

1 International Criminal Court
2 Trial Chamber I - Courtroom 2
3 Presiding Judge Adrian Fulford,
4 Judge Elizabeth Odio Benito and Judge René Blattmann
5 Situation in the Democratic Republic of the Congo -
6 ICC-01/04-01/06
7 In the case of The Prosecutor v. Thomas Lubanga Dyilo
8 Monday, 5 July 2010
9 (The hearing starts at 2.30 p.m.)
10 *(Closed session) Reclassified into Public.
11 THE COURT USHER: All rise. The International
12 Criminal Court is now in session. Please be seated.
13 PRESIDING JUDGE FULFORD: Good afternoon. Witness,
14 please.
15 (The witness enters the courtroom)
16 PRESIDING JUDGE FULFORD: Good afternoon, sir.
17 THE WITNESS: (Interpretation) Good afternoon.
18 PRESIDING JUDGE FULFORD: Public or private,
19 Ms Samson?
20 MS SAMSON: Private, your Honour, with your leave, for
21 just a few questions and then we can move into public session.
22 PRESIDING JUDGE FULFORD: Can you, as usual, keep a
23 very clear eye on whether we should be in private or public?
24 MS SAMSON: I will.
25 PRESIDING JUDGE FULFORD: Thank you very much. And

1 can everyone please remember: speak up, speak slowly and leave
2 a gap. Private session, please.

3 *(Private session at 2.33 p.m.) Reclassified into Public.

4 THE COURT OFFICER: We are in private session,
5 Mr President.

6 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

7 MS SAMSON: Thank you.

8 WITNESS: DRC-OTP-WWW-0321 (On former oath)

9 (The witness answers through interpreter)

10 QUESTIONED BY MS SAMSON:

11 Q. Sir, last week when you were testifying we were
12 discussing the meetings that you had helped organise with (Expunged)
13 in Bunia, and you indicated that those interviews took place
14 over three consecutive days. After the interviews were
15 completed, did you hear from (Expunged) again?

16 A. After those interviews -- could you please repeat your
17 question?

18 Q. Certainly. After the interviews that took place in
19 Bunia with (Expunged), did you hear from (Expunged) again?

20 A. Yes, after those interviews on the same day (Expunged)
21 called me. He asked me to meet him and we met, and on that
22 occasion he told me that the children he had had interviews with
23 had to go to (Expunged). He also added that he would go to (Expunged)
24 to receive the children, and he asked me to facilitate
25 transportation arrangements for them by providing them with

1 transport fare, as well as cell phones, in order to facilitate
2 their meeting in (Expunged). He also said that he had a colleague who
3 would come to Bunia. He said I was to establish contact
4 with him. That colleague was supposed to give me money and
5 telephones which the children could use in order to make their
6 trip. Thank you.

7 Q. Do you remember the name of the colleague who was
8 going to travel to Bunia when (Expunged) was in (Expunged)?

9 A. Yes.

10 Q. Could you please tell us his name?

11 A. Yes, the name of his colleague was (Expunged).

12 Q. Did (Expunged) tell you why the children were going to
13 (Expunged)?

14 A. No, he did not explain why. He simply said the
15 children had to go to (Expunged) because his colleagues would
16 not come to Bunia. He said the children had to go to (Expunged)
17 to meet his colleagues, but he did not tell me why.

18 Q. Sir, I am going to ask you if you would be able to call
19 -- refer to (Expunged) as "the agent" and refer to (Expunged) as "the
20 second interview", instead of referring to (Expunged) by name or
21 (Expunged) by name so that we could move into public session.
22 Would that be okay for you?

23 A. Very well.

24 PRESIDING JUDGE FULFORD: Good. With that in mind,
25 public session, please.

1 (Open session at 2.39 p.m.)

2 THE COURT OFFICER: We are in open session,
3 Mr President.

4 PRESIDING JUDGE FULFORD: Thank you.

5 MS SAMSON:

6 Q. Sir, did the agent with whom you spoke tell you
7 whether the children would go to the second interview by
8 themselves?

9 A. No. He said that the children had to be accompanied
10 by a family member, either their father, their mother or someone
11 from the child's family, and that individual had to be an adult,
12 aged above 18.

13 Q. Did the agent tell you that he wanted to see all of
14 the children that he had met, or only some of them?

15 A. The agent told me that they had to go to (Expunged). He
16 also added that --

17 THE INTERPRETER: The witness is repeating.

18 THE WITNESS: The agent went to that second town and
19 he said that once he arrived at that town he was going to send
20 me a name and, after I received the name, I had to go get the
21 children and help them to go to that place. Once they -- once
22 he arrived at that place, the agent was going to send to me the
23 name of another child that I had to look for. However, he did
24 not tell me about the children who had to go to that second
25 town. He did not give me a precise number.

1 PRESIDING JUDGE FULFORD: Do you need a redaction,
2 Ms Samson?

3 MS SAMSON: Yes, please, your Honour, to line 15, the
4 location that's listed in line 15 on page 4 of today's
5 transcript.

6 PRESIDING JUDGE FULFORD: Thank you very much.

7 MS SAMSON:

8 Q. Sir, once you had assisted in having certain children
9 travel to (Expunged) --

10 MS SAMSON: Your Honour, I require a redaction to my
11 own question. I apologise for that.

12 Q. Once you had assisted in the travel to the second
13 interview location, did you come to realise whether all of the
14 children you had assisted in the first interview went to the
15 second interview, or only some of them?

16 A. I would like to tell you the following. It was
17 practically all the children who went to the second interview.
18 It was not all the children who went there, because some of them
19 refused to go after discussing with their parents and certain
20 parents said that they could not travel to the second place. So
21 if a child refused to go, I could not force the child. The
22 agent met a certain number of children who accepted to go there.
23 Some of the children refused either because their parents
24 prevented them from doing so, or because the children themselves
25 had certain constraints.

1 Q. Did you discuss with the agent the criteria for
2 selection of children to go to the second interview?

3 A. No, there was no criteria aware of -- criteria that
4 was defined. The agent told me that all the children he had
5 interviewed were to go to the second place. Once he arrived
6 there, he was going to call me and give me the name or the names
7 of the children who had to travel, accompanied by their parents,
8 and if a child was ready he had to tell me. However, to answer
9 your question, there was no set of criteria to select the
10 children who had to travel. The only criterion was for the
11 child to accept to travel and that the child had to be
12 accompanied by a family member. That's it.

13 Q. Did you and the agent discuss what you would tell the
14 child and their family members about the trip to the second
15 location, the reason for the trip or whom they were meeting?

16 A. No. Well, I think that to -- for me to be able to
17 answer your question, we have to return to private session.

18 PRESIDING JUDGE FULFORD: Private session, please.

19 *(Private session at 2.48 p.m.) Reclassified into Public.

20 THE COURT OFFICER: We are in private session,
21 Mr President.

22 PRESIDING JUDGE FULFORD: Yes.

23 THE WITNESS: Thank you. When (Expunged) informed me that
24 the children had to travel to (Expunged), I told him that that was no
25 problem. I promised to go and look for the children in their

1 homes and have them travel to (Expunged). However, I didn't have an
2 idea of what the children were going to say or do in (Expunged). I
3 had no idea of whom they were going to meet there. However, I
4 remember that at the time of our discussion he told me the
5 following, "Would it be possible to tell the children that they
6 are going to meet ICC officials in (Expunged)?", and I answered
7 saying, "Well, listen, that would be difficult. You should
8 understand that I have to go and look for them at their places,
9 or their various places of residence, and they are far. If I
10 were to tell them that they have to meet ICC officials, I will
11 not return alive. I will be killed. I think it would be proper
12 or better that, once the children arrive at (Expunged), you yourselves
13 should explain to them that you are the officials of the ICC;
14 that is, once they arrive at (Expunged)."

15 I carried on by telling him that personally I could
16 not tell the children that they were going to meet ICC officials
17 because, if the inhabitants of that area hear that word, then I
18 would run the risk of not being able to return to my home. I
19 would run the risk of being killed. Thank you.

20 MS SAMSON:

21 Q. Why did you think that you would come to harm, or be
22 killed, if you told these children and their families that they
23 would meet agents from the ICC in (Expunged)?

24 A. Thank you. The reason for my saying so was that,
25 first of all, I had no idea of the subject matter of their

1 discussion with the children. Secondly, I knew that in the
2 Ituri region the word "ICC" is not very welcome in that region.
3 When someone from Ituri hears the word "ICC" they are not happy,
4 because they know that ICC officials are not good. The people
5 knew that I was working for an organisation that provided care
6 to children. Furthermore, I had no idea of the subject matter
7 of the discussions between the children and ICC officials.
8 Thirdly, in Ituri and on the entire territory of the Congo, the
9 ICC is not very welcome. Those are the reasons that made me act
10 in that manner. Thank you.

11 Q. So, in the end, how did you introduce yourself to the
12 families when you met them?

13 A. Thank you for the question. The children I found knew
14 me and some of their family members also knew me. When I
15 visited the family, they would receive me and they would ask me
16 whether I had come to pay a visit and I would say "Yes." If,
17 for example, a parent didn't know me, I would introduce myself
18 saying, "My name is (Expunged) and I work for the (Expunged)
19 (Expunged). We work in collaboration with (Expunged). We
20 are the organisation that provided care to children who had left
21 armed groups and we are the organisation that were responsible
22 -- was responsible for their (Expunged), or
23 reunification. And I would add that my superiors wished to have
24 a discussion with the children and that the discussions were
25 going to take place in (Expunged) and not in Bunia, and I would also

1 add that each parent had to accompany the child to (Expunged) and, if
2 a parent was not available to do so, then they had to look for
3 someone within the family - a brother, a sister, an aunt, an
4 uncle - to accompany the child to (Expunged).

5 Certain parents would put questions to me. A parent,
6 for example, would ask me, "Now, listen, why do the children
7 have to go to (Expunged)? I have never travelled. I have never gone
8 to (Expunged). Where am I going to live? What am I going to eat?",
9 and I would answer the parents saying, "Well, as far as
10 accommodation, travel, expenses, feeding and other things were
11 concerned, we were going to take care of that."

12 Then the parents would ask me a follow-up question
13 saying, "What am I going to be doing in (Expunged)?", and I would
14 answer saying, "First of all, you are going because you have to
15 accompany your child. This is only a child. A child cannot
16 travel alone all the way to (Expunged) from Bunia, so you as a
17 parent have to accompany the child."

18 Secondly, if a question is put to you that -- well, if
19 they ask you whether or not the child had served in the army,
20 well, you would know what you have to say. "I don't know
21 whether they are going to ask him any questions. However, your
22 task is limited to accompanying the child." And the parents
23 would ask me, "What are the children going to do there?", and I
24 would answer saying, "Well, it is the authorities of my
25 organisation who have decided that the children have to travel

1 to (Expunged)," because those authorities were there in Bunia
2 and so the child had to be accompanied.

3 Another question they would put to me was the
4 following, "What types of questions are they going to ask the
5 children?", and I would answer saying, "Well, I don't know. All
6 I know is that they may be asked whether they had been
7 soldiers," because we were responsible for children who had been
8 soldiers. I know this because we have provided assistance to
9 children who have been child soldiers and we have only worked
10 with children who have left military service. Thank you.

11 MS SAMSON: Your Honour, with your leave, perhaps we
12 could move back into public session?

13 PRESIDING JUDGE FULFORD: Public session, please.

14 (Open session at 2.59 p.m.)

15 THE COURT OFFICER: We are in open session,
16 Mr President.

17 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

18 MS SAMSON: Thank you.

19 Q. Sir, when you were having these discussions with the
20 children and their families, did you ever tell any of them that
21 they should pretend that the children had been child soldiers if
22 they went to the second interview?

23 A. No, I did not tell the children that. I never asked
24 them to say that they had been child soldiers, no.

25 Q. And when you were giving these explanations about the

1 possible subject matter of the second interview, did any of the
2 family members tell you that the children had never been child
3 soldiers?

4 A. No, no member of the families told me that a child
5 from his family had not been a child soldier. No one asked me a
6 question to that effect and no one provided me with such
7 information.

8 Q. If a parent - so a mother or a father - was unable to
9 travel to the second interview location with a child, who would
10 go in their place?

11 A. The uncle, or the brother of the child, or his sister
12 would go along with the child - in short, a member of the family
13 - but it had to be someone who was at least 18 years of age.

14 Q. You mentioned earlier that some family members refused
15 to go to the second interview location. If somebody refused to
16 go, what was your response to that?

17 A. When a child refused to go, I would ask him why he
18 refused to go and he would say, "I'm not going because I am busy
19 with other things." And I would say, "There's no problem with
20 that," but I would look for someone from the family who could go
21 with the child to (Expunged). And if someone from the family was
22 able to do that, well, that person would help me accompany the
23 child, but if I was told that there was no one I had no choice
24 and I would leave, but when there was someone available we would
25 take the child and we would go together to the first place.

1 MS SAMSON: Mr President, with your leave, I would
2 request a redaction to the location in line 18, page 11.

3 PRESIDING JUDGE FULFORD: Certainly. Certainly.

4 MS SAMSON: Thank you.

5 Q. And if a child but also the adult family member
6 refused to go to (Expunged), would you force them to go?

7 A. No, I forced no one to go. They would go of their own
8 free will.

9 Q. For those children and families who agreed to go to
10 the second interview location, did you give them any money?

11 A. Yes, before the child and the parent left we would
12 touch upon that aspect of -- with the officer before they went
13 to the second place. So I was saying, you see, one day we saw
14 this with the first person. We gave a small amount of -- he
15 gave me -- they gave me something to give to the family for two
16 or three days, the days that they were going to spend away, and
17 I said, "I don't know whether you are going to give the same
18 arrangement, because someone in charge of a family just can't
19 get up and go and leave the family just like that without
20 leaving something behind. So the family will not agree." And
21 so the officer said, "Yes, that is possible," and he asked me,
22 "How much money do you give?"

23 THE INTERPRETER: And the Swahili booth would like to
24 ask that someone intervene and ask the witness to slow down.
25 The Swahili interpreter ceased interpretation because the

1 witness was speaking too quickly.

2 PRESIDING JUDGE FULFORD: Sir, I'm going to interrupt,
3 I'm afraid. The last part of your evidence that was caught by
4 the interpreters was when the officer had said that it's
5 possible, and he asked you -- "And he asked me, 'How much money
6 do you give?'" , and at that point the interpretation broke down,
7 I'm afraid. So I'm going to ask you to pick up the narrative
8 from that moment, the question, "How much money do you give?"
9 Could you carry on from that point, please.

10 THE WITNESS: Thank you. When the officer said to me,
11 "Tell me, the child who went to the second meeting place, now,
12 this person that you were working with, how much money did he
13 give you for that child?" And I replied, "Well, that person
14 would give me \$10," and this amount I would give it to one of
15 the parents before he or she went with the child and he or she
16 would leave the money with the family. So I would say to the
17 person, "If you think that the children will not stay there for
18 a long time we will have to do that, because we are dealing with
19 responsible people, people who are the head of a family, and
20 they cannot agree to leaving their family without leaving some
21 resources, at least something for them." So he agreed, and
22 before a member of the family left I would say -- I would give
23 them \$10 and that money would be left with the family. After
24 that, we would continue our journey until the first place - the
25 first meeting place - and I would arrange everything until the

1 time they arrived at the second meeting place. Thank you.

2 MS SAMSON: Mr President, with your leave, may we move
3 into private session for just one or two questions?

4 PRESIDING JUDGE FULFORD: Private session, please.

5 *(Private session at 3.09 p.m.) Reclassified into Public.

6 THE COURT OFFICER: We are in private session,
7 Mr President.

8 PRESIDING JUDGE FULFORD: Yes.

9 MS SAMSON: Thank you.

10 Q. Sir, who gave you the money for the families, the \$10
11 that you were discussing?

12 A. (Expunged) was the one who gave me that money and
13 (Expunged) put me in touch with (Expunged). (Expunged) left to go to
14 (Expunged) and (Expunged) came to Bunia, so he was the one who gave me
15 that money. And at the end, the last child who went to (Expunged),
16 when the last child left for (Expunged), a white man -- I don't know
17 his name. There was a white man who spoke English and that white man
18 gave me money for that last trip, that last child, but nearly all of
19 the money was given to me by (Expunged); the money that was to be used
20 for the trips to (Expunged).

21 Q. So you've indicated that the families received \$10 and
22 that they received transport costs to (Expunged). Did you give
23 any other money to the families?

24 A. No, no other amount of money, just the \$10 that was to
25 be left for the children so that amount could be used to help

1 the family. When that man would -- when that person left (Expunged),
2 he was given nothing else. I would give other things to the
3 family -- rather, to the child, the child and the person who
4 went with him to (Expunged), and that small amount was the way
5 of communication. And by that, that small thing, was namely a
6 telephone. Thank you.

7 Q. So, if I understood correctly, you gave the child and
8 accompanying family member a telephone; is that right?

9 A. Yes.

10 Q. Who gave you the telephone to give to the child and
11 family member?

12 A. (Expunged) gave me the telephones. He would give me
13 the telephones and I was to pass them on to these people so that
14 they could be in contact with the person who was going to greet
15 them in (Expunged); namely, (Expunged). Thank you.

16 Q. Was (Expunged) present when you provided the
17 telephones to the families, or were you alone?

18 A. Sometimes (Expunged) was there, but sometimes he was
19 not there at some places. So I would just give him the telephone
20 numbers of these people and I would say to him, "For these
21 people they have already taken the vehicle that was to transport
22 them." And to check that -- to check whether their phones were
23 working properly, he would call them and he would speak to them,
24 and then after that he would call me and he would say to me,
25 "Everything's fine. I've spoken to them. Did you give them the

1 telephone number of (Expunged)?" And I would say to them, "Yes." I
2 would say to -- yes, I would say, "Yes, I've already given them
3 (Expunged)'s telephone number." And when I did not have any credit
4 to call to speak to (Expunged) to tell him that these people had left
5 their place of residence, Bunia, I would say to (Expunged) to tell
6 (Expunged) that these people had already left Bunia. Thank you.

7 Q. I have one question on an answer you had given earlier
8 in public session. You indicated that, after you met with the
9 families, if they agreed to go to (Expunged) that they would go
10 to the first meeting place. And could you tell us the location
11 of the first meeting place so that it's clear?

12 A. You are talking about the first meeting place?

13 Q. Yes. You had said that, once a family accepted to go
14 to (Expunged), that they travelled to the first meeting place, you
15 would arrange for everything and then they would travel to (Expunged).
16 Just for the record, so that it's clear, when you refer to the
17 first meeting place, where are you referring to?

18 A. Yes, when I speak about the first place by that I mean
19 Bunia. In actual fact, these children met (Expunged) for the first
20 time in Bunia, so consequently I would go get these children far
21 away, far from Bunia, outside of Bunia, and I would take them to
22 Bunia, and from Bunia those children would travel to (Expunged).
23 Thank you.

24 Q. When they travelled to Bunia, did any of the children
25 or family members stay with you?

1 A. No, when they arrived in Bunia each one would go sleep
2 at the home of a family member. Why? Because we did not make
3 arrangements to house them, or provide them for meals in Bunia,
4 so each person would seek shelter with a family member in Bunia.
5 Thank you.

6 MS SAMSON: Mr President, with your leave, we can move
7 back into public session.

8 PRESIDING JUDGE FULFORD: Thank you, Ms Samson.
9 Public session, please.

10 (Open session at 3.20 p.m.)

11 THE COURT OFFICER: We are in open session,
12 Mr President.

13 PRESIDING JUDGE FULFORD: Thank you. Yes, Ms Samson.

14 MS SAMSON:

15 Q. Did you travel to the second interview location with
16 the children and their family members?

17 A. No.

18 Q. Did any of the agents you had met with tell you what
19 questions would be asked or what would be discussed during the
20 second interviews?

21 A. I haven't entirely grasped the question as it was
22 spoken -- as it was asked, rather, in Swahili.

23 Q. I'll repeat it for you. Did the agents tell you what
24 questions would be asked or what specific topics would be
25 discussed during the second interviews?

1 A. No, the agents did not say anything at all to me about
2 those second meetings.

3 Q. And in advance of the second meetings, either when you
4 were at the homes of the children and their families or when you
5 were at the first interview location, did you have any
6 discussions with the families or the children where you asked
7 them to lie to the agents they were going to meet?

8 A. No, I never had discussions with any such family to
9 tell them what was to be said. Never. I restricted my remarks
10 to saying to these people that a particular person would have to
11 accompany a child to a particular place. I did not know what
12 was going to be discussed at such places. I had no idea what
13 would be said, and I did not tell any child or any parent to do
14 anything like that. With regard to what was to be said, I never
15 told a child or a parent to go and lie at the place where they
16 were to go. Never.

17 Q. Similarly, with respect to the second interview, did
18 you encourage any of the children or their family members to lie
19 about their identity, their names?

20 A. No, but tell me, how could I have told a child to
21 change his name when he had a name and he had borne that name
22 for a long time and that the name was to be found on the form
23 that I have mentioned here earlier? It was difficult to say to
24 a child, or to suggest to a child, that he change his name when
25 he had that name and he had introduced himself with that name in

1 the past and that the same name was the same as the one to be
2 used by the child at the second meeting place and the same name
3 was to be found on the first sheet of paper; the first document
4 that we had provided to the child when he was leaving the army.
5 Thank you.

6 PRESIDING JUDGE FULFORD: Ms Samson, I was thinking of
7 giving the witness a ten-minute break. Would that be
8 convenient?

9 MS SAMSON: Your Honour, if it's not too much of an
10 imposition, I have only two questions left in this series and
11 then it rounds it out quite nicely.

12 PRESIDING JUDGE FULFORD: Let me know when you finish
13 the sequence.

14 MS SAMSON: Thank you.

15 Q. And, sir, in advance of the travel to the second
16 interview location, did you ask any of the family members or the
17 children themselves to lie to the agents about their dates of
18 birth?

19 A. No.

20 Q. Did you tell the children or their family members that
21 they would receive money or other benefits if they went to speak
22 to the agents at the second interview location?

23 A. No, I never said any such thing.

24 MS SAMSON: Thank you very much.

25 PRESIDING JUDGE FULFORD: Thank you, Ms Samson.

1 Sir, we'll give you a short break now. Thank you very
2 much for your help so far this afternoon.

3 Closed session, please, and we'll sit again at
4 20-to-4. Thank you very much.

5 *(Closed session at 3.27 p.m.) Reclassified into Public.

6 PRESIDING JUDGE FULFORD: Yes, that's fine, usher.
7 Thank you.

8 THE COURT OFFICER: We are in closed session,
9 Mr President.

10 (The witness stands down)

11 PRESIDING JUDGE FULFORD: 20-to.

12 THE COURT OFFICER: All rise.

13 (Recess taken at 3.28 p.m.)

14 (Upon resuming at 3.40 p.m.)

15 *(Closed session) Reclassified into Public.

16 THE COURT USHER: All rise. Please be seated.

17 PRESIDING JUDGE FULFORD: Witness, please.

18 (The witness enters the courtroom)

19 PRESIDING JUDGE FULFORD: Private or public,

20 Ms Samson?

21 MS SAMSON: Public initially, please.

22 PRESIDING JUDGE FULFORD: Public session, please.

23 Thank you very much, sir.

24 (Open session at 3.42 p.m.)

25 THE COURT OFFICER: We are in open session,

1 Mr President.

2 PRESIDING JUDGE FULFORD: Thank you. Thank you,
3 Ms Samson.

4 MS SAMSON:

5 Q. Sir, did you meet the children and their family
6 members again when they had completed the second interviews?

7 A. Yes, I met some of the children after they returned
8 from the second place to the first place. I also met others
9 coming from the second place, or rather others came from the
10 second place and went straight home and I did not meet them.

11 Q. For those that you did meet in the first interview
12 place, after they had returned from the second interview place
13 how did you know that they had returned?

14 A. It was thanks to the communication that I had with the
15 agent. Each time at the end of an interview he would inform me.
16 He would say, "We are through with the interview. Please wait
17 for them in such-and-such a place where you would meet an agent
18 who would give you a certain sum of money for them to take
19 home." That is how I knew that they had completed their
20 interview at the previous place.

21 Q. And what was the purpose of your meeting with them?

22 A. I met them for the second time in order to give them
23 money. They would use that money to return home.

24 Q. Do you know what happened to the telephones that they
25 had been provided to -- that they had been provided, excuse me,

1 on their way to the second interview location?

2 A. The telephones were used for communication. They had
3 to communicate with the agent who was at the second place. The
4 telephones were also used for communication with me, who was
5 located in the first place. That was the purpose of the
6 telephones.

7 Q. Do you know what happened to the telephones when the
8 children and their families returned to the first place?

9 A. When the children returned to the first place, the
10 agent would inform me. He would say, "Such-and-such a child
11 will soon arrive. You should take back the telephone," or he
12 would say, "Such-and-such a child would soon arrive. Could you
13 please let him have the telephone so that we can carry on
14 communicating with him?"

15 Q. After you met with the children and their families,
16 did you accompany them back to their homes?

17 A. No, I did not accompany them back to their homes.

18 Q. For those children and family, family members whom you
19 did meet when they returned to the first location, did any of
20 them tell you that in the course of their meetings at the second
21 location they had lied to the agents?

22 A. No, none of the children told me that they had lied.
23 None of them informed me of the substance of their interview.
24 None.

25 MS SAMSON: Mr President, with your leave, may we move

1 into private session?

2 PRESIDING JUDGE FULFORD: Certainly. Private session,
3 please.

4 *(Private session at 3.50 p.m.) Reclassified into Public.

5 THE COURT OFFICER: We are in private session,
6 Mr President.

7 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

8 MS SAMSON:

9 Q. Sir, I have a question to ask you based on the
10 documents that are in front of you, and I would ask you to turn,
11 please, to tab 2 in the binder. The document is a photograph,
12 and the reference number for the document is DRC-OTP-0208-0130
13 and it's a confidential document. Sir, do you recognise the
14 person in this photograph?

15 A. Yes, I do.

16 Q. Do you know his name?

17 A. Yes, I know one of his names; (Expunged).

18 Q. Do you remember his second name, or any other names
19 for him?

20 A. I do not remember.

21 Q. How do you know (Expunged)?

22 A. I knew (Expunged) at the CTO, when he deserted his armed
23 group. It was at that point in time that I knew him.

24 Q. Do you know which armed group (Expunged) had deserted
25 from?

1 A. Yes, (Expunged) deserted the UPC.

2 Q. And what role did you play in relation to (Expunged)'s
3 time at the CTO? How were you involved with him then?

4 A. Whilst (Expunged) was at the CTO, my role was to complete
5 forms. I would ask (Expunged) questions and the questions were
6 found on the form; the purpose of this exercise being that we
7 wished to locate his family in order to carry out family
8 reunification. Within the CTO, I provided him with assistance
9 by educating him on his rights. That is the type of assistance
10 I provided to (Expunged) at the time he was at the CTO.

11 Q. And what do you mean when you say that you educated
12 him on his rights?

13 A. When you inform a child of his rights, you are indeed
14 educating him on certain rights that he ought to know. For
15 example, he has a right to express his opinion; he also has the
16 right to live within his family; he has the right to education.
17 Those are the rights we refer to as the rights of the child, and
18 those are the rights on which we educate the children.

19 Q. You mentioned that you also had a role in helping to
20 locate his family. Did you, in fact, locate (Expunged) family?

21 A. Yes, with respect to (Expunged) family I would say it
22 was somebody else who went to look for that family. Later on.
23 That same individual came to me in order to provide me with the
24 necessary information because I had to carry out monitoring.

25 Q. Do you remember where (Expunged) family was living?

1 A. (Expunged) family was living in (Expunged).

2 If they were not in (Expunged), they would be in (Expunged).

3 Q. Did you visit (Expunged) home as part of the monitoring?

4 A. Yes.

5 Q. Did you meet any of (Expunged) family members when you
6 visited the home of his family?

7 A. Yes, I met his mother in (Expunged).

8 Q. Do you remember his mother's name?

9 A. No, I no longer remember the name.

10 Q. How often would you visit (Expunged) at his family's home?

11 A. Well, visiting a child's family depends on how the
12 child is living in that environment. If a child has a lot of
13 difficulties, then we had to make several visits. However,
14 since (Expunged) didn't have any difficulties, I went there every
15 fortnight or once a month, or sometimes once every two or three
16 months, and these were visits which I didn't have to schedule.
17 I could go there informally. The visits, in general, all
18 depended on how the child was living within his family
19 environment. Thank you.

20 Q. Did you have any contact with (Expunged) in relation to
21 the meetings that were carried out in Bunia and in (Expunged)?

22 A. With regard to these meetings, I would say that I was
23 in contact with him so that I could put him in touch with other
24 people but, as for the purpose of their discussions, I would say
25 that we had not spoken of that. I was in touch with him, so I

1 could go with him as far as the first place and facilitate his
2 journey to the second place as well. So that is why we had
3 contact with him.

4 Q. So do I take it then that you helped put (Expunged) in
5 touch with (Expunged) for a meeting in Bunia?

6 A. Yes, he was amongst the children who met with (Expunged)
7 in Bunia.

8 Q. And did you afterwards meet with his family in order
9 to see if they would agree for him to go to (Expunged)?

10 A. Yes, when he went back home to his home in (Expunged) I
11 was able to speak to him and he was in agreement, and so that is
12 how it came to be that we travelled with his mother to the first
13 place and the two were able to travel as far as -- to the second
14 place.

15 Q. Could I ask you, please, to turn to another tab in the
16 binder in front of you. This time it's tab 4. It's another
17 photograph. The registration number of this photograph is
18 DRC-OTP-0229-0056 and it's a confidential document. Sir, do you
19 recognise the person in this photograph?

20 A. Yes, I know that person.

21 Q. Do you remember his name?

22 A. Yes, that person is (Expunged).

23 Q. Do you recall his second name or any other names for
24 him?

25 A. No, I no longer recall. That was a long time ago.

1 Q. How do you know (Expunged)?

2 A. I know (Expunged) because he was a child -- well, I
3 would say I was responsible for him at the CTO and I went to
4 find him in -- well, I went to look for his family, and I took
5 him back to his family and I was the one who did the monitoring
6 and so that is why I know him.

7 Q. What was (Expunged) doing at the CTO?

8 A. (Expunged) was at the CTO because he was a child who
9 had done military service. He didn't do anything different. He
10 was at the CTO. He was waiting to be reunified with his family,
11 to be returned to his family and continue his life.

12 Q. Do you know with which armed group (Expunged) had done
13 military service?

14 A. Yes, (Expunged) was a member of the UPC.

15 Q. Were you able to locate (Expunged) family?

16 A. Yes.

17 Q. Do you remember where they were living?

18 A. I remember, but not specifically. It was somewhere
19 between (Expunged), if I remember correctly.
20 I must say that that child was living somewhere along the line
21 between (Expunged) and -- the line between
22 (Expunged), but I really don't recall specifically.
23 I can't give you a precise answer.

24 Q. As part of the monitoring with (Expunged), did you
25 visit him at his home?

1 A. Yes.

2 Q. Do you remember how often you would go visit (Expunged)
3 at his home?

4 A. I no longer recall, but I would go to see him often.
5 I can't remember how many times I went to see him.

6 Q. Did you meet members of his family?

7 A. Yes.

8 Q. Can you remember who you met within his family?

9 A. Yes. I met his mother and his uncle, his maternal
10 uncle. I also met his brother, a young boy who was somewhat
11 troubled, I would say. He was not in a very good (Expunged)
12 (Expunged). So those were the people who I met amongst his
13 family members.

14 Q. Did you have contact with (Expunged) in relation to
15 the meeting with (Expunged) in Bunia?

16 A. Yes, (Expunged) was amongst the children who met (Expunged)
17 in Bunia.

18 Q. When you met (Expunged) family during this monitoring
19 process, did any of the family members you met deny to you that
20 (Expunged) had been a child soldier in the UPC?

21 A. No, no one told me that.

22 Q. Did you ever meet (Expunged)?

23 A. You're talking about his (Expunged)? (Expunged) was
24 not married, so how could he have had a (Expunged)?

25 Q. I mean the man that his mother married, his (Expunged)

1 (Expunged).

2 A. No, I did not meet that person.

3 Q. Was (Expunged) one of the children that you contacted
4 to see if he would be willing to go to (Expunged)?

5 A. Yes.

6 Q. Do you remember the discussion that you had about
7 (Expunged) going to (Expunged)? Who did you speak with?

8 A. I spoke with his mother, because I met with his
9 mother.

10 Q. Did his mother agree with (Expunged) going to (Expunged)?

11 A. Yes, his mother agreed that (Expunged) could go to (Expunged).
12 However, his mother did not agree to going with him and, rather,
13 it was suggested that the maternal uncle of (Expunged) go and so
14 he went with him to (Expunged).

15 Q. Do you remember (Expunged) uncle's name?

16 A. No, I don't recall.

17 Q. When you were having discussions with (Expunged) and
18 his family about going to (Expunged), did you make any specific
19 reference to (Expunged) or his mother or his uncle that they
20 should lie to the agents when they were in (Expunged)?

21 A. No, I did not tell them that. In actual fact I told
22 them nothing, except I asked them to go to (Expunged), but I said
23 nothing about these lies that you've mentioned. I said nothing.

24 Q. And with (Expunged), who we were discussing slightly
25 earlier, did you encourage (Expunged) or his mother to lie to

1 the agents they were to meet in (Expunged)?

2 A. No, we did not talk about that. Not at all. I did
3 not encourage them to do such a thing at all.

4 Q. Did you see (Expunged) and his uncle when they
5 returned from (Expunged)?

6 A. I don't remember seeing him again.

7 Q. Did you see (Expunged) and his mother when they
8 returned from (Expunged)?

9 A. Yes, it's true that I met (Expunged) and his mother
10 when they returned from (Expunged).

11 Q. Did either (Expunged) or his mother tell you that they
12 had lied to the agents whom they met in (Expunged)?

13 A. No, they said nothing like that to me. They told me
14 nothing of that sort.

15 Q. Did you ever meet any of (Expunged) brothers?

16 A. The person I met, I met that person in (Expunged). I
17 met that person in (Expunged), but we must discuss this in
18 closed session.

19 Q. We are in private session.

20 A. Thank you. Well, I met the brother of (Expunged) in
21 (Expunged) and the mother of (Expunged) as well in (Expunged),
22 so it was in (Expunged) that I met them.

23 Q. Did you meet a brother of (Expunged) whose name is
24 (Expunged)?

25 A. I haven't quite heard the name that you have

1 mentioned.

2 Q. (Expunged)?

3 A. No, I never heard that name mentioned.

4 Q. When you met (Expunged) and his mother and brother in
5 (Expunged), what were they doing there?

6 A. When I met them they said that there were some
7 people --

8 THE INTERPRETER: The witness mulls it over.

9 THE WITNESS: Some people were taking care of
10 refugees. I don't remember. It was an organisation that
11 provided help to refugees. I've forgotten the name of that
12 organisation, but I will remember.

13 MS SAMSON:

14 Q. Was this meeting after the interviews in (Expunged),
15 or before?

16 A. It was after (Expunged). It was long after the return
17 from (Expunged).

18 Q. Sir, I have another photograph to show you. It's a
19 photograph that's at tab 1 of your binder. The registration
20 number of the document is DRC-ICC-0001-0183. It's a
21 confidential document. It's already been assigned an EVD
22 number, which is EVD-OTP-00562.

23 Mr President, I realise that I haven't provided time
24 for the EVD numbers of the last two photographs.

25 PRESIDING JUDGE FULFORD: We'll deal with those in a

1 moment.

2 MS SAMSON:

3 Q. Sir, do you recognise the people in the photograph in
4 front of you?

5 A. Yes, I recognise them.

6 Q. Starting with the person on the right-hand side of the
7 photograph who has a (Expunged) on, do you know that person's name?

8 A. Yes, that person is (Expunged). It is my -- one of my
9 -- he is my child.

10 Q. Do you know any other name for (Expunged)?

11 A. No, I've forgotten his other name. I remember the
12 name of (Expunged).

13 Q. And you've said that he is your child. What do you
14 mean by that?

15 A. What I mean by that is I took care of him at the CTO
16 and I took him back home. I also did follow-up. So, in other
17 words, he was one of the children that I had regular contact
18 with as part of my job and I also had contact with his family.
19 That is what I meant by that remark.

20 PRESIDING JUDGE FULFORD: Ms Samson, I'm afraid we're
21 just about to run out with the tape. Is this monumentally
22 inconvenient?

23 MS SAMSON: Not at all. That's fine.

24 PRESIDING JUDGE FULFORD: Thank you very much.

25 Sir, that concludes this session for this afternoon.

1 Thank you very much indeed for your assistance. We're going to
2 be sitting again tomorrow morning at half-past-9, when we look
3 forward to seeing you then, and I will ask the court officer to
4 give the EVD numbers to the outstanding documents first thing
5 tomorrow morning.

6 Closed session, please.

7 *(Closed session at 4.29 p.m.) Reclassified into Public.

8 THE COURT OFFICER: We are in closed session,
9 Mr President.

10 (The witness stands down)

11 PRESIDING JUDGE FULFORD: Thank you all for your
12 attendance. Half-past-9.

13 THE COURT OFFICER: All rise.

14 (The hearing ends at 4.30 p.m.)

15 RECLASSIFICATION REPORT

16 Pursuant to Trial Chamber I's email instructions dated 5th April
17 2011, the redacted version of the transcript with its redactions
18 is reclassified into Public.

19