

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: N/A

Mother's Name: [REDACTED]

Place of Birth: [REDACTED]

Date of Birth: [REDACTED]

Nationality: Ugandan

Language(s) Spoken: Luganda, English, Swahili, some French

Language(s) Written: Luganda and English

Language(s) Used in Interview: English

Occupation: [REDACTED] Internal Security
Organisation

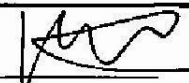
Place of Interview: [REDACTED]

Date(s) and Time(s) of Interview: 21 March 2016, 1400 to 1730

Names of all persons present during interview: [REDACTED] (investigator), Julian
Elderfield (lawyer), [REDACTED] (interviewee)

Signature(s):

[REDACTED]


JULIAN ELDERFIELD

UGA-OTP-0258-0723


UGA-OTP-0280-1065

WITNESS STATEMENT

Procedure

1. I was introduced to [REDACTED] and was 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 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 would 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 would 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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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 and educational background

- 14.
- 15.
- 16.
- 17.
- 18.
- 19.



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20.

21.

Gulu – 2000 to 2003

22. I was a supervisor. I did not listen to the LRA communications. [REDACTED] spoke Luo, as did the LRA, so they were the people who intercepted. They were language experts. They were the ones who received what was being communicated and broke the LRA coded communications. [REDACTED] in particular was an expert.
23. The language experts wrote notes quickly during the communication. Then they wrote their rough notes in English, in full, in a logbook. It was the language expert who was responsible for writing in the logbook, except for [REDACTED] who had poor handwriting. [REDACTED] used to write in the logbooks on his behalf. [REDACTED] had very neat handwriting.
24. Then the book was taken to the UPDF Division Commander. This was my job. He read the message. If the Division Commander was not available, we would show the Division Intelligence Officer. They used this information to communicate with their soldiers in the field. The logbooks were taken to the Division Commander immediately after each LRA communication time.
25. The LRA communicated daily, at 0900, 1100, and 1300. They communicated later in the evening only at Joseph Kony's specific request.
26. After showing the logbook to the Division Commander, we then faxed the entry to Kampala. We copied out the entry from the logbook on to loose paper, and sent it by fax to Kampala. This happened after every communication time. The language experts sometimes used carbon paper to make an exact copy of the logbook. These loose papers were then put in a file.
27. The language expert also tape recorded LRA radio communications. I do not recall when we started to tape record. Every transmission was recorded, unless

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there was a power failure. The language expert used the tape to review the communication in case they did not get everything. The language experts wrote the reference number of the tape on the cassette box. On the tape, we wrote the same number as in the logbook. They had to coincide. They also wrote this number in the logbook entry and the faxed copy.

28. We continued this process until the LRA left Uganda.
29. As an administrator, my role was to take care of the welfare of the operators. I also took the logbook to the Division Commander. I copied the logbook entry to the faxed copy. I faxed the copy to Kampala. I did not write on the tapes. I never wrote in the logbooks in Gulu.
30. When there were too many logbooks in Gulu, we sent them to Kampala. They were stored in the ISO records department, at headquarters.

Kampala – 2003 to now

31. When I was transferred to Kampala, my role was to receive the faxes from Gulu, and to write the entry in a logbook.
32. The moment I got a fax, I wrote it in a logbook. It was a duplicate. I wrote it as I received it. I did not change any words, because that might change the meaning that the language expert wanted to convey. When I did not understand something, I called the language expert to explain it, but I did not change the words. Sometimes the size of the entries was bigger or smaller than the faxed copy, depending on the handwriting. For example, my handwriting was small. I never added words. I never added comments of mine own. I did not include other intelligence in the logbook entry. I wrote in every logbook in this way.
33. After I copied the faxed entry into the logbook, I showed it to the Director of Analysis, [REDACTED]. He signed the logbook after he read an entry. I do not recall when he started doing this job, but it was before 2002. He continued to sign the logbooks until after 2005. I also worked with [REDACTED]. He was in charge of Kampala and Gulu. I also showed [REDACTED] the logbook. I did this every time I received a fax, which was after every LRA communication time.
34. I filed the faxes after I had finished with them. When a logbook that I was writing in in Kampala became full, I took it to the ISO records department at ISO headquarters. I still write in the logbooks in Kampala.
35. The Director Technical writes a daily situation report (Sitrep) to the Director General and the UPDF Army Commander, based on the information in these

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logbooks. In this Sitrep there is a summary of the radio communication, as well as analysis and a recommendation. These were typed and filed away in the ISO records department.

Handwriting in the logbooks

36. I can tell the difference between a book that was written in Kampala and one that was written in Gulu. The best way to do that is [REDACTED]'s signature at the end of an entry. Another way is the word "seen" at the end of an entry, which was only written in Gulu by the Division Commander. The third way is handwriting. Generally, [REDACTED] and I worked in Kampala, and [REDACTED] worked in Gulu.
37. I was shown the following documents, which I recognise to be logbooks. I was asked if I knew if they were produced in Kampala or Gulu, and if I recognised the handwriting.
- a. UGA.00060.149. This is a Kampala book. I know this because on page 155, I can see [REDACTED]'s signature in the middle of the page. He was based in Kampala. It is not possible that [REDACTED] could sign a Gulu book, because he was never in Gulu for that purpose. The books never moved between Kampala and Gulu, until they were full. The handwriting from pages 150 to 161 is [REDACTED]'s. I was his supervisor. He followed the same procedure as I described above when he received a fax.
 - b. UGA.00163.007. This is a Kampala book. I can see [REDACTED]'s signature on page 008. I recognise my handwriting at pages 011, 015, and 016. The handwriting on page 012 is [REDACTED].
 - c. UGA.0163.292. This is a Kampala book. I can see [REDACTED]'s signature on page 295. I recognise my handwriting at page 292 and at the top of 293.
 - d. UGA.00067.148. This is a Kampala book. I recognise [REDACTED]'s handwriting on pages 149 and 150. I can see [REDACTED]'s signature on page 165.
 - e. UGA.00068.146. This is a Gulu book. This is because the Division Commander writes the word "seen" after each logbook entry. I can see the word "seen" on pages 151 and 152. I recognise [REDACTED]'s handwriting from pages 147 to 155.

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[REDACTED]

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Handover of material to the ICC

38. I have been asked to comment on the following documents.

- a. UGA-OTP-0246-0096. I confirm that I met with the OTP on 15 October 2015. I confirm that I brought to that meeting 48 tapes and handed those tapes over to the OTP investigator. Those tapes are the same as those listed on this document. I confirm that I signed this document after they had taken possession of those tapes.
- b. UGA-OTP-0246-0093. This document accurately reflects the 48 tapes that I gave to the OTP and that are recorded in UGA-OTP-0246-0096.

39. I have been asked to comment on the following documents.

- c. UGA-OTP-0249-0468. I confirm that I met with the OTP on 23 November 2015. I confirm that I brought to that meeting five tapes and handed those tapes over to the OTP investigator. Those tapes are the same as those listed on this document. I confirm that I signed this document after they had taken possession of those tapes.
- d. UGA-OT-0249-0460. This document accurately reflects the five tapes that I gave to the OTP and that are recorded in UGA-OTP-0249-0468.

40. I found the tapes referred to in the documents above at the ISO records department at ISO headquarters, Kampala. [REDACTED] had asked me to look for tapes in the period 2002 to 2005 to give to the OTP. I can confirm that no other tapes produced by the ISO between 2002 and 2005 exist that I know of.

41. I personally went to the ISO records department and checked. It is a locked room. I had to request permission to access the records. I had to be accompanied when I went there. I do not know how the tapes came to be in the ISO records. I also went to Gulu and collected what remained there. No more tapes remain in Gulu now.

42. I do not know anything about tapes being supplied to the ICC before 2015.

43. I have more tapes in my office and there are more in the ISO records department, but they are not relevant to the period 2002 to 2005. No more tapes now exist outside my office, or the ISO records department. If any party at a later date wants to see these other tapes and I am authorised by the Director General, I would be happy to assist.

[REDACTED]
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Closing Procedure

- 44. 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.
- 45. 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.
- 46. I have given the answers to the questions of my own free will.
- 47. There has been no threat, promise or inducement that has influenced my account.
- 48. 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: 21st March 2016.

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