INTERNATIONAL CRIMINAL COURT
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: [redacted]

First Name: [redacted]

Other names used: N/A

Place of Birth: [redacted]

Date of Birth: [redacted]

Gender: Male

Father's Name: [redacted]

Mother's Name: [redacted]

Nationality: Ugandan

Language(s) Spoken: English, Swahili, Lugwere (mother tongue), Luganda

Language(s) Written: same as above

Language(s) Used in Interview: English

Occupation: [redacted]

Place of Interview: [redacted] Kampala

Date(s) and Time(s) of Interview: 19 January 2016, 1000 to 1130, 2 February, 1430 to 1630, 3 February, 1100 to 1300

Names of all persons present during interview: [redacted] (19 January) Julian Elderfield (2-3 February), [redacted]

Signature(s): [redacted]

Witness statement of [redacted]

JULIAN ELDERFIELD

UGA-OTP-0256-0201

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 [redacted] and was told that she is an 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 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 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.

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 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.

Education

14. [redacted]

Professional background

15. [redacted]

16. [redacted]

17. [redacted]

Training

18. [redacted]

19. [redacted]

20. [redacted]

Direction finding and interception operations in Gulu

21. When I arrived in Gulu barracks in 2001, there were teams already intercepting LRA radio communications. There was a UPDF interception team. It was staffed by [redacted] When I arrived, the UPDF was not audio recording LRA radio communications on cassette tapes. They started to do so later, but I do not recall when that was.

22. There was also an Internal Security Organisation (ISO) team. It was staffed by [redacted]. I do not know their surnames. When I first arrived, the UPDF and the ISO interception teams worked in different buildings. Neither had DF capability.

23. As colleagues working on the same project, there was a natural interaction between the UPDF and the ISO to improve the quality of the intelligence provided. For example, the ISO had the ability to tape-record LRA communications, and the UPDF were able to check their product by listening to those tapes. The UPDF and ISO helped each other to break LRA codes and call-signs. They also shared information concerning LRA frequencies.

24. When I first met [redacted] he was a Captain in the UPDF. Before that, he worked for the ISO, commanding the interception operation, but I did not know him then. I came to know [redacted] because he was a commander of an infantry battalion. He received the geographical coordinates that my team produced, although I did not report to him directly.

25. In Gulu barracks, my DF team worked out of a grass-thatched house with brick walls. This was in the same compound as the intercept house and the Boy's Quarters, less than 50 metres away. In about 2003, we moved to the Boy's Quarters. After that, the grass-thatched hut was used to store equipment and food. When we moved into the Boy's Quarters, [redacted] and the UPDF interception team moved into the intercept building.

26. In our office we had a computer loaded with DF software, and an high-frequency HF radio to communicate with the field.

27. My day-to-day interaction with the static interception team was to read the logbooks. I read both UPDF and the ISO logbooks. I did this to understand what the LRA commanders were talking about, even though it had no direct bearing on my DF work. The DF liaison officers also had access to this material. The DF operators did not.

28. [redacted] and the UPDF interception team worked independently from me, as their responsibility was the radio communication interception operation. They reported to the UPDF Division Commander directly, not through me. Later, in about 2003, the static UPDF interception team was merged with my DF team. This was to streamline administrative issues. When that happened, I was the Officer Commanding. This meant that I had command authority over both teams. But, in practice, nothing changed in terms of their reporting.

29. I do not know of any other Ugandan government agencies that were deploying an LRA radio communication interception operation at that time. I do not recall the External Security Organisation working from the barracks in Gulu. I do not know anything about an ISO DF operation.

30. I had been sent to Gulu specifically to set up a DF operation. I was the head of the team, consisting of 11 others. I was responsible for collecting the information and disseminating it to UPDF military commanders. I was responsible for deploying my staff to the field. I was given the equipment and the responsibility to ensure that the operation worked.

31. The equipment I was given included three vehicles with DF systems and HF radios. It took us about two weeks after my arrival to become operational. We trained on the job – both in the first month during the DF training course, and afterwards. We improved the accuracy of our DF capabilities as we went on. We also improved the speed of our deployment (driving to the place, setting up the DF system).

32. We did DF every day, because the LRA communicated every day. The only occasions we would not do DF was if there was equipment failure. It might take, for example, one week to fix the DF equipment in that case.

33. I and my team disbanded in June 2005 because DF became obsolete. This was for two reasons. First, there were technical issues with the DF equipment. The DF equipment had served from 2001 to 2005 in a dusty environment. It required frequent repairs. I forget exactly what went wrong with the equipment, but it finally became irreparable in 2005. Second, in 2005 the LRA communicated less on the radio, so we were not needed as much. It was a strategic decision to disband the operation, rather than replace or renew the system. I was not involved in that decision.

Direction finding team

34. [redacted] was my direct superior during the DF operation. It was he who ordered me to go to Gulu to set up the DF operation, and who I reported to.

35. My staff are listed in Annex A of this statement. They were:
    a. [redacted] He was a DF operator. He joined with me in 2001, and left in 2003.
    a. [redacted]. He was a DF operator and a liaison officer. He joined with me in 2001, and left in 2005. He knew how to work the DF system but his primary role was liaison officer.
    b. [redacted]. He was a DF operator and a liaison officer. He joined with me in 2001, and left in 2005. He knew how to work the DF system but his primary role was liaison officer.
    c. [redacted] He was a DF operator. He joined with me in 2001, and left in 2005.
    d. [redacted] He was a driver and a DF operator. He joined with me in 2001, and left in 2005.
    e. [redacted]. He was a DF operator. He joined with me in 2001, and left in 2005.
    f. [redacted]. He was a driver and a DF operator. He joined with me in 2001, and left in 2005.
    g. [redacted] He was a DF operator. He joined with me in 2001, and left in 2003.
    h. [redacted]. He was a DF operator. He joined with me in 2001, and left in 2004.
    i. [redacted] He was a DF operator. He joined with me in 2001, and left in 2003.

Direction finding process

36. DF is considered 'interception', as it is based on the interception of a radio signal. The purpose of obtaining a fix on LRA radio communication is to be able to determine from what location the transmission is coming from.

37. The DF equipment was mobile. It was carried in the back of UPDF 4x4 vehicles. It was powered by a generator. To pinpoint, reliably, the geographical coordinates of a transmitting LRA commander, a minimum of two vehicles was needed.

38. Just before the LRA communicated, two vehicles with DF systems would stop somewhere flat. The men in each vehicle got out and mounted seven antennae on a frame on the flat ground. This is depicted in Annex B to this statement. The crosses are the antennae. The DF system stayed in the vehicle. It was connected to the antennae by a cable.

39. The teams would search for the frequency the LRA was using to communicate. The first team to locate the right frequency communicated the frequency to the other teams. If the frequency changed, this would be communicated to each team. In practice, the LRA usually broadcasted on the same frequency.

40. When there was a communication, the antennae intercepted the signal. The DF equipment calculated automatically the direction from where the signal came. It would then issue the bearings – also called a Line of Sight or Line of Bearing.

41. I have done a diagram, attached as Annex A to this statement. The X circle is the target: the LRA commander whose location we want to determine. DF 1 and DF 2 are the vehicles with the DF equipment. The base line is an imaginary line drawn between DF 1 and DF 2. To get the most accurate readings, the two DF vehicles and the target have to make the shape of a triangle. DF 1 and DF 2 are along the bottom, and the target is at the apex of the triangle. If the target was moving, we moved as well. On the diagram, "LoS" means "line of sight" and "LoB" means line of bearing.

42. The geographical coordinates of the target, in the form of Eastings and Northings, were calculated by a third vehicle loaded with DF equipment. We called this the command station computer. After the LRA had finished communicating on the radio, DF 1 and DF 2 sent the bearings of the target to the third vehicle with the command station computer. The men fed the bearings into the command station computer, and the system pinpointed where those bearings joined. This came out in the form of Eastings and Northings: the end product.

The command station computer was usually located close to DF 1 and DF 2 because it also functioned as a back-up DF system in case of a malfunction.

43. We did DF during the whole LRA communication time. We recorded the bearings of each commander as they transmitted. Each bearing was sent back to the command station computer, which calculated the geographical coordinates. The command station computer could not accurately determine the coordinates of some LRA commanders though, for example if the triangle was not well formed, or if one of the DF units was not able to get a bearing. In that case, that commander's coordinates would be discarded. Because usually one person communicated at each time on the radio, there was little chance of making a mistake with the coordinates.

44. While intercepting, the DF team wrote bearings and other notes in a notebook. The notebooks were not kept but destroyed, for security reasons.

45. Liaison officers [redacted], who were stationed in Gulu, did not listen to the LRA broadcast. They had one HF radio with them, which was used for internal UPDF radio communications. They worked together. Their primary function was to liaise between the DF vehicles and the command station computer. This was done via the HF radio.

46. Liaison officers also liaised with the UPDF interception team based in Gulu barracks. This was important. The LRA did not use names on the radio, but they did use call-signs, and their voices did not change. People in the UPDF interception team like [redacted] could recognise the call-sign and voice of each LRA commander, and they would tell us the real name of our target. They did this after the communication was over at the end of the communication time.

47. For example, an LRA commander may have introduced himself on the net as Oscar Tango. The geographical coordinates for that communication were calculated by the DF equipment. After the communication was over, we worked with the static interception team to find out who Oscar Tango was, if we did not already know who it was.

48. After we had matched the geographical coordinates with a name, we forwarded that information to UPDF commanders for their action. The liaison officers wrote down the information on a piece of paper and took it physically to the UPDF Division commander in Gulu barracks. He received this intelligence because he made the military decisions.

49. We also transmitted the information by telephone to [redacted] who was at CMI in Kampala. It was the liaison officer's job to do this. He used the landline in Gulu barracks. Sometimes I did it. We did not use a fax machine.

50. Because we were operating in a war zone, our DF vehicles were protected by UPDF infantry units.

51. A minimum of two DF men were assigned to each vehicle. I stayed mainly in the field with my mobile units. I usually manned the vehicle with the command station computer. I returned to Gulu only when I was asked to, for example, if the UPDF Division Commander wanted an in-person briefing.

Direction finding capabilities

52. For the most accurate results, the DF vehicles needed to be less than 30 km from the target. If this happened, there was very little scope for error in the geographical coordinates. This is because of the angle that the signal hit the DF antennae. Under 30 km, the signal was called a "ground wave" and it hit the antennae at a very low angle.

53. If the DF vehicles were positioned 31 to 100 km away from the target, that is called the "skip zone". There was no DF possible at all in this range. This is because, although the antennae were able to pick up the transmission and we were able to hear the communication through our radio, the signal had bounced off the sky, which is called a "sky wave". Because the angle of arrival of the sky wave on the antennae was too steep, the DF equipment could not give a reading.

54. If the DF vehicles were over 100 km from the target, readings were again possible, but were inaccurate. This is because of the curvature of the earth, the reflections and refractions of the sky waves, and the distance. The range of accuracy was within five km. This I have drawn in Annex B.

55. If the DF vehicles were even further away from the target, over 150 km, the readings became more accurate again. The range of accuracy goes down to about three km. This is because the further away the receiving antennae are, the smaller the angle of arrival of the radio wave on the antennae. I have drawn a diagram of what I mean on Annex C to this statement. On the diagram, the transmitting antennae is on the left marked "TX", and the receiving antennae are marked on the right, "RX". The line on the top is the atmosphere.

Target selection

56. We were told which LRA commander to target on any given day or week by the UPDF Division Commander. Our approach to track a target was to first get a general bearing of where they were by setting up more than 100 km away. Then, to get a precise fix on their position, before the next communication time we drove closer to the target and set up within 30 km.

57. The geographical coordinates that my team recorded were used to fight the LRA. I do not remember if my information was ever used in specific operations. My work was hectic and I was focused just on obtaining the coordinates. The commander made the military decisions. I was not involved.

UPDF intelligence reports

58. I was shown a document titled "intelligence report", marked with ERN UGA.00012.120. I was shown only the first page.

59. I have never before seen this type of document. My team did not produce these documents. It looks like a document from an office, rather than from the field.

60. However, I recognise the LRA commanders' names and the coordinates recorded on the page. The figures are Eastings and Northings. I know the geographic locations of some of the persons based on these coordinates alone. For example, in row two, the Easting "032" I recognise as being in Uganda. In row one, the Northing "04 34" I recognise as being in Sudan.

61. My team did not write the descriptions of locations written in the column "location". I think that the person who put this document together plotted on a map the coordinates that my team sent to them, and then filled out that information. The maps that I and other UPDF officials used were operational maps, scale 1:250,000, from the Uganda Survey Department in Entebbe. I do not know the date of the maps.

62. My team transferred the geographical coordinates of LRA targets to our commanders in the same format – Eastings and Northings – whether we had intercepted the communications from under 30 km or over 100 km away.

63. Based on my experience, a forward slash separating two Eastings or two Northings in those columns means one of two things. Either my team intercepted the target from over 100 km away, and the two sets of figures record a general range of transmitting location. Or that a target communicated at one time from a

particular location and then moved to another location for a later communication.

Accuracy of direction finding product

64. I received feedback on the accuracy of my coordinates from my superiors. We always received positive feedback.

65. If my teams set up well and we recorded the geographical coordinates accurately, the target must be at that location. Sometimes an LRA commander may not be at the place of attacks commanded by his units. For example, one day we intercepted a communication by Ocan Bunia in the area west of Minakulu. I do not remember the date. But the same day, units under his command ambushed a vehicle close to Bobi town, which is about 20 km away. In this situation, Ocan Bunia communicated from a location, but sent his forces somewhere else to commit an attack without him.

LRA equipment

66. I know of one type of radio equipment used by the LRA. This is an ICOM HF radio. I know this because at times the UPDF recovered equipment from the LRA. The ICOM was man-portable and capable of transmitting over long distances. In perfect circumstances, an ICOM can transmit over 300 km.

Previous interaction with ICC

67. I have never had any previous interaction with the ICC.

Annexes

68. Annex A to this statement is a list of my staff, and a diagram of the DF process, referred to in paragraphs 35 and 41 of this statement. I signed and dated it.

69. Annex B to this statement is a diagram of the antennae used in the DF process, referred to in paragraphs 38 and 54 of this statement. I signed and dated it.

70. Annex C to this statement is a diagram of antennaes receiving radio signals from over 100 km away, referred to in paragraph 55 of this statement. I signed and dated it.

Closing Procedure

71. 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.

72. 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.

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

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

75. 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: 3 Feb 16