

Trial Hearing
WITNESS: UGA-V40-V-0003

(Open Session)

ICC-02/04-01/15

- 1 International Criminal Court
- 2 Trial Chamber IX
- 3 Situation: Republic of Uganda
- 4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
- 5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
- 6 Judge Raul Cano Pangalangan
- 7 Trial Hearing - Courtroom 3
- 8 Wednesday, 2 May 2018
- 9 (The hearing starts in open session at 9.30 a.m.)
- 10 THE COURT USHER: [9:30:35] All rise.
- 11 The International Criminal Court is now in session.
- 12 PRESIDING JUDGE SCHMITT: [9:30:56] Good morning, everyone.
- 13 Could the court officer please call the case.
- 14 THE COURT OFFICER: [9:31:01] Thank you, Mr President.
- 15 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen,
- 16 case reference ICC-02/04-01/15.
- 17 And we are in open session.
- 18 PRESIDING JUDGE SCHMITT: [9:31:12] Thank you very much.
- 19 I ask for the appearances for the parties. Mrs Gilg for the Prosecution, please.
- 20 MS GILG: [9:31:19] Good morning, your Honours. Colleen Gilg for the
- 21 Prosecution here today with Sanyu Ndagire, Ben Gumpert, Hai Do Duc, Kwong Lau,
- 22 and Ramu Fatima Bittaye.
- 23 PRESIDING JUDGE SCHMITT: [9:31:31] Thank you.
- 24 And Mr Cox, please.
- 25 MR COX: [9:31:32] Good morning, your Honours. With me Mr James Mawira,

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1 Mr Joseph Manoba, Ms Maria Radziejowska, and Priscilla Aling, and Megan Hirst,
2 and myself, Francisco Cox.

3 PRESIDING JUDGE SCHMITT: [9:31:47] Admittedly Cox is easier, yes.

4 Mrs Massidda.

5 MS MASSIDDA: [9:31:52] Good morning, Mr President, your Honours. For the
6 Common Legal Representatives team, Orchlon Narantsetseg, Caroline Walter,
7 Laura Mahecha and myself, Paolina Massidda.

8 PRESIDING JUDGE SCHMITT: [9:32:03] Thank you.

9 Mr Obhof for the Defence.

10 MR OBHOF: [9:32:08] Good morning, your Honours. Today for the Defence we
11 have Chief Charles Achaleke Taku, Ms Abigail Bridgman, our client,
12 Mr Dominic Ongwen, and myself, Thomas Obhof.

13 PRESIDING JUDGE SCHMITT: [9:32:17] And of course we have in the courtroom
14 the next witness, this is Mr Vincent Oyet. Mr Oyet, good morning. You are going
15 to testify before the International Criminal Court. And on behalf of the Chamber, I
16 would like to welcome you to the courtroom.

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18 (The witness speaks Acholi)

19 THE WITNESS: [9:32:36](Interpretation) Thank you.

20 PRESIDING JUDGE SCHMITT: [9:32:37] Mr Oyet, there had should be a card in
21 front of you with a solemn undertaking to tell the truth. Could you please make this
22 undertaking by reading the card aloud.

23 THE WITNESS: [9:32:56](Interpretation) I solemnly swear to speak the truth, the
24 whole truth and nothing but the truth.

25 PRESIDING JUDGE SCHMITT: [9:33:02] Thank you, Mr Oyet.

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1 Before we start with your testimony, I have a few practical matters I would like to tell
2 you. You are aware that everything in this courtroom what is being said is being
3 interpreted and written down. So to allow for the interpretation, we have to speak at
4 a relatively slow pace. And please start only speaking when the person who asks
5 you a question has finished.

6 If you have any questions yourself, you can raise your hand so we know that you
7 want to address us and I would give you then the floor. Thank you very much. We
8 can start now with your testimony.

9 Mr Cox, please.

10 MR COX: [9:33:43] Thank you.

11 QUESTIONED BY MR COX:

12 Q. Good morning, Mr Oyet. We know each other, right? And we have seen
13 each other a couple of times. I will be asking some questions to you, and if I'm not
14 clear, please tell me so and I will try to repeat myself in a more clearer fashion.

15 A. [9:34:11] Thank you. And good morning.

16 Q. [9:34:16] Mr Oyet, what is your occupation?

17 A. [9:34:25] I'm a primary school teacher.

18 Q. [9:34:30] Since when have you been a primary school teacher?

19 A. [9:34:41] I started teaching in 2002 up till now.

20 Q. [9:34:51] Where have you taught?

21 A. [9:34:59] I'm currently teaching at Lukodi Primary School, and that's where I
22 have always taught.

23 Q. [9:35:11] Can you tell the Court how you become a teacher in Lukodi?

24 A. [9:35:28] First of all, I completed my secondary 6 education. After that, I stayed
25 home for a while, and then the Gulu district sent out announcements for people who

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1 can apply to teach on a temporary basis. These people would also be given time to
2 continue with their training. I applied and I was accepted.

3 I started teaching at Lukodi Primary School immediately. During the times when
4 children were on holidays, we were sent for teachers' training, for teacher training
5 courses, grade 3 teachers. I started that course. I took an examination and I became
6 a grade 3 teacher in 2004.

7 I passed my exams, and then I was sent to teach at Lukodi Primary School. And up
8 to today I teach there, and I also continued with some other training.

9 Q. [9:36:54] Thank you, Mr Oyet. What is your current position in Lukodi
10 Primary School?

11 A. [9:37:02] As a teacher, I undertook different roles. I taught primary 1.
12 *My colleagues entrusted me, and I'm in charge of collecting information and data.
13 I'm also responsible for taking care of the school property known as the estate. I'm
14 also in charge of the boarding section of the school.

15 Q. [9:37:51] Has Lukodi always had a boarding section?

16 A. [9:38:00] The boarding section was started in 2013, but prior to that it did not
17 exist.

18 Q. [9:38:24] I want to ask you now for the school structure briefly. Who directs
19 the school?

20 A. [9:38:41] The directors of the school are different from the teachers. You have the
21 headteacher who is in charge, and then you also have the deputy headteacher *and
22 teachers. We also have the school management committee, which is under the
23 government, and we also have a PTA. It's teachers who select the PTA to represent
24 them. And the three organs work together, the teachers, the school management
25 committee and the PTA all work together.

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1 Q. [9:39:23] Did you inform these authorities that you were going to give testimony
2 today here in court?

3 A. [9:39:44] Yes, I informed the headteacher before coming here. He went to the
4 school management committee. There were two of us. The management
5 committee decided that I should come and represent the school as a witness.

6 Q. [9:40:07] Thank you, Mr Oyet. How is Lukodi Primary School funded?

7 A. [9:40:22] Lukodi Primary School, first of all, gets funding from the government
8 every term. This is known as the UPE. And secondly, the PTA also decide the
9 amount of money that the parents should collect on a yearly basis. And we, as the
10 teachers, are responsible for collecting the money to ensure that the school is
11 administered properly.

12 Q. [9:40:58] Was this also the case during the conflict in northern Uganda?

13 A. [9:41:04] That's right.

14 Q. [9:41:21] What happens to the children whose are parents can't pay their school
15 fees or contribute with their part?

16 A. [9:41:37] Truthfully, there are a lot of children who are unable to pay because of
17 the problems. I do recall that on many occasions we would ask more money from
18 the parents, but for reasons, for other reasons why parents cannot pay, we would not
19 do anything, because the government says that we cannot send children home if the
20 parents are unable to pay the amount of money that has been asked of them and the
21 children continue with their education.

22 Q. [9:42:18] Could you describe the surroundings of the school when you started
23 working in Lukodi Primary School? Were there trees, crops, that kind of thing?

24 A. [9:42:37] When you are going to Lukodi Primary School, going from Gulu town
25 from the north through *Patiko Road, 17 kilometres after that on the right-hand side there

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1 is a school ground which is adjacent to the main road. When I started teaching there,
2 the houses were in a U-shaped -- the building was U-shaped. It had trees, there
3 were trees surrounding the school, there were trees in the school compound, and the
4 children used to use this for shade. And around the school there were also trees.
5 Lukodi Primary School is in a kind of valley. *The school is located on the slopes of
6 a hill. The hill was known as Lukodi. There are teachers' quarters behind the
7 school, and there are some teachers who would come from home, come to teach,
8 because there were not enough accommodation in the school. So some people, some
9 of the teachers would come from home. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:44:19] Shortly, Mr Cox.

11 Just one additional information, please, Mr Oyet. You described the surroundings,
12 at what time now? When did it look like that, how you described it, at what time?

13 THE WITNESS: [9:44:37](Interpretation) This was between 2002, when I started,
14 till 2004.

15 PRESIDING JUDGE SCHMITT: [9:44:55] Thank you.

16 MR COX: [9:44:57]

17 Q. [9:44:59] Now, Mr Oyet, I would like to take you to how was Lukodi Primary
18 School before the attacks? And can you describe what was life for students and
19 teachers before the IDP camp was created in Lukodi?

20 A. [9:45:24] Lukodi Primary School was one of the schools that had a high-level of
21 education. Most of the children from the surrounding areas would come to Lukodi
22 Primary School for their education. Parents would also come and visit their children
23 at school. They would come, discuss things with their teachers and have meetings
24 with their teachers to ensure that their children had proper education. Thank you.

25 Q. [9:46:25] When was the IDP camp created and where was it created in relation

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1 with the school?

2 A. [9:46:45] When I started teaching at Lukodi Primary School? Could you please
3 repeat your question.

4 Q. [9:46:58] Yes, of course. If you take the school as the position, where did the
5 IDP camp build?

6 A. [9:47:16] In between 2002 or around 2002, there was a group, a rebel group
7 known as the LRA, who they assumed were the LRA, would attack the school on
8 a number of occasions.

9 I remember one specific occasion when World Food Programme brought food for the
10 children. That night that group came and looted the food, they took all the food, the
11 food that they were able to carry, and they also abducted people to help them carry
12 the food.

13 The school decided that it could not continue teaching pupils there because all the
14 time there were many rumours that there were rebel groups in the area. The
15 headmistress/headmaster's office was broken into, all the documents were scattered,
16 everything was scattered.

17 The school administrators and the district leaders decided that it was extremely
18 insecure and it was becoming more insecure, so a decision was made to move the
19 school to a different location closer to Gulu town.

20 The parents came and started staying there, because the school did not move in one
21 go. The school first went to the town and then came back, and then later the school
22 went to Laliya, was located at Laliya.

23 Government soldiers had placed their detach in the school grounds on the -- towards
24 the northern side of it. The civilians surrounded the school, because most of the
25 people who lived in the surrounding areas thought that if they came and spent the

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1 night there near the soldiers, and in the morning when they realised that it was more
2 peaceful, they would go back to their homes, collect firewood, collect food and then
3 bring the food to the camps where the children were.

4 The soldiers were in the barracks. On the first occasion when the store was broken
5 into, there were no soldiers. The school left and was relocated to Laliya.

6 PRESIDING JUDGE SCHMITT: [9:50:10] May I shortly ask you something because
7 we don't know the locations there. This place "Laliya", was it part of the Lukodi IDP
8 camp or was it apart from it? Could you describe it a little bit for us so that we can
9 understand and have a picture in our heads, so to speak?

10 THE WITNESS: [9:50:39](Interpretation) Laliya is in the suburbs of Gulu town.

11 PRESIDING JUDGE SCHMITT: [9:50:48] And how far away from the Lukodi IDP
12 camp was it?

13 THE WITNESS: [9:50:56](Interpretation) I estimate, I believe that from town to
14 Lukodi is about 17 kilometres and I believe from Laliya to town is about 2 to
15 3 kilometres.

16 PRESIDING JUDGE SCHMITT: [9:51:15] Please continue, Mr Cox.

17 MR COX: [9:51:18]

18 Q. [9:51:18] Mr Oyet, can I take you back before the school was moved to Laliya.
19 How far were students travelling to get to Lukodi Primary School when it was still in
20 Lukodi?

21 A. [9:51:39] There were some children who would travel for approximately 2,
22 3 kilometres or even further. There are some who would cross the river, but during
23 the rainy seasons the rivers would overflow and they would not be able to cross the
24 river.

25 Q. [9:52:06] During that time before you moved to Laliya, how was the -- you said

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1 that it was insecure. Did this have an impact on the way you taught, the discipline
2 of the students, the attendance of the students?

3 A. [9:52:33] Indeed, your Honour, at the time, there is education when people go to
4 school per term, but because of fear, the teachers and schoolchildren did not come to
5 school *regularly in the term especially if you heard that there were -- there was rebel
6 activity in the area, even teachers had to find somewhere to safeguard their security.
7 Children, schoolchildren were more afraid of that. We were afraid that if teachers
8 were abducted, the rebels would take them *because of their knowledge to assist
9 them work. So teachers would hide. With the children as well, we were afraid that if
10 children were abducted, they would be taken and *they would not know how to
11 come back home. So there was problems with the teachers and students missing school.
12 Other than missing school, people would come to school late, children would come to
13 school late. You were not able to ask them "Why are you coming late?" Because if
14 it's insecure, you cannot actually insist and ask the child why they came late. If you
15 give them homework and ask them to bring it back the next day so that it can be
16 graded, sometimes when the children go home, because of fear, the children would
17 not actually sleep in their houses but the children would sleep in the bushes, and
18 when they're sleeping in the bushes, it's dark, the children are not allowed to have the
19 lights on because they're afraid that lights would attract somebody. So the children
20 were unable to do their work.

21 And teachers as well, when teachers are coming to school to teach their children, they
22 have to prepare, but because of the insecurity, the teachers were unable to prepare the
23 work that they are supposed to give the children and they were unable to prepare
24 themselves to teach the children *or even collect teaching aids. Teachers were afraid
25 to dress smartly because they thought if they dressed smartly and they saw them,

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1 they would also be abducted.

2 So all of these things impacted on the -- on the teaching of the school. And not only

3 that school, but I believe this happened to several other schools in the area as well.

4 There were also some pupils, because of the duration of the conflict in northern

5 Uganda, these children were abducted, but when they came back, they came to school

6 and when they came back to school, they were constantly being stigmatized. And

7 when they were stigmatized, they would become ferocious. There was no respect.

8 There was a lot of disrespect. And we know that respect is good for education.

9 PRESIDING JUDGE SCHMITT: [9:55:50] Thank you very much. That was very

10 interesting, very detailed so we could really understand what the atmosphere, so to

11 speak, was. But I assume Mr Cox, you come back to the returnee, so to speak, I would

12 assume. So I think we will go into more depth in that respect later. Please continue.

13 MR COX: [9:56:11] Thank you, your Honour.

14 Q. [9:56:14] Mr Oyet, thank you very much. Could you explain to their Honours,

15 how -- what did you take with you when you moved from Lukodi primary to -- you

16 moved Lukodi primary to Laliya? What material things did you take from the

17 school and what did you leave behind?

18 A. [9:56:39] When we relocated to Laliya, it wasn't an easy feat. We left the school

19 furniture, all the chairs, the desks, everything was left behind because we did not

20 have people with vehicles come and help us transport the things from Lukodi to the

21 new location because most of the people with vehicles were afraid that if they tried to

22 come to Lukodi, they would most likely run over landmines or into ambushes, so

23 most of these things were left behind. There were some books that were also left

24 behind. They broke into the school, some of the books were scattered. The things

25 that were not of interest to them were left behind. The teachers went to Laliya, but

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1 most of the things, most of the furniture and the books were left at the Lukodi site.

2 Q. [9:57:52] Mr Oyet, could you explain what happened to those things that were
3 left behind?

4 A. [9:58:05] The things that were left behind were scattered, they were destroyed.

5 The desks that stayed behind at the school, you know, some of the doors were left
6 open, they were not locked. Some of my brothers who were in the soldiers at Lukodi
7 took these -- the furniture and took it to their detach to help them for their personal
8 use. Some of the desks were left in the schoolyard, they were just left scattered
9 around the schoolyard. And when it rained, it would rain on them, all the elements
10 would -- destroyed the furniture. The few thing that we were able to -- that were
11 taken to the barracks or to the army detach, during the war, during the *attack on
12 Lukodi, some of these things were destroyed, some of them were burnt in the houses.

13 Q. [9:59:17] Thank you. You mentioned while answering my previous question,
14 the one before this last one, that there was abduction of teachers and students. What
15 impact did it have on the teaching, the abduction of teachers and students?

16 A. [9:59:38] The abduction of children in particular, some of the children who were
17 abducted, on their way back, some of them passed through rehabilitation centres,
18 some of them did not have the opportunity to directly go through the centres, they
19 would go back home and stay at home. The children who went through the
20 rehabilitation centres, some of those children were counselled, they were advised on
21 how to enter back into the community, but the children who did not go through the
22 rehabilitation centres and especially the children who had been in the bush for a long
23 time, had misbehaved a lot because on most occasions the children would come and
24 mix, the ones from the rehabilitation centre and the ones who did not go to the
25 rehabilitation centre, and if somebody, especially someone from the bush did

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1 something that was wrong, they will always castigate the child and tell the person,
2 "Do not start your behaviour that you brought in the bush". And that was extremely
3 painful to those children who had returned.
4 And in the end, those children became disrespectful. And when they found that life
5 was extremely difficult, they would stop school. They would just stop their
6 education because as far as they are concerned, the school was unable to help them
7 and they would decide to go back home. And this actually disrupted a lot of
8 education for children. There are some children who were abducted, for example,
9 the girls, some of them came back with children. Some of them did not have
10 children, but they do not -- they are no longer interested in education, so this also
11 interfered with the education in -- you know, with our children in the part of our
12 country.

13 PRESIDING JUDGE SCHMITT: [10:02:06] Mr Cox, please.

14 Mr Oyet, you describe the young people that came back from the bush that were first
15 abducted and later came back from the bush and the problems they had. Were you
16 able to help at least some of them? Or what efforts did you and your colleagues take
17 to help them?

18 THE WITNESS: [10:02:33](Interpretation) Thank you very much, your Honour.

19 The message I gave out was not only concerning Lukodi Primary School, but it
20 affected all the schools in northern Uganda, majorly those in Gulu district. In Gulu
21 district the DEO, together with other non-government organisations like the
22 Norwegian Refugee Council, kept on inviting teachers of Gulu district to attend
23 refresher trainings.

24 One of the components of the training included psychosocial support or, rather, how
25 to deal with the children who returned from the bush, how to provide counselling to

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1 them because they knew that children who went through rehabilitation centres and
2 had gathered some interest in education, came to schools and were interfacing with
3 the teachers. But those who never went through rehabilitation centres may also still
4 come back home and go to school. These organisations provided us with some
5 training on how to handle these children, how to support them, counsel them, let
6 them know that that was not the beginning and end to life and then encourage them
7 to continue with education.

8 If another child was providing -- was doing -- was stigmatizing such a child, as
9 a teacher, I would be invited to call both parties and then talk to them. I will tell the
10 person who is victimising the returnee that "This is your brother and you have to stay
11 well with him". I would provide counselling to both of them so that they can live
12 amicably.

13 However, this kind of training and work was not very simple to many of the teachers
14 because sometimes if a child tells you what they went through, the next one also tells
15 you another experience they went through, there's a third person. And you are one
16 teacher who is listening to all these things. As a teacher sometimes you also go
17 through secondary traumatisation. And whenever we go back, as teachers we never
18 got opportunities to go and get some counselling on our own, and this is what we
19 went through.

20 PRESIDING JUDGE SCHMITT: [10:05:35] I think we can all imagine that listening to
21 these stories and being so close to the pupils - because these are, as you are a teacher,
22 your pupils - is also very hard to cope with, I understand that.

23 Do you also recall instances where you say in hindsight "Really I had a success, I
24 really reached the person, I really could help the person"?

25 THE WITNESS: [10:06:02](Interpretation) Yes, your Honour. There were some

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1 pupils who continued with their education. And some of them wanted to abandon
2 education on specific days, but because we were talking to them constantly, they were
3 able to continue with their education. Even when they were not able to go further,
4 much further because of various reasons like failure to meet the cost of education at
5 the higher level, for instance, at secondary level, but there were changes. There were
6 those who also wanted to commit suicide, but because of the counselling we gave
7 them they never committed suicide. They are living up to now, and this is a pride I
8 have as a teacher who has been involved in this.

9 PRESIDING JUDGE SCHMITT: [10:07:00] I assume that this also motivated you and
10 perhaps also fellow teachers and perhaps could also help to mitigate what you
11 worded as secondary traumatising, is that correct, such success stories, to word it
12 like that?

13 THE WITNESS: [10:07:19](Interpretation) As teachers, sometimes when you are
14 sitting alone you begin meditating, you begin thinking about what you have been
15 going through. And one of the things we do, especially myself, I would make sure I
16 do not get myself alone at any one point. I would make sure that I stay with other
17 colleagues. At another point I would also choose to get a book and read. And
18 sometimes I would also think of listening to gospel songs or hymns. And these were
19 ways of coping up.

20 PRESIDING JUDGE SCHMITT: [10:08:06] Thank you very much for giving us this
21 insight.

22 Please, Mr Cox.

23 MR COX: [10:08:12]

24 Q. [10:08:12] Mr Oyet, you mentioned that some children didn't go through
25 rehabilitation centres. From your experience, was this common, that many children

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1 that had been abducted did not go through the rehabilitation centres?

2 A. [10:08:39] Yes. Some of them were children who didn't take long in the bush.
3 There are others who also feared that if they followed the procedure of having to go
4 through the rehabilitation centre, they were saying that sometimes you can be killed
5 when you go through the process, because when in the bush, they were told that
6 whenever you go through -- when you go back home, you'll be killed. And they
7 were thinking that these facilities were government facilities and those were areas
8 that people would be killed in, *they were afraid.

9 However, there were radio programmes that were helping to provide support to
10 these children and even their parents such that if these people returned from the bush,
11 they would have to go through the rehabilitation centre to try and make them adjust
12 to their life at home.

13 PRESIDING JUDGE SCHMITT: [10:09:40] Perhaps another question with regard to
14 what you mentioned, the stigmatization that some or many of the returnees went
15 through and you described how you as a teacher spoke to those who stigmatized such
16 pupils. Did you speak with them one on one, so to speak, or was the returnee also
17 present? Or did you, for example, also address the whole classroom? So how can
18 we picture that, the efforts that you and perhaps also fellow teachers have taken in
19 that respect?

20 THE WITNESS: [10:10:25](Interpretation) At the beginning I mentioned that there
21 was an organisation that helped us in refresher training, because, you know, teachers
22 just like any other person can also have -- can also be affected and can also be
23 stigmatized in some of the pupils. So as teachers we were also trained on how to
24 handle our tempers.

25 On how to address the children, sometimes you only address yourself to that

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1 particular child who is stigmatized. But there are times you could also talk to both
2 parties, the stigmatized and the one who is stigmatizing. There are also times when
3 you can address an entire class or there are also moments when you would address
4 the entire school in an assembly. We'd tell them that you see, as human beings, we
5 do not go through the same lives. These children have gone through this and that's
6 not the end of their lives. They can still be very productive people at the end of the
7 day. We will be talking to them and counselling them.

8 But most times we address victims of stigmatization together with the perpetrators.

9 There are also times when they are in a small group and then you only invite that
10 small group and address them together.

11 PRESIDING JUDGE SCHMITT: [10:12:07] Thank you.

12 MR COX: [10:12:14] Thank you.

13 Q. [10:12:15] Mr Oyet, I would like to go back to when the school moved to Laliya.
14 Could you explain to the Court what -- how many schools were in Laliya? How
15 many schools moved to Laliya?

16 A. [10:12:36] Laliya on its own is a primary school. They gave us a section to
17 house five different schools. The first one was Lukodi Primary School, there was
18 Awoo Nyim Primary School, there were Kulu Opal Primary School, Rwot Obilo
19 Primary School and I think Kulu Keno Primary School. There were five different
20 primary schools hosted together within the school. We would share classrooms.
21 Only the offices were in different places.

22 Q. [10:13:33] How many students did you have to -- sorry, in your classroom?

23 A. [10:13:40] It was not simple because each classroom would house between *120
24 to 200 pupils. And in each classroom the teacher would have to jostle himself or herself
25 to find the way to the chalkboard to write. And there was no pathway in between for

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1 the teachers to move around. Sometimes you can identify a child or a pupil who has
2 a difficulty and you want to move nearer to that child to provide a one-on-one support,
3 but because of the congestion, there is no space for you to move around.
4 It was not also simple for us to prepare our learning aid because the pupils were too
5 many. When it reaches between midday and 1 o'clock, the classroom will become
6 very hot and teaching such a number of pupils is very difficult. When it comes to
7 marking the books of the pupils, to be able to do that for 100 to 200 books is very
8 difficult, and for that reason, what we would do, you make sure you give very few
9 assignments, *between one to five questions to allow a teacher mark the work accurately,
10 so that you have very little to do for each of the pupils. And in that scenario the
11 quality of education at that time in this centre and in very many other centres in
12 northern Uganda where the number of pupils were that many drastically came down.

13 PRESIDING JUDGE SCHMITT: [10:15:49] Mr Cox, I have -- when I asked you
14 earlier, Mr Oyet, about the people you involved to avoid stigmatization of the
15 returnees, you said sometimes only with the one who was stigmatized, sometimes the
16 two together, the perpetrator and the other one, sometimes even an assembly or the
17 school class, but I forgot something. Did you also sometimes involve the family of
18 the returnee, for example, the parents? Was it easy to deal with them with the
19 family? Or did you have contact to families of the returnees too?

20 THE WITNESS: [10:16:35](Interpretation) Thank you very much, your Honour.
21 When we were at Laliya Primary School, that was not simple because there were
22 some parents who took their children away from Lukodi to Laliya while the parents
23 stayed back at Lukodi. One child would taking care of other younger siblings.
24 There are situations where the mother of the children would come and stay for about
25 two or three days and then she would have to go back to Lukodi to look for

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1 something to come back with to provide for the children.

2 It was easier to address the children, but it was very difficult to be able to meet the
3 parents of the child to address this because the parents most times would be staying
4 very far away. Such a child would be living with another elder child, a brother or
5 sister. Sometimes you can invite the parents to come, but because of the insecurity,
6 the parents would not be able to make it to school to come and attend to that. Most
7 times we didn't have time to talk to the parents because of the distances that they
8 would have to cover.

9 But those who were able to make it, yeah, to the school once in a while, we would tell
10 them what the situation was, because as I mentioned earlier, we were trained on how
11 to address these issues. However, we are also aware that parents were not trained
12 on how to handle children who were returnees and they therefore also became
13 perpetrators of stigmatization. I must say it was very difficult for us to talk to the
14 parents because most of the times were very far away from the children. Thank you.

15 PRESIDING JUDGE SCHMITT: [10:18:29] When you mentioned the parents now,
16 what kind of attitudes, what kind of behaviour would it be that would stigmatize
17 their children, so to speak? Can you give an example perhaps?

18 THE WITNESS: [10:18:44](Interpretation) Allow me try to explain it a little bit
19 further. Some of the returnees were staying -- were very aloof. Some of them were
20 introverts, they would stay on their own, and some of them were very aggressive. If
21 he or she did something and then you asked them to explain what they've done, they
22 would become very aggressive. And as parents they do not believe their own
23 children should be aggressive towards them. And because of the aggression of such
24 a child, the relationship between the two gets ruined. But because such a parent
25 does not have the counselling tactics or does not know how to handle such a child,

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1 a child who used to be very good, who used to be brought up very well, but because
2 they were abducted and went stayed out for long, comes back and behaves very
3 differently. This is most times very heartbreaking to the parents and such parents
4 sometimes give up on their children or act very aggressively to them.

5 PRESIDING JUDGE SCHMITT: [10:20:12] Thank you very much, Mr Oyet.

6 Please, Mr Cox.

7 MR COX: [10:20:19]

8 Q. Mr Oyet, you mentioned that at that time you were teaching around 100 to 200
9 students per classroom. What is the normal classroom size in Uganda?

10 A. [10:20:32] In a classroom, a teacher is supposed to be teaching a maximum of
11 54 children.

12 Q. [10:20:59] Thank you. Using the courtroom as an example, what size
13 were -- now in metres or -- yes, metres and feet, sorry, that's the other one. But now
14 like in this place, using the courtroom, what would be the size of the classroom you
15 would have 100 or 200 students in?

16 A. [10:21:28] It could be coming from the site where the security people are sitting
17 up to my desk and going towards the Judges is one, and then the other side -- I think I
18 also didn't mention, I forgot to mention this, the pupils were sitting on the floor.

19 There were no desks. And from primary 1 we expected the children to have
20 somewhere to sit and then have a platform to write on, but even up to now when I'm
21 speaking, the child will have to use his or her laps to write. Even the handwritings
22 were not clearly intelligible.

23 But if you compare with a child who has enough space and have very good sitting
24 and writing materials and the teacher is able to move around the class to monitor
25 what the children are doing, it's very easy for such a teacher to manage their

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1 classroom. But in that situation, where everyone is just seated and congested, to say
2 "Okello, keep quiet", Okello will not be able to listen to you because Okello knows
3 you are very far away and you will not be able to reach him directly.

4 Q. [10:23:10] While in Laliya, did you see a change of lifestyle among your
5 students?

6 A. [10:23:22] There was a great change. You know, Laliya is not very far away
7 from the town. Lukodi Primary School was deep in the village. There are a lot of
8 things that happened in the town and I want to give an example. There were some
9 peoples who were renting a house in a place called Small Gate and within there they
10 were able to get exposed to video halls and they would be able to see a lot of things
11 on video. And some of the things we never expected children in the villages to do
12 they were already doing it when they were in town. And that was a very difficult
13 situation.

14 The other thing was that while they were studying at Laliya, some of them were
15 staying with their relatives while others were renting their own houses. As I
16 mentioned earlier, there are some children who were taking care of other younger
17 children. From -- they leave home, they go to school and then they have to go back
18 home to prepare for something to eat. And in a situation where the security was
19 volatile, they would have to leave their places of abode to go to the main hospital or
20 somewhere in the bus park where to take refuge. They didn't have time to do their
21 private studies.

22 All these had very adverse effects on the education of our children. Some of the girls,
23 well, I do not have the statistics here, but most times children from primary 1, 2 and 3
24 would have more girls in the class than boys. But as you move upwards, you would
25 *find there are more boys than girls in the classroom. You will ask yourself, "Why is

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1 this?" But it's because of the life challenges that girls get exposed to. *Older people,
2 older men can deceive them to abandon education, some of them would become
3 pregnant, some of them would eloped and eventually abandon school. What I know
4 is when you educate a child, you will have educated a nation. If you educate a girl
5 child, you would have educated a nation. But what I know is very few girls
6 compared to boys were able to complete their education. Most of the girls were not
7 able to complete their education.

8 Q. [10:26:54] Would you say that there is a lost generation in Uganda because of
9 the lack of education?

10 A. [10:27:03] I would say yes, because the association of teachers in Uganda called,
11 UNATU, their motto is "Because we are there, the world is there." If I look at the
12 future of our children, I mean the pupils, if I look at the future of my brothers and
13 sisters, most of them were only able to go up to primary education. They could not
14 go beyond that. And if they are to compete for jobs, for instance, out of the country,
15 if they are looking for people with masters degrees, we cannot compete because I
16 believe the future rests on education.

17 Q. [10:28:25] Mr Oyet, were you present when the 2004 attack on Lukodi
18 happened?

19 A. [10:28:40] I was not there.

20 Q. [10:28:43] Did you go to Lukodi after the attack and when after the attack did
21 you go back to Lukodi?

22 A. [10:29:00] On that day, well, I -- we went back there the next day. I went to the
23 school. I heard that, I was told that, "Vincent, your people were finished last night."

24 PRESIDING JUDGE SCHMITT: [10:29:46] Mr Oyet, it's absolutely okay. Take your
25 time to compose yourself. It's not a problem. We understand that this is for you

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- 1 very hard to tell. If you want to have a break, we can have a break, but we could
2 also -- yes, please. Mr Oyet, yes.
- 3 THE WITNESS: [10:30:06](Interpretation) Allow me have a break.
- 4 PRESIDING JUDGE SCHMITT: [10:30:09] I think we have now then the coffee break,
5 so to speak, until perhaps 11 o'clock, and yes, we continue after that. There might
6 not be so many questions anymore, Mr Cox, I would assume. Yes. Thank you.
- 7 THE COURT USHER: [10:30:26] All rise.
- 8 (Recess taken at 10.30 a.m.)
- 9 (Upon resuming in open session at 11.01 a.m.)
- 10 THE COURT USHER: [11:01:59] All rise.
- 11 PRESIDING JUDGE SCHMITT: [11:02:10] Mr Oyet, I hope or we hope that you are
12 fine to continue.
- 13 Then please, Mr Cox.
- 14 MR COX: [11:02:36]
- 15 Q. [11:02:39] Sorry about that, Mr Oyet.
- 16 How did you see the school when you went back to Lukodi?
- 17 A. [11:02:49] As a school or are you asking about my personal opinion?
- 18 Q. [11:03:08] No. I'm asking you to describe to the Court how the building of the
19 school was and the compound of the school, what happened there. What did you
20 see after the attack of 2004, of course?
- 21 A. [11:03:36] After the attack, the school was destroyed. The trees around the
22 school and the trees in the school ground had been chopped. The people who were
23 living in the camps had cut down the trees. The school ground was completely bare.
24 And that also had a lot of repercussions because there were no trees around the
25 school.

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1 There was also a camp in the school. The toilets that were being used, the pit latrines
2 that had been dug by the people who were living in the camps, there was rubbish, a
3 rubbish pit. They also dug up the school ground to use as a rubbish pit. So it was
4 not very easy and it wasn't very hygienic for the students as well.
5 The road, there was a road in the school where the children would play. So when
6 children were playing, it would create problems as well.
7 The teachers' quarters had been destroyed, all of them had been destroyed. I recall
8 one house that was there, one big house that was there was the headteacher's house,
9 that house was completely destroyed. The location where the soldiers were staying,
10 they had dug their trenches around that area, the whole place. That also destroyed
11 the schoolyard. And even if they were there to protect peoples' lives and for security,
12 when we went back to the school, it wasn't -- there was still a lot of fear. You know,
13 when there is a war or where there is an attack somewhere, you kind of believe or
14 you imagine that there is some unexploded ammunition lying around, and people
15 were afraid of that as well.
16 And with respect to the trees that were chopped, I recall that when we went back in
17 around 2007, the block where we used to work at, there was an agreement between
18 the school management committee and an organisation known as ChildVoice
19 International, they were using it to teach children, girls who had given birth, they had
20 been given permission to use the school building. Some of the classes, they had been
21 reconstructed. The bullet holes on the walls, the doors that had been destroyed, the
22 roof that had been destroyed was all renovated by them. They changed a lot of
23 things. They renovated the school. They also fenced the school.
24 *During the time the Juba peace talks had progressed, the district leaders thought that
25 the schools would now be okay, that there was going to be security, and they asked

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1 all the schools to go back to their previous locations, but unfortunately Lukodi did not
2 have anywhere to go because the management committee and ChildVoice
3 International had signed an agreement and the contract had not yet ended, so they
4 had to go back to the table and renegotiate. They decided to build a temporary
5 structure, seven classes and one office and this was L-shaped, it was an L-shaped
6 building, but it was outside of the fence. So we came from Laliya and we occupied
7 those premises, the premises that were outside the school, and they continued using
8 the premises that were inside the fenced school ground.

9 I recall that there was once, there was strong winds, the winds came and destroyed
10 one of the roofs that was in the fenced ground because there was nothing to protect
11 the houses from the wind, because the trees had all been cut down. And when this
12 happened, the ChildVoice International renovated that again.

13 There were also other problems. There was an agreement, when the agreement
14 between ChildVoice International and the school management committee came to an
15 end, we took over the premises, including everything, plus the solar panels that had
16 been placed on the buildings. All that became part of the school structure.

17 Other than that, the girls who had come back were staying at that school.

18 When those of us who were on the outside heard things that were a little bit
19 disturbing, things like "cen" that were disturbing the children who were studying at
20 that school, fortunately, they had a counsellor who was helping them. When we
21 took over in 2012 or 2013, the management committee decided that some of the
22 buildings should be changed into boarding schools, part of the structure for boys and
23 part of it for girls.

24 And whatever it is that was disturbing the children who were undergoing vocational
25 training on the premises, like cen was also disturbing a lot of the boarding children

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1 who were at that school, that created a lot of difficulty for the school, for the
2 governing authorities.
3 They convened a meeting to discuss what should be done. There are some people
4 who thought they should perform some traditional cultural rituals; some people
5 thought they should pray. But it was decided that people should pray. They
6 prayed and the cen disturbed children less, but it still continued disturbing the
7 children nonetheless.
8 But according to traditional culture, they say when people are killed in a particular
9 location, they have to perform certain traditional rituals in that area. This
10 organisation is known as the Justice and Reconciliation Project. They work together
11 with the survivors' committee. And later on, they decided that the people who had
12 been buried within the school yard, because there were some people who were buried
13 within the school yard, under the Acholi traditional culture, we are told that if you
14 lose somebody or somebody dies and the person is not buried in your own
15 compound or in your own yard, the person will disturb you saying you abandoned
16 them. You did not take them to where they're supposed to be rightfully buried.
17 So the survivors' committee and the other organisations provided assistance to
18 exhume some of the people that had been buried in the school yard and some of the
19 people who had been buried in the homesteads as well, and some people who had
20 been buried in the town area when people had moved to the town, and all the bodies
21 were taken to the different places.
22 And these are some of the problems that we encountered when we went back after
23 the war. And this is something that was disturbing to us as well, the issue of cen
24 and the difficulty with girls. The cen was disturbing girls in particular. At some
25 times it would also disturb teachers. And, you know, with teachers, where you have

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1 the problem of Cen, it's not very easy to teach, but people prayed, and with prayers
2 there was some changes.

3 PRESIDING JUDGE SCHMITT: [11:13:07] Mr Oyet, you mentioned cen and also in
4 relation to teachers. You have also said before the break that there was a secondary
5 traumatization. With respect to secondary traumatization, what is the difference to
6 Cen? Or are they related sort of? What would you say from your perspective?
7 What would be the difference to explain it to someone who comes from a different
8 culture than yours, what other similarities, if you want?

9 THE WITNESS: [11:14:05] (Interpretation) Cen, there is cen that also affects girls
10 who did not go through the bush. When these girls are affected by Cen, they fall on
11 the ground and start rolling around.

12 There are some children who come and inform the teachers that at around 7 or
13 7.30 p.m., you see somebody passing somebody walking, but you do not recognize
14 the person. You hear voices and the voices disappear.

15 There was also fear. There was also fear. Children were afraid of other things that
16 would disturb them. Sometimes the children would keep quiet. They would
17 isolate themselves. Some of the children would actually become vicious.

18 But Cen, when people pray, the cen would scream. It will drop the child on the floor.
19 It would cry as well. But after prayers, then the child would calm down and the cen
20 would also calm down, and that's the difference that I can make between the two.

21 PRESIDING JUDGE SCHMITT: [11:15:26] Okay. Thank you very much.

22 And now looking at today, 2018 that we have, would you say that the situation, that
23 the wounds of the past, so to speak, have they healed or are they about to be healing
24 or would you say the situation has normalized a little bit? Could you describe a
25 little bit what, in your opinion, how the situation is today.

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1 THE WITNESS: [11:15:56] (Interpretation) Thank you, your Honour. *In my
2 personal view, it has not yet healed. When we were in the camps, some parents were
3 used to receiving aid. If they're not given anything, because they were under the
4 impression that they should be given everything freely, there are some who were of
5 the impression that if they did not have anything, well, then, in their opinion, they
6 should drink and the drinking would help them *forget whatever problems they had.
7 *But when they drink, the alcohol would eventually leave their system and they
8 would come back home. That is why I am saying alcoholism is a big problem.
9 There was also a lot of problems with respect to land. Lukodi Primary School had
10 issues of land with the people who were living around it, and that also destroyed a lot
11 of things. It destroyed the education as well.
12 When we were in the camps, there were a lot of things that happened to our parents.
13 We had cattle, but unfortunately the Karamojong came and rustled all the cattle.
14 After that, there was a non-governmental organisation that worked in the Lukodi area
15 for a number of years, I believe, from 1999 to date. They're actually still working in
16 Lukodi and the surrounding areas. They get assistance from the Christian
17 Children's Fund, Richmond. They distributed a number of cattle in the Lukodi area.
18 They distributed bulls and the cows as well.
19 When people were running, people were fleeing when Lukodi was attacked, some of the
20 cattle were taken. Some of the cattle were taken to town in the areas surrounding the town,
21 but it's not easy to take care of livestock in the town, in the area surrounding the towns.
22 Some people sold their cattle. All the bulls that had been given to plough were sold
23 because people could not take care of it. And as a result, people were left with
24 nothing. There's poverty. When we asked parents that we need help for the school,
25 parents cry poverty. And indeed, there is poverty. There's also a lot of violence.

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1 Some of our parents within their households, there is domestic violence between the
2 husbands and the wives.

3 When children witness such domestic violence, then they believe that that's the norm,
4 and this also transfers from the home to the schools and you find that such behaviour
5 is also exhibited in the schools.

6 The war that lasted for years, in order for people to heal, some of the problems that
7 I've just listed above *will have a number of repercussions for years before there is
8 change. Earlier on I spoke about girls. Girls do not have anything. Their parents can
9 no longer help them. They are under the impression that they should meet somebody,
10 they should get married, they should find a husband so that they can settle.

11 Unfortunately, some of these girls were unlucky and they contracted diseases like
12 HIV, and that is heartbreaking. It's heartbreaking to the children. It's
13 heartbreaking to the families who are undergoing these problems. *They do not
14 have the ability to work hard to support education.

15 PRESIDING JUDGE SCHMITT: [11:20:46] What you describe is related to the social
16 stability of your community, so that how it connected earlier on, this is not the case
17 anymore. Do I understand this correctly?

18 THE WITNESS: [11:21:14] (Interpretation) This still continues to date. I spoke
19 about poverty. There is poverty. Boys, some boys my age and younger, some of
20 them get up early in the morning and head straight for the trading centres. They
21 believe that if they get anything, if they earn a little bit of money, then they are
22 supposed to use it immediately. So whatever they earn, they use. There are some
23 who have stopped that kind of behaviour, but there are some who still continue with
24 that kind of behaviour.

25 PRESIDING JUDGE SCHMITT: [11:22:02] Mr Cox.

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1 MR COX: [11:22:04]

2 Q. [11:22:05] Mr Oyet, just a clarifying question. Did I understand you correctly
3 when you said that some bodies were buried in the school yard?

4 A. [11:22:34] People were buried in the school ground, yes, on school property.
5 Under our traditional culture, we say that if bones are exhumed from the ground, the
6 grave should not be covered. It should not be filled up. The hole should be left on
7 its own because at the time it was very difficult for people to bury their relatives
8 because their homes were far. You know, people are afraid of graves. People are
9 afraid of death. People are afraid of death because some of the holes where they
10 exhumed the bodies still remain as holes. They've not been filled.

11 Q. [11:23:28] Thank you. This is my final question on this topic and then a very
12 brief question, your Honour.

13 When were these bodies exhumated, what date or year?

14 A. [11:23:45] 2013. I believe round about August. I do not have it, but I believe
15 that it's in August 2013.

16 Q. [11:24:06] Mr Oyet, during the years of the conflict how was students'
17 performance in terms of grades?

18 A. [11:24:22] Thank you. Based on the reasons, some of the reasons that I stated
19 earlier, teachers, teachers' absence, pupils' absence, coming late to school because of
20 fear, no time to prepare lessons because most times these are supposed to be done in
21 the evening. *Sometimes it was prohibited to have lights on at night. Children or
22 the pupils did not have time to properly do their homework. And parents as well,
23 parents did not have time to encourage and advise their children to concentrate on
24 their education. As a result, the results of that school were extremely low.

25 I believe that in around about 2009 and 2011, we only got one grade, but the rest

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1 throughout the time we did not get any first grade, we got the second grade
2 downwards. Some of them failed. It was a complete failure. And they could not
3 be accepted in any school. There are quite a number of these, especially from around
4 2005 to round about this time. The results are not good.

5 PRESIDING JUDGE SCHMITT: [11:26:18] And do I understand it correctly, Mr Oyet,
6 that still in 2018 the results are relatively bad?

7 THE WITNESS: [11:26:41] (Interpretation) We have not yet had exams for 2018, but
8 last year in 2017, we had two children who got the first grade. In 2016 there was one
9 first grade -- first grade we had four children. But the rest of the years were not
10 good. This year we are still preparing the children for the final results, for the final
11 exams.

12 MR COX: [11:27:13] Your Honour, if we could pull tab 4.

13 PRESIDING JUDGE SCHMITT: [11:27:18] Yes, of course.

14 MR COX: [11:27:20] The ERN number is UGA-V40-0003-0008.

15 Q. [11:27:35] While we do that, Mr Oyet, could you explain what first grade means
16 or how the grading system is in Uganda so we can understand what it means to have
17 first grade?

18 A. [11:28:06] A child who performs very well, out of 100 per cent, if the child gets
19 80 per cent and upwards, that child would receive a distinction. Out of the four
20 courses, if the child gets a distinction in all the four courses, they get a 4 aggregate.
21 The first grade is from 4 to 12, and that's the first grade. The second grade is from
22 13 to 24. Third grade is *from -- 25 to 28, then 29 to 30. 34 I believe they get the
23 fourth division. And then U, which is ungraded is somebody who has failed, failed
24 completely, and they cannot be accepted to any other school. But if somebody gets
25 an aggregate 4, then they might be accepted to a good school. But for the very good

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1 schools would only accept somebody who has got a first grade.

2 MR COX: [11:29:49]

3 Q. [11:29:49] Do we have --

4 PRESIDING JUDGE SCHMITT: [11:29:53] I think it is displayed on evidence
5 channel 1.

6 MR COX: [11:29:56] Okay, thank you. Perfect.

7 Q. [11:30:01] Mr Oyet, do you see a photo of a piece of paper?

8 A. [11:30:09] Yes, I do.

9 Q. [11:30:11] Who did that?

10 A. [11:30:15] I'm the one who prepared this. I took that out of the school file. I
11 stated earlier that at school I'm the teacher in charge of collecting data. I was given
12 permission or authority from my headteacher to write down this information.

13 Q. [11:30:49] Mr Oyet, could you explain briefly the first --

14 PRESIDING JUDGE SCHMITT: [11:30:56] I think just perhaps one example.

15 MR COX: [11:31:01] Yes.

16 PRESIDING JUDGE SCHMITT: [11:31:01] It's really a document with a lot of figures
17 in it and we can't go through all of them. Just perhaps to understand a little bit what
18 it shows. Of course on the left side it's self-explaining that we have the years and
19 somewhere in column 4 the results. But apart -- interesting would be -- yes, that's
20 nice to make it a little bit amplified a little bit. The total is perhaps interesting.
21 Perhaps you can explain this a little bit, Mr Oyet, the last column.

22 THE WITNESS: [11:31:38] (Interpretation) Well, let me choose the year *2016. The
23 number of pupils were in division 1. In the first column is written division 1. M is
24 standing for male. F stands for female. That means that in the year 2006 there were
25 three boys who got first division and a girl got first division.

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- 1 The next column which has "T" up there stands for total. That therefore means that
2 the total number of pupils who got first division were four.
- 3 In the second division, M stands for male, F, female. There were 15 boys in second
4 division and 16 girls second division. If you add up, there were 31 pupils in the
5 second division.
- 6 In the third division, M for male, F for female, and there was no boy in the third
7 division, but three girls in the third division.
- 8 Fourth division, there was no one.
- 9 No persons got U. U stands for ungraded.
- 10 Division X stands for pupils who didn't sit the exams. The total number of pupils
11 who underwent exams were 37 and all these pupils who were up to the third grade
12 were able to be admitted in secondary school.
- 13 PRESIDING JUDGE SCHMITT: [11:33:58] Thank you. I think that will do for this
14 document because it's on the record and all the figures are in it and that is enough.
- 15 MR COX: [11:34:06] Just to be clear, because I heard 2006.
- 16 PRESIDING JUDGE SCHMITT: [11:34:10] I think that we were talking about 2016.
- 17 MR COX: [11:34:12] 16, right.
- 18 PRESIDING JUDGE SCHMITT: [11:34:14] Yes, I think that was clear.
- 19 MR COX: [11:34:16] Okay.
- 20 PRESIDING JUDGE SCHMITT: [11:34:18] Because the figures that Mr Oyet
21 mentioned did not match 2006.
- 22 MR COX: [11:34:21] Your Honour, I don't have any more questions.
- 23 Thank you, Mr Oyet, for the patience and I wish you a safe trip and hope to see you
24 back in Lukodi soon.
- 25 PRESIDING JUDGE SCHMITT: [11:34:33] Thank you, Mr Cox.

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- 1 THE WITNESS: [11:34:35] (Interpretation) Thank you.
- 2 PRESIDING JUDGE SCHMITT: [11:34:35] But your examination has not concluded.
- 3 I don't assume that Mrs Massidda will have any questions?
- 4 MS MASSIDDA: [11:34:43] Thank you, your Honour. We don't have any questions
- 5 for the witness, but since we know each other, allow me to greet Mr Oyet and thank
- 6 him very much for his testimony. Thank you.
- 7 PRESIDING JUDGE SCHMITT: [11:34:54] And Mrs Gilg --
- 8 THE WITNESS: [11:34:58] (Interpretation) You're welcome.
- 9 PRESIDING JUDGE SCHMITT: -- for the Prosecution.
- 10 MS GILG: [11:35:00] No questions, your Honour.
- 11 PRESIDING JUDGE SCHMITT: [11:35:02] And then I think we can immediately
- 12 turn to the Defence, and Mr Obhof has the floor.
- 13 MR OBHOF: Thank you, your Honour. And for light housekeeping I do not
- 14 intend that we shall need past 1 o'clock today or I do not think at least.
- 15 QUESTIONED BY MR OBHOF:
- 16 Q. [11:35:33] Good morning, Mr Oyet.
- 17 A. [11:35:37] Good morning.
- 18 Q. [11:35:39] Now, Mr Oyet, earlier today you discussed that you had met with a
- 19 few other persons in Lukodi and it was decided that you should represent the school.
- 20 Who else did you meet with to discuss this issue?
- 21 A. [11:35:58] Could you please repeat your question.
- 22 Q. [11:36:19] Starting on the realtime transcript page 25 -- sorry, page 5, line 25,
- 23 when counsel asked you if you talked to anybody before coming today, you
- 24 said -- sorry, now has just changed to, yes, line 25 "Yes, I informed the headteacher
- 25 before coming here; he went to the school management committee. There were two

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1 of us, the management committee decided that I should come and represent the
2 school as a witness."

3 Who were these people that you met with, Mr Witness?

4 A. [11:37:03] At the beginning of my testimony I said I am a teacher. One of the
5 school management committee members, we had a discussion with him as well and
6 the question was that if the management committee could decide on just one person
7 to come and represent the school to talk about what the school went through, the
8 committee decided that I should be the one to come and represent them.

9 Q. [11:37:51] Thank you, sir. And who was the other person in the debate on
10 representing Lukodi school?

11 A. [11:38:06] Mr Walter Loketa.

12 Q. [11:38:14] Did you discuss with Mr Walter or any of the committee about the
13 content of your testimony before coming up to testify, Mr Oyet?

14 A. [11:38:30] Walter Loketa was in that meeting, the meeting wherefrom I was
15 selected to become the person to represent the school. He was there in person.
16 However, I did not discuss with him what I was going to come and deliver here.

17 Q. [11:39:11] Now, you spoke a little bit earlier about how people originally started
18 to come to the school for protection, and if I'm not mistaken, around the year 2002.
19 Now, when did people actually start setting up homes in and around the school?

20 A. [11:39:34] As I mentioned earlier, Lukodi was one place that was frequently
21 attacked by the LRA soldiers. Sometimes government soldiers would also come and
22 station there, after carrying out their operations, they would come and station at the
23 school. They will stay there for two or three days before moving away again.
24 The civilians who were staying nearby Lukodi felt that if they moved nearer to
25 Lukodi school where the soldiers sometimes station, then they would kind of receive

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1 better protection from the government soldiers.

2 Each time the soldiers would leave the place and move somewhere else and the
3 situation is a little more calm, they would go back to their respective places. But
4 what I can clearly recall was that in the year 2002 and 2003, some people had already
5 established their homes nearby, while others would just come and rent out or ask
6 their colleagues who had more houses to take refuge in some of them. But after the
7 *situation cools a bit, they would return to their respective villages.

8 Q. [11:41:02] Around that same time, pardon me, 2002 to 2003, did the government
9 start to order the people in the villages to move to IDP camps?

10 A. [11:41:21] I do not recall that.

11 Q. [11:41:29] Now, you just mentioned the general insecurities in Lukodi even
12 before the attack. How often was Lukodi attacked before 19 May 2004?

13 A. [11:41:56] There were several attacks, but some of them I can clearly recall was,
14 there was one in the year 1996 when a group of fighters suspected to be LRA fighters
15 came and abducted people and beat them in a place called Laco Anga. Three of the
16 people were bound and then beaten.
17 Afterwards each time they would come across people, they would kill one, two or
18 three people as they were moving about. I cannot recall the exact year, but what I
19 can remember was there was an old man called Mateo Otim who was beaten to death
20 and there was a group of fighters who came and attacked people during the funeral
21 service of that old man and in the process they killed *three or four people and
22 injured several others.

23 There were various instances of attacks and abductions around Lukodi. Whenever
24 they're moving, going towards the east, they would abduct people. If they're going
25 westwards, they would also abduct people.

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1 Therefore, there were several other minor attacks that took place.

2 Q. [11:43:57] What measures from what you saw, what measures were put in place
3 by the government to help protect the people at Lukodi?

4 A. [11:44:15] What I know is that the reason the government sent soldiers to
5 Lukodi was because they had intentions of protecting the people, even though the
6 number of soldiers who were taken there was small, but the act of sending soldiers
7 there was an indication that they had intentions of protecting the people.

8 Q. [11:44:53] Now, these soldiers, were they UPDF or were they local defence
9 units?

10 A. [11:45:09] Thank you very much, your Honour. What I know is that
11 differentiating between the UPDF and the LDU as a teacher is difficult.

12 Q. [11:45:31] Let's discuss quickly and briefly about their uniforms. Did they all
13 wear the same type of uniform?

14 A. [11:45:42] It's a bit difficult to talk about uniforms, because even our brothers in
15 the bush sometimes would ask you and you think you are responding to questions
16 coming from the government soldiers and yet the people who are asking you are
17 different from them. So for me as a civilian it's difficult to differentiate between the
18 uniforms because sometimes groups that come and are suspect to be rebels are
19 wearing the same kind of uniforms as other soldiers. Therefore, as an ordinary
20 citizen, it's difficult for me.

21 Q. [11:46:37] It's no problem, I'm not talking about the soldiers you bump into on
22 the side of the road. I'm talking about the people at the actual military detach of
23 Lukodi, the people that were stationed there, the ones that set up their camp, the ones
24 that used the chairs and the tables from the school. Can you please describe their
25 uniforms?

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1 A. [11:47:04] As I mentioned earlier they had different types of uniforms. Some of
2 them was army green. Some had camouflage uniforms.

3 I talked about desks earlier. I said the desks were left out in the open in the school
4 compound. A few of the desks were taken to the barracks to help in the domestic
5 use. If, for instance, somebody who is not part of them goes into the barracks, they
6 would have somewhere to sit. That's what I remember I talked about.

7 Q. [11:48:04] Mr Witness, there is that -- of course you spoke about the hill in
8 Lukodi. Did the military set up a detach there, set up a small, a few small houses on
9 top of that hill?

10 A. [11:48:25] At the time of the attack in 2004, the soldiers had erected their
11 structures within the school premises. But when people eventually fled and moved
12 towards -- moved to the town, a camp called *Coope was established and it was
13 midway between Gulu town and Lukodi. Most of my relatives came and stayed in
14 *Coope camp. When the situation started normalising, the year 2005 and 6, it was
15 recommended that people should move back towards their respective homes
16 *because it appeared that peace was returning. People did not go back to the
17 original camp. The soldiers went and established their own detachment on top of
18 Lukodi hill. The civilians however stationed down the hill opposite the school.

19 MR OBHOF: [11:49:50] If the Registry could kindly give me control, please, to
20 evidence 2. He won't need to draw for this one. It's just the screen would need to
21 be wiped clean because there's scribbles on it already.

22 PRESIDING JUDGE SCHMITT: [11:50:14] This seems not to be a piece of evidence.

23 MR OBHOF: [11:50:16] It was our test run this morning.

24 PRESIDING JUDGE SCHMITT: [11:50:27] I assumed that.

25 MR OBHOF: [11:50:30] What I am showing you is going to be tab 6 from the

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1 Defence binder, UGA-D26-0027-0014. The copies of course in the binders are the
2 large version. What I'm showing is the digital version.

3 THE COURT OFFICER: [11:50:55] And the Defence has the floor, evidence
4 channel 2.

5 MR OBHOF: [11:51:02]

6 Q. [11:51:02] Mr Witness, on your screen, this is a satellite image of Lukodi.

7 PRESIDING JUDGE SCHMITT: [11:51:12] Time?

8 MR OBHOF: [11:51:14] Pardon me?

9 PRESIDING JUDGE SCHMITT: [11:51:15] When was it?

10 MR OBHOF: [11:51:17] September 9, 2004.

11 Q. [11:51:22] And as I zoom in on Lukodi hill right here in the centre, do you see
12 these structures that are built on top of there, Mr Witness?

13 A. [11:51:33] Yes, I can see.

14 Q. [11:51:42] Mr Witness, is it still your testimony that the military built structures
15 on this after people started returning in '05 and '06 and may have had the structures
16 on this hill before that, Mr Witness?

17 A. [11:52:13] According to what I mentioned earlier, basing on my knowledge,
18 houses constructed on top of Lukodi hill that I can clearly remember was only done
19 after the attack in 2004. If there were some structures that were put there earlier than
20 that, I do not clearly remember. But what I know, and even if you go down there to
21 Lukodi and you ask other people who were there, the military structures that were
22 put there, unless maybe there were two occasions when these structures were built,
23 but what I know, it was only after the attack in 2004 that the barracks was established
24 on top of the hill.

25 Q. [11:53:12] Now, Mr Witness, did anybody ever tell you why the military would

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1 construct a new barracks when everybody left Lukodi camp and moved to places like

2 *Coope?

3 A. [11:53:27] It was not easy for the people to return and also see the things that

4 happened during the conflict. I didn't come back to try and establish why exactly it

5 happened that way.

6 Q. [11:54:02] Mr Witness, do you know a place called Gweng-Diya?

7 A. [11:54:13] Yes, I do.

8 Q. [11:54:17] It's about 7, maybe 8 kilometres from Lukodi along the Awach road; is

9 that right?

10 A. [11:54:29] Yes.

11 Q. [11:54:33] Do you know if there was a military detach in Gweng-Diya as well?

12 A. [11:54:40] I don't know.

13 Q. [11:54:51] Now, around Lukodi, Mr Witness, were there land-mines during

14 around the time of Lukodi attack?

15 A. [11:55:08] I don't know whether it was there or not, but there is normally fear

16 that wherever there has been a conflict there must be some unexploded ordinances.

17 Q. [11:55:36] Now, Mr Witness, did the teachers at Lukodi fear being abducted by

18 their former students?

19 A. [11:55:57] The teachers feared suspected LRA fighters. Whether they were

20 your student or not, I do not clearly recall. But the way we would give our

21 instructions to the pupils as teachers, sometimes you would talk to the pupil yourself.

22 Sometimes you'd want to punish them by lashes. Sometimes you write a letter to

23 him or her to take to the parents so that you invite the parent to come and you discuss

24 about the child.

25 But during the time of insurgency, a child would not really understand why you are

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1 trying to restrain them, why you are trying to punish them, and they can be angry
2 with you.

3 So if at one point you caned one of them, and then another time he came across you
4 when he's already in the bush, unless he thinks twice or he has some sympathy, he
5 might want to revenge on you at that time.

6 There are also times when you can only be saved by a child that you were teaching at
7 one point. If you were treating them well, they can appreciate you and also help you
8 or save you. But if you mistreated them, they can as well get an opportunity to
9 mistreat you. Therefore, teachers were also scared, were very scared of the
10 suspected LRA fighters.

11 MR OBHOF: [11:58:34] Maybe we can go into private session for this next question.

12 PRESIDING JUDGE SCHMITT: [11:58:38] Then private session for one question.

13 (Private session at 11.58 a.m.) *(Reclassified entirely in public)

14 THE COURT OFFICER: [11:58:49] We are in private session, Mr President.

15 MR OBHOF: [11:58:57]

16 Q. [11:58:58] Mr Witness, you just mentioned about children being punished by
17 being caned. Is that a normal form of discipline in schools, or at least around the
18 time of 2002 to 2005, was to cane students if they were indisciplined?

19 And we are in private session, so nobody outside can hear what you are saying, so
20 please feel free to be honest.

21 A. [11:59:35] That would happen, you would give one or two lashes.

22 MR OBHOF: [11:59:40] We can go back into open session, your Honour.

23 PRESIDING JUDGE SCHMITT: [11:59:43] Open session

24 (Open session at 11.59 a.m.)

25 PRESIDING JUDGE SCHMITT: [11:59:48] I don't really see why this necessarily had

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1 to be addressed in private session, but it can be lifted. No, no, it can be lifted later
2 on.

3 MR OBHOF: [11:59:58] One to two is okay. You never know if they might say, well,
4 some kids deserve ten so ...

5 THE COURT OFFICER: [12:00:04] We are in open session.

6 MR OBHOF: [12:00:05] For the record, I was not caned but paddled when I went to
7 Catholic school as a child as well so ...

8 PRESIDING JUDGE SCHMITT: [12:00:12] I think many people in this courtroom
9 will have their own experiences.

10 MR OBHOF: [12:00:17]

11 Q. [12:00:18] Mr Witness, did you ever come to find out about whether the LRA
12 allegedly needed literate people?

13 A. [12:00:38] Based on my personal knowledge, I had one child, he's now a
14 grown-up person, I was told that -- he told me that his sister was abducted, he was
15 not happy about that, and he thought that he should follow his sister, he himself.
16 When he got there, he was asked, "Are you educated? Do you know how to read
17 and write? Are you literate?" And he said, "Yes, I am."
18 He was given materials to help him, books and pens and pencils. But they did not
19 know his intention, his true intention. After that he escaped with his sister and went
20 back home, and that's why I say that educated people would also help them while in
21 the bush.

22 Q. [12:02:05] Thank you, Mr Witness. Do you know when Lukodi camp was
23 gazetted?

24 A. [12:02:17] No, I do not recall.

25 Q. [12:02:31] Do you know if it was ever gazetted?

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1 A. [12:02:40] As a teacher I knew that when the government sent forces, its forces to
2 a particular place, as a civilian I was under the impression that whatever it is that the
3 soldiers came there to do was to protect people and people's property. So if the
4 soldiers send -- if the government sent its soldiers to a particular area, it was to
5 protect people in that area. And that was my observation or that's the impression I
6 got as a civilian.

7 Q. [12:03:32] So the answer is you do not know if Lukodi was gazetted,
8 Mr Witness?

9 A. [12:03:44] No, I do not know, because I saw other organisations that came to
10 provide assistance like Caritas, Caritas came and provided assistance to the people
11 who were residing in the camps. I saw soldiers there protecting people as well. So
12 it was difficult for me to determine whether it was gazetted or whether it was not
13 gazetted.

14 Q. [12:04:24] Thank you, Mr Witness. Now, which came first, the camp or the
15 barracks? So did the camp start to develop first or did the UPDF or military set up a
16 detach at Lukodi first?

17 A. [12:04:48] Based on my knowledge, as I stated earlier, government soldiers came,
18 they were following the other government soldiers, or they came as reinforcement, or
19 sometimes they were following the rebels. They would stay there for two, three
20 days or sometimes longer and then leave.

21 Then civilians would also come. When civilians see soldiers coming, civilians would
22 also follow suit. They would also come to the school. And people started building
23 their houses.

24 Q. [12:05:42] Mr Witness, what kind of assistance did the government offer to
25 Lukodi school when it started transferring down to Laliya?

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1 A. [12:05:58] As I stated earlier, there was no proper transportation. There were
2 no cars that could be hired. People with vehicles were afraid to move from town to
3 go to Lukodi. They thought maybe they would encounter land-mines or maybe an
4 ambush, fall into LRA ambush.

5 From Lukodi to town, each parent would take their child and take the child to
6 wherever it is that they thought their child would be safe. Teachers would also
7 collect their things, their materials, and go to the new location where they're
8 supposed to work.

9 But throughout this period, the government provided some sort of funding for UPE,
10 which is given from time to time to primary schools. This funding is to, was to help
11 with the games, such as athletics, to buy school materials, and also things for school,
12 general school administration.

13 Q. [12:07:32] Mr Witness, you talked about some of the children that returned from
14 the LRA that were lucky enough to escape. Now, did you notice any difference
15 between the children who escaped that were taken to Sudan versus the ones that
16 remained in Uganda?

17 A. [12:07:58] I stated earlier that there was a difference, because the life that they
18 led while they were in the bush was different from the life that other children were
19 living at home. There was a difference. Some of the kids, for example, if you called
20 the child and told the child "come here", instead of the child respecting you and
21 coming to you, the child would actually run away from you.

22 There were differences in the way they lived. Some of them became introverts.
23 Some of them were sad and depressed about what happened. Some of them would
24 gradually get used to their friends and then eventually start living a normal life.

25 Q. [12:09:13] Thank you, Mr Witness, but --

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- 1 PRESIDING JUDGE SCHMITT: [12:09:14] I think you wanted to --
- 2 MR OBHOF: Yes.
- 3 PRESIDING JUDGE SCHMITT: -- know something different, perhaps you can give
- 4 it another try.
- 5 MR OBHOF: [12:09:18] Yes.
- 6 PRESIDING JUDGE SCHMITT: [12:09:19] And make sure that the witness
- 7 understands that you are speaking about abductees --
- 8 MR OBHOF: [12:09:25] Yes.
- 9 PRESIDING JUDGE SCHMITT: [12:09:26] -- remaining in Uganda, abducted.
- 10 MR OBHOF: [12:09:30] Yes.
- 11 PRESIDING JUDGE SCHMITT: [12:09:31] And abductees being brought to Sudan.
- 12 MR OBHOF: [12:09:33] Exactly, your Honour. Thank you.
- 13 Q. [12:09:35] Thank you for the explanation, Mr Witness. I'm going to rephrase
- 14 my question. When you were teaching, when you were teaching children who were
- 15 abducted, did you notice the difference between the abducted children who remained
- 16 in Uganda, so if a child was abducted but never left the country, did you notice a
- 17 difference between those children and then the children who were abducted that
- 18 would have been taken to Sudan? So the comparison is between abducted children,
- 19 the children that remained in Uganda and the children that went to Sudan, did you
- 20 notice any difference between those different classes of abductees?
- 21 A. [12:10:29] As when I was working with the children, I did not meet any children
- 22 who were abducted and taken to Sudan. They did not actually inform me or tell me
- 23 that "I was taken to Sudan and I was abducted but stayed in Uganda." So it's very
- 24 difficult for me to determine.
- 25 Q. [12:10:55] Do you remember if any of the children talked about meeting

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1 Joseph Kony?

2 A. [12:11:04] No.

3 Q. [12:11:15] Now, Mr Witness, on the morning after the attack, when you came
4 back to the camp, who was helping, who was helping burying the bodies, who was
5 helping taking the people to the hospital?

6 A. [12:12:03] When I went back, there were people who had escaped, who had
7 managed to flee during the attack and they were digging graves to bury the dead. I
8 also helped carry some of the dead bodies. When I arrived, there was a car, a vehicle
9 that rescued some people who were being -- people who had sustained injuries who
10 were being taken to hospital, but I did not actually see the people in the vehicle, so I
11 do not know who they are.

12 Q. [12:12:51] Did the government of Uganda ever arrive at Lukodi to help?

13 A. [12:13:01] Based on my knowledge, I did not see this personally, I did not
14 witness this. At the time of the attack, there was an army gunship that went and was
15 circling around the Lukodi area. And after the attack, they sent an organisation, but
16 I'm not very sure which organisation it was, to provide assistance and exhume the
17 people that had died. So they sent a pathologist. They exhumed the people who
18 had been buried.

19 Q. [12:14:10] Did you ever come to learn why the government took a special
20 interest at Lukodi to exhume the bodies to send some agencies? Did you ever hear
21 about that, the reason, Mr Witness?

22 A. [12:14:29] No, I do not know why. I was not there. I was afraid to go there.
23 So I did not come to know why they did that.

24 Q. [12:14:48] Now, you talked about the agreement Lukodi school had with
25 ChildVoice International to use the school property. Did Lukodi school have any

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1 similar type agreement with the UPDF or the government of Uganda?

2 A. [12:15:18] No, no, I do not know of any such agreement.

3 Q. [12:15:32] You also talked about all the rubbish left behind by the LDUs and the
4 UPDF when they vacated. Did the government ever compensate the local people
5 who helped clean it?

6 A. [12:15:57] I did not state, but I'm talking about the school ground, the school
7 ground where people played, the camp where people lived, for example, there was
8 not much distance between the camp where people lived and the rubbish pit and the
9 toilets.

10 What I know is that when we went back, when we left Laliya to go back to Lukodi, I
11 stated earlier that when we arrived, we were afraid that there was some unexploded
12 ordinances in that place. The people were sent to go and examine the areas, examine
13 the areas where the children were going to go back. They examined the areas to find
14 whether there was anything unexploded, and that's why I thought maybe there was
15 nothing but, there was no -- nothing happened as a result of that or nobody was
16 injured as a result of unexploded ammunition or ordinances in the area.

17 Q. [12:17:30] It's actually good to hear.

18 But did the government compensate the civilians for cleaning up what was left
19 behind? The dangerous task of going through an area where there could be possible
20 unexploded ordinance, you figure there would be some kind of hazard pay. Did
21 you government compensate any of the civilians who went there to clean, clean that
22 area up?

23 A. [12:18:14] Based -- during the attack, houses were burned and people
24 immediately fled and left that area. Some of the walls collapsed on their own.
25 Civilians did not work in that place. But as I stated earlier, there was a new camp, a

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1 new camp that was established after the attack on Lukodi. There was an
2 organisation, but I do not recall the name of the organisation, helped construct houses.
3 The houses were not on the school ground, but on the school ground, whatever was
4 left were shells. Most of the buildings collapsed, especially during the rain, most of
5 the buildings collapsed. But there was no payment.
6 But where they established the new camp, there was an organisation. I think they're
7 known as camp phase-out, but I'm not very sure of the name of that organisation.
8 They provided assistance.

9 Q. [12:19:41] Now, Mr Witness, the UPDF dug some trenches around, and
10 afterwards they were filled in by civilians. Did these civilians receive any
11 compensation for filling in the trenches which the UPDF dug?

12 And I'm referring to paragraph 39 of the summary of his expected testimony.

13 A. [12:20:16] No, I do not know.

14 Q. [12:20:21] Who refilled those trenches?

15 A. [12:20:29] The teachers did some of it, filled some of it, and the students also did
16 some of it. We worked together.

17 Q. [12:20:45] Now, Mr Witness, you talked about cen earlier today as well. Did
18 you notice a difference between the students who were abducted and the students
19 who were not abducted? Did the cen affect them? I know you gave the
20 explanation of one of the females, but on a whole from what you noticed, did cen
21 affect abductees differently than it did with students who were not abducted?

22 A. [12:21:35] The incidents that I explained that took place in Lukodi, the cen
23 would affect any child regardless of whether the child was abducted or not abducted.
24 But most of the incidents I know involved children who were not abducted. I stated
25 earlier that some of the girls who had given birth earlier were living in those houses.

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1 They would actually stay in those houses. They occupied those houses. And
2 whatever it is that was disturbing other people was also disturbing those girls that
3 were living in those houses.

4 At the time there was a consultation between the school management committee and
5 ChildVoice International, the committee took over the old place and some of it was
6 turned into boarding houses for girls because they decided that if girls commuted to
7 school, it would be very difficult for them to commute to school every day.

8 In our traditional culture, women are considered as people who are supposed to cook,
9 perform household chores. So bringing girls into the boarding setting actually
10 helped to ensure that the girls had proper education.

11 But the cen also disturbed some of the children who were not abducted and they were
12 possessed by it and it disturbed them and it created a lot of problems.

13 Q. [12:23:39] Now, for lack of a better phrase, this meeting between the
14 organisations and the school, do you remember in which year this happened?

15 A. [12:23:49] It's been a long time. I do not recall. It's very difficult to recall all
16 the dates, the dates and the months. But I do know that there was an agreement, a
17 contract was signed.

18 Q. [12:24:29] Now, was it before or after Lukodi moved back from Laliya, moved
19 from Laliya back to Lukodi?

20 A. [12:24:41] The agreement between the school management committee and
21 ChildVoice, is that what you are asking about?

22 Q. [12:25:00] The one in which you talk about the dormitory for the girls being
23 made.

24 A. [12:25:21] Okay. The agreement was signed after the attack on Lukodi,
25 roundabout 2005, 2006, but I believe in 2006, because we had not yet gone back. The

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1 management committee were of the view that as the peace talks were ongoing in Juba,
2 there were prior peace talks that did not come to fruition. They decided that the
3 organisation should use the school on a temporary basis as we were still based at
4 Laliya. So they allowed them to use the school, and they had actually agreed to
5 renovate the school. That was part of the agreement, that they would *renovate the
6 school – the destroyed buildings. So this was around about 2005, 2006, but this was
7 after the attack.

8 Q. [12:26:29] Mr Witness, through Counsel Cox, you discussed briefly about the
9 number of children that attended Lukodi and what some of them, what their grades
10 were or at least through the chart. Do you have any other schools' grades from local
11 areas, say from Gweng-Diya or from Patiko, places around there to compare the
12 grades of Lukodi to find out if there is any difference between the way the students
13 performed there or maybe even the way the students performed at Laliya? Did you
14 bring any records like that, Mr Witness?

15 A. [12:27:26] No, I do not have that kind of record.

16 Q. [12:27:41] Now, I'm going to go back just for a few short minutes. We'll be
17 done before 20 to 1.00, actually probably done within the next 5 minutes. If we all
18 can go back to evidence 2, please. Now, Mr Oyet, I have before you again the same
19 aerial view from 22 September 2004. I've expanded it out a little bit for you. This is,
20 of course, the area or as you see, has the area of Lukodi.

21 Now, around the time of the attack, can you please show me where the eastern
22 granaries were located, the places in which the civilians would store or harvest and
23 store their excess grain, could you please circle that, if it exists at all.

24 PRESIDING JUDGE SCHMITT: [12:28:44] I think the witness would need, if we just
25 wait a second, would need a little bit of help.

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1 MR OBHOF: [12:28:48] Sorry.

2 PRESIDING JUDGE SCHMITT: [12:28:49] Our court usher, thank you very much,
3 madam, that you assist the witness.

4 For example, I would not know how to do it.

5 So if you know, Mr Oyet, where these granaries were, please show it, and if you need
6 assistance how to show it, you have madam usher at your side.

7 MR OBHOF: [12:29:26]

8 Q. [12:29:26] Or even if there were granaries, Mr Witness, if there were not, you are
9 free to say so.

10 A. [12:29:36] Are you talking about granaries for storing food?

11 Q. [12:29:40] Yes, the ones that were used in May of 2004 to store food.

12 A. [12:29:56] Okay. I said that the food that was provided to the school was kept
13 at the school. But this did not exist for people living in the area. Our store was
14 roundabout here. The office was in the middle. But the store was somewhere
15 around there.

16 PRESIDING JUDGE SCHMITT: [12:30:31] I have to be frank, but I always assume
17 that it's my fault then when it comes to -- I haven't seen where, which --

18 MR OBHOF: [12:30:39] Right on top of the school.

19 PRESIDING JUDGE SCHMITT: [12:30:41] Okay, yes, yes. So it was my fault,
20 actually. So I have seen it now. Thank you.

21 MR OBHOF: [12:30:46] Just for the transcript too, that mark is being made in red.

22 Q. [12:30:52] Now, could they change it to blue, please.

23 A. [12:31:10] (Witness drawing)

24 Q. [12:31:14] Now, Mr Oyet, what does the blue mark represent or is it the same
25 thing as the red mark?

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1 A. [12:31:22] I did not quite understand because I -- well, I thought someone said
2 they could not see the red pen clearly. That's why I changed it to the blue pen. But
3 the blue pen represents the place where the school store was located.

4 PRESIDING JUDGE SCHMITT: [12:31:45] Mr Oyet, that was simply I confused
5 everybody here obviously in the courtroom, so it was my fault. Now I have seen it.
6 You could have used any other colour, but be it blue or red, now I've seen it and I
7 obviously was the last one to see it. Thank you.

8 MR OBHOF: [12:32:14]

9 Q. [12:32:15] And now we're going to change and ask you to do one more thing
10 with the green colour.

11 PRESIDING JUDGE SCHMITT: [12:32:23] But since the whole aerial view is green, I
12 hope it is a distinctive green.

13 MR OBHOF: [12:32:30] I know it's a distinctive colour green, but yes, we'll go to
14 black instead. Black might be easier.

15 Q. [12:32:38] Now, if we were using the May photo or March photo, it's during dry
16 season, so it would be very easy to see green.

17 Now, Mr Oyet, now the civilians had stores of course too. But did the Lukodi camp
18 itself, did they have a granary, a place where grains such as millet, flour, not millet,
19 maize, where they would be stored, not as in a store where people would purchase,
20 but a place where a farmer would store his stuff to use over the coming weeks and
21 months?

22 A. [12:33:25] No, there were no granaries in the camp because people would be
23 given food. So no. Some people who moved to the camps did not have granaries.
24 So if you had your crops that you had cultivated, you would go harvest your crops,
25 put them in a bag and then transport them to your house where you stayed.

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1 There were problems, there were changes at the time with respect to granaries
2 because if you kept your food in the granary at the time, someone would actually
3 come and steal your food. So people no longer used granaries. It was no longer
4 that important for people who actually lived in the camps.

5 Q. [12:34:14] And I'm going to take a -- could you please turn it off now so I could
6 make a ...

7 Mr Witness, without drawing, just by looking at this, you see Awach road right there
8 kind of in the lower middle part. Do you know when the Awach road was made?
9 Let's say this better, when you arrived in Lukodi and started teaching in 2002, was the
10 Awach road there?

11 A. [12:34:59] That new road, the big road was not there when I started teaching.

12 Q. [12:35:04] This one right here that is -- actually, yes, could you turn it back on
13 and let him draw that in black. Yes, could you please put an arrow pointing towards
14 the road which was not there when you first started teaching.

15 A. [12:35:27] (Witness drawing)

16 Q. [12:35:35] And the black arrow shows up on the Awach road.

17 Now, Mr Witness, do you know when that road was made?

18 A. [12:35:50] No, I do not recall the exact time, but I believe that it was after the
19 attack in 2004.

20 Q. [12:36:07] That's all the questions we have for Mr Witness. This will be
21 assigned an ERN, correct? Yes. So I will copy and paste. Mr Witness, Mr Oyet,
22 thank you very much.

23 A. [12:36:30] Thank you.

24 THE COURT OFFICER: [12:36:31] Can I ask the Defence to provide the snip tool
25 image annotated. Thank you very much.

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1 MR OBHOF: [12:36:35] Yes, I will do the snipping tool right now.

2 PRESIDING JUDGE SCHMITT: [12:36:39] So, Mr Oyet, this concludes your

3 testimony. On behalf of the Chamber and the Court, we would like to thank you

4 very much for coming to this Court and testifying today and help us to establish the

5 truth.

6 And we wish you a safe trip back to Uganda. Thank you.

7 (The witness is excused)

8 PRESIDING JUDGE SCHMITT: This concludes the hearing for today too and we

9 resume tomorrow 9.30 with V-4.

10 THE COURT OFFICER: [12:37:08] All rise.

11 (The hearing ends in open session at 12.37 p.m.)

12 RECLASSIFICATION REPORT

13 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July

14 2016, the public reclassified and lesser redacted version of this transcript is filed in the

15 case.