

INTERNATIONAL CRIMINAL COURT
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: OPIYO Gender: Male
First Name: Joel Father's Name: Christopher OKUMU
Other names used: N/A Mother's Name: Florence AKOKO
Place of Birth: Ajulu Passport / ID number:
Date of Birth/Age: 21 March 1997 / 18 Nationality: Ugandan

Language(s) Spoken: Acholi

Language(s) Written: Acholi

Language(s) Used in Interview: Acholi

Occupation: He is in Primary 7 at Lukodi Primary School

Place of Interview: Gulu

Date(s) and Time(s) of Interview:
30 April 2015 09:00 – 15:15

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

Interpreter: [REDACTED]

Witness statement of Joel OPIYO

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[REDACTED] [REDACTED] OJ [REDACTED]



Names of all persons present during interview: Joel OPIYO, [REDACTED] Elena EGAWHARY, [REDACTED]

Signature(s): JOEL OPIYO ~~[REDACTED]~~ 30/04/15
[REDACTED] 30/04/15
ELENA EGAWHARY ~~[REDACTED]~~ 30/04/15
[REDACTED] 30/04/15
[REDACTED] 30/4/15

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[REDACTED] [REDACTED] [REDACTED]

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WITNESS STATEMENT

Procedure

1. I was introduced to [REDACTED] and Elena EGAWHARY and told that they are investigators with the Office of the Prosecutor (OTP) of the International Criminal Court (ICC). I was introduced to [REDACTED] and told that she is a psychosocial expert with the OTP, of the ICC. I was also introduced to [REDACTED] and told that she is an interpreter with the OTP, of the ICC.
2. The investigators explained to me what the ICC is and described its mandate. They explained the role and mandate of the OTP within the ICC.
3. The investigators explained to me that they are investigating events that took place in Uganda between 01 July 2002 and 2005. I was informed that the OTP is contacting me because they believe I may have information relevant for establishing the truth.
4. I was told that I have the right to be questioned in a language that I fully understand and speak. I confirm that Acholi is a language that I fully understand and speak. I confirm that the language used by the interpreter in this interview is Acholi.
5. The investigators explained to me that this interview is voluntary and that I may end the interview at any time. I understand that I should only answer questions of my own free will and that I am not compelled to incriminate myself or to confess guilt.
6. I was informed that any information I give to the OTP, including my identity, might become subject to disclosure to / might be shared with the participants of the proceedings at the ICC; in particular the Judges, Accused persons, the Counsel of the Accused and the legal representatives of the victims.
7. I was informed that I might be called to testify before the Court in a public hearing. I am currently willing to appear as a witness in Court, if called to testify. I understand that disclosure of my identity and information I have provided may take place whether or not I am called to testify.
8. It was brought to my attention that ICC trials are held in public. It was explained to me that as an exception to the principle of public hearings, the judges may apply protective measures if circumstances require.

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[Handwritten signature]



[Handwritten initials]



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

Background

13. I have always lived with my family in Lukodi. I lived with my mother and Uncle Walter NYEKO. My family originally came from Ajulu, Patiko, Gulu District. We moved to Lukodi when I was one year old. I was about 6 years old in 2004 and I used to herd my family's cattle. We had five cows. Me and my brother, Morris NYEKO, used to take the cattle from our home to graze in another area. I also used to play football with some of the boys living in Lukodi.

The Attack on Lukodi

14. I remember that the attack on Lukodi was on a Wednesday. I know this because people talked about it after the attack. On the day of the attack, I woke up in the morning and my older brother, Morris NYEKO came home. I later left with him to herd the cattle and we returned in the evening at about 5pm. I remember that it was 5pm because the 5 O'Clock News was on.
15. When we got home, we tied the cattle and just as my brother and I were about to get into the house, I heard people blowing whistles. I thought that the whistle was coming from traditional dancers but my mother told us to run. My mother ran in a different direction and my brother Morris NYEKO, my sister Jennifer ATENYO, and I ran a different direction. A woman found us and told us to get into a house and hide. It was a grass thatched hut. The hut was not far from our own hut. This hut belonged to someone called LATOO. I remember that it was LATOO's hut because he was my mother's uncle.

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Hiding in the house

16. When we got into the hut, my brother hid behind the door and the rest of us sat by the wall. There were other people hiding in the hut but I can only remember my older sister Jennifer ATENYO, my brother Morris NYEKO and the woman who told us to get into the hut. I do not remember the name of the woman. As we were hiding, someone dressed in an army uniform came and fired a gun into the hut. He wore a hat of similar colour as his uniform, it was a cap and had a visor but I do not know how old he was. I cannot describe the colour of the uniform because I was too young to remember. When he fired a shot into the hut, I believed that he was one of the attackers. No one was shot. He left without getting into the hut.
17. Shortly after he left, a tall woman wearing a white dress came and told everyone to get out of the hut. We got out of the hut. The woman spoke in Acholi and told everyone to remove their shoes. This woman was wearing a white dress and gumboots. She also had a hat; it was a military hat, a cap that is the same colour as military clothes. Another man in army uniform came and started tying up everyone but he again untied them and told them to carry things. He used a sisal rope, the kind that is normally used to tie cows and goats. I was not tied but my brother and sister were tied. The things they asked people to carry were beans, simsim and sorghum. These things were taken from the huts along the way as we moved. As people were moving, I started following them. My brother and sister were at the front and I was somewhere in the middle. I cannot remember the number of people who were tied.
18. I believe that the attackers were the LRA rebels because my mother used to tell us to hide each time we heard gunshots and bombs. I also used to hear people saying that the *Lakwena* rebels were attacking villages. I heard from people including my mother that *Lakwena* were Kony's soldiers.

Being thrown into the burning house

19. As we were moving, one of the rebels said that I was a child and I was interfering with the movement of the other abductees so he grabbed me under my armpits from behind and threw me into a burning hut. I do not remember what this man looked like because it was already dark. When he threw me into the hut, I bumped my back into the central pillar which supports the roof and fell on the floor. I started crying and crawling around trying to find an exit. I kept bumping into things until I found the exit. The roof of the hut was about to collapse as parts of it were falling around me. I found the door and crawled out. When one of the rebels saw me, he shouted that I should be shot. I fell down trying to hide. The other rebel with him told him not to waste his bullet so they left me there.

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20. I then got up and ran. As I was running, I saw two rebels under a mango tree but continued running until I came to the house of my uncle. It was an iron sheet roofed house. My uncle is Walter NYEKO.

Reuniting with my family

21. I remained under the bed in my uncle's house until I heard the helicopter gunship and then I realised the rebels had left. I slept and woke up when my uncle came to the house. My mother was also there. My mother asked where my brother and sister were and I told her that the rebels had taken them. My mother left to go and find my siblings. My uncle came and looked at me and then he realised that I was injured. I had burns and my skin was burning. I got burns on my left leg and on the stomach. My uncle then took me and brought me to Gulu Referral Hospital, where I spent three months. I was treated for the burns and the pain. I do not remember the exact details of the treatment because I was too young. I know it was three months because my mother told me.
22. The morning after the attack I saw several dead bodies and the remains of burning huts. I also heard crackling sounds coming from the burning huts. I saw the bodies as I was leaving the camp with my uncle on our way to the hospital. I cannot remember the names of the deceased because I was too young at the time.

Long term impact

23. I still have pain on my back and knees. I cannot ride a bicycle. I also cannot play football like I used to. I still get nightmares from time to time. I currently go to school and sometimes help my mother in the farm.
24. My brother Morris NYEKO never returned and remains unaccounted for. My sister Jennifer ATENYO returned and was taken to hospital but she died afterwards. I do not remember anything else about what happened to my sister. Remembering this period is still very painful for me.

Closing Procedure

25. I was informed that individuals who according to the judges qualify as victims will be entitled to participate in future court proceedings and potentially to receive reparations. I was informed of the existence of the Victims' Participation and Reparation Unit and its function, as well as on the procedure for applications. I consent to my personal data being shared with the Victims' Participation and Reparation Unit.

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26. It has been explained to me that the Court may decide to share a copy of my witness statement with a State if it is requested. I was informed that in such a case I would be contacted and any possible impact on my security would be assessed.
27. The investigators informed me of the protective measures that may apply during and after the investigation and/or trial proceeding.
28. I have nothing to add to the above statement nor do I have anything to clarify. I am available to be contacted in the future for clarifications or questions on topics not covered during this interview.
29. I have given the answers to the questions of my own free will.
30. There has been no threat, promise or inducement which has influenced my account.
31. I have no complaints about the way I was treated during this interview.

WITNESS ACKNOWLEDGMENT

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

Signed: 

Dated: 30/04/15


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INTERPRETER CERTIFICATION

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

Signed:  _____

Dated: 30/4/15 _____

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Ms.



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