

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
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 21 November 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:02] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:32:34] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:32:40] Good morning, Mr President, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus
16 Dominic Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:32:53] Thank you.
19 I ask for the appearances of the parties. Mr Black for the Prosecution.
20 MR BLACK: [9:32:58] Good morning, your Honour. Colin Black for the Prosecutor,
21 together with Julian Elderfield, Benjamin Gumpert, Paul Bradfield, Yulia Nuzban and
22 Ramu Bittaye.
23 PRESIDING JUDGE SCHMITT: [9:33:10] Thank you.
24 And for the Legal Representatives, Mrs Hirst.
25 MS HIRST: [9:33:13] Good morning, your Honours. Megan Hirst with

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

- 1 James Mawira and Anushka Sehmi.
- 2 PRESIDING JUDGE SCHMITT: [9:33:19] And Mr Narantsetseg.
- 3 MR NARANTSETSEG: [9:33:20] Good morning, Mr President, your Honours.
- 4 Orchlon Narantsetseg with Ms Caroline Walter. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:33:25] Thank you.
- 6 And Mr Obhof for the Defence.
- 7 MR OBHOF: [9:33:27] Good morning, your Honours. Today we have counsel
- 8 Krispus Ayena Odongo; assistant counsel, Ms Abigail Bridgman; our client,
- 9 Mr Ongwen; and myself, Thomas Obhof.
- 10 PRESIDING JUDGE SCHMITT: [9:33:36] Thank you.
- 11 And we welcome now Mr Witness in the courtroom.
- 12 Good morning, Mr Witness. Do you hear me?
- 13 WITNESS: UGA-OTP-P-0339
- 14 (The witness speaks Acholi)
- 15 THE WITNESS: [9:33:46] (Interpretation) Good morning. I can hear you loud and
- 16 clear.
- 17 PRESIDING JUDGE SCHMITT: [9:33:49] On behalf of the Chamber, I would like to
- 18 welcome, as I have said. You are going to testify before the International Criminal
- 19 Court. There should be a card in front of you with the solemn undertaking to tell the
- 20 truth. Could you please take this undertaking by reading the card out aloud.
- 21 THE WITNESS: [9:34:12] (Interpretation) I solemnly declare that I will speak the
- 22 truth, the whole truth and nothing but the truth.
- 23 PRESIDING JUDGE SCHMITT: [9:34:31] Thank you, Mr Witness. You are now
- 24 sworn in.
- 25 First of all, I would like to explain to you the protective measures that the Chamber

1 has put in place for your testimony. The following measures I would like to address
2 with you. First of all, we have put in place face distortion. That means that nobody
3 outside the courtroom can see your face. Secondly, we will all refer to you only as
4 "Mr Witness", without mentioning your real name, to make sure that the public does
5 not come to know your identity, and that is why I am addressing you as "Mr Witness"
6 and not with your real name.

7 When you are asked to describe anything that relates specifically to you, for example
8 you are asked to mention facts that might reveal your identity, we will do this in
9 private session. Private session means that there is no broadcast and no one outside
10 the courtroom can hear your answer.

11 I will finish my remarks with a few practical matters you should have in mind when
12 giving your testimony. As you are aware of, everything we say here in the
13 courtroom is written down and interpreted. It is therefore important to speak clearly
14 and at a slow pace, but I have already recognised from your first answers that this
15 will be no problem with you. Please speak into the microphone and only start
16 speaking when the person that has asked you the questions has finished.

17 If you have any questions yourself, please raise your hand so that we recognise that
18 you want to say something. We will give you then the word.

19 I think that is enough with the preliminaries. Thank you very much for the moment,
20 and I give Mr Black the floor.

21 MR BLACK: [9:36:17] Thank you, your Honour. And, your Honour, could we start
22 the day with maybe five minutes in private session, please.

23 PRESIDING JUDGE SCHMITT: [9:36:25] Yes, of course. Private session.

24 (Private session at 9.36 a.m.)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page Redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page Redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Open session at 9.42 a.m.)

10 THE COURT OFFICER: [9:42:22] We are back in open session, Mr President.

11 MR BLACK: [9:42:30] Thank you very much.

12 Q. [9:42:31] Mr Witness, sir, when did you first join the UPDF?

13 A. [9:42:43] I joined the UPDF in 1986.

14 Q. [9:42:50] And what kind of work did you do when you first joined the UPDF?

15 A. [9:43:03] When I initially joined the UPDF, I went and started undergoing
16 training. I finished my training in one year.

17 Q. [9:43:16] And after that first year what position did you have in the UPDF?

18 A. [9:43:29] After my training I was a private.

19 Q. [9:43:40] And what, as a private, what kind of work did you do? Did you work
20 in artillery, infantry, intelligence? What field did you work in?

21 A. [9:43:58] I was just an ordinary soldier, a rank and file soldier.

22 Q. [9:44:10] At some point did that change and you moved to a more specialised
23 type of work?

24 A. [9:44:22] When I joined the army, I finished my training. Then I was deployed
25 in the 22nd battalion, which was a mobile battalion. And that was in 1987. In 1988

1 they selected me to go for further training. I went for signals training. It took place
2 in the 4th division headquarters. It was organised by the UPDF. In 1989, after
3 completing my training, after eight months I returned to my battalion, the
4 22nd battalion. That was a mobile force fighting against rebels. When I returned to
5 my battalion I started working as a signaller. I worked as a signaller from 1989
6 until 1985.

7 Q. [9:45:42] Mr Witness, the interpretation I received was that you worked as
8 a signaller until 1985, but I think perhaps you meant 1995; is that correct?

9 A. [9:45:54] 1995.

10 Q. [9:46:02] Thank you. You mentioned that you went for signals training. Could
11 you very briefly tell us what was covered in that signal's training course?

12 A. [9:46:18] When I went to -- for the signals training we were trained on how to
13 receive messages and then how to forward or send messages. We were also trained
14 on how to keep messages confidential.

15 Q. [9:46:40] Were you trained to use any equipment in the signals course?

16 A. [9:46:54] Now during the training we were trained on how to operate radio calls.
17 After the training, when we were now apt in our activities, we knew how to receive
18 and send messages, we knew how to keep the messages well, we were redeployed
19 back in our battalions and I went back to start work in my battalion in 1989 until 1995.

20 Q. [9:47:33] Thank you. And what happened in 1995, where were you assigned
21 then?

22 A. [9:47:49] In 1995 I was in the battalion. Then I received a message that I was
23 transferred to go to the division headquarters, that was the 4th division headquarters
24 that was based in Gulu. When I arrived in Gulu I received information that I had
25 a transfer to go and carry out interception of the LRA communication. I was

1 supposed to go and carry out interception of LRA radio communication. That was
2 in 1996. In that year when I went to Gulu 4th division headquarters I met with
3 a colleague who was called (Redacted). He received me. And he welcomed
4 me and started training me again.
5 He trained me on how to intercept LRA communication, on how the LRA relate their
6 messages. How to script the messages down and then breaking the LRA codes.
7 When I joined the interception work I realised the LRA use alphabetical letters
8 starting from A to Z. We would receive their messages.

9 Q. [09:49:46] Sir, could I interrupt you for a moment?

10 A. [9:49:51] Yes.

11 Q. [9:49:52] I'm sorry, all this detail is helpful, I just want to ask you questions in
12 a way so that I can make sure that it's clear and we cover everything that I hoped to
13 cover. So I apologise for the interruption.

14 Before you start to talk about the alphabet letters that you mentioned, first of all, what
15 kind of equipment or other materials did you use to intercept LRA radio
16 communications in Gulu starting in 1996?

17 A. [9:50:32] In that year we were using radio Racal for our communication.

18 Q. [9:50:41] Did you require any other kind of equipment besides the Racal radio or
19 was that all you needed?

20 A. [9:50:59] We were using only the Racal radio, nothing else.

21 Q. [9:51:06] At that time where was the LRA located, in which country?

22 A. [9:51:18] When I joined interception unit, from when the LRA headquarters was
23 in South Sudan, and some of their fighters were operating in Uganda.

24 Q. [9:51:35] Using the Racal radio were you able to listen effectively to radio
25 communications as far away as South Sudan?

1 A. [9:51:55] We could hear it very well and we could easily record it.

2 Q. [9:52:03] One last question about equipment. I'm curious, did you use
3 headphones with the Racal radio to listen to intercepted communications?

4 A. [9:52:24] We did not have headphones but were using handsets.

5 Q. [9:52:32] And I think I understand you, but just so it's clear. When you used the
6 handset how did you use it, was it something that you held directly up to your ear or
7 was it placed on a table? How did you use it?

8 A. [9:52:53] You would hold the handset and put it next to your ear as you keep on
9 writing. You hold it this way. You do not just say -- you don't have to speak, you
10 don't have to say anything because they will be talking, you would hold the handset
11 next to your ear as you keep on recording what they are communicating.

12 Q. [9:53:17] Thank you. You mentioned recording things. While you were
13 listening to an LRA radio communication did you make any written record of what
14 you were hearing?

15 A. [9:53:42] We were writing down the things and we kept those records.

16 Q. [9:53:54] What kind of paper did you use to write things down as you were
17 listening to the communications?

18 A. [9:54:06] We were mainly using A4 papers. These were plain papers.

19 Q. [9:54:18] And still focused on the time that you were actually listening, what
20 kind of information did you write down on this paper?

21 A. [9:54:38] What we would write down included, we would write down the codes,
22 these are things that they would -- information that they would relay using TONFAS
23 we would receive. Sometimes they speak in codes, at other moments they speak
24 very clearly and openly. We write them all down, we record the codes and we make
25 sure they are all written down. And later on we can cross-check if what we have

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 recorded were right or not.

2 Q. [9:55:16] I will ask you a little bit more about the codes later, but what other
3 kinds of information did you write down? Did you write down the date that you
4 were -- and the time that you were listening?

5 A. [9:55:39] Whenever you are starting the interception process, you will have to
6 begin by recording the time, the date. You also write the call sign of the speaker, or
7 the signaller who is speaking, you have to record that. If you do not know who is
8 speaking, you also write down the call sign. You will have recorded the date and the
9 time. You also put down the call sign so that you can know who has been speaking
10 on radio at what time and what he has been speaking about.

11 Q. [9:56:28] Sir, you have a black binder there at the witness table. If you could
12 grab that I'm going to ask you to look at a couple of documents. And the court usher
13 is going to come help you.

14 The tab that I would like him to look at first is tab 2. It's UGA-OTP-0258-0750. It's
15 a confidential document. Thank you, madam usher.

16 Mr Witness, do you have tab 2 in front of you now? Do you recognise that
17 document?

18 A. [9:57:21] Yes, I can see it. Yes, I do recognise it.

19 Q. [9:57:25] What is that?

20 A. [9:57:30] This is a TONFAS, together with a call sign.

21 Q. [9:57:38] Do you remember being interviewed by investigators from the ICC in
22 the early part of 2016?

23 A. [9:57:52] Yes.

24 Q. [9:57:54] And do you remember making some, some drawings or some
25 illustrations for them about some of the things you were discussing?

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 A. [9:58:06] Yes, I do remember that.

2 Q. [9:58:09] Is this one of those illustrations or is this something different?

3 A. [9:58:20] This is one of them.

4 Q. [9:58:24] And can you just very briefly say what this is intended to illustrate,
5 what's shown on this page?

6 A. [9:58:44] This document indicates a call sign, call sign Two Victor was
7 communicating to call sign Zero Bravo. That's what I can see on the document
8 because the person, the call sign who started speaking, you record it up and then the
9 subsequent speakers will come down. And that shows that call sign Two victor was
10 speaking to Zero Bravo.

11 Q. [9:59:20] So do I understand correctly that this is an example of how you would
12 record information that you were hearing on a communication, as we have been
13 discussing for the last couple of minutes?

14 A. [9:59:33] Exactly.

15 Q. [9:59:40] Could I ask you to look at tab 13 in the same binder, please.
16 Your Honours, that's UGA-OTP-0197-2321. My apologies, your Honours, the first
17 page of that document is 2319 and then it is 2321 that actually is in the binder that I'd
18 ask him about.

19 A. [10:00:35] I have it there.

20 Q. [10:00:36] Thank you, Mr Witness. Do you recognise that document?

21 A. [10:00:47] Yes, I recognise it.

22 Q. [10:00:54] Can you tell us what it is or what it is an example of?

23 A. [10:01:06] This is a TONFAS that was sent by the LRA, and we were trying to
24 break it so we could make sense of what they were communicating.

25 Q. [10:01:20] Do you recognise the handwriting on this page?

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 A. [10:01:34] Yes, I can see.

2 Q. [10:01:38] And if necessary using that list of names or if it were your own
3 handwriting, you could just say "it's mine", but whose handwriting is it? And, sir,
4 please, only if you know. If you don't know whose handwriting it is, you can also
5 say that.

6 A. [10:02:24] This is my handwriting.

7 Q. [10:02:30] And where on this page, if at all, do you see the date of the
8 communication? Can you find that on this page?

9 A. [10:02:48] I can see it's on the top.

10 Q. [10:02:53] Also on the top, on the left-hand, top left-hand corner, there is kind of
11 a column of letters and numbers. Do you see that, what I'm referring to?

12 A. [10:03:09] Yes, I can see.

13 Q. [10:03:11] And what are those?

14 A. [10:03:18] These are the call signs.

15 Q. [10:03:25] So is this an example of notes that were being written down as you or
16 as someone was listening to an LRA communication as you've described a few
17 minutes ago?

18 A. [10:03:49] This is already recorded in a book. This is not the one. This is
19 already recorded a statement.

20 Q. [10:04:03] So when you wrote down notes as you were listening, would those be
21 recorded in a notebook or were they on what I would call loose leaf or loose pages of
22 paper?

23 A. [10:04:23] When we are recording we would use loose pages. When you finish
24 and you find that everything is okay, then you can now record it in a notebook.

25 Q. [10:04:46] Okay, let me ask you about that next step then. After you have

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 listened to a communication and made some notes while you were listening, what do
2 you do next? What did you do next?

3 A. [10:05:09] When you finish recording your things in the loose pages, then you
4 record the communication in the logbook so that it becomes your record.

5 Q. [10:05:31] And what kind of paper did you use to -- okay, so you mentioned in
6 the logbook. Can you describe a bit what you mean by a logbook, what is that?

7 A. [10:05:52] When I talk about a logbook I am talking about a book that we buy
8 from a bookshop which is used for writing notes to record the messages intercepted
9 from the LRA.

10 PRESIDING JUDGE SCHMITT: [10:06:07] May I shortly, Mr Black.

11 MR BLACK: [10:06:09] Please, your Honour.

12 PRESIDING JUDGE SCHMITT: [10:06:10] Mr Witness, I have just one question to
13 clarify from you. When you say you first write it down on loose paper, is this to be
14 understood as a sort of a draft for what is later on written down in the logbook?

15 THE WITNESS: [10:06:32] (Interpretation) Yes. What we write in the loose pages is
16 like a draft. Before you record in the logbook you first use the loose pages to draft,
17 and when you have realised that you have broken the codes and everything is in
18 order, then you record them properly in a logbook.

19 PRESIDING JUDGE SCHMITT: [10:06:57] Thank you.

20 And the word "yeah" I also understand without translation.

21 Mr Black.

22 MR BLACK: [10:07:05] Thank you, your Honour.

23 Q. [10:07:08] Mr Witness, what language did you write in the logbooks?

24 A. [10:07:22] Most times when we are inter -- when we are recording the
25 intercepted messages, we write them in Luo. The LRA does not use Kiswahili or

1 English or any other language. They always use Luo. You receive it in Luo and
2 then you now record it in English.

3 Q. [10:07:52] So you hear it in Luo, but you record it in a logbook in English; is that
4 correct?

5 A. [10:08:05] Yes.

6 Q. [10:08:07] And why was that? Why did you record the logbooks in English?

7 A. [10:08:19] We record it in English in the logbook because those who read our
8 reports do not know Luo. They can read in English. You also write in English so
9 that whoever does not understand Luo can read the message and understand.

10 Q. [10:08:46] And who did use and read your reports? Who were they
11 intended for?

12 A. [10:09:00] Our reports are sent to the division commander and the division IO.
13 These are the two people who are supposed to read these messages so that they can
14 use it to plan their activities.

15 Q. [10:09:24] And what kind of activities would they plan using this information?

16 A. [10:09:37] Whatever we record in the logbook helps the division commander and
17 the division IO to plan, and to plan any operations against the LRA.

18 Q. [10:09:59] Now you have explained that you made some rough notes and then
19 you made logbook entries. What information did you include in the logbooks?

20 A. [10:10:26] What we record in the logbook includes the things intercepted from
21 the LRA, the messages that we get from the LRA, their plan and whatever they are
22 planning to do. There are different things that we record there, because the LRA
23 always communicates. They need to know of what is going on, where they are
24 going. They need to know the position of the LRA and the different things that they
25 communicate. So there are many things that we record in the logbook.

1 Q. [10:11:13] Did you include in the logbook information from any other sources
2 other than the communications that you were listening to, for example, from human
3 intelligence sources or public radio?

4 A. [10:11:44] The information that we get from the LRA, as long as you know how
5 to receive the intercepts from the LRA you should only write whatever message you
6 get from the intercepts and record the exact message that you got so that people are
7 not confused on what is going on.

8 Q. [10:12:13] Now you have also mentioned a couple of times that the LRA
9 sometimes used coded language. In the logbooks did you just write down the coded
10 language, or did you write down what you had understood after you had managed to
11 break the code?

12 A. [10:12:44] What we record in the logbook includes the broken codes. There are
13 times that you may understand the message that they are talking about. To remind
14 you, usually after sending the message they would talk about a few things. When
15 you have a problem breaking that code, for example, their location, they would send
16 it. If you fail to break that code you can put that same code so that if something
17 happens you come back to that code later to realise that that was the code that you
18 failed to break. That would make you know the exact message you got from
19 the LRA.

20 Q. [10:13:47] Thank you. You have already explained that you provided the
21 logbooks to the, I believe to the commander and the intelligence officer in the unit.
22 After they saw the logbook entry, what did you do with the logbooks after that?

23 A. [10:14:17] When you finish recording the message on the logbook you take it to
24 your seniors, to a division commander and the division IO. They would read it.
25 When they read, sometimes they ask your opinion, because you are experienced in

1 getting the intercepts of the LRA.

2 When they read, it is the responsibility of the division IO and the division commander
3 to act on the message. They can send soldiers or helicopter gunships to pursue the
4 LRA because they will have understood the plans of the LRA. Thank you.

5 Q. [10:15:10] And thank you. I realise some of these questions are very procedural,
6 but the procedure is useful to us and that's why I'm asking you. So I'm wondering
7 what you would do next. Did you provide information from the intercepted
8 communications, for example, to anyone else besides the division commander and the
9 division IO?

10 A. [10:15:49] After the division IO and division commander reading the book, there
11 are other seniors, like our headquarters and the training officer, would also know
12 what -- they have to know what is going on. We would take the highlights of the
13 message and send it to our headquarters.

14 Q. [10:16:18] How would you send the highlights of the message to your
15 headquarters?

16 A. [10:16:34] At times we would use a phone to -- because we didn't have a fax.
17 Sometimes we would borrow the fax facility of our neighbours who had it so that we
18 can send the message to our seniors in our headquarters also.

19 Q. [10:17:01] Thank you. And to be as precise as I can, while you were in Gulu, so
20 from 1996, these first years, did you have access to a fax machine?

21 A. [10:17:20] We didn't have our own fax machine. But the ISO guys had the fax
22 machine.

23 Q. [10:17:30] Thank you. And did you fax or call headquarters after every LRA
24 communication or only occasionally?

25 A. [10:17:59] Not all the time. Sometimes we would send and sometimes we do

1 not send.

2 Q. [10:18:06] And how would you decide whether or not you needed to report
3 information to headquarters?

4 A. [10:18:23] There are some of the messages that they need to know, but there are
5 others that they really don't need to know, and sometimes I am busy and not able to
6 send the messages that we are supposed to send. But the most important thing is,
7 wherever there is an opportunity, we always send.

8 Q. [10:18:49] And what kinds of information would you think they need to know
9 and therefore you would convey, communicate to headquarters?

10 A. [10:19:10] There are some important messages like losses on our side, like what
11 we recovered from the LRA and information that the LRA want to do, the operations
12 that the LRA wants to conduct, that they really need to know. There are other things
13 that are not very important that we don't send to the headquarters.

14 Q. [10:19:41] Thank you for this explanation. Let me ask you a couple of questions
15 now about record-keeping and storage. First, what was done with the loose pages
16 that you used while you were actually listening to the communication? After you
17 had done the logbook entry, what did you do with the rough note pages?

18 A. [10:20:21] Many times the papers, the loose pages are used as rough drafts and
19 when we finish and finalise the fair copy, we can have our notebooks to record other
20 important information. The rest are destroyed, it's burnt and destroyed.

21 Q. [10:20:50] What about the logbooks, how were they stored?

22 A. [10:21:01] The logbooks are kept in our office as a technical intelligence. There
23 is no one who enters that office except the authorised persons who work there. It is
24 not allowed for someone who is not a staff to access that office. When we finish and
25 take the book to the senior commanders, we come back with the book and we put it in

1 a lockable drawer in that office. When we find that the book is full, we would keep
2 it, because we use it as reference. Sometimes our commanders may still need to use
3 that, the old information, to help in planning.

4 Q. [10:21:52] And were the logbooks ever provided to headquarters or sent
5 somewhere else away from the 4th division in Gulu?

6 A. [10:22:09] Many times we keep our things within Gulu headquarters or in
7 Kampala, the bigger headquarters.

8 Q. [10:22:28] And if things were to be kept in Kampala, in the headquarters, how
9 would they be transported there?

10 A. [10:22:42] We mainly use army vehicles when we are taking things to the army
11 headquarters. We would send a message ahead that we have sent, something is
12 coming your way.

13 Q. [10:22:55] And one more question about procedures in Gulu: In this period
14 from 1996 until you left for another place, did you make audio recordings of LRA
15 radio communications at this time in Gulu?

16 A. [10:23:21] It was not easy for us. Because the Racal radios could not record,
17 because you are always holding the handset in your -- close to your ear, so you cannot
18 record whatever was being said.

19 Q. [10:23:42] Now I am going to ask you a couple of questions about your
20 colleagues in the intercept programme in Gulu. So grab the list of numbers and
21 names, please.

22 A. [10:24:01] Yes, I have seen them.

23 Q. [10:24:03] And referring to any of those people that you may need to refer to
24 only by their number and not by their name, did you work with any of the people on
25 this list during your time in Gulu?

1 A. [10:24:23] Yes.

2 Q. [10:24:26] And which numbers of people did you work with?

3 A. [10:24:38] I worked with person number 2. I worked with person number 3.

4 No, when I was in Gulu I worked with number 2. And number 9, he is the second
5 person I worked with when I was in Gulu. Also number 8. These are the people I
6 worked with in Gulu.

7 Q. [10:25:33] Thank you, sir. And I appreciate the way you conscientiously used
8 the numbers. I know it is a little awkward but you did it very well.

9 We already discussed person number 2 a little bit. How long did person number 2
10 work with you in Gulu?

11 A. [10:26:01] I started working with person number 2 from 1996 up to the year 2000.
12 Towards the end of the year 2000.

13 Q. [10:26:19] Let me ask you about person number 8. When did person number 8
14 arrive in Gulu or to the intercept programme in Gulu?

15 A. [10:26:40] The person number 8 came to Gulu to start working and to do
16 intercepts in the year 2001.

17 Q. [10:26:51] How long did you overlap with person number 8 there?

18 A. [10:27:10] Up to now we still work together. He is still a part of the staff I work
19 with.

20 Q. [10:27:17] And while you were in Gulu did you work together there for very
21 long? Do you remember how long it was?

22 A. [10:27:36] I worked with him for about three months while in Gulu.

23 Q. [10:27:42] And what did you --

24 A. [10:27:45] No, I'm sorry. It is not three months. It was three weeks. It's not
25 three months, but three weeks that I worked with him.

1 Q. [10:27:58] Thank you. And what did you do with person number 8 during
2 those three weeks?

3 A. [10:28:17] I was training him on how to use the intercepts.

4 Q. [10:28:27] Do you know if he had previously been trained as a signaller?

5 A. [10:28:42] Person number 8 was not a signaller but he was taken from one of the
6 mobile forces in -- battalion mobile forces from Kitgum. I was transferred to the CMI
7 headquarters and someone was supposed to replace me. I couldn't leave the office
8 alone so he was brought from the mobile force and I trained him.

9 Q. [10:29:11] Was he already able to operate a radio when he arrived or did you
10 need to train him on that too?

11 A. [10:29:28] He was able to operate a radio at least.

12 Q. [10:29:34] And when you had to leave to take a new assignment and he was
13 taking your place, by that time did you consider him capable of continuing your work
14 in Gulu?

15 A. [10:29:59] When I left him in the office I had already trained him and I was
16 certain that he was able to work and was able to do the things that he was supposed
17 to do the way he was supposed to do it. Up to now he is working very well.

18 Q. [10:30:19] You have also said person number 9, that you worked with him while
19 you were in Gulu. When did he arrive in Gulu?

20 A. [10:30:41] Person number 9 came to Gulu in the year 2000.

21 Q. [10:30:48] And what was his role in the LRA intercept programme?

22 A. [10:31:01] The person number 9 was not engaged in LRA interception activities.
23 When he came to Gulu in the year 2000 he came with a machine called DF. It's called
24 a direction finding machine. He was -- he was the deputy of the person with whom
25 he came with to Gulu at that time.

1 Q. [10:31:42] Did he eventually have responsibilities that went beyond direction
2 finding or DF?

3 A. [10:31:57] Could you please repeat the question?

4 Q. [10:32:00] Of course. Did person number 9 at some point take on
5 responsibilities that went beyond direction finding or DF?

6 A. [10:32:19] No. He was only engaged in that.

7 Q. [10:32:28] Sir, a few minutes ago you mentioned ISO or I-S-O. What do you
8 know that the ISO was doing in Gulu at this time?

9 A. [10:32:52] The ISO were our neighbours in office and what we came to
10 understand was that they were part of the LRA intercept team.

11 Q. [10:33:08] Did you work closely in coordination with ISO in your work in
12 intercepting LRA communications?

13 A. [10:33:26] We were working close by. They had their own office, we had our
14 own office, but as I came to learn we were all intercepting LRA communication.

15 Q. [10:33:40] And were you working together with them or were you working
16 separately?

17 A. [10:33:54] We were doing the same thing, we were all intercepting LRA
18 communication, but we were working in different offices, doing the same work but in
19 different offices.

20 Q. [10:34:08] Did you ever discuss the content of intercepted communications with
21 the ISO intercept officers?

22 A. [10:34:27] No. What we were doing was that we were doing different things for
23 different offices. Each of the offices were supposed to collect or intercept LRA
24 communication and each of our respective supervisors were the ones tasked with
25 validating our recordings. We would be intercepting at the same time. We were

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Private Session)

ICC-02/04-01/15

1 using the same lines but we write differently. Each office would record their own
2 and it was now our supervisors or superiors to know what each team has written.

3 MR BLACK: [10:35:12] Your Honour, could we go into private session for less than
4 five minutes. I just want to allow him to put some names that might reveal

5 (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [10:35:23] Private session.

7 (Private session at 10.35 a.m.)

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 (Open session at 10.36 a.m.)

21 THE COURT OFFICER: [10:36:53] We are back in open session, Mr President.

22 MR BLACK: [10:36:56] Thank you.

23 Q. [10:36:57] Mr Witness, those are all of my questions at the moment about Gulu.

24 What was the next place that you worked intercepting LRA radio communications
25 after you left Gulu?

1 A. [10:37:25] When I left Gulu I moved to Achol-Pii UPDF army barracks.

2 Q. [10:37:32] When did you arrive in Achol-Pii?

3 A. [10:37:35] I arrived in Achol-Pii in the year 2002.

4 Q. [10:37:44] Do you know if anyone had been intercepting LRA communications
5 from Achol-Pii before your arrival?

6 A. [10:38:05] Yes, I do.

7 Q. [10:38:06] Had there been anyone?

8 A. [10:38:09] (Redacted).

9 Q. [10:38:22] And when you arrived were the procedures that you used to intercept
10 LRA radio communications similar to those you described earlier in relation to Gulu
11 or were they different?

12 A. [10:38:45] It was the same procedure.

13 Q. [10:38:49] What kind of radio did you use in Achol-Pii to intercept LRA
14 communications?

15 A. [10:39:06] When I arrived at Achol-Pii I was still using the Racal radio.

16 Q. [10:39:14] And did you write down notes as you listened in the same way that
17 you described doing in Gulu?

18 A. [10:39:27] It was the same process. We were doing the same things like we
19 were doing in Gulu.

20 Q. [10:39:37] And does that include writing in the logbooks as well?

21 A. [10:39:50] Yes, exactly that.

22 Q. [10:39:52] What about faxing information to headquarters in Kampala, were you
23 able to do that from Achol-Pii?

24 A. [10:40:06] No, we could not do that. If we had something to relay we would
25 speak on phone. We didn't have a fax machine. We didn't have any other way of

1 relaying information.

2 Q. [10:40:22] And again using the numbered list, if you need to, if you needed to
3 relay information to headquarters by phone, who would you speak with?

4 A. [10:40:44] When we are in the field the person we would communicate to was
5 number 1.

6 Q. [10:40:58] And there at Achol-Pii who did you report to?

7 A. [10:41:15] In everything we were doing we would be working under the
8 stewardship of the division commander, the second person would be the division IO.

9 Q. [10:41:37] And did you provide the logbooks to the division commander and the
10 division IO in Achol-Pii in the same way that you described doing in Gulu?

11 A. [10:41:52] Exactly. No one else. There was no one else who could read that
12 book over than the division commander and the division IO.

13 Q. [10:42:07] A couple of questions again about record-keeping. While you were
14 in Achol-Pii what did you do with the loose rough notes that you made while
15 listening to the LRA?

16 A. [10:42:33] Most times these draft papers, we would destroy them, we would
17 burn them because we did not want any information to get out. We didn't want
18 anybody to know what we have recorded down in those draft papers. We would
19 burn them. Sometimes we would have some books where we would keep some of
20 these things. We only keep very important things. But for the pieces of paper we
21 would burn them.

22 Q. [10:43:03] And what about the logbooks, how were they stored in Achol-Pii?

23 A. [10:43:17] Achol-Pii was an operation area. We would store our logbooks
24 within the offices next to where you are sitting. If the book was filled up, there were
25 vehicles that were coming from other divisions and if you identify a reliable staff they

1 would request that one to transmit the documents to the 4th division headquarters
2 which was technical headquarters. And if we found somebody who was travelling
3 to Kampala, then we would transmit the documents to Kampala.

4 Q. [10:44:07] Did you make audio recordings of LRA communications while you
5 were intercepting from Achol-Pii?

6 A. [10:44:23] On tape or what do you mean?

7 Q. [10:44:26] Yes, that's what I mean. Did you make tape-recordings in Achol-Pii?

8 A. [10:44:40] No, we were not using tape-recording.

9 Q. [10:44:45] Would you pull out your list of numbered names, please. I am going
10 to ask you for a moment about colleagues at Achol-Pii.

11 A. [10:44:59] I have it handy.

12 Q. [10:45:03] So looking at that list and using just the numbers, if necessary, who
13 did you work with in Achol-Pii during the first time that you were there, because you
14 may explain that you were there more than once, but this first time in 2002?

15 A. [10:45:32] When I went to Achol-Pii in the year 2002, I found number 5 was
16 there. We worked together. I also found number 12, with whom I worked for some
17 time. I also worked with number 3 at some point.

18 Q. [10:46:01] And do you recall working with person number 12 or person
19 number 3 at Achol-Pii in 2002 or was that some other time or some other point?

20 A. [10:46:23] I worked with them at a different time, not in the year 2002. But I
21 worked with them at some point.

22 Q. [10:46:35] Thank you. Person number 5, who you said you worked with there
23 in Achol-Pii, what was your impression of his abilities in intercepting LRA radio
24 communications?

25 A. [10:46:55] Well, he was working very well. We worked together until I left him

1 there and I moved out to do something else. I didn't have any impression of him.

2 He was a good person.

3 Q. [10:47:12] Did he use the same procedure that you've described for listening to
4 and recording LRA communications, or was his procedure different?

5 A. [10:47:31] There was no other procedure. We had just one procedure. And the
6 same way I was working was the very same he was using.

7 Q. [10:47:47] Let me ask you for a moment about person number 8, who had been
8 with you for three weeks in Gulu. Did you continue to have contact with person
9 number 8 after you were in Achol-Pii?

10 A. [10:48:12] Yes, we continued having contacts because, you know, before the LRA
11 started communicating we would need to communicate between ourselves to ensure
12 that all of us were ready in our various locations to begin intercepting
13 communication. We kept on communicating and we kept in touch.

14 Q. [10:48:40] Did you ever discuss with him what you heard in an LRA
15 communication?

16 A. [10:48:55] No, it was prohibited. Whenever you finish intercepting, you are not
17 required to discuss what you have recorded.

18 Q. [10:49:14] Okay. You already mentioned that you moved from Achol-Pii to
19 another location. Where did you go next?

20 A. [10:49:32] In the year 2003, when the LRA crossed from up coming down,
21 crossed Lango border and entered into Teso, I was also taken from Achol-Pii and
22 transferred to Soroti 3rd division to go and work there.

23 Q. [10:50:02] Before you arrived at the 3rd division in Soroti, was anyone else
24 intercepting LRA communications from that location?

25 A. [10:50:16] There was no one there. I was the person who went and established

1 the activity there.

2 Q. [10:50:25] And did you follow the same procedures to intercept and record LRA
3 radio communications as you had done in Gulu and Achol-Pii or did you operate
4 differently in Soroti?

5 A. [10:50:42] There was no other procedure. We were using the very same
6 procedure.

7 Q. [10:50:49] Were you able to fax information to headquarters in Kampala from
8 Soroti?

9 A. [10:51:06] Well, I did not use a fax machine because it was not there in Soroti.
10 I was operating in the same manner I was operating in Achol-Pii.

11 Q. [10:51:21] While you were operating from Soroti, what kind of radio did you use
12 to intercept LRA communications?

13 A. [10:51:32] I was using an Icom radio.

14 Q. [10:51:38] Where was the Icom radio located?

15 A. [10:51:49] The Icom radio was mounted on a Land Rover vehicle. We would
16 use it while we are in the field when we are in operation.

17 Q. [10:52:06] And so you used the Icom radio in the field to listen to the
18 communications. What about making your rough notes and your logbooks and
19 things like that, did that happen in the field or back at the barracks?

20 A. [10:52:31] In that vehicle they had set up everything like an office. There was
21 a table, we had everything else. And each time we are leaving the barracks and
22 moving out to the field, we would only move knowing that it is time to go for that
23 operation.

24 If there was no attack, there was nothing else as an emergency, I would continue
25 writing my things. Sometimes when it is time to go for breakfast I would move back

1 to the barracks, go have breakfast, then I continue doing my work, but eventually
2 move back in the field to proceed.

3 Q. [10:53:12] While you were in Soroti, if you filled up a logbook, what was done
4 with the logbook?

5 A. [10:53:27] I would keep the logbook. And, well, if you've filled it up and I feel I
6 should now transmit it to the division IO, I would take it to the division commander.
7 If they finish reading, and if they have finished planning on what they need to do, I
8 would move back to the field and go back to carry out intercept work.

9 Q. [10:53:54] And were completed logbooks sent to Gulu or Kampala as you
10 described with logbooks while you were at Achol-Pii?

11 A. [10:54:08] Yes. Our main office was either in Gulu or in Kampala, so we would
12 take them there.

13 Q. [10:54:23] Did you tape-record any LRA communications while in Soroti?

14 A. [10:54:35] No, we didn't tape-record anything.

15 Q. [10:54:45] While you were in Soroti, to whom did you report? Besides your
16 headquarters, who in Soroti did you report to?

17 A. [10:55:00] My superior in Soroti was (Redacted).

18 Q. [10:55:13] Did you have any other UPDF colleagues intercepting with you in
19 Soroti?

20 A. [10:55:27] I was with only people from the DF unit. I didn't have any other
21 person.

22 Q. [10:55:38] Perhaps looking at the numbered list again, do you know if other
23 UPDF colleagues were intercepting LRA communications from other places during
24 the time that you were in Soroti?

25 A. [10:56:01] Number 8, I had left him in Gulu. I was in Soroti. And person

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 number 9 was also in Gulu. And then number 4 -- no, number 5 was in Lira.

2 Q. [10:56:29] Okay. Thank you.

3 And did you eventually leave Soroti to intercept from another location?

4 PRESIDING JUDGE SCHMITT: [10:56:39] Since this is a new issue, perhaps we will
5 have a break? What do you think, Mr Black?

6 MR BLACK: [10:56:46] Certainly, your Honour, that's fine.

7 PRESIDING JUDGE SCHMITT: [10:56:47] Yes, I think we will have a break now
8 until 11.30.

9 THE COURT USHER: [10:56:52] All rise.

10 (Recess taken at 10.56 a.m.)

11 (Upon resuming in open session at 11.31 a.m.)

12 THE COURT USHER: [11:31:18] All rise.

13 PRESIDING JUDGE SCHMITT: [11:31:41] Mr Black, I have received the information
14 that you might finish in this session.

15 MR BLACK: [11:31:48] I think that's right, your Honour, probably around the end of
16 the session. It's possible that it will go a little long, but I made good process in the
17 first session so let's see how (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [11:32:00] I think then we should really aspire to
19 finish in the second session.

20 MR BLACK: Okay.

21 PRESIDING JUDGE SCHMITT: Further information from the Defence, Mr Obhof, is
22 that you would not like to start in the afternoon and I would accept that, I don't have
23 objections. So you would then start with your expectation tomorrow; is this correct?

24 MR OBHOF: [11:32:19] Yes, your Honour. It would just be a few quick notations to
25 the witness and the Court so people in the gallery and watching on the internet

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 would understand why we're not having the last session. So maybe at the very end,
2 if it finishes with five minutes, we can explain what the witness will be doing during
3 the third session.

4 PRESIDING JUDGE SCHMITT: [11:32:36] If there are no objections by
5 the Prosecution, I think we can do it this way.

6 MR BLACK: [11:32:42] Okay. No objections from our side, your Honour.

7 PRESIDING JUDGE SCHMITT: [11:32:44] Then please continue, Mr Black.

8 MR BLACK: [11:32:48] Thank you.

9 Q. Mr Witness, just before we took that break, I was asking you whether at some
10 point you left Soroti and went to another location to intercept LRA communications.
11 Is that right that you left and went somewhere else?

12 A. [11:33:19] When I left Soroti in the year 2003 I was taken to Lira in the tactical
13 headquarters of the 5th division. I was supposed to go and help my colleague
14 (Redacted) who was sick and had gone for medical leave.

15 Q. [11:33:47] You mentioned 2003. Do you remember the month you left Soroti to
16 go to Lira?

17 A. [11:33:58] I left around January, at the end of January to go to Lira in 2004.

18 Q. [11:34:11] Okay. So January 2004; is that correct?

19 A. [11:34:17] Yes, at the start of 2004.

20 Q. [11:34:26] And how long did you stay in Lira?

21 A. [11:34:38] I stayed for one year and continued working in Lira.

22 Q. [11:34:49] What kind of radio did you use when you were intercepting LRA
23 communications in Lira?

24 A. [11:35:07] I continued using Racal because I left the Icom radio in Soroti.

25 Q. [11:35:13] And just so that I understand correctly, that the Racal radio, is that

1 sort of stationary in an office somewhere or is that also mobile like the Icom radio you
2 described in Soroti?

3 A. [11:35:36] We have it stationary in an office. We do not use it as a mobile.

4 Q. [11:35:46] So while you were in Lira in 2004 did you use the same procedures
5 that you have described using in Gulu and Achol-Pii and Soroti, or did you use a
6 different procedure?

7 A. [11:36:10] We use the same procedure everywhere, it does not change.

8 Q. [11:36:15] Were you able to fax information to headquarters in Kampala from
9 Lira in 2004?

10 A. [11:36:33] No, because we did not have a fax machine to use.

11 Q. [11:36:38] Did you make tape-recordings of LRA communications in Lira?

12 A. [11:36:50] No, it was not there.

13 Q. [11:36:54] And what did you do with completed logbooks while you were
14 in Lira?

15 A. [11:37:15] When we finish writing our notes in the notebook we would take it to
16 the division CO or the division IO.

17 Q. [11:37:26] And what about when a logbook was full, was it stored in Lira or was
18 it sent to Gulu or Kampala as you described earlier?

19 A. [11:37:46] When our logbook is full we can send it to Gulu tactical headquarters
20 or we send it to Kampala.

21 Q. [11:37:57] Let me ask you about your colleagues, so please have handy the list of
22 names with numbers.

23 A. [11:38:12] I have seen.

24 Q. [11:38:12] Can you recall whether you worked with any of these persons while
25 you were in Lira in 2004?

1 A. [11:38:29] While in Lira I worked with number 3 for some time. I also worked
2 with number 4 and number 5. These are the people I worked with in Lira.

3 Q. [11:38:50] What can you tell us about person number 3 and what he did in Lira?

4 A. [11:39:10] Person number 3 was listening to the LRA intercepts from the radio
5 and recording in a book.

6 Q. [11:39:28] Do you know if he had received training either in signals generally, or
7 more specifically in intercepting LRA communications?

8 A. [11:39:46] Number 3 was a signaller, and later on number 5 brought him as an
9 intercepting -- to the intercepting room. He was given some training and I also
10 trained him and then he started working as an interceptor.

11 Q. [11:40:16] What about person number 4, how long did you work with him
12 in Lira?

13 A. [11:40:32] Number 4 was also a communication signaller. We trained him to
14 intercept messages of the LRA and then we took him to the field to go and listen to
15 the intercepts.

16 Q. [11:40:53] You have said that you were in Lira for approximately one year.
17 When you left Lira where did you go next?

18 A. [11:41:11] When we left Lira, the tactical headquarters of the 5th division was
19 relocated to Achol-Pii. I also moved to Achol-Pii in the year 2005. I worked in the
20 year 2005 up to the year 2011 I was in Achol-Pii.

21 Q. [11:41:42] And when you were in Achol-Pii the second time from 2005, did you
22 continue using the same procedures that you've described using at the other
23 locations, or were they different?

24 A. [11:42:06] It was the same procedure, there was no change. We kept using the
25 same procedure.

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 Q. [11:42:13] What kind of radio did you use this time in Achol-Pii?

2 A. [11:42:25] When I returned to Achol-Pii I was using Racal.

3 Q. [11:42:45] And were you tape-recording any LRA communications in Achol-Pii
4 this time?

5 A. [11:42:47] No, it was not there.

6 Q. [11:42:54] And when a logbook was full, what was done with the logbook
7 during the time, the second time in Achol-Pii?

8 A. [11:43:12] When the logbook gets full we would send it to the tactical
9 headquarters in Gulu, or we would send it to Kampala in the headquarters.

10 Q. [11:43:27] Please look again at your list of numbers and names and using the
11 numbers only, tell us if you remember working with any of these people while you
12 were in Achol-Pii from 2005 onward.

13 A. [11:43:55] When I returned to Achol-Pii, I was alone. So I trained person
14 number 12 and we worked together with him. We worked and I left him in
15 Achol-Pii.

16 Q. [11:44:22] Mr Witness, thank you for going through all those different locations
17 with us. That's -- I appreciate that. It's been helpful.

18 I'm going to change topics a little bit now and I'm going to ask you to look at a few
19 different documents in the binder. Could you start by looking at tab 18, please.

20 Your Honours, for the record this is UGA-OTP-0244-3348.

21 Mr Witness, do you recognise what's shown in this photograph?

22 A. [11:45:13] Yes, I have seen it very well.

23 Q. [11:45:16] And what is it?

24 A. [11:45:24] They are showing the building which has the communication facility.

25 Q. [11:45:37] I think you may have mentioned it, but it didn't come through in the

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 interpretation, what was this building called?

2 A. [11:45:50] It is the Boys' Quarters.

3 Q. [11:45:59] And where is this building located?

4 A. [11:46:08] It is located in the barracks of the 4th division.

5 Q. [11:46:12] And just so we're clear, which town was that in?

6 A. [11:46:24] It is in Gulu town.

7 Q. [11:46:29] Looking at the photograph there would appear to be three doorways
8 on the side that we can see. Do you recall what was through each of those doors?

9 A. [11:46:51] The three doors, the one on the right was leading to my office. The
10 next one was vacant. And then the one on the -- the one on the right is the one that
11 Odong Kara was sleeping in.

12 Q. [11:47:32] Okay, thank you. That's all for that photograph.

13 Now I am going to take you through several items which are all handwritten
14 documents. And my main interest, sir, would be in whether you recognise the
15 handwriting that you see on them. The images, frankly, sometimes the quality is not
16 great. So I would like you to take your time and look at them. Do you understand
17 that? I will tell you actually which tabs to go to in just a moment, but I just want to
18 make sure you understand that the task is basically to see whether or not you
19 recognise the handwriting. Do you understand?

20 A. [11:48:18] Yes, understood.

21 Q. [11:48:21] Thank you. Let's start with tab number 10.

22 Your Honour, this is UGA-OTP-0197-0308. And there are three pages in the binder
23 which end in 0308, 0309 and 0310.

24 Mr Witness, just take a moment to look at each of those three pages and look up at me
25 when you're done.

1 And it is just that tab, just those three pages, so you can stop at the end of those three
2 pages. Yes, don't go on to the next one. So I think you will want to turn back. Yes,
3 there you go. Just those three pages behind tab 10.

4 Do you recognise those pages, sir, and what are they?

5 A. [11:49:53] This is the message that we recorded from LRA intercepts.

6 Q. [11:49:58] And would this be an example of the rough notes that you make while
7 you are listening or is this a logbook or is this something different which you have
8 mentioned today?

9 A. [11:50:16] This is now a logbook where we would record fair copies of the
10 message.

11 Q. [11:50:26] Okay, Thank you. And to make sure that we are on the same tab, just
12 because I can't quite see what you have in front of you, could you read the date that is
13 written on the first page, 0308.

14 A. [11:50:50] 2 August 2004.

15 Q. [11:50:57] Okay, great. Thank you. And looking at that page and the two
16 pages just after in the binder, do you recognise the handwriting on these documents?

17 A. [11:51:28] This is my handwriting. I was the one who took these notes.

18 Q. [11:51:33] And I guess for context I should also ask you, obviously you wrote in
19 logbooks, did other of your UPDF colleagues also write in the logbooks?

20 A. [11:51:55] Yes, they would write when we are together.

21 Q. [11:51:58] And did you try to have a consistent way of writing? For instance,
22 I notice on these pages it is in all capital letters. There are no lower case letters. Was
23 that something that just you did or was that something that all of the UPDF staff did
24 with the logbooks?

25 A. [11:52:27] For us, that is how we write. We write in upper cases, not lower

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 cases.

2 Q. [11:52:37] And as far as you know, is that true of all the UPDF staff who worked
3 intercepting LRA communications?

4 A. [11:52:58] For us in the UPDF, that is how we write, because in the training for
5 communication that is how we were told to write and that is how we write. Even the
6 staff that I work with, they write like that.

7 PRESIDING JUDGE SCHMITT: [11:53:21] I think that's a clear answer.

8 MR BLACK: [11:53:22] Thank you.

9 Q. [11:53:23] Mr Witness, thank you. Can you turn to the next tab, tab 11, please.
10 Your Honours, for the record it is UGA-OTP-0197-1078. There are four pages in the
11 binder which end in 1079, 1080, 1100 and 1219.

12 And, Mr Witness, the questions are again the same, you know, do you recognise these
13 documents and, if so, whose handwriting appears on the pages?

14 A. [11:54:10] This is my handwriting.

15 Q. [11:54:15] And what are these examples of?

16 A. [11:54:25] These are the messages we got from the LRA?

17 Q. [11:54:32] And are they written in logbooks as opposed to --

18 A. [11:54:38] This is a logbook.

19 Q. [11:54:41] Go ahead then and turn to the next tab, tab 12. This is
20 UGA-OTP-0197-1866. And again there should be four pages in the tab, which end
21 in 1867, 1868, 1869, and 2035.

22 And again, sir, I would have the same questions, do you recognise these documents,
23 and if you do, whose handwriting appears on them?

24 A. [11:55:25] Even this one is my handwriting. It is not anyone else.

25 Q. [11:55:36] Okay. Let's go ahead and turn to the next tab -- actually tab 13 we

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 discussed earlier, so you can skip that one, and look at tab 14.

2 This is UGA-OTP-0242-6212 and there are four pages there ending in 6214, 6215, 6274
3 and 6391.

4 Please take a moment, sir, to look at these pages and tell me if you recognise the
5 handwriting on them.

6 A. [11:56:49] This is my handwriting also.

7 Q. [11:56:56] Now please turn to the next tab, tab 15.

8 PRESIDING JUDGE SCHMITT: [11:56:59] Perhaps just one additional question here.

9 Mr Witness, these pages seem a little bit stained. Do you know what happened to
10 the logbook there? If not, it's also not a problem. It simply was visible, and so I
11 wanted to enquire on that.

12 THE WITNESS: [11:57:36] (Interpretation) I do not know. When I was taking the
13 notes there were no stains.

14 PRESIDING JUDGE SCHMITT: [11:57:41] I can imagine that, yes.

15 Please continue, Mr Black.

16 MR BLACK: [11:57:47] Thank you, your Honour.

17 Q. [11:57:49] And, Mr Witness, I think we were just turning to tab 15, and it's
18 UGA-OTP-0242-6409. There are three pages in this tab ending in 6413, 6444
19 and 6491.

20 Mr Witness, please take a moment, take your time if you need to, look through these
21 pages and tell us whether you recognise the handwriting there.

22 A. [11:58:57] This must be the handwriting of (Redacted).

23 Q. [11:59:03] And when you say that, are you looking at any particular page or is it
24 all the pages? Because just from looking at it one might see sometimes the
25 handwriting slants one way or a different way. Do you know if all of these pages

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 were written by the same person or is it possible that they are written by more than
2 one person?

3 A. [11:59:48] It is not my handwriting. It must for (Redacted).

4 Q. [11:59:53] Okay. Thank you. Go ahead and turn then to tab 16. This is
5 UGA-OTP-0242-7194, just two pages here, ending in 7196 and 7293.

6 And again take a moment and look at these and tell us whether you recognise the
7 handwriting on these pages.

8 A. [12:00:41] This one also must be (Redacted) handwriting.

9 Q. [12:00:47] Thank you. Please turn to tab 17. This is UGA-OTP-0242-7500 and
10 there are eight pages here. So perhaps we will look at them one by one.

11 Mr Witness, behind tab 17, the very first page there, at the bottom it's -- the letters are
12 small, but you may see some numbers that end in 7508 at the very bottom of the page,
13 just to make sure we're on the same one. It's a page that purports to be

14 dated 10 December 2004, time 1100 hours. Do you see which page I'm referring to?

15 Sir, do you see the page I'm (Overlapping speakers)

16 A. [12:02:00] Is it on the first page?

17 Q. [12:02:02] Yes, exactly. It's the first page. And only because we're a few metres
18 apart and I can't (Overlapping speakers)

19 A. [12:02:09] On 10 December at 11 o'clock?

20 Q. [12:02:14] Yes, exactly right. Do you recognise the handwriting on that page?

21 And sir, if I could just remind you --

22 A. [12:02:34] Yes. I, I am recollecting.

23 Q. [12:02:37] If you recognise someone's handwriting and their name is on the
24 numbered list, it would be great if you could use the number instead of the name. I
25 know it's a lot of pages of paper, but that would be ideal.

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 Okay, Mr Witness, so I see you are flipping through the pages. Tell us, using the
2 numbers if you can, if you recognise the handwriting from any of those pages behind
3 tab 17.

4 A. [12:04:08] The first one I think is mine. The second one also it is mine. The
5 next one I think should be belonging to person number 8, person number 8. Person
6 number 8 has also written on the document. And the fourth one, the one of
7 Thursday, the 30th, belongs to me. The one of the 3rd, I am also the one who wrote
8 it. That of the 13th is the same. That of the 2nd is the same. The one of -- on
9 the 19th belongs to person number 3. The one of the 19th belongs to person
10 number 3. The following one is mine. That is all.

11 PRESIDING JUDGE SCHMITT: [12:06:13] That was comprehensive, I would say.

12 MR BLACK: [12:06:17]

13 Q. Yes. Thank you for your attention to these. I know it's -- it may not be
14 that easy.

15 PRESIDING JUDGE SCHMITT: [12:06:27] Microphone.

16 MR BLACK: [12:06:29]

17 Q. [12:06:29] Mr Witness, please turn then to tab 19, so you can skip over the photo
18 we looked at before and look at tab 19 which is UGA-OTP-0255-0228. There are two
19 pages ending in 0231 and 0409. Sir, do you recognise the handwriting on those
20 pages?

21 A. [12:07:00] Yes, I have seen.

22 Q. [12:07:02] And whose is it using the numbers that (Overlapping speakers)

23 A. [12:07:07] Me, the speaker.

24 Q. [12:07:16] Just one more document to look at behind tab 20, this is
25 UGA-OTP-0255-0451. There are three pages there ending in 0454, 0455 and 0504.

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 Take a moment, please, to look and see if you recognise the handwriting on those
2 pages.

3 A. [12:07:51] I am the one who wrote them.

4 Q. [12:07:55] Thank you, sir.

5 MR BLACK: [12:07:56] And, your Honour, just for completeness of the record, I
6 realise for tab 17 I didn't read out all the specific page numbers, so I will do that just --

7 PRESIDING JUDGE SCHMITT: [12:08:04] Indeed, you can do that.

8 MR BLACK: [12:08:06] -- just for clarity.

9 In tab 17 it was UGA-OTP-0242-7500 and the eight specific pages end
10 in 7508, 7509, 7539, 7600, 7654, 7733, 7759 and 7797.

11 Q. [12:08:44] Mr Witness, you can close the binder and put it to the side for the
12 moment. I'm going to ask you about something a bit different now.

13 Okay, thank you. If the binder doesn't close, that's no problem.

14 Earlier, sir, you mentioned a couple of times that the LRA would speak in coded
15 language or sometimes in clear language. What kind of information did the LRA
16 send in clear, uncoded language?

17 A. [12:09:51] The kind of information the LRA would send that is uncoded include
18 names of items they have looted from people. These were the kind of things they
19 would communicate without using codes.

20 Q. [12:10:10] And what kind of information would they tend to send in code?

21 A. [12:10:20] They would send information about their location in codes, because
22 that was very important to them. The names of their individuals who could have
23 had a problem. These were the things that they would communicate in confidence.

24 PRESIDING JUDGE SCHMITT: [12:10:42] Mr Black.

25 Mr Witness, generally speaking, how would they communicate when they talked

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 about operations?

2 THE WITNESS: [12:10:59] (Interpretation) Whenever the LRA was going for an
3 operation, mostly they communicate in codes, they would not want anyone else to
4 understand what they are relaying. It would now be incumbent upon you to try and
5 break the code so you can understand. They do not want anyone else to understand
6 or know which areas they are moving to and whatever they were doing, they would
7 not want anyone else to know. That's why they would communicate in coded
8 messages.

9 PRESIDING JUDGE SCHMITT: [12:11:33] Was there a difference when they had
10 finished an operation and reported on how the operation worked?

11 THE WITNESS: [12:11:41] (Interpretation) Whenever the LRA finished an operation,
12 what they would do as the first thing was that in the morning each of the LRA
13 commanders would have to send a sitrep report that is detailing the situation on the
14 ground. If they mention the sitrep, if they relay the sitrep, they would mention the
15 location. After sending the location, they would then have to relay the general report
16 detailing what they carried out in the last 24 hours, what they did and also report on
17 whether they were able to achieve an operation that they were tasked with doing.
18 They would have to report an operation they have been assigned to. If they did an
19 operation and they recovered some items, the sitrep report would have to detail the
20 items that they have recovered and they would also mention the challenges that they
21 faced. All these are relayed early in the morning after an operation. It would be
22 forwarded to their superiors.

23 PRESIDING JUDGE SCHMITT: [12:12:54] And would that be done in coded
24 language or in clear language?

25 THE WITNESS: [12:13:05] (Interpretation) Some of the things that they find not

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 necessary to put in coded messages they would send in very clear messages. But
2 there are others that they would have to code.

3 PRESIDING JUDGE SCHMITT: [12:13:18] Mr Black, you can continue.

4 MR BLACK: [12:13:21] Thank you, your Honour.

5 Q. [12:13:25] Mr Witness, please -- actually I am going to ask you to look again at
6 the binder. Sorry I had you put it away, but I have just a couple more documents I
7 would like to ask you about. So please grab the binder and turn to tab 5. This is
8 UGA-OTP-0025-0173.

9 And, Mr Witness, if you look down at the bottom right-hand corner of that first
10 page there is a little bar code and then a number that ends in 173, do you see that
11 there? It's at the bottom right corner of the page. It's something that was added by
12 the ICC when we received the document and it's for tracking purposes. I just want
13 to make sure we're on the same page. There's a little bar code and then a string of
14 numbers that ends in 173, do you see that there?

15 A. [12:15:06] Yes, I have seen it.

16 Q. [12:15:08] Okay. Thank you. Do you recognise this document?

17 A. [12:15:21] I have seen it.

18 Q. [12:15:24] And what is this?

19 A. [12:15:34] This was an LRA TONFAS.

20 Q. [12:15:43] Do you know who wrote this down, whose handwriting this is?

21 A. [12:15:52] I am the one who wrote this down.

22 Q. [12:15:57] And where did you get the information to write on this page?

23 A. [12:16:06] We got this information from our soldiers and these soldiers would
24 have got them from the LRA.

25 Q. [12:16:20] Now you've talked about breaking the TONFAS code and I was

1 hoping very quickly you could give us a little demonstration of how TONFAS works.

2 My surname is Black, it's the colour in English, B-L-A-C-K. If you were to use this

3 document at tab 5 to send my name in TONFAS code, how would you do it?

4 A. [12:16:56] If I want to send the name Black using code this is how they would do

5 it: I would tell them to go to number 5, when you reach number 5, take the first

6 letter, the first word, pick the first letter.

7 Have you understood that?

8 Q. [12:17:20] Yes. Please continue.

9 A. [12:17:24] Then again I would look for where else I can get a letter to write the

10 name Black. I will have to go back to number 1 and from there I will tell him to go to

11 number 1 and get the first word, get the last letter from the first word. Is it coming?

12 I would again go back to look. I know there is still another letter I need to bring to

13 put this together and make the word. I will go to number 12. In number 12 I will

14 say these are how many words, one, two, three, four. I will tell him to go to the third

15 word, pick the last letter.

16 Then I will move back. I will scan again where I can get the next letter to bring the

17 name out. I would scan through and then go back to number 3. It's -- there are

18 three words in number 3. You go to the first word, get the last letter.

19 I will go back and begin scanning again. I will say go to number 4. In number 4

20 how many words are there? There are one, two, three, four, five. Go to the fourth

21 word, pick the second last letter.

22 If you put them together that brings the word Black. Has it come through?

23 Q. [12:19:27] Yes, very clearly. Thank you.

24 PRESIDING JUDGE SCHMITT: [12:19:30] Thank you very much, that was really

25 very informative and we appreciated that you put a monosyllabic word to the

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 witness.

2 MR BLACK: [12:19:41] Yes, I can -- yeah, I'll try not to make any comment.

3 Q. [12:19:45] Mr Witness, thank you. Could you look also at tab 6 and tab 7 in the
4 binder and tell us what those are, if you recognise them.

5 A. [12:20:03] All these are LRA TONFAS.

6 Q. [12:20:11] I have a bit of record-keeping, I have to read the numbers of those.

7 Tab 6 is UGA-OTP-0025-0175 and tab 7 is the same but ending in 0178.

8 Mr Witness, please look at tab 9 in the binder. That's UGA-OTP-0053-0092. There
9 are several pages there. Could you look at that and tell us what that is.

10 A. [12:20:52] Are you talking about number 9?

11 Q. [12:20:56] Yes, number 9.

12 A. [12:21:09] Yes, I have seen it. This is an LRA TONFAS.

13 PRESIDING JUDGE SCHMITT: [12:21:18] I think that will do for the TONFAS.

14 I think he has recognised them all as TONFAS.

15 MR BLACK: [12:21:24] Thank you, your Honour.

16 Q. [12:21:26] And, Mr Witness, you talked about breaking these codes. I admit
17 that I am curious, how did you break the codes, how did you figure out what the
18 TONFAS codes were?

19 A. [12:21:50] When I joined the interception unit, the person I joined (Redacted)
20 was the one who trained me on how to break the code. I said we used the alphabet
21 letters from A to Z and we were using that. When the LRA realised that we were
22 able to break into their codes, they changed their system by using the names of areas
23 or names of people to try and code it further. There was no way you could break
24 into this code. You needed to use your senses to be able to break into the codes
25 because without that you wouldn't be able to decipher what they are communicating.

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [12:22:39] Were you able to break any code that they
2 established?

3 THE WITNESS: [12:22:49] (Interpretation) Yes. Sometimes we would do it,
4 but because if you have not made sense of a message you have to break it, break the
5 code. And before you can write it down you need to first try and verify that what
6 you have broken is the correct depiction of the message itself. We really tried to
7 break their codes, but sometimes with a lot of difficulties.

8 PRESIDING JUDGE SCHMITT: [12:23:20] Thank you. Just a remark by me, not
9 a question. I think apart from training you would also need a little bit sort of talent
10 for that, I would say.

11 Mr Black.

12 MR BLACK: [12:23:32] Certainly. Thank you, your Honour.

13 Q. [12:23:33] And, Mr Witness, was it also the case that sometimes the UPDF
14 recovered LRA materials that would help you break the codes?

15 A. [12:23:51] Yes, they would recover some. Sometimes when they recover these
16 items from the LRA they would transmit them to us and these would ease our work.

17 Q. [12:24:04] Other than the TONFAS codes that you have very helpfully explained
18 to us, did the LRA use any other methods to conceal what they were talking about on
19 the radio?

20 A. [12:24:28] Sometimes they would use proverbs that they will have set up. And
21 if you are not aware of it, there is no way you can understand it. You won't even use
22 it because you won't understand.

23 Q. [12:24:46] Can you recall any examples of what kind of proverb you have in
24 mind?

25 A. [12:24:59] Well, I have a few of them. For instance, if the UPDF is pursuing the

1 LRA, many times they would say Omara, Omara, that's to mean that you are talking
2 about an in-law, because if you've married from the same family -- if you are married
3 from the same family, that means you are, you are sharing women from that same
4 family. And Odongo would mean pii, which is water and rain.

5 Q. [12:25:38] Okay, thank you.

6 You have testified that you began listening to LRA radio communications in 1996 and
7 did so for at least the next 10 years and I think longer than that. At some point did
8 you become able to recognise the voices of particular speakers on the radio?

9 A. [12:26:07] Yes. For instance, the LRA leader Joseph Kony, Otti Vincent, I knew
10 their voices very well.

11 Q. [12:26:18] Did you receive any special training in voice recognition or was this
12 something you just learned on the job?

13 A. [12:26:34] I learned on the job.

14 Q. [12:26:38] Was there any special equipment necessary to recognise the voices of
15 different LRA commanders?

16 A. [12:26:53] No, it wasn't there.

17 Q. [12:26:57] In addition to commanders, and you gave a couple of examples, were
18 you able to distinguish the voices of LRA signallers from their commanders?

19 A. [12:27:20] Yes, sometimes you would be able to distinguish the voices.
20 Sometimes it would be difficult, a bit difficult.

21 Q. [12:27:35] Now when you wrote down in your rough notes or in the logbook
22 who was speaking in a particular communication, how did you know which names to
23 write, what was the basis for those identifications?

24 A. [12:28:05] Sometimes the signallers would come and begin communicating.
25 They would mention the call signs because they do not want to know which -- they

1 don't want anybody to know, anyone else to know which commander is
2 communicating. But sometimes Joseph Kony would say "I want to communicate to
3 this commander directly" that's how we can be able to establish which commander is
4 there. Sometimes they also use nicknames and whenever they are using nicknames
5 you already knew, you would know this nickname belongs to this commander. And
6 sometimes some of the commanders didn't want to communicate on radio
7 themselves. The signallers would be the ones to communicate. The commander
8 would come near the radio but would not speak directly.

9 Q. [12:29:02] Mr Witness, thank you very much for answering my questions.

10 MR BLACK: [12:29:07] Your Honour, that's all the questions for the Prosecution.

11 PRESIDING JUDGE SCHMITT: [12:29:10] Thank you very much. I don't assume
12 that the Legal Representatives of the Victims will want to question the witness. You
13 don't have to stand up. If you simply by -- yeah, signalling, that's adequate word
14 I think to, signalling to me. No.

15 So, Mr Obhof, you wanted to short with the examination shortly, as I have
16 understood it, so that everybody understands the process that we are going into.

17 MR OBHOF: [12:29:39] Yes, your Honour. Thank you.

18 QUESTIONED BY MR OBHOF:

19 Q. [12:29:42] Good afternoon, Mr Witness.

20 A. [12:29:49] Good afternoon.

21 MR OBHOF: [12:29:51] Just so everybody, the people in the gallery and those
22 watching, this afternoon we are going to have the witness listen to a section of an
23 audio. It's in Defence tab 2, it's UGA-OTP-0141-0005 at page 0006, track 01. It will
24 run from approximately 6.47 or 48 seconds until approximately 10.20.

25 Q. [12:30:23] Is this something you feel comfort -- you will also be provided

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 a transcript provided by the Defence and a piece of paper and for which you to make
2 comments on whether or not you think the transcription and the translation are
3 correct.

4 Is this something that you feel comfortable doing, Mr Witness?

5 PRESIDING JUDGE SCHMITT: [12:31:16] Perhaps you can explain a little bit what
6 the audio is about so that Mr Witness can assess the information a little better, that he
7 is not asked to listen to something that he would not have any knowledge of.

8 Perhaps we can instruct him a little bit better that he understands. And I also do not
9 know what you're asking.

10 MR OBHOF: [12:31:37] That's fair.

11 PRESIDING JUDGE SCHMITT: [12:31:38] I think that's better, Mr Witness, so that
12 you can have a better perspective of what is asked.

13 MR OBHOF: [12:31:44] It is an audio which is allegedly from 6 February 2004,
14 a discussion between two people which appears to have none or maybe very, very
15 little coded speech. And if I would make an estimate, I would say there might only
16 be two or three words and which are we would say slang, but as he would say, there
17 are words that are said but might mean something else.

18 PRESIDING JUDGE SCHMITT: [12:32:17] And as I understand it, Mr Witness,
19 you are not asked to do this on the spot, perhaps would you have to clarify that, that
20 you would have a time to do that. And we would then continue tomorrow and
21 discuss this, what your wrong product, so to speak, would be.

22 So this is perhaps so that you have a better idea what is asked. So the question
23 would be if you would feel comfortable to listen to this -- correct me, Mr Obhof, if
24 I am wrong -- in the afternoon, and take your time, and then we continue tomorrow
25 and we discuss what the results of your listening are.

Trial Hearing
WITNESS: UGA-OTP-P-0339

(Open Session)

ICC-02/04-01/15

1 This is correct, Mr Obhof?

2 MR OBHOF: [12:33:01] Yes, and he would be provided with what we believe to be
3 a transcript and translation so he can correct any errors which he finds.

4 PRESIDING JUDGE SCHMITT: [12:33:09] Okay, Mr Witness, so the question would
5 be if you would undertake this task, so to speak?

6 THE WITNESS: [12:33:31] (Interpretation) I will try.

7 PRESIDING JUDGE SCHMITT: [12:33:35] Thank you very much. We appreciate
8 that very much. And I think what is important is that the witness is not asked to do
9 this on the spot and is under pressure. We had this the other day with another
10 witness.

11 So we now adjourn the hearing. We give Mr Witness the opportunity to take his
12 time that he needs and then we look what comes out of it tomorrow morning starting
13 from 9.30.

14 Thank you, Mr Witness, and "have a good rest" I cannot say, because you have to
15 work in the afternoon. But afterwards when you are finished I wish you a good rest
16 and we see each other tomorrow morning.

17 THE COURT USHER: [12:34:16] All rise.

18 (The hearing ends in open session at 12.34 p.m.)