

INTERNATIONAL CRIMINAL COURT
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: [REDACTED] Gender: Male

First Name(s): [REDACTED] Father's Name: [REDACTED]

Other Names Used: Mother's Name: [REDACTED]

Children: none Place of Residence: [REDACTED]

Date of Birth/Age: [REDACTED] Place of Birth: [REDACTED]

Ethnic Origin: Nubian Religion: Muslim

Language(s) Spoken: Swahili, Luganda (mother tongue), Nubian, Lubara, Acholi, Kinyankore and English

Language(s) Written (if different from spoken):

Language(s) Used in Interview: English and Swahili;

Current Occupation: [REDACTED]

Former Occupation(s): [REDACTED]

Place of Interview: [REDACTED] Kampala.

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

Interviewer(s): Cristina Ribeiro and [REDACTED] Interpreter(s): [REDACTED]

Names of all persons present during Interview: [REDACTED] Cristina Ribeiro, [REDACTED] and [REDACTED]

Signature(s): [REDACTED]

Cristina Pereira Santos Ribeiro



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 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 am present in this place and that I am willingly giving my statement.
4. I was informed that I might be called to testify before the Court and that, if called as a witness and that 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 that possible protective measures are 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.

Working History

8.

9.



10. [REDACTED]

11. During the present interview, I was shown a copy of the statement that I gave to the Uganda Police (ERN UGA.00023.137 to UGA.00023.138) on 22 May 2004. I confirm that this was the statement I gave and that the signature at the bottom of the second page is my signature.

LUKODI and LUKODI military detachment

12. Lukodi is located at about 9 km from GULU town heading north. In LUKODI [REDACTED] 30 LDU soldiers [REDACTED] LUKODI is not an official IDP camp. An IDP camp has a camp leader, but there was no camp leader in LUKODI. In my view, LUKODI was rather a village than a camp.

13. During the interview, I have drawn a sketch of LUKODI, which I dated and signed. This sketch is attached as Annex A to this statement. I was asked to indicate the directions (i.e. North, South, etc), and did so by drawing that on the sketch. In the sketch, I have included the main road that goes from GULU in the south to AJULU, and later PALABEK and KITGUM, in the north. I have also drawn some houses that indicate the huts of the civilians in LUKODI. These huts were scattered all over the place. The military detachment or defense was located 200 meters away from the main road on the eastern side of the road. I have indicated the military detachment with a larger circle and the letters "DEF" (which stands for "Defense") on the sketch.

14. Within the detachment there were some small huts, where the soldiers kept their personal belongings. There was one hut for each soldier. My hut was in the middle of the detachment and was the first one to be destroyed when the attack took place. I indicated my hut in the drawing with a dot inside the military detachment. There were no houses of civilians in the immediate surrounding of the military detachment. The distance between the military detachment and the first civilian houses was about 300 meters.

15. I have drawn a circle around the military detachment. This circle illustrates the communication trench that went around the detachment. That trench was around six inches deep. The boxes around the communication trench in the sketch show



the fighting trenches. In case of an attack, a soldier would move quickly to a fighting trench and would start fighting from there.

16. [REDACTED] LDU soldiers and came from the LUKODI region. When I was in AJULU, [REDACTED] LDU soldiers from AJULU region. Mostly, the LDU comes from the region where one is stationed.
17. In LUKODI, the huts of the civilians were scattered over a large area, which is surrounded by bush. The huts were located on both sides of the main road, but there were more houses on the eastern side of the road, and there were more people living on that side.
18. On the sketch, I have also indicated the school building with the letters "SCH". The school building has an "L" shaped form and is located in the southeastern part of LUKODI. Along the main road, to the western side, are also some shops, which I indicated with a word "shops".
19. I can not identify the exact number of people living in LUKODI, because I never counted them, and I was not in charge of dealing with their numbers. I can only roughly estimate that about 400 to 500 people lived there. There was no Camp Leader in LUKODI, but there were Local Councilors (LCs) who were responsible for the local population. There was one LC1 and one LC2, the last one being the most important, and each one had their own assistants. I do not remember their names. They had jurisdiction only over that village and represent the interests of the population on the District level.
20. All of the people living in LUKODI were from Acholi ethnic origin, and Acholi was the language spoken in the camp.
21. My duties and [REDACTED] soldiers were mainly to patrol and protect the road from ambushes, protect the people in the village and look for landmines. If the rebels crossed the road, we needed to send a message to HQ for them to be followed by the UPDF. In case there were not too many rebels, we would chase them ourselves.
22. In the beginning of my time in LUKODI, the civilian residents of the place came to me, and we talked about general problems. If the LCs knew that there were rebels around, they would come to [REDACTED] soldiers would follow the rebels, if they were not in big numbers.
23. [REDACTED]
[REDACTED] We called those people who helped the rebels "collaborators", providing them with information about the military, our numbers and movements, and also giving them food. If a person was thought to be a collaborator by the LCs they would present that person to [REDACTED] take that person to Battalion HQ, where the person was counseled. That person might be sent afterwards to GUSCO Rehabilitation Center. Some of these collaborators returned after some time to the village. If they committed the same mistake again, they would be



taken to GUSCO once more. Those people were usually from the age of 26 years and above.

24. During my time in LUKODI, some collaborators were identified. As far as I remember, in my location, we found at least nine children who joined the rebels. Their parents still lived in the village and they were all suspected to be collaborators by the residents and me.
25. LUKODI is a place where people cultivated land and kept animals. People had left their original villages and had moved to LUKODI. First, the civilians moved to LUKODI, and only afterwards the military detachment was established in order to protect the people. That is what the LCs told me when I arrived.

Encounters with the LRA

26. When I was in AJULU, for several times the Lord's Resistance Army (LRA) soldiers came to some houses located on the outskirts of the village. Each time, we repulsed them. The rebels usually looted food and abducted people in order to help them carrying the looted goods. I personally was present during some of these events. Sometimes, people were killed during those incidents. Several times, when we followed the rebels, after those incidents, we found corpses of people killed with spears.
27. LUKODI was approached by the rebels many times. In fact, the place was often approached by the rebels, who passed frequently through that region. They came to the village to get food. When I arrived in LUKODI, the LCs told me about the LRA approaches during the period before my deployment. I have no further details on those events. When I started working in LUKODI and before the big attack, twice the rebels went inside the village in order to get food and to abduct people.
28. The first time, there were about 15 to 20 LRA rebels. I know this because I followed their tracks and determined their number from the way they were moving. They attacked during night time, and they stole chickens, food and clothes from the people. We chased them, engaged them in a fight, and they had to leave all the stolen goods behind. That happened in the beginning of April. No people were abducted or killed during that incident.
29. The second attack took place only four days later. The rebels also came at night. This time, some of the rebels were trying to bring money to their parents who still lived in the village. We got a report from the LC1, who got the information that one of the families was expecting money from a child who had joined the rebels. We went to the house of the family and met the rebels just in front of it. There was a fight with fire arms, and the rebels ran away. The engagement lasted for no more than five minutes. There were only four rebels at that time, and they were very young people, about 16 to 18 years old. At that time, no goods were stolen, and no people were abducted.



30. During the time I was in LUKODI, in a day I do not remember, I also physically saw the rebels in the bush when they were cooking at a distance of 300 to 400 meters. At that time, we were chasing them. After we saw them, we fired SMGs at them. They threw everything they had away, leaving behind the food, clothes and other things. There were also some people who had been abducted by the rebels from other places. They also ran away, because they were afraid of us. Later, they were taken to the LCs, and they reported their story to us.
31. I know that the LRA was involved in those incidents, because of the language (Acholi), clothes (half Sudanese uniforms and half other clothes) and the weapons they were using. The weapons were RPGs, PKs, SMGs, and LMGs. When I followed them after all the incidents described above, I physically saw that they were using these weapons. Sometimes, the rebels also used hand grenades, mortars and spears, but they did not use them in the incidents.
32. The Sudanese uniforms are different from Ugandan army uniforms. The Sudanese uniforms have a more detailed and decorated camouflage, with more colors.
33. In some other cases, the LRA gave letters to abducted people (usually old people) who were returning to the village. These returned abductees handed over the letter to the LCs who read it out to the villagers. The letter would say that the villagers would get killed if they would support the Government.

The attack in May 2004

34. The big attack took place between the 20 and the 22 May 2004. Usually, when the rebels were around, the LCs reported to us, and we were able to follow them. But on that day in May, nobody advised the soldiers that the rebels were around. It was between 18.30hrs and 18.45hrs, and [REDACTED] soldiers within the military detachment. We performed normal duties, when, suddenly, I realized that many civilians were running coming from the northeastern part of the village in the direction of the defense.
35. The rebels came from the northeastern, divided themselves into two groups and surrounded the military detachment from two sides, advancing in an extended line towards the defense of the camp. From the military detachment, I was able to see the rebels moving forward in that matter. In the beginning of the attack, there were many civilians between us and the rebels and for that reason we could not shoot. Only when the civilians had moved we could start to fight. In the sketch I made I have indicated the movements of the rebels with arrows.
36. In some parts of the village further away (not on the sketch anymore, but in the northeastern direction), the rebels had already abducted some people. Their hands were tied up by the rebels. The people who refused to go with the rebels were killed instantly. I know about this because, the next day, a woman who was abducted and escaped, whose name I do not remember, came to me and told me that the rebels had taken these people away.



37. We then started fighting with the rebels. They were stronger and in a larger number than we. There were about 100 rebel soldiers and 30 abductees who were with them. I saw that they were many more rebels than we were. I estimated that there were about 100 rebel soldiers and when the abductees returned they confirmed that number.
38. The rebels wore a mixture of clothes. Some of them had just civilian clothes, some wore Sudanese uniforms, and others a mixture of both. Some wore ragged clothes, tied them around their waist and were bare-chested. Among the rebels there were men, women and children, but I could not determine how many women and children. I physically saw an old woman who was bare-chested. She had a chain with bullets around her chest.
39. I saw the rebels using the following weapons: PKs, SMGs, RPGs, LMGs, mortars and spears. The abductees did not have any fire arms. The rebels and the abductees had whistles (traditional Acholi whistles made from the tail of a cow), and they were whistling to cheer up the other soldiers. The abductees were forced by the rebels to burn the houses of the people who did not want to join them. I was told about that after the attack from returned abductees. An abductee has no authority to set a house on fire without the order of a commander. Those who refused to start with the burning were killed with a spear, even the old ones.
40. I could not hear what the attackers were saying during the attack because of the noise of the firearms. The only thing I was able to hear was the bare-chested woman pointing towards me and cursing in the Acholi language [REDACTED] *"we shall fuck him"*.
41. I did not see commanders of the rebels given orders. In fact, I was too busy in the organization of the defense of [REDACTED]. I was also not able to see how the rebel attackers were communicating amongst each other. I did not see that the rebels used radio communications, phones or walkie-talkies.
42. When we started fighting with the LRA, I sent a communication to the Battalion IIQ asking for reinforcements. The Battalion HQ sent a message to the Division HQ.
43. Many civilians were trying to run away. Some hide themselves in the bush and others run towards the defence and crossed the road. Some of them managed to leave LUKODI. I heard children shouting for their parents and assumed that these parents must have been killed. I saw many houses burning.
44. During the attack I was completely occupied with combat activity, so I did not actually see people being killed. While we were fighting the attackers I saw civilians being beaten, kicked and dragged by the rebels. I also heard the children crying. Some of the rebels were engaging in fighting and the others were occupied in mistreating and dragging the civilians. I was able to observe that from the distance.



45. None [REDACTED] soldiers were killed, but about seven had serious gun shot wounds. Others [REDACTED] soldiers had also gunshot wounds but the injuries were not that serious. When I gave my statement to the Ugandan Police I was only aware of four soldiers who had serious injuries. I heard about the other soldiers only after. I myself had a minor injury in my right ankle.
46. [REDACTED] I moved several times around within the village while the attack was taking place. These were tactical movements. First, we moved outside of the military detachment withdrawing tactically to other places within the village, flanking the attackers. The first location we moved to was at about 500 meters from the place where the detachment was. The soldiers left their position within the defense around 35 minutes after the beginning of the attack.
47. Afterwards, we moved to the western side of the main road, close to some bushes. From that location, I saw that the huts in the detachment and also near the detachment were completely down, which means that they had been burned to the ground. Not all the houses in the military detachment were destroyed; four of them were not burned. In my previous statement it is stated that all of the houses in the military detachment were burned which is not correct. From the location west of the road, we crossed the main road to the eastern side and that was where we met the reinforcements.
48. The reinforcements were comprised of armored vehicles and soldiers. It was already night time when they arrived. The Divisional HQ provided the armored vehicles, and the detachment in COOPE provided additional 30 soldiers. After I asked for help, it took them around 45 minutes to arrive. The man in charge of the reinforcements was my overall commander, the CO of the Battalion. His name is [REDACTED]
49. By the time the reinforcements had arrived, the rebels were not there. They had already left the camp towards the northeastern direction. Therefore, there was no fighting between the rebels and these new troops.
50. After the reinforcements came, the night of the attack, [REDACTED] and I walked around the camp and checked what damages the rebels had done.
51. We identified about six people who were seriously injured. I can not remember how many man and women. We found these people at some distance from the village, already in the bushes, after following the tracks of the rebels. The rebels had cut off a leg or an arm of some of these people. The people who were injured were transported in a vehicle and taken to Gulu Hospital.
52. The night of the attack, I saw the dead bodies of three old men, two old women and one kid. Their bodies were lying outside their houses, located further away from the village to the North on the eastern side of the road. Most of them were hit with a spear in the back; one woman was strangled to death. This must have been her cause of death, because there was no other wound to see on her body.



Some of the corpses also had dislocated heads, because the rebels had hit them with their boots on the back of the head.

53. During the inspection tour with my commander, I saw that most of the houses on the eastern side of the road were completely burned down. On the western side of the road, most of the houses stayed intact, and only a few houses were burned. During the attack, I personally saw houses burning. I saw fire all over the village, including the defense. The shops were not burned, but they were looted.
54. Some of the abducted civilians who returned to LUKODI the next day told me that the LRA rebels had carried the bodies of six rebel soldiers killed during the attack. The abducted people who told me about this were one man and two women, but I can not remember their names. Those people manage to escape after the attack.

Investigations

55. The morning after the attack, the Divisional Intelligence Officer (Captain AKIK), the Army Spokesperson for the North (Lt. PADDY AKUNDA), and the Divisional CO (NATHAN MUGISHA) arrived, and they started investigating the event. They stayed in LUKODI from around 06:00hrs to 11:00hrs.
56. I personally counted the number of people killed during the attack, together with AKUNDA. I saw the dead bodies very early in the morning of the next day. Then we examined the bodies that were inside the burned huts. We saw that many of those bodies were from children. I remember that we found the bodies of at least 12 children who were eight years old or younger. These children were all burned. I saw that the hands of some of the victims had been tied with ropes and that they had been put inside houses, where they were burned to death. I observed this when the bodies were taken outside of the burned houses. These bodies were on the north eastern part of the village.
57. In total, we counted around 23 to 25 dead bodies. The information in my previous statement that we found 38 to 40 dead bodies is not correct. I did not see any person being shot. While we were counting the bodies, journalists from both "New Vision" and "The Monitor" were present.
58. Later in the morning, the bodies were buried by the people of the village. When the army people arrived, residents were digging the graves to bury the bodies.
59. The huts that were burned were counted by me and AKUNDA. I know that the huts were counted, but I can not remember the number of destroyed huts now. But there were very many huts burned to ashes.
60. We established that the rebels had taken away a lot of food from LUKODI. They took beans and clothes. We found beans, flour and cloths along their tracks, while we were chasing the rebels after the attack. To carry the loot, they had abducted



several people, but I can not remember anymore how many, besides the three persons that I have mentioned above.

61. During the tour of the village, I also saw some cartridges on the ground. Those cartridges were collected by the team from CMI. I do not know what CMI has done with them.
62. I was questioned about the event by the Divisional IO, the Divisional IS (responsible for Counter intelligence) and the Army spokesperson. That interrogation took place during one meeting on the morning after the attack. Other soldiers and civilians were also questioned about the event.
63. Later, a report on these events was written by the people who investigated the event.
64. The Police arrived the next day. The Police was accompanied by army soldiers who provided them with security. It was on that day that I gave my statement to the Police. The interview with me lasted for not more than 20 minutes. It was my impression that the police did not listen very attentively to my answers. That might explain why there are some discrepancies between my current statement and the one provided in May.
65. I moved with the Police around the village. The Police also looked at the graves. They looked at the bodies. The bodies that were already buried were exhumed. I was present when the bodies were exhumed. 23 or 24 bodies were counted, including the ones that were stabbed with a spear and the ones that had been burned inside the houses.
66. The CMI team came together with the Divisional IO in the morning after the attack. CMI left with the Divisional IO, but then they came back with the Police. The CMI was in LUKODI the first three days after the attack. It was my impression that they investigated the event separately from the Police. The Police was in LUKODI only during two days. The first day they arrived at midday.

Commanders

67. According to available sources, the overall commander of the attack was RASKA LUKWIYA. Those sources were the people abducted during the attack who were able to come back, particularly the one man and the two women who reported the morning after the attack. Those people told me personally that they did not see RASKA LUKWIYA, but were told by the other soldiers and abductees that he was around and was in charge, and the other commanders were under his orders.
68. The same abducted people also said that DOMINIC ONGWEN was around, but did not describe what his role was during the attack.



[REDACTED]

Identification of attackers as LRA

- 69. I know that the attack in LUKODI was lead by the LRA because of the commanders involved and the behavior of the attackers, mainly because of what they did to the children and the way they attacked the civilian population. They killed civilians, took their food and abducted people.
- 70. The fact that the attackers spoke the Acholi language and the way they talked to the villagers also revealed to me that that the attackers were LRA rebels. They told the civilians that, if they would not agree with them, they would kill them all. The way the village was attacked me also revealed to me that the attackers were LRA soldiers, particularly the fact that they used the abductees to cheer for them and to burn the houses. That is the way the rebels usually attack.
- 71. What I was told after the attack by returned abductees also confirmed my judgment that the LRA was responsible for that attack. The rebels told the abductees, after the attack, that they had already overthrown the Government and that they all should join them, as they were all from the same region.

Closing Procedure

- 72. I have nothing to add to the above statement nor do I have anything to clarify.
- 73. I have given the answers to the questions out of my own free will.
- 74. There has been no threat, promise or inducement which has influenced my answers.
- 75. I have no complaints about the way I was treated during this interview.
- 76. I agreed that a copy of my statement might be transmitted to the law enforcement of a State if requested.

WITNESS ACKNOWLEDGMENT

- 1. This Statement has been read over to me in the English and Swahili languages 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: 11-12-04



INTERPRETER CERTIFICATION

I, Interpreter, certify that:

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

Dated: 11-12-2004

Signed: [REDACTED]

