

1 International Criminal Court

2 Trial Chamber I - Courtroom 2

3 Presiding Judge Adrian Fulford, Judge Elizabeth Odio Benito and Judge
4 René Blattmann

5 Situation in the Democratic Republic of the Congo - ICC-01/04-01/06

6 In the case of The Prosecutor v. Thomas Lubanga Dyilo

7 Monday, 1 February 2010

8 (The hearing starts at 9.28 a.m.)

9 (Open session)

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

12 *(Closed session at 9.28 a.m.) Reclassified as open session

13 THE COURT OFFICER: Good morning, your Honours. We are in closed session.

14 PRESIDING JUDGE FULFORD: Good morning. Witness, please.

15 (The witness enters the courtroom)

16 WITNESS: DRC-D01-002 (On former oath)

17 (The witness answers through interpreter)

18 PRESIDING JUDGE FULFORD: Private or public, Mr Sachdeva?

19 MR SACHDEVA: Good morning, Mr President. We can start off in public,
20 I believe.

21 PRESIDING JUDGE FULFORD: Good morning, sir. Public session, please.

22 (Open session at 9.34 a.m.)

23 THE COURT OFFICER: We are in public session, your Honours.

24 PRESIDING JUDGE FULFORD: Yes, Mr Sachdeva.

25 MR SACHDEVA: Thank you, Mr President.

1 Questioned by Mr Sachdeva: (Continues)

2 Q. Sir, good morning to you. I just want to get one thing clear about your
3 evidence. Is it correct that --

4 THE INTERPRETER: The interpreter cannot hear.

5 Q. -- your brother-in-law did not inform you that he was going to take your
6 son to Beni and Kinshasa beforehand; is that right?

7 THE INTERPRETER: Sorry. The interpreters cannot hear, sir.

8 MR SACHDEVA:

9 Q. Sir, were you able to hear my question?

10 PRESIDING JUDGE FULFORD: Right. Let's try again, Mr Sachdeva, if you
11 could.

12 MR SACHDEVA:

13 Q. Sir, what I asked you was the following: Is it a correct understanding
14 of your evidence that your brother-in-law did not inform you that he was taking
15 your son to Kinshasa and Beni beforehand?

16 A. I have a few problems hearing, because the interpreter's voice is not
17 very audible.

18 PRESIDING JUDGE FULFORD: Sir, you can hear me now?

19 THE WITNESS: Yes.

20 PRESIDING JUDGE FULFORD: Round the block again, Mr Sachdeva, please.

21 MR SACHDEVA: Yes, indeed, Mr President.

22 Q. Witness, let me try again. My question is this: Is it correct that your
23 brother-in-law did not inform you that he was going to take your son to Beni and
24 Kinshasa beforehand?

25 A. No.

1 Q. Does that mean that my understanding is correct, that he did not inform
2 you? Is that your evidence?

3 A. I said that I saw my brother-in-law after the two trips. However, he
4 did not tell me that he was going to do anything whatsoever.

5 Q. Very well, sir. I just want to be clear. So the answer is, yes, he never
6 informed you before he took your son to Kinshasa and Beni?

7 A. Yes. I said that I saw him after his first trip and after the second
8 trip; that is, after he returned from Kinshasa. That is when he gave me a full
9 account. But after his first trip, I did not see him.

10 Q. And when you spoke last week about the account that your brother-in-law
11 gave you - and if I suggest to you that that took place sometime in February 2008 - would
12 you agree with that?

13 A. I have not understood your question.

14 Q. I'm just asking you that your meeting with your brother-in-law where he
15 told you about what happened with your son, that was roughly in February 2008; is
16 that right?

17 A. I told you what my two brothers-in-laws told me, but these were two different
18 accounts. The person who told me about the first trip was my sister-in-law. The
19 second time it was my brother-in-law who told me about how things went.

20 Q. Yes. And it is the second time that I'm concerned about. And my question
21 is this. Excuse me one moment. I apologize, sir.

22 The second time that your brother-in-law told you about your son's visit
23 to Kinshasa and Beni, that was in February -- around February 2008, isn't that right?

24 A. I did not say anything about the month; I just told you what the person
25 related to me. I think you followed my explanations.

1 Q. I'm not asking you about what you said, I'm simply suggesting to you that
2 it took place in February 2008. Now, is that something you can agree with or not?
3 That's all I want to know.

4 A. I'm still not able to understand your question.

5 Q. You gave evidence last week that you had a meeting with your brother-in-law
6 after the second visit when he returned, and my question is as follows: Did that
7 meeting take place sometime in February 2008?

8 A. I think I have already answered that question. I do not remember the
9 month or the day of our meeting. All I know is that we had a discussion, and he
10 explained to me what had happened, and that was enough for me. I did not wish to
11 know the day or the date of that meeting.

12 Q. And during that discussion, you must have been very concerned that -- when
13 you learned to know that your brother-in-law had abandoned your son in Kinshasa;
14 is that right?

15 (Pause in testimony)

16 Sir, were you able to hear my question, or do you want me to repeat it?

17 A. I have understood your question. However, it's a question which I find
18 disturbing, because this question was put to me several times last week and I answered
19 it. I do not understand -- or I do not know whether the absence of somebody who
20 abandons his family would be a source of joy to the family. That's why I do not
21 understand. In any case, I answered this question; and you asked me about what
22 I did about this, since I was sad. This means that all this happened because I
23 was not able to do anything.

24 Q. Perhaps my question wasn't interpreted properly. Let me put it this way:
25 Were you not angry with your brother-in-law that he had abandoned your son in Kinshasa?

1 A. I believe that sadness or anger would not have helped the situation. Our
2 objective should rather be feelings that are constructive.

3 Q. And in addition to your sadness at the departure of your son, I take it
4 your wife also had those same feelings.

5 A. I can only talk about myself. My wife is not here. And, you know, no
6 one can know about the feelings of another person. Just as I am sitting here, no
7 one can know what I am really thinking about. No one can know my feelings or my
8 thoughts.

9 Q. Sir, if I could ask you to please focus on the question. Now, you've
10 given evidence that you've lived with your wife; you gave evidence that you spoke
11 to your brother-in-law with your wife present. Did your wife share the same feelings
12 that you had? Was she concerned about her son's departure?

13 PRESIDING JUDGE FULFORD: What's the problem, Mr Desalliers?

14 MR DESALLIERS: (Interpretation) Your Honour, I apologize for
15 interrupting, but in his previous answer the witness stated the objection I am making
16 now. The witness is here to give testimony on the facts. We could put questions
17 to him about his feelings in relation to a particular situation - and, of course,
18 this may lead to other questions related to the facts - but I think that insisting
19 on him saying something about the feelings of his wife with respect to that situation,
20 and given the answers that he has given previously, I think that this is taking
21 things a bit too far, your Honour.

22 PRESIDING JUDGE FULFORD: Well, Mr Desalliers, you have sometimes pressed
23 points during the course of questioning of witnesses, and Mr Sachdeva is entitled
24 to do so as well, so long as the matter is relevant. Whether or not the sharing
25 of feelings is going to hugely assist us, I have some personal doubts; but at the

1 moment, I'm prepared to trust Mr Sachdeva that these are truly relevant questions
2 which are going to assist the Bench. And on the basis that they are truly relevant,
3 he's entitled to press the point within reasonable limits, which we are about to
4 reach.

5 Now, you can put the question one more time, Mr Sachdeva, and I hope it
6 really is relevant to the matters that we've got to consider in this case.

7 MR SACHDEVA: Mr President, with your leave, I'll reformulate the
8 question.

9 PRESIDING JUDGE FULFORD: For the last time.

10 MR SACHDEVA:

11 Q. Witness, at that time, did your wife express her concerns to you about
12 the departure of her son?

13 A. I think that I have already given you some explanations and there are
14 other explanations that arise from my testimony. There are some people who can
15 show their feelings after certain events. They may express sadness or any other
16 feelings, especially with respect to what I told you last week. We went to see
17 our father-in-law and we told him the story. He called his eldest son and we discussed
18 about the situation. He gave me the explanations which I have already shared with
19 you here. That is proof to show you that there could have been a feeling of sadness,
20 or anger. In any case, we did everything within the family setting. That is what
21 I explained to you last week. I don't know whether you want me to tell you that
22 we beat up somebody to express our anger but, as I said, those are the feelings
23 which we felt.

24 Q. Did your wife ever tell you that somebody -- Mr President, with your leave,
25 may we move into private session?

1 PRESIDING JUDGE FULFORD: Yes, private session, please.

2 *(Private session at 9.54 a.m.) Reclassified as open session

3 THE COURT OFFICER: We are in private session, your Honours.

4 PRESIDING JUDGE FULFORD: Yes.

5 MR SACHDEVA:

6 Q. Your wife never told you at that point, or even before that, that your
7 son had been taken to Beni and Kinshasa to speak to people about his experience
8 as a child soldier?

9 A. Could you please rephrase your question? Ask it, or make it more clear.

10 Q. Did your wife ever tell you that your son had gone to Kinshasa and Beni
11 to speak about his experience as a child soldier, "Yes" or "No"?

12 A. I can answer this question with another question. Looking at the testimony
13 I have given from last week up to now, can you confirm that you heard me say, even
14 once, that my wife informed me that she was aware that this child had been a soldier?

15 THE INTERPRETER: The Swahili interpreter did not hear the final part
16 of the witness's answer.

17 PRESIDING JUDGE FULFORD: Mr Sachdeva, the problem I'm having with this
18 is that, as I understand the evidence of the witness given on Friday, you questioned
19 him, as you're perfectly entitled to do, extensively about the conversation that
20 took place when the witness and his wife were present when this information was
21 given to both of them. Now, the whole of that exchange, those questions which dealt
22 with that issue, was conducted, as I understood it, on the basis that this was
23 information that was being given to both of them, as it were for the first time,
24 by the uncle.

25 We now seem to be going back to the same point, but from a completely

1 different point of view. And it may have been more helpful to have dealt with this
2 all together at one time in one series of questions, rather than dealing with it
3 once and then going back to the question, dealing with it all over again, introducing
4 new elements.

5 Now, I'm going to ask you why was this not dealt with when you addressed
6 this issue with the witness last week?

7 MR SACHDEVA: Mr President, the -- I wanted to elicit information about
8 the extent of the briefing, if you can call it that, with the brother-in-law, and
9 it was always my intention to enter into details about what the wife may or may
10 not have known and, in my submission, it wasn't necessary to conduct that particular
11 line of questioning at that moment.

12 PRESIDING JUDGE FULFORD: First of all, the issue should have been dealt
13 with comprehensively in one go. Secondly, if what you are actually suggesting is
14 that the witness's wife effectively deceived her husband and that she knew about
15 this in advance, knew about it independently of what was said by the uncle, let's,
16 as it were, go there directly with a question of whether or not that meeting was
17 not the first time that she knew about it, but there was some other occasion.

18 Now, I'm going to go back to the earlier point I made. I think it would
19 have been more helpful for the witness for this to have been dealt with at the time
20 that he was originally giving evidence about this issue, because otherwise it will
21 seem to him that, having dealt with an issue, counsel some days later is taking
22 him back to the very area of evidence that he's already dealt with. But if want
23 to introduce this additional element, let's deal with it absolutely clearly and
24 directly that the wife had previous knowledge which, well, either she's deceived
25 him, or the witness has deceived us by not revealing it.

1 MR SACHDEVA:

2 Q. Witness, let me put it this way. Are you sure, at the time that you had
3 your meeting with the brother-in-law with your wife present, that your wife did
4 not know the reasons why her son had gone to Kinshasa?

5 A. I answered that question last week. I said that the individual who
6 recounted the news from Kinshasa to us was the uncle who took the child to Kinshasa,
7 and we would not have been in a position to glean such information had he not returned
8 to tell us what had happened. From our home to Kinshasa, well, you shouldn't believe
9 that it's just a short trip. It's more than a thousand kilometres in distance.
10 Do you believe that we might have been able to glean this information without somebody
11 returning and informing us? I said that two people undertook this journey and,
12 were one of them not to have returned back to the family home, we would not have
13 received this information. So, this is how this uncle recounted all of this
14 information to us and that is what I told you.

15 Q. Very well, so your wife did not tell you. Did your wife ever tell you
16 that somebody called my son (Redacted) had visited the house in November
17 2007?

18 A. I answered that question last week. I told you that this individual did
19 not come to my home, but that he went to see my father-in-law. I would request
20 that you listen to me attentively, because I would like to you understand quite
21 how things unfolded. I told you that on that day I was resting and that I had not
22 gone to work. We went to the fields with my wife and, upon our return, we rested
23 a while and then our father-in-law arrived. He called my wife and told her that
24 somebody was looking for us and my wife went to see that individual. I understood
25 that my wife did not know this gentleman and that is why I followed her to see who

1 this individual who wanted to see my wife was, and this man said to my wife that -- that
2 he had been sent to see his -- my wife and he wanted to know what my name was, but
3 he was frightened to ask this piece of information in our neighbourhood. This is
4 how he came to address this elderly gentleman and he said why he had come.

5 He said notably that he had been given a message to transmit to say that
6 the boy was studying in a school at Kinshasa.

7 This is the information he wanted to give us. He went on to add that
8 the parents were requested to contact those who helped him with his schooling with
9 a view to discussing something with them and those people were waiting for him in
10 Bunia, and the parents needed to meet those individuals so that the child could
11 pursue his studies correctly, and so they had to meet with the parents.

12 So, as I told you, this man prayed and then he left. He asked my wife
13 to go with him to town in order to show these people to him, and my wife left in
14 his company. However, there was a change in what he said because previously he
15 had said that these people had an office. Rather, he showed him some people who
16 were sitting in a vehicle, and in this vehicle they produced documents, asking him
17 to sign the documents and consent to the fact that after the fact that -- after
18 these studies the boy would return home. My wife signed the document and then she
19 came home and told me everything that happened. I told you that story last week
20 and I do not understand -- I do not know whether you understand me now. Now, the
21 person who's name you have provided was the individual who came on that day.

22 Q. Can I just clarify with you, are you talking about the visit to (Redacted)
23 at your house in 2007? Is that what you're describing?

24 A. I never mentioned the name of (Redacted). You might know him yourself,
25 if you sent him. I was told of a certain (Redacted), and not (Redacted).

1 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers.

2 MR DESALLIERS: (Interpretation) Yes, I apologise, Mr President. Just
3 to mention the fact that the witness returned to a fact that he mentioned last week,
4 a meeting that he had, notably with an individual who left in the company of his
5 wife to sign some documents, and he's explained this once again now. Now, the question
6 put by my learned friend was "Are you talking about the visit of (Redacted) in 2007"?
7 Now, unless I'm mistaken, the witness never mentioned such a meeting with (Redacted)
8 in 2007, So I do not believe that the witness should be misled. If the witness
9 says "I am coming back to what I said last week", well, then it should not be put
10 to him that he's talking about something which indeed he did not make mention of
11 last week, unless, of course, my learned friend can indicate to us precisely where
12 the witness mentioned a meeting with (Redacted) in 2007, but I must admit that I
13 do not remember this fact at all.

14 PRESIDING JUDGE FULFORD: Thank you, Mr Desalliers. In any event, the
15 witness has made it clear in his last answer which visit or which person he is referring
16 to. Right. You put your question, Mr Sachdeva. The witness has disagreed with
17 you and has indicated who he was referring to. Where do we go to from here, please?

18 MR SACHDEVA:

19 Q. Leaving aside the meeting that you've just explained, did you ever hear
20 from your wife, or did you ever come to know that somebody called (Redacted) came
21 to your house in November or December of 2007?

22 A. No, I did not glean such information.

23 Q. Now, after the --

24 MR SACHDEVA: Mr President, we can move into open session, I believe.

25 PRESIDING JUDGE FULFORD: Public session, please.

1 (Open session at 10.10 a.m.)

2 THE COURT OFFICER: We are in public session, your Honours.

3 PRESIDING JUDGE FULFORD: Yes.

4 MR SACHDEVA:

5 Q. After the conversation or the meeting with your brother-in-law, I take
6 it you must have wanted your son to come back.

7 A. I did not quite grasp your question.

8 Q. You must have wanted your son to return from Kinshasa; isn't that right?

9 A. With a view to talking to somebody else?

10 Q. You wanted your son to come back and help you do the chores in the house,
11 didn't you?

12 A. Now or previously?

13 Q. I'm talking about after the meeting you had with your brother-in-law.
14 At that time you wanted your son to return to your home to help you with the chores.

15 A. I do not like this question at all. I do not believe that this question
16 is relevant. This question implies that you are taking me for a child. Why am
17 I saying this? Well, the chores that I wanted the boy to undertake, this was not
18 with a view to helping me myself. Your question, well, it is as if...we put the
19 child...as if you wanted me to have the child come to help me with my own work.
20 You asked me whether, after having discussed with my brother-in-law, I wanted the
21 child to return,... Whether my brother in law had the possibility of bringing him
22 from Kinshasa and taking him back there again? I would like you to tell me things
23 clearly. Don't make me suffer. If you mean that the child had been a soldier, then
24 show the evidence and that would be enough, rather than putting the same questions
25 to me that you put last week.

1 Q. From the moment that your brother-in-law had told you about your son in
2 Beni and Kinshasa, did you report your son's absence to the police in Bunia?

3 THE INTERPRETER: The Swahili booth says that the Swahili booth did not
4 hear the question.

5 MR SACHDEVA:

6 Q. Sir, I'll repeat the question. After the time that your brother-in-law
7 told you and your wife about your son in Kinshasa, did you report your son's absence
8 to the local police in Bunia?

9 A. I do not like this question because, as you asked last week, and I believe
10 that you heard my answer only too well last week, and you have nothing further to
11 add. I believe that you are trying to ascertain the truth in the case, but now
12 I am under the impression that you are not seeking to ascertain the truth. You absolutely
13 want to be right. This is what I see today, because last week I explained to you
14 that I had been informed for the first time by my sister-in-law that the child had
15 gone to Beni, invited to work with a view to obtaining a badge..... He was looking
16 for or continuing a job. In such a situation, would you have gone to the police
17 to report that you had lost somebody? There was no point in going to the police.
18 Why do you ask me whether I went to the police? This means that.....

19 Q. Sir, if I --

20 PRESIDING JUDGE FULFORD: Sir, don't worry about Mr Sachdeva's motives.
21 And I'd ask you, really, regardless of whether you like the questions or not, just
22 to focus on them carefully and to provide us with answer. The reality is we're
23 much more likely to finish your evidence early if you could just focus kindly on
24 the questions, and remember that Mr Desalliers, sitting just over to your left,
25 will intervene if he feels anything unfair is taking place.

1 Now, I think the question was did you ever tell the police about what
2 had happened to your son. I think that's probably a fairly easy yes or no.

3 THE WITNESS: Are you expecting an answer?

4 PRESIDING JUDGE FULFORD: Please, yes, whether or not you told the police
5 at any stage what had happened to your son.

6 THE WITNESS: No.

7 PRESIDING JUDGE FULFORD: Thank you very much. Yes, Mr Sachdeva.

8 MR SACHDEVA: Thank you, Mr President.

9 Q. Sir, I just see that you've said that you were informed for the first
10 time by your sister-in-law that your son had gone to Beni with a view to learning.
11 Now, last week you told the Court that your sister-in-law had told you that he had
12 gone to be a labourer. Were you mistaken last week?

13 A. What I told you was the truth, and what I am saying is that I am under
14 the impression that you do not really remember what I said. I did not say that
15 is was to study... I said that he had gone to get a badge, and you asked me what
16 this badge was. And I explained what it was about and I stand true to what I said
17 last week.

18 PRESIDING JUDGE FULFORD: Yes, Mr Sachdeva -- sorry, Mr Desalliers.

19 MR DESALLIERS: (Interpretation) Just to avoid us entering a rather
20 difficult question and answer session, Mr Lubanga has just informed me that the
21 witness said the first time it was my sister-in-law who told me that the child had
22 gone to seek work in Beni, and it was interpreted as he had gone to learn. And
23 this is why my learned friend is asking this question. So that the witness does
24 not feel that he is being misunderstood here, what he actually said was that he
25 went to find work. So it would seem that it was something that was lost in translation.

1 PRESIDING JUDGE FULFORD: Yes, Mr Sachdeva.

2 MR SACHDEVA: Thank you, Mr President.

3 Q. Sir, at the time that you learned your -- at the time that you had that
4 meeting with your brother-in-law you were aware that the United Nations had a mission
5 in Bunia; isn't that right?

6 A. Yes.

7 Q. Did you ever try to report the fact that your son had left to anyone in
8 the United Nations mission at that time?

9 A. I believe that my answer is clear. I said that the child was not lost.
10 I merely said that the -- my brother-in-law told me that -- he explained to me that
11 the child had a work -- or a job without telling me with that job was. Now, with
12 regard to the first trip to Beni, well, I think it was in relation to a job. And
13 the person who came to our house did not tell us whether the child had said that
14 he had gone to the army; he merely said that the child was in a school, learning,
15 that he was following some training. So why would he go to the United Nations to
16 say that the child was lost?

17 Q. Sir, could I just ask you to first focus on the initial question? Did
18 you or did you not report your son's departure to the United Nations? "Yes" or
19 "no"?

20 PRESIDING JUDGE FULFORD: Now, I think it's very clear, Mr Sachdeva, from
21 the answer the witness has given that there was no reason to go to the United Nations
22 to report it. He's made it absolutely clear that there was no basis for reporting
23 this to the United Nations, so it has to be inherent in the answer that there was
24 no report. If there's basis for it, it wouldn't have happened. So it's not justified
25 to keep pressing this. Can we move on, please?

1 MR SACHDEVA:

2 Q. Sir, can I ask you if you are from the Hema group?

3 A. I would like to put a question first. This is the second time that you're
4 putting the question to me with regard to my ethnic origin.

5 PRESIDING JUDGE FULFORD: Sir, I'm going to ask you to focus on the questions
6 and to answer them. If there's repetition, both Mr Desalliers, myself and the other
7 judges will do everything in our power to stop that from happening. So rather than
8 questioning Mr Sachdeva, could you just answer the questions that he puts to you?
9 And we'll move much swifter in the result. So I --

10 THE WITNESS: Yes, I am from the Hema ethnic group.

11 MR SACHDEVA:

12 Q. And is that the Gegere group?

13 A. I am Hema Sud (phon) from the Bahema-South community, (Redacted) Group
14 in (Redacted) localit  . I am from Irumu territory.

15 Q. And is it right that at the time you moved to Quartier - and excuse my
16 pronunciation - (Redacted) in Bunia in 2003, there were people in that Quartier
17 from the Hema group?

18 A. It is not their neighbourhood. I said that in Bunia there is a whole
19 host of neighbourhoods and tribes and people live in the various neighbourhoods;
20 I did not say that a certain category of people live in any particular neighbourhood;
21 it is not a village, it is a town.

22 Q. Sir, again, if I could just ask you to focus on the question. When you
23 moved to that neighbourhood in 2003, were there persons from the Hema group living
24 there as well?

25 A. I apologise. I think I did not quite understand. When I went to Bunia

1 for the first time, I said that I was in the (Redacted) neighbourhood. After which
2 I went to live in the (Redacted) neighbourhood; and after (Redacted) I moved to
3 the Sayo neighbourhood. I currently live in the (Redacted) neighbourhood, but not
4 since 2003, as you believe.

5 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers.

6 MR DESALLIERS: (Interpretation) I apologise, Mr President, But I seem
7 to understand from the lighting system that we are in open session, and the last
8 questions had a bearing upon the residence of the -- or the past residence of the
9 witness and his background.

10 PRESIDING JUDGE FULFORD: Well, only in the most general sense,
11 Mr Desalliers. I mean, we can have it redacted, if you like, but he is being asked
12 as presumably one of very many people, if he lived in a particular area and was
13 part of a particular ethnic group. Now, does that really run a risk of identifying
14 the witness? This is your judgment, not mine, Mr Desalliers. It can be redacted,
15 if you wish; but it seems to me, on this basis alone, there isn't a risk.

16 MR DESALLIERS: (Interpretation) I intervene in such a matter,
17 Mr President, because this had initially been covered in closed session, but I believe
18 that if we are to use generic terms, we can continue in open session.

19 PRESIDING JUDGE FULFORD: Thank you.

20 MR SACHDEVA:

21 Q. Sir, is it not right that in -- during the war, in times of war, Quartier
22 Simbiliabo was known to have many persons from the Hema group residing there?

23 A. I have already answered that question, and I don't have anything further
24 to add.

25 PRESIDING JUDGE FULFORD: Mr Desalliers, I think the witness is right,

1 isn't he? At page 41 of Friday's transcript, didn't you put exactly the same question;
2 although, at that stage, linking it to 2008 and 2007, where you suggested that there
3 were -- that this was a place where members of the Hema community lived? I may
4 be wrong, but I think we've already dealt with this, haven't we?

5 MR SACHDEVA: Mr President, it's true I did ask that question; however,
6 there was some discrepancy with respect to the translation. That's why I wanted
7 to get confirmation about to be clear from the witness today.

8 PRESIDING JUDGE FULFORD: Well, as I understand it, what he, the witness,
9 said on Friday - said again today - is that it's an area where people of different
10 ethnic groups live. Does that deal with the point?

11 MR SACHDEVA: Not completely, Mr President, in my submission.

12 PRESIDING JUDGE FULFORD: Well, not as you may want it to be dealt with,
13 but you've asked the question and you've received the answer. How can we take this
14 further forward?

15 MR SACHDEVA: Well, Mr President, in the answer that I understand he gave
16 on Friday, he made a qualification that "in times of war." And my understanding
17 was, that he made a qualification that "in times of war" it may have been, and I
18 wanted him to confirm that today.

19 PRESIDING JUDGE FULFORD: Right. What page Friday?

20 MR SACHDEVA: Page -- well, the indication that I have from the Defence
21 is at page 51 in the French transcript, lines 8 to 10.

22 PRESIDING JUDGE FULFORD: I'm not asking for the indication from the Defence,
23 I'm asking your reference in the English transcript where you say that he's made
24 a reference to this being in time of war.

25 MR SACHDEVA: Mr President, it commences -- and again, it's a deduction

1 on my part, but it commences at page 43 from the English transcript, lines 9 to
2 12. And thereafter, I put the question again. And an indication that I had from
3 the revisit of the transcript in terms of the translation was, that the witness
4 said - leaving aside what was the situation in 2007/2008 - that in times of war
5 this may have been the situation, and I wanted the witness to confirm that.

6 PRESIDING JUDGE FULFORD: Well, Mr Sachdeva, we've -- all right. Put the
7 question one more time, but we went over this on Friday. And as I've already indicated
8 earlier this morning, I think it's highly undesirable having dealt with an area
9 on one day, then to go back over the whole area again on another day; but you're
10 saying there's been a discrepancy, so you can have one more go at it. Put the question
11 again, please.

12 MR SACHDEVA:

13 Q. Sir, during the war in 2003, is it not right that Quartier Simbiliabo
14 was known to be a Hema region in Bunia?

15 A. I have nothing to add on that.

16 Q. Can I just ask you to tell me whether you agree or you disagree?

17 A. I agree. However, it's exactly the same thing I said last week. But I
18 have the impression that you are not satisfied with what I say, so I don't know
19 what I can do in order to keep you satisfied.

20 Q. And is it not right that at that time during the war the people in that
21 Quartier would have supported the UPC?

22 A. If you understood me well, in 2003, the year which seems to interest you
23 I was in the town of Bunia and not in its environs. If you followed me well, that's
24 what happened. When I left around 2004 and beyond, I was not in that neighbourhood,
25 I mentioned another neighbourhood.

1 Q. Is it not right, sir, that people in the Simbiliabo neighbourhood in Bunia
2 in 2003 would have supported the UPC, or would have been loyal to the UPC? Do you
3 agree, or disagree?

4 A. Your Honour, I need your assistance, because I have the impression that
5 what I am saying does not satisfy the Prosecutor. I have said that in the year
6 2003, right from the beginning I said that I resided in the Lumumba neighbourhood.
7 Later on, when I left Lumumba, I went to another neighbourhood. I did not go to
8 the Simbiliabo neighbourhood. Why am I being pushed to accept or to talk about things
9 that I am not conversant with? In short, I have said I have nothing else to add
10 and they keep pestering me with questions.

11 PRESIDING JUDGE FULFORD: I think it's a reasonable intervention, isn't
12 it, Mr Sachdeva? If the witness -- you put the question and the witness said he
13 wasn't there at the time and therefore he's not able to answer the question, I don't
14 think it's terribly helpful to put the question again, trying to extract an answer
15 when the witness has said he's not able to provide one. Can we move on.

16 MR SACHDEVA: Mr President, may I ask this question in private session?

17 PRESIDING JUDGE FULFORD: Certainly. Private session, please.

18 *(Private session at 10.40 a.m.) Reclassified as open session

19 THE COURT OFFICER: We are in private session, your Honours.

20 PRESIDING JUDGE FULFORD: Yes.

21 MR SACHDEVA:

22 Q. Sir, you've testified that you moved to the Quartier (Redacted). When
23 did you move there? My understanding is that it was in 2003; is that right?

24 PRESIDING JUDGE FULFORD: Sir, could you answer the question, please,
25 as to when you moved to that particular area. Was it in 2003?

1 THE WITNESS: I said that I was in the (Redacted) neighbourhood in 2003.
 2 I wasn't in another neighbourhood. And in the year 2003, people were not residing
 3 in the Simbiliabo neighbourhood.

4 PRESIDING JUDGE FULFORD: I think we're going to take a break now,
 5 Mr Sachdeva, in fairness to the witness.

6 Good. Thank you very much indeed for your help, sir, so far this morning.
 7 We're going to take a break now and we look forward to seeing you again at quarter
 8 past 11.

9 Closed session, please, so the witness can withdraw.

10 *(Closed session at 10.43 a.m.) Reclassified as open session

11 THE COURT OFFICER: We are in closed session, your Honours.

12 (The witness stands down)

13 PRESIDING JUDGE FULFORD: Quarter past 11.

14 THE COURT USHER: All rise.

15 (Recess taken at 10.44 a.m.)

16 (Upon resuming at 11.36 a.m.)

17 **(Closed Session) Reclassified as open session

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

19 PRESIDING JUDGE FULFORD: We've just lost 20 minutes of court time through
 20 technical problems. I want a short report, please, by the end of the afternoon
 21 from whoever is in charge of the equipment, setting out what steps have been taken
 22 to ensure that the problem that has caused this delay is not going to happen again
 23 in the future.

24 Yes, Mr Desalliers.

25 MR DESALLIERS: (Interpretation) I apologise, your Honour. At this

1 juncture, we wish to tell the Chamber about problems that we are experiencing with
2 the interpretation.

3 Last week I sent an email out, and I copied the Chamber, and I said that
4 we had concerns. I said we wanted to review the audio and verify the interpretation.
5 The witness is speaking in very clear Swahili, and it is our understanding that
6 what he is saying is interpreted inaccurately or only partially, and this accounts
7 for the fact that he keeps asking for the questions to be repeated.

8 This also accounts for the frustration experienced by the witness. He's
9 frustrated with the fact that he has to keep repeating his answers. We want to
10 bring this to the attention of the Bench, because we think that this accounts for
11 the impatience or the frustration which is manifested by the witness and it is our
12 belief that this stems from poor interpretation.

13 We would also like to ask that we would like to review the audio recording
14 of this hearing and report back to the Chamber, and we think we should bring this
15 to the attention of the Chamber because this is a very serious concern to the Defence
16 team.

17 PRESIDING JUDGE FULFORD: Right, thank you for raising that, Mr Desalliers.
18 We're going to have to do the best we can for the moment, but if there is a suggestion,
19 as clearly you have just outlined, that there is an underlying problem, we will
20 have to be presented with an analysis of it, based on either today's transcript
21 or Friday's transcript or a combination of the two, preferably with some suggestions
22 as to how it should be addressed, but this is not something that can be dealt with
23 in an ad hoc or extemporary way, but thank you for bringing it to our attention.

24 Witness, please.

25 (The witness enters the courtroom)

1 PRESIDING JUDGE FULFORD: Public session, please.

2 (Open session at 11.40 a.m.)

3 THE COURT OFFICER: We are in public session, your Honours.

4 PRESIDING JUDGE FULFORD: Yes, Mr Sachdeva.

5 MR SACHDEVA: Thank you, Mr President.

6 Q. Sir, last week you were telling the Court about the rumours that were
7 circulating in your neighbourhood that you had sent your son here to lie about being
8 a child soldier. Who was it that was circulating these rumours in your neighbourhood?

9 A. I did not fully understand your question.

10 Q. I was asking you about the rumours that were circulating in your
11 neighbourhood that you had sent your son to the ICC to testify as a child soldier
12 and my question is as follows. Who was circulating these rumours?

13 A. As I have already explained, these rumours were circulated after the person
14 who had taken him away said that he had left him in Kinshasa. As I said earlier,
15 I cannot explain to you what happened because I cannot answer with certainty about
16 any person who accused me because of that. I think I gave you this answer last
17 week. I think I made this clear last week.

18 Q. Is it possible that these rumours -- well, let me ask you this. Is it
19 your evidence that you have no idea whatsoever who or where these rumours would
20 have come from in your neighbourhood?

21 A. If things are said calmly, without someone... I cannot know with certainty,
22 unless someone comes and puts the question to me openly asking me why I did that,
23 because I would then be certain and have the possibility of knowing the person
24 who told me. When we talk about rumours, you must understand that these are only
25 rumours. I don't know the source of the rumour and you cannot speak with certainty

1 until you know the source of the rumour. If you tell me something then I would
2 know with certainty, because the person who spoke to me would have been you and
3 if I answered back I would answer with certainty because I would be the person who
4 is formulating the answer to what you've told me.

5 Q. Can I please ask you to answer the question.

6 PRESIDING JUDGE FULFORD: No, no, no, Mr Sachdeva. The witness -- firstly,
7 it's inherent in rumours, I would have thought, but let's move away from the
8 self-evident. The witness has, in his last answer, made it absolutely clear that
9 he is not going to be able to explain to you -- he doesn't know who it was that
10 was the author of the rumours.

11 Now, I really do not see the point in going back to the question again,
12 given that answer that's just been given by him. So can we either develop this
13 point in a different way without asking that question again, or move on to another
14 matter, please.

15 MR SACHDEVA:

16 Q. Would you agree with me that it would be possible for -- it would have
17 been possible that the origin of these rumours were from persons that were supportive
18 of the UPC and Thomas Lubanga? Would you agree with that?

19 PRESIDING JUDGE FULFORD: I'm sorry, sir. I am going to interrupt again,
20 Mr Sachdeva. If the witness doesn't know where the rumours came from and he can't
21 answer that question, then in a sense all things are possible. It just doesn't
22 help having a theoretical possibility put like that when the witness himself has
23 indicated that he can't say who the person was, or the people were, who were spreading
24 these rumours. So, really, this isn't going to help.

25 MR SACHDEVA: Mr President, I understand the distinction and, if I may,

1 of course I'm not asking the witness to identify with certainty. However, in my
2 submission the witness has said that he has -- in my submission, he may have ideas
3 as to where these rumours would have emanated from and I simply wanted to get an
4 idea of that.

5 PRESIDING JUDGE FULFORD: Right. Well, where in the transcript? Where
6 in the transcript does he say that he has ideas as to where the rumours came from?
7 What is your reference, please, for that?

8 MR SACHDEVA: He explained this is in line -- page 22, I believe, line
9 6. He explained that he can't answer with certainty, and that's why I asked him
10 the question about whether he would have any idea as to whether these -- as to where
11 these rumours came from. Of course, I'm not asking him to answer with certainty.
12 If he has no idea, then that's fine.

13 PRESIDING JUDGE FULFORD: Mr Sachdeva, the witness is clearly indicating
14 that he -- well, this is ultimately not going to help. Mr Sachdeva, you can put
15 the question one more time, but the witness has now made it, certainly in my view,
16 absolutely clear that he's not going to be able to give you any substantive help
17 on this. But if you want to ask him, although he can't say with certainty, if he
18 can with something less than certainty indicate where the rumours came from, you
19 can try it. You can try one more question on those lines.

20 MR SACHDEVA:

21 Q. Sir, I appreciate that you don't know with certainty, but can I ask you
22 do you have -- is it your evidence that you have no idea, or -- well, you have no
23 idea where these rumours may have come from within the community and the neighbourhood
24 that you lived in?

25 A. I have already answered that question, saying that I cannot speak with

1 certainty about anything until -- well, unless people speak to me about it clearly.
2 And if a question is put to me with respect to who said what, then I could answer,
3 but if nobody tells me anything with certainty, then it becomes difficult for me
4 to make or to give you a clear answer.

5 Q. Well, how was it that you heard about these rumours? How was it that
6 you heard that there were rumours about you sending your son to testify here at
7 the ICC as a child soldier?

8 A. I have not fully understood your question. Could you please rephrase
9 it?

10 Q. I want to know how was it that you heard that there were rumours about
11 you; rumours that you had sent your son to testify here at the ICC?

12 A. To confirm what you said or to know how or under what circumstance
13 the child was there?

14 Q. Sir, that's not my question. You have testified that you heard rumours
15 in your neighbourhood that you had sent your son here to testify, and I want to
16 know how did you come to hear of those rumours?

17 A. I have already answered your question. When you are not certain about
18 something, and when there is only rumours circulating, then it becomes difficult
19 for me to give you names or the source or origin of the rumour. For example, if
20 you see young people digging a grave or doing something, you will be certain of
21 the fact. However, if someone only hears mention of the fact, will you be able
22 to rely on that as evidence? Since nobody came to talk to me about it directly,
23 I do not know if you find this satisfactory.

24 PRESIDING JUDGE FULFORD: We're going to move on now, Mr Sachdeva. We're
25 not going to try further to establish who the source was.

1 MR SACHDEVA: Mr President, with your leave I'd like to ask one more
2 question on this issue.

3 PRESIDING JUDGE FULFORD: All right. One more, Mr Sachdeva, and then that
4 is the end of this subject.

5 MR SACHDEVA:

6 Q. You said that you heard mention of the fact of the rumour, is my understanding.
7 Who did you hear that from?

8 A. I have nothing to say in response to that. I have the impression that
9 you are asking the same question in different words.

10 Q. These rumours that you heard, it must have been difficult for you and
11 your family to hear those rumours; is that right?

12 A. I have no answer to give in response to that question.

13 Q. The rumour that you had sent your son to testify here in The Hague in
14 return for money, according to you, that wasn't correct, was it?

15 A. This is what happened: I have the impression that you're going round
16 and round with respect to this question. I was told that young people had seen
17 someone digging a grave to bury another person or an individual who had died. One
18 of these young people heard the others say that I had sent my son, that I had sent
19 my boy in order to get money in return, but he did not give me the names of those
20 who said it. In fact, it was one young man who came and told me about this, and
21 he said he had heard it said, and that he did not want it to be known that he had
22 provided me with this information. I think I have already told you that I cannot
23 be certain about these people because no one came to ask me this question. However,
24 since you persist in asking me this question, let me tell you for the last time
25 that no one - no one - came to give me this information directly. I got the information

1 from this young person, and that is why I said I could not speak with certainty
2 about this.

3 Q. Who was this young person that gave you this information?

4 A. I cannot provide you with a name because it was not this young man who
5 said that I had sent my child away. He only came to tell me what he himself had
6 heard from other persons.

7 Q. Sir, again I am not asking you who was the person that originated the
8 rumour, I'm asking you who was the man, the young man that gave you this information?
9 Now, we can move into private session if you feel more comfortable but I'd like
10 to have an answer.

11 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers.

12 MR DESALLIERS: (Interpretation) I apologise, Mr President. We are in
13 open session and I believe that this is becoming a conversation that might have
14 a bearing upon the witness's identity, and I believe we should go into closed session.

15 PRESIDING JUDGE FULFORD: I agree. Private session, please.

16 *(Private session at 12.01 p.m.) Reclassified as open session

17 THE COURT OFFICER: We are in private session, your Honours.

18 PRESIDING JUDGE FULFORD: Yes, Mr Sachdeva.

19 MR SACHDEVA: Thank you, Mr President.

20 Q. Witness, let me ask you again: Who was or what was the name of the young
21 man that gave you this information?

22 A. I said that I would not be able to give you his name because this was
23 an individual who gave me a confidential piece of information and, furthermore,
24 were I to give you his name and reveal his identity, it might compromise this individual
25 and his identity.

1 PRESIDING JUDGE FULFORD: Now, there's your answer, I'm afraid,
2 Mr Sachdeva. The witness cannot be forced, cannot be compelled to answer.

3 MR SACHDEVA:

4 Q. You said that you don't want to reveal this person's identity because
5 he gave you this information confidentially. Is it the case also that revealing
6 this person's name would put you in danger or pose any risks to you?

7 A. No, this does not compromise my own security. However, it does compromise
8 that of my informer. In view of the fact that he was with those who said these
9 things, and were I to mention his name here, that would put him in conflict with
10 these people, because he asked me not to reveal his identity.

11 Q. Did this person know your son?

12 A. Yes, he does.

13 Q. And who would this person be in danger from?

14 A. I can't know that. That individual gave me the piece of information,
15 but I cannot know what might become of him. I wonder whether we are in open session
16 or in closed session, because it would seem to me that you are insisting that I
17 provide you with the name of this individual.

18 PRESIDING JUDGE FULFORD: We're in closed session, and Mr Sachdeva is
19 not insisting, given your earlier answer, sir.

20 MR SACHDEVA: Mr President, may we move into open session.

21 PRESIDING JUDGE FULFORD: Public session, please.

22 (Open session at 12.07 p.m.)

23 THE COURT OFFICER: We are in public session, your Honours.

24 PRESIDING JUDGE FULFORD: Yes.

25 MR SACHDEVA:

1 Q. These -- the rumours that we've been talking about, it must have been
2 difficult for you and your family to hear these rumours?

3 PRESIDING JUDGE FULFORD: I think you've put that question just a few
4 minutes ago, Mr Sachdeva. Move on to another subject, please.

5 MR SACHDEVA:

6 Q. And these rumours that you heard, these rumours, according to you, were
7 not true; is that right?

8 PRESIDING JUDGE FULFORD: You put that question as well a few moments
9 ago.

10 MR SACHDEVA: Mr President, the witness didn't answer that question.

11 PRESIDING JUDGE FULFORD: No. Mr Sachdeva, one thing that isn't going
12 to happen in this trial is that we go round and round and round in circles. And
13 something that's happened today, which I am going to indicate now is not to happen
14 again in this case, on Friday - and you can look at this during the luncheon
15 adjournment - between pages 40 and 44, the whole issue of the rumours was dealt
16 with in questioning. This should have been dealt with comprehensively on that
17 occasion.

18 And counsel should not utilise weekend or overnight adjournments so that,
19 having gone through an area once, they can use an opportunity provided to think
20 up reasons for going over the area all over again. Not only has that happened overnight,
21 but we are at the moment going back to questions that you've asked already this
22 morning. Now we're going to move on, Mr Sachdeva, please, to another subject.

23 MR SACHDEVA: Yes, Mr President.

24 Q. When you understood that your son was coming here to tell the Court he
25 had been a child soldier, did you report this to the police?

1 A. I believe that I support everything that I say here, and I can stand up
2 without trembling and without any fear with reference to the utterances I have made.
3 I have already said that nothing would have made me submit a report to the police,
4 because no one would have come to take my child away from my home forcibly. I already
5 told you what happened at the time, and there was no reason for me to go and see
6 the police to file a complaint on that subject. It saddens me to keep returning
7 to the same question, which has been put to me several times. I have to clear answer
8 to give on that subject. I have already said that I did not go to the police. You
9 asked me why I did not go to complain to the MONUC forces and I already told you
10 that I had no reason, no indication that could have pushed me to go there. I do
11 not know what answer it is that you are after....I do not know how to provide you
12 with an answer that will satisfy you.

13 Q. Wouldn't the reason -- wouldn't the fact that your son was coming here
14 to lie, according to you, wouldn't that be a reason to go to the police?

15 A. No, that would not have been the reason. Because the person who me did
16 so openly. He came in full daylight, he did not hide, and that it was your office,
17 that sent him here to come and confirm whether or not he had been a child soldier.
18 And I answered him saying "No". So why would you want me to go and see the police?
19 Do you believe that the police could come all the way to this place to arrest anyone?

20 PRESIDING JUDGE FULFORD: Now, before you ask your next question,
21 Mr Desalliers, in addition -- is there anything other than the question that was
22 put that you want to raise?

23 MR DESALLIERS: (Interpretation) Mr President, it was in conjunction
24 with the way in which the Court -- that the questions have been phrased and the
25 reference is made to the ICC. I am afraid I'm working with the French version of

1 the transcripts here, but what I do understand from the answers given by the witness
2 last week, I have before me page 38 of the transcript, lines 18 to 21, and the
3 question - I'm afraid it's in French. However, I can quote from the transcript
4 for the benefit of the Trial Chamber.

5 "Question: Did you discover during this discussion with (Redacted) that
6 they had gone in order to be interviewed by the International Criminal Court? And
7 he answered saying that he did not have the answer. He had accompanied the child
8 thinking that he would be hired."

9 And today on a number of occasions my learned friend has alluded to rumours
10 which had circulated, and on each occasion he is putting it to the witness that
11 the rumours were to do with the fact that his son would come to testify before the
12 International Criminal Court. However, in the transcripts, this is not what the
13 witness says. And I'm sorry, I'm trying to find the place in the transcript. Page
14 46. The question is --

15 PRESIDING JUDGE FULFORD: I'm going to interrupt you. The English
16 transcript on this point, page 40, line 16 to 18, is as follows: "People said that
17 I had received money in order to send this child to go come and tell lies here before
18 the Court. This surprised me."

19 Now, it may be there's a difference between the English and the French
20 on this; I don't know. We've finished this subject. We've moved on. So let us
21 not for the moment take up time on this. If there is a discrepancy it needs to
22 be sorted out overnight, but in a sense this is a bit ancient history now in terms
23 of the questions that are being asked. In relation to your other objection, well,
24 I think the witness has given a very clear answer to the matter that was raised
25 by Mr Sachdeva. So thank you for the intervention but I don't think it is going

1 to be particularly helpful now to try to resolve it, given the answer provided by
2 the witness. Thank you. I think have had a clear answer to that, Mr Sachdeva.
3 What's next, please?

4 MR SACHDEVA:

5 Q. Did you tell ICC officials, any court officials, that your son was coming
6 here to lie about being a child soldier?

7 A. I did not say that I had said to the court officials that the child had
8 come here to lie, but they asked me whether the child had been a child soldier.
9 That is how it was; it's clear. The court officials are the ones who put the question
10 to me. I'm not the person who told them anything at all.

11 Q. I'll try and ask it again: When you knew that your son was coming here
12 to testify about being a child soldier, did you report this fact to the court officials
13 after that?

14 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers?

15 MR DESALLIERS: (Interpretation) I'm sorry to interrupt once again,
16 Mr President, but the question was put on 28 January 2010, and I shall read the
17 question to you which is to be found at page 46, line - French transcript - lines
18 24 and 25.

19 "Question: When did you realise for the first time that your son was
20 testifying before this court?" And the witness's answer on the next page, line
21 2", "Answer: I do not know."

22 And that was also the nature of my previous objection to the effect that
23 all these questions are stemming from the premise that the witness did not know
24 any of this. So we are getting off to a bad start, on the wrong basis, because
25 this would presuppose that the witness knew that his son was coming to testify before

1 the Court.

2 PRESIDING JUDGE FULFORD: Yes. I mean, in a sense, Mr Desalliers, the
3 first question in this is: When did the witness first know that his son had testified
4 before the ICC and had said that he had been a child soldier. Having identified
5 that date, one could then find out whether or not the witness discovered that at
6 a time that would have made it relevant or appropriate to complain to the ICC that
7 there that been, in the witness's view, some lies told.

8 Well, Mr Sachdeva, you've heard what I've just said, and you've heard
9 the objection from Mr Desalliers. It may be helpful to identify the foundations
10 first before going on to the question that you've just asked.

11 MR SACHDEVA: Mr President, I can do that. My understanding was that he
12 had already said this in and around May of 2008. But in any event, I can ask the
13 question.

14 Q. Witness, when did you first know that your son was coming here to testify
15 at the ICC and, according to you, lie about his involvement as a child soldier?
16 When was that?

17 A. I could say that I provided a clear answer to this by saying that receiving
18 confirmation it was your officials whom you sent to ascertain whether it was
19 true or not that he had been a child soldier. This helped remove from my mind the
20 idea that he might have been in Kinshasa or elsewhere. That is the same answer
21 I gave when you put questions to me after the break.

22 PRESIDING JUDGE FULFORD: To approximately when it was that you spoke
23 with court officials. Roughly when did that happen?

24 THE WITNESS: As far as the date is concerned I no longer recall, but
25 I believe that it was in the year 2008, around that period. The first person came

1 and talked to my whife. I was at work. We remained for a few days and then others
2 came. Now, as to say which day it was, it is somewhat difficult for me to be sure
3 about that.

4 PRESIDING JUDGE FULFORD: And when you saw the officials, if it was in
5 2008, did you tell them then that your son had not been a child soldier?

6 THE WITNESS: We did not talk directly to the first individual because
7 I was at work but they spoke to my wife and I do not know quite what they talked
8 about because I was not there and I cannot be sure.

9 PRESIDING JUDGE FULFORD: So you didn't speak to the officials, it was
10 just your wife who had conversations with them; is that correct?

11 THE WITNESS: No, that is not the case. On the second occasion, when they
12 came, I spoke to them, and they put questions to me. They asked me on the -- well,
13 they came for a first time and then they came a second time, and then they came
14 another time, but as to tell you precisely when, which month, which day, well, I
15 spoke to the second group on two or three occasions.

16 PRESIDING JUDGE FULFORD: And during those conversations when you spoke
17 with officials from the Court yourself, did you tell them that your son had not
18 been a child soldier?

19 THE WITNESS: Yes, I did tell them that, because they put the question
20 to me clearly to tell the truth and not just to please them, and I explained it
21 to them. They gave me a number of days and then they came back again with a view
22 to putting the same questions to me that they had put on the first occasion, and
23 I furnished an explanation. And then after a few days they came back and put the
24 same questions to me again. And the day that I came here I was surprised to see
25 that the same questions were being put to me again.

1 PRESIDING JUDGE FULFORD: Thank you, sir. That's very clear. Yes,
2 Mr Sachdeva.

3 MR SACHDEVA:

4 Q. One of those persons that came to see you was called Dieudonné Mbuna;
5 isn't that right?

6 A. Could you please put the question again?

7 Q. One of the persons that came to see you was called Dieudonné Mbuna, isn't
8 that right?

9 A. The very first, the very first. You know, I welcomed them on a number
10 of occasions; which moment are you referring to precisely? Are you referring to
11 those who came here or to the people in Bunia?

12 Q. Well, let's stay with the first time. Did --

13 PRESIDING JUDGE FULFORD: Well, I think the first time is going to be
14 a problem, Mr Sachdeva, because the witness is indicating during the first visit
15 it was his wife who spoke with the officials and not himself. And I think we're
16 going to run into immediate problems of him saying who was present when he wasn't
17 there. It may be more useful to focus on the occasions when the witness himself
18 was present.

19 MR SACHDEVA:

20 Q. Did your wife discuss with you the first time that there was a visit from
21 the court officials, as you say, when you weren't present?

22 A. Yes.

23 Q. And who did she tell you had come to visit her? Did she tell you that
24 someone called Dieudonné Mbuna had come to visit her for the first time?

25 A. No, she did not tell me that, but I do know that the individual whom you

1 are mentioning did meet with me personally at home one early morning but he came
2 after somebody else had already come. So I do not know who the individual was who
3 came on the first occasion. What I do know is that they all came.

4 Q. And who were the others that came; do you know?

5 A. Yes. I did not fully understand your question.

6 Q. You said that you know that there were others that came to see you. Who
7 were the others that came? You've mentioned Dieudonné Mbuna; who else?

8 A. They were the two who are found before you.

9 Q. When Mr Mbuna came to visit you in the morning did he -- was he alone
10 or was he with other people?

11 A. There was no other person with him but he told me that if certain individuals
12 came and he was not present I should not be afraid. That he would come to find
13 out about what had happened.

14 Q. And roughly how long did you meet with Dieudonné Mbuna that first time?

15 A. I do not fully understand your question. Could you please rephrase it?

16 Q. Roughly how long did that first meeting with Mbuna last? Do you remember
17 that?

18 A. I do not remember. All I know is that he came to my home in the morning
19 and we discussed and I don't know -- I cannot remember for how long the discussion
20 lasted.

21 Q. Did you know of this person beforehand, Dieudonné Mbuna?

22 A. It was the first time that I was seeing him.

23 Q. Did you hear that he was involved in the UPC from before?

24 A. No.

25 Q. When you met him were you there alone or was your wife also present?

1 A. We were all there it was in the morning, and it was before I left home
2 to go to work.

3 Q. And with yourself and your wife and Mr Mbuna present, what did Mr Mbuna
4 say to you?

5 A. I have already provided you with an answer. This gentleman came for about
6 two days, after another official of the Court had already come. That is what I
7 told you. And when this official came he spoke in English. I don't know what he
8 discussed with my wife because I was at work. What aroused certain fears was the
9 fact that I did not that he was coming. I don't whether it was he who went and
10 told him. Anyway, the latter gentleman tried to give some clarifications saying
11 that these people were not bad. That they were coming to ask us to tell the truth
12 as it was. That is what he came to tell me.

13 Q. When Mr Mbuna was speaking with you and your wife did he tell you -- did
14 he talk to you about your son's testimony?

15 A. He spoke about all of that. No. What do you mean? I told you that people
16 came from here on four occasions. The very first people who came, well, I did not
17 meet them; that much is clear. Later on someone came after the visit of the first
18 official. This took place in the morning. In the subsequent days he helped me.
19 He provided me with information to alert me that there were certain individuals
20 who were going to come and put questions to me. What exactly do you want me to
21 tell you? I can't get it.

22 Q. Did Mr Mbuna discuss with you and your wife what your son had said here
23 in court?

24 A. He could not discuss anything with the children. They are not involved
25 in such matters. I don't see what he could have discussed with the children.

1 Q. I wasn't asking you about whether he discussed with the children. My
2 question was: Did he tell -- did he talk with you and your wife, at that time he
3 came to your house, about your son's testimony here?

4 A. I said that he came to tell me that certain individuals who were going
5 to come to my home, that these individuals were not bad people; that I should not
6 have any doubts or any fears. That the person was going to come was not somebody
7 who was going to put me at risk. I have already told you that. But I don't know
8 how exactly you want me to answer this question.

9 PRESIDING JUDGE FULFORD: I think you've done that twice now, Mr Sachdeva,
10 if not three times. I think we now need to move on, please.

11 MR SACHDEVA:

12 Q. This meeting you had with Mbuna, was it -- if I suggest to you it would
13 have occurred in August or September 2009, would that be possible?

14 A. Earlier I said that I could not speak about dates with certainty. If
15 I start mentioning dates then I could mislead you because I cannot speak with certainty
16 about the month.

17 Q. And after the first time you had that meeting with Mbuna, how long after
18 did the other people that you referred to come and visit you? Was it a week later?
19 Was it two weeks later? Do you remember that?

20 A. In terms of weeks, I may not be sure, but I think it was after a certain
21 number of weeks.

22 Q. And at that meeting do you know how long it -- do you remember how long
23 it lasted for?

24 A. The questions that were put to me here are the same as those that have
25 already been put to me. Can they really be asked in a minute? It's a bit difficult

1 to tell you how long the questioning lasted for. Questions were put to me in detail,
2 the same questions that have been put to me, but I cannot give you an exact estimation
3 of the duration of our questioning or discussion.

4 Q. Were these the same questions that were discussed when you had that meeting
5 with Mbuna?

6 A. Mbuna did not ask me any questions. Mbuna did not ask questions. He came
7 merely to inform me that certain individuals were going to come, that the person
8 who was to come was not a bad person. Questions were put to me by the officials
9 of the court and not by Mr Mbuna. I hope you have understood that.

10 PRESIDING JUDGE FULFORD: I think we're really exhausting this,
11 Mr Sachdeva. Can we move on, please.

12 MR SACHDEVA:

13 Q. When you were questioned by the officials of the court were you with your
14 wife at the same time?

15 A. No.

16 Q. And, sir, do I take it, then, at this meeting with these officials from
17 the court, this was the first time that you had told someone that your son was not
18 in the -- had not been a child soldier in the UPC; is that right?

19 A. You said I gave this information to who?

20 Q. When you spoke to, as you've just been describing, the officials from
21 the court, was this the first time, then, that you told someone that your child
22 had not been a child soldier in the UPC?

23 A. I think that -- well, no one came to put this question to me, that is,
24 the question relating to whether or not my child had served as a child soldier.
25 Consequently, it was difficult for me to say that he had never been a child soldier

1 since nobody asked me that question. I'm afraid I didn't fully understand your
2 question.

3 Q. Does your wife have a younger brother?

4 A. No.

5 Q. Does your wife have any or do you have any family members that were in
6 the UPC?

7 A. No.

8 Q. It's right, isn't it, that you have been -- you have been in touch with
9 your son in the last three or four months by telephone; isn't that right?

10 A. Yes.

11 Q. And when you had that conversation with your son, you complained to him
12 or you wanted him to come back; isn't that right?

13 A. I'll get to that, but I would like to inform you that it was my son who
14 called me. He greeted me, and then he said that he wished to speak to his mother.
15 I told him that I was not at home, that I was in another neighbourhood. I asked
16 him to call around 8 p.m. However, he did not call again that day. The next day
17 I called him by phone, or on the phone. I dialled the same number, the number which
18 he had used to call me, and it was some other person who took the call and who asked
19 me who I was. I did not know who the person was, and so I put an end to the call.
20 And then on another day my son called me himself on the phone. It was a Friday.
21 And on Saturday afternoon I called him. On Sunday, while I was in church, he called
22 me, and I told him that I was in church. He said he wished to speak to his mother
23 and I called -- and I told him to call me around 8 p.m. because I was going to be
24 home at that time. However, he did not call again.

25 On that day I asked him why he had called using a number which I had tried

1 to use to call him and I got some other person, and he said he had called me from
2 a pay booth, and I told him not to call me from a pay booth again, that he should
3 use his own telephone number. So when he called me while I was at church and I
4 told to him call again, he did not call again.

5 On Monday, if I remember correctly, around 5 p.m., another individual
6 called me using a different number, a number that was different from the first and
7 the second numbers. In other words, they were using a third telephone number to
8 call me, and the individual was a woman. She greeted me and she said someone had
9 given her my number. She asked me whether it was indeed me at the end of the line
10 and I said yes, I was the one. And she told me if you are at home, could you please
11 give the phone to your wife, because I wish to speak to her. I asked her what she
12 wanted to talk about with my wife, and she answered saying that she wanted to discuss
13 with her and that it was nothing bad.

14 I told her that if there was no clear reason for the call, I would not
15 give the phone to my wife. I told her that I was in a different neighbourhood;
16 And even if I was at home, I would not give the phone to my wife without knowing
17 why they were calling her. I told her -- I asked her -- you called me a first time
18 and a second time, and the person who called me talked about my son. And now you
19 are calling me using a different number, and you wish to speak to my wife.

20 When my son called on Friday and I asked him to call again at 8 p.m. in
21 order to discuss with his mother, he did not call. And on Sunday, when he asked
22 me to hand the phone over to his mother - because he wished to speak to her - and
23 I suggested to him that he should call at 8 p.m., he did not call. And now you
24 are calling, and you are asking me to hand the phone -- the phone over to the mother
25 of my son. Why? The lady told me, I will discuss with the office and then I will

1 provide you with more information.

2 Q. I'm sorry to interrupt you, but during those phone conversations you said
3 that you spoke to your son, and can I ask you to answer the question: Did you ask
4 your son to come back during any of those phone conversations?

5 A. Yes.

6 Q. Did you tell your son that you were troubled by recent visits to the house,
7 people who were coming to talk to you and ask you questions? Did you explain that
8 to your son?

9 A. Could you make your question clearer, please? I do not understand it.

10 Q. Did you explain to your son about the recent visits that you had with
11 Dieudonné Mbuna and the other court officials?

12 A. No.

13 PRESIDING JUDGE FULFORD: Does this need to be in closed session,
14 Mr Sachdeva? From what I can see of the lights, I think --

15 MR SACHDEVA: No, Mr President, it does not. I had been looking at the
16 light, and I made a mistake understanding that "red" was for open session. I do
17 apologise.

18 PRESIDING JUDGE FULFORD: No. Red is -- all right. We are. No. You are
19 absolutely right, Mr Sachdeva. My criticism is quite ill-founded. We are in open
20 session. Good. Let's continue. Thank you.

21 MR SACHDEVA:

22 Q. Witness, the neighbourhood you live in currently - and I don't need you
23 to say the name - would it be correct to say that it's a close-knit community?

24 A. What family are you referring to or what persons are you referring to?
25 I did not fully understand.

1 MR SACHDEVA: Mr President, I want to discuss the witness's residence.

2 Can we move into private session, please?

3 PRESIDING JUDGE FULFORD: Private session, please.

4 *(Private session at 12.58 p.m.) Reclassified as open session

5 THE COURT OFFICER: We are in private session, your Honours.

6 MR SACHDEVA:

7 Q. Witness, the place where you live now, Quartier (Redacted)

8 (Redacted), is that -- what is that? Is that a housing complex, is it a street?

9 Can you tell us?

10 A. I live in the (Redacted) neighbourhood. I do not understand what you
11 want me to tell you with respect to the way the neighbourhood is constructed. Could
12 you make it clearer, please?

13 Q. You live in the (Redacted); is that right?

14 A. It is not (Redacted) but (Redacted). On that avenue you have (Redacted)
15 and (Redacted).

16 Q. And do you know how many residents or how many houses are there in (Redacted)
17 (Redacted), roughly?

18 A. There are many houses on the avenue. I cannot give you the precise number
19 of houses on an avenue; It is the chief, the chief of the avenue who could know,
20 not me.

21 Q. And as the neighbourhood chief of the avenue, is it fair to say that you
22 know the people who live on that avenue?

23 PRESIDING JUDGE FULFORD: Mr Sachdeva, first of all, that's self-evident.
24 Secondly, I'm not sure what the relationship between this witness and the other
25 people in his current neighbourhood has anything to do with the charges of enlisting,

1 conscripting and using child soldiers. How is this line of questioning going to
2 be of any assistance to us at all?

3 MR SACHDEVA: Mr President, I would like to explain, but with your leave
4 in the absence of the witness.

5 PRESIDING JUDGE FULFORD: We're not going to take up time, but I hope
6 it's justified, Mr Sachdeva. But before you continue, yes, Mr Desalliers.

7 MR DESALLIERS: (Interpretation) Yes, Mr President. I do not know quite
8 what is appearing in the English transcript, but what was translated into French
9 is that were I to have been a chief of the avenue, I would have been able to know
10 how many houses there were, which implies that he was not the chief of the avenue.

11 PRESIDING JUDGE FULFORD: Well, it's always good to get one answer in
12 one language and a completely different answer in another, Mr Desalliers. It keeps
13 us all on our toes. Right. It seems, therefore, Mr Sachdeva, that we shouldn't
14 work on the basis that the witness is the head of the area, because he may well
15 not be. But we do know there are lots of other people who live round and about.
16 So where are we going to now, please?

17 I must make an apology. It seems as though I misread the transcript.
18 Right. Well, it matters not. There are lots of houses around and about, Mr Sachdeva.
19 Where are we going?

20 MR SACHDEVA:

21 Q. Witness, do you know somebody called (Redacted)?

22 A. There might be a number of individuals who bear the first name of (Redacted)
23 in a given neighbourhood. I do not know the name (Redacted) I do know a person
24 by the name of (Redacted) living in our neighbourhood; that is to say, (Redacted)
25 neighbourhood. And (Redacted), whom I know, does not live in the neighbourhood

1 we are talking about now.

2 Q. And what about (Redacted)?

3 A. I do not really know this names. It is possible that I know an individual
4 by sight without knowing their name.

5 Q. How about (Redacted)?

6 A. I do not know him. There is somebody by the name of (Redacted) and not
7 (Redacted). I do not know his first name. However, this individual by the name
8 of (Redacted) lives on another avenue which is different from mine.

9 MR SACHDEVA: Mr President, we can move into open session, I believe.

10 PRESIDING JUDGE FULFORD: Thank you. Open session, please.

11 (Open session at 1.05 p.m.)

12 THE COURT OFFICER: We are in public session, your Honours.

13 MR SACHDEVA:

14 Q. Sir, you testified that your -- that you had a good relationship with
15 your son; isn't that right?

16 A. If I have already answered this question, why is it that you are asking
17 me to repeat my answer? On the two previous days of hearing, you put the question
18 to me and I answered you. I do not know why it is that we need to come back to
19 this issue.

20 PRESIDING JUDGE FULFORD: And I think that's right, Mr Sachdeva. If you're
21 suggesting he's already given that answer, then please don't ask the witness the
22 question a second time around. And in any event, I suspect given the history that
23 the witness has narrated, it cannot be as simply put as that, in any event. Now,
24 you've obviously got a point behind this. Could you move straight to it, please.

25 MR SACHDEVA:

1 Q. You said that your son set a good example for the rest of your children.
2 Why did you say that? What was it about his behaviour that set a good example for
3 the rest of the children?

4 A. I have already provided you with a response with reference to my son,
5 and you seem to have it before you. You probably know why it is that I gave the
6 answer you are mentioning. I do not understand, therefore, why it is you are asking
7 me once again whether I have a good relationship with my son. I would merely like
8 to say that there was no problem between us.

9 Q. My question was about the example that you said he set for the rest of
10 the children, and my question is what was it about your son's behavior that set
11 a good example to the rest of the children?

12 A. In my answer to you I said that he set a good example, because when we
13 asked him to do something, or when we sent him on an errand, he would do so without
14 any difficulty. That is an example for the younger ones who, when they see an elder
15 respecting the orders given by their parents, will then imitate or follow that example.

16 Q. You know that he is alone now without his immediate family; isn't that
17 right?

18 A. I believe I have already answered that question. I cannot know whether
19 what you are saying is true. Since he left, I have not seen him again. For example,
20 it is just like me sitting here at this moment; I am not with anybody from my family.
21 if he is in (Redacted) I would not know where he is.

22 Q. And is it your evidence that your son came here and testified over a number
23 of hours, was willing to be away from his family, a family that he lived with for
24 most of his life as you say, to come and lie about his participation as a soldier
25 in the UPC? Is that your evidence?

1 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers.

2 MR DESALLIERS: (Interpretation) Mr President, I apologise, but here we
3 are asking the witness to confirm what he said, so I don't quite recall what he
4 is referring to with reference to the confirmation that he is seeking. Could we
5 please have the reference.

6 PRESIDING JUDGE FULFORD: Mr Sachdeva, that is absolutely right. You've
7 already asked the witness if what he is -- if his evidence is that his son has given
8 false evidence, or given a false account, in having been a child soldier. The witness
9 has already confirmed that. You're taking us back there again. We've already dealt
10 with this.

11 MR SACHDEVA: Mr President, I wanted the witness to confirm this, his
12 evidence, in light of the considerable difficulty his son would have gone through.
13 That's merely what I was asking.

14 PRESIDING JUDGE FULFORD: Well, no, it doesn't make any difference. The
15 witness is saying that his son has given a false account in relation to having been
16 a child soldier. Whether it is his son has done that in circumstances of difficulty
17 or not, it's going to be extremely difficult for this witness to say because they
18 haven't been together and he doesn't know the detail of his son's circumstances.
19 Can we please move on to another point.

20 MR SACHDEVA: Mr President, may I have one moment?

21 Mr President, that's the examination.

22 PRESIDING JUDGE FULFORD: Thank you very much, Mr Sachdeva. If you do
23 have questions, Mr Desalliers, how long?

24 MR DESALLIERS: (Interpretation) Very briefly, Mr President. Two
25 questions.

1 Questioned by Mr Desalliers:

2 Q. Good morning, Witness.

3 A. Good morning, counsel.

4 Q. I'm going to be very brief. I just have two issues of clarification to
5 raise with you. You made mention of the fact last week, with regard to the question
6 put to you by the OTP, you talked about how you -- I apologise, Mr President. I
7 believe that we are going to have to go into closed session for these questions.

8 PRESIDING JUDGE FULFORD: Private session, please.

9 *(Private session at 1.14 p.m.) Reclassified as open session

10 THE COURT OFFICER: We are in private session, your Honours.

11 MR DESALLIERS: (Interpretation)

12 Q. So, when you entered into contact (Redacted) again -- I'm coming back to
13 this point, because it might be that there was an interpretation error and I am
14 merely asking you to explain to us a small point. It is when (Redacted) returned
15 from Kinshasa, could you explain to us once again where he went precisely and how
16 you managed to see him and put questions to him? And I'm sorry, Mr Witness, it
17 is merely because the answers might have been misinterpreted.

18 A. If I understood you correctly, are you talking about (Redacted)?

19 Q. I am talking about (Redacted), when he came back to the region, as to
20 where he settled and how it was that you went about entering into contact with him
21 once again and putting questions to him.

22 A. I said that, when (Redacted) came from Kinshasa, he came to Isiro and
23 then he went to Ituri. However he was not there; I tried to meet him with a view
24 to seeing how he was doing but he kept eluding me. This is why I sent my father-in-law
25 to call him and this is how I managed to have a discussion with him.

1 MR DESALLIERS: (Interpretation) Mr President, one moment, with your
2 leave.

3 Q. So, Mr Witness, when (Redacted) came back to Bunia, did he settle in the
4 town, or did he settle elsewhere?

5 A. He did not settle in Bunia. He went to (Redacted) -- a village by the
6 name of (Redacted) and I believe that to date this is where he is working as a farmer.

7 Q. Thank you. I would now like to put a question to you on the subject of
8 the two officials whom you met after having seen Mr Mbuna. You looked in our direction.
9 Were you looking at me and were you looking also in the direction of Maître Mabilille,
10 who is sat by my side here? Is that correct?

11 A. I said that I met two individuals, yourself and her.

12 Q. Thank you. So, my question is as follows. Before having met with us,
13 that is to say with myself and Maître Mabilille, did any other people at any time
14 whatsoever put questions to you with regard to the past of your son; that is to
15 say any other court officials? That is to say did anyone else, apart from myself
16 and Maître Mabilille, Mr Mbuna and other court officials, put any questions to you
17 with regard to the past of your son, or your son's past?

18 A. No.

19 MR DESALLIERS: (Interpretation) I have no further questions and I thank
20 you.

21 PRESIDING JUDGE FULFORD: Thank you, Mr Desalliers. Sir, it's taken
22 longer than probably you anticipated, but your evidence is now at a close. I want
23 to thank you for your patience, I want to thank you for your attendance at this
24 court and for having taken the time and trouble to come and give your account to
25 us. This court is only able to function if people like yourself are prepared to

1 make the sacrifice of travelling here to give evidence to us, and so you leave here
2 with our thanks for your assistance.

3 Closed session, please, so that the witness can withdraw.

4 *(Closed session at 1.20 p.m.) Reclassified as open session

5 PRESIDING JUDGE FULFORD: Yes, thank you, usher. I think the public
6 gallery is empty.

7 THE COURT OFFICER: We are in closed session, your Honours.

8 (The witness is excused)

9 PRESIDING JUDGE FULFORD: Mr Desalliers, we will leave it to you, really
10 in cooperation if possible with the Prosecution, to have a look overnight at the
11 interpretation issues that you raised with us earlier. It needn't be, as it were,
12 comprehensive, but if there are enduring difficulties then obviously they need to
13 be brought to our attention. Please bear in mind that quite often there is very
14 considerable rectification which takes place, which means that the realtime
15 transcripts and the edited transcript do not necessarily bear a huge amount of
16 resemblance to each other, but if significant errors in your view have crept into
17 the edited transcript then we particularly need to know about that.

18 MR DESALLIERS: (Interpretation) Yes, we shall do this as rapidly as
19 possible. Of course, we shall discuss with the OTP and it will help us to see the
20 differences between the French and the English especially. Of course, with regard
21 to the Swahili, this will necessitate more in depth work.

22 Now, my question to the Registry last week, they informed us that two
23 full days of hearings were going to be reviewed and we're going to do the same thing
24 on our side and we shall inform the Trial Chamber of the result as soon as is possible.

25 PRESIDING JUDGE FULFORD: Good. Can we make sure, please, that everybody's

1 reviewing obviously the same transcripts and we're not having different days reviewed.
2 Thank you very much. I think we're too late now to start your next witness,
3 Mr Desalliers. We'll commence him or her at 9.30 tomorrow morning, if that's
4 convenient with you.

5 MR DESALLIERS: (Interpretation) Yes, indeed, Mr President, I do believe
6 that it would be preferable to start with our next witness tomorrow. We also had
7 a request to put forward with regard to the Defence witness because once they have
8 testified we would like to be able to greet them and to thank them, and we wanted
9 to request leave of the Trial Chamber to have a brief encounter with the witnesses
10 and greet them once they have finished testifying, notably, with this witness.

11 PRESIDING JUDGE FULFORD: Mr Sachdeva, can you remind me what order we
12 made in relation to Prosecution witnesses in this regard? Have you been entitled
13 to meet with your witnesses once they've completed their evidence?

14 MR SACHDEVA: Indeed, Mr President, to thank them in the presence of the
15 VWU, yes. There is one concern, however, that the Prosecution would like to raise
16 and that is there is a related witness that is due to testify I believe in two or
17 three weeks' time, and of course it's essential that this witness does not discuss
18 his testimony at all with that witness, and the Prosecution is asking the Chamber
19 to have that reiterated in some form of an order to the witness, if possible so
20 as to ensure that nothing untoward will take place.

21 PRESIDING JUDGE FULFORD: Thank you, Mr Sachdeva. Mr Desalliers, I
22 imagine you don't mind the meeting and greeting taking place under similar conditions
23 as for Prosecution witnesses, and it would seem really to your advantage if a specific
24 message is given to this witness by a representative of the VWU that he must be
25 extremely careful not to discuss any element of his evidence with anyone but, most

1 particularly, with any relevant witnesses who are coming to give evidence hereafter.

2 And so I see you nod. Thank you.

3 We, therefore, expressly direct the Victims and Witnesses Unit at some
4 appropriate moment, possibly when Mr Desalliers and other members of his team meets
5 with the witness, to indicate to the witness that he must be very sure not to discuss
6 his evidence with anyone until the evidence in the case is complete but, most
7 particularly, with witness number?

8 MR SACHDEVA: One.

9 PRESIDING JUDGE FULFORD: Thank you. Particularly with witness number
10 one. Thank you very much. Anything else? No? Thank you all very much for your
11 attendance. Half past 9 tomorrow morning.

12 THE COURT USHER: All rise.

13 (The hearing ends at 1.26 p.m.)

14 CORRECTION REPORT:

15 The following modification has been made to the transcript:

16 * Page 21 line 7 "open session" is corrected by "Closed session"

17 RECLASSIFICATION REPORT

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