

1 International Criminal Court  
2 Trial Chamber I - Courtroom 2  
3 Presiding Judge Adrian Fulford,  
4 Judge Elizabeth Odio Benito and Judge René Blattmann  
5 Situation in the Democratic Republic of the Congo -  
6 ICC-01/04-01/06  
7 In the case of The Prosecutor v. Thomas Lubanga Dyilo  
8 Monday, 14 June 2010  
9 (The hearing starts at 2.33 p.m.)  
10 (Open session)

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

13 PRESIDING JUDGE FULFORD: Good afternoon. We are in public  
14 session.

15 The first matter that we wish to deal with is part of filing  
16 2473, which is the Prosecution's provision of information on the  
17 witnesses dealing with the abuse of process and intermediaries. In  
18 the first section the Office of the Prosecutor has raised issues  
19 concerning a number of witnesses. It is only necessary for us at this  
20 stage to address the position of Witness 581, who is to be found at  
21 paragraph 13.

22 Although this filing was received by the Registry at, I think,  
23 10-to-5 on Friday last week, it was only notified to the Chamber, and  
24 I suspect to the Defence, at about mid-day today. We are going to  
25 give the Defence time to respond to the filing, and we will establish

1 a timetable at the end of the afternoon for the response to the rest  
2 of the filing and, of course, the victims' representatives will be  
3 given an opportunity to respond as well, if they wish.

4 Turning to the position of 581, the Chamber is slightly  
5 concerned at the final sentence of paragraph 13, in which the following  
6 is set out, and I quote: "He is not being called to give evidence  
7 on matters related to other intermediaries, other witnesses unrelated  
8 to the abuse of process issue, or trial witnesses unconnected to  
9 intermediary 321."

10 As the Chamber indicated during the course of submissions  
11 last week, in our judgment, the witnesses now being called at this  
12 closing stage of the abuse of process evidence can be questioned by  
13 either the Prosecution or the Defence on any issues concerning the  
14 abuse of process application that are relevant and admissible. Of  
15 course, it is necessary for the witness to be able to assist on the  
16 issue that is raised by counsel, but it is not appropriate for either  
17 party to seek to impose artificial restrictions on the matters that  
18 can be dealt with by witnesses in this and possibly any other category.

19 Accordingly, Maître Mabilie can raise other issues than  
20 those indicated by the Prosecution, although we emphasise that those  
21 matters must be relevant to the abuse of process application, and the  
22 witness must be in a position to provide relevant and meaningful evidence  
23 on the issues that are canvassed. If necessary, we will address the  
24 individual position of other witnesses once the Defence have had an  
25 opportunity of considering this filing.

1           Now, Maître Mabilie, I think it is right as well, before  
2 the witness is called, for us to address your email application of  
3 shortly before 1 o'clock today asking for disclosure of the screening  
4 notes taken by Witness 581 of witnesses that were introduced to him  
5 by intermediary 321, numbering, we understand, 11 in total. Apparently  
6 you have been informed of five relevant names but there is disagreement  
7 between the parties concerning other names. Now, is this a matter  
8 that needs to be resolved by the Chamber before the witness is brought  
9 into court?

10           MSMABILLE: (Interpretation) Your Honour, I think -- your  
11 Honour, I think -- I beg your pardon. Your Honour, I think that we  
12 need the screening notes. The OTP's position is related to the earlier  
13 problem that you just spoke of and so, now I would suppose that the  
14 OTP will be disclosing -- with regard to what you said regarding the  
15 first problem, will be disclosing these first screening notes. We  
16 need them so that we can prepare our cross-examination, and so we would  
17 like the OTP to disclose them to us as quickly as possible.

18           PRESIDING JUDGE FULFORD: Well, we need to sort out the  
19 practicalities, Maître Mabilie. As I understand it, the witness is  
20 waiting to be called and we've got to sort out any protective measures  
21 that are relevant for him.

22           One thing we haven't addressed is who is to question him  
23 first, which was a matter I was going to turn to in a moment. An  
24 assumption I've made is that he will be questioned by the Prosecution  
25 first and then questioning by you will follow. I can readily understand

1 that you want this material before you pose your questions, but does  
2 this material have to be disclosed, in your view, before he's even  
3 called to be questioned by the Prosecution?

4 MS MABILLE: (Interpretation) No, your Honour. What we  
5 would like is -- well, we expected the Prosecution to ask questions  
6 first, and we would receive the documents as quickly as possible secondly,  
7 so that we could do our cross-examination. We will begin main  
8 cross-examination, if we can put it that way, and the OTP can provide  
9 us with the documents in the evening so that we can work on them in  
10 preparation for tomorrow.

11 PRESIDING JUDGE FULFORD: Thank you.

12 (Trial Chamber confers)

13 PRESIDING JUDGE FULFORD: Ms Samson, we're of the view, on  
14 a preliminary basis, that, given the short ruling made just a moment  
15 ago, that the screening notes taken by 581 are disclosable. Do you  
16 seek to resist that proposition?

17 MS SAMSON: The Prosecution's position, as was communicated  
18 to the Defence, was -- was an objection based on the security and  
19 protection of witnesses whose identities have not as yet been disclosed  
20 to the Defence. So the Chamber -- the Prosecution had disclosed the  
21 screening notes of any relevant trial witnesses and one other witness  
22 whose identity had been disclosed during the course of the interview  
23 last week with Witness 581. The objection was really that other  
24 individuals with whom we've met, that we have been unable to consult  
25 with on disclosure, ought not to be the subject of investigations by

1 the Defence, calls by the Defence, without proper protections being  
2 put in place. And the Prosecution's, unfortunately, not in a position  
3 to be able to get in touch with these individuals, given that the  
4 intermediary does not do any more activity for the Office of the  
5 Prosecutor and we have no independent ways of contacting them. That  
6 was the basis of the objection, your Honour.

7 PRESIDING JUDGE FULFORD: Now, once again, Ms Samson, we're  
8 in the slightly difficult position where this is material that is now  
9 going to be familiar to the parties, but it is not material that has  
10 been brought to our attention until a few moments ago when there was  
11 an email sent by the Defence. So your position, therefore, is, as  
12 I understand it, two-fold; one, there are potential security  
13 implications for the -- I think it's six individuals whose names have  
14 yet not been communicated. Secondly, do you say that their identities  
15 are irrelevant as well?

16 MS SAMSON: Your Honour, I think that is correct in the sense  
17 that the witnesses that we are discussing are those related to the  
18 abuse of process motion. Those are, in the main, the witnesses for  
19 whom the Defence has brought evidence about. And for those witnesses  
20 we have disclosed the appropriate screenings.

21 Now, it is indeed the case that Witness 581, the next witness,  
22 met with a number of individuals, former child soldiers, and the Office  
23 of the Prosecutor selected several for further screenings -- further  
24 interviews, pardon me -- and those ultimately selected appeared at  
25 trial in various capacities, either as Prosecution or Defence

1 witnesses.

2 And, in the Prosecution's submission, the identities of other  
3 individuals who either did not want to cooperate with the Office of  
4 the Prosecutor any further, or for whom the office didn't wish to  
5 cooperate any further, doesn't appear to arise in relation to the abuse  
6 of process motion.

7 PRESIDING JUDGE FULFORD: I think the Chamber needs to do  
8 this stage-by-stage, Ms Samson, rather than rushing into a final  
9 conclusion. Will it be possible to have this material provided rapidly  
10 to the Chamber in a form which indicates the names that you seek -- that  
11 you seek should remain redacted? That was slightly awkwardly expressed,  
12 but I think you know what I mean. And we'll then look at those and  
13 come back to this issue at the earliest possible opportunity.

14 MS SAMSON: Certainly. Certainly.

15 PRESIDING JUDGE FULFORD: Thank you very much. Right. Yes,  
16 Maître Mabilille?

17 MS MABILLE: (Interpretation) Just another -- we would  
18 like to ask the Chamber if they would be in agreement, with regard  
19 to 143, the following process: The Prosecutor would put on a piece  
20 of paper 143 and -- the name on a piece of paper -- and that name would  
21 be shown to the witness, and the Defence would not have access to that  
22 name. That name would be protected. And in this manner at that point  
23 we could ask the witness if he knows that person, instructing him not  
24 to reveal the identity, and we could ask a number of questions related  
25 to possible contacts that he may have had with 143. Would this proposal

1 find favour with the Chamber?

2 PRESIDING JUDGE FULFORD: How does the Prosecution react  
3 to it?

4 MSSAMSON: The difficulty, your Honour, simply is that until  
5 the protective measures are in place, the Prosecution is not aware  
6 what types of questions could be asked that would elicit meaningful  
7 answers without at the same time ending up in the disclosure of  
8 information that may be very sensitive. We're not aware of the type  
9 of questions that the Defence wishes to raise that could be done in  
10 a vague and general way. That's the difficulty.

11 PRESIDING JUDGE FULFORD: The problem, presumably, for you  
12 is some questions may provide answers that the Defence want whilst  
13 leaving 143's identity protected. Other questions may give the Defence  
14 what they want but also may tend to reveal who 143 is.

15 Right. I think we'll reflect on this, Ms Samson. Thank  
16 you very much, indeed. It doesn't arise until Maître Mabilie rises  
17 to her feet, but this is clearly something we're going to have to confront.  
18 Thank you, Maître Mabilie.

19 Now, in relation to protective measures, what's requested  
20 for this witness?

21 MS SAMSON: Your Honour, we've requested voice distortion,  
22 face distortion and the use of a pseudonym and, as with other witnesses,  
23 perhaps a significant portion of his testimony will have to be requested  
24 to be conducted in private session.

25 PRESIDING JUDGE FULFORD: Is there any objection to these

1 proposals?

2 MS MABILLE: (Interpretation) Your Honour, the Defence is  
3 surprised that a member of the OTP, who is acting in an entirely normal  
4 manner in the field, who is in contact, and people know that the  
5 person -- what the person does, and unless I'm mistaken, we've never  
6 been told anything about specific threats against this person, so I  
7 really wonder why he should have protective measures; but, as usual,  
8 we will leave this in the hands of the Chamber.

9 PRESIDING JUDGE FULFORD: Can you provide a little bit of  
10 detail, Ms Samson, as to why this is necessary, for somebody currently  
11 employed by the Office of the Prosecutor?

12 MS SAMSON: Certainly, your Honour. As we set out in the  
13 written filing that was filed last week, there are essentially two  
14 sensitive areas: The first is, the witness himself; he has expressed  
15 on several occasions now significant concerns as to his own personal  
16 security, should his identity become known, even going so far as perhaps  
17 infringing on his willingness to testify should he not have protective  
18 measures.

19 The Prosecution's application is based not only on the  
20 protections that we feel he ought to be afforded. He is a staff member  
21 in the field. There have been threats made against various ICC  
22 officials in the field and certainly against a number of human rights  
23 activists in the field, culminating in the death of one prominent human  
24 rights activist in Kinshasa several weeks ago, and the atmosphere is  
25 one of insecurity for which this witness feels unable to reveal his

1 identity publicly in association with the Court.

2 Secondly, the Office of the Prosecutor is very concerned  
3 about disclosing the identity of one of its staff members who deals  
4 with logistics and interview processes in the field. He liaises with  
5 witnesses and investigators and facilitates third-party involvement  
6 as well and, in our submission, in order for us to be fully active  
7 in the field and not to expose unnecessarily witnesses with whom this  
8 person has met or the operations that we conduct in the field, his  
9 identity ought to be protected from disclosure to the general public.

10 PRESIDING JUDGE FULFORD: Very helpful. Thank you.

11 (Trial Chamber confers)

12 PRESIDING JUDGE FULFORD: Ms Samson, the Chamber has some  
13 concerns about the application in the sense that it is framed in a  
14 very general manner which potentially could apply to almost anyone  
15 giving evidence in this trial who has some kind of living or work links  
16 with the DRC. The Chamber does not want to create the situation where  
17 nearly all of our proceedings are conducted behind closed doors; however,  
18 that said, given the particular fears that have been expressed both  
19 by the witness and - as it were, on behalf of the Prosecutor - by you,  
20 and given the underlying volatility of the area or the areas concerned,  
21 we are at this stage prepared to grant the application.

22 I'm taking a little bit of time about this because we wish  
23 to underline that it is very important that these applications do not  
24 in any sense become routine, because otherwise the public will  
25 effectively be wholly excluded from these proceedings. So with a

1 substantial element of reluctance, the application is granted. Thank  
2 you very much.

3 MS SAMSON: Thank you.

4 PRESIDING JUDGE FULFORD: Now, are the measures in place  
5 or we -- they are. Good. Right. Closed session, please, and can the  
6 witness be brought in.

7 \*(Closed session at 2.56 p.m.) Reclassified as Open session

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

9 (The witness enters the courtroom)

10 PRESIDING JUDGE FULFORD: Good afternoon, sir.

11 THE WITNESS: Good afternoon, your Honour.

12 PRESIDING JUDGE FULFORD: (Microphone not activated) ...  
13 to let you know, first of all, that the protective measures which have  
14 been requested on your behalf by the Prosecution have been granted.  
15 I'm sure you understand, given your position, what that means. Your  
16 name will not be broadcast to anyone outside of this room; and to the  
17 extent that there's coverage of your evidence publicly, your voice  
18 will be distorted and your image will be pixilated, if that's the right  
19 expression, on the screen.

20 Can I, as with other witnesses, ask you please to be careful  
21 not to speak too quickly, to keep your voice up, and most -- and most  
22 particularly, can you ensure there's a delay between the questions  
23 that are put to you and giving your answer? Otherwise, there's a risk  
24 that the interpreters are going to have to deal with two people  
25 effectively speaking at the same time. Good.

1 In a moment, I'm going to ask you to read out the solemn  
2 undertaking publicly. Before that happens, can the curtains -- do  
3 they need to be drawn back further?

4 THE COURT OFFICER: Yes, Mr President.

5 (Pause in proceedings)

6 PRESIDING JUDGE FULFORD: No. The accused is absolutely  
7 entitled to see the witness. If it's difficult for Mr Lubanga to see  
8 him where he is, we will be perfectly happy for Mr Lubanga to swap  
9 places with Ms Buteau or, in some way, to change the arrangements at  
10 the back of the court. Mabilile, could you just turn round and see  
11 what arrangements can be made rapidly to ensure that Mr Lubanga can  
12 see the witness? Can you see, Mr Lubanga, now? Right. Okay, I'm sorry.  
13 Well, right. Good.

14 So keeping the witness protected, can we go into public  
15 session, please, so that he can take the solemn undertaking.

16 (Open session at 3.01 p.m.)

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

18 PRESIDING JUDGE FULFORD: Sir, could I ask you to read out  
19 loud the words on the card in front of you?

20 WITNESS: DRC-OTP-WWW-0581 (Sworn)

21 (The witness answers through interpreter)

22 PRESIDING JUDGE FULFORD: Excellent. Thank you very much,  
23 indeed. Now, I imagine you're going to want your first questions to  
24 be in private session, Ms Samson.

25 MS SAMSON: Yes. Thank you.

1 PRESIDING JUDGE FULFORD: Private session, please.

2 \*(Private session at 3.02 p.m.) Reclassified as Open session

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

4 PRESIDING JUDGE FULFORD: Ms Samson, as ever, we are very  
5 much in the hands of counsel as to the extent to which evidence is  
6 in private and is in public session, but can you try to ensure that  
7 as much as possible is in public session; and, obviously, we've got  
8 to avoid those parts which will reveal the identity of the witness.  
9 Thank you very much.

10 MS SAMSON: Yes, I will do so, your Honour.

11 QUESTIONED BY MS SAMSON:

12 Q. Good afternoon.

13 A. Good afternoon.

14 Q. We've met previously. My name is Nicole Samson, and today  
15 I will be asking you some questions on behalf of the Office of the  
16 Prosecutor.

17 A. Very well.

18 THE INTERPRETER: Message from the English booth: could  
19 the witness speak louder, please?

20 MS SAMSON:

21 Q. Sir, you're being asked to speak a little bit louder into  
22 the microphone so that the interpreters can hear you properly.

23 A. Very well. Thank you.

24 Q. Thank you. Could you please state your full name?

25 A. My name is (Redacted).

1 Q. Could you spell your last name, please?

2 A. (Redacted) is spelt as follows: (Redacted). (Redacted)  
3 is spelt (Redacted). (Redacted).

4 Q. When were you born? What is your date of birth, please?

5 A. I was born on (Redacted).

6 Q. Where were you born?

7 A. I was born in the town of (Redacted) in (Redacted) province  
8 of the DRC.

9 Q. So you're not a native of Ituri; is that right?

10 A. No, I am not a native of Ituri. I am a native of (Redacted)  
11 province. (Redacted) province is located (Redacted) the DRC, that  
12 is in (Redacted) the Democratic Republic of the Congo.

13 Q. Are you married?

14 A. Yes, I am married, and a father of three.

15 Q. Could you briefly describe your university studies?

16 A. Yes. I hold a first degree (Redacted) from the year (Redacted),  
17 issued by the (Redacted) in the DRC.

18 Q. And you are currently employed by the International Criminal  
19 Court?

20 A. Yes, I do confirm that I work for the ICC in the Office  
21 of the Prosecutor since (Redacted). This is my (Redacted) year of  
22 service in the Court.

23 Q. And I'll ask you a bit about the work you do for the Court  
24 but, before that, could you please describe the work that you did prior  
25 to joining the ICC?

1           A.    Yes. Prior to joining the ICC in (Redacted) I was working  
2   for the (Redacted); specifically, for the (Redacted)  
3   (Redacted). I worked for them for about five years, (Redacted)  
4   (Redacted), from the year (Redacted). Before that, I was serving as  
5   (Redacted) for certain small companies and corporations in Kinshasa.

6           Q.    Now, coming to the work that you do for the ICC, is it right  
7   that you're employed within the Office of the Prosecutor?

8           A.    Yes. Since (Redacted) I have been working in the Office  
9   of the Prosecutor.

10          Q.    What is your title?

11          A.    My title within the OTP is (Redacted).

12          Q.    Do you work within a particular unit of the Office of the  
13   Prosecutor?

14          A.    Yes. Within the OTP I work for the unit which is called  
15   (Redacted).

16          Q.    Since (Redacted) until now have you held the same position  
17   within the Office of the Prosecutor?

18          A.    Yes. Since (Redacted), when I was recruited at the OTP,  
19   I have had the same duties within the same unit.

20          Q.    Could you describe what your duties are?

21          A.    Yes. Well, very briefly, my duties as (Redacted)  
22   (Redacted) are as follows: I provide logistical support as well as  
23   administrative support to all the members of the OTP when they are  
24   deployed in the field. This means that when a mission of the OTP comes  
25   to the field, there are certain things that have to be done to ensure

1 that the mission is a success, and these include; reserving hotel rooms;  
2 ensuring that OTP staff can get in contact with witnesses and  
3 intermediaries easily; ensuring that a team has means of transport;  
4 leasing and preparing interview venues; so this is operational support  
5 I'm talking about here, the type of support we provide to OTP staff  
6 deployed in the field.

7 Secondly, we provide operational support as well as  
8 logistical support to witnesses and intermediaries, when necessary.  
9 When witnesses have to travel they need a certain number of things.  
10 We have to ensure that they get accommodation; that they are fed. So  
11 all operational and logistical arrangements for witnesses are our  
12 responsibility. Apart from that, we also carry out certain purely  
13 administrative duties within the office. We prepare reports on a daily  
14 basis with respect to our activities. We prepare financial reports  
15 relating to the various expenses which we incur because we manage money  
16 for our various operations. Furthermore, we also carry out any other  
17 tasks that may be entrusted to us by our supervisor.

18 Furthermore, when the direct supervisor is not available,  
19 I can act for him as interim. That -- those are the duties which we  
20 carry out in the OTP within (Redacted).

21 PRESIDING JUDGE FULFORD: Ms Samson, this seems fairly  
22 anodyne material. Does it really need to be restricted to private  
23 session?

24 MS SAMSON: I only had a few more questions, your Honour,  
25 on matters related to the witness's work. Then, in my view, we could

1 move into a period of open session for a number of questions of a  
2 similarly general nature. But, with your leave, I have one or two  
3 questions about this witness in particular that I think are sensitive  
4 enough to warrant private session.

5 PRESIDING JUDGE FULFORD: Right. But on the other one or  
6 two questions on this topic, do they need to be in private session,  
7 Ms Samson? It seems at the moment to be unnecessary, really.

8 MS SAMSON: Perhaps the one question on the overall duties  
9 that he or his unit provides, so a fairly general nature. That one  
10 question I think maybe could have been in public session.

11 PRESIDING JUDGE FULFORD: All right. So where do we go from  
12 here? Do you want us to stay in private just for a little bit longer?

13 MS SAMSON: Yes, with your leave.

14 PRESIDING JUDGE FULFORD: All right. And if you'd please  
15 indicate when we can move into public session.

16 MS SAMSON: Thank you, I will.

17 PRESIDING JUDGE FULFORD: Thank you very much.

18 MS SAMSON:

19 Q. And sir, you mentioned just now some of your -- one in  
20 particular supervisor. Could you please tell the Court who your  
21 supervisors are?

22 A. Yes. My current direct supervisor in the field, that is  
23 the (Redacted), is called (Redacted). That is my  
24 direct supervisor. I report to him directly out there in the field.

25 Q. And to whom does your direct supervisor report?

1           A.    My direct supervisor in the field reports directly, first  
2   of all, to the desk officer. The desk officer is the focal point between  
3   headquarters and those of us who work in the field. Of course, the  
4   direct supervisor can also report directly to the officials or the  
5   head of the (Redacted) at headquarters. However, for operational matters,  
6   logistical matters and other daily routine activities, the (Redacted)  
7   reports first and foremost to the desk officer, who is the focal point  
8   between headquarters and those of us who work in the field.

9           Q.    And what is the name of the desk officer, please?

10          A.    Currently, there have been a few changes and that's about  
11   a month ago, but the person who was there a month ago was (Redacted)  
12   (Redacted). At the moment I think somebody has taken up his duties  
13   on a provisional basis and has not yet been confirmed in that position.

14          Q.    Could you please spell (Redacted) last name?

15          A.    Yes. (Redacted). That's (Redacted). And  
16   the family name is (Redacted).

17          Q.    Where are you based, sir?

18          A.    I am based in (Redacted) at the moment.

19          Q.    And do you ever move into other field offices in the Congo?

20          A.    Yes, yes. I said I am based in (Redacted), but I frequently  
21   travel to the hinterland of the country when need be. I go to (Redacted),  
22   (Redacted), everywhere where there is need for me  
23   to go, as decided by my supervisors. I go to these places and I return  
24   to (Redacted), which happens to be my duty station.

25                MS SAMSON: Mr President, with your leave, we can move into

1 public session.

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

3 Public session, please.

4 (Open session at 3.18 p.m.)

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

6 PRESIDING JUDGE FULFORD: Yes.

7 MS SAMSON:

8 Q. Could you describe the general ways in which you receive  
9 instructions?

10 A. Yes. We generally receive instructions by mail.  
11 Instructions regarding our daily work, our activities are sent to us  
12 by mail. The instructions usually come from the desk officer. As  
13 I said earlier, the desk officer, who is located at headquarters,  
14 maintains permanent contact with the investigators. When he receives  
15 requests from the investigators, investigators who have to carry out  
16 certain activities in the field, he sends those requests to my direct  
17 supervisor and he copies me. It could also happen that the desk officer  
18 writes to me directly and then copies my supervisor. When there is  
19 a need to do certain things directly to gain time, that is how we receive  
20 our instructions. It could also happen, when necessary, that the desk  
21 officer, who issues instructions, does so by phone. It has also  
22 happened at times that we are in the hinterland of the country and  
23 we have no access to email and so instructions are sent to us by the  
24 desk officer by telephone. Of course, the direct supervisor is always  
25 informed of such a communication.

1 Q. Sir, I may not have made it clear earlier. Just so that,  
2 since we're now in public session, you continue, as you're doing, to  
3 refer to your colleagues by their title, rather than their names.

4 A. Note taken.

5 Q. Thank you.

6 In the context of the work that you do, you've indicated  
7 that you have occasional communications with witnesses and  
8 intermediaries, and you've mentioned that you would sometimes have  
9 to deal with their travel and logistics. From time to time do you  
10 ever provide direct payments of cash to witnesses or intermediaries?

11 A. Yes, indeed, yes. In the course of our daily activities,  
12 when a witness or an intermediary is in need, we pay money to them,  
13 and that money is paid after consulting our direct supervisor. We  
14 pay them this money and, in return, they sign for it. They sign a  
15 document acknowledging receipt of the money. Of course, we pay out  
16 funds to witnesses when the need arises.

17 Q. And who decides whether or not a particular payment would  
18 be made to a witness or intermediary?

19 A. Well, as I said earlier, the F00, who is my direct supervisor  
20 in the field, is consulted regularly when there is expenditure to be  
21 made with respect to a witness, and the desk officer is also informed.  
22 When we spend money on a witness, it is after consulting our supervisors,  
23 after receiving their instructions.

24 Q. Do you ever give money to witnesses or intermediaries when  
25 they have asked for it but without getting authorisation from your

1 supervisors?

2 A. No. No. In our working methods we proceed as I just  
3 described to you. Our supervisors, the desk officer, the F00 are  
4 informed of the expenditures that we carry out and they issue  
5 instructions. And they tell us, "Go ahead, disburse money, and you  
6 should pay so much to such-and-such a witness and pay so much to  
7 such-and-such an intermediary for certain activities." We cannot  
8 decide on our own to carry out any expenditure for a witness.

9 Q. Could you provide some examples of the types of expenses  
10 that a witness or intermediary would be reimbursed for?

11 A. Yes. For example, let's say Witness X has to travel from  
12 town A to town B. We do a needs assessment, and then we report back  
13 to the supervisor, copying the desk officer. And we say for  
14 such-and-such a trip from point A to point B, we have to buy a ticket,  
15 we have the airport tax to pay. In other words, we prepare a small  
16 budget, which is approved by our supervisors via the desk officer.  
17 We prepare a small budget for that purpose. When we receive  
18 authorisation, when we get clearance from them, we disburse the money.  
19 We do everything necessary to ensure that the individuals concerned  
20 receive the money, or at least get the necessary logistical support.  
21 However, I would like to give you some additional information with  
22 respect to the intermediaries.

23 The intermediaries are managed directly by the investigators  
24 who are at headquarters. It is they, therefore, who take decisions  
25 relating to what intermediaries have to do. As I said previously,

1 the investigators inform the desk officer at headquarters, saying,  
2 for example, that intermediary X has to go from town A to town B for  
3 certain missions; he needs a certain amount of money. And the desk  
4 officer will provide us with that information. At the same time, he  
5 will give us the authorisation to pay certain intermediaries a certain  
6 amount of money for missions to be carried out in the field. We  
7 effectively pay them that money and they sign a document acknowledging  
8 receipt and that document is then filed in our records.

9 Q. And do you provide your direct supervisor or the desk officer  
10 with a copy or even the original of the receipt that has been signed,  
11 or does that remain in your files?

12 A. Yes. Let me explain our working processes to you.

13 When I was describing my daily activities, I said that I  
14 have to report on a daily basis on my activities. What means is that  
15 in our daily report we have a column containing information on logistical  
16 activities. In that column we mention all expenditures, all monies  
17 disbursed for a witness or an intermediary, and even money which we  
18 disburse for operational needs; for example, renting an interview room.  
19 On the same day in our daily report, which is sent to headquarters,  
20 we mention all these items of information. And at the end of the month  
21 all the material, namely, the receipts, the acknowledgements of receipt,  
22 are used to prepare a financial report which is equally forwarded to  
23 headquarters.

24 So headquarters is informed on a daily basis on about our  
25 activities, especially our financial activities; namely, expenditures

1 incurred for witnesses and intermediaries. And at the end the month  
2 we prepare a comprehensive report, a comprehensive day-to-day report  
3 on the various items of expenditure incurred, as well as -- and we  
4 also send the original documents to headquarters at the end of the  
5 month, and these originals are then filed in the records.

6 PRESIDING JUDGE FULFORD: Ten-minute break, Ms Samson.

7 Thank you very much.

8 Closed session, please.

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

10 PRESIDING JUDGE FULFORD: Sir, we're going to take a  
11 ten-minute break now.

12 THE WITNESS: Thank you.

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

14 (The witness stands down)

15 PRESIDING JUDGE FULFORD: 20 to.

16 THE COURT OFFICER: All rise.

17 (Recess taken at 3.30 p.m.)

18 (Upon resuming at 3.40 p.m.)

19 \*(Closed session) Reclassified as Open session

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

21 PRESIDING JUDGE FULFORD: Witness, please.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE FULFORD: Thank you very much, sir. Public  
24 session, Ms Samson?

25 MS SAMSON: Yes, your Honour.

1 PRESIDING JUDGE FULFORD: Public session, please.

2 (Open session at 3.42 p.m.)

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

4 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

5 MS SAMSON: Thank you.

6 Q. Sir, does it ever happen in the course of your work that  
7 you get in touch directly with a witness or an intermediary without  
8 first having received an instruction from your supervisors?

9 A. No. Each time I interact with a witness or with the  
10 intermediaries, it is always after receiving an instruction from my  
11 superiors. So never of my own volition, never on my own initiative  
12 do I speak to a witness; it's always after having received instructions.

13 Q. And what happens if a witness or intermediary contacts you  
14 directly?

15 A. I should make one thing clear: It is possible that a witness  
16 may contact me directly over the phone; he may call me because the  
17 witnesses that we manage have telephones that allow them to contact  
18 us. When a witness calls me or when an intermediary calls me, I take  
19 note of his needs, what he's said to me, his statement, and I prepare  
20 a contact report, a report of the contact with the witness. So I  
21 receive -- I get a statement from him, I put it all down in writing,  
22 and I immediately inform -- I send it to the desk officer with a cc  
23 to my supervisor, of course.

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

1 PRESIDING JUDGE FULFORD: Private session, please.

2 \*(Private session at 3.45 p.m.) Reclassified as Open session

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

4 MS SAMSON:

5 Q. Sir, do you know a person named (Redacted)?

6 A. Yes, I know (Redacted).

7 Q. Do you remember when you first met him?

8 A. Yes. I met him for the very first time in Bunia, and that  
9 was in November. November 2007. 2007, yes, in Bunia.

10 Q. And were you in Bunia at that time for an extended period?  
11 What were you in Bunia for?

12 A. As I had to say earlier, the work -- in the work that I  
13 do, I regularly am deployed here or there as necessary; and during  
14 that period of time, indeed, I was deployed to Bunia on an acting basis  
15 or a temporary basis to work there.

16 Q. When had you arrived in Bunia?

17 A. I can't remember exactly what date it was, but it would  
18 have been the beginning, it must have been the beginning of November,  
19 if I remember correctly. The beginning of November I arrived in Bunia  
20 and I left towards the end of December 2007.

21 Q. Coming back to (Redacted), in what context did you meet him?

22 A. I had received instructions by way of mail coming from the  
23 desk officer; and, according to these instructions, I was to see (Redacted)  
24 to do some work with him, and that was the context within which I met  
25 him.

1 Q. What were the instructions you received?

2 A. The instructions I received were as follows: (Redacted),  
3 who is (Redacted), was to bring some child soldiers to  
4 me and I was supposed to have a chat with them, and then I would report  
5 back to headquarters.

6 Q. Did you in fact speak with (Redacted)?

7 A. Yes, I spoke to (Redacted), because in the mail that I received  
8 I was also sent his telephone number and, as I said earlier, before  
9 that time I did not know the gentleman. So in terms of headquarters  
10 and the desk officer, he sent me the telephone number so that I could  
11 contact him regarding this work that we had to do.

12 Q. And did you telephone him?

13 A. Yes, I did. I telephoned (Redacted). We spoke, and I think  
14 that we actually saw each other physically that day to talk about the  
15 work to be done. We spoke -- I spoke to him about the work to be done  
16 with him.

17 Q. Where did you meet him?

18 A. I couldn't tell you exactly where I met with him but it  
19 must have been in a street in Bunia. I no longer remember exactly  
20 where but, as we generally do with intermediaries, we contact them,  
21 we call them, and together we decide upon a discreet location in the  
22 town to speak. That is what was done.

23 Q. And you've said that you spoke to him about the work to  
24 be done with him. Can you help the Court and explain a bit what you  
25 discussed and what the work was you were going to do?

1           A.    Yes. In the mail or the instructions that I received, it  
2   was said, as I said earlier, (Redacted) was supposed to take me -- or,  
3   rather, take me to see a number of children and I was to have discussions  
4   with them. And these children were allegedly -- or, well, had a  
5   pass -- allegedly were child soldiers. So I was to speak to these  
6   children and follow a questionnaire that HQ had sent to me, so ask  
7   them a series of questions and, on the basis of the information gathered,  
8   I was supposed to send all that information gathered to headquarters  
9   at end of the day.

10          Q.    Do you know or did you come to know why (Redacted) was asked  
11   to bring child soldiers to you?

12          A.    Yes. After that I realised that (Redacted) actually was  
13   (Redacted) -- well, I don't know whether I can give this person's name.  
14   I can? (Redacted)  
15   (Redacted). (Redacted) was not there in Bunia so he put me in contact  
16   with (Redacted), so this work could be done.  
17   (Redacted) who was away from  
18   Bunia at the time.

19          Q.    And do you know whether (Redacted) had any relationship  
20   with these children?

21          A.    Yes, indeed. When I was in contact with (Redacted), he was  
22   sufficiently informed on his part of the work that was to be done.  
23   (Redacted) told me that the children were to be contacted and that  
24   they were children (Redacted), so he knew  
25   these children; he had known them for a number of years. (Redacted)

1 provided support to these children (Redacted).

2 Q. And what was the arrangement that you discussed with (Redacted)  
3 in relation to how these meetings would take place?

4 A. With (Redacted), we talked about one thing. We had received  
5 a list with the names of about ten children on it, and so there was  
6 some question of (Redacted) contacting them. Not all the children  
7 were in Bunia; some were there, others were not. Others were in the  
8 neighbouring villages. So we had to set a schedule with (Redacted)  
9 so that over two or three days we could do this work. He would leave  
10 and go to the neighbouring villages, find the children and bring them  
11 to a place that we had agreed upon. And when he brought the children,  
12 one-by-one, I was supposed to have a discussion with these children  
13 in the vehicle that I had, have an individual discussion with the children  
14 and ask them questions following a questionnaire that had sent to me  
15 from headquarters.

16 Q. And you have indicated that (Redacted) was to bring the  
17 children to a certain place agreed upon. What place was it that he  
18 was supposed to bring the children one-by-one?

19 A. Yes. He brought the children to various points. We changed  
20 locations each time. Each time it was in the street. Each time we  
21 chose a rather discreet place and to each child it was explained, "Well,  
22 here, this is (Redacted). He will be asking you some questions. You  
23 shall reply. And once you've finished, I will come and get you." So  
24 we would have the chats in the vehicle. We would meet at a discreet  
25 location, somewhere on the street, and we would have our chat in the

1 vehicle and, as soon as we were finished, I would call (Redacted) and  
2 say, "We are at a particular spot. Come and get the child." And then  
3 he would take the child back home, so that is how we proceeded.

4 Q. Why did you decide to hold the interviews in the vehicle?

5 A. As I had to say earlier, everything that I did was according  
6 to the instructions from the organisation, from the hierarchy. They  
7 had decided that these chats or discussions of 45 or 50 minutes were  
8 to be held in the vehicle because, indeed, the difficulty in Bunia  
9 is that it's hard to find a place that is quiet where one can chat,  
10 so all these discussions were in the vehicle. That is what was decided  
11 by my superiors. Everything, all these chats would be done in the  
12 vehicle in rather discreet spots in the town.

13 Q. When you met a child in the vehicle, there was yourself  
14 and the child. Was anybody else present during that meeting?

15 A. Yes, I met the child, the children alone. Each time alone.  
16 I was alone in the vehicle. There were no other people. (Redacted)  
17 would arrive. He would introduce the child to me and also speak to  
18 the child and say, "Well, this is -- gentleman will be asking you some  
19 questions and once you've finished I will come and get you." So there  
20 you have it. I was alone in the vehicle with the child.

21 Q. Was (Redacted) around the vehicle or had he gone elsewhere  
22 during the course of your interview?

23 A. No. When (Redacted) brought the child, he would leave the  
24 child and then he would go away and then come back later, once I had called  
25 him to tell him which specific spot we were to meet at again. He did

1 not pick up the child at the same spot where he had dropped  
2 them -- him -- them off. So he would drop off the child. Once I had  
3 finished speaking to the child, I would call. I would say, "We will  
4 meet at this place." I would continue driving and then the work was  
5 done.

6 Q. And you say that each meeting with each child was  
7 approximately 45 or 50 minutes. Did you meet all of the children over  
8 one day, or did you have the meetings over several days?

9 A. These meetings lasted for about three days and, on average,  
10 I would meet three children per day.

11 Q. How did you introduce yourself to the children?

12 A. In accordance with the instructions I received, I had to  
13 tell the children that I was the member of an NGO which was entrusted  
14 in the situation of child soldiers. I was not supposed to introduce  
15 myself at that particular juncture as an official of the Court. I  
16 merely said I came from an NGO that was entrusted in the situation  
17 of child soldiers.

18 Q. What language was the meeting conducted in?

19 A. I spoke Swahili with the children and there was no problem  
20 with that.

21 Q. Could you describe some of the types of questions you would  
22 ask the children?

23 A. A short while ago I talked about a form, a questionnaire  
24 that I had received containing the questions I had to put to the children.  
25 Each questionnaire contained about 27 questions. At the beginning

1 we had some routine questions: What is your name? What is your date  
2 of birth? What is your father's name? What's your mother's name?  
3 What are the names of your brothers and sisters? Are they alive? What  
4 do you do in life? What are your favourite activities? And so on  
5 and so forth. This was followed by questions such as: Have you ever  
6 been part of a militia during the events that took place in Ituri?  
7 Have you ever served as a child soldier? Have you ever participated  
8 in combat? We had questions of that nature.

9 We also had to ask the children whether they had participated  
10 in combat, whether they had been trained. Did they receive any special  
11 training? And during their stay in the training camps did they remember  
12 anyone, the name of an instructor, a commander, a chief? And if so,  
13 who was this instructor? Who was this chief? Who was this commander?  
14 So those are the type of questions which I was requested to put to  
15 the children who were brought to me.

16 Q. When you met the children and they gave you their names,  
17 did they also show you any identity documents?

18 A. Yes. Well, the peculiarity of this mission was that most  
19 of the children did not have identification papers, the reason being  
20 that they had lost everything during the war. However, (Redacted),  
21 the intermediary who brought me the children, had a list with him.  
22 I also had my own list. So (Redacted) would introduce the children  
23 to me and he would say, "This is Mr X. He is called X." So I speak  
24 with this individual, I tick on my list, and once I'm through with  
25 the questioning, I hand the children back to (Redacted).

1 Q. You've indicated that you and (Redacted) had discussions  
2 on the logistics of the operation. Did you discuss the objectives  
3 of the meetings with (Redacted)?

4 A. Yes. As I said earlier, (Redacted) also had, probably given  
5 to him by (Redacted), certain instructions, instructions that he had  
6 to bring child soldiers to me. Personally, I had also received  
7 instructions in that regard. I contacted the children and I put to  
8 them questions that had already been prepared in advance. So I did  
9 not discuss the mission in detail with (Redacted). He knew what had  
10 to be done. He had a list. He had already been informed of what he  
11 had to do, and I was also informed of what I had to do. That is how  
12 we worked.

13 Q. Did you provide (Redacted) with the list of questions you  
14 were going to ask the children or discuss with him the questions you  
15 were going to ask the children?

16 A. No. No. As I said a short while ago, I did not discuss  
17 the details of my discussions with the children with (Redacted). The  
18 questionnaire I had was not intended for (Redacted); it was for me.  
19 (Redacted) never saw that questionnaire. I never discussed the various  
20 questions in the questionnaire with (Redacted). So the job was clear.  
21 He only had to bring the children. I knew what I had to do after that.  
22 And once I was through with the children, I would send them back to  
23 him. There you have it.

24 Q. How did you record the answers of the children during these  
25 meetings?

1           A.    I had a notebook with me. I asked the children the various  
2 questions and they would answer and I would take down notes. Once  
3 I was through with a child, I would return to the office and I would  
4 note down in detail the information received, and at the end of the  
5 day I would send that information to headquarters. So I took notes  
6 in the notebook, and when I returned to the office I would then write  
7 it out in detail.

8           MS SAMSON: Mr President, with your leave, so long as we  
9 could agree to refer to (Redacted) as Mr X, perhaps we could move into  
10 public session.

11           PRESIDING JUDGE FULFORD: Will that be all right, sir, to  
12 refer to (Redacted) as Mr X?

13           THE WITNESS: Very well. I have understood. Thank you.

14           PRESIDING JUDGE FULFORD: Public session, please.

15           (Open session at 4.08 p.m.)

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

17           PRESIDING JUDGE FULFORD: Yes, Ms Samson.

18           MS SAMSON: Thank you.

19           Q.    Sir, had you met any of these children before this point  
20 in time in Bunia?

21           A.    No, I had never met any of the children brought to me  
22 beforehand. I did not know them. It was the very first time I was  
23 meeting them.

24           Q.    Did you yourself ask or instruct any of the children to  
25 provide false information to you?

1           A.    No. The questions I was putting to the children came from  
2 the questionnaire, as I explained to you earlier. The children answered  
3 the questions, and each of them answered freely of their own accord,  
4 and that was it. I didn't have to urge the children to answer in one  
5 way or the other. First of all, I did not know them. Secondly, I  
6 didn't see why I should act in that manner. My instructions were clear.  
7 I put questions to the children, questions as written out in the  
8 questionnaire. I was not supposed to add anything or leave out anything.  
9 The questions I put to the children were the questions which came from  
10 the questionnaire; no more, no less.

11          Q.    During these meetings did you ever provide any of the children  
12 with a false identity, false names?

13          A.    No. Of course, no. No. As I said, (Redacted) brought the  
14 children one-by-one. He had his list and I had my list. He would  
15 come and he would tell me, "The child I'm bringing is Mr A," and I  
16 would tick that name on my list. It never happened. I didn't give  
17 any false identity to any of the children. The answer is no.

18          Q.    Thank you. If I could just remind you to refer to the  
19 individual as Mr X.

20               MS SAMSON: And, your Honour, may we please have a redaction  
21 to page 35, line 23 in the English transcript?

22               PRESIDING JUDGE FULFORD: Certainly. It's difficult to do.  
23 Yes, Ms Samson.

24               THE WITNESS: I beg your pardon. I got a bit mixed up there.

25               PRESIDING JUDGE FULFORD: It's a mistake we've all made.

1 Yes, Ms Samson.

2 MS SAMSON: Thank you very much.

3 Q. Sir, at any time during your meetings with the children  
4 did you promise that they would receive aid in exchange for information  
5 they gave to you?

6 A. No. No. No promise was made. No assistance was promised  
7 to the children. I limited myself to the questionnaire that was given  
8 to me. I used that questionnaire to put questions to them and to collect  
9 information. Nothing was done in that regard. Furthermore, it's not  
10 my -- or within my -- or part of my working methods to operate as such.

11 Q. During the course of your meetings with these children did  
12 any of them tell you that they were lying to you?

13 A. No. No such incident occurred. No such incident occurred.  
14 And even if that were to happen, then I would have reported it. I  
15 would have reported it to my supervisors. All the children who came  
16 told me freely what they had to say. They answered the questions freely  
17 of their own accord, and none of them said anything like stating that  
18 he was lying or providing false information. The answer is no. That's  
19 impossible. It did not happen.

20 Q. Did any of the children you met tell you that Mr X had asked  
21 them to lie to you?

22 A. No. No. During my discussions with the children none of  
23 them gave me such information. No child told me that Mr X had requested  
24 him or her to lie or not to tell the truth. None. And I can state  
25 that with a lot of emphasis.

1 Q. During the course of your meetings with these children did  
2 you give them any money?

3 A. No. No. In the course of my discussions with the children  
4 I did not provide them with any money. The meeting was limited to  
5 my questions and their answers. And once we were through, I bid them  
6 goodbye and Mr X or (Redacted) would take them. I never gave them  
7 any money.

8 PRESIDING JUDGE FULFORD: Can you remember, sir? Certainly.  
9 Redaction, please.

10 THE WITNESS: Yes, yes. Thank you. I will try to remember.

11 MS SAMSON: Thank you.

12 Q. And, sir, during the course of this operation did you ever  
13 give money directly to Mr X?

14 A. No, I never -- to Mr X, yes. Yes, indeed. As I said earlier,  
15 all the children were not living in Bunia. Mr X sometimes had to go  
16 into the neighbouring villages in order to contact the children and  
17 then bring them back to Bunia. So when necessary, money was given  
18 to Mr X for transport on a motorcycle taxi that would enable him to  
19 go to such places and bring back the children. So, when necessary,  
20 we would give him just what he needed for his transport to and fro,  
21 because it was only understandable that he should not make those trips  
22 or pay for them out of his own pocket.

23 Q. How did you determine how much money should be paid to Mr X  
24 for these transportation costs?

25 A. If Mr X tells me, for example, that he has to go to village

1 A, he tells me the amount. At the time I was living in the town and  
2 I would try to double-check with my colleagues to see whether this  
3 information was accurate. I would discuss it with my supervisors,  
4 and once I got their approval, I would disburse the money to him and,  
5 in return, he would sign an acknowledgement of receipt stating that  
6 he had received money for his transportation.

7 Q. And during this particular operation did you ever give money  
8 to Mr X for anything other than his transportation costs?

9 A. No. The money paid to Mr X during all these operations was  
10 essentially for his transport, to go get the children, bring them to  
11 me and take them back. Any monies paid to him were essentially and  
12 solely for his transportation.

13 Q. Did you ever provide any money to Mr X without asking him  
14 to sign a receipt for it?

15 A. No, that is not possible. All the money that we disbursed  
16 and paid to witnesses and intermediaries, as I said earlier, and I  
17 repeat: When monies are paid out, the recipient has to sign an  
18 acknowledgement of receipt, because I have to justify the money that  
19 is being paid out. So I need evidence. I need a document attesting  
20 that the person received money. And so the person or the recipient  
21 always signs an acknowledgement of receipt and that acknowledgement  
22 of receipt is a form and it's called "Witness Expenses Sheet." And  
23 it is supposed to cover all expenses relating to the witness. It  
24 indicates the date. It indicates the purpose of the expenditure: Is  
25 it for transportation, is it for hotel accommodation. And, at the

1 bottom of the form, the witness signs and puts a date.

2 Q. At any time during the course of this operation did Mr X  
3 ever tell you that he thought or knew that one of the children you  
4 had met was lying and was -- had never been a child soldier?

5 A. No. No. Mr X never told me anything of that nature in the  
6 course of the whole operation. And, even if he had told me of such  
7 a thing, I would have reacted immediately. I would have informed my  
8 bosses that such-and-such a child who was sent to me, who was questioned,  
9 was not a child soldier, or had lied. Mr X never told me anything  
10 of the nature. I think that much is clear.

11 Q. And earlier, we had discussed whether or not you provided  
12 the questions to Mr X in advance of the meetings. Following the  
13 meetings, did you discuss any of the questions and answers that any  
14 of the individual children had provided to you with Mr X?

15 A. I have already said that Mr X never saw the questionnaire,  
16 and the questionnaire was not intended for him. I did not therefore  
17 discuss it with him. The questions were for me. I met the children  
18 and I questioned them. And Mr X was not aware. He never saw the  
19 questions. He had never seen the questions, and we never discussed  
20 them. His role was clear: He brought the children to me. I questioned  
21 them, using the questionnaire that had been sent to me, and once I  
22 was through, I gave the children back to him. I did not discuss with  
23 him. And again I repeat, we - that is he and I - did not discuss the  
24 content of my discussion with the children. That was not my  
25 response -- well, I wasn't supposed to do that. I did not discuss

1 it with him.

2 Q. What did you do with the questionnaire and the answers you  
3 had received following the meetings that you had with the children?

4 A. I have already said this and I repeat: When I questioned  
5 the children, I took notes in my notebook and, immediately after the  
6 interview I would return to the office and I write out the information  
7 in detail before Mr X brings the next child. I would return to the  
8 office. I write out the information collected in detail and, at the  
9 end of the day, I would send the information to headquarters, that  
10 is information collected from about three or four children, and I would  
11 send all this information to headquarters at the end of the day.

12 MS SAMSON: Mr President, with your leave, may we move into  
13 private session for a few questions?

14 PRESIDING JUDGE FULFORD: Yes. I imagine you've still got  
15 a fair way to go, Ms Samson, haven't you?

16 MS SAMSON: Yes, I do.

17 PRESIDING JUDGE FULFORD: Good. Then I think we'll draw  
18 stumps for tonight if that's all right because I want to go back to  
19 the screening documents before the tape runs out.

20 Sir, thank you very much for your help this afternoon. We're  
21 going to adjourn your evidence now until 9.30 tomorrow morning, so  
22 could you please be ready to continue then.

23 Closed session, please.

24 THE WITNESS: Thank you, your Honour.

25 \*(Closed session at 4.24 p.m.) Reclassified as Open session

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

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

3               (The witness stands down)

4               PRESIDING JUDGE FULFORD: Ms Samson, thank you very much  
5 for the prompt dispatch of the relevant screening notes. For those  
6 where the Prosecution want to withhold the identities, have they been  
7 disclosed in redacted form, removing the identifying information, or  
8 not?

9               MS SAMSON: No, not as yet, your Honour.

10              PRESIDING JUDGE FULFORD: On a quick perusal it seemed to  
11 me that certainly, as an interim stage, they could be disclosed with  
12 identifying information removed and that would provide the Defence  
13 with some information that may indicate whether it's necessary for  
14 them to pursue this application. So seeing the body of the screening  
15 notes may actually be of assistance.

16              MS SAMSON: Your Honour, we certainly could do that.

17              PRESIDING JUDGE FULFORD: Could you please do that this  
18 evening?

19              MS SAMSON: Yes.

20              PRESIDING JUDGE FULFORD: Thank you very much indeed.  
21 Maître Mabille, it may be helpful to do this in two stages: for you  
22 to see the screening notes first so that you can make an assessment  
23 from what is recorded in the body of the form as to whether in fact  
24 there is material there that seems to indicate that there's something  
25 that's worth pursuing.

1           You'll of course appreciate that the potential difficulty  
2   that exists are that these are individuals in relation to whom it's  
3   going to be said they provided some information that may not have been  
4   in the best interests of your client and that, therefore, there are  
5   security concerns which exist if their identities are revealed.

6           So, bearing that in mind, could you look at them overnight,  
7   please, and come back to us if you nonetheless wish to maintain the  
8   application for the non-redacted application forms. Not application  
9   forms, screening notes.

10           How long do you want, Maître Mabilles, to respond to the  
11   Prosecution's filing of yesterday? Sorry, of today.

12           MS MABILLE: (Interpretation) Your Honour, if the Chamber  
13   agrees with this proposal we intend to respond orally and we can do  
14   this tomorrow morning.

15           PRESIDING JUDGE FULFORD: Certainly. Yes. Thank you very  
16   much indeed.

17           Maître Mabilles, finally, in relation to questions about  
18   intermediary 143, you'll recall from the exchange that I had with  
19   Ms Samson a little bit earlier that I raised the possibility that  
20   questions that don't directly reveal 143's identity could indirectly  
21   reveal his identity. Are you able to assist us with the kind of questions  
22   you would wish to put about 143 to this witness so that we can gauge  
23   whether or not this is going to put 143 at risk?

24           MS MABILLE: (Interpretation) Your Honour, you must  
25   understand that since we don't know who 143 is, the questions which

1 we are going to put are general questions. And I can inform the Chamber  
2 that we intend to ask the witness whether he knew that intermediary,  
3 whether he worked with that intermediary, whether at some point he  
4 introduced -- a certain number of children were introduced to him by  
5 that intermediary.

6 Of course, our questions cannot go any further than that  
7 because for us to be able to go further we need additional information.  
8 So it is rather questions of this nature that we intend to put to him.

9 PRESIDING JUDGE FULFORD: Certainly. Certainly. Thank  
10 you all very much, indeed. We'll meet again tomorrow then at half-past  
11 9.

12 THE COURT USHER: All rise.

13 (The hearing ends at 4.30 p.m.)

14 RECLASSIFICATION REPORT

15 Pursuant to Trial Chamber I's email instruction dated 7th December  
16 2011, the transcript is reclassified as public after the indicated  
17 redactions have been implemented as ordered by the Chamber. All private  
18 and closed sessions (\*) are now available to the public with the exception  
19 of the portions of the transcript that have been redacted.