

Annex A

Public Redacted Version

**Cour
Pénale
Internationale**

**International
Criminal
Court**

No.: ICC-02/04

Date: 18 May 2005

Original: English

PRE-TRIAL CHAMBER II

Before: Judge Tuiloma Neroni Slade, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Mauro Politi

Registrar: Mr Bruno Cathala

SITUATION IN UGANDA

**Under seal
Ex Parte, Prosecutor Only**

**Prosecutor's Amended Application for Warrants of Arrest
Under Article 58**

The Office of the Prosecutor

Mr. Luis Moreno Ocampo, Prosecutor
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Ms. Christine Chung, Senior Trial Lawyer
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Contents

I.	Counts/Charges	p.6
II.	Background of the Investigation	p.17
III.	Summary of the Evidence Establishing Reasonable Grounds to Believe That The Persons Named in This Application Have Committed Crimes Within the Jurisdiction of the Court	p.18
A.	Legal Framework and Request for Sealing	p.18
i.	Requirements of Article 58(2)(b).....	p.19
ii.	Request for Sealing.....	p.21
iii.	Request for Enlargement of Page Limit	p.24
iv.	Credibility of Witnesses Interviewed Under Art. 55(2) Procedures	p.24
B.	Introduction: The Lord's Resistance Army	p.25
C.	Persons As To Whom Arrest is Sought	p.29
D.	LRA Organization and Operations	p.35
i.	LRA Objectives	p.35
ii.	LRA Composition And Crimes Admitted by Former LRA Members	p.39
a.	Control Altar and the Four Brigades	p.39
b.	LRA's Fighters	p.40
iii.	Orders of KONY To Maintain Internal LRA Discipline.....	p.44
a.	Disciplinary Regimen Imposed On Abductees	p.44
b.	Sexual Slavery Imposed On Girls	p.54
iv.	Orders of KONY to Wage War and Attack Civilians.....	p.58

E.	History of LRA Operations Against Civilians	p.66
i.	LRA Operations Before July 2002	p.66
a.	Origin and Establishment of the LRA	p.67
b.	Movement into Sudan and Raiding in Uganda	p.69
c.	KONY's Orders to Execute Vice-Chairman Otti Lagony.....	p.73
d.	Operation Iron Fist And Post-Iron Fist Movement of LRA forces	p.75
ii.	LRA Operations After July 2002	p.76
a.	Effects of LRA Movement into Northern Uganda	p.76
b.	The Teso Campaign	p.83
F.	Attacks Perpetrated by Persons Whose Arrest is Sought	p.92
i.	Contextual Elements of Alleged Crimes	p.92
ii.	Attack Upon the Lwala Girls Senior Secondary School	p.95
a.	Overview	p.95
b.	Schoolgirls' Accounts of Their Abductions	p.97
c.	Statements of LRA Commanders and Intercept Information	p.109
iii.	Attack on Pajule IDP Camp	p.117
a.	Overview	p.117
b.	Accounts of Military and Civilian Leaders.....	p.120
c.	Victims' Accounts	p.126
d.	Insider Accounts And Intercept Information...	p.135

iv.	Attack on Abia IDP Camp	p.140
a.	Overview and Camp Description	p.140
b.	Victims' Accounts	p.143
c.	Victimization and Assessment of Damage.....	p.152
d.	Insider Accounts and Intercept Information.....	p.154
v.	Attack on Cuk Adek IDP Camp (also known as Barlonyo IDP Camp)	p.160
a.	Overview	p.160
b.	Victims' Accounts	p.163
c.	Victimization and Assessment of Damage	p.170
d.	Insider Accounts and Intercept Information....	p.172
vi.	Attack on Pagak IDP Camp	p.177
a.	Overview	p.177
b.	Accounts of Military and Civilian Authorities	p.180
c.	Victims' Accounts	p.184
d.	Victimization and Assessment of Damage	p.191
e.	Insider Accounts and Intercept Information....	p.193
vii	Attack on Lukodi IDP Camp	p.202
a.	Overview	p.202
b.	Victims' Accounts	p.206
c.	Victimization and Assessment of Damage	p.210
d.	Insider Accounts and Intercept Information ...	p.212
IV.	Reason Arrest Warrants are Necessary	p.214

V.	Request that the OTP Be Permitted to Transmit Arrest Warrant(s) to Relevant States and Organizations	p.217
VI.	Conclusion	p.218

Pursuant to Article 58 (1) of the ICC Statute, the Prosecutor hereby applies to the Pre-Trial Chamber for the issuance of arrest warrants against the following persons, each of whom is a commander in the Lord's Resistance Army ("LRA"): Joseph KONY, Vincent OTTI, Raska LUKWIYA, Okot ODHIAMBO, and Dominic ONGWEN. Upon investigation of crimes allegedly committed in the territory of Northern Uganda after 1 July 2002, including crimes purportedly perpetrated by members of the LRA, the Office of the Prosecutor has concluded that there are reasonable grounds to believe that the persons named above bear criminal responsibility under Article 25 of the ICC Statute for the following crimes:

I.

Crimes Alleged To Have Been Committed

Count One

(Sexual Enslavement of Girls from Lwala School Constituting Crimes Against Humanity)

On or about 24 June 2003, Joseph KONY and Vincent OTTI ordered the commission of crimes against humanity which in fact occurred or were attempted, namely, the sexual enslavement and attempted sexual enslavement of at least 30 students of the Lwala Girls Senior Secondary School, in Lwala village, Otuboi Sub-County, Kaberamaido District, Kalaki County, Uganda, including schoolgirls [REDACTED] and [REDACTED]
[REDACTED]

(Articles 7(1)(g) and 25(3)(b) of the ICC Statute)

Count Two

(Rape of Girl from Lwala School Constituting Crime Against Humanity)

In or after August 2003, Joseph KONY committed as an individual a crime against humanity which in fact occurred, namely, the rape of [REDACTED]
[REDACTED] who was abducted from the Lwala Girls Senior Secondary School, in

Lwala village, Otuboi Sub-County, Kalaki County, Kaberamaido District, Uganda.

(Articles 7(1)(g) and 25(3)(a) of the ICC Statute)

Count Three

(Inducing of Rape of Girls from Lwala School Constituting War Crimes)

On or about 24 June 2003, Joseph KONY and Vincent OTTI induced the commission of war crimes which in fact occurred or were attempted, namely, the rape of students of the Lwala Girls Senior Secondary School, in Lwala village, Otuboi Sub-County, Kalaki County, Kaberamaido District, Uganda, including schoolgirls [REDACTED] and [REDACTED]

(Articles 8(2)(e)(vi) and 25(3)(b) of the ICC Statute)

Count Four

(Attack Against the Civilian Population of the Lwala School Constituting War Crime)

On or about 24 June 2003, Joseph KONY and Vincent OTTI ordered the commission of a war crime which in fact occurred, namely, the intentional directing of an attack against the civilian population of the Lwala Girls Senior Secondary School, in Lwala village, Otuboi Sub-County, Kalaki County, Kaberamaido District, Uganda, and against individual civilians not taking part in hostilities, including schoolgirls [REDACTED]

[REDACTED] and [REDACTED]

(Articles 8(2)(e)(i) and 25(3)(b) of the ICC Statute)

Count Five

(Enlisting of Children of the Lwala School Constituting War Crimes)

On or about 24 June 2003, Joseph KONY and Vincent OTTI ordered the commission of war crimes which in fact occurred, namely, the enlisting, through abduction, of students of the Lwala Girls Senior Secondary School who were under the age of fifteen years, in Lwala village, Otuboi Sub-County,

Kalaki County, Kaberamaido District, Uganda, including schoolgirls [REDACTED]

[REDACTED] and [REDACTED]

(Articles 8(2)(e)(vii) and 25(3)(b) of the ICC Statute)

Count Six

(Enslavement at Pajule IDP Camp Constituting Crimes Against Humanity)

On or about 10 October 2003, Joseph KONY and Vincent OTTI, and Raska LUKWIYA ordered the commission of crimes against humanity which in fact occurred, namely, the enslavement of over 300 civilian residents of Pajule and Lapul Camps for the Internally Displaced, including residents [REDACTED], Benson Ojok, Okot Dick, Onek Pangrasio, and Kinyera Lacung, in Pajule and Lapul Sub-Counties, Aruu County, Pader District, Uganda.

(Articles 7(1)(c) and 25(3)(b) of the ICC Statute)

Count Seven

(Cruel Treatment at Pajule IDP Camp Constituting War Crimes)

On or about 10 October 2003, Joseph KONY, Vincent OTTI, and Raska LUKWIYA ordered the commission of war crimes which in fact occurred, namely, the cruel treatment of civilian residents of Pajule and Lapul Camps for the Internally Displaced, also known as Pajule IDP Camp, including residents [REDACTED], Benson Ojok, Okot Dick, Onek Pangrasio, and Kinyera Lacung, by abducting them, tying or otherwise restraining them, and forcing them, under threat of death, to carry plundered property, in Pajule and Lapul Sub-Counties, Pader District, Uganda.

(Articles 8(2)(c)(i) and 25(3)(b) of the ICC Statute)

Count Eight

(Attack Against the Civilian Population at Pajule IDP Camp Constituting War Crime)

On or about 10 October 2003, Joseph KONY, Vincent OTTI, and Raska LUKWIYA ordered the commission of a war crime which in fact occurred,

namely, the intentional directing of attacks against the civilian population of Pajule and Lapul IDP Camps, in Pajule and Lapul Sub-Counties, Aruu County, Pader District, Uganda, and against individual civilians not taking direct part in hostilities, including [REDACTED] Benson Ojok, Okot Dick, Onek Pangrasio, and Kinyera Lacung.

(Articles 8(2)(e)(i) and 25(3)(b) of the ICC Statute)

Count Nine

(Pillaging at Pajule IDP Camp Constituting War Crimes)

On or about 10 October 2003, Joseph KONY, Vincent OTTI, and Raska LUKWIYA ordered the commission of war crimes which in fact occurred, namely, the pillaging of Pajule and Lapul IDP Camps, in Pajule and Lapul Sub-Counties, Aruu County, Pader District, Uganda.

(Articles 8(2)(e)(v) and 25(3)(b) of the ICC Statute)

Count Ten

(Murders at Abia IDP Camp Constituting Crimes Against Humanity)

On or about 4 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of crimes against humanity which in fact occurred, namely, the unlawful killings of approximately 40 civilian residents of Abia Camp for the Internally Displaced, including residents Vincent Okwir and Amolo Roc, in Abia village, Apalo Sub-County, Moroto County, Lira District, Uganda.

(Articles 7(1)(a) and 25(3)(b) of the ICC Statute)

Count Eleven

(Enslavement at Abia IDP Camp Constituting Crimes Against Humanity)

On or about 4 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of crimes against humanity which in fact occurred, namely, the enslavement of at least six civilian residents of Abia Camp for the Internally Displaced, including resident [REDACTED], in Abia village, Apalo Sub-County, Moroto County, Lira District, Uganda.

10/218

(Articles 7(1)(c) and 25(3)(b) of the ICC Statute)

Count Twelve

(Murder at Abia IDP Camp Constituting War Crimes)

On or about 4 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of war crimes which in fact occurred, namely, the unlawful killings of approximately 40 civilian residents of Abia Camp for the Internally Displaced, including residents Vincent Okwir and Amolo Roc, in Abia village, Apalo Sub-County, Moroto County, Lira District, Uganda.

(Articles 8(2)(c)(i) and 25(3)(b) of the ICC Statute)

Count Thirteen

(Enlisting of Children at Abia IDP Camp Constituting War Crimes)

On or about 4 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of war crimes which in fact occurred, namely, the enlisting, through abduction, of residents of Abia Camp for the Internally Displaced who were under the age of fifteen years, including [REDACTED] in Abia village, Apalo Sub-County, Moroto County, Lira District, Uganda.

(Articles 8(2)(e)(vii) and 25(3)(b) of the ICC Statute)

Count Fourteen

(Attack Against the Civilian Population at Abia IDP Camp Constituting War Crime)

On or about 4 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of a war crime which in fact occurred, namely, the intentional directing of attacks against the civilian population of Abia IDP Camp, in Abia village, Apalo Sub-County, Moroto County, Lira District, Uganda, and against individual civilians not taking direct part in hostilities, including Vincent Okwir, Amolo Roc, Erminia Apio, [REDACTED], and [REDACTED].

(Articles 8(2)(e)(i) and 25(3)(b) of the ICC Statute)

Count Fifteen

(Pillaging at Abia IDP Camp Constituting War Crimes)

On or about 4 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of war crimes which in fact occurred, namely, the pillaging of Abia IDP Camp, in Abia village, Apalo Sub-County, Moroto County, Lira District, Uganda.

(Articles 8(2)(e)(v) and 25(3)(b) of the ICC Statute)

Count Sixteen

(Murder at Barlonyo IDP Camp Constituting Crimes Against Humanity)

On or about 21 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of crimes against humanity which in fact occurred, namely, the unlawful killings of at least 138 and possibly in excess of 250 civilian residents of Cuk Adek Camp for the Internally Displaced, also known as Barlonyo IDP Camp, including residents [REDACTED]

[REDACTED] in Barlonyo Village, Ogur Sub-County, Erute North County, Lira District, Uganda.

(Articles 7(1)(a) and 25(3)(b) of the ICC Statute)

Count Seventeen

(Murder at Barlonyo IDP Camp Constituting War Crimes)

On or about 21 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of war crimes which in fact occurred, namely, the unlawful killings of at least 138 and possibly in excess of 250 civilian residents of Cuk Adek Camp for the Internally Displaced, also known as Barlonyo IDP Camp, including residents [REDACTED]

[REDACTED] in Barlonyo Village, Ogur Sub-County, Erute North County, Lira District, Uganda.

(Articles 8(2)(c)(i) and 25(3)(b) of the ICC Statute)

Count Eighteen

(Attack Against the Civilian Population at Barlonyo IDP Camp Constituting War Crime)

On or about 21 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of a war crime which in fact occurred, namely, the intentional directing of attacks against the civilian population of Barlonyo IDP Camp, in Barlonyo Village, Ogur Sub-County, Erute North County, Lira District, Uganda, and against individual civilians not taking direct part in hostilities, including [REDACTED]

(Articles 8(2)(e)(i) and 25(3)(b) of the ICC Statute)

Count Nineteen

(Pillaging at Barlonyo IDP Camp Constituting War Crimes)

On or about 21 February 2004, Joseph KONY, Vincent OTTI, and Okot ODHIAMBO ordered the commission of war crimes which in fact occurred, namely, the pillaging of Barlonyo IDP Camp, in Barlonyo Village, Ogur Sub-County, Erute North County, Lira District, Uganda.

(Articles 8(2)(e)(v) and 25(3)(b) of the ICC Statute)

Count Twenty

(Murder at Pagak IDP Camp Constituting Crimes Against Humanity)

On or about 16 May 2004, Joseph KONY and Vincent OTTI ordered the commission of crimes against humanity which in fact occurred, namely, the unlawful killings of approximately 30 civilian residents of Pagak Camp for the Internally Displaced, including residents [REDACTED] Denis Okot, and Christopher Akena, near Gulu Town, Lamogi Sub-County, Kilak County, Gulu District, Uganda.

(Articles 7(1)(a) and 25(3)(b) of the ICC Statute)

Count Twenty-One

(Enslavement at Pagak IDP Camp Constituting Crimes Against Humanity)

On or about 16 May 2004, Joseph KONY and Vincent OTTI ordered the commission of crimes against humanity which in fact occurred, namely, the enslavement of at least 27 civilian residents of Pagak Camp for the Internally Displaced, including residents [REDACTED] Christine Aceng, and Christine Anek, near Gulu Town, Lamogi Sub-County, Kilak County, Gulu District, Uganda.

(Articles 7(1)(c) and 25(3)(b) of the ICC Statute)

Count Twenty-Two

(Inhumane Acts at Pagak IDP Camp Constituting Crimes Against Humanity)

On or about 16 May 2004, Joseph KONY and Vincent OTTI ordered the commission of crimes against humanity which in fact occurred, namely, the inhumane acts of inflicting serious bodily injury and suffering upon at least 27 civilian residents of Pagak Camp for the Internally Displaced, including residents [REDACTED] Christine Aceng, and Christine Anek, near Gulu Town, Lamogi Sub-County, Kilak County, Gulu District, Uganda.

(Articles 7(1)(k) and 25(3)(b) of the ICC Statute)

Count Twenty-Three

(Murder at Pagak IDP Camp Constituting War Crimes)

On or about 16 May 2004, Joseph KONY and Vincent OTTI ordered the commission of war crimes which in fact occurred, namely, the unlawful killings of approximately 30 civilian residents of Pagak Camp for the Internally Displaced, including residents [REDACTED] Denis Okot, and Christopher Akena, near Gulu Town, Lamogi Sub-County, Kilak County, Gulu District, Uganda.

(Articles 8(2)(c)(i) and 25(3)(b) of the ICC Statute)

Count Twenty-Four

(Cruel Treatment at Pagak IDP Camp Constituting War Crimes)

On or about 16 May 2004, Joseph KONY and Vincent OTTI ordered the commission of war crimes which in fact occurred, namely, the cruel treatment

of civilian residents of Pagak Camp for the Internally Displaced, by abducting a group of at least 27 residents, including [REDACTED] Christine Aceng, Christine Anek, [REDACTED] Denis Okot, and Christopher Akena, forcing them to march under armed guard and threat of death, and then beating them, near Gulu Town, Lamogi Sub-County, Kilak County, Gulu District, Uganda.

(Articles 8(2)(c)(i) and 25(3)(b) of the ICC Statute)

Count Twenty-Five

(Attack Against the Civilian Population at Pagak IDP Camp Constituting War Crime)

On or about 16 May 2004, Joseph KONY and Vincent OTTI ordered the commission of a war crime which in fact occurred, namely, the intentional directing of attacks against the civilian population of Pagak IDP Camp near Gulu Town, Lamogi Sub-County, Kilak County, Gulu District, Uganda, and against individual civilians not taking direct part in hostilities, including [REDACTED] Christine Aceng, Christine Anek, [REDACTED] Denis Okot, and Christopher Akena.

(Articles 8(2)(e)(i) and 25(3)(b) of the ICC Statute)

Count Twenty-Six

(Pillaging at Pagak IDP Camp Constituting War Crimes)

On or about 16 May 2004, Joseph KONY and Vincent OTTI ordered the commission of war crimes which in fact occurred, namely, the pillaging of Pagak IDP Camp near Gulu Town, Lamogi Sub-County, Kilak County, Gulu District, Uganda.

(Articles 8(2)(e)(v) and 25(3)(b) of the ICC Statute)

Count Twenty-Seven

(Murder at Lukodi IDP Camp Constituting Crimes Against Humanity)

On or about 20 May 2004, Joseph KONY, Vincent OTTI, and Dominic ONGWEN ordered the commission of crimes against humanity which in fact

occurred, namely, the unlawful killings of approximately 40 civilian residents of Lukodi Camp for the Internally Displaced, including residents Milly Anek, [REDACTED], and [REDACTED] near Gulu Town, Bungatira Sub-County, Aswa County, Gulu District, Uganda.

(Articles 7(1)(a) and 25(3)(b) of the ICC Statute)

Count Twenty-Eight

(Enslavement at Lukodi IDP Camp Constituting Crimes Against Humanity)

On or about 20 May 2004, Joseph KONY, Vincent OTTI, and Dominic ONGWEN ordered the commission of crimes against humanity which in fact occurred, namely, the enslavement of at least six residents of Lukodi Camp for the Internally Displaced, including resident [REDACTED] near Gulu Town, Bungatira Sub-County, Aswa County, Gulu District, Uganda.

(Articles 7(1)(c) and 25(3)(b) of the ICC Statute)

Count Twenty-Nine

(Inhumane Acts at Lukodi IDP Camp Constituting Crimes Against Humanity)

On or about 20 May 2004, Joseph KONY, Vincent OTTI, and Dominic ONGWEN ordered the commission of crimes against humanity which in fact occurred, namely, the inhumane acts of inflicting serious bodily injury and suffering upon at least 13 residents of Lukodi Camp for the Internally Displaced, including residents Ayaa Pyerina and Florence Adong, near Gulu Town, Bungatira Sub-County, Aswa County, Gulu District, Uganda.

(Articles 7(1)(k) and 25(3)(b) of the ICC Statute)

Count Thirty

(Murder at Lukodi IDP Camp Constituting War Crimes)

On or about 20 May 2004, Joseph KONY, Vincent OTTI, and Dominic ONGWEN ordered the commission of war crimes which in fact occurred, namely, the killings of approximately 40 civilian residents of Lukodi Camp for the Internally Displaced, including residents Milly Anek, [REDACTED]

██████████ and ██████████ near Gulu Town, Bungatira Sub-County, Aswa County, Gulu District, Uganda.

(Articles 8(2)(c)(i) and 25(3)(b) of the ICC Statute)

Count Thirty-One

(Cruel Treatment at Lukodi IDP Camp Constituting War Crimes)

On or about 20 May 2004, Joseph KONY, Vincent OTTI, and Dominic ONGWEN ordered the commission of war crimes which in fact occurred, namely, the cruel treatment of civilian residents of Lukodi Camp for the Internally Displaced, by abducting a group of at least six residents, including resident ██████████, forcing them to march under armed guard and threat of death, separating them forcibly from their children, and killing abductees in their presence, near Gulu Town, Bungatira Sub-County, Aswa County, Gulu District, Uganda.

(Articles 8(2)(c)(i) and 25(3)(b) of the ICC Statute)

Count Thirty-Two

(Attack Against the Civilian Population at Lukodi IDP Camp Constituting War Crime)

On or about 20 May 2004, Joseph KONY, Vincent OTTI, and Dominic ONGWEN ordered the commission of a war crime which in fact occurred, namely, the intentional directing of attacks against the civilian population of Lukodi IDP Camp near Gulu Town, Bungatira Sub-County, Aswa County, Gulu District, Uganda, and against individual civilians not taking direct part in hostilities, including Milly Anek, ██████████

██████████ Ayaa Pyerina and Florence Adong.

(Articles 8(2)(e)(i) and 25(3)(b) of the ICC Statute)

Count Thirty-Three

(Pillaging at Lukodi IDP Camp Constituting War Crimes)

On or about 20 May 2004, Joseph KONY, Vincent OTTI, and Dominic ONGWEN ordered the commission of war crimes which in fact occurred,

namely, the pillaging of Lukodi IDP Camp near Gulu Town, Bungatira Sub-County, Aswa County, Gulu District, Uganda.

(Articles 8(2)(e)(v) and 25(3)(b) of the ICC Statute)

II.

Background Of The Investigation

1. On 16 December 2003 the government of Uganda referred the situation in Northern Uganda to the Office of the Prosecutor. The referral letter made reference to the "situation concerning the Lord's Resistance Army," and the inability of the government, over a seventeen-year period, to bring to justice members of the LRA, which was then operating from bases in Southern Sudan. (A copy of the referral letter dated 16 December 2003 is annexed hereto as Exhibit A). The Office of the Prosecutor interpreted the referral in accordance with the principles of the Rome Statute and accordingly concluded that the scope of the referral encompassed all crimes committed in Northern Uganda in the context of the ongoing conflict involving the LRA. The Prosecution notified the government of Uganda of its determination.
2. On 27 February 2004, the government of Uganda also lodged with the Registrar a declaration of acceptance of jurisdiction, extending the exercise of temporal jurisdiction by the Court back to July 1, 2002. (A copy of the declaration is annexed hereto as Exhibit B). Approximately two months later, by letter dated 28 May 2004, the government of Uganda clarified its position on admissibility and the exercise of jurisdiction by the ICC. (A copy of the letter dated 28 May 2004 is annexed hereto as Exhibit C). It stated it did not intend to conduct national proceedings relating to those "bearing the greatest responsibility for the crimes within the referred

situation, particularly the leadership of the LRA." It stated that "none of the conditions of Article 17(1) of the Rome Statute apply, and consequently, . . . such cases are admissible before the ICC."

3. Following analysis of the referral under the auspices of Article 53 and Rule 104, and the seeking and receiving of information from sources deemed appropriate by the Prosecutor, the Prosecutor concluded that the requirements of Article 53(1) were satisfied. On 28 July 2004, the Prosecutor announced the commencement of an investigation of alleged crimes committed in Northern Uganda. Notification letters were distributed to all States parties under Article 18(1), as well as to other States that would normally exercise jurisdiction. No State informed the Prosecution of any past or current efforts to investigate or prosecute the criminal acts which may constitute crimes within the jurisdiction of this Court.

III.

Summary of the Evidence and Other Information Establishing Reasonable Grounds to Believe That The Persons Named in This Application Have Committed Crimes Within the Jurisdiction of the Court

A. Legal Framework And Request for Sealing

4. Pursuant to Article 58(2), the Prosecution furnishes in this application a "summary of the evidence and other information" establishing, in the Prosecution's view, reasonable grounds to believe that Joseph KONY, Vincent OTTI, Raska LUKWIYA, Okot ODHIAMBO, and Dominic ONGWEN, have committed crimes within the jurisdiction of this Court.

i. Requirements of Article 58(2)(b)

5. Consistent with the statutory language permitting a “summary,” the application does not contain the entirety of the material collected during the investigation thus far. Nor has the Prosecution exhaustively described its evidence or annexed supporting evidentiary materials. The approach of this application is to summarize – albeit in a detailed fashion – the evidence and information gathered to date. The Prosecution also has annexed maps, charts, photographs, and other summary material which may aid the Court’s understanding of the text of the application. In the event that any warrant issued by the Pre-Trial Chamber is successfully executed by the relevant national authorities, and a confirmation hearing is scheduled by the Chamber, the Prosecution will furnish the Chamber and the defence with all necessary material to satisfy the higher threshold of “substantial grounds,” as enshrined in Article 61(7).
6. In addition, although the OTP provides in this “summary” an extensive description of the evidence and information it has gathered, the Prosecution does not view Article 58(1) to require it to produce the quantum of evidence and information, nor the level of detail, which it has provided in this application. In this case, a combination of external and internal factors has resulted in evidence and information being fully available to the OTP in the time the investigation has been underway. Most fundamentally, in executing its policy of focusing its investigative efforts and resources on those who bear the greatest responsibility, the OTP has been aided by: (1) the OTP’s ability in the past nine months, despite the security conditions in Uganda, to conduct numerous investigative missions to the field; (2) the full cooperation received to date from the government of Uganda; and (3) the availability of evidence which

tends to advance an investigation rapidly. *See infra* at para. 50 (describing taped interceptions of LRA short-wave radio communications among LRA commanders). In addition, the OTP was not constrained by conditions beyond its control to request arrest warrants at an earlier date when it may also have fully satisfied the legal standard set forth in Article 58(1), but did not possess information as complete as is presented here. Such a constraint may have been faced, for example, had it become apparent to the OTP, sometime within the last nine months, that the capture of one of the persons named herein was imminent.

7. The Prosecution relies primarily on the following categories of evidence for the purposes of this application: (1) statements taken from witnesses with knowledge of villages, schools, and camps attacked by the LRA, such as elected local community leaders and leaders of camps for internally displaced persons ("IDPs"); (2) statements taken from personnel of the Ugandan Army, the Ugandan police, and local militias who either witnessed LRA attacks or investigated them; (3) statements taken from admitted former members of the LRA; (4) statements taken from victims of alleged LRA activities; (5) documents furnished by providers, such as law enforcement agencies, the Ugandan army, and centres for the rehabilitation of former abductees of the LRA; (6) taped intercepts of open air, short-wave radio communications among LRA groups and commanders, including the persons named in this application. This material is relied upon for the dual purposes of establishing: (1) reasonable grounds to believe that the persons named herein have committed crimes within the jurisdiction of the Court, as required by Article 58(1)(a); and (2) the necessity of arrest, as required by Article 58(1)(b) of the Statute.

ii. *Request for Sealing*

8. The Prosecution respectfully requests that: (1) this application be received by the Pre-Trial Chamber under seal; (2) the fact of the existence of this application also be sealed; and (3) any proceedings conducted in connection with this application be held *ex parte* and *in camera*. The Prosecution also respectfully requests that any determination by this Pre-Trial Chamber to issue warrant(s) of arrest, and this warrant application itself, be sealed from the public, at least until such time as efforts to transmit requests for arrest and surrender can be arranged, and potentially for a longer period.
9. The reason for this request is that public awareness of any warrant of arrest issued by the Court, or the Prosecution's request for warrants of arrest, at this time, could: (1) subject vulnerable groups in Uganda to the risk of retaliatory attacks by the LRA; and (2) undermine continuing investigative efforts.
10. The vulnerable groups who would be put at risk if warrants of arrest or this application were to become public include victims, witnesses, those living in areas mentioned in this warrant application, those residing or working at rehabilitation centres and other agencies or organizations which have provided cooperation to the OTP. As is described throughout this application, in Sections III.B through III.F, one of the characteristic motivations for LRA attacks is retaliation – *i.e.*, the infliction of inhumane acts, including murder, upon the communities of those perceived by LRA commanders to have either directly or indirectly undermined the LRA or LRA interests. For this reason, among others, there is a compelling interest in withholding from the public information about the seeking of

arrest of LRA commanders at any time when the leadership remains at large and the LRA remains capable of carrying out targeted operations in Uganda.

11. At present, the LRA is demonstrating that it continues to have the capability to inflict attacks in areas inhabited by individuals in vulnerable groups. For example, in Gulu District, where a significant number of the victims and witnesses named in this application live, the United Nations Office for the Coordination of Humanitarian Affairs ("UNOCHA") has reported recent LRA attacks on both civilian and military targets. Indeed, since the last cease-fire in the conflict ended, on 22 February 2005, there generally has been increased violence in the northern districts of Gulu, Kitgum, Pader, Lira, Apac and Adjumani.
12. The OTP is in the process of implementing greater witness security measures, including potentially relocation, in anticipation of the possible unsealing of arrest warrants. Similarly, if this Court grants any part of the request for warrants, the Prosecution likely will request the government of Uganda to consider implementing measures to protect individuals or areas at high risk before the existence of any warrant becomes public. Because some protective steps, however, can most effectively be requested once there is certainty that warrants of arrest will issue, it would be beneficial if the warrant application and any warrants issued by the Court could remain sealed until either the security conditions in potentially affected areas improve or further protection measures can be arranged.
13. The ongoing nature of the investigation is an additional factor militating in favor of sealing. Thus far, the degree of cooperation furnished by states, organizations and individuals has been ample to permit the investigation

to progress. Publicizing warrants of arrest before any warrants issued by this Court are executed, however, could cause information providers and witnesses to withdraw support for the investigation, if there is a perception that the timing of any public announcement is not appropriate to the security situation or efforts to achieve a negotiated peace. For the present, continuing the investigation under the current condition of confidentiality best serves the interests of the investigation, as well as those of potentially vulnerable groups.

14. For the Court's consideration, and potential transmission to the relevant States, the Prosecution will submit, under separate cover, proposed warrants of arrest conforming to the requirements of Art. 58(3). In anticipation of the possibility that it may also be necessary to transmit this application as part of any request for arrest and surrender, *see* Art. 91(2)(c), the Prosecution also will prepare a redacted version of this application, pursuant to its obligations under Article 68(5) to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. Because the Prosecution wished the Court to consider the application at its earliest opportunity, and with the fullest possible disclosure of information, this application contains no pseudonyms or redactions. It is the Prosecution's view, however, that any transmission of requests for arrest and surrender to relevant State and non-State authorities should: (1) be redacted of information tending to identify victims or witnesses; and (2) be accompanied by protective measures deemed appropriate by the Court under Article 87(4). For this reason, the Prosecution will submit proposed pseudonyms and redactions, for the Court's consideration, within a week's time. As part of the same application, the Prosecution will be prepared to address more fully any

questions the Court may have with respect to the Prosecution's request for sealing.¹

iii. Request for Enlargement of Page Limit

15. The Prosecution respectfully requests an enlargement of the otherwise applicable page limit of 50 pages. *See* Regulation 38(2)(e). Among the extraordinary circumstances presented here are the circumstances mentioned *supra* in para. 6. Also, the OTP has included in this single document requests for warrants against five named individuals, as well as a request for sealing and a request that the Prosecution be permitted to transmit any arrest warrant issued by this Pre-Trial Chamber to the relevant States.

iv. Credibility of Witnesses Interviewed Under Art. 55(2) Procedures

16. A final preliminary legal issue relates to the questioning of former LRA members. As is discussed below, in the case of any former LRA member as to whom there were reasonable grounds to believe that he or she had committed crimes within the jurisdiction of the Court, the OTP has observed, in each interview of the witness, the procedures set forth in Art. 55(2). The practice most frequently applied to former mid-level officers in the LRA, but also included, for example, both male and female abductees who never achieved ranks in the LRA but admitted committing crimes within the jurisdiction of the Court while an LRA member. The

¹ Until arrest is effected, and defendants are in custody, there is no arguable prejudice which will arise from a procedure of using pseudonyms or redactions, as no disclosure obligations will yet have been triggered. *See Jones, Protection of Victims and Witnesses*, in *The Rome Statute of the International Criminal Court. A Commentary*, OUP, p. 1362 (eds. Cassese, Gaeta and Jones 2002) ("At the investigation stage, the Prosecutor should be reasonably free to take measures for prospective witnesses and not to divulge the witnesses' names or other identifying details to the accused, who is, after all, not yet in custody").

requirements of Art. 55(2) were observed despite the unusual mitigating circumstance that the vast majority of the interviewees were abductees who themselves had been abused by other LRA members and thus could – and should – rationally be viewed also as victims.

17. Because the matter is relevant to the credibility of these witnesses, it is important that the Court is aware that the Prosecution has communicated to each of the “insider” witnesses named in this application that it does not intend to prosecute him or her, because of his or her relatively low position in the hierarchy of the LRA and lesser degree of responsibility for the crimes committed by the LRA. Obviously no assurance of judicial immunity has been offered. The OTP currently intends to continue to apply the procedures of Art. 55(2) and Rule 112, when applicable, even as to those potential witnesses against whom it does not intend to seek charges.

B. Introduction: The Lord’s Resistance Army²

18. The Lord’s Resistance Army (“LRA”) is an armed group which has carried on an insurgency against the Government of Uganda and its president, Yoweri Museveni, since at least 1987. When Museveni seized power in 1986, with the backing of the National Resistance Army, he ousted General Tito Okello Lutwa, an ethnic Acholi from the north of Uganda. Since that time, Joseph KONY, the admitted leader of the LRA, has waged war purportedly to liberate the people of Uganda – particularly those who, like him, are of Acholi ethnicity – from the Museveni-led government, which KONY claims is illegitimate. Since it was formed, the LRA has fought a

² The evidentiary bases for the factual information included in this Introduction are set forth in the remainder of the application.

two-pronged war, carrying out armed attacks upon: (1) the Ugandan army, known as the Uganda People's Defence Force ("UPDF"); and (2) civilian populations, with the aim of forcibly obtaining young "recruits" to its cause and, increasingly in recent years, for the purpose of bringing dishonour upon the government it considers illegitimate.³

19. LRA tactics include the brutalization of civilians through murder, the abduction of boys to serve as fighters, the abduction of girls to serve as fighters and sexual slaves, mass burnings of villages and homes, mutilation, and looting. A central characteristic of the conflict is a cycle of violence in which abducted civilians, including children, are compelled through brutalisation, beatings, and propaganda to labour as fighters, porters, and sex slaves, in order that the LRA may sustain itself and send forces, including child soldiers, to attack the UPDF and other civilians. The vast majority of LRA members are captives who commonly suffer being physically restrained and beaten, and being forced to watch and participate in killings. Captives also endure brutal living conditions in the bush. The Acholi people, whom KONY claims to wish to liberate, are the LRA's most frequent target and suffer the greatest proportion of LRA victimization.
20. Sources including the United Nations, UNICEF, and the U.S. State Department have reported that approximately 20,000 children have been abducted since the armed conflict began.⁴ These same sources have

³ For reference, annexed as Exhibits D and E are maps showing, respectively, the districts of Uganda and the predominant ethnicity of the population, by region.

⁴ United Nations, "Uganda: Child Soldiers at Centre of Mounting Humanitarian Crisis," p. 1 (2005); UNICEF, "Children Bear the Brunt of Uganda's 19 Year Conflict", p.2 (2005) U.S. State Department, *Draft Report to U.S. Congress*, at section entitled "Background on the Conflict in Northern Uganda" (2 Feb. 2005) (hereinafter, "U.S.

concluded that the LRA carried out a significant proportion of those 20,000 abductions since mid-2002, when LRA forces returned to Uganda after having maintained bases in Southern Sudan. For example, the United Nations Under Secretary General for Humanitarian Affairs, Jan Egeland, stated in December 2003 that in that year alone, 8,500 children had been abducted by LRA rebels.⁵ Human Rights Watch estimated that 8,400 civilians were abducted from June 2002 to May 2003.⁶

21. The U.S. State Department has reported, in addition, that there have been approximately 10,000 to 12,000 "direct" casualties of the conflict in Northern Uganda, and likely 3,000 such casualties in each of the years 2003 and 2004.⁷ The U.S. State Department defined "direct casualties" to mean deaths by combatants on both sides, civilians killed in operations or attacks, and civilians (including children) executed or worked to death by the LRA.⁸
22. At or around the time it referred the situation in Northern Uganda to the ICC, the government of Uganda began surveying available Ugandan police, military and intelligence information relating to attacks believed to have been carried out by the LRA. The initial survey, and periodic updates, have resulted in estimates of LRA activity that are made on an attack-by-attack basis, during the two-year period from July 2002 to June

State Dep't Report").

⁵ Cited in International Crisis Group, *HIV/AIDS As A Security Issue in Africa: Lessons from Uganda*, p. 4 (16 April 2004).

⁶ Human Rights Watch, *Abducted and Abused: Renewed Conflict in Northern Uganda*, p. 4 (Vol. 15, no. 12(a) July 2003) (hereinafter, "HRW Report").

⁷ U.S. State Dep't Report at section entitled "Background on the Conflict in Northern Uganda."

⁸ *Id.*

2004. According to the survey, which likely results in conservative estimates, the LRA carried out at least 850 attacks upon civilians in the two-year period, or attacks at a rate of greater than one-per-day. The attacks range from mass killings and abductions carried out in camps and villages, to ambushes of vehicles on roads and attacks upon individuals in fields or on roads. Also according to the survey by the Ugandan government, approximately 2,200 civilians died in LRA attacks carried out from July 2002 to June 2004 and that the LRA abducted another 3,200 civilians during the same time period.

23. The consequences of the conflict and the repeated and violent attacks upon civilians also spread far beyond the most direct victims of LRA violence. The United Nations has estimated that, in the most recent years of the conflict, as many as 1.6 million people in Northern Uganda were displaced from their homes to camps for internally displaced persons ("IDPs").⁹ The International Rescue Committee reported in November 2004 that the number of Ugandans displaced from their homes had more than tripled in the prior two years, such that 80% of the Acholi population had become displaced.¹⁰ This displacement has obvious and damaging consequences upon health, education, and security. For example, despite massive humanitarian aid efforts, acute malnutrition rates for children under the age of five are as high as 30% in Northern Uganda.¹¹ Sixty-six percent (66%) of the population in the north live under the poverty line, as

⁹ See, e.g., United Nations, "Uganda: Child Soldiers at Centre of Mounting Humanitarian Crisis," p. 1 (2005).

¹⁰ International Rescue Committee, *The IRC in Uganda*, section entitled "Summary" (Nov. 2004).

¹¹ See *id.*, section entitled "Background."

compared to a Ugandan national average in the high thirties.¹² In November 2003, Jan Egeland called the situation in Northern Uganda "the biggest forgotten, neglected humanitarian emergency in the world today."¹³

C. The Persons As To Whom Arrest Warrants Are Sought

24. The LRA operates as an army. KONY has organized his group into a militaristic hierarchy, led by himself as commander-in-chief. Since July 2002, the fighting forces, for the most part, have been divided into four brigades, each of which is further split into battalions. KONY himself awards positions for individual fighters which correspond to the ranks found in militaries around the world.
25. To determine the hierarchy of senior command posts in the LRA since July 2002, as well as the individual LRA members who held those posts, this Office has relied primarily upon: (1) interviews of former LRA commanders and members;¹⁴ (2) material gathered from taped interceptions of LRA short-wave radio communications; and (3)

¹² Norwegian Refugee Council, "Situation Report Northern Uganda: The Current Humanitarian Situation", p. 2 (10 Oct. 2004).

¹³ Agence France-Presse, "War in Northern Uganda World's Worst Forgotten Crisis: UN," (11 Nov. 2003).

¹⁴ Approximately fifteen former LRA commanders who spent at least seven years in the LRA have been interviewed thus far by this Office. In each of these cases, the witness was interviewed in accordance with the procedures dictated by Article 55(2), as is described above. *See supra* at paras. 16-17. The level of knowledge and credibility of the "insider" witnesses predictably varied and thus efforts have been made to corroborate any information furnished by such a witness which has been referenced in this application. The backgrounds of the witnesses, and the more specialized knowledge in their possession, are discussed in other sections of this application.

documents obtained by the UPDF when either abandoned by the LRA or found in the possession of LRA members who escaped or were captured.

26. These sources, when evaluated together, yielded consistent information about the hierarchy of the senior command posts of the LRA, the individuals who occupied them, and the approximate dates of changes in command.
27. In descending order, from 1 July 2002 to May 2004, the hierarchy of posts appears to have been as follows:
- the Chairman of the LRA and Commander-in-Chief (Joseph KONY for the entire period);
 - the Vice-Chairman and Second-in-Command (Vincent OTTI for the entire period);
 - the Army Commander;
 - three senior posts – Deputy Army Commander; Brigade General; and Division Commander – which fall in the hierarchy between the Army Commander post and the Brigade Commander posts, although their relative positions to one another are not as yet well understood;
 - four Commanders of equal rank, each of whom leads one of the four LRA brigades (named Stockree, Sinia, Trinkle, and Gilva).
28. An organization chart depicting the structure of the most senior command of the LRA, from 1 July 2002 to May 2004, is annexed hereto as Exhibit F. The Prosecution also annexes hereto, as Exhibit G, a chart which depicts this information in the form of a timeline. The timeline appears to depict exact dates that commanders changed posts; those dates are in actuality approximate.

29. The persons as to whom arrest warrants are sought are the following:

30. JOSEPH KONY is the admitted leader and founder of the LRA. Former mid-level LRA commanders have been consistent in identifying KONY as the head of the LRA. Among the titles attributed to him by former LRA commanders are "Chairman," "overall commander of LRA," and "overall head of the LRA." One former LRA major stated, "KONY is in control of the LRA because the whole movement was his own." KONY himself has acknowledged his role as the leader and originator of the LRA. On 28 December 2002, KONY called in by telephone to a radio show being hosted by Mega FM, a station based in Gulu town in Gulu District. During the radio interview, which is discussed further at paras. 42-47, KONY identified the "war" being fought as a "war between KONY and Museveni." He admitted, "I started fighting in 1987." He called himself "the mother of this movement."

31. Little is known about KONY's origins. The UPDF believes that KONY was born in the early 1960's, in Gulu district, and was educated to the level of Primary 4 (approximately ten years old).¹⁵ KONY speaks Acholi and English.¹⁶ According to former LRA insiders, KONY holds himself out to his LRA subordinates as a prophet, a medium of the Holy Spirit, and messenger of God. KONY gave a name with religious connotations – "Control Altar" – to the group within the LRA which is his own headquarters. Eyewitnesses have described KONY's claims, in addresses to large groups of LRA forces in Sudan, that one of his objectives is to

¹⁵ KONY's age, educational background, and home town are similarly reported by researchers. See, e.g., R. Gersony, *The Anguish of Northern Uganda: Results of A Field Based Assessment of the Civil Conflicts in Northern Uganda*, p. 36 (August 1997) (hereinafter "Gersony Report"); HRW Report at p. 10.

¹⁶ During the Mega FM radio broadcast, for example, he spoke both languages.

establish a society run according to the law of God or the Ten Commandments.

32. VINCENT OTTI has been KONY's second-in-command at least since mid-2002. At that time, in response to a major UPDF offensive in Southern Sudan called Operation Iron Fist, the forces of the LRA abandoned bases there and moved back into Uganda. Former LRA insiders consistently identify OTTI using such descriptions as "the vice-Chairman," deputy chairman, and "KONY's number 2." As is described below, *see infra* at paras. 151, 154, 163, in at least the period from June 2003 to May 2004, OTTI functioned as KONY's commander of the LRA for its operations in Uganda, while KONY mostly remained based in Southern Sudan.
33. OTTI's origins, like those of KONY, are obscure. For several years, however, he has held a position as KONY's closest confidant among the commanders. OTTI is reported by the UPDF to have been born in Atiak sub-county, in Gulu District, and to have been in the LRA since its inception. According to a former abductee who lived in OTTI's household, he is possibly in his 60s. At least since the time of Operation Iron Fist, OTTI has been the commander to whom KONY has given the most operational responsibility. Eyewitness accounts and taped LRA short-wave radio conversations establish that OTTI speaks to KONY one-on-one and with a closeness that KONY does not share with other officers. OTTI is currently the only LRA commander other than KONY who is permitted to maintain contacts with parties outside the LRA, such as the media and potential peace negotiators.¹⁷

¹⁷ See "Top Rebel Negotiator Surrenders to Government," Integrated Regional Information Networks of the United Nations Office for the Coordination of Human Affairs ("IRIN"), 17 Feb. 2005 (reporting that OTTI called Betty Bigombe, the chief

34. Raska LUKWIYA held, in the period from July 2002 to May 2004, a series of three posts culminating in his appointment to the third-highest post in the LRA, that of Army Commander. *See* Exhibit G. At all times from July 2002 to May 2004, LUKWIYA occupied a post subordinate to that of OTTI but above the level of the commanders of the four brigades. *See* Exhibit F. By former LRA commanders, he was consistently described as bearing the responsibility for the overall command of the four brigades.
35. Raska LUKWIYA is believed by the UPDF to be an abductee from Gulu District. Former LRA fighters have stated that LUKWIYA is ignorant and unschooled, but LUKWIYA has also been described as an ambitious commander who "follows KONY's orders to the letter" and is "feared."
36. Okot ODHIAMBO, like Raska LUKWIYA, has risen through the senior command of the LRA since July 2002. During the period most relevant to this application, in the year from June 2003 to May 2004, ODHIAMBO served successively as Brigade Commander of Trinkle Brigade, Brigade Commander of Stockree Brigade, and Deputy Army Commander. *See* Exhibit G. As is related below, *see infra* at paras. 438-451, among other attacks, ODHIAMBO commanded the LRA forces which attacked Barlonyo IDP Camp and killed perhaps as many as 200 civilians residents, in one of the most violent attacks waged by the LRA in the eighteen-year war.
37. ODHIAMBO is uniformly described by former LRA commanders and members as a ruthless killer. Former LRA commanders described

mediator between the government of Uganda and the LRA, to say that he was replacing Sam Kolo as the LRA's chief negotiator after Kolo, then the Director of Political Affairs for the LRA, surrendered to the UPDF).

ODHIAMBO as "the one who has killed the most, a "killer" who "has no mercy in him at all," a "bitter" man who will kill anyone. ODHIAMBO was also repeatedly described by interviewees as someone valued by KONY because he followed orders quickly and without question. One former LRA commander stated that when ODHIAMBO was ordered to do something, he "[went] ahead and [did] it very quickly" Another commented that KONY called ODHIAMBO his "best commander." As is described below, *see infra* at paras. 397-398, 449, KONY's expressions of his high regard for ODHIAMBO, because of ODHIAMBO's enthusiasm for killing, have been tape recorded, as a result of the Ugandan government's regular interception and recording LRA short-wave radio communications.

38. Dominic ONGWEN was promoted to the post of Brigade Commander of Sinia Brigade in the spring of 2004. Sinia Brigade under ONGWEN's leadership, like Stockree Brigade under ODHIAMBO, was active in attacking civilians, in fulfilment of orders disseminated by KONY and OTTI. Former LRA commanders have attributed to ONGWEN's immediate leadership a series of significant attacks that occurred in April 2004 to June 2004 – attacks at Odek IDP Camp, Lukodi IDP Camp, and Abok IDP Camp. The attack at Lukodi IDP Camp is described in greater detail below. *See infra* at paras. 541-586.
39. ONGWEN's origins are unknown. Former LRA commanders described him as a commander who was "ruthless," and referenced him as an example of a fighter who was promoted by KONY quickly, as a reward for following KONY's orders to do "bad things." As is described below, *see infra* at para. 585, ONGWEN and OTTI laughed together after ONGWEN reported to OTTI that he had been the one who led the attack at Lukodi

IDP Camp. During the conversation, which was taped by the government of Uganda, the pair discussed the killings of civilians and burning of houses that the LRA had carried out there.

40. Photographs of the persons as to whom warrants are sought are annexed to this application as Exhibit H.

D. LRA Organization and Operations

i. LRA Objectives

41. The LRA states openly that its objective is to overthrow the Museveni government through armed attacks. It conceals, but only poorly, that one of the means by which it seeks to attain this goal is by attacking civilians. Among the sources establishing the objectives of the LRA and its leadership are: (1) public statements by LRA leaders, including KONY; and (2) information furnished by former LRA officers and LRA abductees.
42. On 28 December 2002, during a radio broadcast by an FM radio station based in Gulu town, KONY and OTTI set out the LRA's objectives. During the hour-long broadcast, the host of the radio show and others, including a former LRA officer, attempted to convince OTTI and KONY, in series, to specify a means of proceeding with peace negotiations.
43. OTTI, who called in by telephone first, stated, "[Y]ou Acholi people should know that, we the LRA we are here to overthrow Yoweri's government and we will overthrow it." He referred to the LRA as "freedom fighters" who would "come to power by the barrel [of a gun]." OTTI stated, "I know that by the barrel of a gun I will get peace better than talking."

44. When confronted with allegations that the LRA was killing innocent civilians by, for example, ambushing civilian vehicles, OTTI responded that because "it is a war period," "we will shoot if you travel using a vehicle on the roads." OTTI continued, "Any plane which flies, even if it's the UN's we will shoot." Asked why the LRA abducted young girls, OTTI initially denied the allegation, saying "we are not bringing young girls to help us." Shortly thereafter, however, OTTI admitted carrying out the abductions, reasoning that "the girls we collect are our sisters." He explained, "We collect them when they are still young, and have no AIDS."
45. KONY called in to the radio show after OTTI finished. Like OTTI, KONY acknowledged that "there is a war between Kony and Museveni." KONY claimed that the LRA was fighting "this war of rebels" on behalf of the Acholis just as Museveni had "fought and won" with "his own tribe." He stated that he had "started fighting in 1987," identified himself as the "mother of this movement," as well as a "soldier" in it. He acknowledged OTTI's role as "commander brigadier."
46. Unlike OTTI, KONY was careful to portray his "movement" as a political one, claiming, for example, that "my political wing" existed "in London [and] . . . in Uganda here." He claimed that the ascendancy of the Acholis was ordained by God, stating, "[W]hat is happening is Acholiland is God's programme." When accused of victimising the Acholi, KONY denied "doing any bad things in Northern Uganda" and leveled accusations against the Ugandan government instead. KONY stated that "All the dirty work, or all those wrongdoings, were done by the Government not the LRA."

47. KONY stated that peace negotiations could proceed "in a straight forward way" but not in "a local way." When asked which way was a straight forward way, KONY responded, "Which way do people talk amongst themselves?" KONY declined to name any delegation of potential negotiators on behalf of the LRA.
48. LRA abductees have confirmed that the LRA's objectives are to depose the Museveni government, in favor of a government run by KONY and a "new Acholi" tribe. For example, girls abducted by LRA forces from the Lwala Girls Senior Secondary School, in Kaberamaido district, in June of 2003, have stated in interviews with the Prosecution that, following their abductions, a commander of the LRA informed the group of abducted girls that they had been kidnapped to help the LRA overthrow the Government. *See infra* at para. 191. He also stated that in the new Government, the girls would be commanders themselves. KONY later told one of these abducted girls, [REDACTED], whom he picked to be his "wife," that her purpose, like that of the other abducted "wives," was to give birth to expand the "clan."
49. [REDACTED] a former LRA major [REDACTED] below the age of fifteen, and escaped from the LRA [REDACTED]¹⁸ explained that KONY's desire to discredit Museveni led him to order particularly vicious attacks upon civilians.¹⁹ For example, in mid-2002 KONY ordered LRA

¹⁸ Ages in this application have frequently been estimated. It is more customary in Northern Uganda for people to describe age or time in relation to historical events, rather than dates. Dates of birth are not considered significant. Often if asked about birth date or age, an interviewee responded with figures which were internally inconsistent, making it necessary to infer age based on other events which could be dated.

¹⁹ [REDACTED] He has admitted that he has likely killed people, including civilians, in attacks carried out by the LRA.

forces to begin making attacks upon civilians in the regions of Lango and Teso — further south and east of the districts populated by those of Acholi ethnicity and more commonly attacked by the LRA. *See infra* at paras. 150-163. [REDACTED] one of KONY's justifications for the campaign to the south and east was to spread the war and thereby bring the LRA's grievances to the attention of the world. [REDACTED] the attack at Barlonyo IDP Camp in February 2004, which was unprecedented in its ferocity, *see infra* at paras 400-451, was motivated in part by a desire to attract world-wide media attention and demonstrate that Museveni could not protect Ugandans.

50. Like many other insider descriptions of the inner workings of the LRA, [REDACTED] account of KONY's motivation and reasoning is strongly corroborated by tape recordings of senior LRA commanders, including KONY, talking amongst each other to coordinate LRA operations. The government of Uganda regularly intercepts and tapes LRA commanders when those commanders use open-air, short-wave radio to communicate with one another. The Prosecution has requested and obtained tape recordings which were made by the UPDF and the Internal Security Organization of Uganda and has begun translating the taped conversations from the Acholi language. To verify the voices on the tapes, this Office has played the tapes to former LRA insiders familiar with the voices of the leadership of the LRA.

51. In the case of the attack on Barlonyo IDP Camp, the LRA radio communications just following the attack — [REDACTED] — fully corroborate that one of KONY's aims in attacking [REDACTED] amnesty from the Ugandan government [REDACTED] serving in the UPDF.

civilians was to bring dishonor upon the Government by, among other things, carrying out attacks big enough to attract international attention. Upon being told that the LRA had succeeded in bringing "death to every living thing" at the camp, KONY praised ODHIAMBO, who had admitted executing the attack, calling him "the commander that can overthrow Museveni very well." He then instructed Sam Kolo, a Brigadier who then served as the head of political affairs, to convey to the BBC the "details of what is taking place in Uganda."

ii. *LRA Composition And Crimes Admitted by Former LRA Members*

a. *Control Altar and the Four Brigades*

52. As was noted above, *see supra* at para. 31, KONY and his highest commanders formed the core of a group called "Control Altar." Since at least July 2002, Control Altar has included the most senior officers of the LRA, including KONY, OTTI, the Army Commander, and others serving in the posts at or above the brigade commander level. According to former LRA commanders and members, Control Altar was also subdivided into "departments," such as Political Affairs, Operations, Religious Affairs, Support, and Personnel Administration, each of which had a director or leader. For example, Sam Kolo was the Director of Political Affairs and as such was in charge of communications with the media and with peace negotiators until earlier this year, when he surrendered to the UPDF.²⁰

53. Before the UPDF commenced Operation Iron Fist, in March 2002, LRA forces operated from camps based in Sudan, and it was typical for KONY,

²⁰ See, e.g., "Top Rebel Negotiator Surrenders to Government," IRIN, 17 Feb. 2005; "LRA's Kolo Surrenders," New Vision, 17 Feb. 2005; "LRA's Kolo Surrenders," The Monitor, 17 Feb. 2005.

Control Altar, and the remainder of LRA forces to be camped in one area. Since Operation Iron Fist, however, most LRA forces have been based in Uganda, although KONY himself has only comparatively rarely been in Uganda. *See infra* at paras. 134-137. From the relative sanctuary of Sudan, KONY has been ordering forces from Control Altar, and from the brigades, in different combinations, to move to and fight in different places in Uganda.

54. The names of the four operational brigades of the LRA were explained by [REDACTED] Sinia means "I will not leave you alone"; Stockree means "peace,"; Gilva means "to love"; and Trinkle means "it is enough." Each brigade has a commander, who presides over a group comprising the "brigade headquarters." Each brigade also is subdivided into battalions, each of which also had a commanding officer. From former LRA commanders, it seems that brigade size at times has reached up to 1,000 LRA members.

b. LRA's Fighters

55. The vast majority of the LRA fighting forces, including at least some in the current senior command of the LRA, are civilians who were abducted when they were boys and girls. Both boys and girls are trained to be fighters and are used additionally as porters who carry plundered goods, food, clothing, and pots. Abducted girls who are sexually mature when abducted or become sexually mature after abduction, are routinely forced to accept male commanders as "husbands," and to accept duties as "wives," including forced sex and forced impregnation.

56. The profile of civilians abducted by the LRA and the roles and acts which they perform or are forced to perform in the LRA have been confirmed in statements given to the OTP by former abductees, most of whom were children when taken captive, and taped intercepts of LRA radio communications. The first-hand accounts given by witnesses interviewed by the Prosecution are summarized throughout Section III.F of this application.
57. In addition to these sources, the Prosecution has examined records of statements made by admitted former members of the LRA who have applied for amnesty from national prosecution. Records maintained by the Uganda Amnesty Commission provide possibly the largest database from which one can attempt to determine the common characteristics of LRA abductees and the crimes they commit, based on the abductees' own descriptions.
58. The records exist because in 2000, the Government of Uganda passed the Amnesty Act of 2000, enabling any Ugandan who has engaged in war or armed rebellion against the government since 26 January 1986 to obtain amnesty. After the Act took effect, thousands of former LRA members – members who escaped, or were released or captured by UPDF – applied for national amnesty. Applicants are required as part of the application process to describe themselves and their conduct while a member of the LRA. Although the data is not universal, because it reflects the experiences only of those who elected to apply for amnesty, the Amnesty Commission records furnish basic information about: (1) the background and characteristics of LRA abductees; and (2) some extremely conservative estimates of the numbers of LRA members who have admitted committing crimes while in the LRA.

59. OTP investigators have reviewed records regularly maintained by the Amnesty Commission regarding applicants who applied for national amnesty between January 2003 and August 2004. According to application forms maintained by the Amnesty Commission during this period, a total of 6,144 applicants reported having been members of the LRA.
60. One thousand five hundred ninety-three (1,593) of the 6,144 LRA applicants for amnesty did not specify how they had become an LRA member. But of the 4,551 applicants who did describe the manner in which they joined the LRA, the vast majority – 93.8% – reported either that they had been abducted or forced; and only 6.1% reported that they joined the LRA voluntarily. Annexed as Exhibit I(i) is a pie chart depicting these figures.
61. The Amnesty Commission data also establish that children have been abducted disproportionately, especially in recent years. Applicants for national amnesty who were forcibly “recruited” reported having been abducted as early as 1987, but the vast majority of abductees who applied for national amnesty – 79.1% – were abducted in the years from 2001 to 2004, inclusive. Seventy-three percent (73.1%) of those abducted in those more recent years were below the age of 18 when abducted. Almost half, or forty-seven percent (47.2%), were below the age of 15. Annexed as Exhibit I(ii) is a chart showing the distribution of the ages, at abduction, of all abductees who applied for national amnesty from January 2003 to August 2004. The chart shows that the most boy abductees were abducted between the ages of 11 to 17, and most girl abductees were abducted when between the ages of 10 to 15.

62. Eighty-two percent (82.6%) of those abducted between the years of 2001 to 2004 were male; 27.4% were female. *See Exhibit I(iii).*
63. Eighty-six percent (86%) of the 4,270 self-reported abductees who applied for national amnesty between January 2003 and August 2004 identified themselves as being of Acholi ethnicity. Ten percent described themselves as Langi, 2% as Itesot, and 2% as "other." *See Exhibit I(iv).*
64. The pool of LRA abductees who applied for national amnesty also verified that the LRA abducts civilians, including children, to put them to use as fighters, porters, and sex slaves. Of the 4,270 abductees who applied for national amnesty from January 2003 to August 2004, more than two-thirds – 65.6% – reported that they had received military training in such matters as "artillery," "infantry," "how to parade," or "how to use and dismantle a gun." Thirty-seven percent (39%) or over a third, admitted having engaged in combat while an LRA member.
65. The Amnesty Commission questionnaire did not ask any questions relating specifically to roles more traditionally associated with women or to gender-based crimes. Still, eleven percent (11.1%) of the female abductees self-reported their role in the rebel group to have been as a "wife."²¹

²¹ This figure is likely a gross underestimate. In part for the purposes of comparison, this Office also analyzed files from the Rachele Rehabilitation Centre ("RRC"), a nongovernmental rehabilitation centre based in Lira town, in Lira District. At rehabilitation centres, psychologists and social workers assess returning abductees and prepare returnees for re-integration with family and society, through education, vocational training, and counseling. The intake questionnaire at RRC contains specific questions about gender-based roles and crimes. Forty-six percent (46%) of 489 females who registered at RRC between October 2003 and May 2004 reported having been "distributed" as a "wife." Fifty-seven percent (57%) of the 489 reported having served either as a "wife," baby-sitter or "ting ting," or cook.

66. When they elected to describe their non-military roles, many children of both genders (abductees under the age of 15) described having been given tasks of cooking, babysitting, portering, labouring, escorting, and guarding. Annexed as Exhibit I(v) are charts showing the roles reported by male and female children.
67. The Amnesty Commission records also make clear that committing the crimes of killing, abducting, and looting are a common feature of being an LRA member. While likely a significant underestimate, like the other figures relating to military training and possible crimes, 741 of the abductees, or 14%, admitted committing the crimes of killing, or beating and hacking, while an LRA member. Others admitted looting, destroying property, and abducting. Annexed as Exhibit I(vi) is a chart depicting the number and types of crimes admitted by abductees.

iii. *Orders of KONY To Maintain Internal LRA Discipline*

a. *Disciplinary Regimen Imposed On Abductees*

68. Personal accounts of those abducted by the LRA establish that the LRA has been able to sustain itself – for the past eighteen years – through an extreme and violent disciplinary system created and enforced by KONY. Through a series of standing orders, KONY ensures that his commanders: (1) target children for abduction; (2) subject those children in their formative years to physical threats, severe mental and physical trauma, and religious and political propaganda; (3) convince the children that it is desirable to obtain “rewards” like ranks, through violence. By these means, among others, established LRA commanders suppress attempts by more recent abductees to escape, as well as resistance on the part of

abductees to committing atrocities against others, both within and outside of the LRA.

69. Highly consistent information about the means by which KONY and his commanders maintain internal LRA discipline has been furnished by: (1) former LRA commanders and members; and (2) victims, including children and adults who either were attacked or briefly abducted by the LRA.
70. Former LRA members, including short-term abductees, related being subjected to a series of acts which caused them to lose hope that they could escape or successfully resist the will of their captors. For example, soon after being abducted, abductees were warned that any attempt at escape would be punished by death. To reinforce this message, recent abductees were often tied, marched under armed guard, and beaten or killed for even slight "offenses," such as stumbling while walking or falling behind while carrying loot. Attempts to escape were punished by beatings or death by beating, hacking or shooting. When the commander ordered a killing, the killing typically was carried out openly, so that all present would see the punishment being given. Commanders often ordered the most vulnerable – children and other recent abductees – to carry out the killings of their peers.
71. These measures have been described by many of the victims of the six attacks which are the focus of this application. *See, e.g., infra* at paras. 183-190, 229 (group of 70 to 100 girls abducted from Lwala Senior Secondary Girls School at night marched under armed guard, while tied to one another, and told not to attempt to escape); paras. 75, 194-206 (group of Lwala schoolgirls forced within weeks of their own abductions to

participate in killing of boys who tried to escape); para. 280 (abductee from Pajule IDP Camp shot in front of other abductees after complaining about load he was being forced to carry); paras. 352-355 (abductee from Abia IDP Camp forced to watch killings of her brothers by clubbing and throwing of her baby girl into a river); paras. 471-506 (abductees from Pagak IDP Camp forced to march under armed guard before captors tried to kill them); paras. 562-569 (abductees from Lukodi IDP Camp tied, and marched; some shot as group walked for failing to keep up).

72. Former mid-level LRA commanders interviewed by this Office provided additional information. Although many had stayed within the LRA for close to, or over, a decade, they were initially abducted when under the age of 15. These former officers thus themselves had accounts of the psychological trauma they underwent during and after abduction. They also came to understand, as they grew, the practices and methods routinely used by the LRA to ensure that children and former abductees complied with orders of commanders and did not attempt to escape. Among these commanders are:

- [REDACTED] a former member of [REDACTED] and remained in the bush [REDACTED]. He stated that [REDACTED]. [REDACTED] He explained that later he came to understand that the LRA regularly carried such beatings upon "people who had just been abducted" to "erase from your mind any thoughts of escaping."
- Charles Abola, a former LRA captain who was abducted at the age of ten with schoolmates and remained in the bush for approximately 12 years until his escape in 2004.²³ When asked

²² [REDACTED] is also discussed *infra* at paras. 531-533. [REDACTED]

²³ Abola has admitted attacking civilians, including in vehicle ambushes. He

at the time of his abduction whether he wanted to join the "holy movement," he answered "yes," because he understood even before abduction that to answer "no" to his captors would mean death. After being assigned to be an escort to Raska LUKWIYA, Abola attempted escape. LUKWIYA ordered Abola to be beaten with tree branches and a panga (machete). Abola still bears scars on his back from the beating.

- Hillary Lagen, a former LRA captain and member of Control Altar who was abducted in 1991 and spent thirteen years with the LRA.²⁴ Although Lagen was not a child when abducted, he explained that for the entire time he was in the bush, it was a standing order that whoever tried to escape "must be executed." He stated that killing escapees was "part of the training of the new recruits," so that the new recruits would be shamed into remaining in the LRA. Lagen said, "It was done in that way so that you . . . could not run away." Abductees were tied to each other in part to reinforce that if one "is . . . caught trying to escape . . . all . . . will be killed."
- [REDACTED]
[REDACTED] who described that after his abduction, [REDACTED]
[REDACTED] he tried to escape, [REDACTED]
[REDACTED] He described his state of mind [REDACTED]
[REDACTED]
[REDACTED]
- Charles Lukwiya, a former LRA captain and member of Control Altar who was abducted at the approximate age of 15 years and

received amnesty from the Ugandan government and is serving in the UPDF.

²⁴ Lagen has admitted participating in LRA operations in the mid-1990s during which he and other LRA forces abducted hundreds of civilians. Lagen was primarily assigned to Control Altar. After 1997 he participated infrequently in operations because of illness and because KONY distrusted him. Lagen has received amnesty from the Ugandan government and is now serving in the UPDF.

²⁵ [REDACTED] is currently [REDACTED] He escaped in [REDACTED]
[REDACTED]

[REDACTED] He has been interviewed less fully than the other former LRA officers referenced in this application, [REDACTED]
[REDACTED]

stayed in the LRA for ten years before escaping in 2004.²⁶ He characterized as "law" the rule that anyone who tries to escape is to be killed.

- [REDACTED]
[REDACTED] who was abducted [REDACTED]
[REDACTED] and remained in the LRA
[REDACTED] stated that [REDACTED]
[REDACTED] He was marching along a road
[REDACTED] One of the
commanders told the abductees to watch what would happen if
they tried to escape. [REDACTED]
[REDACTED] stated: [REDACTED]
[REDACTED]

73. Abductees, including children, were also forced to state their family names to LRA commanders. [REDACTED]

[REDACTED] was abducted at a young age [REDACTED]

[REDACTED]²⁸ KONY had ordered that if an abductee escaped, the LRA would kill the abductee's whole family. Abductees gave false names to try to spare their families and avoid recapture if they did manage to escape. Former LRA captain Hillary Lagen explained that many abductees decided, "Yes, I'd rather die alone than have the rest of my family die as well because of me." Almost all

²⁶ Lukwiya admitted participating in attacks including the LRA's attack on 10 October 2003 at Pajule IDP camp. *See infra* at paras. 314-321. During that attack, he was seriously injured and did not participate in fighting further. Lukwiya has received amnesty from the Ugandan government and is serving in the UPDF.

²⁷ [REDACTED] has admitted [REDACTED]
[REDACTED]

²⁸ [REDACTED] admitted participating [REDACTED]
held the rank of [REDACTED] has received [REDACTED]
[REDACTED] is serving [REDACTED]

former abductees interviewed by the OTP had used a false name while in the LRA.

74. It also was not uncommon for an abductee-witness to relate having been exposed to the intense psychological trauma of being forced to view the killing of a close relative. [REDACTED]
[REDACTED] was abducted, [REDACTED] his captors killed [REDACTED]
[REDACTED] The [REDACTED] of former LRA commander [REDACTED] did not survive captivity. [REDACTED]
[REDACTED] described that [REDACTED] was "all covered in blood" and "everybody saw it." [REDACTED] stated that the killing [REDACTED] that "really spoiled my mind completely." [REDACTED] said, "I did not want to die [REDACTED]
[REDACTED]

75. Recent abductees, including children, also were forced to help attack their own communities and to kill civilians or other LRA members. Firsthand witness accounts confirmed the implication of the admissions in the Amnesty Commission applications. For example, when [REDACTED] was abducted [REDACTED]
[REDACTED]
[REDACTED] As soon as he was abducted [REDACTED]
[REDACTED]
[REDACTED] was abducted [REDACTED]
[REDACTED] Within weeks of [REDACTED] abduction [REDACTED]
[REDACTED] abductees being killed [REDACTED] to participate in killings [REDACTED] On two occasions [REDACTED]
[REDACTED] was ordered, [REDACTED]
[REDACTED] to beat young boys [REDACTED] beat

██████████ nearly to death; ██████████
██████████

76. KONY was the source of the orders to which recent abductees, including children, were subjected, and KONY's commanders, including the brigade commanders and other fighters directed by them, disseminated and enforced KONY's orders. Again, many examples of the manner in which LRA commanders threatened abductees, and ordered them killed, are furnished in the context of the attacks described *infra* in Section III.F of this warrant application. Former LRA commanders explained that all standing orders, such as the order to kill or beat those who attempted to escape, originated with KONY, although he usually left the execution of those orders to his subordinates. For example, ██████████ the former LRA captain who saw ██████████ killed ██████████ ██████████ understood that ██████████ ██████████ Abudemba was carrying out "a standing order from KONY for this type of punishment."

77. In the same way, and also as part of the regimen of controlling abductees, KONY used propaganda to dissuade children and other "recruits" from attempting to escape. According to accounts of former LRA officers, KONY disseminated the message that even a successful escapee could never survive, because the Ugandan government would poison him or her. ██████████ recalled, for example, that KONY told abductees that even if they succeeded in leaving the LRA, either the Government would poison them or the NRA would kill them.²⁹ ██████████ who was

²⁹ The National Resistance Movement/Army (NRM/A) was the predecessor to the UPDF, and KONY sometimes used the term "NRA" to mean UPDF, even after the NRA was superseded. The name change took effect with other constitutional

- abducted [REDACTED] and became [REDACTED] and an LRA combatant, recalled KONY telling children, when LRA forces were camped together in Sudan in the 1990s, that "if they were captured by government forces . . . they would be killed." He also said that if the children "returned to Uganda, our food would be poisoned, the government would inject us with medicine or poison, . . . and then we would die."
78. KONY's authority, especially in the eyes of child abductees, was enhanced by his claims that he was imbued with religious powers. LRA commanders subjected new abductees to religious rituals which purportedly "cleansed" members and protected them from the harms they faced in the bush. New abductees, for example, were smeared with shea butter, to "cleanse" them. [REDACTED] who was abducted [REDACTED] described [REDACTED] and being told [REDACTED] [REDACTED] was told [REDACTED] [REDACTED]
79. Fighters were sprinkled with "holy water" before being sent into battle or other dangerous situations. [REDACTED] described [REDACTED] [REDACTED] See *infra* at paras. 322-323. [REDACTED] who was abducted [REDACTED] and spent [REDACTED] in the LRA, stated that before he fought at Abiya IDP Camp, under the command of Okot ODHIAMBO, the commanders sang, ululated, and smeared each other with water, making the sign of the cross.

changes in June 1995.

80. The "spiritualism" in the LRA was, like all policies and practices of the LRA, traceable to KONY himself. Former insiders have described that during years from 1994 to 2002 when most of the LRA was based in Sudan, *see infra* at paras. 118-119, 130-132, KONY gathered all LRA forces together, usually on April 7, to address them as the Holy Spirit. According to former captain Charles Lukwiya, KONY "confused" others at these large meetings by claiming that God sent angels to him, with whom KONY talked "face to face." [REDACTED] corroborated that at these assemblies, KONY appeared in a white robe to tell his forces that he was "the spirit talking." [REDACTED] believed that by attributing his orders to the Holy Spirit, KONY reassured his subordinates, especially the new recruits.
81. KONY told "recruits" that his aim in carrying on the war against President Museveni was to enforce the Ten Commandments and, as related by former LRA captain Charles Abola, to replace Museveni, thereby "bring[ing] the law of God into force."
82. Former LRA members interviewed by this office who grew into adults while in captivity described the combined effect of these factors – the young age of the recruits, the terrors they faced, and the manipulation of the abductees' fears and beliefs – upon the child abductees. Former LRA officer Charles Lukwiya stated that KONY was able to maintain his power because he abducted young people who could easily be influenced and thus had difficulty opposing him even as adults. Charles Abola stated that KONY compelled young people to do things against their own desires because the young people were "at a stage where we couldn't really differentiate [between] good and bad." [REDACTED] described that KONY emphasized the abduction of children because it "was easy to play around

with their minds, their thinking [It] was easy to completely change the way they think."

83. Many of the long-term LRA members who escaped, however, also described their growing disenchantment with KONY and his objectives as they grew older and the conduct of the LRA became more extreme. When asked about KONY's reasons for fighting, ██████████ stated that KONY claimed "the Spirit" was in him and was helping him save the Acholi. ██████████ explained the reaction on the part of LRA soldiers: "We believed in it, but we didn't see it really saving us, especially when things started going very bad. We didn't see any way of escaping at all."
84. Former LRA captain ██████████ expressed that he became disillusioned after fighting for a long time, to fulfill "orders . . . to do . . . such bad things," such as abducting "not just anybody, but children." ██████████ stated that after carrying out such orders and seeing killing which was "really bad," he "started to really believe this is really not to help civilians." He said: "When we understood more we started doubting him because what he was saying was different from what he was doing."
85. Charles Lukwiya stated that, in fact, KONY "does not have any religious beliefs" nor any real political or military aims. Lukwiya acknowledged that KONY told LRA forces that the LRA was "fighting to bring total democracy in Uganda," and encouraged them to talk against Museveni's government, if asked. KONY also promised rewards or the giving of "this and that" if his orders were followed. According to Lukwiya, KONY nonetheless failed to explain how his aim of overthrowing Museveni's government was served by the killings of civilians and the burnings of homes.

b. Sexual Slavery Imposed On Girls

86. Girls abducted by the LRA were subjected to an additional set of standing orders – again implemented by KONY and carried out by his commanders – which ensured that, as the girls grew to maturity, they were distributed as sexual slaves to male fighters, and particularly the male commanders. On the topic of LRA policies and practices relating to girls, extremely consistent information again was provided by former LRA commanders – both male and female – as well as by boys and girls who more recently have been victims of LRA violence.

87. For girls abducted into the LRA, a critical event was the time at which they were perceived by LRA commanders to have reached sexual maturity. As Vincent OTTI admitted during the 28 December 2002 FM radio broadcast, the LRA practice was to “collect” girls “when they are still young, and have no AIDS.” Among the statements made by former LRA commanders which corroborated this policy, established that the policy was longstanding, and identified KONY as the source of the policy, are the following:

- [REDACTED] stated that KONY gave orders to abduct schoolgirls, as in the attack in 1996 at a school in Aboke town in Uganda, *see infra* at paras. 122-123, because he had decided that the girls in villages were all infected.
- [REDACTED] a former LRA captain who was abducted in the early 1990s and escaped in 2004, stated that younger girls were abducted because the senior officers said that they were “clean” and “without infections.”³⁰

³⁰ [REDACTED] has admitted participating [REDACTED] while an LRA member. [REDACTED]
[REDACTED]

- Charles Abola stated that KONY said that girls from 18 years and over have diseases and "that is why he would like younger ones to be the ones to be abducted and distributed as wives."
- [REDACTED] Girls as young as 11 or 12 were abducted. KONY did not allow men "to touch them or try and sleep with them before they got sent back to KONY" to protect against "diseases" and "bad spirits." After Operation Iron Fist, when KONY ordered the ranks of the LRA to be expanded with new men and women, brigade commanders also had authority to "cleanse girls and distribute them," far more quickly than KONY previously had allowed.

88. Accounts given by the girls abducted in June 2003 from the Lwala Girls Senior Secondary School, *see infra* at paras. 183-223, corroborate that girls who had not yet reached sexual maturity were abducted by the LRA and held until they were deemed mature enough to "distribute" as "wives." KONY expressed his personal concern to protect himself from any disease potentially carried by the Lwala schoolgirl he chose to be his "wife." He asked [REDACTED] whom he personally had selected from a group of Lwala girls, whether she had been raped by anyone while being transported to his camp. Later, KONY himself raped her. *See infra* at paras. 207-210.

89. Abducted girls deemed insufficiently mature to be given as "wives" were also assigned to commanders, for the purposes of helping to run their households and care for their children. These girls, as described by girls who themselves served in that role, were called "ting tings." *See infra* at paras. 198-204. Girls abducted at an older age, and "ting tings" who grew older in the bush, were "distributed" as "wives." *See infra* at paras. 205-223. "Wives" were also called "sisters."

90. "Wives," by contrast with "ting tings," were expected to have sex with their "husbands" and to bear children. The "wives" had no choice in these matters.³¹ This internal rule of the LRA was universally understood, especially by the young girls in the bush. As is described below, *see infra* at para. 217, [REDACTED] an abductee from the [REDACTED] [REDACTED] when abducted, began crying when she was told that she was to [REDACTED] [REDACTED] She realized immediately [REDACTED] [REDACTED] another female abductee who was both a "wife" and a fighter, stated plainly: "To be a sister mean[t] that you sleep with a man, as your husband." The former LRA "wives" interviewed by this Office universally described being forced to have sex with their husbands, always after having been abducted and nearly always under an immediate threat of beatings or death. *See, e.g., infra* at paras. 210, 218.
91. These "wives" also established that commanders sometimes did not, in fact, wait for them to reach sexual maturity before having sex with them. [REDACTED] for example, was forced by her "husband," a senior LRA officer, to take a medicine that purportedly would make her begin menstruating. Ultimately he forced her to have sex by threatening her with a gun.
92. The distribution of "wives" was carried out under rules established by KONY and, especially when sizeable groups of girls were abducted, with KONY's direct participation. [REDACTED] was encamped with [REDACTED]

³¹ The only "wives" who were permitted to reject "husbands" were widows whose first husbands had been killed in battle. In that case, as described by [REDACTED] [REDACTED] among others, the widow could become the "wife" of a fighter who successfully persuaded her into the arrangement, but was also free to reject any man who proposed to make her his "wife."

████████████████████ She explained that she observed that it was KONY who "gave instructions to abduct girls" and, after the abductions were carried out, "was then informed of the numbers." As ██████ described it, after the girls were brought to him, KONY's practice was to select a few for himself. OTTI also had the opportunity to select girls, from those not chosen by KONY. KONY gave orders to his Director of Operations regarding how to distribute the girls to other commanders.

93. For a girl to reject a "distribution" ordered by KONY, directly or indirectly, was not permitted. ██████ stated: "You had no right to refuse as you could either be beaten or killed." Former LRA fighter ██████ stated that women who refused their "husbands" were beaten because they were "playing with the whole system."
94. Other LRA insiders confirmed KONY's continuing involvement, in recent years, in distributing girls and his control over the manner in which distributions were made by his other commanders. ██████ stated: "All orders to distribute women to men came from KONY." ██████ explained that KONY sometimes chose girls from abducted groups himself and "specifically wanted all the best girls, the most beautiful girls, to be brought to him, regardless of their size." He then "selected the most educated and most beautiful" girls. Other times, as in the case of the Lwala school abductions, he "passed" an order to OTTI to distribute girls. Even when OTTI or the brigade commanders were permitted to distribute girls, however, it was KONY who "released the order" approving the distribution. To sleep with girls not approved for distribution was not permitted.

95. Commanders who attained the highest posts in the LRA were "given" the most "wives." KONY had the most wives of any commander – at times over 50, according to former LRA officers Hillary Lagen, Charles Lukwiya, and [REDACTED] the Lwala schoolgirl who became KONY's "wife," described that KONY's wives lived in four or five houses near KONY himself. Hillary Lagen noted that the senior commanders, like KONY, wanted to have educated girls as "wives." He explained that they wished to demonstrate that their standards were higher. [REDACTED] stated that officers, even low-ranking ones, attempted to reject girls whom they thought ugly.
96. The abuse suffered by girls given as "wives" ranged from being beaten to being killed. As described by [REDACTED] given as [REDACTED] OTTI's "wives" were beaten by OTTI himself and discussed with each other having been raped by him. [REDACTED] [REDACTED] had been beaten by [REDACTED] [REDACTED] Charles Lukwiya and [REDACTED] both knew of – [REDACTED] – an instance in which ODHIAMBO had ordered a "wife" of his to be executed. KONY did not usually beat his "wives" himself, but ordered his escorts to have his "wives" beaten. See *e.g. infra* at para. 208.

iv. Orders of KONY to Wage War and Attack Civilians

97. Just as KONY's orders were the source of all internal discipline within the LRA, KONY was the originator of the LRA's external operations against UPDF and civilians. Particularly in the period from mid-2002 to the present, when KONY has been based in Sudan and distant from most of his forces, KONY has directed the LRA attacks in Uganda by specifying

the regions into which his troops should move, the types of targets his commanders should select (for example, civilians in camps, or in a certain region of Uganda, or of a certain ethnicity), and the types of conduct in which his forces should engage (killings and/or abductions, for example). KONY controlled his forces, despite the fact that they were often scattered and physically distant from him, by communicating with his commanders daily, at pre-set times, by means of short-wave radio transmission. OTTI, as KONY's second-in-command, routinely passed KONY's orders to others, including the brigade commanders. Either OTTI or his subordinates ensured that the strategies and policies set by KONY were implemented through orders selecting the specific villages, roads, and camps to which LRA forces would be sent. Also on a daily basis, LRA groups reported by short-wave radio – often directly to OTTI and/or KONY – their movements, their engagements with the UPDF, and their attacks upon civilians.

98. The quality of KONY's ordering is described by former LRA insiders, whose accounts are strongly corroborated by other witness accounts and the tape recordings of the LRA commanders themselves communicating with each other on short-wave radio.
99. Among the former LRA commanders who furnished information about KONY's orders to his troops was, for example, [REDACTED] who spent [REDACTED] years in the LRA, [REDACTED] [REDACTED] described that some of KONY's orders relating to LRA operations, like those relating to internal discipline, were "standing orders." KONY's orders to loot and to abduct civilians to carry loot, for example, like the order to abduct young boys for fighting, were well established even in the early years of the LRA, during the time

in Sudan when KONY addressed his forces directly in assemblies. [REDACTED] explained that KONY ordered his forces to take food and clothing in connection with operations to abduct for the simple reason that "there is no other place where food and clothing and this type of supplies can be obtained." Similarly, KONY expressed his objective of killing anyone of Acholi ethnicity who had not "join[ed] him" in the bush even before Operation Iron Fist, which began in the spring of 2002.

100. [REDACTED] described that after mid-2002, KONY typically ordered strategic objectives like killings or abductions, using short-wave radio, but left to his subordinates the job of assigning specific tasks and selecting the people to perform them. He stated that if "KONY gives that order to abduct people or to kill people, then individual commanders may now select people and give that assignment or this specific task." KONY also ordered LRA forces "to go and abduct people, especially when the number of soldiers [were] few." KONY ordered, in 2002 or 2003, that LRA forces should move into the Lango region of Uganda to chase people away.
101. The usual practice, as described by [REDACTED] was for KONY to give orders, and for OTTI to communicate them to the rest of the commanders. OTTI talked to the brigades on a daily basis. [REDACTED] also knew of times, however, when KONY gave orders specific to a particular place or operation, or even participated in the operation. When LRA forces attacked a place called Katire, in Sudan, approximately 300 civilians were killed, in [REDACTED] estimation.³² [REDACTED] KONY ordering the abductees from Katire to be killed, based on reasoning that if the LRA left

³² This attack took place in April 2002. See *infra* at para. 131.

them alive, they might "start fighting the LRA." According to [REDACTED] the abductees were shot and pushed off a cliff.

102. [REDACTED] furnished an account that was extremely consistent with [REDACTED]. He identified KONY's headquarters as "where all orders came from," and explained that orders were "passed" to OTTI who "passed that to the other commanders below him." The "normal chain of command" was for KONY's orders to go to OTTI, and then to the army commander, and then to subordinates. There were also times, however, when KONY gave orders to all his commanders, including OTTI, by short-wave radio communication. An example of such a communication was KONY's order to all LRA forces to move into the Teso region in June 2003. *See infra* at para. 154. When KONY wanted to pass a message on directly to commanders below OTTI, he gave his orders on the short-wave radio, at a pre-set time, specifying "one by one, what has to be done."

103. [REDACTED] explained that it was not KONY's usual practice to specify locations, personnel, equipment or staffing. [REDACTED] stated:

Now, the way KONY worked was this. He gave you orders and it was up to you to think how to carry this out and the instruction was: "Do it. Do it with a minimal/least loss," and the details were up to you.

[REDACTED] gave as examples of KONY's orders his instructions to abduct people younger than age 18, because it was easier to manipulate them, and KONY's maxim that "rebels don't release people." This adage was an order for LRA forces to kill older abductees who were initially used to carry plundered goods but proved too weak either to fight or to serve as porters. As is related below, *see infra* at paras. 154-157, among other examples of KONY's orders known to [REDACTED] were: (1) KONY's directive to

abduct so that LRA forces could be enlarged, in June 2003; and (2) his “strong orders to kill everyone in Teso and Lango” after the UPDF killed an LRA Division Commander named Charles Tabuley, later that same year.

104. Evidence and information establishing that KONY’s senior commanders effectively – and at times, devastatingly – implemented KONY’s orders by leading attacks against the UPDF and civilians, is summarized below. *See infra* in Section III.F (Attacks Perpetrated by Persons Whose Arrest is Sought). KONY’s control over LRA activities, and the authority of his strategic directives, is likewise demonstrated by the fact that KONY did, on occasion, suspend the commission of certain crimes. For example, both [REDACTED] and Hillary Lagen described an instance, in 2002 or 2003, in which KONY disciplined Sisto Oringo (“Buk”) Abudema, who was then the Commander of Sinia Brigade, by ordering him to stop abducting girls. KONY issued the order halting abductions by Abudema after Sinia Brigade carried out some abductions, and KONY found, after the girls were brought to him in Control Altar, that the girls had already been sexually violated. KONY ordered Abudema to come to him in Sudan; he ordered at least some of the girls released, because they could no longer be “cleansed”; and he forbade Sinia Brigade from abducting girls. After some time passed, KONY lifted the ban.

105. KONY ensured that his orders were executed by monitoring his commanders’ activities by short-wave radio. [REDACTED] and Lagen, among others, explained that LRA commanders communicated each day, at pre-set times, and pre-set frequencies, by radio. The range of the short-wave radio was such that communications from Sudan could be heard in Uganda and vice-versa.

106. KONY and OTTI usually participated in the radio communications on a daily basis. All commanders, to the brigade commander level, were also under orders to participate in the daily radio communications at the pre-set times, unless, for example, the group was fleeing from the UPDF. It was obligatory for the operational units to report to their superiors, for the superiors to pass on to KONY, the location of the unit's forces and any operations carried out, including the number of people killed and the location of the attack. [REDACTED] stated that, by means of radio, KONY "will make sure that he is checking if you have done this as instructed or not. There were no excuses."
107. To facilitate the dissemination of orders and the making of reports, every brigade had a signaller responsible for managing and using the brigade's radio and helping to report activities back to KONY's headquarters. [REDACTED] explained that the commander's signaller was "the route" by which "the messages were conveyed" back to headquarters and KONY. KONY himself had a radio signaller who could speak on his behalf and also devised codes which could be used by KONY and his commanders, when secrecy was desired. The tapes themselves, however, establish that KONY often spoke on air himself and conveyed orders and carried on conversation in plain language. *See, e.g. infra* at paras. 111-112, 395-399, 449-450.
108. From the taped conversations themselves, it is apparent that a signaller often spoke on the "net" with his commander beside him during the broadcast. One UPDF officer, whose responsibility includes reviewing the results of intercepts of LRA radio communications on a daily basis, described the commander-signaller interaction, using KONY as an example. He explained that the tapes often establish that the commander

is also present near the radio, even if the signaller is speaking, because responses are made, and the conversation is carried on, without hesitation. For example, in KONY's case, KONY's signaller often responds to statements immediately, a circumstance which indicates that KONY is in the company of the signaller during the communication itself, telling the signaller what to broadcast.

109. The tape recordings of intercepted LRA communications obtained by the OTP fully corroborate the accounts furnished by former LRA officers that KONY and OTTI used short-wave radio communications both to: (1) disseminate KONY's orders; and (2) to monitor whether LRA commanders and forces were carrying out their orders. As is described in greater detail below, the tapes demonstrate that KONY and OTTI routinely participated in radio communications, which usually occurred four times a day. Codes were often employed, but other conversations and portions of conversations occurred in plain language. KONY and OTTI openly discussed plans to engage the UPDF, to attack civilians in camps, and to attack civilians in certain regions. They also conveyed these plans, and their approval of the commanders who carried out these plans, to other commanders.
110. The tape recordings establish that commanders including brigade commanders also regularly reported completed operations back to KONY and OTTI, again in plain language. Among the information regularly reported about operations were: loss of life purportedly suffered by the UPDF, loss of civilian lives, weapons and uniforms taken from the UPDF,

numbers of civilians abducted or killed, and loot taken from towns, villages, or schools.³³

111. The tapes of the intercepted LRA radio communications also corroborate that KONY controlled his commanders' use of the radio itself, to ensure that they reported their actions to him, while making some attempt to conceal the LRA's plans and crimes. For example, in a conversation recorded on 1 December 2003, at 11:00 a.m., KONY gave lengthy instructions to OTTI and other members of his high command, including ODHIAMBO, among others, about using the radio. Before beginning, he warned his commanders to "pay serious attention to what I'm going to say." KONY proceeded with a long list of instructions relating to radio use, including the following:

- "Any location that anyone has been working at, you must never mention the correct or exact names of these places," except "in code word."
- "[W]hen you go to battle, communicate it in your operation report. You must send only the positive accomplishments. Do not mention any awful thing you have done or anything else that did not go well."
- "If any of you shoots or ambushes any vehicle, no one must mention or disclose the vehicle identification number," unless "you want the BBC to understand the reasons behind your actions."
- in the event of "any battles or murders or killing you commit against any civilian or any ambush or attacks on civilians who have been mobilized (you understand some of these civilians are bad) when you have killed them, you must not say the

³³ As [REDACTED] described [REDACTED]
[REDACTED]
[REDACTED]

number." Instead, "just say, 'I completed the job' just that, nothing more."

KONY then emphasized that commanders failing to fulfill his orders to "work" would be punished. He required that every report must be "signed" by the brigade commander, after stating that he was aware that some commanders were "send[ing] wrong messages, and report[ing] things that have not happened" with the aim of "buy[ing] time for themselves." KONY promised to "arrest" any commander who made a false report.

112. The tape recordings, finally, make manifest that KONY used the radio communications to reward the commanders who succeeded in carrying out his orders. After Okot ODHIAMBO ordered the attack on Barlonyo IDP Camp, for example, he reported the magnitude of the killings there to OTTL, who in turn reported ODHIAMBO's accomplishment to KONY. KONY exulted at the time of the report, and three weeks later, over the radio, ODHIAMBO's promotion to the rank of brigadier was broadcast by radio as well. *See infra* at para. 451.

E. History of LRA Operations Against Civilians

i. LRA Operations Before July 2002

113. The focus of this application is necessarily the period from July 2002 to the present. Consequently, the crimes alleged were all committed within that period. The historical context of the conflict in Northern Uganda, and LRA operations even before July 2002, are nonetheless relevant for establishing, among other things: (1) the LRA's organizational policy of attacking civilians and civilian camps and villages; (2) the widespread nature of the LRA's attacks on civilians; and (3) the protracted nature of

the armed violence between the LRA and the UPDF forces of the Ugandan Government. For this reason, a brief description of the LRA's operations before July 2002 is included here. Certain historical facts and events referenced in this section are sourced to openly available authorities.

a. Origin and Establishment of the LRA

114. Two armed resistance movements which formed after Museveni and his National Resistance Army ("NRA") took power, in 1986, are usually identified as predecessor movements to the LRA. The first was a group called the Holy Spirit Movement, which was created by a woman named Alice Auma.³⁴ Auma was an ethnic Acholi who claimed spiritual powers and was also commonly called "Alice Lakwena" (meaning Alice the "spirit" or "messenger").³⁵ Also in the wake of Museveni's rise to power, soldiers from the Uganda National Liberation Army, the army which supported Tito Okello and was defeated by the NRA, joined with others to form the Uganda People's Democratic Army ("UPDA").³⁶
115. Both the Holy Spirit Movement and the UPDA were strongly supported by northern Ugandans and engaged in armed fighting with the NRA.³⁷

³⁴ Gersony Report at pp. 27, 36; HRW Report at p. 10; Refugee Law Project, *Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*, p. 5 (Feb. 2004)(hereinafter, "Refugee Law Project Report").

Gersony's report was commissioned by the U.S. Embassy and the mission of the U.S. Agency for International Development in Kampala. See Gersony Report at p. 1. The author conducted a three-month, field-based assessment of civil conflicts which had affected Northern Uganda since 1986. See *id.*

³⁵ Gersony Report at p. 27; HRW Report at p. 10; Refugee Law Project Report at p. 5.

³⁶ Refugee Law Project Report at p. 5; HRW Report at p. 10; Gersony Report at p. 22.

³⁷ Refugee Law Project Report at p. 4; Gersony Report at pp. 22, 24, 28; HRW Report at p. 10.

Lakwena claimed that in fighting the NRA, she was carrying out the Holy Spirit's will and exalting pure Acholi youth.³⁸ Among Lakwena's practices was to require her soldiers to undergo "cleansing" rituals and to observe the Ten Commandments.³⁹ Lakwena marched southwards with her forces from the Acholi region and the NRA defeated her in late 1987 at Jinja.⁴⁰ The UPDA was neutralized by Museveni in mid-1988, when the NRA and the UPDA signed a peace accord which gave amnesty to the rebel combatants.⁴¹

116. Joseph KONY was an UPDA officer and is possibly a relative of Alice Lakwena.⁴² After the NRA/UPDA peace accord was signed, KONY remained active.⁴³ Like Lakwena, he claimed to be guided by the Holy Spirit.⁴⁴ KONY's military group was initially called the United Holy Salvation Army.⁴⁵ The group subsequently was called the United People's Democratic Christian Army, or the United Democratic Christian Army, and later settled on its current name, the Lord's Resistance Army.⁴⁶

³⁸ Gersony Report at p. 27; HRW Report at p. 10.

³⁹ HRW Report at p. 10; Gersony Report at p. 27.

⁴⁰ Refugee Law Project Report at p. 5; Gersony Report at p. 28; HRW Report at p. 10.

⁴¹ HRW Report at p. 10; Gersony Report at p. 30; Refugee Law Project Report at 5.

⁴² Refugee Law Project Report at p. 6; HRW Report at p. 10; Gersony Report at p. 36 (Gersony reports that KONY was about 26 years old in 1987).

⁴³ Refugee Law Project Report at p. 6; HRW Report at p. 10; Gersony Report at pp. 36-37.

⁴⁴ Refugee Law Project Report at p. 13; HRW Report at p. 10; Gersony Report at p. 36.

⁴⁵ Gersony Report at p. 31; HRW Report at p. 10.

⁴⁶ Gersony Report at p. 37; Amnesty International, *Breaking God's Commands: The Destruction of Childhood by the Lord's Resistance Army*, p. 5 (18 September 1997) (hereinafter "Amnesty Int'l Report").

117. One researcher has described the early period of the LRA, from late 1980s to February 1994, as one during which “the conflict continued at a low level of intensity.”⁴⁷ The Ugandan Government launched a military offensive called “Operation North,” in 1991, which purportedly weakened KONY’s insurgency but failed to extinguish it.⁴⁸ Local officials formed so-called “bow and arrow” civil defence units, to defend against attacks by KONY’s rebels.⁴⁹ Even in these early years, the LRA killed and abducted civilians and children.⁵⁰ Such abductions have been confirmed by interviews of witnesses who themselves were abducted in those years, as children, and by data from the Amnesty Commission, among other sources.⁵¹ LRA rebels also began engaging in another practice which continues to the present – mutilating civilians by cutting off their lips, noses and ears, purportedly in retaliation for informing the Government of the whereabouts of LRA forces.⁵²

b. Movement into Sudan and Raiding in Uganda

118. In late 1993 and 1994, Betty Bigombe, an ethnic Acholi who at the time was the Minister for Pacification of the North, led a peace initiative during which Bigombe was able to consult with KONY and a cease-fire was

⁴⁷ Gersony Report at p. 36; see also Amnesty International, *Breaking the Circle: Protecting Human Rights in the Northern War Zone*, p. 9 (March 1999)(period from 1992 to 1994 “saw a reduced level of military activity both from Joseph Kony’s forces and the [Government] army”) (hereinafter “Amnesty Int’l Report II”).

⁴⁸ Gersony Report at pp. 37-38 (cited in Refugee Law Project Report at p. 43).

⁴⁹ Refugee Law Project Report at p. 6; Gersony Report at p. 37.

⁵⁰ Amnesty Int’l Report II at p. 8.

⁵¹ Among interviewees of the OTP, [REDACTED] and [REDACTED] were all abducted [REDACTED] See also Refugee Law Project Report at p. 6; Gersony Report at pp. 38-39.

⁵² Gersony Report at p. 39; Amnesty Int’l Report II at p. 8; Refugee Law Project Report at pp. 32, 38.

declared.⁵³ In February 1994, however, after President Museveni issued a seven-day deadline for LRA forces to surrender, the peace talks broke down.⁵⁴ The LRA obtained – or perhaps already had obtained – assurances of support from the Sudanese government.⁵⁵ The Sudanese government was engaged in an ongoing conflict with the Sudan People's Liberation Movement/Army, which in turn was being supported by Museveni's Government.⁵⁶ After peace talks collapsed, LRA forces decamped to Southern Sudan, where they established bases and obtained more sophisticated arms than those to which they previously had access.⁵⁷ Furthermore, the LRA was able to cultivate crops when staying for prolonged periods of time in the same areas.⁵⁸

119. The movement into Sudan and the changes it brought to the LRA have been described by former LRA insiders interviewed by this Office. Former LRA captain [REDACTED] who was abducted in [REDACTED] was trained in Gulu district to shoot, assemble, and disassemble a gun, and to attack and march. He explained that the "recruits" trained in Uganda used AK-47's, because the "big guns" came only after the LRA "started working with the Sudanese troops." They also did not have uniforms; only later did it

⁵³ Gersony Report at pp. 39-41; Refugee Law Project Report at p. 6.

⁵⁴ Refugee Law Project Report at p. 6; Amnesty Int'l Report II at p. 9.

⁵⁵ Refugee Law Project Report at p. 13; Gersony Report at pp. 40-41.

⁵⁶ HRW Report at p. 10; see also U.S. State Department, *Draft Report to U.S. Congress*, at section entitled "Section 4(b)(1): Support for the LRA" (7 Feb. 2005) (herein after, "U.S. State Dep't Report").

⁵⁷ Amnesty Int'l Report II at pp. 7-9; Gersony Report at pp. 41-42; U.S. State Dep't Report at section entitled "Section 4(b)(1): Support for the LRA."

⁵⁸ See, e.g., U.S. State Dep't Report at section entitled "Section 4(b)(1): Support for the LRA" (noting permanency of some LRA camps in Southern Sudan, as discovered by UPDF after raiding). [REDACTED] described that in addition to [REDACTED] [REDACTED] was able to farm [REDACTED]

become their practice to obtain them from UPDF casualties. [REDACTED]
[REDACTED] was abducted while the LRA was still based in Uganda, and recalled [REDACTED]
There, the Government of Sudan "brought help and supplies, and [the LRA] started raids into Uganda."

120. Former captain Charles Lukwiya, who was abducted shortly after the LRA moved to Sudan, stated that the Sudanese also gave medical supplies to the LRA. According to Lukwiya, the Government of Sudan also gave the LRA uniforms and vehicles which enabled KONY to collect weapons in the town of Juba. Charles Abola, the former Stockree captain, was trained in Sudan, in the use of "support weapons" like the SPG-9 and the B-10. He was also taught to lay land mines. He described that some LRA rebels were trained in medicine and the use of weapons employed for shooting vehicle convoys.
121. From bases in Southern Sudan, south of the town of Juba, the LRA began carrying out major raids and attacks in Uganda. In April 1995, LRA rebels attacked Atiak, a village in northern Gulu district. According to former LRA commanders, including Charles Abola, [REDACTED] Hillary Lagen, and [REDACTED] KONY ordered the attack while addressing LRA forces in Sudan. A commander named Otti Lagony led the fighters into Uganda to Atiak. Vincent OTTI and Raska LUKWIYA were also present. Civilians there were first abducted and taken to a position near the town. There, Otti Lagony ordered them to be shot. [REDACTED] the attack as an example of how killings escalated in this period in the Sudan. He estimated that approximately 200 civilians were killed at Atiak. Open

sources have reported similarly that the LRA shot and killed as many as 200 to 220 unarmed civilians in Atiak.⁵⁹

122. Also according to former LRA abductees, LRA abduction raids in northern Uganda resulted in groups of hundreds of abductees, including children, being brought back to the Sudan. In October 1996, the LRA attacked a private Catholic secondary school near Aboke town, in Apac District.⁶⁰ Over one hundred girls were abducted, after LRA rebels hacked their way into the dormitories.⁶¹ One of the nuns chased the rebels as they transported the girls back in the direction of Sudan; she managed to win the release of all but 30 girl abductees.⁶²
123. Among former LRA abductees, the so-called "Aboke girls" are well known. The kidnappings were ordered by KONY himself, in Sudan, according to former LRA officers Hillary Lagen and [REDACTED] participated in the attack and stated that about 150 girls were abducted, but only 30 were kept. Lagen saw KONY distribute the girls to the senior commanders. [REDACTED] also noted that some of the girls were made to teach children born into the LRA in Sudan.
124. By this time, according to former LRA members, KONY had made clear at LRA assemblies at his headquarters that he preferred younger fighters. According to [REDACTED] KONY said that older ones would be "harder to change." When recently abducted children arrived, he warned

⁵⁹ Gersony Report at p. 45; Amnesty Int'l Report II at p. 9.

⁶⁰ Gersony Report at pp. 48-49 (reporting 152 girls were abducted); Amnesty Int'l Report at p. 5 (reporting that 139 girls were abducted).

⁶¹ Gersony Report at pp. 48-49; Els De Temmerman, *Aboke Girls*, p. 7 (ed. Fountain 2001)(hereinafter "Aboke Girls").

⁶² Gersony Report at pp. 48-49; Aboke Girls at pp. 24-27.

them not to attempt to escape and threatened to kill their parents if they tried. KONY told abductees that once the Government of Museveni was overthrown, the LRA members would return to Uganda and have "a good life." [REDACTED] stated that when KONY "called everybody together," he said that the Acholis at home "were useless" and that only the Acholi with him, whom he called "the new Acholi" were good. KONY also stated that "if the Acholi at home did not accept the Acholi in the bush, they should all be killed."

125. In 1996 and 1997, the displacement of Northern Ugandan civilians from their homes escalated because of increased LRA activity and the Ugandan Government's decision, in September 1996, to create camps for internally displaced people.⁶³ The LRA activity in this period included both large-scale attacks and smaller-scale attacks and ambushes "estimated to have taken place . . . almost daily" in Northern Uganda.⁶⁴

c. *KONY's Orders to Execute Vice-Chairman Otti Lagony*

126. According to former LRA officers, by the late 1990's, the LRA had moved through a series of camps in Southern Sudan, at times split into groups but remained in the same area. [REDACTED]

[REDACTED] estimated that Stockree Brigade alone had

⁶³ Amnesty Int'l Report II at pp. 11-12; HURIPEC, *The Forgotten War: The Forgotten People*, at p. 97 (October 2003)(hereinafter, "HURIPEC Report"); see also Gersony Report at pp. 56-57(describing displacement patterns and number of displaced in Kitgum and Gulu Districts); International Institute for Strategic Studies, timeline entitled "Uganda (LRA and ADF) 1993-". The International Institute of Strategic Studies is an independent London-based research institute specializing in political and military analysis of international relations.

⁶⁴ Gersony Report at p. 50.

about 1,200 people in it.⁶⁵ One open source has estimated, based on interviews of former LRA members, that the military camp in Lubangatek, Sudan, which served as the LRA's main camp before Operation Iron Fist, was a base for approximately 4,500 LRA members.⁶⁶

127. The Sudanese Government continued to furnish the LRA with weapons and supplies. [REDACTED] and Hillary Lagen stated that deliveries of Sudanese-supplied weapons did not end until 2001 or 2002. The LRA fought rebel groups like the Sudanese People's Liberation Army ("SPLA") in Southern Sudan who, in turn, were fighting against the Sudanese Government at the time.
128. One event frequently mentioned by former LRA commanders was the execution, in 1998 or 1999, of Otti Lagony. At the time of his death, Lagony was KONY's second-in-command. As described by Charles Lukwiya, KONY ordered Lagony to be killed because he came to believe that Lagony was planning to escape and possibly to kill him. According to Hillary Lagen and [REDACTED] KONY claimed that he was "releasing" Lagony, a phrase KONY used as a euphemism for killing. Lagony was taken and shot. LRA forces learned later that he had been executed.
129. Hillary Lagen believes that the killing of Lagony marked a time when "the worst changes" began in the LRA, and KONY began giving more extreme orders. Former LRA fighter [REDACTED] explained that when KONY ordered Lagony to be killed, she realized that KONY would kill even "big

⁶⁵ [REDACTED] was abducted [REDACTED] and escaped from the LRA [REDACTED]
[REDACTED]
[REDACTED]

⁶⁶ HRW Report at p. 11.

people" with little provocation, and thus that mere privates "like [us] would definitely die."

d. Operation Iron Fist And Post-Iron Fist Movement of LRA Forces

130. In March 2002, the UPDF ground forces entered Sudan and raided LRA camps, including the camp at Lubanga-tek.⁶⁷ This military offensive – which the Ugandan Government called Operation Iron Fist – followed the signing of an agreement between the Government of Uganda and the Government of Sudan which permitted the UPDF to take the action.⁶⁸
131. The UPDF offensive did not succeed in defeating the LRA; rather, LRA forces abandoned their camps and moved first to other locations in Southern Sudan and then into Uganda. As the LRA attacked villages in Southern Sudan, thousands of civilians there were forced to abandon their homes and aid organizations attempted to help the displaced.⁶⁹ A serious LRA attack in which KONY himself participated took place on April 26, 2002, at a Sudanese town called Katirc, in the Imatong Mountains.⁷⁰ Katire was the place at which [REDACTED] witnessed [REDACTED] [REDACTED] KONY ordered approximately 300 villagers to be killed, saying that if the civilians remained alive, they might fight against the LRA. [REDACTED] was also at [REDACTED] He stated that the LRA killed civilian villagers there, in KONY's presence, to "prevent them from passing information to the UPDF."

⁶⁷ U.S. State Dep't Report at section entitled "Section 4(b)(1): Support for the LRA."

⁶⁸ Refugee Law Project Report at p. 18; HURIPPEC Report at p. 87.

⁶⁹ Human Rights Watch, *LRA Conflict in Northern Uganda and Southern Sudan 2002*, at pp. 3-4 (Oct. 2002); Refugee Law Project Report at pp. 38-39.

⁷⁰ Human Rights Watch, *LRA Conflict in Northern Uganda and Southern Sudan 2002*, p. 3 (Oct. 2002).

132. Beginning in June 2002, the LRA began crossing to Uganda. According to former LRA officers, KONY ordered the move across the border. [REDACTED] travelled with KONY from Katire into Uganda; KONY settled with Control Altar near Tem Palukok, on the Uganda side of the border, and the brigades scattered to avoid detection and capture. At the time, KONY issued an order for more abductions. According to [REDACTED] units were to be strengthened in such a way that each person should add another five to the ranks of the LRA. [REDACTED] recalled moving in July 2002, with Stockree Brigade, after KONY issued an order to move to Uganda and "stay low." Former LRA [REDACTED] also stated that the movement of LRA forces into Uganda occurred in July 2002, when the four brigades and Control Altar crossed the border and split. [REDACTED] was moving at the time with Vincent OTTI.

ii. *LRA Operations After July 2002*

a. *Effects of LRA Movement into Northern Uganda*

133. The movement of the LRA into Northern Uganda changed in significant respects the methods by which the LRA operated. It also predictably brought significant increases in LRA attacks and a dramatic worsening of the humanitarian situation in Northern Uganda.⁷¹

134. As described by former LRA commanders, the methods of the LRA changed in response to two factors: (1) KONY's distance from his operational commanders, because after mid-2002 his commanders were less frequently with him in the Sudan; and (2) the absence of the relatively stable bases the LRA had maintained in Sudan.

⁷¹ HRW Report at p. 12; Refugee Law Project Report at p. 6; International Rescue Committee, *The IRC in Uganda*, at p. 1 (Nov. 2004); HURIPEC Report at p. 88.

135. KONY returned to Southern Sudan soon after accompanying his forces for the border crossing in mid-2002, and it appears that he returned to Uganda only twice in the next two years. Former LRA commanders, including Charles Lukwiya and [REDACTED] report having seen or met KONY in Northern Uganda in late 2002. According to Lukwiya, KONY met OTTI in approximately November or December of 2002, in OTTI's headquarters near Atiak. OTTI had been in Uganda and KONY had come from Sudan. KONY then returned to Sudan, sometime just before the end of the year. [REDACTED] also recalled meeting KONY, in November 2002, in Atiak Hills, together with Vincent OTTI and Raska LUKWIYA. [REDACTED] KONY brought bombs and ammunition for the commanders in Uganda.
136. The second instance in which KONY is believed to have been in Uganda between the initial crossing into Uganda in mid-2002, and mid-2004, was in mid-2003. On this occasion, as is discussed below, *see infra* at paras. 235 and 247, KONY again was meeting with his commanders, including OTTI, near Tem Palukok.
137. After Operation Iron Fist, KONY remained based at most times in Southern Sudan, while OTTI was directing renewed operations in Uganda. In this later period, OTTI played perhaps an even more prominent role than he had previously played in relaying KONY's orders to the other commanders, implementing KONY's orders by issuing operational directives of his own, and reporting back to KONY the results of any operations by the brigades. As is described below, the tape recordings of intercepted LRA radio communications confirm this role of OTTI. They establish as well that OTTI, at times, carried out operations himself in response to KONY's orders.

138. The movement of most of the LRA forces into Uganda also meant that they no longer had ready access to bases in Sudan, a circumstance which altered LRA training and fighting practices. [REDACTED] stated that after the LRA forces left Sudan, "we could not settle long enough in any place," and as a result, "the new fighters" were often "sent to fight without proper training." It had always been the practice of the LRA to send to battles children of ages of even less than fourteen or fifteen. Although these children sometimes did not actually fight, they were "sent to the frontline," to carry "uniforms and weapons" taken from dead enemy soldiers, or to carry ammunition for other LRA fighters. [REDACTED] confirmed that after the return to Uganda, child fighters were sent into battle soon after being abducted. She admitted that when, in 2003, she fought as a part of the LRA group which attacked a heavily armed UPDF barracks at Pajule IDP Camp, she was accompanied by "recent abductees," including a "very young" one. Although she herself carried a gun, her companions were unarmed.
139. The number and seriousness of LRA attacks in Northern Uganda increased radically, following Operation Iron Fist. The rate of abductions, according to the Amnesty Commission data, rose quickly and remained elevated as the LRA's increased operations in Uganda persisted. A graph showing abductions reported by applicants for national amnesty is annexed hereto as Exhibit J.
140. Information relating to LRA attacks occurring after 1 July 2002 was also obtained from the Government of Uganda. In or about December 2003, the Government of Uganda, through its Solicitor General, requested the Joint Intelligence Committee of Uganda to gather information for the ICC relating to atrocities committed by the LRA beginning in 1 July 2002.

141. Members of a subcommittee formed by JIC, which included representatives of the UPDF, the Criminal Investigation Directorate ("CID"), and the Internal and External Security Organizations of Uganda, collected information by splitting into three sub-teams which travelled into different areas of Uganda, including the Acholi, Lango, and Teso regions. The subcommittee determined that they would focus on crimes perpetrated against civilians, in particular killings, abductions, looting, rape and arson. In the field, each sub-team examined incident reports and other records, including photographs, which had been generated by military, intelligence, and law enforcement agencies of the Ugandan government, in their various field offices. These reports typically described LRA attacks, quantified and/or identified the victims, identified relatives of the victims, and described aspects of the attacks. The teams also reviewed material relating to intercepted LRA radio communications to attempt to identify the LRA commanders associated with reported attacks. The teams generally did not conduct independent investigation or interview witnesses.
142. After collecting material from the field, the teams produced a written summary of all LRA attacks in the regions it had visited. The teams eliminated duplicative information and determined not to include attacks or incidents reported by their field offices if the attack was minor or the information about the attack was incomplete.
143. The Prosecution has interviewed [REDACTED]
These interviewees have explained that they believe they reliably attributed the attacks referenced in their reports to the LRA for the following reasons:

- the types of crimes (*i.e.*, the targeting and abduction of children) and the locations of the crimes, which identified them as part of the LRA rebellion;
 - the matching of tactics, languages, and weapons reportedly used by the attackers to those used by the LRA;
 - the brutality of attacks upon civilians;
 - admissions made by former LRA members and contained in reporting reviewed by the JIC;
 - information furnished by civilian victims; and
 - information, including admissions, taken from intercepts of LRA radio communications.
144. The JIC subcommittee produced an initial report, in January 2004, and updated reports in April 2004 and in August 2004, using a similar process as used in compiling the first report. The last attacks reported in the August 2004 report occurred in June 2004. (For convenience, the reports of the JIC subcommittee will be referred to as "JIC reports").
145. The August 2004 report of the JIC includes descriptions of 856 attacks in Northern Uganda in the period from July 2002 to June 2004, inclusive. These are attacks at a rate greater than one-a-day. In the same period, and during the commission of those 856 attacks, a total of 3,237 civilians are estimated to have been abducted, and a total of 2,243 are estimated to have been killed.
146. Computerized maps of Northern Uganda which show the location of the JIC-reported attacks, and their severity, are annexed hereto as Exhibit K. One map shows JIC-reported attacks during which killings of civilians occurred, and the other shows attacks during which abductions of

civilians occurred. Each map, when played, shows the location of the attacks, over time, by representing each attack as a red dot. The size of the dot is correlated to the number of killings (or abductions, in the case of the second map) reported by JIC. A running total of the victims, over time, is also shown, within the red circle which encompasses the label "Total."⁷² Among the notable characteristics of the attacks, as shown on the computerized map, are:

- their frequency;
- the movements over land of the attacking forces, as depicted by the movement of attacks, especially along roads, and in successive areas and regions;
- the repeated victimization of the same villages and roads;
- the breadth of the geographic area over which the attacks occur, in the course of the two-year time frame;⁷³ and
- the movement of the attackers to the east and south of the Acholi districts, beginning in approximately June of 2003.

147. As devastating as the attacks appear, when depicted in relation to time and geography, the frequency and severity of LRA attacks are likely significantly underestimated in the JIC-furnished information. Small-scale attacks may never have involved the Ugandan military forces and may never have been reported to the police or any other Government authority. Moreover, even assuming the number of attacks is accurate, the number of victims is likely understated. As is discussed below, in Section III.F,

⁷² The total number of victims for each attack, as the attack is depicted by the appearance of the red dot, is shown in the box entitled "victims."

⁷³ The ten districts of Uganda in which JIC-reported attacks occurred are Adjumani, Apac, Gulu, Kaberamaido, Katakwi, Kitgum, Kotido, Lira, Pader, and Soroti.

determining the number of victims in the wake of LRA attacks is often very difficult. *See, e.g., infra* at paras. 377-381, 431-437.⁷⁴

148. For the purposes of comparison, the OTP also gathered – and plotted on the computerized maps – data on attacks attributed to the LRA in open source materials.⁷⁵ The organizations which had published the information included UN agencies (UN OCHA and WFP); the Acholi Religious Leaders Peace Initiative (a local organization); the Norwegian Refugee Council (a non-governmental organization with operations in Northern Uganda); the U.S. State Department (foreign government agency with initial reporting from embassy in Uganda); Human Rights Watch (an international non-governmental organization with ongoing relationships with local organizations); and the Centre for the Prevention of Genocide (international non-governmental organization monitoring both local and international press reports). No one source among these sources provided comprehensive coverage of LRA incidents throughout northern Uganda over the entire period from 1 July 2002 to June 2004. No attempt has been made, as yet, to obtain non-public information about the methods used by these sources to compile information about LRA attacks.
149. The open sources collected by the OTP reported 327 LRA attacks in the period from July 2002 to June 2004, during which 2,928 abductions were carried out, and 1,935 killings. When depicted on the same computerized

⁷⁴ Among other things, survivor-witnesses often vacate the area following an attack, leaving no one to identify victims. Abductees sometimes are not determined to have been abducted until they return. Those “missing” after an attack cannot conclusively be counted as dead or abducted, until either a body is found, or the abductee returns.

⁷⁵ To view on the computerized map the data collected from open sources, select “Open” when prompted to “Select Source.” Attacks reported by open sources appear as blue dots.

maps as the JIC-reported information, the open source information provides some corroboration that:

- LRA attacks were recurring and were carried out in a large geographic area during this period;
- LRA attacks at given times were occurring in certain areas, and even along certain roads and routes, as reported by the JIC;
- in mid-2003, LRA attacks began occurring in the Lango and Teso regions of Uganda, as well as in Acholiland.

The open source information also affirms that the JIC-furnished information likely underestimates the number of LRA attacks and number of LRA victims, because there are attacks reported in open sources which: (1) are not reported by the JIC; and (2) although reported by JIC, are believed by the open source to have involved more victims than JIC reported.

b. The Teso Campaign

150. The remainder of this application focuses upon the period from June 2003 to May 2004, during which the LRA committed, amidst the hundreds of attacks depicted in the computerized maps comprising Exhibit K, six attacks, in four districts of Uganda, in which significant numbers of civilians were either killed or abducted or both. Annexed to this application as Exhibit L is a map of northern Uganda showing the locations of these six attacks. In all of the attacks except the Lwala school abductions, the LRA also engaged and attacked either the UPDF, or government-sponsored or government-led militias.
151. It was during this year-long period of time that the LRA carried out a major campaign to the south and east of the Acholi region. In or about June 2003, KONY ordered LRA rebels to move into the Teso region

- (consisting of Katakwi, Kaberamaido, and Soroti districts). (Travelling directly into the Teso region from the Acholi region necessarily involves traversing the Lango districts of Lira and Apac). KONY's first orders were to attack the UPDF and to abduct civilians, particularly young ones, to increase the ranks of the LRA. OTTI was in overall command of the Teso campaign, as part of his continuing overseeing of LRA operations in Uganda when KONY remained in Sudan. In response to KONY's and OTTI's orders, all units including OTTI's headquarters broke into groups and moved into the Teso region. The LRA began conducting operations there, including engagements with UPDF forces, ambushes of military and civilian vehicles, and attacks upon trading centres, villages, and schools.
152. In late October 2003, Charles Tabuley, who at the time was the Division Commander and formerly had been the commander of Stockree Brigade, was killed in battle. Following this loss, KONY ordered that many should be killed. Using radio, KONY instructed that he did not want to see anybody alive in the places of Teso and Lango because the Arrow and Amuka were responsible for Tabuley's death. The Arrow and Amuka were militias formed at the initiatives of members of Parliament of the Teso and Lango regions, respectively, in response to insecurity in those regions caused by LRA activity.
153. Among the sources establishing the sequence of orders just described, and the dissemination of those orders through the LRA's command structure, are the following.
154. [REDACTED] was an officer [REDACTED]
[REDACTED] According to [REDACTED] the first orders to advance into the Teso region were given in June 2003. By radio, KONY instructed that the UPDF

should be chased away, that those civilians who could fight should be abducted, and the rest killed. [REDACTED] described that KONY disseminated orders to "all units" via radio that everyone in the LRA should start moving. In response, all of the top commanders of the LRA moved into Teso: OTTI himself, whom [REDACTED] described as "the overall commander of operations in Teso"; Nyeko Tolbert, then the army commander; Raska LUKWIYA, then the deputy army commander; and all of the brigade commanders. [REDACTED]

[REDACTED] Following KONY's orders, Stockree brigade moved into the Teso region and attacked a town called Obalanga, fighting soldiers there and burning barracks and civilian houses.

155. According to [REDACTED] during this trip to Teso, members of Stockree brigade also abducted schoolgirls from the Lwala school in the Teso region. See Counts One to Five and paras. 180-248 *infra*.
156. [REDACTED] stated that the first trip of the Stockree brigade into the Teso region lasted only two weeks. Under UPDF pressure, the brigade returned to the Acholi region. KONY quickly ordered his troops to return to Teso. He directed that "a lot of people had to be killed" and warned that commanders who did not observe his instruction would lose their positions. Again, Stockree brigade travelled into the Teso region to conduct LRA operations.
157. As recalled by [REDACTED] it was after this second trip that KONY promoted Tabuley to lead Jogo Division, a newly formed division. KONY ordered a march straight through the Teso region to Mbale, a town in eastern Uganda. Tabuley responded by leading his division into Teso. During

this trip, however, Tabuley was killed. It was after this point, in [REDACTED] recollection, that KONY ordered everyone in the Teso and Lango regions to be killed. KONY reasoned that the residents of the Teso and Lango regions had recruited the Arrow and Amuka militias, respectively, and thus were responsible for Tabuley's death. KONY stated that he did not want to see anything moving in those regions except his own soldiers. Following these orders, ODHIAMBO, who had been appointed by KONY to succeed Tabuley led the Stockree brigade to the Lango region and attacked, among other places, Barlonyo and Abia IDP Camps. See Counts Ten to Nineteen and paras. 334-451, *infra*. Civilians were also killed in smaller attacks, such as those along roads. In [REDACTED] view, the attack at Abia was where "the real killing" occurred, following KONY's orders to kill civilians on the Teso campaign.

158. [REDACTED] was [REDACTED] when abducted by the LRA [REDACTED] and spent [REDACTED] before he managed to escape. [REDACTED] his account corroborates [REDACTED] description of the orders given by KONY as part of the Teso campaign. [REDACTED] related that he went to "Soroti" three times, and that it was on the third trip of Stockree to Soroti that Tabuley was killed.

159. According to [REDACTED] on the first trip to Soroti, which he believed occurred between June and September of 2003, his brigade commander Tabuley instructed the rebels that they should abduct, but there were no major attacks and no mass killings. During this trip, LRA forces attacked Obalanga, and [REDACTED] met approximately 50 girls who had been abducted from the Lwala school.

160. After the first trip, the brigade moved back to the Acholi region, at least in part to obtain more weapons and ammunition. [REDACTED] related that by this time, the LRA commanders in Soroti had been hearing on public radio that the people of Soroti were reporting that they had chased away the "Holy," or the LRA. [REDACTED] believes that this message must have been passed to OTTI and KONY, because this was the normal practice. Tabuley subsequently ordered the brigade to move to Soroti again, and on this trip Tabuley ordered his troops to kill everything alive, including animals. According to [REDACTED] the Stockree brigade travelled to Soroti, "kill[ing] all the people as [they went] along," and burning and destroying houses. On this trip, [REDACTED]
161. On the third trip to Soroti, Tabuley told his brigade that he had been promoted in rank, to brigadier. Okot ODHIAMBO had joined the group, and Tabuley introduced him as his replacement. Shortly after this meeting, in early October, Tabuley left to join Jogo Division, but he left his commanders behind in the Stockree brigade. [REDACTED] heard, in November 2003, that Tabuley had been killed in an UPDF ambush.
162. After Tabuley's death, and under ODHIAMBO's command, [REDACTED] in Stockree brigade "moved around" in Soroti "killing people when we found them." From the period of December 2003 to February 2004, [REDACTED] was in the Lango region. [REDACTED] heard [REDACTED] that ODHIAMBO had given the order that the LRA forces should kill any civilians found in Lango. It was while these orders were in force that [REDACTED] participated in the attack at Abia IDP Camp. *See infra* at paras. 389-394.

163. Former LRA commanders of mid-level ranks corroborated that: (1) the LRA conducted campaigns into the Teso and Lango regions beginning in June 2003, while continuing to operate and move in the Acholi region; (2) Tabuley's death seemed to mark the beginning of atrocities and violence against civilians in unprecedented intensity; and (3) the Teso campaign continued until, and encompassed, the February 2004 attacks on Barlonyo and Abia IDP Camps, located in the Lango region.

- Hillary Lagen was moving in a sick bay associated with Control Altar before and during the Teso campaign.⁷⁶ While in sick bay, Lagen heard KONY express animus against the Langi when Tabuley's forces were in Teso and Soroti. KONY ordered that the Langi should be killed because they were supporting the Museveni government. Lagen related that after the death of Tabuley, KONY directed that the LRA should find and kill a lot of people to avenge Tabuley's death. Lagen associated the attack at Barlonyo IDP Camp with KONY's orders, even though he had never heard KONY specify Barlonyo by name before the attack, because it was KONY who "had given the order publicly" that he wanted to hear that his forces had done "work" in Lango.
- Charles Lukwiya was travelling at the beginning of the Teso campaign with OTTI, as a member of OTTI's headquarters forces. Lukwiya was present when OTTI addressed hundreds of soldiers before LRA forces first moved into Soroti in June 2003. Among the attendees were Charles Tabuley, Raska LUKWIYA, and Buk Abudema. OTTI ordered all the other commanders to move their forces into Soroti. OTTI explained that the objective was to abduct people and "bring chaos" to deprive the government of control of the area. The next day, OTTI himself moved his headquarters to Soroti, and the other forces moved into Soroti as well.
- [REDACTED] related

⁷⁶ Sick bays were groups of wounded and injured fighters, sometimes accompanied by women and children of other fighters. Control Altar and the brigades each had sick bays associated with them.

that [REDACTED]

[REDACTED] It was later that KONY issued orders to kill civilians [REDACTED] [REDACTED] learned of KONY's stronger orders [REDACTED] After this, [REDACTED] encountered civilians who had already been killed by other LRA forces. [REDACTED] himself participated in ordering [REDACTED] to be abducted [REDACTED]

- Charles Abola viewed the Teso campaign as having had two phases. In the first phase, during which Tabuley was the leader of his brigade, there were no broad orders to kill civilians. Instead, Tabuley ordered his troops to make civilians flee from the area, as they moved eastward to Mbale. During this phase, civilians including boys were abducted; trading centres were looted; and ambushes, including ambushes upon civilian vehicles in which Abola himself participated, were carried out. Abola perceived the second phase to have started when ODHIAMBO arrived in Stockree brigade. On this trip, Abola believed that KONY's orders had changed, because the operations, particularly against civilians, became more violent. A fellow officer told Abola that KONY ordered, after Tabuley's death, that all civilians found within "the battlefield, the zone that we are operating in, should be killed." It was in part because Abola was so disturbed by the intensity of LRA atrocities in the Teso and Lango operations that he decided to risk death by attempting to escape from the LRA.

164. The information about LRA attacks furnished by the JIC and gathered from open sources establish independently that June of 2003 was the beginning of increased violence by the LRA, as a result of increased activity in the Lango and Teso regions. The computerized map which is Exhibit K shows that the LRA attacks upon civilians to the east of the Acholi districts, in the Teso and Lango regions, which begin in June 2003, are an extremely strong characteristic of LRA operations in the post-July 2002 period. (*See Computerized Map, Exhibit K*). Indeed, the map reflects

that the movement in mid-2002 into the Teso and Lango regions, and the intensity of the attacks carried out there, was unprecedented in the post-Iron Fist period.

165. The JIC-furnished information also establishes that while the numbers of attacks, killings, and abductions of civilians in the Acholi districts from July 2002 to June 2004 did not abate, those same numbers in the Lango and Teso regions increased dramatically beginning in June 2003. Annexed as Exhibit M are charts showing the numbers of attacks, killings, and abductions carried out by the LRA, by region. In the Lango districts, the number of killings jump upward and reach their height in February and March of 2004.
166. The radio communications of the LRA leadership also corroborate that in the last quarter of 2003, at the latest, after the LRA had already been operating in the Lango and Teso areas, KONY was issuing broad orders to target and kill civilian populations, including those living in IDP camps. The communications also establish that OTTI supported and disseminated KONY's orders.
167. In a conversation which occurred on 10 October 2003, at 8:00 a.m., and was intercepted at that time, KONY stated his rationale for believing that civilians deserved to be attacked by the LRA. He reasoned that because civilians requested UPDF support, and volunteer to join local militias, they are "very bad people" who "seriously plan." KONY told OTTI in the intercepted conversation:
- You should have brought for me civilians from the camps and left the barracks. You should have brought for me civilians. Civilians are the ones who are the ones who arrange for the army to be brought. They are the ones, over.

OTTI laughed, saying, "I had already planned every thing like that." KONY continued complaining: "And they are the ones who leave and join the home guard [*i.e.*, local militias], over."

168. In the same conversation, OTTI quickly agreed with KONY's rationale and assured KONY that he has planned so as to implement KONY's wishes:

I have planned that those who confront soldiers, as soon as bullets start firing, those who go and loot, those who go to the centre, they should burn houses more than that of Atiak, even all civilian homes should be burnt, anything that is found should be done, over.

KONY responded with approval: "That is it."

169. As is discussed above, *see supra* at para. 111, in the conversation intercepted and taped on 1 December 2003, KONY acknowledged the ongoing nature of LRA ambushes upon vehicles, "battles" and "murders" and "killing" of civilians who, in KONY's view, were "bad" and had "mobilised" against him.

170. On 29 March 2004, the Internal Security Organization intercepted an LRA radio communication, at 6:30 p.m., in which Sam Kolo, then the Director of Political Affairs, dictated a letter to brigade commanders and other commanders, to be disseminated to civilians. This Office has learned through interviews of UPDF officers, residents of IDP camps, and former LRA officers, that LRA forces at times dropped letters near towns and camps, or on roads, as a means of disseminating messages.

171. In the letter he dictated, Kolo declared that the Acholi, Lango and Teso regions remained, in the mind of the High Command of the LRA, "war zones" and thus that all civilians who moved in those "zones" should

consider themselves at risk of being targeted by the LRA. Kolo directed his fellow commanders that the letter should state:

- After the heading, "Lord's Resistance Army/Movement," the following sentence underscored: "It is still war";
- That the letter was repeating a communication from "the Military High Command Council of the LRA";
- That the districts of Acholi, Lango and Teso "are still war zones," in the estimation of the LRA;
- That the reason for the continuation of the war was that Museveni had "never shown any slight interest of determination to bring this war to an end through talks."

The tape of the conversation containing Kolo's dictation ends before Kolo is finished. In the last portion of the tape, Kolo told the other commanders that the letter should contain a warning. Kolo dictated that starting 25 March 2004, "everyone, anyone who will be travelling by road or by air, that is their problem." Kolo repeated, "Everyone, everyone who will be travelling by road or by air, that is their problem."

F. Attacks Perpetrated by Persons Whose Arrest is Sought

i. Contextual Elements of Alleged Crimes

172. The thirty-three crimes alleged at the outset of this application occurred in the factual context which has been described in Sections III.B to III.E, *supra*. This factual context establishes that in each instance in which a crime against humanity has been alleged, the person was participating in, and knew of, a widespread and systematic attack against a civilian population. In addition, in each instance in which a war crime has been alleged, the person participated in, and knew of, an armed conflict not of an international character.

173. To establish the contextual elements of a crime against humanity, it is the Prosecution's burden to prove that: (1) the criminal conduct was part of a widespread or systematic attack directed against a civilian population; and (2) the perpetrator knew that the conduct was part of or intended the conduct to be part of such an attack. *See Elements of Crimes*. Art. 7(2)(a) defines "attack directed against any civilian population" to mean "a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State of organizational policy to commit such attack."
174. There are "reasonable grounds" – indeed, ample grounds – for concluding that the LRA engaged in course of conduct involving the commission of the acts specified in paragraph 1 of Article 7, as part of a policy of committing such acts. The existence of a policy of attacking civilians – through such acts as murder, enslavement, and sexual slavery, among others – is manifest. Merely to continue existing, the LRA was dependent upon regular and repeated instances of the involuntary "recruitment" of new forces and the plundering of goods to which they otherwise did not have access, such as food and clothes. As is described above, KONY refined the policy of the LRA to include the killing of civilians perceived to be hostile to the LRA cause, and the abduction of girls who could serve as domestic servants and sex slaves to the fighters. All of these practices were well in place, at a minimum, by the time of the entry into force of the Rome Statute. The widespread nature of the attacks directed at the civilian population is demonstrated by, among other things, the frequency, volume, and scale of the attacks, the geographic area in which the crimes were committed, and the number of victims. *See Exhibit K* (computerized map showing the LRA attacks resulting in killings and abductees).

175. In addition, the individuals against whom warrants are sought well knew that the LRA was engaging in a widespread and systematic attack against civilians. Insiders and former abductees have demonstrated that one could not live within the LRA without knowing that the repeated commission of crimes against civilians were a means of LRA subsistence.⁷⁷ The most senior commanders, including brigade commanders, were longstanding LRA members who committed repeated attacks upon civilians themselves, and received orders directly and repeatedly from KONY and OTTI, either in person or via short-wave radio communications, to kill civilians, to abduct them, to ambush vehicles, to loot and to burn houses. After carrying out attacks, these commanders often reported their results in these terms, demonstrating their knowledge that they understood the LRA's objective of attacking civilians. *See e.g., infra* at paras. 396, 446-448, 584-585.
176. The contextual elements of the war crimes specified in this application are: (1) the existence of an internal armed conflict – *i.e.*, protracted armed violence between governmental authorities and organized armed groups; and (2) the perpetrator's awareness of the factual circumstances establishing the existence of the armed conflict. *See* Elements of Crimes. Again, there are "reasonable grounds" to believe that these elements are satisfied.
177. First, it is apparent and acknowledged both by the LRA and the Government of Uganda that there has been a long-term armed conflict between governmental authorities and the LRA. KONY has made public that his objective is to overthrow President Museveni, and since forming

⁷⁷ Indeed, most LRA members, as abductees, became members of LRA as a result of an attack upon civilians.

his opposition army eighteen years ago, has provisioned and organized the LRA to resemble a rebel army and to function as one.

178. The senior commanders against whom warrants are sought, moreover, knew that the armed conflict existed. They viewed themselves as rebel soldiers and led or participated in engagements with the UPDF or other government-sponsored militias. They attained ranks, in part by carrying out the objective of attempting to overthrow Museveni's government through armed violence. As is detailed below, *see infra, e.g.*, at paras. 396, 446-448, 584-585, these commanders also made statements acknowledging, in addition to the carrying out of attacks upon civilians, their attainment of military objectives, such as the killing of government soldiers, or the capture of government weapons or uniforms.

179. The remainder of this application contains a summary of the evidence and information relating directly to the six attacks which occurred in the context of a widespread and systematic attack upon civilians, and a protracted armed conflict, and which give rise to the proposed charges.

ii. Attack Upon the Lwala Girls Senior Secondary School (Counts One to Five)

a. Overview

180. The Lwala Girls Senior Secondary School is located in Lwala Village, Otuboi Sub-County, Kalaki County, Kalaki County, in Kaberamaido District. The Lwala School is a boarding school for girls at the education levels of senior one to senior four – or girls of the approximate ages of thirteen to nineteen. Kaberamaido District is inhabited by Ugandans of Iteso and Kumam ethnicity, but the girls at the school are of Kumam, Ateso, Lango and Acholi ethnic origins. In June 2003, there were

approximately 300 girls enrolled at the school. The language of instruction was English.

181. As is described below, on 24 June 2003, in the early morning hours, the Lwala School was attacked by a group of 20 to 30 men and boys armed with guns, pangas, and axes. The attackers entered the school, roused the students, and abducted as many as 100 girls. Other girls fled to escape abduction. During the same attack, the armed men and boys took three million Ugandan shillings from the nearby Lwala Catholic Mission, looted the school canteen of food, and ransacked and looted the girls' belongings. It took approximately an hour for the attackers to tie the girls in the schoolyard, load them with the looted items, and lead them away.
182. On the night of the abduction, and the days following, some of the abductees escaped, and a group was released, but approximately 30 to 40 girls continued to be held against their will. Some of these abductees themselves, and former LRA commanders, have described in statements given to this Office that LRA commanders divided the girls into smaller groups, and transported them northwards to more senior LRA commanders, including Charles Tabuley, Vincent OTTI, and Joseph KONY. The girls were ultimately distributed by and to LRA commanders, including KONY, OTTI, ODHIAMBO, and Tabuley. The girls were forced to cook, carry items, and care for children born in the LRA. The ones deemed sufficiently mature by the LRA commanders to be made "wives" were threatened, beaten, and raped. Those who were raped were exposed to sexually transmitted diseases.

b. Schoolgirls' Accounts of Their Abductions

183. Former students of the Lwala School who managed to escape from the LRA described their abductions and the aftermath. Those interviewed included: [REDACTED] who at the time of her abduction was thirteen years old, [REDACTED] who was thirteen when abducted, [REDACTED] who was sixteen years old at the time, and [REDACTED] who was then approximately seventeen years old. Each of these girls was abducted and spent at least nine months in the LRA. [REDACTED] was chosen as a "wife" by KONY, beaten on his orders, and raped by him. [REDACTED] was distributed to brigade commander [REDACTED] and [REDACTED] beat and raped her. [REDACTED] escaped from the LRA before she reached sufficient maturity to be deemed a "wife," and [REDACTED] who had been working as a "ting ting" in Vincent OTTI's household, fled from the LRA after learning that OTTI planned to make her his "wife."
184. Each girl described that just before the attack at the school, there was talk that LRA forces had been operating nearby in Katakwi district. The Lwala school was not near any military post and the nearest police station was at Otuboi, approximately five kilometers, or three miles, away.
185. In the early morning hours of 24 June 2003, the girls woke up to find that a group of men and boys had entered their dormitories, waking the students and taking their belongings. The attackers were armed with sub-machine guns ("SMGs"), among other weapons, and were dressed in military camouflage, or plain green army uniforms, or civilian clothes. Some were wearing army caps and others had their hair in dreadlocks. The assailants were, in some cases, as young as the girls themselves. [REDACTED] woke up to see the rebels using torches inside the dormitories and

shouting in Acholi, "just catch them." Girls were crying and shouting and hiding under their beds. A small boy woke [REDACTED] [REDACTED] an older man, who ordered her to get up. [REDACTED] [REDACTED] thought of running but found that it was too late. She watched as the LRA rebels communicated to each other in Acholi, while opening boxes and suitcases, and gathering girls to tie them with bedsheets and rope.

186. Each of the girls realized immediately that she was being abducted by the LRA. Among the factors that made the identity of their attackers clear to them were: the facts that the attackers had attacked the girls' school and were abducting children and looting food; the language the attackers spoke; and the manner in which the attackers were dressed. [REDACTED] [REDACTED] stated, "I also knew they were rebels because of the way they were treating us."

187. [REDACTED]
[REDACTED] According to statements [REDACTED]
[REDACTED]
[REDACTED] had seen the rebels' torches from a distance, and had gone to awaken [REDACTED]
[REDACTED] Both were afraid of being detected [REDACTED] so they hid [REDACTED]

188. The girls, who were tied to one another, gathered under their captors' supervision in the yard. The girls were wearing whatever they had worn to bed, which was in some cases pieces of the school uniform. Some of the girls were barefoot. The rebels raided the girls' belongings, and also the

school canteen, taking biscuits, salt, cooking oil and other food. They ordered the girls to carry food as well as clothes and other items looted from the dormitories. Abongi Eyadu, the watchman, estimated that he first saw the rebels at about 2:30 a.m. and that they left the Lwala School, with their captives, about 45 minutes later.

189. Abongi Eyadu and [REDACTED] saw the group of rebels and abductees marching away from the school along the road to the trading centre at Otuboi, a nearby town. They heard the LRA forces stop on that road to break into some shops near a bus stop for Lwala.⁷⁸
190. At the Otuboi trading centre, the rebels again looted shops. The abducted schoolgirls were given looted goods to carry. Then the girls walked to the northeast, stopping in the afternoon at a place in Katakwi district where the abductors met some of their commanders.⁷⁹ The schoolgirls' own estimates of the number of girls initially abducted varied from 70 to 100, but they believed that 60 or 80 reached this first stopping point. Some girls had managed to escape between the school and the stopping point.
191. Two of the girls, [REDACTED] and [REDACTED] remembered being addressed by an LRA commander. [REDACTED] believed the commander was named "Kapere." This commander told the girls that they had been abducted by the LRA and that the LRA was trying to

⁷⁸ [REDACTED] later learned [REDACTED]
[REDACTED] He spoke [REDACTED]
[REDACTED] The [REDACTED] told [REDACTED]
[REDACTED] and damaged [REDACTED]
[REDACTED]

⁷⁹ The girls named different Katakwi towns to describe where they stopped, each within about 16 miles, or 25 kilometers, of the other.

overthrow the Government. [REDACTED] recalled being told that when LRA succeeded, the girls would become commanders themselves.

192. The next morning, a group of girls was released. [REDACTED] and [REDACTED] each identified Kapere as the commander who ordered the release. [REDACTED] and [REDACTED] recalled that 19 were released the next morning. [REDACTED] counted 58 remaining, but again the girls' estimates varied. [REDACTED] believed there were as few as 40 remaining after the others were permitted to walk home. The rebels chose individually the girls who would be released. [REDACTED] had the impression that the prettier girls were kept. [REDACTED] and [REDACTED] noticed that some of the girls released by the rebels were the bigger ones.

193. [REDACTED] and [REDACTED] also recalled meeting Tabuley either with Kapere or shortly thereafter. The rebels divided the girls into smaller groups led by commanders, who marched with the groups of abducted girls further to the north.

194. Also in these early days of their abduction, the rebels asked the girls to give their names. [REDACTED]

[REDACTED]

[REDACTED] also described that the LRA rebels smeared them with shea butter on different occasions and made the sign of the cross on them. The ceremony was accompanied by explanations that the shea butter would render abductees "confused" and unable to escape, would give them a "strong heart," and would protect them.

195. The girls recalled meeting OTTI after Tabuley. [REDACTED] and [REDACTED] remembered meeting OTTI once they had walked to a location in Pader District.⁸⁰ [REDACTED] believes her group met OTTI in Gulu District. OTTI told the schoolgirls that they had been abducted so that they could fight. He stated that the girls would be saved by virtue of their abductions because others who remained outside the LRA would be killed.
196. From the place where they met OTTI, the schoolgirls were taken further north, to where KONY was staying.⁸¹ [REDACTED] recalled being taken to a place called Tem Palukok, which is a hunting ground in Gulu District near the Uganda-Sudan border. [REDACTED] believes that about 28 girls reached this place, because some girls escaped along the way. [REDACTED] believed that at least 20 reached the destination near the border.
197. [REDACTED] and [REDACTED] were taken to KONY himself. [REDACTED] described that KONY was seated in the midst of other senior commanders, including OTTI, Tabuley, and Kenneth Banya. KONY picked [REDACTED] and [REDACTED] to be his "wives."
- [REDACTED]
- [REDACTED] The rest of the girls then were distributed. [REDACTED] was distributed to OTTI's household, together with schoolgirls named [REDACTED] and [REDACTED]. Among the other senior commanders who received schoolgirls were Tabuley and ODHIAMBO. [REDACTED] was selected [REDACTED]

⁸⁰ It was on this leg of her journey that [REDACTED] participated [REDACTED]

⁸¹ [REDACTED] did not meet [REDACTED] and believed that she remained in [REDACTED]

198. After they were assigned to households, the girls' experiences diverged further. [REDACTED] ultimately did not spend much time in [REDACTED] and was not sexually assaulted by him or by any other commander. [REDACTED] escaped [REDACTED] [REDACTED] For much of the period before this, [REDACTED] [REDACTED] returned to Uganda [REDACTED] [REDACTED] recalled it, [REDACTED] [REDACTED]
199. [REDACTED] was considered a "ting ting," and while in [REDACTED] home, [REDACTED] mainly did domestic chores, like collecting water, cooking, and babysitting for [REDACTED] four children to help [REDACTED] four "wives." [REDACTED] learned from other girls that girl abductees given as "wives" had no right to refuse to have sex with the commanders to whom they were distributed. The women and girls told [REDACTED] that if a girl refused to have sex, the men would either beat her or kill her.
200. [REDACTED] had not begun menstruating when she was abducted. She heard, however, that the rebels had a medicine that they gave to girls to attempt to make them menstruate sooner. [REDACTED] characterized as one of the worst experiences in the bush having to see girls being forced to be "wives" to men who were "evidently sick" with sexually transmitted diseases.

⁸² [REDACTED]
according to media reports.

201. [REDACTED] became one of approximately eleven "ting tings" in OTTI's household, and she fetched water, cooked, gathered firewood, and carried bags. [REDACTED] was beaten by OTTI twice – on each occasion after attempting to escape with one of her schoolmates. The first time, [REDACTED] were beaten 30 strokes and 50 strokes, respectively, with a panga, by OTTI's escorts on OTTI's orders. The second time, OTTI himself beat [REDACTED] and [REDACTED] using a panga and a stick. [REDACTED] knew of other times that OTTI had had his "wives" or ting tings beaten.
202. [REDACTED] had not menstruated when she was assigned to OTTI's household. One of OTTI's "wives" confided in [REDACTED] that OTTI had forced her to have sex with him, after she was given to OTTI at the age of eleven. One day, [REDACTED] told [REDACTED] that she had refused to become OTTI's "sister." [REDACTED] had decided to tell others, falsely, that [REDACTED]. Soon after this, Raska LUKWIYA tied [REDACTED] with a rope and told her that she would be killed. [REDACTED] accepted becoming OTTI's "sister."
203. In the first months after becoming OTTI's "ting ting", [REDACTED] stayed in Northern Uganda, near the border. Later, however, after receiving weapons training, [REDACTED] moved further south, near to Lira District, where she participated in looting operations. OTTI told [REDACTED] one day that she would become his wife. [REDACTED] decided to escape. [REDACTED] had not menstruated by this time and had not been sexually assaulted. She escaped from a sick bay in Pader District, in March 2003, with some other girls, by running along a road.

204. [REDACTED] stated that her worst experiences in the bush included being beaten, carrying heavy luggage, walking long distances without shoes, and being shot at by the UPDF.⁸³ After she came out of the bush, she had nightmares about fighting and seeing dead people.
205. [REDACTED] whom KONY picked for his own household, was a captive of the LRA until September 2004. [REDACTED] accompanied KONY to Sudan, was beaten on KONY's orders when she refused to go to his home in response to his orders, and later was raped by KONY.
206. While in Sudan, [REDACTED] received military training, was given a sub-machine gun, and was ordered to raid a Sudanese village for food. KONY himself instructed [REDACTED] and others to kill any civilians they found while carrying out this raid. [REDACTED] understood that if she did not comply with the orders, she would be beaten. [REDACTED] twice participated in killings of abductees. Both times the victims were boys accused of being disobedient and disrespectful. One boy was beaten and the other one mutilated.⁸⁴

⁸³ [REDACTED] twice came under [REDACTED] gunfire. Her schoolmate [REDACTED] and others [REDACTED] were killed [REDACTED]

[REDACTED] Later, when [REDACTED] was on looting operations [REDACTED] she saw another woman who had been killed [REDACTED]

⁸⁴ [REDACTED] was interviewed under the procedures set forth in Art. 55(2), [REDACTED]

207. [REDACTED] estimated that KONY had approximately 20 "wives" when she joined his household, and about 80 children, before some were killed in a fire. KONY maintained a number of homes in one area of the LRA headquarters camp, and his "wives" and smaller girls stayed in those homes. [REDACTED] believed that the smaller girls would later become KONY's "wives."
208. Not long after KONY chose [REDACTED] to come to his household, KONY began calling her to come to the house where he slept.⁸⁵ [REDACTED] refused to go and after she had refused several times, KONY sent one of his bodyguards to beat her. The bodyguard told her to lie down. After scolding [REDACTED] for showing a lack of respect, he beat her. The beating was so severe that it took one week for [REDACTED] buttocks to heal. Thereafter, KONY resumed calling for her.
209. [REDACTED] explained that after this beating, she felt she had no choice but to have sex with KONY. She feared contracting a sexually transmitted disease, but she knew that she was far from home, did not speak Arabic, and was unlikely to escape successfully. She knew that [REDACTED] had tried to escape and was beaten on OTTI's orders. KONY had threatened that if [REDACTED] tried to escape, she would suffer the same fate.
210. When she next went to KONY's house, he reminded her of the beating she had already received and threatened to have her beaten again if she misbehaved. Then KONY forced [REDACTED] down onto his bed and penetrated her vaginally.

⁸⁵ [REDACTED] believes that this was about four weeks after her abduction.

211. KONY explained to [REDACTED] after she had been in the bush for some time, that the purpose of "wives" was to give birth and expand the clan.
212. KONY continued to have sex with [REDACTED] until she was able to leave the bush. In September 2004, KONY ordered his household to move from Sudan to Uganda because he felt threatened in Sudan. As the group reached Atiak in Gulu District, UPDF soldiers caught up with them and fired. Some LRA forces were killed – among them, some of KONY's bodyguards. [REDACTED] was rescued.
213. The other schoolgirl from Lwala chosen by KONY to be his "wife" – [REDACTED] – did not survive the period of her abduction. While in the bush, [REDACTED] and [REDACTED] had planned to escape together. [REDACTED] cautioned that it would not be possible from Sudan, because Sudan was too far from their home. KONY's household later crossed into Uganda. [REDACTED] however, was shot by the UPDF at that time. [REDACTED] had been walking in front of the convoy and, after she was shot, [REDACTED] passed her body.
214. Since [REDACTED] has returned from the bush, [REDACTED]
[REDACTED] She experiences some
pain [REDACTED]
[REDACTED]
215. [REDACTED] described as the worst experience of being in the LRA the fact that the abduction "destroyed my future." She explained that there is "no teaching in the bush at all," and thus she feels she is no longer like other peoples' children. [REDACTED] also listed as the worst aspects of being an LRA captive: (1) being given to a man who was older than her,

whom she was not willing to live with, (2) the lack of food and water, to the point where it can threaten one's life; (3) the lack of medical treatment which means that when one falls ill or is injured, one must "heal like an animal"; and (4) the walking and the carrying of heavy loads.

216. [REDACTED] is now attending a school [REDACTED]

217. [REDACTED] tried to escape [REDACTED]
[REDACTED] She attempted to flee [REDACTED] but they were both [REDACTED]
[REDACTED] also told [REDACTED] and her friend [REDACTED]

218. After [REDACTED] months in [REDACTED] household, [REDACTED]
[REDACTED]
[REDACTED] She knew that [REDACTED]
[REDACTED] One week later, [REDACTED]
[REDACTED] She attempted [REDACTED]
[REDACTED]
[REDACTED] believes that [REDACTED]
[REDACTED]
[REDACTED]

⁸⁶ [REDACTED] commanded [REDACTED] and his real name is believed to be [REDACTED]
[REDACTED]

219. [REDACTED] escaped in about [REDACTED] from a place near [REDACTED]
 [REDACTED] told her one night [REDACTED]
 [REDACTED] After [REDACTED] said this, [REDACTED]
 realized that she had nothing to lose [REDACTED] When she was
 sent [REDACTED]
 [REDACTED] She found a
 [REDACTED] who alerted [REDACTED]
 [REDACTED]

220. While she was in the bush, [REDACTED] learned of many girls - [REDACTED]
 [REDACTED] who were forced to have sex
 with men. She saw one woman, [REDACTED]
 [REDACTED]
 [REDACTED]

221. [REDACTED] did not participate in killings [REDACTED]
 [REDACTED]

222. When [REDACTED] returned from the bush, she discovered [REDACTED]
 [REDACTED] She continues to be treated [REDACTED]
 [REDACTED]
 [REDACTED] she still experiences
 pain [REDACTED]

223. [REDACTED] has found since she returned from the LRA that some
 people have ridiculed her, [REDACTED]
 [REDACTED] Her current concerns include being able to study

properly, [REDACTED]
[REDACTED]

c. Statements of LRA Commanders and Intercept Information

224. Former LRA commanders have furnished additional information that the schoolgirls from Lwala were deprived of their liberty, and caused to engage in sexual acts against their will, in fulfilment of orders given by KONY and OTTI, among others.
225. As is described above, KONY established the regime by which the LRA abducted civilian girls and forced them to accept all of the duties of being a "wife," which included sex and procreation. This was purportedly in fulfilment of KONY's objective of expanding his "new Acholi" clan. KONY disseminated the orders which created the practice of sexual slavery and also enforced compliance with the practice by ordering the punishment of "wives" who attempted to escape or to refuse their "husbands." In the case of the Lwala schoolgirls, KONY and OTTI ordered the sexual enslavement of some of the schoolgirls and the attempted sexual enslavement of others, by: (1) ordering abductions and the expansion of LRA ranks as part of the Teso campaign; (2) transporting the schoolgirls or ordering them to be transported, against their will, once they were abducted; and (3) choosing for the girls, against their will, "husbands" and future "husbands"; (4) with knowledge that the girls would either be forced into sex immediately or whenever the "husband" deemed the girl sufficiently mature. [REDACTED]
[REDACTED]
[REDACTED]

226. [REDACTED] is one of a number of former LRA members [REDACTED]
[REDACTED] and particularly [REDACTED]
and [REDACTED] – as the LRA commanders who ordered [REDACTED]
[REDACTED]

227. [REDACTED] saw the abducted schoolgirls, [REDACTED]
[REDACTED]
recalls seeing [REDACTED] or maybe more, [REDACTED]
[REDACTED] was present when [REDACTED]
[REDACTED]
[REDACTED] reported to their
[REDACTED] commander, [REDACTED]
[REDACTED]
[REDACTED]

228. Kapere and Lagulu reported to Tabuley that they had abducted the girls at night and that no shots had been fired. They told him that a number of girls had already been released because they were fat and could not walk. A number of Tabuley's officers from his headquarters were also present for the report, including his intelligence officer, George Labongo.

229. Tabuley addressed the girls during the rendezvous, an event [REDACTED] also witnessed. Tabuley told the girls not to have funny thoughts and warned

⁸⁷ There is a village called [REDACTED] not far from the villages
[REDACTED]

that anyone who attempted to escape would be killed. He stated that the girls had been abducted to fight for the LRA.

230. The day after Kapere and Lagulu had made their reports, the girls were divided among the Stockree officers so that they could be marched north without increasing the likelihood of detection by the UPDF. [REDACTED] stated that [REDACTED]

231. At the Achona rendezvous, Tabuley explained to his commanders that the girls were being moved because KONY had asked for the girls to be brought to him. Tabuley also stated that KONY had passed an order to OTTI that OTTI should distribute the girls to some of the senior officers in the High Command and also some of the senior officers in Stockree Brigade. Tabuley said that before the girls were distributed to commanders, there would be a waiting period of a month to ensure the girls were "cleansed."

232. The groups accompanying the girls moved separately to a location in Pader District at which they again reconvened. It took about five days to get there, and [REDACTED] believes that some girls, who were in the care of a commander named Ben Okullu, may have escaped during a UPDF ambush along the way. In Pader, Tabuley took the girls, and [REDACTED] did not see them again while in the bush. Tabuley said that he was going further northward, to Orom, in Kitgum District, to meet OTTI.

233. [REDACTED] learned later about girls distributed as "wives" to some of the Stockree commanders. Among the Stockree commanders who received "wives" from the Lwala abductees were Tabuley himself, ODHIAMBO,

and Lagulu. [REDACTED] knew that [REDACTED]
[REDACTED]
[REDACTED]

234. As was described above [REDACTED] views the abductions at the Lwala School to have been one of the first attacks to result from KONY's orders to all of his forces to conduct operations, including abductions, in the Teso region. [REDACTED] stated, "The plan was to go to Teso to abduct as many people as possible to take them back for training." When asked about a possible connection between the Lwala School abductions and the Teso initiative, [REDACTED] stated: "It was precisely because of [this order] that they went to abduct as many Iteso as possible" [REDACTED] heard [REDACTED] that KONY had given an additional order specifying the abduction of Itesots, to expand the tribes in the LRA. Tabuley relayed to his battalions "a very strong order" to move quickly to Teso and to take "quick action." In [REDACTED] recollection, it was less than a week after Tabuley exhorted his brigade to show "quick action" that the night-time raid on the Lwala School occurred.

235. [REDACTED]
[REDACTED] confirmed that a group of Lwala girls were taken to KONY's location and that he saw them being taken to KONY. [REDACTED] saw the schoolgirls when they were travelling behind OTTI's convoy, among a convoy comprised of Stockree forces, at a location near KONY's camp in Tem Palukok. [REDACTED] saw approximately 30 girls sometime in July 2003, he believes. At the time, he was travelling in a group that included OTTI, Raska LUKWIYA, and hundreds of soldiers. This group had just marched from the Teso region to march to

meet with KONY in Tem Palukok, had completed the meeting with KONY, and had turned to return southwards.

236. The Stockree brigade, led by Tabuley, was following behind OTTI's group on the march. [REDACTED] saw the schoolgirls from Lwala after his group had left Tem Palukok, but as Stockree Brigade was still heading towards Tem Palukok.
237. [REDACTED] saw the group of girls, some wearing their school uniforms, and he approached and spoke with at least one, who was Lango and thus could converse with him.⁸⁸ Alphonse Lamola, whom [REDACTED] knew to be a Stockree battalion commander, explained that the girls were from Lwala school.
238. [REDACTED] group then again broke away from the Stockree convoy. About two weeks later [REDACTED] saw Jimmy Ocitti, a colonel whose responsibility it was to hold the records of Control Altar. Among other things, Ocitti's duties included taking orders from KONY and OTTI about distributions of people. When [REDACTED] mentioned that he had seen the girls from Lwala, Ocitti confirmed that the girls had been distributed. Ocitti stated that "we" had distributed the girls. [REDACTED] understood Ocitti to mean Ocitti and OTTI.
239. [REDACTED] does not know who abducted the girls from the Lwala school, other than that it was carried out by members of Stockree Brigade. The Lwala school attack, however, was one of the main incidents [REDACTED] associated with the first trip of LRA forces to Soroti. This trip followed the

⁸⁸ The Acholi and Lango languages are sufficiently similar that a person who speaks one can communicate with each other.

briefing attended by [REDACTED] in which OTTI ordered most of the high commanders in the LRA, including Tabuley, to go to Teso to abduct people and demonstrate that the government of Uganda had no control over the area.

240. This Office has interviewed [REDACTED]
[REDACTED]
[REDACTED] the name [REDACTED] is a nickname [REDACTED]
[REDACTED] Like other [REDACTED] interviewed by this Office, [REDACTED]
[REDACTED] was abducted [REDACTED]
[REDACTED] and escaped from the bush [REDACTED] It was before [REDACTED] left the bush that [REDACTED] had furnished information about the Lwala abductions to this Office.

241. This Office has not yet had the opportunity even to question [REDACTED] about the entire period [REDACTED] did admit [REDACTED]
[REDACTED]
[REDACTED] explained that [REDACTED]
[REDACTED]
[REDACTED]

242. [REDACTED] and [REDACTED] chose the Lwala School as the target. The same day that [REDACTED] received [REDACTED] order, they sent [REDACTED]
[REDACTED]
[REDACTED] Once that information was obtained, [REDACTED]

103

[REDACTED]

[REDACTED]

246. [REDACTED] knew that [REDACTED]

[REDACTED]

247. [REDACTED] learned later, [REDACTED]

[REDACTED]
[REDACTED]

248. Tapes obtained from the Internal Security Organization appear to corroborate [REDACTED] account, but the relevant tape was obtained very recently, and thus the voices have not yet been identified. In a conversation recorded at 8:00 a.m. on 25 June 2003, someone reports, "we entered Kaberamaido in Otuboi." The reporter or reporters describe collecting "three solar panels" at a "mission" and "in a girls' school." Then there is conversation about "56," three million "Uganda shillings which was got," and a failed attempt to obtain a radio. Someone then says, "I'm talking of the young ones." A response is made that "if they are able to fire [guns], then they may stay." A voice or voices then continue: "The ones who cannot walk are to be untied," and "[e]ven if they are ugly then can be taught to fight." At that point, the conversation appears to switch to a different topic.

iii. *Attack on Pajule IDP Camp (Counts Six to Nine)*

a. *Overview*

249. Pajule IDP Camp is located in Pajule Sub-County, Aruu County, Pader District, approximately 28 kilometers, or 18 miles, north of Pader town. Pajule IDP Camp is across a road from Lapul IDP Camp, which is in Lapul Sub-County. Pader District is inhabited primarily by Ugandans of Acholi ethnicity. The language spoken in Pader District is Acholi.
250. Camps for the internally displaced are camps into which residents of Northern Uganda have either moved or been forcibly placed because of the threat of LRA attacks. According to the United Nations, approximately 1.6 million internally displaced persons lived in camps and temporary shelters as recently as 2004. In October 2003, Pajule and Lapul IDP Camps were among the approximately 180 camps and shelters in Uganda in which displaced Ugandans resided. The Pajule and Lapul Camps benefited from World Food Programme assistance, and for food distribution purposes, were treated as one camp: the Pajule-Lapul IDP Camp. For the purposes of this application, the name "Pajule IDP Camp" is being used for the two camps together, unless otherwise stated.
251. On 10 October 2003, at approximately 5:30 a.m., Pajule IDP Camp and the UPDF barracks just to the west of the camp were attacked. As is described below, the group which attacked Pajule IDP Camp consisted of hundreds of fighters who were mostly young men but also women and young boys. The attackers, who were shabby in appearance, wore an assortment of UPDF uniforms, Sudanese uniforms, and civilian clothes. One group of attackers launched a major assault on the combined UPDF and local defence unit ("LDU") forces stationed at Pajule Camp, using weapons like

sub-machine guns ("SMGs"), a self-propelled gun ("SPG-9"), rocket propelled grenades ("RPGs"), and a 12.7 millimeter anti-aircraft gun. At the same time, other attackers moved through the camp, abducting men, women and children, looting the trading centre based in the camp, and forcing abductees to carry the looted items. After about an hour of intense fighting at the barracks, the combined UPDF and LDU forces managed to repel the attackers. Soldiers on both sides died. As a UPDF helicopter arrived, the attackers withdrew, taking with them their own wounded, at least 300 civilian abductees, and foodstuffs and other items looted from the civilian areas of the camp.

252. Investigators from this office have obtained: (1) the file compiled by the Ugandan Criminal Investigation Directorate – Pader Region following an investigation carried out in October 2004; (2) lists of civilian abductees and civilians killed, pillaged households, and looted items compiled and maintained by Camp Commandant John Okema Brown; and (3) intelligence reporting of the UPDF following the attack. In addition, as is described below, this Office has interviewed civilian camp officials; victims of the attack, including abductees; former LRA members who participated in the attack; and UPDF and LDU personnel who witnessed the attack and fought against the attackers. From these sources, it appears that:

- at least three government soldiers died during the attack;
- at least eight civilians died during the attack;
- at least 300 civilians of both genders and all ages were abducted from the camp and forced by armed attackers to carry loot;
- although many of the abductees were released soon after the attack, LRA commanders kept custody of some abductees, including girls and boys in their teenage years.

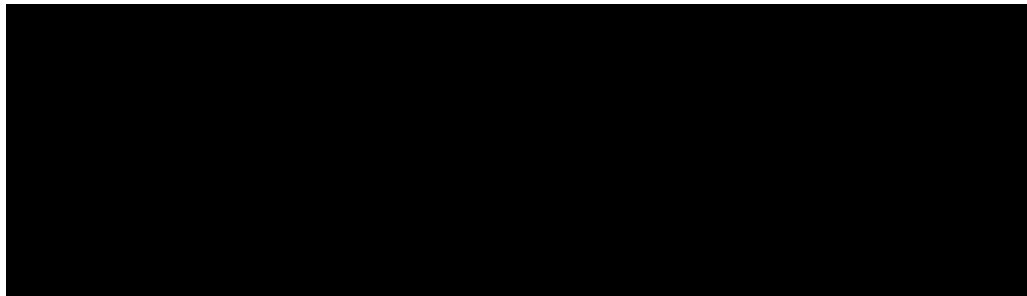
253. To date, the attack at Pajule IDP Camp remains one of the largest scale mass abductions attributed to the LRA in Uganda. Among the abductees was Rwot (meaning "Chief") Joseph Oywak of the Koyo clan of the Acholi tribe. Although many abductees, including this Chief, were released the day after the attack, the LRA attackers retained the abductees deemed useful to them, and UPDF commanders estimate that as many as 50 to 100 abductees have yet to return, a full year and a half after the attack was carried out.
254. In October 2003, John Okema Brown was the Camp Commandant of the Pajule side of the Pajule-Lapul IDP Camp. His duties as Camp Commandant included leading a group of elected officials who manage the camp, including himself, a vice-camp commandant, and leaders of each of the six parishes or "blocks" within the camp, among others. These camp leaders ensured adequate food delivery, monitored health conditions in the camp, and encouraged education. Another duty performed by the camp leadership was to collect information following any attacks in the camp, by attempting to determine the identities of the dead and abducted, the houses burnt, and the items looted.
255. According to records maintained by John Okema Brown, over 30,000 people lived in Pajule IDP Camp in October 2003: over 17,000 on the Pajule side, and over 13,000 on the Lapul side. The orientation of Pajule IDP Camp was described to this Office [REDACTED]
[REDACTED] among others. [REDACTED]
[REDACTED]
[REDACTED] The Pajule and Lapul sides of the camp are bisected by a north-south road along which there are shops which create a trading centre. On the east side of the road is the Pajule IDP Camp and on

the west side is Lapul IDP Camp. The UPDF barracks were to the west of both camps, as was the Pajule Catholic mission. A diagram of the orientation of Pajule IDP Camp is annexed to this application as Exhibit N.

b. Accounts of Military and Civilian Leaders

256. Military personnel who helped repel the attackers on 10 October 2003 and civilian camp leaders who witnessed the attack established that the attackers were LRA forces who intended to attack civilian homes and shops, loot food and other items, and abduct camp residents while assaulting the military barracks as well.

257.



⁸⁹ The UPDF had been anticipating LRA attacks in the area at the time, because it had gathered intelligence information that certain LRA commanders, including Vincent OTTI, had arrived within seven or eight miles to the east of Pajule, near Lanyatono village. Pajule IDP Camp had previously been attacked by LRA rebels in January 2003.

⁸⁹ As explained by [REDACTED] among others, *see infra* at para. 340, LDU soldiers are recruited by the Ugandan Ministry of Defence and paid by the Ugandan Ministry of Affairs. They are volunteers who are recruited from all over Uganda and may be deployed anywhere in the country. Amuka or Arrow forces – who were formed at the initiative of members of Parliament of the Lango and Teso regions, respectively – differ from LDU soldiers in that Amuka or Arrow are locally recruited and are only deployed in their home regions. LDUs are typically commanded by UPDF, and the Amuka, Arrow, and LDU forces are not as well armed or trained as the UPDF.

258.

[REDACTED]

[REDACTED] The attackers were clothed in tatters, with some wearing military clothes and others in civilian clothes or bare-chested. Most of the fighters were teenagers. Some were females. Captain Oto recognized characteristics of fighting by the LRA. The attackers were shooting and fighting while standing. They used no organizing tactics like entrenching themselves or counterattacking. They were also firing with less volume than the UPDF, as if to conserve ammunition.

259.

[REDACTED] helicopter fired upon the LRA fighters. The attackers at the barracks began to withdraw, and [REDACTED]

[REDACTED] There, he saw more LRA rebels, although these were dressed mainly in civilian clothes. He viewed a scene of confusion: LRA members were running and carrying loot, civilians were being forced to carry loot, and civilians were trying to flee with their own goods. Outside the trading centre the helicopter fired at some retreating attackers, who returned fire. The helicopter gunfire hit some of the LRA forces.

260.

[REDACTED]

[REDACTED] he saw a large group of civilians – at least 300 – who were carrying loot out of the camp, under the watch of LRA forces. [REDACTED]

[REDACTED]

261. Captain John Lubwama, who led the UPDF commanders and LDU fighters at the barracks, described that he first heard a shot, from the north, at around 6:00 a.m. He saw over 150 attackers approaching the barracks; and approximately 400 overall. Some were wearing Sudanese uniforms, which are camouflage of green and maroon.⁹⁰ Some attackers had removed their shirts. Captain Lubwama explained that this practice was used by LRA fighters so that they could recognize each other.
262. Captain Lubwama recognized the attackers as LRA forces, because they attacked the UPDF, and no other group in northern Uganda was in hostilities with the UPDF. Lubwama witnessed one group of attackers advancing to the barracks and the other moving to the Pajule side of the IDP camp. They were shouting, "amaka, maka," or "catch them, catch them."
263. The 70 UPDF soldiers who were at the barracks at the time took positions in the trenches surrounding the barracks.⁹¹ The attackers used sub-machine guns (AK-47s), at least one SPG-9 (an anti-tank weapon), a 12.7 mm anti-aircraft gun, and mortars, among other weapons.
264. According to Captain Lubwama, the fighting started as the sun was coming up and lasted for about an hour. The combined UPDF/LDU force prevailed there, and the fighters also successfully stopped an LRA group which had been attempting to reach the Catholic mission.⁹² However,

⁹⁰ UPDF uniforms, by contrast, were green camouflage, and LDU uniforms were plain green.

⁹¹ Another 80 were deployed in the camp.

⁹² According to [REDACTED]

LRA fighters overpowered other men from Lubwama's battalion who had fought within the Pajule side of the camp, and there the LRA rebels looted, abducted, and burned houses. LRA fighters also broke into shops in the trading centre, carrying away clothes and food such as sugar, biscuits, soda, and salt.

265. The LRA forces withdrew to the east, but the UPDF helicopter could not fire upon the withdrawing group, because there were so many abductees present in the same group.
266. Camp Commandant John Okema Brown was in his house sleeping when the attack began. He was awakened by gun shots and decided to hide in his house with his children. He heard the attackers giving instructions to abduct, saying, "maka maka." Others were shouting to shoot the drunkards. (October 9 had been Independence Day and the camp residents had been celebrating). When he heard these shouts, Okema Brown realized that the attackers were LRA rebels.
267. According to Okema Brown, the attack continued until after the sun rose. When Okema Brown emerged from his hut, he saw the attackers withdrawing from the Pajule side of the camp, in the company of abducted civilians who were carrying loot. A helicopter was dropping bombs in front of the escaping group.
268. In the aftermath of the attack, the military and civilian leaders in the camp assessed the casualties and the damage caused by the LRA rebels. At or near the barracks, UPDF and LDU forces, LRA soldiers, and civilians had died. Captain Lubwama recalled that bodies of eleven LRA soldiers were found, most near the barracks. The LRA casualties included boys in their

teenage years. Three UPDF and LDU soldiers were killed, two of them near the barracks. Family members of government soldiers were also shot during the fighting at the barracks.

269. From near the barracks, the UPDF recovered a number of submachine guns, a damaged SPG-9, and other weaponry left behind by the LRA attackers.
270. In the camp, some civilians had died and others had been injured. Camp Commandant Okema Brown compiled lists of the dead, using information provided by relatives. The effort on the Lapul side of the camp may have been less complete, because the camp commandant had died in March 2003, but some lists were made by the camp secretary. These lists, when cross-referenced with witness statements taken by police during its investigation a year later, show that at least eight civilian residents died during the attack. Camp residents who had been injured were taken for treatment to medical clinics at the trading centre, a centre run by Caritas, a Catholic aid organization, and a dispensary located at the north side of the camp. [REDACTED] visited the dispensary, where he saw seven civilian men and boys, each of whom had suffered gun wounds. At least 33 huts were burnt during the attack, according to Okema Brown.
271. Soon after the attack, abductees began returning individually and in groups. On 11 October 2003, in the late afternoon, a large group of abductees returned to the camp, together with Rwot Joseph Oywak of the Koyo clan. According to Camp Commandant Okema Brown and [REDACTED] [REDACTED] Rwot Oywak had explained that after the camp residents had been abducted and marched to a location where the LRA commanders were camped, Oywak had met with Vincent OTTI. Oywak told Okema Brown

and [REDACTED] that he had asked OTTI to release the captives. The next morning OTTI had agreed to release some categories of abductees, while keeping some to continue to carry looted goods.

272. Okema Brown recalled that Rwot Oywak claimed to have returned with hundreds of abductees. According to Captains Lubwama and [REDACTED] Rwot Oywak was familiar with the LRA leadership because he had negotiated with them as a member of the Acholi Religious Leaders Peace Initiative. Rwot Oywak also told Okema Brown and [REDACTED] that Raska LUKWIYA had been present with OTTI at the LRA camp to which the abductees had been taken.
273. Also on the day of the attack, at least two bodies were recovered from the path the LRA rebels had taken when retreating with the abductees. Okema Brown saw outside of the camp the body of a businessman named Onek Pangrasio. [REDACTED] told [REDACTED] that Pangrasio had been shot in the back. Okema Brown also saw the body of a man named Kinyera Lacung, who was the typist of Pajule Sub-County and in that capacity worked with local leaders. Lacung's body had been wrapped by his family, so Okema Brown did not see any wounds.
274. After the attack occurred, the camp leadership made efforts to count the abductees and returnees. Camp leader Okema Brown took reports from block leaders, who gathered information from returning abductees and families whose relatives were missing relatives. Local Council-3 Chairman ("LC-3") Alphonse Lokilamoi received information from abductees and took reports from subordinate local councillors who had gathered

information from their constituents.⁹³ Cross-referencing the lists produced by Okema Brown and Lokilamoi with: (1) lists of returnees who were referred to rehabilitation centres; and (2) statements given by witnesses to this Office and the Ugandan CID, reveals that 300 residents, at a minimum, were abducted from Pajule IDP Camp on 10 October 2003, although there may have been many more. Captains [REDACTED] and Lubwama believe that as many as 50 or 100 residents, respectively, have not yet returned from having been taken to the bush.

c. *Victims' Accounts*

275. Pajule Camp residents who were themselves abducted have confirmed that a number of those abducted from the camp on 10 October 2003 remained in captivity long after Rwot Oywak and others were released. They also corroborate that Vincent OTTI commanded the attack upon Pajule IDP Camp and that Raska LUKWIYA, who was then the division commander, was in charge of the LRA forces in the camp itself.
276. Okot Dick was a twenty-nine year old resident of Pajule IDP Camp who was abducted by LRA forces on 10 October 2003 and remained in the bush for approximately a month before he escaped, in Lira District.
277. Okot Dick's house was located in the centre of the camp, near the trading centre. Dick was abducted at approximately 7:00 a.m. A group of armed attackers broke down the door to his house and tied Dick, his wife, sister, brother, and brother's girlfriend together with rope. The attackers were

⁹³ Lokilamoi explained that the local council structure is a governmental administrative structure comprised of government appointees. The levels are from LC-1 to LC-5: an LC-1 Chairperson is a chairperson for a village, the LC-2 chairperson for each parish, the LC-3 chairperson for a subcounty, the LC-5 person for each district.

Acholi, Lango and Itesot, but the leader was of Acholi ethnicity. Dick learned that the leader's name was "Odongo."

278. As Dick and his family were marched through the camp, he saw the LRA rebels breaking into shops and looting the contents. Houses had been set on fire. Camp residents were fleeing. Some tried to carry clothes or other items, but many abandoned them as they ran.
279. Dick believes that as they left the camp, to the east, there were over 400 abductees moving. Among the fellow abductees who were marched with him, as his group left the camp, was Onek Pangrasio. His brother's girlfriend had managed to escape by this time, but his family members, ranging in age from 20 to 40 years of age, remained in captivity. The abductees were given loads to carry; Dick was made to carry groundnuts (peanuts). Some abductees were carrying wounded LRA rebels.
280. On the march, the commander called Odongo ordered Pangrasio to be killed. According to Dick, Pangrasio was killed, at a place called Lacektar, because he complained about the load he was carrying. Odongo ordered one of the other rebels to shoot Pangrasio, and that rebel shot Pangrasio in the back of the head. The rebel then checked Pangrasio's clothes and pockets, and gave the contents to Odongo. Pangrasio's body was left behind.
281. Dick also saw Lacung, the typist, being killed, at a spot further along on the march. Before Lacung was executed, one of the rebels announced that Lacung would be killed because he worked for the Government. According to Dick, an LRA soldier pierced Lacung in the abdomen using a bayonet. Again, the LRA forces left the body behind.

282. Later the same day, when the rebels and abductees stopped at a place called Ogul, Dick realized that Rwot Oywak was among the abducted. Vincent OTTI was also at this place, and by this time, Dominic ONGWEN had been pointed out to Dick. OTTI announced that the group should keep moving but that the pregnant women, elderly men and women, and children under 8 years of age would be released. Rwot Oywak responded by telling OTTI that the LRA should stop killing people and that at least some of the abductees should be released. The group walked further, and then stopped to cook and camp for the night. The abductees were separated into small groups during the night, guarded by different LRA groups.
283. In the morning, OTTI again addressed the abductees. He said that all except the young men and women would be released. He warned that those who were being kept should not try to escape, because any who tried to escape would be killed.
284. Dick was not released, nor was his brother, although his wife and sister were freed. Dick remained with the LRA for the next month, and was assigned to carrying the wounded and, at one point, a weapon. During his captivity, Dick was ordered to help lay an ambush on a civilian vehicle in Pader District. The LRA group lay in wait, and when a vehicle came along, an LRA fighter fired an RPG at it, causing it to overturn. Some riding in the vehicle were killed, including a female, and others ran away. Abductees including Dick ran forward to collect food from the car.
285. When Dick escaped, he was in Lira District. After he left the LRA, Dick was detained by the UPDF, first at a military detach near Ogonyo and then for two months at barracks at Achol-pii. He was beaten by one of the

guards at Ogunyo. At Achol-pii, Dick was detained with suspected LRA collaborators and fighters captured from the LRA during battles.

286. Since his return from the bush, Dick no longer lives in Pajule IDP Camp. Dick learned of other relatives who were also abducted and have not yet returned: a fourteen-year old sister, a nine-year old brother-in-law, and a male cousin of eighteen years of age. Dick sold his last assets to obtain enough money to move further south with his family and dependents. He works in other people's fields to earn money.

287. [REDACTED] was a sixteen-year old when abducted from the Lapul side of the camp. She was made to carry items looted from her house, beaten while running toward the UPDF barracks, and forced to stay with her abductors while they were being fired upon by a helicopter. She was not among those released the day after the attack, subsequently became a "wife" to commander Jimmy Ocitti, and travelled to the Sudan. Abalo escaped in about April 2004.

288. [REDACTED] was hiding in a neighbor's house, listening to gunfire and ululations, when a group of attackers consisting of boys broke down the door of the house. The boys – who looked like fourteen-year olds – were carrying guns and were wearing camouflage clothing. The boys were bare-chested and had shea nut oil smeared on their chests. When they entered, the boys began taking maize, beans, salt, sugar and cooking oil.

289. The boys forced [REDACTED] to carry the looted items and other items they had looted. They also tried to take from the house [REDACTED]
[REDACTED]

290. According to [REDACTED]
[REDACTED]
[REDACTED]
291. Houses were burning near the trading centre as Abalo ran. She also saw that the rebels had broken into stores.
292. Before [REDACTED] reached the barracks, a helicopter arrived, and rebels who were guarding [REDACTED] and others ordered everyone who was running to head to the east. These rebels, who were armed, threatened to shoot anyone who did not run as directed. When the helicopter fired bullets, everyone lay on the ground, and the guards warned that anyone who rose would be shot. The guards shot back at the helicopter.
293. After walking eastward until mid-afternoon, [REDACTED] stopped with her group and other abductees. [REDACTED] and others had been told that they would meet other rebels who were waiting for them. At the meeting point, [REDACTED] saw a person she believed was Vincent OTTI, whom she recognized from a photograph she had previously seen in the camp. He was grey-haired and was wearing a uniform. [REDACTED] believed she had also seen someone who looked like OTTI in Pajule Camp during the attack. Someone at the meeting point also pointed out a commander named Raska LUKWIYA. [REDACTED] had seen this commander at the trading centre during the attack.
294. At the meeting point, Rwot Oywak told the LRA commanders that the small children, women with children, and elderly men and women could not work for the LRA as soldiers, and thus that he would take them back

with him. OTTI responded that he would release some abductees, but would keep children who were needed to carry things.

295. Also at the meeting point, the person [REDACTED] later learned was [REDACTED] told boys [REDACTED]
[REDACTED]
[REDACTED]

296. The group moved to a different place to sleep and the next morning a large group of abductees were released. [REDACTED] estimates that 160 were released, including mothers with children, small children, older abductees, and the Rwot.

297. The group that was left travelled with the LRA commanders for the next days in the same direction. Then [REDACTED] and [REDACTED] split away and [REDACTED] continued with [REDACTED] to the Sudan.

298. At a place near [REDACTED] was called [REDACTED]
[REDACTED] When [REDACTED] said that [REDACTED]
[REDACTED]
[REDACTED] He advised her to take up the role of
[REDACTED] and assured her [REDACTED]
[REDACTED]

299. [REDACTED] later became pregnant, and she stayed in [REDACTED] for approximately [REDACTED]
[REDACTED]
[REDACTED]

300. [REDACTED] escaped while in a group [REDACTED]
[REDACTED]
[REDACTED] She found when she returned that [REDACTED]
[REDACTED]
[REDACTED] remains missing.
301. Benson Ojok was approximately fifteen-years old when abducted from Pajule IDP Camp, where he had lived for six months before the attack with a brother. Ojok remained in the LRA for approximately two weeks after his abduction. He escaped from near Okwang, in Lira District.
302. Ojok awoke when he heard sound of whistles, gun shots, and the kicking of doors. Two boys who were in the house with him ran from the house immediately. As Ojok was preparing to leave, he heard a voice saying in Acholi from outside the door of the house that anyone inside should come out or be shot. When Ojok responded, the door was pushed in, and he fell to the floor.
303. Outside the door were a group of men holding guns and wearing both military and civilian clothes. With them were people carrying food like maize and beans. Ojok concluded that these people had been abducted from other places and were being used to carry looted goods. These people spoke Acholi and Lango.
304. Ojok was grabbed and one of the rebels tore his shirt off, using it to tie Ojok's hands behind his back. Ojok was then taken to another home, and tied to three boys and a man who had also been abducted. Once the group was tied by the waist, Ojok was given a crate of soda to carry on his head.

305. Ojok saw boys and girls, and men and women, being abducted. The rebels took any footwear from abductees that looked good to them. Ojok also saw rebels within the camp firing at unarmed civilians. A rebel commander approached, telling the group who were shooting at the civilians to get food rather than shoot people. Ojok heard this commander being referred to as "Gala Gala."
306. Soldiers from the government approached then, and the rebels began to run to the bush, taking the abductees with them. The rebels threatened that anyone tossing down their loads would be killed.
307. As Ojok's group walked, a helicopter approached from time to time. Once it fired upon the rebels, and the rebels fired back using their guns.
308. Ojok stopped at about mid-day, at a place where rebel commanders and abductees were gathered together. Some of the commanders spoke, but Ojok was told to move to sit in a place from which he could not hear very well. Before the entire group moved again, however, Ojok heard Gala Gala and other commanders saying that some people would be released.
309. The abductees and their captors moved from the first meeting place after several hours. They spent the night at the second stopping point, and the next morning, Ojok saw Rwot Oywak for the first time. Oywak addressed one of the commanders, and Ojok later saw Oywak being released with different categories of abductees. The released included: older people, very young children, and some women. Ojok estimated that the children who were released were about nine years old and that the older people who were released could not walk as well as the others.

310. Ojok then was placed in a group which was heading to Lira. He remained in the company of Gala Gala, but does not know which commanders were in charge of his group. The day after his group set off for Lira, Ojok saw a male who looked as if he was a recently killed abductee. The back of the man's head had been hit and there was a stick near his body. The man's hands had been tied behind his back. As Ojok's group continued, two other abductees died from drowning when they tried to cross a river to try to get some sugar cane to eat.
311. Ojok never received military training during his time in the LRA, except in parading, but he was sent to the trading centre at Abia, in Lira District, to help loot and carry away any captured weapons.⁹⁴ Ojok recalls being told to go to Abia the morning of the attack. Gala Gala gave instructions to take supplies and clothes and any guns that UPDF might leave behind. Ojok went to the trading centre, without any gun, although other LRA soldiers were armed with AK-47 weapons. Ojok did not see government soldiers or any fighting between the government soldiers and LRA forces, but he did see people being abducted and people being beaten by the LRA rebels. Ojok stated that the recent abductees were closely watched during the attack and told that if they tried to escape, they would be killed.
312. Soon after being sent to Abia, Ojok escaped. He began running when he realized one day that he was not being guarded. Since returning, Ojok has been unable to return to school because he is unable to pay his school fees. He also believes that he may not be able to re-start his education even if he

⁹⁴ Residents of Abia IDP Camp who were interviewed in connection with an attack there on 4 February 2004, *see infra* at paras. 341-376, also reported that the camp had been attacked by LRA on occasions before February 2004, including attacks in which residents were abducted.

obtained the needed fees, because he has lost so much time from school already.

d. Insider Accounts and Intercept Information

313. Former mid-level LRA commanders have confirmed that it was Vincent OTTI himself who ordered Pajule to be attacked, in a manner which carried out KONY's orders to attack civilians living in camps. The plan at Pajule IDP Camp was indeed exactly as KONY and OTTI discussed in the intercepted conversation described above, *see supra* at paras. 167-168: to attack the army, but also to "go to the centre," burn houses, loot, and to bring back to the LRA the civilian camp residents who live under the protection of the UPDF. Former LRA officers also corroborate that Raska LUKWIYA was the most senior LRA commander to receive OTTI's orders before the attack and to proceed to the scene of the attack.
314. Charles Lukwiya, the LRA commander who travelled with OTTI into the Teso region, [REDACTED]
[REDACTED]
315. According to Lukwiya, OTTI attacked Pajule after OTTI had gone into Teso at the outset of the Teso Campaign, and after OTTI and Lukwiya had travelled to Tem Palukok to see KONY. Lukwiya was present when OTTI addressed hundreds of fighters at a place near Wangot, in Pader District. The address occurred at about 7:00 p.m. the evening before the attack itself. Many senior LRA commanders of Control Altar were present, and Raska LUKWIYA, who was then the divisional commander of the LRA, was the most senior officer other than OTTI.

316. OTTI told the fighters that they would go and fight against the army and abduct everyone at Pajule to take them back to the bush. Charles Lukwiya knew of Pajule as a place that had been attacked by the LRA before. OTTI, together with Tabuley and Stockree brigade had fought at Pajule previously and abducted civilians there.
317. The LRA soldiers left the point of address when OTTI finished. The plan was for the LRA forces to "go collect food," abduct people and "to attack the barracks." Objectives within the camp were the barracks, the mission, and the trading centre.
318. Lukwiya was in a group of approximately 70 LRA fighters who were assigned to attack the UPDF barracks. OTTI himself did not proceed to the camp. Instead, according to Charles Lukwiya, Raska LUKWIYA was the commander of the operation in the camp and went with the group of fighters assigned to attack the trading centre. Bogi Bosco, who was at the time also an officer in Control Altar, was in charge of the group in which Lukwiya fought. A commander named "Onyee," who was OTTI's chief escort, led the group sent to attack the mission. Lukwiya does not believe Dominic ONGWEN to have been involved in the attack at Pajule.

319. The attack on [REDACTED] started at about [REDACTED] All LRA forces went to the trading centre, [REDACTED]

[REDACTED] Initially, [REDACTED] fought forward [REDACTED]

Then, as [REDACTED] recalls it, [REDACTED]

[REDACTED]
[REDACTED]

320. [REDACTED]
[REDACTED] stated that he [REDACTED]
[REDACTED]
[REDACTED]

321. As a result of [REDACTED]
[REDACTED] However, he heard from others after the event that OTTI released most of the abductees, including a chief named Oywak. Lukwiya also heard that there were hundreds of abductees. Some of the abductees who were kept were among those that carried Lukwiya from the rendezvous point to the LRA sick bay.

322. [REDACTED]
[REDACTED]

323. OTTI told the LRA fighters, after they were sprinkled, that they were now soldiers of the Holy Spirit. He directed [REDACTED]
[REDACTED] According to
[REDACTED]
[REDACTED] and [REDACTED]
[REDACTED] stated that
Dominic ONGWEN also entered the camp as a commander.

324. The fighters walked to Pajule IDP Camp after being sprinkled and after receiving OTTI's instructions. Along the way, Bogi Bosco warned his

fighters that if they went in some direction other than the barracks, he would shoot them. [REDACTED]

325. After the fight began, just after daylight, [REDACTED] recalls that there was some success on the LRA side in the beginning of the firefight, because the LRA rebels fired the SPG-9 and managed to jump into the trenches. Soon, however, it became apparent that the UPDF firepower was too strong. Bosco was one of the first LRA fighters to flee. [REDACTED]
- [REDACTED] Abductees taken captive at the camp helped carry Lukwiya out of the camp.

326. As [REDACTED] left the camp, she met civilians who had been abducted and were being forced to carry looted items.

327. When [REDACTED] reached the rendezvous point, [REDACTED]
- [REDACTED] She was concerned that [REDACTED]
- [REDACTED]

328. [REDACTED] does not know why Pajule IDP Camp was chosen as an LRA target. [REDACTED] infers that [REDACTED]
- [REDACTED]

329. [REDACTED] and [REDACTED]
- [REDACTED] also saw [REDACTED] instruct [REDACTED]
- [REDACTED]

- [REDACTED]
330. Both [REDACTED] and [REDACTED] heard OTTI instruct the LRA fighters, on the night before the attack, that they should go to attack Pajule Camp. [REDACTED] recalls that OTTI said to abduct anything whether it was an animal or a human being and bring it back to him. [REDACTED] stated that OTTI said that all houses in Pajule should be burnt, that children should be abducted, and that civilians and the UPDF should be killed. [REDACTED] described that all of the forces were from Control Altar and that even women were sent.
331. According to [REDACTED] and [REDACTED] the fighters then left. Mugide recalls that Raska LUKWIYA was "leading the group." [REDACTED] heard OTTI speaking that night by telephone to a UPDF commander, telling him that the LRA were going to abduct people and get food at around 8 p.m. [REDACTED] believes that OTTI did this to fool the person about when the attack would occur.
332. When the LRA forces returned, the next morning, the fighters had with them people abducted from Pajule who were carrying luggage. [REDACTED] saw among the abductees boys and girls, as young as 12 or 13 years old. [REDACTED] also said that many returned, including boys and girls and a fighter who had been injured. Both [REDACTED] and [REDACTED] knew that younger abductees were kept.
333. Intercepted radio communications establish that KONY and OTTI exulted together after the attack at Pajule IDP Camp was accomplished. In a radio communication intercepted by ISO on 13 October 2003, at 11:00 a.m., KONY attributed the attack to his second-in-command, saying to OTTI:

"And yet you are the one who beat Pajule and took over." KONY and OTTI laughed together. In an apparent reference of his address to the group of abducted civilians before releasing some of them, OTTI said:

Eh eh we gathered almost two hundred people, almost three hundred people, then we addressed them and we said today it is showed that we are strong, over.

KONY responded, "That is it." KONY then asked, in an apparent reference to the LRA fighters, "Was every one in full uniform?" OTTI assured KONY: "People were all right. I also showed them. I said, 'see how we have all these clothes?'" KONY stated: "Ee, you really made a very big campaign over." KONY continued:

KONY: [T]hose people who saw you, and heard you ask people, will never forget you however much the government tries to make them. Over.

iv. Attack on Abia IDP Camp (Counts Ten to Fifteen)

a. Overview and Camp Description

334. Abia IDP Camp is located in Teobio Village, Apalo Sub-County, Moroto County, Lira District, approximately 37 kilometers, or 23 miles, northeast of Lira town. Lira district is populated by Ugandans of Lango ethnicity. The language spoken in the Lango region, which is comprised of Lira and Apac districts, is Lango.
335. On 4 February 2004, at approximately 6:00 p.m., Abia IDP Camp and its over 13,000 residents were attacked. As is described below, the attackers were a group of at least 150 unkempt men, young boys, and women, some dressed in UPDF and Amuka uniforms, and others in civilian clothes. The attackers entered the camp quietly, from the northwest, until they reached the trading centre, where shops and houses were located. There, they shot

at two soldiers who were visiting Abia from the nearby town of Okwang. A firefight ensued between the attackers, on one side, and the group of soldiers visiting from Okwang and the Abia-based local defence unit, on the other. The attackers also spread through the camp, while shouting in Acholi, hacking and shooting civilians, burning civilian homes, and looting. The attack ended about two hours after it began, when UPDF "mamba," or tanks, arrived.

336. The day after the attack, the Integrated Regional Information Networks of the United Nations Office for the Coordination of Human Affairs ("IRIN") characterized the attack at Abia IDP Camp, which it attributed to the LRA, as "the most devastating assault on northern Uganda's civilian population for several months." IRIN reported that over 50 civilian residents had died, over 70 were seriously injured, and that the camp was in a state of total confusion.⁹⁵

337. Investigators from this office have obtained: (1) [REDACTED]

[REDACTED]

(2) [REDACTED]

(3) [REDACTED]

[REDACTED] In addition, as is described below, victims of the attack have been interviewed. From these sources, it appears that:

- two of the soldiers from Okwang died during the attack;
- at least 40 civilians died during the attack;
- approximately 48 others were treated at Lira Hospital and

⁹⁵ "Rebels Kill 52 in dawn attack on Lira IDPs Camp," IRINNEWS.ORG (5 Feb. 2004).

survived their wounds;

- at least six civilians were abducted from Abia IDP Camp.

Of the dead, at least six were children, and twelve were women or girls. From eyewitness accounts of those interviewed by the OTP, and records obtained from [REDACTED] the victims (both the dead and injured) suffered from beatings and gunshot wounds, or being burnt.

338. Beginning shortly after the attack, [REDACTED]

[REDACTED]

[REDACTED]

339. According to [REDACTED] over 13,000 people lived in Abia IDP Camp in February 2004.* The camp consisted of a school compound with classroom buildings, in which residents slept, and which contained also a football pitch. To the south and east sides of the school compound were living quarters for teachers, and to the north and west a trading centre. Surrounding the trading centre were houses in the camp with thatched roofing and iron roofing. A diagram of the orientation of Abia IDP Camp is annexed to this application as Exhibit O.

340. To the east side of the camp were barracks housing a local defence unit ("LDU"). [REDACTED]

[REDACTED]

[REDACTED] 85 LDU soldiers armed with AK-47 weapons but little support weaponry. [REDACTED] soldiers wore plain green uniforms. The UPDF uniform is green camouflage, and the Amuka uniform is plain green.

b. Victims' Accounts

341. This Office has interviewed civilian camp residents who witnessed killings and abductions and were abducted and seriously injured themselves. They establish that the attackers targeted civilians, including children and men and women who were fleeing and completely defenceless.
342. [REDACTED] described that on the evening of February 4, he was near the football pitch in the camp when he heard gunshots. He had heard earlier that afternoon that LRA rebels had been in the area, so he gathered his family – [REDACTED] – and ran in an eastward direction, toward the army barracks. As [REDACTED] hid with his family, he saw and heard the LDU fight the attackers, with the help of a group of Amuka soldiers from Okwang who had been in the trading centre earlier in the day. [REDACTED] heard during the fighting an explosion at the armory and two explosions in the teachers' quarters.
343. [REDACTED] heard from the barracks sounds of shots being fired in the camp, and people crying out and screaming. He smelled burning. The shooting and fighting stopped at approximately 8:00 p.m., when UPDF "mamba," or tanks, arrived in the camp.
344. [REDACTED] and his family emerged the following morning. Houses were still burning, and some of them still contained bodies. He walked through the

camp to identify bodies of the dead civilian residents. Relatives helped to identify the victims. [REDACTED] found that the dead had been shot, beaten, and burnt. [REDACTED] the Camp Committee recorded the names of 36 dead as a result of their canvassing. Among those whose bodies he found at various locations in and outside the camp were:

- a seven-year old boy, shot behind a church in the camp;
- a woman, five-year old boy, and baby girl, burnt in one thatched house located in teachers' quarters on the southeastern side of the camp;
- a woman, girl and boy killed inside a teacher's house which had been hit by a shell;
- four men who had been beaten to death and had their skulls crushed, and whose bodies were found together with a blood-stained pestle;
- three men whose skulls had been beaten, and were lying in the trading centre;
- seven people, including children, whose bodies had been piled together in the trading centre, with a blood-stained pestle resting on top of the pile of bodies. The bodies had been beaten and some stabbed.
- two soldiers from the nearby town of Okwang, who were found near the trading centre.

[REDACTED] counted 182 houses within the camp which had been burned.

345. [REDACTED] also learned after the attack that there had been only 14 LDU soldiers in Abia Camp at the time of the attack. Others stationed at the Abia barracks had been sent to engage the LRA at a place near the Moroto river, which is north of Abia Camp.

346. [REDACTED] believed at the time of the attack that the attackers were "ototong," or KONY's men. He based this conclusion on his observations, among others, that the attackers: killed people and burnt homes as if this was their purpose; were armed with large weapons, unlike those typically carried by cattle rustlers in the area; and shouted in the Acholi language during the attack.
347. Another survivor, Erminia Apio, lost her husband, her baby girl, and three brothers in the attack and its aftermath. Before the attack, she lived with her husband, Vincent Okwir, and six children in a grass house near the trading centre.
348. Apio stepped outside of her house while carrying her youngest child, a baby, after hearing a noise which sounded like a big gun. She saw smoke rising from the other side of the trading centre. A young man in his early teenage years, dressed in a plain army uniform and brandishing a club, was saying, in Acholi, "run, run, enter your house, the rebels are coming." From the attacker's use of Acholi, she concluded that the LRA rebels had come. She determined that the attacker was trying to deceive the residents into thinking that he was a soldier of the army.
349. Apio witnessed killings, including the killing of her husband, before she managed to escape from the camp. Apio saw the same teenager who had urged people to enter their homes clubbing an elderly woman named Anek in the head with a pestle. While still carrying her child, Apio fled to her house. There, she saw two attackers holding her husband and hacking at his stomach, arms, and head with a panga. Both who were in their early teenage years, were dressed the same as the soldiers stationed in the camp.

After killing Apio's husband, the rebels said, in Acholi, "hey you, we have scattered his bottom."

350. Apio then joined people trying to run out of the camp, and fled through the barracks area, to the east. She hid in a hole in the ground, with her baby, until morning.
351. Apio's baby and her three brothers were killed by LRA rebels in the aftermath of the attack. The morning after the attack, Apio continued to walk eastward, toward Apala, and as she walked, she was abducted by three LRA rebels. She was taken to someone she believed she heard being called "Ojok Tabuley," who was accompanied by group male teenagers armed with clubs, machetes and axes, and two unarmed women.
352. Apio was forced to carry beans on her head and march, in the company of the rebels, to a river at the border of Adwari sub-county. One of the women in the rebel group untied Apio's baby girl from Apio's back, saying that she would carry the baby for Apio during the river crossing. As Apio waded through in chest-high water, however, she heard the sound of something being thrown in the water. When she looked back, she saw that the woman rebel had thrown her baby into the river. Apio's baby surfaced twice and then Apio did not see her again.
353. When Apio reached the far bank of the river, she begged the rebels to kill her. One of the young rebels wounded her with a machete, but the person Apio believed to be the leader of this group ordered her to get up and continue walking, while carrying the beans.

354. The same day, the group reached a place called Okudawala, where they encountered another group of rebels. Among abductees under the guard of the other LRA group Apio found three of her brothers. The rebel group which had abducted Apio's brothers were also armed with pestles, axes, machetes, and clubs, and were also carrying looted food. One of the rebels was taunting one of Apio's brothers, threatening that he would "scatter [his] bottom" and taunting him by saying, "you people, you are proud that the mambas have been helping you."
355. Apio's brothers were killed later that same day. After Ojok Tabuley talked into a device he held to his ear, he ordered the other rebels to "let the people rest here." Apio believed immediately that the rebels would kill the abductees. The rebels ordered the group, which again had been marching, to a halt. They made Apio's brothers dig small holes to bury their chins in and then forced the brothers to lie on the ground, with their chins in the holes. One of the young rebels then struck each of Apio's brothers on the head, in turn, using a pestle, until their skulls were crushed.
356. Apio managed to escape because the group then came under fire, and she fled in the confusion. She walked to Okudawala the next morning, went to Lira Hospital later that day, and was hospitalized for a month. After she was discharged from the hospital, Apio moved from the camp, and she currently looks after her remaining children herself. She is unable to farm, as she did with her husband at Abia Camp. She also has suffered a loss of hearing from a blow she received from one of the rebels.
357. David Okot lived in Abia IDP Camp with his wife, his five children, his mother, and the child of a second wife, near a church within in Abia IDP

Camp. Okot's wife, Amolo Roc, was shot during the attack on 4 February 2004, while attempting to flee, with Okot and the children of the household.

358. Okot first saw the attackers in the trading centre. He saw a single line of about fifteen or so individuals, armed with pestles and guns, and wearing plain uniforms, or camouflage, or shirts tied around their waist. The group walked quietly, but then Okot heard gunshots. He realized the camp was being attacked by LRA rebels, and he ran home to gather his family.
359. At home, Okot roused his family and told them to flee. His children ran in different directions, and all survived the attack after sleeping in the bush for the night. Okot ran with his wife to the north because the rebels were already scattered to the east, at the barracks, and in the southern areas of the camp, where the teachers' quarters were. As Okot and his wife ran, attackers were behind them, firing at fleeing civilians. He heard attackers, including female attackers, shouting in Acholi. Smoke and fire were rising from houses near the barracks and the teachers' quarters.
360. Okot's wife fell near one of the goal posts of the football pitch. Okot thought she had stumbled, so he kept running. He hid in the bush, where he heard "mamba" tanks arriving at about 7:30 p.m.
361. When Okot returned to the camp the next morning, he went directly to the spot where his wife had fallen. He found her body there. Amolo Roc had been shot in the back and the bullet had left from her stomach. Okot and his children buried Amolo Roc the same day.

362. Okot saw bodies scattered about the camp, and piled, particularly in the teachers' quarters, the trading centre, and near the church. Some had had their heads crushed by beating, others were shot, and some had been burned in their houses. Okot heard of at least one boy, named [REDACTED] who was abducted by the rebels.

363. Okot's house was among the many houses near the teachers' quarter and south of the trading centre that were burned by the attackers. He and his family lost all of their belongings, including food, bicycles, bedding, clothing, and utensils. He stated that the death of his wife has resulted in a "difficult time" for his children.

364. [REDACTED]
[REDACTED] On the evening of the attack, after Morris and his family had had dinner, [REDACTED] was in his family's house together with his two brothers, [REDACTED] A group of armed men came to the door, stopped at the doorway, and ordered [REDACTED] to come with them. The men left [REDACTED] younger brothers.

365. [REDACTED] Some of the men fought the soldiers from Abia Camp, and others hid while the fighting carried on. [REDACTED] saw that some of the attackers had plain green uniforms, like those of the Amuka, and others had uniforms which were

green with lighter spots, like those of the UPDF. He saw the attackers beating a civilian woman in the head and shooting and killing other residents. [REDACTED] believed that the attackers numbered about 300.

366. [REDACTED] was abducted with about ten other people, both young boys and adults, although he believed himself to be the youngest abducted person. The attack ended when the mamba came, and the rebels escorted [REDACTED] and the other abductees out of the camp. The rebels took with them chickens, goats, and food they had looted from Abia Camp.
367. The group including the abductees marched to a place where they met a man named ODHIAMBO, whom [REDACTED] believed to be the leader of the attacking group. ODHIAMBO ordered the killings of anybody that tried to escape.
368. [REDACTED] was kept in the bush, forced to walk, and forced to carry things. On one occasion, he was caned with 30 strokes for failing to wash boots well. [REDACTED] escaped from the bush the day after the rebels attacked Barlonyo. He took an opportunity to flee when his captors became engaged in a fight with soldiers from the Government.
369. [REDACTED] house was fire-bombed during the attack at Abia and members of his family severely injured. [REDACTED] moved his family to Abia Camp from Abia village [REDACTED] soon after his son, [REDACTED] and his son-in-law, were abducted. [REDACTED]
[REDACTED]
[REDACTED] has not seen or heard from his son since his son was kidnapped.

370. On 4 February, 2004, [REDACTED] and his family were living in one of the houses

[REDACTED]

371. When the attack started, [REDACTED] was sitting under a tree with his wife, his [REDACTED] daughters, and the [REDACTED] when he heard soldiers firing. [REDACTED] had just seen LDU soldiers from Okwang watching a football match at the field. When the firing started, the soldiers told the people watching the match to run toward the barracks. [REDACTED] ran into his house.

372. Fighting between the attackers and the soldiers then took place on the football pitch, and at the barracks, where the soldiers had managed to organize a defence. [REDACTED] saw from his house that the attackers included young boys who looked dirty and had bushy hair and shabby beards. Some wore Amuka-type uniforms – plain green – but others had shirts tied around their waists. One woman attacker was bare-chested. The attackers [REDACTED] saw were armed with rifles.

373. [REDACTED] concluded at the time that the attackers were LRA rebels, because they attacked the soldiers guarding the camp and the soldiers from Okwang.

374. As [REDACTED] watched the fighting from his house, a bomb hit his house. At the time, people were hiding in all [REDACTED] rooms of the house. [REDACTED] was wounded in the chest and in his ear, and hit on his hands, feet and buttocks. His wife and daughters, like him, were hit by shrapnel in multiple places. His [REDACTED] old son was wounded in the chest, and his [REDACTED] was hit so badly that his intestines spilled from his abdomen. [REDACTED] and his family spent the entire night bleeding in his bombed house.

When [REDACTED] heard mambas arrive in the camp and fire their guns, he concluded that the army had arrived to rescue the camp.

375. The next day [REDACTED] and his family were taken to Lira Hospital. Two vehicles transported the wounded. At the hospital, most of the injured seen by [REDACTED] were women and children. He saw that some of the patients from Abia Camp were suffering from burns, including four children. He recognized a woman that was beaten with a club all over her body and head; her eyes were filled with blood.

376. [REDACTED] and the members of his family recovered, but [REDACTED] was hospitalized long enough that he was still at Lira Hospital when those wounded at the attack at Barlonyo IDP Camp were brought to the same hospital. [REDACTED] and his family did not return to live in the camp after their recovery.

c. Victimization and Assessment of Damage

377. [REDACTED] had correctly heard after the attack that Abia IDP Camp was largely undefended when the attackers entered the camp. [REDACTED]

[REDACTED]

[REDACTED] The soldiers from Abia Camp arrived too late to help the soldiers from Apala, who had been routed. [REDACTED]

[REDACTED]

378. [REDACTED] returned to Abia Camp [REDACTED]

379. [REDACTED] He saw many bodies, as had [REDACTED] and David Okot. [REDACTED] the houses and other structures in the camp which had been bombed. [REDACTED]

380. [REDACTED]

381. From lists of the dead [REDACTED] and from witness statements taken by the OTP and [REDACTED] it appears that at least 40 civilian residents died in the attack on February 4. Forty-eight civilian residents are named [REDACTED] as having been injured during the attack. Individuals abducted on 4 February 2004 were named in accounts given by witnesses in this investigation and the [REDACTED] and [REDACTED] At least six

civilians were specified as abductees by at least two different sources from among these witness statements and lists.

d. Insider Accounts and Intercept Information

382. Among the evidence which establishes that KONY, OTTI, and ODHIAMBO ordered an attack upon civilians at Abia IDP Camp – an attack which consisted of killings, abductions, and pillaging, as was customary in the LRA – is the following.
383. As is described *supra* in Section III.E.ii.b., it was KONY who devised the Teso campaign and issued the orders which, by the time of the attack at Abia IDP Camp, included: orders to abduct those who could fight; to kill civilians, including those in IDP camps; to kill civilians in the Lango region; to engage the UPDF, the Arrow and Amuka forces, and any “home guards.” OTTI, throughout this period, was KONY’s second-in-command and leader of the army and in that capacity managed the Ugandan operations of the LRA.
384. Former LRA members, including former LRA [REDACTED] have related that ODHIAMBO commanded the LRA forces who attacked Abia IDP Camp. [REDACTED] described the attack at Abia IDP Camp as one which occurred when ODHIAMBO’s brigade – Stockree – was “coming back from Teso.” The “actual killings” in Abia, in [REDACTED] view, “fitted the original orders” to kill all in Lango and Teso, although [REDACTED] believed that ODHIAMBO only reported to KONY his plan to attack Abia in particular after the attack had occurred.

385. [REDACTED] saw [REDACTED] within a week after the attack itself, [REDACTED]

[REDACTED]

[REDACTED] According to

[REDACTED] was with [REDACTED]

[REDACTED]

[REDACTED]

386. [REDACTED] explained to those in the [REDACTED]

[REDACTED] explained that [REDACTED]

[REDACTED]

According to [REDACTED] account of the information [REDACTED]

[REDACTED]

[REDACTED]

387. ODHIAMBO had already reported the attack to his superiors. He related [REDACTED] that after hearing about the attack at Abia Camp, KONY had asked him to find another target which had even more people than Abia.

388. [REDACTED]

[REDACTED] ODHIAMBO was the commander of the force which had attacked the

camp in which he lived. [REDACTED]
[REDACTED]

389. [REDACTED] *see supra* at para. 79, fought at Abia Camp as a low-level soldier, and he also corroborated [REDACTED] account [REDACTED]
[REDACTED]

[REDACTED] ODHIAMBO, ODHIAMBO's intelligence officer, a man named Labongo, and ODHIAMBO's brigade major, an officer named Okema, selected soldiers.⁹⁸ ODHIAMBO told the soldiers that they were part of a "standby" that were being sent to fight in a trading centre. ODHIAMBO also presided over a ceremony during which the fighters were smeared with water and prayers were said.

390. The standby meeting ended without ODHIAMBO telling the soldiers which place or trading centre ODHIAMBO was planning to attack. ODHIAMBO began leading the LRA rebels toward their destination. As the group walked, however, they found that they were being pursued by government soldiers. Okema convinced ODHIAMBO that the soldiers should be engaged before the LRA group proceeded to the centre. The firefight occurred on the banks of the Moroto River; [REDACTED] believed the rebels were fighting Amuka soldiers, because of the uniforms of their adversaries. The LRA rebels managed to surround the soldiers and used heavy weaponry against them, including B-10s and SPGs.

⁹⁸ [REDACTED] but as stated *supra* at para. 385, [REDACTED]

According to [REDACTED] the LRA forces killed 31 Amuka soldiers, by shooting them and clubbing wounded soldiers left behind by their colleagues. From the Amuka, the LRA group recovered 31 uniforms and 30 weapons.

391. ODHIAMBO decided to return with some of the LRA fighters, and the items taken from the Amuka soldiers, to the location where the "standby" force had been chosen and prepared. Before leaving, however, he instructed Labongo and Okema to take charge, to kill anything found at the centre, and to burn the houses. A man who had recently been abducted gave directions to the LRA forces – which numbered about 150, including women and children – on the remainder of the march to Abia.
392. When the LRA group reached the camp, they carried out ODHIAMBO's orders. As they entered the camp, near the trading centre, the rebels wearing military uniforms moved to the front to make it appear that the LRA soldiers were government soldiers. Among the uniforms being worn were uniforms from Sudanese forces, the UPDF and Amuka soldiers. The rebels spoke in Swahili – the language used by the UPDF – as they entered, also to deceive the residents they encountered. After the LRA group entered the camp, they approached some Amuka soldiers. They opened fire on a pair of the soldiers, shooting and killing one of the Amuka. Then they proceeded in the direction of the barracks, shouting as they went, to attempt to chase away the soldiers stationed there.
393. At the firefight at the barracks, the forces defending the barracks resisted, and LRA members resorted to using their SPG-9's. Okema was shot in the chest, and left with some of his men. After a time, and having failed to overcome the forces at the barracks, Labongo gave the order that the LRA

forces at the barracks should turn to attacking civilians. [REDACTED]

[REDACTED] They burned houses, beginning with those near the barracks, by setting the grass of the roofs on fire. [REDACTED] saw civilians being shot and beaten by his fellow LRA rebels, including Labongo. According to [REDACTED] if the "mamba" had not arrived, the LRA forces would have continued attacking the civilians.

394. After leaving the camp, the LRA forces walked for approximately three hours before they met ODHIAMBO. Among them were approximately five new abductees. According to [REDACTED] ODHIAMBO left that same night with Okema for the Acholi region, and the rest of the forces followed them, also in the direction of Okwang.
395. Intercepts of LRA radio communications taken by ISO corroborate that ODHIAMBO ordered the attack on Abia IDP Camp, as a means of fulfilling KONY's orders.
396. In the excerpted conversation, ODHIAMBO reported, through his signaller, that he engaged "the 31st battalion of UPDF," on "the fourth," starting at 4:30 p.m., at the "Abia barracks." ODHIAMBO also listed for KONY the various items he had taken as a result of the attack, including 28 SMG guns and 20 uniforms. ODHIAMBO recounted that he left "thirty-one enemy bodies." ODHIAMBO ended his report by saying, "There wasn't anything else; deaths and burnings of houses occurred there, they are the ones able to describe it best, over."
397. Upon hearing ODHIAMBO's news, KONY immediately responded with praise. KONY said, "It is just so good . . . many thanks." When

ODHIAMBO acknowledged the thanks, KONY referred to the manner in which ODHIAMBO had pleased his superiors. KONY stated: "I, OTTI VINCENT, Banya, Buk, many big people, RASKA, Brigade Commander, Division Commander, Director, and our Minister(s) and also the people in London, even the people from [Radio] Rhino, greet you, over." KONY continued, "All the Acholi and Langi have thanked you and have approved of you, over."

398. Confirmation that KONY had received ODHIAMBO's news is furnished by another tape provided by ISO. Six days later, on 12 February 2004, during the radio communication at 1:00 p.m., KONY instructed Raska LUKWIYA, his army commander, using ODHIAMBO's feats as an example of how operations should be conducted. In the communication, KONY told Raska LUKWIYA that Museveni is "resuming Iron Fist" and that Raska LUKWIYA must not disappoint KONY, or as KONY put it, "let me be sad one day." KONY warned Raska LUKWIYA that "[a] commander who cannot perform should not be given people," and held ODHIAMBO out as an example, asking whether Raska LUKWIYA saw "2 Victor's, right?" a reference to ODHIAMBO by his radio call sign, "2 Victor." KONY exulted that ODHIAMBO had succeeded in bringing fame to the LRA and taunted Museveni:

Eh, eh, up to today the world is still on it like 'woo, woo.' That Yoweri [Museveni] what did you say, Yoweri what did you say. Just leave, just leave, let KONY stay, over . . . Eh, eh, Let Kony rule . . . We will bring down even whoever.

KONY told LUKWIYA that ODHIAMBO had acted admirably: "He had aimed well, he saw that he could manage, that he is capable, . . . so he just did it, over." KONY also informed LUKWIYA that he had told ODHIAMBO afterward, "If you can do another also like that, then do it,

over.” KONY commented, “It should all be like that one,” and characterized as “very unbelievable” any thought that Raska LUKWIYA should be defeated by “only Arrow group.”

399. KONY then instructed Raska LUKWIYA that he should approach camps, but take precautions and await further orders. KONY told LUKWIYA:

today you go and stay with soldiers at such and such a place, and take care today. Don’t even reach the camps, remain behind but don’t even reach the camps. Take good care, also don’t go and attack any where. Wait for the order that is coming, over.

KONY advised Raska LUKWIYA to remember “all the work we did in the past, what tactic, what programme, what style have we progressed with.” He also told him not to stay in one place for too long without “do[ing] anything” because his soldiers would become “unruly.” KONY advised on the intervals at which “work” should occur: “So if you stay two weeks, three weeks, work. Stay two weeks, three weeks, work.” At the end of KONY’s orders, KONY asked whether LUKWIYA understood what KONY had directed, and LUKWIYA indicated his assent.

*v. Attack on Cuk Adek IDP Camp (also known as Barlonyo IDP Camp)
(Counts Sixteen to Nineteen)*

a. Overview

400. Cuk Adek IDP Camp is located in Barlonyo Village, Ogur Sub-County, Erute North County, Lira District, approximately 30 kilometers, or 19 miles, north of Lira town. The camp, which is more commonly called Barlonyo IDP Camp, was approximately 15 to 20 kilometers, or nine to 12 miles, from Abia IDP Camp.

401. As is described below, in the evening of 21 February 2004, at approximately 5:00 p.m., a group of armed men and women attacked Barlonyo IDP Camp from the north and east. These attackers, some of whom were dressed in UPDF uniforms, first engaged and quickly overran a detachment of Amuka soldiers stationed on the eastern side of Barlonyo IDP Camp. The defeat of the Amuka soldiers left the attackers in control of all but the western edge of the camp. For nearly the next hour or so, the attackers shot civilians, set huts on fire, and shot and hacked those who tried to escape from burning huts. When the attackers had finished their work, they left using the same routes they had used in entering the camp. As a result of the attack, every house in the camp was burnt, and as well as every house in the barracks. The camp ceased to exist after the attack; the remaining residents moved away.

402. The BBC reported the next day that the attack at Barlonyo Camp was "thought to be the worst in several years" carried out by the LRA."⁹⁹ IRIN called the attack "the most devastating attack on civilians in Northern Uganda for 18 years," and estimated that at least 200 civilians died.¹⁰⁰ UN Emergency Relief Coordinator Jan Egeland stated that the attack constituted "a senseless atrocity," which underscored the need for "increased security in Northern Uganda and protection of vulnerable civilians."¹⁰¹

⁹⁹ "Rebels Massacre Uganda Civilians," BBC News (22 Feb. 2004).

¹⁰⁰ "Uganda: IDPs Flee Camp After Rebel Attack, Toll Reported at 213," IRINNEWS.ORG (23 Feb. 2004).

¹⁰¹ Quoted in "Uganda: Focus on LRA attack on Barlonyo IDPs Camp" IRINNEWS.ORG (25 Feb. 2004).

403. Investigators from this office have obtained: (1) a file compiled by the headquarters office of the CID, following an investigation of the Barlonyo IDP Camp attack by CID headquarters, regional and district officers, members of ISO and the External Security Organization, and UPDF officers on the 26th to the 29th of February 2004; (2) a list of the dead and injured compiled by the pathologists who accompanied the Ugandan investigation team; and (3) [REDACTED]

In addition, as is described below, this Office has interviewed: (1) [REDACTED]

[REDACTED] (2) Martin Kalyemenya, the pathologist who exhumed bodies as part of the CID investigation; (3) [REDACTED]

[REDACTED] (4) victims of the attack. From these sources, it appears that:

- At least 138 civilians died during the attack, if an extremely conservative method of estimating the number is employed, but the number of killed could exceed 250. Of the 138 dead, at least 35 were children, and 55 were women or girls.
- Over 56 civilians received treatment at Lira Hospital following the attack and later recovered.

Many who died in the camp were so badly burned that cause of death was not determined by the consulting pathologist to the CID. From eyewitness accounts of those interviewed by the OTP, records kept by the pathologists who exhumed bodies during the police investigation, and [REDACTED]

[REDACTED] it can be concluded that the victims (both the dead and injured) suffered from gunshot wounds, hackings, beatings, or fatal burns.

404. [REDACTED] according to [REDACTED]

████████████████████ approximately 4,800 people were residents of the camp, and the camp consisted of approximately 480 huts. The camp consisted of the barracks, which were within a circular trench on the eastern edge of the camp, and the residential area of the camp, which consisted of huts placed on either side of a road, in roughly a rectangular area. The road which bisects the camp from east to west leads to Ogur to the west. A diagram of the orientation of Barlonyo IDP Camp is annexed to this application as Exhibit P.

405. ██████████ described that at the time of the attack, the Barlonyo IDP Camp was remote. Ogur, which was the nearest town at a distance of 7 kilometers, could be reached only through the dirt road which ran through the camp. The detachment had existed before civilians began moving near the detachment for protection, and the camp did not regularly receive NGO aid. In February 2004, there were approximately 40 Amuka soldiers stationed at the barracks near the camp. In addition to the circular trench dug around the Amuka barracks, there were small trenches dug around the area in which the civilians lived. Each night at 6:00 p.m., Amuka soldiers placed themselves in these trenches to defend the perimeter of the camp.

406. The Amuka soldiers at the Barlonyo barracks had only AK-47 weapons, and no heavy weaponry like RPGs. They also had no means of communicating with the UPDF from the barracks.

b. Victims' Accounts

407. Accounts of the victims of the attack establish that the attackers were LRA forces who targeted the Amuka detachment and civilian camp residents,

committing murders of civilians and the looting and burning of civilian houses as part of the attack. At Barlonyo IDP Camp, the military engagement was brief, and the attack upon civilians continued long after the soldiers at the detachment fled.

408.

[REDACTED]

409.

[REDACTED] civilians running and shouting, followed by approximately 200 men and women, some of whom were wearing UPDF and Amuka uniforms. [REDACTED] recognized the attackers as LRA members from their dress, their shabby appearance, and the fact that their tactics in the camp were disorganized.

[REDACTED]

As [REDACTED] watched, the LRA rebels took up several positions: one group stopped near the south of the camp, having approached from a road that leads to Lwala; another group came to the barracks, and the last group approached from a road that leads to Orit (*i.e.*, on the north side of the camp). The rebels were armed with a mix of heavy guns, AK-47s, machetes, and axes.

410. The second LRA group commenced fighting with the soldiers at the Amuka detachment, after firing a rocket propelled grenade. The Amuka were quickly overcome. The LRA rebels had heavy weapons including a "recoilless," which fires bombs, and a 12 gun, which uses bullets. The

rebels fired two bombs using the recoilless. [REDACTED]

[REDACTED] After these bombs fell, the Amuka soldiers ran out of the camp, using the road to Ogur.

411. Even before the Amuka left their barracks, the rebels had been overrunning the camp itself. [REDACTED]

[REDACTED] He saw rebels killing and shooting fleeing civilians. Some rebels were shouting at civilians to stay in the camp and go into their houses, while [REDACTED] was attempting to encourage the residents to flee. Rebels were shouting, "Don't run away, we are the same people," and "You Langi, today we are going to kill you." Those soldiers and camp residents who managed to flee hid outside the camp. The rebels left about an hour after they arrived, and only when they had completed burning the houses and killing all who were unable to flee.

412. [REDACTED] discovered only the next day, when he emerged from his hiding place, [REDACTED]

[REDACTED] He also found that the devastation of the camp was complete. The houses were entirely burnt, and there were dead bodies all over the camp. [REDACTED] estimates that he saw approximately 30 or 40 killed children, pregnant women who had been killed, and children who appeared to have been thrown into fires. [REDACTED] saw six groups of people who had been burnt inside their houses. Approximately 60 bodies were found just outside the camp, in the direction in which civilians had fled. These bodies had suffered gunshot wounds.

413. Photographs of the camp as it appeared after the attack, victims of the attack, as they appeared in the camp, and victims who were taken to Lira Hospital, are annexed hereto as Exhibit Q. The photographs were taken during the CID investigation on 27 and 28 February 2004. Excerpts of a videotape taken at the camp during that same investigation are annexed hereto as Exhibit R.
414. [REDACTED] found that four Amuka soldiers had been killed, including two killed in the camp while they were fleeing. The bodies of six LRA soldiers were found. All were near the barracks and each appeared to be near or below the age of 18. The youngest appeared to be approximately 12 years in age.
415. [REDACTED] were parents of two small children who were killed by the attacking rebels on 21 February 2004. [REDACTED] and [REDACTED] decided to move their family to Barlonyo IDP Camp in December 2003, after LRA rebels began passing by and abducting children. At the time of the attack in February 2004, which [REDACTED] estimated to be approximately 5:00 p.m., she had put food on the cooking fire outside their house. Her husband was away from the camp, and [REDACTED] was with two of their children, [REDACTED]. [REDACTED] The couple's four other children were outside the camp.
416. [REDACTED] saw "ototong," or KONY's people, approaching in three groups. [REDACTED] watched as one group went to the barracks, and shot guns there. In her view, however, the LRA rebels "did not spend a minute" at the barracks before the Amuka soldiers were overcome and the rebels were attacking civilians in the camp.

417. [REDACTED] her two children, and four other residents of the camp – including two men named [REDACTED] (other name unknown) and [REDACTED] a woman and her child – took shelter in Adolin's house. Two boys in plain green uniforms approached the house, which had only incomplete walls. The boys shot [REDACTED] in the stomach and [REDACTED] in the chest. A shot at [REDACTED] missed, and hit a water pot instead. [REDACTED] who had been hit with [REDACTED] blood, pretended to be dead.
418. The woman and child in [REDACTED] house ran out, and [REDACTED] realized that her house was on fire. As she tried to escape with her children, she was spotted by five other rebels, who shouted, "Bring a pestle and hit her head, as she is not dead." [REDACTED] began running and was forced to leave her children behind. As [REDACTED] ran, she saw one of the rebels grab her daughter and throw her into the burning house. The same rebel then threw her son in the fire as well. [REDACTED] ran to a well, where she hid until morning.
419. [REDACTED] recognized the attackers as "ototong" because of the character of the acts they committed. In giving her statement to this Office, she stated: "They went to Barlonyo just for the civilians, as they started to kill people and burn houses randomly." [REDACTED] and her husband left the camp and the area the morning after the attack, and now live elsewhere. Their two children are buried near where [REDACTED] parents live, not in Barlonyo Camp.
420. [REDACTED] was a Barlonyo IDP Camp resident whose husband, [REDACTED] [REDACTED] and [REDACTED] of his brothers, were killed by the LRA rebels. [REDACTED] moved to Barlonyo IDP Camp after she was abducted, in November 2003. On that occasion, she was abducted with others, including children, from

Barlonyo village. After being forced to walk for about two miles while carrying goods, [REDACTED] was released. The children in the group with her, however, were not released.

421. [REDACTED] was seated near her house in the camp at about 5:30 p.m. on 21 February 2004, when she saw a group of about 30 to 40 armed men. At first, she mis-took them for army soldiers, but afterwards she noted that some were speaking Acholi and others were speaking Lango poorly. [REDACTED] then heard whistles and a loud noise like a bomb, followed by gun-fire.

422. [REDACTED] began running with [REDACTED] children in the direction of Ogur (to the west) as soon as the shots began. She found that the camp had already been surrounded and that the attackers – whom she believed to be LRA rebels – were aiming at the fleeing people. She watched as fleeing men were shot in the back. The attackers set houses on fire by taking grass from the roofs and lighting the grass with matches. Near the camp border, she saw a group of camp residents being set upon and beaten with machetes, axes and clubs.

423. [REDACTED] heard female rebels shout: "You catch for me that husband of mine!," which she interpreted to be an announcement that they would catch and kill men.

424. That night [REDACTED] hid in a house with about 30 other people, outside the camp. The next day, as she began walking toward Lira town, to the south, she found all of her children. Two days after the attack, however, after she had reached Lira, she heard from people who had been back to the camp that her husband's body had been found.

425. When [REDACTED] returned to Barlonyo Camp, on February 24, she found her husband's body where she had seen the group of rebels beating camp residents to death. His skull had been smashed from behind and he had machete cuts on each side of his head. [REDACTED] husband had had money with him on the day of the attack, but there was no money in his clothes when [REDACTED] found him.
426. Also among the dead were [REDACTED] husbands' brothers: she saw the bodies of [REDACTED] who had been hacked to death and had his lower limbs severed; [REDACTED] who was hacked in the head; and [REDACTED] who had a machete wound measuring nine centimeters on the back of his head. [REDACTED] was told that another two of her husband's brothers, William [REDACTED] and [REDACTED] were also killed by hacking, but she did not view the bodies herself. Another brother, [REDACTED] who was approximately 12 years old, was abducted during the attack and escaped from the LRA about a year later.
427. [REDACTED] and her children moved from the camp following the attack. The attack, and the loss of her husband and her home, has deprived her of a means of support; she cannot afford her childrens' clothes, nor their school fees. Her youngest son is severely traumatized and faints whenever anyone mentions the word "rebels."
428. [REDACTED] is a seventeen-year old who was abducted during the attack at Barlonyo IDP Camp. [REDACTED] had previously been abducted by LRA forces, in 1991. He believes that he escaped in 1996, although he is unsure of the year. The first time [REDACTED] was abducted, he was taken from his home, at a place called Alenga in Lira district, together with his brother.

430. After the attack, [REDACTED] was forced with other abductees, including women and girls, to walk to Pader while carrying goods. The group stayed near Okwang for two weeks and then headed north. [REDACTED] escaped when he was near Gulu. He found later that his uncle, his uncle's wife, and seven "sisters" and "brothers" (relatives including cousins) had been killed in the Barlonyo attack.

c. Victimization and Assessment of Damage

431. According to the [REDACTED] the day after the attack a group including UPDF soldiers, himself, and the camp leaders counted the number of dead. The group divided the camp and walked through it, counting the bodies they found. They also found bodies on the outskirts of the camp. In total, this group counted 259 bodies. [REDACTED] estimation, most of the victims were female, and approximately 30 to 40 children were among the dead. [REDACTED] also stated that

a count was taken, but recollected that it had been performed only later, after the arrival of the Ugandan CID team.

432. Martin Kalyemenya, who is a Consultant Pathologist to the Ugandan CID and at the time of the CID investigation at Barlonyo Camp was a Medical Officer Special Grade, stated that only approximately 124 bodies of civilian residents were examined as part of the police inquiry, which took place on 26 to 29 February 2004.
433. Kalyemenya and the CID team likely did not find all of the bodies of those killed during the attack, however. By the time that Kalyemenya arrived at Barlonyo IDP Camp, on 27 February 2004, he found that some of the bodies of the dead had already been buried, either in shallow graves or simply under the rubble of the houses. Others remained unburied. The CID team used the procedure of calling orally in Ogur for relatives of the dead to accompany them to Barlonyo IDP Camp. These relatives then helped identify any graves not already apparent to the police. Because the process used by the CID team depended upon the identification of grave sites by relatives during a time when Barlonyo Camp had already been abandoned, the investigative team may not have found all grave sites or victims.
434. The relatives who were present were asked to identify bodies, once exhumed, and to provide information about the age and gender of the victim. A police photographer took pictures of some of the bodies. In these cases, the body was photographed where found, after placing upon it or near it a label identifying the victim. In cases where a body was found or exhumed, and no relative was present to identify the victim, the victim was considered "unidentified."

435. As a result of this process, Kalyemenya and his two colleagues examined 124 bodies in the two days they spent at the site, and 39 of the bodies examined were unidentified. The doctors did not perform full autopsies. In cases where the body was badly burned, the doctors performed only an external examination. In cases of gunshot or other wounds, the doctors in some cases opened only the part of the body affected.
436. According to reports made by Kalyemenya and his colleagues at the time, and reviewed by this Office, 114 of the bodies were so badly burned or decomposed that no internal examination was attempted. Seven of the other bodies had suffered gun shot wounds, and three had been either bludgeoned in the head or cut. Most of the bodies examined by Kalyemenya were adult females; 33 were children.¹⁰²
437. Records obtained from Lira Hospital show that at least 71 injured residents were admitted for treatment, and at least 14 subsequently died. A review of these records reveals that the wounded were admitted with burns, gun shot wounds, and soft tissue injuries. The names registered at admission included 45 women (four of them pregnant) and 26 men. Of those admitted, nine female adults, four male adults, and two children later died.

d. Insider Accounts and Intercept Information

438. Among the evidence which establishes that KONY, OTTI, and ODHIAMBO ordered the killings and abductions of civilians at Barlonyo IDP Camp is the following.

¹⁰² Kalyemenya classified as juveniles or children those under the age of 18.

439. First, as in the case of the attack at Abia IDP Camp, KONY and OTTI ordered their subordinates, including the brigade commanders, to kill civilians, including those in IDP camps; to kill Lango civilians; and to defeat the UPDF, the Arrow and Amuka forces. In addition, after the attack upon Abia Camp, according to intercepted radio communications and information from former mid-level commanders, KONY exhorted other commanders, including the army commander Raska LUKWIYA and ODHIAMBO, to carry out other attacks like that which ODHIAMBO had commanded at Abia IDP Camp.
440. Former mid-level commanders and low-level LRA soldiers have related that ODHIAMBO commanded the operation at Barlonyo IDP Camp. As was the case at Abia Camp, ODHIAMBO did not participate in the fighting, but gave instructions for the fight and waited nearby while it occurred.
441. ████████ heard about the Barlonyo attack from two sources on or about 1 April 2004. On that date, the sick bay in which ████████ was travelling met another sick bay, led by a commander named Okuti, which had a radio. When ████████ saw Okuti, Okuti told ████████ that he had heard ODHIAMBO reporting the attack upon Barlonyo Camp to KONY and the rest of the High Command. At the same rendezvous, ████████ saw George Labongo, the brigade intelligence officer of Stockree Brigade. Labongo told ████████ that he and others had gone to Barlonyo as second-in-command to Ocan Labong Nono, who was a battalion commander in Sinia at the time.
442. Former LRA captain Hillary Lagen saw ODHIAMBO, Labongo, and Labong Nono, on the same day as the attack itself, somewhere in Pader district, which is in the Acholi region. Lagen's group that day walked to

rendezvous with ODHIAMBO, upon ODHIAMBO's orders. When Lagen's group joined ODHIAMBO, Labongo and Labong Nono were reporting to ODHIAMBO what had happened during the fighting. They were stating excitedly that they had killed 400 people. ODHIAMBO commented that he had fulfilled what KONY ordered him to do. He then ordered that everyone take care because the UPDF was pursuing them. ODHIAMBO stated that he would send a report to his superiors, but not for three days, because otherwise the UPDF would cause trouble.

443. [REDACTED] the seventeen-year old who was abducted from Barlonyo IDP Camp after already having escaped once from the LRA, identified ODHIAMBO as the leader of the group sent to Barlonyo Camp, and the commander who had issued the orders to fight there. He called the commander who led the LRA forces once they were within the camp "Lapwony," or teacher. [REDACTED] did not see Charles Labongo at the fight, or after it, but stated that he was told by fellow abductees that he was there.
444. Although [REDACTED] did not see OTTI during the period of his second abduction, he believed that it was on the order of OTTI that the residents of Barlonyo Camp, including his relatives, had been killed. He explained that he had seen OTTI giving such orders the first time he was abducted. During the period he served as OTTI's escort, he observed that KONY called OTTI to meet alone. He characterized the LRA forces as being under the overall command of OTTI.
445. [REDACTED] the ten-year old boy who was abducted at Abia IDP Camp, was with ODHIAMBO when ODHIAMBO and his forces approached Barlonyo IDP Camp. [REDACTED] was not chosen to fight at Barlonyo Camp, but he heard ODHIAMBO ordering some of his group to proceed to

Barlonyo. ODHIAMBO stayed behind and was with him as he observed the attack. Later the same day, Labongo met ODHIAMBO in the Acholi region. After Labongo and ODHIAMBO met, ODHIAMBO proceeded to the Sudan.

446. Intercepted radio communications also establish independently that ODHIAMBO had commanded the attack at Barlonyo IDP Camp. On February 23, 2004, at 9:00 a.m., ODHIAMBO, via his radio signaller, reported to OTTI that he had attacked Barlonyo IDP Camp and left "no living thing."
447. In the radio communication, OTTI, who apparently had already heard about the attack on domestic radio, asked ODHIAMBO's signaller: "Who killed people in Ogur?" When ODHIAMBO's signaller responded with ODHIAMBO's call sign, "Two Victor," OTTI laughed and responded to ODHIAMBO, via ODHIAMBO's signaller: "Bless you." ODHIAMBO then reported that he had carried out the attack two days before, on the 21st of February, at 6:30 p.m., in Barlonyo. He reported the number of guns and ammunition and uniforms he had taken. About the camp residents, he had the following interchange with OTTI:

ODHIAMBO: Eh deaths were overly many.

OTTI: Roger.

ODHIAMBO: Eh, roger no living thing could be seen there over.

OTTI: Eh it fits.

ODHIAMBO: I never saw any living thing there, nothing remained over.

OTTI: Eh.

ODHIAMBO: Only the ones that escaped remained.

448. OTTI then asked whether ODHIAMBO had any report of deaths among the "enemies," and ODHIAMBO explained that the "enemies" had been surrounded and had entered among the "waya." "Waya" is a word that LRA commanders used to mean "civilians." ODHIAMBO claimed that he himself had lost "on our side not a single one, over."
449. Later, KONY broke into the radio communication. OTTI reported to him, "Two Victor has finished people." KONY exulted, praising ODHIAMBO to OTTI (and possibly also to ODHIAMBO, although ODHIAMBO does not speak during this portion of the communication): "This guy is as vigilant as Tabu, I'm telling, is so tough. An officer should be like that and they say you are really an officer." OTTI then passed to KONY the information ODHIAMBO had just reported to OTTI: the types and number of guns and ammunition taken during the attack, the uniforms obtained, and the fact that there was "death to every living thing there," including "goats" and "dogs." KONY expressed his understanding that OTTI was referring to civilian deaths. He told OTTI that a letter should be written warning civilians of the consequences "if they decide to stay together with the soldiers."
450. Subsequently, but still on the same day, KONY issued orders to Sam Kolo, who was then his political officer. He instructed Kolo to call the BBC on the telephone and tell them "the details of what is taking place in Uganda" and "what is causing the great death toll in Uganda." KONY told Kolo to tell the BBC that Great Britain is responsible for being "the one who gave the order to Museveni that Museveni should gather people and put them in camps." KONY ordered Kolo to ask BBC, as a means of justifying the

LRA's attacks on camps: "Is there any independent barracks without civilians in Uganda here?" KONY complained that BBC had reported that the LRA was "fight[ing] in the camps" and "that we hit civilians," without asking "where in Uganda are Museveni's army found in which they are not using civilians as human shields." KONY ended by reiterating that it is the British who are "doing things so that bad things may continue." He asked KOLO to tell the BBC, "we shall fight against you and Muse[veni] and your [inaudible] government . . . we will fight you until we overthrow you, over."

451. Three weeks after the attack at Barlonyo Camp, KONY promoted ODHIAMBO. On a radio call at approximately 9:00 a.m. on 13 March 2004, KONY's signaller announced a series of promotions. Among them was the promotion of "Col. Okot ODHIAMBO," who was identified as "that of Teso," to the rank of Brigadier.

vi. Attack on Pagak IDP Camp (Counts Twenty to Twenty-Six)

a. Overview

452. Pagak IDP Camp is located in Lamogi Sub-County, Kilak County, Gulu District. It is located approximately 16 kilometers, or 10 miles, northwest of Gulu town. Gulu District is in the Acholi region. The residents of Gulu District are mainly of Acholi ethnicity and speak Acholi.¹⁰³
453. As is described below, in the evening of 16 May 2004, at approximately 6:00 or 6:30 p.m., a group of armed attackers advanced upon Pagak IDP Camp, first engaging UPDF soldiers at a barracks located on the south side of the camp. The attackers came from the north but split into three groups

¹⁰³ Pagak IDP Camp is also called by the nickname "Wia-nono."

as they entered the camp, armed with mortars, rocket propelled grenades, and machine- and submachine guns. Some were in camouflage uniform ("madoa-madoa"), some in plain uniform, some in civilians clothes, and some in a mixture of military and civilian clothing. Attackers were also wearing their shirts tied around their waists. Shouting in Acholi, one group fired upon the UPDF forces at the barracks. A firefight followed, but the attackers' attempt to overcome the UPDF forces was unsuccessful. When the UPDF commander at the barracks ordered his troops to emerge from their trenches and counterattack, the attackers ran back to the north, burning houses, looting, and abducting as they went.

454. The UPDF did not pursue the attackers outside the camp that night. Early the next morning, UPDF soldiers traced the escape route used by the attackers in their flight to the north, in the direction of the Guruguru hills. As they marched on a path, they saw looted goods that had been left behind and the body of a pregnant woman who had been clubbed to death. Then the group met a woman who was walking toward them. She was a camp resident who had been abducted, clubbed, and left for dead. The woman directed the group of UPDF soldiers to continue ahead on the path, and upon walking further, the soldiers found a massacre site about five kilometers from the camp. At that site approximately 25 men, women, and children had been laid out and bludgeoned to death; others were lying wounded among the dead and were transported to Lacor Hospital.
455. The World Food Programme later reported the attack at Pagak IDP Camp as another "gruesome incident" perpetrated by the LRA. It estimated that 54 people – mostly women and children – had been killed, primarily by clubbing, and stated that an unknown number had been abducted. WFP

also estimated that 544 families had had their houses and property destroyed and that scores of internally displaced persons had fled after the attack to neighboring camps.¹⁰⁴

456. Investigators from this office have obtained: (1) a file compiled by the headquarters of the CID following an investigation at the attack site carried out by a twenty-person investigative team, which included members of CID-Gulu Division, on 23 and 24 May 2004; (2) lists of victims compiled by CID-Gulu Division and the consulting pathologist Martin Kalyemenya; and (3) records from Lacor Hospital, in Gulu town, which received the wounded from Pagak IDP Camp. In addition, as is described below, this Office has interviewed: (1) [REDACTED]

[REDACTED] (2) pathologist Kalyemenya; (3) UPDF officers present during the attack; and (4) victims of the attack. From these sources, it appears that:

- Five UPDF soldiers died during the attack;
- Approximately 30 civilian residents of the camp were killed, and most of the thirty were bludgeoned to death at the massacre site north of the camp. Most of the dead were women, and the dead included babies and children.
- At least another 13 residents of the camp were treated at Lacor Hospital following the attack;
- All of the civilians killed at the massacre site, and some who were beaten but survived, were abducted during the attack, and were forced to transport looted goods just before they were clubbed.

Eyewitness accounts of victims interviewed by the OTP, reports made by

¹⁰⁴ WFP Emergency Report No. 21 of 2004 (21 May 2004).

the pathologist, and Lacor Hospital records establish that the vast majority of victims (both the dead and injured) were beaten.

457. Just before the attack, according to the [REDACTED] [REDACTED] over 19,000 people lived in the camp. At the camp was stationed a detachment of UPDF forces numbering approximately 60. The detachment, as described by [REDACTED] [REDACTED] consisted of 30 or so temporary houses surrounded by a circular trench. The detachment was to the south of an east-west road leading, in an eastward direction, to Gulu. The civilian housing was mainly on the north side of the same road. Even further to the north, at a distance of approximately 15 kilometers, are hills known as the Guruguru hills. A diagram of the orientation of Pagak IDP Camp is annexed to this application as Exhibit S.

b. Accounts of Military and Civilian Authorities

458. [REDACTED] and soldiers [REDACTED] among others, have described in statements made to the OTP that they immediately recognized the attackers as LRA rebels. [REDACTED] for example, noted the attackers' shabby appearance and their use of camouflage and other uniforms. Lance Corporal Okema Pismis explained that the attackers' language, their appearance, their weaponry (some of which is of Sudanese manufacture), their methods, and the mere fact of the attack confirmed the identity as that of the LRA. [REDACTED] stated: "Nowadays we have only the LRA who are disturbing Uganda. There are no other terrorists in the bush these days."
459. [REDACTED] described the manner in which the attack occurred and its aftermath. [REDACTED] related that at approximately 6:30 p.m., on

the evening of 16 May 2004, the LRA rebels entered the camp and attempted initially to overtake the UPDF detachment. [REDACTED] saw, as the attack began, three groups of attackers approaching from the north. [REDACTED] who also participated in defending the detachment, estimated that there were approximately three times as many rebels as UPDF soldiers. As the rebels advanced, one armed group began firing upon the UPDF soldiers, who took positions in the trench around the barracks. A second group, consisting of largely unarmed individuals who were dressed in civilian clothes, spread into the camp and began looting. The third group of attackers took a position between the barracks and one of the residential zones of the camp and waited. At this time, civilians were already fleeing from the camp, and shouting, "The rebels have come!"

460. In the fight, the LRA rebels at the barracks fired mortars, rocket propelled grenades, sub-machine guns, and machine guns. The UPDF had similarly advanced weaponry, but refrained from using bombs. As the two sides fought, the rebels were blowing whistles and shouting in Acholi. Lance Corporal Pismis and [REDACTED] did not see any women among the fighters. [REDACTED] saw one, and [REDACTED] [REDACTED] heard other female voices on the rebel side.

461. When the LRA rebels failed to advance, the UPDF soldiers left the trenches to attempt to repel the attackers. As the UPDF moved forward and continued to fire at the LRA forces, [REDACTED] realized that there was a third group of mainly unarmed LRA rebels who had been looting the camp and carrying away the looted items. The houses in the camp contained bags of food which had been delivered to the camp by the World Food Programme the day before the attack.

462. The looting carried out by the attackers was unimpeded, because most of the civilians had already fled to the east, in the direction of a camp called Awee IDP Camp. LRA forces set fire to houses as they retreated. [REDACTED] [REDACTED] had the impression that the retreating LRA rebels were setting houses on fire and continuing to fire upon the UPDF soldiers to block the advancing UPDF and permit the looters time to get away. Reinforcements in the form of a tank and more UPDF troops arrived from the direction of Awee Camp.
463. The LRA forces left the camp at approximately 8:00 p.m. When the UPDF soldiers reached the northern edge of the camp, they pursued the rebels for a short time, but then elected to seal off the camp to protect it for the night. The UPDF soldiers found that only a few civilians remained in Pagak IDP Camp, and they brought those civilians to the barracks.
464. According to [REDACTED] four UPDF soldiers had been killed during the attack, and one died later of his wounds. One of the four killed during the attack was found undressed and shot in the back.
465. The next morning the camp was still quiet; the civilians had not returned. [REDACTED] together with some of the UPDF reinforcements, to canvass the camp. This group found that approximately 250 houses had been burned.¹⁰⁵ [REDACTED] found one male resident known to him who had been burnt inside a house.¹⁰⁶ The group found bodies of at least two LRA soldiers in or near the camp.

¹⁰⁵ The CID investigation team, which made a canvass in the following days, found that 544 houses were burned.

¹⁰⁶ Lance Corporal Pismis stated that the platoon found a woman burned inside a hut, and it is unclear whether he was referring to the same body described by Lt.

466. The group [REDACTED] re-traced the escape route of the LRA rebels. As the platoon left the camp, they saw looted goods which had been dropped along the path the LRA rebels had followed.
467. The first civilian victim the platoon encountered outside the camp was a pregnant woman who had been clubbed to death. The woman had been clubbed in the head. Lance Corporal Pismis saw a bloody tree branch not far from the body.
468. Further to the north, the platoon encountered a woman who had been abducted by the LRA rebels, escaped, and was returning to the camp. When the UPDF soldiers found the woman, her baby – which was still tied to her back – appeared to be dead. The woman herself was extremely fearful; [REDACTED] described her as being in shock. The woman related that she and others who had been abducted had been forced to lie down and then were clubbed. The woman had managed to escape because the attackers had left her for dead.
469. The platoon left the woman to pursue the LRA forces. After they had walked to a spot approximately five kilometers from the camp, the platoon came upon a massacre site. [REDACTED] described an area where many bodies lay in blood-stained grass, and some were wounded and were making “sounds of people about to die.” The soldiers arranged for the injured to be taken to Lacor Hospital. They counted 25 bodies. Most were women; but there were several men and children among the victims. The bodies appeared to have been gathered together into a line. The heads of

Omaria.

the dead had been battered. Near the bodies lay cut tree branches which were blood-stained.

470. When the ambulance came, it was carrying local community leaders, including [REDACTED] Civilians at the massacre site who were still alive were rushed to Lacor Hospital. The UPDF soldiers helped transport the dead back to Pagak IDP Camp, where [REDACTED] and others organized an effort to have relatives identify the bodies.

c. Victims' Accounts

471. This Office has taken statements from survivors of the massacre that occurred on the path to the Guruguru hills, and the survivors establish that the group beaten there had been abducted at Pagak IDP Camp and forced to carry looted items by armed men, and under the threat of death. In the middle of the night, the group was told by a rebel leader that they would soon be released. Instead, they were made to walk a short distance further, forced to lie on the ground, and bludgeoned.

472. [REDACTED]

473. [REDACTED] recalled that Pagak IDP Camp was attacked by LRA rebels numerous times before the attack in May 2004. During prior attacks, the rebels looted food and other items, abducted camp residents to carry items, and injured camp residents, but had not killed anyone.

474. On 16 May 2004, [REDACTED] was hiding in her house during the attack while the gunfire was being exchanged. LRA rebels were looking into the homes near hers, when a female rebel of approximately 18 years of age pushed open [REDACTED] door. The girl, who was not armed, ordered [REDACTED] to carry ground nuts. [REDACTED] complied initially, but attempted to run away once outside. A male rebel with a gun stopped her.
475. [REDACTED] joined others who had been abducted and were being accompanied by other armed rebels. At around 8:00 p.m., [REDACTED] heard a tank approaching on the road from Gulu. After this, a group of approximately 50 rebels marched the abductees out of the camp. [REDACTED] was still carrying groundnuts.
476. One of the abductees was a pregnant woman who was being forced to carry a dead LRA soldier. She fell, and [REDACTED] was then ordered to carry the pregnant woman. Soon after, the rebels ordered the pregnant woman to leave the path upon which the abductees were walking. [REDACTED] and the others heard some noise, and the woman did not return.
477. After this incident, [REDACTED] who had also been abducted, told the rebels to let [REDACTED] go. [REDACTED] falsely told the rebels that [REDACTED] had a baby to care for at home. The rebels responded that they could leave [REDACTED] by killing her. [REDACTED] made no further attempt to win [REDACTED] freedom.
478. The group of abductees eventually met another group of rebels in the middle of the night, at a place called Ogoro-pii. A small boy told the abductees that someone wanted to address them. A commander who

appeared to be older than the other rebels addressed the group of abductees. He thanked the group for carrying the goods and stated that they would be released to go home, after being accompanied to the road and being given ten strokes. [REDACTED] believed this man to be Vincent OTTI, because she had heard of OTTI and had heard before the attack that OTTI had an injured arm, and the man who spoke had wrapped his arm in a handkerchief.

479. A group of about 20 soldiers accompanied the abductees to a place near a road that led to the Guruguru hills. There, the abductees were told to lie on the ground, face down, to receive their strokes. The abductees were told that if they did not comply, they would be killed.
480. The rebels began cutting pieces of wood from the trees and flattening one side of the tree branches with small axes.
481. One of the rebels counted to ten, and when he reached ten, two rebels on each side of the line of abductees began beating the people nearest them. While the beating was being carried out, one of the rebels stated, "The other day when Abola came you were making ululations. Do it again today." [REDACTED] recognized Abola as the name of a former rebel who had escaped around the end of March and had been welcomed by the local councillor and the civilians at Pagak IDP Camp.
482. [REDACTED] was lying on one end of the line. [REDACTED] heard him scream, [REDACTED] this is death, we shall all actually die."

483. A woman named [REDACTED] who was lying near [REDACTED] attempted to get up, saying, "A small child shall not kill me with my arms folded." [REDACTED] was killed at the site. [REDACTED] heard another woman resisting but did not recognize who it was.
484. [REDACTED] believes that she went into shock before the rebels began beating her. She remembers nothing about being beaten, and regained consciousness in the [REDACTED] Hospital two and a half weeks after she was abducted.
485. Christine Aceng lived at Pagak IDP Camp with her husband and three-year old baby, Denis Okot. Aceng's baby was killed by the rebels at the massacre site on the path to the Guruguru hills.
486. Aceng started running through the camp, to the north, as soon as she realized the camp was being attacked. As she fled, she carried her baby tied to her back. The houses of the camp were already on fire.
487. Armed rebels caught Aceng near a latrine, while she was in the company of another woman and her child. One rebel was only about fifteen-years old; the other was elderly.
488. Aceng was made to carry two basins of maize. As she walked she heard mamba arriving in the camp. The rebels began running and discussing the need to hurry.
489. The group of abductees that left the camp, according to Aceng, were mostly women, many with children. They were guarded by a greater number of LRA soldiers. The soldiers were armed, although only some

wore uniforms. Others were bare-chested or had clothes tied around their waists. As the soldiers walked, they put themselves around and between the civilians.

490. After walking toward the Guruguru hills, the abductees stopped and were ordered to shell groundnuts. After a time, they were called to meet one of the commanders. The abductees then were gathered in front of "an old man," "small bodied and with grey hair." Aceng believed this man was Vincent OTTI. She had heard rumours that OTTI had been wounded in the hand, and the man's finger was wounded.
491. The leader told the abductees that they would be allowed to return to the camp, but that soldiers would escort them and that they should follow the soldiers' instructions.
492. Other rebels then brought the abductees near a road, where they told the abductees to lie down on their bellies, to receive ten strokes of caning. As the rebels cut sticks from the trees, Aceng realized that the rebels were cutting tree branches although smaller sticks appropriate for caning were lying all around.
493. The rebels then began beating everyone in the line. Aceng lost consciousness and when she awoke, it was about six o'clock in the morning. Others around her were groaning in pain, and some were dead. Aceng got up and started walking. She lost consciousness again on the way back to the camp, but roused herself. It was only when she reached the camp, and untied her child from her back, that she realized that her baby was dead.

494. Aceng was taken to Lacor Hospital where she spent about a month recovering.
495. Christine Anek was a Pagak Camp resident who lost her husband, Christopher Akena, in the attack. She was also beaten at the massacre site, while she was together with her child. She and her child both survived, but she was hospitalized until the beginning of July 2004.
496. Anek realized that the camp was being attacked when two boys ran by her home, saying that "Lakwena," or LRA rebels, had entered the camp. She, her husband, and their two older children (ages seven and three) began running. Her husband carried their baby boy.
497. The family ran into a house within the camp to take refuge, and they were found there by LRA rebels, including a female rebel who ordered them out of the house at gunpoint. One of the rebels took Anek's three-year old daughter and threw her on the ground. (This girl was found outside the camp after the attack ended, but Anek never discovered how she came to be there). Anek's husband was beaten on the neck with a gun, and Anek herself was kicked.
498. Anek and her husband were forced to carry maize. Outside the camp, they joined other abductees, and waited for all the civilians to arrive. Most of the abducted were women; Anek's husband was one of the few men. Anek carried her baby.
499. The group headed toward Ogoro-pii, and were beaten along the way. The abductees carried looted items, and one woman, who was pregnant,

carried a wounded LRA soldier. Anek heard later that this woman had been killed.

500. After the group had walked further toward Ogoro-pii, they met another group of LRA rebels who were cooking and appeared to have been waiting for the rebels to return from Pagak Camp.
501. The abductees were told to shell groundnuts, and then to wait for the leader who would address them. Anek observed that the items they had carried consisted of maize, beans, cooking oil, peas, sugar, and groundnuts which had been brought to the camp by the United Nations. By this time, Anek's husband had been tied together with the other men.
502. Anek stated that she was "too afraid to look" at the commander who addressed the abductees. She described the man who addressed them as a tall, fat person of about 35 years of age. The leader stated that he wanted the abductees to return to the camp. He instructed the other rebels to take the abductees to where they could reach the camp, and to "teach them" so that they would no longer tell lies about KONY's soldiers.
503. The abductees were then taken to the road to Ogoro-pii. There, after all had arrived, the rebels ordered the abductees to lie down, so that they could receive ten canes. Anek realized, however, as the rebels started cutting logs, that the abductees would not just be caned. The rebels began saying to the abductees, "Do you know why we are going to beat you to teach you? It is because Abola, our commander, came to your camp and you women welcomed him with ululations and the men carried him on their shoulders."

504. One of the rebels then counted from one to ten, and the beatings began. Anek's husband was beaten before her. When she lifted her head and realized that her husband was dead, Anek began standing up. She told the rebels that since they had already killed the father of her husband, and her children were now orphans, they may as well shoot her. In response, the rebels beat her from one side of the face and the other. Anek's child, who was still with her at her back, was also beaten.
505. Anek awoke at approximately 6:00 a.m. in the morning. She found that she could only open one eye, a bit. She crawled along the road until she was found, with her child still tied at her back.
506. Anek was taken to the hospital by other camp residents, where she stayed until early July 2004. Her baby survived.

d. Victimization and Assessment of Damage

507. The sources establishing the number of victims of the LRA attack upon Pagak IDP Camp are not in agreement, but firm estimates can be made. As is described below, the CID investigative team arrived fully a week after the attack, when they exhumed and examined 18 bodies of civilian residents. Other lists of victims, however – [REDACTED] – all identify a greater number of those killed.¹⁰⁷ When the names of those reported killed: (1) on at least one of the lists made by [REDACTED] the CID or UPDF; and (2) by at least one witness who gave a statement to the OTP or to the CID, are added to the names of the dead examined by the

[REDACTED] found that 31 had died, the CID report concluded that 28 were killed, and the UPDF estimated that 29 had died.

pathologist, it appears that at least 30 residents of Pagak IDP Camp were killed during the attack.

508. Most but not all of the dead were killed at the massacre site. According to [REDACTED] list, which contained the names of 27 civilians bludgeoned at the massacre site, seven of the dead were men, 14 were women, and 6 were young female or male children. Records from Lacor Hospital list 13 camp residents who were hospitalized following the attack, in addition to two soldiers, one of whom later died. Annexed hereto as Exhibit T are photographs taken by the CID investigation team of some of the wounded at Lacor Hospital.
509. Pathologist Kalyemenya acknowledged in his interview with this Office that the CID team may not have examined all of the bodies of those who died in the attack. Kalyemenya followed the same methodology he had used during the investigation at Barlonyo IDP Camp. Kalyemenya explained that the investigation at Pagak IDP Camp was rushed, because the police team believed that the camp might be re-attacked. For this reason, all exhumations and examinations were conducted in a day. Also, some camp residents objected to the exhumation of bodies on grounds of custom.
510. Nearly all of the bodies examined by Kalyemenya had suffered smashed or crushed skulls. One man had been hit by a bullet and Kalyemenya was unable to observe a cause of death as to one of the female victims.

e. Insider Accounts and Intercept Information

511. The criminal responsibility of KONY and OTTI, among others, for ordering the attack at Pagak IDP Camp and the massacre of the abductees near the Guruguru hills is established by the following information and evidence.
512. As is related above in Section III.E.ii.b KONY's order that LRA forces should attack civilians, including civilians living in IDP camps, had become a standing directive by late 2003. By the end of February 2004, the force of that order had been re-doubled by KONY's and OTTI's strong and outspoken approval of the attacks commanded by ODHIAMBO at Barlonyo and Abia IDP Camps in Lira district.
513. The attack at Pagak IDP Camp, like the attack at Pajule IDP Camp, was an operation led by OTTI himself.
514. One day before the attack, OTTI re-affirmed, during a radio conversation with KONY, his desire to kill civilians associated with camps. In a radio communication which was intercepted by the UPDF Fourth Division on 15 May 2004, at 6:30 p.m., OTTI and KONY engaged in a lengthy conversation. OTTI commented that the World Food Programme was reported to be facing a funds shortage and that people were not cultivating because they could not go outside the camps to farm. OTTI continued that he intended to kill civilians wherever he found them. OTTI stated:
- Eh eh, when we find you express from the camp, even if you appear a half-mile away, we just kill you. If we find you in the camp we will also kill you. We find out [of the camps] we also kill you. If you leave the camps and go outside again, there is not much, we will kill you, over.

KONY agreed with OTTI's assessment, saying, "That's it."

515. While the LRA was carrying out the attack on Pagak Camp, the day after the conversation quoted in the prior paragraph, OTTI called [REDACTED] to verbally harass [REDACTED] about the practices of the camp residents. At about 7:30 p.m., on 16 May 2004, a man identifying himself as OTTI called [REDACTED] on [REDACTED] cell phone. [REDACTED] was not then in Pagak IDP Camp, because he had travelled to Gulu town. After OTTI stated, "I am Vincent from the bush," he proceeded to question [REDACTED]. The criticisms he leveled at [REDACTED] were grievances KONY and OTTI had shared, for example, in intercepted radio communications. He asked [REDACTED] "Why are you people always being deceived by the Government?" OTTI threatened that "if the Government still keeps people in the camps the suffering will continue." OTTI also asked why [REDACTED] allowed the government to recruit the local defence unit soldiers. When [REDACTED] suggested that OTTI speak with former LRA rebels who had escaped from the bush, to obtain accurate information, OTTI rejected the idea and characterized the former rebels as "deserters."
516. As [REDACTED] was talking to OTTI, he knew that Pagak IDP Camp had been attacked because he had already received a phone call reporting the attack to him. Thus, after OTTI had spoken, [REDACTED] confronted him, saying, "[A]s you are talking to me now, your colleagues are now killing the people in the camp." OTTI immediately denied knowledge of the attack and claimed that he was in Kitgum. Kitgum is north of Gulu, in Pader District.
517. [REDACTED] believed at the time that OTTI was falsely disclaiming knowledge of the attack. Among other things, [REDACTED] had

received [REDACTED] information about a week before the attack that OTTI was in Gulu District, hiding near the Kilak hills.

518. The call continued and, among other statements, OTTI explained that he possessed [REDACTED] cell phone number because he had numbers [REDACTED] [REDACTED] encouraged OTTI to surrender and stop killing his fellow Acholi, but OTTI responded that the Acholi in the bush were wise, unlike the ones at home or in camps. Just before OTTI rung off, [REDACTED] reminded him of the national amnesty laws.

519. After the call, [REDACTED] received additional information confirming the conclusion that OTTI had been lying when he disclaimed knowledge of the attack at Pagak IDP Camp. After the attack, an LRA second lieutenant named [REDACTED] escaped from the bush. [REDACTED] learned that [REDACTED] had admitted participating in the attack at Pagak IDP Camp and had stated that the group who attacked Pagak IDP camp was led by OTTI.

520. [REDACTED] had interviewed [REDACTED] when he left the bush, about two weeks after the attack upon Pagak IDP Camp. [REDACTED] had stated at the time that he was abducted from Pagak and that the attack upon the camp, in which he had participated, had haunted him and caused him to attempt to escape from the bush. [REDACTED] identified OTTI as the commander who had led the attack at Pagak IDP Camp.

521. This Office interviewed former LRA officer [REDACTED] who like many former LRA commanders has joined the UPDF since he left the bush.

522. At his interview, [REDACTED] discussed the massacre which followed the attack in Pagak IDP Camp only reluctantly. He maintained that although he saw the abducted camp residents both before and after they were killed, he was asleep when the killings occurred. [REDACTED] admitted that he had difficulty disclosing names of others who were involved in the incident. He offered as an explanation his concern that other former LRA members would "find out I was the one telling [about] them."
523. Despite his misgivings, [REDACTED] furnished information about the attack which is corroborated by the other witnesses described above and consistent with the statement he made to [REDACTED] when he first escaped from the bush.
524. [REDACTED] admitted that he participated in the attack on Pagak IDP Camp, which was carried out just 12 days before he determined to escape from the LRA. He described that the group led by his superior, Sam Kolo, had joined with the group of OTTI and a group led by Raska LUKWIYA, on the day before the attack itself. On the sixteenth of May, at a site still some distance from the camp, OTTI addressed the LRA soldiers who had been chosen to fight. OTTI told the assembled group that they would fight that day. Raska LUKWIYA also encouraged the group, saying that they should have no fears and fight to victory. At this time, [REDACTED] who grew up in Pagak, only suspected that the targeted place was Pagak IDP Camp.
525. OTTI and Raska LUKWIYA then accompanied the fighters closer to the camp. The group stopped and the fighters were anointed with oil. There, OTTI said that Pagak Camp was the place of the fight. He exhorted the forces to win, and said that "whatever was living there would become

ours, we could do with it whatever we wanted." OTTI said that the rebels should "do such [a] thing that even BBC or Mega FM will cover it so that everybody in the government and the world would see and feel it."

526. From that point, the forces split into three groups: one to attack the barracks, one to reinforce the attacking group in case UPDF reinforcements arrived, and one to gather food from the camp. A commander named Doctor Orono Onen led the group that attacked the barracks.¹⁰⁸ OTTI and Raska LUKWIYA advanced within about a mile from the camp and then turned back to go to the headquarters base.

527. [REDACTED] estimated that the fighting at the barracks lasted approximately an hour and a half. When it became dark, OTTI, who had been sending messages to Onen via walkie-talkie, ordered the LRA forces to withdraw and to burn houses as they left. The LRA rebels complied with these orders, and as they left, a tanker and a mamba arrived. By this time, the civilians were gone, and the LRA forces had taken both food and abductees to carry it.

528. When the fighters returned to the location where OTTI, Raska LUKWIYA, Kolo and their groups were staying, it was approximately 10:00 p.m. With them was [REDACTED] another senior officer [REDACTED]. After passing OTTI and Raska LUKWIYA, who were eating and talking with others, [REDACTED] went to the place he was supposed to sleep. Seated in the same area were a group of abductees,

[REDACTED] described [REDACTED]
He stated [REDACTED]

including men, women, and children young enough that they were still being breast fed.

529. When [REDACTED] woke up early the next morning, the abductees were gone. He learned from others who were chatting that the abductees had been "flogged" on the heads. An LRA commander named Kwoyelo, who was a Lieutenant Colonel and Operations Commander, told [REDACTED] that it was OTTI who gave the order for the killings. [REDACTED] believed Kwoyelo's statement because Kwoyelo as Operations Commander would have been responsible for effectuating such an order and because the killings of the abductees could not have been carried out absent OTTI's order.

530. Kwoyelo asked [REDACTED] and some others to go to the site of the killings and make sure the abductees were dead. When [REDACTED] arrived at the site, about 400 meters from where he had slept, he saw bodies of men, women, and children whose heads had been "beaten and crushed." There were also big pieces of wood, "useless to count." Those viewing the site, according to [REDACTED] were make crying sounds but they did not discuss who was responsible for the killings. [REDACTED] stated, "Nobody chatted about that because . . . while there, you, as an individual, had no right to comment on someone's work as good or bad." [REDACTED] stated that he believed the ultimate responsibility for the killings was a shared one: "I can only tell that all of us killed, because we're in the same group, even though I did not."

531. [REDACTED]
[REDACTED] had already been interviewed by this Office when [REDACTED] gave his statement. [REDACTED] who like [REDACTED] had been interviewed using the procedures set

forth in Art. 55(2), initially agreed to answer questions posed by OTP but ultimately elected to exercise his right to remain silent. Thus, it currently seems unlikely that [REDACTED] would be a witness in future court proceedings. Before he ended his interview, however, [REDACTED] did furnish information which corroborates [REDACTED] account of who had led the attack at Pagak IDP Camp. [REDACTED] did not acknowledge, as [REDACTED] had, that he had been present himself, although he was not directly asked during the interview whether he himself had participated in the attack.

532. [REDACTED] stated that the attack on Pagak IDP Camp was OTTI's initiative following KONY's general order to attack civilians. According to [REDACTED] OTTI's motivation was "to do something, too," because otherwise he could be embarrassed before the other commanders. He explained that for the operation in Pagak, OTTI had selected the commanders, and OTTI and Raska LUKWIYA went as a combined force.

533. [REDACTED]
[REDACTED] He recalled that in the case of the attack at Pagak IDP Camp, OTTI reported directly to KONY. OTTI told KONY about the fight, the number of UPDF soldiers killed, the number of houses burnt, and the death of civilians.

534. This Office has been unable to locate on tape the report in which OTTI informed KONY about the attack at Pagak IDP Camp. ISO has provided a tape made on 17 May 2004 which appears to contain a portion of OTTI's radio report, but it is a small fragment which contains no internal reference to Pagak by name. The tape contains conversations and fragments of conversations, but as is the case with many of the tapes provided by ISO, some portions of conversations are not audible.

535. Records maintained by ISO and by the Ugandan CID, however, corroborate that OTTI took responsibility for the attack at Pagak IDP Camp and the killings of the civilians there, [REDACTED]

[REDACTED] A logbook maintained by ISO, which bears English-language summaries of LRA communications which are written just after each intercepted LRA radio transmission, bears an entry for the LRA transmission which occurred at 6:30 p.m. on 17 May 2004. That entry states, in relevant part:

OTTI told KONY that y/day he attacked PAGAK IDP camp at 1800 hours, that he clashed with the UPDF mobile who came to reinforce, with 02 mambas and tank. He claimed that nothing went wrong on his side. HE said they, LRA reached up to the UPDF trenches, until when Mambas came in and despersed them. That they killed 01 UPDF soldier, charged 01 SMG rifle and 12 rounds of ammos. And that many civilians died, while others ran to the bush. OTTI said they burnt over 500 huts. OTTI told KONY that if it was not because of Mambas, UPDF mobile won't do anything to them. KONY told OTTI that if it was not because of Mambas, UPDF mobile won't do anything to them. KONY told OTTI that if they had B10 gun they would have shot down the Mambas. OTTI said they had the B10 gun but only that they misfired. KONY asked OTTI as to whom was manning the B10 gun. OTTI said it was Lt. Ojara of Gilva Brigade.

OTTI told KONY that many UPDF soldiers died in the attack, but not only 02 soldiers killed as was reported by the 4th Division PRO, Lt. Akunda, on Mega FM radio, because even some UPDF soldiers ran and slept in the bush.

536. The Ugandan CID independently was maintaining at this time a logbook of LRA radio communications. The CID Regional Office in Gulu was intercepting LRA radio communication in operations separate from those of ISO. Unlike ISO, however, the Ugandan Police did not tape the

communications they intercepted. In the police logbook, in pertinent part, the following entry appears for 17 May 2004:

On 17 May 2004 at 1830 hrs, OTTI Vincent said that on 16 May 2004 at 1800 hrs he led an attack on Pagak IDP camp. He termed the attack as unsuccessful as their efforts to enter into the UPDF detach were thwarted when the B10 gun with Lt. OJARA of Gilva Brigade developed misfire as he targeted the armored vehicles sent in as reinforcements from Gulu. He said his forces had reached the trenches and managed to kill one UPDF soldier. His SMG and 18 rounds of ammunitions were recovered. The reinforcements he said included two mambas, one buffalo and one tank. He further revealed that his forces burnt more than 500 huts in the camp and many civilians were killed.

537. At least part of the reason that the LRA attacked Pagak IDP Camp appears to have been a desire to strike back at the camp for welcoming Charles Abola, a former LRA captain and former Pagak resident. Abola was the LRA soldier whose name had been used to taunt the abductees who were beaten at the massacre site near the Guruguru hills.
538. As [REDACTED] had recalled, Abola was a former LRA member who had escaped before the attack and had been welcomed by the residents of Pagak IDP Camp. In an interview with this Office, Abola confirmed that he had "reported," or surrendered from the LRA, on 28 April 2004, just weeks before the attack. Abola, who was a captain in the Stockree brigade, escaped from the bush with 29 other LRA soldiers, and had "reported" at his home, Pagak. In the attack the LRA carried out on May 16, four members of Abola's extended family were killed.
539. According to insider and intercept information, KONY and OTTI were well aware of Abola's escape before the attack at Pagak IDP Camp. In a

radio communication which was taped by ISO on 29 April 2004, at 9:00 a.m., KONY asked one of his commanders to report on how Abola had "talked" after his escape. The commander responded that Abola had escaped with 29 others and nine guns. In addition, it was reported to KONY that in a public radio address following his escape, Abola had denounced the war as being "worthless and so useless."

540. OTTI expressly referred to Abola's escape and his desire to retaliate Abola's home, just after OTTI ordered the attack upon Pagak IDP Camp. According to [REDACTED] when the LRA forces returned from attacking the camp, OTTI told his fighters that the people there had been happy when Abola returned, but now they could mourn.

vii. Attack on Lukodi IDP Camp (Counts Twenty-Seven to Thirty-Three)

a. Overview

541. Lukodi IDP Camp is located approximately 16 kilometers, or ten miles, north of Gulu Town in Bungatira Sub-county, Aswa County, Gulu District. Lukodi IDP Camp is approximately 20 kilometers, or 12.5 miles, to the northeast of Pagak IDP Camp.
542. On the evening of 20 May 2004, at approximately 6:00 p.m., a group of men and women armed with rifles, rocket-propelled grenades, and axes attacked Lukodi IDP Camp from the east and northeast. As is described below, the attackers were dressed in army uniforms, or civilian clothes, and some had their shirts tied around their waists. The attackers split as they marched upon the military detachment, where an LDU force of 30 was stationed. LDU soldiers exchanged fire with the attackers, but were overcome and retreated. In the meantime, the attackers had already begun

shooting and beating civilian residents, burning the huts, and looting. After the soldiers fled, the assault upon civilians continued until the attackers had finished their work. By the time UPDF reinforcements arrived, the attackers were gone.

543. The United Nations reported on the day following the attack that it had received credible reports that 41 people had been killed and thousands displaced following an LRA attack at Lukodi Camp. It stated that the number abducted and injured were "not yet clear." The press release noted that the attack followed the attack at Pagak IDP Camp and "similar attacks against civilians in the villages of Odek on 29 April and Barlonyo on 21 February, in which at least 190 people were murdered."¹⁰⁹

544. Investigators from this office have interviewed: (1) [REDACTED]
[REDACTED]
[REDACTED] 2) consulting pathologist Kalyemenya, who examined bodies in the camp on 21 and 22 May 2004; (3) [REDACTED]
[REDACTED] and (4) Santo Ojera, the civilian leader of one of the two main zones in the camp. In addition, records relating to the identities of the dead and injured have been obtained from: (1) the Ugandan CID; (2) [REDACTED] (3) pathologist Kalyemenya; and (4) Gulu Hospital, which received some of the wounded from Lukodi Camp. From these sources, it appears that at least 40 civilians – men, women and children – died as a result of the attack. The deaths resulted mainly from gun shot wounds, although some bodies were so badly burned that cause of death could not be determined at the time. At least

¹⁰⁹ "Uganda: Dozens Killed in Second Attack on Camps for Displaced This Week," United Nations Press Release (21 May 2004).

thirteen others were wounded and admitted to Gulu Hospital. Approximately 210 civilian houses were burnt, as well as the barracks area. At least six people were abducted during the attack.

545. According to the Ugandan police, approximately 7,000 people lived in Lukodi IDP Camp in May 2004. Santo Ojera was the leader of one of the two zones of the Lukodi Camp at the time. According to Ojera, Lukodi IDP Camp, and a sister camp called Coope IDP Camp, were receiving food aid when the attack occurred. Lukodi IDP Camp had been looted on a number of occasions before the May 2004 attack, but no resident had been killed or injured. On one occasion, about a month before the May 2004 attack, a resident had been abducted, but managed to escape. The man shouted, "Lakwena, lakwena" to warn those in the camp of the rebels' presence, and the rebels left.

546. According to zone leader Ojera, and [REDACTED] at Lukodi IDP Camp, in May 2004, the detachment at the camp was located in the midst of civilian living areas.¹¹⁰ The camp was situated around a north-south road which leads to Gulu to the south and Patiko to the north. Most of the camp, including the detachment, housing areas, and school rooms, were located to the east of the road, and the trading centre and other houses were located to the west of the road. A diagram showing the orientation of the camp is annexed hereto as Exhibit U.

¹¹⁰ After the attack, most of the residents of Lukodi IDP Camp moved to Coope IDP Camp. The detachment which was at Lukodi Camp in May 2004 has been relocated further to the east.

547. Ojera was in the western portion of the camp when he saw LRA rebels approaching from the east while shouting and blowing whistles. He saw the rebels split into two groups, as if to head around both zones of the camp. Then he heard shooting, and he fled to the west. [REDACTED] watched as rebels marched into the camp, and split into two groups to approach the detachment from two sides. At first, the presence of civilians prevented [REDACTED] [REDACTED] from ordering firing. It was immediately clear that the soldiers in the detachment were badly outnumbered; [REDACTED] [REDACTED] estimated that there were as many as 100 rebel soldiers accompanied by about 30 unarmed abductees. Some of the armed rebels began using rifles, SMGs and rocket propelled grenades against the soldiers in the detachment, and others were beating, kicking and dragging civilians. [REDACTED] called for reinforcements.
548. The LDU soldiers retreated from the detachment and, as they left, [REDACTED] [REDACTED] noted that all but four of the 30 houses in the barracks area had been burnt. Seven of his soldiers had been shot. Reinforcements came about 45 minutes after they were called, and by the time armored vehicles and additional soldiers arrived, the rebels had already gone.
549. Upon canvassing the camp later that night, [REDACTED] found that most of the houses in the eastern side of the camp had been burnt, or were still on fire. Shops in the camp had been looted. [REDACTED] also found a number of bodies of camp residents who had been killed on that side of the camp. Annexed hereto as Exhibit V are still photographs taken from a videotape made by the police in Lukodi Camp during the police investigation. Annexed hereto as Exhibit W are photographs taken on the day after the attack during the CID investigation of the attack.

b. Victims' Accounts

550. Interviews of civilian residents of the camp corroborate that the attackers were LRA forces conducting an attack with the aim of killing and abducting camp residents, and carrying away their food and belongings.
551. Ayaa Pyerina, who was a widow, lived in Lukodi IDP Camp with her eight-year old daughter Milly Anek. Milly was killed during the attack on 20 May 2004. Milly's older sister, Florence Adong, who was visiting her family when the camp was attacked, was shot but subsequently recovered.
552. Pyerina was cooking in her house, with her two daughters, at around 6:00 p.m. when she heard whistling and shouts of the camp residents that "lakwena" were in the camp.
553. Gunfighting followed, but sometime between 7:00 p.m. and 7:30 p.m., in Pyerina's estimation, she no longer heard gunshots from the direction of the barracks.
554. Pyerina continued to hide in her house, which was on the east side of the road to Gulu, until five rebels came to her door, while shouting that residents should come out of their houses. Through a hole in the door, Pyerina saw that the soldiers were bare-chested, were wearing either civilian or military trousers, and had tied their shirts around their waists. Two of the soldiers had dreadlocks.
555. As Pyerina moved to open the door, the LRA rebels opened the door and began shooting into the house. They fired repeatedly.

556. Pyerina was shot in the left knee, and fell to the ground. Her daughter Milly had been hit in the stomach and died immediately. Florence Adong had been wounded in the foot.
557. Pyerina addressed the rebels directly, saying: "You are all Acholi children. Why do you do this to us? You have shot and killed my child." The rebels responded that they wanted cooking oil. Pyerina handed them cooking oil which she had received from the aid organization Caritas, and the rebels left.
558. Pyerina then encouraged her daughter Florence to run away, although Pyerina could not stand or walk. Florence Adong ran to the west, and Pyerina crawled out of her house, to a nearby latrine, where she hid in tall grass. Pyerina dragged her younger daughter's body with her. When she arrived at the latrine, she heard other rebels arriving at her house to loot. She saw the barracks on fire and houses on the east side of the camp burning.
559. Pyerina was found by government soldiers later that night. She spent the night at Coope Camp, and the next morning soldiers brought two men, three women, and four children who had also been wounded. In this group was her daughter Florence Adong. Most of the members of the group had been shot, but one had been beaten all over.
560. Florence Adong explained to Pyerina that Milly Anek's body had been recovered and that relatives had taken the body to the Laliya-Dwol village, where Florence lived, for burial. Pyerina still has a bullet wound in her knee.

561. Pyerina was hospitalized for more than six months. After she left the hospital, she went to live with her surviving daughter in Laliya-Dwol village. Pyerina's knee still shows a large wound from having been shot.
562. [REDACTED] was a camp resident who was abducted during the attack and before her abduction saw LRA rebels throw her four-year old daughter, [REDACTED] into her burning house. The daughter died, and [REDACTED] also lost a thirteen-year old son, [REDACTED] and her mother, and an uncle in the attack.
563. [REDACTED] was cooking when she saw a mixed group of men and women walking into the camp. At a distance she thought the group were mobile forces of the Government or of the LDUs. As the group, approached, however, they began shooting civilians and burning houses. [REDACTED] saw some LDU soldiers running after seeing the rebels approaching.
564. [REDACTED] could not flee, as others did, because she had several small children with her. On her back was her two-week old baby [REDACTED] who was the son of [REDACTED]. Also in the house were: her four-year old daughter [REDACTED] her seven-year old daughter [REDACTED] daughter of [REDACTED] a girl named [REDACTED] and two grandchildren of her sister-in-law named [REDACTED]¹¹
565. LRA rebels shot open [REDACTED] door and a group of LRA soldiers entered the house. They asked for beans and cooking oil. [REDACTED] responded that she had none, and she was told to leave her home. Outside, rebels hit her

¹¹ [REDACTED]

with a gun and then tied her to seven other abductees. They told her to carry two basins of beans.

566. The attackers set [REDACTED] home on fire. The child [REDACTED] and [REDACTED] daughter, [REDACTED] ran out, but the LRA rebels hit them with sticks and with their hands, and the girls fell down. Both of these girls survived, but one of [REDACTED] eyes was injured and is not yet healed.
567. The younger children, [REDACTED] and [REDACTED] also ran out of the house. The rebels caught the children and threw them back inside the burning house. Each of these children died.
568. The group to which [REDACTED] was tied included [REDACTED] people. This group and other groups of abductees similarly tied, were marched out of the camp by groups of LRA rebels, to the east. Some abductees were shot as they walked, because they could not keep up. One was a woman known to [REDACTED]
569. As [REDACTED] group walked, about a mile from the camp, the rebels began removing from the backs of the women some of the children who were being carried. [REDACTED] was taken and thrown into the bush by an armed, male LRA soldier. [REDACTED] saw some of the children who were thrown try to return in the direction of their mothers. The rebels kicked these children away.
570. [REDACTED] escaped because a helicopter arrived and the LRA soldiers began shouting at the abductees to lie down. [REDACTED] quickly hid in a hole by the road, and the rebels fled. She stayed in the hole all night.

571. The next morning, at about 7:00 a.m., government soldiers found [REDACTED] and took her to the place where [REDACTED] had been thrown. [REDACTED] did not find him there, but he was waiting when she returned to camp. [REDACTED] also had been rescued.
572. [REDACTED] found that her son [REDACTED] had been shot and killed by the rebels while he had been working in a tobacco garden near the camp. [REDACTED] mother and uncle also were shot and killed during the attack.
573. [REDACTED] went to [REDACTED] Hospital, where she was treated with others injured in the same attack. When she was discharged, she went to live with relatives and has not returned to Lukodi Camp.

c. Victimization and Assessment of Damage

574. The morning after the attack, UPDF soldiers and camp leaders attempted to establish the identities of the dead. [REDACTED] recalls counting approximately 23 to 25 bodies. Zone leader Ojera, who was not present himself at the count, heard at the time that the count was closer to 40. Zone leader Ojera also made a list of the killed, just before being interviewed by the OTP, by visiting individuals who had been leaders in the areas of Lukodi IDP Camp in which residents were killed. According to this list, 42 died as a result of the attack; another 14 were injured, and three camp residents remained missing as of late February 2005 and are thought to have been abducted.
575. Exhumations and examinations by a pathologist did not occur until 22 May 2004, when 25 bodies were recovered and inspected. A team of investigators from CID headquarters in Kampala arrived in Lukodi IDP

Camp on May 21. The team had been organized in Kampala to travel north to investigate at Pagak IDP Camp, in response to the attack there. But en route, the attack at Lukodi IDP Camp occurred, and thus the investigation team went first to Lukodi IDP Camp and then to Pagak IDP Camp.

576. Using the same methods for locating bodies which he had used at Barlonyo and Abia IDP Camps, pathologist Kalyemenya exhumed 25 bodies at Lukodi IDP Camp and inspected them on the same day. The investigating team likely did not recover all of the bodies of the victims of the attack. [REDACTED] acknowledged that not all of the victims had been buried at the camp, and the investigating team determined that there was insufficient security to travel outside the camp. The list of victims prepared by Kalyemenya also notably does not specify some of the victims identified to this Office by [REDACTED] and Pyerina Ayaa.

577. The list of the dead compiled by Kalyemenya identified 13 women and 12 men, ranging in age from 1 ½ years old, to 85 years old. Ten of the 25 victims examined by Kalyemenya were under the age of seven years. At Lukodi Camp, most of the victims had suffered gun shot wounds, but charring of the bodies prevented determining the cause of death in eight cases. One victim had been stabbed and another had a crushed lower skull.

578. At least 40 camp residents died during the attack, if one credits: (1) the list of the dead examined by Kalyemenya; and supplements that list with: (2) names of only those reported dead on the list of both Santo Ojera and on a list made by [REDACTED]

██████████ who recorded information about the dead in the days after the attack. At least thirteen camp residents were hospitalized following the attack, according to records of Gulu Hospital and photographs taken there. Like the residents who were killed, the injured suffered from gun shot wounds, hacking injuries, and burns. According to hospital records, two additional residents were brought to the hospital but later died.

579. From lists of the abducted made by Santo Ojera and ██████████ and statements given to this Office and the Ugandan CID, it appears that at least six people were abducted from Lukodi IDP Camp, including ██████████
██████████

d. Insider and Intercept Information

580. Among the evidence which established the responsibility of KONY, OTTI, and ONGWEN for ordering the attack on Lukodi IDP Camp is the following:
581. Like the other attacks on IDP camps described in this application, the attack at Lukodi IDP Camp was the result of the orders given by KONY and OTTI for LRA forces to target and attack civilians living in IDP camps. KONY and OTTI repeatedly exhorted the other LRA commanders to punish civilians as well as soldiers, purportedly for "supporting" the Government of Uganda by living in camps. KONY and OTTI also rewarded and praised ODHIAMBO, among others, for carrying out prominent attacks at such locations as Barlonyo and Abia IDP Camps.
582. In the case of the attack at Lukodi IDP Camp, Dominic ONGWEN, of Sinia Brigade, was the brigade commander who chose the location at which an

attack upon civilians, responsive to KONY and OTTI's directives, was carried out.

583. The intercepts taken by ISO of LRA radio communications contain ONGWEN's admissions that he commanded the LRA forces that attacked Lukodi IDP Camp. On 21 May 2004, at 6:30 p.m., ISO taped a sequence of conversations which establishes that ONGWEN fulfilled orders of KONY and OTTI in carrying out the attack at Lukodi IDP Camp.

584. On the tape of the radio communication, OTTI and KONY first discussed news reports of the attack, their approval of the shootings and killings there, and their curiosity, at the time, regarding whom within LRA has accomplished the attack. OTTI informed KONY in the following fashion:

OTTI: Roger, roger, I heard that some group. Over.

KONY: Ah.

OTTI: I said that some group. Over.

KONY: Ah.

OTTI: Eh, attacked Lukodi.

KONY: Lukodi?

OTTI: Eh, Lukodi seems to be a centre in Bungatira. Over.

KONY: Ah.

OTTI: Roger, I heard that they shot and killed more than 25 people, over.

KONY: Ah.

OTTI: Eh, they burnt down more than 100 houses.

OTTI told KONY that he did not yet know the identity of the responsible group, saying, "I do not know which group it was." KONY and OTTI in any event exhibited their delight that another lesson had been taught to civilians. KONY stated: "you civilians should not stay in the camp. Go to towns. Do not stay in the camps. Over." OTTI responded, "Aah, it is all happening very well."

585. After about thirteen minutes of other conversation among KONY, OTTI, and other commanders, ONGWEN joined the radio communication and reported to his commander OTTI that he had carried out the attack. ONGWEN broke into the radio call by asking for OTTI. OTTI immediately asked ONGWEN, "Who hit Lukodi?" ONGWEN responded, "That was me, over." The pair then laughed for a moment. OTTI and ONGWEN then discussed the damage the LRA had done – the burning of "more than one hundred houses" and the killing of "more than fifty . . . twenty-five people." ONGWEN told OTTI that the attack was "just as you said," and "like that."

586. ONGWEN was promoted less than two weeks after the attack at Lukodi Camp. In a radio communication intercepted on 31 May 2004, at 6:00 p.m., ONGWEN's name is read out among the names of eleven who are being promoted by KONY.

Reasons Arrest Warrants Are Necessary

587. The Prosecution respectfully submits that in the instant case the issuance of arrest warrants is justified based on each of the three rationales set forth in Article 58(1)(a). It is respectfully submitted that arrest is necessary to ensure the named persons' appearance at trial; to ensure that the named

persons do not obstruct or endanger the investigation, either individually or on a collective basis; and to prevent the named persons from continuing to commit crimes within the jurisdiction of the Court.

588. First, the evidence and information summarized in this application conclusively establishes that the persons named in it will not appear in Court unless compelled to do so by arrest. Indeed, for eighteen years, the individuals named in this application have devoted themselves to avoiding capture by the UPDF forces that pursue them. Flight from the army and the use of deception to evade being located and apprehended are cornerstones of LRA operations. It is respectfully submitted that in these circumstances, there is no alternative to arrest, as a means of ensuring the appearance of the alleged perpetrators before this Court.

589. Second, the evidence and information also shows that absent arrest, the Court will be unable to ensure that the named persons do not obstruct or endanger the investigation and court proceedings. The LRA commanders, including those named in this application, have demonstrated that a desire to strike back at those perceived to be hostile to the LRA or LRA interests is frequently either a real reason, or a pretence used by LRA commanders, for ordering LRA attacks. As an example, KONY's perception that civilians were supporting the Government of Uganda and its President simply by taking up residences near barracks maintained by the UPDF, or Arrow or Amuka militias, was one of the his motivations for ordering attacks against civilians living in IDP camps. In the case of the attack upon Pagak IDP Camp, the fact that a single LRA soldier, Charles Abola, had defected there became one of the justifications for attacking the entirety of the Pagak Camp.

590. Most of the witnesses and victims who have come forward to give statements to the Office of the Prosecutor continue to reside in northern Uganda, within areas in which the LRA is either currently operating or has operated in the past. While these victims and witnesses have been afforded protective measures, permitting the persons named in this application to remain at large, despite reasonable grounds for believing that they have committed crimes, will prevent the Court from ensuring that there is no obstruction of the investigation or court proceedings, in the form of retaliatory strikes at the victims and witnesses, their families, or their communities.
591. Finally, the Prosecution respectfully submits that absent arrest, crimes of the nature described in this application will certainly continue. KONY and the other commanders named in this application have demonstrated that they are committed to continuing their campaign of armed violence until President Museveni is overthrown. Moreover, as has been described *supra* in Section III.D to III.F, as long as the LRA exists, crimes and atrocities will perforce be committed, for the LRA relies on crimes such as abductions of children and looting from camps and villages merely to subsist.

**Request That the OTP Be Permitted to Transmit The Arrest Warrant(s) To
The Relevant States**

592. The Prosecution respectfully submits that, should the Pre-Trial Chamber issue the arrest warrants requested in this application, the OTP is the organ of the Court best placed to transmit the requests for arrest and surrender to the relevant State-parties and non-State parties.

593. Among the reasons that the OTP requests to transmit the requests for cooperation (here, the requests for arrest and surrender), pursuant to Rule 176(2), are:

- The OTP has completed agreements for [REDACTED]

- The OTP is in contact with entities [REDACTED]

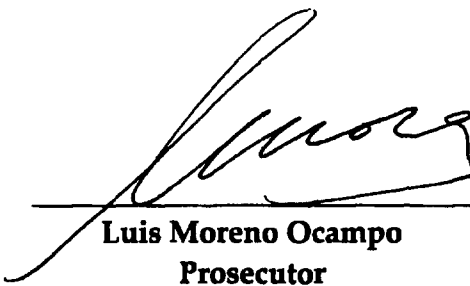
- The OTP is in contact [REDACTED]

594. Based on its experience thus far, the OTP believes that ensuring the successful execution of any request for arrest and surrender will require extremely careful coordination with national governments. The OTP, having been the organ which has developed extensive knowledge of the security situation, as well as the relationships and cooperation agreements with the relevant national authorities, is in a unique position to build on existing relationships and agreements to maximize the potential for

successful arrests. Consequently, the Prosecution requests the Chamber to include in any arrest warrants issued by the Court a specific provision indicating that the arrest warrant will be transmitted to the relevant authorities by the Prosecution, under the authority of Rule 176(2).

CONCLUSION

595. For all of the above explained reasons, the Prosecution respectfully requests that sealed arrest warrants be issued for Joseph KONY, Vincent OTTI, Raska LUKWIYA, Okot ODHIAMBO, and Dominic ONGWEN. It further requests that the Chamber state in the body of the warrant that the Prosecution will be the organ of the Court responsible for the transmission of the warrants to the relevant State authorities.



Luis Moreno Ocampo
Prosecutor

Dated this 18th day of May, 2005

At The Hague, The Netherlands

Arrest Warrant – Exhibits

Table of Contents

- A – Letter dated 16th December 2003 from Ugandan Attorney General.
- B – Declaration of Acceptance of Jurisdiction, Extending Temporal Jurisdiction to July 1, 2002.
- C – Letter on Jurisdiction dated 28th May 2004 from Ugandan Solicitor General.
- D – District Map of Uganda
- E – Ethnographic Map of Uganda
- F – Organization Chart Depicting the Structure of the Senior Command of LRA, from 1 July 2002 to May 2004
- G – Timeline Chart of Structure of Senior Command Posts of LRA, During between 1 July 2002 and May 2004
- H – Photographs of the Persons as to Whom Warrants are Sought
- I – Various Charts:
 - (i) Number of LRA Applicants for Amnesty
 - (ii) Age at Time of Abduction
 - (iii) Abductions by Gender
 - (iv) Ethnicities of Abductees
 - (v) Roles Assigned to Abductees Under 15 Years of Age
 - (vi) Admitted Crimes by Abductees
- J – Number of Abductions Reported by Applicants for National Amnesty (Monthly from January 2001 to May 2004)
- K – Computerized Maps of Northern Uganda. Location and Seriousness of Attacks Reported by Uganda Government and by Open Sources
- L – Map of Uganda showing the Location of the Six Incidents
- M – Numbers of LRA Attacks, Killings, and Abductions by Region

N – Diagram of the Orientation of Pajule IDP Camp

O - Diagram of the Orientation of Abiya IDP Camp

P – Diagram of the Orientation of Barlonyo IDP Camp

Q – Photographs of Barlonyo IDP Camp after attack

R – Excerpts of Videotape taken at Barlonyo IDP Camp During CID Investigation

S – Diagram of the Orientation of Pagak IDP Camp

T – Photographs Taken by CID on the Day After the Attack of Pagak IDP Camp

U - Diagram of the Orientation of Lukodi IDP Camp

V – Videotape Recorded During CID Investigation in Lukodi IDP Camp

W – Photographs Taken by CID of Victims of Killings at Lukodi IDP Camp

X – Web Sites List