

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: Acholi

Religion: Protestant

Language(s) Spoken: Acholi, English & Swahili

Language(s) Written: English

Language(s) Used in Interview: English

Occupation: [REDACTED]

Place of Interview: [REDACTED] Kampala, Uganda

Date(s) and Time(s) of Interview: 23/04/2016 09:50-16:00; 24/04/2016 10.00 – 1530hrs

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

Signature(s): [REDACTED]

Sanyu Ndagire

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.
10. Having understood all the above issues, I confirmed my willingness to answer the investigator's questions.

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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.

Gulu Station

17. In about September 2003 I was transferred to Gulu by my supervisor [REDACTED] to monitor the LRA operations, thereby replacing [REDACTED] who went to Kampala. I am certain of the date because I recall being in Gulu when I learned of the death of Charles Tabuley from my colleagues [REDACTED] who were monitoring the LRA's radio communications. When I first arrived in Gulu, I was not very experienced at radio signal interception. [REDACTED] was the lead signal



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interceptor, [REDACTED] was the supervisor who amongst other duties wrote entries in the counter book.

18. Initially, my role was to be taught by [REDACTED] to work closely with him and to gain experience of how the interception operation was conducted. I was instructed to write entries in rough notes or drafts on plain paper. Once these were checked and corrected by [REDACTED] and after they had been written out in full without abbreviations, they were faxed to Kampala. The officers at Kampala would be called first by telephone prior to faxing the information to inform them that the fax was on its way. The information was passed only by fax as conveying information by telephone was considered insecure. I would then copy this draft exactly, word-for-word, into the counter book, [REDACTED] and in particular [REDACTED] closely supervised my work to ensure that it was accurate. I remained in Gulu from 2003 until 2010, when I was then transferred back to Kampala as the mission was completed.
19. I worked most closely with [REDACTED] at the ISO Gulu station. [REDACTED] were stationed at the Kampala headquarters. [REDACTED] was the overall supervisor of the operation but based mainly in Kampala. [REDACTED] had previously been the supervisor at the Gulu station. He had been promoted to Lieutenant in 2000 upon joining the UPDF from ISO, and was promoted to Major on his return to Gulu in 2003.
20. The ISO's intercept station in Gulu was based in the UPDF 4th Division army barracks, near the Presidential lodge. It was a house used or accessed by the ISO staff alone. There was one UPDF staff member who worked in the intercept house with us. His name was [REDACTED] Initially he was working in another block next to our house with a DF (Direction Finding) team. He came into the house in around 2004 or 2005.
21. The ISO officers in the intercept house were monitoring the LRA's radio communications. We would identify the LRA broadcasts by locating their radio frequencies. We also identified the LRA broadcasts over the radio based on their use of the Luo language. I am a native Acholi speaker so I could understand them. The LRA would broadcast at 9am, 11am, 1pm and 4pm. In the afternoons there was generally more interference over the radio due to the weather.
22. At 9am the LRA commanders broadcasted their Sitreps to KONY. At 11am the commanders broadcasted further Sitreps. The LRA made broadcasts over the radio in Luo, using a combination of code words or code phrases and TONFAS. TONFAS code is a pre-agreed written code between LRA commanders and signallers. By following stage-by-stage instructions to go to a particular place in the code book, certain letters were picked out which then formed the message.

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23. [REDACTED] and I monitored the LRA radio broadcasts and wrote what we had heard in abbreviated or note form in English on plain paper as I have described in paragraph 18. We also tape recorded the LRA communications. We used these tapes to play back what we had heard while we re-worked our notes until we had a complete decoded and interpreted message. This information was then written word-for-word into what I know to be called a counter book. The counter book was then taken to the UPDF 4th Division commanding officer for his information and he would use this information to make tactical decisions. The CO would mark any critical information identified in the book with a tick at the bottom of the entry.
24. Over a period of time I gained more experience, although my work was still closely monitored and supervised by [REDACTED] was our most experienced and best interceptor. In 2004 I was considered to be sufficiently proficient in my duties that [REDACTED] could take leave, leaving me as the principal interceptor. At these times, [REDACTED] still closely supervised and checked my work. In [REDACTED] absence I was responsible for identifying the LRA broadcast frequency, monitoring and recording their transmission, writing out the translated message in a draft note, breaking the TONFAS code and reviewing the transmission by playing back the tape. Once I had done this to [REDACTED] satisfaction the translated message was faxed to Kampala and an entry made in the counter book. [REDACTED] s responsibility was the safe storage of all of our product. The tapes were each given a unique reference number, based on the chronological order that the tape was made. The draft messages, faxes and entries in the counter book all contained the specific tape reference on the top of the entry.
25. When [REDACTED] was in the Gulu station we all worked together collaboratively, writing out the faxes, marking the tapes and tape boxes and making entries in the counter book. Only [REDACTED] could not make the draft entries as he was not a language expert so he could not take part in the actual interception and translation and decoding of the message. I was able to perform all these functions and did so up to the conclusion of the operation. Everything I did was always closely monitored by [REDACTED] We all checked and quality assured each other's work for accuracy.

Kampala headquarters

26. Prior to my deployment to Gulu in September 2003, I worked for one week at ISO headquarters in Kampala, in what we call the 'safe house'. There I came to understand how the operation worked and what was produced in Gulu. At that time faxes were not being sent but the information was passed over the telephone, and it was written down as it was received over the phone, checked back for accuracy and then written into a counter book. I made entries in the counter book in Kampala prior to my deployment to Gulu. [REDACTED] idea was that I become familiar with both ends of the intercept operation. After my transfer to Gulu I only

[REDACTED]

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ever returned to Kampala to collect my salary. Although I may have called into the safe house, I never made any more entries in the Kampala counter books.

Handwriting in rough notes

27. I was shown the following documents, which I recognise to be the rough notes that I refer to above in paragraph 18 and 23. I was asked if I produced them, and if I recognised the handwriting.
- a. UGA-OTP-0242-5078 at pp.5078-5099. These are rough notes covering LRA radio communication on a range of dates between 2nd May and 14th May 2004, which I produced in Gulu. I have reviewed these notes and recognize that they bear my handwriting on all twenty pages.
 - b. UGA-OTP-0242-5078 at p.5078. I confirm having produced the rough notes at p.5078. The names KONY and OKOT are listed at the entry of 2nd May 2004 at 11.00hrs. I believe that I did not take any notes in relation to the LRA communication at 11.00hrs because there was interference in the radio transmission. I identified only the call signs of the LRA commanders on air at that time. The notes at 16.00hrs indicate that OB was communicating to Labalpiny, however I could not make out what was being said because of the bad radio transmission. I cannot now recall who OB was. The notes at 18.30hrs reflect that I heard information over the radio where ODHIAMBO and other LRA commanders were speaking. Dominic ONGWEN is listed among the commanders broadcasting. The same entry bears a combination of words and numbers that reflect the TONFAS code used by the LRA.
 - c. UGA-OTP-0242-5078 at pp.5079-5080. These notes are another example of the TONFAS code used by the LRA during their radio communication. I confirm having produced these rough notes.
 - d. UGA-OTP-0242-5078 at p.5095. These are rough notes relating to 13th May 2004 at 18.30hrs. This is a communication between Dominic ONGWEN and ABUDEMA. ONGWEN informs him that "Hilary had escaped with his gun". This is an example of the rough notes that I made as I listened to the LRA radio transmissions and of which I would subsequently make a full account on a separate paper to fax to the Kampala headquarters. The full account would thereafter be recorded in the counter-books and the rough notes stored in a box.
 - e. UGA-OTP-0242-5500 at p.5500. These are rough notes relating to 21st July 2004 at 09.00hrs. I produced these notes and they reflect a transmission to KONY by a number of LRA commanders. This transmission is an example of an LRA Sitrep.
 - f. UGA-OTP-0242-5746 at pp.5746-5761. I have reviewed these notes and recognize that they bear my handwriting on all sixteen pages. The rough

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notes cover a range of dates between the 16th to 20th October 2004. I produced these while stationed in Gulu.

Handwriting in faxed copies

28. I was shown the following documents, which I recognise to be faxed copies sent to Kampala. I was asked if I knew if I recognised the handwriting.
- UGA-OTP-0163-0007 at pp.0133-0135 entry dated 24th June 2005. I have looked at this entry and confirm that it is my handwriting. I believe this is a faxed copy which I sent from Gulu station to Kampala headquarters.
 - UGA-OTP-0163-0292 at pp.0297 & 0301 entries dated 24th September 2005. I have looked at these entries and confirm that they are my handwriting. I believe this is a faxed copy which I sent from Gulu to Kampala headquarters. The entry at p.0302 is not my handwriting and is a separate faxed copy. The entry at p.0303 is not my handwriting. The entry of 25th September 2005 at p.0304 is my handwriting.

Handwriting in logbooks

29. 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.
- UGA-OTP-0170-0077 at p.0077. I have reviewed this logbook and recognise that it is a logbook produced in Kampala. I know this because I recognise [REDACTED] handwriting. [REDACTED] was stationed at Kampala headquarters. In addition, Gulu counter books were always ticked as an acknowledgement of being read by the Division CO, whereas Kampala counter books were signed and dated by the ISO Director.
 - UGA-OTP-0152-0002. I have reviewed this book and looked at pp.0005-0006 thereof. The entry titled "923A/G 3RD at 11.00-18.30hrs" is my handwriting. The entry titled "924B+925A/G at 18.30-1850hrs" at pp.0012-0013 is also my handwriting. This is a Gulu counter book because I can see the entries have been ticked and the handwriting is mine, [REDACTED] in the various entries.
 - UGA-OTP-0241-0805. I have reviewed this book and looked at pp.0806-0807 thereof. The entry titled "882/A/G 3RD at 09.00-09.30hrs" dated 08/08/04 is my handwriting. This is a Gulu counter book.
 - UGA-OTP-0241-0805. I have reviewed this book and looked at p.0809 thereof. The entry titled "882B + 883/A/G 3RD at 18.30-19.20hrs" dated 08/08/04 is my handwriting.
 - UGA-OTP-0241-1059. I have reviewed this book and looked at pp.1102 -1103 thereof. The entry titled "958B + 959/A/G 3RD at 0900hrs" is my handwriting.

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- f. UGA-OTP-0062-0145. I have reviewed this book and looked at p.0149 thereof. The entry titled "875/A/G 3RD at 1830-1900hrs" is my handwriting. This is a Gulu counter book.
- g. UGA-OTP-0062-0002. I have reviewed this book and looked at p.0020 thereof. The entry titled "836/A/G 3RD at 1100-1140hrs" is my handwriting. This is a Gulu counter book.
- h. UGA-OTP-0061-0206. I have reviewed this book and looked at p.0237 thereof. The entry titled "Not recorded' at 0900-0930hrs" at 19.04.04 is my handwriting. This is a Gulu counter book.
- i. UGA-OTP-0061-0002. I have reviewed this book and looked at p.0007 thereof. The entry titled "748/B+749A/G/3rd" at 1300-1340hrs" is my handwriting. This is a Gulu counter book.
- j. UGA-OTP-0066-0002. I have reviewed this book and looked at p.0024 thereof. The entry titled "712/B/G 3rd" at 1300-1330hrs" is my handwriting. This is a Gulu counter book.
- k. UGA-OTP-0232-0234. I have reviewed this book and I cannot identify my handwriting therein. This book covers the period when I would have been initially transferred to Gulu in September/October 2003. This is a Gulu counter book.

Handwriting on tapes

- 30. I was shown tapes bearing reference numbers UGA-OTP-0050-0008, UGA-OTP-0046-0044 and UGA-OTP-0052-0014.
 - a. UGA-OTP-0050-0008. I confirm that the handwriting indicated on this tape is mine.
 - b. I cannot be certain of the handwriting on tapes UGA-OTP-0046-0044 and UGA-OTP-0052-0014.

Rough Notes and TONFAS codes

- 31. I have been shown documents with reference number UGA-OTP-0053-0082 at pp.0082 to 0084 and have been asked whose handwriting it is. I can confirm that this is my handwriting on pages 0082 and 0084 but cannot confirm whose handwriting is at p.0083. These are examples of my decoding TONFAS.
- 32. I have been shown documents with reference number UGA-OTP-0053-0092 at pp.0095 to 0096 and have been asked whose handwriting it is. I can confirm that this is my handwriting. These are examples of my decoding TONFAS.
- 33. I have been shown documents with reference number UGA-OTP-0053-0105 at pp.0105 to 0109 and have been asked whose handwriting it is. I can confirm that this is my handwriting. These are examples of my decoding TONFAS.



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34. I have been shown documents reference numbers UGA-OTP-0053-0118 at p.0120 and have been asked whose handwriting it is. I can confirm that this is my handwriting. This is examples of my decoding TONFAS.

Personal health



Closing Procedure

37. 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.

38. 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.

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

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

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



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UGA-OTP-0280-1127

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: 24th April '16

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