

INTERNATIONAL CRIMINAL COURT
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: [REDACTED] Mother's First Name: [REDACTED]
First Name(s): [REDACTED] Father's First Name: [REDACTED]
Nickname: [REDACTED] Gender: Male
Date of Birth: [REDACTED] Place of Birth: [REDACTED]


Ethnic Origin: Muganda Religion: Christian
Language(s) Spoken: English, Luganda, Runyankole, Swahili
Language(s) Written (if different from spoken): same as above
Language(s) Used in Interview: English

Current Occupation: [REDACTED] UPDF
Former Occupation:

Place of Interview(s): [REDACTED] Kampala, Uganda
Date(s) and time of Interview(s): 17 November 2004, 11 December 2004
Interviewer(s): [REDACTED] and Christine CHUNG
Interpreter(s): NA

Names of all persons present during Interview(s): [REDACTED] and
Christine CHUNG

Signature(s): [REDACTED]


[REDACTED]







WITNESS STATEMENT:

Procedure

1. Prior to being questioned, I was informed that the interview would be conducted by [REDACTED] and Christine Chung, who are representatives of the Office of the Prosecutor (“OTP”) of the International Criminal Court.
2. I was also informed that the reason for the interview was OTP’s need to determine whether it can authenticate cassette tape recordings and English-language transcripts of radio intercepts previously provided, under protections of confidentiality, to the OTP by UPDF.
3. I understand that the Government of Uganda has authorized interviews to take place as a means of enabling OTP to assess the evidentiary value of the tapes and English-language transcripts and whether OTP shall seek further authorization to use the tapes and English-language transcripts in proceedings before the ICC.
4. I was informed that a written statement based on my answers would be prepared and that at the conclusion of the interview, I would be given a chance to make any amendments or additions before being asked to sign the written statement.

Background

5. [REDACTED]
6. [REDACTED]

7. I have attended training courses in technical intelligence, which is the field of gathering intelligence electronically. [REDACTED]

8. [REDACTED]
9. [REDACTED]

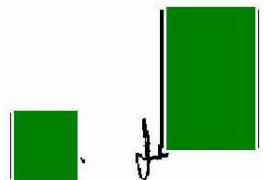
[REDACTED] *de* [REDACTED]



10. I describe my function as: supporting infantry with intelligence using means other than human intelligence. Imagery collection is a separate operation which is performed by the Air Force, not UPDF.

History of Technical Intelligence Department, Training of Interceptors, and Use of Intercepts

11. When I joined military intelligence, only four people worked in the technical intelligence department; now we have 50. So in terms of the process of intercepting which we now have, none of it was inherited. Rather, we developed the process, over time from 1997 to 2000. The Communications intelligence (COMINT) section within the Technical intelligence department started when men in the signal corps began discovering that they could intercept the radio communications of the LRA. These signallers were transferred to our department and that was how our section was created. [REDACTED] the primary interceptor, who is based in the Fourth Division (HQ in Gulu), has been monitoring LRA communications for me and my office consistently since 2002.
12. At the beginning, these men would listen to the intercepts and write down whatever they remembered. So the process of how to record the intercepts and how to write the transcripts has developed over the last year or two years.
13. My department began documenting these ways in which the LRA send their messages. When a code is broken, we record it and keep track of it. So there now exists a structured way in which we track and break the codes. As a result, we started to get better and better in breaking the codes. Sentences and words that would make no sense to a lay person will be understood by someone who has been listening for years.
14. Those who intercept the LRA radio communications do not receive formal training. They are home-grown; they learn on the job.
15. Here is an example of the type of thing that the interceptors learn on the job: The LRA has something like 15 different codes, similar to the ones used by the Army. When you listen over time, you also find that they use stories, experience, and folk tales in sending their messages. Someone must sit and listen to LRA communications for days, months, years, before he starts understanding all of the communications.
16. As a result of their experience, the interceptors/listeners now understand the structure of the LRA; they know the commanders and their pet traits. The interceptors/listeners have also all been in army operations themselves, and thus they also know the operating areas of the LRA, and their operating methods.
17. Most of the interceptors know 80% of the people they monitor on the radio communications, by their voice characteristics.
18. We use the information obtained from the intercepts to give operational commanders intelligence (other than human intelligence). For example, if we learn of an LRA plan





in the making, we will get the information to an operational commander and he will apply it in his operations on the ground.

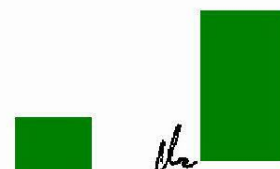
19. We have not used intercept information thus far in support of criminal prosecutions.

Process of interception - Timing

20. The manner in which we intercept the LRA communications is as follows: LRA has pattern of communications that it adheres to in general. So we have a basic idea of the timing and topics of the communications. In the morning, there are typically reports from the prior day, reports of intentions, and instructions. Normally from 9:00 to 1:30 or 2:00 p.m. our radios are on, in expectation of LRA communications. We roughly know the frequencies LRA uses.
21. In between the times we expect communications, the operator will keep swinging through the frequencies, because there can be communications at odd times. Sometimes we know about communications at the odds times, because they are planned in the prior communications.
22. The pattern of the time of day of LRA communications has changed over the last six months. LRA used to talk normally from 9:00 a.m. to 5 a.m. Over the last six months, this pattern has changed a bit and they are transmitting from 1830 to 2200 hours. We believe that the practice has altered because of the UPDF operations during the same period.
23. We monitor the communications all 24 hours.

Process of Interception – Equipment, locations, personnel

24. LRA equipment is basic standard High frequency (HF) radio. As a result, we have never found it necessary to standardize the radios we use for interceptions. If someone in UPDF is transferred from operations to intelligence, he is issued with the same type of radio he used in operations. "High frequency" means radio in range of 1.5 megahertz to 30 megahertz. But there are several brands or types so none of the LRA radios are precisely in the same range.
25. We have not found it necessary to rove (move from place to place) to be able to intercept LRA communications. The communications are easily intercepted from the fixed places we operate.
26. Our fixed locations are highly secure. Access is restricted to personnel from the intelligence department. That's the inner core. The unit will provide perimeter defense. For example, at the Division level, the Division will specify the perimeter and then intelligence staff will provide the security. The signals intelligence personnel have a higher clearance than even the intelligence staff.
27. Five personnel work on intercepting LRA communications. Some are in divisions, some in brigades, and some in other sectors. They are kept isolated from each other,





in the sense that they do not collaborate with each other, although each reports to me. The listeners are non commissioned officers drawn from Signals.

Process of Interception - Moment of Interception

28. It is mandatory to tape every communication. The same person who listens to the intercept, breaks it down, and reports it to the commander. The listener/interceptor gets relieved from time to time by an assistant who records communications and calls in. If the assistant first hears a communication, the main listener transcribes it when he returns.
29. A listener has three functions: listening, transcribing, and recording. We have listeners in different locations.
30. The LRA communications are recorded on a standard, regular, 60-minute cassette tape, on standard cassette recorders. My department records every communication as a matter of practice, and our sister department, Internal Security, does a recording as well of each intercept.

Process of Interception – Tape Maintenance and Storage

31. Tapes made in the Divisions are not recycled; they are maintained. The Fourth Division sends their tapes to HQ, to my office, when the tape box is filled.
32. There is no standard period of time covered by any given tape, because the tape is filled by whatever communications will fill and finish the tape.
33. I maintain the ones from the Fourth Division; the tapes from the Fifth Division stay there. Because the different Divisions can intercept the same LRA conversation, there may be multiple tapes, stored within the Divisions, of the same communications. At division level, there may be multiple tapes – ISO also takes a set of tapes in the Fourth Division.
34. Typically the tapes sent to HQ are just stored but occasionally there is something further to analyze. The tapes are given a classification of “secret.” Only those with authorization from the Chief of Intelligence have access to them.

Process of Interception – Written and Oral Reporting

35. The listeners have no set shifts; they stay on if that is what is needed. Each listener reports to the officer above him in the field. Each listener also receives whatever support he needs – for example, security – from his Division. The other person with whom the listener typically has contact is the Division Commander. The Division Commander may have questions relating to a transcript of an intercept – regarding the English translation, for example, or whether there was emotion during the conversation.
36. After any transmission, the Division Commander gets a report in person. If the Division Commander is unavailable, I will get a verbal report before him. If the



che



Division Commander gets the report first, I will get a transmission by voice in Swahili. If I'm not available, someone in my office receives the verbal report in Swahili.

Process of Interception – Geography, Relief

37. We do not find it necessary to organize our interception efforts by geography or location because the reach of the LRA communications is OK, even when the communications are coming from southern Sudan. The scanning is organized more by frequency; all of the listeners shift through the likely ones. Geographic relief also does not play much of a role. It affects the listeners equally, and thus we will be able to hear whatever LRA is hearing.
38. What frequencies the LRA uses are dependent on factors like weather and the existence of interference. Because LRA radios are not fixed-frequency, if there is interference, they can just flick through to a clear frequency and give the new frequency to others in code. If we don't have the code, we just move through the usual frequency range. We have a basic idea of what that range is.
39. Other forms of communication used by the LRA (satellite phones and GSM phones) are out of reach of interception efforts at the moment. Walkie-talkie communications are harder to intercept; you have to be quite close. The ones we intercept are high frequency radio communications.

Process of Interception – De-Coding, Reporting, Review of Reporting

40. During the radio communication itself, the listener is secluded and has no disturbance. He listens and writes down any codes or coded references he feels it necessary to write down at the time. This may be, for example, things he thinks he might forget. His notes are later destroyed.
41. The listener fills in his "book" later, after the transmission itself is over. He can listen to communication again on the tape at this point. This is when he records the substance of the radio communication, as he has understood it. This book is the basis for the report of the communications to me and to the Division Commander.
42. [REDACTED] the most experienced listener, can understand most of what he hears immediately. Understanding the rest is usually just a matter of time. Sometimes later, when reporting to me, he might ask for ten minutes or so to figure something out. He can take days at times, because he can always go back to the tape.
43. To my knowledge, former LRA have never been used as an aid to de-coding. [REDACTED] is not accompanied by anyone when he intercepts and makes his reporting.
44. The listener is allowed to paraphrase in his book and when reporting. For example, the listener may note a series of greetings as "participants greet each other." He usually transcribes the whole conversation, but he can also say, "Nothing significant to report," or something similar, if the conversation has no intelligence value. When the listener feels he has not understood the meaning of the communication, he is more


[REDACTED] [REDACTED] [REDACTED] [REDACTED]



likely to write out the whole conversation, because the communication may have been a message of some sort which he will continue to try to interpret.

45. A report regarding each intercept is sent to the Division Commander and to my Office in Kampala only. Anything reported by the listeners is also considered "secret."
46. The manner of the reporting is as follows. Once the communication ends and the "book" is made, the listener will get in touch with me, or in my absence, with someone else in my office, by phone. He conveys the substance of the communication to me in Swahili. He also makes a report in person to the Division Commander, by taking to the Commander the book in which he has noted down the substance of the communication.
47. The practice is thus that each communication is reported at the end of the communication. If he believes it urgent to pass on the intercepted information, the listener will pass a note to someone during the interception itself.
48. Normally my office will review and discuss intercepts every day, twice a day. I myself am involved in this process, daily. The listener does not perform "analysis" of what he hears, other than to break or interpret the codes, and thus no report from him relating to an LRA communication will contain "analysis."
49. There is no information of other types of communications blended with the transcripts.

LRA Radio Communication Capabilities

50. I would rate the LRA's capability in sending effective radio communications to be very good. I have already discussed LRA's equipment. They have an easy supply of what they need, since one can obtain a radio by hitting a mission or a vehicle. The types I have known LRA to use are Icoms, Mac (a brand from Australia), Racal, and Codan. There is no "standard" LRA brand. LRA operators are also trained; we have learned this from former LRA. *che*

51. The range of LRA communications, through the use of 100 watts of power, extends beyond Juba. LRA has the capability to transmit around the world with certain radios.
52. We would say that LRA uses "set" frequencies, because we know their preferences. Others organisations will be using their usual frequencies and LRA users look for space in between. We zero in on the sectors/frequencies they prefer. The more precise way to put it might be to say that LRA uses set ranges.
53. LRA's management of their radio network: The times of the LRA radio communications are 0900hrs, 1100hrs, 1300hrs, and 1830hrs. Sometimes they come on at 2100hrs. Communications at 1600hrs instead of 1830hrs were standard until November of last year. There was a period when LRA were shifting back and forth, but now they tend to prefer 1830hrs. The change might have to do with the troposphere scatter making it difficult to broadcast.



de





54. The practice tends to be that the senior person will take the lead in the conversation, if he has something to say or something to report. Occasionally the signaller of the commander making the report will start the conversation, if the commander himself is not there, or is not near the radio when the conversation begins.
55. The most senior person where the radio is is usually the person participating in the radio communications. A less senior person, even if of a high rank, usually will not touch the radio if a more senior person is present. Some effort is made by LRA forces to report up the chain, *i.e.*, to the immediately superior commanders first. But if a more senior commander like Kony wants a report directly, he will ask for him.
56. Radios themselves are distributed down to the brigade commander level at a minimum; the level of commander receiving a radio depends on the availability of radios. LRA has been known to have 30 or so though not all are used simultaneously. It is not typical for intelligence officers in the LRA to have radios. Normally it is the operational commanders.
57. Kony either will speak himself or through a signaller. It may be that he speaks when he feels more confident that it is safe. We can tell that he is speaking through a signaller because instructions will be given or comments made to a senior LRA officer that could not be made so quickly if Kony were not present.
58. LRA uses Acholi regularly on the radio, and words of Swahili or English thrown in. LRA has good security and good coding. There is no electronic encryption, but the mixture of clear and coded language can reach sophisticated levels. LRA will, for example, use an experience to send a message and it also is capable of using quite a number of codes simultaneously.
59. LRA is not known to use different frequencies at same time, unless the participants are forced. LRA does use call signs fairly extensively for participants; the call signs are used pretty far down the LRA hierarchy. The call signs are consistent over time. I am not sure if a call sign is attributed to a person or to an appointment.
60. More recently there is less coding, because the LRA leaders know that many of their signallers and senior officers have escaped. LRA swapped code books, about two months ago, because of this problem. This happened because the Chief of Signallers defected from LRA.
61. LRA uses radio communications to arrange its own administration, for operations, and for discipline. LRA has other ways of coordinating its activities, but this is their primary means. Thus, despite frustrations like the loss of senior commanders and signallers, it continues regularly to use radio to communicate. To manage the risk, they use codes.
62. An example of the LRA's use of an experience or a story to convey a communication is as follows: Earlier this year, UPDF hit a location where Vincent Otti was located, and it was unclear whether Otti himself had been injured or killed. Soon after, there was an initial radio communication in which Kolo and Kony got on the air and discussed only that they would need to urgently talk, but first needed to figure out





In a later intercept, Kolo used a story to send the message that Otti's location had been hit and Otti injured because Otti had gone somewhere he was not supposed to be. To convey this message, Kolo told Kony that he had had a dream in which Otti was standing in a cassava field crying asking fellow LRA why they were uprooting the civilian's cassava. Kony appeared in the in Kolo's dream wearing a red garment surrounded by new recruits as guards and silently watched Otti. It was more than a month later that we confirmed that the interpretation of the message likely meant: that Otti had been hit and injured while gathering food, which is something that commanders ordinarily do not do. Some of his senior guards had been killed, and thus his "protection" would have to be provided by new escorts.

63. LRA practice is not immediately to report exchanges of fire with the enemy ("contact"). LRA forces are not allowed to report operations on the same day as the operation. This is because UPDF is likely to be monitoring and thus to report contacts during the contact, or an operation too soon after the operation, is dangerous. There is usually only radio talk relating to a very recent operation if the operation has been publicly reported already, in which case Kony or someone else might ask who carried out the operation and thus start a conversation about it.

Direction Finding

64. Direction finding – or locating the whereabouts of LRA – is an entirely separate operation from the interception of radio communications.

Preparation of Transcripts

65. The transcripts furnished to the ICC thus far are English language translations of largely Acholi language communications. The English language translations are prepared in my office. After I or someone in my office gets a report from [REDACTED] in Swahili, we translate the substance of the communication into English in my office. [REDACTED] relates the communication by telling us who participated and who said what, I take notes, and the English language translations are prepared from those. [REDACTED] has never seen the English language translations that my office generates.
66. The divisions also receive reports from the listeners as soon as the listeners are done preparing them. Thus it is possible that the divisions and my office to have transcripts of same communications, prepared by different people.
67. Voices are attributed to individuals by two means: call signs and recognition of the voice by the listener.
68. The transcripts and other notes and summaries relating to the intercepted radio communications are also considered "secret." The same restrictions on access apply as apply to the tapes of the intercepted communications.
69. Other than the process of de-coding the codes and interpreting the messages used by the LRA, there are no intuitive assessments blended into the transcripts. There is no information used to prepare the transcripts other than information gained from the radio communications themselves.





Checking of Quality of Information

70. The accuracy of the recordings can be checked because our sister agency also records interceptions.
71. The quality of the information obtained via the intercepts is constantly checked because of the twice-daily reviews in my office. If there is something in the radio communications which does not make sense to us, we will ask [REDACTED] about it or obtain an opinion from a different Luo speaker, if we think the issue relates to translation.

Provision of Tapes and Transcripts to the ICC

72. I received from the Chief of Military Intelligence the authorization to turn over to the ICC the tapes and transcripts provided thus far. The transcripts were photocopied in my presence. [REDACTED] took them from here, after photocopying them.
73. Correlating a given transcript back to the relevant tape should be possible. Tapes pertinent to the ICC investigation can possibly better be identified by specification of a date range.
74. I am not sure who must authorize ICC use of the tapes or transcripts in Court. My availability for this interview was approved by the Minister of Defense.

Reliability

75. In our operations, we have found the information gained from the radio communications to be very reliable. The reliability has improved over time, as our methods and practices have improved.
76. There are times when LRA commanders will report false information over the radio, in an effort to deceive their leaders in the LRA. For example, some commanders seem more reluctant to admit that they have been attacked by UPDF than others. This relates to the LRA practice of dragging away from any fight with UPDF their casualties. If there are no bodies left at the scene, it is easier to deny that there was any fight or that any casualties were suffered.
77. The reporting in LRA radio communications about the number of UPDF casualties is also sometimes inflated. An LRA commander may report that very many UPDF were killed when in fact the UPDF casualties were few or non-existent.
78. Similarly, LRA uses deception in their radio communications to attempt to mislead UPDF especially on their locations. This consists mainly of their use of codes and indirect messages, which I have already described.

Closing Procedure

John
[REDACTED]



- 79. I have nothing to add to the above statement at this time nor do I have anything to clarify.
- 80. I have given the answers to the questions of my own free will.
- 81. There has been no threat, promise or inducement which has influenced my answers.
- 82. I have no complaints about the way I was treated during this interview.
- 83. I am agreeable to a copy of my statement being transmitted to the law enforcement of a State if requested by a State.

ACKNOWLEDGMENT

I have reviewed this Statement and it is true to the best of my knowledge and recollection. I have given this Statement voluntarily and I am aware that it may be used in legal proceedings before the International Criminal Court and that I may be called to give evidence in public before the International Criminal Court.

Signed: _____



Dated: _____

11th Dec 04

