

1 International Criminal Court

2 Trial Chamber I - Courtroom 2

3 Presiding Judge Adrian Fulford, Judge Elizabeth Odio

4 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 Wednesday, 30 June 2010

9 (The hearing starts at 9.31 a.m.)

10 (Open session)

11 THE COURT USHER: All rise. The International

12 Criminal Court is now in session. Please be seated.

13 PRESIDING JUDGE FULFORD: Good morning. We now turn

14 to the evidence of intermediary 321. There has been an

15 application by the Prosecution for various protective measures.

16 We needn't analyse this in any detail at all, because all of the

17 decisions that we've taken in relation to this individual to

18 date have been based on the clear assumption that his identity,

19 certainly for the time being, is to be protected.

20 Accordingly, the usual range of court protective

21 measures will be afforded to him and, as we understand it, that

22 will include him being screened from the accused. Does anybody

23 have any observations? No. Good.

24 We then need to go into closed session so the witness,

25 please, can be brought into court.

1           \*(Closed session at 9.33 a.m.) Reclassified as Open session

2           THE COURT OFFICER: We're in closed session,  
3 Mr President.

4           PRESIDING JUDGE FULFORD: Witness, please.

5           Ms Samson, the witness is coming. I presume there is  
6 no difficulty in him walking into court with the accused  
7 present?

8           MS SAMSON: Not that I'm aware of, your Honour.

9           PRESIDING JUDGE FULFORD: Well, if there's no  
10 difficulty with him walking into court with the accused present,  
11 then is there any need for the screens down the side of the  
12 witness box? I had understood that, from what was said to me by  
13 the court officer this morning, that they were to be in place.

14          MS SAMSON: Screens are required, your Honour, in  
15 order to shield the witness from the public.

16          PRESIDING JUDGE FULFORD: Ah, right, not from the  
17 accused.

18          MS SAMSON: The Prosecution's request did not include  
19 screening from the accused.

20          PRESIDING JUDGE FULFORD: Right, I understand that. I  
21 hadn't realised that those were there for the public, rather  
22 than the accused.

23          MS SAMSON: Yes. Typically, to my understanding, when  
24 there is a screening from the accused the curtains --

25          PRESIDING JUDGE FULFORD: Yes, the witness can come

1 in.

2 MS SAMSON: The curtains are extended slightly further  
3 forward. So my understanding was, based on our request, that  
4 the screening would be from the public alone.

5 PRESIDING JUDGE FULFORD: Right. My misunderstanding,  
6 thank you.

7 (The witness enters the courtroom)

8 PRESIDING JUDGE FULFORD: Good morning, sir.

9 THE WITNESS: (No interpretation)

10 PRESIDING JUDGE FULFORD: Before your evidence begins,  
11 a few words from me which I hope will be of assistance to you.  
12 The first is to reassure you that the proposals made to us by  
13 the Prosecution that your anonymity should be preserved has been  
14 accepted by the Chamber and, as a result, as far as the public  
15 is concerned your real name will be withheld and on the  
16 broadcast of these proceedings your voice will be distorted and  
17 your image will similarly be scrambled so that nobody can see  
18 what you really look like.

19 In order to maintain your anonymity, we will have to  
20 move between public and private session. Parts of your evidence  
21 will need to be given in private session so as to ensure that  
22 your identity isn't revealed, so please be patient with us when  
23 we move between public and private session.

24 One of the most fundamental things, please, for you to  
25 remember is that it is necessary for everyone in this Court to

1 speak slowly. We have interpreters, carrying out the job of  
2 interpretation, and transcribers who are typing everything  
3 that's said. If any of us speak too fast that breaks down and  
4 the true record of your evidence would then become impaired, so  
5 critical you don't speak any faster than I am speaking now and,  
6 indeed, I think it's even being suggested that I'm speaking too  
7 fast at the moment.

8           The other element of this - and it's equally important  
9 - is please remember to pause before answering a question. If  
10 one speaker follows too quickly after the last person who has  
11 either been asking questions, or answering them, the job of the  
12 interpreters then again becomes really intolerable. So when a  
13 question is asked of you, please pause just for a moment to let  
14 the interpreters and transcribers catch up. If on occasion you  
15 see me do *that*, or one of the other Judges do *that*, all that  
16 means is slow down.

17           You will be referred to in public session I anticipate  
18 either as Mr Witness, or as 321, and I'm now going to ask you,  
19 please, when the blinds have gone up and we've gone into public  
20 session, for you to read out loud the oath, which will be  
21 written on a card which will be given to you, which constitutes  
22 your solemn undertaking to tell the truth.

23           Public session, please, and can we make sure that the  
24 witness has the right card in the right language.

25           (Open session at 9.40 a.m.)

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

3 PRESIDING JUDGE FULFORD: Please read out loud, so we  
4 can all hear you, the words on the card in front of you.

5 THE WITNESS: (Interpretation) Very well.

6 WITNESS: DRC-OTP-WWWW-0321 (Sworn)

7 (The witness answered through interpreter)

8 PRESIDING JUDGE FULFORD: That was good volume and  
9 good speed, so keep that up, please.

10 Now, Ms Samson, I imagine your first questions will be  
11 in private session; is that right?

12 MS SAMSON: Yes, with your leave, your Honour.

13 PRESIDING JUDGE FULFORD: Mr Biju-Duval? A rather  
14 early intervention.

15 MR BIJU-DUVAL: (Interpretation) Yes, your Honour. I  
16 do understand that the witness wishes to speak in Swahili. The  
17 Chamber knows that this witness speaks French perfectly because,  
18 in the course of various interviews with the OTP, he spoke in  
19 French.

20 We do understand that if he speaks in Swahili then he  
21 will be able to make things easier for everyone, including the  
22 interpreters. However, we deem it useful that for us to be more  
23 efficient it would be proper for the witness to choose French as  
24 his language of testimony. That way the hearing will proceed  
25 normally and less slowly as would have been the case if we use

1 Swahili.

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

3 Let's see what the witness himself has to say about it.

4 Sir, can I explain the situation. You are, of course,  
5 perfectly entitled to give your evidence in Swahili if, in the  
6 end, that is what you want to do. Mr Biju-Duval's request is  
7 made for this reason. We have found that when the  
8 interpretation has involved not only English and French, but  
9 it's involved Swahili as well, that there are sometimes two  
10 consequences. First it tends to slow down the proceedings and,  
11 second, it provides the opportunity for a greater number of  
12 mistakes to be made in the official record of the Court's  
13 proceedings. It is for that reason that the Defence are asking  
14 if you are -- if you feel comfortable in doing so, are asking  
15 for you to give your evidence in French, rather than Swahili.

16 Now, having heard that justification for the request  
17 for you to give your evidence in French, would you be prepared  
18 to do so, or would you really prefer to give your evidence in  
19 Swahili?

20 THE WITNESS: I prefer to give my testimony in  
21 Swahili.

22 PRESIDING JUDGE FULFORD: There you are,  
23 Mr Biju-Duval.

24 Right, private session please.

25 \*(Private session at 9.44 a.m.) Reclassified as Open session

1 THE COURT OFFICER: We're in private session,  
2 Mr President.

3 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

4 MS SAMSON: Thank you, your Honour.

5 QUESTIONED BY MS SAMSON:

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. We met earlier this week. My name is Nicole Samson  
9 and I represent the Office of the Prosecutor. I have questions  
10 for you today and I will start with questions related to your  
11 identity and your educational background. Could you please tell  
12 the Court what your full name is, please?

13 A. My name is (Expunged).

14 Q. When were you born?

15 A. I was born on (Expunged).

16 Q. Where were you born?

17 A. I was born in (Expunged) in the Democratic  
18 Republic of the Congo.

19 Q. Where did you do your primary studies?

20 A. I did my primary education studies in (Expunged)  
21 (Expunged).

22 Q. Could you please spell the name of your school,  
23 (Expunged)?

24 A. (Expunged)

25 Q. And this school is in (Expunged). Is (Expunged)

1 (Expunged)?

2 A. Yes, indeed.

3 Q. Did you remain in (Expunged)for your secondary school  
4 studies?

5 A. I did my primary education in (Expunged). As for the  
6 secondary education studies, I did them in Bunia.

7 Q. What was the name of the school you attended in Bunia  
8 for your secondary studies?

9 A. The name of the school was (Expunged)  
10 (Expunged) Bunia. That is (Expunged)  
11 Bunia.

12 Q. In which year did you complete your secondary school  
13 studies?

14 A. It was in the (Expunged) academic year.

15 Q. Did you write your final exams for secondary school in  
16 Bunia?

17 A. No, I wrote my final exams in (Expunged)because at the  
18 time of the State exams there was war in Bunia.

19 Q. Have you attended university?

20 A. I attended university for (Expunged) and I was -  
21 and I did not complete that academic year.

22 Q. Where did you attend university?

23 A. I attended the (Expunged) of (Expunged), called in  
24 (Expunged).

25 Q. In which year did you attend university in (Expunged)?



1 A. It was in the year 2008.

2 Q. After you completed your secondary school studies in  
3 the 2002/2003 year, did you go to work?

4 A. Yes.

5 Q. And where did you start working?

6 A. I worked in Bunia.

7 Q. In which organisation were you working in Bunia?

8 A. In Bunia I worked (Expunged);that is the (Expunged)  
9 (Expunged). I worked in collaboration with  
10 (Expunged).

11 Q. What type of organisation was (Expunged)? What did they do?

12 A. (Expunged)took care of demobilised children. (Expunged) kept  
13 these children within a compound while waiting to send them back  
14 to their respective families.

15 Q. Did the compound have a name?

16 A. Yes, it was called the CT0; that is the (Expunged)  
17 (Expunged)

18 Q. Do you remember the month and year that you started to  
19 work for (Expunged)?

20 A. Yes, if my memory is correct, it was in the year 2004.

21 Q. Was this the first time that you had worked with (Expunged)?

22 A. Yes. However, I would like to add that whilst I was  
23 doing my (Expunged), that is whilst I was in the fifth year of  
24 secondary school, I did an (Expunged) in the year 2002/2003, but  
25 I was not recruited by the organisation at that point in time.

1 Q. And when you were formally recruited with the  
2 organisation later in 2004, who was the director of (Expunged)?

3 A. The name of the director was --

4 THE INTERPRETER: The Swahili interpreter did not hear  
5 the first name, but he heard (Expunged).

6 MS SAMSON:

7 Q. Sir, would you mind repeating the full name of the  
8 director? The interpreters didn't hear the full name.

9 A. His first name was (Expunged), the second name was (Expunged)  
10 and the last name was (Expunged).

11 Q. What was your role, or your duties, while you were  
12 working for (Expunged)?

13 A. My job entailed receiving children who had been  
14 demobilised from the army. I worked with those children. I  
15 would ask them their addresses - that is the place where they  
16 lived - I would contact their families and at the same time I  
17 would visit those families in order to get to understand the  
18 situation of these children and, at the same time, I would try  
19 to take note of the (Expunged) in these children's

20 homes. I'm talking here about (Expunged).

21 Q. And can you explain a bit more fully what (Expunged)  
22 (Expunged) is?

23 A. When I talk about (Expunged), I'm  
24 referring to a situation where a child goes back to his or  
25 her family during family reunification. When the child goes, the

1 child has nothing. We have to conduct some assessment, try to  
2 get to know the child's needs. We tried to know the child's  
3 plans. Does the child wish to be a herder, or a farmer, or a  
4 trader, or a tailor, or a mechanic, or a bricklayer?

5           Now, depending on the answer that the child provides,  
6 you then complete a monitoring form, which form you will then  
7 give to the officials of the centre who would conduct an  
8 assessment to determine whether the environment in which the  
9 child is living is appropriate for the training the child is  
10 requesting. After such assessment, the child receives something  
11 which should help him or her in the apprenticeship of the trade  
12 that he or she would have chosen.

13 Q. How did the demobilised children come to the (Expunged)?

14 A. The demobilised children would arrive at (Expunged) by way of  
15 (Expunged) and, before that, we used to use a form called  
16 (Expunged), the (Expunged) in French, and  
17 the commander of the troops would fill out that form and, if the  
18 commander was illiterate, the officials responsible for child  
19 welfare would help the person fill out the form. That was when  
20 (Expunged) would bring the children to the Transit and  
21 Orientation Centre.

22           PRESIDING JUDGE FULFORD: Ms Samson, forgive me.  
23 You're persuaded that this needs to be private?

24           MS SAMSON: Your Honour, in this section I'm coming in  
25 and out of general and more specific questions, but there may be

1 a few questions now that I could ask in public session of a  
2 general nature and, as I move forward into the witness's  
3 employment history, I may have to request to go back into  
4 private session.

5 PRESIDING JUDGE FULFORD: Can I commend that approach.  
6 I think even if we have to bounce backwards and forwards between  
7 public and private, it's better to try to have as much in public  
8 as possible. Public now, or --

9 MS SAMSON: Yes, thank you.

10 PRESIDING JUDGE FULFORD: Thank you very much indeed.  
11 Public session, please.

12 (Open session at 10.02 a.m.)

13 THE COURT OFFICER: We are in open session,  
14 Mr President.

15 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

16 MS SAMSON: Thank you.

17 Q. Sir, I'm going to ask you some questions now of a  
18 general nature about the work that you did. If I could remind  
19 you not to mention the name of your organisation when you answer  
20 the questions, please. So once you were introduced to a child  
21 who had arrived at the organisation, how long typically would a  
22 child stay at the organisation?

23 A. There was no specific day or number of days that the  
24 child was supposed to remain with the organisation. When the  
25 child arrived we would prepare a form; an identity form for the

1 child. After we fill out -- filled out the form the child would  
2 remain with the organisation for two or three days, and then  
3 after that another form would be filled out; the documentation  
4 form with several pieces of information.

5           And there was also the whole issue of where the child  
6 lived, or rather the family of the child. The child would give  
7 his address and we had to go find his family but, as to the  
8 number of days that a child might stay within the organisation,  
9 there was no specific number of days. Once the child had gone  
10 through all these procedures, he would eventually be reunited  
11 with his family. The centre was not a place intended for  
12 children to remain for a long time. If the family was not safe,  
13 if the place was not safe, the child could stay at the CTO.

14           Q. You mentioned various forms that were filled out, and  
15 from where did you get the information that you would use to  
16 fill out the forms? From which source?

17           A. The child would provide us with those items of  
18 information as we filled out the various forms. When the child  
19 arrived we would ask questions about his identity and other  
20 aspects, so it was the child who would provide the information  
21 and we would record that information on the form.

22           Q. Did the children typically show you identity  
23 documents?

24           A. The children did not have identity cards. They would  
25 tell us their names without showing us identity cards. They

1 just gave us their names.

2 Q. While a child was at the centre, what would the child  
3 typically do over the course of the time that he spent at the  
4 centre?

5 A. When the child was at the centre he would remain  
6 within the centre while we looked for the address of the family,  
7 and there were various activities \*as well. For example,  
8 instructions in ethics. And after those activities there were  
9 recreational activities and sports.

10 Q. When a child had arrived and you or other members of  
11 the organisation were completing the forms with their  
12 information, did you ask or did the children discuss with you  
13 their history or experience in the armed group from which they  
14 came?

15 A. We would ask questions of the children and, as they  
16 replied, we would fill out the forms. The forms had various  
17 headings, so we were the ones who would ask questions and the  
18 children would answer and we would fill out these verification  
19 forms.

20 Q. Did any of the headings, any parts of the forms,  
21 require that you ask them from which group they had belonged, or  
22 any part of their experience within that armed group?

23 A. Yes, there was one heading on the form that had to do  
24 with the name of the armed group and the person responsible for  
25 the armed group.

1 Q. As you were obtaining information from the children  
2 about their home addresses and where their families lived, could  
3 you tell the Court or explain what areas in or around Bunia the  
4 children were from originally?

5 A. To reply to that answer I think that private/closed  
6 session is necessary, because these places -- well, in short, I  
7 think a private or a closed session is necessary in order to  
8 answer that question.

9 PRESIDING JUDGE FULFORD: Private session, please.

10 \*(Private session at 10.12 a.m.) Reclassified as Open session.

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

13 PRESIDING JUDGE FULFORD: Yes, if you could now give  
14 the answer, sir, please.

15 THE WITNESS: Thank you. In 2004, most of the  
16 children came from the (Expunged).

17 THE INTERPRETER: The (Expunged), the witness  
18 repeats.

19 THE WITNESS: Often the children came from (Expunged)  
20 (Expunged), so the  
21 children often came from the (Expunged) which was under the  
22 control of the UPC, and there were other children who came from  
23 the (Expunged). However, those -- there were not many from  
24 the (Expunged) in comparison with those who came from the  
25 (Expunged)

1           PRESIDING JUDGE FULFORD: Now, your next question,  
2 Ms Samson, is that a private question, or a public question?

3           MS SAMSON: I have one follow-up question to this one  
4 on the name of the territory that the witness just mentioned,  
5 and after that, your Honour, I may take advantage of the private  
6 session to ask one further question and then with your leave we  
7 could move back into public session.

8           PRESIDING JUDGE FULFORD: If you could indicate when  
9 the moment arrives, thank you.

10          MS SAMSON: Thank you.

11          Q. Sir, you just indicated that, while the majority of  
12 the children at the centre were from (Expunged), some were  
13 from another territory which is not captured in our  
14 transcript. Could you please repeat the name of the second  
15 territory from which some children came?

16          A. It was the (Expunged). (Expunged).

17          Q. Thank you. And earlier you had mentioned that the (Expunged)  
18 organisation and CTO was run in collaboration with (Expunged)  
19 (Expunged). What did that collaboration involve?

20          A. There was cooperation in terms of providing support  
21 and assistance to these demobilised children.

22          THE INTERPRETER: The Swahili interpreter would like  
23 to point out that the witness is speaking very quickly. Could  
24 someone ask the witness to repeat his answer?

25          PRESIDING JUDGE FULFORD: Sir, I'm going to interrupt



1 you, I'm afraid. You've been speaking at a very good speed so  
2 far this morning, but you've suddenly speeded up and I'm afraid  
3 you're going to have to start the whole of that last answer  
4 again because most, if not all of it, was missed.

5 So the question that Ms Samson put to you was she  
6 reminded you that you'd mentioned that the (Expunged) organisation  
7 and the CTO was run in collaboration with (Expunged), and she  
8 then asked you what did that collaboration involve.

9 Now, speaking slowly, please, can you start the answer  
10 again, but before you do so, yes, Mr Biju-Duval?

11 MR BIJU-DUVAL: (Interpretation) Yes, your Honour.  
12 This problem of speed is, indeed, a real problem and thank you  
13 to the -- I thank the Chamber for helping with this.

14 In the last answer from the witness, the witness was  
15 speaking -- well, half of his reply was in French. Basically he  
16 spoke in a mixture of French and Swahili, and actually in his  
17 last reply most of the reply was in French, and I really wonder  
18 about this issue of language.

19 PRESIDING JUDGE FULFORD: Well, Mr Biju-Duval, you may  
20 wonder. That's not really a submission, I'm afraid. Counsel's  
21 ruminations are not really of much assistance to us in terms of  
22 asking us to do something. I've addressed the witness on this.  
23 I've asked him whether he would be prepared to speak in French  
24 and he's indicated his clear preference. Now, I'm afraid that's  
25 final. The Bench is not going to enter into the territory of

1 ordering a witness to speak in a language that he says he would  
2 prefer not to speak. That -- the proposition only has to be  
3 made for it to be seen that that would simply be unacceptable.

4 Sir, I think it is probably important that you do  
5 remain in one language, or the other. Moving during the course  
6 of an answer from French into Swahili and Swahili into French I  
7 would imagine makes the life of the interpreters even more  
8 difficult, so you need to make a choice and then stick with it.

9 I will ask you, during the break that we're going to  
10 have in about ten minutes' time, to reflect on what  
11 Mr Biju-Duval has said. If he is right and you are, in fact,  
12 able and comfortable speaking in French I suspect that will make  
13 life a lot easier both for the Defence and for those who are  
14 sitting in the various secret booths around this Court, but I  
15 want to stress we're not in any sense going to try to force you  
16 to speak in French. Ultimately it's a matter entirely for you  
17 but, for the moment, remain in Swahili. I'm not going to repeat  
18 the whole question again, but can you tell us, please, about the  
19 collaboration that Ms Samson asked you about a few minutes ago.

20 THE WITNESS: Agreed. I was saying that the  
21 cooperation between (Expunged) was a form of  
22 cooperation that related to demobilised children. The children  
23 who had been demobilised received support and assistance from  
24 (Expunged) at the CTO, at the Transit and Orientation Centre, so  
25 (Expunged) took care of that task. (Expunged) is an associate --

1 correction, (Expunged) is an international organisation  
2 and, when these children would arrive somewhere, or rather when  
3 (Expunged) sets up operations in a town or in a country, they  
4 cooperate with the local organisations and the people from these  
5 local organisations take care of these tasks because they are  
6 the ones who are most knowledgeable about the town.(Expunged)  
7 (Expunged) provides funding, a little bit of something to help  
8 them do their work. If the local organisations do their work,  
9 they provide their contribution -- they provide their report to  
10 (Expunged). So this is what we mean by partnership  
11 between (Expunged).

12 PRESIDING JUDGE FULFORD: Sir, another instruction  
13 from me, I'm afraid. Could you move your chair slightly further  
14 towards the desk so that you're closer to the microphone. Thank  
15 you.

16 Public or private, Ms Samson?

17 MS SAMSON: One more question, your Honour, with your  
18 permission, in private session.

19 PRESIDING JUDGE FULFORD: Certainly.

20 MS SAMSON:

21 Q. Sir, in addition to (Expunged) work in  
22 cooperation or in collaboration with any other organisations?

23 A. Yes, (Expunged) cooperated with other  
24 organisations, other local organisations. (Expunged) did  
25 not work only with (Expunged).

1 Q. Did (Expunged) itself work with other organisations?

2 A. (Expunged) worked only with (Expunged). However, (Expunged)  
3 (Expunged) worked with other organisations, but (Expunged) had  
4 only one partner, namely (Expunged), at least during that  
5 period of time.

6 MS SAMSON: With your leave, your Honour, we can move  
7 into public session.

8 PRESIDING JUDGE FULFORD: Thank you very much. Public  
9 session, please.

10 (Open session at 10.24 a.m.)

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

13 PRESIDING JUDGE FULFORD: Yes.

14 MS SAMSON:

15 Q. What was the age range of the children who arrived at  
16 the centre?

17 A. The age category of these children was from 11 to 17.  
18 That was the average.

19 Q. And once children were reunited or reunified with  
20 their families, did you continue to have any contact with them?

21 A. Yes, we would go see them at home to determine the  
22 conditions in which they were living within their families.  
23 That's what we referred to as follow-up of the children in their  
24 respective families.

25 MS SAMSON: Thank you.

1           Your Honour, with your leave, may we move into private  
2 session?

3           PRESIDING JUDGE FULFORD: Certainly. Private session.

4           \*(Private session at 10.27 a.m.) Reclassified as Open session

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

7           MS SAMSON:

8           Q. For how long did you continue to work for (Expunged)

9           A. I worked with (Expunged) from (Expunged), unless I'm  
10 mistaken. After that (Expunged) had some difficulties with  
11 (Expunged)  
12 (Expunged).

13          Q. While you were still with (Expunged) during the period (Expunged)  
14 through to (Expunged), did your duties remain the same or did  
15 they change?

16          A. During that period of time when I was working for (Expunged),  
17 I had the same responsibilities.

18          Q. And after the relationship between (Expunged)  
19 (Expunged), where did you work after that?

20          A. After the (Expunged)  
21 (Expunged), I worked for another organisation that was  
22 called (Expunged).

23          Q. Who was the person responsible for (Expunged)?

24          A. The name of the person responsible for (Expunged)  
25 (Expunged).

1 Q. Would you know how to spell the name (Expunged)?

2 A. (Expunged).

3 Q. Thank you.

4 PRESIDING JUDGE FULFORD: Ms Samson, I was minded to  
5 take the -- is that convenient?

6 MS SAMSON: Yes, absolutely.

7 PRESIDING JUDGE FULFORD: Thank you very much.

8 Sir, we're going to give you a break now, as well as  
9 the interpreters and stenographers. We are going to have a  
10 slightly longer break now and then a shorter break later in the  
11 morning. We look forward to seeing you again at 11 o'clock.

12 Closed session, please.

13 \*(Closed session at 10.32 a.m.) Reclassified as Open session

14 PRESIDING JUDGE FULFORD: Yes, thank you, usher.

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

17 (The witness stands down)

18 PRESIDING JUDGE FULFORD: 11 o'clock.

19 THE COURT USHER: All rise.

20 (Recess taken at 10.32 a.m.)

21 (Upon resuming at 11.01 a.m.)

22 \*(Closed session) Reclassified as Open session

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

24 PRESIDING JUDGE FULFORD: Witness, please.

25 (The witness enters the courtroom)

1               PRESIDING JUDGE FULFORD: Public or private,  
2 Ms Samson?

3               MS SAMSON: Private, with your leave your Honour, to  
4 finish the series of questions I started.

5               PRESIDING JUDGE FULFORD: Certainly. Private session,  
6 please.

7               PRESIDING JUDGE FULFORD: Usher, can you move the  
8 microphone closer to the edge of the bench, please.

9               \*(Private session at 11.02 a.m.) Reclassified as Open session

10              THE COURT OFFICER: We're in private session,  
11 Mr President.

12              PRESIDING JUDGE FULFORD: Now we've reconvened, just a  
13 reminder to everyone of gap, please, between speakers and keep  
14 it slow.

15              Yes, Ms Samson.

16              MS SAMSON: Thank you, Mr President.

17              Q. Just before the break, we were describing your  
18 employment with (Expunged). Could you describe the work  
19 of (Expunged)?

20              A. Yes, my job with (Expunged) was similar to the  
21 job I did for (Expunged). A little later in the year 2007 I was  
22 appointed as (Expunged). I was  
23 issued with a (Expunged) as  
24 well for the year 2007. I was carrying out the same activity;  
25 that is, similar to what I had done for (Expunged).

1 Q. And was the organisation (Expunged) doing the  
2 same kind of work that (Expunged) was doing?

3 A. Yes, it was the same activity.

4 Q. When (Expunged) ended, did (Expunged)  
5 (Expunged) replace (Expunged)?

6 A. Yes, it was (Expunged) which took over from  
7 (Expunged).

8 Q. Does that mean that you remained working in the same  
9 CT0, or did you change work location?

10 A. I was working in the same CT0. The organisation (Expunged)  
11 had staff members. In fact they were the employers, or the  
12 employees, of (Expunged) who came to settle in -- on the  
13 premises of (Expunged).

14 THE INTERPRETER: The Swahili interpreters would like  
15 the witness to clarify his answer, because they did not find it  
16 particularly clear.

17 MS SAMSON:

18 Q. Sir, at least a part of your last answer was difficult  
19 to capture for the interpreters. Would you mind repeating your  
20 answer?

21 A. Yes, I just said that the employees of (Expunged) came from  
22 the CT0, or rather they left the CT0 and (Expunged) employees  
23 came and settled in that CT0.

24 THE INTERPRETER: And the Swahili booth says the  
25 witness is using the term "CT0".



1 MS SAMSON:

2 Q. You mentioned that in 2007 (Expunged)  
3 (Expunged). Could you explain for the Court  
4 what (Expunged)?

5 A. (Expunged)  
6 (Expunged).

7 Q. What was your (Expunged)?

8 A. In my capacity (Expunged), when people - children  
9 and adults - came to hand in their weapons at the disarmament  
10 centre, MONUC and members of the Congolese armed forces would  
11 receive the weapons and put them aside. (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 PRESIDING JUDGE FULFORD: Ms Samson, I'm told by the  
16 court officer that the witness isn't speaking loudly enough. I  
17 can hear him perfectly clearly across the court. It seems to me  
18 that he is speaking in a perfectly normal speaking voice.  
19 However, because of the technical arrangements of this court,  
20 given his voice is distorted, apparently it's necessary for me  
21 to impose an additional burden on the witness by asking him to  
22 speak louder.

23 Sir, I'm very sorry, I seem to spend my entire time  
24 giving you directions as to how you should give your evidence.  
25 None of this is your fault. However, there has been a complaint

1 that you're not speaking loudly enough, so if you're able to  
2 speak slightly louder in order to make our equipment work  
3 properly I would be grateful. Thank you.

4 Please carry on, Ms Samson.

5 MS SAMSON: Thank you, Mr President.

6 Q. Sir, I would like to show you one document in a binder  
7 that I have for you. And, your Honour, I believe the other  
8 binders for the participants and the Chamber have been  
9 circulated already.

10 PRESIDING JUDGE FULFORD: Right. Let the witness --  
11 please, usher, binder. Now, while the usher's there, Ms Samson,  
12 what's the first tab we are going to?

13 MS SAMSON: Tab 9, your Honour.

14 PRESIDING JUDGE FULFORD: Tab 9, please, usher.

15 MS SAMSON: I can also now identify the registration  
16 number of the document for the record.

17 PRESIDING JUDGE FULFORD: Just pause a moment. Thank  
18 you, usher, you can go back to your seat. Right. Registration  
19 number, please, Ms Samson?

20 MS SAMSON: Yes, it is DRC-OTP-0231-0064 and it is a  
21 confidential document.

22 Q. Sir, do you recognise the document that's in front of  
23 you?

24 A. Yes, I do.

25 Q. What is this document?

1 A. This is my service card.

2 Q. And it's a card that was issued to you by (Expunged)  
3 (Expunged); is that right?

4 A. Yes, it is.

5 Q. Is that your photograph on the card?

6 A. Yes, it is my photograph.

7 Q. And underneath your name is the term (Expunged)  
8 What does that term mean?

9 A. The term (Expunged)  
10 (Expunged)

11 MS SAMSON: Thank you. Mr President, I have no  
12 further questions on this document. If it is to be provided  
13 with an evidence number?

14 PRESIDING JUDGE FULFORD: Please, EVD number.

15 THE COURT OFFICER: Yes, Mr President. Document under  
16 tab 9, referenced as DRC-OTP-0231-0064, will be attributed  
17 reference EVD-OTP-00592 and marked as confidential.

18 PRESIDING JUDGE FULFORD: Thank you.

19 MS SAMSON: Mr President, with your leave, we could go  
20 into public session for a small number of questions.

21 PRESIDING JUDGE FULFORD: Right, okay. Public  
22 session, please. Which tab next, Ms Samson?

23 MS SAMSON: None immediately.

24 PRESIDING JUDGE FULFORD: Thank you.  
25 (Open session at 11.16 a.m.)

1 THE COURT OFFICER: We're in open session,  
2 Mr President.

3 PRESIDING JUDGE FULFORD: Yes.

4 MS SAMSON:

5 Q. While you were working for the organisations we  
6 discussed in private session, could you explain to the Court the  
7 volume of children you might have had contact with and dealt  
8 with?

9 A. It will be difficult for me to give you a precise  
10 figure. This -- because there were many children, the children  
11 would arrive and we would take them to their homes and then  
12 another group would arrive and we will receive them and take  
13 them to their home. Consequently, it's difficult for me to tell  
14 you with certainty the number of children I worked with.

15 Q. Could you at least provide some general guidance? Did  
16 you deal with a high number of children, or a small number of  
17 children?

18 A. I worked with many children. I say so because we were  
19 dealing with children who came from all the armed groups in  
20 Ituri. That is why I said there were a large number of  
21 children.

22 Q. Could you name the armed groups from which the  
23 children you had contact with had been child soldiers?

24 A. Yes, there were children who came from the UPC,  
25 children from the FNI and children who came from a certain armed

1 group called the FPGC. Well, I don't know, I can't tell you the  
2 locality to which that particular armed group belonged, but its  
3 name was FPGC.

4 Q. And the children that you met, did the majority of the  
5 children come from one of these armed groups, or not?

6 A. Yes, 70 per cent of the children came from the UPC  
7 armed group.

8 Q. The children that you had contact with, were they boys  
9 only, or boys and girls?

10 A. The children we worked with as an organisation - well,  
11 I gave you the name of that organisation - were boys. However,  
12 with respect to girls, there was another organisation that took  
13 charge of them.

14 Q. Are you able to give the name of the organisation that  
15 took charge of girls?

16 A. Yes, the organisation responsible for girls was called  
17 COOPI; that is, Italian Cooperation. That's what COOPI means.

18 Q. Did you or your organisation collaborate with COOPI in  
19 any way?

20 A. Yes, we did collaborate with them.

21 Q. Can you describe briefly the type of collaboration  
22 between the two organisations?

23 A. Well, this is how the collaboration went on. When the  
24 children came from the disarmament centres, they would arrive  
25 and we at (Expunged) would call the officials of COOPI to

1 come and take away the young girls who were among the children.  
2 Furthermore, when we, as (Expunged), went to find the  
3 families or the family members of these children and, if a child  
4 from COOPI came from the same address we were going to, then  
5 COOPI would give us the address and we would help COOPI to get  
6 the precise address of the young girl in their centre.

7           When COOPI employees needed an address - an address of  
8 a child in their centre - and we had a child in our centre who  
9 came from the same address, the address to which the COOPI  
10 employees were going, then we would provide them with  
11 information so that they can help us to secure the address of  
12 the child in our own centre, and they would do that. And if we  
13 had to take a child to a particular area from which came a child  
14 who was in a COOPI centre, then we would take the child along  
15 and then we will give COOPI documents attesting that the child  
16 had indeed arrived at the address indicated by COOPI.

17           MS SAMSON: Mr President, with your leave, I would  
18 request a redaction to the name of the organisation on page 29,  
19 lines 14 and 16 of the current transcript.

20           PRESIDING JUDGE FULFORD: Certainly. Yes, please  
21 continue.

22           MS SAMSON: Thank you.

23           Q. When you would be involved in the reunification of  
24 children with their families, did the families have to sign  
25 anything or otherwise certify that they had accepted the child

1 back into their homes?

2 A. Yes, there was a document for that purpose. Once we  
3 took the child back we would call the village chief, or the  
4 neighbourhood chief, the parents - a witness as well as the  
5 child - and they would all put their signatures on the document  
6 and that document would serve as evidence that we had handed a  
7 child over to his parents at the place where his parents resided  
8 and that we did not take the child to another location which was  
9 not the right one.

10 MS SAMSON: Mr President, with your leave, may we move  
11 into private session?

12 PRESIDING JUDGE FULFORD: Private session, please.

13 \*(Private session at 11.28 a.m.) Reclassified as Open session

14 THE COURT OFFICER: We are in private session,  
15 Mr President.

16 MS SAMSON:

17 Q. Sir, you have mentioned that (Expunged)  
18 collaborated with (Expunged) and with COOPI. Were there  
19 any other local organisations that (Expunged) worked with  
20 in partnership?

21 A. Which organisations are you referring to?  
22 International organisations, or local organisations?

23 Q. I'm referring to local organisations.

24 A. Yes, (Expunged) worked in collaboration with  
25 other partners of (Expunged). However, (Expunged)

1           did not have a partnership with other local organisations  
2   in that locality. The organisation collaborated with other  
3   organisations that had a partnership with (Expunged).

4   Q. Can you name some of the organisations that (Expunged)  
5   (Expunged) worked with, formally or informally, to collaborate?

6   A. Yes, there was (Expunged). There was (Expunged). Those are  
7   the two organisations that I remember.

8           Q. Would you be able to spell (Expunged)?

9           A. (Expunged)

10          Q. Do you know what (Expunged) stands for?

11          A. Yes, it is the (Expunged)

12          (Expunged)

13          (Expunged) would be an informal translation in

14          English.

15          Q. And the second organisation you mentioned, (Expunged),  
16   could you spell the acronym, please?

17          A. I've forgotten the spelling. (Expunged) is the  
18   acronym.

19          Q. Have you forgotten what (Expunged) stands for, or do  
20   you remember that?

21          A. Yes, there was also another organisation that I had  
22   forgotten to mention, (Expunged)

23   THE INTERPRETER: Correction by interpreter, (Expunged).

24                 MS SAMSON:

25          Q. Do you know what (Expunged) stands for?



1 A. This acronym means (Expunged)  
2 (Expunged).

3 Q. So is the acronym (Expunged)?

4 A. Yes.

5 Q. Who was the head or director of (Expunged)?

6 A. The director of (Expunged) at that time was (Expunged).

7 Q. Could you describe the collaboration that your  
8 organisation had with (Expunged)?

9 A. Well, with regard to the cooperation between our  
10 organisation and (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 Q. Did you deal directly with (Expunged) from time to  
17 time?

18 A. Yes, on some occasions I would work directly with  
19 (Expunged).

20 Q. Did you work with him in relation to the (Expunged)  
21 (Expunged) that the children were having or on other matters?

22 A. Yes, I worked with him within the framework of  
23 (Expunged), and often my boss worked with him. I

24 also worked with him when I was establishing contact with  
25 (Expunged).

1 Q. And can you describe briefly the work that you did  
2 with (Expunged) when you were establishing contact with  
3 (Expunged)?

4 A. When I established that contact with (Expunged)  
5 (Expunged), my role was to find children where they were, and I  
6 would take them to meet the people from (Expunged),  
7 and (Expunged) was the one who would take them to the place  
8 where the children would stay. My role was to go find the  
9 children where they were, and I would take them to the place  
10 where (Expunged) was, and he would put them in touch with the  
11 people from (Expunged), who would talk to these  
12 children.

13 Q. Who asked you to assist (Expunged)  
14 (Expunged)?

15 A. The person who asked me to help (Expunged) was my  
16 direct supervisor, my line supervisor. When organisations that  
17 take care of children want to cooperate with another  
18 organisation, for example, if this organisation were to ask to  
19 be put in touch with these children, the officials of these  
20 organisations cooperate, work together, to provide assistance to  
21 these children, and so that is how it came to be that my  
22 supervisor spoke to (Expunged) and they came to an agreement.  
23 And so, my supervisor told me that (Expunged) was working  
24 with these children, taking care of these children, and (Expunged)  
25 (Expunged) wanted me to put him in touch with these children who

1 were within my area. And (Expunged) was the one who was to get  
2 into -- get in touch -- who was supposed to take these children  
3 to the people of (Expunged). He -- so you see, they would be  
4 put in touch with (Expunged)  
5 working through or by way of (Expunged).

6 Q. You've just indicated that the children you would  
7 bring to (Expunged) were children within your area. Were  
8 these children who had been in your CTO that you knew already?

9 A. Yes, they were children who were being given  
10 assistance and support within this CTO.

11 PRESIDING JUDGE FULFORD: Mr Biju-Duval?

12 MR BIJU-DUVAL: (Interpretation) I would just like to  
13 say that these questions are beginning to become more specific  
14 and more leading than the earlier questions asked.

15 PRESIDING JUDGE FULFORD: I'm not entirely sure about  
16 that, Mr Biju-Duval. Nonetheless, Ms Samson, I'm sure you will  
17 continue to apply appropriate caution in relation to leading  
18 questions. Please continue.

19 MS SAMSON: Yes, I will.

20 Q. When did you stop working for (Expunged)?

21 A. Unless I'm mistaken, I started to work for (Expunged)  
22 (Expunged) in 2006.

23 Q. And when did you stop working for (Expunged)?

24 A. I stopped working for (Expunged) in January  
25 2008.

1 Q. And one last question in relation to your  
2 collaboration with (Expunged): Were you asked to bring a  
3 certain -- children with a certain profile, or any children with  
4 whom you had worked? How did you select the children that you  
5 brought to (Expunged)?

6 A. The children that I used to take to (Expunged) were  
7 first and foremost children who had done military service, and  
8 to determine whether a child had done military service or not we  
9 first had to ensure that the child had a document, a document  
10 that we used to call attestation de sortie d'enfant dans un  
11 groupe armé, a kind of certificate that a child had left an  
12 armed group. The person who left, who signed that certificate  
13 or attestation, was a general officer.

14 Secondly, if a child had been in school before going  
15 into military service, that child had to show a school report  
16 showing that he had been to school.

17 Third, the child had to state to one of his parents --  
18 had to ask one of his parents for a document attesting to the  
19 fact that indeed he was the child of that parent.

20 Q. Do you know --

21 PRESIDING JUDGE FULFORD: I am sorry, Ms Samson.  
22 Please forgive me. We remain in closed session -- in private  
23 session. Is this necessary?

24 MS SAMSON: Your Honour, I have only one more question  
25 and then I want to move on to the witness's next employment

1 which would effectively mean one question in open session.

2 PRESIDING JUDGE FULFORD: Yes, certainly. Please  
3 carry on, then.

4 MS SAMSON: Thank you.

5 Q. Sir, do you know if these requirements came from  
6 (Expunged)?

7 A. No, I didn't know that. My role was to bring these  
8 children to meet with the officials from (Expunged)  
9 (Expunged). I did not know, however, what (Expunged)  
10 (Expunged) was looking for, what their requirements were. I was  
11 not in a position to know what the topic of their discussions  
12 were.

13 Q. In (Expunged) 2008, you've indicated to the Court you  
14 ceased your employment with (Expunged) and this is the  
15 year in which you indicated you attended university in  
16 (Expunged). When you finished your year of university, did you  
17 take up employment with another organisation?

18 A. Yes. When I left (Expunged) to go back to (Expunged),  
19 more specifically (Expunged), I worked for another organisation  
20 which took care of demobilised children. That organisation  
21 cooperated also with (Expunged)  
22 area, in the location of (Expunged).

23 Q. What was the name of this organisation?

24 A. The name of that organisation was (Expunged)  
25 (Expunged)

1 (Expunged).

2 Q. Do you recall in which month and year you started  
3 working for (Expunged)?

4 A. I've forgotten the name, the year and the month. I  
5 don't recall.

6 Q. What was your role in the organisation (Expunged)?

7 A. My role within this organisation was to receive the  
8 children who came from the (Expunged) and we  
9 would provide support and assistance to them. We would ask  
10 them for their addresses, and we would help with their return to  
11 their families and then we would do follow up.

12 Q. What is a (Expunged)?

13 A. A (Expunged), shortly put, is a centre where  
14 various (Expunged),

15 (Expunged)

16 (Expunged)

17 PRESIDING JUDGE FULFORD: Ms Samson, if that's  
18 convenient, we'll just have a ten minute break at this stage to  
19 give the witness and everyone else a short rest.

20 MS SAMSON: Yes.

21 PRESIDING JUDGE FULFORD: Thank you very much. Closed  
22 session, please.

23 \*(Closed session at 11.54 a.m.) Reclassified as Open session

24 THE COURT OFFICER: We're in closed session,  
25 Mr President.

1 (The witness stands down)

2 PRESIDING JUDGE FULFORD: 5-past-12.

3 (Recess taken at 11.55 a.m.)

4 (Upon resuming at 12.07 p.m.)

5 \*(Closed session) Reclassified as Open session

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

7 PRESIDING JUDGE FULFORD: Witness, please.

8 (The witness enters the courtroom)

9 PRESIDING JUDGE FULFORD: Public or private,

10 Ms Samson?

11 MS SAMSON: Private, with your leave, your Honour.

12 PRESIDING JUDGE FULFORD: Certainly. Private session,  
13 please.

14 \*(Private session at 12.09 p.m.) Reclassified as Open session

15 THE COURT OFFICER: We are in private session,

16 Mr President.

17 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

18 MS SAMSON: Thank you.

19 Q. Sir, I would like for you to turn to tab 8 in the  
20 binder in front of you. Do you recognise the document?

21 A. Yes, I know this document.

22 MS SAMSON: For the record, the document is registered  
23 as DRC-OTP-0231-0063 and it's a confidential document.

24 Q. Sir, could you explain what this document is?

25 A. This is my service card.

1 THE INTERPRETER: The Swahili interpreter did not  
2 understand the word which the witness used to describe the  
3 organisation he was working for at the time this card was issued  
4 to him.

5 MS SAMSON:

6 Q. Sir, did you say that this is a service card from (Expunged)?

7 A. Yes.

8 Q. Is it your photograph on the card?

9 A. Yes, it is indeed my photograph.

10 Q. And the matriculation or registration number at the  
11 top left-hand part of the card, if I am reading it correctly, is  
12 (Expunged). Did you work for this organisation in 2009?

13 A. Yes, it was in the year 2009.

14 Q. Under the heading on the card called "fonction" or  
15 "function" it reads (Expunged). Can you describe what  
16 (Expunged) signifies?

17 A. Well, this is the meaning of the word (Expunged). An  
18 (Expunged)

19 (Expunged). When I talk of  
20 taking care of the children, what I mean is work with them  
21 during the day, spend the night with them, talk to them and seek  
22 to obtain from them their addresses of origin with a view to  
23 taking them back to their respective homes.

24 MS SAMSON: Thank you. Mr President, I have no more  
25 questions on the card, if it to be assigned an evidence number.



1               PRESIDING JUDGE FULFORD: Yes, it should be.

2       Ms Samson, it's a pretty poor photocopy. I assume that this  
3       reflects the copy that has been uploaded onto the Court's  
4       document management system. Can we see if we can get a better  
5       one and I think this may be reflected in other photocopies that  
6       I have quickly looked at in this binder, if it is possible to  
7       get better photocopies?

8               MS SAMSON: Certainly, your Honour. We've endeavoured  
9       to get the best possible copy. The original is actually a  
10      photograph of the service card and it's not in -- there are a  
11      lot of shaded areas on the photograph, but we will endeavour to  
12      get better copies of this card and the other card.

13              PRESIDING JUDGE FULFORD: Is the original still in  
14      existence or not?

15              MS SAMSON: I will have to ask the witness.

16              PRESIDING JUDGE FULFORD: Well, needn't take up time  
17      with it now, but if in due course could we find out whether it  
18      is still in existence and if it is to see - if that's the  
19      problem - to see if we can use the original with it being copied  
20      somewhere and then transmitted electronically for a better copy.

21              Good. EVD number, please.

22              THE COURT OFFICER: Yes, Mr President. The document  
23      listed under tab 8, referenced as DRC-OTP-0231-0063 will be  
24      attributed reference EVD-OTP-00593 and will be marked as  
25      confidential.

1 PRESIDING JUDGE FULFORD: Thank you. Yes.

2 MS SAMSON: Thank you.

3 Q. Sir, you spoke earlier of doing work as a (Expunged)  
4 in collaboration with (Expunged) in 2007. Were you dealing with  
5 a particular armed group when you were working in collaboration  
6 with (Expunged)?

7 A. No, my job did not relate to a particular armed group.  
8 However, whilst I worked as a (Expunged)-- well, I would like  
9 us to go into private session.

10 PRESIDING JUDGE FULFORD: We are. Sir, we are in  
11 private session, so you can continue.

12 THE WITNESS: Very well. The majority of these  
13 children came from the armed group of Mathieu Ngudjolo. At that  
14 time Mathieu Ngudjolo had signed an agreement with the Congolese  
15 government under which he was going to disarm the children - all  
16 the children - in the year 2007; hence, the majority of the  
17 children came from the group of Mathieu Ngudjolo. However,  
18 other children came from the group of (Expunged). With respect  
19 to the group (Expunged)-- of (Expunged)  
20 with that (Expunged). However, in Bunia, in the locality of  
21 (Expunged) came from the group of  
22 Mr Mathieu Ngudjolo Chui.

23 MS SAMSON:

24 Q. I would ask you, please, to turn to tab 7 in the  
25 binder in front of you. The document registration number is

1 DRC-OTP-0231-0061. Sir, do you recognise this document.

2 A. Yes, I recognise this document.

3 Q. Could you explain briefly what it is?

4 A. This document is an authorisation issued to me to go and look  
5 for children in the town of (Expunged). These were children who  
6 had been members of armed groups, and these children had been  
7 demobilised from the armed groups unofficially; that is, when  
8 compared to the demobilisation that was officially done.

9 Q. The document is issued by (Expunged). Did you work  
10 in collaboration with (Expunged) in 2009?

11 A. Yes, in 2009 we started identifying children in  
12 collaboration with (Expunged). Later on, in the year 2010, we  
13 started with reintegration activities and (Expunged) had to  
14 help them to learn a trade for the future.

15 Q. Why did you require an authorisation in order to  
16 complete this work?

17 A. To be able to operate in a given locality, you need an  
18 identification document. This is the case because you cannot go  
19 into a neighbourhood without identity documents. I had to go  
20 with an authorisation, therefore, to meet the chiefs of the  
21 various localities of the various neighbourhoods in order to  
22 obtain their authorisation before I met the children.

23 Q. When you did work for (Expunged), did  
24 you require similar papers or authorisation in order to  
25 move about Bunia and the other localities in order to conduct

1 your work?

2 A. At the time I was working with (Expunged),  
3 well, I left the town of Bunia to go into the countryside  
4 to carry out my activities, and I would be issued with a mission  
5 order which will enable me to go into the offices of certain  
6 officials in order to obtain a signed and sealed document  
7 authorising me to operate in the locality in question. So I  
8 would like to say I had a mission order issued for that purpose.

9 Q. When you were operating with (Expunged)  
10 in Bunia, or the surrounding localities, were you ever  
11 stopped at checkpoints or other spots and asked to show your  
12 mission orders?

13 A. At the time I worked for (Expunged), I  
14 was never in a position where I had to show my mission  
15 orders at a roadblock. In fact it was a difficult period during  
16 which militia groups had set up checkpoints almost everywhere,  
17 and I had to show these documents only to the chiefs of the  
18 various villages or of the various localities.

19 Q. Did you pass through such checkpoints set up by the  
20 militia groups from time to time?

21 A. Yes, on several occasions I had to pass through the  
22 checkpoints and before I would go through they would ask me to  
23 give them a certain small amount of money and, once I gave the  
24 money to those who were manning the checkpoints, they would not  
25 bother me further.

1 Q. I have one last question on the document in front of  
2 you at tab 7, the document from (Expunged). There is a term  
3 referenced at the very end of the first paragraph which is  
4 (Expunged). What does that stand for?

5 A. Yes, indeed, it is (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 MS SAMSON: Thank you. I have no further questions on  
10 this document.

11 PRESIDING JUDGE FULFORD: I think it needs an EVD  
12 number then, please.

13 THE COURT OFFICER: Yes, Mr President. Document  
14 listed under tab 7, referenced as DRC-OTP-0231-0061, will be  
15 attributed reference EVD-OTP-00594 and will be marked as  
16 confidential. Thank you.

17 PRESIDING JUDGE FULFORD: Thank you. Do we continue  
18 in private or public, Ms Samson?

19 MS SAMSON: Regrettably private, with your leave.

20 PRESIDING JUDGE FULFORD: Okay, certainly.

21 MS SAMSON:

22 Q. Sir, I'd like to ask you some questions now about your  
23 contact with the Office of the Prosecutor of the International  
24 Criminal Court. When was the first time you were in touch with  
25 somebody from the Office of the Prosecutor?

1           A.    The first time I met someone working for the OTP --  
2   well, I have forgotten the year.  However, before I met that  
3   individual someone called me from Europe, but I have forgotten  
4   the year.

5           Q.    Do you remember the name of the person who called you  
6   from Europe?

7           A.    Yes, the person gave his name as (Expunged).

8           MS SAMSON: (Expunged), for the record, is (Expunged).

9           PRESIDING JUDGE FULFORD:  Thank you.

10          MS SAMSON:

11          Q.    Did (Expunged) call you, or did you call (Expunged)?

12          A.    It was (Expunged) who called me.

13          Q.    Before you had received this call from (Expunged), had  
14   you ever tried to initiate contact with the OTP?

15          A.    What does "OTP" mean?

16          Q.    My apologies, I was using an acronym.  It stands for  
17   Office of the Prosecutor.  So, before (Expunged) called you, had  
18   you ever tried to contact somebody from the Office of the  
19   Prosecutor?

20          A.    No.

21          Q.    Where were you living at the time that (Expunged)  
22   called you?

23          A.    I was living in Bunia.

24          Q.    Do you recall with which organisation you were working  
25   at that time?

1 A. I was working for (Expunged).

2 Q. And what did (Expunged) say to you when she called?

3 A. When (Expunged) called me, she told me that (Expunged)  
4 was the one who had given her my telephone number. She told me  
5 that she wanted to meet with a child and I knew the address of  
6 this child in (Expunged). She added that I was to meet with  
7 someone in Bunia, someone who was working at the ICC, and this  
8 person was going to give me money to travel -- for the travel  
9 expenses of this child and the child's mother.

10 Q. Do you remember the name of the child that (Expunged) had  
11 asked you to put her in touch with?

12 A. Yes, the name of that child is (Expunged).

13 Q. Do you recall his mother's name?

14 A. No, I don't know the name of his mother.

15 Q. Did (Expunged) explain to you what she wanted to speak  
16 to (Expunged) and his mother about?

17 A. No, she did not tell me what the purpose of their  
18 discussions were -- was.

19 Q. Did you already know (Expunged), or were you  
20 hearing his name for the first time?

21 A. I knew him.

22 Q. How did you know (Expunged)?

23 A. I knew (Expunged). I met him when he was demobilised  
24 and taken to our CTO; the CTO of the (Expunged) programme.

25 Q. Where was (Expunged)-- where were (Expunged)and his

1 mother living when you were asked to see if they would meet  
2 (Expunged)?

3 A. When I was asked to put (Expunged) in touch  
4 with one another in (Expunged), they were living --

5 THE INTERPRETER: The Swahili interpreter did not hear  
6 the last part of the answer given by the witness.

7 MS SAMSON:

8 Q. Sir, would you mind repeating where (Expunged) and  
9 his mother were living?

10 A. (Expunged) at that time was living in Bunia.

11 However, when (Expunged) was moved from the CTO, he was  
12 taken to (Expunged).

13 Q. And when you were approaching (Expunged) and his  
14 mother, were they in Bunia or were they in (Expunged)?

15 A. They were living in Bunia.

16 Q. Do you remember the neighbourhood in Bunia where they  
17 were living?

18 A. I forget the name of the neighbourhood where they were  
19 living, but I do know that it was a neighbourhood found opposite  
20 from (Expunged). There is a branch office, so to  
21 speak, of (Expunged) right there.

22 THE INTERPRETER: Correction from the English  
23 interpreter, (Expunged).

24 MS SAMSON:

25 Q. Did (Expunged), when she called you, explain to you



1 what you had to tell (Expunged) and his mother about their  
2 travel to (Expunged)?

3 A. No, she told me nothing about that.

4 Q. When you met with (Expunged) and his mother, what  
5 did you tell them about the trip to (Expunged)?

6 A. When I met (Expunged) and his mother I said to them  
7 that some individuals who had spoken to (Expunged), that is to  
8 say the (Expunged) from Bunia, would be in (Expunged) because  
9 those (Expunged) did not have the time to travel to Bunia, so  
10 (Expunged) and one of his parents had to travel together.

11 Q. Had (Expunged) previously met people from (Expunged)  
12 (Expunged)?

13 A. Yes.

14 Q. Why did you not tell (Expunged) and his mother that  
15 they would be meeting somebody from the Office of the Prosecutor  
16 at the ICC?

17 A. The reason I didn't tell them that is that (Expunged)  
18 had spoken to people from (Expunged). I knew that  
19 he had already spoken to people from (Expunged).

20 Q. Did (Expunged) and his mother have any questions about  
21 their travel?

22 A. Yes, they asked me why they had to travel to (Expunged).  
23 The mother of (Expunged) asked me whether she would have to  
24 leave her family without receiving anything for their survival  
25 in order to make this journey to (Expunged).

1 Q. And how did you respond to her question?

2 A. I told them that they would meet with some people from  
3 (Expunged). As for their family, I spoke

4 to someone from the ICC in Bunia and that person provided  
5 me with \$10 and I gave that money to the mother of (Expunged).  
6 She left that money with her family and they made the journey.  
7 They left the next day, the next morning.

8 Q. Do you remember the name of the person from the ICC in  
9 Bunia who gave you the \$10 for (Expunged) family?

10 A. Yes.

11 Q. What was the name, please?

12 A. The person's name was (Expunged).

13 Q. Do you remember (Expunged) second name?

14 A. He did not give me his other name.

15 Q. Did (Expunged) give you any other amount of money  
16 besides the \$10 for (Expunged) family?

17 A. No, he did not give me another amount of money. He  
18 just gave me a ticket for the journey between (Expunged) and  
19 Bunia and he gave me a small amount of money to take a  
20 motorcycle taxi. I met him in a restaurant called the  
21 Restaurant (Expunged) right beside (Expunged).

22 Q. And coming back to the discussion that you had with  
23 (Expunged) and his mother when you were explaining to them who  
24 they would be meeting in (Expunged), is there any reason why you  
25 didn't want to tell them that they would be meeting people from

1 the Office of the Prosecutor of the ICC?

2 A. No, there is no reason for that. I knew that (Expunged)  
3 had already met the people from (Expunged). I did  
4 not know why the people from the ICC were going to speak  
5 with him.

6 Q. When you spoke to (Expunged) and his mother, did you  
7 encourage them to lie to the people that they would be meeting  
8 in (Expunged)?

9 A. No, no. This is what I told them: I said to them  
10 that they had to go to (Expunged) because the people from  
11 (Expunged) were going to speak with them in (Expunged). I added  
12 nothing else to what I have just told you.

13 Q. Did you ask them to pretend that (Expunged) had been a  
14 former child soldier?

15 A. No, I did not say that. I knew that (Expunged) had  
16 been a child soldier. There was nothing in it for me in asking  
17 (Expunged) to lie, and I said nothing about child soldiers.

18 Q. Did you encourage (Expunged) or his mother to lie  
19 about (Expunged) date of birth?

20 A. No. Personally, I did not know the specific birth  
21 date of (Expunged).

22 Q. Before (Expunged) called you, had you spoken to  
23 anybody else in relation to her request?

24 A. Before (Expunged) called me, (Expunged) told me that  
25 someone was going to call me from Europe and I had to put this

1 person into touch with (Expunged) about discussions that he had  
2 had with (Expunged) chapter of  
3 that group.

4 Q. Did (Expunged) explain to you why the person from  
5 Europe wanted to speak to (Expunged) and his mother?

6 A. No, he gave me no explanation about that.

7 Q. Did you accompany (Expunged) and his mother to (Expunged)?

8 A. No, (Expunged) left with his mother and I stayed in Bunia.

9 Q. When (Expunged) and his mother returned to Bunia from  
10 (Expunged), did you speak with them?

11 A. Yes, I went to see them and I asked them whether the  
12 discussions had gone well and they said, yes, they had.

13 Q. Did they give you the details about what those  
14 discussions were about?

15 A. No, they told me nothing.

16 Q. Did either (Expunged) or his mother tell you that they  
17 had lied to the people they met in (Expunged)?

18 A. No, they told me nothing.

19 Q. After this contact with the Office of the Prosecutor,  
20 did you have any further contact with the Office of the  
21 Prosecutor?

22 A. Yes, I did have other contacts.

23 Q. What was the next contact that you had with the Office  
24 of the Prosecutor?

25 A. The other contact I had with someone from the Office

1 of the Prosecutor had to do with (Expunged).

2 Q. Do you remember the month or year in which you had  
3 contact with (Expunged)?

4 A. I don't remember which year, or which month, but it  
5 was about (Expunged), not (Expunged).

6 Q. And what was the contact that you had with (Expunged)  
7 (Expunged)?

8 A. Before (Expunged) called me, I received a call from  
9 (Expunged). He told me that someone, actually (Expunged), was  
10 going to be calling me and that I had to put him in touch with  
11 children who had had discussions with the people from (Expunged)  
12 (Expunged).

13 Q. Do you know where (Expunged) was located when he  
14 called you?

15 A. Yes, (Expunged) told me that he was in (Expunged).

16 Q. Did (Expunged) tell you which children in  
17 particular you would have to put (Expunged) in touch with?

18 A. He sent me a list, a list of children who had met with  
19 (Expunged), and those children met the criteria  
20 that we had set when we were working with children who had  
21 been child soldiers and who had been demobilised.

22 Q. How did he communicate this list to you?

23 A. He gave me their names over the telephone.

24 Q. Were these the names of children that you already  
25 knew, or were they children whose names you were hearing for the

1 first time?

2 A. All those names were the names of children whom I knew  
3 quite well, whom I had helped in the CTO, who I had reunited  
4 with their families and I had done the follow-up as well. Some  
5 of them I had given them something for their return to society  
6 and to help them so that they would be able to do something  
7 within their community.

8 PRESIDING JUDGE FULFORD: Convenient?

9 MS SAMSON: Absolutely, yes.

10 PRESIDING JUDGE FULFORD: Sir, we are going to have  
11 lunch now. Thank you very much for your contribution this  
12 morning. Generally speaking, you have done very well in terms  
13 of volume and speed and pausing before answering questions, so  
14 my thanks to you for having followed the rather elaborate  
15 instructions I have had to give you.

16 We will sit again at 2.45. Closed session, please, so  
17 the witness can withdraw.

18 \*(Closed session at 1.00 p.m.) Reclassified as Open session

19 THE COURT OFFICER: We are in closed session,  
20 Mr President.

21 (The witness stands down)

22 PRESIDING JUDGE FULFORD: 2.45.

23 (Luncheon recess taken at 1.01 p.m.)

24 (Upon resuming at 2.46 p.m.)

25 \*(Closed session) Reclassified as Open session

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

2 PRESIDING JUDGE FULFORD: Ready for the witness,  
3 Ms Samson?

4 MS SAMSON: Yes, your Honour. Just an update to the  
5 Chamber's request that we inquire with the witness as to the  
6 originals of at least the employment cards and we spoke with the  
7 Victims and Witnesses Unit at lunchtime. They spoke to the  
8 witness. He has the originals in The Hague, but not at the  
9 Court today, so if the Chamber is not too inconvenienced he'll  
10 bring them on Monday.

11 PRESIDING JUDGE FULFORD: Absolutely no inconvenience  
12 at all. That's very helpful. Thank you very much. Present  
13 rate of progress, Ms Samson? This isn't meant critically as  
14 ever, just as a matter of inquiry.

15 MS SAMSON: Of course. It's going relatively slowly  
16 at the moment and I want to cover the ground carefully. I  
17 certainly won't be finished today. I anticipate that I will use  
18 quite a bit of the two hours we have reserved for Monday  
19 afternoon, and I would hope to be finished by then.

20 PRESIDING JUDGE FULFORD: Right. So Monday afternoon,  
21 Tuesday morning should see Mr Biju-Duval on his feet?

22 MS SAMSON: I expect so, your Honour, once the legal  
23 representatives have asked their questions, if they're permitted  
24 to do so.

25 PRESIDING JUDGE FULFORD: You're quite right. It's

1 because they're sitting so far over to the left, Ms Samson, I  
2 don't see them anymore. Right, thank you very much. Witness,  
3 please.

4 Ms Samson, while the witness is coming in, you and I  
5 have both received a very pleasant but severe reprimand over  
6 lunch in the sense that we are apparently the worst examples of  
7 individuals who talk too quickly and who don't implement any  
8 kind of gap between one speaker and the other. If there was a  
9 form of detention that could be applied to counsel and judges,  
10 you and I would be there first. All right. So can we both  
11 remember that, please.

12 MS SAMSON: I will certainly try and I apologise to  
13 the interpreters.

14 (The witness enters the courtroom)

15 PRESIDING JUDGE FULFORD: Private session?

16 MS SAMSON: Your Honour, I think public session, with  
17 your leave, for at least a few questions.

18 PRESIDING JUDGE FULFORD: Public session, please.

19 (Open session at 2.49 p.m.)

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

22 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

23 MS SAMSON: Thank you.

24 Q. Sir, just before the break we were discussing a  
25 telephone call that you had received from someone with whom you



1 have collaborated and you have indicated that he provided you  
2 with a list of names of former child soldiers and that you were  
3 familiar with these former child soldiers because they had been  
4 in a centre. You also indicated that you had worked with them  
5 in relation to family reunification. In that context could you  
6 please tell the Court whether you had previously met some of the  
7 family members of those former child soldiers?

8 A. Could you please repeat your question?

9 Q. Certainly. Of the children who were named on the list  
10 that you were provided by telephone, you indicated that you knew  
11 them previously and that you had worked in reunifying them with  
12 their families and with certain follow-up activities. My  
13 question is: Did you meet some members of their families in the  
14 context of their reunification with family?

15 PRESIDING JUDGE FULFORD: Now, the witness has said  
16 "Yes" but I think it hasn't been interpreted. English booth,  
17 are you --

18 THE INTERPRETER: Yes.

19 PRESIDING JUDGE FULFORD: Good, thank you. Please  
20 carry on, Ms Samson.

21 MS SAMSON: Thank you.

22 Q. And as part of the follow-up activity that you  
23 referred to, did you from time to time go to the homes of these  
24 children?

25 A. Yes, and that is what we call the family monitoring of

1 the child, monitoring the child within his family environment.

2 Q. Could you explain what's involved in the family  
3 monitoring that you conducted?

4 A. Thank you. When you go to conduct family monitoring  
5 that means you go to see the child at the place where you have  
6 taken the child to be with his or her parents. Furthermore, we  
7 have a rather long questionnaire. We ask the child questions  
8 about his living conditions. We ask the child whether or not he  
9 or she is being ill-treated within the family. We ask the child  
10 whether or not they are being ill-treated by the village chief.

11 We ask them about what they intend to do in future,  
12 and then we ask questions -- we put questions to family members,  
13 that is, their father, their mother, brother, sister, aunty. So  
14 we put such questions to family members of the child, and we ask  
15 them how the child is behaving within the family, and how the  
16 child is behaving with his friends. We ask them whether the  
17 children have any problems in the community. So those are the  
18 type of questions that you would find in the questionnaire  
19 talked about, and these are questions which are asked within the  
20 framework of the family monitoring of the child.

21 Q. And are these visits that you would undertake once or  
22 more than once to monitor the child?

23 A. I made these visits on more than one occasion. Of  
24 course, it all depends on the child's living conditions in the  
25 village. If the child does not have many problems, then the

1 number of visits we make will be reduced. However, if the child  
2 is experiencing a lot of problems within his family, or his  
3 community, then we increase the number of family monitoring  
4 visits that we make to the child.

5 Q. You also indicated before the break that for some of  
6 the children on the list, that you had given them something for  
7 their return to society once they had been reunited with their  
8 families. Could you describe what kind of assistance you were  
9 referring to?

10 A. Thank you. When the child returns to his family, we  
11 go to visit the child a few days later in order to ask him  
12 questions related to his needs or the type of profession he  
13 would like to exercise within his community and, from the  
14 answers given by the child, we are able to inform our office or  
15 to determine to our office the type of assistance that could be  
16 given to the child or the type of apprenticeship or training  
17 that could be organised for the child. We try to see whether  
18 the profession he has chosen tallies with life in the community  
19 in which the child is living. If, for example, the child lives  
20 in an area where there are no vehicles, but then the child says  
21 that he wishes to learn to become a driver, we would say no. We  
22 would tell the child that if he learned how to drive a vehicle,  
23 whereas there are no motorable roads in his village, it would  
24 never become possible for him to drive a vehicle. So we try to  
25 reason with the child until we get him to agree.

1           And then we establish -- we establish a list of  
2 activities that can be carried out, depending on the places  
3 where these children live. And if a child chooses to become a  
4 farmer, then we try to get farming implements that would help  
5 the child with his farm work. If the child decides to become a  
6 tailor, then we try to buy tailoring equipment; that's what we  
7 try to do.

8           However, we do not provide such equipment until the  
9 child has returned to his family or his village. It is only  
10 after family reunification that the child would be provided with  
11 such equipment, and we provide the children with this equipment  
12 in the presence of his parents, family members and the leaders  
13 of his community or village. I thank you.

14         Q.    Would you ever give money directly to one of the  
15 children when they were reunified with their families?

16         A.    Thank you for the question. The children are not paid  
17 any money, and this is because they are children. If you give  
18 money to a child, he's going to squander it and he will not have  
19 any more money the following day. Rather, we teach the child a  
20 trade, and the child does not receive any money. And children  
21 who opt to carry out petty trading, well, for such children we  
22 buy the merchandise, but then certain criteria have to be  
23 fulfilled, stringent criteria, and this is because we have to  
24 monitor the child who opts to be a petty trader. We have to  
25 monitor them very closely. If we do not monitor them, they are

1 going to lose their capital very quickly.

2 Q. Coming back now to the person who contacted you about  
3 the names of the children, did he explain to you what the  
4 objectives of the meetings that were going to be held were?

5 A. Well, that person did not give me any explanation.  
6 However, the person said that it was after he had had certain  
7 discussions with members of (Expunged)  
8 that he arrived.

9 Q. Did that person who had called you and had given you a  
10 list of former child soldiers, did he instruct you to find  
11 children and ask them to pretend to be child soldiers?

12 A. No, that person didn't tell me that.

13 Q. Did he ask you to find children and instruct them to  
14 lie about their age?

15 A. No, he didn't tell me that at all. The children I  
16 found were children who fulfilled the criteria; who fulfilled  
17 the criteria since or from the time they worked with (Expunged)  
18 (Expunged).

19 Q. Did the person who called you with the list of names  
20 tell you how he had chosen those particular children?

21 A. No, he did not tell me how he had chosen the children.  
22 I was simply told that the children who had met officials from  
23 (Expunged) had their names on a list and that they  
24 were going to give me the names of the children so that I  
25 could go and find them.

1 MS SAMSON: Mr President, with your leave, may we move  
2 into private session?

3 PRESIDING JUDGE FULFORD: Most certainly, Ms Samson.  
4 Private session, please.

5 \*(Private session at 3.08 p.m.) Reclassified as Open session

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

8 MS SAMSON:

9 Q. Sir, did (Expunged), the person who had called you  
10 with the list of names, give you any other instructions when you  
11 spoke to him?

12 A. He did not give me any instructions. He, rather,  
13 asked me to find these children and put them in contact with the  
14 person whom we had to meet in (Expunged). He did not give me any  
15 instructions.

16 Q. For this first contact, were you meeting a person in  
17 (Expunged) or in Bunia?

18 A. Which first contact are you referring to?

19 Q. When (Expunged) called you and you've said he  
20 indicated that (Expunged) would be in touch and that you would  
21 put (Expunged) in touch with a list of children he provided, was  
22 it for a meeting with (Expunged) in Bunia or in (Expunged)?

23 A. (Expunged) had discussions with the child -- with the  
24 children in Bunia. His first meeting with the children took  
25 place in Bunia.

1 Q. The children whose names were on the list that (Expunged)  
2 (Expunged) provided to you, were they all located in Bunia, or  
3 were they located outside of Bunia, or both?

4 A. The children in question were located outside of  
5 Bunia.

6 Q. And once you finished with your conversation with  
7 (Expunged), did you take steps to locate the children next,  
8 or did you wait to hear from (Expunged) next?

9 A. No, when (Expunged) called me, he asked me whether he  
10 had given me the name -- the list of the children and I said  
11 "Yes". He asked me whether I knew the children and I replied  
12 that I had their respective addresses, so he told me to go and  
13 find the children. I told him the following, "I don't have any  
14 transport fare and I will need a lot of money because the  
15 children do not live in the same place," and he told me to use  
16 my own money, that I had to bring the children to Bunia and that  
17 once I arrived in Bunia (Expunged) would come and reimburse my  
18 transport expenses. So I used my money. I travelled out of  
19 Bunia. I started off by taking the road that goes from Bunia to  
20 (Expunged), and on the second day I took the road that goes from  
21 Bunia to (Expunged) and on the same day I also travelled from  
22 Bunia to (Expunged). Thank you.

23 Q. Did you have any difficulty locating the children on  
24 (Expunged) list?

25 A. No, I did not have any difficulties because I had the

1 habit of visiting the children. I knew them well enough. I  
2 knew their parents and the children knew me as well. I did not  
3 have any difficulty. Well, it was only along the way that I  
4 could have difficulties. It would happen sometimes that I would  
5 go to the home of one of the children just to discover that the  
6 child had gone to the farm, or elsewhere, but I did not have any  
7 difficulty with finding their respective addresses.

8 Q. Were any of the children unable to meet (Expunged) in  
9 Bunia?

10 A. Yes. Are we in closed session?

11 PRESIDING JUDGE FULFORD: We are.

12 THE WITNESS: Thank you. There was one child that  
13 (Expunged) did not see and that child is (Expunged). I did not  
14 put that child in touch with (Expunged). The other child, the  
15 second one, his name is (Expunged). I forget his other name.  
16 He was the child of (Expunged). Those were the two children who  
17 were not able to meet with (Expunged). Thank you.

18 MS SAMSON:

19 Q. When you located the children and spoke to them about  
20 meeting (Expunged) in Bunia, what did you tell them?

21 A. When I arrived at the house where the child was  
22 living, the child was happy because he was going to tell me his  
23 various difficulties and problems and this was a child I  
24 monitored regularly and each time I went to see him he would  
25 tell me his troubles. So I spoke with the child and the child



1 -- I would say to the child, "I've come to see you, but just so  
2 that I explain why I'm coming to see you, you see, a member of  
3 your family has to be present," and once the child had  
4 introduced a member -- at least a member of his family, well, I  
5 would introduce myself to the child and say, "My name is  
6 (Expunged) and I work in an office that  
7 helps take care of children, but for the time being I am taking  
8 care of children who have left the army, but now I have come to  
9 see you for the following reason.

10           Now, these children that I'm telling you about earlier  
11 met with colleagues of mine in Bunia, and my colleagues, namely,  
12 my superiors, my superiors at work would like to meet the same  
13 children in (Expunged), so the child will not leave and go off  
14 all by himself. You, as a parent, you will go with the child to  
15 (Expunged). And if you don't have the time to go with the child  
16 as his parent, well, you'll have to find someone in the family  
17 who could go with the child. But this person must not be under  
18 18 years of age. So that was the explanation that I gave to the  
19 parents and the child.

20           Q. I understand that you gave the children and their  
21 parents or families explanations about a possible trip to  
22 (Expunged) but, right now, I would like to ask you questions  
23 about a meeting with (Expunged) in Bunia. So when you went to go  
24 and speak to these children, to see if they would meet (Expunged)  
25 in Bunia, who did you tell them they were going to meet?

1           A.   Well, I was saying to these children that they would  
2   be meeting with the members of an association called (Expunged)  
3   (Expunged), whom they had met with earlier. That is what I  
4   told the children.

5           Q.   When you spoke to the children about traveling to  
6   Bunia, did you ask them where they would stay in Bunia?

7           A.   Yes, but I was not the one to ask them that question.  
8   They would ask me that question. They would say to me, "Where  
9   are we going to stay?" And I would say to them, "Each one of  
10   you will have to find a family member and stay with that family  
11   member. You will not be hanging about there. You will stay  
12   there for two or three days, and I will give you some money to  
13   pay for the transportation costs and then you can go back home."

14          Q.   Did each of the children have families in Bunia, or  
15   not?

16          A.   All those children had family members in Bunia.

17          Q.   Were their families in one neighbourhood or different  
18   neighbourhoods of Bunia?

19          A.   Their families were to be found in various  
20   neighbourhoods; not just in a single neighbourhood.

21          Q.   How did you travel to the various locations where the  
22   children were in order to ask them if they would agree to go to  
23   Bunia?

24          A.   To travel about to all these places when it was a  
25   place I could get to by car I would go by car, but when the car

1 could not go to those places easily I would travel using a  
2 motorcycle. So those were the ways I travelled about.

3 Q. Did the children travel to Bunia with you, or did they  
4 take other means of transportation to go to Bunia?

5 A. No. If it was easier or quicker to go by car I would  
6 leave with the children in the car but, if the car was going to  
7 actually slow us down, I would pay for a motorcycle per child  
8 and we would travel together to Bunia, as far as Bunia.

9 Q. Did any of the children stay over at your home in  
10 Bunia?

11 A. No. With respect to the children whom I put in touch  
12 with (Expunged), none of them stayed with me. None of them  
13 stayed in my home, or spent the night in my home. With regard  
14 to the two children I mentioned to you earlier, one of the two  
15 stayed with me for four or five days.

16 Q. When you talk about two children you mentioned  
17 earlier, are you referring to (Expunged) or two other  
18 children?

19 A. Yes, I'm talking about those two children, (Expunged)  
20 (Expunged).

21 Q. And one of them stayed with you for four or five days;  
22 is that right?

23 A. Yes.

24 Q. Which one of the two children stayed with you for four  
25 or five days; (Expunged)?

1 A. It was (Expunged).

2 Q. Did (Expunged) stay with you for four or five days at  
3 the time that you were bringing children to meet (Expunged) in  
4 Bunia, or at a different time?

5 A. It was at a different time.

6 Q. How did you know (Expunged)?

7 A. Well, (Expunged) was a child that I had to take  
8 responsibility for and give assistance to at the CTO run by  
9 (Expunged), and I was the one who took him back to his home to  
10 his parents and I also did the monitoring for him. As well, I  
11 registered him in a workshop where he would learn how to be  
12 (Expunged). After that I gave him his official  
13 return-to-society certificate and a small little something so  
14 that he could open up his (Expunged).

15 THE INTERPRETER: The interpreter corrects himself.  
16 It is return-to-society kit that is being spoken of here.

17 MS SAMSON:

18 Q. Why was (Expunged) at the CTO run by (Expunged)?

19 A. (Expunged) was at the CTO managed by (Expunged)  
20 because he was a child who had left -- well, he had left the  
21 army, because we never had to take care of children who had not  
22 been in an armed group, who had not left the army.

23 Q. And in your work with (Expunged), did you learn which  
24 army he had been a member of?

25 A. Yes, (Expunged) had been among the UPC group.

1 Q. So coming back to my earlier question, of the children  
2 that you had gone to meet to ask them to travel to Bunia to meet  
3 with (Expunged), did any of those children stay over at your  
4 home in Bunia?

5 A. No. With regard to the children who met with (Expunged),  
6 none had to stay with me, not even one day, in Bunia.

7 Q. Was it after you had returned to Bunia with the  
8 children or before that that you had contact with (Expunged)?

9 A. Could you please repeat your question?

10 Q. Certainly. When (Expunged) called you to say that you  
11 should put some former child soldiers in touch with (Expunged),  
12 and that (Expunged) would call you, did (Expunged) eventually  
13 contact you?

14 A. (Expunged) contacted me two days after I received the  
15 call, the telephone call from (Expunged).

16 Q. What did (Expunged) say to you when he contacted you?

17 A. When (Expunged) called me he said to me that (Expunged) had  
18 given him my telephone number and he asked me this: "Did  
19 (Expunged) call you?" And I said, "Yes." And he said, "My name is  
20 (Expunged) and I work with (Expunged). Now, I'm going to have  
21 to meet with a number of the children. I've already spoken to  
22 (Expunged) and well, actually, he asked me -- well -- "And did  
23 you speak to (Expunged)? And he said, "Yes." And he said, "Let  
24 us meet at a particular place and we will see how we are going  
25 to proceed." So that is what he said during that conversation.

1 Q. Did you eventually meet (Expunged) face-to-face, in person?

2 A. Yes, I did meet him and we had a discussion  
3 one-on-one.

4 Q. And at this meeting did you in fact discuss how you  
5 would proceed with the meetings of children in Bunia?

6 A. Yes, I talked to him and he said to me that he would  
7 like to meet the children who had met (Expunged)

8 (Expunged); the children whose names were found on the list  
9 that (Expunged) had given to me. He asked me if I had taken  
10 them and I said, yes, I had taken them. That was in the  
11 afternoon and he said to me, "Today I would just like to speak  
12 to two children, because it is already late in the afternoon,"  
13 and I said, "There's no problem with that, because you are  
14 ready. You call me and give me just a little bit of time and I  
15 will contact the children and I will bring them somewhere I know  
16 that I can find them."

17 Q. Did (Expunged) ask you about the list of children that  
18 you had brought to Bunia?

19 A. Yes, he asked me whether I had a list of names, and I  
20 said I did have it and I said -- he said, "Very well, today I'd  
21 like to meet two children and then I will see whether I can meet  
22 other children tomorrow."

23 Q. Did you provide the list of names to (Expunged), or not?

24 A. I don't remember whether I gave him that list, or not,  
25 because that event goes back a very long time.

1 Q. And so did (Expunged) in fact meet the two children on  
2 the same day that you had met him, or did he meet them on a  
3 different day?

4 A. (Expunged) met those two children on the first day of  
5 our meeting, that day, the day I met him, and that was in the  
6 evening around 5 in the afternoon.

7 Q. And in terms of the children that you had brought to  
8 Bunia, did you select any of those children yourself without  
9 having received an instruction from (Expunged)?

10 A. Yes, I said that these children, I had put them in  
11 touch with (Expunged) and I was the one who had  
12 chosen them - selected them - before they have a discussion  
13 with members of (Expunged), and so it was on the basis of that  
14 selection that I carried out that (Expunged) drew up his list.  
15 So I was the first one to have selected the children before they  
16 met with people from (Expunged). After that

17 (Expunged) took advantage of the opportunity to draw up a  
18 list of these children and, when (Expunged) came, he gave me the  
19 list of these children that I had chosen and they were children  
20 who had had contacts with the association, with (Expunged)  
21 (Expunged).

22 Q. And when you received the list from (Expunged), did  
23 you select children who were not on the list that (Expunged)  
24 gave you to meet with (Expunged)?

25 A. Could you please repeat your question?

1 Q. Certainly. After (Expunged) gave you the list of  
2 children for you to put in touch with (Expunged), did you choose  
3 any children -- any child that was not on the list?

4 A. No, I selected no child who was not on that list.

5 Q. And coming back to the discussion you had with (Expunged)  
6 in terms of how to proceed for the -- bringing children to the  
7 interviews, could you describe how you and (Expunged) decided  
8 you would set up the movement of a child to meet (Expunged)?

9 A. Yes, when I met (Expunged) he said to me, "I want to  
10 meet these two children today," and I said to him, "Fine." He  
11 said to me, "Well, let us meet at a particular spot and bring me  
12 the first child right by the \*Public Prosecutor's Office in  
13 Bunia and you'll see a vehicle. You will bring the child to the  
14 vehicle, you will open up the door, the back -- the rear door of  
15 the vehicle and the child will go into the vehicle and you will  
16 leave. Once I finish speaking with the child, I will call you  
17 and I will tell you where you can take the following child and  
18 you will place that child in the vehicle." So that is what he  
19 said to me.

20 PRESIDING JUDGE FULFORD: Ms Samson, I was thinking of  
21 giving the witness a break. Would that be convenient?

22 MS SAMSON: Yes, of course.

23 PRESIDING JUDGE FULFORD: Thank you. Sir, we're going  
24 to give you a 10-minute break. Thank you very much.

25 Closed session. We'll sit again at 5-to-4.



1 \*(Closed session at 3.43 p.m.) Reclassified as Open session

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

4 (The witness stands down)

5 PRESIDING JUDGE FULFORD: 5-to-4.

6 (Recess taken at 3.43 p.m.)

7 (Upon resuming at 3.56 p.m.)

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

9 PRESIDING JUDGE FULFORD: Witness, please.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE FULFORD: Public or private,

12 Ms Samson?

13 MS SAMSON: Apologies for the delay, your Honour.

14 PRESIDING JUDGE FULFORD: That's all right.

15 MS SAMSON: Your Honour, with your leave, we could try  
16 public session so long as the witness does not refer to the name  
17 of any of the children, or of (Expunged).

18 PRESIDING JUDGE FULFORD: And do you think from your  
19 questions that's going to be feasible, or is the witness likely  
20 to descend fairly quickly into references to those individuals?

21 MS SAMSON: It's always possible that the witness will  
22 inadvertently refer to a name.

23 PRESIDING JUDGE FULFORD: Well, let's give it a go.  
24 Public session, please.

25 (Open session at 3.59 p.m.)

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

3 PRESIDING JUDGE FULFORD: Yes.

4 MS SAMSON: Thank you.

5 Q. Sir, if it's possible for you to answer this question  
6 in open session, where, generally, did you meet each child  
7 before they met with the person that I'll deem the official?

8 A. Before the children meet the person in question, each  
9 child would meet that particular individual in private and I  
10 would inform each child of their place of meeting, and on the  
11 specified day I would meet that person at the place of meeting.  
12 On the first day I will put the child in contact with that  
13 person, and after their meeting I will then bring the next child  
14 to that individual, and so on and so forth.

15 Q. When you met each child at the designated meeting  
16 place, did you meet them by car or on foot or on motorbike?

17 A. I would go meet a child at the particular place and we  
18 will leave that place on foot. And if the agent did not call me  
19 so that I could bring the child, I would keep the child in my  
20 home and we would spend the time watching television. And once  
21 I got a call from the agent, I would take the child to him. I  
22 used to go there on foot because we had neither motorbike nor  
23 vehicle.

24 Q. And was there ever a time when there was more than one  
25 child at your home at the same time, either waiting to meet the

1 agent or on their way back from having met the agent?

2 A. No. The children came in turns and each child knew  
3 where he had to meet me in order to obtain his transport fare to  
4 return home. Why did -- was it not -- why was it important for  
5 these people to meet in my home at the same time? Well, the  
6 reason was that -- before I continue I would like to appeal to  
7 you to let us move into private session. Could we please move  
8 from open session to private session?

9 PRESIDING JUDGE FULFORD: Private session, please.

10 \*(Private session at 4.04 p.m.) Reclassified as Open session

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

13 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

14 Well, do you want to carry on, sir? That's probably  
15 easiest, actually.

16 THE WITNESS: Thank you very much.

17 I was saying that a child would pass through my home  
18 before going to meet (Expunged) was through with his

19 discussion, that is the discussion with the child, he  
20 would ask the child to get out of the vehicle, and he would ask  
21 him where he had to meet (Expunged).

22 At that juncture (Expunged) would call me and he would  
23 say, "The child has just finished his interview. Could you  
24 bring the next child to so-and-so, to such-and-such a place?"  
25 This is to tell you that the children did not come to see me in

1 my home as a group. I was not living in my house, I was living  
2 with my parents. The reason why the children did not come to my  
3 place as a group was because we were living in a highly  
4 populated neighbourhood, and the vast majority of the  
5 inhabitants were Lendu or Ngitis; it's the same thing. And all  
6 the children whom I put in contact with (Expunged) were of Hema  
7 ethnicity. If those children had him come to my house together  
8 in a huge number, I would have had serious problems in my  
9 neighbourhood because the leaders of that community were either  
10 of Ngiti or Lendu ethnicity.

11           The other reason why these children could not come to  
12 my home as a group is because I was carrying out this activity  
13 within the CTO run by (Expunged). I was there with  
14 colleagues, and there were certain partners of (Expunged)  
15 who were not supposed to know that the children were there. If  
16 they had learned about this, I would have had a lot of problems.  
17 That is why I would take the children one after the other.

18           I was afraid of my colleagues. I was afraid that my  
19 colleagues could see these children, that my partners could see  
20 these children, and that the people in the neighbourhood could  
21 realise that a group from a specific ethnic group was coming to  
22 meet in my home.

23           MS SAMSON:

24           Q. When (Expunged) would call you to say that he had  
25 finished with one child and was ready for the next child, did

1 you bring the next child to the same spot you had met (Expunged)  
2 at previously, or to a different spot?

3 A. The first child met (Expunged) in a particular area, and  
4 when the child left the school, or left the vehicle, (Expunged)  
5 would move to another locality and he would call me to say he  
6 had moved away. And once he's through with the child, he would  
7 send the child out of the vehicle and he would drive to another  
8 locality before calling me to join him. So we had meeting  
9 places and they were different for each child.

10 Q. Do you know where (Expunged) and the child would drive  
11 away to and where they would conduct their meeting?

12 A. No, I did not know. My job was limited to taking the  
13 child to the vehicle, opening the car door, having the child get  
14 into the vehicle, and then I would walk away and the car would,  
15 or vehicle, would drive off to a destination which was unknown  
16 to me.

17 Q. Did (Expunged) ever tell you what he would speak to  
18 the children about?

19 A. No. Right up to this day (Expunged) has never  
20 discussed with me on the subject matter of the interviews or  
21 discussions he had with the children.

22 Q. What happened to each child when they were finished  
23 with the interview with (Expunged)?

24 A. When a child finished his interview with (Expunged) ,  
25 and when I had brought the next child to the vehicle, I would go

1 to meet the previous child at the agreed place of meeting. I  
2 would ask the child whether he had already had his interview  
3 with (Expunged). He would say "Yes." At that juncture I would  
4 provide the child with the transport fare for him to return  
5 home, and I would promise to see the child on a future occasion,  
6 if such an occasion did arise.

7 Q. By the time you brought the next child to (Expunged)  
8 vehicle, was the child who had just finished the meeting with  
9 (Expunged) already gone away from the vehicle?

10 A. Yes. The first child would enter the vehicle and  
11 discuss with (Expunged), but that discussion would take place  
12 elsewhere, because the vehicle would drive off after I bring the  
13 child. (Expunged) would go and drop the child somewhere and then  
14 drive off to another locality before calling me, so the two  
15 children never got to see each other.

16 Q. Who gave you the money to give to the child who had  
17 finished the interview with (Expunged) for their transportation  
18 costs to go home?

19 A. It was (Expunged).

20 Q. Over how many days did you bring children to meet  
21 (Expunged)?

22 A. It was over three days.

23 Q. Were these three consecutive days, three days in a  
24 row, or three days spread out?

25 A. It was over three consecutive days.

1           Q.    You indicated that (Expunged) did not discuss the  
2 substance of the interviews with you. Did he show you any of  
3 his notes of these interviews?

4           A.    No, he did not show me any notes.

5           Q.    After (Expunged) had given you money for the child's  
6 or the children's return transportation, at any time did you not  
7 give a children (sic) the return transportation costs and keep  
8 them for yourself?

9           A.    No, I gave each child the money for the travel costs  
10 so that he could go back home.

11          Q.    After the first day that (Expunged) called you about  
12 these meetings with (Expunged), did he call you at any other day  
13 during the time that you were assisting (Expunged)?

14          A.    No, (Expunged) called me the very day that he sent me  
15 the list and, when (Expunged) arrived, (Expunged) called me to  
16 ask me whether (Expunged) had also called me. I said "Yes," and  
17 on the day of the first meeting with the children he called me  
18 and he asked me whether (Expunged) had already met with the  
19 first children and I told him "Yes," and on the last day he  
20 asked me what the situation was and whether contacts would  
21 continue with the children, and I said "Yes" and I had no  
22 further contact with (Expunged) after that point in time.

23               PRESIDING JUDGE FULFORD: Ms Samson, still need to be  
24 in private?

25               MS SAMSON: No, your Honour, I think we could move

1 into public session. Thank you.

2 PRESIDING JUDGE FULFORD: Thank you. Public session,  
3 please.

4 (Open session at 4.19 p.m.)

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

7 MS SAMSON:

8 Q. Sir, did you yourself participate in any of the  
9 meetings between the agent and the children?

10 A. No, I never took part in these meetings.

11 Q. When you were alone with each of the children before  
12 they met the agent, did you instruct them to provide false  
13 information to the agent?

14 A. No, I said nothing to the children. I already knew  
15 that they were children who had been part of the war. Why would  
16 I have asked them to provide false information? I knew that  
17 these children had taken part in the war and I could not have an  
18 influence on them and suggest anything to them, or suggest that  
19 they say anything during the interview.

20 Q. Did you encourage any of the children to tell the  
21 agent that they had been forcibly recruited by Thomas Lubanga?

22 A. No, there was no interest in it for me to tell the  
23 children to say that, or this, that or the other thing. Why?  
24 Because each child knew what I had said to the people from  
25 (Expunged) and there was a form for each child. On



1 this form there was several -- there were several questions, for  
2 example whether the child had been a member of the army of his  
3 own free will or whether he had been forcibly recruited, and  
4 there was a spot to provide answers. So each child had --  
5 replied -- had explained why they had become members of the  
6 army. There was nothing in it for me to tell a child that -- to  
7 say that he had been forcibly recruited and I didn't even know  
8 what topics were going to be discussed during the interview, so  
9 I made no suggestions to the children. Thank you.

10 Q. Thank you. Did you instruct any of the children to  
11 give a false name to the agent?

12 A. No, how could have -- how could I have suggested a  
13 false name to a child? Each child had an authorisation to  
14 travel, and I was not the one who established that  
15 authorisation. My superiors did that. And each child had to  
16 show his authorisation to the people from (Expunged)

17 (Expunged), and it was on the basis of that authorisation  
18 that the list was drawn up of children who would be meeting with  
19 (Expunged). How could I have suggested a false

20 name to a child when the child was well aware that his real  
21 name was on the form attesting to his leaving the army, or on  
22 the other forms; the verification form or the follow-up form?  
23 If we had already met with the child we had his name somewhere  
24 on the documents, and so one cannot conclude that I would have  
25 suggested a false name to any of those children at all. Thank

1 you.

2 Q. Did you ever instruct, or encourage, the children to  
3 say falsely that their parents were dead when their parents were  
4 in fact alive?

5 A. No, each child was well aware whether his parents were  
6 still alive or not. As for myself, I am an adult, a conscience  
7 man. How could I have told a child to state that his parents  
8 were dead if they weren't? I could not do such a thing. I am a  
9 reasonable person and I am a believer. I could never do such a  
10 thing. That is something that one must not do. Such a question  
11 takes me by surprise. I put myself in the shoes of those  
12 children. If someone were to come to me and say to me, "Tell  
13 them that your father is dead when he is really alive," just try  
14 to imagine what that would have been like for me, the feelings I  
15 would have experienced. That never happened and, if someone  
16 claimed such a thing, well, may God forgive him. I could not  
17 have done such a thing. I am a parent. How could I have told  
18 -- how could I tell a child to say that he did not have a parent  
19 if that was not the case? That is not possible. Thank you.

20 Q. Thank you. Did you ever tell the children or  
21 encourage them to tell the agent that they were from a different  
22 place of origin? In other words, did you ever tell them that  
23 they should lie about the villages they are from?

24 A. No, that is not true. How could I tell a child to  
25 state that he comes from a particular place when we had placed

1 the child at another place, a place that is located on the  
2 return-to-society form? I could not suggest a different  
3 location. When he was asked what -- where he lived, he would  
4 reply and we would maintain that reply. That is what was said  
5 to (Expunged). We could ask him whether he was  
6 found at the first place, the place where they were to meet, but  
7 I did not suggest other places; other places that the child was  
8 from. That would be a lie. Thank you.

9 Q. Did you ever tell the children, or make a promise to  
10 them, that if they lied to the agent they would receive money or  
11 other benefits?

12 A. No. Why would I ask a child to lie? I didn't know  
13 what was to be asked of him. Don't you see a contradiction  
14 there? I didn't know what they were going to say to the  
15 children and what approach they would take to speak to the  
16 children, so how could I have suggested to the child to say this  
17 or that, or to offer the child money? That's not at all  
18 possible.

19 Each child who went through what I call the CT0, well,  
20 each child knew that, after leaving that place, once the child  
21 was back to his place of origin people would go and see him and  
22 ask him what he was going to make of his life, and once he had  
23 chosen a particular trade, well, it was possible to teach him  
24 that trade and he would become someone in his life. So myself,  
25 I put those children in contact with that person, but I did not

1 tell those children that they would get some kind of advantage,  
2 one or another, no. I told those children that when it came to  
3 the CTO we had various activities and I did that as part of what  
4 we called the causerie morale; these talks that we had with  
5 them.

6 We would say to the children -- we would explain to  
7 the children what their rights were, and at that time we would  
8 say to the children, "Well, once you are back home with your  
9 parents you will be entitled to receive assistance to carry out  
10 a particular trade, but you will not be entitled to money." The  
11 children would ask, "But we all were in armed groups. Why are  
12 adults receiving money and bicycles and other things and we are  
13 receiving nothing? We fought together. And myself, I am a  
14 child, and I fought alongside with the adults and they are  
15 receiving money, bicycles and we are getting nothing. Why?"  
16 And we would say to the children, "Listen, you are a child. A  
17 child is someone who is not of age, who does not have  
18 responsibilities and cannot decide about his life. We are not  
19 going to give you money, but rather we are going to help you  
20 learn a trade; a trade that will help you make progress in life.

21 So each child knew that once he was back with his  
22 parents he was going to learn a trade, a trade of his choice,  
23 and myself personally I never said to any of the children,  
24 "Well, we are going to give you money," or, "We are going to  
25 give you this, or that." That is a lie. I never did that.

1           Q.    When you met with these children before they met the  
2 agent, did any of them say to you that they had never been child  
3 soldiers?

4           A.    Thank you for asking me that question. I rubbed  
5 shoulders with those children. Why would I take a child who had  
6 never been in an armed group and set him aside with the others?  
7 The children that I put in touch with the person in question  
8 were children that I was responsible for at the CTO. They were  
9 children who had been in armed groups, who had fought. None of  
10 them had not been in the army. So, if you want proof, to be  
11 absolutely sure, well, I will give it to you once we are in  
12 private session. Thank you.

13               MS SAMSON: Your Honour, would it be possible to move  
14 into private session to complete this part of the witness's  
15 answer?

16               PRESIDING JUDGE FULFORD: Certainly.

17               \*(Private session at 4.36 p.m.) Reclassified as Open session

18               THE COURT OFFICER: We are in private session,  
19 Mr President.

20               THE WITNESS: Thank you.

21               So as I was saying, each child knew that he had  
22 fought. I did not try to recruit children who had not been in  
23 the army. I did not go and look for children who had not been  
24 in the army. The children that I put in touch with (Expunged)  
25 had all been in the army. If one had not done military service,

1 well, I was not the one who put them in touch with (Expunged);  
2 someone else would have done that. If you have proof, tangible  
3 proof to prove the contrary, well, produce such proof.

4 If you could come to Bunia I will give you the contact  
5 information that will allow you to get in touch with the person  
6 or the people who will give you copies or photocopies of  
7 documents that will attest that a particular child was living at  
8 a particular place and that he had fought. And these people who  
9 gave you such information are colleagues of mine who worked with  
10 me at (Expunged), the Bunia office of (Expunged),

11 and that will be good because those people are still  
12 working there, and I think that all these copies were kept in a  
13 database. Just ask them what strategy was used and they will  
14 give you all the information.

15 And so, I would like to ask you to go to Bunia. I  
16 will give you the contact information. I will tell you where to  
17 go. And I would like to ask you to go ask questions, and you  
18 will have your strategy, your approach. You will be given all  
19 those documents that are kept in a database. I just told you  
20 this, and no one has the authorisation to keep this database.

21 But when I was in Bunia, I had my database at home,  
22 the list of the children and their addresses, and the reference  
23 numbers of all the documents pertaining to them, and when I left  
24 Bunia I brought all that information to the office. Thank you.

25 MS SAMSON:

1           Q.    Thank you, sir. I have one more question in this  
2 series of questions. After the children had met with (Expunged)  
3 and you were meeting them to provide them with their return  
4 transportation money, did any of the children say to you that  
5 they had lied to (Expunged)?

6           A.    No, none of the children told me that, because I did  
7 not talk to the children very -- for very long to ask them what  
8 they had talked to (Expunged) about. I asked them how they were,  
9 how did things go? And they would say, yes, things were fine,  
10 and then I would give them the money for the transportation and  
11 I would ask them to go home. So that is what happened. None of  
12 the children said to me, "Oh, I had to lie to that man." Never.  
13 None of the children ever told me that. Thank you.

14          Q.    Did you receive a salary from the Office of the  
15 Prosecutor for having assisted (Expunged) in bringing him  
16 children in Bunia?

17          A.    No, I was not even given ten francs. The Office of  
18 the Prosecutor did not give me money. I had my salary paid by  
19 the organisation, from (Expunged), and that came from

20               (Expunged). That was the salary. That was the salary I  
21 received. I did not even get ten francs from the Office of the  
22 Prosecutor to help me. But (Expunged) gave me money to take the  
23 children, to bring the children. The Office of the Prosecutor  
24 paid for the transportation so I could go get the children, go  
25 get them and to come back, both ways. But in terms of salary, I

1 never received a salary from the Office of the Prosecutor.

2 Thank you.

3 Q. When (Expunged) gave you money for transportation  
4 costs for yourself or for the children, did you or he have to  
5 record that payment somehow?

6 A. When he gave me a sum of money, I would say to him  
7 from this place to that place we pay a certain amount, and he  
8 would give me an amount of money and he would record that on a  
9 form, and I would sign, and I would explain why I was receiving  
10 that amount of money. So we would talk about the transportation  
11 costs and he would give me the amount of money that was  
12 necessary for the transportation, as well as a form that I would  
13 sign before taking the money.

14 PRESIDING JUDGE FULFORD: Ms Samson, we're rapidly  
15 approaching what I've rather flippantly called our Cinderella  
16 moment. Can you find a convenient spot.

17 MS SAMSON: Certainly, your Honour. This is a  
18 convenient spot for me. I just wanted to alert the transcribers  
19 that on page 87 line 13, in my question I had said, "Did you or  
20 he have to record that payment somehow."

21 PRESIDING JUDGE FULFORD: Thank you for making that  
22 indication and can that therefore be checked carefully.

23 Sir, that brings us to the end of today's session.  
24 I'm afraid that your evidence has begun very shortly before one  
25 of the Court's fixed holidays, which is tomorrow, and as a



1 result of us having a holiday on the Thursday, the Judges have  
2 decided that they won't require the parties and participants to  
3 return on the Friday, and that instead it can be used as a day  
4 for case preparation.

5 That means, I'm afraid, we're not going to be able to  
6 resume your evidence again until Monday afternoon. And I am  
7 sorry you are going to be left, as it were, waiting for us until  
8 Monday afternoon. But it is inevitable. We look forward to  
9 seeing you at half-past-2 in this court Monday of next week.

10 Closed session, please.

11 \*(Closed session at 4.45 p.m.) Reclassified as Open session

12 THE COURT OFFICER: We are in closed session,  
13 Mr President.

14 (The witness stands down)

15 PRESIDING JUDGE FULFORD: Thank you all for your  
16 attendance. Half-past-2 on Monday.

17 (The hearing ends at 4.45 p.m.)

18 CORRECTION REPORT

19 \* On page 14, lines 7-9: "offered; for example,  
20 instructions in ethics, or other educational activities. There  
21 was also sports activities." was corrected by: ""as well. For  
22 example, instructions in ethics. And after those activities  
23 there were recreational activities and sports."

24 \* On page 72, line 12: "Bunia courthouse" has been  
25 corrected by: "Public Prosecutor's Office in Bunia".

1 RECLASSIFICATION REPORT

2 Pursuant to Trial Chamber I's email instruction dated 5th April

3 2011, the transcript is reclassified as public after the

4 indicated redactions have been implemented as ordered by the

5 Chamber. All private and closed sessions (\*) are now available to

6 the public with the exception of the portions of the transcript

7 that have been redacted

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