

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Closed Session)
Procedural Matters

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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 - *Closed Session Reclassified as open session

6 Friday, 6 March 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: Good morning. Witness, please.

11 (The witness takes the stand)

12 (Mr. Lubanga entered court)

13 PRESIDING JUDGE FULFORD: Good morning, Mr. Lubanga. Thank you
14 very much.

15 Madam, how are you?

16 WITNESS: WITNESS DRC-OTP-WWW-0010 (Resumed)

17 (Witness answered through interpreter)

18 THE WITNESS (interpretation): Good morning.

19 PRESIDING JUDGE FULFORD: Are we in open or private session,
20 Ms. Bensouda? I think we're in open session.

21 MS. BENSOUDA: We're in open session, Mr. President.

22 PRESIDING JUDGE FULFORD: Good. Open session then, please.

23 (Open session at 9.32 a.m.)

24 COURT OFFICER: Open session.

25 PRESIDING JUDGE FULFORD: Yes, Ms. Bensouda.

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Questioned by Ms. Bensouda (Continued)

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1 MS. BENSOUDA: Thank you, Mr. President.

2 Questioned by Ms. Bensouda: (Continued)

3 Q. Witness, good morning.

4 A. Good morning. I'm well.

5 Q. Witness, I'm going to go over just a few areas of what you told
6 us yesterday for -- just to understand more what you -- you explained to
7 us yesterday, and I want to start with where you explained that you were
8 abducted by the UPC and you informed us that it was in 2002. Do you
9 remember that?

10 A. Yes.

11 Q. Do you remember, Witness, whether it was in the beginning of
12 2002, in the middle, or about the end of 2002?

13 A. It was after the Lompondo battle.

14 Q. Witness, can you explain what you mean by the Lompondo battle?
15 Who is Lompondo?

16 A. Lompondo belonged to the APC group. The first battle was when
17 the APC people entered Bunia.

18 Q. And who was Lompondo fighting with in this battle?

19 PRESIDING JUDGE FULFORD: Is Lompondo a person or a place,
20 Ms. Bensouda?

21 MS. BENSOUDA: Witness -- I'll ask the witness, Mr. President.

22 Q. Witness, who -- who is Lompondo? Is that a person?

23 A. Yes.

24 Q. You -- you mentioned the APC. Was Lompondo any person -- anyone
25 for the APC?

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Questioned by Ms. Bensouda (Continued)

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1 A. Yes.

2 Q. What was he for the APC?

3 A. At that time I wasn't in the army yet. I didn't know what his
4 work was, but he was an authority in the APC.

5 Q. And was -- what was the APC, Witness?

6 A. The APC were military soldiers in Bunia.

7 Q. Do you know to what ethnic group the APC was associated with?

8 A. All the soldiers. The APC wasn't one specific ethnic group.

9 Q. And I just want you, Witness, to explain about this battle you
10 called the Lompondo battle. Where did it take place?

11 A. The Lompondo battle took place in Bunia when the UPC group came
12 to fight with Lompondo's troops. It's at that time that we heard the
13 name of UPC.

14 Q. And do you know who won this battle, the Lompondo battle?

15 A. The UPC won.

16 Q. At the time that you were abducted, was Lompondo still in Bunia?

17 A. No. Lompondo had already left.

18 Q. And, Witness, would you know whether it was immediately after Lompondo
19 left or a month after? Can you approximate the time of your
20 abduction and the time that Lompondo had left Bunia?

21 A. When the UPC troops entered Bunia, they fought. The UPC won, and they
22 chased Lompondo out of Bunia. It was when the Lendus wanted to fight the
23 UPC, and it was then that I was taken when we were were fleeing.

24 Q. Thank you, Witness. Witness, I'm going to go to another area,
25 which is also something you told us yesterday, about the fight between

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Questioned by Ms. Bensouda (Continued)

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1 the UPC and the French, and you said -- you stayed with the UPC until the
2 French came, and all the UPC soldiers got to different villages. Can you
3 remember what -- when this was? When was it?

4 A. Yes. It was at the end of the battle when we left Bunia. It was
5 at the end. It was the last war the UPC fought with the French.

6 Q. Can you remember what year this was, Witness?

7 A. I can't remember the month, but I know it was in 2003 already.

8 Q. That's fine. Thank you, Witness. You also yesterday told us
9 about being demobilised. Can you -- can you explain to us how you
10 managed to be demobilised?

11 A. I didn't give a weapon back. I fled. I fled.

12 Q. Very well. Yesterday, Witness, you -- you also said that the
13 UPC soldiers went -- amongst other places you mentioned Katoto,
14 Iga-Barriere, Centrale. Do you know to what ethnic groups these villages
15 belong to?

16 A. It was the villages of the Hema ethnic group.

17 Q. And you also said yesterday that the UPC soldiers went to
18 Mongbwalu where you stayed for a while because, as you said, Mongbwalu is
19 a centre where there is lot of money with gold mining.

20 Can you explain to us a little bit what you mean by that?

21 A. It was a quarry, a place where they extracted gold.

22 Q. Yes. Thank you, Witness. I understand. But why did they have
23 to stay there because there was the quarry?

24 A. It was like the place where you deploy military.

25 Q. And would you know what the purpose of the military being

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Questioned by Ms. Bensouda (Continued)

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1 deployed there -- what was the purpose of them to be there?

2 A. That I cannot know. The military were deployed there, but I
3 don't know why.

4 Q. That's fine. Thank you, Witness. I'm now just going to ask you
5 a few questions about, you know, the battles you -- you took part in, and
6 yesterday you explained that you fought at Libi, Mbau, Mabanga,
7 Mongbwalu, and other places, and you also explained that you were mostly
8 fighting with the Lendu. Was it explained to you, the purpose of
9 fighting with the Lendu?

10 A. That I don't know. The fighting broke out before. I don't know
11 why the Lendu and the Hema were fighting.

12 Q. And during your training you mentioned that -- yesterday, you
13 told us that you were told that the Lendu were the enemy; is that right?

14 A. Yes.

15 Q. And were you ever told during training or after training,
16 therefore, that you were fighting the Lendu because they were the enemy?

17 A. Yes. We fought the Lendu. We only knew they were enemies.

18 Q. And these -- these villages that I have already mentioned, Libi,
19 Mbau, Mabanga, Mongbwalu, to -- to what ethnic group did they belong to?
20 Do you know?

21 A. They were the villages of the Hema and of the Lendu.

22 Q. Before you went to fight in these villages that you explained to
23 us that the battles took place, did you get any specific instructions
24 from your commanders?

25 A. I didn't understand the question correctly.

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Questioned by Ms. Bensouda (Continued)

1 Q. I'll try to explain myself better. You said you went to fight in
2 Mbau, in Mongbwalu, in Libi. Did your commanders tell you or instruct
3 you to do anything specifically before the fight took place?

4 A. When we fought in Libi, the Lendus were the ones that attacked us
5 when we were still on the vehicles, and that's when we started shooting.

6 Q. That's okay, Witness. Thank you.

7 MS. BENSOUDA: Mr. President, for this part I -- I think we
8 should go into closed session for the next part.

9 PRESIDING JUDGE FULFORD: Certainly. Private session, please.

10 MS. BENSOUDA:

11 Q. Witness --

12 PRESIDING JUDGE FULFORD: No, no, no.

13 *(Private session at 9.49 a.m.) Reclassified as open session

14 COURT OFFICER: Private session.

15 PRESIDING JUDGE FULFORD: Yes, Ms. Bensouda.

16 MS. BENSOUDA: Thank you, Mr. President.

17 Q. Witness, yesterday you -- you talked about sexual relationships
18 in the camps. I'm sorry, I'm going to ask you a few questions about
19 that. My intention is not to make you feel uncomfortable, but I just
20 want to clarify certain issues -- you to clarify some things for the
21 Court in relation to what you said yesterday.

22 You explained that you were abused, and you mentioned
23 (Redacted). Can you explain to the Court what happened to you -- no.
24 Can you explain to the Court whether this happened again with
25 (Redacted) or any other commander?

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)

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Questioned by Ms. Bensouda (Continued)

1 A. That was the day we were in bed. The commander came when we were
2 in bed. The commander took me. He took me back to his room. And when I
3 arrived in his room, he asked me to sleep with him. I refused, and he
4 told me if I refused he was going to harm me. He raped me. We fought a
5 little bit. And he... And after having slept with me the bed was covered
6 in blood, and I left that room crying.

7 My friends had the same thing happen to them. It wasn't just
8 (Redacted). Other commanders did the same. When they felt like
9 sleeping with a girl, they came to where we were.

10 Q. And did this happen often to you or to other girls?

11 A. Yes. It happened several times. And one day, (Redacted) called me
12 for me to clean his room. I did so. And afterwards he
13 sent me to go and buy cigarettes. He asked me to go and bring cigarettes
14 to his room. When I entered his room, he followed me into the room, and
15 I went back running, and I didn't know what to say to the others.

16 THE INTERPRETER: The interpreter didn't hear the second part of
17 the witness's answer.

18 MS. BENSOUDA:

19 Q. I'm sorry, Witness, can you just repeat the second part of your
20 answer? The interpreter could not hear you properly.

21 A. So (Redacted) called me to his room to clean the room. After
22 cleaning the room he asked me to buy cigarettes, so I left the cigarettes
23 in his room. When I entered the room he followed me, and he wanted to
24 hold me, to rape me, and I left screaming. And when I was running, I met
25 (Redacted). He asked me, "What's wrong?" And I told him I was

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)

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Questioned by Ms. Bensouda (Continued)

1 afraid because (Redacted) was behind me and (Redacted) said no,
2 no, that I had been running because I saw a snake and that's why I
3 screamed.

4 Q. Thank you, Witness. Did you tell (Redacted) or any other
5 commander about these sexual abuses that you suffered at the camp? Did
6 you report it to any of the commanders?

7 A. No, I didn't tell anybody. I was afraid.

8 Q. Why -- why were you afraid to report it?

9 A. If I had said something, I would have been harmed. I was afraid
10 to say it when I was there. And even if I had said it, nobody would have
11 been able to listen to me.

12 Q. And do you know whether the other commanders were aware of the
13 sexual abuses that was going on at the camp?

14 A. All the commander did this. When they wanted to sleep with the girls,
15 they came to where we were. They took girls, the girls they wanted.

16 Q. Do you know, Witness, whether any of the other girls has reported
17 the sexual abuses that they suffered at the camp to anyone?

18 A. Well, that I don't know, because everybody kept their secret to
19 themselves.

20 Q. What would happen if any girl, including yourself, refused to
21 have this -- to have sex with the commanders who were asking for it?

22 A. We couldn't refuse. It was impossible. We didn't have the power
23 to say no.

24 Q. Thank you, Witness. I now want to ask you -- I now want to ask
25 you about other commanders visiting the camp.

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)

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Questioned by Ms. Bensouda (Continued)

1 PRESIDING JUDGE FULFORD: And we can do that, I think, in public
2 session, can't we, Ms. Bensouda?

3 MS. BENSOUDA: Yes, Mr. President.

4 PRESIDING JUDGE FULFORD: Yes. Open session, please.

5 MS. BENSOUDA:

6 Q. Witness --

7 PRESIDING JUDGE FULFORD: Ms. Bensouda, you must wait.

8 MS. BENSOUDA: I'm sorry, Mr. President.

9 (Open session at 9.57 a.m.)

10 COURT OFFICER: Open session.

11 PRESIDING JUDGE FULFORD: We're now in open session. Please
12 continue, Ms. Bensouda.

13 MS. BENSOUDA: Thank you, Mr. President.

14 Q. Witness, whilst you were in training at the camp, did other
15 commanders visit the camp?

16 A. Yes. The commanders came to visit the camp.

17 Q. Can you name the commanders who visited the camp whilst you were
18 there?

19 A. Bosco came to visit the camp frequently.

20 Q. Was it only Commander Bosco you can remember who visited the
21 camp?

22 A. Other commanders also came, but I can't remember their names.

23 Q. What, if you know, were the purpose of these visits by the
24 commanders, or in particular, Bosco?

25 A. At that time I was a recruit. I didn't know anything. I didn't

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Ms. Bensouda (Continued)

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1 know why they came to visit the camp.

2 Q. When -- when they came to visit the camp who did they meet with,
3 if anyone?

4 A. They came, they assembled us and started to talk to us.

5 Q. Can you remember what they would talk to you about?

6 A. Well, it was a long time ago. I can't remember what they said,
7 but they said we should be glad or in good spirits. They said the war
8 would finish soon. I can't remember everything because it happened a
9 long time ago.

10 Q. And -- and when you say, "They came and they gathered us," who
11 are you referring to when you say "us"?

12 A. All of us, all the recruits. We assembled on the parade ground.

13 Q. Thank you, Witness.

14 MS. BENSOUDA: Your Honours, with your permission, I am now going
15 to show a portion of a video, and it concerns the scenes that we have
16 already shown in court, and it has the MFI number MFI-P-00025. And I
17 suggest, your Honours, that the -- we play 25 seconds of the video in
18 closed session or in private session with the computer screens turned
19 away from the public and without broadcasting, of course.

20 PRESIDING JUDGE FULFORD: So the first 25 seconds are to be shown
21 to the Chamber only, and then the remainder of the video can be shown to
22 the public; is that right?

23 MS. BENSOUDA: Not all of it, Mr. President, but I will indicate
24 those portions where I think should still be in private session.

25 PRESIDING JUDGE FULFORD: All right. I'm not sure how this needs

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)
Questioned by Ms. Bensouda (Continued)

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1 to be done technically. I imagine we need to go into private session for
2 the first 25 seconds to be shown, and we will then return to public
3 session. So private session, please.

4 (Private session at 10.02 a.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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Page 12 redacted - Private session

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)
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Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)
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Page 14 redacted - Private session

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)
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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)

11 (Open session at 10.12 a.m.)

12 COURT OFFICER: Open session.

13 PRESIDING JUDGE FULFORD: Yes, Ms. Bensouda.

14 MS. BENSOUDA: Thank you, Mr. President.

15 Q. Witness, I'm now going to play eight minutes of this video, and I
16 will also ask you a few questions and -- at the end of what we're going
17 to play, and --

18 MS. BENSOUDA: Mr. President, we're going to -- to play minutes
19 00:00:14 to minute 00:08:43.

20 PRESIDING JUDGE FULFORD: Thank you very much.

21 (Video-clip played)

22 MS BENSOUDA: Mr. President, I stopped at minute 00:04:07.

23 Q. Witness, I want you to take a look at this, the three soldiers in
24 uniform on the screen and tell me if you know who they are.

25 A. Yes.

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Ms. Bensouda (Continued)

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1 Q. Who are they?

2 A. There is 61-Sierra and 7 (as interpreted).

3 Q. Witness, can you please repeat that, what you just said, the
4 names you just called?

5 A. That is 61-Sierra and Mseven.

6 THE INTERPRETER: If the interpreter heard well.

7 MS. BENSOUDA: I believe she said Museveni.

8 Q. Who is 61-Sierra and Museveni amongst the three?

9 A. The two soldiers who are laughing.

10 PRESIDING JUDGE FULFORD: Now, Ms. Bensouda, I think we must make
11 sure that you're right when you say that the witness said a particular
12 name, because I have to say that I had taken it to the witness referring
13 to two radio codes, but I may be completely wrong. Now, we need to deal
14 with this carefully.

15 MS. BENSOUDA: Very well, Mr. President. I can ask her to say
16 one after the other.

17 Q. Witness, I'm sorry, I'll have to ask you to give us the names
18 again that you just identified, but please say one then the next name.

19 A. It's Mseven (as interpreted).

20 Q. Witness, which of them are you referring to now?

21 A. The one who is in the middle, who is wearing the cap in the
22 middle.

23 Q. And what did you say his name is?

24 A. Mseveni (as interpreted).

25 Q. Thank you, Witness. And the other one, the name that you

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Questioned by Ms. Bensouda (Continued)

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1 mentioned, can you repeat it again?

2 A. Mseven.

3 PRESIDING JUDGE FULFORD: Forgive me, Ms. Bensouda.

4 Sorry to keep asking you about this but so we're clear, am I
5 right in understanding that one of them is called 61 Sierra?

6 THE WITNESS (interpretation): Yes. That is his radio code, but
7 his real name is Claude. But we called him 61 Sierra.

8 PRESIDING JUDGE FULFORD: That's very clear. And is the other
9 one Mseven or is it Mseveni?

10 THE WITNESS (interpretation): His name is Mseven.

11 PRESIDING JUDGE FULFORD: I think that's as far as we can take
12 that, Ms. Bensouda. I think otherwise it's harassing the witness.

13 MS. BENSOUDA: Very well, Mr. President. I'll move on.

14 Mr. President, we'll continue then, please, in open session.

15 PRESIDING JUDGE FULFORD: Certainly.

16 (Video-clip played)

17 MS. BENSOUDA: Mr. President, I'm stopping at minute 00:06:57.

18 Q. Witness, I'm going to ask you to take a look at the screen now.

19 MS. BENSOUDA: Mr. President, may I ask this one question in
20 private session.

21 PRESIDING JUDGE FULFORD: Yes, of course, Ms. Bensouda.

22 Private session, please.

23 MS. BENSOUDA:

24 Q. Witness --

25 PRESIDING JUDGE FULFORD: No, Ms. Bensouda.

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Questioned by Ms. Bensouda (Continued)

1 *(Private session at 10.26 a.m.) Reclassified as open session

2 COURT OFFICER: Private session.

3 PRESIDING JUDGE FULFORD: Yes, Ms. Bensouda.

4 MS. BENSOUDA: I'm sorry. Thank you, Mr. President.

5 Q. Witness, please take a look at the screen in front of you. There
6 is a soldier carrying a gun in front of other soldiers who are holding
7 sticks. Do you know who the soldier carrying a gun is?

8 A. Yes. (Redacted)

9 Q. Is it the same (Redacted) you have mentioned as being part of (Redacted)
10 bodyguard?

11 A. Yes. At the time, she was carrying two weapons, one for
12 her and the other for (Redacted).

13 Q. Witness, do you remember how old (Redacted) is?

14 A. She was aged less than 12 years.

15 Q. Thank you, Witness.

16 MS. BENSOUDA: Mr. President. We may go back to open session.

17 PRESIDING JUDGE FULFORD: Thank you very much. Open session,
18 please.

19 (Open session at 10.28 a.m.)

20 COURT OFFICER: Open session.

21 PRESIDING JUDGE FULFORD: Yes, Ms. Bensouda.

22 (Video-clip played)

23 MS. BENSOUDA: Mr. President, I stop at minute 00:07:55.

24 Q. Witness, do you know who is singing, who's leading the songs?

25 A. Yes. He lives in Rwampara, but I don't know his name, because

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Questioned by Ms. Bensouda (Continued)

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1 that day we were visiting Rwampara.

2 Q. So -- thank you, Witness.

3 You -- this was a visit to Rwampara.

4 What is -- what is this event, Witness?

5 A. Well, those are the recruits. We arrived there together with
6 Mzee Bosco and Mzee Thomas Lubanga, and he was the Minister of Defence.
7 We came to visit the recruits.

8 THE INTERPRETER: Correction: "He was the Minister of Defence."

9 MS. BENSOUDA: Can I play some more of the video.

10 (Video-clip played)

11 MS. BENSOUDA: Mr. President, I stop at minute 00:25:00.

12 Q. Witness, do you know the person who is on the screen now?

13 A. Yes.

14 Q. Who is this person?

15 A. It's Thomas Lubanga.

16 Q. Witness, you heard some -- someone singing. There was --
17 everybody was singing, actually. Do you know this song, this song that
18 was sung in the video?

19 A. Yes.

20 Q. Do you know what this song is about?

21 A. I know the song in Swahili, but I can't explain it. I can't
22 explain the words that are sung in this song.

23 Q. Was there any particular time that you had to sing this song?

24 A. Yes. It was important to sing.

25 MS. BENSOUDA: Mr. President, may I play minutes 00:24:30 to

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1 00:25:00?

2 PRESIDING JUDGE FULFORD: Certainly, Ms. Bensouda.

3 (Video-clip played)

4 MS. BENSOUDA:

5 Q. Witness --

6 MS. BENSOUDA: Mr. President, I'm stopping at minute 00:25:00.

7 Q. What about this song, Witness? Do you know this song?

8 A. Yes.

9 Q. What is the song about, if you know?

10 A. Yes.

11 Q. Can you please tell us, Witness, what the song is about?

12 A. The song says, "We are going to win because we're -- we have the
13 power of God. And even if they use amulets, we will win."

14 Q. Was -- was there a particular time that you had to sing this
15 song?

16 A. Yes. Wherever we went we sang.

17 Q. Can you tell us, Witness, one instant when you had to sing this
18 song, apart from in an event like this?

19 A. Even when we -- when we went to battle they asked us to sing so
20 that we would have morale.

21 Q. When you're singing this song going to battle, how -- how do you
22 feel? Can you explain to the Court how you feel singing this song and
23 going to battle?

24 A. Well, there was one song, when we sang it, some people cried,
25 like myself, because I knew I didn't have a family anymore and that I was

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Questioned by Ms. Bensouda (Continued)

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1 all alone. So I really felt pity. I couldn't really express the sadness
2 that I felt, and I couldn't really say that I was afraid.

3 Q. Was it this song that made you feel this way?

4 A. No, it's another one. It's another song.

5 Q. Witness, you also said that the words are saying that you were
6 going to win against those who are wearing amulets. Who were you
7 referring to in this song?

8 A. It's the Lendus who use amulets.

9 Q. Witness, I -- I hear in this song they are saying, and I'm sorry
10 if I mispronounce this, they're saying, "Tokolonga, hey, hey." What
11 language is that?

12 A. It's Lingala.

13 PRESIDING JUDGE FULFORD: Ms. Bensouda, I'm not going to be
14 pedantic about this but counsel must be careful not to give evidence
15 themselves. We haven't heard -- we have haven't had any translation of
16 this. There is no evidence before us as to languages being used and
17 you're now saying what words are heard. We need to be careful about
18 this. It perhaps doesn't matter so much in this instance, but for future
19 reference.

20 MS. BENSOUDA: Yes, Mr. President. I was not attempting to
21 translate the language. I was trying to repeat what I heard. Thank you,
22 Mr. President.

23 Q. Witness, I'm now going to show the last portion of the video.

24 MS. BENSOUDA: And, Mr. President, if I may start showing minute
25 00:36:50 to 00:37:42.

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)
Questioned by Ms. Bensouda (Continued)

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1 PRESIDING JUDGE FULFORD: Certainly.

2 (Video-clip played)

3 MS. BENSOUDA:

4 Q. Witness, can you explain to us what we have just seen, this few
5 seconds of the video?

6 A. I'm -- I'm afraid I didn't understand your question. Could you
7 repeat it?

8 Q. We see people in that portion moving towards a vehicle. Was
9 that -- does that mean that they were leaving the ceremony?

10 A. Yes. We were leaving.

11 PRESIDING JUDGE FULFORD: Leading, Ms. Bensouda. That was taking
12 the witness by the hand and leading her straight to the answer. You
13 really must be more careful.

14 MS. BENSOUDA: I will, Mr. President. Mr. President, for the
15 next questions I think we should go to private session, because I think
16 she may give answers that would require us to be in private session.

17 PRESIDING JUDGE FULFORD: Certainly. Private session, please.

18 *(Private session at 10.43 a.m.) Reclassified as open session

19 COURT OFFICER: Private session.

20 PRESIDING JUDGE FULFORD: Yes, Ms. Bensouda.

21 MS. BENSOUDA: Thank you, Mr. President.

22 Q. Witness, you just informed us that you were leaving. Were you
23 part of those who were leaving?

24 A. Yes.

25 Q. And who are those who were leaving, do you know?

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)
Questioned by Ms. Bensouda (Continued)

Page 23

1 A. There was Thomas Lubanga, Mzee Bosco, and the Minister of
2 Defence.

3 Q. We -- we see a white vehicle in the background. Do you know to
4 whom that vehicle belonged to?

5 A. The first vehicle, the white one, belonged to Mzee Bosco.

6 Q. And you said you were -- you were leaving with them. With whom
7 did you leave with?

8 A. I left with (Redacted).

9 Q. And can you recall in which car you were in when you left with
10 (Redacted)

11 A. The (Redacted) vehicle.

12 Q. Witness, I'm also going to ask you to look at the screen. There
13 is a soldier in uniform shorter than all the others on the screen. Do
14 you know who this soldier is?

15 A. It was one of (Redacted) bodyguards.

16 Q. And do you know this soldier's name?

17 A. No.

18 Q. And would you know the soldier's age?

19 A. No, I don't know his age, but he was younger.

20 Q. Witness, we also see another car - I think it's a red car - in
21 the background. Do you know to whom that vehicle belonged?

22 A. I don't know. There were three vehicles. I don't know whether
23 or not that was Mzee Lubanga's vehicle.

24 Q. You said that you don't know his age but you know he was younger.
25 Younger than -- than who?

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)
Questioned by Ms. Bensouda (Continued)

Page 24

1 A. He was a kadogo, probably about 10 years old, but I don't know
2 his exact age.

3 Q. Thank you, Witness. Now, Witness, you saw in the video there
4 were people with sticks, and some were also without sticks. Some were in
5 uniform, some without uniform. Can you explain who all these people
6 were?

7 MS. BENSOUDA: Mr. President, I think we can go to open session.

8 PRESIDING JUDGE FULFORD: Well, let's have the answer first.

9 Could you answer Ms. Bensouda's question, please.

10 THE WITNESS (interpretation): The ones who had sticks were recruits.
11 The ones who wore military uniforms were also recruits. The ones who
12 had sticks were almost at the end of their training. The ones who were
13 wearing civilian clothes, they were not close to the end of their
14 training.

15 PRESIDING JUDGE FULFORD: Public session, please.

16 (Open session at 10.48 a.m.)

17 COURT OFFICER: Open session.

18 PRESIDING JUDGE FULFORD: Thank you, Ms. Bensouda.

19 MS. BENSOUDA: Thank you, Mr. President.

20 Q. Witness, apart from this visit to the camp, did you visit any
21 other camps?

22 A. Well, it was here the first time I saw Thomas Lubanga. I was
23 only behind the commander, behind my commander.

24 Q. Witness, I'm just going to repeat the last question I asked you
25 about whether, apart from this visit, whether you visited any other

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Ms. Bensouda (Continued)

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1 camps.

2 A. Yes, yes. We visited camps together with (Redacted)

3 MS. BENSOUDA: Mr. President, we may probably need a redaction
4 for that.

5 PRESIDING JUDGE FULFORD: Yes, a redaction, please, in relation
6 to the last answer.

7 MS. BENSOUDA: And, Mr. President, this is all for this witness.
8 Thank you, Witness.

9 PRESIDING JUDGE FULFORD: Thank you. Just before you sit down,
10 Ms. Bensouda, at page 18, line 20, if those with you could please get
11 that up on the screen. There is -- you were there dealing -- or, rather,
12 the witness described a visit to Rwampara, and you then at page 19,
13 line 1, put the question: "What is this event?" Now, for my part it
14 wasn't clear whether the event being referred to by you was the event
15 that we were looking at on the screen or the event in Rwampara. The
16 witness gave the answer: "We arrived there with Mr. Bosco, Mr. Lubanga,
17 and the Minister of Defence," all of whom happen to have been people who
18 were present at the event on the video, and it's a matter entirely for
19 you, but certainly for myself I'm unclear as to whether the witness's
20 answer referred to Rwampara or what we have just been viewing on the
21 video. Now, up to you.

22 MS. BENSOUDA: Mr. President if I may just clarify --

23 PRESIDING JUDGE FULFORD: You most certainly can.

24 MS. BENSOUDA: -- from the witness.

25 Q. Witness --

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session) Page 26
Questioned by Ms. Bensouda (Continued)

1 MS. BENSOUDA: Mr. President, I don't know whether we should go
2 to --

3 PRESIDING JUDGE FULFORD: I think we probably ought to go to
4 closed session for the answer.

5 MS. BENSOUDA: Yes.

6 PRESIDING JUDGE FULFORD: Private session, please.

7 *(Private session at 10.52 a.m.) Reclassified as open session

8 COURT OFFICER: Private session.

9 MS. BENSOUDA:

10 Q. Witness, you have told us about this -- the visit. You were with
11 (Redacted), and that Lubanga was there and the Minister of
12 Defence was there. Where was this filmed? Where was this event taking
13 place?

14 A. It was in Rwampara.

15 PRESIDING JUDGE FULFORD: Fine. Thank you very much,
16 Ms. Bensouda.

17 Now, Ms. Massidda, we're going to have a break at 11.00, in five
18 minutes. How long are you going to be?

19 MS. MASSIDDA: I think, your Honour, between five and ten
20 minutes. Thank you.

21 PRESIDING JUDGE FULFORD: All right. Well, I think we'll have a
22 break now. It's been quite a long time for the witness in the witness
23 box.

24 MS. MASSIDDA: Yes, thank you.

25 PRESIDING JUDGE FULFORD: Madam, thank you very much for your

1 help so far this morning. We are now going to have half an hour's break,
2 in fact just over, and we will look forward to seeing you again at half
3 past 11.00.

4 Can we please go into closed session therefore.

5 (Closed session at 10.54 a.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Recess taken at 10.56 a.m.

22 On resuming at 11.30 a.m.

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Closed Session)
Questioned by Ms. Massidda

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 11.32 a.m.)

8 COURT OFFICER: Open session.

9 PRESIDING JUDGE FULFORD: Yes, Ms. Massidda.

10 MS. MASSIDDA: Thank you, your Honour.

11 Questioned by Ms. Massidda:

12 Q. (Interpretation) Witness, hello. I will ask you a few questions
13 on the physical and psychological consequences of your enlistment in the
14 UPC.

15 This morning you said that at one stage you fled from the UPC. When you
16 fled the UPC, were you given any medical and/or psychological care?

17 A. No, I wasn't given any care.

18 Q. You also said you were injured during the Mbau battle. You also
19 added that as a consequence, you still suffer and have pain. Can you
20 explain to us in detail the physical consequences you still endure today
21 due to the injury from battle?

22 A. I suffer pain in my feet and even in my bones. I have acute
23 pain. Nobody could take care of me because I was a street child without
24 a mother or father. Nobody could take any care of me.

25 Q. Does that type of pains prevent you from walking correctly?

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Ms. Massidda

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1 A. Yes, I can walk properly, but at some times I have very acute
2 pain in my leg.

3 Q. Witness, you have just said that nobody could take care of you
4 because, and I quote, you were a "street child." Can you explain to us
5 what you mean by that?

6 A. When I left the army, I didn't have a home I could go to. I was
7 a street child, because I didn't have a domicile. I didn't have parents,
8 mother, father, or brothers or sisters. I remained a street child. And
9 there was a woman that took pity on me and took me in with her.

10 Q. Are you still suffering from the psychological consequences of
11 your enlistment in the UPC?

12 A. Yes. My life is destroyed. My life is completely destroyed. I
13 don't know after this phase where I'll go. My life is completely
14 destroyed.

15 Q. Thank you, Witness. I would be very grateful if you could help
16 me understand better what it means when you say your life is completely
17 destroyed. Is, in your mind, the fact that you were enlisted in the UPC,
18 did that have consequences on the development of your life?

19 A. Yes, because I was studying. If I could have managed to finish
20 my studies, I would have studied well and finished my studies properly.
21 I used to be a virgin before I entered the UPC, but they took my
22 virginity away I saw the blood; that destroyed my life completely.
23 I cry every day for that. I don't have any parents, a mother or father.
24 I am alone. I have no one to help me, and it's hurting me a lot.
25 When I think about it, I feel like killing myself.

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Ms. Massidda

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1 Q. During your testimony yesterday, you said that you went to school
2 until -- are you okay, Witness? Do you feel okay?

3 A. Yes, I'm okay.

4 Q. I repeat. During your testimony yesterday, you explained to us
5 that you went to school until the fourth year of primary school.
6 Afterwards, you said that you had to leave school. Did you at some stage
7 in your life after you left the UPC resume your studies?

8 A. No. I didn't study anymore. There was nobody that could bear
9 the costs of my studies.

10 MS. MASSIDDA: Your Honour, I would like to touch upon one
11 question, one area which was dealt with in closed session. It's the
12 matter of sexual violence. I'm going to formulate the question in such a
13 way that we can proceed in open session. I'm not going to
14 refer to any specific commander or any specific place.

15 PRESIDING JUDGE FULFORD: Good, Ms. Massidda. Then please
16 proceed.

17 MS. MASSIDDA (interpretation):

18 Q. Witness, yesterday and today during your testimony you shared
19 with us the fact that you had been forced to have sexual intercourse with
20 commanders when you were in a training camp. I wanted to ask you one or
21 two questions on this. You are free to answer these questions or not.
22 If you do not want to answer them, if you don't feel like answering them,
23 please let me know and I will not continue. Do we agree?

24 A. Yes.

25 Q. What you said about being forced to have sexual intercourse with

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Ms. Massidda

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1 commanders, did that experience have any impact on the -- your further
2 life?

3 A. Yes.

4 Q. Can you tell us why?

5 A. Since my virginity was taken from me, after three weeks I started
6 having pain in my lower abdomen and I still feel the pain today. There
7 is nobody who can understand what I underwent because my virginity was
8 taken in a very cruel way, and up until now I still have pain in my
9 stomach.

10 Q. When you left the UPC, were you able to talk to somebody about
11 these events.

12 A. No.

13 Q. Thank you very much, Witness. I know it was difficult for you.
14 Thank you.

15 MS. MASSIDDA: Thank you, your Honour, that ends my
16 questioning.

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

19 Mr. Diakiese. Mr. Diakiese, if you haven't yet been introduced
20 to the witness, it may be you have been, but if you haven't you need to
21 introduce yourself to explain why you're asking questions and on who's
22 behalf.

23 MR. DIAKIESE (interpretation): Thank you very much, President,
24 for your directives, especially as it's my first cross-examination. It's
25 not a procedure I'm very used to. I won't take offence if every time

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Mr. Diakiese

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1 you can put me back on the right track of the proceedings.

2 Questioned by Mr. Diakiese:

3 Q. (Interpretation) Hello, Witness.

4 A. Hello.

5 Q. I'm Maitre Herve Diakiese.

6 I'm a legal representative for

7 victims, for people who have undergone the same situation as you. And on
8 their behalf I would like to ask you a couple of questions concerning the
9 living conditions you experienced in the camp and possibly some of the
10 circumstances that they may have experienced in the same way as you.

11 When I ask you questions you find difficult or don't understand,
12 please do interrupt me and ask me to repeat.

13 I would like to ask you my first question with regard to the
14 circumstances which led you to be in the camps. If I understood you
15 correctly, you said during your last testimony that you were all abducted
16 and brought to the camps. From that time, you were given military
17 uniforms only after the training; is that correct?

18 A. Yes.

19 Q. So if I understand correctly, until you were given a military
20 uniform, the only clothes you wore were the clothes you had on you the
21 day you were abducted and brought to the camp?

22 A. Yes.

23 Q. So you weren't given any other item of clothing until you were
24 given the military uniforms?

25 A. Yes.

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Mr. Diakiese

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1 Q. Am I also correct in saying that when you carried out all the
2 physical exercises you described that you did so wearing the same
3 clothes?

4 A. Yes. We only had those clothes.

5 Q. Did you at some stage have to still wash these clothes?

6 A. No. If you washed the clothes, you had to wear them wet. And
7 that's what we did. We wore the wet clothes and they would dry on our
8 bodies.

9 Q. And the days you couldn't wash, you kept the same clothes that
10 were dirty, and when you washed them they were wet and you kept them on
11 your body. Is that correct? Did I understand correctly?

12 A. Yes. You can rinse the clothes in such a way they're not very
13 wet and then you keep them on your body.

14 Q. Thank you. When you were given uniforms, did you only have one
15 uniform or did you also have a change of uniform?

16 A. There was only one set of uniforms.

17 Q. Was it the same uniform you wore when you were at battle?

18 A. Yes.

19 Q. So if I understand correctly, even as regards the military
20 outfits, you didn't have a change of outfits so it was the same you wore
21 as when you went to battle and that you had to wash and change back into?

22 A. Yes. After the training we only used the -- the sole uniform we
23 had been given.

24 Q. When you were given the military uniform, what happened to your
25 civilian clothes?

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Mr. Diakiese

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1 A. They were full of lice. We burnt the clothes.

2 Q. Thank you. Now I'd like to ask you some other questions concerning
3 the food situation. If I understood your testimony correctly, in the
4 camp's rules, according to those rules you only ate once a day; correct?

5 A. In the morning we would eat porridge without sugar. At lunch we
6 would eat the main meal, and what was left over from lunch we would eat
7 in the evening.

8 Q. And in that process, how did you know that...

9 PRESIDING JUDGE FULFORD: I'm going to interrupt you,
10 Mr. Diakiese, for two reasons. Firstly, Mr. Biju-Duval was trying to
11 rise to his feet. I suspect partly because, as I remember it, the
12 witness in fact said that they ate three times a day.

13 Was that the reason, Mr. Biju-Duval?

14 MR. BIJU-DUVAL (interpretation): Yes, Mr President. And I'm sorry
15 for interrupting my learned colleague Mr. Diakiese.

16 What I wanted to say was that I understood that the questions
17 would only be on topics that hadn't yet been addressed by the Prosecutor
18 during the examination-in-chief and that would affect the personal
19 interests of the victims concerned. I believe that these topics have
20 already been addressed during the examination-in-chief and that we're
21 coming back to topics which I believe are of a general interest and don't
22 really relate to personal interests that are well identified.

23 PRESIDING JUDGE FULFORD: Mr. Diakiese, in evidence yesterday the
24 witness gave a very full description of the meals that they had, porridge
25 in the morning, they ate at midday maize cooked with beans without salt

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Mr. Diakiese

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1 or oil and without meat or fish, and they had a meal in the evening; and
2 sometimes they had ground maize which was served with beans which they
3 called Ugali.

4 Now -- so two points. Firstly, your question was on a completely
5 incorrect basis. Secondly, I think this has been very fully covered and
6 I don't see any benefit in us asking the witness, really, to repeat an
7 account that she's already dealt with very fully. And so I think unless
8 there is particular reason I'm going to ask you to move on to your next
9 subject, please.

10 MR. DIAKIESE (interpretation): Thank you very much,
11 Mr. President. Actually, I was just setting the context and I'm not used
12 to this exercise. I didn't want to come back to the menu but to one
13 particular circumstance as to how the meals were served. That's
14 what I was getting at if you let me, President.

15 PRESIDING JUDGE FULFORD: Mr. Diakiese, let's be clear about
16 this. Your question, and I'm now looking at page 33, lines 18 and 19:
17 "In the camp rules, according to those rules you only ate once a day."

18 Now, that really doesn't put the witness on a helpful footing
19 given that she's described three meals a day.

20 Now, what is it that you are seeking to question the witness
21 about in relation to food, given that she's given the complete
22 explanation that I've just set out? Now, I want to know from you,
23 please, Mr. Diakiese, where you're going with this.

24 MR. DIAKIESE (interpretation): Well, I want to show the
25 mechanisms whereby the meals were served to the recruits, whether they

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Mr. Diakiese

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1 were served collectively, individually, whether all were served at the
2 same time and what happened to those that didn't arrive at the proper
3 time when they were called to be given -- served their food.

4 PRESIDING JUDGE FULFORD: All right. Without taking up too much
5 time, Mr. Diakiese, you may explore those points, yes.

6 MR. DIAKIESE (interpretation): Thank you, President.

7 Q. Witness, please, how was everybody informed that it was a
8 mealtime?

9 A. There was a bell, and the bell was rung.

10 Q. When you -- when the bell was rung, were you aligned somewhere?
11 What was the meal protocol?

12 A. Everybody was lined up, and the food was served as you arrived at
13 the table. Everybody was given a mug and you went by.

14 Q. And if somebody hadn't heard the bell or arrived late, what would
15 happen?

16 A. We were present. Everybody was there. It was when we did
17 training. After the training, when the bell was rung, the trainers would
18 bring us to the meals. Everybody was there because we was there training
19 on site.

20 Q. Thank you. I will ask you my penultimate question. Could it
21 happen that everybody was punished for one particular person's mistake?

22 A. If among you somebody had fled, there was a collective
23 punishment.

24 Q. Did this ever occur whilst you were undergoing training?

25 A. Yes.

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Mr. Diakiese

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1 Q. What would the collective punishment consist of?

2 A. We had to do push-ups, you had to face the ground, and were whipped.

3 Q. How should you avoid somebody fleeing to avoid everybody being
4 punished?

5 A. We couldn't do anything. We couldn't do anything. Everybody had
6 their own way of thinking. If somebody had an idea of fleeing and dying
7 over there, they would do so according to what they thought. They could
8 decide to leave and be killed. Everybody had a mind to their own.

9 Q. I would like to deal now with the last aspect of life in the
10 camps. Were you authorised to smoke?

11 A. Yes, even hemp.

12 Q. Sorry, I didn't understand the last answer correctly.

13 A. I said the following: There were cigarettes and even hemp that
14 we smoked in paper. We would smoke all of that.

15 Q. Who showed you the hemp to smoke?

16 A. We weren't shown the hemp, but even if they found somebody
17 smoking they wouldn't say anything to them.

18 Q. Did your leaders know you were smoking hemp?
19

20 A. Yes. Even if they saw you smoke hemp they said, "Yes, go ahead.
21 That will make you strong."

22 Q. Strong to do what?

23 A. It makes one strong. You won't be afraid anymore. You will do
24 your work very well.

25 Q. Did you ever smoke before going to battle?

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Mr. Diakiese

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1 A. Yes. Everybody had a cigar before going to war. Everybody --
2 all those that smoked had their cigarette.

3 Q. I will end with the following: Earlier on during the Prosecutor's
4 questions about a particular song, and if I understood the translation
5 correctly you said there was a song that made you sad personally because
6 you didn't have a father or a mother. I'm trying to understand. What
7 did this song that made you sad say?

8 A. It was a song we sang before going to war. When we go to war, we
9 sing this: "Father and mother have given birth to another child because I
10 don't know if I will come back. I don't know what day I will come back to
11 my family. Give birth to another child."

12 Q. Did you all sing this?

13 A. Yes.

14 Q. And did everybody feel sad the way you did?

15 A. Yes. Among us some were sad, but there was no way in expressing
16 it.

17 Q. And what happened if you expressed your sadness?

18 A. It was very bad. They would say, "You're afraid," that you're
19 fearful.

20 Q. And what happened to those who were scared?

21 A. Well, if they saw you were expressing your fear, you would be put
22 on the front line of the battle.

23 Q. And how could being on the front line of the battle be a
24 punishment for those who were afraid?

25 A. Well, you were put on the front line to help you lose your fear.

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval

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1 Q. Thank you very much.

2 MR. DIAKIESE (interpretation): Thank you, Mr. President, and I'm
3 sorry for all the problems that this first procedure might have led to.
4 Thank you.

5 PRESIDING JUDGE FULFORD: Not at all, Mr. Diakiese.

6 Thank you
7 very much indeed.

8 Yes, Mr. Biju-Duval.

9 MR. BIJU-DUVAL (interpretation): Thank you, Mr. President,
10 your Honours.

11 Questioned by Mr. Biju-Duval:

12 Q. (Interpretation) Good morning, Witness.

13 A. Good morning.

14 Q. My name is Jean-Marie Biju-Duval. I'm a lawyer, and I'm going to
15 ask you some questions as part of the defence of Mr. Thomas Lubanga.
16 Again, let me remind you that if you do not understand one of my
17 questions, please do not hesitate to let me know so that I can rephrase
18 it in a clearer fashion.

19 First of all, I would like to verify some of the practical
20 details.

21 MR. BIJU-DUVAL (interpretation): And if I may, Mr. President, I
22 would like to give you a number of documents that we'll be examining
23 together during my examination.

24 PRESIDING JUDGE FULFORD: They were extremely helpful last time,
25 Mr. Biju-Duval. And so if we could have copies, the Bench is grateful,

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1 and I hope it doesn't cause the Defence too much inconvenience to prepare
2 them.

3 Mr. Biju-Duval, I'm sure that you'll have in mind what occurred
4 when the oath was taken.

5 MR. BIJU-DUVAL (interpretation): Yes, your Honour. In spite of
6 that difficulty, I do believe we can verify what I need to verify
7 together.

8 Q. First of all, Witness, you recall having met the investigators of
9 the Office of the Prosecutor in the month of September, October 2005; is
10 that correct?

11 A. I didn't see anyone in 2005.

12 Q. Do you remember having met for several days with individuals from
13 the Office of the Prosecutor who asked you questions about your life and
14 about your activities within the UPC?

15 A. Yes, I remember.

16 Q. Do you remember that they drafted a statement which contained
17 your answers, the information, and do you remember that this document was
18 translated to you and read to you in Swahili by an interpreter?

19 A. Yes.

20 Q. Could you please open the binder that is before you and take a
21 look at the first document which is behind tab 1. Perhaps the assistant
22 could help you find the appropriate document.

23 I am not going to ask you to read anything, but could you look at
24 the bottom left corner of the document where you see some signatures.
25 Can you tell me if you recognise your own signature to the left -- bottom

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
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1 left corner of the page? There are three signatures on this page. Is
2 your signature in the left-hand corner?

3 PRESIDING JUDGE FULFORD: Now, for everyone else in court, this
4 is the French version of DRC-00126-122.

5 So, madam, is there a mark on the bottom left-hand side of that
6 page which you recognise or not?

7 THE WITNESS (interpretation): No, that's not my signature.

8 MR. BIJU-DUVAL (interpretation):

9 Q. I'd like to ask you to take a look at page 21 of this very same
10 document, and perhaps the assistant can help you find the page.

11 MS. MASSIDDA: My apologies, your Honour.

12 PRESIDING JUDGE FULFORD: Yes, Ms. Massidda.

13 MS. MASSIDDA: I have something on the screen. It's only for the
14 persons in this room, not for the public. Okay. Thank you very much.

15 PRESIDING JUDGE FULFORD: Don't panic, Ms. Massidda.

16 Right. We've got page 21, and what's the question,
17 Mr. Biju-Duval?

18 MR. BIJU-DUVAL (interpretation):

19 Q. You see on this page there is a signature above the date
20 October 3rd, 2005.

21 A. Yes, I recognise that. It's my signature.

22 Q. Thank you. Can you go through the pages and take a look at the
23 bottom of each of the pages of this -- the French version of this
24 statement. At the bottom left you see two letters, two initials that I'm
25 not going to say out loud. These are two handwritten letters at the

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1 bottom left of each page. Did you yourself write those initials on the
2 document?

3 You see, there are three annotations at the bottom of each page.
4 On the right you have DOK, in the middle AZ. And the one to the left
5 that I'm not going to pronounce, did you yourself write those two
6 initials on each of the pages?

7 A. Yes.

8 Q. Do you recall that this document was read and translated to you
9 in Swahili by an interpreter as you indicated?

10 A. Yes.

11 Q. Is what you were read out and what was translated - did it
12 correspond to what you had actually stated?

13 A. Yes.

14 Q. Thank you very much. I'd like to ask you now to set the document
15 aside, and I would like to call your attention to the document which is
16 behind tab 2. If you would be so kind as to take a look at the binder
17 and look at tab 2. Perhaps the support assistant can help you find the
18 appropriate document or someone from the Registry. This document is the
19 application for participation as a victim. It's DRC-OTP-0206-0255.

20 This document is not to be seen by the public if it is displayed
21 on the screen.

22 Have you found the document?

23 Do you remember having asked to participate as a victim in these proceedings
24 proceedings and having filled out, perhaps with some help, a form for that
25 purpose, to apply for participation as a victim in this trial?

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1 A. Excuse me, could you rephrase your question? I'm afraid I didn't
2 understand.

3 Q. Do you remember having filled in a form in order to participate
4 as a victim in the trial, in these proceedings against Mr. Lubanga, an
5 administrative form? In fact, you can see it in the binder under tab 2.
6 Does this indeed correspond to a document that you're familiar with?

7 A. Well, there are documents here, but I don't know what you're
8 talking about.

9 Q. Let's first be absolutely certain that you have before you the
10 document entitled "Application for Participation 1". I'm not asking you
11 to read it.

12 Perhaps the court officer can confirm that that is the document in
13 front of the witness.

14 COURT OFFICER (interpretation): Yes.

15 MR. BIJU-DUVAL (interpretation):

16 Q. Can you take a look at it. Do you recognise this document? I'd
17 like to ask you to look at page 15 out of 29. This is page 15 of 29.

18 PRESIDING JUDGE FULFORD: Mr. Biju-Duval, I'm to interrupt in
19 this sense. I don't think any one of us in this court is going to
20 recognise their own finger-print. You can certainly ask if that is what
21 it is on that page. You can certainly ask the witness whether she
22 remembers putting her finger-print on a document. I don't think there's
23 much value in asking her whether this finger-print is hers.

24 MR. BIJU-DUVAL (interpretation): Your Honour, you're perfectly
25 right.

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1 Q. Do you remember having put your finger-print on this document
2 instead of a signature?

3 A. Yes.

4 Q. Thank you. Do you remember -- this document is dated
5 May 24th, 2006; is that correct? Is that your recollection?

6 PRESIDING JUDGE FULFORD: Mr. Biju-Duval, I do wonder whether you
7 remember what you were doing on the 24th of May, 2006. I mean, there is
8 something very artificial about this, asking a witness who can't read
9 what's on the page, as I understand it, whether she's able to confirm
10 whether it was definitely the 24th of May, 2006. I'm not going to stop
11 you asking the question, but I really don't see the value in it, frankly.

12 MR. BIJU-DUVAL (interpretation): Well, I will move on,
13 your Honour.

14 Q. Let's -- I'd like to look at page 27 of this document, page 27
15 out of 29. Well, the pages 27, 28, and 29. Let's, in fact, go directly
16 to page 29.

17 Can you identify your signature? There's a signature about
18 the middle of the page. Do you remember that you yourself wrote your
19 signature on the document?

20 A. I don't remember anymore. It happened a long time ago, these events.
21 And first of all, I don't know how to sign; and secondly, I don't
22 always sign the same way, so I can't agree with what you're showing me.

23 Q. Do you remember that your counsel, Maitre Massidda, came to meet
24 with you in 2007, during that year, to request additional information?

25 A. Yes, she came.

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1 Q. And is it true that your -- the additional information to your
2 statement was put in a document and that you signed that document?

3 A. I'm afraid I just don't understand you. Could you phrase your
4 question differently, please.

5 Q. Your counsel asked you a number of questions, and the questions and
6 answers were transcribed into a document which was then translated for
7 you into Swahili with the help of an interpreter. Do you remember that?

8 A. Yes.

9 Q. Do you remember that you signed that document?

10 A. Yes, I signed it.

11 Q. We can set those documents aside now, and I would now like to ask
12 you a number of questions in order to make a number of points a bit
13 clearer.

14 MR. BIJU-DUVAL (interpretation): Mr. President, my first series
15 of questions deals with personal matters, and therefore we must go into
16 private session.

17 PRESIDING JUDGE FULFORD: Thank you, Mr. Biju-Duval.

18 Private session, please. Quite right. Before we go into private
19 session, I'm going to ask the Court Officer to give numbers to each of
20 the documents that we have just considered.

21 COURT OFFICER: So the document bearing the number
22 DRC-OTP-0126-0122, the witness statement, shall carry the number
23 MFI-D-00070. The document with the ERN number DRC-OTP-0206-0255, the
24 request for participation, will carry the number MFI-D-00071.

25 PRESIDING JUDGE FULFORD: So private session, please.

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1 *(Private session at 12.21 p.m.) Reclassified as open session

2 COURT OFFICER: Private session.

3 PRESIDING JUDGE FULFORD: Thank you, Mr. Biju-Duval.

4 MR. BIJU-DUVAL (interpretation):

5 Q. First of all, let me say one thing as regards the name or names

6 of your mother. You told us the name was (Redacted), but in the

7 transcript there's another name that you stated, which was (Redacted)

8 Is that also the name of your mother?

9 A. Yes. The name is (Redacted). I repeat, (Redacted).

10 Q. Thank you. You have indicated that you ran away from (Redacted) with

11 your mother just before you were enlisted and then you were separated

12 from your mother. Since that date have you had any contact with her,

13 with your mother?

14 A. No. No, it didn't happen that way. When we were running away,

15 we were in a group, and we were separated. When there were many people,

16 we were separated. It was when we were running away from the war.

17 Q. So I understand that you were separated when you were fleeing.

18 Is that correct?

19 A. When we were fleeing there was a crowd. There was a big crowd.

20 And they were problems between different people, and we lost touch with

21 each other, and some found each other.

22 THE INTERPRETER: Correction: We never found each other.

23 MR. BIJU-DUVAL (interpretation):

24 Q. If I understand correctly, you never saw your mother after that

25 date.

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1 A. No. I didn't see her, but I heard news about her.

2 Q. Do you know what happened to her? Do you know where she was?

3 A. She was already dead.

4 Q. I'm very sorry to have to deal with this issue, but did you learn
5 recently about her death or --

6 A. She died in (Redacted), at the beginning of (Redacted).

7 Q. Thank you. Do you have brothers and sisters before -- well, do
8 you have brothers and sisters?

9 A. Yes. I had an older brother and a younger brother, but I haven't
10 seen anyone since we were separated.

11 Q. Your younger brother, how old was he when you were separated from
12 him?

13 A. He was 6 years old.

14 Q. And you have stated that you were born in (Redacted) 1989; is that
15 correct? This is what you stated at the beginning of your testimony.

16 A. Yes, that is my date of birth.

17 Q. When the investigators of the OTP met with you in 2005, it would
18 seem that you gave them your date of birth as being (Redacted) 1989. At
19 least that's what's written on the first page of the document we examined
20 together a moment ago. Do you remember that?

21 A. I know I was born in 1989. I don't really know the day or the
22 month because I was little.

23 Q. When you asked to participate as a victim, and we took a look at
24 the application form a moment ago, I showed it to you, and when that form
25 was filled in a birth certificate was joined to that document, was

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1 annexed to it. Do you remember that?

2 A. Could you rephrase your question?

3 Q. Do you remember having given a birth certificate -- it's called
4 birth certificate of a child. It's on page 18 of 29 in the application
5 to participate form, reference DRC-OTP-00206-0272. Perhaps the witness
6 could take a look at the document at tab 2, and could we show her page 18
7 out of 29 in such a way that the witness be able to indicate whether or
8 not the witness has seen this document before.

9 A. I'm not familiar with this document. I'm not an educated person.
10 I -- I can't really answer your questions about these documents.

11 PRESIDING JUDGE FULFORD: I have to say I'm not surprised at the
12 answer. I think putting documents in front of somebody who has problems
13 with reading is, generally speaking, not a helpful exercise. You can ask
14 whether the witness has ever provided a birth certificate, for instance,
15 to the officers from the Prosecution, but I think showing -- showing the
16 witness documents in this way is not going to help us. We're not likely
17 to get a helpful answer, and it could be upsetting for the witness, in
18 fact, but you must take your own course.

19 MR. BIJU-DUVAL (interpretation): Perhaps the witness could
20 provide us with a piece of information. Perhaps the witness remembers
21 this.

22 Q. Do you remember having gone to an administrative office to obtain a
23 document that related to your place of birth and your date of
24 birth as well as to your parents' names?

25 A. I never went to a State office.

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1 Q. Do you remember having told anyone, whoever that may be, that you
2 were born on the (Redacted), 1988?

3 A. This is what I said: I was born in 1989.

4 Q. Thank you. You said that you were born in (Redacted). Isn't that
5 correct?

6 A. Yes.

7 Q. You lived there with your family, didn't you?

8 A. Lived where?

9 Q. In (Redacted), which is where you were born.

10 A. I was born in (Redacted), but I never lived there.

11 Q. You never attended school in (Redacted)?

12 A. This is what I said: I don't know (Redacted), but I was born there.
13 I studied in (Redacted).

14 Q. Thank you. As far as (Redacted) is concerned, before you were
15 enlisted by the UPC, where did you and your family live?

16 A. We lived (Redacted). (Redacted)
17 (Redacted)

18 Q. When you say the (Redacted) does that mean in the
19 (Redacted)

20 A. Yes.

21 Q. And you lived there with your two parents and your two brothers?

22 A. I lived there with my mother. My father is dead; he was killed
23 in the course of the war between (Redacted)

24 Q. And you lived there until you fled, as you said. And when you
25 fled, that is when you were in fact enlisted.

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1 A. Yes. We were there in the (Redacted)

2 Q. Do you remember what age you were when you returned to school?

3 You said that you went to school in (Redacted). Do you remember what age you

4 were when you started going to school in (Redacted)? Was it as in the

5 case of all the other children,

6 at the same age as all the other children, or was it at a different age?

7 A. I was very little. I wouldn't know. I only know that I ceased

8 to attend school in the fourth year.

9 Q. And when you were in the fourth grade of primary school, that's

10 when you ceased attending school. Isn't that correct?

11 A. Yes. But I didn't even complete that year.

12 Q. How old were you when you were in the fourth grade, the fourth

13 form?

14 A. I was 13 when I was in the fourth form.

15 MR. BIJU-DUVAL (interpretation): Mr. President, I think we could

16 move back into open session now.

17 PRESIDING JUDGE FULFORD: That's very helpful, Mr. Biju-Duval. Thank you.

18 Public session, please.

19 (Open session at 12.35 p.m.)

20 COURT OFFICER: Open session.

21 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval.

22 MR. BIJU-DUVAL (interpretation): Thank you.

23 Q. Now I'd like to discuss the escape from Bunia and the time when

24 you were enlisted in the UPC. Do you remember whether this event took

25 place during the school period, during the period that schoolchildren

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1 would go to school, or was it during a holiday period?

2 A. It wasn't during the holiday period. It was during the school
3 year.

4 Q. Thank you. You said that this event or these events took place
5 in 2002, at the time that there were clashes in Bunia. Isn't that correct?

6 A. Yes.

7 Q. And these clashes took place in the town of Bunia -- or, rather,
8 did they take place in the town of Bunia?

9 A. There was fighting in Bunia. The Lendu were fighting against the
10 UPC. That's why the population decided to flee.

11 Q. You said -- or, rather, you mentioned the Lompondo's battle. Do
12 you remember that?

13 A. Yes.

14 Q. Lompondo was was an authority of the APC, of the APC army. Isn't that
15 correct?

16 A. Yes.

17 MS. BENSOUDA: Mr. President.

18 PRESIDING JUDGE FULFORD: Yes, Ms. Bensouda.

19 MS. BENSOUDA: The witness never said Lompondo was UPC,
20 President. I believe she said APC.

21 MR. BIJU-DUVAL (interpretation): That's what I said. There was
22 probably a transcription error, but I'm completely in agreement with
23 that. I'm referring to the APC.

24 PRESIDING JUDGE FULFORD: Lost in translation, as they say. APC,
25 not UPC. So I think we better put the question again, Mr. Biju-Duval.

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1 Thank you.

2 MR. BIJU-DUVAL (interpretation):

3 Q. Is it correct that Lompondo, whom you have mentioned, was an
4 official from the APC?

5 A. Yes. He was the head of the APC.

6 Q. The APC was an armed group, isn't that correct, with an army?

7 A. Yes. The APC was like the UPC. It was a military group.

8 Q. Thank you. I know that this is an issue that has briefly been
9 dealt with by the Prosecution, but I believe that it is important to make
10 sure that things are clear. You told the Prosecution that you had fled
11 Bunia - I'll just have a look at my notes for a minute - after Lompondo's
12 battle, and you added the enlistment took place after Lompondo had
13 already left Bunia. Isn't that correct? That's what you said?

14 A. Yes.

15 Q. Could you estimate the time that passed by? Was it one week,
16 two months, six months? Could you give us a rough estimate and say how
17 much time passed from the moment that Lompondo's battle took place, from
18 the moment he left, up until the time that you left Bunia and were
19 enlisted?

20 A. No, I can't remember how long it took. I don't know how many
21 days or how many months passed by.

22 Q. What you are certain of is that Lompondo had already left Bunia;
23 that's what you are certain of.

24 A. Yes, that I know. I joined the army, and that was after Lompondo
25 had left Bunia.

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1 Q. Do you remember that when you were interviewed by the OTP
2 investigators in 2005 you said that this escape and this enlisting took
3 place on the day that the UPC launched attack on Bunia? Do you remember
4 having said that? Paragraph 22 of the October 2005 statement is what I
5 have in mind.

6 A. I didn't say that. What I said is that when the UPC was fighting
7 the Lendu, that is when I was enlisted. It was while we were fleeing.
8 I didn't say there was an attack on Bunia or anything like that.

9 Q. Do you remember having said that you lived in Bunia until the
10 Hema soldiers from the UPC chased away the governor, a certain Lompondo?
11 He was the governor at the time. Do you remember having told the
12 investigators that? I'm referring to paragraph 21, the last section of
13 that paragraph in your statement.

14 A. At that time I was a civilian. I was at my parents' house. I
15 was with my mother. When the UPC drove Lompondo out, I was at home.

16 Q. So you're saying that you don't remember having said that to the
17 OTP. That's your testimony.

18 A. What I'm telling you now is the truth.

19 Q. Do you remember having told OTP investigators:

20 "On the day that the UPC launched an attack on Bunia, all
21 the civilian population, including myself and my family, fled, took the
22 road to Beni in North Kivu. In the general mayhem, we dispersed, and I lost
23 sight of the rest of my family and my mother, (Redacted), in particular.
24 On the road, we could see people advancing at speed, but in the opposite
25 direction, towards Bunia -- or, rather, militia, armed militia advancing

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1 in the direction of Bunia, and they were identified by the people
2 around me as being Hema. They were UPC soldiers. I found that out
3 later because at the time they were in civilian clothing."

4 Do you remember having said that?

5 A. I didn't mention the name of Velo (phoen) in my testimony.

6 Q. No, that name wasn't mentioned. It's not important. But do you
7 remember having said that, and in fact having said that you fled on the
8 very day that the UPC attack was launched on Bunia? That was the day on
9 which the entire civilian population fled from Bunia. Are you saying
10 that that's not what you said to the OTP investigators?

11 A. I said that the UPC was fighting the Lendu at the time that
12 we were fleeing. We fled in the direction of Beni. There were a lot of
13 people there. We scattered, dispersed, and the soldiers stopped us. At
14 that point in time they were armed.

15 Q. Very well. After Lompondo had been driven out of Bunia, is it
16 correct to say that the UPC was in charge of Bunia?

17 A. Yes. The UPC was in charge of Bunia. The Lendu were fighting
18 against the UPC.

19 Q. So you are now referring to an attack launched by the Lendu
20 against the UPC in Bunia; is that right?

21 A. I said that the Lendu were fighting the UPC.

22 Q. Is it your testimony that these clashes between the Lendu and
23 UPC soldiers took place in the town of Bunia itself?

24 A. Yes.

25 Q. You said that this took place in 2002. How were you able to

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1 remember that year, on the basis of which event? Is it on the basis of
2 the Lompondo battle?

3 A. The UPC entered Bunia in 2002, and that is when Lompondo was driven out.

4 Q. And you say that it was shortly afterwards that you were enlisted
5 when this -- when the people were fleeing.

6 A. It was after the Lompondo war, when we were fleeing, because
7 the Lendu were fighting the UPC. It was a very intense
8 war.

9 PRESIDING JUDGE FULFORD: Yes, Ms. Bensouda?

10 MS. BENSOUDA: Mr. President, the witness has now answered this
11 question several times.

12 PRESIDING JUDGE FULFORD: Well, I'm sorry, I don't at the moment
13 think this is inappropriate, Ms. Bensouda.

14 You can continue, Mr. Biju-Duval.

15 MR. BIJU-DUVAL (interpretation): Thank you, your Honour.

16 Q. You said that you fled when there were clashes within the town of
17 Bunia itself. There were clashes between UPC soldiers and the Lendu. If
18 I put it to you that there was no fighting in the town of Bunia itself from
19 Bunia itself from the time of -- what I would call the Lompondo battle -- or
20 between the time of the Lompondo battle and the month of March 2003, well,
21 would this help to refresh your memory?

22 A. Could you put that question to me again, please.

23 Q. You told us that you fled the town of Bunia because there was
24 fighting in the town of Bunia itself. There was fighting between the
25 Lendu who were attacking the UPC soldiers. If I say that there was no

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1 fighting -- if I put it to you that there was no fighting between -- or
2 from the time of the Lompondo battle in August 2002 up until the 6th of
3 March, 2003, if I say that there was no fighting during this period
4 within the town of Bunia itself would this help you to refresh your
5 memory?

6 A. That's what I said. I was there. This is what I said: There
7 was a battle. The Lendu couldn't take Bunia. The UPC was in control of
8 Bunia. I said there was fighting there. That was when we were fleeing
9 and heading in the direction of the Beni road.

10 Q. Very well. So you were then captured on the road to Beni having
11 left Bunia. I think you even said that it was in the vicinity of the
12 Dele village. Is that right?

13 A. Dele isn't a village. Dele is the name of a slaughterhouse.
14 It's 7 kilometres from Bunia on the road to Beni.

15 Q. Thank you. So -- I apologise. I'll rephrase my question.

16 When you filled in the form to request to participate in the
17 proceedings as a victim, the form that bears your finger-print, you know
18 what I'm referring to, don't you?

19 Do you remember having told the person filling in the form that
20 you were allegedly enlisted at the stadium or -- in Bunia? I'm referring
21 to page 10 of the document where you requested to participate in the
22 proceedings, and there's a reference to enlisting at the Bunia stadium.
23 Do you remember this?

24 A. No.

25 Q. Do you remember having told the person who filled in this

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1 form - I'm still referring to the same one - do you remember having told
2 this person that, and I quote: "I was barely 15 years old." End of
3 quotation. So this refers to the time of your enlistment. I'm referring
4 to page 9 of the document.

5 A. I said that I can't confirm what you have said.

6 Q. Thank you. Do you also remember having said in a similar manner,
7 in the course of this procedure when this form was being filled in, do
8 you remember having said that you were enlisted from January to
9 December 2003, and you said that you didn't know the exact dates. I'm
10 still referring to page 9 of the very same document. It's the last
11 section. Do you remember having said that?

12 A. No. Which event are you referring to?

13 Q. I wanted to examine some of the details contained in the form in
14 which request was made to participate as a victim in the Lubanga case, so
15 I wanted to see whether it was you who had provided the information that
16 is in this form that I have been referring to, and for the moment your
17 answer is no; is that correct?

18 PRESIDING JUDGE FULFORD: We'll have to have some lunch at some
19 stage. Find a convenient moment.

20 MR. BIJU-DUVAL (interpretation): One last question. No,
21 Mr. President, I don't have a final question to put to the witness.

22 PRESIDING JUDGE FULFORD: I hope I didn't interrupt your flow,
23 Mr. Biju-Duval.

24 Madam, once again many thanks for your help so far. We're going
25 to have a break now for lunch. It's the end of the week, so we're going

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1 to have a slightly shorter break today. We will sit again at 1.55,
2 five to 2.00. Thank you very much.

3 Can we go into closed session, please.

4 *(Closed session at 12.59 p.m.) Reclassified as open session

5 COURT OFFICER: Closed session.

6 (Mr. Lubanga withdrew)

7 (The witness stands down)

8 PRESIDING JUDGE FULFORD: Five to 2.00.

9 Luncheon recess taken at 1.00 p.m.

10 On resuming at 1.56 p.m.

11 COURT USHER: All rise. Please be seated.

12 PRESIDING JUDGE FULFORD: Witness, please.

13 (The witness takes the stand)

14 (Mr. Lubanga entered court)

15 PRESIDING JUDGE FULFORD: Public session, please.

16 Thank you, Mr. Lubanga.

17 Mr. Biju-Duval, while that's happening, I've been informed by the Victims
18 and Witnesses Unit that purely for reasons of physical comfort, it would be
19 helpful to the witness if we had a 10- or 15-minute break mid-
20 afternoon. So just to warn you that around 3.00 we'll have a short
21 break.

22 (Open session at 1.58 p.m.)

23 COURT OFFICER: Open session.

24 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval.

25 MR. BIJU-DUVAL (interpretation): Thank you, President.

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1 Q. Good afternoon. I would just like to briefly come back to the
2 issue of the birth certificate that had been annexed to your application
3 to participate as a victim. Just as an additional clarification, do you
4 know whether somebody went to get this document for you, this birth
5 certificate? I'm not asking you to give us their name. I just would
6 like to know if you know how the document was obtained.

7 A. I don't know.

8 Q. Thank you. Did you have any specific problems during your school
9 years? I'm not talking about the breaks due to the enlistment, but
10 before enlistment were there any specific problems you faced?

11 A. No.

12 Q. So is it correct to say that you went to school normally as other
13 children did, approximately at the same age, before your enlistment?

14 A. When I was sent to school the --

15 THE INTERPRETER: The interpreter would like to mention that he
16 hasn't heard the last sentence of the answer.

17 MR. BIJU-DUVAL (interpretation):

18 Q. Could you please repeat your answer, because the interpreter
19 hadn't heard the second part.

20 A. I was sent to school, but I can't remember the years you
21 mentioned because I was still very young. I can't remember.

22 Q. You told us two things. You said that you interrupted school
23 because of the enlistment whilst you were in the fourth year of primary
24 school. You also said that on the date of enlistment you were 13 years
25 old.

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1 Could you tell us why you were 13 years old in the fourth year of
2 primary school when the average age of a child in fourth year of primary
3 school is 9 or 10 years?

4 A. No, that's not the case. Some families have difficulty sending
5 their children to school, so their children don't go to school. And I
6 started late, too, and I ended up in the fourth year of primary school
7 when I was 13 years old.

8 Q. Thank you. Now, I'd like to come back to the enlistment on
9 the Beni road.

10 When you started your evidence, you said you arrived at Dele on
11 the Beni road and that there you were taken by soldiers; and then you say
12 that the soldiers who took you, took you to the bush, to the
13 slaughterhouse, and then you arrived at Rwampara, Rwampara camp. Do you
14 remember saying that?

15 A. Yes.

16 Q. So it's in Dele that you were arrested; correct?

17 A. Yes, it was in Dele.

18 Q. So it wasn't at the slaughterhouse; correct?

19 A. We passed by, next to the slaughterhouse.

20 Q. Thank you. When you arrived at Rwampara camp with the soldiers,
21 were there already soldiers in the camp?

22 A. Yes.

23 Q. Were there already recruits being trained?

24 A. We were the first recruits in Rwampara.

25 Q. Thank you. With regard to the soldiers, who were already

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1 present in Rwampara camp when you arrived. Did they wear uniforms?

2 A. No, they didn't have military uniforms. They only had weapons.

3 Q. Thank you.

4 THE INTERPRETER: The interpreter would like to add: "They were
5 also dressed in civilian clothes."

6 MR. BIJU-DUVAL (interpretation):

7 Q. How long did your training in Rwampara camp last, as far as you
8 remember?

9 A. I can't remember.

10 Q. You said --

11 MR. BIJU-DUVAL (interpretation): Sorry, President. I don't
12 think that mentioning the name of the camp commander would be
13 problematic, would it?

14 PRESIDING JUDGE FULFORD: Mentioning the
15 camp commander as "the camp commander," is no problem, Mr. Biju-Duval.

16 MR. BIJU-DUVAL (interpretation):

17 Q. You said that the camp commander was (Redacted); correct?

18 A. Yes.

19 Q. He was the commander from the beginning to the end of your
20 training, was he?

21 A. During my training, but I don't know what happened to him after
22 my training.

23 Q. And during the training, did you hear any details concerning
24 his -- his position, past military activities? Can you tell us anything
25 more about him?

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1 A. No, I don't know.

2 Q. Did you see him again after the training?

3 A. No, I didn't meet (Redacted). When we left the camp, he had stayed
4 there. After that I didn't see him anymore.

5 Q. Do you know his grade in the military hierarchy, ((Redacted))?

6 A. No. I don't know his rank in the military hierarchy. I know he
7 was a chief, but I don't know his rank.

8 MR. BIJU-DUVAL (interpretation): Just a second, if possible.

9 (Defence counsel confer)

10 MR. BIJU-DUVAL (interpretation):

11 Q. You were under (Redacted) orders for the whole time of your
12 training. On the military level, did he appear to you to be an
13 experienced soldier?

14 A. He was a chief, but I can't give more details than that.

15 Q. When you went to Mandro, did you go with (Redacted)?

16 A. We went to Mandro with all our leaders.

17 Q. Thank you. Would it be correct to say that (Redacted) was an APC
18 commander, the APC led by Lompondo, who was killed in Beni in 2001 during
19 the attack on Mr. Jean-Pierre Bemba's residence? Does that ring a bell?

20 A. No. I don't remember. There were a lot of people with that
21 name. If a commander died there, it doesn't mean to say that
22 he was the commander. He might have the same name as him.

23 MR. BIJU-DUVAL (interpretation): President, now I'm going to
24 deal with the specific -- the witness's specific functions, and I think
25 we should have a closed session for this.

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1 PRESIDING JUDGE FULFORD: Thank you for the caution,
2 Mr. Biju-Duval.

3 Private session, please.

4 *(Private session at 2.12 p.m.) Reclassified as open session

5 COURT OFFICER: Private session.

6 PRESIDING JUDGE FULFORD: Yes.

7 MR. BIJU-DUVAL (interpretation):

8 Q. Now I'd like to look at some of your -- some details about some
9 of your functions as (Redacted) bodyguard. If I understood
10 correctly, you explained to the Chamber that you had been selected by
11 (Redacted) as a bodyguard at the end of the training; correct?

12 A. Yes.

13 Q. Could you describe in more detail, according to your memory, the
14 way in which this choice of (Redacted) came about?

15 A. He took us in Rwampara.

16 Q. I understood he took you in Rwampara at the end of your training,
17 but how did things happen? I understood that there was a large number of
18 recruits that had undergone training. How did (Redacted) make his
19 choice or, to be more precise, how in your mind did it happen? Why did
20 he choose you over and above others? How did it happen?

21 A. He didn't choose me alone. There were (Redacted) girls and there were
22 other boys. I wasn't the only person to be chosen.

23 Q. You're right in recalling this. However, how come you were part
24 of that group that was selected?

25 A. I don't know. Everybody has their luck. I don't know, but I

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1 know he chose me as one of his bodyguards.

2 Q. Do you remember the time when you found out you had been chosen?
3 How did that happen?

4 A. I said he took us in (Redacted) as his bodyguards. He said, "You
5 will be my bodyguards."

6 Q. But before then. Had he had an opportunity to work with you, get
7 to know you, to select you?

8 A. We were in training. It's not that he worked with us. It was
9 after the training as recruits that he chose us.

10 Q. So am I correct in saying that you don't actually know why he
11 chose you over and above any other?

12 A. He chose me -- he chose me. He chose the others too. Everybody
13 has their own form of luck. I wasn't the only soldier.

14 Q. But for you what was sure was that you were chosen at the end of
15 the training; correct?

16 A. Yes.

17 Q. I would like to ask you a question which relates to the statements
18 transcribed by the investigators of the Office of the Prosecutor in
19 September 2005. Now, for everybody to understand what I'm talking about,
20 I will refer to the statement of 2005 and to paragraphs 41 to 52.

21 I obviously won't ask you to consult the paragraphs, but my
22 question is the following: Do you remember that -- sorry. I will
23 reformulate my question for it to be clear.

24 Do you remember that when you spoke to the investigators of the
25 Office of the Prosecutor in 2005, do you remember saying that Kpandroma

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1 was where you were designated by (Redacted) as a bodyguard?

2 For everybody to understand, I'm referring explicitly to
3 paragraph 52 of the statement, which is to be understood against the
4 background of the paragraphs preceding it. I will read one sentence of
5 that paragraph 52, and then if you want, we can come back to the
6 preceding paragraphs to understand the context, and I quote: "Having
7 given these precise instructions to his men, he turned to us, the young
8 recruits, and chose (Redacted) young girls, including me, and (Redacted)
9 militia men, aged more than 18, to compose his own escort." End of
10 quotation. So in the preceding paragraphs - and I stand to be corrected by
11 the Chamber and Office of the Prosecutor - you described the Libi and Mbau
12 combats and your arrival in Kpandroma. And I believe that you say that
13 it was in Kpandroma, after those two battles, that you were appointed as
14 a bodyguard for (Redacted). Can you remember saying that to the
15 investigators of the OTP?

16 A. When they read the statement I said that I didn't talk about
17 Kpandroma but I said Rwampara. Maybe there was a mistake on the part of
18 the interpreter. I didn't say Kpandroma.

19 Q. Just for clarity's sake, I will read the last sentence of
20 paragraph 51 and the first of paragraph 52, following what is written in
21 the transcript. So I quote:

22 "I couldn't hear the conversation that (Redacted) had with
23 two Lendus because they went away from us to discuss matters, but it
24 didn't last very long. And when they came back, the commander called
25 other soldiers, militiamen, and ordered them to install three -- or set

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1 up three companies around Kpandroma village and stated specifically not
2 to attack and only to respond if the Lendu attacked."

3 Paragraph 52 now: "After giving those clear instructions to his men he turned
4 to us and selected (Redacted) young recruits, (Redacted) young girls, including,
5 including myself, and (Redacted) militia men who were more than 18 years old
6 to make up his escort. (Redacted) the young recruits was my age. (Redacted)
7 (Redacted) was younger. I was personally very proud to have been nominated
8 as bodyguard of a commander (Redacted). It was
9 an honour. It paid tribute to my aptitudes as a soldier." I'll stop there,
10 end of quotation. So is that what you said to the Office of the Prosecutor
11 concerning the circumstances in which you were appointed as a bodyguard?

12 A. Well, I said when I saw that statement -- and I repeated it, I
13 didn't say what is written there. It's not what is written there.

14 Q. Fine. Thank you. Did you -- or were you in another armed group?

15 MR. BIJU-DUVAL (interpretation): Your Honour, we can go back
16 into open session.

17 PRESIDING JUDGE FULFORD: Thank you, Mr. Biju-Duval. Thank you,
18 Maitre Mabilie.

19 Open session, please.

20 (Open session at 2.24 p.m.)

21 COURT OFFICER: Open session.

22 MR. BIJU-DUVAL (interpretation):

23 Q. Were you in another armed group amongst other soldiers before you
24 were enlisted in the UPC?

25 A. I have said that it was the UPC that enlisted me. At what age do

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1 you think I was that I would have been able to be in another
2 armed group before that?

3 Q. So I understand, therefore, that the UPC was the first and the
4 only armed group that you were enlisted in. Is that correct? Is that
5 what you're testifying?

6 A. It's not that the UPC was the only armed group. There were other
7 armed groups but it was the UPC who enlisted me.

8 Q. Fine. We agree. Yes, that was the meaning of my question. You
9 were not enlisted in any other armed group. Is that correct? You were
10 never enlisted in any other armed group?

11 A. What other armed group are you talking about?

12 Q. It's a general question. The question is did you belong in one
13 way or another to another armed group, another army other than the UPC?

14 A. I was a pupil in school.

15 PRESIDING JUDGE FULFORD: I take that as a very clear no.

16 MR. BIJU-DUVAL (interpretation): Thank you, your Honour.

17 Q. Before you left the UPC -- well, perhaps I should clarify one point
18 before I ask my question. I believe you said you left the UPC
19 after what you called the battle against the French.

20 A. Yes. I ran away.

21 Q. Thank you. After you ran away did you live in Bunia?

22 MR. BIJU-DUVAL (interpretation): I don't want to make it any more precise
23 than that. I don't think that this question calls for private session to
24 refer to the town of Bunia in general?

25 PRESIDING JUDGE FULFORD: Do we need an answer? Do we need to

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1 know this, Mr. Biju-Duval? I mean, I don't know whether there are
2 security concerns. I would anticipate there may be. I'm not going to
3 stop you. I just want to make sure this is necessary.

4 MR. BIJU-DUVAL (interpretation): I believe my question is
5 necessary, and as a precautionary measure, I would prefer to go into
6 private session because I would like to ask some more precise information
7 which I can do right now in private session.

8 PRESIDING JUDGE FULFORD: Certainly. Private session, please.

9 *(Private session at 2.28 p.m.) Reclassified as open session

10 COURT OFFICER: Private session.

11 PRESIDING JUDGE FULFORD: Thank you. Mr. Biju-Duval.

12 MR. BIJU-DUVAL (interpretation):

13 Q. After you ran away from Bunia - counsel corrects -- after you ran
14 away from the UPC, where did you go to live?

15 A. After I left the UPC I went to Bunia, (Redacted)
16 (Redacted)

17 Q. Thank you. When you say "we," you were not alone? There were
18 several people?

19 A. Well, it's the majestic "we," if you will. The royal "we."

20 Q. At any point in time did you live with ex-UPC soldiers, former
21 UPC soldiers? Well, when I say "at any point in time," perhaps I should
22 be more precise. I want to make it perfectly clear I do not want you to
23 tell me where you live today, nor do I want to know where you might have
24 been in the protection programme which is set up by the ICC. So I do not
25 want to know the names of those places. That is not the point of my

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1 questions. My questions cover the period before that, before the
2 ICC took charge of you. Do you understand that? Is that clear?

3 A. Yes. Yes, I understand.

4 Q. Before the ICC took charge of you, did you at any point in time
5 live in Bunia, (Redacted)

6 A. Yes, I lived there before, and then I left and I went to
7 (Redacted).

8 Q. When you say you lived there before, well, what period are you
9 referring to? Do you mean just before you left for (Redacted)?

10 A. When I ran away from the UPC I went there, and then from there,
11 (Redacted)

12 Q. Thank you. When you were living in (Redacted)
13 (Redacted), did you ever meet one or several individuals who were
14 involved in taking care of demobilised children?

15 A. I met the agents working for COOPI.

16 Q. Thank you. Are you familiar with a person whose name is
17 (Redacted)

18 A. No. No, I don't know that name.

19 Q. And if I say the name (Redacted) (phoen), does that mean
20 anything to you?

21 A. No.

22 Q. Does the name (Redacted) mean anything to you? A person you might
23 have met at that time.

24 A. I don't know those names, the names you have mentioned.

25 Q. And if I say the name (Redacted)

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1 A. No. No, I don't know.

2 Q. During that period when you were living on (Redacted)
3 (Redacted), did you ever meet someone ,a white person, from the
4 MONUC child protection unit?

5 A. Excuse me, could you repeat your question? I'm not sure I
6 understood.

7 Q. After you ran away from the UPC, you were in Bunia and you lived
8 (Redacted). During that period did you ever meet someone, a
9 white person who came from the child protection unit of the MONUC, the
10 United Nations mission there? Did anyone from that unit meet with you?

11 A. I don't understand you.

12 Q. During this same period did you have an opportunity to tell your
13 story to someone from the MONUC, that is, the story of what happened to
14 you in the army?

15 A. I never talked to anybody from the MONUC. I have said that I
16 spoke to someone from COOPI.

17 MR. BIJU-DUVAL (interpretation): Your Honour, I wonder if I'm
18 allowed to ask the name of this person.

19 PRESIDING JUDGE FULFORD: The name of the person from COOPI.
20 There don't appear to be any objections, Mr. Biju-Duval, so please go
21 ahead.

22 MR. BIJU-DUVAL (interpretation):

23 Q. If you know the name, could you tell us the name of the person
24 you met from COOPI?

25 A. The name was (Redacted)

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1 Q. Did you tell the story of what happened to you in the army to
2 this person, that is, from your enlistment in the army?

3 A. Yes, we talked about it.

4 Q. Thank you. Were you, at any point in time during your life, were
5 your -- were you under the orders of Commander Azuguro or a second
6 commander --

7 THE INTERPRETER: Whose name the interpreter did not catch, Ukelo
8 perhaps.

9 THE WITNESS (interpretation): No, I don't know. I'm afraid I
10 don't understand your question.

11 PRESIDING JUDGE FULFORD: I am going to ask you to
12 split them up, if you would, Mr. Biju-Duval. Can we have one at a time
13 rather than both together. So rather than the composite question in
14 which you have both, could we have one and then the other. Thank you
15 very much.

16 MR. BIJU-DUVAL (interpretation):

17 Q. Were you a soldier under the orders of a Commander Ukelo,
18 U-k-e-l-o?

19 A. I don't know that name. It was a soldier from what group?

20 Q. Were you a soldier under the orders of Azuguro, A-z-u-g-u-r-o?

21 A. No.

22 Q. Were you a soldier under the orders of Commander Alex Munylezi,
23 M-u-n-y-l-e-z-i, in particular during fighting in Libi -L-i-b-i, in 2001
24 and in Kparanganza K-p-a-r-a-n-g-a-n-z-a?

25 A. In 2001 I was not a soldier, so I don't know.

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1 Q. Were you a soldier under the orders of Commander Didier, in Djugu
2 in particular?

3 A. I told you that I don't recognise those facts.

4 Q. Were you a soldier under the orders of Commander Asimwe,
5 A-s-i-m-w-e, in particular in Mahagi in the year 2001? Or in other periods?

6 A. Well, I've already told you that I'm not familiar with those
7 facts.

8 PRESIDING JUDGE FULFORD: Mr Biju-Duval, two points: One, do
9 we need to be in private session for this? I think we probably don't, do
10 we?

11 MR. BIJU-DUVAL (interpretation): Of course, your Honour, yes.

12 PRESIDING JUDGE FULFORD: Public session, then. And I think
13 given that the witness has clearly said that in 2001 she wasn't in the
14 military at all, I think going through a list of possible commanders for
15 2001 isn't hugely helpful, because as the witness has said, in that year
16 it was before she was enlisted into the UPC. So once again I'm not going
17 to stop you, but I'm not sure whether it's hugely valuable just putting
18 different names for the same year because it's likely to produce the same
19 answer.

20 (Open session at 2.42 p.m.)

21 COURT OFFICER: Open session.

22 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval.

23 MR. BIJU-DUVAL (interpretation): Thank you.

24 Q. If I were to suggest that you were enlisted by the APC and not
25 the UPC in 1999 until the year 2003, what would you say? Do you agree?

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1 Is that untrue?

2 A. I know nothing about what you're saying. I was enlisted by the
3 UPC. What you're talking about, I know nothing about that.

4 Q. If I were to suggest that -- well, let me rephrase that. If you
5 re-think about the period when you joined the ranks of the UPC, rather
6 than being 13 years of age, isn't it true that in fact you were much
7 older than that and most likely already an adult?

8 PRESIDING JUDGE FULFORD: Madam, can I -- I know this has gone on
9 for some time, but can I ask you to answer the question? It's being put
10 to you by counsel that you weren't 13 years of age when you joined the
11 UPC, you were instead an adult, and really what Mr. Biju-Duval is asking
12 you whether that's true or false. Were you an adult when you joined the
13 UPC?

14 THE WITNESS (interpretation): I told you that when I was
15 enlisted in the UPC I was 13 years old. I don't understand what counsel
16 is saying to me.

17 PRESIDING JUDGE FULFORD: Thank you very much.

18 Anything further, Mr. Biju-Duval? Yes. No, just I saw you were
19 seated. I wasn't sure whether that was because you had finished your
20 questions. Yes, thank you. Please proceed.

21 MR. BIJU-DUVAL (interpretation): I believe we need to go into
22 private session for my last questions, your Honour.

23 PRESIDING JUDGE FULFORD: Private session, please.

24 *(Private session at 2.45 p.m.) Reclassified as open session

25 COURT OFFICER: Private session.

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1 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval.

2 MR. BIJU-DUVAL (interpretation):

3 Q. Thank you. Do you know someone by the name of (Redacted)

4 A. No.

5 Q. If I mention his name as (Redacted)

6 THE INTERPRETER: Counsel spelled a bit too quickly, I'm afraid.

7 Q. Does that name mean anything to you?

8 A. I don't know that name.

9 Q. Do you know someone by the name of (Redacted)

10 A. No.

11 Q. If I were to say the (Redacted)

12 A. I don't know that person.

13 Q. Do you know someone by the name of (Redacted)

14 A. I don't know (Redacted). I don't know where he's from.

15 Q. I am going to ask you some questions about persons that you might
16 have met under the court's protection programme. I do not want you to
17 tell us where you might have been, and if the Chamber will allow, I would
18 simply like to know whether you know the names of some individuals,
19 whether you know these individuals; that is, when you were taken care of
20 by the ICC, did you live with other people in the same situation, other
21 young people that the ICC was taking care of?

22 PRESIDING JUDGE FULFORD: If you're wanting a response from the Bench,
23 Mr. Biju-Duval, there's no difficulty about you asking who lived with
24 whom so long as we don't go into addresses.

25 MR. BIJU-DUVAL (interpretation): Thank you very much,

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1 your Honour.

2 Q. Could you tell us with whom you were living, if that was the
3 case, in the framework of the ICC programme? I don't mean, of course,
4 people working for the ICC but other people who took care of you.

5 A. I don't know who you are referring to.

6 Q. Do you understand what I say when you're talking about the period
7 of time when the ICC took -- took you in, took care of you?

8 A. I don't understand exactly what you mean. You're talking about
9 living with these people? Where? I lived in various different places.

10 PRESIDING JUDGE FULFORD: Just before you do, you've -- I'm
11 not sure whether you meant to. In the last main question on this you
12 said, "I don't mean, of course, people working for the ICC but other
13 people who took care of you." That's how it was translated. I don't
14 know whether you said that in French. Probably not. Absolutely.

15 I think if you're asking her whether she's lived with other
16 former child soldiers, which is what I understand your question to be,
17 then might I respectfully suggest that you put it directly in that way:
18 While she's been in the protection programme, has she lived with other
19 child soldiers.

20 MR. BIJU-DUVAL (interpretation): Thank you, your Honour.

21 Q. Did you live with any other child soldiers within the court's
22 protection programme?

23 A. When I was accepted into the programme, I began living with some
24 people who are here with me at the court.

25 Q. Thank you. Can you give me their names?

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1 A. I don't know if I can give their names here.

2 PRESIDING JUDGE FULFORD: I'm really sorry to interrupt again.

3 Would it, in fact, be of assistance to the Defence if a schedule was
4 provided to you of which witnesses have lived together, and if they have,
5 the dates when they lived together prior to giving evidence at this court
6 to save, in a sense, you having to ask each witness who it is that they
7 may have lived with in the months, weeks, and days leading up to giving
8 evidence?

9 MR. BIJU-DUVAL (interpretation): I understand your comment,
10 your Honour, but the Chamber must perhaps understand that we're trying to
11 obtain information other than what is provided officially by the court,
12 by the services of the court.

13 PRESIDING JUDGE FULFORD: All right.

14 Madam, I'm going to ask you, therefore, please, to give the names
15 of the other child soldiers or former child soldiers that you have lived
16 with since you entered the court's protection programme.

17 THE WITNESS (interpretation): We met here, and when I was
18 talking there was (Redacted). We met when
19 Alice put us together to talk with us.

20 MR. BIJU-DUVAL (interpretation):

21 Q. Thank you. You mention (Redacted). Do you know
22 their full names?

23 A. No. I only know the names I've just given.

24 Q. Thank you. Since you've been here in The Hague, have you been in
25 contact with those persons?

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1 A. No. We don't live in the same place. We all live in different
2 places. And since we've been here, we don't see each other.

3 Q. Thank you.

4 MR. BIJU-DUVAL (interpretation): May I have a minute to confer.

5 PRESIDING JUDGE FULFORD: Yes.

6 (Defence counsel confer)

7 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval.

8 MR. BIJU-DUVAL (interpretation): Thank you, your Honour.

9 Q. You mentioned fighting in Libi, fighting in Mbau, and you
10 apparently participated in that fighting in the UPC ranks.

11 If I put it to you that there was fighting in these villages but
12 in 2001 and not during the period that you have been referring to, would
13 that lead you to amend your testimony?

14 A. There's nothing I want to change. What I said is what happened,
15 and I was present.

16 Q. Thank you.

17 MR. BIJU-DUVAL (interpretation): Your Honour, I have no further
18 questions for the witness.

19 PRESIDING JUDGE FULFORD: Good. We're going to take a break now,
20 and, madam, I'm now able to tell you with near complete confidence that
21 you will finish your evidence this afternoon. When we come back into
22 court, there may be a few questions from the Judge who sits on my right.
23 There may be a few questions from Ms. Bensouda, I don't know, and then
24 depending on whether there's anything else from the Defence, your
25 evidence will be finished.

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Closed Session)
Procedural Matters

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1 So we'll take a break now until -- we'll take a break until 3.15.
2 Good. Closed session, please.
3 *(Closed session at 2.58 p.m.) Reclassified as open session
4 COURT OFFICER: Closed session.
5 (Mr. Lubanga withdrew)
6 (The witness stands down)
7 PRESIDING JUDGE FULFORD: Quarter past 3.00.
8 Recess taken at 2.59 p.m.
9 On resuming at 3.15 p.m.
10 COURT USHER: All rise. Please be seated.
11 PRESIDING JUDGE FULFORD: Witness, please.
12 (The witness takes the stand)
13 PRESIDING JUDGE FULFORD: Blinds up, but private session, please.
14 (Mr. Lubanga entered court)
15 PRESIDING JUDGE FULFORD: Thank you very much, Mr. Lubanga.
16 (Private session at 3.18 p.m.)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Private Session)
Questioned by the Court

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)

11 (Open session at 3.20 p.m.)

12 COURT OFFICER: Open session.

13 JUDGE ODIO BENITO: Thank you. The sexual violence was suffered
14 only by the PMF or also the kadogos suffered sexual violence?

15 A. Kadogos are young children. The PMF, well, they are women.

16 JUDGE ODIO BENITO: Yes. Thank you. You were explaining that
17 during your testimony. But precisely my question is if these young boys
18 also suffered sexual violence or only the young girls suffered the sexual
19 violence.

20 A. It was only the females, the girls, not the boys.

21 JUDGE ODIO BENITO: Could you tell us if the young girls suffered
22 the sexual violence only from the commanders or also from their comrades?

23 A. An ordinary soldier couldn't rape you, but when a commander had
24 issued an order, it would be carried out because the commander had power.

25 JUDGE ODIO BENITO: Thank you. Could you explain to us about the

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
Further Questioned by Ms. Bensouda

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1 duties of the PMF in the camps? In addition to the military training,
2 were you in charge of other kind of tasks?

3 A. No. It was just military service. There was nothing else. We
4 worked like the men.

5 JUDGE ODIO BENITO: Thank you. Finally, you mentioned during
6 your testimony that the use of certain types of drugs were common in the
7 camp. Do you have any consequences in your present life as a result of
8 your use of drugs during the time of your recruitment?

9 A. Yes. This continues to disturb me sometimes.

10 JUDGE ODIO BENITO: What kind of problems?

11 Could you explain to
12 us a little bit more?

13 A. Well, today, sometimes I have headaches or bad thoughts occur to
14 me. This happens to me frequently.

15 JUDGE ODIO BENITO: Thank you, ma'am. Thank you, very kind of
16 you.

17 PRESIDING JUDGE FULFORD: Thank you. Any further questions,
18 Ms. Bensouda?

19 MS. BENSOUDA: Thank you, Mr. President, just one question.

20 Further Questioned by Ms. Bensouda:

21 Q. Witness, when you were answering questions from my learned
22 colleague Mr. Biju-Duval you mentioned other child soldiers, and I want
23 to ask you whether at any time you discussed with any of them or together
24 what you have told us here yesterday and today?

25 A. No.

Witness: Witness DRC-OTP-WWW-0010 (Resumed) (Open Session)
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1 MS. BENSOUDA: That's all,
2 Mr. President.

3 PRESIDING JUDGE FULFORD: Very short and to the point,
4 Ms. Bensouda. Thank you.

5 Madam, you're now nearly at the end of your evidence. Before we
6 go to the very last stage, you've been asked an awful lot of questions,
7 but I want to ask you whether there's anything else that you would like
8 to say to us before you leave this court. I want to give you the
9 opportunity of doing that if you would like to do so.

10 THE WITNESS (interpretation): There's nothing else I want to
11 say. I have already said everything I wanted to say.

12 PRESIDING JUDGE FULFORD: That's very clear.

13 Now, Mr. Biju-Duval, do you have anything arising out of either
14 the questions of Judge Odio Benito or Ms. Bensouda's single question?
15 No. Thank you very much.

16 Madam, we want to say to you, in as profound and sincere a way as
17 we can, that we are truly grateful to you for having come such a long way
18 to give evidence before this court about matters that have quite clearly
19 upset you. We are also, of course, aware of your current physical
20 condition.

21 This court is only able to function if people such as yourself
22 are prepared to make the sacrifices that you've made in coming to give
23 evidence before us and by being prepared to tell your individual stories,
24 and so you leave here to return home with our sincere thanks. We wish
25 you a safe journey, and we hope that the next few months work out

1 successfully for you. Thank you very much indeed.

2 We will now go into closed session so the witness can withdraw.

3 If Mr. Lubanga could step outside the court, but don't be far away
4 because we're going to need to ask him to come back in a moment. Thank
5 you.

6 (Mr. Lubanga withdrew)

7 *(Closed session at 3.28 p.m.) Reclassified as open session

8 COURT OFFICER: Closed session.

9 (The witness withdrew)

10 (Mr. Lubanga entered court)

11 PRESIDING JUDGE FULFORD: Now, Mr. Sachdeva.

12 MR. SACHDEVA: Yes, thank you very much, Mr. President, and I
13 apologise for having to raise this in court. I understand it would be
14 preferable to do this through other means, but it's simply about the
15 order of witnesses to come. The Prosecution has had discussions with the
16 Defence and it's our understanding that the Defence want to say some --
17 make some comments about the order, so that's why I'm raising it in
18 court.

19 The first thing I would say is that the two experts that were
20 scheduled to testify on a determination that the scientific evidence --
21 they are unfortunately unable to testify on the scheduled dates and we
22 had tried to organise their testimony for the 7th and 8th of April, but
23 again that's unfortunately not possible. And therefore, we would seek
24 leave to call them just after the recess, the first two witnesses after
25 the recess, namely the 5th and 6th of May, 2009.

1 Secondly, with respect to Mr. Prunier, again we have been trying,
2 I would say valiantly to secure his testimony. At the moment there is
3 still an ongoing medical issue, and so at this stage we cannot be sure
4 that his testimony will take place on -- as I understand, it was going to
5 be on the -- after the 15th of March, I think. Around the 31st of March.
6 But we would, of course, keep the Chamber and the Defence informed if
7 that situation changes.

8 We now understand that the Court's expert on trauma is possibly
9 to testify between the dates of the 30th of March and the 6th of April
10 and that does alleviate the concern that we would have in terms of having
11 a gap in the court schedule. However, we do feel that it would be
12 incumbent upon the Prosecution to call Witness 17 and, in fact, that had
13 been communicated earlier on in my -- in our e-mail earlier on this week
14 that Witness 17 will be brought forward before the court recess in April.
15 The Prosecution suspects that Witness 17 will start his testimony, should
16 leave be granted, around the 27th of March -- sorry, in the week of the
17 23rd to the 27th of March.

18 In addition and again just to be absolutely sure that we do not
19 have days where there is no testimony, we would seek leave to call
20 Witness 24 earlier than had been originally planned. Again,
21 unfortunately at the moment we have to clarify with VWU that travel
22 documents are in order, but that would be our preference. I would say in
23 terms of advance notice to the Defence that we believe his testimony is
24 not extensive. We don't think that the six hours identified for the
25 examination will in fact transpire, and therefore in terms of slotting

1 this witness in, in our submission, it would be a good practical
2 solution. And those would be our submissions.

3 PRESIDING JUDGE FULFORD: Very clear, Mr. Sachdeva. Thank you. Maitre Mabilille

4 MS. MABILLE (interpretation): Mr. President, the Defence has
5 really tried to adapt to changes in the witness list or order, and of
6 course we shall continue to adapt. But I'd like to say that sometimes
7 these adjustments are a little delicate and difficult for
8 our team, and the Chamber should realise that when we are told that
9 Witness 11, for example -- was it Witness number 11? But in any event,
10 when these changes are made we try to work upstream. We try to work on
11 the basis of what we have been informed of and these significant changes
12 have certain consequences for us. That also concerns our investigations.
13 So I can't object to all of this, naturally, but I'm just pointing out
14 that this becomes a somewhat delicate issue for the Defence team.

15 Those would be my comments, your Honour.

16 PRESIDING JUDGE FULFORD: Well, we're, if I may say so, extremely
17 sympathetic to those comments, Maitre Mabilille.

18 Mr. Sachdeva, what we'll say is can you put together an updated
19 proposed list of witnesses. Can we please try to -- I understand this is
20 difficult, but can we please try to establish some kind of certainty with
21 Mr. Prunier. I understand that if there's an ongoing medical issue, of
22 course that may be problematic, but it would be useful to have a -- as
23 much of a firm date for him as we can even if it means moving him back
24 somewhat to a period when it's more likely that there is not going to be
25 the problem that we're currently encountering. And it may be useful to

1 identify now those witnesses who may form the reserve list if we need to
2 bring witnesses forward. So if there are any difficulties with the
3 current list, could you please look at the list overall to see who the
4 most likely contenders are for being brought forward so that the Defence
5 have the earliest possible notice of that.

6 And, Maitre Mabilie, we appreciate the efforts you're making, and
7 if closer to the time you feel that you have been put really in an
8 impossible position, we have no doubt that you will tell us that, and we
9 will make appropriate orders. So if you continue doing your best as you
10 have until now, quite clearly, and let us know if the problems are
11 insuperable.

12 I want to thank all counsel for having ensured that the last
13 witness concluded her evidence today. We are conscious that you have all
14 been highly focussed in your questioning and this has ensured that the
15 witness hasn't had at least another week to wait in The Hague, and that
16 is very much appreciated.

17 I want to thank the interpreters and the stenographer for having
18 submitted to the imperial edict that I issued earlier that we were only
19 going to have an hour for lunch. I have been reminded that that is in
20 breach of your human rights, and we will have to negotiate any further
21 breaches in due course.

22 Now, Mr. Sachdeva, did I see you getting to your feet again?

23 MR. SACHDEVA: I just wanted to ask, Mr. President, with respect
24 to the witnesses prior to the court recess, can we provide that by Monday
25 if that's possible?

1 PRESIDING JUDGE FULFORD: Yes, you can.

2 MR. SACHDEVA: So we can have some sort of finality. And then we
3 will try as much as possible to be clear for the rest of the Prosecution
4 case, but we'll definitely try and do it for the ones before the recess.

5 PRESIDING JUDGE FULFORD: Okay. Thank you.

6 We next sit on Friday of next week. That will be at 9.30. We
7 will commence with an ex parte hearing with the Defence only, because we
8 have an outstanding issue that needs to be finally resolved that
9 Maitre Mabilie raised with us earlier in the week. That is inevitably
10 going to take at least half an hour, and so the timetable will be 9.30
11 ex parte Defence only, and for everyone else not before 10.00, but could
12 you please be available from 10.00 onwards.

13 We wish you all a pleasant weekend. Thank you.

14 COURT USHER: All rise.

15 The hearing ends at 3.37 p.m.

16 RECLASSIFICATION REPORT

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

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