

1 International Criminal Court

2 Trial Chamber I

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

4 Case against Thomas Lubanga Dyilo

5 Hearing - Open Session

6 Tuesday, 7 July 2009

7 The hearing starts at 9.03 a.m.

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

10 PRESIDING JUDGE FULFORD: Good morning.

11 Ms. Solano, if I could ask your assistance first in relation to
12 memory-refreshing documents for Witness 46, is there anything else that
13 you would wish to say on the issue?

14 MS. SOLANO: Morning, your Honour. No, we have nothing further
15 to say.

16 PRESIDING JUDGE FULFORD: Mr. Biju-Duval?

17 MR. BIJU-DUVAL (interpretation): Your Honour, as regards the
18 potential use of notes by the witness, the Defence agrees fully with the
19 comments that your Honour made yesterday, and given that Madam Peduto is
20 not an expert witness as such, she is not -- should not be allowed to use
21 notes during her testimony. That is the Defence's position, your Honour.

22 PRESIDING JUDGE FULFORD: Thank you very much. The parties and
23 participants should know that two further requests have been made by
24 Witness 46. First that she should have plain piece of paper and a pen so
25 that if she wishes to she can write down any of the questions that are

1 put to her; and secondly, she has asked to be allowed to place a clock on
2 the bench in front of her. It seems to us on a preliminary basis that
3 there are no reasons for rejecting those two requests, but in case
4 anybody has a contrary view, anything you wish to say, Ms. Solano?

5 MS. SOLANO: No, your Honour.

6 PRESIDING JUDGE FULFORD: Mr. Biju-Duval?

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

8 PRESIDING JUDGE FULFORD: Thank you very much.

9 Ms. Solano?

10 MS. SOLANO: I'm sorry, your Honour. There was a problem with
11 the English transcript just a moment ago. I'm verifying whether it has
12 been fixed or not but I wanted to draw your attention to it.

13 PRESIDING JUDGE FULFORD: Yes, it's behaving chaotically.

14 Ms. Solano, they're going to restart it. It will catch up and given that
15 what is going to happen next is that I'm going to give a very short oral
16 ruling in relation to the two documents, we do not need a contemporaneous
17 transcript for those purposes, and hopefully by the time I've finished
18 Transcend will be working properly again. Thank you very much.

19 Objection is taken by the Defence to the introduction of two
20 documents during the evidence of Witness 46. The first, Annex 8 of the
21 file of materials prepared by the Prosecution for her evidence was
22 prepared by the witness and it records her interviews with 34 former
23 child soldiers. This is the first time that the Chamber has been shown
24 this document.

25 For each of the 34 interviewees, redactions have been implemented

1 as regards any identifying information. In the result, the Defence are
2 unable, particularly at this stage in the proceedings, realistically to
3 investigate the circumstances or the accuracy of any of the individual
4 case histories.

5 The Prosecution has indicated that they only rely on this
6 document as a demonstration of the working methods of Witness 46. The
7 Defence, nonetheless, objects to its introduction on the basis that its
8 prejudicial effect far outweighs its probative value. Put shortly, key
9 information relating to child soldiers would, in the submission of the
10 Defence, be before the Chamber notwithstanding its limited evidential
11 value.

12 Although the Chamber is well-able to focus solely on the
13 legitimate value of any piece of evidence whilst ignoring any irrelevant
14 prejudicial factors, in this instance we are of the view that the merits
15 of the suggested purpose for introducing this document are so slight that
16 the arguments as regards prejudice are persuasive. Witness 46 will be
17 well-able to describe her working methods without reference to this
18 particular document. Therefore, in our judgement it is not to be
19 introduced during the course of her evidence.

20 The second document Mr. Biju-Duval takes objection to is to be
21 found under tab 12. The Prosecution seeks to introduce via Witness 46
22 Section D of the UN special report on the events in Ituri between
23 January 2003 and December 2003, dated the 16th of July, 2004.

24 Annex D is, in fact, a summary of a more comprehensive document
25 which is to be found under tab 11, entitled "A Child Protection Report,"

1 dated February 2004, which in turn was based entirely on documents
2 prepared by Witness 46 and she endorsed the content of the report at
3 tab 11 in its entirety. It is of high significance given the objection
4 that is taken to Section D that the Defence does not raise admissibility
5 objections to any part of the report found under tab 11.

6 In our judgement, although the summary under Section D was or may
7 have been prepared by others, its evidential value lies in demonstrating
8 what finally happened to the work of Witness 46 as reflected in the
9 report at tab 11. Her work was reduced and summarised and thereafter
10 made public in the United Nations report.

11 In those circumstances, Section D has real, if limited,
12 evidential value, and given the lack of any objection as we have just
13 observed to the material under tab 11, we are unable to detect any
14 material prejudice to the Defence if Section D is introduced. We
15 therefore allow the Prosecution's application to introduce Section D
16 during the evidence of this witness.

17 Now, Ms. Solano, can you help the Bench, please, with precisely
18 what the arrangements are in relation to Witness 46 and protective
19 measures. Are there any existing measures that have been granted by the
20 Defence in relation to protecting her identity in relation to voice or
21 face distortion or the use of pseudonyms, matters of that kind?

22 MS. SOLANO: Your Honour, neither the witness nor the
23 United Nations have indicated to the Prosecution a desire or a request
24 for the witness's identity to be shielded from the public, and therefore
25 we do not request the use of any of those measures. I would only draw

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1 your Honours' attention to the conditions in the letter from the
2 United Nations which will require me to conduct very limited portions of
3 her examination in closed session if your Honours permit.

4 PRESIDING JUDGE FULFORD: That's very clear, Ms. Solano. I just
5 wanted to make sure that nothing had been missed, and so there's no
6 difficulty in the witness coming into court in open session, in other
7 words, as the court is currently configured. Is that right?

8 MS. SOLANO: Yes, your Honour. I can confirm that.

9 PRESIDING JUDGE FULFORD: Excellent. Thank you very much.
10 Witness 46, then, please.

11 (The witness entered court)

12 WITNESS: WITNESS DRC-OTP-WWW-0046

13 (Witness answered through interpreter)

14 PRESIDING JUDGE FULFORD: Good morning, madam. I'm sorry we've
15 kept you waiting. Can I, in addition to welcoming you, make a few
16 observations about the arrangements for your evidence.

17 First of all, you have requested and we have agreed that you
18 should be provided with some blank paper and a pen so that you can make
19 notes of any of the questions that are put to you. You may also have a
20 clock on the bench in front of you.

21 If during the course of your evidence you believe that any answer
22 that you will be giving may involve matters that should not be discussed
23 in this court publicly or at all, can I ask you simply to raise your
24 hand, and as soon as you do so, we will then investigate what next is
25 going to happen. That may involve adjourning so that a short

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1 conversation can take place between yourself and Mr. Johnson.

2 Similarly, sir, if you have any objections, and I now address
3 Mr. Johnson, any objections or concerns as to any matter that is put to
4 the witness, and in particular if you are fearful that answers may be
5 elicited in relation to which there are potentially going to be
6 difficulties, could I ask you immediately to rise to your feet so that we
7 can register that there may be a problem that needs to be resolved.

8 Most of your evidence will be heard in public, but Ms. Solano has
9 indicated to us that there are particular portions that will be dealt
10 with in private session, and so that will involve the court pausing for a
11 moment so that the -- the live feed in relation to these proceedings can
12 be terminated with the result that only those of us sitting within this
13 courtroom will be able to hear what you say.

14 I'm afraid that the use by the court of interpreters and
15 transcribers means that it is critical that you don't speak any faster
16 than I'm speaking now. If you speak too quickly, real problems emerge as
17 regards the integrity of the transcript.

18 Most importantly is that there is always a pause between
19 speakers. So when a question is put to you, can I ask you just to pause
20 for a moment before you come in with your evidence so as to enable the
21 interpreters and the transcribers to catch up.

22 We will take a break at around half past 10.00 to give both you
23 and the transcribers and the stenographers an opportunity to get a cup of
24 coffee.

25 The first thing that I'm going to ask you to do, please, is read

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1 out from the card in front of you the solemn undertaking which will
2 commence the formal part of your evidence.

3 THE INTERPRETER: The witness's microphone is not on, your
4 Honour.

5 PRESIDING JUDGE FULFORD: The microphone is not switched on.
6 Very sorry, madam. If you could pause for a moment. Could you please
7 read out the words again.

8 THE WITNESS (interpretation): I solemnly declare that I will
9 speak the truth, the whole truth, and nothing but the truth.

10 PRESIDING JUDGE FULFORD: Thank you very much indeed. At half
11 past 10.00, I want to know why the wrong microphone had been placed in
12 front of the witness. It is extremely destabilising for any witness to
13 have to be asked to repeat the introductory parts of his or her evidence.

14 The final thing that I should say is that you made a request to
15 be allowed to refer to notes in the event that your memory, because of an
16 understandable lapse in time, may be faulty. The decision that we have
17 taken is that if at any point in your evidence you wish to refer to
18 either a statement that you've made or any other documentation in order
19 to refresh your memory, could you please indicate to the Bench that there
20 is something in relation to which your memory is not perfect but which
21 you feel it could be enhanced or improved if you were able to look back,
22 as I say, either to documents that you've prepared or any witness
23 statement that you have made.

24 Now, a direction had been given that you should be able to bring
25 any relevant notes or documents with you into the witness box, and I'm

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1 afraid they don't seem to be there with you. We will confront that
2 problem on the first occasion when you feel it would be useful to you to
3 refresh your memory from any statement or other document. So as and when
4 that moment arrives, we will then find out where the documents are and
5 ensure that they're rapidly brought into court.

6 Yes, Ms. Solano.

7 MS. SOLANO: Thank you, your Honour.

8 Questioned by Ms. Solano:

9 Q. Good morning.

10 A. Good morning.

11 Q. My name is Julieta Solano. We have met before. I represent the
12 Office of the Prosecution and I will be conducting your examination this
13 morning.

14 Can you please state your full name for the record.

15 A. Kristine Peduto.

16 Q. Thank you.

17 MS. SOLANO: Your Honour, with your leave I would need to ask my
18 next couple of questions in private session, please.

19 PRESIDING JUDGE FULFORD: Private session, please.

20 *(Private session at 9.26 a.m.) Reclassified as Open session.

21 COURT OFFICER: Private session.

22 MS. SOLANO:

23 Q. Where do you currently live?

24 A. My official residence is in (Redacted).

25 Q. And where do you currently work?

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1 A. I work in (Redacted).

2 Q. What is your current employment?

3 A. (Redacted).

4 Q. Can you tell the Court what your duties are in your capacity as
5 (Redacted)?

6 A. I am responsible for children affected by armed conflict, and I'm
7 involved particularly with (Redacted) which
8 consists in carrying out monitoring and preparing reports on children
9 affected by conflict.

10 Q. (Previous translation continues) ... further can we agree that if
11 I signal to you in this way it means that for the sake of the transcript
12 you should please speak a little bit slower.

13 A. That's right.

14 Q. What are the issues affecting children in armed conflict that you
15 monitor and report on?

16 A. We are concerned, in (Redacted) I mean, mainly with the issue of
17 the protection of civilians, victims of conflict, that is both parties in
18 (Redacted), including children, of course. The children -- the problem
19 of recruitment of children by armed groups and forces, the problem of the
20 right to education, access to health care, issues related to humanitarian
21 assistance to children, and the issue of sexual violence and abductions,
22 that is, all the violations perpetrated by parties in conflict.

23 Q. Thank you. And in relation to children and to the recruitment of
24 children by the armed groups or forces, what does your work entail?

25 A. We try to put in place a surveillance mechanism for the

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1 prevention of recruitments, for the documentation of recruitments that
2 take place, especially in areas where the UN does not have direct access.
3 We try to come up with responses, solutions for children who are arrested
4 and detained because of their supposed relationship with armed groups.
5 We also provide legal assistance and community reintegration where that
6 is possible. We also try to put in place a surveillance system in the
7 border areas. We also try to make sure that their lives are
8 well-documented by the various organisations which are involved in the
9 monitoring system.

10 PRESIDING JUDGE FULFORD: Now, Ms. Solano, two things. Firstly,
11 I think we're still in private session, and although I understand why you
12 wanted the very first questions dealt with privately, it seems to me that
13 we've now moved on to more general matters, and I think you need to make
14 a very careful assessment as to whether or not it's necessary to deal
15 with those in private session.

16 The other thing is I'm not sure whether it's clear whether we're
17 dealing with the witness's work in (Redacted) or the witness's work in
18 the DRC at the moment, and I don't believe the accused is charged with
19 anything in relation to (Redacted).

20 MS. SOLANO: Yes, your Honour, I'm guided. I believe that now
21 the witness has stated where she works, the remainder of my questions can
22 indeed be asked in open session.

23 PRESIDING JUDGE FULFORD: Open session, please.

24 (Open session at 9.31 a.m.)

25 COURT OFFICER: Open session.

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1 MS. SOLANO: Thank you.

2 Q. Madam, you gave evidence before the Pre-Trial Chamber in
3 November 2006, more precisely on 15, 20, and 21st of November, 2006. The
4 evidence which you gave at that time was recorded and transcribed. Have
5 you been able in the past few days to review the transcripts of your
6 testimony before that Pre-Trial Chamber?

7 A. Yes, that's right. I will have a question for the Judge. I
8 don't know if I can put that question now.

9 I re-read my initial statement as well as my testimony before the
10 Pre-Trial Chamber and I noted two errors. I don't know when it would be
11 proper to correct those errors.

12 PRESIDING JUDGE FULFORD: Well, I think Ms. Solano is at this
13 very moment in the process of ensuring that the original testimony which
14 you gave was true and accurate to the best of your knowledge, and
15 therefore if there were errors in your original statement, I think this
16 would be an ideal moment, Ms. Peduto, for those to be revealed and
17 identified.

18 Now, do you -- do you need a copy of your original statement in
19 order to be able to take us to the places where those two errors are to
20 be found?

21 THE WITNESS (interpretation): Yes. I can do that right away,
22 but I can also take a look at the initial statement.

23 PRESIDING JUDGE FULFORD: Right. Ms. Solano, we need, therefore,
24 to put a copy of the witness's original statement before her so that she
25 can then identify for us the passages where there were mistakes.

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1 MS. SOLANO: Your Honour, with your leave can I clarify with the
2 witness whether the errors are contained in the transcripts of her
3 evidence before the Pre-Trial Chamber or in her original statement?

4 PRESIDING JUDGE FULFORD: I'm pretty sure that the witness is
5 saying they're in the original statement, but, madam, could you clarify
6 that, please?

7 THE WITNESS (interpretation): In the initial statement.

8 MS. SOLANO: Thank you, your Honour. I apologise.

9 PRESIDING JUDGE FULFORD: Right. A copy of the witness's
10 statement for her, please.

11 Ms. Solano, I hope someone's got a copy of the original statement
12 in court.

13 MS. SOLANO: Your Honour, we do have a copy with us. However,
14 the copy that we have with us has old redactions that have since been
15 lifted. They're in see-through form so the witness will be able to read
16 the entirety of its content. It also has the word "redacted" written
17 across the top of the first page.

18 PRESIDING JUDGE FULFORD: Well, I think we'll survive that,
19 Ms. Solano. Thank you.

20 Can the usher please give that to the witness.

21 So, madam, if you could identify the paragraph numbers where
22 there are difficulties.

23 THE WITNESS (interpretation): Just one moment, please. Let me
24 find the place.

25 MS. SOLANO: Your Honour, while the witness is going through it,

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1 perhaps I can indicate the ERN. It is DRC-OTP-15 -- I repeat myself,
2 DRC-OTP-0155-0009.

3 PRESIDING JUDGE FULFORD: Madam, trying to help you, have you
4 marked the passages on your own copy of the witness statement?

5 THE WITNESS (interpretation): No, but I remember the content of
6 the paragraph. Can I mention the content and then later on give you the
7 paragraph number?

8 PRESIDING JUDGE FULFORD: Well, why don't we deal with this all
9 in one go. You can have a copy of the statement during the mid-morning
10 break and overnight if necessary, and then at a convenient moment you can
11 take us exactly to the passages where there were mistakes. I think we'll
12 deal with this all in one go. Thank you very much.

13 Good. So, Ms. Solano, you were dealing with the -- the interview
14 before the Pre-Trial Chamber. I think you've identified that the witness
15 has reviewed everything that was said during the confirmation stage, and
16 I think probably the next question is to ask whether to the best of the
17 witness's knowledge and belief everything said to the Judges of the
18 Pre-Trial Chamber was true and accurate.

19 MS. SOLANO: Indeed, your Honour.

20 Q. And can you please confirm that everything you said during the
21 Confirmation Hearing before the Pre-Trial Chamber was indeed true and
22 accurate to the best of your knowledge?

23 A. To the best of my knowledge, yes, even though I noticed some
24 errors later on.

25 Q. Perhaps --

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1 MS. SOLANO: Perhaps, your Honour, if I may suggest that perhaps
2 as we go along in the examination if the topics that the witness has
3 noted errors for, perhaps they can be broached at that stage?

4 PRESIDING JUDGE FULFORD: Ms. Solano, ultimately we're going to
5 have to do better than that, I'm afraid. If we're being asked to accept
6 the evidence of the confirmation stage as the evidence before us, and if
7 the witness is saying that subsequently she has identified mistakes, we
8 need each and every mistake brought to our attention. So it shouldn't be
9 left to random chance that we happen to deal with particular topics which
10 reveal those mistakes. I'm afraid at some stage the witness, preferably
11 this afternoon, is going to need to supply you with a list of each and
12 every area where there has been a mistake in the evidence given at the
13 pre-trial stage so that they can be properly explained to the Chamber
14 during the course of the witness's evidence tomorrow.

15 MS. SOLANO: Very well, your Honour.

16 Q. Madam, the Prosecution is seeking to tender in evidence the
17 transcripts of your testimony at the Confirmation hearing in order to
18 shorten, somewhat, your examination by the Prosecution. Do you have any
19 objection to that?

20 A. No.

21 MS. SOLANO: Your Honours, the Prosecution therefore seeks to
22 tender the English and French versions of transcripts 37, 38, 39, and 40
23 into evidence.

24 PRESIDING JUDGE FULFORD: Good, and for the record it should be
25 known that this matter has been raised with the Defence who have no

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1 objection to this course being adopted. And in the absence of any
2 objection, we have already approved this course.

3 MS. SOLANO: Thank you, your Honour. In addition to tendering
4 the transcripts, I seek to tender as part of these transcripts two
5 documents which were put to the witness during the Confirmation Hearing
6 which she commented on and which, in the Prosecution's view, are part and
7 parcel of those transcripts. My understanding is that the Defence do not
8 object to this approach.

9 PRESIDING JUDGE FULFORD: I think you'd better identify which
10 documents you're talking about so as to ensure that Mr. Biju-Duval agrees
11 with what you've just said, Ms. Solano.

12 MS. SOLANO: Indeed, your Honour. The documents are
13 DRC-OTP-0152-0286. And if I can ask the usher to assist with
14 distributing to the Presiding Judge, the Defence, and the participants
15 the binders that we've prepared with the documents that we intend to show
16 to the witness as well as to the full Bench, please.

17 PRESIDING JUDGE FULFORD: Thank you.

18 Mr. Biju-Duval.

19 MR. BIJU-DUVAL (interpretation): Yes, your Honour. It perhaps
20 might have been good if the Prosecution specified the agreement with
21 regard to the document. The Defence has no objection for Chapter B on
22 recruitment and the use of child soldiers. We have no objection to this
23 chapter being admitted. Similarly, we have no objection to the first
24 page, the title page, which would enable the report to be identified, and
25 likewise, we have no objection to -- well, those would be the limits of

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1 agreement reached between the OTP and the Defence.

2 MS. SOLANO: (Overlapping speakers) (Previous translation
3 continues) ... address this but I thank Mr. Biju-Duval for broaching the
4 issue with me. Indeed what the Prosecution and the Defence agreed was at
5 least in my understanding was the document would be tendered into
6 evidence, would be -- would receive an EVD, but that the Prosecution
7 would only rely on Chapter 5B which my colleague has referred to and that
8 we would only rely on the first three pages of the document for the
9 purposes of having or asking the witness to confirm the form of these
10 three pages which precede the report, basically the to and from
11 information. And in addition, I believe that we agreed with the Defence
12 in relation to paragraph 8, which may be found at page DRC-OTP-0152-0293,
13 that I would be allowed to rely -- to ask the witness to confirm the
14 information in one phrase in that paragraph, and I see that
15 Maitre Biju-Duval is nodding, but ...

16 PRESIDING JUDGE FULFORD: Do you agree, Mr. Biju-Duval, with the
17 summary just provided by Ms. Solano?

18 MR. BIJU-DUVAL (interpretation): Yes, your Honour.

19 PRESIDING JUDGE FULFORD: Good. Well, happily agreement does
20 exist, Ms. Solano. So that document in those circumstances can be
21 introduced with the limited purpose that you've just identified.

22 Now, that's the first of them. Which is the second, please?

23 MS. SOLANO: The second one, your Honours, is DRC-OTP-0152-0256,
24 and it may be found at tab 11 of the binders that your Honours have.

25 PRESIDING JUDGE FULFORD: And I think, Ms. Solano, this is the

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1 document that has just been the subject of a short ruling from the Bench;
2 is that right?

3 MS. SOLANO: Your Honour, the document was certainly alluded to
4 in your decision as it has -- it is linked to the third document which I
5 will now seek to tender into evidence.

6 PRESIDING JUDGE FULFORD: Well, before we move there, am I right
7 in understanding that in relation to the Security Council report, if
8 that's the right word -- yes, it is a special report dated the
9 16th of July, 2004, you only seek to introduce section D, which is
10 entitled "Children Associated with Armed Groups." Is that correct?

11 MS. SOLANO: That's correct, your Honour, and that would be the
12 third document which I would seek to tender this morning. It's at
13 tab 12.

14 PRESIDING JUDGE FULFORD: You're quite right. I've got my tabs
15 mixed up, Ms. Solano. My mistake. So tab 11 in its entirety, the child
16 protection report dated February 2004 and then the section that I've just
17 referred to of the Security Council report under tab 12. Well, given
18 that those have just been the subject of rulings by the Chamber, you
19 needn't introduce them any further, Ms. Solano, now.

20 MS. SOLANO: Thank you, your Honours. I seek your guidance as to
21 whether these documents can receive EVD numbers at this moment. They
22 have EVDs from the Confirmation Hearing.

23 PRESIDING JUDGE FULFORD: Now, there was an outstanding question
24 in relation to EVD numbers whether we are using and adopting any of those
25 from the pre-trial stage. Do you have an immediate answer to that,

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1 Ms. Solano?

2 MS. SOLANO: Your Honour, I understand that unfortunately we are
3 using the same EVDs, and I'm happy to provide them now.

4 PRESIDING JUDGE FULFORD: Could you, please, and can I ask you to
5 make sure that you don't start speaking too quickly following the earlier
6 speaker. You're occasionally coming in too rapidly and it's causing
7 difficulties upstairs.

8 MS. SOLANO: I will bear that in mind. Thank you.

9 For document DRC-OTP-0152-0286, the Confirmation Hearing number
10 is EVD-OTP-00014. For document DRC-OTP-0152-0256, the Confirmation
11 Hearing number is EVD-OTP-00022. And for document DRC-OTP-0074-0422, the
12 Confirmation Hearing number is EVD-OTP- -- I'm afraid I don't have the
13 full EVD number for that one, your Honour. I wonder whether the Court
14 Officer might have access to it through e-court.

15 PRESIDING JUDGE FULFORD: Unless it's immediately available, we
16 can return to this later, Ms. Solano.

17 Can I ask the Court Officer whether she has it at her fingertips.
18 Good. If the Court Officer could then give that number, please.

19 COURT OFFICER: The document number is EVD-OTP-0014. So I guess
20 it might be a mistake with the other number you gave.

21 MS. SOLANO: Yes. Perhaps the number I gave for document
22 DRC-OTP-0152-0286 is incorrect.

23 PRESIDING JUDGE FULFORD: Can we sort this out, please, over the
24 midmorning break. Can you move on, please, Ms. Solano. Thank you.

25 MS. SOLANO: Yes, your Honour. My one remaining procedural

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1 question to the Bench is whether the transcripts should receive EVD
2 numbers.

3 PRESIDING JUDGE FULFORD: What do you suggest?

4 MS. SOLANO: I suggest that they do, your Honour.

5 PRESIDING JUDGE FULFORD: Then unless there's any objection, they
6 shall. I see no objection, so can the transcripts please be given a
7 collective EVD number.

8 COURT OFFICER: The transcripts will bear the number
9 EVD-OTP-00479.

10 MS. SOLANO: Thank you.

11 Q. Ms. Peduto, during the Confirmation Hearing you said that you
12 have a licence in anthropology and a master's diploma and DEA in
13 sociology. On what date did you complete the last of those degrees?

14 A. I believe that it was in 1992.

15 Q. Thank you. You said that after your studies you began working
16 for French non-governmental organisation in Bosnia and Herzegovina as
17 part of an emergency programme for displaced persons and children. When
18 did you take up this position?

19 A. In 1993.

20 Q. And for how long did you keep it?

21 A. For more than two years.

22 Q. You said your work with this organisation involved children's
23 issues. Can you please explain in what way your work for this French NGO
24 involved children's issues?

25 A. The work concerned the population that was vulnerable in general.

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1 That included children. We supported a programme that provided
2 assistance to hospitals, that provided supplementary food to those who
3 were vulnerable. That included children, pregnant women, displaced
4 individuals, the elderly, and we also intervened in a more specific
5 manner, in the field of education, in the field of assisting displaced
6 and vulnerable children. We assisted with health care as well.

7 Q. And in the context of your activities with that NGO, did you have
8 direct contact with children yourself?

9 A. Yes. During the distribution, yes, of course. And in the course
10 of the assessment stage when trying to determine what the needs were.

11 Q. What age range were the children that you conducted need
12 assessments with?

13 A. For the food programme the children were between the age of nil
14 and 5 and sometimes up to 10 years of age in certain cases, and for other
15 programmes for children who were going to school. It was for children
16 between the age of 7 and 15, approximately.

17 Q. Did you meet with these children?

18 A. During the first year with regard to the food programme, it was
19 several times a year --

20 THE INTERPRETER: Several times a month, interpreter's
21 correction.

22 THE WITNESS (interpretation): I wouldn't say every day, but
23 perhaps 10 or 15 times a month we would distribute with that frequency.

24 MS. SOLANO:

25 Q. (Overlapping speakers) (Previous translation continues) ...

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1 hearing that you then moved to Azerbaijan and that from there you moved
2 to Kenya and to the DRC where you worked for a British non-governmental
3 organisation.

4 A. That's correct. I forgot to mention Iraq before Azerbaijan, or
5 rather, after Azerbaijan.

6 Q. (Overlapping speakers) (Previous translation continues) ... for?

7 A. I apologise, in which country?

8 Q. I'm sorry, I had to pause because I'm going too fast for the
9 transcribers.

10 What organisation did you work for in Iraq?

11 A. Handicapped International.

12 Q. And what work did you do with that organisation?

13 A. I was in charge of the programme. I was the head.

14 Q. What was the age range of the people to whom the programme
15 provided services to?

16 A. Adolescents or the elderly.

17 Q. And when you say "adolescents," what age range would that
18 include?

19 A. It was a programme for orthopaedic assistance. These were
20 mines -- victims of mine explosions, so it depended on the situation the
21 children were in when it came to assisting them. These adolescents were
22 older adolescents. They weren't under 15 years of age as far as I can
23 remember.

24 PRESIDING JUDGE FULFORD: Ms. Solano, forgive me for
25 interrupting. I realise that these are introductory questions.

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1 Obviously if there are issues in relation to the qualifications or the
2 ability of this witness, then it may be necessary to investigate in some
3 detail her activities in other countries, but as far as I'm aware, I
4 haven't detected any such criticism of her as a witness. And if there is
5 no criticism in that sense of her as a witness, I'm really not sure
6 whether her going in this detail into the work that she was undertaking,
7 for instance, in Iraq, is really going to be of very much assistance to
8 us, particularly given we are under fairly considerable pressures of time
9 now.

10 MS. SOLANO: Yes, your Honour. I just wanted to establish
11 whether during her time in Iraq she had worked with children, including
12 children under the age of 15, but I can move on from that immediately.

13 PRESIDING JUDGE FULFORD: Well, I'm not stopping you, Ms. Solano.
14 I'm just observing that this seems to be fairly tenuous, really, in
15 relation to the material that we've ultimately got to consider in this
16 trial.

17 MS. SOLANO:

18 Q. Madam, when you moved to Kenya and to the DRC subsequently, what
19 was the British organisation that you worked for?

20 A. Save the Children UK.

21 Q. In what capacity did you work for that organisation?

22 A. First I was the emergency support officer in Kenya for three
23 months, and then I was based in Kinshasa where I worked as the programme
24 coordinator responsible for the western part of the country.

25 Q. Do you recall as of what date you were based in Kinshasa?

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1 A. I think it was 1998 to 1999.

2 Q. The programme for the west part of the country that you were the
3 coordinator of, did it address in any way the needs or situation of
4 children?

5 A. It was only involved with children, exclusively.

6 Q. In what way was this programme involved with children?

7 A. We set up a programme which covered the extended city area of
8 Kinshasa. The purpose was to integrate various types of interventions.
9 We set up microprojects in various different sectors, juvenile justice,
10 social workers, assistance to organisations that dealt with street
11 children, nutrition programmes, projects involved in the integration of
12 young adolescents, microprojects which would lead to income earning for
13 certain groups of children, vulnerable children in particular.

14 Q. During the Confirmation Hearing you said that before your first
15 mission to Bunia in September 2002, you had been involved in the
16 identification of children, including child soldiers, with very
17 experienced persons. You said this in the context of questions about how
18 you made assessments about children's ages.

19 Do you recall what period of time you were referring to when you
20 said that prior to going to Bunia you had worked with highly experienced
21 persons in the identification of children?

22 A. I was referring to the period when I was working in Kinshasa but
23 also a period where I worked in the Congo, in particular in the northern
24 part of the country the first part of 2003 (as interpreted).

25 Q. And what was the work that you did in the northern part of the

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1 country in the first part of -- I believe you said 2002, although the
2 transcript indicates 2003.

3 A. No, I do confirm that it was 2002. These -- it was interventions
4 with an NGO that worked with child soldiers.

5 Q. In what way did this organisation work with child soldiers?

6 A. They had a transit centre, and they were involved with the
7 reintegration of children who had been demobilised, who had been members
8 of armed groups.

9 Q. Did you have an opportunity to meet with these children yourself
10 in the course of your work?

11 A. Yes, on numerous occasions.

12 Q. Can you then estimate by the time you began covering Ituri as
13 part of your child protection advisor functions with MONUC, generally
14 speaking the number of children that you had dealt with directly in your
15 prior work experience?

16 A. Several dozens if you're talking about street children in
17 Kisangani. I would say close to 50 in the northern part of the country,
18 the Grand Nord, before the very first visit. Perhaps others, but it's
19 difficult to tell you whether those contacts took place before or after.

20 Q. You said that while you worked for MONUC you went to Bunia and
21 other areas of Ituri on several occasions between September 2002 and
22 March 2003. Did there come a time after these missions when you were
23 based permanently in Bunia?

24 A. I was officially administratively based in Bunia in May of 2003.

25 Q. Thank you. And what office were you assigned to at that time?

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1 A. I was in charge of the child protection section in Bunia.

2 Q. Do you recall more exactly when in May you arrived in Bunia?

3 A. Unfortunately, I do not. I think it was between the 15th and the
4 25th, but I do not remember the precise date.

5 Q. Why do you believe that you arrived in between those dates? What
6 is particular about those dates?

7 A. I arrived after the most violent fighting took place, after the
8 UPC had taken control of Bunia, and after the departure of the Ugandan
9 soldiers.

10 Q. In addition to you, was there anyone else in MONUC's child
11 protection section at the time when you arrived in Bunia?

12 A. No, no one else.

13 Q. Did other child protection section staff join you at a later
14 point in time?

15 A. One person came to be permanently based in Bunia in the middle of
16 2004. I believe it was the month of June. Others came for shorter
17 periods to provide support or replace me during my vacation periods.

18 Q. At the time, did you report to the MONUC hierarchy outside of
19 Bunia on the child protection related issues, or was your reporting
20 destined only for the office in Bunia?

21 A. No. I reported directly to the person in charge of child
22 protection who was in Kinshasa.

23 Q. In what form did you report? Was this done orally, in written
24 form, or otherwise?

25 A. Well, there were various forms, various types of reports

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1 depending on the period of time. In general, the reports were weekly
2 reports. During the more sensitive periods of time where the security
3 situation had deteriorated or for precise reasons there were also daily
4 reports sent either -- sent by e-mail. It also occurred rather
5 frequently that reports would be given in the form of a telephone
6 conversation with people in Kinshasa. Perhaps I can also add that during
7 certain periods of time, in particular during special inquiries or if
8 joint reports were being drafted with our colleagues working in human
9 rights, protection of human rights, and the protection of children in
10 Kinshasa.

11 Q. Leaving the reporting done in collaboration with the special
12 investigative colleagues aside for the moment, I would like to ask you
13 about your more regular -- or the daily and the weekly reports that you
14 have referred to.

15 What sorts of topics would you normally address in those reports?

16 A. The context, first of all. The security context, the
17 humanitarian situation, and that could include administrative
18 information. There were particular situations that related to children
19 associated with armed groups and the form of the reports evolved over
20 time.

21 As regards the children associated with armed conflicts, we
22 became more and more specific as the months went by. Between 2003
23 (Realtime transcript read in error "2002") and 2004 we added special
24 chapters dealing with the management of children and the various
25 re-integration activities and other activities organised by the transit

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1 centres, and there were special sections dealing with non-accompanied
2 children, justice for children under age, sexual violence.

3 Those were the main themes that were dealt with.

4 Q. Thank you. Just a clarification. I believe you said that
5 between 2003 and 2004 you added special chapters dealing with the
6 management of children. The transcript has captured what you said as
7 between 2002 and 2004. Can you please clarify whether the initial year
8 you referred to is 2002 or 2003?

9 A. It was 2003.

10 Q. Thank you. Do you recall what your involvement in the drafting
11 of the daily and the weekly reports was?

12 A. Well, since I was alone between 2003 and 2004, I wrote them.
13 Starting in 2004, some of the paragraphs were drafted by my colleague who
14 contributed to some the paragraphs.

15 Q. Do you recall when was -- do you recall the date perhaps of the
16 earliest reports that you drafted?

17 A. I began drafting reports before I arrived in Kisangani, that is,
18 when I was in Kinshasa in January of 2002.

19 Q. And after your deployment to Bunia in May 2003, when did you
20 first draft reports for your hierarchy?

21 A. Well, reports, daily reports, were drafted starting the very
22 first day with my colleague working in the field of human rights at the
23 time. The first child protection report dealing solely with that was
24 drafted week 20.

25 Q. You've just said that there was a child protection report dealing

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1 solely with -- I believe you said the issue of child -- of children. Can
2 you explain that?

3 A. Well, no, that's -- perhaps I wasn't clear. There were weekly
4 reports with different sections. One section described the context, one
5 described non-accompanied children, another dealt with children
6 associated with armed groups, another on juvenile justice, and again
7 another chapter on sexual violence.

8 Q. The French transcript captured a statement by you that the first
9 child -- the first pure child protection report was made or drawn up in
10 week 20.

11 A. My first weekly report from Bunia, yes, that's correct.

12 Q. Thank you.

13 MS. SOLANO: Your Honour, I would like to show a document to the
14 witness. The ERN of the document is DRC-OTP-0152-0244. It can be found
15 at tab 5 of the binders, and the document can be broadcast.

16 PRESIDING JUDGE FULFORD: Good. Now, Ms. Solano, for the
17 convenience of the witness are we going to provide one binder with all
18 the documents in it or do you wish to hand them up individually on each
19 occasion?

20 MS. SOLANO: Your Honour, I -- your Honour, I was under the
21 impression that the usher had a copy of the binder which we had turned in
22 for the witness, but I will clarify that.

23 We gave seven copies of the binders to the usher. Three
24 intended --

25 PRESIDING JUDGE FULFORD: Well, one seems to have gone missing,

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1 Ms. Solano.

2 I'm not enthusiastic about the accused having to give up the copy
3 which has been provided to him. Ms. Solano, for the time being
4 individual documents to the witness, and can we rapidly try and rectify
5 this by putting together a fresh copy of the bundle unless, as I
6 anticipate, Mr. Diakiese is about to do the honourable thing.

7 MS. SOLANO: Yes, your Honour. Mr. Diakiese has been graceful
8 enough to let us use his copy of the binder and we will replace it.

9 PRESIDING JUDGE FULFORD: Very gracious of you, Maitre Diakiese,
10 thank you very much. Can we try and make sure that the victims
11 representative is provided with an alternative bundle as quickly as
12 possible.

13 MS. SOLANO: We will ensure that they have copies at the break,
14 your Honour.

15 PRESIDING JUDGE FULFORD: Thank you.

16 MS. SOLANO:

17 Q. Madam can you please turn to tab 5 of the document before you,
18 and I believe you are there already. Have you had a chance to look at
19 this document?

20 A. Yes.

21 Q. Do you recognise it?

22 A. Yes.

23 Q. What is this document?

24 A. It is one of the weekly reports that I drafted from Bunia.

25 Q. Can I ask you just a few clarifications on the content of this

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1 document? There is a reference in the -- almost at the last paragraph
2 from the bottom, the tenth line from the bottom, at the end of the line,
3 to a child protection network, and some organisations are referred to as
4 being part of it.

5 Can you please explain what the child protection network was and
6 what organisations were part of it?

7 A. Are you talking about the first page?

8 Q. Tenth line from the bottom.

9 PRESIDING JUDGE FULFORD: It's the same line, madam, that has an
10 underlining at the beginning of the line. The underlining comes under
11 "The day of the African child." If you look at the end of that line,
12 you'll see the words "Child protection network." And I think you're
13 being asked to describe what the child protection network was.

14 THE WITNESS (interpretation): There was a child protection
15 network in Bunia which had been existing composed of different
16 organisations which did not exclusively have a mandate to protect
17 children. These were organisations which had a broader mandate relating
18 to assistance to the vulnerable, interventions in the area of education,
19 health, and other interventions that were organised in a network form.

20 MS. SOLANO:

21 Q. What organisations were part of this network?

22 A. I cannot remember precisely. I can mention those I remember. I
23 remember the organisations which were partners with Save the Children UK;
24 the assistance programme to the vulnerable, Terre des Enfants, and
25 others. I don't remember their names.

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1 Q. Thank you.

2 PRESIDING JUDGE FULFORD: Now, Ms. Solano, if this is a matter of
3 importance, this may be an area where it would be legitimate for the
4 witness to refresh her memory from a document that she has previously
5 prepared. It's a matter for you as to whether or not you want to explore
6 it further, and I don't know whether this has been recorded in one of the
7 witness's earlier statements or in some other document, but this is an
8 example where simple fallibility of memory may be in play which would be
9 unfair both to the witness and the Prosecution.

10 MS. SOLANO: Your Honour, I will avail myself of that tool later
11 on during the examination if you permit when I go more into depth about
12 this issue. For now it's sufficient for the witness to give this brief
13 explanation.

14 PRESIDING JUDGE FULFORD: Certainly. I just wanted to make sure
15 that you realised you had the opportunity.

16 MS. SOLANO: Thank you, your Honour.

17 Q. Madam, can you turn to the second page of the document, and it's
18 a page that has the number at the bottom that ends in 0245. And the
19 first sub-heading on that page deals with IDPs and ENAs in Bunia.

20 A. Yes, I'm on that page.

21 Q. (Overlapping speakers) (Previous translation continues) ... lines
22 down in that paragraph, in the middle of the paragraph there is a
23 reference to: "Training on procedures and identification," and I'm
24 quoting, "were carried out on Saturday with those persons so that the
25 data corresponds to minimum standards."

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1 Can I ask you to please read that paragraph up to that point, and
2 when you do that, explain what this portion I have read out relates to.

3 A. Yes. We're talking about training on the procedures to be
4 followed to identify non-accompanied children.

5 Q. Can you explain what "identification" means?

6 A. Well, at that time we were talking about persons who were in
7 contact with non-accompanied children. I wanted to make sure that they
8 followed certain standard procedures for the identification of the
9 children, from the youngest to the older ones. Such identification
10 related to the place of origin of the children, their family situation,
11 their age, and the collection of information that will make possible the
12 identification of their parents or the quest for their families and
13 relatives.

14 Q. Thank you.

15 MS. SOLANO: Your Honour, I will return to this document later on
16 in my examination, but perhaps it can already receive an EVD number at
17 this stage.

18 PRESIDING JUDGE FULFORD: Yes, in the absence of any objection,
19 certainly. EVD number, please.

20 COURT OFFICER: The document already bears the number
21 EVD-OTP-00256 given during the pre-trial phase.

22 MS. SOLANO: Thank you.

23 Q. I would next like to show you another document which can be found
24 at tab 1 of the binder.

25 MS. SOLANO: And with respect to this document, your Honour, I

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1 have a procedural point to make.

2 Under tab 1 of the binder there are two copies of this document
3 one of them bears the ERN DRC-OTP-0172-0242, and the other one, the copy
4 that's on top bears ERN DRC-OTP-0001-0046. Your Honour, both are copies
5 of the same document. One contains redactions that the United Nations
6 had applied at an earlier stage. Those redactions have been since
7 lifted, and in discussions with the Defence we agreed to rely on the
8 unredacted version, but it is not on the list of documents that were
9 identified by the Prosecution in the annex to its pre-trial brief, and so
10 I seek your leave to add it thereto.

11 PRESIDING JUDGE FULFORD: Yes. I mean, this is purely a
12 technicality, Ms. Solano. Thank you very much for doing it in what is
13 undoubtedly the correct way given this had not been strictly speaking one
14 of the documents, but your application is granted.

15 MS. SOLANO: Thank you, your Honour. And I will ask the witness
16 questions about the document that is on top that is on DRC-OTP-0001-0046.

17 PRESIDING JUDGE FULFORD: Yes. In fact, it may be the second
18 document in the witness's file. In mine 0046 is the bottom one, but we
19 must just make sure that we're referring to the right document. It's the
20 one without deletions.

21 MS. SOLANO: Thank you, your Honour.

22 Q. Do you have this document in front of you?

23 PRESIDING JUDGE FULFORD: And we're going to take a break now,
24 Ms. Solano. We're half past 10.00.

25 Thank you very much, madam, for your assistance so far. We look

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1 forward to seeing you in half an hour's time, and I'm sure somebody will
2 make sure you're provided with a cup of coffee or tea.

3 Ms. Solano, we need to check over the break where this witness's
4 notes and statements are. I have re-checked the instructions that were
5 given yesterday, which were to the effect that the witness was allowed to
6 bring into court such materials as may be needed for the purposes of her
7 refreshing her memory. So can we -- can you make sure, in liaison with
8 the Victims and Witnesses Unit, that that bundle of materials is
9 available so we're not left scrabbling around at the last moment trying
10 to find them.

11 MS. SOLANO: I will do so, your Honour.

12 PRESIDING JUDGE FULFORD: All right. Could the usher, then,
13 please accompany the witness to the witness waiting-room.

14 (The witness stands down)

15 PRESIDING JUDGE FULFORD: And can somebody please also look after
16 Mr. Johnson over the next half an hour and ensure that he knows what
17 facilities are available within the building.

18 Good. We sit again at 11.00.

19 COURT OFFICER: All rise.

20 Recess taken at 10.31 a.m.

21 On resuming at 11.01 a.m.

22 COURT USHER: All rise. Please be seated.

23 PRESIDING JUDGE FULFORD: Yes. Witness, please.

24 MS. SOLANO: Mr. President.

25 PRESIDING JUDGE FULFORD: Ms. Solano.

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1 MS. SOLANO: While the witness comes in, can I make a request for
2 an EVD that you had asked me to follow-up on? The document is
3 DRC-OTP-0152-0286, and the Court Officer has advised me over the break
4 that this document already bore an MFI at the trial stage and that I thus
5 need to request an EVD, which I do now, please.

6 (The witness takes the stand)

7 PRESIDING JUDGE FULFORD: Good. Could that be provided, please.

8 COURT OFFICER: The document will bear the number EVD-OTP-00480.

9 MS. SOLANO: Thank you.

10 PRESIDING JUDGE FULFORD: Right. You were just about to turn the
11 content of a particular document, Ms. Solano.

12 MS. SOLANO: Yes, your Honour. We were looking at the document
13 under tab 1.

14 Q. And, Ms. Peduto, can you please confirm that that document is in
15 front of you?

16 A. Yes.

17 Q. What is this document?

18 A. It is one of the weekly reports that I sent from Bunia.

19 Q. Thank you.

20 MS. SOLANO: Your Honour, I don't have any more questions on this
21 document for the moment. I will come back to it later but I do request
22 an EVD number, please.

23 PRESIDING JUDGE FULFORD: Certainly.

24 COURT OFFICER: The document will bear the number EVD-OTP-00481.

25 MS. SOLANO:

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1 Q. Ms. Peduto, can you please confirm who is the author of this
2 report?

3 A. I confirm that the author is me.

4 Q. Can you turn next to the document at tab 2, please.

5 MS. SOLANO: Your Honours, and the ERN for this document is
6 DRC-OTP-0172-0245. And as with the previous document, there is an
7 unredacted copy that we seek to add to the exhibit list. The ERN for
8 that unredacted copy which is also at tab 2 is DRC-OTP-0001-0049.

9 PRESIDING JUDGE FULFORD: Well, for similar reasons you may rely
10 on the -- the new document which is unredacted, Ms. Solano. Can I remind
11 you to make sure that you pause before making your interventions, because
12 we're still having too many occasions where you're overlapping with the
13 answer that's being provided by the witness.

14 MS. SOLANO: Yes, your Honour. And this document can be
15 broadcast, please.

16 Q. Ms. Peduto, do you recognise this document?

17 A. Yes. It is one of the reports that I wrote, sent from Bunia.

18 MS. SOLANO: And as before, no further questions at this time.
19 Can I please have an EVD?

20 COURT OFFICER: The document will bear the number EVD-OTP-00482.

21 MS. SOLANO: Thank you.

22 Q. And finally for now, can you please turn to the document at
23 tab 3.

24 MS. SOLANO: The ERN is DRC-OTP-0172-0250, and its corresponding
25 unredacted version is DRC-OTP-0001-0059.

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1 PRESIDING JUDGE FULFORD: Same ruling. Number, please.

2 COURT OFFICER: The document will bear the number EVD-OTP-00483.

3 MS. SOLANO: Thank you.

4 Q. Ms. Peduto, do you recognise this document?

5 A. This is once more another weekly report sent from Bunia.

6 Q. Thank you. You said before the break, in relation to the first
7 of the weekly reports that I showed you, that you wanted persons who were
8 in contact with unaccompanied children to follow standard procedures, and
9 you said that these were to be standard procedures, among other things,
10 for the identification of the children's age.

11 Can you explain what you meant by those standard procedures?

12 A. Since the partners were different and many in that area at the
13 time, we had to establish procedures to ensure a systematic working
14 manner, to establish communication procedures between the various
15 agencies so that they can work better to exchange information.

16 Certain agencies were in charge of the identification of
17 children. Other agencies were in charge of the location of families. So
18 we had to agree on procedures that would enable them to work together, to
19 pool information and to ensure that no information would be unavailable
20 with respect to the location of families. And once the family has been
21 located, we wanted to make sure that children are reunified with their
22 families as soon as or as quickly as possible.

23 Q. Thank you. What -- what was the standard procedure for the
24 assessment of age?

25 A. There is no scientific procedure for determining or detecting the

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1 age of a child. There are different criteria which should be taken into
2 account in order to determine the age of a child. The first is the
3 information provided by the child. Some of them are educated and so are
4 fully aware of their age or even their date of birth.

5 The agencies also have to work with trained social workers to
6 conduct detailed interviews of children and to put questions which relate
7 to the family context of the children, information relating to their
8 biological parents or their guardians, information on their brothers and
9 sisters, their position in the family line, their academic record, that
10 is, for those of them who have been attending school. And this also
11 requires focusing on their individual stories in order to determine
12 certain key dates which we will then use to cross-check the information
13 provided by the children.

14 The physical appearance is also something to be taken into
15 consideration, but it's not the main criteria that is used in order to
16 determine a child's age. This concerns non-accompanied children.

17 Do you want me to provide you with additional information on
18 children associated with armed forces?

19 Q. Yes, please. Can you say whether the procedure for -- for
20 assessing the age of child soldiers was similar to the one that you have
21 just described?

22 A. It's quite similar. It also involves an additional factor,
23 namely, the "military background," the military experience the children
24 have had, to the extent that these children wanted to talk about this.
25 We would then had go over their stories, the time they were recruited,

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1 the battles they participated in, and this would also allow us to check
2 various parts of the story, various periods covered by their stories.

3 Q. In what way would you -- how were you able to verify the battles
4 that they participated in? Can you explain what you mean by that?

5 A. I had certain chronology that our military observers had
6 established and our political colleagues had established. This concerned
7 the various events in Ituri and in the north of Kivu, and this allowed us
8 to check whether the dates provided by the children corresponded to
9 reality, that had been documented, or to see whether it was just
10 imaginary. Some children quite clearly provided us with dates that
11 weren't precise. The day might be a bit wrong. The month might be a bit
12 wrong. But in general this allowed us to have certain indications as to
13 how true their stories were.

14 As far as children associated with armed forces are concerned,
15 well, there were also other means one could use. For example, if I had
16 any doubts about the children that I had met, if I had any doubts about
17 the interviews I had with them, whether it concerned the age or the
18 affiliation of the child to a given armed group, in such cases I would
19 put these questions to our partners who would then take care of them.
20 They would get back to me. The children were taken care of. Not for
21 half an hour or one hour. That's the time I usually spent with them.
22 They were taken in care for several weeks or months, and social workers
23 worked with them. They were experienced. They had daily contact with
24 these children. These children also had the opportunity of being in
25 contact with children from other groups in these centres. And this was

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1 one way of verifying information on the age of the child or the child's
2 affiliation if there were any doubts.

3 Q. (Previous translation continues) ... (overlapping speakers) ...
4 clarifying questions on your response.

5 First of all, you referred to the chronology or the chronologies
6 that were available to you which had been prepared by military observers
7 and political colleagues. Can you confirm whether these persons worked
8 for MONUC?

9 A. Yes. These were people who worked for MONUC.

10 Q. You said that part of the process required focusing on the
11 children's individual stories in order to determine certain key dates
12 which you would then use to cross-check the information provided by the
13 children. Can you please expand on that? Can you expand on what you
14 mean when you say that you cross-checked the information provided by the
15 children?

16 A. The children I had interviews with would tell me their stories,
17 their family stories or stories about the experience they had since the
18 time that they became associated with armed groups. Some of them gave us
19 information about how they had been recruited, how they had been used,
20 and they also told us about the various battles they participated in.

21 Frequently after such interviews I would consult this chronology
22 to check that the information was correct, see whether there was anything
23 that seemed inconsistent in the stories told by these children.

24 Q. Thank you. During the Confirmation Hearing, you indicated that
25 indeed the military observers were one of your sources of information in

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1 the period before you were posted to Bunia. So in the period beginning
2 in August or September 2002. And you said that the military observers
3 had been given specific training on the use of children, and they were
4 given instructions on how to monitor the presence of children in the
5 armed groups. You said, more specifically, that at the national level
6 you had developed a monitoring grid which was available to the military
7 observers and that this monitoring grid or form had very specific
8 questions.

9 Do you recall what specific questions were contained in that form
10 or what specific information the military observers were mandated to
11 collect?

12 A. The military observers in -- well, I'm not sure whether I have
13 already said that they were trained, trained by the child protection
14 section, and this concerned monitoring children associated with armed
15 forces in Kinshasa before they were deployed in the field. In each
16 region we had to reinforce this awareness-raising campaign.

17 As far as the monitoring grid that was put in place is concerned,
18 well, I don't have a precise recollection of the questions that were put.
19 I don't remember everything in detail, but I know that identification had
20 to do with a lot details on the armed groups, on the battalion the child
21 was in, on the date and place where their observations were made. There
22 were also descriptions of the clothes worn by the children, details on
23 the fact that the children were armed or not or details on the kind of
24 weapons. There was a question on the presence of girls, in particular,
25 and there were questions on the assessment of the children's age.

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1 The military observers hadn't been told directly or explicitly to
2 speak to the children. No advice had been given to them to that effect.

3 Q. Thank you. Did the military observers also collect information
4 on other persons who were parts of the armed groups?

5 A. That was one of their main tasks, to be involved in the
6 monitoring of military presence in the areas where they were active.

7 Q. So in relation to the children associated with armed groups that
8 the military observers encountered, would they have asked the children,
9 or would they have sought to find the names of, for example, the
10 commanders under whom the children served?

11 A. That was one of the questions that would be put, yes.

12 Q. Can you explain what kind -- what form this monitoring grid took?
13 Can you describe it?

14 A. It was an A4 sheet of paper, and the questions were contained on
15 that sheet of paper.

16 Q. Did the military observers record or use these grids for each
17 child that they came across or not?

18 A. Unfortunately, this grid wasn't used as systematically as it
19 could have been. Some groups of military observers did use it and noted
20 their comments in the daily reports that they would submit to their
21 superiors, others came to talk to us about these matters. I'd be lying
22 if I said that this grid was systematically used by all military
23 observers.

24 Q. You said that the military observers had received training by the
25 child protection section. Can you explain what kind of training they had

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1 received?

2 A. This training took place in Kinshasa. I don't fully recollect
3 everything about the training. I know that they were trained about the
4 mandate for child protection in general. They were trained about issues
5 that affected children in Congo, issues that perhaps didn't have to do
6 directly with the armed conflict but issues that concerned education,
7 displacement, vulnerability. They had also been trained about -- or
8 informed about the various agencies that could provide assistance with
9 regard to certain problems that the children had. There was training
10 with regard to the mandate for child protection in particular. There was
11 training about the need for the child protection unit to interact with
12 military observers in the field.

13 I don't know if that covers everything or not.

14 Q. Thank you. You mentioned daily reports that the military
15 observers would submit to their superiors. Did you ever see such daily
16 reports?

17 A. Yes, absolutely. In Kisangani, for example, the military
18 observers -- the military observer group was in front of our office, and
19 we had a very good relationship with them, and there are binders that
20 contain the reports from all the military observers active in sector 2,
21 and we had access to these binders, and on numerous occasions I did
22 consult these binders. From the time that I settled in Bunia, I didn't
23 have such a need to consult these reports since the military observers
24 gave us detailed reports every morning when we had meetings, and they
25 mentioned anything that might be of importance for the child protection

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1 unit and for other units.

2 Q. But did you have access to the reports while you were in Bunia?

3 A. If I wanted to, yes. These reports were available. I had access
4 to them.

5 Q. Did you in fact consult some of these reports?

6 A. I know that copies were given to me at particular points in time.

7 Q. What type of information would typically be included in these
8 reports?

9 A. There would be information on monitoring active forces in the
10 zone of responsibility of the military observers. There would be
11 summaries of their meetings with individuals, governmental organisations
12 or non-governmental organisations and authorities. There was information
13 on the possibility of troop movement. There was information on the
14 administrative situation of the military observers, information on
15 logistical issues. Yes, I think that would be about it.

16 Q. Would the reports -- who would the reports be transmitted to?

17 A. The reports from the military observers were transmitted to their
18 superiors in the sector, to the senior MILOBs.

19 Q. What do you mean by "sector"?

20 A. When I was assigned to Kisangani, Kisangani at the time was the
21 centre of sector 2, which included the north-eastern portion of the
22 country, and when I went to Bunia, it was -- well, sector 6 had been
23 created, which included the District of Ituri.

24 Q. Did -- I'm sorry for the question, but did the sectors, were they
25 a subdivision of MONUC?

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1 A. Yes, that's correct.

2 Q. Thank you. Did -- would the reports by the military observers
3 contain information on children who were in the armed groups?

4 A. Sometimes, yes.

5 Q. And in fact, if I may take you back to your testimony earlier on,
6 the information that the military observers were meant to collect, did
7 the military observers collect information about the number of children
8 that they -- that they had notice of?

9 A. Sometimes, yes, as regards the number of children that they had
10 heard about, but most of the -- mostly it was on direct observation, and,
11 for example, they'd seen children at an airport or at other places where
12 they had gone on patrol.

13 Q. Thank you. Would the reports by the military observers also talk
14 about the situation -- about daily events in -- for example, in Bunia,
15 including events that were not strictly military?

16 A. Well, when I referred to the movement of troops, I should have
17 added that they reported any allegations regarding military operations.
18 They also reported on the humanitarian situation when the situation
19 required such comments. They reported on the number of victims that they
20 had seen or heard about -- or, rather, that they had heard talk about.

21 PRESIDING JUDGE FULFORD: Ms. Solano, I just want to know exactly
22 where this is going, where these general questions are leading us to.
23 Are we going to be looking at individual reports? If so, won't the
24 reports themselves reveal the kind of information that was being
25 gathered? In other words, won't the document -- won't the documentation

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1 really speak for itself?

2 MS. SOLANO: Your Honour, I have no basis to -- to think that the
3 witness has seen the particular reports that I intend to show her, and I
4 was just trying to establish that she was actually familiar, from her own
5 knowledge, about the issues that would normally -- that would normally
6 appear in such reports.

7 PRESIDING JUDGE FULFORD: All right. Yes. No, please continue.

8 MS. SOLANO: Thank you.

9 Q. Are you familiar with Radio Candip and Radio Okapi?

10 A. Yes.

11 Q. Actually, during the Confirmation Hearing you already mentioned
12 Radio Okapi, and you said that it was a radio station that reported on
13 information transmitted by the UPC Presidency. What I would like to know
14 is whether, to your knowledge, the military observers would report on
15 information that had become available through the radio in their reports.

16 A. Well, correct me if I'm wrong. I believe that you're not
17 referring to Radio Okapi but, rather, Radio Candip.

18 Q. Yes. My comment about the radio on which the UPC Presidency was
19 transmitted relates to Radio Candip.

20 A. I believe that would have been possible. As I was saying, the
21 military observers reported on things that they saw directly but also on
22 matters that they had been told. I -- well, according to my
23 recollection, I don't know of any particular report that contained
24 information coming from Radio Candip, but it is possible.

25 Q. Thank you.

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1 MS. SOLANO: Your Honours, if I could please take the witness to
2 the document at tab 6 of the binder. As with the previous documents, an
3 unredacted copy of this document is available, and if your Honours grant
4 my application, I would have it added to the exhibit list, please. The
5 ERN of the document that I will ask -- that I want you to look at is
6 DRC-OTP-0005-0103.

7 PRESIDING JUDGE FULFORD: Yes. Like order; number, please.

8 COURT OFFICER: The document will bear the number EVD-OTP-00484.
9 Are.

10 MS. SOLANO:

11 Q. Ms. Peduto, what is this document, if you know?

12 A. Well, I don't believe I have seen this document before today. It
13 is a MONUC document from sector 6.

14 Q. Have you seen this document before? Sorry, you've already
15 provided that information. I withdraw my question.

16 Does the document you have in front you appear to you to be an
17 authentic report similar to the ones that you had access to when you were
18 in Bunia?

19 A. Yes. At first glance, yes.

20 Q. Thank you. And can you please turn to tab 7?

21 MS. SOLANO: And, your Honour, with your leave the same request,
22 please.

23 PRESIDING JUDGE FULFORD: Good. Like order; a number, please,
24 for the unredacted version.

25 MS. SOLANO: The ERN is DRC-OTP-0005-0080.

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1 COURT OFFICER: The document will bear the number EVD-OTP-00485.

2 MS. SOLANO: Thank you.

3 Q. Ms. Peduto, what is this document, please?

4 A. I beg your pardon. It's a daily report from sector 6 in Bunia,
5 sent to MONUC in Kinshasa.

6 Q. And does it appear -- and does that appear to you to be an
7 authentic copy similar to the ones that you had access to when you were
8 in Bunia?

9 A. Yes, indeed.

10 Q. Had you seen this report before?

11 A. Well, I would have to read it in detail to examine the content.
12 I saw so many reports that I cannot certify at this very point in time
13 that I did indeed see this one already. Do you want me to read through
14 it?

15 Q. If you can take a look at it, please.

16 A. Well, rapidly, I don't believe that I had already seen this daily
17 report. The content is familiar and I did attend the meeting where the
18 MILOBs reported on the content of this report.

19 Q. Very well. If you look at paragraph 8 of the document, on the
20 second page, and, Ms. Peduto, I just want to make sure that you're
21 looking at the unredacted version. So the number at the bottom of the
22 page should be DRC-OTP-0005-0081. And in paragraph 8 there is a
23 reference to a meeting between UPC president and representatives of the
24 IEMF to discuss progress on withdrawal of UPC soldiers, cantoning of
25 troops in various locations, and modalities to decide the strength of UPC

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1 soldiers to provide protection to UPC leadership, a meeting which was
2 held in UPC * headquarters at 11 hours on the date of this report, which is
3 24 June 2003.

4 Was that or any part of that information discussed during the
5 meeting that you attended?

6 A. I don't remember. Well, what I do remember relates to
7 paragraph 10. I remember we discussed the number of soldiers who had
8 been authorised by the multinational forces, and I think that the UPC and
9 the multinational forces had reached an agreement but there had been a
10 lot of discussion. That I do remember.

11 Q. Thank you. And you've mentioned a multinational force. Can I
12 ask you to confirm whether the acronym "IEMF" refers to that
13 multinational force?

14 A. Yes. Yes, indeed. That's correct.

15 Q. Thank you. Ms. Peduto, in paragraph 8 the withdrawal of UPC
16 soldiers is alluded to. Can you explain where UPC soldiers were
17 withdrawing from and in what circumstances?

18 A. Well, it was -- the matter was that the UPC troops were to
19 withdraw from the town of Bunia, including the airport. And that was
20 part of the arrival of the international force ARTEMIS and the deployment
21 of those forces in the zone.

22 Q. Thank you. Can I ask you now to please turn to the document on
23 tab 4. The ERN of this document is DRC-OTP-0005-0041.

24 What is this document?

25 A. It is a daily report from MONUC, sector 6, in -- to Kinshasa --

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1 sent to Kinshasa.

2 Q. (Overlapping speakers) (Previous translation continues) ...

3 A. Again, I would have to read through it before I can really answer
4 your question.

5 Q. Please go ahead.

6 PRESIDING JUDGE FULFORD: Yes. In the meantime, if the
7 Court Officer could give an EVD number.

8 COURT OFFICER: The document will bear the number EVD-OTP-00486.

9 THE WITNESS (interpretation): My answer is identical to the
10 previous one. I did not see this written report, but the content of the
11 report was discussed during one of the daily meetings of the persons in
12 charge of MONUC.

13 MS. SOLANO:

14 Q. Thank you. And can you please confirm whether the information
15 contained in paragraph 3 of this report includes the information which
16 was discussed during one of the daily meetings that you took part in?

17 A. Yes, I can confirm that.

18 Q. Thank you. You said in relation to one of the previous documents
19 that I showed you that the matter being discussed in the report was the
20 withdrawal from the town of Bunia, including the airport, of the UPC
21 troops in view of the arrival of the international force ARTEMIS. My
22 question is did the UPC withdraw from Bunia on and -- on or around the
23 end of June 2003?

24 A. It's difficult to answer with yes or no. It is true that the
25 presence of UPC soldiers became less visible, and the men in uniform, the

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1 men who carried weapons, whom we were used to seeing in the streets in
2 the neighbourhoods of Bunia reduced in number. Not everywhere though,
3 but in certain neighbourhoods they remained visible in the subsequent
4 months. Even if they were not seen by MONUC, they were seen by the
5 people of the neighbourhoods. So the presence of UPC soldiers carrying
6 weapons was less visible. So the members of the UPC armed wing were
7 still present in Bunia during that period though.

8 Q. Thank you. I'm going to go to a different topic now, Ms. Peduto.

9 During the Confirmation Hearing, you mentioned that for your
10 first mission to Bunia of early September 2002, in addition to the
11 information gathered by the military observers, you had at your disposal
12 information collected from organisations that were present in Bunia, and
13 you also mentioned some of the organisations present in Bunia at around
14 that time, including MEDAIR; Agro Action Allemande, AAA; COOPI; Save; and
15 OCHA. Are you able to say what -- are you able to say which of these
16 organisations had activities or services that were related to the
17 children associated with the armed groups at the time?

18 A. Save the Children.

19 Q. What -- what kind of activities or services did Save the Children
20 have? First of all, can you begin with -- can you tell us what presence
21 Save the Children had in Bunia or elsewhere in Ituri?

22 A. Save the Children had a presence in the town of Bunia, in the
23 town of Bunia alone, to my knowledge.

24 Q. What was -- can you -- can you expand, please, on what sort of
25 presence they had and what activities they carried out in relation to

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1 children associated with the armed groups?

2 A. Save the Children had interventions in various areas,
3 intervention in the area of awareness-raising on children's rights
4 through support to partners who had access not only to Bunia but also to
5 places outside Bunia, community awareness-raising, awareness-raising
6 within armed groups. Save the Children had interventions in the area of
7 non-accompanied children in collaboration with their partners in Beni and
8 their office in Uganda.

9 I think that's all they had at the time.

10 Q. Can you explain what you mean by awareness-raising with armed
11 groups?

12 A. I am not a specialist, and I cannot answer on behalf of Save the
13 Children, but I knew that they had activities related to
14 awareness-raising on the Convention of Children's Rights.

15 Q. Did Save the Children continue to be present and active when you
16 were -- in the year 2003?

17 A. Yes, that's correct.

18 Q. And was their presence and were their activities any different in
19 the year 2003?

20 A. In the -- in the middle of 2003, Save the Children broadened its
21 activities in order to carry out certain interventions relating
22 specifically to children associated with armed groups by creating transit
23 centres in Bunia.

24 Q. And you did say -- you did use the plural, "transit centres in
25 Bunia," didn't you?

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1 A. Several were created from the middle of 2003.

2 Q. Was Save the Children associated with more than one of such
3 centres? Did it create one centre or more than one centre?

4 A. They created one in Bunia.

5 Q. Did it set up centres elsewhere? Elsewhere in Ituri, I mean.

6 A. They developed interventions in Aveba, but I cannot say whether
7 such interventions were actually transit centres that were created.

8 Q. Well, how -- how would you define a transit centre such as the
9 one set up by Save the Children in Bunia? I don't know if the transcript
10 caught my question correctly. My question was how would you describe --
11 sorry, how would you define a transit centre?

12 A. A transit centre is a permanent structure for receiving children
13 who come from armed groups, which is managed by professionals, social
14 workers, people who are responsible for logistical arrangements which are
15 needed for the management of such a centre. These centres are usually
16 enclosed places. That is, the children do not go out at night.

17 A transit centre is different from a day centre, and we've had
18 several day centres in Bunia. Care is provided to the children while
19 they're there, and while they're being provided such care, efforts are
20 made to locate their families in order to ensure that they're effectively
21 reunified with such families.

22 The idea is to provide these children with an opportunity to have
23 a transition period between the time when they were associated with armed
24 groups and the time when they are going to return to normal civilian
25 life, and these children sometimes have the opportunity to participate in

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1 educational activities, and sometimes they continue with their education.
2 In any case, the idea is to enable them to make a clean break with their
3 previous experience.

4 Q. Thank you. You've made reference to a day centre, and you said
5 that there were several of those in Bunia. Can you explain to the Court
6 what a day centre was?

7 A. These were centres that received children who were managed either
8 by their families or by acquaintances or children who were in facilities
9 that were not managed by NGOs. And the children and the adolescents had
10 the opportunity to spend their time in those centres without spending the
11 night there.

12 Q. Do you recall as of what date approximately these day centres
13 functioned in Bunia?

14 A. Not in the middle of July. In July we had only about two centres
15 that were operational, and a third was set up later on. In any case,
16 they were fully operational towards the end of 2003.

17 Well, let me add one point. We had transit centres. We had day
18 centres. We also had host families. There were also certain
19 organisations which provided care to children outside these formal
20 structures.

21 Now, the solutions developed to provide assistance to these
22 children were not unique, so to speak. In other words, there were
23 several solutions for these children to address their problems.

24 Q. Are you familiar with an organisation called SOS Grand Lacs?

25 A. Yes.

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1 Q. What is it, and how are you familiar with it?

2 A. It is an organisation responsible for the protection of children,
3 with headquarters in North Kivu in Goma, and it is an organisation which
4 was responsible in Ituri for the monitoring of children recovered by
5 UNICEF, children who had returned from training in Uganda and sent back
6 to their families.

7 Q. When had these children returned from training in Uganda?

8 A. 2001.

9 Q. Did you ever speak to any of the children who had returned from
10 Uganda?

11 A. Only one of them.

12 Q. And when did you speak with that child and in what circumstances?

13 A. The child was remobilised by the UPC. This child came to MONUC,
14 and there we had a discussion after he left the group.

15 Q. When did you speak to this child?

16 A. I think it must have been in 2003.

17 Q. Do you recall what part of the year 2003 this discussion took
18 place in?

19 A. I do not remember. I may find that detail in my notes, but I
20 cannot remember.

21 Q. Do you recall the age of this child?

22 A. No.

23 Q. Do you recall how long prior to your meeting with him or her this
24 child had been remobilised by the UPC?

25 A. I do not remember, but once more, if you so wish I could return

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1 to my notes and I will get that detail for you.

2 MS. SOLANO: Might the witness be allowed to consult her notes on
3 this point, please?

4 PRESIDING JUDGE FULFORD: Yes, certainly.

5 THE WITNESS (interpretation): I don't have the notes with me
6 here. They're in a different room, in a different office.

7 PRESIDING JUDGE FULFORD: Ms. Solano, I'd asked for this to be
8 resolved over the midmorning break so the witness returned to the court
9 with her notes. What's broken down?

10 MS. SOLANO: Mr. President, both the Prosecution -- I believe the
11 witness has the notes that your Honour has instructed be brought into the
12 courtroom with her, or that is at least the information that I received.
13 I -- perhaps I can ask the witness whether those are the notes which she
14 would have wanted to consult, whether she has those notes with her.

15 PRESIDING JUDGE FULFORD: Well, you better establish what the
16 notes are, Ms. Solano.

17 MS. SOLANO:

18 Q. Ms. Peduto, the notes that you would want to consult regarding
19 the child who had been remobilised by the UPC, what notes are these, and
20 do you have -- have you brought them with you to Holland?

21 A. I have them here in Holland. These are individual accounts that
22 I jotted down at the time I was in Ituri, but I don't have them here with
23 me.

24 PRESIDING JUDGE FULFORD: Yes. Ms. Solano, the witness has said
25 that they're in another room, so I'm assuming that they are close at

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1 hand. I had meant in the direction that I gave before the midmorning
2 break that any documents that the witness is likely to wish to rely on,
3 indeed I looked back at what I said to you: "Ms. Solano, we need to
4 check over the break when this witness -- where this witness's notes and
5 statements are so that the witness is allowed to bring into court such
6 materials as may be needed for the purposes of refreshing her memory,"
7 and this is a classic example.

8 Now, how do you propose we deal with this? Should the usher
9 accompany the witness to the room to collect the notes? What do you
10 propose, Ms. Solano?

11 MS. SOLANO: Your Honour, the -- my understanding is that the
12 notes that the witness brought with her and that she would be physically
13 able to consult today, regardless of where they are in the building, do
14 not include the notes that she has expressed a desire to consult. In
15 fact, if -- if I heard her properly, but the witness might correct me, I
16 believe she said she hadn't printed them. But, Ms. Peduto, can you
17 assist?

18 THE WITNESS (interpretation) That's quite correct. It's
19 correct.

20 MS. SOLANO: Your Honour, if I may, if these are notes that the
21 witness has in her personal computer wherever it is that she is staying,
22 perhaps she might be allowed to print them and bring her to the court
23 tomorrow and consult them overnight.

24 PRESIDING JUDGE FULFORD: Yes. Well, I'm quite confused, because
25 in one of the answers given just now, "I don't have the notes with me

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1 here. They're in a different room, in a different office," and so I
2 assumed that they were physically in the building. But if they're on a
3 computer, not printed out then we're not going to be able to get them
4 speedily. You're going to have to move to another point. We're going to
5 have to return to on another occasion when the witness has had an
6 opportunity to locate them and print them out, Ms. Solano.

7 MS. SOLANO: Yes, your Honour.

8 Q. Ms. Peduto, are you familiar with an organisation called (Redacted)?

9 A. Yes.

10 Q. What is this organisation and how are you familiar with it?

11 A. It's an organisation that carried out activities in Ituri, in
12 Bunia. (Redacted)
13 (Redacted), and it took action in the field of child protection in
14 particular.

15 Q. What action did this organisation take in the field of child
16 protection?

17 PRESIDING JUDGE FULFORD: Is there a problem with answering that
18 question, Ms. Peduto?

19 THE WITNESS (interpretation): I'd prefer to answer the question
20 in private session, please.

21 PRESIDING JUDGE FULFORD: Of course. Private session.

22 MS. SOLANO: Thank you, your Honour.

23 *(Private session at 12.14 p.m.) Reclassified as Open session.

24 COURT OFFICER (interpretation): Private session.

25 PRESIDING JUDGE FULFORD: We're now in private session,

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1 Ms. Peduto, so if you could give your answer.

2 THE WITNESS (interpretation): It's not that the information I'll
3 be providing is particularly confidential, but as I'm not authorised by
4 this organisation to express myself on the matter, I'd prefer to do it in
5 this way.

6 To answer your question, I'm not familiar with all the activities
7 that (Redacted) was involved in. I know about the action they took during
8 (Redacted). I know about the action they took for (Redacted)
9 (Redacted). I know about what they did when it comes to assisting demobilised
10 children and other vulnerable children. I know about the immediate
11 assistance that they provided to children who were at risk.

12 MS. SOLANO:

13 Q. Do you know who ran this organisation?

14 A. Yes. (Redacted). (Redacted).

15 PRESIDING JUDGE FULFORD: Now, if you're moving on to another
16 issue, Ms. Solano, we must give consideration as to whether or not we
17 return to public session.

18 MS. SOLANO: Your Honour, perhaps I'll ask just a couple of
19 questions on this person that Ms. Peduto has mentioned, (Redacted).

20 Q. During your course of your work in Ituri, did you -- were you
21 able to observe him at work, and were you able to observe how his
22 organisation functioned?

23 A. Yes. I saw him at work. I saw some of the work he did, yes. I
24 did bear witness to the activities he was involved in.

25 Q. What part of the work he did did you bear witness to?

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1 A. Well, look, there's something that I remember in particular. It
2 was the organisation of (Redacted) in Bunia. I think it was in
3 (Redacted) 2003. He managed to reunite all the (Redacted) so
4 that most of the children who were in school and who weren't in school in
5 Bunia would participate in (Redacted), and this event was a
6 relatively important one for the children.

7 I also bore witness to the fact that (Redacted)
8 (Redacted) children who were separated, who had been demobilised. He
9 helped them reunite with their families. (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)

13 Q. (Overlapping speakers) (Previous translation continues) ...
14 supported the (Redacted)?

15 A. The IRC. I apologise, (Redacted)
16 (Redacted).

17 MS. SOLANO: Your Honour, I don't need to ask more questions in
18 private session. I would just like to request with your Honour's leave
19 that my question, my initial question, in which I referred to (Redacted) be
20 redacted, because in my submission, given that the witness's answer has
21 been elicited in -- has been given in private session, it might draw
22 attention to the fact that the information related to this organisation
23 is sensitive.

24 PRESIDING JUDGE FULFORD: That may be a counsel of perfection,
25 but to err on the side of caution, Ms. Solano, yes, the question may be

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1 redacted.

2 Can we now return into public session?

3 MS. SOLANO: Yes, thank you.

4 PRESIDING JUDGE FULFORD: Public session, please.

5 (Open session at 12.20 p.m.)

6 COURT OFFICER: Open session.

7 PRESIDING JUDGE FULFORD: Yes, Ms. Solano.

8 MS. SOLANO: Thank you.

9 Q. Ms. Peduto, earlier this morning you referred to the
10 organisations called the PAV and Terre des Enfants, and you referred to
11 them as Save partners. First of all, can you confirm that you mean Save
12 the Children?

13 A. Yes, absolutely.

14 Q. And please explain what you mean -- what you meant when you said
15 that they were Save's partners.

16 A. Save worked with them and trained them. They collaborated in the
17 field of raising awareness about children's rights and in the field of
18 unaccompanied children and also in the field of trying to locate
19 families.

20 Q. Was the work of the organisations that were part of this
21 partnership limited to unaccompanied children, or did it also encompass
22 other categories of children?

23 A. In September 2002, I believe that the work was limited to that
24 field. With regard to raising the awareness on children's rights, well,
25 this was done with regard to certain groups of children who were

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1 considered to be at risk, who might be the subject of certain violations.
2 I believe that the partnership developed in 2003, and they started
3 covering children who had been affected by armed conflicts. I apologise.
4 They began to cover children who were associated with armed groups.

5 Q. In what way did the partnership cover children associated with
6 armed groups?

7 A. I think that these two organisations were very active in the
8 field of locating families and in the field of monitoring children who
9 had been reunited. I think that one of these organisations was more
10 active in the field of transit centres, but I can't remember which one.

11 Q. Thank you. At the time, and here I refer to the year 2003, were
12 there transit centres in Bunia other than the one set up by Save the
13 Children?

14 A. There were two other centres in 2003.

15 Q. Can you please say when they were created and which organisations
16 were involved with these centres?

17 MS. SOLANO: Your Honour, might we go into private session to
18 deal with this matter?

19 PRESIDING JUDGE FULFORD: Yes, certainly.

20 *(Private session at 12.25 p.m.) Reclassified as Open session.

21 COURT OFFICER: Private session.

22 PRESIDING JUDGE FULFORD: Yes, Ms. Solano.

23 MS. SOLANO: Thank you.

24 Q. Should I repeat my question, Ms. Peduto?

25 A. No. No, thank you. Once again, I -- having been authorised by

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1 these organisations to refer to them in public even if their work wasn't
2 confidential in any way, but it needn't be broadcast to the public. It
3 was a CTO that was created with the support of UNICEF, and it was led by
4 Caritas. It was set up in July 2003, first in the centre in Bunia, and
5 then they expanded their capacities, so they moved to the north of the
6 town, to Mudzipela. And I believe there was the second centre that took
7 in young girls, and I think it was established in September 2003, and it
8 was managed by the COOPI organisation.

9 Q. Thank you.

10 A. I apologise. To be more precise, the centre, the COOPI centre,
11 also had some of its activities in the day centre. Some of the girls
12 were outside the centre, stayed outside the centre, and they would come
13 to take part in daily activities in the centre.

14 Q. Who ran this day centre that you have you've just referred to?

15 A. Social workers who worked for the two organisations that I have
16 referred to.

17 Q. Can you describe the structure of each of these centres, what --
18 what sort of staff they had, how many staff they had?

19 A. As far as the COOPI centre is concerned, well, I really couldn't
20 tell you how many social workers there were in the centre. I don't know.
21 I'd say about ten social workers and psychologists, people who had been
22 trained in the field of providing care for these children. And there
23 were women in particular -- providing care for women.

24 As far as the Caritas centre is concerned, it was set up quite
25 quickly in Bunia. The workers who initially worked in the centre hadn't

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1 received any particular training for working with vulnerable children,
2 although they were gradually provided with support from other agencies
3 active in this sector, in field, in Ituri. So these were people who had
4 contact with the children, but they weren't really involved in taking
5 charge of them on a daily basis. And I really couldn't say how many
6 people worked in the Caritas centre. In Bunia there were perhaps four or
7 five workers. When they moved to Mudzipela there were more workers
8 there. That's all I could remember.

9 Q. Thank you. I want to come back to the issue of the training that
10 the people working at these centres had received, but before we go there,
11 I would like you to explain, please, what you meant when you said that
12 the Caritas centre was set up quite quickly in Bunia.

13 A. It was set up quickly. What I mean by that is compared to Save
14 the Children who had teams trained in the Kivus and could benefit from
15 the logistics and programme support from their other programmes in Goma
16 in particular, Caritas didn't have any particular expertise in dealing
17 with these type of children. The centre was financed because they needed
18 a new type of structure given the number of children who required
19 protection and assistance.

20 Q. Thank you.

21 A. I beg your pardon. At the same, Save the Children was not able
22 to extend their interventions, and therefore UNICEF, in particular,
23 sought out partnerships with other bodies, Caritas being one of them.
24 Yes.

25 Q. Thank you, Ms. Peduto.

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1 MS. SOLANO: I believe we can return to open session, your
2 Honour, but I'm sure Ms. Peduto will make it known to us if any of her
3 answers should be given in private session.

4 PRESIDING JUDGE FULFORD: Indeed, Ms. Solano.
5 Public session, please.

6 (Open session at 12.32 p.m.)

7 COURT OFFICER: Open session.

8 MS. SOLANO:

9 Q. You referred to the fact that other agencies were involved in the
10 training that was given to the staff of one of these organisations. What
11 other agencies did you have in mind?

12 A. Well, we collaborated very well with a number of protection
13 agencies in Bunia, and one of the characteristics of this working
14 together was that we exchanged experience and we tried to enable the
15 sharing of knowledge amongst the various partners that were working in
16 the area sharing knowledge and technical support. There were
17 interventions on the part of partners who had been from outside of Ituri
18 who came to train certain national NGOs, national and international.
19 There was the IRC, OCHA, UNICEF, Save the Children. A number of their
20 experts came, experts that hadn't been based in Ituri beforehand.

21 Q. Thank you. In what context, in what setting did this exchange of
22 knowledge and technical support take place?

23 A. Could you clarify your question, please?

24 Q. Yes. Would like to know whether you had meetings or if there
25 were workshops or if materials were shared. I just want to know the

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1 format of this exchange of information.

2 A. Well, in various ways. There were training sessions. We had
3 weekly meetings, in particular working groups that dealt with specific
4 issues such as finding the families or the management of the centres.
5 There was an exchange of experience amongst the various CTOs at various
6 points in time, yes.

7 Q. Were any local organisations amongst the -- the organisations
8 that took part in these weekly meetings and training sessions?

9 A. Yes, of course.

10 Q. Are you able to give us the names of the organisations that
11 participated? You -- you could also -- if you mean to refer to something
12 that has been alluded to in private session, you might --

13 A. Yes. Well, I can refer to the organisations that I mentioned
14 when we were in private session.

15 Q. So am I right in understanding that the organisations you
16 mentioned when we were in private session were part of the exchange of
17 information with UNICEF, OCHA, Save the Children, the IRC?

18 A. Yes, that's correct.

19 Q. And the organisations that you mentioned earlier as being Save
20 partners, that is, PAV and Terre des Enfants, did those organisations
21 also take part in this exchange of information and technical expertise?

22 A. They were partners that benefitted from training by Save the
23 Children, not only starting in 2003 but before then. They were part of
24 the coordination network that was set up in Ituri at the time.

25 Q. Did you want to say something else?

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1 A. Yes, in private session, if possible.

2 PRESIDING JUDGE FULFORD: Private session.

3 *(Private session at 12.38 p.m.) Reclassified as Open session.

4 COURT OFFICER: Private session.

5 THE WITNESS (interpretation): The two organisations you
6 mentioned were -- did not participate in the weekly meetings where Save
7 the Children was present regularly, and Save the Children reported to
8 those organisations, to those two partner organisations, what was
9 discussed. I believe they attended certain technical meetings that
10 weren't all that numerous. They were intended to be weekly, but they
11 weren't. They participated, in particular, in the working sessions
12 dealing with searching the families. In other words, those organisations
13 did not participate systematically in all of the various coordination
14 mechanisms that were set up at the time.

15 Q. Thank you.

16 MS. SOLANO: Before we leave private session I'll ask a question,
17 your Honour, with your leave, because I don't know if the witness will
18 able to answer it in open session. Thank you.

19 Q. Were the groups of children associated with armed forces that the
20 different CTOs and day centres that existed in Bunia in around July 2003,
21 were these groups different depending on the organisation, or did all of
22 the CTOs and the day centres cater to, if you like, or take in children
23 from all ethnic origins and all armed groups? And if you're able in
24 answer in public session, please let me know.

25 A. I prefer to answer in private session. In theory, all of these

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1 centres should have been open to all children, but in practice it was
2 quite clear that children who had been associated with the FNI or the
3 FRPI were referred to the centre in Mudzipela for reasons of protection,
4 which were self-evident at the time.

5 As regards the other centres, they took in children from various
6 groups.

7 MS. SOLANO: Thank you, your Honour. We could move into public
8 session.

9 PRESIDING JUDGE FULFORD: Open session, please.

10 (Open session at 12.41 p.m.)

11 COURT OFFICER: Open session.

12 MS. SOLANO:

13 Q. What was the age range of the children who were taken in by the
14 CTOs and the day centres that existed in Bunia?

15 A. The children, in theory, any child under 18 could be taken in to
16 those centres. According to the information that I have, the youngest
17 child was 11.

18 Q. Do you know how the CTOs and the day centres collected
19 information about the children they received?

20 A. The children were taken care of by social workers in the centres
21 who collected the necessary information in order to make it possible to
22 reunite these children with their families rapidly and to provide any
23 particular assistance to the children if they had undergone trauma or if
24 their personal history required care, that is, medical care or
25 psychological care.

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1 Q. To your knowledge, did these centres normally record identifying
2 information about the children they received?

3 A. For reasons of care management, I believe the children had
4 interviews with the social workers who certainly asked them about their
5 personal history with the armed groups, but I don't have any more
6 detailed information about that.

7 Q. You indicated a few moments ago that according to the information
8 you have, the youngest child to go through those centres or those transit
9 centres and day centres was 11 years old. In what context did you have
10 access to this information?

11 A. I probably should have added to my knowledge. That is, the
12 youngest child that I myself referred to those centres was 11. It is
13 possible that the -- that the centres received other children that I did
14 not have knowledge of.

15 Q. But do you know what group, what armed group, this 11-year-old
16 child had been associated with?

17 A. Yes, the UPC.

18 Q. Do you know in what time period this child had been part of the
19 UPC?

20 A. I had an interview with that child in October of 2003. I believe
21 it was October. It could have been November. The child had been with
22 the UPC for one year.

23 I knew you were going to ask this question. That child had been
24 recruited when he was 10 years old. He participated in battles, in
25 military fighting, and he had been the escort, the bodyguard, of Kisembo

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1 when he was with that group in Bunia.

2 Q. Thank you. Ms. Peduto, from what you have told the Court today,
3 it seems that both you and the organisations which ran transit centres
4 and day centres sometimes had access to the same children. You have
5 indicated just now that you referred this child to one of these
6 organisations. Can you explain to the Court whether there was a process
7 that children would go through in the course of which they would not only
8 meet with you but also with the transit centres or the day centres?

9 A. When the first transit centres were set up in Bunia, in
10 particular the very first one -- or, rather, starting with the first one,
11 the situation was so tense and the armed groups were changing and
12 children who had been demilitarised, whose weapons had been taken from
13 them, were in a confused state, and we set up a system whereby we
14 collaborated with NGOs.

15 The children came to MONUC so that we could ensure that indeed
16 they no longer had weapons. That operation was organised by our security
17 officers. The children were taken first to the child protection unit,
18 sent by the security officers. I would talk to them, it could take a few
19 minutes or longer if the child was particularly talkative, so that I
20 could clarify their status as a child that had separated from the armed
21 groups, and then I would refer the child to the transit centres.

22 There was no systematic procedure as such as to whether we would
23 refer them to one or the other centres. Initially, there was only one
24 CTO open, so the solution was obvious, and then afterwards it would
25 depend on the group that the child had been a member of but also the

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1 availability of the centers and also whether they were boys or girls.

2 Q. I necessary to clarify for the transcript something you just
3 said. The children were taken first to the child protection -- did you
4 say "section" or did you say something else?

5 A. I probably wasn't very clear. What I meant is that the children
6 were referred to our security officers who ensured that the children no
7 longer had weapons.

8 Q. What sort of information did you elicit from the children in
9 order to verify their status as a child separated from the armed groups?

10 A. I would ask them numerous questions inasmuch as the children were
11 willing to answer. I tried to verify their identity, their family status
12 to find out whether they had a family, whether they had any family
13 members in Bunia or in the area, to find out whether the child had been
14 to school and which group they had belonged to. It was important for us
15 to identify the date at which the child had been recruited, had been
16 enlisted, and who had done the enlisting and who provided the child with
17 training, what training centre they had been in, which battle the child
18 had participated in, the last commander under whose orders the child had
19 served. That's basically it.

20 Q. During the Confirmation Hearing you said that you kept notes as a
21 way of documenting your meetings with children. In addition to your
22 notes, you also mentioned during the Confirmation Hearing that you kept a
23 database in which you recorded all of the cases of recruitment that you
24 documented.

25 Over time, over the time that you populated this database, do you

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1 recall how many cases you recorded?

2 A. The number of cases that I recorded up to May 2004 is 697 -- 687,
3 sorry. These 687 children were not specially interviewed by the section.
4 I'm talking about all the cases that were registered.

5 Q. And do you recall what proportion of those children were 14 years
6 old or younger?

7 A. Well, 15 years and under? Well, I have figures for that age
8 range. I remember that about 220 children were under the age of 15.

9 PRESIDING JUDGE FULFORD: Right. You had. I wanted to make sure
10 that the question is clear. It's not 15 years and younger. It is below
11 15 years. So 14 years and younger.

12 THE WITNESS (interpretation): I don't have an answer for those
13 who were 14 and under. I have data on those who were 15 and under, and
14 this includes all the children who were aged 14, 11, and so on.

15 PRESIDING JUDGE FULFORD: It may just be a problem in
16 interpretation, madam. I just wanted to make sure that we were dealing
17 with those who were 14, 13, 12, et cetera, below. But if you have those
18 figures, if you could give them, please.

19 THE WITNESS (interpretation): Well, there were 220 children, if
20 I remember well.

21 MS. SOLANO:

22 Q. Do you recall what proportion of those 220 children had been at
23 some point associated with the UPC?

24 A. One hundred and sixty-seven. To be perfectly clear, and I will
25 repeat something that I said earlier, this proportion of children does

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1 not mean that there were more children within the UPC than in other
2 groups. It's just that we will a greater access to a larger number of
3 children from the UPC as a result of our geographical location in Bunia
4 and as a result of the fact that most of our structures were in Bunia and
5 so we had greater access to children who had left the UPC.

6 PRESIDING JUDGE FULFORD: Now, Ms. Solano we are going to
7 encounter what I've previously described as the Cinderella syndrome, in
8 two or three minutes the tape is going to run out and we're going to all
9 turn into pumpkins. Would it be convenient for you to break off at this
10 point, or are there matters that you wish by way of final detail to deal
11 with now?

12 MS. SOLANO: Your Honour, if I may just ask one final question to
13 close this topic for the day.

14 PRESIDING JUDGE FULFORD: Most certainly.

15 MS. SOLANO:

16 Q. Ms. Peduto, for the 167 children that you've said have been
17 associated with the UPC and who were under 15 years old, are you able to
18 recall or estimate what proportion of those had been recruited or used
19 in -- in the conflict by the UPC between roughly mid-2002 and mid-2003?

20 A. A very large majority of the children, the children I
21 interviewed, participated in armed conflict. Well, to give you details
22 on these 167 children, I think I will have to consult my notes before I
23 speak more precisely.

24 MS. SOLANO: (Previous translation continues) ... a point on which
25 the witness might be allowed to check her notes overnight.

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1 PRESIDING JUDGE FULFORD: Yes, certainly. And I repeat what I
2 said earlier, Ms. Solano. Over the adjournment that is about to take
3 place, there needs to be an appropriate discussion with the witness so
4 that if possible she can bring with her everything that realistically may
5 be needed for memory-refreshing purposes, because otherwise, particularly
6 on day three, if we need day three, we're going to encounter a problem.

7 MS. SOLANO: Yes, your Honour. I'll make sure to liaise with the
8 VWU.

9 PRESIDING JUDGE FULFORD: Thank you very much. Madam, I'm going
10 to ask you please overnight, if it's convenient, for you to look at your
11 statement and to look at the transcripts of the evidence given before the
12 Pre-Trial Chamber so that you can identify those portions where you
13 believe there were errors so that they can be fully understood on the
14 part of the Chamber and, in particular, on the part of those who are
15 going to be asking you questions for the accused. Would that be
16 convenient?

17 THE WITNESS (interpretation): Yes. I have that information. I
18 consulted it during the break, and if you like, I can give you that
19 information right now.

20 PRESIDING JUDGE FULFORD: No, not now. We're about to run out of
21 time.

22 Now, Ms. Solano, how are you getting on? That's -- of three
23 sessions, that's the first finished. How much longer have you got to go?

24 MS. SOLANO: Tomorrow morning, your Honour?

25 PRESIDING JUDGE FULFORD: All of it?

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1 MS. SOLANO: I should say all of it out of caution, yes.

2 PRESIDING JUDGE FULFORD: Well, that, then, only leaves one
3 session for participating victims and Mr. Bijou-Duval.

4 How long are you going to be, Mr. Bijou-Duval?

5 MS. SOLANO: Your Honour.

6 PRESIDING JUDGE FULFORD: Well, I've just asked Mr. Bijou-Duval a
7 question. You can come back in a moment, Ms. Solano.

8 Yes, Mr. Bijou-Duval.

9 MR. BIJU-DUVAL (interpretation): Your Honour, I think that
10 assessment is difficult. I think we should think of equitable
11 distribution of time; that is, the Defence should have an equivalent
12 amount of time, equivalent to the time used by the Office of the
13 Prosecutor and the representatives of victims.

14 PRESIDING JUDGE FULFORD: Well, Mr. Bijou-Duval, as a point of
15 principle that may be right. I think the reality has been, and we're
16 grateful to you for it, very often what we've been describing as
17 cross-examination has taken substantially less time than that occupied by
18 the Prosecution in chief, but thank you for the warning, as it were.

19 Now, Ms. Solano, there was something else you wanted to say on
20 this subject.

21 MS. SOLANO: No, your Honour, that with your leave we might
22 inquire with the Victims and Witnesses Unit and the United Nations
23 whether the witness and the United Nations representative would be
24 available on Monday morning, in a morning session, if that -- in case
25 that turns out to be something that your Honours look favourably on. If

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1 necessary, in my submission, the examination by all -- by both parties
2 and the participants and the Bench could be extended until then.

3 PRESIDING JUDGE FULFORD: But, Ms. Solano, you've got to remember
4 that Monday and Tuesday at the moment have been, at least to an extent,
5 set aside to complete the other witness whose evidence is pending.

6 Well, I don't want to discuss this further now because the tapes
7 have run out, but you as prosecuting counsel have got to find a way,
8 Ms. Solano, of squaring this circle, please, so that the evidence of both
9 witnesses are concluded during the time available, if at all possible.

10 Thank you for your assistance, madam.

11 Thank you, Mr. Johnson.

12 We shall meet again tomorrow at 9.00.

13 COURT OFFICER: All rise.

14 The hearing ends at 1.02 p.m.

15 RECLASSIFICATION REPORT

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