



**INTERNATIONAL CRIMINAL COURT  
OFFICE OF THE PROSECUTOR**

**WITNESS STATEMENT**

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**WITNESS INFORMATION:**

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Last Name: [REDACTED] Gender: Male  
 First Name: [REDACTED] Father's Name: [REDACTED]  
 Other names used: None Mother's Name: [REDACTED]  
 Marital Status: Married Children: [REDACTED]  
 Date of Birth/Age: [REDACTED] Place of Birth: [REDACTED]  
 Place of Residence: [REDACTED]

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Ethnic Origin/Tribe: Acholi

Religion: Catholic

Language(s) Spoken: Acholi, Kiswahili and English

Language(s) Written: Acholi and English

Language(s) Used in Interview: Acholi and English

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Current Occupation: [REDACTED] UPDF

Former Occupations: [REDACTED]

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Place of Interview: [REDACTED] Lira Town, Lira District

Date of Interview: 3, 4 and 5 February 2005

Interviewers: [REDACTED] Dianne Luping

Interpreter: [REDACTED]







## WITNESS STATEMENT

### Procedure

1. I was informed and explained what the International Criminal Court ('ICC') and the Office of the Prosecutor ('OTP') are, what is their mandate, powers and authority. I was informed as to who the persons that were going to interview me were and what their position at the OTP was.
2. It was explained to me that the current investigation was referred to the ICC by the Ugandan government, but that the ICC is an independent international court, completely independent from the Ugandan Government. I was told that the ICC is investigating all the parties to the conflict in Northern Uganda.
3. I was informed that this interview is voluntary, and therefore I declare that it is from my free will that I am present in this place and that I am willingly giving my statement.
4. I was asked if I had any particular concerns regarding my protection and security. It was explained to me that the OTP has no plan during the investigation phase to make my name or my cooperation public.
5. 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.
6. I confirmed that I did not have any problem proceeding to make a statement.
7. 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.
8. 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 the ICC's Statute, and that if this happened I would first be informed. I confirmed that I did not have any concerns if a copy of this statement was made available to a State in these circumstances.
9. 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.
10. It was explained to me that some personal questions would be asked to ensure that the investigators could correctly identify me, including those details set out in the cover sheet to this witness statement.

### Personal Background

[REDACTED]



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**Pajule Military Fact-finding Missions**

13. I am aware of military fact-finding missions into the attack in Pajule in October 2003 that took place immediately after the attack. There were some investigators from [REDACTED]

14. [REDACTED] We wanted to know what had transpired in Pajule. Our main tasks were to determine which enemy group had undertaken the attack, from which direction the attack had taken place, what their intention was, how many there were, their armaments, exactly what did they do in Pajule and the results of the attack, for example casualties on the side of the population and the UPDF side, and the lessons learnt from that attack.

15. [REDACTED]

16. I also found out the losses suffered by the local population, first by seeing some of the losses physically, for example the dead bodies. Secondly, by involving a cross section of the community, not only local leaders such as the local councilors (LCs) and some chiefs, but also teachers, traders, religious leaders and some other victims. For example when some shops were looted, I approached the traders who lost their goods to find out exactly what goods were stolen from the shops, the nature of the goods, for example if they were medicine or clothing, or just assorted items. Because when the rebels come for an attack they do not just attack without any reason, but come with specific targets. When they are coming to attack a centre like that they use their coordinators their collaborators, and send some 'recs' (reconnaissance groups) to come to study the UPDF deployments, positions, the availability of some goods and their positions e.g. which shop has what goods.

17. I also went to the local Catholic mission and spoke to Sister Rose, the headmistress of Pajule Primary School and Father Tarasico. I spoke to the assistant director of the Pajule rehabilitation centre for the abducted children, which is administered by Caritas an NGO.

18. Whilst I was undertaking the detailed investigation, the other two team members of my fact finding team were assisting me in these tasks as I was trying to find out more about the enemy.

19. We also wanted to know how we had deployed our soldiers at the time to review the situation and understand our performance so we could improve in the future. Pajule is a displaced peoples' camp, a protected camp, so every night and day the UPDF takes upon





the responsibility that there is protection around the camp. We wanted to know how the commander of Hotel Battalion had deployed his forces around the camp the previous night, and the types of weapons that the enemy used. All of this information helps us for future planning. Lessons learnt from Pajule are helpful not only for Pajule itself, but for future planning for organizing our forces for protection of other IDP camps. For example we have learnt from previous attacks that first the rebels attack the barracks so that a commander should not deploy all his troops outside the barracks but must keep some of his troops within the barracks. We also learnt from the ambush at Pajule used to prevent reinforcements coming in, how in future operations we should bring in our reinforcements. When [REDACTED] during the Pajule attack, [REDACTED] could not shoot at the retreating rebels as they were with more than 300 civilians so many would have been killed or injured, but saw that because of the helicopter's presence civilians were able to escape. We also learnt that having the helicopter on standby was useful during the attack on the barracks as it helped to reinforce the soldiers during the attack by attacking the rebels at the same time and because of this making the rebels lose their concentration during the battle.

20. I collected physical evidence from the scene of the attack. First, we captured some arms from the enemy. We captured from the rebels 13 SMGs (sub-machine guns), one SPG-9 (self-propelled gun, an anti-armour gun), and some uniforms. I cannot recall exactly how many uniforms there were but there were about 4 uniforms of the Sudanese-type.

21. We captured two POWs who were fighters, later confirmed to be abductees, that had been wounded during the attack. We also rescued about three to five abductees from outside Pajule who had been brought there to help carry loot during the attack.

22. [REDACTED] He did not write a report about the incident as he was also amongst the casualties during the attack.

23. The CO of the 65 Battalion, normally oversees the battalion in Pajule, so the battalion needed to know mainly how their battalion had performed during the attack. There may also have been some of our own, UPDF, weaknesses identified during the course of the attack.

24. Our fact-finding mission took place immediately the same day as the attack, on 10 October 2003. Our mission covered Pajule IDP camp, including the trading centre, Pajule Catholic mission, the UPDF defence and Pajule Dispensary.

25. I wrote a report regarding the incident for our Divisional Commander, [REDACTED]. [REDACTED] also wrote a report. My report will be in the divisional headquarters and with the Chief of Military Intelligence in Kampala. I also have my own copy of this report in my office at Achol-Pii, Pader district. I assume that [REDACTED]'s report must be in his office in the divisional headquarters in Achol-Pii. I am uncertain of his whereabouts at this moment.

26. The medical records for our own UPDF including LDU losses were made by our own doctor. Otherwise, we did not seek to obtain access to any medical records for any others injured or killed during the attack.



27. My report mainly talked about how the enemy came, the attack at Pajule trading centre, our defence, the number of the enemy, the types of the guns which they had, their intentions, where they came from, the commanders involved, the results of the attack, the losses on the UPDF side and the UPDF achievements, then on the side of the population the civilian casualties injured and killed, those abducted, the shops looted, huts burnt, plus other details that I cannot recall now.

28. My fact finding mission was undertaken on the same day of the attack on 10 October 2003 and my report was written on the following day on 11 October 2003. It was a written report. My fact finding group did not conduct any further investigations, but we would update our findings as we continued to obtain further information, from the Pajule abductees, some of the defectors and our own forces following the same enemy. I only wrote one report related specifically to the Pajule incident. I had lists of names of those affected by the attack, namely those killed, those injured, traders whose shops were looted for example the drugstore where they took medicine, and abductees who later reported through our office. The three lists of the killed, injured and traders whose shops who were looted was finalized after my report on the Pajule incident dated 11 October 2003 about one week later. I attached these lists to my copy of my 11 October 2003 report in my office in Achol-Pii. The record of abductees who later reported through our office, is also at my office in Achol-Pii.

29. The updated information relevant to the attack on Pajule was contained in further intelligence reports including weekly and monthly reports. I cannot recall the dates of those reports. Not all of these later intelligence reports may have been sent to the Chief of Military Intelligence in Kampala, as some intelligence reports remain at divisional headquarters. We would need to check which reports are of relevance to Pajule and to check where the reports are located.

30. Not all of the names of those affected by the attack were sent to me immediately so were not included in the first lists produced one week after my 11 October 2003 report. There may be further lists of names, and I need to check if there were any and if so to which later reports the lists of these further names were attached.

31. We could not establish the number and names of abductees immediately, as it was difficult to do this straight away because some camp residents had run away or moved away from the area. Some of the initial numbers we were receiving were not accurate. Some initially spoke about 500 or even 1000 abducted. I do not have a list of names and numbers of abductees, abducted during the attack at Pajule. We requested a list of the abductees from the LC-1 and LC-3 of Pajule. They did not make a list for us, but perhaps they made a list and gave it to the NGOs and district authorities. I was not provided with a copy. However, we did keep a record of abductees who returned and reported to my office.

32. I refer the ICC investigators to our Chief of Military Intelligence, [REDACTED], to obtain copies of my specific report on Pajule dated 11 October 2003, for the lists produced one week later, for the further information relevant to Pajule contained in later intelligence reports, and for a copy of any further listed names of those affected by the attack annexed to subsequent intelligence reports, and for the records concerning abductees who returned and reported to the UPDF.





33. I was provided later with a copy of the record of total numbers of people living within Pajule IDP camp from the district internal security officer ('DISO') for Pader. I do not have the names of all the people living in the Pajule IDP camp, only the total numbers in the camp. The total number of internally displaced people living within Pajule IDP camp includes displaced persons renting homes within Pajule trading centre and displaced persons living in huts built around the trading centre. Lapul is a parish located about 8 miles west of Pajule trading centre, but people displaced from Lapul are also living within a part of Pajule IDP camp which is commonly referred to as the 'Lapul IDP' part of Pajule IDP camp.

34. When you speak of Pajule, this is a sub-county, and this includes the Pajule IDP camp, the town and its surrounding camps. Pajule IDP camp is gazetted so that the camp residents receive assistance from the UN or WFP. Camps that are not gazetted do not receive UN assistance but would still be protected by the UPDF. The Pajule Catholic mission and Hotel Battalion headquarters are located near the displaced Lapul people within Pajule IDP camp.

35. I have drawn a map of Pajule, indicating the locations of the IDP huts on either side of Pajule Trading centre, the location of Hotel Battalion headquarters, Pajule Catholic mission, the Pajule dispensary, and the valley where the rebels traveled when they retreated after the attack, and the site of the ambush. I drew with arrows indicating the direction the attackers entered and left Pajule. I also indicated the directions for north, south, east and west. I have attached a copy of this sketch map as annex 'A' to this statement.

36. I recall that there were about two companies of LDUs of Hotel Battalion present during the attack. The LDU Hotel Battalion was located west of the trading centre. We had one company of UPDF regular forces, the 65 Battalion, posted on the outskirts of Pajule IDP camp.

#### **Site Investigations**

37. I do not recall the exact times, but it was after 11am until about 3pm that I visited Pajule IDP camp including the trading centre, Pajule mission, the barracks and Pajule Dispensary. I started at the barracks to check the UPDF military defence, then went on to the mission, rehabilitation centre which is within Pajule mission, and Pajule IDP camp including the trading centre. Our investigation team stayed at each of these sites for at least an hour.

38. I did not have a camera at the time so our team did not take any photographs. A photograph appeared in the government newspaper, the New Vision. It was one of the journalists who came later who took the photograph, but I am not certain of which journalist. I think it may be the journalist Justin Moro of New Vision. The photograph revealed UPDF soldiers carrying captured guns, including the SPG-9, into the helicopter, together with other UPDF soldiers and the two wounded POWs. That is the photograph I saw in the newspapers. There was no selection as to what was to be photographed. When the soldiers were carrying the SPG-9 onto the plane the man just took the photograph. Similarly with the photographs of the wounded POWs, there was no prior selection of what was to be photographed.



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39. I believe that other photographs were taken but I did not see them. They were taken by the journalists. I believe that one of the journalists taking other photographs was Justin Moro of New Vision. There were other journalists but I cannot remember their names. There was somebody from the Monitor newspaper and from the Rupiny newspaper.

40. There was no technical inspection with special equipment at the scene of the attack during our fact finding. We were assessing the level of damage fired by the guns of the enemy. We did this assessment using our eyes. We did not do any examinations of the traces of the bullets. I noted the impact of the damage from the guns fired I had seen myself, in the report. We did not pick up any bullet fragments from the scenes of attack. We did not need to because we could just pick up the rebels' guns and some of their ammunition by the dead bodies of rebels.

41. The captured rebels' guns, ammunition and uniforms were sent to our divisional headquarters at Achol-Pii in Pader district. They are mixed together with our other display guns, ammunition and uniforms. We later exhibit items captured from the rebels. We display them in one place. However, we have the records of what was captured, which include details of the serial numbers for the guns that were captured at Pajule so it is possible to identify from the display, what guns were captured from Pajule. My intelligence office holds these records of what guns, ammunition and uniforms were captured and the serial numbers for the guns, and I again refer the ICC investigators to the Chief of Military Intelligence for a copy of these records. It may be difficult now to identify the specific uniforms and ammunition captured from the rebels at Pajule from amongst the display items.

42. When I reached the scenes of attack none of the dead bodies had been buried, they were lying outside. Twenty one rebel dead bodies were outside our trenches and within the killing ground. There were about eight civilian dead bodies in total, with about five dead bodies within the IDP camp and three dead civilians in the military defence, who were family members of our soldiers (two children and one dead wife). We lost one UPDF regular forces soldier and one LDU soldier. We sustained some injured UPDF and LDU soldiers.

43. Before the other military fact-finders arrived, [REDACTED] [REDACTED]. But the first to arrive on the ground between about 8 and 9am was the CO of 65 Battalion, Commanding Officer [REDACTED], as he was not very far from that place. [REDACTED] then arrived, and then the other IO from my unit [REDACTED]. The Hotel Battalion IO was already there and had been wounded during the attack.

44. There were others who had been there before we were at the site, including the local leaders. Some camp residents had fled. These civilians who were there before us were helping us with our fact finding.

#### Witnesses

45. We did not take any written witness statement from people we spoke to in Pajule, but all of the military fact finders were taking handwritten notes as people were talking. I was also taking handwritten notes, but do not have those handwritten notes now because as the notes reflected what I put in my written report I did not need to keep them. I





destroyed my handwritten notes, as we must destroy them after our reports are prepared as it can be dangerous to keep them to avoid leakages of information. No audio or video recordings were taken of what they said to us.

46. We selected the people for interview first according to our interest groups, such as the local leaders and others within a cross section of the society such as peasants, teachers, and religious leaders. Then we found people according to those who were at the scene of the attack to find out relevant information. For example, for an attack at the mission you could not ask a local leader for information but automatically would need to ask a person from that mission, such as a priest or a nun. That was how we were making our selection.

47. We had to obtain support from the local community to find the people we wanted to speak to. For example, when finding the LC-3 or another local leader we had to find somebody to guide us to his home.

48. The interviews took place in various places. We interviewed the witnesses where we found them. For example, if we met in the barracks the interviews were in the barracks. When we went to the mission, the interviews were in the mission. For those we met in the camp, we interviewed them in the camp.

49. The interviews did not take long. We had our areas of interest, and where it was clear there was no reason to go over it any further. As the incident had just happened, it was possible to confirm the facts by seeing things for ourselves and people were ready and available to give us their testimony so the investigations did not take very long. If we wanted to know the numbers of huts burnt or dead bodies, we could count them for ourselves. We were easily able to find the people we were wanting to speak to. In contrast, if we had gone to Pajule e.g. three days later it may have been more difficult to confirm these facts for ourselves and to find people such as the local leaders and victims.

50. I cannot remember how long it took to speak to each person. It depended on what information we wanted from that person and the availability of the information that person had.

51. No questionnaire was needed but as a trained intelligence officer I knew what areas of information I needed. The areas of information we were requiring varied depending upon who we were talking to. So for our soldiers, for instance, we asked them where did the enemy approach the barracks from, at what time did the attack start, which guns did they use, how many were there, how long did the attack take. At the mission we would ask for instance, what were the rebels saying as they were shouting, how far did they come to the gate, did they shoot, how many were there at the mission, how did you respond when they spoke? We asked many questions. At the trading centre, for instance we asked how did the rebels know this is a drugstore, which drugs did they take as they did not take everything, were they the ones doing the selection or did they use you to find the drugs they wanted, how much did they take from you, were they mainly interested in this antibiotic or were they interested in anything and just sweeping your drugstore of everything? The traders, we would ask them for instance the details of the items taken, e.g. soap, sugar; quantities taken, did they just open the door or break the door, how long did they stay in the centre, were they only interested in goods or also interested in money, how many were in the shop, how many guns did they have, how did the rebels behave





when they were looting were they just taking property without beating and harassment of the owners of the property, and other questions.

52. The two rebel POWs, later confirmed to be abductees, were captured during the attack. I cannot recall their names. I asked their names and family backgrounds, date of their abduction by the rebels to know how long they had been taken in captivity by the rebels, how old they were, which enemy group they were coming from and where they had left that rebel group, their rebel commanders, the types of guns they had, the briefing given to them when they were coming to attack, what is the intention of the enemy now, the rebels' morale, and the rebels' propaganda regarding peace talks. Even at that time there were peace initiatives with attempts by the church and priests from Pajule mission to meet the rebels and the rebels' attack at Pajule contradicted this. There were many other questions for them, which helped us to know who were the commanders behind the attack and the intention of the attackers at Pajule.

53. Although I use this term POWs, we did not imprison them, as they were boys abducted against their will. Whenever we first capture a rebel fighter and before we have information about them we consider them to be a potential POW and just call them 'POWs'. It is only after we find out more from them for example if they were abducted against their will or they are just children then we do not imprison them as POWs. So after these two abductees received hospital treatment in Gulu as they were wounded, they were resettled with their families through the NGOs which have rehabilitation centres. They were taken to the Gulu hospital of the barracks of the 4<sup>th</sup> divisional headquarters, and then to the child protection unit within the Gulu 4<sup>th</sup> divisional headquarters. There are two rehabilitation centres in Gulu for children under 18 years old, namely GUSCO and World Vision. These centres are responsible for rehabilitation and resettlement of the children and their reuniting with their families. One of these captured abductees was between about thirteen and fourteen years old and the other captured abductee was between about seventeen and eighteen years old. I am not certain of their ages. The child protection unit at the 4<sup>th</sup> divisional headquarters will have the record as to which centre these two children were taken to. I have contacted my liaison at this unit for the names of these two children and which centre they were taken to and now refer the ICC investigators to obtain that information directly from the 4<sup>th</sup> divisional headquarters through the Chief of Military Intelligence.

54. Immediately after the attack on 10 October 2003 we did not find any defectors, only the two 'POWs' who had been captured, later confirmed to be abductees. But some time after the attack in Pajule, there were rebel defectors who had been involved in the attack in Pajule and abductees from Pajule who revealed to us names of the commanders involved in that attack.

55. From October 2003 to date, there have been more defectors coming out and telling us that they were involved in the attack at Pajule, including officers. When an individual defects from the LRA we speak to them, there is a security clearance and we get information from them that can help with our investigations. During that interview either you identify they were part of that group or he will reveal it to you. We know all the commanders who had merged together and organized the attack on Pajule. Once a defector comes out and mentions the name of their battalion that they were in, then we can find out whether they were involved in the Pajule attack. Otherwise, they will tell you



willingly about their involvement in the attack themselves. The former LRA rebels within the UPDF are in a new battalion called Battalion 105. If the defector is within Battalion 105 of the UPDF it is easier to locate them and find out if they were in the Pajule attack. If those former LRA rebels have now returned to their homes it is more difficult to identify and locate them.

56. There have also been many abductees from Pajule, who have returned. Normally we would receive them at the barracks, and we would separate the abductee and the defector. After a few days we forward them to an NGO, who re-settle them. In Pajule there were a good number who were taken. Three or four days after the attack, because of our pressure on the rebels they had to release a number of abductees including one of the paramount chiefs of Acholi, Rwot Oywak, who had also been abducted. The majority of those abducted from Pajule went through the Pajule rehabilitation centre. Also some of these abductees are still in captivity until now.

### **Dead bodies**

57. We used relatives to identify the bodies of dead civilians. A list of names of the civilians killed was made. This list is one of those lists made after my report of 11 October 2003 was made. It was subsequently filed with the same file regarding rebel attacks. I cannot recall the date of this list, but it was made about one week after 11 October 2003.

58. Some of the civilians were buried in Pajule and those who died in the barracks were taken to be buried in their home areas. I could find out where these civilians killed in the barracks were taken. I believe that the dead bodies of the civilians killed in Pajule must have been buried in the Pajule cemetery. The bodies in Pajule were buried without a post mortem, as we did not have a medical officer and because of the on going war when a person is killed by a rebel people would simply state that the person was killed by a rebel and not consider that a post mortem was necessary. And in this case the bodies remained in Pajule IDP camp and were not taken to the hospital. It is when a body is taken to the hospital that a post mortem may be done. There have been no exhumations of people killed at Pajule, but I think this should be possible if it was required. It would just be a matter of informing the relatives, the police and the doctor to carry out the exhumation. Those killed in the camp, who were killed during the attack that morning, they were buried the same day in the evening or the following day in the morning. I am not very certain, but it was not more than 48 hours after the attack that they were buried.

59. All of the civilians died of gunshot wounds.

60. The five civilians I saw killed outside the barracks all died of gunshot wounds. I saw the gunshot wounds although I am not certain of exactly where the wounds were. I do not believe any of these five were killed in cross fire as they died within the IDP camp, but the three civilians killed inside the barracks I do believe were killed in the cross fire. I believe the five had just been killed by the rebels as that was the intention of the rebels to just massacre the people in the camp. When they got them it was obvious that the rebels just wanted to kill.





61. I am not aware if any of the civilians had been sexually violated before being killed. Whilst it is possible, from my experience when they abduct females they would usually sexually humiliate them in the bush and not at the scene. During the attack at Pajule, it would not have been possible to sexually violate women even if the LRA wanted to as they were fighting and they were losing, they were overpowered. But in situations where the LRA attack a village and soldiers are not there, then that is possible that they may have sexually humiliated females. For the LRA, you cannot just take a woman as a 'wife' as the rule is that a newly abducted male must wait for four years before he is given a woman. If a newly abducted male happened to get a woman before then they would have been killed. Male rebels who had been with the LRA for some time could receive a woman straight away. Female abductees from the ages of 12 years and above could be defiled straight away. I know this because of the reports we get from defectors, abductees, and from women who were concubines for the rebels themselves.

62. The bodies of the dead rebels were buried within the Pajule cemetery. The UPDF and LDU dead soldiers were taken to be buried in their respective home areas.

### **Injured**

63. There were about 8 UPDF and LDU injured and I can obtain their names from my records to confirm this. The list of these names of the injured soldiers was not attached to my 11 October 2003 report but will be included in one of my monthly intelligence reports in either October or November 2003, or in a report of one of the IOs of 509 brigade or Hotel Battalion. Apart from the attack on the barracks, in the camp, in the trading centre and at the Catholic mission where children were kept at the rehabilitation centre, the LRA had also laid an ambush on the road from Pajule to Pader. One brigade commander from 509 brigade, [REDACTED] entered into this ambush and one of his vehicles was damaged. He had some casualties. Some of the casualties were brought to Gulu. I think in Gulu one of them died, but I need to check and can find out. I will also need to confirm where the soldiers were when they were injured and what were their injuries.

### **Abductees**

64. Every LC is supposed to produce a list of abductees abducted on that day from each area. Normally the LC-1 would compile the list and then pass it on to the LC-2, who would pass it on to the LC-3, until it finally reaches the district headquarters. The LC-3 would keep his own file copy of these lists.

65. There were many LC-1s, because the entire sub-county of Pajule is displaced so there were people from many villages and wards within the IDP camp. In IDP camps, every block within the camp has its own local leaders. There may be several LCs in one block. When compiling the lists of abductees, the block leaders, the LCs and security people would sit down and check who is missing. Each block would be checked to find the total numbers of those abducted in an area. There is one camp commandant for the whole of Pajule IDP camp, but he has his assistants the block leaders. As the camp commandant his role would be to establish numbers of those killed in his camp, those taken captive, those injured, and the number of people missing. Some of those missing may not actually have been abducted but may have fled. Finally, he would establish what property was destroyed, for instance those shops burnt and looted. For if food is looted people will





be starving so it is his role to find out the extent of the problem immediately. These are his responsibilities in relation to security, but as camp commandant he has other roles to play. A camp commandant can also be called a camp leader. I recall that both the LC-3 and the camp commandant of Pajule IDP camp, were present during the attack in October 2003. There would have been some LCs who were not present but I am not certain who they are now.

66. I think there were over 15,000 people at Pajule in October 2003.

#### **Other Fact finding Missions**

67. There could have been other security organs, like the internal security organization ('ISO'), which could have conducted their own fact finding mission. Pajule IDP camp is administered by the World Food Programme ('WFP'), so I believe that some representatives of the WFP could have come to find out how many died, and the destruction, as they would have tried to find out what help they could give. The district leaders must also have had an interest in the attack, like the RDC who is the chairman of security in the district, the LC-5 chairman the political head in the district, and the police. It is important for these people to come and be there with the camp residents in their time of suffering, so they may have come and done their own investigations. The OIM (which deals with immigrants), and the local branch of Caritas an NGO which was based in Pajule, could also have taken an interest in what had happened. I believe they are also concerned to know how much damages the rebels inflicted on the civilians.

68. I do not know if there were any other UN agencies other than WFP, or any NGO who conducted any fact finding missions after the attack.

#### **Prior to attack**

69. We had been expecting an attack at Pajule and in other areas at that time. As an IO, when we saw the rebel commanders concentrating east of Pajule we expected an attack. The potential targets near to the rebels at the time were IDP camps, towns, and UPDF positions. We suspected their likely intentions, because we were monitoring them through different means including intelligence information.

70. Prior to the attack at Pajule, we were aware of the concentration east of Pajule of the LRA through intelligence we had gathered. We knew of the enemy movements and the locations of about seven LRA groups whom we were monitoring. At that time, there were general movements from all directions of these seven groups but they were all moving towards and reached Lanyatono village, which is about 8 miles east of Pajule,

71. There were seven main commanders who were within the seven groups we were monitoring and these commanders were also present at Lanyatono village prior to the attack at Pajule. Oti Vincent of Control Altar; the late Nyeko Yardin Tolbert of Control Altar; Dominic Ongwen who was then of Sinia Brigade (he has since been transferred as a commander in Stockree, they keep changing about every eight months); Raska Lukwiya of Headquarters (the chief of staff); Opiro Anaka of the Central Protection Unit, Kony's guards; Labongo Ocan Nono of Stockree; and the late Opiro Livingston of Control Altar. These were the major commanders who came to that battle and were present at the battle or around the battle area. These seven commanders were the major commanders who



were coordinating and commanding the attacks on Pajule on 10 October 2003. We learnt of this after the attack as we talked to and were told by the two "POWs", the abductees who were rescued by UPDF brought from outside of Pajule to help in looting, and abductees from Pajule, including the Acholi paramount chief, Rwot Oywak, who was addressed by some of the LRA commanders. We know that the rebel groups who were moving towards Lanyatono and were involved in the Pajule attack were from Stockree, Control Altar, Sinia, and Gilva brigade, because we had been monitoring them so knew which groups were in Lanyatono and this was confirmed later by the defectors, abductees and other intelligence sources.

72. The LRA is different to regular forces like the UPDF. Within the LRA you can have a commander who belongs to a different formation, using soldiers of a different unit as Kony allocates the different unit to them. There were also junior commanders involved in the attack at Pajule, but I cannot remember the names of the junior commanders.

73. There had also been threats of attacks against camps just prior to the attack at Pajule with three letters, with one letter dropped in Pajule IDP camp, one letter in Pader town, and another letter in Acholi-Bur. The LRA wrote that they would be attacking. I saw the letters that were dropped in Pajule IDP camp and in Pader town. I need to confirm if these two letters are in my office in Achol-Pii, Pader district. I am happy for the ICC investigators to have copies of these letters if they are available, through the Chief of Military Intelligence. These letters are not located in Kampala.

74. The contents of the letters were the same. The LRA drop many letters. It is part of their propaganda and deception, because at times for example they say they are going to attack Lira and then they attack another place. There have been letters dropped on roads in towns, pinned on trees and walls, and in other places. But before you analyse the information from a letter, you must first determine if there is an LRA group around the area. Because it is rare for an enemy to tell you his intentions or plans. So if there is no LRA group around that area, you know it is only a letter from LRA sympathizers or deception from the LRA itself. There are many examples of these types of letters from the LRA. Both the 4<sup>th</sup> and 5<sup>th</sup> divisions have found such original letters.

75. The letter at Pajule IDP camp was dropped one week before the attack. I do not recall who picked up the letter, but we received it from our soldiers in Hotel Battalion. This means somebody within the camp first picked the letter up, then passed it on to our soldiers. I first saw the letter within that first week in October 2003. This letter threatened an attack against Pajule IDP camp.

76. The letter did not have any letterhead, but just had written on the top of it 'LRA'. It was ordinary paper. The letter was dated. I cannot recall the exact date but it was also within the first week of October 2003. It was addressed to the population of Pajule IDP camp. It was not signed by anybody. The letter was warning the people of Pajule to leave the camps, or they would stand to be attacked, and warning the people to avoid reporting the LRA to the UPDF. This was mainly what the letter said.

77. I cannot recall who picked up the letter in Pader town, but somebody picked it up and brought it to the 509 brigade in Pader district. This letter was picked up within the same first week of October 2003. The letter was sent to my office in the divisional headquarters. I compared the contents of the two letters from Pajule IDP camp and Pader





town and they were the same except the letter in Pader town was threatening an attack against Pader IDP camp.

78. I heard about the third letter in Acholi-Bur, as I received the information from my IO in the 35 Battalion, [REDACTED]. He reported the letter to me when he received it, about two weeks before the attack in Pajule. It was received in late September 2003. When people pick up letters they usually take them to the local military barracks. [REDACTED] did not send me a copy of the letter. It was enough for me that he read out the contents of the letter to me over the telephone confirming threats against Acholi-Bur, but also of threats generally against camps. Most of these letters from the rebels are almost the same, namely with threats, reporting the LRA's presence in the area, and telling the people to leave the camps. If they are sent to a specific individual, like an LC-5, or an RDC, then the letters can have a different content. In Kitgum district there were also many letters being sent warning of attacks in that district.

79. I am not aware of a letter being received by a specific individual relevant to the October 2003 attack at Pajule.

80. There had also been some rumours from the civilian population within Pajule town and IDP camp, that there was an intention of the rebels to attack Pajule. The rumours had been circulating since the attack in January 2003, and they had been expecting a further attack. There had been some communication about these rumours from the LCs, the GISO, and some traders. Some communications came to me through my staff. One of the communications about the rumour of the rebels intentions to attack Pajule came to me directly from the GISO. I met him when I was at Pajule, but I cannot recall the exact date. It was about two months before the attack. He told me that he had been receiving rumours from people that the rebels intended to attack Pajule. That GISO is now dead (he died of natural causes), and I cannot currently recall his name. He did not say anything else to me. Nobody else gave me information about rumours directly.

81. There were other main indicators that there may be a possible attack although the exact target of the LRA attack was still not clear: LRA radio silence (they were not communicating on the radio but were moving so did not want people to know what they were doing), the building up of the rebels, the enemy 'recs' (reconnaissance groups) moving towards Pajule from the village Lanyotono east of Pajule; and the revelations made by certain rebel defectors and abductees from the LRA (abducted from different areas) about the intentions of the rebels, prior to the attack at Pajule. The rebel defectors and abductees were talking of the rebels' intentions to attack camps to obtain food and to massacre the civilians. They provided other useful details concerning the rebels. This group of defectors and abductees we spoke to prior to the attack on Pajule did not tell us about specific intentions of the LRA to attack Pajule.

#### **Attack at Pajule**

82. The attack at Pajule started at about 0530 hours on 10 October 2003. That was when the guns started. I was in Achol-Pii in divisional headquarters in Pader district, about 30 kilometres from Pajule when the attack started. I first became aware of the attack at Pajule, immediately when the gunshots started. I could hear the gunshots from where I was. After that we had radio communications from the commander of Hotel Battalion,



[REDACTED], to our radio operator at Achol-Pii. He was reporting to the brigade commander that he was under attack by the rebels. I heard this on the radio myself as I was monitoring it. I have a small Motorola walkie talkie that only picks up a small distance, but we have our base stations which relay messages. The gunshot came from the direction of Pajule and the radio communication was confirming this.

83. [REDACTED]  
[REDACTED]  
[REDACTED] And  
I could also see thick smoke coming from some huts. [REDACTED]

[REDACTED] This rebel group had to withdraw from the barracks because of the counterattack from the barracks and this aerial attack.

[REDACTED]  
[REDACTED]  
[REDACTED] I could see that the rebels were just clothed in tatters, some of them were wearing the mixed uniform, with military shirts and civilian trousers. Some were bare-chested. Some were without a cap. Some were barefooted. Some were wearing boots, mostly looted civilian boots, some in gumboots not military, some in sandals, some in military boots. Most of the fighters were teenagers, between about 14 years old to 18 years old. There were also adults amongst the fighters with some female soldiers. The adults were in their 20s and 30s. When they were fighting they were standing. These are the LRA's tactics, for them when they are fighting they do not lie down. For us, the UPDF, we use only military tactics. In a defense you must entrench yourself and use defense tactics such as making counter attacks. You can for example organize some of your soldiers in the defence to come out and flank the enemy from the side. And you could also tell the difference between the UPDF and the LRA below from the direction of the gunfire and the volume of the gunfire. The LRA do not have enough ammunition, whilst in barracks there is an armoury so there is enough ammunition. So the volume of fire is always different. I saw at least about 50 to 70 rebels in the group coming to the barracks. At the barracks the noise of the helicopter made the rebels lose their concentration and with the counter attack from the barracks the rebels did not have much they could do but to withdraw.

84. From there [REDACTED] to the Pajule trading centre, and the situation was in a state of confusion: people were running, it was now difficult to say who was a rebel and who was a civilian and houses were burning. So in the trading centre, the helicopter did not fire at anything. There were people running with properties: There were rebels running with loot, abductees forced to carry loot, and those running away with their own property. It was difficult to tell if any of the LRA were wearing uniforms at the trading centre from [REDACTED] because of the confusion, but the majority at the trading centre were wearing civilian clothes. As [REDACTED] the trading centre I could see the 65 battalion advancing towards Pajule trading centre from the east. I was on the radio communicating with the commander, the OC of the 65 battalion. They started engaging the enemy as they were running away from the Pajule trading centre. I remembered that they killed three rebels.





85. Outside the trading centre, we started firing at retreating rebels who were moving in the direction of the ambush. When the rebels [REDACTED] and I started firing at them they started running. Some of the rebels were firing at the helicopter. I saw that four of them were armed and firing at the helicopter. We shot these four rebels and they were killed. The rebels in this area were wearing mixed uniforms and some but not all were armed with guns. Later, we found that two of the four dead rebels had their weapons removed from their dead bodies. I think the retreating rebels had removed these weapons.

86. Shortly after the rebels' attack at the Pajule trading centre, there was the ambush on the brigade commander of 509 brigade, [REDACTED] about 3 to 5 km from the trading centre on the Pajule-Pader road. The rebels used a landmine and anti-tank gun against the vehicle. [REDACTED] was on his way that morning to see what was happening at Pajule. The rebels were there to prevent any UPDF reinforcements from coming. [REDACTED] the place of the ambush. As [REDACTED] was on his way the other rebels were already looting, and burning huts and abducting.

87. [REDACTED] arrived over the place of the ambush, [REDACTED] the rebels running as they were retreating. They had damaged the first vehicle and had left. The army was shooting at them as they retreated.

88. [REDACTED] Lanyatono direction, which the rebels were taking, as they were withdrawing to where they had come from. I saw at least more than 300 civilians, who had been taken captive by the LRA from Pajule carrying properties and loot stolen from Pajule moving towards Lanyatono. [REDACTED]. Some of the abductees had been abducted inside Pajule IDP camp and made to carry loot from there, some were abducted when they were caught by rebels outside the camp as they were fleeing to the east of the camp away from the fighting in the barracks. Some of those abducted from within Pajule would have also included those living where the Lapul displaced people live in Pajule IDP camp, but I do not believe there would have been large numbers taken from there as that was where the rebels were fighting by the barracks so that would not have been one of their priorities.

89. The situation had cooled down. There were no more gunshots from Pajule trading centre. [REDACTED] not firing now from the helicopter, as these were civilians mixed with the rebels so could not fire because this would have been against the civilian population. But the noise and sight of the helicopter caused a number of the abductees and rebels to run. When they started running the rebels were not able to control all of the abductees and some were able to escape.

90. After that we were in control of the situation at Pajule, which had now normalized. The rebels had withdrawn from the trading centre; and some of the camp residents who had run away had come back to their villages; the government forces had taken control of all areas that the rebels had been in including the IDP camp and its trading centre. I learnt this now, as [REDACTED]  
[REDACTED]. I was informing them that the enemy had withdrawn but had taken many captives.



91. It was now about 9am and [REDACTED]. I met the [REDACTED]. I asked him exactly what had happened and he told me how the rebels came and attacked his defence but how he had managed to repulse them. He also told me how his men had recovered guns, which they had got from the rebels and of some dead bodies of rebels that were lying in front of the trenches. After that between 9 and 10am, [REDACTED] to Achol-Pii to divisional headquarters for more [REDACTED] and to bring [REDACTED] two of our own wounded soldiers.

92. At the divisional headquarters between about 10.00 or 10.30am I briefed the [REDACTED] [REDACTED] as to what had happened. From the barracks at Achol-Pii [REDACTED] back to Pajule and picked up more casualties, both our own wounded (about four or five) and the two wounded rebel "POWs" (later confirmed to be abductees). [REDACTED] all of these wounded casualties to the 4<sup>th</sup> divisional headquarters at Gulu. When [REDACTED] there was a waiting ambulance, which picked them up and took them to the army hospital within the barracks of the 4<sup>th</sup> divisional headquarters. I did not bring anybody else to Gulu at this time, apart from the wounded. The abductees from outside Pajule rescued by our forces remained at the barracks of Hotel Battalion in Pajule at first. Later they were brought to Caritas' Pajule rehabilitation centre.

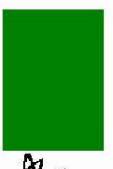
93. At about midday some journalists were mobilized from Gulu and [REDACTED] to Pajule. [REDACTED] (the overall intelligence coordinator in the north, who is now a [REDACTED]), one or two of his escorts, and about five journalists from Gulu. I recall only one of the journalists, Justin Moro of New Vision. The rest I cannot recall their names. This was the first time that [REDACTED] and the journalists had arrived at Pajule.

94. [REDACTED] at Pajule the journalists and [REDACTED] were asking the commander and people around what had happened exactly. They were told how the rebels had come and attacked the barracks and the IDP camp including the trading centre. [REDACTED] whilst I remained in Pajule. They were all taking notes of what people were saying to them. I am not aware if [REDACTED] wrote a report about the incident. He is my superior and if he wrote a report it would have been passed on to a higher level.

95. I remained in Pajule to continue with finding out more information about the attack. Speaking to the local population and to our soldiers, and moving to all of the affected places.

#### **Barracks**

96. In the barracks, I was interested to know at what time the attack began, how many rebels were estimated to have come to the barracks, the direction of origin and how they withdrew, the types of the guns they used, details of other losses the enemy suffered, the atrocities they committed within the trading centre, and finding out how our forces had reacted in this situation. I spoke to the CO of Hotel Battalion, the IO, and some lower level commanders and some soldiers. This was a cross section of soldiers and commanders.







97. The CO told me how the rebels had attacked early in the morning and first began with the barracks. The rebels wanted to overrun the barracks to give them time to overtake the soft targets such as the IDPs and the trading centre, so were concentrating first on overrunning the barracks. They fought for some 30 minutes, but his forces then overpowered the rebels. He also told me details of what he had obtained from the rebels, namely the guns, ammunition and the uniforms. He said that he had lost three civilians at the barracks a wife to a soldier and two children, and that in the trading centre there were also some losses in people but he did not have details at the time. He also mentioned that some huts were burnt and shops were looted within the trading centre but he did not have the details.

98. The IO told me about the types of the guns that the rebels had used in the attack on the barracks. He mentioned the types of the guns, one SPG-9, machine guns like PKMs, mortars, RPGs, and hand grenades. He said that they had captured the SPG-9 from the barracks. I also asked him the estimated number of the rebels in the attack at the barracks and he told me that there were about 50 to 70 in number. He was also wounded so I did not want to ask him more at that time.

99. I spoke to [REDACTED], one of the lower level commanders, and asked him what had happened in his sector. He told me that his sector was attacked by the rebels but that he had managed to repulse them. He told me that the rebels had tried so much to capture their defence to the extent that one of them wanted to cross the defence line. The rebel was some three metres from their trenches when he was killed. They really wanted to use the SPG-9, that our forces captured later, against a certain vehicle in the barracks but our forces managed to destroy that gun. The barrel of the SPG-9 was damaged. He also told me that the rebels had first withdrawn westwards and that they had then used a certain valley to retreat eastwards. I had seen the rebels withdrawing in this westwards direction before retreating eastwards [REDACTED], and later confirmed that they had first retreated in this direction by the location of some of the dead rebels' bodies, and from what I learnt from the abductees taken to Pajule by the rebels who told me that they had at first been trying to leave westwards. Pajule barracks is west of Pajule trading centre but in the middle are the IDPs, and we had our forces in the east so it was difficult for the rebels to retreat immediately east, so they had to retreat westwards at first then take the valley to retreat eastwards.

100. I spoke to another commander, [REDACTED]. What he told me was not very different from the revelations of [REDACTED]. I also spoke to other soldiers from Hotel Battalion but I cannot recall their names now. These soldiers were speaking to me about how the enemy attacked the defence, and how the enemy were repulsed. They also told me what they had brought from the battle field like the guns captured. Some of them were confused as to what guns they had brought were actually called, but they were referring to what was in fact the anti tank gun (the SPG-9), and the 13 sub machine guns (SMGs). They also spoke of the four Sudanese uniforms. There are many different types of Sudanese uniforms, but the four that were captured from the rebels were green combat uniforms. We can distinguish the Sudanese uniforms from our own uniforms, as our uniform is not the same deep green colour as the uniforms are from Sudan, and the Sudanese uniforms are spotted with brown colours. The colour in our uniforms does not fade very easily. Their uniform is mostly made of cotton whilst ours are made mostly of





polyester, although some of our uniforms may also be mixed with cotton. The style of making the uniforms or designs are also different. For example, you will find that some of our uniforms are without flaps on the shoulders for putting on the ranks. We also have other captured Sudanese uniforms in our exhibit store and some of the rebel defectors have confirmed that these were the types of uniforms that they wore. These uniforms, which the Sudanese government have given to the LRA rebels are the same types of Sudanese uniforms that the Sudanese government troops in southern Sudan use.

**101.** The soldiers also said they had captured some ammunition from the rebels, which were for the SMGs, some explosive hand grenades (I think about five), and some mortar bomb shells.

### **Pajule Catholic Mission**

**102.** I then went on to the Pajule Catholic mission in the afternoon. I went to find out exactly what happened in that area. I went to speak to some people there, including Sister Rose the headmistress of Pajule Primary school, an assistant director to Caritas whose name I cannot now remember, some of the children who were in that centre, and the Italian priest Father Tarasico.

**103.** I first spoke to Sister Rose and asked her what happened exactly at the Pajule Catholic Mission. She told me that the rebels had come there but did not enter, that they had stopped behind the fence of the mission. She told me that the rebels were shouting in the Acholi language over the fence, that the people at the mission should open the gate and the formerly abducted children should come out of the gate. There were some rebel families and some children that UPDF captured or rescued handed over to the rehabilitation centre of Caritas. They included some women of the rebel commanders. Maybe the rebels did not want to harm these rebels families, which is why they just called them to come out. I cannot remember the names of the rebel commanders who had families there, or the names of the women or children but I recall there were about 15 families at the rehabilitation centre at that time. We can trace the names of the women as we received the women when we had rescued them and brought them to the centre for rehabilitation, and will have the records of their names. For me, I think that the rebels wanted to take these families back to the bush and thought they were rescuing the formerly abducted children and former women and families of rebels as they had been captured by the UPDF and taken to the centre. Sister Rose spoke about how the situation had been handled by the UPDF. She said she appreciated how the UPDF had fought and overpowered the rebels. She said that if the rebels had overrun the barracks and entered the mission she thought they would have re-abducted the children, looted the mission, and committed atrocities at the trading centre but as the UPDF had overpowered the rebels the rebels had not managed to do this. The main effort of the rebels was to attack the barracks at this time so they did not have time to enter the mission until after the barracks was overrun.

**104.** I then spoke to the assistant director of Caritas. I asked her if the rebels entered the centre where the children were kept. She said that they had not entered that they had just stopped outside of the fence. She also told me that the children were crying, thinking that the rebels were going to re-abduct them and that some of the children were hiding themselves. That is all I can remember that she told me. As I was speaking to her, I also





spoke to about four of the children and two women from the rehabilitation centre. I cannot recall any of their names. The children were between about 12 to 14 years old. I asked them if they were harmed during the attack. They said they were not harmed, that the rebels did not enter into the compound. They said the rebels were shouting to them in Acholi from outside that they should go and join them as the rebels had come for them. One of the children, a fourteen year old, was suspicious about some of the women at the centre with them. Some of these women with families with the commanders, were captured and did not surrender willingly. When these other rebels came for them this did raise the suspicion that some of these women had collaborated with the rebels. There are those who are captured by UPDF, some rescued, and some who escape. The ones who are captured may still have some sympathies with the rebels. Some of the abductees rescued or escaped, may at times feel uncomfortable with the others who were captured if they suspect they have sympathies with rebels or if they are with returned rebels who captured them or killed their relatives. Such problems in the camps are common.

**105.** I cannot remember the names of the two women I spoke to. They said to me that when the rebels came there were many shouting, calling out specific names, saying that they should come with them, that they should not fear and that they had come to collect them. Nobody responded to the rebels. After that they said they were just hiding themselves, fearing that the rebels would enter into the compound but they said this did not happen because in the barracks those fighting in the barracks had been overpowered. The barracks are less than 100-200 metres from the mission. Our forces fighting in the barracks would not let these people enter the mission. The rebels' intention was first to overpower the barracks and then enter the mission, but this did not happen.

**106.** I then spoke to Father Tarasico, the Italian priest at the mission, who told me that he could hear the guns outside and the commander shouting from outside but that he could not hear it very well. He told me that he thought the rebel's intention was to re-abduct the children, to loot from the mission including to take his radio communication. He did not say anything else to me.

#### **Pajule IDP Camp and Trading Centre**

**107.** I then went on to the IDP camp including Pajule trading centre. I was mainly enquiring about what had happened.

**108.** I could see some burnt huts and looted shops in this area. I could also see some properties that were just abandoned on the ground such as foodstuffs and maize flour, which is distributed by the World Food Programme, some beans and cooking utensils such as saucepans. I could see some destroyed goods on the ground such as clothes and assorted goods from shops such as biscuits. People may have thrown their belongings out of their huts, because they were afraid their huts would catch on fire as other huts were burning and all the huts in the IDP camp are very close to one another. I also saw some dead bodies of civilians and injured civilians. I remember seeing about five dead civilians, all of whom had been shot. Their gunshot wounds were in various places, one was in the side of the head, one in the chest, one in the arm, in the legs, and one in the stomach. Their relatives had covered their bodies with blankets. Some of the bodies had been moved by the relatives into their huts or under trees. There were both male and



female civilians killed. They were mostly teenagers, between 10 to 18 years old. But I also recall there was a 26 year old female.

**109.** As I was moving I was talking to people. I talked to some local leaders. I cannot recall their names but I would recognize them physically. I asked somebody to direct me to the leaders, such as the LCs. I spoke to over ten LCs. I mostly spoke to one of the LC-1s, but also spoke to the LC-3 chairman of Pajule. I then spoke to some traders, some teachers, and some peasants within the camp.

**110.** I cannot recall now what each individual local leader said to me but they were generally saying the same thing. Many were telling me how the rebels had come to the IDP camp including the trading centre. They were mainly saying that the rebels were abducting and forcing people to carry the loot. They said the rebels were taking the children and tying them with rope. This is the age group the rebels are wanting to abduct. The rebels prefer children as they are easier to indoctrinate with their propaganda. as an adult is not as easy to tell lies to. The leaders did not tell me numbers abducted from Pajule. It was difficult for the LCs to ascertain this at that time, as some people had run away, others had lost their homes, and some were going to other family members to pay their condolences. They also told me what the rebels had taken from the camp residents. They told me that the rebels were mainly interested in stealing food in the camp and some household properties, as well as carrying out abductions.

**111.** The LC-3 gave me a general summary of what was happening within the camp. He told me that he had received a report from the lower level LCs as to what had happened: that the rebels had come; that he heard they were in the barracks and some were killed there; the rebels were wanting to re-abduct children in the mission but they had failed; that the rebels burnt so many huts but he had not established the number then; that many people had been taken captive but he had not yet been able to sit down with the LCs to find out household to household how many people were missing; and reports of casualties. He said he was around at the time of the battle and that he was inside his house when the rebels came. It was early in the morning when the rebels came so everybody was still asleep. He said that he had seen for himself the huts being burnt from a distance. I think that he had hidden himself as the rebels always attack senior people like him as they think they are government agents. He told me that perhaps it would be after some time before they would know who were those missing and those who had been abducted. That is all I can remember he told me.

**112.** I did not meet with the camp commandant at the time. I was told that he was present during the attack, but was not around at the time I asked to speak to him. I also met with some of the block leaders. What they told me was not different to what the LCs had told me. Some of the block leaders are also LCs.

**113.** I moved to two drugshops and spoke to their owners. They told me that immediately when the attack started at the Pajule trading centre, that the rebels had rushed to their shops and removed what they could take from them. I can find out the names of these drugshop owners I spoke to, but do not have the names here with me currently. They told me that the rebels took some medicine from their shops, both injections and the tablets. They declined to give me all of the details of what was taken by the rebels, saying it was difficult at that time as they would need to check their records of what had been there.





But I could see that although some medicine was lying around the entire place was practically empty, so the rebels had taken almost everything.

**114.** I went to about five other traders and also asked them some details as to what things the rebels had looted from their shops. They told me that the rebels had taken some foodstuffs, clothing, and other assorted items. I can remember one of the names of these traders, Mr. Ocan, who still lives in Pajule trading centre.

**115.** As I went to the part of the camp where the fire had started from, I found some people who had run away who had returned. They could not return to their homes but were just within that area as the whole place had been burnt. There were many huts burnt. I delegated the task of counting burnt huts in the whole of Pajule IDP camp to a team comprised of some of my staff members, some of the local leaders and some representatives of security organs (including the GISO). They counted about 315 huts burnt. This figure was recorded in my report. I asked the people in this sector what had happened. They told me that they heard the first gunshots in the barracks direction and rebels starting to shout in their area with a rebel commander ordering others to torch every hut. They said that the huts were burning and they ran away, whilst those who did not run were taken captive by the rebels. They said that they did not know what had been taken from their huts by the rebels as their huts were burnt so it was not clear for them whether things had been removed before the huts were burnt. When I was talking to them in this part of the camp, there was still some smoke coming out from the huts. I spoke to a cross section of people from this sector, including peasants. I cannot recall any of their names. They had gathered in one place, they were now homeless, and I just called a few over to speak to me. It may be difficult now to trace them as I was not writing down their names.

#### **Pajule Dispensary – Civilian Casualties**

**116.** From the area where huts were burnt within the IDP camp, I called for my vehicle and traveled to the hospital called the Pajule Dispensary, which is about two kilometers away from Pajule. I saw about seven injured civilians at the Pajule Dispensary. I obtained the names for these injured civilians later from the LC-3 chairman, but at the time I did not ask their names. I asked how they were injured. All seven were males with gunshot wounds. At least two of them told me that they were injured during the process of being abducted by the rebels. These two injured boys were between about 10 and 15 years old. I cannot recall their names. They said that the rebels were telling them to stop running and to return to them, but when they continued to run and failed to stop the rebels had shot at them. The injuries of these two were not as serious as the other five. One was injured along the neck with a gunshot wound. The other was injured in his arm, which was plastered up. They said that they did not return to see what had happened to their homes. They described the rebels in general saying they were mostly teenagers and were really wanting to abduct them and were taking other children.

**117.** The other five civilians were lying down and undergoing treatment. There were two adults and three other children, amongst these five injured civilians. I cannot recall exactly the nature of their injuries, but they were seriously injured. One was shot in the stomach, one in the head, one in the chest, one had a broken leg. I spoke to one of these five, whose leg was shot. He said he was running when the huts were burning and fell



down, then realising that he had been shot in the leg by the rebels. I cannot recall the age or the name of this person.

#### **Pursuit of rebels and rescue of abductees**

118. I then returned to the barracks in my vehicle. Shortly after that the helicopter came back to the barracks and [REDACTED] to Lanyatono to where the rebels had returned. I found the rebels were still there. I was coordinating our ground forces and giving them the direction for the location of the enemy in that place so they could rescue the civilian captives from the enemy. I could see the captives with civilian clothes. There was no good vegetation to provide good shelter. When the rebels saw the helicopter they started running but most of the civilians remained in the same area. That is always the rebels' tactic when they see a helicopter they run for cover but make the civilians stay together in the open at gunpoint so that if the helicopter shoots they think the civilians will be killed instead of them. That is what the rebels think may happen but that is not how the UPDF operates when we are rescuing abducted people. We did not shoot [REDACTED] and coordinating our ground forces. I remember that one of the ground forces intercepted part of the enemy. They killed three of the rebels including one Captain that day. The other two killed were rebel fighters. Captives remained with the rebels, but some of them were able to escape because of the pressure on the rebels of the ground forces pursuing them and the helicopter hovering above them. Some of these abductees who escaped were reporting to different UPDF forces, for example to the force pursuing the enemy, 65 battalion, and some to the 509 brigade headquarters in Pader town. We had about four UPDF mobile forces converging on the enemy.

119. However, the total numbers of those who had escaped was not clear, as not all were reporting to the UPDF, to the LCs or to any local authorities. Some went straight back to their own homes.

120. After that operation [REDACTED] to Achol-Pii. When I arrived I briefed the divisional commander [REDACTED] about the operation. I remained at Achol-Pii.

121. Between 11 to 15 October 2003 we tried to obtain the information about numbers of those abducted and missing from the LCs, but this information was still not available. However, the abductees from Pajule kept escaping from the rebels. On about 14 or 15 October 2003 there was a large group who had been rescued by the UPDF. There were about 250 to 300 in that group. There were about 300 abductees in total who managed to get away from the rebels, including this large group and those who later escaped. Whilst the number of how many had been taken is still not clear, [REDACTED] there were more than 300. I never received a list from the LCs as to numbers or names of those abducted. I think this is because so many have returned. Probably about 95% of those abducted have since been rescued by the UPDF, which may have affected that list. It was not possible to say for some time how many were taken. From what I saw, and subtracting from that the numbers who have since come out I do not think there will be many now who would still be in captivity. Even now people are still returning from captivity. I do not think there would be more than about fifty of those abducted from Pajule remaining with the rebels.





122. I remember some of those abducted from Pajule who have since come out. I remember four of the abductees who were rescued from the rebels in that large group of abductees together with the Chief, Rwot Oywak, about four days after the attack. One is called Labeja Ronald. He lives in the Pajule trading centre. He is in his late 40s. Another is called Christopher, who was a student of Kitgum High School in Pader in 2003. The third is called Celestino. The fourth is called Okot Vincent. There was one abductee called Ocana who was with the rebels for about one month. He is a businessman and is still living in Pajule. He has returned to Pajule from Kitgum town where he was staying with his brother, called Cele who owns the Akemkwene Lodge in Kitgum town, after he was rescued. He is in his late 30s. I know him myself. These are the ones I can recall right now but there were many. I cannot remember names of the females rescued. I believe that of those who were abducted and returned, if they moved from Pajule they are more likely to have moved to Kitgum town, Bweyale in Masindi district, or Kampala. I do not know right now of any of these people but it is possible to find out. The LCs keep a register of those who are present at Pajule IDP camp and I think they also record those who have moved away to delete them from their register of camp residents. The relatives of people who have moved away can confirm to where they have moved.

123. We have a list in the office in Achol-Pii of the names of those abductees who were rescued by the UPDF. [REDACTED] divisional headquarters in Achol-Pii record details of their names; their father's names; the name of their village, parish, sub-county, district; date of abduction; date of escape; age; educational standard; occupation before abduction; tribe; details about the abduction; father of child if they had children when with the rebels; if a concubine the name of the 'husband'. We also separately record information about the rebels, including which enemy group the abductee came from, details of the rebels' armaments, and their morale. These records, including the statements from abductees that we have taken are kept at the divisional headquarters in Achol-Pii, and they would not be with the Chief of Military Intelligence in Kampala.

124. The Chief, the Rwot Oywak, had been dealing with the rebels but with the consent of the government as he was one of the members of the church peace team, the Acholi Religious Peace Initiative. He has security clearance to meet with and speak to the rebels. He had been meeting with the rebels east of Pajule. We have some of the photographs of him meeting with the rebels. He also had a satellite phone given to him by Caritas or the Acholi Religious Peace Initiative and was using this for communications with the rebels. The rebels had also been requesting him to bring things for them and when he met with them he would bring small things with him like some food. They would also give him some films to develop. We know this through intelligence, but also at times he would cooperate. For example, he would sometimes give us copies of the photographs he had developed for them. We would not allow certain things to be given by him to the rebels, for example gumboots as that is uniforming them. We know he had given the rebels gumboots and we found out about this from rebel defectors, but we then told him not to do this again. It is common for peace talkers to give the rebels gumboots, even cameras and recorders. There can be times when things are given that support the rebels, although they may not have been given in bad faith. There have been some allegations that the Chief has been collaborating with the rebels and he has been monitored, but we do not have confirmed reports that he is an enemy collaborator. If we had confirmed information that he was a collaborator we would have stopped him from





meeting for peace talks with the rebels, and would need to treat him as a target for arrest and prosecution. He was also helping the rebel defectors coming out. We see him as one of the Chiefs helping in peace negotiations.

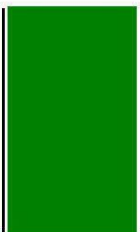
125. Rwot Oywak also had received security clearance to meet with the rebels before the attack in Pajule. Rwot Oywak and Father Tarasico from Pajule went to meet with the rebels in about August 2003. Rwot Oywak has still been meeting with the rebels, and still has the security clearance to do this. He has been part of the current group meeting with the rebels for peace negotiations.

126. During the attack there were four targets, the ambush, burning of the IDP and hitting of the trading centre, the mission and the barracks. I do not have any information about the rebels being on the Chief's property prior to the attack. And he was himself abducted. He was there for four days with the rebels. I spoke to him and he said the release of the abductees came through two ways: first mainly through pressure from the UPDF, controlling 300 people was difficult. Feeding them was not easy. Secondly, the Chief negotiated for their release. He told me that these were the major causes of the release of the abductees with him.

127. The Chief met with the rebel commanders, including Otte Vincent. He told me that when the rebels learnt that he was part of the group of abductees he was separated from the others and was treated by the rebels differently to the other abductees. He told me that after he was separated from the rest of the group he was taken to where the commanders were staying in Lanyatono. He said they started telling him why they had attacked Pajule. He said that Otte Vincent told him that the reasons for attacking Pajule were the following: First, the people of Pajule were not supporting the rebels but were accusing and reporting them to the government troops so the rebels wanted to show them their power that the people are not protected and the rebels can do anything. Secondly, because the people were allowing their children to be recruited as LDUs, Thirdly, that the rebels did not want the peace talks, as earlier on they had been meeting in peace talks, because the government troops were fighting them. Fourthly, they thought that the people should leave the camps and go back to their homes.

128. He said that Otte Vincent was there with the other commanders including Raska Lukwiya, the late Nyeko Tolbert Yardin, Lapanyikwara, and the late Opiro Livingston. I cannot remember the other names of commanders now that he gave me, but he said he met with about five of the top commanders.

129. He also told me that he had negotiated with Otte Vincent to release some of the captives as the pressure from the UPDF would lead to loss of lives of innocent civilians. He told me that some of the rebel commanders objected to his plea to release innocent civilians. I recall that one of those he said was objecting to the release was Raska Lukwiya. Then he said because of the UPDF pressure and the condition of the captives as they could not move very fast in comparison with the speed of the rebels, that some captives were using this to their advantage to escape; and that eventually he was given freedom with some others. He did not tell me how many were released or remained, but that the rebels did some screening and took the young ones with them. He said the rebels were keeping abductees from Pajule who were between about 12 to 18 years of age. He said it was difficult to establish the numbers who remained with the rebels as the groups







of abductees had been separated. He said that whilst he was with the group of abductees at the commanders' headquarters, he did not know what was happening with the abductees in the other groups who were elsewhere. That is mainly what he told me.

130. Other abductees from Pajule who I later spoke to said that the Rwot Oywak was not treated like the other captives but was able to be very free with the rebel commanders and that he had some closed-door meetings with them so it was not possible to know all that was being discussed. They were eating together. One of the abductees said that the rebel commander Otti Vincent looked as if he was surprised and unhappy when he saw that the Chief had been abducted with the others and regretted this. I do not recall the name of this abductee who told me this.

131. Other abductees who were abducted from Pajule also mentioned the names of commanders who abducted them. They mentioned the senior commanders who had been responsible for abducting them. I do not which abductees were telling me this. I was speaking to them in small groups. These abductees had not been taken long in captivity so it was hard for them to remember others names. They mentioned Otti Vincent, Raska Lukwiya, Opiro Anaka, and one notorious commander called Labongo Ocan Nono. I say Labongo is notorious as he has killed so many innocent people in camps, ambushes, on roads and in the villages.

132. I spoke to the businessman, Ocana, who had been with the rebels for about one month. We rescued him when he had gone to Soroti and was on his way back. He also gave me the same names of those other abductees, as he and his group had remained with Otti Vincent so did not know the names of the other commanders of any of the other groups.

133. There were about three or five abductees from outside Pajule who were taken to Pajule during the attack to help carry loot. I spoke to them briefly. They remained in Hotel battalion and were then taken to Caritas rehabilitation centre. I cannot remember their names, but they were children between 13 to 17 years of age. I asked them from which enemy group they came from and they mentioned the names of Otti Vincent and Lukwiya Raska. They said they were briefed to come and support the rebels attacking Pajule. They were ordered to come and to carry things taken from Pajule trading centre for the rebels attacking Pajule. They could not give us other details about the enemy as they said they were briefed differently from the rebel soldiers as they were brought to support the rebel soldiers. They did not know what briefing the rebel soldiers received. However, they said that Pajule had always been a target for the rebels and both rebel fighters and commanders had been talking about it for quite some time. I cannot recall anything else they told me. I met them when I first landed in Pajule as I wanted that immediate tactical information for our operations. The people to give that to us were the "POWs" (later confirmed to be abductees) and abductees.

134. I spoke to the two captured "POWs" briefly, as they were feeling pain as both were injured. I asked them where they had come from and why they had come to Pajule. They said that they had been sent by Otti to come and attack Pajule barracks and after overrunning it that they were to continue and to destroy the whole town including the IDPs. They said that was the briefing given to them. They said they came with Raska Lukwiya as their overall commander for the attack on Pajule, and after attacking the



barracks and failing to capture the barracks, that the rest of the rebels withdrew leaving them in the battle field injured. They said they had both been in captivity for at least four years. They said they were abducted by the rebels from Kitgum district, but I cannot recall exactly where now. The record of their particulars will be with Hotel Battalion and with Caritas. I need to check to see if I received a copy of this record of their particulars. I did not have my own record of their detailed particulars but only noted in my report that there had been two of them as rebel fighters captured. In Gulu they will have ended up at GUSCO or World Vision. .

135. A rebel Regimental Sergeant Major whose name I cannot recall, and rebel Second Lieutenant Ayela Robert, were killed the same day of the attack on 10 October 2003.

136. We also killed two of the commanders involved in the Pajule attack, Brigadier Nyeko Tolbert Yardin and Lieutenant Colonel Opiro Livingston in December 2003 in military operations in Atanga sub-county Pader district, after the Pajule attack.

137. I would add that the total number of rebels who came to attack Pajule in October 2003 was about 200 to 250 rebels. I believe that the enemy targets during the attack in Pajule in October 2003 were as follows: first, the UPDF barracks of Hotel Battalion headquarters as their main effort, secondly, the IDP camp including the trading centre for food and other goods, abductions of people, burning of huts and killings; thirdly, the ambush; fourthly, to re-abduct escaped abductees from the Caritas rehabilitation centre at the Pajule Catholic mission.

138. There have been further threats of attacks at Pajule since October 2003. There have been no further attacks since that time, and we have taken more security measures to protect Pajule. The information about threats mainly came from the rebel defectors and abductees, who were saying that the commanders were talking about coming again. There were also rumours of further attacks at Pajule being generated by rebel sympathizers within Pajule IDP camp. The rebel sympathizers and returned abductees were talking about it and the local leaders were complaining that the rebels were saying they were coming back and they asked the army what the army would do about this. There was no concrete evidence of such an attack. For instance, there was no firm information from any defected rebel commander or any captured document of a meeting talking about an attack. Nevertheless, we took precautionary measures against this potential threat. We have reinforced Pajule. I am not aware of any other letters threatening attacks at Pajule, after the attack in October 2003.

139. I am not aware of any phone call being made from any of the rebels to any of the soldiers at Pajule prior to the attack. In October 2003, Pader district was not connected to any mobile phone network so if there was any phone call it would have to have been made by satellite phone.

#### **Closing Procedure**

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

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

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

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





Witness statement of [REDACTED] 29

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

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### WITNESS ACKNOWLEDGMENT

This Statement has been read over to 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: [REDACTED]

Dated: 05/02/05

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### INTERPRETER CERTIFICATION

I, [REDACTED] certify that:

1. I am duly qualified to interpret from the Acholi language into the English language and from the English language into the Acholi language.
2. I have been informed by [REDACTED] that he speaks and understands the Acholi and English languages.
3. I have orally translated parts of the above statement from the English language to the Acholi language in the presence of [REDACTED] who appeared to have heard and understood my translation of the Statement.
4. [REDACTED] 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.

Dated: 5/02/05

Signed: [REDACTED]