

1 INTERNATIONAL CRIMINAL COURT

2 SITUATION DEMOCRATIC REPUBLIC OF CONGO

3 Case No: ICC-01/04-01/06

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5
6 Wednesday, 15 November 2006 at 11.09 a.m.

7 OPEN SESSION

8 Before: His Honour Judge Jorda (Presiding Judge)
9 Her Honour Judge Steiner
10 Her Honour Judge Kuenyehia

11 PRE-TRIAL CHAMBER I

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11:09:54 1 THE USHER: All rise.

11:10:00 2 [11:10 a.m.]

11:10:14 3 PRESIDING JUDGE JORDA (interpretation): The hearing is

11:10:15 4 continued. Please sit down. I would like

11:10:21 5 Mr Thomas Lubanga Dyilo to be brought back into the courtroom.

11:10:21 6 [11:10 a.m.]

11:10:24 7 [Mr Thomas Lubanga Dyilo entered the courtroom]

11:10:32 8 PRESIDING JUDGE JORDA (interpretation): I would like to

11:10:37 9 welcome victims' representatives, and as we also have public

11:10:41 10 present, I would like the representatives of all the parties

11:10:44 11 to introduce themselves, and I would like to greet the public

11:10:49 12 here who is here to assist or witness a new part of the

11:10:56 13 hearing. So could the Office of the Prosecutor start.

11:11:00 14 MR WITHOPF: Thank you, Mr President. Thank you, your

11:11:04 15 Honours. Good morning to my learned friends from the Defence.

11:11:08 16 Good morning to the colleagues -- the representatives for the

11:11:11 17 victims, and good morning to everybody in and around the

11:11:15 18 courtroom.

11:11:15 19 [11:11 a.m.]

11:11:16 20 Mr President, your Honours, the Prosecution today is

11:11:20 21 represented by Ms Fatou Bensouda, the Deputy Prosecutor,

11:11:25 22 Prosecutions; Ms Florence Darques Lane, she's a legal adviser;

11:11:32 23 the Associate Trial Lawyers Ms Julieta Solano and Ms Olivia

11:11:36 24 Struyven; the Associate Legal Officer, Ms Sangkul Kim; our

11:11:40 25 Case Manager, Ms Ramu Bittaye; and I'm Ekkehard Withopf, The

11:11:44 1 Senior Trial Attorney.

11:11:48 2 PRESIDING JUDGE JORDA (interpretation): Thank you.

11:11:49 3 Mr Flamme, could you please introduce your team.

11:11:52 4 ME FLAMME (interpretation): Thank you, President. My name

11:11:56 5 is Jean Flamme. I am a lawyer at the Gent Bar and I am helped

11:12:03 6 today by Mr Roberts, a lawyer at the New York Bar; Professor

11:12:08 7 Balembo, a lawyer at the Kisangani Bar; and Mrs Emmanuele

11:12:14 8 Engrand.

11:12:16 9 PRESIDING JUDGE JORDA (interpretation): Thank you. Could

11:12:16 10 you also introduce -- I would also like to introduce

11:12:19 11 Thomas Lubanga Dyilo, who is behind you. Now, representatives

11:12:22 12 of victims.

11:12:26 13 MR WALLEYN (interpretation): Thank you. The first team for

11:12:28 14 representatives of victims 1, 2 and 3 are Mr Franck Mulenda of

11:12:34 15 the Kinshasa Bar; me, myself, from the Brussels Bar; and we

11:12:37 16 are assisted by the Office of Public Counsel for Victims.

11:12:44 17 PRESIDING JUDGE JORDA (interpretation): Thank you .

11:12:45 18 Victim 105.

11:12:50 19 MS BAPITA (interpretation): Thank you, President. I am

11:12:51 20 representing victim 105 representative for the Office of

11:12:56 21 Public Counsel for victims.

11:13:00 22 PRESIDING JUDGE JORDA (interpretation): Thank you very much.

11:13:01 23 You are before Pre-Trial Chamber No. I.

11:13:01 24 [11:13 a.m.]

11:13:09 25 The Prosecution wanted to hear one witness now.

11:13:14 1 Mrs Christine Peduto. Documents concerning this witness were
11:13:18 2 made public and, if necessary, we will take a decision on
11:13:24 3 these.

11:13:24 4 I would like the court officer to -- I would like the usher,
11:13:30 5 the court usher, to bring Mrs Christine Peduto into the
11:13:34 6 courtroom and then we will also ask the United Nations
11:13:39 7 observer to enter the courtroom, too, as the United Nations
11:13:43 8 organisations wanted a representative to be seated next to
11:13:46 9 her. This will not take very long.

11:13:57 10 ENGLISH INTERPRETER: The interpreter adds that the legal
11:13:59 11 representative of the victim 105 is Madame Carine Bapita
11:14:04 12 Buyanganlu.

11:14:06 13 PRESIDING JUDGE JORDA (interpretation): We will have the
11:14:07 14 main examination of the witness now, and then Monday and
11:14:11 15 Tuesday cross-examination of the witness by the Defence --
11:14:16 16 Madame Peduto -- of the witness, Madame Peduto.

11:15:21 17 [11:15 a.m.]

11:15:22 18 PRESIDING JUDGE JORDA (interpretation): Interpreters -- for
11:15:23 19 the interpreters, we will be in the hearing until 1 o'clock.

11:15:39 20 [Witness enters courtroom]

11:15:47 21 [11:15 a.m.]

11:15:55 22 PRESIDING JUDGE JORDA (interpretation): Welcome. You are
11:15:56 23 before Pre-Trial Chamber I. So you are Madame Peduto, and to
11:16:03 24 your left is the United Nations observer, and I will ask her
11:16:06 25 for her identity later on. For now, I would like you to stand

11:16:10 1 up. You won't have to stand up for the whole of your hearing,
11:16:13 2 but I would like you to have your swearing-in standing up.
11:16:18 3 Could you please read it?
11:16:21 4 MS CHRISTINE PEDUTO, having been duly sworn,
11:16:25 5 gave evidence through an interpreter as follows:
11:16:25 6 PRESIDING JUDGE JORDA (interpretation): Thank you very
11:16:27 7 much, you can be seated. I would also like now the United
11:16:32 8 Nations observer not to be sworn in, but to give her identity.
11:16:40 9 MS MARCHI-UHEL: I am Catherine Marchi-Uhel.
11:16:44 10 PRESIDING JUDGE JORDA (interpretation): Thank you. You can
11:16:46 11 both sit down.
11:16:49 12 Madame Peduto, I would like to ask you; you are here before
11:16:57 13 the Court; do you feel at ease? You are going to have to
11:17:02 14 answer the questions that the Prosecution is going to ask you.
11:17:05 15 The Prosecution wanted to hear you in the context of the
11:17:08 16 Lubanga case and the judges will also possibly may ask you
11:17:15 17 questions, but normally the cross-examination will take place
11:17:19 18 Monday and Tuesday of next week. So you will be available to
11:17:22 19 the ICC until then.
11:17:26 20 So I would like you to recall your name, first name, date of
11:17:31 21 birth and nationality, if possible.
11:17:42 22 ENGLISH INTERPRETER: Could you please give the witness a
11:17:44 23 microphone?
11:17:45 24 THE WITNESS: I am Christine Peduto. I was born in 1968 in
11:17:52 25 Marseille in France and I am French.

11:17:54 1 PRESIDING JUDGE JORDA (interpretation): We can't hear you
11:17:54 2 very well, unfortunately. I don't know if it's due to a
11:17:54 3 technical problem.

11:17:57 4 THE WITNESS: Do you want me to repeat?

11:17:58 5 PRESIDING JUDGE JORDA: Yes, now we can hear you better, so
11:17:59 6 can you repeat, please.

11:17:59 7 THE WITNESS: My name is Christine Peduto. I was born on
11:18:03 8 17 October 1968 in France, and I am French -- of French
11:18:07 9 nationality.

11:18:09 10 PRESIDING JUDGE JORDA (interpretation): Thank you very much.
11:18:10 11 No need to ask you for further details on your identity. You
11:18:15 12 know the Prosecution team. So, Mr Withopf, the floor is
11:18:22 13 yours.

11:18:22 14 QUESTIONED BY MR WITHOPF:

11:18:30 15 PRESIDING JUDGE JORDA: When Mrs Marchi would like to
11:18:36 16 intervene, she should first ask the Chamber and, if necessary,
11:18:38 17 the Chamber will let you to talk to Mrs Peduto. Very well.

11:18:41 18 Are there any other questions? Colleagues? No. If not,
11:18:45 19 Mr Withopf, you have the floor.

11:18:49 20 MR WITHOPF: Thank you very much, Mr President. Thank you
11:18:51 21 very much, your Honours, and good morning to the Prosecution
11:18:53 22 witness, Ms Peduto.

11:18:57 23 Q. Ms Peduto, can you please inform the Court what is your
11:19:02 24 permanent place of residence?

11:19:07 25 A. I live in France.

11:19:08 1 Q. And can you please also inform the Court; are you
11:19:18 2 currently living?

11:19:19 3 A. I current live in Nepal in Kathmandu.

11:19:23 4 Q. And without going into any further details now, can you
11:19:28 5 please very briefly describe what you are doing in Nepal in
11:19:32 6 Kathmandu?

11:19:34 7 A. I work for the High Commissioner for Human Rights and my
11:19:41 8 job is in the National Office of Kathmandu and I am
11:19:43 9 responsible for children's rights and gender issues.

11:19:47 10 Q. Thank you very much. We will come to this issue later on
11:19:53 11 in some more detail. And can you also please inform and can
11:19:59 12 you let us know which languages you do speak and you do
11:20:05 13 understand?

11:20:07 14 A. I speak French, English, German, and I work in English
11:20:13 15 and in French quite regularly. I haven't used my German for
11:20:21 16 some time, but I understand German.

11:20:23 17 Q. Thank you, Ms Peduto. I want to briefly address your
11:20:31 18 education and I will limit my questions to your higher
11:20:35 19 education. Can you please let the judges of the honourable
11:20:40 20 Chamber know as to whether you have a university degree?

11:20:47 21 A. I have a licence in anthropology and a diploma in
11:21:00 22 sociology -- a maitrise in sociology.

11:21:00 23 Q. And to complement this information, can you please inform
11:21:05 24 the Chamber where you studied?

11:21:08 25 A. I studied in the University of Lyon 2 in France.

11:21:15 1 Q. After your studies, did you attend any professional
11:21:22 2 development training courses, and if so could you please very
11:21:26 3 briefly detail what the courses have been about?

11:21:32 4 A. I was trained through my various professional postings --
11:21:41 5 training in humanitarian law, specific training in human -- in
11:21:47 6 children's rights, and I also received more specialised
11:21:50 7 training in managing finance software programmes and
11:21:58 8 participated in many workshops, but I don't know whether that
11:22:01 9 would be relevant -- workshops, among others, on child
11:22:06 10 soldiers.

11:22:07 11 Q. Can you please let us know who provided the training in
11:22:12 12 respect of the child soldiers?

11:22:17 13 A. Save the Children UK; the Coalition to Stop the Use of
11:22:24 14 Child Soldiers, among others, and the MONUC, I beg your
11:22:30 15 pardon.

11:22:31 16 Q. We move on, Ms Peduto, and as I indicated, I have a few
11:22:42 17 questions in relation to your current position in Kathmandu in
11:22:47 18 Nepal. Could you please tell the Court what your current
11:22:58 19 position is about and, in particular, what your professional
11:23:00 20 duties are about?

11:23:05 21 A. I'm responsible at the national level in the High
11:23:08 22 Commission for Human Rights for all issues related to
11:23:11 23 children. In the Office of the High Commission of the Human
11:23:18 24 Rights we have a mission for reporting on a -- for human
11:23:22 25 rights violations. It's with a special focus on everything

11:23:25 1 related to children's rights. The mission is more
11:23:30 2 specifically - or targets more specifically grave violations
11:23:36 3 of children's rights, executions, and murders, torture,
11:23:42 4 ill-treatment, illegal detention, illegal recruitment of
11:23:49 5 children through armed forces, sexual assaults, assaults, use
11:23:56 6 of schools. Those are our main priority domains regarding
11:24:02 7 children's issues, and I am also responsible for the
11:24:07 8 implementation of Resolution 1612 of the United Nations, the
11:24:14 9 resolution for the implementation of a monitoring system for
11:24:18 10 grave violations of children's rights. I am also responsible,
11:24:22 11 in close collaboration with UNICEF, for the establishment and
11:24:29 12 management of a task force which was set up with human rights
11:24:36 13 organisations, and national and international NGOs working in
11:24:42 14 the area of the protection of children's rights. And we
11:24:47 15 provide a monthly monitoring of violations of children's
11:24:52 16 rights, and we also provide twice-monthly reports to the
11:24:58 17 Security Council.

11:24:58 18 Q. Thank you, Ms Peduto. Talking about your occupation, can
11:25:08 19 you please detail, to the benefit of the honourable judges of
11:25:13 20 the Pre-Trial Chamber your prior occupation, and if you could
11:25:20 21 please start from the oldest to the most recent ones?

11:25:27 22 A. Following my studies, I started working for NGOs in
11:25:32 23 Bosnia and Herzegovina for a French NGO, which is in charge of
11:25:39 24 emergency programmes for displaced people and vulnerable
11:25:42 25 people, including children. I was also in charge -- or -- I

11:25:48 1 also worked for an assistance programme for various groups of
11:25:54 2 vulnerable people such as children, pregnant women, children
11:25:59 3 with babies, elderly persons and persons that live in
11:26:06 4 psychiatric institutions, and I worked in Bosnia/Herzegovina
11:26:11 5 from 1994 to 1995 and then I worked in Azerbaijan for another
11:26:14 6 French NGO which was -- which dealt with supporting medical
11:26:22 7 institutions, especially psychiatric institutions and I then
11:26:30 8 moved to the Congo to work for a British organisation.
11:26:39 9 I started working with that organisation in Kenya and then in
11:26:46 10 Congo -- in the Congo in Kinshasa and continued to work for
11:26:51 11 that organisation from, I believe, '98 or '99, I can't quite
11:27:00 12 remember. And then worked for the same organisation in India
11:27:04 13 for an emergency programme after an earthquake and then
11:27:07 14 started working for the MONUC from 2002.

11:27:11 15 Q. We obviously will talk significantly more about you
11:27:24 16 having worked for MONUC in the Democratic Republic of the
11:27:29 17 Congo. At this point in time, can you please very briefly
11:27:34 18 outline -- and I emphasise very briefly -- where you have been
11:27:43 19 stationed and what duties you had to comply with, you had to
11:27:51 20 fulfil?

11:27:52 21 A. (In English) For MONUC? Having been first posted in
11:28:01 22 February -- [interpreted] I was posted in Kisangani
11:28:04 23 in February 2002 as a child protection adviser and responsible
11:28:11 24 for the north-eastern part of the country and then I was in
11:28:18 25 Butembo for -- to cover the north of the northern Kivu in

11:28:24 1 Ituri from November 2002 and I was based officially in Ituri
11:28:28 2 from May 2003.

11:28:30 3 Q. And can you please expand the information you are
11:28:38 4 providing to the Pre-Trial Chamber in respect of you having
11:28:46 5 been in Ituri -- at this point in time I only want to know the
11:28:54 6 timeframe -- the time you spent in Ituri.

11:29:02 7 A. My first move to Ituri was at the beginning of September
11:29:08 8 2002 and then I participated in another mission in the middle
11:29:13 9 of September 2002 and I was more present in Ituri
11:29:22 10 from February 2003 -- from -- with my MONUC contract.

11:29:28 11 Q. And for how long have you been in Ituri, Ms Peduto?

11:29:36 12 A. Until the end of 2004 -- officially based -- officially
11:29:52 13 posted, well, in May 2003 till 2004, June.

11:29:59 14 Q. And when you say you have been "posted" in Ituri, can you
11:30:06 15 provide a bit more detail as to where exactly you have been
11:30:09 16 posted -- where did you have your offices?

11:30:12 17 A. I was posted in Bunia.

11:30:16 18 Q. And can you please, at this juncture, provide some
11:30:20 19 additional information -- what you mean when you say you have
11:30:26 20 been "officially posted" in Ituri?

11:30:32 21 [11:30 a.m.]

11:30:39 22 A. I was officially posted to Bunia. This means that my
11:30:44 23 contract was officially changed from Butembo to Bunia. It
11:30:51 24 also means that I was actively present in Bunia
11:31:00 25 before May 2003.

11:31:01 1 Q. And Ms Peduto, when you say you have been "posted" in
11:31:09 2 Bunia between May 2003 and, to quote you, "end of 2004", does
11:31:21 3 it mean that you have been deployed in Ituri throughout this
11:31:26 4 period of time?
11:31:28 5 A. Yes, that is correct.
11:31:30 6 [11:31 a.m.]
11:31:30 7 Q. And what was your position at the time, and what was your
11:31:37 8 function during May 2003 and October 2004 in Bunia?
11:31:45 9 A. I was a child protection adviser for MONUC.
11:31:48 10 Q. Thank you, Ms Peduto. I am going to ask you, Ms Peduto,
11:32:07 11 a number of questions that relate to a mission you obviously
11:32:17 12 made to Bunia in 2002, and can you please explain and detail
11:32:28 13 to the benefit of the Court as to when you made your first
11:32:31 14 mission to Ituri and from where, please?
11:32:40 15 [11:32 a.m.]
11:32:42 16 A. I carried out this mission from Kisangani, which was
11:32:45 17 where I was posted and this mission took place at the
11:32:49 18 beginning of September 2002. This is how the MONUC civilian
11:33:05 19 personnel and the child protection section worked. So we were
11:33:08 20 based in Kisangani and we carried out missions that could be
11:33:12 21 one or more days to the various areas where, in general, MONUC
11:33:18 22 had deployed military observers, and generally speaking we
11:33:21 23 moved by helicopter after having obtained the necessary
11:33:27 24 security authorisations from the administration.
11:33:32 25 [11:33 a.m.]

11:33:33 1 Q. And can you please tell us for how many days you actually
11:33:41 2 were in Ituri -- how many days have you spent in Ituri at this
11:33:43 3 point in time?

11:33:48 4 A. I think I spent two days there.

11:33:51 5 Q. And can you please further inform us who took part in
11:33:57 6 that mission, in addition to you, obviously, Ms Peduto?

11:34:05 7 [11:34 a.m.]

11:34:08 8 A. Coming from Kisangani, to the best of my recollection I
11:34:14 9 was alone, but we were accompanied by military observers who
11:34:22 10 were posted in Bunia.

11:34:24 11 Q. And can you please inform the Chamber what the objectives
11:34:32 12 of the mission have been?

11:34:43 13 A. Perhaps I should return to the duties in Ituri -- that
11:34:49 14 is, in regard to MONUC. Ituri had been placed for many months
11:34:54 15 under the responsibility of the Goma office. So it was one of
11:34:59 16 my colleagues who was in charge of the Ituri dossier in the
11:35:03 17 first months of 2002. It was also the case, for the other
11:35:12 18 sections of MONUC like Humanitarian affairs, human rights, or
11:35:17 19 political issues, but the military observers of Bunia were
11:35:25 20 under the military command which was located in Kisangani.
11:35:28 21 The presence of the military observers and the information
11:35:31 22 that we received from non-governmental organisations who were
11:35:34 23 working in Ituri, who provided information to Kisangani, my
11:35:42 24 child protection office was able -- office was able to receive
11:35:47 25 information on any events that could occur in this part of the

11:35:53 1 province.

11:35:53 2 [11:35 a.m.]

11:35:55 3 So the Ituri file, although it was not under our direct

11:35:59 4 responsibility, still provided us with information from

11:36:07 5 Ituri -- that is, directly to Kisangani -- through especially

11:36:11 6 military observers who made regular briefings which, if

11:36:14 7 necessary, we passed on to our colleagues from Goma who were

11:36:18 8 in charge of that region at the time. And from August, this

11:36:25 9 area went -- came under the responsibility of the Kisangani

11:36:31 10 office and at that time, when this happened, we became much

11:36:35 11 more closely interested -- well, not exactly closely

11:36:38 12 interested, but we began to focus on the allegations that were

11:36:42 13 made at the time. I do not know whether I answered your

11:36:45 14 question correctly.

11:36:46 15 [11:36 a.m.]

11:36:46 16 Q. You certainly, Ms Peduto, have answered very well my

11:36:51 17 questions. And if you could please expand what you said at

11:36:56 18 the very last portion, talking about the allegations that were

11:37:02 19 made at the time; what sort of allegations were made at the

11:37:07 20 time that concerned you and you in particular?

11:37:15 21 A. We had received much information from various sources --

11:37:20 22 MONUC, military and civilian. We had colleagues who were

11:37:23 23 based -- that is, our military colleagues based in Bunia. Our

11:37:27 24 human rights colleague -- our human rights' colleagues had

11:37:29 25 carried out an important mission in August in Bunia. We had

11:37:33 1 other colleagues who were based in Kampala, who also provided
11:37:38 2 us with information that they were able to collect from other
11:37:42 3 sources, information on the last battles that had carried --
11:37:44 4 gone on in the town and the last -- the massacres, through the
11:37:49 5 high rate of malnutrition and the problem of potable water and
11:37:53 6 the people were describing this as a humanitarian disaster in
11:37:59 7 Bunia and in Ituri in general. The information was often
11:38:02 8 documented using photos, reports from organisations for the
11:38:07 9 protection of children, amongst other organisations. And the
11:38:11 10 report that was sent to us by our human rights colleagues who
11:38:18 11 had carried out a mission in August was particularly detailed.
11:38:21 12 [11:38 a.m.]

11:38:21 13 Q. Coming back to that mission, and you mentioned earlier
11:38:30 14 on, that the mission was conducted in early September 2002,
11:38:38 15 Ms Peduto; in the context of that mission, to your
11:38:46 16 recollection, did the name of Thomas Lubanga, or
11:38:52 17 Thomas Lubanga Dyilo come[sic] up?

11:39:00 18 A. Yes, of course. I omitted this problem as part of the
11:39:07 19 reports that the military observers made to us -- or that
11:39:11 20 other organisations made to us about the situation in August
11:39:13 21 in Bunia. Obviously, the question of the high level -- large
11:39:19 22 number of children who were members of armed groups in Ituri
11:39:23 23 was central to our -- the work of our section. In addition,
11:39:28 24 there were other problems that affected children that we dealt
11:39:33 25 with. Obviously the name of Thomas Lubanga was mentioned in

11:39:36 1 the conversations and briefings that were given to us by our
11:39:41 2 military observer colleagues.

11:39:42 3 [11:39 a.m.]

11:39:42 4 Q. And in these briefings, Ms Peduto, what information on
11:39:51 5 Thomas Lubanga Dyilo was provided?

11:40:01 6 A. Mr Lubanga was described as being the leader of the UPC,
11:40:06 7 the leader of the group who were -- which was at the time in
11:40:10 8 charge of Bunia. I received from my colleagues -- that is,
11:40:16 9 the military observer colleagues -- a briefing on the security
11:40:20 10 situation on the composition of armed groups that were present
11:40:28 11 all over that territory with details as to the high presence
11:40:33 12 of children in these military groups, including the one of
11:40:39 13 which Mr Thomas Lubanga Dyilo was in charge.

11:40:41 14 [11:40 a.m.]

11:40:41 15 Q. Talking about Thomas Lubanga Dyilo being in charge of a
11:40:49 16 militia group, to which militia group was his name connected
11:40:56 17 at the time?

11:41:02 18 A. The UPC militia.

11:41:07 19 [11:41 a.m.]

11:41:07 20 Q. You talked about other armed groups in addition to the
11:41:14 21 UPC militia, which other armed groups played a role at the
11:41:20 22 time in Ituri and, in particular, in Bunia?

11:41:30 23 A. There were Lendu militias. I think the FNI term was used,
11:41:35 24 and it was used at the time already. There was much also that
11:41:39 25 was said about the presence of the Ugandan army -- Ugandan --

11:41:45 1 Rwandan army soldiers as well; the RCD-ML, RCD-N, and APC and
11:41:56 2 these were the groups that were mentioned.

11:42:04 3 PRESIDING JUDGE JORDA (interpretation): Are you all right?
11:42:05 4 Are you at ease? Please use the water if you feel you need
11:42:09 5 it.

11:42:12 6 THE WITNESS: Thank you.

11:42:13 7 PRESIDING JUDGE JORDA (interpretation): Please proceed.

11:42:15 8 MR WITHOPF: Thank you very much, Mr President, your Honours.
11:42:17 9 [11:42 a.m.].

11:42:19 10 Q. You were just making, Ms Peduto -- you were just making
11:42:22 11 reference to the Ugandan army and to the Rwandan army. In
11:42:33 12 this context, did you gather any information that linked
11:42:42 13 Mr Thomas Lubanga Dyilo to either of these armies?

11:42:53 14 A. The Ugandan presence -- well, the presence of Ugandan
11:42:58 15 army and Rwandan army soldiers was not a secret at that time.
11:43:06 16 It was something that MONUC was taking a close look at in its
11:43:12 17 monitory -- in military monitoring of policy affairs,
11:43:15 18 monitoring. There were many reports from people, human rights
11:43:22 19 reports and press articles. The human rights organisations
11:43:25 20 had already largely documented this presence and had also
11:43:28 21 mentioned the various groups that were active in Ituri.
11:43:34 22 In my personal capacity, I did not dwell on that particular
11:43:39 23 aspect, because this was the work of other people, first of
11:43:44 24 all, and, secondly, because it was difficult to conduct an
11:43:50 25 investigation on these issues.

11:43:50 1 [11:43 a.m.]

11:43:52 2 There was also the fact that various militias received

11:43:56 3 technical assistance from these two armies at various points

11:44:00 4 in time, in terms of ammunitions and training, and this was

11:44:03 5 not a secret either.

11:44:04 6 With regard to children, there were examples of 163 children

11:44:09 7 who had been demobilised by UNICEF in, I believe, 2001 -- that

11:44:15 8 is, Ituri children who -- which had been trained -- who had

11:44:17 9 been trained in the -- by the Ugandan army in Uganda.

11:44:17 10 [11:44 a.m.]

11:44:22 11 So there was the presence of foreign armies, and this was not

11:44:26 12 something that was -- I was particularly in charge of in my

11:44:31 13 section. There was talk at the time of a shift in alliances

11:44:37 14 and at that time there was a shift in what I believe was

11:44:49 15 another party. I think that the UPC was supported by someone

11:44:53 16 that I do not remember at this time.

11:44:56 17 [11:44 a.m.]

11:44:56 18 Q. Thank you, Ms Peduto. You were informing the Pre-Trial

11:45:02 19 Chamber, Ms Peduto, that you have gathered information, and

11:45:07 20 you already have provided us with some detail on the

11:45:11 21 information you have gathered. Can you now please tell the

11:45:16 22 Pre-Trial Chamber, and tell us, how did you gather the

11:45:21 23 information -- to whom did you talk to?

11:45:29 24 A. In Bunia during this mission, do you mean --

11:45:31 25 Q. -- yes, yes. In Bunia during the September 2002 mission.

11:45:41 1 A. As I said, we had a fairly extensive briefing provided by
11:45:45 2 our team of military observers, which was present on the field
11:45:48 3 and which had regular contacts with all the people, or armed
11:45:55 4 groups that -- and other people who were in charge of
11:45:59 5 administration, NGOs, and any other organisations that were
11:46:03 6 present there at the time. I also received extensive briefing
11:46:08 7 from various child protection organisations and human rights'
11:46:11 8 organisations that were working in Bunia.

11:46:11 9 [11:46 a.m.]

11:46:13 10 I also met with international organisations who had a
11:46:17 11 permanent presence in Ituri, not only for Bunia, but all over
11:46:24 12 the country, and I also conducted -- collected information on
11:46:28 13 the presence of child soldiers from other sources.

11:46:32 14 Q. Based on what you tell us, Ms Peduto, would it be fair to
11:46:36 15 say that, at the time, you received a broad range of
11:46:41 16 information?

11:46:47 17 A. Yes, on the situation -- on the military situation, on
11:46:52 18 the humanitarian situation and also specifically on the
11:46:55 19 situation of children, knowing that most of the people we
11:46:59 20 dealt with had emphasised -- had largely emphasised the degree
11:47:05 21 of urgency, the humanitarian disaster, which existed in the
11:47:09 22 town. There were courses of -- cases of cholera which were
11:47:16 23 reported, because the sources of potable water had been cut
11:47:19 24 and the population did not have access to drinkable water.
11:47:22 25 There were -- many people had been killed, and there were

11:47:26 1 people who were threatened with death at that time in Bunia
11:47:33 2 and around Bunia.
11:47:33 3 [11:47 a.m.]
11:47:33 4 Q. Thank you, Ms Peduto. If you would allow me, I would
11:47:38 5 like to expand on the issues you were just detailing a bit
11:47:41 6 more.
11:47:42 7 You mentioned the humanitarian situation on the one hand side
11:47:46 8 and, in addition, the situation in respect of children on the
11:47:51 9 other hand side. I would like to expand a bit on the
11:47:57 10 humanitarian situation, what has been reported to you
11:48:00 11 in September 2002, from the various groups you talked to --
11:48:06 12 that is the first part of my question -- and the second part
11:48:09 13 is what have you seen yourself whilst being in Bunia.
11:48:20 14 [11:48 a.m.]
11:48:24 15 A. Regarding the humanitarian situation, I mentioned access
11:48:28 16 to potable water and cases of cholera and this required urgent
11:48:33 17 attention from the humanitarian community, which was in
11:48:38 18 limited numbers all over Ituri. In humanitarian terms we had
11:48:45 19 lost the ICRC because of the death of the -- the murder of its
11:48:51 20 personnel in 2002 and the entire humanitarian community
11:48:54 21 suffered from this, the absence of the ICRC and that if --
11:48:59 22 this was detrimental to the civilian population to a great
11:49:04 23 degree.
11:49:04 24 [11:49 a.m.]
11:49:06 25 There were NGOs who reported what they could in view of their

11:49:11 1 restricted access they had to the areas where there was
11:49:15 2 fighting. There were no security guarantees, and there was no
11:49:21 3 guarantee that they could reach the areas where these things
11:49:25 4 were happening. The nutrition situation was disastrous in
11:49:30 5 some areas. There were some children who were able to get to
11:49:33 6 nutrition centres around the city of Bunia and these children
11:49:36 7 got there -- in the disastrous situation, many children died
11:49:41 8 because of the nutritional situation. There were children who
11:49:44 9 were taken in by certain health centres, and they sometimes
11:49:48 10 arrived with machete and gunshot wounds. Sometimes the
11:49:54 11 children would spend not two weeks, perhaps, but they would
11:49:57 12 spend days without receiving any medical attention, which
11:50:01 13 means that they arrived -- when they arrived in a terrible
11:50:06 14 situation and it was difficult to save them in terms of the
11:50:10 15 wounds they had and received from various battles.

11:50:10 16 [11:50 a.m.]

11:50:14 17 The second part of your question was about children?

11:50:18 18 Q. My question, I will come back in a second, Ms Peduto. I
11:50:21 19 want to expand even a bit more on the first part of my
11:50:25 20 question, and it is based on the answer you have just given.
11:50:29 21 Ms Peduto, the security situation in the region was obviously
11:50:34 22 poor and can you please inform the Pre-Trial Chamber why the
11:50:40 23 security situation has been that poor?

11:50:52 24 A. Because of the fighting between the militias at that
11:50:57 25 time, particularly from the beginning of August 2002, and the

11:51:04 1 taking of power over Bunia by the UPC and the fighting they
11:51:09 2 had with the Lendu militias.

11:51:11 3 Q. Whilst you have been in Bunia, and to further expand on
11:51:21 4 this matter -- whilst you have been in Bunia in September, in
11:51:25 5 early September 2002, have you seen any displaced persons in
11:51:29 6 Bunia?

11:51:36 7 A. Yes, I did. At that time the situation was so tense that
11:51:43 8 it was not possible for us to move about as we would like to
11:51:47 9 do. The military observers, as you know were not -- did not
11:51:54 10 have weapons or armoured vehicles, and the security situation
11:52:01 11 did not enable us to get out of the town of Bunia, except to
11:52:04 12 go to some feeding centres or health centres that were in the
11:52:09 13 immediate outskirts of the town. I did see displaced
11:52:13 14 populations in these health centres and in these feeding
11:52:17 15 centres. I also met representatives of displaced people who
11:52:21 16 came to the MONUC office -- that is, when I was visiting
11:52:27 17 there, and that's it.

11:52:29 18 [11:52 a.m.]

11:52:29 19 Q. And can you provide the Pre-Trial Chamber, and can you
11:52:32 20 provide us, if possible, with a rough estimate of the number
11:52:37 21 of displaced people who found refuge in Bunia at the time?

11:52:48 22 A. There were thousands. I don't really remember any more
11:52:51 23 the exact figure -- several thousand, that is sure.

11:52:55 24 Q. Ms Peduto, in Bunia, in early September 2002, how would
11:53:12 25 you describe, from what you have seen -- and I would now --

11:53:21 1 that you please pay particular attention to what you have seen
11:53:24 2 yourself -- how would you describe the situation in the town
11:53:30 3 of Bunia? What was the climate about? What have you seen?
11:53:39 4 A. I saw very few people, very few civilians. It looked
11:53:43 5 like, I would say, a terrified town. The streets were empty
11:53:52 6 of everything that should be expected in a normal town. Most
11:53:55 7 of the shops and stalls were closed. The few people I saw in
11:54:01 8 the streets of the city were walking very fast, and in a very
11:54:06 9 determined manner.
11:54:06 10 [11:54 a.m.]
11:54:08 11 The people who were brave enough to come to MONUC at the time
11:54:14 12 were afraid, obviously so. It was a ghost town with very
11:54:27 13 little civilian presence outside, on the road to the airport
11:54:30 14 and in the main city boulevard. This was a town where people
11:54:40 15 looked afraid.
11:54:40 16 [11:54 a.m.]
11:54:45 17 In addition, from the stories I heard from the people that I
11:54:48 18 was able to talk with, they talked about terror, distrust;
11:54:53 19 they were no longer able to talk to their neighbours, and some
11:54:55 20 of their neighbours had left. They talked about the fact
11:55:02 21 that -- that the people -- that is, who came to MONUC to talk
11:55:10 22 to me -- insisted on confidentiality and insisted on the fact
11:55:17 23 that the information to come out, so I couldn't share some of
11:55:21 24 the sensitive information with MONUC. The people who could
11:55:25 25 share this information did so, but did so with a lot of

11:55:36 1 distrust and they were very afraid.

11:55:40 2 Q. Thank you, Ms Peduto, for this information, and you were
11:55:45 3 just mentioning that Bunia -- in September, in early September
11:55:51 4 2002 was "a ghost town", and I quote from what you said. Can
11:55:56 5 you please inform the Pre-Trial Chamber who, in
11:56:01 6 early September 2002 -- or which of the armed groups had the
11:56:05 7 power in Bunia?

11:56:12 8 A. The UPC was in charge of Bunia. Mr Lubanga.

11:56:19 9 [11:56 a.m.]

11:56:30 10 Q. Ms Peduto, you were describing earlier on today the
11:56:32 11 conflict in Bunia and beyond Bunia in Ituri, and you were
11:56:38 12 mentioning this was a conflict between the Hema and the Lendu.
11:56:44 13 Would it be fair to say, or would it be fair to conclude that
11:56:48 14 this was a conflict along ethnic lines?

11:56:58 15 A. The Ituri conflict was presented by many observers as
11:57:03 16 being ethnic. It's not as simple as that, in my view and in
11:57:13 17 the view of other observers, too. Ituri -- I'm not going to
11:57:19 18 be telling anything new to the Court when I say that Ituri is
11:57:22 19 one of the richest areas in the world and that armed groups
11:57:26 20 fought to control this wealth during the years of the
11:57:31 21 conflict. The fact that armed militias were able to use
11:57:39 22 existing conflicts between ethnic communities is true; it is
11:57:45 23 true that these various localised conflicts were used an
11:57:50 24 manipulated in the course of months and years. That -- there
11:57:58 25 is no shadow of doubt about that.

11:57:58 1 [11:57 a.m.]

11:58:00 2 However -- but I do not think that these inter-community

11:58:08 3 conflicts would provide an adequate explanation of the

11:58:13 4 violence that reigned in that area. The people of Ituri

11:58:18 5 themselves have given testimony illustrating that. There were

11:58:22 6 a lot of mixed marriages there, not only between the Hema and

11:58:25 7 the Lendu, but between the 18 other ethnic groups that were

11:58:30 8 based in Ituri, and with all other non-indigents and at that

11:58:38 9 time you had in Ituri the Nande, who were very active

11:58:43 10 commercially there; there were people active in Kisangani

11:58:47 11 with -- there were administrators from the Kinshasa central

11:58:52 12 government. So Ituri was a mixed region where people had

11:58:55 13 lived peacefully for many years.

11:58:55 14 [11:58 a.m.]

11:58:58 15 So this ethnic conflict is not, in my view, the real reason

11:59:01 16 for the violence that reigned in Ituri -- no, I don't think

11:59:05 17 so -- but this is my personal opinion.

11:59:08 18 Q. Thank you, Ms Peduto. You mentioned, however, earlier on

11:59:14 19 today that the warring parties -- or amongst the warring

11:59:22 20 parties were the UPC and, on the other side, the FNI. Can you

11:59:27 21 please tell us whether any of the ethnic groups you just

11:59:30 22 mentioned were particularly affiliated with one of these

11:59:37 23 militia groups I was just mentioning?

11:59:45 24 A. I'm sorry, I didn't quite understand the question.

11:59:47 25 Q. I'm happy to repeat the question, and I'm happy to try to

11:59:52 1 simplify it, Ms Peduto. The UPC -- the UPC of
11:59:57 2 Thomas Lubanga Dyilo, members of which ethnic group, to your
12:00:05 3 knowledge, comprised the UPC?
12:00:08 4 A. Yes, excuse me. At that time the UPC was seen very much
12:00:21 5 as a group linked to the Hema ethnic group.
12:00:26 6 Q. And you talked -- and thank you very much, Ms Peduto, for
12:00:30 7 the answer -- and you also talked about the FNI, and is there
12:00:35 8 a similar situation in respect of the FNI?
12:00:42 9 [12:00 p.m.]
12:00:46 10 A. The FNI at that time was made up of Lendu and Ngiti
12:00:56 11 majoritarily [sic].
12:00:57 12 Q. Thank you very much, Ms Peduto. I would like now to
12:00:59 13 move on to an area where you are very familiar with, Ms
12:01:03 14 Peduto, namely the issue of child protection -- the matter of
12:01:07 15 child protection.
12:01:11 16 [12:01 p.m.]
12:01:14 17 In Bunia, in early September 2002, what information was at
12:01:22 18 your disposal when you went to Bunia in early September 2002
12:01:32 19 and what information have you gathered there in respect of
12:01:40 20 children obviously, and in respect of the use of children in
12:01:45 21 militia groups -- in general, please, first?
12:01:55 22 A. The information which I had was collected, as I
12:02:00 23 previously said, by our military observers of MONUC. Part of
12:02:07 24 their remit was to observe, not only the presence of armed
12:02:13 25 groups, but a specific aspect of their work was to look at the

12:02:21 1 presence of minors in those armed groups. At the national
12:02:25 2 level we had developed a monitoring grid which was available
12:02:28 3 to the military observers.
12:02:28 4 [12:02 p.m.]
12:02:32 5 Before they were deployed they were given specific training on
12:02:35 6 the use of these children and given instructions to monitor
12:02:40 7 the presence of children in these armed groups, and we
12:02:45 8 developed a monitoring form containing very specific
12:02:50 9 questions. The information was to be relayed to the nearest
12:02:56 10 child protection officer, nearest to their base, so certain
12:03:01 11 military observers regularly were in communication with us.
12:03:01 12 [12:03 p.m.]
12:03:06 13 The MILOBs, who were located in Bunia, regularly visited us in
12:03:13 14 our offices in Kisangani to report on the detail of the
12:03:17 15 observations they had made.
12:03:21 16 As I previously mentioned, I also collected information
12:03:26 17 provided by organisations who were present in Bunia, but also
12:03:32 18 in Kisangani, and who provided to us information --
12:03:35 19 information from military observers and information from child
12:03:38 20 protection organisations were similar.
12:03:38 21 [12:03 p.m.]
12:03:44 22 The external MONUC reports refers to child soldiers, and these
12:03:51 23 reports were corroborated by the information collected by the
12:03:55 24 MONUC representatives, or representatives of non-governmental
12:03:59 25 organisations that specialised in this matter. And reports

12:04:04 1 were of very high levels of child soldiers in these armies --
12:04:08 2 up to 30 to 40 per cent, even 50 per cent.
12:04:08 3 [12:04 p.m.]
12:04:17 4 Reference was made to children who played a supporting role in
12:04:20 5 those armed groups, but also to children who took part in the
12:04:23 6 military operations as combatants. At that time, also,
12:04:28 7 reports were made of young girls who were associated with
12:04:31 8 these armed groups and who were used -- or who were sexually
12:04:38 9 exploited, to put it shortly, and there were reports that
12:04:43 10 these children were young children, and that was all the more
12:04:52 11 disquieting to us and something which alerted us to spend or
12:04:58 12 to pay more attention to what was going on in the country.
12:05:01 13 [12:05 p.m.]
12:05:01 14 Q. To be clear, Ms Peduto, and to ensure that all
12:05:08 15 participants to the proceedings do understand what we are
12:05:12 16 talking about. When you mentioned "children", are these
12:05:19 17 children under the age of 18, or are these children under the
12:05:23 18 age of 15? We need to clarify this at this point, Ms Peduto,
12:05:29 19 please.
12:05:29 20 A. The general figures and percentages which were provided
12:05:38 21 by various sources referred to children under the age of 18
12:05:42 22 years old. When we speak of 30, 40 or 50 per cent, we're
12:05:46 23 talking about children under the age of 18 years. More
12:05:50 24 specific testimony, and more shocking testimony, related to
12:06:02 25 the presence of very young children under -- of the age of 10

12:06:06 1 years old -- very young children carrying Kalashnikovs on
12:06:14 2 their heads -- information regarding these children who were
12:06:17 3 involved in the various armed groups were much more
12:06:20 4 shocking -- particularly shocking given that these children
12:06:22 5 were very young -- younger than 15 years.

12:06:24 6 Q. And if I may, please, expand on what you said about the
12:06:31 7 children younger than 15 years, and you are indicating that
12:06:37 8 they were very young; can you provide more concrete
12:06:42 9 information, or can you inform the Pre-Trial Chamber about
12:06:47 10 individual cases, if any, you got aware of whilst being in
12:06:52 11 Bunia in early September 2002?

12:07:01 12 [12:07 p.m.]

12:07:02 13 A. I remember seeing, in the streets of Bunia, opposite the
12:07:08 14 buildings which at that time were under the control of UPC,
12:07:11 15 children who were clearly under the age of 18 years, and some
12:07:15 16 of whom really looked like children under the age of 15 years.
12:07:20 17 I remember more specifically a child who told us he or her was
12:07:27 18 9 years old. The buildings which were being used by the UPC
12:07:35 19 at that time were often surrounded by children; they were not
12:07:41 20 hidden. We didn't have to go looking for them; they were in
12:07:47 21 plain view to protect buildings for the UPC. This seems to be
12:07:56 22 part of daily life, and based on the testimony which I
12:08:02 23 received, it seemed to be a normal occurrence.

12:08:06 24 [12:08 p.m.]

12:08:06 25 Q. Have you seen, in order to distinguish what you have

12:08:13 1 heard and what you have been informed about by the various
12:08:18 2 groups you have mentioned earlier on -- to what you have seen
12:08:25 3 yourself, have you, yourself seen children in Bunia, in line
12:08:34 4 with what you just described, meaning children in Bunia
12:08:39 5 protecting buildings, which were obviously UPC buildings?
12:08:48 6 A. During the first mission, yes.
12:08:50 7 Q. And can you expand a bit on that, along the lines whether
12:08:59 8 there were many such children, and can you also expand a bit
12:09:05 9 along the lines what made you believe that these children were
12:09:12 10 protecting UPC buildings?
12:09:17 11 [12:09 p.m.]
12:09:22 12 A. Well, as I said previously, there were not many people
12:09:27 13 visible in the streets of Bunia. So I would say that during
12:09:30 14 that first mission the number of children in uniform carrying
12:09:34 15 Kalashnikovs and protecting buildings were not many. I
12:09:39 16 believe that there were two groups in two specific
12:09:42 17 locations -- perhaps at the time I saw more, but I
12:09:45 18 particularly remember these two places. The fact that we
12:09:49 19 discussed at length with our military observers and heard from
12:09:55 20 them that this presence was habitual, and that this was a
12:10:03 21 practice which was widely used, that was confirmed by various
12:10:08 22 persons who I met.
12:10:08 23 [12:10 p.m.]
12:10:11 24 I saw two groups at two locations, and I can affirm that some
12:10:15 25 of those children were not 15 years old.

12:10:18 1 Q. Ms Peduto -- and I understand you have a very broad
12:10:26 2 experience in dealing with children and child soldiers, based
12:10:32 3 on what you have told the honourable judges -- what criteria,
12:10:40 4 or what made you believe that these children were under the
12:10:44 5 age of 15 years?

12:10:55 6 A. During that mission, I would say that the criteria were
12:10:58 7 not scientific; these are simply children whom I saw. They
12:11:01 8 are not children with whom I spoke or who I could ask their
12:11:06 9 age, or more information regarding their past and their
12:11:13 10 situation. You know there are relatively -- or, well, these
12:11:21 11 are not scientific observations. I could not swear
12:11:25 12 100 per cent that these children were under 15 years of age,
12:11:28 13 but it is easy to distinguish between a young man and a young
12:11:33 14 child.

12:11:33 15 [12:11 p.m.]

12:11:36 16 These were not under 15 and 18 years -- some of them seemed
12:11:43 17 plainly much younger. Before that first mission to Bunia, I
12:11:49 18 was involved in identification of children, including child
12:11:53 19 soldiers, with very experienced persons, and it is possible to
12:11:57 20 distinguish between a child of 11 and 12 and a child of 18,
12:12:02 21 and that's quite clear. But, again, these are empirical
12:12:06 22 observations.

12:12:07 23 Q. Thank you, Ms Peduto, and just to be sure: you were
12:12:15 24 mentioning that the childrens[sic] you have seen, including
12:12:22 25 the young ones, they had weapons and uniforms?

12:12:28 1 A. Mmm-hmm.

12:12:29 2 Q. Did they have weapons and uniforms?

12:12:32 3 A. Yes, yes. Yes. Excuse me, if I might add, strangely --

12:12:46 4 and this is something which I and other colleagues at MONUC

12:12:49 5 did not understand -- our military observers were based and

12:12:57 6 were guarded by persons sent by the administration in place,

12:13:02 7 and some of the guards who were located outside the MONUC

12:13:07 8 premises were also child soldiers -- not the youngest, but

12:13:15 9 they too were young and they protected us at that time.

12:13:22 10 Q. To expand a bit on the arms and weapons that the children

12:13:27 11 had, What sort of arms and weapons did they have at the time?

12:13:39 12 A. Well, Kalashnikovs, AK-47s. I'm not a specialist; I cite

12:13:50 13 those names based on the military observers. I know what a

12:13:54 14 Kalashnikov looks like, but that would be the great -- the

12:13:56 15 full extent of my knowledge.

12:13:59 16 Q. But would it be fair to say that, acknowledging the

12:14:03 17 limits of your knowledge in respect of weapons -- that the

12:14:07 18 children had automatic weapons or semi-automatic weapons?

12:14:16 19 A. Yes, absolutely.

12:14:17 20 [12:14 p.m.]

12:14:17 21 Q. Thank you, Ms Peduto. Ms Peduto, you have informed the

12:14:34 22 Pre-Trial Chamber about what you have been told by the various

12:14:37 23 NGOs and people from other international organisations you met

12:14:44 24 and you have also informed the Pre-Trial Chamber in detail

12:14:47 25 what you have seen yourself in early September 2002 in Bunia

12:14:53 1 which, at the time, as you said, was governed by the UPC of
12:15:02 2 Thomas Lubanga Dyilo. When comparing the information you have
12:15:05 3 received from the various international groups in the region
12:15:13 4 with your own -- with what you yourself have witnessed, would
12:15:20 5 it be fair to say that what you have seen confirms and
12:15:26 6 corroborates what you have been reported by the international
12:15:32 7 people working in Bunia in the area of Ituri at the time?
12:15:39 8 [12:15 p.m.]

12:15:42 9 A. Yes, absolutely -- absolutely. That is one of the
12:15:48 10 reasons why that visit did not reassure me at all, or reduce
12:15:53 11 the allegations which had been relayed by various informers.
12:15:59 12 It also led to the decision taken by MONUC to redeploy me to
12:16:05 13 Butembo and Bunia exclusively, rather than having the
12:16:09 14 responsibility for the -- one of the northern quarters of the
12:16:17 15 country. This was one of the reasons.

12:16:19 16 Q. Thank you, Ms Peduto, and if you allow me to expand on
12:16:22 17 one answer you have given some five minutes ago, you were
12:16:27 18 informing the honourable judges that children, including young
12:16:34 19 children -- and, in your view, these children were under the
12:16:37 20 age of 15 years -- were protecting UPC buildings. How did you
12:16:46 21 know that the buildings they were protecting were UPC
12:16:51 22 buildings?

12:16:55 23 A. The information provided by the military observers based
12:17:00 24 in Bunia are the source. They gave me a guided visit of the
12:17:07 25 area I was visiting. The information came from persons who

12:17:12 1 were based permanently in Bunia and who also made it possible
12:17:15 2 for us to visit members of the UPC.

12:17:17 3 Q. Thank you, Ms Peduto.

12:17:22 4 [12:17 p.m.]

12:17:27 5 Did there come a time, Ms Peduto, prior to your official
12:17:34 6 assignment in Bunia in May 2003 -- prior to May 2003 did there
12:17:42 7 come a time when you visited Bunia for a second time?

12:17:54 8 A. Yes, of course. When I was part of the various special
12:18:00 9 investigation missions set up by MONUC, the special
12:18:06 10 investigation missions organised by the human rights section,
12:18:11 11 but which also had representatives of the child protection
12:18:14 12 section, civil police, and sometimes representatives from
12:18:20 13 political sections. The special investigation missions were
12:18:25 14 also -- also took place in Ituri in 2003.

12:18:28 15 Q. Let's deal with these various missions in a chronological
12:18:34 16 order, in order to have a structure in your testimony,
12:18:42 17 Ms Peduto.

12:18:44 18 [12:18 p.m.]

12:18:45 19 When for the second time did you go on mission to Bunia?

12:18:50 20 A. I believe it was on 10 September 2002, one week or
12:19:02 21 10 days after my first visit.

12:19:03 22 Q. And can you please inform us what has been the purpose of
12:19:09 23 the second mission, just a few days after the first mission?

12:19:25 24 A. With MONUC, given the restrictions in Bunia, the security
12:19:31 25 situation was very volatile. Civilians were rarely authorised

12:19:38 1 at that time to travel there, and rarely for more than two or
12:19:42 2 three days. The first visit had been very rapid. I had not
12:19:45 3 had the opportunity to look specifically into the issue of
12:19:50 4 children involved with armed groups -- not to the degree I
12:19:53 5 should have -- and therefore it was decided that I would
12:19:56 6 return to Bunia as soon as possible in order to work, on the
12:20:02 7 one hand, with our military observers to ensure that the
12:20:06 8 information which they gathered was gathered more
12:20:10 9 systematically and with greater detail, and that the feedback
12:20:14 10 to the section in Kisangani would take place more fluidly and,
12:20:19 11 on the other hand, to meet those responsible for
12:20:24 12 movements -- in the case of UPC, Mr Lubanga.
12:20:24 13 [12.20 p.m.]
12:20:26 14 At that time I also wanted to meet the leaders of the Catholic
12:20:32 15 church, having been told that they also allegedly played an
12:20:36 16 important role in the enlistment of child soldiers in the
12:20:41 17 militias, including the UPC.
12:20:41 18 [12:20 p.m.]
12:20:44 19 During that second visit I did not have the opportunity to
12:20:48 20 meet Mr Lubanga. I cannot remember exactly why now. I don't
12:20:50 21 know if he was not in Bunia at the time, or whether it was
12:20:55 22 because the visit was consecutive -- there was a visit
12:21:04 23 consecutive to mine of the second commander of MONUC,
12:21:09 24 General Martinez. So I would say that his visit had priority
12:21:14 25 over mine -- sorry, these visits were at the same time.

12:21:14 1 [12:21 p.m.]

12:21:21 2 I had contact with a number of NGOs involved in protection to
12:21:26 3 strengthen our links so that we could better work together. I
12:21:31 4 also met with our military observers and I prepared a briefing
12:21:36 5 on children involved in armed groups for General Martinez, so
12:21:42 6 that he could approach the issue with the representatives of
12:21:46 7 the UPC during the visit which was planned for him.

12:21:51 8 Q. Do you know, Ms Peduto, whether that meeting between
12:21:54 9 General Martinez and the UPC and Thomas Lubanga did take
12:22:01 10 place?

12:22:09 11 A. I have never seen minutes of that meeting. As far as I
12:22:13 12 know, the meeting took place, however, and I was not present
12:22:17 13 at it.

12:22:18 14 Q. Ms Peduto, I would like to move on to one of the missions
12:22:33 15 you mentioned earlier on, to one of your missions with the
12:22:39 16 MONUC special investigation team. Did there come a time,
12:22:49 17 Ms Peduto, when you, with the MONUC special investigation
12:22:54 18 team, went on mission to Uganda?

12:23:03 19 A. Yes, absolutely. In late February, beginning of
12:23:08 20 March 2003, if I remember correctly.

12:23:10 21 Q. Thank you, Ms Peduto. And what had triggered MONUC to
12:23:19 22 send a special investigation team on mission to Uganda
12:23:25 23 in February -- end of February and March 2003?

12:23:33 24 [12:23 p.m.]

12:23:37 25 A. Because of allegations of massacres over a large area of

12:23:45 1 Ituri, notably the whole region of the Lakes and Mahagi.

12:23:53 2 Information was communicated to us, including to our office in

12:23:57 3 Kampala, of large movements from Busango, Ntoroko, south of

12:24:05 4 the lake and north of the lake in the region of Pahida and

12:24:10 5 Nebbi. The investigation mission had the general objective of

12:24:16 6 documenting violations which had taken place against Congolese

12:24:22 7 people, and which had led to thousands of people displacing to

12:24:25 8 the other side of the border.

12:24:28 9 Q. And then expanding on this question, Ms Peduto, what was

12:24:34 10 the purpose of the mission -- what did you want to achieve?

12:24:50 11 A. To document the violations on the massacres, the

12:24:55 12 killings, the disappearance of individuals, the recruitment of

12:24:59 13 children that had taken place in Congo and had led to the

12:25:02 14 population displacing.

12:25:03 15 Q. And in addition to you, who else went to Uganda

12:25:11 16 in February and March 2003?

12:25:20 17 A. Human rights officers and an officer of the political

12:25:26 18 affairs section, in addition to us of MONUC.

12:25:31 19 Q. And in Uganda, where did you go to?

12:25:41 20 A. We went to the region of Pahida and Nebbi first of all,

12:25:48 21 and then to Arua, which is opposite -- Arua on the Congolese

12:25:56 22 side, and we also moved down to the areas south of the lake

12:25:58 23 and to Kampala.

12:26:01 24 Q. And in your experience, from what you got to know prior

12:26:08 25 to the mission and from what you got to know during the

12:26:12 1 mission, what is the interlink, if any, between the situation
12:26:18 2 in Ituri at the time and the situation in Uganda bordering
12:26:24 3 Ituri?

12:26:33 4 A. The massacres which had taken place in the territory of
12:26:37 5 Ituri had led to large groups of people displacing -- not only
12:26:45 6 at that time, but for a very long time. The Office of the
12:26:53 7 High Commission for Refugees had a camp in the region of
12:26:55 8 Kampala already for a number of years. Substantial groups of
12:27:01 9 people -- Alur people, for instance -- had taken refuge on the
12:27:05 10 other side of the border in the Mahagi area. There were large
12:27:10 11 groups of Hema origin who had left Boga in the south to cross
12:27:16 12 the border, and here we had a specific wave, at the end of
12:27:25 13 2002, following various battles and massacres which had taken
12:27:31 14 place in -- on the Ituri side.

12:27:37 15 [12:27 p.m.]

12:27:42 16 Q. To follow up a bit on what you just said, Ms Peduto, why
12:27:51 17 did these people have to leave Ituri and seek refuge in
12:27:57 18 Uganda?

12:28:06 19 A. Out of fear of being massacred, I imagine. That answer
12:28:10 20 may seem short, but it's the most obvious. The people were
12:28:16 21 afraid; they were terrorised. Those who had the means to
12:28:20 22 leave, fled. We had people who fled to Beni after the attack
12:28:25 23 in Mambasa in 2002; people who had fled to Kisangani during
12:28:31 24 the preceding months, and another exit was to Uganda, out of
12:28:36 25 fear of being massacred.

12:28:37 1 Q. You were just saying, Ms Peduto, that people were
12:28:45 2 terrorised, and I'm quoting what you said. Did you get to
12:28:53 3 know who terrorised the people, or which groups terrorised the
12:28:58 4 people that made obviously a high number of individuals flee
12:29:02 5 to Uganda?

12:29:05 6 [12:29 p.m.]

12:29:14 7 A. It's not a matter of a specific group; that would be too
12:29:18 8 simple. In the south there was a large population of Hema who
12:29:21 9 had been displaced after attacks on the Ngiti community around
12:29:29 10 the Lake. Further north there were many people from Alur
12:29:36 11 communities and others who had been displaced from Mahagi to
12:29:43 12 Uganda for various reasons. It depended on where they had
12:29:47 13 lived -- whether they were closer to Kpandroma, and therefore
12:29:53 14 Lendu attacks; for those who were in Mahagi, there were
12:30:00 15 attacks in which the UPC had been involved.

12:30:00 16 [12:30 p.m.]

12:30:04 17 The civilian population in Ituri was targeted -- or, well,
12:30:14 18 rather -- maybe that's saying too much, but they found
12:30:20 19 themselves the objects of attacks -- members of various
12:30:26 20 communities, and therefore there were various movements of
12:30:28 21 people.

12:30:28 22 Q. That's well understood, Ms Peduto. In this context, do
12:30:38 23 you know the name of an individual -- or do you know whether
12:30:47 24 the individual named Adele Lotsove played a role in this
12:30:56 25 particular context.

12:31:05 1 A. Adele Lotsove was at that time Minister of the UPC. I
12:31:10 2 think she had been nominated in August. Previously she had
12:31:15 3 been made Governor. I was able, during my mission in Uganda,
12:31:22 4 to document an episode during which Mrs Lotsove was mentioned
12:31:29 5 in the Mahagi region. She had held a speech which
12:31:40 6 was -- which had impressed a lot of the local people. I
12:31:44 7 believe she held a speech in October 2002. She held a public
12:31:49 8 speech. There was a public speech by the UPC members and
12:31:54 9 during the speech public threats had been expressed -- threats
12:32:00 10 against anybody who would want to set up a different political
12:32:05 11 or armed group from the UPC. Death threats had been given to
12:32:13 12 certain people, including Alur community -- people of the
12:32:18 13 Alur community who had found refuge in the mission in Uganda,
12:32:23 14 and against military people who had also been sheltered in
12:32:30 15 Uganda.
12:32:30 16 [12:32 p.m.]
12:32:33 17 So these threats were for the time when they were in the side
12:32:38 18 of Ituri, and this public speech had really impressed a lot in
12:32:43 19 that part of Ituri. And I would like to add that Mrs Lotsove
12:32:49 20 wasn't alone at the time. She was accompanied by the person
12:32:55 21 who was in charge of the UPC in Ituri at the time,
12:33:01 22 Commander Jerome.
12:33:05 23 Q. You were mentioning Commander Jerome, was there anybody
12:33:11 24 else, in addition to Mrs Lotsove and Commander Jerome, who
12:33:15 25 made the same or similar threats publicly?

12:33:26 1 A. At that time, in that region? In the Alur community, no,
12:33:45 2 not for that specific issue. There were children who had
12:33:49 3 received threats if they protested against joining the UPC
12:33:56 4 ranks, but I don't think that was what your question was
12:33:59 5 about.

12:34:01 6 PRESIDING JUDGE JORDA (interpretation): Could you please ask
12:34:04 7 your question again, because I think the question is somewhat
12:34:07 8 confusing. The witness has difficulty understanding it, thank
12:34:11 9 you.

12:34:11 10 MR WITHOPF: Thank you very much, Mr President, and I
12:34:14 11 certainly will make an effort to simplify the question and the
12:34:17 12 question will be very straight.

12:34:23 13 [12:34 p.m.]

12:34:23 14 Q. Ms Peduto, did you get to know that a Commander Kitembo
12:34:27 15 made similar threats publicly?

12:34:33 16 ME FLAMME (interpretation): President --

12:34:33 17 PRESIDING JUDGE JORDA (interpretation): Yes, Mr Flamme?

12:34:46 18 ME FLAMME (interpretation): I have an objection. It's a
12:34:47 19 suggestive or leading question.

12:34:53 20 PRESIDING JUDGE JORDA (interpretation): I think that
12:34:56 21 Defence -- the difference between a leading question and a
12:34:58 22 direct question is that the witness needs a clear question.
12:35:02 23 So I would uphold the question so that the witness can answer
12:35:07 24 sufficiently -- with sufficient clarity, and during your
12:35:11 25 cross-examination you can rectify that position. Thank you.

12:35:14 1 Please continue.

12:35:20 2 MR WITHOPF: Thank you very much, Mr President, and I very
12:35:22 3 much agree with you that this was not a leading question. The
12:35:24 4 question -- the possible answer to the question allowed for a
12:35:27 5 "yes" or for "no". I repeat the question.

12:35:31 6 Q. Ms Peduto, did you get to know that a certain
12:35:34 7 Commander Kiseembo also made public threats along the lines
12:35:39 8 Ms Lotsove has done?

12:35:45 9 PRESIDING JUDGE JORDA (interpretation): Just for clarity
12:35:46 10 sake: if you do not wish to answer the question, do not
12:35:49 11 answer it. Do as you wish. And now I would like to turn to
12:35:55 12 the UN organisation representative. Don't you have any
12:35:58 13 objections? If not, please, it's up to you.

12:36:03 14 THE WITNESS: Sorry, I don't have a very good memory, and I'm
12:36:06 15 unable to confirm your question.

12:36:12 16 [12:36 p.m.]

12:36:12 17 MR WITHOPF: Q. Ms Peduto, let's move on to an area where
12:36:16 18 you are again very familiar with -- namely, the protection of
12:36:23 19 children.

12:36:26 20 Prior to the mission to Uganda in February and in March 2003,
12:36:34 21 what was the information you had at hand in respect of the
12:36:41 22 use -- the recruitment and the use of children by the armed
12:36:48 23 groups in Ituri.

12:37:04 24 A. As I mentioned previously, the information I had was the
12:37:07 25 information given to me by the MONUC members who had an

12:37:11 1 interest in the Ituri record -- file -- the military observers
12:37:18 2 working on the Ituri file in Kinshasa and Kampala in political
12:37:21 3 affairs, and the information that had been communicated to us
12:37:25 4 by national and international organisations working in the
12:37:30 5 area of child protection, and the observers -- the various
12:37:34 6 observers that worked in Ituri. And I also obtained
12:37:39 7 information during missions and when I was present in Butembo,
12:37:49 8 from the displaced populations and during my first
12:37:52 9 investigative mission that took place in January 2003 in the
12:37:56 10 Operation Effacer et le Tableau [in French] -- an operation or
12:38:02 11 mission that looked more specifically into the massacres that
12:38:07 12 took place around the Mambasa area.

12:38:10 13 [12:38 p.m.]

12:38:10 14 Q. Thank you, Ms Peduto. And based on this information,
12:38:17 15 what sort of enquiries did you make in Uganda in the context
12:38:23 16 of that mission.

12:38:35 17 A. The objective for the team members was to look into all
12:38:42 18 the human rights and children's rights violations, committed
12:38:49 19 on the territory of Ituri, and I paid particular attention to
12:38:52 20 the presence of children in armed groups and among victims
12:38:57 21 and, more specifically, concerning Uganda. We received
12:39:02 22 information from the different communities present, and from
12:39:06 23 the various groups that may have beared some responsibility in
12:39:12 24 the implementation of the massacres in Lendu groups or UPC in
12:39:16 25 other cases, and on the presence -- important presence of

12:39:21 1 child soldiers among the combatants.

12:39:21 2 [12:39 p.m.]

12:39:24 3 I was also put in touch with children who had escaped the

12:39:30 4 training camps that were under the command of UPC in Mont Awa

12:39:38 5 at the time, slightly north of Arua. So I had been in touch

12:39:44 6 with these children who had escaped the training camps and

12:39:47 7 that had first been recruited near the Ugandan border -- near

12:39:50 8 and around Mahagi.

12:39:52 9 Q. These children that had escaped the training camp in

12:40:06 10 Mont Awa, by which group have they been recruited -- what did

12:40:10 11 they tell you, the children?

12:40:17 12 A. The children had been recruited by members of the UPC and

12:40:20 13 had been trained in Mont Awa they had started their training

12:40:25 14 in Mont Awa in response responsibility of the UPC.

12:40:32 15 Q. Can you inform the Pre-Trial Chamber about the age of the

12:40:35 16 children you talked to during your mission in Uganda?

12:40:44 17 A. At least two of the children were less than 15 years old.

12:40:47 18 Q. And how did you get to know that they were less than

12:40:52 19 15 years old?

12:40:57 20 A. I had individual meetings with these children. I was

12:41:00 21 assisted by Swahili-speaking people and also by people who

12:41:06 22 spoke Alur.

12:41:06 23 [12:41 p.m.]

12:41:09 24 So the children gave us information on their date of birth.

12:41:13 25 These children had been to school and knew how old they were.

12:41:17 1 Q. And from what you are telling us, Ms Peduto, and from
12:41:23 2 what you are telling the Pre-Trial Chamber, these children
12:41:26 3 were trained, as you say, by the UPC in the training camp in
12:41:31 4 Mont Awa. What information did the children provide you in
12:41:38 5 respect of the training?

12:41:50 6 A. Well, I must emphasise that these children hadn't been
12:41:57 7 recruited voluntarily. They had been caught when they were
12:42:03 8 returning from school, or going to school or taken from
12:42:06 9 markets. So they hadn't been sent by their families, or
12:42:10 10 hadn't joined in a voluntary way, if you may. They had been
12:42:19 11 picked up in trucks and pick-ups, and they were in a rather
12:42:27 12 difficult situation, because they were threatened. They
12:42:31 13 described the threats, they described their maltreatment they
12:42:34 14 received and they also talked about songs they had to sing to
12:42:39 15 the glory of Papa Thomas or Papa Jerome, and they had to sing
12:42:48 16 these in Swahili, and they were Alur-speaking children, so
12:42:52 17 they didn't know what they were singing. They had difficulty
12:42:54 18 reproducing the songs and the children gave this as an example
12:42:57 19 of maltreatment, and didn't understand how they could be given
12:43:08 20 reproaches for something that was to them was quite clear and
12:43:11 21 why they were maltreated for those reasons. And they were
12:43:13 22 also -- they also received maltreatment when they didn't
12:43:16 23 respect an order or when they asked to leave the training
12:43:23 24 camp. They also described the fact that they had had access
12:43:26 25 to -- were given uniforms, and mentioned the discrimination

12:43:34 1 they were subjected to because they had been given plastic
12:43:37 2 boots instead of rangers, like officers -- as officers had.
12:43:37 3 [12:43 p.m.]
12:43:43 4 These are just anecdotes I have for you, but they show that
12:43:47 5 the children were in military context and they were asked to
12:43:54 6 use weapons. They were made to use weapons and these children
12:44:00 7 escaped after about 10 days. I can't, however, say for sure
12:44:07 8 for how long they were in the military compound.
12:44:09 9 Q. Thank you, Ms Peduto. I want to expand on what you just
12:44:16 10 said a bit. You said the children you were talking to, they
12:44:24 11 were caught when -- they were caught when returning from
12:44:29 12 school. Did the children tell you by whom they were caught
12:44:34 13 when returning from school -- by which group?
12:44:46 14 A. They spoke about members of the UPC and armed members of
12:44:50 15 the UPC and they also mentioned the fact that these people
12:44:53 16 were in military uniform, and they also described other people
12:45:02 17 enlisted, and said that they had all been forced to get into
12:45:06 18 the trucks and join the military group. They didn't join
12:45:12 19 following military speeches in which they had been asked to
12:45:17 20 join; it was more like a razzia, in that particular area, that
12:45:23 21 particular time.
12:45:29 22 Q. Thank you, Ms Peduto. The children told you, from what
12:45:30 23 you are informing us about, that there were other people --
12:45:37 24 that's what you said -- caught and picked up in the trucks.
12:45:44 25 These "other people", can you provide more information in

12:45:47 1 respect of the other people -- were they also children or were
12:45:50 2 they adults?

12:45:57 3 A. I can't remember all the precise details, but there were
12:46:03 4 children and adults, including women and young girls, and the
12:46:08 5 same goes for their training camps. The children emphasised
12:46:15 6 that little girls were trained along [sic] the children and
12:46:21 7 adults.

12:46:24 8 Q. How old were the children you talked to in Uganda?

12:46:33 9 A. Two less than 15 years old. I believe both were 14 -- 13
12:46:38 10 or 14 years old. Two were 16, I believe. One was 17 or maybe
12:46:45 11 two were 17. But two of them, anyway, were -- in any event,
12:46:49 12 were less than 15 and there was one of about 17; one of 18.

12:46:53 13 [12:46 p.m.]

12:46:53 14 Q. Just for clarification: the two that were younger than
12:46:59 15 15 years, were these the two who were caught by the UPC and
12:47:05 16 trained by the UPC, as you just detailed?

12:47:15 17 A. The children were recruited and sent to the Mont Awa
12:47:23 18 camp.

12:47:23 19 Q. Thank you, Ms Peduto, for this clarification. I may just
12:47:27 20 expand on one other aspect of your answer. You said that the
12:47:31 21 children were made to sing songs in a language, from what you
12:47:36 22 are telling us they did not really understand, but then what
12:47:39 23 they did understand, and that's based on what you are telling
12:47:43 24 us, was that they had to sing songs about Papa Thomas and Papa
12:47:54 25 Jerome. Who is Papa Thomas, based on what the children told

12:48:00 1 you?

12:48:05 2 A. Well, it was a common name given by the children when
12:48:10 3 they were speaking of Thomas Lubanga. As for Papa Jerome,
12:48:19 4 well, when they spoke about Papa Jerome, they were referring
12:48:23 5 to Commander Jerome.

12:48:24 6 Q. And Commander Jerome, do you know to which of the militia
12:48:28 7 groups did he belong to?

12:48:36 8 A. Commander Jerome changed alliances quite regularly, but
12:48:41 9 at that time he was a member of the UPC.

12:48:48 10 [12:48 p.m.]

12:48:48 11 Q. Thank you, Ms Peduto. You were talking about the
12:48:51 12 training camp in Mont Awa. From the information you gathered
12:48:57 13 during your Uganda mission, was there any other training camp
12:49:02 14 of the UPC that has been mentioned by the children you talked
12:49:06 15 to.

12:49:14 16 A. Concerning six children in Paidha, no, that was the --
12:49:18 17 the only training camp they referred to, at that time.

12:49:24 18 Q. Did the children, when they made reference to the
12:49:27 19 Mont Awa training camp, did they provide to you information
12:49:30 20 about other children of the same age having been trained in
12:49:36 21 the Mont Awa training camp?

12:49:46 22 A. Yes, actually I asked them the question. I remember I
12:49:52 23 asked them to give me more information about the training
12:49:59 24 camp, as such, and about the presence of children, of their
12:50:05 25 age or younger, about the presence of young girls among them,

12:50:08 1 and about what was done with the young girls. And the
12:50:13 2 children confirmed that there were a lot of children their age
12:50:17 3 and younger among the children there. And they gave me quite
12:50:25 4 a few details about young girls, younger than them, that had
12:50:30 5 to undergo the same military training, even if they had to
12:50:35 6 also carry out other domestic tasks, such as preparing meals.
12:50:41 7 And they also mentioned that they didn't sleep in the same
12:50:44 8 place as the young men.

12:50:46 9 Q. Thank you. Just to add clarification: when you informed
12:50:52 10 the Pre-Trial Chamber that the children were "younger" than
12:50:57 11 them, obviously the ones you talked to, what age -- of what
12:51:04 12 age were these children?

12:51:15 13 A. There were children under 18, but there were children as
12:51:20 14 young as, if I recall correctly, 10 or 11 years. I believe
12:51:24 15 one of the little girls they talked about was 11 years old.

12:51:27 16 Q. And this 11-years-old girl -- what did this 11-year-old
12:51:36 17 girl tell you?

12:51:43 18 A. I didn't meet her; the children talked to me about the
12:51:47 19 fact that there were other children and young girls, a lot
12:51:52 20 younger than them, within the training camp. But I only met
12:51:55 21 those -- the guy -- those boys at the time -- the six were all
12:51:59 22 boys.

12:51:59 23 Q. Thank you for the clarification, Ms Peduto. You were
12:52:04 24 talking to these children, as you told us, about the training
12:52:10 25 camp, and from your testimony today we know that in this

12:52:15 1 context of the Ugandan mission we are talking about the
12:52:21 2 Mont Awa training camp; what did the children -- what
12:52:23 3 information did they provide in respect of the conditions in
12:52:27 4 the training camp?

12:52:37 5 A. They talked about the living and working or training
12:52:42 6 conditions, which were very hard. They mentioned they had
12:52:45 7 very little to eat. They mentioned long trainings that
12:52:52 8 started early in the morning and ended late at night. They
12:52:55 9 talked about physical exercise and chores, and the fact that
12:53:02 10 they were very -- there were a lot of them and they spoke
12:53:08 11 about the fact that they didn't always understand the orders
12:53:10 12 given by their superiors, that a lot of the time were given in
12:53:15 13 Swahili. They mentioned that they didn't understand why they
12:53:17 14 were there. They mentioned that they had never been given any
12:53:23 15 explanations at any time about what was happening to them.
12:53:28 16 And that's why they decided to secretly leave the camp at
12:53:36 17 night-time and go to Uganda to seek protection, on foot --
12:53:46 18 they covered a lot of kilometres on foot. They weren't
12:53:48 19 convinced anyway by what had happened to them.

12:53:54 20 [12:53 p.m.]

12:53:54 21 Q. And did the children report to you about beatings, if
12:54:06 22 any, that may have been imposed on them in the training camps?

12:54:17 23 A. Yes, that's what I was referring to when I was giving you
12:54:20 24 the example of the song, that they weren't singing correctly,
12:54:23 25 and when they were beaten afterwards, and they thought that

12:54:26 1 was unfair. And they mentioned that any mistake they made
12:54:30 2 during the training, that they would be -- any mistake, they
12:54:33 3 would be beaten or hit.
12:54:34 4 Q. Beaten by whom?
12:54:40 5 A. By their superiors. I didn't hear any names of
12:54:46 6 commanders at that time.
12:54:47 7 Q. Whilst you have been on mission in Uganda, did you meet
12:55:00 8 any Alur children?
12:55:11 9 A. Well, I met those six; they were Alur. I didn't really
12:55:19 10 meet any others. Documenting the events was done through the
12:55:28 11 adults -- informers or victims that were all adults.
12:55:35 12 [12:55 p.m.]
12:55:35 13 Q. Ms Peduto, to your knowledge, and based on the
12:55:49 14 information you have gathered prior and during the mission to
12:55:54 15 Uganda, the recruitment -- and from what you are telling us, I
12:56:02 16 believe the word "recruitment campaigns" may be the right one,
12:56:06 17 but you may correct me, if you wish so -- the recruitment,
12:56:10 18 when did it start, based on the information you had received?
12:56:14 19 A. At that time, with further information we got during and
12:56:27 20 after the mission, the recruitment by the UPC had started well
12:56:36 21 before the time of that particular mission in Uganda. We were
12:56:44 22 given statements concerning recruitments in Bunia in July 2002
12:56:53 23 and calls to join that were in Boga -- from Boga, Marabo
12:57:06 24 during the whole of 2002 -- I believe the precise timeframe
12:57:11 25 was March or April 2002 that we were talking about. That was

12:57:18 1 the mobilisation of the Hema community by the UPC.

12:57:25 2 [12:57 p.m.]

12:57:45 3 Yes, that was brought to the attention of the MONUC and the

12:57:48 4 section of human rights of the -- the MONUC Human Rights

12:57:54 5 Section, and during my mission in September, the Political

12:57:59 6 Affairs Section of the MONUC also reported to us that some

12:58:10 7 professors of the ISP, University of Mudzi-Pela, had made

12:58:18 8 public statements, such as Professor Muli [as interpreted]

12:58:23 9 Pilo, and also Tinanzabo, UPC -- a UPC member and also certain

12:58:29 10 religious leaders. They mentioned responsables from

12:58:36 11 Mudzi-Pela, Boga, Nyakasanza. This attitude of the professors

12:58:45 12 and religious leaders was taken up by the NGOs, not

12:58:54 13 necessarily in public meetings, but we heard about it, and

12:58:57 14 they were denounced. And of course the Catholic community

12:59:04 15 elsewhere in the Congo also denounced them.

12:59:08 16 Q. In this context, Mr President, your Honours, I suggest

12:59:13 17 this would be my last question prior to the break, if you

12:59:17 18 agree. In this context, did the name Dhetchuvi come up?

12:59:28 19 A. Yes. That person is well-known. They had called the

12:59:35 20 Hema community to get mobilised in public speeches that were

12:59:41 21 held -- not right at the beginning of 2002, but, according to

12:59:46 22 the information I have, in the second term of 2002.

12:59:53 23 PRESIDING JUDGE JORDA (interpretation): Yes, it's your last,

12:59:55 24 or one before last question. So go ahead, please.

12:59:58 25 MR WITHOPF: Thank you, Mr President, I just want to clarify

13:00:00 1 the answer -- some aspect of the answer, and the aspect is:

13:00:06 2 Q. According to the information I have, where did you get

13:00:09 3 the information from -- and this is definitely my last

13:00:12 4 question.

13:00:18 5 A. I obtained it from different sources, but during my

13:00:22 6 mission in Uganda, I also received information from parents --

13:00:25 7 one father, for instance, talked to us about the public

13:00:30 8 speeches. But this has been documented elsewhere, and well

13:00:34 9 before that time -- the public discourse in Mudzi-Pela

13:00:42 10 Cathedral had been documented a number of times by different

13:00:45 11 organisations, and although I can't speak out about the truth

13:00:51 12 of the information because I don't speak Swahili, and I was

13:00:54 13 never present in the Cathedral of Mudzi-Pela, but I remember

13:00:59 14 there was talk about racial hatred that was mentioned by the

13:01:05 15 leaders of the Catholic church, and this was thereafter

13:01:09 16 confirmed by members of the Catholic community outside of

13:01:15 17 Ituri such as Catholic -- the Catholic church leaders from

13:01:25 18 Butembi or Mutambo [as interpreted], and MONUC representatives

13:01:31 19 and other informers that we were in touch with.

13:01:34 20 PRESIDING JUDGE JORDA (interpretation): We'd now like to

13:01:36 21 take a break and we will resume at 2.30. The Chamber insists

13:01:40 22 that Madame Peduto and Ms Catherine Marchi-Uhel should not be

13:01:47 23 approached by any of the parties here.

13:01:47 24 [1:01 p.m.]

13:01:50 25 We all know this, but I just wanted to recall it. So the

13:01:55 1 meeting is adjourned and we'll resume at 2.30.

13:01:59 2 [1:01 p.m.]

13:02:00 3 [Luncheon adjournment]

14:32:56 4 [2:32 p.m.]

14:32:58 5 THE USHER: All rise.

14:33:03 6 PRESIDING JUDGE JORDA (interpretation): The Court is in

14:33:12 7 session. Let Mr Lubanga Dyilo be brought into the courtroom.

14:33:20 8 Please be seated. We shall continue as soon as Mr Lubanga

14:33:31 9 Dyilo comes into the courtroom and sits down.

14:33:40 10 [Mr Thomas Lubanga Dyilo entered the courtroom]

14:33:40 11 [2:33 p.m.]

14:33:42 12 PRESIDING JUDGE JORDA (interpretation): For the attention of

14:33:43 13 the public that was not there this morning, we shall continue

14:33:46 14 with the examination of the witness. I shall ask the court

14:33:51 15 officer to bring in Ms Peduto and the observer that the

14:34:02 16 United Nations expected to accompany the witness, that is

14:34:07 17 Ms Peduto and Ms Catherine Marchi-Uhei who is the United

14:34:16 18 Nations observer. They should be brought into the courtroom

14:34:21 19 now.

14:35:38 20 I recall that we will sit until 4 o'clock. We shall have half

14:35:46 21 an hour's break and then we shall resume until 6 o'clock. Is

14:35:50 22 that correct?

14:35:50 23 [The witness and Ms Catherine Marchi-Uhei entered the

14:35:50 24 courtroom]

14:35:50 25 [2:36 p.m.]

14:36:16 1 Ms Peduto and Ms Catherine Marchi-Uhei you may be seated. Did
14:36:21 2 you rest?

14:36:22 3 THE WITNESS: Yes, thank you.

14:36:24 4 PRESIDING JUDGE JORDA (interpretation): All right. So now
14:36:25 5 we shall resume. Mr Withopf.
14:36:29 6 [2:36 p.m.]

14:36:33 7 MR WITHOPF: Q. Thank you, Mr President, and thank you,
14:36:39 8 your Honours. Ms Peduto, prior to the break we discussed your
14:36:44 9 mission to Uganda which was conducted in February
14:36:51 10 and March 2003. What I would like to discuss with you now is
14:36:54 11 another mission you made. Can you please inform the Pre-Trial
14:36:59 12 Chamber what followed or which mission followed the mission to
14:37:03 13 Uganda?

14:37:07 14 A. This is the mission that I made, still within the
14:37:10 15 framework of the special investigations of MONUC in regard to,
14:37:16 16 if I remember correctly, the various attacks and killings that
14:37:19 17 had taken place in various parts of Ituri; that is Bogoro,
14:37:26 18 Lipri, Kobu, Mandro and Bunia.
14:37:26 19 [2:37 p.m.]

14:37:34 20 Q. And do you recall when this mission took place?

14:37:41 21 A. At the end of March -- March 2003.
14:37:41 22 [2:37 p.m.]

14:37:50 23 Q. And for how long -- for how long have you been in Bunia
14:37:57 24 with the other participants of the mission?

14:38:02 25 A. I think the mission lasted about two weeks.

14:38:02 1 [2:38 p.m.]

14:38:07 2 Q. And who in addition to you, Ms Peduto, went to Bunia on
14:38:11 3 that mission?

14:38:13 4 A. We had the representative of the Human Rights Section,
14:38:16 5 the Civil Police Section, and Swahili-speaking assistants and
14:38:27 6 representatives and military observers, of MONUC that is.

14:38:27 7 [2:38 p.m.]

14:38:33 8 Q. Thank you, Ms Peduto. And just to put this mission into
14:38:39 9 context and in light of the fact that you mentioned a number
14:38:44 10 of locations in Ituri, namely, Lipri, Bambu, Kobu, Bogoro and
14:38:56 11 Mandro. For what do these names of locations stand for?

14:38:59 12 A. These are names of locations around Bunia.

14:38:59 13 [2:39 p.m.]

14:39:06 14 Q. And what was the special investigation team supposed to
14:39:11 15 investigate in relation to these locations?

14:39:19 16 A. On the abuses against the civilian population after the
14:39:23 17 various attacks that were carried out by the armed groups,
14:39:29 18 that is, the armed groups that attacked these places.

14:39:29 19 [2:39 p.m.]

14:39:35 20 Q. And what, Ms Peduto -- what has been your role, your
14:39:39 21 particular role, if any, in the context of this mission --
14:39:44 22 what has it been?

14:39:53 23 A. My role was that of a general investigator, with a
14:39:58 24 particular focus on children and their participation in
14:40:03 25 fighting, and as well as violations against the rights of

14:40:10 1 children.

14:40:10 2 [2:40 p.m.]

14:40:14 3 Q. And what was the aim you tried to achieve during the
14:40:19 4 mission?

14:40:27 5 A. The idea was to report on the various responsibilities of
14:40:32 6 armed groups in these various attacks on the violations
14:40:36 7 carried out, with the objective of preparing a report, a
14:40:41 8 documented report for the superiors of MONUC.

14:40:41 9 [2:40 p.m.]

14:40:49 10 Q. And how, Ms Peduto -- how did you try and how did you
14:40:56 11 discharge your respective duties in gathering information
14:41:01 12 along the lines you just mentioned?

14:41:10 13 A. We went to each of these locations, several days at a
14:41:18 14 time, consecutive days. We would inform the leaders of those
14:41:27 15 areas through radio messages. We also informed the people who
14:41:31 16 were present in Bunia to convey the information that these
14:41:39 17 special investigations missions were going to take place in
14:41:43 18 the field and the messages were passed on through broadcasts.
14:41:47 19 We were calling for the voluntary testimony of people who
14:41:51 20 wanted to meet the special investigation teams and we asked
14:41:55 21 people to come and meet us by making appointments with them
14:41:59 22 for specific places.

14:41:59 23 [2:42 p.m.]

14:42:02 24 Q. And within the area of your particular responsibility,
14:42:07 25 meaning gathering information on children, to what locations

14:42:13 1 did you go to?

14:42:21 2 A. I went to all the places concerned by the investigation,
14:42:28 3 apart from Bogoro. Perhaps I might give more detail -- more
14:42:35 4 general details pertaining to the investigations that we
14:42:39 5 carried out. I believe that in these various places we
14:42:46 6 interviewed or talked with more than 1,000 victims and we
14:42:53 7 interviewed more than 400 people during that span of time.
14:43:01 8 I also focused more on the question of children whose
14:43:12 9 histories or stories had been reported to us at the time,
14:43:18 10 especially children who had been allegedly gathered in the
14:43:29 11 Rwampara military camp -- that is the end of March.

14:43:29 12 [2:43 p.m.]

14:43:33 13 Q. Thank you, Ms Peduto. You were just mentioning children
14:43:41 14 gathered in the Rwampara military camp. Can you please, for
14:43:46 15 the benefit of the honourable Bench, detail how you gathered
14:43:54 16 information in the Rwampara camp, and then in the next step
14:43:59 17 describe what information you gathered?

14:44:08 18 A. At that time -- I don't know whether you can say
14:44:14 19 this -- but it was under the control of UPDF and the MONUC
14:44:19 20 investigations team had been in contact with General Kaleh who
14:44:24 21 was in charge of the troops deployed in Ituri. During the
14:44:30 22 first or second interview he told us about a group of children
14:44:35 23 belonging to the UPC who were in the Rwampara military camp
14:44:41 24 and whom he said was going to facilitate our meeting with --
14:44:48 25 that is, the meeting between the children and the

14:44:50 1 investigations team, with a view to providing answers so that
14:44:58 2 these children could return to normal civilian life.
14:44:58 3 [2:45 p.m.]
14:45:01 4 Q. And with the help of the military commander you were just
14:45:06 5 mentioning of the UPF, did you actually manage to get in front
14:45:12 6 of children in the Rwampara training camp?
14:45:21 7 A. Yes, that's right. The information that was given to the
14:45:25 8 investigations team was provided on 25 March, if I remember
14:45:29 9 correctly. General Kaleh went in my company to this military
14:45:37 10 camp and were able to have access to some 27 children, with
14:45:43 11 whom I very briefly identified by asking them their first
14:45:47 12 name, surname, age, place of origin, and belong -- membership
14:45:51 13 in military groups. We were accompanied by the No. 2, the
14:45:58 14 assistant of General Kaleh -- I don't remember his exact rank
14:46:02 15 but I think he was Commander Felix -- I don't -- Felix. I
14:46:08 16 don't know whether he was a colonel or some other rank. We
14:46:11 17 also spent Colonel Bahogo of the UPC, who facilitated a direct
14:46:18 18 contact with the children and who asked them to stand in line,
14:46:21 19 and of whom I was able to ask some information. This was a
14:46:27 20 fairly brief meeting -- this was the first meeting -- I can
14:46:31 21 add for the information here. After this first meeting, the
14:46:38 22 next day I talked with some of the protection agents and -- of
14:46:43 23 the United Nations organisations active in Bunia to determine
14:46:48 24 what answers that these organisations could provide for the
14:46:52 25 children in terms of demobilisation. Even MONUC with its

14:46:58 1 Child Protection Section was not really operational in that we
14:47:01 2 could not provide direct assistance in a programme, and our
14:47:04 3 role was to carry out facilitation and mobilise the provision
14:47:09 4 of alternatives by carrying out advocacy with other
14:47:16 5 organisations, if it was necessary. That is why I talked with
14:47:19 6 others about their operational capacity. It was decided that
14:47:25 7 the organisations, that we would see with General Kaleh how it
14:47:33 8 was possible to see whether these children could be handed
14:47:36 9 over officially to protection agencies for formal
14:47:39 10 demobilisation, in any case, the formal leaving of their
14:47:44 11 status as soldiers. This was done, if I remember correctly,
14:47:49 12 on 27 March.
14:47:51 13 [2:47 p.m.]
14:47:52 14 On that day we went to the Rwampara camp with partner
14:47:56 15 representatives of child protection NGOs present in Bunia and
14:48:02 16 we carried out a more detailed identification of 12 of the
14:48:06 17 children that we had met. Those who were no longer there when
14:48:12 18 they -- when we asked where the children were, and whether
14:48:16 19 they had been sent to other places, and in cases where we
14:48:20 20 received very general answers, that they had -- children --
14:48:27 21 children had gone to fetch wood or fetch water or some such
14:48:32 22 thing. It didn't make much sense to us. In any case, we were
14:48:35 23 able to meet and talk with these children individually, that
14:48:38 24 is, 12 of these children.
14:48:40 25 [2:48 p.m.]

14:48:40 1 Q. Thank you, Ms Peduto. We will come back to these talks
14:48:44 2 with the children in very detail. Prior to doing so, however,
14:48:49 3 can you please inform the Pre-Trial Chamber which of the
14:48:53 4 militia groups at the time -- meaning 26 and 27 March 2003 --
14:49:02 5 ran the Rwampara military training camp?

14:49:13 6 A. The camp was under the responsibility of a UPC commander.
14:49:17 7 I must also add that I did not know exactly the status of the
14:49:25 8 soldiers and the children who were in this camp at that time.
14:49:30 9 I do not know whether these soldiers were voluntarily gathered
14:49:37 10 there, whether they had the status of prisoners under the
14:49:41 11 UPDF, whether they had been forced to do so by their
14:49:44 12 hierarchy. This is something that I never found out.
14:49:46 13 However, the people under -- in that camp were under the
14:49:51 14 responsibility of the UPC.

14:49:51 15 [2:49 p.m.]

14:49:55 16 Q. You talked to 12 children. And can you please inform the
14:49:59 17 Pre-Trial Chamber as to whether the children, when you met
14:50:03 18 them in the Rwampara UPC military training camp, whether they
14:50:09 19 were uniformed and whether they carried weapons?

14:50:19 20 A. The children were not armed, but they had military
14:50:23 21 uniforms. They did not all have complete uniforms -- some had
14:50:27 22 trousers -- khaki trousers, camouflage uniforms, and others
14:50:33 23 had a pair of trousers and a T-shirt all in khaki but none of
14:50:39 24 them was carrying a weapon. That's right.

14:50:39 25 [2:50 p.m.]

14:50:43 1 Q. And, Ms Peduto, what sort of information did you try to
14:50:51 2 elicit from the children -- from the 12 children when you
14:50:55 3 talked to them?

14:51:04 4 A. We tried to get from them basic information -- names,
14:51:09 5 first names, ages, group -- military group they belonged to,
14:51:16 6 how long they had been in these armed groups, information on
14:51:23 7 the status of their parents, whether their parents were dead
14:51:25 8 or alive, where these children had come from so that, if
14:51:32 9 necessary, they could be reunited with their families. We
14:51:35 10 also collected information -- further detail about their lives
14:51:41 11 within the military groups, knowing that at that time it was
14:51:45 12 not a real priority, because the main aim at the time was to
14:51:48 13 collect basic information to find out whether they could be
14:51:51 14 reunited with their families or perhaps find alternative
14:51:55 15 solutions, like placing them in transit centres.

14:51:59 16 [2:51 p.m.]

14:51:59 17 There were also protective measures that could be put up, and
14:52:02 18 we tried to consider that as well for these children.

14:52:02 19 [2:52 p.m.]

14:52:07 20 Q. And when you say, Ms Peduto, "we talked to the children",
14:52:13 21 whom are you referring to; who is "we"?

14:52:18 22 A. That is me and the representatives of non-governmental
14:52:23 23 organisations that are specialised in child protection.

14:52:23 24 [2:52 p.m.]

14:52:28 25 Q. And did you, yourself, talk to the children?

14:52:36 1 A. Yes, some of them -- some of the interviews were carried
14:52:42 2 out by my colleagues, others by myself, with the assistance of
14:52:46 3 someone who spoke Swahili.

14:52:46 4 [2:52 p.m.]

14:52:51 5 Q. And the children you talked to, and the children your
14:52:54 6 colleagues talked to, how old were these children?

14:53:04 7 A. They were aged between 13 and 18.

14:53:04 8 [2:53 p.m.]

14:53:09 9 Q. And how did you figure out their age -- how did you get
14:53:13 10 to know?

14:53:18 11 A. Some of the children knew their dates of birth, others
14:53:22 12 knew their age. There was no particular problem with them
14:53:29 13 identifying their ages so that we could know when they were
14:53:33 14 born.

14:53:33 15 [2:53 p.m.]

14:53:38 16 Q. As you said, they were between 13 and 18 years old. Do
14:53:46 17 you recall, and even if it's a rough estimate only at this
14:53:48 18 stage, how many of them were below 15 years?

14:53:59 19 A. Knowing that this is really an estimate, about half of
14:54:03 20 them were less than 15 years of age -- yes, thereabouts.

14:54:03 21 [2:54 p.m.]

14:54:08 22 Q. And the children you talked to and half of them below
14:54:15 23 15 years, the children you talked to, were they boys and
14:54:19 24 girls, or only boys?

14:54:26 25 A. They were all boys.

14:54:26 1 [2:54 p.m.]

14:54:31 2 Q. And what did the children tell you about their living
14:54:37 3 conditions in the camp?

14:54:44 4 A. The children had some difficulty understanding what we
14:54:48 5 were doing there. When I came to the camp on my first visit
14:54:55 6 I explained to them very briefly what MONUC did, what child
14:55:01 7 protection was in particular, trying to explain to them about
14:55:08 8 the fact that under international standards they could not be
14:55:11 9 in a military group. We also explained to them that we would
14:55:15 10 try to facilitate their exit from these military groups by
14:55:20 11 finding appropriate solutions. The children were fairly
14:55:23 12 reticent as to -- giving the reasons why they had joined these
14:55:28 13 groups. That is why it was difficult to determine whether
14:55:31 14 they had been gathered by force from other camps, whether they
14:55:36 15 had been there for a long time, and we did not try to force
14:55:39 16 them to provide us with answers.

14:55:42 17 [2:55 p.m.]

14:55:42 18 But most of the children were with the military group -- that
14:55:47 19 is the UPC -- for some months, some only for a few weeks, a
14:55:55 20 very small minority, but they had all received basic military
14:56:05 21 training.

14:56:05 22 [2:56 p.m.]

14:56:07 23 Q. And what does "basic military training" in this context
14:56:11 24 mean? What did the children tell you about?

14:56:19 25 A. As I said, this was a fairly brief meeting, so not much

14:56:24 1 information was gathered, but the children did, however,
14:56:27 2 mention -- talked about parades, physical exercises,
14:56:33 3 introduction to battle or fighting -- the normal tasks of camp
14:56:40 4 management, taking part in camp management duties. They
14:56:44 5 didn't actually go into detail in regard to their
14:56:48 6 participation in fighting, for example.

14:56:48 7 [2:56 p.m.]

14:56:53 8 Q. Even if they did not go into detail in respect to their
14:56:57 9 participation in fighting, did they inform you about the fact
14:57:02 10 that they went into battles?

14:57:10 11 A. Some, yes -- some, yes, in the Bogoro battle that had
14:57:17 12 taken place a few weeks previously -- yes, some mentioned it.

14:57:17 13 [2:57 p.m.]

14:57:21 14 Q. And amongst the somes -- the some who mentioned it, were
14:57:24 15 there also children under the age of 15 years?

14:57:31 16 A. I believe so, yes.

14:57:42 17 Q. Ms Peduto, when you talked to these children, did the
14:57:45 18 children provide you with information in respect to the
14:57:55 19 commanders or commander of the Rwampara camp?

14:58:04 20 A. No, they did not give us information on the Rwampara camp
14:58:08 21 commanders. They told us about the commanders under whom they
14:58:12 22 had served. The commander of the Rwampara camp was Commander
14:58:21 23 Barongo.

14:58:21 24 [2:58 p.m.]

14:58:21 25 Q. You are informing the Pre-Trial Chamber, Ms Peduto, that

14:58:25 1 they told you about the commanders under whom they had served.

14:58:33 2 Do you possibly recall the one or the other name of such

14:58:43 3 commanders?

14:58:44 4 A. I heard about so many commanders and so many lists that

14:58:48 5 I'm afraid I might get mixed up -- mixed up. I think they

14:58:52 6 mentioned Tchaligonza in Rwampara. Some must have mentioned

14:59:05 7 Chief Kahwa. I no longer remember. I think I gave that in my

14:59:17 8 statement. I'm afraid I might get confused.

14:59:17 9 [2:59 p.m.]

14:59:22 10 Q. Ms Peduto, we come back to this question at a later point

14:59:26 11 today. Let's move on. You visited Rwampara obviously and you

14:59:32 12 have informed the Pre-Trial Chamber about. Was there any

14:59:35 13 other camp you have visited during that mission?

14:59:47 14 A. We also went in particular to Mandro where, according to

14:59:52 15 General Kaleh's information, other children should have been

14:59:57 16 gathered. When we went to Mandro, the military camp had been

15:00:03 17 visibly destroyed and burned, so we did not find any children

15:00:06 18 in this military camp. However, we spoke to other children

15:00:10 19 who had been in that military camp.

15:00:10 20 [3:00 p.m.]

15:00:13 21 Q. And where did you speak to these other children who had

15:00:16 22 been in the Mandro military camp?

15:00:26 23 A. In the village of Mandro itself.

15:00:26 24 [3:00 p.m.]

15:00:30 25 Q. How far is the village of Mandro away from the Mandro

15:00:35 1 military camp, roughly?

15:00:43 2 A. Two or three kilometres, I think.

15:00:43 3 [3:00 p.m.]

15:00:45 4 Q. Thank you. And did you get to know who ran the Mandro

15:00:49 5 military training camp prior -- prior to it having been

15:00:55 6 destroyed?

15:01:00 7 A. Mandro camp was under Chief Kahwa for a long time. I was

15:01:09 8 aware that a number of -- a large number of commanders had

15:01:12 9 succeeded one another there at that military camp. I don't

15:01:18 10 know if any one of them were in control for a longer period of

15:01:24 11 time, but many succeeded one another and supervised training

15:01:28 12 at that camp over many months. I don't know if Chief Kahwa

15:01:32 13 was the immediate superior there at that time, but he did have

15:01:38 14 authority in the area.

15:01:38 15 [3:01 p.m.]

15:01:43 16 Q. And Chief Kahwa at the time, to which of the armed groups

15:01:48 17 in the region -- to which group did he belong to?

15:01:55 18 A. He was a member of the PUSIC at that time.

15:01:55 19 [3:02 p.m.]

15:02:05 20 Q. We come back to this issue later on, Ms Peduto. How many

15:02:14 21 children from the Mandro camp did you interview?

15:02:32 22 A. We went to Mandro with other colleagues from protection

15:02:38 23 NGOs. I can no longer remember how many -- more than a dozen,

15:02:48 24 probably more than 20 -- a score or so.

15:02:48 25 [3:02 p.m.]

15:02:53 1 Q. And can we work on the basis that it was -- they are the
15:02:58 2 same persons who interviewed the children in Mandro as the
15:03:01 3 ones who interviewed the children in Rwampara, or was there
15:03:04 4 difference?

15:03:13 5 A. Some of the people were the same. Other colleagues were
15:03:19 6 different ones who had joined the team.

15:03:19 7 [3:03 p.m.]

15:03:24 8 Q. And what was the background of the new members of the
15:03:28 9 team?

15:03:35 10 A. They were colleagues from child protection -- not from
15:03:39 11 MONUC, but who worked with non-governmental organisations.

15:03:39 12 [3:03 p.m.]

15:03:47 13 Q. And would it be fair to say, Ms Peduto, that the aim of
15:03:50 14 interviewing the children from the Mandro camp was the same or
15:03:56 15 at least a very similar one as the aim of having interviewed
15:04:00 16 the children in Rwampara?

15:04:08 17 A. Yes, absolutely. The idea was to learn more of the
15:04:11 18 situation in which the children found themselves, what their
15:04:15 19 origins were, their geographic origins, and whether they could
15:04:21 20 be received anew by their original family or whether they
15:04:26 21 would need to be repatriated to other areas of Ituri.

15:04:26 22 [3:04 p.m.]

15:04:35 23 Q. And did you ask the children by which of the armed groups
15:04:38 24 they had been recruited?

15:04:46 25 A. That must have been one of the questions -- that would

15:04:49 1 have been one of the questions which we would have gone
15:04:50 2 through during our interviews with the children. Some of them
15:04:56 3 had been recruited or had become associated with the armed
15:05:00 4 groups when the RCD/ML was in control of that zone; others
15:05:10 5 followed on with the UPC. Some had been associated for a
15:05:13 6 number of weeks or months, others for longer periods of time.

15:05:13 7 [3:05 p.m.]

15:05:17 8 Q. And did the children recruited by the UPC -- did these
15:05:22 9 children provide any details on the way they have been
15:05:25 10 recruited?

15:05:33 11 A. Undoubtedly, also, but I do not remember exactly what the
15:05:38 12 children told me on that day.

15:05:38 13 [3:05 p.m.]

15:05:44 14 Q. We will come back to this later on, Ms Peduto. Did the
15:05:50 15 children provide any information in respect of their living
15:05:56 16 conditions in the military training camp?

15:06:09 17 A. Pretty systematically the children would recount
15:06:15 18 difficult training conditions and living conditions -- in
15:06:21 19 general the living conditions were rather poor, that is to
15:06:26 20 say, the children complained of the quality of the food which
15:06:29 21 they received, their shelter, some reported that they had to
15:06:35 22 sleep in holes or trenches, and that the training periods were
15:06:45 23 very long -- in the course of the day the children would often
15:06:50 24 rise before dawn. Some reported having been sent to
15:06:54 25 neighbouring villages to find food, and to obtain what they

15:07:00 1 needed to eat from the local population; mistreatment in the
15:07:07 2 event of non-compliance with the orders given, that was pretty
15:07:14 3 common.

15:07:14 4 [3:07 p.m.]

15:07:15 5 Q. What sort of mistreatment are you referring to,
15:07:18 6 Ms Peduto?

15:07:25 7 A. Beatings and threats.

15:07:25 8 [3:07 p.m.]

15:07:28 9 Q. What sort of threats are you referring to?

15:07:36 10 A. The children were threatened with reprisals if they
15:07:43 11 attempted to flee. Generally -- well, it was something which
15:07:53 12 was -- which was -- which was rather specific -- systematic,
15:07:58 13 not just in the case of Mandro, but other children who I met
15:08:01 14 subsequently all reported their fear of leaving the military
15:08:05 15 group, owing to a fear of reprisals against themselves or
15:08:10 16 their families. These threats were sometimes carried through
15:08:18 17 on. Certain instances have been documented.

15:08:18 18 [3:08 p.m.]

15:08:24 19 Q. And what are you talking about when you say "reprisals"?
15:08:31 20 What does it mean? What does a "reprisal" mean in practical
15:08:38 21 terms?

15:08:40 22 A. The children were threatened with death, with being
15:08:43 23 executed. Families who resisted the recruitment of children
15:08:50 24 were also threatened. Parents -- if I may, I could go back
15:09:04 25 and speak on a way of treatment in Mahagi-port. There was a

15:09:13 1 case of a mother who was raped by representatives of the UPC,
15:09:17 2 because she tried to hold back her son, for having tried to
15:09:22 3 resist his abduction by an armed group. Another example is a
15:09:34 4 young girl of 14 years of age -- two young girls had been
15:09:43 5 recruited from the same village by the UPC. The younger of
15:09:47 6 the two, a 14-year-old, managed to flee. She was caught anew,
15:09:55 7 found in her village by one of the commanders by the UPC who
15:10:01 8 executed her and that message was relayed to the children who
15:10:05 9 had remained in the camp. So as to say that this was the fate
15:10:09 10 that they would have if they attempted to flee. She was
15:10:13 11 executed by gunfire. It was a 14-year-old child.

15:10:13 12 [3:10 p.m.]

15:10:21 13 Q. And this 14-year-old child, the girl, was executed by a
15:10:30 14 commander of the UPC. Do you recall, Ms Peduto, as to when
15:10:38 15 this happened? I'm not expecting a concrete date, but,
15:10:44 16 roughly, was it in 2002, 2003?

15:10:53 17 A. 2002 -- 2002, I think.

15:10:53 18 [3:10 p.m.]

15:10:57 19 Q. And if I may ask you, do you have a recollection whether
15:11:02 20 this was more towards the end of 2002, or more in the first
15:11:07 21 half of 2002?

15:11:15 22 A. I think that it was in the -- at the end of 2002.

15:11:15 23 [3:11 p.m.]

15:11:27 24 Q. The children from Mandro, did they, Ms Peduto -- did they
15:11:35 25 inform you about them having participated in military

15:11:39 1 operations?

15:11:44 2 A. Yes.

15:11:44 3 [3:11 p.m.]

15:11:48 4 Q. And what detail, if any, did the children provide you
15:11:51 5 with of their use in military operations?

15:12:02 6 A. Some of the children recounted that they had -- they had
15:12:09 7 participated directly in fighting; that is to say, that they
15:12:13 8 were part of the regular troops of the armed group, that they
15:12:16 9 were armed and that they were involved, either defence or
15:12:21 10 attack -- defensive operations, and they participated in the
15:12:26 11 same way as the adults. Some of the children also worked as
15:12:29 12 bodyguards of commanders during those battles -- the children.
15:12:29 13 [3:12 p.m.]

15:12:38 14 Q. And amongst these children who were sent to fight and
15:12:43 15 amongst the children who worked as bodyguards, to your
15:12:48 16 knowledge and from what the children told you, were there all
15:12:51 17 - were there also children from the UPC?

15:13:03 18 A. Yes, yes, of course.

15:13:03 19 [3:13 p.m.]

15:13:06 20 Q. And what was the age of these children -- the age of the
15:13:09 21 children coming from Mandro you interviewed during that
15:13:14 22 mission?

15:13:23 23 A. At that time in Mandro I don't remember -- well, what
15:13:28 24 I remember is that we did not see very small children. When
15:13:32 25 I say "very small children" I mean those 9, 10, 11 years old.

15:13:38 1 These children were more around 14, 15, 16, 17 years old.

15:13:44 2 I think that the people who had resemble -- who had grouped

15:13:51 3 together these children to meet us had avoided including the

15:13:54 4 youngest children.

15:13:54 5 [3:13 p.m.]

15:14:01 6 Q. You were mentioning, Ms Peduto, the children were used as

15:14:05 7 bodyguards. Based on the information you have collected at

15:14:11 8 the time, was this use as bodyguards an exception or was this

15:14:22 9 a common occurrence?

15:14:29 10 A. No, it was a systematic practice I would say. Most of

15:14:32 11 the commanders of the UPC had children as bodyguards, I think,

15:14:45 12 rather than adults. Many children, and many of the cases

15:14:49 13 documented by the Section, report having been a bodyguard at

15:14:53 14 one time or another -- not all, but a very large number, and

15:14:58 15 the large majority -- and in any case the higher commanders in

15:15:05 16 the UPC certainly had child bodyguards, boys and girls.

15:15:05 17 [3:15 p.m.]

15:15:14 18 Q. And the age of these boys and girls, to your knowledge?

15:15:20 19 A. Oh, they could be -- they could be young -- very young --

15:15:29 20 13, 14, 15 years of age through to 18 -- 17, 18 years, but

15:15:34 21 there were also young ones.

15:15:34 22 [3:15 p.m.]

15:15:37 23 Q. And how did you get to know that the UPC commanders and

15:15:44 24 to quote you in particular the "senior ones" -- how did you

15:15:48 25 get to know that these senior UPC commanders were using

15:15:54 1 children, including very young children, as bodyguards?

15:16:04 2 A. How I knew that they were using them? Well, by observing
15:16:12 3 directly the various residences used by the UPC or the various
15:16:18 4 offices which were in Bunia. The offices or the other
15:16:28 5 questioning rooms used by the UPC, also during visits in the
15:16:34 6 camps, visits which have been largely documented by our
15:16:39 7 military observers and also on the basis of the large number
15:16:42 8 of testimony or large amount of testimony gathered from the
15:16:46 9 children themselves.

15:16:46 10 [3:16 p.m.]

15:16:51 11 Q. "Used as bodyguards", Ms Peduto, you may please help me
15:16:57 12 and you may please assist me in trying to understand what this
15:17:02 13 meant in practical terms at the relevant time for the children
15:17:07 14 concerned.

15:17:16 15 A. There were children who did not leaving the commanders,
15:17:19 16 who took part in protecting their residences, who accompanied
15:17:23 17 the commanders when they travelled or moved about. One would
15:17:26 18 see them in the back of pickup trucks, armed with
15:17:32 19 Kalashnikovs, automatic rifles. Sometimes there were
15:17:41 20 bazookas. There were children that one saw regularly
15:17:47 21 travelling with higher members of the UPC when they moved
15:17:49 22 about.

15:17:49 23 [3:17 p.m.]

15:17:52 24 Q. Does "one saw" include, in relation to your, "I,
15:18:02 25 Ms Peduto, saw"?

15:18:05 1 A. Oh, yes, of course.

15:18:05 2 [3:18 p.m.]

15:18:12 3 Q. The children from Mandro, did these children provide you
15:18:18 4 any information in respect to the commanders who trained them
15:18:24 5 and who used them for military operations?

15:18:33 6 A. Yes -- yes, indeed. That information was incorporated in
15:18:40 7 the database which I maintained on all of the cases which
15:18:46 8 I could document in Ituri during the period that I served in
15:18:49 9 that area. A list of those commanders also figures in a
15:18:56 10 public report which was produced by MONUC on events in Ituri
15:19:01 11 -- the Report on Human Rights and Protection of Children.

15:19:01 12 [3:19 p.m.]

15:19:11 13 Q. Ms Peduto, you were just mentioning reports. Did you
15:19:19 14 yourself write such reports?

15:19:31 15 A. Yes -- yes. As is customary in international
15:19:41 16 organisations, we write a huge number of reports --
15:19:45 17 investigation reports referred to individual cases which were
15:19:48 18 documented. In addition, there were, consolidated reports for
15:19:54 19 internal and external use -- internal to MONUC, and external.
15:19:59 20 And the report to which I just referred became a public
15:20:02 21 report.

15:20:06 22 MR WITHOPF: Mr President, your Honours, this is the point in
15:20:09 23 time I wish to show the witness Ms Peduto a report and can the
15:20:16 24 court officer please, to the benefit of the witness, and to
15:20:20 25 the benefit of the other participants of the proceedings,

15:20:25 1 publish the document <#DRC-OTP-0152-0274#>. And could the
15:21:02 2 court officer please assign an evidence number to the report.
15:21:05 3 COURT OFFICER (interpretation): A code has already been
15:21:10 4 attributed to this report, that being <#EVD-OTP-000114#>.
15:21:18 5 MR WITHOPF: Thank you very much. Your Honour, in this
15:21:30 6 context -- and this is a suggestion only -- it may be easier
15:21:35 7 for the witness, Mr President, if I -- in addition to the
15:21:41 8 report being displayed on the screen, if I could hand out a
15:21:46 9 paper copy of the report to the witness. I believe it would
15:21:50 10 make things easier, and I am, of course, very happy to provide
15:21:55 11 all participants to the proceedings with the same paper copy.
15:22:06 12 PRESIDING JUDGE JORDA (interpretation): I think that nobody
15:22:09 13 would be inconvenienced, so I suggest you do supply the paper
15:22:12 14 copy.
15:22:49 15 [Document handed to the Court]
15:22:52 16 MR WITHOPF: Thank you very much, Mr President, your Honours.
15:22:55 17 I believe this will make it significantly easier to lead the
15:22:58 18 witness through that document.
15:23:03 19 Q. Can I please ask first the witness to please confirm
15:23:08 20 whether she has in front of her a document which has what is
15:23:13 21 called an ERN number and, Ms Peduto, you find the number at
15:23:16 22 the very bottom at the right-hand side, which has the ERN
15:23:21 23 <#DRC-OTP-0152-0274#>, and that the following pages have
15:23:31 24 subsequent following ERN numbers up until
15:23:40 25 <#DRC-OTP-0152-0285#>.

15:23:51 1 A. I can confirm that.

15:23:51 2 [3:23 p.m.]

15:23:53 3 Q. Thank you very much, Ms Peduto. Could you please have a

15:24:00 4 close look -- a close look at this document and please take

15:24:05 5 your time, Ms Peduto. The document is comprised obviously of

15:24:11 6 a number of pages. And the redactions, for your information,

15:24:17 7 Ms Peduto, have been made by the UN. Take your time,

15:24:31 8 Ms Peduto, please.

15:24:43 9 ME FLAMME (interpretation): Mr President, I would like to

15:24:45 10 know whether this is a document on which the witness worked.

15:24:52 11 PRESIDING JUDGE JORDA (interpretation): If I've understood

15:24:53 12 rightly, this is a report which -- Ms Peduto, have you heard

15:24:58 13 the question? What do you mean by "work on", Mr Flamme?

15:25:04 14 ME FLAMME (interpretation): Contribute.

15:25:07 15 THE WITNESS: I typed the notes.

15:25:08 16 PRESIDING JUDGE JORDA (interpretation): She typed the notes.

15:25:10 17 ME FLAMME (interpretation): The Prosecutor is trying to

15:25:12 18 refresh the witness's memory, whereas the testimony given by

15:25:17 19 the witness was given only a few months ago. There's no need

15:25:21 20 therefore to refresh her memory.

15:25:23 21 PRESIDING JUDGE JORDA (interpretation): That's your opinion;

15:25:24 22 it's not mine. I think that it is quite normal for the

15:25:28 23 Prosecutor to present her with the document which is dated

15:25:31 24 2003. If you think that it is not necessary to refresh

15:25:35 25 somebody's memory on a document of 2003 -- well, I think that

15:25:40 1 the Prosecutor should be allowed to present the document to
15:25:42 2 the witness and that she be allowed to respond.
15:25:46 3 ME FLAMME (interpretation): For the testimony to be
15:25:49 4 credible, the witness should speak from memory.
15:25:51 5 PRESIDING JUDGE JORDA (interpretation): Well, I'm afraid
15:25:53 6 I do not agree with you. When you cross-examine the witness
15:25:56 7 you will have the opportunity to question the witness in turn.
15:26:00 8 That is why there is a cross-examination. On Monday or
15:26:11 9 Tuesday you will have the opportunity to perhaps challenge the
15:26:16 10 fact that the witness's memory has been refreshed. Perhaps
15:26:21 11 you will have the need to refresh her memory, but for the time
15:26:24 12 being I would suggest that we allow the witness to express or
15:26:28 13 to comment on her own document.
15:26:31 14 MR WITHOPF: Thank you very much, Mr President, your Honours.
15:26:31 15 [3:26 p.m.]
15:26:48 16 Q. Ms Peduto, whilst you have the opportunity, or whilst you
15:26:56 17 had the opportunity to have a first look at this document, can
15:27:05 18 you please inform the Pre-Trial Chamber -- the judges of the
15:27:09 19 Pre-Trial Chamber whether you know who the author of this
15:27:12 20 document is?
15:27:20 21 A. I wrote this document based on notes which I took at
15:27:24 22 interviews carried out of children from Rwampara. I conducted
15:27:32 23 those interviews with other members of protection. I think
15:27:37 24 that included in this report there are also accounts of
15:27:42 25 interviews of child -- of children made in Bunia in the

15:27:48 1 following days.

15:27:48 2 [3:27 p.m.]

15:27:49 3 Q. And do I understand you correctly, Ms Peduto, that this
15:27:52 4 is a report drafted by you that reports about the results of
15:28:03 5 your and your colleagues' visits to the Rwampara and to the
15:28:07 6 Mandro camps in 2002 -- in March 2002 -- 2003, sorry.

15:28:18 7 A. These notes were annexed to a report which was much more
15:28:28 8 general. They were individual stories which I forwarded
15:28:35 9 regularly to my superiors in Kinshasa.

15:28:35 10 [3:28 p.m.]

15:28:42 11 Q. What was the purpose -- and I believe you have already
15:28:46 12 partially answered the question -- what was the purpose of
15:28:50 13 that report, which is called "Histoires Individuelles" ?

15:29:07 14 A. We had begun keeping the notes of interviews carried out
15:29:11 15 with children associated with various armed groups already in
15:29:18 16 Butembo and Beni areas with -- in order to document the
15:29:25 17 experiences of these children associated with armed groups
15:29:28 18 and, in addition, to enable us to prepare better the responses
15:29:37 19 which we could give to these children if we succeeded in
15:29:41 20 having them leave these armed groups. Based on these
15:29:47 21 experiences we felt that we would be better armed to respond,
15:29:50 22 and also by taking notes we could have a memory record of the
15:29:56 23 questions which we had put and not have to put the same
15:29:59 24 questions several times over, and to have a basis on which to
15:30:02 25 work with them on an individual basis in the future.

15:30:02 1 Q. Thank you --

15:30:08 2 A. Excuse me. Also, in my specific role at MONUC the
15:30:14 3 objective was to document and to archive information on the
15:30:21 4 recruitment and utilisation of children by various armed
15:30:25 5 groups, so the idea was to document what was happening as well
15:30:31 6 as to prepare the response which one might have to these
15:30:34 7 children.

15:30:34 8 [3:30 p.m.]

15:30:35 9 Q. Thank you, Ms Peduto. And if you could have a look at
15:30:38 10 page 1 at the very top, and the court officer may display
15:30:43 11 page one at the very top to the benefit of the participants.
15:30:50 12 In line 5 one can read the words "Child Protection Adviser,
15:30:59 13 MONUC". Can you please tell the Court who the "child
15:31:04 14 protection adviser MONUC" referred to in this document is?

15:31:18 15 A. It was me, myself. The part that is blacked out was my
15:31:23 16 name at the top.

15:31:23 17 [3:31 p.m.]

15:31:28 18 Q. Thank you very much, Ms Peduto. From what you told the
15:31:35 19 honourable judges of the Chamber, Ms Peduto, would it be fair
15:31:42 20 to say, and would the conclusion be fair that what is written
15:31:47 21 in this report reflects the result of the interviews you had
15:31:53 22 with the children in Rwampara and in Mandro?

15:32:04 23 A. The meetings I held in Mandro with my colleagues are not
15:32:09 24 spoken about in the document. Here, it is just about the
15:32:13 25 meetings in Rwampara and the town of Bunia.

15:32:13 1 [3:32 p.m.]

15:32:24 2 Q. If you could have a look at page 1, there's reference

15:32:30 3 made -- and I quote under 1 [in French -- not interpreted] and

15:32:52 4 five lines further down it says [in French -- not

15:32:58 5 interpreted]. At the same page under 3 mentioning is made of

15:33:08 6 [in French -- interpreted] -- "a young man 14 years of age",

15:33:12 7 and three lines further down it is written [in French --

15:33:17 8 interpreted]: "He voluntarily joined the UPC in August 2002."

15:33:27 9 [3:33 p.m.]

15:33:27 10 If you turn the page, please, at the very bottom of page 2, a

15:33:36 11 child is mentioned [in French -- interpreted]: "11 years old

15:33:50 12 and from Shari" and the next page, lines 2 and 3, and if you'd

15:33:58 13 please follow, Ms Peduto, read as follows [in French --

15:33:59 14 interpreted]: "Joined the UPC in January 2003 was not given

15:34:08 15 real training and didn't -- didn't fight."

15:34:19 16 [3:34 p.m.]

15:34:19 17 At page 4, under 16, mentioning is made in respect of [in

15:34:31 18 French -- interpreted]: "A young man aged 14." It is

15:34:40 19 mentioned [in French -- interpreted]: "A young man aged 14

15:34:48 20 who was recruited in Mungwalu by force, and this by the UPC in

15:34:52 21 February 2003".

15:35:01 22 [3:35 p.m.]

15:35:02 23 After having had the chance to read this report, Ms Peduto,

15:35:08 24 can you please confirm that what's written here reflects the

15:35:12 25 result of the interviews?

15:35:22 1 A. I can confirm that the information was collected during
15:35:26 2 the meetings we had with the children. I'd like to add,
15:35:30 3 furthermore, that the information that was provided to us by
15:35:33 4 the children concerning their age was given to us first -- at
15:35:40 5 my first visit with General Kaleh, and -- commander of the UPC
15:35:45 6 on the site so -- that was -- we obtained the information on
15:35:50 7 their age twice during our visits.

15:35:50 8 [3:35 p.m.]

15:35:59 9 Q. Thank you, Ms Peduto. If you turn, please, to page 5,
15:36:08 10 and if the court officer could please display in addition the
15:36:12 11 top half of page 5, and I quote what's written there [in
15:36:25 12 French -- interpreted]: "On the road towards the market of
15:36:34 13 Mungwalu where he was visiting his family, was taken in a
15:36:41 14 vehicle in which was also seated Thomas Lubanga with six other
15:36:48 15 soldiers." And then it continues as follows [in French --
15:36:55 16 interpreted]: "was with his older brother, who fled. Other
15:37:02 17 children were caught -- three of them older and the others
15:37:10 18 were younger." The next portion is redacted. [In French --
15:37:16 19 interpreted]: "four from Mungwalu, the others from Bunia.
15:37:21 20 Thomas Lubanga -- that they would go -- that they would go to
15:37:28 21 Beni, and would become rich."

15:37:28 22 [3:37 p.m.]

15:37:38 23 Q. Ms Peduto, can you please confirm that what I just read
15:37:40 24 out forms part of the report?

15:37:51 25 A. Yes, I confirm, and I also confirm that I was the person

15:37:57 1 that held the meeting with the child.

15:37:57 2 [3:38 p.m.]

15:38:05 3 Q. And do you know, Ms Peduto, where this happened -- where

15:38:18 4 the meeting, where the interview -- where the meeting took

15:38:21 5 place and where the interview was taken?

15:38:29 6 A. This meeting was held in the premises of a protection

15:38:34 7 organisation that works in Bunia, and the meeting was held in

15:38:37 8 Bunia.

15:38:37 9 [3:38 p.m.]

15:38:39 10 Q. Thank you, Ms Peduto. Can we please move on in the same

15:38:49 11 document, and I make reference to page 6, please. In the

15:39:02 12 middle of page 6 there's reference made to [in French --

15:39:12 13 interpreted]: "A 14-year-old boy, Alur, who had been forced.

15:39:29 14 Two or three days later in Aru 300 of them were brought to

15:39:36 15 Mandro where they met with people recruited in Kasenyi. There

15:39:47 16 are about 600 of them in the camp established by a commander

15:39:53 17 named Abelanga from Kisangani. They were trained in firing or

15:40:06 18 shooting, and the youngest among them served as escorts. He

15:40:16 19 stayed with Commander Bosco (Rwandan) Commander Mbape, Gegere

15:40:36 20 from Tchai, and Commander Tchaligonza, a Hema. In Mandro the

15:40:43 21 children were about -- there were about 80 children. The

15:40:51 22 youngest of them was aged 11."

15:40:51 23 [3:41 p.m.]

15:41:01 24 The paragraph at the beginning, I just read out the first two

15:41:05 25 lines [in French -- interpreted]: "The young man was then

15:41:13 1 under the command of Commander Kisémbó, Chief of Staff, and
15:41:21 2 acted as a guard for his house in Bunia. On 6 March 2003 he
15:41:33 3 gave him orders to go and fight with his weapon. He refused."
15:41:33 4 [3:41 p.m.]
15:41:45 5 Do you confirm, Ms Peduto, that this is -- what I just read
15:41:48 6 out forms part of the report as written by you?
15:42:00 7 A. Yes, I confirm.
15:42:00 8 [3:42 p.m.]
15:42:02 9 Q. Without going into further detail, mindful of the time,
15:42:05 10 Mr President, your Honours -- and that's the last question
15:42:09 11 I have in respect to this report, Ms Peduto -- since we have
15:42:14 12 confirmed so far that everything what's written in that report
15:42:21 13 reflects the result of your interviews in Rwampara at the
15:42:28 14 time, and I believe also in Mandro, would the conclusion be
15:42:33 15 fair that everything what's written in the report does indeed
15:42:38 16 reflect the interviews you have -- you have had at the time in
15:42:44 17 Rwampara and in Mandro?
15:42:52 18 A. I would like to add that the meetings I had in Mandro
15:42:56 19 aren't covered in the document. These are -- in the document.
15:43:01 20 These meetings are meetings with colleagues in Rwampara and in
15:43:04 21 the town of Bunia.
15:43:04 22 [3:43 p.m.]
15:43:07 23 Q. Thank you, Ms Peduto, for that clarification. Can you
15:43:12 24 please confirm that the content of the document reflects your
15:43:19 25 meetings and your discussions and your interviews with the

15:43:22 1 children?

15:43:28 2 A. Yes, I can confirm.

15:43:28 3 [3:43 p.m.]

15:43:30 4 Q. Thank you very much, Ms Peduto. This report, which is
15:43:41 5 called "Histoires Individuelles" -- "Individual Stories" --

15:43:55 6 and I believe you mentioned this earlier -- did this report
15:43:58 7 form later on another part of another report, or did portions
15:44:03 8 of this report later on form part of another report?

15:44:09 9 A. Yes, these individual cases, or this document is only the
15:44:17 10 first part of the various documents we compiled with different
15:44:21 11 children. The document -- the last document I had in Bunia
15:44:27 12 contains several hundred statements of a similar nature, and
15:44:33 13 the information that was collected thereafter was used to
15:44:37 14 compile a more general report on the situation of children and
15:44:41 15 armed groups in Ituri, which was made public, as far as
15:44:45 16 I believe, by MONUC.

15:44:45 17 [3:44 p.m.]

15:44:57 18 Q. Thank you, Ms Peduto. Can I please ask the court officer
15:45:10 19 to display a further document. It's a document

15:45:19 20 <#DRC-OTP-0152-0286#>. The document, to my knowledge, has
15:45:27 21 already been assigned an evidence number, namely

15:45:36 22 <#EVD-OTP-00075#> -- sorry, I may be wrong -- I apologise.

15:45:53 23 I'm actually right. I had the wrong ERN. It's

15:46:01 24 <#EVD-OTP-00077#>.

15:46:03 25 COURT OFFICER (interpretation): The Registry confirms, and

15:46:06 1 we would like to make a slight correction, if possible. On
15:46:09 2 page 74, line 21 of the transcript [in the LiveNote version],
15:46:13 3 it is written that the material presented previously was
15:46:17 4 number <#EVD-OTP-000114#>, but the correct number is
15:46:25 5 <#EVD-OTP-000 -- I beg your pardon, the correct number is
15:46:30 6 <#EVD-OTP-00074#> but not 104 [as interpreted] as previously
15:46:41 7 mentioned.
15:46:44 8 PRESIDING JUDGE JORDA (interpretation): 74 because you had
15:46:46 9 already given a number; is that correct?
15:46:49 10 COURT OFFICER (interpretation): Yes, your Honour.
15:46:52 11 MR WITHOPF: Thank you very much to the court officer and
15:46:54 12 thank you very much Mr President, your Honours. If
15:46:57 13 Mr President you allow me to apply the same procedure, in
15:47:01 14 addition to the document being displayed on the screen, to use
15:47:05 15 a paper copy, I again believe it makes it easier for all of
15:47:28 16 us.
15:47:29 17 [Document handed to the Court]
15:47:55 18 MR WITHOPF: The report, Mr President, your Honours -- the
15:47:59 19 report has been mentioned earlier on today by the witness --
15:48:03 20 it's the report called "Final Report of the MONUC Special
15:48:08 21 Investigation Team on the Abuses Committed in Ituri
15:48:12 22 from January to March 2003 "and with the subtitle "Lipri,
15:48:21 23 Bambu, Kobu, Bogoro, and Mandro".
15:48:28 24 Q. And can I please ask the witness, Ms Peduto, to take the
15:48:31 25 time -- and to take the time to glance -- at least glance

15:48:42 1 through the report, please. And I draw the particular
15:49:03 2 attention of the witness and the honourable judges to
15:49:14 3 pages 20, 21, 22, 23 to 25 of the report.
15:50:07 4 [3:50 p.m.]
15:50:08 5 Q. Ms Peduto, assuming that you had sufficient time to
15:50:11 6 glance through the report, and drawing your particular
15:50:17 7 attention to pages 20 to 25, could you please inform the
15:50:24 8 Pre-Trial Chamber as to who has been the author of the report?
15:50:34 9 A. The final author of the report is Sonia Bakar. She was
15:50:42 10 responsible for the investigations section of MONUC and
15:50:45 11 I confirm that I drafted this report -- the part on the use
15:50:51 12 and recruitment of child soldiers, and the final version of
15:50:54 13 the report reflects very closely the draft that I myself
15:51:02 14 wrote.
15:51:02 15 [3:51 p.m.]
15:51:03 16 Q. Thank you very much. And please correct me if I'm wrong,
15:51:08 17 the portion you are referring to that you drafted, that
15:51:12 18 portion are the pages 20 to 25?
15:51:17 19 A. Yes, indeed.
15:51:17 20 [3:51 p.m.]
15:51:25 21 Q. What does, or what do pages 20 to 25 in that
15:51:32 22 report -- what do they reflect?
15:51:39 23 A. They reflect the meetings we had with the children in
15:51:44 24 Rwampara and Bunia, and the information that they provided us.
15:51:51 25 It also reflects the information I received from other

15:51:56 1 informers, and meetings which I held with other persons, such
15:52:04 2 as General Kaleh or Commander Jerome at the time, and with
15:52:14 3 protection NGOs, but generally speaking it reflects the
15:52:21 4 information I obtained from the meetings I had with children.
15:52:21 5 [3:52 p.m.]

15:52:27 6 Q. And if I read the record correctly, and please correct me
15:52:30 7 if I'm wrong, part of this final report do form the "Histoires
15:52:48 8 Individuelles" [in French] from the other report; is that
15:52:49 9 correct?

15:52:49 10 A. Yes, indeed.
15:52:49 11 [3:52 p.m.]

15:52:54 12 Q. In the context of this report, I want to draw your
15:53:00 13 attention to paragraphs 90 and 91 at page 22 of the report, if
15:53:07 14 the court officer could please display the report. And,
15:53:18 15 Ms Peduto, in paragraphs 90 and 91 there are mentioned the
15:53:29 16 names of commanders -- a whole series of commanders. And
15:53:39 17 I read out paragraph 90: "16 children gave names of
15:53:46 18 individuals who directly took part in their recruitment:
15:53:49 19 Commandant Americain, Commander Chakali, Commander Invisible,
15:53:56 20 Commander Jerome, Commander Kasangani, Commander Kawa,
15:54:03 21 Commander Kisémbé, Commander Lopondo, Commander Muesiki,
15:54:10 22 Commander Mukawa and Commandant Soleil." Thomas Lubanga was
15:54:14 23 mentioned once. Does this report and the names of the
15:54:17 24 commanders -- of the military commanders reflect what the
15:54:19 25 children told you at the time about the commanders of either

15:54:24 1 the training camps or the commanders of the military units
15:54:28 2 they took part -- or they formed part when they went into
15:54:32 3 military operations?
15:54:41 4 A. Yes, correct.
15:54:41 5 [3:54 p.m.]
15:54:49 6 Q. I draw your attention -- and mindful of the time I'll
15:54:56 7 keep this short -- to paragraph 86 of the report, which is at
15:55:00 8 page 21, if the court officer could please display page 21.
15:55:08 9 Paragraph 86 reads as follows: "Of the 34 UPC child
15:55:17 10 soldiers -- UPC child soldiers met by the SIT during the
15:55:21 11 period of the investigation mission all of them were male,
15:55:24 12 with an average age of 15 years. The youngest was 11 only.
15:55:28 13 Among the 34, 18 of them had lost one or both of their
15:55:33 14 parents, 3 [as read] were orphans from mother and father, and
15:55:41 15 8 had lost their father, 3 their mother." Again the question,
15:55:46 16 Ms Peduto: does this statement reflect the result of your
15:55:49 17 discussions and the interviews with the children?
15:55:56 18 A. That's correct.
15:55:56 19 [3:56 p.m.]
15:56:02 20 Q. Thank you, Ms Peduto. And finally -- and that's the last
15:56:10 21 reference I will make in the context or in connection with
15:56:14 22 that document, and if the court officer could please display
15:56:19 23 page 12 at the very bottom -- at the very top, sorry -- first,
15:56:28 24 if possible, page 11 at the bottom and then 12 at the top, and
15:56:34 25 I read out paragraph 47: "All armed political groups and

15:56:40 1 militia involved in the Ituri conflict recruit and use child
15:56:44 2 soldiers. Up to 40 per cent of UPC forces are reportedly made
15:56:49 3 up of children. A total of 34 minors who were part of UPC
15:56:54 4 forces were identified during the period of the investigation
15:56:58 5 mission. 27 interviewed -- 19 directly by the Child
15:57:03 6 Protection Advisers, others by colleagues from the NGOs."
15:57:09 7 [3:57 p.m.]
15:57:10 8 Ms Peduto, again the same question: does this statement
15:57:15 9 reflect what had happened during the mission you took part in?
15:57:25 10 A. Yes, indeed. The first part of the paragraph was not
15:57:31 11 only based on the information given to us by the children but
15:57:34 12 it's more a reflection of the whole of the informations given
15:57:39 13 to us by a number of informers, so not only children but also
15:57:44 14 people we met during the investigations and as well as the
15:57:49 15 information we had from colleagues such as military observers
15:57:54 16 and other observers.
15:57:54 17 [3:57 p.m.]
15:57:56 18 Q. Thank you very much, Ms Peduto.
15:57:58 19 MR WITHOPF: Mr President, I notice we have 4 p.m. I think
15:58:02 20 it's a good time to have a further break.
15:58:04 21 PRESIDING JUDGE JORDA (interpretation): Yes, that was a good
15:58:11 22 suggestion, Mr Withopf. So we will continue at 4.30. The
15:58:17 23 hearing is adjourned.
15:58:17 24 [3:58 p.m.]
15:58:17 25 [Short adjournment]

15:58:17 1 [4:33 p.m.]

16:33:42 2 THE USHER: All rise.

16:33:58 3 PRESIDING JUDGE JORDA (interpretation): Court is in

16:34:01 4 session. Please be seated and please bring in Mr Lubanga

16:34:05 5 Dyilo.

16:34:07 6 [4:34 p.m.]

16:34:12 7 Court officer, could you arrange to bring in the Prosecution

16:34:17 8 witness, please -- that is, Ms Christine Peduto. This is for

16:34:23 9 the benefit of the public, as well as the observer that was

16:34:28 10 appointed by the United Nations organisation, who is

16:34:32 11 Ms Catherine Marchi-Uhel.

16:34:32 12 [4:34 p.m.]

16:34:35 13 [Mr Thomas Lubanga Dyilo entered the courtroom]

16:34:40 14 [4:34 p.m.]

16:34:43 15 [Ms Peduto and Ms Marchi-Uhel entered the courtroom]

16:36:30 16 [4:36 p.m.]

16:36:33 17 PRESIDING JUDGE JORDA (interpretation): Please be seated.

16:36:37 18 Now, Mr Withopf, you may continue with your examination.

16:36:44 19 MR WITHOPF: Thank you very much, Mr President, your Honours.

16:36:47 20 [4:38 p.m.]

16:36:50 21 Q. Mr Peduto, we continue -- and we have talked quite a bit

16:36:57 22 today about the UPC having recruited, having trained and

16:37:05 23 having used children in military operations, and when making

16:37:12 24 reference to the UPC, it's obviously the armed group that was

16:37:19 25 fighting in the name of the UPC. What we wish to cover with

16:37:26 1 you for the 90 minutes or so that remain today is the policy
16:37:36 2 on recruitment and I would like to ask you, Ms Peduto, having
16:37:46 3 been in Bunia as the special adviser of MONUC for child
16:37:54 4 protection between May 2003 and late in 2004, did you become
16:38:03 5 aware of special efforts -- special activities, special calls
16:38:11 6 of the UPC to gain the support of the Hema community to make
16:38:17 7 available children for use in military operations?
16:38:35 8 A. I was aware of some events that occurred in 2002 and some
16:38:46 9 efforts that were made, in particular, around June and July of
16:38:53 10 2004. If I may mention -- discuss these events in detail, as
16:39:01 11 I mentioned, we gained knowledge of a call for mobilisation
16:39:07 12 that was made by some UPC leaders, such as the event that we
16:39:15 13 mentioned in the north of Ituri by Ms Adele Lotsove. There
16:39:26 14 were also heads of collectivities who made calls, especially
16:39:33 15 in Bogoro and Marabo. Other calls were made by church
16:39:40 16 officials -- Catholic church officials in Mudzi-Pela. We also
16:39:49 17 received information of calls that were made by the leader of
16:39:54 18 the Catholic church in Boga in the south of Ituri at various
16:40:06 19 points in 2002 for the most part.
16:40:06 20 [4:40 p.m.]
16:40:09 21 We received many reports which, unfortunately, I did not
16:40:13 22 document individually at all points. These came from various
16:40:21 23 people who, for example, told us about a wave of mobilisation
16:40:27 24 in some towns by -- carried out by some commanders. This was
16:40:31 25 fairly regular in areas where the Hema community was a

16:40:38 1 majority at the time in Nizi, Iga Barriere, for instance,
16:40:52 2 Saio, in Bunia itself, all parts north of the town of Bunia,
16:40:59 3 and we got much child testimony -- testimony from children who
16:41:03 4 were recruited in schools or from their homes, because these
16:41:11 5 were some of the recruitment methods used. We also heard
16:41:18 6 about children who had lost a member of their family that had
16:41:22 7 been -- lost their family in attacks that had been perpetrated
16:41:28 8 by Lendu groups or others, so there were particular -- these
16:41:33 9 people were targeted during the recruitment drive.

16:41:33 10 [4:41 p.m.]

16:41:37 11 There was a wave of re-recruitment -- a widespread
16:41:42 12 re-recruitment of children in June, July and August 2004 which
16:41:47 13 we specifically documented in Bunia and the environs. The
16:41:57 14 children who knew our job and our presence tried to -- tried
16:42:02 15 to come and get protection from MONUC when they were
16:42:05 16 approached by some UPC commanders. There were children who
16:42:10 17 were under the protection of some transit centres in Bunia and
16:42:14 18 who were approached. I would provide more information on
16:42:18 19 these incidents if you so wish. MONUC protested officially
16:42:31 20 against this -- these actions.

16:42:31 21 [4:42 p.m.]

16:42:34 22 Q. I come back to this phenomenon of re-recruitment, Ms
16:42:42 23 Peduto -- we may come back to this issue later on. The
16:42:48 24 recruitment methodologies you were just referring to,
16:42:55 25 Ms Peduto -- taking children from schools and from their

16:42:58 1 homes -- were they applied, to your knowledge -- or by which
16:43:06 2 armed groups were they applied?

16:43:08 3 A. I was alluding specifically to the UPC. This does not
16:43:26 4 mean, however, that other armed groups did not use similar
16:43:29 5 methods, but I was in fact referring here to the UPC.
16:43:35 6 [4.43 p.m.]

16:43:35 7 Q. Thank you, Ms Peduto, for the clarification. And talking
16:43:37 8 about the UPC, whilst you have been in Ituri for the prolonged
16:43:43 9 period of time, did you become aware of public calls of UPC
16:43:55 10 leaders trying to convince the Hema community to provide for
16:44:00 11 children to join the UPC army.

16:44:13 12 A. There was a public call. There were several of these
16:44:21 13 which we documented. There was a public call by the Lompondo
16:44:29 14 government at the time. There were public calls by the heads
16:44:34 15 of collectivities and group commands. I didn't document them
16:44:42 16 all at the time. They mentioned one head of a collectivity
16:44:44 17 who was called Benjamin -- one of the Beni collectivity heads.
16:44:53 18 I have mentioned the Catholic leaders in Mudzi-Pela. There
16:45:01 19 were calls made in Marabo and Boga. This seemed to be usual
16:45:10 20 for 2002. I had less testimony of such calls during 2003.
16:45:10 21 [4:45 p.m.]

16:45:19 22 This does not mean that it did not happen, but I did not
16:45:22 23 become aware of it.
16:45:23 24 [4:45 p.m.]

16:45:24 25 Q. Did you hear or did you get to know as to whether Thomas

16:45:33 1 Lubanga participated in such sort of public calls to the Hema
16:45:38 2 community?

16:45:47 3 A. This is something that was reported to us, but -- which I
16:45:51 4 did not hear myself.

16:45:52 5 [4:45 p.m.]

16:45:54 6 Q. What have you -- what has been reported to you in respect
16:45:56 7 of Thomas Lubanga Dyilo?

16:46:03 8 A. That orders had been sent to the superiors of the
16:46:10 9 UPC -- to UPC officials, to ensure that recruitments took
16:46:14 10 place.

16:46:14 11 [4:46 p.m.]

16:46:17 12 Q. And can you provide some detail on what these orders were
16:46:23 13 about in more concrete terms?

16:46:31 14 A. The orders were to mobilise and make sure that the Hema
16:46:36 15 community mobilised to defend itself against attacks from
16:46:42 16 Lendu militias. When we refer to the Hema community, we are
16:46:46 17 referring here to all the population with messages as clear as
16:46:56 18 calls to families to give up one of their children. There was
16:47:03 19 one of the messages -- one of the clearest messages which was
16:47:07 20 given to the families, which was that they should contribute
16:47:10 21 to the struggle of the movement of the party, either giving a
16:47:17 22 child a cow, or sometimes these requests were for material
16:47:23 23 support of the child while the child was a member of the
16:47:30 24 movement.

16:47:30 25 [4:47 p.m.]

16:47:32 1 This was a recurrent message within the Hema community.

16:47:36 2 [4:47 p.m.]

16:47:36 3 Q. And how did you get to know about this recurrent message

16:47:40 4 within the Hema community?

16:47:49 5 A. By many various testimonies from various sources, either

16:47:52 6 from informers or from people who were in charge of protecting

16:48:01 7 children. It was mostly the protection agencies that told us

16:48:04 8 about us -- but there were also people that we met in the

16:48:08 9 course of our general investigations, which were -- who were

16:48:15 10 not involved in the politics as pursued by one or other of the

16:48:18 11 groups.

16:48:18 12 [4:48 p.m.]

16:48:19 13 They told us this on many occasions. This seemed to be the

16:48:24 14 order of the day for a large number of people in the areas

16:48:28 15 that were under UPC control.

16:48:29 16 [4:48 p.m.]

16:48:31 17 Q. Thanks, Ms Peduto. And in this context, did you become

16:48:36 18 aware of any other individuals from the UPC, or affiliated

16:48:45 19 with the UPC who made the same or similar public calls?

16:48:54 20 A. Tinanzabo, Dhetchuvi, Professor Pilo, several professors

16:49:11 21 who taught in the university -- or the ISP in Mudzi-Pela,

16:49:15 22 whose names I don't remember. There was an assistant who was

16:49:24 23 mentioned -- the Governor, whose name I have already

16:49:30 24 mentioned. I'm sorry, that's all I can remember now.

16:49:32 25 [4:49 p.m.]

16:49:36 1 Q. You were mentioning, and my attention is drawn to it,
16:49:39 2 Ms Peduto, the University or the ISP -- can you please assist
16:49:47 3 us, Ms Peduto, to understand for what "ISP" stands for?
16:49:54 4 A. It is the [in French] Institut Supérieur Pédagogique.
16:50:03 5 Q. Thank you, Ms Peduto, for the clarification. You were
16:50:05 6 mentioning three names of individuals who made the same or
16:50:09 7 similar public calls as Thomas Lubanga Dyilo, requesting Hema
16:50:16 8 families to provide children to the UPC army and the names you
16:50:20 9 mentioned were Tinanzabo, Dhetchuvi and Professor Pilo. Can
16:50:28 10 you please assist the judges of the Pre-Trial Chamber to
16:50:32 11 understand who these individuals are and what positions, if
16:50:35 12 you do recall, they had at the time, and we may please start
16:50:38 13 with Tinanzabo.
16:50:46 14 A. Mr Tinanzabo was a member of the government set up by
16:50:49 15 Mr Thomas Lubanga Dyilo in Ituri at the time. I believe he
16:50:55 16 was Minister of the Interior -- I think so.
16:51:03 17 Q. Dhetchuvi?
16:51:07 18 A. He was Minister of Foreign Affairs, I believe.
16:51:11 19 [4:51 p.m.]
16:51:12 20 Q. Foreign affairs of which organisation, please?
16:51:15 21 A. I beg your pardon, yes. The government that was set up
16:51:21 22 by Thomas Lubanga Dyilo.
16:51:23 23 Q. And the last name you mentioned, Professor Pilo?
16:51:30 24 A. Professor Pilo taught at the E -- ISP of Mudzi Pela.
16:51:45 25 Q. That's the same institute you mentioned earlier on?

16:51:48 1 A. Yes, that is correct.

16:51:49 2 [4:51 p.m.]

16:51:49 3 Q. Thank you, Ms Peduto. Did there come a time,

16:52:04 4 Ms Peduto -- did there come a time when you had the chance to

16:52:09 5 meet Mr Thomas Lubanga Dyilo?

16:52:19 6 A. I would just like to return to my previous answer. I

16:52:22 7 think Mr Tinanzabo was Prime Minister, but I'm not sure about

16:52:25 8 that. To answer your question, yes, I did have the

16:52:29 9 opportunity to meet Mr Thomas Lubanga at the end of May 2003

16:52:34 10 in the company of MONUC colleagues.

16:52:38 11 [4:52 p.m.]

16:52:41 12 Q. I am just consulting the transcript, Ms Peduto. You say

16:52:47 13 "at the end of May 2003 in the company of MONUC colleagues".

16:52:54 14 Can you please inform the Pre-Trial Chamber what the purpose

16:52:59 15 of the meeting at the end of -- end of May of 2003 with Thomas

16:53:08 16 Lubanga Dyilo has been?

16:53:14 17 A. This meeting took place at the end of the day, if I

16:53:18 18 remember correctly -- that is, on 30 May 2003. It had been

16:53:24 19 requested by the head of the MONUC office at the time,

16:53:26 20 Mr Alpha Sow who, in the company of Mr Gomis, who was in

16:53:35 21 charge of policy affairs in the Kinshasa national office,

16:53:39 22 wanted to talk specifically with Mr Thomas Lubanga of the

16:53:49 23 arrival of the multinational force in Ituri, in addition to

16:53:52 24 other issues such as massive human rights violation, such as

16:53:56 25 we were witnessing, and the children who were in the ranks of

16:53:59 1 the UPC, amongst other issues.

16:54:01 2 [4:54 p.m.]

16:54:01 3 Q. And can you please let us know where the meeting took
16:54:03 4 place?

16:54:10 5 A. The meeting took place in one of the residences of
16:54:14 6 Mr Thomas Lubanga, towards the north of the town. I think
16:54:18 7 that will have been in the Mudzi-Pela neighbourhood -- I'm not
16:54:25 8 supposing -- I think it is.

16:54:26 9 Q. The town you are referring to, is it the town of Bunia?

16:54:35 10 A. Yes, that's right.

16:54:35 11 Q. Thank you, Ms Peduto. Who was present during the meeting
16:54:45 12 with Mr Thomas Lubanga Dyilo?

16:54:48 13 A. Apart from Mr Alpha Sow, the head of the office of Ituri,
16:55:00 14 and Mr Gomis of MONUC, Kinshasa, I was there, the head of
16:55:06 15 security in Ituri for MONUC, Mr Thomas Lubanga Dyilo himself,
16:55:11 16 other UPC members whose names I don't remember.

16:55:14 17 [4:55 p.m.]

16:55:18 18 Q. And was there a particular reason, Ms Peduto, as to why
16:55:22 19 you took part in that meeting?

16:55:32 20 A. I took part in the meeting as the child profession
16:55:36 21 officer in this office, and I wanted to talk in detail about
16:55:41 22 the use and recruitment of child soldiers by the UPC militia.

16:55:47 23 [4:55 p.m.]

16:55:51 24 Q. And do you recall, Ms Peduto, whether Thomas Lubanga's
16:55:58 25 residence in Mudzi-Pela, which is a neighbourhood of

16:56:07 1 Bunia -- whether Thomas Lubanga's residence at the time you
16:56:11 2 arrived for the meeting -- whether it was guarded?

16:56:21 3 A. Yes, it was guarded and I remember especially because
16:56:25 4 this is something that really shocked us. It was guarded by
16:56:28 5 children -- armed children -- not only armed children, but
16:56:33 6 including armed children, and they were wearing uniforms.

16:56:36 7 Q. And these armed children wearing uniforms, just for
16:56:42 8 clarification, were guarding the residence of Thomas Lubanga
16:56:46 9 Dyilo? This is a question.

16:56:48 10 A. Yes, that's right, exactly; they were guarding this
16:57:00 11 residence and it was obvious in the way in which they
16:57:05 12 approached the vehicles of MONUC that parked in the compound
16:57:10 13 of that residence and who took part in effecting our entry
16:57:16 14 into the residence of Mr Lubanga.

16:57:18 15 Q. And do you still, Ms Peduto -- do you still have a
16:57:23 16 recollection about the age of these children?

16:57:32 17 A. I thought that they were young enough to -- for all of us
16:57:35 18 to be shocked at their presence during our arrival. I
16:57:39 19 remember seeing one who was particularly small, but at the
16:57:43 20 same time, it was nearly nightfall, so we did not carry out a
16:57:48 21 detailed investigation on the membership of the guard. We
16:57:52 22 were particularly shocked by their presence and I saw -- I
16:57:57 23 remember seeing a young child who was less than 15 years of
16:58:00 24 age, obviously. I didn't really take note of the other ones.
16:58:04 25 [4:58 p.m.]

16:58:04 1 Q. You mentioned that these children, including the one
16:58:09 2 child in respect of which you were sure that it was under
16:58:14 3 15 years, that these children were armed. What sort of arms
16:58:18 4 did they have?

16:58:24 5 A. I think they had Kalashnikovs.
16:58:29 6 [4:58 p.m.]

16:58:35 7 Q. And how did you feel at the time when you went to Thomas
16:58:40 8 Lubanga Dyilo with the purpose to talk about the use of
16:58:43 9 children in the UPC militia and you arrived at his residence
16:58:49 10 and you saw children, including young children, guarding his
16:58:53 11 residence?

16:59:08 12 A. We thought it was somewhat provocative, especially as the
16:59:15 13 MONUC officer was going to the meeting, whereas, in my view,
16:59:23 14 the interview should have been conducted in MONUC. The MONUC
16:59:28 15 field office manager was courteous enough to go to the place
16:59:33 16 of the meeting and I felt that this episode was a provocation
16:59:38 17 of some sort by Mr Lubanga.

16:59:46 18 Q. Did you actually manage to talk to Mr Lubanga at the
16:59:55 19 meeting?

17:00:02 20 A. Oh, yes, towards the end of the interview, because it is
17:00:05 21 true that much of the interview was focused on the arrival of
17:00:10 22 the multinational force, on the positioning of the UPC on the
17:00:16 23 way of -- in the way in which they were considering
17:00:19 24 withdrawing their troops, the way of organising Bunia without
17:00:22 25 arms, as it was being discussed at the time. So a great deal

17:00:27 1 of the interview focused on the arrival of the multinational
17:00:30 2 force. At the end of the meeting we mentioned the matter of
17:00:36 3 the number of children who were members of armed groups and
17:00:40 4 the responsibility of Mr Lubanga. I explained to him what
17:00:47 5 MONUC was supposed to do in regard to these children and the
17:00:53 6 fact that we were recording the actions of the
17:00:59 7 commanders -- not only myself, but all the military officers
17:01:04 8 of MONUC.
17:01:04 9 [5:01 p.m.]
17:01:07 10 I also talked about the various resolutions and reports which
17:01:14 11 had been drafted within the United Nations. I talked of
17:01:20 12 protective measures that had been planned by protection
17:01:25 13 agencies in order to facilitate the reintegration of these
17:01:32 14 children into their families.
17:01:32 15 [5:01 p.m.]
17:01:34 16 I also remember suggesting at the end of the meeting, which
17:01:37 17 was getting a little long, an interview with somebody of his
17:01:42 18 choosing to discuss the modalities of helping these children
17:01:47 19 and the way in which MONUC and the protection agencies could
17:01:51 20 offer in order to help these children to get back into their
17:01:57 21 families.
17:01:57 22 [5:01 p.m.]
17:01:58 23 This was a proposal within the framework of a working meeting
17:02:03 24 with the UPC.
17:02:04 25 Q. Was there anybody else from the UPC present, in addition

17:02:08 1 to Thomas Lubanga?

17:02:11 2 A. Yes, but I don't remember who else was present.

17:02:14 3 [5:02 p.m.]

17:02:17 4 Q. And from what I understand, based on what you told us,

17:02:22 5 you had a chance to -- to a certain extent, address these

17:02:31 6 matters related to the recruitment and use of children within

17:02:37 7 the UPC armed group with Thomas Lubanga Dyilo. Was there any

17:02:43 8 reaction on his side?

17:02:50 9 A. No, no. I remember that I mentioned that the DRC had

17:03:00 10 ratified the Rome Statute, because that was something

17:03:03 11 important for us and something that we wanted to raise

17:03:07 12 awareness about amongst the armed groups that struck us as an

17:03:13 13 important instrument. As regards prevention of recruitment

17:03:19 14 and re-recruitment, no, there was no reaction. Later, after

17:03:27 15 that meeting, the various commanders of the UPC who were

17:03:31 16 members of the cooperation committee that had been set up in

17:03:39 17 the wake of the Ituri Pacification Commission, never wanted to

17:03:46 18 have a working session either with the MONUC protection

17:03:51 19 section or with other UN bodies.

17:03:51 20 [5:03 p.m.]

17:04:00 21 These requests for working sessions were always declined -- no

17:04:05 22 follow-up was given, no.

17:04:06 23 [5:04 p.m.]

17:04:11 24 Q. Did Thomas Lubanga admit at the occasion of that meeting

17:04:19 25 that there were children within the ranks of the UPC militia

17:04:26 1 group, or did he just bluntly deny, or did he just not react
17:04:33 2 to your statements?

17:04:42 3 A. During the meeting itself he did not react. I know that
17:04:47 4 as we left there was a little bilateral meeting at the end of
17:04:54 5 the meeting where he spoke of the presence of children who had
17:04:59 6 come looking for protection -- orphans -- but we didn't get
17:05:05 7 into any further detail on that point; it was the end of the
17:05:09 8 discussion; we were leaving. As far as I remember, no.
17:05:15 9 [5:05 p.m.]

17:05:15 10 Q. The meeting you had, if I recall correctly, on 30 May,
17:05:25 11 2003, with Mr Thomas Lubanga -- did you get to know of any
17:05:35 12 demobilisation efforts by the UPC that may or may have not
17:05:40 13 been in connection with the meeting you had with Mr Thomas
17:05:45 14 Lubanga Dyilo?

17:05:53 15 A. A few days later, I think towards 2 June, without being
17:06:02 16 certain of that, the colleagues who were monitoring
17:06:10 17 Radio Candip, which was a radio station that had a section in
17:06:15 18 its programme where it reported on the communiques and the
17:06:22 19 statements of the UPC's presidency at that time, that service
17:06:28 20 told me that the UPC had stated that it had decreed that there
17:06:34 21 would be demobilisation of some children. They managed to
17:06:40 22 obtain a written copy of the decree, which was announced on
17:06:44 23 the radio. That document was then provided to me by
17:06:49 24 colleagues in child protection and that is how I became aware
17:06:52 25 of that decree which had been issued by the UPC, and I think

17:06:58 1 that that decree referred to 70 children.

17:07:00 2 [5:07 p.m.]

17:07:04 3 Q. Having been made aware about that decree, did you have a

17:07:13 4 chance -- about the decree referring to the demobilisation of

17:07:19 5 about 70 -- 70 -- children, did you have a chance to follow up

17:07:24 6 on these demobilisation efforts, or did you get to know about

17:07:29 7 the outcome of these demobilisation efforts?

17:07:40 8 A. If I might return to an aspect which may have preceded

17:07:46 9 that decree, after the establishment of the interim

17:07:52 10 administration in Ituri, there were many discussions -- or at

17:07:56 11 least there were discussions with protection organisations,

17:07:59 12 including UNICEF, regarding relationships with armed groups

17:08:03 13 and the possibility of approaching armed groups, to bring

17:08:09 14 the -- to bring recruitment to an end and to facilitate

17:08:11 15 demobilisation, it was very clear on the side of the UN

17:08:20 16 organisations -- and this was a position which was shared by

17:08:21 17 the non-governmental organisations -- that all efforts should

17:08:24 18 go through the organs of the interim administration, including

17:08:27 19 the armed groups coordination, or consultation committee, and

17:08:31 20 the monitoring committee, because the various armed groups

17:08:35 21 were represented with -- in a legitimate fashion within that

17:08:40 22 interim administration and they could contact us, and should

17:08:44 23 contact us, through that administration and not bilaterally.

17:08:47 24 That is something that was clearly said during the two weeks

17:08:52 25 which the Pacification Commission took. It was clear for the

17:08:58 1 UN in general and for everyone.

17:08:58 2 [5:09 p.m.]

17:09:04 3 To return to your specific question regarding the -- what

17:09:09 4 followed the decree, the organisations who had access to these

17:09:17 5 children, or at least children who continued to be on the

17:09:22 6 streets of Bunia, who had not been demobilised but who had at

17:09:28 7 least disarmed by the UPC, and these children were numerous

17:09:32 8 after the battles with the Ugandan troops in the town, we knew

17:09:38 9 that those children had asked protection from some of the

17:09:44 10 organisations -- protection organisations, and also other

17:09:47 11 organisations which were more of humanitarian aid nature.

17:09:47 12 [5:09 p.m.]

17:09:56 13 Some of the children were passed on to certain -- some of

17:10:00 14 these organisations. The UPC was approached and the response

17:10:05 15 that was given was to go through the representatives within

17:10:15 16 the interim administration to work and to follow up on those

17:10:21 17 children. Some of the children did approach the protection

17:10:25 18 organisations. The organisations did not reject them but,

17:10:29 19 rather, put them in transit camps which were set up in the

17:10:33 20 vicinity of Bunia over the following weeks.

17:10:36 21 [5:10 p.m.]

17:10:41 22 Q. I just consult for a second, Ms Peduto, the transcript.

17:10:56 23 Ms Peduto, from what you were saying, and from what you have

17:11:00 24 experienced, the demobilisation efforts at the time of the

17:11:10 25 UPC, were they honest efforts or were they just for the

17:11:19 1 public -- for the public consumption?

17:11:28 2 A. I would refer to them as a masquerade, given that
17:11:35 3 recruitment was going on in other parts of Ituri by UPC
17:11:39 4 troops. Indeed, there was an official statement. Some
17:11:44 5 children were instructed to approach the NGOs specialising in
17:11:50 6 child protection but, at the same time, recruitment continued
17:11:53 7 and the UPC never had only 70 child soldiers amongst its
17:11:58 8 troops.

17:11:58 9 [5:11 p.m.]

17:11:58 10 Yes, the operation -- I don't know -- well, yes, perhaps a
17:12:12 11 public relations operation, which was absolutely not sincere
17:12:20 12 and which wasn't presented and which never was the first step
17:12:28 13 towards cooperation. It could have been a first step towards
17:12:31 14 a more general demobilisation and the protection
17:12:36 15 organisations, be they MONUC, UNICEF or other organisations,
17:12:41 16 if they had been better able to meet the needs of UPC, could
17:12:48 17 have been contacted to work to meet the needs of the children
17:12:51 18 in a sincere fashion, but this was never the case, and that is
17:12:56 19 why this effort never struck me as being serious, not least
17:13:08 20 given that representatives of the UPC were regularly at the
17:13:11 21 MONUC several times a week -- they knew us very well, they
17:13:14 22 knew all of the organisations. The leaders of the UPC could
17:13:18 23 have contacted us very simply, either directly or through the
17:13:21 24 interim administration to request a working meeting. Such
17:13:25 25 meetings were always postponed and never took place -- never.

17:13:29 1 [5:13 p.m.]

17:13:29 2 Q. Thank you, Ms Peduto. The meeting with Thomas Lubanga
17:13:37 3 took place on 30 May 2003. Do you recall an event in June
17:13:50 4 2003 in Bunia which was sort of distinct?

17:14:03 5 A. Well, there are many things which happened in June and
17:14:06 6 which were different. Staying with provocative actions, the
17:14:16 7 meeting itself with the presence of the children, the decree,
17:14:24 8 which was not really serious, we also had a visit from the
17:14:33 9 security -- the Security Council delegation in June. That
17:14:39 10 delegation travelled to Bunia for a number of reasons -- to
17:14:43 11 prepare for the arrival of a multinational force; to looking
17:14:51 12 towards a change in the MONUC remit -- a change which took
17:14:55 13 place in the ensuing weeks and months.

17:14:55 14 [5:14 p.m.]

17:14:58 15 If the streets of Bunia -- if the streets had been emptied of
17:15:12 16 children, or at least if the armed troops had disappeared from
17:15:16 17 the streets in the weeks before the Security Council
17:15:20 18 delegation visit, they reappeared in significant numbers along
17:15:24 19 the route followed by the Security Council delegation -- that
17:15:30 20 is to say, the route between the airport and the MONUC office
17:15:34 21 on the central thoroughfare. There were -- was a large number
17:15:42 22 of child soldiers and, if I might anticipate your question, I
17:15:45 23 would add, who were -- some -- or many of whom were very
17:15:49 24 young. And this event was spoken about within the section,
17:15:57 25 but was also referred to in the report of the Security Council

17:16:01 1 delegation on its visit to Bunia.

17:16:01 2 [5:16 p.m.]

17:16:05 3 That development was considered to be very clear provocation

17:16:09 4 by the UPC and the UPC cocking a snook at the international

17:16:19 5 community.

17:16:20 6 Q. And I understand from your comments on this event that

17:16:23 7 the very young children you had seen on the street on 12 June

17:16:29 8 2003 -- the very young child soldiers were UPC child soldiers?

17:16:37 9 This is a question.

17:16:43 10 A. Yes, of course, these were UPC soldiers. I saw that the

17:16:48 11 representatives and the ambassadors who were members of the

17:16:53 12 Security Council also had the opportunity to see.

17:16:59 13 [5:16 p.m.]

17:16:59 14 Q. Is there anything else, Ms Peduto, you recall that

17:17:07 15 happened on the same day, 12 June 2003, closely related to

17:17:12 16 your work?

17:17:29 17 A. The representatives of the Security Council received a

17:17:32 18 briefing on the general situation, on Ituri, and a specific

17:17:40 19 briefing which referred to the situation in which the children

17:17:47 20 associated with the various armed groups in Ituri found

17:17:50 21 themselves. If that is what you're referring to, yes. There

17:17:54 22 was a -- a specific briefing was given to the members of the

17:17:58 23 Security Council. The members of the Security Council also

17:18:02 24 met the humanitarian community, representatives of the various

17:18:06 25 NGOs who also laid emphasis on the massive presence of child

17:18:19 1 soldiers in the armed groups.

17:18:19 2 [5:18 p.m.]

17:18:21 3 And something which was quite notable -- it was of course part

17:18:24 4 of the general message of MONUC and the non-governmental

17:18:27 5 organisations -- was a call to the international community to

17:18:33 6 put an end to these violations, amongst others.

17:18:33 7 [5:18 p.m.]

17:18:36 8 We were reassured by the statement issued by the ambassadors

17:18:40 9 which referred to this Court as a means of bringing impunity

17:18:44 10 to an end. This was something that also encouraged

17:18:48 11 us -- well, not "encouraged", but reassured us, that is to

17:18:54 12 say, reassured us that the members of the Security Council

17:18:57 13 were aware of the steps that needed to be taken.

17:18:59 14 [5:18 p.m.]

17:18:59 15 Q. Thanks, Ms Peduto. There are a few further issues, and I

17:19:06 16 put emphasis on the word "few", Mr President -- there are a

17:19:10 17 few further issues I would like to cover with you, Ms Peduto.

17:19:22 18 Children -- and this is also apparent from your report we have

17:19:27 19 discussed today -- children in some instances auto

17:19:42 20 demobilised. Can you please assist the judges of the

17:19:45 21 Pre-Trial Chamber what one -- what the term "auto

17:19:51 22 demobilisation" means in this particular context?

17:20:03 23 A. Sorry, in the context of March, April, May in Bunia or in

17:20:07 24 general?

17:20:10 25 Q. Related to your experience as a child protection officer

17:20:15 1 in Bunia between May 2003 and late 2004?

17:20:28 2 A. When one speaks of auto demobilisation, one can refer to

17:20:35 3 various methods of exiting an armed group -- various methods

17:20:42 4 which children may have used. Some children will escape

17:20:45 5 from -- will flee an armed group and, during this period, such

17:20:52 6 children did arrive in Bunia in the days and weeks which

17:20:58 7 followed and sought protection from various agencies,

17:21:03 8 including MONUC.

17:21:03 9 [5:21 p.m.]

17:21:08 10 There were also children who, in the wake of fighting with the

17:21:13 11 UPDF, I think, were left in Bunia after being disarmed; in

17:21:24 12 other words, some of the children who belonged to the

17:21:28 13 UPC -- and not just children, adults too -- left their

17:21:32 14 uniforms, left their arms often hidden in a garden or in a

17:21:39 15 house, but continued to remain in the town or environs of

17:21:48 16 Bunia, but no longer with their military appearance.

17:21:48 17 [5:21 p.m.]

17:21:56 18 Some of the children who wished to formally leave -- for

17:22:01 19 instance, at that time the UPC -- approached us to ask us if

17:22:05 20 we could provide them with a document which would certify that

17:22:11 21 they had left the armed group. Some children considered that

17:22:18 22 being the holder of such a document would protect them from

17:22:21 23 formal re-recruitment by that militia.

17:22:21 24 [5:22 p.m.]

17:22:25 25 Other children, who I also met, were left there by their

17:22:32 1 commander without any instructions and didn't know exactly
17:22:36 2 what status they had and what relationship they could have
17:22:41 3 with us. We had children who came to MONUC asking to be
17:22:46 4 registered in order to benefit also from what would be offered
17:22:56 5 to demobilise children in the future. That is something the
17:22:59 6 children spoke of. We had children who later were arrested by
17:23:03 7 the multinational force in civilian clothing but carrying out
17:23:10 8 reprisals.

17:23:10 9 [5:23 p.m.]

17:23:15 10 They had been left by the UPC in Bunia until they would be
17:23:20 11 recalled by UPC. So there were children who were left in a
17:23:25 12 kind of standby mode in the town until something happened.

17:23:28 13 [5:23 p.m.]

17:23:30 14 Q. Thank you, Ms Peduto, for that clarification and the
17:23:34 15 assistance to us what "auto demobilisation" means. Whilst
17:23:54 16 you've been in Bunia, and again between May 2003 and late of
17:24:03 17 2004, did you provide further reports to your superiors about
17:24:12 18 the situation of child soldiers in Ituri?

17:24:27 19 A. I provided weekly reports to my superiors in Kinshasa,
17:24:37 20 which were three, four -- up to eight pages long. These were
17:24:42 21 detailed reports on the number of children who we had seen at
17:24:45 22 MONUC on documentation which had been carried out by the
17:24:54 23 section on the actions of the military groups, on fighting
17:24:59 24 that might have taken place here or there -- quite complex
17:25:03 25 reports.

17:25:03 1 [5:25 p.m.]

17:25:07 2 Furthermore, there was a section in the report which was
17:25:10 3 produced in cooperation with the human rights section at the
17:25:16 4 end of 2003, the objective of which was to provide a more
17:25:26 5 synoptic analysis of the situation of child soldiers in Ituri.

17:25:31 6 [5:25 p.m.]

17:25:33 7 Q. And did there come a time when, in the context of these
17:25:40 8 reports, you were given the opportunity to address the fact
17:25:45 9 that some children volunteered -- and I put "volunteered" in
17:25:54 10 quotation marks -- volunteered to join militia groups in
17:25:59 11 Ituri, including the UPC?

17:26:11 12 A. Yes, absolutely. It's true that the term "voluntary"
17:26:18 13 must be always used in inverted commas, because it's difficult
17:26:26 14 for us to speak of voluntary action by children who are so
17:26:33 15 young and who understand so little about armed conflict and
17:26:37 16 who join different groups successively; that is to say, they
17:26:45 17 may join groups at given points in time without really
17:26:47 18 understanding why.

17:26:47 19 [5:26 p.m.]

17:26:53 20 There were children who had joined militias without being
17:26:56 21 forced by violence or intimidation, but through community
17:27:00 22 pressure, because they thought that they would be able to
17:27:08 23 defend their family or their community by becoming a member of
17:27:10 24 an armed group. There were children who had voluntarily
17:27:15 25 joined up after being pushed to do so by their family, or

17:27:19 1 encouraged to do so -- or having been sent by their family.
17:27:19 2 [5:27 p.m.]
17:27:23 3 Some were attracted by the uniform, the Kalashnikov and what
17:27:28 4 that might bring them in the way of immediate gains. It
17:27:35 5 is -- one eats more regularly when one is a member of a
17:27:39 6 militia than when one simply lives at home without money,
17:27:43 7 et cetera. There are children who joined up under peer
17:27:51 8 pressure from friends, and there are groups which attracted
17:27:57 9 them.
17:27:57 10 [5:27 p.m.]
17:28:03 11 Q. And do you recall in which report the issue of
17:28:07 12 voluntariness was specifically addressed?
17:28:23 13 A. You undoubtedly are referring to the report which we
17:28:29 14 drafted at the end of 2003, and which was finalised by MONUC
17:28:34 15 in 2004?
17:28:37 16 Q. That's the report, Ms Peduto, I'm referring to.
17:28:41 17 And I would ask the permission that the court officer please
17:28:46 18 displays the document <#DRC-OTP-0152-0256#>, and assigns an
17:29:01 19 evidence registration number in the event such a number does
17:29:06 20 not yet exist.
17:29:12 21 COURT OFFICER (interpretation): The document already has a
17:29:18 22 reference number and that is <#EVD-OTP-00022#>.
17:29:30 23 MR WITHOPF: If you, Mr President, allow me to do so, I would
17:29:33 24 again like to distribute paper copies in addition to the
17:29:36 25 document being displayed.

17:29:36 1 [5:29 p.m.]

17:29:47 2 [Document handed to the Court]

17:30:35 3 MR WITHOPF: Q. Ms Peduto, can you please confirm that you

17:30:37 4 have in front of you the document with the evidence

17:30:40 5 registration number which you find at the very bottom on the

17:30:45 6 right-hand side <#DRC-OTP-0152-0256#> to

17:30:56 7 <#DRC-OTP-0152-0273#>.

17:30:57 8 A. I confirm.

17:31:03 9 [5:31 p.m.]

17:31:04 10 Q. Thank you, Ms Peduto. And if you please take the time to

17:31:11 11 at least glance through the document. Ms Peduto, did you have

17:32:12 12 a chance to glance through the document?

17:32:14 13 A. Yes, thank you.

17:32:16 14 [5:32 p.m.]

17:32:19 15 Q. Thank you, Ms Peduto. Can you please have a closer look

17:32:28 16 at page 3 of the document, and if page 3 could be displayed as

17:32:34 17 well. It's the fourth paragraph from the top and in this

17:32:46 18 paragraph the issue of voluntariness is being addressed, and

17:33:00 19 I'm going to read out certain limited portions of the report.

17:33:10 20 "Although international law does not recognise the term

17:33:12 21 'voluntary', recruitment of under-age minors into any force

17:33:18 22 within the territorial limits of a signatory state of the

17:33:22 23 optional protocol of the CRC relevant to the use of children

17:33:26 24 in armed conflict, the ethnic nature of the Ituri conflict

17:33:29 25 gives us pause to review how and perhaps more importantly why

17:33:34 1 children found themselves within these armed groups en masse.

17:33:40 2 Although some children have attested that they joined a

17:33:43 3 militia force with the blessing of their parents, most

17:33:46 4 children explain that they were given no choice in the

17:33:49 5 circumstances, most especially in Hema communities. One Hema

17:33:56 6 child reported to CPS that the principal cause of his

17:34:00 7 enrolment into the UPC was the 'death of my two parents,

17:34:05 8 leaving me with no support.' Others, including girl children

17:34:12 9 of Hema extraction, told the CPS that they enrolled in the UPC

17:34:17 10 militia in order to `take vengeance against the Lendu, who

17:34:24 11 killed and injured the people of my village.`"

17:34:31 12 [5:34 p.m.]

17:34:31 13 I stop here, Ms Peduto. Would you agree with what has been

17:34:39 14 stated in that report?

17:34:40 15 A. Yes, indeed.

17:34:46 16 [5:34 p.m.]

17:34:47 17 Q. And can you please inform the honourable judges of the

17:34:52 18 Pre-Trial Chamber whether you have participated, in the

17:34:59 19 broadest terms, in drafting and submitting this report.

17:35:09 20 A. Yes. This report was drafted by one of my Anglophone

17:35:19 21 colleagues. The report is based on all the documents

17:35:22 22 I collected among the children I met from the beginning of my

17:35:27 23 presence in Ituri. It is also based on the reports of minutes

17:35:34 24 of meetings which were held in various military camps which I

17:35:40 25 visited, or which other colleagues, such as military observers

17:35:46 1 visited. It is also based upon all the documents made
17:35:52 2 available to the Child Protection Section.
17:35:52 3 [5:35 p.m.]
17:36:01 4 I prepared all the documents that served as a basis for this
17:36:06 5 report. I participated in the draft and reviewed the final
17:36:11 6 version published by MONUC and I endorsed the content of the
17:36:19 7 report in its entirety.
17:36:21 8 [5:36 p.m.]
17:36:27 9 Q. And in this context, Ms Peduto, are you aware that
17:36:33 10 there's a Special Report on the Events in Ituri, January 2002
17:36:37 11 to December 2003, which is a UN Security Council report of
17:36:49 12 16 July 2004?
17:37:01 13 A. Yes.
17:37:01 14 Q. Could you please describe in detail for the benefit of
17:37:06 15 the Pre-Trial Chamber how you -- the February 2004 report and
17:37:15 16 the 16 July 2004 report of the Security Council, how these two
17:37:20 17 documents are interlinked -- if there is an interlink?
17:37:34 18 A. If I'm not mistaken, if I have the right report, the
17:37:39 19 paper version is the document I have in front of me and the
17:37:41 20 draft report we prepared with other colleagues on the basis of
17:37:44 21 information was thereafter re-examined and reworked by people
17:37:51 22 of the section and other colleagues working in the area of
17:37:54 23 human rights. They worked on its formatting and presentation
17:37:59 24 and for -- for what was going to become the public report.
17:38:06 25 [5:38 p.m.]

17:38:06 1 Q. And the public report is the MONUC Special Report on the
17:38:10 2 Events in Ituri, January 2002 to December 2003?

17:38:17 3 A. Yes, indeed.

17:38:18 4 Q. Thank you very much, Ms Peduto. And I draw the attention
17:38:23 5 of the Pre-Trial Chamber and the other participants to the
17:38:28 6 proceedings that this is the report <#DRC-0074-0422#> [sic]
17:38:35 7 which has been discussed at length yesterday and has been
17:38:39 8 tendered into evidence by the Prosecution.

17:38:39 9 [5:38 p.m.]

17:38:47 10 Ms Peduto, we are coming to the end of the examination and the
17:38:54 11 last few questions I wish to ask you, with the permission of
17:39:00 12 the honourable judges, are linked to figures and percentages
17:39:12 13 that are contained in the February 2004 report which is in
17:39:17 14 front of you.

17:39:17 15 [5:39 p.m.]

17:39:27 16 If you have a look -- if you have a look, please, at page 1,
17:39:34 17 of the bottom of page 1 -- and the court officer may please
17:39:37 18 display the bottom of page 1 -- in this little chart there is
17:39:43 19 written "Armed group UPC/RP, President Thomas Lubanga,
17:39:52 20 estimated total forces 8,000", and then "child soldiers" and
17:40:01 21 then in brackets "40 per cent of total", meaning 3,200". Can
17:40:07 22 you please explain to the Pre-Trial Chamber and to us what
17:40:15 23 forms the basis of this percentage, and obviously I also wish
17:40:22 24 to shed -- wish you to shed some light on how you have dealt
17:40:26 25 with the issue of below 15 and below 18 years, since the

17:40:31 1 number as such appears to be extraordinarily high.

17:40:45 2 A. These figures are the official working figures which

17:40:52 3 MONUC and other United Nations organisations or agencies used

17:40:59 4 to plan all the demobilisation and reinsertion programmes for

17:41:07 5 all the armed groups that were set up at a later stage.

17:41:07 6 [5:41 p.m.]

17:41:12 7 There were wide-ranging debates within the MONUC and with

17:41:17 8 other agency representatives to fix the total figures for the

17:41:24 9 groups and subdivisions, and figures and numbers of children.

17:41:35 10 The CCAG, which I referred to earlier, was requested on

17:41:46 11 several occasions by various MONUC officials to provide

17:41:53 12 figures on the troops they had available to them and, more

17:42:00 13 specifically, with regards to the amount of minors available

17:42:04 14 in the troops, in its preparatory work the MONUC did not

17:42:09 15 distinguish between minors of less than 15 and others. As

17:42:16 16 regards all the demobilisation operations, well, we based

17:42:20 17 ourselves on the ban for armed groups to use children of less

17:42:26 18 than 18 years, so our report, and the figures here, are based

17:42:31 19 on that age group.

17:42:31 20 [5:42 p.m.]

17:42:34 21 The estimates and percentages were the subject of discussions,

17:42:40 22 as I mentioned earlier on, and the various military observers

17:42:46 23 also gave their opinion and advice and other contingencies

17:42:53 24 available, and other armed groups also provided their advice

17:42:58 25 and we based ourselves on the advice given and on the figures

17:43:03 1 that were collected by the multinational force. So, as the
17:43:09 2 title indicates, it's total forces -- an estimate total
17:43:16 3 forces. We couldn't go out and count ourselves.
17:43:16 4 [5:43 p.m.]
17:43:18 5 As regards the percentage concerning children, well, there
17:43:23 6 again, it is an estimate based on the testimonies of children
17:43:30 7 to MONUC and direct observations of military observers, and it
17:43:35 8 is also based on information given to us by the armed groups.
17:43:39 9 We didn't always take that information into account, because
17:43:43 10 sometimes the figures were ridiculous and others didn't even
17:43:50 11 give us any figures at all.
17:43:50 12 [5:43 p.m.]
17:43:52 13 So it is basically a compilation of information, and we agreed
17:43:59 14 upon a percentage of 40 per cent, but at times the patrols
17:44:08 15 included solely minors and at other times there were much less
17:44:13 16 of them. Sometimes all the bodyguards were less than 18; at
17:44:19 17 times less -- not that many were less than 18. But we had to
17:44:24 18 find a figure that the whole international community would
17:44:27 19 agree upon. Whether it's 43, 35 or 33 -- difficult to say.
17:44:35 20 It is an estimate.
17:44:35 21 [5:44 p.m.]
17:44:38 22 Q. In this context, I would like to show you a portion of
17:44:42 23 the Special Report on the Events in Ituri, January 2002
17:44:45 24 to December 2003. That's the report we were just discussing
17:44:52 25 some minutes ago and which is linked to the February 2004

17:44:55 1 report you have in front of you as you told us. And for this
17:45:02 2 purpose can the court officer please display the document
17:45:05 3 <#DRC-0074-0422#> [sic]. This document has already been
17:45:25 4 tendered into evidence, and if the court officer please kindly
17:45:25 5 could publish the document at page 40, which is paragraph 141.
17:45:50 6 And I read out -- Ms Peduto, I read out lines 2 to 4 of
17:45:58 7 paragraph 141, and I understand you have the text in front of
17:46:04 8 you on the screen, and I read it out as follows: "Although the
17:46:09 9 exact number of children is unknown, child protection partners
17:46:13 10 believe that, as a conservative estimate, at least 40 per cent
17:46:16 11 of each militia force are children below the age of 18, with a
17:46:21 12 significant minority below the age of 15." That's the end of
17:46:27 13 the quote, Ms Peduto.
17:46:27 14 [5:46 p.m.]
17:46:32 15 Having had a chance to read that portion, would you agree with
17:46:42 16 that statement?
17:46:50 17 A. Yes, entirely.
17:46:51 18 [5:46 p.m.]
17:46:54 19 MR WITHOPF: Thank you very much, Ms Peduto.
17:47:01 20 Mr President, your Honours, we've advanced the
17:47:04 21 examination-in-chief to the point where I actually conclude
17:47:10 22 the examination-in-chief of the witness Christine Peduto.
17:47:25 23 PRESIDING JUDGE JORDA (interpretation): Well, that means
17:47:27 24 that we will have to reschedule somewhat our programme.
17:47:32 25 Mr Flamme, would you like to resume Monday and have -- would

17:47:39 1 you rather have two days than one day?

17:47:42 2 ME FLAMME (interpretation): Yes, President, I'd rather have

17:47:47 3 two days, of course, but we also have other commitments that

17:47:52 4 were made meanwhile. For instance, for Friday -- and Friday

17:47:55 5 I unfortunately am not available.

17:47:59 6 PRESIDING JUDGE JORDA (interpretation): Well, Friday was a

17:48:03 7 day that was going to be devoted entirely to you anyway, so

17:48:07 8 that doesn't change anything.

17:48:08 9 ME FLAMME (interpretation): Well, what I'm saying, that

17:48:11 10 basically if you want to continue tomorrow, it won't be

17:48:13 11 possible because I haven't had time to prepare.

17:48:16 12 PRESIDING JUDGE JORDA (interpretation): Yes, I understand,

17:48:16 13 and that's why I'm talking to you about it now.

17:48:24 14 Well, Mrs Peduto, you will probably have a free day tomorrow.

17:48:26 15 You can visit The Hague, if you don't know The Hague yet. And

17:48:32 16 I suggest we just stick to our schedule and resume Monday, so

17:48:33 17 you have time to prepare -- time to prepare your

17:48:34 18 cross-examination in conditions that will enable you to do

17:48:40 19 your work correctly; do you agree?

17:48:42 20 ME FLAMME (interpretation): Yes.

17:48:44 21 PRESIDING JUDGE JORDA (interpretation): Does the -- do the

17:48:44 22 victims agree too? Yes.

17:48:52 23 We'll resume the hearing tomorrow at 9.30 -- Monday morning.

17:49:18 24 Please, I would also like to thank the witness and the special

17:49:24 25 representative of the United Nations organisation. I'm sorry;

17:49:28 1 with this change in schedule I was somewhat confused. So
17:49:31 2 thank you and I will see you Monday. Thank you.
17:49:31 3 [5:49 p.m.]
17:49:53 4 [At 5.49 p.m. the Court adjourned until Monday, 20 November
17:50:30 5 2006 at 9.30 a.m.]

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