

INTERNATIONAL CRIMINAL COURT
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: [REDACTED] Gender: Male
First Name: [REDACTED] Father's Name: (Late) [REDACTED]
Other names used: None Mother's Name: (Late) [REDACTED]
Place of Birth: [REDACTED] Passport / ID number: [REDACTED]
Date of Birth: [REDACTED] Nationality: Ugandan

Language(s) Spoken: Acholi/Luo, English, Swahili.

Language(s) Written: Acholi/Luo, English.

Language(s) Used in Interview: English

Occupation: [REDACTED]
[REDACTED]

Place of Interview: [REDACTED]

Date(s) and Time(s) of Interview: Tuesday 12 January 2016 from 11.30 to 16.30 hrs,
Wednesday 13 January 2016 from 09.30 to 13.30 hrs, and Thursday 14 January 2016 from
08.45 to 13.00 hrs.

Names of all persons present during interview [REDACTED]
[REDACTED]

Signature(s): [REDACTED]

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 told that she is an Associate Analyst 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 will 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 may 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.
10. Having understood all the above issues, I confirmed my willingness to answer the investigator's questions.

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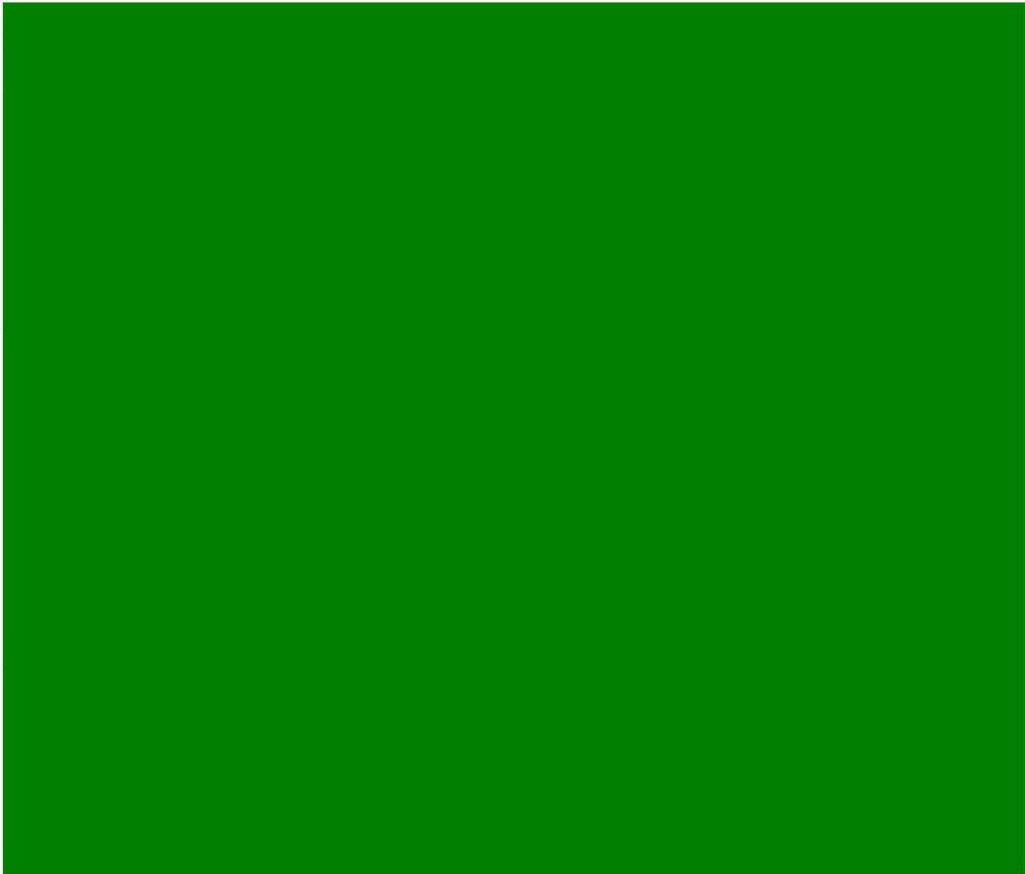
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[REDACTED]

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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

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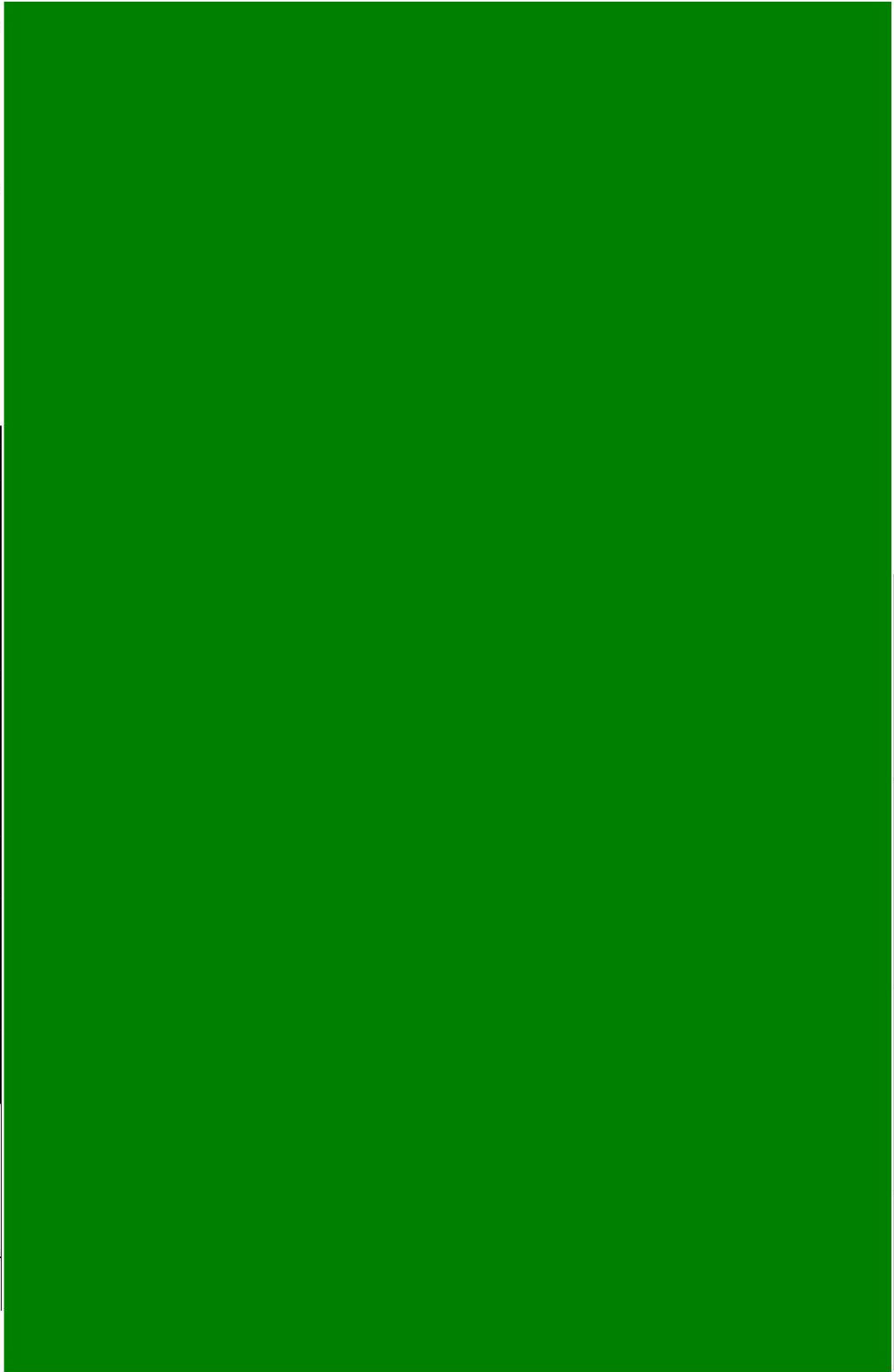
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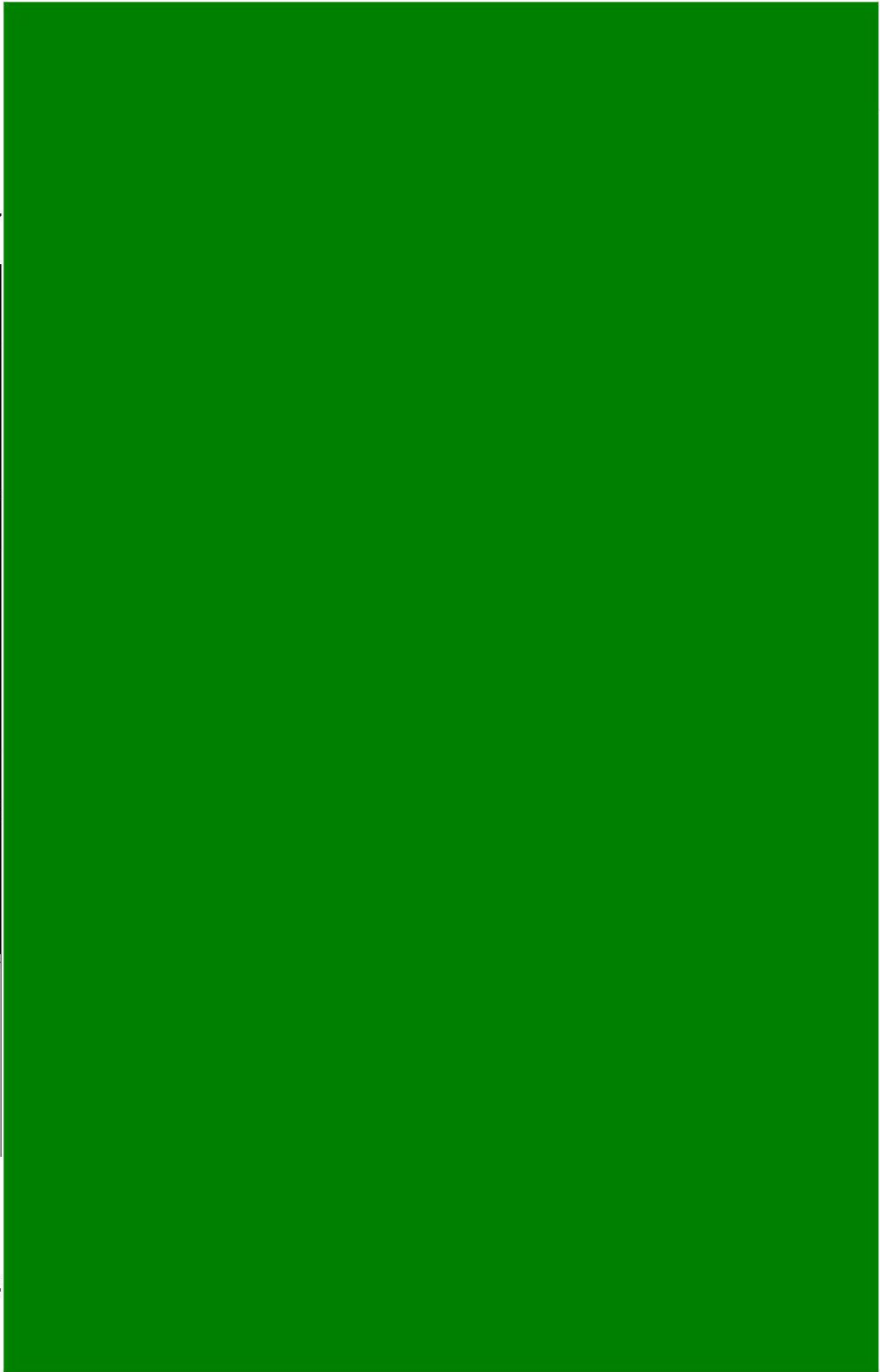
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Operational duties of the Gulu Regional Headquarters, Special Branch, 2002-2005

30. As described above I worked as [REDACTED]. My area of responsibility comprised of five districts: Gulu District, Lira District, Apac District, Kitgum District and Pader District. Each district had a District SBO who reported to me. The District SBO's would have five to ten personnel (handlers) under them responsible for collecting intelligence from the field. The 'handlers' handle covert human intelligence sources. Sources would be located, for example, within the IDP camps. When the handlers gathered information, they reported it verbally to the District SBO, as phones were scarce. Because of the sensitive nature of the information, the policy was for the handlers or the District SBO's not to write any of the collected intelligence in a report.
31. When the intelligence collected by a handler was time critical, the handler reported directly to me. By time critical intelligence I mean intelligence that requires action taken immediately; the type of intelligence for which the military would make or change tactical decisions. An example of intelligence that we would consider time critical is information that the LRA is going to attack. If a handler was not far away from my location, he reported to me verbally, in person, otherwise a phone was used. I then passed the intelligence to the Director of the Special Branch. I would also contact military intelligence and the Regional Intelligence Security Officer, who works for the President's Office. This was all disseminated verbally.

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The handling and storing of intelligence

32. The Ugandan Police uses security classifications to classify the intelligence collected. Starting from the lowest classification level, the Special Branch used the following: Confidential, Restricted, Secret, Top Secret, and Safe. The information my unit was dealing with I generally classified as Secret, Top Secret or Safe. I was the one who decided which security classification would apply to the intelligence gathered by my office. This depended on the contents and was subject to confirmation by the Director of Intelligence.
33. My office adhered to the Special Branch policy in relation to handling paper product. Because of the sensitivity of the information, my office did not document intelligence classified as Safe.
34. Intelligence classified as Top Secret would be typed in a report so we could disseminate the information by fax. After typing, I would directly fax it without attaching my name to it. After faxing the report, I would destroy the paper version immediately. As mentioned before, I always disseminated time critical intelligence verbally. Only non-time critical intelligence was faxed.
35. My office wrote intelligence classified as Confidential or Secret in an intelligence Report. This is different from a Situation Report (SitRep). The SitRep contained only general information relating to the security situation in my area of responsibility. I stored the SitRep's I wrote or received in folders in my office in Gulu. My Radio Communications Officer, [REDACTED] transmitted the SitRep twice daily to Headquarters via standard radio communication. Intelligence reports classified as Top Secret or above, I faxed and destroyed after faxing. On occasion, only when time critical, I would also disseminate intelligence considered Top Secret verbally, by telephone, to the Director of Special Branch. Top Secret intelligence I received from the District Special Branch Officers working for me was sent to me in a sealed envelope.
36. We did not have a formal retention policy for storing and keeping the intelligence reports, SitRep's, or other documents containing Confidential and Secret information. I stored the documents in folders in the Regional Headquarters office in Gulu. I continuously re-evaluated the security classification of the material that was stored. Intelligence that I reclassified as Top Secret or Safe I destroyed. In addition, documents that were not of immediate use anymore were destroyed as well. This was generally after three months of keeping them. Otherwise, I would keep the documents. That is why some material has remained for longer periods.



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37. In 2009, I left the CIID office in Gulu. When I left, I destroyed all the records classified as Top Secret and Safe, but the records classified as Confidential and Secret I did not destroy. I have asked the Regional Criminal Intelligence Officer named Assistant Superintendent [REDACTED] if there are records that I created that have remained. I was told that there are some files left at the Regional Office in Gulu. I do not know what files these are. I do not know if any of my records remained in Kampala.

Police interception of LRA radio communication -- Gulu

38. In the office in Gulu, we had a radio. It was in a designated communications office we called 'the radio room'. I do not know the make and model of the radio. We received this radio from the Special Branch Headquarters. As explained above, [REDACTED] who was the Radio Communications Officer of the Special Branch, used this radio to receive and transmit SitRep's twice daily to Headquarters in Kampala. The building we worked from was located near the Resident District Commissioner's office, opposite Gulu main hospital, just behind the court.

39. In 2003, [REDACTED] visited me in my office in Gulu. He told me that the LRA was using radios to communicate and that he was able to intercept this communication. He then gave me a demonstration on our radio in Gulu and I could hear the LRA communicating myself. I do not know how [REDACTED] had discovered that it was possible to intercept LRA radio communication.

40. The Ugandan Police Force also employed [REDACTED] as a constable but he worked in the Communications Department of the Northern Region. His office was located in Kamdini Police Station, Apach District. The Regional Communications Officer was Assistant Inspector of Police [REDACTED]. As such, [REDACTED] did not fall under my direct command. I believe his immediate supervisor at this time was Commissioner [REDACTED]. I am not sure how to spell the Commissioner's name. Kamdini is located about 40 km from Gulu, along the Gulu-Kampala road.

41. Around the same time I transferred to the Gulu office, [REDACTED] also transferred to my office. [REDACTED] was directly under me as Communications Officer. As he was the police Radio Communications Operative, he was responsible for broadcasting and receiving messages between the Gulu office and Headquarters in Kampala. However, monitoring LRA radio communication also became a key role for him in 2003.

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[REDACTED]

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42. Upon learning about the capability of intercepting LRA communications from [REDACTED] I contacted the Director of Special Branch to inform him. I then gave [REDACTED] instructions to contact [REDACTED] in order for him to learn from [REDACTED] how to intercept communications. From this moment on, [REDACTED] started to intercept the LRA communications for me using our radio in Gulu. At that time, the Special Branch did not have a policy as to how to conduct interceptions. I just ordered [REDACTED] to start intercepting. Nobody ordered me to do so; it was my own decision. I do not know of other police posts, besides Kamdini and Gulu, which intercepted LRA radio communications.
43. [REDACTED] worked every day, generally from just before 08.00 to 17.00 hrs. During this time, he operated the radio. Every morning before 08.00 hrs, he would open the radio communication between our office in Gulu and the Special Branch Headquarters in Kampala. After 09.00 hrs, [REDACTED] would turn the radio frequency to the channels the LRA would normally use. In the afternoon, around 14.00 to 15.00 hrs he would return to the Police frequency to send the daily SitRep to Headquarters in Kampala. After that, until 17.00 hrs, he tuned in on LRA communication again. [REDACTED] had to leave the office and return to the police barracks at around 17.00 hrs as, at that time, it was not safe to move at night in the Gulu area.
44. I know that the LRA also communicated outside the times [REDACTED]; was intercepting their communication. However, [REDACTED] could only listen between the above mentioned times, as he was required to communicate with Special Branch Headquarters as well.
45. [REDACTED] worked alone, listening to the LRA communications. However, if I was not busy, I would sit in and listen [REDACTED] would take notes of what he heard the LRA say on the radio. The notes he made were summaries, written down on loose-leaf paper. If I listened as well, I would make notes myself.
46. In my office there worked an Office Assistant named [REDACTED] [REDACTED] sometimes assisted [REDACTED] in typing the notes he took while listening to the LRA communication. The notes were compiled using a computer that was located in the communications room. I do not know where the computer came from. The computer was solely used for typing the notes. This computer is still in the same office in Gulu but it broke down and is no longer working.
47. After intercepting, [REDACTED] would give his notes to me. Based on the notes produced by both [REDACTED] and [REDACTED], I would make an assessment and write a report. This report I faxed. I destroyed [REDACTED] notes as

[REDACTED]

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- soon as I had written my report. Unless I classified the intelligence in my report as Top Secret or Safe, the report was subsequently stored in my office in Gulu.
48. [REDACTED] or I would fax my reports to my immediate supervisor, the Director of Special Branch at Special Branch Headquarters in Kampala. His name was Senior Commissioner [REDACTED] would be the recipient of all faxes that I sent. I do not know what he did with them. Sometimes he would call me for clarification. I do not know if Headquarters kept my faxes. He retired in 2007.
49. We did not audio record the intercepted LRA radio communications. Neither did [REDACTED]. We did not have the technology to do so. I would describe the interception of radio communication by the Uganda Police Force as basic. Only what could be heard was recorded in note form.
50. I do not know if the Uganda Police utilized directional finding equipment. This is outside my knowledge.
51. I know the UPDF was intercepting LRA communications as well. My office in Gulu was not liaising with the UPDF as they were collecting their own intelligence from the interception of radio communications. However, the UPDF would sometimes compare notes with [REDACTED]. If the UPDF gave me additional information, I would add that to my report.
52. ISO also intercepted LRA radio communications. In addition to intercepting, just as my office in Gulu, the ISO had handlers working in the field collecting intelligence. [REDACTED] the Regional ISO, would compare his information with our notes on a daily basis. I adjusted my reports and included information [REDACTED] provided to me if I deemed it relevant.
53. [REDACTED] would liaise on occasion. When [REDACTED] intercepted sensitive or urgent information, he would immediately come to my office in Gulu to update me. When [REDACTED] visited the Gulu office, he and [REDACTED] compared notes.

Police interception of LRA communication - Kamdini

54. The Kamdini Police interception operation started in 2003. The office was at the Kamdini Police Station, located within Kamdini Trading Centre in Oyam District. [REDACTED] was the Radio Communications Operative at that station. He had a separate radio room. I do not know if someone was working together with [REDACTED] in Kamdini. To my knowledge, he was working

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alone when intercepting LRA radio communications. Just like [REDACTED] he would take notes while listening to LRA radio communication.

55. I know a person named William OKOT OPUSI. He initially worked together with [REDACTED] at the Kamdini police station as a Communication Officer as well, but I believe his services were suspended before [REDACTED] started intercepting LRA communication.
56. [REDACTED] reported to his supervisor verbally. He also reported directly to the Director of Communications Headquarters. I do not know if these included written reports. I know he did not keep any notes himself as it was policy for him not to keep intelligence in written form.
57. Although [REDACTED] was not under my immediate command, he was directed to report to me as well. I would have daily contact with the Kamdini Office via radio communication to see how the operation was going and ask if there had been any interception of LRA communication that day. The actual contents of the interception was not discussed in these communications with Kamdini as the notes [REDACTED] produced would be sent to me later.
58. The notes [REDACTED] produced were more comprehensive and accurate than the notes produced by [REDACTED]. The reason for this is threefold. Firstly, [REDACTED]'s notes included intercepts from timeframes outside that of the Gulu office's interception. [REDACTED] slept in the same building as he worked in. The security situation at Kamdini was better as the LRA did not attack the Apach district as heavily. This allowed [REDACTED] to listen to LRA radio communication the whole day and night [REDACTED] often knew what time the LRA was likely to communicate via the radio. For example, if he knew they came on air at around 02.00 hrs then he would wake up to intercept.
59. Secondly, the police radio reception at Kamdini was better because of the geographical location of Kamdini. Thirdly, [REDACTED] is of Lango ethnicity and [REDACTED] is of Acholi ethnicity. Therefore, [REDACTED] understands the proverbs that the LRA used to communicate better. He also understood the terminology used by the LRA better. The LRA, for example, would say, "Go and visit a camp" when they meant attacking an IDP camp.
60. [REDACTED] transferred his notes to me in a sealed envelope using a taxi driver acting as courier, sometimes accompanied by a traffic officer named [REDACTED]. I do not know the name of the taxi driver he used. If [REDACTED] needed to explain the contents of the notes, he would bring the notes to me personally. To my knowledge, all notes [REDACTED] produced were sent to me. He would send me all notes but this was not at regular set times. Sometimes

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there were no communications intercepted. For example, if the rebels were not using the radio or if we did not know the channel they were using. If it was not urgent, it could take 2 to 3 days before [REDACTED] sent me his notes.

61. After receiving [REDACTED]'s notes, I would include them in my reports together with the notes that [REDACTED] had taken. I did not keep the notes [REDACTED] made while intercepting. I used the notes to compile my reports. After writing my report, I destroyed their notes.
62. On occasion, I joined the Regional Police Commander in his visits to the outposts and radio rooms within our area of responsibility. This included visits to the office in Kamdini. The purpose of these visits was to see the security of the location, to inspect how people were conducting their work, and if they were complying with instructions. Between 2002 and 2003, the Regional Police Commander was Assistant Commissioner [REDACTED], between 2003 and 2005 it was Assistant Commissioner [REDACTED], and between 2005 and 2007, it was Assistant Commissioner [REDACTED].
63. On these occasions, I reinforced my instructions to [REDACTED] on how to process and handle the notes he took and discussed the importance of maintaining confidentiality with him. Besides the office in Kamdini there is no other police post I went to that intercepted LRA radio communications. I did not change any procedures regarding the interception of radio communications in the period 2002 to 2005.

LRA

64. I am familiar with some of the proverbs and call signs the LRA used but it was [REDACTED] who knew all the call signs best. I remember, for example, KONY, ABUDEMA, OTTI, Dominic ONGWEN also called ODOMI, and LUKWIYA RASTA (*sic*). These people featured in my reports. At times, the LRA commanders themselves would speak on the radio. For example, KONY would praise a commander or he would order an attack.
65. I have been asked if I recall any particular radio messages or attacks that I learned about via our intercepts of LRA radio communication. I can tell you that there were many attacks.
66. I recall, for example, an attack by the LRA on the Sacred Heart Secondary School in Gulu where over 30 students were abducted. People from Gulu told me later that one of the abducted girls named Cecilia became a wife of KONY.



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67. I also remember an attack by the LRA on the Aboke Senior Secondary School in Apach District where over 50 girls were abducted. I do not remember the year these attacks took place, or which LRA commander was responsible. We did not always get to know which commander was responsible for an attack.
68. An example of an intercept where we received intelligence about an attack before it was conducted is the attack on Lalogi IDP camp in Gulu District. We intercepted KONY instructing Dominic ONGWEN to conduct this attack around March 2004. I informed the Regional Internal Security Organisation, [REDACTED] and he informed the UPDF. The UPDF deployed and when the LRA attacked, they entered into the UPDF ambush. The attack was foiled.

Previous interaction with the ICC

69. I have been shown a document marked UGA.00151.002 [UGA-OTP-0151-0002], dated 18 June 2005. This is a typical example of the notes I received from [REDACTED]. [REDACTED] I recognise the handwriting of the notes as that of [REDACTED].
70. I have been shown a document marked UGA-OTP-0208-0089 to 0090 consisting of two pages with the title: "Notes from conversation on April 7th 2005 in regional police office in Gulu". I have reviewed this document. I recall an interview that I had with an investigator from the ICC. I do not remember the name of the investigator.
71. I have been shown a Pre-Registration Form (PRF) marked 01727. The collector name on the form is listed as that of [REDACTED]. I now recall that the name of the investigator that I met on 7 April 2005 was [REDACTED].
72. Pre-Registration Form marked 01727 suggests that on "11-04-06" I provided [REDACTED] with the following: "(1) Five pages (3 written both sides) of hand written document names of LRA officers by [REDACTED] (2) 4 pages on LRA call signs Oct 2003, April 2005, Sept 2005 and April 2006." There is a signature next to collector signature. This is not my signature; I have not signed this form as being the source. I recall however and confirm providing [REDACTED] with the documents listed in the above-mentioned PRF, marked 01727.
73. I have had the opportunity to inspect the documents marked UGA-OTP-0170-0034 to UGA-OTP-0170-0041 inclusive. I recall that these were the documents created by [REDACTED] on my request and provided to [REDACTED] by me in 2006.

[REDACTED]

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74. [REDACTED] created upon my request the list of LRA commanders and their ranks based on intelligence he gathered through LRA interception. He brought this list to me personally and I faxed it to Special Branch Headquarters in Kampala. I kept a copy on file in my office in Gulu. This is the document that I later provided to [REDACTED] and is included in the PRF marked 01727. [REDACTED] compiled the list of LRA commanders and their ranks approximately one month before meeting the ICC investigator in 2006.
75. I have been shown four documents marked with the ERN's UGA-OTP-0170-0042 to UGA-OTP-0170-0045 inclusive. I have reviewed the documents and confirm that these contain lists of LRA call signs that I provided to [REDACTED] in 2006. [REDACTED] created these documents based on intelligence he gathered through LRA interception and upon my request. He brought these documents to me personally and I faxed them to Special Branch Headquarters. I kept copies of these documents on file in my office in Gulu. These copies I later proved to [REDACTED] and are included in the PRF marked 01727.
76. I have been shown a Pre-Registration Form marked 01049. The PRF indicates that I have provided [REDACTED] with the following: "1) Set of hand written transcripts of radio intercepts. The collector signature is dated "24-06-05". I have not signed this form although I provided the documents to [REDACTED]. The PRF indicates that the document range is between UGA.00151.001 to UGA.00151.044 [UGA-OTP-0151-0001 to UGA-OTP-0151-0044].
77. I have reviewed the documents within the above-mentioned ERN range. The document marked with ERN UGA-OTP-0151-0032 is of different handwriting. I do not know who the author of this document is. For all the other documents within the ERN range mentioned above, I recognize the handwriting to be that of [REDACTED] and I believe him to be the author of these documents. I recall and confirm that these were the documents that I provided to [REDACTED] [REDACTED] in 2005. They were documents that I had on file in my office in Gulu. I had not destroyed these documents as I had classified them as Confidential only, containing non-sensitive information, and were still of use to us at that time.
78. I believe the documents that I provided to [REDACTED] were photocopies of the original documents from my files. The original documents might still be in my old office in Gulu.
79. While we were monitoring and collecting intelligence on the LRA, I was not, in any way, involved with the ICC. The ICC never contributed, in any way – financial or otherwise to the Police intercept process.

[REDACTED]

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80. I have been asked if I know [REDACTED] who works for the UPDF. I do not know this person.

81. I have been asked if I know how it is possible that the UPDF was in possession of some of my reports. I do not know this. I have not given any of my reports to the UPDF myself, but I know that Special Branch Headquarter in Kampala liaised with the UPDF and they might have shared my faxed reports.

Closing Procedure

82. 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.

83. 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.

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

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

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

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: [REDACTED]

Dated: 14/01/2016

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