

1 International Criminal Court
2 Trial Chamber I
3 Situation in the Democratic Republic of Congo - ICC-01/04-01/06
4 Case against Thomas Lubanga Dyilo
5 Hearing - Open Session
6 Wednesday, 3 June 2009
7 The hearing starts at 9.30 a.m.

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

10 PRESIDING JUDGE FULFORD: Ms. Struyven, before the witness comes
11 into court and can I inquire are we in public session? Yes. Good.

12 On the 29th of May, and this is document 1918, the Prosecution
13 put in a filing which addresses the submissions that have been made by
14 the representatives of victims as regards Regulation 55. Choosing my
15 words, I hope, reasonably carefully, it could be said that the
16 Prosecution's stance is a somewhat technical one, and by being a
17 technical one, the filing in its present form fails to address any of the
18 substantive issues that have been raised by the victims.

19 Whatever may be the precise obligation in accordance with the
20 regulations resting on the shoulders of the Prosecution in this regard,
21 it would be helpful to us to have the Prosecution's substantive position
22 on this point set out, please. It doesn't have to be lengthy, but we
23 really would appreciate your assistance given that this potentially
24 affects the very charges brought against the accused by the Office of the
25 Prosecutor. So could we put technicalities aside and provide the Bench

1 with some assistance, please. A quick discussion between you as to how
2 long you would require in order to put in, as I say, not a lengthy filing
3 but really your -- your position on this issue.

4 (Prosecution counsel confer)

5 MS. STRUYVEN: Mr. President, with your permission, the
6 Prosecution seeks the permission to come back to the Chamber on this
7 issue both on the necessity to file something and on the time-line in
8 that respect.

9 PRESIDING JUDGE FULFORD: Right. Ms. Struyven, do I understand
10 you to say that the Prosecution, notwithstanding what I've just said,
11 wishes to reserve the position as to whether or not there's an obligation
12 resting on you to put in a substantive filing on this issue? Is that
13 your position?

14 MS. STRUYVEN: Mr. President, I'll rephrase that. We would like
15 to get back to the Chamber on the issue of the timing of the filing only.

16 PRESIDING JUDGE FULFORD: Right. Most certainly. Please, at an
17 appropriate moment today, let us know what period you would seek in order
18 to put in a substantive response. Thank you very much.

19 And, Maitre Mabilille, if necessary, we will adjust the time period
20 for the Defence filing.

21 Good. Any other preliminary issues, please? No. Closed
22 session, and witness brought into court.

23 *(Closed session at 9.37 a.m.) Reclassified as open session

24 COURT OFFICER: Closed session.

25 (The witness takes the stand)

Witness: Witness DRC-OTP-WWW-0014 (Resumed) (Closed Session)
Questioned by Ms. Mabilille (Continued)

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1 WITNESS: WITNESS DRC-OTP-WWW-0014 (Resumed)

2 (Witness answered through interpreter)

3 PRESIDING JUDGE FULFORD: Good morning, sir.

4 THE WITNESS (interpretation): Thank you. Good morning.

5 PRESIDING JUDGE FULFORD: Public or private, Maitre Mabilille?

6 MS. MABILILLE (interpretation): Well, I'm going to be audacious

7 this morning. Let's try an open session, your Honour.

8 PRESIDING JUDGE FULFORD: Public session, please.

9 (Open session at 9.38 a.m.)

10 COURT OFFICER: Open session.

11 PRESIDING JUDGE FULFORD: Maitre Mabilille.

12 Questioned by Ms. Mabilille: (Continued)

13 Q. (Interpretation) Good morning, Witness. Thank you.

14 A. Thank you.

15 Q. I would like to come back to the concept of Gegere in order to
16 try to understand what you've said about this. You made a very clear
17 distinction between the Hema and the Gegere; is that correct?

18 A. Yes, that's correct.

19 Q. Should we then understand from what you've said that a Gegere is
20 not a Hema?

21 A. Absolutely not.

22 Q. Could you then explain the difference in your point of view
23 between a Hema and a Gegere?

24 A. The simplest way of explaining it would be as follows: From a
25 sociological point of view and based on my knowledge of sociology, all of

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1 the African tribes have a language which is related to the name of their
2 tribe. What this means is that each tribe speaks its own language. In
3 our country we have some 450 tribes, and each tribe speaks its own
4 language.

5 To go back to Bunia and the question of the Hema and the Gegere,
6 the Hema speak the language called Kihema, and there's a fairly serious
7 problem regarding the Gegeres who say that they're Hemas but they do not
8 speak Kihema. They speak the language Kilendu, which they don't like to
9 call Kilendu. They call it the Badha, B-a-d-h-a, which is Kilendu, which
10 is totally Kilendu, and that's why we need to avoid this contradiction.

11 I -- when I grew up, a Gegere was a Gegere. They speak a
12 language which is Kilendu but which they call Badha, whereas the Hema are
13 Hemas, and they speak the language Kihema.

14 Q. Thank you. According to your knowledge, do you usually
15 distinguish between the Hema south and the Hema north?

16 A. I -- as I grew up -- well, in fact, I only began learning about
17 this more recently, that is, in the beginning of the conflict in 1998 and
18 1999. This is a European notion. I don't know why it is that the
19 Europeans prefer to refer to Hema north and Hema south. I don't
20 understand that. I've never been able to understand that until this day.

21 Q. Thank you, Witness. Is there a language Kigegere?

22 A. Well, I've explained that there is some confusion as regards the
23 language spoken by the Gegere. I just explained that. They speak the
24 language Kilendu but they call it Badha, but the Gegere do not have their
25 own language which is related to their tribe as such.

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1 Q. If I'm following you correctly, from your point of view the --
2 were -- all of this is related to the concept of language. To your
3 knowledge, what is the ethnic group that Thomas Lubanga belongs to?

4 A. On numerous occasions from the beginning I have said that
5 Thomas Lubanga is a Gegere. Whether you're talking about the ethnic
6 group, the tribe, he is a Gegere. I grew up familiar with his tribe as
7 such.

8 MS. MABILLE (interpretation): Could we move into private
9 session, your Honour.

10 PRESIDING JUDGE FULFORD: Private session, please.

11 *(Private session at 9.44 a.m.) Reclassified as open session

12 MS. MABILLE (interpretation):

13 Q. You've said that Thomas Lubanga is a Gegere?

14 COURT OFFICER: Private session.

15 PRESIDING JUDGE FULFORD: Yes, Maitre Mabilille.

16 MS. MABILLE (interpretation):

17 Q. What do you base yourself on? What kind of information do you
18 base yourself on in saying that Thomas Lubanga is a Gegere?

19 A. Madam, I am a Congolese. I am an Iturian. I was born and I grew
20 up in Ituri. I am familiar with each and every tribe in Ituri. I don't
21 need any extraordinary proof to prove that he is a Gegere. He was born
22 and grew up according to what you yourself said, you referred to the
23 village where he was born, and it is that language that he learned and
24 that he spoke. His parents are from that tribe. That's a fact.

25 Q. If I were to suggest that Thomas Lubanga is rather a Hema north,

Witness: Witness DRC-OTP-WWW-0014 (Resumed) (Private Session)
Questioned by Ms. Mabilie (Continued)

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1 what would you respond?

2 A. Well, if you prefer to consider him as a Hema north, it's up to
3 you. It's your choice. But as far as I'm concerned, I know that he is a
4 Gegere.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Yesterday when I questioned you about the fact that you had noted
11 down the registration numbers of a number of vehicles which had brought
12 the recruits, I asked you why you hadn't just asked the question to the
13 people that you had met at the UPC headquarters, and you answered, and
14 here I'm referring to J4 -- page 54, line 6 to 10, day 4. Your answer
15 was: "I had to protect myself amongst dangerous people." And you also
16 indicated: "I couldn't ask them questions about the military matters,
17 because, as we tend to say, it's a sacred area, so to speak, and in other
18 words, it's very secret."

19 Do you remember stating that yesterday before the Court?

20 A. Yes, of course.

21 Q. However, Witness, according to your testimony, you went to what
22 you call the UPC headquarters every day. You could see the recruits.

23 You could see the training, (Redacted)

24 (Redacted); is that correct?

25 A. Yes, it's totally correct. (Redacted)

Witness: Witness DRC-OTP-WWW-0014 (Resumed) (Private Session)
Questioned by Ms. Mabilille (Continued)

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1 (Redacted)

2 Q. Thank you.

3 MS. MABILILLE (interpretation): We can go back into open session
4 for the next questions, your Honour.

5 PRESIDING JUDGE FULFORD: Very helpful, Maitre Mabilille.

6 Public session, please.

7 (Open session at 9.50 a.m.)

8 COURT OFFICER: Open session.

9 MS. MABILILLE (interpretation):

10 Q. Witness, you asked, this is day two, page 55, lines 24, 25, and
11 day 2 of page 56, lines 1, 2, 3, and I quote: "A few hours after the
12 return of Thomas Lubanga to Bunia, the list of the executive was
13 announced."

14 You also mention that it was around September 1st that
15 Thomas Lubanga came back to Bunia. Here I'm referring to day two,
16 line 4 and 5. You also mention, this is day two, page 56, I quote:

17 "I learned it from what was announced on Radio Candip. It was
18 public information. That was the first time I learned about that."

19 Is that correct?

20 A. Yes, that's correct.

21 Q. If I were to say that the press release which contained the list
22 of the members of the executive was read around September 12th, 2002,
23 that is almost 12 days after Thomas Lubanga returned to Bunia, would that
24 lead you to modifying your testimony?

25 A. Absolutely not, madam. No.

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Questioned by Ms. Mabilille (Continued)

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1 MS. MABILLE (interpretation): Can we go back to closed session,
2 your Honour.

3 PRESIDING JUDGE FULFORD: Closed session, please. Private
4 session. Private session.

5 *(Private session at 9.52 a.m.) Reclassified as open session

6 COURT OFFICER: Private session.

7 PRESIDING JUDGE FULFORD: It hasn't appeared on the transcript,
8 Maitre Mabilille. Yes, Maitre Mabilille.

9 MS. MABILLE (interpretation):

10 Q. Sir, you said that Mrs. Lotsove was appointed national secretary
11 for finance within the UPC; is that correct?

12 A. Yes.

13 Q. Do you know for how long she held that position?

14 A. Unfortunately, no.

15 Q. And do you know who replaced her?

16 A. I do not remember.

17 Q. Thank you, Witness. I will now move on to another subject (Redacted)
18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: Witness DRC-OTP-WWW-0014 (Resumed) (Private Session)
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Page 9 redacted.

Witness: Witness DRC-OTP-WWW-0014 (Resumed) (Private Session)
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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
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9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)

16 MS. MABILLE (interpretation): Can we return to open session,
17 your Honour.

18 PRESIDING JUDGE FULFORD: Open session, please.

19 (Open session at 9.59 a.m.)

20 COURT OFFICER: Sorry, please. Open session.

21 PRESIDING JUDGE FULFORD: Yes.

22 MS. MABILLE (interpretation):

23 Q. Witness, I am going to ask you three questions in open session.

24 I do not expect you to tell us about your sources as you answer these

25 questions. Later on we will go back into private session, during which I

Witness: Witness DRC-OTP-WWW-0014 (Resumed) (Private Session)
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1 will ask you specific questions on your sources. So you should be
2 vigilant in the answers you give to these questions. In any case, don't
3 give any information on your sources, because we are in open session.

4 You stated that all national commissioners had to undergo
5 military training for two weeks in Mandro. That is what you stated on
6 day number 3, page 18, at the end of page 18 and the beginning of
7 page 19.

8 A. That is correct.

9 Q. Witness, when you talk about national commissioners, are you
10 referring to the members of the UPC executive?

11 A. Those are the persons I'm referring to.

12 Q. It is clear, therefore, that your testimony is that the entire
13 executive of the UPC had to stop their activities in order to go and
14 undergo military training, two weeks' military training, in January 2003.
15 Is that your testimony?

16 A. According to the information which I obtained, things were not done in a
17 disorderly manner. There were several training sessions organised in
18 Mandro. So they would go for training in turns. It didn't mean that the
19 whole executive would go to Mandro for training at the same time.

20 That was the information I had.

20 MS. MABILILLE (interpretation): Can we go back to closed session, your Honour?

22 PRESIDING JUDGE FULFORD: Private session, please.

23 *(Private session at 10.02 a.m.) Reclassified as open session

24 COURT OFFICER: Private session.

25 MS. MABILILLE (interpretation):

Witness: Witness DRC-OTP-WWW-0014 (Resumed) (Private Session)
Questioned by Ms. Mabilie (Continued)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 He told me that Thomas Lubanga had ordered his executive to go and take
9 military training and that each person was given two sets of military
10 uniforms, and he, too, had two. I remember very well that Joseph Eneko, the
11 former governor, was also given two military uniforms. When Mama Lotsove
12 (phoen) came to Bunia on mission, I remember that very well. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted). And I asked

19 him questions about that and he said yes, it is necessary if you are a
20 member of a political and military group. It's important to have some
21 military experience as well.

22 Another source was (Redacted), who also had military

23 uniforms. (Redacted)

24 (Redacted)

25 (Redacted) boy, aged 14, who was called

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1 (Redacted) who was one of his
2 bodyguards, had military uniforms in his home as well. I also put the
3 same question to (Redacted) who told me it was obligatory for each
4 member of the executive to undergo training, and according to him, each
5 person was given the opportunity to choose the time or the moment during
6 which they were going to undergo such military training.

7 Q. Did you personally see this training being conducted?

8 A. The truth is that I have never gone to Mandro to see what was
9 happening. I didn't go to Mandro to see what was happening at the time.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. Witness, if I suggest to you that no member of the UPC executive
19 underwent military training, will you change your testimony?

20 A. You have every right to say things like that. I'm not
21 astonished, I'm not surprised, but I cannot change my testimony.

22 MS. MABILILLE (interpretation): Your Honour, could we please
23 return to open session?

24 PRESIDING JUDGE FULFORD: Open session, please.

25 (Open session at 10.08 a.m.)

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Questioned by Ms. Mabilille (Continued)

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1 COURT OFFICER: Open session.

2 PRESIDING JUDGE FULFORD: Yes.

3 MS. MABILILLE (interpretation):

4 Q. Witness, what was the position of Professor Pilo Kamaragi within
5 the UPC, that is if you know?

6 A. As far as I know, he had no official function, no.

7 Q. Do you know whether he was a member of the UPC?

8 A. I know that he was -- or, rather, he is and continues to be a member of
9 the UPC right up to now, and he is one of the ideologists of
10 the UPC. Now, with respect to the position or the post he held, as far
11 as I know, I think he was a covert advisor to
12 Thomas Lubanga. That I know.

13 Q. If I put it to you, Witness, that Mr. Pilo Kamaragi has never
14 been a member of the UPC, will that make you change your testimony?

15 A. Never. If we look at the facts, you will find that he was a
16 member of the UPC by virtue of the concrete activities I saw him carry
17 out on the field. I saw him personally in action.

18 So I cannot change what I said.

19 Q. Thank you. We will now talk about the child who was imprisoned,
20 the child who was imprisoned with his weapon. Last Friday you talked
21 about a child whom you saw in Jerome's camp. You said that the child did
22 not want to give up his weapon and that he was punished. Do you remember
23 talking about that incident?

24 A. Yes, very well.

25 Q. Did I understand well that this incident happened -- happened in

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Questioned by Ms. Mabilille (Continued)

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1 the month of April 2003?

2 A. That is correct.

3 Q. When you talk about Commander Jerome, are you talking about
4 Jerome Kakwavu?

5 A. Yes, I'm talking about him.

6 Q. You said that this child was aged 12, maximum. Page 28, that is
7 of page 6 -- or, rather, line, of the first day.

8 Now, that was your assessment of his age; is that correct?

9 A. Yes, that was correct.

10 Q. Can you describe the prison in which this child was locked up?

11 A. It was a container. I believe that you're familiar with the
12 system of lorry transport. It was a container that was there. There
13 were, in fact, two in Jerome's camp, two containers that were used as
14 prisons, and in these containers -- or these containers were used in
15 particular. I was imprisoned there later on.

16 There's a large hole in the interior below, and on various sides
17 there are some holes. I don't know who made them, but they were made to
18 let the air come in. There's nothing very specific that I could tell you
19 about them. All I know is that they were containers, that's it.

20 Q. Thank you. How were you able to see this child when the child
21 was imprisoned?

22 A. Well, when you open the container, you know, the door to the
23 container is quite large. What usually happened is when you put soldiers
24 inside, well, they're brutal. They push you inside or throw you inside.
25 But in this specific case, the case of the child, everyone was interested

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Questioned by Ms. Mabilille (Continued)

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1 in this child. When Commander Jerome said that they should let him enter
2 the prison with his weapon, the door was still open when he entered.
3 Well, naturally he said thank you to his commander, Commander Jerome
4 Kakwavu, and then he lied down on the ground, on the floor before the
5 Jerome -- before Commander Jerome said that they could close the door.
6 That's how I saw him, lying down on the floor in the container.

7 Q. Did you just see him entering the container, only when he was
8 entering the container or afterwards too?

9 A. I visited him. Not just him. I often went to the headquarters,
10 and when it was possible, you could see some of the people inside,
11 especially when the commander came to ask them about the acts they had
12 committed and when they were perhaps to be given different orders or
13 different forms of punishment. On such occasions you could see them.

14 On that occasion, when he was thrown into prison, I saw him, but
15 on the following day when I returned, I also saw him. He was there in
16 the prison, and naturally he was standing up when his commander spoke to
17 him. That was the situation.

18 Q. So according to your testimony, this child was sent to prison.
19 It was possible to see the child in the prison, and he was allowed to
20 keep his weapon in prison. That's your testimony.

21 A. Yes, that's quite correct. That's what happened.

22 MS. MABILILLE (interpretation): Could we now move into private
23 session, please.

24 PRESIDING JUDGE FULFORD: Private session, please.

25 *(Private session at 10.16 a.m.) Reclassified as open session

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Questioned by Ms. Mabilille (Continued)

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1 COURT OFFICER: Private session.

2 MS. MABILILLE (interpretation):

3 Q. Sir, you said that you knew practically all the soldiers that
4 Commander Jerome had. Day three, page 26, line 15. When you say all the
5 soldiers that he had previously, which period are you referring to?

6 A. I'm referring to the period up to the time when the UPC arrived
7 in Aru, that is to say, when it reached an agreement with Commander
8 Jerome Kakwavu. So it was before that period.

9 Q. Could you tell us how it is that you knew practically all of
10 them?

11 A. Well, first of all, there weren't that many of them, and as a
12 result, you could see them walking around everywhere. And as I have
13 said, (Redacted)

14 So that is how I knew almost all of them.

15 Q. How many soldiers were there with Commander Jerome at the time that
16 you have been referring to?

17 A. I can't provide you with a precise figure. I can just give you
18 an approximative figure.

19 If I give you some background, Commander Jerome was sent on a
20 mission to fight against another rebel force, et cetera, et cetera. He
21 was the commander of a company. It's what the soldiers call an organic
22 company and has between 120 and 150 men, according to the information
23 that I have. So he went away on a mission. He returned. He had lost a
24 certain number of his men. According to what I could see, the soldiers
25 that he had in Aru and Ariwara, well, there weren't more than 80 of them.

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1 Q. Thank you. And you knew all of them?

2 A. I said almost all of them. Those were my words. Perhaps I
3 should add something. I knew them -- I knew almost all of them by sight,
4 and there were some specific officers that I knew, (Redacted)
5 (Redacted) in particular.

6 Q. Thank you.

7 MS. MABILILLE (interpretation): Could we move back into open
8 session, please.

9 PRESIDING JUDGE FULFORD: Public session, please.
10 (Open session at 10.20 a.m.)

11 COURT OFFICER: Open session.

12 PRESIDING JUDGE FULFORD: Yes.

13 MS. MABILILLE (interpretation):

14 Q. Sir, you told the investigators in your second statement,
15 paragraph 339, D2, page 83, and I'll read:

16 "I don't know whether the bodyguards of Ndjabu had -- were under
17 15 years or not. To be true, it's difficult to evaluate the ages of the
18 young Lendu after they go through puberty."

19 Is that in fact what you told the investigators?

20 A. Yes, it is.

21 Q. I would now like to read through another extract from your
22 statement. I'm now referring to your first statement, page 106 --
23 paragraph 106, statement number one, and you said:

24 "I want to point out that given my physical appearance, that is
25 similar to the appearance of certain Hemas, I did not have any problems

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1 in the course of my various trips."

2 You also said before this Court, page 2 -- day two, page 40, line 8,
3 that you could easily be taken for another Gegere.

4 Is that correct?

5 A. That's quite correct.

6 Q. So would it, therefore, be possible not to distinguish two
7 different ethnic groups?

8 A. Could you please repeat that question.

9 Q. My question is: Could you tell us whether it's possible to
10 distinguish two different ethnic groups, or is that not
11 possible when one sees them in person?

12 A. Well, I would quite simply say that it is both possible and
13 impossible. Why is it possible? Well, because there are certain
14 specific traits that belong to the members of a community or a particular
15 tribe. So when you pay attention to these very specific traits, it's
16 possible to distinguish members of different tribes, and it's impossible
17 when one meets individuals who look like each other, but these are rather
18 rare cases. In such cases one may have difficulty.

19 Q. But you yourself, sir, we know that you are of (Redacted), and
20 you say that one could have taken you for a Gegere.

21 That is in fact your testimony.

22 A. Yes. I said that. Ask me why I said that. I believe that I
23 have been explicit here. I have explained this. I stated quite clearly
24 that given the situation during that period, during that specific period,
25 it was practically impossible to believe that someone who wasn't a Gegere

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1 or Hema could go to areas that were dangerous for certain individuals.
2 So it's in that sense that I was saying that it was easy to take me for a
3 Gegere. But as one's appearance is concerned, well, one could easily
4 take me for Hema. It's true that there are Hema who look like me.
5 That's quite normal, quite natural.

6 Q. Thank you, sir. I now have two questions about Radio Candip.
7 You said you heard Mr. Kisémbé on Radio Candip. Page 44, 45, day one, in
8 your statement. Could you tell us how many times you heard him speaking
9 on the radio?

10 PRESIDING JUDGE FULFORD: Just a moment, sir, if you will.

11 I think we're in closed session; is that right? No, we're in
12 public session. Good. I've lost track. We need the lights. Right.

13 Please answer the question, sir.

14 THE WITNESS (interpretation): Yes. If I knew this question was
15 going to be put to me -- going to be put to me, I would have counted the
16 number of times he spoke on the radio, but what I can say is that I would
17 hear his voice on the radio at least once every week, or every week I
18 would listen to him on the radio.

19 MS. MABILILLE (interpretation):

20 Q. Every week, but how often, Witness? Do you remember this?

21 A. If my memory serves me well, the last time that I listened to
22 Kisémbé, Floribert, the Chief of Staff of the UPC, must have been around
23 the 1st of March, 2003. Around that date, because I remember that during
24 this period I was no longer listening to the radio until the fall of the
25 UPC. So from September/October 2002 up until around the 1st of March,

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1 2003, every week I heard Floribert Kisembo on the radio giving messages.

2 Q. Thank you, sir. If I suggested that Mr. Kisembo didn't speak on
3 Radio Candip more than two or three times, would this in any way lead you
4 to modify your testimony?

5 A. No, never.

6 MS. MABILILLE (interpretation): Could we move into private
7 session, your Honour.

8 PRESIDING JUDGE FULFORD: Private session, please.

9 *(Private session at 10.28 a.m.) Reclassified as open session

10 COURT OFFICER: Private session.

11 MS. MABILILLE (interpretation):

12 Q. Sir, do you know someone called Kristine Peduto, a lady called
13 Kristine Peduto?

14 A. This is a name that I'm not familiar with.

15 Q. Do you know someone called (Redacted)

16 A. I think you're referring to (Redacted). I know this person.

17 Q. Have you worked with him?

18 A. I wonder where I could have worked with him. No.

19 Q. Could you tell us how it is that you came to know this person,
20 under what circumstances?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: Witness DRC-OTP-WWW-0014 (Resumed) (Private Session)
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Page 22 redacted.

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1 (Redacted)

2 Q. Thank you, Witness.

3 MS. MABILLE (interpretation): May I ask for a moment, your
4 Honour?

5 (Defence counsel confer)

6 MS. MABILLE (interpretation): I have no further questions, your
7 Honour.

8 PRESIDING JUDGE FULFORD: Very much obliged to you,
9 Maitre Mabilille. Thank you.

10 Any questions by way of re-examination, Ms. Struyven, and if so,
11 public or private?

12 MS. STRUYVEN (interpretation): It will be in private session,
13 your Honour.

14 PRESIDING JUDGE FULFORD: Good. Yes. Pause, pause please.

15 COURT OFFICER: We are still in private session.

16 PRESIDING JUDGE FULFORD: Yes.

17 Further Questioned by Ms. Struyven:

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Thank you. Now, yesterday you also explained that you were in
9 Ituri in 2002, that you went five times and that the last time was in
10 July/August 2002, according to your testimony. Again, I think there
11 might have been some confusion as regards the words "the Ituri region."

12 (Redacted)

13 (Redacted)

14 A. Yes. Yes. I have stated this several times. I believe that the question
15 that was put to me was to know as from when after I had stopped working for
16 (Redacted) until my arrival in (Redacted) 2002 in Bunia how many times I
17 went to Bunia, and I gave the information, saying that after I returned to
18 Bunia, I went to other places in Ituri, (Redacted) and others.

19 Q. Thank you. Another question concerning the village

20 of Jiba - have you ever heard of it?

21 A. It's pronounced Jiba, even though it's spelled with a J. Yes, (Redacted)
22 (Redacted), so it's a

23 village that I'm familiar with. Yes, and so I had heard of Jiba.

24 PRESIDING JUDGE FULFORD: Maitre Mabille.

25 MS. MABILLE (interpretation): I beg your pardon. I don't

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1 remember having referred to the town of Jiba in my cross-examination.

2 Have I -- am I mistaken?

3 PRESIDING JUDGE FULFORD: Ms. Struyven, the point taken is
4 whether or not this arises out of questioning by the Defence. Does it,
5 or is this a new topic?

6 MS. STRUYVEN: I'm reluctant to discuss this in front of the
7 witness, Mr. President.

8 PRESIDING JUDGE FULFORD: Do you want him to leave?

9 MS. STRUYVEN: No, I think it's not necessarily -- not going to be
10 necessary. The topic --

11 PRESIDING JUDGE FULFORD: Well, you needn't -- you've heard the
12 objection. We trust you, Ms. Struyven, only to ask questions that really
13 do arise out of questioning by the Defence. So if in fact what you're
14 addressing truly is a subject raised by Maitre Mabilie, you may proceed,
15 but we trust you and your judgement on the issue.

16 MS. STRUYVEN: Well, I'll first clarify, Mr. President, just to
17 be sure. We do believe it arises out of the cross-examination, and so
18 if you allow me, I will first ask one or two clarifying questions before
19 I really go into the substance.

20 PRESIDING JUDGE FULFORD: All right.

21 MS. STRUYVEN (interpretation):

22 Q. Witness, do you know what city the town of Jiba is close to?

23 A. I beg your pardon. There are a number of centres around Jiba. I
24 don't know what one you're interested in here. I'm a bit confused by
25 your question, because there's a number of small communities around that

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1 town.

2 Q. Could you give us some examples of villages or towns that are
3 around Jiba?

4 A. Well, if we were to take the map, an enlarged map, I would
5 mention Fataki which is one of the main communities, one of the biggest
6 towns. Then there's Blukwa, which is little bit further, and then
7 there's Djugu. There's Kpandroma. I could mention places like Bule, et
8 cetera. There's many, many towns I could mention.

9 Q. Thank you. In relationship to Bule, do you know how far Jiba is
10 from Bule?

11 A. Unfortunately, I can't answer that question. I don't know. I'm
12 very sorry.

13 Q. No problem. Have you had the opportunity to read Mr. Lubanga's
14 curriculum vitae?

15 A. Unfortunately, no, not until the present.

16 Q. Thank you. Today you mentioned a child whose name was (Redacted)
17 and if I'm not mistaken, you said he was the bodyguard of (Redacted)
18 Could you tell us when he was (Redacted) bodyguard?

19 (Redacted)

20 (Redacted)

21 (Redacted). So it was after, around September 2002,
22 (Redacted) he had asked Thomas Lubanga to allow him to
23 have (Redacted) as bodyguard instead of assigning someone else as his
24 bodyguard that he didn't know. (Redacted)
25 (Redacted), and there were other soldiers with him that were deployed

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1 along with him.

2 In his explanations -- in fact, I asked him why -- as a soldier
3 why he preferred to have (Redacted) as a bodyguard, and he said, well --
4 he said it was because of his knowledge and because of the situation
5 in -- in the field. He preferred that (Redacted) be his bodyguard
6 because the situation was very dangerous elsewhere. It was very
7 dangerous. The situation was very dangerous, as I said yesterday, even
8 for those who worked for the UPC. So that was one precise case that I
9 could mention, but there are many others. That's what I can say about
10 (Redacted)

11 MS. STRUYVEN (interpretation): Your Honour, we would like to
12 produce another document and show a video to the witness. As regards the
13 document, it is, if I'm not mistaken, DRC-OTP-165-0862. And I have
14 copies, I believe, with me.

15 PRESIDING JUDGE FULFORD: Sir, we're going to give you a break
16 slightly early this morning. Thank you very much for your assistance so
17 far. We will resume with your evidence at half past 11.00. So if you
18 could go now, please, with the usher, and we'll look forward to seeing
19 you a bit later.

20 Closed session, please.

21 *(Closed session at 10.48 a.m.) Reclassified as open session

22 COURT OFFICER: Closed session.

23 PRESIDING JUDGE FULFORD: Yes. Thank you.

24 (The witness stands down)

25 PRESIDING JUDGE FULFORD: Now, Ms. Struyven, the distances from

1 Jiba to Bule, a little explanation, please.

2 MS. STRUYVEN: Thank you, Mr. President. Actually, the CV of
3 Thomas Lubanga indicates that he was born in Jiba and that he's,
4 therefore, from Jiba, instead of the suggestion that was made by the
5 Defence yesterday that he would have been from Dada. So the question
6 was -- we know that Jiba is close to Bule and that therefore there could
7 have been confusion in -- in -- as regards the town of -- of birth of
8 Mr. Lubanga, and therefore I asked the witness whether he knew whether or
9 not Jiba was close to Bule which would explain that he was referring to
10 the place of birth of Thomas Lubanga being Bule.

11 PRESIDING JUDGE FULFORD: All right. So for reasons that are no
12 doubt understandable, although this was unclear in the questioning, this,
13 in fact, all relates to Dada and the place of birth. Fine. That's
14 clear.

15 Now, the document you're about to put in, and was there a stretch
16 of video I think you mentioned as well? Yes. What are these, please,
17 given, as I understand it, they're new and haven't been referred to
18 before. How do we justify their introduction at this stage?

19 MS. STRUYVEN: That's correct, your Honour. The first one or two
20 documents are sketches that were made by the witness during his interview
21 by the Office of the Prosecutor. They're sketches of the "menuiserie"
22 where he saw the training taking place, and they're sketches of the link
23 between the "menuiserie" and the headquarters of the UPC. And the
24 Prosecution submits that it would be useful to have a clearer view as to
25 where those two buildings were located and how he could have seen the

1 activities in one building from the other building, and how this building
2 was still separated from the street.

3 PRESIDING JUDGE FULFORD: And when were these sketches made,
4 Ms. Struyven?

5 MS. STRUYVEN: They were made during the examination, the
6 statement-taking process by the Office of the Prosecutor.

7 PRESIDING JUDGE FULFORD: Right. So if the subject matter is a
8 relevant one, you would argue that they potentially fall to be admitted
9 really for similar reasons to those which we applied to the charts which
10 showed the structure in a military sense, to put it rather inelegantly.

11 MS. STRUYVEN: That is correct. And may I add that of course we
12 would show these documents in response to the allegation of the Defence
13 that it would not have been possible for recruits to have been trained in
14 that area.

15 PRESIDING JUDGE FULFORD: No, that's clear. And the video?

16 MS. STRUYVEN: The video is indeed new. It's -- it's a video in which
17 Lonema, in August 2002, presents himself as standing in with the UPC
18 whilst awaiting the return of Thomas Lubanga to Bunia, and it's a video in
19 which he gives that -- publicly -- he states that publicly in front of
20 other people. And so it is in line with what the witness had said,
21 namely, that Mr. Lonema did indeed present himself repeatedly
22 publicly as standing in, and standing in only, and it goes against
23 the allegations or the suggestions of the Defence that not Lonema but, I
24 think, Adubango Biri would have been the person in charge at the time in
25 Bunia.

1 PRESIDING JUDGE FULFORD: Very clear, Ms. Struyven. Thank you
2 very much.

3 Do you want to respond on any of those issues, Maitre Mabilles,
4 either -- either now or after the break?

5 MS. MABILLE (interpretation): I would like to respond after the
6 break. I would like to be informed of the content of the -- I'd like to
7 see it before I make any comments.

8 PRESIDING JUDGE FULFORD: I think that's a very reasonable
9 request.

10 Ms. Struyven, would you please immediately furnish Maitre Mabilles
11 with a copy of the -- the drawings, and would you please make
12 arrangements immediately for her to be able to view the stretch of video.

13 MS. STRUYVEN: Maybe just to be hundred per cent clear, the video
14 was disclosed to the Defence in 2007.

15 PRESIDING JUDGE FULFORD: Ms. Struyven --

16 MS. STRUYVEN: But we can provide --

17 PRESIDING JUDGE FULFORD: -- that's not a helpful submission. It
18 may well have been disclosed in 2007 but you can hardly expect
19 Maitre Mabilles at this moment in time to have a clear memory of a video,
20 the sequence of which you haven't even indicated.

21 Now, are you able to show Maitre Mabilles that -- that stretch of
22 video now?

23 MS. STRUYVEN: I'm very sorry, Mr. President, but it depends on
24 how they want us to show it now. We don't have a copy of a CD.

25 PRESIDING JUDGE FULFORD: Maitre Mabilles will wish to see what it

1 is that you are proposing should now be shown to the witness. Now, it
2 must be that you've set up a method by which this can be shown in court,
3 so just repeat it now, as soon as we've risen, for Maitre Mabilille.

4 MS. STRUYVEN: No problem, Mr. President.

5 PRESIDING JUDGE FULFORD: Excellent. Anything else? No. We'll
6 sit again at half past 11.00 when, if there are any, we'll hear
7 Maitre Mabilille's submissions on this point -- or, rather, these points.

8 COURT USHER: All rise.

9 Recess taken at 10.55 a.m.

10 On resuming at 12.01 p.m.

11 COURT USHER: All rise. Please be seated.

12 PRESIDING JUDGE FULFORD: Public session, please.

13 (Open session at 12.02 p.m.)

14 COURT OFFICER: Open session.

15 PRESIDING JUDGE FULFORD: Ms. Struyven, I now understand that in
16 informing the Bench that this had been served in 2007, you weren't
17 thereby, in fact, seeking to indicate that the Prosecution had completely
18 discharged its responsibilities in relation to this piece of evidence,
19 rather, you were seeking to indicate that it was on the court system
20 available to the Defence and that with some dexterous manipulation of the
21 e-court system they should be able to see it on their monitors quickly.
22 So to the extent that I sounded exasperated, that was probably unfair to
23 you.

24 MS. STRUYVEN: Thank you, Mr. President.

25 PRESIDING JUDGE FULFORD: Good. Maitre Mabilille.

1 MS. MABILLE (interpretation): Your Honour, the first point I
2 would like to say, put to you, is that we looked at the video. The sound
3 is particularly bad and we had to read the transcript together with our
4 client to understand. So what I propose, if you agree, is that we would
5 like to make objections with respect to the document and the video. If
6 the Chamber allows this video to be shown to the witness, we would like
7 to ask for additional time, which will enable us to look at the
8 transcript, because the sound of the video is particularly difficult,
9 makes it particularly difficult to understand the video.

10 PRESIDING JUDGE FULFORD: Before the Bench reflect on that
11 suggestion, Ms. Struyven, this is one of the videos where what is said is
12 of particular importance, isn't it, because I think you are relying on
13 what the Prosecution suggest Mr. Lonema was saying publicly.

14 MS. STRUYVEN: That is correct, your Honour.

15 PRESIDING JUDGE FULFORD: Thank you.

16 Give us a moment, Maitre Mabilille.

17 (The Trial Chamber confers)

18 PRESIDING JUDGE FULFORD: We'll follow your suggestion,
19 Maitre Mabilille, so that -- don't worry, we haven't made a decision.
20 We'll listen now to your submissions in relation to admissibility, and
21 depending on the answer to that, if necessary we'll give you more time.

22 MS. MABILLE (interpretation): Thank you, your Honour. I think I
23 didn't make myself well understood. That is why I stood up again.

24 Now, the first comment with respect to the document, the document
25 which the Prosecution wishes to show to the witness. I would like to say

1 two things.

2 First of all, the Prosecutor did not use this document during
3 examination of the witness. It was on the list of documents that the
4 Prosecution wanted to show to the witness, but they decided to withdraw
5 the document. That's the first point.

6 Second point, we do not see why the questions of the Prosecutor
7 make it necessary to use this drawing or this sketch for re-examination.
8 Those are my comments on the first point.

9 With respect to the second point, I would like to draw the
10 attention of the Chamber to the fact that I think we should be precise
11 here. The Defence did not make the suggestion that the Office of the
12 Prosecutor is accusing us of having made. I repeat what the Prosecutor
13 said, page 38, lines 5 to 7. My colleague from the OTP said the
14 suggestion of the Defence that it was not Lonema but Adubango Biri who
15 was the person who exercised authority in Bunia at the time, I would like
16 to request the Chamber to look at this statement.

17 When I make a suggestion, I make a suggestion that is very clear
18 and very precise so that our position can be fully understood. However,
19 I did not make that suggestion, and so you are once again referring to
20 a suggestion that the Defence did not make.

21 Now, with respect to the video, the Prosecutor would say --

22 PRESIDING JUDGE FULFORD: Maitre Mabilile, please forgive me interrupting. I
23 think this is, if I may say so, a rather important part of your
24 submission, and before you go on to develop matters, as it were,
25 following that suggestion, would you mind if I interrupt just so I can

1 establish from the Prosecution what they say is the basis for maintaining
2 that you put that suggestion and then we can carry on with your
3 submissions thereafter.

4 Now, Ms. Struyven, the -- the underpinning of your submission
5 was, as I understand it, that, and I'm reading now from the English
6 transcript: "And it goes against the allegations or the suggestions of
7 the Defence that not Lonema but, I think, Adubango Biri would have been
8 the person in charge at the time in Bunia."

9 Now, what's the page reference, please, transcript reference, to
10 the suggestion that that was what was said by Maitre Mabilille?

11 MS. STRUYVEN: Mr. President, I can immediately add that it's
12 true that it was suggested that Adubango Biri was the vice-president, and
13 it was maybe more in an indirect way that that proposal was made,
14 therefore putting doubt on the role of Lonema at the time. In addition
15 to that --

16 PRESIDING JUDGE FULFORD: Can we have a look at what you say was
17 suggested by Maitre Mabilille? I'd like to have a very firm hold on -- on
18 what you're suggesting was the position. And could you give a transcript
19 number so that the Court Officer can get it up on screen.

20 MS. STRUYVEN: Your Honours, we refer to the transcript of
21 yesterday, the edited version, page 46.

22 PRESIDING JUDGE FULFORD: So transcript number?

23 MS. STRUYVEN: Hundred eighty-four, page 46, and starts at
24 lines 22 and further, and it starts with how the witness knew or on what
25 basis he concluded that Lonema was the acting leader. And then the next

1 question was about the role of Adubango Biri.

2 PRESIDING JUDGE FULFORD: Right. Can you read out, please,
3 the -- what you say is the offending question by Maitre Mabilille. What --
4 what do you -- what do you say provides you with the foundation now of
5 putting in this video?

6 MS. STRUYVEN: So it starts, and I'm taking line 22 -- well, I'll
7 start at line 19. The question is: "You have stated before the Chamber,
8 and I'm quoting page 73, day one, line 10 to 13, and I'm going to go back
9 over the three questions that were put to you at the time, and I quote:
10 'Then Richard Lonema was taking over on site, that is in Bunia,' and the
11 question that was put to you was, 'Did he explain to you his role at the
12 time,' and you answered, 'Even if he hadn't explained it, I could see it
13 with my own eyes.' That's what you declared."

14 The witness answers: "That's correct."

15 And the question is: "Do you know Mr. Adubango Biri?".

16 The answer is: "I have already met him, so yes, I know him
17 physically, so to speak."

18 Then the next question is: "Did he explain to you what his
19 functions were within the UPC?".

20 The answer is: "After they took power, in the list of the
21 members of the executive, if my memory serves me well, he was national
22 secretary in charge of education, teaching, et cetera."

23 It goes on for still some -- some time. I don't know if you want
24 me to read --

25 PRESIDING JUDGE FULFORD: Well, at the moment, Ms. Struyven, and

1 you can tell me what the failure is on my part, but at the moment I don't
2 think you've read out anything which equates to there having been a
3 suggestion by the Defence that Adubango Biri was the person in charge
4 rather than Lonema. Now, can you please show us where that is to be
5 found?

6 MS. STRUYVEN: I'm sorry, Mr. President. So after a few
7 additional questions at page 48, then the question is by the Defence:

8 "If I were to suggest that at that point in time he was the
9 vice-president, would that remind you of something? Does that help you
10 to recollect or not?"

11 And then the witness answers: "You're providing information that
12 I was not aware of."

13 PRESIDING JUDGE FULFORD: But how does this work, Ms. Struyven?
14 Just because it's suggested that he was vice-president, how does that
15 mean that he was in charge rather than Lonema?

16 MS. STRUYVEN: I'm sorry, maybe I'm not -- I haven't read the
17 whole thing. It starts actually earlier on saying what the Defence
18 suggests to the witness that he explained that he understood that
19 Mr. Lonema ensured the interim period within the UPC, and then it's at
20 page 46, line 8. And then they go into the suggestion that it was --
21 well, maybe it's not that explicit as I had indicated, but they immediately
22 after go into the suggestion that it was Adubango Biri who was the
23 President of the UPC. Sorry, vice-president.

24 PRESIDING JUDGE FULFORD: Next question, Ms. Struyven. Are you
25 suggesting that this witness was present when the sequence of video that

1 you wished to show was recorded?

2 MS. STRUYVEN: We have no indication that he was, Mr. President.

3 PRESIDING JUDGE FULFORD: Do you have any reasons to believe --
4 is there anything before you which leads you to the conclusion that he
5 will be able to give evidence about the events that you wish to display
6 on screen?

7 MS. STRUYVEN: If anything, Mr. President, he would be able, in
8 my -- in the submission of the Prosecution, to recognise Mr. Lonema, but
9 it is absolutely true that in respect of whether or not he was present we
10 have no certainty about that at all in our --

11 PRESIDING JUDGE FULFORD: No, that's not the question I asked.
12 Do you have any information in your possession that indicates that he was
13 present?

14 MS. STRUYVEN: No, Mr. President.

15 PRESIDING JUDGE FULFORD: Thank you. Anything else you want to
16 say on this issue?

17 MS. STRUYVEN: In a sense, your Honours, it is, we believe, the
18 same -- the same structure applies as with the other videos for which the
19 witness was not present when they were taken. We believe that in any
20 event, the witness could still provide comments on, as I said, for
21 example, who is in the video, the fact that it is indeed Mr. Lonema, and
22 where the video was taken.

23 PRESIDING JUDGE FULFORD: Right. Is there -- is there an issue
24 that has emerged over the identity of Mr. Lonema? Has the -- has the
25 Defence in any way raised a question over what he looks like or who he

1 is?

2 MS. STRUYVEN: No. The -- the argument was rather in respect of
3 his role, not in respect of his identity. But of course we would only be
4 able to submit this piece of evidence if he would be properly identified.

5 PRESIDING JUDGE FULFORD: Right. Thank you. Anything else?

6 MS. STRUYVEN: No, Mr. President.

7 PRESIDING JUDGE FULFORD: Excellent.

8 (The Trial Chamber confers)

9 PRESIDING JUDGE FULFORD: Maitre Mabilille, we needn't trouble you
10 further on this point.

11 An issue has arisen as to the ambit of re-examination, and in
12 particular, Ms. Struyven on behalf of the Prosecution wishes to show the
13 witness a sketch drawing which he prepared during the course of his
14 interviews and a video recording of an event at which somebody by the
15 name of Lonema was present.

16 As to the first of these two items of evidence, it is argued by
17 the Prosecution that the sketch is relevant to the issue that has been
18 raised by the Defence as to the training of recruits at a particular
19 location. Ms. Struyven submits that the sketch will assist because the
20 witness, by reference to it, will be able to give more complete evidence
21 as regards troop movements or recruit movements within a particular area.

22 By way of objection, Maitre Mabilille submitted, first, that this
23 sketch had not been used during the witness's evidence in chief even
24 though at one stage it had been on the list of Prosecution documents; and
25 second, it is submitted that there is no particular utility that this

1 document will have in terms of improving the evidential position as
2 regards the movement of recruits.

3 In our judgement, notwithstanding the fact that this document was
4 available to the Prosecution during the course of evidence in chief, it
5 is now permissible for Ms. Struyven to introduce it into evidence because
6 the Defence has focused on a particular issue and detailed suggestions
7 have been put by Maitre Mabilille that have the result that this piece of
8 material will now assist us in our assessment of whether or not the
9 witness has given accurate and reliable testimony on this point.
10 Therefore, Ms. Struyven can rely on this sketch in the way that she's
11 proposed.

12 As regards the video sequence, the Prosecution suggest that in
13 the stretch of video, Richard Lonema can be seen in August of 2002, and I
14 quote: "Presenting himself as standing in within the
15 UPC while awaiting the return of Thomas Lubanga to Bunia"

16 Ms. Struyven indicated that it is justified for her to introduce
17 it at this stage because of an allegation -- or, rather, a question put
18 by Maitre Mabilille during the course of questioning of the witness to the
19 effect that it was not Lonema but another person, Adubango Biri, who was
20 in charge in Bunia at the relevant time.

21 We can deal with this matter shortly. First, there is no
22 material in the possession of the Prosecution to indicate that this
23 witness was present when Mr. Lonema made the suggestion that I've just
24 summarised, if indeed the transcript of what he is alleged to say is
25 reliable. Therefore, to the extent that he would be asked to comment on

1 what was said on that occasion, he would be interpreting the words spoken
2 by Mr. Lonema at some kind of public event of which he had no direct
3 personal knowledge at all.

4 But secondly and more fundamentally, the questions put by
5 Maitre Mabille did not, in our judgement, have the meaning that
6 Ms. Struyven has attributed to them. We cannot find in the lengthy
7 section of the transcript that Ms. Struyven brought to our attention any
8 suggestion by Maitre Mabille that it was Adubango Biri, rather than
9 Lonema, who was in charge at the relevant time in Bunia.

10 Therefore, in our judgement this suggested line of questioning
11 does not arise out of questions put during the course of
12 cross-examination, and moreover, this is a piece of evidence which in
13 terms of what was said and what happened during the sequence of video
14 this witness is entirely unaware.

15 For those reasons, we are against Ms. Struyven on her application
16 to rely on it.

17 Closed session, please, and can the witness be brought back into
18 court.

19 *(Closed session at 12.26 p.m.) Reclassified as open session

20 COURT OFFICER: Closed session.

21 (The witness takes the stand)

22 PRESIDING JUDGE FULFORD: Thank you very much, sir. We said half
23 past 11.00, and it's now half past 12.00. I'm sorry we've kept you
24 waiting.

25 Public or private session, Ms. Struyven?

Witness: Witness DRC-OTP-WWW-0014 (Resumed) (Private Session)
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1 MS. STRUYVEN (interpretation): Private session, your Honour.

2 PRESIDING JUDGE FULFORD: Private session, please.

3 COURT OFFICER: Private session.

4 PRESIDING JUDGE FULFORD: No, we're not. We're still in closed
5 session. All right. The blinds are down. Private session.

6 *(Private session at 12.28 p.m.) Reclassified as open session

7 PRESIDING JUDGE FULFORD: Yes, Ms. Struyven.

8 MS. STRUYVEN (interpretation): Thank you, your Honour. I have
9 copies of the two sketches that I would like to show the witness.

10 PRESIDING JUDGE FULFORD: Certainly. Let them be distributed.

11 MS. STRUYVEN (interpretation): Unfortunately, I only have five
12 copies.

13 PRESIDING JUDGE FULFORD: I think fortunately there's been no
14 application by victims to question this witness, so Mr. Walleyne need not
15 look too offended.

16 Maitre Mabilille?

17 MS. MABILILLE (interpretation): I apologise to my learned friend.
18 Perhaps I've failed to understand something, but the term that was used
19 was two sketches. I only have one document. You provided us with
20 references for this document, but are you referring to two documents?

21 MS. STRUYVEN (interpretation): It's the two sketches that were
22 made in the course of the *interview.

23 PRESIDING JUDGE FULFORD: The last two documents in the little
24 file, Maitre Mabilille.

25 MS. MABILILLE (interpretation): That's perfect. I apologise, but

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1 as we were given one OTP number, I thought there was only one document,
2 but I can see what it is about. There are no problems.

3 PRESIDING JUDGE FULFORD: Right. We need the document or
4 documents to be identified so the Court Officer can find them and show
5 them on the screen. And can they be shown publicly, or should they
6 remain this side of the glass divide?

7 MS. STRUYVEN (interpretation): They can be shown publicly, your
8 Honour.

9 PRESIDING JUDGE FULFORD: DRC numbers, please.

10 MS. STRUYVEN (interpretation): The first is tab 5,
11 DRC-OTP-0165-0862 --

12 THE INTERPRETER: 0861, interpreter's correction.

13 PRESIDING JUDGE FULFORD: Right. And what's the question?

14 MS. STRUYVEN (interpretation): I was going to put the two
15 documents together, so I'll give the number of the second document under
16 tab 6. DRC-OTP-0165-0862.

17 Q. Witness, the question is whether you recognise these two
18 documents.

19 A. Yes, as I'm the person who made these sketches.

20 Q. Could you explain something for us. I'm referring to document
21 under tab 5 now. Could you explain to us what the three references mean
22 that are on the sketch?

23 A. You said document 5. Here we have what I call the old industrial
24 carpentry workshop in Bunia. (Redacted)
25 (Redacted)

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1 According to the sketches that I made, as I have said quite
2 clearly, at the place where it says "Residence and office," well, that is
3 where Lonema, Richard Lonema, resided. At the same time, it was used as
4 an office, and usually all the visitors, especially the visitors from his
5 community, the Gegere community, went there. (Redacted)
6 (Redacted)

7 As you can see from the sketch, just in front of the residence
8 there was a car park, a small car park for vehicles, for small vehicles.
9 For example, small vehicles that would bring in recruits, that's where
10 they would park, whereas large vehicles -- I apologise. Large vehicles
11 would stop just in front of the gate, what I call the gate.

12 So if you have a look at the building that is where the residence
13 and office were, you have a window on internal courtyard side, and I've
14 made a note. I've put "Parade" there. Why? Because there were military
15 parades there. As I have said, although they didn't speak to me about
16 this, but military parades are usually held early in the morning. And I
17 could also see exercises there in the place marked with the word
18 "Parade." And when recruits were punished or soldiers who had already
19 been trained were punished, this is the place where this would be done.

20 From the residence, it was possible to see what was happening in
21 the courtyard. You could see quite clearly what was happening very near
22 the building marked "Depot" and this was also used as a dormitory for
23 certain recruits. And from the residence you could also see what was
24 happening around the carpentry workshop. That's where all the machines
25 were, in the carpentry workshop, and that's where certain soldiers also

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1 spent their nights.

2 There were also certain exercises that took place in the interior
3 of this building. This is what I could tell you, roughly speaking.

4 Q. You say that the place marked with the word "Parade" well, you
5 said that there was an internal courtyard there, an interior courtyard.
6 Could you explain something about the access that the public had with
7 regard to the buildings that have been depicted here in this sketch?

8 A. Well, in fact it was almost impossible, but I don't know if the
9 buildings are still intact. There were a lot of clashes. Perhaps it was
10 destructed. Some UPC enemies had dislodged them, so it's possible that
11 this place was sabotaged.

12 So I will repeat. It was practically impossible to see what was
13 happening inside from the exterior, from the outside. Why? Because if
14 you hold the sketch, the map, like this, to the left-hand side at the
15 top, on the left, and just before you, well, that the walls were very high
16 walls. On the side facing us, well, the walls of the building were very
17 high, but due to erosion, water would flow round the building. Even
18 if one was on an lorry, though, one couldn't see what was going on there
19 although the carpentry workshop had very large windows. Perhaps you could
20 hear certain noises, but on the left there was a very high wall as well,
21 and as I said, at the top of the sketch, well, that wall there is also a
22 very high wall, and that there were shops, houses on that side that gave
23 access to another road on that side. I think this can be seen in the
24 other sketch, but that's the situation. But on the right-hand side of the
25 sketch where I have written 'building', the building was part

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1 of the enclosure of the walls. It wasn't visible to the public at large,
2 whereas around the gate and the car park there was a sort of reed
3 enclosure, a screen made of reeds and that's where the guards and
4 soldiers were in those surroundings. So just seeing the soldiers --
5 well, you could see that you -- that it wasn't very visible there. So it
6 was a lot more secure. The civilians could pass by as if nothing was
7 happening there. And there were civilians who passed by.

8 Q. If I've understood you correctly -- I'm not very good at maps,
9 but you said -- or have I understood you correctly: Did you say that on
10 all the sides, to the left, to the right, at the top, at the bottom,
11 there were walls or something of that nature? A sort of gate?

12 A. Well, I mentioned walls, in fact.

13 Q. So there were walls all around everything one can see on the sketch
14 apart from the entrance? Have I understood this well?

15 A. Yes, apart from the entrance. Apart from the place where I have
16 noted "Gate." And when you go up to the residence, well, there was a
17 sort of screen, an enclosure made of reeds, a fence made of reeds.

18 Q. Thank you. Another question about the second document. Could you tell
19 us where what we can see in the first document

20 can be located in the second document?

21 A. On the second sketch I have presented the carpentry plant where I've
22 written the words "UPC" -- the letters "UPC." And to compare the first
23 and the second, you can see there's an angle on the right-hand side at the
24 top, and that is where -- that is a place where there were always soldiers.
25 And I emphasise the word "always." And that's where Mr. Kisenbo was the

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1 commander. So he watched that area very carefully. And you can see that
2 it's very close to the residence building. To my knowledge, that building
3 was protected totally by the soldiers, because -- rather, in order that the
4 enemy not be able to get into the buildings where I have put the words
5 "Residence" and "Bureau" in French, "Office." This is a logical approach.
6 Yes, that's right. On the other side you see another place where I have
7 written the letters "UPC." That is a building which is across from the
8 l'OZACAF, which is on the other side of the street. This is the main road,
9 boulevard, so to speak. And there was another group of -- being trained
10 there. Now if I had had this sketch while the Defence was asking me
11 questions, it would have been perhaps easier for me to explain exactly what
12 had occurred, but this is what I call the UPC headquarters
13 at the point in time when I was in Bunia.

14 Q. If I've understood you correctly, the second UPC building is what we
15 can see here in the right-hand corner of the document?

16 A. Yes, that's perfectly correct.

17 Q. Could you tell us whether OZACAF is left of the UPC building or above
18 the UPC building, that is to say the second UPC building?

19 A. According to this sketch, if you hold it the way I'm holding it, the
20 l'OZACAF building is up at the top, near the other
21 UPC headquarters and residence.

22 Q. Well, is it near where you've written "Kilo Moto" on the sketch?

23 A. Yes, of course. The Kilo Moto office is a bit further to the left, but the
24 l'OZACAF building is across from that UPC building just on the other side.

25 Q. Well, as regards the two sketches, you have referred to the way

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1 you're holding the sketch. Is it correct to say that you're holding it in
2 such a way that the evidence number is legible? Is that the right way up
3 to hold the map in the light of your explanations?

4 A. Yes, that's correct.

5 Q. Thank you very much.

6 MS. STRUYVEN (interpretation): I have no further questions.

7 PRESIDING JUDGE FULFORD: Thank you, Ms. Struyven. Now, should
8 this be given a MFI number or an EVD number? It seems to me from the
9 questioning unless there's objections by Maitre Mabilille that it should be
10 given an EVD number. No objections. So can we please give either one or
11 two EVD numbers. I leave that to the Court Officer.

12 COURT OFFICER (interpretation): The first document that was
13 shown, DRC-OTP-0165-0861, will be given the EVD number OTP00462; and the
14 second document, the second sketch, which was DRC-OTP-0165-0862, will be
15 given the EVD number OTP00463.

16 PRESIDING JUDGE FULFORD: Thank you. Any matters arising out of
17 re-examination, Maitre Mabilille?

18 MS. MABILILLE (interpretation): I'm very sorry, your Honour. I
19 would like to have an opportunity to discuss with my client these two
20 sketches and what has just been said. Perhaps I will have no further
21 questions, but I would like to perhaps retain the possibility of doing so
22 once I've checked with my client, if you will allow that.

23 PRESIDING JUDGE FULFORD: Certainly will. Are you happy to
24 do that now, or would you like us to rise? So it's really -- is this a
25 swift chat or do you need a longer period for consultation?

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1 (Defence counsel confer)

2 MS. MABILLE (interpretation): I'm very sorry, but I think it would be
3 better if we had an early break so that I can have more time to discuss with
4 my client in particular the various facts that have just been mentioned.

5 PRESIDING JUDGE FULFORD: All right, that's perfectly reasonable,
6 Maitre Mabilie.

7 Sir, you're very nearly at the end of your evidence. I'm sorry
8 we haven't quite got there yet, but we're -- but we're very nearly there
9 now, and I think short of The Hague being hit by a hurricane, I can
10 guarantee that your evidence will finish soon after lunch.

11 We'll rise now. We look forward to seeing you again at 2.45.

12 Can we please make sure that the next witness, Witness 157, is
13 available to give evidence shortly after we've sat at 2.45.

14 For the next witness, Ms. Struyven, there is the full array of --
15 of conventional protective measures proposed for witnesses within the
16 category applicable to this witness. Are there any particular
17 submissions that you would wish to make, or are they, as it were,
18 standard submissions on the point?

19 MS. STRUYVEN: We have no additional submissions to make.

20 PRESIDING JUDGE FULFORD: Thank you. No submissions from the
21 Defence. Certainly, then, they will all then be implemented, and I'm
22 sure the Court Officer will make sure that she is familiar with those
23 provisions over lunch.

24 Closed session, please, so the witness can withdraw.

25 *(Closed session at 12.51 p.m.) Reclassified as open session

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1 COURT OFFICER: Closed session.
2 (The witness stands down)
3 PRESIDING JUDGE FULFORD: 2.45.
4 COURT USHER: All rise.
5 Luncheon recess taken at 12.52 p.m.
6 On resuming at 2.47 p.m.
7 COURT USHER: All rise. Please be seated.
8 PRESIDING JUDGE FULFORD: Witness, please.
9 (The witness takes the stand)
10 PRESIDING JUDGE FULFORD: Thank you very much, sir.
11 Maitre Mabilille, did you have further questions on this particular
12 issue?
13 MS. MABILLE (interpretation): Yes, your Honour, and only on the
14 following point: Would it be possible to give the witness the sketch
15 again, the one that was presented by the OTP. Unless the OTP believes
16 that this sketch would enable us to identify the witness, I believe this
17 could be done in open session. It's DRC-OTP-0165-0862.
18 PRESIDING JUDGE FULFORD: Any difficulty? No. Good.
19 Public session, please.
20 (Open session at 2.50 p.m.)
21 COURT OFFICER: Open session.
22 PRESIDING JUDGE FULFORD: Now, I think the Court Officer wants to
23 say something. Okay. Jolly good.
24 Yes, Maitre Mabilille.
25 Further Questioned by Ms. Mabilille:

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1 Q. (Interpretation) Witness, do you -- are you familiar in Bunia
2 with a building Au Paysannat?

3 A. A moment, please. I am familiar with it, but I'm trying to
4 remember exactly where that building was situated.

5 Q. For the purposes of the transcript, I will spell Au Paysannat.
6 The first word is A-u, then P-a-y-s-a-n-n-a-t.

7 A. I can't quite remember.

8 Q. Thank you. Are you familiar with the building where the MPR,
9 Mouvement Populaire de la Revolution, building was situated?

10 A. I don't quite remember the exact position of that building.

11 MS. MABILLE (interpretation): No further questions, your Honour.

12 PRESIDING JUDGE FULFORD: Thank you very much.

13 Ms. Struyven.

14 MS. STRUYVEN (interpretation): Your Honour, thank you. I wanted
15 to make a clarification for the transcript. Yesterday, the Chamber
16 requested that we check a number of names, and I think a few of them need
17 to be checked with the witness. It's simply to spell some names.

18 PRESIDING JUDGE FULFORD: Yes. Now, I'd assumed you would have
19 done this during the course of re-examination, but, yes, certainly.
20 Which do you wish spelt? Which need to be spelt?

21 MS. STRUYVEN (interpretation): I will try to limit myself to
22 those that we were not able to find on our own. The first is as follows.
23 Yesterday in the transcript, Witness, you mentioned one of the cities you
24 visited in Ituri which you pronounced Amie. Could you spell that for us?

25 THE WITNESS (interpretation): It's Amee, A-m-e-e.

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1 MS. STRUYVEN (interpretation): You also mentioned a store in
2 Kampala which was called Arua Park. Could you spell that for us?

3 THE WITNESS (interpretation): It's not really a store. It was a
4 bus-stop and a place where other transportation vehicles stopped, and I
5 can spell it. A-r-u-a, and then the second word, like in English,
6 P-a-r-k.

7 MS. STRUYVEN (interpretation): You mentioned a Diana or a Piana
8 who had a communications centre in Bunia, and in one the versions of the
9 transcript it was written in both ways.

10 Was it Diana or Pyana?

11 THE WITNESS (interpretation): Let me give you the full name. It
12 was Gaudin Mpiana, M-p-i -- I repeat. M-p-i-a-n-a.

13 MS. STRUYVEN (interpretation): And the first name?

14 THE WITNESS (interpretation): G-a-u-d-e-n.

15 THE INTERPRETER: D-i-n, correction, d-i-n.

16 MS. STRUYVEN (interpretation): You mentioned a river which you
17 pronounced Nyamukao, I think, but again there was a difference between
18 the French and English transcripts. Could you please spell the name of
19 the river in Bunia, Nyamukao.

20 THE WITNESS (interpretation): It's Nyamukao, N-y-a-m-u-k-a-o.

21 MS. STRUYVEN (interpretation): As regards today's transcript,
22 you referred to Leonard Dheju, a religious person. Could you please
23 spell the name?

24 THE WITNESS (interpretation): It was the former bishop of the
25 diocese of Bunia, Leonard, L-e-o-n-a-r-d, and then D-h-e-g-g-u.

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1 MS. STRUYVEN (interpretation): You also mentioned Apo Lety. I
2 believe you already spelt it. It's in two words, Apo and Lety; is that
3 correct?

4 THE WITNESS (interpretation): It's L-e-t-i, but sometimes people
5 spell it the way you spelt it and pronounced it, L-e-t-y.

6 MS. STRUYVEN (interpretation): And page 12 of today's transcript
7 you mentioned a child, the child of Mr. Avochi. In the English
8 transcript it was spelled something like Keza. I believe it was Tresor.
9 Could you spell it?

10 THE WITNESS (interpretation): It's T-r-e-s-o-r.

11 MS. STRUYVEN (interpretation): You mentioned Mr. Kisangani. Is
12 it spelled with a C or a K, because it was spelled differently in the
13 transcript?

14 THE WITNESS (interpretation): Kisangani is spelled
15 K-i-s-a-n-g-a-n-i.

16 MS. STRUYVEN (interpretation): Two more points to clarify. You stated
17 when you were explaining about the village of Jiba that it was near Djugu
18 and Kpandroma. Could you please spell those two villages or places.

19 THE WITNESS (interpretation): Djugu is Dgu -- D-g-u-g-u (as
20 interpreted), Dgugu. And Kpandroma is K-p-a-n-d-r-o-m-a.

21 THE INTERPRETER: Correction, it's D-j. D-j.

22 MS. STRUYVEN (interpretation): In the English transcript the word
23 "menuiserie" was missing when you referred to the sketch. I believe you
24 already spelled it in the previous transcript. And the last is Mr.
25 Adubango Biri. Could you spell the last name Biri.

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1 THE WITNESS (interpretation): B-i-r-i.

2 MS. STRUYVEN (interpretation): Thank you very much, Witness.

3 PRESIDING JUDGE FULFORD: Ms. Struyven, that's very helpful.

4 Thank you very much indeed.

5 Sir, that now finally brings your evidence to its conclusion.

6 Before you leave this court, I want to express to you directly the thanks
7 of the three Judges for your preparedness to come to The Hague to give
8 evidence in this case. We are acutely aware of the potential impact that
9 this will have had on your life, the inconvenience that it will have
10 caused you, and we are aware that there are other more profound
11 consequences that your attendance here may have caused. This court can
12 only function if witnesses such as yourself are prepared to come to give
13 evidence to assist us in the difficult process of determining the truth
14 of the matters that are relevant to the charges that this accused faces,
15 and accordingly, you leave this building with our thanks. You are now
16 free to go.

17 Can we please go into closed session so the witness can be
18 accompanied by the usher back to the witness waiting-room.

19 *(Closed session at 3.00 p.m.) Reclassified as open session

20 COURT OFFICER: Closed session.

21 (The witness withdrew)

22 PRESIDING JUDGE FULFORD: Public session, please.

23 (Open session at 3.01 p.m.)

24 COURT OFFICER: Open session.

25 PRESIDING JUDGE FULFORD: Ms. Struyven, if I can address the bar

1 through you. Two procedural matters. The first is that I have been
2 informed that on Friday week, that is Friday the 12th of June,
3 Trial Chamber II are proposing to give a summary of the decision that
4 will have been reached by then on the issue of admissibility. The
5 proposal is that Trial Chamber II will sit at 9.00 in the morning. It is
6 believed that the process will not take longer than half an hour, which
7 would enable us to sit at 10.00 that day. Could you please, all of you,
8 inform us if there are any unforeseen difficulties that will attend on
9 that adjustment to the schedule, preferably by the end of the day. You
10 needn't respond straight away.

11 Secondly, we understand, Ms. Struyven, that the Prosecution are
12 in a position to assist us on the Regulation 55 matter by way of
13 substantive submissions. What are the proposals in relation to when a
14 filing can reasonably be made?

15 MS. STRUYVEN: Mr. President, if you allow me, my colleague
16 Mr. Sachdeva is going to respond to that.

17 PRESIDING JUDGE FULFORD: Thank you, Ms. Struyven.

18 Yes, Mr. Sachdeva.

19 MR. SACHDEVA: Thank you, Mr. President. The Prosecution
20 respectfully submits to be allowed to file our submissions by next
21 Friday, the 12th of June, if it pleases the Court. The -- the issue
22 clearly is a significant issue that impacts upon the charges of the first
23 case at the ICC, and at this moment the lead counsel, Madam Deputy
24 Prosecutor and indeed the Prosecutor are away (Realtime transcript read
25 in error "aware"), and the Prosecutor would like -- respectfully would

1 submit that under the Regulations of the Court it ordinarily would have
2 21 days within which to respond to the initial filing by the Legal
3 Representatives, and therefore, respectfully we would ask that we be
4 given that initial period to respond.

5 PRESIDING JUDGE FULFORD: Maitre Mabilles, so long as you're given
6 a suitable length of time thereafter in which to file any response for
7 the Defence, do you oppose Mr. Sachdeva's suggestion that he be given
8 until Friday week?

9 MS. MABILLE (interpretation): So long as the Chamber gives us
10 sufficient time to respond, give us enough time to study the document
11 from the Prosecution team, then we have no objection, your Honour.

12 PRESIDING JUDGE FULFORD: If we're minded to grant the
13 Prosecution until Friday the 12th, Maitre Mabilles, a week after that or
14 would you seek longer?

15 MS. MABILLE (interpretation): One week will be sufficient time
16 for us, your Honour.

17 PRESIDING JUDGE FULFORD: Thank you very much.

18 (The Trial Chamber confers)

19 PRESIDING JUDGE FULFORD: Mr. Walley, you're engaged, I think,
20 along with other victims' representatives in this issue. Is that right?

21 MR. WALLEY: That's right, Mr. President. It's an application
22 from all teams jointly, but we don't have objection to the proposal of
23 the Prosecutor.

24 PRESIDING JUDGE FULFORD: Right. Once we have -- once we've
25 received the Prosecution's submissions by 4.00 p.m. on the 12th, a filing

1 from the Defence by 4.00 p.m. on the 19th, will you wish to respond to
2 their various submissions? I would have thought there's a likelihood you
3 would appreciate the opportunity, Mr. Walley.

4 MR. WALLEYN: We certainly would appreciate the opportunity. Of
5 course it depends on the position of both parties, but I presume that we
6 will like to say some things.

7 PRESIDING JUDGE FULFORD: 4.00 p.m. on the 26th of June?

8 MR. WALLEYN: That's okay.

9 PRESIDING JUDGE FULFORD: Excellent. Thank you very much. Well,
10 that's -- Maitre Mabilille?

11 MS. MABILLE (interpretation): Your Honour, if the Legal
12 Representatives of Victims wish to respond, then the Defence would like
13 to be able to respond to the observations of victims.

14 PRESIDING JUDGE FULFORD: Maitre Mabilille, can we work on the
15 basis that we'll fix those three deadlines now. Once you have received
16 the representations by the victims on the 26th, can you, please, within
17 48 hours indicate whether you wish to put in further submissions and, if
18 so, how long you need. And could you do that, please, by way of an
19 e-mail directed to the legal advisor to the division, and we will make an
20 order, if you submit an e-mail, within 48 hours. Would that be
21 satisfactory?

22 MS. MABILLE (interpretation): That's perfectly agreeable to us,
23 your Honour.

24 PRESIDING JUDGE FULFORD: Thank you very much. Closed session,
25 please, and then -- Mr. Sachdeva.

1 MR. SACHDEVA: I'm sorry, Mr. President.

2 PRESIDING JUDGE FULFORD: No, not at all.

3 MR. SACHDEVA: I just wanted to make one, in my submission,
4 important clarification. I had informed the Court that the Deputy
5 Prosecutor and the Prosecutor are currently away and the transcript reads
6 "aware." It's simply that, but I'd like that to be made. Thank you.

7 PRESIDING JUDGE FULFORD: Thank you. Thank you very much.

8 We're going to need to go into closed session for the witness to
9 come into court, and I think this is a witness in relation to who
10 Mr. Lubanga is going to need to step outside of the court, isn't it?
11 Yes.

12 Good. Closed session then, please. The Prosecution team will
13 probably want to adjust itself in the meantime, and I'd be grateful if
14 Mr. Lubanga would, for a moment, step outside court.

15 (Mr. Lubanga withdrew)

16 *(Closed session at 3.10 p.m.) Reclassified as open session

17 COURT OFFICER: Closed session.

18 MS. SAMSON: The curtains, I believe, your Honour, may need to be
19 extended slightly further as was requested by the Victims and Witnesses
20 Unit.

21 PRESIDING JUDGE FULFORD: Ms. Samson, content with the curtains?

22 MS. SAMSON: Yes, thank you very much.

23 PRESIDING JUDGE FULFORD: Can we have the defendant back in
24 court?

25 MS. SAMSON: Please.

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1 PRESIDING JUDGE FULFORD: Mr. Lubanga, please.

2 (The witness entered court)

3 (Mr. Lubanga entered court)

4 WITNESS: WITNESS DRC-OTP-WWW-0157

5 (Witness answered through interpreter)

6 PRESIDING JUDGE FULFORD: I want, first of all, to welcome you to
7 this courtroom and to ask whether you're able to hear via the interpreter
8 what I'm saying to you. Excellent.

9 THE WITNESS (interpretation): Yes.

10 PRESIDING JUDGE FULFORD: Now, I'm sure this is going to be
11 difficult, but please do not be worried or nervous about what is going to
12 happen. There are, I know, a lot of people in the courtroom, some of
13 whom are wearing rather unusual clothes. Just ignore it. Listen to the
14 questions that are going to be put to you. Think about them and answer
15 them entirely in your own way.

16 One particular thing that I am going to ask you to bear in mind
17 is not to speak too quickly and to try to leave a gap between the
18 questions that are put to you and the answers that you give. That will
19 help us all in making a note of your evidence, and it will help the
20 various ladies and gentlemen sitting up there to interpret everything you
21 say. So take it at a good, slow pace.

22 We will on occasion sometimes be in public session, which means
23 that anybody who's interested can hear what you say, and we will
24 sometimes be in private session when only those in this courtroom will be
25 able to hear your evidence. The reason for that is that we want to make

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1 sure that your identity is fully protected and that people outside of
2 this courtroom do not know who you are. So although it will be a bit
3 artificial, sometimes your evidence is going to be interrupted so that we
4 can make sure that if you're saying something that may reveal your name
5 or who you are, we do that in private session.

6 Now, in a moment I'm going to ask you to read aloud the words
7 which are on a piece of paper or a card in front of you, but before you
8 do that, we need to go into public session so that everyone can hear you
9 taking a solemn undertaking only to give truthful evidence to the court.

10 So public session, please.

11 (Open session at 3.17 p.m.)

12 COURT OFFICER: Open session.

13 PRESIDING JUDGE FULFORD: So in a nice clear voice, could you
14 read out the words on the card in front of you.

15 Now, I'm going to ask the lady who has accompanied the witness to
16 have a quiet word with him to make sure he's understood what I've said.
17 We've got two people on their feet. Yes, Ms. Michels.

18 MS. MICHELS: Your Honour, I believe we asked for reading
19 assistance for this witness.

20 PRESIDING JUDGE FULFORD: Well, I'm furious that I haven't been
21 told that. Right.

22 MS. MICHELS: Sorry.

23 PRESIDING JUDGE FULFORD: Good. Can the lady, please, sitting
24 next to the witness then help him by reading out some of the words on the
25 card. Indeed, all of the words on the card

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

3 PRESIDING JUDGE FULFORD: Excellent. Well done. Thank you very
4 much.

5 Ms. Samson, I imagine your first questions are in private
6 session. Is that right?

7 MS. SAMSON: Yes, your Honour, that's correct.

8 PRESIDING JUDGE FULFORD: Good. Then can we go into private
9 session, please.

10 *(Private session at 3.20 p.m.) Reclassified as open session

11 COURT OFFICER: Private session.

12 PRESIDING JUDGE FULFORD: Yes, Ms. Samson.

13 MS. SAMSON: Thank you, your Honour.

14 Questioned by Ms. Samson:

15 Q. Good afternoon. How are you feeling today?

16 A. I'm feeling good. However, I'm a little afraid, because this is
17 the first time I have found myself amongst so many people. I don't know
18 how to put it, but I'm afraid.

19 Q. I understand. Try not to be afraid. I think as time goes on you
20 will become comfortable with everybody who's in the courtroom, and if at
21 any point you feel you'd like to have a break, please let us know and I'm
22 sure that the Chamber will allow you to have a break. Is that okay?

23 A. Yes.

24 Q. We met yesterday very briefly, but let me repeat for you now that
25 my name is Nicole Samson, and I will be asking you some questions today

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1 on behalf of the Office of the Prosecutor. If I ask you any questions
2 that you don't understand, please let me know and I'll try to phrase them
3 in a different way so that you can understand it better. Is that clear?

4 A. Yes. Thank you.

5 Q. Good. And if at any time I ask you a question but you don't know
6 the answer, that is okay, and you just have to let me know that you don't
7 know the answer, because we don't want you to guess. We'd just like you
8 to tell you (sic) things that you saw and heard and that you know. Do
9 you understand that?

10 A. Yes.

11 Q. That's good. I'm going to first start by asking you some
12 questions about who you are and about your schooling. Is that okay?

13 A. No.

14 Q. Can you tell me why you don't want me to ask you questions about
15 who you are and your schooling? Only the people in this room will get to
16 hear the answers.

17 A. That's fine. If that's the case, then I agree.

18 Q. Thank you. I can confirm that nobody other than the people in
19 this room will hear what you say about who you are.

20 Could you please tell the Court what your full name is?

21 A. Very well. My name is (Redacted).

22 Q. Thank you. Do you have a nickname?

23 A. Yes.

24 Q. Could you tell the Court what your nickname is?

25 A. (Redacted).

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1 Q. Could you tell us who calls you (Redacted)? Is it your friends, or
2 is it your family, or is it someone else?

3 A. This is a name that was given to me, (Redacted). It's not my family that
4 calls me by this name. My friends call me by this name.

5 Q. Thank you for explaining that to me. Do you -- do people call
6 you by any other names other than the ones that you have just told us
7 about?

8 A. Yes.

9 Q. And could you please tell the Court what those other names are?

10 A. The first name is (Redacted). The second name (Redacted), and
11 (Redacted) is my first name.

12 Q. Thank you. Could you tell us, please, what is your mother's
13 name?

14 A. (Redacted).

15 Q. Could you tell us what is your father's name?

16 A. (Redacted).

17 Q. Thank you. Do you know where you were born?

18 A. Yes.

19 Q. Could you please tell us where you were born?

20 A. (Redacted).

21 Q. And which group or ethnic group do you belong to?

22 A. (Redacted).

23 Q. Which languages can you speak?

24 A. I often speak Swahili.

25 Q. Can you speak other languages as well?

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1 A. Lingala and French. I speak Lingala, French, and Swahili in
2 general.

3 Q. Thank you. What is your mother tongue?

4 A. Swahili.

5 Q. Thank you. Now I'd like to ask you if you know when you were
6 born.

7 A. I was born on the (Redacted), 1991.

8 Q. Could you please explain to the Court how you know that you were
9 born on that day.

10 A. When someone grows up with his or her parents, the question about
11 that person's date of birth is certainly put to the parents.

12 Q. So did your parents tell you when you were born or was it
13 somebody else?

14 A. How could someone else tell me about my date of birth? That's a
15 job for my parents.

16 Q. I'm going to ask you some questions now about school. Have you
17 ever been to school?

18 A. Yes.

19 Q. When you started school, which school did you go to?

20 A. You have the first year of primary school in mind? What kind of
21 education? What level of education do you have in mind?

22 Q. Thank you. I wasn't very clear. If you attended primary school,
23 could you tell us where you attended primary school?

24 A. Primary school in (Redacted). It used to be called (Redacted).

25 Q. Up to what level did you reach at that school, (Redacted)?

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1 A. Up until fourth form (Redacted). This means that I didn't
2 complete my primary school education (Redacted).

3 Q. After your fourth year (Redacted), did you start your fifth year
4 at another school?

5 A. Yes.

6 Q. And what was the name of the school that you started in your
7 fifth year, please?

8 A. It was the (Redacted).

9 Q. And up to what level did you complete at that school?

10 A. Up until the sixth year of primary school.

11 Q. Did you complete the sixth year of primary school?

12 A. Yes.

13 Q. And after you finished the sixth year, what school did you do next?
14 Did you go into secondary school?

15 A. I haven't fully understood your question.

16 Q. Thank you. Let me ask you a different way. When you stopped
17 your studies after the sixth year, what did you do right after that?

18 A. I continued studying.

19 Q. Where did you continue your studies?

20 A. At the (Redacted).

21 Q. Thank you. Where is the (Redacted) located?

22 A. If I have understood this correctly, the (Redacted) is on
23 (Redacted).

24 Q. Thank you. Was your school at the (Redacted) ever
25 interrupted?

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1 A. No.

2 Q. Did you complete your secondary school in the (Redacted)
3 (Redacted)?

4 A. No.

5 Q. Could you tell us why you did not complete your studies at the
6 (Redacted)?

7 A. It was because of the war.

8 Q. Did something in particular happen during the war that made you
9 stop your studies?

10 A. Yes.

11 Q. I know this may be difficult, but could you please tell the Court
12 what happened that made you stop your studies?

13 A. I didn't stop studying of my own free will. The difficulties one
14 has to face in the course of one's life, that's why I had to stop going
15 to that school. So there were certain difficulties, certain obstacles as
16 a result of which I had to interrupt my studies.

17 Q. Thank you. And you've told us that you didn't stop of your own
18 free will and that you stopped because of certain difficulties. Could
19 you be more specific? What happened that made you stop going to school
20 that wasn't your choice?

21 A. The reason that I stopped studying was as follows: I was
22 enlisted in the army.

23 Q. Thank you. I'm going to be asking you some questions about when
24 you were enlisted in the army. First, do you know what army you were
25 enlisted in?

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1 A. UPC.

2 PRESIDING JUDGE FULFORD: Ms. Samson, you'll remember to go into
3 public session when it's possible.

4 MS. SAMSON: Indeed, your Honour. My intention was simply to
5 elicit (Redacted) and a few details and then I'll move
6 directly in, but thank you very much for the reminder.

7 PRESIDING JUDGE FULFORD: No, certainly.

8 MS. SAMSON:

9 Q. Do you know what the UPC stands for?

10 A. I don't know.

11 Q. I'm going to ask you the question again, because I think there
12 was a problem with the interpretation. Do you know what the UPC stands
13 for, what it means?

14 A. Union des Patriotes Congolais.

15 Q. Thank you very much. And where were you when you were enlisted?

16 A. I was on my way out of school. I was going home.

17 Q. And can you tell the Court where you were between school and your
18 home when this happened?

19 THE INTERPRETER: The interpreter did not hear the witness's
20 response.

21 MS. SAMSON:

22 Q. I'm very sorry, but I will ask you the question again, and if you
23 could speak slowly and loudly into the microphone it will help the
24 interpreters.

25 Do you remember where you were between school and your home when

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1 this happened?

2 A. It was near (Redacted).

3 Q. And were you alone when this happened?

4 A. No.

5 Q. Can you please tell us who you were with?

6 A. I was with a friend.

7 Q. Are you comfortable telling us the name of your friend? And
8 again, nobody other than the people in this courtroom will know your
9 friend's name.

10 A. (Redacted).

11 Q. Thank you very much. And I just want to clarify that (Redacted)
12 (Redacted), the area where this happened?

13 A. (Redacted).

14 Q. Thank you for clarifying that.

15 MS. SAMSON: Your Honour, if it's appropriate and if you permit,
16 we could go into open session.

17 PRESIDING JUDGE FULFORD: Open session, please.

18 (Open session at 3.46 p.m.)

19 COURT OFFICER: Open session.

20 PRESIDING JUDGE FULFORD: Yes.

21 MS. SAMSON: Thank you.

22 Q. Now that we're in open session, I will refer to you as
23 Mr. Witness, and I will refer to your friend as your friend, but we won't
24 be giving your name anymore or the name of your friend anymore. Do you
25 understand
?

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1 A. Yes.

2 Q. I still have some questions about the day that you were enlisted.

3 Do you remember how old you were when this happened?

4 A. No.

5 Q. Do you remember how old your friend was when this happened?

6 A. No. I don't know what our age was at the time. I know we were
7 children at the time. We had just barely finished the sixth year of
8 elementary school, and we were just beginning secondary school.

9 Q. Thank you. Do you know what year it was?

10 A. No.

11 Q. That's okay. Now, you've indicated that as you were walking home
12 from school, there were some -- you were enlisted into the UPC. Can you
13 explain to us how that happened?

14 A. We had just left school. It was around 1.00 or 2.00 in the
15 afternoon. We came near the (Redacted), and we saw
16 soldiers. We had seen them already. We wanted to continue. They called
17 us and asked us to come over. We asked them, "What do you want us to do
18 there?". And they said, "Come. We'll ask you some questions and then
19 we'll let you go."

20 We came closer to them, and when we got there they said the
21 following, they said, "We need you. You must help us to go get water for
22 our commander." And we said, "No. We're tired. We just finished
23 school. We're physically tired. We want to go home." And they said,
24 "No. You have to help us get water out of the well and then we'll let
25 you go." And we accepted. We went and got water out of the well and

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1 they said, "Get in the vehicle" and we did, and we left.

2 Q. Thank you. I have still a few questions to ask you about that,
3 but I want to thank you for telling us that.

4 Could you please tell us which group these soldiers belonged to,
5 if you know?

6 A. They were UPC soldiers, because they had a special uniform, the
7 tache-tache uniform or the camouflage uniform.

8 Q. Were they carrying anything?

9 A. Yes. They were wearing military uniforms.

10 Q. Did they have weapons?

11 A. Yes.

12 Q. Do you remember how many soldiers there were when you met them?

13 A. There were four of them. I saw four.

14 Q. Had you ever seen these four soldiers before?

15 A. Do you mean those same soldiers that we saw at (Redacted),
16 or do you mean soldiers in general?

17 Q. Thank you for clarifying. I mean these four soldiers (Redacted)
18 (Redacted). Had you ever seen them before? Did you know them?

19 A. No.

20 Q. Mr. Witness, do you know which person or which group was
21 controlling Bunia at the time that you met these soldiers?

22 A. Yes.

23 Q. Could you please tell us which person or which group was
24 controlling Bunia at that time?

25 A. UPC.

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1 Q. Thank you. When the soldiers asked you to go with them, did you
2 or your friend say anything or do anything?

3 A. Yes. We asked them to let us go, to let us free, but they had weapons and
4 they were soldiers. We were civilians, and we had to give in. We had to
5 submit to them. Even if we wanted to oppose them,
6 we were very afraid at the time.

7 Q. And you mentioned that you went with them to draw water. Where
8 did you go? Excuse me, Mr. Witness, before you answer.

9 MS. SAMSON: Mr. President, given that the area in which this
10 took place is currently -- has been elicited in private session, perhaps
11 it may be prudent to answer this question in private session in the event
12 he provides a detail that is known.

13 PRESIDING JUDGE FULFORD: Entirely agree. Private session,
14 please.

15 *(Private session at 3.57 p.m.) Reclassified as open session

16 COURT OFFICER: Private session.

17 PRESIDING JUDGE FULFORD: Can you put the question again,
18 Ms. Samson, please.

19 MS. SAMSON: I will, your Honour.

20 Q. When you indicated to the Court that you went with the soldiers
21 to draw water, could you please tell us where they took you to do that?

22 A. They asked us to go draw water from the well, and when we got on
23 the vehicle we didn't go to the well.

24 PRESIDING JUDGE FULFORD: Ms. Samson, can you pause, please. I'm
25 sorry. There's been a complete freeze in the transcript.

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1 Well, Ms. Samson, someone from IT is on their way, but it's
2 rather like trying to estimate how long a piece of string is. Would
3 you -- would you want to continue, with the transcript catching up in due
4 course? What would you prefer to do.

5 MS. SAMSON: Well, your Honour, I was -- it may be an appropriate
6 moment and I was contemplating whether or not the witness himself might
7 like a break. It may be an appropriate time, perhaps,
8 just for a few minutes at least.

9 PRESIDING JUDGE FULFORD: All right. That's gone through our
10 minds as well.

11 Sir, we're now going to have a short break, partly for your
12 benefit because giving evidence is a difficult exercise and this is the
13 first time you've done it, and so to stop you from having to, as it were,
14 sit for too long at any one time. However, a technical problem has also
15 arisen, which means that it would be helpful to us to have a break
16 anyway.

17 So closed session, please, so the witness can be helped to
18 withdraw and we'll see you again in a few minutes.

19 *(Closed session at 4.01 p.m.) Reclassified as open session

20 COURT OFFICER: Closed session.

21 PRESIDING JUDGE FULFORD: Just wait a moment, sorry. A bit too
22 quick. There we are. That's fine now. That's fine.

23 (Mr. Lubanga withdrew)

24 (The witness stands down)

25 PRESIDING JUDGE FULFORD: Ms. Samson, I have to take

1 responsibility for this, because it is clearly set out by Ms. Michels in
2 her psychological assessment that this witness has a problem with
3 reading, and so in a perfect world I would have re-read the entirety of
4 that assessment before the witness came in to identify what the issues
5 are. You'll appreciate that the Judges, perhaps contrary to popular
6 belief, actually have quite a lot to think about at any one time during
7 the day, and one of the reasons before each witness comes in that I ask
8 counsel for their assistance in relation to the protective measures is so
9 that I can be alerted to any particular ones that need to be focussed on
10 by us before the witness comes in.

11 Can we please ensure that never, ever, ever again does a witness
12 come into this court who cannot read without me having been told
13 specifically in advance that they need assistance. It is humiliating for
14 someone to be asked to read from a card when they cannot do so.

15 Now, I'm not blaming you. I should have read the form again, and
16 I should have refreshed my own memory as to what the position is, but it
17 is impossible to do everything. So can everyone now be alerted to the
18 fact that this must happen.

19 MS. SAMSON: Indeed, your Honour, and we'll certainly be mindful
20 of that. When there are recommendations, we'll alert the Chamber.

21 PRESIDING JUDGE FULFORD: Thank you very much indeed. Good. Can
22 I please be told as and when we've applied a blowtorch to the transcript.

23 COURT USHER: All rise.

24 Recess taken at 4.02 p.m.

25 On resuming at 4.14 p.m.

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1 COURT USHER: All rise. Please be seated.

2 PRESIDING JUDGE FULFORD: Witness, please. Yes, Mr. Lubanga's
3 outside court.

4 (The witness takes the stand)

5 PRESIDING JUDGE FULFORD: Thank you very much. Mr. Lubanga back
6 into court, please, and public session.

7 (Mr. Lubanga entered court)

8 (Open session at 4.16 p.m.)

9 PRESIDING JUDGE FULFORD: Yes. Please have a seat, Mr. Lubanga.

10 COURT OFFICER: Open session.

11 PRESIDING JUDGE FULFORD: Yes, Ms. Samson.

12 MS. SAMSON: Thank you, your Honour.

13 Q. I'm going to ask you a few questions about when you got to the
14 vehicle that you described, but before that, I have one question to
15 clarify. Earlier you said that at the time you were enlisted into the
16 UPC, the UPC was in control of Bunia. Could you please explain to the
17 Court how you knew that?

18 A. This is how I knew about this: Before these events, that is,
19 before the battle, Lompondo had been driven out. It was he who was the
20 head of the army which we can call the APC. When the APC was driven out,
21 the territory was occupied.

22 Q. Thank you for the explanation. That's very clear. Just one last
23 clarification on that. You said that when the APC was driven out, the
24 territory was occupied, and I just want to be absolutely sure who
25 occupied the territory after the APC was driven out.

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1 A. The territory was occupied by the UPC, which was helped or
2 assisted by the Ugandans.

3 Q. Thank you very much. Now I'd like to go back to when you were
4 getting into the vehicle that you described earlier. Before you got into
5 the vehicle, who was there other than you, your friend, and the four
6 soldiers? Was anybody else there?

7 A. Yes. You know, it was on the road and there were people passing
8 on the road.

9 Q. Was there anybody else near the vehicle who were with the UPC
10 soldiers?

11 A. No. I didn't see any other persons.

12 Q. Did you, in fact, get into the vehicle?

13 A. Yes.

14 Q. Do you remember the vehicle? Could you describe it to us?

15 A. It was a high -- a Hilux vehicle, a white one, double cabin.

16 THE INTERPRETER: Hilux. Not Helux, Hilux.

17 MS. SAMSON:

18 Q. Who was with you in the vehicle? And please don't mention any
19 names.

20 A. In the vehicle there was myself, my friend. The vehicle took us
21 (Redacted).

22 MS. SAMSON: Your Honour, may we have a redaction, please?

23 PRESIDING JUDGE FULFORD: Certainly. In the English transcript
24 which line, Ms. Samson?

25 MS. SAMSON: Page 73, line 1.

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1 PRESIDING JUDGE FULFORD: Certainly.

2 MS. SAMSON: And because, your Honour, I would like to ask one or
3 two follow-up questions, may I ask your permission to go into private
4 session.

5 PRESIDING JUDGE FULFORD: Assuredly. Private session, please.

6 *(Private session at 4.23 p.m.) Reclassified as open session

7 COURT OFFICER: Private session.

8 MS. SAMSON:

9 Q. When you got to (Redacted), in the vehicle, what
10 happened then?

11 A. When we got to (Redacted), we met the Chief of
12 Staff, Kisembo. We also met other persons who were there, and they were
13 in trucks, and these people were supposed to undergo training.

14 Q. Thank you. And taking first --

15 MS. SAMSON: In fact, your Honour, so long as we no longer
16 mention the location where we are, it may be appropriate, with your
17 permission, to go into open session.

18 PRESIDING JUDGE FULFORD: Certainly. Yes, as long as we avoid
19 using or referring to the fact that this was in the (Redacted)
20 (Redacted), yes. Public session, please.

21 (Open session at 4.25 p.m.)

22 COURT OFFICER: Open session.

23 PRESIDING JUDGE FULFORD: Yes, Ms. Samson.

24 MS. SAMSON: Thank you, your Honour.

25 Q. You had mentioned that you met an individual named Kisembo. How

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1 did you know that it was Kisémbó that you met?

2 A. I knew Kisémbó when I was at the training centre.

3 Q. Thank you. But when you arrived at this point in the vehicle and
4 you saw him, did you know at that point that he was Kisémbó and who he
5 was? Did somebody tell you that at an earlier point before getting to
6 the training centre?

7 A. I had heard some talk of Kisémbó even while I was at school. He
8 was the Chief of Staff. Everyone in Bunia knew that he was the chief,
9 but I had not yet met him. I only heard talk of him.

10 Q. Thank you. And you mentioned that there were other persons there
11 as well. Do you know who these other persons were?

12 A. I did not know who these people were, but when I arrived there, I
13 saw people who looked like villagers, like people who come from a
14 village.

15 THE INTERPRETER: The Swahili interpreter did not hear the second
16 part of the witness's response.

17 MS. SAMSON:

18 Q. Thank you for that. There was problem understanding your last
19 response, so if I may, I'll read back what I asked you and what you
20 answered, and if you'd like to add something, please do so.

21 My question was: "You mentioned that there were other persons
22 there as well. Do you remember who these other persons were?".

23 And your answer was: "I did not know who these people were, but
24 when I arrived there, I saw people who looked like villagers, like people
25 who come from a village."

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1 Did you say anything after that?

2 A. Yes.

3 Q. Could you repeat for us what you said after that?

4 THE INTERPRETER: The Swahili interpreter says he did not hear
5 the witness's answer.

6 PRESIDING JUDGE FULFORD: Try again, Ms. Samson.

7 MS. SAMSON:

8 Q. I'm very sorry, but could you please repeat the last answer that
9 you gave us, because the interpreters didn't hear you.

10 A. What do you want me to repeat, please?

11 Q. I'm going to repeat the question that I asked you and the answer
12 that you gave. If there's something more you'd like to add, please let
13 me know. And I'll start to read my question and your answer again now.

14 PRESIDING JUDGE FULFORD: Ms. Samson, if I can -- please forgive
15 me interfering.

16 Sir, I think to try to -- to simplify this, what you have said so
17 far is that the people who you saw looked like villagers, people who came
18 from a village. Is that the only thing you noticed about them, that they
19 looked like they were villagers, or did you notice anything else about
20 them?

21 THE WITNESS (interpretation): After noticing that, I immediately
22 started imagining other things.

23 PRESIDING JUDGE FULFORD: And what sort of things did you
24 imagine?

25 THE WITNESS (interpretation): I started thinking as follows:

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1 They have asked us to go help fetch water for their officials, but the
2 point is I found so many people, and I found a truck. And that is what I
3 mean when I say I started imagining other things.

4 PRESIDING JUDGE FULFORD: I think move on, Ms. Samson, but you
5 can go round the area if you want.

6 MS. SAMSON:

7 Q. Do you know approximately how old the other people were? Were
8 they your age or younger than you or older than you?

9 A. There were some who were older than me, and there were others who
10 were younger than me.

11 Q. And -- thank you. When you indicated that you were asked to help
12 fetch water for their officials, were you ever told which officials you
13 were asked to fetch water for?

14 A. No. I didn't know the officials they were talking about.

15 Q. And so what happened next? Without repeating where you were at
16 the time, what happened next? Did you go anywhere?

17 A. Afterwards, when the officer arrived, he gave an order. After he
18 had given the order, we were asked to get into the big truck.

19 Q. Thank you. And I just want to be clear. The officer who
20 arrived, was that Kisémbu or was that somebody else?

21 A. It was Kisémbu.

22 Q. Do you remember who he gave the order to?

23 A. Yes. Would it be possible for you to rephrase your question?

24 Q. Indeed it would. When you were near the vehicle and the officer
25 Kisémbu arrived, and you indicated that he gave an order, and that,

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Questioned by Ms. Samson

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1 "After he had given the order, we were asked to get into the big truck."

2 And what I would like to know is do you remember who he gave that order
3 to?

4 A. The order came from higher up, because he couldn't make a
5 decision on his own.

6 Q. Were you able to hear what he said when he gave the order?

7 A. Yes.

8 Q. What did he say?

9 A. He said that they should get us to enter the lorry, and he said
10 that the lorry should leave.

11 Q. Who was he speaking to when he gave the order?

12 A. He was speaking to the soldier he was there with. He said,
13 "There is an order from our superiors according to which we have to get
14 into the lorry and leave."

15 Q. Did he say who his superiors were?

16 A. No, he didn't.

17 Q. Did you, in fact, leave as ordered?

18 A. Yes.

19 Q. Where did you go?

20 A. We went to the large training centre in Mandro.

21 Q. At that time did you know who was the leader of the UPC?

22 A. Yes.

23 Q. Who was it, please?

24 A. Thomas Lubanga.

25 Q. You've said that you went to a big training centre in Mandro.

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1 Can you remember how long it took you to get there approximately?

2 A. It took us two or two and a half hours.

3 Q. While you were driving to Mandro, did you speak to anybody in the
4 vehicle, or did anybody speak to you?

5 A. I spoke to a friend of mine.

6 Q. What did you speak about?

7 A. We were wondering where we were going and how it was that we were
8 there.

9 Q. How did you feel when you were in the vehicle?

10 A. I was sad. I couldn't really describe how I felt at the time,
11 but I was sad and angry.

12 Q. When you arrived at the camp, was your arrival announced, or how
13 was it made known?

14 A. Our arrival had been announced, because at the entrance to the
15 camp there was a guard, and there were soldiers who -- it -- providing
16 security for that location. And then we saw some straw houses that are
17 called manyata.

18 Q. I do want to talk about the houses, but before I get there, you
19 said that your arrival had been announced. Did you hear anybody say
20 anything about your arrival when you got there?

21 A. I don't understand your question. Could you rephrase it, please.

22 Q. Of course. Did you understand when you arrived at the camp what
23 you were going to be doing there?

24 A. When we arrived at the camp, we were told to get out of the
25 lorry, and then we were beaten.

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1 PRESIDING JUDGE FULFORD: Ms. Samson -- but you can round off
2 this topic if you want.

3 MS. SAMSON: I suspect I may have a number of questions on this
4 topic, and I may ask one question more if that's permissible.

5 Q. Who beat you when you arrived at the camp?

6 A. When I arrived at the camp, we were beaten by the soldiers who
7 trained the recruits. There were recruits who were singing, who were
8 doing exercises there.

9 MS. SAMSON: One more question, your Honour.

10 PRESIDING JUDGE FULFORD: Of course.

11 MS. SAMSON: Thank you.

12 Q. Did they ever tell you why they were beating you when you
13 arrived?

14 A. They told us, "You've just arrived at a training centre."

15 Q. Did you understand what they meant by that?

16 A. No.

17 MS. SAMSON: Your Honour, it's an appropriate time from my
18 perspective if it's appropriate for the Chamber.

19 PRESIDING JUDGE FULFORD: That's very helpful. Thank you very
20 much, Ms. Samson.

21 Well, you've made a very good start. Thank you very much for
22 your assistance this afternoon. We're going to break off now for the
23 evening so you can get some rest. We hope you have a pleasant evening,
24 and we look forward to seeing you again at half past 9.00 tomorrow
25 morning. Thank you very much indeed.

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Questioned by Ms. Samson

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1 Closed session, please, so we can go -- so the witness can be
2 helped to withdraw, and Mr. Lubanga, if you'd be so kind. Thank you very
3 much.

4 *(Closed session at 4.48 p.m.) Reclassified as open session

5 COURT OFFICER: Closed session.

6 (Mr. Lubanga withdrew)

7 (The witness stands down)

8 PRESIDING JUDGE FULFORD: Thank you all very much. Half past
9 9.00.

10 COURT USHER: All rise.

11 The hearing ends at 4.48 p.m.

12 RECLASSIFICATION REPORT

13 Pursuant to Trial Chamber I's emails instruction dated 9th November and 5th
14 December 2011, the transcript is reclassified as public after the indicated
15 redactions have been implemented as ordered by the Chamber. All private
16 and closed sessions (*) are now available to the public with the exception
17 of the portions the transcript that have been redacted.

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