

Trial Hearing
Witness: DRC-OTP-WWWW-0321

(Open Session)

ICC-01/04-01/06

1 International Criminal Court
2 Trial Chamber I - Courtroom 2
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Thomas Lubanga Dyilo ICC-01/04-01/06
5 Presiding Judge Adrian Fulford,
6 Judge Elizabeth Odio Benito and Judge René Blattmann
7 Trial Hearing
8 Thursday, 4 November 2010
9 (The hearing starts in open session at 9.25 a.m.)
10 THE COURT USHER: All rise. The International Court is now in session. Please
11 be seated.
12 PRESIDING JUDGE FULFORD: Closed session, please, and witness.
13 *(Closed session at 9.25 a.m.) Reclassified as Open session
14 THE COURT OFFICER: We are in closed session. (The witness enters the courtroom)
15 WITNESS: DRC-OTP-WWWW-0321 (On former oath) (The witness speaks Swahili)
16 PRESIDING JUDGE FULFORD: Private session, please.
17 *(Private session at 9.26 p.m.) Reclassified as Open session
18 PRESIDING JUDGE FULFORD: Good morning, sir.
19 THE COURT OFFICER: Private session.
20 PRESIDING JUDGE FULFORD: Yes, Mr Biju-Duval.
21 QUESTIONED BY MR BIJU-DUVAL: (Interpretation) (Continuing)
22 Q. Good morning, Witness.
23 A. Good morning, Maître Biju-Duval.
24 Q. You remember that yesterday I showed you a photograph, the photograph of
25 someone you identified as the (Expunged), and with some

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1 reservations, as (Expunged). You told us that you were no longer able to remember
2 the name which the child gave when he met (Expunged). Is it possible that the child
3 introduced himself to (Expunged)?

4 A. Thank you for the question. Well, with respect to the name, as I said, it is difficult
5 for me to remember because when (Expunged) called me, he said, "Bring me another
6 child." Sometimes he would give me a name, but sometimes he would simply say, "Bring
7 me the next one." Very often I would call the child (Expunged). It is
8 possible therefore that this child probably had another name.
9 Counsel, you must remember that children from the Ituri region -- well, some of them
10 come from ethnic groups that have names which are similar and/or almost similar, and if
11 you had not shown me the photograph I would have had difficulties in identifying the
12 child by the names that you mentioned. It's possible that the child introduced himself
13 with that name or introduced himself using other names. However, I was able to identify
14 the child because I had dealings with the child. Thank you.

15 Q. Thank you. You have said that it's possible that this child introduced himself by
16 that name or other names. I suggested to you the name (Expunged). Do you
17 think that it's possible that he used this name, or do you know whether or not (Expunged)
18 (Expunged) is indeed another person?

19 A. Thank you for the question. Well, with respect to (Expunged) we are talking about,
20 I am not sure that he introduced himself as (Expunged). Well, it's difficult for me
21 to say and that is because there were several people who introduced himself as (Expunged)
22 (Expunged), as I said yesterday. However, it's possible that the child used that name. I
23 have said it's possible. What I mean by that is that it's also not possible that he did that.
24 I am human. I can forget. I had to deal with many children who bore other names, who
25 bore many names, so it's possible for me to

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- 1 forget. Thank you.
- 2 PRESIDING JUDGE FULFORD: Yes, Mr Sachdeva.
- 3 MR SACHDEVA: Mr President, it was just the compound nature of the question,
4 just to make things a bit clearer. That's all.
- 5 PRESIDING JUDGE FULFORD: While there's a pause, I just want to look at what
6 has been mentioned in court over the last five minutes and so, and just to see whether
7 we need to be in private session. There's been reference to (Expunged)
8 to (Expunged), to (Expunged). Now, am I right in apprehending,
9 Mr Sachdeva, that there would be problems if some or all of those names were
10 mentioned publicly?
- 11 MR SACHDEVA: Indeed, Mr President, that's correct, for some of the names.
- 12 PRESIDING JUDGE FULFORD: And I think, given the range of names that's been
13 used, it would be very difficult to give X, Y or Z because we would all I think very
14 rapidly become confused. I mean, tell me if you think I'm wrong.
- 15 MR SACHDEVA: No, Mr President, we agree with that.
- 16 PRESIDING JUDGE FULFORD: Please carry on, Mr Biju-Duval.
- 17 MR BIJU-DUVAL: (Interpretation) Thank you.
- 18 Q. Do you remember having introduced a child who bore the name (Expunged)
19 (Expunged)?
- 20 PRESIDING JUDGE FULFORD: Don't answer that for a moment. Yes,
21 Mr Sachdeva.
- 22 MR SACHDEVA: That question was asked yesterday, almost verbatim. Question:
23 "Did you introduce a child known as (Expunged)?" And the
24 question has been answered.
- 25 PRESIDING JUDGE FULFORD: Could you give a transcript reference?

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1 MR SACHDEVA: I can. It's 3 November last – yesterday's transcript -- page 23,
2 transcript 323.

3 PRESIDING JUDGE FULFORD: And the answer was?

4 MR SACHDEVA: "Thank you for the question. I no longer remember. However,
5 if you have a photograph, you can show it to me. I do not remember that the
6 (Expunged) that I could be talking about here, whether it is (Expunged) or
7 another (Expunged). Please, if you have a photo reference, kindly show it to me
8 because, as you know, this happened several years ago and even after that I had the
9 opportunity to work with many other children. Thank you."

10 PRESIDING JUDGE FULFORD: Thank you, Mr Sachdeva. The question has been
11 asked Mr Biju-Duval, I think, and if that's right, could you move on, please.

12 MR BIJU-DUVAL: (Interpretation) Yes, your Honour. That was indeed the last
13 question yesterday, which was interrupted, and that is why I am asking the question
14 again. I have taken full note of the answer.

15 Q. Could you please turn to tab 9 of the binder. That is where we left off
16 yesterday, at the end of the afternoon. The document bears the reference
17 EVD-D01-00347. I would like to look at pages 0578 and 0579, from lines 493 to lines
18 497 -- to line 541. It is an excerpt of your statement of January 2010, a statement that
19 you made to the investigators from the OTP.

20 And I quote, Question: "Fine. So we move on to another name which we discussed
21 yesterday and that's the name of (Expunged)?" Answer: "Yes, (Expunged)."

22 Question: "So (Expunged), do you know him?" Answer: "Yes, yes,
23 I know him. I know him." Question: "Please -- " Answer: "Yes,
24 I know -- I know him." Question: "How do you know him?" Answer: "I know
25 him, yes." Question: [...] "I know him when I put him in contact with the ICC."

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1 Question "I am asking you to repeat because I did not hear you, but I'm also asking
2 you to think and remember well before you speak." Answer: "Yes." Question:
3 "Okay. (Expunged), do you know him, and how do you know him?"
4 Answer. [...] Question: (Expunged) Answer: "Yes, I was -- I am trying to think."
5 Question: "Very well. But you have to think properly and try to say whether this
6 name means anything to you."
7 PRESIDING JUDGE FULFORD: Pause, please, Mr Biju-Duval. Pause, please. Sir,
8 do you have the place?
9 THE WITNESS: (Interpretation) Yes. I think that it is the continuation of the
10 excerpt that Defence counsel had already read out.
11 PRESIDING JUDGE FULFORD: Please carry on, Mr Biju-Duval. Thank you.
12 MR BIJU-DUVAL: (Interpretation)
13 Q. I continue. Question: "You have to try to think and see whether this name
14 means anything to you. Does the name mean anything to you? Do you remember
15 this name? Do you associate it with anybody, with any child?" Answer: "Yes.
16 Well, really, I do understand -- I remember that it had to do with a name like that,
17 (Expunged). I remember the name now. I remember." Question: "Very
18 well, very well." Answer: (Expunged) Question: "Okay." Answer:
19 "Yes, I remember the name." Question: "Okay. So you remember well?" Answer:
20 "Yes." Question: "How did you meet this -- this boy? Do you remember when
21 you saw him for the first time, under what circumstances did you see him?" Answer:
22 "Yes. Well, in any case, if I'm not mistaken, I put this child in contact with (Expunged).
23 He must be one of the children who came to (Expunged), Answer:
24 "Okay. So -- " Question: "Okay. So you think he was amongst the children who
25 went (Expunged) Answer: "Yes." Question: "To discuss with the ICC, is that the

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1 case?" Answer: "Yes, yes." Question: "Okay. So before that time how did you
2 know him? How did you come to know him, do you remember?" Answer: "Yes,
3 I remember. I handled him. I was the one who reunified -- or reintegrated him into
4 his family in (Expunged)."

5 My question to you is the following: Does this excerpt enable you to clarify your
6 testimony with respect to the child (Expunged)?

7 A. Thank you for your question. Remember that I have already informed you
8 that I cannot give you the clarification you are seeking because I dealt with many
9 names. When you read this excerpt you must have understood that I said it was
10 possible that I put the child bearing this name in contact with (Expunged). However, I
11 have already said that it's difficult for me to talk about these names with certainty.
12 It's always easier if I have a photograph in front of me. It's possible to forget a name,
13 but you cannot forget somebody's features, especially when you have worked with
14 that person on several occasions. It's difficult to forget a face, to forget somebody's
15 face once you've worked for some time with that person. I think you understand. I
16 think you see what I'm trying to say. Thank you.

17 Q. I understand that in the month of January 2010 you remembered this name, but
18 today you are not able -- you cannot have a clear recollection of this child (Expunged)
19 (Expunged). Is that your testimony?

20 A. Thank you for the question. I have just clearly explained to you that in the
21 excerpt which you read out I stated clearly the following: If I remember correctly, I
22 think you read a passage written as -- written in those words. I think so. I don't
23 know if I am mistaken in saying that. What I mean therefore is that when I used
24 those words, I did not have the details in mind because I had dealt with several
25 names. Thank you.

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1 PRESIDING JUDGE FULFORD: Mr Biju-Duval, that's more of a point of advocacy
2 for us rather than a question for the witness, isn't it? You are able to say to us in due
3 course he had a good memory then; he doesn't appear to have such a good memory
4 now. That's more of a submission than a question. So can we move on, please.
5 MR BIJU-DUVAL: (Interpretation) Yes, your Honour.
6 Q. Could you please turn to tab 8. The document bears the reference
7 EVD-D01-00350. And I will look at the page 050 and page 0551 from lines 338 to
8 lines 373. It is an excerpt from your statement to OTP investigators in January 2010,
9 and I quote: Question: "Ah, okay. So just to clarify here, you say that there were
10 two different children, one who was called (Expunged), whom
11 you also know as (Expunged); is that the case?" Answer: "Yes." Question:
12 "And on the other hand, there is another child who is called (Expunged)?"
13 Answer: "Yes." Question: "Who is someone different, who is another child?"
14 Answer: "Yes, yes." Question: "Okay." Answer: "Yes." Question: "And
15 furthermore, you have just said that both of them travelled (Expunged) and that you
16 organised their trip (Expunged) to meet the officials from the ICC; is that the case?"
17 Answer: "Yes, yes." Question: "And this was during the same period of
18 November 2007?" Answer: "Yes, it was during the same period, but they travelled
19 separately." Question: "They travelled differently? But they belonged to the same
20 group of children, the children you assisted for their trip (Expunged), is that the case?"
21 Answer: "Yes." Question: "Okay. So when we talk of (Expunged), was he -- "
22 Answer: "Yes, I know (Expunged)." Question: "So who was he? You said he
23 was the uncle of (Expunged); is that the case?" Answer: "Yes." Question: "Was
24 he, that is was (Expunged), was he also related to (Expunged)? Is there any family
25 relationship between them?" Answer: "Well, in any case, I don't have any details

1 on that, but as far as I'm concerned, there is no family relationship." Question:

2 "Very well. In that case, do you remember who was the parent or guardian of

3 (Expunged) at that point in time when you contacted him?" Answer: "Yes.

4 (Expunged) was in his home. His mother did not have the time to take him

5 (Expunged) and that is why he designated his uncle. (Expunged) also came to

6 (Expunged) with his uncle."

7 My question to you is the following: Do you know someone who goes by the name

8 of (Expunged)? Who is this person called (Expunged)?

9 A. Thank you for the question. If you look at the subsequent passage, and

10 reading slowly, further on in my statement you will find a passage where I had a

11 mix-up with all these persons. I was mistaken when I talked about (Expunged) uncle.

12 You'll find that further on in the statement. I no longer remember whether that was

13 his name, that is the name (Expunged). I know the name (Expunged), and I think that

14 it was the name of (Expunged) that I confused with that of (Expunged). If you read

15 further on in my statement, you will understand that I made a mistake in thinking

16 that the person I travelled with from (Expunged) was the other person. Thank you.

17 Q. The excerpt I just read out, there is mention of someone called (Expunged). Do

18 you know this person? Do you know who that individual is? I would like to repeat

19 this question because I believe that there was a misunderstanding and I have not yet

20 obtained an answer.

21 A. Thank you. This is what I just said: When these questions were put to me, I made

22 an error. I confused (Expunged) with the uncle in question, and if you read further on

23 you are going to find a passage where I realised that I had gotten mixed up, that I

24 confused this person with another child. You want to know whether or not I knew

25 (Expunged) but if you read the entirety of that passage you will understand that I'm not

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1 saying that I knew (Expunged). I made an error in thinking that (Expunged).
2 Now, the question you should ask me is whether I know (Expunged). Well, there was
3 a name which featured on a monitoring form or sheet, and I could cross-check that to
4 see whether I can find that form in my documents. But I think I wrote down the
5 name (Expunged) somewhere on a monitoring form. Thank you. I could give you
6 an answer after the mid-morning break. I think that I brought the document in
7 question. After looking at that document, I will be able to remember whether it was
8 indeed (Expunged) or whether I made a confusion or an error confusing (Expunged)
9 with (Expunged). Thank you.

10 PRESIDING JUDGE FULFORD: Shall we return to that issue after the break then,
11 Mr Biju-Duval, to give the witness an opportunity to reflect on whether -- on exactly
12 what the circumstances were in relation to (Expunged).

13 MR BIJU-DUVAL: (Interpretation) Yes, your Honour. For the witness to have all
14 the information he has to reflect on, I would like to show him another excerpt which
15 will enable him to clarify his answers.

16 Q. Please turn to tab 9, EVD-D01-00347, page 0581, line 596. And I quote:
17 Question: "Okay, okay. Yesterday we gave you the name and we asked you
18 whether you knew someone called (Expunged)." Answer: "Yes, yes." Question:
19 "Well?" Answer: "You asked me but the uncle in any case, well, now, I thought
20 about this last night. I thought about this last night. (Expunged) in fact is not the
21 uncle of [...] (Expunged). In any case, well, since I did not think well, but
22 (Expunged) is the one who -- well, I told you that there was someone who drinks a bit
23 and that is the uncle of (Expunged). That is the uncle, if I'm
24 not mistaken." Question: "Okay. You gave a long explanation but it was not very
25 clear. Could you please repeat? You said that yesterday you were mistaken when

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1 you said that (Expunged) was the uncle of (Expunged), and that you believe
2 that maybe (Expunged) is the uncle of (Expunged). Is that what you are
3 saying?" Answer: "Yes, that is what I am saying."
4 PRESIDING JUDGE FULFORD: Thank you very much, Mr Biju-Duval. Sir, could
5 you bear that passage in mind over the break that's about to take place so that you can
6 assist us after it, if you're able, with more details about that individual.
7 I apologise for the - as I said yesterday - for the slightly odd arrangements for this
8 morning but there's something that I have to deal with now. We will sit again at
9 11 o'clock. You were trying to get to your feet, Mr Biju-Duval.
10 MR BIJU-DUVAL: (Interpretation) I beg your pardon, your Honour. I
11 understood that the witness could look at the documents during the mid-morning
12 break, and we are really interested in these documents.
13 PRESIDING JUDGE FULFORD: Well, he has said that there's something that he
14 wants to look at which he -- which unless you're objecting, I'm suggesting he should
15 look at now. You are, of course, free to ask him when he returns at what it is he's
16 looked at in order to refresh his memory. And it would be sensible, sir, if you are
17 going to look at documents over the next hour, if you bring them with you when you
18 come back into court so that if it is appropriate for Mr Biju-Duval to see what you've
19 refreshed your memory from, they're available and you won't have to return to the
20 victims and witness room. Good. Closed session, please.
21 *(Closed session at 9.58 a.m.) Reclassified as Open session
22 THE COURT OFFICER: Closed session.
23 (The witness stands down)
24 PRESIDING JUDGE FULFORD: 11 o'clock.
25 (Recess taken at 9.58 a.m.)

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- 1 (Upon resuming at 11.01 a.m.)
- 2 THE COURT USHER: All rise. Please be seated.
- 3 PRESIDING JUDGE FULFORD: Witness, please.
- 4 (The witness enters the courtroom)
- 5 PRESIDING JUDGE FULFORD: Private session, please.
- 6 *(Private session at 11.04 a.m.) Reclassified as Open session
- 7 THE COURT OFFICER: We are in private session.
- 8 PRESIDING JUDGE FULFORD: Yes, Mr Biju-Duval.
- 9 MR BIJU-DUVAL: (Interpretation)
- 10 Q. Witness, just before the recess I read you an extract of your statements which
- 11 related to a person called (Expunged). Have you been able to think about whether
- 12 you know this person; whether these extracts make it possible for you to clarify what
- 13 you know about this person?
- 14 A. Thank you for the question. When I went to refer to my documents I stated
- 15 that there was somebody who had given me some information, but I must confess
- 16 that I have not found those documents again. Apparently, I forgot those documents.
- 17 I left them behind, because I didn't realise that you might need them here. Thank
- 18 you.
- 19 With regard to (Expunged), when I had a chance to think properly, I found that that
- 20 name does ring a bell. I don't know exactly whether this man is the uncle of this or
- 21 that child. I don't know whose uncle he is among the children I put in contact with
- 22 (Expunged) because, you know, the uncle of (Expunged), has a name which
- 23 I've forgotten. And the same thing applies to the other child. I have forgotten the
- 24 name of his uncle. I only remember (Expunged) uncle's name. May I ask you, if
- 25 possible, please could you show me the photograph of (Expunged)? If you can do

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1 that, then I will be able to help you. Thank you.

2 Q. Thank you. Is it true that the investigators from the Office of the Prosecutor, when
3 they questioned you, showed you the statements made about you by (Expunged)
4 (Expunged)?

5 A. Yes, the investigators read that statement to me, the statement made by the man
6 whom I call (Expunged), as well as the statement made by (Expunged), the
7 two statements that these people had made here before the Judges. Thank you.

8 Q. Thank you. If I put it to you that (Expunged) are
9 in fact the same person and that you said to (Expunged) in November 2007
10 that he should present himself to (Expunged) under the name of (Expunged), what
11 would you say to that?

12 A. Thank you for this question. I don't know if the child who had already been
13 put in contact with the agents of (Expunged), and those agents had to
14 take a certain number of documents on which that child's name was written. I do
15 not know how it could be, how I could personally change the names that appeared on
16 those documents. All of these statements were read out to me, and I really regretted
17 that fact and I thought to myself is it possible that I would give you the name of a
18 person who can help you, who could send you to the office of (Expunged) in
19 Bunia, who could give you access to all of the files for (Expunged), and you would
20 see the name because, you know, making statements in a void would not be useful
21 either for you or for me. Thank you.

22 Q. Thank you. If I put it to you that the children you presented to (Expunged) - and
23 in particular (Expunged) - were found by you in Bunia,
24 more specifically in (Expunged) where they resided, and that you lied when you
25 claim that you had gone outside Bunia to find them, what would you say to that?

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1 A. Thank you for that question. I think that you are asking me the same question
2 that you've been asking me since the day before yesterday, and I try to always answer
3 you the same way by saying this: These children lived outside Bunia. However, it
4 did happen that these children would come to (Expunged) in Bunia. They
5 would come and work in the sand fields. And when I went to do the follow-up for
6 those children I had no choice but to go through the sand yards, where I usually saw
7 them, and I would do that before going to look for them in the place to which I had
8 returned them. When you asked me the question concerning (Expunged), I clearly
9 answered you that I had found (Expunged) on the sand site where I found him. We
10 talked and then we went back. Let's take a second example now. I talked to you
11 about (Expunged). I told you that this was a child from the (Expunged)
12 road. He was studying and attending school in Bunia.
13 Before I went out to that road, I would usually go to the place where I had seen him
14 often in Bunia. Before I went out to the (Expunged) road, I would look for him at
15 that place in Bunia. I think I've answered your question clearly. But that does not
16 mean that if a child lived in the neighbourhood surrounding Bunia he could not live
17 also in Bunia. Those children, before entering into contact with (Expunged), were
18 children that I had taken back to places outside Bunia. Thank you.

19 Q. If I put it to you that you never hired any vehicles to carry out these alleged trips to
20 go and fetch the children and that the receipts that you provided to (Expunged) -- or
21 the receipt that you provided to (Expunged) was false, what would you say to that?

22 A. Thank you for that question. I don't know if you yourself are an angel to have
23 this certainty that I would forge a receipt. Are you in a position to give me the name
24 of anyone who could have been a witness to any act of forging a receipt? I'm asking
25 you to follow what I'm telling you.

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1 These children, before being put in contact with (Expunged), were first
2 of all on several occasions put in contact with (Expunged). After that they were sent
3 from Bunia (Expunged). So, to your knowledge, what did I tell these children?
4 What did I say to them, that they should go and tell (Expunged) or
5 the agents in (Expunged) anything specific?
6 What I want to say to you is this: Did the agents of the OTP or the agents (Expunged)
7 (Expunged) tell you that they gave me a briefing concerning the questions that they
8 usually asked the children, yes or no? Because, as far as I know, I very much doubt
9 that a human being, that an ordinary man would be in a position to prepare these
10 children to go and say something specific without knowing beforehand what
11 questions would be asked of those children.
12 I'm very surprised by this. I'm very surprised by what you've just said to me,
13 because when the agents of the OTP read out to me what you just mentioned I really
14 very much regretted that. Thank you very much.
15 PRESIDING JUDGE FULFORD: Mr Sachdeva, you got to your feet.
16 MR SACHDEVA: I wanted to know -- I assume the Defence have a good-faith basis
17 to suggest that the vehicle wasn't hired. I just would have liked to have known on
18 what basis do they make that assertion.
19 PRESIDING JUDGE FULFORD: Mr Sachdeva, you've earlier quite correctly
20 indicated that it is critical that the Defence put the allegations that are later to be
21 relied on to this witness. That is now being done by Mr Biju-Duval, and unless there
22 is material to indicate that he is not putting his questions on the basis of good faith,
23 the Chamber is entitled to proceed, accepting that counsel is properly discharging his
24 duty and that he has a proper foundation for the questions that he's putting. Thank
25 you.

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1 Please carry on, Mr Biju-Duval.

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

3 Q. Witness, if I put it to you that you kept for your own benefit all or part of the
4 money that had been given to you to cover the alleged costs of transporting the
5 children, or other sums destined for the children or their families, what would you
6 say to that?

7 A. Thank you for the question. When I took the children outside Bunia, the child
8 and his parents together, I would usually meet (Expunged) before the child travelled
9 and in that location I would be present as well as the child in question and the person
10 who would accompany the child, and (Expunged) would usually ask the children this
11 question: "Have you received the \$10 that you are supposed to leave at home?"
12 That is a question that (Expunged) would ask them. And they would answer, "Yes,
13 he has given us \$10." And then (Expunged) would then add, "He is also going to
14 give you a telephone and a bus ticket for your transport."
15 So I don't know whether you have called (Expunged) and whether he has confirmed
16 to you that there was a day at any time on which he omitted to ask the parents that
17 question about the \$10 and whether there was any occasion on which the parents
18 answered, no, they had not received the \$10 (Expunged) presence. Excuse me.

19 When the parents arrived (Expunged), they would usually ask the following question of
20 (Expunged): "Have you really given him \$10 or more?" (Expunged) told me that the
21 parents usually asked him this, "Was it really \$10 or not?" And I said (Expunged), "It's a
22 good thing that you can give them the confirmation that it is \$10 only." Thank you.

23 Q. If I put it to you that you knew perfectly well that the child (Expunged), the child
24 (Expunged) whom you presented to (Expunged) and the children whom you
25 presented to (Expunged) had never been child soldiers, what would you say to that?

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1 A. Thank you. Are you referring to (Expunged)? Are you suggesting that (Expunged)
2 was not a child soldier, that he wasn't a kadogo with the other children? Is that what
3 you're trying to say?

4 Q. I am putting it to you that you knew perfectly well that the child (Expunged) and
5 then later the children whom you presented to (Expunged) had never been child
6 soldiers. What do you think of that suggestion?

7 A. Thank you for your question. This is what I'd like to say to you: Before those
8 children could be put in contact with (Expunged), there were a certain number of
9 conditions to be fulfilled. The child had to show a demobilisation certificate. The
10 child had to present that certificate attesting their exit [...] from an armed group. So
11 do you think that the agents from (Expunged) are
12 little boys who would get it wrong, to mistake somebody who has no evidence at all
13 for someone who is certifying that they have done military service?

14 Mr Duval, these children were child soldiers. I'm not mad. I wouldn't go and fetch
15 those children. Do you really think that those are the only children there were in
16 Bunia? I went to fetch these children and I know them very well. These children
17 were indeed child soldiers. That is why I would like to say this to you.

18 If the International Criminal Court could manage to convince the agents (Expunged)
19 (Expunged) in Bunia to access their databank, their register of child soldiers, please
20 do so because to date (Expunged) is still present in Bunia. If you could do that it
21 would be a very good thing and it could help you. It could help you to shed a lot
22 more light on this matter because the name of each child appears in that database.

23 However, I would like to say this: If you do go there, don't tell them that I'm the one
24 who sent you. Go under your own initiative and ask to have access to the children's
25 database. They will have it in their computers. Before entering that data in the

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1 computers, they have it in paper form. Thank you very much. I don't have any
2 additional information to give you on this particular issue.

3 However, I really would like to say to you that all of those children came with a
4 demobilisation certificate. As I have already told you, there were a certain number
5 of conditions that a child had to fulfil. Thank you.

6 Q. If I put it to you that you convinced the child (Expunged) and the children
7 whom you presented (Expunged) to present themselves to members of the office of
8 the Prosecution as former child soldiers forcibly enlisted and to make false statements
9 to the Office of the Prosecutor, what would you say to that?

10 A. Thank you, Maître Biju-Duval. I would like to say this: I was not aware of
11 any question that would be asked of the children and to say that these children were
12 forcibly enlisted is something I would say is false. Each child had its own document,
13 his or her own file. There were children who were asked, "Were you -- or did you
14 enlist on your own initiative?" Some of them would say "yes." Another child
15 would say, "No, I was taken by force."

16 But I want to tell you that not all of the children were forcibly enlisted. There were
17 some that went on their own initiative. Others were taken by force. And I did not
18 know if this question would be asked of them. How could I prepare them to answer
19 it? Maître Biju-Duval, I would like to ask you a question: Did the agents of the
20 OTP tell you that they briefed me as to the questions they were going to ask so that I
21 could prepare the children? Maître Biju-Duval, please, answer this question.

22 Q. If I put it to you that you carried out those fraudulent activities in collaboration
23 with (Expunged), what would you say to that?

24 A. I'm sorry, Counsel, but can you begin by answering the question that I asked
25 you before I can answer the one you have just put to me?

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1 PRESIDING JUDGE FULFORD: Sir, it's sometimes extremely frustrating for
2 witnesses that matters that the witness would like counsel to deal with are left
3 unaddressed, but I'm afraid in these proceedings, like really all courts throughout the
4 world, it is the lawyers who ask the questions, I'm afraid, and the witnesses who
5 answer them.
6 I'm sorry if that feels rather one-sided, but it is the way we operate. If we didn't, I
7 suspect trials would never ever come to an end and would turn into a debate lasting
8 an infinite period of time on a range of interesting issues. So I'm going to ask you,
9 please, to answer Mr Biju-Duval's question, which is: Did you behave fraudulently
10 with (Expunged)?
11 THE WITNESS: (Interpretation) Thank you. Defence counsel has said that I acted
12 fraudulently in complicity with (Expunged). Mr Biju-Duval, that really disturbs me.
13 It distresses me, because we are talking about children who are carrying wounds, and
14 you are saying that I acted fraudulently. Who was present when that happened?
15 And who was with me while I was allegedly acting fraudulently with
16 (Expunged) How could it have -- how did I come to know (Expunged) so as to act
17 fraudulently with him? I am not an angel to have been able to guess that there was
18 someone who was called (Expunged) or to go looking for someone known as
19 (Expunged).
20 Counsel, you really have to understand certain things yourself. There were no
21 fraudulent acts in the area of the protection of children. The process was very long,
22 Counsel, and I did that work for a long time. And so when you say that people
23 acted fraudulently with (Expunged), it really distresses me, and I am sorry to tell you
24 that. You have the right to ask questions, but what you are saying is wrong. I am
25 sorry if I am responding angrily. I'm trying to carry out some retrospection and

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1 to see where we took these children and how we were able to assist them to come out
2 of that difficult situation. And there you are telling me that I acted fraudulently.
3 This is very distressing to me.

4 MR BIJU-DUVAL: (Interpretation)

5 Q. Witness, do you know any people who worked in the (Expunged)
6 (Expunged), in Bunia, or elsewhere in Congo?

7 A. Thank you. You are asking me whether I knew anyone in the (Expunged)
8 throughout Congo, and are you -- which period and which location are you referring
9 to? Can you please clarify?

10 Q. Do you know any persons who have been or who are still agents of (Expunged)?

11 A. Thank you. Please give me the clarification that I'm asking for. Are you
12 talking about the entire territory of Congo, (Expunged)? Your question is vague.
13 How do you expect me to answer?

14 PRESIDING JUDGE FULFORD: Mr Biju-Duval, I imagine you are particularly
15 concerned with the period when the witness was assisting in relation to this case; is
16 that right?

17 MR BIJU-DUVAL: (Interpretation) I do not think we can limit ourselves to that
18 period; that is the months of November, December, January 2008. I think we have to
19 go beyond so as to have complete answers.

20 PRESIDING JUDGE FULFORD: Sir, it's a general question then: Do you know
21 anyone who has worked in the (Expunged) at any time or
22 in any place within the DRC?

23 THE WITNESS: (Interpretation) Thank you. I have (Expunged) who at one point
24 worked for the (Expunged). We attended the same school in Bunia.

25 THE INTERPRETER: From the Swahili interpreters, can the witness be asked to

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- 1 repeat the name of that person.
- 2 THE WITNESS: (Interpretation) I knew that that person was working for (Expunged)
- 3 before and he was doing the job that you are talking about. He assisted me greatly
- 4 when I had to (Expunged). Whenever I saw them, he would assist me so that I
- 5 should not be (Expunged). I do not know whether he's still
- 6 working in that area today. But I can see that he tried to find me in Bunia (Expunged),
- 7 to ask me questions about the ICC, but I think he is still working in that area within
- 8 the (Expunged), but he does not come out and say so clearly. But he discusses and
- 9 looks for information which would seem to indicate that he's still working for the
- 10 (Expunged).
- 11 THE INTERPRETER: From the Swahili interpreter, the witness did not repeat the
- 12 name and we did not quite catch it.
- 13 MR BIJU-DUVAL: (Interpretation)
- 14 Q. The interpreters are saying that they did not quite catch the name of that person.
- 15 Can you repeat, please?
- 16 A. Thank you. His name is (Expunged).
- 17 (Expunged)
- 18 Q. Thank you. Do you know anyone by the name of (Expunged) (phon)?
- 19 A. (Expunged)? No, I do not know that person. However, I know someone who
- 20 is not an adult. He's not older than me in any case. His name is (Expunged) and
- 21 we were together in the same neighbourhood in Bunia at one point, but I do not know
- 22 the person that you referred to as (Expunged). Thank you.
- 23 Q. Thank you. Do you know anyone by the name of (Expunged)?
- 24 THE INTERPRETER: From the Swahili interpreter: The witness is speaking in a
- 25 very low voice, as if speaking to himself.

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1 THE WITNESS: (Interpretation) No. If you have a photograph of that person you
2 are speaking about, that would be good. Maybe I've forgotten the name or maybe
3 you were given a different name. But, if you show me a photograph or photographs
4 of that person, it would be easy for me to identify him.

5 MR BIJU-DUVAL: (Interpretation)

6 Q. Thank you. In the course of your testimony, transcript 310, page 93 -- page 73,
7 you told us that an international NGO known as (Expunged) had arrived Bunia and
8 worked in partnership with (Expunged). You said that the (Expunged) assisted you
9 with reuniting the children, as well as in the area of psychological follow-up. You
10 said that you had very close collaboration with them. Do you remember the workers,
11 or employees, of the (Expunged) at that time with whom you collaborated?

12 A. Thank you for your question. When (Expunged) was working for the (Expunged), I
13 was sent on mission to the field as part of the reuniting process. There was a
14 (Expunged), who was responsible for [la plupart des]
15 those missions. I had not yet been sent on mission, but later on I was sent there as
16 part of this reuniting process. (Expunged) did not work for long with the (Expunged).
17 I think there was a misunderstanding between him and that organisation on certain
18 issues. I do not quite know what it was all about. In any case I really do not know
19 the people who worked for him, or who his workers were. I really do not know
20 them. Thank you.

21 Q. Do you know an NGO known as (Expunged)?

22 A. Thank you. I know the NGO (Expunged), but I have forgotten the name of its
23 director. I would like to point out that I know that NGO, but I only came to know
24 about them towards the end when I was preparing to leave Bunia. So I know the
25 NGO, (Expunged). It had been founded by a man who was very tall, a

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- 1 giant so to speak, but I have forgotten his name. I have forgotten his name, but
2 I know that NGO very well. Thank you.
- 3 Q. If I suggest to you the name (Expunged), does that ring a bell?
- 4 A. Yes, that is indeed the name of the founder of that NGO, (Expunged).
5 That is his name. Thank you.
- 6 Q. Since when have you known him?
- 7 A. I have known (Expunged) since the year 2007. And how did I get to know him?
8 Well, I met (Expunged) when I went to (Expunged) is (Expunged), at the (Expunged)
9 (Expunged). The priests asked him for something and he was not
10 able to bring what had been asked from him. I was sent to him, and I took
11 something (Expunged) and I seized the opportunity to ask him questions. I asked
12 him, "Do you also work with children?" And he said, "Yes, I work with children,"
13 and I told him, "I have been working with children for a long time." And he asked
14 me, "Who is your boss?" And I said, "I worked with (Expunged) and I
15 collaborated with (Expunged) also."
- 16 THE INTERPRETER: And the Swahili interpreters did not catch one name.
- 17 THE WITNESS: (Interpretation) And he said, "So you worked with (Expunged)?"
18 And I said, "Yes." And then he said, "We do not understand each other. We do not
19 get along, him and myself," and I said I do not know how they -- why they don't get
20 along; that is him and (Expunged). That is when I got to know (Expunged) and I
21 understood that he also worked with children.
- 22 PRESIDING JUDGE FULFORD: Mr Biju-Duval, I imagine you've got some
23 follow-up questions from that. We'll give the witness a short break now. Thank
24 you very much.
- 25 Sir, we're going to give you a short break. You're having to think about an awful lot

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- 1 of things this morning. We'll sit again at 5-past-12. Closed session, please.
- 2 *(Closed session at 11.51 a.m.) Reclassified as Open session
- 3 THE COURT OFFICER: Closed session.
- 4 PRESIDING JUDGE FULFORD: Good. Thank you, usher. Just after 5-past-12.
- 5 (The witness stands down)
- 6 PRESIDING JUDGE FULFORD: All rise.
- 7 (Recess taken at 11.52 a.m.)
- 8 (Upon resuming at 12.08 p.m.)
- 9 THE COURT USHER: All rise. Please be seated.
- 10 PRESIDING JUDGE FULFORD: Witness, please.
- 11 (The witness enters the courtroom)
- 12 PRESIDING JUDGE FULFORD: Private, please.
- 13 *(Private session at 12.09 p.m.) Reclassified as Open session
- 14 THE COURT OFFICER: We are in private session.
- 15 PRESIDING JUDGE FULFORD: Yes, Mr Biju-Duval.
- 16 MR BIJU-DUVAL: (Interpretation)
- 17 Q. Mr Witness, it looks like a brief passage in your last answer was not gotten by
- 18 the interpreters. You said in your answer that you worked with (Expunged), you
- 19 collaborated with (Expunged) and you mentioned a third name which the interpreters
- 20 could not get. Could you please tell us what that third name is, the third
- 21 name you mentioned?
- 22 A. Yes, the name is (Expunged).
- 23 Q. Thank you. You stated that you knew (Expunged) in 2007. Can you
- 24 situate that event in time? Was it at the beginning of the year 2007, towards the end
- 25 of the year 2007? Could you tell us?

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1 A. It was before, it was earlier. It was not towards the end of the year, because I
2 started the trips to fetch the former child soldiers at the beginning of the year 2007.
3 It was at that time that I met (Expunged). Thank you.

4 Q. Thank you. I understood from your last answer that (Expunged) also
5 worked with children. What type of work did he do with the children?

6 A. I don't have any details to give with respect to what (Expunged) was doing with
7 the children. In fact, he was the one who told me that he was working with children.
8 I did not ask him about what category of children he worked with or what indeed he
9 did with the children.

10 You know, there are different types of work that can be done with children. You can
11 work with street children; you can work with child soldiers; or you can work with
12 children who are household heads. You can also work with girls [...]. However, to
13 the best of my knowledge, whilst we were in Bunia and with regard to the area of
14 child soldiers I did not see any other individuals or any other organisation operating
15 in that area apart from (Expunged). That is
16 (Expunged). There was also the NGO called (Expunged)

17 At that time we had the monopoly with respect to work on child soldiers. I doubt
18 it, doubt whether there was any other organisation which was engaged in such work.
19 To return to your question, I'm not in a position to say what category of children
20 (Expunged) worked with.

21 Q. Thank you. Is it correct that apart from that activity (Expunged) was
22 also involved in (Expunged)?

23 A. Maître Biju-Duval, I don't know. Thank you.

24 Q. Did you at any point in time have to collaborate with (Expunged) within the
25 framework of the work you did in (Expunged) or in (Expunged)?

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1 A. No. Within the framework of my job with (Expunged), we
2 never collaborated with (Expunged), apart from the issues I just raised; that is,
3 when I assisted him in taking something that was in his home. I have never had to
4 collaborate with (Expunged) on purely professional grounds. Thank you.

5 Q. Thank you. I wish to get one clarification just to make things clearer: Apart
6 from the occasion when you helped him to take something that was at his home, what
7 other contacts did you have with (Expunged)?

8 A. Thank you. After my contact with (Expunged) I remember one day we met
9 each other in the evening at a certain place. We were having some sweet drinks.
10 We simply greeted each other and that was it. Apart from that, we have not had or
11 we never had any other contact. Well, maybe you are alluding to contacts like say
12 when we meet each other on the way and we simply say "hi" to each other. But if
13 you are referring to contacts such as sitting somewhere to hold a discussion, then I
14 will say no.

15 Q. Thank you. Do you know whether some of the children you introduced to
16 (Expunged) or to the OTP, or the ICC, do you know whether or not they were also in
17 contact with (Expunged)?

18 PRESIDING JUDGE FULFORD: Just before you answer that question, sir, yes,
19 Mr Sachdeva.

20 MR SACHDEVA: Mr President, I think that's another method to try and elicit the
21 answer that the witness was not able to give the first time round. In other words, the
22 details of (Expunged) work with the children. Essentially what I'm saying is that
23 he's already answered that question.

24 PRESIDING JUDGE FULFORD: Thank you, Mr Sachdeva. I think it is putting a
25 particular specific suggestion to the witness that may assist the witness with his

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1 memory, if in fact that is something that occurred to the best of his knowledge. But
2 thank you for the intervention.

3 So, sir, the question is whether some of the children that you introduced (Expunged)
4 (Expunged), or the ICC, whether any of them were in contact with (Expunged),
5 to your knowledge.

6 THE WITNESS: (Interpretation) Thank you. With respect to the children whom I
7 introduced to the OTP, I do not know whether there was a child who was in contact
8 with (Expunged). I've never heard any mention of that and I really don't know.
9 Thank you.

10 MR BIJU-DUVAL: (Interpretation)

11 Q. You told us that (Expunged) told you that he did not get along with (Expunged)
12 (Expunged). My question to you is: To the best of your knowledge, do you know
13 whether or not (Expunged) worked in collaboration ever with (Expunged)?

14 A. Thanks for the question. I don't know if they ever worked in collaboration or
15 not. The only thing he told me was that they did not get along. I did not ask him
16 why. Thank you.

17 Q. To your knowledge, did (Expunged) have any contact with (Expunged)
18 (Expunged)?

19 A. To the best of my knowledge, I did not know whether (Expunged) knew
20 (Expunged). However, I think that during the (Expunged)
21 (Expunged) we had this habit of (Expunged), and those (Expunged)
22 (Expunged), and they had the habit of
23 meeting each other during such meetings. Personally, I am not in a position to
24 confirm whether or not they were in contact with each other. However, it could be
25 possible that they would meet during the weekly meetings. Thank you.

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- 1 Q. Thank you. In the course of your testimony, transcript 310, pages 20 and 27,
2 pages 20, 25 and 27, you related an incident that took place on the (Expunged) (phon)
3 bridge. Further on you talked about an incident involving a (Expunged) near the
4 (Expunged), an incident during which you were threatened: Is it correct to say that
5 it was only at the end of October 2009 that you talked about these incidents to the
6 investigator (Expunged), that is to the investigators of the OTP?
- 7 A. Yes, I gave this information to the investigators when they came to (Expunged).
8 Before that time, whilst I was in Bunia, I relayed this information to the officials of the
9 OTP with whom I maintained contact in Bunia. Thank you.
- 10 Q. In the course of your testimony, transcript 310, page 17, 18, 19 and 25, you
11 related a situation during which you were denounced at a meeting in (Expunged) and
12 that someone pointed at you during a mission that you undertook (Expunged). Is it
13 correct to say that you did not mention these incidents until the time you gave a
14 statement in October 2009?
- 15 A. Thank you. Are you alluding to the event during which I was pointed out in
16 (Expunged), or are you talking about the incident that I mentioned earlier?
- 17 Q. I am alluding first of all to the incident that you described, the incident during
18 which (Expunged) denounced you at a meeting in (Expunged), and I'm also referring
19 to another incident that took place (Expunged), during which someone pointed you
20 out. And I am suggesting that you made mention of these alleged incidents to the
21 investigators of the OTP only in your statements of October 2009?
- 22 A. Thank you for the question. Your Honour, with your leave, sir, I do not know
23 whether we are in closed session. If not, I would like to appeal that we should move
24 into private session. Thank you very much.
- 25 Maître Biju-Duval, listen to me very attentively. I am pleased to take this question

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1 from you. When I left that area it was in the month of July. I arrived (Expunged)
2 and I spent several days in (Expunged). I spent about two months. Then I left
3 (Expunged) and went (Expunged). I took a direct flight (Expunged). We left (Expunged)
4 and arrived at (Expunged), where we spent about two or three hours. After that
5 stop-over, we changed planes and then we went all the way (Expunged). (Expunged)
6 we went down to Bunia. When we arrived to Bunia, the pilots of the aircraft said they
7 did not want to carry on (Expunged) and we asked them why. We asked him why,
8 and he said it was not possible for him to go all the way (Expunged). So I wondered
9 how I would spend the night in Bunia and why I should spend the night in Bunia.
10 When I got off the plane -- your Honour, please do not mention the names that I'm
11 going to mention, but when I got off the plane the colleague, the colleague with
12 whom I worked there in Bunia at the CTO, the CTO of the (Expunged), my colleague
13 currently works in the (Expunged) in Bunia in the (Expunged). When he saw me get
14 off the plane, he said to me, (Expunged), have you just come from (Expunged)?" I
15 was surprised. I said, "Why would you say that? Why are you saying that I came
16 from (Expunged)?" And he said, "It's not a secret any more. It's information that we
17 are perfectly familiar with and, in fact, could I suggest that you don't leave the airport?
18 Rather than going to spend the night in a hotel, (Expunged)
19 (Expunged) because in the hotel where you wanted to
20 spend the night you'll be close to the great market and there are many UPC agents
21 there."
22 The name of this person is (Expunged) (phon). When he said that to
23 me, I asked him who had given him all of this information and he answered me, "The
24 children we were with at the CTO. You know, those children whom we -- that you
25 picked up when our work at (Expunged) ended. You know, you remember the child

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1 who remained at the CTO, (Expunged). Didn't you put him in contact with (Expunged)
2 That child, when he went home, told the full truth. He gave your name, and you
3 should know that everybody in Bunia knows your name and it's a good thing that it's
4 you working with those people." I asked him what child he was really talking about,
5 and he answered me that this was one of the children whom I sent (Expunged). He
6 gave me another piece of information. He told me one day when he was sleeping
7 there was a broadcast on Radio Candip playing, and during that broadcast a child
8 was giving his testimony and in doing so he had mentioned my name.
9 When this man gave me all of this information, I thought to myself -- I thought to
10 myself that can't be. How can it be that when you are appearing in a hearing you're
11 being told that the hearing is in private session? How can this information be
12 broadcast on the radio? I called the agents of (Expunged) and I said -- I informed
13 them about this situation, and they asked me to give them the name of the person
14 from (Expunged) in Bunia, to give the time and the date of the broadcast so that they
15 could check and find out who was the journalist at that time. I said that I didn't have
16 the telephone number. I could only give the name of the person. I asked him to go
17 to Bunia airport and ask for the name of the person and, once they saw that person,
18 they could talk to them and find out what had happened. I even had occasion to
19 give this information to the protection agents before I came here.
20 When Maître Biju-Duval said to me that everything that I have said is false, my
21 response would simply be this: Maître Biju-Duval, would it be possible for you and
22 me to leave this place and go to Bunia? You would see with your own eyes what
23 happens. Don't say anything. Come with me to Bunia and you will see what will
24 happen when people see me. It would really be preferable if we could do this. It's
25 not really very important to speak into the void.

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1 I think that really you have stirred up an old wound in my heart with what you have
2 just said to me, because when I was in Bunia, Maître Biju-Duval, my life was better.
3 I had a good life because, you know, I knew Bunia very well and I knew my business
4 there, my professional life was going very well, but because of this insecurity I left
5 Bunia to set up in (Expunged) and at that time my life changed. When you say that I
6 have told lies here, really I find that extremely hurtful. You are stirring up old
7 memories of the wonderful life that I had in Bunia and the bad life that I was leading
8 in (Expunged), and I feel that really you are having me on. Thank you.

9 Q. In November or December 2007, during that period in which you were looking
10 after the children presented to (Expunged) -- and then in (Expunged), were you
11 contacted by a neighbourhood boss from (Expunged)?

12 A. At the period you mention, I was no longer going to the more distant
13 neighbourhoods because of the two threats that I spoke about; the two threats that
14 I had received. I didn't go back to those neighbourhoods any more. Thank you.

15 Q. I do understand that you were no longer going to those neighbourhoods, but
16 my question was a little different. My question is whether a quarter head or the
17 neighbourhood boss of (Expunged) contacted you wherever you were?

18 A. Thank you. Nobody from (Expunged) contacted me, whether a quarter head
19 or a neighbourhood boss. However, I was in contact with the neighbourhood boss
20 during the period when I was carrying out the follow-up work, because at one time
21 the children were causing disruptions in the neighbourhood and so I wanted to get
22 the point of view of the neighbourhood boss, but that took place earlier when I was
23 doing the follow-up work. Thank you.

24 Q. Do you remember the name of that neighbourhood boss?

25 A. I don't remember the name of that neighbourhood boss. I think that that name

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1 is on my mission statement from (Expunged), but I didn't bring those terms of
2 reference with me so I can't consult them and I don't remember the name.

3 Q. Just one moment, please. If I put the name (Expunged) to you, would that be
4 of assistance?

5 A. (Expunged) who, please?

6 Q. (Expunged) (phon)?

7 A. No, that doesn't ring any bells. I simply remember that there was a child
8 whose name was (Expunged). This was a child that I reunited with his family in
9 (Expunged), but the name that you have just mentioned doesn't remind me of
10 anybody at all.

11 Q. Thank you.

12 A. One moment, please. Could you try and describe the individual in question, or
13 would you have a photograph of this person? That way I could have a look at the
14 photo and try and remember the individual concerned.

15 Q. No, I was simply asking you if that name rang any bells. We're going to move
16 on to another question.

17 In your testimony you explained to us that you had been transferred or relocated to
18 Kisangani following complaints that you had made concerning your safety. This is
19 my question: Is it true that in December 2007 or January 2008 you talked (Expunged)
20 (Expunged) about this relocation at the expense of the ICC?

21 A. Yes. Thank you for this question. In December 2007 I was in Bunia and
22 (Expunged) telephoned me. He said that he was at (Expunged) office, and he said
23 that he had noticed that my trip was being prepared, and I said (Expunged) had
24 called me and asked me where I wanted to be, where I wanted to go. And so on that
25 day I spoke to (Expunged), and he said that he was at (Expunged) office in

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- 1 (Expunged) was in the process of preparing my trip. Thank you.
- 2 Q. Thank you. Is it true that at the beginning of January 2008 you were
- 3 transferred from (Expunged)?
- 4 A. That is true, it was at the beginning of January 2008. I was relocated from
- 5 Bunia and I went to (Expunged). Thank you.
- 6 Q. How long did you stay in (Expunged), more or less?
- 7 A. Are you asking me if I stayed in (Expunged)?
- 8 Q. I'm talking about (Expunged), before your transfer to (Expunged).
- 9 A. Thank you. I left Bunia in the morning, I arrived in (Expunged) in the evening and
- 10 the following day I went to (Expunged). So what I'm saying is I simply spent the
- 11 night in (Expunged) and the following morning I went to (Expunged). Thank you.
- 12 Q. Did you resume your studies in (Expunged)?
- 13 A. Yes. When I arrived in (Expunged), I enrolled at university. Thank you.
- 14 Q. Thank you. Is it true that from the month of January 2008 on, you were
- 15 financially taken care of by the ICC?
- 16 A. Yes. From the month that you have mentioned, the ICC paid for my costs, yes.
- 17 Thank you.
- 18 Q. Thank you. Could you please refer to tab 29 of the binder. So this is a
- 19 document which bears the number DRC-OTP-0229-0058, and it is headed
- 20 "Memorandum of Understanding." Do you have that document before you?
- 21 A. Yes.
- 22 Q. Could you please go to the second page of that document and tell us whether
- 23 the signature that appears above the name (Expunged) is indeed your
- 24 signature.
- 25 A. Yes, that is my signature.

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1 Q. Is it true that this is a memorandum of understanding between you and the ICC
2 concerning the terms under which the ICC would pay for your expenses?

3 A. Yes.

4 Q. Is it true that as of 16 January 2008 and for a period of nine months you received
5 \$440 per month to cover your daily requirements and your accommodation costs as it
6 appears in this document?

7 A. Yes. My rent of \$300 a month was paid and I was given \$140 to pay for my
8 meals, so the total sum was \$440, you are correct.

9 Q. When in January 2008 the ICC began to pay for your expenses, was it agreed
10 that those payments would cease at the end of nine months?

11 A. When the payments began, we had not agreed that they would cease after nine
12 months. But before leaving Bunia, (Expunged) had told me, "Don't imagine that your
13 expenses will be paid for indefinitely. The time will come when we will stop paying
14 for you," but he did not give me the detail that the payments would continue for nine
15 months. He simply said that the payments would not last indefinitely. Thank you.

16 Q. Thank you. Is it true that, as this document indicates, on 19 September 2008
17 you decided to move to another town, to (Expunged), and that from that time
18 onwards you received a monthly payment of \$109 for a period of six months?

19 A. I'm sorry. I didn't follow your question very well. Could you please repeat it?
20 Are you talking about (Expunged), or what town or city are you talking about?
21 Because the interpreter mentioned a different location, not (Expunged), so I don't
22 really understand exactly what place you're talking about. Could you please repeat
23 the question?

24 Q. This document indicates that on 19 September 2008 you apparently decided to
25 move to a place other than (Expunged); is that true?

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1 A. Yes.

2 Q. This document also indicates that from that time onwards you received \$109 a
3 month for six months; is that true?

4 A. Yes, that is true.

5 Q. During these two periods from 16 January 2008 were your health expenses and
6 travel costs covered by the ICC?

7 A. Yes, everything was covered by the ICC.

8 Q. Thank you. One moment, please, if I may.

9 THE COURT OFFICER: The document just being shown -- all right.

10 PRESIDING JUDGE FULFORD: Yes.

11 THE COURT OFFICER: Yes. The document just being shown to the witness shall
12 carry the evidence number EVD-D01-00352.

13 PRESIDING JUDGE FULFORD: Thank you. Yes, Mr Biju-Duval.

14 MR BIJU-DUVAL: (Interpretation) Your Honour, thank you very much.

15 Q. Is it correct that in June 2010 you went to see MONUC's human rights section to
16 make complaints concerning the International Criminal Court?

17 A. Yes.

18 Q. Is it true that you complained that you no longer had the necessary funds to
19 cover your requirements for daily subsistence?

20 A. Yes, that is true.

21 Q. Is it true that you stated to the officials you spoke to that the ICC had suddenly
22 decided to cease its financial assistance?

23 A. Yes, that is true.

24 MR BIJU-DUVAL: (Interpretation) One moment, if I may, please. I have no
25 further questions, your Honour.

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1 PRESIDING JUDGE FULFORD: Thank you very much, Mr Biju-Duval. Well, I
2 think that's a convenient moment, Mr Sachdeva. Sir, that now concludes the
3 questioning by Mr Biju-Duval. Mr Sachdeva indicated a day or two ago that he's got
4 a number of matters finally that he would wish to raise with you. So we'll have
5 lunch now. We'll meet again at half-past-2 and we'll sit in courtroom 1 this
6 afternoon. So it will be a different court at half-past-2. Closed session, please.
7 *(Closed session at 12.59 p.m.) Reclassified as Open session
8 THE WITNESS: (Interpretation) Excuse me. Excuse me. I don't know if I am
9 right to say this or not but, with regard to the question that Maître Duval has asked
10 me, saying that I was lying with regard to safety issues, I would like you to
11 investigate this in greater depth because I am a human being. When I am accused of
12 lying, I find it extremely hurtful, and we are talking about human rights. People
13 should know that I had a former life; I lived well. I am a human being like any other,
14 and I should be entitled to live in comfort like any other person, so I would call for
15 you to investigate this allegation that I have been lying. Thank you.
16 PRESIDING JUDGE FULFORD: Thank you very much for that. You'll, I'm sure,
17 understand, sir, that counsel acting on behalf of the accused have certain obligations
18 that they must fulfil for the person they represent. And if the accused's case
19 involves them having to ask questions which are hurtful to a witness, as I've just said,
20 I'm sure you will understand Mr Biju-Duval does it because it is his duty to do so.
21 That doesn't stop it from being upsetting potentially to witnesses but we will bear in
22 mind the remark that you have just made. Thank you very much. Good.
23 Half-past-2. Witness, please, to the waiting room. (The witness stands down)
24 PRESIDING JUDGE FULFORD: Thank you all very much. Half-past-2.
25 (The hearing ends at 1.02 p.m.)

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1 RECLASSIFICATION REPORT

2 Pursuant to Trial Chamber I's email instruction dated 5th April 2011, the transcript is
3 reclassified as public after the indicated redactions have been implemented as
4 ordered by the Chamber. All private and closed sessions (*) are now available to the
5 public with the exception of the portions of the transcript that have been redacted

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