

Witness: DRC-OTP-WWW-0008 (Resumed) (Closed Session)
Procedural Matters

Page 1

1 International Criminal Court

2 Trial Chamber I

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

4 Case against Thomas Lubanga Dyilo

5 Hearing - *Closed Session Reclassified as Open session

6 Thursday, 26 February 2009

7 The hearing starts at 9.30 a.m.

8 COURT USHER: All rise. International Criminal Court is now in
9 session. Please be seat.

10 PRESIDING JUDGE FULFORD: Mr. Sachdeva, have we resolved
11 yesterday evening's problem?

12 MR. SACHDEVA: Good morning, Mr. President. We have indeed
13 resolved it, and the testimony can continue.

14 PRESIDING JUDGE FULFORD: Well, I don't know, but I would imagine
15 that that has involved a certain amount of work and goodwill on the part
16 of all involved, and if that suspicion is right, you have our unalloyed
17 thanks for having put in the time and effort to resolve the problem.
18 Thank you very much indeed.

19 Witness, please.

20 (The witness takes the stand)

21 WITNESS: WITNESS DRC-OTP-WWW-0008 (Resumed)

22 (Witness answered through interpreter)

23 PRESIDING JUDGE FULFORD: Good morning. Are you well?

24 THE WITNESS (interpretation): Good morning. Yes, I am well.

25 PRESIDING JUDGE FULFORD: Thank you very much. Mr. Lubanga.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 2

1 (Mr. Lubanga entered court)

2 PRESIDING JUDGE FULFORD: Public session or private session,

3 Mr. Bijou-Duval?

4 MR. BIJU-DUVAL (interpretation): Private session, please.

5 PRESIDING JUDGE FULFORD: Can we --

6 MR. BIJU-DUVAL (interpretation): Close session, rather.

7 PRESIDING JUDGE FULFORD: -- into private session. So blinds up
8 but private.

9 THE INTERPRETER: Closed session says the interpreter.

10 *(Private session) Reclassified as Open session

11 COURT OFFICER: Private session.

12 PRESIDING JUDGE FULFORD: Yes, Mr. Bijou-Duval.

13 MR. BIJU-DUVAL (interpretation): Thank you, Mr. President.

14 Questioned by Mr. Bijou-Duval: (Continued)

15 Q. Good morning.

16 A. Good morning, sir.

17 MR. BIJU-DUVAL (interpretation): To simplify things, I would
18 like us to put the witness as statement on -- of July 2005 on the desk in
19 front of him, the application for participation of the victim and
20 supplementary information to the application for participation, so that
21 he can access it very quickly during my examination.

22 Q. Sir, when you were interviewed in July 2005 by the OTP's
23 investigators, you gave (Redacted) as a place of birth. Do you remember that?

24 A. At the time, I didn't know where I was born.

25 Q. Could you look at the first page of the transcript of the

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 3

1 interview. It is called "Transcript of Witness Statement," and then
2 place of birth -- or "Information on the Witness."

3 So at the top, on the right-hand side where it says, "place of
4 birth," it is written (Redacted); correct?

5 A. Yes.

6 Q. Could you look at paragraph 11 on the third page under "Civil
7 Status." Have you found it?

8 A. Yes.

9 Q. I'll read the first sentence:

10 "My name is (Redacted). I was born in (Redacted)
11 Collectivite, (Redacted) territory, Ituri District, Province Orientale, in the
12 Democratic Republic of the Congo."

13 Can you see that?

14 A. Yes.

15 Q. So when you were interviewed July 2005, you said without
16 hesitating that you were born in (Redacted); correct?

17 A. I said that because I hadn't yet checked my school papers which
18 gave me the place I was born.

19 Q. You say -- you're saying that you didn't know where you were born
20 at the time when you were interviewed in 2005; correct?

21 A. Yes, correct. I didn't really know, in truth.

22 Q. So why did you indicate you were born in (Redacted)? Why didn't you
23 say, "I don't know where I'm born"?

24 A. I said (Redacted) because it was the place my parents were, and it's a
25 place that was well known by the area our (Redacted) families are located in.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 4

1 Q. Your parents, have they -- did they always live in (Redacted)?

2 A. We are nomadic people. We're everywhere. My parents sometimes
3 change places.

4 Q. So why did you locate them in (Redacted) specifically? Why did - as
5 if that was their village of origin?

6 A. Well, that was their village of origin because it's the place I
7 knew when I went to do my military service. When I did the military
8 service, it's the village I remembered.

9 Q. Well, I would like to understand what you have just said
10 correctly. Do I understand correctly that you gave (Redacted) as a place of
11 birth because it's where your parents and you yourself were when you went
12 to do your military service. Correct or am I wrong?

13 A. I didn't understand the question correctly.

14 Q. I'm trying to understand better why in July 2005 you told the
15 Prosecutor's investigators that your place of birth was (Redacted). That's
16 what I'm trying to understand.

17 A. Well, the answer I could give you is this: If somebody is too
18 young, they can't know everything about their identity. They can't know
19 their village or their place of origin nor the place of origin of their
20 parents or where they were born.

21 Q. So you're saying that you didn't -- you don't or didn't know
22 where you were born in 2005. Very well. But why did you give (Redacted) as a
23 place of birth? Either you know that that's your place of birth or
24 there's another reason for it.

25 PRESIDING JUDGE FULFORD: Well, I'm going to interrupt. The

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 5

1 witness has now given in some detail the reasons why he gave (Redacted) as his
2 place of birth. He said that it's a place -- the place where his parents
3 were, it's an area known by the (Redacted) families, it's the place which was
4 the village of origin of his parents, and it's the place that he knew
5 when he went to do his military service. Now, he's given -- he's given
6 those answers. Are you now asking him to give the answers all over
7 again, because really I think repetitive questioning of that kind is not
8 helpful.

9 MR. BIJU-DUVAL (interpretation): When -- well, I will move on
10 with this issue of the date of -- place of birth and approach it from a
11 different angle.

12 Q. Witness, sir, and perhaps with the assistance of our Court
13 Officer, could you please look at the application for participation as a
14 victim. Can you see the document? The first page has the heading of the
15 International Criminal Court with the title "Pre-Trial Chamber." Can you
16 see that? And then you go to page 5.

17 On page 5, on the top at the left, Section A, "Information on the
18 Victim." Can you see that?

19 A. I can't see.

20 MS. MASSIDDA: There is an easy reason why the witness is not
21 looking at the right page. It's because the number -- the actual number
22 of the page is page 3, but the number in the CMS registration is 5.

23 MR. BIJU-DUVAL (interpretation): It's the fifth page of the
24 document, but it's true and that's why it's difficult to handle this
25 document. It's page 3 of the application form for participation, fifth

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 6

1 page of the document.

2 PRESIDING JUDGE FULFORD: Before the Court Officer comes back, is
3 this the only page we're going to be looking at, Mr. Biju-Duval, or are
4 there going to be a number of pages from this document, because I'll ask
5 the Court Officer to stay with the witness if we're going to be moving to
6 other pages.

7 MR. BIJU-DUVAL (interpretation): Well, there'll be another page,
8 actually.

9 PRESIDING JUDGE FULFORD: Court Officer, just for a moment take a
10 seat by the witness then.

11 And just before we proceed with this, as a matter of convenience
12 for us, when hard copies are made of documents to provide them to
13 witnesses, can three additional copies please be made for the Bench as
14 well, particularly if there's the risk that some of these documents will
15 not appear on the screen for whatever reason. It means that we're having
16 to listen to this evidence without the documents before us.

17 Now, it doesn't matter for this. We'll manage. But in future,
18 any document copied for a witness must automatically be copied three
19 times additionally for the Judges. But please carry on, Mr. Biju-Duval.

20 MR. BIJU-DUVAL (interpretation): Thank you, President. You
21 might be able to show this page on the screen.

22 PRESIDING JUDGE FULFORD: (Microphone not activated)... thanks.

23 MR. BIJU-DUVAL (interpretation):

24 Q. Can you see at the bottom of the page where it says "Place of
25 birth"? It is written "(Redacted)"; correct? Can you see it?

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 7

1 A. Yes.

2 Q. When did you find out that your place of birth was (Redacted) and
3 not (Redacted)?

4 A. At that time I was trying -- I didn't have any information. I
5 was wondering if it was (Redacted), and so I said it was (Redacted)
6 because I was trying to get more information.

7 Q. Thank you. Could you now move to the 20th page of the document.

8 MR. BIJU-DUVAL (interpretation): We'll need the Court Officer's
9 assistance for this. Page 20 is after the number ICC, et cetera. And
10 it's DRC-OTP-0206-0335.

11 Q. Can you see? It is a certificate of birth for a child.

12 A. Yes.

13 Q. Did you obtain this certificate of child birth?

14 A. I don't remember.

15 Q. On the document you can see the father's name. This document is
16 about you; correct? I'd like to ask my question again.

17 It is a birth certificate about you, isn't it?

18 A. Yes.

19 Q. So you can see the father and mother's name; correct?

20 A. Yes.

21 Q. Those two names are different as opposed to the names you gave at
22 the beginning of this hearing, or at least different in part; correct?

23 A. They're not very different, because my father's name is exactly
24 the name I gave, and my mother's name, well, I said in our family we were
25 given several names, and that is why one person can't have one specific

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 8

1 name.

2 PRESIDING JUDGE FULFORD: The document isn't up on the screen.

3 You've suggested there are different names, but the Chamber is unaware as
4 to what those different names are. Now, if you want us to engage in the
5 exercise of comparison, you're either going to have to read them out or
6 find some other solution, but at the moment this is for us a complete
7 mystery.

8 MR. BIJU-DUVAL (interpretation): I think the best would be to
9 put the document on screen, which I think is possible. So I suggest we
10 put the document number DRC-00132-015 on screen. Sorry, forgive me. I
11 wanted to put a more legible document on screen but, anyway,
12 DRC-OTP-0206-0335.

13 PRESIDING JUDGE FULFORD: Yes, Mr. Bijou-Duval.

14 MR. BIJU-DUVAL (interpretation): I don't know if the document is
15 on screen. Yes. Very well.

16 Q. Now, concerning your name, what we can see also is that it is
17 written (Redacted) on the birth certificate, not (Redacted) (phoen);
18 correct?

19 A. Yes.

20 Q. Yesterday, you told us that the name (Redacted) was the official
21 name that you used or that was used to -- for you to register you in, for
22 instance, a school.

23 A. Yes.

24 Q. So if I've understood correctly, it's your official surname which
25 was used for official or administrative matters.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 9

1 A. Yes. We were given several names. In our family we were given
2 several names and that wasn't a problem.

3 Q. When the Prosecutor heard you in 2005, you didn't give the name
4 (Redacted), did you?

5 A. I didn't give it because it wasn't the school. It was a hearing.
6 That's why I gave an easier name.

7 Q. You don't give it either in 2006 when you filed an application to
8 participate as a victim; correct? Was that for the same reasons?

9 A. Sorry, I didn't understand your question.

10 Q. We were talking about this application to participate as a
11 victim. The form is just next to you. We have already looked through
12 it. It is dated 24 May 2006.

13 When you filled in the form, you didn't give the name (Redacted),
14 did you?

15 A. I didn't mention the name (Redacted), because when I started I gave
16 the name (Redacted). So that's why I wanted to continue with the same name.

17 Q. Thank you. Do you remember being examined again in October 2007
18 for additional information concerning your application to participate as
19 a victim; correct?

20 A. Maybe I did that, but I don't know really remember.

21 Q. If you want, you can refer to the three-page document next to you
22 entitled "Additional Information Concerning the Application for
23 Participation of Applicant."

24 PRESIDING JUDGE FULFORD: (Previous translation continues) ...
25 witness to look at the document. If that's your positive request,

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 10

1 Mr. Biju-Duval, I'm going to ask the Court Officer, please, to go over to
2 make sure the witness is looking at the right page.

3 MR. BIJU-DUVAL (interpretation):

4 Q. During this interview you didn't mention the name (Redacted) either,
5 did you?

6 A. I can't find where this name is written.

7 Q. During the interview you kept using the name (Redacted), but
8 you did not use the name (Redacted); is that correct? Look at the last page
9 of the document if you will, the two last lines: "I, undersigned, (Redacted)
10 (Redacted)," and so on and so forth.

11 A. I wanted to continue using the same name because I was used to
12 it.

13 Q. Thank you. Did you give the name (Redacted) to the representatives
14 of the Prosecutor's Office who questioned you in January 2008 during an
15 interview that was recorded, or did you continue with the identity of
16 (Redacted)?

17 A. You can verify in the documents which name I used.

18 Q. Your name is not in these documents. What I'm asking is whether
19 during this meeting, whether you recall, and if it's correct or not,
20 whether you mentioned the name of (Redacted) at that time.

21 A. I can't give you the name if the question had not been put to me.
22 I can't give you a name like that if I hadn't gotten that question.

23 Q. Thank you. But there's something I better want to understand.
24 When you appeared in this Chamber and when you were asked your identity,
25 without any hesitation you gave the name (Redacted). So my question is:

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 11

1 How is it that this did not occur during the previous interviews that you
2 had with other people from the ICC?

3 MS. MASSIDDA: Sorry to interrupt you, my learned colleague, but,
4 actually, it's not what the witness has declared. In the transcript of
5 yesterday hearing, at page 4, line 3, when the witness was questioned
6 about his name he was saying: "I am (Redacted), and (Redacted) is also
7 my name."

8 PRESIDING JUDGE FULFORD: Please proceed, Mr. Biju-Duval.

9 MR. BIJU-DUVAL (interpretation): I don't think it's necessary to
10 come back to what the witness has just said.

11 Q. After having pointed out (Redacted) in the line 20 of the
12 French transcript:

13 "Can you give your full name?

14 "My name is (Redacted). Do you want the name of the town
15 where I was born?"

16 So, Witness, the question is still the same. Without any
17 hesitation appearing before the Judges of the International Criminal
18 Court, you introduce yourself as (Redacted). Can you please explain
19 why you did not introduce yourself the same way in the past during the
20 other interviews that we mentioned?

21 A. I have no explanation for this. I can respond to all of these
22 names. All of these names are my names, so it's difficult for me to
23 answer.

24 Q. Thank you. Let me put the question a different way. As far as
25 you know, regarding the name (Redacted), is this a name that you find in the

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 12

1 (Redacted) community?

2 A. Yes. You find this in the (Redacted) people but also in our tribe. If
3 these names were given to you by a person and at your birth there is a
4 person there, he has the right to give you this nickname.

5 Q. We want to be clear here. I heard that this would be a nickname.
6 I want to be clear. Are we talking about a nickname or a name?

7 A. It's not a nickname. It's a name that a person from my tribe can
8 give you when you're born.

9 Q. Thank you. You said that you learned recently - I'm not going to
10 mention the circumstances surrounding this - that your exact date of
11 birth was the (Redacted), 1989, and not, as is indicated in the
12 documents, the (Redacted), 1991.

13 Now, I'd like to have from you the proper birth date and the
14 reasons why you feel one date is the right one and the other is not.

15 A. Now I can tell you that the (Redacted) 1989 is the right one
16 because it's on my school documents. I referred to my school record,
17 because these school records gave me the proper birth date.

18 I don't know if they made me younger than I really am, but that's
19 on the school records.

20 Q. Thank you. You've said that you have siblings, brothers and
21 sisters.

22 A. Yes.

23 Q. Could you give us their names?

24 A. I forget their names.

25 Q. Don't be worried about giving these names. We are in a closed

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 13

1 session and no one else other than the people here will learn of these
2 names. So if you are worried -- if that's the reason why you're not
3 giving the names, don't worry.

4 Can you tell us the names of your brothers and sisters?

5 A. I'm not frightened, but I forget the names. I can't give you
6 names I've forgotten. I haven't seen them in such a long time.

7 Q. How long has it been since you've been separated?

8 A. I don't know if it's really important that I say it here.

9 PRESIDING JUDGE FULFORD: (Previous translation continues) ...
10 would help if you could, please.

11 THE WITNESS (interpretation): It was after the battle when I
12 entered the programme. I no longer had the opportunity to see them
13 again.

14 MR. BIJU-DUVAL (interpretation):

15 Q. "When I entered the programme." Are you speaking, then, of being
16 taken under the wing of the International Criminal Court? Is that what
17 you're mentioning when you talk about a programme? You're talking about
18 the ICC programme?

19 A. Regarding the protection programme. That's why also I didn't see
20 them, but it's also been a very long time since I've seen them.

21 Q. Now, your parents, your mother and father. Have you been
22 separated, and if in the affirmative, if when, from and until when?

23 A. After the hostilities I became separated from my parents, and
24 then I went to a NGO, and then it's been a long time after that that I
25 went into the protection programme.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 14

1 Q. I'm sorry, this is not very clear for me. Yesterday, you
2 described your life in the UPC army, and when you left the UPC, as you've
3 pointed out, did you meet up with your parents?

4 A. I escaped and I went into hiding, and then directly I went to the
5 NGO.

6 PRESIDING JUDGE FULFORD: (Previous translation continues) ...
7 described by the witness is relatively clear. He said in the combination
8 of yesterday and today, is that following his departure from the UPC, he
9 hid in a woman's home, then he went to a NGO who provided assistance to
10 child soldiers, and then he entered the protection programme. That's the
11 chronology. So I think it's probably unfair to say it's unclear. I
12 think the witness's account is clear.

13 MR. BIJU-DUVAL (interpretation): Yes, Mr. President, but the
14 thing that's not clear for me is whether he saw his parents again or not
15 after leaving the UPC.

16 Q. Right, Witness?

17 A. I don't recall very well because it's been a very long time, and
18 I can't recall those events.

19 Q. When was the last time that you saw your parents? Can you
20 remember that?

21 A. I don't remember.

22 Q. You don't recall seeing your parents after you left the UPC; is
23 that correct? You don't know whether you saw them or not. Is that what
24 you're giving testimony to?

25 A. I don't remember.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 15

1 Q. And as to your brothers and sisters, did you see them again or
2 not after leaving the UPC?

3 A. I never met them again.

4 Q. Did you attempt to contact them again?

5 A. I did attempt, but the programme was very compact and that didn't
6 allow me to see them again.

7 Q. You mentioned an NGO that "took me under its wing after leaving
8 the UPC."

9 Let me put the question differently. I apologise.

10 When you left that NGO, were you taken in by your family members?

11 A. Afterwards I was reunited with family members.

12 Q. Can you recall the names of the family members who took care of
13 you at that point?

14 A. No. I forget the names.

15 Q. Are you familiar with the person whose name is (Redacted)
16 (Redacted)? I'm going to spell it (Redacted)
17 (Redacted)?

18 A. Yes, I'm familiar with that name.

19 Q. Who is it?

20 A. My (Redacted) uncle.

21 Q. Did he take care of you coming out of the NGO?

22 A. I don't remember very well. I can't be specific.

23 Q. Are you familiar with the person named (Redacted)
24 (Redacted)?

25 A. I think I'm forgetting names. I can't remember all the names of

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 16

1 the family members.

2 PRESIDING JUDGE FULFORD: (Previous translation continues) ...

3 the investigation of family names. I just want to make sure that this

4 is -- that this is relevant given the witness has stated that he's having

5 difficulty with names. I just want to make sure that this is justified.

6 MR. BIJU-DUVAL (interpretation): I want to be clear on some very

7 important details of the narrative, and the end of the witness's

8 narrative yesterday, it ended with this episode of being taken care of

9 and the NGO, and I wanted to obtain a concrete specific detail about this

10 important stage, because it was the final stage as far as we're

11 concerned, but I won't go further than that.

12 PRESIDING JUDGE FULFORD: (Previous translation continues)...

13 Mr. Biju-Duval.

14 MR. BIJU-DUVAL (interpretation):

15 Q. In closed session, because these are personal details, I'd like

16 to look into your school years with you. You've indicated that you

17 attended, first of all, the (Redacted), primary school; is that

18 correct?

19 A. Yes.

20 Q. This is a (Redacted) school, is it not? I didn't hear the

21 answer.

22 A. Yes, it is indeed a (Redacted) school.

23 Q. You consider yourself which -- part of which religion?

24 A. At that time we were not practising a religion. I studied in a

25 (Redacted) school, but I was not at all aware of practising a religion.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 17

1 Q. Thank you. So when you were at the (Redacted) school in (Redacted), where
2 did you live?

3 A. I don't recall. I attended the (Redacted) school, but I don't
4 remember where we lived.

5 Q. Whom did you live with, with your family, your parents, with
6 other people?

7 A. I lived with my family.

8 Q. With your parents? Is that what you're saying? Your mother and
9 father?

10 A. Yes.

11 Q. You say you don't correctly recall where you lived, but was it
12 (Redacted)?

13 A. Yes, it was in (Redacted).

14 Q. Thank you. You said that later on you went to a (Redacted) school.

15 A. Yes.

16 Q. Were you still living in the same place? Where did you live?

17 A. We did not move, but we went to live with some family members,
18 and we took advantage of that to study there.

19 Q. Were you still living with your mother and father?

20 A. At that time I went to live with a member of my family in (Redacted).

21 Q. Why did you leave the (Redacted) school in (Redacted) to go to (Redacted)?

22 A. It was commonplace to go visit family members. Sometimes when we
23 visited family members they could ask you to stay on longer and that's
24 why I studied there.

25 Q. And your parents remained in (Redacted) then?

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 18

1 A. Yes.

2 Q. For the end of the primary school cycle you went to the (Redacted)
3 school; is that correct?

4 A. Yes.

5 Q. And you -- where did you live then at that point?

6 A. I lived in (Redacted).

7 Q. Did you live with your mother and father?

8 A. There I was living with my own parents.

9 Q. Is it true to say that the village of (Redacted) is close to
10 (Redacted), not far away?

11 A. It's not very far from (Redacted).

12 Q. I think you yourself said that it was (Redacted) yesterday. Are
13 we to understand that it is very close to the town? It's very close,
14 isn't it?

15 A. Normally (Redacted) is in (Redacted), and it is close to (Redacted), but it
16 is -- it is (Redacted) but is not located in the (Redacted). If
17 you look at the map of (Redacted), you will see yourself that (Redacted) is
18 located in (Redacted) and not close by.

19 Q. Might one say that (Redacted) is located halfway between the town of
20 (Redacted) village?

21 A. Yes. Yes. It's in -- at the midpoint between (Redacted) and (Redacted).

22 Q. Thank you. You then go on to continue your schooling at the
23 (Redacted) school in (Redacted); isn't that right?

24 A. Yes.

25 Q. At that point in time where were you living?

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 19

1 A. I was still in my parents' home, but I attend that school.

2 Q. In your parents' home? That means in (Redacted); is that right?

3 A. Yes.

4 Q. And at that point in time your parents were living -- they had
5 their home in (Redacted); is that right?

6 A. Yes.

7 Q. I'm going to turn to -- no. Excuse me. Just another question,
8 another point. So you have said that you left, that there was a break in
9 your studies because of the war; is that not so?

10 A. Yes.

11 Q. At that time you left. You abandoned your schooling at the
12 (Redacted), and you left your home in (Redacted); isn't that right?

13 A. Yes.

14 Q. Is it possible for you to establish at what point in time that
15 event took place; that is to say, at what point in time you left your
16 home because of the war? Is there a reference point that would allow you
17 to establish when that was?

18 You told us that you were abducted early in 2003, at the
19 beginning of 2003. That's what you said yesterday.

20 A. Yes.

21 Q. How much time before that approximately did you leave (Redacted)?

22 A. I can't say exactly, but when I got there it was not long before
23 the war broke out.

24 Q. All right. Now, you have satisfied -- or, rather, another
25 question. When you left (Redacted), did you go directly to (Redacted) village?

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 20

1 A. Yes. I went directly there.

2 Q. With your parents?

3 A. Yes.

4 Q. When you arrived in (Redacted) with your parents, were your
5 brothers and sisters with you?

6 A. Yes, my brothers and sisters were there too.

7 Q. Did your parents enroll you in the school?

8 A. Yes, they enrolled me in the school.

9 Q. At school in (Redacted). Is that so?

10 A. Yes.

11 Q. Thank you. At that point in time, the school year had already
12 begun; is that not so?

13 A. Yes.

14 Q. And you went to school in (Redacted) for how much or how long?

15 A. As I mentioned, we didn't do much time there before the war broke
16 out.

17 Q. I thought I understood yesterday that you had to abandon your
18 studies because of your abduction; is that not so?

19 A. Yes.

20 Q. So before your abduction you were attending school in (Redacted);
21 is that right?

22 A. Yes.

23 Q. And I must apologise in advance for putting the question again.
24 Were you abducted -- you went to school. You followed classes in
25 (Redacted) school; that is to say, you had lessons and you followed a

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 21

1 curriculum during a certain period of time before you were abducted. If
2 possible, could you indicate to us how long you were -- you attended
3 school in (Redacted)?

4 A. Yes. I went to school there.

5 Q. For three weeks or a month? Two weeks, two months? Have you an
6 idea of how long that was?

7 A. I don't remember how long I spent there.

8 MR. BIJU-DUVAL (interpretation): Your Honour, I think we can
9 move back into open session.

10 PRESIDING JUDGE FULFORD: Thank you very much, Mr. Biju-Duval.
11 Open session, please.

12 (Open session)

13 COURT OFFICER: Open session.

14 MR. BIJU-DUVAL (interpretation): Thank you.

15 Q. I would now like to better understand with your help the episode
16 of your abduction. Now, I'm not going to give the name of the village
17 where it happened, and I suggest that you, too, be careful not to mention
18 the name of the village.

19 When you were taken away by the UPC soldiers, was it at a time
20 when there were lessons going on at school? I mean to say, was it during
21 the school week or was it during a holiday period?

22 A. It was during the school days, and we were afraid because there
23 were rumours going around that children were being abducted, and it --
24 yes, was certainly while school was still going on.

25 Q. Thank you. So you said yesterday that UPC soldiers arrived in

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 22

1 the village. At that point in time, as you remember it, where were you,
2 in what place? Were you in school? Were you at home or in another
3 place?

4 A. I was in school, and when we heard that the soldiers had arrived,
5 we fled home because our home was not far from school.

6 Q. Did the soldiers enter the school?

7 A. They came very close to the school. We saw them and that's when
8 we ran off.

9 Q. You were -- it was during a lesson? Were you still in the
10 classroom or were you outside the school?

11 Sorry, allow me to be more specific. Were you inside the
12 classroom or outside the classroom?

13 A. We were in the classroom. Our teachers were also afraid, because
14 they knew the soldiers were about to arrive.

15 Q. How did they know that?

16 A. Because for a long time they had been saying that they would come
17 to abduct children.

18 Q. They. Who are "they," the soldiers or the teachers?

19 A. The soldiers and the commanders.

20 Q. But who did they say that to, when?

21 A. Well, I can't be specific about that because it's the adults, the
22 grownups, who had that information.

23 Q. Thank you. The village school where you were, is it on the main
24 road, the main street of the village, or is it located at another place?

25 A. I don't remember the location exactly.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 23

1 Q. I'm going to ask you to place yourself in the position. Imagine
2 that you were arriving into (Redacted) village on the Bunia road. Imagine that
3 you're arriving into (Redacted) village. Now, my question is: Is the school
4 located in the main street, or do you have to turn off to the right and
5 take a path or turn off to the left and take a path? Can you indicate to
6 us in that way where you would situate or you believe (Redacted) school
7 is located?

8 PRESIDING JUDGE FULFORD: I think you've mentioned a particular
9 name half a dozen times, Mr. Bijou-Duval. We'll need redactions for each
10 and every one. Thank you.

11 MR. BIJU-DUVAL (interpretation): I'm absolutely sorry about
12 that.

13 PRESIDING JUDGE FULFORD: Don't worry.

14 Now, I think you're being asked to describe where the school is
15 if you arrive in the village on the Bunia road. Are you able to help us
16 at all with that?

17 THE WITNESS (interpretation): I can remember that the school was
18 in the centre.

19 MR. BIJU-DUVAL (interpretation):

20 Q. Do I understand rightly that to your mind the school is located
21 in the centre of the village, on the main road; is that right?

22 THE INTERPRETER: The interpreter has not heard the witness's
23 answer.

24 MR. BIJU-DUVAL (interpretation):

25 Q. The interpreter didn't hear your answer. Could you answer again?

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 24

1 A. It's located in the centre.

2 Q. To go to the school, do you walk past any particular public
3 buildings?

4 A. There are no big buildings in (Redacted).

5 Q. Do you know or could you specify the place where the -- the
6 notables, the important people in (Redacted), meet?

7 PRESIDING JUDGE FULFORD: More redactions, please.

8 THE WITNESS (interpretation): I don't have enough details to
9 specify where that place is.

10 MR. BIJU-DUVAL (interpretation):

11 Q. When you come from Bunia or (Redacted), as you did your parents, do
12 you know the route you have to take to get to that village and how long
13 that takes?

14 A. Normally to go to (Redacted) from (Redacted), you go down and you
15 arrive in (Redacted).

16 Q. Thank you.

17 MR. BIJU-DUVAL (interpretation): With your leave I just need one
18 moment.

19 (Defence counsel confer)

20 MR. BIJU-DUVAL (interpretation):

21 Q. Do you remember where the village church is located?

22 A. As regards the church, I don't remember, but I remember it's not
23 far from there.

24 Q. Not far from what place?

25 A. Not far from the school.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 25

1 Q. And as regards your house, the house where you lived with your
2 parents at that time, where was that located?

3 A. It was located not far from the school.

4 Q. And do you have to go along by public buildings?

5 A. I don't remember if there were public buildings.

6 Q. Do you remember where the police station was?

7 A. I don't remember.

8 Q. Are there many roads in the village? How many roads do you
9 remember in the village?

10 A. I don't remember the roads, but I know that there were not many.

11 Q. Were there several?

12 A. There weren't many.

13 Q. How are the houses built in the village? What I mean is are they
14 made of earth or of stone or of bricks or other materials? Let's take
15 the example of the houses on the main street of the village. Do you
16 remember what they looked like?

17 A. Houses like the church were built with corrugated iron. Other
18 houses were in straw or of straw.

19 Q. I'm talking about the houses or the buildings on the main street,
20 and you said that they are built either of corrugated iron or of straw,
21 is that right, or do you want to be more specific?

22 Perhaps I should also mention that I'm not only talking about the
23 roofs but also the walls.

24 A. Houses like the church are built of earth.

25 THE INTERPRETER: The interpreter has not understood the last

Witness: DRC-OTP-WWW-0008 (Resumed) (Closed Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 26

1 part of the witness's answer.

2 MR. BIJU-DUVAL (interpretation):

3 Q. The interpreter didn't understand the last part of your answer.
4 Could you repeat it. You said that the houses, like the buildings, are
5 made of earth, but we didn't hear the end of your answer.

6 A. The houses are built of earth and corrugated iron, and some of
7 straw, but all the walls are of earth.

8 PRESIDING JUDGE FULFORD: We'll return to the construction of
9 this village after a break.

10 You've been giving evidence now for an hour and a half, and we're
11 going to give you a break now. We'll sit again at half past 11.00.

12 Can we go, please, into closed session so that the witness can
13 withdraw, and would Mr. Lubanga be so kind as to step the other side of
14 the door.

15 (Mr. Lubanga withdrew)

16 *(Closed session) Reclassified as Open session

17 COURT OFFICER: Closed session.

18 PRESIDING JUDGE FULFORD: Thank you very much. Usher, if you
19 could take the witness.

20 (The witness stands down)

21 PRESIDING JUDGE FULFORD: Half past 11.00.

22 Recess taken at 11.00 a.m.

23 On resuming at 11.32 a.m.

24 COURT USHER: All rise. Please be seated.

25 PRESIDING JUDGE FULFORD: Witness, please.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 27

1 (The witness takes the stand)

2 PRESIDING JUDGE FULFORD: Public session, please.

3 (Mr. Lubanga entered court)

4 (Open session)

5 COURT OFFICER: Open session.

6 PRESIDING JUDGE FULFORD: Yes, Mr. Bijou-Duval.

7 MR. BIJU-DUVAL (interpretation): Thank you, President. I would
8 like very briefly to come back with only one or two questions on a
9 document we went through earlier, the birth certificate for a child. I
10 don't want to go into the content thereof, so we don't need to be in a
11 closed session, but I would like to give the witness a version which is
12 easier to read. The number DRC-OTP-00013-2015, and it can be shown on
13 screen. It's the same document but in a more legible version. I would
14 also like to give the witness a paper copy. It shouldn't appear on
15 external screens. The document shouldn't appear on the screens to the
16 outside.

17 COURT OFFICER (interpretation): Could you please repeat the
18 number of the document.

19 MR. BIJU-DUVAL (interpretation): DRC-OTP-0013-2015. It's the
20 number of the bar code. The document itself is confidential, so please
21 do not show it on the external screens.

22 Q. Witness, the document is before you now. Is the document -- or
23 was it drafted in your presence?

24 A. Maybe at the Registry office, but I wasn't there personally.

25 Q. Thank you. To your knowledge, was the document drafted in the

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 28

1 presence of your mother or father?

2 A. There was a member of my family there.

3 Q. Who was neither your mother or your father; correct?

4 A. Yes.

5 Q. Thank you. I don't have any more questions on this document.

6 I would now like to come back upon your abduction. You told us
7 before the break that you were in the classroom and that as such in the
8 classroom you saw the soldiers arrive; correct?

9 A. Yes.

10 Q. So at that time what happened? What did you do?

11 A. We were in the classroom. We saw the military come and take the
12 children. We fled. Each of us fled towards their house, and I went to
13 our home, and the soldiers followed us into our home, and there they took
14 me. They found my parents, and they asked my parents not to say
15 anything, that if they dared say anything they would be hurt or even
16 killed.

17 Q. Thank you. When you see the soldiers, are you -- do you see them
18 for the first time then?

19 A. Yes, it was the first time I saw them arrive.

20 Q. Had you been informed of the fact that they were already present
21 in the village earlier on in the day, or did you just find out about
22 their presence at that time when you were in the classroom?

23 A. We were in the classroom, and then we noticed them from the
24 classroom.

25 Q. Thank you. So I understand it's at that stage that you found out

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 29

1 about their presence in the village; correct?

2 A. Yes.

3 Q. Thank you. And you -- you said to us, "We fled." Did the

4 schoolteacher say anything at the time? What was their attitude?

5 A. Well, he was afraid and had asked us earlier to be careful. Even
6 the parents had asked us to be careful. And when the events took place,
7 he didn't react because everyone fled their own way. He wasn't left with
8 anything to do.

9 Q. Do you remember the name of that schoolteacher?

10 MR. BIJU-DUVAL (interpretation): Sorry, sorry. This question
11 should be answered in closed session, so perhaps we could move to a close
12 session briefly just for a couple of questions along these lines.

13 PRESIDING JUDGE FULFORD: Private session, please.

14 *(Private session) Reclassified as Open session

15 COURT OFFICER: Private session.

16 PRESIDING JUDGE FULFORD: Yes, Mr. Bijou-Duval.

17 MR. BIJU-DUVAL (interpretation):

18 Q. So we're in closed session. Could you give us the name of the
19 schoolteacher?

20 A. Well, a long period of time has passed since the events. I
21 wouldn't remember the name.

22 Q. Thank you. Do you remember the name of the school director?

23 A. I didn't spend a lot of time at that school at the time, so
24 that's why I didn't know the name of the director or other
25 schoolteachers.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 30

1 Q. Thank you. Do you remember the name of some of your class
2 schoolmates?

3 A. I don't remember any name.

4 Q. Did your cousin, (Redacted), whom you spoke to us about, in
5 your class (as interpreted)?

6 A. Yes. It was the same school, but he was in a different class.

7 Q. In a lower grade or higher grade? Was he before or after you at
8 school?

9 A. I can't remember that. I have forgotten a lot. Lots of years
10 have gone by since then.

11 Q. Thank you. So you told us that you fled the classroom --

12 PRESIDING JUDGE FULFORD: (Previous translation continues) ...
13 Mr. Biju-Duval, and I apologise for doing so, I think we can move back
14 into public session now, can't we? Yes. Public session, please.

15 (Open session)

16 COURT OFFICER: Open session.

17 PRESIDING JUDGE FULFORD: Yes. Could you start the question
18 again, please, Mr. Biju-Duval.

19 MR. BIJU-DUVAL (interpretation): Yes, President. I'll go back
20 into the series of events.

21 Q. You said that you fled the classroom. You went to your house,
22 and that that is where the military stopped you; correct?

23 A. The soldiers arrested us when we arrived home.

24 Q. When you said "us," who do you mean?

25 A. Everybody fled their own way, but I was found at my home.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 31

1 Q. How about your cousin? I won't say his name, but was he also at
2 school at the time? Don't say his name, but just tell us whether he was
3 at school at the time, in the same conditions you were, in a different
4 class?

5 A. No. I didn't know anything about that at the time. At that
6 time, everybody just looked after themselves.

7 Q. We are talking here about the cousin I mentioned earlier on. You
8 know who I'm talking about, don't you?

9 A. Yes.

10 Q. Sorry, I didn't hear the interpretation of your answer. I think
11 the interpreter might not have heard.

12 A. Yes.

13 Q. So you don't know what he did at the time; correct?

14 A. Everybody just thought about their own problems, how they would
15 flee. I don't know what happened to me -- to him.

16 Q. Did you see him again afterwards?

17 A. I was very afraid. There was fear. I didn't know what was
18 happening around me.

19 Q. I'd like to ask you a very simple question. This cousin whom we
20 talked about just earlier on in closed session, did you see that cousin
21 again later on?

22 A. After which events? Which events are you talking about, the
23 training or what event?

24 Q. I'm talking about the moment you left the classroom to go and
25 seek refuge in your home, your domicile.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 32

1 A. They took us at our home, and each was taken from their home. I
2 think he, too, was taken from his home.

3 Q. Did you see him at home?

4 A. Yes. We saw each other, but everyone was afraid. There was no
5 way of seeing each other, because everyone was afraid.

6 Q. Have I understood your answer correctly? You didn't see him?

7 PRESIDING JUDGE FULFORD: That's not fair at all, Mr. Bijou-Duval.

8 The witness's evidence consistently has been that he saw (Redacted) at home.
9 What he's saying is that, as I understand it, he's not sure as to whether
10 or not (Redacted) was also taken by the soldiers. So I'm afraid it's not
11 fair to suggest to him that he has said that he didn't see (Redacted).

12 I'm afraid that's all going to have to be redacted.

13 MR. BIJU-DUVAL (interpretation): Well, from what I understood,
14 the answer of the witness was very confused, because in the same answer I
15 thought he said one thing and the exact opposite. The witness's answer
16 is very confusing, and I think the best way -- well, I would like him to
17 give a clear answer. Did he, yes or no, see or not see his cousin when
18 he arrived home, or does he remember that?

19 THE WITNESS (interpretation): I forgot the other events,
20 whatever else happened, because I was very afraid at the time.

21 MR. BIJU-DUVAL (interpretation):

22 Q. Thank you. Later on do you remember seeing your cousin, the same
23 cousin, whilst you were at the UPC?

24 A. Yes. I saw him somewhere.

25 Q. Where?

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 33

1 A. I saw him on the road -- do I have to give the name?

2 PRESIDING JUDGE FULFORD: If you want the name, Mr. Bijou-Duval,
3 we'll need to go into private session.

4 Private session, please.

5 *(Private session) Reclassified as Open session

6 COURT OFFICER: Private session.

7 PRESIDING JUDGE FULFORD: Thank you. So you saw (Redacted) on the
8 road, and the name was?

9 THE WITNESS (interpretation): Well, on (Redacted) road. We were
10 already military. We were on the vehicles, and from being -- from on a
11 vehicle you can see people without necessarily talking with them.

12 MR. BIJU-DUVAL (interpretation):

13 Q. Thank you.

14 PRESIDING JUDGE FULFORD: (Microphone not activated)...

15 Mr. Bijou-Duval. Yes, public session then, please.

16 (Open session)

17 COURT OFFICER: Open session.

18 PRESIDING JUDGE FULFORD: Thank you.

19 MR. BIJU-DUVAL (interpretation):

20 Q. You mentioned that you found out about the soldiers' presence in
21 the village when you were in the classroom and when they arrived near the
22 school; correct?

23 To your knowledge, during the day did the soldiers do anything in
24 particular in the village before you were arrested, to your knowledge?

25 A. We couldn't know, or maybe I forgot what happened.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 34

1 Q. Thank you.

2 MR. BIJU-DUVAL (interpretation): I would like to give the
3 witness a passage of their statement July -- of July 2005. Paragraph 20.

4 Q. Witness, could you please take the statement?

5 PRESIDING JUDGE FULFORD: Help the witness with the statement.
6 July 2005, paragraph 20.

7 MR. BIJU-DUVAL (interpretation): The document number, to show
8 the paragraph on the screen, but please do not show it on the public
9 screen, is number DRC.00108.064 for the whole document, and paragraph 20
10 is at DRC.00108.067. But this document must not be shown to the public.
11 However, I think I can go ahead and read the passage with one redaction
12 to the name village, which I will neglect to mention.

13 PRESIDING JUDGE FULFORD: I suggest as well that you don't read
14 out the distance it is from two places which are mentioned there as well
15 because that has a tendency to identify, Mr. Bijou-Duval.

16 MR. BIJU-DUVAL (interpretation): Yes, President.

17 Q. So, Witness, now I'm going to read this paragraph with the
18 redactions suggested very briefly and I quote:

19 "One day at the beginning of 2003, on a date I am not able to
20 give, the UPC militia arrived in the village," and I won't give the name,
21 "at the time, when I lived with my family, to have a meeting with the
22 civilian population. I don't know why this meeting nor what was
23 discussed at the meeting took place because I didn't take part in it. On
24 the evening of the same day, a group of these militia arrived at my home
25 and ordered me to follow them to undergo military training."

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 35

- 1 Do you remember mentioning this to the investigators of the OTP
2 in July of 2005?
- 3 A. Yes.
- 4 Q. Thank you. How come you didn't, at the time, mention the
5 circumstances you have just described to us concerning the school?
- 6 A. What circumstances are you talking about?
- 7 Q. In your July 2005 statement, you don't talk about the arrival of
8 the military when you left school.
- 9 A. I gave the specific place where I was arrested. I didn't have
10 the opportunity to give the name of this school, but I gave the specific
11 place where I was arrested, but I didn't go further than that.
- 12 Q. In your statement from 2005, you say in the evening. In the
13 evening; right?
- 14 A. Yes.
- 15 Q. Today, you are saying that this took place whilst the school was
16 in session during the day?
- 17 A. No. The school was open in the afternoon. It wasn't before
18 noon.
- 19 Q. Thank you. Let's pick up at the time when you were going back
20 home. Did you go into the inside of your home?
- 21 A. I was on the -- the lot, the ground lot of our family home.
- 22 Q. And then what happened?
- 23 A. They took my parents hostage, and they told me to say nothing.
24 If I said anything, they were going to harm them.
- 25 Q. Who was in the home?

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 36

1 MR. BIJU-DUVAL (interpretation): Mr. President, I think we have
2 to go back into closed session.

3 *(Private session) Reclassified as Open session

4 PRESIDING JUDGE FULFORD: Yes, Mr. Bijou-Duval.

5 MR. BIJU-DUVAL (interpretation):

6 Q. Who was present to watch you be arrested?

7 A. My parents and some of my brothers and sisters.

8 Q. Do you remember the names of these brothers and sisters now?

9 A. No.

10 Q. Yesterday you said that, "At home my parents and brothers and
11 sisters and my cousins were there," and then in answering the Prosecutor
12 you talked about cousins, and you meant by that (Redacted). Do you
13 remember that?

14 A. Yes.

15 Q. So he was there at that time?

16 A. No, he wasn't there. Yesterday I was trying to explain the
17 people who were at home.

18 Q. So you're not talking about that specific moment but in general
19 those people who were in the home.

20 A. Yes.

21 MR. BIJU-DUVAL (interpretation): I think we can move back to
22 public session.

23 PRESIDING JUDGE FULFORD: (Previous translation continues)

24 (Open session)

25 PRESIDING JUDGE FULFORD: (Previous translation continues)

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 37

1 MR. BIJU-DUVAL (interpretation): Thank you.

2 Q. So you were arrested on the ground in front of your home if I
3 correctly understood; is that the case?

4 A. Yes. We were on the grounds.

5 Q. On this lot how many soldiers were there?

6 A. I didn't have the opportunity to count them, but they deployed
7 around the home.

8 Q. Did they enter into these grounds to arrest you?

9 A. Some came in to arrest us, and others remained outside for
10 security reasons.

11 Q. You say "to arrest us." So were you with other people, with
12 other children?

13 A. I'm talking about my own situation as to how I was arrested, but
14 my parents were there too.

15 Q. So you were arrested and what happened? What do the soldiers say
16 to you, and what do they do to you personally?

17 A. They said this: "We're going to training," but most of the time
18 they talked to my parents and told them to remain calm. I was just on
19 the verge of leaving to go into training with them.

20 Q. And then what happened? Did you follow them? Where did you go?
21 I'm not talking about the training camp, but in those next few moments
22 after being arrested, where did you go?

23 A. We walked and then we went where their vehicle was parked and
24 then we got onto the vehicle.

25 Q. Where was the vehicle or vehicles parked?

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 38

1 A. The vehicle wasn't very far. It was just next to the home.

2 Q. Was your home on the main street or a bit away from it?

3 A. It was a bit away.

4 Q. How many vehicles were there?

5 A. I saw just one vehicle, and we got into it.

6 Q. Did then this vehicle have both soldiers and arrested persons in
7 it?

8 A. Yes. There were already trained soldiers and those of us who had
9 been arrested.

10 Q. And could you more or less say how many children had been
11 detained?

12 A. I can't tell you the exact amount.

13 Q. Would you say maybe two or three or 20? Approximately how many
14 more or less?

15 A. I can't give you the number. I honestly don't know. I can't
16 tell you.

17 Q. You were not alone then?

18 A. No.

19 Q. Two?

20 A. I can't tell you how many. I honestly can't tell you how many.

21 Q. Thank you.

22 MR. BIJU-DUVAL (interpretation): I'm a bit hesitant,
23 Mr. President. In public session, can I mention the name of the village
24 where the training camp was? Does the Prosecutor have any objection?

25 PRESIDING JUDGE FULFORD: You're absolutely right to raise it,

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 39

1 Mr. Biju-Duval. Let's see what Mr. Sachdeva says about it.

2 MR. SACHDEVA: The location where the camp was, no, no objection.

3 PRESIDING JUDGE FULFORD: I assumed that was the case.

4 You can mention it, Mr. Biju-Duval.

5 MR. BIJU-DUVAL (interpretation): Thank you.

6 Q. Sir, you said from (Redacted) --

7 MR. BIJU-DUVAL (interpretation): Mr. President, we need to
8 redact that.

9 PRESIDING JUDGE FULFORD: (Previous translation continues)...
10 please.

11 Yes, please proceed, Mr. Biju-Duval.

12 MR. BIJU-DUVAL (interpretation):

13 Q. Now, starting from your village where you were detained, you said
14 that you were going to a camp in Irumu. I'd like to know whether this
15 camp was within the town of Irumu or a bit outside of it.

16 A. It was within the town of Irumu.

17 Q. Thank you. More or less where in the village? Was it in the
18 centre of the village, next to the school, next to the church? Could you
19 please explain?

20 A. Irumu is not a very big village. It's flat. It's a plain. It's
21 not a big village, and the camp was -- well, located on a plain. It was
22 good for training.

23 Q. Thank you. Now, was Irumu village smaller or bigger than the
24 village where you were arrested?

25 A. Irumu village is not very big compared to where I was arrested.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 40

1 I think they're more or less the same size.

2 Q. Thank you. Yesterday, you stated that you travelled by vehicle
3 to Irumu; correct?

4 A. Yes.

5 Q. Did you go there directly, directly from the place where you were
6 arrested to Irumu?

7 A. Yes. We travelled by vehicle to Irumu.

8 MR. BIJU-DUVAL (interpretation): I would like to submit to the
9 witness another paragraph of his statement, -DRC-OTP-0108-064. They are
paragraphs 22 and 23 in document DRC.00108.068

10 And, of course, this should not be displayed on
11 the screen for the public.

12 PRESIDING JUDGE FULFORD: (Previous translation continues) ... 22
13 and 23?

14 MR. BIJU-DUVAL (interpretation): Yes, Mr. President. We're
15 going to redact the name of the village while reading.

16 Q. Witness, have you located paragraph 22? Could you give the
17 answer? Have you located -- I'm going to read it out by deleting the
18 name of the village. I quote:

19 "That's the way we had to follow the militians without opposing
20 resistance. They led us to the centre of the village where they had
21 regrouped many other young people of my age and some older, adolescents
22 and adults, and including some young girls. And they told us to follow
23 them on foot to Irumu, and often during the trip they hit us if they saw
24 a sign of fear or despair. They told us we shouldn't cry because during
25 war it would be still harder than that."

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 41

1 Paragraph 23, I'm just going to read the first sentence:

2 "If I remember, we didn't walk very far before we arrived at what
3 I understood to be a military camp which the militia referred to as
4 Irumu, but I don't know if that was the name of a village or of a
5 territory."

6 And I quote the next sentence:

7 "What I do know is that it's located in zone belonging to the
8 Hema ethnic group."

9 So the question is the following: In July 2005, in your
10 statement, you said that you walked and that you didn't walk very far,
11 and today you say that you were transported by vehicle. So could you
12 please explain that -- how do you explain the difference?

13 A. When we -- when I say here "by foot," that's what the militians
14 were saying to us, "You're going to go on foot." But when we were
15 arrested, the opposite happened, we got on to a vehicle. That's what the
16 militia said to us when they arrested us.

17 Q. Thank you. But when you say, "We didn't walk very far before
18 arriving into what I understood to be a military camp," you're talking
19 about walking by foot, aren't you?

20 A. I didn't expressly say walk by foot. I said when we took the
21 vehicle, we didn't have to go very far on the vehicle.

22 Q. Thank you.

23 MR. BIJU-DUVAL (interpretation): My question requires a closed
24 session because I'm going to ask the distance to the village.

25 PRESIDING JUDGE FULFORD: Closed session, please.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 42

1 *(Private session) Reclassified as Open session

2 COURT OFFICER: Private session.

3 PRESIDING JUDGE FULFORD: You're quite right. Private session.

4 Thank you.

5 Mr. Biju-Duval.

6 MR. BIJU-DUVAL (interpretation): Thank you, Mr. President.

7 Q. You were in (Redacted) village, and you were going to Irumu. Could you
8 give us an approximate distance separating these villages? To determine
9 this, you could make a comparison. For example, the distance from Bunia
10 to (Redacted). You could compare, because I know it's difficult to judge
11 distances.

12 A. I think it took about two hours to reach Irumu.

13 Q. Two hours in a vehicle; is that correct?

14 A. Yes.

15 Q. And so about how many kilometres would a vehicle travel in two
16 hours more or less, from your experience?

17 A. I don't know.

18 MR. BIJU-DUVAL (interpretation): To facilitate comprehension of
19 the distances, I'd like to show the witness a map in such a way that the
20 witness would feel more at ease with this question and then the Chamber
21 can better visualise.

22 Could we bring to the screen map EVD-OTP-00375. And I have a
23 paper copy including for the Judges if they so wish.

24 PRESIDING JUDGE FULFORD: (Previous translation continues) ...

25 MR. BIJU-DUVAL (interpretation):

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 43

1 Q. Do you have the map before you?

2 THE INTERPRETER: The interpreter didn't hear the answer. Could
3 you repeat it?

4 THE WITNESS (interpretation): Yes, I have it.

5 MR. BIJU-DUVAL (interpretation):

6 Q. Could you locate on the map --

7 MR. BIJU-DUVAL (interpretation): Mr. President, are we still in
8 closed session?

9 PRESIDING JUDGE FULFORD: We're still in closed session --
10 private session. This map's been in fact marked by someone else, so it
11 appears. Is that a problem, Mr. Bijou-Duval?

12 MR. BIJU-DUVAL (interpretation): No, it's not a problem. As a
13 matter of convenience, I thought we could use the map that had been used
14 in Chambers by the Prosecutor. The annotated additions don't have any
15 importance here and don't involve the places we're dealing with now.

16 PRESIDING JUDGE FULFORD: Right. So we're now asking the witness
17 to look for where? Which location do you want him to identify?

18 MR. BIJU-DUVAL (interpretation): I'd like the witness to
19 identify the village of (Redacted) and the village of Irumu to start with.

20 PRESIDING JUDGE FULFORD: Yes, Mr. Sachdeva.

21 MR. SACHDEVA: Mr. President, I'm sorry, but could I ask that we
22 just wait for a small moment because I'm waiting for the map to come up
23 on the screen. I don't have it in front of me, that's all.

24 PRESIDING JUDGE FULFORD: I had a fear that when I asked for
25 paper copies to be made for the Bench, that was likely to expand to

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 44

1 others. Yes. Can you raise a hand when you have the map on your screen.

2 Some hard copies are coming your way, Mr. Sachdeva.

3 MR. SACHDEVA: Thank you.

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

5 Might I suggest, Mr. Biju-Duval, with respect, that we give the
6 witness a pen and ask him to write an (Redacted) if he can tell us where
7 (Redacted) is and an I for Irumu.

8 MR. BIJU-DUVAL (interpretation): Yes, your Honour, of course.

9 Q. Witness, when you have identified these places on the map, can
10 you let us know?

11 PRESIDING JUDGE FULFORD: Could you write an (Redacted), please,
12 where (Redacted) is, as far as you understand it, and an I where Irumu is,
13 and forgive me if I pronounce that terribly.

14 THE WITNESS (interpretation): (No interpretation) (Marks)

15 PRESIDING JUDGE FULFORD: Good.

16 Now, Mr. Biju-Duval -- Usher, could you show, please, to
17 Mr. Biju-Duval. Oh, there's something else is there, Mr. Biju-Duval,
18 first? All right. Sorry. I'll stop interfering. Another question?

19 MR. BIJU-DUVAL (interpretation): Yes. Excuse me, your Honour.
20 I'd like to take advantage of the opportunity to specify another place,
21 and that's (Redacted), but the name "(Redacted)" does not figure on this map.

22 Perhaps the witness could indicate the location of the place, and to that
23 end I would like to put a question to the witness. And, in fact, I think
24 I have already put the question. I think that the witness had already
25 stated that (Redacted) is located halfway between (Redacted).

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 45

1 PRESIDING JUDGE FULFORD: So what do you want the witness to do,
2 Mr. Biju-Duval?

3 MR. BIJU-DUVAL (interpretation): Not much, your Honour.

4 PRESIDING JUDGE FULFORD: Right. Well, I think that was a very
5 long way round describing doing nothing.

6 Good. Could the map then please be shown to Mr. Biju-Duval and
7 then to Mr. Sachdeva. Thank you.

8 Yes. We'll do it on the document camera.

9 THE INTERPRETER: The Bench microphone is on.

10 PRESIDING JUDGE FULFORD: Yes. I think, Mr. Biju-Duval, the
11 witness has, if I understand it right, has put an I close to Irumu and an
12 (Redacted) close to (Redacted). All right.

13 Anything else with the map?

14 MR. BIJU-DUVAL (interpretation): No, your Honour.

15 PRESIDING JUDGE FULFORD: That can now be taken off the document.
16 Yes, Mr. Sachdeva.

17 MR. SACHDEVA: I suspect it's probably been anticipated, but I
18 think it needs to be given a separate number.

19 PRESIDING JUDGE FULFORD: You're absolutely right. This -- this
20 particular version of this map needs a separate number.

21 COURT OFFICER: So the previous document shown, not the map but
22 the attestation de naissance will bear the MFI number MFI-D-00052, and
23 the map that has been annotated by the witness will bear the number
24 MFI-D-0053. Thank you.

25 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval. Are we still in

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 46

1 closed session or can we go back into public session?

2 MR. BIJU-DUVAL (interpretation): Just one more question in
3 closed session.

4 Q. Witness, having seen the distances as they appear on that map
5 between (Redacted) and Irumu, do you think it is reasonable to imagine that a
6 vehicle travelling at a normal speed from (Redacted) to Irumu would take
7 two hours to reach Irumu?

8 A. I said that I couldn't give you the exact time. I only gave you
9 an estimate. It is not possible for me to know the distance that we
10 covered between (Redacted) and Irumu.

11 Q. Thank you. I'm now going to address another matter.

12 MR. BIJU-DUVAL (interpretation): We can now move into public
13 session, your Honour.

14 PRESIDING JUDGE FULFORD: Thank you, Mr. Bijou-Duval. Public
15 session, please.

16 (Open session)

17 COURT OFFICER: Open session.

18 PRESIDING JUDGE FULFORD: Yes, Mr. Bijou-Duval.

19 MR. BIJU-DUVAL (interpretation): Thank you, Your Honour.

20 Q. Witness, I would like to turn now to that point in time when you
21 were in Irumu, in that camp where you told us that you had military
22 training. So we're there now.

23 Now, yesterday you said to us that that period of training had
24 lasted two weeks; correct?

25 A. Yes.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 47

1 Q. Now, here, too, I would like to put to you a passage from the
2 statement of July 2005. It says DRC-OTP-0108-064 and
3 this is part of paragraph 31, which is at DRC-OTP-0108-070
4 but this document should not appear to the public.

5 Witness, could you take the document in your hands and look at
6 paragraph 31. If not, I can read it out to you. It's at page 7 of the
7 statement.

8 I'm going to read out paragraph 31, which doesn't contain any
9 confidential information. Begin of the quotation:

10 "At the end of the almost two months of military training, as I
11 have just described, the trainers gave us an SMG-brand rifle, a black and
12 green -- or black and green military fatigues, a hat of the same colour,
13 green gaiters, and six magazines of munitions which were so heavy that I
14 didn't even know how to carry them."

15 Sir, first of all, I would like to ensure that that statement,
16 which I've just read out, does indeed relate to the training in Irumu;
17 correct?

18 A. I think that I've made a mistake. I didn't speak of two months.
19 I meant to say two weeks. I think there's a mix-up here between months
20 and weeks.

21 Q. Thank you.

22 MR. BIJU-DUVAL (interpretation): Your Ho nour, with your leave,
23 just one moment.

24 PRESIDING JUDGE FULFORD: Of course.

25 (Defence counsel confer)

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 48

1 MR. BIJU-DUVAL (interpretation):

2 Q. Witness, I have now finished with that paragraph of the
3 statement, so you can put it to one side.

4 MR. BIJU-DUVAL (interpretation): I was wondering about
5 mentioning in public session the name of the commander without specifying
6 anything else regarding the witness himself. I don't know if that is
7 authorised in public session or not.

8 PRESIDING JUDGE FULFORD: Mr. Sachdeva.

9 THE PROSECUTOR: If I can assist, the connection between the
10 witness' assignment and the assignment -- the commander to whom the
11 witness was assigned should be undertaken in private session, but the
12 mention of a commander, in my submission, is permissible.

13 PRESIDING JUDGE FULFORD: Yes. It's not just a question of the
14 name. It's a question of position as well; is that right?

15 MR. SACHDEVA: It should not be mentioned in open session that
16 the witness was assigned to a particular commander once training had been
17 completed.

18 PRESIDING JUDGE FULFORD: Yes. I think, therefore, we'll go into
19 private session, and I think the exchange that has just taken place
20 should also be redacted. So from the beginning of Mr. Biju-Duval's query
21 through to what I'm saying now to be redacted, please, and we'll also go
22 into private session.

23 *(Private session) Reclassified as Open session

24 COURT OFFICER: Private session.

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

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 49

1 MR. BIJU-DUVAL (interpretation): Thank you, Your Honour.

2 Q. You have spoken to us of (Redacted) and said that he was
3 (Redacted), in particular during those two weeks of training;
4 correct?

5 A. Yes.

6 Q. In that training camp -- sorry, that military camp, were there
7 other officers?

8 A. Yes, there were other officers. I only knew (Redacted) in
9 particular because (Redacted).

10 Q. So there were other officers. Is it also right to say that there
11 were other trained soldiers involved in supervising the recruits, that is
12 to say, ranked soldiers?

13 A. Yes.

14 Q. Was there a hierarchy amongst the officers with superiors and
15 below them officers of a lower rank down to the soldiers? Was there such
16 a hierarchy?

17 A. Yes, there was a hierarchy which ran from the top down.

18 Q. I'm talking about when you were in training in Irumu; correct?

19 A. Yes.

20 Q. I'm talking about the officers and -- who were soldiers then. We
21 agree on that?

22 A. (No interpretation)

23 Q. You, as a recruit, how did you distinguish between the officers,
24 the higher-ranking officers, the lower-ranking officers, and the rank and
25 file? How did you know if you were dealing with an officer or just a

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 50

1 simple soldier?

2 A. The highest ranks officers were known to us because we had --
3 they had been presented to us. We had been told, "These are your
4 superiors." Everybody knew that. Notably, the highest-ranking officers.

5 Q. Was their rank apparent from their uniform?

6 A. Yes. Their rank was on their uniform.

7 Q. I'm not going to ask you to remember in detail, but what form did
8 these ranks take on the uniform? Were they insignia or what form?

9 A. They were stripes on the shoulder. There were one or two colours
10 plus stars, and the difference could be made based on the number of
11 stars.

12 Q. Could you give examples, examples of what you saw during that
13 period of training as regards the ranks on the uniform?

14 PRESIDING JUDGE FULFORD: Mr. Biju-Duval, you're asking what, in
15 addition to what he said, because he just described stripes on shoulders,
16 one or two colours plus stars. Now, do you want the witness to repeat
17 that? Having given the explanation, I'm not quite sure what you're
18 expecting the witness to do.

19 MR. BIJU-DUVAL (interpretation): You can leave it there. Your
20 Honour, we can leave it at that.

21 PRESIDING JUDGE FULFORD: I'm not stopping you, Mr. Biju-Duval.
22 It's just having given the description, I'm not sure what the witness is
23 supposed to do in answer to your last question.

24 Yes, Mr. Biju-Duval. Any more on this or not?

25 MR. BIJU-DUVAL (interpretation): Just to have one specific

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 51

1 example and then I'll -- I will be finished with that description.

2 Q. Witness, let's take the example of -- of a battalion commander.

3 Do you remember -- do you remember the insignia that he wore?

4 A. Battalion commanders had the colour red and green plus three
5 stars.

6 Q. Thank you.

7 PRESIDING JUDGE FULFORD: Public session now, Mr. Biju-Duval.

8 MR. BIJU-DUVAL (interpretation): I was about to ask the rank of
9 Commander (Redacted). I think we can do that in public.

10 PRESIDING JUDGE FULFORD: I think if we're going to ask
11 Commander (Redacted) rank, we ought to do it in private session and then
12 we'll move into public. So if you'd like to put that question.

13 MR. BIJU-DUVAL (interpretation):

14 Q. Witness, do you remember the rank of your commander,
15 (Redacted)?

16 A. He was (Redacted) commander.

17 Q. And what were the insignia borne by (Redacted) commander? What
18 insignia did he wear on his uniform?

19 A. I have forgotten the insignia of (Redacted) commander.

20 MR. BIJU-DUVAL (interpretation): With your leave, your Honour.
21 (Defence counsel confer)

22 MR. BIJU-DUVAL (interpretation):

23 Q. Is it right that (Redacted) is made up of (Redacted) soldiers
24 plus (Redacted) commander?

25 A. That depends on (Redacted). (Redacted) was the head of our

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 52

1 (Redacted), and there were (Redacted) of us in our (Redacted). I don't know
2 if there were the same number of people in every (Redacted).

3 Q. Thank you. You have said that (Redacted)
4 (Redacted); correct?

5 A. Yes.

6 Q. Could you approximate (Redacted)
7 (Redacted)?

8 A. There were (Redacted). (Redacted)
9 (Redacted)

10 Q. Am I to understand -- or, rather, allow me to ask for some
11 clarification. Were you in a (Redacted)?

12 A. Yes, I was in a (Redacted).

13 Q. A (Redacted); is that not so?

14 A. Yes.

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Thank you.

20 MR. BIJU-DUVAL (interpretation): Your Honour, I believe we can
21 return to public session.

22 PRESIDING JUDGE FULFORD: Yes. Public session, please.

23 (Open session)

24 COURT OFFICER: Open session.

25 PRESIDING JUDGE FULFORD: Yes, Mr. Bijou-Duval.

Witness: DRC-OTP-WWW-0008 (Resumed) (Closed Session)
Questioned by Mr. Biju-Duval (Continued)

Page 53

1 MR. BIJU-DUVAL (interpretation):

2 Q. Witness, if I were to suggest to you that the uniforms of UPC
3 soldiers did not bear any insignia or any rank until July 2004, would you
4 not draw the conclusion that you have been mistaken as when you say that
5 the uniforms which you saw at that time bore insignia?

6 A. No, I didn't make a mistake, because what I saw on my commander's
7 uniform, maybe it wasn't on the uniforms of other commanders.

8 MR. BIJU-DUVAL (interpretation): This might be an opportune
9 moment to take the break, your Honour.

10 PRESIDING JUDGE FULFORD: Thank you, Mr. Biju-Duval, it is it.

11 We're going to have a break now. Thank you very much. We'll see
12 you again at 2.45.

13 Can we please now go into closed session so the witness can
14 withdraw for lunch, and if Mr. Lubanga would be so kind as to leave
15 court. Thank you very much.

16 THE WITNESS (interpretation): Thank you. Thank you very much.

17 *(Closed session) Reclassified as Open session

18 COURT OFFICER: Closed session.

19 (Mr. Lubanga withdrew)

20 (The witness stands down)

21 PRESIDING JUDGE FULFORD: Ms. Massidda.

22 MS. MASSIDDA: Thank you, Your Honour. On Monday this week the
23 legal representative requested the Chamber authorisation to file a
24 document, a submission on access to the documents in the -- in the case.
25 The deadline is today by 4.00. We would like to request to be authorised

Witness: DRC-OTP-WWW-0008 (Resumed) (Closed Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 54

1 to file by 7.00 p.m. today instead of 4.00 p.m. today.

2 PRESIDING JUDGE FULFORD: Certainly.

3 MS. MASSIDDA: Thank you very much.

4 PRESIDING JUDGE FULFORD: Granted.

5 2.45.

6 COURT USHER: All rise.

7 Recess taken at 1.00 p.m.

8 On resuming at 2.45 p.m.

9 COURT USHER: All rise. Please be seated.

10 PRESIDING JUDGE FULFORD: Witness, please.

11 (The witness stands down)

12 PRESIDING JUDGE FULFORD: Welcome back, Mr. Diakiese.

13 (Mr. Lubanga entered court)

14 PRESIDING JUDGE FULFORD: Public or private session,

15 Mr. Bijou-Duval?

16 MR. BIJU-DUVAL (interpretation): Closed session for two or three

17 questions.

18 PRESIDING JUDGE FULFORD: Yes.

19 *(Private session) Reclassified as Open session

20 COURT OFFICER: Private session.

21 MR. BIJU-DUVAL (interpretation):

22 Q. Good afternoon, sir.

23 A. Good afternoon.

24 Q. I would like to put some questions regarding your cousin (Redacted)

25 (Redacted). Now, if I understood rightly, you told us before the recess that

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 55

1 he was with you and your family in (Redacted) and that after your abduction you
2 didn't see him for some time, and then you saw him accidentally on the
3 road -- on the (Redacted) road. Is that right?

4 A. Yes, that's absolutely right. Maybe we saw each other, but we
5 didn't really see each other.

6 Q. What I would like to ascertain is whether he was taken with you
7 to Irumu camp. Was he taken with you to Irumu camp?

8 A. He was arrested and taken there or stopped and taken there long
9 before me. I don't know if we were all together at any one time or if we
10 left together. I've already forgotten.

11 Q. Just a moment. I'd like to check the transcript.

12 So in fact you don't remember exactly whether you left together
13 for Irumu or whether he followed or whether he had -- his scenario was
14 other; is that right?

15 A. Yes. I've forgotten some details.

16 Q. Thank you.

17 MR. BIJU-DUVAL (interpretation): Your Honour, we can move back
18 into public session.

19 PRESIDING JUDGE FULFORD: Thank you very much, Mr. Biju-Duval.

20 Public session, please.

21 (Open session)

22 COURT OFFICER: Open session.

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

24 MR. BIJU-DUVAL (interpretation): Thank you.

25 Q. Yesterday, at page 31 of the French transcript, you told us that

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 56

1 after the training you were given a uniform and a weapon -- or at the end
2 of the training?

3 A. Yes.

4 Q. That is to say during the training, before the end of the
5 training, did you only bear weapons during shooting lessons, for
6 instance, or did you constantly have it with you?

7 A. We had weapons when we were going for shooting practice.

8 Q. During that shooting practice did each of you have a weapon or
9 did you pass the weapon to each other in turn?

10 A. We only had one weapon which we would use, one after another.

11 Q. When the practice was over, you gave the weapon to your
12 instructor; is that right?

13 A. Yes. It was the instructors who were responsible for the
14 safekeeping of the weapons.

15 Q. There's something I would like to clarify. You spoke of the case
16 of a young recruit of your age who was allegedly executed for having lost
17 his weapon while he was asleep; is that not right?

18 Now, my question is how is it that he had a weapon, whereas, as
19 you have just said, recruits were only issued with a personal weapon at
20 the end of the training?

21 A. Well, it's true that he was a recruit, but he was -- he always --
22 he already had a certain rank. He was the most senior of the recruits
23 and he was responsible for guarding the weapons when we completed the
24 shooting practice.

25 Q. You're saying that a young recruit of your age was already

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 57

1 ranked; is that right?

2 PRESIDING JUDGE FULFORD: Do you want to answer the question?

3 Mr. Biju-Duval's asking you whether somebody of your age was already
4 ranked. Question one is, really, was he your age, and was he ranked? So
5 first of all, was this individual the same age as you?

6 THE WITNESS (interpretation): Yes, he was my age. It wasn't a
7 rank as such. He was considered to be responsible for us, above us, and
8 our commander for a period of time.

9 PRESIDING JUDGE FULFORD: Thank you very much.

10 Now, Mr. Sachdeva.

11 MR. SACHDEVA: Mr. President, actually, I rose because the
12 question posed by my learned friend was suggesting the witness had said
13 that the young recruit was of his age, and in fact -- but it doesn't
14 matter now.

15 PRESIDING JUDGE FULFORD: You're absolutely right. The witness
16 has never given the age, and in fact a question which I have in my own
17 mind about this is that when the witness yesterday was giving the names
18 of the trainers, he gave one name which we are not referring to in open
19 session, but he also gave the same name for the recruit who was shot.
20 The name beginning with MP is in fact a name given twice during the
21 witness's evidence, once because he was killed, once because he was one
22 of the trainers, and someone should, at an appropriate stage, explore
23 this to find out whether it's the same person.

24 MR. SACHDEVA: Thank you.

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

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 58

1 please continue.

2 MR. BIJU-DUVAL (interpretation): Thank you, Your Honour.

3 Q. Your testimony is that the reason why that recruit had his weapon
4 with him was that that was a particular privilege, and the others did not
5 have their weapons with them; is that right? There was a particular
6 reason linked to his responsibilities that meant that he had his weapon.
7 Is that your testimony?

8 A. Yes. He had responsibilities that we didn't have, because at one
9 point in time he taught us.

10 Q. Yes. And it is for that reason that he kept his weapon with him;
11 is that correct? That is your testimony?

12 A. Yes.

13 Q. The others, like you, didn't keep their weapons with them.
14 That's how it was; right?

15 A. We didn't have weapons. We were given pieces of wood which we
16 kept as weapons during the training.

17 PRESIDING JUDGE FULFORD: Mr. Biju-Duval, I'm -- I really don't
18 like interrupting counsel, but the question you just put was:

19 "The others like you didn't keep their weapons with them."

20 The evidence of the witness has been he didn't receive a weapon
21 until his training was finished, and whilst they were learning to shoot,
22 there was one weapon that was passed from hand to hand. So to put a
23 question, seemingly on the basis of his evidence that he had a weapon to
24 keep, is simply without foundation, because he didn't have a weapon to
25 keep. There was one weapon that was passed from one soldier to another.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 59

1 So at this stage in his "career," he simply didn't have a weapon to keep.

2 MR. BIJU-DUVAL (interpretation): Yes. Yes, you have clarified
3 the point I wanted to clarify. There was no weapon to keep.

4 Now, I would like to put it -- I would like to put a paragraph of
5 his statement of July 2005 to the witness. DRC-OTP -- I'm looking at
6 paragraph 27 in particular, this is a document DRC-OTP-0108-0864, and
7 this document should not be visible to the public.

8 Q. Now, I'm going to read the second sentence of paragraph 27:

9 "During the night we did not sleep out of fear that the other
10 militiamen would steal the weapon."

11 I continue:

12 "That was considered a serious omission and was severely
13 punished. The commanders ordered the other militiamen to immediately
14 kill, without any trial, he who would have lost his weapon."

15 Now, having read this statement, my understanding is that the
16 recruits had their weapons. Now, you have said that, in fact, weapons
17 were issued at the end of the training and that as a consequence -- or
18 logically, during the training recruits did not have weapons in hand
19 during the training for war. They did not bear weapons during the
20 training.

21 Could you explain this apparent contradiction in relation to your
22 statement?

23 A. Yes. As you have just said -- or as I have just said, we, we
24 didn't have guns or weapons. We only had pieces of wood which we
25 considered to be weapons. If you lost that piece of wood, it was like

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 60

1 losing a weapon. Our weapons were those pieces of wood.

2 Q. Thank you. And your testimony is that when a recruit lost his
3 piece of wood he would be seriously punished, and that punishment could
4 go as far as execution. Is that your testimony?

5 A. Yes. We were already being prepared. It was like a preparation
6 and that we knew that anyone who lost their weapon would be executed.

7 Q. All right. I'd like to return to an event mentioned in your
8 testimony, the public execution of that recruit who had lost his weapon.

9 Now, yesterday you indicated to us -- or, rather, allow me to
10 reword my question. You described that event, but were you yourself
11 present? Did you personally see that execution?

12 A. Yes. We were in training, we were at the camp, and we knew the
13 execution programme, but I can't remember exactly where I was. I've
14 already forgotten.

15 Q. I'm not asking you the specific place. I'm asking you whether
16 your testimony is that you saw with your own eyes the execution of that
17 person.

18 A. I was a little further away, and I was told that someone had just
19 been executed because he had lost his weapon.

20 Q. Thank you.

21 MR. BIJU-DUVAL (interpretation): Your Honour, I was planning to
22 sort out the issue of the name of the commander and the recruit. Should
23 we do that in closed session?

24 PRESIDING JUDGE FULFORD: We should, Mr. Biju-Duval. Thank you.

25 Private session, please.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 61

1 *(Private session) Reclassified as Open session

2 COURT OFFICER: Private session.

3 PRESIDING JUDGE FULFORD: Mr. Biju-Duval.

4 MR. BIJU-DUVAL (interpretation):

5 Q. In giving testimony in the court you mentioned a name,
6 (Redacted), the name of a recruit present in Irumu who allegedly was
7 executed, (Redacted). So the
8 question is: Is this one and the same person, or are these two different
9 people who have the same name? Could you clarify that for us?

10 PRESIDING JUDGE FULFORD: (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 62

1 (Redacted)

2 (Redacted)

3 MR. BIJU-DUVAL (interpretation): I would like an extract of the
4 witness's testimony to be put to him. It's called "Additional
5 Information Regarding the Application to Participate of the Applicant."

6 Q. This is additional information regarding your application to
7 participate as a victim. This is a statement made on the 4th of October,
8 2007.

9 PRESIDING JUDGE FULFORD: It's not a document the witness already
10 has, or does he already have this?

11 MR. BIJU-DUVAL (interpretation): I believe -- I put this
12 document to him this morning, I believe. I don't know if he still has
13 the same documents before him. It's a three-page document, and the
14 number is DRC-OTP-0207-0131, and the paragraph that I would like to put,
15 it's very brief, it's on page 2, and at point 6.

16 Q. Witness, do you have page -- the page before you and point 6?

17 A. Yes.

18 Q. I'm going to read it:

19 "Who commanded the group in which you fought?"

20 Answer:

21 "Commander (Redacted) commanded, but we often changed commander."

22 Now, my question is, was it the same person?

23 A. Perhaps I was mistaken. I should have said Commander (Redacted)
24 because it was he who was our trainer.

25 Q. Thank you.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 63

1 MR. BIJU-DUVAL (interpretation): With your leave.

2 (Defence counsel confer)

3 MR. BIJU-DUVAL (interpretation):

4 Q. Yes. To ensure that there is no confusion, when you answer --
5 answered this question, it was in connection with the fighting by the
6 UPC, and it was in that context that the question was put to you who
7 commanded the group in which you fought.

8 A. During the fighting or during the training?

9 Q. The answer which you gave in 2007 was in connection to fighting.

10 A. In that connection a man is a man. Perhaps I made a mistake.
11 The commander who was responsible for operations was Commander (Redacted).
12 I think that I wasn't attentive enough in that case -- in that
13 connection.

14 Q. Thank you. I would now like to address with you the matter of
15 the battle in Lipri.

16 PRESIDING JUDGE FULFORD: You can do that in open session,
17 please.

18 (Open session)

19 COURT OFFICER: Open session.

20 PRESIDING JUDGE FULFORD: Yes, Mr. Bijou-Duval.

21 MR. BIJU-DUVAL (interpretation): Thank you.

22 Q. First of all, at the end of the training you told us that you
23 were issued with a weapon and with a uniform. Were you then assigned to
24 a military unit?

25 A. You're talking about what unit? I don't understand your

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 64

1 question.

2 Q. At the end of your training, were the various recruits placed
3 into different groups, into different military units?

4 A. Once you finish the training, you go directly to a group where
5 you're under the authority of a commander.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE FULFORD: We need to redact that as well, line 25
18 on page 63; and on page 64, lines 3 to 8.

19 Please continue, Mr. Biju-Duval.

20 MR. BIJU-DUVAL (interpretation):

21 Q. You've indicated that this commander had the rank as section
22 commander.

23 A. Yes.

24 Q. And a section is a group of 12 soldiers; is that correct?

25 A. Yes.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 65

1 Q. Who were the hierarchic superiors of that commander? Above the
2 section there are other units, platoon, battalion, brigade. Are you
3 familiar with the name of the commander or the higher-up to your section
4 commander?

5 A. At the head of the UPC there was the president, and the president
6 was Thomas Lubanga, and right after him there was Chief Kahwa. I don't
7 know what his title was, but he came right after the president. And
8 after Chief Kahwa there was the Chief of Staff. Kisémbó was the Chief of
9 Staff. Those were our higher-ups, the ones I'm familiar with. Those
10 were the highest-ranking officers.

11 Q. But these high-ranking officers, Lubanga, Kisémbó, they are way
12 up in the hierarchy, much, much higher up than yourself; is that not the
13 case? You didn't see them every day, did you?

14 A. Yes.

15 Q. What I'd like to know are the higher commanders closer to where
16 you were. I'm not talking about your section commander, just right up
17 over him and over that person, the immediate superiors.

18 A. There were other commanders, but I'm not familiar with the
19 structure of this hierarchy. There was Kdjonga (as interpreted),
20 Kasangaki, Tchaligonza also.

21 Q. You've mentioned Chief Kahwa.

22 A. Yes.

23 Q. You've described him as a UPC commander just under President
24 Lubanga; is that not the case?

25 A. Yes.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 66

1 Q. And you learned this when you were in the UPC military?

2 A. Yes. Those were my superiors, and Commander (Redacted) who
3 explained that.

4 Q. Did he explain that during the training or even after the
5 training?

6 A. All the time. Both during and after training.

7 Q. If I correctly understood, he explained to you that Chief Kahwa,
8 during that period, was the highest authority, right under Lubanga; is
9 that not the case?

10 A. Yes.

11 Q. Very well. We're now going to look into the Lipri battle. In a
12 matter of time, you said that you were abducted at the early part of
13 2003; is that not correct?

14 A. Yes.

15 Q. That's more or less what you recall, is it not?

16 A. Yes.

17 Q. Is it true that a battle took place in Lipri mid-February 2003?
18 Does that fit in with your recollection?

19 A. No. I can't remember exactly what the date was. I've forgotten
20 the date, because it's -- it's something that happened a long time ago.

21 Q. Could we agree that it took place sometime during 2003?

22 A. Yes. We went to battle right after training.

23 Q. Let's pick up on Chief Kahwa. If I submit to you that
24 Chief Kahwa left the UPC in November 2002, would that sound right to you?

25 A. I don't know. What I do know was that he was part of the UPC.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 67

1 Q. Could we come back to the way you left the Irumu camp to go to
2 the Lipri battle. First of all, how did you go there? Would you be on
3 foot, in a vehicle?

4 A. We left on a vehicle.

5 Q. Can you recall what the route was?

6 A. We passed by Bunia, from Bunia to Centrale, from Centrale to
7 Mwanga. Mwanga was very close to Lipri. We came -- we left the vehicle
8 and took up our position.

9 Q. You said that starting with Bunia you went to Centrale, and from
10 Centrale to Mwanga. That's what you said, isn't it?

11 A. Yes.

12 Q. But is it not true that Mwanga is between Bunia and Centrale?

13 A. Mwanga is very close to Lipri. Mwanga is not halfway between
14 Centrale and Bunia.

15 Q. Fine. Now, with regard to the fighting itself --

16 MR. BIJU-DUVAL (interpretation): Your Honour, just a moment.

17 Q. You stated that during this fighting you were right next to your
18 commander. It's page 34, line 9 of the French-language transcript.

19 Can you confirm that? You don't have to look at the document.

20 A. I didn't really follow your question.

21 Q. You had stated during your description of your position in the
22 fighting, you had said: "I was right next to my commander." And I'm not
23 going to state his name.

24 That was your position, wasn't it?

25 A. I was right next to my commander when the battle started. I

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 68

1 guarded my commander throughout the battle. Whilst I was fighting, I was
2 always standing next to my commander -- I was next to my commander.

3 Q. Fine.

4 MR. BIJU-DUVAL (interpretation): I'd like to submit to the
5 witness an excerpt from his statement during January 2008 interview. I'm
6 looking for the reference numbers. DRC-OTP-188-185, and page
7 DRC-OTP-0188-0387. I can give a paper version to the witness.

8 PRESIDING JUDGE FULFORD: Isn't this the same document? No.
9 This is a new document, is it?

10 MR. BIJU-DUVAL (interpretation): Right.

11 PRESIDING JUDGE FULFORD: Oh, January 2008. Quite right. Quite
12 right. This will need a separate number.

13 COURT OFFICER: This document shall carry the number MFI-D-00054.

14 MR. BIJU-DUVAL (interpretation):

15 Q. I draw your attention to lines 406, 407, 408 of the page.

16 Now, of course you can read just above and below those lines, but
17 those the lines that I'm going to direct my questions to.

18 PRESIDING JUDGE FULFORD: (Previous translation continues) ...
19 make sure that the witness has got lines 406, 407, 408.

20 Yes, Mr. Bijou-Duval.

21 MR. BIJU-DUVAL (interpretation):

22 Q. So you've seen the lines?

23 A. Yes.

24 Q. You state during the Lipri battle that you had the same
25 commander, but you didn't stay close to him because everyone had to

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 69

1 fight. Does that correspond to what you have been saying? I hope I'm
2 not betraying the meaning of that sentence.

3 A. It's the same thing, because I say that I fought and that I was
4 close to him. I wasn't always his bodyguard, but I was very close to
5 him. It was a very tough battle, and I couldn't be his bodyguard at the
6 same time.

7 Q. Fine. Witness, you can put aside the document. I have no
8 further questions regarding that document.

9 Yesterday, you said that after the battle the UPC fighters and
10 yourself proceeded to loot the village of Lipri; is that correct?

11 A. Yes.

12 Q. Did that pillaging take place right after the victory, the same
13 day?

14 A. First we properly ended the battle, and when we saw that we had
15 effectively ended the battle we began to loot.

16 Q. When you say "we," were you included in that "we"?

17 A. Yes, with the other friends.

18 Q. And you -- at the end of the battle, could you describe some of
19 the acts of pillaging that you were involved in at that point?

20 A. We pillaged a number of personal effects, of goods, but the
21 commander ordered us to allow him to pick the best lot of them and then
22 we would keep what he didn't take.

23 Q. You said that Lipri battle lasted for a day; isn't that correct?

24 A. I did not really say that, but I only could say what I recalled.

25 Q. As for the looting you were personally involved in, did it take

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 70

1 place the same day or the next morning?

2 A. I've started to forget all of the bad memories. I make an effort
3 to not recall these bad memories.

4 Q. Very well. You stated that you were injured during battle. Is
5 that the case?

6 A. Yes.

7 Q. My question would be, then: Did that injury not prevent you from
8 participating in the looting activity?

9 A. If you didn't pillage, then it would be like you didn't do
10 anything. After getting stitches I had to do this, because I had to
11 follow along with the others and rejoice with them.

12 Q. So your injury did not immobilise you.

13 A. The injury caused me pain, but I forced myself, because if I
14 didn't participate in the looting I would have no booty. I would have no
15 war booty.

16 Q. Thank you. I'd like to have some additional explanation on the
17 injury itself. You said that you received a bullet wound.

18 A. That is correct.

19 Q. Did the bullet penetrate your foot, or did it just graze the
20 foot? Was it a superficial graze of the foot?

21 A. The bullet penetrated the ball of my foot, but it didn't
22 completely penetrate the flesh. It was a type of graze.

23 MR. BIJU-DUVAL (interpretation): I'd like to submit to the
24 witness part of the application for participation as a victim. The
25 document as a whole, DRC-OTP-0206-0316, and I'd like to look at page 13

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 71

1 of this overall document. I think the witness will need to be helped,
2 because it has a different page number. It's 11. And of course the
3 document ...

4 THE INTERPRETER: Counsel did not finish his sentence.

5 PRESIDING JUDGE FULFORD: So page 13, Mr. Biju-Duval?

6 MR. BIJU-DUVAL (interpretation): Yes. I see it now on the
7 screen. That's it.

8 Q. So in this excerpt from the form, under "Physical injury," we
9 talk about the Achilles' heel, left foot. "Surgery was necessary to save
10 me from the bullet that was lodged in my left foot."

11 If you read that paragraph, it sounds as if the bullet had to be
12 extracted. However, that's not what you explained to us today; correct?

13 A. What you've just read, what you call "operation," as far as I'm
14 concerned, in my mind I considered the stitches as being a big operation,
15 and when the stitches were made on the wound, I thought that the bullet
16 had been removed. So that's why I thought there was a bullet in my foot
17 and that the operation was to extract it.

18 Q. Thank you. Indeed, you say you were sewn back up; correct?

19 A. Yes. I was given stitches.

20 Q. Sorry to enter into detail here, but in concrete terms were you
21 sewn back up with a thread or with staples? Do you remember?

22 A. With thread.

23 Q. And were the threads thereafter removed?

24 A. Yes, the threads were removed.

25 Q. Where were you given this health care?

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 72

1 A. It was in a medical centre. I can't remember the name of it.

2 Q. But where was this medical centre situated, which locality, which
3 village, which city or town?

4 A. Lipri. I don't know which locality Lipri is situated in.

5 Q. Thank you. How long did you stay in Lipri after the battle?

6 A. I don't have any detailed answer to this question. I've already
7 forgotten. I couldn't give you the exact days.

8 Q. I'm going to give you another extract of your July statement,
9 statement of July 2005, DRC-OTP-0108-0064. No. Sorry, before I do so,
10 I'll ask you another question. Oh, sorry, please forgive me. Let's look
11 at this paragraph first. So I'm talking about paragraph 44, page
12 reference DRC.00108.073. Do you have the paragraph?

13 So I will read the paragraph, the first half of the paragraph: " I stayed in
14 Lipri for almost one month, but my memory of the dates is vague.* "The
15 fighting I described was the only fighting I participated in directly. When
16 the reinforcements arrived from Mandro military camp, they gave us - they
17 replaced us and we left Lipri. Still under the command," and I will redact
18 the name, "we returned to Mandro where I stayed for at least two months."

19 So when you say in 2005 you remained in Lipri for almost one
20 month, does that remind you of anything?

21 A. Yes. That's what I said, but I also added this: I only have
22 vague memories of the date. That's a detail I did add.

23 Q. So thereafter you say when you're talking about the fighting, it
24 is the fighting that took place in Lipri, isn't it?

25 A. Yes.

Witness: DRC-OTP-WWW-0008 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

Page 73

1 Q. In the statement you say that the Lipri fighting was the only
2 fighting you directly took part in; correct? So my question is the
3 following: How come yesterday you talked about a second battle at a
4 different place following the Lipri battle?

5 A. I will ask -- answer that question as follows: I did say that
6 the battles I fought were the only ones I fought in directly.

7 THE INTERPRETER: Says the witness in French.

8 THE WITNESS (interpretation): They're the only battles I
9 participated in directly after the training. I would like to say -- I
10 would like to emphasise that I say -- I'm saying directly after the
11 training, directly after the training.

12 MR. BIJU-DUVAL (interpretation):

13 Q. I don't think it's necessary for us to read the whole of the
14 statement of July 2005; however, do you remember that during that
15 interview you at no stage talked about the battle at Barriere?

16 A. I didn't talk about the battle in Barriere because there was a
17 lot to say. Probably because I didn't have enough time, or there was a
18 lot of information to give. There's a lot -- there's further information
19 I didn't give because I didn't have time. I didn't say everything.

20 Q. Very well. Now I would like to talk about the battle at Barriere
21 which you talked about yesterday.

22 During the battle, during the combating, were you -- no, sorry.

23 MR. BIJU-DUVAL (interpretation): I was looking for the correct
24 wording, but I can't in public hearing, so I think we have to move into
25 closed session just very short.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 74

1 PRESIDING JUDGE FULFORD: Private session, please.

2 *(Private session) Reclassified as Open session

3 COURT OFFICER: Private session.

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

5 MR. BIJU-DUVAL (interpretation):

6 Q. During this military operation, during the battle at Barriere,
7 who was your commander? Whose orders were you obeying?

8 A. We went to this battle under (Redacted) command. We didn't have
9 an opportunity to protect him correctly, because during the battle you
10 can't guard your commander. You focus all your attention on the war.

11 Q. Thank you. I would like to give you an extract of your
12 interview, January 2008. You already have a hard copy of it, and I refer
13 to page 22. The page number is DRC-OTP-0188-0407. And the general
14 reference for the document, DRC-OTP-0188-0385. And I would like to draw
15 your attention to lines 770 to 773. And more specifically to your answer
16 at line 771, 772, and 773.

17 This is the battle of Barriere we're talking about in this part
18 of the interview, isn't it?

19 PRESIDING JUDGE FULFORD: The witness, I think, Mr. Biju-Duval,
20 to be taken to a page number and then asked immediately whether that
21 section relates to Barriere. I'm sure we can take it from you that this
22 describes the battle at Barriere, but I think you can't ask the witness,
23 really, to tell that straight away. He might like to look at line 757,
24 758, which has a reference to the word "Barriere." And 770 as well.

25 Yes. And what's the question, Mr. Biju-Duval?

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 75

1 MR. BIJU-DUVAL (interpretation):

2 Q. If I understand the answer you make at 771, 772, 773, during the
3 battle you hadn't -- didn't really have a commander as such, but you were
4 just all together in a big group and went all together. What I wanted to
5 draw your attention to is the fact that you, at that time, say that you
6 didn't really have a commander as such. Does that correspond to the
7 situation of the time?

8 A. Well, what I've just said, when you go to battle, you don't keep
9 on guarding the commander to ensure his protection. It's only after the
10 battle that you look for your commander to ensure their security. When
11 you go to battle, the objective is to go to war.

12 Q. Thank you. Is it correct to say that the village of Barriere is
13 a village of the Hema community?

14 A. Yes. Barriere is for the Hema, but the Hema North, which we call
15 the Gegere.

16 Q. Thank you. Yesterday, you told us that your commanders,
17 following the battle, had ordered for Barriere to be looted; correct?
18 And you said exactly, and I quote, it's on page 47 of the French
19 transcript, lines 8 to 10, I quote that: "Later on we started to loot
20 the population's goods, to eat the food, and take goats, et cetera."
21 Correct?

22 A. Yes.

23 Q. Didn't it surprise you that the UPC commander would order to loot
24 a village of the North Hema community?

25 A. No. That didn't surprise us, because the orders were military

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 76

1 orders, and that was the end of a battle. Normally, the principle of the
2 army is when you finish a battle you loot because that's how you get the
3 food. Even if you don't loot people's own property, it's your right to
4 loot things like property, like goats, and other things to help you.

5 Q. Thank you. I'd like to understand the chronology. After the
6 battle at Barriere you returned to Bunia; correct?

7 A. Yes.

8 Q. And if I understood correctly, you stayed in Bunia until you left
9 the UPC, except for exceptional tos and fros between Mandro; correct?

10 A. Yes.

11 Q. You weren't assigned to another unit somewhere else in Ituri?

12 A. No. I wasn't assigned, but some of my friends were assigned to
13 other places.

14 Q. But you stayed in Bunia with your unit. That's your statement;
15 correct?

16 A. Yes.

17 Q. Unless I'm mistaken, in Bunia you were based in Ndromo camp;
18 correct?

19 A. Yes.

20 Q. Could you briefly describe the camp? Does the camp resemble the
21 Irumu camp, for instance, or are the buildings any different? Could you
22 please describe them?

23 A. Kpandroma (as interpreted) camp wasn't very different from the
24 Irumu camp. The houses were built the same way everywhere. We didn't
25 have the ability to build big houses. We built small houses.

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Bijou-Duval (Continued)

Page 77

1 Q. I am afraid there's some mistake with the transcript. Did you
2 talk about the camp Ndromo or Kpandroma?

3 A. Ndromo.

4 Q. So you were lodged in small houses; correct?

5 A. Yes.

6 Q. Like in Irumu?

7 A. Yes.

8 Q. So do you mean small individual houses, straw houses or made out
9 of leaves; correct?

10 A. Yes.

11 Q. So, that's where the Ndromo camp soldiers were lodged, is it?

12 A. Yes.

13 Q. Very well. During your quartering in Bunia, you mentioned, if I
14 understood correctly, that your main task was to ensure Bunia's security
15 together with your other fellow soldiers; correct?

16 A. Yes.

17 Q. And you gave us an example of this when you talked about a
18 meeting that was held at Bunia stadium at which President Lubanga came.

19 A. Yes.

20 Q. Sorry, I will rephrase my question. Do you know -- are you aware
21 of the reasons for organizing the meeting? What was the reason for this
22 meeting rally, do you know?

23 A. I've forgotten already. Some information we didn't catch.

24 Q. Was that the only -- was that the only meeting at Bunia stadium,
25 the only rally for which you were in charge of security when you were in

Witness: DRC-OTP-WWW-0008 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

Page 78

1 the UPC?

2 A. Yes. It was that rally which I -- which we ensured the security
3 for when I was in Bunia.

4 Q. Is it the only meeting at Bunia stadium with President Thomas
5 Lubanga which you attended generally -- in a general way?

6 A. Yes. That's the one I remember.

7 Q. You don't remember any other before, during, or after the time
8 you were in the UPC which you personally attended at Bunia stadium, do
9 you?

10 A. I've already forgotten some information.

11 Q. I will now give you a paragraph from your statement of 2005.

12 PRESIDING JUDGE FULFORD: We've been in private session for far
13 too long. Right. Now, Mr. Biju-Duval, how much longer have you got?

14 MR. BIJU-DUVAL (interpretation): Not very long, but I don't
15 think that 15 minutes will be enough, but it's not impossible.

16 PRESIDING JUDGE FULFORD: Will you be re-examining, Mr. Sachdeva?
17 Counsel very often feel obliged to ask questions during re-examination
18 when they're not always strictly necessary. That's not been -- making a
19 point about this case, it's my experience over 30 years that it's often
20 seen as an obligation, but that's not to deter you. Had you planned to
21 ask questions?

22 MR. SACHDEVA: I had, but really very slight at this stage.

23 PRESIDING JUDGE FULFORD: Well, the -- the arrangement with the
24 stenographers and the interpreters is that it's three one and a half our
25 sessions, and we've now reached the end of it. If Mr. Biju-Duval says

Witness: DRC-OTP-WWW-0008 (Resumed) (Closed Session)
Questioned by Mr. Biju-Duval (Continued)

Page 79

1 that he's going to be a further 15 minutes, and if you've got questions,
2 and if then possibly there are questions back, and there may even be some
3 judicial questions, I think to try and shoehorn all of that into the next
4 or 15 minutes would be unrealistic.

5 Sir, I am extremely sorry. I had hoped that your evidence would
6 be finished today, in fact, I'd had some hopes your evidence would have
7 been finished yesterday. You will be, I'm afraid, required tomorrow
8 morning. The only thing I can say to you is it will not be for very
9 long. You've very nearly completed your evidence, but there will be, I'm
10 afraid, a short hearing tomorrow morning.

11 So thank you very much for your help this afternoon.

12 Can we please go into closed session so that the witness can
13 withdraw for the night, and would Mr. Lubanga be so kind, please, as to
14 leave court for a moment. Thank you.

15 (Mr. Lubanga withdrew)

16 *(Closed session) Reclassified as Open session

17 COURT OFFICER: Closed session.

18 (The witness stands down)

19 PRESIDING JUDGE FULFORD: The recommendations for protective
20 measures for Witness 11 have been distributed. Does anybody have any
21 submissions on them? No?

22 Maitre Mabilie, tomorrow morning? Certainly. All right.

23 Thank you all very much for your assistance. We'll sit again
24 tomorrow at half past 9.00.

25 COURT USHER: All rise.

Witness: DRC-OTP-WWW-0008 (Resumed) (Closed Session)
Questioned by Mr. Biju-Duval (Continued)

Page 80

1 The hearing ends at 4.16 p.m.

2 RECLASSIFICATION REPORT

3 Pursuant to Trial Chamber I's email instruction dated 7th November 2011, the
4 transcript is reclassified as public after the indicated redactions have been
5 implemented as ordered by the Chamber. All private and closed sessions (*)
6 are now available to the public with the exception of the portions of the
7 transcript that have been redacted.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25