

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 Wednesday, 18 January 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:49] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:32:13] Good morning, everyone. Would the
13 court officer please call the case.
14 THE COURT OFFICER: [9:32:18] Thank you, Mr President.
15 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
16 reference ICC-02/04-01/15.
17 For the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:32:38] (Microphone not activated)
19 MR ELDERFIELD: [9:32:43] Good morning, your Honours, a new face, my name is
20 Julian Elderfield. With me, Colleen Gilg, Ben Gumpert, Hai Do Duc, Beti Hohler,
21 Pubudu Sachithanandan, Mari Pilvio and Ramu Bittaye.
22 PRESIDING JUDGE SCHMITT: [9:33:00] Thank you very much.
23 Ms Massidda.
24 MS MASSIDDA: [9:33:04] Good morning, your Honour, I am Paolina Massidda.
25 With me today in courtroom, Mr Orchlon Narantsetseg and Ms Caroline Walter

1 behind me, and in the last row Ms Atim, Jacqueline.

2 PRESIDING JUDGE SCHMITT: [9:33:17] And Mr Manoba or Mr Cox.

3 MR MANOBA: [9:33:21] Good morning, your Honours. Joseph Manoba is my
4 name, I am present with Mr Fransisco Cox, we are assisted by Ms Megan Hirst and
5 Mr James Mawira.

6 PRESIDING JUDGE SCHMITT: [9:33:41] Thank you very much.

7 And for the Defence, please.

8 MR ODONGO: [9:33:48] Good morning, your Honours, I am Krispus Ayena
9 Odongo. Today I am accompanied by Chief Charles Taku Achaleke, Mr Tharcisse
10 Gatarama and Roy Ayena. My client Dominic Ongwen is in court.
11 Thank you very much. And I give you immediately the floor because you wanted to
12 address the Chamber on a procedural matter, as we have understood it.

13 MR TAKU: [9:34:22] Good morning, your Honours, may it please the Court.

14 On 1 December 2016, we wrote to the Prosecutor pursuant to your orders
15 encouraging inter partes discussion on procedural matters and other matters that
16 might affect the conduct of the proceedings prior to bringing the matters before your
17 Honours. We wrote to the Prosecutor requesting for clarification on the scope of the
18 testimony of Witness P-0403.

19 In that correspondence, your Honours, we raise the following points, we said witness
20 in both the letter of instruction, dated 16 May 2016, and in anticipated witness
21 testimony, the Prosecution indicated that P-0403 was not being called as an expert
22 witness.

23 He does not, according to Prosecutor, and will not advance any expert testimony,
24 rather, he reports critically and objectively on features of the material which will
25 supposedly enable the Chamber to draw its own conclusions.

1 After a comprehensive perusal of what the witness called objective summary reports
2 on the body of evidence related to interception of LRA radio communications, it is
3 apparent that this witness is not a fact witness. He merely reproduced a report
4 based on evidence within the Prosecution's Ringtail system.

5 Furthermore, your Honours, the Defence notes that, as indicated in his terms of
6 reference and in his report, he ventured to comment on witness interviews and
7 witness statements taken by the Prosecution in relation to intercept evidence.

8 The Defence strongly objects to any of such comments, evidence led on it, or critical
9 analysis by this witness in relation to evidence being submitted to the Chamber by
10 another witness, in particular untested witness statements. An outside witness
11 cannot be called merely to comment on evidence which will be adduced by witnesses
12 under oath at a later date.

13 The Defence submits that this particular witness cannot testify in that manner.

14 Your Honours, as the Prosecutor indicated, he is not an expert, he cannot advance any
15 expertise on the circumstances surrounding the way these intercepts were generated.

16 He is not an Ugandan official specialist in intercepts process, nor even a military
17 officer in the UPDF or any arm of the Ugandan intelligence or military operations.

18 He is not among those who made these intercepts. He is not a Prosecution
19 investigator who gathered the evidence from factual witnesses.

20 He is not a military communications expert or the code descriptor, therefore cannot
21 advance any expertise on the circumstances surrounding the alleged codes, ciphers or
22 interpretations on the communications. He is not an expert in acoustics or audio
23 enhancement, nor is he a voice analyst, and therefore cannot venture to give an
24 opinion on these issues.

25 Your Honours, the Prosecutor replied on 2 December 2016 and this is what

1 the Prosecutor said. The Prosecution certified that P-0403 can give evidence in
2 accordance with his statement and report without contravening the law or the Rules
3 of Procedure and Evidence, nor would there be any unfairness to the Defence. This
4 witness has reviewed what you have recently referred to as a sea of material and by
5 means of his summary provide some maritime navigation aids for the Chamber, the
6 parties and the participants. Our view of that evidence of a summary witness such
7 as this would be of assistance to the Chamber. I should therefore tell you our intent
8 to refer to the evidence of this witness in my opening on Tuesday.

9 And therefore, your Honours, except, I mean in this context regarding our complaints,
10 this is not an opportunity for the Prosecutor to do another opening statement. The
11 opening statement was intended to do exactly what this witness may seem to do.
12 However, your Honours, you have a very wide discretion in receiving evidence, you
13 know what will assist and what will not assist. We don't intend to jump up every
14 instance with objections when our colleagues are leading evidence. However, we
15 want your Honours to take this into consideration and to know that many of these
16 conclusory statements and opinions given on the character of the evidence, untested
17 evidence for that matter, your Honours, will not help, will be grossly unfair to
18 Mr Ongwen.

19 Thank you, your Honour.

20 PRESIDING JUDGE SCHMITT: [9:40:24] Thank you very much, Mr Taku.

21 I assume that the Prosecution would shortly want to respond to that.

22 MR ELDERFIELD: [9:40:31] Thank you, your Honour.

23 I am not sure that we can add too much to our response by letter on 2 December, but
24 just to summarise, the witness, the Defence is correct that we are not calling the
25 witness as an expert or as a fact witness. His role here is to summarise along the

1 lines of his report a relatively complex body of evidence for the assistance of the
2 judges, both to contextualise the evidence through the trial and final judgment stage.
3 The intercept evidence is over 18 witnesses on the Ugandan side alone and over 2,500
4 items of evidence and the Prosecution believe that it would help assist the bench to
5 understand how that evidence fit together.

6 I just note the Trial Chamber VII faced a similar objection in the Bemba Article 70 case.
7 The Prosecution brought, attempted to bring Witness P-433 and the Defence applied
8 to restrict the scope of his testimony. That witness was collating telecommunications
9 evidence, and I just note at transcript 11 of that case that the Chamber had no
10 problems allowing the witness to testify. If your Honours would like I can distribute
11 the page of that judgment.

12 PRESIDING JUDGE SCHMITT: [9:41:57] Ms Massidda, shortly please.

13 MS MASSIDDA: [9:42:01] Thank you, your Honours. Sorry to jump up. Simply
14 to inform the Chamber that the legal representative were not copied in this exchange
15 now, and we are seeking the guidance of the Chamber. Since it's a matter which
16 relates to a witness, we submit that we should be always copied in any matter which
17 relate a witness in order to be informed about these procedural matters. Thank you.

18 PRESIDING JUDGE SCHMITT: [9:42:23] I think being informed as Legal
19 Representative of Victims is a right of yours, so I would agree to that. But at the
20 moment we just continue because it has been raised and we should not spend or lose
21 too much time.

22 First of all, the Chamber is grateful that the Defence raised this problem at the
23 beginning or before we start with the witness testimony and I understand and
24 the Chamber understands the concerns around that. Let me put it this way,
25 the Chamber understands the limits of this testimony as a guidance for everybody.

1 The Chamber is aware that the witness has not himself collected evidence, has not
2 himself at the time listened, for example, to the communications and of course was
3 not part of it. The purpose, as the Chamber understands the coming witness
4 testimony, is to give an overview on how specific evidence has been collected,
5 processed and organised by the OTP. That this is what we understand.
6 It is, so to speak, a preparation for witnesses that the OTP called and are going to
7 come. It is for a better understanding for everybody in the courtroom.
8 And this is also described in the summary of the testimony when we look at this
9 UGA-OTP-0272-0446, where the witness states: "This report provides an overview of
10 the relevant evidence and -- I underscore that -- rather than providing a source
11 evaluation, the relevant materials have been considered at face value."
12 This is important to say for you. This is I think what your concern is. This
13 describes the subject matter and also the limits of this testimony correctly.
14 As I said, we know from the list of witnesses of the OTP that the OTP is going to call
15 a lot of witnesses on the subject matters. So when it comes then to the questioning of
16 this witness and we have later on an immediate witness, so to speak, I think we could
17 restrain the questioning insofar. So this has mirrored what you have said.
18 Improper questions we will decide on a case-by-case basis like we always do and like
19 you are used to it, Mr Taku. So with this guidance and with this clarification I think
20 we can now call in the witness, please.

21 MR ELDERFIELD: [9:45:29] Your Honour, sorry to interject. I note that the VWU
22 sent an email to the Chamber on 13 January at 3 o'clock, just to bring that to your
23 attention. The email was about the possible application of voice distortion through
24 the testimony, throughout the testimony of P-0403. I am not sure if your Honours
25 wanted to rule on that.

1 PRESIDING JUDGE SCHMITT: [9:45:57] Frankly speaking, I am not aware of this at
2 the moment, what the background is.

3 The protective measures that are in place are in place and will not be changed.

4 (The witness enters the courtroom)

5 PRESIDING JUDGE SCHMITT: [9:46:51] Good morning, Mr Witness.

6 WITNESS: UGA-OTP-P-0403

7 (The witness speaks English)

8 THE WITNESS: [9:46:53] Good morning.

9 PRESIDING JUDGE SCHMITT: [9:46:54] You are going to testify before the
10 International Criminal Court and on behalf of the Chamber I would like to welcome
11 come you in the courtroom.

12 There should be a card in front of you with a solemn undertaking to tell the truth.

13 Could you please read this card out loud.

14 THE WITNESS: [9:47:10] Yes, I can. I solemnly declare that I will speak the truth,
15 the whole truth and nothing but the truth.

16 PRESIDING JUDGE SCHMITT: [9:47:16] Thank you very much.

17 Let me now explain protective measures that have been put in place for your
18 testimony. This was in decision, granted in decision 612 and we are talking about
19 the following protective measures: Face distortion has been put in place, which
20 means that nobody outside the courtroom can see your face during the testimony on
21 the screen. We will use a pseudonym. Because of that I addressed you as
22 "Mr Witness" and not with your name.

23 And please be aware that you don't give away when you make your testimony
24 information about your person that could identify you, because otherwise we would
25 have, beforehand, to go into private session and we want to avoid that as far as

1 possible, this Chamber.

2 I can make everything short because I assume that you know you have to speak
3 clearly and into the microphone because everything is translated and interpreted.
4 I don't have to, I think, underscore this specifically and I also understand that you
5 understood this.

6 THE WITNESS: [9:48:24] I understand. Thank you, your Honour.

7 PRESIDING JUDGE SCHMITT: [9:48:25] We can start then your testimony and give
8 the Prosecution the floor.

9 MR ELDERFIELD: [9:48:29] Thank you, your Honour.

10 Just before I start, you should have a binder in front of you with 41 tabs. They are
11 the documents that underlie the witness's report that I intend to show the witness
12 throughout his testimony. And with your leave I have also put a binder in front of
13 the witness. Just like with Professor Allen yesterday, we feel that it would expedite
14 and facilitate this --

15 PRESIDING JUDGE SCHMITT: [9:48:56] Yes, this facilitates matters, of course.

16 Thank you.

17 MR ELDERFIELD: [9:48:59] Thank you.

18 QUESTIONED BY MR ELDERFIELD:

19 Q. [9:49:01] Good morning, Mr Witness.

20 A. Good morning.

21 Q. As you know, my name is Julian Elderfield.

22 Your Honours, I would just like to move into private session for one question to ask
23 the witness his name?

24 PRESIDING JUDGE SCHMITT: [9:49:15] Then we go into private session and, as
25 you have promised, for one question.

1 (Private session at 9.49 a.m.)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Open session at 9.50 a.m.)

10 THE COURT OFFICER: [9:50:07] We are back in open session, Mr President.

11 MR ELDERFIELD: [9:50:11] Mr Witness, I would like to cover four areas with you
12 during your testimony.

13 Firstly, some preliminary questions about how you became involved in the Ongwen
14 case. Secondly, I will ask you to summarise the intercept evidence that you are
15 familiar with. Third, ask you about how the intercept evidence is being collected
16 and processed and organised by the Prosecution. And finally ask you to compare
17 different categories of intercept evidence with particular reference to dates that you
18 have looked at. Do you understand?

19 A. [9:50:50] I do.

20 Q. [9:50:51] Mr Witness, who do you currently work for?

21 A. [9:50:54] I work for the Situation Analysis Section within the jurisdiction
22 Complementarity and Cooperation Division of the Office of the Prosecutor.

23 Q. [9:51:04] And how did you first become involved in the Ongwen case?

24 A. [9:51:07] Well, once Mr Ongwen actually came to The Hague, came to the ICC, I
25 was asked to help out on the situation, on the investigation, because my

1 understanding was additional personnel was necessary and I was asked to help out
2 on it because many years ago, when I was an intern here within the OPT, I actually
3 worked on the Ugandan situation within the, at the time the ISAU, so in the
4 Investigative Strategic Analysis Unit within the investigation division.

5 Q. [9:51:43] And when did you first become involved in the Ongwen case, when
6 was that?

7 A. [9:51:49] On the Ongwen case.

8 Q. [9:51:50] Recently.

9 A. [9:51:51] Recently, I believe that was July 2015.

10 Q. [9:51:56] And what have your different roles been since becoming involved?

11 A. [9:52:03] On the case or? Basically I worked as an analyst within the
12 Investigative Analysis Unit within the investigation division and, as such, I was going
13 through the intercept logbooks, exploiting them for relevant information and
14 basically helping out with the investigation as well, and I conducted a few interviews
15 as well.

16 Q. [9:52:33] Mr Witness, please turn to tab 1 of your binder there in front of you.
17 For the record, the ERN is UGA-OTP-0262-0032 and, court officer, this document
18 makes reference to the witness's name, so can I please ask that it not be shown to the
19 public.

20 Mr Witness, do you recognise this document?

21 A. [9:53:14] I do.

22 Q. [9:53:16] What is it?

23 A. [9:53:17] It was the initial letter of instruction for me drafted by Mr Gumpert, the
24 senior trial lawyer on the Ongwen case, asking me to examine the intercept evidence
25 and provide a report for the purposes of its use in the court.

1 Q. [9:53:33] And when did you receive this letter?

2 A. [9:53:37] I received it in mid-May 2016. I believe the 16 May 2016 date on the
3 letter to be correct.

4 Q. [9:53:46] I can see in the letter that it asks you to do four things. What were
5 those things?

6 A. [9:53:54] I can, I can read them. So basically the letter instructed me to
7 familiarise myself intimately with the intercept material, including a number of
8 sub-points. I can get into those as well if necessary.

9 Q. [9:54:08] You could just summarise as well.

10 A. [9:54:10] Okay. So basically the intercept material including the manner of the
11 investigation, the intercept material itself, the various witnesses associated with the
12 intercept operations on behalf of the Ugandan government, as well as to undertake
13 an analysis of the likely authenticity and reliability of such materials. Write a
14 witness statement, basically a report that I ended up producing, as well as to testify in
15 court at the trial stage with regards to the report.

16 Q. [9:54:48] And did you do each one of these things?

17 A. [9:54:50] Yes, I did.

18 Q. [9:54:54] The letter says in the next paragraph that the Prosecution will not be
19 presenting you as an expert witness. How familiar were you with the LRA intercept
20 evidence before you became involved in the Ongwen case?

21 A. [9:55:12] Before I became involved in the Ongwen case I was familiar with it to
22 some extent, considering that I reviewed the logbooks about 10 years prior. I haven't
23 been at the ICC, actually I came back to the ICC about a year or so prior to my
24 involvement on the Ongwen case. So for about 10 years I haven't actually looked at
25 the material, but prior to that I have to some degree actually reviewed the logbooks.

1 Q. [9:55:43] The letter also asks you to conduct your analysis critically and
2 objectively. What do you understand by those words?

3 A. [9:55:56] To basically compare and contrast the corroborating as well as the
4 conflicting information found within, within the evidence materials, as well as to
5 point out where the, where the corroboration does occur as well as where the
6 contradictions do happen, as well. And to basically search for both incriminating
7 and exonerating information within the reviewed materials.

8 Q. [9:56:24] Mr Witness, how much interaction did you have with Prosecution staff
9 since receiving this letter?

10 A. [9:56:32] Since receiving the letter, not much, actually. I know I contacted
11 the Prosecution team at one point just to provide them with a general outline of what
12 I considered to be the future structure of the report and whether that was something
13 that would be useful to the Court. So basically just not much. And then basically
14 when I submitted a draft just for them to see if I am on the right track in terms of the
15 report and the subject matter that it covers, and that that would be the extent of it.

16 Q. [9:57:14] Mr Witness, please now turn to tab 2 of your binder.

17 The ERN is UGA-OTP-0272-0446. And again the document references the witness's
18 name, so if it can be not shown to the public.

19 Mr Witness, what is this document?

20 A. [9:57:47] This document is the reports that I ended up producing upon the letter
21 of instruction that we just reviewed.

22 Q. [9:57:55] And when did you produce it?

23 A. [9:57:58] This document, in the version that it appears here, was produced on
24 13 October 2016.

25 Q. [9:58:08] You mention that, you just said "in the version that it appears here,"

1 were there other versions?

2 A. [9:58:16] Yes. So a previous version was submitted, I believe it was end of, end
3 of August, so either 31 August or 1 September. Along those lines.

4 Q. [9:58:30] And what is the difference between the two reports?

5 A. [9:58:33] The difference between the two reports is that I had more time to
6 ensure that the footnoting in the document itself was correct. I encountered
7 a number of mostly formatting errors and a few typos as well in terms of the
8 paragraphs that I was quoting. And also in the body of the report I encountered
9 a couple of what I would say minor incorrect statements, so I wanted to basically
10 correct those so everybody is looking and dealing with the correct version as opposed
11 to having to come across things subsequently.

12 Q. [9:59:14] And how did you record these corrections that you made?

13 A. [9:59:22] The corrections were incorporated into the version of the report that
14 we have in front of us, and at the same time the corrections were noted in the annex to
15 the report that was attached to the back of the report as well.

16 Q. [9:59:35] Can you take us to the page, the page number that that annex is?

17 A. [9:59:40] Yes. So it is UGA-OTP-0272-0495.

18 Q. [10:00:00] Mr Witness, I would like to now ask you some questions about the
19 report. Just refer to the report if at any time you need to.

20 A. [10:00:10] All right.

21 Q. [10:00:11] Firstly, paragraph 2. Can you explain to the court the methodology
22 you followed to write the report?

23 A. [10:00:20] Sorry, paragraph 2 of the report or of the annex? Of the report.

24 Q. [10:00:24] Sorry, paragraph 2 of the report.

25 A. [10:00:26] Yes.

1 Q. [10:00:26] So basically, for the methodology that I used, the report is based
2 purely on evidence material to be found in Ringtail. The only exception to that was
3 when I quoted the two analytical tools that the OTP developed, so basically the
4 master spreadsheet as well as the timeline of the intercept logbooks. So that was the
5 only exception to that. But other than those two documents I relied on intercept
6 materials that are purely to be found in Ringtail. And my focus was also on the, on
7 the relevant witnesses in the sense witnesses directly involved with the intercept
8 work that were deemed to be credible and reliable by the Office of the Prosecutor.
9 That way I would avoid having way too many inconsistencies to account for in the
10 report when it came to some of the other witnesses that were deemed not reliable as
11 well as, for example, crime-based witnesses and others that could potentially provide
12 corroborating or conflicting information but were not directly associated with, with
13 the intercept operations.

14 Q. [10:01:44] And with respect to the written intercept evidence that you looked at,
15 the non-statement evidence, can you give us an idea of how many different strands of
16 evidence you looked at and what those were?

17 A. [10:01:57] Yes, I looked at the intercept logbooks, the so-called longhand
18 logbooks. I also looked at the shorthand logbooks or the rough notes associated
19 with them. Basically those were coming from the various government organisations.
20 I can name them, if necessary.

21 Q. [10:02:19] We will get into that.

22 A. [10:02:20] Okay. I also looked into the audiotapes or the transcripts of
23 audiotapes associated with them, as well as -- that is what comes to my mind now.
24 So in addition to the witnesses it was the various types of logbooks as well as the
25 audiotapes associated with them.

1 Q. [10:02:49] Let's turn now to the substance. How did you structure your report,
2 what sort of topics did you cover?

3 A. [10:03:00] So basically I made it a point to account for the various intercept
4 operations, so describe, to describe not just how the Ugandan government went about
5 intercepting LRA radio communications, but I also made it a point to describe the
6 process of LRA radio communications and the coding systems used within the LRA.
7 So the report was basically structured on the description of the LRA radio
8 communications and the methods used for encryption, the Ugandan government's
9 various intercept operations used to break those codes and record the transmissions,
10 as well as accounting for the various witnesses that the OTP is relying on for the
11 purposes of the intercept evidence.

12 And then I also provided sort of an assessment, so basically a collation of the relevant
13 bits and pieces from the logbooks in relation to the four charged attacks, as well as
14 four dates that I chose myself at random, in order to find at what degree and in
15 relation to which particular details the logbooks either corroborate or contradict one
16 another.

17 Q. [10:04:23] Let's take the first topic in your report first. I would like to go
18 through all of those things one by one. The first topic focuses on LRA systems of
19 communication and you deal with this at paragraphs 5 to 42 of your report.

20 Firstly, what was the LRA's primary means of communicating between themselves?

21 A. [10:04:53] Based on the witness statements that I have reviewed, as well as to the
22 degree that it becomes apparent from, from reviewing the intercept logbooks
23 themselves, long-range radio communications seem to be the LRA's primary means of
24 communication.

25 Q. [10:05:12] And what language did the LRA use to communicate?

1 A. [10:05:16] Again, mostly coming from the reviewed witness statements, the
2 language used in the LRA radio communications was primarily Acholi, with certain
3 words being thrown in from time to time in either Swahili or the English language.

4 Q. [10:05:37] Who in the LRA used the radio?

5 A. [10:05:42] It was mostly the high ranking commanders. And here, again, I am
6 paraphrasing the information that I found in both the reviewed witness statements as
7 well as the intercept logbooks themselves. So it was the, it was the highest levels of
8 the LRA itself, starting with Joseph Kony and his subordinates. The information
9 provided suggests that the commanders that did have radios went as far down as the
10 brigade level, so brigade commanders, sometimes potentially the battalion
11 commanders as well. From what I recall, the commanders at the lower levels that
12 would be given radios were the ones that were perceived to be more active in terms of
13 their operations in conducting operations more frequently. That would be below the
14 brigade level, if I recall correctly.

15 Q. [10:06:41] And what did the LRA use their communications for?

16 A. [10:06:48] The LRA used their communications basically to coordinate their
17 operations, to coordinate meetings for the purposes of either logistics, so passing on
18 weapons and ammunition to one another, passing on messages, as well as also to -- as
19 a form of disciplinary system. So either to promote certain individuals, to issue
20 punishments for certain individuals. Primarily it was used to issue orders and to
21 simply coordinate with one another to communicate and update each other on their,
22 on their operations as well as their everyday doing.

23 Q. [10:07:34] Let's start with someone you have just mentioned, Joseph Kony.
24 How did he use the radio?

25 A. [10:07:43] He seems to have been involved in the vast majority of the LRA radio

1 communications. The impression that I got was that he was hardly ever not actually
2 on the radio. So on the radio he either spoke himself or he spoke through one of his
3 signallers.

4 Q. [10:08:05] And how did you form those impressions?

5 A. [10:08:09] By having reviewed the logbooks themselves, as well as the
6 information that was provided by the various witnesses.

7 Q. [10:08:21] Who primarily issued orders on the radio?

8 A. [10:08:30] I would have to say the orders primarily came from Joseph Kony
9 himself. There were not necessarily specific orders, but the ones that I did come
10 across were the ones of a general nature to increase the tempo of operations, as well
11 as specifying in general terms what types of targets the LRA should be going after.

12 Q. [10:08:55] Mr Witness, please turn to tab 3 of your binder. The ERN is
13 UGA-OTP-0068-0146. And the excerpt in the binder is from pages 0153 to 0156.

14 Court officer, this document may be shown to the public.

15 Your Honours, just to pause here a moment, the logbooks, the excerpts of these
16 documents, the documents themselves are often quite large, so I printed out excerpts
17 for the binder and the document can be found under the same ERN in Ringtail in full.

18 Q. [10:10:00] Mr Witness, do you recognise this document?

19 A. [10:10:02] Yes, I do. I believe this to be one of the ISO logbooks, intercept
20 logbooks, the longhand logbook that I mentioned a little while ago.

21 Q. [10:10:14] What's the date of the entry?

22 A. [10:10:16] The date of the entry is 10 May 2003.

23 Q. [10:10:23] Turning to page 0156, which is the last page of the logbook entry, can
24 you point out to the judges an example of one of Kony's orders that drew your
25 attention for the purposes of your report?

1 A. [10:10:49] I will just quickly review the page and ...

2 Q. [10:10:52] Yes.

3 A. [10:11:14] Okay, would you like me to just read it off the page?

4 Q. [10:11:18] Please.

5 A. [10:11:19] So basically halfway down the right-hand side of the page it says:

6 "Kony who sounded very tired told Tabuley and other commanders to get all possible

7 ways of dodging gunships such that it does not hit them. That they should hide

8 themselves when they hear gunships coming. That what he repeat to his

9 commanders is that they should start killing civilians seriously and also to stay in the

10 middest where settlements are. Kony seems to be moving towards his camps where

11 Otim Charles is now based."

12 Q. [10:12:02] Thank you, Mr Witness. Let's focus now on the commanders'

13 reporting operations which you have mentioned and which you address at

14 paragraphs 8 to 9 of your report. What type of operations did the LRA commanders

15 report?

16 A. [10:12:23] Usually it was reporting on attacks after they have carried them out.

17 So basically reporting the various items that they have attacked. Various items that

18 they have looted or acquired in the course of the operation. The number of enemy

19 soldiers killed, as well as the number of civilians either killed or abducted and general

20 type of destruction caused, if any, whatsoever.

21 Q. [10:12:57] And how long after the attacks did these commanders generally

22 report?

23 A. [10:13:01] Depending, it varied from one attack to another, but generally it was

24 from a few days after the attack up to possibly about a week, a week after the attack.

25 Q. [10:13:17] And how accurate was the reporting in general?

1 A. [10:13:21] I cannot comment on its accuracy. I could possibly comment on the
2 level of detail in, in the reporting itself.

3 PRESIDING JUDGE SCHMITT: [10:13:29] May I just interrupt.

4 I really appreciate this kind of answer, it is in line with what we have talked about,
5 just to underscore this, that you are aware of the fact that you are not assessing, so to
6 speak, the evidence. So thank you very much for that, so to speak.

7 THE WITNESS: [10:13:45] And thank you for the reminder, your Honour.

8 MR ELDERFIELD:

9 Q. [10:13:49] Yes, please, the level of detail would be helpful.

10 A. [10:13:53] So for the level of detail they would normally identify the target hit,
11 so either in IDP camp, that would be the internally displaced persons camp, or
12 a particular vehicle that was attacked. They would, in that case, if it happened to be
13 an IDP camp they would specify if it was the military barracks that were attacked, the
14 trading centre or the hospital, if there was one. Basically the type of destruction
15 caused, so whether the barracks were overrun or burnt or whether civilian houses
16 were burnt as well as, as I previously mentioned, the number of civilians either
17 abducted or killed, as well as the number of weapons either acquired or lost in battle,
18 number and type of weapons.

19 Q. [10:14:48] Thank you. Can you recall any names of any LRA commanders who
20 you saw in the logbooks reporting in the period 2002 to 2005?

21 A. [10:15:03] Yes, I can. I recall Mr Ongwen's name appearing in the logbooks as,
22 as reporting some of the attacks himself. I also recall the name of Vincent Otti
23 reporting attacks. No particular attack comes to my mind right now, but I believe,
24 I recall seeing some other names such as Charles Tabuley as well, Okot Odhiambo,
25 those would be some of the names.

1 Q. [10:15:40] How often do you recall seeing Dominic Ongwen's name in the
2 logbooks reporting anything, events?

3 A. [10:15:48] Not very frequently actually. What I have come across is that
4 Mr Ongwen did not communicate on the radio much throughout the charge period
5 and, on occasion, he was instructed by Joseph Kony himself over the radio to
6 participate more in the radio communications. And from time to time he would
7 come on and either mention his position or where he is going or report on an attack
8 that he carried out or his forces carried out.

9 Q. [10:16:25] Mr Witness, please turn to tab 4 of your binder. The ERN is
10 UGA-OTP-0062-0145 and the excerpts in the binder are page 0240 and 0241. And
11 this document may be shown to the public.

12 Mr Witness, do you recognise this document?

13 A. [10:17:05] Yes, this is again a longhand logbook produced by the Ugandan
14 government, intercept logbook.

15 Q. [10:17:14] And what is the date and time of the entry here?

16 A. [10:17:18] The date is 30 August 2004, and the time specified that the
17 communication started at 0900 hours in the morning and it does not specify the end
18 time of the communication.

19 Q. [10:17:35] Mr Witness, I am going to ask you again to just look through this page,
20 this first page of the logbook and point out to the judges any passage that caught your
21 attention as being an example of how Dominic Ongwen talked on the radio.

22 A. [10:17:55] All right. Sorry, I am still just quickly scanning through the page to
23 find a relevant part.

24 Q. [10:18:32] If you direct your attention to the bottom right-hand side of the page.

25 A. [10:18:36] The very last paragraph? All right.

1 So there, and it extends on to the following page, basically it says:

2 "Kony quarreled on Dominic for not always coming on air. He said even if Dominic
3 is under pressure from UPDF it is better if he comes on air so that they know his
4 position. However, he said that they have all heard on radio what UPDF did on
5 Dominic so Dominic should not give up but should continue with struggle."

6 I can keep reading, if necessary.

7 Q. [10:19:13] That's fine. That's all with that page.

8 Let's move now to paragraphs 10 to 12 of your report, which deals with signallers.

9 Mr Witness, did the commanders always report themselves on the radio?

10 A. [10:19:45] No, not necessarily. Sometimes within the LRA they, they used
11 signallers, which were basically lower level LRA fighters that were responsible for the
12 radio and following the commander around with the radio. And basically they were
13 taught how to use the radio and they would be the ones talking on behalf of the
14 commander, relaying the commander's messages over the radio, and usually the
15 commander was sitting next to the radio just simply not talking on the radio himself
16 but talking through the signaller.

17 Q. [10:20:20] And according to the material that you reviewed, what discretion did
18 the signaller have to issue orders or make reports independently from the
19 commander?

20 A. [10:20:34] Independently from the commander, none basically. So as I
21 mentioned, there were lower level fighters and the only orders they were able to issue
22 were the orders they issued on behalf of their commander. At times, the signaller
23 was not necessarily stationed with the commander. And I can recall an instance
24 coming up in the logbook, I don't have an exact page reference, but for example
25 Labalpiny, one of Joseph Kony's signallers, reporting one of his -- going on his

1 operation by himself, reporting it to Kony, and Kony then responding to it. So that
2 would be one instance of a signaller actually reporting his own actions over the radio.

3 Q. [10:21:27] I believe Labalpiny is spelt L-A-B-A-L-P-I-N-Y?

4 A. [10:21:34] Yes, that is correct.

5 Q. [10:21:41] Did Dominic Ongwen have signallers?

6 A. [10:21:44] Yes, he is known to have used signallers in the past.

7 Q. [10:21:51] And how did Dominic Ongwen use his signallers, from the material
8 that you reviewed?

9 A. [10:21:58] From the material that I have reviewed he would also sometimes talk
10 through the signallers. However, this information I gathered from the various
11 witness statements of Mr Ongwen's former signallers. I found it that in the logbooks
12 themselves usually it is the commander that gets identified rather than the signaller
13 that is speaking on the commander's behalf. So it is difficult to tell from the
14 logbooks themselves if it was in fact the signaller speaking, or the commander him or
15 herself.

16 Q. [10:22:37] And about how long did signallers stay with commanders?

17 A. [10:22:43] I can't provide a clear answer on that one, it varied. Basically, it
18 varied. It depended on a number of different things: Whether the signaller would
19 be assigned to a different commander or not, how many signallers a particular
20 commander would have available to him. So it varied.

21 Q. [10:23:08] Mr Witness, I will ask you again to turn to your binder, this time to
22 tab 5.

23 The ERN is UGA-OTP-0254-1077 and the excerpt is a single page, 1133. This
24 document may be shown to the public.

25 Mr Witness, do you recognise this document?

1 A. [10:23:45] Yes, I believe this to be another one of the longhand logbooks
2 produced by the Ugandan government.

3 Q. [10:23:53] And what's the date and time of the entry?

4 A. [10:23:57] The date of the entry is 2 January 2004 and the time appears to be
5 0900 hours.

6 Q. [10:24:07] I would like you to focus on the top of the page and describe to the
7 judges how the Ugandan government signallers or interceptors, rather, have recorded
8 commanders and signallers who have come on the radio?

9 A. [10:24:26] So usually at the very beginning of each communication entry, each
10 logbook entry a list of commanders and/or signallers and/or unknown call signs
11 would be noted down at the very start of the entry. So basically here we can see
12 Labalpiny and Joseph Kony. Labalpiny in this instance is spelt with a G at the end
13 instead of a Y.

14 In addition to that, another commander that was on air is Bogi, then there is Okello
15 *Kalalang, there is Opio Makas. And I can keep going through the list, if necessary.

16 Q. [10:25:07] The point really is to understand how the interceptors have recorded
17 the relationship between a commander and signaller and in this case you have talked
18 about Labalpiny and Kony, and Kony?

19 A. [10:25:21] Yes, in this instance they are reported basically together, which
20 having, not having gone through the rest of the page to see what the conversations
21 were about, either they both spoke or simply it was Labalpiny potentially issuing
22 orders which he would not have been able to do himself, which made the interceptors
23 assert that he was speaking on behalf of Joseph Kony. Like I said, not having read
24 the rest of the page, that that's my general impression from having reviewed the
25 logbooks in the past.

1 Q. [10:25:56] Thank you. That's all for this page. Let's move back to your report
2 to paragraphs 13 to 15, which focus on the times of communication.

3 Mr Witness, how often did the LRA communicate on the radio?

4 A. [10:26:16] The LRA generally communicated on the radio four times a day.
5 Those times varied over the course of the years, but generally they had
6 a communication early in the morning, so basically 9 a.m. is what we have come
7 across in two different logbook entries so far. They had one in the late morning, so
8 around 11 a.m. or so. They would have another communication in the early
9 afternoon, so potentially around 1 p.m. or so, and then they had another one later in
10 the day. So sometimes that varied, I don't know, maybe from 4.30 to 6 p.m. And
11 I believe a few of the witnesses also mentioned that in the past the LRA
12 communicated closer to 9 or 10 p.m. as well. I cannot comment on the veracity of
13 that. I don't think I came across a single logbook entry that I reviewed where the
14 LRA was recorded as having talked on the radio around 9 or 10 p.m.

15 Q. [10:27:22] And how many days a week did the LRA communicate on radio?

16 A. [10:27:27] They communicated every day of the week. At times I know they
17 missed a communication or two if the weather conditions were insufficient for the
18 radio signal to get through, but that may have been for one particular communication
19 as opposed to the day as a whole. So seven days a week.

20 Q. [10:27:50] And who decided the set times?

21 A. [10:27:54] According to the various witnesses whose statements I have read it
22 was Joseph Kony himself who decided on the timings of the LRA radio
23 communications.

24 Q. [10:28:09] Let's move now to paragraph 16 to 18 of your report which deal with
25 distribution of radios. You have touched on it briefly already. Approximately how

1 many radios did the LRA have at their disposition?

2 A. [10:28:32] Well, according to a number of witnesses the LRA had roughly 30
3 radios or so. They were not all functional at the same time. And even if they did
4 have a sufficient number of functional radios, as I mentioned earlier, they were only
5 given out to particular commanders, so roughly a dozen or so individuals had radios
6 at a time.

7 Q. [10:28:58] And what did a commander do to be assigned a radio in cases where
8 he didn't have sufficient rank?

9 A. [10:29:08] So in cases where a commander did not have sufficient rank, as I
10 mentioned before, basically it depended on their, on the frequency of their operations
11 and the types of operations they were conducting. So if they were deemed by Joseph
12 Kony himself and the LRA leadership that a particular lower level commander was
13 active enough, if I can use that word, they would be awarded a radio.

14 Q. [10:29:39] And how did LRA commanders communicate if they didn't have
15 a radio?

16 A. [10:29:44] If they did not have radios, they, according to a number of witnesses
17 they had shortwave radios, so walkie-talkies. And at times they also passed written
18 messages to one another. Sorry, and they also had, the LRA leadership also had
19 access to satellite phones as well.

20 Q. [10:30:10] Let's move on to frequencies which you deal with at paragraphs 19 to
21 21. Which frequencies did the LRA transmit on?

22 A. [10:30:25] They transmitted on a number of different frequencies. The way that
23 certain witnesses have described it, the LRA had a frequency range, which I believe I
24 discuss in paragraph 21, so basically from between approximately 7,000 megahertz to
25 basically 8,800 megahertz. And they spoke in set frequencies within that frequency

1 range.

2 Q. [10:30:58] And who decided on the frequency to transmit on?

3 A. [10:31:02] That was Joseph Kony, Vincent Otti and the director of the signals of
4 the LRA.

5 Q. [10:31:10] Can you just explain a bit about the director of signal's position from
6 the material that you reviewed?

7 A. [10:31:17] From the material that I have reviewed, the director of signals was in
8 charge of LRA's usage of radios, if I may word it in such a way. So basically that
9 individual was one of the individuals deciding on the frequency that was to be used
10 and that individual also devised new TONFAS code books that were later on
11 distributed to the LRA for their use in radio communications?

12 Q. [10:31:53] We will come to TONFAS in a minute. Just one more question on
13 frequencies: How often did they change these frequencies or did they always
14 communicate on the same frequencies?

15 A. [10:32:06] No, they would change their frequencies from time to time. There is
16 no preset period when the LRA would change their frequencies. Sometimes, if they
17 decided that their operations were not going as well as they would have liked, maybe
18 they thought, or basically they did think that the Ugandan government forces were
19 listening in on the radio communications, at which point they would decide to change
20 them, to change the frequency.

21 Q. [10:32:40] Let's turn now to paragraphs 22 to 25 of your report which deal with
22 radio equipment. What brands of radio did the LRA use?

23 A. [10:32:54] The various witness statements that I have consulted, they mention
24 that the LRA used PRM radios. This is all in paragraph 22 of my report. So they
25 used Codan radios, Icom, Q-Mac, Racal, Kenwood, Yaesu, as well as Casena radios.

1 Q. [10:33:25] And what was the range of these radios?

2 A. [10:33:27] They had different ranges, that is my understanding. So just given
3 that they were all different brands of radios they had different ranges, but according
4 to the various witnesses they were all capable of clearly communicating between
5 northern Ugandan, as well as southern Sudan or eastern DRC.

6 Q. [10:33:50] And how did the LRA obtain these radios?

7 A. [10:33:56] The LRA obtained them in various attacks mostly. So either attacks
8 on UPDF barracks or attacks on UN offices, or religious missions, according to
9 a number of witnesses.

10 Q. [10:34:14] And how did they power these radios?

11 A. [10:34:18] The radios were powered primarily through the use of vehicle
12 batteries, so car batteries, motorcycle batteries. And those batteries they would
13 generally power through the use of solar panels that they also acquired in ways
14 similar to the ways that they acquired the radios, or the batteries for that matter.

15 Q. [10:34:46] I would like to move on now to a word that you have already
16 mentioned, "TONFAS," which I will get you to explain and talk about the coding, the
17 LRA's use of codes. You address this at paragraphs 26 to 34 of your report. Can
18 you just explain to the Court what TONFAS is?

19 A. [10:35:12] TONFAS is the encryption system devised by the LRA in order to
20 conceal their messages that were being broadcast over the radio. The purpose
21 behind it was that they were broadcasting over the clear net, so basically anybody
22 with a radio powerful enough would be able to pick up on their, on their
23 communications. So the TONFAS system was devised so anyone listening in would
24 not actually be able to understand what is being discussed over the radio.

25 Q. [10:35:47] And how do you spell TONFAS?

1 A. [10:35:49] It is spelt T-O-N-F-A-S.

2 Q. [10:35:55] And what sort of word is it? What sort of word is TONFAS?

3 A. [10:36:01] It appears to be an acronym. Again, according to particular
4 witnesses, it appears to be an acronym that stands for Time for opening/closing the
5 net, Operator, Nicknames, Frequencies, Address group, Security. And this appears
6 at the top of paragraph 28 of my report.

7 Q. [10:36:23] Who had access to this TONFAS coding system?

8 A. [10:36:28] Basically anyone with a radio within the LRA. So the commanders,
9 rather than the signallers, I believe the commanders held the TONFAS on their own,
10 as well as the various Ugandan government interceptors that broke the TONFAS
11 codes by listening to it over time and managed to devise their own version of the code
12 that was used in the LRA.

13 Q. [10:36:57] Mr Witness, can you please turn to tab 6 of your binder.

14 The ERN is UGA-OTP-0025-0178. This document may be shown to the public.

15 Mr Witness, do you recognise this document?

16 A. [10:37:27] This document appears to be one of the TONFAS codes used by the
17 LRA.

18 Q. [10:37:35] Can you just explain to the Court what the document is, how it is set
19 up and how the LRA used it?

20 A. [10:37:45] Yes. So according to the various witnesses whose statements I
21 reviewed, basically this particular page appears to be an excerpt from a TONFAS
22 code, because it starts with the number 47. Generally they start with number 1 and
23 they keep going down the page in consecutive order. So on this particular page we
24 have numbers 47 through 70 listed on the left side of the page. These were
25 commonly referred to as miles in the LRA. Next to each line is a number of words,

1 primarily in the Acholi language. From time to time I think they also included
2 English words in these as well but this one appears to be in Acholi language, at least
3 to the degree that I can ascertain that. And basically those particular words were
4 called homes and then the particular letters within each and every word was referred
5 to either as a window or a door, or sometimes they would just call them letters.
6 So the way that the TONFAS coding system worked, one LRA commander would
7 communicate to another one over the radio which TONFAS code book to use. And
8 this one appears to be called Carolok Acholi. So that appears to be the name of this
9 particular code book. So they would identify it and then the commander would say
10 "Please go down down to mile 50 and take the third house," which would be the word
11 "pa". And then he might say "Take the second window," which would be the letter
12 "A".
13 So subsequently, in order -- they would use this technique to form words out of
14 particular letters from the page. So subsequently the commander may say "Go to
15 mile 55 and take the second house, all of it." Which in this case is the letter I. So
16 they would use this method to form a word. Either basically the word would
17 specify a command, as in maybe attack, retreat, something along those lines, or it
18 would be used to specify a location. It might be a code word for a particular location
19 well known to the LRA.

20 Q. [10:40:13] And why were the LRA using this TONFAS coding system? What
21 sort of messages did they use it for instead of speaking in the clear?

22 A. [10:40:26] Yes, so basically, as I mentioned, considering that anyone with a radio
23 capable of receiving at those particular frequencies would have been able to listen in
24 on the LRA radio communications, they devised this system in order to mask their
25 coding. And basically this was usually issued -- the system was usually used in

1 order to either issue instructions, such as attack or retreat, or also at times it was used
2 to report particular digits or numbers of either enemy soldiers killed or their own
3 troops killed.

4 Q. [10:41:12] That's enough for that document.

5 PRESIDING JUDGE SCHMITT: [10:41:15] May I?

6 MR ELDERFIELD: Of course.

7 PRESIDING JUDGE SCHMITT: I have one or two questions following this
8 document.

9 PRESIDING JUDGE SCHMITT: [10:41:24] Can you tell the Court who has produced
10 this document?

11 THE WITNESS: [10:41:29] Just by looking at it I cannot. And to the degree that I
12 remember, and I am not overly certain on this, but to the degree that I remember
13 I believe this document was produced by one of the ISO interceptors, I believe this
14 document was produced in the ISO intercept operation by the Ugandan government.

15 PRESIDING JUDGE SCHMITT: [10:41:47] Thank you. That is just for knowing,
16 that the Court knows where it comes from and, as I said, who has produced it.
17 How did the LRA, if you can tell us something about it, make sure that everybody
18 who was supposed to talk on the radio knew about the code?

19 THE WITNESS: [10:42:08] Yes, so as you can tell from the example that I gave it is of
20 critical importance that all the words are spelt the exact same way. So basically
21 many of the members of the LRA did not necessarily have a higher education. And to
22 the degree that they were literate, potentially spelling errors occur to the best of us, so
23 it was of critical importance for the LRA to produce various copies of any one
24 TONFAS code book to distribute to its commanders. So they had to produce them to
25 contain the exact same letters in each version of the same logbook. So these were

1 basically produced by the director of signals and Vincent Otti, again to the degree that
2 I recall from the various witness statements, and then they were distributed by hand
3 to the various LRA groups with radios.

4 JUDGE PANGALANGAN: Mr Witness, in the logbooks, in the intercepts, is there
5 a way to tell if the message came from the signaller or from the commander himself?
6 And is there a way to make sure that it came from, whoever the writer of the logbook
7 said was speaking.

8 THE WITNESS: [10:43:35] Right. Well, as I mentioned previously, primarily the
9 logbooks identify the commander speaking on the radio rather than the signaller the
10 commander may be talking through. So other than, for the most part, Joseph Kony
11 and Labalpiny generally being described as talking together, primarily just by looking
12 at the logbooks alone there is no hundred per cent way to ascertain whether it was
13 a commander talking or a signaller talking on behalf of a particular commander.
14 One way to potentially ascertain that would be to go through the audio intercept
15 tapes and conduct voice identification of -- by the individuals that have in the past
16 listened to LRA radio communications and are capable of recognising the voices of
17 various commanders as well as their signallers.

18 JUDGE PANGALANGAN: [10:44:32] Thank you, Mr Witness.

19 PRESIDING JUDGE SCHMITT: [10:44:36] Please continue.

20 MR ELDERFIELD: [10:44:39] Thank you.

21 Q. [10:44:40] Mr Witness, back to your report and now to paragraphs 35 and 36.
22 Apart from the TONFAS coding system -- I will just leave you a moment -- apart from
23 the TONFAS coding system did the LRA use any other way of encoding their
24 communications?

25 A. [10:44:59] Yes, they did. As you mentioned, paragraphs 35 and 36 of my report

1 delve into the metaphors, proverbs and the jargon that was generally used by the
2 LRA in order to relay the meaning and the messages without using the TONFAS
3 codes.

4 Q. [10:45:21] Can you just explain each of those concepts, metaphors, proverbs,
5 jargon, I believe you said?

6 A. [10:45:34] Yes. So basically for the metaphors, what they would -- use some of
7 the examples given by the various witnesses, would be to refer to a mountain as
8 a church. So if they were discussing about the church being in front of them, that
9 would actually mean that one of the mountains in the areas where the LRA was
10 operating would be ahead of the commander reporting it.

11 Similarly, from what I recall, waya is the -- actually, before getting to that example,
12 they would also talk about the word ram being used to issue instructions for
13 a particular group to withdraw, to retreat, because -- and again this is to some degree
14 also a relatable experience rather than just a metaphor, because rams tend to back up
15 a little bit before crashing into each other head first. So that would be a metaphor or
16 a relatable experience.

17 As I mention here, also in paragraph 35, the word waya, which is the Acholi word for
18 auntie, was used in the LRA to denote civilians.

19 In addition to that, in paragraph 36, again speaking of relatable experiences, an old
20 outdated term that the LRA used for aeroplanes and gunships was two-by-two,
21 because they would always fly by in pairs. But apparently at some point there was
22 a popular dance that was invented by a person called Atabo and it was a dance where
23 people would dance two-by-two. And Atabo, that names translates into bowl,
24 I believe in Acholi, but I am not sure. And therefore from that point onward, from
25 that popular song, the LRA started referring to aeroplanes as Atabos, as bowls.

1 Q. [10:47:39] And what sort of messages did the LRA use these relatable
2 experiences, proverbs, metaphors for, what sort of communications?

3 A. [10:47:52] Well, when they didn't have sufficient time to code a message using
4 the TONFAS system, as you can imagine, the TONFAS system does require a bit of
5 preparation in order to code the individual words and letters prior to sending the
6 message, and then it would require time on the other end to decode the message. So
7 basically these methods were used when the LRA commander did not have sufficient
8 time to communicate by using the TONFAS codes, as well as when particular
9 reporting was not deemed of sufficient importance by the commander doing the
10 transmission in order to use the TONFAS codes to code the messages.

11 PRESIDING JUDGE SCHMITT: [10:48:32] I have a follow-up question to that, which
12 fits I think. Did the LRA always use TONFAS to communicate?

13 THE WITNESS: [10:48:42] I honestly do not know, but I believe during the charged
14 period they did.

15 PRESIDING JUDGE SCHMITT: [10:48:49] I have to be more specific. It was my
16 fault, so to speak. Did they use TONFAS or did they use this codation in any event
17 with any messages they had to send, with any information they wanted to exchange?

18 THE WITNESS: [10:49:09] No, no. So the TONFAS codes were often used to report
19 either the numbers of enemy soldiers killed when a commander would be reporting
20 an operation, an attack. And they were, my understanding is generally used in
21 relation to attacks, reporting of attacks, but at the same time that same report would
22 be intertwined with the use of various metaphors and jargon in addition to using the
23 TONFAS codes, so.

24 PRESIDING JUDGE SCHMITT: [10:49:40] Follow up would be did they always
25 sometimes also send, so to speak, clear messages?

1 THE WITNESS: [10:49:47] They did. Quite often they talked in clear language.
2 But I don't believe there was a particular, let's call it instruction. I mean generally
3 they were instructed to use the TONFAS codes to code their messages when reporting
4 on attacks after they have occurred, but various commanders followed those
5 instructions to various degrees, so.

6 PRESIDING JUDGE SCHMITT: [10:50:13] Thank you.
7 Please.

8 MR ELDERFIELD: [10:50:15]

9 Q. [10:50:16] Let's turn now to paragraphs 37 to 39 of your report, which deal with
10 call signs. How did the LRA commanders refer to each other on the radio?

11 A. [10:50:30] Predominantly they referred to each other by various call signs. At
12 times though those call signs might have included a number or a letter in a number,
13 and other times they were more like nicknames. So it was a particular word that
14 denoted a particular commander.

15 Q. [10:50:51] And what was the purpose of using call signs instead of the names of
16 the commanders, for example?

17 A. [10:50:57] Again, the purpose behind it was very similar to the purpose of using
18 signallers. So it would be the mask the voices of the commanders, mask their
19 identities over the radio, so if the Ugandan government forces were listening to LRA
20 radio communications they may not be able to attribute particular discussion to
21 a particular commander.

22 Q. [10:51:22] Do you recall any call signs that you reviewed in the logbooks
23 between the period 2002 to 2005?

24 A. [10:51:33] Yes, I do. I specified in paragraph 38 of the report that Joseph Kony's
25 main call sign during the charge period was, and please accept my apologies, I might

1 be mispronouncing this, but I believe it is Layomcwini. So that was the main call
2 sign used by Joseph Kony. And some of Ongwen's call signs included
3 Tem Wek Ibong, so that's an example of a sequence of words actually being used to
4 denote somebody as opposed to a letter and a number, or some numbers.
5 He also went by, on the radio, by Odomi, which again is a nickname, as well as YY.
6 So those would be some of them.

7 I also listed here the call sign of one of the other commanders, Buk Abudema. He
8 often went by Madilu or Doctor. And Vincent Otti's main call sign during this
9 period was Wat Pa Dano.

10 Q. [10:52:42] I would like to move now to chapter 4 of your report.

11 PRESIDING JUDGE SCHMITT: [10:52:50] Unfortunately I again have to interrupt.

12 MR ELDERFIELD: Of course.

13 PRESIDING JUDGE SCHMITT: I would like to direct the attention of the parties
14 and participants to the transcript and the answer that the witness has given. It is on
15 page 42 and line 6 following, and I quote:

16 "Quite often they talked in a clear language. But I don't believe there was
17 a particular, let's call it instruction. I mean generally they were instructed to use the
18 TONFAS codes to code their messages when reporting on attacks after they have
19 occurred."

20 And when we look now at paragraph 33 of the report, this reads like the following,
21 "attacks", the second sentence, "Attacks were generally reported in clear language and
22 without the use of code."

23 This was also a little bit the background of my question. So I would like perhaps
24 you, if you can, to clarify this.

25 THE WITNESS: [10:53:49] Most certainly. As I am sure we will get to eventually,

1 a number of the attacks that I mention in this report, by the end of the report, they
2 mention a number of officers and soldiers of the UPDF that were killed in a particular
3 attack. And that is just one example that comes to my mind. Although the attack
4 was predominantly reported in clear language, in that particular instance the number
5 of deaths was not sufficiently decoded by the Ugandan government interceptors.
6 They managed to figure out that it is a two-digit number with the first digit being 10,
7 which basically specifies that, I can try to find this later on, it is one of the attacks,
8 although I don't remember if I specifically mentioned this instant here. So basically
9 in that case the Ugandan government interceptors managed to decode it that the
10 number of dead UPDF soldiers was higher than 10. So that would be an example of
11 TONFAS code being used for bits and pieces of a report of a particular attack.

12 PRESIDING JUDGE SCHMITT: [10:55:00] Thank you.

13 MR ELDERFIELD: [10:55:07] So let's move to chapter 4, which covers the Ugandan
14 government's interception operations, now moving away from the LRA systems of
15 communication.

16 Can you please just explain in general terms how the Ugandan government was
17 involved in intercepting the LRA radio communications?

18 A. [10:55:33] Well, the Ugandan government had three different intercept
19 operations that to a large degree used the same methods. So that involved actually
20 turning on the radio at predetermined times and listening in to LRA radio
21 communications and then decoding the messages. I can go into more detail at this
22 point, if necessary.

23 Q. [10:55:59] Yes, please continue. Yes.

24 A. [10:56:01] Okay, so basically the Ugandan police operation intercepted, based
25 out of the Kamdini office, they intercepted LRA communications 24/7, they used

1 primarily one interceptor according to the witness statements. He did have an
2 assistant as well. And what they would do is they would listen to the radio
3 communications and jot down on pieces of paper the information that was reported
4 to the degree that they understood it. The police operatives did not manage to crack
5 the TONFAS code so they did not actually report on any details being sent in code.
6 In addition to that, the ISO operation, the Internal Security Organisation, that was, the
7 intercepting was done out of the fourth division UPDF Gulu barracks, located in Gulu
8 town, and for that operation they also listened to LRA communications with the radio
9 equipment that they had. They wrote down whatever codes were being sent over
10 the radio. They attempted to decode the messages. They jotted down the various
11 topics and individuals speaking on the radio and while at the same time audio
12 recording the conversation on to cassette tapes, magnetic cassette tapes.
13 In addition to that, subsequently they wrote the clean version of the logbook that they
14 used to basically inform their higher ups. The UPDF operation functioned in a way
15 very similar to the ISO one, so they also listened to LRA radio intercepts, audio
16 recorded the messages, the transmissions, attempted to decode the messages and then
17 produce clean versions of the logbooks of that particular communication.
18 However, the UPDF operation also did this type of interception out of various other
19 locations in addition to the fourth division UPDF barracks located in Gulu town.

20 Q. [10:58:21] I am aware of the time, your Honour.

21 PRESIDING JUDGE SCHMITT: [10:58:23] I think it might be a good idea to have
22 now the break until 11.30.

23 THE COURT USHER: [10:58:29] All rise.

24 (Recess taken at 10.58 a.m.)

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

- 1 THE COURT USHER: [11:31:25] All rise.
- 2 PRESIDING JUDGE SCHMITT: [11:31:43] You have of course still the word.
- 3 MR ELDERFIELD: [11:31:49] Thank you.
- 4 Q. [11:31:52] Mr Witness, you just described the three branches of the Ugandan
5 government and their intercept operations briefly and I'll just go into more detail for
6 each of those. Firstly, let's talk about the UPDF, which you cover in paragraphs 43 to
7 60 of your report. You mention that the UPDF did do operations elsewhere than
8 Gulu. What were those locations?
- 9 A. [11:32:30] Just to consult my report for the actual names. So just above
10 paragraph 51, one of the locations was Gangdyang near Kitgum. In addition to that
11 there was a UPDF intercept operation out of Achol-Pii, also Soroti, Lira and Sudan.
- 12 Q. [11:32:55] Of those which was the primary interception operation?
- 13 A. [11:33:01] The one out of Gulu, the fourth division barracks. From what
14 I recall, that was the only operation that was also audio recording the intercepts.
- 15 Q. [11:33:16] Let's focus on the one in Gulu first. What was the purpose of the
16 UPDF intercepting operations in Gulu?
- 17 A. [11:33:29] Well, part of the reason was to get clear radio reception as it was
18 nearby the LRA area of operations. In addition to that it was also located there in
19 order to quickly get the information to the operational commanders of the UPDF that
20 are engaged in combating the LRA.
- 21 Q. [11:34:01] And which UPDF personnel worked in Gulu? Please refer to
22 pseudonyms instead of names.
- 23 A. [11:34:09] Right. Gulu, I have that I believe in a different section of my report,
24 if I can just quickly go there. That way I'm not omitting any names.
- 25 Q. [11:34:20] I believe it's paragraph 99.

1 A. [11:34:22] Thank you. Right. So P-0003 was the main interceptor, UPDF
2 interceptor in Gulu. P-0339 and P-0400 intercepted LRA communications out of
3 Gulu as well as a number of other locations as well, such as Achol-Pii, Soroti, Lira and
4 Sudan.

5 P-0337 also operated out of Gulu, but he was predominately tasked with the direction
6 finding as opposed to radio interception.

7 And that would be it from what I recall.

8 Q. [11:35:19] Let's turn to the role of the interceptors themselves. Can you just
9 describe in a bit more detail than you did before what the role of the interceptor was?

10 A. [11:35:31] So the overarching role of the interceptor was to report, to inform
11 their higher-ups of LRA radio communications and activities as they are being
12 communicated over the radio. So basically it was in order to inform the
13 decision-making process on how the UPDF and the Ugandan government in general
14 can go about combating the LRA.

15 Q. [11:36:00] And what written records did these interceptors produce?

16 A. [11:36:05] In terms of written records, as I mentioned previously, the UPDF
17 jotted down rough notes and the LRA TONFAS codes as they heard them over the
18 radio into a rough notes ledger or a rough notes logbook. That was subsequently
19 transcribed into longhand notes in the English language. Actually the rough notes
20 were also predominately in the English language. At times they used the audio
21 recordings that they recorded onto cassette tapes in order to re-listen to certain part of
22 the LRA conversations in order to provide a more accurate summary of that
23 conversation in the logbooks.

24 And that would be it for the written records coming out of the UPDF intercept
25 operation in Gulu.

1 Q. [11:36:59] You've talked about audio recording a couple of times now. When
2 did the UPDF start to audio record in Gulu?

3 A. [11:37:10] I do not recall specifically. I believe I do have that in my statement
4 somewhere.

5 Q. [11:37:18] Perhaps --

6 A. [11:37:19] I believe in paragraph 47. It specified that the process of recording
7 information onto audio tapes was developed in 2002 or 2003.

8 Q. [11:37:33] And moving back to the logbooks, what information did the
9 interceptors include in the logbooks in general terms?

10 A. [11:37:41] In general terms they included the various commanders that
11 communicated on air during any one particular communication. They included
12 reporting of LRA attacks and activities. They included locations of those attacks as
13 well as the various coordinating activities that the LRA was engaging in at the time,
14 so locations such as where they would be meeting or if any one commander reports
15 his location over the radio.

16 Q. [11:38:14] Let's move away from Gulu and towards another location that
17 you've referenced, Gangdyang, which you discuss in paragraph 51 of your report.
18 Can you just describe in a bit more detail what the UPDF did in Gangdyang?

19 A. [11:38:35] So according to the witnesses or P-0400, that seems to have been a
20 forward operating base in Kitgum out of which they were intercepting LRA radio
21 operations for a particular period of time. As part of that operation they did not
22 actually audio record LRA intercepts. They wrote, in ways similar to the Gulu
23 operation, they wrote the rough notes together with the codes, the LRA TONFAS
24 codes, and then transcribed them into clean notes into a clean English language
25 summary and into a longhand logbook.

1 And in addition to that, the witness also says that the rough notes were routinely
2 destroyed for security purposes.

3 Q. [11:39:26] Can you give us any indication as to the approximate time that the
4 Gangdyang operation was functional?

5 A. [11:39:36] I believe this was earlier on in 2002. So basically the Witness
6 P-0400 and one of his counterparts, these specify that later in 2002 the individuals
7 were reassigned to a different location to conduct intercepts from there, at which
8 point I believe the Gangdyang intercept operation ceased to exist.

9 Q. [11:40:11] Let's move to Achol-Pii, which you discuss at paragraphs 52 and 53
10 of your report. Can you give us the same sort of description for Achol-Pii about
11 what the UPDF interception operation entailed there?

12 A. [11:40:27] Yes. So for that one all the different operations more or less follow
13 the same process in terms of listening to LRA communications live over the air,
14 jotting down rough notes together with the TONFAS codes when they were used, and
15 then coming up with a clean summary of the conversation once they have had the
16 chance to break the LRA TONFAS codes, and including the types of details in the
17 summaries that I've already mentioned. And other than the Gulu operation, the
18 other ones did not audio record any of the -- any of the LRA conversations.

19 Q. [11:41:08] Which personnel were operating in Achol-Pii?

20 A. [11:41:13] So according to paragraph 52, it was P-0339, P-0400 and another
21 individual that was not interviewed by the OTP. I believe he died at one point.

22 Q. [11:41:32] And what sort of reporting structure was in place in Achol-Pii?

23 A. [11:41:39] So in Achol-Pii, P-0339 submitted oral reports to his supervisor,
24 P-0337, located in, located in Gulu. The oral reports were, if I recall correctly,
25 predominately done over the radio actually. In addition to that, yeah -- either by

1 telephone or by radio -- in addition to that, the logbooks that they created, yeah, were
2 transferred either back to the headquarters in Kampala or to P-337 in Gulu since they
3 were not keeping them there.

4 At the same time they also communicated I believe exactly with the fifth division
5 commander located there in Achol-Pii or the intelligence officer, if necessary.

6 Q. [11:42:39] And again what time period was the Achol-Pii base operative?

7 A. [11:42:54] One second, I'm just reviewing the paragraph here. So the
8 Achol-Pii intercept operation ceased to exist sometime in 2003, after the two
9 individuals went to intercept from different locations. I'm referring to paragraph 53
10 of my report now. And then in 2005, P-0339 again started intercepting LRA
11 communications out of Achol-Pii and he continued to do so up until 2011.

12 Q. [11:43:27] Let's move to Soroti, which is at paragraphs 54 and 55 of your report.
13 Can you give us the same description of operations at Soroti?

14 A. [11:43:39] Yes. So in Soroti, again, the individuals listened to LRA radio
15 communications live as they were taking place, jotting down rough notes in a ledger,
16 into a ledger book, and subsequently, once they had the chance to break the codes,
17 they would write down clean English language summaries into a different logbook
18 that they used to inform their commander both at the base where they were operating
19 as well as back in Gulu. And, again, they did not audio record LRA conversations or
20 radio intercepts out of the Soroti operation either.

21 Q. [11:44:22] What time period was the Soroti operation functional?

22 A. [11:44:27] So according to P-0339, the Soroti operation became functional in
23 2003, because the LRA moved into the Teso region at the time.

24 I'm just trying to see here at which point it stopped functioning. Yes, so basically the
25 last sentence of paragraph 55, in January 2004, P-0339 transferred to a different

1 location, at which point the Soroti intercept operation ceased to function.

2 Q. [11:45:05] And, again, what reporting structures were in place in Soroti?

3 A. [11:45:11] So they reported to the -- they continued to report, oral reports to
4 P-0337 in Gulu, again, either by telephone or by radio. And in addition, they were
5 also reporting to the intelligence officer and their division commander located in
6 Soroti.

7 THE INTERPRETER: Message from the Acholi interpreters, your Honours: If the
8 witness could be asked to speak more slowly.

9 MR ELDERFIELD:

10 Q. Let's turn to Lira. Please tell us about Lira.

11 A. So that operation functioned pretty much the same way as the ones I just
12 described in terms of listening to LRA communications live over the air, writing
13 down notes, rough notes into one ledger book as they were -- as the discussion was
14 taking place on the air, and then writing clean notes into a different summary, into a
15 different logbook based on the cracked TONFAS code as well as the discussions that
16 were on air.

17 Q. [11:46:19] And what time period?

18 A. [11:46:22] This operation started to function in late 2003 according to a number
19 of witnesses, and it also ceased to function with P-0339's departure in 2005.

20 PRESIDING JUDGE SCHMITT: [11:46:41] Mr Witness, I'm asked to ask you to
21 slow a little bit down when you answer the questions.

22 THE WITNESS: [11:46:47] Understood. Thank you.

23 MR ELDERFIELD: [11:46:49]

24 Q. [11:46:52] And finally, what sort of reporting structures were in place in Lira?

25 A. [11:47:01] So once again, just like in the other intercept operations, they would

1 report to the intelligence officer and fifth division commander in Lira. This is
2 paragraph 57 of my report. And at the same time they continued to report either by
3 phone or by radio to P-0337 located in Gulu.

4 Q. [11:47:27] Let's move to Sudan now, paragraph 58 of your report. Can you
5 please just describe to the Court what was happening in Sudan?

6 A. [11:47:39] So during UPDF's operation Iron Fist, a number of interceptors that
7 already worked on UPDF's LRA intercept operation ended up deploying to Sudan
8 with the UPDF in order to intercept from the field and better inform the operational
9 commanders there. So I believe it was P-0003 as well as P-0400 that were
10 intercepting out of Sudan for a period of time.

11 PRESIDING JUDGE SCHMITT: [11:48:18] We are, especially the Prosecution, is
12 aware of the fact that you call these witnesses yourself and that they will appear in
13 the courtroom. So reference to witnesses to come should be as few as possible,
14 I would say, because we can have an immediate impression of these witnesses when
15 they are going to appear in the courtroom viva voce.

16 MR ELDERFIELD: [11:48:46] Thank you. With that in mind, I might skate quite
17 quickly through this section, which focuses, this next section, which focuses on the
18 ISO and the police interception operations.

19 PRESIDING JUDGE SCHMITT: [11:48:59] You can ask it in more general terms,
20 and I think this is the most adequate manner and how to handle the issue and how to
21 handle the knowledge and the work that the witness has done. So I am referring
22 also to what has been said and discussed at the start of this session, of the first session,
23 so to speak. It's not that I would say it excluded to mention it, but when we
24 constantly mention now witnesses that we are going to see, as I said, and to hear viva
25 voce in the courtroom, I think this would overstep what we have said at the start of

1 this session.

2 MR ELDERFIELD: [11:49:38] Understood.

3 Q. [11:49:39] Witness, I'll move to, Mr Witness, I'll move to paragraph 59 of your
4 report, which discusses the UPDF operation in Kampala. Can you describe what
5 happened in Kampala?

6 A. [11:49:54] Yes. So the Kampala office, basically the Kampala operation
7 received the intercept information from Gulu, usually over the phone I believe. The
8 information was handed down in Swahili. I realise this doesn't appear here, but it
9 does appear in the quoted witness statements.

10 And the information received from Gulu was used to create intelligence reports
11 together with other sources of information in Kampala that were then used to inform
12 strategic level decisions and higher-ups in Kampala.

13 Q. [11:50:36] Were there any records produced in Kampala, any written records?

14 A. [11:50:41] I believe the only -- considering that the communication, the
15 information was communicated from Gulu orally over the phone, the only written
16 records produced in Kampala by the UPDF would be the UPDF intelligence reports.

17 Q. [11:50:57] Mr Witness, please turn to tab 7 of your binder. The ERN is
18 UGA-OTP-0025-0423. And this document can be shown to the public.

19 Mr Witness, do you recognize this document?

20 A. [11:51:24] Yes. This looks like one of the UPDF produced intelligence reports.

21 Q. [11:51:30] Can you explain to the Judges what you see on this document, the
22 relevant information?

23 A. [11:51:38] So basically the document is classified as secret, internal to the
24 UPDF, I would say. It's titled "Technical intelligence report" of a particular date, the
25 date being the 23 November 2003. And then it also lists four different time periods,

1 presumably at which the LRA generally communicated at, with the 1300 and 1600
2 communications being highlighted, indicating that this particular INTREP referred to
3 the communications of those two -- those two communications, the 1300 hour
4 communication and the 1600 hour communication.

5 In addition to that, in the left column it indicates the source of the information. So
6 DF refers to direction finding. That would be the team that was again based out of
7 the Gulu but operated in the field.

8 The Intelligence Type, so specifically what the information refers to. On the first
9 page it refers to the location or the coordinates.

10 And then the Users and their Call Signs basically appearing on the net at the
11 highlighted times. This list includes six individuals.

12 And then the other three columns refer to their location in eastings and northings, so
13 basically geographical coordinates, as well as the location, which in this instance is
14 blank, but may refer to a particular town or known location of the individuals.

15 Q. [11:53:21] And as we turn over the page, can you briefly explain what that
16 information is?

17 A. [11:53:29] On the next page, this information appears to be short summaries of
18 LRA radio intercepted communications between particular individuals. The
19 individuals are listed in the Source column and the summary of the discussion
20 appears in the Summary column.

21 Q. [11:53:52] And you've said this information is a summary of the reporting that
22 was done orally from the interception stations; is that right?

23 A. [11:54:00] In this case, yes, yeah. The INTREPS also sometimes include
24 information from human intelligence and reconnaissance and other sources, but this
25 seems to refer specifically to intercepted LRA radio communications.

1 Q. [11:54:18] Okay. That's enough for that document.

2 I just want to turn back to the different interception operations that you've mentioned
3 from the UPDF. You did mention that logbooks were produced in each one. How
4 is it possible to tell the difference between logbooks produced in each of those
5 locations?

6 A. [11:54:40] So when it comes to the UPDF, considering that the commander, the
7 division commander up in Gulu or one of the other locations where the interception
8 were taking place would have access to the book after each and every communication,
9 for example, the UPDF Gulu logbooks generally included a tick or a check mark with
10 the word "seen" at the end of each summary. That was written there by the fourth
11 division commander. Whereas the -- yeah, so that would be one discerning feature
12 for the UPDF logbooks.

13 Q. [11:55:22] I'll move on now to briefly touch on the ISO interception operation.
14 This is covered in paragraphs 61 to 73 of your report. Firstly, what does the ISO, the
15 Internal Security Organisation, do as an organisation?

16 A. [11:55:42] So the ISO, according to one of the witnesses associated with it, is an
17 organisation in charge of internal security in Uganda, and they're tasked with
18 gathering intelligence, analysing it and advising the Ugandan government.

19 Q. [11:55:59] And from which locations did the ISO work, with specific reference
20 to the LRA radio communications?

21 A. [11:56:08] The ISO intercepted LRA radio communications purely out of the
22 Gulu fourth division barracks, UPDF barracks, but the information was also passed
23 on to their Kampala office.

24 Q. [11:56:26] Can you briefly or just list the personnel involved on the ISO side in
25 Gulu?

1 A. [11:56:36] Yes, I can if I again refer back to the paragraph, I believe it was --

2 Q. [11:56:42] Perhaps paragraph 101 will help.

3 A. [11:56:46] Thank you very much. So if I may say that P number pseudonyms
4 of the various individuals associated with the Gulu operation.

5 So it's P-0059, he was basically the main ISO interceptor in Gulu.

6 In addition to him, there was P-0301, who also intercepted LRA communications out
7 of Gulu for a period of time.

8 P-0291 also intercepted out of Gulu.

9 P-0303 worked in Gulu as a supervisor of the LRA radio interception operation, but
10 he himself did not listen LRA communications.

11 P-0032 was another supervisor of the ISO operation in Gulu, and he also did not
12 intercept LRA radio communications.

13 P-0384 also for a while wrote in the Gulu logbooks and intercepted out of Gulu for a
14 period of time.

15 And P-0386 also intercepted out of Gulu.

16 Q. [11:58:03] In general terms, what did the ISO interception operation in Gulu
17 entail? How did it function?

18 A. [11:58:13] Generally it functioned in basically the same way as the UPDF
19 intercept operation. So they also listened to LRA communications live as they were
20 occurring over the air. They jotted down rough notes into one logbook together with
21 the TONFAS codes that subsequently needed to be broken. Also realtime they were
22 audio recording the LRA communications.

23 And then in order to produce the longhand notes or the clean summary of the
24 communication, they would make it a point to break the TONFAS codes, they would
25 re-listen to various portions of the recorded conversation as they deemed it necessary

1 and wrote the clean summaries into a separate logbook.

2 In addition, the one area where they defer from the UPDF operation is that they also
3 used to copy those summaries onto loose-leaf pieces of paper and fax them to
4 Kampala in order to inform the Kampala office. So whereas the UPDF
5 communicated the information orally, the ISO basically copied the information from
6 the clean logbooks onto a separate piece of paper and faxed the information to
7 Kampala, where it was again copied into a separate logbook that was produced in
8 Kampala at that point.

9 Q. [11:59:39] You mentioned that both the ISO and the UPDF worked in the
10 fourth division barracks in Gulu?

11 A. [11:59:47] Yes.

12 Q. [11:59:48] Now, what level of interaction did they have according to the
13 witness statements that you've reviewed?

14 A. [11:59:54] According to the witness statements, they were instructed not to
15 communicate with one another and to produce separate reports and report as close as
16 possible to the raw information that was being transmitted over the radio. However,
17 given the vicinity of the two operations, at one point, I don't recall exactly when, the
18 two operations were placed into the same building in two separate rooms of a same
19 building located on the same floor. So basically the witnesses do specify they did
20 discuss at times the radio communications outside of the reporting, LRA reporting
21 hours, and they discussed various things in relation to the intercepts and the
22 communications.

23 Q. [12:00:46] Let's move to the ISO interception operation in Kampala. This is
24 covered at paragraphs 72 and 73 of your report. Can you just describe what
25 happened in Kampala?

1 A. [12:01:04] So basically the Kampala operation received faxed, faxed logbook
2 statements from the Gulu office and, as I mentioned previously, they recorded the
3 same information into a different logbook that was then used to inform the
4 higher-ups in Kampala. So basically it was used for the ISO's own purposes in
5 Kampala as well as to, as I previously mentioned, reporting and informing the UPDF
6 commanders at the fourth division in Gulu.

7 Q. [12:01:41] Can you please list again the individuals that you reviewed who
8 interacted or worked from the Kampala office?

9 A. [12:01:49] Right.

10 PRESIDING JUDGE SCHMITT: [12:01:50] But please very shortly, because, and
11 please keep in mind what I have said before, you are not going into what these
12 persons might have done exactly, only what you have, and we have to make clear that
13 it's only what you have from the files and from everything what is on evidence in
14 Ringtail. And please keep it very short when it comes to these witnesses that we will
15 hear, because this might lead to a duplication. It's not that I fear anything, that there
16 is a prejudice to the Defence, but we will have to elicit also evidence from these
17 witnesses when they are here in the courtroom. And I of course do not have every
18 witness in mind who is a live witness as opposed to those who are Rule 68(2)(b)
19 witnesses, which would not make a significant difference.

20 MR ELDERFIELD: [12:02:44] Perhaps if the witness just lists the pseudonyms or
21 perhaps --

22 PRESIDING JUDGE SCHMITT: [12:02:48] Yes, but not more.

23 MR ELDERFIELD: [12:02:50] Perhaps we can move on.

24 PRESIDING JUDGE SCHMITT: [12:02:52] Yes, and then we, yes, we move on then.

25 MR ELDERFIELD: [12:02:54]

1 Q. We might just move on, Mr Witness.

2 A. [12:02:59] All right.

3 Q. [12:03:00] Again, the records that were produced in Gulu and those produced
4 in Kampala, how is it possible to distinguish between those two?

5 A. [12:03:09] So, again, just like with the UPDF logbooks, the ones produced in
6 Gulu went to the same UPDF fourth division commander. So the ISO logbooks
7 produced in Gulu also had the tick or the check mark with the word "seen" in them,
8 whereas the ISO logbooks produced in Kampala tended to have the signature or the
9 initials of a particular superior, I believe it was a general if I recall correctly located in
10 Kampala, together with the date at which he reviewed the communication
11 underneath the signature.

12 Q. [12:03:51] Let's move away from the ISO operation now to the police operation,
13 which is covered at paragraphs 74 to 78 of your report. Can you explain in general
14 terms what went on in the police operation and where it was?

15 A. [12:04:09] Yes. So the police or the CID operation was a bit more basic than
16 the UPDF or the ISO operations in the sense that they did not audio record any of the
17 conversations, and the police interceptors did not understand the TONFAS codes so
18 they made no attempt to crack the code, and they merely reported on what was being
19 discussed in clear language over the, over the air.

20 In addition to that, one interceptor from the Kamdini office, he intercepted the
21 communications much like his UPDF and ISO counterparts in the sense that he was
22 available 24 hours a day, seven days a week to listen to the communications when
23 necessary and write down the information he heard.

24 There was a somewhat similar attempt from the police Gulu office because the
25 information was being passed from Kamdini to Gulu; however, that operation was a

1 bit more rudimentary, if I may say so, in the sense that the interceptors only listened
2 to LRA communications I believe it was -- well, maybe not 9 to 5, but during regular
3 office hours and five days a week. So basically during regular office hours.

4 In addition to that, the radio that was used to listen to the radio intercepts if I recall
5 correctly was also used for regular police traffic on the radio, so in addition to the
6 LRA communications, they also used it to submit -- to communicate themselves
7 within the police.

8 Q. [12:05:53] You mentioned a word or you mentioned the letters CID before.
9 Can you just explain what that is?

10 A. [12:06:00] Yes. It's the, if I recall correctly, the Criminal Investigations
11 Directorate, so that's the branch of the Ugandan police force.

12 Q. [12:06:09] And when did this police operation start and finish?

13 A. [12:06:13] The police operation started late in 2003. One witness specifies that
14 on 30 September 2003 he received authorisation in order to start intercepting LRA
15 radio communications. I'm referring to paragraph 74 of my report.

16 And as to when it ended, I do not recall any one witness specifying when the
17 operation ended. I believe they continued to monitor LRA communications
18 throughout the charged period.

19 Q. [12:06:58] Mr Witness, can you please turn to tab 8 of your binder.

20 The ERN is UGA-OTP-0151-0042 and this is a document that can be shown to the
21 public.

22 Mr Witness, do you recognize this document?

23 A. [12:07:24] Yes, I do. This appears to be one of the police LRA intercept
24 reports produced in the Kamdini office.

25 Q. [12:07:38] Can you explain to the Judges what you can see on the document in

1 reference to perhaps the take and flicking through?

2 A. [12:07:46] Yes. Generally according to the CID witnesses interviewed the
3 reports were written subsequently and they were sent to the Gulu office subsequently.
4 So for this particular communication it mentions LRA radio communication occurring
5 on 22 January 2005 at about 1835 in the afternoon. This particular report
6 was -- appears to have been sent to the Gulu office the following day so on
7 23 January 2005. And one of things that I did not mention earlier but does appear in
8 my report is that the Gulu operatives used couriers and taxi drivers in order to send
9 these messages in sealed envelopes to the Gulu office.

10 Q. [12:08:38] I believe you may mean the Kamdini operatives sending reports to
11 the Gulu office.

12 A. [12:08:42] Yes. I don't know what I just said, but yes, Kamdini operatives
13 sending their reports to the Gulu office.

14 Q. [12:08:50] Can you please turn to tab 9 of your binder.

15 The ERN is UGA-OTP-0256-0292 and again this document can be shown to the public.
16 Mr Witness, do you recognize this document?

17 A. [12:09:14] Yes. This looks like one of the intelligence reports produced by the
18 CID in the Gulu office and it generally includes LRA intercepted communications that
19 were sent from the Kamdini office, but at times also other sources such as human
20 intelligence.

21 Q. [12:09:37] How can we tell, for example, that this document is based on radio
22 communication intelligence?

23 A. [12:09:46] It is generally obvious from the context of the communication itself.
24 I'm just looking at the document now.

25 So, yeah, for example, this -- for example, if this intelligence report could be -- if a

1 report out of the Kamdini office detailing the same date and the same communication
2 would arguably have the same type of information located in it. Other than that,
3 I cannot think of another way other than the context of the, of the document itself that
4 would specify whether the information comes from the LRA intercepts or from other
5 sources.

6 Q. [12:10:40] Perhaps if I draw your attention to the second line, starts with the
7 word "communication".

8 A. [12:10:48] Right. So "Communication of rebels monitored from Kamdini
9 police post in Apac district." I believe that's quite self-explanatory.

10 Q. [12:11:07] Mr Witness, that's all for that document and indeed for your
11 description of the various interception operations.

12 I'd like to move now to the third area that I hoped to discuss with you and that was
13 how certain aspects of the intercept or certain parts of the intercept evidence have
14 been collected and processed and organised by the Prosecution.

15 So first to focus briefly on how it was collected, which you describe in paragraphs 105
16 and 106 of your report.

17 Firstly, where did the Prosecution collect evidence from the UPDF, intercept evidence
18 from the UPDF? From where did they collect it?

19 A. [12:11:58] The information was primarily collected from Kampala through
20 P-0038 and at the same time OTP staff did go up to Gulu to review the information
21 and to basically specify the relevant time period and potentially the relevant logbooks
22 in order to have those either shipped to Kampala for eventual pickup or to actually
23 photograph them on site.

24 Q. [12:12:31] And when was the majority of this collection done?

25 A. [12:12:36] The majority of it was done I believe in the 2005-2006 period;

1 however, I know substantial amount of logbooks was also collected subsequently
2 during the 2015-16 period. Just a guess on my part that most of them were collected
3 during the 2005 period rather than the 2015 period, 10 years later.

4 Q. [12:13:03] Moving on to the ISO collection, evidence that comes from the ISO,
5 when and how and through whom was that collected?

6 A. [12:13:13] So as I specified in the report, most of the ISO information also went
7 through P-0038, who is a member of the UPDF. So again, the information was either
8 stored in the, I believe it was the ISO archives in Kampala from where, again
9 depending on the period in question, the relevant time frame, the information was
10 selected by the ISO and handed over to the OTP through P-0038 or at times P-0027
11 also, also directly handed over ISO intercept material to the OTP.

12 Q. [12:13:59] And was that collection done at a similar time to the UPDF
13 collection?

14 A. [12:14:04] Yes. I believe -- I believe P-0027's direct engagement and handover
15 material from the -- to the OTP was in the 2015-16 time frame rather than 10 years
16 prior, but I'm not a hundred percent sure on this. I did not review the relevant dates
17 of the PRF's, rather, the information and the chain of custody contained on them.

18 Q. [12:14:35] Can you just explain what a PRF is?

19 A. [12:14:36] Sorry. That's the preregistration form that the OTP uses with all
20 the evidence that is collected and submitted into evidence in order to basically outline
21 the date of collection, who collected it, what is being collected, as well as who or what
22 the source is.

23 PRESIDING JUDGE SCHMITT: [12:14:56] Perhaps since we are talking about this
24 chain of custody, where have these intercepted audio tapes and logbooks initially
25 been at the start?

1 THE WITNESS: [12:15:09] Right. Well, for the UPDF, the vast majority of them
2 was stored in the office of P-3 in the Gulu barracks. So he kept both the audio tapes
3 and the logbooks, the rough notes, as well as the clean logbooks in his office.
4 So upon the OTP's interest, the information was initially roughly ten years ago
5 photographed on site and that appears in some of the logbooks that would -- it's
6 photographs rather than scans. And then subsequently in the 2015-16 period I recall
7 there were additional collection missions by the OTP to Uganda, whereas materials
8 were selected and sealed basically upon the approval of the UPDF authorities for its
9 handover to the OTP. And from what I recall, that was actually done again in
10 Kampala rather than in Gulu. That would be the OTP -- sorry, the UPDF.
11 As for the ISO operation, P-0027 would at times drive up there to Gulu to check up on
12 the operation and he himself transported the material, both the logbooks as well as
13 the audio intercept tapes to the ISO archives located in Kampala.

14 PRESIDING JUDGE SCHMITT: [12:16:31] Thank you. Excuse me for
15 interrupting.

16 MR ELDERFIELD: Please.

17 PRESIDING JUDGE SCHMITT: Please continue.

18 MR ELDERFIELD: [12:16:36]

19 Q. I'm actually done now with the collection. Perhaps we can move to how
20 certain strands of intercept evidence was processed by the Prosecution.
21 First audio enhancement you deal with this at paragraph 92 of the report. Can you
22 just explain what the Prosecution has done to enhance certain audio recordings and
23 why?

24 A. [12:17:06] So the tapes deemed relevant by the Prosecution team for various
25 types of charges associated with Mr Ongwen were listened to by the OTP to

1 determine the sound quality on the tapes and a number of tapes were subsequently
2 identified by the OTP for enhancement in order to better be able to discern what is
3 being said on the radio as well as the different individuals talking.

4 So my understanding is that initially another witness who owns a private company
5 that deals with audio enhancement was contacted and handed over a number of the
6 tapes in order to enhance them, which he did. And subsequently that company's
7 software was also used in-house by the OTP in order to enhance additional materials,
8 additional audio tapes.

9 Q. [12:18:12] Let's talk about now the registration of the original sound or the
10 unenhanced sound recordings by the Prosecution's evidence unit. This is addressed
11 at paragraphs 93 to 98 of your report. Can you just explain any issues that arose
12 during the registration of these sound recordings?

13 A. [12:18:39] Yes. So there were a number of separate issues, one of them being
14 that at the time of registration of the audio information into Ringtail, back in I believe
15 it was the 2004 to 2006 period, the information was copied from the original audio
16 cassettes onto CDs and then the information was copied from CD or migrated from
17 the CDs into Ringtail. And during this process, because the tracks had to be named
18 manually so cassette track A and side B had to be called track A and track B in
19 Ringtail, but at times because this was done -- it was done manually, but basically the
20 way that the tapes were copied automatically, the tracks, the tracks were recorded
21 wrongly in the sense that track A of a particular cassette tape would be located
22 on -- the audio information from track A of a particular cassette tape would be located
23 on a file called track B of the ERN associated with that cassette tape and the track B of
24 the original cassette tape would be associate with track 1 in Ringtail of the subsequent
25 ERN in Ringtail associated with the subsequent tape.

1 So basically that means that each audio cassette tape with the equivalent ERN in
2 Ringtail initially had, and I'm talking specifically about the ERNs now located in
3 Ringtail, the track 1 associated with any one tape in Ringtail was actually associated
4 with track 2 from a previous tape, whereas track 2 in Ringtail was associated with
5 track 1 of the correct tape associated with that ERN.

6 And this was subsequently corrected to include the word I believe it's "re-encoded," if
7 I -- yes. "Re-encoded". It appears in paragraph 97 of my report.

8 So that's basically just a -- it's a labelling issue that arose out of the registration and
9 migration of information into Ringtail whereas the audio information itself was not
10 compromised. It was just a portion of it or one side of the audio tape was associated
11 with a different ERN than it should have been initially.

12 A separate issue was discovered that some of the audio files or audio tapes did not
13 follow this naming labelling convention altogether. I'm referring to paragraph 98 of
14 my report now and basically either IEU did not manage to discern which audio
15 recording in Ringtail belonged to a particular tape or the quality of the sound
16 recording was so poor that they were not able to discern which tape it belonged to, in
17 which case both sides of those tapes were re-encoded again in 2016 and associated
18 with the right ERN. So in that case both the track 1 of the tape as well as of the
19 matching ERN included the words "re-encoded" in them.

20 Q. [12:22:21] You just mentioned IEU, can you just explain -- that's the
21 Information and Evidence Unit of the Prosecution?

22 A. [12:22:30] Yes, it is. And basically that unit deals with the registration of
23 evidence in Ringtail and the storage of the physical material in evidence once it is
24 handed over to them by the investigators and by the OTP individuals collecting the
25 evidence.

1 Q. [12:22:51] And how did you come to find out about these registration issues?

2 A. [12:22:57] I was not aware of them initially. This was pointed out to me by
3 Mr Gumpert and yourself as something that would be worthwhile including in my
4 report, at which point I contacted IEU and I spoke to them about what these issues
5 actually are and attempted to account for them in my report.

6 Q. [12:23:23] I'll finish with that and move on to now how the Prosecution's
7 organised the intercept evidence. This is covered in paragraphs 107 to 114 of your
8 report.

9 Can you explain how the Prosecution has attempted to organise the intercept
10 evidence collection?

11 A. [12:23:46] Right. There are two specific documents that I mentioned earlier
12 this morning. They're located in TRIM. It's the only information that I refer to
13 outside of Ringtail. And the two documents are aimed at basically navigating
14 through the vast intercept information easier. So one of them is the intercept books
15 timeline and basically that is visual representation of the different logbooks in the
16 OTP's possession as well as the time period that they cover.

17 So the timelines themselves are colour coded. The green colour corresponding to the
18 ISO logbooks, the blue colour corresponding to the logbooks produced by the UPDF
19 and the red logbooks corresponding to the colour produced by the -- sorry, red
20 logbooks -- or red colour corresponding to the logbooks or the notes produced by the
21 police, by the CID.

22 Q. [12:24:48] I'll just interrupt you. It might be more helpful if we look at the
23 documents themselves. Can you turn to tab 10, please.

24 A. [12:24:55] Yes.

25 MR ELDERFIELD: [12:24:56] This document can also be found at TRIM record

1 W16/03294 and if it is possible it can be shown to the public.

2 THE WITNESS: [12:25:13] So this is the information associated with the various
3 logbooks. So the colours, as I mentioned, green corresponds to ISO logbooks and
4 related information, blue corresponds to the UPDF and red to the CID, to the police.

5 And the information appears on different lines because we have logbooks from the
6 ISO or the UPDF that covered the exact same period. It makes sense for the ISO

7 because the logbooks produced in Gulu were again copied after the faxes were
8 received and produced again in Kampala. So the same information from the ISO can

9 be found in multiple logbooks. And the same goes for the UPDF because they

10 intercepted during the same time period for different locations.

11 PRESIDING JUDGE SCHMITT: [12:26:07] According to what you have discovered,
12 was there a loss of information when it was transposed as I have understood it? You
13 understood what I mean by that?

14 THE WITNESS: [12:26:18] Yes.

15 PRESIDING JUDGE SCHMITT: [12:26:18] Did you recognize any significant loss
16 of information or differences between, so to speak, copied information?

17 THE WITNESS: [12:26:27] The only time I believe that could have arisen was in the
18 ISO logbooks because they were communicated verbatim, or verbatim, actually one of

19 the witnesses himself mentions that sometimes words were taken out in order to

20 increase brevity of the information, or clarifying words were added. But so basically

21 comparing the ISO logbooks produced in Gulu, sometimes information did -- sorry,

22 was missing out of the ISO logbooks produced in Kampala. I haven't honestly

23 encountered much of that. I can recall only one instance and, yeah, it was not

24 anything, at least according to me, of significant substance.

25 But as for the UPDF logbooks, they were -- although the information was

1 communicated to the Gulu office and the Gulu operatives, they were drafting the
2 logbooks at the same time so there was no information lost along those lines because
3 it was all produced in parallel.

4 PRESIDING JUDGE SCHMITT: [12:27:35] Thank you.

5 MR ELDERFIELD: [12:27:37]

6 Q. [12:27:37] Just turning back to the timeline, what's the time scale we're talking
7 here?

8 A. [12:27:44] So basically I cannot quite make out the resolution of the -- of the
9 printout in front of me, but the earliest UPDF logbook in the OTP's possession deals
10 with the period basically end of January 2002. That's the earliest logbook in the
11 OTP's possession. And the latest one actually is an ISO logbook that goes into early
12 April 2006. And everything in between is covered to various degrees as you can see
13 by the various gaps and the coloured lines.

14 Q. [12:28:22] So how would we use this timeline or these timelines to determine
15 what records are available for any particular date?

16 A. [12:28:35] So basically this is a reference to and it's used specifically to see
17 the -- to present a visualisation of the logbooks in the OTP's possession as well as the
18 dates -- the time periods they cover, as I mentioned.

19 So, for example, with the attack on Abok, for example, which is outlined by red
20 arrows on the time scale at the top of the document, which occurred in early
21 June 2004, if you just follow that line down, it will show you which logbooks
22 with -- which ERN should cover the relevant time period. So that is the red arrows
23 on the far right out of the four charged attacks, for example. And then where the
24 grey gaps appear in the logbooks, that indicates we do not have a particular logbook
25 covering that period.

1 Q. [12:29:36] Thank you. You mentioned there were -- there's another
2 navigation tool. Can you please turn to tab 11.

3 Again this document can be found in TRIM, record number W16/03294. And
4 again --

5 THE COURT OFFICER: [12:30:01] It seems that we do not have access to those
6 documents so we are unable to publish them.

7 I also take this opportunity to ask you both to slow down when you are answering
8 each other's questions. Thank you.

9 PRESIDING JUDGE SCHMITT: [12:30:15] But nevertheless we can continue
10 because we have it in our binders and the parties and participants can follow.

11 MR ELDERFIELD: [12:30:23] Your Honours, again, this document is too big to
12 include in the binder so I've taken almost at random an interpret from rows 175,
13 which you'll see on the left-hand side of the first page, to 195, so about 20, 21 rows.
14 All the columns, however, have been included.

15 Q. [12:30:54] Mr Witness, can you -- firstly do you recognize the document and if
16 so, can you just talk us through it, please?

17 A. [12:31:01] Yes, this is the intercept master table. It's an Excel spreadsheet.
18 The first row at the top identifies the headings of the various columns. They're
19 relatively self-explanatory. And basically this document contains the information on
20 all the audio cassette tapes in the OTP's possession. So basically from the ISO those
21 would be the green coloured rows, as well as from the UPDF which would be the
22 blue coloured rows appearing on the last page of the -- within the tab, tab 11.
23 So basically this spreadsheet, it includes the relevant time frame from the logbooks
24 that the information -- that the audio tape contains. So, for example, in row 175 it
25 specifies 14 March 2004 from the 9 o'clock, 9 a.m. communication until 15 March 2004

1 until the ending of the 9.45 in the morning communication. So technically those
2 would be the LRA communications contained on that particular ISO tape.

3 What else can I specify? It also mentions the pages, the relevant pages of the ISO
4 and UPDF logbooks. This information appears in rows K and M, as well as the
5 shorthand notes that I mentioned earlier and that information would appear in
6 rows -- sorry, columns J and L.

7 MR TAKU: [12:32:40] May it please your Honours.

8 PRESIDING JUDGE SCHMITT: [12:32:42] Yes, please.

9 MR TAKU: [12:32:43] For purposes of clarification, maybe the witness must
10 indicate whether it's mentioned that the intercepts in the original form or the
11 enhanced form because merely saying that these were the audios, explaining to this
12 we do not really know. So he should be able to at this point in time, to save time, to
13 indicate whether the tapes mentioned here, are those in the original form or in the
14 enhanced form?

15 PRESIDING JUDGE SCHMITT: [12:33:12] You have heard this, it's not a real
16 objection, it's just an indication that what you could perhaps do, if you could perhaps
17 elaborate a little bit more on that to clarify.

18 THE WITNESS: [12:33:24] I'm more than happy to comply. Column B specifies
19 the ERN of the sound recording, the sound recording referring to the original audio
20 tape that is located in evidence. Further to that, column C specifies the ERN of the
21 enhanced version of that sound recording.

22 So basically it's all interrelated, it's all related basically so all the information on any
23 one cassette tape should appear in the same row. So basically the ERNs associated
24 with the original files, the enhanced versions as we go along the various columns, the
25 relevant communications appearing in the logbooks, as well as the number of the tape

1 itself if there is one. I'm referring to column R. The ISO did serially number the
2 various tapes that they used, so basically here we see the numbers 777 and then 778
3 and then 779. The UPDF did not label their tapes in such a manner.

4 PRESIDING JUDGE SCHMITT: [12:34:36] So there obviously was not a need to
5 enhance every recording, as I see --

6 THE WITNESS: [12:34:43] Yes.

7 PRESIDING JUDGE SCHMITT: [12:34:44] -- in these lines.

8 THE WITNESS: [12:34:46] Yes. My understanding is that the Prosecution team
9 themselves decided which recordings they deemed relevant and should have been
10 enhanced.

11 PRESIDING JUDGE SCHMITT: [12:34:55] Please continue.

12 MR ELDERFIELD: [12:34:56]

13 Q. [12:34:56] Can you just tell us how the spreadsheet is structured in terms of
14 perhaps with reference to column A.

15 A. [12:35:08] Yes. Well, in addition to what I just mentioned, I don't know, I can
16 go through it column by column basically to provide more information, but yeah,
17 column A it's the date and the time of the sound recording of that particular cassette
18 tape. So basically row 175 refers to ISO tape 777. The LRA intercepted
19 conversations on that particular tape as I mentioned date back to 14 and
20 15 March 2004.

21 Q. [12:35:48] If I can just interrupt.

22 I apologise to the court reporters.

23 How can you tell the date and time of any tape?

24 A. [12:35:59] Whereas the UPDF would generally write the date of the, of the
25 communication on the tape itself, the ISO did not. They merely included the tape

1 serial number, so column R, 777, 7778, 779, whatever it happens to be. And then in
2 the logbooks themselves, each logbook entry for any one particular LRA intercepted
3 conversation would start with a reference number which had the tape number itself.
4 So that was, that was practically the only way to associate a particular tape to a
5 particular date and time in a particular conversation.

6 And then in the logbook itself, in addition to the tape number listed, they would also
7 specify the date and the time of the LRA communication.

8 Q. [12:36:56] To risk belabouring the point, perhaps can you just explain with
9 specific reference to one row to use as an example how you might navigate around
10 the collection for that tape?

11 A. [12:37:11] Yes. So basically for the sake of the argument let's say row 177, so
12 let's say that I'm interested in a particular attack that was reported by the LRA on
13 their radio on 15 March 2004 during the let's say 6 p.m. radio communication. So
14 technically that particular communication should have been included on this tape
15 because it covers the relevant time period as described in column A and row 177. So
16 this particular field tells me which particular dates that tape is supposed to cover. So
17 if I'm searching for a particular tape by its date, I can just scroll up and down the
18 Excel spreadsheet until I reach the particular date and where the particular
19 communication from a specific time of day should have been included.

20 Then once I find that, I can scroll further to the right to see the ERN of that tape. The
21 relevant ERNs of the UPDF and ISO logbooks as well were relevant, or the police
22 intelligence reports, police intelligence reports being column O of the spreadsheet.
23 And similarly if there was an equivalent UPDF tape, it would have been listed right
24 underneath this one because they technically would have covered more or less the
25 same date. Maybe not exactly the same but -- because they were all recording their

1 own communications their own ways. But like I said, for the sake of the argument, if
2 there was a UPDF tape covering the same period, it would have appeared in row 178
3 right underneath this one or right above it. Basically they would have been grouped
4 together.

5 Q. [12:39:19] I think that's enough for the Prosecution's organisational tools.
6 I'd like to move now to the fourth and final area of your testimony of the examination,
7 which is your comparison of different strands of evidence in relation to certain events
8 and dates.

9 Firstly, can you explain to the Court which dates you focussed on for your
10 comparative exercise and why?

11 A. [12:39:53] I focussed on the four charged attacks as I was advised by the
12 Prosecution team, those attacks being relevant to the charges against Mr Ongwen.
13 So I focussed on the intercept communications where those attacks were
14 communicated. I did not include any communications of calls for attacks in general
15 prior to the attack taking place that may or may not have been associated with any
16 one attack specifically, so I focussed on any LRA radio communication with regards
17 to an attack from plus or minus -- sorry, minus a day or two up to and including -- up
18 to a week after the, after the attack. So basically the information that is known to the
19 OTP communications associated with any one particular attack.

20 In addition to that, I also looked into four dates that I -- it was random to the degree
21 that I picked one date from any one particular year during the charged period, so I
22 picked one random date in 2002, another one in 2003 and then 2004 and 5. But -- so
23 the years I selected, but I chose the dates at random. And then out of the
24 communications or the intercept summaries from the communications of that
25 particular day, I then myself chose which information to include in my comparison.

1 So I did not include all of the radio communications -- or sorry, all of the
2 communications discussed on that particular day. The same way I did not include
3 all of the communications from the particular days in relation to the four charged
4 attacks.

5 When they were talking about seemingly unrelated matters, I did not include those, I
6 focussed on the mentions of the attacks and the reporting of the attacks.

7 Now for the four dates that I chose at random and the not random selection of which
8 details and which reports to actually compare and contrast, I was looking for
9 something that is unrelated to the charges against Mr Ongwen and something that
10 can be perceived as menial and everyday enough in the LRA communications just to
11 see the level of reporting between the various logbooks that I came across to see what
12 they deemed relevant enough to include in the communications and what they did
13 not.

14 Q. [12:42:44] And what material in general terms, although we will get into the
15 material, what material did you look at with respect to the eight events and dates?

16 A. [12:42:56] In general, I looked at the logbooks, the rough notes, the logbooks
17 produced in the rough notes as well as the clean longhand summaries by the ISO, by
18 the UPDF, as well as the notes produced by the CID, the intelligence reports
19 produced by the CID that we just went over, the intelligence reports produced by the
20 UPDF and associated audio transcripts basically or OTP produced transcripts of the
21 conversations located on particular tapes associated with those conversations that
22 were played to or that were shown to various witnesses for the purposes of voice
23 identification so they can actually provide additional, additional information on them
24 as to who was saying what and what exactly was being said. So that is the body of
25 evidence that I looked into.

1 Q. [12:44:01] Okay. Let's look at Pajule first, which is the first event you look at
2 in your report. Can you describe in general terms what the intercept evidence says
3 in relation to the Pajule attack and the level of consistency that you saw amongst the
4 materials?

5 A. [12:44:27] I tried to account for that in this section. I included some details on
6 both corroborating information appearing in the various logbooks as well as the
7 discrepancies between them. For example, in relation to which individuals were
8 sent for which particular operations within the attacks. So which location precisely
9 to attack, whether it's the barracks or whether it's the IDP camp or the trading centre,
10 there was a bit of discrepancy in that regard, so that I included.
11 Considering that each interceptor that was drafting in the logbooks had his own style
12 of writing and precise wording, some of it, although it is duly referenced in the
13 footnotes, I did not include it in the main body here because considering that the
14 logbooks were written by different individuals, will have some discrepancies between
15 them.

16 Yeah. Other than that, for each and every attack, like I said, Pajule included, I
17 looked based on the timeline document that we just went through, I went through the
18 relevant logbooks that should have contained the information on that particular date.
19 I reviewed it, everything that I just mentioned, so the rough notes, the clean notes, the
20 intercept -- the transcripts of intercept tapes played to the various witnesses and I
21 accounted for the, what's it called, for the most relevant information.

22 MR ELDERFIELD: [12:46:03] Your Honours, just a sign post. It will take a very
23 long time to go through the underlying materials for each attack so I've --

24 PRESIDING JUDGE SCHMITT: [12:46:12] Yes, and also I think the Chamber
25 would not be too comfortable with going through this in detail because it might touch

1 the issues that we will have to address in the end as a Chamber and as Judges.
2 Judges are never comfortable when there are witnesses in the courtroom, it's not your
3 fault, that are doing their job or are supposed to be doing their job, so we would
4 accept it if you restrain yourself in general matters in questioning the witness, what
5 he has done about the consistency of these logbooks, if there existed for example
6 logbooks for all of these events at all and so forth. But when it comes to details and
7 to names and to the accused, I think this is something that should be worked out from
8 whomever and however later on.

9 MR ELDERFIELD: [12:47:14] Your Honours, what I intend to do is ask the witness
10 or take the witness to the material, the underlying logbooks and reports that he's
11 looked at for his report and just to go through each one to familiarise yourself with
12 what evidence is available for those dates and times without commenting at all on
13 who may have written them or how. It's primarily a familiarisation process.

14 PRESIDING JUDGE SCHMITT: [12:47:40] But when we look specifically at the
15 report as you word it, this paragraph 116 following, it's of course going very into
16 detail what is supposed to be evidence in the end and this is something that we have
17 to decide. So we will really appreciate it if you would be more general. I think we
18 have understood each other. Otherwise we would have to interfere then, or
19 intervene, rather to say.

20 MR ELDERFIELD: [12:48:18] Your Honour, can I just, for example, at tab 12, just to
21 understand, would you be interested in being shown this material, this written
22 material, being directed to relevant portions --

23 PRESIDING JUDGE SCHMITT: [12:48:39] That is something different. When you
24 go through these tabs and try to explain what can generally be seen there, I think we
25 would not have a problem with it. But as I said, when you would go through the

1 paragraphs and so to speak the analysis, analysis of a witness always comes close to
2 assessing evidence, so you understand now I think what I mean.

3 MR ELDERFIELD: Exactly.

4 PRESIDING JUDGE SCHMITT: You can go through these different tabs, through
5 this one especially, I don't know the other ones, but please not try to elicit so to speak
6 every line that is incorporated here in this report.

7 MR ELDERFIELD: [12:49:18] We've understood.

8 MR TAKU: [12:49:19] Your Honours, and also your Honours in addition to what
9 you've said, I respectfully beg to say one thing. Your Honours, through various
10 procedures you familiarise yourself with the case, including Rule 68 material,
11 material that has been -- in order to know the background and familiarise yourself.
12 You've done so already, even before you determine this case was ready to go on trial,
13 and that's -- the case goes to make determination on a case-by-case basis on which
14 areas you would like to get yourself familiarise. So if he's talking about which
15 intercepts were used or what communication methods were used in respect to
16 particular tactics, okay. The material is there, the witnesses are going to come and
17 come very, very soon. But for him to venture to make a determination that this is
18 more credible or this is more likely to be this, your Honours, is highly prejudicial.

19 PRESIDING JUDGE SCHMITT: [12:50:14] But this does not contradict what I have
20 said.

21 MR TAKU: [12:50:18] Exactly, your Honour. I was only saying that for the
22 purpose in which this witness was called, you have already familiarised yourself, you
23 have a wider latitude how to do that more if need be in the course of this case,
24 including even calling evidence for that particular purpose, if need be. So at this
25 point in time you have a wider latitude, and you have already done so through a

1 number of evidence that have already admitted into record. Even before you made
2 the determination the case was ready to go on trial, you've already done so. The
3 witness has been helpful no doubt, but he might likely more -- be more useful in
4 determining what was done, what the Prosecutor did, we will understand, but not
5 necessarily what the evidence means and where the liability lies.

6 PRESIDING JUDGE SCHMITT: [12:51:06] Exactly. And that is I think what we
7 have made clear also.

8 So it's mainly about, and I think we have understood each other, it's mainly about that
9 everybody here, especially of course the Chamber which has to be addressed by you,
10 is going to understand how you processed, how you proceeded, is going to
11 understand better how the evidence can be read so to speak, but not how it can be
12 assessed and analysed.

13 MR ELDERFIELD: [12:51:34] We're on the same page, your Honour.

14 PRESIDING JUDGE SCHMITT: [12:51:38] Then please continue.

15 MR ELDERFIELD: [12:51:39]

16 Q. [12:51:40] Perhaps, Mr Witness, we can go straight to tab 12 then.

17 This is a document that starts with ERN UGA-OTP-0232-0234 and the excerpt in this
18 binder is pages 0547 and 0548, and this document may be shown to the public.

19 Mr Witness, do you recognize this document?

20 A. [12:52:16] Yes, this is an ISO logbook produced in Gulu.

21 Q. [12:52:21] And what is the date and the time of the entry?

22 A. [12:52:25] The date is 10 October 2003 and this particular communication deals
23 with the LRA communication from 0800 hours until 0835.

24 Q. [12:52:40] Just take a moment to orientate yourself on the page and then if you
25 can read to the Chamber the part of this entry that you focussed on for your -- for the

1 Pajule IDP camp attack.

2 A. [12:53:05] Yes. It's basically in the middle of the page, a paragraph starting
3 with "Kony asked Otti that he was" having serious bombardment -- "that he was
4 hearing serious bombardment this morning."

5 Q. [12:53:15] Can you continue, please.

6 A. [12:53:18] Yes. "Kony asked Otti that he was hearing serious bombardment
7 this morning. He asked whether Otti has sent for an attack. Otti said he sent big
8 force to attack Pajule trading centre under the command of Lukwiya Raska but they
9 have not yet come back. Kony said Otti's main target would have been civilians
10 because they are the ones making UPDF to continue following LRA. Otti told Kony
11 that he deployed in all strategic points that he sent Onyee to go and attack the mission,
12 Bogi to attack the barracks and Ociti Jimmy and Bwone to attack the camps and he
13 instructed them to burn all the houses there. Otti also said he deployed all types of
14 support weapons for that attack and more so" the target at -- "and more so to target
15 the Mambas and gunships in case they are seen. That this morning at around 6 a.m.
16 gunships came and was shelling there seriously but was flying at very high altitude.
17 That he was monitoring UPDF over walkie-talkie when they were calling for
18 reinforcements. Kony who felt so happy with Otti's plans said Otti would have sent
19 specifically for Pajule local chief Logayi because he is one of the bad elements who
20 hates LRA so much. Otti said he instructed his soldiers target all big people in the
21 Pajule including even Oywak and priests."

22 Q. [12:55:03] Thank you.

23 A. [12:55:04] And if I may also comment just in relation to what I was saying
24 earlier, why I know this is ISO logbook produced in Gulu, it's ISO because the
25 reference number on the top indicates -- sorry, on page 0547 indicates the tape

1 number that I was talking about earlier, so tape 693, track B and tape 694, track A.

2 And why it's Gulu as opposed to Kampala, it's because at the back of the entry at the
3 bottom the word "seen" can be seen there and this is generally written by the fourth
4 division commander located in Gulu barracks.

5 Q. [12:55:44] Mr Witness, now please turn to tab 13.

6 It's a document that starts with the ERN UGA-OTP-0133-0289 and the excerpt in the
7 binder here is pages 0395 and 0396. This document can be shown to the public.

8 PRESIDING JUDGE SCHMITT: [12:56:16] But please not be read out by the
9 witness completely.

10 MR ELDERFIELD: [12:56:22] Understood. Perhaps if he indicates the start of the
11 part that interested him and we can move on.

12 Q. [12:56:33] Do you recognize this document?

13 A. [12:56:34] This would be an ISO logbook produced in Gulu. ISO again
14 because of the tape reference number located right underneath the date -- sorry,
15 Kampala, not Gulu this time. And Kampala because in the bottom left-hand corner
16 we can see the signature and the date of the commander that was reading the reports
17 in Kampala.

18 Q. [12:56:57] And what's the date and time of the entry?

19 A. [12:57:00] The date is 10 October 2003 and the time is from 0800 to 0835.

20 Q. [12:57:10] Can you please indicate to the Court the start of the portion that
21 interested you with respect to the Pajule communications?

22 A. [12:57:21] Yes, it would be the third paragraph from the top on the right-hand
23 page starting with "Kony told Otti that he was hearing" so on and so forth. There's
24 also a highlighted bit there as well as a star so that would be the paragraph where the
25 relevant bit starts.

1 Q. [12:57:40] Thank you. We'll move now to tab 14.

2 The document starts with the ERN UGA-OTP-0242-0775 and the excerpt is pages 0775
3 to 0776.

4 Mr Witness, do you recognize this document?

5 A. [12:58:12] This looks like a copy of the ISO logbook produced in Gulu but
6 reproduced on loose-leaf paper in order for it to be faxed to Kampala. I don't know
7 if this was the fax sent from Gulu or the fax received on Kampala's end, but it is ISO
8 because of the tape reference number at the top and the document appears to be on
9 loose-leaf paper which makes me think that it was the one copied for the purposes of
10 getting faxed to Kampala.

11 Q. [12:58:46] Again just reading out the first few words of the portion that you
12 focussed on for your analysis.

13 A. [12:58:54] Yes. That would be again the third paragraph from the top where
14 the sentence starting with "Kony asked Otti that he was hearing" so on and so forth.

15 Q. [12:59:08] Can you please turn to tab 15.

16 PRESIDING JUDGE SCHMITT: [12:59:11] I think we have 45 seconds, and you
17 know that we are very strict with the time here with this Chamber. I think it's time
18 now to start nothing new but it's time to have the lunch break until 2.30.

19 THE COURT USHER: [12:59:32] All rise.

20 (Recess taken at 12.59 p.m.)

21 (Upon resuming in open session at 2.31 p.m.)

22 THE COURT USHER: [14:31:13] All rise.

23 PRESIDING JUDGE SCHMITT: [14:31:36] And you have still the floor.

24 And I have an impression that you could perhaps finish with this session, it's just an
25 anticipation, an impression, whatever.

1 MR ELDERFIELD: [14:31:54] You have anticipated well, your Honour. I was about
2 to say that I hope to finish this session.

3 PRESIDING JUDGE SCHMITT: [14:31:59] Please continue.

4 MR ELDERFIELD: [14:32:00] I can't promise, but I hope to.

5 Q. [14:32:04] Mr Witness, before the break I had asked you to turn to tab 15 of the
6 binder. Can you please do that.

7 That document starts with the ERN UGA-OTP-0254-0725. And the excerpt in this
8 binder is pages 1070 and 1071. And this document can be shown to the public.

9 Mr Witness, do you recognize this document?

10 A. [14:32:42] Yes. This looks like a UPDF longhand notes logbook produced in
11 Gulu, because it does not contain tape a reference number, and it does contain the
12 word "seen" at the end of the report on the second page.

13 Q. [14:32:58] And what is the date and the time of the entry?

14 A. [14:33:03] The date of the entry is 10 October 2003 and the time of the LRA
15 communication is 0800 hours.

16 Q. [14:33:17] Can you please indicate to the Court, using the first sentence perhaps
17 as an indicator, the part of this page you used for your analysis?

18 A. [14:33:29] Sorry, can you repeat that?

19 Q. [14:33:31] Can you please point out on this page where, which passage you
20 focused on for your analysis?

21 A. [14:33:41] Let me just take a look at it here first.

22 That would be the top of the page. So right underneath the list of LRA participants
23 that were participating during this particular radio communication.

24 Q. [14:34:04] And perhaps read the first sentence of the passage?

25 A. [14:34:10] Yeah. So it starts off with "Otti informed Kony to have deployed

1 many LRA rebels under the command" so on and so forth.

2 Q. [14:34:20] Thank you. Please turn now to tab 16. The document is
3 UGA-OTP-0254-1991, and the excerpt pages 2116 to 2119. This document can be
4 shown to the public.

5 Mr Witness, do you recognize this document?

6 A. [14:34:58] This also appears to be a UPDF logbook.

7 Q. [14:35:00] What's the date and the time of the entry?

8 A. [14:35:03] So the date is again 10 October 2003 and the time again is 0800 hours.

9 Q. [14:35:11] Please turn to the second page, 2117, and again point out to the Court
10 the passage that you focused on for your analysis?

11 A. [14:35:32] So on this page it would be the third paragraph from the top starting
12 with the sentence "Otti V has info Kony that he has deployed his groups into groups
13 to go and attack a certain UPDF position and the centre and the mission." And so
14 on.

15 Q. [14:35:54] Please turn to tab 17. UGA-OTP-0242-6018. The excerpt in this case
16 pages 6159 to 6160. Witness, what is this document?

17 A. [14:36:23] This again appears to be one of the UPDF logbooks.

18 Q. [14:36:31] What's the date and the time of the entry?

19 A. [14:36:33] Same as in the previous logbooks, so it's 10 October 2003 and the time
20 is 0800 hours.

21 Q. [14:36:43] Can you please indicate the portion that you focused on for your
22 analysis?

23 A. [14:36:51] Yes. It would be on the right-hand page, third paragraph from the
24 top, again the writing starts off with "Otti informed Kony he has made a very strong
25 deployment yesterday in various positions under the command of" so on and so forth.

1 Q. [14:37:14] Mr Witness, please turn to tab 18. ERN UGA-OTP-0242-6516, and
2 the excerpt is pages 6725 to 6727. This document can be shown to the public.

3 Mr Witness, do you recognize this document?

4 A. [14:37:44] Yes. This looks like one of the rough notes produced, so one of the
5 logbooks containing the rough notes. I cannot off the top of my head discern
6 whether it was produced by the ISO or the UPDF.

7 Q. [14:38:00] And what's the date and time of this rough note entry?

8 A. [14:38:05] Well, the one starting in the middle of the page in red ink, again it's 10
9 October 2003, and 0800 hours.

10 PRESIDING JUDGE SCHMITT: [14:38:17] May I pose a question, please. Could
11 you perhaps explain to us a little bit how they worked on it to produce then the clean
12 version, so to speak? Perhaps this would be a good example to explain this to us.

13 THE WITNESS: [14:38:32] Sounds good. So basically these notes that we're seeing
14 in front of us were drafted in realtime as the interceptors were listening to LRA radio
15 communications.

16 So at the top of that particular segment, so in this case in the middle of the page, we
17 have the date and time written in standard military format. To the left of there we
18 have the various, a list of various call signs that reported on air at the time. So we
19 have 9Y or 9 Yankee. It looks like 5 Tango underneath. And then a number of
20 different ones as well I do not recognize.

21 And then underneath the date and time the interceptor went into jotting down notes
22 of the discussions as they were taking place. So this one starts off with "Otti told
23 Kony that his splinter attacked Pajule but he heard many bombs." Again, so on and
24 so forth. So this basically lists the various conversations more or less in the order
25 that they occurred on the radio.

1 I know at least one witness has stated in his statement that the rough notes are more
2 likely to follow the sequence of the conversation as it occurred in realtime than the
3 longhand clean notes.

4 On the following page, so page 6726, at the top of the page there is also an example of
5 the interceptor attempting to break TONFAS code. So from this one, at least me and
6 my understanding of it, the TONFAS on the top, it says "Gwoke," so G-W-O-K-E. I
7 don't know if this is the name of the particular TONFAS logbook that was being used.

8 To the left of there we see 00 and then it looks like TM, the letters. To me, this
9 suggests these were the two individuals, two call signs communicating on the LRA
10 net. And then the various numbers listed there would be the numbers of miles,
11 homes and windows or doors, so the letters that they had to pick out.

12 And then underneath some of those there can also be seen letters or a message. On
13 the right-hand side of the page it says "Anum said he wants to call for" and then I
14 can't make out the next word. But this could very likely be a broken message that
15 was communicated by using the TONFAS code.

16 PRESIDING JUDGE SCHMITT: [14:41:17] Is there a reason why we have red and
17 blue pencil whatsoever?

18 THE WITNESS: [14:41:26] I believe that was -- I don't have a definitive answer. I
19 believe that was a way just how they went on about breaking the codes, because from
20 then on the rest of the page appears to be in blue ink only, so I don't know if there was
21 a colour coding system that they used.

22 MR ELDERFIELD: [14:41:43]

23 Q. [14:41:45] Mr Witness, did you look at any UPDF intelligence reports for 10
24 October at the 8 a.m. communication time?

25 A. [14:41:58] I cannot recall off the top of my head. I would have to consult the

1 footnotes in my report.

2 Q. [14:42:03] You may want to refer to paragraph 120 of your report.

3 A. So here I wrote that there are no UPDF INTREPs available for 10 October.

4 Q. [14:42:21] And are there any written police records for this date and time?

5 A. [14:42:25] No. That would be the CID longhand notes. So no, there would
6 not be any police records.

7 Q. [14:42:31] Were there any sound recordings taken by the ISO or the UPDF for
8 this date and time?

9 A. [14:42:42] Yes. So some of the, again paragraph 120, some of the portions of
10 this conversation that appears in the longhand logbooks was also recorded on ISO
11 tape 693.

12 Q. [14:42:58] Mr Witness, can I ask you to turn to tab 19. UGA-OTP-0054-0010.
13 Again a document that can be shown to the public.
14 Do you recognize this document?

15 A. [14:43:20] It looks like one of the intercept tapes, either ISO or UPDF, I can't tell.

16 Q. [14:43:29] Can you turn over the page, please. Does that help you determine
17 where this tape might be from?

18 A. [14:43:37] Yes. So this would be one of the ISO tapes recorded in Gulu and the
19 tape number would be 693.

20 Q. [14:43:48] Can you please now turn to tab 20. UGA-OTP-0132-0105, again, a
21 document that can be shown to the public. The redacted version, rather, of this
22 document can be shown.

23 Do you recognize this document, Mr Witness?

24 A. [14:44:22] This looks like one of the audio intercept transcripts produced by the
25 OTP. And this one seems to have been annotated by one of the witnesses tasked

1 with voice identification on that particular intercept.

2 Q. [14:44:38] Can you please turn to page 0134 and indicate to the Court the
3 portion that you focused on for your analysis?

4 A. [14:45:01] Sorry, just one second.

5 So again, during this particular conversation the witness has annotated the various
6 bits and pieces of the conversation as to who said what. So here we have Otti
7 apparently discussing an attack with Kony. And then the witness has also at the
8 bottom of the page corrected some of the terminology that appears in the initial OTP
9 transcript of the intercept.

10 Q. [14:45:47] And it looks, looking at the English translation of the intercept, for
11 example, timestamp 2908, it appears to be a discussion of one of the attacks,
12 presumably Pajule considering that's the topic we're discussing at the moment.

13 Q. [14:46:12] Mr Witness, we'll leave the 8 a.m. communication time there and, in
14 the interests of time, not delve into any more material related to Pajule. But can you
15 just summarise the rest of the intercept evidence that you looked at for the rest of the
16 communication times surrounding the Pajule attack?

17 A. [14:46:33] Yes. I believe Pajule was also communicated at a later time, if I

18 remember correctly. So again, paragraph 125 of my report, so at 11 a.m. on 13

19 October 2003, and then again paragraph 127 at 1 p.m. during the same day.

20 And again if I recall, portions of this conversation were included on intercept tape 695,
21 which appears in the first line of page 0485 of my report. So basically what I did for
22 the Pajule attack, as well as all the other ones, referring back to the timeline document
23 we went over this morning, I was looking to see which particular logbooks covered
24 these dates, and then basically accounted for all the relevant logbooks and all the
25 relevant excerpts.

1 At the same time I went to the excel spreadsheets that we also discussed this morning
2 to see for those dates which particular intercept tapes might contain those
3 conversations.

4 In addition to that, since I did not listen to the tapes myself, I do not speak Acholi, I
5 went through the relevant witness statements, especially in relation to the voice
6 identification on those intercept tapes, and then I was comparing those annotated
7 transcripts to the information appearing in the logbooks. So I was not just
8 comparing and contrasting the various notebooks between the rough notes and the
9 clean notes and the various reporting locations where these logbooks were drafted,
10 but all the relevant witnesses that were asked by the OTP to conduct voice
11 identification of the relevant tapes, I was comparing and contrasting their attribution
12 of the various things said on the intercept tape.

13 Q. [14:48:54] I think we'll move now to Odek, the second event that you look at.

14 This is covered in paragraphs 129 to 135 of your report.

15 Again, we'll get into the materials in a moment. Can you just describe in general
16 what the intercept evidence is for that, around that attack?

17 A. [14:49:28] Well, similar to the previous attacks, the attack was reported on the
18 air in the various logbooks, appearing in the rough notes as well. And then
19 subsequently for my work, I also referred to the various witnesses that were doing the
20 voice attribution for the relevant excerpts of the audio files.

21 Q. [14:49:55] What's the first date and time that you looked at for that relevant to
22 those communications?

23 A. [14:50:03] So as I wrote in paragraph 129, there is a radio communication
24 regarding the attack on Odek on 30 April 2004. And the attack was reportedly
25 reported between the 1100 -- this is probably two different LRA communications at

1 least according to this one logbook, two different communications summarised in one
2 logbook entry. So the logbook entry basically covers the period from 11 a.m. till 1.15
3 p.m. on that particular day, being 30 April 2004.

4 Q. [14:50:50] Let's turn to tab 21, UGA-OTP-0061-0206. The excerpt is pages 0266
5 to 0269. And this is a document that can be shown to the public.

6 Mr Witness, do you recognize this document?

7 A. [14:51:24] This appears to be an ISO logbook because of the tape reference
8 number. And I would say this one was produced in Kampala because of the
9 signature at the bottom. It does not say "seen". Rather, it appears to be a signature.

10 Q. [14:51:43] Can you please turn to page 0269, the last page of the excerpt.

11 PRESIDING JUDGE SCHMITT: [14:51:53] I think that the information that the
12 witness has given us on this document is sufficient, so to speak.

13 MR ELDERFIELD: [14:52:03] Would your Honour be interested in moving through
14 the rest of the material with respect to Odek and the other attack sites, Lukodi and
15 Abok?

16 PRESIDING JUDGE SCHMITT: [14:52:14] You can do it like you have done it with
17 this document, no? That you ask the witness if he recognizes the document, ask him
18 around the general patterns that are of interest, when it was taken, which form of
19 document it is, and if he has worked with this document and has looked into it. But
20 this would be enough. We don't have to verify with each document that we let him
21 read out some portions of it.

22 MR ELDERFIELD: [14:52:43] Okay.

23 Q. [14:52:46] Mr Witness, are you familiar with this document?

24 A. [14:52:50] I would say so. It looks to be one of the logbooks that I would have
25 looked at.

1 Q. [14:52:57] And what is the date and time of the entry?

2 A. [14:53:03] If I go back to the first page under tab 21, the date is 30 April 2004,
3 and this appears to be a 9 a.m. radio conversation.

4 Q. [14:53:17] And subsequent to that, sorry, just on the following page, there is
5 another communication from 11 a.m. until 1.15, which potentially also corresponds,
6 I'm again just assuming this is in relation to the same attack that we were just
7 discussing, this could potentially correspond to what I mentioned earlier, that a
8 communication was recorded in one of the logbooks as having occurred from 9 a.m.
9 until -- or, sorry, from 11 a.m. until 1.15. So this could be the same.

10 Q. [14:53:56] Can you please turn to tab 22. UGA-OTP-0242-7309, also a public
11 document, public excerpt. The excerpt is pages 7480 to 7481.
12 Do you recognize this document?

13 A. [14:54:29] This again appears to be one of the clean notebooks produced by the
14 UPDF.

15 Q. [14:54:38] And what is the date and time of this entry?

16 A. [14:54:43] On the first page, there are two different dates and two different
17 entries. So on the left page we have Thursday, 29 April 2004, the time being 1830.
18 And on the right-hand page, I'm just slowing down for the interpreters, on the
19 right-hand page we have 30 April 2004, and the time being from 0900 hours until 1100
20 hours.

21 Q. [14:55:15] Can you please turn to tab 23, UGA-OTP-0242-7194, the excerpt is
22 pages 7243 to 7245.

23 Do you recognize this document?

24 A. [14:55:43] This appears to be another one of the UPDF logbooks.

25 Q. [14:55:48] And again, can I ask you to read out the, or to tell us the date and

1 time?

2 A. [14:55:53] So again, on the first page of the excerpt we have two dates and two
3 times. The one on the left-hand page being Thursday, 29 April 2004, and the
4 conversation reportedly occurred between 1830 and 1915. And on the right-hand
5 side, on the right page we have a conversation from Friday, 30 April 2004, and it was
6 from 9 o'clock in the morning.

7 Q. [14:56:25] Please turn to tab 24. UGA-OTP-0254-2982, and the excerpt is 3002
8 to 3004.

9 Do you recognize this document?

10 A. [14:56:52] Again, it appears to be one of the UPDF logbooks.

11 Q. [14:56:58] And the date and time of the entry?

12 A. [14:57:01] On the right-hand page it says 30 April 2004. And it's the LRA
13 situational report, SITREP, at 0900 hours.

14 Q. [14:57:16] Can you please turn to tab 25. UGA-OTP-0017-0150.

15 Mr Witness, what's this document?

16 A. [14:57:34] This is a UPDF intelligence report.

17 Q. [14:57:37] For which date and time?

18 A. [14:57:40] So the highlighted information at the top suggests that this is an
19 intelligence report for 30 April 2004, and again the highlighted times suggest that it
20 covers the conversations from 1 p.m., 4 p.m. and 6.30 p.m. of that date.

21 Q. [14:58:01] And where on this document, where in this document does the
22 communication, the LRA communications intelligence start?

23 A. [14:58:12] Let me just check here. So that would be on the following page, so
24 page 2 of 7, not to repeat the full ERN. It says under section 2, it says "COMINT," so
25 communication intelligence. And there we have the call signs and/or the names of

1 the individual LRA commanders. On the right-hand side we have the summary of
2 what they were discussing. And each row is basically separated by, they are
3 separate conversations between the individuals identified.

4 That continues over the next few pages. So for example, the 6.30 p.m. conversation
5 is on page 5 of 7. It's highlighted. It says on the right-hand side who was on air
6 during this time. And then again the various portions of various conversations are
7 reported there. That would be for the communications intelligence.

8 On the last, on page 6 of 7 they go into field reports, which is different.

9 Q. [14:59:37] Can you please turn to tab 26. UGA-OTP-0037-0002. The excerpt is
10 0144 to 0146.

11 Mr Witness, do you recognize this document?

12 A. [15:00:04] Yes, this appears to be one of the CID longhand notes produced in
13 Kamdini.

14 Q. [15:00:11] And when was it produced?

15 A. [15:00:13] It was produced on 1 May 2004. Yeah, by the looks of it, 1 May 2004.

16 Q. [15:00:23] And can you tell what period it covers?

17 A. [15:00:26] It appears to cover from the very first paragraph of the
18 communication, at least from 30 April 2004, and I'm just checking the page to see if
19 there are any other dates as they usually specify those at the top of the document.

20 No. So it appears to be at least from 30 April 2004.

21 JUDGE PANGALANGAN: [15:01:06] Mr Witness, given those dates, the record
22 therefore is not a contemporaneous record, in other words, it is made, I take it, that
23 with these dates, the file we have here was prepared on the basis of someone else's
24 report; is that it?

25 THE WITNESS: [15:01:25] Not this one. The CID in Kamdini, they usually -- it

1 appears they did write their reports the day after the communications. Why do I say
2 that? Because the date of the report itself, if I can call it that, the data appearing in
3 the corner for example, 1 May 2004 in this case, describes conversations from a day or
4 two prior.

5 And then on the last page of this excerpt it says "End 1st May 2004". So it means that
6 this document was produced on 1 May, but it covers LRA radio communications that
7 occurred the day prior.

8 JUDGE PANGALANGAN: [15:02:10] It was produced by the same person who
9 monitored the conversation?

10 THE WITNESS: [15:02:18] I believe so. Out of the Kamdini police office there was,
11 for the most part, one person conducting the intercepts. He did have an assistant.
12 But for the vast majority of situations according to that witness, he listened to the
13 LRA conversations and he produced these reports himself.

14 JUDGE PANGALANGAN: [15:02:35] Thank you. Thank you, Mr Witness.

15 MR ELDERFIELD: [15:02:37]

16 Q. [15:02:43] Mr Witness, did you review any sound recordings for 30 April 2004
17 communication time?

18 A. [15:02:51] I would have to refer back to my report for that. I do not remember
19 off the top of my head for 30 April. According to page 0486 of my report, so the top
20 paragraph there, that's still the continuation of paragraph 130, and then at paragraph
21 131, I specify that ISO audiotape 808 was reviewed and annotated or its transcript
22 was annotated by different witnesses.

23 Q. [15:03:34] Can you please turn to tab 27. UGA-OTP-0259-0065. Mr Witness, do
24 you recognize this document?

25 A. [15:03:53] This appears to be a transcript of one of the intercept tapes annotated

1 by, I believe it's P-16.

2 Q. [15:04:02] Thank you. I think we'll move now to the next event that you looked
3 at, Lukodi. You cover this in paragraphs 136 to 143 of your report. Can you just
4 describe to the Court what you looked at, sorry, what materials you looked at for the
5 Lukodi event and what you found?

6 A. [15:04:38] So again the process that I followed is the same as I already described.
7 So basically knowing, more or less, which dates the radio conversations occurred on,
8 knowing when the attack was reported, I went to the timeline document to see, to
9 identify the relevant logbooks. I went through those and then I went to the Excel
10 spreadsheet, the master table, identified the relevant tapes. And also I went through
11 the witnesses and their statements, the ones that I know provided commentary, I
12 guess, voice identification on a number of tapes and tried to identify these particular
13 tapes to see if they were some of the ones that they ended up providing voice
14 identification on.

15 Q. [15:05:33] Let's have a look at the material briefly. Can you please turn to tab
16 28. UGA-OTP-0061-0206. The excerpt here is pages 0320 to 0321.
17 Mr Witness, can you tell us about this document?

18 A. [15:06:03] This is one of the ISO logbooks produced in, I would say, produced in
19 Gulu because of the word "seen" at the end of the various summaries.

20 Q. [15:06:15] And what is the date and time here?

21 A. [15:06:19] The date on the right-hand side close to the bottom of the page is 21
22 May 2004, and the time, it's a communication lasting from 1830 until 1915 on that
23 date.

24 Q. [15:06:37] And what tape did the ISO use to sound record during that period?

25 A. [15:06:43] So during this period both sides, so sides A and B of tape 824 were

1 used.

2 Q. [15:06:52] Can you please turn to tab 29, UGA-OTP-0241-1721, and the excerpt
3 1802 to 1803.

4 Mr Witness, what is this document?

5 A. [15:07:21] I believe this is one of the ISO longhand notes written on loose-leaf
6 paper that was then faxed to Kampala from Gulu. It's cut off at the top of the page
7 so there does not appear to be a reference, a tape reference number, which I would
8 venture a guess does appear in the original document. But having gone through this
9 information before, the document looks familiar and I think it's one of the ISO fax
10 sheets.

11 Q. [15:07:56] Do you know why the top of the document is cut off?

12 A. [15:07:59] I do not. It may have been just a scanning error, scanning issue
13 when the material was entered into evidence, into Ringtail, but I do not know for
14 sure.

15 Q. [15:08:12] And can you be confident of the date of the entry? Or how can you
16 be confident of the date of any entry like this?

17 A. [15:08:20] Well, if I know which particular date to look for, that helps. I can
18 refer to the original logbooks to see who was reported as being on air during that
19 communication, as well as from the context, from the subject matter discussed and the
20 various details appearing in both the ISO logbooks produced in Gulu as well as the
21 one produced in Kampala.

22 So if the details match between this and the other two logbooks without knowing the
23 tape number or the date itself, it's arguably easy enough to attribute this particular
24 conversation to that date and time.

25 Q. [15:09:02] Can you please turn to tab 30, UGA-OTP-0254-2982, the excerpt 3045

1 to 3046.

2 Mr Witness, what's this document?

3 A. [15:09:28] This again is one of the UPDF longhand logbooks. Again, I would
4 say that it's from Gulu because of the word "seen" appearing at the bottom of the
5 summary on the first page.

6 Q. [15:09:41] And when was this entry made?

7 A. [15:09:43] The entry starting on the bottom right-hand side of the page is 21 May
8 2004, And it's a communication from 1830.

9 Q. [15:09:59] Mr Witness, can you please turn to tab 31, UGA-OTP-0255-0228, and
10 the excerpt 0263 to 0265.

11 Mr Witness, what's this document?

12 A. [15:10:30] Again, this appears to be one of the UPDF logbooks.

13 Q. [15:10:34] And when was the entry?

14 A. [15:10:36] The entry is from Friday, 21 May 2004. And communication
15 occurred between 1830 and 1955.

16 Q. [15:10:48] Are you able to determine from which intercept operation station this
17 entry was made?

18 A. [15:11:00] No. I can tell that it's a UPDF logbook because it does not reference a
19 particular tape. But other than that, I do not actually -- let me see if there is a
20 signature maybe. Again, on page 0265, there is a signature or initials at the end of
21 the summary. But I personally do not recognize it, so I would not be able to
22 ascertain where exactly the logbook came from.

23 Q. [15:11:41] Mr Witness, can you turn to tab 32, UGA-OTP-0242-7194, and the
24 excerpt 7291 to 7292.

25 Mr Witness, what's this document?

1 A. [15:12:07] This again is one of the UPDF logbooks.

2 Q. [15:12:12] And when was the entry made?

3 A. [15:12:17] It's an entry from 21 May 2004, and the time, it looks like it's a bit
4 scribbled, but it looks like it's 1830 until 1930. And this logbook again may be
5 actually from Gulu, the UPDF logbook, because I see the word "seen" appearing on
6 the left-hand side of the first page and the subsequent page as well.

7 Q. [15:12:43] Can you please turn to tab 33, UGA-OTP-0197-2319, and the excerpt
8 2528 to 2530.

9 Do you recognize this document?

10 A. [15:13:16] Yes, this is one of the rough notes logbooks. I cannot tell if it was
11 produced by the ISO or the UPDF, but it is a rough notes logbook.

12 Q. [15:13:28] And what date, what date and time was the entry made or the entries
13 made?

14 A. [15:13:34] The entry on the first page at the very top of the page appearing in red
15 ink is 21 May 2004, and it's a communication from 1100 hours.

16 Just a bit below that in the middle of the page in blue ink it's a communication from
17 21 May 2004, and it's a communication occurring at 1830 hours.

18 Q. [15:14:01] And is the rough note, as you say, set out in a way similar to that
19 which we saw earlier?

20 A. [15:14:11] Yes, it is in the sense that it lists the LRA commanders participating in
21 that particular location, in that particular conversation on the left-hand side of the
22 page. So, for example, the blue ink, it says "Okot, Wat, Rupiny," so on and so forth.
23 So these would be the individuals communicating during that particular time.
24 Below that is somewhat of a narrative of what was actually discussed during that
25 particular conversation.

1 Above that, if I may refer to the previous entry, the one in red ink on the first page,
2 again we can see an example of the TONFAS code and the interceptors' attempts to
3 break it.

4 Q. [15:14:59] I'd like you to turn to tab 34, UGA-OTP-0017-0268. What is this
5 document?

6 A. [15:15:16] This is a UPDF intelligence report.

7 Q. [15:15:21] For which date and time?

8 A. [15:15:23] So this one is for 21 May 2004, judging by the highlighted text at the
9 top of the page. And also through the same logic, the highlighting, the INTREP
10 covers the period the 1300 and 1600 LRA radio communications.

11 Q. [15:15:44] Mr Witness, did you look at any sound recordings for this date and
12 time?

13 A. [15:15:54] I do not recall off the top of my head. But, again, I could refer back
14 to my report for 21 May.

15 Q. [15:16:02] Paragraph 139 will help you.

16 A. [15:16:05] Thank you.

17 So this would be ISO intercept tape 824. That's, I believe, we mentioned earlier. So
18 the short answer would be yes, I did look at it in the sense that I had reviewed the
19 annotated audio transcripts, produced by OTP staff and annotated by the various
20 voice identification witnesses.

21 Q. [15:16:37] Can you please turn to tab 35, 0266 -- sorry, UGA-OTP-0266-0084.
22 What is this document, Mr Witness?

23 A. [15:17:00] This would be one of the audio cassette transcripts produced by the
24 OTP and then annotated by one of the witnesses tasked with voice identification.

25 Q. [15:17:14] That's all we're going to cover for Lukodi. We'll move now to the

1 final event I'd like to look at in-depth with the material, and that's Abok. You cover
2 this in paragraphs 144 to 147 of your report. Can you just explain to the Court what
3 you found for the communications for that date, the process you went through and
4 the sources that you looked at?

5 A. [15:17:48] So the process and the sources were exactly the same as I just
6 mentioned in the previous charged attacks. So, again, using referring to the
7 intercepts book, logbooks timeline and the excel spreadsheet as reference documents
8 to find the relevant logbooks and the intercept tapes, I reviewed those and then I also
9 checked cassette tape ERN number or the ERN of the enhanced version to see if it was
10 played to any particular witnesses tasked with voice identification.

11 Sometimes the ERN of the enhanced version was referenced in the witness statement
12 as opposed to the original ERN of the original tape. So as to what I found, that's
13 described in the paragraphs you mentioned, so 144 through 147. I can go through
14 these paragraphs if required.

15 PRESIDING JUDGE SCHMITT: [15:18:51] Yes.

16 MR ELDERFIELD: [15:18:52]

17 Q. [15:18:52] Let's look at the tabs. Please turn to tab 36, which is
18 UGA-OTP-0062-0002, and the excerpt is page 23, 0023. Mr Witness, what's this
19 document?

20 A. [15:19:21] This appears to be the ISO UP -- sorry, the ISO logbook.

21 Q. [15:19:27] And when was the entry made here?

22 A. [15:19:30] The entries were made on the 9th and 10th of June, I would say that
23 looks like a 6 to me, 2004.

24 Q. [15:19:48] Please turn to tab 37, UGA-OTP-0254-2982, the excerpt 3078.

25 Mr Witness, what's this document?

1 A. [15:20:13] This again is one of the UPDF logbooks, longhand or clean logbooks.

2 Q. [15:20:19] Do you know where it was produced?

3 A. [15:20:23] No, I do not. I do not recognize the signature at the bottom of each
4 summary.

5 Q. [15:20:31] And when were the entries made on the page?

6 A. [15:20:36] The entries starting with the top left of the page were made on 9 June
7 2004 at 1830, further on 10 June 2004 at 0900 hours, and then also at on the bottom
8 right of the page at 1100 hours also presumably on 10 June 2004.

9 Q. [15:21:09] Can you please turn to tab 38, UGA-OTP-0255-0228, pages 0324 to
10 0325.

11 Mr Witness, what's this document?

12 A. [15:21:36] This again is one of the UPDF longhand logbooks.

13 Q. [15:21:42] And when was the entry made here?

14 A. [15:21:45] The one starting at the middle of the page was made on 9 June 2004,
15 and it's a communication from 1830 hours.

16 Q. [15:22:02] And over the page?

17 A. [15:22:06] We have another communication from 10 June 2004, and it includes
18 the LRA radio communications at 0900 hours and 1830 as well.

19 Q. [15:22:23] Please turn to tab 39, UGA-OTP-0197-2319, the excerpt is 2581 to 2582.
20 Your Honours may notice there is a third page in the binder. This is a better quality
21 photograph of the same page as 2582. And the ERN of that better quality
22 photograph is 2682.

23 Mr Witness, do you recognize this document?

24 A. [15:23:13] Yes. This appears to be one of the rough note logbooks.

25 Q. [15:23:20] And what's the date and time of the entry?

1 A. [15:23:26] On the first page, there appear to be two entries. The one in dark ink
2 at the very top of the page, it says 8 June, no year specified, at 1100 hours. Maybe
3 that's just a continuation of a different page, I'm not sure. But the writing appearing
4 in red ink just below that is 8 June 2004, communication at 10.30.

5 Q. [15:24:01] And can you determine the date on the second page by reference to
6 the third perhaps?

7 A. [15:24:08] On the third page in the middle of the page it states 10 June 2004
8 communication at 0900 hours.

9 Q. [15:24:23] Please turn to tab 40, UGA-OTP-0017-0353.

10 Mr Witness, what's this document?

11 A. [15:24:43] This is another UPDF intelligence report.

12 Q. [15:24:47] For which date and time?

13 A. [15:24:49] So again the highlighted text at the top of the page suggests that it is
14 an intelligence report from 9 June 2004 and that appears to cover possibly the 9 a.m.
15 conversation. I'm not sure about the 11 a.m. one.

16 Q. Okay.

17 A. But 1300, 1600 and 1830 hours communications.

18 Q. [15:25:16] And where in the document does the communication intelligence
19 start?

20 A. [15:25:24] It starts on the following page, so page 2 of 2 of that document in
21 section 2 where it says "Comment."

22 Q. [15:25:35] Did you review any sound recordings for Abok, for the Abok
23 communications?

24 A. [15:25:41] I believe I did.

25 Q. [15:25:43] With reference to paragraph 145 of your report.

1 A. [15:25:47] Thank you. So the ISO intercept tape 837 was played to a number of
2 witnesses. And I reviewed their annotated transcripts of the intercept tape.

3 Q. [15:26:06] Please turn to tab 41, UGA-OTP-0262-0363.

4 Mr Witness, what's this document?

5 A. [15:26:25] This is one of the audio intercept transcripts produced by the OTP and
6 annotated by one of the witnesses.

7 MR ELDERFIELD: [15:26:40] Your Honour, that concludes my questioning for the
8 witness.

9 PRESIDING JUDGE SCHMITT: [15:26:45] Thank you very much.

10 We have now half an hour left. I would ask the Defence if you want to start with
11 your questioning today, but I would give you some deference in that, and if you
12 would perhaps prefer to start tomorrow, I would also have no objections against that.

13 MR TAKU: [15:27:08] Thank you so much, your Honours. We'd like to start
14 tomorrow. We'll try to make it very efficient and very focused considering the
15 manner in which the prosecutor has led the evidence and, of course, in view of the
16 fact that prosecutor also adhered strictly to the Court orders, so we'll review and
17 tomorrow we'll do the cross-examination. Thank you so much, your Honours.

18 PRESIDING JUDGE SCHMITT: [15:27:39] Thank you very much, Mr Taku.

19 Then this concludes your testimony for today only. We resume tomorrow at 9.30.
20 And the proceedings are abated for the moment.

21 THE COURT USHER: [15:27:52] All rise.

22 (The hearing ends in open session at 3.28 p.m.)