

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: English, Swahili, Lugwere (mother tongue), Luganda

Language(s) Written: as above

Language(s) Used in Interview: English

Occupation: [REDACTED]

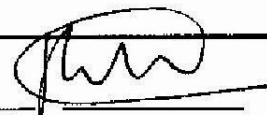
Place of Interview: [REDACTED] Kampala

Date(s) and Time(s) of Interview: 13 July 2016, 0945-1200; 14 July 2016, 1000-1100

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

Signatures:

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

Command of the UPDF interception operation

14. I was asked to elaborate on my role in and understanding of the UPDF interception operation in northern Uganda, which I discussed in my previous statement marked UGA-OTP-0256-0201, at paragraphs 21 to 29.
15. In addition to my command over the UPDF direction finding (DF) team, in 2003 I took control of the static interception team in Gulu. This was to streamline administrative issues. It made sense because the interception and the DF teams were doing the same work, and both were UPDF. Because I was the most senior officer involved in LRA interception in Gulu, I was put in charge. [REDACTED] gave me the discretion to make decisions on the ground. I made proposals and he gave me the go-ahead. I made these proposals orally. We communicated by telephone.
16. At the same time, I took administrative control over all the UPDF interception operations in northern Uganda. This was my proposal, to which [REDACTED] agreed. Although interception was already on-going in the various UPDF field divisions, what was lacking was administrative cover for the signallers, leadership, and a framework to help these soldiers with their professional and personal matters. I established systematic administrative structures, including reporting lines. This was never written down, but [REDACTED] knew what was going on.
17. I am not a signaller. I have never done intercepting myself.

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Interception operation in Gulu

18. In 2001 or 2002, in addition to supplying the information to the UDF Fourth Division Commanding Officer (CO), the interception team in Gulu started to report to headquarters in Kampala. We felt that headquarters would benefit from our work on the ground. We duplicated the counter book entry and faxed it to Kampala. We used the ISO's fax machine. After sending, we burnt the fax as a security precaution. I do not know what happened to the faxes at headquarters in Kampala after I sent them.
19. I also reported to [REDACTED] verbally, by telephone. My report to [REDACTED] was done daily, usually after the LRA communication at 1300. I briefed him about the content of the LRA communication and I gave him the geographic coordinates from the DF team.
20. I did not stay with [REDACTED] while he intercepted, but I knew how he intercepted. When I first arrived in Gulu, [REDACTED] showed me how he worked.

Interception operation in the UDF field divisions

21. When I arrived in Gulu, I did not know that interception was being done at other locations in northern Uganda. I found out that some operations had already been set up, independently, by various Brigade COs. The Brigade COs wanted the same interception capabilities that the Fourth Division in Gulu had, to support their own intelligence officers. From their point of view, although they were receiving the intelligence from Gulu, because of the time-lag between the interception, de-coding and the dissemination of information, they thought they could do it quicker. It was at the Brigade CO's initiative; if a Brigade CO did not want interception, he did not do it. However, having LRA interception capability was mandatory at the Division level, in the Fourth and Fifth Division. It was not mandatory in the Third Division.
22. The people intercepting in the field were signallers. They intercepted in the Acholi language, because the LRA talked in Acholi. They wrote the communication out in Acholi in rough form. Then they wrote it out in English. They worked with A4 counter books, the same books we used in Gulu. There was no formal, standardised, system in place requiring them to do it this way.
23. I visited the other stations where there was intercepting on a monthly basis. When I visited I checked the product. There was a consistency with what I saw in Gulu. There may have been a difference in sentence structure, but the content of the logbooks remained the same. I communicated with them frequently on the radio as well. Signallers reported directly to their Brigade CO.

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24. In the field there was no way you could do sound recording. I cannot recall the make of the radios the signallers used in the field.
25. I know that UPDF signallers intercepted in Sudan, Achol Pii, Lira, Soroti, and Kitgum.

Sudan

26. In 2002, [REDACTED] transferred from Gulu to Sudan. He went there to support the Iron Fist operation. He stayed there for less than one year. I went there briefly as well, for about one week, to set-up the operation. We set it up to be the same as in Gulu.
27. The ISO continued to intercept in Gulu while [REDACTED] was in Sudan.

Achol Pii

28. The UPDF interception operation was established at Achol Pii in about 2002 or 2003, after Iron Fist. I established this operation. Achol Pii was the Fifth Division headquarters. The Fifth Division also covered Lira.
29. [REDACTED] moved from Gulu station to Achol Pii to intercept. [REDACTED] went alone, but when he was there I asked him to identify people that he could train to help him there. He selected [REDACTED]. A senior signaller named [REDACTED] also worked with [REDACTED] in Achol Pii.
30. [REDACTED] stayed in Gulu. [REDACTED] identified [REDACTED] to help him after [REDACTED] left. Recruitment was done informally. [REDACTED] trained the recruits up the way they were doing it.
31. The Achol Pii interception operation closed down in about 2012 and shifted to the Central African Republic.

Lira

32. Interception in Lira was done by the same team as in Achol Pii. This is because Lira also comes under the Fifth Division. The interception team was part of the command centre of the Division CO. When the COs moved back and forth from Lira to Achol Pii, following the enemy's movements, the interceptors followed, because they were supporting them in the operation.

Soroti

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33. The UPDF Third Division in Soroti was primarily a station for DF. An interception operation was set up when the LRA moved into the Teso region, as the tactical headquarters in the fight against the LRA shifted from Achol Pii/Lira to Soroti. The interception there did not last for long. I do not remember who intercepted in Soroti.

Kitgum

34. Kitgum was manned by the UPDF 503 Brigade. There was a rudimentary interception operation there, but I do not know about it.

LRA signallers

35. I do not know about LRA ex-signallers working with the UPDF interception operation in Gulu or elsewhere. I do not know the names [REDACTED] or [REDACTED]

Staff

36. I was asked to comment on a series of names. I have the following to say.

- a. [REDACTED]. Except for his field interception in Sudan, [REDACTED] worked in Gulu all the time I was there. He works there even now.
- b. [REDACTED]. He was a signaller. I remember that he was recruited to be part of the DF team. I do not know about his involvement in the interception operation.
- c. [REDACTED]. He was working in Gulu when I arrived. When we established Achol Pii he moved there. He never went back to Gulu. Recently, he works in [REDACTED] [REDACTED]
- d. [REDACTED]. He joined the interception operation after I left. I never worked with him. I do not know where he worked. He is now dead.
- e. [REDACTED]. I did not work with him closely. He is a Captain now. I do not remember when he joined. He worked in Gulu.
- f. [REDACTED]. He joined to support [REDACTED] after [REDACTED] went to Achol Pii. According to information that I received, he was doing interception at the Brigade level before Gulu. [REDACTED] recruited him.

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- g. [REDACTED] I do not know this person.
- h. [REDACTED] I know him but I have never worked with him. He came after I left. I do not know where he worked.
- i. [REDACTED] He was part of the DF. He deserted. I do not know why he deserted or what became of him.
- j. [REDACTED] He was not there when I was there. He came after I left. He worked with [REDACTED] in Achol Pii. [REDACTED]
[REDACTED]
- k. [REDACTED] He worked with [REDACTED] in Achol Pii. He was one of the people who started the interception operation in northern Uganda. He was a senior signaller. He worked in Fifth Division when I arrived. He was sick and is now dead.
- l. [REDACTED] I do not know him.

37. These people had signals training of about six months. I do not know where the signals school is. They had to be an Acholi speaker because the LRA talked in Acholi. They had to be able to speak English and to be literate. They had to have a P-7-or-above level of education. However, these criteria depended on which personnel were available. They also received on-the-job training from the senior signallers: [REDACTED]. All the young signallers were trained by these three senior signallers.

Logbooks

- 38. The dates and content of logbooks might overlap because they were produced at the different divisions. In each division, communications were received on the same day, at the same time, and thus the logbooks that were kept should have the same content. For example, [REDACTED] intercepted in Fourth Division the same communications that [REDACTED] intercepted from Fifth Division.
- 39. In the field divisions, commanders usually ticked an entry after they saw it. Sometimes they did not write anything.
- 40. Only counter books were stored. The rough notes were not. In Gulu, after the rough notes were fully de-coded, we burnt them. Signallers in the field did the same thing. This was for reasons of operational security.

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41. The logbooks produced in Gulu were stored there until they were sent to Kampala at the request of the ICC. The Achol Pii books were stored in Fifth Division until they were sent to Kampala at the request of the ICC. I am not aware of them ever being sent from Achol Pii to Gulu.

Tonfas

42. If we captured Tonfas from the LRA it helped us so much. It allowed us to go back to the rough notes that we had failed to de-code and to de-code them.

Tapes

43. I do not remember the UPDF making tapes. I do not remember the ICC ever providing material to the UPDF interception operation including tape recorders or pens or books.

Interaction with other interception operations

44. I used to read the ISO logbook entries. I checked whether there was consistency with [REDACTED]'s logbook entries. If there was a part of the communication missing in [REDACTED]'s logbook, I asked him to listen to the ISO sound recordings to see if he could have missed something. I would also inform the ISO if there was something missing in their book that [REDACTED] had caught.
45. I was able to go into the ISO part of the intercept house in Gulu barracks and review their books. It was not my job to do that. I was not in charge of the ISO signallers. I was not asked to check their work, but because we were staying there, naturally, I became interested in what the other side was collecting. And intercepting was not a political job. You had to collaborate, especially when the conversations were coded. I was not the focal point for that collaboration. There was free interaction between the signallers, although the work they produced was separate.
46. There was also interaction between the UPDF field interception operations and the ISO. For example, during the Sudan operation in 2002, if the ISO were in Gulu and finding it hard to pick up something, [REDACTED] in Sudan would talk to the ISO interceptors in Gulu to help each other out. This discussion would happen after the LRA communication time. It was for the purposes of not having gaps in the work product. [REDACTED] used the satellite phone of the UPDF commander. It was two-way communication. The ISO and the UPDF field divisions communicated without me knowing.

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47. I never had any interaction with the Police. I do not know if they intercepted. I am not aware of any ESO interception operation.

Closing Procedure

48. 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.

49. 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.

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

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

52. 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: 14 / 07 / 16

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