

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: Mother's Name: [REDACTED]
Place of Birth: [REDACTED] Passport / ID number:
Date of Birth/Age: [REDACTED] Nationality: Ugandan

Language(s) Spoken: Luo, Swahili, English

Language(s) Written: same as above

Language(s) Used in Interview: English

Occupation: [REDACTED] Internal Security Organisation

Place of Interview: [REDACTED] Kampala


Date(s) and Time(s) of Interview: Tuesday 6 October 2015, 14:30 to 17:00, Friday 9
October 2015, 11:30 to 14:00

Interviewers: [REDACTED] Julian Elderfield

Interpreter: N/A

Names of all persons present during interview: [REDACTED] Julian Elderfield, [REDACTED]
[REDACTED]

Witness statement of [REDACTED]
[REDACTED]



Julian
Elderfield



Signature(s):

[REDACTED]

[REDACTED]


Julian
Elderfield

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 Julian Elderfield and 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 for 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.

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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.
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 undertaken 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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Purpose of ISO interception of LRA radio communications

18. The ISO were intercepting LRA radio communications for two reasons. The first was intelligence gathering for internal purposes: the ISO used the intelligence that we gathered to inform higher-level strategic decisions in Kampala, for example to brief the President. The second was to inform UPDF military operations against the LRA: we would show the UPDF Division Commander based at the barracks in Gulu the communications that we had intercepted and he would use it to inform the UPDF's military operations against the LRA.

ISO interception in Gulu

19. I worked in Gulu, intercepting LRA communications, from April 1999 to some time in 2004. I forget the month. I remember when LRA commander Charles Tabuley was killed. I worked there for about one year after his death.
20. My designation was an "operative". The ISO interception took place in the UPDF Fourth Division headquarters, at the barracks. My deployments lasted for three months, with two-week rest periods in Kampala. We lived where we worked.
21. I was shown a hand-drawn sketch. This is the interception house where I worked. This sketch is attached as Annex 1 to this statement. I have annotated the sketch in red pen. I also have the following to say about it:
- a. The room marked "ISO Room 2 (P-59)" is where the ISO intercepted LRA communications. I slept and worked there. [REDACTED] would also sleep and work there. Interceptions would take place from there.
 - b. The room marked "UPDF room P-3" was the supervisors' room [REDACTED] [REDACTED] would sleep there. The UPDF did not intercept communications from there when I was there.
 - c. The room marked "ISO Room 1 (P-32)" is where the personnel from the Sudanese People's Liberation Army slept and intercepted communications.
 - d. I have marked the room with the bath, "Bathroom".
 - e. I have marked the two rooms with question marks, "Toilet"
 - f. The room marked "ESO Room" was a kitchen when I was there. I have marked this room, "Kitchen".
 - g. The red dot on the left-hand side of the page was a mast where the ISO radio antennae were mounted.
22. I was also shown several photographs. These are of the interception house where I worked. I have the following to say about them:
- a. UGA-OTP-0244-3308. This is the main entrance to the interception house.

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- b. UGA-OTP-0244-3310. This is the main corridor of the house. The photograph is taken from just inside the front entrance to the house. The door on the left with the red key inside is the door to the corridor. I have marked in red pen on the sketch attached as Annex 1 to this document how I think the door opens. This key would lock the whole corridor. The next door on the left is the door to [REDACTED]'s room. There is another door on the left that you cannot see in this photograph. That is the door to the SPLA room. The door at the end of the corridor is the ISO room. The three doors on the right are the bathroom and the two toilets.
- c. UGA-OTP-0244-3311. This is the entrance to the ISO interception room. I have marked in red pen on the sketch attached as Annex 1 to this document the letter "A" and an arrow to indicate where I would be standing and looking to take this photograph.
- d. UGA-OTP-0244-3324. This is the equipment that I used. It has not changed since when I used it. The radio is on the left. This is the same radio that I used when I worked there. It is an Icom. The headphones are connected to the radio. The radio also has an internal speaker, so even when the headphones are connected more than one person can listen to the communication. This is because the radio can route the sound through the headphones and the internal speaker at the same time. You can see this inbuilt speaker on top of the radio at UGA-OTP-0244-3326. The tape recorder is on the right. It is the same recorder that I used when I worked there. It is a Sony. The tape in the tape recorder is the same as the ones I used.
- e. UGA-OTP-0244-3328. This is a list of LRA commanders. I do not recognise this list because I can see the date, 23 January 2005, and I had left by that time. But I remember that we would put up these types of lists, particularly when the LRA changed their command structure.
- f. UGA-OTP-0244-3338. I can see the antennae coming out from the radio. The technical team in ISO headquarters set up these antennae. We would not touch them. If maintenance was required, the ISO technical team would do it.
- g. UGA-OTP-0244-3348. This is the ISO antennae mast that I marked in red pen on the sketch attached as Annex 1 to this statement. This mast was built by the ISO. The building in this photo is called the "Boy's quarters". This is where the UPDF worked.
23. There were others doing the interception for the ISO in Gulu. One was [REDACTED] [REDACTED] now deceased. Later, [REDACTED] came [REDACTED] was another. I worked with [REDACTED] for about three years, from 2001 to 2004. He was brought in because he was good in Acholi and because there was a shortage of manpower.

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24. [REDACTED] was another. He was the person I first reported to when I arrived. He and [REDACTED] were my superiors. They had the same rank. They were called "centre supervisors". [REDACTED] would work in shifts with [REDACTED] so that when [REDACTED] was in Kampala, [REDACTED] was in Gulu.
25. [REDACTED] was a supervisor but he also intercepted communications himself. He trained me on LRA interception specifically. He was more experienced than I was. I had come as a new recruit. He was instrumental to my learning. He would sit side-by-side with me during the LRA communications and after they finished he would explain to me what particular LRA words and codes meant.

LRA communications

26. When I arrived in Gulu, the radio frequencies that the LRA used to communicate on were already known to the ISO. I cannot remember exactly what they were, but they were written down in the message books stored in Gulu. If the LRA changed frequencies, we would scan for the new channel manually. The LRA knew that their communications were being intercepted so they used codes in their conversations. They had codes for channels/frequencies. For example, if they wanted to change frequencies, they would talk in code by saying something like "add one" or "remove one". That would mean to add or to take away a digit to the frequency to change channels.
27. The LRA would usually begin their communications at 0900. Sometimes 0800. They would come on the radio again at 1100, at 1300, and at 1600. Sometimes they communicated at 1800. In the afternoon they communicated less because of disturbances in the atmosphere that disrupted radio communication, for example, storms. The clearest communications were in the morning.
28. When he came on air, an LRA commander would first identify himself. Then he would identify who he wanted to talk to. Then he would give his location. For example, "This is call-sign X calling call-sign Y. I'm at Z location". Locations had particular codes. They would rarely say them in clear communications. We could break those codes.
29. "Long break" or "lima bravo" meant that an LRA commander had finished communicating a message. Another would start after that. When they had all finished communicating, they would say "out for now".
30. LRA communications were made in luo language, in the Acholi dialect. I can understand Acholi perfectly well. Part of my family is Acholi.

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[REDACTED]

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31. From Gulu we would infrequently intercept other radio traffic on the same channel as the LRA, which would interfere with their communications. For example, UPDF communications or communications by non-government organisations. We were able to distinguish those communications from those of the LRA because: (i) we knew the voices of the LRA commanders who used the radio; (ii) we knew what the LRA normally talked about; and (iii) they spoke in Acholi. The UPDF transmissions were in Swahili. The NGOs would use English, and did not use codes.
32. Both LRA commanders and their signallers would talk on the radio. I could identify LRA commanders by their voices. I could identify the signallers by their call-signs. LRA commanders and signallers had different call-signs. For example, Vincent Otti's signaller would have a different call-sign than Otti himself.
33. We knew many of the codes that the LRA used. These were called Tonfas codes. I have explained these codes on the piece of paper attached to this statement at Annex 2. They would put numbers vertically down the left of the page. The LRA called these numbers "miles". After the numbers they would write one or more words. The LRA called these words "homes". The LRA called the letters of the homes "windows", "doors", or "rooms". To encode a word, the LRA would look for its letters in the Tonfas code and explain it to the other LRA commander using miles, homes, and windows/doors/rooms. The LRA wrote out these Tonfas codes and distributed them to each signaller and commander by hand.
34. We kept a record of those codes in code books, which we kept in Gulu. Every time we encountered a new LRA code we would enter it into these code books. There were many different codes. They were called, for example, "Compact" or "Nsitu". The LRA would tell each other to go to a particular code before they sent a coded message. That way we could also go to that code and de-code the message.
35. LRA codes would change. Sometimes, after about three or four months. It would depend how the LRA felt. If operations that were launched were not going well, they would think that their communications had been cracked and change their codes. When they changed their call-signs or changed their codes, we would begin afresh the process of breaking them.

Interception procedure

36. The interception procedure started by opening the radio. I turned it on by pressing a button on the radio. If the radio had been left on "standby" mode, I did the same thing. When the radio is off it does not work at all, but when it is in standby mode the radio was on but the radio is muted and does not intercept.

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Between LRA communication times during the day we left the radio in standby mode and remained within the room until they started talking again.

37. I arrived in the radio room earlier than the LRA communications. Because we knew their communication times, we could prepare. We knew that the LRA would communicate at 0900, so I would turn the radio on at 0850.
38. The next thing I did is made sure that the tape recorder was on. All radio communications were tape-recorded. I would press record on the tape recorder as soon as I heard the LRA start to communicate. When the communication was finished, I turned off the recorder. The tape remained inside the recorder. It would only be changed when the tape was full. We used both Side A and Side B of the tapes.
39. You could tell when a tape was full because the tape recorder would automatically eject the tape. Sometimes this meant that we had to change a tape during a transmission. But it did not take long, only a few seconds.
40. When the tape was full I took it out of the machine. I would get a sticker and place it on the tape and then write on it. I would mark the tape with a special ISO serial number. This was a number that went up in order from one to a thousand or more. We also wrote "/G 3rd" next to the serial number. We recorded the serial number both on the tape and at the top of the logbook entry that corresponded to the communications at the same day and time. We could tell which tapes covered which times and dates from the serial number in the logbook entry. Sometimes I would write the date on the tape.
41. After I wrote on the tape, it became the supervisor's responsibility. [REDACTED] [REDACTED] would put the tapes inside boxes and mark on the boxes which tapes were inside. The boxes were not so big, about 20x20x40cm.
42. By the time the ICC became interested in the content of these tapes, I had left Gulu. This is the first time I have met ICC staff.
43. In addition to tape recording the communication, I also took a written record. First, I made rough notes during the recording. I made these on loose sheets of white A4 paper, which were then clipped or stapled together. I recorded verbatim what I heard on to these sheets of paper, even if it did not make sense because the messages were encoded. I recorded everything from the time that the LRA commanders came on air to the time they went off air.
44. After recording the communication in my rough notes, I had to decode it, using our code books. I would break the code myself. If the LRA transmitted in new

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code, it would take time to break it, but we did. My colleagues could also break codes themselves.

45. We worked together to intercept the communications. A colleague would sit beside me and also make a written record of what was said on the radio. The control of the radio and the tape recorder was done by one person.
46. After I had decoded encoded messages, I wrote a fair copy of the clear communication in English in a logbook. These logbooks were blue, hardcover, bound, notebooks. I wrote in these logbooks until the UPDF Division Commander complained about my poor handwriting. After that, [REDACTED] copied my rough notes into the logbooks. I forget exactly when it was that I stopped writing in the logbooks.
47. After my rough notes were transferred to the logbooks, my supervisor took the logbook to the UPDF Division Commander, who worked about 500 metres away from the interception house, in a building called High Command. The Division Commander would read it and take notes from it. When he was finished, he would then sign the logbook. Then my supervisor would bring the logbook back. Having reported to the UPDF, his next job was to report up the ISO chain of command. My supervisor would copy out the logbook entry on to a loose-leaf sheet of paper and fax it to Kampala. The faxed copies of the logbooks were then filed.
48. In Kampala, someone would take the faxed logbook entry from Gulu and record it in another logbook. These logbooks were identical to those in Gulu. These logbooks would then be used to report to senior officials in Kampala. This is the reason why the ICC has in its possession two sets of books that have different date ranges but that contain the same information. I know this because I have written in those books in Kampala. The ISO did not intercept LRA radio communications from elsewhere in Uganda, except when there was a need for field interception. This would happen when senior UPDF commanders were in the field. It was the most effective way of getting this information to them. When field interception was required, they picked one person from our unit. I did this field interception on one occasion.
49. The procedure that I have described happened for each LRA communication time. The procedure did not change during the period I was in Gulu, from 1999 to about 2004. The busiest period was when the LRA entered Uganda from Sudan, after the UPDF military operation Iron Fist.

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50. The LRA used satellite phones in addition to radio communication. We did not intercept their satellite phone communications, although we often heard what they said on the satellite phones because they would talk about it on the radio.

Interception equipment

51. The radio equipment we used was an Icom radio, a Sony radio, and a Yaesu radio. We used one type at a time, but if one developed a problem we would change to another radio. These problems might be technical faults or dust. Weather would not necessitate changing the radio. We had a receiver connected to the radio, which could only receive messages. We did not have a transceiver, which can be used to both transmit and receive. Our equipment was powerful. It could intercept Joseph Kony's radio communications from his base in Sudan. It was not able to determine the locations of those who communicated. The only way we knew the locations of LRA commanders was if they said it on the radio.
52. An ISO technical team built a mast outside the interception house for the antennae. It was over 10 metres high. All our radios' antennae were strung up on that mast.
53. We used mostly Sony and TDK tapes in the tape recorder. Mostly we would use 60-minute tapes and not 90-minute tapes because they were cheaper and lighter. I forget which brand the tape recorder was. We bought the tapes from a shop in Gulu town. We bought tapes in a sealed box. It would come with stickers inside the tapes. The money for these tapes and for all other work expenses came from an "operation fund" account, supplied by ISO headquarters.

Interaction with other interception operations

54. There were other organisations intercepting LRA radio communications in Gulu. For example, personnel from the SPLA were intercepting radio communications between the LRA and Khartoum. We operated in the same house, but they had a separate room. Their interception operation was called "RabSud". Ours was called "Rabbit" or "Rabmint".
55. The UPDF also operated in Gulu. They had a small house nearby the interception house from where they intercepted LRA radio communications. The UPDF also had direction-finding software on a computer, which could tell them the map grid reference of the person communicating. Sometimes we would talk to the UPDF direction-finding team about the location of an LRA commander, to help us break LRA codes that referred to directions and locations. [REDACTED] was the officer in charge of the direction-finding team. The UPDF did not intercept LRA radio communications from inside the interception house when I worked there.

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56. We would not verify the accuracy of our work with the UPDF. But I did talk often to [REDACTED] about work and also about non-work related matters.
57. The External Security Organisation would come to Gulu but they did not intercept communications. They depended on our information. It is possible that they were doing it on their own without our knowledge.

Comments on rough notes

58. I was informed that ICC staff had gone to the interception house at the Fourth Division barracks in Gulu on 27 and 28 May 2015 to collect archived ISO interception material relevant to their investigation. I was informed that the ICC had found material that they believe I wrote. I was shown photocopies of that material. I have the following to say about it:
- UGA-OTP-0242-3628 at 3628. [REDACTED] handwriting.
 - UGA-OTP-0242-3630 at 3630. This page is [REDACTED]'s handwriting. These are rough notes of intercepted LRA radio communications, taken during the transmission. 12/7/2003 at 16:00 is the date and time of the communication. There is a list of the call-signs of those who spoke on the radio on the left of the page, with what they said written after the arrows next to those call-signs. For example, call-sign "63" called call-sign "80", saying "peny wii", "31" and "UPDF". This means that call-sign 63 asked call-sign 80 to ask call-sign 31 about UPDF locations. I do not remember the identities of these people. Further down, written horizontally across the page, is the LRA Tonfas code and the decoded message below it. For example, "6" is the mile, "2" is the home, and "O" is the decoded letter. These decoded letters form a sentence, which is the decoded message.
 - UGA-OTP-0242-3630 at 3631. This page is my handwriting.
 - UGA-OTP-0242-3630 at 3651. The LRA code "Rubanga Wod" is an LRA Tonfas code. The words mean "God the Son". On this page, for example, call-sign "00" transmitted to call-sign "57". Call-sign "00" was the LRA headquarters. It could have been either Kony or his signaller.
 - UGA-OTP-0242-3630 at 3653. This is my handwriting. This page is not dated. "Wer ikim pwony" is the name of one of the LRA Tonfas codes. The call-signs on the left are those who spoke on the radio at that time. The numbers written horizontally just below are my attempt to decode the communication. "Kwene" means "where". Thus, call-sign "57Q" called call-sign "53" and asked him: "where are you?" The LRA would say "57Q" or "57 Quebec" in English. The black handwriting was done during the radio communication. The red handwriting was done after the radio communication finished. The next message was sent by call-sign

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"53" back to call-sign "57". Here I did not manage to break the code. Further down the page, "tye ka adunu maleng" is an LRA Tonfas code. It means: "sacrifice to the holy spirit". Using this code, call-sign "42" called call-sign "77", asking him "kwene", or "where". The response was "A tye I", which means "I am in". I do not know where "77" was, because I was not able to break his encoded location. In this code, "36", "37", "36", "4", and "37" are miles, "red" is a home, and "1", "3", "3", and "2" are the rooms/doors/windows. Further down the page is more LRA Tonfas code. I was not able to break it.

- f. UGA-OTP-0242-3630 at 3656. This page is dated 19/7/2003. This page is my handwriting.
- g. UGA-OTP-0242-3661 at 3661-3664. These pages are [REDACTED] s handwriting.
- h. UGA-OTP-0242-3661 at 3665. This page is my handwriting.
- i. UGA-OTP-0242-3697. These pages are [REDACTED] s handwriting. I believe that this is a copy of the logbook that he would fax to Kampala.
- j. UGA-OTP-0242-3699. This page is [REDACTED] s handwriting. I believe that this is a copy of the logbook that he would fax to Kampala.
- k. UGA-OTP-0242-3700. These pages are my handwriting.
- l. UGA-OTP-0242-3740. These pages are my handwriting.
- m. UGA-OTP-0242-3766. These pages are my handwriting.
- n. UGA-OTP-0242-3794. These pages are my handwriting.
- o. UGA-OTP-0242-3830. These pages are my handwriting.
- p. UGA-OTP-0242-3872. These pages are my handwriting.
- q. UGA-OTP-0242-3902. These pages are my handwriting.
- r. UGA-OTP-0242-3942. These pages are my handwriting.
- s. UGA-OTP-0242-3978. These pages are my handwriting.
- t. UGA-OTP-0242-4006. These pages are my handwriting.
- u. UGA-OTP-0242-4038. These pages are my handwriting.
- v. UGA-OTP-0242-4078. These pages are my handwriting.
- w. UGA-OTP-0242-4110. These pages are my handwriting.
- x. UGA-OTP-0242-4152. These pages are my handwriting.
- y. UGA-OTP-0242-4188. These pages are my handwriting.
- z. UGA-OTP-0242-4222. These pages are my handwriting.

Annexes

- 59. Annex 1 to this statement is the handwritten sketch, referred to in paragraphs 21 and 22 of this statement. I signed and dated it.
- 60. Annex 2 to this statement is my example of an LRA Tonfas code, referred to in paragraph 33 of this statement. I signed and dated it.

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Closing Procedure

- 61. 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.
- 62. 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.
- 63. I have given the answers to the questions of my own free will.
- 64. There has been no threat, promise or inducement that has influenced my account.
- 65. 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: _____  _____

Dated: 9/10/2015.

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