

INTERNATIONAL CRIMINAL COURT
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: [REDACTED] Gender: Male
First Name: [REDACTED] Father's Name: [REDACTED]
Other names used: [REDACTED] Mother's Name: [REDACTED]
Place of Birth: [REDACTED] Passport / ID number:
Date of Birth: [REDACTED] Nationality: Ugandan

Language(s) Spoken: English, Luganda, Runyankole, Swahili

Language(s) Written: as above

Language(s) Used in Interview: English

Occupation: [REDACTED] UPDF

Place of Interview: [REDACTED] Kampala (18 January, 27 April);
[REDACTED] Kampala (15 July)

Date(s) and Time(s) of Interview: 18 January 2016, 1030-1230; 27 April 2016, 1545-1845;
15 July 2016, 1430-1545

Names of all persons present during interview: [REDACTED] (investigator), [REDACTED]
[REDACTED] (associate analyst, 18 January), Julian Elderfield (lawyer, 27 April and 15 July),
[REDACTED] (interviewee), [REDACTED] (UPDF Director of Legal Services, 18
January)

Signatures: [REDACTED]

JULIAN ELDERFIELD

UGA-OTP-0267-0455



WITNESS STATEMENT

Procedure

1. I was introduced to [REDACTED] and told that he is an investigator with the Office of the Prosecutor (OTP) of the International Criminal Court (ICC). I was introduced to [REDACTED] and was told that she is an associate analyst with the OTP of the ICC. I was introduced to Julian Elderfield and was told that he is a lawyer with the OTP of the ICC.
2. The investigator explained to me what the ICC is and described its mandate. He explained the role and mandate of the OTP within the ICC.
3. The investigator explained to me that the OTP is investigating events that took place in Uganda from 2002 to 2005. I was informed that the OTP is contacting me because they believe I may have information relevant to establishing the truth.
4. I was told that I have the right to be questioned in a language that I fully understand and speak. I confirm that English is a language that I fully understand and speak.
5. The investigator explained to me that this interview is voluntary. I understand that I should only answer questions of my own free will.
6. I was informed that any information I give to the OTP would be disclosed to the participants of the proceedings at the ICC, in particular the judges, the accused, and the legal representatives of the victims.
7. I was informed that I might be called to testify before the ICC. It was brought to my attention that the trial will be held in public and explained to me that, as an exception to the principle of public hearings, the judges may apply protective measures to those testifying if circumstances require.
8. I am currently willing to appear as a witness in court, if called to testify. I understand that disclosure of my identity and information I have provided will take place whether or not I am called to testify.
9. The possible security implications resulting from my interaction with the OTP were discussed with me. The investigator explained to me the reasons and importance of keeping my contacts with the OTP confidential, which I fully understand.

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10. Having understood all the above issues, I confirmed my willingness to answer the investigator's questions.
11. The investigator explained to me how the interview was going to be conducted. I was told by the investigator that it is important that I am as accurate as possible in my account, and that I state when I do not know or do not understand a question. I understand that I need to distinguish between what I have experienced or seen myself and what I have heard or learned about from someone else.
12. It was explained to me that if I am called to testify in court following an undertaking as to the truthfulness of the information I will provide, I may be liable for prosecution if I wilfully state anything which I know to be false, or do not believe to be true.
13. I was told that at the conclusion of the interview, I would be asked to sign a written statement after having had the opportunity to review it, make any corrections, or add additional information.

Professional background and training since December 2004

14.

15.

16. I have done a number of training courses since I last spoke to the OTP. These include courses on strategic and tactical intelligence gathering, and radio and imagery systems for military application. I did these courses because UPDF technological capabilities of interception through technical means has developed and expanded.

Using intercepted communications

17. The main purpose of the intercept operation was to collect intelligence to support combat operations. We knew there was a lot of information on the sound waves,

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and our job was to pick up that information, correlate it, and send an intelligence report on to command. It had to be done quickly, so it was actionable.

18. The intercepted communications were very useful for military decisions, and also in preventing LRA attacks. For example, if we knew that the LRA was in a certain area because of information we had intercepted, forces were deployed in that area, which may have prevented an attack. Our direction finding operation worked hand-in-hand with our interception operation.
19. To my knowledge, intelligence relating to LRA operations obtained through the interception of LRA radio communications has not been used in evidence in any domestic criminal proceedings in Uganda, for example in the case against Thomas Kwoyelo.

Gulu

20. [REDACTED], my role was to expedite the process of getting the intelligence that was being intercepted to the ground commanders.
21. The Fourth Division in Gulu was the headquarters of the UPDF's LRA interception operation. It was set up before I became directly involved in the LRA interception operation in about 1998. Before I arrived, it was a rudimentary radio interception operation. When I arrived, I implemented standard operating procedures and methodologies, and dictated how the material was to be captured, recorded and reported.
22. The personnel responsible for intercepting radio communications were monitoring LRA radio communication 24 hours a day. At first, the UPDF only monitored LRA radio communications during daytime hours. However, as LRA operations intensified, we started to monitor their radio communications at night as well. We created evening shifts in addition to dayshifts. Later we added nightshifts to the duty roster.
23. The radio equipment that was used by the UPDF to intercept the LRA in Gulu was the same as that used at the time by the LRA: Racal, Icom, and Kenwood radios. This equipment was robust. If there was ever an issue with a radio, the unit had a structure in place to ensure that they would have a replacement, even if they had to borrow one from another unit.
24. I was responsible for ordering the DF equipment and for training the DF team.
25. The Gulu interception team reported to headquarters in Kampala by telephone. The operator read out verbatim what he had written in the logbook. The person

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in Kampala wrote down the same thing and confirmed the contents with the Gulu operator. A fax machine was used to report information only in exceptional circumstances.

26. Gulu was responsible for preserving the logbooks and other material that they produced. The material was preserved to check it, if necessary. Tapes recorded in Gulu were sent to Kampala because of the better storage conditions there.

Kampala

27. We did not write in logbooks at headquarters in Kampala. Any working papers that we received or were created that contained radio intercept intelligence were destroyed after the intelligence was processed into the daily intelligence report.
28. In Kampala the transcribed report received via telephone was changed to the intelligence report format, typed and then disseminated.

Other Divisions

29. In addition to in Gulu, the UPDF had LRA interception operations in the Third Division in Soroti, and the Fifth Division in Achol Pii. There was no interception operation in Lira because the Fifth Division covered Lira. The same goes for Kitgum, which also falls under the Fifth Division. Divisions were required to have interception operations but this was not required at the Brigade level. Signallers also went to Sudan to support operation Iron Fist.
30. The interception station in the Fifth Division in Achol Pii was semi-permanent. These Divisions started to intercept more intensely as the LRA operations intensified in their area. For example, the Third Division (Soroti) was set up when the LRA centre of gravity shifted to Soroti. The Third Division had not been involved in anti-LRA combat before then. Their signallers were not picking up communications as well as the other Divisions, because they were further away. But as the action started to shift their way, they started to pick up communications very clearly. So we gave the Third Division the capacity to start an LRA intercept operation by carrying out some transfers of people who spoke in-depth Luo to this Division.
31. I cannot recall when interception began and ended in each of the Divisions. The operation against the LRA was so dynamic; it was hard to determine when these operations started.
32. Each Division adhered to the principles and procedures for intercepting LRA communication established in Gulu, although they did not immediately begin to

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work at the same level of sophistication and with the same resources; they worked up to it. It is possible that Fifth Division did sound recordings, but it was not mandatory.

33. Reporting procedure depended on where the centre of gravity of the LRA was. If the centre of gravity of LRA operations was in Soroti, I contacted Soroti directly, by telephone. This is because I expected the information to be better where the centre of gravity was. After I had called Soroti, I called [REDACTED] in Gulu to check if he had picked up anything that Soroti had missed. I set up this model of straight-line reporting directly to me. I would then inform the relevant operational commanders.
34. It was important for me to corroborate the intelligence that I put in the daily intelligence reports. These multiple streams of reporting helped me do this. For example, [REDACTED] in Gulu might say that he did not hear something. So I would check with the other Divisions.
35. The radio equipment that the Divisions used was the same as in Gulu: Racal, Icom, and others. Every Division was equipped with a manpack and a base station radio like an Icom.

Staff

36. I was involved in the selection of personnel. The operational requirement was an in-depth knowledge of Luo language and culture, including Luo folk tales, and the terrain. My people were not selected because they were good at radio signalling, but more because of their linguistic and cultural knowledge. It is sometimes misunderstood how much knowledge people needed to understand the LRA's communication. You cannot learn it in a class. It takes years to know it.
37. [REDACTED] knew the language, the land, and showed his skills. He was our most senior and most experienced radio operative in Gulu. He was in charge of the day-to-day operation and training of other personnel in the office. [REDACTED] [REDACTED] was responsible for breaking codes the LRA used.
38. [REDACTED] was [REDACTED]'s immediate supervisor. He oversaw both the interception and direction finding operation, in Gulu and in any other UPDF Division where we were operating from. He was my eyes and ears on the ground. [REDACTED] was based in Gulu. He did administrative tasks and was responsible for interfacing with senior command in Gulu. For example, if command had a high-level meeting to decide on combat strategy, [REDACTED] was the person who attended, because [REDACTED] was of a junior rank. [REDACTED] was a

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Lieutenant in the period 2002 to 2005. He is now a Major working in headquarters in Kampala.

39. I do not remember exactly who else worked on the interception operations in the various Divisions. There was a lot of movement between Divisions, depending on the situation on the ground and where the LRA's centre of gravity was. My interaction with these signallers was determined by how close they were to the action. For example, If centre of operations were high, I would talk to someone every day. If it was not, I would only talk to them once per month. [REDACTED] [REDACTED] would know more about the names of people, where they worked, and when.
40. All the intercept operators attended a mandatory UPDF basic signallers course. I do not recall how long the course was. It was not always like this; in the 1990s, they learned on the job. After the basic signallers course was set up and these persons went through this training, the level of professionalism of radio operation increased. We had also had an on-the-job training system, where we looked at our practices and reviewed them, adopting new practices that overcame old obstacles.

Use of former LRA signallers

41. We would interrogate ex-LRA fighters who were signallers, who we captured or who surrendered. But I do not remember that they were then employed to assist the UPDF interception operations. I do not remember [REDACTED] working for the UPDF interception operation. I do not know the name [REDACTED].

Overlapping logbooks

42. In addition to the books created in Fourth Division, books were also created in Fifth Division. These were mainly kept on personal initiative until in around 2003, when we had quite heavy operations in that area. That is when we developed a more systematic approach to recording and storage. I do not know if the Third Division recorded LRA communications in logbooks.
43. I would expect logbooks from different Divisions to contain the same information. However, information in one or the other logbook might be different if, for example, a radio operator took too much time to switch on the tape and start to transcribe at the time when a conversation became important, whereas another was transcribing the whole time. Or differences could result from where the information was being picked up. For example, if the LRA was in Soroti, the Third Division would pick up more information than in Gulu, because they were much closer to the communication. Or another example: if the LRA

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changed frequency mid-conversation using a code word. One signaller might not remember the code word and have to look it up, whereas another signaller could change frequencies straight away and continue to intercept without break.

44. It is because of these discrepancies that having multiple interceptors was so important for the corroboration of my final product.
45. When the interceptors in the various Divisions finished a logbook, these books were kept. The Third and Fifth Division had nowhere to store these books, although they had the same obligation to keep them. I do not know where they stored these logbooks. We did not require them to be sent to Kampala.

Tapes

46. In Gulu, the intercepted LRA radio communications were recorded on cassette tapes. The boxes that were used to store the cassette tapes could hold 12 cassettes. When a box was filled, it was sent to me in CMI Headquarters in Kampala. [REDACTED] was in charge of sending them to me in Kampala. He would use anyone who was already driving to Kampala; there was no formal system in place to transport them. We started to collect the tapes in Kampala when we realised storage conditions were poor in Gulu.
47. The tapes came to my office. I stored them in a cupboard. It was secure and access controlled. All the tapes in my office were then handed over to the ICC.
48. To my knowledge, there are no cassette tapes with recorded LRA radio communication intercepts left in CMI headquarters in Kampala. I do not know if there are tapes left in the Fourth Division Headquarters in Gulu. Any remaining cassette tapes in Gulu would be duplicate, back-up tapes only, as all original tapes were sent to CMI headquarters as per my instructions. Back-up tapes were not required to be sent to headquarters. Making a duplicate back-up tape was not policy and would have been done on an individual's own initiative.
49. I cannot be sure when Gulu started to tape record. I do not know who brought the tape recorder to Gulu.

Interaction with other interception operations

50. In addition to the UPDF, the ISO also intercepted LRA radio communications. The ISO worked independently from the UPDF. It was doing its own monitoring and recording of LRA radio communication. Sometimes they would help each other break a code, but that was it.

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51. I knew of the ESO interception operation. All the staff knew each other. They likely discussed the work in their spare time. They also had trained signallers who were intercepting LRA. I did not know of the Police interception operation working out of Kamdini.

Monitoring of LRA telephones

52. Around 2007, our technical capabilities had developed and extended to the interception of LRA communications via satellite phone. The LRA started to use satellite phones prior to their move to the Democratic Republic of Congo. They used satellite phones because they had experienced a high attrition rate when they used their high-frequency radio to communicate.

53. In the period 2002 to 2005, the UPDF did not obtain call data records, perform telecommunications analysis, or intercept satellite phone communications.

Direction finding operation and procedure

54. Directional finding (DF) developed incrementally until it became part of the UPDF's military strategy against the LRA. Initially, the UPDF did not have the capacity to gather DF intelligence. Because of radio communication interception, the UPDF knew the contents of the LRA communications; but we did not know from where LRA commanders were communicating. The ISO was already doing DF but this operation was not fully answering military requirements. The UPDF realised the potential of the ISO DF operation, so the Chief of Defence Forces instructed us to start a DF operation.

55. We set up the DF operation in Gulu in about December 1999. We continued to develop it in 2003 and 2004. The UPDF DF operation was able to produce reliable DF intelligence only after 2004. By this I meant that they took some time to learn how to use it, how it applied on the terrain and in different atmospheric conditions, and how to use it with the military commanders on the ground.

56. I was asked to explain DF. When you pick up a radio signal, DF equipment identifies the strongest signal from a certain direction relative to the north by rotating the antenna electronically, which 'sweeps' through different angles. This strongest signal relative to your position is called a directional bearing.

57. A minimum of two simultaneous directional intercepts is needed to be able to determine the location a signal originates from. This requires a minimum of two teams conducting DF at the same time. If both teams pick up a signal that intersects, you are able to identify a position.

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58. DF teams were mobile and went out in the field to locate the strongest signal. They used vehicles, as the DF equipment is not man-portable. The commander of the UPDF DF operation was [REDACTED]. He was responsible for coordinating the DF teams.
59. A DF team consists of at least three people. One of the roles in a DF team is to ascertain that both DF teams are intercepting the same LRA radio signal that is being intercepted in Gulu. A DF team does not focus on the content of the intercepted LRA conversation. They only want to synchronise the bearings of the same conversation to be able to gain the position from where the radio signal originates.
60. The DF teams knew the times the LRA communicated. When LRA radio communications were expected, the DF team would start monitoring the LRA frequencies. As soon as they were able to pick up an LRA signal they contacted each other to confirm they were listening to the same intercepted communication. They would use any means possible for this contact; depending on their location, for example, this could be via radio communication or by phone.
61. The radio communication used by the UPDF DF and interception cells was encrypted and secure. It was separate from the standard UPDF radio communication. Encryption of these radio communications was done to prevent the LRA from intercepting them.
62. One person within a DF team was responsible for recording the DF team's findings – geographic coordinates – in the logbook while the DF operation was in progress. At the end of an LRA communication, the DF team communicated its findings – the bearings and transmission location – to the headquarters in Gulu via radio. [REDACTED] in Gulu collated and processed the information provided by all the DF teams. He then relayed the information to the Fourth Division Officer Commanding and also to UPDF headquarters in Kampala. For this, he used any means of communication he had access to and that would be appropriate at the time, for example, internal UPDF radio or telephone. The information [REDACTED] provided was collated and noted down in Kampala.
63. The DF teams then destroyed any notes taken during the operation. This was done for operational security as the DF teams were out in the field.

UPDF intelligence reports

64. I have seen the following documents. I have the following to say.

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65. Document marked UGA.0016.538 to 543. I confirm that this is an example of a daily report created in CMI Headquarters Kampala. The daily report was created at the end of each day and was classified as Secret. Dissemination was restricted to myself, the Chief of Intelligence, and the Chief of Defence Forces (who was at that time called the Army Commander, and who was the most senior military commander in the UPDF). The report is dated on the top as Intelligence Report from 220504 (22 May 2004) at, 0900, 1100, 1300, 1830hrs.
66. The extreme left hand column of the first page of the document, marked UGA.0016.538, is numbered 1 to 11. The second column is headed 'name/call sign'. This column lists the name and call-sign of the LRA commanders who used the radio that day. The column would state the name of the commander or his call-sign, depending on whether we were able to identify the voice and attribute the voice or call-sign to a name.
67. Columns 3 and 4, marked 'eastings' and 'northings' respectively, contain the findings from the UPDF DF teams. This is directional data associated with a particular transmission these commanders made. The final column on the first page of the document is headed 'location'. The location listed in this column is the information contained in column 3 and 4 plotted on a map. The accuracy of the location would vary, ranging up to 3 kilometres, and depends on several variables such as signal strength, number of readings and terrain.
68. Based on the information contained in this daily report I would take decisions on a strategic level. [REDACTED] together with the Officer Commanding in Gulu, would make tactical decisions based on this information.
69. The information we put in the intelligence reports was corroborated by information that we received from the different divisions. Sometimes we were forced to use information received only from one source, but wherever possible we would try to corroborate it.
70. If the intelligence obtained was applicable to the UPDF operations in the various Divisions, I was the one to communicate directly with the operational commanders in that area. This was because I had easier means of communicating the intelligence to the Commanders in the various Divisions. If the intelligence was time-sensitive, I communicated it directly to the Battalion Commander. Otherwise, I disseminated it to the Division Commander.
71. The column on page 2 of the document, marked UGA.0016.539, has a header named 'comint' which stands for Communications Intelligence. The first column below the header is headed 'call sign/name' and a time, 0900. This column

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contains a synopsis of the intercepted communication. In this case, a communication broadcasted at 0900 by the LRA.

72. Page 3 of the document, marked UGA.0016.540, contains the same information: the contents of an intercepted communications at 1100 and 1300. Page 4 of the document, marked UGA.0016.541, contains a synopsis of the intercepted communication at 1800.
73. The above-described synopses of the LRA communications were based on the merging of DF intelligence and the reports we had received from the interception team in Gulu. They contained actionable intelligence from these reports that needed to be disseminated in a timely manner.
74.  or whoever was available, would give me the intelligence after each intercepted LRA communication. At the headquarters in Kampala, we compiled this information with the various Divisions. Sometimes I would do it myself, sometimes it was one of my staff.
75. Each 'time-segment' of the report would be filled in at the end of an intercepted broadcast. As such, it was a rolling document as the day developed. At the end of the day, the daily report was finalised, disseminated and then filed.
76. Page 5 and 6 of the document, marked UGA.0016.542 and UGA.0016.543, are headed 'field reports'. Below the header, on the left of the page, is a column named 'source'. The information contained in the column 'source' is intelligence that is obtained through non-technical means: from human intelligence sources. The left column names Fifth Division, and below, Fourth Division. The Fifth Division and the Fourth Division are the originators of the information contained in this column.
77. The above-explained document, marked UGA.0016.538 to 543, is a collation of intelligence received from a variety of sources that was to be disseminated up the UPDF chain of command. It is not based solely on intercepted LRA communications.
78. I have been shown a document marked UGA.00017.084 to 086 inclusive. It is the same type of daily report explained above.
79. I have been shown a document marked UGA.00012.120 to 124 inclusive. It is the same type of daily report explained above.
80. I have been shown a document marked UGA.00025.423 to 426 inclusive. It is the same type of daily report explained above.

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81. I have been shown a document marked UGA.00025.649 to 655 inclusive. It is the same type of daily report explained above.

Previous interaction with ICC

82. I do not remember when I first had contact with the ICC. The ICC never contributed in any way to the UPDF intercept process on a strategic level. I remember that the ICC provided support on an operational level; it provided [REDACTED] with stationary and a cassette tape recorder. I do not know of any other support the ICC might have given the UPDF for its LRA interception operation.

83. The UPDF archive no longer contains any material left from the intercept operation: tapes, logbooks, rough notes, or intelligence reports.

84. I have never shared any documents over to the ICC myself.

Closing Procedure

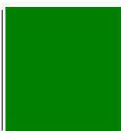
85. It has been explained to me that the ICC may decide to share a copy of my witness statement with a State if it is requested. I was informed that in such a case I would be contacted and any possible impact on my security would be assessed.

86. I have nothing to add to the above statement nor do I have anything to clarify. I am available to be contacted in the future for clarifications or questions on topics not covered during this interview.

87. I have given the answers to the questions of my own free will.

88. There has been no threat, promise or inducement that has influenced my account.

89. I have no complaints about the way I was treated during this interview.



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WITNESS ACKNOWLEDGMENT

This statement has been read over to me in the English language 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 ICC and that I may be called to give evidence in public before the ICC.

Signed:  _____

Dated: 15 - July - 2016

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