It was during his visit at the camp when I and other camp residents asked him about the attack in Lukodi.



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### Victimisation of my wife - Lilly APIYO

28. My wife told me that she had been abducted, together with our daughter, by the LRA, but they both returned without significant physical injury.

### Previous Statements

29. I provided a brief statement to the Uganda Police on the attack on Lukodi. There were several policemen during the statement taking but only one of them took down the notes. I spoke to them in Acholi but they wrote it down in English. The police took statements from several other people who were fleeing from Lukodi. I was made to sign the statement and I recognise the signature. OTP investigators showed me this statement and I read it. The information in the statement to the police is not different from the one that I provided to the OTP investigators.
30. The police statement shown to me by OTP has the OTP Evidence Registration Number: UGA-00023-143
31. I was asked by investigators about the discrepancy in the dates of the attack as provided to the OTP and the Police. In the statement to the Police, it says that I told them that the attack was on 20 May 2004 but this is not correct because the attack took place on 19 May 2004. I know this because we met the police as we were on our way to the hospital on 20 May, which was the day after the attack so the Police must have taken 20 May as the day of the attack because that is when they met us.

### Closing Procedure


32. I was informed that individuals who according to the judges qualify as victims will be entitled to participate in future court proceedings and potentially to receive reparations. I was informed of the existence of the Victims' Participation and Reparation Unit and its function, as well as on the procedure for applications. I consent to my personal data being shared with the Victims' Participation and Reparation Unit.
33. It has been explained to me that the Court may decide to share a copy of my witness statement with a State if it is requested. I was informed that in such a case I would be contacted and any possible impact on my security would be assessed.
34. The investigators informed me of the protective measures that may apply during and after the investigation and/or trial proceeding.

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35. I have nothing to add to the above statement nor do I have anything to clarify. I am available to be contacted in the future for clarifications or questions on topics not covered during this interview.
36. I have given the answers to the questions of my own free will.
37. There has been no threat, promise or inducement which has influenced my account.
38. I have no complaints about the way I was treated during this interview.

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#### WITNESS ACKNOWLEDGMENT

This statement has been read over to me in the English and Acholi language and (it) is true to the best of my knowledge and recollection. I have given this statement voluntarily and I am aware that it may be used in legal proceedings before the International Criminal Court and that I may be called to give evidence in public before the International Criminal Court.

Signed: \_\_\_\_\_

Dated: 22/04/2015

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#### INTERPRETER CERTIFICATION

1. I, [REDACTED] certify that:
2. I am duly qualified to interpret from the Acholi language into the English language and from the English language into the Acholi language.
3. I have been informed by David KOMAKECH that he speaks and understands the Acholi language.
4. I have orally translated the above statement from the English language to the Acholi language in the presence of David KOMAKECH who appeared to have heard and understood my translation of this statement.
5. David KOMAKECH has acknowledged that the facts and matters set out in his statement, as translated by me, are true to the best of his knowledge and recollection and has accordingly signed his signature where indicated.

[REDACTED] *DK*

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[REDACTED] *DK*

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Signed: \_\_\_\_\_



Dated: \_\_\_\_\_

22/4/2015



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*DK*



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