

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 Monday, 27 May 2019
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:09] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:33:21] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:33:36] Good morning, Mr President, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:33:52] Thank you.
19 The appearances of the parties, like always. Mr Gumpert for the Prosecution.
20 MR GUMPERT: [9:33:57] May it please your Honours. This morning with me,
21 Jasmina Suljanovic, Hai Do Duc, Pubudu Sachithanandan, Yulia Nuzban, Beti Hohler,
22 and Grace Goh.
23 PRESIDING JUDGE SCHMITT: [9:34:08] Thank you.
24 And Ms Massidda.
25 MS MASSIDDA: [9:34:11] Good morning, Mr President, your Honours. For the

1 Common Legal Representative team, Ms Caroline Walter, Mr Orchlon Narantsetseg
2 and I am Paolina Massidda.

3 PRESIDING JUDGE SCHMITT: [9:34:24] Thank you.

4 Mr Cox.

5 MR COX: [9:34:24] Good morning, your Honours. With me Mr James Mawira and
6 myself, Francisco Cox.

7 PRESIDING JUDGE SCHMITT: [9:34:29] And Mr Obhof for the Defence, please.

8 MR OBHOF: [9:34:31] Thank you very much. Today with us we have Counsel
9 Krispus Ayena Odongo; assistant to counsel, Gordon Kifudde; myself, Thomas Obhof;
10 case manager, Roy Titus Ayena; co-counsel Chief Charles Achaleke; our intern
11 professor Dr Laura Graham; and of course, our client, Mr Dominic Ongwen, is in
12 court today.

13 PRESIDING JUDGE SCHMITT: [9:34:52] Thank you very much.

14 And of course a special welcome to our expert witness today. The first question that
15 I have to you, because I'm not a native speaker, Adam Branch or Branch.

16 WITNESS: UGA-D26-P-0139

17 (The witness speaks English)

18 THE WITNESS: [9:35:10] It depends which country I'm in. In the US, Branch; when
19 I'm in the UK, Branch. Either is fine.

20 PRESIDING JUDGE SCHMITT: [9:35:15] So I think I will stick with Branch --

21 THE WITNESS: Okay, that's fine.

22 PRESIDING JUDGE SCHMITT: [9:35:16] -- if you allow it for me.

23 So, Mr Branch, we welcome you to this courtroom on behalf of the Chamber and of
24 the Court. There should be a card in front of you with a solemn undertaking.

25 Could you please read this card out aloud.

1 THE WITNESS: [9:35:30] I will. I solemnly declare that I will speak the truth, the
2 whole truth and nothing but the truth.

3 PRESIDING JUDGE SCHMITT: [9:35:33] Thank you very much. You have now
4 been sworn in.

5 Just a small practical matter, everything we say here in the courtroom is written down
6 and interpreted and, to allow for the interpretation, we should try to speak a little bit
7 slower perhaps than we would normally do.

8 If you want to address the Chamber with anything, for example, if you need a break,
9 please let us know by raising the hand, then I will give you the floor.

10 THE WITNESS: [9:35:56] Thank you.

11 PRESIDING JUDGE SCHMITT: [9:35:57] I think that should be already enough for
12 the preliminaries. I give Mr Obhof the floor for the Defence. And I assume we
13 have here a report Rule 68(3), is this --

14 MR OBHOF: [9:36:09] Correct.

15 PRESIDING JUDGE SCHMITT: [9:36:10] Okay. So first the personal data and then
16 you will introduce that.

17 MR OBHOF: [9:36:16] Exactly.

18 QUESTIONED BY MR OBHOF:

19 Q. [9:36:20] Good morning, Dr Branch.

20 A. [9:36:22] Good morning.

21 Q. [9:36:23] Could you -- and this is in reference to tab 1 in binder one, that's

22 UGA-D26-0015-1164. This is going to be your curriculum vitae. Could you please
23 describe for the Court a brief overview of your educational background.

24 A. [9:36:47] Sure. Thank you. I received my PhD in political science from

25 Columbia University in New York in 2007. I received my BA in social studies from

1 Harvard University in Boston in 1998. So that's my educational background.

2 Q. [9:37:16] And at this time where are you currently employed?

3 A. [9:37:17] I'm currently a university lecturer in African politics at the University
4 of Cambridge in the UK, where I'm also a director of the Centre of African Studies
5 and a fellow of Trinity Hall.

6 THE INTERPRETER: [9:37:29] Your Honour, could the witness slow down a bit.

7 THE WITNESS: [9:37:29] Oh, sorry.

8 PRESIDING JUDGE SCHMITT: [9:37:31] We have already the small problem, but I
9 can assure you this happens to everyone here, even if you are accustomed to this
10 courtroom, this happens every once in a while.

11 Please, Mr Obhof, continue.

12 MR OBHOF: [9:37:44]

13 Q. [9:37:47] On page 1166 of that document, could you please explain in a little
14 more detail your role in the "Narratives of Conflict, Climate, and Development:
15 Re-envisioning Sustainability from Post-War Northern Uganda".

16 A. [9:38:06] Sure. So this is a research project that I undertook with colleagues
17 from Makerere University. It was funded, as it says, by the Arts and Humanities
18 Research Council of the United Kingdom. Our objective in this research was to look
19 at the impact of climactic change upon the people of northern Uganda, not so much
20 on the sort of technical scientific side, but rather, in terms of what it meant for their
21 lived experience, what it meant for their livelihoods, what it meant for the ways that
22 they saw their place in the landscape and in the future.

23 And so that was what the research project was. It involved about four months of
24 interviews, focus group discussions, participant observation in the north. And out
25 of that, we have published a number of pieces and are continuing to build the

1 networks that came out of that research.

2 Is that adequate?

3 Q. [9:39:29] As long as you feel it is.

4 A. [9:39:31] Okay.

5 Q. [9:39:33] And I always will take a slight pause from when you are done to
6 ensure that our friends in the booths have time to catch up on any interpretation.

7 A. [9:39:41] Good.

8 Q. [9:39:44] Now on page 1171, the final page, under "Related Employment" you
9 have "Humanitarian Law Project/IED" from 2000 to 2002 as a "UN Delegate to the
10 Commission and Sub-Commission on Human Rights". Similarly to what you just
11 did about your research grant, could you briefly tell the Court what you undertook
12 here and what your duties were during this position.

13 A. [9:40:18] Sure. Yeah, so this was a period basically after I had finished my
14 undergraduate work and coincidental with the beginning of my PhD study.
15 Humanitarian Law Project is an organisation that works on humanitarian law,
16 especially the conformity of specific civil insurgencies or parties to civil wars, their
17 conformity to international humanitarian law. And so I began as an intern with
18 them and then I had the great fortune of sort of being in the right place at the right
19 time and having the opportunity to go to the UN in Geneva, both to the
20 sub-commission once or twice, I can't remember, but also to the commission. As I
21 remember, I gave one public address during that time, so yeah.

22 Q. [9:41:36] Now if you could please turn to tab 2 in that same binder 1, which is
23 UGA-D26-0015-1172. Now the title of this is "Internment Camps and Forced
24 Displacement in Northern Uganda." Dr Branch, did you write the report I just
25 identified?

1 A. [9:42:00] I did.

2 Q. [9:42:03] Did you apply your signature on every page of this expert report?

3 A. [9:42:08] I did.

4 Q. [9:42:10] And on the last page on page 1208, is that your signature at the very
5 end of the document, including the location and date of its completion?

6 A. [9:42:25] It is.

7 Q. [9:42:28] Now, Dr Branch, Rule 68(3) of the Rules of Procedure and Evidence
8 allow this Court to use your expert report as testimony in the case if you allow it. Do
9 you accept to have your report submitted into evidence of this case?

10 A. [9:42:47] I do.

11 PRESIDING JUDGE SCHMITT: [9:42:50] That fulfils the requirements of Rule 68(3)
12 that you mentioned.

13 And perhaps, Mr Branch, this means that this report is part of your testimony. It is
14 as if you had testified already on this. The reason why we have this provision is to,
15 is to perhaps be able to shorten a little bit the procedure and then the live testimony,
16 especially also with regard now when we have an expert witness.

17 And now I would like to invite you, Mr Obhof, also to have this in mind. I know
18 that you have time to dwell into more detail into this report, but we should not report
19 it -- repeat it completely, otherwise the whole procedure of Rule 68(3) would be futile.

20 MR OBHOF: [9:43:48] Thank you, your Honour. I did spend the weekend trying to
21 retool everything and trying to keep it specifically --

22 PRESIDING JUDGE SCHMITT: [9:43:53] I simply flag it, and when I think it goes
23 too far, it goes in too much detail and repetition, I would address it again.

24 MR OBHOF: [9:44:02]

25 Q. [9:44:03] Dr Branch, on page 1172 of your testimony, you discussed about how

1 the report was based, informed primarily by research that you conducted during
2 almost two years of living, working and researching in northern Uganda, mostly in
3 Gulu town. Now you further went on to specify these time periods of February
4 through June 2003. Now, what type of research did you conduct during this time of
5 February to June 2003?

6 A. [9:44:42] During that time, my research was primarily guided by an
7 ethnographic approach, an ethnographic approach which is broadly a qualitative
8 methodology. My research was orientated around, primarily, participant
9 observation, which is spending significant amounts of time with people, moving
10 around with them, and less of an emphasis on formal interviews or formal focus
11 group discussions which, for reasons both practical but also in terms of security, I
12 think would have been, I felt, were quite difficult during that time for somebody who
13 was on his own. I also felt that there were human rights organisations and other
14 organisations that were doing that kind of more formal testimony-based research.
15 And so my research was again largely participant observation, which involves a
16 significant number of more informal interviews, more informal discussions,
17 long-term engagement with individuals and groups of individuals, so -- but, of course,
18 it also involved some more formal interviews as well. I'm not sure that they are
19 reflected in the footnotes or the endnotes to this particular document, but if you look
20 at some of my other writings, my book, and in particular the -- some of my pieces
21 from 2005, I think you can see reference to a number of interviews there.
22 My more formal interviews were probably with public officials, government officials,
23 NGOs, and my more sort of informal work was in communities but also with
24 communities of people working and living in Gulu town as well. So during that
25 period that was really the emphasis of my research.

1 PRESIDING JUDGE SCHMITT: [9:47:08] May I shortly, Mr Obhof.
2 You might be aware that this is exactly the time period that is of utmost relevance
3 here in this courtroom. How did you get in contact with the people you interviewed,
4 you talked with?

5 THE WITNESS: [9:47:27] Yeah, so I had the good fortune of having my first
6 interactions sort of mediated by a local human rights organisation based in Gulu that
7 I had made contact with two years before during my very short time there in 2001.
8 And so this Ugandan human rights organisation, I began by working with them,
9 again, very informally moving around with some of their human rights monitors, and
10 then met people through them. And so I would say that my contacts in, especially in
11 Pabbo camp, were primarily facilitated by this human rights organisation, but during
12 that time in Gulu town there was a sort of community of mostly Ugandans who
13 worked for NGOs, people in the media, other, a few other academic researchers.
14 And so just, in a sense, by spending time in Gulu town itself, you end up meeting
15 a lot of people that way.

16 PRESIDING JUDGE SCHMITT: [9:48:43] And I think, I assume, that you visited
17 several of these camps, of these IDP camps or however you would word them. How
18 did you get there? With whom did you get there? Because we know this was the
19 critical period.

20 THE WITNESS: [9:49:02] Yeah, so I travelled by different means at different times.
21 Most of my travel was on public transport, so buses or small mini vans. A lot of the
22 travel I did with a, with friends on motorbikes, so I would, I would usually be the
23 passenger on the motorbike sort of huddling in the back while somebody else drove.
24 So most of it was either by, yeah, private means or by public means. I did take
25 a couple trips with some of the food convoys, the aid, the relief aid convoys, so when

1 I moved with them I moved in World Food Programme vehicles or other kinds of
2 vehicles.

3 PRESIDING JUDGE SCHMITT: [9:49:57] And perhaps again, the a similar question I
4 have already asked, but now with regard not to Gulu town, but to the camps. How
5 did you get in contact with the people you talked to in the camps?

6 THE WITNESS: [9:50:10] So again, in Pabbo which is where I spent far -- I mean, I
7 spent far more time in Pabbo than any other camp. In Pabbo, again it was first
8 through the human rights organisation. Then I made some contacts in one of the
9 churches that was involved in relief work and in human rights work, and so they then,
10 I met more people through those networks as well. So it was really all just sort of
11 individual to individual.

12 PRESIDING JUDGE SCHMITT: [9:50:49] And perhaps -- you mentioned several
13 times this human rights organisation, could you please name the organisation?

14 THE WITNESS: [9:50:56] It's Human Rights Focus, founded by James Otto in the
15 mid-'90s. Had a very prominent role in advocacy in the region, during the war
16 especially, and did a lot of -- they also did a lot of work with international human
17 rights organisations. So it was a very small organisation, there was maybe five or six
18 people working there, they worked out of a converted grain warehouse, but they
19 were doing really, in my view, important work.

20 PRESIDING JUDGE SCHMITT: [9:51:35] Thank you.

21 Mr Obhof, I hope you bear with me. There might have been some question that you
22 would also have asked or dwelled upon, but please continue.

23 MR OBHOF: [9:51:46]

24 Q. [9:51:48] Before we begin with our question again, Dr Branch, just to help out
25 the people upstairs, after we're done asking our questions give it about a good three

1 seconds before you start to answer so they can catch up with interpretation. We
2 were once told that sometimes one word in English could be eight words in Acholi,
3 so.

4 Just quickly, earlier when you said you were on the back of motorbikes, you mean
5 boda bodas?

6 A. [9:52:27] Sometimes on boda bodas, but sometimes travelling with a friend who
7 had his own motorbike. I think once I was on the back of a bicycle during a long trip
8 because other means of transport had broken down, so ...

9 Q. [9:52:45] Now how is it that you translate your interviews, your data which you
10 collect to your peers and the public at large?

11 A. [9:52:58] So, as an academic, my primary engagement is through academic
12 books, academic articles, book chapters, and so, for me, that's the primary way that I
13 communicate my research. But I have also always felt that those of us who are doing
14 research in areas of significant, let's say, injustice, also have a responsibility to try to
15 bring some of our findings into the public sphere. So I would often also write short
16 pieces for newspapers or online media. I would give talks, if I was invited. I would
17 try to engage in different public forums. So that's probably the secondary way,
18 being an academic, again, primarily through peer-reviewed articles and chapters,
19 but -- and books. But, secondarily, in the public sphere as well.

20 Q. [9:54:32] On page 1178 you mention that some people had stated that the peace
21 talk -- that peace talks were at times undermined by the Ugandan military and the
22 government "to serve their political and economic ends". And this is going to be
23 a relative two-part question:

24 Firstly, could you give a better time frame for this statement. And secondly, can you
25 elaborate on what were the political and economic ends.

1 A. [9:55:04] Okay, so let me just find where it says it exactly.

2 PRESIDING JUDGE SCHMITT: [9:55:12] It's the second, second paragraph, I think,
3 you are alluding to. On 1178, page 7 of your report.

4 THE WITNESS: [9:55:22] Okay. Thank you.

5 So the time frame, I would think about two specific instances, one was in 1994, the
6 peace talks with Betty Bigombe, which many people have argued were undermined
7 or were finished off by a seven-day ultimatum given to the LRA by the government.

8 A second period I would refer to would be the period described in Father Carlos
9 Rodriguez's book, Tall Grass, which I think is a pretty extensive documentation of the
10 way that he and other peace activists were trying to get peace talks going with the
11 LRA, and the way that they were, those peace talks and their efforts sometimes met
12 with, sometimes violence, sometimes simply other kinds of challenges from the
13 Ugandan military. And Rodriguez's book was around the period of the Operation
14 Iron Fist, so 2002, 2003.

15 MR OBHOF:

16 Q. [9:57:08] Yeah, I can tell where they have, and a little red light goes off.

17 Now, how did these factors, these political and economic ends, impact persons who
18 were living at the internment camps?

19 A. [9:57:24] So, I apologise, I realise that I didn't answer the second part of your
20 two-part question.

21 Q. [9:57:29] So we can go back to that two-part question. I will come back to the
22 second part --

23 PRESIDING JUDGE SCHMITT: [9:57:34] Feel free to answer that second part of the
24 question.

25 THE WITNESS: [9:57:37] Okay. So, there's been a significant debate for a long time

1 over whether or not the war was serving the ends of the Ugandan government or
2 sections of the Ugandan military.

3 There were accusations made that the government was profiting from the war
4 economically, I guess in a couple of ways. One way is at the local level, in terms of
5 the kind of petty corruption that was enabled by the war, the way that the war
6 enabled some looting of natural resources, some efforts at grabbing land. And the
7 ghost soldiers sort of scandal, I think, really revealed to a wider public the ways that
8 certain economic interests had become incorporated into the war. I'd refer to
9 Andrew Mwenda's piece in the Tim Allen book, *LRA Myth and Reality*, for
10 an extensive discussion of that.

11 So on the economic, in terms of the economic, on the local level -- or, let's say, the sort
12 of small-scale level, you had those. On the broader level, many people argued that
13 the Ugandan government was using the war in the north as a way of maintaining
14 high levels of military spending, of diverting some of its budget to, or diverting
15 a significant amount of its budget to the military. And then, again, drawing on
16 Mwenda's analysis, that the government would either use this funding that had gone
17 to the military for its own political ends or else it would then use some of that military
18 capacity not so much in northern Uganda but in other areas, so south Sudan, DRC.

19 So on the economic, I think we can identify the way that the argument has gone, both
20 those kind of small scale and then large scale.

21 In terms of the politics, this is an area that is much more contentious and has again
22 been subject to debate since the very beginning of the violence in northern Uganda in
23 1986. So in terms of the political interests that were being served by the continuation
24 of the conflict, there have been a number of arguments that have been put forth in the
25 debate. And again, we might look at the local, national, and international.

1 On the local level, many people argued that the continuation of the war was a way to
2 keep the Acholi population from organising, to keep a level of significant political
3 repression in place against the population. Of course, some people, and I talk about
4 this in my report, some people have seen that continuation of the war as being
5 a policy of extermination or genocide against the Acholi. That's something that has
6 been spoken about by many Acholi leaders, but that also, as I said, you heard from
7 people in the camps.

8 On a national level, it's been argued that keeping a contained war in the north served
9 national interests by keeping the country on a war footing, by allowing again the
10 diversion of the budget into the military, providing a justification for the further
11 militarisation of the country, it provided a way of targeting political opponents of the
12 regime. Opposition Acholi politicians would often be labelled friends of the
13 terrorists and this even happened on the national level. Kizza Besigye in his, I think,
14 first treason trial, it was -- some of the evidence was precisely about his alleged links
15 with the LRA; so some have argued that, that keeping a war in the north, again,
16 a contained war that wasn't crossing the Nile but keeping a contained war in a part of
17 the country distant from Kampala, distant from the south, served these national
18 political interests, and also as a kind of way of building support more broadly
19 throughout the south.

20 Again, this is something that I speak to in my report and again, Mwenda, somebody
21 who has written extensively about this, but many people argue that having a rebel
22 army or having a -- yeah, a rebel army in the north was used by the government to
23 provoke fear among southern populations at the possibility of a return to northern
24 dictatorship; in other words, the dictatorships of the late '60s, '70s, early '80s.

25 On an international level, it's been argued that keeping the war served government

1 interests politically by enabling them to establish a link, especially with the United
2 States around the war on terror. Of course in 2001, the LRA was placed on the US
3 terrorist list and so this provided a way of -- or keeping -- having the LRA remain, it's
4 been argued, enabled the government to continue to build this link with the US
5 around the war on terror.

6 But that goes before 2001, if you look at the relations between the Ugandan
7 government and the SPLA in south Sudan, and between of course Khartoum and the
8 LRA. So, yeah, I think those are the -- that's been the debate around economics and
9 politics.

10 Now you will have to remind me of your other question.

11 PRESIDING JUDGE SCHMITT: [10:05:43] I would even suggest to repeat it.

12 MR OBHOF: [10:05:48]

13 Q. [10:05:51] Now these economic factors, how did these economic factors impact
14 upon persons living in the internment camps?

15 A. [10:06:03] Okay. Well, I would separate this question from your last one in
16 a sense in that I don't want to imply by explaining some of the impacts, some of the
17 economic impacts on the population. I don't want to imply that that means that
18 these impacts necessarily were the result of specific interests on the part of the
19 government.

20 So in other words, I think that imputing interests -- well, we could see the way that
21 these things could be serving the interests of some parties in the government or
22 military but whether the fact of them, these things happening on the ground was
23 proof of them actually serving those interests or let alone the war being maintained in
24 order to serve those interests, that's a different question.

25 So if we look at some of the economic dimensions, perhaps the most glaring aspect of

1 that is the ghost soldiers, call it a scandal. And I'm sorry to keep referring to
2 Mwenda's piece, but he is an investigative journalist who has done the most work, I
3 think, on this question. But Mwenda reports that at the inception of Operation Iron
4 Fist that anywhere from one-third to two-thirds of the UPDF who were supposed to
5 be stationed there in the fourth division were ghosts. In other words, were not there.
6 And so that he has argued that because of this ghost soldier phenomenon it led to the
7 UPDF being undermanned, being undertrained with low morale and it led to LDUs
8 or home guard being incorporated into the military in the place of regular UPDF,
9 which of course would have a very deleterious impact upon the UPDF's military
10 capacity and morale.

11 So I think you could probably trace the ghost soldiers phenomenon to some of the
12 protection problems that were faced by people living in the camps pretty directly if
13 the kind of evidence that Mwenda and many others have provided is correct.

14 Q. [10:09:11] You mentioned in your answer earlier about the contained war in
15 northern Uganda. Have your studies or your readings -- did you ever find anything
16 about how the government reacted to other rebel groups in western Uganda or in the
17 east?

18 A. [10:09:35] Yeah, so Finnström documents 27, I think, rebel groups that arose
19 after the NRM/NRA took power, and I think the general understanding is that the
20 new government, the NRA, dealt with most of these rebel groups through
21 a combination of military repression but also cooptation, in other words, bringing
22 these people from rebel groups into the military or the government.

23 And so I think Mahmood Mamdani was arguing all the way back in the late '80s that
24 it was curious that the government would take an approach of cooptation to many of
25 these other rebel groups, whereas with the LRA it seemed to not -- not follow this

1 same policy and seemed to take an approach of military, absolute military victory
2 rather than one of cooptation.

3 Q. [10:11:05] Dr Branch, you mentioned several times in your report that the LRA
4 went to these internment camps looking for food, supply, and recruits. Firstly, could
5 you please tell the Court a little bit more this food problem, vis-à-vis the LRA?

6 MR GUMPERT: [10:11:44] I'm sorry to interrupt, I wonder if we could have
7 references.

8 PRESIDING JUDGE SCHMITT: [10:11:51] I think I know where it is, but I think we
9 will let Mr Obhof search for it in the report.

10 And I think, Mr Branch, you know what you have written and I think I have -- I've
11 also read it, I think I recall that you mention that one of the reasons why the LRA
12 might have attacked, have led this attack was food and recruits simply. But we let
13 more Obhof to look for it.

14 MR OBHOF: [10:12:19] I actually left my working copy at home, it will take me two
15 minutes to get it on my computer.

16 PRESIDING JUDGE SCHMITT: [10:12:36] For once I have found one here, this is
17 page 16, the already known UGA with the end 1187, last paragraph, "LRA attacks on
18 the camps were also to obtain food, supplies, and forced recruits." That is one of
19 the -- and I recall a second one. I will find it soon, I think. This is 1194, page 23,
20 "Once again, the camps became targets for LRA violence." This is the third
21 paragraph. "LRA attacks focused on acquiring food and supplies needed for their
22 survival."

23 So I think that these are the two references that you wanted to make, Mr Obhof.

24 MR OBHOF: [10:13:38] Yes, your Honour. Thank you very much for doing my job
25 for me.

1 PRESIDING JUDGE SCHMITT: [10:13:45] So I think you recall the question so you
2 can comment on this perhaps a little bit more, elaborate on it.

3 THE WITNESS: [10:13:55] Thank you. So specifically about the food, I think that
4 something that was seen in very many of the attacks on the camps by the LRA - and
5 again this is something that is attested to widely in the literature, both academic and
6 NGO, UN - is that the rebels would loot food and other supplies from the camps
7 when they attacked. Now of course I suppose this is understandable because the
8 rebels largely did not have a secure base where they could produce their own food,
9 and especially when moving around in northern Uganda they had to find food where
10 they could, and sometimes they found it in the villages. Once people had been
11 displaced in the camps, they then looked to the camps to find food and supplies.

12 And so, again, one of the things that comes out in much of the literature is that attacks
13 would -- I think in a World Food Programme report they said often - Finnström says
14 frequently - take place in the wake of food distributions. And so this got to the point
15 where, as I think I say in my report, where people would leave -- well, adopt
16 strategies, so that when rebels came for food they wouldn't harm civilians. So
17 people would leave some food outside their hut, what Finnström calls the rebels'
18 share. Sometimes they would put some food very prominently in a specific place
19 inside their hut and they would hide the rest. And again, one of the things that
20 perhaps shocked me when I first heard it, but that then I came to understand more,
21 was when a couple of people, I think it was in Pabbo camp, said to me that the World
22 Food Programme should just distribute food directly to the LRA so that civilians
23 wouldn't be harmed by the LRA's acquisition of food and supplies.

24 PRESIDING JUDGE SCHMITT: [10:16:52] I think this answers it sufficiently. But I
25 would simply like to flag the third portion where this is mentioned, your report.

1 This is on page 27 of the report, 1198, which mentions that the LRA dramatically
2 expanded its operation throughout Lango and Teso, especially for this reason. But
3 we have, as I have already said in the beginning, we have this report completely as
4 part of the testimony of Mr Branch, and so I think this has been covered sufficiently
5 by now.

6 MR OBHOF: [10:17:32] And the one thing I wanted to go -- or, ask him to explain a
7 little bit more is the term "supplies" because it's not necessarily --

8 PRESIDING JUDGE SCHMITT: [10:17:44] Absolutely. Yes, absolutely.

9 MR OBHOF: [10:17:45]

10 Q. [10:17:45] When you write "supplies", what do you mean by that?

11 A. [10:17:49] I suppose I mean some of the things, I guess, that fell under the
12 category of nonfood items, so perhaps saucepans or cooking implements. I mean,
13 yeah, I suppose it was that kind of stuff because, I mean, people in the camps really
14 did not have very much of anything during that time. So suppose if somebody had
15 a pair of gumboots, that would probably be taken as well. Yeah, I think it would be
16 items of that, of that nature.

17 Q. [10:18:42] You briefly discuss the internment issues from 1986 to 1990 in your
18 report, from pages 1180 to 1181. You noted the type of violence, which included
19 extrajudicial killings, beatings, burnings and looting of food by the military. Now,
20 why were -- this first specific round of internment, why were these killings taking
21 place in there?

22 A. [10:19:17] In 1988?

23 PRESIDING JUDGE SCHMITT: [10:19:21] I think, Mr Obhof, if I may, alludes here
24 to the quotation by Amnesty International that you yourself again quote then. And I
25 think this is also -- this gives you a time reference.

1 THE WITNESS: [10:19:35] Yeah. Thank you.

2 So why exactly the killings took place, I don't think I can definitively answer. I can
3 simply draw upon the materials that were written at the time, and also the bits that I
4 heard about that period from people much later. So, I guess to understand why
5 those killings were taking place, I guess there are two different answers that could be
6 given. One is that the killings were part of -- or, were a way of enforcing a policy of
7 forced displacement, as was seen in later periods when people who perhaps refused
8 to move were targeted. But of course, if you look at the broader sweep of violence
9 during that time, again from existing reports and media reports, killing or alleged
10 murders by the Ugandan government against civilians was not restricted to the
11 period of that sort of short window of forced displacement. Rather, this is
12 something that was called attention to from basically late 1986, or mid-1986, all the
13 way through and past this period into especially Operation North in '91.

14 So as to why this broader regime, this broader sort of set of killings might have
15 happened, well, there again, I think I would refer back to the different theories that
16 have been put forth on the political reasons for the war and to say that people have
17 seen -- no, people have seen these killings as symptoms of different attributed policies
18 or different -- not policies, different attributed purposes on the part of the government.

19 One thing that I think we do see throughout this period, again, is killings of people
20 who were accused of being rebel collaborators or supporters, so I would suppose that
21 some of these killings in 1988 may also have been targeting those who were seen as
22 rebel collaborators or supporters among the civilian population.

23 MR OBHOF: [10:23:05]

24 Q. [10:23:05] Now, in your title where you talk about -- where it says "Internment
25 Camp", why did you use the word "internment"?

1 A. [10:23:20] I used the word "internment" for specific reasons, which I think I
2 detailed in the report, but primarily because I think that we need to or its important to
3 draw a distinction between periods where people were fleeing rebel violence, but also
4 broader war in the countryside out of their own volition, seeking protection,
5 sometimes in camps, sometimes in town centres, sometimes with each other,
6 sometimes in the bush.

7 So during any conflict like this there are going to be cycles of displacement, there are
8 going to be periods when people flee their homes for longer or shorter periods of time.
9 And in some context, when people fled their homes in significant numbers and
10 assembled in trading centres, then these camps were -- I don't want to use the word
11 "spontaneously" or "voluntarily" because of course they were in response to extreme
12 violence, but these camps were formed as a result of people's own initiative trying to
13 flee violence and seek protection. So that's one kind of camp and those are the kind
14 of camps that I use the generic term IDP camp to refer to.

15 Now the point that I wanted to make here in this report - and, again, it's a point that
16 I've been trying to make in my work since 2004 - is that many of the camps in the
17 region formed not as a result of spontaneous flight by civilians from the LRA seeking
18 protection, but rather formed as a result of intentional policy by the government of
19 forced displacement and then internment in camps.

20 So how did these become -- I guess internment implies a degree of coercion not only
21 in the creation, but also in the maintenance, and so this, I think, is where the threats
22 against people who were found outside the camps came into play. There were, you
23 know, in both major phases of forced displacement and internment, it was announced
24 that people who were found outside the camps would be treated as rebels or rebel
25 collaborators by the military. Of course this was not always followed through on

1 and, again, I think is -- I try to detail here, there were again some sort of cycles and
2 there was great divergences among the different camps in terms of movement.
3 But, in general, I want to use the word "internment" camp to specifically designate
4 those camps that had been created as a policy by the government and that were
5 enforced by, especially in their creation, by violence, at least by the threat of violence.

6 Q. [10:27:21] Now, again for this part, sticking between '86 to 1990, a time frame,
7 have you ever read or heard about any other type of internment or holding facilities
8 which were used against the civilian population in the Acholi region?

9 A. [10:27:50] Human rights reports from the time make a lot of reference to
10 arbitrary detention. Now, if that's the kind of thing you're referring to, then I
11 suppose that arbitrary detention, though obviously on a very small scale relative to
12 the scale of the camps, might qualify as the kind of form of internment or holding that
13 you are talking about. But other than that, I can't think of anything, unless you
14 would like to give me some more detail about what you're thinking about and I can
15 respond to that.

16 Q. [10:28:36] I think it's okay. The Judge gave me one of those looks.
17 Now both in this first internment from '86 to 1990 and then at the beginning of the
18 second one as you describe in 1996, this food that was stored at people's homes before
19 the internment, where did the food from these granaries go when they were interned?

20 A. [10:29:20] Well, the period of forced displacement in '88 that I refer to I simply
21 think there is not enough information about that time to -- for me -- or let me say I
22 have not seen enough information or evidence from that time to be able to say
23 anything about what happened to granaries when people were displaced and so I
24 don't want to speculate on that.

25 PRESIDING JUDGE SCHMITT: [10:29:50] And later? I think you might be able to

1 say something about a later period.

2 Perhaps, Mr Obhof, we don't have to stick now to 1990. If we have this issue at hand
3 at the moment, we can answer it on the spot for a later period.

4 THE WITNESS: [10:30:11] Thank you. So in the later period, again, well, let's say
5 the '96 period, again what comes out in the record and what I heard stories of was
6 that people would return home to try to get food because the camps were tragically
7 under-provisioned, people would go home and try to get food and sometimes they
8 would find the granaries had been burnt or looted or destroyed. So I think it's -- I
9 think it's very difficult to generalise, but I certainly would say that there are many
10 stories and many reports both that I heard and that are documented in other
11 literatures that people found the granaries had been destroyed or looted when they
12 went back to try to collect.

13 Now, again, this raises a question of who did the burning, who did the looting, and in
14 this kind of context I think it's very difficult to know. I know that the -- well, from
15 my point of view, I know that the Amnesty and Human Rights Watch reports
16 attributed some of these burnings and lootings to the NRA, but I'm not privy to the
17 information they had or the evidence they had to know how they were able to arrive
18 at that conclusion.

19 PRESIDING JUDGE SCHMITT: [10:31:56] And perhaps even a little bit going
20 further in time, I recall it from your report you have been first in 2001 in Acholi region
21 and later in 2003, 2004, can you tell us something about this period? Because you
22 spoke now about I think 1996 onwards.

23 THE WITNESS: [10:32:17] Yes, so 2001 when I was there, well, it didn't seem to me
24 like this at the time, but it was a time of relative -- relative security, I think. It was
25 before Operation Iron Fist. At that time I spent about, about 10 days in Pabbo camp,

1 staying in the mission again with a colleague from a human rights organisation.

2 And -- but it was a time when there was talk of decongestion, they were planning
3 other camps around, smaller camps, I think Gengari was one; I can't remember the
4 others.

5 So 2001, where I was, was a very different context.

6 2003, when I returned, things had transformed radically, as this Court has been
7 hearing about for quite some time. So 2003 when I returned was obviously after
8 Operation Iron Fist, after the order of displacement had gone out and also I think,
9 yeah, was a period when camps, internment camps had been formed across Acholi
10 subregion. And so during that time, yeah, obviously forced displacement was very
11 recent and people were still kind of dealing with the consequences of it at that point.

12 Q. [10:34:10] I have one final question on the first internment section and it should
13 be short.

14 Now when these -- the first internment in the '80s up until Operation North, when
15 that came to an end, what type of reparations, if any, did the newly formed
16 government of Uganda offer those who suffered harm during this period?

17 A. [10:34:42] Okay. Well, I would just want to clarify that the way I describe it in
18 this report is that that entire period was not a period of internment. Rather, there
19 were cycles of displacement that were occurring during that period and that from, at
20 least what I have seen, and again, there was a lot that was very unknown during that
21 time, media often couldn't even get outside of Gulu town or Kitgum town, there were
22 contradictory reports coming in, if you read Caroline Lamwaka's book "The Raging
23 Storm", you can see just how difficult it was for a reporter to find out what was going
24 on.

25 So the one period of forced internment that I have come across is this period in 1988.

1 The rest of it, yes, there were I would phrase it as cycles of displacement, sometimes
2 into town, sometimes into trading centres, sometimes towards barracks, but I have
3 not found evidence of a policy of internment other than that relative to the later
4 period, short period of '88.

5 PRESIDING JUDGE SCHMITT: [10:36:05] I think we can move to another point now,
6 Mr Obhof.

7 MR OBHOF: [10:36:08]

8 Q. [10:36:11] Now sticking with the timeline now, you -- not with the time we were
9 talking about, but going forward, you also write of these arrow groups, which you
10 state should not be mistaken with Arrow Boys. What have you read and researched
11 and found about the details of their training in relationship to later the home guards
12 in Acholi?

13 A. [10:36:49] The arrow groups, arrow brigades, bow and arrow brigades of 1991
14 that were formed at the -- well, as part of but then lasted beyond the end of Operation
15 North. So these groups, the best I have been able to reconstruct from the evidence is
16 that these groups, some of them had some kind of formal constitution, some of them
17 were set up and then would work in conjunction with the UPDF or the NRA at that
18 point. But others of them were much more kind of grassroots. I have read reports
19 where people were simply told that they all had to carry around pangas, machetes,
20 they should all carry a spear when they go out to the farm and sort of that kind of,
21 where there is no organisation or training at all.

22 So I think that there was a diversity of experience during that time. I think that, yes,
23 some were -- had some kind of -- I'm not sure that they had training, they had some
24 organisation, in some cases provided by the military. Some cases I'm guessing the
25 organisation was probably by -- within the resistance council structure so RC1 or RC3

1 before it changed to local council in '95.

2 But I think one thing that we have seen, especially from newspaper reports from the
3 time is that these groups were not armed in any way. In other words, they were
4 supposed to use again machetes, spears, bows and arrows, which is how they got
5 their name. It was communities were supposed to organise and arm themselves
6 with whatever they had at hand. And then sometimes they would be part of
7 military operations, sometimes they were just supposed to work on their own is the
8 best I can tell from the evidence.

9 Now this is very different from the LDUs, and in fact, LDUs were being set up during
10 that time and had been set up as an adjunct to the RC structure very soon after the
11 NRA took power. But the LDUs and then later, as they were renamed, the home
12 guard were generally armed and had some kind of training, had some kind of
13 payment, there was some kind of formal structure, even if they were recruited
14 informally.

15 And so I, I see these as very distinct because I think that the arrow groups were a kind
16 of broad, I don't want to call it militarisation because people didn't have real weapons,
17 but a broad effort at mobilising the Acholi peasantry against the LRA, one that had
18 again little funding, if any funding, no provision of arms or uniforms or anything.

19 And that as I talk about -- I think I talk about in this report, but I certainly talk about
20 in a lot of the things I've written where these groups were basically abandoned when
21 Operation North officially ended and they ended up being the real targets of a really
22 intense wave of LRA violence. And I think that experience led a lot of Acholi to be
23 suspicious of government efforts to mobilise them against the LRA in the future
24 because you -- even today you still hear people talking about the arrow groups and
25 how they were abandoned by the government and then suffered immensely at the

1 hands of the rebels.

2 Now do you want me to talk about LDU and home guard now or is that something
3 you want to bring up later?

4 Q. [10:41:44] I will move on to that a little bit later.

5 A. Okay.

6 PRESIDING JUDGE SCHMITT: And I think --

7 MR OBHOF: (Overlapping speakers) comparison of it right now --

8 PRESIDING JUDGE SCHMITT: [10:41:46] Yes. And I think we can focus on these
9 issues when it comes to the time period from 2002 onwards, I would suggest simply,
10 because again the other periods are of interest, but of the utmost interest is 2002
11 onwards, and the other periods are not lost for you since they are in the report and
12 they are already part of the testimony.

13 MR OBHOF: [10:42:16] Your Honour, I would just ask him to explain because he has
14 mentioned a few times Operation North, briefly, very briefly.

15 PRESIDING JUDGE SCHMITT: [10:42:22] Yes. We have heard about this. But, as
16 Mr Obhof already correctly suggested, perhaps shortly, what does this mean,
17 Operation North?

18 THE WITNESS: [10:42:34] So Operation North was a scaled-up military campaign
19 by the NRA, but there was also something that involved a significant effort at finding
20 rebel collaborators and rebel supporters among the civilian population, so in terms of
21 the way that most people I have spoken to remember Operation North, it's not the
22 military component which appears to have been significant, but it's rather the civilian
23 component called a cordon and search operation, where people were gathered
24 together and screened and people who were seen as being rebel collaborators were
25 subject to violence. I think the Bucoro massacre took place during this time. And

1 so it's that violence that civilians faced, first by the NRA looking for rebel
2 collaborators, the significant violence they faced, and then once Operation North
3 ended and the arrow brigades were still organised, the violence they faced at the
4 hands of the LRA. So it was this really kind of tragic period where people were first
5 subject to violence by the government on the accusation that they were rebel
6 supporters, and then violence by the rebels on the accusation that they were
7 government supporters because they had formed these arrow brigades. So, yeah,
8 that's how I would explain it.

9 MR OBHOF: [10:44:34]

10 Q. [10:44:34] Thank you. Now you note that on page 1183 that Gersony calculated
11 that around 83 per cent, that's around 75,000 of 90,000 of displaced persons in Gulu
12 town, were forced there by state violence, and of course this would have been around
13 mid-to-late 1997.

14 Can you tell the Court how Gersony came up with this number?

15 A. [10:45:22] I don't remember at present. I'm happy to look at Gersony's report
16 and see his sources, but I'm not sure where his report resides within the binders.

17 PRESIDING JUDGE SCHMITT: [10:45:37] Do you have this report at hand?

18 MR OBHOF: [10:45:39] It is one of the binders.

19 PRESIDING JUDGE SCHMITT: [10:45:41] Yes, then we will soon have a break, and
20 perhaps you can use this break to inform you. I think you will, since you know the
21 report, this will go very quickly and will not take you such a long time. Yes?

22 THE WITNESS: [10:45:53] Could -- could I just say that from my perspective now, I
23 really don't have any information about the report other than what is in it, so ...

24 PRESIDING JUDGE SCHMITT: [10:46:03] Then this would -- then I think it doesn't
25 make sense simply that you -- you simply refer to it.

- 1 It will be submitted, I assume? It is in the binder here?
- 2 MR OBHOF: [10:46:12] It's in the binder as one of the --
- 3 PRESIDING JUDGE SCHMITT: [10:46:15] Yes, then we can move on.
- 4 MR OBHOF: [10:46:16] Yeah, it's one of the many documents --
- 5 PRESIDING JUDGE SCHMITT: [10:46:17] Yes, yes, yes.
- 6 MR OBHOF: [10:46:17] -- he referred to and cited in (Overlapping speakers)
- 7 PRESIDING JUDGE SCHMITT: [10:46:20] I've seen it, yes. And perhaps at this
- 8 moment an announcement, also. We have to, for organisational purposes, we have
- 9 to finish today at 3 o'clock. To compensate for that, we shorten the lunch break half an
- 10 hour; I already indicate that for everyone.
- 11 And soon we will have a coffee break. If you, Mr Obhof, if you want to entertain
- 12 something completely new or want to proceed for a couple of minutes, that's okay,
- 13 but we could also have the break now.
- 14 MR OBHOF: [10:46:51] I can proceed with one or maybe two more questions --
- 15 PRESIDING JUDGE SCHMITT: [10:46:52] Yes, please.
- 16 MR OBHOF: [10:46:53] -- but it would still make sense to take a break there.
- 17 PRESIDING JUDGE SCHMITT: [10:46:59] Please do so.
- 18 MR OBHOF: [10:47:00]
- 19 Q. [10:47:00] Now you state on 1180 -- page 1184 of your report, that in Kitgum
- 20 district the government attempted the same type of mass internment as in Gulu
- 21 district, and I believe you state the resistance to this and that, given the choice, people
- 22 wanted to remain at home.
- 23 Now how is it possible in late '90s and in 2000 for the Acholi people of Kitgum to
- 24 resist this forced internment, especially considering the major LRA thoroughfare that
- 25 would enter into Uganda through the Kitgum area, namely, Agoro, Madi Opei?

1 A. [10:47:54] So this is one of the few things in this report that I have not written
2 about previously. And I came across it or I perhaps came across it and paid
3 attention to it when I was going through, back through all of the literature that had
4 been written about displacement. This comes specifically from the Acholi Religious
5 Leaders' Peace Initiative report, "Let My People Go".
6 When I read it, I was surprised because I had not heard that before, but I thought it
7 was interesting and coming from the religious leaders, significant enough to warrant
8 inclusion, even though it was not something that I had heard about elsewhere.
9 Now that said, I mean, I'm sure this is something that will come up later, but you
10 know, my -- again my research in camps was largely in the west and, you know,
11 largely, largely in Pabbo. So I was not following events in Kitgum or -- and then
12 later, Pader district as closely as I was following them on the western side of Acholi,
13 so it's something that I had not come across previously. It is something that if I had
14 come across previously, I certainly would have been very interested in and made
15 more of and looked into more for precisely the reasons that you're asking.
16 So again, I'm just drawing upon the Acholi Religious Leaders' account of the event or
17 of that incident, but they explained it in -- in these terms; that there was opposition
18 from religious leaders and from some, I think also political leaders to the
19 announcement of a policy of forced internment and that, as a result, it was not put
20 into place.
21 Now why, in general, might one think that people would rather stay home than move
22 to the camps in many cases? Well, simply because the number of people who
23 moved to the camps increased dramatically immediately after or around the times
24 when orders were made and enforced. And therefore -- and then also, just
25 doing -- talking to people afterwards about where they would -- if they had wanted to

1 move to the camp or not.

2 So obviously to say that the vast majority of inhabitants wished to stay at home rather
3 than move into the camps, it's probably a too sweeping generalisation about
4 people's -- or it could be read as a sweeping generalisation about people's motivations
5 or needs. But I think the fact that people did not move into the camps in Kitgum or
6 that, let's say, that there were some camps that were created in Kitgum, but nowhere
7 near the level in Gulu district and the fact that, as you say, and Acholi Religious
8 Leaders reports this too, that -- that LRA activities in Kitgum were not necessarily any
9 less intense than they were in Gulu at the time, would lead one to conclude that
10 people had not gone to the camps because they didn't want to.

11 Q. [10:51:58] With that, I think this would be a good time for a coffee break.

12 PRESIDING JUDGE SCHMITT: [10:52:03] That's fine.

13 So we meet again at 11.30.

14 THE COURT USHER: [10:52:09] All rise.

15 (Recess taken at 10.52 a.m.)

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

17 THE COURT USHER: [11:30:09] All rise.

18 PRESIDING JUDGE SCHMITT: [11:30:32] Mr Obhof, you still have the floor.

19 MR OBHOF: [11:30:36] Thank you, your Honour.

20 Q. [11:30:53] Still good morning, I hope you had a good coffee break, Dr Branch.

21 A. [11:31:01] Thank you.

22 Q. [11:31:01] Now, there was one thing we noted in your report where you
23 mentioned it twice, this nsenene, this grasshopper theory. Could you explain a little
24 bit what this grasshopper theory is.

25 And for the judges it's found on page 1185 and on page 1200 of tab 2 in binder 1.

1 A. [11:31:29] Thank you. So what people refer to as the grasshopper theory is
2 based upon the idea that if you put grasshoppers together in a bottle or in a close
3 space they will eventually eat each other. And so one of the theories that was going
4 around during the war and that one continues to hear now, but especially I think in
5 the early years of the war, one of the theories was that the government was letting the
6 war continue because it saw the violence by the rebel groups, and this was especially I
7 think during the period when you had the Holy Spirit Movement, you had the
8 remnants of the UPDA and you had the emergent -- some other emergent factions,
9 including, depending on the time period, a very incipient LRA. And so this theory
10 maintained that the government was letting the war continue because it was a way of
11 both punishing the Acholi, but of, in a sense, letting the Acholi kill each other off.
12 And, yeah, that was what the theory was, that you heard quite a bit from people in
13 camps sometimes, or, you know, people that I spoke to I would hear this from and
14 you would hear it from some Acholi political leaders, especially diaspora leaders, as I
15 remember.

16 Q. [11:33:39] When did you first learn or hear about this grasshopper theory?

17 A. [11:33:48] I can't remember if I heard about it in 2001. I may have. I don't
18 remember. But certainly in 2003 I heard it. But, again, for me this goes back to my
19 answer to a previous question about the different political interests that have been
20 imputed to the government's alleged willingness to let the war continue. And so this
21 grasshopper theory, in a sense, is part of a broader, a broader discourse around
22 genocide or extermination, but this was one that people framed as being particularly
23 perverse because it was the government letting Acholi kill themselves off and not
24 intervening to stop it.

25 So, I mean, the theory is something that one -- yeah, that was part of what people

1 were talking about. Again, I might have heard it in 2001, but certainly by 2003 I,
2 I suppose I would have heard it by then.

3 Q. [11:35:06] Now on page 1185 in that reference -- and I believe the footnote, it
4 goes to Human Rights Focus -- or, no, sorry, Refugee Law Project. I think it's
5 footnote 35. They attribute this, they said that people would often hear Museveni
6 talking about this. Yes, it's in human rights law, it's from footnote 35, Refugee Law
7 Project, from February 2004. Have you ever been able to find anything directly
8 which would point to Museveni discussing this?

9 A. [11:35:54] So I was going back through my previous publications in preparation
10 for this, and as I remember, there is a footnote in an article of mine from 2005 where I
11 speak about it for a few lines, and again, I'm trying to remember here, but I think
12 there was an interview in Drum magazine that a lot of people were pointing to, and
13 I can't remember if he specifically was quoted as saying something about
14 grasshoppers then or whether he had said something about this war is -- well, said
15 something that would imply that he, you know, felt this way about the conflict. I
16 would have to look back at the sources for that.

17 So, right now, I would, yeah, I would have to look back at other things that I have
18 written, or other materials, to be able to answer that more, more conclusively.

19 Q. [11:37:04] On page 1182 of your report, you write a quote from a source where
20 General Salim -- from a newspaper where General Salim Saleh is quoted saying, "if
21 we decide to create protected villages, then we'll have to take responsibility for
22 people's lives." Now, I would like to compare that to what major general -- or, sorry,
23 Major Kakooza Mutale said at the time the presidential senior adviser, where you
24 write on page 1184 that he stated "The depopulation of the villages removes the soft
25 targets and logistics for the survival of the rebels. They would lack food,

1 information, and youth to abduct and people to kill. Desperation would drive them
2 to attack the Army in the camps. That will be their end."

3 From what you researched and from what you witnessed, how well did this
4 depopulation, the creation of these protective villages impede the LRA from attacking
5 the civilians?

6 A. [11:38:36] Well, I would separate my answer from any implications about what
7 it says about Mutale's statement and whether -- again, this goes back to this question
8 of we can observe things on the ground, I observed them, many human rights
9 organisations, reporters observed what was going on. At times, it certainly seemed
10 that the government was, you know, not doing what it needed to do or was letting the
11 war continue or was putting people in the camps for reasons other than the ones that
12 were being stated by, you know, the official reasons that it was giving.

13 And so, but again, these are, as I've said, sort of different theories about how to
14 interpret what was seen in terms of what was largely, I think, inadequate and
15 sometimes, you know, dramatically inadequate protection.

16 So, again, I just want my answer to not necessarily say anything about the accuracy or
17 otherwise of Mutale's statement. That said, I think that, you know, when people
18 were moved into the camps, given that they -- most of the camps, many of the camps
19 were not afforded adequate protection, that people, yeah, became, in a sense, easy
20 targets for the LRA.

21 As I've discussed elsewhere, you know, when people are in the village they have their
22 own kind of survival strategies. The survival strategies sometimes lead to flight,
23 periods of displacement. Sometimes they involve fleeing into the bush, sometimes
24 they involve negotiating with the rebels. And it's a, you know, it's definitely not
25 a -- it's a very, very difficult tragic situation people are in.

1 When people were in the camps, a lot of those survival strategies were taken away
2 from them. And then, if adequate protection is not provided, then it follows that
3 people were, you know, people were certainly not safe in the camps and people
4 congregated in areas that didn't have adequate protection were targeted and
5 sometimes easily targeted by the LRA.

6 Q. [11:41:45] You just mentioned about maybe some people being easier targets for
7 the LRA. Were these -- did these protected villages, did they also make the civilians
8 inside of them vulnerable in any other way?

9 A. [11:42:07] Could you define what you mean by "vulnerable"?

10 PRESIDING JUDGE SCHMITT: [11:42:13] I think you talked in your last answer
11 about the security aspects in general. I have understood it this way. And this was
12 the answer to a question by Mr Obhof, which I think headed at this statement by
13 Mr Mutale -- Mutale, excuse me. And this quotation by Mr Mutale could be read as
14 the expression of an intention by the government at the time, and you answer to that.
15 It might be, Mr Obhof, that you are heading at other negative aspects of the creation
16 of IDP camps, apart from the security. And I think it would be good if -- of course,
17 you have covered this extensively in your report, but nevertheless it would be good to
18 have at least a sort of a summary by you of your major findings.

19 MR OBHOF: [11:43:21] Exactly.

20 THE WITNESS: [11:43:24] Thank you.

21 So, in terms of people's vulnerability conceived beyond simply the security dimension,
22 yes, people were made vulnerable to disease, to -- to, in some cases, well, certainly
23 malnutrition. People were made vulnerable to a significant breakdown of social
24 order, of alcoholism, of sexual and gender-based violence, and so the camps were
25 really, yeah, there was all sorts of vulnerabilities that people faced and all sorts of

1 other kinds of, you know, the kinds of problems people faced in the camp certainly
2 went far beyond the lack of security.

3 And I think, you know, the kind of devastation that was, that the population
4 experienced as a result of being moved into the camps, I think that broader
5 devastation in some ways, well, went far beyond what was purely security related.

6 PRESIDING JUDGE SCHMITT: [11:44:43] May I, shortly.

7 Of course, we have already said that you have it in your report and you have it in a,
8 let me put it this way, in an expert manner, which is, which is exactly what we would
9 expect from an expert report. But you have been there at the time, perhaps you
10 could tell us what you saw at the time. For example, you have a quotation here on
11 page 22 of Jan Egeland, who was Under-Secretary-General, who qualified the crisis in
12 very graphic words you could even say, and this was exactly the time, if I have
13 understood it correctly, where you have been in some of these camps.

14 So if you will, if you could provide us with some personal impressions that you had
15 from the time.

16 THE WITNESS: [11:45:42] So I think like some other foreigners who visited the
17 camps during that time, I was deeply deeply shocked and personally affected by what
18 I saw.

19 The first 10 days that had I spent in Pabbo camp in 2001, when we had to stay inside
20 the mission with double-brick walls outside because we didn't know who might be
21 coming to try to loot the mission, whether rebels or bandits or government.

22 Sitting there with a human rights monitor and hearing at that point, certainly through
23 translation, hearing stories by people living in the camp, who had fled to the camp,
24 what they had been experiencing, what they were going through is deeply harrowing
25 and affecting.

1 And I think, in a sense, the last, you know, the fact that I decided or my decision to do
2 research on the camps, to continue working on the camps for the rest of the duration
3 of the war, and in a sense, up until today, I think is largely a product of how awful the
4 situation was that I saw in the camps.

5 Now, Pabbo camp was, again, where I spent most of my time, was better off in terms
6 of humanitarian aid than some of the more outlying camps because it was on the Juba
7 road and there was a lot of attention and there were so many people living there.

8 But I -- I mean, I will certainly always remember the trip that we took. I can't
9 remember the exact date, but sometime in early 2003, I accompanied a -- either a food
10 convoy or a food-assessment mission from Lira to Kitgum through Pader, which had
11 been off, off limits for at least a year or so because the security was so grave. And
12 driving on that road and just, we didn't stop because of insecurity, but driving slowly
13 on that road and looking out into these camps with children whom to my inexpert
14 eye looked horribly malnourished. To see the wretched state of the camps, you
15 know, the kind of devastation that you could see just from the road was
16 extremely -- had a very significant impact on me.

17 And then, as I spent more time in the camps and I started to realise there were other
18 forms of devastation and the other forms of violence peopling were facing living in
19 the camps, trying to make a living, not being able to go to their fields, the kind of
20 social, you know, psychological, spiritual impact that it was having on people in
21 society, to me it was, it was horrifying.

22 And so now I've been, you know, I've been working on it and thinking about it for so
23 long that some of it almost seems natural, or regular. But I think any time I think
24 back on to what it was like in those camps during that time, thinking about walking
25 around, not being sure where, you know, if an attack was going to come, not being

1 sure who was a danger and who was not. And for people who lived there, not being
2 sure about if they were going to get enough food to live on; if their families were
3 going to be able to survive; if a baby with a cough, if the cough is going to lead to the
4 baby dying because there isn't adequate health care, as I learned more about that, I
5 came to realise the sort of broad extent of the devastation people were experiencing.
6 And so, yeah, it was, for me, it was deeply personal and something that, you know,
7 affected me enough that I -- I've stayed involved in it. And in the last 10 years since
8 the -- well, now 12, 13 years since the war ended, I've still in a sense been very
9 concerned and committed to thinking about the legacies of the war and, in particular,
10 the legacies of forced displacement which have certainly not gone away and are still
11 leading to significant forms of violence, structural and direct, that the civilian
12 population is facing.

13 PRESIDING JUDGE SCHMITT: [11:50:05] Thank you. I think the last point will be
14 covered by you, Mr Obhof, also, the lasting effects, I mean. And you may continue,
15 please, from there.

16 MR OBHOF: [11:50:17] A little bit later in the day.

17 PRESIDING JUDGE SCHMITT: [11:50:18] Yes, yes, I understand.

18 MR OBHOF: [11:50:25]

19 Q. [11:50:25] Now in the middle of the page, on page 1186, you discuss Gersony,
20 about his 1997 report, where at that time people complained that if they went to the
21 UPDF to tell of LRA incursions, UPDF would either punish them or punish -- sorry,
22 punish the people bringing the news or make the people lead the way to the rebels,
23 thus ensuring that they would be the first attacked by the LRA.
24 Now this report is in 1997, is there any research in which you've conducted that
25 would lead one to believe that this still continued on after Iron Fist?

1 A. [11:51:19] Yeah, so reports to this effect are something that I heard quite
2 regularly in Pabbo, from people from other camps whom I spoke to in Gulu; that I
3 heard from human rights and peace monitors working at the time, and that it appears
4 very regularly in many of the human rights reports and the, the reports on the war.
5 So, yes, this, this is something that I certainly, from my research, believe continued. I
6 would say, you know, that was present after Operation Iron Fist and during that
7 period of displacement as well.

8 Q. [11:52:09] Again, later on, on that same page, you introduce the -- Chris Dolan's
9 moniker of the protected barracks. Could you explain a little bit, a little bit more
10 than what's in your report about what is a "protected barracks"?

11 A. [11:52:36] Well, the phrase "protected barracks", again it's sarcastic. It was used
12 as a way of calling attention of the fact that many people felt that the army or that
13 military detaches, by being based in the midst of camps rather than outside of camps,
14 would effectively end up using the civilian part of the camp as a shield against
15 themselves; so that any kind of LRA attack would first have to go through civilians
16 before it got to the military.

17 And so this was something that was, again, commented upon and discussed in many
18 of the reports from that time. It's -- there was, as I understand, there was a great
19 diversity in terms of where barracks were located relative to camps. In Pabbo, I
20 remember the barracks being amidst the camp, not in the very centre, I think, but sort
21 of amidst the camp by the mission, near the -- what's now the sub-county
22 headquarters. I believe. That might have been just one of the detaches, there might
23 have been others. But it refers, yeah, to this fact that a lot of people felt that the
24 military was basically using the civilian population as perhaps either human shields
25 or as a way of getting forewarning as to a LRA incursion before they reached the

1 military themselves.

2 Q. [11:54:26] Now from what you have read or from what you saw while you were
3 in northern Uganda, is there anything to suggest that or to say that the human rights
4 groups and the international organisations that were present, did they state anything
5 to maybe the commanders at the barracks about the issue of the barracks being so
6 close or did you hear anything about higher government officials being warned about
7 this type of issue?

8 A. [11:55:07] Yes, absolutely. I mean, the human rights organisations, the national
9 human rights organisations who were involved in this, and also peace organisations
10 like Acholi Religious Leaders, they all had a very public presence. They worked
11 with the military in some cases and they did a lot to bring these kinds of things to
12 attention. I mean, that's why they were writing these reports because the reports
13 would then be distributed, I don't know about the exact distribution, but I have been
14 at events where military officials have been present and they have been literally
15 handed the reports.

16 So I certainly -- these accusations were not something that was somehow, you know,
17 kept to the NGOs or that was particularly -- that wasn't known. These are things
18 that the human rights groups and NGOs certainly called attention to and had a pretty
19 significant public and media presence during that time.

20 You know, I know that international organisations, of course, present their work to
21 the governments where we have been doing their reports and -- so I mean at the -- in
22 the Human Rights Watch and Amnesty reports, I can't remember if they use the word
23 "protected barracks" or if they talk about, but they certainly talk about these
24 protection issues. And so of course their reports are, parts of them and always part
25 of the recommendations at the end are addressed to the government and to the UPDF.

1 Q. [11:56:52] And just to make it easier later for the record, with the protected
2 barracks and -- from, we know for the protected village does come from Defence
3 binder 1, tab 7, Between Two Fires. That's D26-0018-2445 and that would be in
4 chapter 2.

5 Later in your report at page 1188, you write about two successive fires at Pabbo camp
6 within, I believe about two months of each other. How common was it for these
7 camps to have fires that destroy hundreds if not thousands of homes?

8 A. [11:57:44] Well, statistically obviously I don't know, but your impression
9 moving around in the region, you would go through a few camps that all had
10 thatched roofs and then suddenly you would get to a camp where all the roofs were
11 either blue or white tarps and so there was parts of Pabbo camp where all of a sudden
12 there were no thatched roofs and everything was blue or white tarps distributed by
13 aid agencies. And so that was sort of the sign that there had been a significant fire, if
14 you came to a place and you found sometimes orange tarps, but you found large
15 numbers of huts with tarps covering them.

16 And I mean, Pabbo was a big place, and you know, looking at it from above you
17 could definitely see entire sections that were covered by these tarps waiting for the
18 next dry season to be able to get, to get grass.

19 So how frequent? I mean, I see them as quite frequent just because the dangers of
20 fire were so significant, you know, people cooking with firewood or charcoal stoves,
21 children milling around, people walking through the camp. Huts, you know, a few
22 metres, sometimes less from each other. A lot of the time the huts were so close that
23 the thatched roofs actually touched each other, overlapped, so as you were walking
24 through you had to walk as if through tunnels under these. And so obviously if
25 a fire starts in one hut because a small child knocks over a charcoal stove or a spark

1 goes up onto the roof, that fire is going to spread very quickly. And so it's certainly
2 that I saw visual, you know, the visual signs of in many of the places that I went
3 through, and also in Pabbo.

4 Q. [11:59:43] On the next page on page 1189 you note that, quote, "Only a few
5 weeks after the policy" of internment camps "was implemented, the Gulu district
6 medical officer declared that 'the district was losing more lives through secondary
7 effects of the war than the war itself.'" And if I'm not mistaken, this also is from
8 Gersony. So just for clarity, what is meant by secondary effects?

9 A. [12:00:22] As I understand, secondary effects would be health related disease,
10 malnutrition. I'm assuming that is what he is talking about there. In other words,
11 nonviolent deaths.

12 Q. [12:01:05] Now the statement made by the Gulu district medical officer, when
13 did it finally change?

14 A. [12:01:16] When did, when did what change?

15 PRESIDING JUDGE SCHMITT: [12:01:19] If it changed at all.

16 MR OBHOF: [12:01:22]

17 Q. [12:01:22] Yeah, if it changed at all, when did the -- in the Gulu district, when
18 did it finally start becoming the case to where more lives were lost to the war than
19 because of secondary effects, if it ever changed?

20 A. [12:01:42] I don't have information about the levels of deaths via secondary
21 causes versus those via direct violence, other than -- well, during this period, so I'm
22 not sure what might have happened between the time that he was writing and then
23 the second period of displacement after Operation Iron Fist. But there is a lot of
24 evidence, which maybe you are about to come to, but there is a lot of evidence
25 speaking to the, the levels of deaths that occurred in the camps as a result of

1 nonviolent causes in the period from, really, 2003 until late 2005. And during that
2 time it was a lot -- it was exactly what the Gulu district medical officer had described
3 in 1996, that in these later years the number of people who were dying of health
4 related causes, of malnutrition, of disease, of health, was far greater than the number
5 who were dying of direct violence.

6 PRESIDING JUDGE SCHMITT: [12:03:04] Mr Obhof, please.

7 I would like to direct you, Mr Branch, to page 23 of your report, paragraph 2, this is
8 1194, I think here you mention some figures even.

9 THE WITNESS: [12:03:23] Yeah.

10 PRESIDING JUDGE SCHMITT: Perhaps you could explain it, where you have it
11 from, perhaps, for us and what is behind these figures.

12 THE WITNESS: [12:03:35] Thank you.

13 So the report that I would refer to is actually the one referenced in end note 66. Well,
14 that goes to, I think, a UN IRIN report, but it's referring then to a World Health
15 Organisation study that was conducted in 2005, during the first six months of 2005.
16 And that's the, that's the report from where this thousand people -- excess mortality
17 levels of a thousand people per week comes from. And in fact, that report discusses
18 this MSF Baseline Health Survey and so I think sort of takes precedence over it
19 because it considers it within its broader methodology.

20 So what this report, this 2005 report says is that, is that over the months of January to
21 June 2005, they found that there were about 25,000 what they call excess deaths. It's
22 obviously a very technical term for a very horrific thing, but what they are doing is
23 that they did a survey to determine how many people had died during that period,
24 what they had died of, and then they compared it against baseline mortality levels,
25 and what they determined was that people were -- as a result of being in the camps

1 a thousand people on average had died every week from January until June 2005.
2 And they said that they saw no, no monthly variation.
3 So, now of those -- and I wish I had included this in the report because I hope I
4 remember the figures correctly, but I think of those about 9.8 per cent perhaps was the
5 number, so about 10 per cent of the excess deaths during that time were caused by
6 violence, but again, as I remember, they did not disaggregate that violence, so it could
7 have been people who were part of the UPDF, part of the home guard, you know,
8 part of the rebels who were either civilians or combatants.
9 And so the figure that they came up with was then that, you know, 25,000 people had
10 died as a result of being in the camps, of which 10 per cent were caused -- of the
11 deaths were caused by violence. So I mean, just as a reference point, the -- I believe
12 there was a -- the Matthew Brubacher piece in the Tim Allen book, I think he quotes
13 figures given by the chief prosecutor that there were 2,200 deaths attributed to the
14 LRA during mid-2002 to mid-2004 I believe. I apologise if I'm getting that wrong.
15 But, anyway, if that's the case, then again, the figures of people who were dying as a
16 result of illness and disease and malnutrition and not having access to medical centres,
17 and drinking polluted water, the number of people who were dying as a result of that
18 far outnumbered the number of people who were dying as a result of direct violence
19 and especially those who were being killed by the LRA.

20 MR OBHOF: [12:07:31]

21 Q. [12:07:31] I would have been to that in five minutes, too.

22 Now just to rehash back, you did state that -- or would it be correct that you stated
23 that, from your experiences from '01 to '03, '01 definitely seemed more secure in 2001
24 in the northern region?

25 A. [12:08:03] My band of experience is so narrow to make any kind of, you know,

1 any kind of accurate or generalisable comparison. I mean, to me personally, it felt
2 more secure in 2001 moving between Gulu town and Pabbo. I did also actually
3 travel, I travelled through, I don't know what road it was, but from Kidepo
4 National Park, I travelled by road back to Gulu and so I must have passed through
5 some areas of fighting and that was a very harrowing journey, to put it mildly.
6 So, to me, Pabbo camp in 2001 felt more secure than things did in 2003, 2004. But,
7 again, given how narrow my experience was in 2001, I am not sure what one can, you
8 know, draw from that.

9 Q. [12:09:21] How did Operation Iron Fist, what type of positive or negatives did
10 it -- would it -- did it have on these camps in northern Uganda?

11 A. [12:09:43] Well, since you started with positives, I mean, one positive might
12 have been to bring more international attention to the camps, which was a result
13 of -- well, like the Egeland statement, right. These things were not happening before
14 this, and I think Operation Iron Fist, both the military operation but then the kind of
15 displacement that it caused, ended up sort of perversely bringing about more
16 international attention. So perhaps that's a positive.

17 The negatives of Operation Iron Fist are basically everything that I detail in this report,
18 because the report, at least the, you know, the core of it is about the displacement that
19 occurred in the wake of Operation Iron Fist.

20 Now, that said, I mean, maybe there didn't have to have been a forced displacement
21 policy put into place or there didn't have to be a forced displacement policy put into
22 place after Operation Iron Fist. So whether the operation itself can be seen as the
23 cause is, is an open question. But I think the, let's say, the train of events that
24 Operation Iron Fist put into motion, basically being that it led to the camps being
25 formed throughout Acholi sub-region, whereas previously internment camps had

1 largely only existed in Gulu district, whereas, previously a lot of those -- some of
2 those camps in Gulu district were already being decongested, I think if, if we attribute
3 the, you know, the displacement order to Operation Iron Fist, then, yes, I mean,
4 the -- the situation I'm describing here was negative of that operation.

5 PRESIDING JUDGE SCHMITT: [12:11:41] And I think you phrase it, we are here
6 now on page 8 of your report, second paragraph, 1179, you phrase this creation of
7 further IDP camps as a response of the Ugandan government to the LRA leaving
8 Sudan and entering again northern Ugandan. As I have understood it, is this
9 correct?

10 THE WITNESS: [12:12:11] Yes, that's absolutely correct. And that's why I want to
11 sort of disaggregate Operation Iron Fist, LRA returning, displacement order and then
12 the camps.

13 MR OBHOF: [12:12:31]

14 Q. [12:12:31] Now from what you may have seen or read or researched, the
15 frequency of the camps and the attack, was it lower or higher after
16 Operation Iron Fist?

17 PRESIDING JUDGE SCHMITT: [12:12:51] May I.

18 If we follow the report and Operation Iron Fist led to the creation even of more IDP
19 camps, you would have to rephrase your question a little bit, I think.

20 Of course, if you say there were already IDP camps and then your question is correct,
21 but if you refer to the IDP camps newly created as a response, as we have talked
22 about it, you would have to change a little bit your question.

23 MR OBHOF: [12:13:35] Well, that's why I used the word frequency, so a comparison
24 (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [12:13:41] Yes, frequency can only be if there is a

1 before and after.

2 MR OBHOF: [12:13:47] And I'll elaborate and let our friend catch up. What I mean
3 is, if there are, say, 30 camps in 2001 and a camp was being hit on a -- once per day.

4 And the same thing afterwards, if there are 300 camps, was it the same frequency?

5 A camp being hit every day; a camp being hit every other day.

6 PRESIDING JUDGE SCHMITT: [12:14:15] Okay, with this explanation, I think also

7 Mr Branch has understood it and you can answer.

8 THE WITNESS: [12:14:25] Yes. Thank you.

9 So, I mean again as a social scientist the word frequency would imply some kind of
10 need for at least some kind of vague idea of the quantitative nature of this.

11 My -- and also I think, as your Honour was saying, the -- there weren't camps in half
12 of the sub-region or there were camps but they were smaller and they were, as I've
13 been arguing, IDP camps instead of internment camps in the eastern side.

14 And so, what I would -- in answer to your question, what I would go on is again
15 simply the fact that in western Acholi, in the camps that -- the internment camps that
16 had been set up in '96, that I think, as I mentioned earlier, some of those were being
17 decongested. I think that people's movements in and out of the camps were -- was
18 much freer than it had been at other points.

19 And obviously, yeah, on the eastern side, there were IDP as opposed to internment
20 camps in broad, broad terms.

21 So after Operation Iron Fist, as the LRA re-entered, again, I don't have statistical
22 measures, but if you look at any of the reports that were written at that time, they all
23 talk about a significant upsurge in attacks and the fact that the camps were, yeah,
24 were targeted.

25 Now, there's also questions about what comprises an attack, how many attacks were

1 reported, and sometimes you'll see there are -- some of the reports have numbers
2 associated with numbers of attacks, but I think that it's very hard to tell, because I
3 think a lot of these attacks were very small scale. People didn't want to report them,
4 for some of the reasons we were talking about earlier, and there were, you know,
5 maybe just to, to loot, to take some food, to -- I mean, so these small, small attacks
6 could have been -- I mean, I don't know the frequency of them. But, a couple of
7 things I've read have suggested -- I think actually that WHO report suggests that the
8 frequency of attacks is much higher than has been reported because of the way that
9 very small attacks were not being systematically reported.

10 So, but I mean the general answer to your question is, yes, it does seem that there was
11 a significant upsurge in violence against, against civilians in the wake of
12 Operation Iron Fist and the return of the LRA to northern Uganda.

13 MR OBHOF: [12:17:30]

14 Q. [12:17:30] Now, you mentioned earlier about the labelling of the LRA post-9/11
15 as a terrorist organisation. What effect did this have on the -- what effects did this
16 have on the aid which was being brought to people in the IDP camps and the
17 internment camps?

18 A. [12:17:55] I'm not sure that it had an impact on the aid itself, that -- the
19 designation. I think its impact was more a political one at the national and
20 international level. But I -- unless I'm not putting things together, I'm not, I'm not
21 sure that it had an impact on the aid.

22 PRESIDING JUDGE SCHMITT: [12:18:17] Yes, I think that that's, to be fair to
23 Mr Branch, I also did not read it out of your report this way. I also thought, when I
24 read the report, at least this was my impression, that the main effect was political.
25 But I might be wrong.

1 MR OBHOF: [12:18:33] That was my impression as well; so we are all in agreement.

2 PRESIDING JUDGE SCHMITT: [12:18:37] Then we simply can continue.

3 MR OBHOF: [12:18:40] Well, it's one of those areas you want to ensure. Yeah.

4 Q. [12:18:45] What effect, if any, did the -- did it help receive any type of aid or
5 funding for these internment and IDP camps when the International Criminal Court
6 began its investigation in the north?

7 A. [12:19:04] Again, I don't think that the International Criminal Court's -- the
8 beginning of its investigation or the successive stages, again, I think that was -- it's
9 consequences were more on a political level, again nationally and internationally,
10 rather than having an immediate impact on aid. I mean, I think that there was a very
11 rapid expansion of the aid presence and aid footprint up to the -- within northern
12 Uganda, in the years after Operation Iron Fist. I think I have the number of
13 200 million per year being spent on the camps by, I can't remember if it was 2006,
14 perhaps.

15 So there was a broader expansion of aid, but I think that was again part of a broader
16 expansion of involvement by the UN, by aid agencies, by the broader international
17 community. And so the ICC's involvement, I see more as kind of one part of that
18 broader international involvement. It also involved new peace-building
19 interventions and, you know, community human rights and development, and sort of
20 the whole gamut of, of international interventions into ongoing conflict.

21 And so the ICC's intervention was part of that broader renewed international interest,
22 rather than something that had an independent impact upon aid provision.

23 Q. [12:20:42] Yes, I believe that number is on 1196, the very bottom, "200 million".

24 A. [12:20:48] Okay.

25 Q. [12:20:49] And I think -- no, you wrote "2007"?

1 A. [12:20:49] Oh, okay, well, it's very late then, yes.

2 Q. [12:21:08] Now, going to page 1197, and to quote that part, it says that, "There
3 were rumours that government security forces would pretend to be LRA and engage
4 in crime against camp inhabitants."

5 From your research, what type of crimes did you hear about at these internment
6 camps committed by people allegedly masquerading as LRA?

7 A. [12:21:46] So let me rephrase it so as to say what are the kinds of crimes that
8 people were experiencing which they were not sure as to the perpetrator of, that
9 people thought could be things that were carried out by the, you know, government
10 soldiers.

11 So the kinds of crimes would be theft, would be sexual and gender-based violence,
12 beating people, yeah, stealing, looting. I mean, I think the, the source that sort of
13 speaks to this the most broadly is again the Finnström book, which really speaks to
14 the uncertainty as to who was committing, especially these small cases of violence, an
15 attack here, a theft there, somebody killed here.

16 And I mean, Finnström's point is that one often doesn't whether it's rebels,
17 government military or what was called *bookec*, which was kind of the name given for
18 bandits and kind of armed thugs generally.

19 So these are the kinds of things that people were very uncertain about. And I mean,
20 even the fact that when I stayed in the mission that we didn't -- we were worried
21 about all three of those, any three of those coming by and knocking on the door and,
22 yeah.

23 Q. [12:23:40] On that same page you write of a political resistance and what
24 appears to be a violation of civil liberties during this same time period post Iron Fist.
25 How were government forces, whether they be the home guards, or UPDF, or even

1 the police, used to quell political dissidence, political opposition in the IDP and
2 internment camps?

3 A. [12:24:15] So this is something that I saw a lot of in Pabbo. And I think because
4 Pabbo, again, for the reasons I said earlier, Pabbo is a very big camp, it is close to
5 Gulu, there was a lot of politics going on there, and so something that I saw there was
6 people who were openly critical of the government were sometimes arrested, people
7 who were organising for opposition politicians, whether in local elections, national
8 elections or else some of the sort of the camp commandant elections were also
9 targeted by violence, whether threats, beatings, arbitrary arrest.

10 I think I quote paralegals saying, "when you want to speak freely, the government
11 accuses you of being a rebel."

12 And so I think this goes back to a point I was making earlier, where the accusation
13 of being a rebel or being a rebel collaborator becomes a way of targeting other forms
14 of political opposition that often had no connection to the rebels.

15 Q. [12:25:42] Now for people who withinside the camps, either type of camps, how
16 would they have gone about voting, say, in the presidential election of '06?

17 A. [12:26:04] Yeah, I wasn't there in '06, so I wasn't present for the elections. So
18 I don't know to what extent. But, I mean, '06 things were, you know, there hadn't
19 been open fighting for quite some time. My guess is that the, you know, polling
20 centres would have been set up in the camps or in some of the trading centres and
21 that people if, you know, if there is no trading centre, no local government post,
22 people would have to move over to, to another camp to vote.

23 So I don't, I don't actually know, but, I mean, it is, I think it's significant that, you
24 know, there were significant national, or significant returns in presidential elections
25 coming from the north and that the opposition candidate, you know, '96, '01, '06

1 always overwhelmingly won. So that vote was being carried out somehow. I
2 would have to look more closely at the figures of number of people voting and then,
3 obviously, figure out how the voting was actually carried out to be able to answer
4 your question. But there were, you know, what I see as significant protest votes
5 against the government during the war and then immediately after too, in '06, yeah.

6 Q. [12:27:39] So when you just say protest votes during the war, and then you say
7 '06 immediately after, would you be referring then to the 2001 --

8 A. [12:27:51] Yeah. I'd be -- I am referring to '96, where Ssemogerere got a very
9 large majority. And then '01, which is I think the first time Besigye got a very
10 significant majority, and in '06; 2011 it was a bit more fragmented. And those were
11 protest votes because, I mean, my sort of political, my view of the politics is that these
12 candidates didn't necessarily enjoy support in the north, rather, they were seen as the
13 option to the NRM government, and so that's why people were voting for them. But
14 actually, in later elections, as soon as there was a candidate from the north, that's
15 where the votes went instead, a lot of them.

16 Q. [12:28:53] Now you quote Human Rights Watch on page 1197, which states that
17 three of the 51 camps in Gulu district maintained police posts.

18 A. [12:29:06] Mm-hmm.

19 Q. [12:29:06] Where were the police, if not in the camps where people were
20 allegedly located, where would the police be? Where would they be stationed?

21 A. [12:29:20] They would be stationed in towns, so in Gulu town, Kitgum town.
22 Yeah, they'd be nearby. Well, sometimes not so nearby towns.

23 Q. [12:29:39] I have been to both Gulu and Kitgum and they're about 110
24 kilometres apart. Would you see them in smaller, smaller places, say like in
25 Lacekocot, or would you see them in, in a place like Koch or Koch Ongako?

1 A. [12:30:00] I don't have any information about the presence of police posts in
2 those locations. Based upon what I saw, what I heard, because I knew many of the
3 paralegals and the challenges that the paralegals faced and that then Gulu-based legal
4 aid and human rights organisations faced in bringing cases. It definitely seemed that
5 there was a very minor or no police presence in many of the camps, and so people, if
6 people wanted to bring the case, either had the option of bringing it up in the camp
7 with the military, which obviously could be dangerous, or to try to get, to move back
8 to one of the town centres or to contact a paralegal who could come and help them.

9 Q. [12:30:55] Moving on in your report a little bit further, starting on page 1199 and
10 going into 1200, of course you do talk a little bit about the arrow groups and the
11 LDUs, which we spoke of earlier. The one area I am looking for -- looking at is at the
12 very second line of page 1200, where they said, "many were reported to have been
13 forcibly recruited without any formal procedure."

14 Now, could you explain what you have learned and what you have read about this
15 forcible recruitment for the arrow groups and the LDUs?

16 A. [12:31:42] Okay. Well, I mean, I would refer back to my prior answer where I
17 wanted to kind of draw a distinction between the arrow groups, which I think that
18 the bit after the semicolon is referring to, versus LDU and home guard, so -- because I
19 think they were very different sort of social, political, military institutions. I mean, I
20 can certainly speak to the informal aspects of recruitment of LDU and home guard,
21 but, again, I would separate it from the arrow groups.

22 PRESIDING JUDGE SCHMITT: [12:32:25] And just for clarity, I think we should
23 mention that Mr Branch here speaks about events after Operation North, 1991, just for
24 clarity. It's of course clear if you have read the report, but nevertheless.

25 THE WITNESS: [12:32:41] Thank you.

1 MR OBHOF: [12:32:43] Right now I am following a numerical order and not
2 a timeline order right now.

3 Q. [12:32:50] On page 1202 you state that in 1996 200 home guards quit at once, and
4 750 more quit later that year.

5 Firstly, what type of problems did these people encounter to cause, essentially, 950
6 people to quit withinside of a year?

7 A. [12:33:25] Well, again, I think this is something I detail in the report, but in
8 general there were problems over payment, because of this complicated structure
9 whereby, whereby the Ministry of the Interior had, had responsibility for paying
10 them but then the pay was channelled through the military structures. So there were
11 a lot of problems around payment, some of which also I'm sure were due to the kinds
12 of, as I was talking about earlier, sort of local level military corruption, or corruption
13 in the military.

14 There were problems of -- well, the payment itself, even when it was made was very,
15 very small. I think I quote 4,000 shillings per month, which is, at that time was just
16 over \$20.

17 There were problems that you would hear about about their relations with the UPDF,
18 where the regular UPDF soldiers were home guard and LDUs would feel that they
19 were mistreated or they were, you know, asked to do the tough jobs or the dirty work
20 of the, of the regular UPDF.

21 I think there were also a lot of concerns that, again, a lot of the literature speaks to and
22 that the, you know, that I heard about as well during that time about, about the way
23 that LDUs and home guard who were recruited to, as the name says, guard their
24 home or guard the local area, were then placed elsewhere, moved around, shipped off,
25 sometimes very -- into other countries.

1 There were also complaints that the home guard were made to lead military
2 expeditions. When the mobile units would come in they'd pick up home guard
3 whom they assumed knew the area better and then they would lead people. And
4 that was also something one sees a lot of complaints around.

5 And, yeah, just poor, poor conditions that they were living under. I mean
6 I don't -- this report itself that I refer to here, I think it was -- oh, right, it says
7 "non-payment and mistreatment". So, yeah.

8 Q. [12:36:04] And I believe earlier, 16 and 17, you describe mistreatment as being
9 sent on duties which were considered to be regular UPDF duties. Am I reading that
10 correct?

11 A. [12:36:21] Yeah. I mean, I mean I think that, you know, from what I have seen,
12 it seemed that some of the home guard felt that they were being asked to step into the
13 role that the UPDF should have been playing itself. And that happened in many
14 different ways, whether protecting camps, whether going on patrols, whether leading
15 mobile forces, whether sometimes going to other countries, I think there was a feeling
16 that they were being asked to do things that they hadn't signed up for and didn't
17 want to do often and were paying -- being paid very little, and sometimes were
18 missing their payment, in exchange for it.

19 Q. [12:37:05] So it's like a national guard, signing up for the national guard in '06
20 after Katrina and getting shipped to Iraq?

21 A. [12:37:16] That's one way of thinking about it, yeah.

22 Q. [12:37:34] Now this problem of these home guard quitting, as you state,
23 around -- in 1996, around 950 in one year, that at least has been reported. Did this
24 continue through and past Iron Fist?

25 A. [12:37:49] I mean, I don't know if there were similar numbers who quit all at

1 once after Iron Fist, but from everything that I have heard and read, the kinds of
2 problems that I just identified, I actually was speaking about them sort of generally, it
3 wasn't just something in '96 or '97. What I was describing I think also would
4 characterise the period after Operation Iron Fist as well, because that's when I was
5 hearing about the conditions of home guard myself during that time.

6 Q. [12:38:32] And going forward to page 1204, you wrote how ARLPI recorded an
7 incident in Padibe in March 2000 --

8 A. [12:38:49] Mm-hmm.

9 Q. [12:38:49] -- where there was an LRA attack at a bar which was frequented by
10 home guard. Did this type of intermixing, with home guards going into the civilian
11 bars or heavily populated civilian areas, did this continue after Operation Iron Fist?

12 PRESIDING JUDGE SCHMITT: [12:39:13] It's -- I think it's -- you expect a lot of the
13 expert here.

14 Perhaps we word it more specifically: Do you have concrete knowledge of concrete
15 incidents where this also happened later on?

16 MR OBHOF: [12:39:32] Well, I'm not necessarily looking for this, I'm looking for --

17 PRESIDING JUDGE SCHMITT: [12:39:35] Yeah --

18 MR OBHOF: [12:39:35] -- the home guard just socialise (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [12:39:38] Of other, other incidents where
20 something like that, which you take as an example, and is also written down here as
21 an example, what -- where this happened.

22 MR OBHOF: [12:39:47] No, no, no, I am not talking about the attack, I am just
23 talking about did the home guard themselves frequent the camps, did they socialise
24 inside of the --

25 PRESIDING JUDGE SCHMITT: Okay, then that --

1 MR OBHOF: [12:39:57] -- the local watering holes.

2 PRESIDING JUDGE SCHMITT: [12:39:59] Then perhaps twofold.

3 MR OBHOF: [12:40:00] Yes.

4 PRESIDING JUDGE SCHMITT: [12:40:01] First of all, do you have knowledge if
5 this -- these encounters, without any regard now on -- to attacks, happened?
6 And secondly, do you have concrete examples, concrete knowledge about other
7 incidents that might be comparable to the one mentioned here in your report?

8 THE WITNESS: [12:40:21] Thank you for the clarification.

9 So, I mean, I will speak to my time in Pabbo, in Pabbo camp during those years, and
10 I don't remember if it's '03 or '04, maybe '05, but I would see soldiers -- well, again,
11 I am not sure if they were home guard or UPDF, they were people in uniform who
12 would be, yes, sitting around having a drink, having a meal in the camp among other
13 people. So that's certainly something that I saw.

14 I mean, I think I talk about in the report that there was -- my understanding is that
15 there was a lot more mixing of home guard/LDU rather than UPDF because of
16 language issues, cultural issues, all these kinds of things, and because of some of the
17 informality around the recruitment of LDU/home guard, you know. And because of
18 their low pay, I mean, they had to, you know, find ways to make ends meet.

19 So yes, I certainly saw myself examples of that kind of mixing. I mean, I remember
20 being confronted on the road by a very drunk soldier one day and, you know, being
21 asked what I was doing, that kind of stuff. And I don't know if he was home guard
22 or UPDF, but, I mean, that is certainly something that I saw and that one reads about
23 in some of the reports.

24 As to other attacks, I -- that were sort of -- that had this kind of nexus in the same way,
25 I can't think of any myself right now, but I would, you know, none, there were none

1 that I immediately saw or heard about that I can remember now. But I would refer
2 back to some of the, you know, the reports that I, that I refer to in this, and perhaps
3 they have more examples along these lines.

4 Again, I, you know, I would not be surprised to hear about other cases of this, given
5 the kinds of ways that these attacks happened, but I can't provide concrete examples
6 right now.

7 PRESIDING JUDGE SCHMITT: [12:42:40] And just a remark by me which refers to
8 your last answer, indeed you, you refer to the UPDF soldiers as -- this is page 33, 1204,
9 second paragraph -- as "clearly outsiders" --

10 THE WITNESS: [12:42:59] Yeah.

11 PRESIDING JUDGE SCHMITT: [12:42:59] -- "linguistically and culturally in the
12 camps" and that they sometimes faced antagonism from camp inhabitants. This
13 would suggest that, what you said, there must be -- there must have been, at least in
14 general, difference between intermingling of LDUs and home guards, or vice versa, to
15 the UPDF that might be sort of natural, so to speak.

16 THE WITNESS: [12:43:25] Yeah, I -- thank you, your Honour, I think that's a very
17 accurate characterisation, that UPDF in the camps were there to maybe buy
18 something to eat, to have a drink, to do whatever else they were going to do in the
19 camp, whereas LDUs, especially if they are in their home area, might still have
20 families in the camp. Certainly no people in the camp. Some of them might be
21 reliant upon the food aid that a family member is receiving in the camp, so would
22 have to move, move back and forth between them. So, certainly, the kind of
23 integration -- well, integration is a strong word, but the kind of involvement of home
24 guard in camps and camp life was, yeah, significantly different from the kind of
25 involvement that UPDF had --

- 1 PRESIDING JUDGE SCHMITT: [12:44:16] Thank you.
- 2 THE WITNESS: -- generally.
- 3 PRESIDING JUDGE SCHMITT: Yes. Mr Obhof.
- 4 MR OBHOF: [12:44:26] Your Honour, I was going to move on to the documents in
5 binder 2 and 3, which will take me 20 or 30 minutes. Maybe we could reconvene, if
6 allowed, at 1.45.
- 7 PRESIDING JUDGE SCHMITT: [12:44:37] Do you have already an estimate how
8 long it will take you? Of course, we -- if in the end it turns out it will be 10 or
9 15 minutes more, we would not complain, but just an estimate at this time.
- 10 MR OBHOF: [12:44:49] I mean, right now, it looks like it's going to take about
11 30 minutes. I'm going to try to --
- 12 PRESIDING JUDGE SCHMITT: [12:44:55] (Microphone not activated) finish your
13 exam --
- 14 MR OBHOF: [12:44:56] Yeah, I will definitely finish in the next session (Overlapping
15 speakers)
- 16 PRESIDING JUDGE SCHMITT: [12:45:02] In the next session, okay.
- 17 MR OBHOF: [12:45:02] Oh, yes, there's no -- I mean, if I did it right now, and if we
18 went late --
- 19 PRESIDING JUDGE SCHMITT: No, then, then --
- 20 MR OBHOF: -- I might finish, but --
- 21 PRESIDING JUDGE SCHMITT: [12:45:05] Then, then we would not have a problem
22 to have, I would assume - I am asking Mr Gumpert now - that you would not need
23 the whole day tomorrow.
- 24 MR GUMPERT: [12:45:14] I don't believe we'll need any of tomorrow.
- 25 PRESIDING JUDGE SCHMITT: Then --

- 1 MR OBHOF: [12:45:18] We would also --
- 2 PRESIDING JUDGE SCHMITT: [12:45:19] Yes, LRVs have also questions, I know.
- 3 But nevertheless, I think we can have then the lunch break until 2 o'clock simply,
- 4 under this precondition. Thank you.
- 5 THE COURT USHER: [12:45:32] All rise.
- 6 (Recess taken at 12.45 p.m.)
- 7 (Upon resuming in open session at 1.59 p.m.)
- 8 THE COURT USHER: [13:59:51] All rise.
- 9 PRESIDING JUDGE SCHMITT: [14:00:11] Good afternoon, everyone. Please,
- 10 Mr Obhof, you have the floor again.
- 11 MR OBHOF: [14:00:30] Breaker one two nine.
- 12 PRESIDING JUDGE SCHMITT: [14:00:41] At least I hear you.
- 13 MR OBHOF: [14:00:43] My true hill-billy came out when I said, "Breaker one two
- 14 nine."
- 15 Q. [14:00:50] Good afternoon, Dr Branch.
- 16 A. [14:00:57] Good afternoon.
- 17 Q. [14:01:00] Now heading backwards --
- 18 PRESIDING JUDGE SCHMITT: [14:01:07] Everything is okay.
- 19 MR OBHOF: [14:01:07] Okay. Okay, sorry.
- 20 PRESIDING JUDGE SCHMITT: [14:01:08] We hear you perfectly. There's no
- 21 problem. At least -- at least with what we hear.
- 22 MR OBHOF: [14:01:15] It's my headset that's the problem.
- 23 Q. [14:01:19] On page 1185 of your report, you note that during times of forced
- 24 displacement timber was looted from civilians by government forces. Page 1185.
- 25 Or better put, you add that it was alleged that civilians had their timber looted by

1 government forces.

2 I'm giving you a chance to ...

3 PRESIDING JUDGE SCHMITT: [14:02:05] That would be on the last paragraph --

4 MR OBHOF: [14:02:01] Yes.

5 PRESIDING JUDGE SCHMITT: [14:02:02] -- in the middle.

6 THE WITNESS: [14:02:10] Thank you.

7 MR OBHOF: [14:02:11]

8 Q. [14:02:12] And Dr Branch, you also have a second one of these binders. Binder
9 number 2?

10 A. [14:02:20] Okay.

11 Q. [14:02:20] Did you have a chance during this break or at any other time to look
12 through the documents of -- inside of this binder?

13 A. [14:02:28] I have had the chance to look through them, but I would certainly
14 need refreshing --

15 Q. [14:02:30] Okay.

16 A. [14:02:31] -- as we go along.

17 Q. [14:02:36] That's no problem. We're going to do them a quicker way just to
18 make it little easier for everybody.

19 Now --

20 PRESIDING JUDGE SCHMITT: [14:02:44] I think you can -- you could, since they
21 are similar to each other a little in a -- also in a certain --

22 MR OBHOF: [14:02:50] It's going to go more an en masse.

23 PRESIDING JUDGE SCHMITT: [14:02:53] Yes, exactly. Exactly, I would suggest it
24 like that.

25 MR OBHOF: [14:02:54] Yes, during the break I decided to get rid of a few pages and

1 just do it that way because I just wanted to pull out one example from here.

2 PRESIDING JUDGE SCHMITT: [14:02:59] Fine.

3 MR OBHOF: [14:03:01]

4 Q. [14:03:01] If you could turn to tab 45, please, and it's UGA-OTP-0191-0209 in
5 binder 2, and you see there at the very bottom, where it says that the, "Client alleges
6 that the UPDF destroyed his trees he planted that were ..."

7 A. [14:03:39] "Mature".

8 Q. [14:03:40] Yes -- pardon me?

9 A. [14:03:40] "Mature".

10 Q. [14:03:41] Yes, "that were mature and meant for timber."

11 MR OBHOF: [14:03:46] He read them so well; he could read better than me.

12 Q. [14:03:50] On "order of the O/C UPDF detach Battalion (Delta)."

13 And it goes on and on, talks about being "at Koro Abili". And of course, there is a
14 case file on page 0211, the beginning of a lawsuit. Would this be indicative of some
15 of the complaints which you heard about from camp residents?

16 A. [14:04:23] Yes, in the sense that there were -- I'd heard a number of reports of
17 thefts from camp inhabitants of occupying land, things of that nature. I mean what's
18 a bit different about this case here is that obviously not everybody in the camp had
19 however many hectares of trees that this gentleman or person had, but certainly the
20 kinds of experiences that are charted here would be something that I -- I'm not
21 surprised by and that I'd heard -- heard of similar cases of and that are, once again,
22 reported throughout the -- the literature.

23 Q. [14:05:09] Now, with the exception of the first document, which is a document
24 created to say what types of theft are being reported, and the one page, which is
25 written in Acholi in that binder, would the rest when you read through them, did

1 they seem like allegations against LD -- home guard and UPDF that you heard during
2 your time researching the camps?

3 A. [14:05:39] Nothing that I read here surprised me and many of the incidents
4 certainly reflected or corresponded to incidents that I had heard of myself, both in the
5 camps and also in Gulu town, because that's where a lot of these cases were -- were
6 reported to human rights organisations or legal-aid organisations.

7 Q. [14:06:02] And I assumed that would fall --

8 PRESIDING JUDGE SCHMITT: [14:06:05] Absolutely --

9 MR OBHOF: [14:06:06] -- yes.

10 PRESIDING JUDGE SCHMITT: [14:06:07] I think this was -- this exercise was meant
11 to give a little bit of additional background to what Mr Branch has stated here on this
12 already mentioned page 14, in the third paragraph.

13 MR OBHOF: [14:06:17] Yes, and which he mentioned before about --

14 PRESIDING JUDGE SCHMITT: [14:06:20] Yes, absolutely, absolutely.

15 MR OBHOF: [14:06:22]

16 Q. [14:06:22] And in a similar notion discussed in binder 3, it's the thin binder.

17 Again, these are excerpts of transcripts that have already taken place and two signed
18 witness statements, excerpts which have been redacted.

19 Now Dr Branch, have you had a chance to look through the emails -- sorry,

20 these aren't emails. Have you had a chance to look through the transcripts,

21 Dr Branch, inside of this binder?

22 A. [14:07:01] Yes, I have.

23 Q. [14:07:02] Okay. Now I'm going to pick out one, just to discuss quickly with
24 you and this would be tab 10. This had to deal with the allegation of sexual
25 exploitation of women by -- possible sexual exploitation of women by government

1 forces. During your time while doing your research, had you heard of this phrase
2 where the witness alleges about "survival sex"?

3 A. [14:07:47] Did I hear that exact phrase?

4 Q. [14:07:50] Not the phrase but the -- what -- what the witness describes?

5 A. [14:07:55] Yes, I did hear about the kinds of practices that the witness describes.
6 It, I mean, I think the witness who I -- is describing it the kind of way that I think I'd
7 probably would, just referring to the fact that there aren't accurate statistics, but many
8 people I've spoken to have also reported this kind of thing. So yeah, I mean, again,
9 this is not a surprise and this is the kind of thing that one heard about a lot in, at least
10 the camps where I was and also in town.

11 Q. [14:08:33] Turning to the last example I'll draw from, it will be tab 12, the
12 original number would have been UGA-D26-0022-0360 at page 0363 and 0364.

13 A. [14:08:56] Okay.

14 Q. [14:08:57] Now this, of course, is somebody who states that he had been forced
15 to go to Pajule camp. Now if you could just give it a quick -- the highlighted
16 paragraphs, give it a quick look-over and ...

17 PRESIDING JUDGE SCHMITT: [14:09:27] I think the best is if Mr Branch simply
18 relates what he reads here to his findings in the report.
19 If you feel able to.

20 THE WITNESS: [14:09:40] Yeah. Can I proceed?

21 MR OBHOF: [14:09:41] Yes, please do.

22 A. [14:09:43] Thank you. Yes, I think that this testimony certainly sounds like the
23 kind of thing that I heard about and that I've seen broadly related in the literature.
24 Yeah, I mean, I think it, in my view, represents the situation at least in many camps
25 well. Yeah.

1 Q. [14:10:15] Now, when you read through this, the documents in this binder
2 earlier, did every, every instance which they were highlighted, do those seem like
3 complaints and/or issues or problems which were faced by persons in the camps?

4 A. [14:10:33] Yes, I think every incident I read about certainly corresponded to the
5 kind of things that I had heard and, in some cases, seen. And certainly accorded
6 with what again, the literature on it says. I think that these things -- the kinds of
7 things that are related here would not be a surprise to probably pretty much anyone
8 who was spending time in the camps or in northern Uganda during that period, as
9 unfortunate as that is.

10 MR OBHOF: [14:11:12] Your Honour, that will end my part. And our counsel, he
11 has a question or two.

12 PRESIDING JUDGE SCHMITT: [14:11:17] Of course.

13 Mr Ayena, please.

14 QUESTIONED BY MR ODONGO:

15 Q. [14:11:32] Good afternoon, Dr Branch.

16 A. [14:11:34] Good afternoon.

17 Q. [14:11:35] Yes. I hope I've pronounced your name well?

18 A. [14:11:39] Either way is fine.

19 Q. [14:11:40] Because if you were in Uganda, I would pronounce it my way. But
20 I'm glad that you're here, Dr Branch.

21 A. [14:11:49] Thank you.

22 Q. [14:11:49] And you had a good opportunity to study the situation in northern
23 Uganda. Now, while you were there, did you assess, did you have opportunity to
24 assess the strength of the LRA, especially between -- I mean, for the time you were
25 there, did you have time to assess the strength of LRA against the strength of UPDF

1 and its auxiliary forces?

2 A. [14:12:30] No, I did not. I'm not an expert on military affairs and I think like
3 much of my testimony has been about, my interest was really in the situation in the
4 camps, the kinds of things people were facing and then trying to make sense of that.
5 So I didn't -- where there were many other people who were doing research around
6 questions like military strength, but that wasn't an area that either I felt I should get
7 into or really needed to get into given the kinds of things that I was interested in. Of
8 course, there's others who have done research on that and that I think I might refer to
9 some of that in my report, but myself, no.

10 Q. [14:13:14] I think with that answer, I am flattened; I shall end here.

11 PRESIDING JUDGE SCHMITT: [14:13:20] Thank you, Mr Ayena.

12 Mr Gumpert, for the Prosecution.

13 MR GUMPERT: [14:13:23] No questions for this witness, your Honour.

14 PRESIDING JUDGE SCHMITT: [14:13:26] No questions.

15 Mr Narantsetseg.

16 MR NARANTSETSEG: [14:13:29] Your Honour, in light of the testimony given by
17 the witness, we decided not to question the witness.

18 PRESIDING JUDGE SCHMITT: [14:13:36] Thank you.

19 Mr Cox.

20 MR COX: [14:13:40] No questions, your Honour.

21 PRESIDING JUDGE SCHMITT: [14:13:43] Thank you.

22 Mr Branch, this concludes your testimony. On behalf of the Chamber and the Court,
23 I would like to thank you that you provided us with your testimony. We wish you a
24 safe trip back -- I'm not sure if to Cambridge or San Diego because the last day you
25 signed at least or finished your report in San Diego --

1 THE WITNESS: [14:14:04] It was Christmas vacation.

2 PRESIDING JUDGE SCHMITT: [14:14:05] Okay, so -- so I would assume to

3 Cambridge. Have a safe trip back and thank you again.

4 THE WITNESS: [14:14:10] Thank you very much, your Honour.

5 PRESIDING JUDGE SCHMITT: [14:14:12] This concludes the hearing for today.

6 We can't start with the next witness tomorrow because he's simply not yet in The

7 Hague. So we have to go to Friday, 9.30 instead because there is -- yes, Mr Gumpert.

8 MR GUMPERT: [14:14:28] I'm sorry, I'm speaking without authorisation or

9 forethought, both probably are rather dangerous. There is a witness in town, if I can

10 put it that way.

11 PRESIDING JUDGE SCHMITT: [14:14:42] Yes, of course I don't know that. I think

12 that the Defence should be aware of that.

13 MR GUMPERT: [14:14:50] And put it this way, of course the Defence must arrange

14 things as is most convenient and so on and so forth, but if it were to be suggested that

15 that witness was bumped up so that we could use tomorrow rather than waste it, we

16 would have no objection whatsoever.

17 PRESIDING JUDGE SCHMITT: [14:15:06] Yes, yes, absolutely. I see this as simply

18 a suggestion and of course the Defence could provide us with the information, first of

19 all, if there is another Defence witness in town, so to speak.

20 MR OBHOF: [14:15:20] If I remember correctly, sorry, because it's -- I can't -- because

21 I just received this schedule literally about 16 minutes ago, if I remember correctly,

22 the witness arrived today, which means the witness wouldn't be able to testify until

23 tomorrow because of the waiting period. I'm not a hundred per cent on arrival

24 but -- for 113, but I thought he arrived today. Let me -- I'll look because I know we

25 did get a notification today from VWU.

- 1 PRESIDING JUDGE SCHMITT: [14:15:52] Yes, 113 would be the next witness on
2 schedule. This witness that is my information is not yet in The Hague, so it's simply
3 impossible to refer to this witness. Mr Gumpert obviously refers to another one
4 who --
- 5 MR GUMPERT: [14:16:08] No. I had 113 in mind, but --
- 6 PRESIDING JUDGE SCHMITT: [14:16:12] No, no, 113 is not yet in town so we
7 simply --
- 8 MR GUMPERT: [14:16:15] Then I'm wrong.
- 9 PRESIDING JUDGE SCHMITT: [14:16:17] That can happen. The schedule
10 simply -- you know, Mr Branch, we were too quick with you and you were --
- 11 THE WITNESS: [14:16:24] Sorry.
- 12 PRESIDING JUDGE SCHMITT: [14:16:25] No, no, no, no, you don't have to be sorry.
13 But this is the background for this discussion.
14 So then we meet again on Friday 9.30.
15 (The witness is excused)
- 16 THE COURT USHER: [14:16:40] All rise.
17 (The hearing ends in open session at 2.16 p.m.)