

1 International Criminal Court
2 Trial Chamber I - Courtroom 2
3 Presiding Judge Adrian Fulford, Judge Elizabeth Odio Benito
4 and Judge René Blattmann
5 Situation in the Democratic Republic of the
6 Congo - ICC-01/04-01/06
7 In the case of The Prosecutor v. Thomas Lubanga Dyilo
8 Monday, 15 March, 2010
9 (The hearing starts at 2.38 p.m.)

10 *(Private session) Reclassified as Open session

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

13 THE COURT OFFICER: Good afternoon, your Honours. We are
14 in private session.

15 PRESIDING JUDGE FULFORD: Thank you. This is the Chamber's
16 decision on document 2254: By way of background, the Defence requests
17 that an Associate Legal Officer in the Victims Participation and
18 Reparations Section of the Registry is called as a witness to clarify
19 whether Witness 298 (who has given evidence) signed an application
20 form for participation in the Lubanga proceedings as a victim, and
21 to give additional details of the circumstances surrounding that
22 signature (document 2148).

23 The Chamber decided that the Defence is entitled to develop
24 this issue but, rather than calling the Associate Legal Officer to
25 give evidence in The Hague, the Chamber requested the production of

1 awritten statement addressing the Defence application (document 2198).

2 Ms (Redacted) provided a statement indicating that "she did not
3 verify the ID of the person or his signature by requesting an
4 identification document" (document 2232).

5 Thereafter, the Registry, of its own initiative, submitted
6 two additional statements signed by two individuals working in the
7 Victims and Witnesses Unit.

8 The first is a statement from an individual, who works as
9 an assistant protection officer. He says that he organised the meeting
10 between Ms (Redacted) and Witness 298; that he has seen a photograph
11 of the person who testified as Witness 298 (taken during the hearing)
12 and he confirms that this is the person whose signature Ms (Redacted)
13 witnessed.

14 The second is a statement from the field officer of the Victims
15 and Witnesses Unit. He met with Witness 298 once, when the witness
16 was referred to him by the Prosecution for inclusion in the ICC protection
17 programme. He was also shown the photograph taken during the hearing
18 and he confirms that this is the individual he knows as Witness 298.

19 The Registrar submits that these documents can be made
20 available to the parties and participants if redactions to the names
21 and job descriptions of the officers are implemented. It is submitted
22 that, should these names be disclosed, the Victims and Witnesses Unit's
23 ability to work in the field would be impaired, and this could have
24 a negative effect on current and future operations (document 2254).

25 In an email communication to the Legal Adviser to the Trial

1 Division on 26 February 2010, the VWU stated that it does not object
2 to disclosure of the "functions of the employees," but it nonetheless
3 recommended redactions to the names of the VWU staff because disclosure
4 of their identities can compromise the confidential activities that
5 are undertaken by these employees in relation to the protection of
6 victims and witnesses.

7 In addition, the VWU is concerned about possible
8 investigations by the Defence involving the names of the VWU field
9 staff which may generate undue attention to the work of the staff and
10 compromise it.

11 It is submitted that it is vital for the functioning of the
12 Victims and Witnesses Unit that its staff in the field are able to
13 conduct their activities discreetly and without attracting unwanted
14 attention.

15 Notwithstanding these submissions, the Chamber is not
16 persuaded that the redactions to the names of the relevant field officers
17 are necessary to avoid undue interference with the work of the VWU's
18 staff. In the opinion of the Chamber, less restrictive protective
19 measures - such as those referred to hereafter - are sufficient and
20 feasible to achieve the necessary result. (See the jurisprudence of
21 the Appeals Chamber in the Lubanga case, document 773, paragraph 33).

22 Furthermore, the Chamber is of the view that disclosure of
23 the statements without the names and functions of the employees is
24 prejudicial to the Defence given the restricted use the statements
25 may well have for the Defence if they are communicated in the proposed

1 redacted form.

2 The Chamber, therefore, rejects the request for redactions
3 and hereby orders the disclosure of the full non-redacted versions
4 to the Defence.

5 The Chamber notes that the concerns expressed by the unit
6 on the confidential nature of the activities undertaken by its employees,
7 together with its work, are vague and unsubstantiated and, in the view
8 of the Chamber, save exceptionally, the Defence is entitled to know
9 the names and functions of the VWU staff who form part of a neutral
10 organ of the Court that provides services equally to the parties and
11 the participants in the case.

12 The concerns of the unit can be addressed appropriately by
13 an order of the Chamber that this information shall not be disseminated
14 to any unauthorised person, especially in the DRC.

15 Although it is in any event part of counsel's duty to "exercise
16 all care to ensure respect for professional secrecy and confidentiality
17 of information" (Article 8 of the Code of Professional Conduct for
18 Counsel), given the importance of the issue and the difficulties that
19 sometimes confront the unit the Chamber considers it appropriate to
20 make this order.

21 That concludes that ruling. When the perfected version is
22 compiled, page 2, line 5, I began the sentence saying "therefore."
23 The word should have been "thereafter" and could that please be
24 substituted.

25 Now, Maître Mabilille, there are a number of issues that arise

1 immediately following the receipt of various recent email
2 communications as regards the next witness. The first relates to
3 suggested protective measures. These were requested recently, during
4 the familiarisation process, and I have -- we have just been handed
5 an update as to the suggested reasons of the witness for her request.

6 She indicates that she comes from what is described as a
7 "vindictive milieu" and, should her community and family become aware
8 that she has testified for the Court, that may subject her to scrutiny
9 and harassment. She is of the view that, if it is exposed publicly
10 that she has given evidence, she will be singled out unnecessarily - and
11 I assume prejudicially - within her community. She has emphasised
12 that where she lives has become unstable, due to recent conflict, and
13 that she may be the subject of reprisals which could take the form
14 of some kind of mild persecution and harassment.

15 Now, that is the request that has been made. I imagine you
16 support it. Anything you wish to say on it, Ms Struyven?

17 MS STRUYVEN: Thank you, Mr President. We have no
18 observations.

19 PRESIDING JUDGE FULFORD: Thank you very much, indeed.

20 (Trial Chamber confers)

21 PRESIDING JUDGE FULFORD: The Chamber is of the view that,
22 although the witness has not expressed fear of the most dire forms
23 of potential persecution and harassment as a result of giving evidence,
24 nonetheless the risks to her, if she does give evidence without
25 protection as to her identity, are sufficiently great to justify this

1 step and the usual protective measures will be applied to her evidence.

2 Now, Maître Mabilie, that I suspect may be the easier part
3 of the problems that we need to bring to your attention. The issue
4 of intermediaries emerges starkly in the recent application that we
5 have received for further information from the application form of
6 the participating victim who Ms Bapita and others represent.

7 You have particularly requested information on the
8 individual who assisted that participating victim, who in turn is an
9 intermediary who has assisted a number of Prosecution witnesses in
10 this case. Therefore, if the Chamber is going to revise its approach
11 to intermediaries given the evidence that we have heard thus far, we
12 must seize the moment now, in our view.

13 I'm pausing because, although this is an important issue,
14 I think there is no reason for discussing it at the moment in general
15 terms in private session. So, public session, please.

16 (Open session at 2.54 p.m.)

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

18 PRESIDING JUDGE FULFORD: We have formed the view, having
19 now received competing written submissions from both the Prosecution
20 and the Defence, that the Defence is entitled to the identity of at
21 least some of the intermediaries who have assisted witnesses in this
22 case, and our reasons for that decision will be communicated to the
23 parties very shortly.

24 Given that this intermediary is one of those whose identity
25 we are of the view now falls to be disclosed to the Defence because

1 of the evidence that we have heard since the beginning of January,
2 the immediate question that falls for consideration is whether
3 protective measures need to be put in place for him before his identity
4 is revealed and, if protective measures do need to be put in place,
5 how long that is going to take and what are the potential consequences
6 for the timing of the next witness's evidence given the request you
7 have made for this particular piece of detail from the application
8 form of this participating victim.

9 Now, I want to take those, please, in turn - and it may be
10 the Prosecution will need a few moments to discuss this between
11 themselves - but we are going to need assistance in relation to this
12 particular intermediary in the first instance as to whether you are
13 going to need time, well, (a) to reflect on whether protective measures
14 are necessary and, if protective measures are necessary, how long it
15 is going to take to implement them.

16 (Counsel confer)

17 PRESIDING JUDGE FULFORD: Now, I don't want to rush you with
18 this, Ms Struyven, having bowled you a rather fast ball wholly
19 unexpectedly. Are you in a position to respond now?

20 MS STRUYVEN: Mr President, we are in a position to respond
21 briefly on your three questions.

22 As regards the first question, whether or not he would need
23 protective measures, I think we already argued it indeed in writing
24 and orally that we believe he would need protective measures should
25 his name be disclosed to the Defence.

1 On the second question, as to how long that would take to
2 put in place these protective measures, that will have to be discussed,
3 I think, with VWU. I am not sure if -- if I remember correctly there
4 may already have been an assessment, but I am not certain about that
5 and so it would have to be discussed with them how long they would
6 need to put in place these measures.

7 In respect of your third question and whether or not this
8 would impact on the next Defence witnesses, we believe it doesn't,
9 but of course this is an assessment that the Defence has to make.

10 PRESIDING JUDGE FULFORD: Thank you very much.

11 Well, then, Maître Mabilie, the critical question then is
12 whether we can at least make a start with the next witness, who of
13 course is here and ready to give evidence, knowing that before her
14 evidence is finally completed you obviously will have wanted to have
15 received this information.

16 Now, would that approach be acceptable to you?

17 MS MABILLE: (Interpretation) Indeed, Mr President, it
18 would.

19 PRESIDING JUDGE FULFORD: Thank you. We would like some
20 additional help from you, please, as to what the basis is for requesting
21 the names of this participating victim's mother and father on page
22 3, the name of the organisation that helped girls in the military on
23 page 2 and the name of one of the five individuals with whom she was
24 kidnapped on page 3. Why is it that you say that information is necessary
25 for the purposes of the Defence approach to this witness?

1 (Counsel confer)

2 MS MABILLE: (Interpretation) Mr President, with regard
3 to the names of the parents, the Trial Chamber is aware of the fact
4 that we have the statement of the witness and in that statement we
5 already have access to the names of the mother and the father. And
6 we would like to verify whether it is one and the same name. So we
7 do really have this information already in the statement. That's the
8 first element.

9 Secondly, with regard to the name of the organisation, well,
10 I think you have touched on that. It is, indeed, important for us
11 to know which organisation assisted this individual, the witness, to
12 fill in her form. This seems to us to be an important piece of information,
13 which is directly linked to the third element; that is to say, the
14 identity of the kidnapped individual, because there is, indeed, a nexus
15 between these individuals because they all participated at one moment
16 in time to -- in the same organisation.

17 So we would like to ascertain the name of the individual
18 who was allegedly kidnapped in order to cross-check this with what
19 the witness said in their statement.

20 PRESIDING JUDGE FULFORD: Does anyone else wish to
21 participate on this issue? Yes, Ms Bapita.

22 MS BAPITA: (Interpretation) Thank you, Mr President. I
23 have a small concern with regard to the interest that the Defence might
24 have in ascertaining the names of the mother and father of the witness
25 by questioning one of her friends.

1 I believe it would be founded if my victim was present and
2 were she able to give the full identity of her parents. However, here
3 we are asking the question of a witness, who is allegedly a friend
4 of my victim, with regard to the identity of her parents. It
5 sometimes -- well, it seems a little bit strange to me.

6 PRESIDING JUDGE FULFORD: As I understand it, Maître Bapita,
7 that what Maître Mabilille is saying is that she is already in possession
8 of the names of your client's mother and father; that she has those
9 from a witness statement. And all she's seeking to do is to verify
10 that the same names have been put in the application form. So if your
11 client has been consistent, nothing additional is going to be disclosed.
12 If, on the other hand, different names feature in the application form,
13 then, as I understand the point, this may go very much to the discredit
14 of this participating victim.

15 Now, in those circumstances, Ms Bapita, given that the
16 information is, we are told, already in the possession of Maître Mabilille,
17 can there really be a credible objection to this material being passed
18 over?

19 MS BAPITA: (Interpretation) The Registry can indeed
20 provide this information under certain reserve, because I do not know
21 who provided this information to the Defence, apart from what the
22 Registry has provided.

23 PRESIDING JUDGE FULFORD: That's very helpful. Thank you
24 very much. Yes, Maître Mabilille.

25 MS MABILILLE: (Interpretation) I apologise, Mr President,

1 but there is another document that you have not requested observations
2 from me. I would like to make a brief comment with regard to the birth
3 certificate that was handed over to us in the redacted version of the
4 request for participation.

5 Nevertheless -- well, I would like to point out to the Trial
6 Chamber that we do have the unredacted version of this birth certificate
7 elsewhere in the case file. I would like, therefore, that this
8 certificate within the request for participation be unredacted -- or
9 de-redacted, if you like. We would like to know whether it is one
10 and the same birth certificate, because then that would mean that we
11 have two birth certificates for one and the same individual.

12 PRESIDING JUDGE FULFORD: Well, Maître Mabilles, in the
13 waterfall that has become my email in-box I had missed the email relating
14 to the birth certificate, but thank you for clarifying that.

15 Ms Bapita, given that Maître Mabilles says that she is in
16 possession of this birth certificate, in any event, disclosed, I presume,
17 not by the VPRS but by the Prosecution in the materials handed over
18 to the Defence, given that she has that information already, do you
19 oppose her seeing the copy, which presumably is attached to the
20 application form, to verify that it is the same document as already
21 disclosed by the Prosecution?

22 MS BAPITA: (Interpretation) No, Mr President.

23 PRESIDING JUDGE FULFORD: Thank you.

24 (Trial Chamber confers)

25 PRESIDING JUDGE FULFORD: Given that the details in the birth

1 certificate and the names of the participating victim's mother and
2 father are already in the possession of the Defence, and bearing in
3 mind Ms Bapita's helpful response, the Chamber accepts that it is
4 justified for the Defence to be provided with the documents in a form
5 which provides those pieces of information in non-redacted form.

6 As regards the name of the organisation that helped girls
7 in the military and the name of one of the individuals with whom the
8 victim was kidnapped, the Chamber is similarly persuaded that it is
9 necessary for the Defence to have this information in full, because
10 the credibility of this particular individual is very much a live issue
11 in the case, and this is relevant information for the purposes of the
12 Defence being able to test the reliability and credibility of that
13 individual. So I think, in reality, this means that the application
14 form and the birth certificate should be provided in non-redacted form.

15 Maître Mabilille, are you, nonetheless, content to make a start
16 with the witness now in the knowledge that that information will be
17 provided to you as soon as possible by the Registry?

18 MS MABILLE: (Interpretation) Yes, indeed, Mr President.

19 PRESIDING JUDGE FULFORD: Thank you very much.

20 Just before the witness comes into court, we are also in
21 possession of a recent communication concerning the apparent continued
22 involvement of a particular representative of the Victims and Witnesses
23 Unit who we had been led to believe was no longer going to be assisting
24 witnesses for the Defence in this case.

25 The email sent to us in relation to this individual, if it

1 hasn't already been communicated to the Victims and Witnesses Unit,
2 should be. And we will want the assistance of somebody from the unit
3 at the commencement of tomorrow's proceeding so that his continued
4 role can be further investigated by the Chamber.

5 We will need to go into closed session so the witness can
6 be brought into court.

7 *(Closed session at 3.12 p.m.) Reclassified as Open session

8 THE COURT OFFICER: We are in closed session, your Honours.

9 PRESIDING JUDGE FULFORD: Witness, please.

10 MS MABILLE: (Interpretation) Mr President, I apologise
11 for interrupting. The accused has just told us that he is somewhat
12 cold and he would like to go out with a view to putting on a pullover
13 and then come back in again; is that possible? Thank you.

14 (The accused exits the courtroom)

15 (The accused enters the courtroom)

16 (The witness enters the courtroom)

17 PRESIDING JUDGE FULFORD: Madam, good afternoon.

18 THE WITNESS: (Interpretation) Good afternoon.

19 PRESIDING JUDGE FULFORD: Please, don't be nervous.

20 Although there are a lot of strange faces in this room, the Judges
21 are here to make sure that you are treated properly and nothing will
22 happen, I hope, that will cause you any kind of distress or anxiety.

23 Please listen to the questions that will be put to you in
24 a moment very carefully and answer them; and when you speak, please
25 make sure that you keep your voice at a good level and that you don't

1 speak too quickly because everything you say is being written down
2 and interpreted.

3 We are going to give you breaks every half-an-hour or so
4 in order for you to be able to look after your child who is with you.
5 So again, don't worry about that. I will make sure that you are reunited
6 on a regular basis.

7 In a moment, you will be asked to take the solemn oath. And
8 Maître Mabilie, am I right in understanding that the witness doesn't
9 require the assistance of an interpreter, or should she have the
10 assistance?

11 MS MABILLE: (Interpretation) The witness said that she
12 could, indeed, read the document that she has before her.

13 PRESIDING JUDGE FULFORD: Good. So in a moment, not yet,
14 wait a second, we are going to go into public session and then I am
15 going to ask you, as I say in a moment, to read out the words of the
16 card in front of you out loud.

17 But before you do that, we will go into public session, please.

18 (Open session at 3.21 p.m.)

19 THE WITNESS: May I start now?

20 THE COURT OFFICER: We are in public session, your Honours.

21 PRESIDING JUDGE FULFORD: Excellent. Could you read the
22 words out now, please?

23 WITNESS: WWW-D01-0005 (Sworn)

24 (The witness answers through interpreter)

25 PRESIDING JUDGE FULFORD: Well done. Thank you very much,

1 indeed. Now, you have been granted protective measures by the Chamber
2 for what in our view are good reasons and this means that your identity
3 will be withheld from the public.

4 So don't worry about anybody outside of this courtroom
5 learning who you are, because your name will not be given publicly
6 and your face and your voice will be distorted during the course of
7 your evidence.

8 That means that we will on occasion have to move between
9 public and private session, because some of your evidence will involve
10 you having to reveal your name, or the names of others, that could
11 lead to you being identified. But this is really just to reassure
12 you that the request that you made for protective measures have been
13 granted.

14 Now, Maître Mabilles, I imagine your first questions will
15 need to be in private session, so private session, please, court officer.

16 *(Private session at 3.23 p.m.) Reclassified as Open session

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

18 PRESIDING JUDGE FULFORD: Yes, Maître Mabilles.

19 MS MABILLE: (Interpretation) For the Trial Chamber to be
20 fully informed, the examination will be conducted in closed session
21 for the entirety.

22 QUESTIONED BY MS MABILLE: (Interpretation)

23 Q. Good afternoon. We have already met on a number of occasions,
24 but I should remind you that my name is Catherine Mabilles. I am a
25 lawyer, and I shall be putting a number of questions to you on behalf

1 of the Defence team for Thomas Lubanga.

2 Can you hear me well?

3 A. Yes, indeed, I can hear you.

4 Q. My first question will be, what is your full name?

5 A. My name is (Redacted).

6 Q. Could you please tell us your date of birth?

7 A. I was born on (Redacted) 1986. I was born in Bunia.

8 Q. Could you please tell us your ethnic group?

9 A. I am of the (Redacted) ethnic group.

10 Q. Are you married?

11 A. Yes, I am married.

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

13 A. (Redacted).

14 Q. Were you married previously?

15 A. (Redacted) with a gentleman; however, we did not get
16 married.

17 Q. Could you tell us his name?

18 A. His name is (Redacted).

19 Q. And what was his profession?

20 A. He was a soldier.

21 Q. And which armed group was he a soldier in?

22 A. In the UPC.

23 Q. I thank you. I shall now ask for a photograph to be shown
24 to you, and I would like you, please, to tell us whether you recognise
25 the individual in the photograph. This photograph bears the reference

1 DRC-OTP-0138-0014.

2 PRESIDING JUDGE FULFORD: This photograph is not to be
3 displayed publicly on the Court's television network.

4 MS MABILLE: (Interpretation)

5 Q. Do you recognise this individual?

6 A. Yes, I do recognise this person.

7 Q. Could you please tell us this person's name?

8 A. (Redacted).

9 Q. Do you know this individual by any other name, apart from
10 (Redacted)?

11 A. Her name is (Redacted).

12 Q. Could you tell us how you met her?

13 A. I got to know this individual through one of her friends.

14 Q. And what's the friend's name?

15 A. Her name is (Redacted).

16 Q. When did you know (Redacted)?

17 A. I have known this individual since the coming of the APC.

18 Q. And when you knew her, was she already a soldier?

19 A. I knew her when she was already a soldier.

20 Q. Where was (Redacted) living at the time you got to know her?

21 A. At the time she was living in Mahagi.

22 Q. In which armed group was she serving as a soldier at the
23 time you knew her?

24 A. She belongs to the APC Armed Group.

25 Q. Could you tell us if (Redacted) was older or younger than you,

1 or of the same age as yourself, do you know?

2 A. She must have been of the same age as myself, because she
3 was born in 1985 and I was born in 1986.

4 Q. Do you know the locality in which (Redacted) was born? Do
5 you know where (Redacted) was born?

6 A. She said she was born in (Redacted), towards (Redacted).

7 Q. Do you know the professional activities of (Redacted)'s parents?

8 A. I am not in a position to know, because I did not meet her
9 parents.

10 Q. Do you know whether or not (Redacted) belonged to another
11 armed group other than the APC?

12 A. She also joined the UPC group.

13 Q. Do you know when (Redacted) joined the UPC group?

14 A. I am not in a position to tell you the date.

15 Q. You informed us that whilst (Redacted) was in the APC you
16 got to know her in Mahagi. When did you meet her again?

17 A. Well, I have forgotten.

18 Q. Do you know where (Redacted) lived at the time when she
19 was in the UPC?

20 A. She was living with the family of (Redacted).

21 THE INTERPRETER: The Swahili interpreter says the witness
22 is not very audible. Could the witness speak closer to the microphone,
23 please.

24 MS MABILLE: (Interpretation)

25 Q. I beg your pardon, maybe I did not fully understand you.

1 I asked you whether you knew where (Redacted) was living at the time
2 she was in the UPC and your answer to us was that she lived in (Redacted).
3 Did you use the word "(Redacted)"?

4 A. Actually, I said that she was living in (Redacted)'s house.

5 Q. Is (Redacted) the name of an individual?

6 A. Yes, indeed, it's someone's name.

7 Q. And where was (Redacted) living?

8 A. He was living in (Redacted).

9 Q. In what town is (Redacted) located? Is it the name of a
10 town, or the name of a neighbourhood in a town?

11 A. It is a neighbourhood in the town of Bunia.

12 PRESIDING JUDGE FULFORD: Maître Mabilie, before we move
13 a little bit away from individuals to localities, I think we need an
14 identification number for the photograph, or was it -- right, it's
15 already got one, but we need in the transcript to know what the document
16 was that was shown to the witness.

17 THE COURT OFFICER: For the purposes of the record, your
18 Honours, this photograph under DRC-OTP-0013-8014 has been assigned
19 EVD-D01-00112 and marked as confidential.

20 PRESIDING JUDGE FULFORD: Thank you very much. Can we
21 remember that, please; that, even though documents may already have
22 numbers, we need to know what the number of the document is that's
23 been shown to the witness.

24 Good. Please continue.

25 MS MABILLE: (Interpretation)

1 Q. After living in (Redacted), do you know where (Redacted)
2 lived after that?

3 A. (Redacted).

4 Q. (Redacted)

5 (Redacted)

6 A. From the year 2005.

7 Q. Could you please tell us specifically where you were living?

8 A. We were living in the (Redacted) neighbourhood.

9 Q. Where - in which town - is the (Redacted) neighbourhood located?

10 A. The (Redacted) neighbourhood is located in the town of Bunia.

11 Q. Could you please tell us whether you were living there alone
12 (Redacted), or with other persons?

13 A. We lived with other individuals.

14 Q. Do you remember the names of the other individuals with
15 whom you were living?

16 A. Yes.

17 Q. Could you please tell us?

18 A. Very well. (Redacted) and myself.

19 Q. For how long did you live together with these individuals?

20 A. We lived together for (Redacted) years. Do you know the -- do
21 you want to know the number of months we lived together, or the number
22 of years? I did not fully understand your question. It was (Redacted)
23 months, not (Redacted) years. (Redacted) months.

24 Q. Madam Witness, do you know an individual who goes by the
25 name of (Redacted)?

1 A. I know that individual.

2 Q. How did you come to know this person?

3 A. I knew that person through (Redacted).

4 Q. What was his line of activity at the time you knew him?

5 A. He was a soldier.

6 Q. Could you please tell us in which armed group was this person
7 serving?

8 A. He was in the UPC.

9 Q. Do you know the relationship of this individual with (Redacted)
10 (Redacted)

11 A. Could you please repeat your question? You are talking about
12 (Redacted). I don't think I fully understood your question.

13 Q. You are right, because my question was not clear at all.
14 What I wanted to know was whether there was (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. I would like to take you back to what you said earlier.
20 You said you were living with (Redacted) and two other individuals;
21 that is, three persons including yourself. Could you tell us what
22 the profession of these women was; the women with whom you were living
23 at that time?

24 A. I did not know what their activity was. When they left the
25 army, we lived together. However, I did not know what activity they

1 carried out.

2 Q. So, these women had been soldiers before?

3 A. Yes.

4 Q. I am going to show you another photograph. You can put the
5 photograph in front of you aside. I am going to show you another
6 photograph which bears the reference DRC-OTP-0138-0010.

7 Can the photographs be distributed to everyone, please?

8 Q. Do you recognise the individual on the photograph which
9 has just been shown to you?

10 A. Yes, I know this person.

11 Q. Could you please tell us that person's name?

12 A. Her name is (Redacted).

13 Q. Do you understand -- or do you know these persons' other
14 names?

15 A. No.

16 Q. Could you tell us for how long you've known this person?

17 A. I know her because we used to live in the same area, and
18 we used to see each other quite often.

19 PRESIDING JUDGE FULFORD: Maître Mabilie, we're conscious
20 that we have got to allow the witness an opportunity on a regular basis
21 to see her child. Would now be inconvenient to you?

22 MS MABILLE: (Interpretation) No problem, your Honour.

23 PRESIDING JUDGE FULFORD: Thank you very much, indeed.
24 Madam, we are going to have a break now for quarter of an hour so that
25 you can see your child. Closed session, please. If you can just wait

1 a moment.

2 *(Closed session at 3.49 p.m.) Reclassified as Open session

3 THE COURT OFFICER: We are in a closed session, your Honours.

4 (The witness stands down)

5 PRESIDING JUDGE FULFORD: We'll say just after five-past-4,
6 but if longer is needed, please, will the court officer tell us? Thank
7 you.

8 THE COURT OFFICER: All rise.

9 (Recess taken at 3.51 p.m.)

10 (Upon resuming at 4.09 p.m.)

11 *(Closed session) Reclassified as Open session

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

13 PRESIDING JUDGE FULFORD: Witness, please.

14 (The witness enters the courtroom)

15 PRESIDING JUDGE FULFORD: Private session, please.

16 *(Private session at 4.10 p.m.) Reclassified as Open session

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

18 PRESIDING JUDGE FULFORD: Yes, Maître Mabilie.

19 MS MABILLE: (Interpretation)

20 Q. Now, just as we had the little break, at the very end I
21 was asking you how you had met (Redacted), and you answered telling
22 us that you were living in the same area and you saw each other quite
23 often. Now I would like to ask you whether -- to the best of your
24 knowledge, whether (Redacted) belonged to an armed group during the
25 years when you knew her; in particular, in the year 2002 and 2003.

1 A. I didn't know her as someone who belonged to an armed group.

2 Q. How could you have known that she did not belong to an armed
3 group?

4 A. We see each other all the time; she knows my residence,
5 and I know her residence. If she had been part of an armed group,
6 I would have known. She never belonged to any armed group.

7 MS MABILLE: (Interpretation) Could an EVD number be
8 attributed to this photograph?

9 PRESIDING JUDGE FULFORD: Yes, please.

10 THE COURT OFFICER: The one-page coloured photograph, your
11 Honours, under DRC-OTP-0138-0010 will be assigned EVD-D01-00122 and
12 will be marked as confidential.

13 PRESIDING JUDGE FULFORD: Thank you. Yes, Maître Mabilie.

14 MS MABILLE: (Interpretation)

15 Q. Witness, do you know an organisation called (Redacted)?

16 A. Yes.

17 Q. How did you come to know about that organisation?

18 A. It is an NGO that operated an Orientation and Transit Centre,
19 a CTO.

20 Q. Could you specify; where were the premises of this
21 organisation located?

22 A. Their offices were in the town.

23 Q. Could you tell us beside which building were the premises
24 of this organisation that was in town?

25 A. It was beside the (Redacted), on the road that leads to the

1 (Redacted). Today that neighbourhood is called (Redacted), the road
2 that leads towards (Redacted).

3 Q. How did you come to know about this organisation?

4 A. This non-government organisation recruited child soldiers
5 who were female, girls.

6 Q. And how did you come into contact with this organisation
7 yourself?

8 A. (Redacted) and I were close to one another. (Redacted)
9 (Redacted), and we went together to this NGO.

10 Q. Do you know any other people, anyone other than (Redacted)
11 and yourself who were in touch with this organisation?

12 A. Yes, yes, I know other people who were in touch with this
13 organisation.

14 Q. Could you tell us the names of these other people whom you
15 know who were in this organisation?

16 A. Yes. (Redacted), and another
17 (Redacted) because, you see, there were two (Redacted). There were
18 two (Redacted) and two (Redacted), and there was also (Redacted)
19 (Redacted). I forget the others.

20 THE INTERPRETER: The first name was (Redacted), specifies
21 the Swahili interpreter.

22 THE WITNESS: There was also (Redacted).

23 That's all. I gave you the names that I know.

24 MS MABILLE:

25 Q. Thank you very much. Now, you mentioned the name of a person

1 and you called her (Redacted). Do you know her by any other names?

2 A. I don't know her other name. I only knew her as (Redacted).

3 Q. A few moments ago you told us that this organisation recruited
4 girls who had been soldiers. Now, you gave us the names of many people.
5 Were all these people formerly -- were all these people girl soldiers?

6 A. No.

7 Q. So, could you explain to us what this organisation did?
8 It took care of girls who had been soldiers, but did it help other
9 people, other kinds of people?

10 A. It did not help other kinds of people. It was a centre,
11 a transit centre, and the former soldiers would go through this centre.
12 It did not provide help to other people.

13 Q. Now, you yourself, were you a girl soldier previously?

14 A. No, I was not a soldier.

15 Q. Could you explain why you yourself were at this centre?

16 A. I went to the centre because I was in the company of these
17 girls who had been soldiers, and I couldn't remain alone. It was
18 difficult to remain alone, and they asked me to go with them. And
19 they said to me: "Come with us. We are going to stay together until
20 we leave the centre." So I went with them. We stayed together, but
21 I never was a child soldier ... or a girl soldier.

22 PRESIDING JUDGE FULFORD: Maître Mabilie, sorry to
23 interrupt you. The witness's child is upset. Her presence is needed
24 back upstairs, so we will adjourn until -- well, for however long
25 it takes.

1 Closed session, please, Madam, so that you can go back and
2 see your child. Closed session, please.

3 *(Closed session at 4.25 p.m.) Reclassified as Open session

4 PRESIDING JUDGE FULFORD: Yes. Thank you, usher. That's
5 good enough. Yes. Thank you, usher.

6 (The witness stands down)

7 THE COURT USHER: We are in closed session, your Honours.

8 PRESIDING JUDGE FULFORD: Can I ask everyone not to stray
9 too far, please, and the court officer will let us know as and when
10 the witness is able to return. Thank you.

11 THE COURT USHER: All rise.

12 (Recess taken at 4.25 p.m.)

13 (Upon resuming at 4.50 p.m.)

14 *(Closed session) Reclassified as Open session

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

16 PRESIDING JUDGE FULFORD: Witness, please.

17 (The witness enters the courtroom)

18 PRESIDING JUDGE FULFORD: Private session, please.

19 *(Private session at 4.51 p.m.) Reclassified as Open session

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

21 PRESIDING JUDGE FULFORD: Yes, Maître Mabilille.

22 MS MABILILLE: (Interpretation)

23 Q. Madam Witness, we left off when you were explaining to us
24 that you went to the (Redacted) organisation in the company of a number
25 of other women. You stated the name (Redacted) and you also stated

1 the name (Redacted). Are these indeed the same individuals as those
2 we showed to you on the photographs; notably the individuals that
3 you recognised at an earlier stage?

4 A. I did not quite understand.

5 PRESIDING JUDGE FULFORD: I think you need to split them
6 up, Maître Mabilille.

7 MS MABILLE: (Interpretation)

8 Q. At an earlier stage you told us that you went to (Redacted)
9 in the company of a number of individuals and you made mention of the
10 names of those individuals. Do you recall having mentioned the names
11 of those individuals?

12 A. Yes.

13 Q. You mentioned the name of (Redacted). Is that, in fact, the
14 same (Redacted) as the individual that you recognised in the photograph?

15 A. Yes.

16 Q. You mentioned the name of (Redacted). Is that the same
17 individual as the one you recognised in the photograph?

18 A. Yes.

19 Q. You stated that (Redacted) had not been a soldier. Could
20 you explain to us why it was that she went to this centre, if you know?

21 A. Verywell. Before the centre opened its doors a number of -- a
22 great number of people were invited to present themselves and, when
23 the centre actually opened, there were not enough young ladies and
24 this is how it came to be that further young women were sought after.
25 Somebody told her that an NGO had opened its doors and that this NGO

1 required child soldiers and that, if these people wanted to, they
2 could go to this NGO where training was provided; notably in sewing.
3 One could therefore join this centre and learn to be a seamstress,
4 in addition to other activities. So that is why she entered this centre.

5 Q. And the people who ran the centre, did they check whether
6 you had been a soldier or not?

7 A. No.

8 Q. And what did you do in the centre? What were your activities
9 there?

10 A. I learned how to cook cakes. I was not able to study sewing,
11 because I had a problem with my left hand. Well, in fact, I am left-handed
12 and that is why I was not able to conduct this activity to learn how
13 to sew. I spent only two months at the centre.

14 Q. You also gave us the name of another individual who was
15 at the centre with you, by the name of (Redacted). Do you know whether
16 (Redacted) had been a soldier, or not?

17 A. I met (Redacted) at the centre. I do not know whether she
18 had been a soldier. Some people said that they had been soldiers,
19 whilst they had not completed their military service. I met her there,
20 but I am not in a position to know whether she did serve in the military.

21 Q. Could you tell us, approximately, how long you spent in
22 the centre?

23 A. I did not quite grasp the question.

24 Q. I was asking you, how long you stayed at the centre, the
25 (Redacted) Centre?

1 A. I spent between two and three months at the centre.

2 Q. Could you tell us why you left the centre?

3 A. The living conditions were difficult. It was as disciplined
4 as at a boarding school. We did not have the option of easily leaving
5 the centre; and personally, I was up against a number of difficulties
6 with regard to the food there. There are some oils, cooking oils,
7 that I am not able to eat. So that is why I left.

8 Q. Do you recall having met at the centre a white person who
9 was a member of the MONUC?

10 A. Yes, I do remember.

11 Q. Do you remember this person's name?

12 A. I have forgotten his name.

13 Q. Do you remember what the person came to do at the centre?

14 A. Well, you know, all this happened a long time ago, and I
15 cannot remember all of that.

16 Q. Do you remember having spoken to that person?

17 A. Yes, indeed, I do remember that.

18 Q. Do you remember what you told that individual?

19 A. No, I have forgotten all of that.

20 Q. Do you remember whether what you told that individual at
21 that point in time was true or not?

22 A. Well, it wasn't the truth, no.

23 Q. And do you remember why you did not tell that person the
24 truth?

25 A. Yes, I do remember. Yes, I do remember.

1 Q. Do you remember what you told that person?

2 A. Well, in fact, I've forgotten the subject matter.

3 Q. You have forgotten the subject matter, but you know that
4 you did not tell him the truth. Can you remember why you did not tell
5 the truth on that occasion?

6 A. Whilst we were at the centre, we were told that those who
7 were at the centre would be trained in activities such as sewing. That
8 is why I told that individual the things I said.

9 Q. Do you know whether (Redacted) also spoke to that person?

10 A. No, I don't know whether they did speak to that person.
11 I was not in a position to know. We were indeed in the same centre,
12 but we were in different rooms. I had a child with me, (Redacted)
13 (Redacted), a baby, and sometimes I would go to (Redacted).
14 So I don't know whether they talked to that person.

15 Q. Thank you. I would like to take you back a little and ask
16 you the following question: Whilst (Redacted) was at the UPC -- or
17 in the UPC, where was she based?

18 A. I met (Redacted) whilst she was in (Redacted).

19 Q. Thank you.

20 MS MABILLE: (Interpretation) Could I have a moment, your
21 Honour?

22 (Counsel confer)

23 That's the examination-in-chief, your Honour.

24 PRESIDING JUDGE FULFORD: Thank you, Maître Mabilie. Yes, Ms
25 Struyven.

1 QUESTIONED BY MS STRUYVEN:

2 Q. Good afternoon, Madam Witness. My name is Olivia Struyven,
3 and I'm going to ask you a few questions on behalf of the Office of
4 the Prosecutor.

5 Today you referred to (Redacted). Can you explain to us
6 when the last time was that you saw (Redacted)?

7 A. Meet (Redacted) where?

8 Q. You explained earlier today that you knew a person called
9 (Redacted), and my question is: When was the last time you saw (Redacted).

10 A. I met him somewhere along the road. He was parking a
11 motorcycle. He had come to (Redacted) place, where we were living.

12 Q. And is that the only time you ever saw (Redacted)?

13 A. I saw him often. Sometimes I would meet him on the roads,
14 so we met often.

15 Q. But when was the last time you met him?

16 A. I cannot remember the date.

17 Q. Do you remember if it was a week ago, or a month ago or
18 half a year ago, or longer or shorter?

19 A. Before I came here I saw him.

20 Q. Do you mean last week or do you mean before that?

21 A. It was well before that time.

22 Q. Did you discuss your testimony with him when you saw him
23 last time?

24 A. No. No.

25 Q. Did you discuss anything in relation to (Redacted) when you

1 met him last time?

2 A. No. No, we did not discuss anything about that.

3 Q. Madam Witness, you met the Defence lawyers in Congo, didn't
4 you?

5 A. Yes.

6 Q. And you also met Dieudonné Mbuna; is that correct?

7 A. Yes.

8 Q. Who of them did you meet first?

9 A. I met Mr Dieudonné first.

10 Q. Do you know when you met him, approximately?

11 A. Well, I have forgotten.

12 Q. Do you remember if it was a year ago, half a year ago? Do
13 you remember if your child was already born when you met him?

14 A. My child was not yet born.

15 Q. Were you already pregnant of your child?

16 A. Yes. Or rather, no, I was not yet pregnant.

17 Q. Just for us to understand the timeline, how old is your
18 child today?

19 A. The child is aged (Redacted)
20 (Redacted).

21 Q. Do you know the birthday of your child?

22 A. The (Redacted).

23 Q. Of which month?

24 A. (Redacted).

25 Q. So you explained to us you met Mbuna before you were pregnant.

1 Do you know if it was long before you got pregnant? Was it half a
2 year before you got pregnant? Was it around the time that you got
3 pregnant? Do you remember that?

4 A. Yes, earlier. However, I'm not very sure because this
5 happened a long time ago.

6 PRESIDING JUDGE FULFORD: Ms Struyven, I'm afraid we've got
7 baby problems again. We're going to have to adjourn again so the witness
8 can return to her child.

9 Closed session, please.

10 *(Closed session at 5.15 p.m.) Reclassified as Open session

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

12 THE COURT OFFICER: We are in closed session, your Honours.

13 (The witness stands down)

14 PRESIDING JUDGE FULFORD: Ms Struyven, returning for a
15 moment to the issue of putting protective measures in place for this
16 intermediary in particular, when do you think the Prosecution, possibly
17 in liaison with the Victims and Witnesses Unit, will have a substantive
18 answer, at least on a timeline?

19 MS STRUYVEN: Thank you, Mr President. It remains very
20 difficult to say for the office. We can try to get in contact with
21 VWU tonight to have a first discussion on the issue to see how fast
22 they can act in the field to do the necessary security assessment and
23 everything that follows from there.

24 PRESIDING JUDGE FULFORD: Yes. I mean, this possibility, presumably,
25 has crossed your horizon some time ago, so I would be surprised if

1 there has been, as it were, no reflection on the issue until today.
2 And so I would hope that there has been an element of pre-planning
3 in the event of this possibility, given the competing submissions
4 of the parties.

5 MS STRUYVEN: If I may add, Mr President, I think, indeed,
6 a pre-assessment has been made in respect of this particular person
7 in the framework of the discussions we had in the fall of last year,
8 but I am not aware of how far these assessments have gone.

9 PRESIDING JUDGE FULFORD: Well, let's hope that by the
10 beginning of play tomorrow morning we'll have at least some preliminary
11 indications, please. Good.

12 Well, the court officer will let everyone know when the child
13 has stopped crying.

14 THE COURT USHER: All rise.

15 (Recess taken at 5.20 p.m.)

16 (Upon resuming at 5.39 p.m.)

17 *(Closed session) Reclassified as Open session

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

19 PRESIDING JUDGE FULFORD: Witness, please.

20 (The witness enters the courtroom)

21 PRESIDING JUDGE FULFORD: Private session, please.

22 *(Private session at 5.40 p.m.) Reclassified as Open session

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

24 PRESIDING JUDGE FULFORD: Yes, Ms Struyven.

25 MS STRUYVEN:

1 Q. Madam Witness, before the break you explained to us that
2 you saw Dieudonné Mbuna before you got pregnant of the child that is
3 now (Redacted). Can you explain to us where you met Dieudonné Mbuna
4 for the first time?

5 A. For the first time? I met him above the grocery store, above
6 the place where I live. A girl who was living below the place where
7 I live came to see me, and she told me about a man who wanted some
8 things. She told me that I might have information about these things.
9 And that girl called me.

10 THE INTERPRETER: The interpreter says that the witness is
11 not speaking very clearly and it is difficult to understand what she
12 is saying, particularly the last part.

13 PRESIDING JUDGE FULFORD: I think you better certainly do
14 part of it again, Ms Struyven, please.

15 MS STRUYVEN:

16 Q. Madam Witness, the translators didn't fully understand your
17 answer, so I'm going to ask you again. You explained to us that you
18 met him at a certain place. First of all, in which city did you meet
19 him?

20 A. It was in the town of Bunia.

21 Q. And you said it was across from where you lived. Where do
22 you live in Bunia?

23 A. Yes.

24 Q. I asked you where in Bunia do you currently live?

25 A. I live in the neighbourhood called (Redacted). But I am

1 currently living in (Redacted), in the (Redacted) neighbourhood. My
2 parents live in the (Redacted) neighbourhood. But I live in the (Redacted)

3 Q. Just for me to understand you correctly, today you say it
4 is also referred to as the (Redacted) neighbourhood. Hasn't there always
5 been a (Redacted) neighbourhood and separately a (Redacted) neighbourhood?

6 A. Well, it's two different neighbourhoods. I live in (Redacted),
7 but my parents live in (Redacted). (Redacted) is the neighbourhood
8 I was born in, the neighbourhood of my parents, but I live in the (Redacted)
9 neighbourhood.

10 Q. So, the (Redacted) neighbourhood is not formerly known as
11 the (Redacted) neighbourhood? It's just that you grew up in the (Redacted)
12 neighbourhood and you now live in the (Redacted) neighbourhood; is
13 that correct?

14 A. Exactly.

15 Q. And so when you met Mbuna that was in front of where you
16 live in the (Redacted) neighbourhood; is that correct?

17 A. (Redacted) is the neighbourhood where they would come to
18 pick me up in a car so I could go and speak to the lawyers.

19 Q. But before you met the lawyers, you met Dieudonné Mbuna
20 without the lawyers; isn't that correct?

21 A. I beg your pardon?

22 Q. Isn't it correct that you first met Dieudonné Mbuna without
23 the lawyers?

24 A. No, he was not there. They were not there.

25 Q. So you first met Dieudonné Mbuna without the lawyers being

1 there; is that correct?

2 A. Yes.

3 Q. And you said earlier that "There was a girl who told me
4 to talk to him," I think. It wasn't very clear. Can you explain that
5 to us?

6 A. I said that someone else came to speak to me and asked me
7 to speak to Mr Dieudonné.

8 Q. Okay. So who first -- who came to see you first and who
9 asked you to go and see Mr Dieudonné?

10 A. It was a young girl and her name is (Redacted). We know
11 each other very well. She came to see me and she said to me that someone
12 was looking for a young girl regarding a certain matter. But she was
13 afraid to meet with this person. She asked me for advice, and I went
14 to see the person in question. That was all.

15 Q. You talked about a person called (Redacted). I will first
16 ask you questions about her. Do you know what her profession is?

17 A. That young girl is a soldier.

18 Q. In which group is she a soldier?

19 A. She was part of the UPC.

20 Q. And when you say a young girl came to see you, how old is
21 (Redacted) today?

22 A. Today she is an adult and I don't know how old she is. She
23 has (Redacted) children now and it is impossible for me to know what
24 age she is.

25 Q. And so what did (Redacted) tell you, when you met her?

1 A. I asked her what we were going to go speak to that man about,
2 and she asked me to come with her to listen to what this man had to
3 say to me and this man said to me that he was looking to speak to young
4 girls who had been in the centre. This girl had been part of the (Redacted)
5 group of young girls who had gone to the centre, but we had been part
6 of the (Redacted) group. Then I had left the centre.

7 Q. First of all, so he wanted to speak to young girls who had
8 been in the centre. To which centre are you referring?

9 A. The (Redacted) centre.

10 Q. And do I understand it correctly that (Redacted) had been
11 in the (Redacted) group of people that were sent to the (Redacted) centre
12 and that you had been in the (Redacted) group of people that had --

13 A. No, the other way around. I was part of the (Redacted) group
14 and she was part of the (Redacted) group.

15 Q. Do you know when you were sent to the (Redacted) centre?

16 A. It was in 2005.

17 Q. Now, how did Mbuna know that you had been to the (Redacted)
18 centre? Did he explain that to you?

19 A. No, this young girl, (Redacted), spoke to him about that.

20 Q. Did -- but (Redacted) was not in your group at (Redacted), was she?

21 A. There were two people who were called (Redacted). In my
22 group - the (Redacted) group - I was with another person whose name
23 was (Redacted). It's the same first name, borne by two different people.

24 Q. That's correct, but the (Redacted) came to see you to take
25 you to Mbuna wasn't in your group at (Redacted), was she?

1 A. Yes.

2 Q. Was she in your group, or was she not in your group, at
3 COOPI?

4 A. Which group are you talking about?

5 Q. You explained to us that (Redacted) came to see you to ask
6 you if you could see Dieudonné Mbuna and you explained to us that she
7 had also gone to (Redacted), but that she had been in a different group
8 than your group. Did I understand that correctly?

9 A. Yes.

10 Q. So how did this (Redacted), the one who came to see you,
11 know that you were also in (Redacted)?

12 A. She knows me and I know her. To go to her place, (Redacted)
13 (Redacted) and then you reach her home. Between our two homes there
14 is (Redacted).

15 Q. So this (Redacted) who came to see you to take you to Mbuna,
16 is she a friend of you?

17 A. We are not really friends. We are acquaintances.

18 Q. Do you know her last name?

19 A. No, but she is known as Mama (Redacted).

20 Q. Now, when (Redacted) approached you, did she explain to
21 you why Mbuna wanted to see you?

22 A. She spoke to me and she told me that a man wanted to ask
23 questions - a few questions - to young girls, and he was trying to
24 meet with me. And so I went to meet with him.

25 Q. Do you know if (Redacted) also asked other girls to go and see

1 Mbuna?

2 A. I wasn't in a position to know. I don't know if she contacted
3 other young girls.

4 Q. So -- and then, if I understand it correctly, she brought
5 you to Mbuna, and where did the meeting with Mbuna take place? Is
6 it across your house, the place that you explained earlier, or is it
7 at a different place?

8 A. No, we didn't meet at my home. We met elsewhere.

9 Q. And where in town did you meet?

10 A. In town. It wasn't somewhere else, other than in the town.

11 Q. But was it in an office? Was it in a bar? Was it at someone's
12 house?

13 A. Well, it was beside a grocery store. It was not in a bar.

14 Q. Was it in an office?

15 A. I'm not familiar with her office.

16 Q. In which neighbourhood did you have that meeting?

17 A. It was in the neighbourhood of (Redacted).

18 Q. And was it inside or outside that you met?

19 A. Inside a building. We did not meet outside.

20 Q. And was the building a house? Were people living in that
21 building? Or was it an office where people are working?

22 A. This was a location where people were residing, in fact.

23 Q. So was it someone's house; is that what you are saying?

24 A. Yes.

25 Q. So whose house was it?

1 A. I am not in a position to know that.

2 Q. So when you entered that house to meet Mbuna, who else was
3 in the room where you met?

4 A. There was nobody else present.

5 Q. So you were in the room alone with Mbuna; is that how I
6 understand it?

7 A. (Redacted) was with us.

8 Q. So when you were in that room, what did Mbuna ask you?

9 A. He asked me if I had been to the centre, and I answered
10 by saying yes. He asked us -- he asked me whether there were many
11 of us, and I said yes. And subsequently he asked me whether I had
12 served in the military, and I said no. Then he told me that he was
13 seeking to speak to those who had completed their military service,
14 and I told him that I had not, and that was the end of the discussion.

15 Q. During that first meeting, how did Mbuna present himself?

16 A. You're talking of introductions. Well, he introduced
17 himself as somebody who was working for the party. However, he didn't
18 really introduce himself as such. He put questions to me and then
19 he told me that he was going to travel. When I arrived he put questions
20 to me. But before that he said that he had an office. But he wasn't
21 clear in what he said with regard, notably, to which office he actually
22 worked in.

23 Q. You said he didn't really introduce himself, but you also
24 said that he was working for the party. Which party are you referring
25 to?

1 A. I don't really know. It is a party ... I do not know whether
2 it is ... I think this party is called the ICC. I really don't know.

3 Q. You said that he was looking for people who completed their
4 military service. Did he explain to you why he was looking for people
5 who had completed their military service?

6 A. He said to me that it was a question of testifying. That's
7 all he said to me. He said that he was seeking witnesses. He told
8 me that he wanted to enter into contact with individuals who could
9 testify, and that was about it.

10 Q. Did he explain to you who or in which case these people
11 had to testify?

12 A. No, he didn't explain that.

13 Q. Did he ask you to come and testify?

14 A. Yes, indeed, he did ask me that.

15 Q. Did he ask you that during the first meeting, or were there
16 subsequent meetings?

17 A. On the occasion of our first meeting he asked me to testify.

18 Q. He must have explained to you in which context you were
19 asked to testify.

20 A. I have forgotten.

21 PRESIDING JUDGE FULFORD: Ms Struyven, we'll not sit for
22 very much longer, but can you find a point convenient to yourself for
23 us to break. I don't want to interrupt your flow.

24 MSSTRUYVEN: I think it's a convenient moment, your Honours.

25 PRESIDING JUDGE FULFORD: Just so we can plan tomorrow's witness, Ms

1 Struyven, roughly?

2 MS STRUYVEN: I think, Mr President, I will be no longer
3 than one hour.

4 PRESIDING JUDGE FULFORD: Very helpful. Thank you very
5 much.

6 Ms Bapita, if leave is granted, are you likely to have much,
7 if anything?

8 MS BAPITA: (Interpretation) I just have one question, if
9 the Prosecutor does not put the question herself, that is.

10 PRESIDING JUDGE FULFORD: Well, that's clear. Thank you
11 very much.

12 Maître Mabilille, could you overnight, please, check the
13 name - I don't think I need say any more. No. Good. Because there
14 may have been an understandable mistake. Good. No. All right. All
15 right. But you understand that that is suggested and needs checking.

16 MS MABILLE: (Interpretation) Yes.

17 PRESIDING JUDGE FULFORD: Good. Right. Well, that's clear.
18 Good. We shall, therefore, sit tomorrow at 9.30.

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

20 *(Closed session at 6.12 p.m.) Reclassified as Open session

21 THE INTERPRETER: The President's microphone is on.

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

23 THE COURT OFFICER: We are in closed session, your Honours.

24 (The witness stands down)

25 PRESIDING JUDGE FULFORD: 9.30.

1 THE COURT USHER: All rise.

2 (The hearing ends at 6.13 p.m.)

3 RECLASSIFICATION REPORT

4 Pursuant to Trial Chamber I's email instruction dated 7th December
5 2011, the transcript is reclassified as public after the indicated
6 redactions have been implemented as ordered by the Chamber. All private
7 and closed sessions (*) are now available to the public with the
8 exception of the portions of the transcript that have been redacted.

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