

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: None

Mother's Name: [REDACTED]

Place of Birth: [REDACTED]

ID number: [REDACTED]

Date of Birth: [REDACTED]

Nationality: Ugandan

Language(s) Spoken: Acholi (native), English, Swahili

Language(s) Written: as above

Language(s) Used in Interview: English

Occupation: [REDACTED] Ugandan police force

Place of Interview: [REDACTED] Kampala

Date(s)/Time(s) of Interview: 16 March 2016, 1200 to 1700, 17 March 2016, 1030 to 1130

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

Signature(s):

[REDACTED]


JULIAN ELDERFIELD

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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 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 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 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.

Professional background

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Training

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21. Prior to being posted to Kamdini, I did not have any signals or radio training. But I was interested in learning about the radios. In Kamdini, I was trained on the job. [REDACTED] trained me how to use the radio.

Police interception operation in Kamdini

22. When I arrived in Kamdini in 2002, I was in charge of weapons and general duties like arrests, handling fights and disputes. I was [REDACTED].
23. I became involved with the radio when [REDACTED] arrived in about 2002 or 2003. [REDACTED] was a radio communicator. He was not a detective. His primary duty was to operate the radio. He trained me to take care of the radio in case he was not there. When he was there, I worked with him.
24. It was my choice to work with [REDACTED]. It was not an order. However, after my superiors learnt that I was working with [REDACTED] they ordered me to continue to do so.
25. I monitored the LRA with [REDACTED] from 2002 to about 2006. After that, the rebel activities ceased. After 2006, we could not hear them any more. I worked with [REDACTED] until I left Kamdini in 2011. During this time I continued to help [REDACTED] listening to the radio and sending situation reports (Sitreps).
26. We started to monitor the LRA because [REDACTED] and I discovered by chance that the LRA were communicating on the radio. This was in 2002 or 2003. After we discovered these LRA communications, we informed the [REDACTED]

[REDACTED]

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[REDACTED] [REDACTED] He ordered us to keep monitoring, and to inform him every day what was said.

27. [REDACTED] was my boss. I reported only to him. His role was to gather intelligence from around the region and then to inform the necessary offices, so they could act on it. After he received the LRA radio communications that [REDACTED] and I sent to him, [REDACTED] distributed it to other intelligence agencies and organisations at the regional level, like the UPDF or the ISO. This would be used for operational use by soldiers on the ground.
28. There were only two of us involved in the interception of LRA radio communications. We kept it a secret from other officers at the Kamdini Police Station. We did not want them to know what we were doing. Apart from [REDACTED] [REDACTED] only the OC at Kamdini police station knew about the operation, but he was not involved in the operation. We did not report to the OC. This was at the order of [REDACTED]
29. [REDACTED] ordered one of us to be monitoring the LRA radio at all times. [REDACTED] did it most of the time. He would do it alone if I was busy. If I was free, I would help him. I monitored the radio with [REDACTED] fifty percent of my time. The other fifty percent of my time I was doing my normal duties. The radio work did not interfere with my normal duties.
30. The radio we used in Kamdini to monitor LRA radio communications was a Codan radio. This radio could both receive and transmit messages. I was shown several photographs. I have the following to say about them:
 - a. UGA-OTP-0254-1647. This is the radio room in which I listened to LRA radio communications. The radio room is at the back of the Kamdini police station compound.
 - b. UGA-OTP-0254-1652. This is inside the radio room. The black box on the bottom right is a solar battery. The black box bolted to the table I do not know. The black box on the table, on the right, is the radio. It is a Codan radio. This is the same radio that I used to intercept LRA; the colours are the same, and the radio is the same size. The object on the end of the cord is used to talk. Sometimes we had trouble with the cord connection, and we could not transmit [REDACTED] could fix this, and he showed me how to do that. The sound came out of the speaker on the front of the radio. The black object on the left of the radio I do not know. It was not there when I was there. The wooden desk is the same desk I used. We did not have green plastic chairs when I intercepted; we used a metal chair and a wooden chair. We used to keep files on the table as well. The wires

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behind the desk pass through the roof of the room to the aerial outside. They are the radio antennae.

- c. UGA-OTP-0254-1655. The door to the radio room could be locked with a padlock. The door was weak, although you could not get inside if it was locked. We used to lock the radio room when there was nobody in the room. [REDACTED] kept the key. If he went away, he would give the key to me.
 - d. UGA-OTP-0254-1656. This is a pole for the radio antennae. The wire from the radio in the room was connected to this pole. A police technician put this up.
 - e. UGA-OTP-0254-1658. The bigger pole in this photograph is not connected to the radio. It has other gadgets connected to it. The small pole acts as structural support to the bigger pole. They are connected with a wire.
31. The Codan radio had about 100 channels. You pressed buttons on the radio to get to the right channel. When you pressed you could see the figure, and you could adjust it using the buttons to get to the right channel. There was no security lock or code on the radio that I recall. I was able to tune the radio myself. With our radio, we could receive communications from Sudan, the Democratic Republic of Congo (DRC), or even Kenya. We were able to listen even to NGOs or to the armed forces of Sudan or DRC. The DRC armed forces spoke in Lingala and French. The Sudanese spoke in English. The LRA spoke in Luo. Our ability to listen also depended on the weather. We heard less when it was bad weather.
32. In addition to intercepting LRA radio, we used the radio for police communications between police HQ and other police posts. We also had a walkie-talkie to talk to other police officers.
33. The security situation in Kamdini at the time was not good, because of the LRA insurgency. But the army who were deployed to protect police facilities protected us. So, normally we could intercept at all hours of the day. If the insurgency intensified, we would close the station, and send our families away, but we stayed there.
34. [REDACTED] left me alone to monitor the radio on several occasions. I forget how many times this happened. This happened when he took leave from work. This happened only in the case of emergencies like a funeral, sickness, or a birth in the family.
35. If [REDACTED] was not there, it was my job to send the Sitreps to police headquarters in Kampala and to the regional police headquarters in Gulu. This was done early in

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[REDACTED]

the morning, before 0700. The Sitrep would contain any security events that had happened in the previous 24 hours in Kamdini jurisdiction, for example any LRA activity, murders, robberies along the Kampala-Gulu road, or serious accidents. This happened every day; it was standard procedure.

36. No information about the LRA radio communications went into the daily Sitrep. This is because we were ordered to give the LRA radio communication information only to [REDACTED]. This information did not go in the Sitrep because it was not standard police procedure to intercept these communications.
37. After sending the Sitrep, [REDACTED] and I would wait for the LRA to come on the radio. Once they came on we listened and noted down anything important. We did this for each communication time. During the communication, we wrote down very quickly what the LRA said. Then we transferred this rough note to a good piece of paper and wrote it out neatly. We sealed this good note in an envelope and gave it to a trusted taxi driver to take to [REDACTED] in Gulu. The rough notes we destroyed immediately after we wrote out the good note. We ripped them up, put them in a small dustbin in the radio room and, at the end of every day, we burnt them. After sending off the good note and burning the rough notes, there were no documents left.
38. We sent the good note to Gulu as early as 1200 or 1400, if there was an urgent communication in the morning. We informed [REDACTED] by telephone that a communication was on its way, in a trusted taxi, and told him the number plate of the vehicle. We did not discuss the content of the intercept on the telephone, to avoid being intercepted ourselves. [REDACTED] sent someone out to meet the taxi at the bus parking in Gulu, which was the pre-arranged meeting point. There were many taxi drivers we used, including Lacan Matwal, Acam Kwene, Acan Kumeno. These are the names of the taxi companies, not the drivers' names. We also used [REDACTED] named [REDACTED] who lived in [REDACTED]. He helped us a lot. We did not send intercepts to [REDACTED] every day, only when there was an important or urgent communication. If an urgent communication happened in the afternoon, we sent a taxi in the evening, as late as 1800 or 1900. If we did not send the good note on the day of the communication, we sent it the next day. In these situations, we kept the good note on our person overnight.
39. I was not paid extra to do this interception work.
40. The police had different security classifications for documents: "normal", "confidential", "secret", "top secret" or "urgent". The good notes that we put in envelopes and gave to [REDACTED] were treated as "confidential". This was the third highest security classification. We did not write anything on the outside of [REDACTED]

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the envelope. If they were lost, we did not want to bring attention to the documents. When it was urgent, we wrote the word "urgent" on the good note inside the envelope.

41. I have never seen any of [REDACTED] s intelligence reports.
42. Sometimes we took the envelopes of good notes to Gulu ourselves. [REDACTED] did this often, because his family lived in Gulu and he was going there anyway.
43. I could sometimes tell the locations of LRA units by the content of their communication. But [REDACTED] and I did not do direction finding. The police never did this. We did not have any computers that could do that.
44. [REDACTED] was more competent and expert than me. He explained things to me that I did not understand on the communications. He was able to interpret more than me. He was able to understand the LRA codes. I think that [REDACTED] was so good because he was a radio communicator, and he could speak Luo. He grew up in Gulu, and stayed in Gulu for a long time, so he could interpret the LRA proverbs better than me.
45. I had a very good working relationship with him. He is humble, knowledgeable, not selfish. Generally he is a good man. He liked his job so much. He could work long hours, without supervision. He liked communications a lot. He trained me how to receive and send messages on the radio. How to dial the radio. How to change the frequencies. Generally how to operate the radio.

Other interception operations

46. I do not know about any LRA radio communication interception operation done by the police in Gulu. I do not know if any other police station intercepted LRA communications. I do not know if any other Ugandan security organisation or the army was intercepting LRA radio communications. I do not think that we were the only ones, but I never asked. As far as I was aware, LRA radio monitoring happened only in Kamdini.

LRA

47. We came to know the LRA's channels of communication, and their communication times. The LRA communicated every day at 0700, 0900, 1100, 1300.
48. I do not know about the radio equipment that the LRA used. I never saw the radios that they used. I knew from interviews of escapees that I was involved in

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that the LRA used satellite phones. It was my job to interview those who escaped in Kamdini jurisdiction. I interviewed many LRA escapees. After the interview, we would take them to the UPDF in Gulu, and they would refer them to a reception centre in Gulu like GUSCO or World Vision.

49. These interviews helped us to understand the LRA better. For example, escapees told us that the LRA carried their radio equipment on their backs. When the LRA communicated, they tied the aerial up to a tree. Normally, they communicated when they were not moving.
50. The LRA spoke in parables on the radio. For example, in 2006, when they were leaving Uganda, they communicated the order to leave in parables. The parable was a song by DJ Languna. The song goes "bye, bye, Kampala", which they said to each other. We interpreted that to mean "bye, bye, Uganda" or "all the legs, move to Sudan". So we knew that the LRA was leaving Uganda. Sometimes the LRA spoke in clear language as well.
51. I was able to recognise Joseph Kony's voice on the radio because of my experience listening to the LRA. But the other commanders' voices, I could not recognise.
52. I do not know anything about Dominic Ongwen. Just that he was one of the rebel commanders. I remember that he talked on the radio.
53. The rebels were in groups. One of the groups was called Stockree. Another was called Headquarter. There were five major groups. I do not remember the names of the other groups.

Contact with the ICC

54. I have never had any interaction with anyone from the ICC before today.

Document verification

55. I was shown a document starting with reference number UGA.00037.002:
 - a. UGA.00037.002 at p. 002. I recognise this document. It is how we used to write the intercepted LRA radio communications that we heard on the radio. This is a good note. This page is [REDACTED]'s handwriting. We always wrote in English. We always wrote the date on the left or at the top of the page. It depended on the person writing; I preferred to write the date at the top. The number 166 in a circle is [REDACTED]. It meant that this was the 166th good note that we had written that year. Each year we started again

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from number one. We bought the paper that this note was written on from a shop in Kamdini. If we did not have paper, we used a sheet from an exercise book.

b. UGA.00037.002 at pp. 003 to 152. These pages are the same as the good note I described above. They are all [REDACTED]'s handwriting.

56. I was shown documents marked with reference numbers UGA.00151.002 to UGA.00151.042. The documents marked UGA.00151.031 and UGA.00151.032 are my handwriting. These were produced by me and submitted to [REDACTED]. All the rest are [REDACTED]'s handwriting.

57. I was shown documents marked UGA-OTP-0256-0321 to 0324. These documents are all [REDACTED]'s handwriting.

Closing Procedure

58. 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.

59. 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.

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

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

62. 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



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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: _____

17th MARCH 2016

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