

1 International Criminal Court
2 Trial Chamber I - Courtroom II
3 Presiding Judge Adrian Fulford, Judge Elizabeth Odio Benito and
4 Judge Rene Blattmann
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/06
6 The case of the Prosecutor versus Thomas Lubanga Dyilo
7 Trial Hearing
8 Wednesday, 30 March 2011
9 The hearing starts at 9.35 a.m.
10 (Open session)

11 COURT USHER: All rise. The International Criminal Court is now
12 in session. Please be seated.

13 PRESIDING JUDGE FULFORD: This is the Chamber's decision on the
14 final Defence witnesses.

15 1. The Defence has withdrawn the following witnesses from the
16 list of those it intends to call to testify: Defence witness 0008,
17 Defence witness 0010, Defence witness 0022, Defence witness 0027, Defence
18 witness 0028, Defence witness 0030, and Defence witness 0031 (see Defence
19 e-mails of 14 and 18 March 2011).

20 2. The first three witnesses it applies to call are Defence
21 witness 0019, Defence witness 0011, and Defence witness 0007 (in that
22 order), who have been on the Defence list of witnesses since the 2nd of
23 October, 2009. It is suggested that Defence witness 0019 and Defence
24 witness 0011 should give evidence in person, and that Defence witness
25 0007 should testify via a videolink (see Defence e-mail of 14 March

1 2011).

2 3. The Defence applies to call two additional witnesses, Defence
3 witnesses 0036 and 0037, who is it is suggested should also give evidence
4 via a videolink (see Defence e-mail of 16 March 2011).

5 4. The accused submits that the use of a videolink is
6 appropriate for Defence witnesses 0007, 0036, and 0037, because in the
7 case of Defence witness 0007, the questioning is likely to be extremely
8 brief (not more than an hour by the Defence), and for Defence witnesses
9 0036 and 0037 they would experience difficulties in obtaining leave of
10 absence from their work in order, first, to journey to Kinshasa to obtain
11 the necessary travel documents and thereafter to come out to The Hague to
12 give evidence (see Defence e-mails of 14 March 2011 and 24 March 2011).

13 5. The Prosecution does not oppose the use of a videolink for
14 the purposes of Defence witness 0007's evidence (see Prosecution e-mail
15 of 23 March 2011).

16 6. The Prosecution opposes the addition of Defence witness 0036
17 to the list of witnesses, but if he is called the Prosecution does not
18 resist the application for his evidence to be given via videolink (see
19 Prosecution e-mail of 23 March 2011).

20 7. The Prosecution does not oppose the addition of Defence
21 witness 0037 to the list of witnesses, but it resists the application to
22 use a videolink (see Prosecution e-mail 23 March 2011).

23 8. The Legal Representatives team V01 does not object to the
24 withdrawal of the identified Defence witnesses and the addition of the
25 suggested new witnesses. However, counsel submits that it would be

1 preferable to hear the evidence of Defence witness 0036 in person rather
2 than via a videolink (see e-mail of 23 March 2011).

3 9. The other Legal Representatives of Victims have not objected
4 to any of these Defence proposals (see the relevant e-mails of 23 March
5 2011).

6 10. By way of e-mail of 23 March 2011, the Registry submitted a
7 report to the Chamber on the feasibility of videolink testimony for
8 witnesses 0007, 0037, and 0036 as of 7 April 2011.

9 Defence witness 0036

10 11. The first contested issue, therefore, is whether
11 Defence witness 0036 should be added to the list of trial witnesses. The
12 summary of his evidence as provided by the Defence is as follows, which
13 is an unofficial translation of the summary of his evidence provided by
14 the Defence.

15 "He will testify that since, 2002, he is Chief of [...]
16 avenue [...] of [a neighbourhood in Bunia]. In that function, he has
17 made a census/inventory of the inhabitants of the avenue.

18 "He will state that witnesses 0213, 0297, D01-0003 and D01-0004
19 and their families live in his neighbourhood, and that he knows them
20 personally. He will give evidence to the effect that witnesses 0213,
21 0297, and D01-0004 were never child soldiers. He will state that the
22 biological mother of witness 0297 is alive.

23 "He will testify that in about November 2007, witness 0321
24 pretended to be an employee of [an NGO] to come get children from the
25 neighbourhood (notably witnesses 0213, 0297, and D01-0004), under the

1 pretext of taking care of them with the aim of falsely presenting them as
2 former child soldiers.

3 "He will testify that he received two telephone calls from
4 witness 0297 at the end of 2010. The latter told him that he believed
5 that D01-0036 would be called to give evidence in The Hague. Witness
6 0297 told him that he would have to tell the Court that he had been a
7 child soldier."

8 12. The Defence submits that the relevance of his evidence was
9 only revealed after the testimony of Prosecution witness 0321 in November
10 2010, in that the reason for calling Defence witness 0036 is principally
11 to undermine Prosecution witness 0321's account as regards witnesses
12 * 0213, 0297, and D01-0004. Furthermore, on 20 October 2010, the
13 Prosecution disclosed to the Defence the transcript of an interview with
14 Defence witness 0036, dated 22 September 2010, and the Defence needed to
15 discuss the contents of this document with him before deciding whether or
16 not he is to be called. It was only possible to obtain the necessary
17 verification on 11 March * 2011. The Defence finally argues that some of
18 the matters addressed by Defence witness 0036 were in any event raised
19 during the questioning of Prosecution witnesses 0213, 0297, and 0321
20 (see Defence e-mail of 24 March 2011).

21 13. The Prosecution, by reference to certain jurisprudence from
22 the ICTY, submits that the Defence has failed to provide a legitimate
23 reason for the late introduction of this evidence, e.g. that its
24 relevance was only recently revealed or that the witness had previously
25 been unavailable. The Prosecution highlights that the Defence have been

1 aware of the identity of Defence witness 0036 for a significant period of
2 time, in that he was referred to by name during the questioning of
3 Prosecution witness 0213 in February 2009, and in May 2010 the issue of
4 the name of the chief in the area in Bunia was raised with Prosecution
5 witness 0297. Additionally, the Prosecution suggests that it would be
6 wrong to allow Defence witness 0036 to give evidence about matters that
7 were not raised with the relevant Prosecution witnesses.

8 14. The Prosecution, in its e-mails of 23 and 25 March 2011,
9 argues that the Defence has been aware of the evidence of Prosecution
10 witnesses 0213, 0297, and Defence witness 0004 for a considerable period
11 of time and that the evidence of Prosecution witness 0321 was completed
12 in June 2010, and it is noted that Defence witness 0036 was referred to
13 during the evidence of Prosecution witness 0321. In the event it is
14 suggested that the application to call this witness is made unjustifiably
15 late and matters that should have been raised during the questioning of
16 Prosecution witnesses were not put. The Prosecution also points out that
17 the Defence met with Defence witness 0036 in September 2010, prior to
18 disclosure of the Prosecution's screening notes.

19 15. The Prosecution submits that if Defence witness 0036 is
20 permitted to give evidence, his testimony should be restricted to those
21 matters which have only recently "become apparent" and about which other
22 witnesses have not already testified. In this regard, the Prosecution
23 relies on the Chamber's oral ruling on the evidence of Prosecution
24 witness 0598 (see T-337-CONF, page 64). In any event, the Prosecution
25 submits that the evidence of Defence witness 0036 is of little additional

1 probative value given the evidence of other witnesses in the case.

2 16. Finally, the Prosecution submits that there needs to be
3 appropriate "finality" in the testimony of witnesses.

4 Analysis and Conclusions

5 17. Under Article 67(1)(e) the witness is entitled to "obtain
6 the attendance and examination of witnesses on his or her behalf under
7 the same conditions as witnesses against him or her." Furthermore, under
8 Article 69(3) the parties may submit evidence that is relevant to the
9 case and the Chamber, pursuant to Article 64(6)(b), may require the
10 attendance and testimony of witnesses. Against that statutory
11 background, the Chamber has concluded that on the application to call
12 this witness, it is important to reflect the emerging evidence as regards
13 some of the alleged former child soldiers called by the Prosecution,
14 along with the intermediaries who have dealt with them. The relevant
15 evidence has not been static and, notably, the evidence of Prosecution
16 witness 0321 (an intermediary of the Prosecution) in June 2010 followed
17 by his further testimony in November 2010 appears to have been of
18 particular significance for the Defence in determining whether or not to
19 rely on Defence witness 0036 as a witness. Once the Defence had
20 identified the possible need to call this individual, it was necessary to
21 meet with him for the purposes of verification. Furthermore, the
22 Prosecution's argument that discrete issues were not raised with
23 witnesses who have testified - that this witness will now address - is
24 substantially undermined by the developments just described, including
25 the continuing process of disclosure. Furthermore, it would be

1 artificial and unjust to "divide" his evidence between those issues that
2 were previously known and those issues that have only now become
3 "apparent." The Defence has sought to address a complex and developing
4 factual matrix, and the rights of the accused will be undermined if his
5 ability to introduce this evidence at this point in the trial was
6 circumscribed or denied as suggested by the Prosecution.

7 18. The Chamber will deal with any consequential issues
8 following the evidence of this witness, if any are raised.

9 19. As regards the submissions on the use of the videolink
10 advanced by one of the Legal Representatives of Victims, this step is
11 clearly necessary in these circumstances: on the basis of the evidence
12 before the Chamber if the Bench orders that this witness's evidence is to
13 be given in The Hague, it is likely that this will result either in a
14 material delay to the trial or the evidence will become unavailable to
15 the accused. Furthermore, testimony has been given successfully by
16 videolink on several prior occasions during this trial without any
17 apparent hindrance as regards the proper questioning of the witnesses or
18 the Chamber's ability to understand and evaluate the evidence.

19 Defence witness 0037

20 20. In its e-mail of 23 March * 2011, the Prosecution observes
21 that it has not routinely resisted applications by the Defence to
22 introduce evidence via a videolink, and it submits that there is "a
23 compelling and principled reason to object to the videolink testimony of
24 this witness in particular." It is submitted that the witness will
25 address the significant issue of demobilisation, and that questioning in

1 this context will be important. The Prosecution contends that it will be
2 hampered if a videolink is utilised because it would be using a number of
3 documents including - potentially - original documents. Furthermore, the
4 Prosecution submits that it does not know in advance exactly which items
5 it may apply to put to the witness. Finally, the Prosecution expresses
6 skepticism as to the reasons advanced in relation to the suggested
7 difficulties for the witness should he be absent from his work if it is
8 necessary for him to travel to The Hague.

9 Analysis and conclusions

10 21. The Chamber has been told that this witness works as a
11 teacher in two academic institutions, and he will be unable to be absent
12 from work for the time necessary to obtain a passport in Kinshasa (a
13 minimum of 3 days) and for the longer period whilst he travels to Europe
14 and gives evidence in The Hague (see the Defence e-mail of 24 March
15 2010). Some of his students are taking exams in the near future.
16 Although it would have been helpful if the Chamber had been provided with
17 a letter from the witness's employers addressing his circumstances, there
18 are no grounds before the Chamber for doubting the explanation given by
19 the Victims and Witnesses Unit as to the anticipated difficulties that
20 will confront the witness if the Chamber refuses the application to use a
21 videolink during his evidence.

22 22. The Chamber is of the view that the suggested practical
23 difficulties relating to the use of documents can be resolved by sensible
24 planning in advance. The Prosecution is to ensure that all of the
25 original documents that it may conceivably ask the witness to look at are

1 provided beforehand to the Court Officer who will be travelling to the
2 DRC, and any others are to be shown to the witness having been sent
3 electronically to the DRC and printed, or transmitted via the videolink.
4 Addressing the alternative possibility advocated by the Prosecution, it
5 is likely that if the Chamber orders Defence witness 0037 to give
6 evidence in person in The Hague either his testimony will be
7 substantially delayed or he will decline to give evidence.

8 23. In the decision on the Defence request for a witness to give
9 evidence via videolink (document 2285), the Chamber set out the following
10 matters when addressing the circumstances of a vulnerable witness and the
11 submissions that had been advanced by the relevant legal representatives
12 on the basis of jurisprudence from the International Criminal Tribunal
13 for Rwanda:

14 "14. It is to be stressed that this Court's approach to the
15 issue of witness protection is not necessarily the same as that taken by
16 other international tribunals. Although it is useful to investigate the
17 jurisprudence from other courts, it is in no sense binding. Critically,
18 in this situation, under Article 68(1) of the Rome Statute ("Statute"),
19 '[t]he Court shall take appropriate measures to protect the safety,
20 physical and psychological well-being, dignity and privacy of victims and
21 witnesses. In so doing, the Court shall have regard to all relevant
22 factors [...]' and, furthermore, under Article 68(2) of the Statute "[a]s
23 an exception to the principle of public hearings provided for in
24 Article 67, the Chambers of the Court may, to protect victims and
25 witnesses or an accused, conduct any part of the proceedings in camera to

1 allow the presentation of evidence by electronic or other special
2 means [...]' The governing provision is Article 69(2) of the Statute
3 which provides:
4 "The testimony of a witness at trial shall be given in person,
5 except to the extent provided by the measures set forth in Article 68 or
6 in the Rules of Procedure and Evidence. The Court may also permit the
7 giving of *viva voce* (oral) or recorded testimony of a witness by means of
8 video or audio technology, as well as the introduction of documents or
9 written transcripts, subject to this Statute and in accordance with the
10 Rules of Procedure and Evidence. These measures shall not be prejudicial
11 to or inconsistent with the rights of the accused.'

12 "15. Accordingly, contrary to the contention of the Legal
13 Representatives, applications for evidence to be given via videolink are
14 not restricted to the two suggested limited situations, namely when the
15 witness has either refused to attend court or is unable to do so.
16 Instead, the Chamber is generally enjoined to protect the psychological
17 well-being and dignity of its witnesses, subject to the fundamental
18 dictates of a fair trial, and this calls for a fact-specific decision in
19 which a wide variety of different factors may be relevant. Rule 67 of
20 the Rules is framed in a way that leaves the Chamber with a broad
21 discretion, subject particularly to the provisions of Rule 67(3) of the
22 Rules."

23 24. This is a very different situation to the one addressed in
24 that decision, given the present application does not concern a
25 vulnerable witness, but rather the ability of the accused to call all the

1 relevant evidence on which he seeks to rely either at all or at least
2 without causing significant delay. The relevant Rule is Rule 67 of the
3 Rules of Procedure and Evidence:
4 Rule 67
5 "Live testimony by means of audio or videolink technology
6 "(1) In accordance with Article 69(2), a Chamber may allow a
7 witness to give *viva voce* (oral) testimony before the Chamber by means of
8 audio or video technology, provided that such technology permits the
9 witness to be examined by the Prosecutor, the Defence, and by the Chamber
10 itself, at the time that the witness so testifies.
11 "(2) The examination of a witness under this Rule shall be
12 conducted in accordance with the relevant Rules of this chapter.
13 "(3) The Chamber, with the assistance of the Registry, shall
14 ensure that the venue chosen for the conduct of the audio or videolink
15 testimony is conducive to the giving of truthful and open testimony and
16 to the safety, physical and psychological well-being, dignity, and
17 privacy of the witness."
18 25. Article 69(2) establishes that witnesses will give evidence
19 in person, subject to certain exceptions, and it expressly provides that
20 a witness can testify via a videolink so long as this step is not
21 prejudicial to or inconsistent with the rights of the accused. Certain
22 important protections, as just set out, have been established in Rule 67
23 of the Rules when this means of giving evidence is adopted. The use of a
24 videolink is clearly necessary in these circumstances:
25 * on the basis of the evidence before the Chamber,

1 if the Bench orders that this witness's evidence is to be given in person
2 in The Hague, it is likely there will either be a material delay to the
3 trial or the evidence will become unavailable to the accused. The
4 practical difficulties raised by the Prosecution are seemingly resolvable
5 and the parties and participants will be given a full opportunity to ask
6 questions. Therefore, the Defence suggestion does not significantly
7 prejudice the Prosecution or the participants, and it ensures that the
8 accused's fair-trial rights are preserved.

9 26. The other aspects of this application are unopposed and
10 therefore the Chamber grants the Defence application as regards Defence
11 witnesses 0007, 0036, and 0037.

12 27. Finally, the Defence is instructed to make any requests for
13 protective measures in relation to any of the forthcoming witnesses no
14 later than 4.00 p.m. on Friday, 1 April 2011.

15 That concludes this oral decision. Before the perfected version
16 of the transcript is published, I'm going to ask for a copy of that
17 ruling to be sent to me, and to the greatest extent possible, I ask that
18 the punctuation and layout set out in the copy provided to the
19 stenographers and interpreters is reflected in the version sent to me. I
20 will then check it prior to the publication of the perfected version of
21 today's transcript.

22 Before we turn to the evidence of this witness and the matters
23 concerning him, there are a few matters of housekeeping to be dealt with.

24 On the 11th of April, which is a Monday, Pre-Trial Chamber II
25 needs to conduct two Status Conferences, and the result of that is that

1 this Chamber will be unable to sit on that day.

2 There have been --

3 (Trial Chamber confers)

4 PRESIDING JUDGE FULFORD: We have been informed that there are
5 certain objections by the Defence to the use of some of the documents
6 that the Prosecution intends to utilise when examining the next witness.
7 In the first instance, we ask, please, for counsel on both sides to
8 discuss those objections to see whether there can be a meeting of minds,
9 and we will then address the objections prior to the commencement of
10 questioning by counsel for the Prosecution.

11 There is one document, 5900, which the Prosecution raises
12 objections to in the sense that the Defence seek to use it as part of
13 what I'm going to describe as the examination-in-chief of this witness.

14 Maitre Mabilie, have you discussed that document with counsel for
15 the Prosecution?

16 MS. MABILLE: (Interpretation) Since it's my colleague
17 Mr. Bijou-Duval who is going to handle the witness, I would like to give
18 him the floor, with your leave, of course.

19 MR. BIJU-DUVAL: (Interpretation) Yes, your Honour. We had
20 discussions in the sense that we exchanged certain arguments. With
21 respect to use of this document, the Defence is not yet certain about the
22 use of this document. This document is one of -- well, has to do one of
23 the subjects which are going to be touched on by the witness. If what
24 the witness says about this document or the subject matter of this
25 document requires us to show this document to the witness, then we are

1 going to do so. If, however, what the witness says with respect to the
2 content of this document does not allow us to use the document, then we
3 are not going to use it. In other words, it is highly probable that the
4 Defence team will not use this document in the course of its examination.

5 PRESIDING JUDGE FULFORD: Thank you, Mr. Biju-Duval. In fact, my
6 question was whether you discussed this issue with counsel for the
7 Prosecution. I sensed that you haven't. During the course of -- if that
8 is the position, during the course of the first break can you discuss the
9 issue with counsel for the Prosecution and let us know, when we sit
10 again, as to whether there are going to be any difficulties should you
11 decide, on the basis of the evidence that's given, that you wish to
12 introduce it.

13 MR. BIJU-DUVAL: (Interpretation) Yes, your Honour.

14 PRESIDING JUDGE FULFORD: Good. And then if there isn't
15 agreement between you, before the document is shown to the witness, the
16 issue needs to be raised with us so that we can determine whether or not
17 that's a fair course for you to adopt.

18 The Defence are asked, please, to submit a filing in which all of
19 the witness summaries that they have relied on in the case are attached
20 as annexes so as to ensure that we have a proper record of all of them in
21 one place.

22 Finally, the parties and participants should know, without going
23 into the detail of them, that we have made various decisions in relation
24 to contact between the detained witness in this case and a detained
25 witness or detained witnesses in the Katanga case. So there have been

1 orders from this Chamber in relation to noncommunication during various
2 stages of the evidence that is going to be heard during the course of
3 this trial and the trial before Trial Chamber II.

4 Mr. Biju-Duval, we have been informed that this witness is to
5 give evidence publicly and that no protective measures are sought. Is
6 that still the position?

7 MR. BIJU-DUVAL: (Interpretation) Yes, your Honour.

8 PRESIDING JUDGE FULFORD: Thank you.

9 Are there any other matters as far as the Defence are concerned
10 that need to be resolved prior to the commencement of his testimony?

11 MR. BIJU-DUVAL: (Interpretation) No, your Honour.

12 PRESIDING JUDGE FULFORD: Anything, Mr. Omofade?

13 MR. OMOFADE: Nothing from the Prosecution.

14 PRESIDING JUDGE FULFORD: Well, we're now 20 past 10.00. I'm
15 afraid reading out that oral decision took slightly longer than I'd
16 anticipated. What we'll do is rise, have a short break now until half
17 past 10.00. I'm going to ask, please, for the witness to be brought down
18 for half past 10.00 so that we can commence his testimony as soon as we
19 sit. Can the Court Officer and the Usher please make sure that
20 appropriate arrangements are made in relation to him giving the oath, and
21 we will sit again, then, at half past 10.00.

22 Thank you all very much.

23 COURT USHER: All rise.

24 Recess taken at 10.18 a.m.

25 On resuming at 10.32 a.m.

1 (The witness entered court)

2 COURT USHER: All rise. Please be seated.

3 PRESIDING JUDGE FULFORD: Good morning, sir. Good morning.

4 THE WITNESS: (Interpretation) Good morning, your Honour.

5 PRESIDING JUDGE FULFORD: Just a few words before you commence

6 your evidence. We, during any particular session, ensure that the

7 questioning is not so long that it becomes oppressive for witnesses, so

8 rest assured there will be frequent breaks in your evidence so you've got

9 time to rest and collect your thoughts.

10 Can you please make sure that you listen very carefully to the

11 questions that are put to you by counsel, and to the extent that you're

12 able, try and direct your answers at the question that is being put to

13 you. If there are other matters arising out of your answer, rest assured

14 that counsel will explore those with you in whatever way they consider

15 appropriate. So very important that you focus on the questions.

16 The other really important thing whilst you're giving your

17 evidence is that you do not speak too quickly. The problem is everything

18 you're saying is being transcribed and interpreted, and if any of us

19 speak too quickly, I'm afraid that system simply breaks down and your

20 evidence will then be lost.

21 The other element, and this is going to be difficult for you

22 because, as I understand it, you'll be speaking in French and the Defence

23 counsel will be speaking in French, it is critical that you leave a small

24 gap between the questions Mr. Biju-Duval puts to you and your answer.

25 I'm going to encourage Mr. Biju-Duval to use his hand like that to remind

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1 you that you must leave a gap before you start your answer. So if
2 Mr. Biju-Duval raises his hand in the way that I'm demonstrating, he's
3 not being rude. He is, instead, reminding you to leave your intervention
4 just for a second so that the stenographers and the interpreters have got
5 time to catch up.

6 You will see on the desk in front of you a card which has the
7 solemn declaration in French. Could I ask you now, please, to read those
8 words out loud so that everybody can hear you undertake to tell the truth
9 during the course of your evidence.

10 THE WITNESS: (Interpretation) I solemnly declare that I will
11 speak the truth, the whole truth, and nothing but the truth.

12 WITNESS: WITNESS DRC-D01-WWWW-0019

13 (Witness answered through interpreter)

14 PRESIDING JUDGE FULFORD: That's excellent speed and excellent
15 volume. Try and keep that up, please, if you can, for the entirety of
16 your evidence.

17 Mr. Biju-Duval.

18 Questioned by Mr. Biju-Duval:

19 Q. (Interpretation) Good day, sir.

20 A. Good day.

21 Q. We've already met. I'll introduce myself again. My name is
22 Jean-Marie Biju-Duval, and I will be putting a certain number of
23 questions to you on behalf of the Defence for Mr. Thomas Lubanga.

24 First of all, could you tell us what your name is, your first and
25 last name.

1 A. My name is Djokaba Lambi Longba.

2 Q. Thank you. Could you tell us your date of birth and place of
3 birth?

4 A. The 27th of May, 1966, in Bunia.

5 Q. Thank you. Could you tell us whether you attended university,
6 and if so, which one.

7 A. I studied at university, at the University of Kisangani. I went
8 to the Faculty of Administrative and Political Social Science. It was in
9 the Department of Political Science and Administration, and I graduated
10 there.

11 Q. Thank you. Could you tell us when you met Mr. Thomas Lubanga?

12 A. First of all, I would say that I was familiar with the name
13 Thomas Lubanga when I was in my final year of secondary education. This
14 was in the academic year 1983 to 1984. In various schools in Ituri,
15 there was a circular letter from Thomas Lubanga, who at the time was the
16 president of the association of students from Ituri and Kisangani, and in
17 this circular letter, Thomas Lubanga invited those in their final year of
18 the humanities cycle to enroll en masse to study, to pursue further
19 education in Kisangani or its surroundings. So this was an appeal to
20 those in their final year of secondary education given that, in general,
21 those in Ituri would just remain within the ISP in Bunia and would follow
22 a very monotonous route. They would study pedagogy. So it was necessary
23 to provide a more diverse form of training, and this is why this letter
24 was addressed to us. It was on that occasion that I became aware of the
25 name of Thomas Lubanga.

1 In 1984, I went to enroll in Kisangani, which is a town over
2 750 kilometres away from Bunia. On one day I was in one of the rooms of
3 the chumba, block or building, and on that occasion I was with an elder
4 person. In that person's room there was a person, a gentleman who was
5 introduced as Thomas Lubanga. This was towards the end of 1984 when I
6 went to Kisangani, when I went to enroll there as a student at the
7 University of Kisangani. It was on that occasion that I physically met
8 for the first time Thomas Lubanga. I could even provide other details.
9 It was in room 3 of the chumba, block. This is a block or building that
10 I subsequently lived in.

11 Q. Thank you. Could you provide us with further details and tell us
12 which community is your original one?

13 A. I am from the Mambisa community or ethnic group.

14 Q. Thank you. Were you in contact with Mr. Thomas Lubanga in 2001?

15 A. Yes.

16 Q. On what occasion?

17 A. In the year 2000, I was in contact with Thomas Lubanga. When the
18 UPC was created.

19 Q. Did you personally participate in the work carried out to
20 establish this political movement?

21 A. Yes.

22 Q. In what way did you participate in that?

23 A. I was involved in writing the basic texts on a number of
24 occasions for this political movement.

25 Q. Could you tell us during which period of the year 2000 was this

1 the case?

2 A. This was in September 2000.

3 Q. You spoke about the preparation of documents, the drafting of
4 documents. Were statutes drafted?

5 A. Yes.

6 Q. Did you sign these statutes in the year 2000?

7 A. No, I didn't.

8 Q. Why?

9 A. I couldn't sign the statutes, because I was a state functionary,
10 and as a result I couldn't sign them. I was a civil servant.

11 Q. What duties did you perform as a civil servant at the time?

12 * A. I was head of a state outpost in Lolwa. I was an assistant, a resident
13 assistant. That was the term used.

14 Q. Thank you.

15 A. I was the head of the section.

16 Q. In the year 2000, who were the main initiators behind this
17 political movement, the UPC?

18 A. I could provide you with a few names as examples. For example,
19 Madam Losuwa, Uromwarom. There was Adriko Johnson, and there was Lonema,
20 Herve Djokaba, Mbomo Saga and many others.

21 Q. As far as these initiators are concerned who were behind the UPC,
22 do you know whether they had been to university?

23 A. Yes, because many of them are former students of the Kisangani
24 university. Many of them are from there.

25 Q. Some of them, had they previously been involved in political

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1 activities of any kind, in other political parties?

2 A. Yes. Some of them are people that I met in the UPDS, the Union
3 for Democracy and Social Progress. So some of them are people that I
4 would meet as a militant within this political party.

5 Q. Thank you. As far as you can remember, in the year 2000 which
6 Congolese provinces were represented by those who established the UPC?

7 A. There were a number of provinces that were represented. There
8 was Province Orientale with all those districts, the Bas-Uele district.
9 There was Losuwa which was in Tshopo district, Urom from the Ituri
10 district. Equateur was also represented, and in Kasai -- there were also
11 representatives of Kasai. So that provided a complete image of the
12 Democratic Republic of Congo, in fact.

13 Q. Let's take the example of Equateur and Kasai. Those are examples
14 are ones you have mentioned. Do you remember the name?

15 A. In Kasai it was Madam Kabengele.

16 Q. Let's deal with district --

17 MR. OMOFADE: The only reason I rise at this stage a number of
18 names have been mentioned. I do note from the transcript that not all of
19 them have been captured. It may well be that the transcribers do have
20 some of the names to hand, but it would help if they could be listed as
21 we go along.

22 PRESIDING JUDGE FULFORD: I just made a note to myself which
23 reads: "Gaps in testimony." I think the position, Mr. Biju-Duval, is
24 that these names aren't fundamentally critical to the evidence that's
25 being given, and I was going to suggest at the next break that a system

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1 needs to be worked out between counsel so that the gaps in due course can
2 be filled in, because it's undesirable simply to have names that either
3 don't appear at all or in relation to whom there's a problem with the
4 spelling.

5 Thank you for raising it. I'm now going to ask Mr. Biju-Duval
6 how he proposes we ought to resolve this problem.

7 Now, Mr. Biju-Duval, having all these, as it were, spelt out as
8 we go along may protract the proceedings fairly considerably. Is there a
9 way in which, as it were, by agreement and possibly, if necessary, going
10 back to the witness outside of court, we can obtain the correct spelling
11 of names which are missed or is that an inappropriate method of
12 suggesting rectification?

13 (Defence counsel confer)

14 MR. BIJU-DUVAL: (Interpretation) I think we are in a position
15 to indicate the spelling of these names and the accused could help us
16 with the spelling. We could also ask the witness to help us during a
17 break. The witness could write down the names he mentioned in the course
18 of his testimony on a piece of paper, and that, perhaps, would be the
19 safest way to proceed.

20 PRESIDING JUDGE FULFORD: Is that acceptable, Mr. Omofade, for
21 these less central names, or would you prefer it to be dealt with in open
22 court whilst we're all together?

23 MR. OMOFADE: Your Honour, I do bear in mind that it might
24 interrupt testimony, and I'm happy to accommodate any proposal that
25 Mr. Biju-Duval has. The only reason I hesitate with these arrangements

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1 is the witness might have forgotten some of the names that he does
2 mention. It might be more helpful, at least for the time being -- I
3 don't know how many names he does intend to go through. It might be more
4 helpful to elicit the names as we go along.

5 PRESIDING JUDGE FULFORD: Probably safest, Mr. Omofade, although
6 it probably will take some time. Right. Thank you very much.

7 Mr. Biju-Duval, I think you need to go back a page or so to where
8 the witness was dealing with the year 2000, the representation of certain
9 Congolese provinces, and certainly on the English transcript, things
10 started to go awry when we were dealing with the Bas-Uele district. So
11 could you scroll back up, please, and try and fill in at least the
12 central gaps. Page 22, line 17 in the French transcript.

13 MR. BIJU-DUVAL: (Interpretation) Thank you, your Honour.

14 Q. Sir, you mentioned Madam Losuwa?

15 A. Madam Losuwa.

16 Q. Could you spell that?

17 A. L-o-s-u-w-a.

18 Q. Thank you. And then we have made a note of Uromwarom. Could you
19 spell this name, please?

20 A. U-r-o-m-w-a-r-o-m.

21 Q. Thank you. And then we've made a note of Mr. Adriko Johnson's
22 name. Could you spell Adriko.

23 A. A-d-r-i-k-o.

24 Q. Thank you. Mr. Lonema?

25 A. L-o-n-e-m-a.

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- 1 Q. Thank you. Mr. Herve Djokaba?
- 2 A. D-j-o-k-a-b-a.
- 3 Q. And someone whose name is Mbomo Saga?
- 4 A. Mbomo Saga. M-b-o-m-o. Surname Saga, S-a-g-a.
- 5 Q. Thank you. When I asked you about regional origins, you
- 6 mentioned Mr. Mbomo Saga for Bas-Uele; is that correct?
- 7 A. Yes.
- 8 Q. And you mentioned Madam Losuwa for --
- 9 A. For the Tshopo district.
- 10 Q. So it's the same person?
- 11 A. Sorry?
- 12 Q. It's the same person, Losuwa?
- 13 A. Yes, it's Losuwa.
- 14 Q. As far as the district of Tshopo is concerned, you mentioned the
- 15 name of Mr. Mbomo Saga.
- 16 A. Mbomo Saga is from Bas-Uele.
- 17 Q. Who was from the Tshopo district?
- 18 A. It was Madam Losuwa.
- 19 Q. And the Ituri District?
- 20 A. Uromwarom, and there was also Lonema. Herve Djokaba too.
- 21 Q. Thank you. I think we have clarified the spelling of these
- 22 names. Thank you.
- 23 I'm told that there's one other name, Madam Kabengele.
- 24 A. Kabengele.
- 25 Q. Could you spell that?

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1 A. K-a-b-e-n-g-e-l-e.

2 PRESIDING JUDGE FULFORD: Thank you very much indeed. I'm going
3 to ask at each break if there is still uncertainty, either on the part of
4 the Prosecution or one of the participants or within the booths behind
5 me, as to spelling, those concerns be communicated to Mr. Biju-Duval over
6 the break so that he can return to the issue when he recommences his
7 questioning. I think we may have covered it but if there are still some
8 that are outstanding, there needs to be a discussion during the break.

9 Please carry on, Mr. Biju-Duval.

10 MR. BIJU-DUVAL: (Interpretation) Thank you very much,
11 your Honour.

12 Q. Mr. Witness, so let's just confine ourselves to the District of
13 Ituri. Can you indicate to us what community -- from what community the
14 other initiators of the UPC that you were with during that period came
15 from?

16 A. If I were to indicate those communities, I would say there is
17 Uromwarom, who is from the Alur community. Adriko, he comes from the
18 Lugbara community. Lugbara, I can spell it for you if you wish.
19 L-u-g-b-a-r-a. And then there is Herve Djokaba, as Lonema, these come
20 from the community Hema, the Hema community. I think I've covered it.

21 Q. Thank you. Among the people who throughout 2000 were part of the
22 initiation of the UPC, were there soldiers?

23 A. No.

24 Q. Were there militiamen or, generally speaking, people involved in
25 armed groups?

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1 A. No.

2 Q. Would you mind, Mr. Witness, indicating to us what, according to
3 your understanding of this, what was the motivation for these people to
4 establish this new political movement dubbed UPC?

5 A. To my mind, the UPC was established for the following reasons:

6 It was established because of the context in which the Ituri District was
7 going through that particular time. If -- well, with your Honours'
8 leave, I could now specify what that context involved.

9 It was the year 2000. Ituri was managed by a rebel movement
10 dubbed the RCD/KIS, which meant the Congolese Assembly for Democracy and
11 coming out of Kisangani and it was chaired by Mr. Wamba Dia Wamba. In
12 this given set of circumstances, in these circumstances Ituri was ravaged
13 by deadly incursions. So there was a security issue in Ituri. This
14 rebellion movement was taken out of Kisangani, went to Bunia, and its
15 programme was the following: To establish order and security across the
16 entire district. And in addition to that, to ensure the well-being of
17 the population, but unfortunately, the local population wasn't able to
18 live properly with this rebellion movement, which prompted some citizens
19 to think about establishing a movement, political movement, obviously,
20 with all the risks attendant upon that, to denounce everything that was
21 going awry among the leading -- among the leaders of this rebellion
22 movement. Therefore, there was the bad management and the inability to
23 establish the security for citizens. That was the first and overriding
24 motivation.

25 In addition to that, there was the bad governance of that

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1 rebellion movement, the RCD/KIS, and through that bad management, the
2 citizens were abandoned to that sad fate. And all that sad set of
3 circumstances meant these people were saying, No, we won't continue in
4 this vein. We need to organise ourselves and to set things right.
5 That's why we need to establish a political movement which, initially,
6 was just an opposition movement.

7 PRESIDING JUDGE FULFORD: Sir, in your evidence so far, volume
8 has been excellent and usually you haven't spoken too quickly, but in the
9 two longer answers that you've given, as you've gone through the answer
10 you've tended to speed up and it's become faster and faster. Now,
11 interpreters and stenographers are just managing but they're at the very
12 outer limits of what's possible. So could you remember in your longer
13 answers not to gather speed.

14 Please carry on, Mr. Biju-Duval.

15 MR. BIJU-DUVAL: (Interpretation) Thank you.

16 Q. We have just examined the moment in September 2001 this political
17 movement was established. I would like to put to you a question now, a
18 question relating to the months, the months following that. I'm
19 referring to the last months of 2000 and the beginning of 2001.

20 Were you involved in the UPC's activities during that time-frame
21 in 2001?

22 A. Yes.

23 Q. What were the activities that you were involved in? Would you
24 mind providing one or two examples?

25 A. At the end of 2000 and at the beginning of 2001, meetings were

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1 convened, and during those meetings -- well, I attended those meetings.
2 And in 2001, right at the beginning of 2001, this was a time when
3 management in Ituri, governance of Ituri, went from the RCD Kisangani of
4 Wamba Dia Wamba to the platform dubbed "Front for the Liberation Congo,"
5 FLC as an acronym, with Bemba Gombo as chairman of that platform. And at
6 that particular moment in time, the UPC with a representative, national
7 representative, sitting on that platform at the UPC level, a number of
8 meetings were organised, and these meetings meant that the top people in
9 the UPC met personally the chairman of the FLC to get across to that
10 person that the UPC was an organisation, a political organisation, that
11 shouldn't be left by the wayside, and therefore should be properly
12 represented in the management or governing circles.

13 Q. Thank you. During this particular period in time, by way of --
14 just to recall to your memory, end 2000 and beginning of 2001, were
15 soldiers going to join -- did soldiers join the activists of the UPC?

16 A. No.

17 Q. Did other people involved in armed groups join the activists at
18 the UPC?

19 A. No.

20 Q. So staying with the same time-frame, end 2000, beginning 2001,
21 did the UPC put together an armed militia?

22 A. No.

23 Q. To your knowledge, did Mr. Thomas Lubanga personally convene
24 around himself an armed grouping?

25 A. No.

1 Q. I would like just to clarify my question to avoid any ambiguity.

2 From -- to your knowledge, did Mr. Lubanga, did he throughout this period
3 call upon the services of a private militia?

4 A. No.

5 Q. During this particular period, the year 2001, 2000/2001, were
6 there armed elements, civilian or military, that were presenting
7 themselves -- that were coming under the umbrella of the UPC or of
8 Thomas Lubanga?

9 A. None.

10 Q. During the year 2001, did you play a role, a specific role, as a
11 member of the Mambisa community?

12 A. Yes. During 2001, as a member of that community, I even was
13 considered a -- as a particularly prominent figure, and in that respect I
14 was involved in the major meeting designed for bringing peace to Ituri.
15 This had been organised by the president of the FLC, namely Bemba Gombo.

16 MR. OMOFADE: Your Honours, the last number of questions my
17 friend has put to the witness on what certainly appears to be of critical
18 issue to this case have been slightly leading. I just caution that my
19 colleague places at least (* indiscernible).

20 PRESIDING JUDGE FULFORD: Yes. There's always a tension here,
21 Mr. Omofade, between, on the one hand, the question being leading but, on
22 the other hand, counsel needing to direct the witness to the relevant
23 subject, and if the question is left too open, the witness will have no
24 idea as to what topic he's supposed to be addressing. But point made,
25 and I'm sure Mr. Biju-Duval will bear in mind that on the more important

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1 issues, you must try insofar as you can, Mr. Biju-Duval, not to lead the
2 witness to the answer but to put questions neutrally whilst alerting the
3 witness to the subject matter that he's to deal with. I'm sure you
4 understand that. I'm sure you'll apply it. Thank you. Please continue.

5 MR. BIJU-DUVAL: (Interpretation) I would like to have shown to
6 the witness the file. I think the Court Usher may be able to provide the
7 witness with that file.

8 Q. Could you please turn to number 1, the tab at number 1. So this
9 is the first document with the title "Agreement protocol pertaining to
10 the resolve -- to resolving the inter-ethnic conflict Hema/Lendu in the
11 province of Ituri."

12 Would you mind casting your eye to the last page where the list
13 of drafters --

14 PRESIDING JUDGE FULFORD: Mr. Desalliers for a moment, please.

15 MR. BIJU-DUVAL: (Interpretation) Yes. I think we need to help
16 the witness.

17 Q. No, leave it as it is?

18 MR. BIJU-DUVAL: (Interpretation) I think really the witness
19 needs to be assisted in handling the document.

20 PRESIDING JUDGE FULFORD: We need to go back, please, to the
21 procedures we adopted with other witnesses. I'm aware that this is new
22 court staff. Can I ask, please, that the Usher, whenever a new document
23 is introduced, go across the court to make sure the witness is looking at
24 the right page of the right document.

25 MR. BIJU-DUVAL: (Interpretation)

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1 Q. So you have now got to the last page of the document with the
2 list of the drafters of the document.

3 A. Yes.

4 Q. And "Prominent figures of other communities residing in Ituri,"
5 under that heading you can see Djokaba Lambi Loga. Is this you, sir?

6 A. Yes, it is indeed me.

7 Q. Did you sign this document?

8 A. Yes, I did sign it.

9 Q. Would you mind indicating to the Court -- of course, for the
10 purposes of the record here, we're talking about document bearing the ERN
11 OTP-107-0013. That's the ERN number. Would you mind briefly presenting
12 this document to the Court. Tell us what its substance involves.

13 A. It's -- well, as the heading suggests, in fact, this is a
14 protocol agreement for resolving the conflict, the Lendu/Hema
15 inter-ethnic conflict in Ituri. In fact, when the FLC took over the
16 governance of Ituri, the FLC chairman initiated a raft of meetings during
17 which the prominent figures in those communities were to meet and to
18 endeavour to dialogue in a spirit of fraternity, to talk about the
19 conflict that was ravaging the region, the causes, way to resolve the
20 issue, et cetera, et cetera. And after these meetings, it was necessary
21 that a document, if I can put it this way, could put a rubber stamp on
22 the peace agreement. So this meeting was -- well, the communities that
23 were involved in the conflict was the Hema and Lendu.

24 Now, despite the fact that there were other communities in Ituri
25 who were victims, if -- if they were to be dubbed that way of that deadly

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1 set of circumstances, and that's what we experienced, and this is why you
2 here you can see very clearly that -- we can see the drafters here, and
3 you see these names because we had to draft this document. Well,
4 throughout the night we were facilitated in this task by the FLC
5 Secretary-General, who was -- who is currently the ministry of -- the
6 minister of the plan, Kamitatu, it was him. It was under his aegis that
7 we drafted this document throughout the entire night. And then the
8 following day, it was at Bunia that the signature was done, and we were
9 all -- we all attended that signatory meeting.

10 Q. Thank you. You mentioned the name of an individual who is
11 currently minister of plan. Would you mind spelling that name Kamitatu?

12 A. K-a-m-i-t-a-t-u.

13 Q. Thank you. I would like to draw your attention once more to the
14 last page on the list of the people who have drafted this document.
15 Under the heading "Prominent figures Hema North," we can see first
16 Mr. Dhejju Maruka Joseph. Isn't that correct?

17 A. Yes.

18 Q. This particular individual, was he a member of the UPC?

19 A. No.

20 Q. We can also see under the same heading the following name:
21 Mr. Buro Dhengo Francois; is that correct?

22 A. Yes.

23 Q. This individual, was he a member of the UPC?

24 A. No.

25 Q. In the following heading -- under the following heading, "The

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1 prominent figures Lendu North," we can see -- in the second place we can
2 see the name Mateso Tsozz. Forgive me for my pronunciation. This
3 individual, was he a member of the UPC?

4 A. This individual became a member of the UPC later on.

5 Q. Do you remember whether he held a particular office?

6 A. Yes, this individual, Mateso Tsozz, was the national secretary,
7 national secretary within the UPC/RP.

8 Q. Thank you. If we turn to "Prominent figures Hema Sud" heading,
9 we can see the first name is Professor Ruhigwa Baguma. Was he a member
10 of the UPC?

11 A. No.

12 Q. In the same section, we can see the name Rwaheru Jeff. Was this
13 person ever a member of the UPC?

14 A. No.

15 Q. Thank you. Among the prominent figures in the other communities,
16 therefore, the last heading, prominent figures in other communities
17 residing in the -- in Ituri, over and beyond yourself, some of the people
18 cited here, did they join the UPC at some point in time?

19 A. Yes, because Mastaki Meza was one of the -- was a cofounding
20 member. Mastaki Meza Jean Leonard was from the same Mambisa community as
21 myself and he was a cofounder right at the inception of the political
22 movement dubbed UPC. Bendeache Itendey Willy from the Nyali community is
23 the third name featuring on the list.

24 Q. Would you please specify the name so there is no ambiguity?

25 A. We have Bendeache Itendey Willy, that's the third name. This

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1 particular individual joined the UPC and did exercise some duties,
2 "ministerial duties" within the UPC as national secretary, as deputy
3 national secretary responsible for the environment. That is all.

4 PRESIDING JUDGE FULFORD: For the interpreters and the
5 transcribers, I think it's clear that the witness is referring to the
6 third individual under the last heading. So it's number 3 of 8 towards
7 the bottom of the page.

8 MR. BIJU-DUVAL: (Interpretation) That is exactly so. I've
9 finished with this document. Perhaps we can issue an EVD number to it.

10 PRESIDING JUDGE FULFORD: Please.

11 COURT OFFICER: Your Honours, document ID DRC-OTP-0107-0013 shall
12 be assigned EVD-D01-01088. Thank you, your Honours.

13 PRESIDING JUDGE FULFORD: Thank you very much. You're now moving
14 on to another subject, Mr. Biju-Duval?

15 MR. BIJU-DUVAL: (Interpretation) Yes, that is right,
16 your Honour.

17 PRESIDING JUDGE FULFORD: I have got to fulfil my historic
18 obligations to the stenographers and interpreters, the same as the
19 witness. So we'll take a longer break now.

20 Sir, we're going to give you a break and we look forward to
21 seeing you again at 12.00. Could you -- well, I don't know exactly what
22 the arrangements are. I think we'll rise on this occasion, and I would
23 ask that during the break the court clerk comes and has a word with us as
24 to what the most appropriate way is of dealing with breaks during the
25 course of this witness's evidence, but we will sit again at 12.00.

1 COURT USHER: All rise.

2 Recess taken at 11.29 a.m.

3 On resuming at 12.02 p.m.

4 COURT USHER: All rise. Please be seated.

5 PRESIDING JUDGE FULFORD: Please continue, Mr. Biju-Duval.

6 MR. BIJU-DUVAL: (Interpretation) Thank you, your Honour.

7 Q. Mr. Witness, before we went on break, we looked at this agreement
8 protocol between various communities relating to the resolution of the

9 inter-ethnic conflict in Ituri of the 17th of February, 2001. During
10 that period, early 2001, to the best of your knowledge, did
11 Mr. Thomas Lubanga play any role in the implementation of this policy,
12 policy of the FRC which you talked about?

13 A. Yes. To the best of my knowledge, Thomas was included in the
14 government, if we can call it that, the government of the FLC, as
15 assistant national secretary in charge of the youth, and before that
16 government met in Gbadolite, and before the president of the FLC arrived
17 at Bunia, certain national secretaries arrived. They came before him,
18 and they included Thomas Lubanga.

19 When he arrived at Bunia, the first thing he did was to inform us
20 officials of the UPC about how things went about before we reached this
21 new stage with the FLC. In his contacts with the Lendu community,
22 amongst his contacts he had friends, friends with whom he had lived in
23 common in the past, and these included Charles (* as interpreted) Dudu,
24 with whom he agreed to disseminate the FLC programme in Ituri, to work
25 together in order to pass across the message of peace wherever they went.

1 In that way, he met certain efforts with Charles Dudu, who is today a
2 member of parliament in Kinshasa. They met in Kobu. Kobu was the
3 bastion of Lendu combatants. Kobu is spelled K-o-b-u. At Kobu,
4 therefore, they took time to make the population of Kobu understand about
5 the need to avoid inter-ethnic conflicts. That's what I can say.

6 Apart from that, when they went to Mahagi, during the journey
7 they started in Iga-Barriere. In Fataki. There were certain combatants
8 in Fataki as well. So all the way to Mahagi the message of peace was
9 disseminated. That's what I can say.

10 Q. Thank you. You mentioned the name Charles Dudu. Could you spell
11 the name, please.

12 A. S-h-a-l-o, post-name Dudu, D-u-d-u, and his first name was
13 Martin.

14 Q. Thank you. I will now ask you a few questions relating to the
15 year 2002. Could you please tell us where you were, in what location you
16 were residing in the month of April 2002.

17 A. In April 2002, I was living in the Mudzipela neighbourhood, which
18 is located in the town of Bunia.

19 Q. Up to what time did you live in Bunia? Up to what point in time
20 did you reside in Bunia?

21 A. I resided in Bunia right up to the 6th of March, 2003. And I
22 returned to Bunia on the 12th of May, 2003.

23 Q. Thank you. How much time did you spend in Bunia in April 2002?

24 A. I arrived in Bunia on the 6th of April, 2002, to be precise, and
25 I came in from Kasenyi.

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1 Q. Had you lived in Bunia previously?

2 A. Could you be clearer in your question?

3 Q. In the past, in the years 2000 and 2001, did you live in Bunia?

4 A. Yes. I spent a long time in Bunia.

5 Q. Thank you. Whilst you were in Bunia in April 2002, did you know
6 where Thomas Lubanga was?

7 A. When I arrived in April 2002, Thomas Lubanga was in the town of
8 Bunia.

9 Q. Was he holding any official responsibilities within the
10 government that was acting in Bunia at the time?

11 A. When I arrived in April, that is on the 6th of April, he was
12 still a commissioner of the RCD in charge of defence, a commissioner of
13 the RCD-K/ML.

14 Q. You said he was still a commissioner for defence, commissioner
15 for RCD-K/ML. Do you mean he abandoned those responsibilities later on?

16 A. Yes, he abandoned those responsibilities subsequently.

17 Q. How do you know that?

18 A. I knew because when he resigned the information was passed on to
19 the public. He himself took time to inform us, to inform us who were the
20 officials of the UPC.

21 Q. On that occasion did Thomas Lubanga tell you about the reasons
22 for his resignation?

23 A. Yes, he did.

24 Q. Do you remember the reasons?

25 A. Well, first of all, Mr. Thomas Lubanga reminded us of the context

1 in which the UPC teamed up with RCD Kisangani Liberation Movement, which
2 has the acronym, RCD-K/ML, led by Mr. Mbusa Nyamwisi. That union took
3 place just at the end of the year 2001, when the FLC had to break up, and
4 in Ituri we needed a partner, a reliable partner, who could support the
5 RCD-K/ML. In the agreements that were signed between Mbusa Nyamwisi at
6 the time who was heading RCD-K/ML and Thomas Lubanga who was the
7 president of the UPC, the president of RCD-K/ML, that is Mbusa Nyamwisi,
8 who had a certain moral ascendancy over Lendu fighters, had to use that
9 influence to bring his Lendu Ngiti allies or fighters, to bring them back
10 to reason. From the strategic standpoint, the goal of that agreement was
11 to ensure the pacification of Ituri, but this had to be done through the
12 positive role that had to be played by Mbusa Nyamwisi as the president of
13 RCD-K/ML through his influence over the combatants. That was one of the
14 reasons.

15 The second reason related to the well-being and the development
16 of the region. Indeed, as I said earlier, with the arrival of the rebel
17 movements, Ituri, which at the time the FDL arrived, Ituri, which thought
18 it was coming out of its economic and social underdevelopment, was
19 plunged once more into a situation of abject poverty, and so with this
20 new union the UPC believed that with Mbusa Nyamwisi acting as their
21 partner, the people of the Congo within Ituri would be able to recover
22 economically and socially. However, unfortunately, unfortunately, from
23 the security standpoint, and I should state this clearly, the situation
24 deteriorated even beyond what it used to be. This was because it was
25 absolutely inconceivable that President Thomas Lubanga - I call him

1 president because he was the president of my political organisation - he
2 was the national secretary for defence at the time. Those were the
3 reasons he gave us at the time he explained or told us things about their
4 government.

5 It was unthinkable, therefore, that between Bunia and Mongbwalu,
6 passing through Nyangaraye, such carnage should take place, a situation
7 where Lendu fighters, some of them dressed in military uniforms, uniforms
8 of the APC, APC led by Mbusa Nyamwisi, it was unthinkable that these
9 fighters should attack the people, and they would attack people even when
10 they realised that the people were Hema, of Hema origin, and we found --
11 well, they found that this was unthinkable.

12 Another thing that revolted Thomas, as he told us, was that at
13 the time of the massacres it was the state represented by RCD-K/ML that
14 was supposed to manifest its commitment, its will to restore security.
15 However, when the RCD was informed, the commander in charge of
16 operations, who was also the governor of Ituri, because Ituri had a
17 status of a province, that military governor, therefore, who was also the
18 commander of operations, made absolutely no effort, sent absolutely no
19 soldiers to go to the region, and he found that unthinkable. Thomas
20 found this unthinkable.

21 When this issue was raised, the RCD stated that they did not have
22 the means, the logistical means, to contain the massacre, to put an end
23 to the massacre. And the issue of security affected everyone, even
24 students. And so the traders, the businessmen, when they found that
25 their vehicles were being stopped and that their passengers and some of

1 their employees were killed, these traders, these businessmen, came
2 together under the Federation of Congolese Enterprises, the FEC. When
3 they learned that the RCD alleged that they did not have the means, the
4 traders came together, and they raised a huge amount of money, equivalent
5 to \$15.000 US, money which they thought would enable the RCD governor to
6 organise his forces in order to combat the Lendu fighters who were
7 dressed in the military uniforms of the APC and killing people.
8 Unfortunately, the RCD did not disburse these sums that were given to
9 them, and to the best of our knowledge, the money was simply embezzled.

10 Apart from that, even in the functioning of the RCD, from what
11 Thomas told us, and I have some experience of this as well, because I was
12 able to meet the commander of operations who was the military governor.
13 He was called Molondo Lopondo. He had been appointed by Mbusa Nyamwisi,
14 and so he could not respond or obey the orders of his minister of
15 defence, who was Mr. Thomas Lubanga. To Molondo Lopondo, only obey the
16 orders of Mbusa Nyamwisi, who was in South Africa at the time attending
17 the Sun City meetings.

18 In the meantime, Thomas Lubanga, wished to have control over the
19 situation. He wanted to do something about this, and so he felt that in
20 his capacity as commissioner for defence, he had to prepare a situation
21 statement for the soldiers and to appoint an assistant to the commander
22 of operations. When this was done with the approval of Mbusa Nyamwisi,
23 who was the president of RCD and who was in Sun City at the time, Mbusa
24 would say yes, but while Mbusa was dealing with Molondo Lopondo, he would
25 say no. In any case, such a work environment was not very positive for

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1 Thomas, and he felt that he should do something about this insecurity,
2 these massacres in Ituri, and that the best thing for him would be to
3 resign from this alliance, to resign from this union between the RCD and
4 the UPC.

5 Q. When you are giving a long answer like the one you just gave, you
6 should try to speak more slowly, because the interpreters are put in
7 difficulty when you speak at top speed.

8 In April 2002, did you happen to go to the residence or to the
9 office of Thomas Lubanga?

10 A. In April 2002, I had opportunities to meet Thomas Lubanga at his
11 residence.

12 Q. Before he resigned in April 2002, did he have any body-guards
13 serving him?

14 A. Yes. Thomas Lubanga had guards serving him.

15 Q. Are you able to tell us the number of guards he had?

16 A. At his residence, I used to see about 12 of them, constituting a
17 section.

18 Q. Were there any minors amongst these guards?

19 A. I never noticed that.

20 Q. After his resignation --

21 MR. OMOFADE: Your Honours, I rise for the obvious reason.

22 "Minors" is a very varied term and the question itself was leading, but I
23 think counsel ought to be more explicit in what he puts to the witness.

24 PRESIDING JUDGE FULFORD: Well, Mr. Omofade, isn't it difficult
25 to say that it's leading? Counsel doesn't indicate what answer should be

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1 given. A leading question is when the answer is built into the question.
2 Here he's simply asking whether or not there were minors. Now, if he
3 doesn't ask that question, it's very difficult, isn't it, to focus the
4 witness on the subject matter that he wants the witness to address?

5 MR. OMOFADE: Your Honour, that may well be the case. The first
6 aspect of my objection was the more pertinent one, perhaps, that he ought
7 to be more explicit. I'm grateful.

8 PRESIDING JUDGE FULFORD: Yes. Thank you, Mr. Omofade.

9 "Minors," Mr. Biju-Duval. Given the importance of a particular
10 age in the context of these proceedings, it might be helpful to be more
11 specific in the question that you put. The expression "minors" may be
12 understood differently by different people. Has a meaning to us that
13 isn't necessarily shared by the witness.

14 MR. BIJU-DUVAL: (Interpretation) To clarify my question, I will
15 ask it again.

16 Q. To the best of your knowledge, before Mr. Lubanga resigned, were
17 there any minors aged below 18, that is below 18 years of age, amongst
18 his guards?

19 A. No. Those I met were adults.

20 PRESIDING JUDGE FULFORD: The -- I didn't hear it in French
21 Mr. Biju-Duval. The English transcript records you as asking whether
22 there were any minors below the age of 18. I don't know whether you
23 meant to ask -- I don't know whether that is what you asked or whether
24 that is what you meant to ask. Is it the age of 18 that you're
25 interested in?

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1 MR. BIJU-DUVAL: (Interpretation) I asked him whether there were
2 any persons below the age of 18.

3 PRESIDING JUDGE FULFORD: All right. I'm not sure whether that's
4 necessarily going to be of huge assistance to us hereafter, but if that's
5 the question you want to ask, so be it, and the witness has answered it.
6 Please carry on.

7 MR. BIJU-DUVAL: (Interpretation)

8 Q. I will put other questions to you of the same kind that concern
9 the situation after Thomas Lubanga's resignation in April 2002. After
10 his resignation, did Thomas Lubanga still have body-guards?

11 A. After his resignation the body-guards were still there at his
12 residence. For a certain period of time, of course, because afterwards
13 they were all relieved.

14 Q. Thank you. After his resignation, during the period of time
15 during which he still had body-guards, to the best of your knowledge,
16 were his body-guards adults or under the age of 18?

17 A. In fact, the body-guards were the same ones who had been with him
18 prior to his resignation. They remained at his residence for certain
19 period of time after his resignation. So the same adults are concerned.

20 Q. Thank you. Apart from those body-guards we have just mentioned,
21 as far as you know, did Thomas Lubanga have under him or at his disposal
22 any other armed men?

23 A. No.

24 Q. At that point in time during the period April 2002 to May 2002,
25 did the UPC have an armed branch?

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1 A. No.

2 Q. During this period of time, were there armed men, civilians or
3 soldiers, who placed themselves under the command of Thomas Lubanga?

4 A. No.

5 Q. After his resignation in April 2002, after Thomas Lubanga's
6 resignation, as far as you know, did Thomas Lubanga remain in Bunia or
7 Ituri?

8 A. After his resignation, Thomas would sometimes go to Uganda with a
9 certain number of prominent individuals from Ituri. The objective,
10 naturally, was to meet up with the authorities of the neighbouring
11 republic and to deal with issues that had to do with insecurity provoked
12 by the presence of the RCD-K/ML, with the military governor and the
13 commander of the operations. They were to meet in the town. Because
14 it's important to emphasise the following: Thomas Lubanga left urgently,
15 under fire of Molondo Loponde's men, because one day prior to his
16 departure, his residence was the target of a serious attack, and it had
17 been significantly demolished by mortars fired by Loponde's men who
18 wanted his life. Naturally, he managed to save his life, amongst other
19 things, thanks to a last-minute intervention of the UPDF that night. And
20 after this had happened, his life in Bunia even was no longer possible.
21 It wasn't possible to live there. With the agreement of other -- or with
22 the help of other prominent men he had to see how to meet the Ugandan
23 authorities and see how they could establish order in a relation between
24 him, Thomas, and the RCD-K/ML authorities. This was in the interest of
25 the Congolese people of Ituri.

1 Q. As far as you know -- or, rather, were you informed of what was
2 to happen in Uganda with regard to Thomas Lubanga?

3 A. Yes.

4 Q. Who informed you of this?

5 A. I was informed by another official, Lonema, who could easily be
6 found at his residence where he was permanently residing. He informed me
7 of what had happened to Thomas in Uganda.

8 Q. And in just a few words, what did he tell you with regard to
9 Thomas Lubanga's fate in Uganda, with regard to what happened to him?

10 A. Yes. Well, I was told that in Uganda there was a meeting between
11 the UPC group on the one side and the prominent individuals who were with
12 Thomas Lubanga and the RCD-K/ML group on the other side, and it was in
13 the presence of Ugandan officials. However, Thomas Lubanga's group
14 failed to understand how the Ugandan officials at one point in time
15 decided to deliver him to the authorities of the ex-Kinshasa government.
16 This is something that was completely unexpected. He went on a peace
17 mission, a mission to reconcile various points of views, and this Ituri
18 group, this group from Ituri, was extradited, was seized and extradited
19 to the Congo, put in the hands of the ex-government while the former
20 government, which was allied with the RCD-K/ML, couldn't deal with these
21 people on their territory.

22 Q. As far as you know, where was Thomas Lubanga to be extradited to?

23 A. Thomas Lubanga and those who were with him were extradited to
24 Kinshasa and imprisoned at the DEMIAP, military protection for activities
25 against the country.

1 Q. Thank you. As for yourself, when did you see Thomas Lubanga
2 again for the first time?

3 A. I then saw him again at the end of August 2002.

4 Q. Where?

5 A. In Bunia.

6 Q. You mentioned the RCD-K/ML army, the APC. Did anything happen in
7 this army in April and May 2002?

8 A. In April and May 2002, there was a mutiny. This broke out within
9 the APC. A group of soldiers rebelled against the leadership in the
10 military group, and these soldiers occupied the northern part of Bunia.
11 They revolted, they rebelled, and on a number of occasions there were
12 skirmishes with those one could describe as loyalists.

13 Q. Thank you. When Thomas Lubanga left Bunia to go to Uganda, you
14 were in Bunia at the time, were you in a position to evaluate, roughly
15 speaking, the number of soldiers, the number of soldiers who had carried
16 out the mutiny?

17 A. Yes. This took place during the daytime, and given the way
18 things unfolded, one could easily say that these soldiers represented a
19 platoon, roughly speaking. About 36 men, I would say.

20 Q. Thank you. Do you know who the leaders of this mutiny were? Do
21 you know their names?

22 A. I could mention the most prominent ones. There was Kisembo, who
23 is a general now in the FRDC, Floribert Kisembo. Bosco Ntaganda, and
24 then Tchaligonza. Should I spell that? T-c-h-a-l-i-g-z-o -- apologise.
25 T-c-h-a-l-i-g-o-n-z-a. He's now a general in the armed forces of the

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1 Democratic Republic of Congo. There was Kasangaki, K-a-s-a-n-g-a-k-i.
2 He was there too. He was amongst the people who had carried out the
3 mutiny. He was one of the most prominent individuals.

4 MR. BIJU-DUVAL: (Interpretation) Just a minute, please.
5 (Defence counsel confer)

6 MR. BIJU-DUVAL: (Interpretation) Yes, the transcript has been
7 completed.

8 Q. These individuals whom you have just named, were they members of
9 the UPC at that point in time?

10 A. No.

11 Q. Among the individuals you have mentioned, were there any who were
12 Thomas Lubanga's body-guards?

13 A. No.

14 Q. During this period, did they place themselves under
15 Thomas Lubanga's command?

16 A. No.

17 Q. You said that the mutiny broke out in Bunia. The mutineers, did
18 they remain in Bunia?

19 A. The mutineers stayed in Bunia for a certain period of time, and
20 then the soldiers withdrew to set off in the direction of Mandro.

21 Q. Are you in a position to remember when they left Bunia to go to
22 Mandro?

23 A. I believe that it was at the very beginning of July. That is
24 when the mutineers withdrew from the town of Bunia, because, in fact,
25 when there were state exams in Bunia, that is at the end of June, well,

1 during that period of state examinations, there are exams for the final
2 year of the secondary school, well, fire was opened during these exams.
3 That's why I'm saying that it was at that point in time that the
4 mutineers withdrew from the town and went to live in Mandro, M-a-n-d-r-o.
5 That's why I'm saying it was in July.

6 Q. Very briefly could you tell us where Mandro is located?

7 A. On the road -- well, if you follow the road, Mandro is about
8 15 kilometres from the town, from the eastern part of the town of Bunia.

9 Q. Thank you. Do you know someone called Kahwa?

10 A. Yes.

11 Q. Who is he?

12 A. Kahwa Mandro. It was the chef of a collectivité. So he was a
13 chef who was suspended by the territorial administration.

14 Q. Which collectivité?

15 A. He was the chef of the Bahema Banywagi and Mandro was the main
16 place of that collectivité or that community.

17 Q. Thank you. During that period of time, and to be more precise,
18 April, May, June, and July, was Kahwa a UPC member?

19 A. No.

20 Q. Did he become a UPC member? Did he assume a post within the UPC?

21 A. Kahwa Mandro became the national secretary -- the deputy national
22 secretary for defence in the UPC RP, and one can assume that it was at
23 that point in time that he assumed that status. He became a member of
24 the UPC, and later he resigned.

25 Q. So that the transcript is quite clear, could you tell us the name

1 of the collectivité, the community that Kahwa was the chef or leader of.

2 A. Bahema, B-a-h-e-m-a, Bahema. Banywagi, B-a-n-y-w-a-g-i is the
3 name of the collectivité.

4 Q. Thank you. You said he became national defence secretary --

5 A. Deputy national defence secretary.

6 Q. -- within the UPC. Could you be more precise with regard to the
7 date on which he assumed this post?

8 A. It was in September, I believe. I believe it was on the
9 3rd of September, 2002. That was the date on which he was appointed.

10 Q. Thank you. You said that not long after he resigned. Could you
11 be more precise with regard to the date on which Kahwa resigned from the
12 UPC?

13 A. He must have left at the end of the month of October 2002, the
14 end of October 2002.

15 Q. Thank you. When Kahwa resigned, did you still have an official
16 position in the UPC?

17 A. Yes.

18 Q. Of what kind?

19 A. I was the deputy national secretary for internal affairs and for
20 customary affairs.

21 Q. Thank you. Could you have a look at tab 4 in the binder, please.

22 COURT OFFICER: Mr. President, with your kind permission may I
23 ask counsel to please specify the document ID number for this specific
24 tab. Thank you.

25 MR. BIJU-DUVAL: (Interpretation) Yes. DRC-OTP-0089 is the

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1 number of the document, 0057. So DRC-0089-0057. The title of the
2 document is decree number 6 of December 2002 on the national -- on the
3 deputy national secretary and his exclusion from the movement.

4 Q. Do you have this document before you? It is tab 4.

5 PRESIDING JUDGE FULFORD: Make sure tab 4's open, and,
6 Court Officer, in fact, it's DRC-00089-0057. Yes, please carry on,
7 Mr. Biju-Duval.

8 MR. BIJU-DUVAL: (Interpretation)

9 Q. Are you familiar with this document? Were you familiar with it
10 as the deputy national secretary?

11 A. Yes, I was.

12 Q. Page 2 says the 2nd of December, 2002.

13 A. Yes.

14 Q. Does that correspond to your recollection?

15 A. Yes. This document, the decision on excluding Kahwa Mandro, it
16 was on the 2nd of December that this happened, because when Kahwa left,
17 in fact, when he left Bunia, in fact, Kahwa left Bunia to go to Uganda.
18 To be more precise, he went on a plane that took Thomas Lubanga from
19 Kampala to Bunia. It was on that very same plane that Kahwa, who was
20 under the protection of an important official from the Ugandan security,
21 was Colonel Mayombo at the time, so it was he who took Kahwa to Uganda.
22 So that was one of Kahwa's missions. This happened on the -- what
23 happened on the 2nd of December -- how could one put this in legal terms?
24 That document was just something based on Kahwa's actions, because in the
25 meantime, the UPC had sent a number of individuals to meet Kahwa in

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1 Kampala to bring him back to reason. A number of important officials
2 went there. UPC officials went too, because Kahwa wasn't supposed to
3 lift -- to leave the party, but unfortunately, Kahwa didn't have the
4 capacity to -- or the will to understand the necessity of returning.

5 PRESIDING JUDGE FULFORD: Once again this is a long answer in
6 which you're tending to speak too quickly, and the French transcript is
7 suffering as a result. So please carry on but slower.

8 THE WITNESS: (Interpretation) Thank you. Thank you.

9 I was saying that between the time that Kahwa left and the
10 signing of this decree, a certain period of time had elapsed. During
11 that time, the UPC, via the intermediary of Thomas Lubanga as president,
12 sent a number of individuals to meet Kahwa, to bring him back to reason.
13 Unfortunately, Kahwa had a different option that involved the departure
14 and this departure was only confirmed by this document of great
15 administrative importance.

16 PRESIDING JUDGE FULFORD: We'll break there, Mr. Biju-Duval.
17 Mr. Biju-Duval, while you're on your feet, you now must have a reasonably
18 good sense as to the speed and how you're getting on with the narrative
19 that this witness will provide. How much longer do you anticipate, to
20 use the expression, examination-in-chief is going to take?

21 MR. BIJU-DUVAL: (Interpretation) I think we will need tomorrow.
22 In any event, an important part of tomorrow.

23 PRESIDING JUDGE FULFORD: That's extremely helpful to know.
24 Thank you very much.

25 We'll sit again at half past 2.00.

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1 COURT USHER: All rise.

2 Luncheon recess taken at 1.00 p.m.

3 On resuming at 2.34 p.m.

4 COURT USHER: All rise. Please be seated.

5 PRESIDING JUDGE FULFORD: Yes, sir.

6 THE WITNESS: (Interpretation) Yes, your Honour. Your Honours,
7 please forgive me. Please forgive me for wishing to address the Court.
8 It struck me this morning that we started -- we got off to a rather rapid
9 start to such an extent that some of my concerns -- I didn't know how
10 to -- I didn't know how I could voice certain concerns. I thought that
11 these concerns may be worthy of note on the part of the Bench. Perhaps
12 you wouldn't mind indicating at what particular point in the proceedings
13 I may air these concerns.

14 PRESIDING JUDGE FULFORD: Sir, in the first instance, as long as
15 it's convenient to you, I would prefer if we could continue with your
16 evidence, and a little later this afternoon, once he's had an opportunity
17 to consider it, I'm going ask to Mr. Omofade whether he would have any
18 objections to you having a conversation with Mr. Biju-Duval once we've
19 risen this afternoon so that you can describe to Mr. Biju-Duval exactly
20 what your concerns are, and he can then make a decision as to which of
21 those should be brought to our attention.

22 You'll understand that we are conducting a trial in which there
23 are allegations made against Thomas Lubanga, and to the greatest extent
24 possible, we should only hear evidence that relates to the allegations
25 that are made against him. In addition to that, if there are issues that

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1 concern the security and the treatment of witnesses which properly ought
2 to be considered by us, then, of course, we will look at those issues and
3 make decisions about them, but historically, that has been done by either
4 counsel or the Victims and Witnesses Unit bringing the concerns to our
5 attention. So therefore, subject to what Mr. Omofade may say a little
6 later this afternoon, in the first instance I'm going to ask you to speak
7 to Mr. Biju-Duval and then we'll develop this if necessary tomorrow.

8 Is that convenient to you?

9 THE WITNESS: (Interpretation) Yes. Thank you.

10 PRESIDING JUDGE FULFORD: Thank you very much.

11 Yes, Mr. Biju-Duval.

12 MR. BIJU-DUVAL: (Interpretation) Thank you, your Honour.

13 Q. Mr. Witness, just before recess we had touched upon the issue of
14 this mutiny which broke out in April 2002, and a question was put to you
15 with regard to Mr. Kahwa, who was the leader of the community. Here is
16 my question: Kahwa, did Kahwa play a role, whatever that may have been,
17 in -- in the armed rebellion that started in April 2002 and pursued into
18 the months following?

19 A. Yes. Kahwa Mandro did indeed play a significant role, because
20 first he welcomed into his environment the various mutineers.
21 Additionally, he immediately committed himself to organising them and to
22 move hand-in-hand with them, and I would even go so far as to say that he
23 was in the -- in the leading staff members of this mutiny.

24 Q. Thank you. When you say that he would organise them, what do you
25 mean by that?

1 A. Yes. I would like to say here at this point that in this --
2 among this group of mutineers -- well, Kahwa was the traditional chief
3 and, therefore, had his own background and setting, and that's what the
4 mutineers took refuge in, and in that particular area, Kahwa, well, he
5 met some of -- a lot of their needs, and -- and with the prominent
6 figures, Kahwa managed, if you will, this mutiny.

7 Q. You told us that during this particular period in time you
8 resided at Bunia.

9 A. Yes.

10 Q. A minute ago you talked about events that were occurring outside
11 of Bunia, part of which took place in Mandro. Where did you get your
12 information from therefore?

13 A. Well, I'd just like at this point to clarify the following: At a
14 certain point in time, Kahwa and his mutineers began to move around in
15 the city. I saw Kahwa and the leaders of the mutiny together. That led
16 me to understand that, with all due respect that was given to the Kahwa
17 leader in that particular team, I understood that Kahwa wielded
18 authority. I would even go so far as to say that we even had a meeting
19 that was presided by Kahwa, and one of the mutineers, one of the leaders
20 of the mutineers, and one of the chief mutineers was with him, and that
21 was enough for me to understand that, in fact, Kahwa was -- was a leading
22 figure in that particular group.

23 Q. Thank you. You told us that at the time when Thomas Lubanga went
24 to Uganda you were -- you roughly estimated the number of the mutineers
25 as equating to a platoon. To your knowledge, the mutineers' numbers

1 remained the same, or did it change as time went by?

2 A. The number of the mutineers didn't remain the same. It would --
3 it would significantly grow as time went by.

4 Q. What prompts you to say that? Where do you get -- how do you
5 surmise that?

6 A. When the minister of human rights of the republic, or, if you
7 will, the ex-government came accompanied by Thomas Lubanga to Bunia at
8 the end of August, the mutineers who were holding, who were responsible
9 for the security in that particular region, were loaded onto a number of
10 trucks, and this enabled me to assert that the number of the -- numbers
11 of the mutineers had significantly grown.

12 Q. Do you know or did you learn at the time who joined the
13 mutineers, the original mutineers?

14 A. Would you mind clarifying your question?

15 Q. You indicated to us that there was a significant growth in the
16 numbers of the mutineers. Those who joined the ranks of the mutineers,
17 where did they come from?

18 A. I think -- well, they -- they trained recruits.

19 Q. To the best of your knowledge, who organised that recruitment?

20 A. To the best of my knowledge, it was the leading figures that I
21 mentioned before. The general now and way back then Kisembo, Floribert
22 Kisembo, Bosco Ntaganda, Tchaligonza, Kasangaki, it was these people who
23 undertook this recruitment and training.

24 Q. You indicated to us that the mutineers had joined Mandro. Do you
25 know what they were doing at Mandro?

1 A. Quite obviously, according to what you could hear, at Mandro they
2 had put together a training centre to train recruits.

3 Q. You say according to what you could hear. What, therefore, were
4 the sources of that information that was circulating?

5 A. Well, during the period of upheavals in Ituri, in the streets,
6 pretty much everywhere, this type of -- how can I put it? This type of
7 rumour -- you could hear that pretty much everywhere, this type of
8 rumour.

9 Q. These mutineers, during the period of April 2002 and in the
10 months following, right the way through to August, did these mutineers
11 conduct military operations?

12 A. First in April, April and May, and June also, in -- in the town
13 proper of Bunia. That was the theatre of clashes between mutineers and
14 those that we can dub as loyalists. That was April through to June 2002.
15 And in July, when they entrenched themselves around Mandro, well, clashes
16 ceased, but it was in August -- it was in August that they re-emerged,
17 and this was to undo the * APC troops that had ravaged the city and its
18 environments with the support of Lendu Ngiti combatants.

19 Q. You yourself, where were you located August 2002?

20 A. In August 2002 I was located in the city of Bunia, and at that
21 time I lived in the Nyakasanza neighbourhood near the centre of the city.

22 Q. You indicated that in August this group, the group of mutineers,
23 reappeared in order to defeat -- to fight the * APC at Bunia.

24 A. Yes.

25 Q. Do you know who was leading those operations? Who was leading

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1 the mutineers?

2 A. Floribert Kisembo.

3 Q. Thank you. You have indicated that you, yourself, were able to
4 witness the -- the rebels' numbers, rebels present in Bunia at the time
5 when Thomas Lubanga would return. Are you able to appraise, roughly,
6 their numbers? What I mean by that, should they be counted in tens, or
7 hundreds, or even thousands?

8 A. Hundreds, I would say, in fact, hundreds.

9 Q. Thank you.

10 MR. BIJU-DUVAL: (Interpretation) I'm just looking at my
11 questions, and I forgot to allocate an EVD number for the document that
12 we examined just before we moved to recess, this decree of
13 September 2002, DRC-OTP-0178-0057.

14 COURT OFFICER: Your Honour, I just want to mention for the
15 record that we already have an EVD for the document DRC-OTP-0089-0057.
16 It's already assigned as EVD-OTP-00041.

17 PRESIDING JUDGE FULFORD: I'm not sure whether there was a
18 problem. The -- for some reason in the transcript, regardless of what I
19 say, the number is read out as 0089-0057. The document in the Defence
20 bundle is 00089-057. Now, that's the document that needs an EVD number.
21 Has it got one?

22 Mr. Omofade, am I misleading myself and everyone else at the same
23 time?

24 MR. OMOFADE: Certainly you are not, your Honour. Gratefully to
25 the extent that I'm able to help, it may well be that the number that

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1 your Honour read out is the earlier version of the ERN numbers that were
2 assigned to these documents. So in the early days, I believe there was
3 only one 0 in front of the second bunch of numbers. There might have
4 been a further 0 included afterwards.

5 PRESIDING JUDGE FULFORD: Fine. Let's not waste time on this.
6 Is the document that comes behind divider 4 also known as 0089-0057,
7 because if it is, then the Court Officer tells us it's already got an EVD
8 number.

9 MR. OMOFADE: My records indicate that it is, your Honour.

10 PRESIDING JUDGE FULFORD: Fine. You're right. I was wrong.
11 Further contribution on this, Mr. Biju-Duval?

12 MR. BIJU-DUVAL: (Interpretation) These are subtleties of
13 management of -- of dossier management. The EVD number is an EVD number
14 of the preliminary Pre-Trial Chamber, of the Pre-Trial Chamber, and this
15 is why it would -- it would be important to allocate an EVD number of the
16 Trial Chamber.

17 PRESIDING JUDGE FULFORD: You're absolutely right,
18 Mr. Biju-Duval. We're not interested in this Chamber in EVD numbers
19 ascribed by the Pre-Trial Chamber. We're only interested in our own EVD
20 numbers. So, Court Officer, an EVD number, please, for this document.

21 COURT OFFICER: As the Court pleases. The document shall be
22 assigned EVD number EVD-D01-01089. Thank you, Mr. President.

23 PRESIDING JUDGE FULFORD: Thank you very much. I did you an
24 injustice, Mr. Biju-Duval. You were right. Please carry on.

25 MR. BIJU-DUVAL: (Interpretation)

1 Q. During this period - I'm referring to the months of May, June,
2 July, and August 2002 - to your knowledge, Thomas Lubanga was located in
3 Ituri? In Bunia or in Ituri?

4 A. Would you mind repeating your question.

5 Q. During the months between May and August 2002, were you in
6 contact with Thomas Lubanga?

7 A. Not at all.

8 Q. During that same period, to your knowledge, the cell -- cell
9 phone network, was it operating at Bunia?

10 A. No.

11 Q. According to the information that you had at the time, in other
12 words, prior to you seeing Thomas Lubanga for the first time in Bunia,
13 according to your information, therefore, Thomas Lubanga, was he
14 personally wielding authority or control over the leaders of the
15 rebellion?

16 A. No.

17 Q. Before the return of Thomas Lubanga to Bunia, according to the
18 information that you had at the time, did he personally role -- play a
19 role, whatever that may have been, in the organisation of the armed
20 forces that were involved in the fighting that took place in August in
21 Bunia?

22 A. I saw no role played by Thomas Lubanga at that point in time. He
23 was unable even to contact with anybody on the outside.

24 Q. Would you indicate to us in what way the leaders of the UPC would
25 be able to present publicly to the general public the military successes

1 achieved by the armed forces under Kisembo's command.
2 A. Yes. When there was that success you're referring to, that
3 military success of -- made by Kisembo's men -- well, it's first and
4 foremost to clarify the following: It wasn't an exclusive success for
5 the mutineers, because on the 9th of August -- on the 9th of August, in
6 that fighting that concluded with driving out of the city of Bunia
7 Molondo Lopondo as the commander of the operation and his men from the
8 APC, in that fighting the vanguard -- I forgot to say that the front line
9 was held by the UPDF. It was the UPDF on the front line with its heavy
10 artillery and the traces of which are visible in Ituri, the impact, the
11 shell impacts, the bullets and the shells, but also in the governor's
12 residence and in the neighbourhood, the big neighbourhood of the chiefs
13 of staff of the UPC, all those targets were attacked by the UPDF. The
14 mutineers only were in support in order to accompany this military
15 operation which was held by an iron fist by the UPDF.

16 The victory of the 9th of August was actually a victory of the
17 UPC, because for a long time the UPC had been militating to ensure that
18 the RCD withdraws its soldiers from the APC, because that army was
19 complicit in the killings that had taken place in Ituri. I would even
20 add that within Bunia, APC meant Abomi Peuples Congolais, which means,
21 Who killed the Congolese people? That is what everybody knows. So they
22 refer to the acronym as Abomi Peuples Congolais, "Who killed the
23 Congolese people?"

24 Just to support what I said, on the 9th of August, therefore,
25 that victory was due to the UPC, because the efforts that was made to get

1 the APC soldiers out of Bunia was -- well, that effort yielded success.
2 The UPDF intervened on the 9th of August, 2002, and the order that was
3 given to that intervention was certainly given by Ugandan authorities.
4 In the three days leading up to the 9th of August, there were lots of
5 killings in every neighbourhood in Bunia, and the population cried out
6 for help, and I'm sure that President Museveni tried to help, to address
7 the situation, and it was from Uganda, therefore, that the order was
8 given to chase the RCD out of the locality. The mutineers only supported
9 the UPDF. When the mutineers supported the UPDF, they later on tried to
10 see how they could politically manage that area from the political
11 standpoint, and as it is the practice in many other parts of the world,
12 in Bunia, given the UPC's popularity, the UPC therefore expresses joy at
13 seeing the RCD leave the town, and the UPC stepped up the ante. They
14 tried to lay claim to that victory in order to have its voice heard,
15 especially as the transition government was going to be set up. And so
16 the UPC wanted to be included in the transitional government. So they
17 wanted to take advantage of the situation in order to do that, but from
18 the military standpoint it was a victory of the mutineers.

19 Q. Thank you. Could you please explain what you mean by "making
20 political capital of the situation"?

21 A. What do I mean by that? What I mean is that the UPC, on the
22 whole, claimed -- laid claim to the victory of the 9th of August. That
23 is why I say they were trying to capitalise on the situation. And I'm
24 not ashamed to say so, and I do not fear to state this, that from the
25 military standpoint it was not the UPC. It was not the UPC's place to

1 lay claim to that victory. Even in the days after the 9th of August, it
2 was Chief Kahwa himself who was leading meetings with the prominent
3 figures of the town, because Chief Kahwa and the other heads of the
4 mutineers were looking for the people to whom they could entrust the
5 management of the aftermath of the victory.

6 Q. You stated that immediately after the 9th of August, Kahwa and
7 the mutineers met in order to determine whom they would entrust the
8 political management of the victory to. Those were your words. Could
9 you tell us what was the conclusion of that initiative?

10 A. Well, maybe you did not understand me correctly. I said that
11 Kahwa held meetings with prominent figures of the town. The idea was to
12 get the opinion of these prominent figures on what to do afterwards. So
13 Kahwa brought together all the prominent figures, and I attended one of
14 those meetings as a prominent figure of the Mambisa community. On that
15 day, Kahwa was accompanied by Tchaligonza, who was one of the mutiny
16 commanders. At that meeting, Kahwa started by informing these prominent
17 figures, telling them that the military operation was aimed at putting an
18 end to the criminal activities of the RCD-K/ML, which had been led by
19 Major Molondo Lopondo. As I said earlier, in every neighbourhood of
20 Bunia there were people weeping and burying of dead bodies in -- in mass
21 graves. There were the neighbourhood of Mudzipela, in Simbiliabo and so
22 on. The same applied to Yambi-Yaya and other neighbourhoods. Those were
23 the explanations that were given.

24 The second concern made by Chief Kahwa was he said they were
25 trying to see to whom they were going to entrust the management of the

1 conquered territory, and the name of Tibasima Bogemu was mentioned. His
2 name was being circulated in the background. He was someone from Ituri,
3 a member of the RCD. He had been disappointed, because when they were
4 going to Sun City, he was supposed to be one of the people who was
5 supposed to have gone. So he was viewed as one of the persons who could
6 take over to manage the territory. And Kahwa at that meeting, therefore,
7 said that he did not think Tibasima was an upright man, that he had
8 discovered e-mails which indicated that Tibasima was maintaining
9 permanent contact with Mbusa Nyamwisi and Lopondo Molondo. He said
10 Tibasima was dishonest and that this proved that Tibasima was
11 co-operating with the oppressors. That is what Chief Kahwa said, and he
12 said Tibasima, therefore, could not be elected. This took place in the
13 home of Dhejju Maruka.

14 Well, if you want me to provide more information, the former
15 government, shortly before August 2002, in the month of July to be
16 precise, the emissaries of the ex-government, two colonels, Colonel
17 Anecho (* phon) and Colonel -- there's a second colonel whose name I
18 cannot remember, in any case, the two colonels met the mutineers. They
19 did not meet the UPC. They met with the mutineers. The second name is
20 Aguru, Colonel Aguru. So Colonel Aguru and Colonel Anecho. The two of
21 them were sent by Kinshasa in the month of July to meet with the
22 mutineers in order to determine how they could get them to come back into
23 the army. At that point in time the idea was to put together a united
24 Congo with one army. So these emissaries from the former government
25 arrived, and they had fruitful discussions, and that evening on national

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1 television the pictures were shown. I said it was a fruitful discussion
2 because it ended in a reception, a cocktail, and no official of the UPC
3 was invited to that meeting.

4 I think it's important here to make a distinction between the
5 mutineers and the UPC. That is why I said that what happened on the 9th,
6 that the UPC laid claim to the victory of the 9th, and that was simply to
7 capitalise on it politically, but they were not responsible militarily
8 for that victory. And this is what you'll find happened in every
9 country. Most of the time politicians try to take advantage of a certain
10 situation for political capital. Thank you.

11 PRESIDING JUDGE FULFORD: Mr. Biju-Duval, we're going to take a
12 short break at this point. We'll sit again at half past, but before we
13 rise, Mr. Omofade, on the basis, of course, that counsel will steer very,
14 very clear, take a wide berth around the evidence of this witness, given
15 that the witness has indicated that he's got some concerns that he wishes
16 to raise, would you object to Mr. Biju-Duval, in the first instance,
17 having a conversation with him about them so that he can report back to
18 the Chamber in due course, I'm sure unless something exceptional happens
19 in your presence, so that we only have our attention focused on those
20 things that we -- rather than problems that the witness has been
21 experiencing, which, although they may be wholly legitimate, are not
22 matters that properly fall for our consideration.

23 MR. OMOFADE: Your Honour, I'm able to say that Prosecution has
24 no objection. Perhaps an even better way forward might be for
25 Mr. Biju-Duval to have a preliminary discussion and point out to the

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1 witness that he mustn't speak to him about his evidence or anything
2 surrounding it and pre-empt whatever the witness might or might not want
3 to come up with.

4 PRESIDING JUDGE FULFORD: Absolutely. I'm sure there's no
5 difficulty with that. Mr. Biju-Duval will make sure, in any conversation
6 with the witness after court today, that the one thing they mustn't do is
7 to trespass on to the subject matter of the witness's evidence.

8 Mr. Biju-Duval, I'm sure we can trust you, as we have done on
9 many previous occasions. Can you please after court have a conversation
10 with the witness and then give him such advice as is appropriate and then
11 report back at an appropriate moment to us tomorrow so that we know
12 whether there are things that we ought to be considering and whether
13 there are any orders or decisions that we ought to be making.

14 MR. BIJU-DUVAL: (Interpretation) Very well, your Honour.

15 PRESIDING JUDGE FULFORD: Half past.

16 Recess taken at 3.15 p.m.

17 On resuming at 3.33 p.m.

18 COURT USHER: All rise. Please be seated.

19 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval.

20 MR. BIJU-DUVAL: (Interpretation)

21 Q. Witness, before the break you spoke about a meeting that you
22 participated in as a prominent individual in Mambisa. Kahwa and others
23 were present during the meeting. If I have correctly understood your
24 testimony, the issue about who the political management of Ituri was
25 going to be entrusted to was discussed. That is how you put it. Could

1 you tell us whether a choice was made?

2 A. I believe it's important to add further details about what I
3 said. In fact, I said that there was a meeting at the residence of the
4 Dhejju Maruka, a prominent individual. At that meeting there were other
5 prominent individuals who had been invited. My -- I myself was a
6 prominent individual from Mambisa. Chef Kahwa had asked for this
7 meeting. He was one of the leaders of these mutineers, wasn't he, and by
8 his side there was Tchaligonza.

9 At this meeting, Kahwa wanted to explain to those present
10 something about the military opportunity, about the opportunity that they
11 could seize, and also because in the surroundings it was said that
12 Tibasima would be favoured to be the political leader of the territory in
13 Ituri in the -- for the town that was liberated. Now, Kahwa took
14 advantage of that opportunity to explain the position of the mutineers
15 with regard to Tibasima because they didn't find him credible, because
16 according to Kahwa, he was in possession of certain e-mails, e-mail
17 messages exchanged between Tibasima, Mbusa Nyamwisi, and Lopondo, and
18 these messages concerned certain attacks perpetrated in Bunia and its
19 surroundings, so, in fact, given what Kahwa said, Tibasima wasn't to be
20 favoured, appointed. Those present didn't have the authority to suggest
21 anyone or to express their opinions, because everything came from the
22 mutineers alone. So that's what I said. And just after the meeting,
23 they -- they left. At that point in time, it was said that he who has
24 military power has power. All those civilians who were there were quite
25 simply unable to do anything. That's what I said.

1 Q. Thank you. After this meeting, at any point in time did this
2 military force, did these mutineers decide to entrust the political
3 management of Ituri to a person that they themselves would select?

4 A. Well, I believe so, because at the beginning of December, after
5 the accidental return of Thomas to Bunia, the mutineers -- well, first of
6 all there were the mutineers linked to Kahwa Mandro, and there was this
7 delegation that came from Kinshasa led by Tumba Luaba, and they were
8 taken to Mandro where they were confined, and it was only subsequently
9 that we all realised that they had Thomas Lubanga in view. That was in
10 September. Personally, I didn't witness this or experience this crucial
11 moment, the conditions under which this unfolded, but it's true that
12 these mutineers, given what was in their interest, well, they wanted
13 someone who could aid them to establish a human -- a humane form of power
14 in Ituri, an authority that would take into consideration the interests
15 of all the people of Ituri, and they wanted to be sure that the security
16 of the individuals and their well-being were important elements within
17 the political programme that was to be followed.

18 Q. Thank you. Did you have a post in the UPC as of December 2002?

19 A. Yes.

20 Q. What kind of post?

21 A. I was the deputy national secretary for customary affairs.

22 Q. Could you very briefly describe the duties that you had to
23 perform?

24 A. Naturally within the rebellious regime a deputy secretary would
25 be "the equivalent" of a vice-minister, a deputy minister for customary

1 affairs. So the task that our national secretariat had, because I had
2 someone called -- from the Ekninga (* phon) ethnicity, the secretariat
3 had the following task -- the national secretariat for customary affairs
4 had the following task: It was to supervise the management, the internal
5 security of the territory we had under our control, under UPC control.
6 We had to take care of the security and well-being of individuals in the
7 interior, and we had the police at our disposal and territorial units as
8 well. We also had to take care of the administration of these entities,
9 of these administrative entities. We had to decide whether to centralise
10 or not and deal with those within our territory.

11 Q. Thank you. The armed force that you described for us that was
12 under Kahwa -- Kahwa's leadership, Kisembo's, Tchaligonza's leadership
13 and under the leadership of others, what happened to it in December 2002?

14 A. In September 2002, this force was structured in a certain way, as
15 was necessary, and this was done by the UPC.

16 Q. And under what name was it structured or restructured?

17 A. FPLC, the Patriotic Force for the Liberation of Congo.

18 Q. I'll go back to the duties that you had to perform in the UPC as
19 of September 2002. You said that you had to deal with the current
20 management of territorial entities, if I've understood you correctly.
21 You mentioned administrative and centralised entities. Were you informed
22 of local situations?

23 A. Yes.

24 Q. In what manner?

25 A. In fact, the authorities of the entities concerned, of the

1 administrative and decentralised entities, had to compile a daily report
2 and submit that report to us or to our secretariat, to our national
3 secretariat, and it is in that manner that we were informed of what was
4 happening on a daily basis in the territory that was under our
5 supervision.

6 Q. Thank you. In the course of the year 2002, I could also refer to
7 the year 2001 and 2000, the civilian population in the villages, did they
8 take any measures for their own security, to provide for their own
9 security?

10 A. Yes.

11 Q. What sort of measures?

12 A. When acts of aggression were committed, when people were killed
13 by Lendu attackers - this is in 1999, in June - initially the entities
14 that were attacked had to put up with the attack. They would attack
15 women, children, old people. They'd use machetes, arrows. They would
16 invade the village. They would attack the people. They would set fire
17 to the houses and so on and so forth. Those who had the strength to flee
18 from those villages did so, and this is how these acts of aggression were
19 experienced initially, but subsequently, in villages that were threatened
20 with attacks, in such villages certain men started getting a hold of
21 themselves. They said, "We can't continue fleeing. Where will we flee
22 to?" And as a result, towards the year 2000 -- around the year 2000,
23 above all, there were people who given the failure of the rebellious
24 powers at the time, they took the initiative to organise themselves in
25 villages, and there would be appeal to -- to form committees or to

1 defence -- or self-defence committees. These organisations were
2 established in various villages all over the place, in villages that were
3 targeted. There were young people who were involved in this self-defence
4 force, and the purpose was to defend themselves against the attackers.

5 Q. Thank you. You mentioned young people in self-defence
6 committees. According to information that you had, among these young
7 people were there children below the age of 15?

8 A. Yes. In fact, various self-defence committees were committees
9 where the -- in the self-defence forces there were people of all ages,
10 because as there was a danger in the surroundings, they were all
11 resolved, determined to defend themselves. There was no reason for
12 anyone not to be involved. So there were young people under the age of
13 15 who were also present.

14 Q. Thank you. Up until what date were you the deputy national
15 secretary for internal affairs and customary affairs within the UPC?

16 A. Well, I would say that I held that position until I was promoted
17 as the national secretary in the same department. So I moved from the
18 position of deputy secretary to full secretary, if you like. It was when
19 UPC returned to Bunia, until the end of May. At the beginning of June
20 there was another decree signed by the president of our organisation,
21 Thomas Lubanga, and it was at the beginning of May that I was promoted --
22 or, rather, it was very beginning of June 2003 that I was promoted to
23 this position, and I held that post until President Thomas left for
24 Kinshasa. And I also acted as his replacement for a while.

25 Q. Thank you. I will now put a few questions to you that concern

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1 the period that starts in September 2002 and goes until the 6th of March,
2 2003.

3 A. Yes.

4 Q. My first question is as follows: From September 2002, up until
5 the 6th of March, 2003, were there any UPC initiatives in the face of the
6 presence of individuals who were under the age of 18 in the FPLC or in
7 other groups?

8 A. Yes. When the UPC assumed responsibility for managing the
9 territory of Ituri, after this restructuring took place, this
10 restructuring of the army, the UPC committed itself to placing order
11 amongst its troops, establishing order amongst its troops. What does
12 that mean? It means that on a number of occasions Thomas Lubanga, as
13 president of the UPC and also as national secretary for defence, took
14 certain decisions according to which there should be demobilisation of
15 all those who didn't have the necessary age within the FPLC, and the
16 necessary age to be within the FPLC was 18. So everyone under 18 should
17 accept demobilisation. A number of decisions to that effect were taken,
18 because this was a recurrent issue, and it was discussed at our executive
19 meetings on a number of occasions.

20 Q. Was this a subject that was addressed in your presence at the
21 executive meetings?

22 A. Yes. I was present at all the meetings, and in the course of
23 those meetings this issue was raised when it was necessary to do so, and
24 it was an issue that was debated by us.

25 Q. A minute ago you said that Thomas Lubanga had, on a number of

1 occasions, taken decisions that concerned this subject, that concerned
2 the demobilisation of individuals under 18 years of age. Could you tell
3 us when first -- the first instructions to that effect were issued by
4 Thomas Lubanga?

5 A. Yes. Well, in September the FPLC was created and structured. It
6 was important at the time to establish the necessary form for the army.
7 It wasn't to be the story of mutineers alone. It was necessary to
8 appoint commanders, to give them responsibilities. And secondly, it was
9 necessary to monitor the age of those in the army. This was in
10 September.

11 In October, as early as October, in spite of the multiple attacks
12 in the field carried out by the men from the RCD-K/ML that the UPC had to
13 deal with, with regard to managing the personnel in the army, as early as
14 October there was the first decision that was taken by the UPC president,
15 Thomas Lubanga, and the decision was that the main staff of the FPLC
16 should monitor the situation, should monitor his troops to see whether
17 there were certain cases that had to be dealt with. This was as early as
18 October.

19 Q. You said that the subject arose on a number of occasions. Do you
20 remember when this subject was dealt with again from September 2002 and
21 the 6th of March, 2003?

22 A. Yes, because when an issue is raised, later it's necessary to
23 evaluate the matter. In October the decision was taken, a decision that
24 was even read over Radio Candip. And in November, as early as November,
25 towards the end of November, this issue arose once again. At the end of

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1 November it was debated again. And this also happened in January 2003.

2 This issue would be raised again because it was a matter of
3 following the administrative decisions taken by the Presidency or by the
4 national secretary. So on such occasions it was necessary to re-evaluate
5 the situation, to assess the situation again.

6 Q. Thank you. You said --

7 PRESIDING JUDGE FULFORD: Can you -- perhaps last question,
8 because we have to rise at 4.00, I'm afraid, under the present
9 arrangements. So if you want to formulate one more and then we'll rise
10 for the day.

11 MR. BIJU-DUVAL: (Interpretation)

12 Q. You said that the questions were debated. Could you be more
13 precise with regard to the framework. Where was this issue debated?
14 What sort of administrative framework are we talking about?

15 A. Yes. It was at executive meetings. As I said, if you like, we
16 can compare this to ministerial meetings -- or, rather, to governmental
17 meetings, because the national secretariats and the president, former
18 governmental team, and each -- every week, once a week, there would be a
19 meeting of the UPC executive, and that was the framework within which
20 this issue was debated.

21 Each national secretary, each national secretariat with certain
22 responsibilities had to see what was in its power. They had to see what
23 they could do to implement the significant decision that had been taken
24 by the UPC president.

25 PRESIDING JUDGE FULFORD: Sir, thank you very much for your

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1 assistance so far today. We can only sit up until 4.00 in the
2 afternoons, and so I'm afraid we've got to rise now, and we look forward
3 to seeing you at half past 9.00 tomorrow morning when we'll continue with
4 your evidence, and in the meantime, Mr. Biju-Duval will come to see you
5 about the matters that you raised earlier.

6 Good. We sit again at half past 9.00 tomorrow.

7 COURT USHER: All rise.

8 The hearing ends at 4.00 p.m.

9 CORRECTIONS REPORT

10 The Trial Chamber I has made the following corrections in the transcript:

11 * Page 4 lines 11-12 "witnesses 0214," is corrected by "witnesses 0213,"

12 * Page 4 line 17 "2010" is corrected by "2011"

13 * Page 7 line 20 "2010" is corrected by "2011"

14 * Page 11 line 25 "As just set out," is deleted.

15 The Court Interpretation and Translation Section has made the following correction in
16 the transcript:

17 * Page 20 line 12:

18 "A. I was head of the office in Lola." is corrected by "A. I was head of a state
19 outpost in Lolwa."

20 SECOND CORRECTIONS REPORT

21 The Trial Chamber I has made the following correction in the transcript:

22 * Page 56 lines 17 and 23:

23 "UPC" is corrected by "APC"

24

25