

1 International Criminal Court

2 Trial Chamber I - Courtroom 2

3 Presiding Judge Adrian Fulford, Judge Elizabeth Odio

4 Benito and Judge René Blattmann

5 Situation in the Democratic Republic of the Congo -

6 ICC-01/04-01/06

7 In the case of The Prosecutor v. Thomas Lubanga Dyilo

8 Friday, 7 May 2010

9 (The hearing starts at 9.33 a.m.)

10 (Open session)

11 THE COURT USHER: All rise. The International

12 Criminal Court is now in session. Please be seated.

13 PRESIDING JUDGE FULFORD: Good morning. Maître

14 Mabilille, I would like to discuss the issue of timetable with you

15 first, please, just in a very limited sense. We've got this

16 morning, as a -- obviously, as a slot for Witness 35.

17 At the moment, the Chamber is due to sit on Monday,

18 Tuesday and Wednesday of next week. However, as we understand

19 it, Witness 35 is not going to occupy all of that time. What we

20 have in mind, therefore, particularly given there are some

21 outstanding applications from the Defence which urgently need to

22 be addressed, one of which is lifting redactions to victims'

23 application forms that may be relevant to Witness 35, we are

24 considering obviously sitting today, this morning, and sitting

25 Tuesday and Wednesday of next week, so as to give the Chamber

1 the opportunity of spending this weekend and Monday resolving
2 the most urgent of the outstanding applications.

3 However, if we do that, there needs to be certainty
4 that Witness 35 is going to have completed his evidence by the
5 end of the hearing on Wednesday.

6 Now, what is your estimation? Do you think with two
7 full days on Tuesday and Wednesday we would be able to complete
8 his evidence?

9 MS MABILLE: (Interpretation) As far as we're
10 concerned, your Honour, I think that the examination-in-chief
11 will not take more than two hours. And then, after that, it is
12 difficult to extrapolate what my learned friends on the other
13 side of the courtroom may choose to do.

14 PRESIDING JUDGE FULFORD: You seem to be in the
15 driving seat, Mr Sachdeva.

16 MR SACHDEVA: Similarly, Mr President, not more than
17 two hours.

18 PRESIDING JUDGE FULFORD: Right, then just give me a
19 moment.

20 Maître Mabilie, in those circumstances, given that we
21 would not permit the victims' representatives to question for
22 longer than the period taken by the Defence and the Prosecution,
23 it seems to us that it would be entirely safe to sit today, to
24 sit Tuesday, to sit Wednesday, so long as that is convenient to
25 everyone in court. Good.

1 Now, Mr Keta, we have read the email application that
2 we received from you last night. You needn't repeat matters
3 that have been set out in your email. Is there anything that
4 you wish to add to what you set out in writing yesterday
5 afternoon?

6 MR KETA: (Interpretation) Thank you, your Honour. I
7 don't have much to add, except that with regard to the second
8 point I must admit that between my client 270 and the resource
9 person of the Defence apparently there are some problems in the
10 field, and my concern is that I've been told that he has taken
11 legal proceedings against the resource person from the Defence.
12 And I think that with the Defence team, we will have to meet and
13 see to what extent the witness is coming here, and the resource
14 people cannot -- should not export problems from the field.
15 That's, for the most part, what I had to say, your Honour.

16 And the other point is that - perhaps, the third
17 point - I was saying that the witness who will be testifying is
18 a prefect of the school, and I am the counsel to that school
19 because they made an application to the court. The application
20 was registered and if today the witness who is testifying, he is
21 part of that case, so the main witness may come on behalf of the
22 same school, so there may be a conflict of interest. So that's
23 all I wanted to say, your Honour, and I thank you.

24 PRESIDING JUDGE FULFORD: Thank you, Mr Keta.

25 Mr Keta, who is counsel for victim 270, otherwise

1 known as DRC-V02-WWW-0001, has set out in writing, and has
2 briefly supplemented in oral submissions today, his opposition
3 to questions that may be put to Witness 35 concerning a number
4 of things which we will address in a moment, but including, as
5 we understand it, the personality of victim 270 who he
6 represents.

7 No justification has been provided for the request
8 that the personality of victim 270 should not be touched upon by
9 counsel in their questions.

10 Taking that issue first, it seems to us beyond doubt
11 that the personality of a witness, to the extent that it
12 concerns their credibility or engages their credibility, * can
13 be a wholly legitimate focus of questioning by counsel.

14 We now turn to the three particular other matters that
15 Mr Keta has raised in his application. First, that the
16 questions put to Witness 35 should focus on victim 270's
17 function as an indirect victim of the crimes which the accused
18 faces and they should not touch on his position as the head of
19 the relevant school.

20 Second, that the questions should not cover a
21 suggested telephone call, or telephone calls, that have taken
22 place between victim 270 and Witness 35 in 2009 because it is
23 suggested that victim 270 wishes to confront Witness 35
24 directly.

25 Similarly, it is suggested that no questions should be

1 asked about the resource person employed by the Defence.

2 Third, and last, it is argued by Mr Keta that the
3 testimony or the questions concerning certain school documents
4 which it is proposed should be introduced during the evidence of
5 Witness 35 should only be put once there is evidence before the
6 Court that the relevant official, either the l'évêque or the
7 l'abbé coordinateur, has provided express consent to those
8 documents being utilised.

9 In our judgment, these suggestions by Mr Keta are
10 demonstrably without merit. Victim 270 chose to apply to give
11 evidence, an application which was granted by the Chamber. He
12 therefore wishes for his account to form part of the overall
13 evidential matrix in this case.

14 Having made that choice, he is now one of the
15 witnesses in the case and he is not entitled to special
16 protection as a witness, protection which would artificially
17 limit the opportunity for what would otherwise be appropriate
18 examination or questioning by one or both of the parties.

19 His evidence, to put the matter entirely neutrally, is
20 contentious. He was recalled on 25 and 26 January of this year
21 once it emerged that victims 225 and 229 may have been using
22 false identities. He has given extensive evidence based on some
23 of the relevant school records. Indeed, he has commented on
24 records of school results, school lists and school reports.
25 There is no evidence before us that has been produced to suggest

1 that Witness 35 is not entitled to produce the particular
2 documents that the Defence wish to investigate in his evidence.
3 Nor was there any suggestion, when the other school records were
4 put to victim 270, that the kind of consent which Mr Keta now
5 argues for is necessary.

6 His original evidence depended critically on his role
7 as head of the relevant school and, in our view, it is wholly
8 unrealistic now to seek to deny the Defence the opportunity of
9 questioning Witness 35 about victim 270's position in that
10 regard. He has given evidence, *(that is, victim 270) in detail
11 about the Defence resource person, and counsel for the accused
12 now wish, in our judgment, perfectly properly, to explore with
13 Witness 35 whether victim 270 has improperly sought to dissuade
14 Witness 35 from giving evidence at all.

15 The conflict of evidence point is, in our judgment,
16 equally without merit. The fact that Witness 35 may be a
17 prefect of the relevant school could not, on analysis, in any
18 sense disqualify him from giving evidence in this case. The
19 fact that victim 270 is a head of that institution in no way
20 renders it undesirable or impermissible for Witness 35 to give
21 evidence.

22 Bearing in mind those comments and those conclusions
23 on our part, in our judgment, this application constitutes a
24 wholly unmeritorious attempt to protect a witness who happens to
25 be a participating victim from exposure to proper questioning by

1 counsel for the accused. This application should not have been
2 made and it is refused.

3 Now, Maître Mabilles, are we right in understanding
4 that there are no protective measures necessary for Witness 35?

5 MS MABILLE: (Interpretation) No protective measures
6 have been requested for Witness 35.

7 Now, just before the witness comes in, I would like to
8 explain one question having to do with methodology, that is to
9 say, how we worked with the various documents. I would like to
10 inform the Chamber that we will be showing the witness eight
11 documents. We will be showing him some -- the originals, and
12 yesterday we asked the OTP and the legal representatives to come
13 and inspect these originals in our offices. However, six of
14 these documents have already been placed or - pardon me -
15 adduced into evidence with the Chamber. We have shown the
16 originals to the witness, but we'll not be placing them on the
17 file because the witness must leave with the originals. So it
18 will be copies that will be placed on file with the Chamber. We
19 just wanted to make that process clear to the Judges, unless you
20 see any difficulty with that way of going about things.

21 PRESIDING JUDGE FULFORD: Any comments, Mr Sachdeva?

22 MR SACHDEVA: Mr President, none -- none, actually, at
23 this point. However, I do intend to ask questions on the
24 originals of those documents, so it may present an issue when
25 having to evaluate the evidence, but --

1 PRESIDING JUDGE FULFORD: Shall we see -- anybody else
2 wish to raise any points on this? No.

3 Mr Sachdeva, shall we see how we go? We'll work on
4 the basis that only the copies will be placed on the court file.
5 If something particular arises out of an examination of an
6 original, then it may be we're going to have to reflect on how
7 we deal with the necessity, potentially later, of having to look
8 at the original in order to make a proper factual assessment of
9 the point that's been raised.

10 MR SACHDEVA: Yes, Mr President. Thank you.

11 PRESIDING JUDGE FULFORD: Good. Thank you very much,
12 indeed.

13 Any reading assistance, Maître Mabilille?

14 MS MABILLE: (Interpretation) No reading assistance,
15 your Honour.

16 PRESIDING JUDGE FULFORD: Witness, please.

17 (The witness enters the courtroom)

18 PRESIDING JUDGE FULFORD: Good morning, sir.

19 THE WITNESS: Good morning, everyone.

20 PRESIDING JUDGE FULFORD: Could I ask you, please,
21 difficult though it may be, not to be nervous. The Judges and
22 counsel are here to protect you and to make sure that you are
23 treated properly.

24 THE WITNESS: Thank you.

25 PRESIDING JUDGE FULFORD: One or two particular things

1 that I'm going to ask you to bear in mind. Everything that is
2 said by you and by counsel is going to be transcribed and
3 interpreted. Those who assist the court in those tasks have
4 real difficulties if the witnesses and if counsel speak too
5 quickly and if questions too rapidly follow the previous answer
6 and if the answer too rapidly follows the question. So could
7 you please pause slightly between Maître Mabilille's questions and
8 your answer? Keep your voice up so everything you say can be
9 heard.

10 Now, there's a card in front of you, I hope, which has
11 the solemn undertaking written in French. Could I ask you,
12 please, to read it out loud? And that is the oath which you
13 will be giving to tell the truth.

14 Is it there, usher? Good.

15 Could you read out loud the words on the card, please,
16 sir.

17 THE WITNESS: Thank you.

18 WITNESS: ALBERT ADUBANG'O CANUNG'IYO (Sworn)

19 (The witness answers through interpreter)

20 PRESIDING JUDGE FULFORD: Excellent. Thank you.

21 Maître Mabilille.

22 QUESTIONED BY MAÎTRE MABILLE: (Interpretation)

23 Q. Good morning, sir.

24 A. Good morning.

25 Q. We've already had an opportunity to meet one other,

1 but I will introduce myself again. I am Catherine Mabilille and I
2 am a lawyer, and I am going to be asking you a few questions
3 today regarding -- on the behalf of the Lubanga Defence team.

4 The first question that I will be asking is: What is
5 your complete name?

6 A. Thank you. My name is Albert Adubang'o Canung'iyoyo. I
7 was born on 26 March 1960 - correction - May 1960. I am married
8 and I am the father of seven children who are alive. I am of
9 the Catholic faith and I am a teacher at the petit séminaire
10 Jeanville (phon) 3 in Mahagi, Nioka. And I am also the préfet,
11 the headmaster of the Ukongo institute in Beju, which is also in
12 the Mahagi territory, and it is now called the Beju institute.
13 We did away with part of the name. The Ukongo part was dropped,
14 now that the school is -- is automated. My number is (Redacted)
15 and then a (Redacted) at the end of that number.

16 Q. Thank you, witness. I would like to ask you, other
17 than the name Albert Adubang'o Canung'iyoyo, do you have a
18 nickname?

19 A. Yes. Yes, I do have a nickname. It was given to me
20 when I was still a student. When I was still at secretary
21 school, I was called Machine because of my prowess on the
22 football field, and it is a name that is very well-known.

23 Q. Thank you. Could you tell us what your ethnic origin
24 is?

25 A. Thank you. In terms of the Mahagi territory, well, I

1 am from the collectivité of Mukambo, and the groupement is
2 Ruvinga - Ruvinga - and I am of the Alur ethnicity.

3 Q. Thank you very much. You told us that you were the
4 headmaster of the Beju school. Could you tell us how long you
5 have been the headmaster at that school?

6 A. I've been the headmaster of that school -- I was
7 appointed on 5 September 2007. I applied in March of -- pardon
8 me. I went -- I reported to the school in March of 2008. That
9 is when I officially reported for duty before the student body
10 at the school.

11 Q. Thank you very much.

12 MS MABILLE: (Interpretation) Your Honour, I do need
13 for us to go into closed session just for one question.

14 PRESIDING JUDGE FULFORD: Closed session, please.

15 *(Private session at 9.59 a.m.) Reclassified as Open session

16 THE COURT OFFICER: We are in private session, your
17 Honours.

18 MS MABILLE: (Interpretation)

19 Q. I'd like to ask you, sir, whether you know a person
20 whose name is (Redacted)?

21 A. I beg your pardon.

22 Q. I beg your pardon, sir, I made a mistake. (Redacted)
23 (Redacted)?

24 A. (Redacted). Well, when I finished studying the
25 humanities at the secondary level, I was assigned as a teacher

1 at a school called the (Redacted) institute and, when I got to
2 the school, I found traces of him. There was a girl who was
3 teaching there. And he had already left, you see? I had heard
4 of him, but I didn't know him. I didn't know him personally. I
5 knew him by name, but not really personally or his actual
6 activities.

7 When I arrived at the Beju institute and I had been
8 appointed headmaster there and I found that (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted) and that was -- so
13 that is why I really don't really know him in depth. I know him
14 for the most part by name.

15 Q. Do you know what his current profession is?

16 A. Well, his current profession, well, he's working as a
17 (Redacted)

18 PRESIDING JUDGE FULFORD: Maître Mabilille, do you mind
19 me interrupting a moment? Are we now talking about somebody who
20 has appeared as a witness in the case earlier?

21 MS MABILLE: (Interpretation) Yes, indeed.

22 PRESIDING JUDGE FULFORD: I just wonder whether it
23 might be helpful to show a photograph to see whether it's the
24 same -- to establish whether or not we're talking about the same
25 person or, if there's no dispute as to this, then there's no

1 need.

2 MS MABILLE: (Interpretation) The Defence believes
3 that the fact that the witness is telling us he's a (Redacted)
4 (Redacted) enables us to ascertain that he has indeed identified
5 the correct individual.

6 PRESIDING JUDGE FULFORD: I just wanted to ensure
7 there was going to be no dispute later as to the identity of
8 this individual. Sorry to interrupt. Please continue.

9 MS MABILLE: (Interpretation)

10 Q. Mr Witness, I shall be putting a number of questions
11 to you on the subject of (Redacted), but in order for us to be
12 able to move back into open session - and if this does not
13 disturb you - we shall talk about or refer to (Redacted) as
14 "Mr P". Have you understood me correctly?

15 A. Well, could you please repeat your question.

16 Q. This is not a question. This is just to tell you that
17 I am going to be putting a number of questions to you with
18 regard to (Redacted) but, rather than saying or giving his name
19 in full, I shall be referring to him as "Mr P", but you will
20 realise that when I refer to "Mr P" I am in fact talking about
21 (Redacted).

22 A. Thank you.

23 Q. What is more, when you answer me could you please use
24 the same modus operandi; that is to say answer me by saying
25 "Mr P", rather than saying "(Redacted)". Would that be possible?

1 A. Yes, that is possible.

2 PRESIDING JUDGE FULFORD: Yes, this is to enable us to
3 conduct most of your evidence in open session so that the public
4 can hear what you say. If we don't use "Mr P", it means that a
5 significant part of your evidence will have to be in private
6 session, where we are at the moment, which excludes the public.
7 So the reason for this device is so that your evidence can be
8 given publicly.

9 Good. Right. Open session, Maître Mabilille?

10 THE WITNESS: Yes, very well.

11 (Open session at 10.05 a.m.)

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

14 MS MABILLE: (Interpretation)

15 Q. Mr Witness, from the time that you became headmaster
16 of the institute, did you ever meet Mr P?

17 A. Yes, I met him on one occasion. It was when I went to
18 the trading centre, which is approximately - or was
19 approximately - four kilometres away from the school. I went to
20 the trading centre and I chanced upon him, and I went up to
21 greet him in view of the fact that (Redacted)
22 (Redacted). I greeted him and I did tell him what
23 my problem was. I said, "Well, you know, I do not know who you
24 are really. I do not know you but, in view of the fact that
25 (Redacted), the school, you

1 know, is really lacking in things, notably books. And I ordered
2 some books via the abbé, working for the junior seminary, and he
3 asked that we find \$60 so that we might be able to provide four
4 books." To which he answered, "No, rather than buy the books, I
5 shall give you \$60 so that you can go and get those books."

6 When I went back to the school I waited in vain, but
7 he had gone back to Kisangani. So we muddled through and,
8 rather than buying those four books that we had ordered, we
9 couldn't pay for them, well, I asked the children to go out into
10 the fields and raise a bit of money and then we were able to buy
11 two books. I did meet him and he was amongst -- in a group of
12 people, and then I carried on my way. So this was the sole
13 encounter that we had. We did not speak for very long.

14 Q. Did you have any telephone contact with Mr P?

15 A. Yes, on 4 November 2009 I had left the junior seminary
16 and I was going to the Beju institute. I arrived at the
17 diocesan coordination office and I went to greet the
18 coordinator, and at the same time the coordinator, who saw me
19 arriving, said, "Well, speak of the devil." So this means that
20 there was a civil servant -- an employee. I do not know whether
21 he was working at the International Criminal Court or not,
22 working in Bunia, and his name is Mr Dieudonné Mbuna. He was
23 there. He had gone to see the coordinator, the abbé, in order
24 to enable him to gain access to the Beju institute. We gave him
25 a piece of paper, a document granting him access to the school,

1 and by chance the prefect, or headmaster, they said had just
2 arrived. So they left us a few moments for us to be able to
3 talk to Mr Dieudonné.

4 Mr Dieudonné said, "Well, he's going to visit your
5 school to treat, or to broach, a confidential matter, so if you
6 could allow him because he has come to seek permission from the
7 abbé, the coordinator," and he presented a letter to me so that
8 I might greet him within the walls of our school. We then left
9 and, once we reached the school, he entered my office and he
10 requested that I show him certain documents. He asked, or he
11 started by consulting the enrolment of the students. He also
12 looked at the list of students and their marks. He looked at
13 students' books, other things that I've forgotten. I did put
14 all these documents at his disposal and he went through them
15 without consulting me, and amongst all these documents that I
16 had shown him he said, "Well, I am going to go and photocopy
17 these documents at the chef-lieu of the territory." And I said
18 to him, "Very well. Please return the originals to me, but you
19 can take the photocopies with you."

20 So we then went to the primary school, which is
21 located next to the institute, and he did the same thing, or he
22 went about it in the same way with the director of the primary
23 school. We then continued on our way to the dispensary, which
24 is within the same compound, and he asked the nurse to provide
25 him with the register. He did so and he looked -- she did so

1 and he looked at this register without asking us or consulting
2 us, and then in view of the fact that the abbé or coordinator
3 allowed me -- allowed me to allow him access, well, he didn't
4 know the language.

5 And we went to a dispensary located four kilometres
6 from the school and once we arrived there, once we arrived at
7 the dispensary, we found that there was a nurse there and he
8 once again undertook the same task, and he said that he would go
9 to the main town of the territory and he would photocopy all
10 these documents and that he would return the originals to us on
11 the next day.

12 Now, on 5 November, at 8 o'clock, he joined me at the
13 school with all these documents which -- of which he handed the
14 originals to me, and he asked me that I approve the photocopies
15 and that I authenticate these photocopies with a stamp and my
16 signature; those photocopies that of course were relevant to my
17 school. I complied and I wrote "certified copy", and I dated it
18 5 November 2009, after which he went on his way in order to go
19 to Bunia, which was the main town of the district.

20 I continued with my tasks, and on the next day, when I
21 left with a view to going home, that is 25 kilometres afield
22 from the school, I received a telephone call. Mr P called me,
23 and he says, "I have just heard that you've been working with
24 somebody. Could you please tell me who that individual is?",
25 and I said "Yes" and I gave him the name of the individual.

1 Well, he asked me precisely what that individual had asked in
2 the school, and I told him that he had asked me for the school
3 registration, he'd asked me for a list of students and their
4 marks and books, et cetera, and the register, and I told him
5 that I had given him these. And he asked me whether of all --
6 in all those documents the names of these two children were not
7 contained, and he gave the names Bedijo Jean-Paul and Thonifwa
8 Uroci Dieudonné. And I said, "Well, I am not in a possession --
9 in possession of all these documents and I have left all these
10 documents at the school, so would you allow me to please go back
11 to the school? Because I often go -- return to the school on
12 Friday and Saturday and I shall go through the documents with a
13 view to ascertaining whether those two names are to be found
14 therein." So he said, "Fine", and then I carried on my way.

15 After a week I once again returned to the school and,
16 as I said that I often went there on a Friday and a Saturday,
17 well, I returned on a Friday and he phoned me again. He said,
18 "Were you able to check those names"? And I said "Yes, the name
19 of Bedijo Jean-Paul is to be found in these documents, that is
20 to say Bedijo Jean-Paul, and Uroci Thonifwa". And he laughed,
21 saying, "Well, this is quite a serious situation". And I said,
22 "No, this has nothing to do with me. I merely obtained the
23 authorisation from my head, who is the abbé and coordinator",
24 and we just left it at that.

25 Q. You indicated that he told you that this was a serious

1 situation. Did he say anything else to you?

2 A. No, he did not add anything else. He just laughed,
3 that's all. Of course, he was still in Kisangani and I was --
4 we were talking on the telephone and I was at school.

5 Q. With the exception of these two telephone calls, did
6 you have any or did you receive any other news from Mr P?

7 A. We did not have any further conversations. We did not
8 have any further discussions, with the exception of -- well,
9 after this discussion he had left Kisangani with a view to going
10 home, and it was the head of the primary school who said that he
11 had -- there had been a deceased in or death in his family. So
12 he went to the funeral and he gathered the wise men together,
13 and he heard that the préfet, or the headmaster, had travelled
14 in the company of an individual who -- may I make this brief?
15 Well, he -- somebody who is working for the defence of somebody
16 else. So he gathered the wise men and, well, that's what I was
17 told. It was abbreviated as a T, but I did not have any direct
18 contact with him as such.

19 Q. And were you told what he said to these wise men?
20 Were the contents of those discussions reported to you?

21 A. Yes, I was told that it was somebody ensuring
22 somebody's defence, that I was travelling with somebody
23 defending Mr T, and that if he was there, well, he would be able
24 to follow the case. So he didn't tell me that directly. This
25 was reported to me, because we did not meet as such.

1 Q. What did you understand when you heard that he was
2 going to be following the case? Did you understand what that
3 meant?

4 A. Well, he told me when we had entered into contact, he
5 said that this was a serious situation, and I obviously wondered
6 about this. Why is this a serious situation? I was coming from
7 the outside. I did not know what the problem was. I wondered
8 precisely what this serious situation was. And he said that,
9 had he been there, well, he would have looked into the case.
10 And, of course, I wondered what it was all about. But, in view
11 of the fact that Mr Dieudonné had told me this was confidential,
12 then I thought, well, I won't get mixed up in all this.

13 Q. Mr Witness, I would like to now show to you a number
14 of documents and, in so doing, I shall be putting a number of
15 questions to you. We shall start with the first document that I
16 am going to give to you.

17 For the record, this document already bears an MFI
18 number which is as follows: MFI-D01-0055 and -- I apologise,
19 00155, and it is to be found at tab number 1. Mr Witness, could
20 you please tell us what this document is?

21 A. You would like me to tell you?

22 Q. Could you please tell us what this document is?

23 A. These are the documents -- well, the one that I have
24 before me, this is a document that was drafted at a time, I
25 believe, when (Redacted). I -- I had just

1 (Redacted). Now, in view of the fact that Mr Dieudonné asked
2 me to hand over certain documents to him, I did give him
3 documents and I did, for example, give him this.

4 THE INTERPRETER: Says the witness holding up --
5 showing a book.

6 THE WITNESS: And he then went to make a number of
7 photocopies. I had appended my signature thereto. Now, I found
8 this document in the office of the school.

9 MS MABILLE: (Interpretation)

10 Q. Could you please tell us, you're talking about the
11 office of which school?

12 A. I'm talking about the Ukongo institute in Beju. This
13 is where this document was to be found.

14 Q. I thank you very much, Mr Witness. I have no further
15 questions to put to you on the subject of this document.

16 PRESIDING JUDGE FULFORD: Thank you, Maître Mabilles.
17 Mr Sachdeva is on his feet.

18 MR SACHDEVA: Mr President, yes. I'm just wondering
19 whether the last question and answer may tend to reveal
20 something that should not be revealed in open session.

21 PRESIDING JUDGE FULFORD: Thank you. Any views,
22 Maître Mabilles? Any need to redact? Is there a problem with
23 the institution?

24 MS MABILLE: (Interpretation) It would seem that
25 there is a little bit of a difficulty between the English and

1 the French, but of course I'm working with the French and so I
2 haven't seen any difficulty.

3 PRESIDING JUDGE FULFORD: At the moment the state of
4 the transcript in English also makes it difficult for me to
5 decide whether there is a difficulty, Maître Mabilille, but that's
6 another point altogether. We'll move on. If anybody believes
7 this ought to be redacted, could they please send an email to
8 the court officer.

9 Thank you. All right, we've finished with tab 1.
10 Where are we going now?

11 MS MABILILLE: (Interpretation) I would like us for now
12 to consult tab 2.

13 Q. Mr Witness, we are going to hand over a second small
14 copy book to you, * DRC-D01-0003-2692, and this document has not
15 yet been assigned an MFI number.

16 PRESIDING JUDGE FULFORD: Number, please.

17 THE COURT OFFICER: Yes, Mr President. This document
18 will be assigned number MFI-D01-00177.

19 PRESIDING JUDGE FULFORD: Thank you.

20 MS MABILILLE: (Interpretation)

21 Q. Mr Witness, could you please tell us whether you are
22 familiar with this document?

23 A. Yes, this document comes from the same school.

24 Q. Very well, the same school. Could you please state to
25 us or confirm to us which school that is?

1 A. Yes, we are still talking about the Ukongo institute
2 in Beju.

3 Q. I would request that you please go through this
4 document and I would like you to please consult -- well, we can
5 see in this document that the school years are provided. We
6 have -- on the first page we have first secondary -- first year
7 of secondary and then we see on the next page second year of
8 secondary, and I would like you to please look at the second
9 year of secondary page and the name of the child enrolled under
10 number 28.

11 A. Yes.

12 PRESIDING JUDGE FULFORD: Mr Sachdeva?

13 MR SACHDEVA: Mr President, I would just like to be
14 clear which document my learned friend is referring to, because
15 I don't have the -- I don't see the ERN that she mentioned in my
16 records.

17 PRESIDING JUDGE FULFORD: I think we are tab 2 and, as
18 I've understood it, looking at the bottom right-hand corner,
19 it's the page ending 2695, Maître Mabilille? So it's the top
20 entry on 2695, Mr Sachdeva.

21 Ah, sorry.

22 MS MABILLE: 2696, Mr President.

23 PRESIDING JUDGE FULFORD: 2696.

24 MS MABILLE: Yes.

25 PRESIDING JUDGE FULFORD: Sorry. Yes, you're

1 absolutely right. Yes, 2696, last entry. Please carry on. So
2 the witness is there, I think, Maître Mabilille, and your
3 question?

4 MS MABILILLE: (Interpretation)

5 Q. Witness, could you please consult student number 28
6 under -- that is line 28 on this page of the second year of
7 secondary school. Now, we can see that in this line 28 there
8 are a number of dashes, and that no figures have been filled in
9 here. Could you explain to us what this means precisely?

10 PRESIDING JUDGE FULFORD: Yes, Mr Sachdeva?

11 MR SACHDEVA: Mr President, it's clear from this
12 document that it was drafted in 2002, 2003. My learned friend
13 is now taking the witness, who was not present at the school at
14 that time, to matters of content in this document. And my
15 understanding was that this matter could not be broached given
16 that the witness does not have a basis to speak on the content,
17 simply a matter of identifying the reliability or authenticity
18 of the documents.

19 PRESIDING JUDGE FULFORD: Maître Mabilille, it may be a
20 sensible precaution to find out whether the witness himself
21 believes that he's in a position to comment on either entries or
22 the lack of entries that were made by someone else when he
23 presumably wasn't present.

24 Now, it may be he's got no knowledge. On the other
25 hand, there may be some common procedures which have been in

1 existence for years which entitles him to give an answer. Could
2 we lay the foundation first of all, please, before proceeding
3 with this line of questioning.

4 MS MABILLE: (Interpretation) Yes, of course, but I
5 would like to assure the Office of the Prosecutor that given
6 that this witness is a headmaster, a prefect, he's used to
7 seeing this kind of document, and I wanted to obtain information
8 of a general nature not of a specific nature.

9 PRESIDING JUDGE FULFORD: Absolutely, Maître Mabilille.
10 Let's not have a gladiatorial combat across the floor of the
11 court. Let's find out from the witness as to whether or not
12 he's able to assist with matters of general detail. Thank you.

13 MS MABILLE: (Interpretation)

14 Q. Witness, as you examine this copy book, could you tell
15 us what the purpose of this copy book was, what was its purpose?

16 A. Well, as I examine the contents of this copy book to
17 understand what it contains, this school is not recognised by
18 the government until now, and therefore the teachers do their
19 best to collect some money from the parents of the pupils. And
20 if I understand correctly what's written here, as I try to read
21 through it, the numbers correspond to the amounts that were paid
22 by the children and the amounts would be used for the
23 functioning of the school but also to give the teachers and to
24 contribute to their clothing and their lunches, for example.

25 Q. Thank you very much.

1 A. Well, as regards number 28, I believe that this means
2 that this pupil didn't pay or perhaps he left the school. When
3 there is nothing listed it means that there is -- that the
4 person or the pupil is not there. At least that's how I
5 interpret it.

6 Q. Yes, indeed. Thank you very much. Aside from this
7 document I have another question. Generally speaking, were all
8 of the children listed in this copy book that we have here,
9 indicates school fees?

10 PRESIDING JUDGE FULFORD: Before you answer, sir.

11 MR SACHDEVA: Indeed, Mr President. And in fact, as I
12 understand it in French, the witness has said that he can't
13 speak to this because he wasn't present at the time.

14 PRESIDING JUDGE FULFORD: Yes. Now, Mr Sachdeva, as a
15 matter of -- it's absolutely right that the witness cannot
16 himself say whether or not the person filling in the book either
17 was filling it in correctly or may have had some personal
18 idiosyncratic way of filling it in of which the witness would be
19 unaware.

20 However, as the -- as himself a person who occupied a
21 position at this school, surely the witness is entitled to give
22 evidence as to what he understands the general procedure is or
23 was, so long as we bear in mind that there may have been
24 differences in application by whoever actually filled in the
25 book.

1 MR SACHDEVA: Yes, that's right, Mr President.

2 However, I note that the witness is reading through the document
3 as somebody else can and making an educated, obviously an
4 informed guess as to what these numbers and what these names are
5 but I do accept -- I do accept --

6 PRESIDING JUDGE FULFORD: No, Mr Sachdeva, it's more
7 than an educated guess. This is somebody who's actually
8 occupied a position which enables him in a general sense to give
9 evidence about this in a way that somebody sitting in this court
10 is otherwise not going to be able to do.

11 Now, the point's well made that the witness cannot
12 actually speak to what was in the mind of the person who filled
13 in the book, that is self-evidently correct, but he can give
14 evidence about general procedure as he understands it, with the
15 limitations that goes with it.

16 MR SACHDEVA: Very well, Mr President.

17 PRESIDING JUDGE FULFORD: Thank you very much. Maître
18 Mabilles, can we make sure that we keep the questions on a
19 general basis.

20 Maître Mabilles, this is important, so can we please do
21 so, so that the witness understands and the court understands
22 and the public understands that this is only the witness's
23 general understanding and obviously he can't speak for the
24 person who filled in the book.

25 Please continue.

1 MS MABILLE: (Interpretation)

2 Q. I am going to reformulate my question. You yourself
3 are a headmaster. As such, as a headmaster, when you yourself
4 were responsible for a school, did you use this kind of
5 document, in other words a document where you list the amounts
6 paid, and did you list such amounts in a similar document? Did
7 you list the amounts for all of the pupils that were enrolled in
8 your school?

9 A. Yes. In our school we also used copy books and we
10 record the names of the children who pay their monthly
11 contribution, and that is the amount that we redistribute to our
12 teachers. Now, if a pupil doesn't pay, the -- it remains blank
13 in the table.

14 PRESIDING JUDGE FULFORD: Maître Mabilille, I think we
15 will take the break now. Thank you.

16 Sir, for a variety of reasons, we need to take a break
17 during the course of evidence because various aspects of the
18 work of supporting the court are quite strenuous. Thank you
19 very much for your help so far this morning. We are going to
20 break off now and we looked forward to seeing you again at
21 10-past-11. Usher, could you please accompany the witness back
22 to the witness waiting room.

23 (The witness exits the courtroom)

24 PRESIDING JUDGE FULFORD: 10-past-11.

25 (Recess taken at 10.40 a.m.)

1 (Upon resuming at 11.09 a.m.)

2 (Open session)

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

4 PRESIDING JUDGE FULFORD: Witness, please. While the
5 witness is being brought in, the court officer has got a number
6 to correct.

7 THE COURT OFFICER: Yes, indeed, Mr President. The
8 document that was shown under tab 2, reference
9 DRC-D01-0003-2692, is the one that should be attributed the
10 MFI-D01-00177. Thank you.

11 PRESIDING JUDGE FULFORD: And can that correction
12 please be made at the point at which Maître Mabilles introduced
13 the document.

14 (The witness enters the courtroom)

15 PRESIDING JUDGE FULFORD: Thank you very much, sir.

16 Yes, Maître Mabilles.

17 MS MABILLES: (Interpretation)

18 Q. Witness, we are continuing our review of the various
19 documents and I would like to direct your attention to the
20 following document. This is number 3, document number 3, and it
21 already received an MFI number which is as follows:

22 MFI-D-00160. Witness, do you recognise this document?

23 A. Yes, this is a document that I found amongst many
24 others in my office and it was written by Mr P.

25 Q. I beg your pardon, exactly where did you find this

1 document? I realise I'm asking you the same question, but --

2 A. Normally, in the file - the office file - there's a
3 particular file cabinet, and I think Mr Dieudonné had taken that
4 from the various files -- filing cabinets with letters in them.

5 Q. Which school?

6 A. The Ukongo institute in Beju.

7 Q. I'm going to show you another document and this is a
8 document that is found at tab 4 and it too has received an MFI
9 number. That reference number is MFI-D-001672, and if the
10 witness could be shown the document. The same question, sir.
11 Do you recognise this document?

12 A. Yes, I do.

13 Q. Could you tell us what school you might have found it
14 in?

15 A. This document was also found at the Uko (phon)
16 institute in Beju -- Ukongo institute of Beju.

17 MS MABILLE: (Interpretation) Thank you. I would now
18 like to make reference to another document, and this is document
19 number 5 which bears an EVD number D01-0095. Could that
20 document be shown to the witness.

21 Q. Witness, do you recognise this document?

22 A. Yes, it too was found amongst the various documents in
23 the office of the Ukongo institute in Beju.

24 MS MABILLE: (Interpretation) Thank you very much.
25 Now I would like the witness to be shown a new document --

1 another document.

2 PRESIDING JUDGE FULFORD: Maître Mabilie, forgive me
3 interrupting. The court officer has quite rightly pointed out
4 to me that these I think are confidential documents and,
5 although I think it would be difficult for anybody in the public
6 gallery to see them while the witness is looking at them,
7 nonetheless in order to make sure that they're not seen
8 shouldn't we lower the blinds behind the witness while this
9 process is being undertaken?

10 MS MABILLE: (Interpretation) Absolutely, your
11 Honour.

12 PRESIDING JUDGE FULFORD: Thank you. Usher, could you
13 just lower the blinds.

14 So, are we moving on to tab 6? Good. I wouldn't sit
15 down, usher. I think there's another document.

16 MS MABILLE: (Interpretation) Document number 6
17 already bears an MFI number: D-00171.

18 Q. Sir, the same question. Do you know this document?
19 Are you familiar with this document?

20 A. Yes, I am familiar with this document. It too comes
21 from the same school, the Ukongo institute in Beju.

22 MS MABILLE: (Interpretation) Thank you very much.
23 Now we are going to move on to document 7. This document
24 already bears an MFI number, which is as follows: MFI-D-00154.

25 Q. Witness, do you recognise this document?

1 A. Yes, this document also comes from the Ukongo
2 institute in Beju.

3 MS MABILLE: (Interpretation) Thank you very much.
4 And if we could move on to document number 8. With regard to
5 document number 7, there was an MFI reference number provided,
6 but actually now we have provided a document that it is the
7 same, but more complete, and we would like a new reference
8 number to be attributed to this document.

9 THE COURT OFFICER: This document will be under the
10 number MFI-D-00178.

11 MS MABILLE: (Interpretation) I've been told I have
12 to specify a document, DRC-D01-0003-2760. And we will now move
13 on to document number 8 -- tab number 8, please.

14 Q. Witness, do you recognise this document?

15 A. Yes. This document also comes from the Ukongo
16 Institute in Beju.

17 Q. Thank you very much.

18 MS MABILLE: (Interpretation) I would like to specify
19 to the Chamber that since this document is rather large, I would
20 like to point out that the important pages for us are 2767,
21 entry 9. And 2773. And then page 2792 -- 82. And page 2785,
22 entry 37. And finally, page 2787, entry 51.

23 PRESIDING JUDGE FULFORD: Maître Mabilie, so we
24 understand the position, under tab 8, have you photocopied pages
25 that come one after the other in the book that's -- in the book

1 that's before the witness? So, is this effectively the entirety
2 of the original exhibit photocopied page-after-page?

3 MS MABILLE: (Interpretation) Absolutely, your
4 Honour, but just to simplify the Chamber's work I did point out
5 the relevant pages so that you could have easy reference to the
6 particular pages in question.

7 PRESIDING JUDGE FULFORD: And that is to be
8 congratulated, Maître Mabilie. We do not want material before
9 us, the relevance of which is simply not explained. It will not
10 provide us with any assistance at all when that's the position.
11 Good. Please continue.

12 MS MABILLE: (Interpretation) Just a moment.

13 Q. One last question, sir. To the best of your
14 knowledge, what does this document represent?

15 A. Well, on the cover of this document, I see the first
16 page; it reads, "Payment of participation fees". So you see,
17 the pupils at this school, registered at this school, I believe
18 they paid their fees and their names are shown here.

19 MS MABILLE: (Interpretation) Thank you very much,
20 sir.

21 Your Honour, I have concluded.

22 PRESIDING JUDGE FULFORD: Thank you very much.
23 Mr Sachdeva, we've granted Mr Keta the right to question.
24 Ordinarily, the position has been that the Prosecution will go
25 next, with the representatives of victims then concluding with

1 any matters of detail that haven't been covered by the Office of
2 the Prosecutor. What is -- what is counsel's position as
3 regards the order of questioning?

4 MR SACHDEVA: Mr President, I understood that with the
5 Defence witnesses related to the victims counsel for the victim
6 would go first, but I'm happy to go first.

7 PRESIDING JUDGE FULFORD: Any views on this, Mr Keta?

8 MR KETA: (Interpretation) Your Honour, I think that
9 we will begin and the Prosecution can finish. We will be very
10 brief, your Honour.

11 PRESIDING JUDGE FULFORD: Maître Mabilille?

12 MS MABILLE: (Interpretation) I beg your pardon, I
13 forgot to ask for a reference number for the last document,
14 document number 8, and secondly I would like the MFI documents
15 to now have an EVD number. I beg your pardon for omitting that.

16 THE COURT OFFICER: Mr President --

17 PRESIDING JUDGE FULFORD: Yes, please.

18 THE COURT OFFICER: -- the last tab, tab number 8, the
19 whole document DRC-D01-0003-2764 will be assigned number
20 EVD-D01-00137. Should the other documents that I mentioned
21 previously as MFI be given an EVD right away, or does the
22 Chamber want to rule on that issue?

23 PRESIDING JUDGE FULFORD: Well, it is I would have
24 thought inevitable that these documents should receive an EVD
25 number. The question is whether we now need laboriously to read

1 them all out in open court, or whether there's another way in
2 which they can be satisfactorily introduced. While Mr Keta's
3 asking questions, can you quietly liaise with the Defence on
4 that issue, please, court officer. Thank you.

5 Yes, Mr Keta.

6 MR KETA: (Interpretation) Thank you, your Honour.
7 Since there is perfect harmony within our team, I would now like
8 to ask Ms Bapita to conduct our examination.

9 PRESIDING JUDGE FULFORD: We're glad to hear there's
10 harmony, Mr Keta.

11 Yes, Ms Bapita.

12 MS BAPITA: (Interpretation) Thank you, your Honour.

13 QUESTIONED BY MS BAPITA: (Interpretation)

14 Q. Good morning, Witness.

15 A. Good morning.

16 Q. I am Ms Bapita and I represent the interests of the
17 victims. I had a number of questions for you, but three
18 quarters of these questions have already been answered and so I
19 really only have two minor questions for you.

20 MS BAPITA: (Interpretation) Your Honour, I would like
21 to ask if you could --

22 Q. Mr Witness, I beg your pardon. If you could take the
23 documents and refer to document number 6, MFI --

24 PRESIDING JUDGE FULFORD: I'm sorry, Ms Bapita, to so
25 rudely interrupt so early, but the witness doesn't have them

1 under tabs. So, usher, can you please pull out of the witness's
2 pile the document that I'm holding up now. Ah, right, good.
3 There's a spare folder for the witness. That's probably going
4 to be easiest. And usher, can you take him please to tab 6.
5 And while that's happening, could you read out the relevant
6 number please, Ms Bapita?

7 MS BAPITA: (Interpretation) MFI number D-100171,
8 with number DRC-D01-0003-2498.

9 PRESIDING JUDGE FULFORD: Excellent. Thank you. Yes.

10 MS BAPITA: (Interpretation)

11 Q. Mr Witness, do you have the document before you?

12 A. Yes.

13 Q. Before we took the break, you indicated a number of
14 files or documents that Mr Mbuna consulted within your offices.
15 I would like to know whether, amongst those files, there were
16 any reports, because you do not make mention of any reports in
17 your account.

18 A. There were, of course, reports in the documents, the
19 documents that I received. I can see that I have a report
20 before me that I found amongst many other documents, and this
21 Mr Mbuna photocopied and that I signed.

22 Q. Mr Witness, you do have -- or do you have the original
23 of this copy with this report with you?

24 A. I believe that I did bring the original with me, if
25 I'm not mistaken.

1 PRESIDING JUDGE FULFORD: Can you help the witness
2 find it within the pile?

3 THE WITNESS: Yes, the original is here.

4 MS BAPITA: (Interpretation) With your leave,
5 Mr President, might I consult the original document?

6 PRESIDING JUDGE FULFORD: Yes, Ms Bapita. Usher,
7 could you take the original over to Ms Bapita, please?

8 MS BAPITA: (Interpretation)

9 Q. Mr Witness, on the original document that you have
10 before you, towards the bottom of the document there is no date
11 mentioned. Maybe the Chamber could show you where we are
12 talking about.

13 A. Yes, you are correct, there is no date.

14 Q. Could we consider that this was the original of
15 document, from the time - the original report, that is, or is it
16 a copy thereof?

17 A. Well, this is a copy that I found in the office of the
18 institute. There are many documents that were not signed. And
19 were one to go into the field, one would find especially that
20 there were lots of reports and documents that were not signed.
21 So, I wondered whether this -- whether this school really was
22 serious in what it was doing at the time.

23 Q. That's the question I am putting to myself, as well.
24 So, you signed saying that this was a certified copy of the
25 original, and you say that a copy was not signed?

1 A. Well, yes, I did find the original copy in the office;
2 however, when I made a copy thereof or when a copy was made, I
3 signed it and I put the stamp, and I said that this was a
4 certified copy of the original.

5 Q. Now, in your capacity as headmaster, somebody who is
6 used to the -- to the functions associated with teaching, what
7 is the value that you would ascribe to this document; the
8 original that is?

9 A. Well, we can see that the original document does not
10 have a stamp. The original document does not bear a signature
11 of the head of the establishment and I can say that this
12 document was not valid.

13 Q. I thank you, Witness. We shall now move on to the
14 second document. This would be document -- document bearing MFI
15 number D-00172.

16 PRESIDING JUDGE FULFORD: Which tab is this, Maître
17 Bapita?

18 MS BAPITA: (Interpretation) Unfortunately, we do not
19 have a tab. We merely have a reference number for it.

20 PRESIDING JUDGE FULFORD: All right. I think tab 4.
21 Thank you very much.

22 MS BAPITA: (Interpretation)

23 Q. Yes, this document is entitled "List of students and
24 their marks, year 2005/2006." In French, "Palmares de
25 proclamation".

1 PRESIDING JUDGE FULFORD: It's number 4, I think.

2 Yes, Ms Bapita.

3 MS BAPITA: (Interpretation)

4 Q. Mr Witness, do you have this document before you?

5 A. Yes.

6 Q. We shall consult number 9. You have the name Bedijo
7 Upio and number 10, you have the name Bedijo Jean-Paul, and at
8 number 25 you have the name Bedijo Wathumbe, and our client is
9 number 100, Bedijo Jean-Paul. I would like to know whether the
10 name Bedijo, or Bedijo, is a common name amongst the Alur
11 people.

12 A. Yes, the name "Bedijo" is given in certain families.
13 It depends from one family to the next. One might have five or
14 ten Bedijo coming from the same family. You can give them this
15 name.

16 Q. So you could have five or ten Bedijo coming from
17 different families in the same class?

18 A. Yes.

19 Q. And the last exhibit would be document MFI - this is
20 document 7 under tab 7 - document MFI-D-00154. Have you found
21 that? At page 2767?

22 PRESIDING JUDGE FULFORD: This must be tab 8. Yes,
23 tab 8. 2767.

24 Good. Yes, Maître Bapita, don't worry.

25 MS BAPITA: (Interpretation)

1 Q. This is a copy book entitled at the top "First year
2 OCO." Can you find that? Have you found it? Now, it is the
3 number that is of interest to me, that is 9, 10, 11 and 12. So
4 you have Bedijo Jean-Paul; you have Bedijo Ucircan; you have
5 Bedijo Upio and Bedijo Wathumbe. I do not whether when Mbuna --
6 Mr Mbuna came to see you he asked you about a certain Bedijo
7 Tchonga Jean-Paul.

8 A. I thank you. He did not put me -- put the question to
9 me with regard to certain students.

10 Q. Only Bedijo Jean-Paul?

11 A. He just picked the documents up. He went to photocopy
12 them and then he handed the original to me and he told me to
13 merely sign the copy. He did not say that Bedijo such-and-such
14 was on the document. He just said that it was confidential.

15 MS BAPITA: (Interpretation) I thank you very much,
16 Mr Witness. I have finished, Mr President.

17 PRESIDING JUDGE FULFORD: Thank you very much, Maître
18 Bapita. Yes, Mr Sachdeva.

19 MR SACHDEVA: Thank you, Mr President.

20 QUESTIONED BY MR SACHDEVA:

21 Q. Good morning, sir. We met yesterday briefly but my
22 name is Mr Manoj Sachdeva and I am going to ask you some
23 questions on behalf of the Prosecution.

24 A. I thank you.

25 Q. Since we have the documents there, can I ask you to go

1 back to document that's within tab 4, and I believe that's
2 MFI-D-00172.

3 PRESIDING JUDGE FULFORD: Thank you, usher.

4 MR SACHDEVA:

5 Q. Sir, can I just confirm that the stamp that we have
6 there at the bottom of the page is the stamp that you put on it
7 in 2009; is that right?

8 A. I am mistaken. I believe that in the year 2010 I did
9 sign it below. I did not remember the date as such but I was
10 the one who put this there after having worked with Mr Dieudonné
11 Mbuna. Well, you know, a man can make mistakes. I did not
12 remember the date. I had written it down in the diary but I did
13 not retain this date specifically.

14 Q. That's fine, sir. I just want to confirm that there
15 is no stamp on this document from the year 2005/2006; in other
16 words, there is no contemporaneous stamp on this document.

17 A. Yes.

18 Q. And, as you have said earlier with respect to another
19 document, it's right that this then questions the validity of
20 this document?

21 A. Well, when I arrived at the school, as I said at an
22 earlier stage, there were many documents that I came upon in
23 this school that did not have any stamps affixed. Some did,
24 some didn't. And what I would say is that I am -- have
25 painfully undertaken, because of course the school is terribly

1 disorganised, I won't hide that from you --

2 THE INTERPRETER: The witness does not finish his
3 sentence.

4 MR SACHDEVA:

5 Q. Sir, could I ask you to please finish your answer.

6 A. Oh, yes. As I was saying, the school is very
7 disorganised and, what is more, even amongst the documents that
8 I did find in the office, everything was mixed up. So even when
9 I was working with Mr Dieudonné Mbuna, you know, we were leafing
10 through the various documents and what I'm trying to do is
11 organise them, and I haven't yet finished this. So that's why I
12 was saying that it is somewhat disordered and this is somewhat
13 problematic to me because when I submit the students to the
14 state exam, well, you know, there are some documents that do
15 not -- some reports that are not traceable, or that did not have
16 a stamp, but I'm trying to put a bit of order in all of this.
17 So there are many, many documents that are not stamped. Some
18 are, some aren't, and these are the documents that I found in
19 the office.

20 Q. And let's just be clear. You became the préfet, the
21 headmaster of the school, in 2008?

22 A. Yes.

23 Q. So with all the documents that we've seen here today
24 that we've looked at, you had no involvement whatsoever in
25 compiling the contents?

1 A. That is correct.

2 Q. And you cannot verify the accuracy of the contents of
3 these documents; isn't that right?

4 A. Well, I filed those documents as I found them in the
5 office. And, when Mr Mbuna arrived, well, we tried to gather
6 those documents that could be of interest to him and he found
7 various documents of interest, without consulting me, and he did
8 not say to me, "Well, these documents -- this document or -- is
9 not valid." He just said, "Well, I'm just going to take this
10 document with me." And I gave him those documents and then when
11 he photocopied them I noted that some documents that he had
12 photocopied did not bear a stamp. So he asked me whether I
13 could approve the documents, and I did. I put a stamp and I
14 appended my signature and I wrote, "Certified copy of the
15 original."

16 Q. But just in respect of my question, you would agree
17 with me that you're not in a position to verify the accuracy of
18 these documents?

19 PRESIDING JUDGE FULFORD: Mr Sachdeva, this isn't
20 necessary. I mean, the witness has set out absolutely clearly
21 what his involvement with the document is. It's self-evident
22 that because he wasn't present at the time that they were filled
23 in, there's no suggestion that he was, he cannot say whether the
24 person who did fill in the details did so accurately. Really we
25 needn't -- we needn't go there.

1 MR SACHDEVA: Very well, Mr President.

2 Q. Sir, just going back to the visit of Mr Mbuna, I
3 understand that he came to the school on the 4th of
4 November 2009.

5 A. Yes. Well, he came the day before and then we went to
6 the school on the same day with him, and the next day he went to
7 the main town of the territory and he photocopied them and then,
8 the next day, I signed them.

9 Q. So let me just understand the process: You gave him
10 the originals on the 4th, or thereabouts, on 4 November 2009?

11 A. That is a mistake on my part; I do apologise. I said
12 that I could not really remember the date specifically. I do
13 not -- I do know that the day before I worked with him, and then
14 the next day, he went to the main town within the territory and
15 then he came back with the documents and I signed them. But he
16 picked up the documents the day before.

17 Q. Very well. So he had the original documents in his
18 possession for about a day; is that right?

19 A. Yes.

20 Q. And at the time that he was consulting the documents,
21 you weren't present?

22 A. We were with him. He said, "Well, can you please give
23 me the documents that you have in your office"? And I said,
24 "Yes, of course". And I gathered them together and I gave them
25 to him. And he leafed through them and he said, "Well, this is

1 a document I need". And he filed them away, the ones that he
2 needed. And then he said, "The documents that I have put in my
3 file, I'd like to photocopy them and then you can recuperate the
4 originals". And I said, "Very well. I shall see you tomorrow".
5 He left with the documents, he photocopied them, and the next
6 morning, upon his return, he said, "Well, I've already finished
7 photocopying them, and I shall hand the originals back to you,
8 and I would like you to sign the photocopy," he said. That's
9 how we worked together.

10 He did not consult me saying, well, this document is
11 valid, this other document is not valid. He just said it was
12 confidential. He did not show me the contents of everything or
13 the information that he was attempting to glean. He was just
14 putting documents in a file, and I just showed -- I just watched
15 him work.

16 Q. So when he came back the next morning and said to you,
17 "Well, I've already finished photocopying them and I shall hand
18 the originals back to you", at that time, when he was reviewing
19 the original documents, you were not with him; am I right?

20 A. But when he was examining the originals, I was next to
21 him. He was leafing through them. But he didn't say to me,
22 "Well, this is a point of interest to me concerning" -- he
23 didn't say anything to me. I just observed him from a distance.
24 I saw him leafing through the documents. He said, "This is
25 valid", he filed it away, and then he would find another one and

1 file it away. And once he had filed away everything that he
2 needed, he said, "Well, I should leave with this and the rest
3 you can keep." And that is how it happened.

4 He did not tell me that such-and-such document
5 contained such-and-such information. He didn't go into details.
6 And I was just standing next to him as an observer. We were not
7 talking. I was just waiting for him to ask me to give him
8 another documents and then I -- other documents -- and I would
9 have given to them -- him to them -- them to him. But he did
10 not say anything else.

11 Q. But at some point he did leave with some of the
12 original documents.

13 PRESIDING JUDGE FULFORD: That's absolutely clear,
14 Mr Sachdeva. We have it. We have it from the witness - I think
15 twice, if not three times - that that was the position. I think
16 we need to be clear about this, Mr Sachdeva. If you're -- if,
17 as I - I'm not sure whether correctly - but if, as I divine it,
18 you are in fact seeking, through these questions, to establish
19 the possibility that Mr Mbuna, whilst he had the documents in
20 his possession, somehow tampered with them, either altering what
21 was on the originals or substituting wholly new documents or
22 adding new documents to those that he took away, you must
23 explore that directly with the witness. It shouldn't be left
24 hanging in the air for a comment to be made later without the
25 witness having been given the opportunity to deal with it. Now,

1 if you're not going to be suggesting that later, then you
2 needn't deal with it. But if you may be, you're under an
3 obligation to deal with it now directly.

4 MR SACHDEVA: Yes, Mr President. I'm guided.
5 Nevertheless, such an assessment, in my submission, can be made
6 when reviewing the totality of the evidence with respect to
7 Mr Mbuna.

8 PRESIDING JUDGE FULFORD: No, not at all, Mr Sachdeva.
9 The clear implication of the questions that you have been
10 asking, and unless you can identify for me another reason why
11 you've been asking these particular questions in this way, is to
12 create the possibility that something untoward has happened
13 whilst the documents were in Mr Mbuna's possession. Now, if you
14 want to identify another reason for asking these questions,
15 please do so. But at the moment it seems to me that is the only
16 logical conclusion to reach.

17 Now, if that is a real possibility as a submission
18 later, you have got to put it to the witness. You're not, as it
19 were, to try to skirt round the issue without having given the
20 witness an opportunity of dealing with it.

21 MR SACHDEVA: Very well, Mr President.

22 Q. Witness, when Mr Mbuna came back the next day with the
23 originals of the documents, is it right that then you placed
24 your stamp on those originals, or on the copies of those
25 originals?

1 A. Yes, I did put a stamp, not on the originals but on
2 the copies. I kept the originals in the state that I found them
3 in the office. I did not add anything to the originals.
4 However, with regard to the photocopies, yes, I did stamp them.
5 I kept the originals in the state that I found them in the
6 office, and he said that I could file them away. And then when
7 a special committee would come, I would be able to present them
8 to them in such a state. I put them in my briefcase and I hid
9 them away somewhere expecting to be visited by the members of
10 the committee or commission. I have nothing -- or I did not add
11 anything to them. I kept them in the state that I had found
12 them in in the office.

13 Q. And when you undertook that process, when you placed
14 your stamp on the documents, did you verify and go through each
15 and every entry to ensure that it, indeed, reflected the
16 originals?

17 A. Yes, I did verify, because nothing had been added. He
18 went to photocopy the originals, and I made sure that there had
19 been nothing added to those documents, the documents that he'd
20 gone to photocopy, and I did not find anything. Everything
21 seemed to be in order. And that is how I brought them here, the
22 state I brought them here in.

23 Q. But when Mr Mbuna asked to see those documents in the
24 first place, you had not previously reviewed them, had you?

25 A. No.

1 Q. In fact, you told us today that at that time you had
2 even -- you have even forgotten that -- you had forgotten what
3 documents Mr Mbuna wanted to see; isn't that right?

4 A. I beg your pardon? Could you please repeat your
5 question?

6 Q. Certainly. If I understand your evidence correctly,
7 at time Mr Mbuna asked you to see those documents, you had
8 forgotten that such documents existed in that school; isn't that
9 right?

10 A. I did not know whether all these documents were there.
11 He found me whilst I was -- well, I chanced upon him on the way
12 and we walked together. And I said that, in view of the fact
13 that this was a recent -- a school that had been recently set
14 up, I said to him that I did not know whether we could find all
15 those documents in the office. And it was not really up to us
16 to find them, but we went to the office and we looked for them.
17 We started looking for them, but at the outset I did not know
18 whether all those documents did exist, because everything was on
19 its head. There was really -- it was really disorganised. The
20 school was disorganised. And, well, I wasn't really sure of
21 myself. I wasn't really sure whether we could find all these
22 documents. And what is more, he was saying, I believe that
23 such-and-such a document is valid; I am going to take it with
24 me. I just told him -- I just took him to the place where the
25 documents had been stacked up, and we started consulting those

1 documents that were rather disorganised.

2 PRESIDING JUDGE FULFORD: What was the part of his
3 testimony you had in mind, Mr Sachdeva, if I may ask?

4 MR SACHDEVA: Mr President, in the unrevised
5 transcript it's 283, page 16, at the top, the top three lines.

6 PRESIDING JUDGE FULFORD: So page 16 of the English
7 transcript, top three lines, beginning with the word "marks, he
8 looked at students' books and other things".

9 MR SACHDEVA: Yes, Mr President.

10 PRESIDING JUDGE FULFORD: All right. Yes, please
11 carry on.

12 MR SACHDEVA:

13 Q. Sir, it's fair to say, though, isn't it, that you were
14 not in a position to assess whether changes had been made in
15 those documents when you certified them?

16 A. I didn't modify anything and, all the more so, because
17 I met him along the way, and we were four kilometres away, and
18 he said, "Can I go to your school"? And we went off together.
19 And we got there, I opened the door and we went in. And he
20 said, "Well, do this and that". I really didn't have any
21 opportunity to prepare for this, because I wasn't informed. And
22 I didn't even know the source of these questions, and I wasn't
23 going to become involved with something that I really wasn't
24 familiar with.

25 So I really would have had to ask my boss for

1 permission to do something in my office. And I -- and in fact,
2 my boss didn't really tell me the true content of Mr Mbuna's
3 mission, and that's about all I knew. I wasn't able to say any
4 more about that, except that I did have the authorisation of my
5 boss. So when someone stops you in the road and says, "Take me
6 to your office", when -- when could I have had an opportunity to
7 do something?

8 So I can't -- in addition, I can't become involved in
9 a matter that I'm not familiar with, because this is something
10 that began -- it's an issue that began way before I arrived.
11 And I had just recently arrived in this main town -- or, rather,
12 in this post.

13 Q. My question was in relation to Mr Mbuna. And I'm
14 suggesting that you were not in a position to verify whether
15 Mr Mbuna, when he had taken the originals from the school, had
16 made any changes to those documents. Do you agree with me or
17 not?

18 PRESIDING JUDGE FULFORD: Isn't it best for the
19 witness to answer the question, Maître Mabilille, I think?

20 MS MABILLE: (Interpretation) He's already answered
21 this question, your Honour.

22 PRESIDING JUDGE FULFORD: That's right. But I think
23 the question is now clearly put. It may be useful to have the
24 answer.

25 So, sir, what's being suggested is that, when Mr Mbuna

1 took the books away - or the documents away - if he had decided
2 to change some of the entries, you wouldn't have been able to
3 tell when he brought them back that that had happened. Now,
4 that's being suggested, that alterations may have been made of
5 which you are unaware. Is that a possibility?

6 THE WITNESS: Well, I don't know how I can answer that
7 question, because when he left -- well, it was quite late.
8 Well, the sun was going down, so I don't know if he could have
9 gone and spent the night doing something. The fact is, he
10 brought them back to me photocopied the next day. So, I don't
11 know. I don't know if he had -- or, rather, if he had added
12 something or not. Well, if we were to check, I'm sure that you
13 could check the handwriting and that would be noticeable.

14 PRESIDING JUDGE FULFORD: Mr Sachdeva, I'm afraid this
15 does need some specificity. On the one hand, it is presumably -
16 from a practical point of view - possible to dot an "i", cross a
17 "t", make a very small alteration without somebody being aware
18 of it.

19 On the other hand, if there was to be major wholesale
20 rewriting of pages or indeed an entire exercise book, then that
21 may be something that would be noticed. At the moment, you are
22 putting the matter in a very, very general way. Now, I don't
23 know whether the Prosecution have a case on this, whether there
24 is something that in due course you are going to be suggesting
25 to us may have happened when these items were in Mr Mbuna's

1 possession; that he has either dotted an "i", crossed a "t", or
2 has engaged in wholesale rewriting.

3 Now, if either of those or something in between is
4 going to be suggested, let's face it directly now, please,
5 rather than saving it up like an squirrel hoarding nuts for
6 later.

7 MR SACHDEVA: Certainly, Mr President.

8 Q. Sir, as you've just said, at least as I understand the
9 tenor of your evidence, you did not know at the time what
10 Mr Mbuna was -- or the reasons why Mr Mbuna was at the school.

11 A. Yes. Mr Mbuna -- in fact, I found him at the
12 coordination office and as I was going by in the context of my
13 work with the secretary. And that's when the abbé, the
14 coordinating abbé was there and introduced me and said, as I've
15 already said, "I've written a note so that you meet with
16 Mr Mbuna in your school." And I said, "Okay. I accept."

17 And he had his own mobile and I had my own mobile, and
18 we went together to the school. And when we got to the school,
19 he said, "Well, could you open the door?" We went in. I opened
20 the door; we went in. And he -- we examined the documents that
21 were there. I didn't know anything about the purpose of his
22 mission, and I accepted readily and we went to the school
23 together.

24 PRESIDING JUDGE FULFORD: I'm sorry to interrupt,
25 Mr Sachdeva. Please forgive me. We're going to take a

1 ten-minute break. It would be helpful if over the ten-minute
2 break you could reflect on whether there are any specific
3 entries that should be drawn to the witness's attention as
4 potentially being important entries that the Prosecution may
5 later suggest have been fabricated by Mr Mbuna. Good.

6 We'll sit again at 20-past. Can the witness, please,
7 be taken back to the witness waiting room.

8 (The witness exits the courtroom)

9 PRESIDING JUDGE FULFORD: 20-past.

10 THE COURT OFFICER: All rise.

11 (Recess taken at 12.10 p.m.)

12 (Upon resuming at 12.21 p.m.)

13 (Open session)

14 THE COURT USHER: Please be seated.

15 PRESIDING JUDGE FULFORD: Witness, please.

16 (The witness enters the courtroom)

17 PRESIDING JUDGE FULFORD: Thank you very much indeed,
18 sir.

19 Yes, Mr Sachdeva.

20 MR SACHDEVA: Mr President, at this stage I am going
21 to be leaving the documents and so perhaps the blinds could be
22 lifted.

23 PRESIDING JUDGE FULFORD: Thank you very much.

24 Usher, can you lift the blinds, please. Good, please
25 carry on.

1 MR SACHDEVA:

2 Q. Sir, before we had the break, you had said that when
3 Mr Mbuna had come to the school you did not know anything about
4 the purpose of his mission. It's right, isn't it, that he did
5 not tell you on whose behalf he was there?

6 A. He didn't tell me anything. I met him with the
7 coordinating abbé, who said to me -- the abbé said to me, "We
8 have a visitor from Bunia and who needs to meet with the prefect
9 of the institute." And I heard him say, "Speaking of the
10 devil", that's what they were saying, in other words they were
11 talking about me when I arrived. That's what they said to me.
12 And so they said, "You can go along with Mr Mbuna." He didn't
13 tell me the reasons for his coming. All I know is that I met
14 with him and we went together to the school.

15 Q. And, as I think you've said, you showed him around the
16 school for a couple of days?

17 A. Yes. That day we worked in my school and then we went
18 to the primary school, which was just next door to my school,
19 and there was also the dispensary which was also on site. And
20 from there we went about four kilometres away, where there was
21 also a dispensary, and we -- he worked there, consulting the
22 documents, but he didn't say anything to me. I was there next
23 to him at his side. He talked to the nurse, he talked to the
24 director and I was there. I led him around, because he was not
25 familiar with the area and he didn't speak the language either.

1 Q. Leaving the process with respect to the documents
2 aside for the moment, when you were taking him around the school
3 it's right, isn't it, that he told you that he could help the
4 school with some of the damage it had sustained during the war?

5 A. No, he didn't say that, but he asked me a question.
6 He said, "Have you received anything for the school?" And I
7 said, "No. No, I haven't received anything and I have no
8 knowledge of what's happened." Because before I got here,
9 before I got to this school -- well, in fact, all of the events
10 that had taken place, no one had told me anything about what had
11 happened in the school. No one told me anything and that's why
12 I wasn't aware of any of this. And when he asked me if I knew
13 what had been done for the school I answered, "No." In fact, I
14 was new in the area and the people didn't know me either.

15 Q. And when you said "No", what did he say to you?

16 A. I beg your pardon? Could you repeat?

17 Q. When you said to him that you had not received
18 anything for the school, what did he say to you?

19 A. Well, he said -- well, I'm thinking what was it he
20 said? Well, I'm afraid I'm having trouble remembering. I beg
21 your pardon, I've lost my train of thought here.

22 Q. Did he -- at any time during the visit, did he suggest
23 to you that he could compensate the school for the damage it had
24 sustained?

25 A. No, he didn't say anything about that he could

1 compensate. He didn't say anything about that. He said that,
2 if all goes well, later on there would be compensation. Later,
3 later on, he said.

4 Perhaps I could add something. The reason he said
5 that was because, when I was in contact with Mr P that day and
6 when he came to the school, he contacted some people and he
7 contacted some of the elders. And then the second time he came
8 that's when I said, "Well, apparently Mr P had said something",
9 and he said, "No". And he said, "Well, you're not involved with
10 that. Don't worry about that." He said, "Don't worry." That's
11 all he said.

12 Q. You said that he told you if all goes well later there
13 would be compensation, and did you understand that to mean
14 compensation for the school? Funding for the school; is that
15 right?

16 A. Could you repeat the question, please?

17 Q. Yes, what did he say the compensation would be for?
18 Was it for the school?

19 A. Compensation. Well, if I remember correctly, ever
20 since I arrived at the school, I don't remember the exact date,
21 but one day I came to school and I saw there a person that I
22 would call a supervisor; someone who does work when I'm not
23 there. And I asked that -- some of the teachers who were there,
24 "Where did so and so go?", and I was told that he had gone to
25 the trading centre, which was a few kilometres - four kilometres

1 - from the school. And I asked "Why?", and I was told that
2 apparently there was a commission that came occasionally to
3 contact our pupils. One of the teachers told me that. And so I
4 said, "Okay."

5 And then when the boy came I asked if this was the
6 case, and shouldn't we do something, and he said, "Well, yes.
7 They were in the habit of visiting people -- with people from
8 the outside occasionally, from time to time; that they had
9 received the visit of these people occasionally." And I said,
10 "Well, I'm not aware of this. Since I'm new here, I can't get
11 involved." That's what I told him.

12 And then from there I said to myself, well, since my
13 deputy was used to going to the trading centre to come into
14 contact with these people who were coming from I don't know, I
15 guess Bunia, to carry out certain investigations and indeed he
16 would go there occasionally, and so that day I realised that,
17 yes, those people had been there. And so I hoped that maybe
18 something could be done on the basis of what I had seen and
19 based on the fact that I knew that my deputy was in contact with
20 some people.

21 And, if I'm not mistaken, they even mentioned the fact
22 that they had met someone. I don't know the date. It was way
23 before I arrived. I think a judge had come from Bunia, and they
24 mentioned a certain Keta. And so that was -- that had started
25 before I had arrived and, since I was new, I couldn't become

1 involved in these issues and these matters that I was not
2 familiar with.

3 Q. You also said that Mr Mbuna had told you that, "Not to
4 worry, if all goes well." What did he mean by that? What do
5 you think he meant by "if all goes well"?

6 A. Well, in my opinion, he had gone to the school and
7 perhaps he had decided that the school was a place to carry out
8 his research. And since -- well, in our school we had wooden
9 classrooms and they were fairly old - in fact, they were almost
10 falling down - and perhaps he had a feeling of pity and so
11 that's perhaps why he said that.

12 Q. Sir, when did you become a teacher?

13 A. I became a teacher a long time ago. I think -- well,
14 I would say since 1983. I stopped for a time. When I finished
15 my secondary school I stopped for a certain period and I
16 continued in Bunia, and then I went back to the junior seminary
17 in 1997 in Vida. So I would say I actually started teaching in
18 '83 and then there was an interruption, and then I went back in
19 1997 and then I worked in the junior seminary to work as a
20 teacher in Vida. And from 1997 until this day, today, I am
21 still a mathematics and physics teacher in this very same
22 school, but since there are not enough science teachers the
23 coordination asked me to also take on the responsibility of
24 prefect, or headmaster, because you know that in our school we
25 are lacking in certain teachers in particular. And mathematics

1 and physics they needed someone and, therefore, I came in to
2 both supervise and also give lessons in those two subjects.
3 And, therefore, I have a role of supervisors and I also teach
4 maths in the junior seminary. So as of today I actually live in
5 the junior seminary and I go to the -- from the seminary to the
6 school, which is 25 kilometres apart. And I work in the junior
7 seminary on Thursday and Friday, and the rest of the time I'm in
8 the Beju institute.

9 Q. Were you at some point in your career - and, in fact,
10 when you were a student - involved with the l'Institut Supérieur
11 Pédagogique in Bunia, known as the ISP?

12 A. Yes, I studied at the Superior Institute of
13 Pédagogique, yes, in Bunia. Yes, I studied there.

14 Q. And that institute is in a place called Mudzipela; is
15 that right?

16 A. Yes, in Mudzipela.

17 Q. And it's fair to say that -- well, let me ask you this
18 first: How long were you there for?

19 A. At the ISP in Bunia?

20 Q. Yes.

21 A. Well, I did four years there, from the first year to
22 the third year, and two graduate -- but I did not get my final
23 degree there. For -- to get the final degree I had to go to
24 Kinshasa, or another place. So I studied there the first
25 year --

1 THE INTERPRETER: Inaudible.

2 MR SACHDEVA:

3 Q. Sir, we didn't manage to hear the last part of your
4 answer. Could you repeat that? You said that you studied there
5 for the first year and then?

6 A. So I did two years. The first year twice at the
7 institute in Bunia. I repeated a year, and then I did second
8 and third year for a total of four years. So, two years in the
9 first year I had to repeat. Then I went to the second year,
10 then the third year, for a total of four years, two years at the
11 first level, and then I went on for the rest. That is why the
12 total was different. You did not understand. That is what you
13 did not understand.

14 Q. Sir, it's right, isn't it, that when you were at the
15 ISP you knew Mr Mbuna because he was there?

16 A. I didn't know him. I didn't know him. It's just that
17 the day he came to see the coordinating abbé, he said, "Well,
18 you have a visitor from Bunia and I think he also studied at the
19 ISP during the years that you may have been there".

20 Q. So it's your evidence, is it, that when you saw him at
21 the school in November 2009 that was the first time that you had
22 seen or met Mr Mbuna?

23 A. Yes, it was the first time that I had met him at
24 the -- not at the school, but at the coordinating office. And
25 then we went on our way together to the school. I met him in

1 the office of the coordinating abbé and he said, "Yes, you have
2 a visitor. He will be going to your school". And so we went to
3 the school, I introduced myself and he said he wanted to go to
4 the Ukongo institute of Beju. And I said, "Well, I am the
5 headmaster there". I introduced myself, and he said, "Well,
6 he's gotten here before you", and he wrote a letter saying that
7 he could come along with me. So the letter was provided. I
8 didn't know him before that time.

9 Q. As someone who has studied at the ISP and is familiar
10 with Bunia and Mudzipela, you would agree with me that Mudzipela
11 was known to be a Hema area during the war.

12 A. Yes.

13 Q. And it's right, isn't it, that the ISP was known to be
14 a learning centre for those that sympathised with the Hema
15 movement?

16 A. Well, that's what people learned. The war -- when the
17 war was going on, I had already gone back to my village. After
18 I finished in '97, I did not go by way of Mudzipezla (phon) --
19 Mudzipela.

20 Q. You, of course, are familiar with the organisation --
21 the political and military movement, the UPC?

22 A. Yes, the UPC, the movement. The movement has been
23 through -- throughout the entire Ituri district, of course.

24 Q. And, in general, the movement represented the goals
25 and aspirations of the Hema community within Ituri?

1 A. Yes.

2 Q. And you know that during -- at least during 2002 and
3 2003 Mr Lubanga was its leader.

4 A. Yes, that is what we learned.

5 Q. And you also must be aware that the UPC -- well, let
6 me put it this way: You must have known of a radio called Radio
7 Candip.

8 A. Yes, when I was a student I also went to the studios
9 of that radio station.

10 Q. Then you must be aware that Radio Candip was used by
11 the UPC during the war to disseminate the UPC's goals and
12 aspirations.

13 A. Well, we listened to that on the radio and, you see,
14 the Mahagi territory where I work is somewhat further off than
15 Bunia. We are -- from Bunia to Mahagi, that is more than a
16 hundred kilometres and we are very much -- perfectly aware of
17 what -- it is difficult to be entirely aware of what is going on
18 in Bunia. In the DRC we do not have the same travel
19 possibilities that you have here. For example, to go from Bunia
20 you might have to go to another town and spend an entire day on
21 the road, and so for Bunia it's a bit difficult to know. I went
22 by way --

23 THE INTERPRETER: Inaudible.

24 THE WITNESS: I went to Kinshasa and that was when I
25 was working in Bunia.

1 MR SACHDEVA:

2 Q. But it's right, isn't it, that the UPC used Radio
3 Candip to propagate and disseminate its --

4 PRESIDING JUDGE FULFORD: Yes, I think he said that.
5 Maître Mabilille?

6 MS MABILLE: (Interpretation) I'm wondering. This
7 question, how can the witness answer this question? First of
8 all, he said he left the ISP in Bunia and then, once he left, he
9 was no longer in the region. He was in Mahagi. He never came
10 back to Bunia after that period of time, and you have started to
11 ask the same question again.

12 PRESIDING JUDGE FULFORD: Once again, can we please
13 not have a gladiatorial combat across the floor of the court?
14 The submission was, no doubt, directed at the Bench,
15 Maître Mabilille, and your objection, as I understand it, is that
16 the witness cannot deal with what was said over the airwaves
17 coming from Radio Candip. In fact, the witness did say that he
18 listened to various things from Radio Candip on the radio,
19 page 61, line 2. However, having dealt with it, Mr Sachdeva, I
20 don't really think it's going to be hugely profitable going over
21 the same ground all over again, but I'm not going to stop you.
22 If you feel there is something else to be obtained from this,
23 you can stay there. If not, please move on.

24 MR SACHDEVA:

25 Q. Sir, it's right, isn't it, that the ISP effectively

1 managed or had a role in managing the radio, Radio Candip?

2 A. Yes, the ISP, it's a radio station that is provided to
3 the students -- initially for the students of the ISP. And
4 there was other information that was broadcast on that station,
5 but to provide -- if you're going to ask questions, please
6 provide greater detail, because it was quite a while ago and
7 there have been many other radio stations established. Even in
8 Mahagi there's a radio station. There is one in Djujugo (phon)
9 at the border, one in a place called Rotila (phon) there is a
10 radio station and those two radio stations broadcast a great
11 deal of information. And towards Mahagi, people really don't
12 take great interest in the Candip radio programmes. It is
13 difficult to hear it. All the information is broadcast over the
14 two other radio stations.

15 Q. Did you ever hear members of the UPC on Radio Candip,
16 broadcasting on Radio Candip?

17 A. Well, you see, you can't have the radio all the time.
18 Sometimes when you are very busy with private affairs, you don't
19 have time to listen to the radio, or even if you have television
20 at home you just don't have the time to watch everything or
21 listen to everything.

22 I know that the UPC was in Bunia and perhaps it may
23 have -- they may have used Radio Candip to broadcast
24 information, but I didn't take any particular interest in that.
25 I won't hide it from you. I didn't take any particular

1 interest, because it was a matter -- something is going on and,
2 if you're not involved, you don't take any particular interest
3 and so you don't listen.

4 So, I really can't say very much regarding any
5 broadcast, whether there was any -- whether there were any
6 broadcasts regarding the UPC. I didn't take any interest in
7 that. Probably there were broadcasts, I can't lie, but frankly
8 I just did not take any particular interest in that. So when I
9 say, "Yes", I was not paying attention to that, so I'm not
10 lying. I have to acknowledge fully that I did not take interest
11 in that, because I was dealing with my own business.

12 Q. Given what you said about your time at the ISP, were
13 you aware that (Redacted) also went to the ISP?

14 A. (Redacted) I really don't recall. Perhaps if I
15 were to see him. (Redacted). Well, you see, the institute
16 has many people there and what I saw there are several
17 departments. I had finished, and some students might have been
18 in history and we didn't know each other. There were a great
19 many of us.

20 Some people would hang out in various different spots
21 and we also had classes at different times. For example, the
22 people in the science stream might be attending class at 7.30 in
23 the morning and other students would be coming at 8, or people
24 would be going to class at different times, so if the person had
25 been in my department I perhaps would have known him.

1 Q. Were you aware that there were certain persons at the
2 ISP who became high-ranking officials of the UPC, or close
3 advisors to Mr Lubanga?

4 A. No, amongst the people who I knew, who did not become
5 officials of the UPC, there was only -- there was a person
6 responsible for the economy, Dieudonné --

7 THE INTERPETER: Inaudible.

8 THE WITNESS: -- that is the only person I know who
9 became sort of a commissioner responsible for the economy and
10 finances. I think he had been in the same lecture hall, and I
11 don't know whether he was within the UPC. He is the only one I
12 know of, but an Etienne? Perhaps within the district there was
13 Mr Dieudonné Mbuna Mugabu (phon).

14 Q. Just to be clear, that's the person - Mr Dieudonné
15 Mbuna - who you say may have become a commissioner responsible
16 for the economy and finances; is that right?

17 A. No, not Dieudonné Mbuna. Dieudonné Rabona (phon)
18 Mugabe (phon). That's another person, not Dieudonné Mbuna.
19 Dieudonné Rabona Mugabe. That's another person.

20 Q. I'd like to go back to the visit of Mr Mbuna at the
21 school. And we've spoken about the process of reviewing the
22 documents, but it's right, isn't it, that when you were with
23 Mr Mbuna you also took him to meet Mr Nyona? Bertin Nyona?

24 A. Yes. After the first meeting that we had with him,
25 when he came to the school to pick up the files and make

1 photocopies he came back with them. And the date escapes me. I
2 think it was a Thursday, unless I'm mistaken. I can't quite
3 recall the actual date, but he reached me at the junior seminary
4 and that was around 11 in the morning.

5 He found me there and I was teaching a class, and I
6 was called and I was told I had a visitor. I followed and I --
7 I met him and I said, "Good morning", and we introduced
8 ourselves. And I said to him, "I still have an hour of teaching
9 to do. Could you wait at home with my spouse?", and I finished
10 my class.

11 And he wanted to -- he wanted us to go to Logo and he
12 said, "You know the family of Eric Nyona?" I said, "Yes", but
13 Eric Nyona was a colleague of mine at the secondary level. I
14 know that person. He said, "Could you go?" And I said,
15 "Certainly", so we left.

16 And once we got to Logo, we were with the family and
17 we saw that Eric was there. He was sick. His wife said, "He's
18 inside." And I called out to him and I said, "Is that you?"
19 And he said, "Yes." And he took his crutches out and he came
20 out. He had had an injury to a foot. And so he had a chat with
21 Mr Mbuna and I was present.

22 MR SACHDEVA: Mr President, I'm going to go into
23 details of that conversation. Perhaps with your leave it may be
24 an appropriate time.

25 PRESIDING JUDGE FULFORD: Certainly. Tuesday of next

1 week, Mr Sachdeva.

2 Something for you to think about over the weekend,
3 please. Starting really at the bottom of page 59, top of
4 page 60, you have investigated with the witness the possibility
5 that the ISP was an educational centre for those who sympathised
6 with the Hema movement.

7 Now, there may be a variety of different reasons for
8 exploring the suggested concentration of Hema supporters within
9 that institution, but one of them is a suggestion that this
10 witness may have given -- it may be suggested that he has
11 given false evidence because he himself was educated at an
12 institution which sympathises with the Hema movement and
13 therefore he is or may be a supporter of the UPC, which was an
14 issue that you then moved on to deal with at lines 9 and 10 of
15 page 60.

16 Now, as with suggestions of fraudulent activity with
17 the documents, if that possibility is later to be canvassed
18 before us during the course of submissions, it should have been
19 explored with the witness whilst he is here so he has an
20 opportunity of dealing with the suggestion. So, please, reflect
21 over the weekend on that. If we hear no more about it, we will
22 not expect to hear a submission that the witness may have given
23 false evidence because he is in a prejudiced position on account
24 of some kind of loyalty which he feels to the Hema movement and
25 the UPC as reflected in his association with the ISP.

1 I'm sorry that's taken a minute or two to say, but I
2 think it is important, Mr Sachdeva, that with issues such as
3 these which are alluded to, but then do not lead to a firm
4 suggestion, there is no room for mistake later because they
5 haven't been properly explored with the witness at the relevant
6 time. I'm sure you'll reflect on that.

7 MR SACHDEVA: Yes, Mr President. Absolutely.

8 PRESIDING JUDGE FULFORD: Good, thank you very much.

9 Sir, I'm sorry we can't complete your evidence today.
10 For reasons beyond my control, we are unable to sit this
11 afternoon. We are also, for various reasons relating to the
12 work of this Chamber and another Chamber, not now going to be
13 sitting on Monday. So we will recommence your evidence at 9.30
14 on Tuesday of next week.

15 I greatly regret the fact that this means you've got
16 to stay in The Netherlands for longer than you would probably
17 otherwise have wished to do so, but we are in a sense the
18 prisoners of the amount of time that we're able to sit in court.
19 Thank you very much for your assistance today and we look
20 forward to seeing you next week.

21 Usher, can you take the witness back to the witness
22 waiting room, please.

23 THE WITNESS: Thank you.

24 (The witness stands down)

25 PRESIDING JUDGE FULFORD: According to my records

1 we're sitting at half-past-9, therefore, on Tuesday in Courtroom

2 1. Thank you all very much.

3 THE COURT USHER: All rise.

4 (The hearing ends at 1.05 p.m.)

5 RECLASSIFICATION REPORT

6 Pursuant to Trial Chamber I's email instruction dated 12th
7 January 2012, the transcript is reclassified as public after the
8 indicated redactions have been implemented as ordered by the
9 Chamber. All private and closed sessions (*) are now available
10 to the public with the exception of the portions of the
11 transcript that have been redacted.

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