

1 International Criminal Court
2 Trial Chamber I
3 Situation in the Democratic Republic of Congo - ICC-01/04-01/06
4 Case against Thomas Lubanga Dyilo
5 Hearing - *Closed Session. Reclassified as Open session
6 Friday, 3 July 2009
7 The hearing starts at 9.01 a.m.
8 COURT USHER: All rise. The International Criminal Court is now
9 in session. Please be seated.
10 PRESIDING JUDGE FULFORD: Good morning. Witness, please.
11 (The witness takes the stand)
12 PRESIDING JUDGE FULFORD: Good morning, sir.
13 THE WITNESS (interpretation): Good morning, your Honour.
14 PRESIDING JUDGE FULFORD: Private session, Maitre Mabilille?
15 MS. MABILLE (interpretation): I would like to try to put three
16 questions in open session, your Honour. I wish to refer to the document
17 which we used yesterday, the document concerning the 22 children. So I
18 will put questions and make reference to the document about the
19 22 children, and for that reason I can put my questions in open session.
20 PRESIDING JUDGE FULFORD: Public session, please.
21 (Open session at 9.03 a.m.)
22 COURT OFFICER: Open session.
23 PRESIDING JUDGE FULFORD: Yes, Maitre Mabilille.
24 WITNESS: WITNESS DRC-OTP-WWW-0031 (Resumed)
25 (Witness answered through interpreter)

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Open Session)
Questioned by Ms. Mabilille (Continued)

Page 2

1 Questioned by Ms. Mabilille: (Continued)

2 Q. (Interpretation) Witness, good morning.

3 A. Good morning.

4 Q. Yesterday we adjourned at a time when I was putting questions to
5 you on a document, a document which was a list of 22 children, 22 child
6 soldiers. And I made a suggestion to you, saying that the region of
7 Mongbwalu was under the control of RCD/K-ML right up to the end of
8 November 2002. You stated that you did not agree with that suggestion.
9 Now I would like to ask you another question. To your knowledge, the
10 region of Aru, under whose control was it at least from March 2003?

11 A. Thank you, Madam. My answer will be brief. I would like to tell
12 you that in 2002 when Thomas Lubanga and his group, the UPC, took control
13 of Bunia on 9 August, he extended his powers to all localities to take
14 the north. He was in Mongbwalu, and from Mongbwalu he went to Aru and
15 Mahagi and he established an alliance with Jerome Kakwavu for the
16 conquest of Aru and Mahagi.

17 I would like to add one further point. If Aru and Mahagi were
18 not controlled by Thomas Lubanga, how could he on the 29th -- on the 29th
19 of August have appointed Eneko as the governor of Ituri?

20 Q. Witness, if I suggest to you that the region of Aru was under the
21 control of the FAPC of Jerome Kakwavu from March 2003 at least, would
22 that be correct?

23 A. Madam, this is what I said and I will wish to repeat my answer.
24 In 2002, in the month of August, the UPC with Thomas Lubanga took control
25 of Bunia. He extended his powers to the localities in the north of

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Open Session)
Questioned by Ms. Mabilille (Continued)

Page 3

1 Bunia. He published his government, appointing Eneko as governor at the
2 time he was in Aru. He formed an alliance with Jerome Kakwavu and he
3 took control of his entities. If you say March 2003, March 2003, on
4 6 March Thomas Lubanga was overthrown by the UPDF and the FNI.

5 Q. Witness, one last question on this point. Did you know that
6 there was a falling out between Jerome Kakwavu and the UPC; and if you
7 knew this, when did that falling out or disagreement take place?

8 A. If there was a disagreement with respect to the 22 children, I
9 would say the source of the recruitment of these children was not
10 Jerome Kakwavu, the source was the UPC before the disagreement between
11 the two that you mentioned. Unless there is proof to the contrary, I
12 would like to tell you that the source of recruitment of these
13 children -- the person who recruited them to take them to Aru to fight in
14 Mahagi was Thomas Lubanga and the UPC.

15 Q. Witness, now very precisely, do you know whether there was this
16 disagreement between the two; and if so, when did this occur?

17 A. Madam, I don't know about -- I'm not referring to the
18 disagreement you talked about. I am focusing on the 22 children who were
19 recruited by Thomas Lubanga and who took them to Aru and Mahagi. He
20 separated them from their children (as interpreted) and he included them
21 into the armed wing of his movement so that they could go and fight.

22 Q. Witness, you also mentioned that these children were sent to
23 fight in Aru while they were serving under the UPC. Is that correct? Is
24 that what you said?

25 A. I did inform you that these children were recruited by the UPC

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Open Session)
Questioned by Ms. Mabilille (Continued)

Page 4

1 during its conquest of power, that is, from August 2002 right up to
2 March 2003. That is the first phase of its reign before it returned in
3 May 2003.

4 Q. But you clearly stated that the children were sent to fight in
5 Aru?

6 A. Madam, this is what I am telling you. We have to move on. I
7 told you that these children were recruited by Thomas Lubanga. You can't
8 tell me the contrary, and they were sent to the front in the north, that
9 is, towards Aru and Mahagi.

10 Q. If I suggest to you, Witness, that the UPC did not and has never
11 sent troops to fight in Aru, will that awaken your memory?

12 A. Madam, experiencing an event and discussing that event are two
13 different things. You have never been in Bunia, you have never been in
14 Ituri. You are in the Defence team, but you should know that the seizure
15 of power by Thomas Lubanga and the UPC took them to the north, they were
16 in Aru and they were in Mahagi. He formed a coalition with Jerome
17 Kakwavu. These children could not be there. These children were
18 supposed to be with their parents. That is why I told you yesterday that
19 we are talking here about a sacrificed generation, a generation which
20 represents the future of a whole society, and that generation has been
21 sacrificed by the armed wing of that movement.

22 Now, let's get serious and see how we can help these children
23 return to normal life, and there is one fact. It is easy to enlist these
24 children but it's very difficult to help them return to normal life, and
25 you can see the situation that that has created today.

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 5

1 MS. MABILLE (interpretation): Your Honour, I think we should now
2 move into closed session.

3 PRESIDING JUDGE FULFORD: Thank you, Maitre Mabilille. Can I ask
4 you both, please, perhaps slightly in the heat of questions and answers
5 to make sure that you keep an eye on the speed. Sometimes, Maitre
6 Mabilille, you're coming in very quickly with your next question. I
7 totally understand why, but I need say no more about it.

8 And, sir, could I also ask you, generally speaking you're giving
9 your evidence at an excellent speed, but just occasionally it accelerates
10 and I'd ask you if you could keep an eye on that, please. Good.

11 Private session, please.

12 *(Private session at 9.13 a.m.) Reclassified as Open session

13 COURT OFFICER: Private session.

14 PRESIDING JUDGE FULFORD: Yes.

15 MS. MABILLE (interpretation):

16 Q. Witness, kindly turn to tab 8 -- I beg your pardon, tab 7
17 DRC-OTP-00138-01106 (sic).

18 Witness, this is -- and I think this is what you said in answer
19 to questions put by the Prosecutor. This is a document which was
20 allegedly prepared by (Redacted); is that correct?

21 A. That's what I said.

22 Q. I would like to return with you to the line or the column "armed
23 group," "armed group," in the document. That is the fourth column from
24 the right. Do you see that column, Witness?

25 A. Yes, I see it.

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilie (Continued)

Page 6

1 Q. Please try to speak out so that the interpreters can hear you and
2 interpret your answer.

3 A. I said I have seen it.

4 Q. I understood from your explanation in answer to the questions put
5 by the Prosecutor, we have four entries, APC, PUSIC, UPC, UPC, and this
6 is followed by a column that is blank. A question was put to you by the
7 Prosecutor and you answered, saying that all those blanks mean that these
8 children were in the UPC and that there was no need to keep making the
9 entry UPC all the way down because all these children belonged to the
10 same group. Did -- is that a clear interpretation of what you said?

11 A. Yes, I said it.

12 Q. In that case, Witness, I would like you to move to the end of
13 that column. Now, the fifth row from the bottom, there you find the
14 abbreviation UPC for someone who is called (Redacted). Have you seen that
15 entry on the form?

16 A. Yes, I can see it.

17 Q. So how, then, can you explain your reasoning, your interpretation
18 of this because you said there was no need to keep writing "UPC" all the
19 way down because all these children belonged to that group. How can you
20 account for the fact that further down you have "UPC" written again?

21 A. Madam, I have already answered that question. If you look at the
22 continuation of this document, and this is a report prepared by (Redacted), I
23 would like to ask you to turn to (Redacted) to give you information on that.
24 I have already answered that question. Now, for subsequent answers you
25 may need, I would like to advise you to turn to (Redacted) so that they can

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 7

1 give you more information on this document.

2 Q. Should I conclude from your answer, therefore, that indeed you do
3 not really know whether these are children who belonged to the UPC, that
4 is, I'm talking about the children who have blanks against their names in
5 that column?

6 A. Madam, I already gave the answer to that question which was put
7 to me by the Prosecutor. I explained - and you heard what I said - and I
8 have just said if you have further questions, if you need further
9 information, please go to (Redacted) and they will provide you with the
10 requisite answers. But I think I have already provided all the answers
11 to questions related to this document. These are children who belong to
12 the UPC. I cannot say the contrary. If you wish to get more information
13 on that, it is up to you to turn to (Redacted). I told you the name -- I
14 told you who prepared this document. It was prepared by the (Redacted)
15 (Redacted).

16 Q. Witness, it would appear that you are deducting, therefore, that
17 all these children against whose name there is a blank belong to the UPC.
18 Is it an assumption, a deduction, or it's a fact that you know? Do you
19 know these children individually?

20 A. Madam, let me repeat my answer. This is what I said. All
21 verifications were done by the (Redacted)
22 (Redacted) published its report (Redacted). If you
23 have more information or you wish to get more information on this
24 document, please go to (Redacted), but I answered to the -- answered the
25 question put to me by the Prosecutor and I think I will end there.

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 8

1 Q. Thank you, Witness. I would now like to deal with the issue of
2 the children's age. In all the documents on child soldiers that have
3 been the subject of debate in the course of your testimony, none of the
4 documents mentions the date of birth of the children. The documents only
5 refer to the children's age. Could you tell us why (Redacted) never
6 noted down the date of birth in these documents?

7 A. Thank you. You can see the ages. I said that (Redacted) was
8 responsible for verification. They carried out the verification process.
9 The child (Redacted) would just give (Redacted) his or her age, (Redacted)
10 (Redacted). There was a procedure that had to be followed. In
11 some documents a child will say it was born in 1989.

12 And secondly, Madam, with regard to this question you should know
13 that I've answered questions put to me by the Legal Representatives
14 yesterday, and some of these children had used hallucinogenic substances
15 and many of the children were somewhat lost and children who had been
16 taken by these groups -- well, most of them weren't literate. They
17 couldn't really know their date of birth, they could perhaps know their
18 approximate age. So this question that concerns their age -- well, it's
19 quite normal (Redacted). In some documents
20 there's the date of birth for certain children. You do have the dates of
21 birth for some of the children in some of the documents. It's not as if
22 you can't find the date of birth in any of the documents.

23 Q. I apologise, sir, but in the documents that you have been shown,
24 unless I'm mistaken - which is quite possible - I didn't see any dates of
25 birth. Is there a document or a date that I failed to notice in the

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 9

1 documents we have examined together?

2 A. In some documents the child said he was born in 1989. So there
3 are such documents, for example, and I'm telling you again to contact
4 (Redacted) so that they can provide you with the verification form.

5 Q. Witness, you have referred to a delegation (Redacted)
6 (Redacted) and this took
7 place at the residence of Thomas Lubanga. The purpose of this meeting
8 was to address the subject of demobilisation. In the course of your
9 testimony before the Court you mentioned two names. The first person is
10 (Redacted)
11 (Redacted)
12 (Redacted)

13 A. Thank you. They were part (Redacted)
14 (Redacted)
15 (Redacted). The other was --

16 THE INTERPRETER: The interpreter didn't hear the witness
17 correctly.

18 THE WITNESS (interpretation): -- (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)

23 MS. MABILILLE (interpretation):

24 Q. I apologise, sir, but the name of (Redacted) hasn't been
25 noted. Could you please say the name again. Would you be so kind as to

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 10

1 spell the name for us, it would simplify our task.

2 A. Madam, with regard to all the names that I'm providing you with,
3 you have a mechanism for protecting these people because very often I had
4 to draft a report and I -- when you live in Ituri you are threatened with
5 death because someone can issue an order to have someone killed. Someone
6 can order it here and it can be done there. So there are measures,
7 protective measures, for all these individuals, for the names of all
8 these individuals and someone can issue an order to kill someone from
9 here and it can be done over there.

10 Q. I'm asking you for the name of (Redacted)
11 and I would also like you to repeat the name of (Redacted), the name
12 that you mentioned just a minute ago. It hasn't been noted. Could you
13 please repeat that name.

14 A. I already gave you the name. You asked me about those two names.
15 I gave you the names. (Redacted)
16 (Redacted). They were at the meeting. And I said with regard to all
17 these individuals there were protective measures. Do you have protective
18 measures for them? Because living in Ituri means risking your life,
19 being threatened with dangers.

20 Q. Sir, (Redacted)? Is
21 that your testimony?

22 A. That's what I said.

23 Q. And (Redacted) --

24 PRESIDING JUDGE FULFORD: You're coming in far too quickly. The
25 transcript is going to completely collapse if questions and answers are

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 11

1 conducted at this speed. I'm sorry. It's unnatural and I know that from
2 the forensic point of view it is useful to be able to respond
3 immediately, but it causes too many problems.

4 Yes, please carry on.

5 MS. MABILILLE (interpretation):

6 Q. Sir, as far as (Redacted) is concerned, (Redacted)
7 that you mentioned, (Redacted)
8 (Redacted)?

9 A. I've already said that he was part of (Redacted) --

10 THE INTERPRETER: If the interpreter heard the witness correctly.

11 THE WITNESS (interpretation): -- and this was the person that
12 was present at the meeting with Thomas Lubanga, he had certain
13 responsibilities there. (Redacted)
14 (Redacted)

15 MS. MABILILLE (interpretation):

16 Q. The (Redacted) (as interpreted), could you tell us how you
17 spell this term, this name?

18 A. (Redacted), and at the end of the term you have
19 (Redacted).

20 Q. Thank you, sir. Do you remember any (Redacted)
21 (Redacted)
22 (Redacted)?

23 A. I mentioned those two individuals and there were also other
24 (Redacted) who were present, (Redacted). I
25 can mention their names, (Redacted). (Redacted)

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 12

1 (Redacted)

2 (Redacted).

3 Q. Witness, (Redacted)

4 (Redacted)?

5 A. Yes.

6 Q. Witness, you mentioned a demobilisation programme before this
7 Court, a programme that the UPC participated in, in collaboration with
8 (Redacted). You said that 68 children were
9 demobilised, but that the UPC immediately re-enlisted them. For the
10 benefit of the Court it's page 3, page -- day 3, page 31, lines 11
11 onwards. So is this your testimony, Witness?

12 A. Could you repeat the question, please.

13 Q. You mentioned before this Court a demobilisation programme that
14 concerned 68 children and you told us that the programme was established
15 by (Redacted). And you also said that as soon
16 as these children had been demobilised they were immediately re-enlisted
17 by the UPC. Is that, in fact, your testimony?

18 A. Madam, the UPC did no more than recruit children. They pretended
19 to demobilise children, but the UPC didn't take expeditious action to
20 demobilise children. The answer I provided was to that effect and until
21 the contrary is proven, the UPC made no efforts to demobilise children
22 because they continued to recruit children. Even the children who had
23 been reunited with their families (Redacted) ended up in the UPC programme
24 again, were re-enlisted. So the UPC pretended to demobilise 68 children,
25 but later all these children were found among the ranks of the UPC again.

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 13

1 The UPC didn't demobilise children. That's what I said.

2 Whenever they were targeted in a zone, the children were
3 abandoned, the children would go and find transit sites so that they
4 could become part of the disarmament programme. But you put the same
5 question to me yesterday and I said, Show me where -- in fact, yesterday
6 you said that the UPC no longer had control of the armed branch. So show
7 me where the UPC placed all these children who were among their ranks,
8 where did they put them, to which authority did they hand the children
9 over, to which organisation did they hand these children over until
10 today?

11 Q. Sir, I'm focusing on the 68 children and I am asking you a
12 precise question about these children, the 68 children. Before this
13 Court you spoke about them, you have testified about them. I'm asking
14 you where did you obtain your information from on these 68 children?

15 A. I've already provided you with my answer about the 68 children.
16 I told the OTP about them in my statement. It's in my statement. Have a
17 look at my statement, read it with care. That's my answer, but in
18 general I can say that the UPC never demobilised children because if they
19 had demobilised children they would have handed them over to an
20 authority, which is what other armed groups ...

21 Q. Sir, I'm asking you about the source of your information. Did
22 you verify the information you had on the 68 children? I'm asking you to
23 tell us about your source of information.

24 A. Madam, I'm referring you to the document that you provided me
25 with yesterday, my statement. Take care to have a look at it. That's

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 14

1 the only answer I can give you. That's the final thing I can say about
2 this question. You put the same question to me yesterday. You said the
3 UPC no longer had power from 2005 or 2003 or no longer had an armed
4 branch under its control, but I'm saying if that's true when did the UPC
5 hand over all these children, to which authority in the state did they
6 hand these children over to, which organisation did they give these
7 children to? (Redacted), so
8 tell me, to whom did they give these children? Where are these children
9 today? What sort of a situation are they in?

10 Q. Sir, whatever may be contained in your statement, I'm going to
11 repeat this question so that you can tell us verbally about the source of
12 information you had on the demobilisation and re-enlisting of these
13 children and how did you personally become aware of these elements, of
14 this information?

15 A. My answer is the same. You should have a look at the statement.
16 That's all.

17 PRESIDING JUDGE FULFORD: Maitre Mabilille, I think that's probably
18 as far as we can take it. The witness is not going to give us, I think,
19 any further assistance on the point.

20 MS. MABILILLE (interpretation):

21 Q. Witness, you indicated yesterday that you facilitated the
22 meeting, the interviews between the children, between some of the
23 children and the OTP; is that correct?

24 A. Would you repeat the question.

25 Q. You told us yesterday that you had facilitated the meeting of

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

Page 15

1 some children with the OTP; is that correct?

2 A. I gave you the name of a child that I took to them.

3 Q. My question is as follows. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted). (Redacted) my question is as follows: Did you give

7 those files and all the elements (Redacted)

8 (Redacted)

9 to the OTP?

10 A. Madam, the elements that I had were given to the OTP. The files

11 that (Redacted) had can be found with (Redacted), that is, the files that were

12 not (Redacted)

13 (Redacted). For example,

14 there are -- you need to contact (Redacted), for example, to obtain that

15 information. (Redacted)

16 (Redacted), all of that

17 information was given to the OTP.

18 Q. Do you know someone by the name of (Redacted)?

19 A. I don't have a clear idea. I've left Bunia a long time ago, so

20 no I don't -- that does not ring a bell.

21 Q. Was there someone whose first name was (Redacted) who worked in

22 your centre at a given point in time?

23 A. I don't have much of an idea on that either.

24 MS. MABILILLE (interpretation): Your Honour, could I have a

25 moment, please?

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Private Session)
Evidentiary Matters

Page 16

1 PRESIDING JUDGE FULFORD: Yes, of course.

2 (Defence counsel confer)

3 MS. MABILLE (interpretation): I've finished, your Honour.

4 PRESIDING JUDGE FULFORD: Sir, Judge Blattmann, who sits to my
5 left, has a few questions.

6 JUDGE BLATTMANN: Thank you.

7 Sir --

8 PRESIDING JUDGE FULFORD: Public session, please.

9 (Open session at 9.45 a.m.)

10 COURT OFFICER: Open session.

11 JUDGE BLATTMANN: Thank you.

12 Sir, I would just like to put one question to you regarding the
13 situation in Ituri after the events that occurred in June 2003. You
14 described in your written statements the situation that took place in
15 Bunia around June 2003 and the involvement of foreign countries,
16 specifically Rwanda and Uganda. You also spoke about your activities in
17 the aftermath and following the June events in Bunia. You referred that
18 you were eye-witness while living there and referred also to the involved
19 forces.

20 Now, my concrete question is whether there was, in your
21 understanding, any Ugandan or Rwandan intervention or involvement or
22 presence in the Ituri conflict after June 2003?

23 THE WITNESS (interpretation): Thank you, your Honour, for that
24 question. After the month of June 2003 there were several different
25 forces that came through for pacification. There was the Artemis force

Witness: Witness DRC-OTP-WWW-0031 (Resumed) (Open Session)
Evidentiary Matters

Page 17

1 which came to provide pacification. There was the Ituri Special Brigade
2 which went through Bunia, and there was also the Congolese armed forces
3 that are called the integrated brigade. But in the surrounding areas in
4 Ituri there was fighting and there was fighting each time with the UPC --
5 well, the UPC had its allies in the surrounding areas in the zones of
6 combat. As I was saying, the UPC had their allies in the zones of
7 combat. There was Uganda. At one point they fought with them, but then
8 they turned their backs to Uganda and went over to Rwanda, that is, the
9 RCD Goma. And the army provided instructors to them and there was
10 training provided in Rwanda.

11 Now, in the occupied zones, that is, the zones occupied by the
12 UPC, they couldn't separate from their allies, such as the fighting in
13 Bule, they couldn't separate from their allies.

14 JUDGE BLATTMANN: Thank you very much, sir.

15 PRESIDING JUDGE FULFORD: Ms. Samson.

16 MS. SAMSON: Thank you, your Honour. We have no further
17 questions.

18 PRESIDING JUDGE FULFORD: Maitre Mabilille, anything arising out of
19 the question placed by His Honour Judge Blattmann?

20 MS. MABILLE (interpretation): No, your Honour.

21 PRESIDING JUDGE FULFORD: Thank you very much indeed.

22 Sir, your evidence has taken a considerable period of time, and I
23 want to express the Chamber's gratitude for your patience and for the
24 fact that you have come a very long way to give evidence before this
25 Court to assist us with our search for the truth. It would be impossible

1 for this Court effectively to function if people such as yourself did not
2 come to The Hague to assist in the way that you have done. It is
3 essential for us that witnesses are prepared to give evidence live in
4 this chamber, and we are acutely aware of the inconvenience that that
5 will have caused you and the potential difficulties that may flow from
6 your contribution to this trial. You, therefore, leave now with our
7 sincere thanks.

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

9 *(Closed session at 9.51 a.m.) Reclassified as Open session

10 COURT OFFICER: Closed session.

11 (The witness withdrew)

12 PRESIDING JUDGE FULFORD: Public session, please.

13 (Open session at 9.52 a.m.)

14 COURT OFFICER: Open session.

15 PRESIDING JUDGE FULFORD: Ms. Samson, we now turn to Witness 116.
16 Thank you very much for your communication, I think it was with the legal
17 advisor, to the division earlier today in which it was indicated that
18 there was a substantial measure of agreement as regards the paragraphs
19 from the witness's statement that can be incorporated directly into the
20 evidence in this case by agreement with the Defence. Is that still the
21 position inter partes?

22 MS. SAMSON: Yes, it is, your Honour.

23 PRESIDING JUDGE FULFORD: Thank you.

24 Well, that certainly has the potential for saving a considerable
25 period of time. I understand as well that the witness has indicated that

1 on Thursday of next week he is prepared to return to The Hague. On a
2 preliminary basis it seems to me that that is an offer, if that's the
3 correct word to use, that we should avail ourselves of because we can
4 only sit with Witness 46 in any event between 9.00 and 1.00 and that
5 would give us time in the afternoon which may be critical in relation to
6 completing both of the -- the evidence of both witnesses before the
7 summer recess. Would you agree with that general observation?

8 MS. SAMSON: Absolutely, your Honour, yes.

9 PRESIDING JUDGE FULFORD: I see you leaning forward,
10 Mr. Biju-Duval, always a warning sign that there's going to be an
11 intervention.

12 MR. BIJU-DUVAL (interpretation): I would just like to have one
13 clarification. Yesterday evening we made a proposal to admit into the
14 case a portion of the written statement but we did not receive a response
15 to that request. So it is not perfectly clear to us exactly which
16 portions of the statement will be admitted directly.

17 PRESIDING JUDGE FULFORD: The summary that we've been given or
18 the -- the summary of the position that we've been given is that
19 paragraphs 1 to 24, 27 to 39, 48 and 50 should be introduced directly
20 as -- of evidence in chief, to use the Anglo-Saxon expression. We
21 understand that the rider from the Defence is that those passages or
22 certainly some of them are not accepted necessarily as reflecting the
23 truth or being accurate, but you are content for the evidence in chief to
24 be introduced in that way.

25 Now, does that accord with your position, Mr. Biju-Duval?

1 MR. BIJU-DUVAL (interpretation): Yes, your Honour, that
2 corresponds perfectly to the proposal that was made last night by the
3 Defence.

4 PRESIDING JUDGE FULFORD: Happy, Ms. Samson?

5 MS. SAMSON: Happy, yes.

6 PRESIDING JUDGE FULFORD: Good.

7 Now, in a moment we've got to deliver our short oral decision on
8 protective measures for that witness. Are there any other preliminary
9 matters that need to be discussed as regards his testimony before we
10 begin?

11 MS. SAMSON: No, there are not, your Honour.

12 PRESIDING JUDGE FULFORD: Anything from you, Mr. Biju-Duval? No.

13 I think it would be safer if we deliver this short oral decision
14 in private session. So private session, please.

15 *(Private session at 9.57 a.m.) Reclassified as Open session

16 COURT OFFICER: Private session.

17 PRESIDING JUDGE FULFORD: The Defence oppose the suggested
18 in-court protective measures for this witness, namely, face and voice
19 distortion and the use of a pseudonym. Put generally, the Defence
20 suggests that the witness, the organisation he works for, and his role
21 are well-known publicly and that there are no reasons to suppose that
22 publicity of his testimony will cause a material deterioration as regards
23 his safety. The Defence suggests that as a matter of principle witnesses
24 in the category of this witness should not have the benefit of these
25 particular protective measures, not least because of the value of public

1 justice.

2 Inevitably the Chamber is dependent to an important extent on
3 information that comes from the witness as regards the anticipated
4 security difficulties, although it will of course analyse any extraneous
5 evidence if it is available. Although it is suggested that the accused
6 and others associated with him know the witness very well and are aware
7 of his employment (Redacted), giving evidence may put the
8 witness in a hazardous position for the following reasons. Although he
9 has not to date received direct threats on account of his involvement
10 with the Court, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted). In our judgement, these proposed measures
5 are necessary under Article 68(1) to protect individuals and
6 organisations at risk by virtue of the activities of the Court; no lesser
7 steps will provide him with effective protection. For these reasons,
8 this application is granted.

9 Now, Ms. Samson, is the witness, to your knowledge, now ready to
10 commence his evidence or do you need a short break?

11 MS. SAMSON: Your Honour, we have no information. We are ready
12 to proceed, but we're not aware if the witness has been brought down or
13 is in a position to commence testimony now.

14 PRESIDING JUDGE FULFORD: Thank you. Let's find out what the
15 position is.

16 Just a moment, Maitre Mabilie.

17 (Trial Chamber and Court Officer confer)

18 PRESIDING JUDGE FULFORD: He's here. Good.

19 Maitre Mabilie.

20 MS. MABILLE (interpretation): Your Honour, just one small
21 concern with respect Witness 0015. We received the statement of the
22 witness this morning, and I think that at some point when the Chamber
23 deems it necessary we should discuss with the Chamber. It must be
24 understood that we made certain proposals to the Office of the
25 Prosecutor, so consequently we are going to try to come up with a

1 solution which we will propose to the Chamber if the Chamber agrees with
2 this arrangement. I would also like to seize this opportunity to inform
3 you that my colleague Marc Desalliers and myself are going to leave the
4 courtroom at break time, and Mr. Jean-Marie Biju-Duval and
5 Caroline Buteau will remain for the rest of the hearing.

6 PRESIDING JUDGE FULFORD: Thank you for that, Maitre Mabilille.

7 If it's convenient and to give the Defence and the Prosecution an
8 opportunity to discuss Witness 15-related issues, I would propose that we
9 deal with them, deal with the matters arising in relation to that
10 witness, at 2.00 p.m. or when we sit again this afternoon. Is that
11 convenient with you, which will in fact be 2.00 p.m.?

12 (Defence counsel confer)

13 MS. MABILLE (interpretation): I beg your pardon. Just one
14 clarification. Will the OTP be ready for us to have the discussion
15 before we return to the bench at 2.00 p.m.?

16 MS. SAMSON: Yes, your Honour, we would be prepared to discuss at
17 2.00 p.m. with the Chamber and in advance with the Defence.

18 PRESIDING JUDGE FULFORD: Good.

19 MS. MABILLE (interpretation): Thank you, your Honour.

20 PRESIDING JUDGE FULFORD: Therefore, we'll deal with that at
21 2.00 p.m. Can we go, please, into closed session so that Witness 116 can
22 come into court.

23 *(Closed session at 10.06 a.m.) Reclassified as Open session

24 COURT OFFICER: Closed session.

25 (Trial Chamber confers)

1 (The witness entered court)

2 PRESIDING JUDGE FULFORD: Good morning, sir.

3 THE WITNESS (interpretation): Good morning, your Honour.

4 PRESIDING JUDGE FULFORD: Let me first of all apologise for the
5 fact that I suspect you've been kept waiting a number of days before your
6 testimony has commenced, and we're sorry for that.

7 A few preliminary words from me before you start giving evidence.
8 First, to inform you that the Chamber has approved the protective
9 measures that will have been discussed with you by members of the Victims
10 and Witnesses Unit, and most particularly we have agreed that your face
11 and your voice should be distorted on the live transmission of our
12 proceedings and that your real name and identity are going to be withheld
13 from the public. That means, I'm afraid, that part of your evidence will
14 be given in public session but part will be given in private session, so
15 that whenever you are dealing with issues that would have a tendency to
16 reveal who you are, we will ensure that only those sitting within this
17 court can hear what is said and that the wider public will not have made
18 available to them the testimony that you're giving.

19 That means that from time to time - and it will seem rather
20 artificial - we will have to pause so that the court can change from a
21 public hearing into a private hearing.

22 Can I reassure you that if anything inadvertently is said in
23 public session that should not have been said, you're not to worry about
24 it because there's a 30-minute delay on the internet transmission of the
25 proceedings and so that that gives us an opportunity to remove the

1 offending portion of your evidence so as to ensure that your security
2 remains protected.

3 The final thing that I want to say at this stage in terms of the
4 way that your evidence will be delivered is that, as you can see, in the
5 booths above us to both the left and the right there are interpreters and
6 stenographers working hard to give us a simultaneous transcript in French
7 and in English. That means that everybody in this court mustn't speak
8 any quicker than I'm speaking now, and so could you make sure, please,
9 that you don't accelerate away in your answers. Additionally, when
10 Ms. Solano or any other counsel ask you a question, could you pause just
11 for a moment before coming in with your answer so as to give them, the
12 stenographers and the interpreters, an opportunity to slow down. Did I
13 say Ms. Solano? I did. Forgive me, Ms. Struyven.

14 And thank you, Judge Blattmann.

15 The other matter is this, we are aware that you have got
16 commitments (Redacted). I totally understand why you would have
17 made those arrangements. If it is possible for you to return on Thursday
18 of next week that would be hugely helpful to the Chamber because it will
19 give us a number of hours on Thursday afternoon which we can occupy for
20 your testimony, and we're under very considerable time constraints. And
21 so if that is possible, we would be very grateful.

22 Good. Now, Ms. Struyven, I imagine your first questions once the
23 witness has taken the oath will be in private session; is that correct?

24 MS. STRUYVEN: Your Honour, it will depend if we -- because the
25 Defence agrees to tender certain paragraphs of his statement, I could do

Witness: Witness DRC-OTP-WWW-0116 (Closed Session)
Questioned by Ms. Struyven

Page 26

1 that in public session and refer to his name just by referring to the
2 document, his name on the document.

3 PRESIDING JUDGE FULFORD: Fine. We can deal with it in that way.

4 Good.

5 Public session then, please.

6 (Open session at 10.12 a.m.)

7 COURT OFFICER: Open session.

8 PRESIDING JUDGE FULFORD: There's a card in front of you, sir.

9 Could you read the words on it out loud so that everyone can hear what
10 you say.

11 THE WITNESS (interpretation): Thank you, your Honour.

12 I solemnly declare that I will tell the truth, the whole truth,
13 and nothing but the truth.

14 PRESIDING JUDGE FULFORD: Excellent. Thank you.

15 Ms. Struyven.

16 WITNESS: WITNESS DRC-OTP-WWW-0116

17 (Witness answered through interpreter)

18 Questioned by Ms. Struyven:

19 Q. (Interpretation) Good morning, sir. For security reasons I will
20 refer to you as "sir." I hope you have no problem with that. My name is
21 Olivia Struyven. I am from the Office of the Prosecutor and I am going
22 to ask you questions on the events that occurred in Ituri. Before I
23 start I have one short comment to make. If ever you do not understand me
24 or if you do not understand my question, please let me know and I will
25 try to rephrase the question.

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 27

1 Sir, do you remember having met investigators from the Office of
2 the Prosecutor in October 2007?

3 A. Yes, I remember very well.

4 Q. Do you remember that they asked you questions with respect to
5 your activities in Ituri between the year 2000 and the year 2003?

6 A. Yes, they asked me questions and I answered those questions.

7 Q. And do you also remember that they recorded your answers in a
8 statement?

9 A. Yes, indeed they did that.

10 MS. STRUYVEN (interpretation): Your Honour, with your
11 permission, I'd like to show the witness his statement, and it cannot be
12 disclosed to the public.

13 PRESIDING JUDGE FULFORD: Good. Do you have the copy,
14 Ms. Struyven?

15 MS. STRUYVEN (interpretation): Yes, we have nine copies for all
16 parties and -- for the party and all participants.

17 PRESIDING JUDGE FULFORD: That, to use the vernacular, that may
18 involve a little bit of overkill, I think, Ms. Struyven, but anyhow --
19 yes, but for those who don't have a copy of the witness statement could
20 it be distributed and thank you for the generous offer, Ms. Struyven.

21 Yes, please proceed.

22 MS. STRUYVEN (interpretation): This is the document
23 DRC-OTP-0174-0025, and I repeat that this document cannot be disclosed to
24 the public.

25 Q. Sir, kindly look at the signature at the bottom, the left of the

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 28

1 page. Is that your signature?

2 A. Yes, it is my signature.

3 Q. And on top of the page, at the top, you see a name. I don't want
4 you to read the name, but can you confirm that that is indeed your name?

5 A. Yes, I do confirm that this is my name.

6 Q. Lastly, I would like you to turn to the last page, page 26, is
7 that your signature on the page?

8 A. Yes, it is my signature.

9 Q. Sir, were you able to read this statement again recently?

10 A. Yes, I read it again for three days.

11 Q. Having re-read this document, can you therefore confirm that this
12 statement is accurate to the best of your knowledge?

13 A. Yes, I can confirm that, and I gave this statement subject to the
14 fact that certain points could not be clarified. But in any case the
15 fundamentals of the statement are accurate.

16 MS. STRUYVEN (interpretation): Your Honour, the Prosecution
17 would like to enter into evidence paragraphs 1 to 24, 37 to 39, 48 and 50
18 of the statement.

19 PRESIDING JUDGE FULFORD: Thank you, Ms. Struyven. We will treat
20 those paragraphs as part of this witness's testimony.

21 MS. STRUYVEN (interpretation): I wish to make a correction.
22 It's paragraphs 27 to 39, not 37 to 39. And maybe this document should
23 receive an EVD number.

24 PRESIDING JUDGE FULFORD: Please.

25 COURT OFFICER: This document will bear the number EVD-OTP-00478.

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 29

1 PRESIDING JUDGE FULFORD: Ms. Struyven, might I suggest that
2 without reading it out we ask the witness particularly to confirm that
3 the name provided on the first page for the witness and his date and
4 place of birth are accurate, again without reading them out but to have
5 specific and separate confirmation of those facts.

6 MS. STRUYVEN: Yes, Mr. President.

7 Q. (Interpretation) So, sir, looking at the first page of your
8 statement above, there you see your name, your date of birth, and your
9 place of birth. Can you confirm that this information is correct?

10 A. Yes, this information is correct.

11 Q. Thank you.

12 MS. STRUYVEN (interpretation): Your Honour, my first questions
13 will be put in private session.

14 PRESIDING JUDGE FULFORD: And are they likely to last beyond ten
15 minutes, Ms. Struyven?

16 MS. STRUYVEN (interpretation): No, your Honour.

17 PRESIDING JUDGE FULFORD: Well, please proceed.

18 *(Private session at 10.20 a.m.) Reclassified as Open session

19 COURT OFFICER: Private session.

20 (Redacted).

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 30

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Page 30 Redacted

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 31

1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MS. STRUYVEN (interpretation): Your Honour, we can move into
15 open session.

16 PRESIDING JUDGE FULFORD: Yes, good.

17 Public session, please. And we'll take a break at half past,
18 Ms. Struyven, so if you could find a point in a few minutes' time.

19 (Open session at 10.26 a.m.)

20 COURT OFFICER: Open session.

21 MS. STRUYVEN (interpretation):

22 Q. Sir, did you yourself see these children or not?

23 A. I saw them myself because before I went to work on the case we
24 had demanded that we have contact with them to get to know them and get
25 to know their stories, so that we could put in place certain strategies

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 32

1 for their repatriation and reunification.

2 Q. How old were these children?

3 A. There was some who were between 13 and 18 years of age and there
4 was some, not many, about a dozen or 15 perhaps who were over 18. But
5 they had left the camp because they were either ill or disabled, they'd
6 been taken out of the camp for these reasons.

7 Q. And in the group of children aged between 13 and 18, do you know
8 how many of them were under the age of 15?

9 A. There are about 15 or 20 under the age of 15. They were still
10 very young so with 15-year-olds -- well, they're really children. One
11 was very interesting for me -- well, there were two who -- in whom I was
12 particularly interested in, I knew them personally. There were two -- or
13 rather, there were three I was interested in because these were social
14 cases. I had to take care of them as the head of the organisation.

15 Q. And without giving their names, do you remember the age of these
16 three children?

17 A. Yes. One was 13 or 14 years old.

18 Q. How do you know how old these children were?

19 A. I said just a minute ago that we had asked our partner to allow
20 us to meet these children so that we could draw up an identification file
21 for each child, a file on the child's background. We could then see how
22 to speak to the child. We could try and understand the children's
23 problem and then organise a family reunification, and later insertion
24 within the child's family and community.

25 How is it that I know about this? Well, I personally had to work

1 on this. There were six of us who went to meet the children and I worked
2 on certain cases for which I drafted the relevant documents. I didn't
3 work alone. I worked with one of the social workers from the
4 organisation who accompanied us because they had spent a few months with
5 the children, so I had to work with them. So that's why -- and then when
6 they returned to the country, I saw them, I spoke to them, and I even
7 dealt with some of their problems personally.

8 MS. STRUYVEN (interpretation): Your Honour, perhaps this would
9 be an appropriate time to have a break.

10 PRESIDING JUDGE FULFORD: Thank you very much.

11 Sir, I know you've only been in the witness box for a short
12 period of time but we've now been sitting an hour and a half and it's
13 only fair on everyone to give them a break.

14 We'll sit again then, please, at 11.00 and closed session so the
15 witness can withdraw.

16 *(Closed session at 10.30 a.m.) Reclassified as Open session

17 COURT OFFICER: Closed session.

18 (The witness stands down)

19 PRESIDING JUDGE FULFORD: Just as the witness is withdrawing, in
20 filing 2.000, it's a confidential ex parte filing, two new victim
21 applications have been communicated. We order those, please, to be
22 transmitted in suitably redacted form to the parties and the interested
23 participants. That should happen by close of play on Monday, and any
24 observations in relation to those applications should be with the --
25 should be filed by 4.00 p.m. on the 14th of July.

1 On Monday we are unable to sit to hear evidence for the reasons
2 that have now been fully canvassed. Unless it is inconvenient, we
3 propose in the afternoon to deliver our decision in relation to
4 Witness 46 and the letter that we received and I think referred to
5 yesterday from the United Nations.

6 Mr. Sachdeva.

7 MR. SACHDEVA: Thank you, Mr. President, and I'm sorry for this.
8 With respect to the documents that will possibly be tendered through
9 Witness 46, the Prosecution and the Defence are attempting to come to an
10 agreement as to the various objections and the use of those documents.
11 If, however, there are outstanding areas that need to be resolved, the
12 Prosecution would suggest to have a short hearing on Monday.

13 PRESIDING JUDGE FULFORD: That's eminently sensible. We'll,
14 therefore, fix 2.30 as the time when the Chamber will sit. We will
15 deliver the oral decision on Witness 46 and then if there are further
16 outstanding issues we'll address them then.

17 MR. SACHDEVA: Thank you very much, Mr. President.

18 PRESIDING JUDGE FULFORD: Ms. Massidda.

19 MS. MASSIDDA: Thank you, your Honour. I will be able to get
20 back to the Chamber in relation to paragraph 5 of request of Mr. Keta
21 immediately after the break. I have just received a communication, but I
22 need to check one more document. Maybe we can take this at 2.00 together
23 with the other procedural matters. Thank you.

24 PRESIDING JUDGE FULFORD: Yes, it would be useful to have that
25 resolved, Ms. Massidda.

Witness: Witness DRC-OTP-WWW-0116 (Closed Session)
Questioned by Ms. Struyven

Page 35

1 MS. MASSIDDA: Thank you.

2 PRESIDING JUDGE FULFORD: Thank you very much indeed.

3 So as to remain fair, five past 11.00.

4 COURT USHER: All rise.

5 Recess taken at 10.33 a.m.

6 On resuming at 11.05 a.m.

7 COURT USHER: All rise. Please be seated.

8 PRESIDING JUDGE FULFORD: Witness, please.

9 (The witness takes the stand)

10 MS. STRUYVEN: Yes, Mr. President.

11 PRESIDING JUDGE FULFORD: Public session, please.

12 (Open session at 11.06 a.m.)

13 COURT OFFICER: Open session.

14 PRESIDING JUDGE FULFORD: Yes, Ms. Struyven.

15 MS. STRUYVEN (interpretation):

16 Q. Sir, just a comment before we resume. Since we both speak
17 French, there's a tendency to have rapid exchanges and this makes the
18 interpreters' work a little more difficult. So I'll make an effort to
19 pause after your answer. You were speaking about these children whom you
20 met. You pointed out that there were three children of particular
21 interest to you. The transcript doesn't really reflect their ages. Is
22 it true that you said that all three of them were 13 or 14 years old or
23 have I misunderstood you?

24 A. One of the children, I remember him well, was 13. The two others
25 were 14 years old.

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 36

1 Q. Thank you. You said that you met these children on a number of
2 occasions, and were there any techniques you used to check their ages or
3 not?

4 A. Usually when doing our work it was necessary to identify them,
5 compile documents to make it easier for the tracing and family
6 reunification. There was a technique one used when interviewing
7 children. The person who interviewed the children didn't work alone.
8 The work was done in pairs. The conclusions were shared between the two
9 individuals, and this information would be put down in the child's file.
10 All information on the child's age, name, origin, name of parents,
11 parents' occupation, family structure, et cetera, were noted down. The
12 conditions under which the child had been used, et cetera.

13 Q. When you asked these children about their age, did they tell you
14 what their real age was?

15 A. Some of them didn't give their real ages because they wanted to
16 conceal their age. This would happen but there is a technique to check
17 this information. To understand this technique -- well, you should know
18 we had already been to see the children. We had noted their age, we had
19 noted down information, and then we used this information to locate their
20 families, to go to their families, to see their parents and to ask them
21 whether the children could come back, to ask them whether the conditions
22 were such that they could return, to ask them whether they'd accept their
23 children because some don't accept them. And then we would check the
24 information that the children would provide. Then we'd find out, for
25 example, that a children (as interpreted) who was 19 -- well, the parents

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 37

1 might say, No, the child isn't 19, the child is 16 or 14.

2 But in the case of these three children I have been discussing,
3 well, the youngest one was 13. He couldn't have lied, he wasn't trying
4 to conceal his age. The other child also wasn't concealing his child (as
5 interpreted) and his mother confirmed the information, because at one
6 point in time he had problems with his mother and we got involved in a
7 family mediation. And the other one was a boy who had no reason to hide
8 his age because he was sick and he didn't hide his age. Care was already
9 being provided for him by someone and this boy apparently didn't have the
10 intention of concealing his age.

11 Q. So if I've understood this correctly, if children lied they said
12 that they were older than they actually were?

13 A. Some, not all of them. But this was a problem that one would
14 always encounter when working with children, especially when working with
15 this category of children. One always encounters such problems. A child
16 will say, Yes, I'm older, so that he would stay where he was found, for
17 example. But finally, one always finds out the truth.

18 And there are anthropological techniques. You can see the size,
19 the height of the child, you can hear the sound of the child's voice, you
20 can determine whether it's a child or not. We didn't start counting the
21 number of teeth the child had, but when comparing information we had --
22 well, even the children knew what the age of other children was and we
23 used this information to work out the real age of the child concerned.
24 Those who were over 18 years old would be repatriated. In spite of the
25 fact they wanted to be repatriated, those under that age were children

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 38

1 who could benefit from our programme.

2 Q. Thank you. Were there both girls and boys or only girls or only
3 boys?

4 A. There were girls and boys, not many girls. The ones that were in
5 our group, there were two girls, two girls who came back, just those two.
6 And then after those two -- well, they were not the only two in the
7 larger group, but amongst the ones that we worked with there were two
8 girls.

9 PRESIDING JUDGE FULFORD: There's a speed problem, Ms. Struyven.

10 MS. STRUYVEN (interpretation):

11 Q. I'm going to repeat again what I said a moment ago. I've perhaps
12 been speaking very quickly as well so I have to be careful. If you would
13 be so kind as to keep to a moderate pace, in particular when you're
14 giving long answers.

15 As regards the two girls that you mentioned, do you remember how
16 old they were?

17 A. Yes, I remember quite well. Both of them were 16, 16/17, both of
18 them, 16/17.

19 Q. As regards the ethnic groups, what ethnic groups did they belong
20 to?

21 A. All of these children in the vast majority were from the Hema
22 ethnic group. There was one who wasn't, only one who was not a Hema.

23 Q. And when you use the term "Hema," can you distinguish between the
24 Hema north and the Hema south?

25 A. Personally myself, no, because I don't have the data, I don't

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 39

1 have the sociological or anthropological data to do so; but basing myself
2 on the work that I carried out at the time and taking account of where we
3 returned the children to their families, where they were reintegrated, a
4 vast majority of the children were from Bunia and they were from the
5 north and very few of them, about 20 or maybe it was 20-some per cent, it
6 was a minority from the south.

7 Q. When you go too fast I will motion like this with my hand.
8 Please don't take it wrong. I can see the situation of the French
9 transcript in particular.

10 What kind of physical and mental state were the children in?

11 A. For the most part -- well, some of them had undergone a trauma,
12 that's true for the most part, and some of them returned in both good
13 physical and mental health and that's never said when you work with
14 children because a trauma can reappear many years later or it can make
15 itself known in a way such that you might not realise that the child has
16 undergone a trauma.

17 Now, as regards those children, I remember the case of one child
18 who had been beaten. One of his testicles had been damaged and he needed
19 a medical intervention to remove the wound. And it was a 14-year-old
20 child who came back, and apparently it was during military training. He
21 heard shooting and -- during -- when he came back he had become an
22 epileptic. There was another one who came back and he probably -- he had
23 undergone trauma in his family before and this child only wanted to come
24 back to kill his father. He was extremely aggressive and we worked with
25 him to help him understand that since his father was dead his mother

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 40

1 might remarry, and he looked like he was better.

2 One of the girls had some back having had an abortion in the camp
3 where she was. She was pregnant but she couldn't have the baby. She had
4 an abortion but not well done, and therefore she had to have additional
5 medical treatment and we were involved in the medical care and we
6 organised the D and C that she required.

7 PRESIDING JUDGE FULFORD: Now, Ms. Struyven, that was absolutely
8 at the limit. I think the stenographer has done very well, but we
9 must -- I want to see your hand moving occasionally, please, and your
10 eyes from time to time on the screen. Thank you.

11 MS. STRUYVEN: Yes, Mr. President.

12 Q. (Interpretation) To have an idea of the children you referred to,
13 you mentioned a child who had epilepsy, the other one who had a problem
14 with a testicle, and the child who had undergone trauma and wanted to
15 kill his father. Do you remember the age of those children?

16 A. The child who had an injured testicle was 15 years of age. He
17 wasn't amongst those who were 14. The other two, the one who wanted to
18 kill his father, the boy who wanted to kill his father, and the other boy
19 who had epilepsy, I remember well that they were 14. I am certain that
20 they were 14 because those were cases that we followed to provide
21 therapy, mediation, for quite a long time, a period of time. And even
22 afterwards we accompanied the one who stayed with his mother, we
23 continued to see him, he went to school, we took care of getting him
24 enrolled into school, and so we followed those two. That I'm sure of.

25 Q. As regards the girl who became pregnant, do you know who was the

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 41

1 father?

2 A. We carried out investigations. We asked the girl -- not we
3 ourselves, but a woman was in charge of that who took her in to her
4 house. And we were told that it was the people working in one of the
5 places that had taken in the children.

6 Q. You used the French term "encadreur," what exactly do you mean?
7 Are you talking about trainers? Are you talking about something else?

8 A. Perhaps I should explain. What happened to the girl did not
9 happen where they were giving military training. It was when they left,
10 they went to a transit camp, and it was there, they were taken in by an
11 organisation, and there was a humanitarian worker there who was the
12 father of this child.

13 PRESIDING JUDGE FULFORD: Mr. Biju-Duval.

14 MR. BIJU-DUVAL (interpretation): Your Honour, thank you. I
15 wanted to intervene because the question was not a question on the part
16 of the Prosecutor, but it was a very leading question on a very important
17 matter. And Madam Struyven asked a question about the word that was used
18 in French, saying when you say the word "encadreur," you mean those
19 providing training? That was a very inappropriate question on a very
20 important matter.

21 PRESIDING JUDGE FULFORD: I think it's right, isn't it,
22 Ms. Struyven, that the witness himself used the word, and again my French
23 will let me down, "encadreur," and you then added the gloss, as it were,
24 asking the witness directly whether he was talking about trainers. I
25 think Mr. Biju-Duval is right, isn't he, that was, your question had a

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 42

1 very strong tendency to lead the witness to a particular answer. I think
2 care needs to be taken.

3 MS. STRUYVEN: I will, Mr. President. I was just clarifying the
4 word "encadreur" in French was translated as a person working in that
5 place, and "encadreur" in French means the person who is in charge of a
6 place. So I thought it was, therefore, the trainers but I was absolutely
7 wrong on that assumption.

8 PRESIDING JUDGE FULFORD: Well, I think you're agreeing that you
9 shouldn't have put the question in that way, so could we exercise on
10 sensitive areas greater care in the future. Thank you very much.

11 MS. STRUYVEN: Yes.

12 PRESIDING JUDGE FULFORD: Yes. Please carry on.

13 MS. STRUYVEN (interpretation):

14 Q. Witness, at that point in time, do you know who was in charge of
15 recruiting the children?

16 A. I'm sorry, there was a bit of overlapping and I didn't understand
17 your question.

18 Q. My question was: At that time did you know who was in charge of
19 the recruitment of those children?

20 A. Yes, at that time, yes, we knew because before we became involved
21 in the project, before we accepted, we hesitated quite a lot and we
22 collected a lot of information about this project which was quite
23 explosive in nature. We knew that.

24 Q. Who was in charge of the recruitment?

25 A. To come back, let me state that there were various sources of

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 43

1 information, official sources of information, humanitarian information,
2 and those sources revealed to us certain events that had taken place
3 there that we're talking about here. And we wanted to know more, we
4 wanted more detail, because it was the first time we had to go further
5 than our normal radius of action. And we were told that there was a
6 group, a militia, which was managed by Mr. Thomas and that was developing
7 and becoming stronger to set up an army. When we accepted to work there,
8 we went on site and we worked with the children to find out how it came
9 about that the children were there and where they had come from, and the
10 children started telling us how they had come to be there and how their
11 awareness had been raised, et cetera. And they confirmed, those of them
12 that we were able to interview, they confirmed that they had been
13 recruited by Mr. Thomas.

14 Q. I have several questions on that matter. You explained that
15 initially you hesitated to become involved in this project because the
16 project itself was explosive in nature, if I've understood you correctly.
17 Can you explain to us exactly what you mean by that?

18 A. Well, the context of that part of the country at that point in
19 time was unmanageable. We felt that there were tensions, there were
20 problems, between the various ethnic groups and we couldn't go and become
21 involved in a situation where we didn't control the information. We
22 needed to stop and understand what was going on. We also thought that
23 the partner who was asking for our help was throwing a hot potato at us,
24 so to speak, and we wanted to ensure that there would be proper working
25 conditions, satisfactory security, and we asked that those conditions be

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 44

1 guaranteed. We were given communication equipment, and even later on we
2 were -- we had satellite telephones. But it wasn't easy. The situation
3 was dangerous. There were killings, attacks between various groups in
4 Ituri. It was very dangerous from (Redacted) to
5 go there and work, and that is what I meant when I said it was explosive.

6 Q. You mentioned a certain Mr. Thomas. Could you give us the full
7 name of that person.

8 A. It's Mr. Thomas Lubanga.

9 Q. You also explained that these young people explained to you how
10 they had been recruited and how their awareness had been raised. What
11 did they tell you?

12 A. Well, all of the comments were along these same lines. They
13 said, They took us, they sent us to training camp to learn how to defend
14 our community. Some of them said, We were sent to learn how to defend
15 ourselves against the enemy. And the younger one, he was very direct and
16 he said, They told me to come so I could learn how to kill the Lendu. So
17 they all -- the message was the same. All the messages converge.
18 Basically they were taken to learn how to defend their community or to
19 defend themselves against the people considered as their enemy. This was
20 the result of personal and individual interviews with social worker or a
21 member of our organisation who spoke with the children.

22 Q. Did the children explain to you who had launched these calls?

23 A. Yes, because we wanted to understand, we wanted to know. Our
24 task was not just to take the children to identify them and prepare a
25 file and then organise family reunification, but we were also involved in

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 45

1 prevention, prevention of the enlistment and the use of child soldiers.
2 So -- but we also needed to know how these recruitments were organised.
3 But some children didn't talk. It wasn't something that they would talk
4 about easily. In other cases, the children said there were people who
5 came to see their parents and their parents appointed them, chose them,
6 to say, Well, you are going to go to be trained. Other children said it
7 was their -- some of their friends who came and told them that they
8 needed to go and learn and that they would come back after a week or
9 after a month or two months. And some children said clearly that they
10 were personally contacted by someone who came to see them and who told
11 the child that they could go and learn how to defend themselves against
12 the enemy.

13 So this is how the young people were organised. All of them --
14 almost all of them who answered our questions said that they had been
15 called at the -- called to the airport to take an aeroplane, and they
16 spent a day or two waiting at the airport, and then the aeroplane came
17 and they embarked and went to where they were going.

18 Q. You said that the person responsible for this recruitment was
19 Mr. Thomas Lubanga. Do you know what his role was in that recruitment?

20 A. Well, I rely on the opinions of the children. As I said, there
21 were certain children who collaborated with our team of workers and who
22 spoke very deliberately. They said, The person who sent us here was
23 Mr. Thomas Lubanga. Besides, (Redacted)
24 (Redacted)
25 (Redacted). And when we were discussing

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 46

1 on that point, and I think we will probably get there later on, he would
2 say it was his children, he sent them there, and he had the powers to
3 bring them back. So, for me, I take it for granted that he was the one
4 responsible. It was obvious.

5 Q. Just to get the one clarification for the transcript. It was
6 Mr. Lubanga himself who (Redacted)? Did I
7 understand you clearly?

8 A. Yes. With your permission I will tell you the circumstances
9 under which (Redacted) this information. Can I?

10 Q. Yes.

11 A. (Redacted)

12 (Redacted) had
13 negotiations and they accepted to repatriate the children, to bring them
14 by air because it was dangerous to bring them back by road. It was not
15 possible. It was too risky for the children. They accepted them, and
16 Mr. Thomas Lubanga at the time was an authority in the government which
17 was managing the area, and at that time (Redacted) he
18 wanted to be at the airport to receive the children.

19 Q. Just one minute, Witness.

20 MS. STRUYVEN (interpretation): Your Honour, maybe it would be
21 proper for us to go into private session for this part of the evidence
22 because we may have to do many redactions later on.

23 PRESIDING JUDGE FULFORD: Private session, please.

24 *(Private session at 11.38 a.m.) Reclassified as Open session

25 COURT OFFICER: Private session.

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 47

1 MS. STRUYVEN (interpretation):

2 Q. Witness, I apologise for interrupting you. Well -- but since you
3 were going -- we were talking about trips and journeys we felt that it
4 would be proper for us to do this in private session. However, before
5 you continue with your account, considering that we are in private
6 session, you spoke earlier about the fact that Mr. Thomas Lubanga went to
7 visit these children at the camp. Can you tell us where he went to, to
8 visit the children?

9 A. Well, from the information (Redacted)
10 (Redacted)
11 (Redacted) they were with
12 Mr. Thomas Lubanga in the camp of (Redacted), he was with them there for
13 military training. So that is what I said. Later on, I do confirm that
14 (Redacted), that he had gone there, that he
15 went to visit the children, and that he himself underwent military
16 training, initiation into military life, at the camp in (Redacted).

17 Q. One more clarification before we go back to your account. You
18 said that the children (Redacted) were taken to the airport or
19 they were sent to the airport, and there they boarded a plane (Redacted)
20 (Redacted), if I understood you clearly, they stayed for about a day or
21 two in Bunia. Do you know where they stayed at the time?

22 A. If I remember well, some stayed at the airport, that is, outside
23 the airport, and some were inside a fenced compound which was often
24 visited by Mr. Thomas.

25 Q. Before I interrupted you, you were saying that Mr. Thomas Lubanga

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 48

1 had asked to go to the airport at the time the children were supposed to
2 return. Can you continue from there?

3 A. Yes, he expressed the wish to be there to receive the children at
4 the time they returned, at the time they returned from the training camp
5 with the humanitarian organisation which was welcoming them. So he
6 wanted to (Redacted) receive the children as they returned, (Redacted)
7 (Redacted). And he insisted, he
8 really insisted, and (Redacted)
9 (Redacted) this was important for him, that these
10 were his children, that he knew them, that he had sent them there, and he
11 had been with them there; (Redacted) did not grant this wish because
12 (Redacted) in a context, in an environment, where
13 ethnic divisions were very clear, very manifest, and it was dangerous --
14 it would have been dangerous (Redacted) to grant such a wish.
15 It would have been dangerous.

16 And may I add that (Redacted) was perceived by one of the
17 ethnic groups as a threat. They said, If you bring back these children
18 who have already learned how to use weapons, then you are going to
19 reinforce their community to our detriment. So somehow we were all
20 really at risk and it would have been risky (Redacted) with
21 the person who had recruited these children.

22 PRESIDING JUDGE FULFORD: Ms. Struyven, and, sir, the speed is
23 fine. A particular problem is when you begin your answer you're not
24 giving a pause so that the end of Ms. Struyven's question can be
25 interpreted really so that the interpreters and stenographers can catch

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 49

1 up before they listen to your answer. So can I ask you to bear that in
2 mind.

3 And, Ms. Struyven, you're now going to have two hand gestures,
4 one is going to be that and the other is going to be that, all right, to
5 remind the witness to pause for a moment at the end of your questions
6 because on a number of occasions the beginning of the witness's answer
7 simply hasn't been recorded. So obligation on both of you, please.

8 MS. STRUYVEN: Very well, your Honours.

9 Q. (Interpretation) Just one clarification. You said that there was
10 an ethnic group which viewed the return of these children as a threat.
11 Can you tell us which ethnic group this was?

12 A. This was the group of the Lendus.

13 Q. If I understood your testimony well, after the repatriation of
14 these children (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted). Can you explain to
18 us very briefly how you went about this?

19 A. Yes. (Redacted)

20 (Redacted)

21 (Redacted). The second stage was

22 to try to prevent recruitment. In other words, (Redacted) to ensure that
23 within that context, within that environment, the children should not be
24 recruited again as had been the case in the past. Even if it wasn't all
25 the children who returned, (Redacted) of raising the

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 50

1 awareness of the Hema, the Lendu, and other communities so that they
2 would not involve children in their conflict, so that they would not use
3 children in armed conflict as combatants.

4 (Redacted) The first aspect, the first
5 component, was rehabilitation, reintegration of the children who were
6 recruited (Redacted). Some of those children
7 were enrolled in school, some were sent to vocational training centres,
8 and some were recovered by their families. And they said, Now we are
9 going to take care of our child. That's what some families said. They
10 said, We will take back our child, we'll enroll our child in school and
11 we'll take care of him. We don't need your help, thank you. Other
12 parents said, My child is going to do farm work with me so don't take
13 care of him. That was the situation for certain children.

14 If I remember well, about 50 per cent of the children were
15 enrolled in school and they went to vocational training centres who paid
16 their school fees. We gave them reintegration kits and were able to
17 monitor those who received training. Another aspect of our activities
18 was -- had to do with the schools, the schools in that period. We tried
19 to set up what we called (Redacted) for the protection of children's
20 rights. We did these in the various schools. There was an initiative
21 which was very successful because we talked about recruitment, we talked
22 about children's rights, we talked about many things in boys' schools, in
23 girls' schools, and (Redacted). We even organised
24 competitions, contests for these young people. We had (Redacted) programme
25 on (Redacted) which was hosted by the organisation and which focused on

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 51

1 children's rights. (Redacted)

2 (Redacted)

3 (Redacted).

4 Q. Now, you talked about (Redacted). You said you (Redacted)

5 (Redacted) on children's rights. Did you also talk

6 about recruitment of children (Redacted)?

7 A. Yes, we talked about the recruitment of children (Redacted)

8 (Redacted). Now, let me say something about when we started. When did

9 we start talking about protecting children against recruitment? It was

10 when we returned from the camp, (Redacted), we

11 returned with messages sent by the children to their families. Our

12 objective when we contacted the children there was also to bring the

13 messages, the mail, and the photos of these children, because we took

14 their photographs as well, to take them back and show to their parents so

15 that they would understand that their children were still alive. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted). This was one of the main subjects of

22 our programme. That is why we were there, and that is why we had to

23 discuss this (Redacted) of that importance.

24 MS. STRUYVEN (interpretation): Your Honour, with your

25 permission, I would like to put the next questions in open session.

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 52

1 PRESIDING JUDGE FULFORD: Thank you.

2 Open session, please.

3 (Open session at 11.51 a.m.)

4 COURT OFFICER: Open session.

5 MS. STRUYVEN (interpretation):

6 Q. You talked about recruitment messages which were mentioned.

7 Well, after all these activities which you carried out, did the
8 recruitment of child soldiers end in Bunia?

9 A. You know, that is a question which -- to which I can answer by
10 saying no. You know, in the same manner -- you know, recruitments were
11 done clandestinely and they continued doing this in the same manner
12 because we continued monitoring recruitment, we continued to try to seek
13 to know whether the various parties to the conflict were still preparing
14 themselves for combat or not. It's true we learned about things that
15 happened in the villages, in the surrounding villages, and we wanted to
16 know if children were still involved. So I would like to tell you that,
17 no, it did not end.

18 Q. You said that recruitment was done clandestinely. Can you
19 explain to us what happened? Can you tell us without mentioning the
20 names of the persons who gave you such information? We can of course go
21 into private session for you to disclose the names of those who gave you
22 such information if necessary.

23 A. Yes. There were activities, there were such activities
24 conducted. In other words, the conflict continued between the various
25 ethnic groups. The activities continued fuelling tension here and there.

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 53

1 We continued to receive information to the extent that adults were
2 preparing for conflict and that they involved children as well. And we
3 continued to inform -- we continued to receive information to that -- to
4 that effect from the field.

5 Q. Just to get a clarification on this. You said that the groups
6 were preparing for conflict and that they would involve children. Can
7 you tell us, first of all, who was preparing for conflict?

8 A. The situation was such that when you speak about a conflict
9 there, at least during that period that we're discussing, well, there
10 were two groups confronting each other: The Lendu and the Hema. They
11 were confronting themselves in different ways and there were clashes.
12 One group would attack the villages of the other group and so on and so
13 forth. So these were the two groups concerned, and I'm talking about the
14 preparations carried out by these two groups. And according to our
15 information, we could only have children who were close to us. They
16 continued to provide us with information, and unfortunately when we
17 checked the information later the information proved to be quite correct.

18 Q. Could you tell us what these children told you?

19 A. I'm not sure that it would be appropriate to do so in open
20 session.

21 MS. STRUYVEN (interpretation): Your Honour, with your leave, I
22 would like to move into private session.

23 PRESIDING JUDGE FULFORD: Private session.

24 *(Private session at 11.56 a.m.) Reclassified as Open session

25 COURT OFFICER: Private session.

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 54

1 MS. STRUYVEN (interpretation):

2 Q. I'll perhaps just repeat the question, sir. (Redacted)

3 (Redacted), what did the children

4 tell you about this preparation for the conflict or for this -- about

5 this recruitment?

6 A. Well, children would provide us with regular information

7 according to which they had been threatened and they wanted to re-enlist

8 them, re-recruit them. So the UPC members had threatened them. The UPC

9 was Thomas Lubanga's party and they were exerting pressure on them so

10 that they joined the militia again. The militia wasn't out in the open

11 yet. It was still somewhat secretive.

12 Some of the young people came to speak to us. They said that

13 they had been threatened and they said that -- or some of them said that

14 their parents were encouraging them to join up with the militia. Others

15 said that they themselves had been targeted because -- I apologise.

16 There were other children who told us that they had been targeted because

17 the -- they knew they were being prepared to be military officials,

18 officers, so they were asked to join the group immediately. We monitored

19 this situation. We made a note of it and we informed the authorities

20 that we thought that their -- that the situation could be influenced,

21 that they could have an influence on the situation.

22 Q. You said that the UPC exerted pressure and you also said that it

23 was Mr. Lubanga's UPC party. Did the children tell you who from within

24 the UPC exerted pressure? Were any particular individuals concerned or

25 not?

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 55

1 A. Yes, there were certain individuals who were extremely active
2 when it came to contacting families, specific children who had returned
3 from the training camps. There were certain individuals who were active.
4 But within this context we ourselves tried to identify the individuals
5 concerned and we failed because the context was a dangerous one, and the
6 children themselves, when they came to speak to us about these matters,
7 well, there were even some children -- some parents, in fact, that when
8 they came to see us they were too afraid to give us any names.

9 PRESIDING JUDGE FULFORD: Ms. Struyven, if you look at the
10 current page, page 69, line 5, in the French, the difficulty that's going
11 to arise is that it's not just a matter of checking the transcript in due
12 course. Because two people are talking at the same time, that section of
13 the witness's evidence may be gone for good. Now, this is your witness,
14 giving evidence for the Prosecution, so this is your responsibility and I
15 do not wish serially to have to keep intervening. So you must watch the
16 French transcript as well as the English and ensure that the witness
17 doesn't come in too quickly.

18 Can we carry on, please.

19 MS. STRUYVEN (interpretation): Yes, your Honour. I believe that
20 with your leave we could move back into open session for a certain number
21 of questions.

22 PRESIDING JUDGE FULFORD: Public session, please.

23 (Open session at 12.02 p.m.)

24 COURT OFFICER: Open session.

25 MS. STRUYVEN (interpretation):

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 56

1 Q. Sir, you said that there was a certain amount of re-recruitment
2 and you also spoke about recruitment. Apart from the children you were
3 familiar with, were other individuals being recruited at that time?

4 A. At that time, yes. Tension was rising. In that environment, at
5 that location, tension was really rising, and as a result, people were
6 making preparations for an armed conflict. According to the information
7 that we had, according to the warnings we received from the children,
8 recruitment was being carried out. Recruitment means that they were
9 seeking our children so that they would join groups and so that they
10 could then inflict harm, engage in killing and vandalism, in such acts
11 against other members or members of other ethnic groups.

12 What we heard from certain children is that at night in some of
13 their neighbourhoods they were obliged to stand guard, to set up
14 check-points for control purposes, to go on patrol at night. It was a
15 sort of militia for auto defence purposes that was formed and children
16 came to tell us about this. We took note of it, and the same children
17 said that there had been serious preparations underway so that they could
18 defend themselves against the enemy.

19 Q. You've already said something about the age of the children you
20 were familiar with. With regard to the others who were recruited at the
21 time, do you have any information concerning their age?

22 A. Yes. If a child comes and says that recruitment of other
23 children is being carried out in that child's neighbourhood or near my
24 house, there's my friend or colleague who's of the same age as I am, then
25 I understand what the age of the child is, then I realise it's another

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 57

1 child. Without going to check this, on the basis of the child's
2 information I can see what the situation is.

3 That's all the more the case in that it's not even a matter of
4 rumours being spread. This is information that we obtained, information
5 according to which at night it was impossible to move through certain
6 neighbourhoods, to visit certain neighbourhoods, because there were child
7 gangs, gangs of youths, who were armed with bladed weapons and they were
8 on patrol or they were manning check-points. So this information tallied
9 with what the children said. It in fact confirmed their statements.

10 Q. So could you tell us what the age-range of these children was at
11 the time or is it impossible to assess their age?

12 A. According to the definition of a child, well, anyone under 18 is
13 considered to be a child and the children who provided us with
14 information spoke to us about other children. There was no other
15 information. They didn't say they were 12, 13, or 14 years old, but they
16 were children of their age, they would say. So that means under the age
17 of 18 because they were still participating in our programme.

18 Q. You spoke about neighbourhoods in which there were ongoing
19 activities at night, so to speak. Could you tell us which neighbourhood
20 is concerned?

21 A. Yes, there is a neighbourhood where such night-time activities
22 occurred, and this is practically at the entrance to the town to the
23 north -- I think it's to the north, and that neighbourhood is called
24 Mudzipela. It's a neighbourhood inhabited by Hema for the most part.

25 Q. And you said that this recruitment was carried out by the UPC and

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 58

1 you added that this was Mr. Lubanga's party. Could you very
2 briefly - and I mean very briefly - tell us who was exercising political
3 authority in Bunia at the time.

4 A. Could we -- there are some names perhaps that I might have to
5 mention.

6 PRESIDING JUDGE FULFORD: Yes, closed session, please.

7 (Trial Chamber and Court Officer confer)

8 PRESIDING JUDGE FULFORD: Sorry, I meant private, yes.

9 *(Private session at 12.10 p.m.) Reclassified as Open session

10 COURT OFFICER: Private session.

11 MS. STRUYVEN (interpretation):

12 Q. Please go ahead, sir.

13 A. Yes. In fact, the person who was responsible for that area at
14 the time -- well, there was a governor -- well, the situation was
15 somewhat undefined. There was Mr. Bemba's party, and within his party --
16 well, there was the UPC that was trying to organise itself as a party and
17 to impose itself. So there were a number of -- there was a number of
18 alliances between the UPC and the MLC, Bemba's MLC, and the RCD of
19 Mr. Mbusa at the time. So there were these agreements, agreements that
20 would be reached and that would then be broken from day-to-day. So -- in
21 fact, there was no definite authority. But the person who was there at
22 the time and who seemed to be in charge of everything was Mr. Bemba, the
23 head of the MLC. But I'd like to emphasise the fact that at the same
24 time Mr. Thomas was trying to affirm himself as a leader within that
25 context, and that is when things started to develop more rapidly and he

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 59

1 was in the process of becoming someone who was the master in that
2 situation and the events that subsequently transpired in the year
3 2002/2003 confirmed all of this.

4 Q. With regard to recruitment after (Redacted) and I'm not talking
5 about the children who were sent (Redacted) but once these children had
6 been (Redacted), that's what I'm talking about, do you know whether
7 the -- whether Mr. Lubanga himself had a role to play in this recruitment
8 or not?

9 A. Could I ask you to be more clear, to know whether he played a
10 role in recruitment after (Redacted)?

11 Q. My question had to do with regard to the children who were sent
12 to (Redacted), and now I'm referring to the children who were
13 subsequently recruited.

14 A. Yes, he had a role to play, yes. Yes, he played a role.

15 Q. Could you tell us why it is that you claim that he played a role?

16 A. Yes, well, I'll just provide you with an example. One of the
17 children (Redacted), the epileptic child, well, we reunited the
18 child with the child's family in Fataki in the north. And this child
19 unfortunately lost his father in the interethnic clashes, and the child's
20 mother had left. He was living with a grandfather. She no longer had a
21 husband. She left with two children, this boy's young brothers. They
22 left. Our team went to fetch this child, bring back this child. They
23 found the grandfather. They made sure that the child was provided with
24 care in a hospital. There was a hospital nearby that accepted to give
25 him the medicine he needed for hypertension, et cetera. He was placed

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 60

1 there. Money was provided for his care, for a fairly lengthy period, and
2 the child stayed there.

3 Several months later, I believe it was three or four months
4 later, Mr. Thomas went on a tour in the north, in Fataki, and afterwards,
5 since his office was on the main road, one of our colleagues noticed the
6 child there. And we noted that the child had been taken back there. So
7 we went to see Mr. Thomas to ask him about what had happened. The first
8 time I believe he didn't receive us. We sent two individuals to see him.
9 He told them quite clearly that this child had been abandoned by our
10 programme, that our programme was useless, that we had brought in
11 children for whom we were unable to care, we didn't provide them with
12 money, we didn't pay for their training, education. So he had taken this
13 child back. He had assumed this responsibility. So that is one example
14 I can give you, but it's a real -- a real example.

15 PRESIDING JUDGE FULFORD: Ms. Struyven, could you take advice
16 from behind you as to whether we really need to be in private session at
17 the moment. I'm not sure whether the last answer would really have
18 revealed the identity of the witness.

19 MS. STRUYVEN: No, your Honour, I think you're right. We can
20 move back into open session.

21 PRESIDING JUDGE FULFORD: Public session, please.

22 (Open session at 12.16 p.m.)

23 COURT OFFICER: Open session.

24 PRESIDING JUDGE FULFORD: Yes, Ms. Struyven.

25 MS. STRUYVEN (interpretation):

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 61

1 Q. I have a few questions about what you've just stated. First of
2 all, did you obtain more information about Mr. Lubanga's mission in
3 Fataki?

4 A. Yes. We knew about it. It was in the media. It wasn't a secret
5 underground mission. It was an organised trip. Everyone was talking
6 about it, everyone knew about it. It was a major campaign.

7 Q. When you use the word "campaign," what was said during that
8 mission or what was the goal of the mission?

9 A. At the time, if my memory serves me well, at the time it was a
10 campaign in favour of the party, the political party, the UPC. He was
11 trying to establish the basis of his party, the various committees, the
12 representatives. He was trying to gain official popularity in the
13 northern parts. That's what we heard. That's what we learned at the
14 time.

15 Q. Do you know approximately when that mission took place?

16 A. It was during the second half of 2001, the second semester, the
17 second half of 2001. Yes, that's it.

18 Q. How did you find out about the mission? You mentioned a moment
19 ago that it was fairly public, of public knowledge, but how did you
20 yourself learn about this mission?

21 A. We were on site. We were -- part of our job was to become
22 informed about the tensions that existed or that could arise amongst the
23 two antagonistic groups, and therefore it was part of our job, part of
24 our responsibility, to be interested in this kind of trip, if you like,
25 because it was not all that obvious when a political leader goes on such

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 62

1 a mission. It's -- you couldn't help but be aware.

2 And the first thing we became aware of is that we had a number of
3 elements that led us to believe that Mr. Thomas was having political
4 difficulties with Mr. Bemba. Just to give you an example, I was at the
5 airport one day when he wanted to take an aeroplane to go to Kampala.
6 The security personnel of Mr. Bemba prevented him from leaving and that
7 made him furious. He was so mad because he understood that they were
8 trying to suffocate him. And so for a trip to be announced after -- an
9 incident such as that - a trip to Fataki or elsewhere in the north, it
10 was something that led us to wonder about the whys of such a mission.
11 And therefore, all the humanitarian workers at the time wanted to try to
12 better understand what was behind this mission.

13 Q. You gave the example of this trip, this mission, to Fataki in
14 response to a question I put to you about the involvement of Mr. Lubanga
15 in recruitment. Do you know whether or not during that trip were other
16 people recruited other than the example of the child that you gave us
17 earlier?

18 A. Yes. There were children who were recruited, visibly children,
19 but we didn't have access to them, but it was obvious for us on site.
20 We're used to working in these situations. When we see a child wearing a
21 uniform we recognise immediately that it's a child. Secondly, some of
22 the young people in our programme came back in that same wave, they came
23 back, in the wave of children who had been in Fataki.

24 (Redacted)

25 (Redacted)

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 63

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 because the children came to say hello, to the house where this man was
11 staying. The children were wearing uniforms without any weapons and they
12 came to say hello to this person at his -- at his office, and we were
13 told about that at our office.

14 THE INTERPRETER: Correction at the end.

15 PRESIDING JUDGE FULFORD: Ms. Struyven, we're going to break off
16 there. There were two occasions in the last five or so minutes where
17 the - and I'm wholly sympathetic - where the French transcriber really
18 found it too difficult to keep up. Ms. Struyven, I've been watching you,
19 and although you're occasionally looking at the screen, for reasons of
20 politeness you're focusing mainly on the witness. You're going to have
21 to divide your attention so that you can immediately pick up on times
22 when the French transcript gets into difficulties. I want to make it
23 clear, this is not the fault of the technicians upstairs. It's -- we in
24 court have responsibility for this.

25 Right. We'll sit again at 2.00. I'm going to give everyone

1 involved a rest at this stage.

2 Thank you very much, sir. We look forward to seeing you again at
3 2.00 p.m.

4 Closed session, please.

5 *(Closed session at 12.25 p.m.) Reclassified as Open session

6 (The witness stands down)

7 (Trial Chamber confers)

8 PRESIDING JUDGE FULFORD: On the 2nd of July we received -- in
9 fact, it was the 1st of July, we received an e-mail from Ms. Buteau from
10 the Defence posing a number of questions in relation to the recess which
11 we're able to answer now. First, the legal advisor to the division will,
12 either today or on Monday, send an e-mail to everyone indicating who is
13 to be contacted within Chambers in the event of an emergency during the
14 recess. There will obviously be cover so that the Judges can be
15 contacted very quickly if any issue of urgency arises. So you'll be
16 given full details in relation to that.

17 We're next asked whether we are proposing to issue decisions
18 during the period of the judicial recess. Now, during that period there
19 will be no decisions, but you can expect decisions both -- well,
20 certainly after the judicial recess, the formal period during which the
21 Court is in recess over the summer.

22 Third, we've been asked whether the Chamber will suspend any
23 time-limits if necessary during the course of the formal recess. Once
24 again, we will do so in accordance with the power that has clearly been
25 given to the Chamber under Regulation 19 bis.

1 The dates of the recess are between the 17th of July and the
2 10th of August, and so that is the particular period of time to which we
3 have referred as regards not issuing decisions and suspending
4 time-limits.

5 Thank you all very much. We'll sit again at 2.00 p.m.

6 COURT OFFICER: All rise.

7 Luncheon recess taken at 12.29 p.m.

8 On resuming at 2.02 p.m.

9 COURT USHER: All rise. Please be seated.

10 PRESIDING JUDGE FULFORD: Witness, please.

11 Mr. Biju-Duval.

12 MR. BIJU-DUVAL (interpretation): I do not want to interfere in
13 the schedule that has been planned by the Chamber, but I was wondering at
14 what point we were going to discuss the matter related to Witness 15.

15 PRESIDING JUDGE FULFORD: Sorry. I should have said we're going
16 to take a mid-afternoon break and we'll deal with it then, but you're
17 quite right, Mr. Biju-Duval, I should have said when we came in.

18 (The witness takes the stand)

19 PRESIDING JUDGE FULFORD: Public or private?

20 MS. STRUYVEN (interpretation): We were in open session, your
21 Honour.

22 PRESIDING JUDGE FULFORD: Public session, please.

23 (Open session at 2.05 p.m.)

24 COURT OFFICER: Open session.

25 PRESIDING JUDGE FULFORD: Yes, Ms. Struyven.

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 66

1 MS. STRUYVEN (interpretation):

2 Q. Witness, if I may make one comment before we begin. Please be so
3 kind as to wait until I have finished my question and then make a brief
4 pause before you answer. You can see, for example, that when I turn off
5 the microphone you can then begin.

6 Before the break you explained that a person had been arrested by
7 soldiers when that person was walking by a residence. Now, could you
8 first tell us whose residence that was?

9 A. Yes. It was a working residence. We didn't really know whether
10 it was the private residence, but during the day Mr. Thomas Lubanga
11 worked there. That's where his office was and the people working with
12 him were there as well in the residence and it was on the main road of
13 the town.

14 Q. Who arrested the person?

15 A. Well, I can't tell you precisely who it was, but there were young
16 guards who were guarding the gate and they saw him and they brought him
17 inside. And then other people who were identified as armed members of
18 the UPs because this was a UPC concession, they took him inside the
19 buildings and put him in a sort of prison and he -- it was confirmed that
20 they were UPC members that did that.

21 Q. Before the break you gave an explanation as to why those -- that
22 person was arrested, but could you tell us again why it was that that
23 person was arrested.

24 (Redacted)

25 (Redacted)

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 67

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Page 67 Redacted

Witness: Witness DRC-OTP-WWW-0116 (Open Session)
Questioned by Ms. Struyven

Page 68

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17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)

24 MS. STRUYVEN (interpretation): I think that for the next
25 questions with your leave, your Honour, I think it would be proper to

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 69

1 move into private session.

2 PRESIDING JUDGE FULFORD: Private session, please.

3 *(Private session at 2.13 p.m.) Reclassified as Open session

4 COURT OFFICER: Private session.

5 MS. STRUYVEN (interpretation):

6 Q. Witness, I am going to ask you additional questions on (Redacted)
7 (Redacted), but before I do that I wish to get a
8 clarification with respect to your answer. When you talk of the DDR,
9 what does that mean?

10 A. DDR means disarmament, demobilisation, and reintegration. And
11 this is applied or applicable to children who served in armed groups and
12 in militias. We had to apply this process in order to get them out of
13 that situation.

14 Q. Now, with respect to Mr. Lubanga, do you remember when you met
15 him for the first time?

16 A. Yes. I met Mr. Thomas (Redacted)
17 (Redacted). I met him -- we met him, our team met him,
18 because at the time he was the minister of youth and sports. (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)

25 Q. If I understood you well, (Redacted).

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 70

1 (Redacted)

2 A. It was in (Redacted), yes.

3 Q. How were your relations with Mr. Lubanga like?

4 A. At the beginning our relations were good. We had good relations.

5 We used to visit him. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Of course we didn't tell him everything. We had to discriminate

15 information since we knew who we were, who he was. We had a strategy.

16 We could not disclose to him the names of the children who returned or

17 which children were returning or where we were going to take these

18 children to. We avoided all of that. And even as I was telling you a

19 short while ago and as I have said in the past, (Redacted)

20 (Redacted)

21 (Redacted). So we tried to play along to make

22 sure that he does not know too much about the children. For us these

23 were basic security or elementary measures that we were adopting to

24 protect the children.

25 Q. You said that (Redacted). Apart from the

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 71

1 (Redacted) did you also provide him with any information?

2 A. When I talk about (Redacted)

3 (Redacted)

4 (Redacted) We were very clear. We did not hide anything with
5 respect to awareness-raising activities, activities relating to the
6 prevention of recruitment. We submitted reports to him on our activities
7 in schools. He was the minister of youth and sports, as I said. And you
8 know, the minister of social affairs who was supposed to work with us was
9 not there. That minister was based in Gbadolite, that is in Equateur
10 province in the north-west. We were there and we considered him to be
11 the authority on the spot and it's with him that we worked.

12 Q. This morning you explained that you also work in the area of
13 children's rights. Did you provide any information on that to
14 Mr. Lubanga?

15 A. Yes, of course. There is no way he could not be aware of all the
16 things we did. Because when we went to meet him for the first time we
17 gave him a kit of the convention on children rights, all the
18 international instruments. It was a way of carrying out advocacy
19 vis-a-vis him as the local authority on the spot. We wanted him to know,
20 This is what we've come to do. Can you help us to carry out our mission?
21 Can you lend us assistance? This was because in our mandate as the
22 (Redacted) was a component, there was a
23 component which required us to build the capacities of state structures
24 so that they can be structures that understand children's rights, how
25 such rights can be applied, how such rights can be protected, how they

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 72

1 can help a community to be a community that protects the rights of
2 children. That was one of the terms (Redacted)
3 (Redacted)

4 And when we arrived in all the organisations and all the
5 structures we went to present ourselves, we always had with us brochures
6 on children's rights, convention on children's rights, the African
7 Charter on Children's Rights and Well-Being. And there were other
8 documents, other printed documents (Redacted)
9 (Redacted). The centres gave us a lot of
10 awareness-raising material. We gave some to him and to other structures
11 with which we were working. And we also gave some to the officer in
12 charge of social affairs who received us and received us very well.
13 That's how we went about it.

14 Q. Did your relations with him remain friendly after that?

15 A. Yes. Well, you talk about friendly relations. I can't say we
16 remained friends with Mr. Lubanga. At one point I think he came to
17 understand what we were doing because while we were working on that
18 project, one of its components which was not very apparent, which was not
19 public, was to conduct monitoring and document all instances of
20 violations of children's rights. And this was what we were doing. And
21 it is my belief that at some point he understood what we were doing, that
22 we were preparing situation reports on what was happening there. And of
23 course it's obvious that we reported on what was happening on the spot
24 because -- caused by his armed group.

25 And as I said earlier, our relations did not remain friendly

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 73

1 because they kept accusing us that we had done nothing for the children,
2 that we had embezzled the money given to us (Redacted) to demobilise
3 the children. They said that we had enriched ourselves, (Redacted)
4 (Redacted). So our relations did not
5 remain friendly, that is, to answer your question directly.

6 Q. Now, with respect to the monitoring you conducted, can you very
7 briefly tell us what you reported on with respect to the UPC at the time?

8 A. Above all there were allegations of killings in villages, attacks
9 on villages, attacks on civilian populations. There were rumours,
10 allegations of pillaging, attack of vehicles and killing of passengers,
11 allegations of recruitment, and this was of utmost interest to us, the
12 recruitment and the use of children clandestinely. So that was one issue
13 on which we focused, primarily because it was of major interest to us.

14 And later on other humanitarian agencies came over and they
15 concentrated on the other aspects, such as -- well, other aspects of
16 human rights violations. But we focused on children's rights
17 essentially. We did this because a growing number of children were
18 coming to us after they saw the quality of our activities and after they
19 witnessed what we were doing in school and the psycho-social care we
20 provided. And so children came to us with information and certain
21 parents came to us with information. They tell us, Well, this is what
22 we've heard, you have to be careful with so-and-so, and watch out for
23 so-and-so.

24 Q. I am going to ask you other questions on that. However, you said
25 at one point that (Redacted), that Mr. Lubanga told you or

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 74

1 blamed you for (Redacted). What do

2 you mean by that?

3 A. Well, (Redacted)

4 (Redacted), but his behaviour and his rhetoric at the time -- for

5 example, he said (Redacted)

6 (Redacted)

7 (Redacted) that they could have used.

8 That was the rhetoric he held. But the truth, the fact of the matter,

9 was that we were actually (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted), in terms

13 of human relations. And so we have to be very careful about where we

14 went so that we would not be blamed for supporting one side or the other.

15 Q. Since we are in private session I would like to tell you, I would

16 like to say -- when you said (Redacted) were you referring to yourself?

17 A. Well, that was a slip of the tongue. I apologise.

18 Q. No problem. That was just a question I had to put to you anyway.

19 You also talked about certain parents who came to see you. You

20 talked about the monitoring you conducted with respect to recruitment.

21 Do you know what happened to these children after they were recruited?

22 A. Yes. There were very precise facts on which we drafted reports

23 and (Redacted) and other agencies reported on

24 this. It's something that turned out to be true. First of all, there

25 was this campaign in the north which brought certain children into our

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 75

1 programme, and some children within the same programme came to inform us
2 about curfews or nightly patrols that were conducted in their
3 neighbourhoods, and they would put roadblocks. And there was certain
4 information provided by certain children who even gave the names of some
5 of their friends who were involved, children who talked about nightly
6 movements, training of UPC troops in the plain at night. It would appear
7 that there were certain trainers who came from a neighbouring country and
8 they would train people at night, and in the early hours of the morning
9 they would dismantle the camp and everyone would return home. Apparently
10 certain children participated in that activity and they came to give us
11 that information, and even some who participated in more targeted
12 activities, an activity which can even be traced, and they told us
13 themselves that they participated in these activities. And this
14 confirmed to us that what we had been hearing was true.

15 Q. As far as this recruitment is concerned, do you know where the
16 recruiting was carried out?

17 A. The recruiting, later on, after the children returned, we heard
18 that this was taking place in Bunia, in the north, in villages that were
19 mostly Hema villages, but it also seems that there was recruiting in
20 areas where the UPC had influence or an ally. So at the time, I'm not
21 sure whether they were still on good terms, but at the time even towards
22 the Kasenyi Plain, towards the lake, there was recruiting in that area
23 carried out by another person who was also involved in such activities in
24 the armed movement. She was involved in another part of Ituri.

25 I spoke about the (Redacted) who were liberated -- or rather,

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 76

1 (Redacted), but there were three that we didn't (Redacted) because -- there were
2 three that we did not (Redacted) because their uncles had gone to fetch
3 them in the camps where they had been taken over by the international
4 organisation. They said that they didn't need to be involved in this
5 process of demobilisation. They took them away and they went to the
6 lake. So that is another case of someone who was involved in the same
7 sort of activity, but they were allies. This is what we found out later.
8 So they said it wasn't necessary to follow the normal process of
9 reunification.

10 Q. Could you provide us with the name of this person that you have
11 just mentioned, the second person who was involved in the same type of
12 activity?

13 A. Yes. We are in private session, aren't we? Yes?

14 Q. Yes.

15 A. It was another person who was frequently in contact with
16 Mr. Thomas Lubanga, and it seems that initially when they sent the
17 children to the training camp and this was the case -- the second person
18 was called Chef Kahwa, Chief Kahwa.

19 Q. Sir, do you know what the children did or should have done after
20 the training? You have already spoken about check-points but were there
21 any other tasks that were assigned to the children?

22 A. Yes. It was clear at the time. I could use a certain
23 expression. Both groups didn't really want to kiss each other on the
24 mouth. I apologise for using this expression, but the intention was
25 clear. They wanted to fight and to take control of the territory, the

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 77

1 town, the district. So there was nothing equivocal about the situation,
2 the children said that themselves. And since the political scene changed
3 frequently, some participated in acts that I would call or describe as
4 military acts.

5 PRESIDING JUDGE FULFORD: Ms. Struyven, I think we're now in an
6 area of general matters that probably won't reveal the identity of the
7 witness.

8 MS. STRUYVEN: Can I have a moment with my colleague,
9 Mr. President?

10 (Prosecution counsel confer)

11 MS. STRUYVEN (interpretation): Perhaps one last question
12 about -- (In English) Excuse me, Mr. President.

13 (Interpretation) I'll say it in French. There is another
14 question I would like to put to the witness. This could be done in open
15 session, but then there will be an entire series of questions that I will
16 have to put in private session, unfortunately.

17 PRESIDING JUDGE FULFORD: We'll remain in private session then.

18 MS. STRUYVEN (interpretation):

19 Q. Sir, we have just been speaking about children who were
20 recruited, who were trained, and children who were used to carry out
21 military tasks. With regard to the age of these children, could you
22 assist us? Could you tell us anything about the age of these children?

23 A. I'm familiar with certain cases. I'll refer to them. There's
24 the case of the oldest child in the group. He was the best shooter in
25 the camp, he was the most skilful child. He was 13 years old. And when

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 78

1 we reunited the child, we took the child to school, the child had a
2 fairly difficult character, I have to admit, but afterwards when we tried
3 to do follow-up activities to monitor the child and see if the child was
4 still going to school, the child was no longer going to school. And at
5 one point in time we checked this but the child wasn't at school and
6 wasn't at home either. The child had been re-recruited and colleagues of
7 his, comrades of his, confirmed this.

8 So there was that case and there was the young person who had
9 been taken back from the north. At that time he wasn't even 15 years
10 old. He'd been taken. He came back. He was involved in a military
11 operation, and he didn't return from this military operation. According
12 to his comrades with whom he participated in this military operation, he
13 did not return.

14 Q. When you say he didn't return, does that mean that he is dead?

15 A. He's dead. If you like, with your leave, I can describe the
16 circumstances of his death because I know this child. This is an example
17 I'm familiar with, an example that I followed and we were very interested
18 in this case because he was more vulnerable than the other children. May
19 I continue? Yes. When he returned -- in fact, he stayed in the group,
20 in Mr. Thomas's residence, he stayed in the group close to Mr. Thomas and
21 there were different forms of tension between the armed groups and there
22 was an ambush that had been laid for a military commander, the commander
23 of the movement, the RCD movement for liberation, so it was the movement
24 of another military leader at the time whose name was Mbusa Nyamwisi.

25 So this ambush involved young people from the UPC and they laid

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 79

1 this ambush for the commander of this armed group because this armed
2 group was becoming increasingly important in the town. And this young
3 person was involved in this case. The.

4 Two others who were with him who managed to escape informed us of
5 the situation after their comrade didn't return. So he was lucky but the
6 others didn't return. So these two children involved in this case were
7 already registered by the organisation in an institution of the (Redacted)
8 (Redacted) something like that, and they were being taught carpentry. So
9 although they were following this vocational training -- well, they
10 continued to participate in these secret military activities and these
11 individuals informed us about who had left and who was where. So they
12 were among these people who informed us, who kept us informed.

13 Q. If I've understood this correctly, while they were following this
14 carpentry course in a school, they participated at the same time in
15 attacks carried out on behalf of the UPC; is that correct?

16 A. Yes. I can say this with certainty. They participated in that
17 attack and they disappeared, in fact, two days prior to the attack.
18 Because we monitored the children - I'm saying this in parenthesis - but
19 we followed the children, we monitored the children every week. There
20 were visits to the child's family twice a week. There was a visit to the
21 family and there was a visit to the school.

22 So two days earlier the comrades who were responsible for this
23 work with the children went to the school and didn't find them there.
24 The trainer said they haven't appeared today. Then they went to the
25 house and the child's mother said, No - I can remember this very well -

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 80

1 he went to his uncle's. And the uncle promised to get him a rabbit. And
2 we thought, Yes, fine, an uncle can call the child to give him something.
3 This could be part of the child's re-insertion, re-integration, but two
4 days later the children were still -- were at school again.

5 So obviously this event created a certain amount of disorder in
6 the town. Everyone remained in hiding for a day or two, and then when we
7 went there we found them following their course. And in the course of
8 conversations that we had the -- with the social worker, the
9 conversations the social worker had with the children during the visit,
10 when they noted the child's progress, well, in the course of those
11 conversations -- well, they said, Yes, they had left for these reasons
12 and they said that their comrade was dead.

13 PRESIDING JUDGE FULFORD: Ms. Struyven, I think the last two
14 answers and there may be more going back, whatever the scheme is that
15 we've worked out to ensure that the witness doesn't start speaking too
16 quickly, it's not working. Now, I think you'd said to him that you
17 would -- that he should only start speaking when you turned your red
18 light off. If that's what's being followed, your red light is going off
19 too quickly.

20 And, sir, can I say during the last fairly long answer that you
21 gave you started speaking very quickly and I'm afraid some of your words
22 got lost.

23 I'm sorry to keep intervening but I'm going to carry on doing so
24 while the work of the interpreters and the transcribers is simply made
25 too difficult.

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 81

1 But, Ms. Struyven, I am looking to you to control this, please.

2 MS. STRUYVEN: Yes, I apologise, Mr. President.

3 Q. (Interpretation) One more question about the subject. Do you
4 remember the date on which this event occurred?

5 A. The attacks, the attacks, are you referring to the events that
6 the children were involved in? Yes, the last event that I have spoken
7 about -- well, I think it could have been in the second -- no, in the
8 last quarter of 2002, first quarter of 2003.

9 Q. Thank you. You finally left Bunia in (Redacted). Could you tell
10 us why you left Bunia?

11 A. Yes. At one point in time the situation was no longer tolerable
12 for people who were working in this delicate field of children's rights,
13 and then it was also difficult for humanitarian workers in general. It
14 was a dangerous situation. The situation had become dangerous. We had
15 received threats, not open threats, but there were insinuations,
16 underhand threats were made. There were children who were informed by
17 someone who was close to Lubanga, and we had particular -- a particular
18 relationship with this person. And this person told us to be careful and
19 to leave.

20 But prior to that time -- well, there were children and you can
21 strike up a relationship with a child or an adolescent when you work
22 together. This is a lengthy period of time. You get to know each other,
23 there are intimacies, there's a certain amount of trust, so two or three
24 children had spoken to us about -- two or three children had already
25 spoken to us about what was being said about us and about our work in

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 82

1 Ituri and they would tell us things that started to worry us.

2 We were told that they didn't like the fact that we were working
3 for the other side, that we were corrupt. They said we hadn't done
4 anything for them, we were there to enrich ourselves. At the time it was
5 a serious threat because some people would be killed for no reason, for
6 nothing, and we saw that there were reasons for which action might be
7 taken against us, but what made me leave was the warning issued by this
8 person who was, after all, a person very much familiar with what was
9 going on within Mr. Thomas Lubanga's organisation.

10 Q. To be absolutely clear, what group or who was making these
11 threats?

12 A. We didn't have contacts with the other groups that were there,
13 but we were often in contact with the group of Mr. Thomas Lubanga, the
14 UPC, because we were working with the children who had been involved with
15 his group in the past and that he continued to work with as well, as I've
16 already said. But we did not receive threats from any other groups at
17 the time. So it was his group.

18 Q. At the time was (Redacted) that was
19 threatened or not?

20 A. Well, it was (Redacted) which was working in the field
21 of children's rights, that is, as a local organisation and that was
22 working specifically with child soldiers. (Redacted) There
23 were threats that were made, indirectly or directly, on some
24 organisations, but -- and there was no way to put pressure. For example,
25 (Redacted) that was also involved in

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 83

1 reporting, but there were pressures. But at the time the (Redacted)
2 (Redacted).

3 They also had a certain level of immunity which we didn't have and so we
4 had to take the necessary precautionary measures.

5 Q. You've perhaps already partially answered my next question, but
6 here it is. Do you know why (Redacted) was threatened?

7 A. Well, I finally realised that we were bothersome witnesses, so to
8 speak, because we reported what occurred and also it wasn't -- I'm not
9 sure I have the right vantage point, if you will, but it was also because
10 we spoke openly about the recruitment of children and we also were
11 involved in the promotion of children's rights.

12 But we also worked a lot in developing awareness, both of
13 children and parents to encourage them to refuse recruitment. And the
14 fact is our programme did have an impact. There were children in boys'
15 schools and in girls' schools who understood that it was not a good thing
16 to be abducted. There were games that were played, there was talk on the
17 radio, there was a campaign where children participate in a -- in a game,
18 they filled in a questionnaire and came and put it in a box. So we
19 became bothersome, if you will, and that's how I interpret it. I think
20 it was because we became bothersome that we were threatened.

21 PRESIDING JUDGE FULFORD: Ms. Struyven, if this is a convenient
22 moment for you, I think we'll give the witness a break now and we'll deal
23 with the administrative issues that we've got stacked up for this
24 afternoon.

25 Sir, we're going to give you a break now. Thank you very much

1 for your help so far this afternoon. We'll certainly not need you for
2 another quarter of an hour, but we'll have a message sent up as soon as
3 we're ready. Thank you.

4 Closed session so the witness can be taken back up to the witness
5 waiting-room.

6 *(Closed session at 2.55 p.m.) Reclassified as Open session

7 COURT OFFICER: Closed session.

8 (The witness stands down)

9 PRESIDING JUDGE FULFORD: Public session, please.

10 (Trial Chamber confers)

11 (Open session at 2.55 p.m.)

12 COURT OFFICER: Open session.

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

14 MR. BIJU-DUVAL (interpretation): The Defence requested that the
15 matter be raised about Witness 15. The new interview of the witness has
16 been completed. A new statement has been sent to us. And we wanted to
17 explain to the Chamber the Defence's position as regards the examination
18 of this witness. Our position is as follows.

19 This witness has been heard publicly in this Chamber, he began
20 giving public testimony, and then his testimony was interrupted with the
21 follow-up that we're all familiar with. The Defence considers that a
22 partial direct examination has taken place, and therefore we can't
23 pretend that it didn't take place. And what the witness has stated
24 before the Chamber is already part of the case, and therefore the Defence
25 considers that this initial testimony opens up, so to speak, a right to

1 cross-examine the witness.

2 I didn't mention this specifically but I think it has already
3 been stated by the OTP. It would seem today that the OTP no longer wants
4 to examine this witness on behalf of the OTP, but the fact is a partial
5 direct examination did take place and the Defence considers, therefore,
6 that that situation de facto and de jure allows us to cross-examine the
7 witness.

8 That is, therefore, our request, that we be allowed as soon as
9 possible, that is, in the upcoming days, that we be allowed to
10 cross-examine the witness. The cross-examination would of course be
11 limited to the matters that were dealt with during the initial direct
12 examination which was interrupted.

13 The Defence wanted to express this position of principle to start
14 with, but to save time we have also considered a subsidiary option in the
15 case where this hypothesis which for the time being has been refused by
16 the OTP in the event the Chamber not accept this request. Our subsidiary
17 request that the Defence is proposing is that the written statements,
18 that is, the transcripts of the statements be entered into evidence of
19 the case. We have two transcripts, those that result from the
20 investigators of the OTP, one from 2005 and the second which was
21 completed yesterday.

22 So the Defence's position would be that these two statements
23 simply be -- simply be introduced into evidence without additional
24 examination. But that is a subsidiary position. We do consider that the
25 best solution, and might I add the solution that is in keeping with the

1 law, in particular the rights of the Defence, the best solution would be
2 that the witness appear again in court and be cross-examined by the
3 Defence.

4 Your Honour, Mr. President, that is the position that the Defence
5 wanted to present to the Chamber and we would like to hear your ruling so
6 that we know exactly what we are to do with Witness 15.

7 PRESIDING JUDGE FULFORD: Thank you, Mr. Biju-Duval. One
8 question. Given that your first proposal includes a limitation, namely,
9 you would only cross-examine the witness on the matters that he gave
10 evidence about before his testimony was interrupted, approximately how
11 long would you anticipate that questioning would last?

12 MR. BIJU-DUVAL (interpretation): If you would allow me to
13 consult Maitre Buteau, who's always very helpful in these matters.

14 (Defence counsel confer)

15 MR. BIJU-DUVAL (interpretation): I believe that one hour would
16 suffice for the cross-examination, your Honour.

17 PRESIDING JUDGE FULFORD: And so just so there's no mystery about
18 it, you would want to cross-examine the witness about the circumstances
19 in which on his new account he had come -- he originally gave a false
20 statement to the Office of the Prosecutor? Is that slightly inelegantly
21 expressed what you have in mind, Mr. Biju-Duval?

22 MR. BIJU-DUVAL (interpretation): Well, essentially yes,
23 your Honour. We would like to cross-examine the witness regarding the
24 process which led him, first of all, to giving a false statement and then
25 a new account, and perhaps also ask him to give a clear, albeit,

1 synthetic view of the fundamental points upon which the first statement
2 is untrue according to the witness.

3 PRESIDING JUDGE FULFORD: Very clear. Thank you very much.

4 Who's fielding this for the Office of the Prosecutor?

5 Ms. Samson.

6 MS. SAMSON: Yes. Thank you, your Honour. The Prosecution
7 doesn't disagree with the proposition that the Defence has a right to
8 examine the witness. The difficulty that the Prosecution has is the
9 timing of the examination. The allegations that the witness has now
10 provided to the Office of the Prosecutor need time to be investigated and
11 for the Office of the Prosecutor to be prepared to call him back, not as
12 a Prosecution witness but to deal with him in whatever manner in which
13 the Defence or indeed the Chamber sees fit. In our submission, it would
14 be a rushed and somewhat inappropriate suggestion to proceed speedily to
15 re-examine somebody or to have him re-appear in court absent a proper
16 investigation into what it is that is being alleged and the breadth and
17 scope of the allegations that are being made.

18 PRESIDING JUDGE FULFORD: Forgive me interrupting, Ms. Samson.
19 Presumably -- I mean, we haven't seen the second statement, but tell me
20 if I'm wrong in making the assumption that Witness 15 is now pointing an
21 accusatory finger at individuals and is suggesting that at least one
22 person and possibly more than one person has contributed to him
23 originally giving a false account to the Office of the Prosecutor. Is
24 that right? And if it is, are you wishing to interview those against
25 whom allegations are now being made?

1 MS. SAMSON: Thank you, your Honour. That is indeed correct and
2 for the integrity of the investigation it would be best, in the
3 Prosecution's submission, if Witness 15's allegations not be broadcast in
4 advance, so as to not in any way prejudice our initial meetings with some
5 of the other individuals who are named.

6 PRESIDING JUDGE FULFORD: Well, given I don't know what the
7 allegations are, Ms. Samson, you're not likely to hear any prejudice
8 coming from the Bench, but I understand the point.

9 Now -- I mean, there are clear logistical problems in that we're
10 very short on time anyway before the break. We have the current witness
11 and then all of the difficulties that go with Witness 46. At best, the
12 only time now available is Tuesday and Wednesday afternoon of next week
13 and do I understand from your submission you're not going to be ready by
14 then to conduct the Prosecution's further questioning of the witness
15 following on from Mr. Biju-Duval's one hour with him? Is that right?

16 MS. SAMSON: Indeed, your Honour, that's absolutely correct. The
17 investigative missions that will be conducted will not be conducted from
18 The Hague and it will take some time to organise and then to conduct and
19 finally to analyse and review the product. So unfortunately, that is
20 indeed the case.

21 PRESIDING JUDGE FULFORD: Thank you very much.

22 Mr. Biju-Duval, if we - and I make it absolutely clear that the
23 Bench is in a moment going to have to retire to think about this - but if
24 as a hypothesis we were sympathetic to the position that the witness is
25 re-called, given what Ms. Samson has said, that the Prosecution will not

1 be ready next week to deal with the fresh account that's been given by
2 the witness, would it be fair for me to suggest that the most critical
3 thing for you is that he is re-called, if we're sympathetic, before the
4 commencement of your case following the judicial recess?

5 MR. BIJU-DUVAL (interpretation): Our concern, your Honour, is
6 that difficulties arise enabling the witness to come back to the Court
7 and we would like to avoid that such difficulties arise. If it were to
8 occur that once he had gone back he was not able to return to The Hague,
9 the Court would find itself in a situation where we would have lost the
10 opportunity to hear important testimony. That is our major worry and
11 concern, your Honour.

12 As far as the principle goes, as you stated, the essential aspect
13 is indeed that the witness be able to appear in court so that we can
14 cross-examine the witness with all of the rights that go along with that,
15 that we be able to cross-examine this witness. Our concern, however, is
16 that if he were to leave and then come back in a few months, we are not
17 certain -- we are in fact uncertain that he will be able to return.

18 PRESIDING JUDGE FULFORD: My memory was that he was rather
19 enthusiastic, Mr. Biju-Duval, about giving evidence, but yes, thank you
20 for that.

21 Ms. Massidda.

22 MS. MASSIDDA: Thank you, your Honour.

23 (Interpretation) We have a joint submission as Legal
24 Representatives. We would like to inform the Chamber that the Legal
25 Representatives have not received the second statement made by

1 Witness 15. I believe it was only completed just yesterday as
2 Maitre Biju-Duval has just stated. So number one, we would request that
3 we receive a copy of the new witness statement for Witness 15. We do
4 have access, however, to the first statement, that is the one that was
5 given in 2005.

6 The second point that we would like to raise is that we do not
7 know whether or not Witness 15 has completely revised his statement of
8 facts, whether he has removed something, or added something to his
9 statement of facts. As regards Witness 15, if I'm not mistaken, none of
10 the Legal Representatives had requested to examine this witness, but we
11 cannot exclude the possibility that some of the Legal Representatives
12 might be interested depending on what is dealt with during
13 cross-examination. And that leads to two difficulties.

14 The first being that perhaps one of the Legal Representatives
15 might request examining the witness which might lead to cross-examination
16 difficulties --

17 PRESIDING JUDGE FULFORD: I'm going to interrupt you. This is
18 all very hypothetical, isn't it. Haven't we first got to decide whether
19 or not we're sympathetic at all to the suggestion that the witness should
20 come back for cross-examination? If we do and once the statement has
21 been provided to you, if there are matters which legitimately engage your
22 interest, isn't that the time to address us? I think at the moment this
23 is all rather tenuous, isn't it, Ms. Massidda?

24 MS. MASSIDDA: That's absolutely fine with us, your Honour.
25 Thank you very much.

1 PRESIDING JUDGE FULFORD: Thank you for the attempt,
2 Ms. Massidda.

3 (Trial Chamber confers)

4 PRESIDING JUDGE FULFORD: We're going to go and think about this.
5 We'll sit again at 25 past 3.00.

6 COURT USHER: All rise.

7 Break taken at 3.13 p.m.

8 On resuming at 3.25 p.m.

9 COURT USHER: All rise. Please be seated.

10 PRESIDING JUDGE FULFORD: Thank you all.

11 Ms. Samson, we would ask you, not you personally but the Office
12 of the Prosecutor, to check this afternoon if it's convenient as to
13 whether there are any difficulties in securing the attendance of
14 Witness 15 when we reconvene in October. His availability and
15 willingness needs to be established with clarity, please.

16 Secondly, would there be any objection to us being provided with
17 the new statement so that we can have an understanding to the extent to
18 which the witness's position has changed since he provided his first
19 statement and so that we can really gauge the kinds of issues that
20 Mr. Biju-Duval is likely to be interested in questioning the witness
21 about?

22 MS. SAMSON: Thank you, your Honour. It is no problem for the
23 Prosecution to provide the Chamber with a copy of the new statement and
24 we will do so right away. And equally, also we will investigate the
25 issue with the Victims and Witnesses Unit in terms of the availability of

1 the witness in October.

2 If I may, I would also like to clarify if there was any confusion
3 in relation to my submission moments ago, in that the witness, in the
4 Prosecution's submission, would not come back as a Prosecution witness in
5 proof of our case, and in fact the Prosecution would like an opportunity
6 to challenge the witness itself in the manner in which we have done it so
7 far in this proceeding, often referred to as cross-examination. The way
8 in which that is achieved can be discussed, whether the witness returns
9 as a Court witness available to both parties for cross-examination,
10 whether he appears as a Defence witness in the main, available to the
11 Prosecution for cross-examination, or however that -- a solution may be
12 found. But the Prosecution's submission is that its examination -- it
13 would like to have an examination that is fully capable of testing the
14 truthfulness and accuracy of the allegations and testimony.

15 PRESIDING JUDGE FULFORD: The reality is, Ms. Samson, that both
16 the Prosecution and the Defence will want an opportunity to cross-examine
17 the witness, however that's achieved, whether he's here as a Court
18 witness, whether he's here as a Prosecution witness tendered for
19 cross-examination with the Prosecution being allowed to treat him as
20 hostile. The route may not matter so much as achieving the result, and
21 your submission is that fairness now probably dictates that both parties
22 are allowed to cross-examine. Good. Thank you.

23 (Trial Chamber confers)

24 PRESIDING JUDGE FULFORD: Any difficulties with the Bench
25 receiving the statement, Mr. Biju-Duval?

Witness: Witness DRC-OTP-WWW-0116 (Closed Session)
Procedural Matters

Page 93

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

2 PRESIDING JUDGE FULFORD: And a courtesy copy to the victims
3 representatives?

4 MS. SAMSON: Absolutely, yes.

5 PRESIDING JUDGE FULFORD: Any difficulty with that,
6 Mr. Biju-Duval? No.

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

8 PRESIDING JUDGE FULFORD: If the inquiry then can be made this
9 afternoon in relation to the witness's availability and willingness in
10 October and if the statement could be furnished to the legal advisor to
11 the division and to the victims this afternoon, then we will re-visit
12 this issue on Monday afternoon when we're dealing with other
13 administrative matters. Thank you very much.

14 Witness, please, and closed session.

15 *(Closed session at 3.30 p.m.) Reclassified as Open session

16 COURT OFFICER: Closed session.

17 (The witness takes the stand)

18 PRESIDING JUDGE FULFORD: Private session, please.

19 *(Private session at 3.31 p.m.) Reclassified as Open session

20 COURT OFFICER: Private session.

21 PRESIDING JUDGE FULFORD: Sir, I'm very sorry we kept you
22 waiting. There were some administrative matters that we had to deal
23 with.

24 Can I make one request and please don't in any way misinterpret
25 what I'm about to say. Your evidence is clearly being given very

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 94

1 carefully and we're very grateful to you for your contribution.
2 Sometimes when Ms. Struyven asks you a question, in fact a relatively
3 short answer would deal with the question that she's raised. We wholly
4 understand why you would have a natural desire to want to go on to give a
5 fuller explanation of all of the things that you know and have
6 experienced. However, we do have some pressures of time and so I would
7 ask you to concentrate closely on the question that Ms. Struyven puts to
8 you, and if you can to answer that question, as it were, directly. Of
9 course give the details that are necessary, but leave any extra details
10 for any further questions that Ms. Struyven puts to you. Good.

11 Yes, Ms. Struyven.

12 MS. STRUYVEN (interpretation):

13 Q. Witness, before the break we were discussing about the time you
14 left Bunia, and if I understood well, you left Bunia in (Redacted) and you
15 (Redacted)
16 (Redacted) After your departure did (Redacted) continue
17 with its activities?

18 A. Yes. To answer directly I wish to make one small correction. I
19 went to (Redacted)
20 (Redacted). I just
21 wish to make this correction.

22 Yes, (Redacted) continued with its activities but on a very
23 reduced level. We had to reduce our staff because the situation became
24 increasingly difficult. (Redacted)
25 (Redacted). They wanted us to have some

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 95

1 presence there to carry out monitoring and to preserve the achievements
2 that we had obtained there.

3 Q. (Redacted); is that correct?

4 A. Yes, (Redacted)

5 (Redacted)

6 (Redacted).

7 Q. Were you able to continue monitoring the activities of (Redacted)
8 (Redacted); and if so, how did you go about this?

9 A. Yes, I continued monitoring the activities of (Redacted) in
10 two ways. First of all, through situation reports which were forwarded
11 regularly by (Redacted). Also, while
12 I was not yet working with the -- with (Redacted) I kept communicating
13 with the team on site. I tried to know about the evolution of the
14 situation, and very regularly I would be provided with information.

15 Q. When you say "regularly," can you give us an idea of the
16 frequency of the reports you received and the contacts you had?

17 A. In general I received one report per week, and we had to maintain
18 mandatory phone contact. We had the possibility of subscribing to a
19 satellite phone by a local company and calls were pretty regular, about
20 twice a week.

21 Q. So at that time, and I'm referring to the period after (Redacted),
22 did you hear or learn about recruitments in Bunia?

23 A. Yes. We kept receiving information on recruitment. It was
24 something which was quite obvious, that is, the manner in which
25 recruitment was done. It was pretty obvious. It was something which was

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 96

1 quite frequent or common.

2 Q. At that time who was doing the recruitment?

3 A. At the time, of course the UPC was in control of the region at
4 the time. They wanted to occupy a significant political and military
5 position in the region, and before I left Bunia there was also the group,
6 the MLC, that had a certain number of children. But the difference was
7 that before I returned (Redacted) I had certain demobilisation documents
8 signed by Mr. Bemba who had accepted to release the children. There were
9 about (Redacted) children who were identified within his group. But also
10 there were certain allegations and we don't have any proof of that,
11 allegations that in certain groups, the groups of the Ngitis, there were
12 children as well at the time.

13 Q. I am going to ask you questions relating to recruitments done by
14 the UPC. Can you explain to us, can you tell us what you heard about
15 recruitments done by the UPC after (Redacted) 2002?

16 A. Yes. After 2002 the re-recruitment of children continued. It
17 continued because the UPC was striving to consolidate its position as a
18 strong political movement in the Ituri region. That was clear. And this
19 was common knowledge to everyone. There was a lot of military
20 confrontation. That was quite obvious.

21 Now, with respect to recruitment, there were children within our
22 programme who were constantly threatened by persons who were acting on
23 behalf of the UPC, and I remember that two of these children -- can I
24 cite names, please?

25 Q. Yes, we are in closed session.

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 97

1 A. There was (Redacted), two young people who
2 were constantly harassed by persons who worked for ...

3 THE INTERPRETER: The witness did not complete his sentence.

4 MS. STRUYVEN (interpretation):

5 Q. I apologise for interrupting you. You mentioned (Redacted) and
6 one other person?

7 A. (Redacted) This was a young person who was amongst the group
8 of (Redacted) children who were (Redacted) but who kept -- who was still
9 being harassed because they wanted him to go back to the group. There
10 was one who left to -- who went to Kampala, he fled, and another whom we
11 sent out of Bunia, of course in complicity with his family members. His
12 father sent his bigger brother to tell us to do something for his child,
13 so we helped him to get out of the town in order to save himself.

14 Q. Let's return to recruitments done by the UPC at the time, that
15 is, after (Redacted) 2002. Did you get to know how such recruitment was
16 done at the time, that is, after (Redacted) 2002?

17 A. The situation did not change. They continued using the same
18 methods. First of all, there was a certain amount of mobilisation within
19 the ethnic group. They called on the population to defend themselves
20 against the enemy, to protect their heritage, to protect their territory.
21 So that was the rhetoric which was used at the time. There were
22 propagandists, persons who were identified at the time, identified as the
23 people who were passing on such messages. And the children and some of
24 their parents told us that there were certain persons who were like the
25 mobilisers, so to speak, within the movement, within the armed group, and

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 98

1 who went from family to family to say -- to identify children, to say
2 this child or that other can be useful or has been in the army and should
3 return to the army.

4 So that's how the parents of one of the two children that I
5 mentioned came to meet us and told us that we should help the child. And
6 we were able to help the child to leave the region clandestinely.

7 Q. I have several questions on that.

8 MS. STRUYVEN (interpretation): But, your Honour, maybe with your
9 leave we should move into open session so long as the witness does not
10 mention his relationship with the children.

11 PRESIDING JUDGE FULFORD: Certainly.

12 Open session, please.

13 (Open session at 3.44 p.m.)

14 COURT OFFICER: Open session.

15 MS. STRUYVEN (interpretation):

16 Q. Witness, you stated that after May 2002 the recruitment methods
17 did not change and that there was certain propagandists and mobilisers,
18 those are the terms you used. First of all, do you remember the names of
19 these persons you mentioned, the propagandists and the mobilisers?

20 A. Yes. You could speak about mobilisers, yes, there are certain
21 names. We were familiar with the names of some individuals whom we had
22 identified as extremists at the time. The language they used was
23 incendiary, to put it that way. Yes, there are some names.

24 Q. Could you give us the names? If you would prefer to give us the
25 names in private session we can move back into private session with the

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 99

1 leave of the Presiding Judge.

2 PRESIDING JUDGE FULFORD: Private session, please.

3 *(Private session at 3.46 p.m.) Reclassified as Open session

4 COURT OFFICER: Private session.

5 MS. STRUYVEN (interpretation):

6 Q. Please go ahead, Witness.

7 A. Yes, there's one person who was particularly active in the field
8 of propaganda and mobilisation. The children and some parents identified
9 him and said that he played a role at the time of the (Redacted) children.
10 He was a union member in the town. He held a certain position there. He
11 was the number one in the union. He spoke well as a good union member.
12 Now he's a member of parliament in my country.

13 So there was that gentleman, and there was another person who
14 didn't try to encourage recruitment but he was someone who didn't clearly
15 state that it wasn't good to recruit children. He worked in an office
16 that was called the bureau for the programme in Ituri, something like
17 that. It was financed by the Canadians and it was involved in activities
18 relating to the pastoral group. His name was (Redacted) (phoen) something like
19 that, (Redacted). And then there was another person who was a mobiliser. This
20 was someone who would go to families. Many of the children refer to this
21 gentleman who would go from one family to another to raise consciousness
22 among the families, encourage them to provide their children, hand over
23 their children, so that they could organise defence and so on.

24 But there was also another gentleman who wasn't in Bunia. He
25 worked in South Kivu in the town of Bukavu, so a little further afield,

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 100

1 and he was a professor. He taught in the teaching institute, the higher
2 teaching institute, in Bukavu. I can't remember his name, but he was
3 well-known as one of the instigators in the movement. He used the kind
4 of incendiary language within the communities that I've already
5 mentioned.

6 Q. And do you remember the name of this person apart from the names
7 you've mentioned?

8 A. Well, yes, there's this mobiliser. I think that he used a
9 pseudonym. We didn't know his name, he used a pseudonym, and I can't
10 remember it. But the children were certain about this -- or about him.
11 They said he'd go to the families and he was well-known. The teacher who
12 worked in the institute was a professor whose career took place there.
13 He was well-known in the scientific world in Bukavu. There was also the
14 professor who was in the Ituri project office and he was also well-known.
15 He was a prominent gentleman because -- I apologise, I'm going off on a
16 tangent. When we arrived in Bunia to inform parents about their children
17 (Redacted), he was the focal point who united all the parents so
18 there would be a meeting with him. He wielded a considerable amount of
19 influence.

20 Q. So in your last sentence you mean that just before you
21 (Redacted) and took them to Bunia there was a
22 meeting with the parents and the person; is that it?

23 A. Yes. We were told that this person was a prominent person from
24 the Hema tribe. He was very influential and we were told that it was
25 possible to establish contact with the children's parents through him so

Witness: Witness DRC-OTP-WWW-0116 (Private Session)
Questioned by Ms. Struyven

Page 101

1 that we could prepare (Redacted).

2 Q. Witness, you have spoken about the parents, and if I have
3 understood your testimony correctly, you met some of the parents. And
4 this included (Redacted) parents and the parents of the other child, and
5 they asked you to protect their children. My question is as follows:
6 How did these families react to the recruitment of their children?

7 A. Well, there was an attitude of refusal. They wouldn't accept
8 this. (Redacted) parents, for example, had such an attitude. The father
9 sent (Redacted) older brother to say that his child was being threatened.
10 The child had already spoken to us about this. We were asked to do
11 something. There were parents who didn't want their children to return.
12 That's certain.

13 Q. So you're talking about the children -- the parents of these two
14 specific children, but was this also something that was applied or
15 applicable to the parents of other children to whom you spoke?

16 A. Yes, that was also the case for some other parents, at least it
17 was ostensibly the case when we were involved in mediation. Before
18 returning with the children we had to see whether the parents were
19 prepared to accept the children. Some parents said, Yes, yes, we really
20 need to have our child back. We don't want the child to leave. There
21 are such parents. There are other parents who were angry. They said,
22 Why are you bringing this child back? Why? Do you want the others to
23 exterminate us? You bring him back so that we are rendered weak, so we
24 had to deal with such situations. But the when there were attempts to
25 recruit children we made a list of parents who came back. There were

1 three or four cases of parents who came back, (Redacted) parents and
2 there were also the parents of -- there were also (Redacted) parents.

3 PRESIDING JUDGE FULFORD: Ms. Struyven, the -- you can see on the
4 screen.

5 Given we're five to 4.00 and the tapes run out at 4.00, I'm
6 minded to suggest that we draw stumps there unless there's some pressing
7 matter that you want to finish off at this stage.

8 MS. STRUYVEN (interpretation): No, your Honour.

9 PRESIDING JUDGE FULFORD: No, good.

10 Well, sir, I'm sorry we have to interrupt your evidence but we're
11 given a maximum of two hours at any one stretch. We wish you a pleasant
12 weekend and we look forward to seeing you again on Thursday afternoon of
13 next week and I hope that's not going to prove excessively inconvenient
14 to you.

15 Closed session, please, to the witness with withdraw.

16 *(Closed session at 3.55 p.m.) Reclassified as Open session

17 COURT OFFICER: Closed session.

18 (The witness stands down)

19 PRESIDING JUDGE FULFORD: How much longer, Ms. Struyven?

20 MS. STRUYVEN: Mr. President, after this subject I have one more
21 main subject to cover, but I will probably ask a few clarifying questions
22 on Thursday to start with and then move into my last subject.

23 PRESIDING JUDGE FULFORD: Right.

24 MS. STRUYVEN: So it shouldn't be too long.

25 PRESIDING JUDGE FULFORD: Mr. Biju-Duval, at the moment the

1 witness is being asked to come back to The Hague on Thursday, then to
2 adjourn again until Monday of next week. From what Ms. Struyven has said
3 I would imagine her questions are going to last no more than an hour,
4 Ms. Struyven?

5 MS. STRUYVEN: To be absolutely safe I would say an hour and a
6 half --

7 PRESIDING JUDGE FULFORD: Right --

8 MS. STRUYVEN: -- but it's not going to go into four hours.

9 PRESIDING JUDGE FULFORD: If Ms. Struyven were to take until the
10 mid-morning break on Monday, not next week but the following week, would
11 you need more than the rest of Monday and the whole of Tuesday to ask
12 your questions?

13 MR. BIJU-DUVAL (interpretation): I'm not sure I've fully
14 understood the situation. You are asking me whether half of the morning
15 and an entire afternoon would be sufficient? If that's the question I
16 believe I can say yes.

17 PRESIDING JUDGE FULFORD: I'm -- what we're saying,
18 Mr. Biju-Duval, is you can have Monday afternoon, half of Monday morning,
19 and all of Tuesday, so just under two days. If you're given two days, is
20 that going to be sufficient for your cross-examination of this witness?

21 MR. BIJU-DUVAL (interpretation): That will be more than
22 sufficient, your Honour.

23 PRESIDING JUDGE FULFORD: Good. Thank you very much.

24 Now, Ms. Struyven, we're not going to take a decision on this.
25 We're going to leave this to the parties because you ultimately are

1 responsible for the witnesses.

2 Can you please have another conversation with Mr. Biju-Duval
3 about this after we've risen, but if your view is that Monday and Tuesday
4 of not next week but the following week is going to be comfortably
5 sufficient for you to finish the evidence of this witness, then we will
6 not be requiring him to come all the way back on Thursday afternoon then
7 to have to return to where he's come from again. It would be ludicrously
8 inconvenient. If you are happy that that time is enough, would you
9 please communicate to the Victims and Witnesses Unit that the witness is
10 not required on Thursday afternoon. But I stress, the parties are
11 responsible for this.

12 MS. STRUYVEN: We will, Mr. President.

13 PRESIDING JUDGE FULFORD: Thank you very much indeed.

14 We look forward to seeing you all at 2.30 on Monday afternoon
15 when we'll deal with administrative matters next week. Have a pleasant
16 weekend.

17 COURT USHER: All rise.

18 The hearing ends at 3.59 p.m.

19 RECLASSIFICATION REPORT

20 Pursuant to Trial Chamber I's email instruction dated 14th December 2011,
21 the transcript is reclassified as public after the indicated redactions
22 have been implemented as ordered by the Chamber. All private and closed
23 sessions (*) are now available to the public with the exception of the
24 portions of the transcript that have been redacted.

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