

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]

Passport / ID number: N/A

Date of Birth/Age: [REDACTED]

Nationality(s): Ugandan

Ethnicity: Luo

Religion: Catholic

Language(s) Spoken: Luo, Swahili & French

Language(s) Written: Luo, Swahili & French

Language(s) Used in Interview: English

Occupation: [REDACTED]

Place of Interview: [REDACTED] Kampala, Uganda

Date(s) and Time(s) of Interview: 21/04/2016 10:30-17:00 and 22/04/2016 09:45 – 11:00hrs

Names of all persons present during interview: [REDACTED] (Investigator), Sanyu Ndagire (Legal Assistant), [REDACTED] (interviewee);

Signature(s): [REDACTED] [REDACTED]

Sanyu Ndagire

[Witness statement of [REDACTED]
[Witness signature]

[Initials of all persons present during interview]

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UGA-OTP-0280-1111

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 Sanyu Ndagire and was told that she is a Legal Assistant 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 agree that the interview would be conducted in English. I fully understand and speak English.
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, the Counsel of 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.

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10. Having understood all the above issues, I confirmed my willingness to answer the investigator's questions.
11. The investigators 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 should state when I do not know the answer to or do not understand the 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 give, 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. When I finished military training I commenced specialised intelligence training for 2 weeks during which I learned about gathering human and technical intelligence. This included radio interception, intelligence handling and gathering, and how to record information and pass it on. Local and foreign trainers administered the course.

Kampala 1999-2014

17.

18.

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52

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19. While working with [REDACTED] we received daily communication of the LRA from Gulu station, which we referred to as "Gulu's harvest". Initially Gulu station was the only station with which we liaised, however another station was also opened in Kasese in 2002 whose intelligence was also handled in my department. Kasese's operational mandate was to monitor the ADF (Allied Democratic Forces). The ADF was a Ugandan insurgent group based in the forests of The Congo. There was no monitoring of the LRA from Kasese as they were not active in that area. The information from Gulu comprised of monitored and recorded radio communication of the LRA. The LRA used Luo or Acholi to communicate. After the Gulu station intercepted this information it was passed onto the UPDF 4th division commander, which he assessed for subsequent tactical orders.
20. The intercepted information was decoded and translated from Luo to English, then sent onto the UPDF 4th division commander and thereafter faxed to Kampala. The Gulu officers would record the information in a book, then write it on a piece of paper and fax it to the Kampala office.
21. The information received in Kampala was exactly the same as that given to the UPDF 4th division commander. We had a fax machine in the Kampala office. The Gulu office would call us in advance prior to sending the fax. The Kampala office was limited to a few people and was always securely locked.
22. We received faxed information regarding the LRA communication twice a day. Exceptionally when the weather was bad we would receive one fax with all the day's communications.
23. The faxes from Gulu were sent as a copy of the information that the ISO officers in Gulu intercepted. They did not contain analyses or comments.
24. My job was to record the information from the faxes received from Gulu station. I recorded into the blue RABMINT log book exactly what was written on the fax received from Gulu. I did not change any wording nor add any comments or interpretation of meaning of my own. It was recorded exactly as it was received in the fax except for changing the occasional spelling error. I did not tell anyone that I had changed the spelling in a word. Immediately upon receipt of the fax my job and the job of my colleagues was to record the fax in the RABMINT log book. We all followed the same procedure exactly; however I do not know if my colleagues changed any incorrect spelling. I then would write a summary of the logbook entry and take the book to the Principal concerned. This would have been someone superior to [REDACTED] such as [REDACTED] who was the Director of Analysis. The procedure we followed was based upon instructions given to us by our supervisor [REDACTED]

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25. I was solely based and worked in this position while in Kampala from April 1999 until July 2014. I never worked in Gulu but I knew the names of the officers who were stationed in Gulu during that time.
26. I produce a list of ISO personnel that worked in both Kampala headquarters and Gulu station during the period that I was employed for the purpose of LRA radio interception. I produce this list as Annex A.
27. In 1999 when I went to work in Kampala [REDACTED] were also stationed there. There was a shift rotation thereafter where officers in Gulu came down to the Kampala headquarters to perform duty there or take leave.
28. [REDACTED] and I were responsible for writing in the book whilst in Kampala. Not all the officers who undertook the shift rotation from Gulu wrote in the book whilst at the Kampala headquarters. We called this book RABMINT and RABMINT was written at the back of the book to distinguish it from the books produced at the Gulu station.
29. The faxes received from Gulu were filed in a binder and kept in a locked cupboard. It was [REDACTED]'s overall responsibility to ensure that all the documents were secured. Either I or another member of staff would indicate on the inside front cover "opened on" and the date upon each time we commenced using a new RABMINT book. Once the book was completed either I or another member of staff would write on the inside back cover "closed on" and the date. The binders containing the loose faxes would also be categorized and filed in a similar manner.

Handwriting in Logbooks

30. I was shown the following documents, which I recognize to be logbooks. I was asked if I knew if they were produced in Kampala or Gulu, and if I recognized the handwriting.
- a. UGA-00063-194. I have reviewed this book and recognize that it is a book produced in Gulu as I can identify [REDACTED]'s handwriting inside which is similar to mine. In addition page UGA-00063-194 at p.217 has a tick at the bottom of the page. Entries in Kampala were never ticked they were signed. I believe that the tick confirms that it would have been seen and noted by the Division CO at Gulu. The handwriting on the inside front

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cover stating 'Opened' and 'Closed 'is mine and I did this when the books were transferred to Kampala from Gulu.

- b. UGA-00067-002. I recognize this to be a book produced in Kampala because it has RABMINT recorded on the inside cover which was the operation name for our interception project. "Opened 09-08-2002" I can confirm is my handwriting as is "Closed 27-09-2002" and "No.2" which were however added later by myself, possibly in 2006 for ease of reference when searching and reviewing books was taking place at the request of the ICC. I have looked at the contents of this logbook and recognize my handwriting as I explain below.
- c. UGA-00067-002 at p.006, reference 522B + 523 3RD, time 1600. I can identify that from " A/C onwards informs Lukwiya" is all my handwriting. I have looked at the handwriting prior to mine in this entry and I do not recognize it. But I obviously took over from another person to make the full entry.
- d. The entries at UGA-00067-002 at pp.007 and 008 is all my handwriting up to the entry dated 11-08-2002.
- e. UGA-00060-002 at p.149 is an entry again from a Kampala book which I recognize as in my handwriting. UGA-00060-002 at p.150 dated 26-04-2003 I recognize as my handwriting.
- f. UGA-00133-289 at p.395. With regard to the entry on the left-hand page beginning "which LRA will not believe in at all" I can confirm is my handwriting.
- g. The entry 693B, the same reference as UGA-00133-289 at p.395 timed at 0800-0835 is not my handwriting. However, where the page has been highlighted in yellow or underlined in red ink or a notation as a red star has been made is typical of notations or highlighting that re made in the books when I was told to review the RABMINT books for entries relating to particular LRA leaders. I believe I was given this instruction by [REDACTED] as he would have been my supervisor at the time. Once I had reviewed the books and made highlights and notations I returned the books to the archives. I had no involvement in handing over the books to the ICC
- h. UGA-OTP-0232-0623 at p.0642, entry dated 20-11-2004 I can identify as being the handwriting of John Orach.
- i. The entry at UGA-OTP-0232-0623 at p.0651 dated 23-11-2004 I recognize as my handwriting.
- j. The entry at UGA-OTP-0170-0077 at p.0077 dated 18-11-2005 I recognize as being Orach John's handwriting.
- k. The entry at UGA-OTP-0170-0077 at p.0081 dated 19-11-2005 I recognize as my handwriting.

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ANNEXES

31. Annex A to this statement is a list of my colleagues who worked at Gulu station and also Kampala Headquarters and the dates that I believed that they worked at the respective locations. I signed and dated it.

Closing Procedure

32. 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.

33. 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.

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

35. There has not been any form of coercion, duress, threat, promise or inducement which has influenced my account.

36. I have no complaints about the way I was treated during this interview.

WITNESS ACKNOWLEDGMENT

I have read over this statement / 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 International Criminal Court and that I may be called to give evidence in public before the International Criminal Court.

Signed: 

Dated: 22/04/2016

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