

1 International Criminal Court
2 Trial Chamber I - Courtroom 2
3 Presiding Judge Adrian Fulford, Judge Elizabeth Odio
4 Benito and Judge René Blattmann
5 Situation in the Democratic Republic of the Congo
6 ICC-01/04-01/06
7 In the case of The Prosecutor v. Thomas Lubanga Dyilo
8 Tuesday, 6 July 2010
9 (The hearing starts at 9.32 a.m.)
10 * (Closed session) Reclassified into open session
11 THE COURT USHER: All rise. The International
12 Criminal Court is now in session. Please be seated.
13 PRESIDING JUDGE FULFORD: Good morning. Witness,
14 please.
15 While the witness is being brought into court, we will
16 need somebody from the Victims and Witnesses Unit to come to see
17 the judges today as to the situation regarding disclosure of the
18 identity of intermediary 143. I intend to check the relevant
19 communications, but as I'd understood the position from memory -
20 which of course may be fallible, or rather is fallible -
21 disclosure should have been affected by, in fact, yesterday. So
22 we will need a representative of the VWU to come to see us to
23 explain to us in detail what is planned in relation to
24 disclosure. This is potentially relevant to the Defence
25 questioning of the current witness.

1 (The witness enters the courtroom)

2 PRESIDING JUDGE FULFORD: Good morning, sir.

3 THE WITNESS: Good morning.

4 PRESIDING JUDGE FULFORD: Public or private,

5 Ms Samson.

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

7 PRESIDING JUDGE FULFORD: Of course. Private session,
8 please.

9 * (Private session at 9.34 a.m.) Reclassified into open session

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

12 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

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

14 (The witness answers through interpreter)

15 QUESTIONED BY MS SAMSON: (Continuing)

16 Q. Sir, yesterday before we ended for the day we were
17 discussing an individual named (Expunged), and you had told the
18 Court that you took care of him at the CTO and you also did
19 follow-up when he went back home. So, my first question is why
20 was (Expunged) at the CTO?

21 A. (Expunged) was at the CTO because he was a child who
22 had just abandoned military service.

23 Q. Do you know from which armed group he had belonged?

24 A. Yes, he was a member of the UPC.

25 Q. And you've indicated that you did follow-up for

1 (Expunged). Where was his family located after he left the CT0?

2 A. His family was located on the road from (Expunged)

3 (Expunged), or between the (Expunged) and the

4 (Expunged). However, I don't have any additional

5 details to give. I have forgotten.

6 Q. How often would you visit (Expunged) at his home during

7 the period where you were conducting follow-up for him?

8 A. I visited him often. However, I do not know the

9 number of times I visited him. All the same, I went to his home

10 on several occasions.

11 Q. And during the time that you were conducting the

12 follow-up with (Expunged), or during the time that you knew him,

13 did his family remain in the same location? Did they ever move

14 locations that you know of?

15 A. His family remained in the same location. However, at

16 some point they went to Bunia.

17 Q. Do you know in which neighbourhood of Bunia they went

18 at some point?

19 A. Yes, at some point they resided in the (Expunged)

20 neighbourhood.

21 Q. Do you know if (Expunged) had any older brothers?

22 A. From what I heard from his mother, (Expunged) had only

23 one older brother and that older brother also belonged to an

24 army and he fight in the cause of fight -- (Expunged)

25 (Expunged). However, she did not tell me that he had any other

1 older brothers. All I knew was that (Expunged)'s older brother
2 (Expunged).

3 Q. Did you find out in which army his older brother had
4 belonged?

5 A. Yes, he too fought within the ranks of the UPC.

6 Q. Yesterday, we had looked at the photograph in which
7 you had identified (Expunged). There was another person in the
8 photograph as well. I would ask you to please turn to tab 1 of
9 the binder in front of you, and the document again is registered
10 as DRC-ICC-0001-0183 and the evidence number is EVD-OTP-00562.

11 Sir, looking at the photograph, do you recognise the
12 person on the left-hand side of the photograph who's wearing a
13 (Expunged)?

14 Sir, I think you're indicating that you don't have any
15 translation.

16 PRESIDING JUDGE FULFORD: The --

17 THE WITNESS: Yes, I can't hear anything.

18 MS SAMSON:

19 Q. I'll ask the question again and we'll see if perhaps
20 it gets translated. On the photo in front of you, do you
21 recognise the person to the left of the photograph who's wearing
22 a (Expunged)?

23 A. Yes.

24 Q. Do you know his name?

25 A. Yes, his name is (Expunged).

1 Q. Do you know the full name of (Expunged)?

2 A. No, the only name I know him by is the name (Expunged).

3 Q. How do you know (Expunged)?

4 A. I know (Expunged) because, when I went to visit (Expunged)'s
5 family to inform them that I wanted (Expunged) to travel to the
6 second place of meeting, at that point in time I talked to
7 (Expunged)'s mother and she told me that she was ill and could not
8 travel. His father said that he had something else to do. He
9 is someone who is called (Expunged); that is, his job entailed
10 (Expunged).

11 So I told him that, if there was any family member who
12 could accompany the child, that would be appropriate; someone to
13 accompany the child to the second meeting place. At that point
14 I was introduced to (Expunged) and I was informed that he was
15 (Expunged)'s maternal uncle. It was at that point in time that
16 I came to know him.

17 Q. Had (Expunged) been one of the children that you put in
18 touch with (Expunged) in Bunia?

19 A. Yes.

20 Q. And when you went to (Expunged)'s home to speak about
21 going to (Expunged) for the second interview and you met (Expunged)'s
22 father, had you met (Expunged)'s father before, or was this the
23 first time you were meeting him?

24 A. It was the first time I was meeting him. However, I
25 had met (Expunged)'s mother earlier on several occasions, but I

1 had not yet met his father.

2 Q. Did his father ask how you knew (Expunged) when you
3 arrived at the home?

4 A. Yes, when I arrived at their home, I was there for a
5 few minutes and his father arrived. (Expunged) informed his
6 father, saying that, "This is the man working at the place where
7 I was received when I left military service and this is the same
8 person who brought me to this family to do my family
9 reunification. At that time you were not around, my father ..."
10 he said, "... this man came and I informed you that he has come
11 to find out how we are living, to find out about our living
12 conditions and to find out about what I intend to do. This is
13 the man I talked about."

14 So, (Expunged) introduced me to his father and the
15 gentleman told me that he was indeed (Expunged)'s father. He
16 said he had a lot to do and that is why I never found him at
17 home whenever I arrived, and he said, "I am pleased to meet you.
18 You helped to bring my child back home and I wish to thank you
19 for that."

20 Q. Did (Expunged)'s father, or (Expunged)'s father's
21 wife, ever tell you that (Expunged) had never been a child
22 soldier in the UPC?

23 A. Who are you talking about? Are you talking about his
24 father, or his mother?

25 Q. Did either of them tell you that (Expunged) had, in

1 fact, never been a child soldier in the UPC?

2 A. No, none of them told me that, but how could they say
3 that since they knew very well that the child had served in the
4 army? They never told me that, not at all. We never had to
5 discuss that subject. We did not discuss about whether or not
6 the child had served in the army, because everyone knew that
7 this child had been a UPC soldier and so they never told me
8 that.

9 Q. Was (Expunged) at the home when you arrived there?

10 A. No. (Expunged) was somewhere else, not very far from
11 there. When I discussed with the parents, they told me that
12 they did not have the time. I told them that I simply wished to
13 have a family member who would accompany (Expunged) and that
14 shouldn't be a problem, so they told me that there was his
15 maternal uncle who was available, that they were going to try to
16 contact him and ask him and, if he accepted, then there would be
17 no problem.

18 So a child was sent to go look for (Expunged), and he
19 arrived and (Expunged)'s parents introduced (Expunged) to me.
20 And I told him - that is (Expunged) - that I worked for
21 (Expunged) and that I have had to work with (Expunged). I
22 also added that, "There were certain officials who wished to
23 discuss with the child in (Expunged). However, the child's parents
24 did not have or could not find the time to accompany him and
25 they have introduced me to you and they are proposing you to be

1 the person who would accompany the child." He accepted, and
2 later on he accompanied the child to Bunia and he also
3 accompanied the child later on to the second place of meeting.

4 Q. When you introduced yourself to (Expunged) and stated
5 that you worked for (Expunged) and that you've had to work with
6 (Expunged), did you explain the circumstances in which you worked
7 with (Expunged)?

8 A. Yes, I told him that (Expunged) was conducted in
9 several ways. There were some people who were responsible for
10 street children, others who were responsible for child soldiers,
11 others who worked with accompanied children and some who worked
12 with girl mothers, and that all these activities fell under the
13 canopy of (Expunged) . I also informed him that, with respect
14 to our activities, we were responsible for child soldiers.
15 So he said, "So you are the people who took care of
16 (Expunged) when he left the army?" I said, "Yes, we were with him
17 and I was the person who brought him back to his family and his
18 parents." And more specifically his mother told him, "I did
19 tell you that it was this man who brought (Expunged) home from
20 Bunia and he is the person who comes here pretty often and I
21 hereby introduce you to him." That's what she said at that
22 point in time.

23 Q. Did (Expunged) ever say to you that you must have been
24 mistaken because (Expunged) was never a child soldier in the UPC?

25 A. No, he told me nothing like that at all.

1 Q. Did you give any money to (Expunged)'s family?

2 A. When I was introduced to (Expunged), (Expunged)'s
3 parents were there. (Expunged) was also present. I told them the
4 following, "The person who accompanies the child to (Expunged) will
5 receive \$10 from me and the sum will be paid to the family, or
6 to these individuals, for the two or three days that they were
7 going to spend in (Expunged)."

8 So I got out some money and I put it on the table and
9 I said, "If it is (Expunged) who has to accompany the child,
10 then the money belongs to him, and if it's someone else then
11 that someone else will have to take the money." So (Expunged)
12 took the money; that is, \$10 in front of me. He put the money,
13 the \$10, in his pocket.

14 Q. Once the family had agreed that (Expunged) and
15 (Expunged) would go to (Expunged), did you tell (Expunged) in
16 front of the family that (Expunged) should accept when he goes
17 to the second interview that he had been a child soldier and in
18 that way he would get money or other benefits?

19 A. No, I didn't say anything to (Expunged). I told him
20 nothing at all. This is what I told him. I said that there had
21 been a discussion which had taken place in Bunia and that that
22 discussion had to continue, but I told them nothing relating to
23 child soldiers or to any subject -- to any other subject.

24 Q. Did you provide instruction to (Expunged) on the answers
25 that he should give to the agents he was going to meet in (Expunged)?

1 A. No, I said nothing to (Expunged), because myself, I
2 didn't know what was going to happen in (Expunged). I didn't know
3 what was going to be asked of him. I knew nothing about that,
4 so how could I have said such a thing that I did not know about?
5 I said nothing to (Expunged), other than the fact that -- well,
6 I asked him to go with the child to (Expunged).

7 Q. Did you instruct (Expunged) to lie to the agents about his
8 name?

9 A. No. Why? How could I have said to (Expunged) anything
10 about deceiving people, or lying about his name? I'll give you
11 an example. When a person - when an adult - goes on a trip, at
12 that time I'll say that was after the enrolment, each person
13 received his identity card. How could I -- how could I have
14 taken the liberty to change the name found on a person's
15 identity card? It's impossible.

16 However, I did say this to him, "Sir, do you have an
17 identity card? You can't go on this trip without that document,
18 although the child does not need a document," and he said to me,
19 "Yes, I was enrolled. I don't have a problem about that trip."
20 So he went on his way and, as for the name, I said nothing. I
21 could not change the names and, if that were the case, where
22 would I have found a machine to print or make a new identity
23 card so that such an operation would be possible? That would
24 have been impossible. It could not have been done. Thank you.

25 Q. When you asked (Expunged) if he had an identity card and

1 he said, "Yes, I was enrolled," do you know what he meant?

2 Where he had been enrolled?

3 A. Yes, when someone says that he had been enrolled, that
4 means the person has an identity document and that document
5 allows him to travel. If someone does not have an identity
6 document, that person may have a great deal of difficulty and
7 may even be stopped. I asked him the question, namely, and I
8 wanted to make sure and he assured me that there would be no
9 problems along the way and he would be able to get to the
10 destination without any trouble and he would be able to make the
11 trip there and the trip back in the same conditions.

12 Q. Did he tell you what type of identity card he had?

13 A. No, I did not ask him what kind of identity card he
14 had. Why didn't I ask? Well, because each Congolese person who
15 had been enrolled had the same kind of voter card. Each
16 Congolese person had the same voter card. There were no
17 different types of voter card.

18 Q. Did you see (Expunged)'s voter card?

19 A. No, I did not ask him to show it to me. When I asked
20 him the question whether he had one, he said, "Yes." However, I
21 did not ask him to show me the card.

22 Q. Did you instruct (Expunged) to tell the agents that he was
23 (Expunged)'s biological father?

24 A. No, I did not say that to him. Why would I have done that?
25 I knew his father. I also knew his mother. Why would I

1 have allowed myself the liberty to have said to (Expunged) to agree
2 that he were the father? No, I did not say that to him.

3 Q. Did you tell (Expunged) that, if he went to (Expunged) and spoke
4 to the agents, that his life would improve and he would get
5 money, or a plot of land, or a shop?

6 A. No, I did not touch upon those topics with him.
7 That's strange that you've just -- what you've said is strange.
8 I didn't know what they would be talking about and so I was not
9 able to touch upon those topics with him. Those topics that you
10 have just mentioned, I find that strange.

11 Q. At that time did you yourself (Expunged)?

12 A. (Expunged)
13 (Expunged).

14 Q. Did you show (Expunged) and tell him that if he
15 lied to agents in (Expunged) he could have (Expunged)
16 (Expunged)?

17 A. No. One Saturday, (Expunged) arrived. He saw me and he
18 came up to me and said to me, "Well, you're here," and I said,
19 "Yes, of course." I said to him, "When I don't go to work, I'm
20 often here." And he asked me, "(Expunged)?",
21 and I said, "Yes, thanks to God, (Expunged)," and he added,
22 "Well, that's great," and he went along his way. We did not
23 talk about these matters that you have just spoken of.

24 Q. Did you ever tell (Expunged) that he must use all means at
25 his disposal to get money from the agents in (Expunged)?

1 A. No, what you've just said is odd. I said nothing to
2 (Expunged) other than asking him to go with the child to (Expunged). What
3 you've just said is odd. I find it strange.

4 Q. Before (Expunged) travelled to (Expunged), did you
5 tell (Expunged) that he would be meeting agents from the ICC?

6 A. No, I did not say that to him, nor did I say that to
7 (Expunged). What I said to (Expunged) was, "Go with the child to
8 (Expunged)." That child was well aware whom he would be dealing with;
9 that is to say my superiors who had met with him in the past
10 beforehand in Bunia.

11 Those people did not have the time, or the
12 opportunity, to go to Bunia. They had to restrict themselves to
13 (Expunged), and so that is why the child had to have someone go
14 with him to that place. I did not say that to the child, or to
15 (Expunged), what you've just mentioned. What you've just said,
16 I did not say that to the child or to (Expunged).

17 Q. I'd ask you now to please turn to another tab in the
18 binder in front of you.

19 PRESIDING JUDGE FULFORD: And do we need to remain in
20 private session, Ms Samson?

21 MS SAMSON: Yes, your Honour, I believe we do.

22 PRESIDING JUDGE FULFORD: Thank you.

23 MS SAMSON:

24 Q. Could you please turn to tab 5 in the binder before
25 you? The registration number is DRC-OTP-0229-0078 and it's a

1 confidential document. Sir, do you recognise the person in this
2 photograph?

3 A. Yes, I recognise that person. It is (Expunged).

4 Q. Do you know any other names for this person?

5 A. No, I no longer recall. There were a number of
6 (Expunged) and this one I called (Expunged) That was his
7 (Expunged) I had given him.

8 Q. How do you know him?

9 A. I met (Expunged) at the CTO. I was the one who took him
10 back home.

11 Q. And why was (Expunged) at the CTO?

12 A. He had just been demobilised from the armed group, and
13 so that is why he ended up at the CTO, the Transit and
14 Orientation Centre, before we found his family in order to carry
15 out family reunification.

16 Q. Do you know to which armed group he had belonged?

17 A. Yes, he was part of the UPC.

18 Q. And do you know if he was in contact with (Expunged) in
19 Bunia?

20 A. Yes, he had met him.

21 Q. Before he had met (Expunged), did you instruct him on the
22 questions he would be asked and the answers that he should give
23 to (Expunged)?

24 A. No. Why would I have given him instructions? I
25 didn't know what their conversations were going to be about. I

1 knew nothing. My work was to put them in touch with one
2 another. As for the rest, I knew nothing. That's why I am
3 stating that I said nothing to him.

4 Q. When you met with him in advance of his meeting
5 (Expunged) and you asked him if he would met with an agent, do
6 you remember how he reacted to your request?

7 A. When I arrived at his home I said this to him, "One of
8 my colleagues would like to meet you." He said to me, "No
9 problem," and so we left together and we went to Bunia. He
10 spent the night with some acquaintances of his family; members
11 or acquaintances of his family. He met me at the place we had
12 decided upon, and so I took him and I put him in touch with
13 (Expunged).

14 I wouldn't say that he responded negatively to that.
15 He agreed. You know, all these children were children who knew
16 me well. I was like a friend to them and we had spent a lot of
17 time together at the CT0, so I noticed no negative reaction. He
18 was in agreement.

19 Q. Sir, did you say he was in agreement, or he was not in
20 agreement?

21 A. He was in agreement.

22 Q. And you've said that all the children were children
23 that you knew well and you spent a lot of time together. Would
24 you say that this person, (Expunged)- the one you called (Expunged)- is
25 someone that you knew well?

1 A. Yes, I knew (Expunged)well. We had lived together. I
2 brought him back home. I had done follow-up. He told me about
3 his future. He told me everything.

4 Q. And when you say, "We had lived together," what do you
5 mean by that?

6 A. Well, when I said that we had lived together, I meant
7 this: at the time of his desertion from the armed group, we
8 lived together at the CTO. We talked about the various topics
9 that I told you about earlier; namely, these discussions about
10 morality. There were sports activities. We would -- we would
11 go and fetch water together and every Sunday we would do these
12 walks; these guided walks. We would go through the villages and
13 we would go to church. And so when I say that we lived
14 together, I meant what I've just told you. These various
15 activities that I've just told you about.

16 Q. When you were meeting him in advance of the meeting
17 with (Expunged), did you promise him that he would get money or other
18 benefits if he spoke to (Expunged)?

19 A. No, I did not say that to him. We did not touch upon
20 those topics -- that topic.

21 Q. Did you instruct him to tell (Expunged) that he had
22 participated in battles in certain locations?

23 A. No, I did not say that to him. I did not have time to
24 touch upon those matters with the children. I didn't know what
25 their conversations were going to be about, but I did know that

1 they were children who had belonged to the armed groups. As for
2 the questions that they were going to be asked, I had no
3 knowledge of those questions. How could I have prepared those
4 children when I didn't know the questions that were going to be
5 asked of them?

6 Q. Did you instruct him to lie to (Expunged) about his
7 identity?

8 A. No, I did not tell him to lie about his identity, but
9 I did know that the name that he used at the CTO was the only
10 name that I knew, so there were no other names that I knew him
11 by. I knew him by the name that was used when the attestation
12 was drawn up, the attestation that is drawn up when a child
13 leaves an armed group, so I did not ask him. We did not talk
14 about his name.

15 Q. Did you instruct him to lie to (Expunged) about his age?

16 A. No, we did not touch upon that matter. We did not
17 talk about his age. Everything you're telling me is strange. I
18 find it strange. We did not talk about those things.

19 Q. Do you remember if he went to (Expunged) for a second
20 interview?

21 A. Yes, I think he did go to (Expunged). I think that he was
22 one of the children who did go to (Expunged), but I don't have
23 specific information about that.

24 Q. Do you remember speaking to his family about the trip
25 to (Expunged)?

1 A. * Yes, I spoke to his family. One of his
2 grandparents had aged a great deal, and that person told me that
3 he was going to look for someone else who would go with the
4 child.

5 Q. Do you remember who accompanied him to (Expunged)?

6 A. No, I no longer recall, but I do know that it was one
7 of his family members. It was not one of his grandparents whom
8 I just mentioned.

9 PRESIDING JUDGE FULFORD: Ms Samson, once we've
10 finished this topic, we'll take the first break.

11 MS SAMSON: Certainly, your Honour.

12 Q. Did you see him upon his return from the (Expunged)
13 interview?

14 A. No, when he came back -- well, you know, some children
15 went to (Expunged). When they returned, I did not meet them all.
16 Some had left (Expunged). They had received an amount of money and a
17 telephone, that was in (Expunged), and I did not meet those ones.
18 When I spoke with the agent, the agent said to me, "You see
19 such-and-such a child, that child we're not in contact with him.
20 You see this other child, that child we are in contact with, so
21 give him a mobile phone." And I didn't know what he meant
22 exactly by being in touch with a child or not being in touch
23 with a child, so I'm going to say that I did not meet (Expunged) when
24 he left (Expunged).

25 MS SAMSON: Thank you, Mr President.

1 PRESIDING JUDGE FULFORD: Thank you, Ms Samson.

2 Sir, we're going to take a break now. Thank you very
3 much for your help so far this morning. We'll sit again at 11
4 o'clock. Closed session, please. Yes, closed session, please.

5 * (Closed session at 10.31 a.m.) Reclassified into open session

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

8 (The witness stands down)

9 PRESIDING JUDGE FULFORD: 11 o'clock.

10 THE COURT OFFICER: All rise.

11 (Recess taken at 10.31 a.m.)

12 (Upon resuming at 11.02 a.m.)

13 * (Closed session) Reclassified into open session

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

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

17 (The witness enters the courtroom)

18 PRESIDING JUDGE FULFORD: Public or private,

19 Ms Samson?

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

21 PRESIDING JUDGE FULFORD: Private session, please.

22 * (Private session at 11.04 a.m.) Reclassified into open session

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

25 PRESIDING JUDGE FULFORD: Yes.

1 MS SAMSON: Thank you.

2 Q. Sir, did you ever receive a salary from the Office of
3 the Prosecutor for having assisted in contacting families and
4 facilitating the travel of children and adult family members to
5 (Expunged)?

6 A. No, I did not receive any sum of money - not even one
7 Zaire - from the ICC.

8 Q. And you told the Court last week that in 2008 you had
9 (Expunged). Do you recall the month in 2008 in which
10 you (Expunged)?

11 A. Yes, I do remember. That was in the month of January.

12 Q. Was there a specific reason why you left Bunia in
13 January 2008 (Expunged)?

14 A. Yes, indeed there was a reason.

15 Q. Could you explain to the Court why you left Bunia?

16 A. Yes, I left Bunia because people from the UPC were
17 looking for me with a view to killing me. The individual who
18 told them that I was working with the UPC was the child by the
19 name of (Expunged). He did that when he left (Expunged). There was a
20 meeting at (Expunged), and at that moment in time he told the
21 members of the UPC that -- that I was working with the children
22 and that I claimed to be helping the children whilst this was
23 not true. In fact, he said I was working with the people from
24 the ICC. Then people -- or those people started to look for me
25 on an active basis, and I contacted the ICC, people working for

1 the ICC who were in Bunia, and they verified this information.
2 They realised that the information was correct. They took me
3 away from Bunia to (Expunged).

4 Q. Sir, in the earlier part of your answer, the
5 transcript records that you were working with the UPC. Did you
6 say that you were working with the UPC, or with the ICC?

7 A. Yes, as I was saying, the child in question told those
8 people that I was working with the ICC and not with the UPC.

9 Q. And you've indicated that people started to look for
10 you on an active basis. Can you describe that for the Court a
11 bit more?

12 A. Yes, I thank you for that question. When the child
13 spoke to the members of the UPC, telling them that I was not
14 only working for the (Expunged), but that I was also
15 in fact working with the ICC, well, there is a child who told me
16 that another child whom he had met in the (Expunged),
17 upon his arrival in (Expunged), and this was when the other child was
18 leaving from the (Expunged) roundabout ...

19 THE INTERPRETER: The Swahili interpreter does not
20 understand what the witness is saying.

21 THE WITNESS: That is where the bus picks people up to
22 take them to (Expunged). So this child said that, whilst we were
23 in the meeting at (Expunged), the child said to those in
24 attendance that we had travelled to (Expunged) and that we had met
25 people from the ICC. The child mentioned my name, saying that,

1 "(Expunged)has a (Expunged)and
2 that he was the one who put us in contact with those people."

3 So the child in question was asked who had given him
4 that piece of information in Bunia, his hometown, and the answer
5 was, "(Expunged)". The child then said,(Expunged), please do not
6 come back here again because everybody knows now that you are
7 the individual who put us in contact with employees of the ICC."

8 And it is that very same child who -- whom I met at
9 the (Expunged) roundabout. Well, he was the one who gave me
10 that piece of information. I then asked the child whether my
11 name had been mentioned at that moment in time and he answered
12 me by saying that, (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged) So I did not deem this information

18 to be well-founded and I set it aside.

19 One day I was on mission in (Expunged)in the company of
20 other individuals - there were seven of us in all - and, whilst
21 we were talking to the officials of the (Expunged) locality, whilst we
22 were talking about the children I saw people pointing at me, and
23 I approached those individuals asking them the following
24 question: I said, "Is there a problem?", and they said, "No,
25 there is no problem. We're just talking about something else."

1 I said, "I'm asking you that question because it may be that
2 you're having difficulty with the children here in this
3 location," and they said, "No, we have other issues of concern,"
4 and that is what we are talking about and we went back to Bunia.
5 In fact, on that day we made the return journey.

6 And on another day I was sent on my own on a motor
7 bike on a mission to that location. I refused to go. I said,
8 or claimed, that I was sick. On another day, whilst I was
9 wandering about not far afield from the (Expunged)office and the
10 (Expunged)office in Bunia, (Expunged) drove up beside me and
11 somebody called me by my name. He said, (Expunged), how are you?"
12 I said, "I'm fine," and then the person said, (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged) When

18 those individuals talked to me in this manner, I jumped and I
19 thought to myself, "Well, this means that the child told me the
20 truth," so I took flight.

21 And on another day, whilst I was wandering around not
22 far afield from the (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 That is why I explained this to the employees of the
15 ICC in Bunia, they analysed the information and (Expunged) also
16 gave them the same information. I was then moved to another
17 location. However, before that, when the child in question gave
18 me the information I was talking about, a friend of mine who
19 (Expunged) came to

20 see me and he said the following, "I have heard that you are
21 working with the ICC," to which I responded, "No, I do not work
22 with those people."

23 He then said, "No, everything has been said about you.
24 The way you dress has been described. Your (Expunged) has been
25 described. (Expunged)

1 (Expunged) - but I didn't want to
2 tell those people that I knew who you were. However, you are my
3 friend and I can't allow people to kill you whilst I know what
4 is going on. I know this is you, so do everything you can to
5 avoid wandering around and leaving this location." I said, "No,
6 you're wrong. It is not me," but he said, "Now, listen, I know
7 who you are. (Expunged) So was
8 I wrong to come to see you and give you this piece of
9 information? You are, after all, a great friend of mine and I
10 am giving you all the information in my possession now."

11 At that moment in time, when he gave me that
12 information, (Expunged) in Bunia,
13 and in fact people from all over would hold meetings on a weekly
14 basis and every month people from various locations would send
15 delegates to Bunia, to the directorate general or the head
16 office of the UPC, and (Expunged)the
17 (Expunged)in question. Then he came to see me at home. That
18 is how it all happened.

19 Q. You've described several incidents and I'd like to ask
20 you some additional questions about those incidents, starting
21 with the first one that you mentioned. You said that an
22 individual, a child by the name of (Expunged), had told some UPC
23 officials that you were working for the ICC. If you could
24 please turn to the binder in front of you, I would like to know
25 if you're referring to the person you've identified as (Expunged) at

1 tab 4, or the person you've identified as (Expunged) at tab 5, or
2 indeed if it's a different person.

3 A. That is indeed him, the person at tab 5.

4 MS SAMSON: And, for the record, the document at tab 5
5 is DRC-OTP-0229-0078. Your Honour, I don't believe I gave time
6 for an evidence number when this was being discussed and I don't
7 believe it already has an evidence number. Perhaps it could be
8 a good moment.

9 PRESIDING JUDGE FULFORD: Yes. If this doesn't have
10 an EVD number, if the court officer has one readily to hand?

11 THE COURT OFFICER: My apologies. Can I have the ERN
12 number one more time?

13 MS SAMSON: Yes. It's DRC-OTP-0229-0078.

14 THE COURT OFFICER: The document already bears the
15 following EVD number EVD-OTP-00590.

16 MS SAMSON: Thank you.

17 Q. And you've indicated, sir, that you found out that
18 this person named (Expunged) had told UPC officials that you were
19 working with the ICC from another child. What was the name of
20 the child who gave you this information?

21 A. (No interpretation)

22 PRESIDING JUDGE FULFORD: For some reason -- well, I
23 don't think interpretation is needed. The answer that's been
24 given is (Expunged). So carry on, Ms Samson. The answer from the
25 witness was, in fact, (Expunged), although nothing was entered by

1 way of an answer from the witness. Thank you.

2 MS SAMSON: Thank you.

3 Q. And do you remember where you were when (Expunged)
4 provided you with this information?

5 A. Yes. I was at home in Bunia, in the (Expunged)
6 neighbourhood in (Expunged) (phon). However, I have
7 forgotten the number of the house.

8 Q. And you mentioned that (Expunged) spoke to you about a
9 meeting at (Expunged). Do you know who was meeting there?

10 A. That was members of the UPC.

11 Q. Did (Expunged) tell you who within that meeting
12 mentioned your name? Was it the person you called (Expunged) or
13 somebody else?

14 A. He told me that the child in question -- well, he told
15 me that he had understood that the child in question had given
16 my name because during the meeting (Expunged) had pointed at (Expunged)
17 saying, "I also saw him in (Expunged)," and it would seem that he was
18 also in contact with those people, with the people that (Expunged)
19 took us and put us in contact with. And he was asked, "Why are
20 you talking about this child?" And he said, "Because we were
21 together at the CTO for child soldiers."

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

1 (Expunged) I
2 remembered that, and I said, "A-ha, that was (Expunged) then." And
3 then I said, (Expunged) And he
4 said, (Expunged)
5 (Expunged). And the child who asked for this child -- for
6 (Expunged) -- was the same child who brought
7 (Expunged). So I then understood that we were talking about
8 (Expunged).

9 Q. And you've mentioned that (Expunged) told you you should
10 no longer go to a certain location or you would encounter
11 problems. Which location was he referring to?

12 A. He was talking about a location where you could find a
13 large number of UPC members. In the Ituri region, the UPC
14 covers almost the entire territory of Djugu, and in Bunia the
15 UPC covers about half of the town, and in Irumu the UPC has
16 control over a certain number of villages such as Rwampara.

17 He told me that I should not go to the main market
18 especially. At the time, there were two market squares in the
19 town of Bunia. In the main market, 95 per cent of the people
20 there were Hemas, who were members of the UPC. The other market
21 was located near the MONUC headquarters and in that market there
22 was a large number of different tribes; the different tribes
23 that live in the town of Bunia. That's it.

24 Q. And the second incident that you described was when
25 you went on mission to (Expunged) with several other individuals.

1 What were you going to (Expunged)to do?

2 A. We went to (Expunged)to discuss with the children and also
3 with the authorities of that village. This was because the
4 inhabitants of (Expunged) had been engaging in bad behaviour. I do
5 remember that one day I went to (Expunged) to provide support to the
6 children of (Expunged), provide them with assistance in (Expunged)
7 (Expunged), and the authorities of the village saw this
8 (Expunged)and I told them that (Expunged)
9 (Expunged)

10 (Expunged)

11 The village authorities asked the children to
12 (Expunged). I prepared a report in my office, and
13 we left my office with the agents of (Expunged)
14 (Expunged)to go to (Expunged) in order to discuss with the village
15 authorities as well as the parents of the children. Our
16 objective was to inform them that the (Expunged)for
17 the (Expunged) so that the children could make use
18 of them in future.

19 That was the objective of our mission. It was an
20 (Expunged) mission to get the persons concerned to
21 understand the relevance of this project which was supposed to
22 be of benefit to children who had to be reunified with their
23 families.

24 Q. Is (Expunged) one of the areas that has been under the
25 control of a particular armed group?

1 A. Yes, (Expunged) was under the control of the UPC. The UPC
2 had set up in (Expunged).

3 Q. The third incident that you described for the Court
4 was on a day when you were near the (Expunged) office in Bunia and a
5 (Expunged) had driven up beside you and people within the
6 vehicle spoke to you. Did you know the people who were in the
7 vehicle?

8 A. No, I did not know those people. However, if I am not
9 mistaken, I think I know the (Expunged), and that
10 person resides in Bunia. With your permission, I could give you
11 the name of that individual. I thought that (Expunged)
12 (Expunged). When I tried to jot down the registration
13 number of the vehicle, those who were on board the vehicle fled
14 with it, and that raised some dust which covered the
15 registration number plate and so I was not able to jot down the
16 number.

17 Q. Were you able to tell whether these people belonged to
18 a particular ethnic group?

19 A. Yes, the people belonged to the Hema ethnic group.
20 You know, it's possible to recognise a Hema from appearance.
21 This is possible because it's easy to identify them from the
22 shape of their noses. Those of us who live in the area can
23 identify them very easily.

24 Q. Did the people who came in the vehicle tell you that
25 they were coming on behalf of anybody or any group?

1 A. No. The people pulled up, they greeted me. I
2 responded to their greeting, and they said, "You are a (Expunged).
3 (Expunged)
4 (Expunged)
5 (Expunged)
6 (Expunged)
7 (Expunged). However, they did not identify themselves as members
8 of the UPC or of any other group but, in my opinion, they were
9 members of the UPC.

10 Q. And you mentioned that you had an idea who (Expunged)
11 (Expunged)

12 A. To the best of my knowledge at that point in time,
13 there was only one person in the town of Bunia who used to (Expunged)
14 (Expunged) and that person was (Expunged)
15 (Expunged). The name of the individual was (Expunged).
16 I often used to see him drive that vehicle.

17 Q. Would you be able to spell the last name of the
18 individual you've mentioned, (Expunged), that part of the name?

19 A. Yes, (Expunged)

20 Q. Are you aware whether (Expunged) is affiliated with
21 any political or military group?

22 A. No, to the best of my knowledge, (Expunged) did not
23 belong to any military group. I knew him in the course of the
24 (Expunged)
25 (Expunged) He was the (Expunged) called

1 (Expunged), and he would come to the (Expunged) on board that
2 vehicle.

3 Q. Do you know to which ethnic group (Expunged) belonged?

4 A. Yes, (Expunged) is a Hema.

5 Q. The fourth incident that you described is one where
6 you were wandering around not far from a bridge. (Expunged)
7 (Expunged)

8 A. The (Expunged)

9 Q. You've indicated there were people who (Expunged)
10 (Expunged)
11 (Expunged). Did you know the people who stopped you
12 on this occasion?

13 A. No, I did not know them either from appearance or by
14 name. All I knew was that these people were Hema, and I could
15 determine this from their appearance and from the language they
16 spoke. However, I did not know them either from appearance or
17 by name.

18 Q. What language were they speaking?

19 A. They spoke our version of Swahili spoken in Ituri.

20 Q. The fifth incident that you described involved (Expunged)
21 (Expunged)

22 (Expunged). Did he

23 tell you where (Expunged) had been circulated?

24 A. Yes, he told me that (Expunged) had been given to
25 the representatives of the UPC in Bunia during a monthly meeting

1 held in the town of Bunia. In fact, it was a (Expunged)
2 (Expunged) that was given to certain groups, and it was at that
3 point in time that those people saw (Expunged). However,
4 this person did not tell them that he knew me. He pretended not
5 to know me, and later on this person came and told me, "Well,
6 listen, my brother. You are my friend. No one can kill you so
7 long as I am there."

8 Q. Was this the first time that you had heard about these
9 monthly UPC meetings?

10 A. No, it was not the first time. They held meetings
11 like any other party. These were regular meetings; the type of
12 meetings held by other parties, such as the PPRD and RDCKML.

13 Q. Did you ever attend those UPC meetings?

14 A. No, I had never attended those meetings. I am not a
15 member of the UPC.

16 Q. Had you ever heard about any other incidents involving
17 people who went on the (Expunged) mission; incidents such as the
18 ones you experienced?

19 A. Yes. One day (Expunged) came to my home. This was
20 before Christmas, Christmas Day of the year 2007. He came to my
21 home and he told me that his uncle, with whom he went to (Expunged),
22 had been arrested by the (Expunged) in Bunia; that they were
23 together. And I asked him, "Where was he taken? Where was he
24 arrested?" And he said, "He was arrested in the (Expunged)
25 neighbourhood and taken to the military camp of the (Expunged), which

1 was located in the same neighbourhood of (Expunged)." And I
2 asked the child, "Why was he arrested?" And the child answered,
3 "I do not know." However, he added, "The commander in
4 (Expunged) had been a member of the UPC and he later joined the
5 (Expunged). From what I know of him ...", added the child, "...it
6 is possible that it is this commander, since we were together in
7 (Expunged)."

8 I told him the following: I asked him, "Maybe your
9 uncle is owing somebody or maybe he has a problem and that is
10 why he has been arrested." And the child said "No," and then he
11 added, "I am afraid. Please tell (Expunged) that my uncle has
12 been arrested and taken to the (Expunged) camp." And I answered
13 saying, "No, he's going to be released. We are not going to say
14 anything to (Expunged). We are going to wait for him to be
15 released." In fact, the child wanted me to go to (Expunged) and
16 talk with those who had arrested his uncle. And I told the
17 child, "I do not know why your uncle was arrested. I cannot go
18 there." The child was -- or the child became sad and he
19 convinced me to call (Expunged) and provide him with that
20 information, and I said, "No, I cannot call (Expunged)." After
21 telling him that, he told me, "I have his number."

22 You must understand that when this child returned from
23 (Expunged), he kept his cell phone so that we could carry on
24 maintaining contact. When he insisted that I should call (Expunged)
25 and inform him of the situation and his uncle's plight, I saw

1 his uncle arrive, and this was the same uncle, that is,
2 (Expunged). His uncle arrived, therefore, and I asked him -- I
3 told him, "I am sorry about what has happened to you. I wanted
4 to call (Expunged) to inform him of what has happened. However, since
5 you have arrived, I think it's up to you to inform him." So I
6 called (Expunged) and the child's uncle informed (Expunged) of everything
7 and, while he was giving (Expunged) all these explanations, I did not
8 hear what they were talking about, and this was because I was
9 preparing my annual report, an annual report on my activities
10 with (Expunged). That is why I did not hear everything
11 they discussed in detail. That's it.

12 Q. And so, shortly after this episode before Christmas
13 2007, you've indicated that in early 2008 you moved to
14 (Expunged). Did you see (Expunged) after this moment at
15 or around Christmas 2007?

16 A. Yes, when (Expunged) gave me money for paying travel
17 expenses from Bunia to (Expunged) and to purchase an air ticket for
18 (Expunged), when I arrived at the airport in
19 (Expunged) we met at the airport there in (Expunged). I told (Expunged) the
20 following: "(Expunged), I have just met (Expunged) at the
21 airport." And he answered, "Is that so? Did you meet them?" I
22 said "Yes," and he asked me whether I had been to (Expunged). I
23 said "Yes," and I said, "I knew (Expunged) well." He asked me
24 another question: "When did you go to (Expunged)?" And I
25 answered saying, "I had gone to (Expunged) when I went to

1 accompany children whose parents were in (Expunged)." And he
2 told me, "You are going to travel with those two to (Expunged)
3 and, once you arrive at (Expunged), you will be received by
4 (Expunged)."

5 We arrived at (Expunged). (Expunged) sent someone else
6 to receive us and that person had a vehicle. We were taken to
7 the (Expunged). It was on a Thursday. We spent the
8 night there, and it was Saturday, and on Sunday (Expunged) and
9 (Expunged) and we accompanied them to the airport.
10 We accompanied them together with (Expunged) spoke
11 neither Swahili -- or rather, (Expunged) does not speak Swahili.
12 He said, "Since these two individuals have never been to
13 (Expunged), please speak to (Expunged), who is in (Expunged), and he
14 will tell you how he will be able to identify them once they
15 arrive at the airport in (Expunged). He will explain how they are
16 going to alight from the plane; that when they alight from the
17 plane they should not pass through the luggage area, since they
18 do not have any luggage."
19 He described the clothes that (Expunged) would be wearing
20 and where they would meet (Expunged), as well as the vehicle that
21 (Expunged) had. So I explained everything to (Expunged).
22 They got on the plane and they travelled to (Expunged) and I
23 remained behind in (Expunged). Thank you.

24 PRESIDING JUDGE FULFORD: Ms Samson, we'll just have a
25 10-minute break.

1 MS SAMSON: Yes, certainly.

2 PRESIDING JUDGE FULFORD: Just a very short break for
3 you, sir. We will sit again between 10 and 15 minutes past.
4 Closed session, please.

5 * (Closed session at 12.02 p.m.) Reclassified into open session

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

8 PRESIDING JUDGE FULFORD: Yes, thank you.

9 (The witness stands down)

10 PRESIDING JUDGE FULFORD: Ten minutes.

11 THE COURT OFFICER: All rise.

12 (Recess taken at 12.02 p.m.)

13 (Upon resuming at 12.15 p.m.)

14 * (Closed session) Reclassified into open session

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

16 PRESIDING JUDGE FULFORD: Witness, please.

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

19 (The witness enters the courtroom)

20 PRESIDING JUDGE FULFORD: Private session, please.

21 * (Private session at 12.16 p.m.) Reclassified into open session

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

24 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

25 MS SAMSON: Thank you.

1 Q. Sir, when you were with (Expunged) in
2 (Expunged), did you ever instruct them to tell the agents of the
3 Office of the Prosecutor at a later time that the person you
4 have referred to as (Expunged) had been threatened and did
5 you ask them to request that he get protection from the ICC?

6 A. No, we did not talk about anything having to do with
7 that matter you've just mentioned.

8 Q. Did you ever see (Expunged) after they left
9 you in (Expunged)?

10 A. No. When they left to go to (Expunged) I did not see
11 them, we did not meet, but I do remember that one day (Expunged),
12 he was an Arab fellow -- well, there were two people whose name
13 was (Expunged). One was an Arab person and one was an African
14 person. The African (Expunged) was in (Expunged) and the other
15 (Expunged), the Arab one, was in (Expunged) -- was in (Expunged).

16 The African (Expunged) called me on the telephone and
17 said to me that (Expunged) would be coming to (Expunged) with his
18 maternal uncle (Expunged). He said that the uncle would have to go
19 back to Bunia, whereas (Expunged) was to stay with (Expunged) at his
20 home in (Expunged). And I said, "There's no problem with that.
21 You can stay with (Expunged)

22 When they arrived at the (Expunged) airport, (Expunged),
23 the Arab fellow who was in (Expunged), called me and he said,
24 "(Expunged) has made things complicated. He is saying that he
25 cannot leave (Expunged). He says that they both have

1 to go back to Bunia." He said to me, "If possible, speak to
2 (Expunged) and try to convince him so that I can stay with him in."
3 (Expunged)I called (Expunged) on the telephone and I said to
4 him, "Why are you refusing to stay in (Expunged)?" And he said
5 to me, "No, my maternal uncle, (Expunged), is the one who is
6 refusing. He says that both of us should go back to Bunia."

7 They went back and from that time I have not seen
8 (Expunged) . I have not seen them since and,
9 furthermore, I know I did not speak to those people any more on
10 the telephone and I've even lost the telephone number -- their
11 telephone number.

12 Q. Earlier, when you were describing your discussion with
13 (Expunged) having been arrested by certain officers
14 in (Expunged), you mentioned that (Expunged) told you that one of
15 the commanders had previously been a member of the UPC. Did
16 (Expunged) tell you the name of that commander who had arrested
17 (Expunged)?

18 A. No, he did not give me his name. He just told me that
19 he knew that commander because they had worked together within
20 the UPC and now he has changed camp and he is a member of the
21 (Expunged), but he didn't give me his name.

22 Q. We have been discussing the assistance you provided to
23 the Office of the Prosecutor to help put it in touch with former
24 child soldiers in Bunia and in (Expunged). After the operations
25 in Bunia and (Expunged), did you assist the Office of the Prosecutor

1 again by helping to put the office in touch with potential
2 witnesses?

3 A. No. After that operation I did not provide any
4 further assistance to the Office of the Prosecutor.

5 Q. When you were living in (Expunged), did you receive any
6 money from the Office of the Prosecutor?

7 A. When I was living in (Expunged), it was the OTP who
8 found the house for me, the house where I was staying, and I was
9 given \$140 per month to buy my meals and, when I fell ill, it
10 was the Office of the Prosecutor that gave me some money to buy
11 medication.

12 Q. Did you have to record the fact that you had received
13 this money from the Office of the Prosecutor anywhere?

14 A. I was asked to sign a form when I was given an amount
15 of money. I had to sign a form that was provided to me.

16 MS SAMSON: Thank you very much, sir. Your Honour, I
17 have no further questions.

18 PRESIDING JUDGE FULFORD: Thank you very much,
19 Ms Samson.

20 Mr Walley, you raised the issue of 298 and 299.
21 Following Ms Samson's questions, are there any outstanding
22 matters that you would wish to address in relation to them?

23 MR WALLEYN: (Interpretation) A few questions that I
24 would like to ask, indeed.

25 PRESIDING JUDGE FULFORD: In public, or in private,

1 Mr Walley?n?

2 MR WALLEYN: (Interpretation) I would like to ask if
3 we could begin in private session, your Honour.

4 PRESIDING JUDGE FULFORD: Just a moment, Mr Walley?n.
5 (Trial Chamber confers)

6 PRESIDING JUDGE FULFORD: Yes, Mr Walley?n. Thank you
7 for the submission that was made on behalf of the victims that
8 you represent, I think filed by Mr Diakiese. You have provided
9 us with sufficient information to make it clear that the
10 interests that you represent are engaged by the evidence of this
11 witness, and so you may ask the further questions that relate to
12 the views and concerns of the victims who you represent. Thank
13 you very much.

14 MR WALLEYN: (Interpretation) Thank you,
15 Mr President.

16 QUESTIONED BY MR WALLEYN: (Interpretation)

17 Q. Mr Witness, I'll introduce myself. My name is Luc
18 Walley?n and I am a lawyer representing several victims who are
19 taking part in this trial. I would like to ask you a few
20 questions about some people in particular; the people I
21 represent, the people that you too may have worked with.

22 Your Honour, may I ask the courtroom officer to show a
23 photograph to the witness, if that might be possible?

24 PRESIDING JUDGE FULFORD: I would imagine you have
25 given information in advance to the parties that you are

1 intending to rely on in this photograph; is that right,

2 Mr Walleyyn?

3 MR WALLEYN: (Interpretation) Yes, your Honour.

4 PRESIDING JUDGE FULFORD: There's been no objection so
5 let them be circulated, please. Usher, can you help.

6 THE COURT OFFICER: (Interpretation) Mr Walleyyn,
7 could I have the ERN number of these documents, please?

8 MR WALLEYN: (Interpretation) I apologise. Your
9 Honour, this document is DRC-OTP-0184-0054 and 0055. I do not
10 believe that this document has already received an EVD number.

11 PRESIDING JUDGE FULFORD: If it hasn't, it should
12 please.

13 THE COURT OFFICER: (Interpretation) I thank you,
14 Mr President. The first document, DRC-OTP-0184-0054, will bear
15 the EVD number V01-0001, and the second document, bearing the
16 number DRC-OTP-0184-0055, will bear the EVD number V01-0002. I
17 thank you.

18 PRESIDING JUDGE FULFORD: Thank you very much. Yes,
19 Mr Walleyyn.

20 MR WALLEYN: (Interpretation) I thank you,
21 Mr President.

22 Q. Mr Witness, could I please ask you to look at these
23 two photographs which might not be of the best of quality.
24 However, do you recognise the individual in these photographs?

25 A. Yes, indeed; I know this person only too well.

1 Q. Could you please give me this person's name?

2 A. This person is called (Expunged). He is the son of
3 Mr (Expunged).

4 Q. Do you know this person by any other name or
5 post-name?

6 A. I have forgotten this person's name, first name and
7 other names; I can only remember the name (Expunged).

8 Q. Would it be possible for this individual's name or
9 first name to be (Expunged)?

10 A. No, I really do not remember any more, but I know this
11 person only too well.

12 MR WALLEYN: (Interpretation) So we shall call this
13 individual (Expunged). However, Mr President, maybe we might
14 attempt to move into open session and we would then talk about
15 the individual in question without providing the name?

16 PRESIDING JUDGE FULFORD: Thank you, Mr Walley. n.
17 Public session, please.

18 (Open session at 12.34 p.m.)

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

21 PRESIDING JUDGE FULFORD: Thank you.

22 MR WALLEYN: (Interpretation)

23 Q. Mr Witness, could you please tell us when you met this
24 individual for the first time; approximately, that is?

25 A. Yes. The first time that I met this child was on the

1 occasion of his demobilisation. MONUC brought him to us, that
2 is to say to the CTO. I took down information with regard to
3 his identity. I filled in a number of forms in that regard and
4 I also looked for his family and I brought him to his family.

5 Q. Do you remember which year that was in?

6 A. No, I can no longer recall the year.

7 Q. Do you remember the age of this individual at the time
8 of his demobilisation, or at the time when you met him?

9 A. No, I no longer recall his age. However, I know that
10 he was still very young.

11 Q. And when you say "very young," what do you mean,
12 precisely?

13 A. What I mean in so saying is that he was aged less than
14 15 years.

15 Q. Thank you. To the best of your recollection, could
16 you tell us what that individual told you during that very first
17 discussion with regard to their situation?

18 A. When we had a discussion for the first time, this
19 person told me that they were part of an armed group. They went
20 on to add that they were one of the people closest to Thomas
21 Lubanga. This individual also spoke to me about a locality,
22 whose name I forget now, and he also talked to me about the
23 place where ammunition and weapons were dropped off. So this
24 individual was one of the soldiers who guarded the drop-off
25 point for these weapons. This is not far afield from Lalô.

1 So this child took me to that very location; that is
2 to say, where the weapons were dropped off, and explained to me
3 how these weapons were, indeed, dropped off; that is to say,
4 with parachutes. The child went on to say that when their
5 commander wanted to eliminate somebody, well, there were two
6 children. One would fire at one individual whilst the second
7 would fire at another. The child went on to say that he worked
8 with Thomas Lubanga for quite some time, and he said that Thomas
9 Lubanga told them that soldiers should be in possession of all
10 and sundry; that is to say, women, vehicles, cows; that
11 everything belongs to them. He also told them that after the
12 war they would have a better life. Those are the facts that I
13 recall.

14 Q. I thank you, Mr Witness. Could you also tell us
15 whether this child had demobilised of his own volition, or
16 whether it was the military group who or which demobilised him?

17 A. This child had suffered a great deal during military
18 service and, having ascertained the situation, he realised that
19 there was no point in continuing to suffer in such a manner and
20 that he had not got anything out of military service. That is
21 how he came to leave the bush and he went to the MONUC. Those
22 working for MONUC brought him to us; that is to say, at the CTO.
23 However, he had deserted the armed group that he was a member of
24 and when he deserted from this group he realised that were he to
25 be caught, he would be killed. He would be burnt alive; that is

1 to say that his fellow soldiers would eat him with sequong
2 (phon). That is how -- or that is what their commander told
3 them. He said that if somebody were to desert, they would be
4 caught, killed, grilled and eaten with sequong.

5 When this child arrived he was very dirty and he had
6 been diagnosed with a number of illnesses when he went to
7 conduct his medical visit within the CTO. There we have it.

8 Q. I thank you. You said that -- well, last week you
9 said that you also tried to find his family. Could you tell us
10 how this unfolded with regard to contacts and reinsertion?

11 A. I thank you for your question. (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged) so I talked

15 to his father and he accepted to take his child in. His wife
16 found it somewhat difficult, but she subsequently accepted.
17 This is how I came to return to the CTO. I talked to the child
18 and I told him that I had found his family, and I told him that
19 his family was ready to take him in. The child was in
20 agreement. I took him back to his family and he was welcomed.

21 A few days later I went to visit the child. I asked
22 him what he wanted to do in the future. He answered saying that
23 he would like to become (Expunged). I also asked
24 his father his opinion. He told me that what the child had said
25 was highly relevant. This child was very intelligent at school

1 and those individuals who enlisted him within the ranks of the
2 army or the armed groups, they had really done me a disservice
3 in the sense that they had destroyed my son, and this is how I
4 took the child to a garage for him to be able to learn a trade.
5 He succeeded and he was given a kit enabling him to become a
6 mechanic.

7 Q. Witness, you say that his father's (Expunged) found
8 it somewhat difficult with regard to the child's reinsertion.
9 Could you please tell us what kind of issues were at hand and
10 why?

11 A. They did not furnish me with any details with regard
12 to these concerns or issues. However, they did tell me that he
13 often fought with his young brothers and that this situation was
14 not pleasing to his parents because, after all, these were his
15 half-brothers; that is to say, the children that his father had
16 had with this woman.

17 Q. I thank you. And did the child talk to you previously
18 or subsequently about his relationship with his father, or his
19 mother, or his stepmother?

20 A. No, he did not talk to me about that.

21 Q. I thank you. You said that he spoke to you about his
22 experience within the group. You talked about Thomas Lubanga,
23 so I presume you're talking about the UPC; are you not?

24 A. Yes, indeed, the UPC.

25 Q. When he talked of his past, did you, at any moment in

1 time, have the impression that he might be inventing the whole
2 story, or were you under the impression that he was sincere?

3 A. I would say that he was sincere in what he was saying.
4 Why do I say that? Well, because on the forms that we used in
5 order to record the experience that a child had had during his
6 military service, it shows that it is difficult for a child to
7 pull the wool over people's eyes. Another reason would be the
8 following.

9 I would like us to please move into private session.

10 PRESIDING JUDGE FULFORD: Private session, please.

11 * (Private session at 12.49 p.m.) Reclassified into open session

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

14 PRESIDING JUDGE FULFORD: Yes, please carry on, sir.

15 THE WITNESS: I thank you. Why do I say this? Well,
16 this information sheet, or card, contained a lot of information.
17 It was difficult for a child to lie whilst responding to those
18 very questions. Another reason that makes me say this is that,
19 when I went to pick up the child far afield at (Expunged) in the bush,
20 the child took me to the airport; that is to say where he
21 (Expunged) would drop off ammunition and weapons,
22 and he told me the very same story that he had told me
23 previously, and that is how I came to realise that what the
24 child had said previously was indeed true.

25 MR WALLEYN: (Interpretation) Mr President, I have no

1 further questions for the witness.

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

4 (Open session at 12.51 p.m.)

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

7 PRESIDING JUDGE FULFORD: This has fallen at quite a
8 convenient moment. Earlier this morning, Ms Samson, we were
9 informed that intermediary 143 has declined the protective
10 measures offered to him. Mr Biju-Duval is likely to want to ask
11 the present witness questions. We have therefore got to make a
12 speedy decision as to what is going to be done in the
13 circumstances.

14 We, therefore, authorise both the Prosecution and the
15 Defence to speak with the relevant individuals within the
16 Registry as to what the current position is, reminding the
17 representatives of the Registry that of course at the moment
18 there is certain information that they cannot divulge to the
19 Defence without our consent but, nonetheless, it should be
20 possible for the Registry to describe the overall position so
21 that you each understand what has happened very recently in
22 order to enable us to consider the matter in more detail at
23 2.45.

24 I am sorry to put pressure on you, Ms Samson, but it
25 is going to be critical for the Prosecution to have a final

1 position as regards submissions for our consideration on this
2 issue at 2.45. The delays to this case have been such that we
3 are not, unless there are exceptional circumstances of which we
4 are currently unaware that you bring to our attention, we are
5 not prepared to countenance significant additional delay as a
6 result of the current attitude of 143. So we will deal with
7 this at 2.45.

8 While you are on your feet, Ms Samson, I am sorry to
9 add to your burdens, we were notified, I think this morning -
10 no, yesterday - that there is an application from those
11 representing Mr Katanga in Trial Chamber II for the transcripts
12 of the current witness. Do you have a position on this?

13 MS SAMSON: Your Honour, we have had an opportunity to
14 review the request. We are still internally in discussion in
15 relation to the response. It would appear preliminarily, that
16 at least parts of this witness's evidence may be relevant in the
17 context of the Katanga case, insofar as it relates to witnesses
18 157 and 31. Again preliminarily, it appears that a whole lot of
19 this witness's evidence is actually not relevant in relation to
20 the Katanga case and, without giving a firm and final position
21 at the moment, it would seem to me at least that although we may
22 concede that a portion could go in the unredacted form as it has
23 been requested quite a substantial part of this witness's
24 evidence deals with witnesses who are unconcerned entirely by
25 the Katanga case, and for whom there have been protective

1 measures in place in this Court, and it does not appear at first
2 blush to the Prosecution to be necessary to lift any of those
3 protections for witnesses who are not in any way relevant to
4 another case.

5 PRESIDING JUDGE FULFORD: We will hear from the
6 Defence in a moment but, Ms Samson, obviously you are going to
7 have other things to discuss over lunch. If it is possible to
8 delegate a member of your team, or if you and Mr Sachdeva can
9 delegate a member of your team, to discuss this with
10 Mr Macdonald, so that we can have as it were a position on this
11 that is coordinated between those prosecuting in this Chamber
12 and those prosecuting in Trial Chamber II.

13 MS SAMSON: Absolutely. We have contacted them
14 yesterday and we anticipated having a meeting today.

15 PRESIDING JUDGE FULFORD: If that can be over lunch,
16 all well and good.

17 MS SAMSON: Certainly.

18 PRESIDING JUDGE FULFORD: Please try and find time to
19 have something to eat as well. Thank you.

20 MS SAMSON: Thank you.

21 PRESIDING JUDGE FULFORD: Mr Biju-Duval, anything that
22 you would want to say about the transcripts of this witness
23 going to Trial Chamber II?

24 MR BIJU-DUVAL: (Interpretation) Of course, the
25 Defence has no objection to the transmission of these

1 transcripts to the Katanga case. This application seems quite
2 relevant to us. I would add, however, that this issue of the
3 intermediaries is quite clearly one of common interest, or one
4 of general interest in fact, and this means that information
5 should therefore be shared.

6 I would indicate that, on the same basis as the
7 application filed by the Defence for Mr Katanga, we will most
8 probably seize the Trial Chamber, Trial Chamber II that is, with
9 regard to a request regarding Witness 267, which is a witness
10 which is of course of interest to us.

11 PRESIDING JUDGE FULFORD: It is pleasing to hear that
12 someone other than us will be receiving applications from
13 members of the Bar in this case. Thank you very much,
14 Mr Biju-Duval. 2.45.

15 Oh, I am sorry. Quite right. Down we go again.
16 Closed session, please. Sorry, sir. We have been distracted by
17 other things and I forgot you were still here. Closed session,
18 please.

19 * (Closed session at 12.59 p.m.) Reclassified into open session

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

22 PRESIDING JUDGE FULFORD: Good. Thank you, usher.
23 (The witness stands down)

24 PRESIDING JUDGE FULFORD: 2.45.

25 THE COURT OFFICER: All rise.

1 (Luncheon recess taken at 1.00 p.m.)

2 (Upon resuming at 2.45 p.m.)

3 * (Closed session) Reclassified into open session

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

5 PRESIDING JUDGE FULFORD: Public session, please.

6 (Open session at 2.46 p.m.)

7 THE COURT OFFICER: We are in open session, your

8 Honours.

9 PRESIDING JUDGE FULFORD: Ms Samson, let's take the
10 easy one first. Transcripts to Katanga?

11 MS SAMSON: Thank you, Mr President. We did have an
12 opportunity to discuss the issue with the Prosecution team in
13 the Katanga case, and the Prosecution's submission, jointly for
14 both cases, is that very much the position that I had indicated
15 to the Chamber earlier, which is that the request is for either
16 redacted or unredacted transcripts it appears in their entirety,
17 but the Katanga Defence team has specifically identified three
18 individuals whom they believe Witness 321 may discuss during his
19 evidence - and I can confirm that he did in fact discuss them -
20 and those are: witnesses 157, who is a common witness; 267,
21 who's a witness only in the Katanga case; and 31 who's a witness
22 only in this case, but for whom there is a relevance to the
23 Katanga case to have access to Witness 321's evidence about him.

24 So the Prosecution's submission is that we have no
25 objection to the Defence team in the Katanga case having access

1 to Witness 321's evidence as it relates to Witness 157, Witness
2 267 and Witness 31, but the substantial portion of Witness 321's
3 evidence touches upon witnesses for whom there are protective
4 measures in this case and who are not relevant as common
5 witnesses, or in any other way to the Katanga case, and those
6 are witnesses 213, 294, 297 and 298.

7 There have been no allegations in the Katanga case,
8 nor is there any evidence on the record I am advised, that
9 incriminates Witness 321 in any way, and so his general
10 operative -- his general operations or methods seem to, in our
11 assessment, be irrelevant to the Katanga Defence teams.

12 So subject to any questions you may have, your Honour,
13 those are the submissions that we have on that issue.

14 PRESIDING JUDGE FULFORD: Thank you very much.

15 THE INTERPRETER: Message from the English booth: if
16 Ms Samson could be reminded to slow down, the interpreters would
17 be most grateful. Thank you.

18 (Trial Chamber confers)

19 PRESIDING JUDGE FULFORD: Ms Samson, thank you very
20 much for dealing with that speedily. The Chamber agrees with
21 the Prosecution's proposal. As it seems to us, particularly
22 given that this is to a very large extent material that is
23 confidential, it should only be provided to Trial Chamber II to
24 the extent to which issues that are relevant in those
25 proceedings have been touched on by intermediary 321.

1 Accordingly, only those sections that relate to
2 witnesses 157, 267 and 31 should be provided to the parties in
3 that case. I'm afraid this means that someone from your team is
4 going to have to identify the relevant sections so that they can
5 be provided.

6 We've been informed by Judge Cotte that they will
7 reach the relevant stage in that case either tomorrow, or the
8 day after. How long do you anticipate it will take for these
9 transcripts to be put into a state that is reasonable for
10 transmission to the parties in Katanga?

11 MS SAMSON: Your Honour, I don't think it will take
12 very long. I propose, if it's acceptable to the Chamber, that
13 we do the disclosure on a rolling basis, given the urgency to
14 the Katanga Defence team. We could certainly review the
15 examination-in-chief and -- of this witness this evening, for
16 eventual disclosure tomorrow, and tomorrow we could review that
17 day's cross-examination and try to perhaps on a rolling basis
18 have the disclosure done as quickly as possible.

19 PRESIDING JUDGE FULFORD: That's certainly acceptable,
20 Ms Samson. Thank you very much. And clearly for most, if not
21 all, of this evidence, it is confidential and that point needs
22 to be made emphatically when the transcripts, or the relevant
23 parts of the transcripts, are disclosed.

24 MS SAMSON: Yes, your Honour. In fact, there may even
25 be a requirement that Trial Chamber II endorses the

1 confidentiality to a certain level, notwithstanding Regulation
2 42, because I from memory believe that the Chamber has requested
3 that Trial Chamber II endorse the same protective measures for
4 these types of disclosures.

5 PRESIDING JUDGE FULFORD: Thank you for reminding me
6 of that. You're absolutely right. Before this disclosure takes
7 place, Mr Macdonald should be asked kindly to raise this issue
8 with the Judges of Trial Chamber II to see whether that way of
9 approaching the issue is acceptable to that Court.

10 MS SAMSON: Certainly, I will do so.

11 PRESIDING JUDGE FULFORD: Thank you. 143?

12 MS SAMSON: Yes, your Honour. The Prosecution and
13 Defence were able to meet with the Victims and Witnesses Unit to
14 discuss the issues as they relate to 143. As we understand it,
15 there is an issue that arose perhaps yesterday in relation to
16 the witness's willingness to implement the protective measure
17 that was suggested to him for some time. That protective
18 measure we've been referring to is Option A and, as we
19 understand it, the witness requires or has requested to see
20 Option A in its fullest form in writing before he finally
21 accepts.

22 This is going to be done by the end of the week.
23 There's always the possibility that the witness will thereafter
24 maintain a refusal but, until he has seen the document, we're
25 not in a position to anticipate with certainty where he may go.

1 If he accepts Option A and the agreement is signed,
2 then the Victims and Witnesses Unit has indicated that they can
3 implement the protective measure by the end of next week.

4 At the same time, the Victims and Witnesses Unit, as I
5 understand it commencing today, is exploring a parallel
6 protective mechanism which we've referred to as Option B. This
7 hasn't, as I understand it, been assessed with any great degree
8 of thoroughness as yet by the Victims and Witnesses Unit, and
9 there's no firm estimate as to how long it would take to
10 implement Option B should the witness decline to accept the
11 initial protections.

12 PRESIDING JUDGE FULFORD: In relation to 321 and 316,
13 information concerning them emerged by accident during the
14 course of the trial; and, when I say "information", their
15 identities became known to the Defence by accident during the
16 course of the trial. Am I right in understanding, Ms Samson,
17 that no substantive adjustments needed to be made in relation to
18 their circumstances following that accidental revelation?

19 MS SAMSON: In both those cases, your Honour, the
20 witnesses 321 and 316 had already had certain protective
21 measures in place for them, so they were -- at least I can say
22 they were not in a zone that would put them at greater risk
23 because of the disclosure, so they were no longer located in the
24 area of risk because of earlier threats and an earlier move. So
25 it's indeed the case that nothing untoward happened to them

1 following the disclosures of their identities, but they were
2 differently situated and it may have an impact on the
3 assessment.

4 PRESIDING JUDGE FULFORD: Thank you.

5 MS SAMSON: If I may add, your Honour, the Victims and
6 Witnesses Unit has estimated that by Friday of this week they
7 will know whether the witness accepts fully the terms of Option
8 A as they've been set out for him in the past. We're hopeful
9 that that could still - that Option A could still - be the
10 option that is in the end used, but by Friday we'll have a
11 definitive answer as to how long this process will take.

12 PRESIDING JUDGE FULFORD: So it's a number of facets
13 to Option A that are being set out in writing?

14 MS SAMSON: Well, your Honour, as we understood the
15 history today, the witness was explained verbally what Option A
16 entailed and -- what Option A entailed, and it transpired at
17 some point, perhaps late last week or early this week, that the
18 witness was no longer sure of his earlier agreement to proceed
19 under Option A under the terms as were set out verbally before.

20 As I understand it, what the witness has asked for now
21 is that he see a complete proposal in writing so that he can
22 consider, or perhaps immediately sign - I do not know if he's
23 still in the considering phase, or if he just wants something
24 set out in writing - and that written document can be created
25 and discussed with the witness by Friday to determine whether he

1 would be in a position to implement Option A immediately
2 thereafter.

3 PRESIDING JUDGE FULFORD: Thank you, Ms Samson.

4 Maître Mabilille?

5 MS MABILLE: (Interpretation) Your Honour, now what
6 we've understood from our side is that intermediary 143 has made
7 some additional demands and that -- apparently financial ones,
8 and apparently there's some sort of discussions currently going
9 on, and we've also understood that the likelihood of having the
10 officially disclosed identity of 143 could only be provided
11 within two weeks' time.

12 Now, in light of this situation, we would like to make
13 the following proposals to the Chamber. First of all, the OTP
14 would disclose to us all aspects of 143. Secondly,
15 Mr Biju-Duval would ask -- well, having received this
16 disclosure, would ask a number of questions of Witness 321
17 regarding 143. Third, if truly, pursuant to our investigations,
18 major elements of information were to come to light, or if we
19 could not ask certain questions, we may be in a position to ask
20 the Chamber to recall 321. (4) we would remain within the
21 previous situation, that is to say aware of 143's identity, but
22 we would conduct no inquiries before the name of 143 is
23 officially disclosed to us.

24 Now, all this would be done so as to avoid any further
25 delays so that we can work with 143 in the correct

1 circumstances.

2 Furthermore - and this is my last point - we would
3 like the Chamber to authorise us to provide the elements of
4 information disclosed to us regarding 143 to our resource
5 person, with a specific mandate to our resource person, and that
6 person would speak only to us only if there was information
7 specifically for us remaining within that ambit without any
8 particular specific investigation. So this is how we would
9 suggest getting around this difficulty.

10 My learned friend did not mention the point, but
11 finally, if 143 refuses Option A, Marc Dubuisson has told us
12 that Option B would mean a delay, it would take an undefined
13 amount of time to implement it and we have been alerted of this.

14 So, these are the proposals that the Defence would
15 like to make today so that we can continue to make progress
16 under the conditions that we are currently dealing with.

17 PRESIDING JUDGE FULFORD: Maître Mabilille, just to make
18 sure I understand it, therefore you propose that within the four
19 walls of this room, that are extended simply to include the
20 person referred to as your resource person but no further, full
21 details of 143 are given to you immediately. You undertake that
22 that name will not be mentioned to anyone else and no
23 substantive investigations will occur until either Option A or
24 Option B have been implemented or, if neither of those are
25 acceptable, this impasse has one way or another been resolved.

1 Is that a fair summary?

2 MS MABILLE: (Interpretation) Absolutely, your
3 Honour. I beg your pardon, your Honour. Just to make sure that
4 we are asking the OTP for disclosure of all aspects - all
5 information - regarding 143 disclosure. I wanted to make that
6 point clear. Thank you, your Honour.

7 (Trial Chamber confers)

8 PRESIDING JUDGE FULFORD: Any response, Ms Samson?

9 MS SAMSON: Yes, your Honour. The Prosecution
10 submission is that the identity of 143 should remain undisclosed
11 in full until protective measures are implemented, for reasons
12 set out by the Chamber and for reasons made -- for reasons set
13 out by the Prosecution in numerous filings.

14 The suggestion that the Defence provide the name -
15 full name and full details - to its resource person, without
16 that person being able to do any investigations, strikes the
17 Prosecution as relatively pointless and certainly we would
18 oppose that part of the Defence request. We oppose it in its
19 entirety, but we certainly oppose that part of it, yes, and in
20 our submission it just is safest to ensure that the witness is
21 completely protected prior to full disclosure of his identity.

22 What we know so far is that the Defence has made a
23 stab at some part of the witness's name, but we do not know the
24 full or true extent of the Defence's knowledge about this
25 particular individual and --

1 PRESIDING JUDGE FULFORD: Ms Samson, forgive me
2 intervening on that point. I mean, isn't there an element of
3 artificiality to this? Wasn't the name effectively given during
4 the course of court proceedings?

5 MS SAMSON: Something quite similar, your Honour, but
6 not the exact name.

7 PRESIDING JUDGE FULFORD: Just pause for a moment, if
8 you would, and I will come back to you in a second.

9 Maître Mabilille, let us for a moment go into private
10 session, please. Court officer, private session please.

11 * (Private session at 3.10 p.m.) Reclassified into open session

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

14 PRESIDING JUDGE FULFORD: Maître Mabilille, so there's
15 -- so we are not proceeding on a completely artificial basis,
16 given what was said in Court the other day do you in fact
17 already know who this individual is?

18 MS MABILLE: (Interpretation) Yes, your Honour.

19 PRESIDING JUDGE FULFORD: Well, since we are in
20 private session, I am going to ask you to give the name, please,
21 that you believe is the true name of 143.

22 MS MABILLE: (Interpretation) One moment, your
23 Honour. (Expunged).

24 (Trial Chamber confers)

25 PRESIDING JUDGE FULFORD: Public session, please.

1 (Open session at 3.12 p.m.)

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

4 PRESIDING JUDGE FULFORD: An issue has arisen as
5 regards intermediary 143. The Chamber has ordered that his
6 identity is to be disclosed to the Defence once certain
7 protective measures have been put in place. Some considerable
8 time ago, those protective measures were explained to
9 intermediary 143. He considered them and accepted them. He
10 asked, however, for reasons that we needn't investigate, that
11 their implementation was delayed for a particular purpose.

12 The Chamber was informed yesterday that the attitude
13 of intermediary 143 as regards those protective measures have
14 changed, certainly in the sense that he wishes to reconsider
15 them and he may wish to add to, or vary, the package of
16 protective measures that have been proposed.

17 This lately communicated change of position on his
18 part poses a very considerable problem for the Chamber. We have
19 now reached the point at which Mr Biju-Duval, on behalf of the
20 accused, is to commence his questioning of intermediary 321, and
21 it is effectively inevitable that he will wish to ask
22 intermediary 321 about 143. In order for that questioning to be
23 conducted on a proper basis, he needs to know who 143 is.

24 We are told that we will not have an answer from
25 intermediary 143 as regards any possible amendments to the

1 protective package until Friday this week. If the suggestions
2 that he makes are acceptable, the package will not be
3 implemented until some time next week, probably next Friday.
4 The delay, therefore, to the questioning on behalf of the
5 accused will inevitably be substantial, and that delay has to be
6 seen in the context of the very considerable delays that have
7 already been experienced in relation to this trial.

8 The Chamber has got to implement, if possible, a
9 solution to this problem which will enable the trial to
10 continue, whilst providing sufficient protection for
11 intermediary 143. It needs to be borne in mind that an
12 individual giving evidence during the relatively recent past
13 provided a name for 143.

14 In all the circumstances, we are persuaded that the
15 appropriate course at this stage is for the Defence to be
16 provided with full information now in relation to intermediary
17 143. When we say "the Defence", by that we mean counsel
18 currently present in Court today and the assistants working with
19 Maître Mabilille, but also the member of their team working in the
20 DRC who has been referred to as the Defence resource person.

21 It is to be emphatically stressed that the information
22 that is to be provided shall go no further than those
23 individuals. There is an absolute embargo on any dissemination
24 of this information to anyone else, and no investigative steps
25 should be taken that are based on this information in any way.

1 Those steps must await a further order from the Chamber, once
2 the position of 143 is fully known. So, to that extent, the
3 Chamber varies its original order as regards the circumstances
4 of disclosure for this intermediary.

5 Now, Mr Biju-Duval, we would hope that you would be
6 able to commence your questioning this afternoon and for
7 disclosure to be effected either during the course of this
8 afternoon, or this evening, so that you can then deal with
9 relevant issues concerning 143 tomorrow, or at a convenient time
10 thereafter.

11 MR BIJU-DUVAL: (No interpretation)

12 THE INTERPRETER: Inaudible.

13 PRESIDING JUDGE FULFORD: The English interpreter,
14 Mr Biju-Duval, has said that your reply was inaudible, but I
15 took it as being an assent to the proposal I've made? Yes, I
16 see it was. Good.

17 Witness, please. Closed session, first of all. Yes,
18 Ms Samson.

19 MS SAMSON: Thank you, Mr President. Two points from
20 the Prosecution. One point related to the Chamber's order. We
21 understand it and will implement it, of course. The names that
22 the Defence has provided are not fully known to the Prosecution
23 in relation to this intermediary. One name is similar. One
24 name we have never heard of.

25 Secondly, the Chamber had earlier provided --

1 requested that we provide the parties, participants and the
2 Chamber with clearer copies of the witness's employment cards.
3 I do have them now, if it's an opportune moment to distribute
4 them and provide the registration number for them?

5 PRESIDING JUDGE FULFORD: Yes, we are still in open
6 session and so why don't you do that now, Ms Samson.

7 MS SAMSON: Certainly. The first employment card I
8 will not identify it further, but the registration number is
9 DRC-OTP-0231-0423. It's a front and back copy. The second
10 employment card is DRC-OTP-0231-0425, also front and reverse
11 side of the card.

12 PRESIDING JUDGE FULFORD: Thank you. You have copies
13 to be distributed?

14 MS SAMSON: I do.

15 PRESIDING JUDGE FULFORD: Excellent, thank you.
16 Usher, could you pass those around please.

17 Anything else, Ms Samson?

18 MS SAMSON: No, thank you.

19 PRESIDING JUDGE FULFORD: No. Thank you.

20 Mr Biju-Duval.

21 MR BIJU-DUVAL: (Interpretation) Yes, your Honour.

22 Before the witness comes in, I would like to set out a problem -
23 a methodological problem - so that our witness's testimony is
24 not interrupted by secondary considerations, or a discussion of
25 secondary considerations.

1 The situation is as follows: the Defence wishes to
2 use, during its cross-examination, a document that was
3 established by us - by the Defence. We spoke to the Office of
4 the Prosecutor and, just to ensure that the Chamber understands
5 this matter, we will distribute the document in question. It is
6 a chart and this chart also has two documents that go along with
7 it, usher.

8 As the Chamber knows, a great deal of the testimony
9 has to do with the people who were heard by the Witness 150 --
10 correction 181, whom -- 581, who we heard from earlier, and one
11 of the important aspects of his testimony will be these names
12 and at one point in the examination we will have to make
13 comparisons between certain lists of names.

14 From the OTP we have received the list of names, and
15 this was disclosed by the headquarters to Witness 581 and this
16 is the appended document DRC-OTP-0231-0267.

17 Now, the OTP has disclosed as well the list of names
18 that was sent by Witness 321 to Witness 581, and that is the
19 second document that we find appended to the chart
20 DRC-OTP-0231-0333, and naturally the Chamber is aware that the
21 Office of the Prosecutor has disclosed all the screening notes
22 that were prepared by 581.

23 And so we have three lists of names - three different
24 lists. We believe that it is impossible for any witness to
25 remember all these names and to, from an intellectual point of

1 view, make these comparisons and answer questions -- I beg your
2 pardon.

3 PRESIDING JUDGE FULFORD: Forgive me interrupting,
4 Mr Biju-Duval. It's no doubt a very bad habit of mine. Cutting
5 through this, is the first then of these pieces of paper one
6 that you want to provide to the witness as an aide-memoire so as
7 to enable him more readily to understand the questions that
8 you're going to put? Is that essentially it?

9 MR BIJU-DUVAL: (Interpretation) Exactly, so that he
10 can easily identify the differences between these lists and so
11 that he can answer questions about these differences.

12 PRESIDING JUDGE FULFORD: Thank you. Any
13 observations, Ms Samson?

14 MS SAMSON: No, your Honour. The Prosecution
15 essentially have no objection to the use of this document.
16 Obviously, for any of these lists that the witness himself did
17 not compile there are going to be limits to his ability to
18 comment upon them, but we understood the value of setting it out
19 in this form for the witness and over time it is indeed the case
20 he may not remember all the names. So we have no fundamental
21 objection, so long as preliminary questions are asked and his
22 knowledge is established in advance.

23 PRESIDING JUDGE FULFORD: Thank you very much. And,
24 Ms Samson, finally before we ask the witness to come in, to
25 clarify the slight observation you made a few minutes ago. The

1 name -- the two -- of the two names identified by the Defence in
2 Court, one I think it's right to say was spot on, or very close
3 to. The other is not a name that we have so far heard, in open
4 court in any event, in relation to 143.

5 MS SAMSON: That's right, your Honour. One name is
6 very close, but not perfectly correct. The other name is not a
7 name that the Prosecution is aware as associated with this
8 intermediary.

9 PRESIDING JUDGE FULFORD: Absolutely. Yes, that's all
10 I will say at this stage. Thank you very much indeed.

11 Anything else, Mr Biju-Duval, before the witness comes
12 in?

13 MR BIJU-DUVAL: (Interpretation) One observation
14 relating to these two lists that were disclosed to us recently
15 by the Office of the Prosecutor. These two documents may have
16 been, well, essential during the hearing of Witness 581. Now,
17 these two documents were disclosed after he was heard from, and
18 this seems to be, in our view, quite a pity, and we would like
19 to make note of this before the Chamber and we may be asking for
20 581 to be called back so that he too can provide explanations
21 regarding these lists.

22 PRESIDING JUDGE FULFORD: Thank you, Mr Biju-Duval.
23 Can you think about it rapidly, because there is a
24 representative of the Registry who I think is en route to the
25 DRC as we speak in order for us to hear evidence via the video

1 link on Friday. If it is going to be suggested that further
2 questions should be put to 581 on a limited and discrete issue,
3 it may be -- and I am speaking at the moment without having
4 consulted with my colleagues. It may be that the video link
5 would be acceptable for those purposes. There's an English
6 expression "killing two birds with one stone," so could you bear
7 that in mind, please.

8 We will have a mid-afternoon break, I think, rather
9 than getting the witness in and only then asking him shortly
10 afterwards to leave. My apologies, please, to the witness for
11 having kept him waiting. We will sit again at 20-to-4 in closed
12 session so the witness can come in.

13 THE COURT USHER: All rise.

14 (Recess taken at 3.30 p.m.)

15 (Upon resuming at 3.40 p.m.)

16 * (Closed session) Reclassified into open session

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

18 PRESIDING JUDGE FULFORD: Witness, please.

19 (The witness enters the courtroom)

20 PRESIDING JUDGE FULFORD: Private or public,

21 Mr Biju-Duval?

22 MR BIJU-DUVAL: (Interpretation) Closed session,
23 please, Mr President.

24 PRESIDING JUDGE FULFORD: Sir, I'm extremely sorry
25 we've kept you waiting.

1 Private session, please.

2 THE WITNESS: Very well.

3 * (Private session at 3.43 p.m.) Reclassified into open session

4 THE COURT OFFICER: We're in private session, your
5 Honours.

6 PRESIDING JUDGE FULFORD: The court officer wishes to
7 correct an EVD number.

8 THE COURT OFFICER: (Interpretation) Yes, thank you,
9 Mr President. This morning two EVD numbers were attributed for
10 the legal representatives "V01". I would like to correct them.
11 So that is document DRC-OTP-0184-0054 will in fact, or does in
12 fact, bear the EVD number V01-0002, whereas the document
13 DRC-OTP-0184-0055 had already received an EVD number, OTP-00377.
14 I would like to apologise and thank you at the same time.

15 PRESIDING JUDGE FULFORD: Thank you.

16 Gentlemen, can I remind you both of the absolute
17 importance of not speaking too quickly and not speaking
18 immediately after the last contributor has finished what he is
19 saying. It must be slow and there must be a gap.

20 Yes, Mr Biju-Duval.

21 MR BIJU-DUVAL: (Interpretation) I thank you,
22 Mr President.

23 QUESTIONED BY MR BIJU-DUVAL: (Interpretation)

24 Q. Good afternoon, Mr Witness. My name is Jean-Marie
25 Biju-Duval.

1 A. Good afternoon.

2 Q. I am a lawyer and I shall now be putting a number of
3 questions to you for the Defence of Mr Thomas Lubanga. Last
4 week you told us that you had completed your secondary studies
5 during the school year (Expunged). Did you obtain any
6 qualification at the end of that year?

7 A. In my country, in Congo, we finish secondary school
8 and we do not immediately receive our diploma. The results are
9 published in a newspaper and it is upon presentation of this
10 newspaper that one can receive employment or be given
11 employment, but subsequently I was informed that my diploma --
12 well, I got that information when I was here and, once I had
13 left and once I will leave this place, I will go back to my
14 former school with a view to picking up my diploma.

15 Q. So this diploma marked the end of your second -- no,
16 your sixth year of secondary school, did it not?

17 A. Yes, indeed.

18 Q. I thank you. You told us that you went to complete
19 your studies in (Expunged) because of the war situation in Bunia.
20 Am I to understand, therefore, that you completed your sixth
21 year of secondary studies in (Expunged)?

22 A. I completed three months of the sixth year of secondary
23 school in (Expunged), because previously the security situation
24 had not allowed us to follow our studies. Sometimes we would go
25 to school and we would hear gunfire. We would then take flight,

1 and my parents decided in view of this situation that I should
2 go to (Expunged) with a view to finishing my studies. I spent a
3 number of months in Bunia, therefore, and then I went to
4 (Expunged) with a view to sitting my State exams, which are in
5 fact the school leaving exams for the secondary stage.

6 Q. I thank you. And these State examinations took place
7 in the month of September, did they?

8 A. I've forgotten the month, but I do believe that it was
9 around -- in or around the month that you have just given.
10 However, I have forgotten.

11 Q. I thank you. I apologise, I would like to put another
12 question to you beforehand. Which years of your secondary
13 education did you spend in Bunia, before you went to (Expunged)?
14 Had you commenced your secondary school studies in Bunia in the
15 first year of secondary?

16 A. I started my third year of secondary studies in Bunia,
17 I then completed the fourth and fifth year of secondary studies
18 and then I remained for a few months in the sixth year of
19 secondary school.

20 Q. I thank you. I shall now be handing a binder to you -
21 I shall also be handing this binder to the Bench - containing a
22 number of documents.

23 PRESIDING JUDGE FULFORD: Do we stay in private
24 session, Mr Biju-Duval, for this, or can we go into public
25 session?

1 MR BIJU-DUVAL: (Interpretation) I'm going to talk
2 about the personal activities of the witness within some
3 establishments, so I am fearful that this might require a closed
4 session.

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

6 MR BIJU-DUVAL: (Interpretation)

7 Q. Could you please consult tab number 18 of this binder.
8 This is a curriculum vitae. Do you recognise this document and
9 your signature appended thereto on the second page?

10 A. Yes.

11 Q. Did you draft this document?

12 A. Yes.

13 Q. You spoke of an (Expunged)conducted during your
14 schooling - during the fifth year of your secondary schooling -
15 at the (Expunged), and in this curriculum vitae there is mention
16 made of this (Expunged)which was conducted between (Expunged)
17 (Expunged). Does this indeed correspond to the dates of that
18 (Expunged)?

19 A. Yes.

20 Q. So after that (Expunged), and after the beginning of
21 the beginning of -- the beginning of the school year, in 2002
22 you then left for (Expunged), did you not?

23 A. No, I did not leave at the beginning. As I said, I
24 studied for a few months in Bunia and, after the (Expunged) at
25 the beginning of the year (Expunged)I remained in Bunia for some

1 time. When we were at school there was gunfire, and my parents
2 took the decision with regard to the outstanding months before
3 the State examination -- they took the decision that I go to
4 (Expunged) in order for me to sit the State examination.

5 Q. Mention is made in this document, under heading number
6 2 "Studies", that from 1997 to 2003 you attended the (Expunged)
7 (phon) institute in (Expunged) and that you obtained the State
8 diploma in (Expunged). Why was there mention made of your
9 studies in Bunia? Why did you not mention your studies in
10 Bunia?

11 A. I did not mention that period when I studied in Bunia,
12 because I obtained my diploma in (Expunged) in my country; that
13 is to say in the Congo. I was taught to draft a CV by an
14 individual who said that, when so doing, mention should be made
15 of the school where one receives a qualification - an academic
16 qualification. That is why I mentioned the location where I
17 obtained my State diploma; that is to say (Expunged).

18 Q. Thank you. During your testimony you indicated that
19 you had been taken on by (Expunged), the NGO. Under heading
20 "Professional experience", you mention in this CV that from
21 (Expunged) -- well, does that date of
22 (Expunged) indeed correspond to the date when you were taken on
23 by (Expunged)?

24 A. Yes, indeed, that date of (Expunged)
25 corresponds.

1 Q. You told us that you sat your examinations - your end
2 of secondary school examinations - in (Expunged) and that
3 subsequently you returned to Bunia with a view to being employed
4 by (Expunged). Did you return to Bunia around the date of
5 (Expunged)? Does this approximately correspond to the date of
6 your return to Bunia?

7 A. I returned to Bunia a little time before (Expunged);
8 that is to say that, once we had sat the State examination and
9 once we had received our results, I told my parents that I was
10 not able to carry on living happily in (Expunged) and that's when
11 I went back to Bunia, but I cannot recall the month during which
12 I returned to Bunia. Upon my arrival in Bunia, one day, once I
13 was -- whilst I was walking around, I met with the head of the
14 (Expunged) NGO and he called me to his office. This happened
15 before the date of (Expunged).

16 Q. Approximately how much time went by? Was it a week?
17 A few weeks? One month?

18 A. I do not have a clear answer to give you to that
19 question. These things happened a long time ago.

20 Q. Thank you. With respect to your job at the NGO called
21 (Expunged), could you tell us who paid you?

22 A. Does your question relate to the NGO called
23 (Expunged)?

24 Q. Yes.

25 A. It was my boss who paid me; that is, the coordinator

1 of the NGO called (Expunged).

2 Q. Could you please recall his name?

3 A. His name was (Expunged).

4 Q. During the time you worked for that organisation, how
5 much were you paid? What was the amount of your remuneration?

6 A. At the time I worked for (Expunged) we were paid \$50
7 per month, if my memory's correct.

8 Q. Were you paid at the beginning of the month, or at the
9 end of the month?

10 A. At the end of the month.

11 Q. You talked of a partnership between the NGO (Expunged)
12 and the organisation called (Expunged). Do you have any
13 knowledge of the financing terms and conditions? Were you
14 informed of the funds that were provided by (Expunged)? Can you
15 tell us something about how this financial assistance was
16 provided?

17 A. Well, I don't know anything about that. It was those
18 who were responsible for the administration of (Expunged)
19 (Expunged), or for the financial affairs of the NGO, who could
20 know. For example, with respect to transportation during
21 missions, I used to prepare my plan of action, or my schedule,
22 and I would submit it to my boss at (Expunged) and it was my
23 superiors who presented my plan of action to (Expunged). So
24 with respect to financing, with respect to money
25 matters, I knew absolutely nothing about that, because I was not

1 an office worker. I was a field worker.

2 Q. Thank you. You also talked about (Expunged), the
3 NGO - the NGO in which you worked before you joined (Expunged) -
4 and you informed us that this organisation also worked in
5 partnership with (Expunged), but you said that there was a
6 (Expunged) between (Expunged). Do you know the causes of such
7 (Expunged)? Can you tell us the reasons
8 why they (Expunged)?

9 A. As far as I know, I know that the director of (Expunged)
10 and the director of (Expunged). The
11 (Expunged), and at some point in time there
12 were certain (Expunged)
13 and the (Expunged) about this on several
14 occasions. However, (Expunged) and that
15 is why that (Expunged).

16 MR BIJU-DUVAL: (Interpretation) Thank you. Well, I
17 think we should give an EVD reference to the first document
18 which I showed to the witness. That is the document which bears
19 the reference DRC-OTP-0232-0002.

20 PRESIDING JUDGE FULFORD: Usher, please.

21 THE COURT OFFICER: (Interpretation) The document
22 will bear the reference EVD-D01-00313.

23 MR BIJU-DUVAL: (Interpretation)

24 Q. You talked about your job at the CT0. You also talked
25 about your job at (Expunged). You informed us

1 that the children came to the CTO through MONUC. Did I
2 understand you well that it was at that point in time that you
3 met the children for the very first time; that is, when they
4 arrived at the CTO brought there by MONUC?

5 A. Yes, it was at the time that MONUC brought the
6 children that I met them for the very first time at the CTO.

7 Q. Thank you. Could you please tell us where in the town
8 of Bunia (Expunged) located in the year
9 2007?

10 A. The CTO belonging to (Expunged), well, we
11 called it (Expunged)
12 neighbourhood. I have forgotten the avenue on which it was
13 located, but when you left the subregional office and you take
14 the road leading to the central prison, or to the (Expunged),
15 and then you (Expunged)
16 (Expunged)
17 (Expunged) there you will find
18 the CTO, or what we called the (Expunged), located near the
19 (Expunged).

20 Q. Thank you. How many workers in (Expunged) were
21 carrying out the same type of activity that you were engaged in?
22 How many of you received the children, conducted their family
23 reunification and conducted follow-up? How many of you at the
24 NGO (Expunged), carried out this activity?

25 A. Well, when I left (Expunged) I had a large number of

1 children under my responsibility, and when I started working for
2 (Expunged) I had even more children; more than those who were
3 under the charge of (Expunged) employees. I do not remember the
4 exact number, but whilst I was in (Expunged), well, compared to
5 the period when I went to work for (Expunged), there were
6 (Expunged) of us who were in charge of the (Expunged) area.
7 With respect to the (Expunged) area there (Expunged), and for
8 the (Expunged) area there (Expunged) and for the (Expunged) area
9 (Expunged). However, I cannot give you an exact number; the
10 exact number of workers or employees who worked with me. I have
11 forgotten.

12 Q. Thank you. With respect to the areas under your
13 control, the areas entrusted to you, how many of you worked in
14 such areas?

15 A. If my memory is correct, there (Expunged) working in
16 the areas entrusted to us.

17 Q. Thank you. Did the organisation (Expunged)
18 have one or several (Expunged)?

19 A. The organisation (Expunged) did not have any
20 (Expunged). When an employee of the organisation had to go on a
21 trip, or organised a trip, it was up to (Expunged) to provide
22 assistance. And if they had a (Expunged) they
23 would put that (Expunged) at our disposal and, if there was no
24 (Expunged), there was a certain amount of money that was
25 provided for feeding and accommodation. (Expunged) did not have

1 a (Expunged). However, it had (Expunged).

2 Q. You said that if there was need for a (Expunged), and
3 (Expunged) could not provide such a (Expunged), a certain amount
4 of money was made available by (Expunged)- is that what you
5 said - for feeding, accommodation and (Expunged) expenses? Did
6 I understand you correctly?

7 A. This is what I said. When someone planned a trip, the
8 travel plan was given to the officials of (Expunged) and that
9 official would take the plan to (Expunged) and it was (Expunged)
10 that provided all transportation means; that is, if there was a
11 (Expunged) available, or money available, then they would
12 provide it. So they would provide a (Expunged), (Expunged), or
13 money. This was (Expunged) which took care of
14 that.

15 Q. Thank you. You explained to the Chamber that in the
16 course of your activities, in the course of your work in
17 (Expunged) and later on in (Expunged), you collected a certain
18 number of documents on children. You talked about
19 identification forms; you talked about documentation forms; you
20 talked about a document signed by parents for family
21 reunification; you talked about a follow-up or monitoring
22 questionnaire. The question I have for you is the following:
23 where were these documents kept?

24 A. Thank you for the question. Once a document was
25 completed, in other words when a child arrived at the CTO, there

1 was an identification form that had to be completed. Once that
2 form was completed, you had to give it to your superior who
3 would ensure that the form has been duly completed. He would
4 take the form and transmit it to (Expunged). What I mean is
5 each child had a file. These files contained a verification
6 form, a documentation form and --

7 THE INTERPRETER: The Swahili interpreter did not hear
8 the name of one of the forms.

9 THE WITNESS: (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged). Each child,

13 therefore, had a file. (Expunged) would take their files and
14 carry them to (Expunged), and it was (Expunged)

15 that was responsible for maintaining the database. A copy of
16 the documents in the database was sent to (Expunged).

17 It was not the files that were sent to the organisation, because
18 there was no place where these documents could be archived. The
19 documents were highly confidential.

20 Q. Thank you. Last week, you stated that before you left
21 Bunia you had - and I quote - "your database" at home. Which
22 database is this that you have in your home?

23 A. Thank you for the question. When I spoke of a
24 database, what I meant was that I had copies given to me by my
25 hierarchical superior at (Expunged); copies used for the

1 relocation of all the children who had gone through (Expunged)
2 and also (Expunged).

3 Now, why did they give me copies of these documents?
4 I was the official who took charge of 75 per cent of the
5 children who went through (Expunged). I was
6 given these copies so that I could use them to double check and
7 see which of the children -- the children whose families I had
8 identified and the children whose families I had not yet
9 identified. Thank you.

10 Q. These copies of the children's documents, the children
11 who were under your responsibility, these copies were with you
12 at your disposal in Bunia in your home right up to the time you
13 left Bunia in 2008; is that correct?

14 A. Yes, these copies were given to me so that after my
15 work I should be able to look at the documents at the end of the
16 working day. In the course of the working day, I had a lot of
17 other activities to take care of. What I mean is whilst I was
18 at the workplace I had no possibility of reading anything, but
19 in the evenings I was able to read through the copies that were
20 given to me. The copies were not really intended for me. The
21 copies were given to me because I could use them to carry out
22 relocation of the children and, when I realised that I was no
23 longer going to live in Bunia, I took the copies back to the
24 office of (Expunged).

25 Q. Thank you. You described your activities, talking

1 about family reunification, the economic reintegration of the
2 children. Now, within the framework of such social
3 reintegration of the children, were you also concerned with
4 cross-checking to see whether the children could be sent to
5 school? Did you check anything relating to their education?

6 A. Thank you for the question. Within the framework of
7 reintegration activities, our objective was not to send the
8 children to school. Once family reunification was done, it then
9 became the responsibility of their parents to send them to
10 school. When I conducted follow-up for children, for any child,
11 and I discovered that the parents had already sent the child to
12 school, I would then try to have a discussion with the school
13 authorities, with a view to providing the school with a small
14 contribution, a contribution that would take care of the child's
15 school fees for about two or three years.

16 However, the idea was not to pay the entirety of the
17 school fees, or to buy school uniforms for the children.
18 However, we would provide a small contribution after we reached
19 some sort of an agreement with the school. The objective of the
20 agreement was that the school should accept for the child to be
21 educated in that institution for about two or three years.
22 Hence, we would sign an agreement. This is to say, therefore,
23 that it was not the responsibility of our organisation to go and
24 take the child and send him or her to school; it was up to the
25 parents of the child to take that responsibility.

1 What I mean is, they had to enrol the child in school.
2 It was only afterwards that we would then intervene. Thank you.

3 Q. Thank you. In 2005 and 2006, 2007 in Bunia, you told
4 us that you reported it to Mr (Expunged)
5 , and you also said during your testimony that you worked as
6 well with (Expunged). My question is as follows: Was
7 (Expunged) responsible for another centre in addition to the CTO
8 or was it just the -- or was it the same centre?

9 A. Within the operational framework, that is to say
10 within the project, (Expunged) had (Expunged) for child
11 soldiers, a project named (Expunged), and that centre was funded
12 by the (Expunged). At that particular time, there were many
13 children coming in. (Expunged) and other NGOs, international
14 NGOs, were not able to welcome and take care of all the children
15 and so our NGO, our international organisation called
16 (Expunged), came into play, and that NGO worked within the same
17 programme. We worked in partnership with (Expunged).

18 But I must say that the (Expunged)NGO did not last for
19 long, and when the children left the (Expunged) centre we would
20 ensure that -- well, if there were many children with
21 (Expunged), the (Expunged)would help us with reunification. In
22 other words, they would bring the children back home, and the
23 most important thing at that time was that they helped us with
24 psychological follow-up. In other words, when a child was
25 having nightmares, we had close cooperation with them.

1 Q. Thank you. I would just like to ask you to shed light
2 on one particular point. In 2006 and 2007, when you were
3 working for (Expunged), did (Expunged) have premises
4 at that time, different premises from (Expunged)
5 premises, or were they using the same offices, the same
6 buildings? Was there two separate places for the two or was it
7 the same place for the children?

8 A. That year each organisation had its own offices.
9 (Expunged) had an NGO, (Expunged), that was different from
10 (Expunged). Each organisation had its own offices.

11 Q. Thank you. When it was necessary to cooperate, when
12 the two NGOs had to work together, would you receive
13 instructions directly from (Expunged)?

14 A. What time are you talking about? I haven't really
15 followed.

16 Q. I am talking about 2006 and 2007, up until the time
17 that you left Bunia to go to (Expunged). Now, during that
18 period of time, did you receive instructions directly, given
19 directly by (Expunged)?

20 A. When (Expunged) wanted to contact me he had to
21 refer to the person in charge of (Expunged) and, if he did not
22 do that, I could speak myself to the person responsible and say
23 what (Expunged) wanted me to do, and it was just my direct
24 manager. If he was in agreement then I would work with him.
25 Each time the (Expunged) gave instructions, those instructions

1 had to go through my direct manager. He could give instructions
2 that would have to be channelled through my direct manager.

3 PRESIDING JUDGE FULFORD: Mr Biju-Duval, after you
4 have completed this topic we're going to break off there for the
5 day.

6 MR BIJU-DUVAL: (Interpretation) One more question,
7 your Honour.

8 Q. Now, what you were explaining to us was, in effect,
9 that was the way of proceeding up until January 2008, when you
10 left Bunia to go to (Expunged); is that correct? To be very
11 specific, I am talking about this mechanism that you have just
12 explained to us regarding the instructions, the instructions
13 that you would receive.

14 A. Yes. We continued operating in that way until I sent
15 the children to the second place and, when those children left
16 the second place, from that time onward up until now, I -- since
17 that time I have received no instructions from (Expunged).

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

19 PRESIDING JUDGE FULFORD: Ms Buteau, a job, please,
20 I'm going to ask you to undertake this evening, and it takes us
21 back to some oral submissions on 3 May of this year. The
22 relevant transcript is 277, and forgive me for referring to the
23 English rather than the French, but it begins at page 7.

24 The problem that's arisen is as follows: That at
25 around line 12 of that transcript, I can't remember which of

1 your team was speaking, but one of them referred to document
2 2234 annex 3, and pages 2 of 7, and 6 of 7. The advocate then
3 went on without indicating another document, seemingly to refer
4 to the same document but now referring to page 4 of 12, 6 of 12
5 and 7 of 12. The problem that we have, in relation to a
6 decision which is otherwise complete, is that we don't know
7 what -- which document the advocate was referring to.

8 Could you try please, this evening, to throw some
9 light on this by an email to the legal adviser to the division?

10 MS BUTEAU: (Interpretation) Yes, we shall do so,
11 your Honour.

12 PRESIDING JUDGE FULFORD: I'm very grateful to you.
13 Closed session, please.

14 * (Closed session at 4.44 p.m.) Reclassified into open session

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

17 PRESIDING JUDGE FULFORD: Thank you, sir. We look
18 forward to seeing you at half-past-9 tomorrow morning. Thank
19 you, usher.

20 (The witness stands down)

21 PRESIDING JUDGE FULFORD: Was that a burst of
22 enthusiasm, Mr Sachdeva, or something?

23 MR SACHDEVA: Mr President, I do apologise, but I do
24 have an application to make to the Chamber.

25 PRESIDING JUDGE FULFORD: Remember you've only got

1 about 60 seconds to make it.

2 MR SACHDEVA: I will be very brief and try to speak as
3 quickly as possible but, in relation to your Honour's ruling
4 this afternoon varying the 12 May decision, the Prosecution is
5 intending to file an application for leave to appeal. We
6 believe that the decision has -- would create unfairness towards
7 the Prosecution and to the intermediary and in respect of
8 paragraph 30 of your Honour's decision to deny leave to appeal
9 of the 12 May decision, wherein it is stated that prejudice will
10 not be -- there is no prejudice towards the Prosecution because
11 the Chamber has insisted that disclosure can only take place
12 once protective measures have been put into place, our position
13 at this stage is that that decision has been countered by your
14 Honour's present decision and therefore, to be able to cure an
15 irreversible situation, wherein disclosure would be effected but
16 leave to appeal possibly would be granted, we would seek leave
17 of the Chamber to stay your Honour's decision or to suspend the
18 decision until leave to appeal has been decided by your Honours.

19 PRESIDING JUDGE FULFORD: Remind me of the time limits
20 for filing leave to appeal, Mr Sachdeva?

21 MR SACHDEVA: Five days, Mr President, as I understand
22 it, under the Statute, under the Rules.

23 PRESIDING JUDGE FULFORD: I imagine as of now you
24 don't know how long it is going to take your appeals section, in
25 fact, to have this appeal ready or do you know that?

1 MR SACHDEVA: We would ask for the five days,
2 Mr President.

3 PRESIDING JUDGE FULFORD: Thank you.

4 (Trial Chamber confers)

5 PRESIDING JUDGE FULFORD: Well, Mr Sachdeva, certainly
6 there is a stay of our order this afternoon tonight. We are
7 going to reflect on this overnight and revert to you more
8 substantively tomorrow morning. In the meantime, can both you
9 and the Defence, and hopefully collectively the two together,
10 see whether there is any other way of dealing with this, which
11 confronts the real problem of ensuring that this Chamber doesn't
12 lose what at the moment appears to be at least a week of work
13 whilst the position of 147 is resolved.

14 Now, of course, within that, there is your application
15 for leave to appeal, which may ultimately put a brake on things,
16 depending on what we decide but, independently of that, can you
17 see if there's any way of salvaging what is otherwise extremely
18 precious time that is going to be lost.

19 MR SACHDEVA: Certainly, Mr President. We will do so.

20 PRESIDING JUDGE FULFORD: Right. Until further order,
21 our decision of earlier today ordering disclosure of details of
22 143 to the Defence is suspended. If necessary, we will give the
23 Defence an opportunity to make submissions on this tomorrow
24 morning.

25 Thank you all very much. Half-past-9 tomorrow

1 morning.

2 (The hearing ends at 4.50 p.m.)

3 RECLASSIFICATION REPORT

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