

Trial Hearing

(Open Session)

ICC-02/04-01/15

1 International Criminal Court

2 Trial Chamber IX

3 Situation: Republic of Uganda

4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15

5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan

6 Trial Hearing - Courtroom 1

7 Friday, 27 January 2017

8 (The hearing starts in open session at 9.30 a.m.)

9 THE COURT USHER: [9:30:48] All rise.

10 The International Criminal Court is now in session.

11 PRESIDING JUDGE SCHMITT: [9:31:07] Good morning, everyone.

12 Could the court officer please call the case.

13 THE COURT OFFICER: [9:31:17] The situation in the Republic of Uganda, in the
14 case of The Prosecutor versus Dominic Ongwen, case reference ICC-02/04-01/15.

15 PRESIDING JUDGE SCHMITT: [9:31:29] I would ask for the appearances starting
16 with the Prosecution.

17 MR ELDERFIELD: [9:31:33] Good morning, your Honour. Julian Elderfield, and
18 with me Pubudu Sachithanandan, Ben Gumpert, Colleen Gilg, Beti Hohler,
19 Yulia Nuzban, Colin Black and Ramu Fatima Bittaye.

20 PRESIDING JUDGE SCHMITT: [9:31:49] Mrs Massidda.

21 MS MASSIDDA: [9:31:51] Good morning, your Honours.

22 Paolina Massidda. With me today Caroline Walter, Orchlon Narantsetseg and
23 Jacqueline Atim.

24 PRESIDING JUDGE SCHMITT: [9:31:59] Mr Manoba.

25 MR MANOBA: [9:31:59] Good morning, your Honours. I'm Joseph Manoba.

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1 I'm appearing with Ms Megan Hirst and Mr James Mawira.

2 PRESIDING JUDGE SCHMITT: [9:32:10] Thank you.

3 And for the Defence, Mr Odongo, please.

4 MR ODONGO: [9:32:15] Thank you, your Honours. With me today I have

5 Charles Taku, Thomas Obhof, Toy Titus Ayena and Gatarama Tharcisse. And we

6 have in court our client, the accused, Dominic Ongwen.

7 PRESIDING JUDGE SCHMITT: [9:32:35] Thank you very much.

8 We start today with the testimony of P-59, which the Chamber understands could be

9 completed early next week. Therefore the participants, please be prepared to

10 proceed with the questioning of following witnesses after this witness, which is

11 Witness P-19, also next week and we aspire to complete this witness before the little

12 bit longer break that we have, we aspire that at least.

13 We now turn to the testimony of Witness P-59. I understand that he is still in the

14 courtroom.

15 Mr Witness, good morning.

16 WITNESS: UGA-OTP-P-0059

17 (The witness speaks Acholi)

18 THE WITNESS: [9:33:20] (Interpretation) Good morning.

19 PRESIDING JUDGE SCHMITT: [9:33:23] You are going to testify before the

20 International Criminal Court. On behalf of the Chamber I would like to welcome

21 you to the courtroom.

22 Witness, there will be a card in front of you with the solemn undertaking to tell the

23 truth. Could you please read out this card aloud.

24 THE WITNESS: [9:33:58] (Interpretation) I swear that I will tell the truth, the

25 truth and nothing but the truth.

1 PRESIDING JUDGE SCHMITT: [9:34:06] Thank you. Let me now explain the
2 protective measures that the Chamber has put in place for your testimony.
3 For the record, the Chamber granted the protective measures in decision number 651
4 with a view to protecting your safety and security as well as, I quote, "The Ugandan
5 government's legitimate interest in maintaining the confidentiality of their ongoing
6 radio signalling operations and personnel." Unquote.
7 These protective measures were requested by the Office of the Prosecutor on the basis
8 of requests from the Ugandan government. The protective measures which have
9 been granted by the Chamber are:
10 First, face distortion, which means that no one outside the courtroom can see your
11 face on the screen during the testimony.
12 Second, use of a pseudonym during your testimony; in accordance with that, we will
13 all refer to you only as "Mr Witness," as I do at the moment, to make sure that the
14 public does not know your name; and
15 Third, limited, and I underscore "limited" recourse to private session as appropriate,
16 that is to say to address matters which may give away your identity or that shall not
17 be revealed to the public on grounds of Uganda's national security.
18 When we are in private session, Mr Witness, there is no broadcast and no one outside
19 the courtroom can hear your answer.
20 I trust the Office of the Prosecutor and later the Defence, we have discussed this in the
21 past days, to identify the matters which shall not be revealed to the general public
22 and request to move to private session prior to asking questions concerning any such
23 matter. We have been informed of such line of questioning by the Office of the
24 Prosecutor already.
25 In any case, if anything gets said during open session which should have been said in

1 private session, we will do our very best to protect this information. Your testimony
2 will be broadcast on a delay and we can remove any such remarks from the broadcast
3 which will be heard by the public and we will also remove it from the public
4 transcript of the proceedings.

5 Now I have, Mr Witness, a few practical matters you should have in mind when
6 giving your testimony.

7 Everything we say here, you are aware of that I think, in the courtroom is written
8 down and interpreted. It is therefore important to speak clearly and at a slow pace.

9 Please speak into the microphone and only start speaking when the person asking
10 you the question has finished.

11 This applies also to everybody who is questioning the witness, of course.

12 To allow for the interpretation, everyone has to wait a few seconds before starting to
13 speak.

14 If you have any questions yourself, raise your hand so we know that you wish to say
15 something.

16 Have you understood all this, Mr Witness?

17 THE WITNESS: [9:37:39] (Interpretation) Yes, I have understood.

18 PRESIDING JUDGE SCHMITT: [9:37:42] Thank you very much.

19 We will then start your testimony and you have the floor.

20 MR ELDERFIELD: [9:37:49] Thank you, your Honour.

21 QUESTIONED BY MR ELDERFIELD:

22 Q. [9:37:54] Good morning, Mr Witness. As you know, my name is Julian. I
23 understand you have a sore throat. I hope it's not too bad.

24 A. [9:38:07] Good morning. Good morning, to you.

25 Q. [9:38:08] I hope you're feeling okay?

1 A. [9:38:10] Yes, I am feeling better.

2 MR ELDERFIELD: [9:38:18] Your Honours I'd just like to go into private session
3 for about four or perhaps five questions.

4 PRESIDING JUDGE SCHMITT: [9:38:27] I know this was announced and we were
5 prepared for that of course. We go into private session then.

6 (Private session at 9.38 a.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Open session at 9.41 a.m.)

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1 THE COURT OFFICER: [9:41:17] We're in open session.

2 MR ELDERFIELD: [9:41:25]

3 Q. [9:41:26] Mr Witness, what languages do you speak?

4 A. [9:41:35] I speak Acholi and I also speak some English. I also speak a little bit
5 of Kiswahili. So I'm there three languages.

6 Q. [9:41:53] And can you also write those languages?

7 A. [9:42:04] The one that I am competent in, it is Acholi and English. Those are
8 the two I can write.

9 Q. [9:42:16] Have you been to school, and if so, up to what level?

10 A. [9:42:39] Yes, I have been to school. I finished primary education and then I
11 enrolled for secondary, I studied up to fourth grade in secondary in Comboni College
12 in Lira. When I finished from there, I trained to become a teacher, and I have a
13 Grade 3 certificate as a primary school teacher.

14 Q. [9:43:09] Mr Witness, over the next day or so and into next week, I'm going to
15 ask you questions about five areas. Those are your work history and training;
16 secondly, the ISO, the Internal Security Organisation intercept operation in Gulu;
17 third, the methodology of your interception; fourth, how the LRA used the radio; and,
18 finally, I'll play 14 sound recordings to you so you can help the Judges understand
19 what's in the content of those sound recordings. Do you understand?

20 A. [9:43:57] Yes, I do understand.

21 MR ELDERFIELD: [9:44:02] Your Honours should have a binder in front of you
22 with 69 tabs. The witness has the same binder in front of him, just to facilitate
23 matters, make it more efficient. We think he can turn through that himself.

24 Q. [9:44:32] Mr Witness, I'll let you know when you need to open the binder and
25 I'll tell you which page to turn to, so you don't need to look at it just yet.

1 Let's go firstly to your work history and training. When did you first start working
2 for the Internal Security Organisation or the ISO?

3 A. [9:44:57] I started working in 1990.

4 Q. [9:45:11] What does the ISO do as an organisation?

5 A. [9:45:25] The organisation, the organisation's main responsibility is security for
6 Ugandans and ensuring that there is peace in the country.

7 Q. [9:45:45] Can you please briefly describe your career in the ISO from when you
8 joined in 1990 up until now? Please don't talk about what you're doing now because
9 we've already covered that in private session.

10 A. [9:46:13] Yes, I can. I joined organisation in 1990. I was then trained, a
11 training called basic military training and signal course training. I took two years to
12 complete this course, from 1990 February up until November 2001, when I finished
13 the two courses.

14 When I finished the course, I was deployed in my duty station. I started my duties
15 from western Uganda in a town known as Mbarara. I worked there for three years
16 as a signaller for the Internal Security Organisation, ISO. Thereafter, I was
17 transferred from there and brought to Kampala, in Nakasero, at the headquarters. I
18 worked there up until the year 2000. And then they realised that the skill I had
19 could help with the conflict in northern Uganda. I was then transferred to Gulu. I
20 found other colleagues who were working there at the time and they helped me to
21 start monitoring the communication of the LRA rebel group.

22 When I gained the skill, I started working in the year 2000. And my duties included
23 monitoring and to assess and investigate the voices that the LRA are speaking on the
24 radio. I hear the voices, I write it down. They would speak in Acholi, but I would
25 record in English. I would first write it in a draft and then, thereafter, I would

1 transfer in a notebook.

2 When I put it in a notebook, there are other colleagues with whom I worked, they
3 would help me. I would write directly to a notebook or I would write to a piece of
4 paper because another copy needed to be faxed to the headquarters in Kampala. It is
5 then taken to the commander of the fourth division headquarters and part of the
6 report is sent to Kampala.

7 I performed that duty from the year 2000 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: [9:49:50] Mr Elderfield, he has obviously
10 answered future questions too.

11 MR ELDERFIELD: [9:49:57]

12 Q. [9:49:58] Mr Witness, we'll come on to some of those topics later today. Can I
13 just confirm for the moment that you started working in Gulu in 2000?

14 A. [9:50:17] Yes, I started working in 2000.

15 Q. [9:50:21] I'd like to go back to the two trainings courses that you described, the
16 first one you said you did in the early 1990s when you first joined. Can you just
17 describe to the Court what that training course was and what you learnt?

18 A. [9:50:50] The two trainings. First of all, I did a military training. It was basic
19 military training. There you are trained to become a soldier and you are trained on
20 how to operate a gun. You are trained on different skills that you can use during
21 battle against the enemy. These are the trainings I had in military training.

22 Thereafter I went and got a training as a signaller. It is in this training where they
23 train you how to operate a radio, how to use a radio, how do you put on a radio.

24 These are the trainings which I had.

25 When I left there, then they start training you how to listen and how to send a

1 message, how to receive and resend a message. That's the work of the signaller.

2 They receive a message and then they send a message. They also write the report

3 and the report is taken to the commander. These are the trainings I had.

4 Q. [9:52:20] Now let's talk about the second training that you said you did in

5 about 2001. Can you describe what that was and what you learnt?

6 A. [9:52:41] In 2001 it was a refresher course. That was just to remind me, to

7 remind me of what I know, to improve on your skill and knowledge so that you

8 perform well in the future. That was on signal. It was not a military training. It

9 was a two-month training.

10 Q. [9:53:22] I think that's all for your training. I'd like to move now to the

11 second area, which is the ISO interception operation in Gulu.

12 Whereabouts in Gulu was the ISO interception operation based?

13 A. [9:53:46] In Gulu the work is based in the barracks, fourth division barracks of

14 the UPDF. It's an infantry division.

15 Q. [9:54:08] Mr Witness, I'd like you now to take hold of your black binder in

16 front of you and open that binder to the number 9.

17 MR ELDERFIELD: [9:54:25] Your Honours, that's tab 9. The ERN is

18 UGA-OTP-0258-0721.

19 THE WITNESS: [9:55:01] (Interpretation) Kindly repeat.

20 MR ELDERFIELD: [9:55:04]

21 Q. [9:55:04] Mr Witness, do you have the page open at the page 9, tab 9? It

22 should be a one-page document with black lines horizontal and a sketch on it?

23 A. [9:55:24] Yes, I am here.

24 Q. [9:55:27] Mr Witness, do you recognize this document?

25 A. [9:55:49] Yes, I do recognize.

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1 Q. [9:55:50] Can you describe to us what you see on here?

2 A. [9:56:04] Yes. On this page I can see a map which is hand-drawn. I can see
3 below it is my signature. This means that I was the one who drew this map. This
4 map shows the compound and position of the house where my office was in fourth
5 division headquarters.

6 I don't know if I should describe the detail, everything. Please let me know.

7 Q. [9:57:01] Can you point out where your room was, the room you worked in on
8 this sketch?

9 A. [9:57:23] Yes, I can, I can see the room. It's here.

10 Q. [9:57:35] We can't see where you're pointing. Can you describe it, please,
11 where you're looking at?

12 A. [9:57:49] Yes. On this map there is a location where it is written "main
13 entrance". That is the main entrance to the house. When you enter that house you
14 will find a large room, that is like a living room and a dining room as well. It's
15 combined. On the left there is a corridor. When you follow the corridor towards
16 the left, you will see where there's a question mark. When you just leave the sitting
17 room, the first room you find is a small store. The next one, which also has a
18 question mark, is a washroom. When you proceed, you will find a bathroom. And
19 then when you continue, you will find a room where I used to work.

20 In the room where I used to work there is a desk where I used to sit. When you
21 enter that room, you will find a map which shows a table where I used to sit and the
22 radio, the way I put it. It's close to the wall as soon as you enter the room where I
23 used to work from.

24 On the other side, on the eastern side there is a window and there are also other tables.
25 That is my room.

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1 Next to that room, when you come closer to where I sit, there's another room where a
2 colleague, staff of mine, with whom I work, he also sits there.

3 Next to it the -- a group that investigates the operations of the LRA, they are
4 colleagues from CMI, are also next to us there, close to my colleague's room. As you
5 are returning to the sitting room, he's in the middle.

6 It brings us back to the sitting room now. When you are back in the living room,
7 you will find a door to the west of the living room and then you'll find a kitchen and a
8 storage which is used for storing a few things.

9 PRESIDING JUDGE SCHMITT: [10:01:06] Mr Witness. Mr Witness, may I shortly
10 interrupt you, perhaps, and ask you just to clarify, do you have on -- you said this is
11 the document that you produced. Do you have anywhere on this document labelled
12 or exactly said, given it a name where you are sitting? The room that where you are
13 sitting, have you given it a name?

14 THE WITNESS: [10:01:31] (Interpretation) Yes. On the wall it's written
15 "BR-111," on that wall.

16 PRESIDING JUDGE SCHMITT: [10:01:44] That will do for the moment to describe
17 the location.

18 I don't know if you intend to leave this drawing then because there might be a
19 question arising from this drawing.

20 MR ELDERFIELD: [10:02:00] I was going to move on, your Honour. Perhaps go,
21 you know, perhaps --

22 PRESIDING JUDGE SCHMITT: [10:02:04] I know that this perhaps turns up in
23 other circumstances again, but since we have the drawing now before our eyes,
24 I think it might make sense.

25 Mr Witness, I cannot describe it so well as you did and so in detail the location, so let

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1 me try it a little bit more basic.

2 There is one room who is if I read it correctly labelled as "UPDF room;" is that correct?

3 THE WITNESS: [10:02:38] (Interpretation) Yes, that's correct.

4 PRESIDING JUDGE SCHMITT: [10:02:41] And there's another room that is
5 labelled "ESO room" that is on the right side; is that correct?

6 THE WITNESS: [10:02:52] (Interpretation) Yes, that's correct.

7 PRESIDING JUDGE SCHMITT: [10:02:56] Could you perhaps explain to the Court
8 what this means?

9 THE WITNESS: [10:03:07] (Interpretation) Yes, I can. The room labelled
10 "UPDF," that is the room occupied by the Ugandan People's Defence Force. It's a
11 room occupied by investigators, acronym CMI. The room labelled "ESO", that is the
12 room, my colleagues' room, that is the external security organisation office.

13 PRESIDING JUDGE SCHMITT: [10:03:58] Thank you, Mr Witness. I brought this
14 up because we had now before our eyes, we have now seen that obviously these
15 different operation systems were situated in the same building. So this was the
16 reason why I brought it up. Excuse me for interrupting. Please continue,
17 Mr Elderfield.

18 MR ELDERFIELD: [10:04:17] Not at all. Would you like to explore anything
19 further on that sketch? Otherwise I'll move on.

20 PRESIDING JUDGE SCHMITT: [10:04:25] On that sketch, not. Because we have
21 seen it, we don't have to inquire further with the witness.

22 MR ELDERFIELD: [10:04:28]

23 Q. [10:04:29] Mr Witness, that's all for that sketch. I'd like you to now turn the
24 page to tab 10.

25 MR ELDERFIELD: Your Honours, the ERN is UGA-OTP-0244-3308. And this and

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1 the following photographs are confidential.

2 Q. [10:04:52] Mr Witness, do you see a photograph in front of you?

3 A. [10:05:03] Yes, I'm looking at it.

4 Q. [10:05:04] Can you just describe briefly what it is?

5 A. [10:05:15] This is the photo of the building where my office is situated. The
6 door is the door to the -- is the main entrance to the room, to the house, to the
7 building where my office is.

8 Q. [10:05:35] Can you please turn the page again to tab 11, the ERN is 0244-3310.
9 Mr Witness, what's this photograph?

10 A. [10:06:04] This is the corridor leading to my office. The door right ahead
11 along the corridor is the door to my office.

12 Q. [10:06:24] Can you please turn to the next tab, tab 12. The ERN is 0244-3311.
13 Mr Witness, what do you see in this photograph?

14 A. [10:06:52] On the photograph I see the room, my office. I forgot to mention
15 earlier that my office is also my sleeping, my bedroom. So when you get into the
16 room, you will notice that there are certain clothes hung up. There's a coat, there's
17 some shirts. I work in that room and I also sleep in that room.

18 Q. [10:07:23] Can you please turn over the page again to tab 13. The ERN is
19 0244-3313.

20 Mr Witness, what's in this photograph?

21 A. [10:07:50] There's a door in the photograph and the door contains a key.

22 Q. [10:07:59] Who has copies of that key?

23 A. [10:08:08] The two of us that work there, me and my colleague, Simon Erwaga,
24 the two of us have copies of keys to that room.

25 Q. [10:08:27] Please turn over again to tab 14, the ERN is 0244-3320.

1 Mr Witness, what do you see in this photograph?

2 A. [10:08:56] There's a cupboard or a wardrobe containing documents. That's
3 where all the records are kept, the records relating to our work, notebooks, draft
4 books and everything concerning our jobs, all documents, for example.
5 If this cupboard or closet is full, then the documents are moved to an alternative
6 location.

7 Q. [10:09:28] Can you please turn the page again to tab 15. The ERN is 0244-3314.

8 Mr Witness, what's this photograph?

9 A. [10:09:53] This is a key, it's a photograph of a key. A photograph of a padlock,
10 locking the closet or door containing tapes that are on the table.

11 Q. [10:10:18] Can you please turn over again to tab 16.

12 The ERN is 0244-3324.

13 Mr Witness, what's this photograph?

14 A. [10:10:47] This is a photograph, it shows the table in my operations work room
15 in my office. If you examine this photo, there's a Manpack radio, there are headsets
16 and there is also a recorder. There are other things like cups, yeah, and toilet paper.
17 I use the cups for drinking water. There's a hole punch that I use for punching
18 papers. Sometimes I do read newspapers as well, so you will notice that there are
19 some newspapers in the room. There's body lotion.

20 Q. [10:11:40] Mr Witness, sorry to interrupt. Let's focus on the radio equipment.
21 Can you describe in more detail the two pieces of equipment you've mentioned, the
22 radio and the recorder, and can you tell how long they have been there, how long
23 you've used them?

24 A. [10:12:09] While I was in Gulu, I started using this in 2000. To date if I have
25 work to do, I still use the same, the same radio. But the LRA have kind of ceased

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1 communication. But from 2000 to 2011, these were -- this was the equipment that
2 I was using. Well, I would switch on the radio to monitor signals, but from 2001
3 there was not much communication to intercept.

4 Q. [10:12:54] We'll get on to that again in more detail later.

5 What brand, what model is the radio on the left?

6 A. [10:13:10] It's an Icom.

7 Q. [10:13:16] Can you please now turn over the page to tab 17. The ERN is
8 0244-3329.

9 Mr Witness, what do you see in this photograph?

10 A. [10:13:53] The photograph contains LRA command structure. I've pinned it
11 on the outside. There are two different organisations. Let me say there are three,
12 but there is one that is not clearly visible. And in the background there's a map of
13 southern Sudan. And those are the areas where there was a lot of LRA movement.
14 It's in the background.

15 Q. [10:14:27] Can you please turn over now to tab 18, the ERN, yes, that's right,
16 the ERN is 0244-3338.

17 Mr Witness, can I just ask you to focus on the black lines on the wall. Can you just
18 describe to the Court what they are?

19 A. [10:15:06] The black lines you see, the black lines that are crisscrossed all over
20 the place, those are antennas. Those are the antennas that you connect to the radio to
21 enable you to receive signals. And it would receive the signals and send the signals
22 out.

23 Q. [10:15:29] Can I please ask you to turn again to tab 19, ERN 0244-3348.

24 Mr Witness, what is this photograph?

25 A. [10:15:55] This is -- the photo is a photograph of the external antenna mounted

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1 on the outside of the building. It's at the back of the building where my offices are
2 situated. And the cable that you see is our external cable. Behind that building
3 there's a boys' quarter. We occupy the main building.

4 Q. [10:16:23] Can you just tell us what you mean by boys' quarter and who lives
5 in there or what use is that building?

6 A. [10:16:41] Yeah, the boys' quarter used to be occupied by an organisation
7 known as CMI. It's a UPDF intelligence organisation and they used to occupy that,
8 the boys' quarters. They did the same job, monitoring LRA net, networks. When
9 the building was renovated they moved into the main building. You know, we have
10 problems with a building, lack of buildings. So when there was no space, they
11 moved the CMI to the building where we were and they started occupying a room in
12 there.

13 Q. [10:17:35] Can you please turn to tab 20, 0244-3354.

14 Mr Witness, can you just describe what you see in this photograph?

15 A. [10:18:04] This is my colleague's room. We work together. He's called
16 Simon Erwaga. In the photo, the operational matters that I was discussing earlier,
17 there is -- there are boxes containing documents. And as I explained earlier, if the
18 wardrobe that we kept documents in was full, then the documents would be moved
19 into this box and that's why when you look at the box it contains documents. You'll
20 also notice that he has shirts and clothes in the room because he also used his office as
21 his bedroom.

22 Q. [10:18:51] Thank you. Can you please turn to tab 21, 0244-3357.

23 Mr Witness, what's in this photograph?

24 A. [10:19:10] It's a photograph of a door, a door containing a key in the lock.
25 And this is the door leading to Simon Erwaga's room.

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1 Q. [10:19:31] Thank you. Can I ask you to please close your binder now.

2 Mr Witness, in the period 2002 to 2005, if you can cast your mind back, how busy
3 were you, how often were you at work listening to radio communications?

4 A. [10:20:24] Can you please repeat your question?

5 Q. [10:20:30] If you can cast your mind back to the period 2002 to 2005, so after
6 Iron Fist, can you just tell us how busy you were at that point, how many days you
7 worked a week and how many hours you were working?

8 A. [10:20:48] I would get up early in the morning. When I woke up I would
9 wash my face, go into my office before work commences, at least half an hour before
10 the start of the working day.

11 The LRA usually started communicating in the morning at 9. If there is -- if there are
12 a lot of operations they'll probably start earlier. If there is something extremely
13 important, sometimes they start early, before 9 a.m.

14 So I would usually be in my office at 8.30 ready for work. I would even at lunchtime,
15 because at lunchtime they would be working, so my lunch would usually be on the
16 go. And at 1 o'clock I would also be working. I would continue working.

17 If the LRA stop, they usually have a certain time, because they would work from a
18 certain time to a certain time, they would have fixed times. So when the LRA stops,
19 then I stop. So I would adjust to the LRA times. When they send a certain signal
20 that they are going to stop, that would also give me time to go and rest, or it would
21 also -- I would go and have a bath.

22 We would work till 6. Sometimes we would work late into the night. When
23 operations are ongoing, we would work late in the night, because they would be
24 communicating as well. That is -- those are the reasons why I spent my nights in the
25 office, because the communication hours were not scheduled.

1 Q. [10:22:55] And how many days every week did you work?

2 A. [10:23:04] Well, I would work continuously from Monday to Friday, I would
3 work continuously. I did not have time off during the weekends. Well, now I'm
4 taking a rest because I'm here before the Court, but usually I don't get time to rest.

5 MR ELDERFIELD: [10:23:27] Your Honour, may I request we go into private
6 session for two minutes just to discuss something?

7 PRESIDING JUDGE SCHMITT: [10:23:35] Yes. Private session, please.

8 (Private session at 10.23 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Open session at 10.24 a.m.)

20 THE COURT OFFICER: [10:24:33] We are in open session.

21 MR ELDERFIELD: [10:24:43]

22 Q. [10:24:45] Mr Witness, you said you arrived in Gulu in 2000. Who from the
23 ISO was already there when you arrived, was already working there when you
24 arrived?

25 A. [10:25:07] When I arrived in Gulu there were certain people already working

1 there. The first to welcome me was Fred Ojuka. He was the one showing me and
2 giving me instructions on how to perform the tasks.

3 There was also Oromcan Walter. He also did the same job and the same kind of
4 work that I'm doing. And from time to time there was somebody else Orach John.
5 He was not very -- he was a bit weak, he was a weakling, so he didn't work most
6 times. And those are the people that were on the radio monitoring LRA networks.

7 Other people that I worked with, but these people did not understand Acholi because
8 they were not Acholi, there were other staff members who did not speak Acholi, but
9 we worked together. They would also help us with respect to operations showing
10 us how to communicate. They would go to town, there were people who would go
11 to town, buy tapes for us. And there was somebody in charge of us. One of them
12 I've already referred to was Simon. There was also Muduse. I've forgotten his
13 other name.

14 There was somebody else who was also there. Balya Rogers, he was there and he
15 left.

16 Those are the people that I recall.

17 Q. [10:27:22] Let's go through each of those people in turn. Can you just
18 describe briefly what Simon Erwaga's role was in the period when you were in Gulu
19 from 2000 up to 2005 approximately?

20 A. [10:27:48] Simon's role was to ensure that he was overall in charge of the
21 station. He's the one who used to -- he was the one responsible for dealing with the
22 office in Kampala with the fourth division. He was also responsible or he would
23 help us to obtain goods or things that we needed. If anything arises, if we have any
24 concerns, all these concerns go through him. (Redacted)
25 (Redacted)

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1 Q. [10:28:48] You mentioned someone called Muduse. What was his role?

2 A. [10:29:02] At the time we had a number of staff members, and Muduse was
3 also performing the same tasks. So we used to rotate. If I was extremely tired,
4 Muduse would come, take over and I would have a break. If Simon is not that,
5 Muduse would take over Simon's work.

6 Q. [10:29:26] Balya Rogers, what was his role?

7 A. [10:29:35] Balya Rogers helped us. He did not speak Acholi, he did not speak
8 Luo or Acholi. So he would help us transcribe notes or run some errands. If for
9 example I've written something that is clear on a piece of paper, and then I would
10 give it to him, and he would transfer whatever I've written on the piece of paper in
11 the notebook. If there is anything extremely urgent, I would write it directly in the
12 notebook and he would transfer that information onto a paper. The papers, we
13 wrote everything on papers because these pieces of papers had to be faxed to the head
14 office and that was Rogers' role.

15 Q. [10:30:29] Does the name Benjamin Acac mean anything to you, and if so,
16 what was his role?

17 A. [10:30:41] Yeah, that's someone's -- that's a name that I actually forgot.
18 Benjamin Acac started working after me, but I do not recall the exact year. He was
19 brought from the headquarters in Kampala and we used to work with him. He
20 spoke Acholi. We worked together. The only thing was that he was, he was a bit
21 weak, he was a weakling, so there were certain things that he was unable to conduct
22 his services and he was a bit unhealthy so he could not continue with the work.

23 Q. [10:31:24] Does the name Mordecai mean anything to you, and if so, what was
24 his role?

25 A. [10:31:39] The name Mordecai was my immediate boss in Kampala. He was

1 the desk officer in charge of operations regarding the LRA. He is based in Kampala.

2 His office is in Kampala at the general headquarters.

3 Q. [10:32:07] And of all these people that you've mentioned, including yourself,
4 who was the main interceptor, the main listener of the radio communications?

5 A. [10:32:31] The main interceptor of the LRA communication is the one who sits
6 and listens to the radio, and that would be me who is before you now. To date I am
7 the one performing that responsibility.

8 Q. [10:32:49] Mr Witness, what was the purpose of the ISO interception operation?
9 Why was it set up? What was it doing in Gulu?

10 A. [10:33:14] The work, first of all, is to let the government know the plan of the
11 rebels, that is the LRA rebels, and so that the government can find solutions or ways
12 to combat their activity and protect the security, for the security of Ugandans.
13 Secondly, I was also told that when I work I should put everything on record because
14 it would help in the future. In that -- because of that, I would record everything that
15 comes from the radio. I would put it in cassettes. The voices are the ones, what I
16 recorded is the one that probably made me to come here now.

17 Q. [10:34:19] I just want to go back to the first half of your answer. You said that
18 one of the purposes was to help give information to the government to combat the
19 LRA. Can you remember any specific occasions when your work helped to combat
20 the LRA?

21 A. [10:34:56] Yes, I do. What I remember, I cannot recall the specific year.
22 When I was on radio, the LRA sent their plan to go and attack Abim, which at that
23 time was in Kotido district, but right now it's a district of its own.
24 When I heard, I monitored and heard what they were planning, and then the UPDF
25 soldiers deployed prior the attack, and when they went there, they found the UPDF

1 was already on location. Consequently, one of the commanders of the LRA known
2 as Okello Trigger was killed in the attack. That is what -- that is how my work
3 helped to combat the LRA attack. Otherwise, they could have attacked Abim
4 without intervention.

5 Q. [10:36:07] Thank you, Mr Witness. I want to move now to the third area that
6 I signalled I would like to talk to you about, which is the way you went about
7 intercepting from when you got to the office to the end of a communication. So we'll
8 go through that in some detail now.

9 Can you just describe generally, although you have done already, the procedure you
10 followed from the time you arrived at the office in the morning to the end of one of
11 the communications, say the first communication?

12 A. [10:36:47] Are you asking me that question?

13 Q. [10:36:57] Yes.

14 A. [10:37:13] Oh, yes. What happens is as soon as I go to office, I open the radio
15 and put it on. When the rebels start speaking, I use a piece of paper like this, and I
16 make rough notes and write the main points which they have been mentioning and
17 write on a piece of paper.

18 On the other side there is a recorder. As soon as I open the radio, I put the recorder
19 on so that I can record the sound coming from the radio to store it in a cassette.
20 Thereafter, I start rewriting, because they will have spoken in Acholi, I then rewrite it
21 on -- I would either write on a piece of paper, depending on the operational pressure.
22 If there's a lot of pressure, which is needed urgently, and especially if I realise that
23 their plan is to attack, I write in a notebook immediately so that it is sent to the
24 command of the UPDF so that they can use it to save the situation. If the pressure is
25 not so much, I first write on a piece of paper and then transfer it to a notebook. This

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1 is what happens.

2 Q. [10:39:03] When you prepare the radio in the morning, how do you know
3 what channel or frequency to put the radio on?

4 A. [10:39:18] The LRA have their frequencies. Their frequency they can use in a
5 code, they can send in a code, and when they send a code, it will be, it will be hidden
6 from ordinary speech. But I am trained in knowing the codes, I am trained to know
7 the codes that they use.

8 So I find their frequency. If I am defeated, I keep rolling the frequencies, I keep
9 switching the frequencies until I find where they are speaking on. Sometimes it
10 takes a lot of time, but sometimes I get it immediately, because they have many
11 frequencies, they don't use a single frequency to speak and have different names, that
12 is I use my skill to find different frequency they are speaking on.

13 Q. [10:40:35] Let's turn to the rough note, the first note that you produce when
14 you're listening to the communication. What information did you include in that
15 rough note?

16 A. [10:40:58] First I write the date. After the date I put the time when the LRA
17 are communicating. After writing the time, I register the call sign that they are using,
18 the first call sign that they use. When they register their call sign and when they
19 start communicating, I start writing the content of their exchange, I keep drafting
20 whatever they are saying. That's how I write my rough notes.

21 Q. [10:41:46] Do you record everything that's said in the communication or only
22 certain parts, and if so, which parts?

23 A. [10:42:04] There are other things which are not important, I don't write them
24 down. The important things which I think is operational are the ones that I
25 concentrate on and record them down. If I have enough time and they are speaking

1 in a relaxed mood, I can write everything. But the most important thing are the
2 operational messages, that's the priority.

3 Q. [10:42:33] When you say "operational messages," what sort of messages would
4 that include? Perhaps you can give us some examples as well.

5 A. [10:42:53] Operational can be a plan that the group has to attack a place,
6 attacking a military installment, attacking civilians, plan to abduct civilians and other
7 plans which can affect the well-being of the population. That's what I consider
8 operational.

9 Q. [10:43:31] Witness, can I please ask you to open that black binder again, please
10 open it to tab 23 -- sorry, 22.

11 Is ERN is 0242-2835.

12 A. [10:44:02] Please hold on.

13 Q. [10:44:05] Once again, Mr Witness, tab 22.

14 A. [10:44:13] (Speaks English) Let me put on my glass.

15 PRESIDING JUDGE SCHMITT: [10:44:17] Of course, if you need your glasses, you
16 see that the Presiding Judge always also needs glasses, it's perfectly clear that you
17 would need it to identify it.

18 THE WITNESS: [10:44:32] (Speaks English) Thank you.

19 Can you say again, please?

20 MR ELDERFIELD: [10:44:42]

21 Q. [10:44:44] Tab 22. Can you tell us what you see, what this document is?

22 A. [10:45:13] (Interpretation) This is my handwriting. This is what I call rough
23 notes. On top I wrote the date and the time and the order of their communication.
24 And then the main points which I was able to capture, I would list them, I would
25 outline them in a manner that I can understand because it might be difficult for one to

1 understand.

2 Q. [10:45:58] How did you know what names to write down on the left?

3 A. [10:46:19] You see, when you have already done this work for long, you have
4 experience, the names which I write directly, they used a call sign (Speaks English)
5 now instead of writing call sign, I write the names direct (Interpretation) so that it
6 does not disturb me all the time so that I make a fair copy.

7 So I will write the names direct, they use a call sign, but I write the direct names.

8 When a call sign comes that I don't recognize, that is when I write the call sign.

9 (Speaks English) To make my work easier (Interpretation) what I do is I write the
10 name, like the first name, or Otti, whom I know the call sign, I write the name straight
11 instead of writing the call sign. That is what you see.

12 Q. [10:47:19] And how do you know that call signs are commanders' names?

13 A. [10:47:36] Because they have been using it for some time, I already have it in
14 my memory. For example, Otto Sam, if his call sign was Five Echo, (Speaks English)
15 Five Echo, Five Echo for at least some period of time, the moment Five Echo Surface
16 on the net, automatically it will come in my mind that Five Echo is the call sign for
17 Otto Sam. So instead of writing Five Echo I write Otto Sam direct.

18 Q. [10:48:12] Can I please ask you to turn the page now to tab 23.

19 (Counsel confer)

20 MR ELDERFIELD: Sorry, for that. The ERN of tab 23 is 0242-2837. And the
21 excerpt in the binder is 2842 and the second page is 2848.

22 Q. Mr Witness, are you there at tab 23?

23 A. [10:49:16] Yes, I am on tab 23.

24 Q. [10:49:21] Can I ask you to focus on the entry for 8 November 2004. Who
25 wrote this?

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1 A. [10:49:51] I was the one who wrote this. I wrote it at 9 o'clock in the morning
2 on 8 November 2004.

3 Q. [10:50:10] A few lines below the date are a series of letters and numbers. Can
4 you just explain to the Court what they are?

5 A. [10:50:33] The first line is the LRA commander known as Bogi Koc. He was
6 giving a report to his commander, that is Lakati, that he was still looking for soldiers
7 who had separated from him.

8 And from down Kapere sent a message and the message was coded.

9 In the signal language it means a message which is sent in secret in a way that if you
10 do not know the code, you would not understand. They use what they call a
11 TONFAS to break the code so that the message is clear.

12 So Kapere sent it to Lakony, not Lukwiya. Unfortunately the message was not
13 broken. This is what is on 8 November 2004. First Bogi tells Lakony that he was
14 still looking for some of his soldiers who had separated from him and then Kapere
15 sent a message to Lakony.

16 Q. [10:52:11] Can you please turn the page, the same tab but just over the page to
17 12 November 2004 entry. Is that your handwriting?

18 A. [10:52:38] Yes, this is my handwriting.

19 Q. [10:52:43] Down the bottom of the entry I can see the words, and you'll have to
20 forgive my Acholi "ekwene". Can you tell us how you arrived at those words?

21 A. [10:53:15] (Speaks English) Where exactly? (Interpretation) Down it's
22 written "ekwene". Here the message which was sent it meant Lakony sent a message
23 "Where are you?" with a TONFAS known as "Theater". The message was sent to
24 Lakati. In the message Lakony was asking Lakati where his location was at that
25 time.

1 It means "where are you?"

2 Q. [10:54:10] Thank you, Mr Witness. You can move your binder away from

3 you now. We've finished with that tab.

4 You've told us that after you produced the rough notes you wrote in logbooks or

5 pieces of paper if you were pressed for time. What language did you write these

6 entries in?

7 A. [10:55:27] I write them in English.

8 Q. [10:55:29] And how did you start the entry in the book, in the logbook?

9 A. [10:55:46] First of all, when I finish or when the LRA communication stops, I

10 go through and look for coded messages where they have used the coded words,

11 nicknames, I fill the gaps so that when I am rewriting it brings out a message which is

12 coherent. When I finish doing that, that's when I start recording in a notebook or a

13 paper so that it is faxed.

14 Q. [10:56:27] How much information from the rough notes did you include in the

15 logbooks?

16 A. [10:56:47] What I take from the rough book, the things which I first wrote in

17 the rough book, that's what I take to the notebook.

18 Q. [10:57:02] Did you ever include information in the logbook that was not in the

19 rough note or that came from other sources?

20 A. [10:57:29] It is the rough notes (Speaks English) it depends on the

21 communication, the person communicating. (Interpretation) Sometimes their

22 speed is high, you have to draft very fast and you do not write everything, you skip

23 some things. And then you start rewriting directly in the logbook. That is what

24 can happen. You may not have it in the rough book, but it can surface in the

25 notebook or on the paper. But there is nothing which I am told to write, write like

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1 this, but a few things which I could have forgotten to put in the rough book, I write it
2 in the logbook because I will have remembered from the rough notes.

3 MR ELDERFIELD: [10:58:37] I'm mindful of the time, your Honour. Would you
4 like to break now? I have maybe one more question just to finish this line.

5 PRESIDING JUDGE SCHMITT: [10:58:44] Of course please put this question.

6 MR ELDERFIELD: [10:58:46]

7 Q. [10:58:47] Mr Witness, did you ever add your own comments to the logbooks,
8 something that didn't come from the radio but that came from your knowledge of
9 how the LRA worked?

10 A. [10:59:07] That is not possible. I did not try because when I do, I will have
11 gone against my professional code of conduct. I will not be doing what I have been
12 assigned to do.

13 MR ELDERFIELD: [10:59:25] Thank you.

14 PRESIDING JUDGE SCHMITT: [10:59:29] We will have the coffee break until
15 11.30.

16 THE COURT USHER: [10:59:33] All rise.

17 (Recess taken at 10.59 a.m.)

18 (Upon resuming in open session at 11.30 a.m.)

19 THE COURT USHER: [11:30:06] All rise.

20 PRESIDING JUDGE SCHMITT: [11:30:22] Mr Elderfield, you have the floor.

21 MR ELDERFIELD: [11:30:25] Thank you, your Honour.

22 Q. [11:30:35] Mr Witness, before when we were going through your procedure,
23 you mentioned you would fax information to Kampala. Can you tell us a bit more
24 about what you would fax and why you were faxing information to Kampala?

25 A. [11:31:03] Could you please -- could you please increase the volume of the

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1 loudspeaker?

2 PRESIDING JUDGE SCHMITT: [11:31:13] Of course. We try that.

3 MR ELDERFIELD: [11:31:30]

4 Q. [11:31:31] Is that a better volume, Mr Witness?

5 A. [11:31:35] (Speaks English) It's okay now. (Interpretation) Yeah. I would

6 usually send information that I had intercepted from the radio, the radio

7 communication between the LRA. I would write down that information on a piece

8 of paper; for example, the piece of paper I'm holding on my -- in my hand. It may be

9 one or more pages. I would fax this -- then I would fax this information to Kampala.

10 The reason why I'd send this information to Kampala was to inform my superiors of

11 what was happening and to enable them to plan and help the Ugandan government

12 and the security of people in Uganda.

13 Q. [11:32:43] How similar was the fax copy and the logbook entry?

14 A. [11:33:01] There was no difference. It was the same information. There

15 was -- the same information in the logbook was on the piece of paper that I would fax

16 to Kampala. It was the same. The only difference was that the logbook was kept

17 for record purposes in our office and consumption of UPDF commanders in the

18 fourth division headquarters.

19 Q. [11:33:33] What did you do with the piece of paper you faxed to Kampala after

20 you'd finished faxing it?

21 A. [11:33:55] The piece of paper would be filed on the records. I would not

22 destroy the piece of paper.

23 Q. [11:34:08] What happened in Kampala when the persons at that end received

24 the fax?

25 A. [11:34:23] Two things would happen. The information, the faxed copy of the

1 information that I sent them would then be transferred onto another logbook that was
2 in -- based in Kampala. The fax that I sent, the information would be copied into a
3 logbook in Kampala, then my -- from my side, in my immediate office, Mordecai
4 would take this information to my superiors in Kampala for planning purposes.
5 And that's what would happen to the piece of paper.

6 Q. [11:35:12] Mr Witness, I notice you've been switching between English and
7 Acholi. As hard as it might be for you, can I ask you perhaps just to stick to one
8 language for the moment, Acholi I believe is more -- you're more comfortable in, just
9 so it's easier for the interpreters who are doing the work interpreting into English.

10 A. [11:35:39] Thank you. (Speaks English) It's always a slip of tongue, but I will
11 try as much as possible. Sorry.

12 Q. [11:35:48] So a logbook was produced both in Gulu and in Kampala. How
13 can we -- how can you tell the difference between the two logbooks? How can you
14 distinguish logbooks that are produced in Gulu and logbooks that are produced in
15 Kampala?

16 A. [11:36:17] (Interpretation) There might be a difference. Well, the difference
17 could be the difference in handwriting. And that's the difference between the two
18 logbooks, from my understanding, because my handwriting is different from your
19 handwriting, so my handwriting is different. It's easy to identify that this
20 handwriting is from the logbook in Gulu, this handwriting from another logbook.
21 So the logbooks in Kampala were written by people in Kampala and there would be a
22 difference in handwriting and that's how you could tell the difference.

23 Q. [11:37:07] Thank you. You mention that you showed the logbooks to the
24 UPDF division commander in Gulu. Can you just explain why you did that?

25 A. [11:37:28] When I was sent to work in Gulu, when I was transferred to Gulu, I

1 was informed that I would be working with the commander in the fourth division. I
2 was told that any information that I intercepted from the radio or any information
3 that I came by should be provided to them. And that's what I did.

4 Q. [11:37:54] Do you know what the fourth division commander did with the
5 information from your logbooks?

6 A. [11:38:11] After reading the information, they would endorse the message or
7 sign it. This is to indicate that they have written it, they would either tick it or initial
8 "seen," but they would -- there would be some sort of annotation. Sometimes there
9 would be no annotation at all, they would just read it and then hand it back to you.
10 And if there's no annotation, you wouldn't know whether the book was read or not.

11 Q. [11:38:48] How soon after you completing the logbooks did you show them to
12 the UPDF division commander?

13 A. [11:39:08] As I stated earlier, there are two, there are two matters. If
14 something is urgent, then I would immediately send the logbook as soon as I'm done
15 writing. If it's not that important -- please, do me a favour because there are certain
16 things that I will have to say in English, so you will have to forgive me there. If there
17 are certain things that are not urgent, then I don't have to hand it over immediately,
18 but if something is a priority, then I would have to immediately hand it over.

19 Q. [11:39:54] Mr Witness, can I ask you to take back your black binder and turn to
20 tab 24.

21 The ERN is 0068-0146.

22 Mr Witness, can I ask you just to open tab 24 and flick through the dozen pages that
23 are there, familiarise yourself with them and then I'll ask you one or two questions.

24 A. [11:41:49] I've seen it.

25 Q. [11:41:51] What is it?

1 A. [11:42:04] At the beginning on the front page you have the inner cover of the
2 notebook. On the next page, there's information written on 8 May 2003. It's blank
3 on the one side, on the left-hand side. And on the right-hand side you've got writing.
4 And this is a copy of the notebook that I was talking about earlier. I would write
5 down this information. This is my handwriting right from the beginning to the end.
6 This is the handwriting that I used in the notebook.

7 Q. [11:42:54] Let's stay on this page here. For the record, page 0147.

8 Mr Witness, what's the date and the time of the entry?

9 A. [11:43:16] Could you please repeat the question, what page?

10 Q. [11:43:21] Sorry, I haven't been clear. On the right of the page, yeah, you can
11 see there's letters and numbers on the right-hand side of the page and the last four
12 numbers are 0147. Can you see that?

13 A. [11:43:49] I've seen it.

14 Q. [11:43:50] Over the next day or so I'll be referring to these sort of numbers,
15 numbers like this, 0147.

16 Can you tell us on this page what date and time is the entry?

17 A. [11:44:15] It was written on 8 May 2003. This was an LRA intercept from 11
18 a.m. to 11.55 -- 11.35. The reference number is "632 A/G 3rd." This is my
19 handwriting.

20 Q. [11:44:59] What does the -- what is the reference number?

21 A. [11:45:07] The reference number is "652 A/G 3rd".

22 Q. [11:45:17] Sorry. Again, I wasn't clear. What does that number mean?
23 What does it signify?

24 A. [11:45:30] This reference number, these are the steps that we use. So we keep
25 this information for storage purposes. So on the one side of the tape -- a tape has

1 two sides. One side is labelled A, one side is labelled B. So if the information was
2 recorded on side A, you write the -- write "A" on that side. The stroke indicates that
3 this took place in Gulu. "G" means Gulu. The "3rd" it means the phase or the time
4 of the operation. For example, this was taken during the third phase of the operation.
5 And that's the meaning of the reference number.

6 Q. [11:46:28] Can I ask you to look at those small numbers on the right again.
7 You can see 0147. Can I ask you to turn to 0151, about four pages on?

8 A. [11:46:46] 151?

9 Q. [11:46:49] 151.

10 A. [11:46:58] (Speaks English) Yes.

11 Q. [11:47:00] Can you please look at the top right of the logbook. Under the last
12 word of the entry is the word "seen". Can you explain to the Court what "seen"
13 means?

14 A. [11:47:27] Seen, as I explained earlier, if this information is sent to the fourth
15 division commander, he reads it. To indicate that he has written -- that he has read
16 the report, he annotates, "seen," he annotates "seen" or he ticks it. This is not my
17 handwriting, it's the fourth division commander who wrote this "seen".

18 Q. [11:47:58] Thank you, Mr Witness.

19 Can I ask you to move to tab 25, so the next tab.

20 MR ELDERFIELD: [11:48:12] The ERN is 0068-0002. And I haven't been
21 mentioning it, but this logbook and other references that are following can be shown
22 to the public.

23 Q. [11:48:42] Mr Witness, I'd like you to turn over the page to the second page of
24 that tab, which is page 0003. Who wrote "opened" and "closed on" the left of the
25 page?

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1 A. [11:49:11] That was my supervisor, my station supervisor. It was -- he's
2 Simon Erwaga, my immediate superior in Gulu.

3 Q. [11:49:29] Where was this logbook produced, was it in Gulu or Kampala?

4 A. [11:49:41] It's a Gulu logbook.

5 Q. [11:49:46] And whose handwriting is on the right-hand side of the page?

6 A. [11:49:58] That's my handwriting.

7 Q. [11:50:02] Can I please ask you to turn to page 0005, so two pages over. You
8 should be able to see a tick on the left-hand side of the page. Can you tell us who
9 did that?

10 A. [11:50:28] That was the commander of the -- overall commander of the fourth
11 division headquarters, the UPDF commander.

12 Q. [11:50:39] Please turn two more pages to page 0007. Can you tell us whose
13 handwriting is on the right-hand side of that page?

14 A. [11:51:08] Up the top, the first line, it's the same handwriting as the
15 handwriting on the left, so it's my handwriting at the top.

16 At the bottom it is Oromcan Walter who wrote that, (Redacted) We
17 were stationed together in Gulu.

18 Q. [11:51:38] Thank you, Mr Witness. Can I ask you to turn to tab 26 now, so the
19 next tab. The ERN is 0060-0002.

20 Again, Mr Witness, what is this document?

21 A. [11:52:25] This is the inner cover of the notebook written in Gulu.

22 Q. [11:52:43] Can I ask you to please turn to page 0006, so about four pages into
23 the document. On the bottom left you should see something in red pen. And the
24 last words on the left-hand side are "4 DICO INFO." Do you see that?

25 A. [11:53:23] I've seen it.

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1 Q. [11:53:27] What does "4 DICO INFO" mean?

2 A. [11:53:47] It should have been fourth, with the -- it should have been fourth,
3 and RD should have been at the top. This means fourth division intelligence
4 commanding officer. This means that the fourth division intelligence commanding
5 officer was informed.

6 Q. [11:54:11] Thank you, Mr Witness. That's all for the tabs for the moment.
7 Can you please put your binder to one side.

8 You told us that you sound recorded the LRA radio communications. Why did you
9 do this?

10 A. [11:55:00] This was done for record purposes. It was to be used as references
11 in the future, and if the need arose it would be presented to a court such as this one,
12 and that's why it was recorded. Thirdly, my office instructed us to keep records, and
13 that's why I recorded this.

14 Q. [11:55:37] Did you use the recordings at the time to help or assist you in
15 anyway?

16 A. [11:55:58] Can you please be more, can you please be more clear? To help me
17 in what way, to assist me in what way?

18 Q. [11:56:07] For example, what if you missed part of the LRA communication,
19 what would you do on those occasions?

20 A. [11:56:35] Are you talking about voices that I may have missed? (Speaks
21 English) Your question is not clear. I have not understood very well.
22 (Interpretation) Could you please help me because I do not understand this
23 question very well?

24 PRESIDING JUDGE SCHMITT: [11:56:49] May I perhaps ask a question? It
25 perhaps helps. Would it be fair to say that the notebooks were not the product of the

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1 audio recordings, of the recordings, or have we missed something in that respect?

2 THE WITNESS: [11:57:18] (Interpretation) The notebook reflected the recordings,

3 so the recordings reflected whatever was in the notebook.

4 PRESIDING JUDGE SCHMITT: [11:57:27] Please.

5 MR ELDERFIELD: [11:57:28] Perhaps I can clarify.

6 PRESIDING JUDGE SCHMITT: [11:57:30] Please do that.

7 MR ELDERFIELD: [11:57:33]

8 Q. [11:57:33] Mr Witness, if you missed part of the sound -- if you missed part of
9 the radio communication, for example, if you were interrupted or if you had to leave
10 the room, would the sound recordings that you were doing assist you to complete the
11 logbook? Or did you not use them in that way?

12 A. [11:58:09] The recorded voices were the ones I usually used to write down
13 what was being written.

14 Q. [11:58:26] Did you ever go back to listen to the sound recordings at any time
15 after a communication had finished?

16 A. [11:58:50] Yes. If I'm not very busy, then I would go back. But on most
17 occasions I was constantly busy, so it was not that easy for me to go back and listen to
18 the recordings. But occasionally, if messages were sent, coded messages, so in order
19 to assist me break the codes, to crack the codes, then I would go back, listen to the
20 recording and that will help me crack the code.

21 Q. [11:59:30] What was the quality of the sound recording when you played it
22 back compared to the quality of the sound that came from the live radio
23 communication?

24 A. [11:59:59] There was probably some kind of difference. A lot of things
25 happen. Sometimes what is the strength of the radio or the recorder that you're

1 using. Thirdly, is this intercept being affected by the weather? And this would
2 actually either reduce the sound quality or increase the sound quality. Sometimes it
3 was bad, sometimes it was good. Sometimes it's okay, sometimes the sound quality
4 is bad. There was a difference.

5 Q. [12:00:54] Was the sound quality from the live communication better or worse
6 than the sound quality from the recording that you sometimes played back?

7 A. [12:01:12] In many cases, the direct message, the live message was better, but if
8 you missed something you should replay from the recorded message so that you can
9 understand the message which you missed. That is how the recorded message helps
10 you. You keep repeating, you keep replaying the message which is recorded so that
11 you understand it. So when you find, then you can stop and write.

12 Q. [12:01:45] Can you just explain to us the set-up of the equipment. How
13 physically did you record, did you sound record the communication from the radio?

14 A. [12:02:11] The radio is always before me, just the way this computer is.
15 Beside I put it on -- I put the speaker on the right. I am left-handed, so I write with
16 the left. The recorder is put on the right.

17 So when I connected to the radio, so I put the tape inside the recorder. When I
18 switch on the radio, and there's a particular part I want to record, I would start the
19 recorder and it starts recording until I finish and when I do not need to record
20 anything, I stop it.

21 Q. [12:03:06] You just mentioned that you would turn it on if there was a
22 particular part of the communication you'd like to record. How much of the
23 communication would you record? Did you not record all the communication?

24 A. [12:03:30] I cannot record everything. Under normal circumstances I should
25 have recorded everything, but there are things that -- there could be interferences

1 with the radio, so if you leave the tape to be flowing, you will be wasting the
2 resources. So if I find a part which is interfered with, I stop.
3 And then you find some things are not really operational, they are not key messages,
4 like normal, normal chatting. And forgive me for mentioning an English word. But
5 I find that such messages are not important, so I do not record.
6 The resources are meager in Uganda. So if you keep using the tapes, before the end
7 of the month, you will finish the tapes which is budgeted for before then, before the
8 month ends. So I do not record at all times. So I get the most important parts and
9 then I record.

10 Secondly, when there's interference with the sound quality, with the message, then I
11 do not record. Or at times, if the headphone, like this one which I have, when I plug
12 on to the radio, and then the signal cannot leave the radio and go to the recorder,
13 because the headphone will prevent the sound from going to the recorder, so that part
14 I do not record.

15 If you find some parts are missing, that is the reason. You put the headphone if it is
16 not clear. Sometimes it is interference because of weather or other conditions. So
17 when you put the headphone, you do not record.

18 Q. [12:05:44] Thank you. Did you ever have problems, issues with the tape
19 recorder itself, with the equipment?

20 A. [12:06:06] Oh, yes. There are times when there are problems because the
21 recorder, the tape recorder that I was using was not serviced all the time. You keep
22 on using the same recorder for a long time and it could develop technical problems.
23 When you put the cassette inside, the sound quality is not sometimes as expected. It
24 doesn't mean it happens all the time but, yes, it does happen.

25 Q. [12:06:48] Mr Witness, can I ask you to take back your binder and turn to

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1 tab 27. The ERN is 0051-0074. And this is a public document.

2 What can you see in that tab, Mr Witness?

3 A. [12:07:50] This is a cassette that I used for recording the information from the
4 radio.

5 Q. [12:08:00] Do you recognize the handwriting on the cassette?

6 A. [12:08:14] This is my handwriting.

7 Q. [12:08:22] I can see a number on the tape. Can you just explain again how
8 that number -- what relevance that number has and where you record it?

9 A. [12:08:44] This is an important number, so that when you go back to get a
10 record or to refer to something, you use this number so you can get it fast.
11 This was from Gulu. The letter "G" represents Gulu. And then the phase of the
12 operation, that was the third phase, which makes it easy for you to make reference.

13 Q. [12:09:20] Can you please turn to tab 28, the next tab in your binder. The
14 ERN is 0053-0006. And this is a public document.

15 Mr Witness, do you recognize this item?

16 A. [12:09:57] On this page I can see a cassette tape which is used for recording
17 messages from the radio on a tape recorder.

18 Q. [12:10:10] Do you recognize the handwriting?

19 A. [12:10:24] I cannot recognize the handwriting. I do not recall because there
20 were many people. It could be my handwriting or maybe somebody else. I don't
21 remember.

22 Q. [12:10:37] That's fine. I can see a date on this tape, in fact a date range. Why
23 is there a date on this tape and not on the other tape?

24 A. [12:11:08] It depends on how the writer wrote it. I do not know why the
25 writer wrote it this way. It could be to connect the tapes. It's difficult to say,

1 because I do not know why he wrote it. If I was the one who wrote, I would
2 remember why I wrote that way.

3 Q. [12:11:40] Can you please turn to the next tab, tab 29. The ERN is 0049-0068.
4 This is a public document.

5 Can you tell us what you see here, Mr Witness?

6 A. [12:12:17] It's the same thing. I also see a tape.

7 Q. [12:12:21] Do you recognize the handwriting on this tape?

8 A. [12:12:33] This is not my handwriting. I cannot recall, but it is similar to the
9 handwriting of the previous handwriting.

10 Q. [12:12:47] That's fine. We're done with the binder for now. Can you just set
11 it aside.

12 You've talked about storing or filing the faxed copies after you sent them to Kampala.
13 Did you also file and store the other records you produced in Gulu, like the rough
14 notes and the logbooks?

15 A. [12:13:52] We do not destroy the rough notes, we keep them in a file.

16 Q. [12:14:00] And the logbooks?

17 A. [12:14:06] We keep all of them.

18 Q. [12:14:11] Where do you keep them?

19 A. [12:14:22] We keep them in the wardrobe or a cupboard which you saw earlier,
20 you saw the photograph earlier. If it gets filled up, we put in a box and we store in
21 the office of Simon. If it becomes many, if it fills up the space, it is taken to Kampala,
22 which is stored there. There are three places: First my office, then Simon's office,
23 and the rest are taken to Kampala.

24 Q. [12:15:03] We saw in another photograph an Icom radio that you said that
25 you've used since you arrived in Gulu in 2000. Did you ever use any other radio or

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1 was it always that one?

2 A. [12:15:27] The radio, I used all Icom, except that there were different - two
3 different makes of Icom. The first one was larger, bigger. I do not recall the
4 specification, but the second one was also Icom, but it was smaller. So I used Icom
5 radios only.

6 Q. [12:16:03] What was the range of your Icom radio?

7 A. [12:16:24] I'm not so certain. It reached a time where it was difficult to
8 estimate. I did not go to Central African Republic or DRC. There came a time
9 when these people went to DRC, but we could still get their messages. If I can
10 estimate it could be about 1,000 kilometres. We could still intercept messages up to
11 1,000 kilometres. To add on to that, it depends on where they're communicating
12 from. If it is in a lower altitude or higher altitude, then you could listen or
13 sometimes you fail to listen.

14 Q. [12:17:12] Could you hear to -- could you hear communications that were
15 transmitted from South Sudan or southern Sudan?

16 A. [12:17:29] Yes, I could hear if it was not in a dead ground. I want to explain
17 what "dead ground" means. If you don't know signal terms, you wouldn't
18 understand.

19 The way I was trained, dead ground is your location, it can be a depression in a
20 valley, when someone is sending a message you cannot -- you cannot get the
21 message, it is called dead ground. If that person is speaking in a dead ground, if his
22 position is a dead ground, when I am intercepting the message, I cannot hear
23 anything. But if it's higher up, then I can hear an intercept. So I can say Sudan I
24 could still intercept, unless it was in a dead ground.

25 Q. [12:18:25] Thank you. I want to turn your mind back now to the intercept

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1 house where you intercepted alongside the CMI or the UPDF and the ESO. And I
2 want to focus your attention on the UPDF interceptors. Do you know what they
3 were doing in Gulu?

4 A. [12:19:01] We were all deployed by different offices. My immediate superiors
5 give me my responsibility. My roles was to intercept the message. I should not
6 share whatever I get, whatever message I get with my colleague. I do not know
7 what they were doing. I also see their antennas installed up, so I imagined it also
8 involved interception of messages.

9 Q. [12:19:36] Did you ever interact or ever have any discussions with any of the
10 UPDF interceptors?

11 A. [12:19:52] No, there was no interaction. And it is forbidden to interact.

12 Q. [12:20:01] How independently did you produce your documents from the
13 UPDF?

14 A. [12:20:19] I would do it alone from my office. When I take my message, I do
15 not go together with the UPDF officer. When I finish writing my report, I go straight
16 to the commander and hand in, and then we also fax. So we worked independently.
17 They also worked independently.

18 Q. [12:20:42] Do you know what records the UPDF produced?

19 A. [12:20:54] No, I don't, because they did not show it to me.

20 Q. [12:21:02] Do you know a radio -- UPDF radio interceptor as Moses Aboke.

21 A. [12:21:29] A UPDF -- that's a UPDF soldier. (Redacted)

22 Yes, I do know him because when we get out of our offices we meet and we know
23 ourselves.

24 Q. [12:21:50] I want to focus on the period 2002 to 2005/6. What was your
25 relationship with him like?

1 A. [12:22:15] Our interaction, in fact, I was the first to come to Gulu. He joined
2 after me. Our superiors, if it is in a army setting, he -- we respected and paid
3 allegiance to the person who was supervising us because he was from the UPDF
4 office. Around that time, that commander left, he was sent for another mission, and
5 then we remained, only me and him. There was a little bit of tension between me
6 and him just because we are all humans, as human beings we can have tension. We
7 sought intervention from our superiors. Our superiors sat us down and the issue
8 was solved and then we went back. It was from outside, not from office, so the
9 misunderstanding was not official. That's what I know.

10 Q. [12:23:38] Mr Witness, can I ask you to turn to tab 30 of the binder.
11 The ERN is 0242-0219. And this is a public document. Mr Witness, do you
12 recognize this document?

13 A. [12:24:35] Yes, I do.

14 Q. [12:24:37] Can you just describe to us what it is?

15 A. [12:24:48] This document, it is my handwriting. I was the one who wrote this.
16 What happened between me and my colleague Moses Aboke, who was attached to
17 the UPDF, he was attached to the unit of CMI. What he was doing to me, I had
18 grievances so I thought I should inform our superiors. That is why I wrote this.
19 True, a meeting was held to resolve the issues and it was resolved. The message is
20 about the tension which I talked about.

21 Q. [12:25:37] And can you remember what year, approximately what year this
22 tension happened?

23 A. [12:25:59] I can't recall. I don't recall the year, but it's not beyond 2005. It's
24 either 2005 -- between 2003 and 2005. I'm not certain, but it's around there.

25 Q. [12:26:25] Thank you, Mr Witness. That's all for this tab.

1 I'd like to move now to the fourth area of your testimony and that's your knowledge
2 of the LRA radio use.

3 We'll get into some specifics, but before we do, can you just tell us generally how the
4 LRA used the radio to communicate between themselves?

5 A. [12:27:40] The LRA, according to what I hear, I can explain only what I hear, I
6 cannot see how they use their radio, but I can explain what I have heard. That's
7 what I can explain before this Court.

8 When it is time for their communication, they switch on their radios and then they
9 start communicating. It depends on how someone joined the network or the
10 frequency. So when they get connected they explain everything. If someone has a
11 message to pass, he then starts sending and starts conveying messages. If a
12 commander has his message also, he will come and explain. If there is someone
13 or -- yeah, someone who has a very crucial message, like someone who has been sent
14 for a very specific operation, when he joins network, everyone is attentive to listen,
15 everything is halted and attention is paid to the person who has been given a task.
16 His message is heard and then they continue.

17 When they finish speaking or sending their messages, they switch off their radios and
18 then continue. And they wait up to another appointed time, then they switch on
19 their radio. That is how they operate.

20 Q. [12:29:24] Do you remember in the period 2002 to 2005 what the appointed
21 times for radio communication were?

22 A. [12:29:42] Many times they start at 9 o'clock. When they finish 9 o'clock,
23 sometimes they also communicate at 10, at 10 o'clock, but their scheduled time
24 include 9 o'clock in the morning, 11 o'clock, midday, 3 p.m., 5 p.m. and sometimes
25 6 p.m. But when there is something crucial or something important, they can use any

1 time. Or if someone is under pressure, someone who has been sent for an operation
2 and is being monitored closely, they leave their radios on, everybody leaves their
3 radio on so that they can get the message. So their scheduled time includes 9 o'clock,
4 11 o'clock, 1 o'clock, 3 p.m., 5 p.m., sometimes 4 p.m. and also 6 p.m., but it was rare
5 to communicate at 6 p.m. But when operation is there, they also communicate at
6 night.

7 Q. [12:31:02] And who in the LRA used the radio?

8 A. [12:31:17] The radios were used firstly by the signallers, secondly,
9 commanders, the commanders of different units to whom that particular radio is
10 located. So those are the two people that would use the radios.

11 Q. [12:31:38] Can you remember any of the LRA commanders -- sorry, any of the
12 LRA commanders who used the radio?

13 A. [12:31:55] Yes, I can. Perhaps not all of them, but some of them are now
14 deceased, so perhaps I do not recall them.

15 Q. [12:32:07] Could you give us some examples? For example, who used the
16 radio the most? Who talked the most on the radio?

17 A. [12:32:20] The commander that was constantly on the radio was Joseph Kony,
18 Otti Vincent, Dominic Ongwen, Lakati, Lukwiya Raska, Okot Odhiambo. I cannot
19 recall all their names, but yeah, those are some of the ones that I do recall.

20 Q. [12:33:00] And who determined who received a radio and had the right to talk
21 on the radio? What was it that determined this ability?

22 A. [12:33:21] Well, that depends on how we intercept them. Sometimes the
23 person who is initially intercepted is the signaller and you'd immediately know that
24 this is the signaller. Sometimes it's the commander and you would know that this is
25 a commander. Sometimes when a signaller is on the line, Otti or Kony would

1 interrupt the signaller and ask the signaller to give the radio to the commanding -- to
2 his commanding officer. The signaller would then hand the radio over to his
3 commanding officer, as requested.

4 Q. [12:33:59] I'm sorry my question was not clear. Perhaps I can rephrase it.
5 What levels in the LRA, in terms of rank or position, were given radios?

6 A. [12:34:23] The radios, it was the overall commander of the LRA, Joseph Kony,
7 then brigade commanders, trickling down to battalion commanders, and then other
8 people that are deployed on special missions, those are the people who were assigned
9 radios.

10 Q. [12:34:50] And how do you know that?

11 A. [12:35:01] Well, two things: They may have used the call sign or perhaps
12 voice recognition, I may have recognized their voices.

13 Q. [12:35:15] And how do you know what rank or position a commander had?

14 A. [12:35:33] Most times, if there are changes within the organisation, then the
15 overall commander of the LRA would read out and list the LRA structure. He
16 would come on the radio and list down the people and say, okay, this person has
17 been assigned this role, this person has been promoted to this rank.

18 Okay, and on other times when operations are being conducted and these
19 operations -- when there's a battle between the UPDF and the LRA, on occasions
20 documents are captured, the LRA documents are captured, and those captured
21 documents indicate the ranks. So if the documents are captured or seized, then it
22 shows the ranks of the people. These documents would then be brought to us, and
23 we would go through the document. But on most occasions the information
24 regarding the changes in structure would be sent over the radio.

25 Q. [12:36:53] Do you know the types or the brands or models of radios the LRA

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1 commanders used?

2 A. [12:37:21] It's difficult to know which specific radio. But if there's a document,
3 if a document is seized, sometimes the radio, you can differentiate the radio with the
4 quality. If you hear certain noises over the radio, you'll know that, okay, this is this
5 particular kind of radio.

6 If we intercept information, sometimes we know that, for example, they're using
7 Codan, Icom. These are some of the radios that they used. They would also use
8 Kenwood and they also used Racal. And perhaps there are other types of radios that
9 I do not recall, but those are the ones that I do recall.

10 Q. [12:38:18] What were the ranges of each of those radios, the Racal, Kenwood,
11 Codan and Icom, just in general terms?

12 A. [12:38:42] The quality or the distance is probably a hundred kilometres, similar
13 to my radio.

14 THE INTERPRETER: [12:38:58] Interpreter corrects: A thousand kilometres.

15 MR ELDERFIELD: [12:39:01]

16 Q. [12:39:02] How did the LRA obtain their radios?

17 A. [12:39:18] Well, you know the Sudanese government supported the LRA. It
18 would provide them with assistance so that they would continue with their
19 operations. So the Sudanese government provided the LRA with some of the radios.
20 And that's the first one.

21 Secondly, when the LRA attack a particular area, for example, when they attack a
22 mission, or missionaries usually have the installations, so when they go to these
23 places they will take those radios.

24 Thirdly, they used tactics of strategies of ambush. They would ambush a car, and if
25 the car had a radio, they will take that radio.

1 Fourthly, if there's an attack at a UPDF location and they overpower the UPDF, they
2 also seize that UPDF radio.

3 Those are the four sources that I can list.

4 Q. [12:40:41] And, again, how do you know that?

5 A. [12:40:53] Most times when this happens the information is sent on the
6 recuperation report. They inform people that "We went on an attack. We seized
7 this and this and this kind of radio or this kind of radio call," or they would say "This
8 organisation provided us with support or assistance." For example, they would
9 mention the Sudanese government. And that's how we would receive that kind of
10 information.

11 Q. [12:41:27] Did the LRA communicate in any other way than using the radio?

12 A. [12:41:44] Among themselves?

13 Q. [12:41:46] Yes.

14 A. [12:41:57] Yeah, they could. They would send messages. Sometimes they
15 would send people, tell the person, "Go and meet this commander." The person
16 would be referred to as a courier. The person would be sent with specific
17 information and asked to deliver it to a specific person. So they would use couriers.
18 Secondly, the LRA would also use dead drops. A dead drop is a position, for
19 example, commanders know a particular position. Let me give you an example.
20 They would use a tree. For example, they would say, okay, this tree is going to be
21 some kind of dead drop area, so if you're passing by that area you'll know that
22 something has been buried under that tree. And that's how sometimes they would
23 communicate other than via radio.

24 Q. [12:43:08] Let's turn to call signs. You've said that the LRA commanders refer
25 to themselves by call sign. Can you remember any call signs now and can you tell us

1 the commander's name?

2 A. [12:43:39] The call signs that I do recall -- you know they constantly change
3 their call signs. There are certain things that I do not recall, but the ones -- these are
4 some of the ones that I recall.

5 The one I recall is Layom Cwiny. That was a call sign used by the overall
6 commander of the LRA, Joseph Kony.

7 There was another call sign Wat Pa Dano, that was the deputy, the LRA deputy, and
8 that was Vincent Otti. He used that call sign.

9 There was another one, Rupiny, and that was an army, a senior army commander,
10 Raska Lukwiya, a member of the LRA.

11 Tem Wek Ibong was Dominic Ongwen's call sign, a commander known as
12 Dominic Ongwen.

13 Those are some of the few that I recall. But that does not mean that that is definitive.
14 There's more, there are more call signs.

15 Q. [12:45:13] Who owned a call sign; for example, was it a commander who kept
16 a call sign, or was it a position, did a position have a call sign, or was it something
17 else?

18 A. [12:45:38] On most occasions call signs are assigned to commanders. They
19 would also assign or design a call sign for a particular operation if somebody is sent
20 on that operation, and that was -- that was also another one. But most occasions it
21 was two commanders.

22 Call signs were also assigned to the headquarters, LRA headquarters. Sickbay was
23 also assigned a call sign. They would also assign families, LRA families would be
24 assigned call signs where their family members are based.

25 Q. [12:46:29] Can you just explain what an LRA family is, please?

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1 A. [12:46:47] LRA families. You didn't say "family," so I didn't understand it
2 properly. LRA families are commanders' wives, LRA commanders' wives and their
3 children. These were referred to as LRA families.

4 Q. [12:47:16] Thank you. I'd like to turn now to what you called TONFAS, the
5 LRA system of code and communications.

6 What sort of communications would the LRA communicate in TONFAS?

7 A. [12:47:48] Relaying messages, the LRA would use TONFAS when they're
8 sending confidential messages, and that's when they would use TONFAS.

9 For example, a planned mission, if they want that mission to be confident, then they
10 would send it through TONFAS. If there's an operation and they're relaying the
11 results of the information of the attack, for example, injuries, deaths, loss of firearms
12 or ammunition or weapons, then they would use TONFAS. They would use
13 TONFAS for operational messages, to send operational messages.

14 Q. [12:48:50] And who controlled the TONFAS? Who made it and who
15 distributed it?

16 A. [12:49:11] Most occasions it was designed at the control office. Kony would
17 be responsible for that and then he would assign it to the different commanders.

18 Q. [12:49:32] How often would TONFAS change?

19 A. [12:49:49] No, the -- it depends. Sometimes a TONFAS would be used for a
20 long period, sometimes it would change. So that depends on the situation. If, for
21 example, they find that the mission that was planned ahead had -- that there was a
22 problem with the mission that they'd planned ahead, they are ambushed before they
23 arrived there, then they would actually realise that, okay, maybe there's a problem
24 with TONFAS and then they would decide to change it. But if nothing happens,
25 then the TONFAS may actually be used for long durations.

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1 Q. [12:50:33] Were you able to understand these TONFAS codes?

2 A. [12:50:50] Yes, I could understand the -- well, I could understand some of them,
3 but not all of them. There were times when you'd actually try and crack a code,
4 but -- and that was impossible. Any ones that I could decode I would decode, the
5 ones I could not decode I would leave it because it's extremely difficult. Because it
6 also depends on how they've decided to design the TONFAS. Sometimes it's easy.
7 They would use one word, but sometimes they would -- if they realised that there's
8 problems with that particular TONFAS, then they would start designing more
9 complicated TONFASs and that would make it more difficult to decode.

10 Q. [12:51:37] Mr Witness, can I please ask you to take back your binder and turn
11 to tab 31.

12 MR ELDERFIELD: [12:51:49] The ERN is UGA-OTP-0053-0118. And this is a
13 public document.

14 Q. [12:52:25] Mr Witness, do you recognize the first page of this document?

15 A. [12:52:39] Yes, this is a TONFAS, "Cwiny Maleng".

16 Q. [12:52:47] Could you please walk the Court through what you see and how it's
17 written and anything else that comes to mind.

18 A. [12:53:08] Do you want me to describe what they've written or the -- define the
19 meaning?

20 PRESIDING JUDGE SCHMITT: [12:53:14] I think we should not invite the witness
21 to go through every of these, more than 50 or so, codes.

22 MR ELDERFIELD: [12:53:26] I'd like to just ask the witness to describe in general
23 terms what he can see.

24 PRESIDING JUDGE SCHMITT: [12:53:31] But he might have misunderstood it, so
25 because of that I intervened.

1 MR ELDERFIELD: [12:53:36]

2 Q. [12:53:36] Sorry, Mr Witness, I wasn't clear. Can you just describe briefly the
3 title, the name of the TONFAS, and then tell us what the numbers mean down the left
4 and what the words mean on the right.

5 A. [12:54:06] The TONFAS code is "Cwiny Maleng". The numbers on the left are
6 pages of the TONFAS; for example, 1 to 14, these are things that were written and that
7 have -- were transferred on this paper. On the right you have the words that they
8 used to convey the messages. If they want to convey a message then they used these
9 words, from number 1 to number 23.

10 Q. [12:54:47] Can you recognize the handwriting of this document?

11 A. [12:55:01] This is (Redacted) handwriting, Benjamin Acac.

12 Q. [12:55:13] Can you briefly, and just using one row as an example, describe to
13 us how the LRA might communicate a sensitive message using this document?

14 A. [12:55:58] Yep. I will use the first word -- or, the second one because the
15 letters are in that page, in the whole page.

16 The second word "maleng". For example, they would say "Go to mile number three."
17 The miles are the numbers on the left-hand side. If you go to mile number three, the
18 first house, that's the first word, the first word -- take the first word -- take the second
19 word out of the first letter, which is M.

20 On the third one, if you take the second letter, take the first letter as well, and that
21 represents the letter R. They tell you to go to the fourth mile. There's only one
22 house at the fourth mile. Take the last word, which represents L. Return, return to
23 number two, house number two. There's only one house. Take the second -- the
24 second house which has the letter E. Go to house number nine, there is one house
25 there. And there's only one word. Take the last word, and that is N. Come back to

1 the first house. And you will find one house. Take the first one, which
2 represents G.

3 So if you write all these down, then you get the word "maleng". And that's how they
4 would use these codes.

5 Q. [12:58:19] Thank you, Mr Witness.

6 PRESIDING JUDGE SCHMITT: [12:58:23] I think it would be time now to have the
7 lunch break. We will have that until 2.30.

8 THE COURT USHER: [12:58:29] All rise.

9 (Recess taken at 12.59 p.m.)

10 (Upon resuming in open session at 2.30 p.m.)

11 THE COURT USHER: [14:30:18] All rise.

12 PRESIDING JUDGE SCHMITT: [14:30:31] Mr Elderfield, you still have the floor.

13 MR ELDERFIELD: [14:30:40] Thank you, your Honour.

14 Q. [14:30:47] Mr Witness, do you still have the binder open in front of you to tab 31?
15 And if not, please open it and turn to tab 31. Down the bottom right again the bar
16 code and the number above it, the last digits are 118. Can you see 118? Can you
17 turn, please, to page 123.

18 A. [14:31:56] Yes, I am seeing it.

19 Q. [14:31:59] It's perhaps four or five pages on. What's the title of the TONFAS on
20 this page?

21 A. [14:32:24] The third one is page 15 from the corner, which is written Lobo Rom.

22 Q. [14:32:57] Can you please turn about three more pages until in the bottom right
23 you can see the letters -- you can see the numbers 123.

24 A. [14:33:16] (Speaks English) Oh, yeah, yeah. I've got it.

25 Q. [14:33:19] Can you tell us what the name of that TONFAS is and whose
26 handwritten, if you recognize it?

27 A. [14:33:27] (Interpretation) This TONFAS is called Clinic. My colleague with

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1 whom I worked known as Benjamin Acac was the one who wrote it.

2 Q. [14:33:49] That's all for that tab. Can you please turn to the next tab, which is
3 tab 32.

4 The ERN is 0053-0082. And this is a public document.

5 Mr Witness, do you recognize this document?

6 A. [14:34:21] Yes, I do.

7 Q. [14:34:27] Can you please turn to the second last page of this document until
8 you see the words -- until you see the number 090 in the bottom right-hand corner.
9 What's the name of this TONFAS?

10 A. [14:35:04] It reads Prinnini.

11 Q. [14:35:18] Please focus about two-thirds of the way down the page. You can
12 see Dominic Ongwen on the left. Can you please tell us what is on the right, what
13 you can see on the right-hand side?

14 A. [14:35:42] It is written Zero Foxtrot. Foxtrot is signal language which shows
15 call sign.

16 Q. [14:36:11] Was Zero Foxtrot one of Dominic Ongwen's call signs?

17 A. [14:36:15] Yes, it was a call sign that Dominic Ongwen used. I don't know if
18 Court can grant me permission to give a highlight, because there are two call signs
19 that I can see there.

20 Q. [14:36:44] What's the other one?

21 A. [14:36:48] The one in the middle, "55," is also a call sign. The way the call signs
22 are designed, there are call signs that use Manpack radio. That is the first call sign
23 like 55. That is a Manpack radio which I used, the one I monitor most of the time.
24 And then Zero Foxtrot is a call sign used in a walkie-talkie for a short-range
25 communication. I hardly monitor the call signs over walkie-talkies. They also have
26 it, they have that call sign and they use it from within there.

27 Q. [14:37:48] Thank you, Mr Witness. Please turn to the next tab, tab 33. The
28 ERN is 0242-1011. And this page is 1016.

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1 Mr Witness, do you recognize this document?

2 A. [14:38:16] Yes, I do.

3 Q. [14:38:25] What is it?

4 A. [14:38:29] This is also TONFAS designed by the LRA. This is what they used
5 during their operation.

6 Q. [14:38:50] Do you know why it's typed and not handwritten?

7 A. [14:38:57] Yes, I do know why.

8 Q. [14:39:05] Can you please tell us?

9 A. [14:39:10] It is typed, not handwritten because this TONFAS was recovered
10 during a battle between the UPDF and the LRA. And TONFAS was recovered.
11 When this TONFAS was recovered, the UPDF typed it and distributed it to us to help
12 us in our line of duty.

13 Q. [14:39:54] About halfway down the list at number 15 is the word "Odomi." Can
14 you tell us what Odomi means, and can you explain the letters and numbers that are
15 to the right of that word?

16 A. [14:40:12] Odomi is a short way of writing Dominic. Instead of writing
17 "Dominic" they write "Odomi." They understand that name.
18 When they're sending a message, if they want to -- if you want those on the
19 communication network to understand, they can say "back to God" as a TONFAS
20 "Hotel Mike," which means on the left or "Lima Tango" or "Seven Eight" or "Nine
21 Bravo."
22 Apologies, it can be "Hotel Lima" or "Romeo Bravo" or "Tango Oscar" or "Six Mike".
23 It all refers to Odomi, which is Dominic Ongwen.

24 Q. [14:41:46] Thank you, Mr Witness. Can you please turn to the next tab, tab 34.
25 The ERN is 0053-0138. This is a public document as well.

26 Mr Witness, can you please flick through those pages and tell us the title of each of
27 the TONFAS that you see?

28 A. [14:42:40] I have seen. All these pages contain TONFAS. This TONFAS was

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1 used by the LRA. But the skill which I had how to break the code of the LRA
2 using -- from the messages they send on radio, I tried to break the TONFAS.
3 This TONFAS I used all my skills and found the names. Where you see dots is
4 where I have failed. This thing is not easy. The ones I have written are the ones
5 that I managed to break. But the ones which have dots I failed. I write reports
6 based on these messages.

7 Q. [14:44:18] The title on the first page at the top says "Monday." Can you see
8 that?

9 A. [14:44:30] Yes, I have seen.

10 Q. [14:44:35] And on the second page I can see the word "Tuesday." On the third
11 "Wednesday" and so on. Is there a significance to the name of the TONFAS, Monday,
12 Tuesday, Wednesday, Thursday and so on?

13 A. [14:45:01] These are the tricks or the skills that the LRA employed so that they
14 can communicate with each other. Even if you -- for instance, for us the government,
15 if we find such a document, it confuses us. It does not mean when they write
16 "Thursday" they will use it on a Thursday. They decided to write it like this as a way
17 of overcoming the government intelligence. That's what they used.

18 Q. [14:45:55] Thank you. Can you please turn to the next tab, tab 36 -- excuse me,
19 tab 35.

20 The ERN is 0053-0151. And this is a public document. Mr Witness, do you
21 recognize this document and do you recognize the handwriting?

22 A. [14:46:30] Of the first page on this tab? Are you referring to the first page on
23 this tab? Yes, all these are TONFAS that the LRA were using. I was the one who
24 broke the codes. As you can see, I wrote them.

25 Q. [14:47:01] And the title is "Lek," is that the title of the TONFAS?

26 A. [14:47:07] Oh, yes.

27 Q. [14:47:15] Thank you, Mr Witness. That's all for the binder for this moment.
28 You can put it aside.

1 We've talked about TONFAS as a way for the LRA to encode their communications.

2 Is there any other language encoding they did that made it difficult for normal Acholi
3 speakers to understand?

4 A. [14:48:17] Yes, there was.

5 Q. [14:48:33] Can you tell us about those?

6 A. [14:48:37] Sometimes they use what they call code word. Sometimes they use
7 nicknames. Sometimes they use jargons. And they also use -- they speak Acholi
8 which is adulterated. You wouldn't understand it. But for you -- for them they will
9 understand. You hear them speaking Acholi, but you can make no meaning out of it,
10 but for them, they understand.

11 Q. [14:49:29] What sort of messages would the LRA communicate in jargon or
12 adulterated Acholi?

13 A. [14:49:41] It can be about operation. It can be finding out about their
14 colleagues. Maybe they also tried using TONFAS, but the party on the other side is
15 not understanding, then they start using the jargon. They start describing to explain
16 so that the person on the other side can understand.

17 Q. [14:50:27] Could you understand this when -- the LRA when they spoke like
18 this?

19 A. [14:50:37] Yes, I would understand.

20 Q. [14:50:41] How were you able to understand?

21 A. [14:50:46] As I have told you, this is not an easy job. First, I was trained as a
22 signaller. Secondly, I concentrated on my work so that it can yield fruits. I listened
23 carefully so that I can get some information from it to help the government of Uganda.
24 Thirdly, I also thought one day such rebellions will end and certain things need to be
25 recorded for courts such as this.

26 Q. [14:51:43] I'd like to, if you can, give us some examples of any jargon words or
27 phrases that you remember.

28 A. [14:51:54] The LRA can, for example, say yat naam. That will be meaning a

1 gun. They can say dog yen. Also meaning gun. They can, they can mention
2 names such as (Redacted), which is like, which is like my name when they're actually
3 talking about rain or water. That is the skill I acquired during my work.

4 Q. [14:52:47] What did they used to call young girls or babysitters?

5 A. [14:52:57] The young girls were referred to as ting ting.

6 Q. [14:53:09] And do you know the LRA jargon word for all the women and all the
7 men?

8 A. [14:53:16] The older women were called waya or negative. All those refer to
9 women, waya or negative. They will be referring to women.

10 Q. [14:53:47] And how do you say kill or death; do you remember?

11 A. [14:53:53] Death was referred to as number one. Or he went to Cilini (phon).
12 That means the person is dead. He did number one or he went to Cilini.

13 Q. [14:54:25] I'd just like to go back over waya. Does it mean all the women
14 exclusively or does it have also another meaning or a broader meaning?

15 A. [14:54:42] Waya talks about women. But when they say waya, you understand
16 that waya means, it's an English word, which is spelled W-I-R-E. That is wire. That
17 one refers to women.

18 But when I spell waya, W-A-Y-A, that is waya, that refers to civilian. There is a
19 difference there. But if you hear the sound, it sounds the same, but there is a
20 difference.

21 Q. [14:55:29] Thank you, Mr Witness. I'd like to turn back now to how the LRA
22 used the radio and particularly how they used the frequencies. Firstly, who set the
23 frequency that the LRA communicated on?

24 A. [14:55:54] The frequencies used by the LRA are designed by the commanders of
25 the LRA, which includes Joseph Kony, Otti. They sit down and derive the
26 frequencies and distribute to people. They give to the commanders, who should use
27 their frequencies.

28 Q. [14:56:29] Was it possible for LRA commanders to use a frequency that wasn't

1 issued or directed by Joseph Kony?

2 A. [14:56:37] It was possible in a way that there are times when the messages being
3 sent as they're communicating, but you find that some commander was not on air at
4 the time, his radio was switched off. So when he comes back on air, so as not to
5 disturb the rest of the commanders, they would say let's go to another room, which
6 means let's go to another frequency. So they leave the general frequency and go to
7 another frequency whom they know and then they finish their discussion or brief
8 each other from there.

9 Or also the commanders in higher positions have secret frequencies that they share
10 amongst themselves. So when they go to such frequency, they go there alone.
11 Other people will remain on the usual frequency.

12 Q. [14:57:51] What is your impression of how disciplined the LRA was on the
13 radio?

14 A. [14:58:03] The LRA is strict about the usage of radios. When they come on
15 radio they do not make noise. They are very organised. When you hear someone
16 join abruptly, they will first stop him and say, "First wait with your message. We are
17 still, we are still communicating on something else." They observe discipline on
18 radio usage.

19 Q. [14:58:53] How would LRA commanders react when Joseph Kony came on the
20 radio and talked?

21 A. [14:59:01] Whenever Kony came on radio, there will be silence. As soon as they
22 hear his voice, no one will start talking, unless somebody who was not on the
23 network at the time and joins and starts talking, they will first stop him and say, "First
24 hold on, the boss is still speaking" and then he will communicate.

25 Q. [14:59:35] And how did Joseph Kony enforce discipline on the radio? You have
26 said that the commanders were strict with their behaviour. How was that behaviour
27 enforced?

28 A. [14:59:51] Sometimes he can say -- he will say "First wait." And whenever

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1 people hear that, people will keep quiet. Or sometimes during their meetings they
2 have agreed that during time for communication people should maintain silence and
3 observe the rules regarding radio communication. So they follow that agreement,
4 they follow such rules.

5 MR TAKU: [15:00:37] May it please the Court.

6 PRESIDING JUDGE SCHMITT: [15:00:40] Mr Taku, please.

7 MR TAKU: [15:00:41] Your Honours, we would like that the questions are about
8 what he heard and what he knows from what he heard. Now the questions are if
9 he's discussing about what happened generally in LRA without laying a foundation
10 about his ability to know what is happening within the LRA. He said that he's
11 competent to talk about what he heard from the communication intercepted, but this
12 general line of questions, your Honours, is extremely too wide and probably
13 confusing.

14 PRESIDING JUDGE SCHMITT: [15:01:13] I don't think that it is confusing for him.
15 It's, of course, clear that he might draw conclusions from what he heard. So with
16 this precondition, I think in light of this we can read what he answers, but I'm sure
17 that Mr Elderfield will soon move to another point.

18 MR ELDERFIELD: [15:01:31] Yes, your Honour, I've asked several times how he
19 knows certain things, and each time he responds "That's what I've heard on the
20 radio." It's more just a shorthand not to ask that question every time.

21 PRESIDING JUDGE SCHMITT: [15:01:44] We are clear about that he's not an expert.
22 This witness, this is clear, this is also clear to the Chamber, and you can take this for
23 granted what we can put this into perspective.

24 MR TAKU: [15:01:57] Thank you, your Honours.

25 PRESIDING JUDGE SCHMITT: [15:01:59] Please continue Mr Elderfield.

26 MR ELDERFIELD: [15:02:02] Thank you.

27 Q. [15:02:03] Mr Witness, let's move on. I'd like to talk about signallers, which
28 you've mentioned. What was the role of a signaller in the LRA as far as you

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1 understand from what you heard on the radio?

2 A. [15:02:19] The LRA signallers were responsible for receiving information or
3 messages from commanders who were above him. If the commanders had
4 information, he would send it to his colleagues on the radio. His other task is to
5 receive any communication being broadcast on radio to give his commander.
6 Thirdly, some signallers can speak on behalf of the commander. Everything he
7 broadcasts on radio comes from the commander. Those were the roles of the
8 signallers in the LRA.

9 Q. [15:03:17] Was the signaller permitted to say anything that wasn't sanctioned by
10 the commander?

11 A. [15:03:23] Many times anything regarding operation, the signaller cannot say.
12 All authorisation comes from the commander. If the commander says "do this" then
13 he does. He is first permitted to do it.

14 Q. [15:03:51] Can you give us an example of a signaller-commander relationship
15 that you remember?

16 A. [15:04:00] I don't have it here, but many times what signallers do, when you
17 hear a signaller using his commander's call sign, he will have been permitted by the
18 commander. That happens to all the signallers. I don't remember now exactly.

19 Q. [15:04:40] And when a signaller came on the air, what would you write down in
20 your logbooks, the signaller or the commander or something else?

21 A. [15:04:52] Many times when a signaller speaks, when the commander is not
22 around or when the commander's voice does not come on radio, I write the
23 voice -- the name of the signaller of so and so's commander.

24 When a signaller speaks and gives the microphone to the commander, I register the
25 name of the commander, because he will have been authorised by the commander.

26 Q. [15:05:32] Were you able to recognize the names of the signallers as well as you
27 were able to do with the commanders?

28 A. [15:05:43] I know a few names of some signallers. Others I do not know. But I

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1 know a few names.

2 Q. [15:05:59] I'd like you to turn back to your black binder and move to tab 38.

3 The ERN is 0170-0077. In the binder there is two pages. The first page is 0077 and
4 the second page is 0089.

5 A. [15:06:52] Yes, I'm here.

6 Q. [15:06:53] What is this document, Mr Witness?

7 A. [15:06:55] These are the things we wrote down during intercepted LRA
8 communication and we wrote it in a notebook.

9 Q. [15:07:17] I'd like you to focus on the first line of the entry. It says "Omona
10 Michael, Odoki and Ocen/Otti V were the only call sign which came on air ..."
11 Mr Witness, what is the forward slash there between Ocen and Otti V mean?

12 A. [15:07:46] This means that signaller Ocen used Vincent Otti's call sign. That's
13 why I wrote Ocen/Otti Vincent. It means they were together and he used Otti
14 Vincent's call sign.

15 Q. [15:08:17] Can you please turn the page in the same tab, the page is 0089. And
16 again, the first lines, can you please help us understand what the forward slash means
17 in that first sentence?

18 A. [15:08:45] That must be the third line, not the first line. First, see up and then
19 let me know clearly, because first line is from 0070 to 009 hours. That is the first line.
20 Then the second line is "on air." And the third line starts with "At 1100 hours,
21 Labalpiny/Kony, Ocen/Otti Vincent." That is the third line, not the first line.

22 Q. [15:09:33] Thank you, Mr Witness. I meant the third line, as you say. Can you
23 help us understand what those forward slashes mean?

24 A. [15:09:39] At this line it shows that at 11, when the LRA switched on their radio,
25 Labalpiny, Kony's signaller, was the one speaking. His voice was audible using
26 Kony's call sign.

27 And then Ocen was a signaller working as Otti Vincent's signaller, also spoke. And
28 Omona, who was, who was Lamola's signaller, also spoke. That means the first

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1 name is a signaller and then the second name is that of a commander. So when they
2 use the commander's call sign I put a slash.

3 Q. [15:10:29] I'd like you to focus on Dominic Ongwen briefly. We're finished
4 with this tab for the moment. But just move your binder to the side. You don't
5 have to close it because we'll go back there shortly.
6 I'd like you to focus on the period 2002 to 2005.

7 PRESIDING JUDGE SCHMITT: [15:11:06] May I just shortly interrupt you just for
8 something that is a constantly recurring theme, so to speak. If you do not explicitly
9 tell us, the documents can be displayed; do I understand this correctly?

10 MR ELDERFIELD: [15:11:23] That's correct, your Honour.

11 PRESIDING JUDGE SCHMITT: [15:11:24] Okay, thank you. Because it has not
12 been done.

13 MR ELDERFIELD: [15:11:27] Sorry for not being clear.

14 PRESIDING JUDGE SCHMITT: [15:11:29] That was not your fault. It was just to
15 verify this. Thank you.

16 MR ELDERFIELD: [15:11:34]

17 Q. [15:11:36] Mr Witness, I'd like you to focus on the period 2002 to 2005, if you can.
18 Can you think back to your impressions of when you heard Dominic Ongwen talk on
19 the radio. Firstly, how often did you hear him during that period?

20 A. [15:11:58] Among the commanders who like to speak on radio was Dominic
21 Ongwen. For him many times, when he comes on radio, he normally has something
22 to say, especially about operation, or at least about something, about family or
23 something. For him, he doesn't -- he didn't speak most of the time, but whenever he
24 came there was something to report.

25 Q. [15:12:49] I know it will be difficult, but could you possibly estimate how many
26 times over that period or, indeed, over any period you would have heard Dominic
27 Ongwen on the radio?

28 A. [15:13:05] Your Honours, it is not easy to estimate that. From 2002 to 2005, it's

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1 difficult to estimate. Even if you have a computer in your brain you cannot capture
2 all that, but like I said, he did not like to speak on radio so much, but whenever he
3 came on radio, there was a report he wanted to give. He was not like other
4 commanders who spoke anything on radio.

5 For that matter, I cannot say exactly. I would be lying.

6 PRESIDING JUDGE SCHMITT: [15:13:56] I think, Mr Witness, nobody would claim
7 that he has a computer in his head, nobody in this room, but it might perhaps be
8 helpful if you break it down to smaller time portions. If you, for example, think
9 about in a month, for example, a monthly time frame, could you say then perhaps, of
10 course not exactly, that's perfectly clear, but could you say would he appear on the
11 radio or not month -- once a month, twice a month?

12 THE WITNESS: [15:14:34] (Interpretation) Well, at least he would appear on radio.
13 I may not even say weekly, but he can appear. If he has been sent on a mission, on
14 an operation, and for example he wants to seek advice from his commanders, he will
15 be on radio until he meets his objective. He will keep reporting. I can estimate that
16 in a month he could speak 10 to 15 times. But there are times he would not even
17 speak, depending on the situation.

18 MR ELDERFIELD: [15:15:22]

19 Q. [15:15:23] Can you cast your mind back and give us any examples of a specific
20 occasion during that period when you remember Dominic Ongwen reporting an
21 operation?

22 A. [15:15:37] Yes, there are reports, but I do not recall the years. When he went
23 with his soldiers and attacked Lukodi, then he sent a report informing the rest on how
24 he had conducted his mission. You want some more information?

25 Q. [15:16:22] If you have it, yes.

26 A. [15:16:26] When he attacked Odek camp, again, he sent information. He --

27 PRESIDING JUDGE SCHMITT: (Overlapping speakers)

28 THE INTERPRETER: [15:16:53] Can you hear me, your Honour?

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1 MR ELDERFIELD: [15:16:56]

2 Q. [15:16:57] Mr Witness, please, just for a moment we'll --

3 THE INTERPRETER: [15:17:04] Can you hear me? Okay.

4 PRESIDING JUDGE SCHMITT: [15:17:08] Could you please repeat the last sentence.

5 The last sentence of interpretation, please.

6 THE INTERPRETER: [15:17:27] Sorry, your Honour, could they please ask the

7 question again?

8 THE WITNESS: [15:17:33] (Interpretation) Are you talking about the Prosecutor or

9 are you asking me? I'm not sure.

10 THE INTERPRETER: [15:17:42] Are you talking about the witness?

11 MR ELDERFIELD: [15:17:46]

12 Q. [15:17:46] Mr Witness --

13 PRESIDING JUDGE SCHMITT: [15:17:50] I think there is a problem (Microphone

14 not activated).

15 (Trial Chamber confers)

16 THE INTERPRETER: [15:18:08] Am I coming through?

17 PRESIDING JUDGE SCHMITT: Yes, now you're coming through.

18 MR ELDERFIELD: [15:18:14]

19 Q. [15:18:15] Mr Witness, you told us you remembered hearing Dominic Ongwen

20 report the attack on Lukodi. Could you just repeat your answer that you gave after

21 that, another occasion that you heard Dominic Ongwen report.

22 A. [15:18:32] Yes. As I stated earlier, I recall on one occasion when Dominic was

23 reporting about a mission, and this related to an attack on Lukodi camp. The second

24 instance was when he attacked Odek camp. Those are the two reports that I recall.

25 Q. [15:19:13] Mr Witness, what was Dominic Ongwen's position and rank, if you

26 recall, in the period 2002 to 2005?

27 A. [15:19:25] During this period -- it depends, but in 2005 he was a brigade

28 commander. He was the brigade commanding officer of Sinia brigade.

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1 Q. [15:19:57] Mr Witness, can I ask you to take back your binder and turn to tab 39.

2 MR ELDERFIELD: The ERN is 0242-1021. And this is a public document.

3 Q. Mr Witness, can you explain what you see in this document that you have in
4 front of you?

5 A. [15:20:44] On the top of the document there is a date, 25 January 2005. The
6 subheading, "The current LRA command structure." The first column contains the
7 serial number. The second one contains names. The third one has ranks. The
8 fourth one has appointments. And the fourth one is the area where the commander
9 is from.

10 Q. [15:21:33] Do you recognize the handwriting of this document?

11 A. [15:21:39] Yes, that's my handwriting. I'm the one who wrote that document.

12 Q. [15:21:53] Where did you keep these -- this list? Did you have it during your
13 interception?

14 A. [15:22:07] Whenever we discovered such lists, we write everything down and
15 stick it on a wall so that if you are receiving a message, you look at the list and then
16 you recognize the rank, the place where the person is from. And that's the reason
17 why the list was stuck on the wall, to enable us to perform our duties.

18 Q. [15:22:44] At number 13 on the list is the name Dominic Ongwen. Is there a
19 structure to this list? Is there a certain order to this list?

20 A. [15:23:04] Yeah. Number 13, that's Dominic Ongwen. At the time he was a
21 lieutenant colonel and a brigade CO of Sinia brigade. And his place of birth is
22 Lamogi.

23 Q. [15:23:35] Why is Dominic Ongwen at number 13 in the list?

24 A. [15:23:39] Most times LRA would write -- would use hierarchical structures.
25 And appointments were extremely important to them. So regardless of whether
26 somebody was high-ranking, the person would be put lower on the list, but they
27 would consider the appointment that he has been given. So within the LRA, that
28 person may be high-ranking, but within the LRA the person may be down on a list,

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1 but still higher ranking than somebody who is on top of the list or more important
2 than somebody on the top of the list.

3 Q. [15:24:40] That's all for that document. Can you please turn to tab 40.

4 MR ELDERFIELD: The ERN is 0242-1008. And this is a public document.

5 Q. Mr Witness, do you recognize this document?

6 A. [15:25:08] Yes, I know the document.

7 Q. [15:25:17] Whose handwriting is it?

8 A. [15:25:22] That's my colleague's handwriting, my supervisor, Simon Erwaga.

9 Q. [15:25:34] At number 6, I can see Dominic Ongwen. Next to his name "MAJ"
10 under rank. Can you explain what that is and why there is a line under the
11 appointment column?

12 A. [15:26:02] Line number 6 concerns the rank. "MAJ", that's major. At the time
13 that this message was sent they had not yet assigned Dominic Ongwen to an
14 appointment or deployment, and that's why that column contains a dash.

15 Q. [15:26:56] Is this another one of the lists that you kept for quick reference?

16 A. [15:27:01] The list that I kept, I would use that list with reference to this
17 particular one, because you'd see that the list has a number of command structures.
18 Sometimes it's different on the wall. But on this particular time when I was sending
19 messages concerning the rank of this commander, then I believe at the time he was
20 major.

21 Q. [15:27:50] Thank you, Mr Witness.

22 PRESIDING JUDGE SCHMITT: [15:27:51] I would like to ask the witness in that
23 respect something.

24 Mr Witness, still this tab 40, please, this paper that you have in front of you, is it
25 correct when I say that this was fabricated on 22 September 2003?

26 THE WITNESS: [15:28:09] (Interpretation) Yes, as it was -- as it's written on the
27 paper. Perhaps they did not actually send it on that day, but they may have -- it may
28 have not been on that exact day. It may have been that the information was initially

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1 written in a rough copy but then subsequently written on this piece of paper.

2 If you find that the information on this page is different from the information on the
3 logbook, that means that the information was received but then dated subsequently.

4 PRESIDING JUDGE SCHMITT: [15:28:58] Then may I refer you back to tab 39,
5 please. Could you please go back to the one document that you said you yourself
6 have written. Yes?

7 THE WITNESS: [15:29:22] (Speaks English) Yeah.

8 PRESIDING JUDGE SCHMITT: [15:29:24] I understand that we have the date here
9 25 January 2005; is that correct?

10 THE WITNESS: [15:29:29] (Interpretation) Yes, that's correct.

11 PRESIDING JUDGE SCHMITT: [15:29:39] (Overlapping speakers) We already
12 established with you that on number 13, and you said this is the ranks from 1
13 to -- following there is Ongwen Dominic, and on tab 40, the document from 22
14 September 2003, which is an earlier document, Dominic Ongwen is on number 6.
15 Perhaps you can explain this to us, why this is so.

16 THE WITNESS: [15:30:10] (Interpretation) Your Honour, you know, I'm not sure
17 about how LRA would relay their information. Sometimes the way they send the
18 information, perhaps that's the order that they consider, or maybe there is somebody
19 who remembers, who recalls that there is a high -- there is a commander who is
20 higher than himself. But he sends that commander's name and forgets to send the
21 other commander's name. Maybe that's the way that -- that's why it's in this
22 structure. They're the ones who send the information. I'm not the one who sends it.
23 So it's very difficult to know why it is in this structure.

24 PRESIDING JUDGE SCHMITT: [15:31:07] Thank you very much. So we have to
25 take it as it is.

26 Please continue, Mr Elderfield.

27 MR ELDERFIELD: [15:31:12]

28 Q. [15:31:13] Mr Witness, can you please turn now to tab 41. The ERN is

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1 OTP-0242-1005. And this is a public document.

2 Mr Witness, do you recognize this document?

3 A. [15:31:42] Yes, I recognize it.

4 Q. [15:31:45] Whose handwriting is it?

5 A. [15:31:49] It's Simon Erwaga's handwriting.

6 Q. [15:31:57] And can you read out the title and the date, please?

7 A. [15:32:04] The heading, underlined heading, (Speaks English) "LRA New
8 Command Structure by 21 September 2003."

9 Q. [15:32:31] And once again, is this one of the lists that you kept for your own
10 reference during the interception?

11 A. [15:32:38] (Interpretation) Yes. This is one of the lists that I was using.

12 Q. [15:32:54] And again, does the information in this list come from transmissions,
13 communications that you heard on the radio?

14 A. [15:33:06] Well, it's difficult to explain. Sometimes it's perhaps over -- the
15 information was intercepted over radio call. Maybe it was from documents seized.
16 So when we received the information, we just write the structure depending on how
17 it is. If I perhaps see the message that was sent, then maybe I'll remember, but
18 sometimes it's a document that was seized during battle. When the UPDF brings the
19 document to us, then we write new command structure. It depends on the time that
20 the document was brought to us.

21 Q. [15:34:08] Mr Witness, I've finished with that document. Do you mind please
22 closing your binder.

23 MR TAKU: [15:34:19] Your Honour, I'm sorry, maybe --

24 PRESIDING JUDGE SCHMITT: [15:34:22] Mr Taku.

25 MR TAKU: [15:34:24] -- maybe we should appropriately take up this when it will
26 come to our time, but we do want to remind that Ongwen's name is not on this list.

27 PRESIDING JUDGE SCHMITT: [15:34:34] This is duly noted.

28 Please, Mr Elderfield.

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1 MR ELDERFIELD: [15:34:40] Your Honour, in fact, we're racing along with this
2 testimony. And I'm going to move now to the last area of what I want to question
3 him on which is the sound recordings. And I plan to follow, after your guidance, a
4 very similar procedure, in fact the same procedure, that we played, that we did with
5 the last witness.

6 PRESIDING JUDGE SCHMITT: [15:34:59] Please do so.

7 MR ELDERFIELD: [15:35:09]

8 Q. [15:35:09] Mr Witness, can you please close your binder, first of all, and just put
9 it to one side.

10 I'd like to talk to you now about the last area of testimony that I wanted to cover with
11 you, which is about the sound recordings of LRA radio communications. Over the
12 next short period, today and tomorrow, we'll play you some sound recordings and
13 ask you to help us understand what's in them. But before I get into the details of
14 each sound recording, I'd like just to ask you a few general questions.
15 First of all, do you remember being played sound recordings by ICC investigators or
16 ICC staff?

17 A. [15:36:18] Yes. Well, the documents that were documented, all these
18 documents were from the ICC.

19 Q. [15:36:43] Do you remember also listening to sound recordings?

20 A. [15:36:49] Yes. When I started working with the ICC, they played the
21 recordings and I listened to them.

22 Q. [15:37:11] Can you remember approximately about how many different
23 occasions this was done with you?

24 A. [15:37:20] It was played on several occasions starting in 2005, when I started,
25 when I started working with -- when I initially met the people from the ICC, I think
26 that year was maybe two or three times. And it was continuous. So I think if I did
27 not -- if you did not play it for me five or eight or nine times, then it's probably more
28 than ten.

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1 Q. [15:38:07] Can you just describe to us briefly what happened during those times
2 when you were played sound recordings, the process that was followed?

3 A. [15:38:15] Well, the people from the ICC that I met informed me, told me that
4 the voice recordings had been given to them by my office, the Internal Security
5 Organisation in Kampala. The recordings had been given them to help them to
6 investigate the events of that year.

7 Q. [15:39:09] And when you were in the room with them, what process did you go
8 through in general terms?

9 A. [15:39:18] First, before playing the recordings, they introduced themselves.
10 They told me "We are from the ICC. Our headquarters is in The Hague. We are
11 here to fight against people who have committed atrocities against people to arrest
12 people, to fight against crime, crimes against humanity and other crimes."
13 When they identified themselves, they asked me that am I able to give them the
14 information or expertise that I have. Would I be willing to listen to this. And I told
15 them yes, I would be willing to listen.
16 They then informed me of the procedures to be followed, the procedures, the ICC
17 procedures, and they asked me if I was willing to give them this information. And I
18 told them yes, I'm willing to give this information. I was given a form to sign. The
19 form indicated that I was doing this voluntarily and there was no payment to be
20 received. I signed the document, started -- I agreed to work with them, they started
21 playing the recordings. And I met with them from time to time. On each occasion
22 that we met, before they started playing the recordings, that was the first question
23 they would ask, whether I was willing to work with them. And I would say yes.
24 And that's the reason why I'm here today.

25 Q. [15:41:31] Can we just focus on when the recordings were played, what
26 happened around and after that moment?

27 A. [15:41:45] They asked me a number of questions about voice recognition, do I
28 recognize this voice. I would listen and say yes, I know this person, I do not know

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1 this person. If I didn't know the person, I would say no. If I knew the person, I
2 would say yes.

3 They would ask me "If you know the voices, if you recognize the voices, can you
4 mark on each line and tell me who said what? And can you please interpret the
5 conversation?"

6 And I said, "Yes, I'll do that."

7 I was also told to put a timestamp on the information, mark every line that the
8 information was intercepted or that I heard, that the tapes were played, and that's
9 what I did.

10 Q. [15:42:48] Were these documents that you marked, were they always accurate,
11 and if not, what did you do?

12 A. [15:42:57] Some of the documents that I received were not translated by me.
13 Most of the documents that were brought were brought in Acholi. I do not know
14 who translated the documents, but they brought the documents already translated.
15 They asked me to listen and if there were any inconsistencies, I would correct it. If
16 something was inaudible, I would insert the information. These are voices that were
17 recorded over on tape, sometimes maybe there is a problem on the tape or maybe a
18 problem to the machine, but those are the things that I was doing.

19 Q. [15:44:03] And just approximately for one recording, about how many times did
20 you listen to it when you were marking it down or when you were listening in total?

21 A. [15:44:17] For each message it would depend on the length of the conversation
22 from start to end. First of all, the records were provided separately. The
23 information that I got from the ICC, they would take an excerpt, play it for me, an
24 excerpt from the middle of the recording. Then they would ask me to identify it and
25 put the timestamp.

26 Sometimes I would ask for information and ask for them, for the recording to be
27 repeated. I would then write it, record it. Then they would start playing the
28 recording from the beginning to the end, and this recording would then have

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1 different timestamps. And I would mark the different timestamps.

2 Sometimes they would play the recording for 6 minutes or 3 minutes. Sometimes
3 the recording would be played for 10 or 20 minutes, depending on how -- the length
4 of the conversation at the time.

5 MR ELDERFIELD: [15:45:55] Your Honour, I think we can do the first sound
6 recording. It's very short. I'm sure we can fit it in before the end.

7 PRESIDING JUDGE SCHMITT: [15:46:01] Please move on.

8 MR ELDERFIELD: [15:46:02]

9 Q. [15:46:04] Mr Witness, I'm going to play a sound recording for you.

10 Court officer, can I just confirm that the witness's screen is off.

11 Mr Witness, your binder is closed; is that correct? Mr Witness, is your binder
12 closed?

13 A. [15:46:32] Yes, it's closed.

14 Q. [15:46:33] The second recording is ERN, 0239-0123. And the short excerpt is of
15 track 2 from 23.24 to 24.30.

16 Mr Witness, now, listen carefully. Mr Witness, listen carefully. You have a pen and
17 paper in front of you, so feel free to take notes.

18 (Playing of the audio excerpt)

19 MR ELDERFIELD: [15:48:29]

20 Q. [15:48:34] Mr Witness, did you recognize any voices on that excerpt?

21 A. [15:48:41] Yes, I recognized some voices.

22 Q. [15:48:52] Whose voices did you recognize?

23 A. [15:48:57] I recognized Otti Vincent's voice. I also recognized Ongwen
24 Dominic's voice.

25 Q. [15:49:12] And what were they talking about?

26 A. [15:49:18] Otti used the call sign Tem. Tem is an abbreviation for Tem Wek
27 Ibong, which is Dominic Ongwen's call sign. Otti asked, he asked Dominic, "Tem,
28 who attacked Lukodi?"

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1 And Dominic responded "That was me."

2 "Can you please repeat."

3 "That was me."

4 And Otti laughed. They laughed and then he asked, "I heard that they burned a
5 hundred houses."

6 And the response was "No. 25."

7 And he responded, "You need to continue exactly in that manner. That's what I
8 want."

9 Dominic responded that "A commander known as Abusiu is sending his greetings."

10 And that's what, that's what I heard. Those are the important things. I wasn't able
11 to record every single thing because I was having problems with my pen.

12 Q. [15:50:38] Sorry about that, Mr Witness. We'll get functioning pens for you
13 next time.

14 You said that there was --

15 PRESIDING JUDGE SCHMITT: [15:50:48] You know, this is the downsides when we
16 are so digital, in the digital era. So this is, of course, the problem when we have to
17 come back to analogue tools.

18 MR ELDERFIELD: [15:51:02]

19 Q. [15:51:03] Mr Witness, you said that he, someone asked "I heard that they
20 burned a hundred houses" and someone responded "No. 25."

21 Do you remember who asked the question and who responded "25"?

22 A. [15:51:25] Yes, I do recall. Vincent, Vincent Otti asked the question. He asked,
23 "I heard that they burned 100 houses." But then he corrected himself and said
24 "No. 25."

25 So it actually was Otti who asked, who said 100 and then corrected himself and
26 said 25.

27 Q. [15:51:57] Thank you, Mr Witness. Can I please ask you to turn to your binder
28 and open it to tab 43. The ERN is 0266-0084. This is a confidential document.

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1 Mr Witness, yes?

2 A. [15:52:44] Can you please repeat it? What page? What tab?

3 Q. [15:52:50] Tab 43.

4 A. [15:52:57] And?

5 PRESIDING JUDGE SCHMITT: [15:53:02] Page number?

6 THE WITNESS: [15:53:04] (Interpretation) Page number, please.

7 MR ELDERFIELD: [15:53:07]

8 Q. [15:53:07] I'd just like to ask one question about the first page. Witness, do you
9 see your signature on this page?

10 A. [15:53:12] Yes, I see my signature at the bottom of the page.

11 Q. [15:53:30] Again, there is a small number in the bottom of the -- on the first page
12 that ends in 0084. I'd like you to turn to page 0137. And you'll find that small
13 number 0137 above the bar code about 30 pages in.

14 A. [15:54:06] 130?

15 Q. [15:54:11] 0137.

16 PRESIDING JUDGE SCHMITT: [15:54:20] Perhaps we could think about bringing in
17 again, like we had with the other witness, somebody who helps with the binder.
18 This would also, the Defence would also profit from it when it's your turn for
19 questioning. I don't assume that there would be under the same premises that we
20 had last time, that there would be any objections by the Defence. So if this could be
21 provided for, it would perhaps make sense from Monday on.

22 MR ELDERFIELD: [15:54:52]

23 Q. [15:54:52] Are you at page 0137, Mr Witness?

24 A. [15:54:59] Yes, I've found the page.

25 Q. [15:55:02] Do you recognize the words on this page?

26 A. [15:55:09] Yes, I do. I recognize them.

27 Q. [15:55:13] Why do you recognize them?

28 A. [15:55:18] I recognize that there was an interview between the ICC and myself.

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1 They played this recording and they asked me to annotate it. So I did annotate it on
2 the left. I annotated the timestamps and initials of the relevant people.

3 Q. [15:55:49] I can see on the left you've written the letters "OT" and under that
4 "ONG." Can you tell us what those two acronyms stand for, please?

5 A. [15:56:07] OT, Vincent Otti's initials, ONG, Ongwen's initials. And the lines
6 indicate the name of the speaker at the time.

7 Q. [15:56:31] Can you please turn to page 0138, so the same page, but on the
8 right-hand side at the top.

9 A. [15:56:55] 01, okay, yeah.

10 Q. [15:56:58] At the top on the left you've written "ONG." And then next to that
11 you've made a correction. Can you just tell us what that correction is?

12 A. [15:57:13] ONG, where exactly is it? ONG? Are you asking about the end of
13 the extreme part of it? I do not actually have it on this document. Perhaps I have a
14 different piece of paper from everybody else.

15 PRESIDING JUDGE SCHMITT: [15:57:40] I think this reinforces the idea that I
16 brought forward. Perhaps we start on Monday with this helper, so to speak.

17 MR ELDERFIELD: [15:58:04]

18 Q. [15:58:04] Do you have it in front of you?

19 A. [15:58:06] Yes, I have it.

20 Q. [15:58:07] Can you --

21 A. [15:58:14] Okay. On the left-hand side there is "ONG." That refers to Ongwen
22 Dominic, and it's an indication that he was the speaker. The place where they had
23 written "inaudible," I wrote "Abusiu, Abusiu" because that was the name of Abusiu,
24 and that's why I corrected it, because it was somebody's name that had been written
25 "inaudible," was in replace of somebody's name.

26 MR ELDERFIELD: [15:59:01] Just one more question, your Honour.

27 Q. [15:59:03] Mr Witness, from having looked at this document in your interview
28 and now again today, how accurately does this transcript reflect the sound recording

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1 that you just heard?

2 A. [15:59:11] Yes. The recording, the transcript reflects the recording.

3 Q. [15:59:27] Thank you.

4 PRESIDING JUDGE SCHMITT: [15:59:30] This concludes the hearing for today. I

5 wish everybody in the courtroom a nice weekend, and we meet again at Monday 9.30.

6 THE COURT USHER: [15:59:40] All rise.

7 (The hearing ends in open session at 3.59 p.m.)