

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Monday, 16 January 2017
8 (The hearing starts in open session at 9.29 a.m.)
9 THE COURT USHER: [9:29:42] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:29:59] Good morning, everyone.
12 I would like the court officer to call the case, please.
13 THE COURT OFFICER: [9:30:11] The situation in the Republic of Uganda in the case
14 of the Prosecutor versus Dominic Ongwen, case reference ICC-02/04-01/15.
15 PRESIDING JUDGE SCHMITT: [9:30:30] You didn't hear me of course because it
16 was my fault. Could counsel please introduce themselves. We start with the
17 Prosecution.
18 MR GUMPERT: [9:30:41] Yes, your Honour. My name is Ben Gumpert. With me
19 today Ramu Fatima Bittaye, Adesola Adeboyejo, Hai Do Duc, Beti Hohler, Pubudu
20 Sachithanandan, Julien Elderfield, Xinwei Liu and Colleen Gilg.
21 PRESIDING JUDGE SCHMITT: [9:31:09] Thank you very much.
22 And for the Defence.
23 MR ODONGO: [9:31:14] Thank you, your Honour. My name is Krispus Ayena
24 Odongo. Today I'm accompanied by Charles Taku Achaleke, Mr Tom Obhof, Roy
25 Titus Ayena, Abigail Bridgman and Tharcisse Gatarama. Thank you.

1 PRESIDING JUDGE SCHMITT: [9:31:44] Thank you very much.

2 And for the Legal Representatives for Victims.

3 MR MANOBA: [9:31:49] Your Honour, my name is Joseph Akwenyu Manoba. I'm
4 appearing with my colleague Mr Francisco Cox, Megan Hirst and James Mawira.
5 Thank you, Mr President.

6 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you.

7 MS MASSIDDA: [9:32:08] Good morning, Mr President, your Honours. I am
8 Paolina Massidda, principal counsel. With me today Mr Orchlon Narantsetseg, legal
9 officer; next to him, Ms Caroline Walter, legal officer; and behind them, Ms Jacqueline
10 Atim, legal professional. Thank you.

11 PRESIDING JUDGE SCHMITT: [9:32:30] Thank you.

12 I understand that today we are going to hear the first witness, and I think we could
13 bring the witness in.

14 (The witness enters the courtroom)

15 PRESIDING JUDGE SCHMITT: [9:33:47] Professor Allen, good morning.

16 WITNESS: UGA-OTP-P-0422

17 THE WITNESS: [9:33:49] Good morning.

18 PRESIDING JUDGE SCHMITT: [9:33:50] You are going to testify before the
19 International Criminal Court. On behalf of the Chamber I would like to welcome
20 you to the courtroom.

21 THE WITNESS: [9:33:53] Thank you.

22 PRESIDING JUDGE SCHMITT: [9:33:54] Before we start with your testimony, I
23 would point out a preliminary thing for the Prosecution. The Chamber wishes to
24 know, Mr Gumpert --

25 MR GUMPERT: [9:34:11] Forgive me, your Honour. I was entirely distracted.

1 PRESIDING JUDGE SCHMITT: [9:34:14] No, no, no. It's no problem. It's the first
2 day in the new year. The Chamber wishes to know in advance if Professor Allen's
3 testimony is intended by the Prosecution to be submitted into evidence? This is
4 document UGA-OTP-0270-0004. Do you submit this report?

5 MR GUMPERT: [9:34:34] Your Honour, yes.

6 PRESIDING JUDGE SCHMITT: [9:34:36] Thank you. Any comments to this?

7 MR ODONGO: [9:34:49] Your Honours, although we are alert to the fact that he's
8 not a witness of fact, we have otherwise no objection to admitting the document.

9 PRESIDING JUDGE SCHMITT: [9:35:05] Thank you very much.

10 Mrs Massidda.

11 MS MASSIDDA: [9:35:12] The Legal Representative do, of course, your Honour.

12 Thank you.

13 PRESIDING JUDGE SCHMITT: [9:35:15] So now that we have clarified this, we start
14 with your testimony, Professor Allen. And of course you know that you have to
15 solemnly declare that you will speak the truth. There should be a card in front of
16 you with a solemn undertaking so you don't have to tell us this by heart. Please be
17 so kind as to read out this card aloud.

18 THE WITNESS: [9:35:39] I solemnly declare that I will speak the truth, the whole
19 truth and nothing but the truth.

20 PRESIDING JUDGE SCHMITT: [9:35:47] Thank you very much, Professor Allen.

21 Now we have a few practical matters to address that you should have in mind when
22 you are giving testimony. Everything we say here in the courtroom is written down
23 and, this is very important, interpreted. It is therefore important to speak clearly
24 and at a slow pace. Please speak into the microphone of course and only start
25 speaking when the person asking you the question has finished.

1 To allow for the interpretation, everyone has to wait a few seconds before starting to
2 speak.

3 If you have any questions yourself, please raise your hand so we are aware of it and
4 then we give you the word.

5 I assume that you have understood all that, Professor Allen?

6 THE WITNESS: [9:36:32] I understand.

7 PRESIDING JUDGE SCHMITT: [9:36:33] Thank you very much.

8 Then we will start your testimony and we start with the Prosecution, of course.

9 QUESTIONED BY MR GUMPERT: [9:36:41]

10 Q. [9:36:43] One preliminary of my own, Professor Allen. You came into court
11 with a binder and a couple of books I observed. Would I be right in thinking that the
12 binder is a selection of documents, some 14 in number, which you were given during
13 the course of the familiarisation process?

14 A. [9:37:06] Yes, that's correct.

15 MR GUMPERT: [9:37:07] Your Honours, I believe that all three members of the
16 Bench, all three Judges have that binder. And indeed, I've caused copies to be
17 printed so that we're all literally on the same page for Defence and Legal
18 Representatives and indeed the interpreters and transcribers.

19 Normally speaking, if I can just speak generally for a moment, when a witness comes
20 into the witness box, there will be on every occasion a similar binder, but normally I
21 wouldn't put it in front of the witness because we would be showing the witness
22 document by document on the screen.

23 But with an expert witness like Professor Allen, it struck me as highly likely that at
24 some stage he might say in answer to a question: "Well, yes, that's right, but can I
25 take you to tab 3 or 4," and we will be thereby better informed.

1 Q. I think also you've got two books. Are those books that you have either
2 written or edited?

3 A. [9:38:10] Yes.

4 Q. [9:38:10] I'm grateful. I'll come to them in just a moment.

5 A. [9:38:14] Yeah. I just thought I might forget something I'd written, yeah.

6 Q. [9:38:18] An anxiety which I share often.

7 Professor Allen, let's start with that title. Where are you a professor and in what
8 discipline?

9 A. [9:38:30] I'm professor of international development at the London School of
10 Economics. I'm a development anthropologist. I'm head of the department of
11 international development and also director of the Firoz Lalji Centre for Africa based
12 at the London School of Economics.

13 Q. [9:38:53] I'm not going to ask you to explain what the LSE is, but could you tell
14 us a couple of sentences about the Firoz Lalji Centre?

15 A. [9:39:01] The Firoz Lalji Centre for Africa is a new part of the London School of
16 Economics which brings together research across the institution dealing with Africa
17 and also looks to secure scholarships to Africans to attend the London School of
18 Economics. It's part of a turn, if you like, at the London School of Economics
19 towards Africa with the intention of building up strong relationships across the
20 continent between the university and African institutions.

21 Q. [9:39:34] I want to turn now to what one might call your experiential
22 qualifications for writing the report which has just been submitted in evidence, your
23 independent background report. Can you tell us what experience you have of the
24 region of northern Uganda and South Sudan?

25 A. [9:40:03] Well, I could give a very long answer to that question because my

1 relationship goes back a very long way. I first went to South Sudan in 1980. I lived
2 in South Sudan for four years. I spent some 18 months of that period working in the
3 Acholi area of South Sudan, the areas around Palutaka actually where the Lord's
4 Resistance Army later had a base.

5 Subsequently I lived in northern Uganda. I lived there for about three years
6 altogether working in Madi and Acholi populations. I wrote a PhD thesis on the
7 Madi population just next to the Acholi population, and during that time also worked
8 on the Holy Spirit Movement, a precursor of the Lord's Resistance Army. And I
9 have followed the Lord's Resistance Army since it was created, and I have worked on
10 the region ever since. I have written numerous articles on matters relating to the
11 situation in northern Uganda and published a number of books.

12 Q. [9:41:26] Can we turn to those books now. I think there are two which you've
13 brought with you, two actual volumes, tomes?

14 A. [9:41:42] Yes, tomes, tomes, that's right. A loaded term. They're very
15 readable.

16 Q. [9:41:49] I didn't mean it in any disrespectful sense.

17 The first I believe is entitled "Trial Justice: The LRA and the ICC." Is that correct?

18 A. [9:42:05] Yes, that's correct. It's this one.

19 Q. [9:42:06] Thank you. When was that published?

20 A. [9:42:10] 2005 I think. Am I getting that right? I have to look. 2005 or 2006.
21 2006.

22 Q. [9:42:23] I'm grateful. And you are the author of that book?

23 A. [9:42:28] That's correct.

24 Q. [9:42:30] The second book published much more recently; is that right?

25 A. [9:42:35] That's correct. This is "The Lord's Resistance Army: Myth and

1 Reality."

2 Q. [9:42:42] Indeed. And although you are in part the author of that book, your
3 principal role together with another academic called Koen Vlassenroot, and I
4 apologise for my pronunciation of his names, you're the editors, yes?

5 A. [9:42:59] That is correct. Would you like me to say a little bit more about that
6 collection?

7 Q. [9:43:02] I would if you would be so kind, yes.

8 A. [9:43:07] After I published the book on the International Criminal Court, I
9 became aware of many other scholars who had been working on the region and the
10 intention was to bring them all together, all the scholars who had done local-level
11 research on the situation in northern Uganda for a meeting, so -- because many of us
12 have had very different views, very different experiences.
13 So we all came together in London and we had a fascinating meeting in which
14 various people presented their findings and the idea of the book was to bring together
15 all those insights. We spent quite a bit of time working on the book together. So
16 although each chapter is individually written, we all read each other's chapters.
17 There are differences of opinion expressed in the book, we haven't tried to hide those,
18 but it is, if you like, a compendium of what was known about the Lord's Resistance
19 Army at the time that it was published.

20 Q. [9:44:13] And as the title suggests, the aim was to demystify or to demythify that
21 organisation inasmuch as possible?

22 A. [9:44:26] Yes. I think that's a fair summary. We were particularly concerned
23 to talk to people who had actually done on the ground field research. Also the
24 Prosecutor of the International Criminal Court was present at the meeting too and we
25 had some very frank discussions with him in London.

1 Q. [9:44:45] One last area of preliminary expertise. Sorry, the question is
2 preliminary, the expertise I hope is enduring. Apart from the report which you've
3 written for us, I think I'm right in saying that you have written expert reports for a
4 number of other organisations who are seeking to be better informed. Can you tell
5 us please some of those?

6 A. [9:45:10] Well, I've written numerous reports over the years. In 2004, just
7 talking about the more recent ones, in 2004 I was actually asked by Save the Children
8 to look into the situation in northern Uganda because of concerns about what the
9 International Criminal Court's involvement might have for children in the region.

10 And I wrote a study for Save the Children.

11 Later I was asked, the following year 2005, I was asked by USAID, the United States
12 Aid Agency, and UNICEF, United Nations children's agency, to do a detailed study of
13 the situation in northern Uganda, looking at the return of people from the Lord's
14 Resistance Army, to look at the reception centres, to look at what was happening to
15 those people returning from the Lord's Resistance Army. And both of those reports
16 are publicly available.

17 More recently I have been doing detailed studies in the region funded mainly by the
18 United Kingdom's department for international development and writing numerous
19 studies on what has happened to the population of the region in the last five to ten
20 years.

21 Q. [9:46:32] Thank you. When I asked you to prepare the report, I suggested six
22 separate topics interrelated of course upon which you might focus, and you've set
23 those out. It may be helpful to have the report in front of you if that is helpful.

24 You've set those out in paragraph 5 at bullet points.

25 And I need to give the ERN for that document. That is UGA-OTP-0270-0004.

1 And the page which I'm drawing to your attention, I think you will find it, Professor,
2 at the bottom of the page is 0005.

3 PRESIDING JUDGE SCHMITT: [9:47:35] May I just express the wish on behalf of the
4 Chamber just before we go into the so to speak into the merits, into the details of the
5 report, that you bear in mind that the report is submitted and that perhaps not every
6 detail that is incorporated in the report has to be now presented orally here in the
7 courtroom.

8 So we have sort of a hope, the Chamber, that perhaps even if you bear this in mind
9 we could be shorter than the six hours envisaged on direct examination. But that is
10 only a hope as I said.

11 MR GUMPERT: [9:48:16] I certainly won't try to elicit every dot and comma. I'll try
12 to be more synthetic than that. And six hours is the outside figure. So yes, your
13 Honour, in short, I will do my best and I bear that in mind.

14 Q. [9:48:39] The six topics are set out on that page, but in fact, you came to the
15 conclusion that they could be really compressed into four by means of dealing with
16 some together, and I think I'm right in saying, and I deal with the bold headings in
17 your report, you first dealt with the origins of the LRA?

18 A. [9:49:03] That's correct, yes.

19 Q. [9:49:05] That's on page 0006 and following. Then on page 0013, 0013, you
20 dealt with the topic of the LRA's purpose and objectives and its development into a
21 politico-military force?

22 A. [9:49:23] Your page numbers are different to mine.

23 Q. [9:49:26] Page 10 of your -- on your pagination it's page 10, paragraph 20.

24 A. [9:49:40] That's correct, yes.

25 Q. [9:49:41] And then the third of the fourth headings at paragraph 30 for you, ERN

1 number here is UGA-OTP-0270-0020. You dealt with the means that the LRA used
2 to achieve its purpose and objectives and also the level, extent, intensity, geographical
3 spread and duration of acts of armed violence or hostilities involving the LRA up
4 until July 2002?

5 A. [9:50:18] That's correct.

6 Q. [9:50:19] And lastly at paragraph 41 for you, you dealt with the historic and
7 continuing effect of the activities of the LRA upon the civilian population in Uganda?

8 A. [9:50:38] Correct.

9 Q. [9:50:39] I'm grateful. I'm going to ask questions which are designed to enable
10 you to cover the views which you've expressed in more detail here. And no doubt if
11 there are particular matters which catch the attention of the parties or the participants
12 or their Honours in due course, they will ask you to expand in more detail, perhaps
13 even more detail than is in the report?

14 A. [9:51:07] That's clear.

15 Q. [9:51:08] So can we start then please with the origins of the LRA. And I think
16 in your report you take the mid-19th century, the 1850s, as being a reasonable point at
17 which to start; is that correct?

18 A. [9:51:31] Yes, in a very general sense, yes.

19 Q. [9:51:37] Tell us why you select that particular jumping-off point?

20 A. [9:51:41] The reason why I began my report with a brief description of 19th
21 century history is because this region of Africa was so severely affected by slave and
22 ivory traders operating from the north. When the Nile became navigable, it became
23 possible to extract ivory from this region of Africa and there was an insatiable
24 demand for ivory in Europe and North America at the time because it was what was
25 used to make piano keys and every home had a piano.

1 And so there was vast amounts of ivory that was removed from this area. That
2 involved using local agents to raid into the interior to abduct large numbers of people,
3 men to carry the ivory to the port on the Nile so that it could be transported
4 downstream, and the abduction of large numbers of women as concubines to provide
5 services, if you like, to the soldiers and armed retainers who were at forts, established
6 at forts along the edges of the Nile.

7 So the reason I highlighted this is that something that is often mentioned to me by
8 people in northern Uganda is that there have been associations between current
9 upheavals and previous upheavals, the idea of abducting large numbers of people, of
10 taking women is something that has a history and is sometimes echoed in more recent
11 developments. I think also it's important to understand the longer term history to
12 see the ways in which identities have been formed in this region of Africa and how, if
13 you like, a kind of cultural archive is drawn upon in current political circumstances.

14 Q. [9:54:01] Who were the players, if I can use that term, the exploiters of the
15 resources of this region in the latter part of the 19th century?

16 A. [9:54:20] In the early, in the earlier period that I'm referring to from in the 1850s,
17 many of those were commercial companies based in Khartoum that collected ivory
18 and then sent it mainly to European markets.

19 Later the Turko-Egyptian empire claimed the region and sent military forces there.

20 So there were Turko-Egyptian soldiers who were sent to the region with the intention
21 of establishing control of the whole Nile for a greater Egypt.

22 This is how the famous figure of Emin Pasha ended up living in this area. He was a
23 mercenary who was employed under the Turko-Egyptian authorities. And when
24 there was a revolution in Sudan led by the Mahdi, he was isolated in this region.

25 This is where his base was. And the famous crossing of Africa by Stanley ostensibly

1 to rescue him occurred because of publicity of his alleged plight in Europe.
2 So this was an area that was very heavily affected by incursions in the later 19th
3 century. By the time -- but by the later years of the 19th century the reports about
4 the devastation in the region suggests enormous amounts of population displacement
5 and the introduction of a wide range of new diseases affecting both humans and
6 animals as a result of the movement of populations into the region for the first time.
7 By the time that the British administrations began to be established in the
8 Anglo-Egyptian Sudan and the protectorate of Uganda at the turn of the 20th century,
9 this is an area where devastation had occurred for 20 to 30 years.

10 Q. [9:56:45] So it was the British who were the protectorate power of Uganda?

11 A. [9:56:58] Entering into a rather muddled and complicated colonial period, there
12 was of course also the Lado Enclave and the Belgian Congo. And so there were
13 parts of the region to the west of the Nile that were under -- were not under British
14 control. The Anglo-Egyptian Sudan for a period administered considerable amount
15 of this area. The border that we currently see was worked out, if I remember
16 correctly, in 1914, I believe. Two British officers, one from the Anglo-Egyptian
17 Sudan and one from the protectorate of Uganda, mapped a border, their names were
18 Kelly and Tufnell, if I remember, and that border has remained border that we see
19 today, and it included the areas to the west of the Nile for the first time.

20 Q. [9:58:04] Once borders had been established, I'd like you to deal with the
21 matters which you refer to in paragraph eight of your report. There is an obvious
22 and well-known association between the name of the Acholi tribe, I use that word in
23 inverted commas, and the Lord's Resistance Army. Can you please help the Court
24 with the issues which in your opinion arise when one tries to use that kind of
25 terminology about a tribe and ethnicity in the area which we're talking about?

1 A. [9:58:55] If one goes back to the 19th century sources and the early 20 century
2 sources, the detailed descriptions insofar as we have them available to us from this
3 area describe identities in a variety of different ways.

4 When border was created between what became Uganda and Sudan, there was a lot
5 of discussion about these identities, in fact there was a recognition that when that
6 border was drawn -- was drawn, it would divide some populations north and south
7 of it, including Madi and Acholi. By that time both those terms had become more
8 common.

9 There was lots of confusion in years before that about what terms should be used for
10 these populations.

11 The term "Acholi" itself appears to be a relatively recent term. In the Acholi
12 language references might be made to the home, "gang" as an identity or to the
13 lineage. But the term "Acholi" itself appears to be an introduction from the late 19th
14 century insofar as we know and may be associated with the Acholi or Lwo word for
15 black, "chol."

16 So there is some speculation that a British officer in the late 1990s asking people who
17 they were in that region was told "We are black people" and then that became
18 associated with the name given by the British officers to the population. But this is
19 largely speculative.

20 The term "Acholi" itself became established as a designation for this area sometime in
21 the early years of the 20th century.

22 The famous Acholi poet and writer Okot p'Bitek actually says that the Acholi people
23 as an identity were created by British administrators in the 1920s. I think it had
24 already become established as an identity a little earlier than that.

25 The point I make in the paragraph here is that once these terms are established and

1 once languages are gazetted and are put into the administrative structure because of
2 indirect rule, the British officers were supposed to administrator territories in the local
3 language, once the languages became formally described, identities became more
4 rigid.

5 Before that I think it's true to say that clans would move from place to place, often
6 there were multiple languages being spoken. This is a population in which at the
7 time of marriage a woman marries into a home and lives in her husband's village so
8 there is constant in-marriage. And so constantly people were marrying people who
9 maybe spoke different languages, so often there were multiple languages being
10 spoken and identities were fluid.

11 They became much less so as the indirect rule on both sides of the border in the
12 Anglo-Egyptian Condominium of Sudan and in the protectorate of Uganda became
13 more established.

14 We also have records and detailed descriptions in some cases from early colonial
15 administrators about how they chose to allocate ethnic or tribal status to particular
16 populations for administrative purposes.

17 A further factor in this region, which again is important in terms of more recent
18 displacements is that this was an area where sleeping sickness was very prevalent.
19 And the way in which sleeping sickness was controlled was by moving populations
20 and resettling them.

21 And the movement of populations associated with sleeping sickness control was also
22 linked to the introduction of colonial governance, moved people closer to roads
23 where they could be more closely observed.

24 A final factor that I should mention is at the time there was concern about Islamic
25 influences. The Mahdist revolution in Sudan was an issue of concern and it was

1 known that the Mahdists had had an influence in this region. And so there was a
2 concern to in the early colonial periods to, as it was put -- thought of at the time, to
3 protect this population from Islam and to prevent the spread of Islam into what
4 became the protectorate of Uganda.

5 So there was a policy in the early colonial periods of controlling movement in and out
6 of this population and an encouragement of Catholic missionaries in particular and
7 also Anglican missionaries to convert the population to Christianity.

8 Q. [10:04:48] Professor, can we move forward now after the colonial era into more
9 modern terms time and independence. And I'm asking you here questions designed
10 to elicit material contained in paragraphs 9, 10 and the following paragraphs of your
11 report.

12 Who was the first head of state after independence?

13 A. [10:05:20] The first head of state after independence in Uganda was Milton
14 Obote, who came from the northern part of the country from the Lango area. The
15 Lango people also speak the Lwo language, which is very close or almost identical to
16 the language spoken among the Acholi people.

17 Do you want me to go on and describe very briefly the history of Uganda after
18 independence? I did describe briefly in these chapters, do you want me to go
19 through -- in these paragraphs, do you want me to go through that?

20 Q. [10:06:00] I think we can probably take it at a canter?

21 A. [10:06:04] Okay.

22 Q. [10:06:04] After Milton Obote, he was overthrown by his army commander?

23 A. [10:06:10] Yes, all right. So focusing on the issues that are probably most
24 relevant here, the agreement that is associated with the protectorate of Uganda was
25 between the people of Buganda and the British. That was the original treaty.

1 And under the protectorate British administration expanded from Buganda to the rest
2 of what became Uganda. During most of the protectorate period there was a very
3 close relationship between the British government in Uganda and the people of
4 Buganda and indeed the king of Buganda.

5 At independence, following an election, somebody from the north became president
6 or became prime minister and later declared himself to be president of Uganda and
7 that was Milton Obote. That created all sorts of political tensions in
8 post-independence Uganda.

9 Milton Obote was I think it's fair to say rather unpopular in many parts of the
10 southern part of the country and there was some enthusiasm when he was
11 overthrown by his army commander Idi Amin at the end of 1971 that he was
12 overthrown by Idi Amin.

13 However, Idi Amin was also from the north, from the area to the west of the Nile,
14 from Koboko area of Uganda. So when it became apparent that Amin's government
15 was brutal in all sorts of ways, there was increasing antipathy towards him as well
16 particularly in the south, but Amin also targeted many people from Obote's home
17 area and from the related Acholi people. The soldiers associated with those groups
18 were told to report to barracks where they were massacred.

19 And so the legacy of that period still remains significant. Idi Amin was overthrown
20 by an invasion launched from Tanzania which in the end brought Milton Obote back
21 into power in 1980. But many groups within the south were not prepared to accept
22 that, including a group associated with Yoweri Museveni who comes from the
23 southwest of Uganda. Museveni launched a campaign against Obote's government
24 with most of the fighting just to the north of Kampala.

25 In 1985, Obote was overthrown again. This time and again by an army commander,

1 this time by an Acholi army commander and a Okello became president for a brief
2 period in 1985 and entered into negotiations with Museveni. An agreement was
3 signed in Nairobi, but nevertheless Museveni's forces, the National Resistance Army,
4 continued to operate and managed to seize power at the beginning of 1986.

5 There is no question that there were terrible killings that occurred in that period
6 before 1986 in the area of Luwero, north of Kampala. I observed myself piles of
7 bones in pyramids, skulls collected. I visited the area soon after President Museveni
8 came to power and saw firsthand what some of the consequences were in that area.
9 I had also been in Uganda during the war and had seen brutal acts by soldiers in that
10 region.

11 So at the time when President Museveni came to power in 1986 there had been
12 killings and abuses in the southern part of Uganda associated with soldiers from the
13 north. And when President Museveni came to power there was, perhaps it's fair to
14 say, a sense that it was time now to turn the tables. President Museveni's forces
15 moved to the north and while his army had been rather disciplined in the south there
16 appears to have been abuses from 1986 onwards in the north, which then encouraged
17 local antipathy towards his government.

18 Have I left anything out?

19 Q. [10:11:25] I don't think I'm qualified to answer that question, Professor.

20 Let me ask you this, which may be of significance or interest: The manner in which
21 President Museveni came to power in succession to Tito Okello, is that something
22 which has continued to have effects upon the political situation and feelings in the
23 Acholi area?

24 A. [10:11:50] Yes. I think it has. It's difficult to quantify it, but it is something
25 that people often mention. And indeed when people from the Lord's Resistance

1 Army were interviewed at the time of the peace negotiations in Juba, it was
2 something that which often referred to, that there had been an agreement made
3 between Okello and Museveni that was a peace deal that was signed and then that
4 Museveni had basically ignored it and continued to wage a campaign and soon after
5 that seized power in Kampala. So there is the idea, fair or not, that President
6 Museveni is not to be trusted. And so that's a story that people often repeat.

7 Q. [10:12:51] Thank you. Now the soldiers of the prior, the pre-Museveni regime,
8 can you tell us please what was the name of the national army or the initials used by
9 the national army prior to the ascent to power of President Museveni?

10 A. [10:13:17] The UNLA, Uganda National Liberation Army I think. I get
11 confused myself between all these military acronyms.

12 Q. [10:13:25] And Museveni's forces at that time known as the NRA or National
13 Resistance Army?

14 A. [10:13:32] National Resistance Army.

15 Q. [10:13:34] Yes.

16 A. [10:13:34] But later changed its name to the UPDF.

17 Q. [10:13:40] Which is a set of letters that will become very familiar in the course of
18 this trial.

19 A. [10:13:45] Yes.

20 Q. [10:13:45] But let me concentrate on the Ugandan National Liberation Army,
21 UNLA, UNLA, what became of those forces after Museveni came to power?

22 A. [10:13:59] The soldiers associated with the UNLA had to make choices. They
23 were going -- were they going to surrender? Were they going to join the army of the
24 new government? Or were they going to operate as, if you like, a rebellion against
25 President Museveni's new government?

1 Many of them chose the latter. Many of the Acholis moved into their own home area,
2 to the north of the country, and many of them joined a new rebel force often referred
3 to locally as Cili, kind of a formal, a formalised military campaign, a kind of
4 conventional military rebel group. Others moved across into South Sudan and
5 others too joined what might be referred to as cults.

6 A serious problem that has been described for some of those former soldiers returning
7 from the south was that they had witnessed or participated in very violent events in
8 the Luwero area and that they were affected by something that is described in Acholi
9 as cen, a phenomenon that I'm sure you will become familiar with during these
10 proceedings. Cen is a kind of aura or emanation that affects people who have
11 experienced violent events and causes adverse effects to those who come in contact
12 with them. Even some of those who have experienced violent events themselves
13 recognize it in themselves.

14 And many of those soldiers who went back to their own home villages were rejected
15 by their relatives. Their relatives were fearful of having them in the home partly
16 because of this phenomenon called cen, but also of course there was concern that if
17 they had them in the home, then President Museveni's forces were likely to target
18 those locations. So many of them found themselves looking for other ways of
19 establishing themselves and some turned to spirit mediums, ajwaki, who were able to
20 cleanse them of their cen and to provide them with some kind of identity that they
21 could aspire towards.

22 Q. [10:17:27] Cen spelled C-E-N?

23 A. [10:17:30] Yes. Your microphone is not on.

24 Q. [10:17:32] Thank you. Thank you for that.

25 Cen spelled C-E-N?

- 1 A. [10:17:37] Correct.
- 2 Q. [10:17:38] Cili spelled C-I-L-I?
- 3 A. [10:17:43] Correct.
- 4 Q. [10:17:44] And there was a formal name for the military structures --
- 5 A. [10:17:47] Yes.
- 6 Q. [10:17:47] -- which was known in Acholi or in Lwo as Cili. What was that?
- 7 A. [10:17:57] The UPDA.
- 8 Q. [10:17:59] Ugandan People's Democratic --
- 9 A. [10:18:01] Democratic Army.
- 10 Q. [10:18:03] Thank you. A moment ago you mentioned ajwaki, A-J-W-A-K-I, as
- 11 persons who are in touch with the spirit world. Is that a fair summary?
- 12 A. [10:18:22] Yes. Would you like me to say more about that?
- 13 Q. [10:18:25] I would like you to focus on one in particular, one about whom you've
- 14 written quite a lot in your report and indeed elsewhere, a lady called Alice Auma.
- 15 Tell us about her, please.
- 16 A. [10:18:40] Perhaps if I may, I might give a little bit of background to this. It's
- 17 one of the things that many people coming to this region for the first time and finding
- 18 out about it for the first time find very surprising, and that is the way in which figures
- 19 who are possessed by spirits are able to exercise such influence.
- 20 In this region, insofar as we can describe it in the past before all the upheavals I've
- 21 mentioned, the idea of possession was to a large extent associated with ancestors.
- 22 Every lineage would have a shrine. And where there were problems in the home,
- 23 they were discussed at the shrine. And one of the responsibilities of elders was to
- 24 explain the views of deceased ancestors.
- 25 One of the things I often say to my students when I try to get them to think about this,

1 my students in the UK, is that we commonly think of dead people as being in the past
2 in the United Kingdom, but for many people living in this region dead people are in
3 the future. They remain part of the experiences of people who are alive. They're on,
4 if you like, a journey ahead of the living.

5 And ancestors play a part in the regulation of the social and moral order and at
6 ancestral shrines those sorts of issues would be discussed. So the term ajwaka was
7 in the past, if one reads the earlier ethnographic studies, often associated with those
8 usually male figures associated with ancestral shrines.

9 However, with the upheavals of the 19th and early 20th centuries and the enormous
10 changes in this region and the movement of populations there were, if you like,
11 challenges to the authority of such figures. And there was an emergence through
12 that period described in detail in fact by Okot p'Bitek the Acholi poet and essayist of
13 new kinds of spirits that were not associated necessarily with ancestors and their
14 words were often interpreted by ajwaki, who were not necessarily associated with
15 ancestral shrines. And many of those were women, women who had married into
16 the home or young women of the home who perhaps were unusual in one way or
17 another.

18 On top of this we had the emergence of Pentecostal Christianity. Pentecostal
19 Christianity has been hugely important in this region, not just from the new churches
20 outside of the Anglican and Catholic traditions but also within the Anglican and
21 Catholic traditions, in particular the Anglican church, where the idea of being born
22 again and speaking with voices at Christian ceremonies became very prevalent, even
23 senior figures within the church were associated with this movement.

24 So we have a situation in northern Uganda where possession is quite common, where
25 the idea of possession not regulated through patrilineal authority and shrines has

1 become very common, and where many of those who are possessed have an
2 ambiguous relationship with the Christian churches.

3 One of those figures in northern Uganda in the mid-1980s was a man called Severino
4 Lokoya, who is still alive and still practising. He was an Anglican catechist but also
5 sometimes became possessed, and there is certainly an ambiguity about who he is
6 being possessed by or what he is being possessed by. And he had a daughter called
7 Alice Auma. In the mid-1980s, Alice and her father were operating a cult, if you like,
8 in the Gulu area and had a shrine in fact in what is now the national park, Murchison
9 Falls National Park, and they would anoint followers and interpret the voices of
10 spirits.

11 Alice herself became an increasingly famous figure in the area in the mid-1980s and
12 was known to be a very powerful ajwaka. Spirits would enable her to see things and
13 to provide healing for people who were afflicted by diseases and also other kinds of
14 misfortune. Many of those who came back from the upheavals in the south, the
15 soldiers that we were referring to earlier, began to gravitate towards her.

16 At some point in 1986, her spirits instructed her to resist President Museveni's forces.
17 She declared that her spirits, the best known of them known as the messenger,
18 Lakwena, that in war the violence is purifying, has a kind of a purifying element in
19 fighting, and those who are impure on both sides will die and those who are pure will
20 survive. She anointed followers with oil. She taught that walking directly at
21 government soldiers, that the bullets that were fired at them would not pierce their
22 skin. Many of her followers carried Bibles and in a number of incidents around
23 Gulu in 1986 she had some rather spectacular successes. Government forces,
24 Museveni's government soldiers encountered scores of people holding Bibles,
25 throwing rocks that they claimed turned into grenades, walking directly at them,

1 some of them naked, glistening, covered in oil. And the young soldiers from the
2 south were often terrified, put down their weapons and ran away.

3 Later they opened fire and many of Alice's followers were killed, but she then waged
4 an increasingly effective campaign against President Museveni's government in 1986.
5 And in 1987 with several thousand followers, perhaps as many as 8,000, marched
6 south with an intention of, as she put it, anointing the president with oil and ushering
7 in the age of prophets.

8 Do you want me to carry on and describe what happened next?

9 Q. [10:28:19] Just before you do bring that episode to a conclusion as I think you
10 are about to, Lakwena, L-A-K-W-E-N-A?

11 A. [10:28:33] Correct, yes.

12 Q. [10:28:34] An Acholi word meaning messenger?

13 A. [10:28:36] Often translated as messenger.

14 Q. [10:28:40] Yes.

15 A. [10:28:41] She's often referred to as Alice Lakwena rather than Alice Auma.
16 Auma is her actual name or was her actual name. She has now passed away.

17 Q. [10:28:54] One other matter of spelling. You referred to her father. Severino,
18 his first name may not pose too many problems. Perhaps you could spell out the
19 surname.

20 A. [10:29:02] That's difficult. Have I not written it somewhere? I think I have.

21 Q. [10:29:05] I couldn't immediately find it.

22 A. [10:29:07] Lokoya. So let me think. Let me write it here and then I'll see if I
23 get it right. I think it is L-O-K-O-Y-A.

24 Q. [10:29:20] Thank you. What happened to Alice's -- firstly in fact, what was
25 Alice's movement called or what did it come to be called?

1 A. [10:29:32] Alice's movement is generally referred to as the Holy Spirit
2 Movement, and it's become associated with the third person of the trinity, the Holy
3 Spirit in the Bible. However, it is not entirely clear that that was what Alice herself
4 had in mind. The term in the Acholi language could refer to the Holy Spirit or could
5 refer to clean or good spirits in a general sense. But Alice was a keen listener to the
6 BBC, and the BBC World Service was reporting on her activities on a very regular
7 basis, and to some extent she seems to have, if you like, developed her movement in
8 relation to the way it was described by the journalist when she was interviewed by
9 two journalists in 1987, who I know rather well, and I was in the vicinity myself in '87,
10 you know, she described how she had been listening to the BBC and to some extent
11 she had adapted her movement to the way it was being described.

12 Q. [10:30:55] So some 8,000 or so followers of Alice marched south with her?

13 A. [10:31:07] Yes.

14 Q. [10:31:09] With her expressed aim of anointing the president. What became of
15 them?

16 A. [10:31:13] Well, they reached the area to the east of Jinja, a town on Lake Victoria
17 to the east of Kampala. I was in Jinja at the time actually and the first I knew how
18 close they were was I was noticing through the window of the hotel at which I was
19 speaking at a conference that there were an awful lot of people who appeared to be
20 leaving the town. And then it became apparent during that day that Alice's forces
21 were rather close.

22 In the evening the Ugandan government soldiers, the NRA, surrounded them in the
23 swamps some way to the east of the town and they killed most of them. We don't
24 know how many died, but there were piled up corpses.

25 One of the things that was collected from the corpses were books describing all these

1 rules of behaviour. Much of the information we have that is in the descriptions of
2 the Lord's Resistance Army come from those notebooks that many of the followers
3 had describing Alice's pronouncement and her rules of behaviour that she required
4 all her followers to adhere to.

5 Alice herself escaped. She disappeared. There were rumours of her being seen on a
6 bicycle and then disappearing again. And this to some extent I suppose added to the
7 aura around her that she seemed to have disappeared.

8 She eventually turned up in Kenya and she lived the rest of her life in a refugee camp
9 in Kenya.

10 At that point there was hope that the war in the north might be now at an end, but
11 that expectation proved illusional.

12 Should I stop at that point or do you want me to continue?

13 Q. [10:33:50] I'm going to ask a question which I hope will focus the answers to the
14 assistance of the Bench.

15 Alice herself, her forces defeated and she disappears and eventually resurfaces in
16 Kenya. Was that the end of resistance with a spiritual dimension in the north of
17 Uganda to the government of Museveni?

18 A. [10:34:15] No, it was not. There had in fact been a number of spirit mediums
19 operating in northern Uganda at the time of the Holy Spirit Movement, some of
20 which are now forgotten about. When Alice was defeated her father, Severino
21 Lokoya, led a movement for a period and also somebody who is related to her,
22 distantly in fact, a young man called Joseph Kony.

23 Kony it seems had initially modelled his movement on hers, but tensions had
24 emerged in the areas where he was based and in fact there had been skirmishes
25 between his forces and hers before she had left northern Uganda.

1 Joseph Kony's forces have continued to operate since then and eventually became
2 known as the Lord's Resistance Army, a term that was I believe only coined towards
3 the end of the 1980s, I think around about 1990, might have been '89 was the first time
4 I actually heard that term. There were various other descriptions of his movement
5 before that.

6 Severino was, if I recall, captured by the Ugandan army in 1988. So that left Joseph
7 Kony's forces as being the remaining rebel group operating in northern Uganda.

8 Do you want me to say something about his spirituality?

9 Q. [10:36:22] Yes, please.

10 A. [10:36:23] Joseph Kony, unlike Alice, grew up a Catholic. Alice, as I've already
11 mentioned, came from an Anglican background, though her spirit, the Lakwena was
12 a Catholic. So she would sometimes describe her relationship with her spirit in a
13 rather strange way.

14 But Kony was a -- grew up a Catholic, went to school on the Catholic schools for a
15 number of years, I think he had five years of schooling if I can remember. He came
16 from a family of male ajwaki. Now that's a very strange thing now in northern
17 Uganda. I mentioned how spirit mediums in the past were often associated with
18 ancestral shrines. For a male ajwaka - ajwaka is the singular of ajwaki - for a male
19 ajwaka to operate outside of the remit of ancestral shrines as someone possessed by
20 spirits that are not associated with ancestors is often perceived as a rather dangerous
21 and frightening thing. There is somehow the idea that women come from outside.
22 They marry into a home. But for a man to become possessed is potentially quite a
23 threatening matter. And Kony came from a family where there were a number of
24 male ajwaka. I don't know how many. His brother apparently practised for a
25 period. And he became quite a well-known healer in the mid-1980s. I know

1 several people who consulted him as a healer from that period.

2 But from 1986 onwards he began to operate a militia group initially rather similar to

3 Alice's. He was possessed by a number of spirits. Like her, his followers were

4 expected to follow a number of rules of behaviour. And certainly in the early days

5 of his movement spirituality was an important part of the daily life of those who were

6 brought into his group.

7 Unlike Alice, however, he became very influenced by more conventional military

8 officers who had been associated with the previous army, the army that had been

9 displaced by President Museveni, and he seems to have been very influenced by

10 certain commanders who had been fighting in the past in Luwero. And so although

11 his movement was very closely associated with spirituality of various kinds, spirit

12 possession, it's tactics, perhaps it's fair to say, were always more overtly military in a

13 conventional sense compared with those of the Holy Spirit Movement of Alice

14 Lakwena.

15 In my report in one of the footnotes, can I find it, I describe the, I describe the

16 experience of Catholic priests at the mission comparing -- it's on my version, if you

17 look at paragraph 22, there is a footnote below it, footnote 8 where I describe

18 the -- where I present a testimony from two Catholic priests from the mission at Opit

19 describing the differences between the two movements. They themselves had quite

20 a good relationship with Alice Auma and her forces who were based not far from that

21 mission for a period, but had a very different sort of relationship with Joseph Kony's

22 forces.

23 So they always had a more kind of militarised approach and used tactics that might

24 be associated perhaps with terror, the idea of using terror to affect populations with

25 something that was adopted from quite early on in the movement for military

1 purposes. They tended to operate in much smaller units and would have the biggest
2 possible impact by doing shocking things.

3 Q. [10:41:52] I'm not going to ask you to recount in detail the information you
4 received from the Catholic priests. It would be fair to say in summary that being
5 men of the cloth, being priests didn't protect them in any way from the LRA under
6 the command of Joseph Kony?

7 A. [10:42:23] Well, I think that is true. They describe how the mission was
8 attacked. I describe in my report Joseph Kony's complicated relationship with the
9 Catholic church. It is the case that both Catholic and Anglican clergy have at various
10 points been able in the past, I'm talking here about in the 1990s, late 1980s, 1990s, were
11 able to have some communication with Kony and the Lord's Resistance Army. But
12 his relationship with the clergy was a complicated one and as one of the accounts I
13 describe in my report, which I think is on -- can you remind me of the paragraph?

14 Q. [10:43:13] It's paragraph 22, Professor.

15 A. [10:43:15] Is it 22 where I have -- yes, yes, with Father Carlos Rodriguez
16 describing to me how in 2003 Kony allegedly ordered the attacks on Catholic priests,
17 and some of them were killed.

18 Q. [10:43:37] Yes.

19 A. [10:43:38] On the other hand of course, there is the famous story of Sister
20 Rachele going out to try to bring back the girls who were abducted from her school
21 and bringing back most of them and surviving herself. So it was a complicated
22 relationship. Sometimes Catholic and Anglican priests have done, and nuns and
23 those associated with the churches, have done very courageous things, putting their
24 life at risk to communicate with the Lord's Resistance Army and sometimes it appears
25 they have been given respect by Kony and his commanders for doing so.

1 Q. [10:44:17] Looking at the other side of the coin then, we've just been speaking of
2 spiritual matters and spiritual influences, but you said that there was a militaristic, I
3 think I'm right in saying, or a more militaristic aspect to Kony's movements. How
4 did that come about and were there any influential early figures? I'm really asking
5 you here about paragraph 20.

6 A. [10:44:47] In paragraph 20 I refer to the influence of Odong Latek, somebody
7 who I have never met or interviewed myself, but he is reported to have had
8 considerable influence on Joseph Kony in the early days. He is a former commander
9 from Okello's army and provide -- and a veteran of the conflict in Luwero and
10 provided Kony with information about military tactics. He was killed in -- well,
11 before 1990, we don't know exactly when. And it would appear that the naming of
12 the Lord's Resistance Army occurred at about that time or after that time. That was
13 when the term itself "Lord's Resistance Army" was adopted.

14 So I think it's fair to say that in the early stages of the movement, while Kony himself
15 was an ajwaka and was associated with spiritual aspects of the movement, the
16 management of the military campaign appears to have been influenced rather more
17 than in the Holy Spirit Movement by veteran soldiers.

18 Q. [10:46:15] Let me ask you about another of those. What can you tell us, forgive
19 me, about Otti Lagony?

20 A. [10:46:37] Yes, and what paragraph is that on?

21 Q. [10:46:39] 24.

22 A. [10:46:41] 24. It's in paragraph 24 I refer to another one of those veteran
23 commanders, Otti Lagony, who became second in command reportedly in the Lord's
24 Resistance Army. But he appears not for the first -- this is not the first -- the last time
25 that this matter happened, that Kony removed his second in command. It happened

1 later to Vincent Otti. But he appears to have demoted him in 1997, and he was
2 eventually killed in 1999. It's not quite clear how. But Lagony was another veteran
3 commander within the LRA at that period, in that period.

4 Q. [10:47:34] And as a result of his interaction with these veteran military men, did
5 there come about a change or at least a change of emphasis in the LRA's operations
6 and Kony himself's operations?

7 A. [10:47:53] I think it's hard to answer that with certainty. From what I know, in
8 the early stages Kony was not -- was very young at that time and was certainly not
9 experienced as a military commander. So in the period from the mid-1980s, let us
10 say 1987 through till 1990 he appears to have been very influenced by these veterans
11 and they appear to have remained important through the 1990s too.

12 However, the LRA had changed radically over the years. By the end of the 1990s the
13 LRA had base camps in South Sudan, had been receiving support from the
14 government of Khartoum, from the Khartoum government in Sudan. There had
15 been military training on offer. There were LRA villages in parts of South Sudan.
16 So it was a very different kind of movement by the mid-1990s.

17 In terms of the spirituality in relation to the kind of secular aspects of the -- or secular
18 military aspects of the LRA, I think it's probably true to say from the accounts of
19 people returning from the LRA that the spiritual aspect of it remained very important
20 for recruits into the 1990s and probably up until the point in which the Ugandan army
21 crossed into South Sudan, something that we'll come to in a moment, the Operation
22 Iron Fist campaigns. There appears to have been some easing in those spiritual
23 aspects from that period and there are some accounts of Kony no longer being
24 possessed by spirits from a certain point in the 1990s, but the accounts are
25 contradictory about this.

1 Q. [10:50:09] How would Kony's own followers regard him and the spiritual aspect
2 of his operations and his spiritual powers?

3 A. [10:50:24] I think this varies, this varies hugely from one person to another. I
4 make that observation based upon talking to people who have very recently returned
5 from the Lord's Resistance Army, mainly people I've interviewed from 2004 onwards.
6 I've also had various students who have worked on the Lord's Resistance Army from
7 an earlier period to particularly Chris Dolan, whose account is full of detailed
8 descriptions of people's spiritual experiences with the Lord's Resistance Army.
9 I think there is no doubt that many of those who were abducted as children were
10 deeply affected by the spiritual qualities of the Lord's Resistance Army. Some of
11 those who I interviewed after they returned remained fearful, for example, that Kony
12 would know what they were thinking or would know where they are after they
13 returned to -- and I interviewed them in Gulu or Kitgum. I interviewed some people
14 who were shaking in terror at the point when they were brought back to northern
15 Uganda.

16 So there were some who were very deeply affected by what they had been forced to
17 do and have been affected by the kind of spiritual world and the kind of moral
18 universe that they were, that they were compelled or chose to become part of.

19 There were also many who had a rather different view. You know, there were many
20 who felt they had been brutally abducted and that they had been forced to see or do
21 terrible things and they had no sympathy whatsoever or no empathy at all for the
22 spiritual capacities of the LRA or the spiritual dynamics of it. So I think it was very
23 variable.

24 Most people were fearful of Kony himself. And I think if I had to put my finger on it,
25 what was it that they feared most, it was the kind of unpredictability of Kony, that

1 sometimes he could be incredibly friendly and seem very reasonable, and sometimes
2 he would start speaking in strange voices or would act in a violent way.

3 So I think even those who, if you like, didn't buy into the spiritual aspects of the LRA
4 were fearful of Kony. And many referred to his capacity to see and understand
5 things that other people could not. Kony would often predict events people said
6 before they occurred. And so people had respect for his capacities in that respect.

7 Q. [10:54:13] How did the LRA get its message across to the people that it wanted
8 to influence? Para 26 is where I'm heading here.

9 A. [10:54:30] Again, the answer to that question I think is not straightforward.

10 The LRA's message, so to speak, to the population of northern Uganda and to the
11 people of Uganda and wider populations came to a large extent from their actions,
12 you know, their actions had an enormous impact. So to some extent we have to
13 impute what the LRA intended from what they did, from what the LRA did.

14 However, having said that, there were a number of written manifestos that have
15 appeared. These have tended to circulate mostly from the late 1990s onwards. So
16 at that time the Lord's Resistance Army had base camps in South Sudan. There were
17 visitations from sympathisers, who were part of the diaspora. We don't know the
18 degree to which these manifestos were the views of Joseph Kony and members of the
19 LRA that they had come to independently and the degree to which they emerged out
20 of debates and discussions with those people who visited them in South Sudan,
21 probably a mixture of the two.

22 Do you want me to go on and talk a little bit about the content of the manifestos?

23 Q. [10:56:22] I'm conscious that we're coming up to the break, although we're not
24 quite there yet, I think what might fit in time wise would be if we could deal
25 with -- sorry. I'm conscious that we're coming to the break. I think what might fit

1 in time wise quite conveniently is if for now, just before the break, we deal with the
2 radio message about which you speak at the end of paragraph 26. You wrote there
3 about a telephone interview I suppose one could call it into which Joseph Kony
4 voluntarily entered by telephoning a Gulu based radio station, radio Mega I think is
5 the right station; is that correct?

6 A. [10:57:11] That's correct.

7 Q. [10:57:12] And how did you become aware of the fact that he had done so and of
8 what he had said during that interview?

9 A. [10:57:21] Well, the straightforward answer was that it was widely known. I
10 mean, everybody in northern Uganda certainly around Gulu and areas where the FM
11 radio station reached was aware of it. It was a huge event at the time.

12 Just as a bit of background here, radio -- the Gulu based radio station was also part of
13 kind of a communication and outreach process. So the radio interviewed people
14 who had returned from the Lord's Resistance Army who would talk about what it
15 was like after they came home in the hope that people who were with the LRA would
16 hear the messages and would want to do what they had done and would also find a
17 way of returning and of leaving the LRA.

18 And if you read the transcript which has been provided in this collection of papers,
19 you'll see that amongst those in the studio at the time was somebody like that, who
20 Kony himself in the transcript kind of rejects.

21 But it was an important event because it was for the first time that many people in
22 northern Uganda had actually heard Kony's voice. And so at that particular moment
23 it gave a great deal of hope about the possibility of a peace process.

24 Another point about it is that it occurred towards the end of 2002. So the Ugandan
25 army had by that point crossed into South Sudan, and so it was during the latter part

1 of the first phase of the Iron Fist operation in South Sudan.

2 MR GUMPERT: [10:59:22] If we just turn, it's tab four, your Honours, probably take
3 me three, four minutes to wrap this up or would you your Honour rather --

4 PRESIDING JUDGE SCHMITT: [10:59:32] It's okay. Please wrap it up.

5 MR GUMPERT: [10:59:34]

6 Q. [10:59:35] Just looking briefly, firstly, the participants, Joseph Kony and then a
7 person called Max Omeda. Is that the journalist?

8 A. [10:59:49] Max Omeda, no, he was the resident district commissioner, the RDC.

9 Q. [10:59:53] So he's a representative of the Ugandan government?

10 A. [10:59:56] Correct.

11 Q. [10:59:56] And they have a number of exchanges. And then we hear from
12 Vincent Otti?

13 A. [11:00:05] Correct.

14 Q. [11:00:06] I'm going to ask you in more detail about him after the break, but he
15 was the vice chairman, Kony's deputy basically?

16 A. [11:00:12] Correct.

17 Q. [11:00:15] And then a Ugandan army officer called Paddy Ankunda; is that
18 correct?

19 A. [11:00:24] Yes.

20 Q. [11:00:27] I'm asked to give the ERN number, and I failed to do that, so I'll
21 correct that failing. Forgive me, Professor. This is UGA-OTP-0023-0011.

22 I pause there, apologies for this rather nerdish detail. In the very early days of the
23 tribunal, the ERN numbering system was slightly different from what it is now.

24 And one has to read those early numbers with a knowledgeable eye, one takes off one
25 of the zeros in the first cluster of numbers and adds it to the second cluster.

1 So the first thing that Joseph Kony says in the transcript is all about peace, isn't it,
2 Professor?

3 A. [11:01:24] Correct.

4 Q. [11:01:26] And does he make very much reference to the spiritual aspect of the
5 LRA in the course of this radio interview?

6 A. [11:01:36] No, he doesn't.

7 Q. [11:01:40] What is it that he's trying to get across here?

8 A. [11:01:46] Well, if I could summarise it in a nutshell, it's that he is leading a kind
9 of liberation movement, that he wants to save the people of northern Uganda from
10 their suffering, that President Museveni has a scheme to destroy the Acholi people,
11 and that Joseph Kony's rebellion is being fought to protect the Acholi people. He
12 also offers to have personal peace talks with President Museveni himself.
13 So I suppose what's most striking about this interview, and again particularly looking
14 at the particular, the moment towards the end of 2002, the widespread view of the
15 Lord's Resistance Army at that time was of some kind of mad cult that was totally
16 incomprehensible. And Joseph Kony here is attempting to present his case as a
17 rational political agenda.

18 Q. [11:03:09] Thank you. I'm going to leave it there if I may.

19 PRESIDING JUDGE SCHMITT: [11:03:12] Yes. Then we'll have the break until half
20 past 11.

21 THE WITNESS: [11:03:16] Okay. Thank you.

22 THE COURT USHER: [11:03:18] All rise.

23 (Recess taken at 11.03 a.m.)

24 (Upon resuming in open session at 11.30 a.m.)

25 THE COURT USHER: [11:30:39] All rise.

1 PRESIDING JUDGE SCHMITT: [11:30:48] Mr Gumpert has still the word.

2 MR GUMPERT: [11:30:55]

3 Q. [11:30:56] Professor Allen, you've mentioned Vincent Otti on one occasion, and
4 he is one of the speakers in the radio programme about which you have just been
5 talking. Could you tell the Court just a little bit more about him, it's paragraph 25,
6 and that's UGA-OTP-0270-0017, a little bit more about Otti, who he was and what
7 happened to him?

8 A. [11:31:40] Vincent Otti is reported to have become the second in command of the
9 Lord's Resistance Army after his predecessor was replaced.

10 He was a loquacious man, I think it's fair to say, and much of the communication with
11 the Lord's Resistance Army that occurred in the month before the Juba peace
12 negotiations occurred with him. He himself often presented himself as a kind of
13 spokesperson of the LRA agenda. He was very proud to have created the LRA logo.
14 And so he was very much the way in which people communicated with the Lord's
15 Resistance Army in that period.

16 He came from Atiak, which is a town on the border with South Sudan, some way to
17 the north of Gulu, on the border areas between Madi and Acholi, and he spoke both
18 Madi and Acholi, he spoke both languages. And he had a group associated with
19 him within the Lord's Resistance Army who were from Madi, young people who had
20 been taken from Adjumani area of Madi.

21 Eventually he had a falling out with Joseph Kony. I described this briefly in
22 paragraph 25. I don't go into the details here. There was talk about some money
23 that had been given that hadn't been accounted for properly. I think it's most
24 reasonable to speculate that Vincent Otti appeared to Kony to be acting in an
25 independent way, and eventually he was arrested and killed reportedly in

1 October 2007.

2 And according to my old friend Ronald Iya, the Madi chief who visited Kony on a
3 number of occasions during the -- twice I think, I should say it with a number, and
4 two occasions during the peace negotiations, the Madi group around Otti was also
5 killed at that point.

6 Q. [11:34:39] Coming back now to public expressions of the LRA's aims and
7 objectives, we've touched on and I'm not going to go back to the radio broadcast.
8 You were present in Uganda at the time?

9 A. [11:35:02] No, I was not. I was in the UK in 2002.

10 Q. [11:35:06] I'm grateful.

11 What other means of communication was there, apart from the radio interview about
12 which you have spoken?

13 A. [11:35:18] Could we just clarify what period we're talking about?

14 Q. [11:35:23] Yes, I'm sorry. The radio interview is in 2002 as you've told us.

15 A. [11:35:31] Towards the end of 2002, at the end of the first phase of the Operation
16 Iron Fist campaign.

17 Q. [11:35:38] I took it out of sequence because it was conveniently discrete.

18 A. [11:35:43] Yes.

19 Q. [11:35:43] And we could put it in before the break.

20 A. [11:35:45] All right.

21 Q. [11:35:45] I want to go back in time now --

22 A. [11:35:47] Okay.

23 Q. [11:35:47] -- to documents or other communications which may have been
24 earlier than 2002. Can you tell us what sort of communications, what means of
25 communications were used by the LRA to get its point across?

1 A. [11:36:10] Well, again, it's complicated because the LRA of course has been
2 operational for a very long time. So there was a period when the government
3 minister at the time Betty Bigombe entered into negotiations with the Lord's
4 Resistance Army, and at that point there were LRA combatants who were visiting
5 town centres in Gulu area and there was quite a lot of communication. But
6 following the collapse in those peace negotiations, the LRA became rather remote
7 from communication. So one mode of communicating with the LRA was from the
8 FM radio broadcast that I mentioned earlier.

9 On occasion there were connections with individuals and groups of individuals from
10 northern Uganda when there were abductions, occasionally there were attempts to
11 bring back those young people who had been taken, and I mentioned earlier that
12 sometimes religious figures, famously a nun, but also priests would go out to try to
13 make contact with the LRA to bring back some of those who were abducted.

14 There were also some communications occasionally between Joseph Kony and his
15 commanders and mainly clergy in northern Uganda, also sometimes some political
16 figures, occasionally there would be communications by radio or by mobile phone,
17 increasingly mobile phones actually.

18 But Kony himself became rather a remote figure, and so that was partly why that
19 communication on radio in 2002 was so interesting to people.

20 However, across the border in South Sudan, things were a bit different because the
21 LRA was being provided with weapons and support by the Khartoum government.

22 The LRA became drawn into the war in South Sudan operating on behalf of the
23 Khartoum government against the Sudan People's Liberation Army. And so there
24 was considerable communication between figures associated with the Khartoum
25 government and the Lord's Resistance Army in South Sudan, and we know there was

1 some visitations to the Lord's Resistance Army from people in the diaspora, people
2 would go and visit him there.

3 There were also spokespersons associated with the LRA who would sometimes
4 appear in Khartoum in meetings and even occasionally delegations that would
5 appear in foreign countries and say that they were representing the LRA in some way.
6 That was never quite clear to what extent that was the case.

7 Q. [11:39:20] Have you seen anything in writing?

8 A. [11:39:23] You need to push your button.

9 MR GUMPERT: [11:39:27] I'm well --

10 PRESIDING JUDGE SCHMITT: [11:39:28] The witness takes over the tasks of the
11 Presiding Judge. Thank you very much in this respect.

12 MR GUMPERT: [11:39:38]

13 Q. [11:39:38] Was there anything in writing of which you became aware over these
14 years?

15 A. [11:39:43] From the late 1990s, I think you're now referring to the various
16 manifestos that are included in this pack here, from the late 1990s there were these
17 written statements about what the LRA was doing that were distributed in northern
18 Uganda.

19 The anthropologist Sverker Finnstrom, who wrote a remarkable book about the
20 situation based on field work in northern Uganda in the later 1990s, and also one of
21 my own Ph.D. students, Christopher Dolan, who wrote an excellent book called Social
22 Torture about the region again based on field work at that time were shown various
23 documents, given various documents.

24 Often there were things that might be called roadblocks, people were stopped on the
25 road and they were given these documents.

1 They, well, they are here for you to look at in this collection. I don't know whether I
2 need to go through, you might want to ask me to go through the details of them or
3 comment on their veracity?

4 Q. [11:41:08] I'm going to take a dip sample.

5 A. Okay.

6 Q. Although let me put that last word back to you. You have seen the documents
7 in this binder. And the point has been made to me that, although it's a little tedious,
8 I need to make reference to the ERN numbers, so you'll forgive me while I do that.
9 UGA-OTP-0269-0791, that's at tab 5; UGA-0012-0262, that's at tab 6, and as far as I am
10 able to detect it's an exact copy of the previous document, but handwritten rather
11 than typewritten.

12 Then at tab 7, UGA-0012-0326, that in fact is said to be a constitution rather than a
13 manifesto, so perhaps the rules rather than the alleged aims of the organisation.

14 Then at tab 8, UGA-OTP-0025-0388, a much shorter document, and its translation at
15 tab 9, UGA-OTP-0268-0010. Then at tab 10, a document described "LRA Rules,"

16 that's UGA-OTP-0026-0273; with its translation at tab 11, UGA-OTP-0253-0165. And
17 then at tab 12, another document titled LRA Rules, UGA-OTP-0026-0094; with its
18 translation at tab 13, which is UGA-OTP-0253-0162. And lastly at tab 14, a document
19 entitled "Lord's Resistance Movement/Army. A brief outlook of the struggle."

20 Dated May 1997. That's UGA-OTP-0012-0242.

21 The document that I intend to invite you to concentrate on in a little more detail is the
22 first of those, the one at tab 5. And for ease of reference, may I suggest that we look
23 at the typed script rather than the handwritten version. So that's

24 UGA-OTP-0269-0791.

25 But before I ask you a few questions designed to delve a little bit into that document,

1 you spoke of veracity a moment ago. Are there question marks about the veracity,
2 whether these documents truly represent the intentions or the current stated
3 intentions of the LRA at the time they were received?

4 A. [11:45:25] I think there is consensus that they came from the LRA in some way.
5 It is not clear the degree to which they genuinely represented the views of the
6 movement as a whole.

7 When, I'm sure we'll come to it later, when Joseph Kony was interviewed, he did refer
8 to the manifesto.

9 It seems very likely that the writing of the manifesto, the date at which it became
10 current suggests that there was some involvement of people influencing Joseph Kony
11 while he was in South Sudan, including perhaps members of the Acholi diaspora and
12 other groups who had left the country following the overthrow of Okello's
13 government.

14 So we don't know the degree to which this was shaped by the communications that
15 Joseph Kony, Vincent Otti and others had while they were in South Sudan in the
16 1990s, and we don't know for certain how much was actually written by those figures
17 within the LRA.

18 Here and there in some of the other documents one sees phrases that Vincent Otti
19 used in conversations and he may well have had an influence on those passages.

20 Also one of those who left the Lord's Resistance Army in, if I remember, 2004, Sam
21 Kollo was a spokesperson of the LRA who was quite educated and may well have
22 been involved in the drafting of these documents.

23 But I don't think we can say with any certainty that this is, if you like, was, these
24 documents were adopted consciously by all those figures within the LRA forces.

25 Q. [11:47:51] Kollo conventionally spelled K-O-L-L-O?

1 A. [11:47:58] Correct.

2 Q. [11:47:58] Can I invite you to look at paragraph 26, which is

3 UGA-OTP-0270-0017. That's the person you were referring to in that paragraph?

4 A. [11:48:24] Yes. And I have given the correct date of when he took the amnesty,
5 which was 2005 there in that paragraph.

6 Q. [11:48:31] I'm grateful.

7 Did he have -- you said he was an educated person presumably in comparison with
8 some of the others who were fighting with the LRA. Did he have a nickname?

9 A. [11:48:45] I'm not sure if he had a nickname.

10 Q. [11:48:48] I shan't ask you further.

11 A. [11:48:51] I always called him Sam. He then, after he came back, he did a
12 degree.

13 Q. [11:48:57] Thank you. Now, as I say, a dip sample of those documents, and I'm
14 going to ask you to look at the document at tab 5, UGA-OTP-0269-0791?

15 PRESIDING JUDGE SCHMITT: [11:49:14] I'm not sure if we have to repeat it any
16 time when you refer to it. I think it's now on the record. So when you say now tab
17 25, I think it's clear for everybody what is referred to. And it's also the veracity, so to
18 speak, that the transcript reflects what is really happening in the courtroom is also
19 satisfied I would say.

20 MR GUMPERT: [11:49:38] Thank you. That's a considerable relief.

21 Q. [11:49:42] I don't want you to recite every word of this, but I would be grateful if
22 you would pick out some passages which seem to you to illustrate the point you have
23 made about the LRA developing a more, can I use the word secular approach to its
24 aims?

25 A. [11:50:07] Sorry, my binder is collapsing around me. I have to find the right

1 papers. Okay.

2 Well, I suppose one point to make is it begins with a more conventional Christian
3 evocation. I'm talking here about page 6 in the document I'm looking at here, "for
4 God," "and my country," something that will be found in almost any Ugandan
5 political statement. Uganda is a very religious country. That seems quite normal,
6 reference to the Ten Commandments in the Bible.

7 It then goes on to an introduction, which uses at the beginning Winston Churchill's
8 famous phrase about Uganda the Pearl of Africa and then talks about the upheavals
9 in the country following independence, some of which I summarise briefly in the
10 earlier part of my testimony.

11 It talks about deliberate malice directed to some parts of the country with those
12 attaining power. Eating, this is a very common phrase, that those take power then
13 eat, they eat all the resources, again, something that is commonly found in statements
14 about politics in Uganda.

15 There is reference to all sorts of things that might be associated with more
16 conventional political statements like the illegal exportation to neighbouring countries
17 of Uganda's military personnel and so on. Ugandan army had of course crossed into
18 neighbouring countries.

19 There are assertions about a Tutsi empire. President Museveni comes from the
20 southwest of the country. There are rumours that maybe he isn't really a Ugandan.
21 Really he was a, he comes from a family that were refugees from Rwanda. That is
22 very unlikely to be true, but he was closely associated with Rwandan refugees in the
23 country and he supported the invasion of Rwanda in 1994.

24 And so this is part of a political argument that Museveni's administration has been
25 associated with the assertion of Tutsi power in Central Africa.

1 And then it goes on to describe the Lord's Resistance Army's movement and its
2 agenda. Broadly speaking, as I'm sure you can see by glancing at the document, it
3 refers to essentially a secular agenda of promoting national unit, that there should be
4 full political pluralism in Uganda, that there should be free and fair elections. It
5 talks about basic human rights. It goes on to talk about foreign policy and then
6 towards the end refers to various kinds of economic programmes, including reference
7 to structural adjustment and, you know, near liberal economic strategies. It also
8 refers to sectors like agriculture and healthcare and so on.

9 Q. [11:54:18] So with a mention of the spiritual dimension, the Ten
10 Commandments at the beginning, thereafter it's a fairly standard political tract?

11 A. [11:54:28] Yes. I think that would be fair to say.

12 Q. [11:54:30] And is that broadly indicative of other documents of which you are
13 aware and of which there is a sample in this bundle of documents?

14 A. [11:54:47] Yes, I think it would be fair to say that these political statements are
15 broadly speaking secular in nature. They have some slight eccentric qualities,
16 unusual qualities to them, but they are broadly speaking secular in nature, and that is
17 similar to the way that Joseph Kony presented the agenda of the Lord's Resistance
18 Army in the radio broadcast that we spoke about earlier.

19 Q. [11:55:24] I want to ask you now about another source of information with
20 regard to the LRA, but in particular with regard to Joseph Kony. And you touch on
21 this in your paragraph 29. Shall I just give you a moment to assemble the --

22 A. [11:55:54] Yes, everything is collapsing around me here.

23 Q. [11:55:56] I'll stop talking.

24 A. [11:55:57] Let me put everything back in the holes.

25 Q. [11:56:00] Yes.

1 A. [11:56:02] Then it won't fall apart.

2 PRESIDING JUDGE SCHMITT: [11:56:04] Take your time, Dr Allen.

3 THE WITNESS: [11:56:08] Thank you.

4 Right. Ready to go. What paragraph?

5 MR GUMPERT:

6 Q. [11:56:17] Paragraph 29, UGA-OTP-0270-0019 and tab number 2.

7 PRESIDING JUDGE SCHMITT: [11:56:28] Mr Gumpert, also for the sake of making
8 things easier for you especially, when you are referring to the report, just say "the
9 report," because we have the ERN number on the record, yes.

10 MR GUMPERT: [11:56:40] Your Honour, I certainly will. You're the boss. I was
11 given specifically contrary instructions, but I will do what you say.

12 Q. [11:56:59] You mentioned a number of people who have started off as students
13 of yours but have become quite eminent in the field of anthropological study or
14 ethnographical study of northern Uganda.

15 A. [11:57:14] Yes, that's correct.

16 Q. [11:57:14] I want to ask you about a lady called Mareike Schomerus.

17 A. [11:57:24] Yes.

18 Q. [11:57:24] Who is she?

19 A. [11:57:27] She was originally before she came to me at the London School of
20 Economics a German journalist. She used to work as a journalist when she worked
21 with me at the London School of Economics. And she studied for a PhD doctoral
22 degree with me at the LSE, and she was closely associated with the work that I did for
23 the USAID and UNICEF, a report I mentioned earlier, in 2005, working on those
24 people who had come back from the Lord's Resistance Army and became something
25 of an expert on the LRA and was closely involved in the peace negotiations and the

1 meetings with Joseph Kony between 2006 and 2008 and indeed her PhD thesis is a
2 fascinating account of those peace talks in Juba.

3 Q. [11:58:35] At tab 2 there is a chapter from the book to which we referred earlier,
4 the book of which you are in part the author, but principally the editor, the myth and
5 reality book which you have in your hand.

6 A. [11:58:58] Yes.

7 Q. [11:58:58] And chapter six of that book is written by Ms Schomerus, is it not?

8 A. [11:59:06] Yes. I mean, in a sense, just to be clear, it's written by her or
9 annotated by her. It is her -- it is a verbatim record of her interview with Joseph
10 Kony and previous, it's not included in the documents, but there is a chapter that
11 appears before that one also written by her in which she describes in detail the rather
12 fraught process of securing that interview.

13 Q. [11:59:33] There was a bit of controversy, wasn't there, about who had
14 conducted the interview and where the credit should go for this feat of journalism?

15 A. [11:59:43] Yes.

16 Q. [11:59:43] I took the view that that wasn't going to help the Judges and that's
17 why I didn't include that paragraph, why I went straight to the meat of the interview.

18 A. [11:59:53] Fine.

19 PRESIDING JUDGE SCHMITT: [11:59:53] But it might nevertheless be interesting.

20 MR GUMPERT: [11:59:57] It's absolutely fascinating. The book is in Ringtail and
21 your Honours will no doubt have read it before the trial ends.

22 PRESIDING JUDGE SCHMITT: [12:00:06] Indeed. Some have read it already.

23 MR GUMPERT: [12:00:09] I apologise, of course.

24 Q. [12:00:11] So by one way or another, and certainly through a great deal of
25 dedication and effort on her part, Ms Schomerus managed on 12 June 2006 to be

1 sitting with Joseph Kony ready to interview him face to face?

2 A. [12:00:26] Yes, correct.

3 Q. [12:00:28] And that's an unusual achievement. Not many have managed that?

4 A. [12:00:32] It was a remarkable achievement. It was -- and it was linked, as
5 explained in the book, to the work we were doing together in 2005 and to
6 communications from Vincent Otti which I was alluding to earlier.

7 Q. [12:00:47] It may be that we can deal with the important parts of that interview
8 by looking at the skeletal summary which you have kindly provided in paragraph 29.
9 And if we need to, and I have the page references, going to the detail of the interview
10 itself in tab 2.

11 A. [12:01:17] Fine.

12 Q. [12:01:19] Firstly in your opinion, is the presentation of himself and his
13 movement made by Kony to Ms Schomerus in 2006 consistent or inconsistent with the
14 manifesto which you've just summarised?

15 A. [12:01:40] In terms of the political agenda that he has outlined, it appears to be
16 very closely aligned to it, even he refers explicitly to a manifesto at one point in the
17 interview.

18 Q. [12:01:59] Let me take you to that, the quotation from paragraph 29 is that Kony
19 says "we have done our manifesto ... our political agenda, our manifest[o] is open ..."
20 And if we look at page 0129, that's 115 for you, the third page of the extract, at the foot
21 of the page there we see Ms Schomerus's direct quotation of Joseph Kony's words at
22 much greater length; is that correct?

23 A. [12:02:40] That's correct, yes.

24 Q. [12:02:40] And he speaks there about the destruction as he would have it that
25 Museveni has wrought upon Uganda?

1 A. [12:02:49] Yes.

2 Q. [12:02:49] And how he and his soldiers or movement want to put that right. Is
3 that a fair summary?

4 A. [12:02:57] Yes. He refers explicitly here to something that I have not mentioned,
5 which is at one of the grievances that many people refer to in northern Uganda is that
6 when President Museveni's forces began operating in the later 1980s, cattle were
7 removed in huge numbers from the region. And that's an issue of considerable
8 grievance that the Acholi were very proud of their cattle and they were removed, they
9 argue, by President Museveni's forces. And so that loss of cattle is something that is
10 often echoed in testimonies and it's interesting that Joseph Kony mentions it himself
11 here.

12 Q. [12:03:42] In your next quotation, you deal with Kony's reference to the spiritual
13 side of the LRA's operations. You say: "He explicitly rejected the idea that spirits
14 or God dictated his actions. He received advice from spiritual forces, but the LRA
15 were 'fighting for the Ten Commandments.'" That's the quotation in your report.
16 And if we go to page 0136, that's 122, the second page for you, sorry, not the second
17 page, 122, page 122 down at the foot of the page.

18 A. [12:04:35] Yes. "Kony referred to me as malaika rather than Mareike," is that
19 what you are referring to?

20 Q. [12:04:42] Yes. That's the -- yes, indeed. What does "malaika" mean in
21 Acholi?

22 A. [12:04:47] It means angel. And it has a history here because one of the things
23 that Alice Auma was said to do was to load her followers with angels. So it is a term
24 that comes with considerable resonance in the Acholi language and there was some
25 ambiguity about Mareike's name amongst those people that she spoke to in the LRA.

1 Q. [12:05:11] A similarity between the R and the L?

2 A. [12:05:13] Exactly.

3 Q. [12:05:14] Yes. In any event whatever name he addressed her by, he was
4 anxious, was he not, to correct any suggestion that he some kind of religious maniac
5 or fundamentalist disturbed person. I'm looking particularly at the last sentence of
6 what she said to Ms Schomerus.

7 A. [12:05:36] Yes. I mean, your summary is accurate. He refers to fighting for
8 the Ten Commandments, which as we have just noted, is something stated at the
9 beginning of the manifesto. And he, one of the most striking aspects of the interview
10 was that he was keen to suggest that the spirits that advised him did not determine
11 what he did. He was eager to demonstrate that he made rational and political
12 choices.

13 Q. [12:06:13] Yes. And can I turn to page 129 of the interview. That's ERN, the
14 last four digits 0143. We see here that the headline which Ms Schomerus has used is
15 "I am a freedom fighter."

16 Can you summarize what is the point that Joseph Kony is trying to get across here
17 apparently?

18 A. [12:06:46] In the latter part of the interview, the person who was filming the
19 interview, Sam Farmar, also asked some questions. And it's fair to say that Sam
20 Farmar was perhaps a little bit more aggressive in his questioning, wanting to push
21 Kony to be clear about what he was saying. And indeed in his questioning,
22 indicated that he believed that the LRA had perpetrated various kinds of atrocities.
23 So Kony's responses here are, if you like, more blunt. He repeats many of the things
24 he had said earlier in the interview. And here he's responding with perhaps a
25 degree of irritation to the more aggressive questioning. And he asserts that he is a

1 freedom fighter, that he is pursuing a political agenda and he denied responsibility
2 for the alleged crimes that were being associated with him, suggesting that this was
3 just propaganda from Museveni's government.

4 Q. [12:07:57] Speaking of crimes and responsibility, two words you just used, was
5 there any indication that he was aware of the processes, the workings of this
6 institution?

7 A. [12:08:09] Yes, indeed there were. I mean, part of the, a part of the reason why
8 the interview occurred in the way that it did was because of this institution. There
9 were in 2005 serious concerns within the LRA about what the International Criminal
10 Court was and what the implications would be for figures within the Lord's
11 Resistance Army.

12 When I interviewed Sam Kollo, who you mentioned earlier, almost immediately after
13 he had taken the amnesty and come and arrived in Gulu town, I was able to interview
14 him almost immediately, and he spoke at length about his concerns about the ICC
15 and concerns within the LRA about the ICC.

16 And when Vincent Otti began to communicate with my team in 2005 directly with
17 Mareike, concerns about the ICC were high on the agenda. There was no clarity
18 about what the ICC could do, but there was considerable concern about it. And it is
19 clear that there were figures within the LRA who had accessed documents about the
20 International Criminal Court and were aware of its remit.

21 Q. [12:09:51] Thank you. One last matter arising from the interview. And I don't
22 mean to imply that the rest of it is not important, but I'm trying to pick out what
23 might be called the highlights.

24 A. [12:10:05] I understand.

25 Q. [12:10:06] You made reference to still paragraph 29, to what you called an

1 interesting observation. And I'll quote a couple of lines. Kony is speaking. "In a
2 war, it is very difficult to say that this man is fighting [a] clean war. This man is
3 fighting a dirty war. It's very difficult to tell. Because one man can say that" -- and
4 these words are inserted by the journalist "[the enemy] is Satan to let people refuse
5 [the enemy's] policy or to let people see him as a bad person ... I cannot say that we
6 are fighting a clean war ... [while] Museveni is fighting a dirty war ... because a clean
7 war is known by God only."

8 What did you understand -- sorry, it may be helpful, it's -- the reference is page 123 in
9 tab number 2, and that's the ERN last four digits are 0137. What did you understand
10 Joseph Kony to be trying to express in this slightly convoluted remark?

11 A. [12:11:30] He was clearly concerned in the interview to counter what he claimed
12 to be propaganda about the LRA. He wanted to argue that it was not an irrational
13 mad movement and that the claims about abduction of children and of violent acts
14 were untrue. He was very explicit about that on several occasions.

15 But when pushed on it, he, you know, recognized that there may well be terrible acts
16 that occur in wars, and he was suggesting it happened on both sides. I thought what
17 was interesting about this was, first, that he was not denying that terrible acts might
18 occur, but secondly was arguing that there occurred within a war and that terrible
19 acts occurred on both sides.

20 Just as a little bit of context for this, if I remember correctly from what Mareike
21 reported at the time, she found people at the LRA camp reading von Clausewitz on
22 war and reading a United States manual on anti-insurgency. So there was interest
23 from those that were able to read such documents in how war might be thought about
24 more generally and how it might be interpreted internationally. It seemed to me
25 that he was alluding to those kinds of ideas in this statement.

1 Q. [12:13:24] Thank you. If I may, I'm going to move on now to the third of the
2 four headings, so I'm, to orientate you, I'm now on page 17 as you paginated the
3 document, paragraph 30. And we're looking or I'm asking you now to help us with
4 the means that the LRA used to carry out its various objectives and the extent to
5 which as a result violence involving the LRA spread across Uganda.

6 Can we start by dealing with the question of numbers. Their Honours will hear
7 quite detailed evidence about the organisation units and the logistics of the LRA, and
8 I'm not asking you to comment on that, but what is your understanding of the actual
9 number of people involved, the combatants at various different points in time?

10 A. [12:14:31] I make reference to this in paragraph 30. There is always, there
11 always has been ambiguity about those involved in the Lord's Resistance Army. As
12 I mentioned earlier, the LRA's military tactics were rather different to the Holy Spirit
13 movement. The LRA has always used fairly small units for its military activities,
14 often operating fairly independently from one another. But they have in addition
15 abducted or people have been drawn into the LRA in rather large numbers,
16 particularly when the LRA were based in South Sudan and were receiving support
17 from the Khartoum government, a rather large number of people were living with the
18 Lord's Resistance Army cultivating fields and so on.

19 So there has always been ambiguity between those people who have been -- who
20 have gone to be with the LRA, many of them abducted, and those who are actually
21 involved in the fighting. The numbers involved in the military campaigns have been,
22 I'm suggesting here, between three and 4,000 probably at the peak, rather less in
23 recent years.

24 Q. [12:16:18] And just to be clear, when you say "in recent years," are you talking
25 about recent to 2017 or recent to the time with which this trial is particularly

1 concerned?

2 A. [12:16:27] Yes, I'm sorry, I should clarify. The LRA has of course continued to
3 be active up to the present actually. And the numbers have declined dramatically
4 particularly -- actually involved in conflict, have declined significantly since 2004,
5 2005, and when the LRA began to become military active again after the failure of the
6 Juba peace talks in 2008.

7 Q. [12:16:55] What has been -- I need to be more precise in time now. At this time
8 I'm asking you before this trial, indeed before the jurisdiction of this organisation
9 comes into force before July 2002, what was the expressed view of the Ugandan
10 government towards the rebels of the LRA?

11 A. [12:17:26] Are you referring to a particular passage in my testimony here or do
12 you want me to --

13 Q. [12:17:37] I'm looking to paragraph 32 in particular.

14 A. [12:17:40] Okay. Okay, fine. It's fair to say that the existence of the Lord's
15 Resistance Army may have had advantages at various times for President Museveni's
16 government due to the political history of Uganda to have what could appear to be a
17 barbaric north was useful and given that he was not from -- he's not from Buganda
18 himself to claim that his government was, if you like, protecting the civilised values of
19 southern Uganda from a barbaric periphery could be advantageous. So it's fair to
20 say that there was a demonising of the LRA which was assisted to a large extent by
21 some of the acts that occurred. So I would think it's fair to say that there was a view
22 that the LRA represented barbarism at the periphery.

23 On the other hand, there was also the embarrassment about it because it seemed so
24 easy to deal with such a strange movement. Ugandan army was reasonably well
25 trained, had a considerable presence in the north and on many occasions President

1 Museveni has claimed that the LRA have been defeated and yet then they've come
2 back again and again.

3 So it's been a rather complicated history and it's ebbed and flowed. Sometimes
4 President Museveni and his government have come under pressure from
5 parliamentarians to enter into negotiations. On the other hand, there has also been
6 many who have felt not just within the government but more broadly that a
7 political -- that a military solution is essential.

8 And so there has been an ebbing and flowing between talking and fighting. And
9 sometimes an embarrassment of the continued capacity of the LRA to operate so
10 effectively given the fact that particularly in this period of the late 1980s, early 1990s
11 through to the end of the 1990s even President Museveni's government was in many
12 ways a paragon of virtue in the international aid world. President Museveni was
13 one of the first presidents, one of the first governments to receive debt cancellation
14 partly because of all the good governance initiatives in the country. So to have this
15 at the edge of the country was on some occasions an embarrassment.

16 Q. [12:20:37] I want to move fairly briskly through the 1990s so that the Court can
17 hear from you in brief terms a little bit more about the ebb and flow. I'm asking you
18 really or I will ask you a series of questions designed to elicit the material which is to
19 be found between paragraphs 33 and 40 in your report.

20 A. [12:21:06] Fine.

21 Q. [12:21:07] Operation North. Tell us in two or three sentences what that was
22 and how successful it was?

23 A. [12:21:14] Well, in the early 1990s, this was soon after the -- I mean, if you
24 remember that Severino Lokoya had been captured in 1988, that's Alice Auma's father,
25 so Joseph Kony was the remaining force operating in the north. It was thought to be

1 a fairly small group. And so in 1991 there was a decision taken to try and deal with
2 it once and for all.

3 And Operation North was a campaign to try to, if you like, to pacify the region
4 militarily. It has proved counterproductive in a number of ways. I mean it's
5 particularly in the early 1990s that many Acholi people say atrocities were
6 perpetrated by the government forces and there were many concerns raised by
7 international human rights organisations about what occurred at that time. And so I
8 think it's fair to say that the effects of that campaign in the early 1990s was to alienate
9 much of the population of the region.

10 Q. [12:22:27] It certainly didn't extinguish the LRA?

11 A. [12:22:36] No, it didn't. Also at this time Betty Bigombe, a remarkable figure
12 actually in these political upheavals in this region, was appointed as a minister of
13 state for pacification. It was during her period that these events occurred, and she
14 rather courageously, I think it's fair to say, continued to make attempts to
15 communicate with the LRA and bring them into some kind of negotiated process.
16 And on several occasions in the mid-1990s, I refer to this in the latter part of
17 paragraph 33, she had meetings with Joseph Kony in the bush. Those meetings were
18 very fraught. Many people who went with her were terrified. And it was a great
19 credit to her that she was able to enter into negotiations.
20 She put her life at risk on several occasions and she drew the LRA into negotiations in
21 the mid-1990s.

22 Q. [12:23:51] I just ask you to elucidate one other phrase which we will hear in this
23 trial and which you have used, what were arrow brigades or arrow boys?

24 A. [12:24:08] One of the policies that Bigombe introduced was to create local
25 Defence forces in the region to try to mobilise the population to resist the Lord's

1 Resistance Army. There was obviously concern about giving people across northern
2 Uganda firearms and so she introduced these arrow brigades or arrow boys as
3 sometimes referred where they would use spears and arrows to protect populations
4 from LRA attacks. That was the idea.

5 Q. [12:24:46] So a cabinet minister courageously in your view engaging with the
6 LRA by the mid-1990s with a view to arranging a ceasefire, did it bear fruit? Did
7 that come to pass?

8 A. [12:25:04] Bigombe is a controversial figure, but it is clear that in the mid-1990s
9 she had some success with her campaign of trying to bring the LRA into negotiations
10 and peace processes were under way in 1994 and there was a truce at that time. I
11 mention here that at that point there were LRA -- I was not in Uganda -- well, I wasn't
12 in that region of Uganda at the time, but it's reported that many LRA combatants
13 were seen in town centres visiting family and there was at that point quite a lot of
14 communication with people within the LRA and Joseph Kony himself was filmed.
15 Those earlier films of Joseph Kony are mainly taken from this period.

16 Q. [12:25:57] The Court will hear from many witnesses about institutions called
17 IDP camps. What were they and why were they instituted? Paragraph 36.

18 A. [12:26:18] So you're jumping beyond the collapse of Bigombe's peace talks.
19 Should we do it in order?

20 MR GUMPERT: [12:26:29] I'm well rebuked.

21 PRESIDING JUDGE SCHMITT: [12:26:30] Yes, but I think we should leave it to Mr
22 Gumpert --

23 THE WITNESS: Okay.

24 PRESIDING JUDGE SCHMITT: -- how he chooses the issues he wants to explore.

25 THE WITNESS: [12:26:36] Sorry.

1 PRESIDING JUDGE SCHMITT: [12:26:37] Thank you.

2 MR GUMPERT: [12:26:38] No. I must observe the pause.

3 Q. [12:26:40] You're quite right. But for various reasons, lack of support from
4 higher up amongst them, those negotiations, well meant as it seems they were, failed;
5 is that a fair summary?

6 A. [12:26:55] That's fair. But I'm sorry to have intervened in that way, but it sort of
7 related to your follow-on question. Those peace talks failed and, you know, the
8 argument was Museveni's argument was that there had been information that the
9 LRA was being armed by the government of Sudan at the time and was using the
10 peace talks as a way of building up its military capacities.

11 Also at this period in the mid-1990s the IDP camps began to be created, and that
12 process accelerated in the later 1990s as the military activities expanded.

13 So my own connection, I should talk here about my own personal, not involvement,
14 but observation of this process, because it has been a very important process in
15 northern Uganda, is that the IDP camps were to some degree created out of
16 international aid policies.

17 I visited the region that we're talking about now in the late, end of the late 1980s and
18 in the early 1990s. And at that point many people had been displaced from their
19 villages but were living in the vicinity of the big towns like Gulu and so on.

20 International aid organisations were concerned it was creating an entirely dependent
21 population, and so there were efforts to encourage people to return to areas where
22 they could cultivate crops. And so food distributions occurred in rural areas to try to
23 encourage people to return. And those points of distribution in effect became not at
24 that time exactly camps but places of residence for people. And from the late 1990s
25 onwards groups of government soldiers and sometimes local defence forces, in this

1 case armed personnel, not just people with bows and arrows, were meant to provide
2 security for them.

3 That process escalated in the late 1990s and particularly in the area around Gulu a
4 large number of what are called internal displacement camps were established and
5 the numbers of those escalated much more dramatically from the late 1990s through
6 to the 2000s.

7 At the peak, say in 2004, there were hundreds of IDP camps, and by that point almost
8 the entire population of the region had been located in those camps. I mean, there
9 were people living around the towns still, but something in the region of one and a
10 half million people were in displacement camps by 2004.

11 Q. [12:30:30] In the latter half of the 1990s, how did the struggle develop? I'm
12 referring here to 37 and 38 in your report, paragraphs 37 and 38?

13 A. [12:30:55] So this is summarising quite a lot of complicated history and I'm sure
14 it's not all of interest to the Court.

15 Once the IDP camps were created, they became part of an anti-insurgency strategy, so
16 there were -- people were removed from rural areas and there was population
17 controls associated with the anti-insurgency operations in the north.

18 The LRA meanwhile across the border in South Sudan, as I alluded to earlier, became
19 involved in the war in South Sudan, the civil war in South Sudan and became one of a
20 number of militia groups that were in effect employed by the government of South
21 Sudan to fight the Sudan people's liberation army.

22 The relationship between -- there were Acholi people as I mentioned earlier on both
23 sides of border. In fact I was living among the Acholi population in South Sudan at
24 the beginning of the war in 1983 and 1984. The Acholi populations in Sudan were
25 initially rather hostile towards the SPLA seeing them as associated with different

1 ethnic groups and seeing the SPLA as a kind of invasion of their territory.

2 And there were Acholi militia in South Sudan that were supported by the Khartoum
3 government to fight the SPLA. The Lord's Resistance Army became associated with
4 those groups and were involved in military campaigns against the Sudan People's
5 Liberation Army particularly in the 1990s.

6 But then --

7 Q. [12:33:27] If I may, I'm going to interrupt you.

8 A. [12:33:30] Okay.

9 Q. [12:33:30] Would it be fair to say for reasons about which you could explain at
10 greater lengths --

11 A. [12:33:36] Yes.

12 Q. [12:33:37] -- that the LRA therefore gained support in terms of weapons and
13 logistics which boosted it beyond a ragtag bunch of local rebels into something rather
14 more sophisticated for a while?

15 A. [12:33:53] I don't know whether I would use the term "ragtag" and so on, but yes,
16 it's definitely the case that during that period when they were being provided with
17 weapons and training by the Khartoum government, they became a much more
18 substantial military force and were involved in some cases in pitch battles with the
19 SPLA.

20 Q. [12:34:20] You've spoken about Betty Bigombe. She was a cabinet minister and
21 was associated with earlier attempts to arrange a ceasefire. After she left the
22 government, and again, we need not deal with that, there were further attempts
23 which bore some limited fruit; is that right?

24 A. [12:34:50] Yes, that's correct. Norbert Mao for example who became the MP for
25 Gulu and a number of other members of parliament pushed to have a full

1 investigation into the situation in northern Uganda and argued and eventually were
2 successful in promoting an amnesty act which was enacted in January 2000. The
3 argument was so many of those who had been taken by the Lord's Resistance Army,
4 thousands and thousands of them, could be offered amnesty and that would allow
5 many of them to return home. So that was the argument at the time.

6 Q. [12:35:46] I'm going to pause there and ask you to turn back to something which
7 you dealt with a little earlier --

8 A. [12:35:56] Yes.

9 Q. [12:35:56] -- but which seems to me possibly to fall well here. In terms of those
10 people who had been abducted at whom amnesty was aimed, as I understand the
11 evidence you've just given, can I ask you to look back at paragraph number 31, where
12 you deal with the question of forced recruitment or abductions.

13 A. [12:36:32] Yes.

14 Q. [12:36:32] I think you've already given some evidence about this, but just help
15 the Court, what was the scale of this form of recruitment into the LRA at whom
16 eventually amnesty was aimed?

17 A. [12:36:43] It was very considerable. I think later in the report I actually go
18 through the numbers in a bit more detail. It's very difficult to know how many
19 people were taken by the LRA from northern Uganda, but it runs into the many
20 thousands. A reasonable estimate, I would guess, is something between 40 to 65,000
21 people, maybe even more if one includes people who were abducted or, abducted for
22 short periods of time to carry food supplies and so on, then it might go beyond that.

23 Q. [12:37:28] And I think that abduction was one of the topics dealt with in the
24 book, myth and reality?

25 A. [12:37:38] Yes.

1 Q. [12:37:39] Can I invite you to turn to tab number 2. And this is that book, the
2 starting ERN number is UGA-OTP-0272-0002. And I am now inviting you to look at
3 what's page 132 of the book and is ERN number UGA-OTP-0272-0146.

4 Do you have that page?

5 A. [12:38:23] I do have it in front of me, yes.

6 Q. [12:38:26] Just help the Court very briefly, Christopher Blattman and Jeannie
7 Annan, they are the authors of this chapter?

8 A. [12:38:35] Correct.

9 Q. [12:38:35] Can you in two or three sentences describe who they are, what the
10 nature of their work has been?

11 A. [12:38:41] These were both PhD students who were working in the region of
12 northern Uganda in 2005 and 2006. That's where I first met them. They've
13 subsequently become rather eminent figures in their own right. And this chapter
14 draws on their PhD research. One was writing a PhD in what might be broadly
15 called political economy, the other one looking at psychological issues.

16 Q. [12:39:13] And can I invite you to turn over the page where you see a heading
17 "The scale and incidence of abduction." That's 134. The last four digits ERN wise
18 are 0148.

19 What was their finding as a result of a survey I think of over a thousand households
20 as to the target age for abduction?

21 A. [12:39:52] There is, if I remember, there is a table that actually does this. If we
22 move on I think it's on, on page 138 of the manuscript, there is actually a table there
23 which might be a most useful way of summarising their findings, yes. Well, there is
24 that one, but there is also 138 figure 7.1 "Distribution of LRA abductions by
25 males" -- oh, that's age of abduction. Sorry, I'm on the wrong one. Yes, you're on

1 the right table. Yes, okay.

2 Okay. So there is a number of things going on here. They are drawing upon data
3 that was available at the time, including data that my own research team was
4 collecting on the numbers of people who had returned through reception centres and
5 also UNICEF data on abduction.

6 They also, as you correctly mentioned, did their own survey, a very large survey and
7 done during very difficult conditions when the war was ongoing.

8 They were surveying youth. So this is -- their figures are mainly looking at youth,
9 both children and also young adults up to the age of 30.

10 Essentially what they suggest here, that a figure of at least 66,000 abductions is
11 reasonable. I think that's probably accurate, including all the various kinds of
12 abductions. This is abductions from northern Uganda. Doesn't include abductions
13 from other regions. But although all these numbers are opened to debate, and, you
14 know, what is abductions? Some people were only with the LRA for a day or so, but
15 then they might have seen or been forced to perpetrate some terrible violent act. It's
16 very hard to come up with very accurate figures. But something like that number
17 seems like an appropriate figure to work with.

18 Q. [12:42:17] And they go on to consider the evidence about the number of those
19 who having been abducted manage either to escape or are released, don't they?

20 A. [12:42:30] They do. That is people within their sample of course.

21 Q. [12:42:32] Yes.

22 A. [12:42:33] Yes.

23 Q. [12:42:33] What proportion of those whom they sampled did they conclude
24 would come back out of the LRA?

25 A. [12:42:42] You're going to have to direct me to the page, because I can't

1 remember.

2 Q. [12:42:47] Can I ask you to look at page 135, the ERN number is

3 UGA-OTP-0272-0149. And at the top there there is a sentence which begins eight
4 lines down, "Based on the retrospective household rosters."

5 A. [12:43:18] It says, "Based on the retrospective household rosters, one-fifth of
6 male abductees never returned."

7 Q. [12:43:27] And then about halfway down, a very brief paragraph, two line
8 paragraph beginning "Indeed."

9 A. [12:43:38] "Indeed, a third of young people" -- sorry. "Indeed, a third of young
10 men in our sample escaped or were rescued or were released within two weeks."

11 Q. [12:43:48] Thank you. And one last point from the work of Annan and
12 Blattman, the table which you pointed us to earlier on page 138 --

13 A. [12:44:07] Yes.

14 Q. [12:44:07] -- ERN last four digits 0152, demonstrates the ages at which people
15 were most frequently abducted, doesn't it?

16 A. [12:44:22] It does. But just a note of caution, this is from those in their sample.

17 Q. [12:44:27] I understand that.

18 And that suggests that the most common ages are 12, 13, and 14, does it not?

19 A. [12:44:40] That is correct. Those were -- that is what they found in their
20 sample.

21 Shall I just comment a little bit further on that?

22 Q. [12:44:49] Please do, Professor.

23 A. [12:44:51] Yes. I think this work by Blattman and Annan is remarkable in all
24 sorts of ways. It's been hugely important work. They collected data in incredibly
25 difficult circumstances. And what they observe about their sample is, I'm sure,

1 accurate, but it comes from particular parts of the region. Other data which in some
2 ways is less robust than theirs suggests that many of those abducted were over the
3 age of 18. It depends I think partly on when and where they were abducted from.
4 There is no doubt that the most common age of abduction, particularly of men, was in
5 adolescence and early adulthood. But many were abducted around the age of 18, 19,
6 20 as well. So it varies from place to place. The UNICEF data suggests that the
7 numbers who were slightly over the age of 18 were rather higher than those that were
8 under the age of 18. But it's something of a moot point, because not everybody
9 knows when they were born anyway.

10 Q. [12:46:07] Yes, perhaps I can ask you to expand on that last point for a moment.
11 From your experience of the residents, the inhabitants of those parts of northern
12 Uganda with which you are familiar, roughly what sort of proportion of ordinary
13 people will know with certainty when they were born?

14 A. [12:46:29] Many more than they used to. But it's no coincidence that on
15 identity papers 1st of January is often given as the date of birth.

16 Q. [12:46:42] Thank you. I think I need ask no more than that.
17 I'm coming back, I interrupted a sequence of questions and answers seeking to
18 summarise events in the 1990s --

19 A. [12:46:57] Yes.

20 Q. [12:46:57] -- with that passage concerning abductees. I want to ask you now
21 about developments in the late 1990s which you refer to in paragraph 39.
22 What changed then in the late 1990s and how did it affect the LRA?

23 A. [12:47:38] So at this point the Amnesty Act has, well, the Amnesty Act came into
24 force in 2002, so that's described in the previous paragraph. The context in which
25 the Amnesty Act came into force was described in paragraph 39.

1 During the late 1990s, there was increasing international pressure on President
2 Bashir's government in Sudan. President Clinton had declared Sudan to be a
3 terrorist state because of alleged support for Osama Bin Laden and the attacks on US
4 embassies. And that rather kind of changed the political situation in the region.
5 In 1999, partly as a result of that pressure, President Bashir asked former President
6 Carter of the United States to become involved in processes to normalise relations,
7 and that created an environment in which support for the -- open support for the LRA
8 became more difficult.

9 One of the reasons why there was more publicity about the LRA was because of the
10 abduction of the so-called Aboke girls, girls that were taken from their dormitory at
11 Saint Mary's College in Lira District in October 1996. I referred earlier to Sister
12 Rachele, the Catholic nun who went out to meet with the LRA to try and bring some
13 of the girls back. And she was then, her story was then reported in a rather well
14 publicised media, descriptions of the events and also in a book about the Aboke girls,
15 and it created more international interest in what was going on in South Sudan and in
16 northern Uganda.

17 Then we had the attacks in 2001 in the United States. And as a result of that we had
18 the legislation in the United States that listed terrorist organisations, and the LRA was
19 put on that list.

20 So we had a situation by that point where there was more information, a bit more
21 information about the Lord's Resistance Army in international media, concern about
22 what was going on, a shift in regional politics, and the listing of the LRA as a terrorist
23 organisation by the United States.

24 Q. [12:50:47] And what was the cumulative effect of all of that upon the support
25 which the government of Sudan had hitherto been providing for the LRA?

1 A. [12:50:56] Open support for the LRA then became much more difficult. And
2 also as a result of the negotiations, the Ugandan government was allowed to operate
3 across the border in South Sudan attacking the LRA base camps.

4 Q. [12:51:18] Did those attacks have a particular code name?

5 A. [12:51:22] They're referred to as Operation Iron Fist.

6 MR GUMPERT: [12:51:29] Your Honours, if I may, I will deal with Operation Iron
7 Fist. That will bring us to the last topic on which I wish to ask questions of this
8 witness, and it may be that we can then take the break and we'll be able to finish that
9 last topic in the final session today.

10 Q. [12:51:46] Tell us a little bit about Operation Iron Fist. Who was leading it at
11 first?

12 A. [12:51:52] Well, President Museveni himself took on leadership of Operation
13 Iron Fist at the beginning. There was US logistical support as I describe in
14 paragraph 40. It involved an estimated 10,000 Ugandan troops. The army moved
15 across the border, but I think it's fair to say that the early phases of that operation
16 were disappointing militarily from the Ugandan government point of view.
17 Joseph Kony and his commanders were astute at dealing with guerrilla warfare of
18 various kinds, broke up into smaller units and were able to outflank the Ugandan
19 forces and began operating again in northern Uganda. They hadn't operated very
20 much in northern Uganda for a while and began to operate again in northern Uganda
21 from 2002 onwards with serious implications for the population in the IDP camps.

22 Q. [12:53:05] And as a result of the displacement you've talked about, what were
23 the areas now being affected by LRA activity?

24 A. [12:53:21] The LRA began to operate in a much wider region of northern
25 Uganda, operating into the areas around Lira and Lango in a way they had not

1 previously even as far as Teso areas towards Soroti. And much larger numbers of
2 people were displaced.

3 So I don't have the figures in my head, but by the end of the 1990s, I believe
4 something in the region of 800,000 people were in displacement camps. As I
5 mentioned earlier, by 2004 some estimates of people in displacement camps were as
6 high as 2 million. I don't believe it was ever quite that high, but 1.5 million is not an
7 unreasonable estimate.

8 Q. [12:54:11] And for Kony and his senior commanders of the LRA, were there any
9 significant adverse consequences as a result of the Operation Iron Fist?

10 A. [12:54:33] Well, Operation Iron Fist had two major phases, 2002 and 2004. The
11 2004 operations appear to have been rather more successful across the border. But
12 even in 2002, the relative comfort with which the LRA had lived in South Sudan was
13 of course displaced. The LRA were, if you like, back in the bush both in South
14 Sudan and in northern Uganda.

15 Very large numbers of people from that period were able to return to northern
16 Uganda from the LRA. The numbers of people coming into northern Uganda and
17 being received through reception centres escalated dramatically from 2002.
18 But the LRA also abducted large numbers of more people from northern Uganda
19 during that period, often for shorter spaces of time. And the LRA changed from
20 being a large-scale operation to being a much more -- breaking up into smaller units
21 and operating more like it had done in the earlier 1990s and previous periods, by this
22 time directly targeting in some cases IDP camps.

23 Q. [12:55:53] Thank you, Professor. With their Honours' leave I'm going to pause
24 there, with one last topic to deal with.

25 Your Honours, I understand that I was insufficiently precise with my ERN number.

1 May I take a minute to put it on the record?

2 PRESIDING JUDGE SCHMITT: [12:56:15] You may, of course. But as I said, you
3 need not repeat ERN numbers that are already on the record and that can be related
4 to what you later on, for example, are referring to.

5 MR GUMPERT: [12:56:27] I'm told that I've inadvertently fixed a problem that I
6 inadvertently caused. So I shall sit down without more ado.

7 PRESIDING JUDGE SCHMITT: [12:56:36] Then I think it might be a good idea to
8 have now the lunch break until 2.30, and then you start with your last topic. And we
9 would of course appreciate it, as you have already said, if you perhaps would finish
10 the questioning, your questioning today.

11 MR GUMPERT: [12:56:51] I'm confident that that will happen.

12 PRESIDING JUDGE SCHMITT: [12:56:53] Thank you very much. For the moment
13 break until 2.30.

14 THE COURT USHER: [12:56:56] All rise.

15 (Recess taken at 12.57 p.m.)

16 (Upon resuming in open session at 2.29 p.m.)

17 THE COURT USHER: [14:29:48] All rise.

18 PRESIDING JUDGE SCHMITT: [14:30:04] Mr Gumpert correctly assumes that he
19 still has the floor.

20 I don't know why the blinds are not on. There they are. We've been in closed
21 session.

22 Mr Gumpert, you still have the floor.

23 MR GUMPERT: [14:30:31]

24 Q. [14:30:32] Professor, I come to the last of the four topics in which you set out
25 your report, the passage, the topic which begins at paragraph 41 on your page 25. So

1 I'm going to be asking you questions designed to enable you to give evidence about
2 the historic and the continuing effects of LRA activities on the civilian population in
3 Uganda.

4 We saw in response to some of the questions I asked this morning various claims
5 made by Kony himself and in LRA documents about the desire of the LRA to bring
6 peace to northern Uganda. In your opinion, was that a wish which actually
7 relates -- translated into reality on the ground?

8 A. [14:31:40] I think there were periods where the LRA appeared to have been
9 interested in some kind of cessation of hostilities and some kind of at least peaceful
10 period, some sort of truce. But there is no doubt that there have been terrible crimes,
11 terrible atrocities that have occurred throughout this period, and they have been
12 recorded in some detail by myself and many other analysts working in the region.

13 Q. [14:32:15] Can I just focus for a moment on your personal research into those
14 matters. Can you in a short compass tell the Court what you yourself discovered
15 through research?

16 A. [14:32:30] I became aware, of course, of the attacks on populations in northern
17 Uganda through reports in the media, through those of human rights organisations
18 and of some of my own students who were working in the region in the later 1990s.
19 Returning in 2004 for the first time to this region for some years, I was deeply shocked
20 by what I observed with the populations in the displacement camps in really quite
21 appalling conditions. And I spent time in those camps and spoke to many people
22 about their experiences with the LRA and being at the receiving end of attacks.
23 I was myself in Atiak camp in 2004 when it was attacked, and I had some really quite
24 harrowing accounts given to me from people who I spent time with at that time.
25 I spent considerable time in the camps in 2004 and then again in 2005, when I did the

1 larger study for USAID and UNICEF. I recorded myself many incidents from those
2 who were either caught up in violent acts or observed them or were at the receiving
3 end.

4 Q. [14:34:14] We spoke or you spoke this morning about abductees, their likely
5 numbers and the possibility of escape. I would like to ask you to summarise the
6 material which you set out in paragraph 43 of your report dealing with what those
7 who were abducted by the LRA had to do whilst they were in its clutches.

8 A. [14:34:46] Yes, in that paragraph I'm very briefly summarising a wide range of
9 experiences. We have conducted hundreds of interviews. There are some people
10 who seem to have spent a very brief period with the LRA, sometimes in some cases
11 longer periods with the LRA, who describe their experiences in surprisingly positive
12 terms, and that was something I found very surprising, you know, given what other
13 accounts were like.

14 Others talk graphically about the terrible events they were forced to witness or be
15 involved with.

16 It is clear that some people were taken by the Lord's Resistance Army mainly as
17 porters for brief periods to move food around or to take munitions from one place to
18 another and then were released fairly quickly. But even those who were with the
19 LRA sometimes for quite short periods of time were caught up in violent events.

20 One thing that is not mentioned in that paragraph but we may well come back to later
21 is, and here we were referring earlier to the work of Chris Blattman and Jeannie
22 Annan. Their work was based on interviewing people in a relatively short space of
23 time. I have found that spending more time with people over a prolonged period,
24 descriptions of violent events become more likely, people who initially have
25 described their experiences without reference to violative ends in subsequent

1 interviews began to describe things that happened to them in quite a different way.

2 Q. [14:36:42] Can I ask you about matters you deal with at paragraph 45, just a
3 couple of paragraphs onwards. I think you've acknowledged here in the preceding
4 paragraph that there is some conflicting research or the results of research is not
5 entirely consistent?

6 A. [14:37:12] Yes, that's correct.

7 Q. [14:37:15] But I want to ask you to concentrate here on your own research and
8 your findings and the matter you mentioned a moment ago of the phenomenon of
9 more disturbing accounts emerging over a longer period of time of contact between
10 researcher and victim.

11 A. [14:37:36] Yes, in paragraph 44 I make the point that spending longer periods of
12 time with people often reveals quite different things. Perhaps I could just illustrate
13 that with just one example. Would that be appropriate?

14 Q. [14:37:55] Please do, Professor.

15 A. [14:38:00] I mentioned earlier about being in Atiak at the time of an attack in
16 2004. I had interviewed a young man who had just come back from the Lord's
17 Resistance Army about his experiences and he had told me, I'd been interviewing him
18 for some time, about an hour or two, and he was describing about how he had been
19 taken and he'd moved various things around, and then he had been released, and he
20 hadn't been involved in seeing any violent acts.

21 Then later on I spent several hours with a woman in a neighbouring compound. Just
22 to emphasise at that time it was a displacement camp, so these homes were just a few
23 steps from one another. And she was surrounded by the graves of her children who
24 had been killed from the attacks on Atiak in the 1990s. And I talked to her at some
25 length about her experiences and what she thought about all these events.

1 And like many people at the time she talked about how we need to forgive the people
2 who've been with the LRA. They were sometimes young people, children who were
3 taken, and that we should forgive them and accept them back again. And I sat with
4 her for many hours. And as it became dark, I said to her quietly, you know, if it was
5 my children, I would find it hard to forgive.

6 And she said to me in the darkness that she knew who they were, and she could not
7 look at people with dark eyes now, but in the future it will be remembered.

8 And then that night I slept in the camp just next to the home of the young man that

9 I'd spoken to earlier. And after the attacks and afterwards he woke up in the dark

10 screaming and recounted a completely different story than the one he had given to

11 me earlier, about how he had been taken, how he had been told he had to kill

12 someone and refused and had been severely beaten. A person had been killed and

13 the severed head was tied around his neck, and then he was forced to carry the

14 severed heads of people killed until he agreed to kill someone himself. And he's one

15 of those who spoke to me openly about being affected by cen.

16 The point I'm emphasising is he was living right next to this woman with whom I had

17 had the early interview. So although that happened in a relatively short space of

18 time, the initial interview was completely different to what he told me

19 in the more fraught experiences of the nighttime.

20 Q. [14:41:07] Thank you. You touched upon the phenomenon of cen earlier, but

21 dealing here with ongoing consequences, not the violent acts themselves, but the

22 after-effects, the sequelae I suppose one might say in technical terms. Does cen have

23 a role to play in that continuing effect upon the victims and abductees?

24 A. [14:41:35] Yes, it does. Here again my research departs a bit from that reported

25 in the work of Blattman and Annan. They were working in a particular period when

1 the camps were still existing. I've been able to work for a much longer period, and
2 we've been following up recently hundreds of people who came back from the Lord's
3 Resistance Army through reception centres, and then we've been trying to find where
4 they are now and discuss their experiences with them. And many of those people
5 themselves refer to being affected by cen.

6 I think somewhere here I actually have the figures, if I remember correctly it was
7 something like 17 per cent of the men we'd interviewed and more than 20 per cent, 24
8 per cent, I think, something like that.

9 Q. [14:42:32] If I can take you to paragraph 45, third line from the bottom, I think in
10 fact 27 per cent.

11 A. [14:42:37] Yes. And these are people stating themselves that they are
12 incapacitated by cen or affected by cen severely sometimes more than ten years after
13 returning. But when you then spoke to others around them, reference to cen was
14 very common.

15 At the time of Blattman and Annan's research when I was also working there, there
16 was lots of talk about in the region, there was lots of talk about forgiveness. And
17 there were many rather touching stories of young people being returned to their
18 homes and appearing to be welcomed back into the home.

19 I think more recent research has suggested that those relations are difficult to sustain.
20 From the particular sample we'd been working on recently of people who came back
21 from the Lord's Resistance Army through reception centres, all of them continue to
22 face great difficulties in managing their lives and find levels of rejection and
23 stigmatisation to be substantial. It affects the women in particularly adverse ways.
24 They find it very difficult sometimes to maintain stable relationships and to find a
25 place where they can provide resources for their children. And many of the stories

1 we've collected are really very disturbing.

2 Q. [14:44:12] Two matters that I'd ask you about arising from your paragraph
3 number 46. You spoke a moment ago about what appeared in perhaps earlier
4 research to be a desire for forgiveness and reintegration. What sort of mechanisms
5 have been proposed in that respect and have they been successful?

6 A. [14:44:49] At the time of my research in 2004 and 2005, there was much debate in
7 the region about the International Criminal Court and about the possibilities of
8 international criminal justice and a great deal of discussion about alternative local
9 Acholi methods of dealing with accountability, and various rituals were
10 foregrounded which are mentioned here, mato oput and nyono tong gweno, stepping
11 on eggs. Mato oput in particular was foregrounded as a way of bringing back in,
12 bringing back people into the community and providing forgiveness.
13 Even in my work at the time I was rather skeptical about this and caused some
14 controversy by suggesting that those rituals were never intended for such a purpose.
15 I think over time the somewhat romantic associations that some activists directed
16 towards those rituals has been set to one side.
17 Rituals of course are hugely important and one sees them occurring all the time. But
18 by and large these rituals make someone a social person. They don't mean
19 forgiveness in the way that is necessarily suggested by the English term. In many
20 ways the point of mato oput was to make somebody, if you like, a human being again
21 from a period when somebody had been outside of normal relations. Following
22 mato oput, then there would be a period of compensation. So it was a rather
23 different kind of process that was associated with it than was ascribed to it by
24 activists.

25 I think also I had real concerns about the emphasis on Acholi rituals as being a kind of

1 solution to the Lord's Resistance Army. It somehow suggested that the Acholi
2 people have different ideas about terrible events to other people and are prepared to
3 accept them and have mechanisms for dealing with them that make them less
4 significant or important. That has never been my experience. Acholi people suffer
5 just as much as anyone else from terrible events.

6 So I think that I was always rather skeptical about them and time has shown that they
7 are of relatively less significance than was suggested at the time.

8 Q. [14:47:44] The other theme that I'd like to pick up from that paragraph is
9 expressed in the last sentence of all, "Matters can be particularly bad for women who
10 brought back children from the bush." Can you expand upon that just a little?

11 A. [14:48:00] Many of the women who were taken by the LRA were very young,
12 prepubescent girls in many cases. And many of them were given two commanders
13 as wives. They brought back children. And that has been very difficult for them.
14 In 2004 and 2005, they were often referred to as child mothers. That was a bit
15 misleading, because there were an awful lot of child mothers in the displacement
16 camps. The age of giving birth was, had always been very low and was particularly
17 low during the war.

18 But these were women who had come back from the Lord's Resistance Army with
19 children. Those children were seen by people as the children of LRA commanders,
20 and there was a danger of them being stigmatised and in many cases there were
21 experiences of that.

22 In some ways over time an even more disturbing aspect is that the children of women
23 who have come back from the Lord's Resistance Army and have given birth after they
24 have returned are still finding their children being stigmatised as well. And some of
25 the accounts of what has happened to those children have been amongst the most

1 disturbing that we've collected in the last -- the accounts that we've collected in the
2 last year or two.

3 The women find it incredibly difficult to manage stable relationships. Those
4 relationships that we've looked at that seem relatively stable generally involve a
5 couple who have both come back from the Lord's Resistance Army. But many of the
6 women we have spent time with have no real choice other than to move from one
7 male protector to another, sometimes leaving children from previous unions with
8 their relatives.

9 I could go on at length about it, but I think I'm capturing the general gist of what you
10 were getting at.

11 Q. [14:50:24] Certainly for my part I ask you no more about that.

12 But one follow-up question, to what extent in your experience, in your opinion, are
13 those who come back from the bush, particularly women, able to conceal that from
14 the surrounding society, able to keep that private?

15 A. [14:50:46] There certainly have been attempts to do that. Trying to track down
16 people who we know have come back from the Lord's Resistance Army from records
17 kept at reception centres is a huge challenge because some people want to keep it
18 secret.

19 In 2004, 2005, 2006, this earlier period of my research and the time when Annan and
20 Blattman were working, there was a tendency perhaps surprisingly for people to
21 want to claim they had been with the Lord's Resistance Army. And I came across
22 many examples where people claimed they had been with the LRA for strategic
23 purposes, because at that time international aid agencies were concentrating on
24 people who had come back from the Lord's Resistance Army, and that was a way in
25 which, for example, it might be possible to secure additional resources or school fees.

- 1 That's no longer the case. And so there is more of a tendency to want to conceal it
2 now. But that's easier for a man than for a woman. A man can drift into the towns.
3 I say "conceal." There is a degree to which it is accepted. For example, many of the
4 motorbike taxis in the towns are driven by people who have come back from the LRA.
5 But for a woman who has children, she needs to have learned to cultivate. She needs
6 to have some way of securing resources for her children. And the lineage status of
7 her children is unclear. I mentioned this morning about patrilineal and patrilineal
8 understandings among this population. Women married into their husband's home.
9 And so the status of a child, the lineage status of the child would, if you like, shift
10 from the mother to the father through the payment of bride price over time.
11 Bride price has not been paid for these women. And so there is a constant
12 negotiation in which they try to find some way of having access to resources to be
13 able to provide for their families. Much more difficult to conceal their background.
- 14 Q. [14:53:07] One point of clarification. Is there a particular phrase or word used
15 commonly in northern Uganda for those who drive motorcycle taxis in towns?
- 16 A. [14:53:22] Boda-boda driver.
- 17 Q. [14:53:23] B-O-D-A-B-O-D-A?
- 18 A. [14:53:28] Yes.
- 19 Q. [14:53:29] Thank you.
- 20 A. [14:53:29] Because they go from border to border I think is the idea.
- 21 Q. [14:53:35] You spoke earlier about the passage of the Amnesty Act. I think you
22 mentioned a date of 2000. Did there come a time when amnesty eventually began to
23 make a real impact?
- 24 A. [14:53:58] Amnesty began to make much more of an impact from the period
25 when more and more people began to return. So that was really in the later stages of

1 the operation Iron Fist Operation. So more and more people were returning, being
2 brought back from the LRA from 2002 onwards.

3 Even in 2004, when I again began doing detailed research in the region, there were
4 very few people who had taken the amnesty. But 2005-2006, there were many more
5 who did so. There were complications in issuing amnesty certificates in the early
6 stages, and that took some while to sort out.

7 Also, as I recall it, there was a bit of a contradiction in that people who wanted to
8 claim the amnesty needed to have a record of having come back from the Lord's
9 Resistance Army, because with the amnesty came a number of other resources, and so
10 there was an incentive to claim it to obtain those resources. And the way in which
11 those claiming the amnesty was supposed to show that they had come back from the
12 Lord's Resistance Army was to show that they had come back through a reception
13 centre. However, the reception centre was supposed to be, most of them, for young
14 people and children who were coming back, and there was ambiguities about
15 whether or not children were covered by the Amnesty Act or not. So there were all
16 sorts of confusions in the early days, but by about 2000, later stage of 2005-2006 there
17 were many people who were given the amnesty.

18 Q. [14:55:51] You noted that there were efforts towards a ceasefire at an earlier time
19 and various peace talks. Can I take you now to 2005. And I'm looking here at the
20 remarks you make in paragraph 49. Were there peace talks at that time? And if so
21 where and who was involved?

22 A. [14:56:25] During 2005 there was more and more discussion about the
23 possibility of peace talks. The intervention by the ICC played a part in that. It
24 certainly concentrated minds on both sides I think it's fair to say. I mentioned earlier
25 about how some of those in the LRA who came out at that time reported to me how

1 concerns about the ICC were being discussed within the LRA.

2 So I think it was part of the context in which the possibility of peace negotiations was
3 opened up. Also, the later operation Iron Fist operations in South Sudan had been
4 more effective. The LRA base camps had been destroyed. The possibility of
5 securing support from the Khartoum government had become far less for the LRA.
6 And there were perhaps all sorts of reasons why on the LRA side the possibilities of
7 some sort of negotiated settlement became more attractive. So during 2005 my
8 research team was among a number of other groups who were contacted by people
9 claiming to be associated with the Lord's Resistance Army asking about the
10 possibilities of peace negotiations.

11 Q. [14:58:08] And did those negotiations take place?

12 A. [14:58:14] Yes. The negotiations took place in Juba in 2006. The interview
13 with Joseph Kony which we talked about this morning by Mareike Schomerus was in
14 many ways linked to that, those peace negotiations.

15 Q. [14:58:36] Just for clarity, Juba is in which country?

16 A. [14:58:40] It's in South Sudan. It is the capital of what is now the independent
17 state of South Sudan.

18 Q. [14:58:45] And for the LRA's part, was there any particular person who was
19 prominent in those peace negotiations?

20 A. [14:58:55] Well, there were several people who were involved. Vincent Otti
21 was a key figure in the communications that were coming from the Lord's Resistance
22 Army at that time.

23 Q. [14:59:14] You told us this morning that Otti was killed, lost his life?

24 A. [14:59:20] Yes.

25 Q. [14:59:20] What effect did that have upon the peace negotiations?

1 A. [14:59:28] Well, I think as the peace negotiations proceeded, they took on a
2 dynamic of their own I think it's fair to say, that much of the discussion in Juba was
3 about the grievances of people in northern Uganda and the possibilities of finding
4 ways of reconciling the population. There was lots of discussion about local
5 approaches to reconciliation. There was more optimism in the earlier phases of the
6 peace talks than in the later phases and particularly given that Otti himself had taken
7 such a leading role in brokering the discussions, his death suggested that coming to a
8 resolution in Juba to many people, suggested to many people it was less likely. The
9 negotiations did continue for a period beyond that.

10 Q. [15:00:39] And after the conclusion of the peace negotiations, how did matters
11 develop then?

12 A. [15:00:47] Well, I don't know whether one can say that there was a conclusion of
13 the peace negotiations. The situation was that a deal was brokered and there was a
14 suggestion that Joseph Kony should sign it. Kony in the end decided that he would
15 not sign it. In the discussion he had with Ronald Iya which is discussed in another
16 chapter of my book -- do you want to highlight that chapter?

17 Q. [15:01:18] I don't have it immediately in front of me.

18 A. [15:01:20] I have it in my book. So Ronald Iya, the Madi chief who I mentioned
19 earlier, was one of those who met with Joseph Kony in the bush as part of the peace
20 negotiations, and he was with Rwot Acana, the Acholi paramount chief, in the final
21 meeting with Kony in 2008. Kony talked about how the peace negotiations were, if
22 you like, the prelude for him to have personal discussions with President Museveni.
23 But what actually concluded the peace negotiations was the attack on the LRA's base
24 camps by the Ugandan government with support from the United States and other
25 allies.

1 Q. [15:02:10] And where was that attack? Where was the base camp which was
2 attacked?

3 A. [15:02:14] In Garamba, in Garamba, which is a national park in the DRC.

4 Q. [15:02:22] So the negotiations themselves centred on a location in South Sudan,
5 Juba?

6 A. [15:02:32] Yes.

7 Q. [15:02:32] The base camp which you've just spoken about was in Democratic
8 Republic of the Congo?

9 A. [15:02:37] Correct.

10 Q. [15:02:38] What about northern Uganda by this time, 2007-2008, what was the
11 situation there?

12 A. [15:02:44] Well, by the end of 2005 the situation had become, although the camp
13 still existed and there were occasional incidents of insecurity, the situation had
14 become much safer than it had been before. I for example was able to travel around
15 much more freely than I had done in previous months.

16 2006-2007, there was a feeling that maybe some kind of stability had returned. 2007,
17 the IDP camps were mostly closed down and people began to return to their home
18 areas or moved to new areas in some cases.

19 Q. [15:03:39] So as I understand it, there was an absence of war in any event in
20 northern Uganda at that time?

21 A. [15:03:53] Yes. It was, there was -- I mean, people were very, how can I put it,
22 the experience on the ground was that there was peace, but there was nervousness
23 about how long it would last.

24 Q. [15:04:11] I'm very much coming to the end of the questions I have for you, but
25 I'd ask you to look at paragraph 50 of your report, the penultimate paragraph, where

1 it might be fair to say you deal with continuing effects despite the fact that there is no
2 overt warfare going on.

3 Would you tell the Court please how the events of the period which you have
4 described continue to affect the lives of those who live in northern Uganda between
5 that time and now?

6 A. [15:04:53] Yes. If I could just draw your attention to the end of the previous
7 paragraph where I refer to the numbers of people who were, if you like, displaced
8 from the IDP camps. More than a million people. If they had crossed at
9 international border, that would have been a humanitarian emergency. But of
10 course, these were people in internal displacement camps who were then leaving
11 those camps and then becoming Ugandan citizens, which is what they always were.
12 And so they kind of disappeared in a way.

13 But that's a huge number of people. Many of those people had lived in those camps
14 for a very long time. They were expected to go back and open farms. Some of
15 them had never farmed before. It was a young population.

16 Going back and opening farms in bush areas where the scrub had become intense was
17 a huge undertaking. Many people had never spent time out in the dark with no
18 electricity or lights before. It was quite frightening. Also perhaps it's just worth
19 noting that the term for the LRA used by people in the IDP camps was olum, which
20 means bush. There was an association between the Lord's Resistance Army and the
21 bush. And now these people had to go back to their homes which were in the bush
22 and create farms or, as many of them did, gravitate towards the towns and try to find
23 some mode of livelihood there.

24 Not surprisingly, land disputes have been a huge problem. I mentioned earlier
25 about the lineage status of children who have been born to fathers within the LRA.

1 But also the millions of women, hundreds of thousands at least women, more than
2 half the population who have been living in displacement camps, bride price had not
3 been paid their either. So the lineage status of their children was also open to
4 question.

5 And so lots of fraught discussions about who should have access to land, where that
6 land should be located.

7 In addition, there were many people who didn't go back to the farms that their
8 families had had before they were displaced, but chose to go to areas from which they
9 had been displaced, their families had been displaced decades before as a result of
10 sleeping sickness control programmes or the upheavals I described in the earlier part
11 of my testimony.

12 So we've had populations opening up areas that have been left uncultivated during
13 the protectorate period. So it has been rather chaotic. We have recorded hundreds
14 and hundreds of land disputes. By and large they have been mediated locally and
15 people have found ways of managing. But it has been an exceedingly fraught
16 process. I could go on.

17 Q. [15:08:47] I wanted to -- I don't --

18 A. Yes.

19 Q. -- want to stop you.

20 A. [15:08:51] No.

21 Q. [15:08:52] Although things must have a limit.

22 A. [15:08:54] Yes.

23 Q. [15:08:54] I wanted just to clarify, it may be abundantly obvious to everybody in
24 the room apart from me, but it may not be, perhaps you could just briefly describe
25 what ought to happen when you use the word "bride price," bride price hasn't been

1 paid in various circumstances, what ought to happen when a bride price is paid?

2 A. [15:09:13] The customary system in this region of Africa is that land is owned,
3 it's perhaps not quite the right word, but land is the responsibility of lineages,
4 patrilineals, that is lineages traced in the male lines. So clans are associated with
5 particular areas of land. Women marry into a home and they are allocated areas of
6 land to cultivate and they have access to the produce of the areas of land that they
7 cultivate with which they feed their families.

8 The status of women changes at marriage from the lineage of her father and brothers
9 to the lineage of her husband. But that process occurs over time through the
10 payments of instalments of bride price.

11 Eventually a woman can become like a man, so to speak, and speak with the voice of
12 a man within the lineage after she has produced many children and she has -- a bride
13 price has been paid for her and she's become an established member of the lineage. I
14 saw that myself on many occasions when I was living among Acholi people in the
15 1980s.

16 In the displacement camps, bride price was not paid. In many cases children were
17 born from different biological fathers. And so the whole process of who had access
18 to land was open to question.

19 In addition, at the same time there were efforts within Uganda to promote the idea of
20 land ownership in a more straightforward manner, more associated with
21 conventional land ownership. And that created other kinds of tensions.

22 So a big concern for many people who had access to land was if they allowed women
23 to come and cultivate there with their children, those children who may not be of the
24 lineage would have access to that land in the future.

25 Q. [15:11:39] Thank you. Two last examples, perhaps. I'm going to take you to

1 the very points to make it clear. On page 30 of your report, which is the foot of
2 paragraph 50 on that page, you speak of, in that sentence and the next, of two
3 particular examples of what one might call disorder or phenomena which resulted
4 from the violence you've described. Tell the Court about those.

5 A. [15:12:13] In many situations we have found groups of children living with
6 older women, often. And trying to find out who those children are, who their
7 mothers and fathers are is not straightforward. Women are forced to abandon
8 children sometimes when they move from one sexual partner to another.

9 There are huge numbers of people who are said to be orphans. When I lived among
10 Acholi people in the 1980s, there were no orphans. All children would have parents.
11 Even if their biological parents has passed away, they would be inherited by others,
12 taken on by others.

13 We see situations where large numbers of children are being looked after, but in ways
14 that are not like it would have been the case in the past. And there is clearly a huge
15 problem with large numbers of young people who are not living in stable family
16 situations.

17 The second point I allude to here is the scale of rape. This is one of the most
18 harrowing aspects of research that we've done in recent years. I mean, there are high
19 levels of recorded rape through magistrates' court, but they are rather misleading.
20 Investigating cases of rape in magistrates' courts suggest that what is often going on is
21 efforts to extract bride price, because often the girl has been, has become pregnant
22 before the age of 18, and so it is statutory rape and they've been able to -- so the
23 parents of the girl are attempting to extract bride price from the parents of the boy.
24 So the magistrates' data on rape is misleading. It's often about other things. But
25 from the interviews that have been done with women in the area, in particular the

1 work of another one of my students Holly Porter who has lived in this region for
2 years, shows that a remarkably high number of women in the population experience
3 rape, something around 40 per cent of the women in her sample. Her book on rape
4 in northern Uganda has just been published by Cambridge University Press and it's
5 an extraordinary account of what has happened in this part of the world where bride
6 price is no longer paid and regulated and where the balances that would have existed
7 in the past no longer apply.

8 She explains how these cases of rape are dealt with through local mechanisms in
9 attempts to promote social harmony. And most of the women that she spent such
10 long periods of time working with end up having to live with their rapist, sometimes
11 in the same compound.

12 Q. [15:15:56] Professor, lastly this, in the last paragraph of your report, paragraph
13 51, you note that in the last, I should say in the past ten years, you were writing in
14 August of 2016, there had been improvements, but that the legacy of the forced
15 displacement and the abductions and atrocities would live on.

16 What are the -- you've dwelt for some minutes now on some of the disastrous
17 circumstances, what are the improvements? What has improved in the last ten years,
18 in your opinion?

19 A. [15:16:42] Northern Uganda is a wonderful place to go and visit if you've not
20 been there. Acholi people are incredibly friendly. The roads are now open for
21 anybody to drive around. You can have a cappuccino in Gulu. There's electricity.
22 There's even a supermarket, more than one. People watch DVDs in the shops at
23 night. You can sit out under the stars and eat supper around a bonfire in a relatively
24 remote village. The place is remarkably safe. It's extraordinarily beautiful. People
25 are cultivating crops. It's a rich area agriculturally, many parts of it are. People are

1 collecting honey from the forests. People are going to school. There's a university
2 at Gulu which is growing from strength to strength. So there are many possibilities
3 for the future.

4 I think the point I'm alluding to at the end is that other consequences, I suppose
5 psychological and social, associated with the upheavals that we've been dwelling
6 upon and how many of those who went through those experiences continue to find it
7 extraordinarily difficult to move on.

8 Here again I should emphasise that my more recent research has contradicted some of
9 the findings from 2004, 2005, 2006.

10 In Blattman and Annan's work they emphasise how people have experienced life with
11 the LRA sometimes have new opportunities afforded to them. I think if I remember
12 correctly they say they have a 25 per cent higher chance of becoming involved in
13 political activities and taking on leadership roles.

14 We have found almost no one, I think if I'm right -- I think I'm right in saying only
15 two people in our sample who fit into that category.

16 Those that we have spent time with who have come back from the LRA
17 overwhelmingly have found life extremely difficult.

18 So while there may be all sorts of optimism about development initiatives and
19 progress, there is no doubt that there are large numbers of people who have been left
20 behind. And the difficulties of finding places to survive, even in the current
21 circumstances in which there is improved well-being for many, remain intense.

22 Q. [15:19:32] Thank you. I have no further questions for you, Professor. If you
23 would wait there.

24 PRESIDING JUDGE SCHMITT: [15:19:37] Thank you very much, Mr Gumpert.

25 I would like now to address the Legal Representatives of Victims. Do you request

1 permission to question the witness?

2 MS MASSIDDA: [15:19:48] Good afternoon, your Honour. For what concerns
3 myself, I'm asking permission to question the witness. Considering the questioning
4 by the Office of the Prosecutors, I think I have not more than four questions left as a
5 follow-up question for the witness. Of course, the interest of our clients are
6 concerned by this witness because the witness is knowledgeable about the general
7 background, the effect of the LRA activities and the extent of victimisations in
8 northern Uganda.

9 PRESIDING JUDGE SCHMITT: [15:20:28] And for Mr Cox and Mr Manoba.

10 MR COX: [15:20:36] Yes, your Honour, we would ask permission to ask certain
11 questions, I would say five or four, around that amount, follow-up questions and on
12 subjects that have not been raised by the Prosecutor's office.

13 PRESIDING JUDGE SCHMITT: [15:20:47] I assume that there are not, at the moment,
14 any comments by other parties or participants? That is correct? Yes.

15 MR GUMPERT: [15:20:57] Correct.

16 PRESIDING JUDGE SCHMITT: [15:20:57] That's correct.

17 Then Mrs Massidda can proceed. But let me just say two or three, a couple of
18 sentences.

19 You know that from our conduct of proceedings directions that we will decide on the
20 necessity or propriety of questions asked on a case-by-case basis. I think this makes
21 the most sense.

22 So you have already both, Mr Cox and Ms Massidda have already addressed it.

23 Keep in mind what issues and topics and questions have been touched upon by

24 Mr Gumpert and have been touched upon of course by the expert. So once you do

25 not entertain, so to speak, repetitive questioning, you are allowed to do that, so please

1 proceed.

2 MS MASSIDDA: [15:21:48] Thank you, your Honour. I'm guided.

3 Matter of organisation before we proceed. We have sent the list of material we
4 intend to use. Now, the list of material for what concerns myself indicates the report
5 of the expert, which is already in the binder before the judges, chapter seven of the
6 book of Mr Allen, which is already in the binder before the judges, and chapter eight
7 of the book which is not in the binder of the judges.

8 Now, in order to avoid duplication of material, I'm requesting the guidance of the
9 Chamber, if you want the full binder, it's prepared for you. Otherwise we can
10 simply hand it over, chapter eight, for the purpose of the questioning.

11 PRESIDING JUDGE SCHMITT: [15:22:43] I think it is sufficient if you simply hand
12 over --

13 MR ODONGO: [15:22:49] Objection, your Honour.

14 PRESIDING JUDGE SCHMITT: [15:22:50] Yes.

15 MR ODONGO: [15:22:51] I'm afraid, your Honours, up to now we have not received
16 any materials from the victims' section. So I don't know what they're talking about.
17 And I don't know whether we'd be assisted to receive them before they proceed.

18 PRESIDING JUDGE SCHMITT: [15:23:07] Of course, of course you have a point here.
19 The reason for that is, may I say, that, yes, it has been sent, but you were a little bit
20 late, according to our initial directions because, and we have clarified that, what that
21 means, that you, as any other party or participant have to deliver, so to speak, your
22 list one day before the potential, the witness is starting with the questioning.

23 And as I understand it, the material that you want to rely upon is already, has already
24 been provided by the Prosecution with, the exception of this chapter eight. Is this
25 correct? So there will be no prejudice for you, this I want to explain by that.

1 MR ODONGO: [15:23:53] Much obliged, your Honour.

2 MS MASSIDDA: [15:23:56] This is correct.

3 PRESIDING JUDGE SCHMITT: [15:23:57] So perhaps I would suggest that you
4 proceed and you keep it in mind for further witnesses that you match, so to speak, the
5 date, the limits that we have set.

6 MS MASSIDDA: [15:24:08] Thank you, your Honour. And we of course apologise.
7 It was indeed our oversight.

8 PRESIDING JUDGE SCHMITT: [15:24:14] That is no problem. We are on the first
9 day of a long trial, and it's perfectly clear that people have to adapt to the situation
10 and that small disturbances can occur. But this is really a minor matter. Please
11 proceed.

12 MS MASSIDDA: [15:24:30] We learn along the road as usual.

13 Now chapter eight is being provided? Thank you.

14 QUESTIONED BY MS MASSIDDA:

15 Q. [15:24:39] Mr Allen, good afternoon.

16 A. [15:24:41] Good afternoon.

17 Q. [15:24:42] During the questioning by the Prosecution this morning, and I'm
18 referring to the English realtime transcript of this morning, page 39, lines 16 to 18, I
19 will quote:

20 "There is no doubt -- and I'm starting quoting now -- there is no doubt that many of
21 those who were abducted as children were deeply affected by the spiritual qualities of
22 the Lord's Resistance Army." End of quote.

23 Now, what do you mean by "deeply affected"? Could you please elaborate a little bit
24 more on the meaning, why you use these terms "deeply affected"? And in which
25 way abductees were affected.

1 A. [15:25:51] I used the term "deeply affected" to try to be as neutral as possible in a
2 way to avoid what I think you are actually asking me about. In a way it's obvious
3 that a young person who is forced to kill one of their classmates or a relative or
4 observes it or a young person who is passed to a commander for sexual purposes
5 would be deeply affected by the experience. The kinds of deep effects vary greatly.
6 It seems reasonable to state that to take a young person, in some cases let us -- in
7 many cases, in hundreds of cases, thousands of cases, someone in their early teens
8 and take them into a different moral space where certain kinds of acts are rewarded
9 and others punished has certain kinds of deep effects.

10 It is unsurprising that many young people show signs of having been drawn into a
11 world in which a conventional moral compass, if I can use that kind of colloquial
12 experience, is set to one side.

13 I referred earlier to the way that the LRA were referred to as olum, the bush. The
14 bush in Acholi society is a place in which all sorts of moral acts, all sorts of ideas
15 about morality change, and I'm assuming one of the reasons why we have been
16 directed to this particular chapter is it's a compelling account of what some of those
17 who went through that process describe as their experiences and reflect back upon it.
18 I hope I've been specific enough.

19 Q. [15:28:38] Yes, thank you. And just to follow-up, you have just referred in the
20 transcript to I'm assuming one of the reason why we have been directed to this
21 particular chapter. I understand that you are referring to chapter 8 --

22 A. [15:28:54] Chapter 8, which is --

23 Q. [15:28:56] -- of your book?

24 A. [15:28:57] Correct.

25 Q. [15:28:59] The title, "Between Two Worlds: Former LRA Soldiers in Northern

1 Uganda," the author, Ben Mergelsberg.

2 A. [15:29:11] Yes, correct.

3 Q. [15:29:12] And this chapter includes an overview of spiritual beliefs and
4 practices within the LRA.

5 For the benefits of the Bench I'm referring to pages 0272-0173 and following until page
6 0272-0176.

7 And, Mr Allen, could you please just provide a brief overview of this kind of
8 spirituality, if I can put it that way, or spiritual beliefs and practices in force within
9 the LRA?

10 A. [15:30:14] Perhaps it might be useful if I say a little bit about how this chapter
11 emerged. Would that also be useful as a bit of background? Would that also be
12 helpful?

13 MS MASSIDDA: [15:30:27] This would be helpful if allowed by the Chamber.

14 PRESIDING JUDGE SCHMITT: [15:30:30] It's relatively easy to answer. You are
15 the expert.

16 THE WITNESS: [15:30:33] Okay.

17 PRESIDING JUDGE SCHMITT: [15:30:34] If you think it might be helpful for your
18 answer, then please proceed with your answer.

19 MS MASSIDDA: [15:30:39] Thank you, your Honour.

20 THE WITNESS: [15:30:40] This material struck me when I came across it as
21 extraordinary. This is a young man who I discovered living in a displacement camp
22 in 2005, a young man who had left school in Germany and gone to explore the world
23 and had ended up living in Pabbo displacement camp. He was living in a family, a
24 family I have come to know quite well, a remarkable family, a very caring family.
25 And he learned to speak the Acholi language.

1 And he was spending a lot of time with people of his own age, many of whom he
2 came to know very well. This alludes to a point I made earlier about how people
3 will tell you one thing when you interview them, but when you come to know them
4 better, all sorts of other information becomes apparent.

5 Ben Mergelsberg shared with me some of his interviews, and I thought they were of a
6 quality that I had not seen from other researchers. The story is linked to what
7 happened to him next, because I thought this was an extraordinarily intelligent young
8 person. He hadn't completed school with proper qualifications. I contacted Oxford
9 University and persuaded them to take him and he ended up with a first-class degree.
10 I thought that was a bit of an aside.

11 So I asked him to write up this material for that chapter. What these people describe
12 is how many of their experiences with the LRA were thrilling. They talk about how
13 they were taken into a different kind of place where they could perform acts which by
14 their own admission they found exciting.

15 I thought some of these accounts were similar to the accounts that were used to
16 develop the notion of Post-Traumatic Stress Disorder based upon interviews with US
17 veterans after the Vietnam war, where people talked about the thrill of killing and the
18 thrill of the violence. That comes out rather compellingly in some of these stories.

19 They also reflect on how in the space of the bush when they were with the bush, in
20 the bush, they lived in a place that was like a dream, they now talk about it like a
21 dream, where they could do things that they would not do when they were home.

22 They contrast how boring life is in the camp and how little positive feedback they get
23 from many of those they live with and contrast that to the way in which they could
24 secure rank and enhancement of their positions when they were with the Lord's
25 Resistance Army.

1 And I think that in some of the interviews they reflect the kind of psychological
2 effects that being with the LRA could have on people.

3 So unless maybe I could just ask for a further question, are there specific -- it's mainly
4 made up of quotes, this chapter, so are there particular quotes you want to draw
5 attention to?

6 MS MASSIDDA:

7 Q. [15:34:36] Thank you, Mr Allen. I was mainly referring to page 0272-0174.

8 More or less in the middle of the page, you have a sentence starting with

9 "Punishments by the commanders were frequent too." End of quote.

10 A. [15:35:00] Sorry. I'm not on the right page.

11 Q. [15:35:03] Sorry. Yes, because I'm quoting the ERN number. You should look
12 at page 160.

13 A. [15:35:09] I see.

14 Q. [15:35:12] In the middle of the page.

15 A. [15:35:14] "Punishments by the commanders were frequent too. They could
16 have a cleansing function and prevent the person from being punished more harshly
17 by the spirits. In the following story the rule about not having sex except when it's
18 sanctioned by the commanders was violated."

19 Shall I read the quote?

20 Q. [15:35:33] Yes, thank you. And the reason why I'm asking you to read this
21 sentence is because I would like to know a little bit more in accordance with your
22 research about the principal instruments or means of control of abductees in the LRA,
23 which included punishment, but not only that.

24 A. [15:36:08] To be clear, this chapter is based on young men who were about the
25 same age as the author at the time. They do not clarify which bits of the LRA they

1 were working with, and we know that different commanders adopted different
2 strategies.

3 In a generalised way, if I can answer the question in a generalised way, there are
4 many accounts, not just those that were collected here that suggest, I think I
5 mentioned one earlier echoing these points from Atiak where a young person is
6 forced to witness terrible events or is forced to perpetrate terrible acts, to bring them
7 into the LRA space and make it very difficult for them to return to their former way of
8 life.

9 There are lots of examples where people who don't walk fast enough or who refused
10 to obey orders were severely beaten. In fact, in many cases of course people were
11 killed for refusing to do so. It is the case that many of those who survived were
12 drawn into violent acts. We don't know precisely how many. But this work, like
13 some of the other research we are doing, suggests it's quite a large number.

14 Q. [15:37:58] Thank you, Mr Allen.

15 With your indulgence, your Honour, I'm just reviewing the questions in order to
16 avoid repetition.

17 PRESIDING JUDGE SCHMITT: [15:38:09] Mrs Massidda, during the time when you
18 are looking for your next question, we will have, of course, when I understand the list
19 of evidence of the Prosecution correctly, we will have evidence that touches upon
20 matters that have now in a more general matter been addressed by the expert. So I
21 would ask you to go over to another topic.

22 MS MASSIDDA: [15:38:31] Indeed, your Honour. This was the intention. I think I
23 have one question left.

24 Q. [15:38:39] Mr Allen, it's in relation to the reasons why, and I'm referring mainly
25 to in chapter 7 because this issue is explored in that chapter, why in a few words, why

1 children and young adolescents were mainly targeted in northern Uganda?

2 A. [15:39:04] Well, the argument in the previous chapter, which is the chapter by
3 Blattman and Annan that we referred to earlier, is quite clear. They argue that there
4 was calculation in what occurred and the abducting of young people was a deliberate
5 strategy to be able to inculcate them into a way of acting, and it is argued from the
6 evidence that presented in that chapter that those who were older, perhaps for very
7 obvious practical reasons, were more likely to try to escape.
8 Data on that is presented in that chapter by the authors.

9 Q. [15:39:56] Thank you, Mr Allen.

10 Thank you, your Honour. This concludes my questioning. Thank you very much.

11 PRESIDING JUDGE SCHMITT: [15:40:01] Thank you very much.

12 Now Mr Cox or Mr Manoba.

13 MR COX: [15:40:05] Thank you, your Honour.

14 QUESTIONED BY MR COX:

15 Q. [15:40:07] Professor Allen, good afternoon.

16 A. [15:40:10] Good afternoon.

17 Q. [15:40:11] I represent victims from the conflict and I'll be asking you some
18 questions.

19 Following up on one of the questions that was thrown to you by the OTP, Mr
20 Gumpert, you mentioned that in this kind of like vis-à-vis spiritual versus more
21 political agenda of the LRA, you mentioned several times "in the early days."

22 Could you give kind of like a time frame for what you referred to "early days"?

23 A. [15:40:40] Insofar as I can interpret the evidence that I have available to me,
24 those that were with the LRA in the later 1980s and 1990s experienced a great deal of
25 spirituality or spiritual guidance and direction within the LRA.

1 It seems that after the LRA were attacked in South Sudan, so from 2002 onwards, or
2 possibly from a year or so earlier, those aspects of it became somewhat less
3 significant.

4 But I should stress the evidence is that this varied greatly between commanders. As
5 I mentioned earlier, the LRA operated in small units, and particularly following the
6 attacks in South Sudan, the attack on their base camps in South Sudan, those units
7 operated fairly independently of one another. So it seems that some commanders
8 emphasised the spiritual aspects of the LRA rather more than others.

9 So it's not just -- I can't give a straightforward answer, but there was some easing of
10 the LRA's spiritual qualities from around 2000 onwards.

11 MR COX: [15:42:29] Your Honour, may I use the tab? Sorry. May I use the tab
12 formula that you provided Mr Gumpert using the same binder so I don't have to
13 repeat all the numbers?

14 PRESIDING JUDGE SCHMITT: [15:42:41] Yes. But perhaps you can speak out the
15 last, I have been informed of that, that it might be better to speak at least the last four
16 numbers or not, the page numbers, for page numbers, of course.

17 MR COX: [15:42:56] Page numbers, of course. Perfect.

18 PRESIDING JUDGE SCHMITT: [15:42:58] Thank you.

19 MR COX: [15:42:59]

20 Q. [15:42:59] So, Professor, I would like to draw your attention to tab 4 of the
21 Prosecutor's binder, this one, the black one.

22 A. [15:43:05] Okay, yes.

23 Q. [15:43:06] And page 5?

24 A. [15:43:13] This is from the transcript.

25 Q. [15:43:15] It's from the transcript, exactly.

1 A. [15:43:21] Yes.

2 Q. [15:43:21] Could you emphasise the first paragraph when Mr Kony is referring
3 about bad things and who he attributes who is doing bad things?

4 A. [15:43:34] So he says, "My friend, we are not killing Acholi." This is the passage
5 you are referring to?

6 Q. [15:43:38] Yes, exactly that.

7 A. [15:43:39] "My friend, we are not killing Acholi and we are not abducting
8 children. We are not doing any bad thing in northern Uganda. All those wrong
9 things was done by the government, not by the LRA. I want to assure you that that's
10 how we, the rebels, recruit our people. But me, I don't abduct children. How can
11 children move for 100 miles through the bush if we are abducting children?"

12 Q. [15:44:04] So to the best of your knowledge in that paragraph, Mr Kony has a
13 sense that those are bad things? I know it's pretty obvious, but --

14 A. [15:44:18] I think it's fair to say it's a slightly confused paragraph, what he is
15 actually referring to. But I think if I could impute --

16 PRESIDING JUDGE SCHMITT: [15:44:30] I'm not sure if this is really --

17 MR COX: [15:44:33] Okay. Sorry. I'll move to another subject.

18 PRESIDING JUDGE SCHMITT: [15:44:35] -- is this really something what falls into
19 the expertise --

20 MR COX: [15:44:39] Okay.

21 PRESIDING JUDGE SCHMITT: [15:44:39] -- of the witness, of Mr Allen. It's a
22 matter of interpretation I think in the end --

23 MR COX: [15:44:44] Okay. I understand.

24 PRESIDING JUDGE SCHMITT: [15:44:45] -- of the ones who are in charge of
25 interpreting.

1 MR COX: [15:44:51] Sure.

2 Q. [15:44:53] Then can we move to tab 5, the manifesto, the transcript of the
3 manifesto of the LRA.

4 A. [15:44:59] Yes.

5 Q. [15:45:02] Page 10.

6 A. [15:45:13] It's the wrong way.

7 Q. Yes, the other way around.

8 A. So on basic human rights, is that the page?

9 Q. [15:45:16] Exactly.

10 A. [15:45:17] Yes.

11 Q. [15:45:17] Can you illustrate the Court if there is any reference to international
12 human rights treaties or conventions?

13 A. [15:45:26] Well, yes, indeed, there is. He refers to basic human rights. And it's
14 talking about the LRA agenda to pursue the protection and promotion of liberties,
15 rights, and freedoms of the individual, including civil, political, economic, religious,
16 social and so on. He's quoting here from UN documents I think in here.

17 Q. [15:45:43] Perfect. Then can we go to the constitution that's, sorry, tab 7.

18 A. [15:45:58] Tab 7.

19 Q. [15:45:59] And in the preamble.

20 A. [15:46:07] Yes.

21 Q. [15:46:08] And if you can illustrate the Court what this constitution in the
22 preamble says in the third paragraph referring to who is responsible for killing
23 innocent people?

24 A. [15:46:27] Well, it begins by talking about Uganda having been daunted by
25 numerous political and military conflicts since it obtained independence. It talks

1 about gross mismanagement and so on. And then halfway down the page it says
2 when Museveni and his NRA, National Resistance Army assumed power in the
3 country, they had an agenda to totally destroy the UNLA soldiers and so on.

4 Q. [15:46:54] I was referring more to the paragraph before that.

5 A. [15:46:57] "Armies loyal to successive regimes"?

6 Q. Yes.

7 A. "Armies loyal to successive regimes have time and again been misused to
8 suppress, intimidate, arrest, detain and torture or even kill innocent civilians. These
9 abuses of human rights continue unabated and worsen day to day out particularly
10 under Museveni, Museveni's National Resistance Movement, NRM regime."

11 Q. [15:47:29] Thank you. In referring to your book, I mean, you referred to the
12 whole ICC process?

13 A. [15:47:35] Yes.

14 Q. [15:47:35] That you conducted interviews?

15 A. [15:47:39] Yes.

16 Q. [15:47:39] And were you able to interview the paramount chief of the Acholi
17 community?

18 A. [15:47:44] Rwot Acana?

19 Q. [15:47:48] Yes.

20 A. [15:47:48] Yes, of course, yes.

21 Q. [15:47:49] Do you remember what he told you about or how his view changed, if
22 it changed?

23 A. [15:47:53] It did change, I think. Maybe you should ask him rather than me.

24 Q. [15:47:56] No, no. But I mean what you recorded in your interview. Sorry.

25 A. [15:48:01] Yes, okay, I can do that. I knew Rwot Acana before he became the

1 rwot.

2 From my point of view a strange thing that has happened in northern Uganda is that
3 a paramount chief has been created. There were huge efforts to try to create one
4 during the protectorate period and they were never successful. But a combination of
5 international aid organisation funding, support from the diaspora, a whole range of
6 other processes led eventually to the creation of a paramount chief and the leader of
7 the Payera clan became that person, the paramount chief.

8 He initially, I think it's fair to say, was drawn into debates and discussions about
9 Acholi customs, mato oput, for example. I was actually at an event in, I have to
10 remember the date now, in 2005, I think maybe June 2005, where a discussion took
11 place about mato oput, and he was asked about it in front of quite a large audience,
12 and he openly admitted that he didn't really know much about it and didn't really
13 know how to do it.

14 But he was nevertheless very much drawn into that process. Later, and I think he
15 was rather critical of some of the things that I was writing, I had a rather difficult
16 exchange with him about that at one point, he felt it was disrespectful of me to be
17 critical about the possible use of Acholi customs in dealing with the LRA.

18 But I think it's fair to say partly due to his visit here in The Hague that his position
19 changed over time and he became rather more sympathetic to the idea of
20 international criminal justice.

21 But I am imputing my understandings of what he thinks from conversations I've had
22 with him.

23 Q. [15:50:12] I would like to draw your attention to chapter 7 of your book, page
24 143, "The Lord's Resistance Army: Myth and Reality."

25 A. [15:50:35] 143.

1 Q. [15:50:36] Yes, at the top, the first paragraph.

2 A. Yes.

3 Q. Could you illustrate the Court -- I'm talking about the chapter written by
4 Christopher Blattman and Jeannie Annan.

5 A. [15:50:46] Yes, yes. So it's "Levels of self-reported loyalty and comfort within
6 the LRA appear quite high." Is that one?

7 Q. [15:50:52] That's how it -- no. Let me see. 143 after, it's chapter 7.

8 PRESIDING JUDGE SCHMITT: [15:51:00] We are not going to read from the book
9 now.

10 MR COX: [15:51:04] No, no, no. Just one small --

11 PRESIDING JUDGE SCHMITT: [15:51:07] Please put concrete questions to the
12 witness that he can answer.

13 MR COX: [15:51:10] Sorry.

14 Q. [15:51:10] If you remember how many, what was the per cent admitted of
15 abductees that admitted to become a commander one day?

16 A. [15:51:21] I understand now why you asked the question. Okay. Just to be
17 clear, this is based upon the sample that Annan and Blattman collected, based on their
18 interviews with their sample, which was of, just to remind the Court, that is of youth,
19 so young people who were in adolescence up to the age of 30 who they interviewed,
20 mostly from Pader and Kitgum district, not from around Gulu.

21 And they found 44 per cent claimed to have ever felt allegiance to Kony; 31 per cent
22 felt like an important member of the LRA at some point; 28 per cent perceived
23 themselves as dependable fighters; 19 per cent admitted that there was a time they
24 felt like staying with the LRA; and 10 per cent admitted that they aspired to become a
25 commander one day.

1 Q. [15:52:20] Thank you. Finally, Professor Allen, I don't want to drag along on
2 the consequences of the war, because both my predecessors have done that. But I
3 would like to, if you could illustrate the Court, if you are aware of healthcare
4 problems that are still going on because of the consequences of war, just health
5 problems?

6 A. [15:52:41] That is my other big research project. So I could speak about it at
7 length. Could I ask you which particular health problems you are focusing on?
8 Are you referring to maybe HIV? Is that -- could I ask you just to clarify which
9 health problems.

10 Q. [15:53:04] Yes, if you could illustrate just some examples of how the
11 consequences at the health level are still persistent in the communities that were
12 victims of the attacks.

13 A. [15:53:14] Excess mortality when people were living in the IDP camps was
14 horrendous, some of the highest crude mortality rates I have ever encountered.
15 People were dying of infectious diseases. They were living next to open sewers,
16 overflowing pit latrines. It was hardly surprising.
17 There was lots of concern during the war that HIV/AIDS rates were escalating
18 dramatically. In fact, if you look at the Internet even now there is lots of talk about
19 that, about how the war in northern Uganda drove up rates of HIV/AIDS.
20 The best available evidence suggests that the concentration of people in displacement
21 camps was associated with a driving down of HIV/AIDS rates. The HIV/AIDS rates
22 recorded at Lacor Hospital some way from Gulu town suggests one of the fastest
23 declines anywhere in the country from the mid-1990s up until 2004-2005. People
24 were dying, but they were not dying of HIV/AIDS, although that was often talked
25 about.

1 HIV/AIDS, however, has become a serious problem in the area following the
2 break-up of the camps. Having that number of people on the move, moving out of
3 the camps, many of them moving towards the towns has led to a steep rise in cases of
4 HIV/AIDS connected to it.

5 There are other diseases that are well-known in the area, some of which are quite
6 mysterious, like the epidemic of nodding disease, which there are many teams at the
7 moment trying to understand. And of course parasitic infections are prevalent in the
8 area, too. Living in the camps led to very high levels of parasitic infections. And
9 there are many health problems that are now beginning to look at that. Rather
10 worryingly, I would have to say that many of the international health programmes
11 that were operational in the area during the war have withdrawn, and so the
12 surveillance of some diseases is not being followed very closely.

13 A big concern again associated with the break-up of the camps is people are moving
14 back into areas where they had been removed under the protectorate government,
15 and those areas are still infested with tsetse flies, and so the likelihood of a
16 trypanosomiasis epidemic is relatively high.

17 Gulu was of course also a place where there was an Ebola epidemic in 1990s, and
18 what happened there and how it was controlled is of significance in thinking about
19 what might happen in other areas. What occurred there did not occur in west Africa
20 with quite significant local consequences.

21 MR COX: [15:56:23] I have no more questions, your Honour. Thank you.

22 Thank you, Professor.

23 PRESIDING JUDGE SCHMITT: [15:56:30] Thank you very much.

24 And we thank especially for today, only for today, you have to come back tomorrow,

25 Professor Allen, because I can imagine that it's not easy to answer questions a whole

- 1 day from 9.30 in the morning on and be concentrated. So thank you very much to
2 you.
- 3 This concludes today's hearing. We abate the proceedings for today and resume at
4 9.30 tomorrow with the questions by the Defence.
- 5 THE COURT USHER: [15:56:54] All rise.
- 6 (The hearing ends in open session at 3.57 p.m.)