

INTERNATIONAL CRIMINAL COURT
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: **Kalyemenya**

Gender: Male

First Name(s): **Martin** Wagaba Musisi

Father's Name: Wagaba Benedict

Other Names Used:

Mother's Name: Gertrude Nakintu

Children:

Place of Residence: [REDACTED]

Date of Birth/Age: [REDACTED]

Place of Birth: [REDACTED]

Ethnic Origin: Muganda

Religion: Roman Catholic

Language(s) Spoken: English, Luganda

Language(s) Written (if different from spoken): none

Language(s) Used in Interview: English

Current Occupation: Consultant Pathologist

Former Occupation(s):

Place of Interview: [REDACTED]

[REDACTED] Kampala

Date(s) of Interview: 10, 11 November and 6 December 2004

Interviewer(s): [REDACTED]

Interpreter(s): N/A

Names of all persons present during Interview: Martin Kalyemenya, [REDACTED] and [REDACTED]

Signature(s):

Martin Kalyemenya

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WITNESS STATEMENT:

PROCEDURE:

1. I was informed and explained what the International Criminal Court (ICC) and the Office of the Prosecutor (OTP) are and what are their mandates, powers and authority.
2. I was informed on who the persons that were going to be present during the interview were and what was their position in the OTP and in the proceedings.
3. I was informed that this interview is voluntary, and therefore I declare that is from my free will that I'm present in this place and that I'm willingly given my statement.
4. I was informed that I might be called to testify before the Court and that, if called as a witness, my identity may have to be disclosed to the Court, the accused and to the defence counsel of the accused.
5. I was informed of the procedures available to the Court for ensuring the protection of confidential information provided to the Court, as well as for my own protection and security.
6. I was informed that it is possible that a copy of my statement may be transmitted by the Court to a State pursuant to a request made by that State under article 93 (10) (B) (i) (a) of the Rome Statute and the possible protective measures available in that case.
7. I was given the opportunity to ask what would be the procedures of the present interview. I was told that at the conclusion of the interview, I would be asked to sign a written statement after having had an opportunity to review it and add any corrections or additional information.

PROFESSIONAL DEVELOPMENT:

8. I obtained a Bachelor of Medicine in 1984. From 1992 to 1996, I studied at Makerere University, where I obtained a Masters of Medicine (Pathology). The acronym "MBChB M. MED", mentioned on p. 8 of Pagak and Lukodi forensic reports (ERN UGA.00023.188-UGA00023.195), means Bachelor of Medicine and Bachelor of Surgery.
9. Presently, I work with the Ministry of Health as a Government Consultant Pathologist. I started my work as a pathologist in 1996. I worked as a "Medical Officer Special Grade" and was recently promoted to Consultant Pathologist. I perform Police post-mortem examinations, autopsies and forensic autopsies. As I work in Mulago Hospital I also teach there.
10. The medical career is as follows: one starts as Medical Officer Special Grade moves to Consultant Pathologist and then to Senior Consultant Pathologist (top of career for Uganda Doctors).

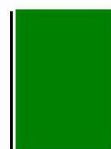
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11. When I signed the report on the Barlonyo, I was a Medical Officer Special Grade. In Pagak and Lukodi, I was a Consultant Pathologist.
12. I am a pathologist with a bias in forensic pathology. I am not a forensic pathologist, as there is no special formation on forensic pathology in Uganda.
13. Histopathology, mentioned on p. 3 of the Barlonyo forensic report (ERN n. UGA.00018.011-UGA.000.00018.24), regarding Dr. Moses Byaruhanga) is the science where a disease is studied at a cellular level.
14. A police surgeon, as Dr. Moses Byaruhanga and Dr. Daniel Kibuuka-Musoke, is a medical officer who examines victims of assaults, defilement, rape, poisoning, and other crimes.
15. In the course of my professional career, and before the post-mortem examinations in Barlonyo, I had performed several exhumations and autopsies in all of Uganda. I performed exhumations and post-mortem examinations at multiple grave sites with multiple corpses at Kanungo in 2000. There, I examined 350 dead victims, but we were told that there were around 900. This event took place was related to a religious sect, which burned the sect members inside a church. In the same year, in Makindye Division (near Kampala and Lake Victoria), I exhumed and examined 78 dead bodies in a mass grave. These victims were poisoned as members of the same sect.
16. Usually, my presence is requested by the Police to go to the site and to perform the post-mortem examinations. For that purpose, Doctors are provided with a medical kit comprised of dissection instruments, and we also have a mortuary attendant who helps us with the dissection procedure. I do not have cameras, X-Ray facilities or any other equipment to be used during the medical examinations.
17. I always use the same methodology to conduct exhumations and post-mortem examinations. On the site, the mortuary attendant opens the body, which is examined by me and then is reburied. Later, I make my report on the examination. Whenever necessary, samples of human tissue are collected and sent to the laboratory for analysis.
18. At Barlonyo, Pagak and Lukodi, in general this methodology was followed by me and the other Doctors. The only remarkable differences were that in Barlonyo the investigation team had three doctors, went to the IDP camp on armed vehicles and looked also at the surroundings of the camp. We do not photograph and video-record the autopsies. But, in Barlonyo, Pagak and Lukodi there was a political will to document the proceedings and the Police was in charge of those proceedings. The medical team asked the Police to photograph all our proceedings.
19. Ballistic experts collected ammunitions, although we were not provided with the results of those examinations.
20. I was asked by the ICC investigators what was the motive to arrive at the crime sites only some days after the events and if that fact compromised in any way the

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conclusions of the medical team. I said that the timing of my presence in Barlonyo, Pagak and Lukodi was determined by the Police and that, in general, it is never too late to do an autopsy. Even after some years, one can still find relevant elements to establish the cause of death. The delay on the arrival at the camps did not seriously effect my conclusions on the cause of death of the victims of those events. It was more difficult because we had less elements and evidence but we were able to determine the cause of death of the people who died in those camps with the exception of the decomposed and charred bodies.

21. In writing the exhumation and post-mortem examination reports, I always use the same format, and that was the format I used in the reports written for the examinations in Barlonyo, Pagak and Lukodi. In those reports, I summarized the information collected as a result of the forensic analysis.
22. In my view, a "post-mortem examination" is exactly the same as an "autopsy", although those medical examinations not always comprise the opening of the bodies and sometimes only an external examination is made.
23. There is a government analytical laboratory in Kampala able to perform ballistic, toxicological, ammunitions' and other chemical examinations. In Mulago Hospital Medical School, doctors are able to perform histopathological, anatomical and other kind of complementary examinations.
24. In Uganda, permission from a magistrate is needed to perform exhumation and autopsy. According to the law, the victim of a violent crime has to be autopsied before being buried. But, in practice, that only happens in Kampala. Outside the capital, mainly in the rural regions the same obligation applies, but there are no means to actually implement it, which means that people might be buried without any medical examination, even if it there are suspicious that they are victims of a crime.
25. The results of the post-mortem examinations are transcribed by the Doctors to the Police Form number 48C. One form is filled in for each one of the bodies. Those forms are in duplicate, being one for the Doctor, and the other one for the Police. In the case of Barlonyo the medical team did not fill in the forms on the site because there were too many victims. It was decided that we would do it when we were back in Kampala. I have already filled in the forms regarding the victims I examined at Barlonyo. But, for the victims who were examined by the other two Doctors, I have the summaries of their findings and not the 48C Police forms. I think they have not filled in those forms to the present date, but this will be done as soon as requested. None of those forms were handed over to the Police until the present date.

ABIYA:

26. I was not involved in any exhumations and post-mortem examinations in Abiya IDP camp. Therefore, I do not have any knowledge regarding that incident, including if any medical examination was performed there, the number of victims discovered and identified, the causes of death or any other facts.

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BARLONYO:**Decision, preparation and people involved in exhumations:**

27. On 26 February 2004, CID Headquarters requested a pathologist from the Minister of Health to perform exhumation and autopsies in Barlonyo. The Ministry of Health called me to perform that task.
28. Taking into consideration the number of victims, it was decided that the medical team should be comprised of three doctors. The Ministry of Health called me and my colleagues, Dr. Moses Byaruhanga and Dr. Daniel Kibuuka-Musoke, who are my students in Mulago Hospital, to participate in the post-mortem examinations in Barlonyo. Both doctors had experience in performing exhumations and autopsies on their own.
29. It was at the Ministry of Health where we met with the Minister of Internal Affairs, the Minister of Health, and the CID chief and we discussed how we would proceed.
30. The only equipment we had to work with was our post-mortem medical kit, and the protective gear. No other kind of equipment was available to be used by the Doctors.
31. On 26 February, we traveled from Kampala to Lira. The following day, we proceeded to Barlonyo IDP camp. As I said before, the Police determined the date of our arrival at the camp. We only went to the camp when all the security arrangements were put into place.
32. My colleagues and I had similar schedules. We worked in the camp the whole day on 27 and 28 February 2004, performing the medical post-mortem examination of the bodies. At Barlonyo camp we divided our tasks. The site was divided in three areas and each one of the Doctors worked in a specific area with the help of a mortuary attendant.
33. In the morning of the 29 February 2004, we went to do the exhumation and post-mortem examinations of three bodies that had been buried by relatives in a village at around 10 kilometers outside of the camp. I can not remember the name of the villages, but the burial site was along the road site. On that day each one of the Doctors performed an autopsy to one of the three bodies that were buried in that village. After the autopsies, these bodies were reburied in the same place. I remember that relatives identified these three victims and gave us the location of the grave, but I can not identify their names from the lists of names that are mentioned in the Appendixes A to D of the forensic report (UGA.00018.018-UGA.00018.023). I am sure, however, that the total number of 124 dead victims includes these three.

Arrival to the camp/crime scene description:

34. Barlonyo IDP camp was located inside the bush. It took us nearly three hours to cover a distance of 5 or 6 kilometers from the junction on the main road to Barlonyo. I was told that the camp residents had built their houses there because the government had

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put a military detachment in that place, once it was a frequent passage for LRA soldiers.

35. On the main road from Lira, there was a trading Center where many of the survivors stayed after the attack. The name of this trading center was Ogur. We found some of the victims' relatives in Ogur, and they helped us identifying the victims in Barlonyo in Ogur.
36. The camp was around one kilometer wide and it had around 500 to 600 huts, built very near to each other. I saw the Police counting the burned huts.
37. When we arrived at Barlonyo, the scene looked tragic. The camp was completely abandoned and the whole camp was burnt down with the exception of one hut in the corner that was still standing. The grass of the roofs of the huts had been burned and some huts were still burning. Lots of bullets, pools of blood and the remains of bones were scattered all over the place. Dogs were preying on human flesh and the scent was terrible.
38. On the eastern side of the camp, some trenches had been dug, I do not know when and by whom. We were told that that was the place where the soldiers were. There were around 20 meters between that military part of the camp and the civilian one.
39. I saw some bodies in the military detachment, but I did not see bodies in military uniforms. Amongst the dead victims in the camp, there were men, women, and very many children. Many bodies had been burnt to ashes, so their clothes had also been burned, although one could still see that there were civilian clothes.
40. I did not see any representatives of international organizations or of NGO's in the camp while we were there. Only the Camp Leader, survivors, and local politicians such as Ms. Cecile Ogwale and the MP from that region, Charles Angiro, were present. On the 28th February, the Speaker of Parliament and other parliamentarians also came with the press for the burial of the victims.

Crime scene examination

41. The forensic team reached the crime scene together with the police. The whole place was inspected by all the members of the investigation team. In my part of the camp, there were very many corpses, some already decomposed. We did not find any guns, but we found ammunitions and shells, which were collected by the ballistic team .
42. During the crime scene examination no technical means, such as a metal detector, were used. We did not record the traces of bullet impacts on the walls of huts, on trees or on the surroundings. Regarding the physical items that were collected in the field by the Police, I do not know if there was any recording of the exact place from where those items were collected.
43. The soil under the bodies was examined, but we did not take any samples from any part of the camp for laboratory analysis. No samples from any parts of the camp, the

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graves and the bodies or from other relevant findings were collected for posterior analyses. I did not bring any organ or tissue for analysis to Kampala. There were all macroscopic observations.

Identification of the graves and bodies

44. When we arrived at the camp, some of the bodies had already been buried by relatives and other bodies were still unburied. The graves of most of the buried victims were scattered around the camp and were very shallow. Some of the bodies were covered with the walls of the huts.
45. The location of the graves and the identification of the bodies were made by the relatives of the victims who were present at the site. The relatives of the victims were called to the camp by the Police and came mainly from Ogur Trading Center. Those persons showed us the places where the bodies of their relatives were buried and gave us the known particulars of those persons (name, sex and age). That data was put on a paper label, together with the body number that was given during the investigation, and the body was photographed with the label in a visible spot. After we had uncovered the bodies, the relatives would identify the body again.
46. The identification tags were put on the bodies after the exhumation.
47. Some of the local people participated in the exhumation of the graves, helping the mortuary attendant to take the corpses out of the graves. Their work was mainly taking out the bodies from the graves, removing the soil and stones that covered the bodies, and reburying them after the medical examination. Then the mortuary attendant and I performed our tasks. These local people were volunteers selected by the Camp Leader and had no particular training to do this kind of task.
48. The bodies that were buried in the surrounding villages, whose names I do not remember, were exhumed and autopsied, as I said, on 29 February. There was also an account for the existence of 50 dead bodies near the borehole outside the camp, called Abore hole, which was the source of water for the camp. On 28 February a search was conducted in that location to try to find dead bodies there, but nothing was found.
49. The largest number of corpses was found in a trench, near the military detachment, which had more than 12 corpses. There was also one particular grave with six bodies in a pity latrine that was still under construction.
50. I did not put the location of the graves on a map. The graves were not numbered and no measurements with GPS of the graves and burial sites were made. The bodies were only numbered with the tags that appear on the photographs. The bodies were not correlated to a specific grave and the position of each one of the bodies in the grave was not registered in a systematic way, through photographs, video recording or any other means.
51. There might have been post-mortem injuries to the bodies, caused by their exhumation from the graves, which we did not identify and register.

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52. I was shown by ICC investigators some photographs that show undetermined remains identified in the tags on those photographs as belonging to Awany Alfred (ERN n. UGA.00011.186), Omara Tom (ERN n. UGA.00011.220), Ogwawi Ray (ERN n. UGA.00011.223), Akello Eceri (ERN n. UGA.00011.230), Akello Mary (ERN n. UGA.00011.232), Okot Geoffrey (ERN n. UGA.00011.315_07), Angwer Santo (ERN n. UGA.00011.315_3), Albartina Odur (ERN n. UGA.00011.333 and UGA.00011.335), Acen Rose (ERN n. UGA.00011.361), Ocen Augustine (ERN n. UGA.00011.371), Ogwang Francis (ERN n. UGA.00011.397), Aceng Madalena (ERN n. UGA.00011.425), Akullu Anna (ERN n. UGA.00011.447) and Obua, son of Akullu Anna (ERN n. UGA.00011.449). I explained that relatives or other people present identified those undetermined remains as belonging to those people.
53. I was shown photo ERN n. UGA.00011.433. I can not say if the body was exhumed and why or why not.
54. I was shown photos ERN n. UGA.00011.482 to UGA.00011.487. I was not present at Duma-Kuc village and did not participate in the exhumation of the corpse of Awino Santo. For that reason, I can not tell if the body was exhumed and why or why not. I was also shown photos UGA.00011.488 to UGA.00011.491. I remember that I was present at Akano village, and I performed the exhumation and autopsy of Acen Lucia.
55. I was also shown the video identified as ERN n. UGA.00021.012, at 15 minutes and 4 seconds of recording, where we can see the identification of the remains of Akello. I clarified that this was also a situation in which the body was identified by the relatives of that person, as also shown in the video.
56. During exhumations no archaeological procedures were followed. No anthropological or odontological methods were used to establish the age of the victims.
57. The only ante-mortem data used in the process of identification of victims was the one provided by the relatives. Basically, they told us the age of the victims.
58. I did not see any AMUKA militia dead bodies among the dead victims at Barlonyo. The Camp Leader told me that one or two dead soldiers were taken away by fellow soldiers to be buried.
59. I did not see any list of victims. But I remember that the policeman who was leading the investigation team had a list. The forensic team made its own lists which are included in the Appendixes to the forensic report.
60. Some bodies were not identified due to the fact that no relatives were present at the site to locate the graves and to identify the bodies. For those bodies it was only possible to establish sex, approximate age (adult/juvenile) and cause of death, although with several exceptions, but the body remained unidentified.
61. It is possible that the team might have missed to exhume and examine some of the graves and victims killed during the Barlonyo attack. We did not have much time, we

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were also fearing that the LRA might attack again and if there was no relative present, it was difficult to identify the graves.

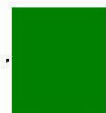
Post-mortem examinations and autopsies

62. The autopsies were conducted by the three Doctors that comprised the forensic team on the 27th and 28th of February. Each Doctor was working alone and performed 20 to 30 autopsies per day per doctor.
63. We performed autopsies on all the bodies in the camp and surrounding villages. For those bodies that were completely charred and decomposed only an external examination was made. Other bodies were opened, and an internal examination was made. We did not perform a complete autopsy, with the examination of all the internal organs, to any of the bodies found. First, we would see by the external examination if there was a visible bullet wound or cut. Then that part of the body would be opened depending on the kind of injury. For instance, a body with a chest wound would be only opened at the chest.
64. An external examination of the body is already performing post-mortem examination or autopsy, which does not always mean that you open up the body and perform an internal examination.
65. All the autopsies were performed at the site, near the place where each body was found, as there was no special place for the Doctors to perform the post-mortem examinations. None of the bodies was cleaned before being examined, and only the bodies that were internally examined were fully undressed.
66. Doctors are supposed to write a report for each of the victims that are autopsied, either identified or unidentified. That report would be the 48C Police form. As I said before, I have completed all these forms, but I am still waiting for my two colleagues to complete their own forms.
67. No X-ray, fluoroscopy, toxicological, macroscopic and histopathological examinations were performed to any of the corpses. No samples were collected from any of the corpses to perform DNA examinations.
68. I specifically asked the persons who were photographing and videotaping the procedures not to record the open bodies and the internal examination phase of the autopsies. Therefore, no photos or video-recorded images of that phase of the proceedings were taken.

Inhumation of corpses

69. After the post-mortem examination, the bodies were put in a plastic bag and those bodies that were exhumed from deeper graves (that looked as being already permanent graves) were reburied in the same place. All the others bodies (that were unburied or in shallow graves) were buried in the trenches opened around the military detachment.

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When we left the camp on the 28th there was one mass grave in those trenches and other deeper graves scattered throughout the camp.

70. No tags with identifications were put on any of the bodies or in the plastic bags before the bodies were reburied. Even those who were previously identified by the relatives were buried without any kind of identification. The tags that appear in the photos were only used to take those pictures and then were destroyed. When the bodies were put into the graves, there were no tags put inside the bags.
71. Around one month after my first visit and the performance of the autopsies, I again went to Barlonyo camp, to prepare the building of a national monument to the memory of Barlonyo attack victims. This was the second time I went to Barlonyo. Now a road has been constructed which makes it quicker to travel to Barlonyo.
72. I went the second time to make sure that all the bodies were properly buried before the monument was built and that only human remains would be included in the national monument. In fact, dogs and other animals reopened the mass grave made in the trenches near the military detachment. Those bags that were more on the surface of the grave were torn apart and the bodies inside exposed and taken out of the grave by the animals. There were parts of human bodies scattered around the camp, which we collected and reburied again in the mass grave. Over that mass grave the national monument in memory of Barlonyo attack victims was built. Only the bodies that were for the first time buried in the trenches are now buried under the monument. On the other hand, some of the bodies that were first buried in the trenches might now be missing as the animals violated the mass grave.
73. At present, there is no identification of each of the remains that are buried in that mass grave.

Photographs and video-recordings

74. A policeman was in charge of taking photographs of the crime scene including pictures of graves and bodies in the camp. The idea was to photograph the corpses as they were found and before being moved. I am not sure if each body that we found was labeled and photographed. The information included into the label was: victim number, name, sex and age (if known).
75. But some of the bodies were photographed after they had been moved and even after they had been examined by the medical team. I believe that the person who took the photographs did not photograph all the corpses, as there were three medical teams working at the same time. That person could not have been in the three places at the same time.
76. I recognize Barlonyo camp on pictures ERN UGA.0001.004, UGA.000110170, UGA.000110172, UGA.000110174, UGA.000110176, UGA.000110178, UGA.000110179, UGA.000110180 and UGA.000110182 that were shown to me during the present interview.

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77. After seeing some pictures of Lira Hospital (ERN n. UGA.00011.165 and UGA.000.00011.167) I remember that the medical team did not go there.
78. It was also a relative who identified the place of the missing body of the Amuka soldier, shown in picture ERN UGA.00011.244, which makes reference to the body of an "Otima Alex (AMUKA guard short)", with the legend "body not found at the scene". That relative showed the investigation team the place where the body had been and gave the name of the victim. I do not know why the body was missing, but it is possible that dogs might have eaten it.
79. Pictures identified as UGA.00011.204, UGA.00011.203, UGA.00011.221, UGA.00011.217, UGA.00011.228, UGA.00011.238, UGA.00011.271, UGA.00011.272, UGA.00011.290, UGA.00011.391, UGA.00011.421, UGA.00011.450 and UGA.00011.472, were shown to me during the present interview. They were taken during the exhumation. Photo UGA.00011.217 shows one of the Doctors, but I can not tell whom. Photos UGA.00011.217 and UGA.00011.290 show Doctor Moses, and I recognize myself on Photo UGA.00011.272. In all the photos I recognize Barlonyo camp as well as various members of the medical team, although in some of those photos I can not recognize the person photographed once the faces are covered.
80. The Police also made a video-recording of the Barlonyo site. I do not know what were the instructions given to the person in charge of making the video. I do not know the name and post of the policeman who was making the video.
81. I was shown the video identified as ERN UGA 00021.012 and I recognize the images in it as being Barlonyo IDP camp during the period the investigation team and the forensic team were there. The images there portrait the proceedings taken during exhumation, including the digging of the corpses, the tagging of the bodies and the use of the bags to put the bodies in. There were also recorded images of several of the dead people and human remains that were found in the Camp.
82. I do not know if all the bodies found were recorded in the video, but I think that did not happen, as there was only one person making the video and three teams proceeding with the exhumations and medical examinations simultaneously. Therefore, that person could not have recorded all that was happening at the same time.
83. The video shows several local people who came to the camp with the investigation team from Ogur Trading Centre. Some local politicians who were present in the IDP camp, such as Ms. Cecile Ogwale and Mr. Charles Angiro, also appear in the video.
84. In that video, at 1 minute and 1 second of recording, we can see images of the praises that were made for the dead people before the beginning of the exhumation process by those present, including the politicians.
85. At 6 minutes and 7 seconds of recording of that video, one can see the image of the medical kit used by the Doctors.

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86. At 19 minutes and 35 seconds of recording of the video, we can see Dr. Moses Byaruhanga working and hear him speaking about a shot.
87. At 26 minutes and 33 seconds of recording of that video, one can see images of the unfinished latrine where six bodies were found and exhumed.
88. At 36 minutes and 47 seconds of recording of the video, one can see images of the Member of Parliament of the region, Mr. Charles Angiro.
89. At 41 minutes and 8 seconds of recording of the video, one can see images of Ogur Trading Centre.
90. At 42 minutes and 17 seconds of recording of the video, we can see images of the investigation team going to the camp, with the military escort, on the second day (the 28th). On the way the team passed the abandoned primary school, which we can see at 42 minutes and 32 seconds of recording.
91. At 1 hour, 29 minutes and 51 seconds of recording, we can see images of the searches made in Abore Hole.
92. At 1 hour, 20 minutes and 30 seconds of recording, we can see a body that shows a hand with a sharp cut. We can also see the process of exhuming that body from the grave. I can not tell if the injury that the body had on the hand was a result of the digging process or already existed. I also can not tell if that injury is ante or post-mortem.
93. At 1 hour, 31 minutes and 31 seconds of recording, we see images of several politicians, including Members of Parliament and the Speaker from the National Assembly, strolling through Barlonyo camp. We can also see the trenches where some of the bodies were buried after being examined by the Doctors.
94. Until the end of the video, we can see images of the ceremony of the burial of the victims that took place in Barlonyo camp on the 28th February 2004. We can see the medical team, me and the two other Doctors, and also some of the politicians who were present during that event. I recognize myself making an oral presentation of the findings achieved during the intervention of the forensic team. I also recognize Ms. Cecile Ogwal and the Speaker of Parliament making speeches during the burials of the victims.

Conclusions of medical examination

95. The report named "Forensic Medical Report about the murders that occurred in Barlonyo village, Ogur sub-county in Lira District. Lira CRB 202/2004", dated 18 March 2004, identified as ERN n. UGA.00018.011- UGA.00018.0124, was written by the three Doctors of the forensic team.
96. That report, including the Appendixes A to E, summarizes the results of the post-mortem examination made by the three Doctors of the forensic team, The lists of

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names of several of the victims who died in Barlonyo, with the corresponding gender, ages and causes of death (Appendixes A to D), and a table with the summary of the dead people by age, gender and identification (Appendix E) were compiled by the three Doctors. The data regarding the names of the victims and their ages was based on the identification made by the relatives together with the medical observation.

97. Regarding those people listed as unidentified juveniles, we were able to determine that the victims were juveniles due to the size of the bodies, who were clearly from children.
98. Regarding the bodies on the lists of the Appendixes that have no identified sex I clarify that if the body was not identified by a relative and was completely charred or decomposed, there was no way for us to determine the sex only from the external examination made to those bodies.
99. The conclusion regarding the estimated day of death for the bodies (within the previous 5-9 days before exhumation) was based on the information of the relatives and on the state of decomposition of the bodies.
100. The total number of victims exhumed and examined by the medical team in Barlonyo and in the surrounding village was 124, as described in Appendixes A to E. The numbers of male, female and juvenile victims are those that are mentioned in those Appendixes.
101. If in any Appendix numbers do not match with the numbers in Appendix E, there is some mistake in Appendixes A to D. I can not say which are the correct numbers, but I know for sure that the correct number of all the victims is 124 and I can confirm that there are 39 unidentified bodies. If the addition of all the names in Appendixes A to D comes to 125, that means that one name must have been repeated somewhere on these lists, although I do not know precisely where.
102. The individual report identifying the specific gunshot wounds, deep cut wounds and fractures presented by each one of the victims would be included in the 48C Police form to be filled in by the Doctors after the autopsies. The same form would contain the description of the exact kind of trauma wounds and fractures each one of the victims presented.
103. The conclusion in the forensic report (ERN n. UGA.00018.011- UGA.00018.0124) that *"The cause of death was attributed to the physical injuries of gunshots wounds, fractures, burns and excessive bleeding from the deep cut wounds"* is a general conclusion regarding the cause of death. But this conclusion only applies to the victims who are not mentioned as being charred or decomposed bodies in the Appendixes. In fact, the team has not determined the cause of death for the charred and decomposed bodies.
104. For the charred and decomposed bodies, we made only an external examination and we did not open these bodies. If we would have had better means, like X-Ray, we could have come up with more precise conclusions. Therefore, the conclusions in the

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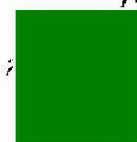


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report pointing out as causes of death “decomposed body” and “charred body” are the equivalent expression to “unknown cause of death”.

105. The conclusion on the same forensic report that *“the cause of death was a result of an act of homicide because of the various physical injuries on the corpses that were consequent to use of firearms, fire and sharp cutting weapons”* is also a general conclusion. Again, this conclusion only applies to the victims who are not mentioned as being charred or decomposed bodies.
106. On the Police form 48C, for each one of the victims I only make a conclusion about the cause of death. I did not say anything about a potential “homicide”. No specific conclusion regarding the cause of death as a homicide was made for each one of the victims.
107. The victims who died because of gunshots are the ones mentioned in my report.
108. I was not provided with any ballistic reports regarding these victims.
109. We did not find any bullet inside a body. All of the bodies with gunshot wounds had an entry and an exit wound.
110. The anatomical location of the gunshot wounds, the location of point of entry and the minimal number of gunshots for each victim was determined during the autopsy and should be on the 48C Police form, but is not on the general report. We were not able to determine the direction of shots, the shot range, old fractures, bullets, metallic fragments and shrapnel.
111. For the victims who had a smashed skull/crushed skull we were able to determine that the instrument or type of instruments used to kill those people were some club or butt of the gun.
112. For the victims who had a cut wound nape the instrument used to kill was some machete or other cutting instrument alike.
113. Regarding these victims we were able to determine the location of injuries and the wounded organs, but not the direction of the blow.
114. We were not able to determine how many of the dead victims died of burnings. In fact, it was not possible for the medical team to establish if people presenting charred bodies died before or after being burnt. As I said, only an external examination was made to these bodies and no complementary examination of the tissues of these people was made to establish if those people were alive or dead when burnt.
115. From our examination we did not find evidence that any of the victims had been raped, or sexually abused in any other way, during the attack. But we did not perform any focused examination on that subject, once our main task was to establish the cause of death of the victims.

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116. After being shown the photographs with the ERN n. UGA.00011.247, UGA.00011.245 (regarding Alina Obua) UGA.00011.296 (regarding Acen Silpa Rose), UGA.00011.415 and UGA.00011.411 (regarding Among Jasinta), I clarify that those women were undressed from their waists down during the exhumation and medical examination proceedings. We can see that because they are already wrapped in the plastic bags in which the bodies were buried.

BACKGROUND ON EXHUMATION IN PAGAK AND LUKODI

117. The report "The Forensic Medical Report on the massacres of Lukodi and Pagak of Gulu District in Northern part of Uganda" (ERN UGA.00023.188-UGA00023.195) was shown to me during my interview. I am the author of that report. I base all my findings in the report on the examinations and autopsies that I conducted between 21 and 24 May 2004. I finished writing this report at around the end of June of this year.

118. As in the Barlonyo incident, I was contacted by Mr. [REDACTED] from CID. Originally, I was only supposed to go to Pagak. In the case of Pagak, there were lesser victims than in Barlonyo, and that is the reason why this time I was the only pathologist in the team, accompanied only by the mortuary attendant, Richard Sentudde. I went with my Forensic Doctor's kit, and apart from the instruments in the kit, I had no further equipment with me. The kit can be seen on the picture with the ERN UGA.00023.316 during the tour of Lukodi camp.

119. We went from Kampala to Gulu on May 20, where we heard that the LRA had attacked another IDP camp in Lukodi. The team leader decided that we should go to Lukodi first, and we arrived in Lukodi in the afternoon of May 21. One victim of the attack had died in Gulu Main Hospital and was examined by me in Gulu before we actually went to the camp. This person is also included into the list of victims attached to my report. We performed exhumations in Lukodi on May 22 and moved to Pagak on May 23. We returned to Kampala on May 24.

120. I recognize the pictures with the ERN UGA.00023.309 to UGA.00023.419 as the ones taken during the investigations in Pagak and Lukodi. I also recognize the video recorded during the examinations in Pagak and Lukodi as the one with the ERN UGA.00023.008.

LUKODI

Outline of Lukodi IDP camp

121. Lukodi IDP camp is located 5 to 10 kilometers from Gulu on the road from Gulu to Kitgum. After a right turn on the main road, one reaches the camp after 20 meters near some mango trees. While we were approaching the camp, we saw several people going the opposite direction leaving the camp. It was said that the rebels would launch another attack. These people were fleeing together with their animals and properties, as can be seen at the beginning of the video, which was shown to me during the interview.

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122. The camp included an army detachment and two schools (one closer to the road and another inside the camp). One school is shown on the video, running time 7 minutes and 32 seconds, another school is shown at running time 7 minutes and 57 seconds. I identify the military detachment on the picture with the ERN UGA.00023.360. The army detachment was on the extreme left side of the camp, very close to the civilian parts of the camp and completely destroyed when we arrived. We found lots of bullets and shells scattered all over the area of the military detachment. The picture with the ERN UGA.00023.309 is a place slightly before one enters the camp if one comes from Gulu.

123. I have drafted a small sketch, which shows the main areas of Lukodi camp. I signed and dated that sketch which is now attached to my statement, as Annex A. Lukodi IDP camp is a large camp covering an area of around 2 kilometers. I observed that only specific parts of the camp had been burned. Not the whole camp was destroyed. I remember having seen the burned hut with two bicycles inside shown on the picture with the ERN UGA.00023.350.

Arrival in Lukodi

124. When we arrived in the camp, we saw the Camp Leader, but I did not talk to him. Our arrival is shown on the video, starting at running time 7 minutes and 32 seconds. We also met some of the residents, but I could not speak to them, because I do speak neither Lango nor Acholi. Mr. [REDACTED] from CID, interpreted it for me.

125. On the day of our arrival, we inspected the camp. All the bodies were buried throughout the camp. The places where the bodies were found were not recorded by the forensic team.

126. The methodology that I applied both in Pagak and in Lukodi was basically the same as the one that I applied in Barlonyo. The only difference in Barlonyo was that there were more bodies, and that these bodies were in a more advanced stage of decomposition.

Identification of graves

127. As outlined above, in Lukodi, we arrived the day after the attack. Therefore, the bodies were not decomposed, and it was much easier to proceed with the examination. The pictures that were shown to me during the interview (ERN UGA.00023.320 to UGA.00023.343) were taken by a police member of the investigation team. I do not remember the name of the police agent, but it was the same person that was in Barlonyo. It was not my task to decide when and where a picture was taken. I believe, however, that, in Lukodi, pictures of all the corpses were taken.

128. There were a relatively small number of dead victims, and I am confident that we identified all the dead bodies. After our arrival, we inspected the camp in order to try to find some of the graves. Afterwards, we talked with relatives who had lost family members and who helped us identifying graves and the bodies inside.

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129. The video, running time 8 minutes and 11 seconds, shows the remains of a body, as identified by relatives. The bricks in the back of the picture indicate the grave from where the body was exhumed. The video, running time 8 minutes and 30 seconds, shows me and the mortuary attendant carrying my kit during the survey tour around the camp. The military persons shown on the video around us provided us with security.
130. During the inspection, I realized that there were lots of shells from big bullets lying on the ground in the civilian parts of the camp. I remember that these shells were collected, but I can not remember what happened with them afterwards.
131. As is mentioned in my report, on page 4, the graves were scattered in and around the camp. There were individual graves for each one of the corpses, and after the exhumation, the bodies were re-buried in the same individual graves. No marks were made on how a body was positioned inside the grave. The Camp Leader selected some camp residents who helped us opening the graves. Some of these volunteers and their work are shown on the picture with the ERN UGA.00023.318. As in Barlonyo, the tags to identify the bodies were only included for the photos. When being re-buried, the bodies had no identification. The data regarding the dead victims, including age and sex, was provided to me by relatives. I compiled the list "Deaths at Lukodi Internally Displaced Camp" (ERN UGA.00023.193-UGA.00023.194), which is, as Appendix A, included into my report. The columns "Injuries" and "Cause of Death" are based on the results of my findings. In my opinion, there is a logic relation between the wounds and the causes of death indicated in the list, and I can not see contradictions for any of the victims.

Exhumations

132. During the examination, the investigation team was not always together at the same place within the camp. Usually, some of the men were exhuming the bodies ahead of me and afterwards I arrived and performed the autopsies.
133. For each of the victims who were not charred, I opened some part of the body. Either I found a wound myself, or a relative told me in advance that the victim had been injured in a certain part, and I opened the body only in that part. If I was sure that I had discovered the place of the fatal wound, the rest of the body was not opened, and sometimes the rest of the body was not even uncovered. The picture with the ERN UGA.00023.322 shows the upper part of a body in a grave; the lower part was not uncovered. I still have to fill in the Police 48C forms for the victims both in Pagak and Lukodi.
134. Most of the bodies in Lukodi had multiple gunshot injuries, which were not difficult for me to verify. The picture with the ERN UGA.00023.343 shows a body that was shot in the head. In cases like the one on this picture, I did open the body only at the head.

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135. For the victims dying of gunshot wounds, I was able to determine the anatomical location of the wound, the number of gunshots and the location of point of entry. I did not register the direction of shots and the shot range.
136. The only victims in Lukodi who were not shot were the following: Ajok Christine (adult victim no. 14), who was burnt. I indicated "neurogenic shock" as her cause of death, because I concluded that she must have died of pain from the injuries she suffered. Otim David (adult victim no. 15) was stabbed to death. Relatives told me that this person was stabbed to death by a child not older than eight years old. In case of Akello (juvenile victim no. 4), I concluded that she must have died of a neurogenic shock because of the extensive deep burns I observed. I recognize the body of victim Akello on the picture with the ERN UGA.00023.321.
137. In the case of the nine charred bodies, I was not able to establish the cause of death, and these bodies were not opened. I recognize the picture with the ERN UGA.00023.327 as an example of a charred body, in which case I was not able to determine the cause of death.
138. The three pictures with the ERN UGA.00023.328, UGA.00023.329 and UGA.00023.330 show that the remains of some of the victims were collected and wrapped together by the relatives in a cloth before they were exhumed.
139. On page 4 of my report, I indicated that the death of the victims had occurred three days before the exhumation and the autopsy was performed. I was able to establish the time of death while observing the bodies during the exhumation process and by the information obtained from the relatives.
140. I was told that there are only 23 pictures with dead bodies, and I would assume that the remaining two bodies were not photographed, but I am not sure on this issue.
141. I did not collect samples of biological fluids and organ fragments. I did not try to determine old fractures, bullets, metallic fragments and shrapnel for each of the victims.
142. The picture with the ERN UGA.00023.363 shows part of the exhumation process. I recognize myself as the person in the green attire taking notes in front of an open grave.

Gulu Main Hospital

143. I participated in the visit to the Main Hospital in Gulu in order to examine the injured victims of the attack. The pictures with the ERN UGA.00023.386 and UGA.00023.388 show me (on the left), Mr. [REDACTED] and the medical superintendent of Gulu Hospital in front of the hospital. I did not perform any medical functions during that visit. I recognize the individuals shown on pictures ERN UGA.00023.389 to UGA.00023.406 as the victims that I saw during that visit. I have no information what might have happened to these victims after my visit.

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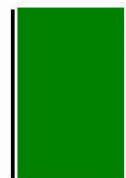
PAGAK**Arrival in Pagak**

144. Immediately after Lukodi, on May 22, we went to Lacor Hospital, which is in the outskirts of Gulu town. Lacor hospital is a very big hospital, run by Italian missionaries. The conditions in the hospital are amongst the best in Uganda. Pagak IDP camp is a big camp, much bigger than Barlonyo and even Lukodi.
145. When we came to Pagak IDP camp, we first went to the military detachment. The military detachment is on the opposite side of the road from the camp. I have drafted a rough sketch to explain the outline of Pagak camp, which is signed and dated by me and was attached as Annex B to this statement. I recognize the huts shown on the video, running time 58 minutes and 40 seconds, as parts of Pagak IDP camp. I also recognize the school "P-7" (running time 59 minutes and 13 seconds) and the church (running time 59 minutes and 28 seconds). Guruguru Hills is a place towards the civilian side of the camp, but I am not sure in which direction. I remember that there is another IDP camp close to Pagak, which we passed on the way from Gulu.
146. We went to the UPDF detachment and spoke to the military commander. I saw the person who was thought to be a collaborator (as the commander said). The Camp Leader came with us from Gulu. The military commander and the Camp Leader informed us about the details of the attack. Together, we went to the area of the camp, where the church and the school are located. Afterwards, they were showing us around in the rest of the camp.

Information about the attack

147. According to the information of the Camp Leader, the military detachment was attacked first. The rebels did not manage to overrun the detachment. Two military soldiers died during the attack, but their corpses were not shown to me. The people who had died in Pagak had not died in the camp. Relatives found the bodies in a place around 7 kilometers outside of the camp in the direction of Guruguru Hills and buried them in the camp. I was told that all of the victims killed outside of the camp had been clubbed to death. Later, during the exhumation, I determined that the majority of the victims had crushed/smashed skulls. Therefore, the cause of death was different than from Lukodi: While the victims in Pagak mostly had severe head injuries, the victims in Lukodi mostly showed multiple gunshot wounds.
148. I saw destroyed houses in the camp, which were burnt down. They were fewer than in Lukodi, most of them were in the area of the camp that faced Guruguru hills. I estimate that about 1/8 of the camp was destroyed. The picture with the ERN UGA.00023.385 shows some of the huts without roof like the ones that I have seen in Pagak. The military detachment, however, stayed intact.

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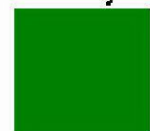


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Exhumations

149. I am not sure that the investigation team discovered all the graves and exhumed all the bodies in Pagak. Some of the camp residents objected for customary reasons to the fact that the bodies should be exhumed. There was also a serious threat that the camp was going to be attacked again. That is why the investigation team was not able to complete the work inside the camp. The team leader decided at around 1700hrs to finish the work and to return to Gulu town.
150. As noted in my report, we exhumed 18 bodies. I was shown a list compiled by the police with the names of 28 victims of the attack, marked as R2 (ERN UGA.00023.117). As I am not sure that we exhumed all the bodies, there might have been more victims that I did not have a chance to examine.
151. The methodology in Pagak was the same than described above for Lukodi. The relatives helped us identifying the graves and gave us the relevant information regarding the sex and the age of the victims. Volunteers from the camp helped exhuming the bodies. The video, starting with running time 59:35, shows how the team opened a grave in Pagak. I am the person in the green attire shown on the video. I used the same equipment than in Lukodi and had no opportunity to perform any additional examinations beyond the scope of what we had done in Lukodi. On the video (running time 1 hour, 5 minutes and 7 seconds), I wrote down some notes, together with Mr. [REDACTED] while bodies were examined.
152. The pictures with the ERN UGA.00023.364 to UGA.00023.380 were shown to me during the interview, and I recognize that they show the corpses of the victims of the Pagak attack. I was asked why there are only 17 pictures while I examined 18 bodies, and I can not answer that question because I had no control over the way the pictures were taken. The pictures show that most of the victims had head injuries. In general, relatives told me about the circumstances of death of a certain victim, and, in this way, I had a general idea before I started my examination.
153. The corpses in Pagak were already decomposed, and I had to buy some homebrewed alcohol to cover the stench and to convince the volunteers to continue with the exhumation. The picture with the ERN UGA.00023.382 shows me (in the green attire) and some of the helpers with the bottle of alcohol in front of them. In Pagak, I did wear the green dress because the bodies were already decomposed and I had to protect myself.
154. The Pictures with the ERN UGA.00023.371 and ERN UGA.00023.372 show the injured skulls of two victims. In these cases, I only examined the head, and the rest of the body stayed uncovered inside the grave.
155. Appendix B of my report lists the dead and exhumed bodies of the Pagak attack (ERN UGA.00023.194-UGA.00023.195). As indicated earlier, most of the bodies died because of smashed/crushed skulls. Victim Nyeko Bosco (no. 1) was an exception; he was hit by a stray bullet. The cause of death for victim Acan Sida (no.

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14) should not be “neurogenic shock” as I was not able to determine her injuries. In case of victim Awol Martina (no. 7), the whole front part of the head was cut off. In this case, it was difficult for me to determine any more precise reason for her cause of death than “shock”, and I do not know any more details about the circumstances of her death. One female child was too decomposed, and there was no relative to identify the body. This victim is not included in Appendix B. None of the victims in Pagak was burned to death. Police 48C forms for these victims will still have to be completed.

Lacor Hospital

156. I recognize the persons shown on the pictures with the ERN UGA.00023.407 to UGA.00023.419 as the injured victims of Pagak attack, kept in Lacor hospital. I went together with Mr. [REDACTED] to Lacor, but as in the case of Gulu Main Hospital, I did not perform any medical duties during that visit. As mentioned above, this visit took place before we moved to the camp. I have to point out that the pictures ERN UGA.00023.409, UGA.00023.410 and UGA.000.411 all show victims with severe head injuries. Some of these victims were very seriously injured and kept in intensive care, but I have no knowledge about their condition since our visit.

Closing Procedure:

157. I have nothing to add to the above statement nor do I have anything to clarify.

158. I have given the answers to the questions of my own free will

159. There has been no threat, promise or inducement which has influenced my answers.

160. I have no complaints about the way I was treated during this interview.

161. I am agreeable to a copy of my statement being transmitted to the law enforcement of a State if requested by a State.

WITNESS ACKNOWLEDGMENT

This Statement has been read over by me in the English language and 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: *M. Kalyemenya*

Date: 6/12/04

