

ANNEX

PUBLIC

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Procès verbal of the Judicial Site Visit in Uganda from 5 to 7 June 2018

A. Introduction

In accordance with Trial Chamber IX's Decision on Judicial Site Visit to the Republic of Uganda¹ and the Decision on Specific Locations and Further Directions for Judicial Site Visit,² dated 13 October 2017 and 27 March 2018 respectively, a Judicial Site Visit to the locations Pajule, Odek, Abok and Lukodi (Northern Uganda) was conducted from 5 to 7 June 2018. The purpose of the site visit was not to collect evidence in the case. It was rather to gain an immediate impression of the locations at issue. At times, general information or background was provided by members of the delegation or the local population.

Representatives of the parties and participants attended the entirety of the site visit. No objections were raised as to its conduct throughout.

I. Members of the Delegation

Trial Chamber IX:

Judge Bertram Schmitt, Presiding Judge

Judge Péter Kovács

Judge Raul C. Pangalangan

¹ ICC-02/04-01/15-1020.

² ICC-02/04-01/15-1211.

The Judges of Trial Chamber IX were accompanied by two legal support staff, Eleni Chaitidou and Matt Halling.

The Office of the Prosecutor:

Adesola Adeboyejo (Trial Lawyer) and Jasmina Suljanovic (Trial Support Assistant).

The Defence:

Krispus Ayena Odongo (Lead Counsel) and Thomas Obhof (Assistant to Counsel).

The Common Legal Representative of Victims:

Jane Adong (External Counsel with the Office of Public Counsel for victims).

The Legal Representative of Victims:

Joseph Akwenyu Manoba (Legal Representative of Victims).

The Registry:

Wilfred Ndungu (Courtroom Officer); Marcos Van Emden (Officer in Charge, Head of Kampala Field Office).

II. Program of the Judicial Site Visit

1. The Judicial Site Visit took place over the course of three days:

5 June 2018: Pajule

6 June 2018: Odek and Abok

7 June 2018: Lukodi

III. Preliminary Remarks by the Presiding Judge

2. On 5 June 2018, at 08h30, the Presiding Judge addressed the parties and participants with the following remarks:

- i) The primary purpose of the site visit was to provide the Judges with an immediate impression of each location;
- ii) The Chamber would retain exclusive control over the conduct of the site visit and that each site visit would be opened and closed formally by the Presiding Judge;
- iii) There should be no engagement in outreach and minimal contact with uninvited persons should be observed;
- iv) The Registry would record the judicial activity and that it was its responsibility to serve as a guide;
- v) The present report should faithfully summarise and reflect the activities undertaken during the site visit, in an objective way without analysis or evaluation;
- vi) The parties and participants were observers, but could point out what may be important to the Chamber.

B. Judicial Site Visit

FIRST DAY OF VISIT: PAJULE

Date: 05 June 2018

Time of Opening the Site Visit: 11:20

Time of Closing the Site Visit: 12:25

Police Station/Trading Centre:

3. The Judges, parties and participants and representatives of the Registry (together, the “delegation”) arrived in Pajule at 11:20. The delegation assembled under a Shea Nut tree opposite the Pajule Police Station.
4. The Presiding Judge opened the site visit and announced the following agenda for the site visit:
 - i) Walking eastwards on the road to Wanduku until the outskirts of the village;
 - ii) Turning back the same way and walking through the trading centre until the intersection with the Kitgum-Lira road;
 - iii) Driving southwards the Kitgum-Lira road about 1.2 kilometres and turning back the same way;
 - iv) Turning left to the Catholic Mission;
 - v) Visiting the Barracks;
 - vi) Closing of the Pajule site visit.
5. At 11:32, the delegation proceeded to walk eastwards towards the outskirts of the village on the road to Wanduku. The delegation was informed that the buildings and the condition of the road in that area has

changed from what they were fifteen years ago. It was confirmed that the mud huts seen along the way were typically of that size.

6. At the outskirts of the village, the delegation turned back towards the police station. After a few hundred metres it turned left to walk through the streets of the trading centre which was flanked by shops on both sides of the road.
7. At the intersection with the Kitgum-Lira road, the delegation was driven on said road southwards to the southern outskirts of Pajule. The convoy u-turned and took the same road back into Pajule heading westwards to the location where the Catholic Mission is situated.

Catholic Mission/Barracks:

8. The delegation arrived at an open field next to the Catholic Mission where the Barracks had been allegedly located.
9. It was agreed that, at the time relevant to the charges, the area was not as plain a field as the delegation found it at the time of the site visit.
10. The delegation was given some background information about the size and location of the Barracks at the time that it existed. It was explained that the Barracks extended beyond the open field past the trees that were located at some distance from the delegation. The location that was purportedly reserved for the brigade commander/overall head of the barracks was also pointed out.
11. The Presiding Judge closed the Pajule site visit at 12:25.

SECOND DAY OF VISIT: ODEK

Date: 06 June 2018

Time of Opening the Site Visit: 11:20

Time of Closing the Site Visit: 11:57

Gulu-Opit Main Road:

12. The delegation arrived in Odek at 11:20 and gathered close to the Omoro District Local Government Administrative Offices alongside the main road through Odek. The Presiding Judge opened the site visit and announced the following agenda for the site visit:

- i) Walking the Gulu-Opit main road south-eastwards through the Odek trading centre towards the bridge;
- ii) Locating and inspecting the Odek River;
- iii) Turning back and walking through the Odek trading centre towards the Local Council;
- iv) Viewing the surroundings around the Local Council where the Barracks was purportedly located;
- v) Closing of the Odek site visit.

Trading Centre/Odek River:

13. The delegation walked approximately 700 metres on the Gulu-Opit road through Odek before arriving at a bridge over the Odek River. The trading centre was visible from the Odek bridge.

14. It was confirmed that the river height was dependent on the seasons. The delegation proceeded to walk from the bridge and onwards to a primary school at the south-east exit of Odek.

15. It was enquired how many inhabitants Odek had at the time of the attack and in which proximity their houses were to the trading centre. Responses ranged from “more than a thousand,” to “between three and four thousand” people. It was indicated that the dwelling areas were located where the delegation had initially assembled alongside the Gulu-Opit

main road close to the Omoro District Local Government Administrative Offices. The delegation walked back on the same road through Odek and turned left towards the Omoro District Local Government Administrative Offices which are located near the police station and the memorial of Odek.

Omoro District Local Government Administrative Offices:

16. Some background was provided on the whereabouts of the Barracks at the time of the attack of Odek. The size of the Barracks was described and it was indicated that the Barracks was moved after the attack. As to the outer boundaries of the barracks, it was stated that the quarter guard was not located too far from where the delegation stood.
17. At the time the Internally Displaced People (“IDP”) camp existed, it was explained that the civilian housings were close to the Barracks at the time. It was mentioned that the Barracks was comprised of grass-thatched mud huts (and not concrete constructions) and that the surrounding area was open and not walled. There were signs called “Adakis” marking the structures as Barracks.
18. The Presiding Judge closed the Odek site visit at 11:57.

ABOK

Date: 06 June 2018

Time of Opening the Site Visit: 13:56

Time of Closing the Site Visit: 14:42

Primary School:

19. The delegation gathered under a mango tree opposite the Primary School that is located about 700-900 metres air-line distance south of the village centre. The Presiding Judge opened the site visit at 13:56 and announced the following agenda for the site visit:

- i) Driving back to the point of entry into Abok and through the trading centre until the purported location of the Old Barracks;
- ii) Walking through Abok to the New Barracks;
- iii) Locating the Abonyo Swamp;
- iv) Closing of the Abok site visit.

20. It was indicated that the Atoo Hills were located 30 to 40 kilometres away from the Primary School location.

Oyam District Local Government/Old Barracks:

21. The delegation assembled at the roundabout close to the local government building.

22. The delegation received some background on the location and size of the Old Barracks at the time of the attack that is alleged to have been near the Oyam District Local Government. It was confirmed that the Old Barracks had been situated where the delegation had assembled but that it had been transferred 300 metres away from the local government building. It was also indicated that the area occupied by the Old Barracks was large and that the soldiers had constructed grass-thatched mud huts, not concrete buildings.

23. At the time relevant to the charges, civilian housing surrounded the Old Barracks. They were less than 100 metres away from the Old Barracks. It was also added that the Oyam District Local Government building was not present fifteen years ago.

24. The delegation viewed the surroundings and identified the swamp area encircling the area. It was confirmed that the swamp was penetrable and

located less than 200 metres from the delegation's position. The delegation inquired about the local vegetation in the area, particularly banana trees.

New Barracks:

25. From the roundabout near the Oyam District Local Government building the delegation walked northwards through Abok towards the purported location of the New Barracks. The delegation assembled under the trees close to a corn field on which said barracks allegedly had been situated.
26. It was confirmed that the New Barracks was located at the time where the delegation had assembled and that it had covered a large area. It was also stated that the New Barracks was comprised of small grass-thatched mud huts and that the civilian dwellings had been about 100 metres further away from the New Barracks.
27. The Presiding Judge closed the Abok site visit at 14:42.

THIRD DAY OF VISIT: LUKODI

Date: 07 June 2018

Time of Opening the Site Visit: 09:05

Time of Closing the Site Visit: 09:41

Unyama bridge:

28. The delegation gathered at the Unyama bridge, approximately 2km east of Lukodi. The Presiding Judge opened the site visit at 9:05 and announced the following agenda for the site visit:
 - i) Inspecting the Unyama bridge and surroundings;
 - ii) Driving to Lukodi entering from the East on the road to Awach;

- iii) Assembling under the mango tree at the intersection of the road to Awach and the Gulu-Patiko road, close to the memorial, and walking northwards through the trading centre;
- iv) Turning right towards the Primary School where the Barracks was purportedly situated;
- v) Closing of the Lukodi site visit.

29. At the Unyama bridge, it was stated that the Unyama River crossing and the road leading to Lukodi had existed for a long time but that it was merely a pathway for villagers. Only recently had the pathway leading to Lukodi been turned into a proper road with the bridge as it looked during the visit. It was also mentioned that the height of the Unyama River was steady.

Trading Centre:

- 30. The delegation gathered under a mango tree at the intersection of the road to Awach and the Gulu-Patiko road, whereupon it received some general information about the condition of the road and bridge at the time of the attacks.
- 31. The delegation walked northwards through the trading centre of Lukodi towards the grass ground opposite the Primary School. It was stated that the Lukodi trading centre had started out with only one building and that the Primary School had existed at the time relevant to the charges. The civilian dwellings extended over a wide area. Lastly, it was stated that the trading centre had only one shop that was operating at the time of the attacks.

Primary School:

- 32. The delegation turned right onto the grass field opposite the Lukodi Primary School. It was explained that at the time of the attacks the

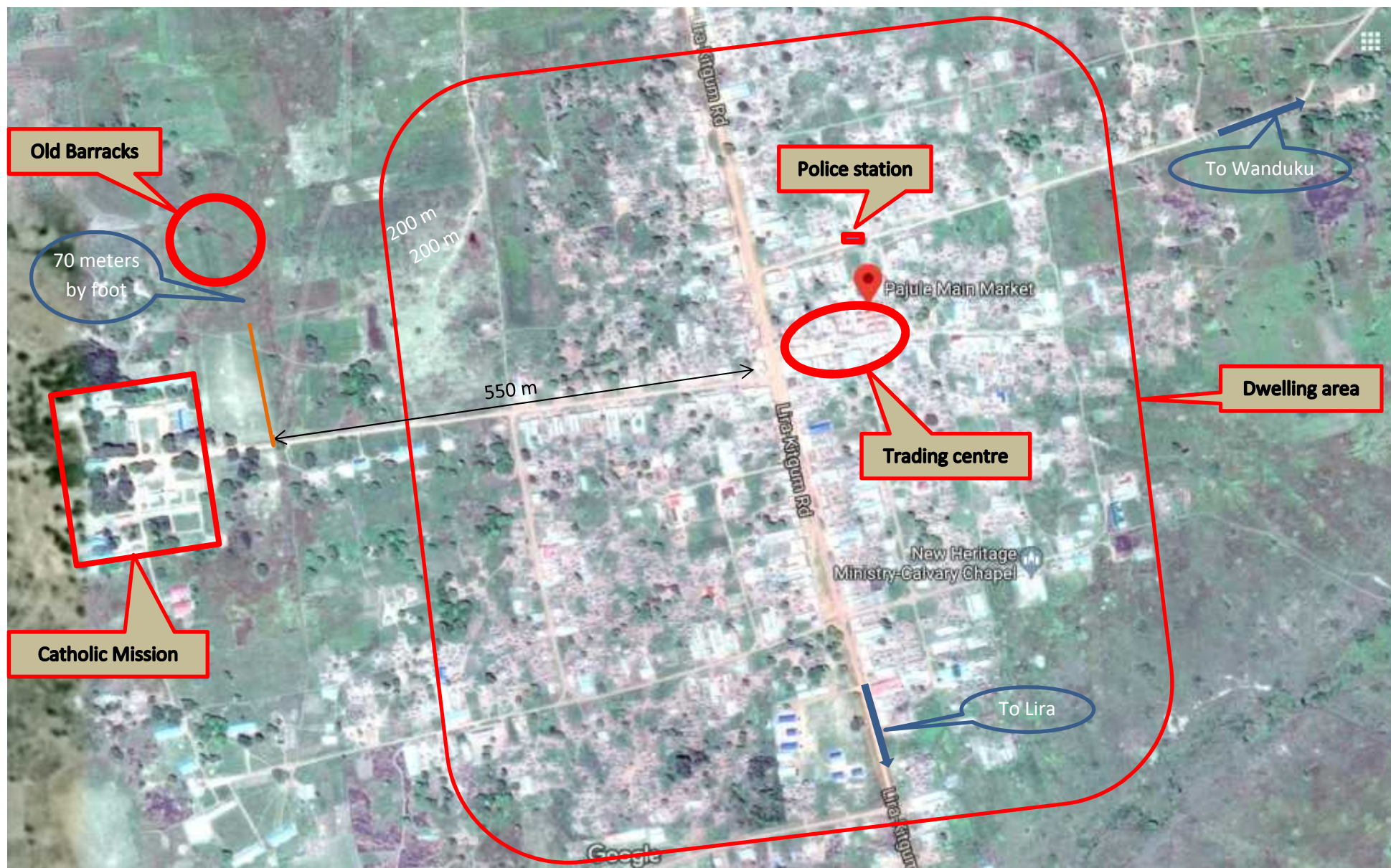
Primary School was used as the site of the Barracks. It was also stated that the government soldiers moved into the present location of the Primary School, but the school building itself was abandoned at the time of the attacks.

33. The Barracks was comprised of only a small number of detached mud huts considering the area the soldiers controlled. The civilian dwellings and the barracks were situated close by each other. The delegation had two buildings pointed out where the civilian population would have been located at the time and that the soldiers were located in the middle.
34. It was asked whether the grass would grow any higher than it was presently. The delegation was informed that the grass would not grow any higher and that it was used by villagers to thatch the roofs to their buildings.
35. It was stated that big guns were brought at some point to a nearby hill.
36. The Presiding Judge closed the Lukodi site visit at 9:41.

APPENDIX I

SATELLITE IMAGERY OF SITE LOCATIONS

Pajule



Odek



Abok



Lukodi

