

Witness: Witness DRC-OTP-WWW-0157 (Resumed) (Open Session)
Questioned by Ms. Samson (Continued)

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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 Trial

6 Hearing - Open Session

7 Thursday, 4 June 2009

8 Judge Fulford presiding

9 The hearing starts at 9.31 a.m.

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

12 PRESIDING JUDGE FULFORD: Good morning. Before we go into closed
13 session for the witness to be brought in, a -- an interesting suggestion
14 has been made as regards what will happen -- rather, not so much
15 interesting suggestion, more an interesting question has been raised as
16 to what will happen if this witness is to be asked to read any part of
17 his statements or the written materials that are relevant to him. The
18 helpful suggestion has been made that one of the Lingala/Swahili
19 interpreters from the booth could come down into court to sit next to the
20 witness to assist him if questions of that kind are put to him.

21 So I don't require a response now, but before the first occasion,
22 if there are to be any, when the witness is asked to consider written
23 materials, we need to have a formula agreed at the bar as to how this
24 should be conducted, and the Court Officer has very helpfully raised this
25 possibility as a way forward. So discussion, please, over the mid-

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1 morning break with a response, Ms. Samson, if you're able to provide
2 one. Thank you.

3 Closed session, please.

4 Mr. Desalliers, was there something you'd wish to raise?

5 MR. DESALLIERS (interpretation): Yes, your Honour. In fact, this is
6 something I wanted to spend a fair bit of time discussing. Since the
7 instructions concerning the witness were not to ask him to read, what I
8 suggest we do is to quite simply refer to the specific part of the statement
9 we are interested in, the specific paragraph and read the paragraph out to
10 him. That could then be interpreted, and in my opinion, that would inform
11 the witness of his statement, of the exact wording. I would read out the
12 specific passage, and then it wouldn't be necessary to ask an interpreter
13 to come and sit down next to the witness.

14 PRESIDING JUDGE FULFORD: Thank you, Mr. Desalliers. That
15 clearly would be one way of dealing with the matter if the extracts that
16 the witness is asked to consider are short. The problem arises if
17 lengthy sections are read out to him for his comment. If you don't have
18 the written material in front of you which you can look down at and
19 reflect on before giving your answer, there is clearly a problem,
20 particularly if there's a young and nervous witness giving evidence. So
21 I think this in part is going to depend on a judgement call on your part
22 as to whether or not you're just going to be reading out the odd sentence
23 or whether you're going to be asking him to consider a series of
24 complicated paragraphs that he may have difficulty remembering for the
25 purposes of the answer that he gives.

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1 MR. DESALLIERS (interpretation): Yes, your Honour. I'll try to
2 bear that in mind. I think that most of the passages I will be reading
3 out to the witness are fairly short ones. If I were to read out somewhat
4 lengthier passages ... since I may have to read out some lengthier ones,
5 what I suggest we do to simplify things for the witness is to
6 first read the passage and then to go back to sections of what I have
7 read out and to put specific questions with regards to each section. So
8 I think that should work. Thank you.

9 PRESIDING JUDGE FULFORD: Are we likely to reach this position
10 before the mid-morning break, Ms. Samson?

11 MS. SAMSON: No.

12 PRESIDING JUDGE FULFORD: Good. I therefore repeat, can the bar please
13 discuss this at 11.00 to make sure that we're happy with whatever is
14 ultimately proposed. But that's very helpful, Mr. Desalliers.

15 Thank you very much.

16 So the public understand, we're about to go briefly into closed
17 session so the witness can be brought into the Chamber.

18 Closed session, please. Could Mr. Lubanga kindly step outside
19 court for just a moment.

20 (Mr. Lubanga withdrew)

21 *(Closed session at 9.37 a.m.) Reclassified as Open session.

22 COURT OFFICER: Closed session.

23 (The witness takes the stand)

24 WITNESS: WITNESS DRC-OTP-WWW-0157 (Resumed)

25 (Witness answered through interpreter)

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1 PRESIDING JUDGE FULFORD: Good morning.

2 THE WITNESS (interpretation): Good morning.

3 PRESIDING JUDGE FULFORD: Private or public session, Ms. Samson?

4 MR. SACHDEVA: Public session, your Honour.

5 PRESIDING JUDGE FULFORD: Good. Public session, please, and

6 Mr. Lubanga back into court.

7 (Open session at 9.38 a.m.)

8 (Mr. Lubanga entered court)

9 COURT OFFICER: Open session.

10 PRESIDING JUDGE FULFORD: Just before you start, Ms. Samson,
11 ordinarily we would now sit straight through until 11.00, which is
12 1 hour and 20 minutes. If you think that at any stage during the course
13 of that time it would be helpful for us to take a ten-minute break so as
14 to ensure that the session isn't too long for the witness, you are wholly
15 free to raise the matter. We will keep an eye on things, and can I say
16 directly to the witness if during the next hour and 20 minutes, if at any
17 stage you would like a five- or ten-minute break because you're finding
18 that you're having to deal with too many questions at one time, you've
19 only got to ask and we'll have a break so that you can take a rest. So
20 anyone can put their hand up to ask for a break.

21 Yes, Ms. Samson.

22 MS. SAMSON: Thank you very much, your Honour.

23 Questioned by Ms. Samson: (Continued)

24 Q. Good morning, Mr. Witness. I hope that you're feeling well
25 today. Are you comfortable?

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1 A. Yes, I'm feeling well.

2 Q. Good. Mr. Witness, yesterday we talked about the day of your enlistment
3 when you and your friends followed four soldiers to the place that you met
4 the Chief of Staff, Kisémbó. Do you remember that we spoke about that?

5 A. Yes.

6 Q. You told the Court that you met other persons there with the
7 Chief of Staff, Kisémbó, and that they were in trucks and were supposed
8 to undergo training. Can you remember approximately how many people you
9 met there who were supposed to undergo training?

10 A. Which place are you referring to?

11 MS. SAMSON: Your Honour, may I have permission to go into
12 private session to clarify the place?

13 PRESIDING JUDGE FULFORD: Of course. Private session, please.

14 *(Private session at 9.42 a.m.) Reclassified as Open session.

15 COURT OFFICER: Private session.

16 PRESIDING JUDGE FULFORD: Yes, Ms. Samson.

17 MS. SAMSON:

18 Q. At this point I was speaking about the moment when you were at (Redacted)
19 (Redacted), and there you told the Court that you met other people
20 who you thought might have come from villages, and what I would like to
21 know is how many people, approximately, can you remember were there?

22 A. There were a number of people there, not just two or three individuals,
23 like the number of people that can fit in a lorry. There were a number of
24 them.

25 MS. SAMSON: Your Honour, with your permission, we can move into

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1 open session.

2 PRESIDING JUDGE FULFORD: Thank you very much. Open session, please.

3 (Open session at 9.43 a.m.)

4 COURT OFFICER: Open session.

5 MS. SAMSON:

6 Q. Mr. Witness, did you ever find out how the other people arrived
7 at that place with the lorry? You know how you arrived at that place and
8 in what circumstances. Did you find out in what circumstances they had
9 arrived there?

10 A. No.

11 Q. And you told us yesterday that Chief of Staff Kisémbó gave an
12 order for the people who were assembled there to go into the lorry. Did
13 Chief of Staff Kisémbó go with you as well or did he stay behind?

14 A. You're speaking about our arrival there or about the time when we
15 went to our destination?

16 Q. I'm speaking about the time that you went to your destination,
17 when you first met the Chief of Staff Kisémbó near the lorry with the
18 other people, and then you travelled to the Mandro training camp. Did
19 Chief of Staff Kisémbó travel with you that day to the Mandro training
20 centre?

21 A. I have no information on the subject, because we left earlier on.

22 Q. Thank you. And yesterday when you were describing your travel,
23 you indicated that the other persons who were with the Chief of Staff
24 Kisémbó were in trucks. I would just like to clarify, was there one
25 truck there or more than one truck?

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1 A. Yesterday, I said that there was just one truck there. I didn't
2 say that the people who left with the Chief of Staff -- there were
3 people -- there were people who left with the Chief of
4 Staff. I said this: there was just one truck.

5 PRESIDING JUDGE FULFORD: And I think in fairness to the witness,
6 Ms. Samson, that's absolutely right. That certainly accords with my
7 note, that they were asked to get into a big truck which then left.

8 MS. SAMSON: Indeed, your Honour. There seemed to be the use of
9 the plural at one stage in the transcript and then subsequently
10 throughout it was one truck.

11 PRESIDING JUDGE FULFORD: No, I'm not criticising you for having
12 asked the question. It's absolutely right to clarify it, but I think the
13 witness has accurately recalled his evidence from yesterday. That's all
14 I was observing.

15 MS. SAMSON: Indeed, yes. Thank you.

16 Q. Now, Mr. Witness, I'd like to move into the moment when you
17 arrived at the training centre in Mandro. Yesterday, you told us that
18 when you arrived you were beaten. Could you tell us whether everybody
19 who was in the trucks was beaten or only some people were beaten.

20 A. Everyone was beaten. We were told to get out of the truck and
21 then to enter the training camp.

22 Q. If it's not too difficult for you, could you describe to the
23 Court how you were beaten?

24 A. No, no, I can't. If I told you a number of stories here, I might have
25 a lot of problems. I might get angry if I remembered all of these bad

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1 memories. If possible, could you ask this question differently?

2 Q. Certainly. I will try to do that. Again, if you're comfortable,
3 would you mind telling the Court what you were beaten with?

4 A. They used a whip.

5 Q. And when they beat you, could other people see this taking place,
6 other people in the camp?

7 A. Yes, they could see this. Because there were other people who were
8 already in the camp. Some were being trained, others were singing, and
9 they could see them getting us to come out of the truck. They could see
10 us being beaten. We were surrounded by soldiers to prevent us from
11 fleeing, and they beat us and then took us away.

12 Q. Can you tell the Court where they were whipping you, what part of
13 your body?

14 A. When you are being beaten, they don't take account of what part of the
15 body. They just whip you and it hits you everywhere, on your head, on
16 your nails, on your feet.

17 Q. Did the people who were whipping you say anything to you while
18 they were whipping you?

19 A. They beat us, and they called us recruits.

20 Q. The people that you saw in the training camp when you arrived,
21 the ones who were singing and doing exercises, do you remember if they
22 were your age or older than you or younger than you?

23 A. Some were my age. Some were older than I was.

24 Q. Do you remember if they were girls or only boys amongst the
25 recruits that you saw that day?

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1 A. There was a mixture. There were girls, and there were boys.

2 Q. After you and your group was beaten and called recruits, you told the
3 Court that they -- the soldiers took you away. Where did they take you next?

4 A. Our group -- well, there were other groups in the camp, and we were
5 one group. When we arrived, they assigned us a chief. We didn't go very far
6 from the other groups, but we were in the camp. And given that we were new
7 in the camp, they were going to put us a little bit further away from the
8 other groups who had had the ideological training.

9 The idea was to teach us the ideology.

10 Q. You mentioned that there was a chief. Do you remember the name
11 of that chief?

12 A. Yes.

13 Q. Could you tell the Court what the chief's name was?

14 A. Jaguar. Jaguar, and his commander was Pepe. There were two
15 chiefs. The highest ranked one was Pepe, and then underneath him was Jaguar.

16 Q. And just to be sure, Pepe and Jaguar, as well as everybody at the
17 camp, which group did they belong to?

18 A. Could you please rephrase your question?

19 Q. Yes, I can. I think the question wasn't very clear. Yesterday,
20 you told us that you had met some UPC soldiers and that you went with
21 them and they took you to this camp. Commander Pepe and Jaguar, did they
22 belong to the same group, the UPC, or to another group?

23 A. We were with the UPC. We were not with another movement.

24 Q. Thank you for clarifying. And the group that you were put into
25 after you were beaten, did it have a special name?

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1 A. No. There was no particular name, but they called us recruits.
2 It was only after the training that a group was given a name.

3 Q. Thank you. And in your group that was set aside from the other
4 groups of the Mandro training camp, were there girls or only boys?

5 A. There were also girls, but there were many more boys than girls.

6 Q. And were the girls and boys in your group your age or older than
7 you or younger than you?

8 A. There were two girls my age, and there were also two girls who
9 were older than I was.

10 Q. Do you remember how many boys there were in your group that were
11 your age, approximately your age?

12 A. There were several. It would be a high number, about 11. More
13 than 11.

14 Q. You indicated earlier that you were going to learn the ideology,
15 and before I ask you about the ideology, I wondered if you could tell us
16 who was your instructor for that, if you had one.

17 A. Jaguar.

18 Q. Coming back to your group for a moment, do you know approximately
19 how many people in total there was in your group?

20 A. I don't know the exact number of individuals in our group,
21 because there were other individuals who were added to our group.

22 Q. When were the other individuals added to your group?

23 A. Each day there were individuals who were added. For example,
24 today you could have ten people added and tomorrow another eight. Every
25 day there were people added to our group.

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1 Q. The people who were added to your group, were some of them your
2 age or younger than you?

3 A. Before I answer your question I would like to apologise, because
4 it was a tribal conflict.

5 Q. Can you explain what you mean by that?

6 A. What kind of explanation do you mean?

7 Q. What is the relationship between the tribal conflict and the ages
8 of the people in your group? Maybe that was something that you wanted to
9 explain to the Court.

10 A. It's difficult to answer your question. It goes beyond my own
11 reasoning and personal thoughts.

12 PRESIDING JUDGE FULFORD: I think move on, Ms. Samson.

13 MS. SAMSON: I'll certainly move on from that point.

14 Q. But do you know if the people who were being added in your group
15 every day, if they were your age or older than you? Can you help us with
16 that?

17 A. I have just answered, and I said the following: Some were my age
18 and some were older than I was.

19 Q. Thank you for explaining that to us. I'd like to go back now to
20 the issue of the ideology. Did you ever learn ideology at the Mandro
21 training centre?

22 A. Yes. Since each group has a particular ideology, there was
23 ideology in our group.

24 Q. What was the ideology that you learned?

25 A. The ideology of our group was the following: Number one, we had

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1 to get rid of any civilian thoughts in our minds, because where we had
2 had arrived this was a camp, and you can't stay in a military camp with
3 civilian habits or principles, because there's a difference between
4 military behaviour and civilian behaviour.

5 Q. Were you told what the difference was? How was the military
6 behaviour explained to you?

7 A. The soldiers -- the word "soldier" and the word "jeshi" in
8 Swahili, it's the same thing. It means the same thing whether you use
9 the French word or the Swahili word. It means "soldier."

10 Can you ask the question in a clearer fashion?

11 Q. Yes, I can. You indicated that there was a difference between
12 military behaviour and civilian behaviour and that you were taught that
13 difference. What were you taught about how to behave as a soldier?

14 A. A soldier is really a military person, the way they live, the way they
15 see things. The way they live is different from a civilian.

16 PRESIDING JUDGE FULFORD: Ms. Samson, I do wonder whether we need
17 to spend too much time with this witness on these subjects. I think the
18 core elements of what the witness experienced and what happened to him
19 rather than the differences in ideology between being a civilian and a
20 soldier would be more help to us really.

21 MS. SAMSON: Thank you, your Honour. I can move on.

22 Q. Did you undergo any other types of training when you were at the
23 training centre? Did you learn other things?

24 A. During the training we learned how to behave in front of the
25 enemy. They taught us how to fight the enemy. That's what we were

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1 taught.

2 Q. Maybe it would be helpful if we start with if you were told who
3 the enemy was.

4 A. Our first enemy was a soldier who was not a member of our army.

5 Q. And taking a typical day that you experienced at the training
6 centre, could you explain to the Court, starting with when you woke up.
7 Do you remember what time you would wake up?

8 A. We would wake up very early in the morning, very early in the
9 morning. It was very early.

10 Q. What did you do after you woke up? What was the first thing that
11 you did in the morning?

12 A. As soon as we woke up, the first thing we did was to go for the
13 parade, the drill. That was the first exercise for recruits. They
14 would blow the whistle, and even before the whistle was blown, all of us
15 were supposed to have woken up.

16 Q. And can you describe what happens during the parade? What is the
17 parade?

18 A. The parade was an assembly. They would bring all of us together
19 to make sure that everybody was present, to make sure that none of the
20 recruits were sick or had fled.

21 Q. Were any officers or commanders present for the parade?

22 A. Yes.

23 Q. Could you tell us which ones were there for the parade generally?

24 A. There was the commander in charge of training, Pepe, as well as
25 Jaguar. However, it was Jaguar who was always or usually present.

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1 PRESIDING JUDGE FULFORD: Now, Ms. Samson, have you finished with
2 the parade or was there some more on it?

3 MS. SAMSON: Only one question.

4 PRESIDING JUDGE FULFORD: Good. Ask that one question on the
5 parade. Thank you.

6 MS. SAMSON:

7 Q. Mr. Witness, would anything happen if somebody missed the parade,
8 slept in?

9 A. Yes. First of all, they wanted to know the reason why the
10 person did not attend the parade. Maybe the person was sick, or maybe
11 the person has slept in. In that case, they would wake you up with cold
12 water or with some whipping.

13 MS. SAMSON: Your Honour, I have no further questions on the
14 parade. Perhaps you wanted a break.

15 PRESIDING JUDGE FULFORD: Absolutely. I think we'll now take a
16 break for the benefit of the witness until half past 10.00, just a little
17 under 15 minutes.

18 Can we go, please, into closed session, and if Mr. Lubanga would
19 be so kind as to leave the court. Thank you very much.

20 (Mr. Lubanga withdrew)

21 *(Closed session at 10.17 a.m.) Reclassified as Open session.

22 COURT OFFICER: Closed session.

23 (The witness stands down)

24 PRESIDING JUDGE FULFORD: Just ten minutes. We'll sit again at
25 half past 10.00.

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1 COURT OFFICER: All rise.

2 Recess taken at 10.18 a.m.

3 On resuming at 10.31 a.m.

4 COURT USHER: All rise. Please be seated.

5 PRESIDING JUDGE FULFORD: Witness, please.

6 (The witness takes the stand)

7 PRESIDING JUDGE FULFORD: Public session, please.

8 (Mr. Lubanga entered court)

9 (Open session at 10.33 a.m.)

10 COURT OFFICER: Open session.

11 PRESIDING JUDGE FULFORD: Thank you, Mr. Lubanga.

12 Now, before you continue, Ms. Samson, I want to ensure that the
13 English transcript is working, because at the moment it appears not to be.

14 (*Technical difficulties*)

15 I'm now going to try again, see whether anything appears on the screen.

16 (*Technical difficulties*)

17 I know I caught unpopularity in certain quarters when I publicly
18 express my exasperation with difficulties of this kind, but this is now
19 happening too frequently. There have been difficulties with the
20 transcript on a number of occasions over the last few days, which on some
21 occasions do not matter but on other occasions matter hugely. There is a
22 witness currently in the witness box who in all probability finds this a
23 not altogether easy process and our sitting in court solemnly waiting for
24 the transcript to reappear is simply not acceptable. This needs to be
25 investigated. We need a report by the latest first thing tomorrow

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1 morning with a real degree of assurance that whatever the underlying
2 problem is, that it is going to be solved and we are not serially going
3 to be confronted with this difficulty.

4 We're going to rise now. We're going to take the mid-morning
5 break now. We will sit again at 10 past 11.00 when I hope this will have
6 been fully resolved.

7 I'm very sorry, sir, that we keep asking you to come in and out
8 of court, but there is a technical problem that needs to be sorted.

9 Closed session, please.

10 *(Closed session at 10.40 a.m.)Reclassified as Open session.

11 COURT OFFICER: Closed session.

12 (Mr. Lubanga withdrew)

13 (The witness stands down)

14 PRESIDING JUDGE FULFORD: I'm very sorry, Ms. Samson. This is
15 not an easy examination-in-chief for you and it's -- that process is made
16 considerably difficult -- considerably more difficult by this kind of
17 event. We'll sit again at 10 past 11.00.

18 COURT USHER: All rise.

19 Recess taken at 10.42 a.m.

20 On resuming at 11.10 a.m.

21 COURT USHER: All rise. Please be seated.

22 PRESIDING JUDGE FULFORD: Witness, please.

23 (The witness takes the stand)

24 PRESIDING JUDGE FULFORD: Public session, please.

25 (Mr. Lubanga entered court)

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1 (Open session at 11.11 a.m.)

2 COURT OFFICER: Open session.

3 PRESIDING JUDGE FULFORD: Ms. Samson, I'd like to work in a
4 ten-minute break sometime around midday, so choose your -- choose your
5 moment.

6 MS. SAMSON: I will do so, your Honour.

7 PRESIDING JUDGE FULFORD: Good. Sir, the machinery now seems to
8 be working again, so we'll continue with your evidence. I'm sorry for
9 the interruption.

10 Yes, Ms. Samson.

11 MS. SAMSON: Thank you, your Honour.

12 Q. Mr. Witness, when -- before we took the break, we were discussing
13 a typical day at the Mandro training centre, and we had just talked about
14 the morning parade, and I have only one question about the morning parade
15 and it is: Was there a way to identify which recruits were present at
16 the parade?

17 A. Yes.

18 Q. Could you tell us what that was?

19 A. What do you want me to explain to you?

20 Q. Could you tell me how the recruits were identified as being
21 present at the parade?

22 A. All the officers had a list of members of their group, and it was
23 possible to know that in my group there were such and such
24 individuals. And when there was an assembly, a line-up, there would be a
25 roll-call.

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1 Q. When the officers were putting together the list of recruits, did
2 they ever ask you your age?

3 A. No.

4 Q. After the morning parade, what did you do next in the day?

5 A. After this parade, we would begin various sorts of
6 training exercises.

7 Q. Could you be more specific and tell us what type of training
8 exercises you did after the parade?

9 A. When I use the term "training," it covers all sorts of activities of a
10 general kind. It is what one does when one is being trained. Training
11 doesn't mean going out and fighting. First you have to teach a
12 recruit how to use firearms, and then you have to teach the recruit to
13 follow military ideology. So there is an entire procedure that has
14 to be followed in order to turn a civilian into a soldier.

15 Q. Thank you. And we are interested in learning about the training
16 that you received. You mentioned that you had to learn how to use
17 firearms. What did you learn about how to use firearms? Could you
18 explain that training to us?

19 A. We were taught everything about using weapons, light weapons or
20 support weapons. Each and every soldier had to know how to handle such
21 weapons.

22 Q. Did you have your own weapon in the training?

23 A. Weapons weren't distributed -- personal weapons weren't
24 distributed in the course of the training. These were weapons that were
25 used in a general way. You were given such weapons to use them on such

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1 occasions. It also depended on what type of weapon involved. If, for
2 example, it was time to learn how to handle light weapons,
3 you'd be provided with such weapons. If one were to learn about how to
4 handle heavy weapons, you would be provided with such weapons.

5 Q. Taking the light weapons first, could you explain to the Court
6 how you were trained to use a light weapon?

7 A. Could you please put that question to me again? I haven't
8 understood it.

9 Q. Yes, I can. Because not everybody present in the courtroom knows
10 the training that you received, it would be very helpful if you could
11 explain in more precise detail what you learned about how to use a light
12 weapon. Specifically, how the light weapons worked. How you were taught
13 to shoot, for instance.

14 A. Each and every soldier has to, first of all, know how to carry
15 his or her weapon. You can't distribute weapons as if you were
16 distributing bananas or as if you were giving a child some bread. There
17 is a certain way in which weapons are given to soldiers.

18 Q. Were you told what to do with the weapons in case you had to
19 fight the enemy?

20 A. First of all, it is necessary to know what a rifle is. One has
21 to learn about the various components of a rifle. It is also necessary
22 to know how to repair a defective rifle, how to repair a rifle if it
23 jams in the course of combat. You have to know how to
24 load such a weapon. I'm sure you realize that you can't send someone into
25 the battle-field without having taught the soldier how to handle the

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1 weapon. So when you're trained, you are taught how to use your weapon. You
2 have to know how to use your weapon, how to clean it,
3 how to repair it if there are any problems.

4 Q. Thank you for that explanation. That's very helpful. Where within the
5 Mandro training centre did you learn all these things about weapons?

6 A. At a place behind the camp, behind the camp's fence.

7 Q. Can you give some examples of the names of the types of weapons
8 you learned how to use at the Mandro training centre?

9 A. There were several types of weapons. I could provide you with
10 the names, but perhaps I've forgotten some of the names. There are some
11 weapons that I didn't learn about. So there were several kinds of weapons.

12 Q. If you can remember any of the weapons that you were taught how
13 to use, that would be helpful; but if you don't remember, that's okay as
14 well. Just let us know.

15 A. For example, I can remember a pistol. The officers frequently
16 used such weapons. There were also SMGs, submachine-guns. The magazine
17 for this weapon contains 32 bullets. There was another weapon called an
18 LMG. It's a heavy weapon, but one uses SMG ammunition for this weapon,
19 ammunition belts. There also were rocket launchers, and there were
20 machine-guns called MAGs ... light
21 machine-guns. This weapon uses ammunition belts, but the bullets are
22 larger than the bullets used for SMGs. There was another type of weapon
23 called a recoiler, and there were mortars. 82-millimetre mortars,
24 120-millimetre mortars used to fire shells. There were grenades,
25 mines, Chinese-made grenades in the shape of a pineapple. That's what I

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1 know.

2 Q. Thank you very much for taking the time to explain that to us.

3 It was very helpful. And just so that we're clear, did you see those
4 weapons and learn how to use them when you were at the Mandro training camp?

5 A. Yes. I saw such weapons there, but I did not learn how to handle
6 the recoiler. It's a big weapon. I didn't have the strength to use
7 it. I couldn't even carry the shell used for it. I could put the shell
8 into the barrel, but when firing the weapon I couldn't support the weight
9 ... the shell. I couldn't support the weight of its shell. I could, however,
10 use the submachine-guns and the light machine-guns. I also used the MAGs
11 on two occasions, and on one occasion I used a rocket launcher. I didn't use
12 the 12-mm or the 82-mm mortars. I've never used mortars.

13 Q. Thank you for that. Did you ever receive a weapon of your own to keep?

14 A. Yes, yes. Upon completing my training, I was given a weapon.
15 While I was still a recruit, I couldn't have a weapon. I only carried a
16 piece of wood. So while I was still a recruit, I treated this piece of
17 wood as if it were my weapon, and wherever I went I had to have this
18 piece of wood with me. If I left the piece of wood somewhere, I
19 risked being seriously punished, whipped.

20 Q. Were you given special instructions about how to care for or
21 treat the wood that you received or the weapon that you received after
22 your training?

23 A. Are you asking about the handling of weapons after the training?
24 Could you repeat your question? I'm afraid I didn't understand it.

25 PRESIDING JUDGE FULFORD: Ms. Samson, if you'll forgive me, the

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1 witness has already said that during training they were taught how to use
2 weapons, how to clean them, how to repair them in the event of problems.
3 So in a sense, you've just asked the witness the same question a second
4 time. If you want specific detail, I think you must ask the witness to
5 concentrate on it, rather than really asking the same question twice.

6 MS. SAMSON: Yes. Thank you, your Honour. In fact, I was
7 looking for something different, but I appreciate that it appeared to be
8 precisely the same question.

9 Q. How did you know, Mr. Witness, that you might have problems if
10 you lost your piece of wood? Did somebody tell you that?

11 A. First of all, before I answer your question, I'd like to thank
12 the Presiding Judge, because some of your questions, it seems to me, I
13 have already answered, but I will now answer your question.

14 The piece of wood that we were given, we were told that it's not
15 just a piece of wood, that it's a weapon. When you see this
16 piece of wood, you can see clearly that it is a piece of wood,
17 and anyone else who sees it also realises it's a piece of wood, but your
18 - your leader, your
19 superior is telling you that it's your weapon, and if you have a problem
20 this weapon will be of use to you.

21 Q. Thank you, Mr. Witness. And I would like to thank you for your
22 patience in answering some of my questions that may seem repetitive.

23 In terms of the answer you were just providing to the Court, do
24 you know if anything happened to somebody who lost their piece of wood or
25 lost their weapon? Did you happen to see something like that when you

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1 were in training? Did it ever happen?

2 A. You couldn't call it a piece of wood, because once it was given
3 to you, you were told it was a weapon. So if you lost your weapon, you
4 were punished. You had to be punished. The punishment was either being
5 whipped or two days in prison.

6 Q. Did you ever see anybody being whipped or go to prison because
7 they lost their weapon, or their piece of wood which was a weapon?

8 A. Myself personally, I -- this happened to me. Once while I was
9 sleeping, someone stole it. Someone moved it. And in fact, every
10 soldier must always be alert, even when you're sleeping, and you have to
11 be watchful. And if something is stolen from a soldier, the soldier has
12 to be punished, because this object, in fact, belongs to the government.
13 And this happened to me myself.

14 Q. How were you punished?

15 A. I've just told you that either you were whipped or you were
16 locked up in prison.

17 Q. And when your piece of wood known as a weapon was moved, were you
18 whipped or were you put in prison or both?

19 A. I was whipped.

20 Q. You told us yesterday that when you arrived at the Mandro
21 training camp you saw other recruits who were singing songs. Did you
22 ever sing songs at the training camp?

23 A. Yes. Why not participate in the singing? You -- we had to sing.
24 It improves morale, the soldiers' morale. When you sing, it improves
25 morale.

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1 Q. Do you remember the types of songs that you saw? What were they
2 about? Were they all about boosting morale?

3 A. The songs had a message of sadness or other feelings that you had
4 in your heart or -- or you would sing for your officer, saying that he
5 was a good commander, praising him. Or it could also be to calm the
6 morale of your comrades, telling them that there are times of sadness
7 and times of joy, and that tomorrow things may be better.

8 Q. And other than learning how to use firearms and singing, did you
9 participate in other training exercises at the Mandro camp?

10 A. What kind of training do you mean, for example?

11 Q. Was there any other physical training, ways in which you were
12 taught to fight the enemy, to prepare you?

13 A. Well, as for physical training, there was a mixture of young
14 people and older people, and the strength of an adult is different from
15 that of a younger person. We were taught how to take a weapon away from
16 the enemy. We were taught difficult things like -- or, rather, it wasn't
17 like we were taught something difficult like karate.

18 Q. Thank you. Earlier today, you mentioned that as soon as you woke
19 up in the morning, the first thing you did was to go for the parade and
20 the marching. What did you learn about marching at the training camp?
21 Did you learn how to march?

22 A. When you talk about training, there are several aspects involved.
23 I can't tell you all of the details. A soldier needs to be able to march
24 differently from a civilian, so the training includes marching. When
25 there are ceremonies, for example, you can't walk in a lackadaisical way.

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1 You have to know how a soldier marches. You have to know how a soldier
2 behaves, and all of this is part of the training that you have
3 to receive as a soldier.

4 Q. Thank you. And when you were in the assembly or the ceremonies,
5 did you have a particular place to stand or march? How were the recruits
6 arranged?

7 A. In addition to the ceremonies organised in the camp, a recruit
8 cannot go outside of the camp to attend ceremonies that would take place
9 outside of the camp. Only soldiers who have completed training were allowed
10 to participate in such ceremonies.

11 Q. And for the ceremonies or perhaps more specifically the parades
12 that took place inside of the camp, where did you stand? How were the
13 recruits arranged?

14 A. How do you mean positioning the recruits? Obviously the recruits
15 didn't line up with the well-trained soldiers. The trained soldiers had
16 their position, and the recruits had their position. It was the same thing
17 during the parade. The recruits had a particular position, and the
18 soldiers had their position, and sometimes there were certain days where
19 parades were organised for the recruits only or for well-trained
20 soldiers. But when there's a general parade, everyone would be together
21 in the same place and you would be spoken to generally, but each group
22 had their own position.

23 Q. And in the general parade, among the recruits were the recruits
24 of the same age together, or were all the recruits mixed together?

25 A. We were in a training centre. You couldn't be positioned on the

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1 basis of your age. You see, when you're faced with the enemy, the enemy
2 is not going to know whether you're young or not. So everyone was
3 positioned in the same place, whether you were talking about the
4 well-trained soldiers; the young people and the adults who had been
5 trained were in the same place.

6 Q. And if you couldn't be arranged according to age, could you be
7 arranged according to some other factor? Were the older recruits in
8 front of you or behind you at the parades?

9 A. A person knows his own size. If you're small, you can't be in the back,
10 so you'll be in front because you are aware of your size. In my case, if
11 I'm small, for example, I can't be positioned at the back because you
12 realise your own size, and therefore you will position yourself in
13 front of someone who is slightly taller than you are.

14 Q. At the general parades, which officers were present to speak to
15 the recruits?

16 A. Often it was the higher authorities, because the authorities need to
17 know how the training is being conducted. And when someone in authority
18 came, they would ask the recruits about the situation in general. So all
19 of the higher authorities would come to find out how the training was
20 moving along. Their role was to supervise you.

21 Q. Do you remember the names of any of these higher authorities?

22 A. Yes.

23 Q. Could you tell the Court the names of the higher authorities that
24 you remember who were at the general parade?

25 A. Often there was General Bosco Ntaganda, because we had two days of

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1 general parade. That was every Monday and every Friday. However, the
2 president of the movement, Mr. Thomas Lubanga, was able to come after a week
3 or two weeks or three weeks. He was able to come see about our situation.

4 Q. Did you ever see the president when he came to the Mandro
5 training centre?

6 A. Yes.

7 Q. Did you hear what he said or see what he did when he was there?
8 Could you explain that a bit more to the Court?

9 A. I saw him on two occasions. The first time I saw him he came and
10 he addressed us. He asked about our situation in general. He asked how
11 we felt about our training centre and how our officers were carrying out
12 the training.

13 The second time he came he addressed us and tried to boost our
14 morale, to encourage us. That was a few days before the end of our
15 training. And it was important for our morale to be high. That is
16 what I heard from his own mouth.

17 Q. Just so that I'm sure I understand, do you know the name of the
18 president?

19 A. Yes.

20 Q. Could you please tell the Court what the president's name is?

21 A. The name is -- or it's Mr. Thomas Lubanga who is the president of
22 the UPC.

23 Q. When Mr. Lubanga, the president, was speaking to the recruits at
24 Mandro, could you see him clearly?

25 A. I just told you that I saw him on two occasions during a general

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1 parade. What I mean is I saw him with my own eyes.

2 Q. Thank you for your patience in explaining that to me again.

3 Do you remember if the president was with anybody when he visited
4 the camp?

5 A. Yes. Well, you must understand that the president could not move
6 about alone because it would be risky for him. The president always
7 moved around with his body-guards.

8 Q. Do you remember approximately how old those body-guards were?
9 Were they older than you or your age or younger than you?

10 A. When I saw him during these events, he was with soldiers,
11 experienced soldiers, because he needed people who could defend him in
12 case of danger.

13 Q. Thank you. Do you remember what part of the camp this general
14 parade took place in?

15 A. All parades were held in a very large space, because we could not hold
16 a parade in a place which was -- in a small place. We needed someplace
17 where we could see everyone properly.

18 MS. SAMSON: Your Honour, I'm mindful of the noon break. Perhaps
19 this is an appropriate moment.

20 PRESIDING JUDGE FULFORD: Very good idea, Ms. Samson. Thank you
21 very much indeed.

22 We will take another short break now. We'll sit again at 10 past
23 12.00. Can we go, please, into closed session so the witness can
24 withdraw and have a short rest. Good.

25 *(Closed session at 11.59 a.m.) Reclassified as Open session.

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1 COURT OFFICER: Closed session.

2 (Mr. Lubanga withdrew)

3 (The witness stands down)

4 PRESIDING JUDGE FULFORD: Ten past.

5 COURT OFFICER: All rise.

6 Recess taken at 12.00 p.m.

7 On resuming at 12.11 p.m.

8 COURT USHER: All rise. Please be seated.

9 PRESIDING JUDGE FULFORD: Witness, please.

10 (The witness takes the stand)

11 PRESIDING JUDGE FULFORD: Mr. Lubanga, and open session, please.

12 (Mr. Lubanga entered court)

13 (Open session at 12.12 p.m.)

14 COURT OFFICER: Open session.

15 PRESIDING JUDGE FULFORD: Yes, Ms. Samson.

16 MS. SAMSON: Thank you, your Honour.

17 Q. Mr. Witness, I have a few questions to ask you about the general
18 parade that you were at and at which the president was present. You had
19 indicated just before the break that at general parades the recruits were
20 arranged according to height. Was this the same way that you were
21 arranged when the president, Mr. Lubanga, addressed you at the Mandro
22 training centre?

23 A. Those who were there knew their own height, and they knew the
24 position they were supposed to take. And to answer your question, we
25 were arranged according to height.

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1 Q. Thank you for explaining that. And do you remember what the
2 president, Mr. Lubanga, was wearing when he addressed you the first time,
3 or the second time?

4 A. Once he was dressed in a military uniform, and on another
5 occasion he was wearing a suit.

6 Q. Do you remember what you were wearing the first time you saw him?

7 A. If I remember well, he was wearing a suit.

8 Q. And how were the recruits dressed the first time that Mr. Lubanga
9 visited the training centre?

10 A. The recruits were wearing their ordinary clothes. They could not
11 wear a military uniform, because they had not yet completed their
12 training.

13 Q. On the first occasion when Mr. Lubanga addressed the recruits, do
14 you remember if he was with any other senior officials?

15 A. Let me be specific. He did not come to speak to the
16 recruits. He came to visit the training centre, as well as the soldiers
17 who were there. In that training centre there were other people there,
18 not recruits only.

19 Q. You had mentioned that sometimes General Bosco attended the
20 general parade. Was he present when Mr. Lubanga came to visit the Mandro
21 centre?

22 A. Yes. He had the rank of a general, and he was supposed to give a
23 report to the president, and before the president arrived, he had to do
24 some preparation and ensure the security of certain positions, especially
25 the entrance and the exit. These positions had to be well kept -- or

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1 well guarded.

2 Q. Thank you. And did you and the other recruits have to do special
3 preparations for the president's visit?

4 A. The first thing is when the president visits you, he -- you may be
5 informed or you may not be informed. It all depended on the
6 authorities. But depending on the preparations you saw, you could tell that
7 an authority would be coming to visit you.

8 Q. Thank you very much for that clarification. It's very helpful.

9 Earlier in your evidence, and I believe it was yesterday, you had
10 mentioned that you met Mr. Kisémbu when you were at the training centre.
11 Could you explain how often you saw him there, what he was doing when he
12 was there?

13 A. Kisémbu. As far as Kisémbu is concerned, it's as if you woke up
14 in the morning and you saw your father, your mother, or your brothers and
15 sisters. Kisémbu was the Chief of Staff. He was present. He had to
16 receive daily reports. So seeing him wasn't anything special. It wasn't
17 particularly difficult.

18 Q. Can you give us some examples of what he would do at the camp, to
19 your knowledge, based on what you saw?

20 A. He was there, He received reports. If, for example, he asked
21 for more food or medicine to be delivered, it would be done because he
22 had to be aware of everything that was being done. But as for other
23 activities, I know nothing about that.

24 Q. You mentioned, I believe, that he was -- that Mr. Kisémbu was
25 preparing reports. Do you know who the reports were sent to?

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1 PRESIDING JUDGE FULFORD: That's unlikely, isn't it, Ms. Samson?

2 MS. SAMSON: Maybe so.

3 PRESIDING JUDGE FULFORD: Yes. Well, do you know, sir?

4 THE WITNESS (interpretation): Kisémbó was a figure of authority,
5 but he also had his own superiors. It's like in a family. A child who
6 has a mother, well, if the child falls ill, who must know this? The
7 mother. And the mother informs the father, who tries to find a solution.

8 There are problems that can be resolved by the mother without
9 informing the father, but if it's something that's beyond the mother's
10 capacities, then the father is told and he has to find a
11 solution.

12 PRESIDING JUDGE FULFORD: Thank you very much. I think that
13 reveals, doesn't it, Ms. Samson.

14 MS. SAMSON: Indeed, yes. Thank you, your Honour.

15 PRESIDING JUDGE FULFORD: Now, Mr. Desalliers, you were on your
16 feet. Was it to address that point or something else?

17 MR. DESALLIERS (interpretation): It was simply to say, your
18 Honour, that according to the French transcript, the witness did not say
19 that Kisémbó drafted reports. Perhaps there was an interpretation error
20 of what my learned friend said -- well, she said: Who did
21 Mr. Kisémbó send reports to? I listened to the French version of what my
22 my learned friend said, but I just wanted to point out that according to
23 the French transcript, the witness on two occasions said that Kisémbó
24 received reports, not that he sent reports. So as that is what I heard,
25 I just wanted to inform you of the fact, your Honour.

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1 PRESIDING JUDGE FULFORD: Right. Can we clarify preparing
2 reports or receiving reports to the extent the witness knows, Ms. Samson,
3 remembering that he was a very junior recruit.

4 MS. SAMSON:

5 Q. Mr. Witness, I have one question to ask you in relation to the
6 reporting. When you indicated that Mr. Kisémbó was involved in reports,
7 do you know if he was involved in receiving reports or preparing reports?

8 A. As I have said, in a family you have a father, a mother, and
9 children. There's the first born, the second born. Everyone has a
10 certain position.

11 In our group, Kisémbó received reports which he would forward to
12 his superiors, but there were also reports that he was given. When he
13 was given reports, there were certain things that he could resolve. If
14 he couldn't resolve certain problems, it was necessary to refer them to
15 his superiors, to be more specific, to Bosco or to the president.

16 Q. Thank you for the explanation. Earlier today you indicated that
17 when the president, Mr. Lubanga, attended at the Mandro training camp
18 for the second time it was several days before the end of your training.
19 Is that correct?

20 A. It's really very difficult for me to answer that question. Some of your
21 questions are really difficult. The fact that I am here doesn't mean that
22 I can answer all your questions, as I have said. There are certain events
23 that I can't tell you about because it causes me suffering. There are
24 other events that I wasn't involved in, and so, under such circumstances,
25 it's really difficult for me to answer some of

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1 your questions. Sometimes you put questions to me and you see that I'm
2 smiling, but this smile isn't a manner of expressing my joy. It's,
3 rather, a way in which I try to calm myself down.

4 You really have to understand me, and I do apologise for this.

5 Q. Really no need to apologise, Mr. Witness. It's very helpful that
6 you explain that to the Court, and we all appreciate the fact that you
7 are here, and we know that the questions are very difficult. So I will
8 do my best to ask you questions that are not so difficult, and whenever
9 they are difficult, just let me know and I can try to phrase them
10 differently.

11 Earlier I had mentioned or asked you a question in relation to
12 Mr. Lubanga's visit, and you had mentioned that it was at sometime before
13 the end of your training. What I'd like to focus on now, really, is the
14 end of your training.

15 Were there any special events or ceremonies to mark the end of
16 your training?

17 A. Yes. There has to be a ceremony marking the end of one's
18 training as a soldier. It signifies that you have completed
19 certain stages that allow you to -- to reach a certain level.

20 Q. Do you remember the ceremony that marked the end of your training
21 in particular?

22 A. The first ceremony involved distributing military uniforms. The
23 second one involved distributing personal weapons. And the last one
24 involved demonstrating the manner in which one was to use one's weapon or
25 how to use combat tactics.

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1 Q. Can you remember if there were any officers, senior officers, at
2 the ceremony for the end of your training? And if you do remember that
3 they were there, could you tell us their names?

4 A. There were the authorities who were often with us. They came to
5 see us frequently.

6 Q. Do you remember their names, please?

7 A. I don't know if I'm going to answer the question, because from
8 the outset, as I said, these are figures of authority we would see. I
9 mentioned their names. They are the same individuals, Jaguar, Bosco, and
10 Kisembo. There were also other officers whose rank was lower than
11 those who were there.

12 PRESIDING JUDGE FULFORD: Just before you ask your next question,
13 Ms. Samson, I want to check with the witness.

14 We've got about 20 minutes to go now until the luncheon
15 adjournment. Are you happy and feeling well enough to continue for
16 another 20 minutes?

17 THE WITNESS (interpretation): Yes, absolutely. Yes.

18 PRESIDING JUDGE FULFORD: Thank you very much.

19 MS. SAMSON: Thank you, your Honour.

20 Q. Mr. Witness, you mentioned that generally at the end of training
21 recruits would be given weapons and a uniform. Were you given weapons
22 and a uniform at the end of your training?

23 A. Yes.

24 Q. When were the weapons -- the weapon and the uniform given to you?
25 Was it during this ceremony at the end of your training or another time?

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1 A. I received the weapon and the uniform during the ceremony that
2 marked the end of my training.

3 Q. Thank you. In fact, I believe you did indicate that there were
4 two ceremonies, and in the first ceremony there was distributing
5 uniforms, and in the second ceremony it was a distribution of personal
6 weapons.

7 Mr. Witness, are you able to give the Court an approximate length
8 of time that you stayed in Mandro? Do you know how long you were there,
9 how many days or months?

10 A. If my memory serves me well, I spent between four and five months
11 there. I remember that because it was a difficult period. The UPC
12 movement had been shaken up by various other rebel movements. That's why our
13 training didn't last for very long. It was necessary for us to go and
14 provide reinforcement.

15 Q. I do want to talk about the support that you had to provide
16 during your training, but before that, I wanted to ask you some questions
17 about a different topic. You had indicated today, I believe, that when
18 you arrived at the Mandro training centre for the first time, that you
19 and the people you were with were beaten and told that you shouldn't
20 flee. Did you ever try to leave or to flee the Mandro training centre?

21 A. Yes, yes. I wasn't there of my own free will.

22 Q. If you're comfortable, could you describe how you tried to flee
23 and what happened when you tried to flee?

24 A. I don't think it's really in my interest to answer that question.

25 MS. SAMSON: Your Honour, would it be appropriate to go into

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1 private session for these questions if that, indeed, is the concern that
2 the witness has.

3 PRESIDING JUDGE FULFORD: Do I understand that this is something
4 that you would really prefer not to talk about?

5 THE WITNESS (interpretation): Since -- well, as I've been
6 repeating, I think that in the case of certain events, it's better not to
7 talk about them, whether it's in private session or open session, because
8 these are matters that awaken certain feelings. For example, if someone
9 has high blood pressure, you can -- you can have problems, and if that
10 were to occur, you would have to put an end to the hearing, and you would
11 have lost a witness. That's why I'd rather not answer such questions.

12 PRESIDING JUDGE FULFORD: People of my age know all about high
13 blood pressure, so I'm very sympathetic.

14 Well, there's your answer, Ms. Samson. There's no point in going
15 into private session. Can you move on to another topic, please.

16 MS. SAMSON: I can. I thank you, your Honour, for verifying
17 that.

18 Q. Mr. Witness, I'll ask you now, did you have any duties while you
19 were a recruit at the Mandro training centre?

20 A. No. I didn't have any specific mission. We prepared meals. We
21 would take turns. So if it was your turn to prepare a meal, that's what
22 you had to do.

23 Q. And the training that you had received at the Mandro camp, was it
24 the same training for the girls as for the boys that you saw there?

25 A. The training was the same for everyone. Any person who was

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1 there, be it a young person, an adult, an older person, was considered as
2 a soldier and a healthy soldier.

3 Q. Thank you for that answer. I would now like to take us to an
4 answer that you had given not long ago in relation to your training. You
5 said it was necessary for you to go and provide support. What type of
6 support did you provide during your training when the UPC movement had
7 been shaken up by other rebel movements?

8 A. We had to complete the training before we could provide support or
9 reinforcement, because we couldn't go until we had completed our training.
10 Otherwise, we would have been massacred. At that time, the UPC had been
11 shaken up in various places, and therefore they shortened ... they accelerated
12 our training.

13 Q. Could you tell the Court where you went to provide support and
14 act as reinforcements? Which towns or cities?

15 A. When we finished our training, our trainer, Jaguar, was appointed
16 commander of our battalion, and our battalion was deployed in Djugu.

17 Q. Could you explain to the Court what you did in Djugu?

18 A. Djugu is a place inhabited by Lendus, but at the time the UPC
19 controlled that locality. So we went there, and we set up in Djugu, and
20 we set up our camp there. And when we arrived, there were our soldiers
21 who were already there, and in a way, we came as reinforcements.

22 Q. As reinforcements were you ordered to do anything? Did you
23 participate in an operation? What did you do?

24 A. When we went to Djugu, the fighting was over. There were UPC
25 soldiers there, and we went to increase the number of UPC soldiers.

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1 Q. Do you remember how long you stayed in Djugu?

2 A. If my memory serves me well, we stayed in Djugu for four months.
3 The UPC had chased out the Walendu, because it was a Lendu community. So
4 when the UPC chased out the Lendus, they also chased out Mr. Kiza, and
5 Kiza went to prepare to attack the enemy that had occupied his sector.
6 So that is why we spent four months in that place.

7 Q. And during the four months that you spent in Djugu, what were
8 your day-to-day duties or activities, if you can remember?

9 A. During the four months we were there, we had set up our base, our
10 camp, and if we learned that in the area there was some kind of danger,
11 we would go and fight. So it was our base.

12 Q. Thank you. And when you came to leave Djugu, where did you go
13 next?

14 A. We did not leave Djugu of our own volition. We left Djugu
15 because the enemy came with a large force, and they defeated us and they
16 chased us away from their city, and so we left for Bunia.

17 Q. Thank you for explaining that to me and to the Court. Could you please
18 tell us who the enemy was that came and chased you away from Djugu?

19 A. The enemy of the UPC was the FNI and the FRPI. Their first enemy
20 was the APC, but since the APC left to take control of Komanda and also
21 go toward North Kivu, they stayed with the Lendu and the Ngiti as enemies.

22 The Lendu ... the Ngiti were the FRPI

23 and the Lendu were the FNI.

24 PRESIDING JUDGE FULFORD: As and when a new topic emerges,

25 Ms. Samson, we'll break.

1 MS. SAMSON: I am at the new topic threshold.

2 PRESIDING JUDGE FULFORD: I thought you may be. Thank you very
3 much.

4 We're going to break now. For reasons that I'll explain in a
5 moment after the witness has left but only in general terms, it's not
6 precisely clear as to when we will reconvene. So thank you very much
7 indeed for your assistance so far. You're doing extremely well, and we
8 look forward to seeing you again when the court next sits.

9 Closed session, please, and could Mr. Lubanga not go too far,
10 because I'll ask him to come back into court in a moment.

11 Good. Closed session.

12 (Mr. Lubanga withdrew)

13 THE INTERPRETER: Interpreter's correction: Please add the Ngiti
14 to the last response on the part of the witness.

15 PRESIDING JUDGE FULFORD: Yes. Thank you, usher.

16 *(Closed session at 12.54 p.m.) Reclassified as Open session.

17 (The witness stands down)

18 PRESIDING JUDGE FULFORD: Ms. Samson, for reasons that I needn't
19 dwell on in detail, the witness needs to see a doctor. That may be this
20 afternoon, and it may mean that we are unable to sit this afternoon.
21 Ms. Michels is going to have a conversation with the witness in a moment,
22 and I anticipate there's going to be liaison with the doctor who has been
23 identified so that we can ensure that if the witness needs to see a
24 doctor immediately, then that happens.

25 I think it needs to be said that the witness has indicated his

1 enthusiasm for continuing with his evidence, and so it may be that we're
2 going to have to override his wishes, really, in his best interests.

3 Can you all please secure a means of communication with the Court
4 Officer over lunch so that you know whether or not you're going to be
5 required again at 2.45. At the moment, I'm afraid it's completely
6 uncertain.

7 MS. SAMSON: Thank you for alerting us, your Honour.

8 PRESIDING JUDGE FULFORD: Mr. Sachdeva, you -- oh, I'm sorry.
9 He's still outside.

10 MR. SACHDEVA: Nothing, Mr. President. I apologise.

11 PRESIDING JUDGE FULFORD: No, okay. My mistake. I forgot.

12 Good. So we may or may not meet again this afternoon.

13 My apologies to your client, Maitre Mabilille. No doubt a sign of
14 increased age that having said I wanted him back in court, within
15 30 seconds I'd forgotten that I'd said it. My compliments and apologies
16 to him.

17 We'll rise.

18 The hearing ends at 12.57 p.m.

19 RECLASSIFICATION REPORT

20 Pursuant to Trial Chamber I's email instruction dated 8th December 2011, the
21 transcript is reclassified as public after the indicated redactions have been
22 implemented as ordered by the Chamber. All private and closed sessions (*) are now
23 available to the public with the exception of the portions of the transcript that
24 have been redacted.