

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
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 Tuesday, 30 March 2010
9 (The hearing starts at 2.32 p.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 afternoon. The sound
14 is currently off in Bunia deliberately so that one or two short
15 matters can be dealt with before we turn to the evidence of this
16 witness.

17 You should all know that yesterday the Judges had, as
18 it were, a dry run of the equipment which then worked extremely
19 well. I have no doubt tempted fate by saying that, but it
20 certainly has the potential to work very well.

21 Right. The other issues: Mr Sachdeva, I think I'm
22 right in saying that at some stage in the none too distant past
23 the Prosecution has indicated that it is going to challenge the
24 suggested right of the Defence that it can mount a mid-case
25 abuse of process application. As I understand it, the

1 Prosecution's position is that that is not permissible; am I
2 right in that recollection?

3 MR SACHDEVA: Mr President, at this stage, yes, that
4 is correct.

5 PRESIDING JUDGE FULFORD: I note the caveat,
6 Mr Sachdeva, at this moment; you're going to have to make up
7 your minds on this and you're going to have to make your minds
8 up on it before the end of the week. And by that I mean by the
9 end of Thursday. If we need to know by midday on Thursday
10 whether the Prosecution anticipate advancing submissions that
11 Maître Mabilille is not to be permitted to mount a mid-case
12 challenge on the basis of abuse of process because if that is
13 going to be, as it were, your first position on what the Defence
14 suggests should happen at the end of the relevant witness within
15 this tranche of witnesses, we will want to have your written
16 submissions and the written submissions of the Defence well in
17 advance of the end of this group of witnesses, and we will need
18 to establish a timetable for those submissions. So we need to
19 know definitively whether you anticipate running that argument.

20 MR SACHDEVA: Indeed, Mr President. Might I just add
21 that, of course, in our submission, it wouldn't preclude the
22 Prosecution from making similar submissions in response to the
23 Defence application, should there be one.

24 PRESIDING JUDGE FULFORD: No. If there is a Defence
25 application, you can respond to the merits of the application.

1 What we wish to have dealt with on a preliminary basis is
2 whether or not this can happen at all. So, in a sense,
3 free-standing of the evidence that's been heard, whether or not
4 this is something which the Defence is entitled to do; namely,
5 to mount the argument. So we want to deal with that first, if
6 that is your position. If it's not your position, we'll then go
7 into the argument and we'll consider its merits. Do you
8 understand the distinction?

9 MR SACHDEVA: Yes, indeed, Mr President.

10 PRESIDING JUDGE FULFORD: Good. So midday Thursday,
11 please, 12 o'clock Thursday, can we know one way or the other
12 whether you anticipate mounting that argument.

13 MR SACHDEVA: Yes, Mr President.

14 PRESIDING JUDGE FULFORD: Thank you very much.

15 The identities of Defence witnesses 32, 33, 34 and 35
16 are to be disclosed to the relevant legal representatives of
17 victims, set within -- no, seven days in advance of their
18 testimony.

19 The Prosecution can contact victim 270 to establish
20 whether he or she is prepared to speak with the Office of the
21 Prosecutor. Any meeting, should one occur, that is to take
22 place with that witness, should be within the seven days
23 immediately prior to the relevant witness giving evidence. The
24 meeting, if it occurs, should be recorded either by way of audio
25 or by an adequate manuscript and for that see transcript 232,

1 pages 11 and 12. The Defence can be present at any such meeting
2 but, again, only with the consent of victim 270. And if they
3 also wish to ask questions 270's consent must be obtained in
4 advance.

5 Finally, the legal representative of victim 270 may be
6 present at that meeting but, consistently with our decision in
7 transcript 232, pages 11 and 12, he or she should not ask
8 questions during the course of the interview.

9 The team of legal representatives for witnesses 298
10 and 299 have a clear interest in the evidence of the witness we
11 are about to hear, and they are permitted to ask any relevant
12 questions that have not been asked by either the Prosecution or
13 the Defence.

14 Witness 14 will speak, we are told, in Badha. She
15 needs help in reading and writing, and there will be someone
16 sitting next to her to assist her. She needs to be treated very
17 carefully because we are told she has had trouble in
18 understanding our court processes. The questioning sessions
19 will last no longer in each instance than somewhere between 30
20 and 40 minutes.

21 The Chamber has granted the usual protective measures;
22 namely, she will be anonymous as regards the public and there
23 will be face and voice distortion. Reasons have been provided
24 as to why those measures should be granted, which we find
25 persuasive, and most particularly that she has *prima facie*

1 understandable concerns about her involvement with the Court
2 being known locally.

3 A psychologist will be in court during the course of
4 her evidence and we invite him to address the Chamber directly
5 if at any stage he is concerned by what is occurring from what
6 he can see on the video link. The witness will only see the
7 judges and, where relevant, the counsel who is asking questions.

8 Counsel must - and we underline "must" - keep their
9 questions short, and they should be easy to understand. The
10 witness is not to be upset. A combative form of questioning
11 is not to be adopted and so please ignore any Perry Mason style
12 of advocacy. Remember that the time delay is slightly greater
13 for this witness and you must add on some two or three seconds
14 to allow for the transmission from Central Africa.

15 Good. Can we establish the connection, please, with
16 the witness room.

17 (Video link established)

18 PRESIDING JUDGE FULFORD: Good afternoon. Good
19 afternoon. Can you hear me?

20 THE WITNESS: (Interpretation) Good afternoon, your
21 Honour.

22 PRESIDING JUDGE FULFORD: Excellent. We're now going
23 to go into closed session so that the witness can be brought in,
24 so pause for a moment while we go into closed session this end.

25 *(Closed session at 2.43 p.m.) Reclassified as Open session

1 THE COURT OFFICER (The Hague): We are in closed
2 session, your Honours.

3 PRESIDING JUDGE FULFORD: Good. Let the witness be
4 brought in, please.

5 Private session, please. Madam, good afternoon.
6 *(Private session at 2.44 p.m.) Reclassified as Open session

7 THE COURT OFFICER (The Hague): We are in private
8 session, your Honours.

9 THE WITNESS: (Interpretation) Good afternoon.

10 PRESIDING JUDGE FULFORD: Now, I'm going to ask you,
11 please, not to be at all nervous about giving evidence.

12 Ms Toumaj, can you hear me?

13 THE COURT OFFICER (Bunia): Yes, your Honour.

14 PRESIDING JUDGE FULFORD: Good. Well, let me then
15 explain to the witness that we have granted her anonymity, which
16 means that no one will know that she is giving evidence today.

17 In a moment I'm going to ask her if she will please
18 read out the words of the solemn undertaking, by which she
19 promises to tell the truth, and we will need somebody with the
20 witness to assist her in doing that. So, could the interpreter
21 please be nearby to assist the witness in repeating what is set
22 out on the card.

23 Now, Ms Toumaj, are we ready to do that?

24 THE WITNESS: (No interpretation)

25 PRESIDING JUDGE FULFORD: Now, interpreters, the

1 witness said something just now which has not come through to
2 us. Can we please have interpretation of what the witness said
3 a few moments ago.

4 THE INTERPRETER: Message from the English booth:
5 We're just waiting for interpretation from the Lendu booth.

6 PRESIDING JUDGE FULFORD: Right.

7 THE COURT OFFICER (Bunia): Your Honour, would you
8 wish us to proceed with the solemn undertaking from here?

9 PRESIDING JUDGE FULFORD: Please. Can -- somebody
10 needs to help the witness with the card and, as I'd understood
11 it, there was somebody going to be present in the room with you
12 who will be able to read out a few words at a time so that the
13 witness can repeat what is said. Now, can that please take
14 place.

15 THE COURT OFFICER (Bunia): Yes, that will be done
16 now.

17 WITNESS: WWW-D01-0014 (Sworn)

18 (The witness answers through interpreter)

19 PRESIDING JUDGE FULFORD: Thank you. Can I indicate
20 to the interpreters that you must make sure, starting in the
21 Lendu booth, that everything that the witness says comes through
22 to us, because what we heard via the headphones just now was
23 simply the concluding words of the oath.

24 THE INTERPRETER: Message from the English booth:
25 Just a reminder that the Lendu interpreters will be working in

1 consecutive mode, not simultaneous, so it really will have to be
2 one sentence at a time and you'll have to wait. Thank you very
3 much.

4 PRESIDING JUDGE FULFORD: Right. Now, Maître Mabilles,
5 you'll have to take it very slowly and in short sections. Over
6 to you.

7 QUESTIONED BY MS MABILLE:

8 Q. Good afternoon, ma'am.

9 A. Good afternoon.

10 Q. My name is Catherine Mabilles, I am a lawyer and we
11 have already had an opportunity to meet one another. Today I'm
12 going to ask you a number of questions. My first question is as
13 follows. Could you give us your name?

14 *A. My name is (Redacted)

15 Q. Do you have any other names?

16 A. I * did not mention any names other than (Redacted) to the
17 people who are here. I wrote only that name, which I gave you.

18 Q. Do you have a nickname?

19 A. Yes, I do have a nickname; the name that I gave you.
20 My name is * (Redacted).

21 Q. I would just like to ask you if you have a nickname?

22 A. The name that I gave you was just (Redacted). Yes, (Redacted)
23 is the family name, which I did not mention because
24 there were two groups. The first group I
25 gave my name *(Redacted) and the name *(Redacted) is the one found in

1 my documents.

2 Q. Do you have a baptismal name?

3 A. The name that I gave you is (Redacted)

4 (Redacted). That is the Christian name; is it not?

5 Q. Could you tell us what ethnic group you are from?

6 A. I am Mulendu from (Redacted).

7 THE INTERPRETER: The interpreter did not understand
8 the answer from the witness.

9 MS MABILLE: (Interpretation) The question was which
10 ethnic group is the witness from?

11 THE WITNESS: (Interpretation) I come from the
12 (Redacted) area and I am Mulendu. Have you heard of (Redacted)?

13 THE INTERPRETER: Correction, the --

14 MS MABILLE: (Interpretation)

15 Q. Witness, could you tell us where you live?

16 THE INTERPRETER: Correction from the English booth:
17 (Redacted).

18 THE WITNESS: I live in (Redacted) and I got married in
19 (Redacted).

20 MS MABILLE: (Interpretation)

21 Q. Could you tell us whether you are married?

22 A. Yes, I am married and I have come here with my
23 children even.

24 Q. Could you tell us the name of your husband?

25 A. His name is (Redacted).

1 Q. Were you married before?

2 A. Yes, I was married before.

3 Q. Could you tell us how many times you have been married
4 in all?

5 A. For the first time? I got married for the first time
6 in (Redacted) and I had three years. The second time I got married as
7 well.

8 Q. The first time you got married, you told us that you
9 had three children. What was the name of your first husband?

10 A. The name of that gentleman was (Redacted).

11 Q. Could you tell us the name of your second husband?

12 A. The name of the second husband? Do I have to give the
13 name of all the husbands? For the second time I remarried, the
14 name of the gentleman was (Redacted), and he died.

15 Q. Thank you very much. We are going to go back to your
16 first husband. You told us that his name was (Redacted). Did you
17 know him by any other name?

18 A. His name was (Redacted).

19 Q. Thank you. Did Mr (Redacted) also bear the name *
20 (Redacted)?

21 A. His name was *(Redacted). For now he is in (Redacted), and
22 they were the people who told me about it and I am sitting here
23 to talk about it as well. All I knew at the time was that his
24 name was (Redacted), so they asked me questions on (Redacted) as well.

25 Q. At the time you were living with him, did you know

1 that he also bore the name * (Redacted)?

2 A. I got married to him in (Redacted), and the name he
3 gave me at the time was (Redacted) was the second name I did not
4 know anything about the other name; that is, the name (Redacted).
5 When he came over here, he registered himself as (Redacted).

6 Q. Could you tell us how many years you spent with him?

7 A. I lived with him for (Redacted) years.

8 Q. Could you please tell us where you lived with him, in
9 what locality?

10 A. I lived with him in (Redacted).

11 Q. You informed us that you had three children with him.
12 Could you please tell us the names of these children?

13 A. I gave the names of my three children, but two of them
14 have died. The name of the one I have is (Redacted). The
15 three names are (Redacted) and (Redacted) (phon). Two of
16 them have died.

17 Q. Madam Witness, could you please repeat the names of
18 your three children; that is, giving us these names one after
19 the other. Thank you.

20 A. The first child is called (Redacted).

21 Q. And what about the second?

22 A. The second child is called (Redacted).

23 Q. Thank you very much and what about the third?

24 A. The third child is called (Redacted).

25 Q. Which of the three children is still alive, Madam

1 Witness?

2 A. The child who is still alive is (Redacted). The other
3 two have died.

4 Q. Madam, I am going to have a photograph shown to you.

5 And for the record, the reference of that material is
6 DRC-OTP-0194-0055. It already has a reference: EVD-OTP-00377.
7 Could that photograph be projected on the screen? I also have
8 hard copies thereof in front of me here.

9 PRESIDING JUDGE FULFORD: Yes, but this should only be
10 shown within the Chamber.

11 THE INTERPRETER: Correction from the English booth:
12 It's DRC-OTP-0184-0055.

13 PRESIDING JUDGE FULFORD: Could that photograph then
14 be shown to the witness. Thank you very much. Yes, that's
15 right.

16 Yes, Maître Mabilille.

17 MS MABILLE: (Interpretation)

18 Q. Madam Witness, do you recognise that photograph and
19 the person in that photograph?

20 A. Yes, I do recognise the individual.

21 Q. Could you tell us who that person is?

22 A. Yes, that is the son I talked about, my son.

23 Q. Madam Witness, could you give us that person's full
24 name?

25 A. I don't know his nickname. The only name I know is

1 (Redacted). He also bore the name of his grandfather who was
2 called (Redacted) (phon).

3 THE INTERPRETER: Lendu interpreter corrects: The
4 name is (Redacted).

5 MS MABILLE: (Interpretation)

6 Q. Could you please tell us where he was born, Madam?

7 A. This child was born in (Redacted).

8 Q. In which localities did you live with this child?

9 A. He took away the child when the child was two years
10 old and we -- he was the one who took charge of the child, and
11 we lived together for (Redacted).

12 Q. You lived with (Redacted) for two years. Now, where did
13 he live after that?

14 THE INTERPRETER: Message from the English booth: If
15 the witness could be asked to speak in short sentences so the
16 Lendu interpreters are able to do consecutive interpreting, your
17 Honour. Thank you.

18 THE WITNESS: They went to (Redacted). After that, the
19 war broke out in Bunia. They fled (Redacted) and I don't know where
20 they went to. And there they took photographs, and it is those
21 people who took the photographs, and they came, they found me,
22 and they showed me photographs, and this is one of the
23 photographs that they showed me.

24 PRESIDING JUDGE FULFORD: Maître Mabilille.

25 Madam, can I ask you to keep your answers as short as

1 possible, please. The last answer you gave, although very
2 helpful, was too long and you were speaking very quickly. So,
3 if you could speak slower and, in each answer, if you could keep
4 it shorter, please. Thank you. And we'll be taking a break in
5 the next five or ten minutes.

6 Yes, Maître Mabilille.

7 MS MABILLE: (Interpretation)

8 Q. Madam Witness, I am going to repeat the question which
9 you just answered.

10 A. Yes.

11 Q. You informed us that (Redacted) (phon) went to live
12 with his father. The question I asked you was the following:
13 Where did your son live with his father, in which place, which
14 locality?

15 A. They were in (Redacted). They were in (Redacted). From
16 (Redacted) they moved to (Redacted), then to (Redacted).

17 Q. Whilst your son was living in (Redacted) - sorry, in (Redacted) -
18 and then you said he moved on to (Redacted), did you continue seeing
19 him from that point in time?

20 A. After the war he went to (Redacted) with his father. When
21 they arrived in (Redacted) I saw him only once and I discovered that
22 he had grown up a little. It was at that time that this
23 photograph was taken. Since then I haven't seen him again.

24 PRESIDING JUDGE FULFORD: Maître Mabilille, I think
25 we'll take a break now for the benefit of the witness. It's now

1 just before 20-past-3 and we'll sit again at half-past-3, so
2 we'll have a ten minute break now. Thank you very much. If the
3 sound, please, could be turned down at the other end. Thank you
4 very much.

5 THE COURT USHER: All rise.

6 (Recess taken at 3.18 p.m.)

7 (Upon resuming at 3.32 p.m.)

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

9 PRESIDING JUDGE FULFORD: Yes, Maître Mabilille.

10 MS MABILILLE: (Interpretation)

11 Q. Witness, you told us that your son had lived in (Redacted)
12 (phon). With whom did he live -- was he living at that
13 particular moment?

14 A. He was living there with his father. That man had a
15 wife called (Redacted) at the time, and they all lived together.

16 Q. When your son was living with his father and (Redacted),
17 did you used to go and visit him?

18 A. Yes, I also went to see my son at that time. I was
19 breeding chickens and I used to take chickens to him.

20 Q. Was it before or after the war?

21 A. Before the war.

22 Q. I would now like to put a question to you: The last
23 time you saw your son, could you tell us whether it was before
24 or after the war?

25 A. They fled to (Redacted), and during the war there was a

1 time when there was peace, and at that moment the child came to
2 see me.

3 Q. Where did he come to see you? At what place did he
4 come to see you?

5 A. It was in (Redacted) when my son was there, and we fled. We
6 fled from (Redacted) into the forest. It was in the forest that we
7 were, and the place was called (Redacted).

8 Q. Witness, you told us that you saw your son. He had
9 come to see you after the war, and I was asking you where he
10 came to see you.

11 *A. The place was (Redacted) a village in the forest of (Redacted).
12 So at the moment, the child came to see me. * According to him,
13 he was working for the white people.

14 PRESIDING JUDGE FULFORD: Yes, Mr Sachdeva.

15 MR SACHDEVA: Mr President, thank you. It's
16 withdrawn. Thank you.

17 PRESIDING JUDGE FULFORD: Yes, Maître Mabilille.

18 MS MABILLE: (Interpretation)

19 Q. Could you tell us what your son said to you at that
20 time? What was the subject of discussion between you?

21 A. This is what we spoke about, my son and I: He said
22 that he was doing fine over there, it was military service, and
23 they got blankets, pots and pans, and lots of accessories, and
24 if I wanted, he could help me by bringing those things to me.
25 So I said to him, "You can bring me some pots and pans and

1 blankets as well."

2 THE INTERPRETER: Correction by the Lendu interpreter:
3 My son's work was working for the white men. That's what he
4 said.

5 MS MABILLE: (Interpretation)

6 Q. Could you tell us when you last saw Mr (Redacted)?

7 PRESIDING JUDGE FULFORD: Can you put the question
8 again, please, Maître Mabilille.

9 THE WITNESS: What did you say?

10 MS MABILLE: (Interpretation)

11 Q. Madam, I asked you when you last saw Mr (Redacted).

12 A. (Redacted) is not my son. (Redacted) is my husband. His son is
13 called (Redacted). I saw him during the war. That was when he
14 came to see me.

15 Q. I fully understand, Madam. The question I am now
16 putting to you is a question about your first husband, whose
17 name is Mr (Redacted), and I am asking you when did you last see
18 Mr (Redacted)?

19 A. I cannot tell you when I last saw him, because I never
20 saw him. He was in (Redacted), he left and I just know that at that
21 time he had a wife called (Redacted). That's all.

22 MS MABILLE: (Interpretation) Your Honour, I have one
23 more question and then we have a real problem of translation. I
24 think we will have to break for round about ten minutes so that
25 I can look into this translation difficulty. It is quite a

1 significant problem.

2 Q. Witness, I'm coming back to a question I asked you at
3 the start. Would you be good enough to give us once again your
4 name, because we have had a translation problem. So, please,
5 would you give us your full name once again.

6 A. I said my name is * (Redacted) and I wrote * (Redacted).
7 And that is my name, * (Redacted).

8 MS MABILLE: (Interpretation) Your Honour, could we
9 adjourn for around about ten minutes, please?

10 PRESIDING JUDGE FULFORD: Certainly, Maître Mabilille.
11 I obviously don't know the nature of -- the particular nature of
12 the problem you're facing but, if it's to do with the name, if
13 it has been written down there may be some way of communicating
14 to you during the short adjournment whatever it is that the
15 witness either wrote down herself, or with the assistance of
16 someone else had written down. I simply make that observation,
17 because we have got both visual and audio contact with this
18 particular room in the DRC and so you can no doubt have
19 communicated to you whatever has been written down there. I
20 simply make that observation.

21 Good. Madam, we're going to take another break now
22 and we'll see you in about ten minutes' time. Maître Mabilille,
23 we'll expect to sit again at 4 o'clock unless you send a message
24 out otherwise. Good, all right.

25 THE COURT USHER: All rise.

1 (Recess taken at 3.47 p.m.)

2 (Upon resuming at 4.16 p.m.)

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

4 PRESIDING JUDGE FULFORD: Maître Mabilille, we don't
5 know whether the interpretation issues have been resolved. What
6 we suggest is this. Against the background that this is always
7 going to be a very difficult exercise given the languages being
8 deployed and the circumstances, that we carry on now. If you
9 wish to ask questions by way of clarification where you think
10 there may have been mistakes, of course, you're free to do so.
11 And overnight, before we sit again tomorrow, any passages of
12 which you have concerns will, of course, be checked and
13 rechecked in order to get, where necessary and where
14 appropriate, an improved version. But we are extremely
15 reluctant to delay now so there can be fine tuning at this point
16 in time to any interpretation issues, given the circumstances of
17 the witness and given the need to complete this evidence before
18 the Easter recess.

19 MS MABILLE: (Interpretation) Just one point, your
20 Honour. Of course, the Defence fully understands the
21 explanations of the Bench. I informed the OTP that the point at
22 issue here with respect to translation is an important one.
23 And, of course, the Prosecutor may wish to do cross-examination
24 on that point, the point which, to our mind, was poorly
25 translated. I will say I have virtually come to the end of my

1 examination in-chief. However, I'm afraid this may create some
2 confusion for the witness if the Prosecutor starts
3 cross-examining on this point, which I believe to be
4 problematic.

5 PRESIDING JUDGE FULFORD: I entirely understand,
6 Maître Mabilille. Very easily resolved. Since you've identified
7 to Mr Sachdeva where you consider there may be a problem with
8 interpretation, we are sure that he will put his questions in an
9 appropriate way that do not appear to suggest definitively that
10 the witness has said something when there is real doubt as to
11 whether she has said it or not. And I'm sure that his questions
12 will be put in an appropriately broad and open-ended way so as
13 not to confuse the witness or to overstate the evidential
14 position. And I'm sure Mr Sachdeva will be loyal to that
15 direction.

16 MR SACHDEVA: Of course, Mr President, I will be. The
17 only problem I see is that, until this issue is resolved -- I
18 mean, I may not have any questions for this witness.

19 PRESIDING JUDGE FULFORD: Maître Mabilille, can't -- is
20 there something in relation to which it's impossible to ask the
21 question again, to see whether the witness is able to provide us
22 with the answer?

23 MS MABILILLE: (Interpretation) I think I can explain to
24 the Chamber why it may be complicated to put that question
25 again, because I run the risk of misleading the witness.

1 At one point the witness said that her son worked with
2 soldiers.

3 PRESIDING JUDGE FULFORD: Okay. This at the moment is
4 being transmitted to the room in the DRC. Is it advisable,
5 given the dispute? No, it's not.

6 Maître Mabilie, you've nearly concluded your
7 examination; is that right, apart from this?

8 MS MABILLE: (Interpretation) I have about four or
9 five more questions, your Honour, only.

10 PRESIDING JUDGE FULFORD: Mr Sachdeva, even on the
11 most pessimistic basis, how long do you think your examination
12 will be with this witness?

13 MR SACHDEVA: Not more than ten minutes.

14 PRESIDING JUDGE FULFORD: Mr Mulamba?

15 MR MULAMBA: Your Honour, I think it will all depend
16 on the questions that will be put by the Prosecutor. Not more
17 than five minutes, your Honour.

18 PRESIDING JUDGE FULFORD: Thank you.

19 (Trial Chamber confers)

20 PRESIDING JUDGE FULFORD: Maître Mabilie, if we're in
21 agreement, given the importance of this, that the examination on
22 this issue should be deferred until there's been a resolution,
23 are there other discrete questions which you can ask now, the
24 four or five other questions, so as to as it were dispose of
25 those, or are all they all dependent on the resolution of this

1 issue?

2 MS MABILLE: (Interpretation) No, your Honour, I can
3 complete my examination without having to put the question.
4 They are not related to the issue on which we have translation
5 problems.

6 PRESIDING JUDGE FULFORD: Thank you. Then what the
7 Bench proposes to do is to give you the opportunity now to
8 complete your other outstanding questions. We will then adjourn
9 overnight. These interpretation issues must be resolved before
10 we sit again tomorrow afternoon, and Maître Mabilille can then ask
11 any further question or questions that she has, and then
12 Mr Sachdeva will be in a position to know whether there are in
13 fact any questions that he wishes to put to the witness.

14 Now, unless there are any objections, that is the
15 course that we propose to adopt.

16 No objections. Good.

17 Please carry on, Maître Mabilille.

18 MS MABILLE: (Interpretation)

19 Q. Witness, can you hear me clearly?

20 A. Yes.

21 Q. You informed us that your son came to see you after
22 the war, and that he received saucepans and blankets. Did he
23 tell you -- did he tell you who had given him these saucepans
24 and the blankets?

25 A. All I can say is that, while I was in the bush, the

1 child sent somebody who came on a motorcycle. The person came
2 to take my photograph. It was at that point in time that the
3 child came with pots and other things to give me. And it was
4 after the war that the child came to see me, and he came from
5 (Redacted).

6 PRESIDING JUDGE FULFORD: Yes, Mr Sachdeva.

7 MR SACHDEVA: It's been clarified, Mr President.

8 PRESIDING JUDGE FULFORD: Yes, Maître Mabilille.

9 MS MABILILLE: (Interpretation)

10 Q. Madam, did your child tell you who had given him the
11 pots, the pans and the blankets?

12 A. At the time that the child came to see me, he did not
13 give me all of that. I simply discussed with the child and all
14 I know is that the child sent someone to come and take my
15 photograph.

16 Q. Madam, what I wanted to know from you is whether your
17 child told you. Did he inform you of the person who had given
18 him the pots and the blankets?

19 A. But I have been telling you; don't you understand? I
20 told you that the child said that each time he will bring me
21 those items, but he had not yet brought them to me at that
22 particular point in time.

23 Q. Madam, a few moments ago you gave your name. Now --
24 now, if one name -- one name was not noted. Now, is your name *
25 (Redacted)

1 A. * (Redacted). Those are names that were --

2 THE INTERPRETER: Inaudible.

3 MS MABILLE: (Interpretation)

4 Q. I wanted to ask you a question again, a question that
5 I asked you at the beginning.

6 PRESIDING JUDGE FULFORD: Mr Sachdeva.

7 MR SACHDEVA: Mr President, this territory has been
8 covered three or four times now and that last question was very
9 leading, in my view.

10 PRESIDING JUDGE FULFORD: I think, Maître Mabilles, if
11 there's uncertainty as to the witness's names, that can only be
12 clarified by her. I think it's very dangerous for you to
13 suggest names to see how she responds to that suggestion. Now,
14 if you want to ask the witness again to give her names, or to
15 find some other mechanism whereby this information can be given
16 to us, and I repeat earlier what I said about I understand that
17 she'd indicated that she'd written her name down, there may be
18 some way of transmitting that material to us, then it must be
19 done in a neutral and non-leading way, I'm afraid, given the
20 importance of this.

21 MS MABILLE: (Interpretation) I understand, but
22 apparently she said twice and it was not translated. Apparently
23 she said it twice and it was not translated. At one particular
24 point things become difficult.

25 PRESIDING JUDGE FULFORD: Maître Mabilles, that's

1 perfectly understandable and I'm -- we are hopeful that tonight,
2 because the audio can be listened to, those parts which haven't
3 been translated so far will be translated. This is always going
4 to be a somewhat difficult process, given the languages
5 involved.

6 Now, it's up to you whether you pursue this further
7 tonight, or whether you wait until the transcript has been
8 perfected and then you reconsider overnight whether you wish to
9 pursue this further tomorrow afternoon. Really, the choice is
10 yours.

11 MS MABILLE: (Interpretation) I'll stop at this point
12 and we will wait to get the transcript. Thank you, your Honour.
13 Thank you very much.

14 Rather than trying to do this in person, I'm going to
15 ask the court officer, who is with the witness, in a moment
16 after we have risen to thank the witness for her assistance this
17 afternoon and to say that we look forward to seeing her again at
18 half-past-2 tomorrow afternoon when we are confident she will be
19 able to complete her evidence. So if that could be explained in
20 appropriate detail and if arrangements could be made, we will
21 conclude this witness's evidence at 2.30 tomorrow afternoon.

22 MR MULAMBA: (Interpretation) Yes, your Honour. On
23 behalf of our team I think there's a problem now whether the
24 deadline for filings will be suspended. This is what I was
25 wondering, because some members of our team are dealing with a

1 filing and there is a deadline.

2 PRESIDING JUDGE FULFORD: Right. This needn't concern
3 the witness and we needn't resolve it now, but thank you for
4 flagging up that before the Easter break you want to know
5 whether deadlines are going to be suspended. Thank you very
6 much indeed.

7 Good. With those thanks to the witness, we will rise
8 now and sit again at 2.30 tomorrow and we will deal with your
9 request during the course of tomorrow afternoon. Thank you very
10 much indeed.

11 THE COURT USHER: All rise.

12 (The hearing ends at 4.36 p.m.)

13 RECLASSIFICATION REPORT

14 Pursuant to Trial Chamber I's email instruction dated 8th
15 November 2011, the transcript is reclassified as public after
16 the indicated redaction have been implemented as ordered by the
17 Chamber. All private and closed session (*) are now available to
18 the public with the exception of the portions of the transcript
19 that have been redacted.